

Australian Capital Territory

Public Health (Community Pharmacy) Code of Practice 2016 (No 1)

Disallowable instrument DI2016–11

made under the

Public Health Act 1997, s 133 (Codes of practice)

EXPLANATORY STATEMENT

Part 3 of the *Public Act 1997* (the PHA) establishes the regulatory framework for public health risk activities and procedures. The Minister is given the power to declare an activity that may result in the transmission of disease, or risk to public health, to be a public health risk activity.

The operation of a community pharmacy has been declared a licensable public health risk activity pursuant to section 18 of the PHA.

Under section 133 of the PHA the Minister also has the power to declare a code of practice that sets out minimum standard or guidelines relating to a public health matter or public health risk activity.

This instrument repeals the Community Pharmacy Code of Practice 2012 and will be replaced by the Community Pharmacy Code of Practice 2016 to allow for a minor update which will include reference to the ACT Pharmacist Vaccination Standards, a disallowable instrument under the Medicines, Poisons and Therapeutic Goods Regulation 2008.

The first section of the code of practice addresses terminology used in the code of practice. This section is mostly unchanged, with some minor updates made to legislative references.

The next section of the code of practice also remains unchanged and determines reference works that must be kept at, and maintained, at a community pharmacy.

Minimum standards or guidelines for pharmacy premises are set out in the third section and remain unchanged.

The updated code of practice includes section 4 which now relates to compliance with the ACT Pharmacist Vaccination Standards. This section specifies that community pharmacy licence-holders must take reasonable steps to ensure compliance with a Chief Health Officer direction relating to the administration of vaccinations by pharmacists without a prescription.

Section 5 of the code of practice is the area in which the concept of a *pharmacist in charge* is introduced and is unchanged.

The final section of the code of practice is also unchanged and deals with the operation of a community pharmacy that was owned by pharmacist that has died.

As a code of practice pertaining to community pharmacies has been established by this instrument, persons carrying on the licensable public health risk activity of operating a community pharmacy are required by section 20 of the PHA to comply with the code of practice. Failure to do so is an offence, and will carry a maximum penalty of 50 penalty units, 6 months imprisonment, or both.