

Pharmacy Business Ownership Bill 2023

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

18th January 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

My name is Paul Scholz, I am the primary working owner of TerryWhite Chemmart Albany Creek. I have been a pharmacist employee at this location since 2005, and in 2015, I took on ownership duties.

My attention has been drawn to the Pharmacy Business Ownership Bill 2023; upon digesting the recent committee inquiry revision of this Bill by the Economics and Governance Committee, I do hold concerns, which I must address.

1. Definition of Core Pharmacy Services (Clause 8(3))

- a. I feel this current version of the Bill inadequately defines what a pharmacy service is, as the definition is quite narrow in that it describes our only services provided as dispensing and compounding.
 - i. Dispensing of a medication is seen a pharmacy service, whereas counselling regarding the quality use of this medication is not seen as a pharmacy service.
- b. By having a narrow definition of pharmacy services, it limits how the Bill is able to deal with the concept of external control of how pharmacy services are delivered to the public (clause 22).
 - i. 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.

What is an approachable change to this?

Adopt a broader definition of 'core pharmacy services' as 'pharmacy services'. 'Pharmacy Services' means 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.

2. The definition of a supermarket (Clause 11(3))

- a. 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 bricks and mortar place, and it is not able to capture the growing online marketplace.
- b. As I am sure you are aware, our modern marketplaces are becoming more and more digital-based, particularly since the beginning of Covid-19 Pandemic. Supermarkets are rapidly capturing this online marketplace and exploiting the needs of shoppers who prefer a digital safe-space. Therefore, the Bill must have application to pharmacy businesses and supermarkets whether they are online or physical locations.

How can we strengthen this?

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

3. What is a material interest in a pharmacy business? (Clause 13)

- a. Please note that this definition is inconsistent with other jurisdictions as it does not use the terms 'legal' and 'beneficial'. Therefore, unlawful interests may be deemed acceptable material interests in the pharmacy business.

What could be considered as a change to this clause?

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).

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

- a. I feel that there should be a mandatory requirement that the register of licensed pharmacy businesses is listed on the council's website. The public should know who the owner(s) of the pharmacy is (are).
- b. The composition of the council membership as it is currently stated is unacceptable. The council is an industry body that has the potential to be weighted inappropriately, where 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.
- c. There is currently no limit to the number of terms that a member of the council is permitted to serve. Also, the term of membership is one year longer than councils in other states and territories, so a maximum number of terms is needed.
 - i. It seems to me that opportunities to invite fresh perspectives required for a modern and innovative industry are being neglected.

Suggestions for change:

- *Clause 207 (5) must be amended:
The council **must** publish the information contained in the register on the council's website.*
- *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 understand the time and effort taken in preparing this Bill and I do thank all relevant stakeholders for allowing invested industry professionals, such as pharmacy owners like myself, to raise concerns. It has been both a seriously challenging and yet incredibly rewarding time to be a pharmacist and pharmacy owner in this modern landscape of pharmacy practice. My intent and my vision is to ensure my pharmacy is a safe space for equitable and quality access to core pharmacy services, as well as a dynamic hub for nurturing and educating my pharmacy and pharmacist colleagues, so that they may continue to expand the impact we have on local community healthcare.

Yours sincerely,

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Pharmacist Owner – TerryWhite Chemmart Albany Creek.

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