



**Australian Government**

---

**Office of Film and Literature Classification**

**COMPLIANCE SNAPSHOT  
DVDS AND COMPUTER GAMES  
FOR HIRE**

**BRISBANE**

**SEPTEMBER 2005**

## **EXECUTIVE SUMMARY**

### **BACKGROUND**

Following the introduction of new markings for films and computer games on 26 May 2005, the OFLC initiated a series of “snapshots” which could be used to identify targets for compliance education and, where necessary, advising enforcement authorities.

The first of these snapshots comprised a study of compliance with the marking requirements by the cinema industry. The results of that study, conducted in relation to cinemas in the Sydney metropolitan region, were published in July 2005.

The current study is the second in the series. It relates to video stores in Brisbane and addresses the display for hire of classified DVDs and computer games along with the advertising of those products and the provision of information about classification markings.

This report on hire outlets is issued in conjunction with a third report which deals with compliance by retail sales outlets in Melbourne in September 2005. The fourth report, conducted in November 2005, is a follow-up to the initial cinema report and addresses compliance by the cinema industry in Sydney.

### **METHODOLOGY**

#### **Objective**

The objective of the study was to obtain a snapshot of compliance with the markings and other requirements by DVD and computer game hire outlets in Brisbane following the introduction of the new markings scheme in May 2005.

#### **Scope**

The study involved an assessment of compliance in respect of:

- the required markings on classified DVDs and computer games offered for hire;
- the required markings on printed advertisements in the form of in-store posters and flyers for DVDs and computer games;
- the required markings on moving image in-store advertisements for DVDs (commonly known as “loop tapes”);
- the required display of an approved notice providing classification information to consumers in video stores;
- the required markings on internet advertising and links to classification legends on websites of hire outlets.

The study was concerned only with classified products and did not include any unclassified material. Off-site advertising (such as television and magazine advertisements) was not assessed. While not comprehensively assessed, in-store catalogues were examined.

## **Timing**

The study covered the Brisbane metropolitan area from Monday 19 September to Tuesday 20 September 2005, about four months after the commencement of the new marking requirements. The examination of the Australian-hosted websites for selected hire outlets was conducted on Thursday 22 September and Friday 23 September.

## **Sample**

The study involved site visits to 66 hire outlets (video stores), representing approximately 46% of video stores in the Greater Brisbane region. These 66 stores were members of all eight video chains operating in the Brisbane region.

In addition, the study included examination of 4 Australian-hosted websites for video chains operating in Brisbane.

This resulted in the examination of 2,695 items for compliance with marking and advertising requirements and complementary classification enforcement laws, as follows:

- 1,527 DVDs
- 436 computer games
- 508 posters in video stores
- 72 advertisements on 2 flyers available in video stores
- 51 advertisements on 3 in-store loop tapes
- 36 advertisements on the websites of 4 video chains
- 65 notices located in video stores.

## **Industry liaison**

A draft of this report was provided to distributors along with letters regarding titles potentially breaching requirements relevant to that distributor. Based on the feedback from distributors, the data was amended as required. Distributors were also requested to take action to address significant breaches such as titles being marked with the wrong classification.

## **FINDINGS**

The study found that all stores had very good compliance levels for markings on DVDs classified under the markings that existed prior to 26 May 2005 and for posters advertising those films. While some stores also had high compliance rates for DVDs classified since the introduction of the new markings and for computer games, there was more variation between stores. This was also the case for advertising on flyers. Compliance with the requirement to display a classification notice was in general lower than results for other requirements and in some cases very poor. The requirements relating to website advertising were among the least adhered to, with all but one site failing to meet these requirements. Compliance in relation to loop tapes was also very poor.

Overall, the study found that while 2,370 (88%) items met the requirements, 325 breaches (12%) were also identified. These breaches comprised:

- 64 breaches relating to 52 DVD titles displayed with incorrect or out of date markings;
- 60 breaches relating to 53 computer game titles displayed with incorrect or out of date markings;
- 62 breaches relating to posters for 20 DVD titles with incorrect or out of date markings;
- 30 breaches relating to advertisements on flyers;
- 50 breaches relating to advertisement on loop-tapes;
- 28 breaches relating to markings or other requirements for website advertisements;
- 31 breaches relating to the display of classification notices.

Compliance varied significantly across video stores depending on the issue. Specifically, the following results were found in regard to compliance with classification legislation requirements:<sup>1</sup>

- Compliance in relation to display of markings on DVDs classified *before* 26 May 2005 was very good across the board, with an overall compliance rate of 98%. All eight video chains had a compliance rate of 93% or above.
- For two of the video chains, compliance with the markings for DVDs classified *after* 26 May decreased by at least 30%. Most breaches related to use of the out of date markings.
- Compliance varied dramatically between video chains in relation to computer games with one chain recording compliance levels of 100% for all games (whether classified before or after 26 May), while another chain recorded levels of 80% and 75% respectively.
- There was high compliance (98%) with the requirements relating to posters for DVDs classified before 26 May.
- Although overall compliance was still high (84%) for posters advertising DVDs classified on or after 26 May, two stores recorded a marked decrease in the compliance rate from 93% to 79% in the first case and from 100% to 77% in the second case.
- There was 100% compliance for the small number (16) of posters advertising computer games classified since 26 May.
- Of the two chains from which flyers were obtained, one store had a high compliance rate of 81% with the advertising requirements, but the other had a 0% compliance rate.
- Compliance in relation to in-store loop tapes was also very poor, with two of the three chains recording 0% compliance rates and the third chain recording 4% compliance.
- The incorrect use of markings observed in the informal review of advertisements in catalogues suggests that compliance levels would be of a similar low level to those of flyers, loop tapes and web sites.

---

<sup>1</sup> The study used a three-grade reporting system as follows: Low = 0-33%, Moderate = 34-66%, High = 67-100%.

- Compliance in relation to website advertisements was poor. The study found that compliance with the requirement to display the correct classification was 69% overall; however, only 22% of the advertisements (all from one site) correctly displayed the classification *and* provided a link to the classification legend.
- Display of the approved notice “Use Classifications to Choose Computer Games and Films” was varied, with only three of the video chains recording high compliance.

## ANALYSIS

Overall, compliance with the classification marking requirements for hire outlets is very good in relation to some products (older DVDs and posters) but improvement is needed in relation to some more recent material to which the new marking requirements apply and for some products in particular (computer games, flyers, loop tapes, website advertisements and catalogues).

Although individual stores rely to a large extent on distributors and on their head office to provide correctly marked products and advertising materials, a good understanding on the part of video store managers and a commitment to public education play an important role in the effective operation of the classification regime for hire outlets. This is expected to be achieved once awareness of the new markings requirements is entrenched.

Key points in the analysis of the report’s findings are:

- This snapshot suggests that once a set of classification markings for popular products like DVDs is well established, understanding of the regulatory requirements will be strong and compliance will be high.
- There are divergent results for the video hire industry – that is, video stores in conjunction with distributors – in ensuring that new products carry the new markings. Some stores had very good compliance results for both new and old products, while the high compliance results recorded by other stores for old products slipped in relation to new products. This divergence indicates that while all outlets should be able to achieve good results, the effectiveness of compliance regimes adopted by some distributors and video chains is in doubt.
- Various practices on the part of video stores – rather than distributors – can be seen to affect the quality of classification information available to consumers. These practices include obtaining artwork from sources other than the official distributor, adapting distributors’ slicks so that take-home cases do not feature the classification marking, and adapting posters for in-store displays (including the use of standard frames) in such a way that the classification information is removed or obscured.
- Further, it is not uncommon for older to be available in the rental sector. Such games may have classification marking stickers which can be removed. Over recent years, game distributors have increasingly moved to printing classification markings on the actual game slick and therefore this issue generally relates to older titles.
- Parallel importing of products is a possible explanation why classified product or associated advertising may not display the Australian classification markings.

- Industry advise is that parallel importing is more common within the rental sector than the retail sector.
- Other matters that are clearly within the control of the video store or head office include compilation of loop tapes, production of flyers and catalogues, and creating website advertisements. Compliance results for all these categories were generally low.
  - Among video chains, there is wide variation in the availability of information about the classification system. Some stores which had very good results for correctly marked DVDs, games and posters failed to display the new classification notice, while a number of stores displayed the notice in such a way that it would be impossible or impracticable for consumers to read. These practices effectively restricted opportunities for consumers to learn and use the new classification markings.

## **CONCLUSION**

As video stores present consumers with a vast range of titles, there is a genuine need for prominent display of information about classification categories and for accurate labelling of films and games for hire.

