

Pharmacy Business Ownership Bill 2023

Briefing from Queensland Health

Economics and Governance Committee

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On 30 November 2023, the Pharmacy Business Ownership Bill 2023 (Bill) was introduced into the Legislative Assembly. The Bill has been referred to the Economics and Governance Committee. The Committee has requested Queensland Health provide a written briefing about the Bill.

Background

The Bill repeals the *Pharmacy Business Ownership Act 2001* (2001 Act) and replaces it with a modern and efficient framework for regulating pharmacy business ownership. The new framework will ensure appropriate regulatory oversight and enforcement of the ownership requirements. It will help to promote the professional, safe and competent provision of pharmacy services and maintain public confidence in the pharmacy profession.

The Bill implements the 2019 Government Response to several recommendations of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Parliamentary Committee's (Committee) *Report No. 12 – Inquiry into the establishment of a pharmacy council and transfer of pharmacy ownership in Queensland*.

Amendments and policy objectives

Ownership of and interests in pharmacy businesses

1. The Bill retains and clarifies the existing ownership requirements in the 2001 Act. Under the Bill, only an eligible person may hold a licence to own a pharmacy business. Eligible person means:
 - a practising pharmacist;
 - a corporation whose directors and shareholders are all practising pharmacists or a combination of practising pharmacists and their close adult relatives (spouses or adult children) of practising pharmacists;
 - a friendly society that, on 29 April 2005, carried on a pharmacy business in Queensland or another State;
 - a friendly society that is an amalgamation of 2 or more friendly societies mentioned above; or
 - the Mater Misericordiae Ltd (Mater).
2. The Bill introduces the concept of a 'material interest' in a pharmacy business, which is the interest of a shareholder of a corporate owner, or a beneficiary of a trustee owner. A person who has an interest entitling them to receive consideration that varies according to the profits or takings of the pharmacy business also holds a material interest.
3. The Bill provides that only a practising pharmacist, or close adult relative of a practising pharmacist, may hold a material interest in a pharmacy business. 'Close adult relative' means a spouse or adult child, as per the Bill.
4. The Bill allows a practising pharmacist or corporation to hold an interest (defined to include both an ownership interest and a material interest) in a maximum of five pharmacy businesses, while permitted friendly societies and the Mater may hold an interest in a maximum of six pharmacy businesses. This means it would be permissible for a practising pharmacist to own, for example, three pharmacy businesses and hold material interests in a further two pharmacy businesses (a total of five). It would not be acceptable for that person to own five pharmacy businesses and hold material interests in a further five pharmacy businesses (a total of 10).

Pharmacy Business Ownership Council

5. The Bill establishes the Pharmacy Business Ownership Council (council) as a statutory body and transfers responsibility for regulating pharmacy business ownership requirements from Queensland Health to the council.
6. The functions of the council will include:
 - deciding applications relating to pharmacy business licences;
 - monitoring and enforcing compliance with pharmacy business ownership requirements;
 - administering the fund set up under the Bill for the purpose of the council's operations; and
 - advising the Minister on matters relating to the pharmacy business ownership legislation.
7. The Bill provides for the council to have at least five members, appointed by Governor in Council on recommendation of the Minister. The council members must include at least one individual who is a pharmacy business owner and one who is an employee pharmacist. The remaining members must have experience and skills in areas such as law, accounting, business, financial management, pharmacy business ownership, or have expertise in representing consumers or another area or field which the Minister considers necessary or beneficial for the council to perform its functions. The Bill also provides for the appointment of a chief executive officer and council staff, including inspectors.

Licensing framework

8. The Bill creates a licensing framework for the ownership of pharmacy businesses. An individual will be granted a licence to own a pharmacy business only if the council is satisfied that the person:
 - is an eligible person;
 - is a fit and proper person; and
 - does not own or hold a material interest in more than the permitted number of pharmacy businesses.
9. Before granting a licence, the council must also be satisfied that the proposed licensed premises for the business meet the standards prescribed by regulation and is not located in, or accessible from, a supermarket. The council must be satisfied that the persons who hold a material interest in the business are entitled to do so.
10. Under the Bill, it is an offence to own a pharmacy business without a licence or to carry on a pharmacy business unless it is licensed. The person must carry on the pharmacy business at or from the licensed premises. The maximum penalty for each offence is 200 penalty units.
11. The Bill sets out the application requirements for a licence and provides for an annual renewal process, allowing regular and effective oversight of compliance with legislative requirements. The Bill also allows a licence holder to apply for certain changes to a licence and provides for suspensions and cancellations of licences.
12. Licensing fees will be prescribed by regulation before commencement of the licensing scheme. Proposed licensing fees were provided to stakeholders on 1 December 2023 and are discussed in more detail below.
13. The Bill provides that a person affected by a licensing decision may apply for internal review of the decision and subsequently for QCAT review of the decision.

