




Speech By
Hon. Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 22 May 2025

HEALTH LEGISLATION AMENDMENT BILL (NO. 2)

Introduction

 **Hon. TJ NICHOLLS** (Clayfield—LNP) (Minister for Health and Ambulance Services) (12.12 pm): I present a bill for an act to amend the Pharmacy Business Ownership Act 2024, the Public Health Act 2005, the Public Health Regulation 2018, the Queensland Mental Health Commission Act 2013 and the Radiation Safety Act 1999 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Health, Environment and Innovation Committee to consider the bill.

Tabled paper: Health Legislation Amendment Bill (No. 2) 2025 [533](#).

Tabled paper: Health Legislation Amendment Bill (No. 2) 2025, explanatory notes [534](#).

Tabled paper: Health Legislation Amendment Bill (No. 2) 2025, statement of compatibility with human rights [535](#).

Today I rise to introduce the Health Legislation Amendment Bill (No. 2) 2025, an omnibus bill that brings together reforms across multiple Health portfolio acts. The bill amends the Pharmacy Business Ownership Act 2024 to address various issues that have arisen during its implementation. These changes will ensure the act operates as intended when the new licensing scheme commences and the Queensland Pharmacy Business Ownership Council assumes responsibility for regulating the ownership of pharmacy businesses. These changes will allow our hardworking community pharmacists to continue doing what they do best—looking after our communities. I thank all of those community pharmacists who have had me visit them over recent times, including Cate's Chemist in Townsville where I got my free flu shot, which is another initiative of the Crisafulli LNP government.

The bill also amends the Public Health Act 2005 for two purposes. The first is to transition Queensland's dust lung disease register to the national registry established by the Commonwealth. The second is to manage growing risks related to the Japanese encephalitis virus in Queensland. Finally, the bill makes minor technical and clarifying amendments to the Queensland Mental Health Commission Act 2013 and the Radiation Safety Act 1999.

The Pharmacy Business Ownership Act received assent in March last year and is being implemented by Queensland Health. During its implementation, opportunities have been identified to strengthen the act and clarify certain aspects of its operation. The act reflects Queensland's commitment to community pharmacies. Once fully commenced, it will ensure there is a modern and effective licensing framework for regulation of the ownership of pharmacy businesses. The act commenced in part in September 2024 to establish the Queensland Pharmacy Business Ownership Council. Once fully commenced, the act will transfer responsibility for regulating pharmacy business ownership from Queensland Health to the council that the act established. Queensland Health has been working closely with the council to operationalise the act and prepare for the new licensing scheme.

The bill includes several amendments to clarify and improve the act and ensure it operates as intended. The bill provides greater clarity about what constitutes a pharmacy business. Currently, a pharmacy business is a business that provides the core pharmacy services of compounding and dispensing. The bill clarifies that core pharmacy services also encompass the sale of medicines by, or under the supervision of, a practising pharmacist. Businesses providing these services are, therefore, pharmacy businesses under the act and require a licence.

The bill also closes a potential loophole in the restrictions on who may hold a 'material interest' in a pharmacy business. The bill clarifies that a shareholder of a corporation that owns a pharmacy business cannot hold their shares on trust for another person unless they are either a practising pharmacist or a close adult relative of a pharmacist.

The bill includes amendments that improve review arrangements for the council's licensing decisions. This includes expanding access to external review for decisions made by the council as a whole. Under these changes, the Queensland Civil and Administrative Tribunal will be empowered to review original decisions made by the council as a whole, rather than by a delegate. Decisions made by a delegate will continue to require internal review before being eligible for external review.

To improve transparency and reflect the operation of the licensing scheme, the bill makes changes to the proposed operation of the council's register of licensed pharmacy businesses. This includes amendments to require, rather than permit, the register to be published on the council's website. The bill also requires that the register include the name and details of licence holders, any current licence suspensions and recent licence cancellations. These amendments will contribute to improving community awareness of the ownership and operation of local pharmacies, serving to maintain public confidence in the pharmacy profession.

The bill will also improve information-sharing arrangements. These changes will support administration of the act and the transition of regulatory responsibility from Queensland Health to the council. Other amendments to the Pharmacy Business Ownership Act include minor adjustments to application processes, consolidating annual reporting requirements and amending certain definitions, including the term 'compound', which I am sure is of great interest to many in this chamber. The bill also includes transitional provisions to support the council's functions and preserve certain arrangements under the Pharmacy Business Ownership Act 2001, which will be repealed by the full commencement of the 2024 act. These changes aim to improve the operation of the act and ensure a smooth transition to the new licensing scheme.

The community pharmacy model continues to be integral to our health system and these amendments serve to strengthen the act's operation. I would like to take this opportunity to thank our terrific and hardworking pharmacists for their dedication to serving the people of Queensland. I would also like to recognise the tireless work of both the council and peak pharmacy bodies, such as the Pharmacy Guild of Australia and the Pharmaceutical Society of Australia, for working with us to deliver a strong regulatory framework that Queenslanders can have confidence in. I am confident the amendments made in this bill will support the sector to continue to thrive to deliver easier access to health services closer to where people live.

