



LAND & DEEDS OFFICE

29 OCT 1990

GISBORNE

# The New Zealand Gazette

WELLINGTON: THURSDAY, 25 OCTOBER 1990

## Contents

Government Notices .. .. .	3992
Authorities and Other Agencies of State Notices .. .. .	4028
Land Notices .. .. .	4028
Regulation Summary .. .. .	4041
General Section .. .. .	4042

## Using the Gazette

The *New Zealand Gazette*, the official newspaper of the Government of New Zealand, is published weekly on Thursdays. Publishing time is 4 p.m.

Notices for publication and related correspondence should be addressed to:

Gazette Office,  
Department of Internal Affairs,  
P.O. Box 805,  
Wellington.  
Telephone (04) 738 699  
Facsimile (04) 499 1865

or lodged at the Gazette Office, Seventh Floor, Dalmuir House, 114 The Terrace, Wellington.

Closing time for lodgment of notices at the Gazette Office: 12 noon on Tuesdays prior to publication (except for holiday periods when special advice of earlier closing times will be given).

Notices are accepted for publication in the next available issue, unless otherwise specified.

Notices being submitted for publication must be a reproduced copy of the original. Dates, proper names and signatures are to be shown clearly. A covering instruction setting out requirements must accompany all notices.

Copy will be returned unpublished if not submitted in accordance with these requirements.

### Availability

The *New Zealand Gazette* is available on subscription from the Government Printing Office Publications Division or over the counter from Government Bookshops at:

Housing Corporation Building, 25 Rutland Street, Auckland.

33 Kings Street, Frankton, Hamilton.

25-27 Mercer Street, Wellington.

Mulgrave Street, Wellington.

E.S.T.V. House, 4185 Queens Drive, Lower Hutt.

159 Hereford Street, Christchurch.

Government Buildings, 1 George Street, Palmerston North.

Cargill House, 123 Princes Street, Dunedin.

### Other issues of the Gazette:

*Commercial Edition*—Published weekly on Wednesdays.

*Customs Edition*—Published weekly on Tuesdays.

Special Editions and Supplements—Published as and when required.

## Government Notices

### Agriculture and Fisheries

#### Fisheries Act 1983

##### Proposed Challenger Fishery Management Plan Available for Public Inspection Notice (No. 5054)

Pursuant to section 8 of the Fisheries Act 1983, I advise that the proposed Challenger Fishery Management Plan is available for public inspection during office hours, at the following offices of the Ministry of Agriculture and Fisheries, until 3 January 1991:

Head Office (Gillingham House, 101-103 The Terrace, Wellington).

Nelson (118 Vickerman Street, Nelson).

Napier (Railways Buildings, Waghorne Street, Ahuriri, Napier).

Wellington (Evans Bay Parade, Greta Point, Wellington).

Gisborne (141 Bright Street, Gisborne).

New Plymouth (Atkinson Building, 135-139 Devon Street West, New Plymouth).

Greymouth (Government Building, Customs Street, Greymouth).

Blenheim (NMA Building, 22 Alfred Street, Blenheim).

Wanganui (Heads Road, Wanganui).

Pursuant to section 9 of the Fisheries Act 1983, any person or public authority, local authority, or any body specifically constituted by or under any Act, and any Minister of the Crown, which or who has any function, power, or duty which relates to, or which or who is or could be affected by, any aspect of the proposed Challenger Fishery Management Plan may lodged an objection, or submissions in respect of the proposed plan, to the Director-General of Agriculture and Fisheries.

Such objections or submissions may be left at, or posted to, any of the Ministry offices outlined above but must be received **NO LATER THAN 4 P.M. ON THURSDAY, 3 JANUARY 1991.**

Every objection shall identify the provisions of the plan objected to, the grounds and the relief sought.

Dated at Wellington this 23rd day of October 1990.

R. BALLARD, Director-General of Agriculture and Fisheries.  
go11732

### Broadcasting

#### Broadcasting Act 1989

##### Notice to the Broadcasting Commission in Relation to Administrative Expenses

To the Broadcasting Commission

Whereas pursuant to section 49 (1) of the Broadcasting Act 1989, I, Jonathan Lucas Hunt, Minister of Communications, did on the 29th day of June 1990\* give you notice that you may spend \$1,520,000 (one million five hundred and twenty thousand dollars) ("the specified amount") on account of your administrative expenses, excluding those involved in collecting the public broadcasting fee, in the financial year 1 July 1990 to 30 June 1991;

Pursuant to section 49 (3) of the Broadcasting Act 1989, I hereby give you notice of an increase in the specified amount of \$35,000 (thirty-five thousand dollars). Accordingly you may spend \$1,555,000 (one million five hundred and fifty-five thousand dollars) on account of your administrative expenses, excluding those involved in collecting the public broadcasting fee, in the financial year 1 July to 30 June 1991.

Dated this 8th day of October 1990.

JONATHAN HUNT, Minister of Communications.

\*Published in the *Gazette* of Thursday, 12 July 1990. Issue 119, page 2452.  
go11738

##### Direction to the Broadcasting Commission in Relation to the Transitional Funding of the New Zealand Symphony Orchestra Limited

To the Broadcasting Commission

Pursuant to section 97 (1) of the Broadcasting Act 1989, I, Jonathan Lucas Hunt, Minister of Broadcasting,—

(1) Direct that you shall, in the year ending on the 30th day of June 1991, advance to the New Zealand Symphony Orchestra Limited the amount of two million seven hundred and sixty-five thousand six hundred dollars (\$2,765,6000), being money collected by you pursuant to the regulations made under section 82 of the Broadcasting Act 1989.

Dated this 15th day of October 1990.

JONATHAN HUNT, Minister of Broadcasting.  
go11740

## Customs

### Customs Act 1966

#### Application to the Indecent Publications Tribunal

I, Murdoch Walter Taylor, Comptroller of Customs, give note that I have applied to the Indecent Publications Tribunal for a decision as to whether the books described below are indecent or not or for a decision as to their classification.

Title: *3 Way Lesbian Orgy*, Vol. 1, No. 1. Publisher: Red Lion Publications.

Title: *Anal Babes*, Vol. 6, No. 1; *Asian Delights*, Vol. 1, No. 1; *Asian Dolls*, Vol. 1, No. 1; *Ass Parade*, Vol. 8, No. 3 and 4; *Asses Plus*, Vol. 1, No. 2; *Asses Up*, Vol. 5, No. 2 and 3; *Assholes & Pussies*, Vol. 3, No. 2. Publisher: American Art Enterprises Inc.

Title: *B & B (Boobs & Buns)*, Vol. 1, No. 1. Publisher: Knight Publishing Corp.

Title: *Babes International*, Vol. 1, No. 1; *Barelegged Babes*, Vol. 2, No. 2; *Battling Broads*, Vol. 1, No. 1. Publisher: American Art Enterprises Inc.

Title: *Beautiful Big Breasted Blondes*, Vol. 1, No. 1; *Big Black Boobs*, Vol. 1, No. 1. Publisher: Red Lion Publications.

Title: *Big Boobs*, Vol. 2, No. 5; *Big Breasts*, Vol. 1, No. 1. Publisher: Alternate Periodicals Corp.

Title: *Big Bust Strippers*. Publisher: Parliament Publications.

Title: *Big Busty Blondes*, Vol. 1, No. 1. Publisher: Red Lion Publications.

Title: *Big Tits Galore*, Vol. 1, No. 1. Publisher: Red Lion Publications.

Title: *Black & Beautiful*, Vol. 3, No. 4. Publisher: American Art Enterprises Inc.

Title: *Black & Bold*, Vol. 1, No. 3. Publisher: Red Lion Publications.

Title: *Black and Stacked*, Vol. 2, No. 2 and 3. Publisher: American Art Enterprises Inc.

Title: *Black Beauties*, Vol. 1, No. 2 and 3. Publisher: Red Lion Publications.

Title: *Black Foxes*, Vol. 2, No. 2; *Black Girl Review*, Vol. 9, No. 3 and 4; *Black Lust*, Vol. 1, No. 4; *Black Lust*, Vol. 2, No. 1; *Black Nookie*, Vol. 2, No. 1 and No. 2. Publisher: American Art Enterprises Inc.

Title: *Black Pussy*, Vol. 1, No. 3 and 4. Publisher: Red Lion Publications.

Title: *Blubber Buns*, Vol. 1, No. 1; *Bottom*, Vol. 20, No. 3 and 4. Publisher: American Art Enterprises Inc.

Title: *Buns*, Vol. 1, No. 2 and 6; *Buns*, Vol. 2, No. 4. Publisher: Alternate Periodicals Corp.

Title: *Busty Bitches*, Vol. 1, No. 1; *Busty Brunettes*, Vol. 1, No. 1. Publisher: Red Lion Publications.

Title: *Butts & Buns*, Vol. 1, No. 1. Publisher: American Art Enterprises Inc.

Title: *Buxom Babes*, Vol. 1, No. 1; *California Blondes*, Vol. 1, No. 4; *California Blondes*, Vol. 2, No. 1. Publisher: Red Lion Publications.

Title: *Carnal Couples*, No. 1. Publisher: Pleasure Chat Inc.

Title: *Carnal Couples*, Vol. 1, No. 5. Publisher: Alternate Periodicals Corp.

Title: *Carnal Couples*, Vol. 2, No. 2. Publisher: Alternate Periodicals Corp.

Title: *Cat Fight Videos*, Vol. 1, No. 1; *Catfighting Cunts*, Vol. 1, No. 1. Publisher: Holly Publications.

Title: *Cheeks*, Vol. 4, No. 1 and 2. Publisher: American Art Enterprises Inc.

Title: *Cherry*, No. 10. Publisher: Last Gasp.

Title: *Chunky Asses*, Vol. 7, No. 4; *Chunky Asses*, Vol. 8, No. 1. Publisher: American Art Enterprises Inc.

Title: *Cinema Sex*, No. 1 and 2. Publisher: Pleasure Chat Inc.

Title: *Cleavage*, Vol. 2, No. 1. Publisher: Alternate Periodicals Corp.

Title: *Clive Barkers Hellraisers*, Book 1 and Book 2. Publisher: Epic Comics.

Title: *Club*, Vol. 15, No. 13; *Club*, Vol. 16, No. 1, 2, 3 and 4; *Club (The Best of)*, No. 55. Publisher: Fiona Press Inc.

Title: *Cocksure*, No. 4. Publisher: Arena Publications.

Title: *Couples*, Vol. 1, No. 1. Publisher: Knight Publishing Corp.

Title: *Couples In Heat*, Vol. 2, No. 4; *Derriere*, Vol. 2, No. 1. Publisher: Alternate Periodicals Corp.

Title: *Dildo Desires*, Vol. 1, No. 1; *Dildo Dolls*, Vol. 3, No. 4; *Dildos & Lace*, Vol. 1, No. 3 and 4. Publisher: American Art Enterprises Inc.

Title: *Double-D Harem*. Publisher: Parliament Publication.

Title: *Down & Dirty*, Vol. 2, No. 2. Publisher: Alternate Periodicals Corp.

Title: *Electric Blue*, Vol. 1, No. 8 and 9; *Electric Blue Big Ones*, Vol. 1, No. 1. Publisher: Electric Publications Ltd.

Title: *Erect Nipples*, Vol. 8, No. 2 and No. 3. Publisher: American Art Enterprises Inc.

Title: *Erotica Review*, Vol. 1, No. 14. Publisher: Unknown.

Title: *Exquisite Corpse*, Red, Green and Yellow Issues. Publisher: Dark Horse Comics.

Title: *Fanny*, Vol. 18, No. 4; *Fanny*, Vol. 19, No. 1; *Finger Friggin*, Vol. 7, No. 3 and No. 4; *Fingerin*, Vol. 2, No. 2; *Fingering Lesbians*, Vol. 2, No. 1; *Floppers*, Vol. 7, No. 2; *Geisha Girls*, Vol. 8, No. 4; *Geisha Girls*, Vol. 9, No. 1; *Giant Tits*, Vol. 1, No. 1 and No. 2. Publisher: American Art Enterprises Inc.

Title: *Girls 'N Girls*, Vol. 1, No. 1. Publisher: Knight Publishing Corp.

Title: *Good Enough to Eat*, Vol. 1, No. 3. Publisher: American Art Enterprises Inc.

Title: *Heart Breakers*, Vol. 1, No. 3. Publisher: Red Lion Publications.

Title: *Hollywood Blondes*, Vol. 1, No. 1. Publisher: Red Lion Publications.

Title: *Hollywood Pick-Ups*, Vol. 1, No. 1; *Horny Housewives*, Vol. 8, No. 4. Publisher: American Art Enterprises Inc.

Title: *Horny Virgins*, Vol. 1, No. 10. Publisher: Unknown.

Title: *Hot and Slick*, Vol. 1, No. 1; *Hot Black Babes*, Vol. 1, No. 1; *Hot Fuckin Lesbians*, Vol. 1, No. 2. Publisher: Red Lion Publications.

Title: *Hot Legs (A Photo Review)*, Vol. 1, No. 2. Publisher: Unknown.

Title: *Hot Legs*, Vol. 7, No. 1 and No. 2. Publisher: American Act Enterprises Inc.

Title: *Hot 'N Wet*, No. 1. Publisher: Pleasure Chat Inc.

Title: *Hot Stuff*, Vol. 1, No. 6; *Hot Stuff*, Vol. 2, No. 3. Publisher: Alternate Periodicals Corp.

Title: *Hot Throats*, No. 1. Publisher: Pleasure Chat Inc.

Title: *Hot Wet Pussys*, Vol. 8, No. 1. Publisher: American Art Enterprises Inc.

Title: *Hot XXX Vids*, No. 1. Publisher: Pleasure Chat Inc.

- Title: *Incredible Ass*, Vol. 1 and 3. Publisher: American Art Enterprises Inc.
- Title: *Inside XXX Today*, No. 1; *Intimacy*, No. 1. Publisher: Pleasure Chat Inc.
- Title: *Jiggle Juggs*, Vol. 1, No. 2; *Kingsize*, Vol. 20, No. 3 and 4; *Knockers & Nipples*, Vol. 10, No. 1 and 2. Publisher: American Art Enterprises Inc.
- Title: *Ladies in Lace*, No. 1 and No. 2. Publisher: Magcorp.
- Title: *Latina Ladies*, Vol. 2, No. 1; *Leg Line*, Vol. 1, No. 1; *Leg Parade*, Vol. 3, No. 4; *Leggy & Lewd*, Vol. 1, No. 1 and 2; *Leggy Darlings*, Vol. 2, No. 2; *Legs & Asses*, Vol. 8, No. 1 and 2; *Legs Legs Legs*, Vol. 7, No. 1 and 2; *Lesbian Dildo Babes*, Vol. 1, No. 1. Publisher: American Art Enterprises Inc.
- Title: *Lesbian Dildo Foot Worship*, Vol. 1, No. 1. Publisher: Holly Publications.
- Title: *Lesbian Frenzy*, Vol. 1, No. 1. Publisher: Red Lion Publications.
- Title: *Lesbian Girls*, Vol. 9, No. 1; *Lesbian Lust*, Vol. 4, No. 1; *Lesbian Passions*, Vol. 1, No. 1; *Lesbian Pussy Pokers*, Vol. 2, No. 4; *Lewd Lezzies*, Vol. 1, No. 2 and 3; *Lez Acts*, Vol. 5, No. 4; *Lez Acts*, Vol. 6, No. 1; *Lez Lovers*, Vol. 6, No. 2; *Lez Orgy*, Vol. 2, No. 3; *Lez Seduction*, Vol. 1, No. 1; *Licking Lesbians*, Vol. 7, No. 1 and 2; *Loving Asses*, Vol. 1, No. 1; *Loving Legs*, Vol. 1, No. 1; *Lusty Legs*, Vol. 2, No. 4. Publisher: American Art Enterprises Inc.
- Title: *Lovers Premier Issue*; *Lovers*, No. 2, 3 and 7. Publisher: Larry Bean.
- Title: *Lusty Lovers*, No. 1 and No. 2. Publisher: Pleasure Chat Inc.
- Title: *Male Pictorial April 1990*. Publisher: Liberation Publications.
- Title: *Mammoth Mammaries*, No. 1. Publisher: Pleasure Chat Inc.
- Title: *Mature Foxes*, Vol. 1, No. 5; *Mature Foxes*, Vol. 2, No. 2. Publisher: Alternate Periodicals Corp.
- Title: *Marvellous Melons*, Vol. 1, No. 1. Publisher: Red Lion Publications.
- Title: *Milkin & Poppin*, Vol. 1, No. 1. Publisher: American Art Enterprises Inc.
- Title: *Milky*, Vol. 1, No. 4; *Milky Mamas*, Vol. 3, No. 2; *Neighbourhood Nymphos*, Vol. 1, No. 1. Publisher: Red Lion Publications.
- Title: *Oral Lesbians*, Vol. 5, No. 4. Publisher: American Art Enterprises Inc.
- Title: *Oriental Sex Girls*, Vol. 1, No. 15. Publisher: Unknown.
- Title: *Over 130 Pix of Bawdy Babes*, Vol. 1, No. 1; *Over 145 Pix of Wet & Wild Pussies*, Vol. 1, No. 1; *Over 150 Pix of Big Boob Babes*, Vol. 1, No. 1. Publisher: Red Lion Publications.
- Title: *Peek-A-Boobs*, Vol. 2, No. 2; *Pieces of Ass*, Vol. 1, No. 2. Publisher: American Art Enterprises Inc.
- Title: *Pink Satin*, Vol. 1, No. 3; *Pink Satin*, Vol. 2, No. 1 and 4. Publisher: Alternate Periodicals Corp.
- Title: *Playgirl*, Vol. XVII, No. 10. Publisher: Sherwood Katsoff.
- Title: *Porn Star Fantasies*, Vol. 1, No. 16. Publisher: Unknown.
- Title: *Prime Cuts*, No. 5. Publisher: Arena Publications.
- Title: *Private Desires*, No. 1. Publisher: Pleasure Chat Inc.
- Title: *Pussies in Heat*, Vol. 1, No. 2 and No. 3; *Pussy Poking*, Vol. 6, No. 4; *Pussy Poking*, Vol. 7, No. 1; *Pussy Probing*, Vol. 1, No. 1. Publisher: American Art Enterprises Inc.
- Title: *Raunchy*, Vol. 2, No. 4. Publisher: Alternate Periodicals Corp.
- Title: *Rearview*, Vol. 2, No. 2 and 3. Publisher: American Art Enterprises Inc.
- Title: *Red Hot Swingers*, No. 1. Publisher: Pleasure Chat Inc.
- Title: *Revelation*, No. 7, No. 8 and No. 9. Publisher: Sherwood Publishing Ltd.
- Title: *Saddle Tramps*, Vol. 1, No. 1; *Sassy in Satin*, Vol. 1, No. 3. Publisher: American Art Enterprises Inc.
- Title: *Scorchers*, Vol. 1. Publisher: Pleasure Chat Inc.
- Title: *Score*, Vol. 1, No. 7. Publisher: Unknown.
- Title: *Sexual Fantasy Word*, No. 1; *Sex-Vids*, No. 1. Publisher: Pleasure Chat Inc.
- Title: *Shaved*, Vol. 15, No. 3; *Shaved Babes*, Vol. 1, No. 1; *Shaved Crotches*, Vol. 1, No. 2; *Shaved Girl Review*, Vol. 1, No. 3 and 4; *Shaved Pussies*, Vol. 2, No. 1; *Shaved Pussy Pokers*, Vol. 1, No. 2; *Shaved Snatches*, Vol. 1, No. 2. Publisher: American Art Enterprises Inc.
- Title: *Silky*, Vol. 1, No. 3 and 5; *Silky*, Vol. 2, No. 5. Publisher: Alternate Periodicals Corp.
- Title: *Sizzle, Sizzle*, Vol. 2, No. 7 and 8. Publisher: Unknown.
- Title: *Skirts Up*, Vol. 9, No. 3 and 4; *Slick Slots*, Vol. 1, No. 1; *Slippery Slick and Horny*, Vol. 1, No. 1; *Smooth Snatches*, Vol. 3, No. 1 and 2; *Snatch*, Vol. 6, No. 2 and 3; *Split Beavers*, Vol. 8, No. 2 and 3. Publisher: American Art Enterprises Inc.
- Title: *Spread Shots*, Vol. 1, No. 5; *Spread Shots*, Vol. 2, No. 3; *Succulent*, Vol. 2, No. 2. Publisher: Alternate Periodicals.
- Title: *Sugar and Spice*, Vol. 1 and No. 2. Publisher: Red Lion Publications.
- Title: *Super Hot Shots*, No. 35, No. 36, No. 37 and No. 38. Publisher: American Art Enterprises Inc.
- Title: *Superotica*, No. 1. Publisher: Pleasure Chat Inc.
- Title: *Sweet Asses*, Vol. 5, No. 3. Publisher: American Art Enterprises.
- Title: *Teasers*, Vol. 3, No. 2 and 3; *The Girl Next Door*, Vol. 1, No. 2 and 3. Publisher: American Art Enterprises Inc.
- Title: *The Erotic Art of Reed Waller*. Publisher: Kitchen Sink Press.
- Title: *Throbs*, No. 1 and No. 2. Publisher: Pleasure Chat Inc.
- Title: *Tight Pussies*, Vol. 2, No. 2 and 3; *Tip Top*, Vol. 28, No. 3 and 4; *Tits Tits Tits*, Vol. 1, No. 1; *Titties*, Vol. 2, No. 2. Publisher: American Art Enterprises Inc.
- Title: *Top Heavy*, Vol. 1, No. 3 and No. 6; *Top Heavy*, Vol. 2, No. 3; *Torrid*, Vol. 1, No. 6; *Torrid*, Vol. 2, No. 3. Publisher: Alternate Periodicals Corp.
- Title: *Torrid Sex*, Vol. 1, No. 1. Publisher: Knight Publishing Corp.
- Title: *Toy Loving Lesbians*, Vol. 2, No. 3 and No. 4. Publisher: American Art Enterprises Inc.
- Title: *TV Turns Ons*, Vol. 1, No. 1. Publisher: Holly Publications.
- Title: *Wanton Women*, Vol. 2, No. 1. Publisher: Alternate Periodicals Corp.
- Title: *Wet 'N Wild*, Vol. 1, No. 1. Publisher: American Art Enterprises Inc.
- Title: *Wet Pairs*, No. 1. Publisher: Pleasure Chat Inc.
- Title: *Wide Open Pussies*, Vol. 1, No. 1; *Willing Women*, Vol. 1, No. 1 and No. 2. Publisher: American Art Enterprises Inc.
- Title: *X Rated Pleasures*, No. 1; *XXX Action Video*, No. 1 and No. 2. Publisher: Pleasure Chat Inc.

Dated at Wellington this 23rd day of October 1990.

M. W. TAYLOR, Comptroller of Customs.

go11749

## Education

### Education Amendment Act 1990

#### The Waikato Polytechnic Notice 1990

Pursuant to section 168 of the Education Amendment Act 1990, the Minister of Education gives the following notice.

#### Notice

1. (a) This notice may be cited as The Waikato Polytechnic Notice 1990.

(b) This notice shall come into force on the date of its publication in the *Gazette*.

2. There shall be a Council to be known as The Waikato Polytechnic Council which shall control The Waikato Polytechnic.

3. The Waikato Polytechnic Council shall be constituted as follows:

(a) Four members appointed by the Minister of Education.

(b) The Chief Executive Officer of The Waikato Polytechnic.

(c) One permanent member of the academic staff of The Waikato Polytechnic elected by the permanent members of that staff.

(d) One permanent member of the general staff of The Waikato Polytechnic elected by the permanent members of that staff.

(e) One member who is or has been a student of The Waikato Polytechnic elected by the students of the Polytechnic.

(f) One member to represent the interests of employers; appointed by the Auckland Provincial Employers Association, after consultation with the Waikato Manufacturers Association and the New Zealand Employers Federation.

(g) One member to represent the interests of employees; appointed by the Waikato District Council of the New Zealand Council of Trade Unions.

(h) One member to represent the interests of the community; appointed by the Hamilton Council of Social Services after consultation with such Waikato community groups as may be determined from time to time by the Hamilton Council of Social Services.

(i) One member to represent the interests of the Maori people; appointed by the Tainui Trust Board after consultation with the Waikato-Maniapoto District Maori Council.

(j) One member to represent the interests of Maori women; who shall be resident in the region serviced by the Polytechnic, appointed by the Maori Women's Welfare League (Inc.)

(k) One member to represent the interests of Women; appointed by the National Council of Women (Hamilton Branch) after consultation with such Waikato Women's groups as may be determined from time to time by the National Council of Women (Hamilton Branch).

(l) One member to represent the interests of primary industry; appointed by the Federated Farmers of New Zealand (Waikato Provincial District Inc.) after consultation with the Royal New Zealand Institute of Horticulture (Waikato District Council) plus any other primary industry groups as determined from time to time by the Federated Farmers of New Zealand (Waikato Provincial District Inc.).

(m) One member to represent the interests of Hamilton City appointed by the Hamilton City Council.

(n) One member chosen for his/her knowledge of financial management and accounting; appointed by the Waikato Bay of Plenty Branch of New Zealand Society of Accountants.

(o) One member chosen for his/her knowledge of building design and construction; appointed by the Waikato Bay of Plenty Branch of the Institution of Professional Engineers NZ (Inc.) after consultation with the Waikato branches of the NZ Institute of Architects and the NZ Institute of Quantity Surveyors.

(p) One member chosen for his/her knowledge of post secondary education administration; appointed by the Council of the University of Waikato.

(q) One member co-opted by the Council of The Waikato Polytechnic, as and when it sees fit.

4. The term of office of members of the Council, vacation of office, disclosure of members' interest and casual vacancies are covered in sections 173-176 of the Education Amendment Act 1990.

Subject to section 173, the maximum term for any member, other than the Chief Executive Officer, shall be three consecutive 4-year terms.

5. The powers of The Waikato Polytechnic Council shall not be affected by vacancy in the membership thereof.

Dated at Wellington this 25th day of October 1990.

PHIL GOFF, Minister of Education.

This notice replaces the one published in the *New Zealand Gazette*, 27 September 1990, No. 169, page 3561.

5

go11758

#### Taranaki Polytechnic Notice 1990

Pursuant to section 168 of the Education Amendment Act 1990, the Minister of Education gives the following notice.

#### Notice

1. (a) This notice may be cited as the Taranaki Polytechnic Notice 1990.

(b) This notice shall come into force on the date of its publication in the *Gazette*.

2. There shall be a Council to be known as the Taranaki Polytechnic Council which shall control the Taranaki Polytechnic.

3. The Taranaki Polytechnic Council shall be constituted as follows:

(a) Four members appointed by the Minister of Education.

(b) The Chief Executive Officer of Taranaki Polytechnic.

(c) One permanent member of the academic staff of Taranaki Polytechnic elected by the permanent members of that staff.

(d) One permanent member of the general staff of Taranaki Polytechnic elected by the permanent members of that staff.

(e) One member who is or has been a student of Taranaki Polytechnic who shall represent the students of Taranaki Polytechnic and who shall either be elected by the students of Taranaki Polytechnic or appointed by the Taranaki Polytechnic Students' Association Executive, if the students so decide.

(f) One member appointed by the Taranaki Polytechnic Council after consultation with the Taranaki branch of the New Zealand Employers' Federation.

(g) One member appointed by the Taranaki Polytechnic Council after consultation with the Taranaki District Council of the New Zealand Council of Trade Unions.

(h) One member appointed jointly by the Taranaki branches of the New Zealand Society of Accountants and New Zealand Institute of Management.

(i) One member appointed by the Taranaki branch of the New Zealand Institution of Professional Engineers of NZ.

(j) One member appointed by the Taranaki Maori Trust Board.

(k) One member appointed by the Taranaki Regional Council.

(l) One member appointed by the Taranaki branch of Federated Farmers of New Zealand (Inc.).

(m) One member representing health services in the region appointed by the Taranaki Polytechnic Health Services Advisory Committee.

(n) One member elected by the Boards of Trustees of the secondary schools listed in the First Schedule to this notice.

(o) Up to three members co-opted by the Taranaki Polytechnic Council, as and when it sees fit.

4. The term of office of members of the Council, vacation of office, disclosure of members' interest and casual vacancies are covered in sections 173-176 of the Education Amendment Act 1990.

Subject to section 173, the maximum term for any member, other than the Chief Executive Officer, shall be three consecutive 4-year terms.

5. The powers of the Taranaki Polytechnic Council shall not be affected by vacancy in the membership thereof.

#### First Schedule

The boards of Trustees of secondary schools referred to in subclause 3 (n) of this notice are as follows:

New Plymouth Boys' High School  
 New Plymouth Girls' High School  
 Spotswood College  
 Sacred Heart College  
 Francis Douglas Memorial College  
 Waitara High School  
 Okato College  
 Opunake High School  
 Inglewood High School  
 Stratford High School  
 St Mary's Diocesan School for Girls  
 Hawera High School  
 Patea High School  
 Waverley Area School  
 Ohura Area School

Dated at Wellington this 19th day of October 1990.

PHIL GOFF, Minister of Education.

5

go11760

#### Nelson Polytechnic Notice 1990

Pursuant to section 168 of the Education Amendment Act 1990, the Minister of Education gives the following notice.

#### Notice

1. (a) This notice may be cited as the Nelson Polytechnic Notice 1990.

(b) This notice shall come into force on the date of its publication in the *Gazette*.

2. There shall be a Council to be known as the Nelson Polytechnic Council which shall control the Nelson Polytechnic.

3. The Nelson Polytechnic Council shall be constituted as follows:

(a) Four members appointed by the Minister of Education.

(b) The Chief Executive Officer of Nelson Polytechnic.

(c) One permanent member of the academic staff of Nelson Polytechnic elected by the permanent members of that staff.

(d) One permanent member of the general staff of Nelson Polytechnic elected by the permanent members of that staff.

(e) One student representative, who, at the time of election/appointment is either a student or has been a student of Nelson Polytechnic and who shall be either appointed by a Students Association recognised by the Polytechnic Council or elected by the students, as the students so decide.

(f) One member appointed jointly by the Regional Employers' Associations, covering the Nelson and Marlborough regions.

(g) One appointed jointly by the Nelson and Marlborough CTU District Councils.

(h) Two members, resident in Marlborough, elected by an electoral college as listed in the First Schedule to this notice. The Council shall have the right to amend this Schedule from time to time as it sees fit.

(i) One member representing the Maori interests appointed by Te Runanganui o Te Tau Ihu o Te Waka a Maui.

(j) One Womens representative to be elected by Associations, Incorporated Societies or Trusts of Nelson and Marlborough regional womens organisations in an electoral college convened by the Nelson and Marlborough branches of the National Council of Women.

(k) Up to five members co-opted by the Nelson Polytechnic Council as and when it sees fit, to represent the special needs of the Nelson and Marlborough regions.

4. Staff members employed in excess of 100 hours per annum may not be appointed, elected or co-opted as members of the Council under paragraphs (e), (f), (g), (h), (i), (j) and (k) of clause 3.

5. The term of office of members of the Council, vacation of office, disclosure of members' interest and casual vacancies are covered in sections 173-176 of the Education Amendment Act 1990.

Subject to section 173, the maximum term for any member, other than the Chief Executive Officer, shall be two consecutive 4-year terms.

5. The powers of the Nelson Polytechnic Council shall not be affected by vacancy in the membership thereof.

#### First Schedule

The Electoral College of Marlborough, as referred to in subclause 3 (h) of this notice are as follows:

Marlborough District Council  
 Nelson Marlborough Regional Council  
 Marlborough Ports Authority  
 Nelson Marlborough Area Health Board  
 Marlborough Principals Association  
 Boards of Trustees Association (Marlborough)  
 Federated Farmers (Marlborough)  
 Marlborough Grape Growers Association  
 Marlborough Forest Owners Association  
 Marlborough Vegetable Growers Association  
 Marlborough Fruitgrowers Association  
 Marlborough Chamber of Commerce  
 Marlborough Promotions  
 Marlborough Business Development Board  
 Combined Trade Unions  
 Marlborough Unemployed Workers Union  
 Marlborough REAC  
 Womens Division Federated Farmers (Marlborough)  
 National Organisation of Women  
 Te Runanganui Te Tau Ihu o Te Waka a Maui  
 Rangitane Runanga  
 Maori Womens Welfare League  
 IHC (Marlborough)

Dated at Wellington this 19th day of October 1990.

PHIL GOFF, Minister of Education.

go11762

5

### Hawke's Bay Polytechnic Notice 1990

Pursuant to section 168 of the Education Amendment Act 1990, the Minister of Education gives the following notice.

#### Notice

1. (a) This notice may be cited as the Hawke's Bay Polytechnic Notice 1990.

(b) This notice shall come into force on the date of its publication in the *Gazette*.

