

Am I being treated fairly at work?

What are my employment rights?

Where do I go for help?

# MODELLING & ACTING

## DISCLAIMER

This infosheet contains information of a general nature only and is not a substitute for professional legal advice. You should obtain legal advice from a lawyer about your particular situation before acting on any of the following information. This infosheet is designed for Victorian and national system employees in Tasmania and Queensland only. If you are not a Victorian employee or a Queensland or Tasmanian national system employee, you should obtain specialist legal advice about your case as soon as possible.

People wishing to pursue careers in modelling or acting have to be very careful about who they do business with. There are usually no registration requirements so anybody can set up a modelling agency or market themselves as an actor's agent.

Modelling and acting have a very glamorous image. Sometimes the experience does not live up to its image. Unfortunately there are many operators who will rip you off and several things can go wrong before you start work.

People seeking modelling or acting work have contacted JobWatch with a range of complaints including:

- demands that models or actors pay for expensive and unnecessary portfolios of photographs before work is provided;
- sexual harassment or assault;
- demands that models or actors pay high registration fees;
- photographs being featured on the internet without their consent or payment;
- agents falsely claiming to have modelling or acting work on their books (it is very easy to get conned by false promises); or

being pressured into enrolling in a modelling or acting course with high course fees. In some circumstances you might be able to get fees refunded. Contact Consumer Affairs in your State (see "Where to get help" on page 5).

## Things you should do

### 1. BE REALISTIC

Most models and actors don't earn a lot of money. Having other employment options is important because very few people spend their entire working life in the modelling or acting industry.

## 2. USE A REPUTABLE AGENCY OR AGENT

In the case of **modelling**, ask experienced models, large fashion houses, advertising agencies and reputable photographers which agencies they use before committing yourself to a particular agency.

In the case of **acting**, ask experienced actors, film and TV production companies, theatre companies, reputable drama schools like NIDA, VCA and check IMDB regarding actors' agents before committing yourself to a particular agent.

**Do an internet search** (e.g. on Google) about particular modelling agencies or actors' agents. You should also check with Consumer Affairs in your State (see "Where to get help" on page 5) if they have issued a public warning about unfair business practices against a particular agency or agent.

If the agency encourages you to use their preferred photographer, research the photographer first and **check what the costs will be**

## 3. BE CAREFUL ON SOCIAL MEDIA

Social media outlets are often used by scammers to target young women with false or misleading promises of a modelling or acting job. It can occur through random friend requests or random private messages. Maintaining a strict online privacy setting is one way you can protect yourself against scammers. For example, ensure your contact details such as your mobile phone number or your email address cannot be publically viewed, or set your photos to private. Social media account settings should direct you as to how you can hide your personal information.

### **Be cautious of potentially fake accounts purporting to be modelling or acting agencies**

Having many likes or followers does not indicate an account's legitimacy. Do your internet research. An account with minimal online activity is another reason to suspect a scam.

## 4. BEWARE OF THE CLAIMS MADE BY AGENTS

Ask for the names of models or actors the agent represents and the names of companies to which they provide clients.

## 5. SIGNING A CONTRACT

If you are asked to sign a contract, make sure you read it carefully. The agency or agent should not have an escape, exclusivity or termination clause which makes it impossible for you to leave. If there are clauses you do not understand, **do not sign the contract** until you have checked it with a lawyer.

**Remember: always keep a copy of any contract you sign!**

For your nearest local community legal centre contact the National Association of Community Legal Centres (see "Where to get help on page 5).

## 6. CHECK HOW MUCH YOU WILL BE PAID FOR THE WORK YOU DO

Ask the agency or agent what you will be paid and what sort of commission or other cut they take. You should also contact the Fair Work Infoline (13 13 94) to check what the legal minimum pay rate for that particular type of work is if you are an employee. You may also contact the relevant union and ask what the going rate is for that particular type of work. The relevant unions are listed in "Where to get help" on page 5).

