



GENERAL MANAGER BRIEFING

ISSUE / ITEM

PREPARED BY: Glenn Hall - Director Venue Operations
REVIEW: Western Australian Ticket Scalping Bill 2018

DECISION OR NOTING: Decision Noting

ATTACHMENTS: Draft Western Australian Ticket Scalping Bill 2018
[Ticket Scalping Bill](#)

BACKGROUND ISSUES

Ticket scalping has plagued the event industry for some time, particularly with the increase in ticketing technology and modes of electronic ticketing sales, which has seen an increase in the secondary ticket market, where organisations and individuals have used various methods including robot web technology to purchase large numbers of tickets to events with the intent of exploiting resale, usually at inflated margins. To deter this undesired behaviour Ticketing Scalping Bills across Australia have been or are being introduced, including in Western Australia.

The Western Australian Legislative Council has recently referred the Western Australian Ticket Scalping Bill 2018 (Bill) to the Standing Committee On Legislation (Committee) for inquiry and report by no later than 5 September 2019. As part of the Committee's consultation, the Committee has invited the Department of Local Government, Sport and Cultural Industries (DLGSC) to provide a written submission on the Bill and this has been in turn forwarded to the Perth Theatre Trust for review and comment, with the view to assisting the Director General DLGSC in providing a written submission on the Bill by the closing date of **5pm on Wednesday 31 July 2019**.

Bill Intent

The Ticket Scalping Bill 2018 will restrict the resale of tickets to a range of events hosted in Western Australia and prohibit the use of software designed to circumvent security measures on ticket selling websites. The provisions in the Bill relating to resale will apply to all ticketed events in Western Australia where a resale restriction has been imposed by the authorised seller as a term or condition of purchase of the ticket. The Bill will:

- Prohibit the resale of tickets at a price that is higher than the original ticket price plus 10 percent.
- Prohibit the advertising of tickets for resale at a price that is higher than the original ticket price plus 10 percent.
- Render void any resale restriction on a ticket that provides for cancellation, provided that the ticket is resold for an amount not exceeding 110 percent of the original ticket price.

- Prohibit the use of software programs (bots) to circumvent security measures of a ticket sales website.
- Confer investigation and enforcement functions and powers on the Commissioner for Consumer Protection consistent with those that currently apply under the Fair Trading Act 2010.

REVIEW

The Bill is modelled on similar Ticket Scalping Bills across Australia.

From a venue operator's perspective, Perth Theatre Trust welcomes the Bill and believes the Bill will achieve the required objectives. What remains to be seen is how enforcement is carried out and what deterrent or impact the Bill has on current practices within the secondary ticket market.

Perth Theatre Trust assumes other stakeholders have been consulted including Live Performance Australia (the nation's peak body for the live performance industry), Producers, Presenters, Promoters and Ticketing Sellers selling tickets in the primary ticketing market (including Ticketek, Ticketmaster, Moshtix, Eventbrite and Trybooking), so that a rounded submission review is obtained.

RECOMMENDATION

That a submission in full support of the Bill be submitted by the due date noting enforcement as a potential issue and that other stakeholder submissions are required (if not already) as essential to ensure a rounded review of the Bill is received from the industry.

ODG USE ONLY

DECISION

Approved

Not Approved

Further information or action required

DECISION DATE

Comment on decision or further information or action required

Recorded by name (ODG):



Recorded date: 26 July 2019