




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 30 November 2023

PHARMACY BUSINESS OWNERSHIP BILL

Message from Governor

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (11.55 am): I present a message from Her Excellency the Governor.

Mr DEPUTY SPEAKER (Mr Kelly): The message from Her Excellency recommends the Pharmacy Business Ownership Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

PHARMACY BUSINESS OWNERSHIP BILL 2023

Constitution of Queensland 2001, section 68

I, DR JEANNETTE ROSITA YOUNG AC PSM, Governor, recommend to the Legislative Assembly a Bill intitled—


A Bill for an Act to regulate ownership, control and operation of pharmacy businesses, and for other purposes, and to repeal the Pharmacy Business Ownership Act 2001, and to amend this Act, the Public Sector Act 2022 and the Termination of Pregnancy Act 2018 for particular purposes

GOVERNOR

Date: 30 November 2023

Tabled paper: Message, dated 30 November 2023, from Her Excellency the Governor recommending the Pharmacy Business Ownership Bill 2023 [2062](#).

Introduction

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (11.56 am): I present a bill for an act to regulate ownership, control and operation of pharmacy businesses, and for other purposes, and to repeal the Pharmacy Business Ownership Act 2001, and to amend this act, the Public Sector Act 2022 and the Termination of Pregnancy Act 2018 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Health and Environment Committee to consider the bill.

Tabled paper: Pharmacy Business Ownership Bill 2023 [2063](#).

Tabled paper: Pharmacy Business Ownership Bill 2023, explanatory notes [2064](#).

Tabled paper: Pharmacy Business Ownership Bill 2023, statement of compatibility with human rights [2065](#).

The Palaszczuk government is a proud supporter of our community pharmacies. The Pharmacy Business Ownership Bill 2023 will ensure we have a modern and effective framework for regulating the ownership of pharmacy businesses in Queensland, supporting our local pharmacies to provide essential services to all Queenslanders. Community pharmacies are an integral component of

Queensland's healthcare system. I would like to take this opportunity to thank our wonderful pharmacists for their dedication to serving the people of Queensland and providing world-class health care.

The importance of our community pharmacies was recognised by the Palaszczuk government when we became the first jurisdiction in Australia to authorise pharmacist administration of the COVID-19 vaccines, providing much needed access to the lifesaving vaccine in our regional communities. For many people, their local pharmacy is their first port of call when they or someone they love is unwell or injured. Community pharmacists are medicine experts, providing professional advice and counselling on medications, including their use and effects. Their services are highly accessible. In the vast majority of cases, these services are offered to consumers without the need to make an appointment. We are committed to ensuring our community pharmacies can continue to provide world-class health care to Queenslanders.

Queensland has a long history of supporting the community pharmacy model, which requires pharmacies to be primarily owned by pharmacists. This model ensures that the owner of a pharmacy is first and foremost bound by their professional obligations to ensure the welfare and health outcomes of the patients they treat. Pharmacy owners told us that this is their highest priority and upholding these obligations can come at a cost to their business. For example, a pharmacy business owner may need to decline to sell a person medication where the patient's safety may be at risk. They need to enforce staged supply of medications where overuse or abuse is suspected. They may need to take time to counsel patients on the safe use of medications.

We know that many community pharmacies are the health hub of their community—a place where the staff know their customers by name and take time to talk and check in. This is especially the case for some in our vulnerable elderly community, who often view their pharmacy not just as a shop but somewhere they can go and have a confidential conversation with someone they can trust. We know that particularly in rural and regional Queensland community pharmacies are truly part of, and involved in, all that happens in their community.

The Pharmacy Business Ownership Bill 2023 will ensure that Queensland has a modern and effective framework for the regulation of ownership of pharmacy businesses and support the continued operation of the community pharmacy model. The bill will repeal and replace the Pharmacy Business Ownership Act 2001, which has been in place for over 20 years. The act is no longer fit for purpose in ensuring community pharmacies are protected. The bill will retain the current ownership restrictions, which require pharmacy businesses in Queensland to be owned by pharmacists or pharmacist controlled corporations. The bill will ensure the Mater and certain friendly societies can continue to own pharmacy businesses, as is the case under the current act. These ownership restrictions ensure that pharmacy businesses are operated in a manner that places the health and wellbeing of customers and the community ahead of commercial considerations. The bill also retains the existing limits on how many pharmacy businesses a person or entity may own. A pharmacist or pharmacist controlled corporation may own a maximum of five pharmacy businesses. The Mater and permitted friendly societies may own up to a maximum of six. This ensures proprietors can maintain an active interest in each of their pharmacy businesses.

