



Entertainment Industry Regulation 2004

under the

Entertainment Industry Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Entertainment Industry Act 1989*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to remake, with only a minor change in substance, the *Entertainment Industry Regulation 1995*. That Regulation will be repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This 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) formal matters (clauses 1–3 and 7).

This Regulation is made under the *Entertainment Industry Act 1989*, including sections 38 (Fees of entertainment industry representatives etc), 53 (Delegation) and 64 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Entertainment Industry Regulation 2004*.

2 Commencement

This Regulation commences on 1 September 2004.

Note. This Regulation replaces the *Entertainment Industry Regulation 1995* which is repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition and notes

(1) In this Regulation:

the Act means the *Entertainment Industry Act 1989*.

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

4 Fees of entertainment industry representatives: section 38

(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

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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 that are paid on an irregular basis,
- (e) any award or minimum payments in respect of rehearsals.

5 Financial statements for money received for performers

- (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) 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.

6 Delegation: section 53

The class of persons that consists of the following persons is prescribed for the purposes of section 53 (3) (b) of the Act (that is, the class of persons to whom the Minister may delegate functions):

- (a) the Director-General, Department of Commerce,
- (b) the Deputy Director-General, Office of Industrial Relations, Department of Commerce,

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- (c) the Assistant Director-General, Industrial Relations Service Delivery, Office of Industrial Relations, Department of Commerce.

7 Savings

Any act, matter or thing that, immediately before the repeal of the *Entertainment Industry Regulation 1995*, had effect under that Regulation continues to have effect under this Regulation.