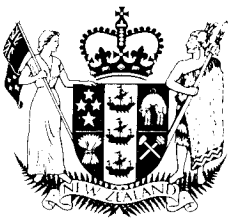



The New Zealand
# Gazette

WELLINGTON: THURSDAY, 20 DECEMBER 1990

## Contents



## Using the Gazette

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

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Copy will be returned unpublished if not submitted in accordance with these requirements.

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### 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.


# Vice Regal

## Appointments

### Honorary Staff of His Excellency the Governor-General

His Excellency the Governor-General has been pleased to approve the following appointment to His Excellency's Honorary Staff in Auckland for the period 1 October 1990 until 30 November 1991, replacing Wing Commander A.D. Gainsford, RNZAF:

Wing Commander B.R. Francis, RNZAF.

COLONEL J. J. WALKER, O.B.E.

Comptroller, Government House.
vr13923

# Parliamentary Summary

## Bills Assented To

### Government Bills

| | *Assent No.* |
|---|---|
| *13 December 1990* | |
| Imprest Supply | 130 |
| *14 December 1990* | |
| Smoke-free Environments Amendment | 131 |

## Bills Introduced

| *(Minister/Member in Charge Shown in Parenthesis)* | **Referred to Select Committee** |
|---|---|
| *11 December 1990* | |
| Imprest Supply Bill. (Hon. M. P. McTigue.) | Not referred—under urgency |
| *13 December 1990* | |
| Smoke-free Environments Amendment Bill. (Hon. Simon Upton.) | Not referred |
| Transport Amendment Bill. (Hon. Rob Storey.) | Communications and Road Safety |
| Broadcasting Amendment Bill. (Hon. Maurice Williamson.) | Planning and Development |

# Summary of Bills Introduced

*Imprest Supply Bill*

This Bill enables the issue and application of certain amounts of public money towards the service of the year ending with the 30th day of June 1991 and to authorise costs to be incurred towards the service of that year.

*Smoke-free Environments Amendment Bill*

This Bill amends the Smoke-free Environments Act 1990 so as to enable regulations made under Part II of that Act—

(a) To permit signs advertising tobacco products at a retailer's place of business to remain in place until 16 December 1991 even though the signs do not comply with the requirements prescribed in the regulations:

(b) To permit manufacturers, importers, distributors, or retailers to sell or offer to sell, for a period ending not later than 16 December 1991 tobacco products manufactured outside New Zealand, cigars, and cartons containing packets of manufactured cigarettes, even though the requirements of the regulations relating to the display of health messages and harmful constituents are not complied with.

*Transport Amendment Bill*

This Bill declares the Transport (Breath Tests) Notice (No. 2) 1989 to be valid and clarifies the empowering authority for issuing such notices.

ps13914

# Government Notices

## Commerce

### Dumping and Countervailing Duties Act 1988

#### Initiation of Subsidy Investigation: Alloy Wheels from Australia

Notice is hereby given that the Secretary of Commerce, acting pursuant to section 10 (1) of the Dumping and Countervailing Duties Act 1988, has initiated an investigation to determine both the existence and effect of alleged subsidisation of the goods listed in the Schedule to this notice, being satisfied that sufficient evidence has been provided that:

(a) The goods imported or intended to be imported into New Zealand are being subsidised through the operation of the Australian Passenger Motor Vehicle Plan—Export Facilitation Scheme; and

(b) By reason thereof, material injury to an industry has been or is being caused, or is threatened.

#### Schedule

Description of goods subject to investigation:

| Goods | Source |
|---|---|
| Aluminium alloy wheels for passenger motor vehicles: | |
| —for use in the assembly, completion or manufacture of passenger motor vehicles of Tariff Heading No 8703 and other vehicles of Tariff Heading No. 8704, of a gross vehicle weight not exceeding 3 500 kg, entering under Tariff Item and Statistical Key 8708.70.02.01A; | Australia |
| —other than for use in the assembly, completion or manufacture of vehicles, entering under Tariff Item and Statistical Key 8708.70.19.00C | Australia |

Dated at Wellington this 17th day of December 1990.

A. H. McPHAIL, for Secretary of Commerce.

go13912

#### Determination of New Zealand Producer as a Specified Importer

Notice is hereby given that the Secretary of Commerce, acting pursuant to section 3A (2) of the Dumping and Countervailing Duties Act 1988, has determined that Cheviot Pacific Limited, a New Zealander producer of alloy wheels, which is also an importer of like goods, is a 'specified importer'.

The brief reasons for this determination being made are that having regard to the nature and extent of the importations of the allegedly subsidised goods including the value, quantity, frequency and purpose of the importations, the Secretary is satisfied that Cheviot Pacific Limited should not be excluded from being treated as a New Zealand producer. Any investigation initiated under section 10 of the Dumping and Countervailing Duties Act 1988, will have to establish the effects of importations by Cheviot Pacific Limited on the alleged material injury and threat thereof.

Dated at Wellington this 14th day of December 1990.

A. H. McPHAIL, for Secretary of Commerce.

go13911

## Education

### Access Training Scheme Act 1988

#### Disestablishment of Regional Employment and Access Councils

Pursuant to section 7 of the Access Training Scheme Act 1988, I hereby disestablish all those Regional Employment and

Access Councils established by notice, dated on the 22nd day of September 1988*.

The councils which are disestablished by this notice are as follows:

Northland.
Auckland/Takapuna.
Manukau.
Waikato-Thames Valley.
Bay of Plenty.
East Coast.
Tongariro.
Hawke's Bay.
Taranaki.
Wanganui.
Manawatu.
Horowhenua.
Wairarapa.
Wellington.
Nelson Bays.
Marlborough.
Canterbury.
Aorangi.
Otago.
Southland.
West Coast.

This notice revokes the earlier notice dated on the 22nd day of September 1988*.

This notice shall take effect on the day after the date of notification in the *Gazette*.

Dated at Wellington this 18th day of December 1990.

LOCKWOOD SMITH, Minister of Education.

**New Zealand Gazette*, 29 September 1988, No. 164, page 3861.

go13872

## Education Act 1989

### The Hamilton Teachers College (Disestablishment, and Incorporation in University of Waikato) Order 1990

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 17th day of December 1990

*Present:*

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 164 of the Education Act 1989, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**Order**

**1. Title and commencement**—(1) This order may be cited as the Hamilton Teachers College (Disestablishment, and Incorporation in University of Waikato) Order 1990.

(2) This order shall come into force on the 1st day of January 1991.

**2. Hamilton Teachers College disestablished, and incorporated in University of Waikato**—The college of education that, immediately before the commencement of this order, was known as the Hamilton Teachers College—

(a) Is hereby disestablished; and

(b) Is hereby incorporated in the University of Waikato.

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, which comes into force on 1 January 1991, disestablishes Hamilton Teachers College and incorporates it in the University of Waikato,

go13881

### University of Auckland Notice 1990

Pursuant to section 168 of the Education Act 1989 (as inserted by section 37 of the Education Amendment Act 1990) the Minister of Education gives the following notice:

**Notice**

1. (i) This notice may be cited as the constitution of the University of Auckland Council Notice 1990.

(ii) The notice shall come into force on the day after its publication in the *Gazette*.

2. There shall be a Council, to be known as the Council of the University of Auckland, which shall control the University of Auckland.

3. The Council of the University of Auckland shall be constituted as follows:

(a) Four persons appointed by the Minister of Education;

(b) The Vice-Chancellor by virtue of his/her holding office as the Chief Executive Officer of the University;

(c) One person being a permanent member of the academic staff to be elected by the permanent members of that staff;

(d) One person being a permanent member of the General Staff elected by the permanent members of that staff;

(e) One person who is or has been a student of the University who;

(i) (If the Students of the University so decide) shall be appointed by the Executive of the Auckland University Students' Association;

or

(ii) (If the Students do not so decide) shall be elected by the students.

(f) One person appointed by the Council after consultation with the New Zealand Employers' Federation;

(g) One person appointed by the Council after consultation with the New Zealand Council of Trade Unions;

(h) Pursuant to paragraph (b) of subsection (3) of section 171, the following two persons:

(i) the person holding office for the time being as Deputy Vice-Chancellor,

(ii) the President for the time being of the Auckland University Students' Association,

(i) Pursuant to paragraph (c) of subsection (3) of section 171 the following five persons:

(i) one member of the Senate being a Professor to be elected by the members of Senate;

(ii) one member of the Senate being a Lecturer to be elected by the Lecturers;

(iii) three persons to be elected by the Court of Convocation for the University;

(j) Pursuant to paragraph (a) of subsection (3) such number of persons (not exceeding three) as the Council from time to time thinks fit; to be appointed by the Council, each to hold office for such period not exceeding 4 years as the Council determines in relation to that person on the occasion of his or her appointment;

and

4. No person shall be appointed, elected or co-opted as a member of Council under the foregoing provisions on more than 3 occasions.

Dated this 18th day of December 1990.

LOCKWOOD SMITH, Minister of Education.
go13871

# Internal Affairs

### Invercargill City Council Building Bylaw Number 103–1988 Confirmed

The following certificate has been executed on a sealed copy of the Invercargill City Council Building Bylaw 103–1988 made by Special Order of the Invercargill City Council on 25 October 1988 and confirmed at a subsequent Council meeting on 22 November 1988.

Signed at Wellington this 4th day of December 1990.

WARREN COOPER, Minister of Local Government.
go13921

# Justice

## Broadcasting Act 1976

Decision No. 11/90

Reference No.: COM 14/88

### Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Paul Francis James Clarke** of Petone:

*Warrant Holder:* **Radio New Zealand Limited**:

*Chairman:* Judge B. H. Slane.

*Member:* Ann E. Wilson.

*Co-opted Members:* R. M. Carter and G. K. Drury.

### Reason for Decision

Dated this 31st day of January 1990.

*Introduction*

This complaint concerned a broadcast on Radio New Zealand's "Insight" programme broadcast on 8 May 1988.

The subject matter of the programme was the high rate of pregnancies in girls under 16 in New Zealand and moves to liberalise sex education.

*The Complaint to the Broadcasting Corporation of New Zealand*

On 10 May 1988 Mr Clarke wrote to the Manager, Radio New Zealand about the programme.

He wrote:

> "I complain under the heading set out in the *Listener*: 'The principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significance points of view—either in the same programme or within the period of current interest'."

Mr Clarke specified 5 complaints. Summarised by the Tribunal, these are set out before the responses to each in the Manager, National Radio's letter to Mr Clarke which follows.

On 16 May 1988, the Secretary of the Broadcasting Corporation of New Zealand (as it then was) wrote to Mr Clarke saying that his complaint had been referred to Radio New Zealand for reply. If Mr Clarke subsequently wished to make a *formal* complaint to the Corporation, then he should write again restating the grounds, the specific broadcast or programme concerned and, again specifically, in what way he considered it failed to comply with the programme rules. The complaint would then be determined in due course by the Board of the Broadcasting Corporation.

Accordingly, on 23 May 1988, the Manager, National Radio wrote to Mr Clarke answering his initial letter of complaint. (Even though this letter came before the Corporation's formal response to Mr Clarke's formal complaint to the BCNZ, we repeat much of it here because it sets out Radio New Zealand's position, which did not substantially change when the matter was considered by the Board of the Broadcasting Corporation itself, or, indeed, after the Corporation was abolished and Radio New Zealand Limited made submissions in its own right to us.)

The manager wrote: "As I understand your complaint, you allege editorial bias in favour of those who you describe as being 'clearly in favour of girls under 16 being given access to contraceptives and information about the use of them.' You also allege that reasonable efforts were not made to present significant points of view in the programme under discussion.

"In your letter you say the subject matter of the programme was 'pregnant girls under 16 and contraception'. This is not correct. At the beginning of the programme it was stated: 'Insight this week looks at the high rate of pregnancies in girls under 16 in New Zealand, one of the highest rates in the world, and at moves to liberalise sex education in this county.'

> "1. What are the reasons for the high rate of pregnancies in girls under 16 in New Zealand?
>
> "2. What can be done about this?
>
> "3. To what extent has this given rise to moves to liberalise sex education and in particular concern about section 3 of the Contraception, Sterilisation and Abortion Act?

"The issue of contraception and girls under 16 formed part of the discussion and was addressed in this context."

In particular, the letter responded to the complaints as follows:

*Complaint 1*

There were 7 speakers, of whom 5 were clearly in favour of girls under 16 being given access to contraceptives and information about the use of them.

The 2 remaining speakers' replies showed that there was an imbalance on Radio New Zealand's part. There should have been more speakers who expressed reservations about the contraceptive issue in relation to young girls, he said.

"You state there were 7 speakers, '5 of whom were clearly in favour of girls under 16 being given access to contraceptives and information about the use of them'.

"There were in fact 8 speakers. They were:

"*Judy Skinner,* a midwife working at the Adolescent Unit at Wellington Hospital.

"*Marie Clinton,* a counsellor at Parkview, Wellington's Pregnancy Counselling and Termination Unit.

"*Margaret Durden,* Education Officer for the Family Planning Association.

"*Helen Shaw,* Senior Education Officer, Curriculum Development, Education Department.

"*Dr Jill Durham,* Principal Medical Officer, Health Department's Women, Child and Family Health Programme.

"*Dr Margaret Sparrow,* National President Abortion Law Reform Association.

"*Marilyn Pryor,* former president of the Society for the Protection of the Unborn Child.

"*Father John O'Neill,* executive director of the New Zealand Catholic Education Office.

"The first 5 speakers were chosen because they are in the 'front line' counselling pregnant girls under 16 or in

organisations actively involved in the area of sex education as it is administered in this country.

"Of these, neither Ms Shaw nor Dr Durham make any reference to contraception. Ms Clinton refers merely to statistics showing ignorance of contraception, in those coming to her clinic. Ms Skinner speaks as one on the 'receiving end' of a situation which results in unplanned pregnancies and their attendant consequences. Ms Durden speaks as an expert in family planning education. Her concern, as she clearly states, is that the present situation 'disadvantages under 16-year olds' in limiting the information to which they may have access about sex education.

"To suggest, as you do, that these speakers are protagonists in a "5 *v.* 2" situation in which they advocate access to and information about contraceptives to girls under 16 in our view cannot be substantiated.

"Of the other 3 speakers, Dr Sparrow and Mrs Pryor were chosen as members of lobby groups with strong views about sex education and section 3 of the Contraception, Sterilisation and Abortion Act. Father O'Neill was chosen as a representative of the Roman Catholic Church which holds views on a moral basis about sex education and contraception by what it calls 'artificial means'. As the Roman Catholic Church has a wide membership, it was felt important that the church should have the opportunity to re-state its views.

"Significant points of view are in our opinion represented in this programme. You make other suggestions for speakers and no doubt people with views differing from yours would make still more. We can only point out that in a 30-minute programme we cannot cover all possible participants and can only seek to ensure that significant points of view are represented. This we believe was done in a fair and balanced way."

*Complaint 2*

The complainant said the programme stated that out of 373 pregnancies, there were 208 abortions. Because abortion was mentioned, why was Mrs Clinton (of "Parkview Abortion Clinic") not asked the question: — "How many of the 29 girls under 16 quoted as counselled at Parkview went ahead with an abortion?" This omission was bias.

"We would emphasise that this programme was not about abortion. The question of how many girls went ahead with an abortion was irrelevant and would have diverted attention from the question under discussion."

*Complaint 3*

Dr Sparrow's assertion in the programme that "there is no evidence to prove information on contraception increases pregnancies" should have been challenged.

"Dr Sparrow's statement 'I don't think there's any evidence for this . . .' (i.e. the view that giving information about contraception increases sexual activity) is in fact challenged in the programme. Marilyn Pryor whose statements precede Dr Sparrow's says, 'giving contraceptive advice doesn't work . . . one of the things that does seem to happen with these programmes is what goes down is the age of consent'."

*Complaint 4*

Another of Dr Sparrow's assertions about the risk of pregnancy to the teenage mother and the risk to her child, should also have been challenged and questioned. A doctor from Doctors for Life could have put another point of view.

"The additional risks to pregnant mothers under 16 and their children are well documented by the medical profession and those in helping agencies. Your assertion that 'Dr Sparrow does do abortions' is not germane to this discussion. We repeat this programme is not about abortion."

*Complaint 5*

Broadcast of the final remark (by Ms Skinner) was an editorial bias on RNZ's part.

The final remarks by Ms Skinner, who we remind you is a midwife at Wellington Hospital's Adolescent Unit, are those of a person who is actively involved in caring for pregnant teenagers. Her expression of concern for her young patients is we think an entirely appropriate comment to finish the programme.

"Your comment that the programme was intended as some kind of expression of disrespect for mothers on Mother's Day we reject entirely.

"We have given careful consideration to the allegations contained in your letter. As you are no doubt aware, a claim of editorial bias is a very serious one. In this case it concerns 2 senior journalists, the editor of current affairs and the programme producer both of whom have wide experience and enjoy considerable respect as professional broadcasters.

"We can find no evidence for your allegations. On the contrary, we believe the programme concerned presented the issues in a fair, rational and balanced way in an area that only too often leads to emotional and combative expressions of opinion."

On 7 June 1988, in acknowledging the above reply from Radio New Zealand's Manager, National Radio, Mr Clarke wrote a long letter of formal complaint.

This consisted of the covering letter, page 2 "subject matter", pages 3, 4 and 5 elucidating Complaint 1, pages 6 and 7 elucidating Complaint 2, page 8 elucidating Complaint 3, page 9 elucidating Complaint 4, pages 10 and 11 elucidating Complaint 5, page 12 and 13 referring to the claim of editorial bias and in respect of all 5 complaints, and a further page 14 relating to the final parts of and other matters in the manager's letter.

On 10 June 1988 the Manager, National Radio acknowledged receipt of the letter, said he had nothing to add to his reply of 23 May and stated that Mr Clarke would recall that formal complaints were to be made with the Secretary of the Corporation. The Manager, National Radio said that, if Mr Clarke would like him to forward the correspondence to the secretary, to let him know.

On 15 June 1988 Mr Clarke replied to the Manager, National Radio and also sent a letter to the Secretary of the BCNZ with all the previous material mentioned and 2 pages of additional material.

The letter to the Secretary of the BCNZ of 15 June was in fact the formal complaint.

The secretary acknowledged receipt of the complaint and on 25 June Mr Clarke wrote to him asking, when the Board met on 26 July and dealt with his complaint, whether he would be allowed to be present and also the general public.

On 5 July 1988 the secretary replied to Mr Clarke saying that the Board meetings were confidential and that only in exceptional cases when necessary were outside parties asked to attend a preliminary executive examination of the complaint. The secretary said that Mr Clarke had presented a very detailed case in support of his formal complaint (amounting to 22 pages in all) and "there would not appear to be a requirement that you should attend on this occasion".

In August, following a further letter from Mr Clarke, the Acting Secretary of the Corporation advised that preparation of material for consideration by the Board was incomplete at the time of their July meeting and would be considered on 30 August. In September Mr Clarke wrote asking what the Board's decision was.

*Broadcasting Corporation's Response to the Complaint*

On 26 September 1988, the Secretary of the Corporation wrote to the complainant saying that the Board of the

Corporation had considered the formal complaint about the programme at their meeting of 30 August. It was considered, he said, in the context of section 24 (l) (e) of the Broadcasting Act "which requires that broadcasters have regard to the principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view . . ."

The secretary said that the programme was another in the continuing debate relating to contraception and abortion issues. He said the subject had many facets, and it would be impossible to deal with every aspect in any half-hour radio programme. The "Insight" programme was another investigation of a difficult, and related, aspect which was of public concern, he wrote.

The Secretary of the Corporation said that the Radio New Zealand letter of explanation which Mr Clarke had already received (set out above) dealt with the matter in detail and considered to be a responsible and fair reply to the issues raised. It was noted that the complainant's further letter took issue with that response.

The secretary continued:

"The defined subject of the programme was a key factor: the introduction made it clear that the focus of attention was to be on the high rate of pregnancies in girls under 16, and matters relating to liberalising sex education in the country. Three main questions were addressed. It was not a debate on abortion, although that constituted a small thread which was inevitable when such a subject came under examination. But the topic, and discussion, did not have as their main focus the subject of abortion.

"Nevertheless the subject was clearly a controversial issue of public importance, and the fact that the programme incorporated 8 different speakers with knowledge, and even involvement with the problem, illustrated that reasonable efforts were in fact made to present significant points of view in the same programme. The requirement of the provision of the Act was considered to have been fully met. That did not mean there could not be other significant points of view, but there was insufficient evidence to suggest that other parties which you suggested would be as appropriate.

"It was considered that the programme was most professionally executed, and that all relevant matters were fully taken into account and adequately answered. Given all the circumstances, the Board decided that the requirements of section 24 (l) (e) had been met, and accordingly your complaint was not upheld."

In addition, the secretary explained that as the complainant had invoked the formal complaints procedure, the complaint became one of many dealt with under statutory provisions, not a "fast track" procedure.

*Complaint to the Tribunal*

On 11 October 1988, dissatisfied with the response to the complaint by the Broadcasting Corporation and its decision, Mr Clarke complained to the Tribunal enclosing copies of the BCNZ's response and a further letter to the BCNZ which he wrote on 8 October 1988 making various comments on the BCNZ's finding. A further letter to the Tribunal dated 12 October followed giving further details of his complaint to the Tribunal.

Then, on 14 November 1988, Mr Clarke wrote a further letter to the Tribunal. His new letter was to lay more complaints with the Tribunal in regard to the same programme and related matters that had arisen subsequently.

"When I couple up the complaints already presented to you with those attached to this letter (numbered 'A' 'B' 'C' 'D' and 'E') it is obvious to me that the Radio New Zealand programme was NOT 'most professionally executed' as claimed by BCNZ in their letter dated 26 September—and also as publicly broadcast, see complaint 'A' about this.

"In my attached complaints I ask questions. Any matters that are not answerable by the Tribunal I ask to be allowed to put to BCNZ/Radio New Zealand when I attend the hearing".

He asked us to note that he had not contacted either the BCNZ or Radio New Zealand about this (further) letter or complaints.

On 6 December Mr Clarke wrote again to the Tribunal. He enclosed copies of further correspondence he had had with the Wellington Hospital Board—2 letters sent, 2 letters received. These he said related to his complaint that the programme was not 'most professionally executed'.

On 9 December 1988 Mr Clarke once more wrote to the Tribunal. He attached more complaints about the same programme. These were numbered 11, 12, 13 and 14 plus No. 4 (additional material). He repeated that the programme was not fair, rational and balanced, as claimed by Radio New Zealand, and that it was not a 'most professionally executed' programme as claimed by the BCNZ. He repeated that there was deliberate editorial bias.

In January 1989 the Tribunal wrote both to Radio New Zealand (enclosing the further complaints) and, on the same day, to Mr Clarke noting (*inter alia*) that the documents dated 9 December were more complaints concerning the same programme and asking if he intended to lodge more complaints concerning aspects of it. These were delaying submissions to be lodged by Radio New Zealand in response to the complaint.

On 12 January 1989 Radio New Zealand wrote to the Tribunal expressing its concern at the amount of new material Mr Clarke was seeking to have considered by the Tribunal. Radio New Zealand said the new material approached that which he put before the Board of the (now dissolved) BCNZ. It also appeared to incorporate several points not originally made in his formal complaint (to the BCNZ).

"We regard a considerable bulk of Mr Clarke's now lengthy and somewhat voluminous total submission as matter which ought not therefore to be taken into account in the Tribunal's consideration. Nevertheless, each addition to the original complaint must be examined and digested, significantly contributing to the delay in preparing the Radio New Zealand submission. However I shall send this to you as soon as possible."

On 19 January 1989 at the Tribunal's direction the registrar wrote to Mr Clarke concerning the complaint. The registrar advised that while the Tribunal was not yet in a position to deal with the complaint, it had noted that further matters of complaint had been lodged by him.

The registrar advised the complainant that the Tribunal had ruled that the only matters that could be dealt with were the complaint that was originally lodged with the BCNZ and subsequently referred to the Tribunal with the signed complaint form. To the extent that any subsequent correspondence raised new matters of complaint they could not be dealt with by the Tribunal.

The complainant was advised that, when the Tribunal had had an opportunity to read the response from Radio New Zealand, it would rule on whether or not it was necessary to convene a hearing for him to appeal personally.

On 27 January 1989 Mr Clarke replied to the registrar's letter. He advised that he did not intend to lodge any more complaints with us. He also raised several other matters.

*Radio New Zealand Limited's Response*

On 25 January 1989 the Chief Executive of Radio New Zealand Limited (as it had now become) wrote to the Tribunal with its submissions on the complaint referred to the Tribunal. In accordance with the Tribunal's ruling, the response to the complaint was confined to the original formal complaint to the BCNZ then the Tribunal.

Radio New Zealand's submission to us on the complaint

included a cassette recording of the programme which we have listened to.

In essence, Radio New Zealand's submission to us repeated what the Manager, National Radio said at the outset in his letter to the complainant.

Radio New Zealand Limited, like the BCNZ before it, found some difficulty in relating the 2 additional pages, submitted to the Corporation by Mr Clarke, to the substance of the complaint. Radio New Zealand was unable to support Mr Clarke's overall inference of editorial bias.

"However, in those 2 pages, he also refers to an alleged inaccuracy in a quotation from the Standing Committee of the Board of Health on Child Care submission to the Royal Commission on Social Policy (confusion between the words 'available' and 'unavailable' . . . ). This quotation was taken by the producer direct from a photocopy of the complete submission, provided to him by the Royal Commission itself. Reference to the Standing Committee's submission confirms that the material in question was quoted accurately, word for word, from section 9 of that submission under a sub-heading Contraception, page 6. A photocopy of the relevant page of that Standing Committee's Royal Commission submission is attached . . ." [Mr Clarke subsequently accepted this.]

" 'There is an inconsistency in that a teenager may become pregnant, undergo a termination of pregnancy or bear a child and be responsible for raising that child, yet be denied by law information about contraception and have contraceptives legally unavailable to them . . .' "

*The Complainant's Comment on Radio New Zealand's Submission*

Radio New Zealand's submission was sent to the complainant for his comment in accordance with the Tribunal's usual procedure.

On 7 February 1989 he wrote to the Tribunal about Radio New Zealand's submissions enclosing copies of some of his previous letters.

Regarding Complaint 3, he accepted Radio New Zealand's explanation and therefore withdrew this complaint. (The explanation was that Dr Sparrow's view was balanced by Ms Pryor's in the programme.) He also accepted Radio New Zealand's explanation of the quote from the submission to the Royal Commission.

He said that Radio New Zealand persisted in saying that neither Ms Shaw nor Dr Durham referred to contraception and quoted a section of the programme which he said showed that they did.

Referring to the "5 versus 2 situation", he said that he amended that in his letter of 7 June to a "6 versus 2 situation—which makes it even worse for Radio New Zealand".

The complainant said that Radio New Zealand's submission that significant points of view had been presented had been rebutted in his letters of 7 and 15 June.

He had material that challenged the view that teenagers are at a physical disadvantage in child-bearing.

He analysed parts of the programme to show that Radio New Zealand's submission was in a certain aspect evasive.

The complainant commented in detail on other aspects of Radio New Zealand's submission in his 5-page letter to the Tribunal and thought his complaint substantiated.

