

## Pharmacy Business Ownership Bill 2023

**Submission No:** 15  
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Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000  
Date 10/01/2024  
Via: <EGC@parliament.qld.gov.au

Dear Sir/Madam,

RE: Committee inquiry into the Pharmacy Business Ownership Bill 2023

Thank you for the opportunity to provide further feedback on the Pharmacy Business Ownership Bill 2023 which was introduced to Qld Parliament on November 30, 2023 by the Hon Shannon Fentiman MP. This much anticipated legislation will supersede the current Pharmacy Business Ownership Act 2001 and as such needs to reflect current business ownership practices and pharmacy practice. Much more than this it needs to look to the future and anticipate, within reason, future ownership practices and likely changes to pharmacists' scope of practice to ensure it is not rapidly outdated and can remain a positive influence for the health of Queenslanders and the profession for many years to come. As such we would like to propose some minor changes which we believe would better reflect the original intent of the legislation, provide practice stability for another 20 years and reflect improved alignment with other jurisdictional legislation.

#### 1. Definition of Core Service – Clause 8(3)

The core service of a pharmacy and the scope of practice of its pharmacists is no longer based solely on the provision of medicine and associated advice. It is far reaching and this needs to be acknowledged within the definition of "pharmacy services" and "core pharmacy services".

To explain how the role of the pharmacist has adapted you can look directly to the Pharmacy Board of Australia (the Board) which defines 'practice' (adapted) as follows:-

To practise as a pharmacist means undertaking any role, whether remunerated or not, in which the individual uses their skills and knowledge as a pharmacist in their profession. Practice is not restricted to the provision of direct clinical care. It also includes working in a direct nonclinical relationship with individuals and others; working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.

The changing scope of pharmacist practice is acknowledged in the Pharmaceutical Society of Australia Professional Practice Standards which have been developed and updated to:-

Identify the minimum performance expectations of professional behaviour of all pharmacists

Describe the accountability that all pharmacists will be assessed against according to their individual 'scope of practice'—defined as a time-sensitive, dynamic aspect of practice that indicates those professional activities that a pharmacist is educated, competent and authorised to perform, and for which they are accountable.

Serve as a source of education and reflection of performance for the purpose of practice improvement.

We believe that the Pharmacy Guild of Australia Qld Branch will submit a recommendation to broaden the relevant definitions supporting “pharmacy services” and “core pharmacy services” and we support and request a review of the current drafting.

## 2. Definition of a Supermarket - Clause 11(3)

We don't believe that the current drafting reflects current and future business practices as it does not make mention of on-line supermarkets and pharmacies. Traditional bricks and mortar stores come to the forefront of our mind when drafting legislation however we need to take into consideration current and future trends and incorporate these into our thinking and drafting. We would support changes to the drafting to prohibit co-location of online supermarkets and pharmacies as well as bricks and mortar and request a review of the current drafting.

## 3. Definition of Material Interest in a Pharmacy Business – Clause 13

We believe that the current drafting of the definition of material interest is inadequate and neither reflects the intent of the legislation nor seeks alignment with other jurisdictions. Adequate definitions for Material Interest exist already in other jurisdictions and these are actively being utilized to reflect the intent of the legislation in an effective and efficient manner. There is not need to deviate if something is already proven to work elsewhere. We would support changes to the drafting of Material Interest definition to include references to “legal” and “beneficial” interests so that all current and future potential definitions are taken into account and request a review of the current drafting.

## 4. Matters Relating to the Qld Pharmacy Business Ownership Council (The Council) – Clauses 147, 150, 153 and 207

We believe it is essential and in the public interest that it be mandatory for a register of licensed pharmacy business and their licensed owners to be published on a website controlled by The Council. In our opinion this is the intention of the legislation and we respectfully request its inclusion.

The best composition of The Council could be widely debated however our belief is that the public and profession would be best served by a combination of backgrounds with significant experience in pharmacy ownership practices and the role of the pharmacist in the community. An ideal Council may take the form of the following:-

- Chair (noted Pharmacy Ownership Experience)
- 3 Current Pharmacist Owners
- 1 Solicitor with significant Pharmacy Knowledge
- 1 Forensic Accountant with significant Pharmacy Knowledge

- 1 Dept health representative

A Council comprised of this skill base and knowledge would be well placed to administer the new legislation as a statutory body. Essentially if you need to administer pharmacy business and practice legislation you need to understand it intimately. Pharmacy Ownership Experience should form the basis for the skills matrix of the Council. As such we request consideration of our proposal and a review of the current drafting.

This has been drafted on behalf of the ownership group of the Foote Group of Pharmacies based in Ipswich and Scenic Rim.

Yours sincerely,

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