the first place the definition itself deliberately includes, as indecent, noxious material which has a capacity to injure the public good. In this way a distinction seems to be drawn between such material and that which has a less harmful tendency whether it is otherwise noxious or not. To put the matter in another way, I think that if it has been thought necessary to include in express terms such descriptions of sexual matters, for example, as are injurious to the public good, then anything less than this can hardly be brought in by implication. Secondly, I think that this interpretation of the word is in accord with the development of legislation of this type. For many years the test of indecent material has not been equated with that which is merely unwholesome or offensive; it has involved something with a more malignant flavour, and the power of the material to contaminate.

Again, at page 1123, he says:

If the word "indecent" had been used in this Act in its ordinary meaning (which does not ordinarily carry these implications), then much material would be prescribed by it which has never previously been controlled by this sort of legislation. I do not think that the Act was intended to introduce some more stringent regulation of books and other written material. On the contrary it seems designed to do away with all those restrictions which in the past have seemed to be anomalous or unnecessary, while providing so much protection for society generally as may be required to avoid injury to the public good.

In the light of the decision in *Robson* v. *Hicks Smith and Sons Ltd. (supra)*, we feel obliged once again to reject the line of reasoning submitted by Mr Savage. If we should be wrong in this view and perhaps have taken more out of this decision than was intended, the matter could appropriately be reviewed upon appeal.

Mr Savage also submitted that the application of subjective judgment should have no place in our approach. As we said in the Waverley Publishing Co. case, the Tribunal must have regard to what is currently acceptable in the community. At the same time, it is impossible for the members of the Tribunal not to be conditioned to some extent by their respective backgrounds and instincts. That there is room for the exercise of subjective as well as objective judgment was, indeed, represented to the Tribunal by the Solicitor-General, Mr Wild, Q.C. (now Chief Justice), when he introduced the statute to the Tribunal at its first sitting and referred to the taking away of questions of indecency in literature from the Courts and committing them to the judgment of "well chosen persons whose decision could be expected to reflect the current standards and tastes of the community", and added "the Tribunal may find that the question of indecency really becomes one to be judged subjectively on each occasion".

The above observations are little more than an elaboration of the views the Tribunal expressed in the Waverley Publishing Co. case, and it sees no reason to depart from them.

We turn now to the subject matter of this application. In the view of the Tribunal, the dominant impression conveyed by *Masskerade 69* is one of barely relieved vulgarity. In word and picture its content is coarse in conception and crude in expression. Its frequent resort to the subject of sex as a prop for its humour, the tasteless attacks on religious forms and attitudes, and a series of jokes involving disease, bestiality, and racial prejudice, undoubtedly make this a magazine which offends against normal standards of propriety and good taste.

Yet, notwithstanding submissions to the contrary by Mr Savage, the Tribunal reaffirms its view that a document may normally be adjudged indecent only if it actively contravenes the Act by "describing, depicting, expressing, or otherwise dealing with matters of sex, horror, crime, cruelty, or violence in a manner that is injurious to the public good". Whether anything less offensive than is here indicated would be thought indecent by the community at large—or unsuitable for certain sections of it—is a matter for members of the Tribunal to judge in the light of what they believe to be currently acceptable standards. It was not suggested to us that *Masskerade 69* was injurious to the public good in the sense that it would seriously corrupt mature readers. Nor was its presentation of sex, however vulgar and crude, alleged to be deleterious in the sense that it exploited prurient interest. Nor was it claimed that any individual item in the magazine was in itself so grossly indecent as to justify banning. What were matters of very serious concern to Mr Savage, and in our view rightly so, were the offensive nature of the magazine as a whole, the price, the size of the edition, the circumstances of distribution, and its wide circulation leading to the certainty that it would find its way into the hands of immature readers.

Masskerade 69 was printed in an edition of 55,000 copies, of which 52,000 were sold throughout the North Island within the space of 2 to 3 days. Such effective promotion removes *Masskerade 69* and comparable magazines from the immediate context of a university campus, or a single capping procession, and also from certain conditions of privilege which have traditionally applied to the revels of university students on the day of their graduation. The promoters of any such magazine, or those in authority over them, must show themselves to be fully aware of their responsibilities to their extended community; and at a point in time early enough to forestall the kind of situation which has arisen with *Masskerade 69*.

A responsible attitude would be evident in a concern to ensure that any university publication, in the balance of its content, the nature of its wit, and the skill of its satire, came within the bounds of decency, as these may be inferred from earlier judgments of the Tribunal. On two counts the conditions of sale make such an act of self-discipline and social responsibility particularly necessary in the case of a magazine like *Masskerade 69*. First, the low price and large edition, the incentive basis for paying sellers, and the lack of any close supervision over those actually selling it create conditions in which children can all too easily acquire it. Informal directions that it should not be sold to younger people are unrealistic, and the risk of such socially unacceptable consequences should be reduced by making the contents less objectionable. Secondly, the rapid rate of sale of such a magazine as *Masskerade 69* means that any subsequent reference to this Tribunal to decide upon its decency (as in the present case) may be at best little more than an academic exercise and at worst a means of enforcing the punitive provisions of the Act. And if the latter should happen in default of early preventive action by a university, it cannot reflect well on the university authorities responsible, whether it be in respect of the welfare of the students involved or the goodwill of the public at large. A decision of this Tribunal will provide a guide to acceptable standards, but it cannot forestall massive distribution of another magazine, and no decision subsequent to distribution can recall the copies sold. There can be no satisfactory substitute for the acceptance of a joint responsibility by university authorities and students to ensure that any publication they issue comes within the bounds of decency. The Tribunal noted the expressed intention of the University authorities and the Students' Association at Massey University to enforce stricter controls in future. An agreement among students' associations to define and respect the territorial boundaries within which capping magazines are sold would also have merit.

Some 3,000 copies of *Masskerade 69* remain unsold, and the Tribunal is firmly of the opinion that these must not go on unrestricted sale. Even if the magazine is not thought to be grossly offensive by most adult readers, its content and presentation make it quite unsuitable for younger persons. Restriction, moreover, involves restraints on displays as well as distribution, for section 21 of the Act makes it clear that the mere exhibition of a document to any person in whose hands it has been declared indecent constitutes an offence of strict liability under the Act. As with all books so classified, if the Tribunal's decisions are enforced, such a restriction effectively precludes their open display in shops and their sale on the street. For these reasons the Tribunal declares *Masskerade 69* to be indecent in the hands of persons under 17 years of age.

L. G. H. SINCLAIR, Chairman.

28 October 1969.

The Standards Act 1965—Specifications Declared to be Standard Specifications

PURSUANT to section 23 of the Standards Act 1965, the Standards Council, on 31 October 1969, declared the undermentioned specifications to be standard specifications:

Number and Title of Specification	Price of Copy (Post Free)
	$
NZS 2265 : 1969 Earthing clamps	1.20
NZS 2290 : 1969(BS 4109 : 1967) Copper for electrical purposes: wire for general electrical purposes and for insulated cables and flexible cords	74c
NZS 2292 : 1969(BS 1788 : 1964) Street-lighting lanterns for use with electric lamps, with Amendment No. 1 (PD 6276)	1.06

Copies of the standard specifications are available from the Standards Association of New Zealand, New Zealand Display Centre Building, Sturdee Street (or Private Bag), Wellington.

Dated at Wellington this 4th day of November 1969.

G. H. EDWARDS, Director,
Standards Association of New Zealand.

(S.A. 114/2/2:357–359)