

Dated at Wellington this 10th day of December 1982.

JONATHAN ELWORTHY, Minister of Forests.

(F.S. 9/3/442, 6/3/136)

18

Notifying the Exchange of State Forest Land for Other Land

PURSUANT to section 22 of the Forests Act 1949, as substituted by section 7 of the Forests Amendment Act 1976, the Minister of Forests has exchanged the State forest land described in the First Schedule hereto for other land described in the Second Schedule hereto.

FIRST SCHEDULE

SOUTHLAND LAND DISTRICT—SOUTHLAND COUNTY

23,8840 hectares, more or less, being section 29, Block XI, Wai-kawa Survey District, part *New Zealand Gazette*, 1971, page 1494, as shown on plan G47/6, deposited in the Head Office of the New Zealand Forest Service at Wellington. (S.O. 9867).

SECOND SCHEDULE

SOUTHLAND LAND DISTRICT—SOUTHLAND COUNTY

23,8840 hectares, more or less, being section 21, Block XI, Wai-kawa Survey District, all certificate of title, Volume 225, folio 43, as shown on plan G47/7, deposited in the Head Office of the New Zealand Forest Service at Wellington. (S.O. 2986).

Dated at Wellington this 9th day of December 1982.

C. J. SMITH, for Director-General of Forests.

(F.S. 9/7/313)

18

Consent to Raising of Loans by Certain Local Authorities

PURSUANT to the Local Authorities Loans Act 1956, the under-signed Deputy Secretary to the Treasury, acting under powers delegated to the Secretary to the Treasury by the Minister of Finance, hereby consents to the borrowing by the local authorities, mentioned in the Schedule hereto, of the whole or any part of the respective amounts specified in that Schedule.

SCHEDULE

Local Authority and Name of Loan	Amount Consented to \$
Auckland Harbour Board: Redemption Loan No. 6, 1982	94,000
Franklin County Council: No. 4 Renewal Loan 1982	10,700
Greytown Borough Council: Main Street Sewer and Water Mains Upgrading Loan 1982	200,000
Inangahua County Council: Housing for the Elderly Loan No. 2, 1982	6,000
Lower Hutt City Council: Dowse Art Museum Capital Works Loan 1982	50,000
Palmerston North City Council: Reserves Water Reticulation Loan 1982 (Fitz- herbert Park)	26,500
Opera House Renovations Loan 1982	135,000
Patea Borough Council: Pensioner Flats Additional Loan 1982	9,000
Tauranga City Council: Sewer Renewal Loan No. 4, 1982	112,000
Taumarunui Borough Council: Community Housing Improvement Loan 1982	350,000
Footpath Loan 1982	20,000
Westland County Council: Harihari Water Supply Redemption Loan No. 1, 1982	13,500

Dated at Wellington this 7th day of December 1982.

C. H. TERRY, Deputy Secretary to the Treasury.

2

Decision No. 1048

Reference No. Ind. 15/82

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 publications: *High Times*, August 1979, No. 48 and September 1979, No. 49, published by Trans-High Corporation, New York.

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

Hearing: 15 September 1982.

Decision: 9 December 1982.

Appearances: Mr J. M. McNeice for Comptroller of Customs. Mr J. Winstanley in person.

DECISION

THIS publication was imported on 6 February 1982 by the importer as part of personal effects brought back from a trip to Australia. The publications were seized by Customs and as the importer has disputed forfeiture the department referred the publications to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Each publication is approximately 210 × 275 mm; the August 1979 edition is 114 pages in length; the September edition is approximately 150 pages in length. Both magazines contain mainly illicit drug related advertisements and most of the articles in the magazines are drug oriented.

The importer appeared before the Tribunal in person. He told us that the 2 magazines were purchased in an open bookstore in Sydney by his 16-year-old son. Mr Winstanley stated that he or his family had no sinister intent in importing the material, and after having seen and heard him, we fully accept that as the position.

At the time of the importation Mr Winstanley was not aware of any previous restriction that had been imposed on the publication; although he had been subsequently informed of the situation by the Customs Department. We accept that he intended the publications to be used for discussion in the home environment, and perhaps in his son's discussion group at school. The importer felt, as no doubt many parents do, that difficult issues should be aired rather than swept under the carpet.

The restriction order referred to earlier arose out of the Tribunal's classification of previous issues of this magazine in decision 922 (12 April 1979). The Tribunal classified *High Times* as indecent and imposed a serial restriction order under section 15A of the Act for a period of 2 years. That restriction order expired before the importation of these magazines, and so a fresh classification is required.

In decision 922 the rationale behind the Tribunal's classification of the publications as indecent was:

"The dominant effect of the magazines is the approval and encouragement of the use of all kinds of drugs with passing reference to methods and equipment to avoid detection. While not all that is contained in these magazines could be said to be indecent under the Act, the effect as a whole in each and every case is to describe, depict or otherwise deal with matters of crimes in New Zealand in a manner which the Tribunal considers is injurious to the public good."

It appears to us that the present issues have not changed significantly in outlook or content, and for the reasons described in our earlier decision and others since then (e.g., see Decision No. 951, 30 May 1980) we declare these present issues to be indecent.

W. M. WILLIS, District Court Judge, Chairman.

3

Decision No: 1049

Reference No: Ind. 4/82

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 decisions in respect of the following publication: *Little Birds Erotica*, by Anais Nin. Published by W. H. Allen & Co. Ltd., London, 1980:

Chairman: Judge W. M. Willis.

Members: Mesdames H. B. Dick, L. P. Nikera; Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: 1 April 1982.

Decision: 9 December 1982.

Appearances: Mr P. E. P. M. Leloir for Comptroller of Customs. No submissions by importer Wholesale Book Distributors.