

lack of any redeeming feature and these also were suggested as being injurious to the public good and therefore indecent. The Tribunal agrees.

5. Homosexual magazines. These comprise:

Drummer, Nos. 25, 35, 36, 37 and 38,
Cruiser, Vol. 1, No. 16,
Action Male, Vol. No. 3,
Numbers, Vol. 27 and 44,
In Touch for Men, Nos. 39, 42, 43, 45, 46, 47, 48, 49, 57, 58,
 59, 60, 62, 63, 64, 65, 66, 67, 68 and 71.

It should be pointed out that in Decision No. 1056, the Tribunal has had occasion to look at *Drummer*, Vol. 6, Nos. 54-56. Not only was the magazine held to be indecent but a restriction order was made for a period of 2 years. These magazines were, Mr Leloir suggested, clearly aimed at the homosexual market. Generally they consisted of photos of males, in many cases naked, with emphasis on genitalia. There was homosexually-orientated text and advertisements. There was a general lack of any material to redeem the overwhelming promotion of homosexuality. Once more, Mr Leloir suggested that they should be considered as injurious to the public good and indecent.

6. Homosexual books:

Men Loving Men,
The Joy of Gay Sex,
Lovers: The Story of Two Men.

After saying that the books were clearly aimed at the homosexual market Mr Leloir said: "The last of the books referred to above is set out in an interview format and relates the experiences of various male homosexuals, their relationship with other males, and their general life style. On the whole the presentation is restrained. The first 2 books referred to above are male homosexual sex manuals, akin to the style of heterosexual sex manuals, such as *The Joy of Sex*. They cover all aspects of homosexual relations from physical lovemaking to the emotional considerations of such relationships. Both books are presented in a serious restrained manner.

It is submitted, however, that these 3 books, though presented in a more serious and restrained manner than the other books considered in this submission, nevertheless promote and encourage homosexual activity, which is of course a criminal offence in New Zealand, thereby liable to corrupt persons who might read them. For these reasons, it is submitted that these 3 books should be considered to be injurious to the public good and classified as indecent." The Tribunal agrees.

7. *Homosexual Book and Film Advertising Catalogues*. There was a total of 54 catalogues with advertisements for homosexual books and films, some in graphic and pornographic detail. The Tribunal has no hesitation in declaring these as injurious to the public good and therefore indecent.

8. *Homosexual Cartoons*. This publication is *Yet Another Blue Comic Book*. It consists of mainly homosexual cartoon sketches involving such well-known cartoon characters as *Popeye*, *Andy Capp*, *Charlie Brown* and *Bugs Bunny*. It was a publication which a child might quite easily pick up and whilst there can be no doubt that it is injurious to the public good and indecent, the fact that children might be attracted to it because of the cartoons, it becomes even more offensive.

9. Non-homosexual publications. The first of these was called *Male Erotic Zones* called by Mr Leloir "a heterosexually orientated sex manual". The publication contains an emphasis on the male world in sexual relations. It was categorised by Mr Leloir as cheaply produced and fairly light weight. In the Tribunal's view, there are many better produced publications which would serve the same purpose as this particular publication. The Tribunal is not prepared to accept the recommendation of Mr Leloir and classifies it as indecent.

The second is *Sex Time Cartoons* which, as Mr Leloir mentioned, is a "collection of dirty jokes and cartoons". Once again he suggested a classification of indecent in the hands of persons under the age of 18. These cartoons are coarse and crude, would have an appeal to the lewd and prurient. They lack subtlety and, in the Tribunal's view's the publication must be classified indecent.

Mr Leloir drew the Tribunal's attention to a number of decisions where books of a homosexual nature have been considered by the Tribunal and which have been classified as indecent because homosexuality is still a crime in New Zealand. He also pointed out that some of the decisions related to publications of sadomasochism and bondage, cartoons and jokes, and catalogues. In *Waverley Publishing Co. Ltd. v Comptroller of Customs 1980 INZLR 631*, Jeffries J. said at page 646:

"I think that every item which comes before the Tribunal for decision must be measured against the definition of indecency, and the considerations contained in s. 11 of the Act which are not exhaustive. However, I think that a book or sound recording is likely to be indecent and injurious to the public good if:

1. It is predominantly concerned with the prurient and lewd aspects of sex; and

2. The exact subject-matter is described, depicted or expressed in a patently offensive manner so as to concentrate attention and reaction on the prurient and lewd aspects of sex; and
3. The work looked at in its entirety had negligible literary or artistic merit, and is otherwise not redeemed by its medical, legal, political, social or scientific character or importance.
4. The likelihood of corruption far outweighs possible benefit.
5. The sincerity of purpose which produced the item is gravely in question."

In the Tribunal's view these publications qualify under each of these headings. They are all classified as indecent.

The importer's name has not been included because it has been suppressed by the District Court.

W. M. WILLIS, Chairman.

3

Exempting Heavy Motor Vehicles Fitted With Certain Regrooved Tyres From the Speed Restriction of 50 km/h

NOTICE

PURSUANT to regulation 90 (1) of the Traffic Regulations 1976*, and pursuant to the powers delegated to me by the Secretary for Transport, I, Glen Liversage, Assistant Chief Automotive Engineer, hereby exempt heavy motor vehicles fitted with those tyres specified in the Schedule hereto from the restrictions imposed by regulation 71 (6) to allow vehicles fitted with these tyres, which have been regrooved in accordance with Firestone specifications, to exceed 50 km/h.

SCHEDULE

Firestone "Regroovable" tyres.
 Tyre designation: Super Transport and Super Mileage Transport.
 Tyre sizes: 1000 x 20, 1100 x 20.

Dated at Wellington this 7th day of June 1983.

G. LIVERSAGE, Assistant Chief, Automotive Engineer.

*S.R. 1976/227

(14/1/15)

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The Road Classification (Stratford County), Notice No. 1, 1983

PURSUANT to regulation 3 of the Heavy Motor Vehicle Regulations 1974*, and pursuant to the powers delegated to me by the Secretary for Transport, I, Carne Maurice Clissold, Chief Traffic Engineer, hereby give the following notice:

NOTICE

1. This notice may be cited as the Road Classification (Stratford County) Notice No. 1, 1983.

2. The Stratford County Council's proposed classification of the roads as set out in the Schedule hereto is hereby approved.

3. The notices dated the 7th day of September 1950†, the 7th day of June 1951‡ and the 27th day of September 1967§ which relate to the classification of the roads described in the Schedule hereto are hereby revoked.

SCHEDULE

STRATFORD COUNTY

Roads Classified in Class Two

ALL roads under the control of the Stratford County Council.