2. There shall be a Council to be known as the Hawke's Bay Polytechnic Council which shall control the Hawke's Bay Polytechnic.

3. The Hawke's Bay Polytechnic Council shall be constituted as follows:

(a) Four members appointed by the Minister of Education.

(b) The Chief Executive Officer of Hawke's Bay Polytechnic.

(c) One permanent member of the academic staff of Hawke's Bay Polytechnic elected by the permanent members of that staff.

(d) One permanent member of the general staff of Hawke's Bay Polytechnic elected by the permanent members of that staff.

(e) One member who is or has been a student of Hawke's Bay Polytechnic who shall be appointed by the Executive of the Hawke's Bay Polytechnic Students' Association and who shall represent the students of Hawke's Bay Polytechnic.

(f) One member appointed by the Hawke's Bay Polytechnic Council after consultation with the Hawke's Bay Branch of the Wellington Regional Employers' Federation.

(g) One member elected by Hawke's Bay District Professional Bodies as listed in the First Schedule to this notice.

(h) One member appointed by the Hawke's Bay Polytechnic Council after consultation with the Hawke's Bay District Council of Trade Unions.

(i) One member appointed by the Hawke's Bay Regional Council.

(j) One member elected by the Hawke's Bay Secondary Schools' Boards of Trustees as listed in the Second Schedule to this notice.

(k) One member appointed by the Takitimu District Maori Council.

(l) One member appointed by the Ikaroa Maori Women's Welfare League.

(m) One member appointed by the Hawke's Bay Branch of Federated Farmers of New Zealand.

(n) One member jointly by the Hawke's Bay and Tairāwhiti Area Health Boards.

(o) Up to 3 members to be co-opted by the Hawke's Bay Polytechnic Council if and when it thinks fit taking into account the specific needs of the Hawke's Bay Polytechnic, its unique character, and the gender, ethnic and socio-economic composition of the Hawke's Bay community.

4. The term of office of members of the Council, vacation of office, disclosure of members' interest and casual vacancies are covered in sections 173-176 of the Education Amendment Act 1990.

Subject to section 173, the maximum term for any member, other than the Chief Executive Officer, shall be three consecutive 4-year terms.

5. The powers of the Hawke's Bay Polytechnic Council shall not be affected by vacancy in the membership thereof.

#### First Schedule

The Professional Bodies as referred to in subclause 3 (g) to the notice are as follows:

Hawke's Bay Branch, New Zealand Society of Accountants

The Hawke's Bay District Law Society

The New Zealand Institute of Management, Hawke's Bay Division (Inc)

Hawke's Bay Division, New Zealand Dental Association

Medical Association of New Zealand, Hawke's Bay Division

Hawke's Bay Branch, New Zealand Institute of Surveyors

The Institution of Professional Engineers New Zealand (Inc) (Hawke's Bay Branch)

Hawke's Bay Branch of Quantity Surveyors Institute of New Zealand (Inc)

New Zealand Institute of Architects, Hawke's Bay Branch

Hawke's Bay Branch Pharmaceutical Society of New Zealand

New Zealand Nurses' Association (Inc) Napier Branch and Hastings Branch

Hawke's Bay Optometrical Association

Post Primary Teachers' Association

New Zealand Educational Institute

#### Second Schedule

The Secondary Schools' Boards' of Trustees as referred to in subclause 3 (j) to the notice are as follows:

Central Hawke's Bay College

Iona College

Lindisfarne College

Sacred Heart Girls' College

St John's College

St Joseph's Maori Girls' College

Taradale High School

Tamatea High School

Te Aute College

Wairoa College

Napier Boys' High School

Napier Girls' High School

Colenso High School

Havelock North High School

Hastings Boys' High School

Hastings Girls' High School

Woodford House College

Karamu High School

Dated at Wellington this 19th day of October 1990.

PHIL GOFF, Minister of Education.

go11764

5

### Central Institute of Technology Notice 1990

Pursuant to section 168 of the Education Amendment Act 1990, the Minister of Education gives the following notice.

#### Notice

1. (a) This notice may be cited as the Central Institute of Technology, Te Whare Wananga o Whirinaki Notice 1990.

(b) This notice shall come into force on the date of its publication in the *Gazette*.

2. There shall be a Council to be known as the Council of the Central Institute of Technology, Te Whare Wananga o Whirinaki, which shall control the Central Institute of Technology, Te Whare Wananga o Whirinaki.

3. The Council of the Central Institute of Technology, Te Whare Wananga o Whirinaki, shall be constituted as follows:

(a) Four members appointed by the Minister of Education.

(b) The Chief Executive Officer of the Central Institute of Technology, Te Whare Wananga o Whirinaki.

(c) One permanent member of the academic staff of the

Central Institute of Technology, Te Whare Wananga o Whirinaki elected by the permanent members of that staff.

(d) One permanent member of the general staff of the Central Institute of Technology, Te Whare Wananga o Whirinaki elected by the permanent members of that staff.

(e) Two members who are or have been students of the Central Institute of Technology, Te Whare Wananga o Whirinaki who shall represent the students of the Central Institute of Technology, Te Whare Wananga o Whirinaki and who shall be appointed by the Executive of the Central Institute of Technology Students' Union.

(f) One member appointed by the New Zealand Employers Federation.

(g) One member appointed by the New Zealand Council of Trade Unions.

(h) One member appointed by the New Zealand Manufacturers' Federation Inc.

(i) One member appointed by the Health Boards New Zealand (Inc).

(j) One member appointed by the Secretary of Women's Affairs.

(k) One member appointed by the General Manager of Te Tira Ahu Iwi.

(l) One member appointed by the Upper Hutt City Council.

(m) One member appointed by the Hotel Association of New Zealand.

(n) One member appointed by the Director-General of the Department of Scientific and Industrial Research.

(q) Not more than two members co-opted by the Council itself, if and when it sees fit.

4. Employees of the Central Institute of Technology, Te Whare Wananga o Whirinaki, may not be appointed as members of the Council under paragraphs (f), (g), (h), (i), (j), (k), (l), (m) and (n) of clause 3.

5. The term of office of members of the Council, vacation of office, disclosure of members' interest and casual vacancies are covered in sections 173-176 of the Education Amendment Act 1990.

Subject to section 173, the maximum term for any member, other than the Chief Executive Officer, shall be three consecutive 4-year terms.

5. The powers of the Council of the Central Institute of Technology, Te Whare Wananga o Whirinaki shall not be affected by vacancy in the membership thereof.

Dated at Wellington this 19th day of October 1990.

PHIL GOFF, Minister of Education. 5  
go11769

### Telford Rural Polytechnic Notice No. 2 1990

Pursuant to section 168 of the Education Amendment Act 1990, the Minister of Education gives the following notice.

#### Notice

1. (a) This notice may be cited as the Telford Rural Polytechnic Notice, No. 2 1990.

(b) This notice shall come into force on the date of its publication in the *Gazette*.

2. There shall be a Council to be known as the Telford Rural Polytechnic Council which shall control the Telford Rural Polytechnic.

3. The Telford Rural Polytechnic Council shall be constituted as follows:

(a) Four members appointed by the Minister of Education.

(b) The Chief Executive Officer of Telford Rural Polytechnic.

(c) One permanent member of the academic staff of Telford Rural Polytechnic elected by the permanent members of that staff.

(d) One permanent member of the general staff of Telford Rural Polytechnic elected by the permanent members of that staff.

(e) One member who is or has been a student of Telford Rural Polytechnic who shall represent the students of Telford Rural Polytechnic and who shall be elected by the students of Telford Rural Polytechnic.

(f) One member appointed by the Telford Rural Polytechnic Council after consultation with the New Zealand Employers' Federation.

(g) One member appointed by the Telford Rural Polytechnic Council after consultation with the New Zealand Council of Trade Unions.

(h) One member who shall be resident in the province of Otago appointed by the Ngai Tahu Trust Board (Inc.).

(i) One member who shall be resident in Otago or Southland appointed by the Board of Management of the National Council of Women of New Zealand (Inc).

(j) Two members appointed by the Telford Farm Training Institute Board of Management constituted in terms of the Telford Farm Training Institute Act 1963.

(k) One member appointed by the Federated Farmers of New Zealand (Otago Provincial District) Inc.

(l) One member appointed by the Federated Farmers of New Zealand (Southland Provincial District) Inc.

(m) One member appointed by the Clutha District Council.

4. The term of office of members of the Council, vacation of office, disclosure of members' interest and casual vacancies are covered in sections 173-176 of the Education Amendment Act 1990.

Subject to section 173, the maximum term for any member, other than the Chief Executive Officer, shall be two consecutive 4-year terms.

5. The powers of the Telford Rural Polytechnic Council shall not be affected by vacancy in the membership thereof.

Dated at Wellington this 19th day of October 1990.

PHIL GOFF, Minister of Education. 5  
go11772

### The Open Polytechnic of New Zealand Notice 1990

Pursuant to section 168 of the Education Amendment Act 1990, the Minister of Education gives the following notice.

#### Notice

1. (a) This notice may be cited as the The Open Polytechnic of New Zealand Notice 1990.

(b) This notice shall come into force on the date of its publication in the *Gazette*.

2. There shall be a Council to be known as the The Open Polytechnic of New Zealand Council which shall control The Open Polytechnic of New Zealand.

3. The Open Polytechnic of New Zealand Council shall be constituted as follows:

(a) Four members appointed by the Minister of Education.

(b) The Chief Executive Officer of The Open Polytechnic of New Zealand.

(c) One permanent member of the academic staff of The Open Polytechnic of New Zealand elected by the permanent members of that staff.

(d) One permanent member of the general staff of The Open Polytechnic of New Zealand elected by the permanent members of that staff.



(e) One member who is or has been a student of The Open Polytechnic of New Zealand who shall represent the students of The Open Polytechnic of New Zealand and who shall be appointed by the Executive of The Open Polytechnic of New Zealand Students' Association.

(f) One member appointed by The Open Polytechnic of New Zealand Council after consultation with the New Zealand Employers' Federation Incorporated.

(g) One member appointed by the NZ Manufacturers Federation Incorporated.

(h) One member appointed by The Open Polytechnic of New Zealand Council after consultation with the New Zealand Council of Trade Unions.

(i) One member appointed by the Trade Union Education Authority.

(j) One members appointed by Federated Farmers of New Zealand Incorporated.

(k) One member appointed by the Education Training and Support Agency.

(l) Up to 2 members co-opted by The Open Polytechnic of New Zealand Council, if and when it sees fit, to meet identified gaps in representation of expertise on the Council.

4. The term of office of members of the Council, vacation of office, disclosure of members' interest and casual vacancies are covered in sections 173-176 of the Education Amendment Act 1990.

Subject to section 173, the maximum term for any member, other than the Chief Executive Officer, shall be three consecutive 4-year terms.

5. The powers of the The Open Polytechnic of New Zealand Council shall not be affected by vacancy in the membership thereof.

Dated at Wellington this 19th day of October 1990.

PHIL GOFF, Minister of Education.

go11774

## Environment

### Town and Country Planning Act 1977

#### The Auckland Regional Planning Scheme (Change No. 1) Approval Order 1990

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 24 of the Town and Country Planning Act 1977, His Excellency, the Governor-General, acting by and with the advice of the Executive Council, hereby makes the following Order:

#### Order

**1. Title**—This Order may be cited as the Town and Country Planning (Auckland Regional Planning Scheme : Change No. 1) Order 1990.

**2. Change to Auckland Regional Planning Scheme approved**—Scheme Change No. 1 to the Auckland Regional Planning Scheme as prepared in accordance with the provisions of the Town and Country Planning Act 1977 by the Auckland Regional Council in 1990 and held in the Office of the Secretary for the Environment in Wellington under reference No. EPL 3/1/2 is hereby approved.

**3. Commencement of Change to the Auckland Regional Planning Scheme**—Change No. 1 to the Auckland Regional

Planning Scheme as approved by clause 2 of this Order shall come into force on the day after the date of its notification in the *Gazette*.

MARIE SHROFF, Clerk of the Executive Council.

(EPL 3/1/2)

go11741

## Inland Revenue

Interest PAYE Cancelled Certificate of Exemption Numbers for the Quarter Ended 30 September 1990:

10-012-481	10-162-726	10-243-300	10-581-001
10-600-006	10-602-068	10-695-961	10-813-905
10-891-302	11-031-501	11-074-235	11-188-788
11-690-033	12-299-575	12-299-583	13-192-014
13-326-770	13-723-095	19-556-026	24-491-676
25-777-670	28-091-808	29-750-289	30-488-059
31-550-041	41-077-921	41-901-101	43-122-075
43-311-948	43-396-481	44-276-690	45-310-388
45-868-702	48-675-824	48-853-514	48-909-752
49-703-848	49-762-224	50-238-199	50-392-880
50-717-054	51-308-573	51-640-918	51-866-975
51-880-404	51-881-346	51-882-075	51-885-252
51-921-500	51-995-252	52-196-191	52-277-272
52-327-830	52-346-835	52-349-885	52-392-659
52-423-643	52-452-929	52-542-766	52-545-595
52-594-685	52-619-866	52-621-178	52-623-138
52-647-142	52-713-994	52-838-169	52-844-096
52-992-613	53-124-720	53-237-649	53-439-896
53-491-561	53-493-300	53-494-323	54-990-278
54-997-604	54-998-953	55-000-999	55-008-574
55-014-922	55-015-465	55-020-426	55-026-386
55-027-250	55-029-318	55-044-112	55-044-821
55-044-953	55-050-678	55-057-834	55-060-460
55-064-814	55-068-275	55-068-356	55-070-229
55-071-241	55-074-488	55-089-752	55-096-287
55-100-438	55-111-898	55-118-639	55-118-809
55-135-681	55-150-699	55-152-500	55-160-287
55-162-131	55-178-941	55-179-883	55-179-913
55-180-059	55-180-148	55-180-253	55-180-407
55-180-598	55-186-162	55-195-846	55-199-299
55-202-508	55-204-969	55-205-051	55-207-569
55-210-551	55-219-680	55-220-883	55-221-286
55-228-884	55-246-955	55-250-219	55-260-095
55-266-751	55-268-185	55-280-002	55-285-616
55-287-074	55-288-089	55-288-437	55-295-042
55-297-398	55-299-242	55-299-374	55-300-399
55-300-720	55-307-679	55-308-225	55-308-632
55-310-483	55-318-514	55-331-928	55-335-508
55-337-292	55-338-086	55-340-196	55-348-006
55-349-258	55-354-340	55-360-022	55-363-307
55-368-791	55-381-550	55-383-510	55-387-451
55-391-564	55-392-692	55-398-259	55-398-283
55-398-380	55-400-555	55-405-573	55-407-703
55-420-394	55-423-318	55-426-503	55-429-723
55-431-426	55-434-603	55-434-743	55-439-737
55-445-133	55-450-773	55-453-136	55-453-381
55-458-502	55-463-255	55-465-622	55-465-886
55-468-079	55-469-938	55-469-946	55-470-014
55-472-335	55-473-331	55-475-407	55-478-988
55-479-305	55-482-926	55-483-337	55-486-530
55-487-065	55-490-163	55-490-236	55-493-197
55-497-036	55-497-516	55-498-873	55-499-020
55-499-446	55-500-738	55-502-323	55-503-346
55-503-699	55-503-702	55-503-869	55-505-624
55-508-607	55-509-182	55-509-786	55-510-776
55-511-276	55-512-248	55-513-384	55-517-142
55-517-282	55-517-940	55-518-238	55-518-629
55-519-129	55-534-063	55-535-426	55-537-232
55-537-852	55-538-891	55-540-772	55-542-252

Interest PAYE Reissued Certificate of Exemption Numbers for the Quarter Ended 30 September 1990:

10-339-855	11-005-977	29-049-475	29-591-755
50-950-689	52-084-130	52-391-583	52-983-444
55-005-583	55-015-023	55-101-590	55-289-301
55-347-646			

go11710

## **Income Tax Act 1976**

### **Determinations Made by Commissioner of Inland Revenue Under Section 245s (1) of the Income Tax Act 1976**

Pursuant to section 245s (8) of the Income Tax Act 1976, the following Schedule is hereby published, comprising Foreign Investment Fund determinations made by the Commissioner of Inland Revenue under section 245s (1) of the Income Tax Act 1976.

#### **Schedule**

#### **Foreign Investment Fund Determination—Hill Samuel CSF Fund**

DETERMINATION FIF1: This determination may be cited as "Determination FIF1: Hill Samuel CSF Fund".

1. **Reference**—This determination is made pursuant to section 245s (1) of the Income Tax Act 1976.

2. **Foreign Entity Description**—Hill Samuel CSF Fund is a foreign unit trust resident in Switzerland.

3. **Determination**—The Commissioner of Inland Revenue hereby determines that rights held by any person in relation to Hill Samuel CSF Fund constitute an interest in a Foreign Investment Fund.

4. **Reason**—The reason for the decision reached in making this determination is that none of the exceptions contained in section 245R (2) of the Act apply.

5. **Applicant's Grounds**—The application for this determination was made prior to the promulgation of the Income Tax (Foreign Investment Fund Determinations) Regulations 1989. As a result, the grounds on which the applicant relied in the application were not provided.

6. **Application**—This determination relates to the accounting period of Hill Samuel CSF Fund ended on 31 December 1988 and the relevant income year of the person within which the end of that accounting period falls.

This determination shall remain in force until it is otherwise replaced by a fresh determination.

This determination is signed on the 16th day of October in the year 1990.

D. HENRY, Commissioner of Inland Revenue.

#### **Foreign Investment Fund Determination—Lloyds International Growth Fund**

DETERMINATION FIF2: This determination may be cited as "Determination FIF2: Lloyds International Growth Fund".

1. **Reference**—This determination is made pursuant to section 245s (1) of the Income Tax Act 1976.

2. **Foreign Entity Description**—Lloyds International Growth Fund is a foreign unit trust resident in Switzerland.

3. **Determination**—The Commissioner of Inland Revenue hereby determines that rights held by any person in relation to Lloyds International Growth Fund constitute an interest in a Foreign Investment Fund.

4. **Reason**—The reason for the decision reached in making this determination is that none of the exceptions contained in section 245R (2) of the Act apply.

5. **Applicant's Grounds**—The application for this determination was made prior to the promulgation of the Income Tax (Foreign Investment Fund Determinations) Regulations 1989. As a result, the grounds on which the applicant relied in the application were not provided.

6. **Application**—This determination relates to the accounting period of Lloyds International Growth Fund ended on 31 December 1988 and the relevant income year of the person within which the end of that accounting period falls.

This determination shall remain in force until it is otherwise replaced by a fresh determination.

This determination is signed on the 16th day of October in the year 1990.

D. HENRY, Commissioner of Inland Revenue.

#### **Foreign Investment Fund Determination—Lloyds International Pacific Fund**

DETERMINATION FIF3: This determination may be cited as "Determination FIF3: Lloyds International Pacific Fund".

1. **Reference**—This determination is made pursuant to section 245s (1) of the Income Tax Act 1976.

2. **Foreign Entity Description**—Lloyds International Pacific Fund is a foreign unit trust resident in Switzerland.

3. **Determination**—The Commissioner of Inland Revenue hereby determines that rights held by any person in relation to Lloyds International Pacific Fund constitute an interest in a Foreign Investment Fund.

4. **Reason**—The reason for the decision reached in making this determination is that none of the exceptions contained in section 245R (2) of the Act apply.

5. **Applicant's Grounds**—The application for this determination was made prior to the promulgation of the Income Tax (Foreign Investment Fund Determinations) Regulations 1989. As a result, the grounds on which the applicant relied in the application were not provided.

6. **Application**—This determination relates to the accounting period of Lloyds International Pacific Fund ended on 31 December 1988 and the relevant income year of the person within which the end of that accounting period falls.

This determination shall remain in force until it is otherwise replaced by a fresh determination.

This determination is signed on the 16th day of October in the year 1990.

D. HENRY, Commissioner of Inland Revenue.

#### **Foreign Investment Fund Determination—Tyndall Overseas Fund Limited**

DETERMINATION FIF4: This determination may be cited as "Determination FIF4: Tyndall Overseas Fund Limited".

1. **Reference**—This determination is made pursuant to section 245s (1) of the Income Tax Act 1976.

2. **Foreign Entity Description**—Tyndall Overseas Fund Limited is a foreign company resident in Bermuda.

3. **Determination**—The Commissioner of Inland Revenue hereby determines that rights held by any person in relation to Tyndall Overseas Fund Limited constitute an interest in a Foreign Investment Fund.

4. **Reason**—The reason for the decision reached in making this determination is that none of the exceptions contained in section 245R (2) of the Act apply.

5. **Applicant's Grounds**—The application for this determination was made prior to the promulgation of the Income Tax (Foreign Investment Fund Determinations) Regulations 1989. As a result, the grounds on which the applicant relied in the application were not provided.

6. **Application**—This determination relates to the accounting period of Tyndall Overseas Fund Limited ended on 31 December 1988 and the relevant income year of the person within which the end of that accounting period falls.

This determination shall remain in force until it is otherwise replaced by a fresh determination.

This determination is signed on the 16th day of October in the year 1990.

D. HENRY, Commissioner of Inland Revenue.

### Objection Rights

Any person who holds rights in any of the four foreign entities referred to in the above Schedule, (or the foreign entity itself) may formally object to the relevant determination.

Any objection must be made in writing stating the grounds of objection and be delivered to the Commissioner within 1 month from the date of this *Gazette*.

Any such objection should be directed to:

The International Tax Central Unit, Inland Revenue Department, P.O. Box 895, Wellington.

go11722

## Justice

### Broadcasting Act 1976

Decision No. 10/90

COM 4/88

#### Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **The Society for the Promotion of Community Standards Inc:**

**Warrant Holder: Broadcasting Corporation of New Zealand (TV2):**

*Chairman:* B. H. Slane.

*Member:* Ann E. Wilson.

*Co-opted Members:* Gloria K. Drury and Graham Cockcroft.

#### Decision

Dated this 31st day of January 1990.

##### The Programme

As part of Aids Awareness Week, Television Two broadcast at 8 p.m. on 23 September 1987 a 1½-hour programme, produced by London Weekend Television but introduced for the New Zealand audience by Dr Karen Poutasi, Chief Health Officer of the Department of Health and Chairperson of the Inter-Departmental Committee on Aids.

##### The Complaint

The society complained to the Broadcasting Corporation but the complaint was declined. The society then referred its complaint to the Broadcasting Tribunal.

The complaint (as made to the BCNZ, then the Tribunal) can be summarised as follows:

1. Significant points of view were not permitted in the same programme or in other programmes within the period of current interest. (Section 24 (1) (e) of the Broadcasting Act 1976.)

2. A request that Women for Life be invited to prepare a programme based on their campaign "Learning To Say No" was declined.

3. The failure rate of condoms was not adequately covered.

4. Youth were encouraged to be promiscuous using condoms.

5. The programme was contrary to good taste and decency in that:

(a) There was flippant and tasteless treatment of condoms. The programme showed the handling and demonstration of the use of condoms by a man and a woman using a finger.

(b) The programme should not have been broadcast at 8 p.m.

(c) The programme was offensive and dishonest.

(d) The dialogue gave approval to pre-marital sex as the norm for young persons. A panellist laughed about his numerous sexual encounters.

6. Condoms were emphasised as "safe" when they were not.

7. No warning was given that pre-marital sex caused pregnancy and a large variety of venereal diseases.

8. No mention was made that the majority of Aids victims were homosexuals and that anal sex was more conducive to its spread than vaginal intercourse. An expert should have revealed that, in the heterosexual community, the active spread of Aids would be very low indeed.

9. The panel did not mention the dangers of oral and anal sex and bi-sexual partners.

10. There was no doctor on the programme who recommended chastity before marriage.

It was requested that another programme be broadcast by the Corporation to promote chastity before marriage and fidelity within marriage as "safe sex".

The society was concerned that the BCNZ and the Health Department "appear to be at pains to underplay the threat of homosexual sex in the spread of Aids in this country."

##### The Corporation's Response

The Corporation formally responded to the complainant in writing on 1 December 1987, following consideration of the complaint at its meeting on 24 November.

The Corporation said *First Aids* was produced by London Weekend Television with the objective of improving awareness about the disease Aids, particularly among young people. It was an innovative programme, said the Corporation, which combined factual segments on the virus, how it could be caught, young peoples' misconceptions about the disease and their thoughts on sexual behaviour, with interviews with celebrities and experts, comedy skits highlighting dangers and an opinion poll with a young studio audience. The programme was broadcast at 8 p.m. and a caption was displayed before the commencement of the programme which read "The next programme is intended mainly for young people. But it is not intended for children. It deals frankly with the subject of Aids."

On the question of bad taste, the finding of the Corporation was that the programme approached the subject in a contemporary and sophisticated manner. Some aspects were undoubtedly contrived and far-fetched for a distinct purpose—namely, to attract and retain the attention of young adults in the hope that the important message that the programme was attempting to convey would hit the target, said the Corporation. The skits were "attention-grabbers" and the Health Department's Chief Health Officer in her introduction said "Dialogue is frank and the humorous manner in which condoms are displayed may be offensive to some viewers".

The Corporation observed that if the programme had been produced several years ago, it would very probably have been regarded as unacceptable for television presentation. The fact that it was acceptable in the opinion of the Corporation was due to the seriousness of Aids and the urgent need to convey to the public at large, especially young adults, the importance

of taking positive steps to stop its spread. Given the financial and time constraints under which the Health Department was working, the most effective method of increasing awareness of Aids during the nominated week was to focus the campaign on the group most at risk, the sexually active population. For this reason *First Aids* was seen as an ideal programming choice. A lot of time was spent discussing condoms—embarrassment about buying and using them, their new image, and “designer condoms”. The demonstration by experts on how to put on a condom, using a finger as a model, was not regarded as being distasteful and it conveyed a very important piece of information on the prevention of Aids, said the Corporation. The Board considered that there had been no lack of good taste in the programme’s presentation.

With regard to partiality and bias, the Corporation said the programme did not ignore the reliability factor in relation to condoms: the presenter said “they don’t make it absolutely safe”, the Corporation wrote. On the question of the safety of condoms in preventing Aids, the programme was at pains to ensure that the contraceptive devices were properly used, and went to the extent of including a demonstration. It was also noted that the programme did not give a clear message that promiscuous sex was the accepted norm, although it appeared to apply to some of the young audience in the discussion. It did not follow that all young adults were promiscuous and the presenter made it clear that total celibacy was becoming fashionable in some quarters and that young women who had steady relationships were encouraging other girls to follow suit. There were also further references to the desirability of staying with one person and that “you will learn more from one person because it becomes open and honest”.

The Board of the Corporation recognised the subject was a controversial one but it was balanced with the inclusion of medical and other influential participants on the panel.

The complaint was not upheld by the Corporation.

### **Written Submission to the Tribunal**

In a submission to the Tribunal, the Corporation added that the programme was unquestionably a public service programme. The style was deliberately devised to attract and hold the attention of a young audience. It was not aimed at those who are chaste, who are not endangered: it was directed to those who were sexually active, who were more at risk of contracting Aids. The audience was a picked one and many of its members apparently sexually active or questions would not have been put to them in the way they were. The message of the programme for its intended television audience was that, if young people would have sex, it should be as safe as possible. References in the programme were consistently to “safer sex” not to “safe sex”. In the context of the programme, the reference was to sex using a condom as being safer than sex without it.

Condoms provided the best protection for those who were sexually active. If the failings of the devices had been dwelt on, some may have been led to question that use. That would have undermined the message, although it was said that they did not make intercourse absolutely safe. The programme demonstrated that Aids could be contracted and not become apparent for some years. It might be contracted before marriage by the sexually active; marriage was not necessarily a defence. While the complainant’s claim that the majority of Aids victims were homosexuals could be literally true, an authority had said that there were more infected heterosexuals than homosexuals.

The whole purpose of the programme was to encourage those young people who would persist in being sexually active to take the best available measure to guard against infection and the transmission of Aids.

In reply to the Corporation’s submission, the complainant said that the prior warning was not an answer. If the programme

was not intended for children, it should not have been shown in peak viewing time. The programme should have been broadcast at 10 p.m. followed by a balancing programme which told the true facts, namely, that in western countries the most at-risk groups were homosexuals, bi-sexuals and intravenous drug users. If the BCNZ did not wish to balance the *First Aids* programme by inviting Women for Life to make a programme which highlighted saying no to pre-marital sex and the advantage of keeping sex for marriage, there was an English video available. It was from the British Family and Youth Concern, produced for 14 to 16 year olds, on the wider moral and social implications of Aids and would provide the balance lacking. It was only 12 minutes long.

The medical panel was not balanced nor was the audience. Only one girl in the audience clearly advocated no sex out of marriage. In ordinary life, more girls were living wholesome lives than promiscuous ones. The imbalance in the audience gave the impression that promiscuity was the norm and the only hope was condom usage. The failure rate of condoms was not emphasised. Primarily, the best way to teach young people to protect themselves from Aids was the teaching of an ethical approach.

### **Hearing**

The Tribunal convened a hearing at which evidence was given for the complainant by Patricia Bartlett, Dr Mary English, the Rev. Gordon Dempsey and for the Corporation by Dr John Stephenson.

Many of the points already made by both parties were reiterated in the evidence. Miss Bartlett pointed out that many children may never have seen a condom but it was treated as a joke on the programme. The programme encouraged promiscuity by suggesting that condoms could provide safe sex.

Dr Mary English, a medical practitioner of Lyall Bay, said that the Aids prevention campaign was a controversial issue both in the way it was done and in the degree of emphasis. It was not just a medical question.

Some of the issues which she said could be addressed were young promiscuous heterosexuals; the best advice; condoms as frontline protection; the withholding of information; and celibacy.

She said that the incidence of the spread of Aids by heterosexual contact, even from people at high risk, was low. She pointed out that there was a significant failure rate with condoms and people needed to have all the facts, including the failure rate, so that they could make a decision to go ahead and take the risk or not go ahead.

The major emphasis should have been on self-control.

The programme should have aimed at the groups which were at risk.

The programme showed a skewed and selective viewpoint.

The Rev. G. J. Dempsey, a Lower Hutt clergyman, did not accept that financial and time constraints justified the use of the imported *First Aids* programme. He could not see why half an hour had not been given to get differing views and opinions. Everyone on the panel (except 2 doctors) expressed a predilection to pre-marital sex which made the programme unbalanced.

The programme should have gone beyond “technology” to the behaviour level and this only occurred once when gay contacts were mentioned. Mr Dempsey accepted that “technology” had reduced infection rates and that for some the technological solution was the only one.

The whole case for chastity had not been put and there were sniggers at that concept. The case for chastity, propriety, love and self-control which dictate human behaviour was not put. There was trivialisation of pre-marital sex. Promiscuity was the message.

There was a "condomania" which treated human beings as copulating machines requiring contraceptive servicing. The Society for the Promotion of Community Standards was lampooned because "we make moral judgments". He did not believe that people required only contraceptive servicing.

Mr Dempsey wanted all aspects of the disease, which was not a heterosexual one, to be discussed to show that the people most at risk are homosexuals.

Dr John Stephenson, called by the BCNZ, was manager of the Health Protection Programme in the head office of the Department of Health at the time the programme was broadcast. He said the best estimates were that a preventive vaccine for Aids may well be 5 or more years away and the most important of the alternative strategies was education, not only of the general population but also of specific groups in the community whose behaviour placed them at risk. The London declaration which emerged from the World Summit of Ministers of Health on Programmes for Aids Prevention, held in London in January 1988, said "The single most important component of national Aids programmes is information and education."

The following preventive options needed to be recognised at a personal level for prevention of infection.

1. Celibacy.
2. Having a stable, faithful relationship with an uninfected person.
3. The use of condoms and the practice of safer sex; although a condom could not be guaranteed to provide complete protection, that was still the best form of physical protection.
4. No sharing of needles, syringes and other drug-using equipment.

An additional means of spread was from an infected mother to her baby and that implied that it was critical to prevent the spread of the disease into the heterosexual population. When the planning of the programme was undertaken, there were approximately 40 Aids cases notified in New Zealand. But the numbers had risen to 90 by the time of the hearing. He outlined the strategy of the working party which relied on 2 approaches. The first involved community activities designed by health professionals and voluntary agencies. The other was media support.

There were 4 objectives to the programme:

1. To reduce the exponential increase in the number of people who might become HIV positive.
2. To increase significantly the proportion of sexually active New Zealanders who limited their sexual partners and habitually used condoms (where necessary).
3. To reduce significantly the proportion of people who shared needles and syringes.
4. To develop social support for people who became HIV (Aids) positive or developed Aids.