## 7. GET A BUSINESS ADDRESS, TELEPHONE NUMBER AND THE FULL NAME OF THE PERSON YOU ARE DEALING WITH

Some operators are reluctant to give this basic information. Genuine operators will not have any problem with providing this kind of information. If things go wrong, such as not getting your pay, you know where to go to try and sort out the problem if you have those details.

## 8. KEEP COPIES OF ALL WRITTEN INFORMATION

Always keep copies of any written communications between you and the agency or agent. This includes copies of information leaflets, promotional material, course information, contracts etc.

## 9. WHAT IF YOU ARE UNDER 18?

**In Victoria**, there is no minimum employment age in the entertainment industry. However, persons seeking to hire children as contractors or employees must comply with the Mandatory Code of Practice. The Mandatory Code of Practice for the Employment of Children in Entertainment (the Code), sets out legal requirements for employing children under 15 in entertainment and related industries. For example, children under 15 can only work certain hours depending on age, supervisors and/or parents must have a child employment permit, and employers must comply with their duties under the Code. For more information, see Business Victoria's website: <http://www.business.vic.gov.au/hiring-and-managing-staff/employing-children/entertainment-industry-overview-full-transcript>

**In Tasmania**, there is currently no specific law regulating the employment of children however permission to exempt school age children from school must be obtained from the Secretary of the Department of Education. Contact WorkSafe Tasmania for further information - 1300 654 499 or [www.worksafe.tas.gov.au/](http://www.worksafe.tas.gov.au/).

**In Queensland**, The employment of children (people under 18 years of age) in the entertainment industry is governed by the *Child Employment Act 2006* and the Child Employment Regulation 2016 which does not provide for a child employment permit system. These laws protect children from work that may be harmful to their health, safety, schooling and physical, mental, moral or social development.

To achieve these objectives the Act and Regulation:

- set minimum ages for work
- limit the hours of work of school-aged and young children
- place obligations on employers who employ children.

Queensland employers are required to obtain a parent's consent form. The correct consent form can be obtained from the Queensland Department of Justice. As in Victoria, records of parental consent must be maintained at the workplace.

Queensland legislation generally prohibits the employment of children younger than 13 years of age, but does provide an exemption for entertainment employers. Employers seeking to employ a child outside the terms of the regulations may do so by virtue of a special circumstances certificate, which may be granted by the Chief Executive of the Department of Employment and Industrial Relations.

For more information see: –

[www.business.qld.gov.au/running-business/employing/taking-on-staff/employing-children/entertainment](http://www.business.qld.gov.au/running-business/employing/taking-on-staff/employing-children/entertainment) and [Child Employment Guide \(PDF, 230KB\)](#).

## 10. CONSIDER JOINING THE RELEVANT UNION

The Models and Mannequins Guild is part of the Shop Distributive and Allied Employees Association (SDA). The SDA is the union that covers modelling. See "Where to get help" on page 5. The Media, Entertainment and Arts Alliance (MEAA) is the union that looks after actors. See "Where to get help" on page 5. Unions can give you advice about important matters, (e.g. exclusive contracts to one agent or other terms and conditions), information about the current going rate for particular types of work and assist you if problems arise.

## Things you shouldn't do

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- 1. DON'T BE FOOLED BY FLATTERY**

Don't accept a promoter's word without question. If you are considering employment in the modelling or acting industry it is very important to keep your feet firmly on the ground so you don't get ripped off or exploited.
- 2. DON'T CONSUME ALCOHOL, OTHER DRINKS OFFERED TO YOU OR DRUGS AT AN INTERVIEW**
- 3. DON'T PAY AN EXCESSIVE JOINING FEE**

Reputable agencies don't ask for an excessive fee. If you are required to pay a fee, check what it is for.
- 4. CHECK CAREFULLY IF THE AGENCY CHARGES ANY PERIODIC FEES**

For example, does the agency charge a monthly administration fee?
- 5. DON'T GIVE PERSONAL DETAILS**

You shouldn't give your details, including your telephone number and address **before** you know about the agent or photographer. This also applies to social media. Do not put your personal details on social media where it can be easily accessed by anyone in the public.
- 6. DON'T GO TO A FIRST INTERVIEW ALONE**

Always take someone you trust and discuss how you both felt about the situation afterwards.
- 7. BEWARE OF TRAVELLING TO OUT OF THE WAY LOCATIONS.**

Be cautious if you are asked to attend an interview organised outside business hours or in a remote location.
- 8. DON'T ENROL IN EXPENSIVE AND UNNECESSARY TRAINING COURSES**

Talk to reputable agencies or agents, the union, and working models or actors about the courses they would recommend.

