

Pharmacy Business Ownership Bill 2023

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Committee Secretary
Economics and Governance Committee
Parliament House
George Street
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Submission to the Economics and Governance Committee Regarding the Proposed Pharmacy Ownership Bill

To the Honourable Members of the Economics and Governance Committee,

I am compelled to express my concerns about the recently introduced Pharmacy Ownership Bill in the Queensland Parliament. This legislation, while aiming to regulate the pharmacy profession, seems to cross the boundaries of fairness, particularly due to its retrospective nature and the overarching control it seeks to establish.

The bill sets a precedent for extensive control over pharmacists' activities, nearing a totalitarian approach. A critical example of this is Section 78, which stipulates severe penalties for what are essentially administrative oversights, such as updating contact details. More concerning is the lack of empathy in situations like the death of a partner or co-director, where the surviving pharmacist is expected to comply with bureaucratic processes in a time of personal crisis.

The transformation of the council's role from an advisory capacity to a regulatory one adds a significant layer of bureaucracy. This change introduces a slew of regulations, potentially causing delays in important administrative processes such as license renewals and structural business changes. The lack of a mandated timeframe for council responses could lead to unpredictability in business transactions and increased financial strain for pharmacists.

The provisions impacting non-practising pharmacists are particularly alarming. Unlike their counterparts in Victoria, South Australia, and Western Australia, these experienced professionals in Queensland are unjustly prevented from owning or having an interest in pharmacies. This aspect of the bill not only disregards their years of service but also retroactively affects their current legal rights, compelling them to divest their interests against their will.

The retrospective application of this bill is the most questionable aspect. It effectively alters the legal landscape, penalising those who previously complied with the law. This approach undermines the principle that laws should not retrospectively criminalise previously lawful actions. Pharmacists are now faced with the daunting task of restructuring their businesses and

personal affairs to align with these new retrospective rules, a process that is both disruptive and costly.

Discriminative restrictions on trust ownership structures in the bill disregard the diverse ethnic and cultural backgrounds of many pharmacy owners. The new limitations on trust beneficiaries overlook common ownership structures that have long provided benefits in taxation and succession planning. This not only impacts pharmacists financially but also restricts their ability to support extended family members, a significant factor in many cultures.

The transitional provisions and the proposed two-year amnesty period do not offer much respite. The eligibility criteria for this period are restrictively defined, excluding many pharmacists who fail to meet these specific conditions set before the law commences. This approach forces pharmacists into a tight corner, where they must hastily reorganise their ownership structures without a comprehensive understanding of the new law's implications.

Furthermore, the criteria for determining a 'fit and proper person' are vague and could potentially lead to arbitrary and unfair decisions. This ambiguity risks impacting pharmacists' professional standing and their business operations based on subjective interpretations of contractual agreements.

In addressing control and enforcement issues, particularly in Section 22, the bill seems to extend its reach excessively. It introduces provisions that could void contractual agreements based on perceived intentions of control, a significant expansion from the current legislation. A more appropriate response would be to strengthen the existing legislation's investigation and enforcement capabilities, focusing directly on non-compliance rather than imposing a new, potentially overreaching framework.

While the intention to regulate and uphold professional standards in the pharmacy sector is understandable, the current form of the bill raises substantial concerns. Its retrospective nature and the undue burdens it places on pharmacists are particularly disconcerting. I respectfully urge the Committee to reconsider these aspects of the bill to ensure that it is fair, just, and practical, and that it does not unfairly penalise or disadvantage the pharmacy profession.

Thank you for your consideration of this submission.

Yours sincerely,

Tessa Drew

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