

Pharmacy Business Ownership Bill 2023

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Submitted by: Craig Finn
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Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane Qld 4000

15.01.2024

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 I am a pharmacy owner in Queensland, I feel it important to express my concerns about the Pharmacy Business Ownership Bill 2023. I fear it will not have all the outcomes expected due to the following reasons.

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

The current version of the Bill does not adequately define what a pharmacy service is, leaving out many aspects of what a modern pharmacy does for their community. We do so much more than simply supply medicines. There is advice and counselling, vaccination services, QUM advice, HMRs, RMMRs, Medschecks, Diabetes Medschecks plus provision of Full Scope of Practice services like prescribing UTI treatments. Imagine a modern pharmacy operating without these services. Or worse still, a business purporting they can provide these services but without the regulatory safeguards the Bill is supposed to be providing. You are risking the safety of our community. Without a robust definition of what a pharmacy business is the whole Bill can come undone.

I endorse the position of the Queensland Branch of the Pharmacy Guild of Australia which proposes the following change:

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))

To ensure a Bill that is more future proof and addresses the online marketplace, the definition of supermarket needs to be made broader. Again, I support the PGA view that the following definition should be adopted.

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)

The terms 'legal' and 'beneficial' should be adopted as in other jurisdictions as the current definition is insufficient. There are clear circumstances where the current definition would

Shop 7, 123 Queen Street, Goodna, Qld 4300
Ph (07) 3288 2231



be inadequate to prevent unwanted and detrimental interference in the operation of a Queensland pharmacy business. This includes the impending majority ownership of a Queensland pharmaceutical wholesaler by a single pharmacy group.

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)

It should be mandatory that a public register of licensed pharmacy businesses be kept and accessible to the public. This would provide transparency, such as is provided by AHPRA for health professionals.

The council should have a clear and unwavering focus. The function of the council must not be diluted by becoming involved in the functions of any other Act.

The membership of the council as it is currently stated is unacceptable. Industry experts should form most of the council, with pharmacy business owner members strongly represented to ensure that the council is able to function as intended.

Plus, the term of membership is one year longer than councils in other states and territories, so a maximum number of terms is needed.

- 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

Craig Finn B.Pharm (Partner)

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