

# Pharmacy Business Ownership Regulation 2025

## 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, Tim Nicholls, Minister for Health and Ambulance Services, provide this human rights certificate with respect to the *Pharmacy Business Ownership Regulation 2025* (Regulation) made under the *Pharmacy Business Ownership Act 2024* (Act).

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

### Overview of the Subordinate Legislation

The main objectives of the Regulation are to prescribe licensing fees and standards for pharmacy business premises. On 28 March 2024, the Act received Royal Assent. The Act introduces a licensing scheme for pharmacy business ownership in Queensland. Its purpose is to promote the professional, safe and competent provision of pharmacy services by pharmacy businesses and to maintain public confidence in the pharmacy profession.

The Act, among other things:

- establishes the Queensland Pharmacy Business Ownership Council (Council) as a statutory body responsible for regulating pharmacy business ownership in Queensland;
- establishes a licensing scheme for the ownership of, and interests in, pharmacy businesses;
- clarifies who may own or hold an interest in a pharmacy business; and
- limits the number of pharmacy businesses that a person may own or hold an interest in.

When the licensing scheme commences, responsibility for regulating pharmacy business ownership will transition from Queensland Health to the 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). 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, a 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. The Regulation will commence on the same day.

Section 28(b) of the Act provides that a pharmacy business licence may only be granted if the premises for the pharmacy business are authorised premises. Section 11(1)(b) of the Act provides that pharmacy business premises are only 'authorised premises' if they meet the standards prescribed by regulation (Premises Standards). Under section 11(2) of the Act, the Minister may recommend the making of a regulation prescribing the Premises Standards only after receiving advice from the Council.

Section 212 of the Act provides general regulation-making powers. This includes a specific power for Governor-in-Council to make a regulation prescribing the fees payable under the Act.

The objective of the Regulation is to prescribe the Premises Standards and licensing fees. This will ensure that when the new licensing scheme commences, the regulatory requirements needed to support the scheme are in place.

Schedule 1 of the Regulation prescribes the Premises Standards. The Premises Standards set the minimum standards that all pharmacy business premises must meet, including general requirements, security, pharmacy design, equipment for pharmacy services and the information required to be displayed.

Schedule 2 of the Regulation prescribes the fees payable under the new licensing scheme. These include application and licence fees, fees for inspection of premises and fees for a reviewer to review a document and prepare a report for the Council.

## **Human Rights Issues**

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 of the *Human Rights Act 2019*)**

In my opinion, the human rights in the Human Rights Act which are relevant to the Regulation are property rights (section 24).

### **Consideration of reasonable limitations on human rights (section 13 of the *Human Rights Act 2019*)**

#### *Property rights (section 24 of the Human Rights Act)*

##### **(a) the nature of the right**

Section 24 of the Human Rights Act protects the right of persons to own property and provides a right to not be arbitrarily deprived of that property. 'Property' includes all real and personal property interests recognised under general law, including money. A person may be 'deprived' of their property if there is a substantial restriction on their ability to use or enjoy the property, including enjoying exclusive possession of it, disposing of it, transferring it or deriving profits from it.

The Act provides that in order to obtain a pharmacy business licence, the proposed pharmacy business premises must be 'authorised premises'. Section 11 of the Act provides that premises are 'authorised' if they (a) are not located in, or directly accessible from, a supermarket, and (b) meet the standards prescribed by regulation. These restrictions will limit the right to

property by preventing any business owner who does not meet these criteria from obtaining a licence and therefore from owning a pharmacy business.

The requirement to comply with the Premises Standards may have a cost impact on some pharmacy business owners. There is also a requirement to pay a fee to be licenced. These requirements may be considered to amount to deprivation of property.

(b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The requirement for pharmacy businesses to comply with Premises Standards supports the purposes of the Act. It does this by promoting the professional, safe and competent provision of pharmacy services by pharmacy businesses and maintaining public confidence in the pharmacy profession. Ensuring these public health outcomes is consistent with a free and democratic society based on human dignity, equality, and freedom.

To comply with the Premises Standards, pharmacy business owners may need to modify their pharmacy business premises and incur some costs. This may include adapting physical premises, upgrading security arrangements, ensuring equipment is fit for purpose, or participating in monitoring and enforcement audits undertaken by the Council.