Aids was a sexually transmitted disease so it had a social aspect. Its spread could be either facilitated or stopped by people's behaviour and so behavioural change was essential for successful control. The *First Aids* programme was targeted precisely at those behavioural aspects of young adults. To be effective, the programme had to be presented in a manner in which the attention of young people was captured and held for a sufficient length of time for its messages to strike home. To achieve that, appropriate language had to be used and it was acknowledged that that may have been offensive to some members of the viewing audience. Prior warning was given.

It could be expected that the segment of the programme which dealt with the use of condoms might prove controversial in the way it was presented. But the failure rate of condoms most frequently related to the manner in which they were used rather than because of an intrinsic defect in the condom itself.

Explicit directions concerning their use needed to be given if they were to be effective, he said.

The programme was directed at sexually active young people and accepted that young people engaged in the activity. That did not mean educational programmes should ignore the value of celibacy or the limitation of sexual partners as an effective means of avoiding infection. The programme was part of a total package of activities at that time. Dr Stephenson maintained that a balanced view of the contemporary situation was presented in the programme and additional activities aimed at other target groups in the community provided an overall balance to the total information strategy. A subsequent survey concluded:

1. Television programmes and advertising were the most important sources of the information for the vast majority of those interviewed, who were a random sample aged 16 and over in Auckland, Wellington and Christchurch.

2. In respect of the television programmes seen, 57 percent viewed the programme *First Aids*—a significantly greater proportion compared with other television programmes they had seen on the subject.

3. Of those who found television a useful source of information, 90 percent regarded the *First Aids* programme as being very or quite useful.

4. Publicity about Aids at that time was very successful in creating awareness of the disease (96 percent).

Dr Stephenson said the publicity about Aids has raised public awareness and made it possible to talk about subjects that were unacceptable previously. This awareness plus the promotion of safer sex had had a spin-off effect in reducing the incidence of other sexually transmitted diseases. Society was becoming more tolerant in appreciating the dangers to which the gay community and intravenous drug users were exposed.

Some of the other activities for Aids week included an Education Department secondary schools kit called "Looking After Yourself"; an Aids foundation grant for advertising on radio. The foundation reached the gay community which was very difficult for the Department of Health to achieve; Waiora Productions produced a short TV programme for Maori viewers with a holistic approach to health and Aids; a resource book was produced for health professionals; and there was Health Department advertising on TV, in leaflets (and the purchase of television advertising time.)

The Aids Foundation was in touch with the gay community so that it was not necessary for this programme to target that audience. It was possible by means of this programme to get the basic message through to a wide audience and, by using other methods, to reach other target audiences. The programme accepted that many young people engaged in sexual activity but did not necessarily approve of it. However the department had to be realistic and have regard to the number of people at risk and to provide accurate information.

They wished to reach a young, mainstream, sexually active community to get information to them about Aids and about protection. There was some homosexual activity in prisons which could later lead to the spread of Aids out into the heterosexual community. There was a very long incubation period for the disease, maybe 5 or more years, and what was now seen happening arose from activity of 5 years ago. Dr Stephenson said it might well be that more heterosexuals would become infected with Aids and could be identified at that time, 5 years out.

In response to questions from Mr Dempsey, Dr Stephenson said the disease was unusual as was the situation. There was a need to be explicit in language if people were to be properly informed. He considered the presentation of information on Aids to be reasonably balanced. He was concerned with what people did and not what they were. The department did not stigmatise them. The emphasis was shifting from identifying

groups who were at risk to identifying behaviour which facilitated transmission of the disease. As a practitioner of public health, he said it was important to get through the information on how people could prevent that. It was not the department's job to deal with their morals although the activity was related to morality. Recent information was that anal intercourse may not be much more risky than heterosexual intercourse. It was certainly not 100 times higher.

Homosexual groups were being stigmatised and it was better to concentrate on the behavioural side. Homosexuals were the original group into which Aids was introduced but the natural history of the disease was unknown.

In presenting submissions for the Corporation, Mr Hudson said that there had been different points of view within the period of current interest. Regard must be had to what had been available in other parts of the educational campaign, through other media and detailed magazine coverage. The Society for the Protection of Community Standards was attempting to change the agenda.

With regard to good taste and decency he submitted that, while the programme commenced at 8 p.m. at night, to have put it on very much later would have been to reduce the audience. It would have been unrealistic to have had a further programme following. The programme was not of a prurient nature, it was a sophisticated production using top-of-the-market techniques. The Broadcasting Corporation could not have afforded to have produced it itself and accepted the overseas version.

Dr English submitted that the programme failed to deal with the issues of anal intercourse and intravenous drug use and did not emphasise measures that were equally effective such as abstinence. The format breached standards of good taste and decency with its explicitness. It put standards at the base level of the less intelligent and poorly educated and appealed to the lowest common denominator. It would have been better to take the holistic approach of the Waiora programme.

### **Decision**

Before approaching the detailed criticisms, the Tribunal considered some general issues. It concluded that the unusual seriousness of the topic justified an explicit, arresting, educational approach. We also considered that, subject to a warning, it was appropriate to broadcast the programme at a time when the maximum viewing audience of those targeted was available. Parents would be in a position to exercise control over their children watching the programme if they were under an appropriate age. The programme was not prurient in its approach.

The major issue on which the Department of Health and the society differed was that the department wished to take people as they were and have them modify their behaviour in the interests of preventing the transmission of the disease, while the society wished to highlight the dangers to the community of homosexuals and drug users, to advocate abstinence (outside marriage) on both moral and practical grounds and to emphasise the safety of sex within marriage.

Fundamentally, this issue is not a new one and has cropped up in relation to health education generally and contraceptive advice to unmarried people in particular. There appears to be 2 strongly held views in society. One view does not accept the "lowering" of standards that has resulted in or accompanied widespread sexual activity outside marriage. It suggests that the provision of any information that enables contraception or prevention of disease to occur, runs a serious risk of promoting the activity itself. The other view is that the activity has been going on for some time and is not likely to be changed significantly by a moral campaign. Therefore, in the interests of the individual and society, education and information should be made available to those at risk.

The Tribunal is not going to resolve the diversity of society's

attitudes and acknowledges both these points of view within the community.

However, the Tribunal cannot take the position that it is wrong for the television service to be used to provide this information when society itself does not by law ban that information being given. It should be made clear that the complainant's witnesses did say they would accept an explicit programme in good taste, which emphasised at risk groups and was broadcast late at night.

The programme made a point of drawing attention to the fact that Aids did not just affect homosexuals and IV drug users. A major issue is the complaint that this programme should have emphasised that the people at risk were homosexuals and bisexuals and intravenous drug users. We noticed the complainant seemed to want to stigmatise homosexuals as well as their behaviour. (The Department of Health saw this as a danger, discouraging co-operation and disclosure within the gay community.)

The fact is that bi-sexual people can pass on the disease through heterosexual contact to people ignorant of the homosexual contact. An increasing number of women had been affected. The same is true for intravenous drug users. (It is not for the Tribunal to define or resolve the comparative risks of transmission and contraction between those having homosexual contact and those having heterosexual contact.) It is however clear to us as lay people that the risk is sufficiently high to justify a public health campaign directed to sexually active heterosexuals who do not limit themselves to one partner for life. We cannot deny health professionals the opportunity to make known the risks that the young heterosexual community is facing.

Our overall impression of the programme was that it did indeed make an assumption that many of its studio audience and many other young people were sexually active, in order to reach them. It also accepted many of their standards. (We noted without approval the assumptions in relation to heterosexual relationships that accepted the male as the aggressor and the female as the passive acceptor.) We think it was reasonable to portray the reality of those situations among those people rather than to try to include other educational information on male/female relationships in a programme intended for one specific purpose. Likewise it is permissible to accept the "promiscuity" of the targeted audience as a fact and give them options within their lifestyle. That is hardly a breach of community standards which we are obliged to apply.

We do not believe it is inappropriate to use amusing, eye-catching, off-beat methods of teaching rather than using lecturing, serious or moralistic approaches. In this respect, we did view a video of the other programme promoted for broadcast by the complainant. That programme did not match the programme complained about in quality, in watchability or in likely attraction to those for whom they are intended. In terms of television production there was no comparison.

The Tribunal also accepts that, in the unusual circumstances of this campaign, some regard can be had to the overall strategy of the Aids awareness campaign. In that setting, the programme complained of can be seen as directed to a particular audience rather than having of necessity to deal with every aspect of Aids, or at least address a wider audience, in one programme. Nor did there have to be other television programmes in the period of current interest specifically targeting other specific points of view on moral issues.

This programme was not about moral issues, it was about options for the heterosexually active, most of whom would be unlikely to stay watching a programme with a moralistic purpose.

We do not believe that this programme itself was unbalanced for the purposes it was intended and we do not find there was a need to balance the programme with a significant different point of view.

We now deal specifically with the complaints to the Tribunal:

1. Significant points of view not addressed in the programme:

(a) *The option of abstinence or chastity*

The whole programme makes it clear that heterosexual activity can lead to Aids. It follows obviously that not engaging in the sexual activity precludes a risk of infection. The programme was not obliged to "advocate" a significant point of view in order to present it. But the programme is studded with statements which represent the point of view:

"Anyone infected who has sex can pass on the virus"

"One night of passion and in a few years she could be dead"

"It only takes one [partner]—the number of partners is irrelevant"

"To those going out to experiment sexually, 'think first' "

Only at risk when we have sex"

I don't sleep around"

"Certainly there is no doubt at all condoms make sex safer but they don't make it absolutely safe"

"... should also think about having less sex"

"Total celibacy is becoming fashionable in some quarters"

"Wouldn't be keen to leap into bed [with a new boyfriend]"

"Some girls would like to return to a chaste world"

"Going back to heavy petting"

We are satisfied that the options of chastity and abstinence were presented in the programme.

Some of the criticisms particularly pressed by Mr Dempsey and Miss Bartlett were concerned with an alleged editorial viewpoint in the programme. In other words, if a young girl said that she was not going to sleep with men that carried no weight in their opinion. It needed to be stated by an authoritative panel. We think this reflects very much the complainant's viewpoint but in reality the law does not require that the significant point of view be presented in an authoritative or official way.

(b) *Homosexuals, bi-sexuals and IV drug users are the groups at risk and it is quite difficult to get Aids through heterosexual contact*

The programme seemed to take off from the point that the heterosexual risk was the one which was of interest and would be discussed. It was not addressed to other groups.

The purpose of the programme was to reach one group: young active heterosexuals. It was not a documentary setting out to examine all issues about Aids. It is legitimate to limit the information in a programme in accordance with the purpose of the programme. Programme makers are entitled to take aspects of a topic and confine themselves to that.

To emphasise comparative risks would be to reduce the importance of taking the health measures necessary to prevent a spread of Aids among heterosexuals. The relative risks are not the issue. There is no obligation on a broadcaster to do a programme on the most significant "at risk" group first. A broadcaster is entitled to present a programme directed to any group, however small the risk may be to that group or in respect of that group's activity.

(c) *The moral position was not put*

There is no obligation to do so. The complainant has a position on sexual behaviour which, if followed by all people, would gradually reduce the incidence of Aids. It is not the obligation of the broadcaster to present that position in this programme because the programme was not about moral positions. It was about sexual conduct and Aids. It was entitled to deal with that behaviour and its consequences (which it did) without giving moral reasons to advocate a certain lifestyle.

While we may think that a programme could be done better another way, the purpose of this Tribunal's decision is to determine whether or not there is a breach of minimum standards required in programmes. We are not programme critics or reviewers to impose our views on how programmes may best be done. Nor does the Act do more than require adherence to those standards it defines.

As it happened, the programme a number of times referred to celibacy, chaste activity, thinking first before experimenting sexually and so forth. In other words the course of action advocated by the complainant was raised. The moral basis of that action was barely touched.

2. *The BCNZ declined to invite Women for Life to prepare a programme.*

It was not obliged to do so. There can be no complaint based on the failure to broadcast a particular programme.

In this case the complainant sought what it considered to be a balancing programme. We do not find that such a programme was necessary.

3. *The failure rate of condoms was not mentioned. Condoms were emphasised as "safe when they were not".*

The programme did press the wisdom of using condoms. Dr Stephenson said the failure rate was related to ignorance in how to use them correctly. The published failure rates related to heterosexual use for contraceptive purposes. The society obviously wished to promote lack of confidence in condoms to strengthen the case for abstinence. Arguably, this would discourage their use and thus defeat the objects of this Aids programme. There was no need on grounds of accuracy to state a failure rate.

Reference is made to condoms not making sex absolutely safe; that seems to us to be sufficient.

4. *Youth were encouraged to be promiscuous with condoms.*

Demonstrating their use and failing to condemn intercourse outside marriage does not equate to encouraging promiscuity. However, we find it difficult to see what standard it was that would have been broken if the programme had encouraged promiscuity with the use of condoms.

It is not illegal to promote such an activity nor does it appear to us to be in breach of any rules. In fact, we do not consider the programme did encourage promiscuity. It did accept that it occurred. It raised the question of considering the dangers of having sex before embarking upon it.

It did refer to safe sex on occasions when it may have been wiser to have said "safer sex". We do not think this was sufficient to impair the programme's accuracy to the point of being in breach of standards.

5. *The programme was contrary to good taste and decency in that:*

(a) *There was flippant and tasteless treatment of condoms.* The programme showed the handling and demonstration of the use of condoms by a man and a woman using a finger. A panellist laughed about his numerous sexual encounters.

The context in which this occurred is of course vital in making any assessment of it. It occurred within an educational programme backed by an official campaign. While there must be few contexts in which condoms are displayed on television, we cannot say that it was in this context in breach of standards of good taste and decency, even though it may have offended a number of viewers.

We doubt that it would have offended most of those for whom the programme was intended and a suitable warning was broadcast in advance.

In this case the flippant treatment was deliberate. An off-beat approach would be more acceptable to a young audience than to the society's witnesses.

- (b) The programme should not have been broadcast at 8 p.m.

We agree with the Broadcasting Corporation that there was some responsibility on parents to make sure that children of a very young age were not watching. We do not think the hour it was shown, having regard to the length of the programme, was unreasonable. It was the type of programme which was intended for a peak audience and we cannot accept the submissions of the complainant in this respect.

- (c) The programme was offensive and dishonest

The question of whether the programme was honest or not does not go to a question of good taste and decency but in any case we reject the statement that the programme was dishonest. In reality, the evidence of the complainants simply alleges the programme was inadequate and incomplete.

As mentioned above, while some people may have been offended, the purpose, the importance and the context in which the allegedly offensive elements appeared in our judgment justified their inclusion. While they may not have been to everybody's taste, there was no evidence given to us that, in relation to the target audience, they would generally be considered offensive.

- (d) The dialogue gave approval to pre-marital sex as the norm for young persons

This we consider was overstating the situation. Even if the programme did state that, it would not be a breach for the standards to do so. There was no evidence put to us that "pre-marital" sex is a rare activity and there is considerable general knowledge within members of the Tribunal from their professional lives that such activity is normal for some young people.

No warning was given that pre-marital sex caused pregnancy and a large variety of venereal diseases.

The programme was not about pre-marital sex or even about extra-marital sex. The programme was not about a variety of venereal diseases. The programme was not about pregnancy. There was no obligation on the programme makers to give extraneous reasons for not engaging in heterosexual activity.

8. No mention was made that the majority of Aids victims were homosexuals and that anal sex was more conducive to its spread than vaginal intercourse. An expert should have revealed that, in the heterosexual community, the active spread of Aids would be very low indeed.

These matters have been discussed above in brief. We do not think a comparative rate was important because the programme was not concerned with presenting a choice between oral and anal sex and heterosexual vaginal sex.

9. The panel did not mention the dangers of oral and anal sex and bi-sexual partners.

We do not consider that there was an obligation within the

focus of the programme to introduce these other forms of sex as dangers when the purpose of the programme was to address heterosexual vaginal intercourse.

10. There was no doctor on the programme who recommended chastity before marriage.

This emphasises the society's concern that there be an "authoritative" position taken on each issue and that the programme itself had an obligation to adopt certain views or ensure that they were given by "official" panel members.

The broadcasting standards do not require that but chastity was referred to in the programme.

It was clear that underlying much of the complainant's case was the concern that the Department of Health and the BCNZ appeared to be at pains to underplay the threat that homosexual sex constituted in the spread of Aids in New Zealand.

We believe that the complainant misconstrued the purpose of the programme. While there were legitimate points raised for consideration by the Tribunal regarding the accuracy of information and the choices available and good taste, we are satisfied that the programme did not breach the standards and the complaint is therefore not upheld in any respect.

We note that the Waiora programme did explain risks of homosexual, anal and oral intercourse, and that the Health Department advertisement "stay with one partner you know and trust" would have provided some considerable balancing material if we had found that to be necessary.

The complaint is not upheld.

#### **Co-opted Members**

Mr Cockcroft and Mrs Drury were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal. They took part in the deliberations of the Tribunal but the decision is that of the permanent members.

Signed for the Tribunal.

B. H. SLANE, Chairman.  
go11721

---

### **Criminal Justice Act 1985**

---

#### **Rimutaka District Prisons Board—Appointment of Member**

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

Hone Thomson of Lower Hutt

as a member of the Rimutaka District Prisons Board for a term of 3 years on and from the date hereof.

Dated at Wellington this 20th day of September 1990.

D. OUGHTON, Secretary for Justice.

(Adm. 3/83/11)  
go11729

---

### **District Courts Act 1947**

---

#### **Acting District Court Judge Appointed**

Pursuant to section 10 of the District Courts Act 1947, His Excellency the Governor-General of New Zealand has been pleased to appoint

John Patrick Clapham, barrister and solicitor of Masterton to be an Acting District Court Judge to exercise civil and criminal jurisdiction in New Zealand for a term of 12 months from 13 September 1990.



Dated at Wellington this 13th day of September 1990.

W. P. JEFFRIES, Minister of Justice.

go11727

## Indecent Publications Act 1963

Decision No. 52/90

Reference No.: IND 29/90

### 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: *Wicked Women*, Vol. 1; *Wicked Women*, Vol. 1, No. 6; *Wicked Women*, Vol. 1, No. 8. Publisher: Wicked Women Publications:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings, and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* No appearance by or on behalf of the importer. P. Parkinson (in support of written submissions filed by Allanah Ryan on behalf of the Lesbian and Gay Archives of New Zealand). M. J. Wotherspoon on behalf of the Comptroller of Customs.

### Decision

These publications were submitted by the importer to the Collector of Customs, Auckland with a request that they be placed before the Indecent Publications Tribunal for classification.

### Background

The background to the referral of these publications to the Tribunal is explained in a brief written submission by G. A. Ireland, counsel for the Lawrence Publishing Company NZ Limited. Mr Ireland described *Wicked Women*, published in Sydney, as being an erotic lesbian magazine. He explained that the editors of *Wicked Women* wrote to his client company asking for advice on how to obtain a classification for the magazine because the editors were interested in distributing it in New Zealand. The company asked the editors to supply 3 different recent issues of *Wicked Women* to enable them to be referred to the Tribunal for consideration and for the seeking of a serial restriction order. It is on this basis that these publications have been referred to the Tribunal. In concluding his brief memorandum of submissions Mr Ireland indicated that A. Ryan and P. Parkinson would be making submissions to the Tribunal on these publications and that the Lawrence Publishing Company supported those submissions.

In support of the written submission filed by Allanah Ryan, Mr Parkinson, a professional librarian, urged the Tribunal to apply an age restriction classification to the publication rather than to classify them as being unconditionally indecent. Mr Parkinson commended to the Tribunal equality of treatment in the classification of these magazines. Mr Parkinson can be assured that the past approach of the Tribunal in not making any distinction in respect of any particular sexual orientation will continue to be applied. Mr Parkinson referred to some of the matters to be taken into consideration by the Tribunal under section 11 of the Act. He considered the dominant effect of these magazines was one of arousal only. In the context of literary or artistic merit Mr Parkinson considered that the magazines contained plenty of worth-while comment, both social and otherwise, on a variety of subjects. At \$5 the price was not excessive. He considered it was unlikely that the magazines would flood into corner dairies. Furthermore because of the specialised audience for whom the magazines had been produced, Mr Parkinson argued that people in general were unlikely to be corrupted by reading these

magazines. The Tribunal wishes to record its appreciation to Mr Parkinson for his helpful submissions.

In her written submission on behalf of the Lesbian and Gay Archives of New Zealand, Allanah Ryan explained that she is a lecturer in sociology at Massey University. Her teaching and research interests are in the areas of gender and sexual relations. She explained that she has published several articles on pornography and recently edited an issue of *Sites* (a journal addressing cultural politics) on sexual politics in New Zealand. Currently Ms Ryan explained that she is enrolled in a Ph.D. on AIDS and safe sex and is investigating various aspects of sexual desire, relationships and signification around this topic.

For the Comptroller of Customs Mr Wotherspoon explained that these publications are directed to the lesbian market, are sado-masochistic in nature and contain some photographs of bondage, spanking and multiple models. The articles and letters and the publications themselves are in the main of a sexual nature, Mr Wotherspoon submitted. Taking the magazines as a whole it was Mr Wotherspoon's view that an age restriction may be more appropriate than an unconditionally indecent classification. In concluding his brief submission Mr Wotherspoon indicated his belief that this was the first occasion on which publications of the nature of *Wicked Women* had come before the Tribunal. He indicated also that there had been considerable debate among the officers of his department before their submission was refined.

In discussing the factors which she expected would be taken into account in the classification of *Wicked Women*, Ms Ryan conceded that "the tripartite test" includes mention of "multiple model scenes which depict lesbian acts". Ms Ryan asked for it to be noted that there is a very real difference between material that is produced in the context of pornographic magazines for the titillation of heterosexual men and magazines which are produced by, and for lesbians. Further Ms Ryan asked for it to be noted that the intended audience for *Wicked Women* is among lesbian women. She said there is not a large commercial market for this magazine because it is unlikely to appeal to heterosexual men who might in other contexts find sexual pleasure in lesbian sexual images. In relation to the issue of "the public good" Ms Ryan put forward the view that the public good should not be an issue in this context because the magazine is unlikely to be widely available outside of a section of the self-defined lesbian community.

Ms Ryan argued that there were 3 very strong reasons why the Indecent Publications Tribunal should find these publications not indecent. She said:

"4.1 The sexual content of magazines by, and for, lesbians plays an affirming role for lesbians. Most images of lesbianism and lesbian sex in the mainstream media are of the kind that depict it as at best a lesser option than heterosexual relations and at worst as depraved, sick and perverted. Lesbians using sexual material designed by, and for them, are able to take pleasure in their sexuality. It is one of the few places where, in semi-public context, lesbians see expressed their lives as they are lived and desired. These publications may play a particularly important role among young lesbians who, familiar only with the stereotypes and negative imagery that abounds around lesbianism, will see in magazines such as *Wild Women* (sic) affirmation of their sexual preference and positive models for being sexually active. Lesbian-affirming magazines therefore have an important role to play in the development among young lesbians of self-esteem and a sense of their place among a community of women.

4.2 Most lesbian sex magazines not only contain images and stories designed to arouse, but also carry discussion of the role of sexuality and sexual images in lesbian lives. There are often detailed debates about the role of different

sexual acts, relationships and desires in the lives of lesbians. Some magazines contain discussion and/or depiction of sado-masochism, bondage and role-playing in sex. These issues are contentious ones in the lesbian community but these magazines play an important role in providing a forum for discussion of the issues. In contrast to mainstream pornography, lesbian sex magazines are consciously engaged in discussion and exploration of a variety of sexual acts, relationships and desires. Issues of sexism, racism and other forms of discrimination are openly discussed and often attempts are made to produce sexual material which does not rely on oppressive forms of social relations. Conscious attempts are made to produce sexual images which will express and appeal to the diversity that exists among lesbians. Women of different ethnic groups and body-types are depicted in ways that often break with the narrow stereotypical depiction of the desirable sexually attractive female.

4.3 In addition to the main intention of magazines such as *Wild Women* (sic) to provide positive lesbian sexual images, these publications are also valuable for the research and study of sexuality. This study takes place in both formal and academic settings, as well as in more informal and community-based educative settings."

### Decision

At the outset it should be stated that the Tribunal did not find it was a straight-forward task to classify these publications. In one sense, too, the Tribunal encountered some difficulty in obtaining a clear view of what these magazines are. On the one hand they contain explicit descriptions of masochistic and disciplinarian sexual practices which often involve violence (for example, Volume 1, No. 6, page 15, where a kitchen knife enters a vagina; Volume 1, page 21, where a caning leaves welts, and page 26 of the same issue, where a uterus is ripped out of a living woman). Other stories are much less violent, but explicit in their sexual content. Yet there are also some quite good "public service" pieces on "safer" S and M sex, book reviews, serious editorials on aspects of lesbian sexuality, interviews, and news on overseas lesbian activities. Some difficulty was encountered in establishing what the dominant effect of these publications is. Section 11 (b) of the Act requires the Tribunal, in classifying or determining the character of any book to take into consideration its literary or artistic merit, or the medical, legal, political, social or scientific character or importance of the book. These magazines may have some importance with respect to section 11 (1) (b) in that they affirm the validity of a lesbian lifestyle and thus work to increase lesbian self esteem. The Tribunal considers that this is probably the main thrust of Ms Ryan's submission on behalf of the Lesbian and Gay Archives of New Zealand. The class of person amongst whom the magazine is likely to be distributed is obviously the lesbian community, and probably a small part of that community. The Tribunal doubts that anyone would be likely to be corrupted by reading these magazines, because probably they would appeal only to those who already possess lesbian sado-masochistic tendencies. If the magazines help readers to more readily identify and be content with their sexual preferences, then those persons are likely to benefit from *Wicked Women*.

Although Ms Ryan submitted that on the whole the magazines present "positive images of lesbianism which are generally absent from other publications", the Tribunal does not agree that the individual descriptions of sexual violence create a "positive image". Nor does the Tribunal agree that there is no injury to the public good because the magazines will appeal only to a small minority. The same argument could easily be made of apparently consensual homosexual or heterosexual sado-masochistic acts which have little appeal to anyone but the practitioners of the acts depicted or described. Yet these types of descriptions and depictions have regularly been found to be indecent by the Tribunal, because the public good would

be injured by their mere availability for supply, not because they may injure specific readers. It is injury to the public good that is the test, not injury to the good of people who happen upon the magazines. If it were otherwise, it would be difficult to know how the Tribunal could make anything unconditionally indecent because the more extreme magazines would be virtually unknown and would revolt everyone but those to whom the content of the magazines appealed.

Mr Wotherspoon submitted that an age restriction "may be more appropriate than an unconditionally indecent classification" without really giving any reasons in support of this submission. Perhaps these magazines fall into a grey area because they contain an inherent tension between affirming a lesbian lifestyle, which is arguably not injurious to the public good, and legitimising violence in the context of sexual fantasies, which arguably is injurious to the public good.

A number of past decisions of the Tribunal assist in the classification of these magazines. Consistently the Tribunal has classified as "unconditionally indecent" material that advocates S/M/bondage practices where there are depictions of such activities, obviously posed or not. The series *Piercing Fans International Quarterly*—which probably has the same kind of minute and highly specialised readership as *Wicked Women*—was classified as unconditionally indecent (piercing in one form or another is advocated in several instances in *Wicked Women*).

Anything paedophilic is automatically unconditionally indecent. It was unclear to the members whether the 3/4 page entry from the "Blaze Collective" (page 31, Volume 1, unnumbered) falls into this category. "Blaze" is described in the article on page 31 as "... a group of people who are working for the decriminalisation of consensual sexual relations between adults and children (specifically man/boy love relationships)." Given the evidence available to date the members do not believe that any (emphasis mine) adult/child sexual relationship is anything but abusive *per se*—i.e., it is simply not possible to have "consensual" sexual relationships between adults and children, because children are not capable of free willing and informed consent.

There are some pictures in the magazine which—if in a gay male magazine or heterosexual magazine—would render them liable to an unconditionally indecent classification (pages 14, 15, Volume 1; page 17, Volume 1, No. 8; pages 8, 16, Volume 1, No. 6).

Basically Ms Ryan's submission appears to be one of "special pleading for special decisions for special groups".

While sympathetic to the idea that lesbians should be free to have erotica written by and for them, the Tribunal must be consistent.

While there is a range of photographs, and some intriguing experimental writing, an occasional interview and some sane sexual advice, the dominant effect of these magazines is clearly that they are specialist magazines for lesbians who are interested or involved in S and M. In decision No. 14/87 the paperback publication *The Leatherman's Handbook Two*, which was described as a manual for homosexual sado-masochism, was classified as unconditionally indecent. In a number of Tribunal decisions (No. 1034, 20/84 and 57/89) publications known as *PFIQ* (an abbreviation for *Piercing Fans International Quarterly*), publications described as containing a significant photographic content relating to genital piercing and adornment, were considered to be injurious to the public good and classified as unconditionally indecent. In decision No. 43/88 several issues of the publication *Honcho*, which described many of the publications as containing pictorial and written aspects of bondage and sado-masochism of a kind which caused grave concern to the Tribunal, were classified as unconditionally indecent. Based on these and other previous decisions of the Tribunal, and the need to be consistent with those past decisions of the Tribunal, and in the absence of

compelling reasons to depart from those decisions, the only possible classification for these 3 magazines is unconditionally indecent and they are so classified accordingly. In imposing this classification, unconditional indecency, it may be noted that the Tribunal would have no objection to the filing of these publications in the Lesbian and Gay Archives of New Zealand, at the Alexander Turnbull Library, for academic study purposes only.

Dated at Wellington this 14th day of September 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11627

Decision No. 50/90

Reference No.: IND 38/90

### 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: *Guys in Gowns*, Book 17; *Guys in Gowns*, Book 19; *Skirted Men*, Book No. 32; *TV Queens*, No. 5; *TV Queens*, No. 7. Publisher: Empathy Press:

Chairperson: P. J. Cartwright.

Members: R. E. Barrington, R. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

Appearances: No appearance by or on behalf of the importer. M. J. Wotherspoon for the Comptroller of Customs.

### Decision

These publications were privately imported through parcels post Christchurch, on or about 23 January 1990, and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The publications are concerned with transvestisism and consist mainly of written stories. The stories, depicted as "adventure stories" are sado-masochistic in nature, some more so than others, and include female dominance, spanking and bondage.

A written submission was received from the importers, D. J. & A. W. McIntosh. In arguing that an appropriate classification for these publications would be "indecent in the hands of persons under the age of 18 years", the importers have indicated that the publications were for their private use and pleasure and were not intended for sale or distribution. The importers have indicated their interest in exotic and erotic clothing in boots and shoes and accessories such as gloves, hats and jewellery, and their intention to consider starting an import business of those lines. In making no claim that the books in question were literary masterpieces, the importers conceded that they could best be described as "cheap and trashy".

In respect of the following publications the Tribunal is unanimous that they contain material which would be injurious to younger readers and accordingly classifies each as indecent in the hands of persons under the age of 18 years:

*Guys in Gowns*, Book 17.

*Skirted Men*, Book 32.

*TV Queens*, No. 7.

In passing it could be mentioned that the chairperson had some difficulty with what he would describe as disturbing violence depicted on pages 62, 63 and 64 of *TV Queens*, No. 7. The magazine is clearly a science fiction sex fantasy which contains 1 episode of sexual violence. The violence is disturbing. Although it appears in a magazine the purpose of

which is minority sexual titillation, the rape scene is in some respects redeemed. It is described in a completely non-approving manner, it is accurate in its description of the pain and discomfort caused and the rapists get what they deserve. Given that this episode is 3 pages of a 30-page story I have been persuaded to join in the unanimous classification of this particular publication as indecent in the hands of persons under the age of 18 years.

Because of their descriptions of completely unnecessary sexual humiliation and sexual violence in a manner which the Tribunal finds injurious to the public good, it is unanimous that the remaining publications in this application should receive an unconditionally indecent classification:

*Guys in Gowns*, Book 19.

*TV Queens*, No. 5.

Dated at Wellington this 14th day of September 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11626

Decision No. 47/90

Reference No.: IND 64/89

### 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 Incorporated for a decision in respect of the following publications: *Raunchy*, Issues 3, 5 and 10. Publishers: Raunchy Publishing, Victoria. *Private Lives*, Vol. 1, Issues 2, 5 and 6. Publishers: Aotearoa Publishing and Distribution Ltd., Upper Hutt. *Key Club*, Issues 10 and 13. Publishers: Key Publishing, Auckland. *Key Contacts*, Issue No. 1. Publishers: Key Contacts, Auckland:

Chairman: R. R. Kearney.

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

Hearing at Wellington on the 28th day of November 1989 and the 20th day of February 1990.

### Supplementary Decision 47/90

When these publications were considered by the Tribunal applications were before the Tribunal for serial restriction orders and these were considered and indeed agreed to by the Tribunal. Unfortunately in the decision delivered in respect of this matter that finding was overlooked.

