

PHARMACY BILL 2010

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Simon O'Brien (Minister for Transport)**, read a first time.

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [8.01 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce this bill, which will continue the functions of the Pharmaceutical Council of Western Australia by regulating pharmacy premises and the ownership of pharmacy businesses. The Health Practitioner Regulation National Law Bill 2010 will repeal the current Pharmacy Act 1964. While matters relating to the registration of pharmacists will be transferred to the national law bill, matters relating to the regulation of pharmacy premises and ownership of pharmacy businesses will continue to be regulated under the Pharmacy Bill 2010. The key objective of this bill is to protect the public from harm by ensuring that pharmacy premises meet appropriate standards. It is proposed that the Pharmacy Bill and the national law bill will commence operation at the same time.

The following is an outline of the nine parts of the bill. Part 1 deals with preliminary matters such as the commencement of the act and definitions of terms used in the act. Part 2 makes provision for the Pharmacy Registration Board of Western Australia to be established, and for general provisions relating to the proceedings of the board. The board is a continuation of the Pharmaceutical Council to the extent that the council regulated pharmacy premises and the ownership of pharmacy businesses. The board will consist of four natural persons to be appointed by the minister. Composition of the board has been broadened to include a consumer representative, and the other three positions are to be filled by registered pharmacists. Board members are to hold office for a term of three years, not exceeding more than nine years consecutively, unless approved by the minister for special reasons.

Part 3 sets out matters in relation to the funds of the board and reporting requirements. It is intended that the board will be self-funding, receiving its funds through registration and other prescribed fees. Part 4 regulates the registration of pharmacy premises. This includes provisions as to who may apply for registration, grounds for refusal, duration and conditions of registration. The scheme of registration continues the system already in place under the Pharmacy Act 1964. Provisions have been updated to set out clear guidance as to the requirements and obligations under this part.

Part 5 provides for the ownership structures in relation to pharmacy businesses allowed under the bill. Currently, a pharmacy business may be carried on by a pharmacist or a company or friendly society that owned a pharmacy at the time of the commencement of the Pharmacy Act 1964. The bill expands ownership structures to include that a pharmacist may own a pharmacy business through a company or partnership where the pharmacist has the controlling interest in the company or partnership; and that new friendly societies may own a pharmacy business. This expansion reflects an embracing of commercial practices that will enable pharmacists to manage their business affairs in a manner that best suits their situation. While new friendly societies may own a pharmacy business, they are subject to the same level of regulation as any other owner of a pharmacy business. The number of pharmacy businesses that can be owned by pharmacists has been increased from two to four. This increase is consistent with jurisdictions elsewhere in Australia. A pharmacist will still be required to personally oversee the running of a pharmacy.

Part 6 makes provision for the board to make rules, regulations and forms. Part 7 provides for miscellaneous matters, such as the surrender of a certificate of registration. Consequential amendments to other acts are set out under part 8.

Part 9 sets out the transitional and savings provisions. This provides for the continuation of the board, the registration of pharmacy premises and the register of pharmacy premises. It also sets out the arrangements for the separation of the Pharmaceutical Council of Western Australia and the Pharmaceutical Society of Western Australia. This will mean that the board is no longer responsible for managing the society and pharmacists will no longer be compulsorily required to be a member of the society.

This bill provides a regulatory framework for key functions of the Pharmaceutical Council to be continued by the pharmacy registration board. Modern and updated provisions have been prepared to assist the board in carrying out its statutory functions. The important work that the board undertakes to ensure that standards are maintained in pharmacy premises is recognised by providing an appropriate legislative framework for future board members. I commend the bill to the house.

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.