
BACKGROUND PAPER ON PLAYER AGENTS



NZRPA
NEW ZEALAND RUGBY PLAYERS' ASSOCIATION

EXECUTIVE SUMMARY

The NZRPA Agent Charter provides a list of NZRPA Accredited Agents who meet certain standards of knowledge, integrity, competence and professionalism. Any player (and if possible the player's parents) considering appointing an agent must:

- Read and consider this background paper;
 - Read and consider the NZRPA Agent Charter; and
 - Contact the NZRPA (0800 PLAYER or info@nwrpa.co.nz) for assistance.
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- The agent works for the player (not the other way around) and it is important that the player remains in control of the relationship. The player should take an active interest in his own affairs. The best way to make sure an agent is doing a good job is to know what the agent is doing for him and understand the areas the agent is working in.
 - In New Zealand, rugby, players are represented by a wide range of people and companies that could be classed as agents. These include friends and family, accountants, lawyers, small companies and individuals. "Agents" can provide a variety of services to the player, anything from moral support to complex contractual, negotiation and legal services.
 - An agent generally acts on behalf of the player in sourcing playing, promotional and endorsement opportunities and negotiating key contracts. Some agents also offer other services including financial, legal, investment, career development and educational advice.
 - A large number of players use someone to assist them in their contract negotiations to play rugby in New Zealand or overseas. The general rule is that if a player is considering a rugby playing contract or any contract for that matter then he should seek independent professional advice and guidance.
 - Specialist advice is a necessity when a player is considering personal promotion and endorsement arrangements.
 - Some agents offer other services including financial, legal, investment, career development and educational advice. When considering these services a player must consider if the agent is qualified to provide this kind of advice and guidance and also the relative cost of that advice.
 - When choosing an agent a player should look to ask the questions as listed in Schedule A.
 - One of the most crucial things an agent has to have is a good knowledge of the market i.e. how much are players getting paid, how players are paid and an excellent understanding of the contracting environment (i.e. Collective Agreement).
 - If a player is presented with an agency agreement to sign then they should get independent advice on what is in the agreement before signing.
 - Any agency agreement should cover the key terms highlighted in Schedule B.
 - In New Zealand it depends on who the agent is as to what they charge – there is no consistency among agents or even among players who have the same agent.
 - There are a number of things players should watch out for and be aware of when dealing with agents. These are highlighted in the last section of this paper.
 - The Players' Association is always available to assist players considering engaging someone to assist them including someone to act as their "agent" (0800 PLAYER)

WHAT IS AN AGENT?

The term “agent” covers a wide range of relationships with a player. An agent could be a personal friend, manager, family member, accountant, lawyer, teacher or coach – anyone who brokers a contract on a player’s behalf. It could be a playing, personal endorsement or other form of contract. International corporations such as IMG and Octagon CSI also act as agents for high profile individuals, teams and governing bodies.

In New Zealand rugby players are represented by a wide range of people and companies that could be classed as agents. These include friends and family, accountants, lawyers, small companies and individuals. “Agents” can provide a variety of services to the player, anything from moral support to complex contractual, negotiation and legal services.

Rather than the term “agent” some people prefer to use terminology such as manager, lawyer, accountant, contracts advisor, financial advisor or player representative depending on their background and professional qualifications. However for the purposes of this paper the Players’ Association refers to those who assist players in these areas as agents.

WHAT SERVICES CAN AN AGENT PROVIDE?

An agent generally acts on behalf of the player in sourcing playing, promotional and endorsement opportunities and negotiating key contracts. Some agents also offer other services including financial, legal, investment, career development and educational advice. The role agents fill in New Zealand rugby can be split into three key areas:

01. Rugby Playing Contracts

This role involves negotiating contracts to play rugby – both within New Zealand i.e. Air New Zealand Cup, Rebel Sport Super 14 and outside of New Zealand i.e. Japan, UK. This is the bread and butter of a professional sportsperson's career and highlights the important role any advisor plays in assisting the player to maximize his playing and earning potential.

