

Toni Anne Izzard, town planner of Tauranga to be a referee to exercise the jurisdiction of the Disputes Tribunals for a period of 3 years on and from the date hereof. Dated at Wellington this 2nd day of May 1990.

W. P. JEFFRIES, Minister of Justice.

(Adm. 3/90/16)
go8115

Disputes Tribunal Referee Reappointed

Pursuant to section 7 of the Disputes Tribunals Act 1988, His Excellency the Governor-General of New Zealand has been pleased to reappoint

Henry Lynch of Tauranga

to be a referee to exercise the jurisdiction of the Disputes Tribunals for a term of 3 years on and from 1 March 1990.

Dated at Wellington this 2nd day of May 1990.

W. P. JEFFRIES, Minister of Justice.

(Adm. 3/90/16)
go8116

Indecent Publications Act 1963

Decision No. 68/89 (1)

Reference No.: IND 35/89

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: *Penthouse* (U.S. Edition), January 1988, Vol. 19, No. 5; *Penthouse* (U.S. Edition), May 1988, Vol. 19, No. 9; *Penthouse* (U.S. Edition), June 1988, Vol. 19, No. 10; *Penthouse*, (U.S. Edition), July 1988, Vol. 19, No. 11; *Penthouse* (U.S. Edition), August 1988, Vol. 19, No. 12; *Penthouse* (U.S. Edition), September 1988, Vol. 20, No. 1; *Penthouse* (U.S. Edition), October 1988, Vol. 20, No. 2; *Penthouse* (U.S. Edition), November 1988, Vol. 20, No. 3; *Penthouse* (U.S. Edition), December 1988, Vol. 20, No. 4; *Penthouse* (U.S. Edition), January 1989, Vol. 20, No. 5; *Penthouse* (U.S. Edition), February 1989, Vol. 20, No. 6. Publisher: Penthouse International Ltd.

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 20th day of February 1990.

Appearances: M. J. Wotherspoon on behalf of Comptroller of Customs. G. F. Ellis, counsel on behalf of the publishers and of possible New Zealand importers and distributors. No appearance by or on behalf of importer.

Supplementary Decision

These publications came before the Tribunal for consideration at a hearing on 4 October 1989 together with a significant number of other publications. All of the publications had been privately imported by an Auckland individual who, as indicated, was neither present nor represented at the hearing. Mr Ellis applied for and was granted the right for his client to be joined as a party to the proceedings before the Tribunal in terms of regulation 6 of the Indecent Publications Regulations 1964. At the hearing Mr Ellis indicated to the Tribunal that the publisher may wish to be represented by Mr Robertson, Q.C., of the English Bar. Mr Ellis asked for and was granted an adjournment of the determination of the classification in respect of these particular publications until such time as a further hearing could be allocated.

On 8 February 1990, Mr Ellis wrote to the secretary of the Tribunal seeking clarification of the Tribunal's decision 68/89

which appears on the face of it to classify all of the publications the subject of this supplementary decision as unconditionally indecent. Mr Ellis quite properly pointed out that this was contrary to the undertaking which had been given by the Tribunal that these matters would be adjourned for further consideration at a special hearing of the Tribunal at which Mr Robertson, Q.C. would in all probability, represent the publishers and the proposed importers and distributors. The Tribunal members had in fact welcomed the opportunity to have the publication in question before it for indepth review and when in fact such a review does occur we indicate our wish that the Crown should be represented by senior counsel and that evidence should be called from appropriate professional witnesses to enable the Tribunal to give indepth consideration to the issues which will arise.

To enable that consideration to be given in accordance with the clear undertaking given to Mr Ellis, the classification of unconditionally indecent in respect of the above publications is cancelled. I leave it to Mr Ellis and Mr Wotherspoon to arrange a suitable date for hearing of this matter with the secretary of the Tribunal.

Dated at Wellington this 20th day of March 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go7982

Decision No. 89/89(1)

Reference No.: IND 67/89

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: *Men's World*, Vol. 1, No. 8 and 9. Publisher: Anonymous.

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 20th day of February 1990.

Appearances: M. J. Wotherspoon on behalf of Comptroller of Customs. G. F. Ellis counsel on behalf of importer and distributor.

Decision

These 2 issues of this publication were originally referred to me by the Comptroller of Customs with the request that an interim restriction order ought to be made classifying both issues of the publications as indecent in the hands of persons under the age of 18 years. I accordingly made that interim restriction order in terms of section 14A of the Indecent Publications Act 1963. The publications now come before the Tribunal for a substantive classification.

Men's World is a magazine which is aimed at the heterosexual male market and it contains photographs of single female models and a number of letters from readers. There is also a section featuring multiple models, but the photographs do not display intimacy between the models pictured. Both Mr Wotherspoon, on behalf of the Comptroller, and Mr Ellis, on behalf of the importer and distributor, seek an age restriction classification.

The Tribunal agrees that there is content in respect of these publications which would be injurious to younger readers and classifies each as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 20th day of March 1990.

R. R. Kearney, Chairman.

Indecent Publications Tribunal.
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