*Decision*

The Tribunal has decided that a hearing is not called for on this complaint as the matter has been fully documented. Generally this complaint falls into the category where the complainant feels that every point of view in respect of a controversial topic and its implications should be not only put but also fully aired in a programme.

As we have pointed out before, neither is legally required nor practically possible.

We have also listened carefully to a tape recording of the programme. We have concluded it was a well-balanced programme where significant points of view were aired and so the statutory and programme rules requirements were met.

As to the specific complaints we rule:

*Complaint 1*

We do not accept that 5 speakers were clearly in favour of girls under 16 being given access to contraceptives and information about their use. They did not say so in the programme. In this respect we accept the manager's initial response to the complainant where the manager described what was actually said by whom. Balance was given by what Ms Pryor and Father O'Neill said but it should be understood that all 8 speakers said different things and had different emphases in what they did say.

For instance, Mr Clarke said that 1 programme participant referred to contraception. But in support of that, he quoted her as saying that they hoped to get a task force, "that will look at ways of preventing the adverse outcomes of adolescent sexuality, there's particularly sexually transmitted diseases and pregnancy".

*Complaint 2*

The programme was not about abortion, as Radio New Zealand repeatedly said to the complainant. Indeed, we would comment that the complainant makes far more of it than the programme did. The question he posed did not need to be asked.

*Complaint 3* was withdrawn by complainant.

*Complaint 4*

The risk of pregnancy to the teenage mother and her child was mentioned. The Manager, National Radio wrote to the complainant that the additional risks were well documented by the medical profession and helping agencies.

It was one aspect but as such did not need to be countered by any different view.

*Complaint 5*

Ms Skinner's final remarks to the effect that a lot more needed to be done than just the repeal of the section (she said "the Act" but probably meant the section given the context) though freely available information about contraception would be a start; and that she would very much like to have been able to have talked to her young patients a year before she saw them in which case they might not have been in the situation they were in—none of this demonstrated bias on Radio New Zealand's part in our view.

We decline to uphold any of the complaints.

Mr Clarke was quick to allege bias. That is a serious allegation. It seemed to be based more on his interpretation of the position of individuals on the issues which concerned the complainant than the programme itself.

We find not the slightest basis for the allegations: no programme on such an issue can be without imperfections. But we found no breach of standards at all.

The programme examined the 3 major questions outlined in the Manager, National Radio's letter of 23 May 1988 in a way that indicated integrity and concern on the part of those who took part. This was appropriate for a programme of this nature.

We have set out the complaint and the correspondence not fully but at some length. It demonstrates the cost to the broadcaster of the pedantic and repetitive approach taken by the complainant. He added letter upon letter. If he complains again he should limit his words and realise that the broadcasting body is not obliged to enter into lengthy correspondence with him.

The Tribunal considers that the Broadcasting Corporation and Radio New Zealand Limited responded to the complainant patiently throughout.

The complaint is not upheld.

### *Co-opted Members*

R. M. Carter and G. K. 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. 2

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Decision No. 12/90

COM 9/89

## Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Vincent Joseph Duffin** of Auckland:

*Warrant Holder:* **Television New Zealand Ltd.**:

*Chairman:* Judge B. H. Slane.

*Member:* Ann E. Wilson.

*Co-opted Members:* R. M. Carter and G. K. Drury.

Dated this 31st day of January 1990.

### *Decision*

*Introduction*

On 13 September 1988 at 8 p.m., Television New Zealand screened on TV1 its consumer affairs programme *Fair Go*. An item in the programme concerned amniocentesis. This is the medical procedure whereby amniotic fluid is drawn from the womb during pregnancy to determine whether or not there are abnormalities in the cell structure of the foetus.

The programme opened by posing the question:

> "Are mothers-to-be getting the same access to health care services up and down the country?"

Soon after that it said:

> "This complaint focuses on how pregnant women are selected to undergo a test that can identify Down's Syndrome . . . a common cause of mental deficiency in unborn children."

In particular, the item concerned 33-year-old Tricia Jones of Tauranga who had decided to ask for this procedure to be carried out. Because of the death of her 2-year-old son from a heart defect, she had applied for the test on the grounds of maternal anxiety.

The Auckland Hospital Board had cancelled her appointment because she would be nearly 34 when her baby was born. That particular board did not generally carry out the procedure on pregnant women under the age of 37 though there were exceptions.

The programme then posed the question whether maternal anxiety was considered a valid reason for a test in Auckland. "In the past we've done them under those circumstances", was the quoted reply. "But we no longer have the facilities . . . it's due to a shortage of trained people."

However the 2 other hospital boards carrying out the tests in the central and southern regions of the country did so generally when women were younger (35 and up).

*The Complaint to TVNZ*

Mr Duffin began by writing on 20 September 1988 to the producer of *Fair Go* expressing his concerns regarding the item.

He said that he was sure that many viewers would have been unaware that the tests were carried out for the purpose of aborting any children unfortunate enough to be identified as "abnormal".

Further he was concerned that the programme should dismiss the 1 in 100 chance that the amniocentesis test would cause a miscarriage of babies who in all likelihood would be normal.

"My point is that your item appeared to present an entirely 1-sided view of amniocentesis tests, with absolutely no reference to the reasons for it or the controversy surrounding it."

The complainant said that the tests themselves raised many important ethical questions which he outlined and which he said the programme failed to allude to.

*Reporter's Reply*

On 2 November 1988 the television reporter concerned wrote to the complainant saying that in no way did the story attempt to dismiss the risk of miscarriage. "The script stressed that it was because of this, amniocentesis testing is restricted."

The reporter said Mrs Jones' complaint illustrated an area within the public health system where equal treatment of patients did not exist. It was for that reason the story was run on *Fair Go*. The reporter wrote:

> "You comment in your letter on the story's apparent failure to focus on the ethical nature of this test. The decision to have an amniocentesis is obviously a personal one made by the mother—a right I strongly defend."

On 22 November 1988 Mr Duffin replied to the reporter's letter at length. In it he summarised his complaint as follows:

> "(1) Amniocentesis is synonymous with abortion of babies diagnosed as having abnormalities in their cell structure. It is therefore a delicate and controversial topic, not only by association with abortion, but because of the potential adverse impact on the rights and esteem of abnormal citizens of our society. As such, I do not believe that it was a suitable topic for *Fair Go*.
>
> (2) *Fair Go* treated the subject as if it was an amoral issue; simply a difference of opinion between a mother and the Auckland Hospital. There was absolutely no reference or inference to abortion or controversy.
>
> (3) *Fair Go* demonstrated a firm pro-abortion bias, completely overlooking the perspective of the child, or those who would speak on his or her behalf. It appeared to belittle the risk of the test to the child's life and in effect treated the life of an abnormal child as if it had negative value."

After further brief correspondence between the complainant and the BCNZ, the complainant sought formal consideration of his complaint by the BCNZ.

Television New Zealand Ltd. came into existence on 1 December 1988 to replace part of the former BCNZ. On 15 March 1989 the TVNZ Ltd. Complaints Committee decision was communicated to Mr Duffin by letter.

*Television New Zealand's Decision*

The programme standards manager, on behalf of the Chief Executive of TVNZ, wrote that the item and the complaint was considered by the Complaints Committee at its meeting on 1 March 1989.

TVNZ said the complaint was considered against section 95 (1) (e) of the Broadcasting Act 1976 and television programme rule 1.1 (g).

"They respectively require broadcasters to have regard to the principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view, either in the same programme or in other programmes within the period of current interests; and to show impartiality and fairness in dealing with political matters, current affairs, and all questions of a controversial nature.

"In examining your complaint it appeared that you had expanded the issues and interpretations beyond the scope or intention of the programme. The intention of the item was to examine differences in amniocentesis test criteria in different parts of the country. At the outset of the programme the question was asked: 'Are mothers-to-be getting the same access to health care up and down the country?' It followed up by indicating that *Fair Go's* investigation indicated 'no'."

TVNZ said that the selection process was then examined but that the programme "did not set out to explain nor explore ethical considerations which were not required nor called for in the context of an investigation of apparent anomalies".

"Taking the 3 points isolated in your letter of 22 November as being the basis for your complaint, the following points have relevance:

1. While your contention that amniocentesis tests may be associated with aborting abnormal babies, it was considered that, given the way the subject was handled, it did not call for an investigation of the rights and wrongs of such issues. The testing is a standard and acknowledged medical method of detecting certain sad facts of life. It was also considered that the difference between the approach in Auckland, Christchurch, [Wellington] and Dunedin criteria did not make it an unsuitable subject for *Fair Go* treatment. A question of imbalance, partiality and fairness was not considered to have arisen.
2. *Fair Go*, in the circumstances, was considered to have quite properly kept well clear of the abortion controversy. Had it not done so it may well have required an entire programme to go into such issues which had been canvassed in TVNZ current affairs programmes over the years.
3. Your contentions in your third paragraph amount to an interpretation which would tend to show that you hold strong viewpoints in such matters. *Fair Go* neither set out to demonstrate a pro-abortion bias nor the perspective of unborn children. It acknowledged the fact that medical science has developed a most sophisticated and difficult method of testing for defects prior to birth. It is a well-established procedure in the health processes of this country.

"The Committee noted that while you are clearly and sincerely motivated with regard to respect for life, your complaint appeared to take matters beyond the parameters of what the programme set out to explore. It was unable to find that the programme was in breach of either the section of the Act or the rule in question. Accordingly your complaint was not upheld. This decision has been endorsed by the Chief Executive of TVNZ Ltd.

"I should add that your genuine concerns and feelings in this matter are acknowledged and respected."

The complainant then wrote to TVNZ concerning various aspects of its decision. As a result TVNZ Ltd. amended a small part of its decision as follows:

> "While your contention that amniocentesis tests may be associated with aborting normal babies may or may not be true, it was considered that given the way the subject was handled, it did not call for an investigation of the rights and wrongs of such issues . . . "

Mr Duffin also complained to Television New Zealand about the way this matter of clarification had been dealt with.

In addition, amongst the letters the complainant wrote towards the end of 1988, there was the following letter dated 25 October 1988 to the assistant controller news and current affairs:

> "I do like to be positive when the opportunity arises, and I would therefore like to congratulate TVNZ for a sensitive presentation of a news item on amniocentesis, about a month ago.
>
> "The first portion of the item dealt with a new (blood) test, which will enable detection (and abortion) of more abnormal children. This was nicely balanced by a brief mention of the parents of abnormal children, who are pleased that their children were not aborted. Well done!
>
> "Thanks also for your detailed analysis of the snake symbol."

*The Complaint to the Tribunal*

Dissatisfied with Television New Zealand's response to his complaint, Mr Duffin complained to the Tribunal in July 1989.

"I do not believe that TVNZ considered my complaint seriously. My complaint was based upon the factual direct link between amniocentesis testing and abortion. TVNZ made no effort to check the validity of the association (it 'may or may not be true'), choosing instead to treat the identification of abnormal babies as being independent of their abortion. I am also upset that TVNZ were evasive in response to my query about their decision.

"I would have appreciated some recognition that there was insensitivity and bias in the *Fair Go* presentation in favour of the detection and abortion of abnormal babies. As delays in TVNZ responses render retraction inappropriate, I would have appreciated a commitment to greater care in the future, especially *Fair Go*. . .

"Amniocentesis is synonymous with abortion of babies diagnosed as having abnormalities in their cell structure. It is therefore a delicate and controversial topic, not only by association with abortion, but because of the potential adverse impact on the rights and esteem of abnormal citizens in our society. As a controversial topic, it requires balanced, unbiased presentation."

Mr Duffin went on to say that the *Fair Go* programme presented the topic as if it were non-controversial. "There was no sensitivity or mention of the opposition to amniocentesis and similar tests carried out for the sole purpose of identifying candidates for abortion. An unbiased viewer, unaware of the significance of amniocentesis tests, could not help but side with the mother in question, and conclude that amniocentesis should be available on demand, to all women, i.e., he would accept the reporter's point of view.

"In treating amniocentesis in isolation from abortion, *Fair Go* was able to present amniocentesis as a normal, accepted, non-controversial test. In claiming that *Fair Go* thereby kept well clear of the abortion controversy, the TVNZ Complaints Committee are denying the intimate and inseparable link between abortion and amniocentesis. They are also saying in effect, that one can avoid controversy by presenting one point of view and pretending that the other does not exist. I'm sure that the Tribunal will be aware that ignoring the opposition and their point of view, can be a most effective strategy for pressure groups. It remains however, a misleading, unfair and dishonest tactic.

"In this case there IS an opposing point of view, held sincerely and with great conviction: that 'the child Trish (or any other mother) is carrying' has a right to life, whether it is normal or abnormal. We must therefore continue to express our opposition for the amniocentesis test sought by Mrs Jones, or any other women who seeks to identify and abort an abnormal child."

Mr Duffin also attached a letter further explaining the bases and aspects of his complaint.

*Television New Zealand's Response*

On 18 August 1989 Television New Zealand wrote to the Tribunal with its submissions on the complaint.

First, TVNZ emphasised that the complaint related to a consumer affairs type programme and not a news or current

affairs broadcast. TVNZ emphasised that the programme related to a woman whose request for the test had been declined. The investigation identified alleged inconsistencies and criteria governing testing in different parts of the country.

"Given the circumstances that amounted to a classic case of seeming injustice which the programme is designed to identify, to investigate and to seek for and find an answer."

TVNZ stated that "in essence it did not consider section 95B (1) (e) of the Act regarding balanced treatment was either in serious question or at risk of being breached.

Intrinsically amniocentesis was not being examined in the context of a controversial issue of public importance. It was, as the reporter made perfectly clear at the beginning of the programme, a question of access to health care.

TVNZ stated that it did not take the complaint lightly and did have proper regard to the complainant's genuine concern. It denied that *Fair Go* treated the subject insensitively or that a biased coverage was presented.

TVNZ Ltd. did not believe that entry into the abortion controversy was either necessary or called for. TVNZ emphasised that the programme did not investigate amniocentesis as a topic of controversy.

TVNZ denied that it was biased.

As to material submitted from *Metro* magazine, TVNZ stated that this material was not presented as part of the case the complainant made to TVNZ in the first place and was not considered by its complaints committee.

Nor was the letter from the complainant of 25 October to the assistant controller of news and current affairs taken into consideration. TVNZ submitted that various letters between the complainant and TVNZ should not form part of the evidence to be considered by the Tribunal.

Finally, TVNZ observed that the complaint had some elements in common with an earlier complaint heard by the Tribunal, which was the subject of decision 5/77 dated 22 December 1977. TVNZ said in that decision at the bottom of page 4 the Tribunal noted "when dealing with the objectives of the programme that it would be quite wrong to suggest that in every programme a comprehensive definition should be entered upon before some aspect of the subject could be discussed".

TVNZ accordingly submitted that the programme was dealing with amniocentesis testing criteria as one aspect of the subject and that, in keeping with that earlier finding, a comprehensive definition was not called for.

To summarise, TVNZ said that the programme treated the subject in an unbiased and objective way and that the complaint was properly handled in keeping with statutory requirements.

*Mr Duffin's Comment on TVNZ's Submission*

On 26 September 1989 Mr Duffin wrote to the Registrar of the Tribunal. He alluded to TVNZ's explanation of their reluctance to carry out further investigation. He maintained that the alleged association (between amniocentesis and abortion) was very relevant for the simple reason that, if the purpose of amniocentesis was indeed to identify candidates for abortion, then it had to be considered to be part of the controversy which surrounded abortion.

As to the previous Tribunal decision raised by TVNZ, the complainant said TVNZ continued to imply that "I would have required a thorough analysis of amniocentesis to have been satisfied." He said this was a misrepresentation. He said "All I would have required was that *Fair Go* make some brief mention of the true abortion significance of amniocentesis tests and an acknowledgment that there are those who oppose them on moral grounds."

He said TVNZ were correct to note that his concerns were largely related to what was not broadcast. He said biased presentations did not need to represent the other point of view; they may simply ignore it altogether.

He said he had spoken to several people about the item. "Virtually without exception, none of them had ever heard of amniocentesis, let alone knowing what it is all about. In other words, most of the viewers watching the *Fair Go* programme could only form their opinions on the basis of the information presented."

As to the issue of the programme type, Mr Duffin said he was not sure why TVNZ attached significance to the fact that *Fair Go* is not a usual current affairs programme.

"In fact I would have had no objection to a sober (news type) presentation of the cold hard facts relating to the difference in policy relating to amniocentesis, between hospitals. But the *Fair Go* item goes beyond the objective presentation of cold hard facts. *Fair Go* invites its audience to take sides with the victim in order to bring pressure to bear on the rip-off artists. *Fair Go* are presenting the audience with their perspective in inviting them to agree."

The complainant said the *Metro* extract was submitted only as background information.

As to the transcript he said the effect that a programme has on viewers depends not only on what is said but the way it is said and what is implied.

"The transcript showed clearly that the mother in question had not been upset by the variation in policy between hospitals, but by having been denied the test. The fact that *Fair Go* presented the item indicates they support her position.

"Carol notes that 'if Trisha still wanted the test, she'd have to seek it overseas. Phillip responds that *Fair Go* reckons that shouldn't be necessary, i.e., she should have been given the test in New Zealand. They are thereby supporting a woman's right to amniocentesis'." Mr Duffin noted that the mother in question was "stunned" because "she had her heart set on having it". She was "really shocked" that she couldn't. There was a compelling appeal to viewer support."

The contrasting perspective was not presented, that of the child. "Suppose that the child was abnormal. Would he or she consider in later life, that he or she had been given a 'fair go' by the programme? I don't think so. There was no mention of the child's rights, or the fate which would inevitably follow a positive test. Uninformed viewers could not help but side with a concerned mother's 'right to amniocentesis'."

Finally, Mr Duffin said by implication that this was a controversial topic and should have been treated accordingly.

### *Decision*

It is not a principle of broadcasting standards that all matters relevant to a particular topic must be mentioned.

The programme set out to deal with 2 matters. The first was that the woman who wanted the test had been unable to have it because of the age restriction which was partly based on an allocation of limited resources. The second was the inconsistency of that policy between hospitals in different parts of the country.

The relationship between obtaining the results of the tests and the decision as to whether or not to seek an abortion was relevant to the first objective. But because it is relevant does not mean it is essential that the programme refer to it. Every programme broadcast is not required to be a fully rounded consideration of all the ramifications of the topics which are dealt with in the programme or even of their controversial aspects.

There is some justification for the complainant's concern that *Fair Go*, by taking an editorial position that the woman should be entitled to the test, was embarking on an issue that was controversial but failed to explain why it was controversial. We think it would have been better to have avoided that comment as the real thrust of the programme was towards the

geographically uneven availability of the treatment in New Zealand. The programme is entitled to decide not to embark on the controversial aspects of a matter. We are inclined to think the fact that the amniocentesis test, when positive, frequently leads to a decision to have an abortion, may have been a desirable piece of information to impart, but we cannot say that it was essential and the absence of it was a breach of standards. It may have opened up, in fairness, the question of the motives of the pregnant mother and required her position to be clarified. That could raise a question of controversy or of unjust treatment which would have had to be dealt with in the programme or in another programme and would have led to a different additional story.

The complainant's approach, that the taking of the test is a controversial issue of public interest which is discussed in the programme and which requires significant points of view to be expressed, cannot be justified. The purpose of the item was not to discuss that controversial issue. It was not dealt with. The issues were whether hospital policy should deny her the test and apply different age criteria in different parts of the country.

If, for instance, an item was being prepared on the availability of blood transfusions and comparing the availability of that service in various parts of New Zealand, it would not be necessary to mention the scientific and religious controversies on the use of blood transfusions. The story would be about the availability of the service to citizens—not whether it is morally right to use the service.

We have had to consider this issue in a number of different forms in several complaints. We have to be careful to distinguish between information which we might believe would be a desirable addition or improvement to a programme and information the omission of which would cause a breach of minimum standards. It would also be dangerous for us to impose on programme makers in obligation to touch on more aspects of a topic in order to balance, qualify or even introduce some element of controversy.

A programme is entitled to limit, or even refrain from, controversial aspects of a topic, unless that results in unfairness or partiality or, in the case of a news programme, a lack of objectivity. There is no obligation to widen the topic or investigate subsidiary or peripheral byways.

It is perhaps unfortunate that some people may not have been fully informed about all the reasons and consequences of the test in this consumer programme, but we cannot say that that omission constitutes a breach of section 24 (1) (e).

The standard requires that the Corporation "shall be responsible for maintaining, in its programmes and their presentation, standards which will be generally acceptable in the community, and in particular it shall have regard to:

(e) The principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view either in the same programme or in other programmes within the period of current interest . . .

We cannot uphold the complaint that there was a breach of this standard because the controversial issue of public importance which the complainant wishes to have balanced was not discussed.

On the question of whether there was a breach of the rule requiring the broadcaster to show impartiality and fairness in dealing with all questions of a controversial nature, we do not find the complaint justified. We do not consider there is any ground for a suggestion of partiality and do not consider fairness required the mention of the consequences of a positive test. We do not consider there was any inadequate supply of information concerning the dangers of the test. The programme was entitled to state an editorial view as long as it fairly presented the facts.

Even if we were wrong, by the complainant's own evidence, Television New Zealand had within the period of current interest explained the tests and the reasons for having them.

We do not accept the allegations of personal bias made by the complainant against the reporter on the basis of the reporter's subsequent letter supporting the right of a woman to have the test if she wants it. Because a reporter may be thought to have a particular view, it should not be taken that the report must be biased—although this is commonly the approach of those who are themselves of an opposite view.

The complaint is respect of a breach of rule 1 (g) is not upheld.

It was not unreasonable for Mr Duffin to have brought the complaint to Television New Zealand and on to the Tribunal when he was dissatisfied with the outcome.

However the Tribunal declines to uphold the complaint.

*Co-opted Members*

Mr Carter 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. 2

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Decision No. 13/90

Reference No.: COM 11/89

## Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Leo Antony Gilich** of Titirangi, Auckland:

*Warrant Holder:* **Television New Zealand Ltd.**:

*Chairman:* Judge B. H. Slane.

*Member:* Robert Boyd-Bell.

*Co-opted Members:* R. M. Carter and B. W. Stephenson.

*Hearing*: 17 January 1990.

### *Decision*

Dated the 31st day of January 1990.

*The Programme*

In *Foreign Correspondent* on 25 May 1989, Television One broadcast a documentary prepared by Channel Nine in Australia for its *Sunday* programme. The documentary discussed recent legislation enabling the prosecution of alleged war criminals living in Australia for war crimes committed outside Australia during the Second World War.

The programme fell into 2 parts. After showing that no Australian ex-servicemen would be subject to prosecution under the legislation, the first part of the programme concentrated on the case of Srecko Rover, a Croatian living in Australia and an Australian citizen, as an example. Rover and his background were investigated in the programme because he had already been named in an earlier Australian report as being suspected of war crimes so he would not be prejudiced by his case being shown. He was alleged to have been a member of the Ustasha (or Ustace), a Croatian regime led by Ante Pavelic which was set up by Hitler after the invasion of Yugoslavia by Germany during the war.

In the second part of the programme, various issues were explored or taken further. These included whether or not the war was so long ago that reliable witnesses and evidence would be hard to come by; whether or not Australia's interests in terms of national unity and the avoidance of ethnic conflict between immigrant communities would be better served by dropping the legislation; whether the innocent would be hurt along with conviction of the guilty; whether or not political pressure had been put on the Australian Prime Minister by the

Jewish community, with whom he had a close relationship, to get the legislation introduced; and whether or not U.S., British and even Australian security intelligence organisations had facilitated the war criminals' immigration to Australia in return for services rendered by them to western intelligence as the cold war developed soon after the war.

The programme also discussed the possibility of extraditing suspected war criminals to the countries where the crimes were committed to stand trial there rather than in Australia.

*The Complaint*

The matter was first raised in a letter to the producer of the programme on 11 June 1989. Mr Gilich said that, under the pretext of investigating war criminals, the programme unleashed an unprovoked and undeserved attack on Croatian immigrants to Australia and by direct association on Croatian immigrants to New Zealand. He said the programme was cruel, biased, prejudiced and racist for the following reasons which we summarise as follows:

1. The programme gave the impression that Croatians were the main, if not the only, culprits in persecuting Jews under Nazi occupation. He said that a number of other nations were collaborating with the Nazis to a much greater degree than Croatians. Many thousands of immigrants from those nations had also settled in Australia in far greater numbers than Croatians but Croatians had been singled out in the programme.
2. The programme implied that all or most Croatians were involved in the crimes. Nowhere did it make it clear that only a tiny percentage of them were voluntarily collaborating with the Nazis. This made the programme racist.
3. Wide, sweeping accusations of alleged Croatian massacres of Serbs and Gypsies had also been exaggerated and gravely biased. While it was true that Serbs had been killed by some Croatian fanatics seeking revenge for past injustices, it was equally true that thousands of Croatian civilians had been massacred by Serbian Chetniks, who had also collaborated with the Germans. He said that Croatians did not intrude into Serbian soil at any stage during the war while thousands of Serbian Chetniks and other Serbian groups were marauding on Croatian soil.
4. Depiction of the assassination of King Alexander in 1934 had nothing to do with the World War II criminals. It was shown to present Croatians as villains. The king was killed by a Macedonian, a member of the Macedonian Revolutionary Organisation, not by a Croatian. The programme omitted the assassination in 1928 of 3 Croatian leaders by a Serb.
5. The individuals under suspicion of war crimes were portrayed in the programme as "constructive, law-abiding and anti-communist". The implication was that if a Croatian was constructive, law-abiding or anti-communist, that was all the more reason for him to be suspect. No Croatian was free from suspicion and smear.

Mr Gilich submitted that those who prepared the programme were badly misinformed, with a heavy bias against the Croatian nation. "In times when we in New Zealand are proud to foster multi-racial awareness and pride in one's origin, it is said that a proud and heroic people with more than 1300 years of culture is treated with such ignorance and disrespect," he wrote.

The complainant said that Yugoslavia was not a nationality but a state with 6 main ethnic groups, similar to the Soviet Union. Nobody would dream of calling a Russian, Ukranian or Latvian a "Soviet Unionist".

He sought an equally prominent time slot for the Croatian community to present the complainants' case and "correct the racist and vicious smear on our nation of which we are rightly proud".

*Television New Zealand's Reply*

On 13 July the Chief Assistant to the Director of News and Current Affairs at Television New Zealand, David Edmunds, replied that he had viewed the programme again and it appeared to him to be perfectly fair and objective. It had been obtained from a reputable source, the *Sunday* programme on Channel Nine in Australia. He said he saw nothing in the programme which could bring New Zealanders of Croatian descent into disrepute and did not think that right-thinking New Zealanders would link citizens such as the complainant with the attitudes and events portrayed in the programme.

The programme seemed to reflect accurately the accounts published in various histories of the period that he had been able to consult since receiving the letter. It seemed that the Ustasha (or Ustace) was a very small, outlawed minority of Croatians before the war. What seemed to be in dispute was the degree to which Croatians supported Ustasha and Pavelic once they were installed and during their 4 years of government. He quoted Nora Beloff who wrote:

> "How much the Ustasha were tolerated or even helped by other Croats during the war cannot be ascertained any more than we can know how many Germans supported the Nazis."

