

1990 - No. 283

**ENTERTAINMENT INDUSTRY ACT 1989 - REGULATION**

(Entertainment Industry Regulation 1990)

NEW SOUTH WALES



*[Published in Gazette No. 65 of 18 May 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Entertainment Industry Act 1989, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY

Minister for Industrial Relations and Employment.

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**Citation**

1. This Regulation may be cited as the Entertainment Industry Regulation 1990.

**Commencement**

2. This Regulation commences on 18 May 1990.

**Definition**

3. In this Regulation:

"the Act" means the Entertainment Industry Act 1989.

**Size and composition of the Council**

4. (1) The Minister may determine the size and composition of the Council from time to time.

(2) Nominations for the appointment of members of the Council are to be made to the Minister in writing.

### **Fees of entertainment industry representatives**

**5. (1)** For the purposes of section 38 (1) and (4) of the Act, the following percentages are prescribed:

- (a) in the case of an engagement involving film, television or electronic media - 10 per cent;
- (b) in the case of an engagement involving live theatre or a live musical or variety performance (being an engagement that does not involve film, television or electronic media) - 10 per cent for any period up to 5 weeks and then 5 per cent for any period after 5 weeks;
- (c) in all other cases - 10 per cent.

**(2)** The following amounts (being amounts payable to performers) are to be excluded when calculating the percentage of fees or other remuneration that an entertainment industry agent or a manager may demand or receive for or in respect of the engagement of a performer:

- (a) travelling and meal allowances;
- (b) holiday pay;
- (c) any long service leave and superannuation payments;
- (d) any overtime or penalty payments which are paid on an irregular basis;
- (e) any award or minimum payments in respect of rehearsals.

### **Accounting records**

**6. (1)** An entertainment industry agent or a manager who is required to keep accounting records in respect of money received on behalf of a performer must, in relation to an engagement in respect of which the performer has been paid, give the accounting records specified in subclause (2) as soon as practicable to the following persons:

- (a) the performer;
- (b) any other entertainment industry representative who has represented or carried out activities on behalf of the performer for or in respect of the engagement for which the performer has been paid.

**(2)** The accounting records to be given are:

- (a) a statement of the amount received by the agent or manager on behalf of the performer; and

(b) a statement of the amount paid to the performer for the engagement.

(3) The entertainment industry agent or manager who has received the money on behalf of the performer must also give, as soon as practicable, a statement of the amount of money received by the agent or manager to the entertainment industry employer (or other person) who has paid the performer for the engagement.

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**NOTE**

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**EXPLANATORY NOTE**

The object of this Regulation is to prescribe matters under the Entertainment Industry Act 1989 relating to the size of the Entertainment Industry Interim Council, the percentages of amounts (payable to performers for engagements) that agents and managers may receive as fees and the keeping and giving of accounting records which are kept by agents or managers who receive money on behalf of performers.

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