Transitional arrangements

14. The Queensland Government will provide transitional funding of approximately \$9.8 million over four years to cover the cost of establishing the Queensland Pharmacy Business Ownership Council to administer community pharmacy business ownership regulation, and to implement a community pharmacy ownership licensing scheme in Queensland.
15. It is intended the council's operating costs be met from fees from 2025/2026.

Proposed fee framework

16. A tiered fee approach is proposed to ensure fees reflect the relative complexity of pharmacy ownership structures and corresponding regulatory effort to administer licence requirements and monitor ongoing compliance. The cost of a licence application associated with a tier reflects the cost of assessing and monitoring compliance for that tier.
17. Table 1 of Attachment 1 shows the proposed recurrent fees for each tier.
18. The fee structure also includes a number of non-recurrent fees for licence changes, including –
 - application to add or remove a person from an existing licence;
 - application for a change of pharmacy premises;
 - fees associated with inspections or re-inspections (if required); and
 - assessment of trust or other commercial arrangement (if required).
19. Table 2 of Attachment 1 shows the proposed non-recurrent fees.
20. The proposed fees and charges are based on cost recovery. All fees will be indexed annually in line with government indexation policy.

External control of pharmacy businesses

21. The Bill provides that a person, other than the owner of a pharmacy business, must not do or purport to do any of the following:
 - control how pharmacy services involving medicines are provided by the business;
 - restrict the types of medicine or health services (for example, needle exchange programs) the business may provide to the public;
 - require medicines for the business to be bought from a particular supplier; or
 - impose a sales target for the business in relation to a particular medicine.
22. A third party who does an activity listed above commits an offence, with a maximum penalty of 200 penalty units. A clause in a contract or agreement which authorises or permits a third party to do a prohibited activity is deemed void and is therefore unenforceable.
23. Issues of external control will also be considered as part of the licensing framework. The Bill provides that in determining whether a person is a fit and proper person to hold a licence, the council must consider whether the person is a party to a contract, agreement or arrangement that authorises or permits a third party to do a prohibited activity listed above.
24. This recognises that there are certain activities relating to medicines and health services that should be undertaken by the pharmacy business owner based on health considerations of customers and the community, not commercial pressures from third parties.

Other matters

25. The Bill also:

- requires the council to maintain a register of information about licensed pharmacy businesses, including the name and address of each business and particular pharmacy services that each pharmacy can provide;
- provides that the council may audit the operations of a licence holder and must annually publish the results of its monitoring and enforcement of compliance with the Act;
- modernises the investigation and enforcement scheme in the 2001 Act and makes the necessary changes to reflect transfer of regulatory responsibility from Queensland Health to the council; and
- provides for the disclosure of information in a limited number of circumstances, for example, to the Pharmacy Board of Australia, to the Australian Health Practitioner Regulation Agency, where disclosure is necessary for the performance of a function under the Bill, or where it is required or permitted by another Act or law.

Commencement by proclamation

26. The Bill will commence by proclamation, which is expected to occur 12 – 18 months after assent. This will allow time for implementation activities including development of the IT system required for the licensing framework, set up of the council, development of subordinate legislation (fees regulation and premises standards), and industry education.

27. Existing owners will have 12 months from commencement to obtain a licence before offences relating to licensing commence operation.

Consistency with legislation of other jurisdictions

28. Pharmacies are regulated businesses in all states and territories of Australia. An interjurisdictional comparison table is attached (Attachment 2).

Consultation

29. Queensland Health conducted two rounds of consultation with stakeholders, in October 2022 and in February 2023, on drafts of the Bill and a confidential consultation paper. The stakeholders consulted included all current Queensland pharmacy business owners, pharmacy franchisors, Pharmaceutical Society of Australia (PSA), Pharmacy Guild of Australia (Guild), Australian Health Practitioner Regulation Agency, Mater, Australian Medical Association – Queensland Branch (AMAQ), Royal Australian College of General Practitioners (Qld) (RACGP) and friendly societies.

30. Stakeholders hold divergent views on the Bill. Pharmacy business owners, the PSA and the Guild strongly supported retaining the current pharmacy business ownership restrictions. AMAQ and RACGP strongly opposed pharmacy ownership restrictions and advocated for deregulation. The Bill gives effect to the Committee's recommendation that the current ownership restrictions be retained.