Another writer whom Mr Edmunds quoted described Pavelic and his supporters as having brought "dishonour to the name of Croatia". All the references quoted blamed Pavelic for appalling atrocities, principally against orthodox Serbs but also against Jews and Muslims. According to research, Pavelic's actions were described at the Nuremberg trials as "genocide". One writer went so far as to describe him as "a homicidal maniac". The same sources also supported Mr Gilich's observations that Serbian Chetniks too were guilty of horrifying massacres but that these were acts of retaliation against Pavelic and Ustasha.

Mr Edmunds expressed regret that the programme had caused distress. He later sent the complainant details of the sources that he had used for research.

Mr Gilich replied saying his complaint had been misunderstood. He was not complaining about the investigation of war criminals, which he supported, but he was against the singling out of one nation and conducting a "hate" campaign against it, as he contended the programme had done. He could not understand why Serbian immigrants were not investigated as well and the atrocities Serbians committed on Croats and others also shown. It was the Croats who were acting in retaliation although he conceded that 2 wrongs did not make a right. He raised the question of whether those who supported a particular political system became guilty because of the crimes committed by that system.

The complainant said the programme failed to investigate crimes committed at the end of the war and which continued for some months after. The support of Croatians to the Partisans was not mentioned. He said, ". . . your selection and 1-sided concern could be interpreted as anti-Croation bias and implies a degree of collective guilt of the Croatian people."

In reply, Mr Edmunds said Mr Gilich had accused him of bias when the real complaint was against the specific report which came from an overseas source. He suggested that a formal complaint be made. Mr Gilich responded on 24 August that he meant no personal criticism of Mr Edmunds.

*Formal Complaint to Television New Zealand*

Earlier, on 18 August, Mr Gilich had written to the Chief Executive of TVNZ formally complaining about the programme and reiterating the main points in the complaint. He also drew attention to a video tape of reports on the attempted assassination in Scotland of Nichola Stedul, a Croatian nationalist, by Vinko Sindicic, a member of the

Yugoslav Secret Police. This had resulted in a sentence of 15 years imprisonment for attempted murder. This programme point to a campaign of assassination conducted against Croatian nationalists living outside of Yugoslavia by agents of the Yugoslav Secret Police. This had not been reported in New Zealand.

The complainant summarised his complaint as follows:

"1. The programme is prejudiced and misleading.

2. The programme is neither impartial nor objective.

3. The programme is racist.

4. The programme is inaccurate.

5. The programme is malicious and has potential to cast suspicion of guilt on any Croatian emigrant.

6. In the programme, allegations are presented as facts."

*Television New Zealand's Findings*

On 4 October 1989 Television New Zealand Ltd. informed the complainant that the complaint had not been upheld. It acknowledged the complainant's genuine concerns which it said were fully recognised and respected by the TVNZ Committee.

Television New Zealand's findings comprised more than 6 pages of detailed analysis of the complaint.

TVNZ noted the reasons why 2 persons had been identified and the case of 1 of them examined. TVNZ referred to the historical antagonism between Croatian and Serbian communities in the Balkans going back many hundreds of years and said that in 1918 they became unwilling fellow-citizens when the allies established the kingdom of the Serbs, Croats and Slovenes under Alexander I. The country was named Yugoslavia in 1929. It seemed that, during the period between the wars, the Serbs dominated Yugoslavia economically and culturally and that their old adversaries, the Croats, were considerably disadvantaged. When Hitler's Germany invaded the Balkans in April 1941, it kept a promise to the Croatians by setting up a separate Croatian state. But the regime installed represented only a minority Croatian faction known as the Ustasha led by Ante Pavelic.

Television New Zealand said that, according to the *Encyclopaedia Britannica*, the Ustasha "turned Croatia into a state on the model of the most extremist National Socialist Party formation, the SS, or Schutzstaffel, into which only the most dedicated and racially pure Germans were admitted. The Ustasha persecuted and killed many thousands of Orthodox Serbs, Jews and Muslims."

The Ustasha lasted 4 years and were replaced at the war's end by a government led by Tito—a government in which once again the Serbs were dominant. Television New Zealand acknowledged that the retribution turned on Croatians by Serbian "Chetniks" was brutal and savage, involving torture, mass murder and infamous death marches. It was during that period that Croatians became refugees and sought new lives abroad.

Given the legacy of hatred and bitterness between Croatians and Serbians over a long period, the committee believed they could better appreciate why the complainant and his fellow signatories related to a programme which profiled a fellow Croatian as a likely war criminal. However, Television New Zealand believed the complainant may have misunderstood the purpose of the programme and did not recognise the very valid reason why Srecko Rover was highlighted.

Television New Zealand pointed out that the main thrust of the programme was the internal debate going on in Australia over whether the war crimes trials should go ahead at all. It did not single out the Croatian community. It highlighted one Australian resident who happened to be a Croatian suspected of war crimes. There was no suggestion that all, or the majority of, the 250 suspects were Croatians. The ethnic background of the other named suspect, Conrad Kolayse, was not mentioned but as his alleged crimes occurred in Latvia it seemed highly unlikely that he would be of Croatian descent. TVNZ did not consider that any inference could legitimately be drawn from the programme that all Croatian migrants to Australia and New Zealand could be terrorists.

It was not suggested that the references to King Alexander had anything to do with the war crimes and they were shown as part of the historical background.

As to the alleged historical inaccuracy—that King Alexander was assassinated by a Macedonian—Television New Zealand said all historical references stated that the assassination was carried out by order of a group of Croatian nationalists who used the Macedonian as a "hired gun".

It was not necessary for the brief historical package to have made reference to the assassination of 3 Croatian parliamentary leaders in the Yugoslav Parliament.

As to the claim that, in regard to the bombing of the Yugoslav Consulate in Sydney in the early 1970s, allegations were presented as fact, Television New Zealand noted the Australian Security Intelligence Organisation's belief that a Croatian Liberation Organisation with links to Ustasha was responsible and referred to a *New Zealand Herald* item in December 1988 which concluded that Croatian nationalism was responsible.

As to the file film in the programme of the shooting in 1968 in Sydney of an Australian boy from a Croat background by a Yugoslav Consulate staff member, it was true that no ethnic group was mentioned as having committed this act; but the shooting was used to illustrate the theme running through the programme that ethnic rivalries, born of experience overseas and in a distant time, had been imported into Australia along with the migrants. There was an implied fear that if individuals faced war crimes trials, ethnic violence would overflow again.

TVNZ said that the programme did not pick on 1 suspect because he was a Croatian but because Rover had been named publicly in connection with the suspected war crime. There was nothing in the programme to lead a thinking viewer to the conclusion that, because an Australian called Srecko Rover had been named as a possible war criminal, New Zealanders of Croatian descent should also come under suspicion.

The scenes of the Croatian club where Pavelic's picture hung alongside the Queen's were shown in the context of developing a profile of Rover. They showed he was comfortable in surroundings which seemed to honour a wartime leader whose actions were described as "genocide". Had the person named been a Serbian Chetnik, then it might have been appropriate to show the Canberra statue of Draza Mihajlovic, the Chetnik leader, who was guilty of horrifying crimes against Croatians.

The programme did not portray all Croatians as anti-Semitic. It did state the well-documented fact that the Pavelic regime was responsible for the extermination of 40 000 Jews. The Hitler regime in Germany was responsible for killing millions of Jews but that was not to say that all Germans—as a people—were anti-Semitic.

As to the allegation that the programme was racist by raising the issue of collective reputation, the programme did not suggest that all 250 individuals being investigated belonged to 1 ethnic group. The impression was given that they could come from any of the large number of migrant parties that arrived in Australia after the Second World War.

The complainant had supplied newspaper clippings and a tape which chronicled events in Scotland, Germany, Australia and elsewhere where Yugoslavs, other than Croatians, were portrayed as committing crimes against Croats and circumstances in which Croatians may have been wrongly accused of crimes (specifically the bombings in Australia) at the instigation of such people. TVNZ said the programme was not about ethnic violence in Australia. It was about the tracking down of people who were now Australian residents who may have been guilty of war crimes and about the debate

in Australia about what purpose might be served by bringing them to justice half a century on.

The Television New Zealand Committee considered that the documentary appeared to be well researched, set out the issues clearly and provided an adequate profile of 1 man who could safely be named as a suspect. In fact, he was given the opportunity to answer allegations and a lawyer was questioned on the propriety of bringing charges. There was a self-evident balancing of viewpoints and the committee did not believe that it could fairly be seen as an attack on the Croatian community in Australasia.

*Complaint to the Tribunal*

The complainant then referred his complaint to this Tribunal on 13 November 1989. He repeated the allegations and claimed that the Television New Zealand Committee did not objectively consider the points of concern and details of the complaint were glossed over.

He considered that TVNZ should have broadcast a programme presenting positive aspects of the Croatian nation and its present plight and persecution since 1918 to the present time.

Mr Gilich repeated that he was not concerned about Srecko Rover but TVNZ correspondence kept on expounding the case of Srecko Rover. Allegations of inaccuracy and misunderstanding of historical information were also made. The programme would have been more balanced if it showed the scenes of war crimes without mentioning any names of any nationality or alternatively made it clear that crimes were "perpetrated in Germany, Holland, France, Hungary, Croatia, Serbia, Baltic states etc.".

*Television New Zealand's Submission*

In response, Television New Zealand submitted that the programme was concerned with Australia and the question of holding war crime trials in Australia so long after the events which gave rise to the charges. The issue in the complainant's view appeared to be the scope of the programme—the fact that there had not been a broader canvas which would have opened up an investigation of long-standing causes of friction and alleged injustices which have resulted in bitterness and hatred within 6 different states or ethnic groups which make up Yugoslavia. That would go well beyond the nub of the programme—war crimes trials in Australia.

Television New Zealand submitted that it was not obliged, where the statutory provisions had not been breached, to take into consideration further possible programme output to address an unproved imbalance. The complainant's allegations about the representation of the Croatian nation were without foundation because the Croatian nation, intrinsically, was not under examination. The only reason that some Croatian background was given was because of the need to show the background of Srecko Rover, the man whose name was on public record as a war criminal suspect. Had Rover been of a different nationality and a different background, it was certain the Australian producers of the programme would have investigated that background with the same thoroughness.

The company replied to a number of other points that had been raised and said:

> "The complainant's consistent comments about the programme constantly referring to Srecko Rover and his affirmation that he has no argument with Rover being investigated as a war crime suspect, appears to confirm the company's belief that he continues to misunderstand the intent of the programme, because Rover is central to it. The Croatian references, to which the complainant objects, were supplied essentially for the purpose of backgrounding Rover."

In reply, Mr Gilich repeated his allegations and added some further information. The complainant added that, in retrospect, the decision by TVNZ should have been not to broadcast the programme which was likely to offend members of an ethnic minority. There was a precedent set when TVNZ decided not to broadcast a programme about Maoris also made in Australia as it was considered that it would offend members of the Maori race. He concluded his letter with the quotation from the reporter "... the wartime past of other Croats is open to question." Mr Gilich added "Which other Croats? Any one of us?"

*Consideration*

The Tribunal viewed a tape of the programme and the additional tape and newspaper clippings supplied by the complainant. The Tribunal also read all the correspondence between the complainant and Television New Zealand.

The Tribunal has to say that Television New Zealand has been exemplary in the manner in which it has dealt with the complaint. The correspondence from the Chief Assistant to the Director of News and Current Affairs was thoughtful, considerate and fair and the decision was carefully arrived at and adequately explained.

In our view, the fundamental issue which Mr Gilich has had difficulty accepting is that the programme was primarily about war crimes trials in Australia and their implications. It was not about Croatians and their history or the history of and rivalries between the nationalities and peoples that make up modern Yugoslavia.

TVNZ explained this clearly to Mr Gilich in its correspondence with him and the issues between the parties were clearly defined in that correspondence to the extent that it became somewhat repetitive.

However it was clear to us that misunderstanding persisted with TVNZ contending (rightly in our view) that Mr Gilich had not understood the purpose of the programme and Mr Gilich still concerned that TVNZ had not properly understood his complaint.

The Tribunal therefore took the opportunity of holding an oral hearing which Mr Gilich and 2 fellow complainants and the Director of News and Current Affairs for Television New Zealand and his Chief Assistant were invited to attend.

*The Hearing*

At the hearing, Mr Gilich re-stated his view that the programme showed an unbalanced, inaccurate and biased background on Croatians. He said the programme should not have been shown in New Zealand, although he abandoned this contention as the hearing progressed. He did not pursue at the hearing other aspects of the original complaint which were clearly unsupportable, such as the allegation in his letter of 8 August 1989 that the programme conducted a "hate campaign" against Croatians.

Mr Gilich emphasised that he made no allegations of bad faith against the representatives of Television New Zealand. He was concerned about the way the programme had been made. It was in that form unsuitable for showing in New Zealand.

Mr Gilich had said several times that TVNZ had misunderstood his complaint—that he was not against the investigation of war criminals. He rightly conceded at the hearing that at no time had TVNZ suggested that he was against the investigation of war criminals.

He effectively dropped his allegations of bias against TVNZ itself.

The points in which Mr Gilich said the programme was defective were:

1. He said the assassination of King Alexander was wrongly attributed to a Croatian group. He considered that those who brought about the assassination could have come from any or a combination of 4 national groups, including Croatians. [The script attributed it to the Ustace].
2. The narrator had said that 40 000 Jews were killed in Croatia. Mr Gilich acknowledged that thousands of Jews

had been killed there but quoted one historian's figure of a total Jewish population of 43 000 in the whole of Yugoslavia at the time of whom 26 000 had been murdered. From this he inferred that the number killed in Croatia must have been much less than 40 000.

He also said that the administration in Serbia had been the first to report to Berlin that all Jews there had been killed but this was not mentioned.

3. He considered the allegation that a Croatian group was responsible for the bombings in Australia in the early seventies had been refuted by subsequent evidence that "agents provocateurs" of the Yugoslav Government provided false evidence to Australia's security forces about responsibility for the bombings.

   Further, this evidence tended to support the view that elements of the Yugoslav Government were behind the bombings so as to put Croatian nationalists in Australia in a bad light.

4. The programme showed archive film of a young man who had been shot in the street in Sydney. Mr Gilich said the script should have stated that the victim of that particular incident was Croatian and the perpetrator was Yugoslav from the consulate.

   Otherwise the viewer might think from the context that the culprit was Croatian.

Mr Gilich said there were atrocities against Jews and other ethnic groups in several European countries. He felt that the focus on Croatia gave rise to an impression that Croatians were anti-Semitic.

He said that in fact the Jews in Yugoslavia had gone there from Spain to escape persecution many hundreds of years ago and had settled largely in areas populated by Croats with whom they had lived harmoniously for centuries.

The Croatians are a small community in New Zealand. New Zealanders know very little about Croatia and the programme was one of the few media treatments of their country. He felt that it was impossible for New Zealand Croatians to escape being branded as part of a nation which conducted atrocities during World War II. As he put it at the hearing, "Not every New Zealander thinks I am a war criminal. But if 1 in 50 thinks I am, that would worry me."

Mr Gilich produced a statement by a friend made before a justice of the peace to the effect that 2 friends of the friend had said they had wondered whether Mr Gilich had been involved in war crimes during the war. In response to questions from the Tribunal, he said that his friends understood because the situation had been explained to them but friends of those friends had asked these sorts of questions about him.

Mr Gilich was supported at the hearing by Thea Gilich and by Mr Curin, a New Zealander by birth who had returned to Croatia as a child and had been an active member of the partisan resistance during the war. He said many Croats participated as he did. They were the largest single national group in the Partisan resistance even though it was dominated by Serbs. Mrs Gilich emphasised to the Tribunal that it was the historical and contemporary background in the programme which the complainants considered unbalanced, especially in the light of New Zealanders' almost complete lack of familiarity with Croatia and Yugoslavia generally. It was clear that, as New Zealanders of Croatian origin, they felt personally anything which they considered reflected adversely on Croatia or Croats.

Paul Norris, the Director of News and Current Affairs, and David Edmunds appeared for Television New Zealand. Mr Norris said that the item came from the top end of the Australian current affairs market and that Messrs Edmunds and Fabian had done a lot of research since the complaint. This research supported the contents of the programme and he was content to rely on this. He said it would be a damaging precedent if this kind of programme could not be broadcast. He could understand the feelings of the complainants and said that Scots might feel the same way about recurring news references to Scottish football hooligan behaviour but that did not mean that such material should not be broadcast. Mr Norris stood by TVNZ's right to broadcast the programme.

***Decision***

The Tribunal notes that TVNZ dealt with the complaint courteously and helpfully at all stages. Mr Edmunds and Mr Fabian researched the historical background and disclosed their findings fully to Mr Gilich. It was Mr Edmunds who, when he saw that Mr Gilich was not going to be satisfied, suggested the use of the formal complaint procedure.

Dealing with the points raised by Mr Gilich:

1. The historical reference material made available to the Tribunal and traversed in the course of the complaint state that King Alexander's assassin was Macedonian but that the Ustace was involved. The programme attributed the assassination to the Ustace. Mr Gilich himself accepted that those involved in the assassination may well have included Croatians. The Tribunal therefore cannot say that it was wrong to attribute the killing to the Ustace. In a brief historical outline, it was unnecessary to explore any controversy or to state that the identities and nationalities of all those behind the assassination were never finally determined.

2. It appears that estimates vary of the number of Jews killed in Croatia. The Tribunal is not in a position to determine differences between historians. Mr Gilich conceded that many thousand of Jews were killed there. The point therefore does nothing to support his complaint that the programme was an unjustified slur. Judged from the standpoint of what the New Zealand viewer would think of the people who carried out these atrocities, no one would think them any better merely because they killed fewer than 40 000 people.

3. The new information on the 1970s bombings in Australia came to light after the programme had been broadcast, judging from the dates of newspaper clippings which Gilich produced. Until then, the accepted view in Australia seems to have been that the bombings were carried out by the Ustace or Croatian nationalists properly tried and convicted. The accuracy of statements in a programme has to be judged by the state of public knowledge at the time the programme was made, not by subsequent revelations. On the evidence available to the Tribunal, the new information remains a theory even at this stage and the identity of those who conducted the bombings has not been determined.

4. Mr Gilich saw something sinister in the failure to mention the nationality of the victim of the shooting. The Tribunal does not. The archive film was used as a visual illustration of ethnic violence generally and the voice-over at that point made this clear. The narrator at that point was questioning whether ethnic violence would be a consequence of the holding of war crimes trials in Australia. The use and the treatment of the archive film was not biased, nor partial, nor inaccurate. It is very doubtful that it would be interpreted by the ordinary viewer in the way it was seen by the complainant.

Essentially, the complainants saw the programme as giving their country and its nationals a "bad press". They wanted it to contain balancing material to show that atrocities were committed in other countries as well and that not all Croatians supported the violent regime of Dr Ante Pavelic. Whether the complainants accept it or not, the direction in which they wanted to take the argument, both in the correspondence and at the hearing, was some distance away from the real subject matter of the programme.

The programme was not about Croatia or Croatians or

Yugoslavia. It was about the current debate in Australia over the prospect of alleged war criminals being tried there under a 1988 Australian law for events that happened nearly 50 years ago in Europe. The programme was a serious, in-depth treatment of the topic. It canvassed such questions as whether the quest was for justice or merely for revenge; whether the innocent might be branded; the lapse of time since the events, with the result that some witnesses are dead and the memories of others are unreliable; the mixed feelings about war crimes trials in the Jewish community; whether the War Crimes Amendment Act 1988 had been politically aimed at securing the Jewish vote; whether the style of investigators was overbearing; the fact that the actions of the Australian armed forces were outside the scope of War Crimes Act and whether Australia had the power to try people for crimes committed elsewhere.

Also considered was the enormity and horror of atrocities committed during the Second World War. The programme used some archive material but most of its visuals were interviews with participants in the current debate.

The programme developed its investigation by telling the story of Srecko Rover, a Croatian immigrant who had been mentioned in Parliament as one suspect and named in the Menzies report on War Criminals in Australia. Mr Rover was chosen because his name was already public. The mention of others not previously publicised would have run the risk of prejudicing their trials. It was clear that he had already been a public figure in Australia for some years, as a spokesman for a Croatian liberation group.

The story of Mr Rover could not have been told without mentioning his ethnic origin. The complainants thought that other countries where atrocities occurred should also have been mentioned, by way of balance. The Tribunal disagrees. It is not necessary for a programme to carry out an extensive balancing exercise to deal with every secondary fact or aspect. It is understandable that the complainants focused on Mr Rover's nationality. However, the reality is that his nationality was secondary. The fact that he was Croatian was incidental to the possibility that he was a member of a roving court-martial which sent members of ethnic minorities to their deaths under a puppet regime.

Further, as TVNZ pointed out, Croatians were not the only people whose actions were mentioned in connection with atrocities. There was archive film of an Australian bomber crew who strafed lifeboats carrying unarmed Japanese. There was also mention of a person involved in extermination programmes in Latvia.

The Tribunal does not consider that the programme was unbalanced by showing the Croatian club named after Dr Ante Pavelic. Rover did go there. Nor does it consider that this needed to be balanced by showing the statue in Canberra.

We record however that the complainant's evidence made clear to us that most Croatian clubs in Australia and elsewhere do not display pictures of Pavelic and condemn those that do.

The complainant took particular exception to the narrator's words, "Good Australians all these may doubtless be. The wartime posts of other Croats may be open to question", while showing members of the Pavelic club. He took from it that all Croatians are under suspicion. The Tribunal does not agree. On the plain meaning of the words, the script differentiated between "good Australians" of Croatian descent and others whose pasts were questionable. The interpretation placed on this by the complainant rather reflected their feelings of being not understood by other New Zealanders.

Having considered TVNZ's reply in detail, the Tribunal takes issue with hardly any of it. The Tribunal does not accept Mr Gilich's contention that "many of the statements ... are either incorrect, unproven allegation[s] or speculation". Some of the factual areas traversed remain controversial. The Tribunal cannot resolve controversies on which historians are divided.

The complainant has not shown that the programme was inaccurate on any significant point.

There is no evidence of partiality by TVNZ in its decision to run the programme. There was no sign of editorial selectivity to support a particular view in the programme. It presented a range of views in a balanced way. Not every secondary or side-issue raised in a programme calls for extensive balancing. The programme was not unfair in the manner claimed by the complainant.

The complainant has not made out his claim that the programme was a racial slur on New Zealand residents of Croatian origin. The statement produced at the hearing to the effect that friends of friends of Mr Gilich had asked about Croatian war criminals is not particularly strong evidence of a racial slur. There is always a risk that a programme about crimes allegedly committed by members of a small ethnic group will affect the feelings of some of the public towards other members of that group. However, the only way of ensuring that this does not happen is to have no airing at all of such issues. Clearly it would be against the public interest to suppress discussion of matters of legitimate news value. The Tribunal has to find the line in each case between legitimate free public discussion on the one hand and a general racial slur on the other.

The complainant's concern is understandable, in that the programme may be the only recent media mention that many New Zealanders have seen of Croatia or Croatians. However, as Mr Norris submitted, the general ignorance of New Zealanders about a particular country should not determine whether a programme is broadcast.

Whether New Zealanders are better off without a detailed education in the bitter history, the ethnic enmities and continuing rivalries inside and among those European communities which are represented in New Zealand is a question we were not required to answer. We can only say that, sincere and genuine though the complainant is, the history he has referred to us has more than a little affected his judgment of the *Foreign Correspondent* programme.

The complaint is not upheld.

*Co-opted Members*

Messrs Carter and Stephenson 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. 2

go13930

## Indecent Publications Act 1963

Decision No. 49/90

Reference No.: IND 61/90

### 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 publications contained in application No. IND 61/90. These publications are more particularly referred to by title and publisher in the categories specified in the decision which follows:

*Chairperson:* P. J. Cartwright.

*Members:* K. A. R. Hulme, W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 16th day of August 1990.

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

***Decision***

In his submission Mr Wotherspoon explained that these publications were uplifted from the residence of a private importer and seized by the Collector of Customs at Auckland. The publications have been referred to the Tribunal prior to the commencement of condemnation proceedings.

Due to the volume of the publications (45 publications) they have been divided into 3 categories.

*Category A*

| *Title* | *Publisher* |
|---|---|
| *Children Love*, No. 19 | Color Climax Corp |
| *Children Love*, No. 22 | Colour Climax Corp |
| *Lolita*, No. 19 | Unknown |
| *Lolita*, No. 22 | Unknown |
| *Lolita*, No. 24 | Unknown |
| *Lolita*, No. 43 | Unknown |
| *Lolita*, No. 52 | Unknown |
| *Lolita*, No. 53 | Unknown |
| *Lolita*, No. 54 | Unknown |
| *Lolita Chick*, No. 10 | Unknown |
| *Lone x Poul*, | Escandinavias |
| *Nymph Lover*, 3 | Unknown |
| *Tiener Club*, 13 | Unknown |

These publications contain photographs of children engaged in various forms of sexual activity. clearly these children are in the pre-pubescent and pubescent age groups. Explicit sexual intimacy between an adult (mostly, but not exclusively, male) model and the child/children appears to be the predominant feature of the photographs in these publications, (e.g., *Nymph Lover*, No. 3 and *Children Love*, No. 19). In others, e.g., *Lolita* No. 53), where the children appear largely in single model photographs, there is a high degree of concentration on depicting their genitals. Again in the same publication, as if to seek appeal to a certain type of viewer, sexually explicit activity between an adult and a child/children is depicted in coloured photographs. The written text in the majority of these magazines appears to have little (if any) honesty of purpose or thought. All these publications appear to have been produced or printed overseas.

The Tribunal requires no persuasion. The publications in category A represent the very lowest form of hard core pornographic literature of a kind which is unquestionably injurious to the public good.

The Tribunal classifies each of the publications in category A as unconditionally indecent.

