

LEGISLATIVE COUNCIL

Entertainment Industry Bill 2013

First print

Proposed amendments

- No. 1 Page 2, clause 4 (1). Insert after line 33:
industrial court means an industrial court within the meaning of Part 1 of Chapter 7 of the *Industrial Relations Act 1996*.
- No. 2 Page 5, clause 7 (4), note, line 42. Omit “Local Court”. Insert instead “industrial court or Local Court”.
- No. 3 Page 7, clause 11 (1), line 5. Omit all words on that line. Insert instead “the additional services set out in the agreement have been or are being provided when the fee or other remuneration is due for payment”.
- No. 4 Page 7, clause 11 (3), lines 16 to 18. Omit “(unless the agreement is an entertainment industry managerial agreement and the additional services under the agreement are provided)”.
- No. 5 Page 7, clause 12 (2), line 23. Omit “third”. Insert instead “fifth”.
- No. 6 Page 8, clause 13 (4), note, line 21. Omit “Local Court”. Insert instead “industrial court or Local Court”.
- No. 7 Page 8, clause 14 (1), line 25. Omit “5”. Insert instead “7”.
- No. 8 Page 9, clause 16, note, line 8. Omit “Local Court”. Insert instead “industrial court or Local Court”.
- No. 9 Page 9, clause 17 (3), line 16. Omit “5”. Insert instead “7”.
- No. 10 Page 9, clause 18, lines 31 to 34. Omit all words on those lines. Insert instead “payment within 1 calendar month after the date of the performance”.
- No. 11 Page 9, clause 18, note, line 35. Omit “Local Court”. Insert instead “industrial court or Local Court”.
- No. 12 Page 10, Part 2. Insert after line 3:

Division 4 Disputes arising between performer and entertainment industry representatives

20 Disputes may be resolved by Industrial Relations Commission

- (1) If a question, dispute or difficulty arises between a performer and an entertainment industry representative or entertainment industry hirer, the performer, or an industrial organisation acting on behalf of a performer, may apply to the Industrial Relations Commission to have the matter determined by conciliation and, if necessary, arbitration.
- (2) The Industrial Relations Commission may conduct such a dispute resolution process in such manner as the Commission considers appropriate.
- (3) The Industrial Relations Commission may make such orders in relation to such a question, dispute or difficulty as the Commission considers fair and reasonable in the circumstances.
- (4) A person who fails to comply with an order of the Industrial Relations Commission under this section is guilty of an offence.
Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.

- No. 13 Page 11, clause 21 (1), line 20. Omit “the Local Court”. Insert instead “an industrial court or the Local Court”.
- No. 14 Page 11, clause 21 (2), line 23. Omit “The Local Court”. Insert instead “An industrial court or the Local Court”.
- No. 15 Page 15, heading to clause 29, line 2. Omit “**may**”. Insert instead “**must**”.
- No. 16 Page 15, clause 29 (1), line 3. Omit “may”. Insert instead “must”.
- No. 17 Page 15, clause 29 (2), line 9. Omit “may contain any of”. Insert instead “must contain”.
- No. 18 Page 19, clause 41 (2), line 22. Omit “12 months”. Insert instead “6 years”.
- No. 19 Page 19, clause 41 (3), line 24. Omit “industrial magistrate”. Insert instead “industrial court”.
- No. 20 Page 19, clause 42 (1), line 29. Omit “The Local Court”. Insert instead “An industrial court or the Local Court”.
- No. 21 Page 20, clause 42 (9), line 15. Omit “the Local Court”. Insert instead “the Court”.
- No. 22 Page 22, Schedule 1, clause 1, line 11. Omit all words on that line. Insert instead “to require performer representatives to act ethically, honestly, fairly and professionally”.
- No. 23 Page 22, Schedule 1, clause 2. Insert after line 13:
 - (1) A performer representative must at all times act in the best interests of any performer represented by the performer representative.
- No. 24 Page 22, Schedule 1, clause 2 (4), lines 25–28. Omit all words on those lines. Insert instead “interest, between the interests of the representative and the performer.”.
- No. 25 Page 22, Schedule 1, clause 2 (5), lines 35 and 36. Omit “unless the performer consents to continued representation by the representative”.

No. 26 Page 22, Schedule 1, clause 2 (6), lines 39 and 40. Omit “unless the representative first discloses to the performer the full nature and extent of the reward or benefit”.