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### Who's Who at Eros These Days

### Eros Executive Committee is represented by...

### **Office Bearers**

**David Watt Jnr** (Windsor Wholesale Aust): *President* 

David is the co-founder of Windsor Wholesale, a national adults-only product wholesaler and importer. He has had thirty years experience in the industry, running wholesale and retail outlets. He completed a Master's Degree in Entrepreneurship & Innovation at Swinburne University in 2010. This is David's third term as President.

### Raz Scavo (Off Ya Tree): Vice President

Raz has been a director of the Off Ya Tree stores for over thirty years. During this time Raz has developed a long term relationship with many of the adult industry retailers as the owner of Waterfall, a well-known wholesaler of smoking products to a wide range of stores including many of the adult stores throughout Australia. This time in the industry has provided Raz with the knowledge needed to make both wholesaling and retailing successful and hopes to keep passing on the knowledge acquired over the years to the EROS members.

### **Dean Williams** (HGC – Club X & Sexpo): *Vice President*

Dean is General Manager of HGC. He has been involved with all levels of adult retailing at Club X for over 20 years and has had a strong involvement in development and production of Sexpo. In the early 90s he left adult retailing to try his hand in mainstream retailing only to return four years later, stating that the adult industry was much more honest and has a better class of person than mainstream retailing. **Matt Hill** (HGC – Club X & Twisted Toys): Secretary

Matt is the National Retail Manager for HGC which oversees the major retail chains Club X and Twisted Toys. Matt has been working with the company for twelve years and started out as a casual warehouse stockperson. Shortly after he was promoted to manage the warehouse and then took on the opportunity to develop the E-Commerce side of the business. In 2013 Matt was appointed National Retail Manager for HGC and after a year on the Eros board now sits as the Secretary for Eros.



David Watt from Windsor Wholesale catching up on past Eros' journals.



The Love Group's Rob Godwin engaging with Sexpo protesters in an earlier incarnation



Matt Hill from Club X



Michael McGregor from Metro with retired King of Porn, John Lark - back in the good ole days



Jeff Oliver from Flirt adult shops behind the controls of a fire-fighting plane.

### **Committee Members**

Ozzy Sarman (Claredale Distributors) – Has over ten years of successfully managing Australia's oldest & most iconic wholesaler, from Victoria.

**Rob Godwin** (The Love Group) – Mr 50 Shades of Grey in Australia, has experience in wholesale, distribution, now represents online retail giant Lovehoney, from QLD.

**Suzy Humphreys** (Evergreen Sales) – Australia's erotic fashion queen (as in

Distributor) for over two decades and former Eros President, operates out of QLD.

Michael Macgregor (Metro Distribution) – Experienced operator in Mail Order, Retail, Wholesale and Distribution of all things adult in Australia for over 30 years, now resides in QLD.

Matt McKeown (Erotic Nights) – A smart & sophisticated operator of the Erotic Nights chain of Retail stores in Victoria.

**Jeff Oliver** (Flirt Adult Stores) – Country Fire chief and successful owner of regional adult store chain Flirt in NSW.



Ozzy Sarman from Claredale.

### Eros Office is operated by...

#### Rachel Payne: General Manager

Focusing on client services, public policy, project management and executive support, Rachel worked in various roles within the public service before joining The Eros Association in January 2016. She has worked in the Victorian Parliament, with previous positions held in the Family Court of Australia and Centrelink.

Joel Murray: Business Manager

Joel's professional experience comprised many years in state government policy and project management across different portfolios before he jumped into the notfor-profit sector. Joel has a Master of Arts (Arts Management) with distinction from RMIT University.

Nick Wallis: Social Tonics Coordinator

Nick worked for several years in regional commercial radio before returning to Melbourne and working in radio sponsorship sales and media monitoring. Nick began a degree in Politics, Philosophy and Economics (PPE) at



Suzy Humphreys from Evergreen Sales with former Deputy Chief Censor, David Haines

La Trobe University and also started producing a podcast focusing on the many issues surrounding drugs, which partly lead to him being hired by the Eros Association.

#### Ilia Chidzey: Designer

llia is the designer of this book and most of Eros' stationery and promotional material. She is an artist and graphic designer who is based on the Gold Coast. She has an extensive background in illustration, art and design. To find out more about Ilia visit her website www.ilia.com.au or her more recent artwork at the Visual Emporium gallery page at www.visualemporium.com.au.

### Robbie Swan: Consultant

Robbie started out as lobbyist for the Adult Video Industry Association in 1988 before teaming up with his partner, Fiona Patten in 1992 to form the Eros Foundation. Together they ran the association for the next twenty-two years until Fiona was elected to the Victorian Parliament in late 2014.



Raz Scarvo - Not off his tree but Off Ya Tree!



Eros staff and consultant in group working session. From left to right: Nick Wallis, Rachel Payne, Joel Murray and Robbie Swan.

### A Word from the President

The last 12 months has seen Eros transition to a new management style. Building on the many years of good work of Fiona Patten & Robbie Swan. We have many balls in the air, with much momentum and great responsibility we move cautiously and purposely into a new era.

Due to this new management style, the board have been very active, possibly the most active ever. The total amount of free hours given by most of the board members is a testament to their passion and commitment to seeing our industry firstly thrive, and secondly, most importantly be protected from those who object to our freedom and values.

It is hard to believe it has only been one and a half years since Fiona Patten was elected as an MLC in the Victorian Legislative Council.

Fiona and the Australian Sex Party (ASXP) have covered themselves in glory in these last 18 months. Their profile in Victoria has certainly reached new heights, and hopefully this excellent PR work will spill over at election time in 2016 for the Federal campaign.

During this time ASXP have been doing more of the lobbying and media work for the industry, leaving the Eros office to keep its head down and focus on the more tangible day to day business outcomes that our members require.

Eros was somewhat successful in implementing some of our goals since Fiona's departure in late 2014.

After much discussion it was established that our members wanted us to focus on the following issues......

 Recruiting an industry savvy GM

 This was achieved successfully, taking over from the acting CEO
 Robbie Swan, who managed EROS for the first half of last year, the new
 General Manager made tremendous strides with the help and guidance

 of the board, the office including Joel Murray & Nick Wallis, and of course Robbie. Unfortunately due to personal reasons she had to recently resign, however Rachel Payne has stepped into this role and has proven to be a good fit.

- Strengthen our resources to fighting for 'social tonics' – It has been an interesting year for this, we appreciate this isn't everyone's cup of Tea, however it is significant that Fiona Patten has achieved a major review into drugs in this country which will assist in clarifying the future for all our members.
- Continue towards X-Rated
   legalisation Again Fiona, and our office, are pushing forward with legalising or at the very least, minimising the impact of selling DVDs. We continue to await the federal government to approve the recommendations of the ALRC report which would allow Eros to selfregulate the content without the need for classification fees.
- Reverse the unfair discrimination of our industry and our members by the government and others – The Eros office made some significant steps in this area. Three of the four major banks conceded that their current policies towards our members may be unjust. We look forward to a test case in this area. Workplace discrimination laws are being actively challenged by the Eros office with us currently pursuing FOI documents and the answer to why our industry doesn't qualify for funding
- Continue to build a strong, viable, united and professional industry group – ASXP and EROS have continued to foster a united and professional industry environment, we have many new members at Eros, a professional new office, a business focused agenda & several electable candidates for the upcoming Federal elections.

Over the 18 months the Board has brought about a strategic, operational and financial separation between Eros and the Sex Party. This has meant that Eros has started to refocus its attention on servicing members with an emphasis on 'member-centred' provision of services, support and advice.

In October 2015 we moved out of the old joint Eros/Sex Party premises in North Carlton and took a lease on a modern office suite in Docklands. This move completed the changeover that we had envisaged earlier in the year and has brought us to a position where Eros can move forward into a new era.

Eros has also reversed the running of the Secretariat and has taken over the employment of Eros staff and contractors. Previously this role had fallen to Body Politics Pty Ltd. This change has better enabled Eros to meet financial responsibilities to employees and to get a better sense of where its creditors stand.

Throughout 2015 we have been consolidating the membership list, clearing out as much bad debt as we can and re engaging old members.

The New Eros is taking shape, we trust that the next 12 months will bring more value, progress and security to our members.

With that, I'd like to personally thank all our members for their continued support, the staff at Eros, both present and past & the enormous amount of unpaid work that the Board members and others have contributed over the many years of YOUR industry association – you should be very proud to be a member.

Many thanks & appreciation David Watt

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### Sex Toys for Sexual Health by Gia Ravazzotti

Often in mainstream society sex toys get a bad rap. In recent films we may occasionally see or hear about a sex toy, with the most socially acceptable depiction being the young woman who keeps a discrete vibrator secretly in her bedside drawer. Besides that, there is little or no exposure to sex toys, except the occasional blow up doll, often used to portray the character of a testosterone fuelled young man desperate for sex. It is no wonder then that sexual health counsellors and sex therapists might struggle to encourage clients to experiment with sex toys as an aid to their sexual fulfilment, sexual wellbeing and sexual health. However, with plentiful positive uses, sex toys could be an important accessory to the therapy offered.

Sex toys are designed to enhance sexual performance and pleasure, as well as to assist people with their sexual health concerns. Doctors, for the purpose of treating their female patients' "hysteria", designed the very first vibrators and dildos in the early 1900s. Interestingly, the vibrator was the fifth electrical appliance to be invented, even above the electric iron. Without sufficient knowledge, sex toys may be seen as sleazy in some way, however there are a multitude of uses which can not only enhance sexual pleasure, but promote sexual health. Sex toys can assist both men and women to achieve a more satisfying sex life while impacting on sexual health and sexual function.

### SEX TOYS FOR WOMEN

### Dildos

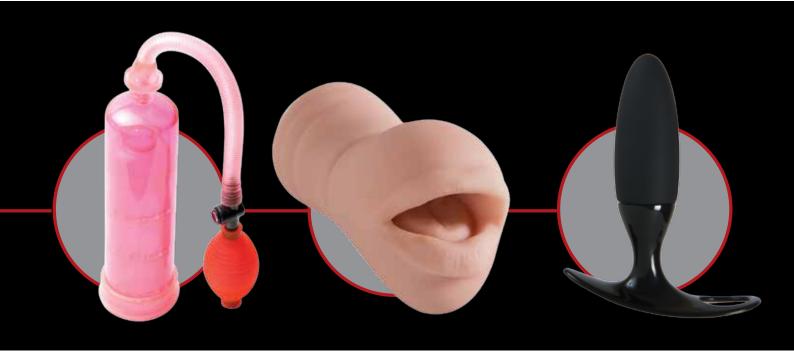
Dildos are phallic shaped objects which can be inserted into the mouth, vagina or anus for sexual pleasure. However, dildos (or vaginal dilators) can also be used to treat vaginismus. This is a condition occurring in women where the vaginal muscles contract or spasm upon insertion of a penis or other object, usually causing pain and discomfort. Vaginismus can create many side effects such as painful sex, sexual performance anxiety, sexual avoidance and relationship problems. Dilators are then prescribed for use with a gradual increase in size with the smallest being used initially until comfort levels increase enough to be able to use progressively larger sizes. The slow increase in size enhances relaxation with penetration and eventually can result in comfortable penetration with a penis.

### Ben Wa Balls

Ben Wa balls, or orgasm balls, are two small balls connected by string which have weighted balls inside of them. These are then inserted into the vagina to created sexual stimulation or pleasure. These balls promote strengthening of the pelvic floor muscles by mimicking Kegel exercises. Inserting Ben Wa balls into the vagina and leaving them their for a short length of time begins to strengthen the pubococcygeous muscles and encourages blood flow to the vagina. Kegel exercises are prescribed for a number of reasons including increasing sexual pleasure, reducing urinary incontinence and training for childbirth.

### Vibrators

Vibrators are usually dildo shaped toys which offer an extra function of high speed vibration. There are many different types and shapes of vibrators ranging from the vibrating bullet (a small device which is usually placed directly against the clitoris for heightened stimulation and orgasm) to the rabbit (a larger device designed to insert into the vagina with external vibrating ears to stimulate the clitoris) and many others. Vibrators can be valuable tool in assisting women with orgasm, particularly those who suffer with anorgasmia (the inability to achieve orgasm). The use of vibrators among women who struggle to obtain orgasm has been successful and resulted in an increase of relationship and sexual satisfaction.



#### SEX TOYS FOR MEN

#### Vacuum Pumps

The vacuum pump is a device which is placed over the penis and pumped to create a suction motion resulting in increased blood flow into the penis, resulting in erection. Originally the vacuum pump was used as a penis enlargement device and masturbatory aid in the 80s, particularly among the gay community. Later the vacuum pump was introduced as a physical therapy for men (mostly heterosexual) suffering from erectile dysfunction. Included with using the vacuum pump is a penile ring, which is placed around the base of the penis when desired or sufficient erection has occurred. This way the pump can be removed while still maintaining the blood contained in the penis creating erection. Results from using the vacuum pump and penile ring are generally positive with increased erections and therefore higher sexual satisfaction.

