

Local Authority and Name of Loan	Amount Consented to \$
Palmerston North City Council: Owner-Occupier Accommodation Loan 1976	175,000
Papakura City Council: Joint Crematorium Loan 1976	119,250
Papatoetoe City Council: South Auckland Crematorium Loan 1976	132,500
South Canterbury Hospital Board: Hospital Works Loan 1976	300,000
Tauranga City Council: Property Purchase Supplementary Loan 1976	15,000
Vincent County Council: Rural Housing Loan 1976	60,000
Waikato Hospital Board: Hospital Works Loan 1976	13,000,000
Warkworth Town Council: Housing for the Elderly Loan 1976	24,500
Wellington City Council: Home Insulation Loan No. 2, 1976	30,000
Wellington Harbour Board: Third Container Crane Loan No. 1, 1976	2,500,000
Harbour Works Loan No. 29, 1976	420,000
Whangarei City Council: Sewerage Extension Loan No. 1, 1976	1,850,000

Dated at Wellington this 15th day of November 1976.

S. A. McLEOD, Assistant Secretary to the Treasury.
(T. 40/416/6)

No. 868

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1953, and in the matter of applications, pursuant to section 14 (5) of the said Act, by the Society for the Promotion of Community Standards Inc., and the Concerned Parents' Association, to be joined as parties to proceedings before the Tribunal in respect of the publication *Forum*:

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Messrs L. M. Greig (Chairman), D. M. Wylie, and I. R. Cross.

Hearing: 16 August 1976.

Appearances: Mr P. D. McKenzie, for Society for Promotion of Community Standards Inc.; Mr. P. J. Cullen, for Secretary for Justice; Mr. P. J. Downey for Seven Seas Publishing Pty. Ltd.

DECISION OF THE TRIBUNAL

These two bodies have applied to be joined as parties on the reference to the tribunal of some issues of *Forum*.

The first of these appeared by counsel and made submission in open hearing on 16 August 1976. Since then further written submissions have been made by the Secretary and by counsel, appearing for the publishers, and in answer by the society.

The second applicant did not appear but made written submissions in support of its application.

The question is whether, in terms of section 14 (5) of the Act, the Tribunal is satisfied that either of these associations are "likely to be affected".

The phrase is clearly broad in scope and is intended to give general rights to other persons than those specifically mentioned in the subsection. It cannot be intended however that every person or member of the public can be joined as a party. Such a construction would be contrary to the reasoning implicit in the authorities cited to us, and many other authorities, and to the general design of the Act which, in our view, puts the public weal in the hands of the Secretary and the Comptroller of Customs.

To be affected a person must have an interest in the inquiry apart from any interest in common with the public.

The society suggests that it has such an interest but this arises because it is a group of members of the public who have particular views and aims and because they have been active in having these magazines referred to us.

The society itself cannot be affected by our decision on the magazines. Any effect must be on the members of it but each of them has no interest apart from their interest as members of the general public.

Its activity in respect of these particular magazines does not create any further interest or effect. On the contrary it has chosen to leave the matter in the hands of the Secretary rather than seek leave to appear as applicant. It has deliberately chosen a procedure which removes itself from express participation in the referral.

The association appears to be unincorporated and is not therefore a person but even if it was a person it is in the same position as the Society.

The tribunal is not satisfied that either association is likely to be affected and refuses the applications. They may not appear as parties to the proceedings and may not call evidence. The tribunal has not refused to receive representations in the past from persons who are not parties. It will, in this case, receive any written representations that either of these associations may wish to make in these proceedings.

30 September 1976.

LAURENCE M. GREIG, Chairman.

No. 869

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Patrick Campbell, acting on behalf of Waverley Publishing Co. Ltd., for a decision in respect of the publication *Expressions of Love Making*, by Rennie Ellis, published by Pontiac Publishing Co., of Sydney.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Messrs L. M. Greig (Chairman), D. M. Wylie, I. R. Cross, and Mrs L. Edmond.

Hearing: 16 August 1976.

Appearances: No appearances, but written submissions from the applicant were received and considered.

DECISION OF THE TRIBUNAL

This is another publication consisting of photographs of sexual intercourse with a small amount of text.

It is serious in intention, though not didactic, natural and restrained in presentation with a straightforward text. The photographs depict basic variations of normal intercourse without any of the tasteless or debasing acrobatics which have marred other similar publications.

The publication therefore falls within the first category described in Decision 432-5 (*New Zealand Gazette*, No. 26, 23 March 1972, page 638). In that decision a publication in that category was given a restricted classification.

Having regard to the changing times and standards and the dominant effect of this publication the tribunal considers that a restricted classification in this case is not necessary.

The tribunal classifies this publication as not indecent.

Dated this 18th day of October 1976.

LAURENCE M. GREIG, Chairman.

(Reference No. 19/2/20)

No. 870

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, Christchurch, for a decision in respect of the publications *Massage Boy*, by Rich Cummings, and *Black in, White in*, by K. Kevork, both published by Surrey House Inc., San Diego, California.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Messrs L. M. Greig (Chairman), D. M. Wylie, Mrs L. Edmond, and Miss W. M. Rolleston.

Hearing: 6 September 1976.

Appearances: Mr P. E. Leloir for Comptroller of Customs; Mr P. H. R. Maling on own behalf.

DECISION OF THE TRIBUNAL

These two paperback books are referred to the tribunal on proceedings disputing forfeiture after seizure by the Customs Department. A single copy of each book is in question. No suggestion has been made that these were imported for distribution.

The books have no literary merit and include numerous and repeated accounts of sexual encounters between males given in explicit detail.

Mr Maling, in full submissions to us, sought to support his claim that the books are not indecent on sociological and psychological grounds submitting that homosexual behaviour is both natural and desirable as a regulator of society. Whether this be so or not, and it is to be noted that the sexual behaviour described is criminal in New Zealand, descriptions of heterosexual or homosexual behaviour may be indecent because of their form and expression.