

Pharmacy Business Ownership (Postponement) Regulation 2024

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 the Pharmacy Business Ownership (Postponement) Regulation 2024 (Regulation) made under the *Pharmacy Business Ownership Act 2024* (Act) and *Acts Interpretation Act 1954*.

In my opinion, the Regulation, 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 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.

Under section 15DA(2) of the Acts Interpretation Act, 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.

Human Rights Issues

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 Regulation itself does not engage any human rights.

Conclusion

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

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

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