#### **Masturbatory Sleeves**

Masturbatory sleeves, or fake vaginas, are a handy (no pun intended...) way to assist men who experience premature or delayed ejaculation. Using a sleeve in conjunction with mindfulness can result in optimum ejaculation times. By using the sleeve in conjunction with remaining aware of levels of arousal, one can train their bodies to reach orgasm at a more desirable time. Often men who experience premature ejaculation describe their masturbation habits as being rapid with the idea that there is little time available and orgasm must be achieve quickly. Men who experience delayed ejaculation sometimes describe a prolonged masturbation time, waiting for the optimum moment to ejaculate. These practices then become ingrained and the body's response to penile stimulation begins to change. Using a masturbatory sleeve can have beneficial results in retraining the body and adjusting the length of time to ejaculation.

#### **Prostate Massagers**

Prostate massagers are smaller phallic devices which are curved to directly target the prostate. These toys are definitely not only for men who have anal sex, as many men report increased sexual pleasure and more intense orgasms when their prostate is being stimulated. Prostate massage can increase prostate health while improving erection and ejaculatory problems. Additionally, prostate massage can keep the prostate healthy, reducing risks of prostate complications. Men who suffer with erectile dysfunction or the inability to obtain erection might find that prostate massagers assist greatly in achieving and maintaining an erection.

Using a sex toy as a therapeutic aid to sexual concerns or dysfunctions can be a beneficial way to overcome such issues. Knowledge is the key here, as once these toys are perceived distinctly with all their potential benefits, then mainstream society might embrace their vast range of purposes. Removing the "sleaze" label from sex toys could result in increased use and enhanced sexual satisfaction for many people. Advocating sex toy use could be vital to transform their image from devices used in back rooms and sold in the dark to useful tools for a healthy and satisfactory sex life. The popularisation of sex toys could be the next step in ensuring that we create a healthy, sex positive society which embraces sex and reveres our fullest sexual expression.

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Her qualifications include: Bachelor of Applied Social Science (Counselling) – Australian College of Applied Psychology Master of HIV, STIs & Sexual Health (Clinical Medicine) – University of Sydney Master of Public Health (Social Research) – University of New South Wales (Current)

# A Note from the General Manager

By Rachel Payne



Creating a strong community is imperative to a successful and workable association, and having the resources available to benefit members is my top priority.



I remember the first time I heard about the Eros Association. I was backstage getting ready for a burlesque show, surrounded by a group of gaggling women in a space that would have been the size of a broom cupboard. The ladies were discussing the Eros Shine Awards, and the night that such an event had to offer. I think that memory has stuck with me for so long because I remember the excitement in their voices. The honour of being nominated. The thrill of dressing up and having a night out, and the possibilities surrounding rubbing shoulders with the elite of the adult industry. And because they all wanted to meet the porn stars!

Of course, as time progressed and I moved out of late night venues and into study and eventually work prospects, I learnt more about Eros, especially under the guidance of former CEO, Fiona Patten. What really struck me about Eros as an industry association is the fact that the adult industry, and the members it represents, are such a tight knit and supportive community. I guess you have to stick together when the rest of society has an us-versusthem mentality. That is what has made me feel most at home in my new role, I have found my people.

As the new General Manager at Eros I have had a lot to learn, and I think I will forever continue to learn and develop in this role. There is so much history to take in, so much to fight for and honour and so much to look forward to. The future looks very exciting. There is never a dull moment in this industry. From classification and censorship, to personal freedoms and choice, this industry association is like no other and I endeavour to champion the rights of Eros' members and further encourage recognition of the industry, free from discrimination and prejudice.

Creating a strong community is imperative to a successful and workable association, and having the resources available to benefit members is my top priority. I have been developing a new website that will provide the necessary tools to add value to members and their businesses through useful and relevant information that is easy to navigate, online training options, a media hub that will have all the latest news effecting members and the industry as a whole, and clear and logical advocacy and research tools. I'm always open to receiving suggestions, especially from a business perspective of what would be of benefit to members in assisting them with their day-to-day operations.

We have been working hard at the Eros Association on classification of X, with a submission to the federal government's personal choice and freedoms inquiry being picked up by the Senate committee (and read). I hope that in the not too distant future we will see legislative changes in line with the Law Reform Commission's recommendations of a self-regulated market for X Classification. We will keep pushing for this one.

Unfortunately, discrimination is still a major problem within the adult

industry. From Banks and payment gateway providers to employment wage subsidies, discrimination against legal businesses continues simply because of a moral hysteria. It's not good enough and I will be working with the Eros team to create some accountability and call-out this indecent and unfair behaviour. This is also something I am campaigning for with the Australian Sex Party. We have been working together to bring the issue to the forefront. Let's hope that in the not too distant future we can have this matter brought forward in parliament.

Without being all too serious, I would also like to highlight the release of the New Eros Journal - she's back and doesn't she look beautiful! An industrybased magazine that aims to connect the community, detail the latest and greatest in the market place and offer insightful and informative articles and editorials that all in the industry can get something out of. There will be four editions released annually and each edition will have a variety of topics and issues covered. The Eros Association's social media presence is also set to be revitalised, with regular news going out weekly, media responses sent to members to keep them informed and the Facebook page to offer more articles that engage with our members and provide a useful resource tool for both education and cross-promotion.

It has been an incredible three months and I look forward to sharing many more with you all.

Rachel



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### Penetrating the genius of Alexander Giebel – CEO of pjur Lubricants



Alexander Giebel has been described by some as the 'Poirot' of the adult products industry. It's not hard to see why. His signature moustache, elegant suits and urbane Euro accent cast him as an aristocratic and slightly eccentric genius, in much the same way as the popular TV hero. But the analogy goes further than that. Like the understated private investigator, Alexander's business model is much deeper than it first appears.

His recent trip to Australia was coordinated by industry stalwart and managing director of **pjur** Group Australia, Rob Godwin. They visited many adult shops around the country getting a feel for shifting market trends. The Melbourne leg of the tour included visits to hospitals and charities where Alexander is involved in research projects around various aspects of breast cancer recovery. He also wanted to meet up with Eros' old boss to congratulate her on winning a seat in Parliament. And what better place to do that than in the Parliament House cafeteria for lunch? They talked a lot about the increasingly therapeutic role of adult products in the community and the role of responsible traders in furthering this aspect of the industry.

Eros' Consultant, Robbie Swan, recorded this interview with Alexander while in Melbourne.

Alexander Giebel

### Why lube? Why not farm machinery or car parts?

The vision to improve the quality of people's love life seemed to me to be much more exciting than getting involved in other industries. Creating joy, enhancing sensations and reducing physical discomfort with the highest respect for intimacy, is still something that gives me a lot of motivation in day to day business. Besides that, I can travel and meet interesting people all around the world – like Fiona Patten! We are now a global business and it is rewarding to work on an international basis as well.

### Scientifically, how does a silicone lube work differently to a water-based one?

**pjur** silicone-based lubricants are particularly suitable when sustained glideability is required for massage or during love making. Silicone molecules are not absorbed by the skin, but remain on the surface, thereby making these products ideal both for sexual intercourse and a good, long massage. Water-based lubricants in contrast are absorbed by the upper layers of the skin to give a pleasant feeling with particularly smooth glideability without sticking. Are you a chemist by trade...if not what were your early career directions?

My career directions after high school were very different to what I do today. I initially studied law at university but by chance I changed direction just before I started to practice law. That change of direction created the **pjur** Group. I have never regretted this decision.

### Why is pjur the best lube?

Customer satisfaction is secured through product safety and quality. There can be no compromise, particularly when it comes to products for sensitive genital areas. The **pjur** range of products has a reputation for the highest possible safety standards in more than 50 countries around the world.

All **pjur** products are made in Germany using selected pure ingredients and are subjected to strict quality control. Certifications, external tests and a seal of approval from independent organizations confirm this claim. We are fully registered with the TGA, FDA, and European Union CE with all of our products. Not many companies have their entire portfolio of products approved by these entities. **pjur** has 20 years of experience in the development of intimate products world-wide, especially our premium lubricants. Today, as ever, we have a diverse customer base throughout our community – and not only for classic products such as **pjur** Original and **pjur** Woman Bodyglide. We have become an indispensable presence in many Australian bedrooms.

**pjur** lubricants have an extra long-lasting glideability, never get sticky or tacky and only a few drops are needed. We have a great variety of products – siliconebased, water-based, hybrid, with delay effect, with extra stimulating ingredients or without any additives. Everybody can find a **pjur** product that fits their sexual lifestyle and that they will love to use. This is why the **pjur** range of products provides the best lubricants in the marketplace.

### How can you be sure that silicone lubes won't be implicated in some future health problem?

We work closely together with chemists, gynaecologists and experts from the health departments and our products are monitored by a thorough and rigorous quality management system that is second to none -not only in the lubricant



Alexander and Rob Godwin under the gaze of a prominent Victorian.

Political pointers...

business but in the pharmaceutical area as well. We review our standards every day and are continually improving our products. We are ISO13485 qualified for medical device Class 2a products. Essentially this means that we are audited on a yearly basis for our quality management.

Overall silicones are not harmful for the body at all. In contrast, it has some astonishing properties that makes it a perfect raw material for personal lubrication. Importantly, it's ingredients cannot penetrate mucous membranes, as the silicone particles are larger than the pores of human skin, which means it is a consistent and long lasting lubricant.

What percentage of people use lube for sex?

We did a survey in 2012 in Germany and found that a third of the people use lubricants or stimulating sprays to enhance their sex lives. This number will have grown as sex, toys, lubricants etc. have become a subject people talk about more and more. We see this in various lifestyle magazines like Cosmopolitan, Maxim, Men's Health and many more. The media recommends good lubricants like ours and consumers respond well to these recommendations.

Is it possible that if you need to use lube, you shouldn't be having sex...in that it's nature's way of saying: 'Do something else'?

100% NO! Everybody should be able to enjoy wonderful sex – no matter what age and gender they are. Sometimes, the body just needs a little extra help. Our **pjur** lubricants provide just such help with selected high quality ingredients. We are currently working with a number of hospitals around the world on research project to help cure vaginal dryness

What's your factory like? Describe the production process for us....like what are the raw ingredients and do you mix them in a giant bin?

Our specialized manufacturing processes have to fulfil a lot of legal requirements for EU, FDA, and TGA requirements for medical devices. **pjur** has a full time laboratory and Quality Management team based in Germany.

The Quality Management team's main priority is to ensure consistency and purity in every bottle of **pjur** we produce. From our production facilities in Germany, the products get transported to our distribution hub in Luxembourg, from where we ship to over 50 countries around the world. This is the core of the **pjur** manufacturing philosophy for the past 20 years and will continue to be for the future – 100% Made in Germany.

Have you patented your formulae and are you working on ways to make it even better?

**pjur** has secured all of its formulations and has trademarked its products globally.

Do you support any organisations around the world for sexual health or the adult industry?

**pjur** group and its partners support various projects and campaigns around the world. One focus is the AIDS organizations in many countries. In Australia we provide support to the McGrath Breast Care Nurses, WA Breast Care Council and we are very, very proud to be a member of and support the Australian Sex Party, The Eros Foundation and its ground breaking policies. We are delighted that Fiona Patten is now the first Member of Parliament from the adult industry.



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### Eros' Legal Advice on Customs

On request from many members we have decided to reproduce the legal arguments that we have obtained around Customs seizures of adult products.

Withheld goods are kept without formal seizure but "for assessment" for an indeterminate time lasting many months. In any particular shipment, when some items are seen as questionable by Customs, the whole shipment is kept in bond and usually transferred to a warehouse for examination at additional cost borne by the importer.

This can be the case, even when the written importation manifest particularizes all of the different other goods and the other goods are not prohibited imports nor contentious and easily separated for release from the questionable items.

This can be the case, for example, even when particular magazine titles have already been classified and are available in Australia. Double checking the existing classification of particular goods with the Classification Board can take Customs six weeks or more, which appears to be an unnecessarily long period.

A letter by way of example, from Customs dated 18 June 2012 to Kamper Chartered Accountants, outlines the current attitude and practices that Customs have adopted.

### The Legal Framework

The *Customs Act 1901*(Cth) is a Commonwealth Act. Administrative decisions and conduct or proposed conduct for the purpose of making such decisions under the *Customs Act*, are reviewable by the Federal Court or the Federal Magistrates Court under the *Administrative Decisions (Judicial Review) Act 1977 (Cth)*. The power for the Court to review administrative decisions/ conduct is also based on its original jurisdiction found in *section 39B* of the *Judiciary Act 1903 (Cth)*.

Review by a Court must be on specified grounds and commenced within 28 days of written reasons being given.

