

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	27/07/2026 4:51:51 PM AEST
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File Number:	VID828/2026
File Title:	SECRETARY OF THE DEPARTMENT OF HEALTH AND AGED CARE v BETTER LEAF PTY LTD (ACN 661 384 381) & ORS
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Originating application

No. VID of 2026

Federal Court of Australia
District Registry: Victoria
Division: General

SECRETARY OF THE DEPARTMENT OF HEALTH AND AGED CARE
Applicant

BETTER LEAF PTY LTD (ACN 661 384 381) and others named in the Schedule
Respondents

To the Respondents

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Owen Dixon Commonwealth Law Courts, 305 William Street,
Melbourne VIC 3000

The Court ordered that the time for serving this application be abridged to:

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party)	Secretary of the Department of Health and Aged Care, Applicant		
Prepared by (name of person/lawyer)	Jacqueline Bisas		
Law firm (if applicable)	The Australian Government Solicitor		
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Address for service (include state and postcode)	Level 34, 600 Bourke St, Melbourne, VIC 3000		



Details of claim

This application is made under sections 19, 21 and 43 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**) and section 42Y of the *Therapeutic Goods Act 1989* (Cth) (**Act**). Unless specified otherwise, terms used below are as defined in the Act.

On the facts stated in the Applicant's concise statement dated 27 July 2026 the Applicant claims:

Declarations

A. Advertising in contravention of section 42DLB(1) of the Act

Better Leaf

1. A declaration under section 21 of the FCA Act that the First Respondent (**Better Leaf**) contravened section 42DLB(1) of the Act by advertising or causing the advertising of therapeutic goods (namely, medicinal cannabis) on the:

- (a) website located at Universal Resource Locator (**URL**) <https://betterleaf.com.au> (**Website**);
- (b) Facebook page located at URL <https://www.facebook.com/Betterleafdispensary> (**Facebook Account**); and
- (c) Instagram page first located at URL <https://www.instagram.com/betterleafhealth/> (**Instagram Account**), and then <https://www.instagram.com/betterleafbrunswick/>.

at various points in time during at least the period 11 November 2022 to 21 May 2025, in circumstances where:

- (d) sections 42AA, 42AB, 42AC or 42AD of the Act did not apply to the advertisements; and
- (e) each advertisement had one or more of the following apply to it:
 - (i) the advertisement contained a representation regarding the treatment of a mental illness, being a prohibited representation such that section 42DLB(2) of the Act applies to the advertisement;
 - (ii) the advertisement contained a representation regarding the treatment of a neoplastic disease, being a prohibited representation such that section 42DLB(2) of the Act applies to the advertisement;
 - (iii) the advertisement contained a representation referring to:
 - (A) chronic pain;
 - (B) chemotherapy-induced nausea and vomiting;
 - (C) refractory paediatric epilepsy;



- (D) fibromyalgia;
- (E) autism spectrum disorder;
- (F) sleep conditions;
- (G) neuropathic pain;
- (H) insomnia; or
- (I) endometriosis,

each being a form of a disease, condition, ailment or defect identified in the *Therapeutic Goods Advertising Code* (**Code**) in force under section 42BAA of the Act as a serious form of a disease, condition, ailment or defect, and therefore contained a restricted representation, such that section 42DLB(4) applies to the advertisement;

- (iv) the advertisement contained a statement that suggested or implied that medicinal cannabis has been recommended or approved by or on behalf of the Therapeutic Goods Administration, being a government authority, such that section 42DLB(6) of the Act applies to the advertisement;
 - (v) the advertisement referred to substances or goods containing substances, included in Schedule 3, 4 or 8 to the Poisons Standard in force at the time of the advertisement (**Poisons Standard**) but not in Appendix H of the Poisons Standard; and
 - (f) the representations and statements were not prescribed by legislation or the subject of a permission, approval, authorisation or requirement by the Applicant, a government or a government authority.
2. A declaration under section 21 of the FCA Act that Better Leaf contravened section 42DLB(1) of the Act by advertising or causing the advertising of medicinal cannabis by distributing pamphlets (**Pamphlets**) at the Better Leaf cannabis dispensary and pharmacy business at 145 and 149 Sydney Road, Brunswick (**Dispensary**) on at least 25 October 2024 in circumstances where:
- (a) sections 42AA, 42AB, 42AC or 42AD of the Act did not apply to the Pamphlets;
 - (b) each Pamphlet referred to substances or goods containing substances included in Schedule 3, 4 or 8 to the Poisons Standard but not in Appendix H of the Poisons Standard; and
 - (c) the representations and statements were not prescribed by legislation or the subject of a permission, approval, authorisation or requirement by the Applicant, a government or a government authority.



