# Australian pharmacy law and practice

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### PREFACE

This book seeks to provide an introduction to contemporary pharmacy practice in Australia in the context of the various laws, policies and standards that govern the profession. The authors believe that the book will provide an overview, not only to pharmacy undergraduates, pharmacy interns and pharmacists in all branches of the profession, but also to overseas pharmacists seeking to register and practise in this country or otherwise desiring knowledge of and guidance in Australian pharmacy practice. The last two decades have seen a dramatic expansion in the law and practice content of pharmacy courses in Australia. This growing demand for the inclusion of legal content into the curriculum of pharmacy courses is in response to the demand by pharmacists for knowledge of legal principles and the legislative provisions underpinning their area of practice.

The authors come from a background of pharmacy, nursing and the law, and bring a wide range of clinical and professional experience. The practice experience of the authors includes oncology and critical care, medication review, medical/surgical nursing and coronary care. The authors also bring extensive experience in pharmacy regulation, at both the state and national level. The authors currently teach students in a variety of health disciplines and have used that experience to inform themselves as to the needs of students. While the book is not intended to detail every aspect of Australian pharmacy, the authors believe it provides a comprehensive starting point for practitioners to identify relevant information sources and principles to further advance their knowledge.

The book comprises 12 chapters covering aspects of medicine regulation and pharmacy practice. The authors have intended that each of the chapters stand alone to avoid the reader having to continually refer to other areas of text to follow a particular argument. Such an example occurs in Chapters 10 and 11 where aspects of the scheduling of drugs and poisons is discussed both in regard to Commonwealth medicine registration and regulation and the drugs and poisons legislation of states and territories. Also note that while the authors have tended to use the term 'medicine' rather than 'drug' when referring to a chemical intended for human or animal therapeutic use, the term 'drug' does appear in the text in those circumstances where it is relevant to legislation, or in other instances where the authors consider it more appropriate.

Chapter 1 gives an overview of legal concepts for health professionals which is followed by Chapters 2-4 on aspects of pharmacy practice including its

#### Preface

development and evolution, ethics and professional conduct and the importance of practice standards and guidelines. Chapters 5–7 consider the impact of legislation specific to pharmacy practice, covering the registration of pharmacists (including the proposed national registration scheme), pharmacy ownership, and the handling of complaints including investigation, discipline and legal proceedings. Chapter 8 addresses Medicare and the Pharmaceutical Benefits Scheme, outlining the structure of the Australian health care system in regard to pharmaceuticals and identifying some limitations of the scheme. This leads into Chapter 9, which discusses legal and professional obligations in regard to privacy, confidentiality and consent. Chapters 10 and 11 consider medicine regulation from both the Commonwealth and state and territory perspective. Chapter 12 concludes the book by considering occupational health and safety issues in the context of the preparation of medicines of a hazardous nature.

The task of writing this book was not made any easier by the federal system of government in Australia nor by the dynamic nature of pharmacy regulation as characterised by the imminent introduction of national registration for health practitioners. Each government in the federal system (six states, two territories and the federal government) has law-making functions, with the constitution giving the federal government certain enumerated powers. While there has been significant work undertaken by legislators in the last two decades to harmonise state- and territory-based legislation, there still exists a lack of consistency between the states/ territories where some legislation is concerned.

The authors were drawn to the subject firstly on the basis of need, where the importance of considering pharmacy practice in all its facets in the context of the legal framework was seen as paramount, and secondly by the lack of any similar publication that specifically considered the Australian situation.

Finally, we wish to acknowledge and thank all those who have provided assistance. The authors wish to thank Meg O'Hanlon, Helena Klijn and Lauren Allsop from Elsevier Australia. The book is dedicated to Marie Low, Will Hattingh and Julian Pearce. While the legislation is as current as possible when going to press, no statement of the law should be relied upon without verification.

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