

The VenuesWest Portfolio consists of thirteen venues: Optus Stadium, RAC Arena, HBF Park, HBF Arena, HBF Stadium, Bendat Basketball Centre, WA Athletics Stadium, Rugby WA, WAIS High Performance Service Centre, SpeedDome, Champion Lakes Regatta Centre, Motorplex and the Gold Netball Centre.

A1. Attendance versus complaints

VenuesWest venues serviced over 6 million patrons to its venues in 2018-19.

Anecdotal information only can be provided regarding 'complaints.

Very few consumers take their concerns regarding ticket scalping to the Minister for Sport and Recreation i.e. less than five members of the public wrote to the Minister last year.

Social media channels do pick up complaints from time to time also.

Please see response to A7 and Appendix A for details of refused tickets in order to gauge the extent of the problem at the RAC Arena box offices which is the most effected venues within VenuesWest's major venues.

A2. Prosecutions made?

Please refer to Consumer Protection for response.

A3. Value of the industry in WA

The following is provided to assist with establishing the value of the industry in WA.

VenuesWest hosted 156 world class events across its venues in 2018-19 and 3,002,222 million tickets were sold.

In 2018, the RAC Arena was ranked seventh in the worldwide billboard charts in its venue category grossing \$25.54 million in 12 months.

Live Performance Australia Results for WA indicated an attendance of 2.6m patrons and Revenue of \$197m in 2017 associated with culture and the arts/entertainment events ie. categories include: Ballet and Dance, Children's/Family, Classical Music, Festivals (Multi-Category), Festivals (Contemporary Music), Musical Theatre, Contemporary Music, Opera, Special Events, Theatre, Circus and Physical Theatre.

A4. Estimated implementation time re proclamation of the Act.

Please refer to Consumer Protection for response.

A5. Consideration of insertion of the definition of 'ticket scalping' in the Bill Please refer to Consumer Protection for response.

A6. Definition of 'event organiser' and need for person or class of persons

Please refer to Consumer Protection and PCO for response.

A7 - Further information regarding the scope of the problem

Since 1 January 2017, 1508 ticket holders did not gain access to an event at RAC Arena due to the presentation of invalid tickets. When presenting to the box office, the following resale avenues were identified:

Ticketmaster Resale - 379

Viagogo - 1003

Facebook - 6

Gumtree - 77

Queen of Tickets 10

The Ticket Merchant - 9

Unknown - 24

Please refer to Attachment A for a further breakdown by event at the RAC Arena.

On top of the high risk of tickets being invalid, tickets to events are exorbitantly priced. For example – tickets to the Jerry Seinfeld event at RAC Arena were being resold on Ticketmaster resale at at 3.56 times higher than the average original ticket price (\$518 versus \$145.30) and on Viagogo at 3.7 times higher than the average original ticket price (\$538 versus \$145.30).

Recent events at Optus Stadium

Eminem

102 ticket reseller issues experienced at the box office. Wherever possible, the venue attempted to explain the issue with ticket scalping and enable the purchase of official tickets.

- Viagogo was the main reseller
- 1 x Ticketstub
- A lot of Facebook and Gumtree more than usual. One lady who had sold through Gumtree had onsold the same ticket multiple times to different people (we had 6 groups of people with the same two tickets).
- Fake ticket presented twice at Gate D and E (two groups of people). Everything about this ticket is fake, account number, trans number etc. I can't trace it back to a sold ticket.

Cricket (BBL only)

Across 7 games there were 30 bookings affecting a total of 65 tickets.

14 of the 30 bookings were done with Viagogo, the balance of consumers did not want to comment or discuss any further where they got their tickets from.

Ed Sheeran

Friday night show – 146 Tickets were scalped. 125 x Viagogo. 18 x Gumtree. 3 x Facebook Saturday night show – 48 Tickets were scalped – all purchases occurred through Viagogo.

At an AFL game, tickets identified as scalped appear to be averaging 10-20 per game. However, it is again demand driven.

HBF park

Red Hot Chilli Peppers - 5 March 2019

62 accounts presented at the ticketbox with invalid tickets (based on an average of 2 ticket sales per account) this is a total of 124 tickets. In real terms – this is a conservative number as consumers are embarrassed when they are turned away.

Predominantly sales were via Viagogo and StubHub

A 8. Inclusion of reference to other defences, such as those that may apply in the Criminal Code?

