

TICKET SCALPING BILL 2021

Second Reading

Resumed from 24 June.

MR V.A. CATANIA (North West Central) [10.05 am]: I rise on behalf of the opposition as shadow Minister for Commerce with carriage of the Ticket Scalping Bill 2021. I think a previous version of the bill was introduced in the last Parliament but never proceeded through both houses; in fact, it went to a committee of the other place and some quite good key recommendations were made. It is my understanding that the Minister for Commerce has adopted quite a few of those recommendations; I will ask about the recommendations that have not been adopted. I believe the Leader of the House has carriage of the bill because, unfortunately, the Minister for Commerce is away from the house. I will go easy on the Leader of the House!

Mr D.A. Templeman: That's unusual!

Mr V.A. CATANIA: It is unusual, but he has to have some time!

Mr D.A. Templeman: She's unwell.

Mr V.A. CATANIA: Fair enough; the Minister for Commerce is unwell. Politicians are not immune from getting sick; perhaps more politicians should keep away from this place and stay at home, because they often get sick.

The opposition supports the Ticket Scalping Bill 2021. Over time, people have made several complaints about ticket scalpers selling tickets well and truly in excess of their value. They take advantage of computer-generated programs to purchase huge numbers of tickets and make huge profits. This bill 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 relating to resale will apply to all ticketed events in Western Australia when a resale restriction has been imposed by an authorised seller as a term or condition of purchase of the ticket. Perhaps the Leader of the House will be able to explain and define the process for prohibiting the resale of tickets for a profit of more than 10 per cent of the original ticket price. Obviously, tickets are purchased online and it is often very difficult to see the fine print that prohibits resale at a price higher than the original ticket price plus 10 per cent.

I thank the Minister for Commerce for the briefing provided to the opposition. Our understanding is that this legislation is very similar to the South Australian model, under which a maximum profit of 10 per cent of the original ticket price is imposed upon any resale of tickets. This legislation also renders void any resale restriction on a ticket that provides for cancellation, surrendering or rendering void of the ticket if it is resold, provided that the ticket is resold for an amount not exceeding 110 per cent of the original ticket price. It will prohibit the use of software programs and bots to circumvent security measures for ticket sales. It will also 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.

As I said, this bill is supported by the opposition. I will point out some recommendations made by the Standing Committee on Legislation of the other place in the last term of government, a few of which the government has adopted. Recommendation 2 was the insertion of a definition of "ticket scalping". The recommendation was adopted, with clause 3 now including a definition of "ticket scalping". It is obviously vital to make sure that the bill has that definition. Recommendation 3 was to change the terminology from "declared" to "prescribed" in the definition of "event organiser". This recommendation was also adopted. Some recommendations were not adopted, and perhaps the minister can explain why. Recommendation 4 of the Standing Committee on Legislation was for the insertion of a provision stating that the inclusion of statutory defence does not limit the application of defences in the Criminal Code. Both the Parliamentary Counsel's Office and State Solicitor's Office were of the strong view that the recommendation not be accepted. The reason for their position was that the proposed amendment would not change the legal position to make a statement to this effect in legislation, but not in other statutes to which the same situation applies. They considered that it would create a risk of confusion in the courts and would not be consistent with proper and accepted drafting practices. This recommendation was not adopted. If the minister has the information, he could perhaps elaborate on why recommendation 4 was not adopted.

Mr D.A. Templeman: I will respond to that.

Mr V.A. CATANIA: Recommendation 5 of the committee states —

When the Ticket Scalping Bill 2018 is debated in the Legislative Council, clarification be sought on the decision of Government for police officers to be excluded from assisting the Commissioner for Consumer Protection with investigating offences.

This recommendation was not adopted either. That is another one that the minister could elaborate on.

Extract from Hansard

[ASSEMBLY — Thursday, 19 August 2021]

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Recommendation 6 was for the insertion of a note under clause 3 to describe the application of the Fair Trading Act investigative powers. The amendment would provide additional information to assist with the interpretation of legislation. That recommendation was adopted by the minister, which is good to see.

Recommendation 7 was that the statutory review should be undertaken after three years, rather than five years. Perhaps the minister can provide the reason that three years was not accepted and the time of five years remains in the bill. Consumer Protection was of the view that requiring a review after three years would not provide sufficient data on which to judge the effectiveness of this legislation. Could the minister explain the reason that the recommendation was not adopted and perhaps go into further detail? Three years is probably sufficient time, although perhaps not in the current climate when limited events are occurring, so there may not be enough to really see.

In saying that, it was reported in *The West Australian* that a company was selling AFL grand final packages at high prices before it has even been settled whether we will get the grand final here. I hope we do, but that would be a special once-in-a-lifetime event—hopefully not a once-in-a-lifetime for us! We will potentially have the AFL grand final. Unfortunately, the two Western Australian teams look like they will miss out, which is quite disappointing given this great opportunity that Western Australia has to showcase a fantastic stadium built by the previous Liberal–National government. It is a very good stadium. I remember that members in this house criticised that stadium, but, anyway, that is politics. Now we can all celebrate the fact that we have a premier stadium in Australia, if not the world, that attracts major events, such as the match between the Wallabies and the All Blacks, I think, next week. Given these events are limited, they lend themselves to people not being able to purchase tickets. I heard on the radio while coming into Parliament today that there were about 1 500 tickets left for the Wallabies–All Blacks game, so hopefully it will be another record-breaking game at Optus Stadium. If anyone in this house has not gone to view a sporting or other event at Optus Stadium, they are missing out, because those events really showcase how a stadium can be built properly and well. Western Australians have shown great patronage of it. For the match between Richmond and Essendon, two non–Western Australian teams, to sell out really shows that Western Australians like their sport, and that having the convenience of a new, modern stadium really makes the experience worthwhile. Unfortunately, events that attract sellout crowds, which I imagine the Wallabies–All Blacks Bledisloe Cup game will have hopefully in a few more days, really lend themselves to ticket scalping and people taking advantage of tickets sought in various areas of Optus Stadium. That could happen at Optus Stadium, RAC Arena or any VenuesWest facility. Events at those places sometimes lend themselves to ticket scalping, with people taking advantage, through the mechanics of computer programs, to purchase as many tickets as possible and making a significant profit when venues are sold out or there are major international events.

This legislation will provide protection. We had a briefing from the minister’s office. Could the minister elaborate on the assurance that people with a large cohort of children in their family, with twins and so forth, will be able to purchase tickets and that the legislation will not preclude individuals who need to purchase a large amount of tickets? For my family, purchasing 10 tickets is not uncommon. I hope the legislation will not preclude people from purchasing tickets for events at a VenuesWest establishment, Optus Stadium, Perth Arena or anywhere else, as long as they do not use a computer-generated system to buy those tickets to onsell at a price greater than 10 per cent above the purchase price, as set out in this legislation. It is very important that it is made clear that individuals will be able to purchase large amounts of tickets as long as they do not profit from reselling those tickets at the ticket price plus 10 per cent, and there is no preclusion of individuals or sporting clubs from buying multiple tickets, such as for a team. They should not be caught up in this legislation and prevented from giving those tickets away or selling them at cost plus 10 per cent to ensure that their costs are covered. Can the minister make it clear that the legislation will not capture those individuals? That is important to explain in the Parliament today.

I imagine that this legislation will pass both houses. My understanding is that it will be six months before this legislation is proclaimed and that some regulations will be drafted. Could the minister, or his representative in the other place, explain what those regulations might be? Will the Parliament have the ability to look at those regulations so that it is aware of whether any of them could affect the ability of individuals to purchase tickets? Will people be questioned every time they want to purchase 10, 20, 30 or 100 tickets? That is something the public needs to know.