The Tribunal issues serial restriction orders in respect of the publications *Raunchy*, *Private Lives* and *Key Club* and *Key Contacts*, the latter publications being of identical nature and origin. That restriction order classifies each of these publications as unconditionally indecent.

Dated at Wellington this 27th day of July 1990.

R. R. KEARNEY, Chairperson.

Indecent Publications Tribunal. 5  
go11625

Decision No. 46/90

Reference No.: IND 16/90

### 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: *Stiff Competition*. Publisher: Arewa Publications. *TV Transformations*, Vol. 1, No. 1. Publisher: Holly Publications:

Chairman: R. R. Kearney.

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

Hearing at Wellington on the 23rd day of May 1990.

### **Supplementary Decision 46/90**

In the list of publications in the original decision delivered in respect of this matter, one of the publications requires amendment:

- (i) On page 16, *Teasers*, Vol. 1, No. 2, should read *Teasers*, Vol. 2, No. 2.

The magazines *Stiff Competition* and *TV Transformations*, No. 1 were unfortunately omitted from the body of the decision. The publication *Stiff Competition* contains photographs depicting ejaculation and the Tribunal classifies that publication as unconditionally indecent.

The publication *TV Transformations*, Vol. 1, No. 1 contains a considerable element of explicit sexual acts and the Tribunal classifies that publication as unconditionally indecent.

Dated at Wellington this 27th day of July 1990.

R. R. KEARNEY, Chairperson.

Indecent Publications Tribunal.  
go11624

5

Decision No. 45/90

Reference No.: IND 30/90

### **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: *Australian Penthouse Black Label Edition*, Vol. 11, No. 2; *Australian Penthouse Black Label Edition*, Vol. 11, No. 3. Publisher: Penthouse Editorial Services:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of the importer. G. F. Ellis for Gordon and Gotch (NZ) Ltd., importers and distributors of *Penthouse New Zealand Edition*.

### **Decision**

These publications were privately imported through parcels post, Auckland on 30 January 1990 and 20 February 1990 and were seized by the Collector of Customs. As the importer subsequently disputed forfeiture, the publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Mr Wotherspoon reminded the Tribunal that 7 previous issues of this magazine have been considered by the Tribunal and classified as unconditionally indecent in decision No. 67/89 and 6/90.

Obviously these publications are similar in format to those considered in decision No. 67/89 and 6/90, in that each features multiple model sequences depicting sexual activity, one being lesbian in nature and the other of heterosexual orientation. The Tribunal accepts as valid Mr Wotherspoon's suggestion that these publications warrant a classification of unconditionally indecent.

The Tribunal is satisfied that the inclusion of the multiple model scenes in each of these publications is injurious to the public good and classifies each as unconditionally indecent.

On the basis that 7 issues of *Australian Penthouse Black Label Edition*, published within a period of 12 months, have been considered by the Tribunal and found to be unconditionally indecent, Mr Wotherspoon has requested the Tribunal to give

consideration to the granting of a serial restriction order for *Australian Penthouse Black Label Edition* as unconditionally indecent under the provisions of section 15A of the Indecent Publications Act 1963. In not resisting the making of a serial restriction order in respect of the *Australian Penthouse Black Label Edition*, Mr Ellis asked that it be recorded clearly in this decision the distinction between the *Penthouse Black Label* title and the existing serial order in respect of the *Australian Penthouse* publications in respect of which, in decision 33/88 of 28 July 1988, the Tribunal issued a serial restriction order in terms of section 15A of the Indecent Publications Act 1963, classifying all Australian edition *Penthouse* publications as indecent in the hands of persons under the age of 18 years.

The Tribunal is satisfied that there is a consistency of presentation which warrants the granting of a serial restriction order in terms of section 15A of the Indecent Publications Act 1963 for *Australian Penthouse Black Label Edition* as unconditionally indecent and orders accordingly.

Dated at Wellington this 24th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go11623

5

Decision No. 44/90

Reference No.: IND 31/90

### **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: *Artzoo*. Publisher: Shane Paul. *Bald Beavers*, Vol. 1, No. 1. Publisher: Unknown. *Bondage Gallery*, No. 3. Publisher: London Enterprises Ltd. *Catfighting Co-Eds*, Vol. 1, No. 1. Publisher: Unknown. *Enema Nurses*, Vol. 1, No. 1. Publisher: Unknown. *Enemates*, Vol. 1, No. 1. Publisher: Unknown. *The Custom Bondage of Simone Devon*, No. 5. Publisher: London Enterprises Ltd.:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. The importer, Peter Hassall, in person.

### **Decision**

These publications were privately imported by Mr Hassall through parcels post, Auckland on 24 and 29 January and 17 and 20 February 1990 and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture, the publications were referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Because of the varied nature of the publications in this application the Tribunal will deal with them separately.

#### *Artzoo*

This publication has been held over for further consideration by the members. A written decision will be issued in due course.

#### *Bald Beavers*, Vol. 1, No. 1.

This publication contains photographs of single female models with very little accompanying text. The photographs place undue emphasis on the female genitalia with many of the models posed in contrived positions to accentuate this part of the female anatomy. Some of the photographs show models in the act of masturbation. *Bald Beavers*, Vol. 1, No. 3 was classified by the Tribunal as unconditionally indecent in decision No. 70/89. This publication warrants the same treatment. It is totally lacking in artistic merit and would be

injurious to the public good. It is classified by the Tribunal as unconditionally indecent.

*Catfighting Co-Eds*, Vol. 1, No. 1.

This publication is comprised of 2 or more nude or partly clad females wrestling or fighting with each other. A similar publication, *Wrestling Video Review*, was classified as unconditionally indecent in decision 30/88. While this publication may be considered milder in format than *Wrestling Video Review* it is considered by the Tribunal that this style of publication, featuring as it does a combination of sex and violence, is clearly injurious to the public good. The Tribunal accordingly classifies this publication as unconditionally indecent.

*Bondage Gallery*, No. 3 and *The Custom Bondages of Simone Devon*, No. 5.

These publications are primarily concerned with female bondage. Similar magazines were considered recently by the Tribunal and classified as unconditionally indecent in decision 10/90. For the reasons expressed in decision 10/90 the Tribunal is satisfied that the material in these 2 publications is injurious to the public good and classifies each as unconditionally indecent.

*Enema Nurses*, Vol. 1, No. 1 and *Enemates*, Vol. 1, No. 1.

As the titles suggest, each of these magazines deals with the fetish of inserting enemas for sexual gratification. The magazines, as well as graphically depicting the insertion of enemas, also depict bondage and masturbation and, in *Enema Nurses*, a multiple model scene between 2 women. The Tribunal is satisfied that the material in these publications is injurious to the public good and classifies each as unconditionally indecent.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11622

Decision No. 43/90

Reference No.: IND 33/90

### 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: *Genesis*, Vol. 17, No. 3; *Genesis*, Vol. 17, No. 4; *Genesis*, Vol. 17, No. 7; *Genesis*, Vol. 17, No. 8. Publisher: Atrium Multi Media Corp.:

*Chairperson*: P. J. Cartwright.

*Members*: R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances*: M. J. Wotherspoon on behalf of the Comptroller of Customs. G. F. Ellis for Gordon & Gotch (NZ) Ltd.

### Decision

These publications were commercially imported through Wellington and were seized by the Collector of Customs.

Each of these issues of *Genesis* contain multiple model scenes of heterosexual and female sexual activity.

It is appropriate to provide a brief historical outline of the classification of *Genesis* magazines by the Tribunal. In decision 6/89 of 3 May 1989, on the basis of an undertaking given by Gordon & Gotch (NZ) Ltd. to overprint a section of the magazine containing video reviews or extracts from such reviews, the Tribunal classified each of the editions before it at that meeting and outstanding from a previous meeting as indecent in the hands of persons under the age of 18 years. In addition the Tribunal granted a serial restriction order in terms

of section 15A of the Indecent Publications Act 1963 classifying the publication *Genesis* in terms of that section as indecent in the hands of persons under the age of 18 years. In December 1989 the Tribunal considered the December 1989 issue of *Genesis*, Vol. 17, No. 5, and in decision 87/89 classified it as unconditionally indecent. In doing so the Tribunal commented in its decision:

"The Tribunal is satisfied as indicated that the December 1989 issue is unconditionally indecent and so classifies it but it is prepared at this stage to reserve the question of whether the serial restriction order should be revoked knowing that the Customs Department will bring to the attention of the Tribunal any further publications which in the Comptroller's view should not be distributed throughout New Zealand in respect of the restriction order."

Mr Ellis explained that it was not until towards the end of 1989 that Gordon & Gotch became aware of the change in policy of the publishers of *Genesis* magazines as evidenced by the much more explicit sexual activity and multiplicity of sexual activity in multiple model scenes. Mr Ellis explained that commercial quantities of these *Genesis* magazines arrived without any prior warning of the obviously changed editorial policy of the publishers. In addition to legal advice being given by Mr Ellis to his client not to distribute the magazines in question Gordon & Gotch, quite independently, decided not to distribute these magazines and, in fact, sought ministerial approval for permission to re-export these magazines to their original source. In the context of this explanation Mr Ellis concluded that the issues of *Genesis* magazine in this application were not protected or cured by the existence of the serial restriction order which was made in decision 6/89. The Tribunal wishes to commend both Mr Ellis and his client for the helpful submissions presented today and for the very responsible attitude taken by both in not resisting any application to revoke the terms of the existing serial restriction order.

In his submission Mr Wotherspoon stated that the material contained in the editions in this application breached the uniform standard on which the serial order was granted by the Tribunal in decision No. 6/89 and that an unconditionally indecent classification may be warranted. The Tribunal agrees. The Tribunal classifies each of the publications in this application as unconditionally indecent.

In concluding his submission Mr Wotherspoon stated, in view of the changed standard of the publication, that the Tribunal may also wish to review the question as to whether the serial restriction order should be revoked. The Tribunal treats this statement as an application made pursuant to section 15A (4) of the Indecent Publications Act 1963 and accordingly revokes the serial restriction order made in decision No. 6/89.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11621

Decision No. 42/90

Reference No.: IND 37/90

### 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: *Pillow Talk*, Vol. 1, No. 3. Publisher: Publisher Services:

*Chairperson*: P. J. Cartwright.

*Members*: R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances*: M. J. Wotherspoon on behalf of the Comptroller of Customs. G. F. Ellis for Gordon & Gotch (NZ) Ltd.

**Decision**

This publication was commercially imported through sea freight, Auckland on or about 28 March 1990 and was seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publication has been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

In the main the publication is a collection of letters from readers describing their sexual experiences. It also contains a number of photographs showing sexual intimacy between couples.

In expressing the view that this publication is similar in format to the publication *Australian Penthouse Sex Scenes*, No. 1, Mr Wotherspoon drew the Tribunal's attention to decision No. 92/89 in which the latter publication was classified as indecent in the hands of persons under the age of 18 years. Mr Wotherspoon also drew the Tribunal's attention to the publication *Australian Variations for Liberated Lovers* which, in decision No. 69/89 and 15/87, was classified as unconditionally indecent. Clearly Mr Wotherspoon was equivocal as to the classification which should be given to this publication.

For Gordon & Gotch (NZ) Ltd. Mr Ellis, in conceding that the magazine contains some photos of sexual intimacy, submitted however that they were not so gross and explicit as to be injurious to the public good. Mr Ellis argued that the magazine should be classified R18 because its content is low key and unobjectionable when compared to similar materials which have been so classified by the Tribunal. Because the photos of sexual intimacy are black and white and reasonably small in size Mr Ellis argued that they do not dominate the magazine and are somewhat similar to a number of issues of the magazine *Penthouse Forum* which in the past have been classified as indecent in the hands of persons under the age of 18 years. If the Tribunal was left in any doubt then Mr Ellis submitted that this publication should be given the benefit of that doubt. The Tribunal knows of no authority for this proposition and does not accept it as a valid submission. However the members of the Tribunal are in general agreement that the overall effect of this magazine cannot fairly be said to be injurious to the public good. The Tribunal is satisfied that this magazine contains material of a nature which would be injurious to younger readers and therefore classifies it as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11620

Decision No. 41/90  
Reference No.: IND 21/90

**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: *New Direction*, No. 178. Publisher: Gold Star Publications Ltd.:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of the importer.

**Decision**

Mr Wotherspoon's submission states that this publication was privately imported through parcels post, Wellington in

November 1988 and was seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publication has been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

*New Direction*, No. 178 is a glossy type publication containing stories, articles, jokes, cartoons, letters and a personal contact section. All the material is of a sexual nature. The magazine also contains multiple model scenes of men and women engaging in sexual activity.

In his submission Mr Wotherspoon informed the Tribunal that the Customs Department referred 7 issues of *New Direction*, including issue No. 178, to the Tribunal for classification in November 1987. Although 6 issues of *New Direction* were declared to be unconditionally indecent in Decision No. 19/88, Mr Wotherspoon informed the Tribunal that this decision did not include issue No. 178.

For the same reasons as stated by the Tribunal in decision 19/88 the Tribunal classifies this magazine as unconditionally indecent.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11619

Decision No. 40/90  
Reference No.: IND 17/90

**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: *Shaved*, Vol. 15, No. 1; *Shaved*, Vol. 15, No. 2; *Shaved Girl Review*, Vol. 1, No. 1; *Shaved Girl Review*, Vol. 1, No. 2; *Snatch*, Vol. 6, No. 1; *Split Beavers*, Vol. 7, No. 4; *The Girls Next Door*, Vol. 1, No. 1; *Tight Pussies*, Vol. 2, No. 1. All of the above titles published by American Art Enterprises:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of the importer.

**Decision**

These publications were privately imported through Auckland on 5 February 1990 and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture, the publications were referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Prior to the sitting of the Tribunal B. N. Cheeseman of Waverley International 1988 Ltd. had applied to the Chairman of the Tribunal to be joined as a party in respect of this application. His application was made on the grounds that he acts as distributor in New Zealand for the publisher and in the last 2 years has had various issues of the titles in this application classified by the Tribunal. Mr Cheeseman's application to be joined as a party to the proceedings in respect of this application was considered by the members of the Tribunal and oral notification of the grant of such application was made by the chairperson at the sitting of the Tribunal prior to the hearing of this application.

All of these magazines contain photographs of single female models with very little accompanying text. The photographs place undue emphasis on the female genitalia, with many models posed in contrived positions to accentuate that part of

the female anatomy. Noting that previous editions of most of these magazines had been considered by the Tribunal in the past and classified as indecent in the hands of persons under the age of 18 years, Mr Wotherspoon in his submission to the Tribunal on behalf of the Comptroller of Customs suggested that the Tribunal might likewise consider classifying these publications as indecent in the hands of persons under the age of 18 years.

In a brief written submission presented prior to the sitting of the Tribunal, Mr Cheeseman identified 4 of these publications as being further issues of titles which were given an R18 classification in decision No. 47/89.

All of these publications concentrate on the female genital area and the photographs, almost without exception, to use the words of the writers of minority decision No. 47/89 (1) have "... photographs of women with their legs displayed in the most torturous positions with their fingers straining open the outer lids of their vulva lips to concentrate as much of readers attention as possible, on the inner vaginal area, and if it were possible up to the cervix of the vaginal canal; . . ." The Tribunal endorses the view expressed in decision 47/89, that if the prescription within which the Tribunal acted contained a provision that material which was demeaning of women could, in appropriate cases, be considered unconditionally indecent, then probably all of these publications would receive an unconditionally indecent classification. Therefore, in the light of decision No. 47/89 and previous decisions, the Tribunal is unable to find that these particular publications are injurious to older readers and accordingly classifies each as indecent in the hands of persons under the age of 18 years.

In respect of all of these publications the Tribunal adds the further restriction on their sale or distribution that none of them be publicly displayed.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go11618

5

Decision No. 39/90

Reference No.: IND 35/90

### 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: *Coping With Birth Control*. Publisher: The Rosen Publishing Group, New York; *Teen Guide to Birth Control*, Publisher: Franklin Watts, London:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of the importer.

### Decision

On or about 28 February 1990 these 2 publications were commercially imported for Whitcoulls Ltd. Having been seized by the Collector of Customs the importer subsequently disputed forfeiture. Upon application being made to the then chairman of the Tribunal, Judge R. R. Kearney made an interim restriction order under section 14A of the Act classifying these 2 publications as indecent in the hands of persons under the age of 16 years.

These publications are informative books containing detailed information on the various methods of birth control. The publications now come before the Tribunal for a substantive classification.

A written submission, dated 26 June 1990, was presented by the Wellington Public Library but unfortunately it was not received in the office of the Tribunals Division of the Justice Department until Friday, 29 June 1990, 1 day after the sitting of the Tribunal on 28 June 1990. It is appropriate that this submission be reproduced in full:

"We have just today received formal notice that the Indecent Publications Tribunal will consider on 28 June 2 titles that we ordered through Whitcoulls from overseas publishers.

These titles from your 5 June 1990 list are:

102 35/90 *Coping With Birth Control*.

103 35/90 *Teen Guide to Birth Control*.

We understand from a telephone conversation with a member of your staff that the chairman has given these books an (R16) rating which will be confirmed by the Tribunal.

Under the terms of the Contraception, Sterilisation and Abortion Act this may appear to be an appropriate ruling, however we do see some anomalies in the application of such rulings and believe that the Tribunal may be interested in the practical implications for libraries.

The content of these particular books is obvious from the titles. There are however many books available to young adults (the term used in libraries to denote persons between the ages of 12 and 18) which contain the same information but within other contexts, for example 'teen' magazines and books on leaving home, puberty, health and growing up.

Similar information is available also within books held in our general collections. Articles in encyclopaedias are a simple example, but either instances are to be found in books on health and lifestyle, books on general science and books in some areas of the social sciences.

It has never been suggested that these items should be removed from libraries or that any form of restriction should be placed upon their use. The latter would be impracticable.

The difficulty that we experience in this area stems from the interpretation that the Tribunal has placed upon the term 'instruct' in the Contraception, Sterilisation and Abortion Act. The view of libraries has been that the Act was intended to discourage active instruction (with or without persuasion) not to put barriers in the way of information to the individual inquirer.

Legal opinion given to us at the time of the passing of the Act indicated that a binding interpretation would be achieved only through Court action; the issue has never been taken to this extreme.

I apologise again for the lateness of this submission."

The Tribunal acknowledges that some difficulties arise by virtue of section 3 of the Contraception, Sterilisation and Abortion Act 1977. However unless or until section 3 of that Act is repealed the Tribunal has no option other than to ensure that there is compliance.

This decision now formally endorses the interim decision and classifies these publications as indecent in the hands of persons under the age of 16 years. That age restriction is required because of the provisions of the Contraception, Sterilisation and Abortion Act 1977.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go11617

5

Decision No. 27/90  
Reference No.: IND 64/89

### 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 Incorporated for a decision in respect of the following publications: *Raunchy*, Issues 3, 5 and 10. Publisher: Raunchy Publishing, Victoria; *Private Lives*, Vol. 1, Issues 2, 5 and 6. Publishers: Aotearoa Publishing and Distribution Limited, Upper Hutt; *Key Club*, Issues 10 and 13. Publisher: Key Publishing, Auckland; *Key Contacts*, Issue No. 1. Publisher: Key Contacts, Auckland:

*Chairman:* Judge R. R. Kearney.

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

Hearing at Wellington on the 28th day of November 1989 and the 20th day of February 1990.

*Appearances:* Reverend Gordon Dempsey for the Society for the Promotion of Community Standards Incorporated. Fritz Peterson, director of Aotearoa Publishing and Distributing Company Limited—publishers of *Private Lives*. G. A. Ireland, counsel for Aotearoa Publishing and Distributing Company Limited.

### Decision

In November 1989 P. M. Bartlett, in her capacity as director of the Society for Promotion of Community Standards Incorporated, was granted leave by the Minister of Justice for the society to submit all of the publications the subject of this decision to the Indecent Publications Tribunal for a decision as to whether they were indecent or not or for a decision on their classification. That leave was granted in terms of the provisions contained in section 14 (2) of the Indecent Publications Act 1963.

The publications, having been circulated to and read by the members of the Tribunal, were set down for hearing at the public sitting of the Tribunal held in Wellington on 28 November 1989. Prior to that hearing the Tribunal had received written notice from Alan J. Douglas, managing director of Aztec Publishing Limited, the publishers of *Taboo* magazine, in which he referred to his firm having received no official notification about *Key Club*, *Key Contacts* and *Raunchy* magazines. His letter concluded with these words:

"If it is true that these magazines have been slotted in at the last minute, would you please notify us so we can consider whether or not we wish to defend, and whether we even have enough time to do so. Thank you."

It was noticed that a copy of that letter had been sent to H. Romanuik of Messrs Yolland and Romanuik, solicitors of Auckland who presumably were the solicitors representing Aztec Publishing Limited.

On 27 November 1989 the secretary of the Tribunal received a letter from Messrs Yolland and Romanuik advising that they had been instructed by Key Publishing, Auckland in respect of the publications *Key Club*, *Key Contacts* and *Raunchy* and as they had not had the opportunity to prepare the matter for hearing they asked for an adjournment in respect of the hearing of those particular publications. A request was also received from Mr Peterson for consideration of the publication *Private Lives* being adjourned to a later sitting to enable full representations to be made on behalf of his company in respect of that publication. The Tribunal granted the application for adjournment in respect of all of those publications until the next sitting of the Tribunal.

It is appropriate that I should also refer to indecent publications file 66/89 which relates to the publication *Taboo* issues 1, 3 and 5 which issues are the subject of decision No. 88/89 dated 7 March 1990. Those publications were also

brought to the notice of the Tribunal as the result of leave granted to Miss Bartlett in her capacity as director of the Society for Promotion of Community Standards Incorporated and at the hearing considerable evidence was given by the Reverend Gordon Dempsey on behalf of the society and by P. B. Fenemor, the managing director of the distributing company for the magazine. Substantial written submissions were also received from Mr Douglas the managing director of Aztec Publishing Limited to whom I have earlier referred. I refer to that particular decision because much of what was written in that decision is relevant in respect to the publications presently under consideration. I also mention the publication *Taboo* because of the tie up between Aztec Publishing Limited and the publications *Key Club*, *Key Contacts* and *Raunchy*. In addition to Mr Douglas's letter to the Tribunal and the subsequent letter from the solicitors acting for his company, the Tribunal also received a fax from Mr Douglas, from Tweed Heads in New South Wales, on Aztec Publishing Limited letterhead, in which he apologised for not submitting a written defence, in respect of *Key Club*, *Key Contacts* and *Raunchy*, explaining that he had been prevented from doing so because of family reasons and concluding by stating:

"... I had fully intended defending all of these magazines but events short circuited my efforts."

The Tribunal is still uncertain as to the relationship between Mr Douglas and the magazines before it in respect of the present application but there is certainly a marked similarity in respect of these publications and the publication *Taboo*.

The matter then came back before the Tribunal for consideration at its sitting in Wellington on 20 February 1990 when substantial oral and written submissions were presented to the Tribunal together with a significant amount of evidence. In the formal hearing in respect of the publication *Taboo*, the Tribunal had presented to it, for its consideration, a public opinion poll conducted by the National Research Bureau Limited in respect of "New Zealander's Opinions Regarding New Indecency Definitions". That public opinion poll had been prepared for the society and was dated October 1989. That opinion poll was also referred to in the evidence and submissions given before the Tribunal in respect of the matter presently under consideration and the Tribunal is aware that Mr Ireland who appeared at the hearing, as counsel for the publishers of *Private Lives*, had previously had a copy of that opinion poll and that the Chief Film Censor, Arthur Everard, who was called as a witness by Mr Ireland in respect of the publication, *Private Eye* had also had the opportunity of considering that public opinion poll. That knowledge was inadvertently brought to the notice of the Tribunal as Mr Ireland's fax letter to Mr Everard, discussing Mr Everard appearing as a witness before the Tribunal together with copies of various documents, was sent to the Indecent Publications Tribunal by fax on 15 February 1990. Mr Everard had those documents faxed to him and he was advised that the letter and documents had been received by the Tribunal in error.

As one of the exhibits presented by the Society for Promotion of Community Standards Incorporated, a substantial extract from the publication *How Pornography Changes Attitudes* by David Alexander Scott was made available for the consideration of the Tribunal.

The 9 magazines, the subject to this decision, had been purchased from various retail outlets, most of which appeared to have been suburban dairies. Some of them, we were informed were placed in positions where they could have been within reach of children browsing in those dairies. I will now deal with each of the magazines in general outline.

### *Raunchy*

*Raunchy*, No. 3 is described on its front cover as "New Zealand's Hottest, No Nonsense Girlie Magazine!". It consists of a series of short articles, an editorial on molesters, a



sequence under the title "Movie Views" which contains a number of slightly blurred photographs of explicit sexual acts. There are also a large number of photographs of single female models some of which concentrate on a display of the female genitalia. The whole of the contents of the publication, with the exception of the editorial, is of a sexual nature. The publication does not reveal the publisher or any address nor does it reveal any date of publication. *Raunchy*, No. 5 is a larger publication, but of similar content and material and it acknowledges a publisher as being Raunchy Publishing Victoria with a New Zealand agent, Box 68-400, Newton, Auckland. This edition includes additional material such as letters to the editor, who is variously referred to as Dear Katy or Dear Katy and Alan, the articles and stories are of a much more explicitly sexual nature. There are the significant number of single female models, again with accent on the genitalia. There is an article on incest said to be the true story of 4 sisters and a father who ruined the lives of all of them, 3 photographs of a model masturbating with a vibrator, 1 photograph of an advertiser shown from the rear and being a woman with a man holding her vagina open and with his penis resting against the cheek of the woman and another photograph of 2 females in intimate pose. A further innovation in respect of this particular publication is a section on advertising where people are seeking various individuals or couples for what is clearly sexual activity. There is also a section under the title "Raunchy Video" in which some explicit sexual activity is shown in photographic form. *Raunchy*, No. 10 is shown as being published by Raunchy Magazine with a box number in Symonds Street, Auckland but again we are unable to find a date of publication and the cover now describes the publications as "NZ's Raunchiest Sex-Contact Mag!"

#### *Private Lives*

*Private Lives* discloses that it is published in Upper Hutt and it gives an Upper Hutt post office box number and it reveals that it is published by Aotearoa Publishing and Distribution Limited of that post office box number in Upper Hutt. Each of the publications is described on the cover as being "The Adult Contact Magazine" and the ostensible purpose for the publication is again to have people advertise for partners and much of the advertising is clearly by people seeking to make contact with others for sexual activities. A considerable amount of each publication is taken up with photographs of single female and male models with again accent on genitalia but in each publication there appear separate photographs and sequential photographs of a great variety of heterosexual and lesbian sexual activity with the most explicit photographs of sexual connection both oral and genital. Such written material as is presented in the publications is almost entirely of a sexual explicit nature.

#### *Key Club*

The fifth series issue 10 is said to be published by Key Publishing, Box 68-400, Newton, Auckland. Issue 13 by *Key Club* magazine of the same box number at Newton and *Key Contacts* by Key Contacts of the same box number at Newton. The publications are variously described as being sex contact clubs and available for confidential advertising for liberated adults. In addition to the typical type of advertising which appears in this and the other magazines the bulk of the publication is taken up with photographs of single female models with considerable emphasis being placed on the genitalia and in some cases the models are in the process of masturbating with vibrators. In each of the magazines there are photographs showing couples engaged in sexual intercourse, oral intercourse and other sexual activity.

In relation to the *Key Club* and *Key Contacts* publications the Tribunal expresses its grave concern about their publication because it would seem that they come from an identical source as *Key Magazine*, No. 6 published by Key Publishing, Auckland, the subject of an unconditionally indecent

classification in decision No. 1007 issued by the Tribunal on 1 October 1981. A reading of that decision discloses that the man behind *Key Magazine* was Alan Douglas, who appeared before the Tribunal and gave evidence, presumably the same Mr Douglas who made significant submissions on behalf of Aztec Publishing respect of the publication *Taboo* and who indicated by correspondence with the Tribunal that he intended to appear and defend some of these magazines which are before the Tribunal in respect of this application. In that decision the then Chairman of the Tribunal, Judge W. M. Willis dealt in careful detail with all of the provisions of the Indecent Publications Act as to the tests to be conducted in considering whether a publication is indecent or should be the subject of an age or other restriction. That decision made it abundantly clear to Mr Douglas, and anyone else who might be interested in producing, publishing or distributing like material, that such material would receive an unconditionally indecent classification.

The Tribunal acknowledges and accepts that the benchmark as to acceptability has moved considerably since 1981 but it has not moved to the degree where any of the publications referred to in this decision were ever likely to receive anything but an unconditionally indecent classification.

Mr Ireland in his oral and written submission endeavoured to move the Tribunal from its clearly stated viewpoint in respect of such material and in order to assist his client in respect of changing the Tribunal stance, he produced as a witness the Chief Film Censor, Arthur Everard.

The Tribunal members have during my term of office of 5 years been fully aware of the different standards of censorship adopted and applied by the 3 censorship authorities; films, video recordings and books. This awareness comes from 1, our personal observations; 2, media reports including letters to editors, commentaries, articles and discussion programmes; and 3, evidence given and submissions made on many occasions before and to the Tribunal when the wide disparity in standards is frequently advanced as an argument that our standards do not reflect public acceptability of pornography or majority community standards.

It has never been our function, nor is it my intention, to critically consider other censorship authorities but it would be absurd for the Tribunal to ignore the nature of their decisions. In this particular case, however, the Chief Film Censor gave evidence on behalf of the publisher and distributor of *Private Lives* and he expressed his opinion that there was nothing in the material in those magazines which would justify a classification of unconditionally indecent. Mr Everard said in his evidence that the material contained in those publications would not justify such a classification as they were not "injurious to the public good".

Mr Everard is an expert witness on the subject of pornography and indecency and although we must express our considerable surprise that he has prepared to give evidence before our Tribunal we have given careful consideration to his evidence. The clear effect of his evidence was that he believed the standards of the Tribunal are too rigid, and that they are no longer relevant or justified in the New Zealand community. He expressed the opinion that he would be most unhappy to use the Tribunals tripartite test as an evaluation measure if that were to be the major or sole criterion for judging publications or films. Mr Everard informed the Tribunal that those features which might lead to the banning of a film included sex scenes involving rape or considerable violence; extreme violence against women; and "people know that kiddie-porn and bestiality are going to receive a very strong scrutiny".

Mr Everard made it abundantly clear that he could not see any justification for banning these particular publications of *Private Lives*. When Mr Graham, of the Tribunal, drew Mr Everard's attention to a particular photograph in one of the editions of

*Private Eye* depicting 3 persons engaged in anal intercourse and oral intercourse he responded "there appears to be no force, no coercion" and indicated that that should not be considered as material which would justify an unconditionally indecent classification for that particular publication.

The Tribunal members are unanimous as to the classification of unconditionally indecent to be given to all of these publications because the Tribunal members haven't the slightest doubt that they are a class of publication which is clearly injurious to the public good. Two of the members will be presenting supplementary decisions to highlight their particular views and concerns but they do not differ in their main finding as to unconditional indecency.

As I indicated earlier in this decision it is not our intention to critically consider the other censorship authorities, but we think it important that I should spell out in this decision a number of features relating to the practises and procedures of the Tribunal which may be unique to it and not part of those of the film and video recording censors.

I believe that there are a number of reasons for the different standards which have developed and some of the more obvious may result from the following:

1. The Tribunal consists of 5 members who each read the material presented, who listen collectively to the evidence and submissions, and who subsequently meet in private committee to discuss the material presented and the classification to be given to it.
2. The selection process involved in the appointment of the members of the Tribunal is both detailed and careful.
3. Some members of the Tribunal are required to have special qualifications in terms of the Indecent Publications Act 1963.
4. Formal hearings take place at which evidence is called and submissions made.
5. Written decisions are delivered by the Tribunal albeit that many of these are short and concise.
6. The doctrine of precedent is followed in respect of the Tribunal's previous decisions in order that there should be a degree of certainty and certainly uniformity in relation to decision insofar as that is possible to achieve.
7. The decisions of the appellate courts are carefully considered and followed.
8. The benchmark of "indecency" is forever moving but never markedly or without careful evaluation of the available evidence.

The evidence of Mr Everard was clearly intended to persuade the Tribunal that we have failed to keep pace with changing public attitudes in respect of the display of explicit sexual material. It was also clearly directed at trying to convince the Tribunal that there was no evidence that the type of material contained in *Private Lives* would in any way be injurious to the public good and that it should be available to adult readers.

Mr Everard's view of public acceptability is not reflected in the evidence presented to the Tribunal by the Society for Promotion of Community Standards Incorporated, nor is it reflected in the totality of the evidence which has come before the Tribunal over recent years or come to its notice in a great variety of publications dealing with such matters. Finally I should make it clear that the Tribunal, although taking note of the different standards adopted by the other censorship authorities, is not persuaded that that standard is an appropriate one for this Tribunal to adopt and in so doing abandon its long history of precedent. If there is to be such a major change in direction by the Tribunal in its interpretation of its role as stated by Parliament in its statute, then it will have to be by way of amendment or replacement of that statute.

