

Pharmacy business ownership roles and responsibilities

Department of Health Policy

QH-POL-475

1. Statement

The Minister for Health and Minister for Ambulance Services is responsible for meeting the objectives of public health legislation in Queensland. The Director-General of Queensland Health (as the Chief Executive) has delegation for the administration of public health (portfolio) legislation on behalf of the Minister. The Pharmacy Business Ownership Act 2001 (the Act) administered by Queensland Health, sets out the requirements governing pharmacy ownership in Queensland. This policy details the statutory requirements incumbent on Queensland Health and how it intends to meet these responsibilities.

2. Purpose

The purpose of this policy is to outline the role and obligations of the regulator in administering the Act. This includes how Queensland Health assesses and monitors ongoing compliance of pharmacy business owners with the requirements of the Act.

3. Scope

The scope of this policy pertains to pharmacy ownership legislation which is administered under the Prevention Division portfolio within Queensland Health. This policy applies to all employees, contractors and consultants within the Department of Health divisions and business units.

4. Principles

To ensure that Queensland Health meets its statutory requirements, the Act will be administered consistently with the legislative objectives to:

- promote the professional, safe and competent provision of pharmacy services;
- maintain public confidence in the pharmacy profession;
- limit who may own a pharmacy business;
- limit the number of pharmacy businesses that may be owned by a person; and
- assess, monitor and enforce compliance with the Act.

5. Requirements

To fulfil the obligations within this policy Queensland Health will:

- (i) implement systems and processes to review notifications under the Act for compliance with Part 2, s139 of the Act, which specifies:
 - who may own a pharmacy;
 - how many pharmacies a person may have a beneficial interest in; and
 - arrangements about control of a pharmacy that are void.
- (ii) implement systems and processes to monitor ongoing compliance with the requirements of the Act.
- (iii) ensure the appointment of an Inspector under the Act.
- (iv) ensure consistency and equity in the administration of the Act across Queensland, by developing and adhering to standard processes and procedures.
- (v) publish approved forms, resources and information on the Queensland Health public website to support pharmacy owners and their agents to comply with all requirements of the Act.
- (vi) ensure that the collection, use and disclosure of information under the Act is carried out in accordance with the Information Privacy Act 2009 and the Hospital and Health Boards Act 2011.
- (vii) liaise with and support any industry advisory body set up for the purpose of advising the Minister for Health and Minister for Ambulance Services and/or Queensland Health on relevant matters arising from the Act.
- (viii) liaise with pharmacy owners and other stakeholders to drive compliance with the legislation and clarify expectations.

6. Legislation

- Hospital and Health Boards Act 2011
- Information Privacy Act 2009
- The Privacy Act 1988 (Cth)
- Public Health Act 2005
- Health Practitioner Regulation National Law Act 2009

7. Supporting documents

- Administering portfolio legislation – Prevention Division standard
- Administering portfolio legislation – Public health authorised officer standard
- Portfolio legislation compliance planning – Prevention Division guideline
- Portfolio legislation obligations identification and risk management – Prevention

- Public Health Enforcement Decision Guideline

Version control

Version	Date	Comments
1.0	22 January 2020	New Policy
2.0	15 February 2023	Policy reviewed