

LEGISLATIVE COUNCIL

MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND
OTHER MATTERS) BILL 2017

(Amendments and New Clauses to be proposed in Committee by Ms SPRINGLE)

1. Clause 6, line 18, omit "182C" and insert "153".
2. Clause 6, after line 18 insert—

"major ticketing event means—

 - (a) a ticketed event to which a major event ticketing declaration applies; and
 - (b) if an event referred to in paragraph (a) is to be replayed or rescheduled for any reason, includes the replaying of the event or the rescheduled event;".
3. Clause 6, page 4, line 1, omit "9A" and insert "9".
4. Clause 6, page 4, line 10, omit "2A" and insert "2".
5. Clause 6, page 4, lines 11 to 15, omit all words and expressions on those lines and insert—

'(2) In section 3(1) of the Principal Act—

 - (a) in the definition of *sports event omit* ", in Part 9,";
 - (b) in the definitions of *ticket scheme* and *ticket scheme proposal*, for "sports ticketing event or a sports event" **substitute** "major ticketing event or a ticketed event".'.
6. Clause 6, page 4, after line 15 insert—

"() In section 3(1) of the Principal Act, the definitions of *sports event organiser*, *sports ticketing event* and *sports ticketing event declaration* are **repealed**".
7. Clause 6, page 4, line 16, omit "(3) After" and insert "(4) For".
8. Clause 6, page 4, line 16, omit "**insert**" and insert "**substitute**".
9. Clause 6, page 4, line 17, omit "2A" and insert "2".
10. Insert the following New Clauses to follow clause 6—

'A Part 9 heading amended

In the heading to Part 9 of the Principal Act, for "**Sports**" **substitute** "**Major**"

B Division 1 of Part 9 substituted

For Division 1 of Part 9 of the Principal Act **substitute**—

"Division 1—Major event ticketing declaration

151 Notice of intention to make a major event ticketing declaration

- (1) If the Minister intends to make a major event ticketing declaration in respect of a ticketed event, the Minister must give written notice to the ticketed event organiser.
- (2) A notice under subsection (1) must—
 - (a) specify whether the proposed major event ticketing declaration will apply to—
 - (i) the holding of the ticketed event on a particular occasion only; or
 - (ii) the holding of the ticketed event generally, regardless of when or how often the event is held, until the major event ticketing declaration is revoked; and
 - (b) state that, within 14 days after receiving the notice, the ticketed event organiser may give a written submission to the Minister on whether the ticketed event should be declared as a major ticketing event.

152 Request for a major event ticketing declaration

- (1) A ticketed event organiser may request the Minister make a major event ticketing declaration in respect of a ticketed event.
- (2) The request made by the ticketed event organiser must be in the form determined by the Minister.

153 Major event ticketing declaration

- (1) The Minister must make the major event ticketing declaration, or decide not to make the major event ticketing declaration, within 14 days of—
 - (a) the end of the period for giving the Minister a submission under section 151; or
 - (b) the Minister receiving a request under section 152.
- (2) In making a decision under subsection (1), the Minister—
 - (a) may consider the ticketed event organiser's submission (if any); and
 - (b) may consider the ticketed event organiser's request (if any); and
 - (c) must consider whether the ticketed event is major, having regard to the likely number of attendees for the event—
 - (i) on a particular occasion only; or

- (ii) over the duration of the event; and
- (d) may consider any other matters the Minister considers appropriate.
- (3) The Minister must notify the ticketed event organiser of the Minister's decision under subsection (1).
- (4) If the Minister makes a major event ticketing declaration, the major event ticketing declaration must specify whether it applies to—
 - (a) the holding of the ticketed event on a particular occasion only; or
 - (b) the holding of the ticketed event generally, regardless of when or how often the event is held, until the major event ticketing declaration is revoked.
- (5) The Minister must ensure that a copy of the major event ticketing declaration is published in the Government Gazette.
- (6) A major event ticketing declaration applies to the holding of the ticketed event to which it applies, regardless of whether the ticketed event organiser changes.

153A Minister may revoke major event ticketing declaration

- (1) The Minister may revoke a major event ticketing declaration if the Minister considers it is appropriate to do so, whether the major event ticketing declaration applies to—
 - (a) the holding of the ticketed event on a particular occasion only; or
 - (b) the holding of the ticketed event generally, regardless of when or how often the event is held.
- (2) A revocation under subsection (1) must be in writing.
- (3) As soon as practicable after a major event ticketing declaration is revoked, the Minister must ensure that a copy of the revocation is—
 - (a) given to the ticketed event organiser; and
 - (b) published in the Government Gazette."

C Requirement to lodge a ticket scheme proposal for major ticketing event

- (1) In the heading to section 154 of the Principal Act, for "**sports ticketing event**" substitute "**major ticketing event**".
- (2) For section 154(1) of the Principal Act substitute—
 - "(1) Within 14 days after receiving notice that the Minister has made a major ticketing event declaration, a ticketed event organiser must give the Minister a ticket scheme proposal."

