

# **Proclamation No.1—Pharmacy Business Ownership Act 2024 (commencing certain provisions)**

Explanatory notes for SL 2024 No.193

made under the

*Pharmacy Business Ownership Act 2024*

## **General Outline**

### **Short title**

Proclamation No.1—Pharmacy Business Ownership Act 2024 (commencing certain provisions)

### **Authorising law**

Section 2 of the *Pharmacy Business Ownership Act 2024*

### **Policy objectives and the reasons for them**

On 28 March 2024, the *Pharmacy Business Ownership Act 2024* (Act) received Royal Assent. The Act establishes a new licensing scheme for Queensland pharmacy businesses. When the scheme commences, responsibility for regulating pharmacy business ownership will transition from Queensland Health to the Queensland Pharmacy Business Ownership Council (Council). To ensure that adequate time is allowed to implement the scheme, section 2 of the Act provides that the Act commences on a day to be fixed by proclamation.

The new licensing scheme is expected to commence in 2025. However, to enable the Council to oversee the implementation process and the transfer of regulatory responsibility from Queensland Health to the Council, the Council will be established on 1 September 2024.

The Proclamation will commence the provisions of the Act that are necessary for the Council to start performing its non-licensing functions. This includes administrative tasks such as opening bank accounts, entering into service contracts and administering the Queensland Pharmacy Business Ownership Council Fund. It also includes advising the Minister on the standards that premises must meet to be authorised premises under the Act. Under the Proclamation, these provisions will commence on 1 September 2024. It is anticipated Council members will be appointed by Governor in Council for terms commencing on 1 September 2024.

Section 150 of the Act provides that the Council must have at least five members, appointed by Governor in Council on the Minister’s recommendation. Section 150(3) provides that the Minister may only recommend persons for appointment if satisfied they have particular qualifications or experience. Section 150(4) of the Act requires the Council’s membership to include at least one individual who owns a licensed pharmacy business and at least one practising pharmacist who is an employee of a licensed pharmacy business.

However, pharmacy businesses cannot be licensed under the Act until the licensing provisions in the Act commence, which is expected to be in 2025. To ensure the inaugural Council can be properly constituted, the Proclamation commences section 150 except for subsection 150(4)—that is, the provision that requires the Council to comprise at least one individual who owns a licensed pharmacy business and at least one practising pharmacist who is an employee of a licensed pharmacy business. It is expected that subsection 150(4) will be commenced when the licensing framework is operational.

It is expected that the Council’s remaining functions will commence in 2025, when the new licensing scheme commences.

## Achievement of policy objectives

The policy objective is achieved by prescribing 1 September 2024 as the commencement date for the following provisions of the Act:

<b>Schedule to the Proclamation</b>
The provisions of part 1 that are not in force
Part 2, other than section 14
Part 9, other than the following: <ul style="list-style-type: none"> <li>• section 147(1)(a) to (c) and (f)</li> <li>• section 150(3)(a) and (4)</li> <li>• division 5</li> </ul>
Part 11, other than section 199(a)(i) and (vii) and (d)
Part 12
Part 13, other than sections 207 to 209
Schedule 1, other than the following definitions: <ul style="list-style-type: none"> <li>• authorised pharmacist</li> <li>• chief executive officer</li> <li>• inspector</li> <li>• licensed pharmacy business</li> <li>• licensed premises</li> <li>• pharmacy business licence</li> </ul>

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the policy objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

No inconsistency with the policy objectives of other legislation has been identified.

## **Alternative ways of achieving policy objectives**

The Proclamation is the only effective means of achieving the policy objective.

## **Benefits and costs of implementation**

Any costs associated with the amendments that will be commenced by the Proclamation can be met through existing budgets.

## **Consistency with fundamental legislative principles**

As outlined in the Explanatory Notes to the Act, the Act is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*. The Proclamation does not engage any additional fundamental legislative principles.

## **Consultation**

During development of the Act, stakeholders were advised that the Act would not commence until 12 to 18 months after passage of the Act, to allow pharmacy business owners sufficient time to ensure their ownership structures complied with the Act. No concerns were raised about the proposed timeframes for commencement of the Act.

As the Proclamation only commences provisions of the Act necessary to establish the Council and enable it to perform its non-licensing functions, no consultation with stakeholders was needed on the Proclamation.

Queensland Health has assessed the Proclamation in accordance with the *Queensland Government Better Regulation Policy* as machinery in nature as it is required to bring sections of an Act into operation. The Office of Best Practice Regulation was notified of this assessment. The Minister for Health, Mental Health and Ambulance Services and Minister for Women and the Director-General of Queensland Health are satisfied that the regulatory review requirements have been met and have approved an Impact Analysis Statement for publication.