

Checklist for Commencing Negotiations with Overseas Entity

22 October 2007

Policy Context

AFTRS is a statutory authority of the Commonwealth Government. It reports to the Australian Parliament through the Minister of the Department of Communication, Information Technology and the Arts (DCITA). It is also accredited as a Higher Education Provider (HEP) by the Department of Education Science and Training (DEST). DEST requires any provider of education services, locally or internationally, to comply with its regulatory requirements, in particular the Higher Education Provider Guidelines. Any international engagement may also have implications in regard to the cultural and trade activities and programs of the Department of Foreign Affairs and Trade (DFAT).

Given this complex regulatory framework it is necessary for AFTRS to establish a due diligence process. This process will allow AFTRS to assess the merit of entering negotiations with any proposal by an overseas entity (or initiative by AFTRS with an overseas entity) for the provision of education, curriculum, training, mentoring and/or any other strategic or operational alliance prior to approval of commencing negotiations with overseas entities.

POLICY STATEMENT

AFTRS has an outstanding reputation for the provision of advanced training for the Australian film, broadcast and digital media production industries nationally. This reputation invites from time to time approaches by overseas entities to access AFTRS expertise in education, curriculum, training, mentoring and/or any other strategic or operational alliance. AFTRS will only commence negotiations with overseas entities on a case by case basis subject to the completion of the following procedures.

PROCEDURES

When a Branch/department receives a query from an Overseas Entity wanting to engage AFTRS services in regard to education, curriculum, training, mentoring and/or any other strategic or operational alliance the following procedures apply:

- 1) The relevant Branch/department advises the Overseas Entity to place the Proposal in a letter to the Chief Executive Officer (CEO).
- 2) On receipt of the formal Proposal the CEO refers it to the Director of Division
- 3) To ensure an analysis of the Proposal is completed. The analysis of the Proposal must meet the following criteria:
 - The Proposal demonstrably provides benefits to AFTRS.

- The Proposal is compliant with all statutory obligations under the Australia Film, Television and Radio School Act 1973, the Commonwealth Authorities and Companies Act (particularly noting the Competitive Neutrality Policy), Higher Education Provider Guidelines, and any other relevant regulatory instruments.
 - A Cost Benefit analysis of the Proposal establishes that it will not negatively impact on AFTRS resources and facilities and its capacity to meet its statutory obligations and to fulfil its mission.
 - A risk analysis of the Proposal is completed.
- 4) On completion of the Proposal analysis a report is made to the CEO by the Director of Branch.
 - 5) If the CEO is satisfied with the report, a copy is sent to DCITA, DFAT and DEST for their information and advice.
 - 6) Once DCITA, DFAT and DEST have responded to the advice from AFTRS, AFTRS will respond to the original Proposal from the Overseas Entity.
 - 7) If the discussions with the Overseas Entity have a successful outcome, the Minister's Office is advised. DCITA and DFAT's advice is included in AFTRS's advice to the Minister's Office.

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