It involves the agent working with the player to determine who the player plays rugby for and the terms and conditions of employment including how much the player gets paid.

In negotiating playing contracts the agent's expertise and knowledge of the market and contracting environment (i.e. Collective Agreement) is crucial. If the agent does not know the market how will the agent identify the right opportunities for a player or know what the player is worth?

Negotiating rugby playing contracts is a skill - experience and knowledge plays a large part of it. In addition to retainers or fixed amounts of payment some agents may also work on negotiating performance incentives and bonus targets, remuneration reviews and other mechanisms which can benefit (or if done badly, harm) the player.

02. Personal Promotional and Endorsement Opportunities

This service involves sourcing and securing appropriate personal promotional and endorsement opportunities for the player.

This is an area that is growing as professional rugby grows – both within and outside of New Zealand. These arrangements will involve payment and/or supply of product and/or services to the player in return for their personal endorsement or promotion of the company's products or services. Alternatively it could be an arrangement to speak at/attend a function, go out for dinner with a group or provide written articles, commentary or critique.

Once again knowledge of the market is crucial. Other relevant skills include the agent's ability to manage a player's brand (i.e. make sure the player is not overexposed, that the "fit is right") and the agent's ability to know the right people within the various organisations that provide promotional and endorsement opportunities.

The player and his advisor need to ensure that by undertaking a personal promotion the player is not breaching an element of his playing contract and has followed any relevant consent or notice procedures.

03. Other services

These services include financial, legal, investment, career development and educational advice. When considering these services a player must consider if the agent is qualified to provide this kind of advice and guidance and of course what is the cost.

WHO NEEDS AN AGENT?

Contract Negotiations

A large number of players use someone to assist them in their contract negotiations to play rugby in New Zealand. In some cases more experienced players do their own negotiations and call on advice and guidance only when they need it and often from within their own support network. The Collective Agreement covers the general terms and conditions of employment but the player still has to work out who he will play for, the duration of any agreement and how much he will be paid (subject to minimum payment levels).

When considering or seeking an overseas offer almost all players engage the services of an agent. Overseas contracts can be very complex from a playing, living and financial perspective (i.e. taxation) and professional/specialist advice is a necessity.

The general rule is that if a player is considering a rugby playing contract or any contract for that matter then he should seek independent professional advice and guidance in its negotiation.

Promotional Opportunities

In New Zealand there is a significant number of opportunities for players to undertake personal promotions or secure personal endorsements – and the market is growing. There are now increasing opportunities for television and radio commercials, speaking engagements, feature articles, personal appearances to promote all kinds of products or services, network with companies' clients, contract arrangements involving property and business ownership/commission – and the list goes on.

In New Zealand a number of players arrange smaller endorsement arrangements themselves i.e. they endorse a product and in return get free gear.

Specialist advice is a necessity when a player is considering getting into this area. There are a number of reasons for this including:

- Any arrangement for personal promotions requires certain notification procedures to be followed as part of the player's playing contract (failure to do so could lead to serious misconduct);
- Players do not always understand the importance of protecting their personal brand by not associating it with certain products or services; and
- If a player is to undertake any promotional work he needs to ensure he is getting paid fairly and has a clear understanding of what is expected of him. Factors such as the ability to control the production of images and the use of such images are a specialised area. Simply securing the opportunity to undertake a personal promotion or endorsement is only part of the process. What will the images be used for? For how long? How does the player want to be portrayed publicly? What does he not want to be associated with?

Players should note that the person who assists with their contract negotiations may not be the same person to assist with personal promotions and vice versa. As an example a high profile elite player may use one person for his contract negotiations and another for sourcing promotional opportunities.

Other services

Some agents will offer financial, legal, investment, career development and educational services to players. The agent's suitability to provide these services should be assessed on an individual basis.

Agents sometimes agree to provide this service free of charge or as part of the overall package. Players should be wary of this approach as the player may find the agent negotiates his contract, collects his or her fee and then fails to deliver in this area or does not give it the focus it requires.

