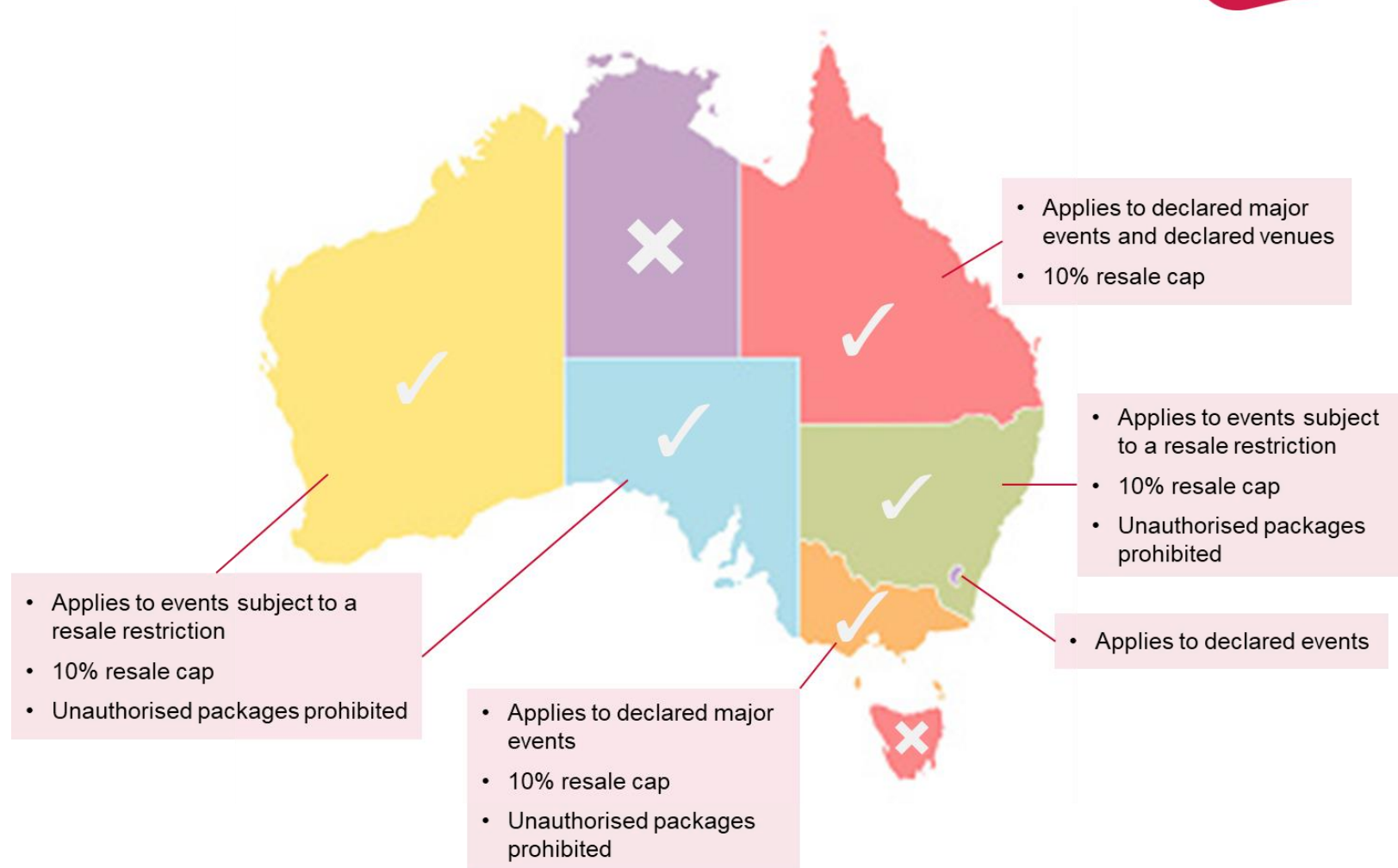


## Ticket scalping laws in Australia

### Snapshot



## Overview of ticket scalping legislation in Australia

Jurisdiction	Overview of legislation
Federal	<ul style="list-style-type: none"> <li>• There is no currently overarching national legislation that prohibits ticket scalping</li> <li>• In October 2018, the <a href="#">Consumer Affairs Forum</a> (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</li> <li>• These requirements have yet to be passed with legislation</li> </ul>
NSW	<ul style="list-style-type: none"> <li>• Applicable legislation: <a href="#">Fair Trading Act 1987</a></li> <li>• Part 4A of the Act specifically relates to ticket resale</li> <li>• The legislation applies <b>if</b> the ticket terms and conditions include restrictions on ticket resale</li> <li>• The legislation includes provisions that: <ul style="list-style-type: none"> <li>– Place a 10% price cap on ticket resale</li> <li>– Prohibit event organisers from cancelling tickets that are resold within the price cap</li> <li>– Prohibit the ability to resell a ticket contingent upon buying something else or as part of a package (unless authorised by the event organiser)</li> <li>– Specify what information must be provided when listing/advertising tickets for resale (i.e. original supply cost, details of the location from which the ticket holder is authorised to view the event)</li> <li>– Ensure owners of advertising publications do not publish prohibited advertisements</li> <li>– Prohibit the use of software to bypass security measures to purchase tickets</li> <li>– Provide the responsible Minister with power to require event organisers to disclose the number of tickets available for general public sale through the authorised seller</li> </ul> </li> <li>• The legislation applies to any sporting or entertainment events in New South Wales that are subject to a resale restriction</li> </ul>

