

SCHEDULE  
DEFINITION OF METROPOLITAN AREAS

Name of Metropolitan Area	Districts Included Therein
Auckland .....	The Cities of Auckland, East Coast Bays, Mount Albert, Takapuna and Birkenhead, the Boroughs of Devonport, Ellerslie, Glen Eden, Henderson, Howick, Mount Eden, Mount Roskill, Mount Wellington, New Lynn, Newmarket, Northcote, Onehunga, One Tree Hill, and Otahuhu.
Wellington .....	The Cities of Wellington, Lower Hutt, Upper Hutt, and Porirua, the Boroughs of Eastbourne, Petone, and Tawa, and the District Community of Wainuiomata.
Christchurch .....	The City of Christchurch, the Borough of Riccarton, and the Counties of Heathcote and Waimairi.
Dunedin .....	The City of Dunedin and the Boroughs of Green Island, Port Chalmers, and Saint Kilda.

Dated at Wellington this 1st day of April 1982.

D. J. GASSON, Director, Commerce Division.

\*New Zealand Gazette, 24 May 1979, No. 43, p. 1609

(T. and I.)

Decision No. 989  
Reference No. Ind. 43/80

*Before the Indecent Publications Tribunal*

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the following publications:

*Pool Party*, published by Potz Press, Sydney, Australia.

*Poker Pleasures, Car Lovers, Have Sex, Will Travel*, all published by Howard Publications, Sydney, Australia.

*Boat Lovers, Bared Birds*, published by Howard Productions Pty. Ltd., Sydney, Australia.

Judge W. M. Willis (Chairman), Mesdames H. B. Dick, L. P. Nikera, Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: 2 December 1980.

Appearances: Mr P. E. Leloir for Comptroller of Customs. Written submissions by the importer, Waverley Publishing Co. Ltd.

DECISION

THESE publications are sample copies commercially imported and seized at Auckland in September 1980. Forfeiture has been disputed and each publication has been referred to the Tribunal for classification.

The first 5 publications named above contain photographs of couples indulging in sexual intercourse in various situations. It has been submitted by the Comptroller that the text is minimal and light weight and in most cases unrelated to the photographs. The publication *Have Sex, Will Travel* appears to be *Car Lovers* and *Boat Lovers* put together under a new title. These publications are patently concerned with the prurient and lewd aspects of sex. They have no literary or other merit and there is nothing, as the Comptroller submits, to offset their overwhelming sexual format. For those reasons it was submitted that the likelihood of corruption far outweighs the possible benefit and that, they are injurious to the public good and therefore indecent.

Written submissions were made by Waverley Publishers Co. Ltd. and the Tribunal was referred to decision Nos. 748, 949 and 962 where similar publications have been classified with an age restriction. It was suggested that these 5 books should receive a similar classification.

It cannot be said that any of the books have literary or artistic merit. They are predominantly concerned with the prurient and lewd aspects of sex. The likelihood of corruption outweighs possible benefit and they are quite distinctly not for the public good. So far as the decisions mentioned by the importer are concerned, the Tribunal had this to say, it does not now have access to the book mentioned in decision No. 748. So far as decision No. 949 is concerned that publication called *Virgin* had no text and was more sensitively produced than the publications we are now considering. Referring

to decision No. 962 the publications there under consideration were devoted solely to the exploitation of the female form and were not photographs of people engaged in sexual intercourse. These publications are, therefore, to be classified as indecent.

The remaining publication *Bared Birds* contains no text and consists entirely of photographs of nude or semi-nude women. Without the recent High Court decision the Tribunal would have been of a mind to classify this volume as indecent but it is classified as indecent in the hands of persons under the age of 18.

Dated at Wellington this 25th day of May 1981.

District Court Judge W. M. WILLIS, Chairman.

Decision No. 990  
Reference No. Ind. 45/80

*Before the Indecent Publications Tribunal*

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the following publication:

*Super Fiesta*, published by Edizioni Inteuropa Spain, Via Milan, Italy.

Judge W. M. Willis (Chairman), Mesdames H. B. Dick, L. P. Nikera, Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: 2 December 1980.

Appearances: Mr P. E. Leloir for the Comptroller of Customs. Written submissions by the importer, Waverley Publishing Co. Ltd.

DECISION

A sample copy of this publication was imported commercially and seized at Auckland in September 1980. Forfeiture was disputed so that the publication was referred to the Tribunal for classification.

This publication is described by the Comptroller as an Italian girlie magazine made up of photographs of posed nude or partly clothed women. There is a minimum of text, but, as this is in the Italian language, it would have little interest for the majority of New Zealand citizens. In the photographs there is little or no emphasis on genitalia. The Comptroller agreed that the presentation was not patently offensive.

The submissions by the importer suggest that the magazine was a correlation of several old editions of the *Fiesta* magazine and it is said to be similar in style and format to the publication *Cream*. *Cream* was the subject of decision No. 937 which on appeal was classified as indecent in the hands of persons under the age of 18. Comparing the two publications the Tribunal would agree that *Fiesta* is superior in many respects. At the same time it agrees that there is no significant difference between the contents of each publication. Both the Comptroller and the importer suggest that an age restriction would be proper in this particular case and following the decision of the High Court, the Tribunal would agree. *Fiesta* is, therefore, classified as indecent in the hands of persons under the age of 18.

Dated at Wellington this 25th day of May 1981.

District Court Judge W. M. WILLIS, Chairman.

Decision No. 991  
Reference No. Ind. 42/80

*Before the Indecent Publications Tribunal*

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the following publications:

*Rub A Dub Dub*, published by Potz Press, Sydney, Australia.

*An Orgy of Body Paint*, published by Howard Productions, Sydney, Australia.

*Hard in the Lace Game*, published by Howard Publications, Sydney, Australia.

*Pucker Up*, a collection of 3 Howard magazines.

Judge W. M. Willis (Chairman), Mesdames H. B. Dick, L. P. Nikera, Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: 2 December 1980.

Appearances: Mr P. E. Leloir for Comptroller of Customs. Written submissions by importer, Waverley Publishing Co. Ltd.