The compliance issues identified in this study relate to the application of the new classification markings as well the previous classification markings. Overall, it can be concluded from the study that there is a need for routine monitoring of compliance with the markings determination.

In addition, there is a need for routine in-house compliance education by the various video chains in the areas of:

- prominently displaying the approved notices;
- displaying posters in a way which does not obscure classification markings;
- using classification markings on both display and take-home cases for DVDs and computer games;
- recognising that some markings on computer games are not Australian and referring these games to the distributor for correct classification markings;
- ensuring that care is taken in designing advertisements in flyers and catalogues and in compiling loop tapes;
- improving the ways in which advertisements on websites incorporate the classification markings and inform consumers about classification categories.

## BACKGROUND

### STATUTORY CONTEXT

On 26 May 2005 the *Classification (Markings for Films and Computer Games) Determination 2005* (“the markings determination”) came into force. That determination, issued pursuant to section 8 of the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth, sets out the requirements for classification markings to appear on films and computer games and in advertising related to such products.

In Queensland, the following acts prescribe requirements in relation to sale and hire of DVDs and computer games:

- the *Classification of Films Act 1991*
- the *Classification of Computer Games and Images Act 1995*.

The requirements prescribed by these acts include those set out below.

### FILMS

The obligations of video stores under the Queensland legislation for films include:

- DVDs displayed or offered for sale or hire must bear the determined markings and any applicable consumer advice (section 29);
- stores must prominently display the approved classifications notice (section 30);
- advertisements must display the determined markings and consumer advice (section 27).

Further, the Queensland legislation for films prohibits the displaying, selling or renting of DVDs that are:

- classified films improperly marked as having no classification or with the incorrect classification (section 36).

### COMPUTER GAMES

The obligations of video stores that display, sell or rent computer games under the Queensland legislation for computer games include:

- computer games displayed or offered for sale or hire must bear the determined markings and any applicable consumer advice (section 14);
- stores must prominently display the approved classifications notice (section 15);
- advertisements must display the determined markings and consumer advice (section 12).

Further, the Queensland legislation for computer games prohibits stores from displaying, selling or renting computer games that are:

- classified computer games improperly marked as having no classification or the incorrect classification (section 21).

The penalties for non-compliance with these requirements are summarised in Attachment 1.

## **HIRE INDUSTRY IN BRISBANE**

The video rental market (including DVDs and computer games) in Brisbane in September 2005 comprised 145 stores. Most of these stores were members of a video rental chain.<sup>2</sup> The number of stores in these chains in the Brisbane market is set out below:

- 29 Blockbuster stores
- 25 Video Ezy stores
- 21 Network Video stores
- 18 Civic Video stores
- 17 Video 2000 stores
- 11 Movies 4 U stores
- 3 Leading Edge stores
- 2 Top Video stores.<sup>3</sup>

In addition to these video chains, there were 19 independent stores, and a mobile hire business, Roadrunner.

The video stores are identified in Attachment 2.

---

<sup>2</sup> A video 'chain' for the purposes of this report is a group with at least 2 stores.

<sup>3</sup> . Subsequent to this study, the Top Video stores were acquired by Leading Edge.

## **METHODOLOGY**

### **OBJECTIVE**

The objective of the study was to obtain a snapshot of compliance with the markings and other requirements by hire outlets in Brisbane following the introduction of the new markings scheme in May 2005.

### **SCOPE**

The study involved an assessment of compliance in respect of:

- the required markings on classified DVDs and computer games offered for hire;
- the required markings on printed advertisements in the form of in-store posters and flyers for DVDs and computer games;
- the required markings on moving image in-store advertisements for DVDs (commonly known as “loop tapes”);
- the required markings on internet advertising and links to classification legends on websites of hire outlets;
- the required display of an approved notice providing classification information to consumers.

### **TIMING**

The study covered the Brisbane metropolitan area from Monday 19 September to Tuesday 20 September 2005, about four months after the commencement of the new marking requirements. The stores were relatively busy on these days because the timing of the study coincided with the first two days of school holidays in Brisbane.

The examination of the Australian-hosted websites for selected hire outlets was conducted on Thursday 22 September and Friday 23 September.

### **PRIORITIES FOR DATA COLLECTION**

For both DVDs and computer games, it was decided that there would be an emphasis placed on new releases. This was due to both the prominence and popularity of this category and also because the more recent products were more likely to be affected by the new markings scheme.

In addition to the priority category of new release DVDs and computer games, researchers were instructed to sample other categories in order to gather information on compliance in relation to speciality categories (for example, sporting, arthouse or other special interest DVDs).

The overall scheme in order of priority was as follows:

Priority	Category
1	New release DVDs
2	Recent release DVDs
3	New release computer games
4	Other computer games
5	Other categories of DVDs (eg sporting, arthouse or other special interest)

In addition to gathering data on DVDs and games, researchers were instructed to record information on the display of the approved notice and on advertising within the store including posters and flyers.

In order to achieve a good overall selection of products offered for hire, researchers were each assigned a range of letters from the alphabet that they were to cover in each store; for example, if a researcher was assigned “A to D”, in each store they recorded the titles in that letter range that were displayed in new release DVDS, recent release DVDs, new release computer games etc. This approach ensured that the group of researchers did not individually gather data on the same set of products in different stores.

Researchers were instructed to disregard DVDs and games for sale in video hire stores since a separate study of retail sales outlets was to be conducted.

For the audit of advertisements on websites, the “top ten” or “bestsellers” list for each website was assessed, which in the majority of cases included 10 DVD items.

## **EXCLUDED FROM THE STUDY**

As this study was designed to assess the implementation of the new markings scheme in relation to classified material available in the major video stores in the Brisbane metropolitan region, several types of material and sources of DVDs and computer games for hire were excluded.

In terms of the material available, the following were excluded:

- VHS video tapes;
- DVDs not legally available for hire in Queensland;
- DVDs and computer games sold as part of a newspaper or magazine package;
- posters advertising multiple titles.

In addition to these exclusions, the study did not include assessment for compliance with the requirements relating to consumer advice or the detailed aspects of size and placement of classification information on advertising materials.

In terms of the sources of DVDs and computer games offered for hire, the following were excluded:

- the mobile hire business operating in the Brisbane region;

- single, independent hire stores;
- adult stores;
- other sites such as internet cafes, amusement arcades or family centres.

## **ADDITIONAL REVIEW OF CATALOGUES**

In-store catalogues which feature multiple titles and which are used across the various stores in a video chain were not included in the study. A small collection of these catalogues was obtained by researchers and an informal review was undertaken. Comments on the advertisements in these catalogues are included in the ‘Analysis’ section of this report, although there is no assessment of these advertisements for compliance with the markings determination.

## **AVAILABILITY OF CLASSIFIED MATERIAL**

As mentioned above, the markings determination commenced on 26 May 2005. As at 19 September 2005, 2136 DVDs and 230 computer games had been classified for sale and hire since commencement of the markings determination.<sup>4</sup>

Details for these products were obtained from OFLC databases and used in determining which of the products reported by the researchers in Brisbane video stores were required to comply with the new markings scheme.

## **DATA COLLECTION, ANALYSIS AND REPORTING**

In order to achieve the level of coverage required for the various samples, six staff members from the OFLC were assigned to the selected video stores in designated regions of Brisbane. Each of the researchers was assigned six stores per day and five of the six researchers worked for two days each and one worked for one day, allowing a total number of 66 stores to be visited.

All researchers participated in a briefing provided by an experienced Community Liaison Officer. The briefing included a summary of the requirements under the markings determination and other requirements. In addition, researchers who had not previously participated in site visits received on-site training conducted by the Community Liaison Officer at a hire outlet in Sydney.

Data collected by the researchers was provided to an in-house data analysis team. This team also accessed and examined the website advertisements, examined the loop-tapes obtained from the video chains, and examined the printed flyers and the selection of catalogues which were obtained by the field researchers.

---

<sup>4</sup> A further 68 titles were the subject of dual applications for public exhibition and sale/hire. The list of 68 dual title applications was cross-checked against the titles recorded by the researchers in Brisbane and none of the titles had at that time been released for hire. Note that these lists do not include sale/hire applications for VHS, enhanced CD, encrypted files for download, Juicebox, or UMD.

Members of the in-house data analysis team worked with OFLC Strategy and Communication officers in compiling this report from the data.

