

Film and Television School Act 1973

No. 95 of 1973

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Film and Television School Act 1973

No. 95 of 1973

AN ACT

To establish a Film and Television School.

[Assented to 31 August 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the *Film and Television School Act 1973*. **Short title.**
2. This Act shall come into operation on the day on which it receives the Royal Assent. **Commencement.**
3. In this Act, unless the contrary intention appears— **Definitions.**
 - “Acting Director” means a person appointed under section 31 to act as the Director;
 - “appointed” in des re-appointed, and “appointment” has a corresponding meaning;
 - “Council” means the Council of The Film and Television School established by section 7;

- “ Director ” means the Director of the School appointed under section 24;
- “ *ex-officio* member ” means a member, being the Director or an Acting Director;
- “ film ” means a recording on material of any kind (including magnetic tape) of moving images, with or without associated sounds, including such a recording for use in, or as, a television program;
- “ member ” means a member of the Council;
- “ member of the staff of the School ” means a member of the academic or technical staff of the School engaged in, or directly or indirectly associated with, teaching at the School;
- “ School ” means The Film and Television School established by section 4.

PART II--THE FILM AND TELEVISION SCHOOL

Establishment of School.

4. (1) There is hereby established a school to be known as The Film and Television School.

(2) The School—

- (a) is a body corporate;
- (b) shall have a seal; and
- (c) may sue and be sued in its corporate name.

(3) The design of the seal of the School shall be as determined by the Council.

(4) The seal of the School shall be kept in such custody as the Council directs and shall not be used except as authorized by the Council.

(5) All courts, judges and persons acting judicially shall take judicial notice of the seal of the School affixed to a document and shall presume that it was duly affixed.

Functions of School.

5. (1) The functions of the School are—

- (a) to provide advanced education and training by way of the development of the knowledge and skills required in connexion with the production of films and television programs;
- (b) to conduct and encourage research in connexion with the production of films and television programs;
- (c) to conduct such seminars and courses of education or training for persons engaged, or to be engaged, directly or indirectly, in connexion with the production of films or television programs as are approved by the Council;
- (d) to co-operate and make arrangements with other institutions and persons for purposes in connexion with the production of films and television programs or the provision of education or training of the kind referred to in paragraph (a);

- (e) for purposes in connexion with the production of films and television programs or the provision of education or training of the kind referred to in paragraph (a), to provide facilities for, and to offer the services of the staff of the School to, such other institutions or persons as are approved by the Council;
- (f) to make grants of financial assistance to persons to enable or assist those persons to receive education or undergo training of the kind referred to in paragraph (a);
- (g) to award such degrees, diplomas and certificates in relation to the passing of examinations or otherwise in relation to the education and training provided by the School as are provided for by the regulations; and
- (h) to do anything incidental or conducive to the performance of the foregoing functions.

(2) The School shall exercise its functions with a view to enabling and encouraging the production of films and television programs of a high degree of creativeness and of high technical and artistic standards.

6. Subject to this Act, the School has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions and, in particular, has power—

Powers of School.

- (a) to enter into contracts;
- (b) to erect buildings;
- (c) to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the School;
- (d) to acquire, hold and dispose of real or personal property; and
- (e) to accept gifts, devises and bequests made to the School, whether on trust or otherwise, and to act as trustee of moneys or other property vested in the School upon trust.

PART III—THE COUNCIL OF THE SCHOOL.

7. (1) The School shall be governed by a council to be known as the Council of The Film and Television School.

The Council.

(2) All acts and things done in the name of, or on behalf of, the School by the Council or with the authority of the Council shall be deemed to have been done by the School.

8. (1) The Council shall consist of—

- (a) the Director;
- (b) two members of the staff of the School elected by the members of the staff of the School in the manner prescribed;
- (c) two students of the School elected by the students of the School in the manner prescribed;

Constitution of Council.

- (d) five members appointed by the Governor-General; and
- (e) subject to sub-section (2), five members elected by Convocation in the manner prescribed.

(2) The Governor-General may appoint five members to hold office until five members have been elected under paragraph (1) (e).

(3) The Council may commence to perform its functions when the ten members referred to in paragraph (1) (d) and sub-section (2) have been appointed.

