

Pharmacy Business Ownership Bill 2023

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Sent: Friday, 19 January 2024 12:23 PM
To: Economics and Governance Committee
Subject: Queensland Pharmacy Business Ownership Bill Examination Submission

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

19/01/2023

Dear Madam/Sir,

Re: Feedback on the Pharmacist Business Ownership Bill

I am reaching out to voice my reservations and opposition to the Pharmacist Business Ownership Bill presently undergoing examination by the Economics and Governance Committee. While recognizing the significance of upholding pharmacy ownership integrity and professional standards, I contend that the proposed bill could introduce morally questionable provisions with potentially adverse impacts on the pharmacy profession in Queensland.

General Tone and Impact

The current form of the bill appears tailored to establish an authoritative council governing pharmacists' activities. A specific worry pertains to the stringent measures outlined in Section 78, where even minor changes without prior notification may result in prosecution, summons, conviction, and fines up to \$7,740. Such rigorous enforcement seems disproportionate and could place undue stress on pharmacists navigating personal challenges, such as the loss of a partner or co-director.

Furthermore, the transition from an advisory council to a regulatory body introduces unwarranted complexities, delays, and uncertainties in business dealings, potentially impeding the progress and advancement of pharmacy practices in Queensland.

Pharmacists with Non-Practising Registration

The provision barring pharmacists with non-practising registration from owning or having an interest in a pharmacy raises significant concerns. Many experienced pharmacists with non-practising registration, boasting years of practice, could deliver safe and competent pharmacy services. It is puzzling that such individuals are denied ownership rights in Queensland while being permitted in other states.

The arbitrary two-year timeframe stipulated in Section 219 for pharmacists with non-practising registration to comply may not apply uniformly, raising the potential for injustices.

Fit and Proper Person

Granting the council the authority to determine who qualifies as a fit and proper person, based on criteria like being a party to a contract voided by Section 22(3), introduces ambiguity and allows for subjective judgments that may impact pharmacists engaged in legal business practices.

Restriction on Trust Ownership Structure

The restriction on the use of common trust ownership structures raises considerable concerns. Numerous pharmacists have employed discretionary trusts for legitimate reasons over the years, and this bill denies them the same tax and succession benefits as other business owners. These restrictions appear discriminatory and could disproportionately affect pharmacists with diverse ethnic backgrounds and those relying on family support for their pharmacy ownership.

Limited Transitional Provisions

The transitional provisions, particularly for corporations, appear burdensome and may necessitate compliance before the new laws take effect. This could pose challenges for pharmacy businesses requiring a prompt reorganization of their ownership structures.

Control

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

A Practical Approach

Instead of introducing detailed legislation, a more pragmatic solution would involve enhancing the investigation and enforcement powers in the existing legislation. Sufficient powers could address compliance issues without the need for the sweeping changes proposed in the bill.

In conclusion, I implore the committee to reconsider the provisions of the Pharmacist Business Ownership Bill, particularly those with retrospective effects and potential negative, unintended consequences. It is crucial to ensure that any enacted legislation 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 feedback.

Kind regards,

Larelle Reilly

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