## **SAMPLE**

### **Overview**

The sample comprised 2,695 items comprising:

- 1,527 DVDs
- 436 computer games
- 508 posters in video stores
- 72 advertisements on 2 flyers available in video stores
- 51 advertisements on 3 in-store loop tapes
- 36 advertisements on the websites of 4 video chains
- 65 notices located in video stores.

### **Sample of hire outlets**

A list of 145 video stores in the Brisbane region was compiled from information in the online versions of the *Yellow Pages* and the *White Pages*. Since the focus of the study was to be on compliance among the major hire outlets, it was decided to disregard single, independent stores and mobile businesses and to concentrate on stores that are part of a group comprising at least two outlets in Brisbane. The overall list of 145 stores was therefore reduced to the 123 stores of the eight video chains operating in Brisbane. These chains range from 2 stores to 29 stores in the chain, with the average number of stores being 16.

For chains with a number of stores in various regions of Brisbane, the stores were grouped into geographical categories (north, south, east, west, inner-city) in order to achieve good coverage of the greater suburban areas of Brisbane.<sup>5</sup> While ensuring that there was adequate representation of major chains with multiple stores, individual stores within these geographic categories were chosen at random.

The result of this selection process was a list of 66 stores covering the eight chains and the five geographic regions of Brisbane. Of this sample, 2 stores were found to have closed and were replaced by alternative stores on a reserve list.

The overall result was therefore 66 stores visited, representing approximately 46% of video stores in the greater Brisbane region.

The sample of stores has the following geographic distribution:

- 18 stores in the east (out of the 35 listed)
- 18 stores in north (out of the 35 listed)
- 13 stores in south (out of the 30 listed)
- 14 stores in west (out of the 30 listed)
- 3 stores in inner-city (out of the 15 listed).

---

<sup>5</sup> The “inner-city” locations were the inner-suburban areas of Annerley and New Farm, not Brisbane city.

The sample has the following distribution in relation to membership of the various video chains:

- 20 stores in the Blockbuster chain (out of 29)
- 14 stores in the Video Ezy chain (out of 25)
- 10 stores in the Network Video chain (out of 21)
- 9 stores in the Civic Video chain (out of 18)
- 9 stores in the Video 2000 chain (out of 17)
- 2 stores in the Movies 4 U chain (out of 11)
- 1 store in the Leading Edge chain (out of 3)
- 1 store in the Top Video chain (out of 2).<sup>6</sup>

## Sample of DVDs

A total of 1,527 DVD cases involving 1,262 titles were examined in the context of this study. A list of the DVD titles appears at [Attachment 3](#).

The 1,262 DVD titles had the following classifications:

- 89 titles classified G
- 198 titles classified PG
- 526 titles classified M
- 287 titles classified MA15+
- 162 titles classified R18+.

The methodology resulted in the recording of a very high proportion of new release DVDs available within the selected stores in Brisbane. Most individual titles available for hire as a new release DVD in these Brisbane stores were recorded at least once in the study.

While it is not possible to know the total number of DVDs offered for hire in Brisbane, we can provide an indication of all the *titles* to which the new markings would have applied: between 26 May 2005 and 19 September 2005, 2,136 DVD titles were classified for sale and hire. In this study, a total of 203 (marked in **bold** in Attachment 3) of the 1,527 DVDs (13%) included in the sample were classified on or after 26 May 2005 and were therefore required to carry the new classification markings. The relatively low number of products classified under the new markings system was a result of films classified earlier in the year under dual applications (for cinema release and sale/hire) being prominent in hire outlets at the time of the research. In addition, the total number of classified items includes material not legally available for hire in Queensland as well as substantial numbers of DVDs that are not ordered by video chains.

In addition to coverage of new releases, researchers obtained suitable data on recent release DVDs and other categories of DVDs such as sporting, arthouse, and other special interest categories. An example of “other special interest” was the Japanese animation (Manga) films.

---

<sup>6</sup> The total number of stores for each chain represents the number listed in the *White Pages* or the *Yellow Pages* in September 2005. Subsequent to this audit, the Top Video stores were acquired by Leading Edge.

Where there were few titles displayed in these categories, researchers also sampled categories such as “horror” and “action”.

In general, the content of the DVDs in the context of this study was not, of itself, of interest. However, the OFLC was interested in additional material that may be included on a DVD and which would not be part of a public exhibition of a film. This material includes additional or deleted scenes (including alternative endings), outtakes and bloopers, director’s commentary, interviews, featurettes and documentaries, still photographs and biographical notes, music video clips, and mini-games. This information is not able to be presented in quantitative terms and was collected as part of a separate exercise that relates to applications for classification on the part of distributors. As a result, information on this issue is not included in this Report.

### **Sample of computer games**

A total of 436 computer game cases involving 365 titles were examined in the context of this study. A list of the computer game titles appears at [Attachment 4](#).

Of the 436 computer games, 31 (7%) (marked in **bold** in Attachment 4) were classified on or after 26 May 2005 and were therefore required to carry the new classification markings. The relatively low number of recent games is a result of industry practice in releasing games onto the hire market some months after classification.

The 365 computer game titles had the following classifications:

- 82 titles classified G
- 85 titles classified PG or G (8+)
- 95 titles classified M
- 103 titles classified MA15+.

Most stores had a relatively small number of games on offer and as a result, the study covers most recent titles offered for hire in Brisbane.

The content of the games in the context of this study was not, of itself, of interest.

### **Sample of posters**

A total of 508 posters (492 for DVDs and 16 for games, involving 60 DVD titles and 12 computer game titles) were examined in the context of this study. A list of the poster titles for both DVDs and computer games is found at [Attachment 5](#).

The 60 DVD poster titles had the following classifications:

- 5 posters advertising DVDs classified G
- 10 posters advertising DVDs classified PG
- 34 posters advertising DVDs classified M
- 11 posters advertising DVDs classified MA15+
- 0 posters advertising DVDs classified R18+.

The 12 computer game poster titles had the following classifications:

- 2 posters advertising computer games classified G
- 3 posters advertising computer games classified PG or G (8+)
- 1 poster advertising computer games classified M
- 6 posters advertising computer games classified MA15+.

### **Sample of flyers**

A total of 5 single-page flyers were obtained from 5 different stores. Four of these comprised the same flyer from different branches of the one chain, all featuring 52 titles. This result was treated as one flyer advertising 52 titles. The other flyer was obtained from a different chain and featured 20 titles.

### **Sample of in-store audiovisual advertising – loop tapes**

A total of 3 in-store loop tapes were examined, featuring 19 titles, 28 titles and 4 titles respectively, giving a total of 51 titles. Of this, 44 separate film titles were advertised in the three tapes.

### **Sample of website advertisements**

The study included examination of the Australian-hosted websites of 4 hire chains. In total, 36 advertisements for DVDs were assessed. These advertisements were all for films classified on or after 26 May 2005. Since there were no specific rules for Internet advertising prior to the commencement of the new markings determination, website advertisements for films classified pre-26 May were disregarded.

### **Additional review of catalogues**

Although the study did not require researchers to obtain in-store catalogues, a collection of 10 catalogues was compiled from different stores for informal review. This included:

- 2 separate catalogues from one chain;
- 6 copies of what was found to be the same catalogue obtained from branches in another chain;
- 1 catalogue from a third chain;
- 1 catalogue from a fourth chain.

## **RELIABILITY AND VALIDITY OF THE SAMPLES**

This study is an audit of compliance in Brisbane over a 2 day period. While the findings cannot necessarily be generalised to other locations, the study of 2,695 items across 7 different categories of products and advertising is reliable and valid for Brisbane at this point in time.

## FINDINGS

### OVERALL

Overall, this study involved consideration of 2,695 items, ranging from DVDs and computer games to approved notices to posters and flyers.

The study found that while 2,370 (88%) items met the requirements, 325 breaches (12%) were also identified.

- 64 breaches relating to 52 DVD titles displayed with incorrect markings;
- 60 breaches relating to 53 computer game titles displayed with incorrect markings;
- 62 breaches relating to posters for 20 DVD titles with incorrect markings;
- 30 breaches relating to advertisements on flyers;
- 50 breaches relating to advertisement on loop-tapes;
- 28 breaches relating to markings or other requirements for website advertisements
- 31 breaches relating to the display of classification notices.

Table 1 is a summary of compliance levels by video stores. Given the statutory nature of the requirements, anything less than 100% compliance constitutes a breach.

Table 1 shows that compliance varied across video stores depending on the issue. Very good compliance levels were found in relation to the display of correct markings on older films and on posters and flyers for older films. Compliance in relation to DVDs classified since 26 May fell sharply in several cases.

Compliance was lower in respect of markings on cases for computer games classified since 26 May 2005.

