



New South Wales

Fair Trading Amendment (Ticket Reselling) Bill 2014

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This public bill which originated in the Legislative Assembly, has passed and is now ready for presentation to the Legislative Council for its concurrence.

*Clerk of the Legislative Assembly,
Legislative Assembly,
Sydney,*

, 2014



New South Wales

Fair Trading Amendment (Ticket Reselling) Bill 2014

Act No , 2014

An Act to amend the *Fair Trading Act 1987* with respect to the resale of certain tickets to sporting or entertainment events.

EXAMINED

Assistant Speaker

The Legislature of New South Wales enacts:

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1 Name of Act

2

This Act is the *Fair Trading Amendment (Ticket Reselling) Act 2014*.

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2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

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Schedule 1	Amendment of Fair Trading Act 1987 No 68	1
[1] Part 4 NSW consumer safety and information requirements		2
Insert after Division 5:		3
Division 6	Resale of tickets to sporting or entertainment events	4
58	Tickets to which Division applies	5
(1)	This Division applies to a ticket to a sporting or entertainment event held in New South Wales if:	6
	(a) the ticket is subject to a resale restriction, and	7
	(b) the ticket contains a term or condition that provides that the organiser of the event will take all reasonable steps to give the ticket holder notice of the organiser's intention to cancel the ticket or render it invalid under the resale restriction, within a reasonable time before cancelling it or rendering it invalid.	8
(2)	A <i>resale restriction</i> means, for the purposes of this Division, a term or condition of a ticket that limits the circumstances in which the ticket may be resold or prohibits resale of the ticket and includes a term or condition that provides for the ticket to be cancelled or rendered invalid if the ticket is resold, or if the ticket is resold in certain circumstances.	9
(3)	A reference in this Division to the terms and conditions of a ticket includes a reference to the terms and conditions of any contract that governs the use of the ticket (including resale).	10
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59	Unauthorised advertisement for resale of tickets	14
(1)	An advertisement that offers a ticket for sale is, for the purposes of this Division, an <i>unauthorised advertisement</i> unless the advertisement complies with the requirements of this section.	15
(2)	An advertisement must specify the ticket number, bay number, row number and seat number of the ticket if the ticket has been issued and includes such numbers.	16
(3)	An advertisement must specify the terms and conditions of the ticket or specify where those terms and conditions can be readily found.	17
(4)	An advertisement must include a notice specifying the circumstances in which resale of the ticket may result in the ticket being cancelled or rendered invalid.	18
(5)	An advertisement must contain a photograph of the ticket that clearly shows any ticket number, row number and seat number. However, the photograph must not show any barcode on the ticket.	19
(6)	This section does not apply to:	20
	(a) an advertisement published by or on behalf of the organiser of the event to which the ticket relates or any agent of the organiser, or	21
	(b) an advertisement offering a ticket for sale at or below the price (not including any booking fee or other transaction cost) at which the ticket was offered for sale by, or on behalf of, the organiser of the event to which the ticket relates, or	22
	(c) an advertisement of a class prescribed by the regulations.	23
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60	Public forum not to contain unauthorised advertisement	1
(1)	In this section:	2
	<i>advertisement</i> means any advertisement whether paid or not.	3
	<i>forum</i> means any forum having advertisements to which members of the public have access (whether or not a member of the public is first required to pay a fee or subscription, register or become a member) such as a website, a newspaper, magazine or other publication or a public notice board.	4 5 6 7
	<i>person conducting a business or undertaking</i> has the same meaning as in the <i>Work Health and Safety Act 2011</i> but also includes any person of a class prescribed by the regulations.	8 9 10
(2)	A person conducting the business or undertaking of a forum must take reasonable steps to ensure that no advertisement in the forum is an unauthorised advertisement. Maximum penalty: 200 penalty units.	11 12 13 14
(3)	A person conducting the business or undertaking of a forum must, within a reasonable time after being notified in writing by a person referred to in subsection (4) of an unauthorised advertisement in the forum, ensure that if it is reasonably practicable to do so:	15 16 17 18
	(a) the advertisement is removed from the forum, or	19
	(b) the advertisement is changed so that it is not an unauthorised advertisement.	20 21
	Maximum penalty: 50 penalty units.	22
(4)	Notification under subsection (3) can only be made by the organiser of the event to which the advertised ticket relates or a person nominated by the organiser.	23 24 25
(5)	The regulations may prescribe circumstances in which a person conducting the business or undertaking of a forum is taken to have been notified in writing that there is an unauthorised advertisement in the forum.	26 27 28
(6)	This section does not apply to an advertisement offering a ticket for sale if the advertisement is in a forum that has been authorised for the purposes of such sale by the organiser of the event.	29 30 31
(7)	A reference in this section to a person conducting a business or undertaking includes a reference to the owner of the business or undertaking.	32 33
60A	Resale restriction void unless ticket contains warning	34
	A resale restriction that provides for a ticket to be cancelled or rendered invalid if it is resold (or if it is resold in certain circumstances) is void unless the ticket contains a warning in the form prescribed by the regulations.	35 36 37
60B	Review of Division	38
(1)	The Minister is to review this Division to determine whether the policy objectives of the Division remain valid and whether the terms of the Division remain appropriate for securing those objectives.	39 40 41
(2)	The review is to be undertaken as soon as possible after the period of 3 years from the commencement of this Division.	42 43
(3)	A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 3 years.	44 45

[2] Schedule 5 Savings and transitional provisions	1
Omit clause 1A (1). Insert instead:	2
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.	3 4
[3] Schedule 5	5
Insert at the end of the Schedule with appropriate Part and clause numbers:	6
Part Provisions consequent on enactment of Fair Trading Amendment (Ticket Reselling) Act 2014	7 8
Definition	9
In this Part:	10
<i>amending Act</i> means the <i>Fair Trading Amendment (Ticket Reselling) Act 2014</i> .	11 12
Unauthorised tickets on forum	13
Section 60, as inserted by the amending Act, does not apply to an unauthorised advertisement in a forum if the advertisement was in the forum before the commencement of that section.	14 15 16
Cancellation of ticket	17
Section 60A, as inserted by the amending Act, does not apply to a ticket issued before the commencement of that section.	18 19