



MPDAA
16-18 Grosvenor Street
Sydney NSW 2000
AUSTRALIA

Phone: 02 8705 5420
02 8705 5421

Fax: 02 8705 5423

Email: mpdaainfo@mpdaa.org.au
Web: www.mpdaa.org.au

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Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Sent via email: legcon.sen@aph.gov.au

**Motion Picture Distributors Association of Australia (MPDAA)
Submission in Response to Inquiry into the Classification (Publications, Films and Computer Games)
Amendment (Classification Tools and Other Measures) Bill 2014**

Thank you for the opportunity to respond to the Senate Committee Inquiry into proposed legislative amendments to the Classification (Publications, Films and Computer Games) Act 1995

The MPDAA is aware of the broad scope of the inquiry and, for this reason, will restrict its responses to the proposals that pertain directly to the business of distribution for public exhibition of films.

The MPDAA wishes to express its support of the submission from AHEDA (Australian Home Entertainment Distributors Association) and submits that its proposals have the support of the National Association of Cinema Operators, Australia (NACO).

The Motion Picture Distributors Association of Australia

The Motion Picture Distributors Association of Australia (MPDAA) is a non-profit industry association formed in 1926 by a number of film distribution companies in order to promote the motion picture industry in Australia. The organisation represents the interests of motion picture distributors to government, media and relevant organisations, on issues such as classification, accessible cinema, copyright, piracy and the industry Code of Conduct.

Schedule 4: Modifications

The MPDAA strongly endorses the proposal to amend the Classification Act to improve the clarity of certain provisions, address legislative anomalies and specify that certain modified versions of content will not need to be separately classified by the Board.

In several submissions to the ALRC Copyright Review, the MPDAA put forward the proposal for regulatory clarity, suggesting that the Act should define that it is only content modification, not format variation – such as 2D or 3D – that might require a new classification, and that the perceived impact of the format is not a relevant factor. The high cost of separately classifying the same material has been a burden for film distributors and increased the workload of the Classification Board.

The MPDAA members welcome the acknowledgement that almost invariably, 2D and 3D films are produced simultaneously prior to classification and are given the same classification by the Board, that this type of modified material is very low risk and, rather than being separately classified, should be deemed to have the same classification as the unmodified material.

Schedule 5 - Determined Markings

The MPDAA notes the proposed changes to Schedule 5 specifying that the Minister may determine high level principles relating to classification markings as well as the display of those markings and consumer advice. The MPDAA supports the notion that these markings be simpler and less prescriptive but reserves comment about the scheme without specific understanding of the high level principles that will inform Ministerial determinations.

The MPDAA has always argued that clear and unambiguous classification markings, including consumer advice, need to be displayed at the time and/or place that the decision to purchase a cinema ticket is being made and that the 'Check the Classification' marking can suffice prior to classification taking place and at other times. It is our hope that the logic of this system, which has been operating successfully for some years, prevails in the development of the Ministerial principles.

Schedule 5 - Consumer Advice

Of particular relevance is the new mandatory requirement for the Classification Board to provide consumer advice at the G classification. Mindful of the need to be cautious in regard to young audiences, the MPDAA will work closely with the Classification Board to ensure that consumer advice is contextual to the G Rating and provides parents with appropriate information in relation to cinema content aimed at children.

Thank you for considering our submission.

Yours sincerely,

Lori Flekser
General Manager
Motion Picture Distributors Association of Australia