There will be six months before the legislation is proclaimed. It is important that an education campaign is started to educate the community on what ticket scalping is and why the 10 per cent margin applies. The criteria around whether people are breaking the law needs to be explained to individuals. Perhaps that needs to be put on the ticket itself. Especially for government-controlled venues, that explanation needs to be clear when tickets are purchased online, or written on a physical ticket. A reference that explains the legislation is required so that people are clearly aware that, first, they are not breaking the law; and, second, the provisions that apply if they purchase a ticket. I will give an example. I imagine that if the AFL grand final is held here, people will be lining up at Optus Stadium to purchase tickets. They will not just sit at a computer and try to get them online. Often people from regional Western Australia will travel to the place that is selling tickets and camp there the night or week before to ensure they get those tickets. Obviously, a cost is involved in driving down from Exmouth or Carnarvon, for example,

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and staying overnight in line. What will happen when an individual wants to buy tickets for 10 or 20 people from their town? They will purchase those tickets by lining up in a physical sense, and then go home to Carnarvon, Exmouth, Broome or wherever the case may be. What if the fuel costs involved in driving down to purchase those tickets is more than 10 per cent of the ticket cost? Will penalties apply to those individuals or will there be an understanding that they incurred those costs for being a good community citizen by purchasing tickets for friends and family who are some distance away from the venue? In that example of camping out, will they be precluded from being able to purchase a large number of tickets by Ticketek, Ticketmaster or the venue itself, given that those organisations will have no visibility, at that stage, of whether the person purchasing the tickets will scalp those tickets above that 10 per cent margin or is just buying tickets for their friends and family? Their purchase of a large number of tickets may be perceived as ticket scalping. Perhaps there could be some definition and clarity around the situations that may arise. This legislation should have been passed when Hon Mick Murray, a former minister in this place, who introduced this legislation or —

Mr D.A. Templeman: It would have been under Commerce.

Mr V.A. CATANIA: Commerce, but I think he first brought this issue to the attention of the house.

Mr D.A. Templeman: Yes—a great legacy of the former member for Collie–Preston.

Mr V.A. CATANIA: It was a great legacy of the former member for Collie, Collie–Wellington and Collie–Preston, Hon Mick Murray. If we can say he did something in this place, it was that he certainly pushed for the ticket scalping legislation to come to fruition. Unfortunately, it was not passed during his time. This bill is well and truly overdue. It will provide protection for those who want to go to sporting events. Hopefully, it will prevent people from price gouging tickets, but also send a message to those who fraudulently sell tickets. Having an education campaign will raise a red flag for people when they see on Facebook or elsewhere online a ticket for sale to an AFL grand final that is normally, say, \$100—I do not know how much a grand final ticket will cost—being sold for \$300 or \$500. That will not be allowed under this legislation. This bill will help address the issue of fraudulent tickets being sold. Kids sometimes think they can get a good deal on Facebook. I have seen a couple of examples recently of people who thought they could get a good deal online, through Facebook or other social media. This legislation will send a message that they may not be getting a deal and may perhaps be getting ripped off. A six-month education campaign about this legislation will hopefully teach those individuals that that is not possible. I look forward to seeing this bill go through the house. We will not go into consideration in detail because it is a straightforward bill. It has had the scrutiny of the Standing Committee on Legislation in the other house, and the opposition has had a briefing. I thank the Minister for Commerce for allowing that briefing to occur. If questions arise, I am sure my colleagues in the other place will outline them.

Mr D.A. Templeman: And I will respond to some of those things you have raised.

Mr V.A. CATANIA: Yes. Could the minister also provide a bit more definition around the recommendations that were not adopted? It is important that we have clarity around individuals being able to purchase multiple tickets, whether it is five, 10, 15, 20 or 100—whatever the case may be—and whether they will be prevented from purchasing those tickets. This bill is really designed to target the use of technology to purchase large numbers of tickets and onsell them.

Will there be any monitoring of social media, and how will the government crack down on the onselling of tickets? Perhaps one way of ensuring that the person who purchased a ticket is the person who attends the event is the SafeWA app. I will give an example. I saw on Facebook this morning that the Junction Races and Gymkhana will be held this weekend. It is a ticketed event. It is good to see ticketed events for regional races and bush races. Having a ticketed event allows the committee to organise and plan properly for what it needs for the event. However, it will not accept anyone unless the ticketholder going through the door is the person who bought the ticket. That is another way that the SafeWA app could work with contact tracing. Hopefully, we will not need to use it, but the Junction Race Club clearly says that people cannot go through the door unless the ticket has the ticketholder's name on it. That is perhaps one way of ensuring a check and balance and that people are doing the right thing when they purchase those tickets, because the ticket belongs to the individual going through the gate. Perhaps that is one way of really clamping down on ticket scalping as well as providing certainty that the person going through the gate is the right person, which can help our contact tracers through the SafeWA app. A question we have asked in the house, to which we have not received an answer, is: when people go through the gates of, say, Optus Stadium, how many people use the SafeWA app? I think the response was that people have a ticket anyway. My argument is: how is it known that the ticketholder is the right person because they may have scalped the ticket or been given the ticket?

Mr D.J. Kelly: Are you saying that you support the SafeWA app to prevent ticket scalping? Is that what you're saying?

Extract from Hansard

[ASSEMBLY — Thursday, 19 August 2021]

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Mr V.A. CATANIA: No; I am saying that if the individual has their ticket, it can help reduce the amount of ticket scalping and help with contact tracing because when the ticketholder, say the Minister for Water, drips through the stadium, it can be known that it is the minister going into the stadium, and I think that is important.

Mr D.J. Kelly: By using the SafeWA app?

Mr V.A. CATANIA: No; the minister would know if he listened to what I said.

Mr D.J. Kelly: I am trying.

Mr V.A. CATANIA: I think last week or the week before, a question was asked about people using the SafeWA app to go into Optus Stadium or any other stadium. The response was that it is a ticketed event so people going in with their ticket are basically registering. My argument is that we do not know whether the person going to that event is the original ticketholder because of the ability to onsell tickets—ticket scalping. If we look for ways by which we can be sure an individual is the original ticketholder, that can help with contact tracing into the future. I use the example of the Gascoyne Junction races this weekend, whereby the holder of the ticket must be the person who bought it to prevent anyone from fraudulently going in. It will also help with contact tracing if something happened at the Gascoyne Junction races. I see that as a positive step forward and perhaps a question can be asked of the Premier, the Minister for Health or the Minister for Police about why contact-tracing data or SafeWA app information is not being passed on or made open to the public—that is, are people using the SafeWA app when they go to special events? I think that is something the government should be open and transparent about to ensure it keeps WA safe, because we hear that all the time.

However, I digress. The opposition supports the bill. I thank the Minister for Commerce for the briefing she provided the opposition. The bill has been a long time coming. We do not see the need in this house to go through consideration in detail because the bill went through a large amount of scrutiny in this house and in the other place in the last term of government. The government has adopted some key recommendations that the community put forward.

MR D.A.E. SCAIFE (Cockburn) [10.34 am]: It is a great pleasure to speak today on the Ticket Scalping Bill 2021. It is an important bill from the perspective of protecting consumers and protecting our arts, entertainment, sport and other live event industries from exploitation by unscrupulous ticket scalpers. It is really significant that this bill has been brought into this place by the Minister for Commerce in this Parliament. It is also very appropriate that she is represented today by the Leader of the House, who, in his other capacity, is the Minister for Culture and the Arts, because this bill will contribute towards the protection of our cultural industries in Western Australia.

As we all know, Australians love live events; we particularly love live music. In fact, I had a look at some reports and I found a report from PwC Australia called *Australian entertainment and media outlook 2021–2025*. In that report it states that the live music industry was worth \$1.8 billion to the Australian economy in 2019. That value, however, declined in 2020 to \$1.1 billion—a very steep drop as a result of the impacts of the COVID-19 pandemic. It is therefore a very important time to bring this bill to this house because it is a time when our live music industry and live events industries have been suffering. This bill will introduce measures that will ensure that lawful operators and sellers of tickets to live events are protected, consumers are protected and unscrupulous ticket scalpers are, to the extent possible, weeded out of the market. As I said, we here in Australia love all live events. Of course, something we love even more than live music is live sports events. I note at this point that even though the Minister for Sport and Recreation is not here, I add the view that there was a marvellous win by the Dockers on Sunday. I can see that the Minister for Women’s Interests is nodding in furious agreement. The game was a nailbiter. I did not manage to get there although I dropped a friend off—I was on my way out to do a hike—but it really was a nailbiting third quarter.