The Tribunal wishes to record its appreciation for the thorough and extremely well-prepared submission presented by Mr Wotherspoon on behalf of the Comptroller of Customs. Certainly the Tribunal did not require any persuasion to classify each of the publications in category A as unconditionally indecent. However a very good purpose was served by Mr Wotherspoon presenting such a well-prepared submission which adverted, in particular, to activity of a criminal nature under the Crimes Act 1961. It is appropriate to cite the following extract from Mr Wotherspoon's submission:

> "It is universally recognised that children, due to their age and dependency, require special measures of protection. The New Zealand Government did on 19 December 1978 ratify the International Convention on Economic, Social and Cultural Rights (previously adopted by the UN General Assembly by resolution of 16 December 1966), Article 10, paragraph 3 of which reads:
>
> '3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.'
>
> Measures according such protections are clearly reflected in various pieces of New Zealand legislation, e.g., the Status of Children Act 1969 (section 3—All children of equal status), Factories and Commercial Premises Act 1981 (section 12—Prohibits employment of young persons between certain hours of the day), the Children and Young Persons and Their Families Act 1989, the Crimes Act 1961, etc. It is their vulnerability and therefore the ease of exploitability which necessitates such measures.
>
> There is little doubt that activity of the type depicted in these publications, if engaged in in New Zealand, would constitute offences under the Crimes Act 1961 (in particular sections 132, 133 (b) and (c), 134). The fact that these publications are compiled overseas should not, it is submitted, detract the Tribunal in assigning to this type of material a special and more stringent test in the interests of avoiding potential social harm. In its report on pornography, the Ministerial Committee of Inquiry into Pornography (January 1989) drew special attention to child pornography as an insidious and serious problem, the causes and effects of which make chilling reading. To quote, in part, the committee said:
>
> 'Photography, film or video depictions of children in sexual poses or engaged in sexual activities are clearly a record of actual child sexual abuse. Furthermore, their production is often an integral part of a sexually abusive situation . . .
>
> The harmful effects of sexual abuse of children in a 1-to-1 situation, where pornography may be made, though it is less likely to be commercial, have been extensively documented . . . '
>
> (See paragraph itemised 3.4.4. at page 45 of the report.)
>
> It would, it is respectfully submitted, be totally out of step with the perception of the ordinary person in the street if the fact of and the manner in which child sex is depicted or otherwise dealt with in these publications is considered anything but absolutely indecent and as being injurious to the public good. . . . "

*Category B*

| *Title* | *Publisher* |
|---|---|
| *Anal Sex*, No. 5 | Colour Climax Corp |
| *Anal Sex*, No. 17 | Colour Climax Corp |
| *Fucking* | Ole Petersen |
| *Lesbian Love*, No. 5 | Colour Climax Corp |
| *New Cunts*, No. 35 | Colour Climax Corp |
| *Porno Shock*, (No. 2) | Silwa Film Vertrieb GMBH |
| *Seventeen*, No. 69 | Book Press B V |
| *Seventeen*, No. 73 | Book Press B V |
| *Seventeen*, No. 115 | Seventeen |
| *Seventeen*, No. 116 | Seventeen |
| *Seventeen*, No. 117 | Seventeen |
| *Seventeen*, No. 118 | Seventeen |
| *Seventeen*, No. 131 | Seventeen |
| *Seventeen*, No. 136 | Seventeen |
| *Seventeen*, No. 143 | Seventeen |
| *Seventeen*, No. 144 | Seventeen |
| *Seventeen*, No. 145 | Seventeen |
| *Seventeen*, No. 146 | Seventeen |
| *Seventeen*, No. 147 | Seventeen |
| *Seventeen*, No. 148 | Seventeen |
| *Seventeen*, No. 149 | Seventeen |
| *Teenage Sex*, No. 5 | Unknown |
| *17 Exclusief Debbie (16)* | Seventeen |
| *17 Exclusief Debby En John* | Seventeen |

These publications contain little text and essentially consist of photographs of multiple model scenes of explicit sexual intimacy. They clearly breach the tripartite test. The Tribunal agrees with Mr Wotherspoon that an unconditionally indecent classification is warranted. The Tribunal is satisfied that all the publications listed in category B are injurious to the public good and classifies them as unconditionally indecent.

*Category C*

| *Title* | *Publisher* |
|---|---|
| *Father Daughter Incest* | American Art Enterprises Inc |
| *Great Danes for Mom* | Greenleaf Classics |
| *Sleeping with Sis* | Carlyle Communications Inc |

These publications are paperbacks and are similar in presentation in that the contents describe graphic sexual encounters. The contents cover sexual activities such as incest and bestiality. The publications have little storyline and depict criminal and deviant behaviour as being enjoyable to the victim. Similar publications have previously been considered by the Tribunal (decision No. 70/89 and 52/89) and classified as unconditionally indecent. Based on these decisions and in view of the clear fact that the present publications do not appear to have any content which would allow for any redeeming feature, the Tribunal agrees with the Comptroller of Customs that these publications would be injurious to the public good and accordingly each of them is classified by the Tribunal as unconditionally indecent.

| *Title* | *Publisher* |
|---|---|
| *Walter My Secret Life*, Vol. 2 | Polly Books Limited |
| *Walter My Secret Life*, Vol. 3 | Moontide Limited, London |

One copy only was provided of these publications. They were received only a short time ago. A decision in respect of these publications has been deferred until they have been read by all members.

| *Title* | *Publisher* |
|---|---|
| *Genesis*, Vol. 15, No. 12 | Atrium Multi Media Corp |

This publication, directed towards the heterosexual market, features photographs of single female models and written articles. Previous issues have been classified by the Tribunal variously as unconditionally indecent or indecent in the hands of persons under the age of 18 years.

The Tribunal is satisfied that this issue of the publication contains material which would be injurious to younger readers and therefore classifies it as indecent in the hands of persons under the age of 18 years.

| *Title* | *Publisher* |
|---|---|
| *Hustler*, Vol. 15, No. 1 | Hustler Magazine Inc |
| *Oui* | Laurant Publishers Limited |

These publications are directed towards the heterosexual market. Both publications contain photographs of single female nudes many of which have excessive emphasis and concentration directed to the female genitalia. In addition these publications also have a significant number of multiple model scenes showing acts of sexual intimacy between the models displayed. Both these publications contain elements of multiplicity of sexual activity of a kind which the Tribunal is satisfied requires that they be classified as unconditionally indecent because they are injurious to the public good. The Tribunal accordingly classifies both these publications as unconditionally indecent.

Dated at Wellington this 14th day of September 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

go13931

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Decision No. 51/90

Reference No.: IND 45/90

**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 publications contained in application No. 45/90. These publications are more particularly referred to by title and publisher in the categories specified in the decision which follows:

*Chairperson:* P. J. Cartwright.

*Members:* W. K. Hastings, K. A. R. Hulme and S. C. Middleton.

Hearing at Wellington on the 16th day of August 1990.

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

***Decision***

These publications (63 in number) were commercially imported through Auckland air freight on or about November 1987. Clearance of the publications was not made at that time and seizure by the Collector of Customs was not effected until 7 May 1990. 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.

All these publications are paperback books the contents of which describe graphic sexual encounters. The majority of the publications are stories of homosexual activity while the remainder are of bi-sexual and transsexual encounters. They are all sexually explicit. In the Tribunal's finding 13 paperback books justified an age restriction of 18 with the remainder, the great majority, justifying an unconditionally indecent classification. Accordingly the publications are sublisted below in respect of those particular classifications.

| *Title* | *Publisher* |
|---|---|
| *Abused at Attica* | Star Distributors |
| *African Sex Warriors* | Star Distributors |
| *Backwoods Rough House* | Star Distributors |
| *Bentley Hall* | Arena Publications |
| *Big Black Bruiser* | Star Distributors |
| *Big Black Sailor* | Star Distributors |
| *Big City Chicken* | Star Distributors |
| *Big Rig* | Arena Publications |
| *Biker's Little Sex Toy* | Star Distributors |
| *Black Studs Lingerie* | Star Distributors |
| *Chicken Hawk* | Star Distributors |
| *Chicken Rapist* | Star Distributors |
| *Cock Balls and Tits* | Star Distributors |
| *Cocked for Action* | Star Distributors |
| *Dark Desires* | Star Distributors |
| *Dilly Boy* | Arena Publications |
| *Fireman's Cute Toy* | Star Distributors |
| *Hard Driving Bikers* | Star Distributors |
| *Hard Time* | Star Distributors |
| *Hard Training* | Arena Publications |
| *His First Time* | Star Distributors |
| *Hot Black Chicken* | Star Distributors |
| *Hot Black Meat* | Star Distributors |
| *Hot for Leather* | Arena Publications |
| *Hung Black Punk* | Star Distributors |
| *Hunky Punk* | Arena Publications |
| *Jake's Frilly Panties* | Star Distributors |
| *Jim's Hard Ten-Incher* | Star Distributors |
| *Lockerroom Rookie* | Star Distributors |
| *Macho Man in Heels* | Star Distributors |
| *Mountain Men* | Arena Publications |
| *New Boy on the Street* | Star Distributors |
| *Punk Discipline* | Arena Publications |
| *Randy Needs More* | Star Distributors |
| *Randy Studs* | Star Distributors |

| Title | Publisher |
|---|---|
| *Recruit's Revenge* | Star Distributors |
| *Ringmasters Slave Boy* | Star Distributors |
| *Runaway Chicken* | Star Distributors |
| *Sing Sing Slave Boy* | Star Distributors |
| *Slave Meat* | Arena Publications |
| *Summer Camp Rape Riot* | Star Distributors |
| *Switch Hitting Teen* | Star Distributors |
| *The Lady's Big Cock* | Star Distributors |
| *The Neighbor's Kids* | Star Distributors |
| *Tough Chicken* | Star Distributors |
| *Transvestite Bride* | Star Distributors |
| *Transvestite Husband* | Star Distributors |
| *Transvestite Quarterback* | Star Distributors |
| *Transvestite Rock Star* | Star Distributors |
| *Truckers Slave Boy* | Star Distributors |

These publications have very little storyline. They concentrate on crude portrayals of sexual activity including coercion, rape, violence, sex with minors and sado-masochism. Within these broad boundaries the range of activities include violent homosexual rape, whipping, mechanical torture, torture by urination and application of excrement, forced oral sex, extremely violent fisting and torture by genital manipulation. The titles *Abused at Attica, Big Black Bruiser, Chicken Rapist, Hard Time, Recruits Revenge, Sing Sing Slave Boy, Tough Chicken* and *Trucker's Slave Boy*, all "rough trade" titles, and all published by Star Distributors, contain pictures of sexual activities so explicit that this factor alone renders them unconditionally indecent. The Tribunal agrees with Mr Wotherspoon that all the publications in this category could be compared to similar heterosexual publications which were submitted to the Tribunal and classified as unconditionally indecent in decision No. 70/89 and 52/89. All the publications in this category are totally lacking in literary merit and are patently of a kind which would be injurious to the public good and each of them, therefore, is classified as unconditionally indecent.

| Title | Publisher |
|---|---|
| *Ballsy Lady* | *Star Distributors* |
| *Beach Brute* | Star Distributors |
| *Biker Slave* | Arena Publications |
| *Brawny Meat* | Arena Publications |
| *Frat House Swinger* | Star Distributors |
| *Her Lover Wore Lace* | Star Distributors |
| *His Black Lover* | Star Distributors |
| *His Girlfriend's Hot Cock* | Star Distributors |
| *Hung Black Jock* | Star Distributors |
| *Riding the Rods* | Star Distributors |
| *Sex Ads* | Star Distributors |
| *The Mountain Men* | Star Distributors |
| *The President's Men* | Arena Publications |

These publications, too, describe graphic sexual encounters. However the ameliorating factor so far as all members of the Tribunal are concerned is that these publications do not contain the injurious elements of coercion, rape, violence, sex with minors and sado-masochism which pervade the majority of the publications in this application which the Tribunal has classified as unconditionally indecent. Certainly all members of the Tribunal viewed with concern the nature of the material in these publications but they agreed unanimously that they differed to a degree from the other materials thus enabling the Tribunal to conclude that each be classified as indecent in the hands of persons under the age of 18 years.

*Cautionary Note:*

A matter of grave concern to all members of the Tribunal is that none of these publications mention the subject of AIDS and the steps to be taken to avoid contamination by it. Depictions of unprotected sex as in these publications must be a matter of concern because it is anti-social behaviour. The books in this application, and in the great majority of others coming before the Tribunal, routinely depict unprotected sexual activity as though STDs and AIDS did not exist. The Tribunal views with concern the almost complete absence of precautionary measures during sexual activity in all the publications in this application.

Dated at Wellington this 14th day of September 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

go13932

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Decision No. 53/90

Reference No.: IND 46/90

## 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 publications contained in application No. IND 46/90. These publications are more particularly referred to by title and publisher in the categories specified in the decision which follows:

*Chairperson:* P. J. Cartwright.

*Members:* W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

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

### *Decision*

The publications in IND 46/90 were commercially imported through Auckland air freight on or about November 1987. Clearance of the publications was not made at that time and seizure by the Collector of Customs was not effected until 7 May 1990. 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 before the Tribunal in this application are mainly male homosexually orientated magazines. In the Tribunal's finding 8 magazines justified an age restriction of 16 years, another 9 justified an age restriction of 18 years with the remainder, 3, justifying an unconditionally indecent classification. Accordingly the magazines are sublisted below in respect of those particular classifications.

*Category A*

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

| Title | Publisher |
|---|---|
| *For Women Only,* Vol. 1, No. 5, *Winter 1980* (January 1980) | Blueboy Inc. |
| *In Touch For Men,* No. 44 (November/December 1979) | In Touch Inc. |
| *In Touch For Men,* No. 48 (July/August 1980) | In Touch Inc. |
| *In Touch For Men,* No. 62 (December 1981) | In Touch Inc. |
| *In Touch For Men,* No. 63 (January 1982) | In Touch Inc. |
| *In Touch For Men,* No. 64 (February 1982) | In Touch Inc. |
| *Playgirls Superstars,* December 1985, Vol. 5, No. 12 | Ritter/Geller Communication Co. |
| *Young American Numbers* | Numbers. |

The publications in this category feature mainly single male models in a variety of poses and states of undress. The photographs are restrained and place no undue emphasis on the genitalia.

In dealing with the *In Touch For Men* publications Mr

Wotherspoon in his submission, reminded the Tribunal that in decision 4/90 it issued a second serial restriction order of indecent in the hands of persons under the age of 18 years. Nonetheless the Tribunal is satisfied that the particular issues of *In Touch For Men* which are sublisted in category A would not be injurious to readers of 16 years and over.

*Category B*

The Tribunal finds that the following publications, although not injurious to the adult population, would be so to younger readers and therefore classifies each as indecent in the hands of persons under the age of 18 years:

| Title | Publisher |
|---|---|
| *100 Numbers,* Vol. 1. | Blueboy Inc. |
| *In Touch For Men,* No. 42 (July/August 1979) | In Touch Inc. |
| *In Touch For Men,* No. 43 (September/October 1979) | In Touch Inc. |
| *In Touch For Men,* No. 65 (March 1982) | In Touch Inc. |
| *In Touch For Men,* No. 114 (May 1986) | In Touch Inc. |
| *Numbers,* June 1981, Vol. 40 | Blueboy Inc. |
| *Numbers,* December 1981, Vol. 45 | Blueboy Inc. |
| *Stallion,* August 1986, Vol. 5, No. 4 | Stallion Publications. |
| *Visions of Men,* Vol. 6 *Summer 1980* | BIF Corp. |

The publications in this category are comprised mostly of single nude male models. They each contain some multiple model scenes but these are restrained. In decisions 28/89 and 81/89 the publication *Stallion* was classified as indecent in the hands of persons under the age of 18 years. And, as has been noted already, in decision 4/90 the Tribunal issued a serial restriction order of indecent in the hands of persons under the age of 18 years, in respect of the publication *In Touch For Men.* The issues of that publication which are contained in this application were published prior to decision 4/90. The Tribunal agrees with Mr Wotherspoon that the issues of this publication not sublisted in category A of this decision warrant a classification of indecent in the hands of persons under the age of 18 years.

*Category C*

The Tribunal is satisfied that the following publications are injurious to the public good and classifies them as unconditionally indecent:

| Title | Publisher |
|---|---|
| *Honcho,* January 84, Vol. 6, No. 10 | Modernismo Pubs Ltd. |
| *Numbers,* Vol. 2, No. 8 | Numbers (AUL) |
| *Numbers,* August 1980, Vol. 30 | Blueboy Inc. |

The publications in this category, directed at the homosexual market, are mainly comprised of photographs of nude male models with some emphasis on the genitalia. *Numbers,* Vol. 2, No. 8, contains explicit multiple model homosexual scenes. *Numbers,* August 1980, Vol. 30, as well as containing multiple model scenes, also contains an article on fisting and in a section entitled "Love Thy Leather Lust" piercing and bondage are depicted. In respect of *Honcho,* Vol. 6, No. 10, Mr Wotherspoon reminded the Tribunal that in decision 2/90 it issued a serial restriction order on the publication, whilst indecent in the hands of persons under the age of 18 years. In observing that *Honcho,* Vol. 6, No. 10, was published prior to decision 2/90, and therefore it was not covered by the serial restriction order, Mr Wotherspoon indicated that it was uniform in content and that it was considered that a similar classification should apply. The Tribunal cannot agree. In this issue of *Honcho* there are photographs of nude male models engaged in masturbation. Also the article, "Gymstuds" (a play master slave story) is semi-violent, and urolagnia takes place (obviously with approval). A little further on there is an episode of anal fisting (with a penis at the same time). The Tribunal has applied the matters referred to in section 11 of the Act as well as the definition of indecency in section 2 to these publications. The Tribunal is of the opinion that these magazines are injurious to the public good and classifies them unconditionally indecent for the above reasons.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

go13933

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Decision No. 54/90

Reference No.: IND 48/90

## 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: *Your Sex Life.* Publisher: Harrap Books Ltd.:

*Chairperson:* P. J. Cartwright.

*Members:* W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

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

### *Decision*

This publication was commercially imported through Auckland sea freight on or about 1 May 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.

The Tribunal agrees with Mr Wotherspoon that this publication is a high-quality sex guide. It has been written by a medical practitioner in conjunction with a medicinal herbalist. It contains sections on sexual anatomy, sexual physiology, contraception, maintenance of sexual health and useful comment on sexually transmitted infections.

Section 3 of the Contraception, Sterilisation and Abortion Act 1977, *inter alia,* was repealed recently. Accordingly there is now no impediment to the Tribunal classifying responsible publications of this nature as not indecent. Accordingly the publication the subject of this application, *Your Sex Life,* is classified as not indecent. In making this classification, however, the Tribunal appreciates, because the seizure of this publication by the Collector of Customs was made prior to the amendment which repealed section 3 of the Contraception, Sterilisation and Abortion Act 1977, that he had no option other than to proceed with this application.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

go13934

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Decision No. 55/90

Reference No.: IND 51/90

## 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: *Mach 20.* Publisher: Desmodus Inc.:

*Chairperson:* P. J. Cartwright.

*Members:* W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

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

### *Decision*

When this publication was commercially imported through parcels post, Auckland on or about 17 May 1990 it was seized by the Collector of Customs. The importer subsequently disputed forfeiture and the publication was referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The publication, in magazine form, has a theme of sado-masochism and bondage within a male homosexual context. It contains numerous photographs depicting bondage and a considerable amount of written material describing sado-masochism and brutality. It would appear that the content of *Mach 20* is very much along the same lines as *Mach,* No. 19 which, because its whole format was of a kind which in the view of the Tribunal was clearly injurious to the public good, was classified as unconditionally indecent in decision 8/90. With considerable distaste (no pun intended) the Tribunal notes an episode of urolagnia in an article titled "The Woods". For reasons similar to those given in decision 8/90 the Tribunal classifies this publication as unconditionally indecent.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.
go13935

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Decision No. 56/90

Reference No.: IND 52/90

## 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: *Australian Penthouse, Black Label Edition,* Vol. 11, No. 6. Publisher: P H Editorial Services:

*Chairperson:* P. J. Cartwright.

*Members:* W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

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

### *Decision*

This publication was privately imported through parcels post, Auckland on or about 23 May 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.

Mr Wotherspoon reminded the Tribunal that 9 previous issues of this magazine have been considered by the Tribunal and classified as unconditionally indecent in decision No. 67/89, 6/90 and 45/90.

In decision 45/90 the Tribunal, being satisfied that there was a consistency of presentation in this publication, granted a serial restriction order of unconditionally indecent.

This issue of the magazine, *Australian Penthouse, Black Label Edition,* Vol. 11, No. 6, because of its date of issue, is not covered by the serial restriction order made in decision 45/90. The Tribunal agrees with Mr Wotherspoon that this issue of the magazine appears to be similar in format to those considered in decision No. 67/89, 6/90 and 45/90 in that it features a multiple model sequence depicting sexual activity.

The Tribunal classifies this issue of *Australian Penthouse, Black Label Edition,* as unconditionally indecent.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.
go13936

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Decision No. 57/90

Reference No.: IND 54/90

## 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: *Electric Blue,* Vol. 1, No. 3, 4 and 5. Publisher: Power Radio Ltd.

*Chairperson:* P. J. Cartwright.

*Members:* W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

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

### *Decision*

These publications were submitted to the Customs Department by G. F. Ellis, solicitor for the importer, Gordon and Gotch Ltd., by way of an invitation to the department to submit them to the Tribunal for the issue of a serial restriction order under section 15A of the Indecent Publications Act 1963.

In his submission Mr Wotherspoon explained that these magazines are mainly comprised of photographs of single female models and letters from readers. The photographs place undue emphasis on the female genitalia, with many models posed in contrived positions to accentuate that part of the female anatomy. Mr Wotherspoon considered that this publication could be likened to the publication *Escort* which in decision 55/89 received a serial restriction order of indecent in the hands of persons under the age of 18 years. In concluding his submission Mr Wotherspoon said that his department would support the Tribunal issuing a serial restriction order making this publication indecent in the hands of persons under the age of 18 years.

In a brief written submission received after the sitting of the Tribunal Mr Ellis indicated his support for Mr Wotherspoon's submission.

There are some aspects of this particular magazine which concern the Tribunal. It is conceded that the photographs do not show models in the act of masturbation. Nevertheless some of the photographs, excessively concentrated as they are on the genitalia of multiple nude female models, are such that they sicken the members of the Tribunal who consider that these photographs are both exploitative and degrading. A further aspect of concern to the Tribunal is the generally misogynistic attitude which these magazines display towards women. For example, in *Electric Blue,* Vol. 1, No. 4, there is a tasteless and offensive cartoon called "A Dozen Other Uses For Your Wife". Among other poses this cartoon shows a naked woman being used as a coffee table, another naked woman being used as a snooker bridge and yet other naked women being used as a statue to stand in a pond and as a draught excluder by lying on the floor across the bottom of a door.

It is the precedental approach only, based as it is on past decisions of the Tribunal and of the Court of Appeal and the High Court, that saves this magazine from a classification of unconditionally indecent. The Tribunal has always recognised the desirability for consistency in decision making. Such consistency must, of course, be balanced with the need to recognise changes in the community at large. Changing

community standards, arguably, have come to regard as unacceptable and injurious to the public good the portrayal of women as sex objects. This comment should be heeded as a warning. The Tribunal will continue to take a balancing approach between the needs of society and the doctrine of precedent. However, further issues of publications previously classified as indecent in the hands of persons under a specified age in future applications before the Tribunal can expect to receive critical re-examination in the light of changing community standards.

On the basis that there is material in this publication which certainly would be injurious to younger readers the Tribunal classifies each of these issues of *Electric Blue* as indecent in the hands of persons under the age of 18 years. Furthermore the Tribunal is satisfied that there is a consistency of format and content in respect of this publication of the kind that it is appropriate that a serial restriction order be granted classifying the publication *Electric Blue,* published by Power Radio Ltd., as indecent in the hands of persons under the age of 18 years.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

go13937

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Decision No. 58/90

Reference No.: IND 56/90

**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 Forum,* Vol. 20, No. 5; *Penthouse Forum,* Vol. 20, No. 6; *Penthouse Forum,* Vol. 20, No. 7; Publisher: Forum International Ltd.

*Chairperson:* P. J. Cartwright.

*Members:* W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

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

***Decision***

These publications were submitted to the Customs Department by G. F. Ellis, solicitor for the importer, Gordon and Gotch Ltd., by way of an invitation to the department to submit them to the Tribunal for the issue of a serial restriction order under section 15A of the Indecent Publications Act 1963.

In his submission Mr Wotherspoon explained that these magazines are mainly comprised of a collection of readers' letters describing their sexual experiences. They contain also some short stories of a sexual nature, and a few multiple model scenes. The Tribunal agrees with Mr Wotherspoon that the few multiple model scenes depicted are discreet.

In his submission Mr Wotherspoon reminded the Tribunal that previous issues of this publication have previously been considered by this Tribunal and classified as indecent in the hands of persons under the age of 18 years (decision No. 33/88 and 35/90).

In concluding his submission Mr Wotherspoon indicated that the department would have no objection to the issuing of a serial restriction order as indecent in the hands of persons under the age of 18 years for the publication *Penthouse Forum.*

In a brief written submission received after the sitting of the Tribunal Mr Ellis indicated his support for Mr Wotherspoon's submission.

The Tribunal is satisfied that there is material in this publication which would be injurious to younger readers and therefore classifies each of these editions as indecent in the hands of persons under the age of 18 years. Further the Tribunal is satisfied that there is a consistency of format and content in respect of the publication *Penthouse Forum* of such a kind that it is appropriate that a serial restriction order be granted classifying the publication *Penthouse Forum* as indecent in the hands of persons under the age of 18 years. Such serial restriction order is made accordingly.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

go13938

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Decision No. 59/90

Reference No.: IND 53/90

**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: *Lesbian Love,* No. 28. Publisher: Color Climax Corporation; *Sex Bizarre,* No. 49. Publisher: Color Climax Corporation:

*Chairperson:* P. J. Cartwright.

*Members:* W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

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

***Decision***

These publications were privately imported through Auckland parcels post, on or about 7 June 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 magazines are published by Color Climax Corporation, Denmark. They depict multiple model scenes of explicit sexual intimacy. Emphasis is placed on genital exposure and various aspects of sexual activity, specifically, the use of dildos and oral intercourse (*Lesbian Love*) and urolagnia, intercourse and oral intercourse (*Sex Bizarre*).

Mr Wotherspoon reminded the Tribunal that it had considered previous Color Climax Corporation publications and classified them as unconditionally indecent in decisions 33/89 (*Teenage Sex,* No. 37), 26/89 (*Color Climax,* No. 35) and 4/87 (*Teenage Sex,* No. 2 and 18).

The Tribunal agrees with Mr Wotherspoon that the contents of *Lesbian Love,* No. 28 and *Sex Bizarre,* No. 49 are similar in content to those in Color Climax Corporation publications submitted earlier and classified as unconditionally indecent.

A letter from the importer explained that he had purchased these magazines for private viewing only. The importer said he had no intention of purchasing any further issues of these magazines because they were too expensive. In purchasing the magazines by mail order the importer said that he thought they would be of the *Playboy* and *Penthouse* variety. The importer's explanation has been noted. The Tribunal's only comment is that the importer displayed a degree of naivety which is hardly believable.

Clearly these 2 magazines contain hard-core pornographic material which would be injurious to the public good. The Tribunal accordingly classifies these 2 magazines as unconditionally indecent.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.

go13939

Decision No. 60/90

Reference No.: IND 49/90

## 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 publications contained in application No. IND 49/90. These publications are more particularly referred to by title and publisher in the categories specified in the decision which follows:

*Chairperson:* P. J. Cartwright.

*Members:* W. K. Hastings and S. C. Middleton.

Hearing at Wellington on the 11th day of September 1990.

*Appearances:* B. N. Cheeseman on behalf of the importer. M. J. Wotherspoon on behalf of the Comptroller of Customs.

### *Decision*

These publications were commercially imported through air freight, Auckland and were seized by the Collector of Customs. The importer 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.

There are 21 publications in this application. All of them are magazines the contents of which are largely photographs of single female models displaying various aspects of their nude or mostly nude bodies. Most of the photographs are black and white, artless and sexually explicit. There is little accompanying text. They are intended for a male heterosexual market. The Tribunal finds that the 15 magazines in category A are unconditionally indecent and that the 4 magazines in category B justify an age restriction of 18 years. Decisions on the remaining 2 magazines, *Poppin' & Milkin',* Vol. 2, No. 2 and *Pregnant Gals Special 2,* are deferred until the Tribunal has considered more fully their contents.

