



New South Australian Ticket Scalping and Gift Cards Laws - Effective 10 December 2018

Dear Member,

South Australia's new ticket scalping and gift cards laws will **commence on 10 December 2018** and will apply to primary tickets and gift cards purchased after this date.

(A) What are the new gift cards laws?

1. Gift cards that are redeemable for goods and services in South Australia must have a **minimum 3-year expiry**.
2. **An exemption exists** for gift vouchers which can only be redeemed for a particular product or service that is available for a limited period, such as entry to an art exhibition or a concert.

More information about the gift cards changes can be found [here](#).

A full copy of the legislation can be found [here](#).

(B) What are the new ticket scalping laws?

The new laws repeal the ticket scalping provisions in the *Major Events Act 2013*. They will **only apply if the ticket terms and conditions include a resale restriction**. The laws:

1. **Prohibit the use of software** to bypass website security measures to purchase tickets.
2. **Place a 10% price cap on ticket resale**. Tickets cannot be resold for more than 110% of the original supply cost. If no amount was paid for the ticket, then the recommended retail price is taken to be the original supply cost.
3. **Require the following information to be provided** when a ticket is offered for resale:
 - original supply cost of the ticket
 - location from which ticket holder can view the event (e.g. bay, row, seat number).
4. **Prohibit the ability to resell a ticket contingent upon buying something else or as part of a package** (unless authorised by the event organiser).

5. Allow tickets to be resold above the 10% cap when undertaken for approved purposes (e.g. fundraising).

6. Ensure owners of advertising publications (i.e. websites, newspapers, magazines etc) **take reasonable steps to not publish prohibited advertisements**, such as advertisements seeking to resell tickets in contravention of the price cap.

7. Require event organisers to **disclose the number of tickets available for general public sale** through the authorised seller, if the responsible Minister 'declares' the event.

8. Prohibit the ability for event organisers to cancel tickets if tickets are resold within the price cap.

The ticket scalping laws will be reviewed in 2 years.

More information about the ticket scalping changes can be found [here](#).

A full copy of the legislation can be found [here](#).

What penalties apply?

There will be a **maximum penalty of \$20,000 for individuals and \$100,000 for body corporates** who do not comply with the new requirements. In certain circumstances, expiation notices may also be issued (\$550).

Will there be a transition period?

A six month transition period will provide time for businesses that host advertisements for others to sell goods and services, to ensure that they have the necessary measures in place to comply with the new requirements and prevent prohibited advertisements from being published.

For further information

Please contact **Kim Tran**, LPA's Director, Policy & Governance, on 03 8614 2000 or via [email](#).



[Live Performance Australia](#)
Level 1, 15-17 Queen Street
Melbourne, VIC 3000
Australia

[Edit your subscription](#) | [Unsubscribe](#)

Ph: +61 3 8614 2000

Live Performance Australia (LPA) and the Live Performance Australia logo are trademarks of the Australian Entertainment Industry Association.

ABN 43 095 907 857

The information in this email is confidential and may be legally privileged. The views and opinions expressed in this email are the author's and do not necessarily reflect those of LPA as an organisation. If you are not the intended recipient of this email, please delete the original message and notify the sender immediately by return email, or telephone on +61 (0)3 8614 2000. Any disclosure, copying, distribution or action taken or omitted in reliance on it may be unlawful.

Powered by Bridgeway Mailer