

2. Any person who intends to tender evidence or make submissions should forward, in typewritten form, 50 copies thereof to be presented at the public hearing. This evidence is to be lodged with the commission no later than 13 September 1974.

3. The purpose of the inquiry is to examine the storage and distribution of motor spirits and ancillary products within New Zealand for the general purposes of recommending what changes are necessary and what should be done to promote the economic development of the distribution industry, and the service to and protection of the consumer, and matters incidental thereto.

4. The commission has been directed to have particular regard to points (a) to (h) below.

- (a) The extent of competition in the wholesaling and retailing of motor spirits and ancillary products, and whether in the public interest steps should be taken to modify the present practices in the industry, and any legislation relating thereto.
- (b) The efficiency of the present distribution of motor spirits and ancillary products, and any specific changes that the commission considers necessary to improve the efficiency of the industry.
- (c) The changes in patterns and terms of trade which have taken place in the wholesaling and retailing of motor spirits and ancillary products, with particular reference to consumer demand, density of retail outlets, hours of trading, credit facilities and development of highway service stations.
- (d) Any changes which have taken place in the service rendered to the consumer, and whether any further specific changes are now seen to be desirable.
- (e) The reasonableness or otherwise of the costs, gross profits, and net profits achieved or incurred by wholesalers and retailers of motor spirits and ancillary products.
- (f) The extent and manner in which overseas interests influence the supply, storage, and distribution of motor spirits and ancillary products within New Zealand.
- (g) The motor spirits price-fixing structures and procedures at wholesale and retail level.
- (h) The steps, if any, which in the light of the findings on the preceding terms of reference should be taken in the public interest to achieve the most economic, socially desirable, and equitable means of distribution of motor spirits and ancillary products.

The commission has also been asked generally to inquire into and report upon such other matters arising thereout, as may come to its notice and which it considers should be investigated, and to report upon any relevant matters which it considers should be brought to the attention of the Government and, in particular, to report its opinion whether any additional legislation is necessary and the scope of the same.

5. Evidence submitted to the commission should be directed to the general purpose of the inquiry as set out in paragraph 3 above and should be presented as far as possible in the order set out in paragraph 4 above.

6. The Order in Council authorises and empowers the commission to take into account any information obtained by or supplied to the Committee of Inquiry into the Distribution of Motor Spirits and Ancillary Products.

7. While it will conduct investigations in public, the commission reserves the right at its discretion to hear evidence in private.

8. In appropriate circumstances the commission may decide to hear oral submissions from persons who have not submitted written evidence.

G. J. WEBB, Executive Officer,
Commission of Inquiry into the Distribution of Motor
Spirits and Ancillary Products.

P.O. Box 4041, Wellington.

(23/18/2)

No. 825

Decision of 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 book *The Westbank Group* by Henry Sackerman, published by Arlington (Sphere) Books Ltd., England.

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Mr Murray appeared on behalf of the Comptroller of Customs and made submissions. Mr Heron appeared on behalf of the distributors and made submissions.

DECISION OF THE TRIBUNAL

THIS novel (which was first published in 1970 in the United States and in 1971 in Great Britain) concerns a group marriage experiment in Minneapolis. It is presented in the form of an account by one of the participants, with a spurious sounding introductory account of its sponsorship by an American foundation. The focus is, inevitably, on the sexual basis of the group marriage, and a wide variety of sexual practice and what would normally be considered deviant behaviour is described. The novel attempts to make a case for the benefits of group marriage compared to the alleged deficiencies of monogamy but fails in this respect because of its concentration on only one aspect.

A large part of the book is devoted to the details of sexual encounters, and in view of the explicit nature of many passages as well as of the general theme itself, the Tribunal classifies *The Westbank Group* as indecent in the hands of persons under the age of 18 years.

L. M. GREIG, Deputy Chairman.

23 August 1974.

No. 827

Decisions of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Viva International Ltd., for a decision in respect of the magazines *Viva*, No. 1, 2, and 3, published by Viva International Ltd., New York.

Mr Heron appeared on behalf of the applicant, Viva International Ltd., and made submissions.

DECISION OF THE TRIBUNAL

Viva is a monthly publication for women which appeared on the market for the first time in late 1973. Its aim, according to the editorial comment in *Viva*, No. 1, is to promote "knowledgeable opinions", mould "positive attitudes towards life, love, and sex" and to create "above all, character and personality".

Each issue covers a broad range of subject matter and most of the articles are intended to be serious and informative. In their approach to sexual matters these publications are frank and open but do not exhibit the same degree of aggressiveness which characterizes many male-orientated magazines. The sexual explicitness of some of the photographs and written material, however, makes these magazines unsuitable for younger readers.

The Tribunal classifies these magazines as indecent in the hands of persons under the age of 18 years.

L. M. GREIG, Deputy Chairman.

23 August 1974.

No. 828

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of a reference by the Magistrate's Court, Wellington, in respect of the book *Oh! Calcutta!* devised by Kenneth Tynan, directed by Jacques Levy, and published by Grove Press, U.S.A.

Mr Hawkes appeared on behalf of the Comptroller of Customs and made submissions. Mr Alister Taylor appeared on behalf of the importer and made submissions.

DECISION OF THE TRIBUNAL

WHEN this paperback was previously the subject of an application by the Comptroller of Customs to the Tribunal in 1970, there was no appearance on behalf of either the applicant or the publisher's representative in New Zealand. In its decision No. 220, of 5 November 1970, the Tribunal by a majority of 3 to 2 classified the book as indecent.

The present hearing originated in proceedings before the Magistrate's Court, but prior approval to submit the book to the Tribunal for reconsideration, in terms of section 20 of the Act, had been obtained from the Minister of Justice by one of the parties to the proceedings, Alister Taylor Publishing Company Limited.

Mr Hawkes for the Comptroller of Customs said he did not wish to make any submissions and his instructions were to take a neutral stand in the proceedings. Mr Taylor submitted that the standard of what was acceptable in the