*Category A*

The Tribunal finds that the following publications are unconditionally indecent:

| Title | Publisher |
|---|---|
| *100 Pages of Tits and Ass,* No. 2 | Red Lion Publications. |
| *Black Girl Review 28,* Vol. 7, No. 4 | American Art Enterprises Inc. |
| *Geisha Girls,* Vol. 6, No. 4 | American Art Enterprises Inc. |
| *Hefty Bottoms,* Vol. 1, No. 1 | American Art Enterprises Inc. |
| *Hot Legs,* Vol. 4, No. 1 | American Art Enterprises Inc. |
| *Pure Crystal,* Vol. 1, No. 64 | Red Lion Publications. |
| *Split Beavers,* Vol. 6, No. 3 | American Art Enterprises Inc. |
| *Sultry Black Dolls,* Vol. 5, No. 3 | American Art Enterprises Inc. |
| *300 Black Beauties,* No. 11 | London Enterprises Ltd. |
| *303 Super Boobs,* No. 10 | London Enterprises Ltd. |
| *Black Sugar,* No. 15 | London Enterprises Ltd. |
| *Crotch Bait,* Vol. 1, No. 1 | Red Lion Publications. |
| *Dirty Dames,* Vol. 1, No. 1 | Red Lion Publications. |
| *Hot Pink Pussy,* Vol. 1, No. 1 | Red Lion Publications. |
| *Miss Twin Volcanoes,* Vol. 1, No. 1 | American Art Enterprises Inc. |

Mr Wotherspoon submitted that the photographs in the first 8 of these publications, and in all of the publications in category B, "place undue emphasis on the female genitalia, with many models posed in contrived positions to accentuate that part of the female anatomy". He submitted that on the basis of past decisions of this Tribunal, these magazines may attract an R18 classification. Mr Wotherspoon submitted that the next 6 publications should be considered unconditionally indecent because they contain many photographs which "place undue emphasis on the female genitalia and depict genital manipulation with the hand". Finally, Mr Wotherspoon submitted that the last publication in this category ought to be unconditionally indecent because of its photographs of heterosexual sexual activity.

Previous issues of *Black Girl Review* (decision 47/89), *Geisha Girls* (decisions 47/89 and 26/90), *Hot Legs* (decisions 47/89 and 26/90), *Split Beavers* (decision 47/89) and *Sultry Black Dolls* (decision 26/90) were classified R18 by the Tribunal.

The Tribunal has always recognised the desirability for consistency balanced, of course, with the need to recognise changes in the community at large. The High Court in *Comptroller of Customs* v. *Gordon & Gotch (NZ) Ltd.* [1987] 2 NZLR 80 at 98 stated that:

> "the membership of the Tribunal has a continuity but also a slow change. There is thus at any time a depth of cumulative experience, together with an inflow of fresh thought and experience. The Tribunal, therefore, is able to reflect the change in the community at large. The Tribunal in this country takes the place of the judge and jury which is the corresponding situation in other parts of the Commonwealth in indecency legislation. But it still represents the community in the exercise of its function to determine and classify the books and other documents before it. It is to apply its specialised expertise and its collective community knowledge and experience in its deliberations."

The magazines in this category, as stated by Mr Wotherspoon, contain "undue" emphasis on female genitalia. There is very little to distinguish amongst them. In many of the photographs, the models have been placed in positions by the photographer which can at best be described as awkward, in order to maximise the reader's view of the models' genital area. The models quite often are shown spreading their labia with their hands, either to simulate masturbation or to maximise again the reader's view. In many of the photographs, only models' genital areas are seen; their faces are distant or altogether hidden. There is no doubt that the magazines are tasteless and offensive. But are they unconditionally indecent? The Tribunal is well aware of the statement of the Ontario Court of Appeal in *Re Information Retailers Association of Metropolitan Toronto Inc* (1985) 52 OR (2d) 449 at 468 that "it is indeed often true that 'one man's vulgarity is another's lyric' ".

The definition of "indecent" in the Act includes "describing, depicting, expressing, or otherwise dealing with matters of sex ... in a manner that is injurious to the public good". It is important to re-emphasise how the Tribunal comes to a decision on whether or not a publication is injurious to the public good. In *Gordon & Gotch,* the High Court stated that:

> "Although the function is to make a determination of indecency and, in the course of that, to decide whether or not some matter is injurious to the public good, in form as if this was a decision on a matter of fact, it is rather a matter of opinion or judgment. It is the judgment of the Tribunal based upon its understanding, experience and knowledge of the common or public good. Needless to say, that is a concept whose boundaries are always changing as society itself changes (at 99)."

The High Court also decided in that case that "injury to the public good is a large, wide-ranging category of facts that simply does not lend itself to a where, how, when finding of fact" (at 91). Nevertheless, we have attempted to articulate reasons which would warrant a finding that these publications are unconditionally indecent. It is not an easy task, and as the High Court stated, it is a matter of the members of the Tribunal applying their understanding, experience and knowledge of the public good to the facts of the publications before them. This is done with a great deal of discussion of the publications themselves and after careful consideration of the statutory criteria. The main factor which makes these magazines unconditionally indecent in the opinion of the

members of the Tribunal is their undue and contrived emphasis of female genitalia which are displayed, for the purpose of male readers' heterosexual arousal, in a manner injurious to the public good.

The Tribunal has applied the matters referred to in section 11 of the Act as well as the definition of indecency in section 2 to these publications. They go well beyond lyric. They go well beyond vulgarity and offensiveness. The Tribunal is of the opinion that these magazines are injurious to the public good and classifies them unconditionally indecent for the above reasons.

*Category B*

The Tribunal finds that the following publications are indecent in the hands of persons under the age of 18 years:

| Title | Publisher |
|---|---|
| *Big Black Hangers,* Vol. 1., No. 1 | American Art Enterprises Inc. |
| *Floppers,* Vol. 5, No. 3 | American Art Enterprises Inc. |
| *Fondle,* Vol. 1, No. 1 | Red Lion Publications. |
| *Kingsize,* No. Vol. 18, No. 4 | American Art Enterprises Inc. |

Mr Wotherspoon submitted that these publications may attract an R18 classification on the basis of past Tribunal decisions. In decisions 56/88 and 47/89, issues of *Floppers* were classified R18. Mr Wotherspoon submitted that the photographs in these magazines "place undue emphasis on the female genitalia, with many models posed in contrived positions to accentuate that part of the female anatomy". The Tribunal however notes that there is much less genital emphasis in these 4 magazines. There are fewer photographs in which only the genital and anal areas are shown. An attempt is made to show other parts of the models' generally unclothed bodies, including their faces. They can be distinguished from the magazines in category A on this basis, and applying the criteria in section 11 and the test for indecency in section 2, the Tribunal finds that these publications are indecent in the hands of persons under the age of 18 years.

One matter remains. Mr Cheeseman, in his written submission, requested a serial R18 restriction order under section 15A of the Indecent Publications Act for *Black Girl Review, Geisha Girls, Hot Legs* and *Split Beavers.* He also requested a similar order for 2 in category B, *Floppers* and *Kingsize.* In view of the Tribunal's classifications of these magazines, we would rather see further editions of them before reaching a conclusion on whether or not a serial restriction order can be granted.

Dated at Wellington this 24th day of October 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.
go13940

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Decision No. 68/90

Reference No.: IND 73/90

### 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: *XS,* Vol. 3, No. 11; *XS,* Vol. 3, No. 12; *XS,* Vol. 4, No. 1. Publisher: Galaxy Publications Inc.:

*Chairperson:* P. J. Cartwright.

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

Hearing at Wellington on the 18th day of October 1990.

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

***Decision***

These publications were submitted to the Customs Department by Mr Ellis, acting on behalf of the importer, with a request that the department submit them to the Tribunal for consideration of a serial restriction order under section 15A of the Indecent Publications Act 1963.

The publications are mainly comprised of photographs of single female models in various states of undress, and while genitalia is displayed, it is not blatantly emphasised. Such articles, cartoons and letters as are contained in the magazine are almost entirely of a sexual nature.

The Tribunal considered 7 previous issues of the magazine *XS* late last year, and after being satisfied that the magazine would be injurious to the younger reader, classified all 7 issues as indecent in the hands of persons under the age of 18 years. The decision indicated that the Tribunal might be prepared to issue a serial restriction order on the publication but such a determination was not made.

Mr Wotherspoon supported Mr Ellis' request for a serial restriction order of indecent in the hands of persons under the age of 18 years.

The Tribunal is satisfied that there is material in this publication which would be injurious to younger readers and therefore classifies each of these editions as indecent in the hands of persons under the age of 18 years. Further the Tribunal is satisfied that there is a consistency of format and content in respect of the publication *XS* of such a kind that it is appropriate that serial restriction order be granted classifying it as indecent in the hands of persons under the age of 18 years. Such serial restriction order is made accordingly.

Dated at Wellington this 29th day of November 1990.

P. J. CARTWRIGHT, Chairperson.

Indecent Publications Tribunal.
go13941

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## Misuse of Drugs Act 1975

### Confiscation of Motor Vehicle

In the District Court held at Blenheim.

Trial 2/90.

Queen

v

Peter William Edwin Gane of State Highway 1, Riverlands, Blenheim, unemployed.

Notice is hereby given that on the 2nd day of November 1990, an order was made by the District Court at Wellington, pursuant to section 32 (4) of the Misuse of Drugs Act 1975, for the confiscation of the following vehicle owned by the above-named:

1980 Nissan Bluebird car. Registration No. OF 7381.

I. C. CAMERON, Registrar, District Court, Blenheim.
go13920

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## Marriage Act 1955

### Marriage (Approval of Organisations) Notice No. 20

Pursuant to the Marriages 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. 20.

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**

Open Door Christian Fellowship (Waharoa).

Dated at Lower Hutt this 10th day of December 1990.

B. E. CLARKE, Registrar-General. 4
go13690

# Labour

## Labour Relations Act 1987

### Proposed Cancellation of Registration of Defunct Employers Organisation

Pursuant to section 33 (2) of the Labour Relations Act 1987, it is hereby notified that the registration of the Southland Grocers Industrial Union of Employers Registered No. 664, situated at Invercargill will, unless cause to the contrary is shown, be cancelled on the expiration of 30 days from the date of the publication of this notice in the *Gazette*.

Dated at Wellington this 17th day of December 1990.

M. E. FEELY, Registrar of Unions, Department of Labour. 6
go13883

### Proposed Cancellation of Registration of Defunct Employers Organisation

Pursuant to section 33 (2) of the Labour Relations Act 1987, it is hereby notified that the registration of the Wellington Grocers Industrial Union of Employers Registered No. 1123, situated at Wellington will, unless cause to the contrary is shown, be cancelled on the expiration of 30 days from the date of the publication of this notice in the *Gazette*.

Dated at Wellington this 17th day of December 1990.

M. E. FEELY, Registrar of Unions, Department of Labour. 6
go13882

### Proposed Cancellation of Registration of Defunct Employers Organisation

Pursuant to section 33 (2) of the Labour Relations Act 1987, it is hereby notified that the registration of the Canterbury Retail Grocery Stores Industrial Union of Employers Registered No. 2133, situated at Christchurch will, unless cause to the contrary is shown, be cancelled on the expiration of 30 days from the date of the publication of this notice in the *Gazette*.

Dated at Wellington this 17th day of December 1990.

M. E. FEELY, Registrar of Unions, Department of Labour. 6
go13880

### Cancellation of Registration of Employers Organisation for Failure to Deliver Annual Accounts

Pursuant to section 31 (3) of the Labour Relations Act 1987, it is hereby notified that the registration of the Wellington Hotel Association Industrial Union of Employers Registered No. 1597, situated at Wellington has been cancelled as from the following date for failure to deliver to the Registrar a copy of its accounts together with a certificate signed by the Auditor in accordance with section 49 of this Act.

Dated at Wellington this 17th day of December 1990.

M. E. FEELY, Registrar of Unions, Department of Labour. 6
go13879

# Transport

## International Air Services Licensing Act 1947

### Notice of Receipt of Application for an International Air Service Licence

Pursuant to section 7 of the International Air Service Licensing Act 1947, notice is hereby given that Southern World Airlines Limited of Auckland has applied for an International Air Service Licence to operate scheduled air services for the carriage of cargo and mail from New Zealand to the United States of America and to Australia. Further details of this proposal may be obtained from the General Manager, Air Transport Division, Ministry of Transport, P.O. Box 31-441, Lower Hutt.

Any person or organisation desiring to make representations relating to this application must forward these representations in writing to reach me on or before the 11th day of January 1991.

Dated at Wellington this 18th day of December, 1990.

W. ROB STOREY, Minister of Transport.
go13878

## Passenger Service Construction Regulations 1978

### Variation in the Requirement for Passenger Service Vehicles to Carry a Fire Extinguisher

Pursuant to regulation 75 (1) of the Passenger Service Vehicle Construction Regulations 1978* and pursuant to powers delegated to me by the Secretary for Transport by an instrument of delegation dated the 31st day of August 1990, those vehicles which are required to carry a fire extinguisher as set by regulation 22 (1) of these same regulations are exempted from this requirement provided that:

(i) an Aqueous Film Forming Foam (AFFF) type fire extinguisher of 5.5 litre, 6.0 litre or 9.0 litre capacity manufactured by either Chubb/Pyrene Firepower or Thorn to the British Standard Specification for Portable Fire Extinguishers BS 5423: 1987 under license and labelled accordingly is carried, and

(ii) for vehicles where such an extinguisher is carried, the operator shall ensure he is aware of the operating temperature range of the extinguisher, and the owner is to ensure that where necessary the contents of the extinguisher are to contain freezing point depressant as per the manufacturers recommendations appropriate to his operating conditions, and

(iii) it shall be the responsibility of the owner to arrange and have carried out the inspection of these fire extinguishers every 6 months by the manufacturers agent, and to keep a record of these inspections for production to the Automotive Surveyor when so requested by him, and

(iv) the extinguisher shall be affixed in close proximity to the driver's position and be readily visible to passengers, and

(v) it shall be sealed in such a manner that when the extinguisher has been operated that fact is clearly apparent.

Dated at Wellington this 20th day of November 1990.

H. C. MATHESON, Senior Automotive Engineer.

*S.R. 1978/15.

(MOT 14/45/40)

go13902

## Transport Act 1962

### The Traffic (Dunedin 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, Controller Road and Traffic Standards, give the following notice:

**Notice**

This notice may be cited as the Traffic (Dunedin City) Notice No. 1, 1990.

The roads specified in the First Schedule are declared to be closely populated localities for the purposes of 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 (Taieri County) Notice No. 1, 1974, dated on the 16th day of May 1974†, issued pursuant to section 52 of the Transport Act 1962 and regulation 27A of the Traffic Regulations 1956, is revoked.

The *Gazette* notice dated by the Minister of Transport at Wellington on the 18th day of May 1960‡ declaring a limited speed zone and a closely populated locality within the Taieri County at Outram is revoked.

**First Schedule**

Situated within Dunedin City at Outram:

No. 87 State Highway (Mountfort Street): from Holyhead Street to a point 240 metres measured north-easterly, generally, along No. 87 State Highway (Mountfort Street) from Holyhead Street.

Beaumaris Street.

Bell Street: from Beaumaris Street to a point 140 metres measured south-easterly, generally, along Bell Street from Orme Street.

Bidston Street.

Formby Street: from No. 87 State Highway (Mosgiel-Kyeburn) to a point 190 metres measured south-easterly, generally, along Formby Street from Beaumaris Street.

Holyhead Street.

Holylake Street.

Lynas Street.

Orme Street.

Skerries Street.

**Second Schedule**

Situated within Dunedin City at Outram:

Allanton Road: from Huntly Road to a point 50 metres measured south-easterly, generally, along Allanton Road from Huntly Road.

Bell Street: from Huntly Road to a point 140 metres measured south-easterly, generally, along Bell Street from Orme Street.

Formby Street; from Huntly Road to a point 190 metres measured south-easterly, generally, along Formby Street from Beaumaris Street.

Huntly Road: from Allanton Road to a point 50 metres measured south-westerly, generally, along Huntly Road from Formby Street.

Situated within Dunedin City at Allanton:

Bardsey Street.

Caenarvon Street.

Castleton Street.

Douglas Street.

Grey Street.

Hay Street.

Peel Street.

Precelly Street.

Ralston Street.

Ramsey Street.

Snowdon Street.

Signed at Wellington this 13th day of December 1990.

C. M. CLISSOLD, Controller, Road and Traffic Standards.

†*New Zealand Gazette*, No. 50, dated the 23rd May 1974, page 1033.

‡*New Zealand Gazette*, No. 34, dated the 26th day of May 1960 page 707.

(MOT 29/1/Dunedin City)

go13892

### The Traffic (Franklin District) 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, Controller Road and Traffic Standards, give the following notice:

**Notice**

This notice may be cited as the Traffic (Franklin District) Notice No. 1, 1990.

The area specified in the First Schedule is declared to be a closely populated locality for the purposes of 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 (Pukekohe Borough) Notice No. 1, 1988, signed on the 15th day of April 1988†, 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 Franklin District at Pukekohe:

All that area with the exception of Cape Hill Road and Franklin Road bounded by a line commencing at a point on the northern terminating end of Adams Drive; thence due east by a right line to the North Island Main Trunk Railway; thence south-easterly, generally, by a right line to a point on the eastern side of Valley Road 260 metres measured northerly, generally, along Valley Road from East Street; thence south-easterly, generally, by a right line to a point on the southern side of East Street at its intersection with the western side of Ngahere Road; thence south-westerly, generally, by a right line to the eastern terminating end of Carlton Road; thence south-westerly, generally, by a right line to a point on the southern side of Birch Road 20 metres measured easterly, generally, along Birch Road from Station Road; thence south-easterly, generally, by a right line to a point on the north-eastern side of Station Road opposite the southern side of Subway Road; thence south-westerly, generally, by a right line to a point on the eastern side of the No. 22 State Highway (Runciman-Te Uku) 100 metres measured southerly, generally, along the said State highway from Nelson Street; thence westerly, generally, by a right line to the southern terminating end of Ihaka Place; thence north-westerly, generally, by a right line to the eastern side of John Street at its intersection with the southern side of Nelson Street; thence across John Street at right angles from its eastern side to its western side; thence south-westerly, generally, by a right line to the northern side of Kitchener

Road opposite the north-eastern side of Tuakau Road; thence south-easterly, generally, along the north-eastern side of Tuakau Road to a point 200 metres measured south-easterly, generally, along the said road from Kitchener Road; thence south-westerly generally by a right line to a point on the western side of Upper Queen Street 320 metres measured southerly, generally, along the said street from Kitchener Street; thence south-westerly, generally, by a right line to the eastern terminating end of Tremen Place; thence westerly, generally, by a right line to a point on the eastern side of Anzac Road 400 metres measured southerly, generally, along Anzac Road from Kitchener Road; thence due west by a right line to a point due south of the western terminating end of Routly Avenue; thence due north by a right line to the western terminating end of Routly Avenue; thence northerly, generally, by a right line to the western terminating end of Hamlet Place; thence north-easterly, generally, by a right line to a point on the northern side of Kitchener Road 200 metres measured westerly, generally, along the said road from Wellington Street; thence north-westerly, generally, by a right line to a point on the eastern side of Green Lane 160 metres measured southerly, generally, along Green Lane from Ward Street; thence north-westerly, generally, by a right line to a point on the southern side of Ward Street at its intersection with the south-eastern side of Puni Road; thence north-easterly, generally, by a right line to a point on the southern side of Beresford Street 240 metres measured westerly, generally, along the said street from Wellington Street; thence northerly, generally, by a right line to a point on the northern side of West Street 200 metres measured south-westerly, generally, along West Street from Helvetia Road; thence south-westerly, generally, along the northern side of West Street to the north-eastern side of Jutland Road; thence north-westerly, generally, along the north-eastern side of Jutland Road to the southern side of Victoria Street West; thence south-westerly, generally, along the southern side of the said Street to a point 100 metres measured easterly, generally, along the said Street from Factory Road; thence across Victoria Street West at right angles from its southern side to its northern side; thence north-easterly, generally, along the northern side of the said Street to its intersection with the north-eastern side of Jutland Road; thence northerly, generally, by a right line to the northern side of Princes Street West at its intersection with the north-eastern side of Puriri Road; thence northerly, generally, by a right line to the southern side of Kauri Road at its intersection with the south-western side of Helvetia Road; thence north-easterly, generally, by a right line to the north-western terminating end of Frank Hewitt Street; thence easterly, generally, by a right line to the eastern terminating end of Times Place; thence south-easterly, generally, by a right line to the northern side of Birdwood Road at its intersection with the western side of Beatty Road; thence north-easterly, generally, by a right line to a point on the western side of the No. 22 State Highway (Runciman-Te Uku) 600 metres measured northerly, generally, along the said State highway from Kayes Road; thence easterly, generally, by a right line to the commencing point.

### Second Schedule

Situated within Franklin District at Onewhero:

Hall Road.

Onewhero-Tuakau Road; from a point 450 metres measured northerly, generally, along the said road from Kaipo Flats Road to a point 150 metres measured southerly, generally, along the said road from Parsons Road.

Situated witin Franklin District at Pukekohe:

No. 22 State Highway (Runciman-te Uku): from a point 100 metres measured southerly, generally, along the said State highway from Nelson Street to a point 80 metres measured southerly, generally, along the said State highway from Kitchener Road.

Cape Hill Road: from Franklin Road to Valley Road.

Franklin Road: from Stadium Drive to Cape Hill Road.

John Street: from Nelson Street to Kitchener Road.

Jutland Road: from Victoria Street West to West Street.

Kitchener Road: from Tuakau Road to No. 22 State Highway (Runciman-Te Uku).

McNally Road: from Puni Road to a point 600 metres measured south-westerly, generally, along the said road from Ward Street.

Victoria Street West: from a point 100 metres measured north-easterly, generally, along the said street from Factory Road to a point 150 metres measured south-westerly, generally, along the said street from Factory Road.

West Street: from a point 200 metres measured south-westerly, generally, along the said street from Helvetia Road to Jutland Road.

Signed at Wellington this 13th day of December 1990.

C. M. CLISSOLD, Controller, Road and Traffic Standards.

†*New Zealand Gazette*, No. 71 dated 28 April 1988, page 1656.

(MOT 29/1/Franklin District)
go13886

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## The Traffic (Waitakere 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, Controller Road and Traffic Standards, give the following notice:

### Notice

This notice may be cited as the Traffic (Waitakere City) Notice No. 1, 1990.

The roads specified in the First Schedule are declared to be closely populated localities for the purposes of 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 (Waitemata City-Waitakere/Titirangi Wards and Rodney County) Notice No. 1, 1986, signed on the 12th day of September 1986*, and The Traffic (Waitemata City) Notice No. 1, 1988, signed on the 18th day of August 1988†, issued pursuant to section 52 of the Transport Act 1962 and regulation 21 (2) of the Traffic Regulations 1976, are revoked.

The Traffic (Waitemata City-Lincoln/Te Atatu Wards and Rodney County) Notice No. 1, 1986, signed on the 12th day of September 1986‡ 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 Waitakere City and within Rodney District adjacent to Waitakere City:

Amreins Road.

Bethells Road: From Wairere Road to a point 360 metres measured northerly, generally, along the said road from Tasman View Road.

Duffys Road.

Red Hills Road: From a point 170 metres measured westerly, generally, along the said road from Don Buck Road to Sunnyvale Road.

Sunnyvale Road: from Kay Road to Red Hills Road.

Waitakere Road.

Situated within Waitakere City:

Aio Wira Road.

Anawhata Road.

Anzac Valley Road.

Atarua Gardens.

Babich Road.

Bethells Road: From Wairere Road to a point 360 metres measured northerly, generally, along the said road from Tasman View Road.

Birdwood Road: From Swanson Stream to Red Hills Road.

Brabant Road.

Brigham Creek Road: From No. 16 State Highway (Auckland-Wellsford) to Totara Road and from a point 260 metres measured westerly, generally, along the said road from Trig Road to a point 180 metres measured westerly, generally, along the said road from Hobsonville Road.

Bristol Road.

Buckley Avenue.

Bush Road.

Candia Road: From Pooks Road to Henderson Valley Road.

Carter Road.

Cascade Avenue.

Chamberlain Road: From a point 180 metres measured westerly, generally, along the said road from Don Buck Road to Birdwood Road.

Christian Road.

Clarks Lane.

Cochran Road.

Cornwallis Road: From Huia Road to a point 1000 metres measured southerly, generally, along the said road from Huia Road.

Coulter Road.

Crows Road.

Dale Road.

Don Buck Road: From a point 100 metres measured northerly, generally, along the said road from Royal Road to No. 16 State Highway (Auckland-Wellsford).

Drower Road.

Dunlop Road.

Falls Road.

Forest Hill Road: From Holdens Road to West Coast Road.

Glen Road: From a point 300 metres measured northerly, generally, along the said road from Karepo Crescent to Birdwood Road.

Gum Road.

Hailes Road.

Hayes Road.

Henderson Valley Road: From a point 710 metres measured westerly, generally, along the said road from Pine Avenue to Opanuku Road.

Hobsonville Road: From Wallingford Way to Buckley Avenue.

Huia Road: From a point 740 metres measured southerly, generally, along the said road from Titirangi Road to a point 150 metres measured southerly, generally, along the said road from Sylvan Valley Avenue and from a point 320 metres measured westerly, generally, along the said road from Victory Road to the Parua Track; and from a point 250 metres measured westerly, generally, along the said road from Armour Road to a point 280 metres measured northerly, generally, along the said road from Huia Point Lookout Road, and from Upland Road to Whatipu Road.

Huia Dam Road.

Isabel Drive.

Karekare Road: From the Karekare Stream bridge to Piha Road.

Kauri Road: From Brigham Creek Road to a point 830 metres measured northerly, generally, along the said road from Rata Road.

Kauri Loop Road.

Kay Road.

Kellys Road.

Kennedys Road.

Landing Road.

Laingholm Drive: From a point 70 metres measured northerly generally from Deirdre Place to Huia Road.

La Trobe Track.

Log Race Road.

Lone Kauri Road.

Long Road.

Makora Road.

Mamari Road: From Spedding Road to a point 475 metres measured northerly, generally, along the said road from Spedding Road.

McEntee Road: From Amreins Road to Kay Road.

McKean Road.

Mountain Road.

Mount Donald McLean Road.

Mudgeway Road.

Nola Road.

North Way.

Ockleston Road.

O'Neills Road: From a point 140 metres measured southerly, generally, along the said road from Swanson Road to Christian Road.

Opanuku Road: From a point 660 metres measured southerly, generally, along the said road from Henderson Valley Road to its southern terminating point.

Parker Road.

Parkin Road.

Perris Road.

Piha Road: From a point 325 metres measured southerly, generally, along the said road from Pendrell Road to the Scenic Drive.

Pooks Road: From O'Neills Road to Ranui Avenue.

Quinns Road.

Raroa Terrace.

Rata Road.

Rimu Road.

Riverlea Road.

Rope Road.

Scenic Drive: From a point 150 metures measured southerly, generally, along the said road from Huia Road to Woodlands Park Road and from a point 60 metres measured westerly, generally, along the said road from Tawini Road to Te Henga Road.

Scenic Drive North: From Te Henga Road to a point 130 metres measured easterly, generally, along the said road from Te Henga Road and from a point 340 metres measured easterly, generally, along the said road from Awhiorangi Promenade to Waitakere Road.

Scott Road.

Seibel Road.

Shaw Road: From a point 320 metres measured southerly,

generally, from West Coast Road to its southern terminating point.

Shirley Road.

Simpson Road: From a point 30 metres measured southerly, generally, along the said road from Metcalfe Road to Candia Road.

