## WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

# AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 110 Issue No. 2

## **WEDNESDAY, 11 SEPTEMBER 2019**

## TICKET SCALPING BILL 2018 [110-1]

When in committee on the *Ticket Scalping Bill 2018*:

#### Clause 2

**Committee Recommendation 1**: To move —

1/2 Page 2, line 6 — To insert after "Part 1" —

and section 16

## Clause 3

**Committee Recommendation 3**: To move —

2/3 Page 3, line 11 — To delete "declared" and insert —

prescribed

**Committee Recommendation 2**: To move —

3/3 Page 3, after line 30 — To insert —

*ticket scalping* means to sell a ticket for admission to an event for an amount which exceeds the original ticket price by more than 10%.

#### Clause 10

#### **Committee Recommendation 4**: To move —

4/10 Page 6, after line 32 — To insert —

(3) The defence provided for in subsection (2) is in addition to and does not affect the operation of *The Criminal Code* Chapter V.

Note for this subsection:

Section 13(1)(c) does not apply certain defences in the *Fair Trading Act* 2010 Part 7.

#### **New Clause 11A**

Hon Alison Xamon: To move —

7/NC11A Page 7, after line 14 — To insert —

### Part 3A — Number of tickets publicly available

## 11A. Minister may require notification of number of tickets publicly available

- (1) The Minister may, by order in writing given to an event organiser, require the event organiser to give public notice of the total number of tickets for the event to be made available for general public sale by authorised ticket sellers (including tickets made available before the requirement is made).
- (2) Before making an order, the Minister must
  - (a) be satisfied that each event organiser for the event has been notified of the Minister's intention to make the order; and
  - (b) give each event organiser a reasonable opportunity to make submissions in relation to the proposed order; and
  - (c) consider any submissions made by an event organiser; and
  - (d) be satisfied that it is in the public interest to make the order.
- (3) For the purposes of this section, a ticket is not made available for general public sale if the authorised ticket seller requires a person to do either or both of the following in order to purchase the ticket
  - (a) pay an amount in addition to the price of the ticket and any booking fee or other commission payable to the authorised ticket seller;
  - (b) register for access to any pre-sale, publication, competition or other special offer.
- (4) The regulations may, for the purposes of this section, make further provision for the circumstances in which a ticket is, or is not, made available for general public sale.
- (5) An event organiser must comply with an order under this section within the time and in the manner specified in the order.

Penalty for this subsection: a fine of \$20 000.

- (6) It is a defence to a charge of an offence under subsection (5) to prove that the event organiser
  - (a) gave public notice in accordance with the time and manner specified in the order; and
  - (b) believed, on reasonable grounds, that the number of tickets specified in the notice was within 10% of the total number of tickets to be made available for general public sale.

#### Clause 13

#### **Committee Recommendation 6**: To move —

5/13 Page 10, after line 3 — To insert —

#### Notes for this section:

- 1. Subsection (1) incorporates into this Act certain provisions of the *Fair Trading Act 2010* that provide for or in relation to
  - (a) powers of the Commissioner;
  - (b) investigation and enforcement;
  - (c) criminal and civil proceedings;
  - (d) miscellaneous matters.
- 2. Subsection (2) makes certain modifications to those provisions in their application as part of this Act.

## Clause 16

### **Committee Recommendation 7**: To move —

6/16 Page 10, line 26 to page 11, line 3 — To delete the lines and insert —

### 16. Review of Act

- (1) An appropriate Standing Committee of the Legislative Council must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which section 6 comes into operation.
- (2) The review must address whether sections 6, 8 and 11 have been effective in reducing the practice of ticket scalping.
- (3) The Standing Committee must cause the report to be laid before the Legislative Council as soon as practicable after it is prepared, but not later than 12 months after the 3<sup>rd</sup> anniversary.