31. The Guild and many current owners supported the introduction of a pharmacy council but strongly advocated for the council to be regulatory in nature rather than advisory. AMAQ and RACGP did not support the establishment of any type of council. The regulatory role of the council reflects the feedback provided by the pharmacy industry and aligns with most other Australian jurisdictions.

Table 1: Recurrent fees

Tier	Complexity of ownership structure	Example	Est. % of Qld pharmacy businesses	Initial licence application costs	Proposed annual licence renewal costs
Tier 1	Low	<ul style="list-style-type: none"> • Sole individual; or • One corporation (max of 1 discretionary trust) 	49	\$2,600 (App fee \$2,200 + licence fee \$400)	\$2,100 (App fee \$1,700 + licence fee \$400)
Tier 2	Medium	<ul style="list-style-type: none"> • Three individuals; or • Two corporations (max of 2 discretionary trusts) 	34	\$2,900 (App fee \$2,500 + licence fee \$400)	\$2,300 (App fee \$1,900 + licence fee \$400)
Tier 3	High	More than 3 owners	17	\$3,600 (App fee \$3,200 + licence fee \$400)	\$2,900 (App fee \$2,500 + licence fee \$400)

Table 2: Non-recurrent fees

Task	Proposed fee
Application for restoration of a licence (after a licence has expired)	\$100 (in addition to renewal application fee and licence fee)
Application to add a new person to an existing licence	\$500 plus \$400 licence fee to reissue the licence
Application to remove a person from an existing licence	\$100 plus \$400 licence fee to reissue the licence
Application to remove material interest holder or director	\$100 plus \$400 licence fee to reissue the licence
Application for change of premises	\$250 plus \$400 licence fee to reissue the licence. An inspection fee may be applicable (\$900 - see below)
Application for other change (change of business name, change of name of person, change in commercial arrangement, etc.)	\$400 licence fee to reissue the licence where the change results in a change to the licence. A fee for review of trust or commercial arrangement may apply.
Site inspection or re-inspection (as required)	\$900
Trust or other commercial arrangement assessment / legal fees for external legal review (if required)	\$2,500

Pharmacy Business Ownership Bill 2023 – Interjurisdictional comparison table

Jurisdiction	Who can own a pharmacy business	Restriction on number of pharmacy businesses owned	Licensing of owners or registration of premises	External control arrangements	Advisory or regulatory council	Public register	Public reporting of compliance audit results
Queensland – current Pharmacy Business Ownership Act 2001	<p>S139B: A person must not own a pharmacy business unless the person is:</p> <ul style="list-style-type: none"> a pharmacist a corporation whose directors and shareholders are all pharmacists a corporation whose directors and shareholders are a combination of pharmacists and permitted relatives of the pharmacists a friendly society or amalgamation of friendly societies who operated a pharmacy business in Queensland or another State at the commencement of the section. the Mater Misericordiae Health Services Brisbane Limited <p>Note: relative means a spouse or adult child.</p> <p>own, a pharmacy business, includes having a proprietary interest in the pharmacy business, but does not include having an interest in the pharmacy business arising under a bill of sale, mortgage, or other form of security, for the pharmacy business.</p> <p>Maximum penalty—200 penalty units (\$30,960 for an individual, \$154,800 for a corporation*)</p> <p>*Section 181B of the <i>Penalties and Sentencing Act 1992</i> provides that a penalty in an Act applies to an individual. However, if a body corporate is found guilty of the offence, the court may impose a maximum fine of an amount equal to 5 times the maximum fine for an individual.</p>	<p>S139H:</p> <ul style="list-style-type: none"> Pharmacist/corporation: maximum of 5 Friendly society/Mater: maximum of 6 <p>Maximum penalty—200 penalty units (\$30,960 for an individual, \$154,800 for a corporation*)</p>	n/a	<p>S139I: A commercial arrangement for a pharmacy business is void to the extent it gives a person, other than the owner, the right to control the way in which the business is carried on or consideration from profits of the business.</p> <p>It is not an offence to enter into such an arrangement.</p>	n/a	n/a	n/a
Queensland – proposed Pharmacy Business Ownership Bill 2023	<p>Clause 15: A person must not own a pharmacy business unless the person holds a pharmacy business licence for the business.</p> <p>Only an eligible person is eligible to hold a licence. An eligible person is:</p> <ul style="list-style-type: none"> a practising pharmacist a corporation whose directors and shareholders are all practising pharmacists a corporation whose directors and shareholders are a combination of practising pharmacists and close adult relatives of the pharmacists a friendly society or amalgamation of friendly societies who operated a pharmacy business in Queensland 	<p>Clause 17: An individual or corporation must not hold an interest (being an ownership interest, or a material interest) in more than 5 licensed pharmacy businesses at the same time.</p> <p>Friendly societies and the Mater must not hold an interest in more than 6 licensed pharmacy businesses at the same time.</p> <p>Maximum penalty—200 penalty units (\$30,960 for an individual, \$154,800 for a corporation*)</p>	<p>Clause 15: A person must not own a pharmacy business without a licence.</p> <p>Maximum penalty—200 penalty units (\$28,750 for an individual, \$143,750 for a corporation*).</p> <p>Maximum penalty—200 penalty units (\$30,960 for an individual, \$154,800 for a corporation*)</p>	<p>Clause 22: A person other than the owner must not exercise prohibited forms of control over the pharmacy business. This includes controlling how pharmacy services involving medicines are provided to the public by the business, restricting the types of medicine or health service the business may provide, require medicine for the business to be bought from a particular supplier or imposing a sales target for the business in</p>	<p>Part 9: Queensland Pharmacy Business Ownership Council (<i>regulatory</i>)</p> <p>Clause 150: Membership comprises a minimum of 5 council members. A person is eligible for appointment as a member if they are a pharmacy business owner, a director of a corporate pharmacy business owner, or an employee pharmacist in a pharmacy business. A person may also be appointed if they have skills and experience in 1</p>	<p>Clause 207: Council must keep register of licensed pharmacies and may include services offered.</p>	<p>Clause 209: Council must publish compliance audit reports.</p>

