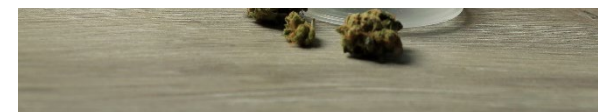




MORAY & AGNEW
LAWYERS



When is Medicinal Cannabis likely to be Reasonable Medical Treatment?



Rosemary Waldron-Hartfield
Partner

Section 16 SRC Act



- Liable to pay the cost of medical treatment obtained in relation to an injury (being treatment that it was **reasonable for the employee to obtain in the circumstances**)
- In what circumstances will it be reasonable for an employee to obtain medicinal cannabis?

Clinical Framework Keys:

Treatment of demonstrable
effectiveness

Based on the best available
research evidence

- ▲ More likely to be reasonable if:
 - ▲ its benefits are substantial and its cost is low
 - ▲ it is effective, i.e. achieves measurable benefits
- ▲ *Comcare Australia v Rope [2004] FCA 540*

Research and Guidance from Professional Associations:

TGA — *Guidance for the use of MC in the treatment of chronic non-cancer pain (CNCP)*
- December 2017

RACGP — Position Statement -
Medicinal use of cannabis products
- 2019 Update

IASP Position Statement on the
Use of Cannabinoids to Treat Pain
- March 2021

- **Chang Y., et al., - *MC for CNCP: A Systemic Review of Health Care Recommendations* - February 2021**
 - only weak recommendations available for MC in CNCP as a 3rd or 4th line therapy
- **Media Release - Faculty of Pain Medicine ANZCA - *Doctors urged not to prescribe MC* - 23 March 2021**
 - strongly suggested MC not be used for CNCP pain – reasoning – a critical lack of evidence that it provides a consistent benefit for any type of CNCP
 - do not prescribe unless part of a clinical trial

Cost v Benefit

(Source of cost guidance: Victorian Dept.
of Health: *Frequently asked questions
about medicinal cannabis*
Reviewed 15 March 2022)

- ▲ The costs of medicinal cannabis products can vary substantially from \$50 to \$1000 per patient per week, depending on the nature of the condition being treated, the particular product required, and the prescribed dose.

When will MC be reasonable
treatment and therefore
compensable?

Rarely for chronic non-cancer
pain

Possibly as 3rd or 4th line of
treatment in specific
circumstances

The effectiveness would
need to be closely monitored
and measured





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