

## Pharmacy Business Ownership Bill 2023

**Submission No:** 39  
**Submitted by:** Lucy Walker  
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Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

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

Dear Committee Secretary,

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

I am writing as the pharmacy owner of TerryWhite Chemmart Goondiwindi, I am also contributing to a submission as a member of the Interim Pharmacy Roundtable. I have been involved closely with this process since giving evidence in Toowoomba at the Inquiry into the establishment of a pharmacy council and the transfer of pharmacy ownership in Queensland in 2018. I hold the following concerns about the Pharmacy Business Ownership Bill 2023.

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

**Issues:**

- The current version of the Bill does not adequately define what a pharmacy service is.
- The definition is too narrow and outdated. Pharmacies no longer just dispense and compound, at my pharmacy in Goondiwindi we are getting prepared to offer more services in the extension of the full scope pharmacy pilot throughout Queensland. We need to ensure that services that are provided by pharmacists in pharmacies that are owned by pharmacists. The protocols of this emerging pilot requires clinical governance to ensure patient safety, these are best maintained by pharmacist owners.
- By having a narrow definition of pharmacy services, it limits how the Bill can deal with the concept of external control of how pharmacy services are delivered to the public (clause 22). If control of pharmacy services is linked to the definition of *core pharmacy services* then there is a risk that a number of relevant pharmacy services will be left outside the regulatory control of the Bill.
- Where the intent of the Bill is to describe who may own a pharmacy business, a robust definition of what constitutes a pharmacy business (through definition of the services that business provides) must be offered as part of the Bill.

**Proposed change:**

- Which I have suggested repeatedly at IPR meetings/letters is 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;

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

### Issues:

- One of the main purposes of the Bill is to maintain public confidence in the pharmacy profession. To ensure this can be achieved, it is not acceptable that there is no mandatory requirement that the register of licensed pharmacy businesses is listed on the council's website. This will ensure there is transparency for the public so that they know who the owner of the pharmacy is. Many states require the name of the owner on the front door of the pharmacy to allow such transparency.
- The council is funded by the industry to perform a critical function in registering and licensing pharmacy businesses. The function of the council should not be diluted by becoming involved in the functions of any other Act.
- The council is an industry body however by stating there needs to be only one pharmacy owner, it means, as the industry experts may be significantly outnumbered. 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. To ensure a contemporary and representative council, there should be a limit to the number of consecutive terms, and terms in total, that a member is permitted to serve. The term of membership is one year longer than councils in other states and territories, so a maximum number of terms is needed.

### 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*

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

### Issues:

- The definition of a supermarket is not broad enough to capture the likely increase in online supermarket businesses in the future.
- By inclusion of the word 'premises' in the definition, it ties the concept of a supermarket to a place, and it is not able to capture the growing online marketplace.

- To ensure that the policy objective of the Bill to ‘prohibit the council from issuing a licence if the pharmacy business is located in a supermarket’ is met, the Bill must have application to pharmacy businesses and supermarkets whether they are online or physical locations.

**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:**

- The definition of a material interest is inadequate in capturing the interest that may be held in a pharmacy business.
- Other jurisdictions definitions use ‘legal’ and ‘beneficial’.
- A failure to appropriately define a material interest means that interests that are not expressed in the current definition may not be able to be deemed unlawful interests.

**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).*

Yours sincerely

Lucy Walker

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[Redacted contact information]