

sequence under the title "Movie Views" which contains a number of slightly blurred photographs of explicit sexual acts. There are also a large number of photographs of single female models some of which concentrate on a display of the female genitalia. The whole of the contents of the publication, with the exception of the editorial, is of a sexual nature. The publication does not reveal the publisher or any address nor does it reveal any date of publication. *Raunchy*, No. 5 is a larger publication, but of similar content and material and it acknowledges a publisher as being Raunchy Publishing Victoria with a New Zealand agent, Box 68-400, Newton, Auckland. This edition includes additional material such as letters to the editor, who is variously referred to as Dear Katy or Dear Katy and Alan, the articles and stories are of a much more explicitly sexual nature. There are the significant number of single female models, again with accent on the genitalia. There is an article on incest said to be the true story of 4 sisters and a father who ruined the lives of all of them, 3 photographs of a model masturbating with a vibrator, 1 photograph of an advertiser shown from the rear and being a woman with a man holding her vagina open and with his penis resting against the cheek of the woman and another photograph of 2 females in intimate pose. A further innovation in respect of this particular publication is a section on advertising where people are seeking various individuals or couples for what is clearly sexual activity. There is also a section under the title "Raunchy Video" in which some explicit sexual activity is shown in photographic form. *Raunchy*, No. 10 is shown as being published by Raunchy Magazine with a box number in Symonds Street, Auckland but again we are unable to find a date of publication and the cover now describes the publications as "NZ's Raunchiest Sex-Contact Mag!"

#### *Private Lives*

*Private Lives* discloses that it is published in Upper Hutt and it gives an Upper Hutt post office box number and it reveals that it is published by Aotearoa Publishing and Distribution Limited of that post office box number in Upper Hutt. Each of the publications is described on the cover as being "The Adult Contact Magazine" and the ostensible purpose for the publication is again to have people advertise for partners and much of the advertising is clearly by people seeking to make contact with others for sexual activities. A considerable amount of each publication is taken up with photographs of single female and male models with again accent on genitalia but in each publication there appear separate photographs and sequential photographs of a great variety of heterosexual and lesbian sexual activity with the most explicit photographs of sexual connection both oral and genital. Such written material as is presented in the publications is almost entirely of a sexual explicit nature.

#### *Key Club*

The fifth series issue 10 is said to be published by Key Publishing, Box 68-400, Newton, Auckland. Issue 13 by *Key Club* magazine of the same box number at Newton and *Key Contacts* by Key Contacts of the same box number at Newton. The publications are variously described as being sex contact clubs and available for confidential advertising for liberated adults. In addition to the typical type of advertising which appears in this and the other magazines the bulk of the publication is taken up with photographs of single female models with considerable emphasis being placed on the genitalia and in some cases the models are in the process of masturbating with vibrators. In each of the magazines there are photographs showing couples engaged in sexual intercourse, oral intercourse and other sexual activity.

In relation to the *Key Club* and *Key Contacts* publications the Tribunal expresses its grave concern about their publication because it would seem that they come from an identical source as *Key Magazine*, No. 6 published by Key Publishing, Auckland, the subject of an unconditionally indecent

classification in decision No. 1007 issued by the Tribunal on 1 October 1981. A reading of that decision discloses that the man behind *Key Magazine* was Alan Douglas, who appeared before the Tribunal and gave evidence, presumably the same Mr Douglas who made significant submissions on behalf of Aztec Publishing respect of the publication *Taboo* and who indicated by correspondence with the Tribunal that he intended to appear and defend some of these magazines which are before the Tribunal in respect of this application. In that decision the then Chairman of the Tribunal, Judge W. M. Willis dealt in careful detail with all of the provisions of the Indecent Publications Act as to the tests to be conducted in considering whether a publication is indecent or should be the subject of an age or other restriction. That decision made it abundantly clear to Mr Douglas, and anyone else who might be interested in producing, publishing or distributing like material, that such material would receive an unconditionally indecent classification.

The Tribunal acknowledges and accepts that the benchmark as to acceptability has moved considerably since 1981 but it has not moved to the degree where any of the publications referred to in this decision were ever likely to receive anything but an unconditionally indecent classification.

Mr Ireland in his oral and written submission endeavoured to move the Tribunal from its clearly stated viewpoint in respect of such material and in order to assist his client in respect of changing the Tribunal stance, he produced as a witness the Chief Film Censor, Arthur Everard.

The Tribunal members have during my term of office of 5 years been fully aware of the different standards of censorship adopted and applied by the 3 censorship authorities; films, video recordings and books. This awareness comes from 1, our personal observations; 2, media reports including letters to editors, commentaries, articles and discussion programmes; and 3, evidence given and submissions made on many occasions before and to the Tribunal when the wide disparity in standards is frequently advanced as an argument that our standards do not reflect public acceptability of pornography or majority community standards.

It has never been our function, nor is it my intention, to critically consider other censorship authorities but it would be absurd for the Tribunal to ignore the nature of their decisions. In this particular case, however, the Chief Film Censor gave evidence on behalf of the publisher and distributor of *Private Lives* and he expressed his opinion that there was nothing in the material in those magazines which would justify a classification of unconditionally indecent. Mr Everard said in his evidence that the material contained in those publications would not justify such a classification as they were not "injurious to the public good".

Mr Everard is an expert witness on the subject of pornography and indecency and although we must express our considerable surprise that he has prepared to give evidence before our Tribunal we have given careful consideration to his evidence. The clear effect of his evidence was that he believed the standards of the Tribunal are too rigid, and that they are no longer relevant or justified in the New Zealand community. He expressed the opinion that he would be most unhappy to use the Tribunals tripartite test as an evaluation measure if that were to be the major or sole criterion for judging publications or films. Mr Everard informed the Tribunal that those features which might lead to the banning of a film included sex scenes involving rape or considerable violence; extreme violence against women; and "people know that kiddie-porn and bestiality are going to receive a very strong scrutiny".

Mr Everard made it abundantly clear that he could not see any justification for banning these particular publications of *Private Lives*. When Mr Graham, of the Tribunal, drew Mr Everard's attention to a particular photograph in one of the editions of