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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

**ARTS LEGISLATION AMENDMENT (MARITIME MUSEUM AND FILM,
TELEVISION AND RADIO SCHOOL) BILL 2005**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for
the Arts and Sport,
Senator the Hon. Rod Kemp)

ARTS LEGISLATION AMENDMENT (MARITIME MUSEUM AND FILM, TELEVISION AND RADIO SCHOOL) BILL 2005

OUTLINE

The Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Bill 2005 (the Bill) amends the *Australian National Maritime Museum Act 1990* (the ANMM Act) and the *Australian Film, Television and Radio School Act 1973* (the AFTRS Act). The objectives of the amendments are:

ANMM Act

- to provide more flexibility for how Museum entry charges can be fixed; and
- to clarify the Museum's power to fix charges for entry to special exhibitions and events.

AFTRS Act

- to provide more autonomy and flexibility for the School to make decisions on which degrees, diplomas and certificates will be awarded.

Under the ANMM Act, the power to set general entry fees is vested with the Governor-General as a regulatory power. The proposed amendments will allow the Governor-General by regulation to delegate the power to fix fees. Therefore, the power could, for example, be delegated to the ANMM and so allow it to set admission fees, thus bringing it in line with other institutions such as the National Museum of Australia. The proposed amendments will also ensure the Museum's power to fix charges for special exhibitions and special events includes ships/vessels sitting in the water and other structures.

The proposed amendments would not, however, affect the ANMM Director's current power under the *Australian National Maritime Museum Regulations 1991* to waive entry fees in order to encourage people to visit the Museum, or to promote access for educational or disadvantaged groups.

The AFTRS Act currently provides that the School can award such degrees, diplomas and certificates as are provided for by the regulations which are made by the Governor-General. The proposed amendments to the AFTRS Act will empower the School to make its own decisions in relation to which awards the School should make.

FINANCIAL IMPACT STATEMENT

The Bill is not expected to have any financial impact on Commonwealth expenditure or revenue.

ABBREVIATIONS

The following abbreviations are used in this explanatory memorandum:

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|--------------------|---|
| AFTRS: | Australian Film, Television and Radio School |
| ANMM: | Australian National Maritime Museum |
| AFTRS Act: | <i>Australian Film, Television and Radio School Act 1973</i> |
| ANMM Regulations | <i>Australian National Maritime Museum Regulations 1991</i> |
| AFTRS Regulations: | <i>Australian Film, Television and Radio School Regulations 1986</i> |
| ANMM Act: | <i>National Maritime Museum Act 1990</i> |
| Bill: | Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Bill 2005 |

NOTES ON CLAUSES

Clause 1 – Short title

Clause 1 provides that the Bill, when enacted, may be cited as the *Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Act 2005*.

Clause 2 – Commencement

Clause 2 provides that the Bill will commence on the day on which the Act receives the Royal Assent.

Clause 3 – Schedule(s)

Clause 3 is a standard provision which declares that the Schedules to the Act have the effect indicated. There is one Schedule to the Bill. Items 1-3 of the Schedule provide for amendments to the AFTRS Act and items 4-6 of the Schedule provide for amendments to the ANMM Act.

Schedule 1 – Amendments

Australian Film, Television and Radio School Act 1973

Item 1 – Paragraph 5(1)(g)

This item amends paragraph 5(1)(g) of the AFTRS Act to enable the School to award such degrees, diplomas and certificates as specified in a determination. Paragraph 5(1)(g) currently provides that one of the School's functions is to award such degrees, diplomas and certificates as provided for by the regulations. The AFTRS Regulations prescribe the degrees, diplomas and certificates that currently may be awarded by the School.

The proposed amendment will provide autonomy for the School to make its own decisions about what degrees, diplomas and certificates it awards rather than relying on regulations having to be made each time a new course is offered or withdrawn. Therefore, it is proposed to amend paragraph 5(1)(g) by deleting the words "provided for by the regulations" and inserting the words "specified in a determination under section 6A".

It should be noted that the authority to decide which degrees, diplomas and certificates will be made and hence which will be awarded will be restricted by the scope of the School's functions as set out in section 5 of the AFTRS Act.

Item 2 – At the end of Part II

This item inserts a new section 6A in relation to the determination of which degrees, diplomas and certificates the School can award.

The proposed new section will provide that the School may, by legislative instrument, and for the purposes of paragraph 5(1)(g), make a determination specifying degrees, diplomas or certificates. By virtue of the *Legislative Instruments Act 2003*, such a determination would not take effect until registration under that Act has occurred.

Item 3 – Saving provision

This item is a saving provision to ensure that the degrees, diplomas and certificates currently prescribed by the AFTRS Regulations may continue to be awarded.

The item provides that regulations in force for the purposes of paragraph 5(1)(g) of the Act immediately before the commencement of the item continue to have effect until the School makes the first determination under proposed section 6A and that determination is registered pursuant to the *Legislative Instruments Act 2003*.

The current AFTRS Regulations in relation to the degrees, diplomas and certificates that can be awarded will cease to have effect as of the date of that registration. Therefore, the first determination to be made by the School would need to include any existing degrees, diplomas and certificates that the School intends to continue to award as well as any new degrees, diplomas and certificates to be awarded.

National Maritime Museum Act 1990

Item 4 – Paragraph 7(1)(r)

This item amends paragraph 7(1)(r) of the ANMM Act by inserting the words “or water” after the word “land”.

Paragraph 7(1)(r) currently provides that the Museum has the power to fix charges for entry onto any land, or into any buildings, owned by, or under the control of the Museum being charges that:

- (i) are in addition to the charges fixed by regulations; and
- (ii) relate to special exhibitions or other special events.

As the Museum has exhibitions that are ships and other vessels moored in Darling Harbour, the proposed amendment will ensure the Museum can fix charges for entry to any special exhibitions or other special events whether on land or water.

Item 5 – Paragraph 7(1)(r)

This item amends paragraph 7(1)(r) of the ANMM Act by inserting the words “structure or vessel” after the word “building”.

The proposed amendment is to similar effect as the proposed amendment at item 4 and will ensure the Museum can fix charges for entry to any special exhibitions or other special events whether those exhibitions or events are held in a building, structure or vessel. This proposed amendment, together with the proposed amendment at item 4,

will also bring paragraph 7(1)(r) in to line with section 54 and the definition of Museum premises at subsection 54(2).

Item 6 – Paragraph 54(1)(d)

This item amends paragraph 54(1)(d) of the ANMM Act by inserting the words “or providing for the Museum to fix charges” after the word “charges” .

Paragraph 54(1)(d) currently provides that the Governor-General may make regulations fixing charges for entry to any ANMM premises. To bring the ANMM in to line with other national institutions, and provide some flexibility as to how charges are fixed, the purpose of this proposed amendment is to allow sub-delegation of the ‘charge fixing’ power under paragraph 54(1)(d).

It is intended that if the power was sub-delegated to the ANMM, the Museum would be able to identify different Museum premises/exhibitions and apply different charges accordingly. In addition, the ANMM could fix and vary charges in a more responsive fashion without having to amend the ANMM Regulations.