### Written Reasons

For the purposes or any review of an administrative decision/conduct, by a Court, *section 11 (3)* of the *ADJR Act* sets out that the decision should be in writing setting out the findings on

material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision.

If the position is that Customs simply say that on the basis of some contentious goods the whole shipment is being held for examination, then the first practical task for any Eros Member and importer, is to respond in writing to Customs and set out the following:

- Confirm the conduct/decision
   Customs is taking, as understood by the Eros Member;
- b Without making any admissions and reserving rights, state whether that conduct/decision of Customs is fair and reasonable for any of the contentious goods in question and identify those specific goods;
- c State that the conduct/decision of Customs in relation to the other goods in the shipment is not fair and reasonable.



Customs officers often treat adult industry importers badly just because they are from the adult industry.

*Qld Eros member Costa George had Customs officers destroy one of his king size dongs. He said it looked like they had been playing soccer with it as it had black boot polish smears on it.* 

- **d** State the other goods are not contentious and explain why;
- e When explaining why the other goods should be released, provide as much supporting material as is available2 for each of the other goods:
  - i refer to description on manifest
  - ii supply any commercial documents
  - iii supply evidence of prior classification or advice from the Classifications Board;
- f Demand the release of the other noncontentious goods within 7 days;
- **g** State that on the information now provided by the Eros Member, holding the non-contentious goods further is not justified and improper and also that any delay in releasing the noncontentious goods is not justified and improper, giving rise to actions for administrative review under the ADJR Act and associated common law actions for conversion and detinue.

- h State that failure to release the noncontentious goods is interfering with the business of the Eros Member and causing the member to suffer loss and damage including but not limited to:
  - i the goods failing to enter the market in a timely manner to meet current demand,
  - ii loss of demand over time,
  - iii loss of market value over time,
  - iv loss of revenue to the business,
  - v damage to business including loss of customers,
  - vi costs of unnecessary warehousing by Customs;
- i State that if Customs is not going to release the non-contentious goods then a request is made for Customs to provide a written document explaining their conduct/decision within 28 days pursuant to section 13 of the ADJR Act setting out any and all findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for their conduct/ decision.

A written response in the form above serves many purposes. It removes ambiguity from the situation and puts the importer's position. Importantly, it makes demand for release of the noncontentious goods under clear threat of further proceedings. It sets up a strict time-line governed by statute for any reply from Customs and for further action.

Customs will either release the goods in 7 days or will be obliged to provide reasons for not doing so within 28 days. *Section 13* of the *ADJR Act* sets the 28 day limit for the giving of reasons. Having to give comprehensive reasons will have the effect of accelerating the assessment by Customs of the full shipment.

This may be enough to trigger action on the part of Customs to release goods that are not contentious. Because the same effort that is going to go into giving reasons, is going to also see the goods examined and assessed.

As stated above, any administrative review after that by a Court must be commenced by the importer within 28 days from receipt of the written reasons.

#### Grounds for Review

The ADJR Act provides for review on various specific grounds.

Section 6 of the ADJR Act provides:

Applications for review of conduct related to making of decisions

- I Where a person has engaged, is engaging, or proposes to engage, in conduct for the purpose of making a decision to which this Act applies, a person who is aggrieved by the conduct may apply to the Federal Court or the Federal Magistrates Court for an order of review in respect of the conduct on any one or more of the following grounds:
  - a that a breach of the rules of natural justice has occurred, is occurring, or is likely to occur, in connection with the conduct;
  - b that procedures that are required by law to be observed in respect of the conduct have not been, are not being, or are likely not to be, observed;
  - c that the person who has engaged, is engaging, or proposes to engage, in the conduct does not have jurisdiction to make the proposed decision;
  - d that the enactment in pursuance of which the decision is proposed to be made does not authorize the making of the proposed decision;
  - e that the making of the proposed decision would be an improper exercise of the power conferred by the enactment in pursuance of which the decision is proposed to be made;
  - f that an error of law had been, is being, or is likely to be, committed in the course of the conduct or is likely to be committed in the making of the proposed decision;
  - **g** that fraud has taken place, is taking place, or is likely to take place, in the course of the conduct;
  - h that there is no evidence or other material to justify the making of the proposed decision;

- j that the making of the proposed decision would be otherwise contrary to law.
- 2 The reference in paragraph (I)( e) to an improper exercise of a power shall be construed as including a reference to:
  - a taking an irrelevant consideration into account in the exercise of a power;
  - failing to take a relevant consideration into account in the exercise of a power;
  - an exercise of a power for a purpose other than a purpose for which the power is conferred;
  - **d** an exercise of a discretionary power in bad faith;
  - e an exercise of a personal discretionary power at the direction or behest of another person;
  - f an exercise of a discretionary power in accordance with a rule or policy without regard to the merits of the particular case;
  - **g** an exercise of a power that is so unreasonable that no reasonable person could have so exercised the power;
  - h an exercise of a power in such a way that the result of the exercise of the power is uncertain; and
  - **g** any other exercise of a power in a way that constitutes abuse of the power.
- 3 The ground specified in paragraph (1)(h) shall not be taken to be made out unless:
  - a the person who proposes to make the decision is required by law to reach that decision only if a particular matter is established, and there is no evidence or other material (including facts of which he or she is entitled to take notice) from which he or she can reasonably be satisfied that the matter is established; or
  - b the person proposes to make the decision on the basis of the existence of a particular fact, and that fact does not exist.

A further section, *Section 5 of the ADJR Act*, is in similar terms but relates to making a decision, which is legally interpreted to mean the ultimate decision. In the present context, it is likely to mean a decision to seize goods. If goods are formally seized there is the usual procedure for a claim for return of seized goods by notice under *Section 205B*.

Sections 5 and 6 of the ADJR Act requires an understanding of the powers and discretionary powers under the Customs Act. The decision to withhold goods is an exercise of rights under one or more of the following provisions of the Customs Act, and Regulations under that Act, which includes:

#### Customs Act

Section 30 Customs has control of goods;

Part IV Division 4 Examination of goods;

#### Section 71DA

Customs verifying particulars of goods on an import declaration or being satisfied of any other matter before issuing an authority to deal, including seeking additional information from an importer;

### Section 186

Power to examine Goods;

#### Section 2038

Customs suspecting on reasonable grounds that there are special forfeited goods at a Customs place; Customs seizure of special forfeited goods;

#### Section 227F

Customs may take custody of prohibited items;

#### Section 229

Forfeited Goods includes any prohibited imports.

I also note the statutory defence under Section 220 that a reasonable cause for seizure is a bar to action against Customs.



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Eros' Legal Advice on Customs cont.

### Customs (Prohibited Imports) Regulations 1956

Paragraph 4A(1A)(a) and/or (b) banning the importation of publications depicting matters of sex etc that offend against the standards of morality, decency and propriety generally accepted by reasonable adults;

• describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or who appears to be, a child under

#### Opinion

The reasonableness, fairness or otherwise of the decision to hold goods will turn on the facts of each shipment, but the power to do so clearly exists under the Customs Act.

It does not appear unreasonable to decide that on the basis of some goods being questionable that all goods are being held for assessment or for examination. Without more, that would not be an administrative decision that would be reviewable.

However, depending on the facts of each shipment, there may be arguments that there is an improper exercise of power under the *Customs Act* as follows:

a arising from the failure to deal with the shipment according to each of the different types of goods and to examine the different goods separately or individually. The unreasonableness of that conduct will be easier to argue for smaller sized shipments;

- b unreasonableness can also be argued from the perspective that the impugned conduct is conduct no reasonable decision maker would make;
- c furthermore, once evidence is provided to Customs that the noncontentious goods are just that, noncontentious, there would no longer be reasonable grounds to suspect that the goods are special forfeited goods;
- d when the conduct of Customs is the excessive delay to complete any examination/assessment task, some evidence for argument would need to be available to show how the delay arises and why it is excessive. Arguing this type of unreasonableness will be difficult, and any reviewable conduct or decision of Customs needs to be couched in terms of a failure to examine/assess without cause and with adequate Customs officers and resources to be able to do so; and
- e failure to examine goods by Customs within a reasonable time becomes unreasonable when Customs is on notice that such conduct would cause an importer to suffer damage and potentially irreparable damage.

The immediately applicable parts of Section 6(1) of the ADJR Act would appear to be:

- e that the making of the proposed decision was an improper exercise of the power conferred by the enactment in pursuance of which the decision is proposed to be made;
- h that there was no evidence or other material to justify the making of the proposed decision;
- j that the making of the proposed decision was otherwise contrary to law.

Section 6(1)(e) above is coupled with the requirements in section 6(2) that a decision is an improper exercise of power when:

- **a** taking an irrelevant consideration into account in the exercise of a power;
- failing to take a relevant consideration into account in the exercise of a power;
- **d** an exercise of a discretionary power in bad faith;
- f an exercise of a discretionary power in accordance with a rule or policy without regard to the merits of the particular case;
- g an exercise of a power that is so unreasonable that no reasonable person could have so exercised the power;

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Eros' Legal Advice on Customs cont.

h an exercise of a power in such a way that the result of the exercise of the power is uncertain\*.

(\*Note this subsection, is subject to section 6(3) set out above, showing lack of evidence or material establishing a matter, or, nonexistence of a fact relied on)

The benefit of providing evidence as soon as possible of the non-contentious goods being non-contentious is to trigger the argument on any administrative review that the relevant evidence was not properly taken into consideration and there is no evidence establishing the goods are prohibited goods.

#### Lawyer Involvement

Before any decision is taken to go to Court for administrative review, any relevant evidence given to Customs about the non-contentious goods would need to be reviewed afresh by the Eros Member's lawyers. The evidence, hopefully, would be compelling. Eros Members who use a law firm to send the suggested letter set out in paragraph 10 of this advice above, will be adding a note of seriousness and urgency to the situation which will assist to move matters along.

Successful review by a Court will not be a certainty unless the decision to hold goods is a very clear error. There is scope for a Court to ultimately say that the evidence about the goods being noncontentious was taken into consideration by Customs but was incomplete or not persuasive enough. Hence there will be a need, if the Eros Foundation wants to fund or run a test case, that the underlying facts and circumstances are strong.

In circumstances where the goods were already classified, there would be an additional argument to make that any conduct or decision of Customs was disproportionate to the nature of the things being investigated or the potential harm sought to be avoided.

It is also noted that where there is room for doubt about any particular noncontentious goods being or not-being so, an Eros Member will have to accept that any such doubts will flow to the benefit of Customs and its decision to hold goods. The actual content of any specific adult magazine or DVD is diverse and there is potential for different potential classifications assessments being ascribed by Customs after examination.

#### Time and Costs

Starting the procedure outlined above anticipates a time line from 28 days to 56 days when goods have not been formally seized. If goods are formally seized there is the usual procedure for a claim for return of goods seized by notice under Section 205B.

Once a proceeding for administrative review has been filed the hearing will be some months off. Customs and the importer may still have dialogue and settlement negotiations in the meantime.

The estimated cost of preparing and filing an application for administrative review would be from \$5,000 to \$10,000. This is because it will require the filing of affidavit evidence in support of the application. Further appearances in Court for pre-hearing matters and then any final hearing would add at least about the same figure again.

#### Conclusion

There is a tension in the dealings between importers of adult material and Customs requiring members to be pro-active and write quickly about their grievance in a formal way, as set out in paragraph 10 of this advice above. Eros Members who use a law firm to send the letter will add a note of seriousness and urgency to the situation, which will assist to move matters along.

If Eros Members adopt the proposed Eros Best Practice Code in relation importation of adult goods imports requiring classification, they will be well placed to provide evidence of their steps, such as:

- i any prior checks of Classifications Board Database;
  - ii any view of material prior to importing;
  - ii any research of material prior to importing (eg meets USA Regulations such as Reg 2257 approval with copies of documentation to that effect);
  - iv accurate importation manifest;
  - v importer has received Classifications Board training, similar to the training given to Classifications Board staff and Customs officers, including actual examples of what is or is not acceptable.

### Limit of this Advice

Under section 71AAAF of the Customs Act 1901(Cth), an importer can declare goods under \$1,000 using a selfassessed clearance procedure ("SAC").

Till now, importers have ticked Box 4A (indicating that the goods may be prohibited imports), for fear that failure to tick could result in automatic prosecution for any breach. Seeing trailers for DVDs and reading storyline synopses, or seeing magazine covers cannot convey the full contents of any DVD or magazine, and particularly not any third-party advertising appearing in a magazine.

Accordingly, this advice is not an advice on the circumstances when an Eros Member or other importer should or should not tick Box 4A. Nor is it advice about what is contentious or not contentious in the view of Customs.



# Five good reasons to use a vaporiser

Vaporising has quickly become the preferred method for ingesting herbs both for new and long-time herb users alike.