Ms M.M. Quirk: It was the Eagles that did a hike, member!

Mr D.A.E. SCAIFE: You are quite right, Acting Speaker; they did take a hike.

The live sports industry has a greater significance to our economy. The commonwealth Office for Sport, which comes under the commonwealth Department of Health, released a report in March 2020 titled *Sports industry economic analysis*, which found that the sports industry generated approximately \$22.2 billion in the 2016–17 financial year and supported 128 000 full-time equivalent jobs in our economy. One of the reasons I wanted to raise sport is that sport provides a great analogy for the purpose of this bill. The purpose of the bill is about fairness, about protecting consumers and about ensuring all members of the public can access tickets to events. I found this excellent quote from a book entitled *Money and Class in America* by Lewis Lapham. I thought it was appropriate for me to quote from this because I think the member for Cottesloe referred to me as a moral crusader. I thought: what better way of continuing that theme than by being a moral crusader on the issue of ticket scalping. I certainly took that comment as a compliment. In *Money and Class in America*, Lewis Lapham had this to say —

Unlike any other business ... *sports must preserve an illusion of perfect innocence* ... It is the ceremony of innocence that the fans pay to see—not the game or the match or the bout, but the ritual portrayal of

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a world in which time stops and all hope remains plausible, in which everybody present can recover the blameless expectations of a child. Where the forces of light always triumph over the powers of darkness.

I note that the forces of light triumphed over the powers of darkness during the Dockers and Eagles game on the weekend. The member for Collie–Preston is seemingly unhappy with that. The member for North West Central is with her, so I am afraid you are in bad company, member for Collie–Preston!

Ms S.E. Winton: Worth a switch!

Mr D.A.E. SCAIFE: That would seem to seal the deal!

This is an issue that has long been pursued by WA Labor and the McGowan Labor government. Indeed, the Premier introduced a private member’s bill in 2014 to deal with ticket scalping in Western Australia. I went back and found an article from 22 September 2015 on ABC online entitled, “WA Opposition calls for ticket scalping clampdown”. This is proof of how long the Labor Party has been pursuing this issue. The Premier, when he was opposition leader said —

... football tickets for West Coast Eagles and Dockers finals games were always being sold at inflated prices.

“Scalping is exploiting fans who just want to enjoy the game or a concert ...

I could not agree more with that sentiment. Unfortunately, the former Premier Colin Barnett dismissed this idea at the time. It is reassuring to hear that the opposition will support the bill on this occasion, because it was not supported by the Liberal–National government. There is a great response from the now Premier in this article responding to Colin Barnett’s comments. He said —

“The Premier gets to go to a nice box and quaff wine and doesn’t pay for the ticket. So he would say that wouldn’t he?”

There is a little too much quaffing of wine in my opinion around this place and around political circles, but this is evidence that now that Mark McGowan is the Premier of this state, he is not busy quaffing wine; he is getting on with the job and ensuring that people have access to tickets to live sporting, music and other events.

What is ticket scalping? Many would associate ticket scalping with the old imagery of the person standing out the front of the stadium in a trench coat or maybe holding up a sign, but ticket scalping has moved a long way from that now. The modern practice of ticket scalping is really quite different. It takes advantage of modern technology. As the member for North West Central alluded to, this bill was previously subject to scrutiny by the Standing Committee on Legislation in the other house. I would encourage members, if they have not, to read that report, because it sets out in quite some detail the scope of ticket scalping. There are some shocking figures about how ticket scalping has evolved in recent eras. I quote from the report entitled *Ticket Scalping Bill 2018* by the Standing Committee on Legislation. At paragraph 2.4, the committee says —

Modern era ticket scalping has little in common with the pre-internet era when ‘men in coats sold paper tickets outside stadiums’. Some scalpers have turned to internet, robotic software ‘bots’ to purchase multiple tickets and then on-sell through website platforms.

Software ‘bots’ were reportedly invented by Kenneth Lowson, part-owner and co-founder of Wiseguys Tickets Inc. An FBI indictment in 2010 described a period between late 2002 and January 2009 when:

A nation-wide computer network opened thousands of simultaneous internet connections from across the United States ... making the owners more than \$20 million in profits while purchasing more than one million tickets to events nationwide’.

I really think that that quote shows the scope of the issue that we are facing. The legislation committee also considered the prevalence of ticket scalping in Western Australia. Although it was unable to land on precise figures because of a lack of data, evidence is set out of the fact that ticket scalping happens in Western Australia. Other practices in the ticketing industry prevent people from being able to access these sorts of events, so it is very important that this bill address that issue.

I will say two things in closing. Firstly, plainly the purpose of this bill is to ensure that there is an economic benefit to ensure that consumers are not ripped off. I direct members to an article by Lynden Griggs in the 2006 *Griffith Law Review*, volume 15, issue 2, entitled “Ticket Scalping: Its Legal and Economic Effects on the Illusion of Perfect Innocence”. There is a section that shows clear evidence that anti-scalping legislation will benefit consumers and will result in lower ticket prices if anti-scalping laws are in place. I also make the point that anti-scalping legislation protects event organisers and ensures public confidence in the event organising industry. Sporting organisations have put on the record that they are against the unauthorised selling of tickets for profit. It is important that we ensure that there is confidence in the industry and benefits to consumers, and for those reasons, I commend the bill to the house.

MR G. BAKER (South Perth) [10.45 am]: I rise to speak on the Ticket Scalping Bill 2021. I thank you for this opportunity; it is a great pleasure. Since 2014, WA Labor has been attempting to introduce laws to protect consumers

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from unscrupulous ticket scalping practices in WA. Premier Mark McGowan, as opposition leader, introduced a private member's bill in 2014—way back then. But as we heard, it, unfortunately, did not pass. We brought the same policy to the 2017 election and unfortunately the bill did not get through the Legislative Council and now we are doing it again, hopefully with more success. This is a great reform that is overdue for the WA events industry. It is disappointing that it did not make its way through the Council in the previous government. This bill will have great benefits for consumers, promoters and performers. For consumers, it will provide for cheaper and more secure ticket purchasing. For promoters, it will protect their profit margins and give security to their business, and for performers, it will provide a great many things, not just for the big players. Members might think that this is just for the big acts like the grand finals, the U2s and Madonnas of the world or bigger sporting events, but the effect of this will be felt much more widely. I would like to speak about the effect on the local music industry and other local industries, and how roadies, stage crews, front-of-house staff and local musicians can benefit from this.

First of all, I will speak a little to the history of ticket scalping. We all know about ticket reselling and in my mind, I think about the first Big Day Out, when I rocked up to the North Perth car park the day before with \$100 in my pocket and bought a ticket off someone who had a spare. I think we have all done that once or twice. If members have not, they really should. There were events when we have had five or six people attending, someone had to pull out and we had to pull someone in at the last moment. Maybe the ticket was free or it was sold across at cost. We do that sort of thing all the time. I look forward to that being legal under this legislation. By allowing this, we open up the space for scalping, when an individual speculating on a shortage of tickets is able to buy tickets from a ticket office and sell them at a profit. We all know about that too. This is annoying, but not disrupting for those who took the big risk to put on big shows. And then the internet ruined everything. Back when we had to physically handle the tickets, there was a physical limit to how many tickets someone could buy and resell. There was a fairly hard limit on how much scalping there was. But with the internet allowing the automation of sales and automation of resales, bot scalping replaced regular scalping and on a scale that is just enormous. Instead of being an individual standing on a corner, or advertising through the classifieds or on Gumtree or Facebook, we are now talking about multinational corporations that are funded by hedge funds and operations like that.

The most obvious damage is to the consumers, who no longer know whether they are buying real tickets or fake tickets that will not be honoured by the promoters, and who are facing higher ticket prices. It is also bad for the promoters who are having their business model undermined, and for performers.

