

Medicinal Cannabis Compassionate Use Scheme

Adults with a terminal illness and their carers



What is the Medicinal Cannabis Compassionate Use Scheme?

The NSW Government established the Medicinal Cannabis Compassionate Use Scheme to extend compassion to adults with a terminal illness.

The Medicinal Cannabis Compassionate Use Scheme provides guidelines for NSW Police officers about using their discretion not to charge adults with a terminal illness for possession of cannabis not lawfully prescribed if they are registered with the Scheme, as well as up to three registered carers.

The Scheme does not supply cannabis or cannabis products or endorse the use of cannabis products not lawfully prescribed.

Who is eligible?

NSW residents who are aged 18 years and over who have a terminal illness are eligible to be registered with the Scheme.

For the purpose of the Medicinal Cannabis Compassionate Use Scheme, terminal illness is defined as: 'an illness which, in reasonable medical judgement will, in the normal course, without the application of extraordinary measures or of treatment unacceptable to the patient, result in the death of the patient.'

A person may nominate up to three carers aged 18 years and over to be registered under the Scheme. A person may be nominated as the carer for a maximum of three registered adults with a terminal illness.

How do I register for the Scheme?

A medical practitioner who is registered in Australia and involved in your ongoing care must certify that you have a terminal illness as defined by the Scheme.

To register, you must complete Part A of the registration form by providing your details, along with the details of your nominated carer(s). Your medical practitioner then completes Part B of the form. It is important that all parts of the form are completed.

Once Part A and Part B of the registration form are complete you can either:

- a. Post the completed original registration form to:
Ministerial and Parliamentary Services
NSW Department of Justice
GPO Box 6
Sydney NSW 2001
- b. Scan and send the completed form to
mccus@justice.nsw.gov.au

The Scheme is administered by the Department of Justice. After your registration has been processed, you will receive a letter enclosing copies of your registration documentation with registration numbers for yourself and each of your nominated carers. Your registration will last for 24 months, after which point you can re-register by making a new application.

By registering, you agree that the Department of Justice can use and disclose any personal information provided in Part A and Part B of the registration form to other government and law enforcement agencies to assist with investigations and confirm registration status.

Registered adults and carers must produce their documentation to NSW Police on request.

How can I update my details?

Please ensure that your registration details are kept up-to-date, including a change in treating practitioner. This will ensure the new practitioner is alerted about a lapsed registration. After 24 months, a letter is sent to your practitioner indicating your registration is due for renewal.

To only update your registration details (e.g. change of address, carer or doctor), you don't need to complete a new registration form in full. Simply include your revised registration details and registration number on a registration form and send it by post or email to the above address.

There are legal pathways for a medical practitioner to prescribe a cannabis medicine for their patient, if the practitioner believes it is an appropriate treatment option.

For all other enquiries, please contact the NSW medicinal cannabis hotline on 1800 217 257.

How can NSW Police officers exercise their discretion?

Police may exercise their discretion not to charge adults with a terminal illness if:

- the adult is registered as a participant with the Scheme
- the adult possesses no more than the specified maximum amount of cannabis that is not lawfully prescribed (outlined in the table on right)
- the use of cannabis that is not lawfully prescribed by the terminally ill person is at their usual place of residence or any domestic residence.

Police may exercise their discretion not to charge carers of adults with a terminal illness if:

- the person is registered as a carer with the Scheme
- the carer possesses no more than the specified maximum amount of cannabis that is not lawfully prescribed (outlined in the table on right)
- the administration/supply by the carer of cannabis that is not lawfully prescribed is to a registered adult at their usual place of residence, or any domestic residence.

How much cannabis (not lawfully prescribed) is permitted under the Scheme?

Cannabis form	Specified maximum amount
Cannabis leaf	15 grams
Cannabis oil	1 gram
Cannabis resin	2.5 grams

What activities are not covered by the Scheme?

- supplying cannabis or cannabis products that are not lawfully prescribed to persons who are not registered under the Scheme
- cultivating cannabis
- using cannabis that is not lawfully prescribed in public
- possessing cannabis that is not lawfully prescribed over the specified maximum amount
- driving while using cannabis. It is an offence under the *Road Transport Act 2013* to drive if the delta-9-tetrahydrocannabinol component of cannabis is present in a person's saliva, blood or urine.