

Pharmacy Business Ownership Bill 2023

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

19/01/2024

RE: Committee inquiry into the Pharmacy Business Ownership Bill 2023

Dear Sir/Madam,

As the owner of a Queensland pharmacy, I commend the government on their introduction of the Pharmacy Business Ownership Bill into Parliament. I would like to take this opportunity to express and raise some concerns I have with the bill in its current form. I strongly believe the bill, as it stands requires further work to prioritise the interest of the patients and better regulate the pharmacy industry.

The current definition of a core pharmacy service is not in line with the evolution of the industry and does not encompass all aspects of a pharmacist's role within a community pharmacy. The current definition allows for non-pharmacist entities to exert control over many pharmacy services offered for the provision of optimal care to patients. If left unchanged, these services will be left outside of the regulatory control of the Bill. The definition needs to be broadened from 'core pharmacy services' to 'pharmacy services', and should include dispensing, supplying, prescribing, selling, administering, repackaging, compounding, possessing, and disposing of medicines. It also needs to include 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.

To allow for futureproofing of the Pharmacy Business Ownership Bill, the increase in online supermarket businesses needs to be considered in developing a definition (clause 11 (3)). The word premises, which ties the concept of a supermarket to a bricks and mortar place, does not allow for the ever-growing online marketplace within this legislation. Online and physical locations need to be considered in the definition of a supermarket to continue with the high level of pharmacy business regulation in Australia and 'prohibit the council from issuing a license if a pharmacy business is located in a supermarket'. The following definition of a supermarket will capture both online and physical businesses: supermarket means a premises or online store used primarily for selling a range of food, beverages, groceries, and other domestic goods.

It is important to align the definition of a material interest in a pharmacy business in clause 13 with other jurisdictions, which would require the inclusion of the terms 'legal' and 'beneficial'. The following amendments would improve clarity around this definition:

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.

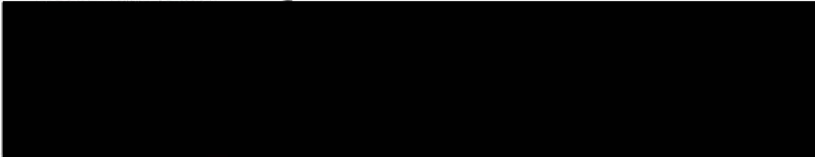
(2) to remove any doubt, an interest includes, but is not limited to, having a right to receive consideration directly or indirectly that varies according to the profits or takings of the pharmacy business.

The existing clause 13(2) would be renumbered 13(3).

Public confidence in the industry is one of the main purposes of the Act and to help achieve this a mandatory requirement for a published and publicly available register of licensed pharmacy businesses listed on the council's website will allow for the public to know who the owner of the pharmacy is. As a Queensland pharmacy owner who will be paying fees to this council to perform a critical function in registering and licensing pharmacy businesses, I believe that it should be composed of a majority of pharmacy businesses owners, like myself who are experts in the industry. This will ensure that the council is appropriately weighted and able to function as intended by this Act and provide important insight into the industry in which it regulates. It is also important to include a maximum number of terms a council member is permitted to serve to uphold the function of this Act as the only priority for the council. To ensure that the council as an industry regulatory body upholds the interests of the industry and the public in which it serves, the following changes to clauses 147,150,153,207 of the current version of the Queensland Pharmacy Business Ownership Bill are required:


- 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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