

effect on children of seeing their parents "swinging" with other partners. There is no reference, in the written submissions to any effect that such relationships might have on children, although Dr Colgan did say that restrictions on the publication were necessary to protect non-consenting adults and children. We maintain the view expounded earlier in this decision, that as a matter of commonsense, children who are involved in such an environment must suffer as a result.

In a limited way, we sympathise with Dr Colgan's submission. In the last 10 years, alternatives to traditional marriage have arisen. In our present society many people live together in stable and responsible sexual relationships. Nothing we have said herein is meant to criticise such relationships or to direct moral obloquy at persons who live in such relationships.

While, therefore, we agree with Dr Colgan to that extent, we simply do not accept that this publication is designed to effect situations where people will enter into responsible sexual relationships. Our reading of the advertisements indicates that many are for people who wish to "cheat" on their partners and for those who wish to merely satisfy their physical sexual appetites in a casual hedonistic relationship.

Further, while we accept Dr Colgan's submission that many people in New Zealand may have experimented with or fantasised about group sex we do not see that fact as any reason why we should hold this publication not to be injurious to the public good.

For all the above reasons we reject Dr Colgan's evidence that there may be some social merit in *Key Magazine* which could justify or mitigate the otherwise injurious effects of the publication.

3. THE REMAINING CONSIDERATIONS UNDER SECTION 11

It remains now to discuss what might be called the subsidiary issues under section 11. The considerations of the issues raised under section 11 (1) (a) and (b) in this case necessarily involved a consideration of whether persons were likely to be corrupted by reading the book, whether persons were likely to benefit from reading the book and whether or not the book displayed an honest purpose. We have already ruled against Mr Douglas' submissions on those points and we further rule that there is nothing in the publication which would persuade us pursuant to the provisions of section 11 (2) that there is anything in the publication in the interests of art, literature, science or learning which would be for the public good.

Neither in this case is the price of the publication really a material factor. It sells very cheaply, and therefore the real question is whether it is sold in a manner that is likely to enable children and young persons to purchase it.

On this aspect of the matter we accept Mr Douglas' evidence that *Key Magazine* is only sold to subscribers, "adult shops" and to selected stationers. The publication is not sold through dairies or other mass outlets, and when sold over the counter in a retail situation the publication is contained in a sealed cellophane bag (so that the contents cannot be examined without the bag being ripped open) referred to by Mr Douglas as the "chastity bag".

However, it must be apparent that even if we accept the magazine is distributed only to adult readers, that factor alone cannot save it in view of the findings we have made as to its purpose and effect.

We have tried to consider this case carefully because although this decision only relates to the one issue of *Key Magazine*, the ramifications of declaring the publication to be unconditionally indecent may have drastic effects on Mr Douglas' publishing interests. We are aware that there have been subsequent issues of *Key Magazine* and in fact Mr Douglas sent us some. We wish to make it quite plain that in arriving at our decision in this case we paid no regard to what is contained in the other publications.

For the reasons expressed above we are of the view that *Key Magazine* should be declared indecent.

District Court Judge W. M. WILLIS, Chairman.

Boundaries of Franklin County and Papakura City Defined

PURSUANT to section 48 of the Local Government Act 1974, the Secretary for Local Government hereby defines, as set out in the Schedules hereto, the boundaries of Franklin County and Papakura City, those boundaries having been altered by Order in Council made on 23 February 1981 and published in the *New Zealand Gazette*, 5 March 1981, No. 23, page 479.