(4) If an appointment of an Acting Director is in force under section 31, the Acting Director may attend meetings of the Council and, for the purposes of those meetings, shall be deemed to be a member of the Council.

(5) An act or decision of the Council is not invalid by reason only of a vacancy or vacancies in the membership of the Council.

(6) The appointment or election of a member is not invalid by reason only of a defect or irregularity in connexion with his appointment or election.

(7) The term of office of a member shall be as provided by this Act, but, subject to section 11, a member is eligible for re-appointment or re-election.

(8) Subject to this Act—

- (a) a member appointed under paragraph (1) (d) holds office for such period, not exceeding three years, as is specified in the instrument of his appointment; and
- (b) a member elected under paragraph (1) (e) holds office for a period of three years.

Members
elected by
members of
staff of
School.

9. (1) Except as otherwise provided by this section, a member elected under paragraph 8 (1) (b) holds office, subject to this Act, for a period of one year and the term of office of such a member—

- (a) if it is the first term of office of one of the two members first elected under that paragraph—shall commence on a date to be determined by the Minister; and
- (b) in any other case—shall not commence before the expiration of the term of office of the member whose place he fills.

(2) If such a member has ceased to hold office before the expiration of his term of office, a member shall, if the Minister so directs, be elected under paragraph 8 (1) (b) to hold office from the date of his election until the expiration of that term.

(3) A member elected under paragraph 8 (1) (b) ceases to hold office if he ceases to be a member of the staff of the School.

Members
elected by
students.

10. (1) In this section, "student member" means a member referred to in paragraph 8 (1) (c).

(2) Except as otherwise provided by this section, a student member holds office, subject to this Act, for a period of one year and the term of office of a student member—

- (a) if it is the first term of office of one of the two student members first elected—shall commence on a date to be determined by the Minister; and
- (b) in any other case—shall not commence before the expiration of the term of office of the member whose place he fills.

(3) If a student member has ceased to hold office before the expiration of his term of office, a student member shall, if the Minister so directs, be elected under paragraph 8 (1) (c) to hold office from the date of his election until the expiration of that term.

(4) A student member ceases to be a member if the Council determines that he has ceased to be a student of the School.

11. (1) Subject to this section, where a person has been elected or appointed as a member on two successive occasions, he is not eligible to be again elected or appointed as a member. Eligibility for appointment as member.

(2) Where a person has been elected or appointed as a member on two successive occasions and a period of not less than one year has elapsed since the expiration of the second term of office of the member, the member is eligible to be again elected or appointed as a member.

(3) A person who has attained the age of seventy years shall not be elected or appointed as a member.

(4) A person shall not be appointed as a member for a period that extends beyond the date on which he will attain the age of seventy years.

(5) A person shall not be elected as a member where, if elected, he would attain the age of seventy years during his term of office.

12. (1) The Council may, by resolution approved by the Minister, delegate all or any of its powers and functions under this Act (except this power of delegation) to a member. Delegation by Council.

(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the resolution.

(3) A delegation under this section is revocable by resolution of the Council and does not prevent the exercise of a power or the performance of a function by the Council.

13. (1) Subject to sub-section (3), the Governor-General shall appoint a member of the Council to be the Chairman of the Council. Chairman and Deputy Chairman of Council.

(2) Subject to sub-section (3), the Council shall appoint a member of the Council to be the Deputy Chairman of the Council.

(3) The Governor-General shall not appoint as Chairman, and the Council shall not appoint as Deputy Chairman, an *ex-officio* member or a member referred to in paragraph 8 (1) (b) or (c).

(4) The member appointed as Chairman or Deputy Chairman holds office as Chairman or Deputy Chairman until the expiration of his term of office as a member that is current at the time of his appointment, but ceases to be the Chairman or Deputy Chairman if he ceases to be a member, and may resign his office as Chairman or Deputy Chairman by writing under his hand delivered—

(a) in the case of the Chairman—to the Governor-General; and

(b) in the case of the Deputy Chairman—to the Chairman.

(5) A person is eligible to be re-appointed as the Chairman or Deputy Chairman.

Resignation
of members.

14. A member, other than an *ex-officio* member, may resign his office by writing under his hand delivered to the Governor-General.

Dismissal of
members.

15. The Governor-General may remove a member, other than an *ex-officio* member, from office on the ground of misbehaviour or physical or mental incapacity.