Let us look at what happens in the local music scene and how a healthy business model benefits the local Perth bands and the acts that sell tickets that a scalper bot would never be interested in. Let us go through a quick history of the Perth music scene. WA was once a backwater of contemporary music. It was said that good bands did not leave Perth, they escaped. I am talking about Bon Scott from AC/DC, Grace Knight from the Eurogliders; Dave Faulkner from the Hoodoo Gurus; Kim Salmon from The Scientists and Beasts of Bourbon; Matt de la Hunty from Tall Tales and True; and Dave McComb from The Triffids. What did we lose? We lost a lot of business when we lost these people. For example, AC/DC's back catalogue is currently worth about a billion dollars. That started to turn around in the 1990s and we became very strong in the early 2000s with the development of big national touring music festivals such as the Big Day Out. Headliners included Red Hot Chili Peppers, Metallica, Iggy Pop, Pearl Jam, MIA, Lily Allen and Bjork. These festivals promoted not only big bands, but bands all the way down the list.

It was possible for a local band to get a gig at those big events on a side stage, in the middle of the day. We began to see bands like Eskimo Joe start off on the side stage early in the day at the Big Day Out. Two years later, they were on a side stage across the national tour and two years after that they were on the main stage on the national tour as the headline act. Another band like that is Birds of Tokyo, which started off at the 2007 Big Day Out on a side stage. In 2009, they played the Sydney, Brisbane, Melbourne, Perth and Auckland concerts and were national stars. We can also trace Jebediah, Frenzal Rhomb, John Butler Trio, Tame Impala and Downsyde on those kinds of trajectories. It peaked at the 2013 Big Day Out when 13 WA local acts were given gigs, including Tomás Ford, Sugar Army and Boys Boys Boys!

My personal experience with this was at Summadayze one year. Members might remember Underworld's album *Underneath the Radar*; they were the headline act. Members probably remember the posters that they use for festivals with the headline act in big font and then each line under that lists more artists in smaller and smaller font right down to the bottom. We had WA acts like Micah, Voltaire Twins, Markus, Boys Boys Boys!, Yummy Fur, Hickey, Tomás Ford, The Typhoons, Brash and Sassy and Mia Sonos and right at the bottom corner in the smallest font was my band, 6000 Red. In hindsight—we had a good time and we got paid—I do not think they were putting on my band with the intention of making much profit. The promoters were building relationships with bands to see what the next big thing might be. They were cultivating local talent by doing that. In my case, they wasted their money! But as we saw with the Big Day Out line-ups, local bands can grow from local exposure to national exposure to international exposure, and those promoters were prepared to have a punt on those bands to see what might happen.

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We developed a healthy ecosystem for supporting local music, and through that we got bands like Pendulum, Tame Impala, John Butler, The Waifs, Eskimo Joe, San Cisco, Sleepy Jackson, Empire of the Sun, Katy Steele, Karnivool, Gyroscope, End of Fashion and Birds of Tokyo. I give a special shout-out to Birds of Tokyo because its drummer had the first small industrial-scale CD burner in Perth, so we would go around to his place and sit on his lounge room floor to burn CDs for our next CD release. These are all bands that brought their music, profits and business back to Western Australia, instead of departing Western Australia for the rest of the world and not returning.

We have an incredibly healthy music scene in WA. It is still producing great work. The number one played song in the world last week was written by two guys from Perth. It is a Justin Bieber track—maybe we cannot always account for taste! Justin Bieber and The Kid LAROI had a number one song with their track *Stay*. I give a big shout-out to Michael Mule and Isaac De Boni, who form FnZ, for their work in producing a worldwide number one. We have a healthy music system. We have reached a very good stage. Promoters can engage in this kind gesture of fostering local music only if they are confident in their business position, their tickets sales and profits. Scalper bots and the multinational corporations that run the internet scalping operations erode all those confidences.

The success of the WA music industry in the early 2000s is due to much more than confidence in festival ticketing, but the role of successful national touring festivals in promoting local music and getting it out into the world was undoubtedly one cog in the explosion of musical success that we experienced during the years of the Gallop and Carpenter governments. Those companies that have perfected scalping bots erode that local music system and the festival business model, and the entire event history suffers with it. This includes sports; I am imagining the big events at Optus Stadium and the trickle-down effect all the way to the junior sporting level, where clubs are provided money from the profits in that ecosystem.

If people are concerned that I am talking about something that is from some time ago, prior to COVID, I note an article titled “Fake offer for Perth grand final tickets” on page 5 of yesterday’s *The West Australian*. It states that a company is already offering tickets to a grand final when we do not know what the venue will be or how much the tickets will cost. However, we can get a reserve seat priced at \$1 500, apparently. That is just extraordinary, and the consumer deserves to be defended from that kind of ridiculous and outrageous action.

MS J.L. HANNS (Collie–Preston) [10.57 am]: I begin today in speaking to the Ticket Scalping Bill 2021 by recognising that the member for North West Central referenced that Hon Mick Murray suggested this legislation. I think that is very funny because Mick Murray is certainly very careful with his money, so it is no surprise that the percentage of the potential increase in price is 10 per cent. Mick would certainly think that was a fair and reasonable amount.

I speak in support of this very important bill today and, in doing so, wish to unashamedly declare my contribution today as a sort of love letter to the music industry in Australia. Surprisingly, it appears that the member for North West Central and I have two things in common. We are both clearly West Coast Eagles supporters, who are few and far between in this chamber, and we appear to have grown up in an era when getting tickets to a concert or event was a test of physical and mental endurance. This meant taking days off school, I am ashamed to say, to travel to Perth to line up for tickets outside venues such as the Perth Entertainment Centre. Sometimes we would camp out for several days to secure the tickets to our preferred concert or event.

Several members interjected.

Ms J.L. HANNS: Absolutely. Very good. Sit back, member for Scarborough; you’re in for a ride.

Mr V.A. Catania: Remember when you would dial on the dial-up phones.

Ms J.L. HANNS: Please do not pre-empt my speech. I must have left this on the printer for the member to read. The alternative was sitting on the floor in the passageway of our houses for hours, attached to a spiral-corded rotary dial phone, all in the hope of securing tickets to the must-see event. If we got disconnected from the call, we spun the dial again, trying our luck to rejoin the queue.

By the 2000s, the technology had updated and the phones were at least cordless and people were able to buy tickets for events such as the 2005 mighty West Coast Eagles versus Sydney grand final. Sadly, we lost by four points, but in 2006, we backed that up, with the even mightier West Coast Eagles winning by a point over Sydney in the grand final. I managed to secure two tickets to that event. I attended both the 2005 and 2006 grand finals, I am very pleased to say. Sadly, though, at the 2006 grand final, I was six months pregnant with my son. I ended up in the very last row of the fifth tier of the Melbourne Cricket Ground, and behind me were the port holes. Given that I needed to go to the toilet every 15 minutes, it was not a particularly pleasant experience! But we were winners. It was a very dry grand final for me that year.

More recently, we have been able to acquire tickets much more conveniently with a computer, provided we can remember our username and password, which is a challenge for me! Tickets can certainly be purchased in this way. Although these new technologies help make purchasing tickets more convenient, they have also made way

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for both the consumers of events and the people who make these events possible to be totally robbed and scammed by unethical practices. I would like to focus on this particular point: consumers suffer losses in a number of ways, including that the resale of tickets at inflated prices makes events unaffordable for many people.

I previously referred to attending the 2006 West Coast Eagles versus Sydney grand final and, as I said, I am a proud member of the mighty West Coast Eagles and travelled to Melbourne for this event. As a member, I was lucky to secure tickets through the ballot. Other friends of mine were not so lucky and they took their chances and travelled to Melbourne anyway in the hope of securing tickets on the day. They were able to get tickets for the grand final, but not at the ticketed price, like I had been able to. They paid \$300 more per ticket than I did. They were very excited and they got to see the mighty West Coast Eagles win their third premiership—again, their third of four premierships, just for the Dockers supporters in the chamber! The fact of the matter is that people should not be required to pay an extortionate amount of money to view popular events. My friends were able to afford these tickets, but the average punter and footy fan would probably not be in that position. Although this occurred in Victoria, the principle is still the same and applies to events in Western Australia: selling tickets significantly above the ticketed price is un-Australian.

