



Submission by the

National Association of Cinema Operators –

Australasia

Response to the

Australian Law Reform Commission’s

Discussion 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 on “whole of industry” issues. 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 Response to Discussion Paper

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

Philosophical Support

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

It philosophically supports submissions from the Australian Home Entertainment Distributors Association (“AHEDA”) and the Motion Picture Distributors Association

of Australia (MPDAA), though acknowledging that our responses may vary on some operational issues given the differences in our markets and business models.

NACO continues to support the notion that classifications be made according to content, not format. Accordingly, in relation to modifications of format, such as where a 2D film is recast in 3D, there should not be required a new classification.

Specific Responses:

Chapter 8: Markings, Advertising, Display and Restricting Access

Proposal 8-3: NACO strongly supports the proposal to remove the mandatory access restrictions on media content classified MA 15+ or likely to be classified MA 15+.

Proposal 8-6: NACO strongly supports the proposal that all advertisements for media content that must be classified must also be suitable for the audience likely to view the advertisement.

This is particularly relevant to cinema exhibitors in the context of the placement of movie trailers. The placement of trailers by exhibitors will take into account:

- a) The likely audience of the advertisement;
- b) The impact of the content in the advertisement; and
- c) The classification or likely classification of the advertised content.

Chapter 9: Classification Categories and Criteria

Cinema Operators were 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.

NACO warmly welcomes the removal of the legal restrictions on the MA category. This will remove the difficult enforcement burdens placed on the front-of-house staff of cinema exhibitors.

Notwithstanding this, NACO does have some reservations about the proposed new classification categories.

1. C (Children): NACO understands that this classification categorises a film as being only for children or for education. NACO has concerns that this new classification category may have the unintended consequence of limiting the market or audience for a film so classified. It will cause confusion in the marketplace with audiences assuming content is targeted to children only. NACO strongly recommends that discretion be given to Distributors to apply a G classification in circumstances where a broader market or audience is intended.
2. T 13+ (Teen) NACO is concerned that many films that may be intended for a mature market or audience may be caught in this T 13+ category. Consequently, we believe that it will cause confusion in the marketplace with audiences assuming content is targeted to teenagers only.
3. MA 15+ (Mature Audience): As foreshadowed above, NACO is very supportive of the removal of the legal restrictions on the MA category. However, we believe that the proposed change may be too subtle for the public to observe any difference.
4. NACO also has concerns that the band between 13+ and 15+ is too narrow and suggests that a 12+ age recommendation would be more appropriate and would be in keeping with the age classifier used in many other jurisdictions.

NACO proposes that should the classification categories be changed (except the MA 15+ (Mature Accompanied), that the Commission engage in further industry consultation and discussion specifically around this issue prior to adopting any recommendations.

Notwithstanding our recommendation for further consultation, NACO embraces the proposals of the MPDAA with the effect of the following:

- a) That the T 13+ classification be replaced with a PG12+ (Recommended for people over 12 years of age with Parental Guidance) category.
- b) That the MA 15+ (Mature Audience) classification be replaced with a M 15+ (Mature – recommended for people over 15 years of age).

NACO thanks the Commission for the opportunity to respond to its Discussion Paper and to address a couple of the key issues that affect cinema operators.

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

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Michael Hawkins". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Hawkins

Executive Director

National Association of Cinema Operators – Australasia.

24th November, 2011

Level 12, 46 Edward Street,

BRISBANE QLD 4000