

Dated at Wellington this 28th day of March 1990.

W. P. JEFFRIES, Minister of Justice.

go4258

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## Criminal Justice Act 1985

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### Arohata District Prisons Board

Pursuant to section 132 (2) (a) of the Criminal Justice Act 1985, the Minister of Justice has been pleased to appoint:

Carolyn Henwood, District Court Judge of Wellington as a member and Chairman of the Arohata District Prisons Board, *vice* Judge M. Lee, for a term of 3 years on and from the date hereof.

Dated at Wellington this 14th day of March 1990.

D. OUGHTON, Secretary for Justice.

go4284

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## District Courts Act 1947

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### Acting District Court Judge Appointed

Pursuant to section 10A of the District Courts Act 1947, the Governor-General has been pleased to appoint

Peter William Graham, District Court Judge of Auckland to retire on 31 March 1990, as an Acting District Court Judge to exercise civil and criminal jurisdiction and to exercise criminal jurisdiction of the District Courts under Part IIA of the District Courts Act 1947, at such place or places and for such period or periods only as the Chief District Court Judge may fix pursuant to the said section 10A for a term of 12 months.

Dated at Wellington this 28th day of March 1990.

W. P. JEFFRIES, Minister of Justice.

go4280

### Acting District Court Judge Appointed

Pursuant to section 10A of the District Courts Act 1947, the Governor-General has been pleased to appoint

Eric Bernard Anderson, District Court Judge of Invercargill as an Acting District Court Judge to exercise civil and criminal jurisdiction at such place or places and for such period or periods only as the Chief District Court Judge may fix pursuant to the said section 10A from 1 May 1990 to 31 October 1990.

Dated at Wellington this 28th day of March 1990.

W. P. JEFFRIES, Minister of Justice.

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## Indecent Publications Act 1963

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Decision No. 88/89

Reference No.: IND 66/89

### Before the Indecent Publications Tribunal

In the matter of the Indecent Publications Act 1963, and in the matter of an application by the Society for Promotion of Community Standards Inc. for a decision in respect of the following publications: *Taboo*, Issues 1, 3 and 5, published by *Taboo Magazine*, Auckland:

*Chairman:* Judge R. R. Kearney.

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

Hearing at Wellington on the 28th day of November 1989.

*Appearances:* Reverend Gordon Dempsey for the Society for

Promotion of Community Standards Inc.; P. B. Fenemor, managing director, Rock's Marketing Services Ltd., distributor of the magazine. Written submissions by Alan J. Douglas, managing director, Aztec Publishing Ltd.

### Decision

In August 1989 P. M. Bartlett in her capacity as director of the Society for Promotion of Community Standards Inc. was granted leave by the Minister of Justice for the society to submit issue 1 of *Taboo* to the Tribunal for a decision as to whether it is indecent or not or for a decision in its classification. That leave was granted on terms of the provisions contained in section 14 (2) of the Indecent Publications Act 1963. In October 1989 leave to submit issues 3 and 5 of the magazine to the Tribunal was likewise granted by the Minister.

The Tribunal considered the applications in respect of the 3 issues of *Taboo* at its public sitting in Wellington on 28 November 1989, and the submission in writing of the Society for Promotion of Community Standards Inc., was presented to the Tribunal by the Reverend Gordon Dempsey, the president of the society. Prior to the sitting, the 4 members of the Tribunal involved in the sitting had received and read a 6-page submission from Alan J. Douglas, the managing director of Aztec Publishing Ltd. Mr Douglas is the editor of the publication and although the magazine does not disclose that Aztec Publishing Ltd. is the publisher of *Taboo*, that would on the face of Mr Douglas's submission appear to be the case. In his written submission Mr Douglas advised the Tribunal that he would be unable to attend the hearing as he would be overseas at the time but he advised that the managing director of the company distributing the magazine, Rock's Marketing Services Ltd., Peter Fenemor, would be appearing before the Tribunal "to defend *Taboo* magazine".

Mr Douglas had previously written to the Tribunal on 7 November 1989 and the contents of that letter were clearly considered offensive to the senior officer of the Tribunals Division of the Department of Justice, who because of the offensive nature of the letter, advised Mr Douglas "I will not place correspondence of this nature before the Tribunal and any further correspondence containing like comment will not be acknowledged". No member of the Tribunal has read that letter and Mr Douglas in his written submission advised at its commencement, that the point of view expressed in that letter "I now wish to retract"; I mention this because of the Tribunal's concern at the nature of the written submission actually received and considered by the Tribunal. As Chairman of the Tribunal I found a significant number of the comments made by Mr Douglas offensive to the Tribunal, politicians and others and in fact had Mr Douglas been present in person I would have given him the opportunity to apologise for some of his comments which if presented at a formal hearing could well be found to be contemptuous. I wish to make it clear that the Tribunal, in determining the statutory imposed considerations that it is required to in determining whether the publication should be classified as indecent or indecent in the hands of certain persons, has disregarded entirely the offensive nature of the submission and has given careful and real consideration to those parts of the submission which are quite properly advanced for the Tribunal's consideration. In his submission Mr Douglas states:

"I have always believed that the Indecent Publications Tribunal bans magazines on the grounds of personal distaste, irrespective of whether or not they are 'injurious to the public good'. And I have always felt that the Tribunal should be made to act within the terms of its brief, and not be allowed ban things simply because they might offend certain religious/feminist groups.