

EXPLANATORY STATEMENT

Australian Film, Television and Radio School Act 1973

Determination of Degrees, Diplomas and Certificates No. 2020/2

Background

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

Section 5 (1) 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.

Determination No. 2020/2

The Determination of Degrees, Diplomas and Certificates No. 2020/2 adds 1 new graduate diploma and 1 new master's degree to the degrees, diplomas and certificates that may be awarded by the School.

Master of Arts Screen: Business

Graduate Diploma Screen: Business

Consultation

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. 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.

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. 2020/2

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(1)(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.

11 September 2020

Sign:

A handwritten signature in black ink, appearing to read 'R Howcroft', followed by a horizontal line and a small square mark.

Russel Howcroft
Chair of Council

Australian Film, Television and Radio School