

## Pharmacy Business Ownership Bill 2023

**Submission No:** 20  
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**Submitter Comments:**

Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Date

Via: [<EGC@parliament.qld.gov.au>](mailto:EGC@parliament.qld.gov.au)

Dear Sir/Madam,

**RE: Committee inquiry into the Pharmacy Business Ownership Bill 2023**

<As a pharmacy owner in Queensland, I hold the following concerns about the Pharmacy Business Ownership Bill 2023.>

The definition of core pharmacy services (Clause 8(3))

**Issues:**

- The Bill in its current version does not accurately define what I do as a pharmacist and what services the industry provides to the public. The current definition only covers dispensing and compounding which is a core service but we provide advice, immunisations, wound care and with expanded scope coming, pharmacists will also be able to prescribe.
- The Bill must be broadened to encapsulate all that we do as otherwise everything other than dispensing and compounding will be outside of the regulatory control of the Bill.
- Without an accurate definition, I fear the Bill will not be able to do what it is intended as too much will be left out of scope.

**Proposed change:**

- To adopt a broader definition of 'core pharmacy services' as 'pharmacy services':

***pharmacy services*** means –

(a) health services (including dispensing, supply, prescribing, selling, administering, repackaging, compounding, possessing, disposing of medicines and the provision of clinical service or advice (either at or from a licensed premises or through digital platforms)) provided in the course of practice by a pharmacist or a person who holds themselves out, or is held out by another, as a pharmacist;

## The definition of a supermarket (Clause 11(3))

### Issues:

- Pharmacies must remain out of supermarkets and the current definition is not broad enough to ensure that this occurs. With the increase of online supermarkets within Australia and Internationally, the definition must remove the word *Premises* as this implies that the supermarket is in a physical location.
- To ensure that a pharmacy licence is not issued to a supermarket, the definition must be applied to both only and bricks and mortar supermarkets.

### Proposed change:

- To adopt the following definition of a supermarket:

**supermarket** means a premises or online store used primarily for selling a range of food, beverages, groceries and other domestic goods.

## What is a material interest in a pharmacy business (Clause 13)

### Issues:

- ‘Material Interest’ must be accurately defined as this is crucial in ensuring that pharmacy ownership is able to be policed appropriately. Other jurisdictions have a more comprehensive definition of this and Queensland should adopt something similar and include the words ‘legal’ and ‘beneficial.’
- Without this, there is a risk that the Bill will not be able to uphold ownership rules as certain interests will not be in scope and therefore not be able to be deemed unlawful.

### Proposed change:

- To adopt an amendment to the definition of ‘material interest’ to include the words ‘legal’ and ‘beneficial’:

Clause **13(1)(c)** should say:

(c) any other interest, **legal** or **beneficial** in the business, other than an interest of an owner of the business.

(2) to remove any doubt, an interest includes, but is not limited to, having a right to receive consideration directly or indirectly that varies according to the profits or takings of the pharmacy business.

*The existing clause 13(2) would be renumbered 13(3).*

Matters relating to the Queensland Pharmacy Business Ownership Council (the council) (Clauses 147, 150, 153, 207)

**Issues:**


- I believe that the public should be able to look up owners of a pharmacy and therefore a mandatory register should be available on the Council website of all licenced pharmacies and corresponding owners. This will help ensure public confidence and transparency.
- The council's function must be limited to the registering and licencing of Queensland pharmacy businesses and not be involved in other areas of the Act as this is already sufficiently covered by other bodies.
- The composition of the council membership as it is currently stated is unacceptable and there must be a majority of pharmacy business owner members to ensure that the council is able to function as intended.
- There is currently no limit to the number of terms that a member of the council is permitted to serve. This is a risk and therefore a maximum number of terms should be written into the Bill to ensure the views remain contemporary and diverse.

**Proposed changes:**

- Clause 207 (5) must be amended:  
*The council **must** publish the information contained in the register on the council's website.*
- Clause 147 (1)(g) must be amended:  
*any other function given to the council under this Act.*
- Clause 150 (4) must be amended:  
*the council must consist of –*  
*(a) a majority of persons mentioned in subsections (3)(a)(i) and (3)(a)(ii) with the actual number dependent on the size of the council*
- Clause 153 (2) should be amended to include a limit to the number of times a council member can be reappointed:  
*(2) a council member may be reappointed a maximum of two terms*

Yours sincerely

John Douglas

  
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