Compliance was also low in respect of the display of the new approved notice and in respect of website advertisements and loop tapes.

Detailed results are provided in the following section.

	Correct classification markings on DVDs classified pre-26 May 2005	Correct classification markings on DVDs classified on or after 26 May 2005	Correct classification markings on computer games classified pre-26 May 2005	Correct classification markings on computer games classified on or after 26 May 2005	Correct classification markings on posters for DVDs classified pre-26 May 2005	Correct classification markings on posters for DVDs classified on or after 26 May 2005	Correct classification markings on posters for computer games classified on or after 26 May 2005	Correct classification markings on flyers for DVDs/computer games	Correct classification markings on loop-tapes for DVDs	Correct classification markings on website advertisements for DVDs	Display of approved notice
Video Store Chain 1	High	High	High	High	High	High	High		Low	Low	Mod
Video Store Chain 2	High	High	High	Low	High	High	High			High	High
Video Store Chain 3	High	Mod									High
Video Store Chain 4	High	High				High					Low
Video Store Chain 5	High	High	High	Low	High	High		Low	Low	Low	Mod
Video Store Chain 6	High					High					High
Video Store Chain 7	High	High	High	High	High	High		High	Low		Low
Video Store Chain 8	High	Mod	High	High	High	High	High			Low	Mod

**Table 1: Compliance with classification marking and advertising requirements by hire outlet chain.** Low = 0-33%, Moderate = 34-66%, High = 67-100%.

## DISPLAY OF DETERMINED MARKINGS ON DVDS AND COMPUTER GAMES

### DVDs

1,302 (98%) of the DVDs classified prior to 26 May 2005 correctly displayed the classification markings, meaning that 21 that were incorrectly marked (2%). These 21 breaches related to 18 different titles.

Of the 21 breaches, 17 (14 titles) were due to the display of the wrong classification and 4 (4 titles) were due to the absence of any marking. Table 2 provides a breakdown of the DVD titles which displayed the wrong classification, showing the correct classification and the marking that appeared on the DVD examined.

**Table 2 – DVDs Pre-26 May - Wrong Classification**

Title	Marking	Classification
Big Eden	M	PG
David & Goliath	PG	M
Dragon Ball Z Majin Buu – Hero's Farewell 5.4	M	PG
Fear X*	M	PG
House on Haunted Hill	M	MA 15+
Morvern Callar	MA 15+	M
Night of the Living Dead: 30th Anniversary Edition	R 18+	MA 15+
Persona Non Grata	MA 15+	M
Purple Storm	M	MA 15+
School of Life*	M	PG
Soundtrack to War	MA 15+	M
The Big Empty	MA 15+	M
Deadly Companions	PG	M
Zatoichi	M	MA 15+

\* These items include more than one copy of the title.

161 (79%) of the DVDs classified on or after 26 May 2005 correctly displayed the classification markings, meaning that 41 were incorrectly marked (21%). These 41 breaches related to 37 different titles.

Of the 41 breaches, 3 (3 titles) were due to the display of the wrong classification and 38 (31 titles) were due to the failure to use the new classification marking on a film classified since 26 May. Table 3 provides a breakdown of the DVD titles which displayed the wrong classification, showing the correct classification and the marking that appeared on the DVD examined.

**Table 3 – DVDs 26 May and after - Wrong Classification**

Title	Marking	Classification
Khakee	PG	MA 15+
Lady Death	M	MA 15+
White Noise#	M/MA 15+	M

#Matter relating to the use of take-home cases.

## Computer games

354 (87%) of the computer games classified prior to 26 May 2005 correctly displayed the classification markings, meaning that 51 that were incorrectly marked (13%). These related to 44 different titles.

Of the 51 breaches, 8 (8 titles) were due to the display of the wrong classification and 43 were due to the absence of any Australian marking. Table 4 provides a breakdown of the computer game titles which displayed the wrong classification, showing the correct classification and the marking that appeared on the game examined.

**Table 4 – Computer Games pre-26 May - Wrong Classification**

Title	Marking	Classification
Haunting Ground	MA 15+	M
Orphen: Scion of Sorcery	G	M
Outlaw Golf 2	M	MA 15+
Resident Evil Code: Veronica	M	MA 15+
Rogue Ops	M	MA 15+
Swat Global Strike Team	M	MA 15+
WWF Raw	MA 15+	M
WWF Smack Down Just Bring It	MA 15+	M

22 (71%) of the computer games classified on or after 26 May 2005 correctly displayed the classification markings, meaning that 9 that were incorrectly marked (29%). The breaches related to 9 different titles.

Of the 9 breaches, 1 was due to the display of the wrong classification, 6 (6 titles) were due to the failure to use the new classification marking on a film classified since 26 May, and 2 (2 titles) were due to the absence of any Australian marking. Table 5 provides a breakdown of the computer game title which displayed the wrong classification, showing the correct classification and the marking that appeared on the game examined.

**Table 5 – Computer Games 26 May and after - Wrong Classification**

Title	Marking	Classification
Kingdom Under Fire*	M	MA 15+

\* In addition to having the wrong classification type, these titles also used old markings

## ADVERTISING

### Posters

Of the 492 single-title posters for DVDs displayed in the video stores, 430 (87%) correctly displayed the determined markings. The 62 breaches related to 18 different DVD titles.

For posters advertising films classified before 26 May, compliance was 98% (105 out of a total of 107), compared to 84% (325 out of a total of 385) for posters advertising films classified on or after 26 May.

Both of the breaches relating to posters for films classified before 26 May were due to the absence of any classification marking. Of the 62 breaches relating to posters for films classified on or after 26 May, 35 (8 titles) were due to the failure to use the new classification marking on a film classified since 26 May; and 27 (10 titles) were due to the absence of any classification marking.<sup>7</sup>

Of the 16 posters for computer games displayed in the video stores, 16 (100%) correctly displayed the determined markings. All posters related to computer games classified before 26 May 2005.

## **Flyers**

Of the 2 flyers examined, the correct markings were shown for 42 of the 52 advertisements on one flyer (81%) and for none of the 20 advertisements on the other flyer (0%), making an overall compliance rate of 58%.

## **Loop tapes**

The 3 trailer loop tapes featured 51 titles. Of these, 24 of the advertisements were for films classified before 26 May.

None of the 19 advertisements featured on the first tape complied with the requirements; none of the 4 advertisements on the second tape complied; and only 1 of the 28 advertisements on the third tape (relating to a film classified prior to 26 May) complied. This gave an overall compliance rate of 2%.

The problems noted in the advertisements include:

- failure to show the classification information for at least 5 seconds before each trailer or for 10 seconds during each trailer;
- incorrect use of a combination box for classification information;
- use of a pack shot to provide classification information at the start of a trailer only;
- intermittent display of the classification marking for 3 seconds or less.<sup>8</sup>

## **Websites**

This study included 36 advertisements for films classified on or after 26 May 2005 on 4 Australian-hosted exhibitor websites.

Compliance with the requirement to display the correct classification was achieved by 25 (69%) of the 36 advertisements. Of the 11 breaches, 1 was due to the display of the wrong classification marking (the use of MA 15+ instead of M), 3 were due to the failure

---

<sup>7</sup> Three of the film titles appeared in more than one breach category for films classified on or after 26 May.

<sup>8</sup> Note that in this study the placement of consumer advice was not included in the identification of breaches in advertisements.

to use the new marking for films classified since 26 May, and 7 were due to the absence of any classification marking.

Compliance with the requirement to provide a link to a classification key or legend was achieved by 10 (28%) of the 36 advertisements.

Of the 36 advertisements, 8 (22%) correctly displayed the classification markings *and* provided the required link to a classification key or legend. All 8 advertisements complying with both requirements were on the website of 1 video chain.

## **DISPLAY OF THE APPROVED NOTICE**

66 video stores were visited and 65 were assessed for compliance with the requirement to display an approved notice.

Of these 65 stores, 37 (57%) displayed a current approved notice. A further 8 stores displayed a company-designed classification notice or a previous notice that was not the current approved notice.

Of the 37 stores which displayed the current notice, 34 stores displayed the notice in a prominent place.

Compliance with both requirements was therefore achieved by 34 stores out of the 65 stores assessed (52%), meaning that 31 stores (48%) were in breach of at least one of the requirements.

## ANALYSIS

### CLASSIFICATION MARKINGS ON DVDS AND COMPUTER GAMES

Overall, compliance with the classification marking requirements for hire outlets is very good in relation to DVDs with all chains having a compliance rate of 93% or above for DVDs classified before 26 May 2005. Since the vast majority of products available for hire are DVDs and since most of the compliance rates for DVDs were in the “high” category, this represents an excellent overall result for this section of the industry.

