

Pharmacy Business Ownership Bill 2023

Submission No: 68
Submitted by: Jacqueline Trang
Publication:
Attachments:
Submitter Comments:

From: [REDACTED]
To: [Economics and Governance Committee](#)
Subject: Pharmacy Business Ownership Bill 2023 submission
Date: Thursday, 18 January 2024 9:31:10 PM

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

I am writing to express my concerns as a pharmacy owner in Queensland regarding certain aspects of the Pharmacy Business Ownership Bill 2023. Specifically, I would like to address the following issues and propose amendments for your consideration:

Definition of Core Pharmacy Services (Clause 8(3)):

Issues:

The current version of the Bill lacks a comprehensive definition of pharmacy services.

The narrow definition, limited to dispensing and compounding, does not reflect the full range of services provided by pharmacists.

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). 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:

Adopt a broader definition of 'core pharmacy services' as 'pharmacy services':

'Pharmacy services' means health services provided in the course of practice by a pharmacist, 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).

Definition of a Supermarket (Clause 11(3)):

Issues:

The current definition of a supermarket does not account for the rise in online supermarket businesses.

The term 'premises' ties the concept to physical locations, neglecting online marketplaces.

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:

The 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 existing definition of a material interest is inadequate and inconsistent with other jurisdictions.

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:

The proposed change includes the terms 'legal' and 'beneficial' to ensure a comprehensive definition. 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).

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

Issues:

Mandatory listing of the register of licensed pharmacy businesses on the council's website is crucial for public transparency.

The council's role should focus on its functions under this Act, without involvement in other Acts.

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.

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

I appreciate your attention to these matters and trust that these proposed amendments will contribute to the refinement of the Pharmacy Business Ownership Bill 2023.

Kind regards,

Jacqueline Trang

Kenmore Amcal Pharmacy

Shop 33/9 Brookfield Rd, Kenmore Q 4069

--

Jacqueline Trang

E: [REDACTED] **M:** [REDACTED]