

Models, Actors and Influencers

Models, actors and influencers have a very glamorous image, but sometimes the experience does not live up to expectations. People wishing to pursue careers in modelling and acting or as an influencer have to be very careful about who they do business with. Unfortunately there are many operators who will rip you off and several things can go wrong before you start work.

Aspiring models, actors and influencers have contacted JobWatch with a range of complaints including:

- demands that they pay for expensive and unnecessary portfolios of photographs before work is provided;
- demands that they pay high registration fees;
- photographs being used without their consent or payment;
- agents falsely claiming to have modelling or acting work on their books;
- being pressured into enrolling in a modelling or acting course with high course fees; or
- sexual harassment or assault.

Things you should do

1. Be realistic

Most models, actors and influencers don't earn a lot of money. Having other employment options is important because very few people spend their entire working life in this 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 or VCA and check IMDB for actors' agents before committing yourself to a particular agent.

In the case of influencers, check other reputable influencer profiles to see who they are represented by before committing yourself to a particular agent.

You should also check with Consumer Affairs in your state 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.

Note: NSW is the only state in Australia to have legislation regulating the relationships between performers and their representatives, so elsewhere, anybody can set up a modelling agency or market themselves as an actor's agent.

Note!
In some circumstances, you might be able to get course fees refunded. Contact Consumer Affairs in your state.

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 employees and prospective employees in Victoria, Tasmania and Queensland only. If you are not from these states, you should obtain advice about your specific case as soon as possible.

2. Use a reputable agency or agent (cont.)

Always make sure you get the contact details and the full name of the person you deal 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.

3. Be wary of excessive fees

Reputable agencies don't ask for an excessive fee without guaranteed work, and they don't force you to 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. If you are required to pay a joining fee or monthly fees, check what it is for.

4. Social media scams

Social media can often be used by scammers to target you with false or misleading promises of a modelling, acting or influencer job. It can occur through random friend requests or private messages, using fake accounts. The number of likes and followers does not indicate an account's legitimacy - do your research!

Similarly, don't give out your details without first verifying the other person's identity. This is particularly true for social media – don't put your personal contact details on social media where it can be easily accessed by anyone.

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.

6. Check how much you will be paid for the work you do

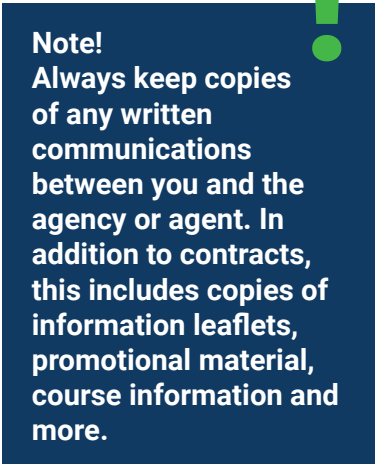
Ask the agency or agent what you will be paid and what sort of commission or other cut they take. You should also contact the Fair Work Infoline (13 13 94) to check the legal minimum pay rate for that particular type of work.

7. Consider joining the relevant union

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.

The Models and Mannequins Guild is part of the Shop Distributive and Allied Employees Association (SDA). The SDA is the union that covers modelling. The Media, Entertainment and Arts Alliance (MEAA) is the union that looks after actors.

As of 2022, there is no union in Australia for influencers.



Note!
Always keep copies of any written communications between you and the agency or agent. In addition to contracts, this includes copies of information leaflets, promotional material, course information and more.

8. Always be conscious of your personal safety

Don't consume alcohol, other drinks or drugs offered to you at interviews or casting calls. Don't go to first interviews alone – take someone you trust, even if they wait for you outside. Be wary of travelling to unknown locations without a trusted person.

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 *Child Employment Act 2003 (Vic)* and the Mandatory Code of Practice for the Employment of Children in Entertainment (the Code).

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.

In **Tasmania**, there is currently no specific law regulating the employment of children in entertainment, however permission to exempt school age children from school must be obtained from the Secretary of the Department of Education.

In **Queensland**, the employment of children (people under 18 years of age) in the entertainment industry is governed by the *Child Employment Act 2006 (Qld)* 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.

Business Victoria

Phone: 13 22 15

Website:

[business.vic.gov.au/
business-information/
staff-and-hr/employing-
children](http://business.vic.gov.au/business-information/staff-and-hr/employing-children)

WorkSafe Tasmania

Phone: 1300 654 499

Website:

worksafe.tas.gov.au

Business Queensland

Phone: 13 74 68

Website:

[business.qld.gov.au/
running-business/
employing/taking-on-
staff/employing-children](http://business.qld.gov.au/running-business/employing/taking-on-staff/employing-children)

Where to get help

JobWatch's free and confidential Telephone Information Service

P: (03) 9662 1933 (Melb Metro), 1800 331 617 (Regional Vic, Qld, Tas)

W: jobwatch.org.au

Fair Work Infoline (Office of the Fair Work Ombudsman)	13 13 94
Fair Work Commission	1300 799 675
Consumer Affairs Victoria	1300 558 181
Office of Fair Trading Queensland	13 74 68
Consumer, Building and Occupational Services Tasmania	1300 654 499
Business Victoria	13 22 15
Business Queensland	13 74 68
WorkSafe Tasmania	1300 654 499
Australian Tax Office	13 28 61
Community Legal Centres Australia	02 9264 9595
ACTU Worker Information line (for referral to a union)	1300 362 223
Law Institute of Victoria's Legal Referral Service	03 9607 9311
Queensland Law Society (for referral to a lawyer)	1300 367 757
Law Society of Tasmania (for referral to a lawyer)	03 6234 4133

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JobWatch acknowledges the Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the traditional custodians of the lands on which we are located and where we conduct our business. We pay our respects to ancestors, and Elders, past, present and emerging.