

Pharmacy Business Ownership Bill 2023

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To: Economics and Governance Committee
Subject: PBOB

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

18 Jan 2024

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)

Problem:

1) The current version of the Bill does not adequately define what a pharmacy service is. It is TOO LIMITED. We are doing MANY more services now including vaccines and UTI assessment. Some pharmacies will lie OUTSIDE the regulations.

2) A better definition of what constitutes core pharmacy business is needed to clarify who can own a pharmacy.

Proposal:

A broader definition is: 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)

Problem:

1) The definition is too LIMITED and may cause problem in the future especially in-line businesses, by mentioning PREMISES this may exclude on-line industry

2) 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.

Proposal:

An improved definition: **Supermarket** means a premises or online store used primarily for selling a range of food, beverages, groceries and other domestic goods.

The Definition of a Material Interest in a Pharmacy Business Clause 11(3)

Problem:

1)The definition of a material interest is INADEQUATE in capturing the interest that may be held in a pharmacy business.

2)The definition is INCONSISTENT with other jurisdictions as it does not use the terms 'legal' and 'beneficial'.

3)Failure to INAPPROPRIATELY DEFINE a material interest means that interests that are not expressed in the current definition may not be able to be deemed unlawful interests.

Proposal:

adopt an amendment to the definition of 'material interest' to include the words 'legal' and 'beneficial':

Clause **13(1)(c)** should say: any other interest, *legal* or *beneficial* in the business, other than an interest of an owner of the business.

And: 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.

Matters relating to the Qld PBOC (Council) Clauses 147,150,153,207

Problem:

1)It is not acceptable that there is no mandatory requirement that the register of licensed pharmacy businesses is listed on the council's website for the sake of transparency of ownership of the pharmacy

2)The composition of the council membership as it is currently stated is unacceptable. 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 consecutive terms, and terms in total, that a member is permitted to serve.

Proposal:

1)Clause 207 (5) must be amended: *the council **must** publish the information contained in the register on the council's website.*

2)Clause 147 (1)(g) must be amended: *any other function given to the council under this Act.*

3)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

4)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

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