




Speech By  
**Ros Bates**

**MEMBER FOR MUDGEERABA**

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### **PHARMACY BUSINESS OWNERSHIP BILL**

 **Ms BATES** (Mudgeeraba—LNP) (12.58 pm): I rise to contribute to the debate on the Pharmacy Business Ownership Bill 2023. At the outset I can advise that the LNP will not be opposing the bill. The Pharmacy Business Ownership Act has been in place since 2001 and has been amended significantly over that time. Despite numerous different amendments, the government now say that the act is outdated and limits Queensland Health's ability to ensure compliance with its requirements. As such, the bill before us now repeals the 2001 act and replaces it with what will hopefully be a more modern and effective framework for the regulation of the ownership of pharmacy businesses.

The policy objectives of the bill are to: clarify the requirements in the 2001 act relating to who may own or hold an interest in a pharmacy business and retain the limits on the number of pharmacy businesses that a person may own or hold an interest in; establish a regulatory council as a statutory body to administer the act and transfer regulatory functions from Queensland Health to the council; establish a licensing framework for the ownership of and interest in pharmacy businesses; and prohibit the council from issuing a licence if the pharmacy business is located in a supermarket.

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 **Ms BATES** (Mudgeeraba—LNP) (3.56 pm), continuing: I rise to continue my contribution. The bill will prohibit third parties from exercising inappropriate control over how pharmacy business owners provide pharmacy services related to medicines and provide that clauses in a contract or agreement that allow a third party to exercise inappropriate control are void; require the council to report the results of compliance orders; require the council to maintain a register of pharmacies to assist the communities to locate pharmacies and services provided by pharmacies; modernise existing provisions relating to the functions and powers of inspectors, legal proceedings, delegations and protections from civil liability; and restrict disclosure of information obtained in connection with the administration of the legislation to limited circumstances and confirm that regulations may be made about fees, waiver of fees, record keeping and pharmacy premise standards.

The bill implements the government's response to several recommendations of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee's inquiry into the establishment of a pharmacy council and transfer of pharmacy ownership in Queensland. That inquiry took place six years ago. For the benefit of the House, it is worth going over the background of that inquiry.

In May 2018 the committee was tasked with inquiring into the establishment of a pharmacy council and the transfer of pharmacy ownership in Queensland. For the inquiry, the committee accepted and published 210 written submissions; obtained a report from the Queensland Audit Office about the administration of transfers of pharmacy ownership by Queensland Health for compliance with the 2001 act; obtained a report from the Queensland Productivity Commission on the cost-benefit analysis of

establishing a pharmacy council in Queensland; held five public hearings including in Toowoomba, Cairns and Townsville to examine the issues raised by submitters; met with representatives from the Victorian Pharmacy Authority in Melbourne; and sought expert advice from Queensland Health.

The committee's inquiry considered the following key issues: the pharmacy ownership requirements in the 2001 act; the merits of establishing a separate statutory authority such as a pharmacy council to administer transfers in pharmacy ownership; and the administration of transfers of pharmacy ownership by Queensland Health.

The committee report, tabled on 16 October 2018, made 11 recommendations relating to the regulation of pharmacy ownership in Queensland, the establishment of a pharmacy advisory council, scope of practice for pharmacists and pharmacy assistants, and communication of pharmacy services. On 16 April 2019, the government response to the committee report was tabled. The government response accepted all 11 recommendations in full or in principle and identified that legislative amendments were required to respond to recommendations 6, 8, 9, 10 and 11. The government response also committed to introducing a licensing scheme to support the regulation of pharmacy ownership in Queensland and the implementation of multiple recommendations from the committee report. The bill will implement the government's response to recommendations 8, 9, 10 and 11 of the committee report.

Notably, the bill deviates from the government response in relation to recommendation 6—the establishment of a Queensland pharmacy advisory council to advise the Department of Health in its administration of the Pharmacy Business Ownership Act and the fulfilment of its regulatory responsibilities. Instead, the bill establishes a regulatory council as an independent statutory body and transfers responsibility for the administration of pharmacy ownership regulation from Queensland Health to the new body.

The Cost of Living and Economics Committee reported back to the House on 8 March 2024, recommending only that the bill be passed. I would like to thank the committee members for their consideration of the bill and all 125 submitters to the bill. Submitters ranged widely from individual community members to key health stakeholder groups to the federal Productivity Commission. I will touch on some of their contributions and concerns in a moment.

