



Submission by the

National Association of Cinema Operators –

Australasia

to the

Australian Law Reform Commission's

Issues Paper on the

National Classification Scheme Review

The National Association of Cinema Operators - Australasia

The National Association of Cinema Operators - Australasia (NACO) is a national organisation established to act in the interests of all cinema exhibitors. It hosts the Australian International Movie Convention on the Gold Coast, this year in its 66th year.

NACO members include the major cinema exhibitors Amalgamated Holdings Ltd, Hoyts Cinemas Pty Ltd, Village Roadshow Ltd, Reading Cinemas Pty Ltd as well as prominent independent exhibitors Pacific Cinemas, Dendy Cinemas, Grand Cinemas, Nova Cinemas, Cineplex, Wallis Cinemas, Ace Cinemas and many other independent cinema owners.

NACO represents over 1,700 cinema screens throughout Australia, New Zealand and the Pacific regions.

The National Classifications Scheme

NACO fully supports the spirit and intent of the National Classifications Scheme which commenced on 1 January 1996 (the Scheme); namely to provide information and guidance to the public, parents and children about the suitability of motion picture or film content.

As an industry we fully comply with the Scheme and the Classifications Act and we recognise it is in our interests to ensure our content is well understood and age appropriate.

However, NACO members struggle with ambiguities within the Scheme and the way it is governed through the Classifications, Broadcasting and Telecommunications Acts which seeks to regulate classifications and cinema exhibitor's adherence to them.

Scope of Submission

NACO has limited its response to the issues that affect or impact Cinema Exhibition.

To this end, NACO proposes that the current policy for theatrical films does not change and that theatrical films continue to be classified by the Classifications Board and that this rating carry through or guide the same content when it is released on other platforms as is currently the case for DVD.

NACO submits that the existing classification categories be maintained:

- Exempt (E)

- General (G)
- Parental Guidance (PG)
- Mature (M)
- Mature Accompanied (MA15+)
- R18+

Philosophical Support

NACO engages in regular communications with other industry associations relevant to content distribution and exhibition.

It philosophically supports a proposal of The Australian Home Entertainment Distributors Association (“AHEDA”) that there should be a single system that same content have the same rating, irrespective of the platform it is delivered in. This principle of **same content, same rating, single system, different platform** will help shape a new model for delivering on the intent of the National Classifications Scheme.

Clarification of Application of Scheme

Application of MA15+ Classification

Cinema Operators are concerned to obtain clarity of the operation of the MA15+ Classification within the Scheme.

MA15+ provides that a film is ***“Not suitable for people under 15. Under 15’s must be accompanied by a parent or adult guardian.”***

This classification provides many operational issues at the cinema, exposing staff to regular complaints and in some cases, quite heated abuse.

Some interpretation issues include:

1. What is an “adult guardian”?
2. What does “accompany” mean?

These uncertainties have resulted in the following examples of outcomes:

1. Under 15’s appearing with an older friend or sibling as the adult guardian.

2. Parents sending along letters of consent to an Under 15 attending a movie.
3. Parents accompanying an Under 15 to the Box Office to purchase a ticket for the Under 15, but not attending the movie themselves.
4. Parents accompanying an Under 15 to the Box Office to purchase a ticket for the Under 15, taking the Under 15 into the auditorium but then abandoning the Under 15.

Queensland has attempted to clarify the provision by providing that a person aged between 2 and under 15 cannot be admitted to a MA15+ film unless they are accompanied by an **adult for the duration of the film**. Any person 18 years or older is an adult and may accompany a person aged between 2 and under 15 to a MA15+ film.

Cinema Operators would appreciate certainty within the Scheme, ideally that all States within the Scheme have identical requirements.

With the immediacy of communication that we have, it is not uncommon for a parent in one state to know that the requirements in another state are different and that respective Under 15's have been treated differently.

Cinema Operators suggest that the Classification be reworded as follows: ***“Not suitable for people under 15. Under 15's must be accompanied by an adult for the duration of the film.”***

Application of Classifications to Trailers

Unclassified films can be assessed for a likely classification before they are classified.

This can then impact the placement of trailers.

Trailers may be placed with films assessed as likely to have the same classification or films of a higher classification.

In a self-regulated environment, reliance is often placed upon a film's classification in an international market.

Either way, issues can arise where, for example, a trailer for a likely PG rated film is placed with PG and G rated films, and the film ultimately is classified as a G rated film.

Similarly as between M and PG rated films.

Cinema operators would like to see a system whereby trailers are self-assessed on their content and are then able to be placed with films of an identical or higher classification.

For example, many trailers are G or PG in their content, even though the ultimate film classification may be M. Cinema Operators would welcome the opportunity to responsibly place such trailers across the fulcrum of films and not be restricted by the likely or possible ultimate classification of the film to which the trailer relates. By illustration, many comedies will carry an ultimate classification of M, but their trailers are very general in content and could not offend even a G or PG audience.

Trailers for likely MA15+ or R18+ movies would remain as it is at present.

NACO thanks the Commission for the opportunity to address a couple of the key issues that affect cinema operators.

It is acknowledged that these issues may not contribute to the *policy* debate perhaps anticipated by the Review. Accordingly, I have not responded specifically to the list of questions provided in the Review Issues Paper.

I may be contacted at any time should there be any queries arising from this Submission.

Yours sincerely,



Michael Hawkins

Executive Director

National Association of Cinema Operators – Australasia.