Sinton Road.

Smythes Ridge Road.

Speddings Road.

State Highway No. 16 (Auckland-Wellsford).

Steam Hauler Track.

Steed Road.

Sturges Road: From a point 1515 metres measured southerly, generally, along the said road from Palomino Drive to Candia Road.

Swanson Road: From Christian Road to Waitakere Road.

Tasman Avenue.

Tawari Road.

Te Ahuahu Road.

Te Aute Ridge Road.

Te Henga Road.

Totara Road: From Karaka Road to Brigham Creek Road.

Tram Valley Road.

Trig Road: From a point 50 metres measured northerly, generally, along the said road from Ryans Road to Brigham Creek Road.

Tui Crescent.

Turanga Road.

Unity Road.

Upper Harbour Drive.

Vineyard Road.

Waikarekare Road.

Waitakere Road.

Walker Road.

Welsh Hills Road.

Wendy Road.

West Coast Road: From a point 330 metres measured southerly, generally, along the said road from Shaw Road to the Scenic Drive.

Whatipu Road.

Yelash Road.

## Second Schedule

Situated within Waitakere City and within Rodney District adjacent to Waitakere City:

Sunnyvale Road: From a point 1300 metres measured northerly, generally, from Kay Road to Red Hills Road.

Situated within Waitakere City:

Anzac Valley Road.

Atarua Gardens.

Babich Road.

Bush Road.

Candia Road: From Pooks Road to the northern intersection of Coulter Road.

Carter Road.

Cascade Avenue.

Cochran Road.

Don Buck Road: From a point 100 metres measured northerly, generally, along the said road from Royal Road to a point 365 metres measured northerly, generally, along the said road from Beauchamp Drive.

Falls Road.

Forest Hill Road: From Holdens Road to West Coast Road.

Gum Road.

Hayes Road.

Henderson Valley Road: From a point 710 metres measured westerly, generally, along the said road from Pine Avenue to a point 590 metres measured westerly, generally, along the said road from Gum Road; and from a point 70 metres measured easterly, generally, along the said road from Opanuku Road to Opanuku Road.

Huia Road: From a point 740 metres measured southerly, generally, along the said road from Titirangi Road to a point 110 metres measured northerly, generally, along the said road from Landing Road, and from a point 860 metres measured westerly, generally, along the said road from Landing Road to a point 150 metres measured sotherly, generally, along the said road from Sylvan Valley Road and from Upland Road to Whatipu Road.

Huia Dam Road.

Kauri Road: From a point 190 metres measured northerly, generally, along the said road from Brigham Creek Road to a point 150 metres measured northerly, generally, from Rata Road.

Kauri Loop Road.

Kellys Road.

Landing Road.

Log Race Road.

Makora Road.

Mountain Road: From Opanuku Road to a point 920 metres measured westerly, generally, along the said road from Hayes Road and from a point 320 metres measured easterly, generally, along the said road from Turanga Road to the Scenic Drive.

Nola Road.

North Way.

O'Neills Road: From a point 140 metres measured southerly, generally, along the said road from Swanson Road to a point 40 metres measured northerly, generally, from Drower Road.

Parker Road.

Parkin Road.

Piha Road: From a point 325 metres measured southerly, generally, along the said road from Pendrell Road to a point 880 metres measured easterly, generally, from Te Ahuahu Road and from a point 100 metres measured westerly, generally, from Quinns Road.

Pooks Road: From Candia Road to Ranui Avenue.

Quinns Road.

Raroa Terrace.

Rata Road.

Red Hills Road: From a point 170 metres measured westerly, generally, along the said road from Tawini Road to a point 60 metres measured westerly, generally, along the said road from North Way and from a point 150 metres measured southerly, generally, along the said road from West Coast Road to a point 115 metres measured northerly, generally, along the said road from Quinns Road.

Shaw Road: From a point 320 metres measured southerly, generally, from West Coast Road to its southern terminating point.

Simpson Road: From a point 30 metres measured southerly, generally, along the said road from Metcalfe Road to a point 410 metres measured sotuherly, generally, along the said road from Babich Road.

Steed Road.

Tasman Avenue.

Te Ahuahu Road.

Te Henga Road: From a point 260 metres measured westerly, generally, along the said road from Unity Road to a point 340 metres measured westerly, generally, along the said road from Falls Road.

Totara Road: From Karaka Road to a point 270 metres measured northerly, generally, along the said road from McKean Road.

Tui Crescent.

Turanga Road.

Waitakere Road: From a point 885 metres measured northerly, generally, along the said road from Northfield Road to a point 200 metres measured northerly, generally, along the said road from Bethells Road.

Wendy Road.

West Coast Road: From a point 330 metres measured southerly, generally, along the said road from Shaw Road to Forest Hill Road.

Whatipu Road: From Huia Road to a point 910 metres measured, generally, westerly, along the said road from Huia Road.

Signed at Wellington this 17th day of December 1990.

C. M. CLISSOLD, Controller, Road and Traffic Standards.

**New Zealand Gazette,* No. 149, dated 25 September 1986, page 4039.

†*New Zealand Gazette,* No. 157, dated 15 September 1988, page 3656.

‡*New Zealand Gazette,* No. 149, dated 25 September 1986, page 4038.

(MOT 29/1/Waitakere City)
go13873

### Hazardous Substances—Modifications to Prescribed Standard Notice

Pursuant to section 70E (3) and (6) of the Transport Act 1962, a delegation from the Minister of Transport, and a subdelegation from the Secretry of Transport, I, Carne Maurice Clissold, Controller, Road and Traffic Standards, give the following notice:

#### Notice

The "prescribed standard" referred to in section 70F (3) (b) (c) and (d) of the Transport Act 1962, shall be the standard described in the First Schedule as modified by the Second Schedule.

The Hazardous Substances—Prescribed Standard Notice signed on the 30th day of April 1990* is hereby revoked.

#### First Schedule

Prescribed Standard: New Zealand Standard 5233: 1988 entitled Code of Practice for the Transport of Hazardous Substances on Land.

#### Second Schedule

The prescribed standard shall be modified in: Table 3 by deleting the words "Any quantity" in the line commencing with "Mixed Load" and deleting the full stop in the footnote "e" and adding "where mixed loads contain 20 quantity or more of flammable gas, poisonous gas or any other class in packaging group 1 and the aggregate net quantity exceeds 200 or in other cases of mixed loads where the aggregate net quantity exceeds 1000."

Section 7.2.1.3 by adding the words "Segregation as specified in Table 5 shall only be required where footnote (e) of Table 3 as modified by this notice requires the *HAZARDOUS* label provided that hazaardous substances of classes 6 or 8 in any quantity shall not be stowed on a vehicle or in the same freight container as food or food containers unless the Class 6 or 8 hazardous substances or the food and/or food containers are protected by the use of a segregation device approved by the relevant statutory authority.

10.1 in the line for "Aerosol dispensers—capacity not more than 1 L" replace "nil" with "9" and insert "111" in the packaging group column.

10.1 in the line for :Life-saving appliances, self-inflating" insert "111"" in the packaging group column.

Signed at Wellington this 17th day of December 1990.

C. M. CLISSOLD, Controller Road and Traffic Standards.

* *New Zealand Gazette,* 3 May 1990, No. 69, page 1504.

(MOT 17/13/19)
go13907

## Transport (Vehicle and Driver Registration and Licensing) Act 1986

### Approval of Hazardous Substances Courses

Pursuant to paragraph 48 (2) (e) 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 31st day of August 1990, I, John Battersby Toomath, Manager Safety Standards, hereby approve the following courses and organisations for the purposes of paragraph 70H (1) (a) of the Transport Act 1962:

Clark and Rogers Ltd. Hazardous Substances Course conducted by Clark and Rogers Ltd., as the organisation.

Defensive Driving Association (DTS) Ltd. Hazardous Substances Course conducted by Defensive Driving Association (DTS) Ltd., as the organisation.

Signed at Wellington this 12th day of December 1990.

J. B. TOOMATH, Manager, Safety Standards.

(File 16/6/1/5)
go13905

## Transport (Vehicle Standards) Regulations 1990

### Alternative Seatbelt Anchorage, Transitional Specification

Pursuant to regulation 6 of the Transport (Vehicle Standards) Regulations 1990, and pursuant to powers delegated to me by the Secretary for Transport by an instrument of delegation dated 26 September 1990, I, Richard Leslie Reynolds, Controller Vehicle Standards, hereby prescribe the Transition Specification (No. MOT ST 91290) as an alternative standard for the purpose of regulation 30 and item 19, Second Schedule, of the Transport (Vehicle Standards) Regulations 1990. I hereby further prescribe that this alternative standard applies to vehicles first registered in New Zealand on or after 1 January 1991 and before 31 March 1991.

Dated at Wellington this 12th day of December 1990.

R. L. REYNOLDS, Controller Vehicle Standards.

(This does not form part of the approval but is merely explanatory). Copies of the Transition Specification MOT ST 91290 are available from trade associations or Vehicle Standards Section, Ministry of Transport, Wellington.

(MOT 14/41/1/4)
go13900

# Authorities and Other Agencies of State

## Reserve Bank

### Reserve Bank of New Zealand Act 1989

#### The DFC New Zealand Limited (Appointment of Advisory Committee) Notice (No. 5) 1990

Pursuant to section 119 (5) of the Reserve Bank of New Zealand Act 1989, I, the Honourable Ruth Richardson, the Minister of Finance, in accordance with a recommendation of the Reserve Bank of New Zealand, give the following notice.

**Notice**

**1. Title**—This notice may be cited as the DFC New Zealand Limited (Appointment of Advisory Committee) Notice (No. 5) 1990.

**2. Appointment of additional members to advisory committee**—(i) The following person, namely—

David Gregory Sadler, of Auckland, company director is hereby appointed as an additional member of the advisory committee to advise the statutory manager of the companies that are subject to statutory management under Part V of the Reserve Bank of New Zealand Act 1989 by virtue of the DFC New Zealand Limited (Statutory Management) Order 1990 on the exercise of the powers conferred by Part V of that Act in relation to those companies.

(ii) David Gregory Sadler is appointed for a period that commences on the 21st day of December 1990 and that expires on the 31st day of December 1991.

Dated at Wellington this 17th day of December 1990.

RUTH RICHARDSON, Minister of Finance.

au13875

#### The DFC New Zealand Limited (Advisory Committee) Notice (No. 3) 1990

Pursuant to section 119 (4) of the Reserve Bank of New Zealand Act 1989, I, the Honourable Ruth Richardson, the Minister of Finance, in accordance with a recommendation of the Reserve Bank of New Zealand, give the following notice.

**Notice**

**1. Title and commencement:**—(i) This notice may be cited as the DFC New Zealand Limited (Advisory Committee) Notice (No. 3) 1990;

(ii) This notice shall come into force on the day following the day of its notification in the *Gazette*

**2. Extension of appointment of advisory committee:**—The term of appointment of the following members of the advisory committee formed to advise the statutory manager of DFC New Zealand Limited (and its subsidiary companies), namely—

Sir Spencer Thomas Russel, of Auckland, company director.

Yukio Fujita of Tokyo, company executive.

Thomas Stewart Tennent of Auckland, banker, or in his absence Lindsay Campbell Pyne of Wellington, banker.

Masumi Tamagawa of Tokyo, banker, or, in his absence, Daizo Kozasa of Sydney, banker, or in the absence of both, Masaki Fukuda of Tokyo, banker.

George Markou of Sydney, banker, or, in his absence, Bruce Message of Sydney, banker, or, in the absence of both, John Belisle of New York, banker, or in the absence of all the foregoing, Gev Nentin of New York, banker.

is hereby extended to expire on the 31st day of December 1991.

**3.** In this notice, a reference to the absence of any person shall mean the absence of that person from the whole or part of any meeting of the advisory committee.

Dated at Wellington this 17th day of December 1990.

RUTH RICHARDSON, Minister of Finance.

au13874

#### The Annual Fee for Registered Banks

Pursuant to section 79 of the Reserve Bank of New Zealand Act 1989, the Reserve Bank of New Zealand gives notice that the annual fee that shall be paid to the Reserve Bank of New Zealand by every registered bank for the period commencing 1 April 1990 and ending 31 March 1991 shall be determined as follows:

1. *Interpretation*—Unless the context otherwise requires—

"The Act" means the Reserve Bank of New Zealand Act 1989.

"Annual Fee" means the amount determined by the Reserve Bank of New Zealand pursuant to section 79 of the Act as the annual fee that shall be paid to the Reserve Bank of New Zealand by every registered bank.

"Category A Bank" means a registered bank that is incorporated in New Zealand and which is directly or indirectly controlled by either persons ordinarily resident in New Zealand, or by persons resident overseas and not registered, authorised, constituted or licensed in that country as a bank under legislation comparable to Part V of the Act.

"Category B Bank" means a registered bank that is incorporated outside New Zealand, or is directly or indirectly controlled by persons resident overseas which are registered, authorised, constituted or licensed in that country as a bank under legislation comparable to Part V of the Act.

"Holding company" has the same meaning as in the Companies Act 1955;

"Risk Adjusted Exposures" in relation to a registered bank means the amounts calculated or derived in respect of that registered bank from information supplied or required to be supplied to the Reserve Bank of New Zealand in return No. R.B. PS1 "Return of Capital Adequacy and Off-Balance Sheet Business", as amended from time to time.

2. *Amount of Fee Determined*—(1) Subject to subparagraphs (2) and (3) of this paragraph the annual fee, inclusive of GST, shall be:

(i) In respect of a Category A bank:

$= [\$50{,}000 + 0.00004061 \times X_{Ai}] \times 1.125,$

where $X_{Ai}$ = Risk adjusted exposures (expressed in dollars) of that Category A as at 31 December 1989.

(ii) In respect of a Category B bank:

$= [\$50{,}000 + 0.00002437 \times X_{Bi}] \times 1.125,$

where $X_{Bi}$ = Risk adjusted exposures (expressed in dollars) of that Category B bank as at 31 December 1989.

(iii) In respect of a bank that has been registered on the basis of the principles set out in paragraphs 15 and 23 of the Reserve Bank document "Registration of Banks and Prudential Supervision of Registered Banks—Statement

of Principles" (dated 14 March 1990), the registered bank that is the holding company of the group shall pay a fee on behalf of each bank in the group that is determined in accordance with (i) and (ii) above, on the basis of the total risk adjusted exposures of the group, as reported in R.B. PS1 by the registered bank which is the holding company.

(iv) Where a registered bank is the holding company of another registered bank and (iii) above does not apply, a separate fee is payable by each registered bank. Where the risk adjusted exposures reported in R.B. PS1 by the registered bank which is the holding company include the risk adjusted exposures of the other registered bank, the latter shall be deducted from the former for the purposes of calculating the fee payable by the holding company.

(2) The amounts determined pursuant to subparagraph (1) of this paragraph shall be rounded to the nearest thousand dollars.

(3) Where the risk adjusted exposures of any registered bank are not derived or calculated as at 31 December 1989, the Reserve Bank may determine the date as at which the risk adjusted exposures of that bank shall be derived or calculated for the purpose of determining the annual fee payable by or on behalf of, that registered bank.

(4) The amounts determined pursuant to subparagraph (1) of this clause include goods and services tax.

3. *Period to Which the Fee Relates*—(1) Subject to subparagraph (2) of this paragraph the annual fee shall be payable in respect of the period commencing on 1 April 1990 and ending 31 March 1991.

(2) The amounts determined in accordance with this notice in respect of a Category A bank, or a Category B bank, will be payable only in respect of the period during which it was or became a registered bank or a Category A bank or a Category B bank and will be adjusted on a pro-rata basis if the financial institution ceases to be a registered bank or is designated in a different category.

(3) Subject to subparagraph (2) of this paragraph the fee will be payable in two equal instalments, one due on or before 31 December 1990, and one due on or before 31 March 1991.

*Explanatory Note*

This notice is not part of the notice but is intended to indicate its general effect and the basis on which the annual fee is calculated and its relationship to the anticipated costs of the Reserve Bank in exercising the powers conferred on it by Part V of the Act.

1. Pursuant to section 79 of the Act, in determining fees the Reserve Bank has had regard to the anticipated banking supervision costs for the bank's 1990–91 financial year.
2. The basis for the proposed method of cost allocation is that the fee for individual banks should comprise a fixed element, representing a flat fee for basic supervision and policy development/maintenance, as well as a variable element which broadly relates to the intensity of supervision which different banks receive. This intensity varies according to the size of the bank and, in the case of international banks, on the allocation of supervisory responsibilities between New Zealand and overseas banking supervisors.
3. The fees payable pursuant to section 79 and determined in accordance with this notice will recover approximately 75 percent of the anticipated cost of the Reserve Bank's banking supervision function for the Reserve Bank's 1990–91 financial year.

Dated at Wellington this 17th day of December 1990.

RUTH RICHARDSON, Minister of Finance.

au13876

# Securities Commission

## Securities Act 1978

### Authorised Life Insurance Companies Notice (No. 2) 1990

Pursuant to the Securities Act 1978, the Securities Commission gives the following notice.

**Notice**

**1. Title and commencement, and expiry**—(1) This notice may be cited as the Authorised Life Insurance Companies Notice (No. 2) 1990.

(2) This notice shall come into force on the 1st day of January 1991.

(3) This notice shall expire with the close of the 31st day of March 1991.

**2. Interpretation**—(1) In this notice "the Act" means the Securities Act 1978.

(2) Any term or expression which is not defined in this notice, but which is defined in the Act, shall have the meaning given to it in the Act.

**3. Authorised life insurance companies**—(1) Each life insurance company named in the Schedule to this notice is hereby declared to be an authorised life insurance company for the purposes of the Act in respect of all life insurance policies issued by that company.

**Schedule**

***Authorised Life Insurance Companies***

AA Life Assurance Limited.

FAI Metropolitan Life Assurance Company of N.Z. Limited.

First Pacific Life Insurance Limited.

Sovereign Assurance Company Limited.

Dated at Wellington this 17th day of December 1990.

[L.S.]

The Common Seal of the Securities Commission was hereunto affixed in the presence of:

P. D. McKENZIE, Chairman.

au13909

### Authorised Life Insurance Companies Notice 1990

Pursuant to the Securities Act 1978, the Securities Commission gives the following notice.

**Notice**

**1. Title and commencement, and expiry**—(1) This notice may be cited as the Authorised Life Insurance Companies Notice 1990.

(2) This notice shall come into force on the 1st day of January 1991.

(3) This notice shall expire with the close of the 31st day of December 1991.

**2. Interpretation**—(1) In this notice "the Act" means the Securities Act 1978.

(2) Any term or expression which is not defined in this notice, but which is defined in the Act, shall have the meaning given to it in the Act.

**3. Authorised life insurance companies**—(1) Each life insurance company named in the Schedule to this notice is hereby declared to be an authorised life insurance company for the purposes of the Act in respect of all life insurance policies issued by that company.

(2) Equitable Life Insurance Company Limited is hereby declared to be an authorised life insurance company for the

purposes of the Act, in respect of all life insurance policies issued by that company other than first mortgage bonds as described in a registered prospectus of that company dated the 12th day of November 1990.

**"Schedule**

***Authorised Life Insurance Companies***

American Life Insurance Company.
ANSVAR Life Limited.
ANZ Life Assurance Company Limited.
BNZ Life Insurance Limited.
Capital Life Assurance Limited.
CIGNA Life Insurance New Zealand Limited.
Countrywide Life Limited.
CUNA Mutual Insurance Society.
Farmers' Mutual Life Limited.
Fidelity Life Assurance Company Limited.
General Accident Life Assurance Limited.
Greenwich Life Insurance Limited.
Guardian Assurance plc.
Hallmark Life Insurance Company Limited.
Invincible Life Assurance Limited.
Medical Life Assurance Society Limited.
National Insurance Life Limited.
National Mutual Life Association of Australasia Limited.
NBNZ Life Insurance Limited.
Norwich Union Life Insurance Society.
Oceanic Life Limited.
Pacific Life Limited.
Regent Insurance Company Limited.
Southsure Assurance Limited.
Sun Alliance Life Limited.
Swann Life Insurance Limited.
The Australian Mutual Provident Society.
The Colonial Mutual Life Assurance Society Limited.
The New Zealand Insurance Life Limited.
The Prudential Assurance Company New Zealand Limited.
The Prudential Assurance Company of Australia & New Zealand Limited.
The Prudential Assurance Company Limited.
Tower Corporation.
Westpac Life - NZ - Limited."

Dated at Wellington this 17th day of December 1990.

The Common Seal of the Securities Commission was hereunto affixed in the presence of:

[L.S.]

P. D. McKENZIE, Chairman.

au13913

# Land Notices

## Conservation

### Reserves Act 1977

#### Classification of a Reserve and Vesting in The Rangitikei District Council

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Regional Conservator for the Department of Conservation, Wanganui, hereby classifies the reserve described in the Schedule hereto, as a local purpose (public hall site) reserve and vests in the said reserve in The Rangitikei District Council for that purpose.

**Schedule**

***Wellington Land District—Rangitikei District***

3295 square metres, more or less, being Section 52, Torere Village, situated in Block III, Hautapu Survey District. S.O. Plan 24947 (Ref: NZMS 261 T21/5.4).

Dated at Wanganui this 13th day of December 1990.

W. F. CARLIN, Regional Conservator.

(DOC C.O. G04/301; D.O. 8/2/44) 1/1

ln13910

#### Revocation of the Reservation Over Part of a Reserve Specifying the Manner of Disposal and How Proceeds of Sale Shall be Utilised

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Regional Conservator, Wellington Conservancy of the Department of Conservation, hereby revokes the reservation as a public purposes reserve over that part of the land, described in the Schedule hereto, and further declares that the said land may be disposed of by The Kapiti Coast District Council at current market value, the proceeds from any such sale to be paid into the council's reserves account, such moneys to be used and applied in or towards the improvement of other reserves under the control of the council, or in or towards the purchase of other land for reserves.

**Schedule**

***Wellington Land District—Kapiti Coast District***

183 square metres, more or less, being Lot 1, LT 56725, situated in Block V, Kaitawa Survey District. Part *Gazette* Notice 897087.

Dated at Wellington this 14th day of December 1990.

N. D. R. McKERCHAR, Regional Conservator.

(Files DOC R.O. GC3/400) 1CL

ln13884

#### Classification of Reserve

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Regional Conservator, Otago Conservancy, Department of Conservation, hereby classifies the reserve, described in the Schedule hereto, as a Government purpose (wildlife management) reserve, subject to the provisions of the said Act.

**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 *New Zealand Gazette,* 1990, page 4030.

Dated at Dunedin this 13th day of December 1990.

J. E. CONNELL, Regional Conservator.

(C.O. C.M.O. 16/W/1) 2/1
ln13918

### Revocation of a Reservation Over a Reserve Specifying the Manner of Disposal and How Proceeds of Sale Shall be Utilised

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Regional Conservator of the West Coast Conservancy of the Department of Conservation, hereby revokes the reservation as a reserve for recreation purposes over the land, described in the Schedule hereto, and further, declares that the said land may be disposed of by The Grey District Council at current market value, the proceeds from any such sale to be paid into the council's reserves accounts, such moneys to be used and applied in or towards the improvement of other reserves under the control of the council, or in or towards the purchase of other land for reserves.

#### Schedule

***Westland Land District—Grey District***

683 square metres, more or less, being R2069, situated in Block XVI, Greymouth Survey District;, D.P. 948.

Dated at Hokitika this 16th day of December 1990.

B. N. WATSON, Regional Conservator, West Coast.

(Files DOC C.O. 2.10.8.4) 2
ln13917

### Declaration That Land Shall be Protected Private Land

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Regional Conservator of the Department of Conservation, Wanganui, hereby declares that the private land, described in the Schedule hereto, shall be protected private land for historic purposes, subject to the provisions of the said Act.

#### Schedule

***Wellington Land District—Wanganui District***

4.143 hectares, more or less, being Part Lot 1, Deposited Plan 1919, as shown on Deposited Plan 70496, situated in Block II, Ikitara Survey District. Part certificate of title 207/159 (Ref: NZMS 261 522/1.3).

Dated at Wanganui this 13th day of December 1990.

W. F. CARLIN, Regional Conservator, Department of Conservation.

(DOC C.O. GO1/103 D.O. FC 8/4/11) 2
ln13916

### Classification of Reserve

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Regional Conservator for the Waikato Conservancy of the Department of Conservation, hereby classifies the reserve described in the Schedule hereto, as a recreation reserve, subject to the provisions of the said Act.

#### Schedule

***South Auckland Land District—Hamilton City***

7714 square metres, more or less, being Allotment 66, Hamilton West Town Belt. Situated in Block II, Hamilton Survey District. Section 2, Reserves and Other Lands Disposal Act 1952. S.O. Plan 35542.

1.3784 square metres, more or less, being Allotment 67, Hamilton West Town Belt. Situated in Block II, Hamilton Survey District. Section 2, Reserves and Other Lands Disposal Act 1952. S.O. Plan 35542.

7537 square metres, more or less, being Allotment 68, Hamilton West Town Belt. Situated in Block II, Hamilton Survey District. S.O. Plan 35542.

1327 square metres, more or less, being Allotment 53, Hamilton West Town Belt. Situated in Block II, Hamilton Survey District. Part *New Zealand Gazette,* 1879, page 683. Coloured yellow on S.O. Plan 44085.

Dated this 13th day of December 1990.

G. E. ROWAN, Regional Conservator, Waikato Conservancy.

(DOC Ref: RRL004) 1CL
ln13922

### Revocation of the Reservation Over a Reserve Specifying the Manner of Disposal and How Proceeds of Sale Shall be Utilised

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Regional Conservator for the Waikato Conservancy of the Department of Conservation, hereby revokes the reservation as a foreshore reserve over the land described in the Schedule hereto, and further, declares that the said land may be disposed of by The Waikato District Council in such manner, at such price an on such terms and conditions as the council shall determine, the proceeds from any such sale to be paid into the council's reserves account, such moneys to be used and applied in or towards the improvement of other reserves under the control of the council or in or towards the purchases of other land for reserves.

#### Schedule

***South Auckland Land District—Waikato District***

38 square metres, more or less, being Lot 1, L.T.S. 57279. Situated in NZMS 261;, R14, Sheet 5.4. Part certificate of title 739/220.

Dated at Hamilton this 12th day of December 1990.

G. E. ROWAN, Regional Conservator, Waikato Conservancy.

(DOC Ref: LPR 016) 1CL
ln13924

# Iwi Transition Agency

## Maori Affairs Restructuring Act 1989

### Maori Land Development Notice

Pursuant to section 21 of the Maori Affairs Restructuring Act 1989, the General Manager, Iwi Transition Agency, hereby gives notice as follows:

**Notice**

1. This notice may be cited as Maori Land Development Notice Rotorua 1990, No. 14.

2. The notice referred to in the First Schedule hereto is hereby revoked by omitting all reference to the land described in the Second Schedule hereto.

3. The land described in the Second Schedule hereto is hereby released from Part II of the Maori Affairs Restructuring Act 1989.

