

# Entertainment Industry Regulation 2020

[2020-469]



New South Wales

## Status Information

### Currency of version

Current version for 14 August 2020 to date (accessed 18 May 2024 at 11:04)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2025

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 14 August 2020

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New South Wales

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# Entertainment Industry Regulation 2020



New South Wales

## 1 Name of Regulation

This Regulation is the [Entertainment Industry Regulation 2020](#).

## 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

### Note—

This Regulation repeals and replaces the [Entertainment Industry Regulation 2014](#), which would otherwise be repealed on 1 September 2020 by section 10(2) of the [Subordinate Legislation Act 1989](#).

## 3 Definition

(1) In this Regulation—

**the Act** means the [Entertainment Industry Act 2013](#).

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

## 4 Fees of performer representatives

(1) For the purposes of section 9(1)(a) of the Act, the following percentages of the total amount payable to a performer in respect of a performance are prescribed—

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

(2) For the purposes of subclause (1), the following amounts (being amounts payable to

performers) are to be excluded when calculating the total amount payable to a performer in respect of a performance—

- (a) travelling and meal allowances,
- (b) holiday pay,
- (c) long service leave and superannuation payments,
- (d) overtime or penalty payments that are paid on an irregular basis, other than payments resulting from negotiations undertaken by the performer representative on the performer's behalf with the relevant entertainment industry hirer or venue representative,
- (e) award or minimum payments in respect of rehearsals.

## **5 Information for performers**

- (1) For the purposes of section 13(1) of the Act, information relating to the following is prescribed—
  - (a) the services that a performer representative may provide to a performer,
  - (b) the effect of an entertainment industry managerial agreement,
  - (c) fees that a performer representative may charge a performer,
  - (d) the cooling-off period for entertainment industry managerial agreements,
  - (e) receipt on behalf of, and payments to, the performer of money,
  - (f) the code of conduct,
  - (g) the obligations of performer representatives, employers and other persons to a child who is a performer during the child's employment in the entertainment industry,
  - (h) contact details for NSW Fair Trading.

### **Note—**

The fact sheet entitled "Information for Performers" published on the NSW Fair Trading website ([www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)) provides a summary of the information to be provided to performers.

- (2) For the purposes of section 13(3) of the Act, a performer representative is required, before entering into an agreement with a performer who is a child, to provide the parents of the child with the information specified in subclause (1).

### **Note—**

The *Children's Guardian Act 2019* and the *Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015* impose obligations in relation to the employment of children.

## 6 Repeal and savings

- (1) The *Entertainment Industry Regulation 2014* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Entertainment Industry Regulation 2014*, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Penalty notice offences

### 1 Application of Schedule

For the purposes of section 35 of the Act—

- (a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable for the penalty notice is the amount specified opposite the provision.

Column 1	Column 2	Column 3
Provision	Penalty—corporations	Penalty—individuals
<b>Offences under the Act</b>		
Section 8(2)	\$660	\$220
Section 14(3)	\$660	\$220
Section 17(5)	\$660	\$220
Section 19(4)	\$660	\$220
Section 29(b)	\$660	\$220