In many ways the practice of vaporising herbs is simultaneously futuristic and quite traditional. Rather than burning and smoking herbs in the old fashioned way, flowers (buds) as well as hashes, waxes and other dabbing materials are inserted into the vaporiser chamber and heated just enough to vaporise, rather than burn, the herbs.

Dr Donald Tashkin, a researcher at the David Geffen School of Medicine at the University of California, was tasked by the U.S.A. federal government to study the effects of smoked herb in causing lung cancer. He found that in addition to not being carcinogenic like tobacco, herb actually has anti-cancer properties – even when smoked.

"We hypothesized that there would be a positive association between herb use and lung cancer and that the association would be more positive with heavier use," Dr Tashkin said in 2006. "What we found instead was no association at all and even a suggestion of some protective effect".

### Vaporising is easier on your lungs

Although smoking herb might not cause cancer, many potential herb users are not fond of smoking anything and long-time smokers often develop a cough associated with use. Vaporising the herb eliminates the harsh smoke on the lungs while still allowing the user to get the instant effects of a smoked herb.

### Effects are instant

Many people prefer to smoke herb because the beneficial compounds in smoked whole-plant herb enter the body much quicker, providing faster relief for medicinal users than tinctures, oils and edibles. Vaporised herb is ingested in a similar fashion and provides immediate effects, just like smoking.

### It's easy to vape on the go

It's hard to travel with a bong, bubbler or water pipe but most vaporisers today are designed to be used on the go. Vaporiser "pens" and pocket vapes can be pre-loaded with flowers, hashes or waxes and used wherever a smoke-less cigarette is used.

#### Vaporising is inconspicuous

Unlike the smell of burnt herbs, the scent of vaporised herb only lingers for a couple of seconds and doesn't permeate fabric, making it great for the toker who has to keep their use a secret.

#### It preserves more flavour

Many of the terpenes are burnt away when smoking herbs. Vaporising preserves these compounds allowing the vape user to experience the true flavour of the herb flowers or hashes.

Originally published in Cannabis Now magazine

### The Rise of Feminist Porn in Australia

Making porn in Australia has gone through many changes since John Lark first made 20 X-rated films in and around Canberra in the late 1980s. As the internet dealt a knockout blow to the industry in the mid 2000s many people thought it was just not commercially viable to produce porn anymore. However a small group of women have turned the market place to their creative advantage and although they're not making millions, they are producing some cutting edge erotic film and redefining porn production in Australia. Melbourne film-maker, Anna Brownfield, explains.

When I shot my first explicit film in 2006, entitled The Band, there wasn't an adult film industry in Australia, let alone one the was independent and feminist.

I felt compelled to make explicit films through my business Poison Apple Productions (www.poisonappleproductions.com.au), that differed from the formulaic male-centric porn that was available, because I wanted to see female characters who were active, enjoying themselves, and stories that focused on female fantasies and female sexual desires.

I felt alone in my endeavours, until The Band, opened the Berlin Porn Film Festival in 2009 and I met fellow Australian, Ms Naughty. She had been running a site called "For The Girl" that focused on porn for women, and that year she had made her first film for her new site Bright Desire (www.brightdesires.com). Her site, offers porn that aims to move beyond the old clichés, boundaries and negativity of the standard, to offer something fresh, inclusive and intelligent. I was not alone! Over the next few years, as video production became cheaper and the internet provided self distribution opportunities, adult production began to grow here, and it was driven by women.

Our community grew, but we still felt isolated, until Gala Vanting of Sensate Films (www.sensatefilms.com) organized what was affectionately called "Porno Camp", a weekend where we shared resources, skills and knowledge.

The women who attended produce a wide range of pornography. Some of us identify as feminist, some of us don't, but we all want to show people experiencing genuine pleasure and treat performers ethically, giving them agency in what they do. Most of all we want to make hot, sexy films on our own terms, which explore fantasies the way we want to.

Like Sensate Films, owned and operated by business partners Gala Vanting and Aven Frey. They wanted to break away from the fast, mass-production mentality of the adult industry that often sacrifices the quality of the product and the experience of its creation. They created "Slow Porn". Like the Slow Food movement, their films are created slowly and are beautiful, artist explorations of the darker side of sexuality.

On the lighter side, is Michelle Flynn and her company Light Southern (www.lightsouthern.com). Described as sunkissed Australiana meets the adult industry, Michelle's latest endeavour is a series entitled "Momentum". The four volumes are set in 1970s Australia. Think beach, babes, bored housewives and sexual exploration in a time of innocence, that is lots of fun! Another site that is a lot of fun is Aeryn Walker's www.naughtynerdy.com. A self-proclaimed gamer/geek and nerd with a love for cosplay, she creatively weaves her interests into imaginative sexual scenarios. She is a one women show! She shoots, performs, edits and codes everything on her site!

Also with a DIY attitude, is a person you wouldn't expect to find making feminist porn – former Penthouse Pet, Zahra Stardust. Her site, The Explicit Diary of Zahra Stardust (www.zahrastardust.com) is a personal art porn project for this articulate and highly political performer. It's experimental, queer, feminist, candid and intimate.

Another person who breaks through the stereotypes of women making porn is Morgana Muses. A mother of two, who after leaving a sexless marriage began a journey of sexual discover. Through her films (available through www.permission4pleasure.com), she is out to prove that women over 40 don't have a sexual used by date.

Our films are only known to a few here in Australia, but across the world we are highly respected for our fresh, innovative approach to adult films. Between us, our work has been screened at numerous festivals, is distributed in many countries and we regularly clean up at the Feminist Porn Awards in Toronto, Canada!

I am no longer alone producing films that provide an alternative to the mainstream adult film industry and am happy that I'm surrounded by awesome women who are the front runners in establishing Australia as a hub of feminist porn!

Anna Brownfield



Morgana Muses, Permission4Pleasure



Nichole and Jacob by Ms Naughty, Bright Desire





Fuck Dolls directed by Zahra Stardust, camera Anna Brownfield

Groupie and GB, The Band by Anna Brownfield



### Momentum and Lightsouthern

Lightsouthern Studios is, according to its Director, Michelle Flynn, "sunkissed Australiana meets adult entertainment".

The company, founded by Michelle in 2011, produces beautiful fresh stills and video content free of bias and is comfortable in its own Aussie skin. Sexy and bold, Lightsouthern celebrates women, celebrating themselves. "At the same time this funny little thing called an ethical backbone holds the studio and all of its elements together. Making for happy models and resulting in happy clients", she says. Who would have known?

"Because we have superior communication with our models we are able to produce quality product that goes on to 'tell a story' of people who feel good about themselves."

The feature film series 'Momentum' is a series of four fictional films based around young adults exploring and finding sexuality in Australia during the late 60s. Volume 1 was self-funded by Michelle. The project also had success with crowdfunding via IndieGoGo. Momentum had it's debut at the Berlin Porn Film Festival in 2014 and is currently being broadcast on a German Adult TV Channel. The next step, she says, is mainstream U.S. DVD distribution.

Vol 1 is a fuzzy, ethereal Sunday morning adventure with three friends on an Aussie beach. With composition that shouts words and tells stories and a light that is so distinctly, brown dog, lay-in-the- sand Australian, it makes you want to say "oi" heaps.



### Eros Leads the Way in Regulating Social Tonics

Social Tonics have become an increasingly important issue to Eros members over the past few years. During this time, there have been around 40 amendments to drug control legislation introduced across Australia's states and territories, some of which have taken broad aim at the industry. Several high profile deaths and hospitalisations have been used to justify police raids and legal attacks on the industry. Almost all of these have resulted from products bought directly off the black market, which begs the question of how prohibition would have helped these people. The social tonics industry has been thrown into the frontlines of a continuing war on drugs with a default policy position of prohibition. The Eros Association has long argued for an end to this approach. From a consumer perspective, regulation of drug markets allows for safer product development and distribution, access to better quality information, taxation of product and the ability to connect anyone experiencing problems directly with appropriate services before issues get out of hand. Changing drug laws in parts of the world have lead to a wider variety of regulatory models for governments to consider, but there are already examples of drug regulation available in our own backyard. The reluctance to even consider alternatives to the status quo of prohibition has been disappointing, as both consumer and retailer have been thrown under the bus time and time again in this continuance of a failed war.

Victoria has stood apart from other Australian states and introduced a parliamentary inquiry into the current drug laws and approaches to the issues. Former Eros CEO and current Member of the Legislative Council Fiona Patten was pivotal in getting this inquiry up, which is set to report to parliament in March 2017. It will take a lot of work to shift the approach to drug policies. Parliamentary discussions that seek expert evidence and advice are certainly a step in the right direction.

In the mean time, the holographic sticker program helps the industry address several of its problems and show that a more consistent market can be possible.

Each holographic sticker is individually numbered and placed onto participating members' products. Members who participate in the holographic sticker program supply information to the Eros Association about their product and agree to certain conditions. The individual numbering of each sticker allows for each product to be tracked if needed and provides a method for any problematic products to be quickly recalled and removed from the market. This program was developed to provide assurance and stability to a volatile market and to allow the market a means of basic selfregulation.

Over the course of the holographic stickers program, more than a dozen companies have participated with over one million stickers distributed.

For more information on the holographic sticker program, contact the social tonics desk: nick@eros.org.au



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### SEXPO<sup>™</sup> 2016

SEXPO is back! With a new management team at the helm and a refreshed approach to the event, big things are on the horizon for Australia's favourite and longest running exhibition, dedicated to the adult industry.

The momentum of a massive Melbourne SEXPO 2015, leads in nicely for what will be a huge 20th Birthday celebration in 2016.

With its first show kicking off in Sydney (Royal Hall of Industries & Hordern Pavilion), from May 12-15, SEXPO is planning to host its biggest variety of exhibitors, celebrities, adult stars and attractions to date.

With a renewed focus on health, sexuality and lifestyle, SEXPO has been working, hard over recent years to strategically re-position itself to capture a broader market, both in terms of exhibitors, and attendees.

While never forgetting what made SEXPO so successful to begin with, the renewed focus aims to strengthen SEXPO's appeal in these markets and compliment the already popular adult products and services segment of the show.

SEXPO has been incredibly popular with the 18-35 year old market, and additionally with female attendance (with over 52% of all attendees being female). The new strategy will broaden the appeal of the show, making it more attractive to over 35s.



The theme for Sydney will be "Carnival – reflective of the look and feel of the forthcoming Rio Olympic Games. Patrons will have the opportunity to meet and greet adult stars, celebrities, play their hand at any number of amusements, shop, watch live stage shows and enjoy any one of four dedicated lounge areas, (including for the first time, a Pride Lounge) making SEXPO the number one choice event.

For any enquiries relating to exhibiting, attending, performing, or working at SEXPO, please contact the SEXPO Organisers office on (03) 9639 3104 or e-mail administration@sexpo.com.au.

### Cosplay Comp

Incorporated into the overall SEXPO<sup>™</sup> event, SEXPO<sup>™</sup> Cosplay aims to give a home to cosplayers who have previously been unwelcome at other similar events, due to the perceived risqué nature of their outfits.

The competition will consist of four heats of ten competitors, with one winner per heat selected. The winner of each heat will be invited back for the Grand Final, which will be held at 4.00 PM on Sunday May 15 on the SEXPO<sup>™</sup> main stage. With a cool \$2,000 up for grabs, plus an all-expenses paid trip to the next Australian SEXPO<sup>™</sup>, the competition has already generated substantial interest from the cosplay community.

Gaming website www.kotaku.com.au commented that this is the largest cash prize known to date to be offered for an Aussie cosplay competition. With similar events geared towards the family friendly cosplay market, SEXPO<sup>™</sup> aims to capture those cosplayers who like a spicier angle to their cosplay enthusiasm.



SEXPO<sup>™</sup> Event Manager and architect behind the competition, Bentleigh Gibson says, "enthusiasts of all types of cosplay should have a safe and comfortable avenue through which they can explore and promote their passion. SEXPO<sup>™</sup> is simply providing this channel, and at the same time rewarding those who go that extra mile with their choice of outfit."

In addition to the competition, SEXPO<sup>™</sup> will create a cosplay-friendly area within the event, specifically for those cosplayers who want to socialize and mingle with other enthusiasts. Gibson says "SEXPO<sup>™</sup> recognizes that cosplay is an important cultural element which will only grow in popularity and we want to embrace the cosplay culture, and establish it as a permanent feature in all future SEXPOs<sup>™</sup>. We expect this to develop into an international competition, with our UK and South Africa shows already embracing the idea."

Interested applicants should go to www.sexpo.com.au for more information about the competition and how to enter.



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## How Gay Porn Helped Build the Gay Rights Movement

By Mike Stabile

In 2002, pornographer Chuck Holmes' name was installed over the San Francisco LGBT Center , and public outrage was swift. Detractors called the move (in recognition of the late gay mogul's \$1 million bequest to the beleaguered centre) 'insane,' fearing it would only fuel right-wing allegations about the gay community's obsession with sex. What those critics missed, and what continues to be missed over a decade later, is the role pornographers like Holmes played in building the gay rights movement we know today.