Jurisdiction	Overview of legislation
VIC	<ul style="list-style-type: none"> <li>• Applicable legislation: <a href="#">Major Events Act 2009</a></li> <li>• The legislation applies to declared major events only. A current list of declared major events in Victoria can be viewed <a href="#">here</a></li> <li>• In 2018, the <i>Major Events Act 2009</i> was extended to cover cultural and business events, in addition to sporting events</li> <li>• The legislation prohibits the resale or offer to resell a ticket to a declared major event for more than 10% above face value</li> <li>• The face value ticket price must be displayed on the ticket</li> <li>• In 2022, the Act was <a href="#">amended</a> to:             <ul style="list-style-type: none"> <li>– prescribe information which must be included if a ticket to a declared major event is advertised for resale (i.e. asking price, face value price, seating allocation)</li> <li>– prohibit tickets to declared events to be sold as part of a 'package', without the event organiser's authorisation</li> <li>– require the event organiser of a declared event to maintain a public register of authorised ticket package sellers, and publish the register with prescribed information before tickets go on sale. If there is no authorised ticket package seller, the event organiser of a declared event must publish a statement to that effect</li> <li>– require authorised ticket package sellers to include prescribed information in any advertisements selling ticket packages</li> </ul> </li> <li>• Event organisers may submit a request to the Minister to make a major event ticketing declaration. Requests must be made <b>before</b> tickets are on sale to the general public</li> <li>• To request a major event ticketing declaration or to learn more about the process, contact: <a href="mailto:fairgo.forfans@djpr.vic.gov.au">fairgo.forfans@djpr.vic.gov.au</a> or (03) 9653 9759</li> </ul>

Jurisdiction	Overview of legislation
QLD	<ul style="list-style-type: none"> <li>• Applicable legislation: <a href="#">Major Sports Facilities Act 2001</a> and <a href="#">Major Events Act 2014</a></li> <li>• The provisions in the <i>Major Sports Facilities Act 2001</i> apply to ticketed events at <a href="#">Stadiums Queensland venues</a>, including:               <ul style="list-style-type: none"> <li>– Suncorp Stadium</li> <li>– The Gabba</li> <li>– The Brisbane Entertainment Centre</li> <li>– 1300 SMILES Stadium</li> <li>– The Queensland Sport and Athletics Centre</li> <li>– The Sleeman Sports Complex</li> <li>– Cbus Super Stadium</li> <li>– The Queensland Tennis Centre</li> <li>– Metricon Stadium</li> </ul> </li> <li>• 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</li> <li>• The provisions in the <i>Major Events Act 2014</i> prohibit the resale of tickets to a declared major event:               <ul style="list-style-type: none"> <li>– Within a controlled area (as defined in a map contained within the relevant regulation)</li> <li>– For more than 10% above the original ticket price</li> </ul> </li> <li>• The above conditions do not apply if the reseller has written permission to resell tickets from the event organiser</li> </ul>
WA	<ul style="list-style-type: none"> <li>• Applicable legislation: <a href="#">Ticket Scalping Act 2021</a></li> <li>• The legislation applies <b>if</b> the ticket terms and conditions include restrictions on ticket resale</li> <li>• The legislation includes provisions that:               <ul style="list-style-type: none"> <li>– Place a 10% price cap on ticket resale</li> <li>– Prohibit event organisers from cancelling tickets that are resold within the price cap</li> <li>– Prohibit the ability to resell a ticket contingent upon buying something else or as part of a package (unless authorised by the event organiser)</li> <li>– Specify what information must be provided when listing/advertising tickets for resale (i.e. original ticket price, details of the location from which the ticket holder is authorised to view the event)</li> <li>– Ensure owners of advertising publications do not publish prohibited advertisements</li> <li>– Prohibit the use of software to bypass security measures to purchase tickets</li> </ul> </li> <li>• The legislation applies to any sporting or entertainment events in Western Australia that are subject to a resale restriction</li> </ul>

Jurisdiction	Overview of legislation
SA	<ul style="list-style-type: none"> <li>• Applicable legislation: <a href="#">Fair Trading Amendment (Ticket Scalping) Act 2018</a></li> <li>• The legislation applies <b>if</b> the ticket terms and conditions include restrictions on ticket resale</li> <li>• The legislation includes provisions that: <ul style="list-style-type: none"> <li>– Place a 10% price cap on ticket resale</li> <li>– Prohibit event organisers from cancelling tickets that are resold within the price cap</li> <li>– Allow tickets to be resold above the 10% cap when undertaken for approved purposes (e.g. fundraising)</li> <li>– Prohibit the ability to resell a ticket contingent upon buying something else or as part of a package (unless authorised by the event organiser)</li> <li>– Specify what information must be provided when listing/advertising tickets for resale (i.e. original supply cost, details of the location from which the ticket holder is authorised to view the event)</li> <li>– Ensure owners of advertising publications do not publish prohibited advertisements</li> <li>– Prohibit the use of software to bypass security measures to purchase tickets</li> <li>– Provide the responsible Minister with power to require event organisers to disclose the number of tickets available for general public sale through the authorised seller</li> </ul> </li> <li>• The legislation applies to any sporting or entertainment events in South Australia that are subject to a resale restriction</li> </ul>
TAS	<ul style="list-style-type: none"> <li>• No legislation</li> </ul>
ACT	<ul style="list-style-type: none"> <li>• Applicable legislation: <a href="#">Major Events Act 2014</a></li> <li>• 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</li> </ul>
NT	<ul style="list-style-type: none"> <li>• No legislation</li> </ul>