

"He likes to play it wild and free but you must be more than just a pretty face to hold this man. He demands beauty and brains. This never-stodgy affair will keep you on your toes. You're in for carefree, outrageous good times.

Compatible Signs: Aries, Gemini, Aquaries.

Key word: Learning.

Ruling Planet: Jupiter. Element: Fire.

Gemstone: Turquoise. Colour: Purple.

Famous Sagittarians: Keith Richard, Walt Disney, Frank Sinatra, Beethoven, Lee Remick, Dick Van Dyke, Chris Evert."

The written material represents a minor part of the content displayed to the viewer on each page, as the bulk of the commentaries are compressed into an area measuring 110 mm x 25 mm.

Although a page of a book has been held to be a "document" within the meaning of that word in the Indecent Publications Act (cf. *Police v. Brian* (1971) NZLR 119, Roper J.), there seems to have been little judicial consideration in New Zealand of the definition of the word "book". Nor were we able to derive assistance from the provisions of the Obscene Publications Act 1959 (the comparable English statute) because that Act deals with obscene "articles". That definition would include the present publication, but different considerations obviously apply in New Zealand, so far as the Tribunal's jurisdiction is concerned.

Inspector Bates, as counsel for the Police, submitted that the material which was additional to the basic calendar dates contained in the publication took it out of the "document" category and into the "book" category. He said:

"In addition to the schedules of month, day and dates, one is faced with photographs of nude males and textual content on each page. Whilst the text is rather brief, it is nevertheless informative data printed in the document as an addition to the basic calendar function. The text is not necessary to the creation of a calendar, and combined with the presence of the photographs and the calendar's astrologic theme, it is submitted that the document can no longer be considered as a simple calendar but that it necessarily moves into the 'book' category."

We accept as a general proposition that some calendars might be classified as books because of the inclusion of other material apart from the day/date data ordinarily displayed. We have in mind here one of the definitions given by the Shorter Oxford Dictionary of the meaning of the word "calendar" as:

"A table showing the months, days of the week and dates of a given year; often also giving other data connected with individual days . . . Often specialised, . . . as Racing Calendar . . ."

The issue comes down to a question of degree. Normally one would not describe a bare calendar as a "book" and in this case the only extras provided on the face of the publication are the photographs and short commentaries referred to.

We think these extra items are insufficient to give the calendar the nature sought to be ascribed to it by Inspector Bates in his submission.

Many calendars have illustrations displayed above their technical data, and as often as not there is an accompanying commentary on the scene displayed. We think it unlikely that this genre of publication could be described as a "book", without a degree of artificiality in such an interpretation.

We take further support for this view from the fact that the New Zealand Court of Appeal in recent times (cf. *Police v. Carter* (1978) 2 NZLR 29, 32 and *Broadcasting Corporation of New Zealand v. Attorney General* (11 June 1982, CA. 74/82, Judgment of Cooke J.)) has stated that Courts should not try to stretch the words of Parliament beyond their natural and ordinary meaning in construing statutory provisions of this general nature.

For all the above reasons we find that we have no jurisdiction to consider the present publication because we hold that it is not a book within the meaning of that word in section 10 of the Indecent Publications Act. In these circumstances it is not necessary to consider the written submissions of the solicitors for the publisher as those submissions were only concerned with the merits of the publication and not with the jurisdiction of the Tribunal to adjudicate on the matter.

District Judge W. M. WILLIS, Chairman.

Decision No. 1029

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 Comptroller of Customs for a decision in respect of the following publication:

Galactic Girl by Fiona Richmond, published by W. H. Allen and Co. Ltd., London:

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

Hearing: 1 April 1982.

Decision: 3 August 1982.

Appearances: Mr P. F. M. Leloir for Comptroller of Customs. No submissions from importer, Wholesale Book Publishers, Auckland.

DECISION

WE were informed by Mr Leloir, on behalf of the Comptroller of Customs, that a single copy of *Galactic Girl* was imported by Wholesale Book Publishers, Auckland and seized at Auckland in September 1981. As the importer has disputed forfeiture, the Customs Department has referred the publication to the Tribunal for classification prior to commencement of condemnation proceedings pursuant to the Customs Act 1966.

The publication is a paperback novel, 140 pages in length. It was written by Fiona Richmond in 1980 and was first published in England in that year.

Normally, it is possible to discern a plot in books that are referred to the Tribunal. In considering this publication, we have had considerable difficulty in trying to find any coherent story in the mass of explicit sexual descriptions that permeate this book.

We think that Mr Leloir accurately summed up the dominant purpose of the novel when he said:

"*Galactic Girl* is, as its title implies, a story with a space theme. However, it is merely a cheap vehicle for a collection of explicit sexual episodes."

The book has no honest purpose, is capable of corrupting persons likely to read the book and has none of the qualities referred to in section 11 (1) (d) of the Indecent Publications Act.

For all the above reasons, we find *Galactic Girl* to be indecent.

District Judge W. M. WILLIS, Chairman.

Decision No. 1030.

Reference No. Ind. 11/81.

Before the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Gillian Campbell for Waverley International Limited for a decision in respect of the following publication: *Sexual Pleasures From A to Z*, published by Pent R Books Inc., New York:

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

Hearing: 3 December 1981.

Decision: 3 August 1982.

Appearances: Written submissions for Waverley International Ltd. No submissions from Secretary for Justice.

DECISION

By decision No. 856, dated 22 April 1976, this book was considered by the then Tribunal and was classified indecent. By decision No. 926, dated 12 July 1979, *Sex Encyclopedia* was classified indecent in the hands of persons under the age of 16. With the consent of the Minister of Justice, *Sexual Pleasures from A to Z* has been referred to this Tribunal for further consideration. In decision No. 856 the Tribunal said of this book:

"It is arranged in alphabetic form with entries up to 200 words, lavishly illustrated with colour photographs."

It was said to be different in tone and treatment from other books which have previously been considered by the Tribunal and given restricted classifications. The decision then went on to say:

"It cannot make claims on grounds of literary or artistic merit, or social or scientific character, which would lead us to regard it as other than indecent."