The member for South Perth referenced the great Australian band Birds of Tokyo. I believe that I have previously informed the house that my cousin Adam Spark is a member of this great Aussie band. Having a contact on the inside in the Aussie music industry, of course I sought his comments on ticket scalping. This was his contribution to the debate —

... there is no reason for any 3rd party (ie ticket scalper) to be any part of the process between the event and the ticket buyer. It's completely unfair to the ticket purchaser to pay any more than the amount set by the promoters. On the artists' side it's heartbreaking to see any one fan pay more than another for the same show. Get rid of ticket scalpers, cuz!

So, I am doing my best for you, Adam.

Although I have digressed, I return to my love letter to the Australian music industry. This is an industry sadly ravaged by COVID. No words do justice to describe the impact of COVID on the music and events industry across Australia.

I will take the words of Clare Bowditch, musician, author and Australian Recording Industry Association award winner, and they will have to suffice. In addressing the National Press Club of Australia earlier this year, Clare demonstrated that she is an articulate, passionate advocate for the music industry. She and her husband both work in this industry. They love their jobs, as do thousands of performing artists across Australia. The Australian music industry is said to be worth \$1.6 billion annually. This music industry has already undergone a massive upheaval due to emerging technologies. In the old days, artists wrote music and sold compact discs, cassettes or vinyls, which generated an income.

Ms A.E. Kent interjected.

Ms J.L. HANNS: The member for Scarborough does not know what a CD is! Or vinyl! Vinyl is retro and hip now. That is it; absolutely.

Along came music streaming—hopefully, the member for Scarborough is familiar with this—which meant that traditional income sources narrowed. If an artist generated airplay on radio or television advertising, that meant income from royalties. Clare reports that she was paid 0.002¢ to 0.008¢ per play on air. She estimates that she was making a grand total of \$12.50 a month in royalties. Most artists make the bulk of their income from live gigs. In her National Press Club address, Clare told the gut-wrenching story of the impact that COVID has had on the industry and the people who work in it. In March 2020, she got a call from her agent telling her that she had lost her job—clearly due to COVID. Clare and her husband's gigs earned them 85 per cent of their family income. Clare's first thoughts, though, were of the members of her support crew, who had lost their jobs because their jobs involved supporting her and others like her in the music industry—people such as sound technicians, truck drivers, publicity representatives and the band. She estimates that for every live gig cancelled due to COVID, 100 people lost their jobs.

This year the I Lost My Gig national survey was conducted in Australia. It estimates that job losses since 1 July 2021 due to the COVID pandemic have meant that 2 000 performing arts professionals have lost their jobs as a result of the cancellation of 28 000 events across Australia. This came at a cost of \$84 million worth of lost income. The I Lost My Gig survey estimates that 99 per cent of people who work in the gigs and events industry cannot get income insurance. This leaves these workers in a really perilous situation, and 50 per cent of these workers have sought employment in other industries since July 2021.

Karen Eck, the creator of an online petition at [Change.org](https://www.change.org), has called for big businesses to support the Aussie music industry. The idea came to her after listening to seven hours of royalty-free elevator-style music while she was on hold to Qantas. I had a similar experience recently. Karen's plan is simple: encourage businesses to play Aussie music, which pays royalties to these artists, and help to replace income lost due to the cancellation of gigs.

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Ticket scalping is an affront to artists, their crews and the people who attend these events. In the music and events industry, which has been decimated by COVID, the support that this bill will give is twofold. Firstly, it will outlaw the practice of ticket scalping by proposing large fines for those people who engage in these practices. I would like to think that those who attempt to purchase tickets at an inflated price will stop and think about this: Who deserves to be making the money from these events? Is it the people who sell the tickets or is it the people who entertain us by making the music, opera or theatre productions, special events or sporting events that we are so passionate about?

Being able to hold major events while the rest of the country and our friends in New Zealand are in lockdown has been made possible because of the McGowan Labor government's approach to keeping us safe. Regional events such as the Truffle Kerfuffle, Lost and Found Festival, Margaret River Gourmet Escape, Broome Cup and agricultural shows are all able to be held because WA has been able to stay relatively safe. The upshot of this is that everyone's livelihoods have been protected as much as possible due to the decisions of this government. WA is in a position that is envied by many across Australia. The government is supporting regional arts and culture events with the regional arts and cultural investment program, which will contribute almost \$20 million over the next four years to boost the regional arts and culture sector, much of which will include concerts and events like those I have just mentioned.

Clare Bowditch had every right to be angry at the loss of her income and the ability to support her family doing a job she loved during the COVID pandemic. Although not based in WA, she and thousands of other musicians and performing artists are impacted by ongoing COVID restrictions and both interstate and international border closures. Although she could have been angry, Clare's message was really simple. She pleaded with Australians who, like me, love live performing arts and sporting events. She asked those present at her National Press Club address and the rest of Australia: when is this country going to be vaccinated, because until then, we cannot get our jobs back? It is a sobering thought.

MR H.T. JONES (Darling Range) [11.09 am]: I rise to make a brief contribution in support of the Ticket Scalping Bill 2021, which was first introduced in 2014, as mentioned by the member for North West Central. The bill attempts to introduce laws to protect consumers in Western Australia from unscrupulous ticket scalping practices.

I am also a fan of live music and other ticketed events, going back to my early teens. Although, I must admit I have been disappointed by some of the 1980s revival tours recently, and vowed never to do it again. But I keep going back!

Mr V.A. Catania: Is that when you had long hair?

Mr H.T. JONES: It is ticket scalping!

The first major concert I attended was at the Perth Entertainment Centre in 1979. At the age of 12, I went to see Rod Stewart—not so good. I was used to his classics *Maggie May* and *Sailing*, but, unfortunately, in 1979, it was the Blondes Have More Fun tour and his hit at the time was *Da Ya Think I'm Sexy?* I probably was not the target audience for Rod Stewart at that time, but all was not lost because the support act was Cold Chisel. So I saw Cold Chisel in 1979.

In 1980 I saw Fleetwood Mac, also at the Perth Entertainment Centre. They had just released their classic album *Rumours* and were promoting *Tusk*. As a 13-year-old, I must admit that I was a fan of Stevie Nicks. In 1981 and 1982, I saw Stray Cats, a rockabilly trio from the United States, and Simple Minds at the Embassy Ballroom on William Street, which has since been knocked down. That was a great venue. I think it was licensed, but as a 15-year-old, I got in. It was a small venue and the atmosphere was really great. At that time Simple Minds were in their heyday. I recall Jim Kerr's performance; it was outstanding. The member for South Perth mentioned Dave McComb and The Triffids. They also played at the Embassy Ballroom, but unfortunately I did not get to see them then. But my sister was a close friend of Dave McComb. I feel sorry for his family because he was taken far too young.

Mr D.J. Kelly: There's a film coming out in the next month about his life. It'll be showing at Luna.

Mr H.T. JONES: Yes.

In those days, all my concert tickets were bought on my behalf by older sisters, who, as mentioned by other members, obtained those tickets by camping outside the Perth Entertainment Centre, the Perth Concert Hall or other venues, or perhaps by buying them at Dada Records or 78 Records.

Mr V.A. Catania: That's a blast from the past; isn't it?

Mr H.T. JONES: I think they are still open.

Bulk purchasing of tickets was made difficult in those times because of limitations imposed by the sellers. Scalping did occur but not on the grand scale that we see today. It was generally the case of buying a couple of tickets and maybe seeing the opportunity for profit, or not, selling them to friends and family or in *The Sunday Times* Readers Mart. I would not have been able to afford scalped tickets—or, more accurately, my parents would not have paid for them—and would have missed out on the opportunity to see some of those concerts.

Extract from Hansard

[ASSEMBLY — Thursday, 19 August 2021]

p3133b-3147a

Mr Vincent Catania; Mr David Scaife; Mr Geoff Baker; Ms Jodie Hanns; Mr Hugh Jones; Mr Paul Lilburne; Ms Sabine Winton; Mr Yaz Mubarakai; Mr David Templeman

In more recent times there are many examples of ticket scalping of concerts and sporting events, depriving people of the opportunity to see their idols in the flesh. I was too slow to buy tickets for the Bledisloe Cup—the good tickets. Although the member for North West Central, again, mentioned tickets are available. But people are selling the better tickets on Gumtree for above face value. There were some for \$200 above face value. After the last game between the Wallabies and the All Blacks, some Australians may be trying to offload their tickets before the next match!

