

female anatomy. In addition the publications contain some photographs depicting masturbation.

In a brief written submission the importer expressed the view that these publications should not be classified as indecent because otherwise he would not have ordered them. The Tribunal is in no doubt that these 2 publications should be classified as unconditionally indecent. In decision No. 47/89 (which among several other publications contained *Oriental Pussy*, Vol. 2, No. 2) a factor which led to a classification of unconditional indecency was single models in the act of masturbation and genital manipulation. That factor is clearly in evidence in these 2 magazines. The Tribunal finds that these two publications are injurious to the public good and are accordingly subject to an unconditionally indecent classification.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

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Decision No. 31/90

Reference No.: IND 34/90

### 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: *High School 7*. Publisher: Scandanavian Picture GMBH; *Schul-Madchen 35*. Publisher: Silwa Film GMBH; *Teen Sex 58*. Publisher: Peter Theander:

*Chairperson:* P. J. Cartwright.

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

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

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

### Decision

These publications were privately imported through parcels post, Wellington on or about 7 March 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.

It should be recorded that the importer, Peter Neville Priest, a lecturer in psychology at Victoria University of Wellington, advised the Customs Department before the importation that his field of specialisation was the assessment and treatment of sex offenders and that he wished to import the publications for use as stimuli in the psychophysiological assessment of deviant sexual arousal.

The publications contain little text and essentially consist of photographs of multiple model scenes of explicit sexual intimacy.

Mr Priest's *curriculum vitae* states that he has professional tertiary qualification of batchelor of arts, batchelor of philosophy (second class division one honours), master of philosophy and diploma psychology (clinical). Mr Priest has supplied the Tribunal with a detailed *curriculum vitae* which includes a full employment history and details of research and conference papers which he has published. Among them, of particular relevance to the work for which Mr Priest has applied to the Tribunal for permission to retain these publications, are papers titled *Physiological Correlates of Sexual Arousal*, *Self Report of Sexual Arousal and Increasing Heterosexual Arousal in Two Adult Male Homosexuals Using a Differential Reinforcement Procedure*. During 1985, Mr Priest was appointed by the South Australian Minister of

Health to a "Task Force on Child Sexual Abuse." It is pertinent to note also that in 1985, Mr Priest was awarded a Churchill Fellowship to conduct study overseas of correctional policy and management, design of correctional institutions and provision of programmes (particularly psychological) in correctional environments.

The Tribunal is satisfied, as is Mr Wotherspoon now, that Mr Priest has provided sufficient evidence to substantiate his application.

In support of his application to retain these materials Mr Priest has submitted that the Tribunal should not classify these publications as indecent because, by reference to section 11 (2) of the Indecent Publications Act 1963, "... where the publication of any book or the distribution of any sound recording would be in the interests of art, literature, science, or learning and would be for the public good, the Tribunal shall not classify it as indecent".

The Tribunal considered that it would not be appropriate to invoke this section of the Act in the consideration of these publications. More appropriately the Tribunal considers, in the consideration of this application, that it should have regard to section 10 (b) of the Act which gives to the Tribunal the function:

"To classify books and sound recordings submitted to it . . . as indecent in the hands of persons under a specified age or as indecent unless their circulation is restricted to specified persons or classes of persons or unless used for a particular purpose, as the case may be:"

On the evidence provided by Mr Priest the Tribunal is satisfied that these publications may assist Mr Priest with 2 research projects which he is currently undertaking. The first research project concerns the evaluation of a treatment programme for sex offenders, currently in operation in Rolleston Prison. The second project entails the study of visual scanning patterns and sexual arousal. Mr Priest has informed the Tribunal that both pieces of research will have implications for the future assessment and treatment of sexual deviancy. He considers there is a paucity of visual material with specific stimulus qualities suitable for clinical and experimental purposes and he considers that these 3 magazines are the closest he has found to the requirements of his research.

The Tribunal accordingly classifies this publication as indecent in the hands of all persons other than Peter Neville Priest for research purposes in the field of human sexual behaviour and sexual deviancy in particular.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

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Decision No. 32/90

Reference No.: IND 18/90

### 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 publication: *Birth Control*. Publisher: Franklin Watts:

*Chairperson:* P. J. Cartwright.

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

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

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

### Decision

On the application of the Auckland City libraries (supported by M. J. Wotherspoon on behalf of the Comptroller of Customs)