D Sections 155(1) and 156 amended

In sections 155(1) and 156 of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".

E Decision to approve a ticket scheme

- (1) In section 157(1) of the Principal Act—
 - (a) for "sports event organiser" **substitute** "ticketed event organiser";
 - (b) for "sports ticketing event" (where thrice occurring) **substitute** "major ticketing event".
- (2) In section 157(2)(a) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (3) In section 157(3)(a) of the Principal Act, for "28 days" **substitute** "14 days".
- (4) In section 157(3)(b) of the Principal Act—
 - (a) for "sports event organiser" **substitute** "ticketed event organiser";
 - (b) for "28 days" **substitute** "14 days".
- (5) In section 157(4)(b) and (5) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (6) In section 157(6) of the Principal Act—
 - (a) for "sports ticketing event" **substitute** "major ticketing event";
 - (b) for "sports event organiser" **substitute** "ticketed event organiser".
- (7) In the note at the foot of section 157 of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".

F Ticket scheme proposal for an event that has not been declared

- (1) For section 158(1) of the Principal Act **substitute**—

"(1) A ticketed event organiser of a ticketed event that is not the subject of a major event ticketing declaration may give the Minister a ticket scheme proposal for the event regardless of when the event is to be held."
- (2) In section 158(2)(a) of the Principal Act, for "sports ticketing event declaration" **substitute** "major event ticketing declaration".
- (3) In section 158(3) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (4) In section 158(4) of the Principal Act, for "sports ticketing event declaration" (wherever occurring) **substitute** "major event ticketing declaration".

- (5) In section 158(4)(d) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".
- (6) In section 158(5) of the Principal Act, for "sports ticketing event declaration" **substitute** "major event ticketing declaration".
- (7) In section 158(5)(a) and (6) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (8) In section 158(6) of the Principal Act, for "28 days" **substitute** "14 days".

G Replacement proposal if declaration applies to the event generally

- (1) In section 159(1) of the Principal Act—
 - (a) for "sports event organiser" **substitute** "ticketed event organiser";
 - (b) in paragraph (a), for "sports ticketing event" **substitute** "major ticketing event";
 - (c) in paragraph (b), for "sports ticketing event declaration" **substitute** "major event ticketing declaration".
- (2) In the note at the foot of section 159(1) of the Principal Act, for "sports event that is held at least 9 months" **substitute** "ticketed event that is held".
- (3) In section 159(2) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (4) In section 159(4)(a) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".
- (5) In section 159(4)(b)(i) and (ii) of the Principal Act, for "sports event that is held at least 9 months" **substitute** "ticketed event that is held".

H Authorisations to sell or distribute tickets

- (1) In section 160 of the Principal Act, for "sports ticketing event, the sports event organiser" **substitute** "major ticketing event, the ticketed event organiser".
- (2) In section 160(a) of the Principal Act, for "sports ticketing event on behalf of the sports event organiser" **substitute** "major ticketing event on behalf of the ticketed event organiser".

I Variation of approved ticket scheme

In section 161 of the Principal Act—

- (a) for "sports event organiser" **substitute** "ticketed event organiser";
- (b) for "sports ticketing event" **substitute** "major ticketing event".

J Cancellation of approval of ticket scheme

- (1) In section 162(1) of the Principal Act—

- (a) for "sports ticketing event" **substitute** "major ticketing event";
- (b) for "sports event organiser" (where twice occurring) **substitute** "ticketed event organiser".

(2) In section 162(2) of the Principal Act, for "sports event" **substitute** "ticketed event".

11. Clause 7, omit this clause.

12. Clause 8, after line 7 insert—

' () In section 163(2) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".

() In section 163(2)(b) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".

13. Clause 8, line 8, before "In section" insert "(3)".

14. Clause 8, after line 9 insert—

' () In section 163(2A) of the Principal Act—

(a) for "sports ticketing event" **substitute** "major ticketing event";

(b) for "sports event organiser" **substitute** "ticketed event organiser".

15. Insert the following New Clauses to follow clause 8—

'K Holding event before there is an approved ticket scheme

(1) In section 164(1), (2) and (3) of the Principal Act, for "sports event organiser of a sports ticketing event" **substitute** "ticketed event organiser of a major ticketing event".

(2) For section 164(4)(a) of the Principal Act **substitute**—

"(a) either the receipt by—

(i) the ticketed event organiser of notice of the Minister's intention to make a major event ticketing declaration; or

(ii) the Minister of the request of the ticketed event organiser for a major event ticketing declaration; and".

(3) In section 164(4)(b) of the Principal Act—

(a) for "sports event organiser" **substitute** "ticketed event organiser";

(b) in subparagraph (i), for "sports ticketing event declaration" **substitute** "major event ticketing declaration".

L Failing to comply with an approved ticket scheme

(1) In section 165(1) and (2) of the Principal Act, for "sports event organiser of a sports ticketing event" **substitute** "ticketed event organiser of a major ticketing event".

- (2) In section 165(2) of the Principal Act, for "sports event organiser" (where secondly occurring) **substitute** "ticketed event organiser".
- (3) In section 165(3) of the Principal Act, for "sports ticketing event on behalf of the sports event organiser" **substitute** "major ticketing event on behalf of the ticketed event organiser".
16. Clause 9, after line 10 insert—
- () In section 166(1)(a) of the Principal Act—
- (a) for "sports ticketing event" **substitute** "major ticketing event";
- (b) for "sports event organiser" **substitute** "ticketed event organiser".
17. Clause 9, line 11, before "In section" insert "(2)".
18. Clause 9, after line 12 insert—
- () In section 166(1)(b) and (2) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".
19. Clause 10, lines 14 to 15, omit all words and expressions on those lines and insert—
- (1) In section 166A(1) of the Principal Act—
- (a) for "sports ticketing event" **substitute** "major ticketing event";
- (b) for "printed" **substitute** "displayed".
20. Insert the following New Clause to follow clause 10—

M Sale or advertising for resale of 6 or more tickets at a premium

After section 166 of the Principal Act **insert**—

"166AA Sale of 6 or more tickets at a premium (scalping)

A person who is not authorised to do so must not sell tickets for a major ticketing event on which a ticket condition under an approved ticket scheme prohibiting or restricting the sale or distribution of the tickets is displayed if the sale is—

- (a) of 6 or more tickets; and
- (b) at a price that exceeds the combined face value purchase price of all those tickets by more than 10%.

Penalty: 60 penalty units, in the case of a natural person;
300 penalty units, in the case of a body corporate.

166AB Advertising for resale of 6 or more tickets at a premium

A person who is not authorised to do so must not advertise or offer for resale tickets for a major ticketing event on which a ticket condition under an approved ticket scheme prohibiting or restricting the sale or distribution of the tickets is displayed if the advertisement or offering for resale is—

- (a) for 6 or more tickets; and

(b) at a price that exceeds the combined face value purchase price of all those tickets by more than 10%.

Penalty: 60 penalty units, in the case of a natural person;
300 penalty units, in the case of a body corporate.".'. .

21. Clause 11, lines 28 to 29, omit all words and expressions on those lines and insert—

'(1) In section 166B(1) of the Principal Act—

(a) for "sports ticketing event" **substitute** "major ticketing event";

(b) for "printed" **substitute** "displayed".'. .

22. Insert the following New Clauses to follow clause 15—

N VCAT review of certain decisions

(1) In section 168(1) of the Principal Act—

(a) for "sports event organiser" **substitute** "ticketed event organiser";

(b) in paragraph (a), for "sports ticketing event declaration" **substitute** "major event ticketing declaration".

(2) In section 168(2) of the Principal Act, for "sports event organiser" (where thrice occurring) **substitute** "ticketed event organiser".

O Entry or search of premises with consent or with a warrant

(1) In section 170(1) of the Principal Act—

(a) in paragraph (a), for "sports event organiser of a sports ticketing event" **substitute** "ticketed event organiser of a major ticketing event";

(b) in paragraph (b), for "sports event organiser" **substitute** "ticketed event organiser".

(2) In section 170(2) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".'. .

23. Clause 16, omit this clause.

24. Clause 18, line 22, omit "Parts 9 and 9A" and insert "Part 9".

25. Clause 18, page 22, lines 1 to 5, omit all words and expressions on those lines.

26. Clause 18, page 22, line 6, omit "(d)" and insert "(c)".

27. Clause 18, page 22, line 12, omit "(e)" and insert "(d)".

28. Clause 22, page 24, lines 2 and 3, omit "166A, 166B, 182F(1), 182F(2), 182G(1) or 182G(2)" and insert "166A or 166B".

29. Clause 22, page 24, lines 12 and 13, omit "166A, 166B, 182F(1), 182F(2), 182G(1) or 182G(2)" and insert "166A or 166B".

30. Clause 22, page 26, line 31, omit "or 182H(1)(b)".
31. Clause 23, omit this clause.
32. Clause 24, line 15, before "Any reference" insert "(1)".
33. Clause 24, line 24, omit 'appears.'" and insert "appears."
34. Clause 24, after line 24 insert—
 - '(2) A sports ticketing event declaration made under section 152 and in force immediately before the commencement of section 8 of the **Major Events Legislation Amendment (Ticket Scalping and Other Matters) Act 2017**, is deemed to be a major event ticketing declaration on and from the commencement of section 8 of that Act."'