

injurious to the public good and classifies that particular edition as unconditionally indecent.

Playguy

This particular magazine is produced for the male homosexual market and is generally restrained in its presentation although there is some content which causes concern. The Tribunal is satisfied that the presentation of the material is likely to be injurious to younger readers and accordingly classifies each of these publications as indecent in the hands of persons under the age of 18 years.

Mister Quorum

This is a homosexual lifestyle magazine of a relatively poor standard of reproduction and containing material which in the Tribunal's view would be injurious to younger readers. The Tribunal accordingly classifies this publication as indecent in the hands of persons under the age of 18 years.

Mandate

These magazines are male homosexual magazines and the publication has previously received a conditionally indecent restriction and on one occasion an unconditionally indecent classification. These three editions contain material which the Tribunal is satisfied would be injurious to younger readers and accordingly classifies each of these as indecent in the hands of persons under the age of 18 years.

Men Only and Best of Men Only

These publications are magazines of a heterosexual nature which largely feature single female models. The magazines have been freely available on the New Zealand market with an age restriction, in fact in decision 28/84 the Tribunal granted a two year serial restriction order but that expired in December 1986. The Tribunal is satisfied that the publications contain material which would be injurious to the younger reader and classifies each of these editions as injurious in the hands of persons under the age of 18 years. The Tribunal is further satisfied that the magazines present an even format and that they justify the granting of a further serial restriction order in terms of section 15A of the Indecent Publications Act 1963 and such order is issued accordingly.

Dated at Wellington this 17th day of May 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal. 1
go8478

Decision No. 16/88

Reference No.: IND 5/88

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 *Advocate Men*, January 1985 and other issues:

Chairman: Judge R. R. Kearney.

Members: R. Barrington, A. J. Graham, K. Hulme and S. C. Middleton.

Hearing at Wellington on the 11th day of April 1988.

Appearances: P. Parkinson on behalf of private importer of these copies of *Advocate Men*; G. A. Ireland for the Lawrence Publishing Company of New Zealand Ltd.; M. Wotherspoon for Comptroller of Customs.

Decision

These publications were seized from the home of a private individual on 2 October 1986 as being forfeit on account of breach of section 48 of the Customs Act 1966. The owner of the magazines has requested that the Minister of Customs waive forfeiture of the goods under section 287 of the Customs Act 1966. The Minister of Customs has agreed to

waive forfeiture provided that the publications would not be classified as unconditionally indecent by the Tribunal. Accordingly the magazines were referred to the Tribunal for classification and decision. The August 1986 issue of *Advocate Men* was considered by the Tribunal and classified as indecent in the hands of persons under 18 years of age in decision 8/87 of 31 August 1987. In that decision the Tribunal stated:

“The Tribunal wishes to make known to the publisher and distributors of *Advocate Men* that it was concerned with the bondage aspects of the photographic displays in the August issue and that issue for that reason was very close to having an unconditionally indecent classification passed upon it.”

The Tribunal noted with some concern that the bondage theme is continued in the issues of *Advocate Men* currently before it for consideration.

The Tribunal was greatly assisted in reaching its final decision in respect of these publications by the evidence of Mr Parkinson. Mr Parkinson provided for the Tribunal a very carefully and professionally researched paper of 15 pages supplemented by oral evidence and submissions. The Tribunal is satisfied that Mr Parkinson is a very experienced researcher in respect of homosexual literature and that his academic qualifications, his professional standing and his research qualify him as an expert in this area. The Tribunal both commends Mr Parkinson for the depth of his research and thanks him for the very valuable contribution which he made to the work of the Tribunal in this area. The Tribunal was also much assisted by the submissions of Mr Ireland and Mr Wotherspoon and by a written submission in support of these publications by Mr Warren Linberk, the Director of the New Zealand Aids Foundation.

Following the hearing before the Tribunal the members met and considered in depth the material presented and as a consequence of that the Tribunal is satisfied that the publication *Advocate Men* and *Men of Advocate Men* should be available to older readers. There are aspects of these publications which the Tribunal is satisfied would make them injurious to younger readers and accordingly classifies each of these publications as injurious in the hands of persons under the age of 18 years. The Tribunal also agrees with the submissions made by all parties that this particular publication is one which justifies the issue of a serial order and such an order is issued in respect of these publications in terms of section 15A of the Indecent Publications Act 1963.

Dated at Wellington this 20th day of May 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal. 1
go8479

Decision No. 17/88

Reference No.: IND 23/87

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: *Hot Acts, Volume One*:

Hearing at Wellington on the 11th day of April 1988.

Appearances: Mr Wotherspoon on behalf of the Comptroller of Customs; No appearance by or on behalf of importer.

Decision

This publication was privately imported at Auckland in September 1987. The book was seized by the Collector of Customs at Auckland and the importer subsequently disputed forfeiture. The publication has therefore been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The back cover of *Hot Acts* described its content an “an