Several years ago, I set out to make a documentary about Holmes, *Seed Money*, which premières this spring. During the process, I discovered how much we, as a community, owe to intrepid 'smut-peddlers' like Chuck who risked their lives to help us live out ours.

You see, when the homophile movement began in the early 1950s, the U.S. government didn't differentiate between homosexual rights manifestos, gay erotica or dirty pictures. All were considered illegal, and using the postal service to distribute any of them could and did result in long prison sentences.

So perhaps it's not surprising that pornographers, who had years of experience fighting those battles, were often prominent figures in the emerging homophile movement's leadership. Jim Kepner, founder of the ONE National Gay and Lesbian Archives, was a noted author of gay erotica. Hal Call, one of the first presidents of the Mattachine Society, the pioneering gay rights organization in San Francisco, was an adult film director and owner of the Adonis Bookstore.

Rather than be a liability, pornographers could provide a strategic advantage to the movement. They not only knew the legal restrictions (and how to get around them), they had the money to fight the obscenity battles that cleared the way for greater discussions on sexuality. Pornographers were the advance troops of our sexual revolution.

Homophile organizations like Mattachine and Daughters of Bilitis had publications, of course, but their reach (often just a few thousand in circulation) was minuscule compared to that of 'posing strap' magazines like Physique Pictorial and Tomorrow's Man. It wasn't political tracts, but pornography that provided most gay men with their first connection to (and awareness of) a larger gay culture.

Perhaps that's why in the early days of gay liberation, porn was embraced as a vital part of our cultural fabric. The very first issue of *The Advocate* celebrated a court victory won by two pornographers, Conrad Germain and Lloyd Spinar (who had faced 145 years in prison for sending nude images through the mail) on its front page. Gay sexuality was dangerous and subversive, and any chance to express it, explicitly or otherwise, was a strike for freedom and visibility.



At a time also, when mainstream media portrayed homosexuals as being pathological, depressive and criminal, porn offered a sunny alternative. We might scoff at porn theatres now, but looking up at that screen, a closeted man could see a promise of gay life that was open and positive, with larger-thanlife men who were bold and unashamed in ways he might only aspire to be.

For those who lived outside city centres, that same promise came in the form of mail-order magazines and 8mm loops – Chuck Holmes' business. As the owner of the legendary Falcon Studios, Holmes had the widest reach of the early pornographers, and he was vocal about creating imagery that would make gay men feel proud of their sexuality. For tens of thousands of closeted customers in small towns across the country, those Falcon films were the '*lt Gets Better*' videos of their day. Pornographers contributed in thousands of other ways of course. They funded the movement directly by lending resources and distribution, by educating audiences about safer sex during the AIDS crisis, and by lending their mailing lists to fledgling organizations like the Human Rights Campaign Fund. (Chuck Holmes was a prodigious donor to the HRC, and later served on its Board of Directors.)

But as the movement moved more into the mainstream, adult filmmakers were less and less welcome; their contributions pushed back into the closet. Cheques, literally and metaphorically, were returned. Despite his tireless work on behalf of gay and progressive causes, Chuck often remained closeted about his business. Even in death, his name and money carried a stigma. This is one reason I chose to make Seed Money – as a way of talking about what these early gay filmmakers contributed to our culture, and to finally give pioneers like Chuck the recognition they deserve.

It hasn't been easy. Some I've talked to still see this history as a black eye on the movement, something that will hurt us in political fights over issues like marriage. But I say, if we allow our sexuality to be a source of shame, and hide our history to appease our critics, we're not nearly as out or proud as we think we are.

Seed Money: The Chuck Holmes Story, premièred at the Boston LGBT Film Festival in April 2016.

ChuckHolmesDoc

Follow Mike Stabile on Twitter: mikestabile

### AUSSIE PAIR READY FOR WORLD DOMINATION

In a feat never heard of before in it's 25 year history, The Men's Gallery took out 1st, 2nd and 3rd place at the Miss Nude Australia 2016 pageant series.

Frankie J Blaze took out the the top prize in the competition with her show-stopping manouvers, thumping soundtrack and theme. Dance trained since she was able to walk, she also assisted head choreographer Beck Porter in training the other 3 contestants from The Men's Gallery who competed.

Shae DeLain was a close 2nd place with a strong response from the crowd which gained her an additional title as Miss Nude Australia's 'Hottest Body'. Enigmatic showgirl Zara Blake rounded out the winners with her Ringmaster show.

This year The Men's Gallery has secured the rights to hold Miss Nude World International, the worlds' largest showgirl competition. With talent flying in from around the world to compete, both Frankie and Shae have their eyes set on proving to the world that Australian showgirls are the best.

Catch this amazing event at The Men's Gallery this July with the wild card heats being held on the 20th and 21st of July and the finals taking place on the 22nd of July. Headlining this event will be the current Miss Nude World Jaycee Lane all the way from the U.S.A.

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### THE MEN'S GALLERY

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### The Eros Association

Founded in 1992, the Eros Association is Australia's longest serving adults-only industry association. Eros is an incorporated, not-for-profit membership-based organisation.

Eros' core focus is ensuring its members' success through a combination of representation, education, liaison, advocacy and service provision.

The Eros Association is the first port of call for many adults-only businesses that required assistance, referrals or advice

# Australia's Adults-only Industry

The Australian adults-only industry is a growing force, expanding to a broader market of customers with a greater diversity of products. The modern Australian adults-only industry is a contemporary landscape of superstores, emporiums, industry suppliers, and web stores. Our members include adult retail stores, wholesalers and distributors, tobacconists, herbal shops, adult entertainment, tattoo parlours, body piercers and adult film producers.

# providing protection and advocacy for australia's adults-only industry

Contact Rachel today on 03 9629 9295 to discuss the best membership package for your adults-only business or click on to 'Memberships' at www.eros.org.au

Email: rachel@eros.org.au

# eros the adults only association

# Membership Benefits



• Legislative | a range of laws affect the adults-only industry, varying between local, state and federal jurisdictions. Eros staff can provide general advice about current laws as well as update members when changes in legislation occurs.



• Customs | customs issues are a stalling point for many adult businesses. The Eros approved protocol ensures that Eros Members take necessary steps to minimise the possibility of objectionable material being imported.



• Media relations | advice to members on how to deal with negative media, assistance with media releases and media liaison.



• Eros member directory | an online directory of Eros members available to the public and printed in each edition of the Eros Industry Journal.



• Eros holographic sticker program | for approved products that are compliant with legislation and the Eros Code of Practice.



• Affiliate Partners | access to a range of allied industry partners.



 Industrial relations | complimentary industrial relations advice provided by the IR Group.



Advocacy | Eros provides liaison services

between members and local, state and federal governments, including preparing submissions and lobbying for changes to policy and law reform.



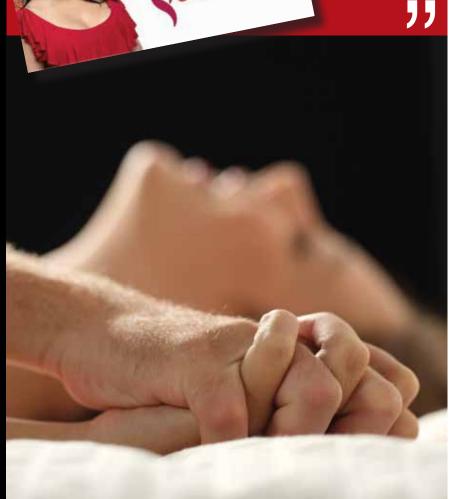
• Members only | access to member's only articles on the Eros website, discounted rates on advertising in the Eros Industry Journal, discounted tickets to Annual Industry Conference, and Education and Networking Events

# regulation referrals

### THE ATLAS OF Erotic Anatomy Arousal

New In House Courses for Adult Retailers

> Imagine if sex education focussed on the actual reasons that people have sex.



otic Anatomy Arousal



Cyndi Darnell is one of Australia's leading sex and relationship counsellors, completing a four-part video series called The Atlas of Erotic Anatomy & Arousal. With the market for overseas explicit DVD's diminishing, this ground-breaking erotic educational package offers adult retailers the opportunity to provide innovative alternatives to consumers.

There are three important points for retailers to digest in this latest offering. Firstly, that people are still very interested in how to improve their sex lives using DVD as a vector. Many adult shop owners have tended to see sex education as the poor cousin of explicit DVD entertainment and not given it a fair go in their shops. As sales of the former have waned there has been an expectation that sales of educational erotic material will follow but in fact the opposite has been true in some stores.

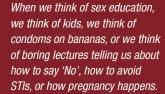
Secondly, this is an Australian production and comes with Australian values, humour and lifestyles. It is not American!

Finally, Ms Darnell is one of the few sex educators in the country who sees an alliance with adult shops and the way ahead for using adult shops in the evenings or for information nights, based on her video series.

With many adult shops experiencing a down turn in product trade in the day, the idea of turning the premises into an after-hours 'sexual-TAFE college' offers owners an extra revenue stream through course fees but also the opportunity for people to buy products that they may have heard of in the workshop.

Cyndi is a sex therapist featured on the ABC series, **Luke Warm Sex** currently appearing on Wednesday nights.

Vulvapalooza The erotic anatomy of the vulva



# FAMILY LIFE

The good adult products are still around and the bad ones...

Working in the adult industry you're no doubt bombarded with the same old questions over and over again about how to have an orgasm, how to make squirting happen, why it doesn't happen, how to have anal sex without pain etc etc. There are so many toys and products on the market these days that assist with all of this which is wonderful, but all the products in the world won't help if the foundation of your knowledge is shaky or just plain incorrect.

In my 20 plus years of working in sex and sexuality, I have seen a variety of products come and go. The good ones are still around and the bad ones, well, good riddance! One thing that hasn't changed though is the lack of information people have about how their bodies work from a sex and pleasure perspective, rather than a reproduction perspective.

When we think of sex education, we think of kids, we think of condoms on bananas, or we think of boring lectures telling us about how to say 'No', how to avoid STIs, or how pregnancy happens.

Now, all of these things are important, don't get me wrong. But imagine if sex education met you where you were at? Imagine if sex education was aimed at the things that really mattered to you?

well good riddance!

Imagine if sex education focussed on the actual reasons that people have sex, and not the myth that people have sex for reproduction like a lot of school-based sex education would have us believe.

In response to this lack of accurate information I have created a four-module video series called The Atlas Of Erotic Anatomy & Arousal which is available to stream from my website www.cyndidarnell.com or purchase in DVD format. The 4 modules are 30 mins each and are a crash course in pleasure anatomy and erotic physiology and how to get more out of your sex life in ways that are relevant and meaningful to you.

Each module is beautifully illustrated with detailed drawings by Lily Mae Martin and narrated by yours truly as I steer you through the choppy waters of the most common question people have about sex and anatomy today.

#### The 4 modules cover:

- *Vulvapalooza:* The Erotic Anatomy of The Vulva
- *The Penis:* Mightier Than The Sword. The Erotic Anatomy of the Penis.

Squirts & Gushes: There She Blows © Seet, organi and ejeculation

- Squirts & Gushes, There She Blows. G.Spot, Ejaculation & Orgasm.
- *Butt, That's not All.* An introduction to Anal Sex.

Each module is delivered in straight talking yet humorous language and will strike a chord with anyone genuinely interested in how our bodies work and how to provide maximum pleasure without having to attend workshops, read books or surf the net for credible information. Informative, educational and not at all sleazy, this is the perfect addition to the budding sex geek's arsenal of up-to-the-minute science and sex information. People of all genders and orientations will find the material enlightening, inviting and inclusive.

The Atlas of Erotic Anatomy and Arousal is available to stream online or as a hardcopy and is an ideal complement to clients enquiries regarding sex and pleasure.

You may also be interested in bringing me into your store to present my erotic anatomy seminars, live. Drop me a line at admin@cyndidarnell.com with any queries.

The Penis: Mightier than the Sword The erotic anatomy of the penis

Introducing Tomfoolery

Our General Manager, Rachel Payne sat down with Allister Tomkins, Managing Director of Tomfoolery to talk about his introduction into the adult industry, the array of products his company offers and his business ventures.

### What brought you into the adult industry?

In late 2015, Tomfoolery signed a distribution agreement with Leg Avenue covering Australia and New Zealand. We have always had a wide range of costume accessories suitable for the adult industry, however until taking on Leg Avenue, we have not had a core line to offer the industry.

We are really very excited to be bringing Leg Avenue back to the industry. I believe everyone will be really surprised and pleased once they see the price points we offer, and stock will be held at our warehouse facilities in Melbourne. We also see lots of opportunity for the broad range of new and exciting products in our brand stable. With the changing nature of the industry, new lines such as costume contact lenses, professional makeup and special effects accessories prove to be very interesting lines.

