

3. All due care and consideration is to be taken not to frighten wildlife in the uplifted area.

4. A suitable notice as may be approved by the Regional Marine Officer, Ministry of Transport, Wellington, shall be erected at sites deemed necessary by the Regional Marine Officer.

Dated at Wellington this 28th day of July 1983.

B. A. RANGER, Senior Executive Officer.
(Harbours and Foreshores)

*Water Recreation Regulations 1979/30

(M.O.T. 43/45/10)

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Synthetic Petrol Plant Infrastructure—Gas and Petrol Pipelines— Notice of Application

NOTICE is hereby given that, pursuant to the provisions of the Petroleum Act 1937, the Secretary of Energy has applied to the Minister of Energy for Pipeline Authorisation to convey synthetic petrol from the Synthetic Petrol Plant site at Motunui to proposed storage tanks at Omata, from Omata to ship loading facilities at Port Taranaki, and to convey natural gas through two parallel pipelines from a mixing station adjacent to the Waitara River to the Synthetic Petrol Plant site at Motunui.

Copies of the applications can be inspected at the offices of the New Plymouth City Council, Taranaki County Council, Clifton County Council, Taranaki United Council, and the site office of the Ministry of Works and Development, Pipeline Project, New Plymouth.

Submissions on the proposal may be made within 30 days of the date of this advertisement and should be sent to the Ministry of Energy, Private Bag, Wellington.

Dated at Wellington this 21st day of July 1983.

C. E. BARTHOLOMEUSZ, Project Manager.

Ministry of Works and Development, Pipeline Project.

(P.W. P.P. 29/17/3/1)

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Indecent Publications Tribunal

I, Patrick John McKone, Comptroller of Customs, give notice that I have applied to the Indecent Publications Tribunal for decisions as to whether the books described below are indecent or not, or for decisions as to their classification.

1. Title: *Ninja*.
Author: Milton Lederman.
Publisher: —
2. Title: *Improvised Munitions Black Book Vol. 1 and 2*.
Author: —
Publisher: Desert Publications, U.S.A.
3. Title: *Improvised Munitions Handbook TM 31-210*.
Author: —
Publisher: US Department of the Army.
4. *Home Workshop Guns for Defence and Resistance, Volumes 1 and 2*.
Author: —
Publisher: Paladin Enterprises, U.S.A.
5. Title: *Bare Kills*.
Author: Oscar Diaz-Cobo.
Publisher: Paladin Enterprises, U.S.A.
6. Title: *Gallery* (May, June, July 1983)
Author: —
Publisher: Montcalm Publishing, U.S.A.
7. Title: *The Complete Manual of Sexual Positions*.
Author: Jessica Stewart.
Publisher: Media Press, U.S.A.
8. Title: *Intime Schlafzimmer-Geheimnisse*.
Author: —
Publisher: Clausen and Bosse, West Germany.

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Decision No. 1072
Reference No. Ind. 9/83

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:

- (1) *Kingsize International Vol. 2, No. 5.*

- (2) *Kingsize International Vol. 9, No. 2.*
(3) *Kingsize International Vol. 10, No. 4*
(4) *38-26-34 Vol. 14 No. 2.*
(5) *Tip Top International Vol. 17, No. 3*
(6) *Buds Vol. 1, No. 1.*
(7) *Knockers and Nipples Vol. 4, No. 1.*
(8) *Bra Busters Vol. 4, No. 4.*
(9) *Legs, Boots, Lingerie Vol. 5, No. 3.*
(10) *Willing Housewives Vol. 4, No. 1.*
(11) *Coyote Vol. 1, No. 1.*

all published by American Art Enterprises Inc. U.S.A.

Tribunal Judge: W. M. Willis, Chairman.

Mesdames: H. B. Dick and L. P. Nikera.

Messrs: J. V. B. McLinden and I. W. Malcolm.

Date of Hearing: 15 June 1983.

Date of Decision: 29 July 1983.

Appearances: Inspector Bates for Police. Written submissions from R. J. Stapleton, solicitor for Milton Allen.

DECISION OF INDECENT PUBLICATIONS TRIBUNAL

ON 29 April 1982 an information was laid against Milton Allen charging him with having the above publications in his possession for the purposes of sale. On 18 October 1982, the District Court at Auckland referred the publications to the Tribunal for classification. They were, however, not received until 2 February 1983. On 22 February 1983, notice of hearing to be held on 15 March 1983 was sent to the defendant but it was returned marked "address unknown". Just prior to the hearing, Mr Stapleton, solicitor for Mr Allen, sought an adjournment presumably on the grounds that he had only just received the instructions. The adjournment was granted, and the publications came before the Tribunal for consideration on 15 June 1983.

Inspector Bates for the Police submitted some detailed submissions in respect of each publication. They are in magazine format, they are of approximately the same size and can be said to be well produced. The Inspector referred to *Waverly Publishing Company Limited v Comptroller of Customs* 1980 1 NZLR 631 and mentioned the words of Jeffries J. at page 646 where he said,

"The central issue in these publications of indecent or not, concerns the manner of presentation of the female nude."

All the publications contain numerous photographs in monochrome and colour while one uses sepia toning. Photographs are exclusively of females mostly naked but some clothed in one way or another. Predominately, the photographs concentrate on the naked breast with the pubic and vaginal areas exposed in many cases. Most of the photographs are contrived giving a grotesque effect. The captions accompanying many of the photographs are banal. Inspector Bates numbered the volumes as above and he made the following submissions:

3. Numbers 1, 4, 5 and 8 contain either stories, or articles, or both, usually occupying no more in each case than 2 or 3 pages. In number 1 on pages 8-11 the story is a bizarre tale of sex-related violence based upon a theme of jealousy. It is without literary merit and is written in such terms as would appeal to the basest human attitudes and emotions. In number, 4 on pages 10-13 the story implies acts of bestiality and incest. To say it is base would be to give it the greatest possible credit. In number 5 on pages 8-11 the story concerns itself in a most unmeritorious way with drug abuse, violence and sex.
4. Numbers 1-10 contain advertisements for either martial-sexual aids or similar publications. Several of the advertised publications bear titles the same as magazines previously declared indecent by this Tribunal, e.g., *Foxette*, Decision No. 930; and Waverley Publishing Company Limited, supra.
5. Number 11 contains some photographs of poses of 2 or more naked women. Accompanying captions indicate bi-sexual preferences of the models, and implicitly, lesbian tendencies and sexual conduct. There is possibly less emphasis on the female breast than in the other 10 magazines, but this might be more apparent than real, given that the poses generally emphasise the breasts of the models less grotesquely. There does, however, appear to be more explicit portrayal of female genitalia.

He compared the current publications with the 10 held to be indecent by full Court in Waverley and suggested that they were similar in content and form. He suggested that most aspects of the 4 reasons numbered by Jeffries J. in Waverley were equally relevant to these publications; these 4 reasons are:

- (1) Concentration on large to grotesque breasts, full frontal nudity and female genitalia, and most without any redeeming feature of material of non-sexual nature. When there is such material it is unconvincing as a genuine alternative to the sexual theme.
- (2) I think there is a distinction between "posed" and "contrived". A pose can be artistic but a contrivance is rarely, if ever, described as that having undertones of deceit. Almost all photographs in these magazines are clearly contrived, with