However, compliance is considerably lower for some chains in relation to more recent DVDs and (with the exception of one store) in relation to computer games. Only two chains achieved results in the “high” category for all categories of DVDs and computer games.

For two of the chains, compliance levels for DVDs subject to the new markings requirements decreased by at least 30%. This resulted in the 2 chains slipping into the “moderate” compliance category with results of 59% and 60% . The divergence between these stores and the stores with compliance rates of 85% and 90% (based on significant numbers of new stock) raises questions about the effectiveness of the compliance regimes used in some stores. Given that much of the product offered by these chains is the same, such divergent levels of compliance suggest a lack of understanding and awareness of the new scheme.

The practices which resulted in a failure to comply with the requirements included marking DVDs and games with the incorrect classification or using the old marking when the new marking should have been used. There were 38 examples of DVDs and 6 games which used the old marking when they should have used the new marking in addition to 20 examples of DVDs and 9 games using the wrong classification. While there were very few unmarked films (4), there were many more unmarked games (45). Considering that the total number of games examined was far fewer than the total number of DVDs (436 games compared to 1,527 DVDs), compliance practices in relation to games appear far less effective than those for DVDs.

Of the films and games which displayed the wrong classification (29 in total), 19 were due to the product being marked M instead of MA 15+ or the reverse. These errors are attributable to distributors rather than video stores. This finding could indicate either continuing confusion over the two categories, or a practice of labelling products in anticipation of the classification prior to notification by the OFLC. It should be noted that the smaller, independent distributors were responsible for all but 5 of the incorrectly marked DVDs.

In general, these cases may represent a failure on the part of the distributor to provide the correct markings. Since only 4 (4 titles) of the DVDs and games which displayed the wrong classification were classified after 26 May, it is hoped that the new coloured markings will help to more clearly distinguish the two categories, thereby providing assistance to distributors and video stores as well as consumers.

In the case of DVDs classified before 26 May, the 21 breaches are fairly evenly spread across 13 different distributors and relate to 18 titles, with no distributor responsible for more than 2 titles. In the case of DVDs classified on or after 26 May, the 41 breaches are spread across 13 distributors and relate to 34 titles. Three of the distributors in this category are prominent, with 8 breaches each.

The overall result for both categories (before or after 26 May) of DVDs and computer games was “high” compliance, although the result for computer games classified on or after 26 May was lower than for DVDs (71% compared to 79%). The most significant issue in relation to computer games was the failure to provide any classification markings. The fact that breaches of this kind were recorded for 51 games (44 titles) classified pre-26 May raises serious questions about past compliance strategies.

In relation to the 60 breaches recorded for computer games, 13 distributors were identified for the 53 titles involved. The OFLC recognises that to a large extent video store managers rely on distributors to provide them with correctly marked material. In addition, in the four months between the introduction of the new markings and the time of the audit it would be difficult for video shop managers to know whether material had been classified under the old scheme or the new scheme. It is reasonable to expect that in future video stores would develop practices that would ensure that all new products feature the new markings.

Similarly, the breaches identified in relation to computer games indicate that video stores themselves need to exercise more care in the display of games. OFLC researchers recorded a number of cases where computer games featured an overseas marking that was different from the Australian marking. Parallel importing of products is a possible explanation why classified product may not display the Australian classification markings. Industry advice is that parallel importing is more common within the rental sector than the retail sector.

Again, while video stores rely on distributors to provide correctly marked products, it is reasonable to expect that stores will be able to ascertain whether there is an Australian marking on computer games (whether the old mark or the new mark). In some cases, computer games which were clearly not exempt from classification had no classification markings. This ought to have been apparent at the time that the games were received from the distributor.

The OFLC will address separately matters relating to distributors, but a better understanding of the classification system by video store managers would help to ensure that such material is not offered for hire.

A further practice which needs attention is the labelling of slicks for take-home cases separately from the distributors’ slicks. Cases that are on display and cases which the consumer takes home should both be marked with the appropriate classification information. For the purposes of assessing breaches of the requirement, in this study take-home cases were not assessed separately from full display cases, provided that the take-home case was covered by a front display case. However, in some instances the display

case had been removed and the take-home case did not feature the relevant classification markings. One store displayed 59 games in the older format of a games platform for which the manufacturer's slick had been replaced with a standard in-house cover that displayed no classification markings.<sup>9</sup>

In other cases, errors had been made by a store which created its own slick and did not copy exactly the distributor version or artwork may have been obtained from sources other than the official distributor. Despite this, one chain did demonstrate full compliance in creating its own take-home slicks, indicating that greater care had been taken to comply with the markings requirements.

Improvement of markings on take-home cases would not only assist customers when selecting products in the store; it would assist in informing consumers' decisions about different audiences for the film at home.

Further, it is not uncommon for older games to be available in the rental sector. Such games may have classification marking stickers which can be removed. Over recent years, game distributors have increasingly moved to printing classification markings on the actual game slick and therefore this issue generally relates to older titles.

## **ADVERTISING**

This study indicates that overall, there is good observation of the rules relating to posters, especially in relation to DVDs and computer games classified under the system existing prior to 26 May 2005. There is a drop in compliance for posters advertising DVDs classified on or after 26 May.

Most posters are supplied by distributors and it appears that video store managers assume that distributors have complied with the markings requirements. In this study, the OFLC recorded 64 breaches in the 508 posters examined. These posters related to 20 titles of DVDs supplied by 10 distributors. Clearly, mistakes of this kind can have a significant impact since these posters may be displayed in a large number of outlets.

Some practices by video stores also affect compliance. One problem witnessed by OFLC researchers is the practice of adapting a correctly-marked poster in such a way that the marking is obscured or removed. For example, one video chain used standard-size poster frames which obscured the classification information. In several stores within this chain, the classification marking on posters was effectively removed by the use of these standard frames.

In other cases, individual video stores had adapted posters that were originally correctly labelled. For example, one store created a local promotional display by folding and cutting a number of posters and hanging them in a concertina effect from the ceiling. While this practice constituted an interesting advertising display for the film, it resulted in the removal of all classification information.

---

<sup>9</sup> Since the total number of DVDs and the format (rather than the individual titles) were recorded by the researcher, these cases are not included in the statistical results presented earlier in the report.

Parallel importing of products and associated advertising is a possible explanation why advertising may not display the Australian classification markings. Industry advice is that parallel importing is more common within the rental sector than the retail sector.

While the study did not involve a strict assessment of the size and placement of markings, comments from researchers indicate that there were a number of posters for which the classification information (including consumer advice) was not legible.

Care needs to be taken in such cases to ensure that the classification information is still clearly visible.

In addition, video stores need to be careful when creating flyers for films. The flyers examined in this study were not produced by distributors and passed on to video stores; instead, they were created in-store to advertise current or forthcoming titles. Whereas one store achieved a compliance rate of 81% for the 52 items advertised in its flyer, another store failed to provide correct information for any of the 20 items advertised in a flyer. This resulted from the store scanning two columns of pack shots onto a document which was printed or copied in colour. The titles of the films were all clearly visible but the pack shots did not feature the classification information. The video store would have met the requirements of the markings determination if it had inserted a line providing the classification information below each of the pack shots.

In contrast to these cases where some stores achieved good compliance rates and others did not, the video chains' practices in compiling loop tapes appear to need urgent attention. The fact that none of the three tapes examined achieved more than a 2% compliance rate indicates that the video chains either are not aware of the requirements relating to audio-visual advertising, or they do not fully understand the requirements or the consequences of non-compliance.

Even though one of these chains attempted to achieve best practice by including a 30-second classification system promotion at the beginning of the tape, the information displayed during the advertisements themselves was in most cases unreadable on a television screen or computer screen. Given the nature of the video store environment, it would be beneficial for classification information for each title to be present throughout the duration of each advertisement on a loop tape.

For website advertisements, results varied widely across the sites, with one site producing good results, and others failing to achieve compliance on a single item. While the majority of advertisements (25 of the 36) featured the correct marking, the video chains often failed to accompany the marking with the required link to a classification legend or key. In some cases, the site did not comply because a link that was provided was either out of date or incorrect, or the link was faulty. This meant that only 8 advertisements of one chain complied with the determination. In the case of another chain, 6 out of the 9 films advertised had no classification information, indicating a serious problem with compliance practices.<sup>10</sup>

---

<sup>10</sup> At the time of the snapshot, industry representatives had expressed concern about certain aspects of the marking requirements, particularly with the method of measure to be used to ensure compliance (i.e., pixels or centimetres).