#### Tell us more about Tomfoolery?

Tomfoolery is a leading distributor of premium brands in the costume and party industry. All of the brands we choose to distribute are category leaders in their field, so retailers can have confidence in the sell through of our brands.

The business was established in 1962 and I purchased the business in July 2011. We built new office and warehouse facilities in late 2011, so we had the opportunity to design a purpose built facility that allows us to provide a highly efficient stocking and distribution service. We have a national sales team and provide national distribution coverage for all of our brands.

Since taking over the business, we have placed a great deal of emphasis on customer service and operational efficiency. Multi-skilling in the warehouse has given us much greater productivity and excellent service – we have a great team in the warehouse. On the administration side, we have built our business around a wholesale online store that allows our retail customers to interact and place orders 24 hours a day. Being easy to business with is a key focus for us. The website is highly functional and customers can access lots



- Hats, wigs, eye masks, glasses and hen's night accessories.
- Suitable for events such as Mardi Gras, October Fest, Christmas & Hen's nights.





### Leg Avenue

- World renowned Costumes, Lingerie and Hosiery
- Wide range that changes yearly
- Plus-sizes in both lingerie and costumes

### Scarecrow Fangs

- Great for Halloween
- Social media



### Mehron

- Theatrical make up
- Body art
- Special effects
- Professional makeup

of useful information including transaction history, account information, downloads, web images etc. and of course they can place orders any time of the day.

Many customers have told us it is very easy to use and one of the best wholesale web sites they use. We are always working on the web site and we have a full time in house graphic designer, who does a fantastic job. All of the images on the site are high quality images and we encourage customers to use our images for their own sites.

As you might expect, we have a very large number of stock keeping units across the different brands and we now engage with the latest cloud based technology to help manage stocks – our aim is to maintain the balance of the right amount of stock for the business operation, and the right amount of stock to ensure great service to our customers.

My own view is that great business systems drive down costs and drive up service – from a customer's view point, they should find our brand pricing the best available, all supported with great service.

### What is our vision for Leg Avenue in Australia?

Our vision for Leg Avenue is pretty straight forward – this is the leading brand in the costume, hosiery and lingerie categories for the adult industry in the US. Our job is to get the products into the hands of Australian retailers at prices that will allow them to sell these great products and make the necessary margins needed to support the brand in their stores.

We have a lot of experience in the distribution business. We want to make it easy for the adult industry to buy and stock Leg Avenue in their stores.

#### Any other comments?

As a new set of eyes looking at the industry, I would say there have been a lot of changes occurring in the successful retailers. The greater focus on female shoppers is seeing a much broader range of products in store – Adult stores are becoming a destination. Consumers are going in to browse around and see what's new – they are always looking for something different. Social media is exposing young people to all sorts

### Primal

- Costume contact lenses
- Social media brand

of new ideas, so I think if you combine this with the growth in the numbers of females shopping in the industry, then there is much greater scope for a wider product range.

Tomfoolery is really much more than just a lingerie company and I believe that retailers will find some very interesting new opportunities in some of the niche products we offer. There are a very wide range of products on offer and all can be viewed at the company's web store www.tomfoolerystore.com.au

I would encourage people to contact us, get a login for the web store and take a look at our pricing and stocked range for Leg Avenue and other brands.



### Product Reviews

### **NEW, ALL NATURAL PLEASURE**

Awaken is a new stimulating clitoral massage gel that was created to heighten sensitivity and enhance libido. It was crafted with an herbal blend of botanicals and aphrodisiacs with the goal of boosting a woman's sexual experience. Awaken was officially launched at the Adult Novelty Manufacturers Expo earlier this year in Burbank, California. Carrie Smith, head of product development at Wicked Sensual Care, had this to say about the company's newest offering,



Awaken is the newest sexual enhancement product from Wicked Sensual Care Available now at Windsor Wholesale | www.windsorwholesale.com.au

We wanted to create a product with great sensation but that was not too intense. The goal was for Awaken to actually help to build and enhance libido and increase desire, not just in the moment but going forward as well.

Awaken is vegan-friendly, contains no parabens, glycerine or L-Arginine and is safe for use with toys and latex. The combination of natural extracts and herbal remedies used in the formula are centuries old and backed up by scientific research. Once applied, the gel starts out cool but that is replaced with a warming sensation and plumping effect that lasts for approximately 15-20 minutes. Additional applications will result in increased intensity and longevity. "We're very pleased with the overwhelming positive reception Awaken received at ANME," said Wicked Sensual Care Marketing Director Cassie Pendleton. "It's a great feeling whenever retail buyers are genuinely excited to stock a product for their

> customers. Creating an effective product from natural sources was a challenge that we gladly took on, and the result is the an amazing product meeting the market demand for improved female arousal and orgasms."

# Ras Terms APX Vaporizer

Pulsar & Ras Terms have come together to produce the limited edition Ras Terms APX Vaporizer, wrapped in Ras Terms' exclusive artwork & finished off with gold accents. This 4" compact vaporizer uses a ceramic chamber and will be a hit with vape and art fans alike, only taking 40 seconds to heat up!

The Dry Herb Vape also includes a unique wax & oil concentrate tank so all your needs can be taken care of. The APX is an exclusive unit to Pulsar Vaporizers. Measuring just a little over 4" long, the APX is discrete and great for portability. The heating chamber measures 10x16mm. The kit includes 1 vaporizer, 1 mouthpiece, 1 USB charge cord, tweezers, 1 wax tool, 1 cleaning brush, 4 replacement screens, 1 wax and thick oil concentrate tank, and 1 user manual. Everything comes packaged in a reusable gift box.

These Limited Edition Ras Terms vapes are now available online at www.thebongshop.com.au.

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- > Smooth texture
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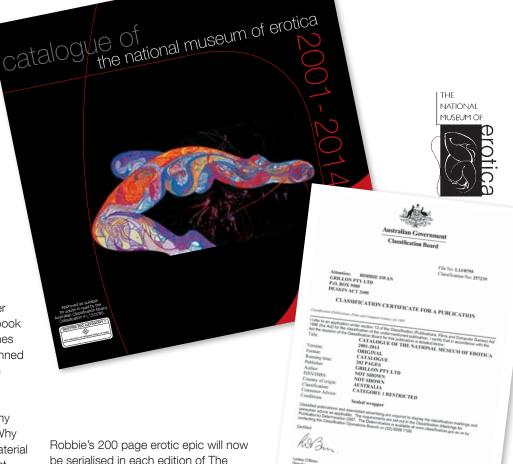
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# The Most Explicit Book Ever Classified!

### The Catalogue of the National Museum of Erotica 2014

In 2014 Robbie Swan published 10 copies of the most explicit book ever classified in Australian history. The book contained images of bestiality, fetishes and sexual explicitness normally banned by the staid Australian Classification Board. So why did they allow such a controversial book to be sold in newsagents and bookstores and why were only 10 copies ever printed? Why did the ABC include some of the material in the book on a nationally broadcast television special? How can you obtain one of only 69 copies that will produced in a very limited edition print run?



Robbie's 200 page erotic epic will now be serialised in each edition of The Australian Blue Book as an exclusive service to Blue Book readers. No where else will you be able to see this record breaking book!



ACT Chief Minister, Kate Carnell, sweeps aside the lace panties with the riding crop and officially opens the Museum in 2001.



The inside of the Museum

### The Chief Minister's Opening

Australia's National Museum of Erotica was officially opened by the ACT Chief Minister, Kate Carnell, on 10th March, 2001. In her opening speech, the Chief Minister declared the museum to be 'inspired' and said that it would greatly enliven the national debate surrounding sexuality and censorship.

In the early years, the Museum's collection was located on Northbourne Ave in the heart of Canberra. However, in 2003 it was removed and documented with the intention of acquiring larger and more varied pieces. Since then, new material has been added on a regular basis, resulting in over 400 items ranging from Brett Whitely originals to hand-drawn sex worker posters.

What makes this collection unique is that it has been purchased and curated by the two people who have run Australia's adult industry association for over 20 years – Fiona Patten and Robbie Swan. The collection encapsulates not only Fiona and Robbie's engagement in the political debate concerning erotica, but also offers a profile of the other protagonists involved. While it is comprised of erotic artwork that has helped to define the sexual movements of the modern era, it also includes erotic and sexualised images that were subject to censorship, political interference and public debate – often without the images ever being seen by the debaters. This record of the NME collection maintains sexual and political relevance in today's technologically progressive world. It outlines the parameters on the censorship debate and poses the ultimate question as to where the line between public and private domain should be drawn.

The museum's acquisition of erotic and sexualised images that appear online or in other ephemeral media is not only individualistic, it is important to the national debate on censorship. Material that was integral to the early debates concerning online privacy in the late 1990s have already disappeared due to the government's initial implementation of legislation laws regarding internet content. Acquiring sexualised images that are frequently transmitted by 'viral' email raises some copyright problems as the ultimate owner of the intellectual property cannot be found or does not want to be found. However, when a sexual image is viewed by millions of people, it is worth collecting especially if it accompanies a political or social debate.

The collection is supported by a host of documentation and is linked to other collections that the curators have helped put together, including the huge Eros archive of papers and correspondence held by Flinders University in South Australia and a collection of adult films and projection devices held by the National Film and Sound Archive and the Australian National University. This book is intended to give the reader a general overview of the Museum's extensive collection of erotica and the public debate concerning censorship law, however it comes nowhere near documenting everything in it.

### What Is Erotica?

Erotica is in the eye of the beholder. It doesn't matter whether you call it pornography, 'tits'n arse', adult literature, smut or sexually explicit art. The more you try and defend your definition and your position on sexual imagery, the more uncertain of it you become. Defining erotica is the original Rorschach Inkblot test and says much more about the viewer, than the object being viewed.

Some people will find the delicious innocence of a 1960s biscuit tin much more arousing than a hardcore photo. Some will find the cold, hard steel of a foot-measuring device the sexual bees' knees. Others might find the thought of Joan Collins in a bubble bath deeply offensive but wildly alluring. Most people will draw the line over the animal inferences of a Helmut Newton print.

But it's all relative. Do any of these images in particular contain more or less potential to make people act out in any way or is the potential to act out already there in human beings and 99% determined by the amount of love and affection that they got in their early lives? It's a debate that could go on forever without any real agreement about what erotica actually is - and that's the rub. Are we all simply debating and arguing our individual bête-noir? That undefined and abstract monster that lurks in all of us? Threatening everything that is good? More than a world war? More than a murder or a serious assault?

More than famine, poverty, or corrupt politics? Could the act of sex in all its permutations and manifestations, when projected on a screen or printed in a book, really lay at the heart of the spiritual malaise of our time? Hardly.

If sexually explicit material leads to all the negative conclusions that feminist and religious moral campaigners allege, why is it that over 500 church clergy in Australia (a group of people who are not usually associated with erotic or sexual material) have been convicted of child sex assault? In comparison, not one member of the adult (sex) retail industry (a group of people who are always dealing with erotic or sexual material) has been similarly convicted. This damning indictment of sexual repression and lack of sexual education says much about whether erotica is a useful tool or a dangerous vice.

Who can forget the pained expression of the US anti-porn campaigner, the Rev Jimmy Swaggert, as he asked God for forgiveness after being caught redhanded with a sex worker in a sleazy motel? Who can forget the crestfallen anti-porn campaigner, lay preacher and federal Member for Capricornia, Keith Wright, in the 1990s after he was convicted of raping a 13-year-old girl? And the Indonesian Islamic Party antiporn campaigner,



Burton's Gold Medal Biscuits, 1950s.



Walters' Palm Toffee tin, 1950s.





'The Brannock Device', foot measuring instrument, 1960s. Foot model, Kurti Nette.

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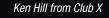
# A Short History of the Eros Association

### By Robbie Swan

Eros has had a significant impact on the shape, size and profitability of the adult retail industry. If you've made a dollar since 1988 from selling X rated films, you've only made it because Eros kept them legal in the national marketplace. If you've made a dollar since 2007 by running even part of your adult business online, you've also only made it because Eros kept this portal legal as well.

Eros is unique in the world. No other country has been able to create and support a national adults only association with such longevity. The fact that Eros has been able to succeed with so many of its national campaigns, is a tribute to the purposeful way its members have approached their issues. To then create a political party and get the CEO elected to Parliament, is evidence of a high degree of unity within the industry. Eros is the first national industry association to get itself elected to a parliament anywhere in Australia. It's a proud record of achievement and a trailblazing approach to solving industry problems at a political level.

In looking to the future, the past is never far away. As we move forward, we need to keep an eye on how our battles were won and lost in the past. As the modern adultsonly industry changes faster than many can keep up, Eros is continuing to refine its strategies and its goals. This short history of adult retailing in Australia will serve as a valuable blueprint for those whose vision will shape the future.