Jurisdiction	Who can own a pharmacy business	Restriction on number of pharmacy businesses owned	Licensing of owners or registration of premises	External control arrangements	Advisory or regulatory council	Public register	Public reporting of compliance audit results
	<p>or another State at the commencement of the new Act.</p> <ul style="list-style-type: none"> the Mater Misericordiae Health Services Brisbane Limited <p>Note: close adult relative means a spouse or adult child.</p> <p>A material interest in a pharmacy business is an interest as a shareholder of an owner of the business, an interest as a beneficiary of a trust of which an owner of the business is trustee, or another interest in the business, other than an interest of an owner of the business, that entitles the person who holds the interest to receive consideration that varies according to the profits or takings of the business.</p> <p>Clause 16: A material interest in a pharmacy business can be held by:</p> <ul style="list-style-type: none"> a practising pharmacist; or a close adult relative of a practising pharmacist who owns or hold an interest in the business. <p>Maximum penalty—200 penalty units (\$30,960 for an individual, \$154,800 for a corporation*)</p>			<p>relation to a particular medicine.</p> <p>Maximum penalty—200 penalty units (\$30,960 for an individual, \$154,800 for a corporation*)</p> <p>A provision of a contract, agreement or arrangement is void to the extent it purports to authorise or permit such an activity.</p> <p>External control considered as part of the “fit and proper person” criteria during licensing.</p>	<p>or more of the following areas:</p> <ul style="list-style-type: none"> accounting business financial management law carrying on a pharmacy business employed pharmacist another area that in the Minister’s opinion, qualifies the appointee to represent consumers of pharmacy services; or the Minister considers appropriate or beneficial to the performance of the council’s functions. <p>Clause 147: Functions:</p> <ul style="list-style-type: none"> deciding applications relating to pharmacy business licences; changing, suspending and cancelling licences; keeping a register of pharmacy businesses; monitoring and enforcing compliance; advising the Minister on premises standards and other matters relating to the Act; administering the Queensland Pharmacy Business Ownership Fund; and any other function provided by the Act or another Act. 		
<p>New South Wales</p> <p>Health Practitioner Regulation National Law – Schedule 5F</p> <p>Health Practitioner Regulation (New South Wales) Regulation 2016</p>	<p>Schedule 5F, S5: A person must not own or otherwise have a financial interest in a pharmacy business (including as a partner or member of a firm) unless as one of the following—</p> <ul style="list-style-type: none"> a pharmacist; a partner in a pharmacists’ partnership (a partnership consisting only of pharmacists); a pharmacists’ body corporate or a member of a pharmacists’ body corporate (a body corporate all the shareholders and directors of which are pharmacists) <p>Maximum penalty—100 penalty units (\$11,000).</p>	<p>Schedule 5F, S9: A pharmacist must not (whether as an individual or as a partner in a pharmacists’ partnership or a member of a body corporate) own or otherwise have a financial interest in more than 5 pharmacy businesses in this jurisdiction.</p> <p>Maximum penalty—100 penalty units (\$11,000).</p>	<p>Schedule 5F, S3: A person must not carry on a pharmacy business unless—</p> <ul style="list-style-type: none"> the premises have been approved; and all holders of a financial interest in the pharmacy business are registered in the Register of Pharmacies. <p>Maximum penalty—50 penalty units (\$5,500)</p>	<p>Schedule 5F, S10: Any of the following provisions in a lease or a licence, or an arrangement that creates a security interest, in respect of a pharmacy business is void—</p> <ul style="list-style-type: none"> a provision that requires the lessee or the licensee, or the grantor of the security interest to purchase or obtain goods or services in connection with the business from the lessor or the licensor, 	<p>Schedule 5F, Division 2 - Pharmacy Council of New South Wales (<i>regulatory</i>)</p> <p><i>Health Practitioner Regulation (New South Wales) Regulation 2016, Schedule 1, S9:</i> Membership: 10 members, including 5 local pharmacists elected by local pharmacists and 5 appointed by governor.</p> <p>The Governor may appoint:</p>	<p>Schedule 5F, S14: Council must keep a register of pharmacies, which includes particulars of:</p> <ul style="list-style-type: none"> approved premises registered holders of financial interests <p>Register must be made available for inspection at the office of the council and in other ways</p>	n/a

