

## Pharmacy Business Ownership Bill 2023

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Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
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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**

Thank you for this opportunity to provide feedback on the current draft of the Bill and express my concerns. I would like to congratulate the Queensland Parliament in recognising that the previous legislation was out of date and the time and effort taken to initiate a review of the legislation. I believe that there are 4 more areas to address to help further improve and future-proof the legislation and ensure the Queensland public receives the best possible healthcare in Queensland pharmacies.

My first area of concern is surrounding the current definition of core pharmacy services, which is very narrow, and I don't believe demonstrates the various and ever-expanding services which pharmacies provide. Currently it limits a core pharmacy service to mean that the dispensing or compounding of a medicine as the only service available within a pharmacy, however there are many more levels of care that we offer our patients to ensure we are providing the best possible healthcare. On a daily basis my staff and I provide medication counselling, repackaging medication to improve quality use of medicines and patient compliance, administer all types of medications such as vaccinations, safe disposal of medications, possessing and supplying and selling medications, and prescribing medications. All of these activities are vital to the role a pharmacy provides in the community to improve the health and wellbeing of the public within the community it services. We are oftentimes the first point of contact when a patient has any questions or concerns about anything health related.

Having such a narrow definition of pharmacy services restricts the ability of the Bill to regulate how external control of pharmacy services are delivered to the public (clause 22) and will mean that control of a majority of services that pharmacies, such as mine provide, will be left outside of regulatory control of the Bill if left unchanged. The definition needs to be robust and capture all services that may be offered at a pharmacy as the intent of the Bill is to describe who may own a pharmacy business through this definition. That is why I believe the definition of 'core pharmacy services' in clause 8(3) needs to be changed to: 'pharmacy services' means –  
a) health services (including dispensing, possessing, selling, prescribing, administering, repackaging, compounding, 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;

Another concern I would like to draw your attention to is the definition of a supermarket (clause 11(3)) which I believe doesn't adequately capture the rapidly increasing presence of online supermarkets. This is an inevitable progression as we constantly see more trades, professions and

services moving to the online market space. A supermarket should be defined as: a premises or online store used primarily for selling a range of food, beverages, groceries, and other domestic goods to prohibit the council, which is an industry funded entity, from issuing a licence if the pharmacy business is located in a supermarket. This will provide a more specific definition to remove any doubt around the word and concept of a premises which can often be assumed as a bricks and mortar place.

The current Bill also lacks clarity around what a material interest in a pharmacy business is and I believe it doesn't capture the different interests which may be held. Other jurisdictions incorporate the terms 'legal' and 'beneficial' to appropriately define material interest to express what is deemed as a lawful interest. As there are many ways in which an ownership structure can exist within this industry it is important to add these definitions to encompass these types of interests. I recommend the following amendments be made to clause 13:

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).*

My last concern relates to the Queensland Pharmacy Business Ownership Council (clauses 147, 150, 153, 207) which I believe needs to consist of a majority of pharmacy owners who are experts of the industry in which they regulate. As an owner, who will be paying for the council, I would like to know that they are being guided and carrying out the critical functions of registering and licensing pharmacy businesses without being diluted and becoming involved in functions of any other Act. There also needs to be a maximum number of terms a member of council is to serve to ensure a contemporary and representative council that ensures their focus remains on regulation of the Bill. It is also important to consider public confidence in the Bill by making a mandatory requirement that the register of licensed pharmacy businesses is listed on the council's website as the public has the right to know who owns each pharmacy. To ensure transparency, I believe the following changes need to be made:

- 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*

I thank you for your time and consideration of my concerns in such an important matter. I believe that if the changes are made the Bill will be upholding a high-level of confidence which the public

currently has in the industry and allow for pharmacies to deliver patient-centred care and support the communities with an excellent level of healthcare.

Yours sincerely

Keegan Wu

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