John Lark

The first organised political campaign around adult products in Australia occurred in 1986 when John Lark, Canberra's 'King of Porn', set up a group called the Adult Video Industry Association in the ACT. Lark had moved his Mature Media Group from Sydney to Canberra in the year prior, to escape the bans on X rated films that had just been imposed by the NSW government. Up until then his business had been very successful until a new Christian politician by the name of the Rev Fred Nile, came on the scene. Targeting right wing Catholics in Neville Wran's Cabinet with explicit sex messages, Fred convinced Wran that banning these films was a better idea than leaving adults free to make up their own minds.

In April of 1988, Fred travelled to Canberra and worked his magic on Bob Hawke's Attorney General, Lionel Bowen. In April of that year Bowen declared that he would take a motion to the Labor Caucus to ban X rated videos at a federal level. This was the trigger that Lark needed to go after Fred and to roll the federal Attorney General. It was a David and Goliath moment as Larkie started gathering ammunition.

He approached two other adult company owners to get involved with AVIA - Ken and Eric Hill (Club X and Sexpo) and the late Gerry Hercus (Axis). Then he hired a prominent gay lobbyist by the name of Lee Patterson to be the CEO. This worked well for a time but Patterson's health was in decline and he died before they could really get going. John Lark then hired Robbie Swan, a political journalist and magazine editor who had just finished up as Phillip Adams' radio producer.

Banning X rated films at a federal level would have meant that selling them in any of the states would have been seen by police and the authorities as a much more serious crime than it already was and would no doubt have seen people going to jail. Selling a 'prohibited



Labor's Caucus meeting room in Parliament House where the historic vote took place.

import' rather than just a banned film at

a state level was a very serious charge

The AVIA team mapped out a creative

overturn Bowen's motion - no easy job

campaign to try and have Caucus

given that the Attorney General had

already gone out on a limb and said

he wanted his party to support him. AVIA used humour, public opinion and

personal approaches in influencing

national media, in April of 1988 the

AVIA team tried a new approach and

bag to every Cabinet Minister with a

letter about the effects of prohibition.

called Liquid Assets. The Minister for

Post and Telecommunications, John

Button, got one called Letters of Love.

The then Leader of the National Party.

Unnatural Act. The media loved it and

the seriousness around the issue, which

Ian Sinclair, got a video called An

The Treasurer, Paul Keating, got a video

sent an X rated video in a brown paper

nearly 100 Labor members of Caucus.

After a month of serious debate in the

and saw stock confiscated before it

could be sold.

Nile had successfully stage-managed, suddenly broke open.

A few weeks before the Caucus vote in August of 1988, the group hired an old National Party lobbyist, Steve Carney and paid him \$4,000 for a one-page document that Caucus would accept as a reason not to ban the X rating. They also lobbied one of Graham Richardson's senior advisors, Simon Baulderstone, (later to become Peter Garrett's Chief of Staff) and asked him to make a statement to Caucus about allowing extreme violence to continue in the R rating while banning consensual sex in the X rating.

It did the trick. Richardson's impassioned speech to his colleagues and the one page document were enough to see Bowen's motion roundly defeated in the Labor Caucus. Prime Minister, Bob Hawke, when doorstopped outside the meeting for a comment on the vote, famously said, 'There are no deep throats around here!' This win was crucial to the future development of the adult retail industry in Australia, as well as for the wellbeing of free speech and civil liberties in the country. Had John Lark and AVIA not pulled off a win here, most of the growth in the industry through the 1990s and 2000s would probably not have occurred.

Think about it. The humble X rated film would have been legislated along the lines of narcotics. It may not have been enough to stop their sales in a very black market but most of the otherwise law-abiding business people who moved into the adult retail industry in the years to come, may not have done so.





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# Regulating Vaporisers in Australia

By Eros Social Tonics Coordinator, Nick Wallis

"

Despite limited evidence, it seems that e-cigarettes with and without nicotine are helping people to quit or reduce their tobacco smoking, which seems to be giving them better health outcomes than if they just continued smoking. Vaping was named word of the year by Oxford Dictionaries in 2014. We're seeing more and more celebrities and high- profile people using personal vaporisers in public and you might've heard a passionate anecdote from a smoker who has switched to a personal vaporiser (e-cigarette) and now smokes a lot less or not at all. As technology has revved along, our vices have not been left behind. Instead it seems that some innovators are looking to reduce the harms associated with the things we enjoy that may not be that healthy for us.

Some public health experts are concerned. The tobacco industry doesn't have the best reputation around lobbying for its products. But the tobacco industry also began at a time when there wasn't the body of evidence and knowledge surrounding risks that there is now. Now, it's a highly regulated industry and every reasonable Australian understands the risks associated with smoked tobacco.

Tobacco is one of the most physiologically addictive products on Earth, due mostly to the psychoactive substance nicotine. The guit-smoking industry also relies on this addictive substance. Nicotine Replacement Therapy (NRT) products such as nicotine gum, nicotine patches or nicotine mouth sprays are generally available from pharmacies and supermarkets with or without a prescription. In Australia, nicotine is regulated in several different ways, depending on how it is prepared for use. Nicotine in tobacco is exempt. Nicotine that is chewable, wearable or inhalable through an approved device falls under numerous different regulatory schemes, some requiring a doctor's prescription, some that can be bought from the supermarket next to toothpaste. Yet e-cigarettes that do not contain nicotine are being regulated in a manner that equates them with cigarettes. Unless approved as a "medical device" by the



Therapeutic Goods Administration, no e-cigarette can be sold in Australia that contains nicotine.

The vaping industry in Australia only retails e-cigarettes and juices that do not contain nicotine. There is a black market online and offline for nicotine juices, which relies on a common myth that people can import nicotine for personal use. Unless the person doing the importing has a prescription for nicotine from their doctor, this is illegal to do. But this is not enforced or discussed when public health experts call for heavier regulation of e-cigarettes.

Western Australia banned the sale of e-cigarettes due in part to its tobacco control legislation, which prohibits the sale of products which, "resemble tobacco products, but aren't tobacco products." The public health justification is that this protects children from unscrupulous manufacturers making products that resemble cigarettes in order to get them hooked. This is exactly not what e-cigarettes are for, nor is it their target audience.

Despite limited evidence, it seems that e-cigarettes with and without nicotine are helping people to quit or reduce their tobacco smoking, which seems to be giving them better health outcomes than if they just continued smoking.

The European Union has developed guidelines for its member states, allowing for the sale of low- nicotine containing e-cigarette juices. The EU has tackled this emergent issue by allowing e-cigarettes to effectively compete against tobacco products, while keeping public health in mind.

Personal vaporisers should be regulated. Even if they don't contain nicotine, they ought to be adult-restricted products. The approaches by Australian governments so far has been to regulate them as if they are tobacco products, despite no nicotine juices being legal to purchase or ban them outright meaning smoked tobacco gets free reign.

We need to start talking about regulating nicotine e-juices alongside e-cigarettes. Allowing tobacco for sale but prohibiting nicotine-containing e-cigarettes provides a competitive advantage to smoked tobacco. Currently our public health experts are essentially defending the market share of smoked tobacco.

There's an opportunity here to learn from the mistakes of the past and regulate the market for this product appropriately, reflecting public health concerns while protecting consumers rights. The people of Australia ought to have the ability to choose vaping over smoking.



# Under Threat Again

Fiona Patten looks at the criticism of online porn.



# Is the proliferation of online porn damaging society?

The common perception is that porn dominates the internet and is the most popular thing online. Not true. Neuroscientists from Boston university recently finished a study of the world's top one million websites (A Billion Naughty Thoughts, Penguin 2011) and found that only four percent were porn sites. That does not make a 'proliferation'.

What is proliferating is the number of people screaming about the proliferation of pornography! The anti-porn feminists are using the debate to get a new rush of life and sell their books. The Christian lobby uses it to boost their decency credentials. Even internet filtering businesses see financial gain in demonizing porn. In the 1980s and 90s, before the internet, official records show that four per cent of all films classified in Australia were X rated. So nothing's changed.

And what is 'porn' these days anyway? Everyone has a different definition but is afraid or embarrassed to share it. The Australian Classification Act states categorically that X rated material is sexually explicit but non-violent, nondegrading and non-demeaning. It doesn't even allow bad language! In fact, there is less violence in X rated films than there is in G rated cartoons. Fact.

Porn is now morphing like never before. Film clips from that international TV show Most Embarrassing Bodies are now turning up on porn tube sites and I even saw a medical film of sex with a camera placed inside a woman's vagina, on a porn site. Information is becoming sexy. Ten percent of most porn sites feature race and ethnicity as the 'turn on'. In this respect porn is the most genuinely multicultural experiment ever undertaken. The diversity and variety is extraordinary. It is not what we hear from the 'experts'. They announce to the world that all porn is violent and extreme. It's just not true. Half of the world's porn is now being made by average couples on their mobile phones, for no financial gain. What do they get out of it? The natural joy of letting others see them having sex. It's been hot-wired behaviour in human beings since the dawn of civilization.

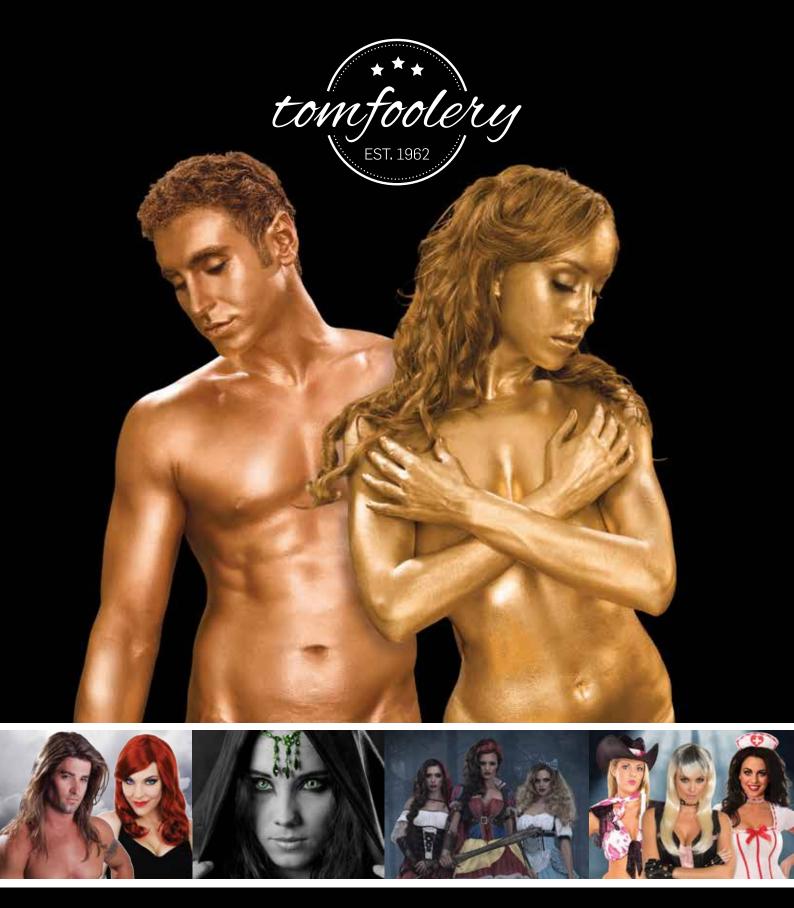
Is watching non-violent sex damaging to people's psychology? Well, is watching football or tennis? Honestly, how can that be? The latest research published in Scientific American in July of this year (Sunny Side of Smut) found that where consumption of pornography had grown in countries like Japan, China and Denmark over the past 40 years, sexual assault rates have plummeted. Within the US it was found that those states that had the least internet access had higher rape rates than those with the most access who had a 27% decrease in sexual assault rates. In fact, sexual assault rates in the US at the moment are at their lowest levels since the 1960s even though there is more sexually

explicit material in the community. Could it be that explicit sexual depictions actually lower sex crimes?

Anti-porn campaigners worry about young people getting the wrong message about sex. As the founder of the Sex Party, I actually get out there and meet a lot of young people every year from all over Australia. Since Sexpo started in 1996, I've talked to tens of thousands of under-30s which most of my detractors cannot claim. I haven't seen any bizarre changes in young people's relationships at all. They're keen to explore their sexuality, keen to learn more and just to have someone confirm that their desires are not unique or unnatural.

I'm not saying that all porn is good. Some of it is bloody horrible and some of it is even illegal - but most of it isn't either. The variety is extraordinary - fat, thin, black, white, short, tall, old young (but over 18) etc. The same cannot be said for TV, women's magazines or Hollywood where beauty rules.

We are going through an information revolution and not surprisingly sex is a big part of that. Sex has led technology over centuries of progress. If we are concerned about our young people getting their sex and relationship education from porn sites, then lets give them comprehensive, frank and honest sex education so they don't have to go looking for it.



