

compelling reasons to depart from those decisions, the only possible classification for these 3 magazines is unconditionally indecent and they are so classified accordingly. In imposing this classification, unconditional indecency, it may be noted that the Tribunal would have no objection to the filing of these publications in the Lesbian and Gay Archives of New Zealand, at the Alexander Turnbull Library, for academic study purposes only.

Dated at Wellington this 14th day of September 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5
go11627

Decision No. 50/90

Reference No.: IND 38/90

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: *Guys in Gowns*, Book 17; *Guys in Gowns*, Book 19; *Skirted Men*, Book No. 32; *TV Queens*, No. 5; *TV Queens*, No. 7. Publisher: Empathy Press:

Chairperson: P. J. Cartwright.

Members: R. E. Barrington, R. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

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

Decision

These publications were privately imported through parcels post Christchurch, on or about 23 January 1990, and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The publications are concerned with transvestisism and consist mainly of written stories. The stories, depicted as "adventure stories" are sado-masochistic in nature, some more so than others, and include female dominance, spanking and bondage.

A written submission was received from the importers, D. J. & A. W. McIntosh. In arguing that an appropriate classification for these publications would be "indecent in the hands of persons under the age of 18 years", the importers have indicated that the publications were for their private use and pleasure and were not intended for sale or distribution. The importers have indicated their interest in exotic and erotic clothing in boots and shoes and accessories such as gloves, hats and jewellery, and their intention to consider starting an import business of those lines. In making no claim that the books in question were literary masterpieces, the importers conceded that they could best be described as "cheap and trashy".

In respect of the following publications the Tribunal is unanimous that they contain material which would be injurious to younger readers and accordingly classifies each as indecent in the hands of persons under the age of 18 years:

Guys in Gowns, Book 17.

Skirted Men, Book 32.

TV Queens, No. 7.

In passing it could be mentioned that the chairperson had some difficulty with what he would describe as disturbing violence depicted on pages 62, 63 and 64 of *TV Queens*, No. 7. The magazine is clearly a science fiction sex fantasy which contains 1 episode of sexual violence. The violence is disturbing. Although it appears in a magazine the purpose of

which is minority sexual titillation, the rape scene is in some respects redeemed. It is described in a completely non-approving manner, it is accurate in its description of the pain and discomfort caused and the rapists get what they deserve. Given that this episode is 3 pages of a 30-page story I have been persuaded to join in the unanimous classification of this particular publication as indecent in the hands of persons under the age of 18 years.

Because of their descriptions of completely unnecessary sexual humiliation and sexual violence in a manner which the Tribunal finds injurious to the public good, it is unanimous that the remaining publications in this application should receive an unconditionally indecent classification:

Guys in Gowns, Book 19.

TV Queens, No. 5.

Dated at Wellington this 14th day of September 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5
go11626

Decision No. 47/90

Reference No.: IND 64/89

Before the Indecent Publications Tribunal

In the matter of the Indecent Publications Act 1963, and in the matter of an application by the Society for Promotion of Community Standards Incorporated for a decision in respect of the following publications: *Raunchy*, Issues 3, 5 and 10. Publishers: Raunchy Publishing, Victoria. *Private Lives*, Vol. 1, Issues 2, 5 and 6. Publishers: Aotearoa Publishing and Distribution Ltd., Upper Hutt. *Key Club*, Issues 10 and 13. Publishers: Key Publishing, Auckland. *Key Contacts*, Issue No. 1. Publishers: Key Contacts, Auckland:

Chairman: R. R. Kearney.

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

Hearing at Wellington on the 28th day of November 1989 and the 20th day of February 1990.

Supplementary Decision 47/90

When these publications were considered by the Tribunal applications were before the Tribunal for serial restriction orders and these were considered and indeed agreed to by the Tribunal. Unfortunately in the decision delivered in respect of this matter that finding was overlooked.

The Tribunal issues serial restriction orders in respect of the publications *Raunchy*, *Private Lives* and *Key Club* and *Key Contacts*, the latter publications being of identical nature and origin. That restriction order classifies each of these publications as unconditionally indecent.

Dated at Wellington this 27th day of July 1990.

R. R. KEARNEY, Chairperson.

Indecent Publications Tribunal. 5
go11625

Decision No. 46/90

Reference No.: IND 16/90

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: *Stiff Competition*. Publisher: Arewa Publications. *TV Transformations*, Vol. 1, No. 1. Publisher: Holly Publications:

Chairman: R. R. Kearney.