

THE FILM DISTRIBUTION AND EXHIBITION CODE OF CONDUCT

TRAINING KNOWLEDGE QUIZ

After completing the relevant training, the following are some questions to check your knowledge and understanding of the Code:

Q1) Fair Dealing

The Code of Conduct for Film Distribution and Exhibition (the Code) says that distributors and exhibitors will deal with each other in a fair and equitable manner. In addition to compliance with the Code, which of the following should be considered:

- a) the legitimate commercial objectives of the distributor and exhibitor
- b) the relative bargaining strengths of the distributor and the exhibitor
- c) whether a party is able to understand documents relating to the transaction or proposed transaction that are supplied by the other party
- d) All of the above

Q2) Combating Piracy

Which of the following parties are responsible for combatting film piracy in cinemas?

- a) Production
- b) Distribution
- c) Exhibition
- d) All of the above

Q3) Supply of Film Copies

Can a distributor defer or withhold supply of a film to an exhibitor if that distributor believes the exhibitor has not adequately addressed piracy risks?

- a) No
- b) Yes but only until the exhibitor has appropriately addressed the piracy risk
- c) No, not even if the parties have negotiated amended terms of supply

Q4) Supply of Film Copies

Each distributor must make its decisions as to whether an exhibitor will be offered supply of a Film Copy based on genuine commercial reasons. Can a distributor decide not to supply a film to an exhibitor because of a previous dispute?

- a) Yes
- b) No
- c) Maybe, it depends on the nature of the dispute

Q5) Supply of Film Copies

Which of the following is a legitimate commercial reason for a distributor to refuse to supply a Film Copy to an exhibitor?

- a) The expected success of the film
- b) The payment history of the exhibitor
- c) The general condition and facilities of the cinema
- d) The extent of the exhibitor's proposed marketing and promotional activities
- e) All of the above
- f) None of the above

Q6) Flexibility of Trading Terms

The Code states that contracts should be negotiated freely and allow flexibility. Which of the following issues do not require flexibility when negotiating trading terms?

- a) Supply to a nearby competing cinema
- b) Film Hire rates
- c) Session requirements
- d) Bonds and guarantees

Q7) Flexibility of Trading Terms

Can an exhibitor who refuses to negotiate individual terms with a distributor continue to trade with that distributor?

- a) Yes but only on the basis of that distributor's prevailing film policy
- b) Yes but only on the basis of the terms of a previous negotiation
- c) No

Q8) Supply of Information

If an exhibitor schedules a film based on estimate information supplied by the distributor and that information subsequently proves to be materially inaccurate, does the exhibitor have any recourse against the distributor?

- a) Yes
- b) No
- c) It depends on the circumstances

Q9) Supply of information

Which of the following statements is not true?

- a) Exhibitors will supply distributors with cinema-by-cinema and film-by-film box office receipts
- b) Exhibitors may withhold box office returns if they believe that information will result in an unfair advantage to a competitor
- c) Distributors must provide exhibitors with the intended duration of the theatrical release window
- d) Distributors must share information about the nature and extent of promotional and media activities in relation to the release of a film

Q10) Supply of Information

Can an exhibitor refuse a film copy from a distributor?

- a) No
- b) Yes, exhibitors may refuse a film copy without providing a reason to the distributor
- c) Yes, but only if the exhibitor provides commercial reasons to the distributor

Q11) Terms of Trade Policies

After a distributor updates their Terms of Trade policy, when must they notify exhibitors?

- a) Terms of Trade do not need to be formally distributed to exhibitors
- b) Terms of Trade must be provided to the Code Conciliator only
- c) Terms of Trade must be provided to exhibitors and the Code Conciliator one month before the amended terms come into force
- d) Terms of Trade must be provided to exhibitors at the time of booking a film

Q12) Terms Of Trade Policies and Guidelines

Unless otherwise dealt with in the distributor terms of trade, an exhibitor will inform the distributor if it intends to reduce the agreed sessions for a booking:

- a) In the first three days of the release of a film
- b) In the first week of the release of a film
- c) In the first two weeks of the release of a film
- d) Exhibitors are not required to inform the distributor about reductions in sessions.

Q13) Terms Of Trade Policies and Guidelines

When must a distributor make exhibitors aware of any amendments to its Terms of Trade Policies and Guidelines?

- a) When negotiating a new film booking
- b) At the time the amended Policies and Guidelines come into force
- c) One month before the amended Policies and Guidelines come into force

Q14) Supply of Information

Can an exhibitor stop a distributor from supplying a competing exhibitor?

- a) Yes, if the exhibitor can provide a reason for this request
- b) No, exhibitors may not prevent a distributor from supplying films to a competitor
- c) It depends on the genuine commercial considerations of the exhibitor
- d) It depends on the genuine commercial considerations of the distributor

Q15) Exhibition Obligations

An exhibitor must supply the following information in a timely manner to the respective distributor

- a) accurate weekly box office returns on a film-by-film basis
- b) accurate weekly box office returns on a session-by-session basis
- c) total receipts and number of paid and complimentary admissions
- d) all of the above
- e) (a) and (c) only

Q16) Dispute Resolution Procedures - Informal

If there is a dispute between parties and discussions with the appropriate representative of the other party have not led to a resolution, the next step for the complainant should be to:

- a) Request that the Code Conciliator resolve the complaint
- b) Discuss the dispute with the Managing Director of the other party
- c) Notify the ACCC

Q17) Dispute Resolution Procedures – Conciliation

If a dispute is not resolved in the informal dispute resolution process, the next step for the complainant should be to:

- a) Notify the ACCC
- b) Take legal action
- c) Raise the complaint in writing with the other party by way of a Notice of Dispute
- d) Immediately refer the matter to the Conciliator

Q18) Dispute Resolution Procedures – Conciliation

If two or more distributors or exhibitors have similar disputes with another company, can the parties agree to try to jointly resolve the dispute?

- a) Yes, but only if all the parties jointly agree to share information to the extent permitted by law
- b) No, two parties may not jointly resolve disputes with a third party
- c) Only small to medium sized companies are permitted to do this

Q19) Conciliation Proceedings

Can parties have legal representation in a formal conciliation?

- a) Yes if the representative is an in-house employee of the party
- b) Yes if a non-employee legal representative does not present the party's position to the Conciliator.
- c) Yes if the conditions of either (a) or (b) are met
- d) No – parties are not allowed legal representation in the conciliation process

Q20) Education

Exhibition and distribution staff who deal with each other must receive annual Code training, with new staff to be trained within:

- a) 7 business days.
- b) 20 business days
- c) 30 business days
- d) 3 months of commencing in the relevant role