Firstly, however, I would like to take a moment to thank pharmacists for what they do. I note that there are some pharmacists and members of the Pharmacy Guild in the gallery. Pharmacies provide an important yet often underappreciated or glossed over service to our community. When Queenslanders are sick, it is often the pharmacist who finds themselves providing advice on what medicines they require to help them feel better. We also know that pharmacies are coming under increased pressure due to the Queensland health crisis that is getting worse and worse and worse and has gone from disaster to disaster under this chaotic and crisis ridden government.

This tired, third-term Miles Labor government has failed to plan, failed to resource and failed to run our health system for a decade now. The current minister is just the latest in a conga line of frauds, phonies and failures. Their failure impacts on the pharmacy industry too, as I have outlined.

**Mrs MULLEN:** Madam Deputy Speaker, I rise to a point of order.

**Madam DEPUTY SPEAKER (Ms Lui):** Pause the clock. What is your point of order?

**Mrs MULLEN:** I understand the member has used unparliamentary language.

**Madam DEPUTY SPEAKER:** I will get some advice. Member, I ask you to withdraw.

**Ms BATES:** I withdraw. The current minister is just the latest in a conga line. Their failure impacts on the pharmacy industry too, as I have outlined. The worst ambulance ramping in the country, record elective surgery waitlists, Queenslanders losing their lives as the health system fails them—the outlook is bleak. We must acknowledge that pharmacies are impacted by this chaos and crisis and therefore ensure that their regulatory framework is appropriate. Getting this bill right will go a long way towards ensuring Queenslanders get the treatment they need when they need it.

Another peculiar aspect of this legislation is the time line. As I mentioned earlier, the original parliamentary committee report to which this bill responds is almost six years old. Despite tabling their official response five years ago, it has taken until now for these legislative changes to actually come through and be debated in this place. When governments are consumed by chaos and crisis they take their eye off the ball, and Queenslanders have to wait years for reforms they are promised. Only this tired, worn-out, bad, third-term Labor government—a government engulfed in its own chaos and crisis—could take nearly 2,000 days to implement the recommendations of an inquiry it promised. Even then they are not doing so anyway. As I mentioned earlier, the bill deviates from what the government said they would do in their initial response back in 2019. So under this government you wait 2,000 days for reforms that in the end are different to what you were promised.

The committee's inquiry into the bill received over 100 submissions, as we know. While the submissions received were broadly supportive of the bill, many notable stakeholders did raise some concerns to which I would give some time in this House. A number of stakeholders were concerned that the new regulatory framework may have anti-competitive consequences and limit opportunities to provide greater affordability and accessibility of pharmacy services. In particular, the AMAQ, the RACGP, Queensland Aboriginal and Islander Health Council and the federal Productivity Commission raised this concern.

The LNP believes that when we consider the implementation of new regulatory frameworks, especially for essential industries, the wellbeing of the end customer—that is, the people of Queensland—must be front of mind from both a health perspective and a financial one. In the middle of a cost-of-living crisis, affordability and accessibility of essential services, including medicine, is vitally important. The LNP will watch closely how this bill impacts competition in the industry. I would like to note, however, that Queensland used to have a body that did some great work on analysing the regulatory impact of new legislation, but Labor abolished this body in 2021. Only the LNP will restore the Queensland Productivity Commission so we can answer these questions here at home in an open and transparent way.

A number of pharmacy owners are concerned that the bill as proposed will impose additional undue compliance burdens on their businesses, particularly on small and family business owners. Like all small and family businesses, pharmacists are tired of being tied up with red tape. So much of the time of small business owners is now taken up complying with often onerous regulation through the filling out of various forms and the like. Such systems are a handbrake on businesses' productivity. Productivity for small business owners in particular is not something that those opposite even think about. Why? Because they have not run a small business. They do not know what it is like. Only the LNP is the party for small and family businesses.

Again I say to the House: if we wanted to do some research into the impacts of this bill on the regulatory burden of small and family businesses, we used to have a body that could do that. A productivity commission could do that, but Labor abolished it. The LNP will bring it back. Highlighting these concerns is not to negate the importance of a strong regulatory framework for an industry such as pharmacies, but good government always look for opportunities to reasonably reduce the regulatory burden on small and family businesses.

In conclusion, the LNP will not be opposing this bill, but we have highlighted some stakeholder concerns that we will be monitoring moving forward. On behalf of the LNP, I would like to thank pharmacists for what they do and the essential services that they provide. I acknowledge the impact that the Queensland health crisis has on their businesses and their staff. The Queensland health crisis lies squarely at the feet of the state Labor government beset by chaos and crisis. The member for Waterford is a failed health minister and has been exposed as a complete failure.

Only the LNP has the right priorities for Queensland's future. Only the LNP will ensure easier access to health services. The only way to heal the Queensland health crisis is to show Labor the door in 2024.