

The real value of a cannabis plant

Carol de Launey

***Report on a 1995 survey of
cannabis crop growers in
northern NSW.***

Public debate on cannabis law reform is guaranteed to provoke passionate and often negative responses. This is somewhat surprising given that there has been a general relaxation of legal penalties across a range of cannabis offences since the 1970s, and two States have introduced expiation notice schemes for possession of small amounts of cannabis, without the world coming to an end. The current debate about the recommendations in a report of the Victorian Premier's Drug Advisory Council (the Penington Report) has spread beyond Victorian borders, with comments from experts, lobby groups, and both the Prime Minister and Leader of the Opposition in Federal Parliament.

The often ill-informed opposition to reform of cannabis laws among politicians is also surprising given Australia's drug policy, and a plethora of reports. Australian drug policy is embodied in the National Drug Strategic Plan 1993-1997, which has an overall mission to 'Minimise the harmful effects of drugs and drug use in Australian society'.¹ Harm minimisation (or harm reduction) is defined as:

an approach that aims to reduce the adverse health, social and economic consequences of alcohol and other drugs, by minimising or limiting the harms and hazards of drug use for both the community and the individual without necessarily eliminating use'. [p.4]

In 1985, following a meeting between federal and State leaders, the Ministerial Council on Drug Strategy was established, to co-ordinate a unified national response to drug problems (particularly HIV/AIDS). The active arm of the Ministerial Council, the National Drug Strategy Committee, included representatives of federal and State health and law enforcement agencies. In 1992 the National Drug Strategy Committee set up the National Task Force on Cannabis to produce a report on aspects of health, law and public opinion. This report was to inform the National Statement on Cannabis.²

The National Task Force on Cannabis produced the report as four volumes, including one prepared by The Australian Institute of Criminology which discussed past and current legislation as well as options for Australia.³ The report criticised the current 'total prohibition' model, concluding that 'Australian society experiences more harm . . . from maintaining the prohibition policy than it experiences from the use of the drug' (p.100). Furthermore, In a Preface to the report, Duncan Chappell, Director of the Australian Institute of Criminology, said of international conventions: 'Too much of Australia's drug policies reflect overseas policies and interests rather than contemporary local Australian circumstances'.⁴

McDonald and his colleagues traced the development of drug laws in Australia. During the last century opium was a commonly used drug, and was often included in children's medicines. Early drug laws (the colonies' *Poisons Acts*) were largely concerned with labelling to prevent accidental death, and with records to trace poisons such as arsenic, rather than with restricting the community's access to drugs.⁵ The first law to regulate against people was the Queensland *Sale and*

Carol de Launey is a doctoral student at Southern Cross University.

The author thanks the 'technical' consultants who checked the accuracy of this paper. Most importantly, the author thanks the growers, especially the six brave souls who consented to personal interviews.

Use of Poisons Act 1891, which restricted supply of opium to Aboriginal people. The first international convention to include cannabis was the 1925 Geneva Convention, with Australia proscribing the import and export of cannabis in 1926. States, however, were slow to enact legislation: Victoria was first to control cannabis use with the *Poisons Act 1928*, while Tasmania passed complementary legislation in 1959.⁶

During the 1960s, at federal (for example, the *Narcotic Drugs Act 1967*) and State levels, legislation expanded police powers and removed a number of basic legal and civil rights, including onus of proof. Drugs were removed from poisons to specific statutes. Both federal and State laws distinguished between traffickable and personal drug quantities, and penalties for all illicit drug offences were severe during this period.⁷

There was a reversal of this trend during the 1970s and 1980s, when State laws began to discriminate between cannabis and other illegal drugs. The first was the ACT's amended *Public Health (Prohibited Drugs) Ordinance* in 1975, followed by Victoria in 1981, where penalties were reduced for trafficking in cannabis compared to other illicit drugs. In South Australia, the *Controlled Substances Act* was passed in 1984, and discriminated between cannabis and other illicit drugs across a range of offences, including some trafficking offences. This was followed by the 1986 *Controlled Substances Act Amendment Act* which introduced an expiation notice scheme in 1987 for small amounts of cannabis. For a more detailed discussion of Australian and overseas legislation, refer to the paper prepared for the National Task Force on Cannabis.⁸

Based on seizures and estimated market, the Advisory Committee on Illicit Drugs for the Queensland Criminal Justice Committee concluded that most cannabis is grown for commercial rather than for personal use.⁹ Trafficking in cannabis is a serious offence, both in terms of penalties and social stigma. The gravity of the crime is determined from the weight of the seizure, often accompanied by an estimate of the 'street value'. Despite the lack of any serious justification for the 'street value' formula (\$2000 a plant in NSW), police estimates of the value of cannabis seizures largely remain unchallenged. Although only a small number of growers participated in this research, the results have widespread relevance in providing an alternative perspective on the value of cannabis plants.

