



Speech by

GARY FENLON

MEMBER FOR GREENSLOPES

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PRIVATE EMPLOYMENT AGENCIES AND OTHER ACTS AMENDMENT BILL

Mr FENLON (Greenslopes—ALP) (5.49 p.m.): It is a great pleasure to speak in support of the Private Employment Agencies and Other Acts Amendment Bill 2001. In doing so, I join the member for Clayfield as being perhaps one of only two members of this House who have worked on the industrial side of the entertainment industry. In fact, I worked for the Musicians Union of Australia in the 1970s. That was quite an experience. I am also very pleased to see that the member for Clayfield follows a tradition of people in that electorate being involved in the entertainment industry. It is very clear that the previous member for Clayfield was in fact a complete clown, while the current member for Clayfield is the complete actor.

So we see some continuity there. The entertainment industry is very complex and very difficult to organise and regulate appropriately. My recollections of the industry in the 1970s is that it was certainly very chaotic and extremely complex legally. Musicians and other such people in the entertainment industry have the capacity to work under any number of legal arrangements in any one day. For example, a musician could enter into a straight partnership commercial arrangement, could be an employer, could be a sole contractor, or could be an employee in various permutations and combinations all in the one day, all in the one week. So the difficulties for those individuals were indeed quite diverse in terms of finding the appropriate instruments and the appropriate contractual arrangements to track each of those employment relationships. Indeed, the industry is renowned for having people who are very peripatetic, who are very versatile in the arrangements that they might enter into—some people might be singing in one band and be covered by various awards and arrangements and also be playing an instrument in another band on the same day or in the same week and be covered by other awards and arrangements. So it is an extremely complex area.

In those days I am sure also that the industry, because it was so deregulated, was also—not to put too fine a point on it—perhaps a front for other activities, particularly tax evasion and other money processing activities that organisations and clubs and suchlike were able to get away with. I am very sure that that is also a reason why over the decades the area has resisted organisation and industrial regulation. The industry has also been renowned for having some very, very shonky operators in terms of agents and other people associated with the infrastructure for this industry. Leaving that aside, it is also important to point out that there are also very good, sound people who operate within this industry as well. But the reason we have to bring in legislation such as this bill is the reality that over many decades people have taken advantage of a lot of other people in this industry. They have been extremely exploitative and have got away with a hell of a lot in terms of taking money off people who love their occupation, who love the entertainment industry.

This legislation is very important. I describe it as dream legislation. In fact, the minister must have had a dream to bring into this place such a refined piece of legislation. People have dreamt of this legislation for years. Over the past 10 years, even in my capacity, musicians and entertainment industry people have come to me with a range of issues that they have not been able to resolve. They have simply been ripped off by agents and have not been able to find redress because the contractual arrangements just did not exist and the legislative framework, the safety net, was not in place.

I am very pleased that this legislation puts that framework in place. It does that by separating a lot of the functions that are a part of the arrangements between agents and their clients. Those elements include, for example, the provision for obtaining employment, setting up the contracts in the first place, establishing the appropriate agent's fees for their clients, and also in the instance where they

provide management fees for their clients. These are very distinct functions and it is important that they be set up with appropriate rigour in terms of the contracts and capacity for those contracts to be enforced so that employees receive an appropriate award wage and that the fees are taken rightly when they are deserved by a manager or agent for the various services that they perform.

The only other matter that I would like to comment on is the committee that is to be set up to oversee the arrangements contained in this legislation. That committee will be charged with the very important role of ensuring that this legislation works. The committee will adjudicate on licence applications. It will also formulate a code of conduct and oversee various disputes. The committee will be required to resolve some very complex arrangements and to set standards that the industry should follow. It is important that this committee does not become cumbersome and that it be very responsive. A lot of people's livelihoods depend on getting money through their work from agents, et cetera, promptly. One of the important aspects of this legislation that I trust will be reviewed very closely by this committee is that contracts are enforced and that people have their money in their hands quickly so that they can get on with their work and their lives. This legislation is important. I commend the minister for bringing it to the House. I trust that many employees within these very important and growing industries—the entertainment industry in general—benefit greatly from this legislation.
