

**ENTERTAINMENT INDUSTRY ACT 1989**

(Entertainment Industry Regulation 1995)

NEW SOUTH WALES



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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.

J. W. SHAW  
Minister for Industrial Relations.

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**Citation**

1. This Regulation may be cited as the Entertainment Industry Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definition**

3. In this Regulation:

“the Act” means the Entertainment Industry Act 1989.

**Fees of entertainment industry representatives: sec. 38**

4. (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 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.

**Financial statements for money received for performers**

5. (1) As soon as practicable after receiving money on behalf of a performer, an entertainment industry agent or manager must give appropriate financial statements to:

- (a) the performer; and
- (b) any entertainment industry representative who has represented the performer, or carried out activities on behalf of the performer, in connection with the engagement for which the money has been received; and
- (c) to the entertainment industry employer (or other person) by whom or on whose behalf the money has been paid.

(2) The appropriate financial statements for the purposes of subclause (1) (a) and (b) are:

- (a) a statement of the amount of money received by the agent or manager on behalf of the performer; and
- (b) a statement of the amount of money paid to the performer for the engagement.

(3) The appropriate financial statement for the purposes of subclause (1) (c) is a statement of the amount of money received by the agent or manager on behalf of the performer.

**Delegation: sec. 53**

6. For the purposes of section 53 (3) (b) of the Act, the class of persons that comprises the Director-General of the Department of Industrial Relations is a prescribed class of persons to whom the Minister may delegate functions.

**Repeal**

7. (1) The Entertainment Industry Regulation 1990 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Entertainment Industry Regulation 1990, had effect under that Regulation continues to have effect under this Regulation.

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**NOTES****TABLE OF PROVISIONS**

1. Citation
  2. Commencement
  3. Definition
  4. Fees of entertainment industry representatives: sec. 38
  5. Financial statements for money received for performers
  6. Delegation: sec. 53
  7. Repeal
- 

**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with minor changes only, the provisions of the Entertainment Industry Regulation 1990. The new Regulation deals with the following matters:

- (a) the maximum fees that may be charged for the management of performers (clause 4);
- (b) the financial statements that must be kept in relation to money received on behalf of performers (clause 5);
- (c) the Minister's power of delegation (clause 6);
- (d) other formal matters (clauses 1, 2, 3 and 7).

This Regulation is made under the Entertainment Industry Act 1989, including section 64 (the general regulation making power) and sections 38 and 53.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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