

Pharmacy Business Ownership Bill 2023

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Mr Linus Power MP
Member for Logan
Chair, Economics and Governance Committee
Parliament House,
George Street,
Brisbane QLD, 4000
Via: egc@parliament.qld.gov.au

Dear Mr Power,

I write to the Economics and Governance Committee on behalf of the Queensland Aboriginal and Islander Health Council (QAIHC), regarding the Pharmacy Ownership Bill 2023 introduced to Parliament on 30 November 2023 and subsequently referred to the Economics and Governance Committee for consideration.

Like other stakeholders making submissions on this Bill, QAIHC has significant concerns regarding the Bill and does not support the Bill being enacted in its current form or the proposed establishment of the Queensland Pharmacy Business Ownership Council as a statutory body.

Long established best practice principles should guide policy makers when developing legislation in Queensland. These principles have been ignored in the development of this Bill. For example:

- the need for the proposed regulatory intervention is not clearly demonstrated. The Bill continues existing anti-competitive arrangements without necessarily achieving stated policy aims relating to safety.
- there has been no meaningful examination of alternative and viable policy options to legislating, including non-regulatory options, to address the problem. In fact, it is not clear from the evidence provided, that a problem has even been defined. Existing legislation needlessly restricts pharmacy business ownership without offering safety benefits that could not be achieved through other less restrictive legislative approaches. The Bill seeks to continue these arrangements.
- No evidence is offered to suggest the proposed policy option, legislating in the way proposed in the Bill, offers the greatest net benefit — regulatory or non-regulatory — for Queensland when compared to alternative policy options.

Every substantive legislative policy should be the subject of a Regulation Impact Statement (RIS). While QAIHC acknowledges a consultation RIS was prepared in support of the Bill it is not aware of a final RIS that describes the anticipated regulatory impacts of this Bill or provides an analysis of the potential benefits of alternative arrangements. QAIHC can only conclude that any final regulatory assessment for this Bill does not identify the benefits claimed for it.

If enacted without amendment, the Bill will entrench existing ownership protections that require pharmacies to be owned by pharmacists. The Bill is inherently anti-competitive and - of critical concern to QAIHC - will likely restrict options for models of care desperately needed to support the provision of culturally appropriate comprehensive health care to Queensland's Aboriginal and Torres Strait Islander peoples.

QAIHC notes that Australian Medical Association and the Australian Medical Association Queensland have consistently called for an end to the anti-competitive regulation of pharmacy ownership. Reports and inquiries over two decades have recommended reform of pharmacy ownership and location rules. The consequences of current legislative arrangements restrict patients' access to cheaper medicines and better pharmacy services. This Bill, if enacted, will only continue to disadvantage consumers. Current arrangements also restrict opportunities for community-controlled pharmacy ownership arrangements and innovative models of care supported by genuine partnerships between Aboriginal and Torres Strait Islander Community Controlled Health Organisations (ACCHOs), which would be consistent with the Government's obligations under the National Agreement on Closing the Gap.

QAIHC is clear that the safe prescribing and dispensing of pharmaceuticals is critical and should absolutely be a focus of any legislation in Queensland regulating the sale of scheduled medicines. Legislation must ensure scheduled medicines are prescribed and dispensed safely under the direct supervision of qualified pharmacists. However, QAIHC believes safety can be achieved by legislating to ensure medicines are dispensed, and in limited circumstances, prescribed by appropriately trained pharmacists without restricting the ownership of pharmacies. Alternative models that impose strict requirements about the dispensing of medicines without restricting ownership arrangements should be explored. Models that facilitate the medicines being dispensed in supermarkets, as occurs in other comparable jurisdictions, and other locations that allow quality and safe care closer to home should also be explored.

In summary, QAIHC believes:

- The ownership restrictions contained in this Bill are inherently anti-competitive and a significant barrier to expanded or innovative models of pharmacy service provision, particularly in rural and remote communities.
- Any framework for regulating pharmacy business ownership should ensure consumer safety as an absolute priority, but also facilitate improved access, particularly in rural and remote areas.
- Five-year Productivity Inquiry Report findings show that there are now fewer pharmacies per head of population than when the regulations were introduced and have facilitated the establishment of local monopolies. These arrangements should not continue.

QAIHC is happy to give evidence in support of its submission if this would assist the Committee. If you have any questions regarding QAIHC's feedback, please do not hesitate to phone me on [REDACTED] or email [REDACTED]

Yours sincerely,

[REDACTED]

Matthew Cooke
Chairman, Queensland Aboriginal and Islander Health Council (QAIHC)

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