Please refer to Consumer Protection and PCO for response.

A9. Further information regarding modified penalty

Please refer to Consumer Protection.

A10. Consideration of summary information for clause 13?

Please refer to Consumer Protection and PCO for response.

A11. Information regarding precent for clause 14

Please refer to Consumer Protection and PCO for response.

A12. Inclusion or reference to the Governor's consultation with the Commissioner in drafting regulations

Please refer to Consumer Protection for response.

A13. Clarity regarding the commencement of clause 16 Clause 16 Review period

Please refer to Consumer Protection and PCO for response.

A14. Concerns addressed in draft Bill.

The initial development of the draft Bill involved Tourism WA, VenuesWest, the Department of Local Government, Sport and Cultural Industries, the Department of Premier and Cabinet and the State Solicitors Office.

A working group was established to progress the development of the proposed legislation and consists of representatives from the Tourism WA; VenuesWest; the Department of Local Government; Sport and Cultural Industries; the Department of Premier and Cabinet, and the State Solicitors Office.

In addition to the established working group, and in order to prepare this submission, an extensive consultation program was undertaken with the following government departments and agencies, and industry associations:

- Department of Mines, Industry Regulation and Safety;
- Department of Planning, Lands and Heritage;
- Department of Biodiversity Conservation and Attractions;

- Department of Health;
- Department of Local Government, Sport and Cultural Industries;
- Department of Water and Environmental Regulation;
- Department of Fire and Emergency Services;
- Western Australian Police;
- Department of Premier and Cabinet;
- Department of Finance;
- Department of Treasury;
- Department of Transport;
- Metropolitan Redevelopment Authority (MRA);
- Public Transport Authority (PTA);
- Small Business Development Corporation;
- Events Industry Association; and
- WA Local Government Authority (WALGA)

VenuesWest is the owner, on behalf of WA Taxpayers, of thirteen venues and the operator of seven venues and as such has operational experience in managing the issue of ticket scalping. Further industry consultation occurred with VenuesLive (operators of Optus Stadium) and AEG Ogden (operators of RAC Arena) in conjunction with respective contracted ticketing agencies.

Concerns addressed by the draft Bill are the problem of organised scalping rather than individuals who are engaged in 'reselling'.

Organised scalping is where individuals or organisations purchase large volumes of tickets, either by repeatedly purchasing maximum ticket allowances or using Bots which automatically purchase large volumes of tickets on-line, at a rate faster than humans can. This has the effect of:

- a. Denying access for large numbers of normal ticket buyers to face-value tickets; and
- b. Enables the creation of large caches of tickets that can be fed back into the market at a higher price when they become scarce. In some cases, the volume purchases can, in itself, create scarcity.

In order to effectively reduce the impact of ticket scalping on event organisers and consumers, legislation needs to prohibit individuals from reselling tickets contrary to the ticket conditions.

Consultation identified that powers required would ideally provide for penalties for:

- Selling or advertising tickets for sale at higher than (10% above) face value, without the written approval of the event organiser and with the burden of proof on the seller
- Selling large volumes of tickets at a much higher level than for those selling small volumes
- Organisations who scalp tickets to be impacted by higher level penalties than individuals

By pursuing legislation that affords for the above, it will not restrict people's ability to resell tickets where they have a legitimate reason to do so and where the transfer of the ticket is allowed under the conditions of sale.

The 10 per cent margin allows people who are unable or no longer want to attend the event to recoup the ticket price and other costs associated with the purchase and resale of the ticket.

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DAVID ETHERTON Chief Executive Officer VenuesWest

Date: 16 August 2019

Attachment A: RAC Arena Ticketing Issues
Attachment B: Optus Stadium Ticketing Issues