Finally, although not formally part of this compliance report, a review of 10 in-store catalogues suggests that there is considerable variation across video chains for this form of advertising. Some chains appear to have very good practices, while others are in need of improvement. Practices identified in this informal review include:

- there were no markings;
- incorrect classification markings were used (eg “M 15+”);
- markings were not in lower left corner;
- markings on packshots were not of the correct size or were obscured or not legible;
- markings in multiple-title advertisements (other than packshots) were not near the title;
- no legend was provided or incomplete legends were provided (ie insufficient information);
- incorrect classification markings were used in legends;
- descriptions of classifications in legends were incorrect;
- there was no reference to a legend for other pages.

When the compliance results for loop tapes, flyers and websites and the comments on catalogues are taken together, it is possible to identify an issue of some concern to the OFLC. These are all forms of advertising that are usually the direct responsibility of either the head office of the video chain or the individual store. In contrast to the production of most posters and slicks for DVD and game cases, distributors have little or no input into flyers, loop tapes and websites and it is these forms of advertising which have the lowest compliance rates.

Overall, the fact that some video stores demonstrated very good compliance with advertising requirements indicates that compliance is achievable by all. However, the problems in relation to advertising mean that that despite the various opportunities for access to classification information, customers of some stores are likely to be poorly informed.

## **INFORMATION ABOUT THE MEANING OF CLASSIFICATIONS**

The statutory requirements for display of the approved notice at hire outlets and the inclusion of a legend on websites are designed to ensure that consumers receive information about the meaning of the classifications before they select a DVD or computer game. The notice and the legend include the classification and its description.

Some stores reported that the supply of notices was a matter handled by their head office and the failure to display a notice (or to remove an old notice) was attributable to the head office.

---

However, it should be noted that the majority of breaches identified in this study related to the failure to present any classification marking at all or to provide a working link to a current legend.

In a number of cases, the A4 version of the notice was on display, but its placement behind the counter meant that it was either not available to consumers until after they had selected products or, in some cases, was not seen at all. For example, in stores where an A4 poster was placed behind the counter, it was often too distant for consumers to read the print and/or was obscured by the staff serving behind the counter.

In some cases the posters were placed at the entrance to the store, just before a security detector. These notices were therefore in a “prominent” position and complied with the requirements of the markings determination, but they would be of little use in assisting a consumer when selecting from DVDs or computer games on display.

The low levels of compliance in respect of approved notices and legends may contribute to the low levels of understanding of the meanings of classifications highlighted in recent OFLC research. Although there was generally an understanding that there was a requirement to display a notice, this was understood in terms of compliance with a rule, rather than as a means of genuinely assisting consumers in making choices about DVDs and games.

It is not surprising that when obligations are understood in this way, there is little importance attributed to where the poster is placed or whether the poster is the most up-to-date version.

## CONCLUSION

This study has provided a useful insight into the compliance by hire outlets in the greater Brisbane area with requirements relating to advertising and display of markings on DVDs and computer games.

The study indicates that a strong culture of compliance with at least some aspects of the markings requirements had developed in video stores under the markings system that existed until May 2005.

The compliance issues identified relate to the application of the new classification markings as well the previous classification markings. The Queensland authorities will be alerted to the contents of this report. It is important to note that this information will be of value to other states and territories.

The key themes which emerge from this analysis of classification markings on DVDs and games are:

- This snapshot suggests that once a set of classification markings for popular products like DVDs is well established, understanding of the regulatory requirements will be strong and compliance will be high.
- Among video chains, there is wide variation in the availability of classification information and the level of understanding of the statutory requirements relating to the new markings.
- Video stores are more likely to be compliant in relation to the display and advertising of popular DVDs and less likely to understand and observe the rules relating to computer games.
- Greater attention to compliance on the part of video chains when compiling catalogue, loop tapes and website advertisements is required.
- Given the lower levels of compliance in relation to newer material, and the failure to display the approved notice at a number of stores, opportunities for consumers to learn and use the new classification markings are limited.
- Although individual stores rely to a large extent on their head office and on distributors to provide correctly marked products and advertising materials, a good understanding on the part of video store managers and a commitment to public education play an important role in the effective operation of the classification regime for hire outlets.

As observed above, it is reasonable to expect that as familiarity with the new markings grows, video stores will develop a better understanding of the scheme and higher rates of compliance.

However, one of the key findings of this study is that implementation of the new scheme will produce the most effective results if it is based on a philosophy of improved consumer awareness and education, rather than simple compliance with the statutory responsibilities. Effective provision of classification information is likely to be dependent on the approach of individual store managers and their staff who demonstrate a

willingness to understand the scheme and promote it within their stores. This in turn is likely to lead to more effective consumer awareness.

Overall, it can be concluded from the study that there is a need for routine monitoring of compliance with the markings determination.

In addition, there is a need for in-house compliance education by the various video chains in the areas of:

- prominently displaying the approved notices;
- displaying posters in a way which does not obscure classification markings;
- using classification markings on both display and take-home cases for DVDs and computer games;
- recognising that some markings on computer games are not Australian and referring these games to the distributor for correct classification markings;
- ensuring that care is taken in designing advertisements in flyers and catalogues and in compiling loop tapes;
- improving the ways in which advertisements on websites incorporate the classification markings and inform consumers about classification categories.

## **ATTACHMENT 1**

### **QUEENSLAND CLASSIFICATION ENFORCEMENT LAWS AND PENALTIES FOR NON-COMPLIANCE**

The complementary classification enforcement laws in Queensland are:

- for films – *Classification of Films Act 1991*
- for computer games – *Classification of Computer Games and Images Act 1995*.

#### **Films**

The obligations of video stores under the Queensland legislation for films include:

- DVDs displayed or offered for sale or hire must bear the determined markings and any applicable consumer advice (section 29);
- stores must prominently display the approved classifications notice (section 30);
- advertisements must display the determined markings and consumer advice (section 27).

Further, the Queensland legislation for films prohibits the displaying, selling or renting of DVDs that are:

- classified films improperly marked as having no classification or with the incorrect classification (section 36).

#### **Computer games**

The obligations of video stores that display, sell or rent computer games under the Queensland legislation for computer games include:

- computer games displayed or offered for sale or hire must bear the determined markings and any applicable consumer advice (section 14);
- stores must prominently display the approved classifications notice (section 15);
- advertisements must display the determined markings and consumer advice (section 12).

Further, the Queensland legislation for computer games prohibits stores from displaying, selling or renting computer games that are:

- classified computer games improperly marked as having no classification or the incorrect classification (section 21).

A summary of these provisions is set out in the tables below.

## Relevant Queensland classification enforcement laws and penalties for non-compliance

<b>Films – Classification of Films Act 1991</b>	<b>Requirement</b>	<b>Section</b>	<b>Penalty</b>
	Displaying advertisements for classified films without determined markings and any consumer advice in correct form and clearly visible	Section 27	10 penalty units (\$750)
	Displaying advertisements for classified films with the incorrect classification or an indication that the film is unclassified	Section 28	60 penalty units or 6 months imprisonment (\$4,500)
	Films displayed, sold or rented must bear determined markings and consumer advice	Section 29	10 penalty units (\$750)
	Failure to display classification notice	Section 30	10 penalty units (\$750)
	Displaying, selling or renting classified films improperly marked as not classified or with the incorrect classification	Section 36	60 penalty units or 6 months imprisonment (\$4,500)

<b>Computer games – Classification of Computer Games and Images Act 1995</b>	<b>Requirement</b>	<b>Section</b>	<b>Penalty</b>
	Displaying advertisements for classified computer games without determined markings and any consumer advice in correct form and clearly visible	Section 12	10 penalty units (\$750)
	Displaying advertisements for classified computer games with the incorrect classification or an indication that the computer game is unclassified	Section 13	60 penalty units (\$4,500)
	Computer games displayed, sold or rented must bear determined markings and consumer advice	Section 14	10 penalty units (\$750)
	Failure to display classification notice	Section 15	10 penalty units (\$750)
	Displaying, selling or renting classified computer game improperly marked as not classified	Section 21	60 penalty units or 6 months imprisonment (\$4,500)
	Displaying, selling or renting classified computer game improperly marked with a different classification to its classification	Section 21	60 penalty units or 6 months imprisonment (\$4,500)

### Notes

- In Queensland, at the time of this research, a penalty unit was valued at \$75.00.
- The two acts provide that ‘sale’ includes the hire of a film or computer (section 3A of the Films Act and section 3 plus Schedule 2 of the Computer Games Act).

