



Screen Australia and the National Film and Sound Archive (Consequential and Transitional Provisions) Bill 2008

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Contents

Purpose.	2
Background.	2
Financial implications	3
Main provisions.	3
Concluding comments	3

Screen Australia and the National Film and Sound Archive (Consequential and Transitional Provisions) Bill 2008

Date introduced: 20 February 2008

House: House of Representatives

Portfolio: Environment, Heritage and the Arts

Commencement: Sections 1 to 4, and Schedule 2, commence on Royal Assent. Schedule 1 commences at the same time as subsection 5(1) of the *Screen Australia Act 2008* commences.

Links: The [relevant links](#) to the Bill, Explanatory Memorandum and second reading speech can be accessed via BillsNet, which is at <http://www.aph.gov.au/bills/>. When Bills have been passed they can be found at ComLaw, which is at <http://www.comlaw.gov.au/>.

Purpose

To make a number of consequential and transitional amendments to legislation, to complement the recently introduced [Screen Australia Bill 2008](#) ('the Screen Australia Bill'), and [National Film and Sound Archive Bill 2008](#) ('the Film and Sound Bill').

Background

The amendments in this Bill are related to the proposed establishment of two new bodies: Screen Australia, by the Screen Australia Bill, and the National Film and Sound Archive (NFSA) by the Film and Sound Bill.¹

Screen Australia will be an amalgamation of a number of Commonwealth-funded film agencies and bodies. The NFSA is a newly established body whose functions currently sit within the Australian Film Commission (AFC).

The Bills Digests for the Screen Australia Bill, and the [Film and Sound Bill](#), should be consulted for information about the policy background of the creation of these new bodies.

1. Explanatory Memorandum, Screen Australia and the National Film and Sound Archive (Consequential and Transitional Provisions) Bill 2008, p. 1.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

Financial implications

The Explanatory Memorandum states that the Bill is not expected to have a significant impact on Commonwealth expenditure.²

Main provisions

The provisions of this Bill make consequential amendments to the *Australian Film, Television and Radio School Act 1973*, the *Income Tax Assessment Act 1997*. The amendments ensure that certain long service leave and tax provisions will continue to apply after the transfer of functions away from the AFC.

The Bill also makes transitional provisions dealing with the annual reporting; transfer of assets and liabilities; and transfer of employees of the AFC, Film Australia Limited (FAL), and Film Finance Corporation Australia Limited (FFC), to the new Screen Australia, the NFSA, or the Australian Film, Radio and Television School (AFTRS).

Of note are the following amendments:

- **Schedule 1** repeals the *Australian Film Commission Act 1975*, which will become redundant under the new system
- **Schedule 2, Part 2** deals with the automatic transfer of assets and liabilities of the AFC, FAL or FFC to Screen Australia. The amendments also provide that any transfer of AFC assets to the NFSA or AFTRS may be done by Ministerial determination
- **Schedule 2, Part 4** deals with transitional provisions relating to transfer of staff from the old to the new agencies
- **Schedule 2, Part 7** allows the Minister to appoint the first CEO(s) of Screen Australia and NFSA, and
- **Schedule 2, Part 8, item 39** enables the Governor-General to make regulations in relation to the Act.

Concluding comments

The amendments in this bill are minor and technical in nature, and are purely consequential to the Screen Australia Bill and the Film and Sound Bill. The Bills Digests for those Bills should be consulted for a fuller discussion of the policy issues.

2. Explanatory Memorandum, p. 1.

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