



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-020

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	14
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** "ACT Health FOI" <HealthFOI@act.gov.au>  
**Sent:** 01/02/2023 2:31 AM  
**To:** "CMTEDD FOI" <CMTEDDFOI@act.gov.au>  
**Cc:** "ACT Health FOI" <HealthFOI@act.gov.au>; "Wickman, Dani" <Dani.Wickman@act.gov.au>  
**Subject:** CMTEDDFOI 2022-020 - Section 57 Transfer - FOI application - [REDACTED]  
**Attachments:** WIRE - CM20-44105 Attachment A - Intergovernmental agreement - report under Territory Records Act 2002.DOCX, WIRE - CM20-31765 Ahpra - Director of Territory Records Agreement - signed by ACT - May 2020.pdf

OFFICIAL

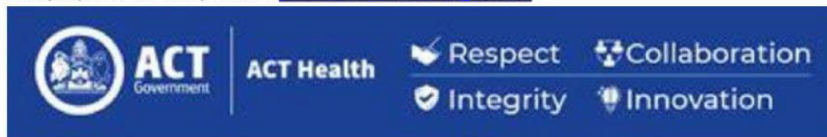
Good afternoon

Following my discussion this afternoon with Emma I am transferring this access application to CMTEDD for finalisation. Neither ACT Health Directorate nor Canberra Health Services hold any information within the scope of this application. The application is for inter-government records agreements, as per section 23A of the *Territory Records Act 2002* (TR Act). This Act requires these agreements to be undertaken by the Director of Territory Records. Attached in the one agreement that falls into the scope of the application. I have discussed the release of this information with the Director of Territory Records, who has indicated that she has no objection to the disclosure of this information. However, as this CMTEDD information and the ACT Health Directorate does not hold information within the scope of the application I believe that it is appropriate for CMTEDD to decide the application.

Please contact me if you have any questions regarding this application.

Kind regards

Jonas Allen | Manager, Freedom of Information  
Ph: (02) 5124 9833 | Email: [jonas.allen@act.gov.au](mailto:jonas.allen@act.gov.au)





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Our ref: CMTEDFOI 2023-020



## **FREEDOM OF INFORMATION: NOTICE OF THIRD PARTY CONSULTATION**

I refer to your request submitted under section 30 of the *Freedom of Information Act 2016* (the Act), received by the ACT Health Directorate and transferred to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 1 February 2023, in which you sought access to the following:

- ACT Health's and CHS'S current inter-government agreements, and those operating between Jan 1 2021 and now;
- The reports on those agreements;
- Any records under those agreements pertaining to me, 

### **Authority**

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 1 March 2023 however, following on from third party consultations, the due date is now 23 March 2023.

### **Decision on access**

Searches were completed for relevant documents and two documents were identified that fall within the scope of your request.

Please note that CMTEDD does not hold any information in relation to the third point of your request.

### **Charges**

Processing charges are not applicable for this request because the number of pages to be released to you is below the charging threshold of 50 pages.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents

released to you in response to your access application will be published on the CMTEDD disclosure log no less than 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Emma Hotham  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

20 February 2023



**ACT**  
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Chief Minister, Treasury and  
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## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
ACT Health's and CHS'S current inter-government agreements, and those operating between Jan 1 2021 and now; The reports on those agreements; Any records under those agreements pertaining to me, Martin Holmes-Preston.	CMTEDDFOI 2023-020

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-4	Intergovernmental Agreement	7 May 2020	Full	N/A	Yes
2	5-6	Report on above Intergovernmental Agreement	29 June 2020	Full	N/A	Yes
<b>Total No of Docs</b>						
2						

# Agreement

## Between the Director of Territory Records and the Chief Executive Officer of the Australian Health Practitioner Regulation Agency

An inter-government records agreement under s23A(2) of the *Territory Records Act 2002* (ACT) for the management and disposal of Australian Health Practitioner Regulation Agency (Ahpra) records

### INTRODUCTION

In 2008 the Council of Australian Governments (COAG) decided to establish a single National Registration and Accreditation Scheme (the **National Scheme**) for registered health practitioners. The National Scheme commenced in 2010. On 1 July 2010 health professions became nationally regulated by a corresponding National Board.

The **National Agency** that supports the Boards and the National Scheme is the Australian Health Practitioner Regulation Agency (hereafter referred to as Ahpra). Ahpra has offices in each state and territory, with the national office in Melbourne. The National Scheme has been established under the Health Practitioner Regulation National Law Act (the National Law), as in force in each state and territory. The main purpose of the National Boards is to protect the public by registering suitably qualified, safe and competent practitioners, and considering notifications about the health, conduct and/or performance of registered practitioners.

Each state and territory records authority has issued a General Disposal Schedule covering the common administrative records of National Bodies such as Ahpra. The management and disposal of Ahpra's administrative records in the ACT is governed by the Territory Records (Records Disposal Schedule – National Bodies Administrative Records) Approval 2015 (No. 1) (ACT RDS). The relevant Victorian counterpart instrument is PROS 13/07.

