

Pharmacy Business Ownership Bill 2023

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

19 January 2024

Via: EGC@parliament.qld.gov.au

Dear Sir/Madam,

RE: Committee inquiry into the Pharmacy Business Ownership Bill 2023

As a pharmacy owner in Queensland, I hold the following concerns about the Pharmacy Business Ownership Bill 2023.

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

1. The current version of the Bill does not adequately define what a pharmacy service is. I have already experienced unscrupulous corporate owners that are prepared to exploit regulation for profit. I feel let down by the current regulation, and the current wording of the proposed Bill does not address my concerns. Weak regulation supports corporate exploitation of profit in lieu of health outcomes, and exploitation of the low margin business that are trying to uphold the intent of regulation and uphold the primacy of health outcomes. Specifically, 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. Corporate profiteers will tailor their services to fall outside the scope of regulation, unfairly driving compliant businesses broke, reducing public access to services and incentivising profit over the health intent of the bill for our communities. I recommend a broader definition of 'core pharmacy services' as 'pharmacy services':

pharmacy services means: 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;

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

2. The definition of a supermarket is not broad enough to capture the likely increase in online supermarket businesses in the future. I have already experienced unscrupulous corporate profiteers

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competing unfairly with my compliant pharmacy. They compete unfairly by exploiting weak wording and changing circumstances. Specifically, this clause is not future proof, and enables corporate profiteers to avoid the regulation by avoid use of a 'premises' – a practice that is already common in ecommerce. The current wording is inconsistent with current online trade practice, let alone future proof. I recommend 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)

3. The definition of a material interest is inadequate in capturing the interest that may be held in a pharmacy business. I am already experiencing unfair competition by corporate profiteers who exploit weak regulation, and the proposed wording does not address my concerns. The current wording supports the 'masked' ownership by corporations who use figurehead pharmacists owners. Locally in Townsville, this is driving compliant pharmacist owners out of business, for them to sell to higher margin corporations, reducing access to low or no margin health services such as free delivery, MedChecks, and Dose Administration Aids. The definition is inconsistent with other jurisdictions as it does not use the terms '**legal**' and '**beneficial**'. I recommend 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).

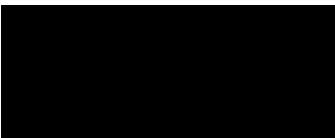
Matters relating to the Queensland Pharmacy Business Ownership Council (the council) (Clauses 147, 150, 153, 207)

4. 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. This will ensure there is transparency for the public so that they know who the owner of the pharmacy is. **Transparency** provides accountability to the community we serve. I recommend clause 207 (5) be amended: *The council must publish the information contained in the register on the council's website.*
5. 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. I read that my fees may be used to subsidise other QHealth roles. This is unfair on fee payers, and undermines the effectiveness of the council achieving it's primary objective

for the community. I recommend clause 147 (1)(g) be amended: *any other function given to the council under this Act.*

6. The composition of the council membership as it is currently stated is unfair and contrary to achieving its objective for the community. The **council is an industry body** that should be weighted with industry experts to do its job for the community. I recommend clause 150 (4) 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
7. There is currently no **limit to the number of terms** that a member of the council is permitted to serve. This is inconsistent with what our community expects of like organisations in other states, of Queensland HHS boards, of public companies and what they expect of not-for-profit institutions. I recommend clause 153 (2) 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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