

Code of conduct

1 Objectives

The objectives of this code of conduct are:

- (a) to set out the principles, values and behaviour expected of performer representatives, and
- (b) to promote and encourage a high standard of ethical practice by performer representatives and their employees in their dealings with performers, entertainment industry hirers and other performer representatives, and
- (c) to promote efficient and transparent transactions within the entertainment industry, and
- (d) to ensure that performer representatives act honestly, fairly and professionally in the best interests of their clients.

2 Conduct of performer representatives

- (1) A performer representative must carry out the functions of a performer representative with the degree of care, diligence and honesty that a reasonable person would exercise as a performer representative carrying out the same functions in the same circumstances.
- (2) A performer representative must not act or purport to act on behalf of a performer without the authority of the performer.
- (3) A performer representative must, in representing a performer, act in accordance with the instructions of the performer unless doing so would be a breach of any law or this code of conduct.
- (4) A performer representative must not enter into an agreement to represent a performer if the representative is aware of any conflict of interest, or apparent conflict of interest, between the interests of the representative and the performer, unless the performer representative has:
 - (a) notified the performer of that fact, and
 - (b) disclosed the full nature and extent of the conflict of interest.
- (5) As soon as practicable after a performer representative becomes aware of any conflict of interest, or apparent conflict of interest, that has arisen between the interests of the representative and a performer represented by the representative, the representative:
 - (a) must notify the performer of that fact, and disclose the full nature and extent of the conflict of interest, and
 - (b) must not continue to represent the performer unless the performer consents to continued representation by the representative.
- (6) A performer representative must not refer a performer to any other performer representative or service provider if the representative making the referral receives any financial benefit or reward from the referral unless the representative first discloses to the performer the full nature and extent of the reward or benefit.
- (7) A performer representative must not, at any time, use or disclose any confidential information obtained while acting for or on behalf of a performer unless:
 - (a) the client authorises the disclosure, or
 - (b) the representative is required or compelled by law to disclose the information.

- (8) A performer representative must use the representative's best endeavours to ensure that employees of the representative:
- (a) comply with this Act and the regulations, and
 - (b) this code.
- (9) A performer representative must not knowingly or recklessly make a false or misleading representation about the obligations, rights or responsibilities of any person under this Act or the regulations.

3 Other legal obligations of performer representatives

This Act and the regulations impose additional obligations on performer representatives, including:

- (a) the keeping of records of money received on behalf of performers (see section 7), and
- (b) complying with requests for information from performers (see section 14), and
- (c) providing performers with certain information relating to the Act, the regulations and the entertainment industry generally (see section 13), and
- (d) if a performer representative proposes to enter into an entertainment industry agreement with a child, providing the parents of the child with the information, if any, required by the regulations relating to the employment of minors (see section 13).