



# The Performer and the Agent

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## What is an agent?

An agent in the entertainment industry carries out activities on behalf of a performer in return for financial benefit. The main role of an agent is to represent you in negotiations with employers about possible engagements. An agent is responsible for finding work for you and negotiating the terms and conditions for that work.

## How do I get an agent?

If you have graduated from a recognised acting school, the school will have organised a final year production to showcase its graduates to agents and the industry at large.

You will contact agents directly after graduation or at a time in your career that you believe you require representation.

MEAA can provide you with a list of agents in your state or territory (contact member central or see [www.meaa.org](http://www.meaa.org)).

In approaching agents, you should send a letter requesting an appointment with each agent. Include your resume and photo of yourself. You should follow up the letter with a telephone call. If you are appearing in a production, amateur or otherwise, send them a ticket to come and see you. Be prepared to do a lot of “door knocking”!

There are particular agents who deal in certain areas of the industry such as opera, film, television, dance and theatre. With a few exceptions however, most agents will cover several areas. This is particularly so for theatre, film and television.

## How can I choose an agent?

In choosing an agent you need to take into account a number of considerations.

For example:

- The type of work you want to do;
- The size of the agency;
- The reputation of the agent;
- The agent’s personality - will you get on together?

## What do I discuss with my agent?

It is important that when you engage an agent both you and the agent clearly appreciate each other’s expectations about what you will get out of the relationship.

At the outset, you should discuss:

- What functions the agent will fulfil;
- What shape your career will take;
- What are the types of roles they will send you for;
- What happens when you want to leave the agency;

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PO Box, 723 Strawberry Hills NSW 2012

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- If you have to pay them commission if you obtain work through your own efforts; The field of activity in which the agent is authorised to represent you - e.g. only in live theatre, or film and television as well, in Australia or overseas;
- The period for which the agency will represent you; and any obligations of the performer (that is, any obligations you have).

## Looking for an agent in NSW?

In NSW, agents are regulated by the Entertainment Industry Act 2013. The Act sets out the obligations of agents in NSW. There are also regulations under the Act which refer to the prescribed level of commission among other things. The NSW Department of Industrial Relations administers the Act. It also accepts and reviews complaints about agents, managers or venue owners. Phone: 131 628 (anywhere within NSW) or TTY: 1800 555 67702

[http://www.industrialrelations.nsw.gov.au/oirwww/Industries\\_and\\_Awards/Entertainment\\_industry.page](http://www.industrialrelations.nsw.gov.au/oirwww/Industries_and_Awards/Entertainment_industry.page)

Under the Entertainment Industry Act 2013, an agent (called a 'performer representative') is described as a person who carries out one or more of the following activities for money, on behalf of the performer:

- Seeking or finding work for the performer;
- Negotiating the terms of an agreement for and the conditions of a performance;
- Finalising arrangements concerning the payment of a performer;
- Negotiating arrangements relating to the attendance of the performer at a performance;
- Administering the contract of the performer with an entertainment industry employer;
- Making arrangements for publicity attendances and related publicity responsibilities of the performer.

## Commission

Under the Entertainment Industry Act 2013 (NSW), an agent can only charge the following percentages of a performer's salary as commission:

1. For an engagement involving film, television or electronic media - 10%;
2. For live theatre, live musical or variety performances - 10% for any period up to five weeks and then 5% for any period after;
3. In all other cases - 10%.

These commission rates apply unless you sign a "managerial agreement" which means your representative must perform more duties than the core activities listed above and in return you agree to pay a higher fee. See the 'Fact sheet for NSW performers' for more information.

Commission is charged on the performer's negotiated rate excluding:

- Travelling and meal allowances;
- Holiday pay;
- Long service leave and superannuation payments;

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- Overtime or penalty payments which are paid on an irregular basis;
- Award or minimum payments in respect of rehearsals.

## Payment of Fee

If your agent receives money on your behalf they are obliged to pass this money to you as soon as possible or within 14 days after they have received it. Your agent should provide you with a pay slip clearly outlining what the fee is for, including loadings, residual fees etc.

On the other hand, if you receive your pay directly from an employer, you are obliged to pay your agent's commission as soon as possible.

## Other states

Most other States do not have legislation which covers agents. Contact member central for advice on an agent contract whether in NSW or elsewhere.

## Helpful Hints

### Photographs

When you join the agency, the agent might ask you to pay a fee for a set of portfolio photos taken. As this can be quite expensive, you should ask your agent whether you can use any existing photos you have, or see if you can get your portfolio done cheaper through your own efforts. It pays to shop around!

### Self-testing

There is a growing trend among casting agents to ask for a self-test (audition videos). Be warned - a badly produced self-test could lose you the job! Talk to your friends about what they do for self-testing and take a look at the Equity Foundation's self-test project which includes a step-by-step guide: <http://www.equityfoundation.org.au/equity-news/the-self-test-project.html>

### Contracts

You should keep a copy of any contracts negotiated by your agent for your own business records.

### Keeping your own records

You should keep a diary in which you write down any jobs or interviews an agent has arranged for you and any special details your agent may have given you, for example who to report to on location etc.

### Tax Form

You must complete a Tax form for every job you do, otherwise you will be liable to pay the higher tax rate.

### More Information

If you have any further enquiries about agents, please contact MEAA member central on 1300 656 513

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