In 2018 the Council of Australasian Archives and Records Authorities (CAARA) endorsed the principle of a nominated archival host with one regulatory framework for the management and disposal of records of Ahpra and the National Boards. CAARA also endorsed the recommendation that the Public Records Office of Victoria (PROV) be nominated as the national archival host for records of the Ahpra and the National Boards.

Furthermore, as Ahpra did not have an instrument that authorised disposal of records produced under its regulatory functions, CAARA supported the creation of the Retention and Disposal Authority for Records of the National Registration and Accreditation Scheme for Health Practitioners. In the ACT this was issued as Notifiable instrument NI2019-160. It's Victorian PROV counterpart is PROS 18/01.



## SCOPE

This agreement applies to all records created by the Ahpra ACT office, at and from the time of this agreement located at 50 Blackall Street, Barton ACT 2600 (the Ahpra ACT office).

## STATEMENT OF PURPOSE

This agreement sets out the arrangements which will be followed by signatories in relation to the management of records created by the Ahpra ACT Office.

This agreement may be revised at any time with the agreement of both signatories, provided any variation or amendment is in writing. Ahpra must seek further written authorisation from the Director of Territory Records for the management and disposal of records of the Ahpra ACT office if the PROS 18/01 endorsed by CAARA is reviewed or revoked at a future date. The parties agree to review the operation of the agreement five years after its commencement.

This agreement is between the Director of Territory Records and the Chief Executive Officer of Ahpra. The Director of Territory Records and the Chief Executive Officer of Ahpra are the relevant parties for the purposes of any negotiations pursuant to this agreement.

The parties affirm the following:

- Records created by the Ahpra ACT Office in the ACT prior to this agreement are covered by this agreement.
- This agreement does not apply to records created in the ACT by Ahpra's predecessor bodies. These records remain governed by the *Territory Records Act 2002 (ACT)*.
- Unless stated to the contrary elsewhere in this agreement, and pursuant to s23A of the *Territory Records Act 2002 (ACT)*, the *Territory Records Act 2002 (ACT)* does not apply to records created by the Ahpra ACT Office.
- This agreement authorises the use of the following instruments by Ahpra to make, manage, keep and, if appropriate, preserve records created by the Ahpra ACT office:
  - PROV recordkeeping policy, standards, guidelines and legislation to manage records created by the Ahpra ACT Office.
  - PROS 18/01 Retention and Disposal Authority for Records of the National Registration and Accreditation Scheme for Health Practitioners, endorsed by CAARA on 3 November 2017 and issued on 27 February 2018, for the disposal of records created by the Ahpra ACT Office.

## **CUSTODY, OWNERSHIP AND STORAGE OF RECORDS**

- All records created by the Ahpra ACT Office will be considered to be in the custody of and owned by the Ahpra Victoria Office, located at 111 Bourke Street, Melbourne, Victoria, 3000 (AHPRA Victoria Office). The Ahpra ACT Office will be responsible for storing records identified as temporary retention and for transferring permanent records to the PROV once administrative need for them has expired. This includes records created by the Ahpra ACT Office and retrieved for reference or action by the Ahpra ACT Office from ACT Government custody.

## **TRANSFER OF ARCHIVAL RECORDS**

- All records created by the Ahpra ACT Office identified as "Retain as Territory Archives" in the ACT RDS and the PROS 18/01 are to be transferred to the PROV for archiving once administrative need has expired.

## **DISPOSAL OF RECORDS**

- The disposal of records created by the Ahpra ACT Office is to be done in accordance with the ACT RDS and the PROS 18/01. To the extent that the ACT RDS and PROS 18/01 are inconsistent, the PROS 18/01 shall prevail.
- The destruction of records created by the Ahpra ACT Office will be carried out in accordance with the PROS 18/01 and PROV standards and guidelines.

## **ACCESS TO RECORDS**

- The Ahpra ACT office must take the steps necessary to ensure that the information in its records continues to be accessible in accordance with PROV standards and guidelines and this agreement.

### ***Official access***

- Persons authorised to act on behalf of the Director of Territory Records (authorised Territory officers) will be given access, as reasonably required and on the production of identification, to records that are in the custody of Ahpra.
- Authorised Territory officers will be given access to Ahpra records with the permission of an authorised Ahpra delegate.

### ***Public access***

- As records owned by and in the custody of the Ahpra Victoria Office, public access will be governed by the *Privacy Act 1988* (Cth) and *Freedom of Information Act 1982* (Cth) and the *Public Records Act 1973* (Vic).



- Please ensure to use the correct units and symbols in your calculations in the final answer. Use the correct number of significant figures in your final answer.



Given:  $m = 2.5 \text{ kg}$   
 Initial speed  $u = 0 \text{ m/s}$   
 Final speed  $v = 10 \text{ m/s}$

Initial kinetic energy  
 $E_k = \frac{1}{2} m u^2$   
 $E_k = \frac{1}{2} \times 2.5 \times 0^2$   
 $E_k = 0 \text{ J}$



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## **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