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Approximate number of pharmacy businesses: 2000				<ul style="list-style-type: none"> or the grantee of the security interest a provision that gives the lessor, the licensor, or the grantee power to control the way in which the business is to be carried on a provision that gives to the lessor, the licensor, or the grantee access to the books of account kept for the business a provision that provides that the lessor, the licensor, or the grantee is to receive consideration that varies according to the profits or takings of the business. 	<ul style="list-style-type: none"> one local pharmacist with expertise working at a hospital pharmacy one local pharmacist involved in conducting approved programs of study for the pharmacy profession two persons, who are not pharmacists, who represent the community one Australian lawyer <p>Functions include:</p> <ul style="list-style-type: none"> administering ownership restrictions approving pharmacy premises reviewing commercial agreements prosecuting contraventions managing complaints against pharmacists research and policy submissions. 	decided by the council (eg internet).	
Victoria Pharmacy Regulation Act 2010 Approximate number of pharmacy businesses: 1500	<p>S5: A person must not own or have a proprietary interest in a pharmacy business unless the person is</p> <ul style="list-style-type: none"> a registered pharmacist; a company registered under the Corporations Act— (i) whose directors are all registered pharmacists; and (ii) in which all the shares and the beneficial and legal interest in those shares are held by registered pharmacists a friendly society <p>Proprietary interest means a legal or beneficial interest and includes a proprietary interest as a sole proprietor, as a partner, as a director, member or shareholder of a company and as the trustee or beneficiary of a trust.</p> <p>Penalty: 240 penalty units for a natural person (\$46,154.40); 1200 penalty units for a body corporate (\$230,772).</p>	<p>S5(2): A registered pharmacist and a company must not own or have a proprietary interest in more than 5 separate pharmacy businesses.</p> <p>S14: Friendly society type companies must not acquire ownership of any pharmacy business, except in accordance with Part 2, Division 2.</p> <p>Penalty: 1200 penalty units (\$230,772).</p> <p>S15, 16, 17: Specific exemptions for certain friendly societies with more than 6 businesses prior to particular dates – growth limited by 30% of properties held on that date.</p>	<p>S21: A person must not establish or carry on a pharmacy business unless:</p> <ul style="list-style-type: none"> the ownership restrictions are satisfied the Authority has <u>registered the premises</u> of the pharmacy business; and the Authority has granted a <u>licence</u> to the person to carry on a pharmacy business at the registered premises. <p>Penalty: 240 penalty units for a natural person (\$46,154.40); 1200 penalty units for a body corporate (\$230,772).</p>	<p>S11: A provision in a bill of sale, mortgage, lease or in any other commercial arrangement in respect of a pharmacy or pharmacy business is void if it gives any person other than the person licensed to carry on the pharmacy business:</p> <ul style="list-style-type: none"> the right to control the manner in which the business is carried on the right of access to books of accounts or records the right to receive any consideration that varies according to the profits or takings in respect of the business. 	<p>Victorian Pharmacy Authority (regulatory)</p> <p>S87: Membership: 3 pharmacists, 1 Australian lawyer, one person who is not a pharmacist.</p> <p>Functions include:</p> <ul style="list-style-type: none"> issuing licences registering premises issuing pharmacy operational standards maintaining a public register of pharmacies Investigating complaints relating to licenses or premises (not professional conduct) pharmacy inspections advising the Minister providing information to pharmacists to assist them to comply in their practice and to comply with legislation. 	<p>S63: The Authority must keep a register of all licensees, registered premises. It may be published online. Must include:</p> <ul style="list-style-type: none"> name of each licensee number of pharmacies owned by a person registration status of premises any conditions on a licence or registration. 	n/a
South Australia	<p>S51: A person must not own, or hold a proprietary interest in, a pharmacy business unless that person is</p>	<p>S42:</p> <ul style="list-style-type: none"> A person must not provide pharmacy services at more 	<p>S41: A person must not provide restricted pharmacy services except</p>	n/a	<p>Pharmacy Regulation Authority SA (regulatory)</p>	<p>S40: General Manager must keep a register on behalf of</p>	<p>S39: Authority must give annual report to Minister on administration of Act and</p>

