

## Pharmacy Business Ownership Bill 2023

**Submission No:** 106  
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Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Friday, 19 January 2024

Via: [EGC@parliament.qld.gov.au](mailto:<EGC@parliament.qld.gov.au)

Dear Sir/Madam,

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

As a pharmacy proprietor in Queensland, I harbor the following apprehensions regarding the Pharmacy Business Ownership Bill of 2023.

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

**Concerns:**

- The current iteration of the Bill lacks a comprehensive definition of pharmacy services.
- The existing definition is notably restrictive, primarily encompassing the dispensing and compounding of medicines exclusively. This narrow scope fails to accurately capture the entirety of services provided by pharmacists. Notably, the current definition may consider the dispensing of a medicine as a pharmacy service while excluding the provision of advice pertaining to the same.
- The narrow scope of pharmacy services in the Bill poses challenges concerning the regulation of external control mechanisms governing the delivery of these services to the public, as outlined in Clause 22. The potential linkage between the control of pharmacy services and the definition of core pharmacy services raises concerns about the exclusion of several pertinent pharmacy services from the regulatory ambit of the Bill.
- In elucidating the eligibility criteria for pharmacy business ownership, the Bill should incorporate a robust definition detailing the constituent services provided by such a business. This consideration is pivotal to the comprehensive understanding of what qualifies as a pharmacy business within the legislative framework.

**Suggested change:**

- To expand the definition of 'core pharmacy services' to be 'pharmacy services'

**pharmacy services –**

(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 pharmacy premises, via online or other 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 current supermarket definition falls short of covering the changing landscape of the current and future expansion of online supermarket operations.
- Adding the term 'premises' to the definition links the idea of a supermarket being strictly a physical store, missing out on the currently expanding online supermarket business sphere.
- To be certain that the intention of the Bill is to 'prohibit the council from issuing a licence if the pharmacy business is located in a supermarket ' really works, the Bill needs to cover both online and brick-and-mortar pharmacy businesses and supermarkets.

#### **Suggested 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:**

- An inadequacy in defining a material interest implies that interests not explicitly addressed in the current definition may not be conclusively deemed unlawful.
- The definition deviates from established norms in other jurisdictions, lacking the inclusion of the terms 'legal' and 'beneficial'.
- The current definition of a material interest is insufficient in encapsulating the various interests that could be held in a pharmacy business.

#### **Suggested change:**

- To utilise 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:**

- One of the primary objectives of the Bill is to uphold public confidence in the pharmacy profession. To effectively fulfill this objective, it is imperative to establish a mandatory provision

for the inclusion of the register of licensed pharmacy businesses on the council's website. This measure is deemed necessary to enhance transparency for the public, enabling them to readily access information regarding the ownership of pharmacies.

- The council receives funding from the industry to fulfill a pivotal role in registering and licensing pharmacy businesses. It is imperative that the council's core function remains focused and is not compromised by engagement in the functions governed by any other legislative Act.
- The proposed composition of the council membership is deemed unacceptable. As an industry body, there exists a concern that the composition may be inequitably skewed, potentially leading to a significant underrepresentation of industry experts. It is imperative to establish a majority of pharmacy business owner members within the council to ensure its functionality aligns with its intended purpose.
- Presently, there exists no restriction on the number of terms a council member is allowed to serve. In order to maintain a contemporary and representative council, it is advisable to establish limitations on both consecutive and overall terms for members. Considering that the term of membership exceeds that of councils in other states and territories by one year, implementing a maximum number of terms becomes imperative.

**Suggested changes:**

- 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

Yours sincerely

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Managing Pharmacist and Proprietor

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