WHO NEEDS AN AGENT?

The player should also consider that there are specialist skills required to assist people in their personal and professional development and not everyone possesses these skills.

The NZRPA/NZRU Professional Development Program (PDM's) and the New Zealand Rugby academies also provide players with specialist and qualified assistance in these areas free of charge.

CHOOSING AN AGENT

Agents are proactively approaching young players who have not yet reached professional rugby with a view to securing the right to represent them. This means that often an agent will choose and find the player before the player has even considered using an agent. This is not unusual – it happens in most professional sports all around the world. What is crucial is how the player handles any approach.

It is important that the player does not just go with the first agent that he comes in contact with. This is especially an issue for young players who may be impressed by the talk of an agent. It is important to remember there is never any rush. Remember it is a competitive market and there are good agents and bad – some will not hesitate to stretch the truth and act very aggressively in order to secure a player.

A player needs to balance what an agent says by remembering this is how agents make their living - of course they want the player to sign up with them. In this sense it is no different to anyone who is pitching or proposing for work or selling something.

For young players it is important to talk to someone you trust about the situation – preferably your parents, guardian or someone who fills a similar role. Have them read this paper.

If a player decides to utilise the services of an agent then the next step is to ensure he engages the best agent for him. It should be one that the player trusts, delivers the services the player requires and one which he is able to reach a clear agreement with on how the relationship will work.

If a player decides to investigate the services of an agent then the first place to go is the Players' Association and the NZRPA Agent Charter.

From here the player may view the agents operating in the market. He can seek further information from the prospective agent and talk to other players. He can then select which player representative/lawyer/agent(s) he would like to talk further with.

As well as getting to know the prospective agent a player should look to ask the following specific questions and get the agent to write down the answers (these questions are listed on a one page document in Schedule A that the player can use in meeting with an agent).

01. Is the agent an Accredited Agent under the NZRPA Charter?
02. What is the agent's background i.e. education, qualifications and training?
03. In what areas does the agent represent players and in what areas does he or she want to represent the player. What is the agent's experience in these areas?
 - a. New Zealand Rugby contracts
 - b. Overseas Rugby contracts
 - c. Other sporting contracts
 - d. Personal Promotions and Endorsements
 - e. Other services
04. How long has the agent represented players?
05. How many professional players does the agent currently represent?
06. How many professional players in your position does the agent represent?
07. What are the agent's relationships like with the NZRU, Franchises and Provincial Unions.
08. Which players can the player talk to about the agent's services (referees)?
09. How much will the agent charge and when will the player have to pay?
10. How long does the agent want to represent the player?
11. If there is a dispute how will it be resolved?
12. What will the player be responsible for in the relationship?
13. How often will the agent and player speak, be in contact?
14. Does the agent have professional indemnity insurance? At what level?
15. If the agent gets outside advice such as legal or financial advice relating to the services provided by him or her (i.e. taxation advice on an overseas contract) who pays for this advice?

CHOOSING AN AGENT

16. Does the agent have an agency contract that he or she uses for the player to consider and get advice on (the NZRPA Charter provides a standard template contract)?

Remember one of the most crucial things an agent has to have is a good knowledge of the market and contracting environment.

The player can evaluate the answers to these questions to assist in determining who the right person to assist and represent him is. Remember just because one agent may be right for one player does not mean he will be right for every player – it is very much an individual preference.

A player should get independent advice before entering into any relationship with the agent. This is where the Players' Association can assist (0800 PLAYER or info@nzrpa.co.nz).

AGENCY AGREEMENTS

The NZRPA Charter provides a standard Agency Agreement. If the agent is an Accredited Agent under the NZRPA Charter you should be presented with this standard agreement.

If a player is presented with an agency agreement to sign then the most important thing is get some advice on what is in the agreement. A good agent will encourage the player to do this – if the agent does not or tries to talk the player into signing an agreement immediately then the player should be suspicious.

