

Entertainment Industry A guide for performers



Important information for performers in the entertainment industry

Performers such as actors, singers, dancers, acrobats, models and musicians should be aware that in New South Wales anyone who obtains or organises work on their behalf must hold an appropriate entertainment industry representative licence.

The licences are administered by the NSW Industrial Relations (NSW IR).

Entertainment industry representative licences

As a performer you should be aware that it is illegal for a person to carry on, or advertise that they carry on, the business of an entertainment industry agent, manager or venue consultant unless the person holds the licence which authorises the activity.

Licences are granted on an annual basis to fit and proper persons.

The *Entertainment Industry Act 1989* (the Act) imposes restrictions on the fees that may be charged by licensed agents and managers and requires the creation of proper accounting arrangements – including trust accounts in certain circumstances.

There are three different licence categories for entertainment industry representatives.

A person may require more than one type of licence according to the range of activities they conduct.

What types of licences are there?

Entertainment Industry Agent (agent) – a person who, for financial benefit, carried out

any one or more of the following activities on behalf of a performer:

- seeking or finding work opportunities
- negotiating the terms of an agreement for a performance and the conditions of that performance
- finalising arrangements concerning the payment of a performer
- negotiating arrangements relating to the attendance of the performer at an event
- administering the contract of a performer with an entertainment industry employer.

This does not include a person who carries out these activities solely as an employee of the agent.

Manager (manager) – a person (personal representative or a personal manager) who represents a performer for financial benefit.

They carry out or arrange to be carried out any or all of the activities of an agent on behalf of the performer and other additional specified activities or duties in a written agreement.

Venue consultant (consultant) – a person who acts on behalf of an entertainment industry employer, for a fee or other remuneration paid by that employer and arranges a performance by a performer at a particular venue.

How do I know if my manager, agent or venue consultant has a licence?

A licence holder must exhibit their licence at the principal place of business so as to be clearly visible to persons entering the premises.

What can I do if I have a problem with an unlicensed entertainment industry representative?

You can lodge a complaint with the NSW IR. Call us on 131 628 for more information on what to do.

Other important employment information for performers

There are two industrial relations systems in NSW dealing with employment laws. One is run by the federal government and the other by the NSW Government.

All performers need to know whether the federal or NSW state industrial relations system applies to their workplace and their rights and responsibilities under these laws.

If you work for an employer who is a sole trader or partnership you will be under the NSW industrial relations system.

If you work for an employer who is a Pty Ltd or Ltd company (known as a corporation) you may be working under the federal industrial relations system.

If you are under 18 years of age then in NSW laws ensure that all young workers, no matter whether their employer is in the federal or state system, are given fair pay and conditions by the employer.

Most work in NSW is covered by an Award. An award sets out the rights and obligations of employers and employees engaged in particular types of work.

There are many different types of awards covering different industries and occupations.

Pay rates, award conditions and leave entitlements

Conditions of employment covered by an award include:

- hours of work
- pay rates, penalty rates, overtime and other loadings, such as an annual leave loading
- allowances, for example, tools or uniform allowances
- leave entitlements
- employment protection provisions, for example, redundancy payments
- part-time or casual work.

Your employer must pay you at least the minimum rate set out in your award or agreement.

This rate will depend on the type of work you do and the times you work. You may be paid more than the minimum rate.

Under NSW State awards, you may also be paid allowances for doing certain tasks, overtime pay for working outside your regular hours or penalty rates for working nights, weekends or public holidays.

Other agreements may not include these allowances or extra pay.

Your employer must pay you regularly and, if you demand, pay you at least once a fortnight.

Your employer can't deduct any money from your pay unless you have agreed to it in writing or it is required under the law. No deductions can be made from your annual holiday pay.

You must be paid in cash, by cheque or have the money deposited into your bank account.

Your employer must give you a pay slip when you receive your pay which explains what you are being paid.

Need more information or help?

If you have any questions about your work or pay, you can contact the NSW Industrial Relations (NSW IR) for assistance.

Call us on 131 628

Visit the NSW IR website
www.industrialrelations.nsw.gov.au