

SENATE INQUIRY - TICKET SCALPING IN AUSTRALIA

NSW GOVERNMENT SUBMISSION

On 14 November 2013, the NSW Government introduced the *Fair Trading Amendment (Ticket Reselling) Bill 2013* into Parliament (see Bill at **Tab A**, Second Reading Speech at **Tab B** and media release at **Tab C**). The Bill will regulate the resale of tickets to sporting and entertainment events held in NSW, but only if the ticket is subject to a condition limiting the circumstances in which the ticket can be resold.

The Bill provides beneficial reforms for the secondary ticketing market by creating greater certainty and transparency in the market without excessive red tape. The Bill, the Second Reading Speech and the media release are attached for information.

The Bill targets the practice known as ‘ticket scalping’. It proposes that when advertising a ticket for resale, the advertisement must include the following information:

- the ticket number (and the row and seat number if applicable);
- the terms and conditions of the ticket or where these can be readily found;
- details of the circumstances in which the resale of the ticket may result in the ticket being cancelled;
- a photograph of the ticket which clearly shows the ticket number, the row number and seat number, but not any barcode on the ticket.

A person or company which provides a public forum for advertisements, such as a website, newspaper or magazine, must take reasonable steps to ensure that any advertisements for the resale of tickets placed in that forum comply with these requirements. If advised in writing that an advertisement does not comply with the requirements, the operator of the public forum must either remove the advertisement or ensure that it is amended so that it does comply. Penalties apply to the operator of a public forum for failing to comply with these requirements.

Currently, despite strategies employed by promoters and event managers, there continues to be consumer detriment from ticket scalping, which limits the availability of tickets for music and sports ‘fans’, and the sale of counterfeit or invalid tickets through the secondary ticketing market.

The reforms proposed in the Bill will improve transparency in the marketplace, will assist event organisers to enforce ticket terms and conditions and will help to protect consumers from fraud.

NSW, and Sydney in particular, attracts a large number of highly popular events. While NSW would welcome an opportunity to co-operate with the Commonwealth and other States and Territories on national reform initiatives in this area, it is not possible to delay action which will protect consumers and ensure that NSW continues to be able to attract high profile sporting and entertainment events.