

Proclamation - 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 Tim Nicholls MP, Minister for Health and Ambulance Services, provide this human rights certificate with respect to the Proclamation commencing certain provisions of the *Pharmacy Business Ownership Act 2024* (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.

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. Accordingly, the Act must commence by 29 March 2026.

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

The Proclamation also commences the provisions that are necessary to ensure the continuation of employment conditions for Queensland Health staff who are transferred to the Council. Further, the Proclamation commences the provisions that amend the *Public Sector Act 2022*, to make the Council a 'public service entity' and the CEO the 'head' of that entity.

It is not necessary to commence the remaining uncommenced provisions of the Act until the licensing scheme commences. It is expected that these provisions will be commenced by a third and final Proclamation in mid-to-late 2025.

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.

TIM NICHOLLS MP
MINISTER FOR HEALTH AND
AMBULANCE SERVICES

© The State of Queensland 2025