

being seized by the Customs Department. It seems to us that because of this factor, his bona fides in importing or assisting to import the publications were at the time beyond doubt. Notwithstanding that, it is necessary to outline in some detail the content of the various publications. There is a mixed bag. Some are bizarre and offensive in that they deal with cannibalism, mutilation, infanticide and sexual perversity of a gross nature.

However a number of the comics deal with themes the subject of current debate in New Zealand, e.g., the use of nuclear weapons. We set out the salient points of the individual publications as follows:

The Chequered Demon (2 identical issues)—This is a comic featuring a character known as the *Chequered Devil*. The cartoons tell the story of the character being kidnapped and enslaved in some Middle Eastern country. Sex and violence are predominant features of the publication, and it does not appear to us to have any redeeming features.

DOA Comics No. 1—This publication carries a number of articles dealing with death and sex. One section features a character called the Old Codger who dismembers and eats people; another features a character called "Kid Kill" who specialises in infanticide of the most revolting kind.

Occult Laff Parade—This magazine features a number of stories mostly dealing with offbeat and occult themes. One section features a cartoon of a sexual nature but the other parts of the comic are relatively innocuous.

The "Welcome to 1984" issue of Knockabout Comix—This comic mainly contains cartoons of a political nature. Themes of anarchy and nuclear war are dealt with. One section of the comic deals with satanic and sexual themes. Although the publication contains some profanity the material is not as offensive as contained in some of the other publications, and it could be argued that the balance of its content is of significance.

"Obscene" issue Knockabout Comics—This publication deals with cartoons relating to censorship. Some of the material contained in these features could be declared offensive but the material is presented largely in the course of an anti-censorship theme. We see nothing wrong in publishers attacking the laws of censorship, although this attempt is crude in places.

Aline & Bob's Dirty Laundry Comics—This is a difficult publication to classify as it deals with the relationship between the two characters named in the title. The characters go through a bizarre relationship, little of which is intelligible. In the course of the sketches some explicit sexual acts (intercourse and oral sex) are depicted. It has no genuine social theme as far as we are concerned and as a result we doubt its honesty of purpose.

Knockabout Comics No. 5 Hot Jazz—This publication deals with a number of innocuous themes. There is one feature that deals with issues of women's liberation in a crude and explicit fashion, but on balance we consider it has redeeming features.

Aline & Bob's Dirty Laundry Comics—This publication deals with the same characters as referred to in the other issue. It is unnecessarily sexually explicit and this leads us to doubt its honesty of purpose. It has no features which commend its value.

Deviant Slice—This publication deals mainly with violence. Firstly, in the story of a heroin addicted Vietnam war veteran who hallucinates and perpetrates a mass murder when robbing a bank to buy some more heroin; the publication culminates in a knife fight, torture and mutilation session between a man and a woman in a setting in which the sexes are warring. The level of violence approaches that in *DOA Comics No. 1* and drives us to the view that it is unacceptable because of its brutality.

Deviant Slice—This publication deals mainly with anti-war themes in a manner which we think may have some social significance.

It appears from our analysis that some of the publications are clearly contrary to the public good and are out of the area of Mr Campbell's concern. In the past we have had no hesitation in holding publications of a similar nature to be indecent, see e.g., decisions No. 941 (*Tales from the Leather Nun, Volume 1*) and 1047 (1984 Nos 9 and 10, 11 and 23).

The only issue remaining is whether any provision of the Indecent Publications Act prevents the less offensive material being released into Mr Campbell's custody. The most difficult provision is that contained in section 11 (3) of the Act which reads:

"When the Tribunal decides that any picture-story book likely to be read by children is indecent in the hands of children under a specified age that picture-story book shall be deemed to be indecent in the hands of all persons."

It could be seen from the above provision that two meanings could be taken from the words "... likely to be read by children ..."

One view might be that the publication falls within the above provision, because it appeals to and could be understood by children. An alternative interpretation is that a book is unlikely to be read

by children if it is physically unlikely to be seen by them—i.e., there are not large numbers of the publication available and the copies that do exist are held in controlled circumstances designed to ensure that children do not have access to them.

With some hesitation we adopt the latter interpretation in this case. As we understand the position, there is only the one copy of each of these publications in New Zealand, as they were not commercially imported. We stress however that we have not had an opportunity to hear any detailed arguments from either of the parties in this case on the construction of s. 11 (3) and it might well be that the Tribunal could be persuaded to take a different view of that section. However, in the present circumstances we feel able to release certain of these publications into Mr Campbell's custody on the condition referred to below. The formal order is that the following publications are declared indecent:

The Chequered Demon (two issues)

DOA Comics No. 1

Aline & Bob's Dirty Laundry Comics (two issues)

Deviant Slice (Vietnam issue).

The following publications are indecent except in the hands of Mr Campbell who is to use them for his own research as an artist/comic writer:

Occult Laff Parade

The "Welcome to 1984" issue of Knockabout Comics

"Obscene" issue of Knockabout Comic

Knockabout Comics No. 5 "Hot Jazz"

Deviant Slice (nuclear war issue).

Dated at Wellington this 1st day of March 1985.

W. M. WILLIS, Judge.

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Transport Licensing Authority Sitting

PURSUANT to sections 121 and 133 of the Transport Act 1962, as amended by the Transport Amendment Act (No. 2) 1983, the No. 8 Transport District Licensing Authority (F. H. K. Moore), hereby gives notice of the receipt of the following application and will hold a public sitting to receive evidence for or against the granting of it.

At the Courthouse Nelson, on Friday, 22 March 1985 at 9.30 a.m.

A8/85/13 B. D. and L. R. Wilson, amend Passenger Service Licence by alteration to timetable service between Rai Valley and French Pass as follows:

Under timetable delete service departing French Pass 7.45 a.m. arrive Rai Valley 9.30 a.m., depart Rai Valley 5.15 p.m., arrive French Pass 7.30 p.m. on second Monday in each month.

Dated at Nelson this 28th day of February 1985.

D. N. CLARK, Secretary.

Per: No. 8 Transport Licensing Authority.

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Transport Licensing Authority Sitting

PURSUANT to section 136 of the Transport Act 1962, as amended by the Transport Act 1962, the Christchurch Transport District Licensing Authority (F. H. K. Moore), hereby gives notice of the receipt of the following applications and will hold a public sitting in the Conference Room, Fourth Floor, Transport House, corner Cashel and Montreal Streets, Christchurch, on Tuesday, 26 March 1985 at 9.30 a.m. to receive evidence for or against the granting of them.

A85/CH/6 Bruce William Bamford, Christchurch: Transfer Continuous Taxicab Service Licence No. 10327 from Michael Francis Sheehan.

A85/CH/7 Duke August Pewhairangi, Christchurch: Transfer Continuous Taxicab Service Licence No. 10392 from Graeme Clark Banks.

A85/CH/8 Reginald John Youngman, Lincoln: Transfer Continuous Taxicab Service Licence No. 10260 from Kenneth Leith Milne.

A85/CH/9 Peter Fredrick Lunn, Christchurch: Transfer Continuous Taxicab Service Licence No. 5113 from Franklin Joseph Carey and Edna Mary Hamilton.

Dated at Christchurch this 27th day of February 1985.

T. P. KELLEHER, Secretary.

Per: Christchurch Transport District Licensing Authority.