

## Pharmacy Business Ownership Bill 2023

**Submission No:** 80  
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**Submitter Comments:**

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

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Via email: EGC@parliament.qld.gov.au

Dear Sir/Madam,

**RE: Committee inquiry into the Pharmacy Business Ownership Bill 2023**

My name is Julian Beumer and I own a pharmacy in Stafford, Brisbane. I have concerns regarding the Pharmacy Business Ownership Bill 2023.

**The definition of core pharmacy services (Clause 8(3))**

Issues:

- The current version of the Bill does not adequately define what a pharmacy service is.
- The definition is too narrow and is limited to dispensing and compounding of medicines only. This is not an accurate reflection of the services that a pharmacist provides and means that, for example, where the dispensing of a medicine is considered a pharmacy service, the provision of advice about that medicine, is not.
- 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:

- To adopt a broader definition of 'core pharmacy services' as 'pharmacy services':

***pharmacy services*** means –

*(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;*

### **The definition of a supermarket (Clause 11(3))**

Issues:

- 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.
- 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:

- To adopt the following 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 definition of a material interest is inadequate in capturing the interest that may be held in a pharmacy business.
- The definition is inconsistent with other jurisdictions as it does not use the terms 'legal' and 'beneficial'.
- 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:

- 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 (the council) (Clauses 147, 150, 153, 207)**

Issues:

