

# Pharmacy Business Ownership (Postponement) Regulation 2024

Explanatory notes for SL 2024 No.194  
made under the

*Pharmacy Business Ownership Act 2024*

## General Outline

### Short title

Pharmacy Business Ownership (Postponement) Regulation 2024

### Authorising law

Section 2 of the *Pharmacy Business Ownership Act 2024*  
Section 15DA of the *Acts Interpretation Act 1954*

### 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. To enable the Council to oversee the implementation process and the transfer of regulatory responsibility from Queensland Health to the Council, it is proposed to establish the Council on 1 September 2024.

Pursuant to the proposed Proclamation No.1—Pharmacy Business Ownership Act 2024 (commencing certain provisions), the provisions of the Act that are necessary for the Council to start performing its non-licensing functions will commence on 1 September 2024. The Council's remaining functions will commence when the new licensing scheme commences.

Under section 15DA(2) of the *Acts Interpretation Act 1954*, if the commencement of a provision of an Act has been postponed to commence by proclamation, rather than assent, and has not commenced within one year of assent, it automatically commences on the next day. However, section 15DA(3) provides that within one year of the day of assent, a regulation may extend the period before automatic commencement to not more than two years of the day of assent.

Pursuant to section 15DA of the Acts Interpretation Act, the Regulation will postpone commencement of the remaining provisions of the Act to the end of 28 March 2026. This will allow time for implementation activities, including:

- appointing the chief executive officer of the Council;
- transferring existing Queensland Health staff to the Council;
- developing an online platform for managing licence applications;
- publishing approved forms and comprehensive guidance materials for industry; and
- preparing delegations and assisting with the development of internal processes and procedures to support the establishment of the Council.

It is anticipated that the remaining provisions of the Act will be commenced during 2025, with the timing to be determined based on the progress of the implementation activities and consultation with industry and the Council.

## **Achievement of policy objectives**

The Regulation achieves the objective by postponing commencement of the uncommenced provisions of the Act.

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

The Regulation is consistent with the policy objectives of the Act and the Acts Interpretation Act.

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

The Regulation is consistent with the policy objectives of other legislation.

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

The Regulation is the only effective means of achieving the policy objectives.

## **Benefits and costs of implementation**

Postponing the period before the remainder of the Act commences will support the efficient operation of the Council and ensuring relevant implementation activities may be completed before the new pharmacy business ownership requirements commence.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with the fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

## **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.

Queensland Health has assessed the Regulation in accordance with the *Queensland Government Better Regulation Policy* as minor and machinery in nature. 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.