



Entertainment Industry Regulation 2014

[2014-67]



New South Wales

Status Information

Currency of version

Current version for 21 February 2014 to date (accessed 8 September 2014 at 14:49).

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. See [Historical notes](#)

Staged repeal status

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2019

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 1 March 2014.

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Schedule 1 Penalty notice offences

Historical notes



New South Wales

1 Name of Regulation

This Regulation is the *Entertainment Industry Regulation 2014*.

2 Commencement

This Regulation commences on 1 March 2014 and is required to be published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

the Act means the *Entertainment Industry Act 2013*.

(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 per cent for any period up to 5 weeks and then 5 per cent for any period after 5 weeks,

(b) in all other cases (including an engagement involving film, television or electronic media)—10 per cent.

(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) any long service leave and superannuation payments,

(d) any 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) any award or minimum payments in respect of rehearsals.

5 Information for performers

(1) The document entitled "*Information for Performers*", dated 1 March 2014 and published on the NSW Industrial Relations website is prescribed for the purposes of section 13 (1) of the Act.

Note. The NSW Industrial Relations website can be found at www.industrialrelations.nsw.gov.au.

(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 a copy of:

(a) the document entitled "*Parents Fact Sheet explaining the Code of Practice*" published on the website of the Office of the Children's Guardian on 2 October 2013, and

Note. The website of the Office of the Children's Guardian can be found at www.kidsguardian.nsw.gov.au.

(b) the document entitled "*Information for Performers*", dated 1 March 2014 and published on the NSW Industrial Relations website.

Note. The NSW Industrial Relations website can be found at www.industrialrelations.nsw.gov.au.

6 Trust accounts of performer representatives

For the purposes of section 6 (2) (a) of the Act, money received on behalf of a performer is to be held in an account as required until paid out to the performer in accordance with section 6 (2) (b).

7 Existing entertainment industry contracts

For the purposes of clause 5 (4) of Schedule 2 to the Act, a performer representative is required to provide, within 30 days after that repeal of the *Entertainment Industry Act 1989*, each performer with whom the representative had an existing entertainment industry contract immediately before that repeal:

(a) the document entitled "*Information for Performers*", dated February 2014 and published on the NSW Industrial Relations website, or

Note. The NSW Industrial Relations website can be found at www.industrialrelations.nsw.gov.au.

(b) if the performer is a child:

(i) the document entitled "*Parents Fact Sheet explaining the Code of Practice*" published on the website of the Office of the Children's Guardian on 2 October 2013, and

Note. The website of the Office of the Children's Guardian can be found

at www.kidsguardian.nsw.gov.au.

- (ii) the document entitled “*Information for Performers*”, dated 1 March 2014 and published on the NSW Industrial Relations website.

Note. The NSW Industrial Relations website can be found at www.industrialrelations.nsw.gov.au.

8 Penalty notice offences and penalties

- (1) For the purposes of section 35 of the Act:
- (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

Schedule 1 Penalty notice offences

(Clause 7)

Column 1 Provision	Column 2 Penalty
Offences under the Act	
Section 8 (2)	\$660 (in the case of a corporation) \$220 (in any other case)
Section 14 (3)	\$660 (in the case of a corporation) \$220 (in any other case)
Section 17 (5)	\$660 (in the case of a corporation) \$220 (in any other case)
Section 19 (4)	\$660 (in the case of a corporation) \$220 (in any other case)
Section 29 (b)	\$660 (in the case of a corporation) \$220 (in any other case)

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

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