

received and considered by the Tribunal which is now in a position to classify the material.

These publications were privately imported through parcels post Auckland on 27 November 1989. The publications having been seized by the Collector of Customs the importer disputed forfeiture and the publications were referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

The publications which are both in magazine form provide engineers templates and specific detailed instructions for the "home" construction of silencers and firearms. Both publications are printed by the same firm in the United States and both contain warnings that the manufacture of the items mentioned therein could be against United States law.

The Comptroller through the submission of Mr Wotherspoon pointed out to the Tribunal that similar publications have previously been considered by the Tribunal and some of them have received an unconditionally indecent classification because of the possibility that they might either lead or assist members of the public to become involved in criminal offending.

As a result of the inquiries made by the Tribunal and its consideration of the submissions made by both the Comptroller of Customs and the importer it finds and classifies the publication *Home Workshop Silencers 1* not indecent.

The other publication is not in quite the same category for to convert the Ruger 1022 rifle to automatic fire capability would result in the creation of a "restricted weapon" within the meaning of the Arms Act 1983 and a person carrying out the conversion has committed the offence of being in possession of a restricted weapon without some lawful, proper and sufficient purpose in terms of section 45 of that Act. It is clear to the Tribunal however that there are a significant number of arms dealers, collectors and firearms enthusiasts who for purely professional and interest reasons would like to have the opportunity to include this book in their libraries and the Tribunal sees no reason why they should not at least have the opportunity to do so. The Tribunal is satisfied that the importer of these particular items comes within that category and the publications will accordingly be returned to him and he will not be required to obtain the pre-requisite authority for possession of these books which other persons who desire to possess them will in future need to obtain.

In terms of section 10 (b) of the Indecent Publications Act 1963 the Tribunal classifies the *Ruger 1022 Exotic Weapons System* publication as indecent in the hands of all persons other than registered firearm dealers, genuine collectors of firearms and firearms enthusiasts. Those persons other than firearms dealers wishing to obtain possession of this publication will require a certificate from the nearest arms officer that they are persons coming within the limited restricted class as set out in this decision.

Dated at Wellington this 28th day of May 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go9790

Decision No. 12/90

Reference No.: IND 7/90

### 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: *High Times*, November 1989, No. 171. Publishers: Trans-High Corporation, U.S.A.:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 20th day of February 1990.

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

### Decision

This publication was privately imported through Auckland parcels post on or about 19 October 1989. The publication having been 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 Tribunal was not able to reach an immediate decision following the hearing on 20 February 1990 as several of the members of the Tribunal had not had the opportunity of reading the publication. All members having now read the publication, the Tribunal is in a position to reach a decision on its classification.

*High Times* is a magazine which promotes the home cultivation and use of marijuana. It is a well prepared and well presented publication and contains a great deal of information about different species of marijuana or cannabis and it is of interest to note that the editors do not claim for that substance that its use is without danger. The publication is one which advocates the legalisation of the growing and use of marijuana or cannabis and quite clearly is one dedicated towards promoting the free use of that drug.

In a submission to the Tribunal the Comptroller of Customs represented by Mr Wotherspoon points out that the cultivation and use of this drug is an offence against the Misuse of Drugs Act 1977 and directed the Tribunal's attention to its recent decision No. 23/89 in which the Tribunal considered a publication relating to the growing and use of Psilocybin (a magic mushroom grower's guide) in which the Tribunal classified that publication as unconditionally indecent as it was one which advocated or incited actions which are unlawful in this country.

For the same reasons as expressed in decision No. 23/89 the Tribunal classifies this publication as unconditionally indecent.

Dated at Wellington this 29th day of May 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.  
go9791

Decision No. 15/90

Reference No.: IND 8/90

### 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: *The Fraud Report*. Publishers: Financial Management Associates Inc.:

Chairman: Judge R. R. Kearney.

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

Hearing at Wellington on the 20th day of February 1990.

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

### Decision

This publication was privately imported through parcel post Auckland on 28 September 1989 and was seized by the Collector of Customs. The importer having subsequently applied for waiver of forfeiture the publication was referred to the Tribunal for classification prior to a decision being made as to its release.