BOARD OF REVIEW DECISION

Title of Publication: Piss Piss & More Piss

Other Known Titles: Piss, Piss & More Piss
Piss, Piss And More Piss

Format: DVD

Director/Author: Not Stated

Producer/Publisher: Not Stated

Country of Origin: Not Stated

Language: Not Stated

Applicant: Robert John Schofield

Classification: Objectionable.

Descriptive Note: Not Applicable

Display Conditions: Not Applicable

Date of entry in Register: 06 July 2006

Date of direction to issue a label: Not Applicable

OFLC No: 601585

Unexcised version of publication:

<table>
<thead>
<tr>
<th>Component</th>
<th>Running time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Menu: Play Movie</td>
<td></td>
</tr>
<tr>
<td>Menu: Chapters</td>
<td></td>
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<tr>
<td>Menu: Trailers</td>
<td></td>
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<tr>
<td>Feature: Piss Piss &amp; More Piss</td>
<td>53.32</td>
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</tbody>
</table>
Summary of reasons for classification:

*Piss Piss & More Piss* is a DVD and is comprised of a main feature (53.32 mins), and numerous other items consisting of compliance notices and trailers for twenty similar DVDs. It has a total running time of 67.38 mins.

The feature is made up of three parts. There is no obvious storyline, but all scenes involved men engaged in explicit sexual activity, and considerable use of urine. Dominant-submissive behaviour is evident, particularly in the use of language, although at all times it appears consensual.

Section 3(2) of the Act is a deeming provision. The Classification Office helpfully provides a definition of a deeming provision which is “the purpose of a deeming provision is to create a legal fiction: it has a defining function. It is used only if something is to be what it is not.” Law Commission, Legislation Manual: Structure and Style (Report 35, 1996) para. 167.

Section 3(2) has a list of activities in paragraphs (a) to (f) which are deemed objectionable, if the publication promotes or supports, or tends to promote or support the activity.
Section 3(2)(d)

Under section 3(2)(d) of the Act, a publication is deemed to be objectionable if it “promotes or supports, or tends to promote or support, the use of urine in association with sexual conduct.”

The Board finds that the publication *Piss Piss & More Piss* has scenes within it which involve the use of urine in association with sexual conduct. The question is whether the activities “promote or support or tend to promote or support the use of urine in association with sexual conduct”.

The Applicant invites the Board to interpret section 3(2)(d) as having an additional requirement of having to be “injurious to the public good” pursuant to section 3(1). The Applicant submits that the section 3(2)(d) activity of urination in association with sexual conduct, is not per se illegal, and therefore it cannot be injurious to the public good. This was in contradistinction to the other section 3(2) activities, which are per se illegal.

The Board finds that as section 3(2) is a deeming provision, if a publication promotes or supports, or tends to promote or support, the use of urine in association with sexual conduct, then the section deems the publication to be “injurious to the public good” and hence “objectionable”.

The fact that section 3(2)(d) is the only activity which is not illegal per se, has been recently considered by Parliament. In the report on the Films, Videos, and Publications Classification Bill presented to the House on 30 August 2004, Parliament retained section 3(2)(d) even though it did not describe a criminal offence.

The Board therefore does not accept the submission that as urophilia is not illegal, the plain words of the section should not be adhered to.

In *Piss Piss & More Piss* the DVD depicts men using urine during sexual activity as a stimulating part of it. The participants show by their words, facial expressions and actions that they approve of, and enjoy it. The publication is a sexual aid for adult entertainment and as such by its very nature promotes or supports, or tends to promote or support, urination in association with sexual conduct. The Board finds therefore that *Piss Piss & More Piss* is “objectionable”.

The Bill of Rights

The Board has considered the Bill of Rights Act and the five step approach set out in *Moonen 1*.

Excisions

Section 32 of the Act does not allow the Board to consider excisions to this publication.