

Rock Oyster Farming Lease

PURSUANT to the Rock Oyster Farming Act 1964, the Minister of Marine has granted to Russell Alexander Treanor, of Whangarei, the lease of 3 acres of sea bed (lease No. 179) in the Pataua Estuary for the cultivation of rock oysters.

Dated at Wellington this 7th day of May 1970.

C. W. FRANKS, for Secretary for Marine.

(M. 54/5/179)

Rock Oyster Farming Lease

PURSUANT to the Rock Oyster Farming Act 1964, the Minister of Marine has granted to John Raymond Buttle, of Waiheke Island, the lease of 10 acres (lease No. 212) in Dyers Creek, Mahurangi Harbour, for the cultivation of rock oysters.

Dated at Wellington this 7th day of May 1970.

C. W. FRANKS, for Secretary for Marine.

(M. 54/5/212)

Decision of the Indecent Publications Tribunal

No. 204

IN the matter of the Indecent Publications Act 1963, and in the matter of a reference to the Tribunal, under section 12 (1) of the said Act, by the Magistrate's Court at Auckland and of a reference by the Magistrate's Court at Hamilton for a decision and report in terms of the said section in respect of *Capping Magazine Auckland 1969* published by the Auckland University Students Association Incorporated.

DECISION AND REPORT

At this hearing, Mr Savage, of the Crown Law Office, appeared for the Police; Mr Anderson for the Auckland University Students' Association Incorporated, as publishers; and Mr Skelton for Waikato and King Country Press Ltd. and the East Waikato Publishers Ltd., the printers and commercial publishers. Called in evidence by Mr Anderson were Mr Michael Law, president of the association, and Mr Richard Harman, one of the editors of the magazine.

We were informed that sales of this magazine totalled some 37,100, of which 27,000 were sold in the central Auckland area; 2,000 in Whangarei; 5,000 in Hamilton; and 2,000 on the East Coast, mostly in Gisborne. The selling price was 30c. The actual profit was something over \$5,000. A further edition was called for but, the objects of publication having been achieved, it was decided not to reprint.

We were invited to consider the standard of this issue and to compare it with that of a selection of other magazines circulating freely in the community which have not been referred to the Tribunal. Documents of which the Tribunal would not approve are probably so circulating; but we are more concerned with the standards we have attempted to define from documents which have already been brought before us.

Possible questions of libel and assault on religion were raised, but these do not come within the functions of the Tribunal.

Mr Savage drew our attention to two features which, in particular, were considered to be objectionable. Firstly, he referred to the front and back covers. In our view these are no more than a harmless frolic incapable of arousing prurient feelings. We do not consider they contravene the statute.

Second, the two-page spread at the centre of the magazine, it was suggested, treats sex as a mere animal activity. The editors' interpretation, which we accept, is that the fairy story characters are treated merely as cartoon figures, used for satiric deflation of the Walt Disney fantasy. These two items are not indecent in our opinion; but there is other questionable material, but not sufficient in quantity or kind to justify a decision against the magazine as a whole. We therefore decide that the magazine is not indecent.

L. G. H. SINCLAIR, Chairman.

28 April 1970.

Decision of the Indecent Publications Tribunal

No. 201

IN the matter of the Indecent Publications Act 1963, and in the matter of an application to the Tribunal for a decision in respect of the book *Portnoy's Complaint*, by Philip Roth, published by Jonathan Cape Ltd., London.

DECISION OF THE TRIBUNAL

THIS novel has been widely and highly praised by competent American and English reviewers, and it deserves their praises; mostly, if not wholly. It is remarkable as a study of Portnoy's relations with his Jewish parents and sister: the mother, a domestic tyrant and torturer always acting on the highest motives; the father affectionately scorned by the boy for his timid obsequiousness towards his non-Jewish employers; the sister, as Portnoy describes her, the fat and commonplace "only sane member" of this distressed family. The lines are laid that lead much further: to a satirical view of the status of Jews in a non-Jewish and, in fact, anti-Semitic society; to Portnoy's compulsive sexuality, derived from his seeking release from his mother's tyranny and his scorn of his father's meekness (or at least stimulated by them) in masturbation, and to his obsession by a feeling of guilt, which troubles him throughout his sexual adventures. He emerges from them, however, enjoyed, conscience stricken, and wondering why he should be, when he has only done what many do without this sense of guilt. He ends up on the psychiatrist's couch, and the novel is the story of his monologue, which verbally and factually deploys these adventures in the frankest terms. No holds or four-letter words barred. And this, no doubt, is why the book has been referred to the Tribunal; which finds that against the obvious objections are to be laid the satirical themes above referred to, which establish the "honest purpose" of the book, in terms of the Act, and its pervasive wit and humour, finally exhibited in the psychiatrist's comment, at the end of the monologue—"So. Now vee may perhaps to begin. Yes?"

The Tribunal decides this book is not indecent for adults but is divided on the question of an age restriction. The majority of the Tribunal believes that an understanding of the effects of an exaggerated feeling of guilt (over such things as masturbation) and of non-communication between parents and children may be of positive value to some adolescents. The Chairman and Mr Johnston, however, consider that the book should be restricted in its circulation to persons over the age of 17. Their view is that young readers are unlikely to perceive the satiric and pathetic dimensions of Roth's portrayal of Portnoy so that the intimacy, verve, and gusto of certain episodes in Portnoy's highly readable monologue could easily have a disturbing impact on them. They refer to Roth's comment, "My hope was to raise obscenity to the level of a subject", as making clear the sophistication of response the author is seeking; a sophistication beyond younger readers. They consider that the interests of adult readers and juvenile readers are best served by an age restriction.

The opinion of the majority prevails and the book is therefore decided to be not indecent.

L. G. H. SINCLAIR, Chairman.

16 April 1970.

Decision of the Indecent Publications Tribunal

No. 198

IN the matter of the Indecent Publications Act 1963, and in the matter of an application to the Tribunal for a decision in respect of the book *Sex Turned On*, by Richard E. Geis, published by Softcover Library Ltd., 33 Beauchamp Place, London.

DECISION OF THE TRIBUNAL

THIS is a paper-backed novel, in cheap format, which relates the moral decline of a girl college student who succumbs, first to sexual temptations and then to drug addiction after her expulsion from college. The language is unexceptionable. It is claimed on the jacket to be "fully illustrated throughout", but, in fact, contains in the centre a collection of eight photographs, five at least of which are indecent in our view, and none of which are specifically related to the text.

The book contains a moral, but if that were its purpose, it could well have been attained without the lurid descriptions of sexual episodes and orgies. These are of such a nature as to be clearly indecent and outweigh any beneficial purpose that may have been intended. Its title aptly describes its contents and the Tribunal decides that it is indecent.

L. G. H. SINCLAIR, Chairman.

16 April 1970.