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# negotiating

Bongs first popped up as a way to filter smoke during the 16th century Chinese Ming Dynasty and since then have spread to cultures across the world. Though the bong was first used to filter tobacco smoke, it became a popular way to smoke cannabis, taking off in popularity during the late 1950's and 1960's.

There is very little research on whether or not bongs reduce harms associated with smoking, however it is highly likely that the water filtration helps to remove some of the toxic elements in smoke, while also cooling it down and making it easier on the respiratory system.

Banning the bong has been a popular policy of governments who want to look like they're "Tough on drugs." There's absolutely no research to suggest that such bans lead to lower consumption or safer consumption.

However, there is evidence that a good quality water pipe reduces the harms of DIY bongs, which are often made of plastic bottles and rubber hoses. DIY bongs release toxic chemicals when heated, putting the smoker in more danger than necessary and should not be used.

#### State Laws

During February 2015, the ACT enacted the most liberal drug paraphernalia legislation of any Australian jurisdiction. The law did not ban the sale of any product, instead it found a middle ground by banning the display of "drug pipes." This legislation

# bongs the legal minefield

bans the display of, but not sale of pipes that may be used to consume illegal substances. Displaying a sign that notifies customers of the availability of products is not against the law, nor is showing a customer at their request.

Victoria banned the bong in 2011. The ban included an exemption for Hookahs which are defined as devices used to introduce tobacco, molasses, fruit, herbs or flavouring to the body. Only devices that are intended to be used to introduce a "drug of dependence" into the body are prohibited. This was done so that the Liberal government of the day did not lose votes to the middle eastern communities who use hookahs to smoke many substances. The reverse of this was that they blatantly discriminated against people from Asian and European backgrounds who also had a history of using their own smoking devises.

Tasmania prohibits the possession of anything that can be used or is designed to be used in administering a controlled drug or plant to the body. This includes items that are "apparently intended, after some adjustment, addition or other modification," to be used in taking a controlled drug.

New South Wales bans the supply of devices that may be used directly for consumption of a prohibited substance or with a slight modification of the original device. The law in NSW also adds that it doesn't matter if the device was intended to be used for a purpose other than administering a prohibited substance. Queensland, South Australian and the Northern Territory ban the possession, including sale of anything which is used in the administration, consumption or smoking of a "dangerous drug."

Western Australia broadly bans "drug paraphernalia" as anything used in connection with the manufacture or administration of a prohibited drug. The display of such paraphernalia at a retail outlet carries a \$10,000 fine.

#### Summing up

The sale of drug paraphernalia should be restricted to adultsonly premises. Banning display in such a context seems a pointless and potentially harmful step but it is certainly better than the current prohibition on sale of harmless and often harmreducing products.

Like many drug laws that are out of step with large sections of the community, Eros is lobbying state governments to adopt harm reduction to underpin their drug policies. Bongs should be sold from age restricted premises but never banned. Governments that ban bongs force people to adopt unsafe measures, like the use of DIY plastic bottle bongs.

For the government that wants to save face, a middleground approach like banning open display and promotion of bongs is reasonable. Adults can then enter an age-restricted premises, where they can then choose from a range of properly manufactured, high quality products.



Zahra Stardust's thought provoking tweet...



Dr Maginn



### Matching Your Product Range with Community Desires

### By Eros Business Manager, Joel Murray

Last month, PhD candidate (UNSW),

a special session of the American

in creating cultural norms around

Association of Geographers annual

meeting called, 'Sex and the City'. She tweeted "Adult retailers are complicit

pleasure" in relation to a talk she was

listening to by Dr Paul Macginn, from

Dr Maginn's work looks at geospatial

retail and sex industry, including current

research into the spatial distribution of

with the Eros Association over the past

sex toys. He has had regular contact

Upon reading Zahra's tweet I started

not based upon sales but reflected in

respected Australian journal Sexual Health about the 'Second Australian

Study of Health and Relationships' (ASHR) undertaken by researchers

at the Australian Research Centre in

Sexual Health and Society. Authored

individuals' sexual activities. Not only are the results fascinating but they also

paint a picture of changes in people's

reflected in trends we see in adult retail.

Specifically, because this is the second

time this research has been undertaken, the article compares the results of the

two studies conducted a decade apart.

sexual interests that are perhaps

Here are some highlights:

by Juliet Richters and others, this article discussed statistics around

changes in our private sex lives.

I came across an article in the

to think about the indicators of new trends in consumer behaviour that are

10 years and is well informed.

the University of Western Australia.

relationships within the adults-only

Penthouse Pet and independent Aussie porn star. Zahra Stardust, attended

### Masturbation

**72%** of men and **42.4%** of women masturbated in the previous 12 months

Gay and bisexual men are much more likely to masturbate than straight men

Male white collar workers are more likely to masturbate compared with blue collar and professional workers, however women in professional or managerial professions are more likely to masturbate compared with women with blue collar and white collar jobs.

### Pornography

63% of men and 20.2% of women have viewed some form of pornography with 31% and 9% respectively when asked specifically about watching an X rated movie.

#### Used a sex toy

**15.5%** men and **24.2%** of women (compared with **11.8%** and **14.1%** respectfully ten years ago)

#### Role play or dressing up

In the ten years between the first and second ASHR, twice as many men and more than twice as many women enjoy role playing or dressing up.

ASHR1: men 4.0%, women 3.7% ASHR2: men 8.3, women 9.1%

Importantly, this research backs Dr Maginn's assertion that the adult retail industry is in touch with the sexual norms of society. We'll endeavour to include his research in future editions of the New Eros Journal and research like it, that addresses changing sexual attitudes and activities. At this critical point in adults-only retailing, where the product mix in shops is changing faster than it ever has, members need to have a good handle on what the next big thing is likely to be and where people are headed in their quest for sexual satisfaction.



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### Bodypolitics with Fiona Patten

As many of you in the adult industry will know, I was elected to the Victorian Parliament in late 2014, representing the Sex Party. To my utter surprise many of the Victorian Ministers I speak with now were once senior staffers or backbenchers that I had lobbied in the past on adult industry issues. So most of them knew a lot of the issues the industry has and is facing.

My first year in the Victorian Parliament has been very successful and seen a couple of important moves on the legality of X rated films. After 25 years of lobbying members of the Victorian parliament about the illogical and reactionary ban on selling X rated films, it was an absolute pleasure to be able to introduce a Motion into the Victorian Parliament last December to legalise them.

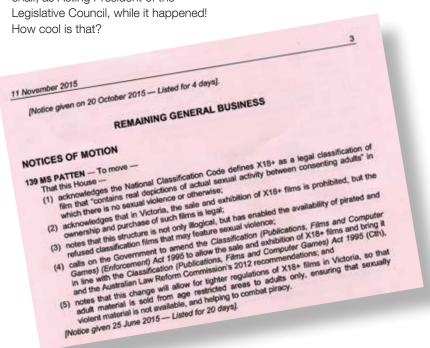
This is the first time that an Australian state parliament has seen any attempt to legalise the X rating since all states banned them some 30 years ago. Having made the transformation from CEO of Eros, to Member of Parliament just over a year ago, this was the sweetest motion to put forward. What made it even sweeter was the fact that I happened to be sitting in the President's chair, as Acting President of the Legislative Council, while it happened! How cool is that? My motion will be debated in early 2016.

The second issue involved me moving an amendment to remove the X Classification from the Victorian Crimes Act.

Many traders have completely misunderstood the effect of this, so listen up!

In all states of Australia, what has traditionally been called 'Child Porn' is dealt with under the Crimes Act and not the Classification Act.

Within the Crimes Act in each state there is an exemption from being prosecuted for a child porn offence, if the material was previously classified. This means that if the Classification Board gave a book or a film a classification like PG, R, or Restricted Category One, the police could not lay a child porn charge on that material... UNLESS it was X rated! In effect, there has been an exemption to the exemption, which means even if a film was classified X by the Australian Classification Board, the producer, seller or owner could still be charged with a child porn offence. It's an illogical and discriminatory law that penalises those who choose erotica over drama or cartoons for their entertainment choices.



Its also manifestly unfair and offends anti-competitive laws in that R rated films can never be said to be child porn. When you consider some of the explicit scenes in the film Taxi Driver where a 12 year old Jodi Foster played a child sex worker of the same age - there is nothing that even vaguely resembles this sort of portrayal in an X rated film. Brooke Shields also played a child sex worker of 12 years of age when she was only 12 herself, in the famous Pretty Baby. This film also involved nudity and mock sex scenes with a 12 year old actor. This could never happen in an X rated film so why have governments over the years continued to favour R rated films over X rated when considering child porn? We all know the answer to that....

Notwithstanding this monstrously discriminative situation, Victoria became the first state in Australia to change things late last year. I successfully argued for an amendment to the Bill to delete the X rating from the exemptions, putting it on the same footing as all the other legitimate classifications. This was supported unanimously by all sides of the parliament and the government adopted my amendment almost word for word. The Minister, Steve Herbert read it into the government's Bill.

Having this amendment supported by all parties also says a lot about how the Victorian Parliament views the X rating. It clearly signals that the issue of the actual X classification in Victoria is on receptive ground and that when I go to table my Private Members Bill, to allow the X classification to be sold legally like R and M rated films, we may see the first changes of this kind in 30 years.

Not so successful was my bid to change references on the statute books from 'Child Pornography', to 'Child Sex Abuse Material'. All the latest feminist and women's group commentary on this matter says that by equating child sex abuse material to 'adult' pornography in any way, you diminish the harm done to the kids and to society in general. It should be called what it is – Child Sex Abuse Material. My first year in the Victorian Parliament has been very successful and seen a couple of important moves on the legality of X rated films.



"

Being photographed for the cover of Melbourne Weekly

Amazingly, when I insisted that a division be called on the matter so the world could see exactly how all the parties voted, there was only me and my crossbench colleague, James Purcell, sitting on the side of the "Yes' vote and all the others, including the Greens, sitting on the side of the 'No' vote. I can assure Eros members that I will be pursuing this matter in the future.

Looking at the big picture here, having someone elected to parliament has been a victory for the Eros Association and the professionalism of those adult traders in Australia, who have supported the association over all those years. It shows that the adult industry can mount a successful political campaign in the face of religious bigotry and reactionary politics that would stop a lesser group of people. It shows the wisdom of tithing a small amount of your profits into professionalising and promoting the political ideals of your industry and it shows that the old adage of 'never give up' is particularly appropriate to the adult industry.

Fiona Patten



Fiona in the President's Chair of the Legislative Council as her amendments to X rated material become law.

### Women Buy Sex Too!

A new study in Australia aims to find out how and why women buy sex. UNSW PhD student, Hilary Caldwell, is undertaking the research. 'Most people only think about men as engaging in commercial sexual arrangements and are not aware that a growing number of women do as well', said Ms Caldwell. 'Most of the discussions around women buying sex occur in the absence of evidence.'

Ms Caldwell said that recent discussions about sex work with reference to criminalising the purchase of sex do not take into account that women buy sex as well as men and that puts into question gender and power arguments against the sex industry.

A Google search of 'male escorts for women in Australia', shows that this market is very much alive. However, in 2013, when 10,038 women participating in the Second Australian Study of Health and Relationships were asked if they had paid for sex, only 1% admitted that they had. This same study found that about 17% of men had ever paid for sex. Sex industry reports suggest that female clients might account for 6% of commercial sexual services and this market share is increasing.

'The reasons why we don't really know much about women's use of commercial sexual services are complex,' said Ms Caldwell. 'How do you classify a sexual service when payment is made with gifts and not money? Is it a sexual service if a woman wants romance more than sex? What if a commercial sexual experience also involves aspects of education such as in tantric therapy or therapeutic touch such as body work? We might not have the right answers because we may not be asking the right questions.'

Studies of men who buy sex have consistently shown very small differences between men who buy sex and men who do not. Yet men who buy sex are often characterised as deviant, exercising an entitlement to women's bodies, and in some jurisdictions they are criminalised. On the other hand, women who buy sex have been most often described as lonely, hopeless romantics, or as victims of aggressive male sex worker grooming. Without evidence of how woman experience buying sex, these characterisations and double standards remain uncontested.

'While speaking with friends and colleagues about my research, a broad range of women have told me that they have paid for sex or are considering paying for sex', Caldwell said. 'Some are career women short on time, some are physically or socially disabled, while others are in sexually unsatisfying but otherwise healthy relationships. While it can be argued that women can get sex whenever they want it, many women don't want to pick up or have casual sex. Paying for sex might seem like a safe option for those who desire discretion, convenience and even an expert.'



about what is happening? If so, you are invited to participate in a study being conducted through the University of New South Wales. You can find out more here: https://csrh.arts.unsw.edu.au/research/join-a-study/.

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