

Private Eye depicting 3 persons engaged in anal intercourse and oral intercourse he responded "there appears to be no force, no coercion" and indicated that that should not be considered as material which would justify an unconditionally indecent classification for that particular publication.

The Tribunal members are unanimous as to the classification of unconditionally indecent to be given to all of these publications because the Tribunal members haven't the slightest doubt that they are a class of publication which is clearly injurious to the public good. Two of the members will be presenting supplementary decisions to highlight their particular views and concerns but they do not differ in their main finding as to unconditional indecency.

As I indicated earlier in this decision it is not our intention to critically consider the other censorship authorities, but we think it important that I should spell out in this decision a number of features relating to the practises and procedures of the Tribunal which may be unique to it and not part of those of the film and video recording censors.

I believe that there are a number of reasons for the different standards which have developed and some of the more obvious may result from the following:

1. The Tribunal consists of 5 members who each read the material presented, who listen collectively to the evidence and submissions, and who subsequently meet in private committee to discuss the material presented and the classification to be given to it.
2. The selection process involved in the appointment of the members of the Tribunal is both detailed and careful.
3. Some members of the Tribunal are required to have special qualifications in terms of the Indecent Publications Act 1963.
4. Formal hearings take place at which evidence is called and submissions made.
5. Written decisions are delivered by the Tribunal albeit that many of these are short and concise.
6. The doctrine of precedent is followed in respect of the Tribunal's previous decisions in order that there should be a degree of certainty and certainly uniformity in relation to decision insofar as that is possible to achieve.
7. The decisions of the appellate courts are carefully considered and followed.
8. The benchmark of "indecency" is forever moving but never markedly or without careful evaluation of the available evidence.

The evidence of Mr Everard was clearly intended to persuade the Tribunal that we have failed to keep pace with changing public attitudes in respect of the display of explicit sexual material. It was also clearly directed at trying to convince the Tribunal that there was no evidence that the type of material contained in *Private Lives* would in any way be injurious to the public good and that it should be available to adult readers.

Mr Everard's view of public acceptability is not reflected in the evidence presented to the Tribunal by the Society for Promotion of Community Standards Incorporated, nor is it reflected in the totality of the evidence which has come before the Tribunal over recent years or come to its notice in a great variety of publications dealing with such matters. Finally I should make it clear that the Tribunal, although taking note of the different standards adopted by the other censorship authorities, is not persuaded that that standard is an appropriate one for this Tribunal to adopt and in so doing abandon its long history of precedent. If there is to be such a major change in direction by the Tribunal in its interpretation of its role as stated by Parliament in its statute, then it will have to be by way of amendment or replacement of that statute.

Dated at Wellington this 9th day of July 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
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Decision No. 26/90

