

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 110
Issue No. 4

MONDAY, 10 AUGUST 2020

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

Hon Nick Goiran: To move —

9/2 Page 2, after line 8 — To insert:

- (2) However if no day is fixed under subsection (1)(b) before the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent, this Act is repealed on the day after that period ends.

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 8**Hon Aaron Stonehouse:** To move —

8/8 Page 5, after line 25 — To insert —

- (3) Subsection (1) does not apply to the supply of a ticket if the goods or services are part of a hospitality package for the relevant event.
- (4) In subsection (3) —

hospitality package, for a relevant event, means food, beverages, accommodation, transport or other goods and services provided as a package in association with attendance at an event.

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 3rd 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 3rd anniversary.

Hon Nick Goiran: To move —

10/16 Page 11, after line 3 — To insert:

- (3) The Minister must transmit a copy of the report to the Clerk of a House of Parliament if —
 - (a) the report has been prepared; and
 - (b) the Minister is of the opinion that the House will not sit during the period of 21 days after the finalisation of the report.
- (4) A copy of the report transmitted to the Clerk of a House is taken to have been laid before that House.
- (5) The laying of a copy of a report that is taken to have occurred under subsection (4) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