Allowances.

16. A member other than the Director shall be paid such fees and allowances, other than annual allowances, as are prescribed.

Leave of
absence.

17. The Council may grant leave of absence to a member upon such terms and conditions as the Council determines.

Vacation of
office.

18. If a member, other than an *ex-officio* member—

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(b) is absent without leave of the Council from three consecutive meetings of the Council; or

(c) without reasonable excuse, fails to comply with his obligations under section 19,

the Governor-General shall remove him from office.

Disclosure
of interests
in contracts.

19. (1) A member who is directly or indirectly interested in a contract made or proposed to be made by the School, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Council, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Council with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

20. (1) The Council shall hold such meetings as are necessary for the performance of its functions. Meetings of Council.

(2) The Chairman, or if for any reason the Chairman is not available, the Deputy Chairman—

- (a) may convene meetings of the Council, and shall comply with any resolution of the Council with respect to the convening of meetings; and
- (b) shall, on receipt of a written request signed by not less than three members, convene a meeting of the Council.

(3) If neither the Chairman nor the Deputy Chairman is available, the Director may convene a meeting of the Council.

(4) The Chairman shall preside at all meetings of the Council at which he is present.

(5) At a meeting of the Council at which the Chairman is not present the Deputy Chairman shall preside.

(6) At a meeting of the Council at which neither the Chairman nor the Deputy Chairman is present, the members present shall appoint one of their number to preside.

(7) The quorum at a meeting of the Council is—

- (a) before the first members have been elected under paragraphs 8 (1) (b) and (c)—six members; and
- (b) after the first members have been so elected—ten members.

(8) Questions arising at a meeting of the Council shall be determined by a majority of the votes of the members present.

(9) The member presiding at a meeting of the Council has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

PART IV—CONVOCATION

21. (1) Convocation shall consist of—

- (a) all members and past members of the Council;
- (b) all persons who were, at any time, members of the Interim Council;
- (c) all members and past members of the staff of the School;
- (d) all persons who have been awarded degrees, diplomas or certificates by the School; and
- (e) such persons as the Council admits as members of Convocation.

Constitution
of
Convocation.

(2) The Council shall not admit a person as a member of Convocation under paragraph (1) (e) unless the Council considers the person to be suitably qualified to be so admitted by virtue of his knowledge or experience in connexion with films or television.

(3) In paragraph (1) (b), " Interim Council " means the Council established on 14th November, 1969, to investigate and report on the form and location of a national film and television training school.

Roll of members.

22. (1) Until Convocation is constituted, the Council shall cause to be kept a roll of all persons who are entitled to become members of Convocation.

(2) When the number of persons so enrolled amounts to one hundred, the Council shall report the fact to the Governor-General.

(3) The report referred to in sub-section (2) shall be published in the *Gazette*, and Convocation shall be deemed to be constituted on the day of that publication.

(4) After Convocation has been constituted, the Council shall cause to be kept a roll of all members of Convocation.

Meetings of Convocation.

23. Meetings of Convocation may be convened by the Chairman of the Council.

PART V—THE DIRECTOR

Director of School.

24. (1) There shall be a Director of the School, who shall be appointed by the Governor-General on the recommendation of the Council.

(2) The Director holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.

Tenure of office.

25. The Director shall be appointed for a period not exceeding seven years, but is eligible for re-appointment.

Functions of Director.

26. Subject to the general direction of the Council, the Director shall manage the affairs of the School.

Salary and allowances of Director.

27. (1) The Director shall be paid a salary at such rate, and an annual allowance at such rate (if any), as the Parliament fixes, but, until 1st January, 1974, the rate of that salary and the rate (if any) of that allowance shall be as prescribed.

(2) The Director shall be paid such other allowances as are prescribed.

Resignation.

28. The Director may resign his office by writing under his hand addressed to the Governor-General.

29. (1) If the Director—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) is absent from duty, except on leave granted by the Council, for fourteen consecutive days or for twenty-eight days in any twelve months; or
- (c) without reasonable excuse, fails to comply with his obligations under section 19,

Vacation of
office of
Director.

the Governor-General shall remove him from office.

(2) The Governor-General may remove the Director from office for misbehaviour or physical or mental incapacity.

