

Proclamation - Pharmacy Business Ownership Act 2024

Explanatory notes for SL 2025 No. 130

made under the

Pharmacy Business Ownership Act 2024

General Outline

Short title

Proclamation commencing the provisions of the *Pharmacy Business Ownership Act 2024* that are not in force

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).

Section 2 of the Act provides that the Act commences on a day to be fixed by Proclamation. To support the operational implementation of the Act, the commencement of provisions of the Act have been staggered.

On 1 September 2024, the first Proclamation commenced the provisions of the Act that were necessary for the Council to start performing its non-licensing functions (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.

On 16 June 2025, the second Proclamation commenced the provisions of the Act relating to the Council's chief executive officer and Council staff (SL No. 29 of 2025).

On 1 November 2025, it is proposed that this third and final Proclamation will commence the remaining provisions of the Act that are not in force. This includes the provisions in relation to ownership and material interests, licensing, investigation and enforcement, review of decisions,

and transitional and miscellaneous provisions. It is proposed that the *Pharmacy Business Ownership Regulation 2025* will commence on the same day.

Achievement of policy objectives

The policy objective is achieved by fixing 1 November 2025 as the commencement date for the provisions of the Act that are not in force. This includes provisions in relation to:

- pharmacy business ownership and material interests;
- pharmacy business licences;
- fit and proper persons to own a pharmacy business;
- obligations of holders of pharmacy business licences and material interests;
- ownership and operation of pharmacy businesses for which licences have stopped having effect;
- investigation and enforcement, including the appointment and powers of inspectors;
- functions of the Council in relation to pharmacy business licences, monitoring and enforcing compliance with the Act and keeping a register of licensed pharmacy businesses;
- membership of the Council;
- review of decisions made under the Act;
- evidentiary provisions;
- register of licensed pharmacy businesses and audits of licence holders; and
- definitions, transitional provisions, repeal of the *Pharmacy Business Ownership Act 2001* and consequential amendments.

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

There is no alternative to making this Proclamation to commence the provisions of the Act that are not in force. It is necessary to ensure the new licensing scheme may commence operation on 1 November 2025.

Benefits and costs of implementation

Any costs associated with the provisions that will be commenced by the Proclamation will 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

Stakeholders have been advised that the remaining provisions of the Act, including the licensing provisions, are expected to commence in November 2025. These stakeholders, including pharmacy business owners, the Pharmacy Guild of Australia (Queensland) and the Pharmaceutical Society of Australia, did not raise concerns. As the Proclamation only commences the provisions of the Act that are not in force, no consultation on the Proclamation was needed.

The Council was consulted on the 1 November 2025 commencement date for the provisions of the Act that are not in force and supports the Proclamation. The Council also supports the *Pharmacy Business Ownership Regulation 2025* commencing on the same day.

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 a Summary Impact Analysis Statement for publication.