**First Schedule**

| Date of Notice | Reference | Registration No. |
|---|---|---|
| 20 June 1977 | *New Zealand Gazette,* 30 June 1977, No. 71, page 1826 | |

**Second Schedule**

***South Auckland Land District***

All that piece of land described as follows:

| Area ha | Being |
|---|---|
| 36.01702 | Lot 5, D.P. S. 31, being part Allotment 82, Parish of Rangitaiki, situated in Blocks VII and VIII, Rangitaiki Upper Survey District. All certificate of title, Volume 992, folio 174. |

Dated at Rotorua this 11th day of December 1990.

For and on behalf of the General Manager, Iwi Transition Agency:

M. J. McMILLAN, Programe Manager.

(Te Tai H.O. D.O. 5246) 6

ln13656

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## Maori Land Development Notice

Pursuant to section 21 of the Maori Affairs Restructuring Act 1989, the General Manager, Iwi Transition Agency hereby gives notice as follows:

**Notice**

1. This notice may be cited as Maori Land Development Notice Rotorua 1990, No. 12.

2. The notice referred to in the First Schedule hereto is hereby revoked by omitting all reference to the land described in the Second Schedule hereto.

3. The land described in the Second Schedule hereto is hereby released from Part II of the Maori Affairs Restructuring Act 1989.

**First Schedule**

| Date of Notice | Reference | Registration No. |
|---|---|---|
| 26 November 1979 | *New Zealand Gazette*, 6 December 1979, No. 114, page 3781. | |

**Second Schedule**

***South Auckland Land District***

All that piece of land described as follows:

| Area ha | Being |
|---|---|
| 3616.6229 | All that piece of land containing 3616.6229 hectares, more or less, and being part of all that land comprised and described in amalgamation order of the Maori Land Court dated 11 August 1971, being Matawhaura No. 1 situated in Blocks I, V, VI, IX, X, XIII and XIV, Rotoma Survey District *less* that part of the said land containing 0.91960 hectares which part was released from Part II, Maori Affairs Restructuring Act 1989 by *Gazette* Notice, 12 January 1989, No 1, page 28. |

Dated at Rotorua this 14th day of December 1990.

For and on behalf of the General Manager, Iwi Transition Agency.

M. J. McMILLAN, Programme Manager.

(Te Tai D.O. 2730) 6

ln13894

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## Maori Land Development Notice

Pursuant to section 21 of the Maori Affairs Restructuring Act 1989, the General Manager, Iwi Transition Agency hereby gives notice as follows:

**Notice**

1. This notice may be cited as Maori Land Development Notice Rotorua 1990, No. 11.

2. The notice referred to in the First Schedule hereto is hereby revoked by omitting all reference to the land described in the Second Schedule hereto.

3. The land described in the Second Schedule hereto is hereby released from Part II of the Maori Affairs Restructuring Act 1989.

**First Schedule**

| Date of Notice | Reference | Registration No. |
|---|---|---|
| 27 June 1979 | *New Zealand Gazette*, 5 July 1979, No. 61, page 2038. | |

**Second Schedule**

***South Auckland Land District***

All those pieces of land described as follows:

| Area ha | Being |
|---|---|
| 1219.7333 | All that piece of land containing 1219.73333 hectares, more or less, being Tihoi 6, Blocks V, VI and IX, Marotiri Survey District (formerly known as Te Tihoi 3C, situated in Block V, Marotiri Survey District. Partition Order dated 29 June 1908, Tihoi 5, situated in Blocks V, VI, IX and X, Marotiri Surv;ey District, Order cancelling two titles and substituting one title dated 12 August 1969) and being all the land comprised and described in amalgamation order dated 11 December 1980. |

Dated at Rotorua this 14th day of December 1990.

For and on behalf of the General Manager, Iwi Transition Agency.

M. J. McMILLAN, Programme Manager.

(Te Tai D.O. 7070) 6

ln13893

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## Maori Land Development Notice

Pursuant to section 21 of the Maori Affairs Restructuring Act 1989, the General Manager, Iwi Transition Agency hereby gives notice as follows:

**Notice**

1. This notice may be cited as Maori Land Development Notice Rotorua 1990, No. 9.

2. The notice referred to in the First Schedule hereto is hereby revoked by omitting all reference to the land described in the Second Schedule hereto.

3. The land described in the Second Schedule hereto is hereby released from Part II of the Maori Affairs Restructuring Act 1989.

**First Schedule**

| Date of Notice | Reference | Registration No. |
|---|---|---|
| 10 December 1962 | *New Zealand Gazette*, 13 December 1962, No. 79, page 2241 | |

**Second Schedule**

***South Auckland Land District***

All that piece of land described as follows:

| Area acres | Being |
|---|---|
| 5082 0 roods 00 perches | Part of all that piece of land comprised and described in amalgamation order of the Maori Land Court dated 21 February 1985, being Ruatahuna A Block, situated in Block XIV Ahikererè, Block V, VI, IX, X and XIII, Ruatahuna Survey District. |

Dated at Rotorua this 14th day of December 1990.

For and on behalf of the General Manager, Iwi Transition Agency.

M. J. McMILLAN, Programme Manager.

(Te Tai D.O. 2170) 6
ln13890

# New Zealand Railways Corporation

## New Zealand Railways Corporation Act 1981

### Revoking a Notice Declaring Railway Land at Waimate to be Set Apart for Education Purposes

*Canterbury Land District—Waimate District*

Pursuant to sections 10 and 30 of the New Zealand Railways Corporation Act 1981 and section 55 of the Public Works Act 1981, the Chief Executive of the New Zealand Railways Corporation hereby revokes the notice dated the 26th day of November 1990, published in *Gazette*, 29 November 1990, No. 209, page 4511.

Dated at Wellington this 17th day of December 1990.

P. K. TROTMAN, for Chief Executive, New Zealand Railways Corporation.

(NZR L.O. 22034/-)
ln13885

### Declaring Land at Newmarket 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***

119 square metres, more or less, being Lot 26, D.P. 22483, situated in Block VIII, Rangitoto Survey District; all certificate of title 687/116.

Dated this 18th day of December 1990.

P. K. TROTMAN, for Chief Executive, New Zealand Railways Corporation.

(NZR L.O. 17734)
ln13887

### Declaring Land at Newmarket 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***

356 square metres, more or less, being Lots 23, 24 and 25, D.P. 22483, situated in Block VIII, Rangitoto Survey District; all certificate of title 687/115.

Dated this 18th day of December 1990.

P. K. TROTMAN, for Chief Executive, New Zealand Railways Corporation.

(NZR L.O. 17734)
ln13888

### Declaring Land at Newmarket 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***

237 square metres, more or less, being Lots 19 and 20, D.P. 22483, situated in Block VIII, Rangitoto Survey District; all certificate of title 687/114.

Dated this 18th day of December 1990.

P. K. TROTMAN, for Chief Executive, New Zealand Railways Corporation.

(NZR L.O. 17734)
ln13889

# Survey and Land Information

## Local Government Act 1974

### Transfer of Unformed Legal Road in Western Bay of Plenty District

Pursuant to section 323 of the Local Government Act 1974, and to a delegation from the Minister of Lands, the Assistant District Manager of the Department of Survey and Land Information, Hamilton, hereby declares that the land described in the Schedule hereto has been transferred to the Crown by The Taupo District Council, pursuant to the said section 323, and on publication of this notice the said land shall be deemed to be Crown land subject to the land Act 1948.

#### Schedule

***South Auckland Land District***

1.0327 hectares, more or less, being part public road, situated in N.Z.M.S. 261 U13, Sheet 1.4; shown as area "A" on S.O. Plan 58410.

Dated at Hamilton this 22nd day of November 1990.

R. W. BARNABY, Assistant District Manager. 1CL
ln13621

### Transfer of Unformed Legal Road in Taupo District

Pursuant to section 323 of the Local Government Act 1974, and to a delegation from the Minister of Lands, the Assistant District Manager of the Department of Survey and Land Information, Hamilton, hereby declares that the land described in the Schedule hereto has been transferred to the Crown by The Taupo District Council, pursuant to the said section 323, and on publication of this notice the said land shall be deemed to be Crown land subject to the land Act 1948.

### Schedule

***South Auckland Land District***

1.0100 hectares, more or less, being part public road, situated in N.Z.M.S. 261 U18, Sheet 2.1; shown as area "A" on S.O. Plan 56587.

Dated at Hamilton this 22nd day of November 1990.

R. W. BARNABY, Assistant District Manager. 1CL
ln13622

## Public Works Act 1981

### Declaring Land to be Road in Papakura 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 Papakura District Council.

### Schedule

***North Auckland Land District***

155 square metres, being Lot 2, L.T. 141155, lodged in the office of the Chief Surveyor at Auckland (Part *Gazette* notice 798512.1, North Auckland Land Registry).

Dated at Auckland this 17th day of December 1990.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI Ak. D.O. 23/;127/0) 1CL
ln13919

### Land Acquired for Road, Road Stopped and Land Severed by Road in Block XV, Invercargill Hundred.

Pursuant to 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 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 shall vest in the Southland District Council on the date of publication hereof in the *Gazette*.

(b) Pursuant to sections 116 and 117 (3) (b) declares the parts of the road described in the Schedule hereto, to be stopped and declares that:

(i) The road firstly described be amalgamated with the land in certificate of title No. B4/23, subject to existing encumbrances.

(ii) The road secondly described be amalgamated with the land in certificate of title No. 9C/960, subject to existing encumbrances.

(iii) The road thirdly described be amalgamated with the land in certificate of title No. 6C/588, subject to existing encumbrances.

(iv) The road fourthly described be amalgamated with the land in certificate of title No. 8A/905, subject to existing encumbrances.

(v) The road fifthly described be amalgamated with the land in certificate of title No. 8A/904, subject to existing encumbrances.

(vi) The road sixthly described be amalgamated with the land in certificate of title No. 76/217, subject to existing encumbrances.

(vii) The road seventhly described be amalgamated with the land in certificate of title No. 5D/82, subject to existing encumbrances.

(c) Pursuant to section 119, declares the land described in the Third Schedule hereto, to be taken, and declares that:

(i) The land firstly described be amalgamated with the land in certificate of title No. B4/23, subject to existing encumbrances.

(ii) The land secondly described be amalgamated with the land in certificate of title No. 9C/960, subject to existing encumbrances.

(iii) The land thirdly, fourthly and fifthly described be amalgamated with the land in certificate of title No. 6C/588, subject to existing encumbrances.

### First Schedule

***Southland Land District—Invercargill City***

*Land Acquired for Road*

| Area $m^2$ | Being |
|---|---|
| 9785 | Part Lot 2, D.P. 9352; as shown marked "J" on S.O. Plan 11200. Part certificate of title 5B/432. |
| 2772 | Part Section 118, Block XV, Invercargill Hundred; as shown marked "A" on S.O. Plan 11201. Part certificate of title 8A/904. |
| 131 | Part Tramway Reserve, Block XV, Invercargill Hundred; as shown marked "B" on S.O. Plan 11201. |
| 6491 | Part Lot 3, D.P. 9352; as shown marked "I" on S.O. Plan 11201. Part certificate of title 5B/433. |

### Second Schedule

***Southland Land District—Invercargill City***

*Road Stopped*

| Area $m^2$ | Adjoining or passing through |
|---|---|
| 680 | Part Section 126, Block XV, Invercargill Hundred; as shown "M" on S.O. Plan 11200. |
| 1232 | Section 3, S.O. 11469; as shown marked "N" on S.O. Plan 11200. |
| 2747 | Lot 2, D.P. 9707; as shown marked "E" on S.O. Plan 11201. |
| 835 | Lot 1, D.P. 1971; as shown marked "F" on S.O. Plan 11201. |
| 3169 | Part Section 118, Block XV, Invercargill Hundred; as shown marked "G" on S.O. Plan 11201. |
| 7141 | Part Section 118, Block XV, Invercargill Hundred; as shown marked "H" on S.O. Plan 11201. |
| 550 | Lot 1, D.P. 9707; as shown marked "P" on S.O. Plan 11201. |

### Third Schedule

***Southland Land District—Invercargill City***

*Land Taken*

| Area $m^2$ | Being |
|---|---|
| 137 | Part Lot 2, D.P. 9352; as shown marked "K" on S.O. Plan 11200. Part certificate of title 5B/432. |
| 48 | Part Lot 2, D.P. 9352; as shown marked "L" on S.O. Plan 11200. Part certificate of title 5B/432. |
| 815 | Part Section 118, Block XV, Invercargill Hundred; as shown marked "C" on S.O. Plan 11201. Part certificate of title 8A/904. |
| 594 | Part Section 118, Block XV, Invercargill Hundred; as shown marked "D" on S.O. Plan 11201. Part certificate of title 8A/904. |
| 493 | Part Tramway Reserve, Block XV, Invercargill Hundred; as shown marked "O" on S.O. Plan 11201. |

As shown on the above mentioned plans, lodged in the office of the Chief Surveyor at Invercargill.

Dated at Invercargill this 12th day of December 1990.

R. W. G. DALGLISH, District Manager.

(D.O. 2100/PO4) 1CL
ln13688

## State Forest Set Apart for Forestry Purposes in Mataura Hundred and Taringatura Survey District

Pursuant to section 52 (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, Invercargill, declares the State forest described in the Schedule hereto to be set apart for forestry purposes.

### Schedule

***Southland Land District—Southland District***

95.2630 hectares, being Lot 7, and part Lot 6, D.P. 1464, situated in Block II, Mataura Hundred. All document 180424.1.

1.2037 hectares, being Lots 3 and 4, Part Lots 1, 2, 5 and 6, Block VIII, D.P. 192, Taringatura Survey District, situated in Block I. All document 180819.1.

Dated at Invercargill this 11th day of December 1990.

R. W. G. DALGLISH, District Manager.

(In. 6700/08/03) 1CL
ln13689

## Declaring Former State Forest to be Crown Land

Pursuant to a delegation from the Minister of Lands, the Acting District Manager, Department of Survey and Land Information, New Plymouth, pursuant to section 42 (3) of the Public Works Act 1981, declares the land described in the Schedule hereto to be Crown Land, subject to the Land Act 1948.

### Schedule

***Taranaki Land District***

21.3187 hectares, being Section 1, S.O. Plan No. 12997, situated in Blocks III and VIII, Ngatimaru Survey District; being part land taken for permanent State forest by *New Zealand Gazette* 1953 at page 1527.

R. F. SCHWASS, Acting District Manager.

(DOSLI NP. D.O. Lands 34) 1CL
ln13691

## Land Acquired for Road and Service Lane in Tauranga District

Pursuant to section 20 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, declares that, an agreement to that effect having been entered into, the land described in the First Schedule hereto is hereby acquired for road, and the land described in the Second Schedule hereto is hereby acquired for service lane, and further declares that the land in both Schedules shall vest in The Tauranga District Council on the date of publication hereof in the *Gazette*.

### First Schedule

***South Auckland Land District***

| Area m² | Being |
|---|---|
| 100 | Part Lot 3, D.P. 34444; marked "A" on plan. |
| 87 | Part Lot 2, D.P. 34444; marked "B" on plan. |
| 86 | Part Lot 1, D.P. 34444; marked "C" on plan. |

As shown marked as above mentioned on S.O. Plan 58588, lodged in the office of the Chief Surveyor at Hamilton.

### Second Schedule

***South Auckland Land District***

| Area m² | Being |
|---|---|
| 104 | Part Lot 4, D.P. S. 11753; marked "D" on plan. |
| 115 | Part Lot 1, D.P. 34444; marked "F" on plan. |
| 106 | Part Lot 2, D.P. 34444; marked "G" on plan. |
| 122 | Part Lot 3, D.P. 34444; marked "H" on plan. |

As shown marked as above mentioned on S.O. Plan 58588, lodged in the office of the Chief Surveyor at Hamilton.

Dated at Hamilton this 30th day of November 1990.

R. W. BARNABY, Assistant District Manager.

(DOSLI Hn. 98/9/0/8) 1CL
ln13623

## Land Acquired for Recreation Reserve in Tauranga District

Pursuant to section 20 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, declares that, an agreement to that effect having been entered into, the land described in the Schedule hereto is hereby acquired for a recreation reserve subject to the Reserves Act 1977, to section 8 Mining Act 1971, and to Section 5 Coal Mines Act 1979, and shall vest in The Tauranga District Council on the date of publication hereof in the *Gazette*.

### Schedule

***South Auckland Land District***

2.8496 hectares, situated in Block VII, Tauranga Survey District, being Lot 2, on Deposited Plan S. 56172. All certificate of title No. 47A/383.

Dated at Hamilton this 10th day of December 1990.

W. G. KORVER, District Solicitor.

(DOSLI Hn. 98/9/0/9) 1CL
ln13624

## Land Acquired for Road in Western Bay of Plenty District

Pursuant to section 20 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, declares that, agreements to that effect having been entered into, the land described in the Schedule hereto is hereby acquired for road, and shall vest in The Western Bay of Plenty District Council on the date of publication hereof in the *Gazette*.

### Schedule

***South Auckland Land District***

| Area m² | Being |
|---|---|
| 503 | Part Section 5, Block VIII, Otanewainuku Survey District; marked "A" on plan. |
| 296 | Part Lot 1, D.P. S. 26065; marked "B" on plan. |
| 139 | Part Lot 1, D.P. S. 26065; marked "C" on plan. |

As shown marked as above mentioned on S.O. Plan 57134, lodged in the office of the chief Surveyor at Hamilton.

Dated at Hamilton this 10th day of December 1990.

W. G. KORVER, District Solicitor.

(DOSLI Hn. 98/10/0/16) 1CL
ln13625

### Road Stopped in Hauraki District

Pursuant to section 116 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Assistant District Manager, Department of Survey and Land Information, Hamilton, declares the piece of road described in the Schedule hereto to be stopped.

#### Schedule

***South Auckland Land District***

3730 square metres adjoining or passing through Lots 1 and 2, D.P. 24834; as shown marked "D" on S.O. Plan 57609, lodged in the office of the Chief Surveyor at Hamilton.

Dated at Hamilton this 10th day of December 1990.

R. W. BARNABY, Assistant District Manager.

(DOSLI Hn. D.O. 96/092000/4/0/320) 1CL
ln13626

### Amending a Notice Realigning Road in Otorohanga District

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 26th day of April 1990 and published in the *New Zealand Gazette* on 3 May 1990, No. 68 at page 1515, realigning road in Otorohanga District by deleting all reference to memorandum of mortgage H. 089098 in paragraph (b).

Dated at Hamilton this 10th day of December 1990.

R. W. BARNABY, Assistant District Manager.

(DOSLI Hn. 98/6/0/57) 1CL
ln13627

### Land in Waitomo District Acquired for Road

Pursuant to section 20 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, declares that, agreements to that effect having been entered into, the land described in the Schedule hereto is hereby acquired for road, and shall vest in the Crown on the date of publication hereof in the *Gazette*.

#### Schedule

***South Auckland Land District***

| Area m² | Being |
|---|---|
| 50 | Part Lot 1, D.P. S. 11576; marked "A" on plan. |
| 71 | Part Lot 2, D.P. S. 11576; marked "B" on plan. |
| 245 | Part Te Kumi 7C Block; marked "C' on plan. |
| 613 | Part Lot 1, D.P. 8140; marked "D" on plan. |
| 6 | Part Lot 2, D.P. 8140; marked "E' on plan. |

Situated in Block XV, Orahiri Survey District.

As shown marked as above mentioned on S.O. 58150, lodged in the office of the Chief Surveyor at Hamilton.

Dated at Hamilton this 10th day of December 1990.

R. W. BARNABY, Assistant District Manager.

(DOSLI Hn. 72/3/2B/011/78 and 79)) 1CL
ln13628

### Land Acquired for Soil Conservation and River Control Purposes in Thames-Coromandel District

Pursuant to section 20 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, declares that, agreements to that effect having been entered into, the land described in the Schedule hereto hereby acquired for soil conservation and river control purposes and shall vest in The Waikato Regional Council on the date of publication hereof in the *Gazette*.

#### Schedule

***South Auckland Land District***

| Area m² | Being |
|---|---|
| 9470 | Part Kaiatenganga No. 3 Block; marked "F" on S.O. Plan 58584. |
| 9011 | Part Kaiatenganga No. 1 & 2 Blocks; marked "H" on S.O. Plan 58584. |
| 324 | Part Lot 1, D.P. S. 10545; marked "S" on S.O. Plan 58586. |
| 264 | Part Lot 1, D.P. S. 12884; marked "T" on S.O. Plan 58586. |
| 403 | Part Lot 2, D.P. S. 12884; marked "U" on S.O. Plan 58586. |
| 936 | Part Lots 28, 29, 30, 31, 32 and 33 of Block 7, D.P. 358; marked "Y" on S.O. Plan 58587. |
| 1470 | Part Lots 1, 2, 3, 10 and 11 of Block 10, D.P. 358; marked "AA" on S.O. Plan 58587. |

As shown marked on the plans as above mentioned and lodged in the office of the Chief Surveyor at Hamilton.

Dated at Hamilton this 10th day of December 1990.

W. G. KORVER, District Solicitor.

(DOSLI Hn. D.O. 96/092000/4/0) 1CL
ln13629

### 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 and shall vest in The Manukau City Council on the date of publication in the *Gazette*.

#### Schedule

***North Auckland Land District***

32 square metres, being part Lot 109, D.P. 52630; shown marked "A" on S.O. Plan 65593 lodged in the office of the Chief Surveyor at Auckland.

Dated at Auckland this 14th day of December 1990.

G. A. DAWSON, Manager Lands & Property.

(DOSLI Ak. D.O. 15/6/0/65593) 1CL
ln13877

### Land Declared to be Road and Road Stopped and Vested in Block I, Hodder Survey District, Marlborough 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, Blenheim:

(a) Pursuant to section 114, declares the land described in the First Schedule hereto to be road which shall vest in The Marlborough District Council.

(b) Pursuant to sections 116, 117 and 120 (3), declares the road described in the Second Schedule hereto to be stopped and shall be amalgamated with the land contained in certificate of title No. 4B/1058, subject to fencing covenant contained in Conveyance 21293, right to convey water by easement certificate 114453, memoranda of mortgage No. 124276, and 131369.4, variation of mortgage No. 145396, and statutory land charge No. 117788.

(c) Pursuant to sections 116, 117 and 120 (5), declares the road described in the Third Schedule hereto to be stopped and shall be amalgamated with the land in deferred payment

licence No. 297 recorded in the Register book No. 3D/15 held from the Crown by David Arthur Stone, chartered accountant, Peter Joseph Radich, solicitor, Jacqueline Lorraine Van Asch, married woman, and Keith Hunter Van Asch, farmer, subject to memorandum of mortgage No. 141377.7.

### First Schedule

***Marlborough Land District***

All those pieces of land situated in Block I, Hodder Survey District described as follows:

| Area | |
|---|---|
| $m^2$ | Being |
| 9050 | Part Lot 3, D.P. 4405; marked "A" on plan |
| ha | |
| 1.3520 | Part Lot 1, D.P. 6097; marked "B" on plan. |
| 2.8710 | Part Lot 1, D.P. 6097; marked "C" on plan. |

Shown marked as above mentioned on S.O. Plan 6464, lodged in the office of the Chief Surveyor at Blenheim.

### Second Schedule

***Marlborough Land District***

All that piece of road containing 1.6420 hectares, situated in Block I, Hodder Survey District, adjoining or passing through part Lot 1, D.P. 6097; marked "D" on S.O. Plan 6464, lodged in the office of the Chief Surveyor at Blenheim.

### Third Schedule

***Marlborough Land District***

All that piece of road containing 1.3215 hectares, situated in Block I, Hodder Survey District, adjoining or passing through Lot 3, D.P. 4405; marked "E" on S.O. Plan 6464, lodged in the office of the Chief Surveyor at Blenheim.

Dated at Blenheim this 17th day of December 1990.

G.B. HENDERSON, District Manager.

(DOSLI Blm. D.O. 6475/C2320)
ln13869

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## Revoking a Notice Declaring Land to be Road and Road Stopped and Vested in Block I, Hodder Survey District, Marlborough District

Pursuant to section 55 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, hereby revokes the notice dated the 6th day of August 1986 and published in the *New Zealand Gazette* of 14 August 1986, No. 127 at page 3408.

Dated at Blenheim this 17th day of December 1990.

G. B. HENDERSON, District Manager.

(DOSLI Blm. D.O. 6475/C2320)
ln13868

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## Land Acquired for Soil Conservation and River Control Purposes in the City of Lower Hutt

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 Lands Information, Wellington, declares that, an agreement to that effect having been entered into, the land described in the Schedule hereto is hereby acquired for soil conservation and river control purposes and shall vest in The Wellington Regional Council on the date of publication of this notice in the *Gazette*.

### Schedule

***Wellington Land District—City of Lower Hutt***

| Area | |
|---|---|
| $m^2$ | Being |
| 830 | Section 1 on S.O. Plan 36375. |
| 988 | Section 2 on S.O. Plan 36375. |
| 168 | Section 3 on S.O. Plan 36375. |
| 314 | Section 4 on S.O. Plan 36375. |

Shown marked as above mentioned on S.O. plan lodged in the office of the Chief Surveyor at Wellington.

Dated at Wellington this 12th day of December 1990.

D. I. GRAY, Manager, Lands and Property.

(DOSLI Wn. D.O. PL 18/3/7) 1CL
ln13904

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## Amending a Notice Acquiring Land for Road, in Connection With Road and Refuse Disposal Works in Block IV, Belmont Survey District, Hutt County and City of Lower Hutt

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, Wellington, hereby amends the notice dated the 6th day of November 1985 and published in the *New Zealand Gazette* of 14 November 1985, No. 210 at page 4921 by adding the following into the Second Schedule;

"1280 Part Section 833, Hutt District, marked "E" on plan.
"165 Part Section 833, Hutt District, marked "M" on plan.

Dated at Wellington this 17th day of December 1990.

D. I. GRAY, Manager, Lands and Property.

(DOSLI Wn. D.O. 16/1029/0) 1CL
ln13906

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## Amending a Notice Acquiring Crown Land for Road in Block IV, Belmont Survey District, Hutt County and Lower Hutt City

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, Wellington, hereby amends the notice dated the 28th day of March 1988 and published in the *New Zealand Gazette* of 31 March 1988, No. 56 at page 1368 by omitting the following:

"1280 Part Section 833, Hutt District, marked "E" on plan" and
"165 Part Section 833, Hutt District, marked "M" on plan".

Dated at Wellington this 17th day of December 1990.

D. I. GRAY, Manager, Lands and Property.

(DOSLI Wn. D.O. 16/1029/0) 1CL
ln13908

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## Land Acquired for Road, Land Set Apart for Road Road Stopped and Land Vested in the District or Marlborough

Pursuant to 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, Nelson:

(a) Pursuant to section 20 (1), declares that an agreement to that effect having been entered into, the land described in the First Schedule hereto is hereby acquired for road and vested in The Marlborough District Council on the date of publication hereof in the *Gazette*.

(b) Pursuant to section 52, declares the land described in the Second Schedule hereto to be road and vested in the

Marlborough District Council on the date of publication hereof in the *Gazette*.

(c) Pursuant to sections 116 (1), 117 and 120 (3), declares the portions of road described in the Third Schedule hereto to be stopped and amalgamated with the road in certificate of title No. 4B/1241 subject to memorandum of mortgage 149762.3.

(d) Pursuant to section 120 (3), declares that the portions of stopped road described in the Fourth Schedule hereto shall be amalgamated with the land in certificate of title No. 4B/1241 subject to memorandum of mortgage 149762.3.

