

Internal Affairs

Remembrance Day 1989

Citizens throughout New Zealand are requested to observe Remembrance Day on Sunday, 12 November.

The observance of this day should be similar to that of Remembrance Day last year. Two minutes' silence to be observed for 11 a.m.

The Government trusts that all churches will agree to arrange, as far as practicable, for a morning service on this day, to commence at such time as to enable 2 minutes' silence to be observed at 11 o'clock.

When a citizens' memorial service is held, it is suggested that it should be at the local cenotaph or war memorial.

Dated at Wellington this 5th day of November 1989.

MICHAEL BASSETT, Minister of Internal Affairs.

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Justice

Indecent Publications Act 1963

Decision No. 18/89

Reference No.: IND 67/88

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: *Black Magic*, No. 4; *Red Hot Couples*, Vol. 1, No. 15; *Close Shave*, Vol. 1, No. 4; *Black Magic 4*; *The New Golden Guys*, Issue 6; *Erotic Stars*, No. 5; *Jiggs*, October 1988, Vol. 8, No. 12; *Cinema Blue*, August 1988; *A Hard Days Work*; *Black Cat*; *4 Play*; *Hot Tips*; *Hot Shots*, Vol. 1, No. 4; *High Heeled Women*, Vol. 2, No. 1; *Over 40*, Vol. 1, No. 4; *Leg Show*, November 1988, Vol. 6, No. 7; *Max*, December 1988, Vol. 3, No. 7; *Celebrity Sleuth*, Vol. 2; *Tail Ends*, Vol. 1, No. 3; *Pink*, Vol. 1, No. 3; *Blondies In Action*, Vol. 1, No. 4; *Oralama*, Vol. 1, No. 4; *Hung Huge*; *Black Impact*; *Sierra Domino Dictionary 2*; *Preview*, No. 4; *Hombre*; *Widespread*; *Black Towers*; *Black Magic*, No. 3; *Black Bounty*; *Cock Fights*; *Hard Facts*; *Hung And Willing*; *Below The Belt*; *Simbis*; *Night Stars*; *Italian Stallions*; *Hard To Get Around*; *Single Handed*; *A Sierra Domino Dictionary*; *Raven*; *Sex-Mex*; *Latin Quarters*; *Ramjets*; *Latin Studs*; *Black Machismo*; *College Jocks*; *Hot, Black and Latin*; *Black Monuments*; *Yearling 7*; *Ocean Pacific Video*; *Brazen Buddies*; *Casey & His Boys*; *Male Insider*, December 1988, Vol. 3, No. 3; *Male Insider*, October 1988, Vol. 2, No. 6; *Torso*, November 1988, Vol. 7, No. 5; *Torso*, October 1988, Vol. 7, No. 4; *Torso*, September 1988, Vol. 7, No. 3; *Torso*, August 1988, Vol. 7, No. 2; *Inches*, November 1988, Vol. 4, No. 9; *Studflix*, December 1988, Vol. 7, No. 1; *Studflix*, June 1988, Vol. 6, No. 5; *Studflix*, August 1988, Vol. 6, No. 5; *Studflix*, October 1988, Vol. 6, No. 6; *Black, Brown & Beige*; *Javelin*; *Javelin*, No. 4; *Chinatown*, Vol. 1, No. 1; *Black Knights*; *Brush Strokes*, Vol. 1, No. 1; *Yearling 2*; *Bottoms Up*.

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 26th day of April 1989.

Appearances: M. J. Wotherspoon for Comptroller of Customs. Written submission by G. A. Ireland, counsel for importer, the Lawrence Publishing Company NZ Ltd.

Decision

These publications were commercially imported through Auckland in November 1988. The publications having been seized by the Collector of Customs, the importer has disputed forfeiture and the publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings, pursuant to the Customs Act 1966.

In his written submission to the Tribunal Mr Ireland refers to the recent report "Pornography" of the Ministerial Committee of Inquiry into Pornography, Wellington, January 1989, where the committee found:

"The harmful aspects of pornography lie in its usually exploitative and sometimes even violent treatment of sexuality and in its constant stereotyping and diminution of women. Most of the activities portrayed in pornography are enjoyed by many when they occur in the framework of a consenting sexual relationship. We see no evidence for harm in the viewing or reading of the type of material we have defined as erotica, whether it be heterosexual, homosexual, or transsexual and whatever the nature of the activities, given that they are not violent or demeaning."

Mr Ireland goes on to say:

"Furthermore the material shown in these publications clearly does not come within the committee's definition of what is or could presumed to be likely to be injurious to the public good [para. 9.3]. The committee also fully supported the NZ AIDS Foundation that such material is valuable in providing fantasy for safe sex practices:

"We firmly reject some suggestions made to us that the AIDS epidemic gives grounds for more stringent standards being applied to gay material. Rather we agree with suggestions that discriminatory classification practices contribute to low self-esteem regarding sexual orientation and that the building of good self esteem is an important prerequisite to the adoption of safe sex practices." [pg 91]

It is my submission that the Tribunal is entitled to attribute considerable weight to the findings of the committee. As the members will be aware the committee of inquiry thoroughly investigated the alleged harmful effects of pornography and its report has been described by Attorney General Geoffrey Palmer as one of the best of its type produced anywhere in the world.

I therefore ask that these and like publications be given an age restriction."

The Tribunal has given very careful consideration to the submission made by Mr Ireland and that made by Mr Wotherspoon on behalf of the Comptroller of Customs. In this decision, the Tribunal will group the various publications under the actual classification which it has found is appropriate for each of the publications.

The Tribunal finds the following publications unconditionally indecent because of the explicit sexual behaviour which is depicted in those publications. That behaviour is depicted is of a kind which the Tribunal is satisfied is injurious to the public good:

Red Hot Couples, Vol. 1, No. 15.

Close Shave, Vol. 1, No. 4.

The New Golden Guys, Issue 6.

Erotic Stars, No. 5.

Cinema Blue, August 1988.

Black Cat.

Hot Shots, Vol. 1, No. 4.

High Heeled Women, Vol. 2, No. 1.

Over 40, Vol. 1, No. 4.