Dated at Wellington this 9th day of July 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go11605

5

Decision No. 26/90

Reference No.: IND 16/90

### 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: *Anal Babes*, Vol. 5, No. 2; *Anal Babes*, Vol. 5, No. 3; *Ass Parade*, Vol. 6, No. 2; *Ass Parade*, Vol. 6, No. 4; *Black & Lusty*, Vol. 5, No. 2. Publisher: American Arts Enterprises; *Black Dish*, No. 1. Publisher: Unknown; *Black Floppers*, Vol. 1, No. 1; *Black Girl Review*, Vol. 8, No. 2. Publisher: American Art Enterprises; *Boob Babes*, No. 1. Publisher: Unknown; *Bottom*, Vol. 18, No. 4; *Bouncers*, Vol. 1, No. 1; *Bouncy Boobs*, Vol. 1, No. 4; *Busting Out*, Vol. 4, No. 3; *Busting Out*, Vol. 4, No. 4. Publisher: American Art Enterprises; *California Blondes*, Vol. 1, No. 2. Publisher: Red Lion Publications; *Chesty Blondes*, No. 1. Publisher: Unknown; *China Dolls Special*, Vol. 1, No. 1; *Chunky Asses*, Vol. 6, No. 1; *Erect Nipples*, Vol. 6, No. 3; *Exotic Beavers*, Vol. 1, No. 1. Publisher: American Art Enterprises; *Exotics*, Vol. 1, No. 1. Publisher: Distrax; *Fanny*, Vol. 17, No. 1; *Fat Mamas*, No. 3; *Geisha Girls*, Vol. 6, No. 2; *Geisha Girls*, Vol. 6, No. 3; *Geisha Girls*, Vol. 7, No. 1. Publisher: American Art Enterprises; *Geisha Love*, No. 1. Publisher: Unknown; *Girls Who Lick Their Nipples*, Vol. 1, No. 1; *Hanging Breasts*, Vol. 1, No. 2; *Hanging Breasts*, Vol. 6, No. 4; *Hanging Breasts*, Vol. 7, No. 2; *Hot Wet Pussys*, Vol. 6, No. 2. Publisher: American Art Enterprises; *Girls 31*. Publisher: Pleasure; *Hefty Mamas*, Vol. 7, No. 1; *Hefty Mamas*, Vol. 7, No. 2; *Hot Buns*, Vol. 2, No. 3; *Hot Legs*, Vol. 6, No. 1. Publisher: American Art Enterprises; *Latino Babes*, Vol. 1, No. 1. Publisher: Distrax Manuscript; *Latino Babes*, Vol. 1, No. 1; *Latin Babes*, Vol. 6, No. 2; *Legs & Asses*, Vol. 6, No. 2. Publisher: American Art Enterprises; *Legs & Lace*, Vol. 1, No. 1. Publisher: Red Lion Publications; *Legs, Legs, Legs*, Vol. 5, No. 2; *Mellow Mamas*, Vol. 1, No. 1; *Oriental Babes Special*, No. 2. Publisher: American Art Enterprises; *Mulatto Honeys*, No. 1. Publisher: Unknown; *Oriental Pussy*, Vol. 1, No. 4; *Poppin Mamas*, Vol. 6, No. 2; *Poppin Mamas*, Vol. 6, No. 3. Publisher: American Art Enterprises; *Pretty Moms*, No. 1; *Playmates*, Vol. 7, No. 2. Publisher: Unknown; *Pussy Fingers*, Vol. 1, No. 1. Publisher: Red Lion Publications; *Red Heads*, Vol. 1, No. 1. Publisher: American Art Enterprises; *Scoop Magazine*, No. 5; *Scoop Magazine*, No. 10; *Scoop Magazine*, No. 11. Publisher: Forlage Popettan AB; *Sexy Miss*, No. 1. Publisher: Unknown; *Shaved*, Vol. 13, No. 4; *Shaved Girls Review 3*; *Snatch*, Vol. 5, No. 1; *Strip & Tease*, Vol. 1, No. 1; *Strip Tease*, Vol. 8, No. 3. Publisher: American Art Enterprises; *Strip Tease Fantasies*, Vol. 1, No. 1. Publisher: Distrax; *Sultry Black Dolls*, Vol. 5, No. 4; *Sweet Asses*, Vol. 4, No. 2; *Sweet Asses*, Vol. 4, No. 3. Publisher: American Art Enterprises; *Sweet Hearts*, Vol. 1, No. 2. Publisher: Red Lion Publications; *Teasers*, Vol. 2, No. 2. Publisher: American Art Enterprises; *Tiger Girls*, No. 1. Publisher: Oakmore Enterprises; *Tip Top*, Vol. 26, No. 4; *Tits & Twats*, Vol. 1, No. 1; *Tits 4 U*, Vol. 2, No. 4; *Tops & Bottoms*, Vol. 1, No. 1; *Tough Chicks*, Vol. 1, No. 2. Publisher: American Arts Enterprises; *Wet Dreams*, Vol. 1, No. 4. Publisher: Magcorp; *Wet Snatch*, Vol. 2, No. 3. Publisher: American Art Enterprises; *Bizarre TV's*, Vol. 1, No. 1; *Black Shemale Fantasies*, Vol. 1, No. 1; *Blonde Shemale Superstuds*. Publisher: Holly Publications; *Drag Queens*, Vol. 4, No. 4. Publisher: American Art Enterprises; *Queens' Night In*, Vol. 1, No. 1; *Shemales Confess*, Vol. 1, No. 1; *T S I Love You*, Vol. 1, No. 1; *TV Debutantes*,

Vol. 1, No. 1; *TV Exhibitionists*, Vol. 1, No. 2. Publisher: Holly Publications; *TV Queens*, Vol. 5, No. 1; *TV Queens*, Vol. 5, No. 2. Publisher: American Art Enterprises; *Ultra Femmes*, Vol. 1, No. 2; *Dominant Shemales*, Vol. 1, No. 2. Publisher: Holly Publications; *Drag Queens*, Vol. 6, No. 1. Publisher: American Art Enterprises; *Dominant Daydreams*, Vol. 1, No. 3; *Domination Digest*, Vol. 1, No. 3; *I Speak You Obey*, Vol. 1, No. 1; *Leading Ladies*, Vol. 1, No. 2; *Leading Ladies*, Vol. 1, No. 4; *Leather Scenes*, Vol. 1, No. 3; *Mistress Knows Best*, Vol. 1, No. 3; *Women Who Dominate Men*, Vol. 1, No. 3. Publisher: Holly Publications; *FMI*, Vol. 18, No. 3; *FMI*, Vol. 18, No. 4. Publisher: Magcorp; *Bizarre TV's*, Vol. 1, No. 2; *Bound to Submit*, Vol. 1, No. 3. Publisher: Holly Publications; *Heels of Dominations*, Vol. 1, No. 2; *Mistress of Domination*, Vol. 1, No. 2. Publisher: American Art Enterprises; *Reflections*, Vol. 10, No. 4. Publisher: Magcorp; *Under Her Thumb*, Vol. 1, No. 3; *Women Who Dominate Men*, Vol. 1, No. 2. Publisher: Holly Publications; *Scoop*, No. 8. Publisher: Forlidge Popettan; *Black & Beautiful*, Vol. 2, No. 1; *Black Magic*, Vol. 9, No. 3. Publisher: American Art Enterprises; *Busen 30*. Publisher: Pleasure; *Heat Breakers*, Vol. 1, No. 1; *Heavy Hangers*, Vol. 1, No. 1. Publisher: Red Lion Publications; *Milk*, Vol. 1, No. 7; *Milky Mamas Special*, No. 1; *Oriental Pussy*, Vol. 1, No. 3; *Poppin & Milkin*, Vol. 2, No. 3; *Punk Pussy*, Vol. 1, No. 1; *Tattoo*, Vol. 1, No. 1. Publisher: American Art Enterprises; *Oriental Tickle*, No. 1. Publisher: Unknown; *Let Me See I'll Let You Know*, No. 1. Publisher: Academy Press; *Stiff Competition*. Publisher: Arewa Publications; *100 Pages of Dick Rambone*, Vol. 1, No. 1; *150 Pix of Anal Penetration*, Vol. 1, No. 1; *Blonde Anal Babe*, Vol. 1, No. 1. Publisher: Academy Press; *Carnal*, Vol. 1, No. 1. Publisher: American Art Enterprises; *Double Fuckers Special 1*; *Fuckin Hefty*, Vol. 2, No. 1. Publisher: Academy Press; *Girl-Loving Girls*, Vol. 5, No. 3; *Girl-Loving Girls*, Vol. 5, No. 4. Publisher: American Art Enterprises; *Girl on Girl*, Vol. 1, No. 4. Publisher: Red Lion Publications; *Hot Male Review*, Vol. V, No. 6. Publisher: Klinger Publications; *Juggs*, September 1989, Vol. 8, No. 11; *Juggs*, October 1989, Vol. 8, No. 12. Publisher: MM Publications Ltd.; *Lesbian Girls*, Vol. 6, No. 3; *Lesbian Girls*, Vol. 6, No. 4; *Lesbian Lovers*, Vol. 8, No. 1; *Lesbian Pussy Poking*, Vol. 1, No. 1. Publisher: American Art Enterprises; *Loving Lesbians*, Vol. 1, No. 2; *Over 150 Pix of Eating Pussy*, Vol. 1, No. 1. Publisher: Academy Press; *Pretty Girls Erotica*, No. 2. Publisher: Maxwell Leigh; *Scoop*, No. 7; *Scoop*, No. 6; *Scoop*, No. 9. Publisher: Forlidge Popettan AB; *Skin Flicks*, Vol. 9, No. 4. Publisher: Magcorp; *TV Transformations*, Vol. 1, No. 1. Publisher: Holly Publications; *Wild Fuckin Special 1*. Publisher: Academy Press; *Dam Pumping Meat*. Publisher: Dam Studios; *Girls Life*, No. 2; *Girls Life*, No. 3; *Girls Life*, No. 4; *Girls Life*, No. 5; *Highlife Girls*, No. 2. Publisher: Beta Verlag GMBH and *The Penthouse Collection*, Vol. 5, No. 1. Publisher: Penthouse International Ltd. (U.K. Edition):

**Chairman:** Judge R. R. Kearney.

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

Hearing at Wellington on the 23rd day of May 1990.

**Appearances:** No appearance by or on behalf of importer. M. J. Wotherspoon for the Comptroller of Customs.

### Decision

Although there was no appearance by or on behalf of the importer a detailed written submission was received from Brian Cheesman on behalf of the importer and intended distributor, Waverley International 1988 Limited of Auckland. In his submission Mr Cheesman has placed the large number of publications into various categories and has submitted to the Tribunal that those categories will be of assistance in classifying the various publications.

These publications were commercially imported through Auckland air freight on 13 December 1989 and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture of the publications they were referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The Tribunal having considered the representation made in writing by Mr Cheesman and having received a submission on behalf of the Comptroller of Customs presented by M. J. Wotherspoon has reached decisions in respect of all of the items. In relation to the great bulk of the publications the Tribunal has reached a conclusion that they would be injurious to younger readers and has accordingly classified those particular publications as either indecent in the hands of persons under the age of 18 years, category A or indecent in the hands of persons under the age of 16 years, category B.

The publications in respect of the category A and B series cover the whole ambit of modest to more explicit sexually orientated subjects the great majority being depiction of the nude female. In addition there are transsexual and transvestite magazines and as, in relation to both categories A and B Mr Cheesman in his classification does not take issue with the classification which the Tribunal imposes, we do not propose to set out in any detail the nature of each of those publications.

### Category A

The Tribunal as indicated finds that these publications contain material which would be injurious to younger readers and classifies each as indecent in the hands of persons under the age of 18 years.

*Anal Babes*, Vol. 5, No. 2; *Anal Babes*, Vol. 5, No. 3; *Ass Parade*, Vol. 6, No. 2; *Ass Parade*, Vol. 6, No. 4; *Black & Lusty*, Vol. 5, No. 2; *Black Dish*, No. 1; *Black Floppers*, Vol. 1, No. 1; *Black Girl Review*, Vol. 8, No. 2; *Boob Babes*, No. 1; *Bottom*, Vol. 18, No. 4; *Bouncers*, Vol. 1, No. 1; *Bouncy Boobs*, Vol. 1, No. 4; *Busting Out*, Vol. 4, No. 3; *Busting Out*, Vol. 4, No. 4; *California Blondes*, Vol. 1, No. 2; *Chesty Blondes*, No. 1; *China Dolls Special*, Vol. 1, No. 1; *Chunky Asses*, Vol. 6, No. 1; *Erect Nipples*, Vol. 6, No. 3; *Exotics*, Vol. 1, No. 1; *Fanny*, Vol. 17, No. 1; *Fat Mamas*, No. 3; *Geisha Girls*, Vol. 6, No. 3; *Geisha Girls*, Vol. 6, No. 3; *Geisha Girls*, Vol. 7, No. 1; *Geisha*, No. 1; *Girls Who Lick Their Nipples*, Vol. 1, No. 1; *Hot Wet Pussys*, Vol. 6, No. 2; *Hefty Mamas*, Vol. 7, No. 1; *Hefty Mamas*, Vol. 7, No. 2; *Hot Buns*, Vol. 2, No. 3; *Hot Legs*, Vol. 6, No. 1; *Latino Babes*, Vol. 1, No. 1; *Latino Babes*, Vol. 1, No. 1; *Latin Babes*, Vol. 6, No. 2; *Legs & Asses*, Vol. 6, No. 2; *Legs & Lace*, Vol. 1, No. 1; *Legs, Legs, Legs*, Vol. 5, No. 2; *Mellow Mamas*, Vol. 1, No. 1; *Oriental Babes Special*, No. 2; *Mulatto Honeys*, No. 1; *Oriental Pussy*, Vol. 1, No. 4; *Poppin Mamas*, Vol. 6, No. 2; *Poppin Mamas*, Vol. 6, No. 3; *Pretty Moms*, No. 1; *Playmates*, Vol. 7, No. 2; *Red Heads*, Vol. 1, No. 1; *Scoop Magazine*, No. 5; *Sexy Miss*, No. 1; *Shaved*, Vol. 13, No. 4; *Snatch*, Vol. 5, No. 1; *Strip & Tease*, Vol. 1, No. 1; *Strip Tease*, Vol. 8, No. 3; *Strip Tease Fantasies*, Vol. 1, No. 1; *Sultry Black Dolls*, Vol. 5, No. 4; *Sweet Asses*, Vol. 4, No. 2; *Sweet Asses*, Vol. 4, No. 3; *Sweet Hearts*, Vol. 1, No. 2; *Tiger Girls*, No. 1; *Tip Top*, Vol. 26, No. 4; *Tits & Twats*, Vol. 1, No. 1; *Tits 4 U*, Vol. 2, No. 4; *Tops & Bottoms*, Vol. 1, No. 1; *Tough Chicks*, Vol. 1, No. 2; *Bizarre TV's*, Vol. 1, No. 1; *Dominant Shemales*, Vol. 1, No. 2; *Drag Queens*, Vol. 6, No. 1; *Dominant Daydreams*, Vol. 1, No. 3; *Domination Digest*, Vol. 1, No. 3; *I Speak You Obey*, Vol. 1, No. 1; *Leading Ladies*, Vol. 1, No. 2; *Leading Ladies*, Vol. 1, No. 4; *Leather Scenes*, Vol. 1, No. 3; *Mistress Knows Best*, Vol. 1, No. 3; *Women Who Dominate Men*, Vol. 1, No. 3; *FMI*, Vol. 18, No. 3; *FMI*, Vol. 18, No. 4; *Black & Beautiful*, Vol. 2, No. 1; *Black Magic*, Vol. 9, No. 3; *Heart Breakers*, Vol. 1, No. 1;

*Heavy Hangers*, Vol. 1, No. 1; *Milk*, Vol. 1, No. 7; *Milky Mamas Special*, No. 1; *Oriental Pussy*, Vol. 1, No. 3 and *Poppin & Milkin*, Vol. 2, No. 3.

In respect of all category A publications the Tribunal was unanimous in its findings with the exception of the publications:

*Milk*, Vol. 1, No. 7; *Milky Mamas Special*, No. 1 and *Poppin & Milkin*, Vol. 1, No. 3.

Miss Barrington has some major concerns in respect of those particular publications which mainly consist of photographs of women in scenes of manual lactation. The other members of the Tribunal although finding that presentation most distasteful and disparaging of the state of motherhood, were unable to find that there was sufficient evidence of injury to the public good to justify a classification of unconditionally indecent. The Tribunal members also as a whole, found it difficult to understand who, other than perverted people, would actually have an interest in viewing magazines which are principally composed of women manually lactating in the fashion displayed.

#### Category B

The Tribunal classifies the following publications as indecent in the hands of persons under the age of 16 years.

*Hanging Breasts*, Vol. 1, No. 2; *Hanging Breasts*, Vol. 6, No. 4; *Hanging Breasts*, Vol. 7, No. 2; *Black Shemale Fantasies*, Vol. 1, No. 1; *Blonde Shemale Superstuds*; *Drag Queens*, Vol. 4, No. 4; *Queens' Night In*, Vol. 1, No. 1; *Shemales Confess*, Vol. 1, No. 1; *T S I Love You*, Vol. 1, No. 1; *TV Debutantes*, Vol. 1, No. 1; *TV Exhibitionists*, Vol. 1, No. 2; *TV Queens*, Vol. 5, No. 1; *TV Queens*, Vol. 5, No. 2; *Ultra Femmes*, Vol. 1, No. 2; *Girls Life*, No. 2; *Girls Life*, No. 3; *Girls Life*, No. 4; *Girls Life*, No. 5; *Highlife Girls*, No. 2 and *Penthouse Collection*, Vol. 5, No. 1.

#### Category C

The Tribunal classifies the following publications as unconditionally indecent. The magazines in question cover a great variety of topics and would probably have appeal to a number of different audiences. A significant number of the magazines justify an unconditionally indecent classification because of the totality of their indecent content, others because they contain a significant number of photographs which clearly justify that classification, others because they contain a mixture of various types of material all of which are clearly in the view of the Tribunal injurious to the public good while others are so classified because of perhaps only 1 or 2 sequences or even an individual item such as a comic strip.

Although references are made but infrequently by the Tribunal to the "matters to be taken into consideration by a Tribunal or Court" being the matters referred to under section 11 of the Indecent Publications Act 1963, the provisions of that section are nevertheless constantly before the Tribunal during its consideration of all the material which comes before it. In so far as the Category C magazines are concerned the Tribunal has certainly looked at:

- A. The dominant effect of the book
- B. The literary or artistic merit or other special characteristics of the book.
- C. The classes of persons or age groups to or amongst whom the book is intended or is likely to be published, etc.
- D. The price of the publication.
- F. Whether there is an honest purpose and an honest thread of thought in the publication.

The publications under category C do not measure well when it comes to applying those matters of consideration to them.

We do not propose (and have not in this decision) setting out detail by detail the reasons why these publications are clearly in the Tribunal's findings injurious to the public good but we have endeavoured to classify them in various groups which will indicate the nature of the major concerns of the Tribunal. We should also mention that the Tribunal members are but fully aware that much of the so called "Lesbian pictorial magazines" are in fact designed and produced for male readers but we judge the nature of the material rather than the intended market as our first criteria.

*Exotic Beavers*, Vol. 1, No. 1; *Girls*, No. 31; *Pussy Fingers*, Vol. 1, No. 1 and *Shaved Girls Review*, No. 3.

These publications are principally magazines of nude or mainly nude female models and an overly explicit display of the open vagina of the model. It is the almost total concentration in the pictorial sequences and single photographs displayed on the genitalia which has resulted in the Tribunal classifying these publications as unconditionally indecent.

*Scoop Magazine*, No. 6, 7, 8, 9, 10 and 11.

Although these publications appear to be published in a number of countries those which come before the Tribunal for classification on this occasion appear to be published in Denmark and appear to be, in comparison with much of the other material which comes before us, cheaply produced. Most of these magazines contain highly objectionable comic strips of the kind the Tribunal are satisfied are injurious to the public good and a significant amount of bondage, multiple-model scenes and cartoons of an objectionable nature of the kind which the Tribunal has previously found injurious to the public good. The magazines in fact are of a very uneven quality with some escaping an unconditional classification but these particular editions are clearly injurious to the public good and are classified as unconditionally indecent.

*Teasers*, Vol. 1, No. 2.

A magazine principally of the single female model classified as unconditionally indecent because of a sequence of photographs displaying masturbation.

*Wet Dreams*, Vol. 1, No. 4.

Classified as unconditionally indecent because of the significant bondage element portrayed and photographs of masturbation.

*Let Me See I'll Let You Know*, No. 1.

Classified as unconditionally indecent as showing male models in the act of masturbation.

*100 Pages of Dick Rambone*, Vol. 1, No. 1; *Double Fuckers Special 1*; *Fuckin Hefty*, Vol. 2, No. 1; *Pretty Girls Erotica*, No. 2 and *Wild Fuckin Special 1*.

Classified as unconditionally indecent for the photographic displays of sexual intercourse.

*150 Pix of Anal Penetration*, Vol. 1, No. 1.

A magazine which is almost totally devoted to anal intercourse which the Tribunal is satisfied is injurious to the public good and classifies it as unconditionally indecent.

*Blonde Anal Babe*, Vol. 1, No. 1.

Classified as unconditionally indecent because of the explicit portrayal of oral and anal intercourse.

*Girl-Loving Girls*, Vol. 5, No. 3; *Girl-Loving Girls*, Vol. 5, No. 4; *Girl on Girl*, Vol. 1, No. 4; *Juggs*, September 1989, Vol. 8, No. 11; *Juggs*, October 1989, Vol. 8, No. 12; *Lesbian Girls*, Vol. 6, No. 3; *Lesbian Girls*, Vol. 6, No. 4; *Lesbian Lovers*, Vol. 8, No. 1; *Lesbian Pussy Poking*, Vol. 1, No. 1; *Loving Lesbians*, Vol. 1, No. 2.

All of these publications are classified as unconditionally indecent because of the explicit photographs of female models engaging in explicit sexual activities.

*Hot Male Review*, Vol. V, No. 6; *Skin Flicks*, Vol. 9, No. 4; *Dam Pumping Meat*.

These male homosexual magazines depicting explicit sexual activity are classified as unconditionally indecent.

*Over 150 Pix of Eating Pussy*, Vol. 1, No. 1.

This magazine depicting heterosexual and lesbian sexual activity is classified as unconditionally indecent.

*Wet Snatch*, Vol. 2, No. 3; *Busen 30*; *Punk Pussy*, Vol. 1, No. 1; *Tattoo*, Vol. 1, No. 1; *Oriental Tickle*, No. 1; *Carnal*, Vol. 1, No. 1.

These magazines depicting female models concentrate on the open vagina and each contains masturbation sequences or photographs and these publications are classified as unconditionally indecent.

*Bizarre TV's*, Vol. 1, No. 2.

This transvestite magazine contains photographs of bondage and oral sex which the Tribunal finds as unconditionally indecent.

*Bound to Submit*, Vol. 1, No. 3; *Heels of Dominations*, Vol. 1, No. 2; *Mistress of Domination*, Vol. 1, No. 2; *Reflections*, Vol. 10, No. 4; *Under Her Thumb*, Vol. 1, No. 3; *Women Who Dominate Men*, Vol. 1, No. 2.

All of these publications contain significant elements of bondage and domination of a nature which the Tribunal is satisfied is injurious to the public good and it classifies each of these publications as unconditionally indecent.

The importer has asked for a significant number of serial restriction orders and the Tribunal grants a serial restriction order in respect of the magazine *Girls Life*, classifying it as indecent in the hands of persons under the age of 16 years. In so far as the other magazines are concerned the Tribunal wishes to see further editions of those before it will reach a conclusion on whether a serial restriction order can be granted.

Dated at Wellington this 9th day of July 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go11604

5

Decision No. 28/90

Reference No.: IND 64/89

### 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: *Private Lives*, Vol. 1, Issues 2, 5 and 6. Publishers: Aotearoa Publishing and Distribution Ltd., Upper Hutt:

*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 28th day of November 1989 and the 20th day of February 1990.

### **Decision of R. E. Barrington to be Appended to the Majority Decision**

This was an unusual case to come before the Tribunal in that P. M. Bartlett in her capacity as director of the Society for Protection of Community Standards Inc. was granted leave by the Minister of Justice for the society to submit issues of *Private Lives* for a decision as to whether the publication was indecent or not and for a decision on its classification. Most publications arrive before the Tribunal after the intending importer disputes the Customs Department seizure of their publication, so the majority of cases are between the Customs Department and individuals, importers, distributors or

publishers, not between a New Zealand organisation and a publisher.

In this particular instance the organisation, the Society for Promotion of Community Standards Inc., was represented by the Rev. Gordon Dempsey. The society chose not to employ legal counsel. The Upper Hutt publishing company, as defendants, were represented by experienced legal counsel, who provided written and oral submissions and called outside witnesses including the Chief Film Censor. The Chief Film Censor gave fulsome evidence, but the issues before the Tribunal were not argued in an equally balanced way as the Society for Promotion of Community Standards was represented only by lay individuals. The arguments before the Tribunal were not fully tested, and were certainly not tested to the extent that it would be necessary if this were to be the case for a new benchmark in the progress towards better interpretation and application of the meaning of "indecent" in section 2 of the Indecent Publications Act.

The Film Censor's very presence as a witness before the Tribunal identified the unsatisfactoriness of the present law which permits a representative from one censoring body of a different kind of medium to be publicly critical of another censoring body. The Film Censor works under different legislation than the Indecent Publications Tribunal.

The first recommendation of the Ministerial Committee of Inquiry into Pornography was "that the Indecent Publications Act 1963, the Films Act 1983 and the Video Recordings Act 1987 be repealed and replaced by 1 comprehensive statute dealing with the classification and rating of the works to which those Acts currently apply" (page No. 93 of the report). The time is long overdue for there to be 1 piece of legislation covering publications, films and videos. Extensive reforms to the present regime established by the 3 Acts are necessary to achieve consistency. This case makes that very clear.

Defence counsel for the publisher argued that there should not be a slavish adherence to the tripartite test for publications such as these. This is not the first time these arguments have been made by counsel to the Tribunal, and the Tribunal has previously heard arguments that the separation of 1 of the ingredients of the tripartite test and its application in isolation should not of itself be sufficient for a publication to be declared indecent. Such arguments are becoming more persuasive, and it could well be that the Tribunal in the near future should re-examine the whole justification for the tripartite test. However this should be within the context of a total review of various criteria to be applied and a review of the list of factors which must be taken into account when a classification decision is made (essentially section 11 of the Act). The current state of affairs which means that depiction of particular sexual non-violent acts (often encompassed by applying the tripartite test) can be seen on video, does not *ipso facto* mean that publications depicting such situations should be given an indecent classification. Publications such as *Private Lives* are on view and obtainable from public places, in dairies as these magazines were, and with virtually no control over who picks them up or looks through them. This is different from viewing a video in private.

An issue on which the Tribunal would like to hear further arguments is the extent to which photographic material in not portraying sexual acts in a caring way may be harmful to the development of young people's attitudes towards sexual practises (and therefore possibly injurious to the public good). It can be argued for instance that photographs such as those in *Private Lives* showing women with semen running down their faces, in their mouths and over their bodies, or with penises inserted simultaneously in both the vagina and rectum, do not do a great deal to foster a positive sexual identification for young women who are still establishing their own sexual needs. It could be that the dominant effect of such a work is demeaning to the individual portrayed, and perhaps even to a

class or group. But the issue of whether something is demeaning is not currently available to the Tribunal to apply in reaching a decision.

Matters which the Tribunal is to take into consideration are contained in section 11 of the Indecent Publications Act 1963. Two matters are appropriately considered against *Private Lives*, namely:

"The dominant effect of the book or sound recording as a whole" [section 11 (1) (a)], and

"Whether the book or the sound recording displays an honest purpose and an honest thread of thought or whether its content is merely camouflage designed to render acceptable any indecent parts of the book or sound recording." [section 11 (1) (f)].

The cover of *Private Lives* advertises itself as "The Adult Contact Magazine" and at most 8 of the final 80 pages of each issue provide information for advertisers who wish to make contact with others. The dominant effect of the publication is not that of a contact magazine, but rather results from the coloured sexually explicit photographs and other black and white photographs of the magazine. The honesty of purpose of the magazine must be questioned.

It is increasingly hard for the Tribunal to argue that such material as *Private Lives* is injurious to the public good *per se* given the case law post *Lawrence* and post *Comptroller of Customs v. Gordon and Gotch (NZ) Ltd.* without developing new precedents; but because the law on what is indecent in publications, films and videos is in such a mess, and in so great a need of a comprehensive overhaul by the legislators, now is not the time to further modify the criteria and set new benchmarks. Accordingly the decision is that these publications are classified as unconditionally indecent.

Dated at Wellington this 9th day of July 1990.

R. E. BARRINGTON, Member.

Indecent Publications Tribunal.  
go11606

5

Decision No. 29/90

Reference No.: IND 41/90

### 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: *Shaved Pussies*, Vol. 1, No. 2. Publisher: American Art Enterprises:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings, and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of importer.

#### Decision

Prior to consideration of this application the chairperson of the Tribunal had received an application from B. N. Cheeseman of Waverley International 1988 Ltd. to be joined as a party to these proceedings pursuant to regulation 6 of the Indecent Publications Regulations 1964. Mr Cheeseman's application was made on the grounds that he was likely to be affected because he acted as distributor in New Zealand for the publisher and in the past 2 years has had various issues of this title classified by the Tribunal. The application was considered by those members present at this sitting of the Tribunal and, immediately after this application was called the chairperson informed those present that the application to be joined as a party to the proceedings had been granted by the Tribunal.

This publication was privately imported through Napier on or about 15 February 1990 and was seized by the Collector of

Customs. The importer having subsequently applied for waiver of forfeiture the publication has been referred to the Tribunal for a decision as to its classification.

The magazine contains photographs of single female models with very little accompanying text. The photographs place undue emphasis on the female genitalia, with many models posed in contrived positions to accentuate that part of the female anatomy. As was pointed out by Mr Wotherspoon similar type publications have been considered by the Tribunal in the past and classified as indecent in the hands of persons under the age of 18 years (reference decision No. 47/89). Mr Cheeseman made a similar submission.

The Tribunal agrees that there is content in this publication which would be injurious to younger readers and classifies it as indecent in the hands of persons under the age of 18 years. The Tribunal adds the further restriction on its sale or distribution that it not be publicly displayed.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go11607

5

Decision No. 30/90

Reference No.: IND 39/90

### 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: *Hustler Humor*, Vol. 13, Issue 3. Publisher: H. G. Publications Inc.; *Oriental Lovers*, No. 5. Publisher: London Enterprises Ltd.; *Oriental Pussy*, Vol. 2, No. 4. Publisher: American Art Enterprises:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of importer.

#### Decision

These publications were privately imported through parcels post, Auckland on or about 4 April 1990 and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The 2 classes of publications in this application will be dealt with separately by the Tribunal.

*Hustler Humor*, Vol. 13, Issue 3

As the name suggests this publication consists mainly of cartoons with a few written jokes, all of which are of a sexual nature. Mr Wotherspoon drew the Tribunal's attention to similar type joke books which were considered by the Tribunal in decision 10/87 and classified as indecent in the hands of persons under the age of 18 years.

A significant proportion of the cartoons and the written materials are of a racist and sexist nature. This publication is in very poor taste. The Tribunal is satisfied that this publication should be classified as indecent in the hands of persons under the age of 18 years and orders accordingly.

*Oriental Lovers*, No. 5 and *Oriental Pussy*, Vol. 2, No. 4

These publications contain photographs of single female models with very little accompanying text. The photographs place undue emphasis on the female genitalia with the models posed in contrived positions to accentuate that part of the

female anatomy. In addition the publications contain some photographs depicting masturbation.

In a brief written submission the importer expressed the view that these publications should not be classified as indecent because otherwise he would not have ordered them. The Tribunal is in no doubt that these 2 publications should be classified as unconditionally indecent. In decision No. 47/89 (which among several other publications contained *Oriental Pussy*, Vol. 2, No. 2) a factor which led to a classification of unconditional indecency was single models in the act of masturbation and genital manipulation. That factor is clearly in evidence in these 2 magazines. The Tribunal finds that these two publications are injurious to the public good and are accordingly subject to an unconditionally indecent classification.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11608

Decision No. 31/90

Reference No.: IND 34/90

### 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: *High School 7*. Publisher: Scandanavian Picture GMBH; *Schul-Madchen 35*. Publisher: Silwa Film GMBH; *Teen Sex 58*. Publisher: Peter Theander:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of importer.