(e) Pursuant to sections 116 (1) and 117 declares the portions of road described in the Fifth Schedule hereto to be stopped and shall vest in the Crown on the date of publication hereof in the *Gazette*.

## First Schedule

### *Marborough Land District*

*Land Acquired for Road*

All those pieces of land situated in Blocks I and II, Cloudy Bay Survey District, described as follows:

| Area m² | Being |
|---|---|
| 1600 | Part Section 3, Block I; marked "C" on plan. |
| 406 | Part Section 3, Block I; marked "P" on plan. |
| 1680 | Part Section 3, Block I; marked "R" on plan. |
| 242 | Part Section 3, Block I; marked "T" on plan. |
| 343 | Part Section 3, Block I; marked "W" on plan. |
| 4665 | Part Section 3, Block I; marked "X" on plan. |
| 5 | Part Section 3, Block I; marked "QQ" on plan. |
| 1120 | Part Section 6, Block II; marked "LL" on plan. |
| 1600 | Part Section 6, Block II; marked "RR" on plan. |

As shown marked as above mentioned on S.O. Plan 6564, lodged in the office of the Chief Surveyor at Blenheim.

## Second Schedule

### *Marlborough Land District*

*Land Declared Road*

All those pieces of land described as follows:

| Area m² | Being |
|---|---|
| 410 | Stopped Government Road; marked "A" on plan. |
| 860 | Stopped Government Road; marked "D" on plan. |
| 20 | Stopped Government Road; marked "G" on plan. |
| 300 | Stopped Government Road; marked "J" on plan. |
| 433 | Stopped Government Road; marked "O" on plan. |
| 473 | Stopped Government Road; marked "Q" on plan. |
| 453 | Stopped Government Road; marked "U" on plan. |
| 80 | Riverbed; marked "I" on plan. |

All situated in block 1, Cloudy Bay Survey District.

| Area m² | Being |
|---|---|
| 390 | Stopped Government Road; marked "AA" on plan. |
| 840 | Stopped Government Road; marked "CC" on plan. |
| 540 | Stopped Government Road; marked "FF" on plan. |
| 3200 | Stopped Government Road; marked "JJ" on plan. |
| 1975 | Stopped Government Road; marked "KK" on plan. |
| 1330 | Riverbed; marked "BB" on plan. |
| 2400 | Riverbed; marked "GG" on plan. |
| 960 | Riverbed; marked "II" on plan. |

All situated in Block II, Cloudy Bay Survey District.

As shown marked as above mentioned on S.O. Plan 6564, lodged in the office of the Chief Surveyor at Blenheim.

## Third Schedule

### *Marlborough Land District*

*Road Stopped and Amalgamated*

All those pieces of road situated in Block I, Cloudy Bay Survey District, described as follows:

| Area m² | Adjoining or passing through |
|---|---|
| 2120 | Stopped Government Road, River Bed and Legal Road, marked "B" on plan. |
| 860 | Legal Road and River Bed and stopped Government Road; marked "YY" on plan. |
| 1360 | Stopped Government Road, River Bed and Legal Road; marked "OO" on plan. |
| 320 | Legal Road and River Bed; marked "XX" on plan. |

As shown marked as above mentined on S.O. Plan 6564, lodged in the office of the Chief Surveyor at Blenheim.

## Fourth Schedule

### *Marlborough Land District*

*Land Amalgamated*

All those pieces of land situated in block I, Cloudy Bay Survey District, described as follows:

| Area m² | Being |
|---|---|
| 2120 | Section 1, S.O. 6564 |
| 1000 | Section 2, S.O. 6564 |

## Fifth Schedule

### *Marlborough Land District*

*Road Stopped*

All those pieces of road described as follows:

| Area m² | Being |
|---|---|
| 608 | Stopped Government Road, River Bed and Legal Road; marked "DD" on plan. |
| 2900 | Stopped Government Road, River Bed and Legal Road; marked "EE" on plan. |
| 256 | River Bed and Legal Road; marked "Y" on plan. |
| 2360 | Stopped Government Road, River Bed, Legal Road and Section 6, Block II, Cloudy Bay Survey District; marked "NN" on plan. |

| Area ha | Adjoining or passing through |
|---|---|
| 1.6000 | Stopped Government Road, riverbed and Section 6, Block II, Cloudy Bay Survey District; marked "MM" on plan. |

All situated in block II, cloudy Bay Survey District.

| Area m² | Adjoining or passing through |
|---|---|
| 350 | Riverbed and Legal Road; marked "K" on plan. |
| 1500 | Riverbed and Legal Road; marked "L" on plan. |
| 210 | Stopped Government Road, Legal Road and Section 3, Block I, Cloudy Bay Survey District; marked "M" on plan. |
| 2080 | Stopped Government Road, Legal Road and Section 3, Block I, Cloudy Bay Survey district; marked "N" on plan. |
| 1293 | Legal Road and Section 3, Block I, Cloudy Bay Survey District; marked "S" on plan. |
| 922 | Legal Road and Section 3, Block I, Cloudy Bay Survey District; marked "V" on plan. |
| 1040 | Stopped Government Road and River Bed; marked "PP" on plan. |
| 160 | Stopped Government Road and Legal Road; marked "F" on plan. |

All situated in Block I, Cloudy Bay Survey District.

| Area m² | Adjoining or passing through |
|---|---|
| 7694 | Stopped Government Road, River Bed, Legal Road, Section 3, Block I, Cloudy Bay Survey District and Section 6, Block II, Cloudy Bay Survey District; marked "Z" on plan. |
| 5160 | Legal Road, River Bed and Stopped Government Road; marked "C1" on plan. |

All situated in Block I and II, Cloudy Bay Survey District.

As shown marked as above mentioned on S.O. Plan 6564, lodged in the office of the Chief Surveyor at Blenheim.

Dated at Nelson this 17th day of December 1990.

R. G. C. WRATT, Manager, Lands and Property.

(DOSLI Nn. D.O. 94/5/0/5)1CL
ln13915

### Land at Rutherford and Bruce Streets Set Apart for Road and Road (Accessway) in Christchurch City

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:

(i) the land described in the First Schedule hereto, held by that council for road diversion, to be set apart for road; and

(ii) the land described in the Second Schedule hereto to be set apart for road (accessway).

#### First Schedule

*Canterbury Land District*

All that piece of land containing 235 square metres, being part Rural Section 14. All *Gazette* notice 748021/2.

#### Second Schedule

*Canterbury Land District*

All that piece of land containing 149 square metres, being Section 7, S.O. Plan 18172. All certificate of title 32F/839.

Dated at Christchurch this 13th day of December 1990.

R. J. MILNE, District Solicitor.

(DOSLI Ch. D.O. 35/1/64) 1CL
ln13925

### Land at Buckleys Road and Butterfield Avenue Set Apart for Road

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 First and Second Schedules hereto, held by that council for road diversion, to be set apart for road.

#### First Schedule

*Canterbury Land District—Christchurch City*

All that piece of land containing 66 square metres, being part Lot 6, D.P. 6922; marked "P" on S.O. Plan 18373, lodged in the office of the Chief Surveyor at Christchurch.

#### Second Schedule

*Canterbury Land District—Christchurch City*

| Area m² | Being |
|---|---|
| 458 | Part Lot 1, D.P. 12485; marked "D" on plan. |
| 140 | Part Lot 3, D.P. 12485; marked "E" on plan. |
| 118 | Part Lot 118, D.P. 1028; marked "F" on plan. |
| 98 | Part Lot 118, D.P. 1028; marked "G" on plan. |

As shown marked as above mentioned on S.O. Plan 18374, lodged in the office of the Chief Surveyor at Christchurch.

Dated at Christchurch this 13th day of December 1990.

R. J. MILNE, District Solicitor.

(DOSLI Ch. D.O. 35/1/65) 1CL
ln13926

# Transit New Zealand

## Transit New Zealand Act 1989

### Corrigendum

### Declaring State Highway to be a Limited Access Road, State Highway No. 29: Tauiko to Boulder Bridge

In the notice with the above-heading, published in the *New Zealand Gazette*, 6 December 1990, No. 213, page 4593, delete "Tauiko" and substitute "Tauriko".

Dated at Wellington this 17th day of December 1990.

M. K. LAUDER, State Highways Manager, Transit New Zealand. 6
ln13899

### Declaring State Highway to be a Limited Access Road, State Highway No. 49: Raetihi to Mangawhero

It is noted that Transit New Zealand, by resolution dated 6 December 1990 and pursuant to section 88 (1) of the Transit New Zealand Act 1989, hereby declares that part of State highway No 49: Raetihi to Mangawhero River Bridge, for half its width on the southern side and extending over the whole frontage of Lots 3 and 4 on Deposited Plan 51852 (certificate of title 21B/643) and Lots 1 and 2 on Deposited Plan 5d1852 (certificate of title 24B/526) as more particularly shown on Sheet 1 of Plan L.A. 43/101/1/4 and accompanying Schedule held in the office of the Regional Manager, Transit New Zealand, Wanganui and there available for public inspection, to be a limited access road.

Dated at Wellington this 18th day of December 1990.

M. K. LAUDER, State Highways Manager, Transit New Zealand.

(SH/8/49/6) 6
ln13898

### Declaring State Highway to be a Limited Access Road, State Highway No. 3: Mission Road to Pickwick Road

It is noted that Transit New Zealand, by resolution dated 6 December 1990 and pursuant to section 88 (1) of the Transit New Zealand Act 1989, hereby declares that part of State highway No 3: Mission Road to Pickwick Road for half its width on the southern side across the frontages of Lots 1 and 2, on D.P. 54341 (certificate of title 25B/500 and 25B/501) as more particularly shown on Sheet 1 of Plan L.A. 43/39/6/2 and accompanying Schedule held in the office of the Regional Manager, Transit New Zealand, Wanganui and there available for public inspection, to be a limited access road.

Dated at Wellington this 18th day of December 1990.

M. K. LAUDER, State Highways Manager, Transit New Zealand.

(SH/8/3/6) 6
ln13897

### Declaring State Highway to be a Limited Access Road, State Highway No. 3: Turakina to Williamson Line

It is noted that Transit New Zealand, by resolution dated 6 December 1990 and pursuant to section 88 (1) of the Transit New Zealand Act 1989, hereby declares that part of State highway No 3: Turakina to Williamson Line section commencing at the southern side of State highway 3 across the whole frontages of Lot 1, D.P. 51056 (certificate of title 22B/186) and Lot 3, D.P. 51056 (certificate of title 22C/880), as more particularly shown on Sheets 4 of Plan L.A. 43/42/4/4 and accompanying Schedule held in the office of the Regional Manager, Transit New Zealand, Wanganui and there available for public inspection, to be a limited access road.

Dated at Wellington this 18th day of December 1990.

M. K. LAUDER, State Highways Manager, Transit New Zealand.

(SH/8/3/6) 6
ln13896

### Declaring State Highway to be a Limited Access Road, State Highway No. 49: Waitaiki Stream to Waiouru

It is noted that Transit New Zealand, by resolution dated 6 December 1990 and pursuant to section 88 (1) of the Transit New Zealand Act 1989, hereby declares that part of State highway No 49: Waitaiki Stream to Waiouru, for its full width commencing at the west bank of the Tokiahuru Stream and extending westwards for 60 metres across the frontages of part Rangiwaeu 4F11A, Block X, Karioi S.D. (certificate of title 24A/260) and Lot 1, on D.P. 52752 (certificate of title 24A/259), as more particularly shown on Sheet 1 of Plan L.A. 43/102/3/1 and accompanying Schedule held in the office of the Regional Manager, Transit New Zealand, Wanganui and there available for public inspection, to be a limited access road.

Dated at Wellington this 18th day of December 1990.

M. K. LAUDER, State Highways Manager, Transit New Zealand.

(SH/8/49/6) 6
ln13895

# 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:

| *Authority for Enactment* | *Title or Subject-matter* | *Serial Number* | *Date of Enactment* | *Price Code* | *Postage and Packaging* |
|---|---|---|---|---|---|
| Accident Compensation Act 1982 | Accident Compensation (Referred Treatments Costs) Regulations 1990, Amendment No. 2 | 1990/353 | 17/12/90 | 2-A | $1.50 |
| Acts and Regulations Publication Act 1989 | Acts and Regulations Publication Act Commencement Order (No. 2) 1990 | 1990/354 | 17/12/90 | 2-A | $1.50 |
| Ministry of Energy (Abolition) Act 1989 | Ministry of Energy (Abolition) Act Commencement Order 1990 | 1990/355 | 17/12/90 | 2-A | $1.50 |
| Commerce Act 1986 | Commerce Act (Fees) Regulations 1990 | 1990/356 | 17/12/90 | 2-A | $1.50 |
| Social Security Act 1964 | Social Security (Medical Fees) Regulations 1986, Amendment No. 5 | 1990/357 | 17/12/90 | 4-BX | $2.00 |
| Social Security Act 1964 | Revocation of Social Security (Physiotherapy Benefits) Regulations | 1990/358 | 17/12/90 | 2-A | $1.50 |
| Social Welfare (Transitional Provisions) Act 1990 | Social Welfare (Reciprocity with The Netherlands) Order 1990 | 1990/359 | 17/12/90 | 12-CX | $3.40 |
| Education Act 1989 | Student Allowances Regulations 1988, Amendment No. 5 | 1990/360 | 17/12/90 | 4-BX | $2.00 |
| Conservation Act 1987 | Fish and Game Council Elections Regulations 1990 | 1990/361 | 17/12/90 | 15-CX | $3.40 |
| Commerce Act 1986, Ministry of Energy (Abolition) Act 1989 | Controlled Goods (Natural Gas) Order 1986, Amendment No. 4 | 1990/362 | 17/12/90 | 3-BX | $2.00 |
| Criminal Justice Act 1985 | Reporting Centre (Picton) Notice 1990 | 1990/363 | 17/12/90 | 2-A | $1.50 |
| Criminal Justice Act 1985 | Reporting Centre (Te Puke) Notice 1990 | 1990/364 | 17/12/90 | 2-A | $1.50 |
| Securities Act 1978 | Securities Act (Building Societies) Exemption Notice (No. 2) 1990 | 1990/365 | 17/12/90 | 5-BY | $2.20 |
| Securities Act 1978 | Securities Act (ANZ Banking Group (New Zealand) Limited) Exemption Notice (No. 5) 1990, Amendment No. 1 | 1990/366 | 18/12/90 | 2-A | $1.50 |
| Securities Act 1978 | Securities Act (Telecom Corporation of New Zealand Limited) Exemption Notice (No. 2) 1990 | 1990/367 | 18/12/90 | 2-A | $1.50 |

| *Authority for Enactment* | *Title or Subject-matter* | *Serial Number* | *Date of Enactment* | *Price Code* | *Postage and Packaging* |
|---|---|---|---|---|---|
| Securities Act 1978 | Securities Act (Contributory Mortgage) Regulations (Farrow Mortgage Corporation Limited) Exemption Notice 1990 | 1990/368 | 18/12/90 | 4-BX | $2.00 |

**Postage and Packaging Charge: Mail Orders**

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|---|---|
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ps13891

# General

## North Shore City Council

### Pursuant to Section 38 of the Local Authorities Loans Act 1956

**Notice of Result of Poll on Loan Proposal**

Notice is hereby given that a poll of the electors of the North Shore City taken on the 8th day of December 1990, on the proposal of the above-named local authority to raise a loan of $1.089 million to be known as the Community Development and Recreation Loan 1990, for the purpose of funding community development and recreation projects resulted as follows:

The number of votes recorded for the proposal was 13 015.

The number of votes recorded against the proposal was 46 508.

The number of informal votes was 136.

I there declare that the proposal was rejected.

Dated this 15th day of December 1990.

M. A. HARTLEY, Mayor.
gn13870

## Nursing Council of New Zealand

### Nurses Act 1977

**Order of the Council in Disciplinary Session—James Bonar, Registered Psychiatric Nurse**

In exercise of its powers under sections 42 (1) (b), 42 (2) (a), 42 (9), 42 (3) and 48A of the Nurses Act 1977, the Nursing Council of New Zealand on 5 October 1990 after due inquiry found Registered Psychiatric Nurse James Bonar to have been guilty of professional misconduct and ordered that his name be removed from the Register of Psychiatric Nurses. Council declined to fix a time after which he may apply to have his name restored to the Register. Council also ordered that he pay $1,000 (or 25 percent of costs whichever is the lesser) toward the cost and expenses of and incidental to the inquiry by the Council; that a notice stating the effect of the order be published in the *Gazette*, and the *New Zealand Nursing Journal.*

M. E. BURGESS, Registrar.
gn13901

**Order of the Council in Disciplinary Session—Michael David Shaun Perry, Registered Psychopaedic Nurse**

In exercise of its powers under sections 42 (1) (b), 42 (2) (a), 42 (9), 23 (2), 42 (3) and 48A of the Nurses Act 1977, the Nursing Council of New Zealand on 16 October 1990 after due inquiry found Registered Psychopaedic Nurse Michael David Shaun Perry to have been guility of professional misconduct and ordered that his name be removed from the Register of Psychopaedic Nurses. Council declined to fix a time after which he may apply to have his name restored to the Register. Council also ordered that he pay $5,000 (or 25 percent of costs whichever is the lesser) toward the cost and expenses of and incidental to the inquiry by the Council; that a notice stating the effect of the order be published in the *Gazette*, and the *New Zealand Nursing Journal.*

M. E. BURGESS, Registrar.
gn13903

# Trust Bank Otago Community Trust Inc.

## Trustee Banks Restructuring Act 1988

### Trust Bank Otago Community Trust Inc.

***Annual Report for the Year Ended 31 March 1990***

The Trust Bank Otago Community Trust Inc. was incorporated as a charitable trust in accordance with the provisions of the Trustee Banks Restructuring Act 1988. The purpose of the trust is to provide charitable, cultural, philanthropic and recreational benefits to the community.

**Trustees**

C. A. Melville, Chairperson, S. E. Alexander, R. R. Allan, R. M. Gray, H. A. Irwin, N. S. Jones, B. A. Malcolm, C. D. Matthewson, R. E. Mogensen, Dr J. Ng, J. D. Polson, H. A. Russell and R. F. Walls.

**Trustees' Report**

*First Full Year of Operation*

While the Trust Bank Otago Community Trust was established in May 1988, the operations of the trust to 31 March 1989 were of a formative nature. As no dividend was received from its shareholding in the Trust Bank Group in that period, the trust was unable to make any grants, however Trust Bank Otago Ltd. did make grants out of its profits to 31 March 1988.

The activities of the trust for the year to 31 March 1990 constitute its first full financial year. Following the receipt of the first of its dividends from Trust Bank New Zealand in June 1989 the trust was able to make its first grants totalling $326,825. Of this amount $324,800 went to organisations in the trust's specified area—generally the Otago province and $2,025 was the trust's share of grants made by the combined regional trust's national disaster relief fund.

The first full year's operation has left the trust in a healthy financial position.

*Otago Community Hospice Trust*

Following the finalisation by the hospice trust of 526 George Street as the site for the hospice the first $125,000 of the promised $250,000 grant was made in December 1989. The remaining $125,000 payment has been made since balance date.

*Other Grants* (Full list published in *Otago Daily Times*, 15 July 1989)

Further grants totalling $199,800 were made to organisations within the province of Otago with interests in:

| | $ |
|---|---|
| Welfare and social services | 36,100 |
| Community support | 20,450 |
| Youth and education | 62,400 |
| Cultural activities and recreation | 80,850 |
| | $199,800 |

A full list of grants made in the year to 31 March 1990, is available from the secretary, K. G. Ellwood, P.O. Box 5751, Dunedin.

*National Disaster Relief Fund*

In conjunction with other regional Trust Bank community trusts, Otago contributed $13,500 to a national disaster relief fund of $100,000. To 31 March 1990, 2 grants were made from this fund, $5,000 to the Taranaki Mayoral Flood Relief Fund, and $10,000 to the Wanganui Mayoral Flood Relief Fund, following extensive flooding in those areas in March 1990. The trust's share of these grants was $2,025.

*New Grant Criteria*

During the year the trust reviewed the grant application process and criteria. Detailed information is now available for potential applicants explaining the trust's criteria and the types of organisations likely to receive assistance. An expanded application form will allow trustees to more readily assess individual requests for assistance.

Trustees have decided in the meantime to make one multi grant distribution each year following receipt of its major dividend from Trust Bank New Zealand Ltd.

**Income and Expenditure Account for the Year Ended 31 March 1990**

| | $ | *Year to 31 March 1990* $ | *Period to 31 March 1989* $ |
|---|---|---|---|
| Investment income | | | – |
| Interest income | 20,558 | | – |
| Dividends received (note 2) | 553,500 | | – |
| Total income | | 574,058 | – |
| Expenses— | | | |
| Advertising | 1,853 | | 248 |
| Audit fees | 743 | | 275 |
| ACC levy | 280 | | 0 |
| General expenses | 95 | | 465 |
| Professional fees | 817 | | 0 |
| Travelling expenses | 1,554 | | 4,682 |

| | $ | Year to 31 March 1990 $ | Period to 31 March 1989 $ |
|---|---|---|---|
| Trustees fees | 30,062 | | 20,375 |
| Total expenditure | | 35,404 | 26,045 |
| Net income before grants | | 538,654 | (26,045) |
| *Less* grants | | 326,825 | – |
| National disaster relief fund | | 11,475 | – |
| Excess of income over expenditure for year | | 200,354 | (26,045) |

**Balance Sheet as at 31 March 1990**

| | $ | Year to 31 March 1990 $ | Period to 31 March 1989 $ |
|---|---|---|---|
| Accumulated funds— | | | |
| Balance as at 31 March 1989 | | 21,176,407 | – |
| Funds introduced during the year | | – | 21,202,452 |
| | | 21,176,407 | 21,202,452 |
| *Plus* excess of income over expenditure | | 200,354 | (26,045) |
| Balance as at 31 March 1990 | | $21,376,761 | $21,176,407 |
| Represented by: | | | |
| Current assets— | | | |
| Current account: Trust Bank Otago | | 12,862 | – |
| Term deposit: Trust Bank Otago | | 160,164 | – |
| Call deposit: (national disaster relief fund) | | 13,514 | – |
| Interest accrued | | 2,781 | – |
| | | 189,321 | – |
| *Less* current liabilities— | | | |
| Current account: Trust Bank Otago | – | | 2,945 |
| Sundry creditors | 1,412 | | 23,000 |
| National grants provision | 11,475 | | – |
| Undistributed grant re national relief fund | 2,025 | | – |
| | | 14,912 | 25,945 |
| Working capital | | 174,409 | (25,945) |
| Investments (note 3)— | | | |
| Shares: Trust Bank New Zealand Limited | | 21,202,352 | 21,202,352 |
| Net assets | | $21,376,761 | $21,176,407 |

Signed on behalf of the board of trustees:

C. A. MELVILLE, Chairperson.

J. NG, Trustee.

Dated 28 May 1990.

**Statement of Cash Flows for the Year Ending 31 March 1990**

| | Year to 31 March 1990 $ | Period to 31 March 1989 $ |
|---|---|---|
| Cash flows from operating activities— | | |
| Cash was provided from: | | |
| Dividend from Trust Bank New Zealand Limited | 553,500 | – |
| Interest on investments | 15,950 | – |
| Other | 1,813 | – |
| | 571,263 | – |
| Cash was disbursed to: | | |
| Suppliers of goods and services | 2,672 | 2,492 |
| Trustees | 54,320 | 553 |
| Grants to the community | 324,800 | – |
| Net cash flows from operating activities | $189,471 | ($3,045) |
| Cash flows from investing activities— | | |
| Cash was provided from: | | |
| Sale of shares | – | 5,204,000 |

| | Year to 31 March 1990 $ | Period to 31 March 1989 $ |
|---|---|---|
| Maturing of fixed interest investments | 817,000 | – |
| | 817,000 | 5,204,000 |
| Cash was applied to: | | |
| Investment in shares | – | 5,204,000 |
| Fixed interest investments | 990,664 | – |
| Net cash flows from investing activities | (173,664) | – |
| Cash flows from financing activities— | | |
| Cash was provided from: | | |
| Minister of Finance (establishing grant) | – | 100 |
| Net cash flows from financing activities | – | 100 |
| Net increase (decrease) in cash held | 15,807 | (2,945) |
| *Add* cash at 1 April 1989 | (2,945) | – |
| Cash at 31 March 1990 | 12,862 | (2,945) |

### *Auditor's Report, Trust Bank Otago Community Trust Inc.*

We have audited the financial statements in accordance with accepted auditing standards, and have carried out such procedures as we consider necessary.

In our opinion, according to the best of our information and explanations given to us the financial statements are properly drawn up so as to give a true and fair view of the financial position of the Trust Bank Otago Community Trust Inc. as at 31 March 1990 and the results of its activities for the year ended on that date.

Dated at Dunedin this 28th day of May 1990.

KPMG Peat Marwick, Chartered Accountants.

### *Notes to the Financial Statements for the Year Ending 31 March 1990*

**1. Statement of Accounting Policies**

*General Accounting Policies*

The general accounting policies adopted in the preparation of these financial statements are:

- The measurement base adopted is the historical cost basis.
- Reliance has been placed on the fact that the entity is a going concern.
- The matching of revenues earned and expenses incurred using accrual accounting except that dividend income is accounted for on a receipts basis.

*Particular Accounting Policies*

The following are the particular accounting policies which have a material effect on the measurement of results and the financial position:

(a) *Dividend income:* Dividend income from Trust Bank New Zealand Limited is included in the income and expenditure account when it is received.

(b) *Grants:* Grants made are included in the income and expenditure account when paid.

(c) *Investments:* Shares held in Trust Bank New Zealand Limited are stated at cost.

**2. Dividends**

Dividends were received from Trust Bank New Zealand Limited in June and December 1989. No dividend was received in the trust's formative year.

**3. Investments**

Shares in Trust Bank New Zealand Limited:

| | |
|---|---|
| $13,500,000 ordinary shares of $1 each, fully paid | $21,202,352 |

In the opinion of the trustees the market value of this investment is not less than the cost as shown in the financial statements.

**4. Taxation**

For taxation purposes the trust is deemed to be a charitable organisation. Its income is not subject to taxation.

The trust is not registered for goods and services tax purposes. Accordingly these financial statements are stated on a GST inclusive basis.

The trust has been registered as exempt from interest and dividend PAYE and holds a current certificate of exemption.

**5. Contingent Liability**

The trust is committed to a $250,000 grant to the Otago Community Hospice Trust. $125,000 has been paid in the year under review and the remainder has been paid since balance date.

The trust's share of undistributed grants at 31 March 1990 made from the national disaster relief fund is $2,025.

gn13927

# New Zealand Gazette 1990 Deadlines

Final editions for 1990 are as follows:

### Commercial Edition—19 December 1990

The deadline for this edition is noon on Monday, the 17th day of December 1990.

### Principal Edition—20 December 1990

The deadline for this edition is noon on Tuesday, the 18th day of December 1990.

N.B. It would be appreciated if material for above gazettes were delivered as early as possible.

# New Zealand Gazette 1991 Deadlines

First editions for 1991 are as follows:

### Principal Edition—10 January 1991

The deadline for this edition is noon on Tuesday, the 8th day of January 1991.

### Commercial Edition—16 January 1991

The deadline for this edition is noon on Monday, the 14th day of January 1991.

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