

2020

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Agreement with the Australian Health Practitioners Registration Agency
Report under Section 23B of the *Territory Records Act 2002***

**Presented by
Andrew Barr MLA
Chief Minister
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ACT
Government

Chief Minister, Treasury and
Economic Development

Agreement with the Australian Health Practitioners Registration Agency— Report under Section 23B of the *Territory Records Act 2002*

Outline of Reporting Requirement

Section 23A of the *Territory Records Act 2002* allows the Director of Territory Records to enter into an agreement with an agency that performs inter-government functions about the agency's rights and obligations in relation to the making, keeping, protection and control of and access to the agency's inter-government records.

If the director enters into such an agreement, Section 23B of the Act requires the Director to give a report about the agreement to the Minister. The report must include the following information:

- a. the name of the agency;
- b. the date the agreement was entered into;
- c. a brief description of the agreement, including whether the agreement excludes or modifies the operation of a provision of the Territory Records Act in its application to inter-government records.

If the Minister is given a report about an inter-governmental records agreement, the Minister must present the report to the Legislative Assembly within six sitting days after the day the Minister receives the report.

Report on Intergovernmental Records Agreement

The Director of Territory Records has signed an agreement with the Australian Health Practitioners Registration Agency (known as Ahpra) ACT Office.

The Agreement was entered into on 7 May 2020.

The Agreement applies to all records created by the Ahpra ACT Office since its creation on 1 July 2010. The agreement authorises the Ahpra ACT Office to apply the recordkeeping policy, standards, guidelines and legislation endorsed by the Public Record Office Victoria to the records created since that date and during the life of the agreement. In support of those requirements, the Agreement further authorises the:

- Ahpra Victoria Office to have custody and ownership of the records of the Ahpra ACT Office;
- archival records of the Ahpra ACT Office to be transferred to the Public Record Office Victoria and be made publicly available according to the *Public Records Act 1973* (Vic); and
- non-archival records of Ahpra ACT Office to be disposed of in accordance with *PROS 18/01 Retention and Disposal Authority for the Records of the National Registration and Accreditation Scheme for Health Practitioners* issued by the

Public Record Office Victoria and endorsed by the Council of Australasian Archives and Records Authorities (CAARA).

The Agreement has the effect of removing all records subject to the agreement from the operation of the *Territory Records Act 2002 (ACT)*, and requires instead that they be managed and disposed of in accordance with the equivalent requirements of the *Public Records Act 1973 (Vic)*.

Background and Intent

The Australian Health Practitioners Regulation Agency (known as Ahpra) was established on 1 July 2010 under a Council of Australian Governments agreement to create a single national registration and accreditation scheme for health professionals. The uniform legislation creating Ahpra as a national body did not make provision for Ahpra's records management arrangements, meaning that each state and territory's archives and records management legislation applied to the custody and management of its records. In 2017 CAARA agreed that all records of Ahpra nationally should be managed under arrangements provided for under the *Public Records Act 1973 (Vic)*.

The intent of the Agreement is to allow all of Ahpra's records to be managed according to a single recordkeeping regime. This arrangement will also allow the archival records to be maintained and made publicly available through a single archives institution.

Danielle Wickman
Director of Territory Records

29 June 2020