

determined by the Tribunal. This is intended to result in a uniformity of clause in respect of each of all the private commercial radio stations.

We received evidence in support of the application from Mr J. K. Iles, secretary of the Independent Broadcasters Association, and in respect of the Radio Pacific application from Mr Michael Jack, managing director of the applicant company.

The amendment approved will follow that of other warrants with a general prohibition in terms of the Act and exceptions as applied for. Therefore a general prohibition should remain in each warrant.

The warrants with the exception of Radio Pacific will be amended as follows:

"The warrant holder shall not—

- (a) Form or join in forming, or enter or be or become a member of, any network of broadcasting stations, or any other association or organisation of broadcasting stations formed for the purpose of making arrangements for the provision of programmes or the broadcasting of advertisements; or
- (b) Subscribe for or acquire, by itself or any person or company or body corporate on its behalf, any shares or interest in any such network, association, or organisation.

"The warrant holder may, notwithstanding any prohibition contained or implied in the warrant, form or join in forming or enter into or be or become a member of any network of broadcasting stations for the following purposes:

- (i) to broadcast news and current affairs programmes.
- (ii) to broadcast sports news and to broadcast sports commentaries of events of special interest.
- (iii) to broadcast musical and entertainment programmes of special interest.
- (iv) with the prior consent of the Chairman of the Tribunal or of any 2 members thereof to broadcast any other programme.
- (v) with the prior consent of the Tribunal to broadcast any other class or type of programmes.

Provided however that nothing in this condition shall permit network advertising without the prior consent of the Chairman or any 2 members of the Tribunal.

"The warrant holder will report all broadcasts made pursuant to clauses (2) and (3) to the Registrar of the Broadcasting Tribunal before or not later than 14 days after the date of broadcast. It will be sufficient compliance of this provision if in the case of a series of broadcasts notification is given of the intention to make the broadcasts setting out the frequency and duration. The warrant holder shall supply any further information required by the Tribunal about any such broadcasts."

All existing prohibitions on networking are revoked and the above clauses substituted.

Radio Pacific Ltd.

This applicant seeks the same amendments except that, under the paragraph (ii) above, the words "race commentaries" would be included so that the clause will read:

to broadcast sports news and race commentaries and to broadcast other sports commentaries of events of special interest.

Mr Jack said that the company had made arrangements for the broadcasting of some racing commentaries.

A written objection from Hauraki Enterprises was received. The objector did not want the amendment to go further than the networking conditions imposed by the Tribunal in its decision of 5/80 on the occasion of applications by other private broadcasters.

The objector did not object to the company joining in network broadcasting of horse racing commentaries but in respect of other sports commentaries, events of special interest, musical entertainment programmes, news and current affairs programmes, Radio Pacific's warrant should stipulate networking conditions the same as for other stations.

The third point objected to was that the amendment would appear to be at variance with one of the conditions imposed in the warrant limiting the broadcast of recorded music.

The Tribunal decided to grant the application by Radio Pacific Ltd.

The first objection seems to be founded on the basis that the applicant wants a different form of amendment than that applying to other stations. This does not appear to be the case. Secondly the proposed amendment appears only to treat race commentaries (and not the broadcast of musical entertainment programmes) any differently than for other applicants.

Thirdly, the Tribunal does not see the provision to permit networking as in conflict with any restriction on the playing of recorded music. The fact that a station is permitted to broadcast means of networking does not negative any other condition imposed in the warrant. It merely permits the method of broadcast to be changed from actual origination by the station itself to the use of networking. The station will still have to comply with any condition relating to the amount of recorded music which may be broadcast.

In the case of Radio Pacific Ltd. there was no objection to the broadcasting of race commentaries and there is justification in the public interest for the grant of this application.

The warrant will be amended in the same terms as in the decision for other applicants with the exception of the paragraph (ii) which will read:

- "(ii) to broadcast sports news and race commentaries and to broadcast sports commentaries of events of special interest."

In the case of all the applications the Tribunal has carefully taken into account the reasons given in respect of the previous applications and they all apply equally to these applications.

Dated the 29th day of July 1982.

B. H. SLANE, Chairman.

Decision No. 1031

Reference No. Ind. 9/82

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: *Sexual Secrets*, by Nik Douglas and Penny Slinger, published by Destiny Books, New York, 1979.

Judge W. M. Willis (Chairman), Mesdames H. B. Dick, L. P. Nikera; Messrs J. V. B. McLinden, I. W. Malcolm.

Hearing: 25 May 1982.

Decision: 19 August 1982.

Appearances: Mr J. M. McNiece for Comptroller of Customs. Written submission from Importer, Waverley Publishing Co. Ltd.

DECISION

THIS publication was imported commercially and seized at Auckland by the Customs Department in December 1981. As the importer has disputed forfeiture the Customs Department has referred the publication to the Tribunal for classification, prior to the commencement of condemnation proceedings, pursuant to the Customs Act 1966, with the recommendation that "because of the sexual content an age restriction in this case would be appropriate".

Sexual Secrets published in New York by Destiny Books, is an outsize soft covered publication of 383 pages. The book is a serious study of Oriental sex, with over 600 illustrations included to support the text. There is no doubt that the publication is an authoritative, authentic presentation, giving a complete portrayal of Eastern sexual practices.

The Tribunal is in agreement with the submission made by Mr McNiece on behalf of the Customs Department, that "this book is considered to be a definitive study of sex and mysticism . . . and is considered to be a serious research work". The Tribunal also is in agreement with the written submission made on behalf of the Waverley Publishing Co. that "this book is a definitive and all-encompassing study of sex and Eastern mysticism . . ."

The Tribunal accepts that *Sexual Secrets* is a serious work, and on this point there is no doubt whatsoever. The inclusion of explicit sexual illustrations, especially those depicting sexual postures, raised the only real problem for the Tribunal, and it would appear that an age restriction would be appropriate to meet this concern.

The publication is therefore classified as indecent in the hands of persons under the age of 18.

District Judge W. M. WILLIS, Chairman.

Consent to Raising of Loans by Certain Local Authorities

PURSUANT to the Local Authorities Loans Act 1956, the undersigned Deputy Secretary to the Treasury, acting under powers delegated to the Secretary to the Treasury by the Minister of Finance, hereby consents to the borrowing by