

Justice

Criminal Justice Act 1985

Confiscation of Motor Vehicle

The motor vehicle listed in the Schedule below has been confiscated, pursuant to section 84 of the Criminal Justice Act 1985. Any party who holds any encumbrance over this vehicle must within 1 month after the date of sale make application to the Registrar, District Court, Bridge Street, Nelson for satisfaction of the amount.

Schedule

1976 Ford Cortina, registration No. IG 8147, coloured blue, owned by Shane Harry Kerr.

Date of Sale: 6 April 1991.

I. L. PASK, Registrar.

Nelson.

go3790

Disputes Tribunal Act 1988

Disputes Tribunal Referees Appointed

Pursuant to section 7 of the Disputes Tribunals Act 1988, Her Excellency the Governor-General has been pleased to appoint

Patricia Jean Park, Justice of the Peace of Dunedin, and

Ralph James Thompson, Justice of the Peace of Dunedin

each to be a Referee to exercise the jurisdiction of the Disputes Tribunals for a term of 3 years on and from 11 May 1991.

Dated at Wellington this 31st day of March 1991.

D. A. M. GRAHAM, Minister of Justice.

go3993

Indecent Publications Act 1963

Decision No. 1/91

Reference No.: IND 68/90

IND 79/90

Ex Parte Application For an 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 ex parte application pursuant to section 14A of the Indecent Publications Act 1963:

In respect of the following publications: *Electric Blue*, Vol. 1, No. 7 (IND 68/90); *Electric Blue*, Vol. 1, No. 8 (IND 79/90); *Electric Blue*, Vol. 1, No. 9 (IND 79/90). Publisher: Electric Publications Ltd.

Decision

In decision 57/90, which was delivered on 24 October 1990, the Tribunal classified *Electric Blue*, Vol. 1, No. 3, 4 and 5 as indecent in the hands of persons under the age of 18 years. In the same decision, being satisfied as to the consistency and format of those 3 issues of this serial publication, the Tribunal granted it a restriction order under section 15A of the Act. That decision and order having been notified in the *Gazette* on Thursday, 20 December 1990, the restriction order came into force on Friday, 21 December 1990. In terms of subsection (2) of section 15A of the Act that restriction order, which shall remain in force for a period not exceeding 2 years, shall apply only to those issues of this publication which are published while it is in force.

The subject publications were imported into New Zealand

before the restriction order granted in decision 57/90 came into force on 21 December 1990. Clearly, because they were not "published while the order is in force", they cannot be accorded standing thereunder. Therefore the Comptroller of Customs, quite correctly in my view, is of the opinion that the subject publications must be submitted to the Tribunal for a decision as to their classification under the Act. They have been submitted accordingly under section 14 of the Act. Pending their classification following a sitting of the Tribunal, the Comptroller of Customs has asked me to give consideration to the making of an interim restriction order under section 14A of the Act. It is provided in subsection (1) (a) of section 14A of the Act that an *ex parte* application for an interim restriction order in respect of any book may be made to the Tribunal by the Comptroller of Customs in any case where a book has been submitted to the Tribunal in accordance with section 14 of the Act "and the Tribunal has not announced its decision on the book . . .". That is the current status of the subject publications. Subsection (4) (a) and (b) of section 14A together provide that every interim restriction order come into force on the day on which it is made and, unless sooner revoked, shall remain in force until expiry of notice or determination of any appeal thereagainst. Given that an interim restriction order shall come into force on the day on which it is made, I am satisfied as to the propriety of this application against the background of its parent restriction order coming into force on the day after the date of its notification in the *Gazette*.

In classifying *Electric Blue*, Vol. 1, No. 3, 4 and 5 in decision 57/90 the Tribunal commented that it was:

"... satisfied that there is a consistency of format and content in respect of this publication of the kind that it is appropriate that a serial restriction order be granted classifying the publication *Electric Blue*, published by Power Radio Ltd., as indecent in the hands of persons under the age of 18 years."

Writing on behalf of the Comptroller of Customs Mr Wotherspoon has expressed the opinion that the subject publications have maintained this consistency of format and content and that they too would appear to warrant a similar classification. On this basis an interim restriction order is made accordingly classifying *Electric Blue*, Vol. 1, No. 7, 8 and 9 as indecent in the hands of persons under the age of 18 years. However this order is made without waiver of the Tribunal's comment in decision 57/90 that some of the photographs in this magazine, "excessively concentrated as they are on the genitalia of multiple nude female models, are such that they sicken the members of the Tribunal who consider that these photographs are both exploitative and degrading". The caution expressed in that decision, that further issues of publications previously classified as indecent in the hands of persons under a specified age in future applications before the Tribunal, can expect to receive critical re-examination in the light of changing community standards, continues to apply.

Dated at Wellington this 27th day of March 1991.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

go3885

Decision No. 2/91

Reference No.: IND 82/90

IND 4/90

IND 6/90

Ex Parte Application For an Interim Restriction Order

In the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs