



25 July 2019

Tracey Sharpe
Committee Clerk
Standing Committee on Legislation
Legislative Council
Parliament House
PERTH WA 6000

Dear Ms Sharpe

TICKET SCALPING BILL 2018

I refer to the letter to the Chief Executive Officer of the Law Society from the Hon Dr Sally Talbot MLC dated 2 July 2019 inviting the Law Society to provide a written submission on the *Ticket Scalping Bill 2018* (the Bill).

The Law Society notes that the Bill goes significantly further than the 2018 *Decision Regulatory Impact Statement*, which recommended a national approach preferring disclosure on ticket resale websites of the face value of tickets and the fact that the website is not a primary ticket seller. A link to that document is [here](#).

At the October 2008 *Meeting of Consumer Protection Ministers* their agreement was to deal with ticket scalping as a disclosure issue. A link to that document is [here](#).

The Law Society also notes the ongoing work to develop a national ban and penalty regime for ticket buying bots.

The Law Society notes that limiting resale prices seems particularly problematic when one of the reasons for the existence of a secondary market is primary sellers restricting supply. The solution forecloses the potential for adequate disclosure and competition to resolve consumers' discontent (such as the 'Twickets' platform which is a fan-to-fan ticket resale platform where the price of tickets is not more than the original face value with payment and delivery all agreed up-front).

In addition, it was noted that there appeared to be a risk that clause 7 may be understood to effectively prohibit "invitation only/non-transferable" ticketing, which operates by invalidating the ticket if it is transferred (because it would be a condition of invalidity not linked to a price of more than 110%).

The Law Society is not in a position to recommend the Bill as drafted, particularly given the short time frame to consider its effect.

If you have any queries or would like to discuss either matter, please do not hesitate to contact Mary Woodford, General Manager Advocacy on 9324 8646 or by email mwoodford@lawsocietywa.asn.au.

Yours sincerely

Greg McIntyre SC
President