

DECISION OF THE TRIBUNAL

This publication, which was the capping magazine of the Auckland University Students' Association, published in May 1974, comes before us by way of reference from the Magistrate's Court, Auckland, under s. 12 (1) of the Act. Submissions were made to the Tribunal on behalf of the Police and the association. The Police case was based on a complaint made at the time the magazine was sold in the streets, and centred on five particular "advertisements". For the association, submissions were made by Mr K. A. Palmer, Senior Lecturer in Law, who has acted for the Association for some years as censor of both its weekly magazine *Craccum* and the annual capping magazine. Some deletions had been made, and Mr Palmer claimed that he had based his passing of the magazine on his familiarity as a teacher of Criminal Law "with current standards accepted by the Tribunal" and also "with the current standards of obscenity applied by the Courts throughout New Zealand and overseas".

We were informed that 30,000 copies were printed, of which some 15,000 were sold and the remainder recycled. It is no longer obtainable.

The magazine is a take-off in satiric vein of two well-known weekly papers, emanating from the same stable. The style, make-up, and subjects covered bear a close resemblance to these papers, which may be considered fair targets for satiric attack on their standards of journalism and the types of advertising technique employed.

By section 11 (i) (a) the Tribunal is required to take into account in determining indecency of "the dominant effect of the book or sound recording as a whole". The advertisements to which particular attention was drawn form a very small part of the whole, and would not necessarily attract the attention of every reader. On their own they are insufficient to require us to find the magazine indecent.

The Police case went on to argue that the magazine as a whole was indecent because it was widely sold at low cost to an unrestricted market. Given the nature of the magazine and the methods of distribution employed it is clear that any intention to sell only to adults would be extremely difficult to carry out, and it must be considered as having been generally available.

One other matter we must take into account is the honesty of purpose of the producers of the magazine. It seems clear that a serious effort was made to avoid offending against the provisions of the Act, and the general effect of the whole publication may be seen as a quite serious satire on a certain type of popular journalism. It is very different in tone—again, taken as a whole—from certain capping magazines with which the Tribunal has dealt in earlier years (see, for example, Decision No. 374 in 1971) on which an age restriction was placed. The imposition of an age restriction for publications of this kind is only a theoretical exercise as by the time they came before the Tribunal their distribution has long ceased.

What the Tribunal has to weigh up is whether, taking into account all the various matters referred to in s. 11 (i) of the Act, the publication deals with matters of sex in a manner injurious to the public good. On balance we believe that it does not fall into this category and we accordingly classify *N.Z. Truss/Sunday Spews* as not indecent.

L. M. GREIG, Chairman.

24 March 1975.

Notice Declaring Lands to be Infected Areas Under Potato Cyst Nematode Regulations 1974 (No. 1070 Ag. 61422)

PURSUANT to regulation 3 (1) of the Potato Cyst Nematode Regulations 1974, notice is hereby given that the following lands are also declared to be infected areas:

(b) Other land within a radius of 80 kilometres of the land described in paragraph (a) of notice No. 1054, dated 11 March 1975.

(i) An area of 8 acres 2 roods 26 perches, C.T. 149/55 (Canterbury Registry), previously declared incorrectly as (a) (ii) in notice No. 1054.

This notice should be read together with notice No. 1054, dated 11 March 1975.

Dated at Wellington this 19th day of March 1975.

A. T. JOHNS,
Director-General of Agriculture and Fisheries.

Maori Land Development Notice

PURSUANT to section 332 of the Maori Affairs Act 1953, the Board of Maori Affairs hereby gives notice as follows.

NOTICE

1. This notice may be cited as Maori Land Development Notice Whangarei 1975, No. 4.

2. The notice referred to in the First Schedule hereto is hereby revoked.

3. The land described in the Second Schedule hereto is hereby released from Part XXIV of the Maori Affairs Act 1953.

FIRST SCHEDULE

| Date of Notice | Reference | Registration No. |
|-------------------|---------------------------------------------------------------------------------------------------------|------------------|
| 30 September 1971 | <i>Gazette</i> , 7 October 1971, No. 73, p. 2068 (Maori Land Development Notice Whangarei 1971, No. 37) | |

SECOND SCHEDULE

NORTH AUCKLAND LAND DISTRICT

ALL that piece of land described as follows:

| A. R. P. | Being |
|----------|--------------------------------------------------------------------------------------------------|
| 100 0 26 | Otairi B2, situated in Block V, Otamatea Survey District. Partition order dated 19 October 1959. |

Dated at Wellington this 19th day of March 1975.

For and on behalf of the Board of Maori Affairs:

E. W. WILLIAMS,
Deputy Secretary for Maori and Island Affairs.
(M. and I.A. H.O. 15/1/16; D.O. 20/BB/4)

Maori Land Development Notice

PURSUANT to section 332 of the Maori Affairs Act 1953, the Board of Maori Affairs hereby gives notice as follows.

NOTICE

1. This notice may be cited as Maori Land Development Notice Whangarei 1975, No. 5.

2. The notice referred to in the First Schedule hereto is hereby revoked.

3. The land described in the Second Schedule hereto is hereby released from Part XXIV of the Maori Affairs Act 1953.

FIRST SCHEDULE

| Date of Notice | Reference | Registration No. |
|----------------|-----------------------------------------------------|------------------|
| 14 July 1970 | <i>Gazette</i> , 24 September 1970, No. 58, p. 1729 | |

SECOND SCHEDULE

NORTH AUCKLAND LAND DISTRICT

ALL those pieces of land described as follows:

| A. R. P. | Being |
|----------|----------------------------------------------------------------------------------------------------|
| 170 0 5 | Te Karae 2C7, situated in Block VI, Mangamuka Survey District. Partition order dated 15 July 1958. |
| 172 3 0 | Te Karae 2C8, situated in Block VI, Mangamuka Survey District. Partition order dated 15 July 1958. |

Dated at Wellington this 20th day of March 1975.

For and on behalf of the Board of Maori Affairs:

E. W. WILLIAMS,
Deputy Secretary for Maori and Island Affairs.
(M. and I.A. H.O. 15/1/1237; D.O. 19/H/23)