

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

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Shannon Fentiman MP, Minister for Health, Mental Health and Ambulance Services and Minister for Women provide this human rights certificate with respect to Proclamation No.1—Pharmacy Business Ownership Act 2024 (commencing certain provisions) (Proclamation).

In my opinion, the Proclamation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

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

Human Rights Issues

Human rights relevant to the subordinate legislation (part 2, division 2 and 3 *Human Rights Act 2019*)

The Act engages and limits human rights. The statement of compatibility that accompanied the Act details how the provisions of that Act are reasonable and demonstrably justified in a free

and democratic society based on human dignity, equality and freedom under section 13 of the Human Rights Act.

The Proclamation itself does not engage any human rights.

Conclusion

I consider that the Proclamation is compatible with the Human Rights Act because it does not limit human rights.

SHANNON FENTIMAN MP
MINISTER FOR HEALTH, MENTAL HEALTH AND
AMBULANCE SERVICES AND
MINISTER FOR WOMEN

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