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Health Practitioner Regulation National Law, Part 4 Approximate number of pharmacy businesses: 500	<ul style="list-style-type: none"> a pharmacist; a prescribed relative of a pharmacist who holds a proprietary interest in the pharmacy business; a pharmacist-controlled company (directors and shareholders and people who hold an interest in the shares are pharmacists or prescribed relatives, pharmacists have voting shares, includes some friendly societies) a pharmacist-controlled trust (trustees must be pharmacists, prescribed relatives, or pharmacist controlled companies) a partner in a partnership that carries on the business and in which every partner is either— (i) a pharmacist; or (ii) a prescribed relative of a partner who is a pharmacist; or (iii) a recognised corporate pharmacy services provider; or (iv) a recognised trustee pharmacy services provider. <p>Proprietary interest, in relation to a pharmacy business, means a legal or beneficial interest, and includes an interest as— (a) a sole proprietor; or (b) a partner; or (c) a director, member or shareholder of a company, as defined in the Corporations Act 2001 of the Commonwealth; or (d) a trustee or beneficiary of a trust.</p> <p>Prescribed relative means a parent, spouse, domestic partner, child, grandchild, brother or sister.</p> <p>Maximum penalty: \$50 000 or imprisonment for 6 months.</p>	<p>than 6 pharmacies in this State. Maximum penalty: \$50 000</p> <ul style="list-style-type: none"> Friendly Society Medical Association Limited must not provide pharmacy services at more than 40 pharmacies in this State. Maximum penalty: \$50 000. A friendly society other than Friendly Society Medical Association Limited must not commence to provide pharmacy services at a pharmacy if friendly societies other than Friendly Society Medical Association Limited already provide pharmacy services at 9 pharmacies in this State or, if another number of pharmacies is prescribed, that number. Maximum penalty: \$50 000 	<p>at premises registered as a pharmacy.</p> <p>A person must not own, or hold a proprietary interest in, a pharmacy business unless the business is carried on at <u>premises registered</u> as a pharmacy.</p> <p>Maximum penalty: \$50 000</p>		<p>S28: Membership: 5 members. 1 officer of the Department who has responsibility in relation to the administration of pharmacy services, 3 registered pharmacist representatives, 1 person who represents the interest of the public.</p> <p>S34: Functions:</p> <ul style="list-style-type: none"> determine requirements for registration of premises ensure that the registers required under Act are established and maintained prepare or endorse codes of conduct for pharmacy services providers establish administrative processes for complaints handling provide advice to the Minister as the Authority considers appropriate. 	<p>the Authority. Must contain:</p> <ul style="list-style-type: none"> address of the premises full name and nominated contact address of the person who carries on a pharmacy business at the premises information prescribed by the regulations may include such other information as the Authority thinks fit. <p>Register must be made available for inspection and may be published electronically.</p>	<p>work of the authority for preceding financial year. Report must be tabled in parliament.</p>
Western Australia Pharmacy Act 2010 Approximate number of pharmacy businesses: 670	<p>S54: A person must not own or hold a proprietary interest in a pharmacy business unless the person is:</p> <ul style="list-style-type: none"> a pharmacist; or a person who is a partner in a partnership that carries on the business and in which every partner is either a pharmacist; or a close family member of a partner who is a pharmacist; a pharmacist-controlled company; (directors and shareholders must be pharmacists or close family members) friendly societies the preserved company <p>Proprietary interest, in respect of a pharmacy business, means a legal or</p>	<p>S55: Pharmacists, friendly societies, close family members, and a preserved company must not hold a proprietary interest in more than 4 pharmacy businesses at one time.</p> <p>A new friendly society must not acquire a proprietary interest in, a pharmacy business, if the total number of pharmacy businesses which are owned by a new friendly society, or in which a new friendly society holds a proprietary interest, is 9 or more than 9.</p> <p>Penalty: \$50,000</p>	<p>S53: A person must not own, or hold a proprietary interest in, a pharmacy business unless the business is carried on at <u>premises that are registered</u> as a pharmacy.</p> <p>Penalty: (a) for an individual, a fine of \$5 000; (b) for a body corporate, a fine of \$10 000;</p>	n/a	<p>Pharmacy Registration Board of Western Australia (regulatory)</p> <p>S5: Membership: The Board consists of 4 members appointed by the Minister, of whom — 3 are pharmacists, 1 is to be a person who has knowledge of and experience in representing the interests of consumers.</p> <p>S8: Functions:</p>	<p>S49: The Board must keep an accurate and up-to-date register of registered pharmacies, with the following information:</p> <ul style="list-style-type: none"> address the name of the person in whose name the pharmacy is registered any conditions imposed on the registration of the pharmacy such other information, if any, as is 	<p>S38: Authority must give annual report to Minister on its functions for preceding financial year. Report must be tabled in parliament.</p> <p>Report must include:</p> <ul style="list-style-type: none"> the number of applications for the registration of pharmacies the number of applications for the registration of pharmacies granted and refused the number of pharmacies owned by individuals, bodies