The sections of the Queensland acts are reproduced below. The Queensland legislation is available at:

- For films - <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ClassFilmsA91.pdf>
- For computer games - <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ClassComGamA95.pdf>.

## **CLASSIFICATION OF FILMS ACT 1991**

### **27 Advertisement to contain determined markings and consumer advice**

(1) A person must not publish an advertisement for a classified film unless its determined markings and consumer advice (if any) are--

- (a) contained in the advertisement; and
- (b) displayed--
  - (i) in the way the director determines under the Commonwealth Act;<sup>14</sup> and
  - (ii) so they are clearly visible, having regard to the advertisement's size and nature.

Maximum penalty--10 penalty units.

(2) If a film is reclassified, display of the determined markings and consumer advice applicable to the film before reclassification is sufficient compliance with subsection (1) for the 30 day period immediately after the reclassification takes effect.<sup>15</sup>

### **28 False advertising of films prohibited**

(1) A person must not publish, or attempt to publish, an advertisement for a classified film that indicates--

- (a) that the film is unclassified; or
- (b) that the film has a classification other than its classification under the Commonwealth Act.

Maximum penalty--60 penalty units or imprisonment for 6 months.

(1A) If a film is reclassified, display of the determined markings and consumer advice applicable to the film before reclassification is sufficient compliance with subsection (1) for the 30 day period immediately after the reclassification takes effect.<sup>16</sup>

(2) A person must not publish, or attempt to publish, an advertisement for an unclassified film if the advertisement has not been approved by the censor.

Maximum penalty--

- (a) in the case of an objectionable film--60 penalty units or imprisonment for 6 months; or
- (b) in any other case--10 penalty units.

### **29 Markings and consumer advice on containers**

A person must not display for sale or sell, or attempt to display for sale or sell, a film unless the container, wrapping or casing in which the film is so displayed or sold bears the determined markings for its classification and its consumer advice (if any).

Maximum penalty--10 penalty units.

### **30 Display of information about classification**

(1) A person who sells, or attempts to sell, a classified film on premises open to the public must keep a classification notice displayed in accordance with subsection (2).

Maximum penalty--10 penalty units.

(2) The notice must be displayed in a conspicuous place and in a way that it can be conveniently read by any person on the premises.

### **36 Display and sale of improperly marked classified films**

A person must not display for sale or sell, or attempt to display for sale or sell, to a person a classified film if the container, wrapping or casing in which the film is contained bears a mark or other matter indicating that the film is not classified or that the film has a classification other than its classification under the Commonwealth Act.

Maximum penalty--60 penalty units or imprisonment for 6 months.

## **CLASSIFICATION OF COMPUTER GAMES AND IMAGES ACT 1995**

### **12 Advertisement to contain determined markings and consumer advice**

(1) A person must not publish an advertisement for a classified computer game unless its determined markings and consumer advice (if any) are--

- (a) contained in the advertisement; and
- (b) displayed--
  - (i) in the way the director decides under the Commonwealth Act;<sup>6</sup> and
  - (ii) so they are clearly visible, having regard to the advertisement's size and nature.

Maximum penalty--10 penalty units.

(2) If a computer game is reclassified, display of the determined markings and consumer advice applicable to the game before reclassification is sufficient compliance with subsection (1) for the 30 day period immediately after the reclassification takes effect.<sup>7</sup>

### **13 False advertising of computer games**

(1) A person must not publish, or attempt to publish, an advertisement for a classified computer game indicating the computer game is unclassified or has a classification other than its classification under the Commonwealth Act or this Act.

Maximum penalty--60 penalty units.

(2) A person must not publish, or attempt to publish, an advertisement for an objectionable computer game.

Maximum penalty--60 penalty units or imprisonment for 6 months.

### **14 Markings and consumer advice on containers**

A person must not sell, or attempt to sell, a computer game unless the container, wrapping or casing in which the computer game is contained, bears the determined markings for the game's classification and its consumer advice (if any).

Maximum penalty--10 penalty units.

### **15 Display of classifications notices**

(1) A person who sells, or attempts to sell, a classified computer game in a public place must keep a classifications notice for computer games, or, if the computer game is a film under the Commonwealth Act, a classifications notice for films, displayed prominently in the public place so it is clearly visible to the public.

Maximum penalty--10 penalty units.

(2) In this section--

classifications notice means a notice, in the form approved by the director and published in the Commonwealth gazette, about--

- (a) for computer games--the classifications for computer games; or
- (b) for films--the classifications for films.

### **21 Sale of improperly marked classified computer games**

A person must not sell, or attempt to sell, a classified computer game if the container, wrapping or casing in which the computer game is contained bears a mark or other thing indicating the computer game is not classified or has a classification other than the classification it has under this Act.

Maximum penalty--60 penalty units or imprisonment for 6 months.

## ATTACHMENT 2

### VIDEO STORES IN THE BRISBANE METROPOLITAN AREA

#### Brisbane - September 2005

Shading indicates stores visited by the OFLC for this compliance report

Company Name	Street Address	Suburb	Direction
Civic Video	1968 Sandgate Rd	Boondall	North
Civic Video	Calamvale Court Market Place Shop 20 Nottingham St	Calamvale	South
Civic Video	Unit 6-9/ 2 Finucane Rd	Capalaba	East
Civic Video	805 Sandgate Rd	Clayfield	North
Civic Video	Shore St (cnr Wellington St)	Cleveland	East
Civic Video	Shop 4/ 915 Stanley St	East Brisbane	Inner
Civic Video	5/ 218 Padstow Rd	Eight Mile Plains	East
Civic Video	Everton Park Village Fair 97 Flockton St	Everton Park	North
Civic Video	Great Western Shopng Cntr Settlement Rd	Keperra	North
Civic Video	Park Village Shopping Centre Horizon Drv	Middle Park	West
Civic Video	Morningside Central Shop 21/ 25 Junction Rd	Morningside	East
Civic Video	Civic Fair Shopng Cntr Newnham Rd	Mt Gravatt	South
Civic Video	1/ 151 Baroona Rd	Rosalie	West
Civic Video	Shop 1/ 80 Loudon St	Sandgate	North
Civic Video	Shop 1 Monier Rd	Seventeen Mile Rocks	West
Civic Video	70 Little Edward St	Spring Hill	Inner
Civic Video	T7 Taringa Metro 189 -191 Moggil Rd	Taringa	West
Civic Video	1795 Wynnum Rd	Tingalpa	East
Blockbuster	Alexandra Hills Shopping Cntr Cambridge Rd	Alexandra Hills	East
Blockbuster	Cornwall St (cnr Ipswich Rd)	Annerley	Inner
Blockbuster	260 Waterworks Rd	Ashgrove	Inner
Blockbuster	Aspley Tower 1289 Gympie Rd	Aspley	North
Blockbuster	Bellbowrie Plaza Shp 20 Birkin Rd	Bellbowrie	West
Blockbuster	Bracken Ridge Plaza Shp 25 Telegraph Rd	Bracken Ridge	North
Blockbuster	5 Princess St	Bulimba	East
Blockbuster	Beaudesert Rd (Cnr Kameruka St)	Calamvale	South
Blockbuster	1909 Creek Rd	Cannon Hill	East
Blockbuster	Lot 4 Old Cleveland Rd (cnr Raymond St)	Capalaba	East
Blockbuster	The Metropol Shp 9 Pine Mountains Rd (cnr Creek Rd)	Carindale	East
Blockbuster	Rode Rds (cnr Appleby Rd)	Chermside	North
Blockbuster	Empire Shopping Centre Shp 5 18 Shore St	Cleveland	East
Blockbuster	Bennetts Rd (cnr Old Cleveland Rd)	Coorparoo	East
Blockbuster	491 South Pine Rd	Everton Park	North
Blockbuster	"The Lakes Centre" Shp 1c/ 251 Forest Lake Blv	Forest Lake	West
Blockbuster	1/ 34 Coonan St	Indooroopilly	West
Blockbuster	Allsports Shopng Vlge Sinnamon Rd	Jindalee	West