I think it is largely uncontested by members of this House that the current ownership restrictions that I have just outlined are appropriate and in the public interest. The question is: how do we appropriately and adequately regulate these restrictions? Historically, Queensland Health has played the role of the regulating entity of pharmacy business ownership, but this is not the standard approach. In comparable Australian jurisdictions like New South Wales, Victoria, South Australia and Western Australia, pharmacy business ownership is regulated by independent pharmacy regulatory authorities. These authorities are largely or wholly operationalised through fees sourced from industry and have a diversity of members that regulate the ownership of pharmacy businesses. The bill proposes to adopt the approach of these jurisdictions by creating a Queensland Pharmacy Business Ownership Council. The council will be a regulatory body with responsibility for administering and enforcing the pharmacy business ownership restrictions.

To ensure the regulatory council has appropriate oversight of pharmacy business ownership in Queensland, the bill creates a licensing framework which requires pharmacy business owners to obtain a licence for each business they own. The bill also facilitates changes to licences—for example, to accommodate new partnerships and other changes to ownership structures or change of premises. The bill provides for an annual renewal process to ensure the council has regular oversight of all pharmacy businesses in Queensland. The bill also contains powers for the council to suspend or cancel a licence where necessary for the safety of the community and continued protection of the community pharmacy model. For example, a licence may be cancelled if the owner is no longer a fit and proper person to be a licensee because they have been convicted of an indictable offence.

The former parliamentary Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee's report *Inquiry into the establishment of a pharmacy council and transfer of pharmacy ownership in Queensland* and a QAO report demonstrated that the current regulatory scheme is not fit for purpose. By introducing a new Queensland Pharmacy Business Ownership Council, along with an updated licensing approach, our government is ensuring that the overriding intent of the act, which is to maintain pharmacist ownership of pharmacy businesses, is upheld.

We also know that diversity delivers better results. To that end, the bill requires that the council be constituted by a diverse and expert membership. It must consist of at least five members appointed upon the recommendation of the minister. A person is eligible for appointment to the council: if the person is the owner of a licensed pharmacy business or the director of a corporate owner; a practising pharmacist who is an employee of a licensed pharmacy business; or a person with qualifications or experience in accounting, business, financial management, law or carrying on a pharmacy business. The minister may also recommend the appointment of a consumer representative. To ensure probity, there are strong conflict-of-interest provisions in this bill to deliver decisions that have integrity and transparency.

I acknowledge that there have previously been recommendations against Queensland adopting this approach, notwithstanding that it is common in other jurisdictions. While I acknowledge the rationale behind these recommendations, it is the Palaszczuk government's belief that retaining the 'community' in 'community pharmacy' is imperative, and that is why ensuring we have an appropriately resourced regulatory council, like we see in other states, is the best way to do that. I expect there will be a diverse array of viewpoints on this bill, and I look forward to working with all stakeholders to deliver a robust community pharmacy sector for years to come.

The Palaszczuk government is committed to the community pharmacy model. This resilient model of primary care has enabled the Palaszczuk government to deliver a number of commonsense patient wins. Our successful UTI pharmacy trial has been embedded now as a standard practice across Queensland and our Queensland community pharmacy scope of practice pilot will ensure that more Queenslanders can access primary care closer to home. Pharmacists have been an integral component in the rollout of our free flu program in recent years. We want to continue the great work of community pharmacies and build on it in the future. This bill allows our community pharmacies to do just that—to continue to provide high-quality health services to all Queenslanders. I commend the bill to the House.

First Reading

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (12.05 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Health and Environment Committee

Mr DEPUTY SPEAKER (Mr Lister): In accordance with standing order 131, the bill is now referred to the Health and Environment Committee.