

Ticket scalping laws in Australia

The table below provides an overview of ticket scalping legislation in Australia.

Jurisdiction	Overview of legislation
Federal	<ul style="list-style-type: none"> • There is no currently overarching national legislation that prohibits ticket scalping • In October 2018, the Consumer Affairs Forum (CAF) (comprising all Commonwealth, State, Territory and New Zealand Ministers responsible for fair trading and consumer protection laws) agreed to require ticket resale websites to disclose the face value of tickets and the fact that the website is not a primary ticket seller • These requirements have yet to be passed with legislation
NSW	<ul style="list-style-type: none"> • Applicable legislation: Fair Trading Act 1987 • Part 4A of the Act specifically relates to ticket resale • The legislation applies if the ticket terms and conditions include restrictions on ticket resale • The legislation includes provisions that: <ul style="list-style-type: none"> – Place a 10% price cap on ticket resale – Prohibit event organisers from cancelling tickets that are resold within the price cap – Prohibit the ability to resell a ticket contingent upon buying something else or as part of a package (unless authorised by the event organiser) – Specify what information must be provided when listing/advertising tickets for resale – Ensure owners of advertising publications do not publish prohibited advertisements – Prohibit the use of software to bypass security measures to purchase tickets – Provide the responsible Minister with power to ‘declare’ an event and require event organisers to disclose the number of tickets available for general public sale through the authorised seller • The legislation applies to any sporting or entertainment events in New South Wales that are subject to a resale restriction

Jurisdiction	Overview of legislation
VIC	<ul style="list-style-type: none"> • Applicable legislation: Major Events Act 2009 • In 2018, the <i>Major Events Act 2009</i> was extended to cover cultural and business events, in addition to sporting events • The legislation prohibits the resale or offer to resell a ticket to a declared major event for more than 10% above face value • A current list of declared major events in Victoria can be viewed here • Event organisers may submit a request to the Minister to make a major event ticketing declaration. Requests must be made before tickets are on sale to the general public • To request a major event ticketing declaration or to learn more about the process, contact: David Skipper, Manager of Major Event Policy Mobile: 0409 016 922 / Office: (03) 9653 9709 Email: david.skipper@ecodev.vic.gov.au • Alternatively, contact: fairgo.forfans@djpr.vic.gov.au or (03) 9651 9999
QLD	<ul style="list-style-type: none"> • Applicable legislation: Major Sports Facilities Act 2001 and Major Events Act 2014 • The provisions in the <i>Major Sports Facilities Act 2001</i> apply to ticketed events at Stadiums Queensland venues, including: <ul style="list-style-type: none"> – Suncorp Stadium – The Gabba – The Brisbane Entertainment Centre – 1300 SMILES Stadium – The Queensland Sport and Athletics Centre – The Sleeman Sports Complex – Cbus Super Stadium – The Queensland Tennis Centre – Metricon Stadium • Ticket holders are permitted to on sell their tickets provided the cost of the ticket is no more than 10% above the original ticket price. An exemption exists for the lawful resale of tickets above the 10% margin by non-profit organisations for bona fide charitable fundraising purposes • The provisions in the <i>Major Events Act 2014</i> prohibit the resale of tickets to a declared event: <ul style="list-style-type: none"> – Within a controlled area (as defined in a map contained within the relevant regulation) – For more than 10% above the original ticket price • The above conditions do not apply if the reseller has written permission to resell tickets from the event organiser
WA	<ul style="list-style-type: none"> • There is currently no legislation in Western Australia that prohibits ticket scalping • However, there are currently 2 Bills before parliament – Ticket Scalping Bill 2018 and Major Events (Ticket Scalping) Bill 2018

Jurisdiction	Overview of legislation
SA	<ul style="list-style-type: none"> • Applicable legislation: Fair Trading Amendment (Ticket Scalping) Act 2018 • The legislation applies if the ticket terms and conditions include restrictions on ticket resale • The legislation includes provisions that: <ul style="list-style-type: none"> – Place a 10% price cap on ticket resale – Prohibit event organisers from cancelling tickets that are resold within the price cap – Allow tickets to be resold above the 10% cap when undertaken for approved purposes (e.g. fundraising) – Prohibit the ability to resell a ticket contingent upon buying something else or as part of a package (unless authorised by the event organiser) – Specify what information must be provided when listing/advertising tickets for resale – Ensure owners of advertising publications do not publish prohibited advertisements – Prohibit the use of software to bypass security measures to purchase tickets – Provide the responsible Minister with power to ‘declare’ an event and require event organisers to disclose the number of tickets available for general public sale through the authorised seller • The legislation applies to any sporting or entertainment events in South Australia that are subject to a resale restriction
TAS	<ul style="list-style-type: none"> • No legislation
ACT	<ul style="list-style-type: none"> • Applicable legislation: Major Events Act 2014 • The legislation prohibits reselling a ticket to a declared event for more than the original ticket price and without written consent of the event organiser
NT	<ul style="list-style-type: none"> • No legislation