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:	27/11/2026 12:00:02 PM AEDT
Date Accepted for Filing:	27/11/2026 12:58:08 PM AEDT
File Number:	VID1441/2026
File Title:	SECRETARY, DEPARTMENT OF HEALTH, DISABILITY AND AGEING v CANNATREK LTD (ACN 056 175 369) & 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





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.

Form 15
Rules 8.01(1), 8.04(1)

ORIGINATING APPLICATION

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
DIVISION: GENERAL **NO VID ___ OF 2026**

SECRETARY, DEPARTMENT OF HEALTH, DISABILITY AND AGEING
Applicant

CANNATREK LTD (ACN 056 175 369)
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: Federal Court of Australia
Owen Dixon Commonwealth Law Courts Building
305 William Street
Melbourne VIC 3000

Date: 27 November 2026

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

Filed on behalf of the Applicant, Secretary, Department of Health, Disability and Ageing

File ref: 26001699

Prepared by: [redacted]
AGS lawyer within the meaning of s 55I of the *Judiciary Act 1903*

[redacted]

Address for Service:
The Australian Government Solicitor,
Level 10, 60 Martin Place, Sydney, NSW 2000
[redacted]

DETAILS OF CLAIM

On the grounds stated in the Statement of Agreed Facts and Admissions agreed between the Applicant and Respondents for the purposes of s 191 of the *Evidence Act 1995* (Cth) and annexed to the accompanying affidavit of Matthew Garey affirmed on 27 November 2026, the Applicant claims:

Declarations

Prohibited representations

1. Declarations under s 21 of the *Federal Court of Australia Act 1976* (Cth) (**Federal Court Act**) that:

    1.1. the First Respondent, in relation to each of the advertisements identified in Column A of Items 8, 13 – 21, 23 – 24 of **Annexure A** to this Originating Application; and

    1.2. the Second Respondent, in relation to each of the advertisements identified in Column A of Items 13 – 21, 23 – 24 of Annexure A; and

    1.3. the Third Respondent, in relation to the advertisement identified in Column A of Item 8 of Annexure A; and

    1.4. the Fourth Respondent, in relation to the advertisement identified in Column A of Item 4 of Annexure A; and

    1.5. for each such advertisement, on each day during the period identified in Column B of Annexure A,

    contravened s 42DLB(1) of the *Therapeutic Goods Act 1989* (Cth) (**Therapeutic Goods Act**) in circumstances where s 42DLB(2) applied by advertising, or causing to be advertised, the therapeutic goods identified in Column C of Annexure A in advertisements containing representations regarding the treatment, cure or prevention of:

    1.6. neoplastic disease (cancer); and/or

    1.7. mental illness (anxiety; depression; insomnia; post-traumatic stress disorder; and/or psychosis).

    being diseases specified under reg 6B, Schedule 2, Part 1, item 10(b)(i), (v) and/or reg 6B(1)(b) of the *Therapeutic Goods Regulations 1990* (Cth) (**Regulations**) and s 30 of the *Therapeutic Goods Advertising Code (No 2) 2018* (Cth) or the *Therapeutic Goods (Therapeutic Goods Advertising Code) Instrument 2021* (**2021 Advertising Code**) (together, **Advertising Codes**), in circumstances where:

    1.8. those representations were each prohibited representations within the meaning and for the purposes of s 42DJ(1) of the Therapeutic Goods Act; and

1.9. no permission under s 42DK(3) of the Therapeutic Goods Act was in force in relation to those representations.

Restricted representations

2. Declarations under s 21 of the Federal Court Act that:

2.1. the First Respondent, in relation to each of the advertisements identified in Column A of Items 8, 13, 16, 18, 19, 22 – 24 of Annexure A; and

2.2. the Second Respondent, in relation to each of the advertisements identified in Column A of Items 13, 16, 18, 19, 22 – 24 of Annexure A; and

2.3. the Third Respondent, in relation to the advertisement identified in Column A of Item 8 of Annexure A; and

2.4. the Fourth Respondent, in relation to each of the advertisements identified in Column A of Items 4 – 5 of Annexure A; and

2.5. for each such advertisement, on each day during the period identified in Column B of Annexure A,

contravened s 42DLB(1) of the Therapeutic Goods Act in circumstances where s 42DLB(4) applied by advertising, or causing to be advertised, the therapeutic goods identified in Column C of Annexure A in advertisements containing representations that referred to:

2.6. asthma;

2.7. chronic pain;

2.8. epilepsy;

2.9. glaucoma;

2.10. multiple sclerosis;

2.11. neurodegenerative disorders;

2.12. seizures; and/or

2.13. tobacco use disorder, and

which were each a serious form of disease, condition or ailment within the meaning of s 28 of the Advertising Codes, in circumstances where:

2.14. these representations were each restricted representations within the meaning and for the purposes of s 42DD of the Therapeutic Goods Act; and

2.15. there was no approval under s 42DF(1) or permission under s 42DK(1) of the Therapeutic Goods Act in force in relation to those representations.

