

are very similar in nature to those magazines considered by the Tribunal in its Decision 19/86 where it said in relation to the publications *Sweet Little* and *Private International* that they were "plainly hardcore pornography". The Tribunal finds that there are many features of these two publications which are injurious to the public good and that there are no balancing features such as artistic merit or important literary content. The publications are coarse and offensive and clearly of a nature which in the Tribunal's view are injurious to the public good. The Tribunal classifies each of these publications as unconditionally indecent.

Dated at Wellington this 18th day of October 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go12328

Decision No. 40/88

Reference No.: IND 28/88

### 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 the following publications: *Anna's Orgies*; *Orgy in Bali*; *Sally's Anal Punishment*; *Forbidden Desire*.

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 28th day of July 1988.

Appearances: M. J. Wotherspoon for Comptroller of Customs. No appearance by or on behalf of importer.

### Decision

These publications were privately imported through Parcels Post at Nelson in May 1988. The books were seized by the Collector of Customs and the importer having subsequently disputed forfeiture the books have been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966. The 4 publications are paperback novels each containing approximately 190 pages of text and they are very much the same kind of material that the Tribunal has considered in its Decision 15/87, 18/87 and 23/87 where those particular publications were found to be unconditionally indecent.

The particular publications before the Tribunal on this occasion are very cheaply produced on poor quality paper. The dominant effect of the publications is the presentation of sexual activity with monotonous regularity. Each of the so called novels contain little in the way of a plot and they are absolutely devoid of any literary artistic or social merit. The Tribunal is unanimous in its view that each of these publications is clearly injurious to the public good and classifies each as unconditionally indecent.

Dated at Wellington this 18th day of October 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go12329

Decision No. 42/88

Reference No.: IND 19/88

### 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 the following publications: *Bawdy* No. 252, 253, 254 and 255:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 28th day of July 1988.

Appearances: M. J. Wotherspoon for Comptroller of Customs. No appearance by or on behalf of importer.

### Decision

Although there was no appearance by or on behalf of the importer the Tribunal had before it a letter from the importer a private individual dated 18 July 1988. In his letter of submission the importer stated:

"You mentioned advertising directions and requirements or proof of same. I presume this will refer to advertisements to be used by the importer when we sell any allegedly indecent publications. This does not apply to the 4 copies of *Bawdy* that were ordered for my own research purposes only and will not be resold or shown to anyone not concerned with the research project—the aim of which is to evoke an attitude of loving respect to the now somewhat tarnished act of copulation."

These publications were privately imported at Hamilton in October 1986 and were seized by the Collector of Customs at Tauranga. The importer having disputed forfeiture of the magazines they have accordingly been referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to Customs Act 1966.

The last occasion which the Tribunal can recall having had the publication *Bawdy* before it for consideration was in 1978 and in Decision No. 902 in respect of that particular issue which was number 12 it was described as being "devoted to the blatant exploitation of sex and entirely lacks any literary, artistic, social or other merit." The Tribunal classified that publication as unconditionally indecent.

The Tribunal finds the current issues of this magazine which it has before it for consideration to merit the same description as was given to issue number 12 back in 1978. The magazines deal in explicit detail with various forms of heterosexual activity both in the text and the photographs. The publications are considered by the Comptroller of Customs in Mr Wotherspoon's submission to "constitute hard core pornography" the Tribunal is satisfied that the contents of these publications are injurious to the public good and they are accordingly each classified as unconditionally indecent.

Dated at Wellington this 18th day of October 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go12330

## Judicature Act 1908

### The High Court Sittings 1989

We, three Judges of The High Court of New Zealand, pursuant to section 52 of the Judicature Act 1908, hereby appoint sittings of the High Court for the despatch of civil and criminal business during 1989 as follows: