

## EXPLANATORY STATEMENT

### *Australian Film, Television and Radio School Act 1973*

#### Determination of Degrees, Diplomas and Certificates No. 2014/3

##### **Background**

The Australian Film, Television and Radio School (School) is established by the *Australian Film, Television and Radio School Act 1973* (the AFTRS Act).

Section 5 of the AFTRS Act sets out the functions of the School, which include:

- (a) to provide advanced education and training by way of the development of the knowledge and skills required in connexion with the production of 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 programs as are approved by the Council of the School; ...
- (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 specified in a determination under section 6A; ...

Section 6A of the AFTRS Act provides that the School may, by legislative instrument, make a determination specifying degrees, diplomas and certificates for the purposes of paragraph 5(1)(g) of the AFTRS Act.

Section 7 of the AFTRS Act provides that the School shall be governed by a council to be known as the Council of the Australia Film, Television and Radio School (Council) and 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.

##### **History**

Before 31 August 2005, the relevant degrees, diplomas and certificates for the purposes of paragraph 5(1)(g) were those provided for by the regulations. Regulation 4 of the *Australian Film, Television and Radio School Regulations 1986* (Regulations) specified the relevant degrees, diplomas and certificates.

On 31 August 2005 items 1 and 2 of Schedule 1 to the *Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Act 2005* amended the AFTRS Act so that the degrees, diplomas and certificates would be specified in a determination.

Item 3 of that Schedule continued in force Regulation 4 until the first determination made under section 6A of the AFTRS Act was registered under the *Legislative Instruments Act 2003*.

On 18 April 2008, the Determination of Degrees, Diplomas and Certificates 2008/1 added one new certificate to the certificates that may be awarded by the School—Graduate Certificate in Screen Design (Motion Graphics and Interactive). It was registered on 29 April 2008.

On 27 June 2008, the Determination of Degrees, Diplomas and Certificates 2008/2 added three new diplomas to the diplomas that may be awarded by the School. It was registered on the 30 July 2008.

The Determination of Degrees, Diplomas and Certificates 2008/03 added five new graduate certificates and eleven new graduate diplomas. It was registered on the 3<sup>rd</sup> September 2008.

The Determination of Degrees, Diplomas and Certificates No. 2009/1 added 12 new graduate certificates, 2 new graduate diplomas, and 1 new degree to the degrees, diplomas and certificates that may be awarded by the School.

The Determination of Degrees, Diplomas and Certificates No. 2009/2 added 1 new graduate certificate to the degrees, diplomas and certificates that may be awarded by the School.

The Determination of Degrees, Diplomas and Certificates No. 2010/1 added 1 new graduate certificate and 1 new graduate diploma degrees to the degrees, diplomas and certificates that may be awarded by the School.

The Determination of Degrees, Diplomas and Certificates No. 2011/1 added 7 new graduate certificates, 3 new graduate diplomas and 2 new degrees to the degrees, diplomas and certificates that may be awarded by the School.

The Determination of Degrees, Diplomas and Certificates No. 2012/1 added 1 new graduate diploma to the degrees, diplomas and certificates that may be awarded by the School.

The Determination of Degrees, Diplomas and Certificates No. 2012/2 added 1 new graduate certificate and 1 new graduate diploma to the degrees, diplomas and certificates that may be awarded by the School.

The Determination of Degrees, Diplomas and Certificates No. 2012/3 added 1 new graduate certificate to the degrees, diplomas and certificates that may be awarded by the School.

The Determination of Degrees, Diplomas and Certificates No. 2014/1 added 3 new degrees to the degrees, diplomas and certificates that may be awarded by the School.

The Determination of Degrees, Diplomas and Certificates No. 2014/2 added 14 new diplomas to the degrees, diplomas and certificates that may be awarded by the School.

**Determination No. 2014/3**

The Determination of Degrees, Diplomas and Certificates No. 2014/3 adds 1 new diploma to the degrees, diplomas and certificates that may be awarded by the School.

Diploma in Directing Comedy

**Consultation**

The Council of the Australian Film Television and Radio School was satisfied that no consultation was required after consideration of the matters specified in Section 17 of the *Legislative Instruments Act 2003* and the wider issues of personal rights. The Australian Film Television and Radio School is a self accrediting educational institution and the registering of new degrees, diplomas and certificates does not impact on any other educational institution.

**Commencement**

The Determination takes effect on the day after it is registered on the Federal Register of Legislative Instruments.

## STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### Determination of Degrees, Diplomas and Certificates No. 2014/3

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### Overview of the Legislative Instrument

The Australian Film, Television and Radio School (AFTRS) is a higher education provider established by the *Australian Film, Television and Radio School Act 1973* (AFTRS Act).

Under section 5 (1) (g), AFTRS functions include “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 specified in a determination under section 6A.”

Section 6A of the AFTRS Act provides that “The School may, by legislative instrument, make a determination specifying degrees, diplomas or certificates for the purposes of paragraph 5 (1) (g)”.

The purpose of this Legislative Instrument is to determine, under section 6A of the AFTRS Act, the new degrees, diplomas or certificates AFTRS will award, for the purposes of section 5(g) of the AFTRS Act.

#### Human rights implications

##### **This Legislative Instrument engages with the following human rights:**

##### *The right to education*

The determination of higher education degrees, diplomas and certificates engages Article 13 of the *International Covenant on Economic, Social and Cultural Rights*. Article 13 (2) (c) relevantly provides that “higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means...”

##### *The right to take part in cultural life*

The determination of higher education degrees, diplomas and certificates to be awarded by AFTRS engages Article 15 of the *International Covenant on Economic, Social and Cultural Rights*.

Article 15 recognises the right of everyone to take part in cultural life, and states that steps to be taken to realise this right include those necessary for the development of culture. AFTRS contributes to the development of culture as it is Australia’s national screen arts and broadcast school providing industry-focused education and training for talented students, professionals and organisations.

The Legislative Instrument also reflects the connection between educational and cultural human rights recognised internationally and by Australia. See, for example, the UN Committee on Economic, Social and Cultural Rights’ statements (in General

Comment No 21) that the “fundamental aim of educational development is the transmission and enrichment of common cultural and moral values” and that “education is intrinsically related to culture”.

### **Conclusion**

This Legislative Instrument is compatible with human rights as it advances the protection of certain human rights and does not limit those rights.

A handwritten signature in black ink, appearing to read 'Julianne Schultz', with a stylized flourish at the end.

**Professor Julianne Schultz AM FAHA**

Chair of Council of the Australian Film, Television and Radio School

31 October 2014