Too often over the years players have found that they have got into agency arrangements that are unsuitable for them (or found that they have issues with their agent) – and that the first thing that they have sought advice about is how they can get out of an agreement.

Some key things that need to be included in any agency agreement or relationship include (these are summarised in Schedule B):

01. The specific services will the agent be providing;
02. The fee the agent will charge and how this is to be paid;
03. How long will the agreement be for (should not exceed two years);
04. How any disputes will be resolved;
05. Any period of exclusivity;
06. Treatment of confidential information
07. Who pays for the expenses incurred by the agent or player; and
08. What rights of termination do either party have if things do not work out (make sure there are no automatic roll over clauses)?

The NZRPA believes that all these factors should be discussed between the player and any prospective agent before any agreement is reached. If an agreement is reached then this agreement should ideally be set out in writing and signed off by either party – but not before the player gets some independent advice.

WHAT FEES DO AGENTS CHARGE?

In New Zealand it depends on who the agent is – there is little consistency among agents or even among players who have the same agent. A family friend may represent the player for free or for a signed jersey. In another instance a lawyer may do it as part of his or her normal business and charge an hourly rate or a predetermined fixed fee. In some instances an agent will require the player to enter into an agency contract which sets out the obligations of both parties and the amount the players will be charged for the agent's services and in other instances there is just a verbal agreement.

The one rule which is consistent is that if a person does it for a living they will require the player to pay for the services they provide and, in most cases, will want the player to sign an agency agreement.

The player needs to understand how agents charge. There are a number of ways.

- 01. Percentage (contingent fee):** the agent takes a percentage. This could be of the total dollar value of the contract or a percentage of the difference between the dollar value of the contract and the minimum salary under the terms of the Collective Bargaining Agreement. As a guideline 3-5% of the total contract value is typical for contract advice on New Zealand based contracts. This percentage could increase to 10% for overseas based contracts. Anything more is excessive unless additional services are provided and justified. In New Zealand agents charge as much as 8% on New Zealand based contracts and 10 – 20% on overseas based contracts. For personal endorsement and promotional opportunities agents will charge significantly more generally around 15 – 20%.
- 02. Time:** the agent, typically a lawyer, charges an hourly rate for each hour spent working for the player. Hourly rates vary greatly i.e. \$80/hour - \$400/hour.
- 03. Flat fee:** the agent agrees to perform the specified work for a pre determined flat fee regardless of the time spent or the value of the contract. Flat fees can be very wide ranging i.e. anywhere from \$250 to several thousand dollars. Often in New Zealand the agents will either not charge or charge a flat fee i.e. \$250-\$500 for a player's first contract given there is often little room for negotiation on a player's first contract.
- 04. Combination:** The agent charges a combination of the above i.e. hourly rate limited to a predetermined flat fee or percentage of the dollar value of the contract.

In New Zealand the agents who are practising lawyers generally charge a flat fee or hourly rate. Those who are fully focused on representing players and require players to sign agency agreements generally charge a percentage of the total contract. Players may choose to investigate having agents only take a percentage of what they negotiate above the minimum salary levels and have Team Assembly Fees (which are fixed under the Collective) excluded i.e. \$65,000 for Rebel Sport Super 14 and \$15,000 for a Provincial Union Contract.

PLAYERS' ASSOCIATION'S ADVICE TO YOUNG PLAYERS

The Players' Association has some clear advice for players who are either considering their first playing contract or approached by an agent.

Firstly, as general rule of thumb, if the player is not considering a playing contract then he should not enter into any formal relationship with an agent.

If the player is presented with a playing contract to consider then that will more than likely be the first time the player needs to consider independent advice, more than likely in the form of an agent.

We advise players to contact the Players' Association (0800 PLAYER or info@nZRPA.co.nz) to talk through his options.

