

Pharmacy Business Ownership Bill 2023

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Committee Secretary
Economics and Governance Committee
Parliament House
George Street
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19 January 2024

Dear Sir/Madam,

RE: Committee inquiry into the Pharmacy Business Ownership Bill 2023

Thank you for the opportunity to provide feedback on important areas of the Bill that must be addressed. I appreciate having the chance to have my concerns heard. I am a young, hardworking, independent pharmacy owner in Queensland. I have devoted my entire professional career to date to helping improve the health and wellbeing of our community. This has come at a substantial financial and, at times personal, cost. I am 32 years old and have personal business debts of close to \$500,000 that I have committed to on the basis of an expectation that the current laws would be diligently enforced. The future viability of my business is incredibly important to me but also to my communities, those who we are able to serve and assist day in and day out. It is imperative that all pharmacy businesses operate on a level playing field, where all licence holders operate under the same rules and regulations. As such, it is expected that by paying the fees associated with the implementation of the Council (which the industry is prepared to do), the Council must be able to effectively operate to enforce the licencing framework. The QPBOAC must be empowered to support the laws to ensure compliance of both existing pharmacies and of any future operators.

I hold the following concerns about the Pharmacy Business Ownership Bill 2023 and request specific consideration that the proposed changes below are enacted.

1. The definition of core pharmacy services (Clause 8(3))

The current version of the Bill **does not** adequately define what a pharmacy service is. The definition is far too narrow as it is limited to dispensing and compounding of medicines only. This definition is not only disrespectful to the profession and to the pharmacist owners like myself who do so much more than this, but it is wholly inaccurate and does not correctly reflect all of the services that a pharmacist and pharmacy provide! I find it disappointing that Queensland Health has a complete lack of understanding and appreciation for what services a pharmacy business DOES offer.

This current definition means that, for example, where the dispensing of a medicine is considered a pharmacy service, the provision of advice about that medicine, is not. This single example shows how completely unacceptable the definition is. If pharmacists purely dispensed medications, per this definition, there would be significant safety and medication management concerns for patients. 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.

I propose to adopt a broader definition of 'core pharmacy services' as 'pharmacy services' as follows:

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;

2. The definition of a supermarket (Clause 11(3))

The definition of a supermarket is not broad enough to capture the continuing increase in online supermarket businesses both now and into the future. By inclusion of the word 'premises' in the current definition, it implies the concept of a supermarket as being only a physical supermarket premises (i.e. the bricks and mortar structure) and does not attempt to capture or include 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.

The change I propose is 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.

3. What is a material interest in a pharmacy business (Clause 13)

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 as unlawful interests.

I propose an amendment to the definition of 'material interest' to include the words 'legal' and 'beneficial' as per below:

Clause **13(1)(c)** should state:

*(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).

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

One of the main purposes of the Bill is to maintain public confidence in the pharmacy profession. To ensure this can be achieved, it is **not acceptable** that there is no mandatory requirement that the register of licensed pharmacy businesses is listed on the council's website. Mandating this requirement will ensure there is transparency for the public so that they know who the owner of the pharmacy is. We have continually found that this is something that is very important to the general public.

Secondly, the council is funded by the industry to perform a critical function in registering and licensing pharmacy businesses. The function of the council must not be diluted by becoming involved in the functions of any other Act.

Additionally, 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.

Finally, there is currently no specified 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.

I propose that the following changes be made:

- 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

Thank you for your time in reading my submission and I trust that my concerns will be taken into consideration. I take pride in my important role within the community and need to have confidence that pharmacist owners will continue to be supported so that I can continue to serve our community as best I can.

Yours sincerely,

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Pharmacist and Pharmacy Owner

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