

TICKET SCALPING BILL 2018

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Alannah MacTiernan (Minister for Regional Development)**, read a first time.

Second Reading

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [10.39 am]:
I move —

That the bill be now read a second time.

The Ticket Scalping Bill 2018 introduces new legislation addressing ticket scalping practices that are adversely impacting consumers in Western Australia. The legislation will sit within the portfolio of the Department of Mines, Industry Regulation and Safety, specifically within the Consumer Protection Division.

The primary purpose of the bill is to provide strong mechanisms to address the consumer detriment that occurs as a result of ticket scalping for popular public entertainment events hosted in Western Australia. It delivers on longstanding commitments by the government to address serious and growing consumer concerns in this area. Consumers can suffer detriment in a number of ways. The resale of tickets at inflated prices is making popular events increasingly unaffordable for fans. In some cases, they may be tricked into paying grossly inflated prices because they are not aware that they are dealing with a reseller when they purchase tickets from an online provider. Use of software bots by commercial resellers to buy tickets in bulk quantities immediately after release can make it difficult for consumers to access tickets. Purchasers of resold tickets may be unable to gain entry to events because the ticket is invalidated as a result of its resale.

Ticket scalping also has a negative impact on artists and event organisers, who carry the financial risk of preparing and hosting events, and can threaten the commercial viability of events. Revenue, including secondary revenue from activities such as sale of merchandise, is directly related to attendance levels, which may be threatened by the impact of scalping on ticket affordability.

The provisions of the bill will apply to all ticketed events hosted in Western Australia when a resale restriction is imposed by the event organiser as a condition of purchase. The provisions of the bill will prohibit the resale of tickets at a price that is higher than the original cost of the ticket plus 10 per cent; prohibit the advertising of tickets for resale at a price that is higher than their original cost plus 10 per cent; require an advertiser to provide details of the location from which the ticket purchaser will view the event, such as row and seat numbers; provide that any resale restriction invalidating the ticket will be void if the ticket is purchased from a reseller in accordance with the requirements of the regulations; prohibit the use of software that enables or assists a person to circumvent the security measures of a website in order to purchase tickets in contravention of the terms and conditions of the organiser; provide for maximum penalties of \$20 000 for a breach of the legislation by an individual, and \$100 000 for a breach by a body corporate for most offences; and provide education, investigation and enforcement powers for the Commissioner for Consumer Protection.

The growing need for this regulation has been demonstrated in recent times at major events held in Western Australia when tickets have been advertised by private sellers and resale platforms shortly after release for as much as 10 times their face value. This bill unashamedly places fans first. It reflects a commitment by the government to provide strong protection for consumers. It ensures that those with unwanted tickets to events can sell those tickets without breaching conditions of purchase, while at the same time promoting openness, transparency and reasonable access to the market and ensuring that Western Australian consumers have the opportunity to enjoy major events at a fair price.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

The minister is aware that members may have different proposals they want examined as we work to protect consumers from unscrupulous ticket resellers, hence I will move that the matter be referred to the Standing Committee on Legislation immediately after the tabling of the explanatory memorandum.

I commend the bill to the house and table the explanatory memorandum.

[See paper 2837.]

Discharge of Order and Referral to Standing Committee on Legislation — Motion

On motion without notice by **Hon Alannah MacTiernan (Minister for Regional Development)**, resolved —

- (1) That the Ticket Scalping Bill 2018 be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 5 September 2019; and
- (2) the committee has the power to inquire into and report on the policy of the bill.