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: *Anal Babes*, Vol. 5, No. 2; *Anal Babes*, Vol. 5, No. 3; *Ass Parade*, Vol. 6, No. 2; *Ass Parade*, Vol. 6, No. 4; *Black & Lusty*, Vol. 5, No. 2. Publisher: American Arts Enterprises; *Black Dish*, No. 1. Publisher: Unknown; *Black Floppers*, Vol. 1, No. 1; *Black Girl Review*, Vol. 8, No. 2. Publisher: American Art Enterprises; *Boob Babes*, No. 1. Publisher: Unknown; *Bottom*, Vol. 18, No. 4; *Bouncers*, Vol. 1, No. 1; *Bouncy Boobs*, Vol. 1, No. 4; *Busting Out*, Vol. 4, No. 3; *Busting Out*, Vol. 4, No. 4. Publisher: American Art Enterprises; *California Blondes*, Vol. 1, No. 2. Publisher: Red Lion Publications; *Chesty Blondes*, No. 1. Publisher: Unknown; *China Dolls Special*, Vol. 1, No. 1; *Chunky Asses*, Vol. 6, No. 1; *Erect Nipples*, Vol. 6, No. 3; *Exotic Beavers*, Vol. 1, No. 1. Publisher: American Art Enterprises; *Exotics*, Vol. 1, No. 1. Publisher: Distra; *Fanny*, Vol. 17, No. 1; *Fat Mamas*, No. 3; *Geisha Girls*, Vol. 6, No. 2; *Geisha Girls*, Vol. 6, No. 3; *Geisha Girls*, Vol. 7, No. 1. Publisher: American Art Enterprises; *Geisha Love*, No. 1. Publisher: Unknown; *Girls Who Lick Their Nipples*, Vol. 1, No. 1; *Hanging Breasts*, Vol. 1, No. 2; *Hanging Breasts*, Vol. 6, No. 4; *Hanging Breasts*, Vol. 7, No. 2; *Hot Wet Pussys*, Vol. 6, No. 2. Publisher: American Art Enterprises; *Girls 31*. Publisher: Pleasure; *Hefty Mamas*, Vol. 7, No. 1; *Hefty Mamas*, Vol. 7, No. 2; *Hot Buns*, Vol. 2, No. 3; *Hot Legs*, Vol. 6, No. 1. Publisher: American Art Enterprises; *Latino Babes*, Vol. 1, No. 1. Publisher: Distra Manuscript; *Latino Babes*, Vol. 1, No. 1; *Latin Babes*, Vol. 6, No. 2; *Legs & Asses*, Vol. 6, No. 2. Publisher: American Art Enterprises; *Legs & Lace*, Vol. 1, No. 1. Publisher: Red Lion Publications; *Legs, Legs, Legs*, Vol. 5, No. 2; *Mellow Mamas*, Vol. 1, No. 1; *Oriental Babes Special*, No. 2. Publisher: American Art Enterprises; *Mulatto Honeys*, No. 1. Publisher: Unknown; *Oriental Pussy*, Vol. 1, No. 4; *Poppin Mamas*, Vol. 6, No. 2; *Poppin Mamas*, Vol. 6, No. 3. Publisher: American Art Enterprises; *Pretty Moms*, No. 1; *Playmates*, Vol. 7, No. 2. Publisher: Unknown; *Pussy Fingers*, Vol. 1, No. 1. Publisher: Red Lion Publications; *Red Heads*, Vol. 1, No. 1. Publisher: American Art Enterprises; *Scoop Magazine*, No. 5; *Scoop Magazine*, No. 10; *Scoop Magazine*, No. 11. Publisher: Forlage Popettan AB; *Sexy Miss*, No. 1. Publisher: Unknown; *Shaved*, Vol. 13, No. 4; *Shaved Girls Review 3*; *Snatch*, Vol. 5, No. 1; *Strip & Tease*, Vol. 1, No. 1; *Strip Tease*, Vol. 8, No. 3. Publisher: American Art Enterprises; *Strip Tease Fantasies*, Vol. 1, No. 1. Publisher: Distra; *Sultry Black Dolls*, Vol. 5, No. 4; *Sweet Asses*, Vol. 4, No. 2; *Sweet Asses*, Vol. 4, No. 3. Publisher: American Art Enterprises; *Sweet Hearts*, Vol. 1, No. 2. Publisher: Red Lion Publications; *Teasers*, Vol. 2, No. 2. Publisher: American Art Enterprises; *Tiger Girls*, No. 1. Publisher: Oakmore Enterprises; *Tip Top*; Vol. 26, No. 4; *Tits & Twats*, Vol. 1, No. 1; *Tits 4 U*, Vol. 2, No. 4; *Tops & Bottoms*, Vol. 1, No. 1; *Tough Chicks*, Vol. 1, No. 2. Publisher: American Arts Enterprises; *Wet Dreams*, Vol. 1, No. 4. Publisher: Magcorp; *Wet Snatch*, Vol. 2, No. 3. Publisher: American Art Enterprises; *Bizarre TV's*, Vol. 1, No. 1; *Black Shemale Fantasies*, Vol. 1, No. 1; *Blonde Shemale Superstuds*. Publisher: Holly Publications; *Drag Queens*, Vol. 4, No. 4. Publisher: American Art Enterprises; *Queens' Night In*, Vol. 1, No. 1; *Shemales Confess*, Vol. 1, No. 1; *T S I Love You*, Vol. 1, No. 1; *TV Debutantes*,