The Premises Standards will form a key part of the Council's risk-based compliance and enforcement framework. This will benefit pharmacy business owners, pharmacy employees and the community by ensuring:

- pharmacies are appropriately structured, maintained and equipped to support the delivery of safe and professional pharmacy services;
- pharmacy business owners have clarity and visibility regarding their obligations under the Act with respect to the minimum standards that must be met by their pharmacy premises;
- the Council is regulating the pharmacy industry in Queensland in a consistent, transparent and equitable manner, according to specified requirements; and
- Queensland's regulatory approach achieves greater consistency with most other Australian jurisdictions.

The Premises Standards are designed to be outcomes focused, rather than prescriptive. This provides pharmacy business owners with the flexibility to consider how best to meet the standards, given the scope of services they provide. Pharmacy businesses are already subject to a range of regulatory and non-regulatory premises requirements, including requirements under the *Medicines and Poisons Act 2019* and the Quality Care Pharmacy Program. The requirements in the Premises Standards consolidate and complement these existing requirements.

As it is expected that most pharmacy premises will already meet the requirements in the Premises Standards, the cost of compliance is not expected to be onerous or impose a significant burden. As such, it is considered that the cost of compliance will not amount to an arbitrary deprivation of property.

The licensing framework also requires a pharmacy business owner to pay certain fees to carry on a pharmacy business. This includes application and licence fees, fees for inspection of

premises and fees for a reviewer to review a document and prepare a report for the Council, where considered necessary by the Council.

It is intended that the Council will be self-funded, with the Council's operating, regulatory and compliance costs funded through revenue from the prescribed fees. The proposed fees are structured as 'tiered fees', where higher application fees apply to pharmacy businesses with more complex ownership structures. This recognises the higher cost of evaluating more complex structures against the requirements of the Act.

(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

The limitation achieves its purpose and does not extend further than necessary.

The Premises Standards represent the minimum baseline requirements to ensure Queensland pharmacy business premises are appropriately structured, maintained and equipped to support the delivery of safe and professional pharmacy practice. The Premises Standards are applicable to all Queensland pharmacy businesses, irrespective of their operational model, size or geographic location, and aim to facilitate the provision of professional, safe and competent pharmacy services for the benefit of the community. This ensures an equitable distribution of the compliance burden, while allowing businesses to implement their own measures to meet compliance requirements.

Licensing fees paid by pharmacy business owners are necessary to fund the costs of the new licensing scheme and the operations of the Council. The Council will not receive any recurrent funding from Government. It is intended that the Council will be self-funded, with its operating, regulatory and compliance costs met through revenue from the prescribed fees. This is consistent with the approach taken in other Australian jurisdictions.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

There is no alternative to making the Regulation. The Regulation is the only effective means of achieving the policy objectives. Certain elements of the new licensing scheme must be prescribed by regulation and be in force when the Act commences in full. This is necessary to enable the Council and pharmacy business owners to discharge their obligations under the Act.

Before the Council can grant an application for a pharmacy business licence, the Council must satisfy itself that the proposed pharmacy business premises are 'authorised premises'. Section 11 of the Act provides that premises are 'authorised' if they (a) are not located in, or directly accessible from, a supermarket, and (b) meet the standards prescribed by regulation.

Under section 27(1)(c) of the Act, when applying for a pharmacy business licence, an applicant must pay the relevant application fee prescribed by regulation.

Accordingly, full implementation of the regulatory framework cannot be achieved by the Act alone. The Premises Standards and fees payable for relevant matters under the licensing scheme must be prescribed by regulation.

(e) the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation

The Premises Standards are minimum baseline requirements. As such, while the Premises Standards impose new requirements on pharmacy business owners, they are not expected to be onerous or impose a significant burden. This is because most premises are already likely to be operating in compliance with these minimum requirements, given other existing regulatory and non-regulatory obligations.

The proposed licensing application fees are structured as ‘tiered fees’, where higher fees apply to pharmacies with more complex ownership structures. This recognises the higher cost of evaluating these more complex structures against the requirements of the Act. This ensures a more equitable distribution of the compliance burden, as pharmacy business owners will incur fee costs relative the level of oversight required to regulate them.

In my opinion, the Regulation helps to ensure the professional, safe and competent provision of pharmacy services to the community and the efficient regulation of pharmacy businesses. In these circumstances, the interference on the right to property is proportionate to the legitimate objectives of the Regulation. For these reasons, I consider the limitation is reasonable and justifiable.

(f) any other relevant factors

Nil.

## Conclusion

I consider that the *Pharmacy Business Ownership Regulation 2025* is compatible with the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

**TIMOTHY NICHOLLS MP**  
MINISTER FOR HEALTH AND  
AMBULANCE SERVICES

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