

Major Events (Ticket Scalping) Bill 2014

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Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Hon. Mr Mark McGowan, MLA)

Major Events (Ticket Scalping) Bill 2014

A Bill for

An Act to control the resale of tickets to certain events and for related purposes.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Major Events (Ticket Scalping) Act 2014*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 (other than section 3) — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Terms used

In this Act —

Arts Minister means the Minister responsible for the administration of the *Perth Theatre Trust Act 1979*;

event declaration means a declaration under section 4(1);

event organiser, in relation to a major event, means the person identified in an event declaration as the organiser of the event;

major event means an event declared to be a major event under section 4(1);

original price, in relation to a ticket to a major event —

- (a) means —
 - (i) the price printed on the ticket; or
 - (ii) if a price is not printed on the ticket, the price at which the ticket was, or tickets of the same type as the ticket were, originally offered for sale by or on behalf of the event organiser;

and

- (b) includes any fee or charge payable in relation to the original sale of the ticket (for example, a booking fee or postal charge);

- 1 **Sports Minister** means the Minister responsible for the
2 administration of the *Western Australian Sports Centre*
3 *Trust Act 1986*;
- 4 **ticket to a major event** means a ticket that —
- 5 (a) permits entry to a major event or to a particular activity
6 forming part of a major event; and
- 7 (b) is issued by or on behalf of the event organiser.

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Part 2 — Declaration of major event

4. Event declaration

- (1) The Minister may, by instrument published in the *Gazette*, declare an event to be a major event.
- (2) Before making an event declaration the Minister must consult with the following people —
 - (a) the organiser of the event;
 - (b) if the event is a concert, theatrical event or other cultural event — the Arts Minister;
 - (c) if the event is a sporting event — the Sports Minister.
- (3) When determining whether to make an event declaration the Minister must take into account the following matters —
 - (a) whether the event will attract a large number of international participants or spectators and therefore generate significant tourism opportunities for Western Australia;
 - (b) whether the event will significantly raise Western Australia’s international profile;
 - (c) whether the event will attract significant sponsorship and international media coverage;
 - (d) whether the event will attract a large number of Western Australians as participants or spectators;
 - (e) whether the event will offer substantial sporting, cultural, social, economic or other benefits for Western Australia or Western Australians.
- (4) An event declaration must identify the major event and the organiser of the event.

5. Amendment or cancellation of event declaration

- (1) The Minister may, by instrument published in the *Gazette*, amend or cancel an event declaration.

1 (2) Before amending or cancelling an event declaration the Minister
2 must consult with the people referred to in section 4(2).

3 **6. When instrument takes effect**

4 An instrument under section 4(1) or 5(1) takes effect —

5 (a) on the day after the day on which it is published in the
6 *Gazette*; or

7 (b) if a later day is specified in the instrument — on that
8 day.

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Part 3 — Ticket scalping

7. Offence of ticket scalping

A person must not, without the written authorisation of the event organiser, sell a ticket to a major event at a price greater than the original price of the ticket.

Penalty: a fine of \$5 000.

8. Action for damages

(1) If a person suffers loss, injury or damage because of a contravention of section 7, the person may recover the amount of the loss, injury or damage, or damages in respect of the loss, injury or damage, by proceeding against one or more of the following —

- (a) a person who has aided, abetted, counselled or procured the contravention;
- (b) a person who has induced, whether by threats or promises or otherwise, the contravention;
- (c) a person who has been in any way, directly or indirectly, knowingly concerned in, or a party to, the contravention;
- (d) a person who has conspired with others to effect the contravention.

(2) A proceeding under subsection (1) cannot be commenced more than 3 years after the date on which the cause of action accrued.



Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Arts Minister	3
event declaration	3
event organiser	3
major event	3
original price	3
Sports Minister.....	3
ticket to a major event.....	3