

now falls for the Tribunal to make a decision in respect of the classification of those particular publications. The Tribunal has concluded that *Tip Top International* contains material of the kind which would be injurious to younger readers and classifies each as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 9th day of January 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

go5285

Decision No. 94/89

Reference No.: IND 6/87

### 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: *Model Celebrities*, Issues No. 7 and No. 8:

*Chairman:* Judge R. R. Kearney.

*Members:* H. B. Dick, R. E. Barrington, A. J. Graham and K. A. R. Hulme.

Hearing at Wellington on the 11th day of October 1987.

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

### Decision

These 2 publications came before the Tribunal at its hearing in Wellington on 11 December 1987 (decision No. 57/89) and they were on the same file as publications *P.F.I.Q.* The *P.F.I.Q.* issues became the subject of a number of applications before the Tribunal and subsequent hearings in respect of them took place on the 14th day of April 1988 and the 26th day of April 1989. In the process of those supplementary hearings the fact that the 2 issues of *Model Celebrities* were originally before the Tribunal was overlooked and no final decision was issued in respect of those publications. The Tribunal at its meeting on 11 December 1987 following the hearing at Wellington had reached a conclusion that both of these publications required an age classification. We now give effect to that finding in this decision and because the publications contain material which in the Tribunal's view would be injurious to younger readers each of these publications is classified as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 9th day of January 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

go5286

Decision No. 93/89

Reference No.: IND 14/89

### 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: *Techniques of Making Love*:

*Chairman:* Judge R. R. Kearney.

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

Hearing at Wellington on the 26th day of April 1989.

*Appearances:* M. J. Wotherspoon for Comptroller of Customs. Written submissions by General Manager of Doubleday New Zealand Ltd.

### Decision

This publication was commercially imported through Auckland air freight on or about 7 December 1988 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.

In his submission to the Tribunal Mr Wotherspoon on behalf of the Comptroller stated that the book was a high-quality presentation which purports to provide educational counsel on sexual techniques with an emphasis on personal relationships. The publication contains 96 pages of full colour photographs and only 30 pages of text. Mr Wotherspoon pointed out to the Tribunal that there was no index system and there was no page numbering which could create difficulties if the book was in fact to be used as a serious reference work. The Comptroller was also concerned with some of the over-explicit show of sexual intimacy between the models displayed and it was referred to the Tribunal with the suggestion that the Tribunal might wish to classify it as unconditionally indecent.

Subsequently several members of the Tribunal have made inquiries of people who are engaged in the role of sex therapists and similar people to ascertain from them whether this particular publication was in fact of a kind which could be used as a genuine therapist's manual in respect of counselling people with sexual problems.

There are aspects of the publication which cause the Tribunal concern but the information which we have is, although in some cases negative, largely in favour of the book being permitted for some special purposes in respect of sexual counselling. After a review of the previous authorities the Tribunal has reached the conclusion that rather than have a very limited classification an age restriction would suffice. Accordingly, the classification which the Tribunal imposes on this publication is that it is indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 9th day of January 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.

go5287

Decision No. 92/89

Reference No.: IND 65/89

### 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 publications: *Genesis*, Holiday Issue 1989; *Australian Penthouse Letters*, No. 25; *Australian Penthouse Sex Scenes*, No. 1:

*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. G. F. Ellis, counsel on behalf of the publisher and importer.

### Decision

These publications were commercially imported through parcel post, Auckland in October 1989 and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture, the publications were referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

*Genesis*, Holiday Issue 1989.

In decision 6/89 of 3 May 1989 the Tribunal issued a serial restriction order in terms of section 15A of the Indecent Publications Act 1963 classifying the publication *Genesis* as indecent in the hands of persons under the age of 18 years. Contemporaneous with this decision in respect of *Genesis*,