## Where to get help

For further information regarding modelling and acting you may wish to contact the relevant organisations below.

ORGANISATION	PHONE	WEBSITE
<b>JobWatch</b> <i>(Telephone interpreters available for non-English speakers.)</i>	Metro: 9662 1933  Queensland, Tasmania & Regional Victoria: 1800 331 617	<a href="http://www.jobwatch.org.au">www.jobwatch.org.au</a>
<b>Fair Work Infoline (Office of the Fair Work Ombudsman)</b>	13 13 94	<a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a>
<b>Fair Work Commission Helpline</b>	1300 799 675	<a href="http://www.fwc.gov.au">www.fwc.gov.au</a>
<b>ACTU Worker Information line (for referral to a union):</b>	1300 362 223	<a href="http://www.actu.org.au">www.actu.org.au</a>
<b>National Association of Community Legal Centres</b>	(02) 9264 9595	<a href="http://www.nacclc.org.au">www.nacclc.org.au</a>
<b>Australian Competition and Consumer Commission</b>	1300 302 502	<a href="http://www.accc.gov.au">www.accc.gov.au</a>
<b>Consumer Affairs Victoria</b>	1300 558 181	<a href="http://www.consumer.vic.gov.au">www.consumer.vic.gov.au</a>
<b>Department of Economic Development, Jobs, Transport and Resources (DEDJTR) – Industrial Relations Victoria</b>	(03) 9651 9999	<a href="http://economicdevelopment.vic.gov.au">http://economicdevelopment.vic.gov.au</a>
<b>Office of Fair Trading Queensland</b>	13 74 68	<a href="http://www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams">www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams</a>
<b>Consumer Affairs and Fair Trading – Tasmania</b>	1300 65 44 99	<a href="http://www.consumer.tas.gov.au">www.consumer.tas.gov.au</a>
<b>Media, Entertainment and Arts Alliance (MEAA)</b>	1300 656 513	<a href="http://www.meaa.org">www.meaa.org</a>

Shop Distributive and Allied Employees Association (SDA). (The Models and Mannequins Guild)	(03) 9698 1400 1800 133 048	<a href="http://www.sdavic.org">www.sdavic.org</a>
Business Victoria	13 22 15	<a href="http://www.business.vic.gov.au">www.business.vic.gov.au</a>
Legal Referral Service (Law Institute of Victoria)	(03) 9607 9311	<a href="http://www.liv.asn.au">www.liv.asn.au</a>
Queensland Law Society (for referral to a lawyer)	1300 367 757	<a href="http://www.qls.com.au/Home">www.qls.com.au/Home</a>
Law Society of Tasmania (for referral to a lawyer)	(03) 6234 4133	<a href="http://lst.org.au">http://lst.org.au</a>
Victoria Legal Aid	1300 792 387	<a href="http://www.legalaid.vic.gov.au">www.legalaid.vic.gov.au</a>
Legal Aid Queensland	1300 65 11 88	<a href="http://www.legalaid.qld.gov.au">www.legalaid.qld.gov.au</a>
Legal Aid Commission Tasmania	1300 366 611	<a href="http://www.legalaid.tas.gov.au">www.legalaid.tas.gov.au</a>
WorkSafe Victoria Advisory Service	(03) 9641 1444 1800 136 089	<a href="http://www.worksafe.vic.gov.au">www.worksafe.vic.gov.au</a>
WorkSafe Queensland	1300 362 128	<a href="http://www.worksafe.qld.gov.au">www.worksafe.qld.gov.au</a>
WorkSafe Tasmania	1300 366 322	<a href="http://www.worksafe.tas.gov.au">www.worksafe.tas.gov.au</a>

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