

Pharmacy Business Ownership Bill 2023

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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

Thank you for the opportunity once again to provide input into the Pharmacy Business Ownership Bill 2023. As a Queensland Pharmacy owner, I still have concerns about the Bill in its current format and have raised some of these issues in my previous letters in October 2022 and March 2023. Whilst many suggestions have been listened to and amendments made, I feel more needs to be done to the following to protect the interests of my patients, myself and other Pharmacy owners and the profession in general.

Clause 8(3) The definition of core pharmacy service

The current version of the Bill when referring to Pharmacy services still does not reflect the role of the modern Pharmacist and is too narrow in its definition. As per my letter in March 2023 a broader definition of Pharmacy services to include the following would be more applicable

- (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

I feel this is important as in its current format, this definition of Pharmacy services will limit how the Bill, in its regulatory role, is able to deal with potential external controlling bodies. If the Pharmacy Ownership Bill is going to be used to enforce the regulation of Pharmacy Ownership, then put simply, we need to make sure the definition of what is being owned (ie the services provided by a Pharmacy), are adequately defined.

Clause 11(3) The definition of a supermarket

The current definition of supermarket includes the word 'premises' which ties it to a 'bricks and mortar place' and hence potentially excludes 'online supermarkets'. Part of the Bill prohibits Pharmacies being located inside supermarkets and this needs to apply to both physical and online stores. Please consider the following definition change

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

Clause 13 What is a material interest in a pharmacy business

The current definition of 'material interest' is inadequate and inconsistent with other jurisdictions and in its current format may not allow for unlawful interests to be deemed as such. Please consider the following

- amend the definition of 'material interest' to include the words 'legal' and 'beneficial'
 - Clause **13(1)(c)** should be amended to:
 - (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)*

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

Clause 147- As the council is being funded by the Pharmacy industry to maintain and investigate the registering and licensing of Pharmacy businesses, their role should be maintained within this scope and hence they should refrain from becoming involved in the functions of any other Act. Please consider amending Clause 147 (1)(g) to

- any other function given to the council under this Act.

Clause 150 – Due to the complexity surrounding Pharmacy ownership it is imperative that Pharmacy owners are well represented on the council. In its current format, the makeup of the council has the potential to be inappropriately weighted without enough industry experts. Please consider amending Clause 150 to

- 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 – In its current format there is no limit to the number of terms a member of the council is allowed to serve and each term is already one year longer than councils in other states and territories. To ensure the council is kept fresh and modern with up to date representation, please consider amending clause 153 to

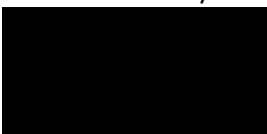
- (2) a council member may be reappointed a maximum of two terms

Clause 207 – In order to maintain public confidence in the Pharmacy profession the Bill should ensure that the register of licensed Pharmacy businesses is freely available to everyone. The public should have access to information pertaining to the ownership of Pharmacies in Queensland. Please consider amending clause 207 to

- (5) The council **must** publish the information contained in the register on the council's website.

Thank you once again for taking the time to read my submission

Yours sincerely



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