### Decision

These publications were privately imported through parcels post, Wellington on or about 7 March 1990 and were seized by the Collector of Customs. The importer having subsequently disputed forfeiture the publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

It should be recorded that the importer, Peter Neville Priest, a lecturer in psychology at Victoria University of Wellington, advised the Customs Department before the importation that his field of specialisation was the assessment and treatment of sex offenders and that he wished to import the publications for use as stimuli in the psychophysiological assessment of deviant sexual arousal.

The publications contain little text and essentially consist of photographs of multiple model scenes of explicit sexual intimacy.

Mr Priest's *curriculum vitae* states that he has professional tertiary qualification of bachelor of arts, bachelor of philosophy (second class division one honours), master of philosophy and diploma psychology (clinical). Mr Priest has supplied the Tribunal with a detailed *curriculum vitae* which includes a full employment history and details of research and conference papers which he has published. Among them, of particular relevance to the work for which Mr Priest has applied to the Tribunal for permission to retain these publications, are papers titled *Physiological Correlates of Sexual Arousal*, *Self Report of Sexual Arousal and Increasing Heterosexual Arousal in Two Adult Male Homosexuals Using a Differential Reinforcement Procedure*. During 1985, Mr Priest was appointed by the South Australian Minister of

Health to a "Task Force on Child Sexual Abuse." It is pertinent to note also that in 1985, Mr Priest was awarded a Churchill Fellowship to conduct study overseas of correctional policy and management, design of correctional institutions and provision of programmes (particularly psychological) in correctional environments.

The Tribunal is satisfied, as is Mr Wotherspoon now, that Mr Priest has provided sufficient evidence to substantiate his application.

In support of his application to retain these materials Mr Priest has submitted that the Tribunal should not classify these publications as indecent because, by reference to section 11 (2) of the Indecent Publications Act 1963, "... where the publication of any book or the distribution of any sound recording would be in the interests of art, literature, science, or learning and would be for the public good, the Tribunal shall not classify it as indecent".

The Tribunal considered that it would not be appropriate to invoke this section of the Act in the consideration of these publications. More appropriately the Tribunal considers, in the consideration of this application, that it should have regard to section 10 (b) of the Act which gives to the Tribunal the function:

"To classify books and sound recordings submitted to it . . . as indecent in the hands of persons under a specified age or as indecent unless their circulation is restricted to specified persons or classes of persons or unless used for a particular purpose, as the case may be."

On the evidence provided by Mr Priest the Tribunal is satisfied that these publications may assist Mr Priest with 2 research projects which he is currently undertaking. The first research project concerns the evaluation of a treatment programme for sex offenders, currently in operation in Rolleston Prison. The second project entails the study of visual scanning patterns and sexual arousal. Mr Priest has informed the Tribunal that both pieces of research will have implications for the future assessment and treatment of sexual deviancy. He considers there is a paucity of visual material with specific stimulus qualities suitable for clinical and experimental purposes and he considers that these 3 magazines are the closest he has found to the requirements of his research.

The Tribunal accordingly classifies this publication as indecent in the hands of all persons other than Peter Neville Priest for research purposes in the field of human sexual behaviour and sexual deviancy in particular.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11609

Decision No. 32/90

Reference No.: IND 18/90

### 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: *Birth Control*. Publisher: Franklin Watts:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings, and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of importer.

### Decision

On the application of the Auckland City libraries (supported by M. J. Wotherspoon on behalf of the Comptroller of Customs)

a section 14A interim restriction order was made by Judge R. R. Kearney, (former chairman of the Tribunal) classifying this publication as indecent in the hands of persons under the age of 16 years in decision No. 18/90. The publication now comes before the Tribunal for a substantive classification.

In his submission to the Tribunal Mr Wotherspoon states that the publication is an informative book containing detailed information on the various recognised methods of birth control.

All members of the Tribunal are agreed that the publication is a professional one. This decision now formally endorses the interim decision and classifies this publication as indecent in the hands of persons under the age of 16 years. This age restriction is required for compliance with the provisions of the Contraception, Sterilisation and Abortion Act 1977.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11610

Decision No. 33/90

Reference No.: IND 19/90

### 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: *By Yourself*. Publisher: Penguin Books:

Chairperson: P. J. Cartwright.

Members: R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

Appearances: M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of the importer.

### Decision

This publication was imported through air freight Auckland on or about 17 February 1990 and was seized by the Collector of Customs.

On the application of the importer, the Christchurch City Council (supported by M. J. Wotherspoon for the Comptroller of Customs) a section 14A interim restriction order was made by Judge R. R. Kearney, former chairman of the Tribunal, classifying this publication as indecent in the hands of persons under the age of 16 years on 29 May 1990 in decision No. 18/90. The publication now comes before the Tribunal for a substantive classification.

All members of the Tribunal are agreed that the publication is an informative book containing advice and guidance for teenagers on social and sexual matters. Because the book also contains detailed contraceptive advice, compliance with the requirements of the Contraception, Sterilisation and Abortion Act 1977 is required. This decision now formally endorses the interim decision and classifies this publication as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11611

Decision No. 34/90

Reference No.: IND 22/90

### 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 (Aul) Perfect Pets*, (National Issue); *Penthouse*

(Aul) *Perfect Pets*, (Old Issue). Publisher: Penthouse Editorial Services Ltd.:

Chairperson: P. J. Cartwright.

Members: R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

Appearances: M. J. Wotherspoon on behalf of Comptroller of Customs. G. F. Ellis on behalf of Gordon and Gotch New Zealand Limited.

### Decision

These publications were commercially imported through Auckland on 2 March 1990. The publications having been seized by the Collector of Customs the importer subsequently disputed forfeiture. Thus the publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Mr Wotherspoon explained that this publication is published for the Australian market in 2 forms, 1 for the national market and 1 for the Queensland market. It is comprised of single female models in various states of undress. While the magazine published for the national market contains photographs displaying female genitalia, in the Queensland edition these photographs have been edited and replaced by more discreet pictures. In concluding that these 1-off publications had been fairly described by Mr Wotherspoon, Mr Ellis submitted that these publications were covered by the existing serial restriction order which was granted in decision 23/90. It was Mr Wotherspoon's view, however, that these 2 publications would not in fact be covered by that serial restriction order. The correctness of Mr Wotherspoon's submission is accepted by the Tribunal.

Furthermore the Tribunal agrees with the submission made by Mr Wotherspoon on behalf of the Comptroller that the poses of the models in the Queensland edition are restrained, and all that is required in respect of this publication is an age restriction as there is material in the publication which would be injurious to younger readers. The Tribunal therefore classifies the Queensland edition as indecent in the hands of persons under the age of 16 years. In respect of the national edition the Tribunal classifies it as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11612

Decision No. 35/90

Reference No.: IND 23/90

### 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*, March 1989 (U.S. Edition), Vol. 20, No. 7; *Penthouse*, July 1989 (U.S. Edition), Vol. 20, No. 11; *Penthouse*, September 1989 (U.S. Edition), Vol. 21, No. 1. Publisher: Penthouse International Limited; *Penthouse Forum* (U.S. Edition), July 1989, Vol. 18, No. 11. Publisher: Forum International Limited:

Chairperson: P. J. Cartwright.

Members: R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

Appearances: M. J. Wotherspoon on behalf of the Comptroller of Customs. G. F. Ellis on behalf of Gordon and Gotch New Zealand Limited.



**Decision**

Prior to commencement of the hearing of this application Mr Ellis was informed that his application on behalf of Gordon and Gotch New Zealand Limited to be joined as a party to the proceedings the subject of this application had been granted by the Tribunal.

These publications were privately imported through Wellington air freight on 11 February 1990 and were seized by the Collector of Customs. The importer subsequently disputed forfeiture. The publications have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

*Penthouse* (U.S. Edition), Vol. 20, No. 7 and 11 and  
*Penthouse* (U.S. Edition), Vol. 21, No. 1

The above magazines are directed towards the heterosexual market and contain some well-written articles. They also contain numerous photographs of female models in various states of undress and multiple model scenes of sexual activity.

Previous issues of the publication have been considered by the Tribunal and in decisions 57/88 and 30/88 classified as unconditionally indecent because the American publications still contain material of a kind which the Tribunal finds is in breach of the tripartite test.

As was pointed out by Mr Wotherspoon, in a supplementary decision issued on 20 March 1990 (decision No. 68/89 (1)), the Tribunal cancelled the classification of unconditionally indecent given in decision 68/89 to 11 issues of *Penthouse* (U.S. Edition). The import of the supplementary decision, made in accordance with an undertaking given to Mr Ellis, counsel for the publishers, was that classification of those publications would be adjourned for further consideration at a special hearing of the Tribunal at which Mr Robertson, Q.C., of the English Bar might represent the publishers and the proposed importers and distributors. Accordingly, in the interests of consistency and uniformity, and with the concurrence of Mr Ellis, consideration of these 3 publications, *Penthouse* (U.S. Edition), Vol. 20, No. 7 and 11 and *Penthouse* (U.S. Edition), Vol. 21, No. 1, is adjourned *sine die*.

*Penthouse Forum* (U.S. Edition), Vol. 18, No. 11

This publication is mainly comprised of a collection of stories of sexual encounters and letters from readers describing sexual encounters. The publication does contain a few small photographs of multiple model scenes imitating sexual activity. However, the photographs are small and fairly discreet. Previous issues of this publication have been considered by the Tribunal and, in decision 33/88 classified as indecent in the hands of persons under the age of 18 years. The Tribunal accepts Mr Wotherspoon's submission that a similar classification is appropriate in this case. Accordingly this publication is classified as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11613

Decision No. 36/90

Reference No.: IND 24/90

**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: *Rituals of the Gag*. Publisher: Larry Townsend:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of the importer.

**Decision**

This publication was privately imported through parcels post, Auckland on 16 February 1990 and was seized by the Collector of Customs. The importer subsequently disputed forfeiture and the publication has been referred to the Tribunal for classification, prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The magazine is comprised of a series of fictional sado-masochistic homosexual stories with photographs and drawings, showing bondage and masochistic scenes.

Sado-masochistic type magazines have previously been considered by the Tribunal and in decisions 70/89 and 30/88 classified as unconditionally indecent.

This publication is primarily concerned with male domination, bondage and torture. There is little in the way of literary, artistic or social merit in the publication. The Tribunal is satisfied that this publication is injurious to the public good. The Tribunal classifies it as unconditionally indecent.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal. 5  
go11614

Decision No. 37/90

Reference No.: IND 28/90

**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: *A Parents Guide to Teenage Sexuality*. Publisher: Henry Holt & Co.; *The Complete Book of Pregnancy and Childbirth*. Publisher: Alfred A. Knopf:

*Chairperson:* P. J. Cartwright.

*Members:* R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

*Appearances:* M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of the importer.

**Decision**

These publications were commercially imported through Auckland air freight by Auckland Public libraries on or about the 28th day of February 1990, and were seized by the Collector of Customs. The importer subsequently disputed forfeiture and the publications have been referred to the Tribunal for classification, prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

*A Parents Guide to Teenage Sexuality* is an informative publication giving detailed advice and guidance to parents on teenage sexuality.

*The Complete Book of Pregnancy and Childbirth* is, as the name suggests, an informative book on pregnancy and childbirth.

The Tribunal agrees with Mr Wotherspoon that both publications are well written, have an honesty of purpose and contain information on the various methods of birth control.

For the purpose of compliance with the requirements of the Contraception, Sterilisation and Abortion Act 1977, both publications are classified as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go11615

5

Decision No. 38/90

Reference No.: IND 32/90

### 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: *Honcho*, Vol. 13, No. 2. Publisher: Modernismo Publications Ltd.; *Torso*, Vol. 8, No. 8. Publisher: Varsity Communications Inc.

Chairperson: P. J. Cartwright.

Members: R. E. Barrington, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 28th day of June 1990.

Appearances: M. J. Wotherspoon on behalf of the Comptroller of Customs. No appearance by or on behalf of the importer.

### Decision

These publications were commercially imported through Auckland air freight on 29 January 1990, and were seized by the Collector of Customs. The importer subsequently disputed forfeiture, the publications were referred to the Tribunal for classification, prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

These publications are directed towards the male homosexual market and are principally magazines containing photographs of male models in a variety of poses.

In decision No. 2/90 dated 22 May 1990, the Tribunal issued a serial restriction order in terms of section 15A of the Indecent Publications Act 1963, classifying the publications *Honcho* and *Torso* as indecent in the hands of persons under the age of 18 years. The publications in this application were published prior to decision 2/90 and therefore are not covered by the serial restriction orders contained in that decision. The publications appear to be uniform in content to those considered by the Tribunal in decision 2/90. Therefore these publications are classified as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 19th day of July 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.  
go11616

5

## Justices of the Peace Act 1957

### Justice 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 Judge to be a Justice of the Peace for New Zealand

Shonagh Ellen Kenderdine

Dated at Wellington this 21st day of September 1990.

P. F. DUNNE, Associate Minister of Justice.

(Adm. 3/17/4)

go11730

### Justice 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 Judge of the Maori Land Court to be a Justice of the Peace for New Zealand

James Leighton Rota

Dated at Wellington this 12th day of October 1990.

P. F. DUNNE, Associate Minister of Justice.

(Adm. 3/17/4)

go11731

## Land Valuation Proceedings Act 1948 Land Valuation Proceedings Amendment Act 1977

### Appointment of Chairman of the Westland Land Valuation Tribunal

Pursuant to section 19 of the Land Valuation Proceedings Act 1948, as substituted by section 2 of the Land Valuation Proceedings Amendment Act 1977, His Excellency the Governor-General of New Zealand has been pleased to appoint

Michael John Green, District Court Judge of Christchurch to be a member and Chairman of the Westland Land Valuation Tribunal on and from the date hereof.

Dated at Wellington this 12th day of October 1990.

P. F. DUNNE, for Minister of Justice.

(Adm. 3/18/2/18)

go11728

### Maori Land Court Sittings—Maori Appellate Court Sittings

Notice is hereby given that sittings of the Maori Land Court and Maori Appellate Court will be held during the year 1 January 1991 to 31 December 1991 at the places and commencing on the dates referred to in the Schedule hereto.

The hour of commencement of each sitting (and the date and place thereof in the case of the Maori Appellate Court) will be notified in the relevant Panui. If any date referred to in the Schedule is varied, the varied date will be notified in the Panui.

Deputy Chief Judge's Chambers, Maori Land Court, Wellington.

A. G. MCHUGH, Deputy Chief Judge.

29 September 1990.

### Schedule

#### Tokerau District (Whangarei)

Court	Date of Sitting	Panui Closes
Whangarei	29-30 Jan 1991	22 Nov 1990
Kaikohe	31 Jan-1 Feb 1991	22 Nov 1990
Kaitaia	4-5 Feb 1991	22 Nov 1990
Mangere	4-5 Mar 1991	25 Jan 1991
Ponsonby	6-7 Mar 1991	25 Jan 1991
Whangarei	11-13 Mar 1991	25 Jan 1991
Whangarei	3-4 Apr 1991	22 Feb 1991
Kaikohe	8-9 Apr 1991	22 Feb 1991
Kaitaia	10-11 Apr 1991	22 Feb 1991
Mangere	6-7 May 1991	28 Mar 1991
Ponsonby	8-9 May 1991	28 Mar 1991
Whangarei	13-15 May 1991	28 Mar 1991
Whangarei	5-6 Jun 1991	26 Apr 1991
Kaikohe	10-11 Jun 1991	26 Apr 1991
Kaitaia	12-13 Jun 1991	26 Apr 1991
Mangere	8-9 Jul 1991	24 May 1991
Ponsonby	10-11 Jul 1991	24 May 1991
Whangarei	15-17 Jul 1991	24 May 1991
Whangarei	6-7 Aug 1991	28 Jun 1991
Kaikohe	12-13 Aug 1991	28 Jun 1991
Kaitaia	14-15 Aug 1991	28 Jun 1991
Mangere	2-3 Sep 1991	26 Jul 1991
Ponsonby	4-5 Sep 1991	26 Jul 1991

<i>Court</i>	<i>Date of Sitting</i>	<i>Panui Closes</i>
Whangarei	9-11 Sep 1991	26 Jul 1991
Whangarei	2-3 Oct 1991	30 Aug 1991
Kaikohe	7-8 Oct 1991	30 Aug 1991
Kaitaia	9-10 Oct 1991	30 Aug 1991
Mangere	4-5 Nov 1991	27 Sep 1991
Ponsonby	6-7 Nov 1991	27 Sep 1991
Whangarei	11-13 Nov 1991	27 Sep 1991
Whangarei	3-4 Dec 1991	25 Oct 1991
Kaikohe	9-10 Dec 1991	25 Oct 1991
Kaitaia	11-12 Dec 1991	25 Oct 1991

**Waikato-Maniapoto District (Hamilton)**

<i>Court</i>	<i>Date of Sitting</i>	<i>Panui Closes</i>
Thames	Mon, 4 Feb 1991	21 Dec 1990
Tauranga	Mon, 25 Feb 1991	21 Dec 1990
Te Kuiti	Mon, 4 Mar 1991	1 Feb 1991
Hamilton	Mon, 11 Mar 1991	1 Feb 1991
Thames	Mon, 25 Mar 1991	22 Feb 1991
Tauranga	Mon, 15 Apr 1991	22 Feb 1991
Te Kuiti	Mon, 29 Apr 1991	28 Mar 1991
Hamilton	Mon, 6 May 1991	28 Mar 1991
Thames	Mon, 27 May 1991	26 Apr 1991
Tauranga	Mon, 10 Jun 1991	26 Apr 1991
Te Kuiti	Mon, 8 Jul 1991	7 Jun 1991
Hamilton	Mon, 15 Jul 1991	7 Jun 1991
Thames	Mon, 29 Jul 1991	28 Jun 1991
Tauranga	Mon, 5 Aug 1991	28 Jun 1991
Te Kuiti	Mon, 2 Sep 1991	2 Aug 1991
Hamilton	Mon, 9 Sep 1991	2 Aug 1991
Thames	Mon, 30 Sep 1991	30 Aug 1991
Tauranga	Mon, 14 Oct 1991	30 Aug 1991
Te Kuiti	Mon, 4 Nov 1991	4 Oct 1991
Hamilton	Mon, 11 Nov 1991	4 Oct 1991
Thames	*Mon, 2 Dec 1991	*1 Nov 1991
Tauranga	*Wed, 4 Dec 1991	*1 Nov 1991
Te Kuiti	*Mon, 9 Dec 1991	*8 Nov 1991
Hamilton	*Wed, 11 Dec 1991	*8 Nov 1991

\*Thames/Te Kuiti sitting Monday and Tuesday only.

\*Tauranga/Hamilton sitting Wednesday to Friday only.

**Wairiki District (Rotorua)**

<i>Court</i>	<i>Date of Sitting</i>	<i>Panui Closes</i>
Wairiki	Wed, 4 Feb 1991	14 Dec 1990
Wairiki	Mon, 4 Mar 1991	25 Jan 1991
Wairiki	Tue, 2 Apr 1991	22 Feb 1991
Wairiki	Wed, 1 May 1991	22 Mar 1991
Wairiki	Tue, 4 Jun 1991	19 Apr 1991
Wairiki	Mon, 1 Jul 1991	10 May 1991
Wairiki	Thu, 1 Aug 1991	7 Jun 1991
Wairiki	Tue, 1 Oct 1991	9 Aug 1991
Wairiki	Mon, 4 Nov 1991	6 Sep 1991
Wairiki	Mon, 2 Dec 1991	4 Oct 1991
Wairiki	Mon, 3 Feb 1992	6 Dec 1991

The Wairiki sittings are generally one week and will commence at Whakatane/Opotiki and adjourn to Rotorua/Taupou, Te Kaha and Te Puke as necessary.

**Tairāwhiti District (Gisborne)**

<i>Date of Sitting</i>	<i>Panui Closes</i>
Wed, 30 Jan 1991	13 Dec 1990
Mon, 11 Mar 1991	25 Jan 1991
Mon, 8 Apr 1991	22 Feb 1991
Mon, 29 Apr 1991	29 Mar 1991
Tue, 4 Jun 1991	26 Apr 1991
Mon, 1 Jul 1991	31 May 1991
Mon, 5 Aug 1991	28 Jun 1991
Tue, 3 Sep 1991	26 Jul 1991

<i>Date of Sitting</i>	<i>Panui Closes</i>
Mon, 30 Sep 1991	30 Aug 1991
Mon, 4 Nov 1991	27 Sep 1991
Tue, 3 Dec 1991	25 Oct 1991

Court sittings will commence at Gisborne. If the Court is to adjourn to Ruatoria or Wairoa, the dates of those sittings will be notified in the Panui.

**Aotea District (Wanganui)**

<i>Date of Sitting</i>	<i>Panui Closes</i>
*Mon, 28 Jan 1991	14 Dec 1990
Mon, 4 Mar 1991	1 Feb 1991
*Mon, 8 Apr 1991	1 Mar 1991
Mon, 6 May 1991	5 Mar 1991
*Tue, 4 Jun 1991	3 May 1991
Mon, 1 Jul 1991	31 May 1991
*Mon, 5 Aug 1991	5 Jul 1991
Mon, 2 Sep 1991	2 Aug 1991
*Mon, 30 Sep 1991	30 Aug 1991
Mon, 4 Nov 1991	4 Oct 1991
*Mon, 2 Dec 1991	1 Nov 1991

All Court sittings will commence in Wanganui. For the dates asterisked \* above, the Court will adjourn, if necessary, to Hawera, New Plymouth, Taumarunui and Turangi. Otherwise the Court will adjourn, if necessary, to Palmerston North, Levin and Wellington.

The commencement time for each sitting will be notified in each Panui.

**Takitimu District (Hastings)**

<i>Date of Sitting</i>	<i>Panui Closes</i>
Thu, 7 Feb 1991	9 Jan 1991
Thu, 4 Apr 1991	6 Mar 1991
Mon, 10 Jun 1991	8 May 1991
Thu, 8 Aug 1991	10 Jul 1991
Mon, 7 Oct 1991	11 Sep 1991
Thu, 5 Dec 1991	6 Nov 1991

The Takitimu sittings are generally one week and will commence at Hastings and adjourn to Masterton if necessary. Dates of the Masterton sittings will be notified in the Panui.

**Te Waipounamu District (Christchurch)**

<i>Court</i>	<i>Date of Sitting</i>	<i>Panui Closes</i>
Christchurch	Tue, 22 Jan 1991	14 Dec 1990
Chathams	Tue, 29 Jan 1991	14 Dec 1990
Dunedin	Tue, 19 Mar 1991	15 Feb 1991
Invercargill	Wed, 20 Mar 1991	15 Feb 1991
Picton	Tue, 7 May 1991	5 Apr 1991
Dunedin	Tue, 11 Jun 1991	10 May 1991
Invercargill	Wed, 12 Jun 1991	10 May 1991
Christchurch	Tue, 18 Jun 1991	17 May 1991
Picton	Tue, 27 Aug 1991	26 Jul 1991
Dunedin	Tue, 17 Sep 1991	16 Aug 1991
Invercargill	Wed, 18 Sep 1991	16 Aug 1991
Christchurch	Tue, 15 Oct 1991	6 Sep 1991
*Hokitika		
Picton	Tue, 12 Nov 1991	11 Oct 1991

Combined Panui will issue for a Dunedin and Invercargill sitting.

\*Court may adjourn to Hokitika on a date to be notified in the Panui.

**Maori Appellate Court**

**(2 weeks reserved)**

Monday, 11 February 1991  
Monday, 13 May 1991

Monday, 19 August 1991  
Monday, 18 November 1991

Place, hour and day of sittings will be notified in the relevant Panui.  
go11628

## **Marriage Act 1955**

### **Marriage (Approval of Organisations) Notice No. 4**

Pursuant to the Marriage Act 1955, the Registrar-General of Marriages, hereby gives notice as follows:

#### **Notice**

1. This notice may be cited as the Marriage (Approval of Organisations) Notice No. 4.
2. The organisation specified in the Schedule hereto is hereby declared to be an approved organisation for the purpose of the Marriage Act 1955.

#### **Schedule**

Tokelauan Congregational Christian Church.

Dated at Lower Hutt this 27th day of October 1990.

B. E. CLARKE, Registrar-General.  
go11745

## **Transport**

### **Transport Act 1962**

#### **The Traffic (Rodney District) Notice No. 3, 1990**

Pursuant to the Transport Act 1962, a delegation from the Minister of Transport, and a subdelegation from the Secretary for Transport, I, Carne Maurice Clissold, Chief Traffic Engineer, give the following notice:

#### **Notice**

This notice may be cited as the Traffic (Rodney District) Notice No. 3, 1990.

The area specified in the Schedule is declared to be a closely populated locality for the purposes of section 52 of the Transport Act 1962.

So much of the Traffic (Rodney County) Notice No. 3, 1986, signed on the 12th day of August 1986\*, which relates to roads in the Schedule below, issued pursuant to section 52 of the Transport Act 1962 and regulation 21 (2) of the Traffic Regulations 1976, is revoked.

#### **Schedule**

Situated within Rodney District at Muriwai:

All that area bounded by a line commencing at a point on the coast of the Tasman Sea opposite the terminating point of Motutara Road; thence easterly, generally, to the said terminating point; thence north-easterly, generally, along the north-western side of Motutara Road to Oaia Road; thence southerly, generally, across Motutara Road to the north-western side of Oaia Road; thence southerly, generally, along the said roadside across Waitea Road to the southern side of Waitea Road; thence due south-west, by a right line to the coast of the Tasman Sea; thence northerly, generally, along the coast of the Tasman Sea to the commencing point.

Signed at Wellington this 17th day of October 1990.

C. M. CLISSOLD, Chief Traffic Engineer.

\*New Zealand Gazette, No. 130, dated 21 August 1986, page 3543.

(MOT 29/1/Rodney District)  
go11733

#### **The Traffic (North Shore City) Notice No. 1, 1990**

Pursuant to the Transport Act 1962, a delegation from the Minister of Transport, and a subdelegation from the Secretary for Transport, I, Carne Maurice Clissold, Chief Traffic Engineer, give the following notice:

#### **Notice**

This notice may be cited as the Traffic (North Shore City) Notice No. 1, 1990.

The roads specified in the First Schedule are excluded from the limitation as to speed imposed by section 52 of the Transport Act 1962.

The roads specified in the Second Schedule are declared to be 70 kilometres an hour speed limit areas pursuant to regulation 21 (2) of the Traffic Regulations 1976.

The Traffic (Takapuna City and East Coast Bays City) Notice No. 1, 1989, signed on the 19th day of July 1989\*, issued pursuant to section 52 of the Transport Act 1962 and regulation 21 (2) of the Traffic Regulations 1976, is revoked.

#### **First Schedule**

Situated within North Shore City:

No. 1 State Highway (Awanui-Bluff): from a point 650 metres measured southerly, generally, along the said State highway from the Albany Highway to a point 150 metres measured southerly, generally, along the said State highway from the Albany Highway, and from Stevensons Crescent to the boundary with Rodney District.

No. 18 State Highway (Brighams Creek-Albany).

Albany Heights Road.

Appleby Road.

Attwood Road.

Brookdale Road.

Bush Road.

Chatham Road.

East Coast Road: from Glenvar Road to the boundary with Rodney District.

Elmore Road.

Fairview Avenue.

Gills Road.

Glenfield Road: from Wairau Road to Sunset Road.

Godley Lane.

Greenhithe Road: from Upper Harbour Drive to a point 390 metres measured easterly, generally, along the said road from Churchouse Road.

Greville Road: from the No. 1 State Highway (Awanui-Bluff) to a point 190 metres measured westerly, generally, along the said road from East Coast Road.

Hobson Road.

Iona Road.

Kiteroa Road.

Lonely Track Road.

Masons Road.

McClymonts Road.

Ngarahana Avenue.

O'Brien Road.

Okura Beach Road: from East Coast Road to a point 160 metres measured southerly, generally, along the said road from Gails Drive.

Orwell Crescent.

Oteha Valley Road: from East Coast Road to a point 250 metres measured easterly, generally, along the said road from the No. 1 State Highway (Awanui-Bluff).

Paremoremo Road.

Ridge Road.

Rosedale Road.

Sander Road.

Schnapper Rock Road.

Spencer Road.

The Albany Highway: from Glenfield Road to the No. 1 State Highway (Awanui-Bluff).

The Avenue.

Upper Harbour Drive.

Vaughans Road.

Wairau Road: from a point 120 metres measured westerly, generally, along the said road from Target Road to Glenfield Road.

Watt Road.

## Second Schedule

Situated within North Shore City:

No. 1 State Highway (Awanui-Bluff) from a point 650 metres, measured southerly, generally, along the said State highway from the Albany Highway to a point 150 metres measured southerly, generally, along the said State highway from the Albany Highway.

Glenfield Road: from the Wairau Road to Sunset Road.

Greenhithe Road: from Upper Harbour Drive to a point 390 metres measured easterly, generally, along the said road from Churchouse Road.

Orwell Crescent.

Oteha Valley Road: from East Coast Road to a point 500 metres, measured westerly, generally, along the said road from East Coast Road.

Rosedale Road: from East Coast Road to a point 960 metres measured westerly, generally, along Rosedale Road from East Coast Road.

Schnapper Rock Road: from its southern intersection with the Albany Highway to a point 600 metres measured westerly, generally, along the said road from the Albany Highway; and from its northern intersection with the Albany Highway to a point 350 metres measured south-westerly, generally, along the said road from the Albany Highway.

Spencer Road: from East Coast Road to a point 480 metres measured westerly, generally, along Spencer Road from East Coast Road.

The Albany Highway: from Glenfield Road to a point 300 metres measured westerly, generally, along the said highway from Sunset Road; and from a point 120 metres measured north-easterly, generally, along the said highway from Oteha Steam Bridge to the No. 1 State Highway (Awanui-Bluff) at Albany.

The Avenue: from No. 1 State Highway (Awanui-Bluff) to a point 970 metres measured south westerly, generally, along the said road from the said State highway.

Upper Harbour Drive: from a point 80 metres measured westerly, generally, along the said road from Tauhinu Road to the Albany Highway.

Wairau Road: from a point 120 metres measured westerly,

generally, along the said road from Target Road to Glenfield Road.

Signed at Wellington this 23rd day of October 1990.

C. M. CLISSOLD, Chief Traffic Engineer.

\**New Zealand Gazette*, No. 130, dated 27 July 1989, page 3214.

(MOT 29/1/North Shore City)

go11757

## Transport (Vehicle and Driver Registration and Licensing) Act 1986

### Approval of Defensive Driving Courses

Pursuant to section 48 (2) (a) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986, and under powers delegated to me by the Secretary for Transport in an instrument dated the 31st day of August 1990; I, Warren Richard Gillespie Simeon, Controller, Road User Standards, hereby approve the following organisations for the purposes of section 68 of the Transport Act 1962 and regulations 11 (1) (b) (i) and 32 (2) of the Transport (Drivers Licensing) Regulations 1987;

A A (Central) Inc.—Nelson District Defensive Driving Course, Nelson.

Stu Weldon Driver Training Consultancy Defensive Driving Course, Raglan.

Thomas Paul Defensive Driving Course, Huntly.

Pass Rite Driving Academy Defensive Driving Course, Auckland.

Signed at Wellington this 19th day of October 1990.

W. R. G. SIMEON, Controller, Road User Standards.

(File: 16/6/1/2)

go11750

### Approval of Traffic Improvement Schools

Pursuant to section 48 (2) (a) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986; and

Under powers delegated to me by the Secretary for Transport in an instrument of delegation dated the 31st day of August 1990; I, Warren Richard Gillespie Simeon, Controller Road User Standards, hereby approve the following organisations or instructors for the purpose of conducting courses pursuant to regulations 11 (1) (b) (i) and 32 (2) of the Transport (Drivers Licensing) Regulations 1987.

R.T.S. Advanced Driving Academy, Mt Wellington; under the direction of F. M. Tapuvae.

Rangiora Driving School, Rangiora; under the direction of Carolyn L. Henderson.

G. W. Smith Traffic Improvement School, Tawa; under the direction of G. W. Smith.

Signed at Wellington this 19th day of October 1990.

W. R. G. SIMEON, Controller, Road User Standards.

(File: 16/6/5/1)

go11751

# Authorities and Other Agencies of State

## **New Zealand Milk Authority**

### **Milk Act 1988**

#### **Minimum Standards—Otago Home Delivery District**

In terms of section 16 of the Milk Act 1988, the New Zealand Milk Authority hereby amends the notice dated 23 November 1988 and published in the *New Zealand Gazette*, 1 December 1988, No. 206, page 5185 by inserting after Harwood in section (v), the following:

Ravensbourne:

Commencing at 3 p.m.