Advertising substances or goods containing substances in Schedules 4 or 8 of the Poisons Standard

3. Declarations under s 21 of the Federal Court Act that:

3.1. the First Respondent, in relation to each of the advertisements identified in Column A of Items 2 - 3, 8 - 11, 13 – 24 of Annexure A; and

3.2. the Second Respondent, in relation to each of the advertisements identified in Column A of Items 13 – 24 of Annexure A; and

3.3. the Third Respondent, in relation to each of the advertisements identified in Column A of Items 8 – 11 of Annexure A; and

3.4. the Fourth Respondent, in relation to each of the advertisements identified in Column A of Items 1, 4 – 7, 12 of Annexure A; and

3.5. for each such advertisement, on each day during the period identified in Column B of Annexure A,

contravened s 42DLB(1) of the Therapeutic Goods Act in circumstances where s 42DLB(7) applied by advertising, or causing to be advertised, the therapeutic goods identified in Column C of Annexure A in advertisements in circumstances where:

3.6. those advertisements referred to cannabidiol, cannabis and/or tetrahydrocannabinol substances, or goods containing cannabidiol, cannabis and/or tetrahydrocannabinol substances, that:

3.6.1. were included in Schedules 4 or 8 of the Poisons Standard (as amended from time to time by the Secretary pursuant to s 52D(2) of the Therapeutic Goods Act and, together, the **Poisons Standard**); but

3.6.2. were not included in Appendix H of the Poisons Standard; and

3.7. the references described in paragraph 3.6 above were not authorised or required by a government or government authority.

Advertising goods not included in the Australian Register of Therapeutic Goods

4. Declarations under s 21 of the Federal Court Act that:

4.1. the First Respondent, in relation to each of the advertisements identified in Column A of Items 2 – 3 of Annexure A; and

4.2. the Fourth Respondent, in relation to each of the advertisements identified in Column A of Items 1, 7 and 12 of Annexure A; and

4.3. for each such advertisement, on each day during the period identified in Column B of Annexure A,

contravened s 42DLB(1) of the Therapeutic Goods Act in circumstances where s 42DLB(9) applied by advertising, or causing to be advertised, the therapeutic goods identified in Column C of Annexure A in advertisements in circumstances where:

4.4. those therapeutic goods were not included in the Australian Register of Therapeutic Goods; and

4.5. those therapeutic goods were:

4.5.1. the subject of an approval or authority under section 19 of the Therapeutic Goods Act, or

4.5.2. neither the subject of an exemption, approval or authority under the Therapeutic Goods Act nor an exemption, approval or authority under the Regulations

and therefore were therapeutic goods prescribed by reg 7(a) or (i) of the Regulations; and

4.6. the references to those therapeutic goods contained in the advertisements described in paragraph 4.1 – 4.3 above were not authorised or required by a government or government authority.

Advertising goods not in compliance with the 2021 Advertising Code

5. Declarations under s 21 of the Federal Court Act that:

5.1. the First Respondent, in relation to each of the advertisements identified in Column A of Items 15 and 17 of Annexure A; and

5.2. the Second Respondent, in relation to each of the advertisements identified in Column A of Items 15 and 17 of Annexure A; and

5.3. the Fourth Respondent, in relation to the advertisement identified in Column A of Item 4 of Annexure A; and

5.4. for each such advertisement, on each day during the period identified in Column B of Annexure A,

contravened s 42DMA(1) of the Therapeutic Goods Act by advertising, or causing to be advertised, the therapeutic goods identified in Column C of Annexure A in advertisements in circumstances where the advertisements did not comply with:

5.5. section 11(3) of the 2021 Advertising Code; or

5.6. section 24(6) of the 2021 Advertising Code.