Method

As part of a larger study, interviews were sought with people who grew cannabis crops for profit (growers). Sixteen questionnaires with stamped return envelopes were distributed by three key people. Only two of the sixteen questionnaires were returned by mail to the researcher, perhaps because people were worried about things like handwriting, or about providing information indirectly to the police. The research was conducted between April and June 1995, concurrent with the harvest season, and with a large scale police operation which focused on Nimbin. Six face-to-face interviews were conducted over the same period, using personal contacts and snowball referral. Participation was voluntary, informed and anonymous. Drafts of this paper, particularly weights and other factual details, were checked by knowledgeable contacts in the community. There was consistent agreement among those who were consulted that the details in this paper were accurate. The eight interviews provided a great deal of information about illegal cannabis cultivation.¹⁰ This report focuses on the differences hidden under the term 'cannabis plant' and on the value of cannabis plants to the grower.

Results and discussion

Of the eight respondents, six were men and two were women. Four growers were aged in their 30s, two in their 40s, and one each in their 20s and adolescence. All had grown large crops, although recent crop sizes ranged from 'a few' to 500 cannabis plants, with half growing 40 or less and half growing over 100. All had planted crops for profit in the last three years, most within the last year. Five had been growing for between 10 and 20 years, and three for 4 or 5 years.

Growers were asked to estimate the weight range and the average weight of a cannabis plant. These estimates, provided in *Table 1*, are for marketable cannabis only; that is, *dried* leaf and/or heads, not roots or stalks. Plant weights can fall within a wide range (1 oz to 10 lb) but the answers have several consistencies. There was general agreement that the average weight of the saleable parts of a plant was between 2 and 5 ounces (average around 4 ounces) and that weights above 4 or 5 lb from a single plant were rare.

TABLE 1
Estimates of the Weight of a Cannabis Plant

Grower	Weight range for single plant	Average weight of single plant
1	4 oz to 4 lb	4 to 5 oz
2	1 oz to 10 lb	3 oz
3	1 oz - 3 oz	2 oz
4	impossible to estimate	NA
5	NA	5 oz
6	2 oz to 16 oz (1 lb rare)	4 oz
7	4 -5 oz leaf, 2 oz heads	NA
8	NA	NA

One grower refused to estimate, saying that weight was critically dependent on where they were planted, how much rain fell, and the time of year. Another said 'I've never got more than 2 oz from a plant because I can't care for them from a distance'. Another grower pointed out that what was 'average' for one person may not be for another: 'An amateur grower would get (an average of) 4 oz from a plant, a reasonable grower would get 8 oz, and an experienced grower 1 to 4 lb'. This respondent believed that many 'crops' were only yielding a few ounces, and stated that it took an expert to pull 10 or 20 lb (of high quality cannabis) from a crop.

Respondents were asked what different grades of cannabis were worth to them. The researcher was told that prices often fluctuated from one week to the next. *Table 2* provides estimates of the value of the lowest grade of cannabis (male plants or leaf-only) which ranged from \$0 to \$100 a plant. Comments indicated that generally males were pulled up, mulched in, thrown away, or eaten.

TABLE 2
Estimated value of male plants/leaf

Grower	\$ per plant	Grower	\$ per plant
1	200	5	20-30
2	50-100	6	30-50
3	under 50	7	0 (don't sell it)
4	20-50	8	0 (no value)

Estimates for the value of cannabis leaf and tip ranged from \$100 to \$500 a plant. One grower commented that they left leaf and tip to mature into heads. Estimates of the value of female seeded heads ranged from \$400 to \$750 a plant. All the growers stressed that prices depended on the time of year, demand, and other factors. Some respondents did not discriminate between seeded and unseeded heads, and the prices which follow in *Table 3* (for top grade cannabis) sometimes apply to either. Some growers responded in ounces, which can be approximately converted by multiplying the value per ounce by 4 (an average weight of heads per plant across growers).

TABLE 3
Estimated value of sinsemilla/heads

Grower	\$ per plant	\$ per oz
1	1000-2000	—
2	3000	—
3	1000 -5000	—
4	—	300
5	3000-5000	300-400
6	1000 (if 4 oz, more if bigger)	—
7	—	200-600
8	NA	NA

Police estimates of the 'street value' of a cannabis plant do not reflect the way growers assess the value of a plant. Cannabis growers, like produce farmers everywhere, speak in terms of quality. Growers stated that plants which were leaf or male were of little or no value. Police charges reflect the weight rather than the quality of the cannabis, and a grower caught with several pounds of cannabis leaf as opposed to a few ounces of female heads, risks higher penalties for substantially lower returns.