This notice shall come into force on the expiration of 10 working days after its publication in the *Gazette*.

Dated at Wellington this 18th day of October 1990.

D. J. GASSON, President.

I. M. MURRAY, Member.

S. D. BURSLEM, Member.

au11736

## **Standards Association of New Zealand**

### **Standards Act 1988**

#### **The Standards Act 1988—Proposed Adoption of Australian Standards as Joint Australian/New Zealand Standards**

The 1990 editions of the following Australian Standards will replace the earlier editions listed in the *New Zealand Gazette*,

16 August 1990 as proposed for adoption with a view to becoming Joint Standards at the next printing stage:

#### *Approval and test specifications*

AS 3115:1990 Motor operated appliances.

AS 3125:1990 Electric dry shavers and hair clippers.

AS 3162:1990 Electric food preparation appliances for household use.

AS 3182:1990 Refrigerated food commercial cabinets.

AS 3184:1990 Electric dishwashing machines.

AS 3198:1990 XLPE insulated electric cables for working voltages of 0.6/1 kV.

AS 3250:1990 Mains-operated electronic and related equipment for household and similar general use.

*also*

AS 3160:1989 Hand-held portable electric tools includes Amendments 1 and 2.

Dated at Wellington this 23rd day of October 1990.

D. A. FERRIER, Director, Standards Association of New Zealand.

au11726

## Land Notices

### **Conservation**

#### **Conservation Act 1987**

##### **Declaring Land to be Held for Conservation Purposes**

Pursuant to section 7 (1) of the Conservation Act 1987, the Minister of Conservation, and the Ministers of Forestry and Lands being the Ministers responsible for the Departments of State that have control of the land hereby jointly declare that the land, described in the Schedule hereto, is held for conservation purposes and it shall hereafter be so held.

##### **Schedule**

###### **Westland Land District—Westland District**

12.2900 hectares, more or less, being Section 1, S.O. 11587, situated in Block VI, Turiwhate Survey District.

Dated at Wellington this 17th day of October 1990.

J. SUTTON, Minister of Forestry.

PETER TAPSELL, Minister of Lands.

MICHAEL CULLEN, for PHILIP WOOLLASTON, Minister of Conservation.

(Files H.O. LAN 0088; C.O. 1.25.1.515)  
in11742

##### **Declaring Land to be Held for Conservation Purposes**

Pursuant to section 7 (1) of the Conservation Act 1987, the Minister of Conservation and the Minister of Lands being the Minister responsible for the Department of State that has control of the land hereby jointly declare that the land described in the Schedule hereto, is held for conservation purposes and it shall thereafter be so held.

##### **Schedule**

###### **Otago Land District—Dunedin City**

8.3694 hectares, more or less, being Section 14, Block I, Silverpeak Survey District. S.O. Plan 6810 (no certificate of title).

9738 square metres, more or less, being Section 15, Block I, Silverpeak Survey District. S.O. Plan 6810 (no certificate of title).

59.70 hectares, more or less, being Section 1, S.O. Plan 23193, Block I, Silverpeak Survey District (no certificate of title).

Dated at Wellington this 15th day of October 1990.

P. TAPSELL, Minister of Lands.

P. WOOLLASTON, Minister of Conservation.

(DOC H.O. LAN 0016: C.O. LS50)

ln11570

### Declaring Land to be Held for Conservation Purposes

Pursuant to section 7 (1) of the Conservation Act 1987, the Minister of Conservation and the Minister of Lands being the Minister responsible for the Department of State that has control of the land hereby jointly declare that the land described in the Schedule hereto, is held for conservation purposes and it shall thereafter be so held.

#### Schedule

##### *Otago Land District, Queenstown—Lakes District*

5170 square metres, more or less, being Section 129, Block V, Shotover Survey District, S.O. 20674. Gazetted 1984, page 202 (part).

Dated at Wellington this 15th day of October 1990.

P. TAPSELL, Minister of Lands.

P. WOOLLASTON, Minister of Conservation.

(DOC H.O. LAN 0016: C.O. ACQ 7/25)

ln11571

### Reserves Act 1977

#### Vesting a Reserve in The Christchurch City Council

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Regional Conservator, Canterbury, hereby vests the reserve, described in the Schedule hereto, in The Christchurch City Council in trust as a local purpose (community buildings) reserve.

#### Schedule

##### *Canterbury Land District—Christchurch City*

2782 square metres, more or less, being Lot 2, D.P. 26629, situated in Block VI, Christchurch Survey District. All *New Zealand Gazette*, 1989, page 5763.

Dated at Christchurch this 16th day of October 1990.

MIKE CUDDIHY, Regional Conservator.

(DOC C.O. RSL 013)

ln11743

#### Vesting a Reserve in The Tasman District Council

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Nelson/Marlborough Regional Conservator, Department of Conservation, hereby vests the reserve, described in the Schedule hereto, in The Tasman District Council, in trust for recreation purposes.

#### Schedule

##### *Nelson Land District—Tasman District*

6106 square metres, more or less, being Lots 4 and 5, D.P. 1067, Lot 3, D.P. 1021, part Reserve A Square 15, and part Section 200, District of Takaka, situated in Block XV,

Pakawau Survey District. All certificates of title 49/244, 66/216 and 72/241.

Dated at Nelson this 12th day of October 1990.

I. BLACK, Nelson/Marlborough Regional Conservator.

(C.O. RES:024 CU:097)

ln11568

## New Zealand Railways Corporation

### New Zealand Railways Corporation Act 1981

#### Declaring Land at Ellerslie to be Set Apart for Railway Purposes

Pursuant to sections 24 and 30 of the New Zealand Railways Corporation Act 1981 and section 52 of the Public Works Act 1981, the Chief Executive of the New Zealand Railways Corporation hereby declares the land described in the Schedule hereto to be set apart for railway purposes.

#### Schedule

##### *North Auckland Land District—Auckland City*

1599 square metres, more or less, being Lots 1, 2 and 3, L.T. Plan 140196 situated in Block I, Otahuhu Survey District; part proc. 2222, part conv. 34617 (D.I. 12A/628).

Dated this 18th day of October 1990.

P. K. TROTMAN, for Chief Executive, New Zealand Railways Corporation.

(N.Z.R. L.O. 3354)

ln11739

## Survey and Land Information

### Public Works Act 1981

#### Corrigendum

#### Declaring Land Taken for Road and for the Use, Convenience or Enjoyment of a Road in Paparua County

In the notice with the above heading, dated 13 February 1981 and published in the *New Zealand Gazette* of 19 February 1981, No. 17 at page 341 (GN 316476/1), omit from the Second Schedule thereto the following:

“3 m<sup>2</sup> Part Lot 2, D.P. 1315; marked “T” on S.O. 13403”  
and insert

“3 m<sup>2</sup> Part Lot 2, D.P. 13315; marked “T” on S.O. 13403”

which reference appears in the original notice signed on behalf of the Minister of Works and Development.

Dated at Christchurch this 15th day of October 1990.

R. J. MILNE, District Solicitor.

(DOSLI Ch. D.O. 35/1/62)

ln11573

1CL

#### Corrigendum

#### Land Acquired for Road and in Connection With a Road (Hayward Road) in Whangarei District

In the notice with the above heading published in the *New Zealand Gazette*, 30 August 1990, No. 150, page 3172, amend the operative clause by inserting after the words “in the

First Schedule" the words "is acquired for road and the land described in the Second Schedule".

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI Ak. D.O. 50/15/15/0/62011 and 64086)

ln11723

1CL

### Declaring Land Held for a Wildlife Management Reserve Set Apart for a Reserve in the City of Dunedin

Pursuant to section 52 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager (Lands and Property), Department of Survey and Land Information, Dunedin, hereby declares the land described in the Schedule hereto to be set apart for a reserve.

#### Schedule

##### Otago Land District—Dunedin City

All that piece of land containing 41.960 hectares, being part Sections 3, 4 and 5, Block XIX, and part Sections 80 and 81, Irregular Block, East Taieri Survey District. All *Gazette* notice No. 760760 (*New Zealand Gazette*, 26 July 1990, No. 127, page 2623).

Dated at Dunedin this 16th day of October 1990.

M. R. MACKENZIE, Manager (Lands and Property).

Department of Survey and Land Information, Dunedin.

(Dn. D.O. 96/743000/0/29)

ln11566

### Land Acquired for Buildings of the General Government in the City of Wellington

Pursuant to section 20 (1) of the Public Works Act 1981 and to a delegation from the Minister of Lands, the District Solicitor, Department of Survey and Land Information, Wanganui, declares that, an agreement to that effect having been entered into, the land described in the Schedule hereto is hereby acquired for buildings of the general government and shall vest in the Crown on the date of publication hereof in the *Gazette*.

#### Schedule

##### Wellington Land District—City of Wellington

All that piece of land containing 1 square metre, situated in the City of Wellington, being part Section 545, Town of Wellington. Balance of deeds index 2/1199, Wellington Land Registry.

Dated at Wanganui this 16th day of October 1990.

B. P. BONISCH, District Solicitor.

(DOSLI. Wn. D.O. PL7/8/1:657209)

ln11567

### Declaring Land Acquired for Road, Road Stopped and Land Taken, Dunedin City

Pursuant to Part VIII of the Public Works Act 1981 and to a delegation from the Minister of Lands, the Manager (Lands and Property), Department of Survey and Land Information, Dunedin:

(a) Pursuant to section 114 (1) declares the land described in the First Schedule hereto to be road and vested in The Dunedin City Council;

(b) Pursuant to section 116 (1) and 117, declares the road described in the Second Schedule hereto to be stopped and;

(i) The area marked 'L' on S.O. Plan 22900 to be amalgamated with the land in certificate of title, Volume 82, folio 45.

(ii) The area marked 'Q' on S.O. Plan 22900 to be

amalgamated with the land in certificate of title, Volume 311, folio 49.

(iii) The areas marked 'N' and 'O' on S.O. Plan 22900 to be amalgamated with the land in certificate of title, Volume 109, folio 123.

(iv) The areas marked 'M', 'P' and 'R' on S.O. Plan 22900 to be vested in The Otago Regional Council for soil conservation and river control purposes.

(c) Declares the land described in the Third Schedule hereto to be taken under section 119 (1) and;

(i) The area marked 'S' on S.O. Plan 22900 to be amalgamated with the land in certificate of title, Volume 82, folio 45.

(ii) The area marked 'U' on S.O. Plan 22900 to be amalgamated with the land in certificate of title, Volume 114, folio 100.

(iii) The area marked 'L' on S.O. Plan 22391 to be amalgamated with the land in certificate of title No. 9C/953.

#### First Schedule

##### Otago Land District—Dunedin City

Area ha	Being
0.4062	Part Section 14, Block II, Maungatua Survey District; shown marked 'A' on S.O. Plan 22900.
0.4340	Part Lot A, D.P. 1224; shown marked 'B' on S.O. Plan 22900.
0.0091	Part Crown land, Block VI, Maungatua Survey District; shown marked 'C' on S.O. Plan 22900.
0.0535	Part Section 7, Block VI, Maungatua Survey District; shown marked 'D' on S.O. Plan 22900.
1.1183	Part Lot 18, D.P. 1224; shown marked 'E' on S.O. Plan 22900.
0.4601	Part Lot 4, D.P. 5172; shown marked 'F' on S.O. Plan 22900.
0.1741	Part Section 43, Block VI, Maungatua Survey District; shown marked 'G' on S.O. Plan 22900.
0.2530	Part Lot 2, D.P. 12549; shown marked 'I' on S.O. Plan 22900.
0.0804	Part Section 12, Block II; shown marked 'J' on S.O. Plan 22900.
0.0760	Part Section 10, Block II; shown marked 'K' on S.O. Plan 22900.

Area A. R. P.	Being
0 33 0	Part Section 9, Block VI, Maungatua Survey District; shown coloured sepia on S.O. Plan 12984.
0 2 2.4	Part Lot 6, D.P. 5172; shown coloured sepia on S.O. Plan 12984.
0 1 32	Part Lot 5, D.P. 5172; shown coloured orange on S.O. Plan 12984.
0 0 14.8	Part Lot B, D.P. 1224; shown coloured orange on S.O. Plan 13847.
0 0 31.5	Part Lot 2, D.P. 5172; shown coloured blue on S.O. Plan 13847.

As shown marked or coloured as above mentioned on the plans as above mentioned lodged in the office of the Chief Surveyor at Dunedin.

#### Second Schedule

##### Otago Land District—Dunedin City

Area m <sup>2</sup>	Adjoining
1306	Part Section 14, Block II, Maungatua Survey District; shown marked 'L' on plan.



Area m <sup>2</sup>	Adjoining
8933	Part Section 14 and Crown land, Block II, Maungatua Survey District and Lot A, D.P. 1224; shown marked 'M' on plan.
214	Lot A, D.P. 1224; shown marked 'N' on plan.
439	Lot A, D.P. 1224; shown marked 'O' on plan.
648	Crown land, Block II, Maungatua Survey District; shown marked 'P' on plan.
4664	Part Lot 18, D.P. 1224 and Lot 2, D.P. 5172; shown marked 'Q' on plan.
7047	Part Lot 18, D.P. 1224, Lot 2, D.P. 5172, part Section 9 and Crown land, Block VI; shown marked 'R' on plan.

As shown marked above mentioned on S.O. Plan 22900, lodged in the office of the Chief Surveyor at Dunedin.

### Third Schedule

#### Otago Land District—Dunedin City

Area m <sup>2</sup>	Being
1500	Part Section 14, Block II Maungatua Survey District; shown marked 'S' on S.O. Plan 22900.
2559	Part Lot 18, D.P. 1224; shown marked 'U' on S.O. Plan 22900.
470	Part Section 15, Block X, Town of Outram; shown marked 'L' on S.O. Plan 22391.

As shown marked as above mentioned on the plans above mentioned lodged in the office of the Chief Surveyor at Dunedin.

Dated at Dunedin this 16th day of October 1990.

M. R. MACKENZIE, Manager (Lands and Property).

Department of Survey and Land Information, Dunedin.

(D.N. D.O. 18/300/1)  
11569

### Land Declared to be Road, Road Stopped and Land Severed by Road in Block IX, Oteramika Hundred

Pursuant to Part VIII of the Public Works Act 1981 and to a delegation from the Minister of Lands, the District Manager, Department of Survey and Land Information, Invercargill:

(a) Pursuant to section 114 (1) declares the land described in the First Schedule hereto, to be road and vested in The Southland District Council.

(b) Pursuant to section 116 and 117 (3) (b), declares the parts of the road described in the Second Schedule hereto, to be stopped and declares that:

(1) The road firstly described be amalgamated with the land in certificate of title No. B2/960, subject to existing encumbrances.

(2) The road secondly described be amalgamated with the land in certificate of title No. 6B/1334, subject to existing encumbrances.

(3) The road thirdly described be amalgamated with the land in certificate of title No. 8C/936, subject to existing encumbrances.

(c) Pursuant to section 119, declares the land described in the Third Schedule hereto, to be taken and when so taken be amalgamated with the land in certificate of title No. 6B/1334, subject to existing encumbrances.

### First Schedule

#### Southland Land District—Southland District

##### Land Declared to be Road

Area m <sup>2</sup>	Being
2538	Part Section 1S, McCallum Settlement, situated in Block IX, Oteramika Hundred, marked 'A' on S.O. Plan 11583, lodged in the office of the Chief Surveyor at Invercargill.

### Second Schedule

#### Southland Land District—Southland District

##### Road Stopped

Area m <sup>2</sup>	Adjoining
3231	Section 1S, McCallum Settlement, marked 'B' on plan.
2853	Part Section 14, marked 'D' on plan.
1843	Part Section 2, marked 'C' on plan.

All situated in Block IX, Oteramika Hundred; as shown marked as above mentioned on S.O. Plan 11583, lodged in the office of the Chief Surveyor at Invercargill.

### Third Schedule

#### Southland Land District—Southland District

##### Land Taken

Area m <sup>2</sup>	Being
1209	Part Section 1S, McCallum Settlement, situated in Block IX, Oteramika Hundred, marked 'E' on S.O. Plan 11583, lodged in the office of the Chief Surveyor at Invercargill.

Dated at Invercargill this 16th day of October 1990.

R. W. G. DALGLISH, District Manager.

DOSLI In. 2100/P04  
In11572

1CL

### Amending a Proclamation for Land Proclaimed as Road and Land Taken in Paparua County

Pursuant to section 55 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the District Solicitor, Department of Survey and Land Information, Christchurch, hereby amends the proclamation dated the 13th day of February 1981 and published in the *New Zealand Gazette* on the 19th day of February 1981, No. 17 at page 342 (GN 316474/1) for land proclaimed as road and land taken by omitting from the First Schedule thereto the following:

"4 m<sup>2</sup> Part Lot 2, D.P. 11536; marked "D" on Plan S.O. 13405"

and  
inserting

"4 m<sup>2</sup> Part Lot 2, D.P. 11536; marked "O" on Plan S.O. 13405"

Dated at Christchurch this 15th day of October 1990.

R. J. MILNE, District Solicitor.

(DOSLI Ch. D.O. 35/1/62)  
In11574

1CL

### Land Acquired for Granting as Compensation in Thames-Coromandel District

Pursuant to sections 20 and 21 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the District Solicitor, Department of Survey and Land Information, Hamilton, declares that, an agreement to that effect having

been entered into the land described in the Schedule hereto is hereby acquired for granting as compensation and shall vest in the Crown on the date of publication hereof in the *Gazette*.

### Schedule

#### South Auckland Land District

All that parcel of land situated in The Thames-Coromandel District being part of Lot 27, Karaka No. 2 Block. All certificate of title, Volume 559, folio 237 (limited as to parcels).

Dated at Hamilton this 18th day of October 1990.

W. G. KORVER, District Solicitor.

(DOSLI Hn. D.O. 96/094001/0/20)  
ln11737

1CL

#### Amending a Notice Declaring Stopped Road in Raglan County to be Crown Land

Pursuant to section 55 of the Public Works Act 1981 and to a delegation from the Minister of Lands, the Assistant District Manager of the Department of Survey and Land Information, Hamilton, hereby amends the notice dated the 22nd day of July 1987 and published in the *New Zealand Gazette* of the 30th day of July 1987, No. 123 at page 3525, declaring stopped road in Raglan Country to be Crown land by:

(i) Omitting "section 42" and substituting "section 117".

(ii) Omitting the words "land described in the Schedule hereto to be Crown land subject to the Land Act 1948" and substituting the words "pieces of stopped road described in the Schedule hereto, now known as Section 1, S.O. 56358, Sections 3, 1 and 2, S.O. 56359, and Sections 2, 3, 4, 5, 6, 7 and 8, S.O. 56191 respectively, to be incorporated in deferred payment licence No. DPF.810, recorded in register-book No. 5C/783, held from Her Majesty the Queen by Michael Hamilton Hope of Waitetuna, farmer and Geoffrey Walter Hamilton Hope of Waitetuna, farmer as tenants in common in equal shares, subject to memoranda of mortgage H. 461702.3, H. 527100.1 and H. 115465, South Auckland Land Registry".

Dated at Hamilton this 18th day of October 1990.

R. W. BARNABY, Assistant District Manager.

(DOSLI Hn. 72/23/2B/04/15)  
ln11744

1CL

#### Land Acquired for a School Site in the City of Napier

Pursuant to section 20 (1) of the Public Works Act 1981 and to a delegation from the Minister of Lands, the District Manager, Department of Survey and Land Information, Napier, declares that, an agreement to that effect having been entered into, the land described in the Schedule is acquired for a school site to vest in the Crown on the date of publication in the *Gazette*.

### Schedule

#### Hawke's Bay Land District

1.1250 hectares, being Lots 664, 665, 666, 667, 669, 670, 671 and 672, Deposited Plan 2311, City of Napier, comprised in certificate of title 56/103.

Dated at Napier this 17th day of October 1990.

J. A. TOBIN, District Manager.

(Na. D.O. 5/173)  
ln11746

#### Land Acquired for Soil Conservation and River Control Purposes in Hastings District

Pursuant to section 20 (1) of the Public Works Act 1981 and to a delegation from the Minister of Lands, the District

Manager, Department of Survey and Land Information, Napier, declares that, an agreement to that effect having been entered into, the land described in the Schedule is acquired for a soil conservation and river control purpose and shall vest in The Hawke's Bay Regional Council; on the date of publication in the *Gazette*.

### Schedule

#### Hawke's Bay Land District

Area m <sup>2</sup>	Being
2270	Part Lot 2, D.P. 13109, comprised in certificate of title E2/969; marked 'K' on S.O. 7921.
1560	Part Lot 1, D.P. 13109, comprised in certificate of title E2/968; marked 'L' on S.O. 7921.

S.O. 7921 is held in the office of the Chief Surveyor at Napier.

Dated at Napier this 17th day of October 1990.

J. A. TOBIN, District Manager.

(Na. D.O. 231/030/6)  
ln11747

#### Land Acquired for Telecommunication Purposes in the Town of Kaikoura

Pursuant to section 20 (1) of the Public Works Act 1981 and to a delegation from the Minister of Lands, the District Manager, Department of Survey and Land Information, Blenheim, declares that, an agreement to that effect having been entered into, the land described in the Schedule hereto is hereby acquired for telecommunication purposes and shall vest in the Crown on the date of publication.

### Schedule

#### Marlborough Land District—Kaikoura District

Area m <sup>2</sup>	Being
1258	Section 486, Town of Kaikoura and being part certificate of title 4C/1272.

Dated at Blenheim this 18th day of October 1990.

G. B. HENDERSON, District Manager.

(DOSLI Blm. D.O. 6700/01/C1120)  
ln11748

#### Land at 54 Stanmore Road Set Apart for Electricity Purposes

Pursuant to section 52 (4) of the Public Works Act 1981, and to a delegation from the Minister of Lands, the District Solicitor, Department of Survey and Land Information, Christchurch, at the request of The Christchurch City Council, hereby declares the land described in the Schedule hereto, held by that council for road diversion, to be set apart for electricity purposes.

### Schedule

#### Canterbury Land District—Christchurch City

All that piece of land containing 10 square metres, being Lot 2, on D.P. 54682. All certificate of title 32F/310, Canterbury Registry.

Dated at Christchurch this 18th day of October 1990.

R. J. MILNE, District Solicitor.

(DOSLI CH. D.O. 35/1/56)  
ln11706

1CL

**Land Acquired for Road, Road Stopped, Land Acquired for the Generation of Electricity (Patea Hydroelectric Station) and Land Acquired for Local Purpose (Esplanade) Reserve in the District of South Taranaki**

Pursuant to the Public Works Act 1981, and to a delegation from the Minister of Lands, the Acting District Manager, Department of Survey and Land Information, New Plymouth:

(a) Pursuant to section 20 (1) declares that agreements to that effect having been entered into, the land described in the First Schedule hereto is hereby acquired for road and vested in The South Taranaki District Council on the date of publication hereof in the *Gazette*.

(b) Pursuant to section 20 (1) declares that agreements to that effect having been entered into, the land described in the Second Schedule hereto is hereby acquired for local purpose (esplanade) reserve and vested in The South Taranaki District Council on the date of publication hereof in the *Gazette*.

(c) Pursuant to section 20 (1) declares that agreements to that effect having been entered into, the land described in the Third Schedule hereto is hereby acquired for the generation of electricity and vested in The Egmont Electric Power Board on the date of publication hereof in the *Gazette*.

(d) Pursuant to sections 116 and 117, declares the portions of road described in the Fourth and Fifth Schedules hereto to be stopped and declares that:

(i) The area described in the Fourth Schedule now known as Section 1, S.O. 12618, shall be added to the land described in the Third Schedule, for the generation of electricity and vested in The Egmont Electric Power Board.

(ii) The area described in the Fifth Schedule now known as Section 1, S.O. 12619, shall be added to the land described in the Second Schedule, for a local purpose (esplanade) reserve and remain vested in The South Taranaki District Council.

**First Schedule**

**Taranaki Land District**

*Land Acquired for Road*

All those pieces of land situated in Block VI, Opaku Survey District, described as follows:

Area ha	Being
3.0676	Part Section 7; marked "F" on S.O. Plan 12618.

Area m <sup>2</sup>	Being
4656	Part Section 6; marked "N" on S.O. Plan 12618.
2454	Part Section 7; marked "K" on S.O. Plan 12619.

As shown marked as above mentioned on the plans, lodged in the office of the Chief Surveyor at New Plymouth.

**Second Schedule**

**Taranaki Land District**

*Land Acquired for a Local Purpose (Esplanade) Reserve*

All those pieces of land situated in Block VI, Opaku Survey District, described as follows:

Area m <sup>2</sup>	Being
4368	Part Section 7; marked "G" on S.O. plan.
1363	Part Section 7; marked "I" on S.O. plan.

As shown marked as above mentioned on S.O. Plan 12619, lodged in the office of the Chief Surveyor at New Plymouth.

**Third Schedule**

**Taranaki Land District**

*Land Acquired for the Generation of Electricity*

All those pieces of land situated in Block VI, Opaku Survey District, described as follows:

Area ha	Being
1.1800	Part River Bed; marked "A" on S.O. Plan 12618.
9.0400	Part Section 7; marked "C" on S.O. Plan 12618.
7.2579	Part Section 7; marked "E" on S.O. Plan 12618.

Area m <sup>2</sup>	Being
6002	Part Section 6; marked "D" on S.O. Plan 12618.
3837	Part Section 7; marked "J" on S.O. Plan 12619.
8847	Part Section 7; marked "L" on S.O. Plan 12619.
7948	Part Section 7; marked "M" on S.O. Plan 12619.

As shown marked as above mentioned on the plans, lodged in the office of the Chief Surveyor at New Plymouth.

**Fourth Schedule**

**Taranaki Land District**

*Road Stopped and Taken for the Generation of Electricity*

All that piece of road containing 7.2100 hectares, situated in Block VI, Opaku Survey District, adjoining or passing through part Sections 6 and 7; marked "B" on S.O. Plan 12618, lodged in the office of the Chief Surveyor at New Plymouth.

**Fifth Schedule**

**Taranaki Land District**

*Road Stopped and Held for Local Purpose (Esplanade) Reserve*

All that piece of road containing 5012 square metres, situated in Block VI, Opaku Survey District, adjoining or passing through part Section 7; marked "H" on S.O. Plan 12619, lodged in the office of the Chief Surveyor at New Plymouth.

Dated at New Plymouth this 17th day of October 1990.

R. F. SCHWASS, Acting District Manager.

(DOSLI NP. 6275-C/4313)

ln11707

1CL

**Land Declared to be Road in Gisborne District**

Pursuant to Part VIII of the Public Works Act 1981, and to a delegation from the Minister of Lands, the District Manager, Department of Survey and Land Information, Gisborne, pursuant to section 114 (1) declares the land described in the Schedule to be road and vested in The Gisborne District Council.

**Schedule**

**Gisborne Land District**

Area m <sup>2</sup>	Being
6845	Part Section 1, Block XII, Uawa Survey District; marked "A" on S.O. Plan 8464.
465	Part Section 1, Block XII, Uawa Survey District; marked "B" on S.O. Plan 8464.

Both pieces of land are part of the land comprised in certificate of title 2C/902 and are shown on S.O. Plan 8464, held in the office of the Chief Surveyor at Gisborne.

Dated at Gisborne this 10th day of October 1990.

R. H. WINMILL, District Manager.

(DOSLI NA. D.O. 7/4/26)

In11708

ICL

### Land Acquired Gisborne District

Pursuant to section 20 (1) of the Public Works Act 1981, and to a delegation from the Minister of Lands, the District Manager, Department of Survey and Land Information, Gisborne, declares that an agreement to that effect having been entered into, the land described in the Schedule is acquired for soil conservation and river control purposes, and shall vest in The Gisborne District Council on the date of publication in the *Gazette*.

### Schedule

#### Gisborne Land District

Area ha	Being
1.021	Part Lot 2, D.P. 2372, comprised in certificate of title 4B/252, shown as "A" on S.O. Plan 8415.
1.239	Part Section 1, Block VIII, Waimata Survey District, comprised in certificate of title 2A/1200, shown as "C" on S.O. Plan 8415.

Area m <sup>2</sup>	Being
7580	Part Lot 1, D.P. 2372, comprised in certificate of title 96/283, shown as "B" on S.O. Plan 8415.

S.O. Plan 8415 is held in the office of the Chief Surveyor at Gisborne.

Dated at Gisborne this 10th day of October 1990.

R. H. WINMILL, District Solicitor.

(DOSLI NA. D.O. 7/148/2)

In11709

ICL

### Stopped Road at Rangiputa Far North District to be Vested

Pursuant to section 117 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares the part of stopped road described in the Schedule to be vested in Brian Clifford Gillies, airline steward and Marie Annabella Gillies, director, both of Auckland, subject to memoranda of mortgage B. 712534.6 and C. 099744.1, North Auckland Land Registry.

### Schedule

#### North Auckland Land District

3093 square metres being Section 1, S.O. 63955 lodged in the office of the Chief Surveyor at Auckland (road stopped, *Gazette* notice C. 143467.1).

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 50/15/10/0/63955)

In11711

ICL

### Stopped Road in Whangarei District to be Vested

Pursuant to section 117 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares the part of stopped road described in the Schedule to be amalgamated with the land in certificate of title 26A/963, subject to memoranda of mortgage 043367.2 and C. 061635.5, North Auckland Land Registry.

### Schedule

#### North Auckland Land District

Area m <sup>2</sup>	Being
3310	Section 1.
1135	Section 2.

Shown marked as above mentioned on S.O. Plan 65323, lodged in the office of the Chief Surveyor at Auckland (road stopped, *Gazette* notice C. 191727.2).

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 50/15/15/0/65323)

In11712

ICL

### Stopped Road in Whangarei District to be Vested

Pursuant to section 117 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares the pieces of stopped road described in the Schedule to be amalgamated with the land in certificate of title 73C/454, subject to memorandum of mortgage C. 072297.3, North Auckland Land Registry.

### Schedule

#### North Auckland Land District

Area m <sup>2</sup>	Being
231	Section 1.
255	Section 2.

Shown marked as above mentioned on S.O. Plan 60291, lodged in the office of the Chief Surveyor at Auckland (all stopped road, *Gazette* notice C. 191724.2, North Auckland Land Registry).

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 50/15/15/0/60291)

In11713

ICL

### Land Acquired for Road In Manukau City

Pursuant to section 20 (1) of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares that an agreement to that effect having been entered into, the land described in the Schedule is acquired for road which shall vest in The Manukau City Council on the date of publication in the *Gazette*.

### Schedule

#### North Auckland Land District

112 square metres being part Lot 1, D.P. 54823; shown marked "A" on S.O. Plan 65507, lodged in the office of the Chief Surveyor at Auckland.

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 15/6/0/65507)

In11714

ICL

### Land Acquired for a Recreation Reserve in Waitakere City

Pursuant to section 20 (1) of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares that an agreement to that effect having been entered into, the land described in the Schedule is acquired for a recreation reserve and shall vest in

The Waitakere City Council on the date of publication in the *Gazette*.

### Schedule

#### North Auckland Land District

Area ha	Being
1.6160	Part Lot 1, D.P. 48507 (S.O. 47188); marked "A" on plan.
4.4280	Part Allotment 159, Waipareira Parish; marked "B" on plan.

Shown marked as above mentioned on S.O. Plan 65525, lodged in the office of the Chief Surveyor at Auckland.

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 15/87/0/65525)

ln11715

ICL

#### Land Acquired for a Service Lane in Whangarei District

Pursuant to section 20 (1) of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares that agreements to that effect having been entered into, the land described in the Schedule is acquired for a service lane and shall vest in The Whangarei District Council on the date of publication in the *Gazette*.

### Schedule

#### North Auckland Land District

Area m <sup>2</sup>	Being
128	Part Lot 21, D.P. 46482; marked "A" on plan.
108	Part Lot 22, D.P. 46482; marked "B" on plan.
108	Part Lot 23, D.P. 46482; marked "C" on plan.
113	Part Lot 24, D.P. 46482; marked "D" on plan.
116	Part Lot 25, D.P. 46482; marked "E" on plan.
116	Part Lot 26, D.P. 46482; marked "F" on plan.

Shown marked as above mentioned on S.O. Plan 65603, lodged in the office of the Chief Surveyor at Auckland.

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 50/15/15/0/065603)

ln11716

ICL

#### Amending a Declaration Declaring Stopped Road in Rodney District to be Vested

Pursuant to section 55 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, amends the declaration dated the 29th day of August 1990, published in the *New Zealand Gazette* of the 6th day of September 1990, No. 154, page 3290, declaring stopped road to be vested, pursuant to section 117 of the Public Works Act 1981, by deleting from the operative clause the words "memorandum of mortgage B. 275106.5, North Auckland Land Registry" and substituting the words "the encumbrances registered on the certificate of title on the date of registration in the Land Registry Office".