Better Life

3. Further to the relief sought against Better Leaf in order 1 above, a declaration under section 21 of the FCA Act that the Second Respondent (**Better Life**) contravened section 42DLB(1) of the Act by advertising or causing the advertising of medicinal cannabis on the same dates and in the same circumstances referred to in order 1 above.

Mr Weisberg

4. Further to the relief sought against Better Leaf in order 1 above and the relief sought against Better Life in order 3 above, a declaration under section 21 of the FCA Act that the Third Respondent (**Mr Weisberg**) contravened section 42DLB(1) of the Act by causing the advertising of medicinal cannabis on the same dates and in the same circumstances referred to in order 1 above.
5. Further to the relief sought against Better Leaf in order 2 above, a declaration under section 21 of the FCA Act that Mr Weisberg contravened section 42DLB(1) of the Act by causing the advertising of medicinal cannabis on the same dates and in the same circumstances referred to in order 2 above.

B. Advertising in contravention of section 42DMA(1) of the Act

Better Leaf

6. A declaration under section 21 of the FCA Act that Better Leaf contravened section 42DMA(1) of the Act by advertising or causing the advertising of medicinal cannabis on the:
 - (a) Website;
 - (b) Facebook Account; and
 - (c) Instagram Account,at various points in time during at least the period 12 November 2022 to 10 February 2025, in circumstances where:
 - (d) sections 42AA, 42AB, 42AC and 42AD of the Act did not apply to the advertisements; and
 - (e) each advertisement contained an endorsement about medicinal cannabis given by a current or former health practitioner or health professional, such that the advertisement did not comply with section 24(4)(c) or section 24(6)(e) of the Code.

Better Life

7. Further to the relief sought against Better Leaf in order 6 above, a declaration under section 21 of the FCA Act that Better Life contravened section 42DMA(1) of the Act by



advertising or causing the advertising of medicinal cannabis on the same dates and in the same circumstances referred to in order 6 above.

Mr Weisberg

8. Further to the relief sought against Better Leaf in paragraph 6 above, a declaration under section 21 of the FCA Act that Mr Weisberg contravened section 42DMA(1) of the Act by causing the advertising of medicinal cannabis on the same dates and in the same circumstances referred to in paragraph 6 above.

C. Involvement in contraventions of civil penalty provisions in breach of section 42YC(1) of the Act

Mr Weisberg

9. In the alternative to the relief sought against Mr Weisberg in orders 4, 5 and 8 above, a declaration under section 21 of the FCA Act that Mr Weisberg contravened section 42YC of the Act by aiding, abetting, counselling or procuring:
 - (a) Better Leaf's contraventions referred to in orders 1, 2 and 6 above; and
 - (b) Better Life's contraventions referred to in orders 3 and 7 above.

D. Pecuniary penalties

10. Pursuant to section 42Y of the Act, an order that a pecuniary penalty be paid by Better Leaf in such amount as the Court considers appropriate in respect of the contraventions the subject of the declarations in orders 1, 2 and 6 above.
11. Pursuant to section 42Y of the Act, an order that a pecuniary penalty be paid by Better Life in such amount as the Court considers appropriate in respect of the contraventions the subject of the declarations in orders 3 and 7 above.
12. Pursuant to section 42Y of the Act, an order that a pecuniary penalty be paid by Mr Weisberg in such amount as the Court considers appropriate in respect of the contraventions the subject of the declarations in orders 4, 5, 8 and 9 above.

E. Costs

13. Pursuant to section 43 of the FCA Act, an order that the Respondents, jointly and severally, pay the Applicant's costs of and incidental to these proceedings.
14. Such other order as the Court thinks fit.

**Applicant's address**

The Applicant's address for service is:

Place: Australian Government Solicitor
Level 34, 600 Bourke Street
MELBOURNE VIC 3000

Email: Jacqueline.Bisas@ags.gov.au; Eloise.Gluer@ags.gov.au;
Joshua.Woodyatt@ags.gov.au

The Australian Government Solicitor's telephone and facsimile numbers are:

Tel: 03 9242 1222
Fax: 03 9923 6034

The Applicant's address is:

c/- Therapeutic Goods Administration
PO Box 100
Woden ACT 2606

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 27 July 2026

A handwritten signature in cursive script, reading "JBisas", is positioned above a horizontal dotted line.

Signed by Jacqueline Bisas
Lawyer for the Applicant



Schedule of Parties

Applicant:	Secretary of the Department of Health and Aged Care
First Respondent:	Better Leaf Pty Ltd (ACN 661 384 381)
Second Respondent:	Better Life Aussie Pty Ltd (ACN 655 837 684)
Third Respondent:	Jack Weisberg