(3) The removal from office under sub-section (2) of the Director by reason of physical or mental incapacity shall be deemed, for the purposes of the *Superannuation Act 1922–1973*, to be retirement on the ground of invalidity.

30. (1) The Director shall not engage in paid employment outside the duties of his office except with the approval of the Council.

Director
not to
undertake
any other
work.

(2) The Council shall not give an approval for the purposes of sub-section (1) unless it is satisfied that the paid employment will not interfere with the performance of the duties of the Director under this Act.

31. (1) The Governor-General may appoint a person to act as the Director—

Acting
Director.

- (a) during a vacancy in the office of Director, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the director is, or is about to be, absent from duty or from Australia or, for any reason, unable to perform the functions of his office.

(2) The Governor-General may—

- (a) subject to this Act, on the recommendation of the Council, determine the terms and conditions of appointment of an Acting Director; and
- (b) at any time terminate such an appointment.

(3) Where a person is acting as the Director in accordance with paragraph (1) (b) and the office of Director becomes vacant while that person is so acting, that person may continue so to act until the Governor-General otherwise directs or the vacancy is filled.

(4) The appointment of an Acting Director ceases to have effect if he resigns the appointment by writing under his hand delivered to the Governor-General.

(5) While the appointment of an Acting Director remains in force, he has, and may exercise, all the powers and shall perform all the functions of the Director.

(6) Where a person is appointed as an Acting Director, the *Superannuation Act 1922-1973* does not apply in relation to him by reason only of that appointment.

(7) The validity of anything done by an Acting Director shall not be called in question on the ground that the occasion for his appointment had not arisen or that the appointment had ceased to have effect.

Eligibility
of Director
and Acting
Director.

32. (1) A person who has attained the age of seventy years shall not be appointed as the Director or as an Acting Director.

(2) A person shall not be appointed as the Director or as an Acting Director for a period that extends beyond the date on which he will attain the age of seventy years.

Application
of Superan-
nuation
Act to
Director.

33. For the purposes of sub-sections 4 (3A) and (4) of the *Superannuation Act 1922-1973*, the Director shall be deemed to be required, by the terms of his appointment, to give the whole of his time to the duties of his office.

PART VI—STAFF

Employment
of staff of
School.

34. The School may employ such persons as are necessary for the purposes of this Act.

Terms and
conditions
of
employment
of staff.

35. (1) The terms and conditions of employment (in respect of matters not provided for by this Act) of persons employed under section 34 are as determined by the Council.

(2) In sub-section (1), "terms and conditions" include conditions with respect to the duration of employment or with respect to dismissal from employment.

PART VII—FINANCE

Moneys
payable to
School.

36. (1) There are payable to the School such moneys as are appropriated by the Parliament for the purposes of the School.

(2) The Treasurer may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the School.

Estimates.

37. (1) The Council shall prepare estimates, in such form as the Minister directs, of its expenditure for each financial year and, if so directed by the Minister, for any other period and shall submit those estimates to the Minister not later than such date as the Minister directs.

(2) Moneys shall not be expended by the School otherwise than in accordance with estimates of expenditure approved by the Minister.

38. (1) The School may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account. Bank accounts.

(2) The School shall pay all moneys received by it into an account referred to in this section.

(3) In this section, "approved bank" means the Reserve Bank of Australia or another bank for the time being approved by the Treasurer.

39. (1) The moneys of the School shall be applied only--

Application of moneys.

- (a) in payment or discharge of the costs and expenses of the School under this Act; and
- (b) in payment of any remuneration (including fees) and allowances payable under this Act.

(2) Notwithstanding anything contained in this Act, where a gift or bequest made to the School is subject to conditions in relation to the purposes for which it is to be applied, the moneys paid to the School as a result of the gift or bequest, and any income derived from the investment of those moneys, may be applied for those purposes and subject to those conditions but not otherwise.

40. (1) The School shall not, without the approval of the Minister--

Power to purchase and dispose of assets.

- (a) acquire any property, right or privilege for a consideration exceeding in amount or value Fifty thousand dollars or, if a higher amount is prescribed, that higher amount;
- (b) dispose of any property, right or privilege where the amount or value of the consideration for the disposal, or the value of the property, right or privilege, exceeds Fifty thousand dollars or, if a higher amount is prescribed, that higher amount;
- (c) enter into a contract for the construction of a building for the School, being a contract under which the School is to pay an amount exceeding Fifty thousand dollars or, if a higher amount is prescribed, that higher amount; or
- (d) enter into a lease of land for a period exceeding ten years.