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 15/11/0/65159)

ln11717

ICL

#### Declaring Land to be Road at Taylor Road, Far North District

Pursuant to section 114 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands

and Property, Department of Survey and Land Information, Auckland, declares the land described in the Schedule to be road, which shall vest in The Far North District Council.

### Schedule

#### North Auckland Land District

Area m <sup>2</sup>	Being
350	Part Allotment S. 35, Oruru Parish; marked "A" on plan.
125	Part Bed of Paranui Stream; marked "B" on plan.
125	Part Bed of Paranui Stream; marked "C" on plan.

As shown marked as above mentioned on S.O. Plan 62642, lodged in the office of the Chief Surveyor at Auckland.

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 50/15/10/0/62642)

ln11718

ICL

#### Stopped Road in Far North District to be Vested

Pursuant to section 117 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares the pieces of stopped road described in the Schedule to be vested in Daniel Christoph Reinhard of Mangonui, horticulturalist, subject to memorandum of mortgage B. 823510.1, North Auckland Land Registry.

### Schedule

#### North Auckland Land District

Area m <sup>2</sup>	Being
6000	Section 1.
9800	Section 2.

Shown marked as above mentioned on S.O. Plan 63285, lodged in the office of the Chief Surveyor at Auckland (stopped road, *Gazette* notice C. 193583.1).

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 50/15/16/0/63285)

ln11719

ICL

#### Stopped Road in Far North District to be Vested

Pursuant to section 117 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares the portions of stopped road described in the Schedule to be vested in Joseph Babich of Waiharara, farmer.

### Schedule

#### North Auckland Land District

Area m <sup>2</sup>	Being
207	Section 1.
66	Section 2.
7742	Section 3.

Shown marked as above mentioned on S.O. Plan 65180, lodged in the office of the Chief Surveyor at Auckland (stopped road, *Gazette* notice C. 191725.1).

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI AK. D.O. 50/15/16/0/65180)

ln11720

ICL

**Stopped Road in Whangarei District to be Vested**

Pursuant to section 117 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares the pieces of stopped road described in the Schedule to be amalgamated with the land in certificate of title 272/267, North Auckland Land Registry.

**Schedule****North Auckland Land District**

Area m <sup>2</sup>	Being
4163	Section 1.
4175	Section 2.
1713	Section 3.

Shown marked as above mentioned on S.O. Plan 62011, lodged in the office of the Chief Surveyor at Auckland (stopped road, *Gazette* notice C. 189477.2).

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI Ak. D.O. 50/15/15/0/62011 and 64086) 1CL  
In11724

**Crown Land Set Apart for a Limited Access Road in Franklin District**

Pursuant to section 52 (1) of the Public Works Act 1981, to section 88 (2) of the Transit New Zealand Act 1989, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Lands, Auckland, declares the land described in the Schedule to be set apart for a limited access road which becomes road, limited access road and State highway.

**Schedule****North Auckland Land District**

588 square metres, being part railway land; shown marked "A" on S.O. Plan 60440, lodged in the office of the Chief Surveyor at Auckland.

Dated at Auckland this 15th day of October 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI Ak. D.O. 72/1/2A/0/364) 1CL  
In11725

**Land Acquired for Road, Molesworth Street, New Plymouth**

Pursuant to section 20 of the Public Works Act 1981 and to a delegation from the Minister of Lands, the Acting District Manager, Department of Survey and Land Information, New Plymouth, declares that an agreement to that effect having been entered into, the land described in the Schedule hereto is hereby acquired for road and vested in The New Plymouth District Council on the date of publication in the *Gazette*.

**Schedule****Taranaki Land District—New Plymouth District**

Area m <sup>2</sup>	Being
31	Part Lot 1, Deposited Plan No. 4725 marked "L" on S.O. Plan 12983.

As shown marked on the plan numbered as above mentioned lodged in the office of the Chief Surveyor at New Plymouth.

Dated at New Plymouth this 16th day of October 1990.

R. F. SCHWASS, Acting District Manager.

(D.O.S.L.I. 10/5) 1CL  
In11735

**Land Set Apart for a School in the Gisborne District**

Pursuant to section 52 (1) of the Public Works Act 1981, and pursuant to a delegation from the Minister of Lands, the District Manager, Department of Survey and Land Information, Gisborne, declares the land described in the Schedule hereto to be set apart for the purposes of a school.

**Schedule****Gisborne Land District**

4.2471 hectares, being part Lot 13, D.P. 1288, Block VIII, Waimata Survey District. Balance of *Gazette* notice 174699.1.

Dated at Gisborne this 8th day of October 1990.

R. H. WINMILL, District Manager.

(Na.D.O. 5/147)  
In11734

**Treasury****State-Owned Enterprises Act 1986****The State-Owned Enterprises (Telecom South Limited Vesting Order No. 2) Order 1990**

PAUL REEVES, Governor-General

**ORDER IN COUNCIL**

At Wellington this 23rd day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to sections 24 (1) and 28 of the State-Owned Enterprises Act 1986, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**Order**

**1. Title**—This order may be cited as the State-Owned Enterprises (Telecom South Limited Vesting Order No. 2) Order 1990.

**2. Application**—This order applies to all the land described in the Schedule to this order, saving and excepting—

- (a) The bed of any navigable river (within the meaning of section 261 of the Coal Mines Act 1979); and
- (b) The bed of any river or stream that has an average width of 3 metres or more; and
- (c) The bed of any lake that has an area (calculated on the basis of its normal level or maximum control level and the normal level or maximum control level of all its bays and inlets) of more than 8 hectares; and
- (d) The bed of any bay or inlet of any such lake.

**3. Approval and vesting**—The land to which this order applies—

- (a) Is hereby approved for the purposes of section 24 (1) (b) of the State-Owned Enterprises Act 1986; and
- (b) On the 26th day of October 1990 shall vest for an estate in fee simple in Telecom South Limited (a company duly incorporated under the Companies Act 1955, having its registered office at Christchurch, and being a State enterprise within the meaning of section 29 (1) of the State-Owned Enterprises Act 1986),—
  - (i) Together with the appurtenant rights (if any) described in the Schedule to this order; but
  - (ii) Subject to the rights, interests, and incumbrances, (if any) to which it is described in the Schedule to this order as being subject.

**Schedule****Legal Description of Land**

Area	Description
	<i>Southland Land District</i>
1404m <sup>2</sup>	Lots 2 and 4, D.P. 12256, situated in Block XII, Town of Wyndham.

MARIE SHROFF, Clerk of the Executive Council.

**Explanatory Note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order vests certain Crown land in Telecom South Limited, a subsidiary of a State enterprise, on 26 October 1990.  
In11798

**The State-Owned Enterprises (Telecom Central Limited Vesting Order No. 3) Order 1990**

PAUL REEVES, Governor-General

**ORDER IN COUNCIL**

At Wellington this 23rd day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to sections 24 (1) and 28 of the State-Owned Enterprises Act 1986, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**Order**

**1. Title**—This order may be cited as the State-Owned Enterprises (Telecom Central Limited Vesting Order No. 3) Order 1990.

**2. Application**—This order applies to all the land described in the Schedule to this order, saving and excepting—

- The bed of any navigable river (within the meaning of section 261 of the Coal Mines Act 1979); and
- The bed of any river or stream that has an average width of 3 metres or more; and
- The bed of any lake that has an area (calculated on the basis of its normal level or maximum control level and the normal level or maximum control level of all its bays and inlets) of more than 8 hectares; and
- The bed of any bay or inlet of any such lake.

**3. Approval and vesting**—The land to which this order applies—

- Is hereby approved for the purposes of section 24 (1) (b) of the State-Owned Enterprises Act 1986; and
- On the 26th day of October 1990 shall vest for an estate in fee simple in Telecom Central Limited (a company duly incorporated under the Companies Act 1955, having its registered office at Wellington, and being a State enterprise within the meaning of section 29 (1) of the State-Owned Enterprises Act 1986),—
  - Together with the appurtenant rights (if any) described in the Schedule to this order; but
  - Subject to the rights, interests, and incumbrances, (if any) to which it is described in the Schedule to this order as being subject.

**Schedule****Legal Description of Land**

Area	Description
	<i>Hawke's Bay Land District</i>
2266m <sup>2</sup>	Section 2, S.O. Plan 9786, situated in Blocks XIV and XV, Waipukurau Survey District.
	<i>Wellington Land District</i>

Area	Description
426m <sup>2</sup>	Section 1, S.O. Plan 36345, situated in Block X, Hautapu Survey District. Subject to sewage and stormwater drainage easement created by Document B063233.2. (Wellington Registry).

MARIE SHROFF, Clerk of the Executive Council.

**Explanatory Note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order vests certain Crown land in Telecom Central Limited, a subsidiary of a State enterprise, on 26 October 1990.  
In11799

**The State-Owned Enterprises (New Zealand Post Limited Vesting Order No. 5) Order 1990**

PAUL REEVES, Governor-General

**ORDER IN COUNCIL**

At Wellington this 23rd day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to sections 24 (1) and 28 of the State-Owned Enterprises Act 1986, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**Order**

**1. Title**—This order may be cited as the State-Owned Enterprises (New Zealand Post Limited Vesting Order No. 5) Order 1990.

**2. Application**—This order applies to all the land described in the Schedule to this order, saving and excepting—

- The bed of any navigable river (within the meaning of section 261 of the Coal Mines Act 1979); and
- The bed of any river or stream that has an average width of 3 metres or more; and
- The bed of any lake that has an area (calculated on the basis of its normal level or maximum control level and the normal level or maximum control level of all its bays and inlets) of more than 8 hectares; and
- The bed of any bay or inlet of any such lake.

**3. Approval and vesting**—The land to which this order applies—

- Is hereby approved for the purposes of section 24 (1) (b) of the State-Owned Enterprises Act 1986; and
- On the 26th day of October 1990 shall vest for an estate in fee simple in New Zealand Post Limited (a company duly incorporated under the Companies Act 1955, having its registered office at Wellington, and being a State enterprise),—
  - Together with the appurtenant rights (if any) described in the Schedule to this order; but
  - Subject to the rights, interests, and incumbrances, (if any) to which it is described in the Schedule to this order as being subject.

**Schedule****Legal Description of Land**

Area	Description
	<i>Southland Land District</i>
1340m <sup>2</sup>	Lots 1 and 3, D.P. 12256, situated in Block XII, Town of Wyndham.

MARIE SHROFF, Clerk of the Executive Council.

**Explanatory Note**

This note is not part of the order, but is intended to indicate its general effect.

This order vests certain Crown land in New Zealand Post Limited, a State enterprise, on 26 October 1990.

ln11800

**The State-Owned Enterprises (Landcorp Management Services Limited Vesting Order No. 3) Order 1990**

PAUL REEVES, Governor-General

**ORDER IN COUNCIL**

At Wellington this 23rd day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to sections 24 (1) and 28 of the State-Owned Enterprises Act 1986, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**Order**

**1. Title**—This order may be cited as the State-Owned Enterprises (Landcorp Management Services Limited Vesting Order No. 3) Order 1990.

**2. Application**—This order applies to all the land described in the Schedule to this order, saving and excepting—

- (a) The bed of any navigable river (within the meaning of section 261 of the Coal Mines Act 1979); and
- (b) The bed of any river or stream that has an average width of 3 metres or more; and
- (c) The bed of any lake that has an area (calculated on the basis of its normal level or maximum control level and the normal level or maximum control level of all its bays and inlets) of more than 8 hectares; and
- (d) The bed of any bay or inlet of any such lake.

**3. Approval and vesting**—The land to which this order applies—

- (a) Is hereby approved for the purposes of section 24 (1) (b) of the State-Owned Enterprises Act 1986; and
- (b) On the 26th day of October 1990 shall vest for an estate in fee simple in Landcorp Management Services Limited (a company duly incorporated under the Companies Act 1955, having its registered office at Wellington, and being a State enterprise within the meaning of section 29 (1) of the State-Owned Enterprises Act 1986),—
  - (i) Together with the appurtenant rights (if any) described in the Schedule to this order; but
  - (ii) Subject to the rights, interests, and incumbrances, (if any) to which it is described in the Schedule to this order as being subject.

**Schedule**

Area	Description
<i>North Auckland Land District</i>	
14.1626 ha	Allotment 686, Parish of Paremoremo, situated in Block VII, Waitemata Survey District, and shown on S.O. Plan 56886.
8.9562 ha	Allotment 116, Parish of Wairoa, situated in Block VII, Wairoa Survey District, and shown on S.O. Plan 19501.
5387 m <sup>2</sup>	Section 1, S.O. Plan 32139, situated in Block XII, Hukerenui Survey District.
4581 m <sup>2</sup>	Lot 1, D.P. 28378, situated in Block XIII, Whangarei Survey District.
32.3749 ha	Allotment 8, Parish of Pupuke, situated in Block VIII, Maungataniwha Survey District, and shown on S.O. Plan 2839.

Area	Description
<i>Taranaki Land District</i>	
405 m <sup>2</sup>	Section 3, Block IV, Tainui Survey District, shown on S.O. Plan 6615.
837 m <sup>2</sup>	Section 32, Block VI, Pouatu Survey District, shown on S.O. Plan 8926.
1517 m <sup>2</sup>	Sections 27 and 29, Block VII, Pouatu Survey District, shown on S.O. Plan 8931.
1.4341 ha	Sections 19 and 20, Block VII, Pouatu Survey District, shown on S.O. Plan 8051.
1975 m <sup>2</sup>	Section 184, Block IV, Ngatimaru Survey District, shown on S.O. Plan 3857.
658 m <sup>2</sup>	Section 19, Block XII, Aria Survey District, shown on S.O. Plan 8943.
1634 m <sup>2</sup>	Section 7, Block VI, Town of Matiere, situated in Block XVI, Aria Survey District, and shown on S.O. Plan 7774.
1.1231 ha	Sections 15, 16, 17, 18, 20, 21, 22, 23, and 24, Tarata Village, situated in Block III, Huiroa Survey District, and shown on S.O. Plan 7739.
2.0234 ha	Section 1, S.O. Plan 13147, situated in Block XII, Cape Survey District.
3516 m <sup>2</sup>	Section 1, S.O. Plan 13149, situated in Block IX, Huiroa Survey District.

*Marlborough Land District*

2.61 ha	Section 1, S.O. Plan 6904, situated in Block XIV, Wakamarina Survey District.
21.2 ha	Section 1, S.O. Plan 6901, situated in Block X, Orieri Survey District.
633 m <sup>2</sup>	Section 433, Town of Kaikoura, situated in Block XI, Mount Fyffe Survey District, and shown on S.O. Plan 4129.
6348 m <sup>2</sup>	Section 14, Block IX, Mount Fyffe Survey District, shown on S.O. Plan 3858.
1457 m <sup>2</sup>	Section 471, Town of Kaikoura, situated in Block XI, Mount Fyffe Survey District, and shown on S.O. Plan 4959. Subject to easement for right to convey water created by deed of grant 2A/1039 (Marlborough Registry).
931 m <sup>2</sup>	Section 91, Waipapa Registration District, Block XV, Whernside Survey District, and shown on S.O. Plan 4794.
5516 m <sup>2</sup>	Section 28, Block XI, Puhi Puhi Survey District, shown on S.O. Plan 4037.
1.1331 ha	Section 54, Block XIV, Clifford Bay Survey District, shown on S.O. Plan 4317.
2.5536 ha	Lots 1 and 2, D.P. 4547, situated in Block XII, Clifford Bay Survey District.
6197 m <sup>2</sup>	Section 54, Opawa Registration District, situated in Block V, Taylor Pass Survey District, and shown on S.O. Plan 4844.
2832 m <sup>2</sup>	Section 1, S.O. Plan 6908, situated in Block VII, Mount Olympus Survey District.
15.6155 ha	Section 22, Block XII, Arapawa Survey District, shown on S.O. Plan 6094.
3285 m <sup>2</sup>	Sections 1 and 2, S.O. Plan 6906, situated in Block I, Wakamarina Survey District.
8093 m <sup>2</sup>	Section 13, Block XVIII, Hundalee Survey District, shown on S.O. Plan 451.
2.2257 ha	Section 13, Block III, Hundalee Survey District, shown on S.O. Plan 490A.
4046 m <sup>2</sup>	Section 12, Block III, Hundalee Survey District, shown on S.O. Plan 490A.
172 m <sup>2</sup>	Section 446, Town of Kaikoura, situated in Block XI, Mount Fyffe Survey District, and shown on S.O. Plan 4357. Subject to a building line restriction created by document 28873 (Marlborough Registry).



Area	Description	Area	Description
5171 m <sup>2</sup>	Sections 1, 2, and 3, S.O. Plan 5634, situated in Block III, Mount Olympus Survey District.	963 m <sup>2</sup>	Lot 26, D.P. 16372, situated in Block VI, Andersons Bay Survey District. Subject to drainage rights that are subject to section 351E (1) (a) of the Municipal Corporations Act 1954 and easements of rights of way that are subject to the council's condition of consent endorsed on D.P. 16372 contained in easement certificate No. 492850 (Otago Registry), and subject to a building line restriction imposed by memorandum document No. 490171 (Otago Registry).
5261 m <sup>2</sup>	Sections 11 and 12, S.O. Plan 805, situated in Block V, Wakamarina Survey District.	785 m <sup>2</sup>	Lot 6, D.P. 16372, situated in Block VI, Andersons Bay Survey District. Subject to a building line restriction imposed by memorandum document No. 490171 (Otago Registry).
3895 m <sup>2</sup>	Sections 36, 37, 38, 39, and 40, S.O. Plan 814, situated in Block I, Wakamarina Survey District.	561 m <sup>2</sup>	Lot 8, D.P. 16372, situated in Block VI, Andersons Bay Survey District. Subject to a building line restriction imposed by memorandum document No. 490171 (Otago Registry).
1373 m <sup>2</sup>	Section 1, S.O. Plan 6175, situated in Block I, Wakamarina Survey District.	598 m <sup>2</sup>	Lot 88, D.P. 16776, situated in Block VI, Andersons Bay Survey District. Subject to a building line restriction imposed by memorandum document No. 504867 (Otago Registry).
	<i>Westland Land District</i>	568 m <sup>2</sup>	Lot 44, D.P. 17326, situated in Block VI, Andersons Bay Survey District. Subject to drainage rights that are subject to section 309 (1) (a) of the Local Government Act 1974 and rights of way contained in easement certificate No. 585637 (Otago Registry).
42.7750 ha	Section 1, S.O. Plan 11578, situated in Block IV, Waimea Survey District.	562 m <sup>2</sup>	Lot 87, D.P. 16776, situated in Block VI, Andersons Bay Survey District. Subject to drainage rights contained in easement certificate No. 510873/2 (Otago Registry) that are subject to section 351E (1) (a) of the Municipal Corporations Act 1954, and subject to building line restriction imposed by memorandum document No. 504867 (Otago Registry).
2.5431 ha	Section 1, S.O. Plan 11534, situated in Block II, Mawheranui Survey District.	465 m <sup>2</sup>	Lot 15, D.P. 16371, situated in Block VI, Andersons Bay Survey District. Subject to a building line restriction imposed by memorandum document No. 490171 (Otago Registry).
1940 m <sup>2</sup>	Section 1, S.O. Plan 11608, situated in Block I, Kaniere Survey District.	516 m <sup>2</sup>	Lot 14, D.P. 16371, situated in Block VI, Andersons Bay Survey District. Subject to drainage rights contained in easement certificate No. 492838 (Otago Registry) that are subject to section 351E (1) (a) of the Municipal Corporations Act 1954, and subject to building line restriction imposed by memorandum document No. 490171 (Otago Registry).
2504 m <sup>2</sup>	Sections 1 and 2, Block XXXIII, Town of Runanga, situated in Block III, Cobden Survey District, and shown on S.O. Plan 711.	536 m <sup>2</sup>	Lot 13, D.P. 16371, situated in Block VI, Andersons Bay Survey District. Subject to a building line restriction imposed by memorandum document No. 490171 (Otago Registry).
784 m <sup>2</sup>	Sections 6, 7, and 8, Block III, Town of Hatters Terrace, situated in Block VIII, Mawheranui Survey District, and shown on S.O. Plan 886.		
1037 m <sup>2</sup>	Lot 183, D.P. 86, situated in Block II, Mawheranui Survey District.		
1094 m <sup>2</sup>	Section 110, Town on Moana, shown on S.O. Plan 10199. Subject to easement for right to drain sewage contained in Register Book Volume 5B, folios 809 and 810 (Westland Registry).		
	<i>Canterbury Land District</i>		
1.7200 ha	Section 1, S.O. Plan 18371, situated in Block VIII, Christchurch Survey District. Together with drainage rights created by outstanding deed 69108 (111 D 402) (Canterbury Registry), and together with the drainage easement created by transfer 387058 (Canterbury Registry).		
27.2960 ha	Section 2, S.O. Plan 18371, situated in Block VIII, Christchurch Survey District. Subject to the right to convey water in gross over part created by transfer 719111 (Canterbury Registry), and together with the drainage rights created by outstanding deed 69108 (111 D 402) (Canterbury Registry), and together with the drainage easement created by transfer 387058.		
8.2052 ha	Rural Section 40813, situated in Blocks XI and XII, Mairaki Survey District, shown on S.O. Plan 14577.		
8758 m <sup>2</sup>	Rural Section 42301, situated in Block XII, Selwyn, and Block IX, Leeston Survey Districts, shown on S.O. Plan 16811.		
8148 m <sup>2</sup>	Rural Section 42302, situated in Block XII, Selwyn, and Block IX, Leeston Survey Districts, shown on S.O. Plan 16811.		
1.4810 ha	Rural Section 42261, situated in Block XII, Hawkins Survey District, shown on S.O. Plan 16725. Subject to easement of right of way over the portion of Rural Section 42261 marked "A" on S.O. Plan 16725, appurtenant to part Reserve 1301.		
	<i>Otago Land District</i>		
529 m <sup>2</sup>	Lot 89, D.P. 16777, situated in Block VI, Andersons Bay Survey District. Subject to a building line restriction imposed by memorandum document No. 504867 (Otago Registry).		
			<i>Southland Land District</i>
		415.4230 ha	Sections 2 and 3, S.O. Plan 11602, situated in Block XXXIV, Takitimu Survey District.
			MARIE SHROFF, Clerk of the Executive Council.
			<b>Explanatory Note</b>
			<i>This note is not part of the order, but is intended to indicate its general effect.</i>
			This order vests certain Crown land in Landcorp Management

Services Limited, a subsidiary of a State enterprise, on 26 October 1990.  
In11801

**The State-Owned Enterprises (Landcorp Farming Limited Vesting Order No. 4) Order 1990**

PAUL REEVES, Governor-General

**ORDER IN COUNCIL**

At Wellington this 23rd day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to sections 24 (1) and 28 of the State-Owned Enterprises Act 1986, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**Order**

**1. Title**—This order may be cited as the State-Owned Enterprises (Landcorp Farming Limited Vesting Order No. 4) Order 1990.

**2. Application**—This order applies to all the land described in the Schedule to this order, saving and excepting—

- (a) The bed of any navigable river (within the meaning of section 261 of the Coal Mines Act 1979); and
- (b) The bed of any river or stream that has an average width of 3 metres or more; and
- (c) The bed of any lake that has an area (calculated on the basis of its normal level or maximum control level and the normal level or maximum control level of all its bays and inlets) of more than 8 hectares; and
- (d) The bed of any bay or inlet of any such lake.

**3. Approval and vesting**—The land to which this order applies—

- (a) Is hereby approved for the purposes of section 24 (1) (b) of the State-Owned Enterprises Act 1986; and
- (b) On the 26th day of October 1990 shall vest for an estate in fee simple in Landcorp Farming Limited (a company duly incorporated under the Companies Act 1955, having its registered office at Wellington, and being a State enterprise within the meaning of section 29 (1) of the State-Owned Enterprises Act 1986),—
  - (i) Together with the appurtenant rights (if any) described in the Schedule to this order; but
  - (ii) Subject to the rights, interests, and incumbrances, (if any) to which it is described in the Schedule to this order as being subject.

**Schedule**

**Legal Description of Land**

Area	Description
	<i>North Auckland Land District</i>
1955.3308 ha	All the land situated in Blocks I and V, Mangamuka Survey District and Block IV, Whangape Survey District, shown marked "A", "B", "C", and "D" on S.O. Plan 65287.
	Sections 1 and 3, Block IV, Whangape Survey District, shown on S.O. Plan 7131.
	Section 28, Block IV, Whangape Survey District, shown on S.O. Plan 19481.
	Section 29, Block IV, Whangape Survey District, shown on S.O. Plan 21027.
	Section 30, Block IV, Whangape Survey District, shown on S.O. Plan 35869.
	Sections 10, 11 and 12, Block V, Mangamuka Survey District, shown on S.O. Plan 7244A.

Area	Description
	Section 14, Block V, Mangamuka Survey District, shown on S.O. Plan 12833.
	Section 36, Block V, Mangamuka Survey District, shown on S.O. Plan 31211.
	Sections 23 and 24, Block V, Mangamuka Survey District, shown on S.O. Plan 27835.
	Sections 29, 31 and 32, Block V, Mangamuka Survey District, shown on S.O. Plan 29859.
	Section 33, Block V, Mangamuka Survey District, shown on S.O. Plan 29861.
	Sections 43 and 44, Block V, Mangamuka Survey District, shown on S.O. Plan 35197.
	Lot 37, D.P. 7196, situated in Blocks I and V, Mangamuka Survey District.
	Lots 30, 33, 33A, 34, 35 and 36, D.P. 7198, situated in Blocks I and V, Mangamuka Survey District.
	<i>Gisborne Land District</i>
879.4840 ha	Sections 7, 8, and 9, Block XI, Ngatapa Survey District, Section 6, Block X, Ngatapa Survey District, Sections 2 and 3, Block XV, Ngatapa Survey District and parts Lot 4, D.P. 2153, part Lot 1, D.P. 6249, part Lot 2, D.P. 1128, situated in Blocks X, XI, XIV, and XV, Ngatapa Survey District, shown marked "A", "B", "C", "D", "E", "F", "G", "H", "I", and "J" on S.O. Plan 8446.
	<i>Southland Land District</i>
809m <sup>2</sup>	Section 661, Block I, Manapouri Survey District, shown on S.O. Plan 7534.
1.6582 ha	Lot 1, D.P. 8811, situated in Block XXXIV, Eyre Survey District.
356.3170 ha	Section 207, Block XXXIV, Eyre Survey District, shown on S.O. Plan 10337.
199.0230 ha	Section 208, Block XXXIV, Eyre Survey District, shown on S.O. Plan 10337.
1.9740 ha	Section 211, Block XXXIV, Eyre Survey District, shown on S.O. Plan 10337.
764.9750 ha	Section 212, Block XXXIV, Eyre Survey District, shown on S.O. Plan 10337.
33.2130 ha	Section 213, Block XXXIV, Eyre Survey District, shown on S.O. Plan 10337.
13.6076 ha	Section 182, Block XXXIV, Eyre Survey District, shown on S.O. Plan 8054.
323.6070 ha	Section 336, Block I, Takitimu Survey District, shown on S.O. Plan 10159.
2325 ha	All the land situated in Blocks II, V, and VI, Mararoa Survey District, shown marked "A" on S.O. Plan 11609.
35.6300 ha	Section 40, Block III, Mararoa Survey District, shown on S.O. Plan 10806.
775 ha	All the land situated in Blocks IV and V, Mararoa Survey District, shown marked "A" on S.O. Plan 11607.
1430 ha	All the land situated in Blocks II and V, Mararoa Survey District, shown marked "B" on S.O. Plan 11607.
290 ha	All the land situated in Block I, Manapouri Survey District, shown marked "A" on S.O. Plan 11611.
4.5 ha	All the land situated in Block I, Manapouri Survey District, shown marked "A" on S.O. Plan 11610.
238 ha	All the land situated in Block I, Manapouri Survey District, and Block IX, Mararoa Survey District, shown marked "B" on S.O. Plan 11610.

MARIE SHROFF, Clerk of the Executive Council.

**Explanatory Note**

This note is not part of the order, but is intended to indicate its general effect.

This order vests certain Crown land in Landcorp Farming Limited, a State enterprise, on 26 October 1990.  
ln11802

## Regulation Summary

### Notice Under the Acts and Regulations Publication Act 1989

Pursuant to the Acts and Regulations Publication Act 1989, notice is hereby given of the making of regulations as under:

<i>Authority for Enactment</i>	<i>Title or Subject-matter</i>	<i>Serial Number</i>	<i>Date of Enactment</i>	<i>Price Code</i>	<i>Postage and Packaging</i>
Accident Compensation Act 1982	Accident Compensation (Increased Amounts) Order (No. 2) 1990	1990/311	23/10/90	2-A	\$1.50
New Zealand Railways Corporation Act 1981	New Zealand Railways Corporation (Decrease in Capital) Order 1990	1990/312	23/10/90	2-A	\$1.50
New Zealand Railways Corporation Restructuring Act 1990	New Zealand Rail Limited Vesting Order 1990	1990/313	23/10/90	7-BY	\$2.20
New Zealand Railways Corporation Restructuring Act 1990	New Zealand Railways Corporation (General) Regulations Application Order 1990	1990/314	23/10/90	3-BX	\$2.00
New Zealand Railways Corporation Restructuring Act 1990	Railway Operator Order 1990	1990/315	12/10/90	2-A	\$1.50
Maori Trust Boards Act 1955	Taranaki Maori Trust Board Order 1990	1990/316	23/10/90	3-BX	\$2.00
Education Act 1989	Student Allowances Regulations 1988, Amendment No. 4	1990/317	23/10/90	4-BY	\$2.20
Radiocommunications Act 1989	Radiocommunications (Forms) Regulations 1990, Amendment No. 1	1990/318	23/10/90	8-BY	\$2.20
Transport Act 1962	Transport (Infringement Notices) Regulations 1990, Amendment No. 1	1990/319	23/10/90	2-A	\$1.50
Shipping and Seamen Act 1952	Shipping (Fees) Regulations 1990	1990/320	23/10/90	19-CY	\$3.70
Boilers, Lifts, and Cranes Act 1950	Boilers, Lifts, and Cranes (Fees) Regulations 1990	1990/321	23/10/90	8-BY	\$2.20
Tariff Act 1988	Tariff Concessions (Baggage and Effects Accompanying Passengers) Amendment Order 1990	1990/322	23/10/90	3-BX	\$2.00
Primary Products Marketing Act 1953	Berryfruit Marketing Licensing Authority (Dissolution) Regulations (No. 2) 1990	1990/323	23/10/90	3-BX	\$2.00
Criminal Justice Act 1985	Work Centre (Holmes Road) Notice 1990	1990/324	17/10/90	2-A	\$1.50
State Sector Amendment Act (No. 2) 1989	State Sector (Incorporated Societies) Order 1990	1990/325	15/10/90	2-A	\$1.50

### Postage and Packaging Charge: Mail Orders

If two or more copies ordered, the remittance should cover the *cash price* and the *maximum charge* for the *total value of purchases* as follows:

<i>Total Value of Purchases</i>	<i>Maximum Charge</i>
\$	\$
\$12.00 and less	1.50
\$12.01 and greater	3.25

Copies can be bought or ordered by mail from Government Bookshops. Please quote title and serial numbers. Prices for quantities supplied on application.

Government Bookshops are located at Housing Corporation Building, 25 Rutland Street (Private Bag, C.P.O.), Auckland 1; 33 Kings Street, Frankton (P.O. Box 857), Hamilton; Head Office, Mulgrave Street (Private Bag), Wellington 1; 25-27 Mercer Street (Private Bag), Wellington 1; 159 Hereford Street (Private Bag), Christchurch 1; Cargill House, 123 Princes Street (P.O. Box 1104), Dunedin; Government Buildings, 1 George Street, Palmerston North; E.S.T.V. House, 4185 Queens Drive, Lower Hutt.

V. R. WARD, Government Printer.

ps11807

**General****Queenstown Lakes District  
Council****Local Authorities Loans Act 1956****Notice of Result of Poll on Loan Proposal**

Pursuant to section 38 of the Local Authorities Loans Act 1956, notice is hereby given that a Poll of the electors of the Arthurs Point District was taken on the 1st day of October 1990 on the proposal of the above-named local authority to raise a loan of \$200,000 to be known as the Arthurs Point

Sewerage Loan 1990 for the purpose of funding the capital costs of the Arthurs Point Sewerage Scheme resulted as follows:

The number of votes recorded for the loan was 18.

The number of votes recorded against the loan was 5.

The number of informal votes was 0.

I therefore declare that the proposal was carried.

Dated this 11th day of October 1990.

D. G. BRADFORD, Mayor.  
gn11682