Jurisdiction	Who can own a pharmacy business	Restriction on number of pharmacy businesses owned	Licensing of owners or registration of premises	External control arrangements	Advisory or regulatory council	Public register	Public reporting of compliance audit results
	<p>beneficial interest, and includes an interest as —</p> <p>(a) a sole proprietor; or</p> <p>(b) a partner; or</p> <p>(c) a director, member or shareholder of a company, as defined in the Corporations Act; or</p> <p>(d) a trustee or beneficiary of a trust, and has a meaning affected by subsection (2).</p> <p>Close family member means a spouse, de facto partner, child or parent of the pharmacist, or another family member in a relationship with the pharmacist prescribed by regulation.</p> <p>Penalty: Individual - \$5 000; body corporate - \$10 000</p>				<ul style="list-style-type: none"> advise the Minister on matters to which this Act applies administer the scheme of registration monitor, and enforce, compliance with the Act perform other functions that are conferred on the Board by statute 	<p>prescribed by the regulations.</p> <p>S50: Register must be made available for inspection by the public and may be made available on a website maintained by the board. Must not include private addresses.</p> <p>S51A: The Board is required to notify the CEO of information recorded in the register as soon as it is practicable after the information is recorded.</p>	<p>corporate and friendly societies, respectively</p> <ul style="list-style-type: none"> any trends or special problems that may have emerged forecasts of the workload of the Board in the year after the year to which the report relates any proposals for improving the operation of the Board.
<p>Tasmania Pharmacy Control Act 2001</p> <p>Approximate number of pharmacy businesses: 160</p>	<p>S61C: A person is eligible to hold an interest in a pharmacy business only if:</p> <ul style="list-style-type: none"> the person is a pharmacist for a partnership, each partner is a pharmacist for a body corporate, each director is a pharmacist, controlling interest is held by pharmacists, shares and beneficial interest in those shares is held by pharmacists or close relatives (spouse, child, grandchild, sibling, parent) of pharmacists friendly societies <p>S62: It is an offence to hold an interest in a pharmacy unless the person holds an eligibility certificate (note: shareholders etc not required to apply for certificate if corporation holds certificate).</p> <p>Interest in a pharmacy business means any legal or beneficial interest in the business, including an interest as –</p> <p>(a) a sole proprietor; or</p> <p>(b) a partner; or</p> <p>(c) a director, member or shareholder of a company as defined in the Corporations Act; or</p> <p>(d) a trustee or beneficiary of, or unit holder in, a trust.</p> <p>Penalty: Fine not exceeding 200 penalty units (\$39,000) and, in the case of a continuing offence, a further fine not exceeding 20 penalty units (\$3,900) for each day during which the offence continues.</p>	<p>S65: A person, including a body corporate, must not, at any one time, either alone or in partnership with another person or as a member of a body corporate or as a trustee, beneficiary or unit holder of a trust, hold an interest in more than 4 pharmacy businesses.</p> <p>Penalty: Fine not exceeding 100 penalty units (\$19,500) and, in the case of a continuing offence, a further fine not exceeding 10 penalty units (\$1,950) for each day during which the offence continues.</p>	<p>S62: Interest holder must obtain eligibility certificate or be an exempt person.</p> <p>Penalty: Fine not exceeding 200 penalty units (\$36,200) and, in the case of a continuing offence, a further fine not exceeding 20 penalty units (\$3,620) for each day during which the offence continues.</p> <p>S71C: Pharmacy premises must be registered.</p> <p>Penalty: Fine not exceeding 100 penalty units (\$19,500) and, in the case of a continuing offence, a further fine not exceeding 10 penalty units (\$1,950) for each day during which the offence continues.</p>	n/a	<p>Tasmanian Pharmacy Authority (regulatory)</p> <p>S7: Membership: 2 pharmacist representatives, 1 consumer representative.</p> <p>S8: Functions:</p> <ul style="list-style-type: none"> administer a scheme of registration of pharmacy business premises approve the ownership of and interests in pharmacy businesses ensure that the services that pharmacy businesses provide from pharmacy business premises to the public are of the highest possible standard prosecute offences against the Act advise the Minister on matters relating to the Act. 	<p>S71L: The Authority must keep a Pharmacy Business Premises Register. Must include:</p> <ul style="list-style-type: none"> names of owners, address of premises, date of registration. <p>The Authority must also record the following in the register:</p> <ul style="list-style-type: none"> renewal of registration of premises cancellation or suspension of registration <p>Available for inspection upon payment of fee, may be published by gazette. Personal information may be excluded from publication/inspection.</p>	<p>S20 – Authority must give annual report to Minister on its functions for preceding financial year. Report must be tabled in parliament.</p>
Australian Capital Territory	<p>S66V: A person must not own a pharmacy business unless the person is:</p>	N/a	Owner must hold a licence.	N/a	No – pharmacy ownership restrictions administered by ACT Health.	N/a	N/a