The growers had great difficulty in providing averages for prices, profits or plant weights. Respondents repeatedly said the equivalent of 'it depends . . .', and attempted to instruct the researcher in the vagaries of growing this illegal crop.

An inescapable picture of high loss emerges. The main factors which reduce the number and quality of marketable plants are: male plants, crop theft (rip-offs), and the difficulties involved in caring for the crop. One grower said that about one in every five plants reaches the market. Others echoed that ratio. As well, only around 50% of a crop will be female, although this also depends. One grower said 'There's so many factors involved, and they'll change sex so easily'.

Growers were asked to estimate their profit from their last crop. One said \$50,000, one said \$30,000 to \$40,000 if they hadn't been ripped off, another said \$500 (because they'd been ripped off), two others said \$300 for the same reason, and a sixth said 'not much' (because they grew fewer plants following repeated rip-offs). Crop theft was a common theme. Theft can range from crop loss while still in the ground (by 'professional' searchers, chance discoveries, or friends) to 'The guys with hoods and shotguns'.

A teenage grower commented: 'You face getting ripped off, that's probably the biggest one . . . other smokers, unpaid credit from friends, just neighbours ripping off . . . its rare for me, but for a lot of the growers it is a major problem, you're more likely to get ripped off then busted by the police.'

It's not surprising that crop rip-offs are such a common experience; the profits can be enormous, and not all thefts involve crops in the ground: '(I fear) the violent rip offs. Home invasions are the biggest fear, they're rarely reported . . .' Some growers suspect police involvement in crop rip-offs, and several described violent incidents experienced by themselves or friends.

Buyers prefer heads, rather than the much cheaper leaf which has low THC content. Female plants mature into heads, with high THC content. Cannabis heads sell 'on the street' for between \$300 and \$1000 an ounce on the north coast, depending on the time of year and the quality. Seedless heads (sinsemilla) generally attract the highest financial returns. Male plants in the vicinity will pollinate female plants and result in seeded female heads, so male plants are pulled out of the crop. Stalks, stems and seeds are not smokeable, add weight, and detract from the appeal of the product. Weight loss between a recently harvested and a dry plant was estimated at 3:1 by one grower and to be between 25% and 75% by another.

Following police seizure of cannabis plants, they are weighed, and the weight determines the gravity of the crime. The plants however, may be seedlings, male plants, or leaf-only plants, may contain stalks and stems, and may be recently harvested (wet).

Conclusion

It is extremely difficult to discuss an 'average' weight or price for cannabis. Again and again the growers mentioned the many variables which influence the weight and value of their crops. Weight is influenced by the weather, the growing location, and the grower's experience. Price is influenced by the time of year (harvest or dry season), by the grade (heads or other), and quality (potency and appearance). And always there are the risks, which include rip-offs, non-payment of credit, natural disasters (fire and localised flooding are common on the NSW north coast), pests and wallabies, and arrest and imprisonment.

It appears that even cannabis seedlings may be valued at \$2000 a plant. The number of plants seized, and the estimated 'street value' of seizures, influence public perceptions of the seriousness of the offences, and of the effectiveness of drug-related operations. Aside from the fact that street value itself varies with the geographic location and the season, it represents a simplistic notion of cannabis farming and marketing. The value of the plant, at all marketing levels, reflects the quality of the product, that is, potency (THC content) and appearance (very little leaf, stalk, or seeds). For the illegal farmers, the value of a plant depends on its sex, size, THC content, and ultimately, on whether they get to keep it.

There is a current trend towards reducing the penalties for personal use, and an historical tendency to concomitantly increase trafficking penalties.¹¹ It is therefore important to be aware of the botanical and economic realities behind cannabis crop farming. Given the variability of cannabis prices, and the factors which influence the value of a cannabis plant, cannabis seizures would be more appropriately valued by quantifying the THC content of saleable parts of the dry plant.

References

1. Commonwealth of Australia, (1993), 'National Drug Strategic Plan 1993-1997', Department of Health, Housing and Community Services, AGPS, p.6.