FIRST SCHEDULE

BOUNDARIES OF THE COUNTY OF FRANKLIN

ALL that area in the North Auckland Land District, containing 1419 square kilometres, more or less, bounded by a line commencing at the easternmost corner of Lot 2, D.P. 12729, on the sea coast of the Firth of Thames in Block III, Orewa Survey District, and proceeding westerly along the northern boundary of Lot 2 and along a right line across East Coast Road to and westerly, southerly, and easterly along the northern, western, and southern boundaries of Lot 1, D.P. 12729, to the northernmost corner of Lot 1, D.P. 42113; thence southerly generally along the generally western boundaries of that Lot 1 to its southernmost corner in Block IV, Orewa Survey District; thence westerly along the northern boundary of Wharekawa 4C3D Block to the southernmost corner of Lot 1, D.P. 43094, in Block XIV, Wairoa Survey District; thence south-westerly along the south-eastern boundary of Tapapakanga 1B Block to its southernmost corner; thence north-westerly along the north-eastern boundaries of Allotments 94, 95, E. 75, and the intervening Allotment 155, Otatau Parish, to the westernmost corner of Lot 1, D.P. 61276; thence north-easterly along the south-eastern boundary of that part of Kiripaka Block shown on D.P. 2712 crossing the intervening Allotment 168 to and north-westerly along the north-eastern boundary of that part Kiripaka Block to its northernmost corner; thence north-easterly, north-westerly, and south-westerly along the south-eastern, north-eastern, and north-western boundaries of that part of Kiripaka Block shown on D.P. 1918A to its junction with the northern boundary of Allotment 168; thence north-westerly and south-westerly along the north-eastern and south-eastern boundaries of that Allotment 168 to the northernmost corner of Allotment 74A; thence southerly generally along the generally western boundaries of Allotments 169, 167, and 158, to the southernmost corner of Allotment 88 in Block XIII, Wairoa Survey District; thence north-westerly and south-westerly along the north-eastern and north-western boundaries of Allotment 89 to its westernmost corner, all the aforesaid Allotments being of Otatau Parish; thence westerly generally along the generally southern boundaries of Lot 13, D.P. 49440, and continuing along the northern boundary of Lot 2, D.P. 33851, and that boundary produced to the middle of the Wairoa River in Block XII, Wairoa Survey District; thence northerly down the middle of that river to a point in line with the northern boundary of Allotment 112A, Hunua Parish; thence westerly along a right line to and along the northern boundaries of that Allotment 112A and Allotment 112 and the last boundary produced to the middle of the public road forming the western boundaries of Allotments 112 and 111; thence south-westerly generally along the middle of that road to and along the middle of the public road forming the north-western boundaries of Allotments 148, 149, 150, 249, 151, 175A, S. 175, N.W. 176, M. 176, and S.W. 176, to and westerly generally along the middle of the public road forming the generally northern boundaries of Allotment 177, to the southern boundary of Allotment 344; thence north-westerly along a right line to the intersection of the western boundary of that allotment with the right bank of Hays Stream and south-westerly generally along that right bank to the north-eastern boundary of Allotment 168; thence north-westerly along the north-eastern boundaries of Allotment 168 and that boundary produced to the middle of that public road forming the south-eastern boundaries of Allotments N. 171 and S. 171; thence south-westerly along the middle of that road and that middle line produced south-westerly to its intersection with the north-eastern boundary of Lot 3, D.P. 15356, in Block I, Opaheke Survey District; thence north-westerly along the north-eastern boundaries of that Lot 3 and Allotments 150, 151, 149, 148, 147, and 146, to and south-westerly along the north-western boundary of Allotment 146, all the aforesaid allotments being of Hunua Parish, and the northern end of a closed road, along the north-western side of Ohiwa Road and Kaipara Road to a point in line with the south-western boundary of Lot 2, D.P. 91446; thence south-easterly, southerly, south-westerly and north-westerly along the boundary of the City of Papakura hereinbefore described to the intersection, in Block III, Drury Survey District, of the eastern side of the Auckland-Hamilton motorway with the line of mean high-water spring tide, of the Pahurehure inlet, Manukau Harbour; thence westerly generally along the line of mean high-water spring tide, of the Manukau Harbour and its creeks and inlets to, and southerly along, the sea coast of the Tasman Sea to the left bank of the Waikato River; thence north-easterly along the left bank of the Waikato River to a point in line with the south-eastern boundary of Allotment 93, Onewhero Parish; thence north-easterly along a right line between the aforesaid point and the westernmost corner of that public road forming the northern boundary of Allotment 258, Koheroa Parish, to the middle of the Whangamarino