Blockbuster	Kenmore Village Shopping Centre Shp 58 Brookfield Rd	Kenmore	West
Blockbuster	472 Lutwyche Rd	Lutwyche	North
Blockbuster	684 Wynnum Rd	Morningside	East
Blockbuster	1230 Logan Rd	Mt Gravatt	South
Blockbuster	Shp 1/ 458 Brunswick St	New Farm	Inner
Blockbuster	Bage St (cnr Sandgate Rd)	Nundah	North
Blockbuster	17 -27 Cinderella Drv	Springwood	South
Blockbuster	Strathpine Plz Shop 9 Bells Pocket Rd	Strathpine	North
Blockbuster	McCullough St (cnr Mains Rd)	Sunnybank	South
Blockbuster	Lvl 1/ 50 Sherwood Rd	Toowong	North
Blockbuster	96 Tingal Rd	Wynnum	East
Video Ezy	666 Ipswich Rd	Annerley	South
Video Ezy	7 Ashgrove Rd	Ashgrove	North
Video Ezy	3/ 106 Birkdale Rd	Birkdale	East
Video Ezy	67 Redland Bay Rd	Capalaba	East
Video Ezy	Scrub Rd (cnr Old Cleveland Rd)	Carindale	East
Video Ezy	Webster Rd (cnr Gympie Rd)	Chermside	North
Video Ezy	Bloomfield St (cnr Ross Crt)	Cleveland	East
Video Ezy	Logan Rd (cnr Sackville St)	Greenslopes	East
Video Ezy	Wirraway Pde Cntr Partridge St	Inala	West
Video Ezy	Shop 4/ 9 Marshall La	Kenmore	West
Video Ezy	421 Brunswick St	New Farm	Inner
Video Ezy	85c Buckland Rd	Nundah	North
Video Ezy	Stradbroke St	Redland Bay	East
Video Ezy	3 Centre Pl	Rochedale South	South
Video Ezy	Compton Centre Shop 11, Condamine Rd	Runcorn	South
Video Ezy	Shop 7/ 699 Sherwood Rd	Sherwood	West
Video Ezy	Chatswood Central Chatswood Rd	Springwood	South
Video Ezy	221 Stafford Rd	Stafford	North
Video Ezy	Gympie Rd (cnr Stanley St)	Strathpine	North
Video Ezy	Sunnybank Beenleigh Rd	Sunnybank Hills	South
Video Ezy	Shop 21/ 165 Moggill Rd	Taringa	West
Video Ezy	858 Waterworks Rd	The Gap	North
Video Ezy	Shop 204 142 Newmarket Rd	Windsor	North
Video Ezy	Shop 12/ 590 Mt Gravatt-Capalaba Rd	Wishart	South
Video Ezy	106 Tingal Rd	Wynnum	East
Network Video	63 Racecourse Rd	Ascot	North
Network Video	406 Milton Rd	Auchenflower	West
Network Video	185 Belmont Rd	Belmont	West
Network Video	1396 Creek Rd	Carina	East
Network Video	135 Orange Grove Rd	Coopers Plains	South
Network Video	100 Days Rd	Grange	North
Network Video	125 Biota St	Inala	West
Network Video	34 Goggs Rd	Jindalee	West
Network Video	62 Looranah St	Jindalee	West

Network Video	Shop 6/ 177 Osborne Rd	Mitchelton	North
Network Video	116 Beaudesert Rd	Moorooka	South
Network Video	116 Wellington St	Ormiston	East
Network Video	179 Given Tce	Paddington	Inner
Network Video	Shp 9/ 441 Algester Rd	Parkinson	South
Network Video	Garden Rd (cnr Progress Rd)	Richlands	South
Network Video	51 Island Outlook Ave	Thornlands	East
Network Video	161 Florence St	Wynnum	East
Network Video	Fairfield Rd (cnr Kadumba St)	Yeronga	South
Network Video	146 Blunder Rd	Oxley	West
Network Video	Shp 2/ 20 Bogong St	Riverhills	West
Network Video	Shp 16/ 633 Beenleigh Rd	Sunny Bank Hills	South
	.		
Movies 4 U	Central Park 188 Algester Rd	Algester	South
Movies 4 U	409 Milton Rd	Auchenflower	West
Movies 4 U	Shop 2, 135 Redland Bay Rd	Capalaba	East
Movies 4 U	27 Daisy Hill Rd	Daisy Hill	South
Movies 4 U	"Al Fresco" 1417- 1419 Anzac Ave	Kallangur	North
Movies 4 U	Cnr Fairfield Rd & Devon St	Yeronga	South
Movies 4 U	Birkdale Gardens Shopping Centre	Birkdale	East
Movies 4 U	McDowall Shopping Village Centre Cnr Beckett & Hamilton Rds	McDowall	North
Movies 4 U	56 Mt Gravatt-Capalaba Rd	Upper Mt Gravatt	South
Movies 4 U	99 Wondall Rd	Wynnum West	East
Video 2000	1374 Gympie Rd	Aspley	North
Video 2000	14/ 162 Barrett St	Bracken Ridge	North
Video 2000	Shop 27 Inala Town Centre 156 Inala Ave	Inala	West
Video 2000	Shop 2/304- 318 Wardell St	Enoggera	North
Video 2000	546 Lutwyche Rd	Lutwyche	North
Video 2000	Shop 1- 4 Mayfield Rd	Moorooka	South
Video 2000	Shop 22/ 258 Warrigal Rd	Runcorn	South
Video 2000	2 Fourth Ave	Sandgate	North
Video 2000	1000 Waterworks Rd	The Gap	North
Video 2000	Shop 1 Alfresco Express 167 Hamilton Rd	Wavell Heights	North
Video 2000	85 Russell St	West End	Inner
Video 2000	Shop 3 Corner House 210 West Ave	Wynnum West	East
Video 2000	1/ 40 Handford Rd	Zillmere	North
Video 2000	Samual Village No. 2 - 17 Samuel St	Camp Hill	East
Video 2000	232 Oxley Rd	Graceville	West
Video 2000	1888 Logan Rd	Upper Mt Gravatt	South
Video 2000	Shop 5 13 Toombul Rd	Virginia	North
Leading Edge	144 Indooroopilly Rd	Taringa	West
Leading Edge	Shop 5, 668 Toohy Rd	Salisbury	South
Leading Edge	Shop 15, Mayfair Village on Manly, Cnr Hargreaves & Manly Rds	Manly West	East
Top Video	349 Ridding Rd	Balmoral	East

	Cnr Fairfield Rd & Ashby	Fairfield	South
A Fitz's Mobile Movies		Carindale	East
Auchenflower Video	409 Milton Rd	Auchenflower	West
Chinese Video Shop	206 Wickham St	Fortitude Valley	Inner
Darra Video	27 Railway Pde	Darra	West
East Coast Video	285 Given Tce	Paddington	Inner
Gailey Fiveways Video	144 Indooroopilly Rd	Taringa	West
Go Video Moorooka	116 Beaudesert Rd	Moorooka	South
Hong Kong Video	Mains Rd	Sunnybank	South
Lightsource Video Rentals & Services	15 Melissa St	St Wynnum West	East
Lin & Company	Shop 5 Yellow Gold Arcade 173 Wickham St	Fortitude Valley	Inner
Movie City		Annerley	Inner
Northside Home Delivery	129 Redwood St	Stafford Heights	North
Premiere Video	537 Old Cleveland Rd	Camp Hill	East
Southside DVDS Direct	PO Box 4053	St Lucia	West
Trash Video	73 Vulture St	West End	Inner
Video Sexy	372 Kingston Rd	Slacks Creek	South
Videoland	166 Abbotsford Rd	Bowen Hills	Inner
Vina Video	Shop 10 Kittyhawk Ave	Inala	West
Y Video	600 Sherwood Rd	Sherwood	West
Roadrunner Mobile Movies	1300 788 375	Brisbane	
Roadrunner Mobile Movies	0418 432 081	Chermside	
Roadrunner Mobile Movies	0413 862 616	Runcorn	
Roadrunner Mobile Movies	0407 575 200	Springwood	

## SUMMARY OF BRISBANE VIDEO HIRE MARKET

COMPANY	N	S	E	W	I	TOTAL
Blockbuster	8	4	8	5	4	29
Video Ezy	7	6	7	4	1	25
Civic Video	5	2	5	4	2	18
Network Video	3	6	4	7	1	21
Movies 4 U	2	4	4	1	0	11
Video 2000	9	3	2	2	1	17
Leading Edge	0	1	1	1	0	3
Top Video	0	1	1	0	0	2
Independent	1	3	3	6	6	19
Roadrunner	0	0	0	0	0	0
<b>TOTAL</b>	<b>35</b>	<b>30</b>	<b>35</b>	<b>30</b>	<b>15</b>	<b>147</b>

Source: White Pages & Yellow Pages  
Roadrunner is a mobile hire business. Duplicate entries have also been excluded.