

## Pharmacy Business Ownership Bill 2023

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**Submitted by:** Interim Pharmacy Roundtable  
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Committee Secretary  
Economics and Governance Committee  
Parliament House  
George St  
Brisbane Qld 4000  
18/01/24

Dear Committee Secretary

**Re: Feedback from the Interim Pharmacy Roundtable on the Pharmacy Business Ownership Bill 2023**

By way of background the Interim Pharmacy Roundtable (IPR) was commissioned as a temporary measure until Recommendation 6 from the 2018 *Inquiry into the establishment of a pharmacy council and transfer of pharmacy ownership in Queensland* (The Inquiry) was able to be enacted. As such the IPR was established to provide Queensland Health (QH) with expert advice on pharmacy ownership matters and pharmacy ownership regulatory reforms. The Inquiry identified numerous issues with the oversight and enforcement of the Pharmacy Business Ownership Act and made 10 recommendations to extend the scope of pharmacists and pharmacy assistants and strengthen pharmacy ownership regulation.

Since 2019, the IPR has provided regular feedback to Queensland Health on the development of the new Bill. The IPR welcomes the introduction of the Bill into Parliament.

While the Bill promotes the professional, safe and competent provision of pharmacy services by pharmacy businesses and does much to maintain public confidence in the pharmacy profession, the IPR has concerns with the Bill in relation to a number of matters including the Council, Core Pharmacy Services, Control of a Pharmacy Business, Materiel Interest, and Supermarkets. The following explains the IPR's concerns.

**The Council**

The IPR is pleased with the decision to introduce a statutory body, the Queensland Pharmacy Business Ownership Council (the Council), that will:

- be responsible for the oversight of pharmacy business licences in Queensland, and
- address the gaps identified by the Queensland Audit Office in 2018.

However, the IPR believes it is prudent to ensure

- the majority of Council members are pharmacy business owners
- this will ensure industry expertise to understand the nuance, challenges and best practice that is required to administer the Act. It will also offer practical insights, collaborative solutions and feasibility to all aspects of the Bill.
- there be a maximum number of terms which can be served by members to enable the Council to benefit from good governance, fresh ideas and experience.

The IPR also believes (as it has previously communicated to QH) that it is in the public interest for the community to be aware of who owns the pharmacy business licence, and as such recommends that the Council keep and publish a register of licensed pharmacy businesses.

This register should include the name of the beneficial owner/s, the business name, the address of the business and the services offered. This would harmonise Queensland in line with the other Australian states in this regard.

### **Core Pharmacy Services (Clause 8)**

The IPR has consistently maintained that the definition of core services used in the Bill is too narrow and does not reflect current pharmacy practice. The new Bill provides an opportunity to anticipate the changing needs of the community and the Government. It must remain fit for purpose to support the way pharmacy practice can respond to these changes.

Pharmacists are the most accessible health care provider and are consistently rated as one of the most trusted professions. Pharmacists are well trained and perform many different functions and provide an increasing number of health services to support community access to medicines and health care. It is important that these functions and services are regulated as a pharmacy business. This is needed to ensure that:

- pharmacy services are provided in line with community expectations, and
- unregistered and / or unregulated persons are not providing services that the community expect should only be provided by trained professionals i.e. pharmacists in or at a pharmacy business with industry clinical governance.

The Government has the opportunity now via the Bill to ensure these outcomes by amending the definition of pharmacy services to include: dispense, supply, sell, administer, repackage, compound medicines by a pharmacist or someone under the direct supervision of a pharmacist. Pharmacy services **must** be linked to the provision of services by a pharmacist or a person under the supervision of a pharmacist. This would also address QH's concerns that other health professionals may be inadvertently captured by the legislation.

### **Control of a Pharmacy Business (Clause 22)**

s139I of the current Pharmacy Ownership Bill 2001 is fundamental to ensuring that the pharmacist who owns the community pharmacy business remains in control of all aspects of the business. While the IPR understands the intent of clause 22 of the new Bill, the inclusions are too narrow and the exemptions contained within are too broad, this will allow third parties and corporate entities to inappropriately exert influence or control over a pharmacy business. This results in the commercial or other interests of the corporate entities being served to the detriment of the community, which the pharmacy business is intended to serve.

### **Material Interest (Clause 13)**

To remove any ambiguity in the meaning of 'material interest' and to allow the legislation to be clearly understood and effectively enforced, the IPR believes that material interest should be defined and include beneficial and legal interest. This would harmonise Queensland legislation in line with the other Australian states.

## **Supermarkets (Clause 11)**

The inclusion in the Bill of a supermarket prohibition clause is welcomed by the IPR as it will harmonise Queensland in line with other states and territories.

However, to ensure the Bill remains contemporary, the IPR recommends that this clause be broadened to include well established and emerging trading platforms, such as online businesses, digital marketplaces or corporations.

The IPR has appreciated the opportunity to provide advice to the Department over the 4.5 years of the IPR's existence and looks forward to working with the Government to facilitate a smooth transition to enact the new Bill as we hope it will

- maintain public confidence in community pharmacy.
- achieve appropriate regulation of the services provided by community pharmacy businesses which, in addition to dispensing of medicines, now include vaccinations, medication reviews, adherence support, opioid replacement programs, child health services, provision of care and advice, wound care, home deliveries, and support for the vulnerable in their communities

If the changes suggested by the IPR are incorporated, then the IPR believe the Bill will be able to achieve its purpose. The IPR would be pleased to discuss the views explained in this letter or to provide more information if required.

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