

Any authority given by the Secretary under this clause may apply with respect to a specified lot, type, or consignment of flour or wheatmeal, or may relate generally to all flour or wheatmeal to which this order applies that is sold while the order remains in force.

Dated at Wellington this 29th day of August 1983.

D. J. GASSON, Director, Commerce Division.

**New Zealand Gazette*, 9 July 1981, No. 80, p. 1912. (T. and I.)

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Decision No. 1073

Reference No. Ind. 8/83

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: *The Sexual Aspects of Paedophile Relations* by Theo Sandfort, published by Spartacus, Amsterdam; and *Spartacus Number 4*, June 1982, published by Spartacus, Amsterdam:

Chairman: District Court Judge Willis.

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

Hearing: On the 15th day of June 1983.

Appearances: C. F. Hillman for Comptroller of Customs. C. M. Hill, importer.

DECISION

Single copies of the above publications as listed were imported privately and seized through parcels post in Wellington by the Customs Department. As the importer has disputed forfeiture, the Customs Department has referred the 2 publications to the Tribunal for classification prior to the commencement of condemnation proceedings, pursuant to the Customs Act 1966.

The Sexual Aspect of Paedophile Relations, is a paperback publication, 136 pages in length, published in the English edition in 1982. The book is based on research undertaken in The Netherlands at the State University of Utrecht, detailing paedophile relationships of 25 boys, within the age group of 10 to 16 years. A paedophile relationship is defined as homosexual experiences between young boys and older men, and in what appears to be a serious study, the author has detailed his findings from the research undertaken with both the boys and their older partners.

In his written submission Mr C. M. Hill has asked the Tribunal to note that the book is a serious study, "report of a rigorously carried out and well documented piece of scientific research", and should be defined as not indecent.

The problem facing the Tribunal is not an argument over the authenticity of the publication, for there would appear to be no question that the book is well researched and documented. The Tribunal must decide whether the book should be declared indecent as recommended by the Customs Department, or allowed into the country under a restricted classification, or released without any tag.

The Tribunal accepts that the issue of paedophilia is highly emotive, but at the same time it also accepts that this publication has seriously researched the subject. The technical presentation of the work is most unlikely to attract the prurient and it may have some value in the sociological and medical fields. On balance the Tribunal, for these reasons, considers the work should be classified as indecent in the hands of persons under the age of 18.

Spartacus Number 4, is a magazine for gay men, 31 pages in length, published 5 times a year in The Netherlands.

In his submission, Mr C. M. Hill, makes the point that "the magazine is written by homosexuals for homosexuals". Mr Hill further writes that the "articles are not written to produce sexual arousal in their readers" and submits that the magazine is not indecent.

The Tribunal has over a long period had publications of a homosexual nature submitted for classification, and all have been declared indecent, because homosexuality is still a crime in New Zealand. *Spartacus No. 4* falls into this category, so the Tribunal must be consistent in its view of these homosexual publications, and agrees with the Customs Department in its submission. The magazine is classified as indecent.

Dated at Wellington this 24th day of August 1983.

District Court Judge WILLIS, Chairman.

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Decision No. 1074

Reference No. Ind. 2/83

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 decisions in respect of the following publication: *The Age Taboo* edited by Daniel Tsang, published by Alyson Publications, U.S.A., 1981:

Chairman: District Court Judge Willis.

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

Hearing: On the 16th day of March 1983.

Appearances: Written submissions by importer Mr G. L. Paris. Mr C. P. Hillman for Comptroller of Customs.

DECISION

THIS is a single paperback copy of a private importation, seized in Wellington in September 1982, 178 pages in length. As the importer has disputed forfeiture the Customs Department has referred the publication to the Tribunal for classification, prior to the commencement of condemnation proceedings, pursuant to the Customs Act 1966, with the recommendation that the book be declared indecent.

The Age Taboo is a collection of essays, edited by Daniel Tsang, on male homosexuality and in particular, paedophilia, offering comment on man-boy relationships. Among the contributors are proponents of heterosexual, lesbian, leftist, feminist and gay youth viewpoints, and there is no doubt that the book is serious in its presentation.

In his submission Mr Hillman rightly refers to earlier decisions related to homosexual orientated publications, in decisions 997, 1000, 1021, and 1040, where in each case the Tribunal ruled that the books were indecent. It appears that in *The Age Taboo* the editor has made an honest and a serious attempt to collect together a series of essays to show the historical, social and psychological aspects of these homosexual relationships.

The Tribunal has recently had occasion to classify a work on paedophilia which originated in the Netherlands (Decision No. 1073). For the reasons given in that decision this work is classified as indecent in the hands of persons under the age of 18.

Dated at Wellington this 24th day of August 1983.

District Court Judge WILLIS, Chairman.

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Decision No. 1075

Reference No. Ind. 6/83

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 decision in respect of the following publications: *Panthology One*, published by Pan/Spartacus, Holland.

Chairman: District Court Judge Willis.

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

Hearing: On the 16th day of March 1983.

Appearances: Written submissions by importer Mr G. L. Paris. Mr C. F. Hillman for Comptroller of Customs.

DECISION

THIS is a single paperback copy of a private importation seized in Wellington in September 1982. As the importer had disputed forfeiture the Customs Department has referred the publication to the Tribunal for classification, prior to the commencement of condemnation proceedings, pursuant to the Customs Act 1966, with the recommendation that the book be declared indecent.

Panthology One is a collection of 11 stories based on male homosexuality and in particular paedophilia, the relationships between adult males and children. The publication appears to take the standpoint that children have the right to participate in these homosexual relationships, and presents in the 11 stories a series of events to support the concept that paedophilia is acceptable. Mr Hillman refers to earlier decisions of the Tribunal related to homosexual orientated publications, in decisions No. 997, 1000, 1021 and 1040, where in each case the Tribunal ruled that the books were indecent.

In the Tribunal's view *Panthology One* is similar in content, and is therefore classified as indecent.