

Mr Leloir in his submissions on behalf of the Comptroller of Customs acknowledged the points made by the importer, and made a similar submission that although the publication was not directed to the arousal of a prurient interest, it was not suitable for young persons because of the explicitness of detail relating to sexual matters. The Tribunal accepts to a degree the submissions of both the importer and the Comptroller.

We think sex education is an important part of a teenager's attempt to comprehend and cope with the complexities of modern society. While we do not feel that this book has been directed at the education of young adults, its content, nevertheless, is largely factual, and it deals with difficult issues of sexuality which may be just as relevant to adolescents as to mature adults.

For this reason we direct that the book shall be indecent in the hands of persons under the age of 16.

Dated at Wellington this 6th day of August 1981.

District Court Judge WILLIS, Chairman.

Decision No. 1005

Reference No. Ind. 8/81

*Before the 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 following publication:

*Penthouse* Volume 11, Nos. 9 and 10 (May and June 1980) published by Penthouse International Ltd. of New York.

Judge W. M. Willis (Chairman), Mesdames H. B. Dick, L. P. Nikera, Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: 21 July 1981.

Decision: 6 August 1981.

Appearances: Mr P. E. Leloir for Comptroller of Customs. Written submissions for importers, B. Armstrong and J. Smythe.

DECISION

THESE issues of *Penthouse* were submitted following seizure in January 1981. Forfeiture was disputed by each importer. In decision No. 936 given in December 1979 the Tribunal made a two-year restriction order in respect of *Penthouse* declaring it to be indecent in the hands of persons under the age of 18 years. In the absence of an application to revoke or vary the restriction order the Tribunal doubts its jurisdiction to hold these two editions indecent. It should be made clear that but for the presence of the restriction order the Tribunal would have no doubt that they would hold it to be indecent. By decision 845 and in respect of *Penthouse* International Magazine Volume 5, No. 11, the then Tribunal held that it had power to declare a publication indecent notwithstanding a two-year restriction order classifying it as indecent in the hands of persons under the age of 18. In the present case the Comptroller has made no application to vary or revoke the two-year restriction order and as both importers made written submission, he did not feel inclined to consider the application for classification as one to vary or revoke. The Tribunal doubts its jurisdiction to classify these two copies as indecent and proposes to refer the matter to the High Court for guidance. It should be mentioned that Mr Armstrong has specifically raised the question of jurisdiction so that it becomes desirable to have the matter clarified.

District Court Judge W. M. WILLIS, Chairman.

Decision No. 1006.

Reference No. Ind. 7/81.

*Before the Indecent Publications Tribunal*

IN the matter of an application by the Comptroller of Customs for a decision in respect of the following publications:

*Gone From the Valley*, author John Vergara, and *Ship's Surgeon*, author Richard Pierce, both published by Manor Books (Inc.), 432 Park Avenue South, New York.

Judge W. M. Willis (Chairman); Mesdames H. B. Dick, L. P. Nikera; Messrs J. V. B. McLinden, I. M. Malcolm.

Hearing: 21 July 1981.

Decision: 6 August 1981.

Appearances: Mr P. E. Leloir for Comptroller of Customs. Written submissions by importer, Shop Six.

DECISION

THESE single copies were imported and seized on 11 March 1981. Forfeiture has been disputed so that the matter has been referred to the Tribunal so that the books may be classified.

In respect of *Gone From the Valley* the Comptroller's submissions were brief. He said this was called the story of a small town girl who goes to New York. It is full of sexual episodes, some of them in explicit detail and often couched in crude language. While the Tribunal would not go so far as to say it was full of sexual episodes there are enough, all of which are in explicit detail and all of which are couched in crude language.

So far as *Ship's Surgeon* is concerned it is described by the Comptroller as a story of a newly qualified doctor who gets a job on a cruise ship. He goes on to say that the story is merely a collection of sexual episodes, many in explicit detail and some couched in crude language. Once again the Tribunal would not call it merely a collection of sexual episodes. There are, however, enough of them all being described in explicit detail and all couched in crude language.

His final submission was that both books have little literary merit to offset the heavy concentration on the lewd and prurient aspects of sex. He submitted that they should be classified as indecent because they are injurious to the public good.

The importer described the books as works of fiction which are worthy of neither praise nor condemnation. He says there is perhaps the occasional explicit sexual description but taken as a whole both books have a distinct lack of ability to arouse any strong feelings one way or the other. The Tribunal considers neither book of any literary value. The sexual episodes are, as already stated, couched in the coarsest of language which would have an appeal only for the lewd and prurient. It is the Tribunal's view that the books are injurious to the public good and should, therefore, be classified as indecent. They are so classified.

District Court Judge W. M. WILLIS, Chairman.

*Reservation of Land*

PURSUANT to the Land Act 1948, and to a delegation from the Minister of Lands, the Assistant Director of Land Administration, hereby sets apart the land, described in the Schedule hereto, as a reserve for recreation purposes.

SCHEDULE

TARANAKI LAND DISTRICT—TARANAKI COUNTY

1,9420 hectares, more or less, being Section 54 (formerly part Section 30), Bell District, situated in Block II, Paritutu Survey District. Reserves and other Lands Disposal Act 1980, S.O. Plan 11585.

Dated at Wellington this 7th day of August 1981.

W. J. F. BISHOP,

Assistant Director of Land Administration.

(L. and S. H.O. Res. 6/2/100; D.O. 8/191/17)

*Appointment of the Bay of Islands Maritime and Historic Park Board to Control and Manage a Reserve*

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Commissioner of Crown Lands hereby appoints the Bay of Islands Maritime and Historic Park Board to control and manage the reserve, described in the Schedule hereto, subject to the provisions of the said Act, as a reserve for historic purposes.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT—BAY OF ISLANDS COUNTY—MOTUMAITRE HISTORIC RESERVE

4,1707 hectares, more or less, being Sections 8, 9, and 10, Block IV, Kawakawa Survey District. Part *New Zealand Gazette*, 1949, page 2668. S.O. Plan 35095.

Dated at Auckland this 10th day of July 1981.

J. P. BRENT, Commissioner of Crown Lands.

(L. and S. H.O. Res. 2/2/177; D.O. NP 267 8/3/370)