

Wotherspoon and Mr Ellis and having considered each of the publications I am satisfied that the application for the interim restriction order is properly made and that it should be granted.

An interim restriction order is accordingly made in respect of all of the above publications which are found to be indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 29th day of April 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal. 1
go7239

Decision No. 10/88

Reference No.: IND 2/88, 24 and 30/87

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 *In Touch for Men* Issues No. 120, 121, 122, 123, 124, 125, 127, 128, 129, 131, and 132:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 12th day of April 1988.

Appearances: G. A. Ireland on behalf of Lawrence Publishing Company of ENZ Ltd. M. Wotherspoon for Comptroller of Customs.

Decision

These publications were commercially imported by *Out* magazine at Auckland between August and December 1987. The Collector of Customs, Auckland seized the magazines and as the importer has disputed forfeiture the publications were referred to the Tribunal prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966. Submissions were made by Mr Wotherspoon on behalf of the Comptroller of Customs and by Mr Ireland on behalf of Lawrence Publishing Company of NZ Ltd. Mr Ireland's submissions were supported by Mr Logan of the Gay Task Force.

In his submissions Mr Wotherspoon stated "*In Touch for Men* is a fairly restrained magazine clearly aimed at the male homosexual market. In decision 19/87 the Tribunal classified Issue 1, 2 and 6 as indecent in the hands of persons under 18 years of age". Mr Wotherspoon on behalf of the Comptroller indicated to the Tribunal that in the view of the Comptroller this was an appropriate publication for the issue of a serial restriction order pursuant to section 15A of the Indecent Publications Act 1963.

The Tribunal is satisfied that the material in these publications could be harmful to the younger reader and accordingly classifies each of these publications as indecent in the hands of persons under the age of 18 years. Having now considered a significant number of these magazines the Tribunal is satisfied that they are indeed of a restrained nature and that they are uniform both in their production and format. Accordingly the Tribunal issues a serial restriction order in respect of the publication *In Touch for Men* pursuant to section 15A of the Indecent Publications Act 1963.

Dated at Wellington this 4th day of May 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal. 1
go7240

Decision No. 11/88

Reference No.: IND 13 and 14/88

Application for an Ex Parte Interim Restriction Order

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 an application pursuant to section 14A of the Indecent Publications Act 1963:

In respect of the following publications:

Penthouse Collection (Aust. Ed.) 1987; *Penthouse*, January 1988, February 1988, March 1988, April 1988.

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

Interim Restriction Decision

These publications were commercially imported by Gordon and Gotch (NZ) Ltd. and are publications which previously have been the subject of an R18 restriction order and also a serial order in terms of section 15A of the Indecent Publications Act 1963. These magazines have been freely available on the New Zealand market but the serial orders in respect of them have expired and accordingly the Customs Department have with the concurrence of the importer placed the matters before the Tribunal for the granting of an interim restriction order in terms of section 14A of the Indecent Publications Act 1963. As in respect of the other matters which came before me for interim orders I discussed these publications with Mrs Barrington, Mr Graham and Dr Middleton, each of whom was present when Mr Ellis and Mr Wotherspoon made submissions to me in relation to these particular publications. After discussion with those other members of the Tribunal I am satisfied that an R18 restriction is justified and accordingly I issue a section 14A restriction order declaring each of these publications to be indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 4th day of May 1988.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal. 1
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Justices of the Peace Act 1957

Justices of the Peace Appointed

Pursuant to section 3(1) of the Justices of the Peace Act 1957, His Excellency the Governor-General has been pleased to appoint the following District Court Judges to be Justices of the Peace for New Zealand.

Richard John Bollard
Patrick Insley Treston
Raymond Michael Kean
Barry Neil Morris

Dated at Wellington this 22nd day of June 1988.

GEOFFREY PALMER, Minister of Justice.

(Adm. 3/17/4) 1
go7203

Oaths and Declarations Act 1957

Officer in the Department of Internal Affairs Authorised to Take Statutory Declarations

Pursuant to section 9 of the Oaths and Declarations Act 1957, I authorise the holder for the time being of the office in the service of the Crown specified in the Schedule below to take statutory declarations under the said Act.