2. Chappell, D., Preface to McDonald, D. and others, 'Legislative Options for Cannabis in Australia', Paper prepared for the National Task Force on Cannabis, National Drug Strategy Monograph Series No. 26, AGPS, Canberra, 1994.
3. McDonald, D., Moore, R., Norberry, J., Wardlaw, G., and Ballenden, N., 'Legislative Options for Cannabis in Australia', Paper prepared for the National Task Force on Cannabis, National Drug Strategy Monograph Series No 26, AGPS, Canberra, 1994.
4. Chappell, above, p.xi.
5. McDonald and others, above; Manderson, D., *From Mr Sin to Mr Big: A History of Australian Drug Laws*, Oxford University Press, 1993.
6. McDonald and others, above.
7. McDonald and others, above.
8. McDonald and others, above.
9. Advisory Committee on Illicit Drugs, 'Cannabis and the Law in Queensland: A Discussion Paper', Goprint, Brisbane, 1993, p.61 (see also 'Queensland Criminal Justice Commission Report on Cannabis and the Law in Queensland', Goprint, 1994.)
10. For example, de Launey, C., 'Commercial Cannabis Crop Growers in Northern NSW', paper presented at the 7th International Conference on the Reduction of Drug-Related Harm, Wrest Point Casino Hobart, 2-8 March 1996.
11. McDonald and others, above.

Letters

Dear Editor

Re: Responses of Mr M. Goode and Mr W. De Maria ((1996) 21(2) *Alt.LJ* 91) regarding Mr De Maria's article 'Whistleblowing' ((1995) 20(6) *Alt.LJ* 270)

In relation to the above, I direct my attention specifically to points 4 and 7 which refer to my role as Ombudsman.

Point 4 Disclosures of previous wrongdoing

It is apparent that Mr De Maria is the one who is truly confused about whistleblower retrospectivity in the SA *Whistleblowers Protection Act*. There is no divergence of opinion on this matter between my Office and Mr Goode, as suggested by Mr De Maria. (I must also remind Mr De Maria that the South Australian Ombudsman is not a creature of the South Australian government, as he wrongly suggests.) Indeed, my views and those of Mr Goode are entirely convergent, as Mr De Maria demonstrates in his very citation of my letter to the Senate Standing Committee.

In short, Mr De Maria confuses the timing of the events giving rise to the disclosure and the time at which the disclosure is actually made for the purposes of the Act. Mr De Maria would do well to examine the provisions of Section 4 of the Act to find that an appropriate disclosure relating to public interest information arising prior to the commencement of the Act is protected.

However, as a matter of statutory interpretation, the disclosure itself, in my view, must have been made subsequent to the commencement of operation of the Act.

Mr De Maria should not confuse engaging in technical pedantry with proper analysis of legislation.

I do not propose to enter the debate on the necessity or otherwise of a conferral in the Act of absolute privilege in a defamation action. However, I must say that I would have thought immunity from civil liability for the purposes of Section 5 of the Act quite readily embraces immunity from liability in defamation.

In his comments under this point, Mr De Maria mentions a complaint made to the Premier of South Australia that in the past I have too readily exercised my discretion not to investigate complaints made by a 'number' of whistleblowers who sought defamation protection from my Office.

I have no knowledge of the precise contents of the complaint to the Premier, and I also have not received a number of complaints from such whistleblowers.

Further, I should advise that my role under the Whistleblowers Protection Act is simply as a protective agency. Any discretion I may exercise to investigate a complaint is made in consideration of the provisions of the Ombudsman Act, and not the Whistleblowers Protection Act.

Whilst I appreciate that Mr De Maria purports to present only one perspective in his remarks, in the interests of presenting a more objective and balanced view for your readers, he could have approached my Office for comment as do other academic writers.

E. Biganovsky
Ombudsman
South Australia

Dear Editor

Re: Whistleblowing

It is a pity that, in his response to my letter published in the April 1996 edition of the *Alternative Law Journal*, Mr De Maria confuses pedantry with accuracy and substitutes colourful imagery and assertion for a discussion of the real issues.

I did not then and do not now desire to enter into a debate about whether the legislation 'works' or not. Mr De Maria is entitled to his views on that subject, whether they be correct or not. I was and am entirely concerned to ensure that those who read your journal are not misled by inaccurate information.

It is beyond argument that Mr De Maria has read the Act incorrectly. His summary of the requirements of the Act still omits the requirement that the information be 'public interest information' as defined by the Act; he still maintains incorrectly that the list of approved authorities listed in the Act is exclusive when the Act says in so many words that it is not; his interpretation of the retrospectivity of the Act remains erroneous; and he appears to be unable to comprehend the plain words of the Act which refer to 'no civil or criminal liability'.

No amount of reference to planes, refrigerators, Mack trucks or garden mulch changes these facts.

Given the legal errors to which I refer, it might have been thought appropriate to check with some other person before publication of Mr De Maria's response. As it is, I cannot allow errors to masquerade as truth without correction.

M. R. Goode
Senior Legal Officer, Attorney-General's Department,
South Australia