



QUEENSLAND PARLIAMENT **COMMITTEES**

Report on subordinate legislation tabled on 20 May 2025

Health, Environment and Innovation Committee



Report No. 11

58th Parliament, July 2025

Overview

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled on 20 May 2025. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).¹

The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (HRA)² and the human rights certificates tabled with the subordinate legislation.³

Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
29	Proclamation No. 2 – Pharmacy Business Ownership Act 2024	20 May 2025	17 September 2025

* Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

Committee consideration of the subordinate legislation

Committee Comment



Unless noted below, the committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation or non-compliance with the HRA.

Similarly, unless noted below, the committee considers that the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of section 24 of the LSA, which includes advice about consultation, and that the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with the HRA.

¹ *Legislative Standards Act 1992*, Part 4. See also, LSA, s 4.

² Human Rights Act 2019 (HRA), s 8, 13.

³ HRA, s 41.

1 SL No. 29 – Proclamation No. 2 – Pharmacy Business Ownership Act 2024

On 28 March 2024, the PBO Act commenced, establishing a new licensing scheme for Queensland pharmacy businesses.⁴ The scheme transfers regulatory oversight from Queensland Health to the Queensland Pharmacy Business Ownership Council (the Council).⁵

SL No. 29 fixes a date for the commencement of certain provisions under the *Pharmacy Business Ownership Act 2024* (PBO Act).⁶

SL No. 29 fixes 16 June 2025 as the date of commencement of the Chief Executive Officer (CEO) of the Council, when they are expected to commence appointment.⁷

The provisions relevant to establishing operations, unrelated to the licensing of pharmacies, of the Council commenced on 1 September 2024 under SL No. 193 of 2024.⁸ Concurrently, SL No. 194 of 2024 postponed the automatic commencement date contained in the PBO Act for certain provisions until March 2026.⁹

SL No. 29 commences:

- Part 9, Division 5 – Staff on the Council
- Part 14 – Transitional Provisions, with the exception of:
 - Section 213 – Definitions of ‘deemed eligible person’, ‘existing pharmacy business’, ‘repealed’ and ‘repealed Act’
 - Division 2 – Interests in, and operation of, existing pharmacy businesses; and
 - Division 4 – Other matters (including forfeiture, prosecution and review rights for offences committed under the PBO Act)
- Part 15 – Repeal and Amendments of Legislation, with the exception of:
 - Division 1 – Repeal of the *Pharmacy Business Ownership Act 2001, No. 12*
 - Division 2 – Amendment of the PBO Act; and
 - Division 4 – Amendment of the *Termination of Pregnancy Act 2018*
- Schedule 1 – Definition of ‘Chief Executive Officer’.¹⁰

⁴ SL No. 29, Explanatory Notes, p 1.

⁵ SL No. 29, Explanatory Notes, p 1.

⁶ SL No 29, Explanatory Notes, p 1.

⁷ SL No. 29, Explanatory Notes, p 1.

⁸ SL No. 29, Explanatory Notes, p 1. See also SL No. 193, Proclamation No. 1 – Pharmacy Business Ownership Act 2024 (commencing certain provisions); Health, Environment and Innovation Committee, *Report No. 2, Report on Subordinate Legislation tabled between 10 September 2024 and 27 November 2024* (58th Parliament, February 2025).

⁹ SL No. 194, Pharmacy Business Ownership (Postponement) Regulation 2024; Health, Environment and Innovation Committee, *Report No. 2, Report on Subordinate Legislation tabled between 10 September 2024 and 27 November 2024* (58th Parliament, February 2025).

¹⁰ SL No. 29, schedule.

The explanatory notes explain that the excluded provisions are not necessary to be commenced to enable the CEO to begin work with the Council. A primary function of SL No. 29 enables the transfer of existing Queensland Health staff to positions with the Council following the appointment of the CEO.¹¹

1.1 Human Rights Certificate

Section 41 of the HRA requires that the responsible Minister for the subordinate legislation must prepare a human rights certificate for the legislation. In the human rights certificate accompanying the subordinate legislation, the Minister acknowledges that the PBO Act engages and limits human rights, including justification in its respective statement of compatibility, but that SL No. 29 does not. The statement contained a sufficient level of information to facilitate understanding of SL No. 29 in relation to its compatibility with human rights.

1.2 Explanatory Notes

The explanatory notes comply with part 4 of the LSA.



Recommendation 1

The committee recommends that the Legislative Assembly note this report.

Rob Molhoek MP

Chair

Health, Environment and Innovation Committee

Chair Mr Rob Molhoek MP, Member for Southport

Deputy Chair Mr Joe Kelly MP, Member for Greenslopes

Members

- Ms Sandy Bolton MP, Member for Noosa
- Ms Kerri-Anne Dooley MP, Member for Redcliffe
- Dr Barbara O'Shea MP, Member for South Brisbane
- Mr David Lee MP, Member for Hervey Bay

¹¹ SL No. 29, Explanatory Notes, pp 1-2.