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ATTACHMENT A

RAC Arena - UNAUTHORISED ON-SELLERS WHO DID NOT GAIN ACCESS DUE TO INVALID TICKETS AND PRESENTED AT THE BOX OFFICE

DATE	EVENT	TICKETMASTER RESALE	VIAGOGO	FACEBOOK	GUMTREE	QUEEN OF TICKETS	THE TICKET MERCHANT	UNKNOWN
1-7-Jan-17	HOPMAN CUP	12	129			2		
22-Jan-17	BRUCE SPRINGSTEEN	8	4				2	
25-Jan-17	BRUCE SPRINGSTEEN		5					
28-Jan-17	BRUCE SPRINGSTEEN		19					
31-Jan-17	NICK CAVE	6						
18-Feb-17	HUMAN NATURE		4					
5-Apr-17	DIXIE CHICKS		8					
7-Apr-17	SANTANA	2	30					
8-Apr-17	TWENTY ONE PILOTS	17	16					
30-Apr-17	GREEN DAY		5					
10-May-17	HANS ZIMMER		2					
26-May-17	ELVIS		4					
2-4-Jun-17	DISNEY ON ICE		22		2	6		
23-Jun-17	CHRIS ROCK	30	18				5	
4-Aug-17	JERRY SEINFELD	7	2					
	WILDCATS SEASON	12						
17-Oct-17	ALICE COOPER		28					
28-Oct-17	MIDNIGHT OIL							
2-Nov-17	STEVIE NICKS	7	52					
11-Nov-17	TAKE THAT		19					
18-19-Nov-17	THE WIGGLES		2					
22-Nov-17	YUSUF-CAT STEVENS	9	15					

VenuesWest Supplementary Information

Ticket Scalping Bill 2018

Page 6

DATE	EVENT	TICKETMASTER RESALE	VIAGOGO	FACEBOOK	GUMTREE	QUEEN OF TICKETS	THE TICKET MERCHANT	UNKNOWN
24-Nov-3-Dec -17	TORUK		8					
6-Dec-17	SHAWN MENDES	2	8					
9-Dec-17	CULTURE CLUB	4	2		2			
2017/2018	HOPMAN CUP	14	130					
11-Feb-18	UFC							
17-18-Feb-18	MRS BROWS BOYS	50			2			
20-Feb-18	ROGER WATERS	2	6					
6-Mar-18	QUEEN ADAM LAMBERT	2	6					
7-Mar-18	ROBBIE WILLIAMS	6	2					
28-Mar-18	BRUNO MARS	5	16	2	36			
29-Mar-18	BRUNO MARS	4	24	4	14			
21-Apr-18	HARRY STYLES	8						
1-May-18	THE KILLERS	2	3		2			
15-17-Jun-18	DISNEY ON ICE		12					
3-4-6-7-Jun-18	PINK	24	12		5			
10-Jul-18	KENDRICK LAMAR	14	5		2			
25-Jul-18	KATY PERRY	4	6					
4-Aug-18	CELINE DION	6						
8-Aug-18	BOB DYLAN		10					
25-Aug-18	TREVOR NOAH	2						
27-Sep-18	JEFF DUNHAM		2					
12-Oct-18	CHER	2	6					
16-Oct-18	IL DIVO	6	8					
2-Nov-18	DEF LEPPARD	4	7					
10-Nov-18	CARL BARRON	2	2					
17-18 NOV 18	THE WIGGLES	7						
20-Nov-18	SAM SMITH	2	2					

Ticket Scalping Bill 2018

Page 7

VenuesWest Supplementary Information

DATE	EVENT	TICKETMASTER RESALE	VIAGOGO	FACEBOOK	GUMTREE	QUEEN OF TICKETS	THE TICKET MERCHANT	UNKNOWN
24-Nov-18	ANDRE RIEU	28						
30-Nov-18	SHANIA TWAIN	18	61					
3-Dec-18	KEVIN HART	14	8					
7-Dec-18	TWENTY ONE PILOTS	10	30					12
8-Dec-18	JIM JEFFERIES	9	2				2	12
2018/2019	HOPMAN CUP 218/2019		120					
12-Jan-19 19-Jan-19	FLORENCE AND THE MACHINE				2			
3/7/-2/3/31/3/	GREASE		0					
24-Jan-19	THE PRODIGY		9					
27-Jan-19	MUMFORD AND SONS		46					
28-29-Jan-19	PHIL COLLINS	6	30		2			
3-Feb-19	SLASH		2					
23-Feb-19	ARCTIC MONKEYS		14					
28-Feb-19	WILDCATS SEMI FINAL	2	6					
19-Mar-19	MICHAEL MCINTYRE		2					
20-Mar-19	MICHAEL MCINTYRE	4	10		4			
26-Apr-19	POST MALONE	4	2					
4-May-19	HUMAN NATURE							
31-May-3Jun-19	DISNEY ON ICE	2			4	2		
	1508	379	1003	6	77	10	9	24

