

Pharmacy Business Ownership Bill 2023

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Sent: Friday, 19 January 2024 12:08 PM
To: Economics and Governance Committee
Subject: Submission on the Pharmacist Business Ownership Bill

Committee Secretary
Economics and Governance Committee
Parliament House
George Street

Brisbane Qld 4000

19/01/2023

Dear Sir/Madam,

Re: Submission on the Pharmacist Business Ownership Bill

I am writing to express my concerns and objections to the Pharmacist Business Ownership Bill currently under review by the Economics and Governance Committee. While I understand the importance of ensuring the integrity of pharmacy ownership and maintaining high professional standards, I believe this bill, if enacted, would introduce several provisions that are morally incorrect and could have detrimental effects on the pharmacy profession in Queensland.

Overall Tone and Effect

The bill, as it stands, appears to be designed to create a totalitarian council to control pharmacists' activities. A specific concern is the draconian measures outlined in Section 78, where failure to notify even minor changes could lead to prosecution, summons, conviction, and fines up to \$7,740. This level of strict enforcement seems disproportionate and could impose undue stress on pharmacists facing personal challenges, such as the death of a partner or co-director.

Moreover, the shift from an advisory council to a regulatory body introduces unnecessary burdens, delays, and uncertainties in business transactions, potentially hindering the growth and development of pharmacy practices in Queensland.

Pharmacists with Non-Practising Registration

The bill's provision prohibiting pharmacists with non-practising registration from owning or having an interest in a pharmacy raises concerns. Many experienced pharmacists with non-practising registration, who have practiced for years, could provide safe and competent pharmacy services. It is perplexing that such individuals are denied ownership rights in Queensland while being allowed in other states.

The two-year time frame provided in Section 219 for pharmacists with non-practising registration to comply seems arbitrary and may not apply uniformly, leading to potential injustices.

Fit and Proper Person

The bill grants the council the power to determine who is a fit and proper person based on criteria that include being a party to a contract voided by Section 22(3). This creates ambiguity and opens the door to subjective judgments that may impact pharmacists engaging in legal business practices.

Restriction on Trust Ownership Structure

The restriction on the use of common trust ownership structures is a significant concern. Many pharmacists have used discretionary trusts for decades for legitimate reasons, and this bill denies them the same tax and succession benefits as other business owners. The restrictions are discriminatory and could disproportionately affect pharmacists with diverse ethnic backgrounds and those who have relied on family support for their pharmacy ownership.

Limited Transitional Provisions

The transitional provisions, particularly for corporations, seem onerous and may force compliance before the new laws commence. This may create challenges for pharmacy businesses that need to reorganize their ownership structures within a short timeframe.

Control

Section 22's prohibition on certain activities by third parties, along with the voiding consequence, raises concerns about potential unintended consequences. The broad scope of control could lead to the voiding of provisions even when control is not enforceable as a right.

A Simple Solution

Rather than introducing prescriptive legislation, a more practical solution would have been to enhance the investigation and enforcement powers in the current legislation. Adequate powers could address compliance issues without the need for such sweeping changes as proposed in the bill.

Conclusion

In conclusion, I urge the committee to reconsider the provisions of the Pharmacist Business Ownership Bill, especially those with retrospective effects and potentially negative consequences. It is essential to ensure that any legislation enacted is fair, proportionate, and does not impose undue burdens on pharmacists or hinder the growth of the profession in Queensland.

Thank you for considering my submission. I would be grateful for the opportunity to present my concerns in person if required.

Sincerely,

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