Almost always the Players' Association will point out to players that for their first contract many of the experienced agents will either assist the player for free or for a nominal fixed fee (i.e. \$250-\$500) without requiring the player to commit for a period of time. In essence what the agent is saying is, "yes we will help you out with this contract given it is your first one for little or no fee and hopefully you like our work – remember us when it comes to your next negotiation, which if everything goes well will be crucial and you will need professional assistance". In this way the player gets to trial the agent without committing (under the guidance of the Players' Association and/or Professional Development Managers), secures his first contract, gets to know the environment (and know the more senior players) and will be in a much better position next time around, with plenty of options in terms of from whom and on what terms he seeks his advice.

Remember the NZRPA has negotiated many minimum and standard terms and conditions of employment as part of the Collective Agreement. An agent's role in this instance is restricted to helping determine who a player signs with, what they get paid above the minimum retainer levels already negotiated and how long the player plays for.

Players need to think very carefully about why they need an agent at any particular stage of their career.

If a player does sign an agency agreement, it is important to know how much the agent is earning from the player e.g. money paid directly from clubs or unions to the agent.

SHOULD PLAYERS HAVE AGENTS?

A question often asked. In response we often hear people say that a player does not need an agent. This concerns us as much as those who say a player does need an agent. Our response is to divert the question – firstly what is meant by an agent? If it means competent, professional, independent advice in respect of a contract on payment and other terms which are fair then the answer is yes, if the player is considering a playing contract he needs an agent. If on the other hand the advice is unprofessional, on poor terms and independence is compromised then the answer is no. In short we have come to the conclusion that to answer such a question you have to treat each case on its own individual merits – and until the entire situation is clear such a question in respect of an individual player is very difficult to categorically answer.

Players should refer to the NZRPA Agent Charter, the educational information provided on the NZRPA website and the list of Accredited Agents under the Charter in making any decisions about who to engage.

Some other points:

- Some of the most respected and experienced players, coaches, team management, business people and CEO's utilise the services of an agent to negotiate contracts; and
- The Players' Association is the players official bargaining agent – yes we act on behalf of the players as their bargaining agent in negotiating the Collective Agreement (of course it helps that the Players' Association is run and owned by the players themselves).

WHAT TO WATCH OUT FOR AND THINK ABOUT (THE WARNINGS/SOME TIPS)

01. The Players' Association believes that no agent should have a player sign an agency agreement without encouraging him to seek independent advice. Any player under the age of 21 should be referred to the Players' Association by the agent prior to the player signing any agency agreement or agreeing to represent the player.
02. **In entering any agency arrangement:**
 - a. the player must be absolutely sure that the cost of employing a contract advisor or agent is no higher than the benefits the agent can bring; and
 - b. the player must get advice before entering any agency agreement – Players' Association – to ensure he understands what relationship he is getting himself into and how much it will cost before it is too late.
03. Players should ensure they take an active part in contract negotiations to the extent of attending key meetings and reading key correspondence.

The reasons for this include:

