

On 1 March 2014, new entertainment industry laws came into operation in NSW. This fact sheet has been designed to assist performers in understanding their rights and the obligations of their representatives under the Entertainment Industry Act 2013.

Your representative is obliged to give you this fact sheet at the commencement of your agreement. If you entered into an entertainment industry contract prior to 1 March 2014, you should have received this information sheet within 30 days of the commencement of the new Act.

What is the role of a performer representative?

The role of a performer representative includes providing one or more of the following services:

- seeking or finding work opportunities for you
- negotiating terms and conditions of an agreement for a performance
- finalising arrangements relating to payments due to you
- negotiating arrangements relating to your attendance at a performance
- administering the agreement between you and an entertainment industry hirer, and
- making arrangements for publicity attendances and related publicity responsibilities

The above services are provided under an *entertainment industry agreement*.

Fees

Your performer representative may charge you fees for services provided under the *entertainment industry agreement*.

If you are involved in film, television or media you can be charged a maximum of 10% of the total amount due to you for your performance.

If you are involved in live theatre, or a live musical or variety performance you can be charged up to 10% for any period up to 5 weeks but only up to 5% for any time after that.

A performer representative must not charge fees above these amounts unless they are also providing you with career management services and you have agreed to these in writing in what is called an *entertainment industry managerial agreement*.

Please also be aware that you cannot be charged a fee merely for joining or auditioning to join or entering into a contract with a performer representative.

What is an entertainment industry managerial agreement?

An entertainment industry managerial agreement is an agreement in writing that recognises the additional services provided by a performer representative regarding the management of your reputation, career or career development.

If you decide to enter into this type of agreement it must contain an 'additional fee acknowledgement' that makes it clear you will be charged fees in excess of the fee caps in return for the performer representative providing managerial services.

Cooling off period

Performers who sign a managerial agreement are entitled to a cooling-off period of 3 days in which they can seek advice about the arrangement they have entered into and if they wish, terminate the agreement without penalty.

If you decide not to continue an agreement, you must tell the representative that you are terminating the agreement within three days from the time the agreement is signed.

If you choose to do so, you can elect to waive the right to a cooling-off period but this must be in writing at the time the agreement is signed.

When should I be paid?

If any monies received by the performer representative on your behalf are not paid immediately then they must be placed in a trust account and paid to you within 14 days of receipt.

Children in the entertainment industry

If you are the parent of a performer who is a child then you must also be provided with the Children's Guardian fact sheet which outlines certain obligations on employers and others who work with children in the entertainment industry.

The fact sheet is available at www.kidsguardian.nsw.gov.au

Code of conduct

The new laws also contain a code which provides performer representatives with clear guidance on the standards of service required to ensure professional and ethical conduct when providing services to performers.

The code is complemented by a range of compliance measures to ensure the proper regulation of the entertainment industry and protection of performers.

A copy of the code is available at www.industrialrelations.nsw.gov.au. It's a good idea to read the code and familiarise yourself with the standard of service you can expect from your representative.

Existing contracts

If you entered into an entertainment industry contract before 1 March 2014 the rules about fees contained in the old Entertainment Industry Act and Regulations continue to apply to you until the contract expires (not including any period of renewal or extension) or until 1 March 2015, whichever date occurs first.

Once your contract finishes the new rules about fees and entertainment industry managerial agreements will apply to you and your representative.

NSW IR contact details

Should you have any questions about your rights and the obligations of performer representatives in the entertainment industry please contact NSW Industrial Relations on 131 628.