

## Health

### Clean Air Zone (Christchurch) Order 1977 Clean Air Zones (Canterbury Region) Order 1984

#### Approval of Fuel Burning Equipment and Class of Fuel for Use in Clean Air Zones

##### Notice

Pursuant to clause 5G of the Clean Air Zone (Christchurch) Order 1977, and clause 5 of the Clean Air Zones (Canterbury Region) Order 1984, I, David Francis Caygill, Minister of Health hereby approve from the 11th day of July 1988 until the close of the 31st day of May 1993, for use in the districts of the following local authorities, namely---

Christchurch City  
Eyre County  
Heathcoate County  
Kaiapoi Borough  
Paparua County  
Rangiora Borough  
Riccarton Borough  
Waimairi District

the fuel burning equipment and the class of fuel for that equipment specified in the Schedule to this notice.

##### Schedule

###### Fuel Burning Equipment

###### Fuel

Model: "Woodsmen Ebony" (With or without any factory built-in method of water heating.)	Wood having a moisture content not exceeding 25 percent (on wet weight).
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Manufacturer: W. H. Harris Ltd., Christchurch.

Clean Air Council Certification No. 8803.

Dated at Wellington this 30th day of June 1988.

JONATHAN HUNT, for Minister of Health.

go7084

## Justice

### Criminal Justice Act 1985

#### Confiscation of Motor Vehicle

Pursuant to section 84 of the Criminal Justice Act 1985, an order was made in the Oamaru District Court on the 29th day of June 1988 against Anthony James Cleave for the confiscation of the following motor vehicle:

Ford Cortina Mark II, 1971, Registration No. FR8919.

P. J. BOND, Registrar.

go7213

### District Courts Act 1947

#### Extension of District Court Judge's Jurisdiction

Pursuant to section 28B of the District Courts Act 1947, His Excellency the Governor-General has been pleased to appoint

Barry James McKenzie Kerr, District Court Judge of Wellington

to exercise the criminal jurisdiction of the District Courts under Part IIA of the District Courts Act 1947.

Dated at Wellington this 17th day of May 1988.

GEOFFREY PALMER, Minister of Justice.

go7202

### Indecent Publications Act 1963

Decision No. 6/88

Reference No.: IND 5 & 6/86

#### 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 publication: *Knave* Volume 17, No. 11 and 12; *Knave*, Volume 18, No. 1; *Fiesta*, Volume 19, No. 12; *Fiesta*, Volume 20, No. 1 and 2:

Chairman: Judge R. R. Kearney.

Members: R. Barrington, A. J. Graham, K. Hulme and S. Middleton.

Hearing at Wellington on the 11th day of April 1988.

Appearances: G. F. Ellis for publisher and importer; M. Wotherspoon for Comptroller of Customs.

#### Decision

These magazines were submitted to the Tribunal at the request of the importer Gordon and Gotch Ltd. for consideration and classification on 3 March 1986. The publications were considered by the Tribunal at a sitting on 25 March 1986. On that occasion K. Wilde appeared before the Comptroller of Customs and J. B. M. Smith for the publishers Galaxy Publications Ltd. and the importer and intended distributor Gordon and Gotch (NZ) Ltd.

On that hearing evidence was given before the Tribunal by David Halliday, the managing director of Galaxy Publications Ltd. In his submission on behalf of the Comptroller of Customs. Mr Wilde stated that there was an imbalance between the sexual content and any redeeming serious writing but as none of the content was blatantly offensive he submitted that the magazines circulation could be restricted with an age classification. Mr Smith submitted at the conclusion of a comprehensive and very helpful submission that these magazines should be classified as indecent in the hands of persons under the age of 18 years and that the Tribunal should make a serial order in respect of these publications in terms of section 15A of the Indecent Publications Act 1963.

Following the formal hearing the Tribunal met to consider the detailed submission made by Mr Smith and the evidence presented by Mr Halliday and the parties were subsequently notified by memorandum that because of the importance of the matter before the Tribunal, the Tribunal would reconvene in June 1986 to further consider the matter and reach its decision. On 24 October 1986 the Tribunal gave a majority decision in which it classified these publications as being indecent in the hands of persons under the age of 18 years. In a separate minority decision R. Barrington and H. B. Dick set out their reasons why they would have declared the publications unconditionally indecent.

The Comptroller of Customs lodged an appeal to the full Court of the High Court pursuant to section 19 of the Indecent Publications Act 1963. Each of the 3 Judges of the Court issued separate judgments in relation to the appeal and the interpretations, directions and rulings in those judgments have been of great assistance to the Tribunal not only in its consideration of these present publications but in the consideration of all the material which comes before it for determination. At the conclusion of his judgment. His Honour Mr Justice Quilliam stated:

"The magazines in question have never been the subject of a decision by either the majority or the minority of the Tribunal upon the basis of the application of correct principles. I consider that the proper course now is for the