 - a. the player learns about contract negotiation through experience. This can prove invaluable;
 - b. the player hears first hand what is going on;
 - c. the player gains respect and establishes a working relationship with his employers; and
 - d. if things get uncomfortable the player can always step back.
04. A good agent will know when the time is right for the player to be involved and when it is not. As with all professional relationships there are times when an advisor can become compromised or conflicted. This is sometimes the case with an agent i.e. for example this can often be the case with overseas contracts as the agent often receives a greater commission i.e. 10% instead of 4% for New Zealand base contracts. It is important a player can always balance the motivations behind an agent's advice. Sometimes a player may need independent support and advice from someone who is not financially motivated.
05. There is no doubt that agents are targeting players, and targeting players from a young age (17, 18, 19 years) – this is primarily because there is a demand for their services at this age! It is not unusual - it happens in professional sport all over the world. However players should be suspicious if they are continually approached, or hassled, by an agent seeking to represent them – especially young players and their parents. Players should be especially suspicious if the agent is trying to push the player into signing an agency agreement without allowing the player to get advice.
06. Leading on from this point many people in rugby say 17, 18 and 19 is too young to have an agent – logic would dictate that it is therefore too young for the players to be presented with any form of contract, including an academy contract. The problem is that other sports do not see it that way and rugby competes with other sports. In addition for a players development the academy system is crucial and academy programs start at these ages and, moving forward, maybe even younger. The same rules as for Playing Contracts apply to any form of contract – the player should get independent professional advice before committing – hence the demand for agents at this level.
07. Players should watch out for agency agreements which do not give them the right to terminate if things do not work out. Many players in the past have entered agency relationships only to realise a year or so later that they are not happy with the agent they have chosen but have no way out.
08. Many agents in New Zealand, if not all, will undertake work on a one off basis or work with the player to come to an agreement which best suits the player's circumstances. Players should not be afraid to talk at length with a prospective agent about how best to structure the relationship so it works for both player and agent. In general the agents will appreciate this.
09. Players should watch for agents who charge the player and then also look to charge the Club or Union whom the playing contract is with. This is a common occurrence, not so much in New Zealand, but overseas. Any agency agreement should cater for this and ultimately an agent should only be paid once.
10. If a player is uncomfortable about the way their agent is handling a situation i.e. an employment dispute which is turning bad or too much media exposure surrounding an issue then the player should not hesitate to ask questions and seek advice. Once again the Players' Association is a good place to start.
11. Recently some agents have begun implementing additional charges such as disbursements for phone calls, stationery etc. Players need to be aware of the potential for this and ensure it is factored into the agreement they have with the agent.

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12. If a player gets a good agent and things are working out well the player should not be too quick to jump the fence. Agents operate in a competitive world and the player is what they are after. Be very wary of the agent who bags another agent on the basis that he could do a much better job. This may or may not be the case but the player must remember that agents are making a living out of representing players and the more players they have the better the living. At the end of the day an agency relationship is business.
 13. Be wary of agents who utilise the media unnecessarily. Player's careers can be damaged by having employment problems and other issues debated through the media. A good agent will always look to avoid exposure on matters of dispute and even if they do go 'public' look to minimise any potential damage to a player's family and reputation or professional relationships.
 14. Leading on from this is the need to be aware about ensuring the confidentiality or safe treatment of information relating to the player that an agent may be privy to as a result of his position. Specifically contract terms, misconduct matters, grievances etc. Players need to ensure that there is a doctor/patient or lawyer/client type confidentiality arrangement with the agent.
 15. Some players may not have to go with only one agent (called exclusivity) especially in respect of overseas contracts. The player may be better to ask 2-3 different agents what options they can come up with and only agree to pay the agent if he accepts the offer that agent comes up with. High profile and high value players in particular can utilise this option when considering overseas contracts i.e. like having several real estate agents selling your house as opposed to having one real estate agent selling your house 'exclusively'.
 16. Regardless of if a player has an agent he should establish a support network which is made up of the people he chooses to seek advice and guidance from. Ensuring he has people in place to assist him with financial advice, legal matters, insurance, contracts, rugby development and key decisions is all part of being a professional sportsperson. An agent may be just one member of a player's support network.
 17. The only thing worse than not getting advice when you need it is getting bad advice. Players should always bear this in mind when selecting and managing an agent. Always ensure that the advice you are getting is quality. Poor advice can have serious implications on a professional playing career which, with good fortune, could last 8 -10 years – on the other hand good advice can be a crucial component of a successful career.
 18. Agents will often promise to do everything from negotiating contracts, advising on career development, working with your bank on securing a mortgage and sourcing promotional opportunities etc.
There are several issues to be aware of here including:
 - a. the agent may not actually deliver on his promise, taking the fee for negotiating the contract and leaving it at that i.e. it is a ploy to get you to sign up and justify his fee.
 - b. the agent may not be qualified or possess the skills to provide some of the services they say they can offer a player i.e. the agent may be a very good contract advisor but have very little experience or background to justify providing career development advice.
 - c. most importantly, is it good for the player's development to have an agent do absolutely everything? Our opinion is no. Like all people players should learn to take control of all aspects of their lives and their own development. An agent has specialist skills – a player should utilize these and not be caught in the trap of just handling everything over to an agent – he should retain control and an extensive knowledge and involvement in all of his personal and business dealings – the players should manage the agent, not the other way around.
 19. Players should talk to other players. However the player should always be aware that he is making his own decision, one that is right for him. While one agent may suit one player it does not mean he or she is the right agent for all players. Also be aware that agents will use existing players (clients) to get to other players – almost as a middle man. Be aware of this situation.
 20. Just as a player should ensure the agent has knowledge of the market, which is gained by representing a number of players the player should also make sure the agent does not represent too many players. The danger here is that the agent just does not have time to manage all his players. Will the player get the focus and time he requires?
 21. A good agent will look out for opportunities for his players. He will see gaps in key teams that his player can fill; he will know the market and will see opportunities for the player to advance his playing career through a strategic move from one province to another. Once again the ability to see these opportunities comes from knowing the market, knowing rugby, having key contacts both within New Zealand and overseas. This is an attribute players should look for in any agent they may consider engaging.