My research was not as comprehensive as that done by the member for Cockburn, but I did speak to my daughter about the current state of affairs. She mentioned that the recent Kendrick Lamar concerts in Australia sold out in minutes, apparently the mosh pit tickets sold out in a matter of seconds. The member for Cockburn mentioned the automation of ticket buying; that deprived my daughter of buying a ticket to Kendrick Lamar at face value. Another factor of buying tickets online is that people have to be online at the time to buy them, otherwise they miss out. People like FIFO workers and my former colleagues in the Navy who are away at sea or on submarines cannot buy tickets at the time of release. Allowing mass sales in very short order does not give those people an opportunity to buy tickets.

I am glad to see that there has been some self-regulation in the music industry, with some ticketing companies mandating the use of a particular third party, such as Tixel, for the resale of their tickets. The sites limit the resale value to no more than 10 per cent and offer a secure avenue for sellers and buyers alike. The Tixel website states —

We're on a mission to get more fans to events they love while driving the industry to be fair, accessible, and transparent. We've built an event marketplace that helps fans get to their favourite shows without paying through the nose to be there.

That is what this bill aims to do as well. I also note that Gumtree—I had not seen this before—has a space to put the face value of tickets, and it mandates that people selling tickets do that. That gives buyers an opportunity to know what they are getting into.

There is an undisputed need to protect the people of Western Australia and the music industry. The member for South Perth explained the link there, especially as the music industry has suffered so much during COVID. On the link to the local music industry, I want to indulge the house and take the opportunity to mention a young lady from Serpentine who in the future I hope will achieve a level of success in music and ticket sales. Sally Pottinger, who goes by the name of Sally Jane, is the daughter of a former shipmate of mine. She is also employed by Regional Development Australia Peel's Pinjarra office. She is a young lady with a great future. I will read from her biography on her website —

Sally Jane is a vibrant young country music, singer, songwriter and guitarist from Serpentine, Western Australia.

... Sally Jane is making her mark in the Australian Country music scene with the award of People's Choice at the 2020 WA Country Music Awards.

She was also a finalist in the emerging artist category and won junior vocalist of the year for 2019. Sally graduated from the Country Music Association of Australia Academy of Country Music in 2020 and performed at a number of venues during Australia's largest music festival in Tamworth, including opening the festival on the main stage and performing harmonies for one of her many mentors, nine-time Golden Guitar winner Lyn Bowtell. Highlights for Sally include performing at leagues club in New South Wales, music festivals in the Pilbara, the Kings Park dawn services for the RSL and even a booking in Tasmania while she was on an Australian tour earlier this year. Her website bio concludes —

Country music allows Sally to express herself and tell her story, 'I love it that people can dance and sing along with me and share the experience.'

A roll-on benefit of supporting the music industry is that Sally Jane also has a compassionate desire to give and regularly supports charities through music, including Friends of Finlay, which is a charity in support of a young boy who has been diagnosed with hepatoblastoma, a rare type of liver cancer; Warnbro Swans Integrated Football; Relay for Life; and the Jarrahdale Veterans Transition Centre. I had not heard of Friends of Finlay before, and it prompts me to mention the formation of the Parliamentary Friends of People with Rare and Undiagnosed Diseases, which will be launched by the Premier and the Leader of the Opposition in the courtyard on 19 October. For the benefit of the member for Mandurah, Sally Jane will be performing at the Oyster Bar tomorrow at 7.00 pm.

I have no hesitation in supporting the measures that prohibit the resale of tickets that are subject to a restriction on resale at a price that is higher than the original price plus 10 per cent. The Ticket Scalping Bill 2021 will protect people like my 12-year-old self, musicians like Sally Jane embarking on their own musical career, and the people of Western Australia who value a fair go and seeing a gig at a fair price. I commend this bill to the house.

MR P. LILBURNE (Carine) [11.20 am]: I rise to speak in support of the Ticket Scalping Bill 2021, formulated by the Minister for Commerce. I wish to congratulate the Western Australian government for bringing it before the house. It is a fantastic piece of legislation that will put fans of music, sport, art and culture first. As the effective member for Carine, I have actively supported and contributed to the cultural events and art displays in my district.

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All varieties of sport and music events throughout the year are promoted by the Mark McGowan Western Australian Labor government.

As a child of the 1970s and 1980s, one of my favourite bands was Kiss. As a young lad, posters of Kiss adorned my bedroom walls. These otherworldly band members and characters produced fantastic rock music songs such as *Shandi, I Was Made for Lovin' You* and *Rock and Roll All Nite*. As a youngster, I was particularly interested in a pair of dragon boots worn by the bass player, Gene Simmons. Given that I am currently confined to this distinctly unglamorous moonboot for the foreseeable future, perhaps a bit of Kiss-esque razzle-dazzle is just what I need! Despite attending the Perth show of their Farewell Tour some two decades ago—at no less a venue than Burswood Dome—Kiss are booked to again grace the shores of our great state of Western Australia on 14 November 2021.

Mr S.N. Aubrey: Do you still wear make-up?

Mr P. LILBURNE: Only on Saturday nights, member!

How extraordinary it is that in a couple months, all things being equal, the good people of Western Australia may well have the opportunity to attend a stadium rock concert of the calibre of Kiss.

Mr D.A. Templeman: You'll be able to get those boots out again!

Mr P. LILBURNE: As a matter of fact, minister, I have one on right now!

Members heard in this place yesterday that the astonishingly proficient management of the COVID-19 pandemic in our state by the McGowan Labor government has allowed for the organisation of this event. Led by our Premier and Minister for Health, Western Australians find themselves in this fortunate and enviable position. However, to get to the crux of this bill, if someone were to type “Kiss tickets Perth” into their search engine, they would find that a majority of the top search results are for ticket resale sites—essentially, online scalpers. These ticket resale sites are advertising tickets for Kiss and other events at mark-ups from 70 per cent to more than 500 per cent of the face value of the ticket as described by the official distributor.

I wish to acknowledge all the previous supporters of this bill; I feel that for me to go over those figures in detail again would be a waste of the house's time, but it is very important to note that the levels of mark-up are astounding. What makes this practice all the more insidious is the deception. These ticket resale sites look every bit as legitimate as any official ticket retailer; the scalpers go to extraordinary lengths to exercise this deception—yet we hear, time and again, stories from hardworking Western Australians of tickets being fraudulent, cancelled, or otherwise invalid, locking disappointed fans out of events and costing them hundreds, if not thousands, of dollars in the process. This sneaky and underhanded business model risks pricing well-meaning sport, music, arts, and culture fans out of their favourite concert, match or performance, and it harms the artists, performers and entertainment industry professionals who dedicate their lives to bringing joy to ours. As I have said in this place previously, I have looked after Australian performers such as Delta Goodrem and Michael Hutchence. I have seen the professionalism that these Australian performers bring to their art, and I greatly respect it.

In my own electorate of Carine, there is a fantastic establishment known as the Carine Tavern; it is 200 metres from my electorate office on Beach Road.

Mrs J.M.C. Stojkovski: That's handy!

Mr P. LILBURNE: It is indeed, member!

This iconic institution is frequented by people from North Beach, Karrinyup, Sorrento, Gwelup, Marmion, Duncraig and, of course, Carine. Over the last few years The Carine, as locals know it, has hosted some great Australian bands including You Am I, Jebediah, Ash Grunwald and End of Fashion—that last one may reflect upon the member for Moore!

The thought of these unscrupulous scalpers taking advantage of the amazing people that I am so proud to call constituents is enough to make me concerned. I thank the Minister for Commerce for her excellent leadership in relation to this bill. That is why I am pleased to be able to commend this bill to the house. I thank the Acting Speaker.