ATTACHMENT B

OPTUS STADIUM - TICKET RESELLER ISSUES 2019

AFL 2019 Season

		EWPS324 - FFC v Nth Melbourne		
NUMBER OF PATRONS PRESENTED	NUMBER OF TICKETS PRESENTED	ISSUE	BOUGHT FROM	OUTCOME
1	2	FRAUD TICKETS PURCHASED	VIAGOGO	PURCHASED NEW TICKETS
1	2	FRAUD TICKETS PURCHASED	VIAGOGO	PURCHASED NEW TICKETS
		EWPS330 - WCE v Giants		
NUMBER OF PATRONS PRESENTED	NUMBER OF TICKETS PRESENTED	ISSUE	BOUGHT FROM	OUTCOME
1	3	FRAUD TICKETS PURCHASED	VIAGOGO	PURCHASED NEW TICKETS
		EWPS407 - FFC v St Kilda		
NUMBER OF PATRONS PRESENTED	NUMBER OF TICKETS PRESENTED	ISSUE	BOUGHT FROM	OUTCOME
1	2	COULD NOT DOWNLOAD TICKETS FROM VIAGOGO	VIAGOGO	PURCHASED NEW TICKETS
1	2	TIX REFUNDED/VOIDED	VIAGOGO	PURCHASED NEW TICKETS
		EWPS413 - WCE v FFC		
NUMBER OF PATRONS PRESENTED	NUMBER OF TICKETS PRESENTED	ISSUE	BOUGHT FROM	OUTCOME
1	2	NOT SCANNING	EPIC	PURCHASED NEW TICKETS
1	1	TICKET DIDN'T ARRIVE	VIAGOGO	PURCHASED NEW TICKETS
1	1	NOT SCANNING	VIAGOGO	PURCHASED NEW TICKETS
1	2	NOT SCANNING	VIAGOGO	PURCHASED NEW TICKETS
Take Street way		EWPS504 - WCE v Gold Coast		ALBERTANIA BERT
NUMBER OF PATRONS PRESENTED	NUMBER OF TICKETS PRESENTED	ISSUE	BOUGHT FROM	OUTCOME
1	4	NOT SCANNING	VIAGOGO	PURCHASED NEW TICKETS
1	2	COULD NOT DOWNLOAD TICKETS FROM VIAGOGO	VIAGOGO	PURCHASED NEW TICKETS

VenuesWest Supplementary Information

Ticket Scalping Bill 2018

Page 9

		EWPS720 - FFC v Sydney		
NUMBER OF PATRONS PRESENTED	NUMBER OF TICKETS PRESENTED	ISSUE	BOUGHT FROM	OUTCOME
1	5	NOT SCANNING	FACEBOOK - CASH	PURCHASED NEW TICKETS
		EWPS727 - WCE v Nth Melbourne		
NUMBER OF PATRONS PRESENTED	NUMBER OF TICKETS PRESENTED	ISSUE	BOUGHT FROM	OUTCOME
1	14	NOT VALID - ISSUED COMPS FROM WCE	VIAGOGO	PURCHASED NEW TICKETS

State of Origin

SOO 2019							
NUMBER OF PATRONS PRESENTED	NUMBER OF TICKETS PRESENTED	ISSUE	BOUGHT FROM	OUTCOME			
1	4	PATRONS COULDN'T SCAN IN	VIAGOGO	DID NOT PURCHASE NEW TIX			
1	2	PATRONS COULDN'T SCAN IN	VIAGOGO	DID NOT PURCHASE NEW TIX			
1	UNKNOWN	PATRONS COULDN'T SCAN IN	UNKNOWN	PURCHASED NEW TIX			
1	2	COULDN'T DOWNLOAD TICKETS	VIAGOGO	PURCHASED NEW TIX			

Manchester United

MAN UNITED V LEEDS						
NUMBER OF PATRONS PRESENTED	NUMBER OF TICKETS PRESENTED	ISSUE	BOUGHT FROM	OUTCOME		
1	3	COULDN'T DOWNLOAD TICKETS	VIAGOGO	BOUGHT 3 NEW TIX		
1	2	PATRONS COULDN'T SCAN IN	VIAGOGO	PURCHASED NEW TIX		
1	3	NOT VALID	EPIC	PURCHASED NEW TICKETS		