MOVING FORWARD

The Players' Association believes that the most important thing is player education. This paper touches on the key things that players need to be aware of in seeking independent professional advice but is by no means comprehensive. Utilising advice is something that players and others do throughout their lives – the challenge is that players tend require it at a younger age than most. Also time is not on their side when it comes to professional rugby – careers are short and recovering from bad advice or a wrong move can severely impact on a player's career. Assisting them and providing them with the skills to competently manage such advice and advisors is the best thing we can do. Academies and the Professional Development Program play a major role in this as do we.

Secondly ensuring the players have people they can categorically trust to assist them – people who are working in the best interests of the player, who recognize they may not have all the answers but will assist the player in finding them and who can put the player's interests beyond theirs or their employers own interests.

The NZRPA Agent Charter is available at www.nzrpa.co.nz

For more information, contact the NZRPA on **0800 PLAYER** or email info@nzrpa.co.nz

SCHEDULE A

QUESTIONS FOR PROSPECTIVE AGENTS

01. Is the agent an Accredited Agent under the NZRPA Charter?
02. What is the agent's background i.e. education, qualifications and training?
03. In what areas does the agent represent players and in what areas does he want to represent the player. What is the agent's experience in these areas?
 - a. New Zealand Rugby contracts
 - b. Overseas Rugby contracts
 - c. Other sporting contracts
 - d. Personal Promotions and Endorsements
 - e. Other services
04. How long has the agent represented players?
05. How many professional players does the agent currently represent?
06. How many professional players in your position does the agent represent?
07. What are the agent's relationships like with the NZRU, Franchises and Provincial Unions?
08. Which players can the player talk to about the agent's services (referees)?
09. How much will the agent charge and when will the player have to pay?
10. How long does the agent want to represent the player?
11. If there is a dispute how will it be resolved?
12. What will the player be responsible for in the relationship?
13. How often will the agent and player speak, be in contact?
14. Does the agent have professional indemnity insurance? At what level?
15. If the agent gets outside advice such as legal or financial advice relating to the services provided by him or her (i.e. taxation advice on an overseas contract) who pays for this advice?
16. Does the agent have an agency contract that he or she uses for the player to consider and get advice on (the NZRPA Charter provides a standard template contract)?

SCHEDULE B

WHAT TO INCLUDE IN ANY AGENCY AGREEMENT

An “Agency Agreement” should detail:

- Services provided by the agent;
- The way in which fees and disbursements will be charged and paid;
- Term (length) of the engagement;
- Dispute Resolution Procedure;
- Exclusivity (for the period of the engagement only);
- Specific Obligations;
- Termination Rights (which may include a right for either party to terminate on 2 months notice provided that in the event that the player terminates the agreement any fees due under that agreement as a result of a pre-existing contract negotiation remain payable); and
- Confidentiality/Treatment of Information.