

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

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

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, professional 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”.

This Legislative Instrument does not include any limitations.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

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13 July 2012