

Decision No. 904

Reference No. IND. 8/78

Decision of the Indecent Publications Tribunal

IN the matter of the Indecent Publications Act 1963, and in the matter of a reference from the Magistrate's Court, Christchurch for a decision in respect to the following publications:

1. *New Zealand Green*, Business Print.
2. *The Cultivators Handbook of Marijuana*, Wingbow Press, California.
3. *Marijuana Growers Guide*, And/or Press, San Francisco.
4. *Cooking with Marijuanga*, Sun Magic Publishing, U.S.A.
5. *Ancient and Modern Methods of Growing Extraordinary Marijuana*.
6. *Caretaking the Wild Sinsemilla*, Adam Seed Publications, U.S.A.
7. *The Primo Plant Growing Sinsemilla Marijuana*, Wingbow Press and Leaves of Grass.
8. *Indoor Marijuana Cultivation*, Sun Magic Publishing, U.S.A.
9. *The Compleat Psilocybin Mushroom Cultivators Bible*, Hongero Press, U.S.A.

BEFORE THE INDECENT PUBLICATIONS TRIBUNAL

Messrs L. M. Greig (Chairman), D. M. Wylie, Mrs H. B. Dick, Miss W. M. Rolleston.

Hearing: 10 August 1978.

Appearances: Mr G. E. Tanner for Commissioner of Police. Written submissions on behalf of David Bruce Cameron.

DECISION

These nine publications each deal with the use and cultivation of drugs particularly marijuana and psilocybin mushrooms. The publications come before us following a seizure by the police, their attention being drawn to the sale of these books by a member of the public. It is stated that this is the first time on which the police have taken action under section 25 of the Act in respect of books of this type and it is the first time in which the Tribunal has had to consider this type of book.

The hearing of this matter was first set down for 22 June 1978 but was then adjourned to 20 July 1978 to enable the respondent to make application for legal aid. On 20 July 1978 the matter was again adjourned and was finally set down for hearing on 10 August 1978. The respondent on that date applied again for an adjournment because his legal aid application had not been completed and was subject to appeal to the Legal Aid Appeal Authority. Counsel for the applicant opposed the adjournment pointing out the considerable delay that might result if the matter was to await final decision by the authority. The respondent had provided written submissions on the merits of the application to us and after consideration of the application for the adjournment it was decided that the matter should proceed. We should say that as well as the original submissions made by the respondent we have also received further submissions by him in reply to the submissions made by the police. The respondent has in our view had adequate opportunity, which he has exercised, to make relevant submissions to us, but in any event the Tribunal must make the final decision upon its own reading of the documents and taking into account all the considerations which it is obliged to under the Act.

The first thing we should note is that of these nine publications, seven deal in more or less detail, with the cultivation of marijuana and psilocybin mushrooms while one deals with the use of marijuana in cooking and the other, *New Zealand Green*, deals generally with marijuana in New Zealand. The last is a somewhat different book to which rather different considerations apply.

The books about cultivation describe and depict ways in which marijuana and psilocybin mushrooms can be cultivated both for personal and commercial use. We were told in evidence that from the horticultural point of view, the descriptions were sound and would enable any person in New Zealand to cultivate the plants successfully, either indoors or outdoors. Sufficient advice is given to enable the extraction of the effective part of these plants for its use. The cookery book promotes the general use of marijuana as a suitable ingredient for a wide variety of common dishes.

Marijuana is a controlled drug under the Misuse of Drugs Act. Psilocybin and the materials to be extracted from these mushrooms are also controlled drugs and the Tribunal was told that their active ingredients are considered to be

particularly dangerous. The books dealing with the cultivation and cookery therefore deal with matters of crime in respect to the production or manufacture of controlled drugs, the supply of controlled drugs, their possession and use and the cultivation of prohibited plants. It is to be noted in this regard that in nearly all the books advice is given as to how to avoid detection of the growing, cultivation and processing of the plants; in some of them considerable space is taken up with a description of growth of the plants indoors and in quantities which are suitable only for commercial sale. In all the books, there is a clear understanding that the cultivation, possession, and use of the drugs involved is unlawful.

While this group marks a new departure for the Tribunal, which up to now has dealt almost entirely with matters of sex, the principles to be applied under the Act are the same. The questions to be answered, having taken into account all the matters in section 11 of the Act, are whether these books or any of them are indecent in that they describe, depict or otherwise deal with matters of crime in a manner that is injurious to the public good, or whether they are indecent in the ordinary meaning of that word as being an affront to commonly accepted standards of decency. In either case the Tribunal must decide what are commonly accepted standards and what is injurious to the public good. We are entitled to take into account the present public concern about the use and abuse of drugs and the steps presently being taken to increase penalties and to facilitate the detection of crimes relating to drugs in a Bill recently introduced into the House of Representatives.

The dominant effect of the books on cultivation and use now before us is to promote and encourage the cultivation of marijuana and psilocybin mushrooms in substantial quantities. The advice as to avoidance of detection and the general understanding of the unlawfulness of the cultivation and growth seem to us to cast serious doubts on the honesty of purpose of the authors and publishers of the book and thus those who sell them. There is no scientific, social or political importance in the publications and there is certainly no literary or artistic merit. The publications would have a wide circulation and would appeal both to users and sellers and prospective users and sellers of the drugs involved.

It is our conclusion that the publications on cultivation and use in this instance are both injurious to the public good and contrary to commonly accepted standards and are therefore indecent.

New Zealand Green is what is sometimes described as underground literature. It is part satire, part information and part propaganda in support of a change in the law. Unlike the other books it does not promote crime. The dominant effect of this book is not such as to cause affront or injury.

The Tribunal therefore finds that the seven books on cultivation and growth and the cookery book (numbered 2 to 9 above) are indecent and *New Zealand Green* (number 1 above) is not indecent.

Dated at Wellington this 29th day of September 1978.

LAURENCE M. GREIG, Chairman.

Membership Fees for the Queen Elizabeth The Second National Trust

IN accordance with subsection (3) of section 5 of the Queen Elizabeth the Second National Trust Act 1977, the Trust Board gives notice of the subscriptions payable to the Queen Elizabeth the Second National Trust by the following classes of members of the Trust:

Ordinary subscribing members	.....	\$10.00 per year.
Junior members (under 18 years)	.....	\$2.50 per year.
Corporate members (ordinary)— business firms, public bodies and other organisations	.....	\$50.00 per year.
Corporate members (special)— schools, historical, archaeological and similar societies	.....	\$15.00 per year.
Life members	.....	\$200.00 life subscription.

Rt. Hon. Sir THADDEUS McCARTHY, K.B.E., Chairman.

(L. and S. 22/5317; N.T. 1/13)