

Major Events (Ticket Scalping) Bill 2018

Explanatory Memorandum (E97)

(Introduced by Mr. John McGrath, MLA)

Overview of the Bill

The purpose of the *Major Events (Ticket Scalping) Bill 2018* is to restrict the resale of tickets to designated Major Events in Western Australia by making it an offence for tickets to be resold at higher than their original purchase price. To achieve this objective, the Bill:

- introduces the definition of a Major Event;
- makes it an offence with a \$5000 penalty to scalp tickets, or resell them at a greater price than their original purchase price, including any fees or charges, to a Major Event; and
- allow victims of scalpers to seek damages within three years of the offence.

Clause Notes

Clause 1 Short Title

This clause provides the short title of the Act.

Clause 2 Commencement

This clause provides for section 1 of the Act to come into operation on a day fixed by Royal Assent. The subsequent provisions are to come into operation the day following Royal Assent.

Clause 3 Terms used in this Act

This clause contains the definitions required for the purposes of the Act. In particular:

“original price”, in relation to a ticket to a major event means the price printed on the ticket or the price at which the tickets were initially offered for sale by the organiser; and any fees or charges payable in relation to the original sale of the ticket, such as booking fees.

For the purposes of section 4(1):

“event declaration” means an event declared under the conditions outlined in section 4(1).

“major event” means an event declared as a major event under section 4(1).

For the purposes of section 7:

“ticket to a major event” means a ticket which permits entry to a major event, or an activity which is part of a major event, and is issued by or on behalf of the event organiser.

Clause 4 Event Declaration

This clause allows for the declaration of a Major Event by the relevant Minister via publication in the *Gazette* and also outlines who the Minister must consult with and matters which the Minister must take into account before declaring a major event.

Clause 5 Amendment or Cancellation of Event Declaration

This clause allows for an event declaration to be amended or cancelled after the Minister has consulted with the people outlined in clause 4.

Clause 6 When Instrument Takes Effect

This clause provides for an instrument under section 4(1) or 5(1) to take effect on the day after the day it is published in the *Gazette* or on any later day specified in the instrument.

Clause 7 Offence of Ticket Scalping

This clause introduces a \$5000 penalty for any person who, without written authorisation by the event organiser, sells a ticket to a major event at a price greater than its original price.

Clause 8 Action for Damages

This clause creates a cause of action for a person who suffers loss, injury or damage because of a contravention of section 7. A proceeding under subsection (1) cannot be commenced more than 3 years after the date on which the cause of action accrued.