

EXPLANATORY STATEMENT

Australian Film, Television and Radio School Act 1973

Determination of Degrees, Diplomas and Certificates No. 2020/1

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.

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 2007/1 made under section 6A of the AFTRS Act was registered under the *Legislative Instruments Act 2003* on 27 November 2007.

The Determination of Degrees, Diplomas and Certificates 2008/1 added one new graduate certificate to the degrees, diplomas and certificates that may be awarded by the School and was registered on 29 April 2008.

The Determination of Degrees, Diplomas and Certificates 2008/2 added 1 new diploma and 2 new graduate diplomas to the degrees, diplomas and certificates that may be awarded by the School and were registered on 30 July 2008.

The Determination of Degrees, Diplomas and Certificates 2008/03 added 5 new graduate certificates and 11 new graduate diplomas to the degrees, diplomas and certificates that may be awarded by the School and were registered on 3 September 2008.

The Determination of Degrees, Diplomas and Certificates No. 2009/1 added 12 new graduate certificates, 2 new graduate diplomas, and 1 new master's degree to the degrees, diplomas and certificates that may be awarded by the School and were registered on 4 June 2009.

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 and was registered on 11 September 2009.

The Determination of Degrees, Diplomas and Certificates No. 2010/1 added 1 new graduate certificate and 1 new graduate diploma to the degrees, diplomas and certificates that may be awarded by the School and were registered on 14 July 2010.

The Determination of Degrees, Diplomas and Certificates No. 2011/1 added 7 new graduate certificates, 3 graduate diplomas, and 2 new master's degrees to the degrees, diplomas and certificates that may be awarded by the School and were registered on 17 August 2011.

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 and was registered on 30 July 2012.

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 and were registered on 27 August 2012.

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 and was registered on 21 September 2012.

The Determination of Degrees, Diplomas and Certificates No. 2014/1 added 1 new bachelor and 2 new master's degrees to the degrees, diplomas and certificates that may be awarded by the School and were registered on 5 March 2014.

The Determination of Degrees, Diplomas and Certificates No. 2014/2 added 7 new diplomas and 7 new advanced diplomas to the degrees, diplomas and certificates that may be awarded by the School and were registered 4 August 2014.

The Determination of Degrees, Diplomas and Certificates No. 2014/3 added 1 new diploma to the degrees, diplomas and certificates that may be awarded by the School and was registered on 24 November 2014.

The Determination of Degrees, Diplomas and Certificates No. 2014/4 adds 2 new diplomas to the degrees, diplomas and certificates that may be awarded by the School and were registered on 17 December 2014.

The Determination of Degrees, Diplomas and Certificates No. 2015/2 added 1 new advanced diploma to the degrees, diplomas and certificates that may be awarded by the School and was registered on 25 September 2015.

The Determination of Degrees, Diplomas and Certificates No. 2016/1 added 1 new advanced diploma and 2 new diplomas to the degrees, diplomas and certificates that may be awarded by the School and were registered on 1 April 2016.

The Determination of Degrees, Diplomas and Certificates No. 2016/2 added 6 new diplomas, 6 new advanced diplomas, 8 new graduate certificates, 1 new graduate diploma, 1 new bachelor's degree and 2 new master's degrees to the degrees, diplomas and certificates that may be awarded by the School and were registered on 4 July 2016.

The Determination of Degrees, Diplomas and Certificates No. 2016/3 added 1 new diploma, 1 new advanced diploma, 8 new graduate certificates, 1 new bachelor's degree and 1 new master's degree to the degrees, diplomas and certificates that may be awarded by the School and were registered on 10 November 2016.

The Determination of Degrees, Diplomas and Certificates No. 2017/1 added 1 new diploma to the degrees, diplomas and certificates that may be awarded by the School and was registered on 15 March 2017.

The Determination of Degrees, Diplomas and Certificates No. 2017/2 added 5 new diplomas, 5 new advanced diplomas, 1 graduate certificate and 1 graduate diploma to the degrees, diplomas and certificates that may be awarded by the School and were registered on 22 June 2017.

Determination No. 2020/1

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

Diploma in Arts Screen: Production

Advanced Diploma in Arts Screen: Production

Graduate Diploma in Arts Screen

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. 2020/1

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.

17 July 2020

Sign:

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

Russel Howcroft
Chair of Council
Australian Film, Television and Radio School