

of the publication *Trashman Lives* and on that basis alone that publication might well have required an indecent classification. In the end result the Tribunal did not have to reach a final conclusion on that aspect as it was clearly of the opinion that at the very best, from the distributors and publishers point of view, each of the publications would require at least an age restriction classification. Such a finding then requires the Tribunal to give consideration to the provisions of section 11 (3) of the Indecent Publications Act 1963 which provides:

"When the Tribunal decides that any picture-story book likely to be read by children is indecent in the hands of children under a specified age that picture-story book shall be deemed to be indecent in the hands of all persons."

The Tribunal is satisfied that these publications are likely to be read by children and accordingly in terms of section 11 (3) they are deemed to be indecent in the hands of all persons and are so classified.

Dated at Wellington this 22nd day of December 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

go2656

Decision No. 74/89

Reference No.: IND 53/89

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:

Foreskin:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 28th day of November 1989.

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

Decision

This publication was privately imported through parcel post, Auckland on 11 September 1989 and was seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publication was referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

This publication is a paperback book of some considerable research totally devoted to the social and historical attitudes towards the uncircumcised male. The Tribunal sees the publication as having very limited public appeal. It is a work which would be harmful to younger readers and the Tribunal accordingly classifies it as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 22nd day of December 1989.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

go2657

Decision No. 76/89

Reference No.: IND 38/89

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: *The Wank Art Colouring Book:*

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 4th day of October 1989.

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

Decision

The *Wank Art Colouring Book* was supplied to the Customs Department by the importer, C. Murgatroyd, an Australian musician, who indicated an intention to visit New Zealand in the near future. Mr Murgatroyd requested that the Customs Department submit the publication to the Tribunal to obtain a classification in respect of indecency.

The publication is produced by a Melbourne rock n' roll band titled "The Other Wankers" and its presentation is designed for young tertiary students and purports to be a legitimate health education programme to encourage sexual abstinence. The book is intended to be distributed at the same time as the band performs on a university campus.

The Comptroller of Customs in a submission placed before the Tribunal by Mr Wotherspoon asked the Tribunal to consider whether the publication came within the provisions of section 11 (3) of the Indecent Publications Act 1963, which requires the Tribunal to classify as indecent any picture-story book likely to be read by children under a specified age if the Tribunal reaches a conclusion that an age restriction should be given to the publication.

In submitting the publication originally, Mr Murgatroyd provided the Tribunal with newspaper cuttings relating to the group "The Other Wankers" and he has subsequently provided the Tribunal with a lengthy written submission with respect to the publication and the object which it seeks to achieve.

The publication consists of full page black and white drawings which are intended to be coloured in by the reader and these drawings are principally of grotesque human and animal and undetermined bodies of a most grotesque kind and many of the scenes depicted show masturbation and other sexual activities which many persons may find disturbing, because of their grotesque and bizarre nature.

The Tribunal obtained the opinion from a person who is a professional involved in the art world and he has advised the Tribunal that the drawings:

"do not rate highly in terms of draughtsmanship or aesthetic quality. It is possible that the artist's intention was to create decadently erotic images such as those made by Aubrey Beardley in the yellow book early in the century. However, the quality of drawing, composition and conception is not distinguished, though imaginatively bizarre in this publication".

Following the original hearing the Tribunal advised Mr Murgatroyd that he could, if he wished, make further submissions and was informed that the Tribunal was seeking the opinion of a person in the art world which in fact subsequently was obtained by the Tribunal.

Some members of the Tribunal were disturbed by the publication to the point where they gave consideration to an unconditionally indecent classification, but after a very full discussion and consideration of the issues those present unanimously agreed that a special restriction classification should be given to the publication. The Tribunal classifies this publication as indecent in the hands of persons under the age of 18 years and orders that the sale of the publication be restricted to persons over the age of 18 years, who attend concerts presented by "The Other Wankers" which concerts are part and parcel of the intended presentation of *The Wank Art Colouring Book* and further orders that the publication be shrink wrapped.

Dated at Wellington this 22nd day of December 1989.