MS S.E. WINTON (Wanneroo — Parliamentary Secretary) [11.26 am]: I, too, would like to make a contribution to the Ticket Scalping Bill 2021. Like the member for Cockburn I, too, am a proud Dockers supporter and wear my scarf today with pride. It is not often we get the opportunity to wear it, given that it is six years since we last won the Western Derby, but here's to many, many more! I note that last Sunday's Western Derby was played before some 51 692 fans. It is fantastic that at the moment, here in this state, we are able to not only attract such large crowds to our local derby, but also contemplate hosting AFL finals games here in the near future.

I have to say to the member for North West Central that I disagree with everything he says in this place, and particularly with his summation that the Dockers are not a prospect for making it into the finals. I believe that if they beat St Kilda on the weekend, and some other matches go according to plan, we might yet see them in the finals and perhaps even in the grand final. That would be one miracle.

Extract from *Hansard*

[ASSEMBLY — Thursday, 19 August 2021]

p3133b-3147a

Mr Vincent Catania; Mr David Scaife; Mr Geoff Baker; Ms Jodie Hanns; Mr Hugh Jones; Mr Paul Lilburne; Ms Sabine Winton; Mr Yaz Mubarakai; Mr David Templeman

Ms S.F. McGurk: Where there's life there's hope!

Ms S.E. WINTON: Absolutely, and I do have hope. I confess that I placed the great sum of \$1 on Fremantle winning the premiership. Members should get in on that, because the odds at the moment are 300 to one!

Mr V.A. Catania: Can I just say, we often don't agree, but one thing we can all agree on in this chamber is that we need to have a Western Australian team in the finals, whether it is Fremantle or West Coast, as long as we have one team in the finals and we have a grand final here in Western Australia. That would be fantastic, wouldn't it?

Ms S.E. WINTON: Absolutely! The member for North West Central is right: it would be great to have a Western Australian team in the finals, and for Western Australia to get the opportunity to host an AFL grand final. I have to also say that Western Australians absolutely love their footy. The Dreamtime game was not a Western Australian-hosted game, but 55 000 Western Australians attended it. Likewise, the AFL would be pretty confident that Western Australians would turn out in huge numbers to any finals we can host in Western Australia, whether the Dockers are in it or not. I, too, want to make a very quick contribution to the debate on the Ticket Scalping Bill 2021. As members have said, this was a 2017 election commitment. It was introduced in this place, but, unfortunately, it was another example of the many bills that we have had to reintroduce because they did not get passed by the Legislative Council last time. The last time I went to a concert was on 23 February 2020 to see Queen at Optus Stadium. It was the most incredible concert I have ever been to. The reason I mention it is that it was just a matter of weeks or days before life changed for all of us with the pandemic unfolding around the world and the implications for us in Australia. I mention it because since then, and many members have mentioned it, COVID has impacted on many of our lives and on many industries, but none more so than the live entertainment industry, whether it is football, as we talked about, or concerts and various live events. It is fantastic, though, that Western Australia, due to its approach in dealing with the pandemic, has not only kept its economy going, but also provided a much greater opportunity for the live music industry to keep going than many other states of Australia and certainly other places around the world have.

Members have described the problems with ticket scalping. I loved the member for Collie–Preston talking about the good old days when we had to line up for concert tickets and phone in et cetera. Now technology has moved on to such an extent that new methods of purchasing tickets have allowed ticket scalping to become a very sophisticated and multibillion-dollar industry that does not benefit anyone that ticket sales should be benefiting. We do not get a fair crack at tickets, and when we do, in many instances we are desperate so we pay inflated prices because the events sell out so quickly. Very often when we buy tickets at an inflated price because we are desperate to see a particular concert, we do not even know what the mark-up was in the first place and we assume we are paying the price the promoter originally charged. When the bill was debated here in 2017, we heard stories of people who were prepared to pay inflated prices, which is bad enough, but then turned up to the concert to find that they could not get in because the tickets were void.

It is unaffordable to many people in Western Australia to attend events. When I made a contribution to debate on this bill in 2017, I mentioned that it was not just the high-end, big concerts such as Queen that people found increasingly unaffordable to attend, but that scalpers got in on family events, too. At sporting events such as the Scorchers cricket matches that attract families, the cheap family tickets are sold for prices way beyond what families can afford, due to the fact that scalpers grab all the tickets. As many members have indicated, very importantly, the people who get cheated most are the creators of the industry in the first place, whether they be performers or event organisers who carry all the risk in organising and putting on events.

This bill is a long time coming. It will ban the resale of tickets at a mark-up of more than 10 per cent of the original price. I think that is fair and reasonable. Sometimes we buy tickets but, for a number of reasons, we might not get the opportunity to go to the event. This bill will still allow people to onsell their tickets at a reasonable rate so that they are not out of pocket. People will no longer be able to advertise tickets at inflated rates. Importantly, this bill provides that when a person buys tickets from a non-seller, they are required to not only be told the original price, but also receive information about the seat at the concert as part of the process of getting the tickets, which is really important.

We have talked about technology. Obviously, a key element of this bill is preventing software and technology being used by scalpers to purchase large numbers of tickets. I will not talk much about the sticks involved, but we obviously need them to make sure that people will abide by the new laws. They will include fines for breaches of \$20 000 for individuals and \$100 000 for bodies corporate.

The member for Cockburn mentioned that this bill had its beginnings in 2014 when the Premier, the then Leader of the Opposition, introduced a private member's bill that was blocked in this house. Interestingly, I read the *Hansard* of that debate and the bill really came out of a Senate Economics References Committee report into ticket scalping in Australia. That report recommended that the federal government do something about ticket scalping. It was very clear that the federal government was not going to show leadership, and it has required state governments like those of New South Wales, South Australia and now Western Australia to take on this issue to ensure that people

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in the community can enjoy entertainment, concerts and the like at a fair and reasonable price and also have the opportunity to have a crack at getting tickets in the first place before they are sold out artificially.

Western Australia is now in a really lucky position because Western Australians have been wonderful and disciplined in adhering to the various restrictions that have been put on them. COVID has had a significant impact on the events industry, and the measures in this bill are important in assisting the sector and getting fans back to see public events.

In closing, I want to highlight that the McGowan government's thinking on supporting culture and the arts throughout the pandemic has not been based on a kneejerk reaction. It has been a specific and targeted campaign that originally dates from our recovery plan. Over \$76 million of the recovery package has gone to support culture and the arts in this state, including \$30 million for the redevelopment of the Western Australian Perth Concert Hall and \$15 million to upgrade His Majesty's Theatre. There was \$15 million that went to Getting the Show Back on the Road, which was a share-the-risk package to reactivate live performances and touring activities. There was \$5.6 million for venue hire waivers for local performing arts companies to support them during those difficult times. There was a \$350 000 contribution to events delivered by the West Australian Music Industry Association and a \$5 million Lotterywest investment for the Creative Communities artists-in-residence program. I will leave my contribution there. I wanted to highlight that the Ticket Scalping Bill was important when we introduced it in 2019, but it is even more important now during these COVID times to make sure that we continue to support, encourage and nurture a thriving live entertainment and large events industry in this state. I commend the bill to the house.

MR Y. MUBARAKAI (Jandakot — Parliamentary Secretary) [11.38 am]: I rise to make a brief contribution to the Ticket Scalping Bill 2021, because I understand that we have limited time to debate this bill as we hope to pass it shortly. I completely agree and concur with the remarks just made by the member for Wanneroo. She has summed up remarks of members who spoke prior to her who identified the core reasons why it is imperative that this bill pass this house. As members understand, this bill was introduced in the fortieth Parliament under the McGowan government, but to the dismay of us all, it did not manage to pass the upper house. So we are back again, and for that reason we have all made our contributions about why post-COVID this bill has merit in this place and the community of Western Australia.

I congratulate and commend the Minister for Commerce, Hon Amber-Jade Sanderson, for reintroducing the Ticket Scalping Bill. The main issue here is fairness—fairness for the consumer, the system itself, the fans, the artist and, obviously, the business owners who take the risk of organising these huge events and have a black market sector of individuals who basically cause disruption and sadness for fans who want to attend these many events across a calendar year in Western Australia. Largely speaking, we in Western Australia have been so lucky and very fortunate to continue to have the freedom to attend concerts with maximum capacities. We heard the previous speaker, the member for Wanneroo, talk about the maximum number of events orchestrated with huge crowds. To see venues filled and experience the buzz and atmosphere is how the artist thrives on their performance. Whether we talk about sports or culture and music events, these are important atmospheres.

