

Proclamation - Pharmacy Business Ownership Act 2024 (commencing certain provisions)

Explanatory notes for SL 2025 No. 29

made under the

Pharmacy Business Ownership Act 2024

General Outline

Short title

Proclamation commencing certain provisions of the *Pharmacy Business Ownership Act 2024*

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).

It is expected that the licensing scheme will commence in late 2025. 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.

On 1 September 2024, the provisions of the Act that were necessary for the Council to start performing its non-licensing functions were commenced by proclamation (SL No. 193 of 2024). At the same time, the *Pharmacy Business Ownership (Postponement) Regulation 2024* postponed the automatic commencement of the uncommenced provisions of the Act to the end of 28 March 2026.

This second Proclamation commences the provisions of the Act relating to the Council's chief executive officer (CEO) and Council staff. The commencement date for these provisions is 16 June 2025, which is when the CEO is expected to commence.

The Proclamation commences part 9, division 5 of the Act. This will commence the provisions needed to enable the appointment of the CEO and the employment of Council staff to support the Council. Under section 166 of the Act, the Council must have a CEO, appointed by Governor in Council on the recommendation of the Minister. The CEO is responsible for the

day-to-day administration of the Council, including employing Council staff and engaging contractors.

It is not necessary to commence the remaining uncommenced provisions of part 9. The requirements in sections 147(1)(a) to (c) and (f) to decide licence applications, change, suspend or cancel licenses, monitor and endorse compliance with the Act and keep a register of licensed pharmacy businesses cannot apply until the licensing scheme commences. Similarly, the requirement in sections 150(3)(a) and (4) for at least one Council member to have an interest in a licensed pharmacy business cannot apply until the licensing scheme commences.

The Proclamation commences part 14, division 3. This will ensure the continuation of employment conditions for Queensland Health staff who transfer to the Council. To support this, the Proclamation also commences the definitions in part 14, division 1, other than the definitions of *deemed eligible person*, *existing pharmacy business*, *repealed* and *repealed Act*, as those definitions relate to provisions not being commenced.

The Proclamation commences part 15, division 3. This amendment to the *Public Sector Act 2022* will make the Council a ‘public service entity’ and the CEO the ‘head’ of that entity. It is not necessary to commence the remaining provisions of part 15, which repeal and amend various legislation, until the Act is fully commenced.

The Proclamation commences the definition of *chief executive officer* in schedule 1. This will support the appointment of the CEO. It is not necessary to commence the remaining uncommenced definitions in schedule 1, being *authorised pharmacist*, *inspector*, *licensed pharmacy business*, *licensed premises* and *pharmacy business licence*, until the licensing scheme commences.

Achievement of policy objectives

The policy objective is achieved by prescribing 16 June 2025 as the commencement date for the following provisions of the Act:

Schedule to the Proclamation
Part 9, division 5
Part 14, other than the following: <ul style="list-style-type: none"> • section 213, definitions <i>deemed eligible person</i>, <i>existing pharmacy business</i>, <i>repealed</i> and <i>repealed Act</i>; and • divisions 2 and 4
Part 15, other than divisions 1, 2 and 4
Schedule 1, definition <i>chief executive officer</i>

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

As the Proclamation only commences the provisions of the Act that are necessary to enable the appointment of the CEO and employment of Council staff, 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 and Ambulance Services 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.