

Pharmacist loses defamation case

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A pharmacist convicted of six offences for failure to maintain a register in relation to dispensing oxycodone and fentanyl, failure to make an inventory of drugs of addiction and failure to keep the safe containing Schedule 8 drugs locked has lost a long running defamation case against the Pharmacy Board of Australia ("**Board**").

After being convicted for all charges in a Western Australian Magistrates' Court, the pharmacist was fined and ordered to pay costs. He was then made subject to conditions on his registration by the Board, which were published on the Australian Health Practitioner Regulation Agency's register of practitioners. The first condition stated:

"[My Nyoni] is prohibited from taking or self administering Schedule 8 drugs, save for those that may be legally prescribed to him."

The pharmacist alleged that he had been defamed by the inclusion of the first condition on the publically available register, claiming the condition was "particularly provocative and insensitive" and that it had caused him to be unsuccessful in a number of job applications.

While the Federal Court found that the condition did carry imputations which Mr Nyoni alleged were defamatory because they had a tendency to lower the esteem in which he was held in his practice as a pharmacist, the Court also found that the Board's defence of absolute privilege was established as the work of the notifications committee which imposed the condition was quasi-judicial and therefore not subject to defamation proceedings.

Read the judgment [here](#).

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