Pecuniary penalties

6. Orders pursuant to s 42Y of the Therapeutic Goods Act that, within 28 days of the date of the order, each of the Respondents pay to the Commonwealth of Australia such pecuniary penalties as the Court determines appropriate in respect of the contraventions of ss 42DLB(1) and 42DMA(1) of the Therapeutic Goods Act referred to in paragraphs 1 – 5 above.

Other orders

7. An order that the Respondents pay a contribution to the Applicant's costs of the proceeding in the agreed lump sum of $50,000.

8. Such further order or orders as the Court sees fit.

APPLICANT'S ADDRESS

The Applicant's address for service is:

Australian Government Solicitor,
Level 10, 60 Martin Place, Sydney, NSW 2000

Email: [redacted]

The Australian Government Solicitor's telephone number is:

Tel: [redacted]

The Applicant's address is:

Therapeutic Goods Administration

27 Scherger Drive

Canberra Airport ACT 2609

SERVICE ON THE RESPONDENTS

It is intended to serve this application on all Respondents.

Date: 27 November 2026

[redacted]

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[redacted]

AGS lawyer
for and on behalf of the Australian Government Solicitor
Lawyer for the Applicant

Annexure A

#	A	B	C
1.	T25 Topaz Flower LinkedIn Release	1 March 2023 – 10 January 2025	"T25 Topaz Flower" containing 27% THC & <1% CBD/g and/or 25mg THC & <1mg CBD / mL
2.	T25 Topaz Flower Facebook Release	16 March 2023 – 5 February 2025	"T25 Topaz Flower" containing 27% THC & <1% CBD/g and/or 25mg THC & <1mg CBD / mL
3.	T25 Topaz Flower Instagram Release	16 March 2023 – 21 November 2024	"T25 Topaz Flower" containing 27% THC & <1% CBD/g and/or 25mg THC & <1mg CBD / mL
4.	Cannatrek Foundation Release	25 April 2023 – 29 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
5.	CBD for Nicotine Post	22 May 2023 – 7 February 2025	Cannabidiol
6.	Organicraft Range Release	29 August 2023 – 7 February 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
7.	Cannatrek Inhaler Release	1 September 2023 – 7 February 2025	"Inhaler" containing 500mg CBD, 250mg CBD; 250mg THC, 250mg THC and/or 500mg THC.
8.	Dr Jesulola MyEden Website Advertisement	31 December 2023 – 10 February 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
9.	Dr Jesulola MyEden Facebook Advertisement	4 December 2023 – 30 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
10.	Dr Gajjar MyEden Facebook Advertisement	29 November 2023 – 30 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
11.	Dr McDonald MyEden Facebook Advertisement	27 November 2023 – 30 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
12.	Cornerfield Range Release	23 May 2023 – 7 February 2025	"Cornerfield range" containing 17% THC (w/w) and/or 21% THC (w/w)
13.	CBD Oil Balnce Health Facebook Advertisement	25 June 2022 – 29 April 2025	Cannabidiol
14.	Anxiety Balnce Health Facebook Advertisement	8 June 2022 – 29 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
15.	Insomnia Balnce Health Facebook Advertisement	30 May 2022 – 29 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol

16.	Health Benefits Balnce Health Facebook Advertisement	25 May 2022 – 29 April 2025	Cannabidiol
17.	PTSD Balnce Health Facebook Advertisement	20 May 2022 – 29 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
18.	Mental Health Balnce Health Facebook Advertisement	2 May 2022 – 29 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
19.	Cannabis/THC/CBD Balnce Health Facebook Advertisement	25 April 2022 – 29 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
20.	Cannabinoids Anxiety Balnce Health Facebook Advertisement	17 December 2021 – 29 April 2025	Cannabidiol
21.	Cancer Balnce Health Facebook Advertisement	15 November 2021 – 29 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
22.	Chronic Pain Balnce Health Facebook Advertisement	13 November 2021 – 29 April 2025	Cannabidiol
23.	Plant Based Balnce Health Facebook Advertisement	8 November 2021 – 29 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol
24.	Plant Prescription Balnce Health Facebook Advertisement	30 October 2021 – 29 April 2025	Cannabidiol Cannabis and/or Tetrahydrocannabinol

Schedule

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: VICTORIA
Division: GENERAL **No VID ___ of 2026**

Respondents

Second Respondent	Balnce Health Pty Ltd (ACN 652 326 942)
Third Respondent	MyEden Health Platform Pty Ltd (ACN 645 119 197)
Fourth Respondent	Thomas Huppert

Date: 27 November 2026