(2) The taking on lease or the purchase of land or buildings required for the purposes of the School shall be effected under the *Lands Acquisition Act* 1955-1966.

41. The Council shall cause to be kept proper accounts and records of the transactions and affairs of the School and shall do all things necessary to ensure that all payments out of the moneys of the School are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the School and over the incurring of liabilities by the School. Proper accounts to be kept.

Annual reports.

42. (1) The Council shall, as soon as practicable after the end of each financial year, prepare and furnish to the Minister a report of the operations of the School during that year, together with financial statements in respect of that year in such form as the Treasurer approves.

(2) Before furnishing financial statements to the Minister, the Council shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the School during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The Minister shall cause the report and financial statements of the Council, together with the report of the Auditor-General, to be laid before each House of the Parliament within fifteen sitting days of that House after their receipt by the Minister.

(4) The first report and financial statements of the Council under this section shall be furnished as soon as practicable after 30th June, 1974, and shall relate to the operations of the School during the period that commenced at the commencement of this Act and ended on that date.

Audit.

43. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the School and the records relating to assets of, or in the custody of, the School, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

(3) The Auditor-General shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the School relating directly or indirectly to the receipt or payment of moneys, or to the acquisition, receipt, custody or disposal of assets, by the School.

(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

(6) The Auditor-General or a person authorized by him may require a person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding Two hundred dollars.

44. The School is not subject to taxation under any law of the Commonwealth or of a State or Territory. Exemption from taxation.

PART VIII—MISCELLANEOUS

45. Where, immediately before his appointment under this Act, the Director or an employee of the School was an officer of the Public Service of the Commonwealth (including an unattached officer)— Preservation of rights.

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act 1928-1969* applies as if this Act and this section had been specified in the Schedule to that Act.

46. (1) The School is—

- (a) an approved authority for the purposes of the *Superannuation Act 1922-1973*;
- (b) a Commonwealth authority for the purposes of the *Air Accidents (Commonwealth Liability) Act 1963-1971*; and
- (c) an authority of the Commonwealth for the purposes of the *Commonwealth Employees' Furlough Act 1943-1968*.

(2) For the purposes of the application of section 145 of the *Superannuation Act 1922-1973*, the Director shall be deemed to be employed by the School. Application of certain Acts.

47. (1) Where a discovery, invention or improvement of or in any process, apparatus or machine is made by an employee of the School in the course of his official duties, it is the property of the School and may be made available by the School on such conditions and on payment of such fees or royalties, or otherwise, as the Council, with the approval of the Minister, determines. Inventions, &c., of employees.

(2) An employee of the School shall not, except with the consent in writing of the Council, make application for a patent for an invention that is made by him in the course of his official duties or that relates to any matter or work connected with his official duties.

Bonuses for discoveries by employees.

48. The Council may pay to employees of the School, or to persons working on behalf of the School, such bonuses as the Council, with the approval of the Minister, determines in respect of useful discoveries or inventions made by those employees or persons.

Fees and agreements.

49. The Council may charge such fees, and may agree to such conditions, as it thinks fit —

- (a) for investigations carried out by the School at the request of any institution or person; and
- (b) for the purpose of exercising its function under paragraph 5 (1) (e).

Fees payable by students.

50. (1) Subject to this section, fees are payable to the School, at such rates as, subject to any directions of the Minister, the Council determines for courses of study or instruction of the School, for entry to examinations conducted by the School and for such other facilities or privileges of the School as the Council determines or the Minister directs.

(2) A student who has been granted by the School a scholarship or bursary, is exempt from payment of fees to the extent of the exemption applicable under the scholarship or bursary.

Regulations.

51. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, providing for —

- (a) the manner and time of convening, holding and adjourning meetings of Convocation;
 - (b) the quorum of meetings of Convocation;
 - (c) the appointment, powers and duties of the chairman of Convocation;
 - (d) the conduct and record of the business of meetings of Convocation;
 - (e) the appointment of committees of Convocation; and
 - (f) penalties not exceeding a fine of One hundred dollars for offences against the regulations.
-