

This checklist is advisory only. It identifies essential (E) and 'best practice' (BP) elements that should be included in Entertainment Industry Managerial Agreements. Performer Representatives can use this checklist as a guide for drafting their own agreements.

Introductory

- The heading makes it clear it is an Entertainment Industry Managerial Agreement. (E)
- The Agreement complies with the *Entertainment Industry Act 2013* (the Act). (E)
- The Agreement uses definitions consistent with the Act. (BP)
- The Agreement identifies the parties to the Agreement by name. (BP)
- The duration or term of the Agreement is clearly set out. (BP)
- The Agreement is in writing. (E)

Services

- The services to be provided by the Performer Representative are clearly set out. (E)
This should include which services from clause 5 of the Act are being provided. It should also specify the **additional** services being provided to the performer. The additional services must relate to **the management of the reputation, career or career development of the performer.**

Fees

- The fees being charged for the additional services are clearly identified. (E)
- The total fees being charged ("capped" fees under the regulations and additional fees under the managerial agreement) are clearly identified. (BP)
- There are no joining fees being charged. (E)
- There are no retention fees being charged. (E)

Acknowledgement of additional fees

- The Agreement contains a clause which clearly acknowledges that an additional fee is being charged for the provision of additional managerial services. (E)

Cooling-off period

- The Agreement provides a three day cooling-off period. (E)
- The cooling-off period ends at 5pm on the third business day after the day on which the Agreement was entered into. (E)
- A performer may terminate an Entertainment Industry Managerial Agreement before the end of the cooling-off period, by notice in writing to the performer representative. (E)
(See sample notice at the end of this checklist.)
- A performer may waive the cooling-off period at the time of entering into the managerial agreement, by notice in writing to the performer representative. (E)
(See sample notice below.)

Information for performers

- Attached to this Agreement or provided separately to the performer is the “Information for Performers” fact sheet as required under the Regulations. (E)
- If the performer is a child, attached to this Agreement and provided to the parents of the child performer, is the “Parents’ Fact Sheet” published by the Office of the Children’s Guardian. (E)

Performer representative obligations

- A trust account has been established for the purpose of holding money received on behalf of the performer by the performer representative. (BP)
- The performer representative will provide financial statements to the performer after receiving any money on behalf of the performer. (E)
- The performer representative will maintain accounting records in respect of money received on behalf of the performer for at least 5 years. (E)
- The performer representative abides by the Code of Conduct. (BP)

Performer obligations

- The Agreement specifies any obligations the performer has to the performer representative. (BP)
This may include, for example, requirements to provide photographs, portfolios and up to date CVs.

Contract termination

- The Agreement makes provision for its termination by either party and clearly sets out the obligations the performer and the performer representative have upon termination. (BP)

General

- The Agreement is governed by the laws of New South Wales. (E)

Additional Information is available at:

www.industrialrelations.nsw.gov.au

Fact sheets: Information for Performers

A Guide for Performer Representatives

Entertainment Industry Managerial Agreements

Entertainment Industry Managerial Agreement Checklist

Parents Fact Sheet explaining the Code of Practice (*Office of the Children’s Guardian*)

Webinar: Entertainment Industry Act 2013

FORMS APPROVED BY THE SECRETARY OF THE TREASURY

Under the Entertainment Industry Act 2013, the Secretary of the Treasury must approve the form of the 'Notice of termination' and the 'Waiver of the cooling off period'.

A performer may terminate an entertainment industry managerial agreement by giving notice of termination before the end of the three day cooling-off period. The cooling-off period ends at 5pm on the third business day after the day on which the entertainment industry managerial agreement was entered into.

A performer may waive the cooling-off period in an entertainment industry managerial agreement by giving notice in writing at the time of entering into an agreement.

The following words have been approved:

Notice of Termination

I, (name of performer), of (address) give notice that I am terminating the entertainment industry managerial agreement entered into with (name of performer representative) on (date).

This notice is given before the end of the cooling-off period and takes effect at the time given.

I acknowledge (name of performer representative) may be entitled to receive such fees, remuneration or payments as are permitted under section 12 of the Entertainment Industry Act 2013, for services provided to me under the managerial agreement before the giving of this notice.

(Signed)

(Date)

Notice of Waiver

I, (name of performer), of (address) give notice that I waive the cooling-off period provided for in this entertainment industry managerial agreement, entered into with (name of performer representative) on (date).

This notice is given at the time of entering into the agreement.

(Signed)

(Date)

NSW IR contact details

Should you have any questions about your rights and the obligations of performer representatives in the entertainment industry please contact NSW Industrial Relations on 131 628.