What happens when ticket scalpers use new technologies thanks to the internet? Obviously, our world now relies on the internet and it is a major benefit; however, it comes with some disadvantages. People use technologies known as bots to basically acquire systematically online as many tickets as are desired, and they onsell them for a surplus, sometimes 100 to 300 per cent on the price of those tickets. Tickets become unaffordable for the fans, individuals and families who really want to go out and enjoy the entertainment right here in our backyard. It is completely unacceptable. I am glad that this bill pretty much points out that if someone has acquired a ticket and is unable to attend an event, a 10 per cent surcharge to onsell it to friends or family or otherwise is a legal and right way of doing it, unlike scalpers who acquire hundreds or thousands of tickets and sell them for three times more than the original price. When they do not sell all their tickets, the stands are empty. People who wanted to attend the event are completely disappointed. We are losing the merit of having places of entertainment for individuals and families across the board for their hobby or pleasure.

I will continue my remarks on this bill, but will not go into too much detail. This bill highlights the importance the McGowan Labor government has brought back into the forty-first Parliament with the merits of this bill. I reflect that in some countries in the world, particularly the United Kingdom, tickets can be resold, in a sense, with an attached framework of hospitality packages, such as hotel stays, obviously to encourage tourism. These are practical parameters that some countries have adopted to avoid ticket scalping. This bill will protect WA consumers from the increasing ticket scalping that occurs across events. The resale of tickets at inflated prices, without adding any goods or services, is unacceptable. Obviously, the loss is only to the consumers. There is absolutely no doubt that the unfair behaviour will cease to exist. I commend this bill to the house.

I would also like to talk about some things that have been organised in my electorate over the next month, such as the Youth on Health Festival, at which the Harrisdale Senior High School drama students will perform. Student performers will express their own stories of “keeping up with appearances”. Keeping up with appearances is not

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new. People have always strived to fit in and pretend that everything is better than it really is by the way they dress or behave, which is quite a concern, especially among young people who are impacted more than ever by the power of social media and the impact it has. It creates a sense of anxiety about people's personal success, wealth and body image. The internet has become a treacherous place in this regard, but there is also an opportunity for young people to use it in a positive way. The Act-Belong-Commit YOH Fest is a leading forum for youth health education in Western Australia, allowing thousands of school students to take part in an innovative and revolutionary approach to help education through the arts. The YOH fest uses the arts platform for primary and high school students to explore important health issues and to harness their creativity and enthusiasm to convey these health messages to their peers. The Harrisdale students will perform at the Subiaco Arts Centre on 31 August.

Harrisdale Senior High School will compete in the Volleyball WA Schools Cup. A friend of the office, a work experience student, Ethan, will participate. I can tell you, Madam Acting Speaker, that Ethan is a big lad and I am sure he will do himself and his school proud on the court. I wish the team all the very best.

Students from the Leeming, Aspiri and Harrisdale Primary Schools in my electorate will participate in the annual Western Australian choral festival. I congratulate Abigail Albert, who will sing three solos at the event, and I wish her all the very best.

I will not take too much longer, but on this note I will thank previous speakers who have contributed to debate on this bill and, once again, I commend the bill to the house.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [11.47 am] — in reply: I am of course representing the Minister for Commerce in responding to the second reading debate of the Ticket Scalping Bill 2021. I thank the member for North West Central and shadow spokesperson for commerce for his contribution. I will go through a couple of the matters that were raised by the member for North West Central. I thank the members for Cockburn, South Perth, Collie, Darling Range, Carine, Wanneroo and Southern River for their contributions and insight to and strong support for events of a sporting and culture and the arts nature and for recognising the importance of ensuring that those events can take place and be staged or performed, and the interests of consumers with ticket purchases can be strongly supported.

Members have highlighted the intention of this bill. A number of members highlighted the history of the bill, its early gestation, and acknowledged the former member for Collie–Preston, who, of course, did raise this issue as a concern some time ago. I am sure that wherever he might be caravanning at the moment, or indeed enjoying regional Western Australia in his retirement, he would be very pleased to hear that this bill has been reintroduced by the Minister for Commerce and, indeed, will be passed by this place and, it is hoped, supported and passed in the other place.

I will not go through the purpose of the bill—that has been highlighted—but I will touch on some points to reassure the member for North West Central and other members on the operation of the bill. The member for North West Central highlighted the issues that came up during the Standing Committee on Legislation's consideration of the Ticket Scalping Bill 2018. I want to touch on a couple of clauses that he highlighted, including the reason for some of the recommendations not being supported. It is obviously the normal process for the statutory review to occur after five years when built into legislation. The advice was that requiring a review after only three years, as was proposed, would ultimately provide insufficient data with which to judge the effectiveness of the legislation, so it is five years. I think the member himself also agreed that we are in exceptional circumstances due to COVID and that is why five years is appropriate.

On the issue of definitions raised in recommendation 2, Parliamentary Counsel's Office has inserted a definition of ticket scalping in clause 3 of the Ticket Scalping Bill 2021 that clarifies that issue. Recommendation 3 to change the terminology of "declared" to "prescribed" was supported and has been changed. Recommendation 6 supported a proposed amendment to insert a note under clause 3 describing the application of Fair Trading Act investigation powers. A note has been inserted in clause 14 of the Ticket Scalping Bill to address this issue.

The member for North West Central also highlighted—it is a good point—the issue around the purchase of tickets. The member referred to his large family and my large family and when people want to purchase a number of tickets to support their club or whatever. I assure the member that consumers will be able to purchase a large number of tickets for family and friends. There are no restrictions in the legislation on the number of tickets that can be purchased, as long as none of the tickets are resold for more than 110 per cent of the original ticket price. Event organisers, understandably, may limit numbers, as the member may be aware, but that is ultimately a commercial decision and is not affected by this bill.

The member asked how the original ticket price is determined and why a reseller is allowed to add 10 per cent to the purchase price. The original ticket price is the price for which the ticket was purchased from the organiser or authorised ticket seller, including booking fees or commissions. The additional 10 per cent permits the reseller to

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recover additional costs such as postage fees, advertising et cetera. Having considered the available models and the results of commonwealth consultation in late 2017 with stakeholders on this matter, and after discussion and further consultation, it was decided that the complexity of the New South Wales model, which requires transaction costs to be itemised, makes it unreasonably difficult to monitor compliance. As a result, the model used in Queensland was adopted. It allows the reseller to recover the cost of the ticket paid to the original seller including booking fees plus 10 per cent. That is generally considered to be an appropriate percentage.

In terms of compliance, in his second reading contribution, the member highlighted that there is a six-month period before proclamation. He is exactly right. That period will allow for the broader public and interest groups to be educated on the implications of the bill. That will be undertaken by the department before proclamation and implementation of the intent of the bill. That will be an important component of the role, if you like, of Consumer Protection. The member asked how compliance will be undertaken. Obviously, Consumer Protection will undertake active compliance, including monitoring social media pages, Facebook and sites such as Gumtree. As the member is probably aware, a lot of consumer reports and complaints come through to the department from people's interface with those mediums. Again, the focus on education of the public will be a feature of the work of the Commissioner for Consumer Protection and of course other communication methods, including press releases and media statements.

The member asked about the regulations once they have been drafted. The member is obviously well aware that for transparency, the regulations will be visible because they will be tabled here in Parliament and will be subject to the procedural mechanisms that impact on the tabling of regulations in the Parliament. Hence if there is a request or intent to move a disallowance motion, that will be up to any member of this Parliament when the regulations are tabled.

I thank the member for not requiring that we go into consideration in detail. Obviously, there will be an opportunity for further debate on this bill in the other place. However, broadly, all the contributors to the second reading debate highlighted their strong support for this bill. It is modern legislation and deals with ticket scalping, which ultimately undermines producers and performers and impacts on consumers. Therefore, this legislation is important and on behalf of the Minister for Commerce, I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

Bill read a third time, on motion by **Mr D.A. Templeman (Leader of the House)**, and transmitted to the Council.