I mentioned Public Health Act amendments. This bill also amends the Public Health Act 2005 to implement two separate but important reforms. First, the Public Health Act will be amended to require all diagnoses of occupational respiratory diseases in Queensland to be notified to the National Occupational Respiratory Disease Registry. In May 2024, the national registry commenced. The national registry supports the elimination of preventable occupational respiratory diseases by facilitating earlier detection, intervention and prevention.

Under Commonwealth law, prescribed medical practitioners across Australia must now notify diagnoses of silicosis to the national registry. However, the national registry is designed to also receive and record notifications of other occupational respiratory diseases, such as cancer and asbestosis.

Under Queensland's Public Health Act, diagnoses of occupational respiratory diseases in Queensland must be notified to a state-based register. We have two registers. The proposed amendments will transition all notification requirements to the national registry and decommission the Queensland register. We do not need to have both. However, the confidentiality protections on the use and disclosure of information already held on the Queensland register will continue, to preserve that information safely and securely. To support this transition, the bill also makes some consequential amendments to the Public Health Regulation 2018.

Through the national registry portal, Queensland Health will still have access to patient information about Queensland diagnoses of occupational respiratory diseases. Queensland will also have access to de-identified information about diagnoses in other Australian jurisdictions. These amendments will expand national data on occupational respiratory diseases. In turn, this will assist in preventing further worker exposure to respiratory disease-causing agents.

The second reform the bill makes to the Public Health Act is to address the rising concern of Japanese encephalitis virus in Queensland. Japanese encephalitis virus is a serious disease with potential consequences for livestock and humans infected via mosquito bites. We have now seen a number of affected piggeries across Queensland in the last few years. People will have seen reports in the media. There have also been a number of people infected with the virus, including three deaths, unfortunately, since 2022. We know our teams are detecting infected mosquitoes across several local government areas in the state, including in our most exposed and vulnerable regions.

Currently, the Public Health Act provides powers for authorised persons to enter places to search for and capture samples of designated pests, including mosquitoes. However, these powers do not expressly include the ability to leave equipment for sampling and testing at a place when an authorised person leaves.

The risk of some mosquito-borne diseases, such as dengue fever, can be monitored by taking a sample of larvae from a water source. However, detecting Japanese encephalitis virus requires capturing a sample of adult mosquitoes in an area using a specialised trap. To be effective, these traps must be left at the relevant location overnight or longer, when adult mosquitoes are active, to gather a sufficient sample for virus screening.

The bill amends the Public Health Act to ensure authorised persons and environmental health officers can leave equipment for reasonable periods of time to detect and monitor public health risks presented by these pests. This will greatly assist in the detection and monitoring of serious pest-borne diseases, including mosquitoes carrying the Japanese encephalitis virus. These amendments will ensure we are fully informed of the extent of Japanese encephalitis virus in Queensland and better equipped to manage this serious public health risk.

Before concluding my remarks, I will briefly touch on two clarifying amendments that form part of the bill. The first one relates to the Queensland Mental Health Commission Act. The bill includes minor amendments to that act. These amendments clarify that ministerial appointment is available to appoint an acting mental health commissioner to the Mental Health Commission where the term of office for a commissioner has ended.

The provisions of the act do not currently refer to this obvious circumstance. The amendments will ensure the ability to make a ministerial appointment in these circumstances is clear on the face of the act. These changes ensure appropriate leadership arrangements are in place for the commission, noting the bill limits such appointments to six months, with a further six-month extension.

Finally, the bill includes a minor but important amendment to the Radiation Safety Act. Currently, the act makes it an offence to dispose of radioactive material without prior approval from Queensland Health. While the policy intent is that anyone may apply for such approval, section 71 is worded in a way that could be misread to suggest only licensed individuals are eligible.

The amendment clarifies that any person, not just radiation licensees, can apply for approval to dispose of radioactive material. This will be particularly relevant to property owners who discover old radioactive items during clean-ups or renovations. For example, industrial gauges containing sealed radioactive sources are sometimes found in old buildings. The change ensures there is no perceived barrier to seeking Queensland Health's assistance in disposing of such items safely.

This bill is about protecting and promoting the health and community services of Queenslanders, and ensuring legislation works as intended. Our community expects that regulation operates well and achieves the purposes it was enacted for. The amendments made in this bill aim to do just that, ensuring the regulation of pharmacy businesses and the management of public health risks and radioactive material operate efficiently and effectively for Queenslanders. I commend the bill to the House.

First Reading

Hon. TJ NICHOLLS (Clayfield—LNP) (Minister for Health and Ambulance Services) (12.25 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, Environment and Innovation Committee

Madam DEPUTY SPEAKER (Dr O'Shea): Order! In accordance with standing order 131, the bill is now referred to the Health, Environment and Innovation Committee.