Jurisdiction	Who can own a pharmacy business	Restriction on number of pharmacy businesses owned	Licensing of owners or registration of premises	External control arrangements	Advisory or regulatory council	Public register	Public reporting of compliance audit results
Public Health Act 1997, Part 3B Approximate number of pharmacy businesses: 85	<ul style="list-style-type: none"> a pharmacist a complying pharmacy corporation (one with a constitution that provides that all directors must be pharmacists and shareholders must be pharmacists or close relatives, all beneficial ownership of shares must be by pharmacists or close relatives, and only pharmacists have voting rights) former corporate pharmacist <p>Own includes having a legal or beneficial interest in the pharmacy business; but does not include having an interest in the pharmacy business only because of being the public trustee and guardian or the personal legal representative of a deceased pharmacist.</p> <p>Close relative means domestic partner, father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law or mother-in-law, son, daughter, grandson, granddaughter, stepson, stepdaughter, son-in-law or daughter-in-law, brother, sister, half-brother, half-sister, stepbrother, stepsister, brother-in-law or sister-in-law, uncle, aunt, uncle-in-law or aunt-in-law, nephew, niece or cousin.</p> <p>Maximum penalty: 10 penalty units (\$1,600 individual, \$8,100 corporation)</p>		Maximum penalty: 50 penalty units (\$8000), imprisonment for 6 months or both.				
Northern Territory Health Practitioners Act 2004 Approximate number of pharmacy businesses: 40	<p>Schedule 7, S2: A person must not own or exert any control over a pharmacy business unless the person is an authorised pharmacy business owner (a pharmacist, a partnership of which all the partners are pharmacists, or a corporation of which all shareholders and directors are pharmacists).</p> <p>Exceptions – Aboriginal Health Services, public hospital pharmacies, defence force pharmacies.</p> <p>Maximum penalty: Individual – 500 penalty units (\$88,000). Body corporate – 2500 penalty units (\$440,000).</p>	N/a	N/a	N/a	Pharmacy Committee (<i>Regulatory</i>) S18B: Membership: 3 pharmacist representatives, 1 consumer representative. S18C: Functions: administer Schedule 7 (pharmacy ownership requirements), monitor and investigate compliance with Schedule 7, prosecute offences against Schedule 7, and advise Minister on matters relating to administration and enforcement of Schedule 7.	N/a	S18K: Pharmacy Committee must give the Minister an annual report about its operations for the preceding financial year. Report does not appear to be publicly available.