



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

MOTIONS

Ticket Scalping

SPEECH

Monday, 20 March 2017

BY AUTHORITY OF THE SENATE

SPEECH

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Questioner
Speaker Xenophon, Sen Nick

Source Senate
Proof No
Responder
Question No.

Senator XENOPHON (South Australia) (15:40): I seek leave to amend general business notice of motion No. 223 standing in my name.

Leave granted.

Senator XENOPHON: I move the motion as amended:

That the Senate—

(a) notes that:

(i) ticket scalping and the use of software to bypass computer security systems to purchase large numbers of tickets has a detrimental impact on genuine fans who often miss out or have to pay hugely inflated prices for events,

(ii) while there is a benefit in having a secondary market place for consumers to on-sell tickets when they have a legitimate reason to do so, many consumers are not aware that they are buying from a secondary market site as the business practices of many of those sites have the potential to mislead or deceive consumers in relation to their purchase, resulting in consumers purchasing tickets that are not genuine or at a vastly inflated price,

(iii) consumers are generally not able to rely on statutory consumer protections when they purchase tickets from secondary market sites,

(iv) in December 2016, the United States (USA) Congress passed the Better Online Ticket Sales (BOTS) Act of 2016, which makes it illegal to use software to purchase tickets to popular events,

(v) the United Kingdom (UK) Government is also considering measures that would criminalise the misuse of 'bot' technology to unlawfully obtain tickets to events,

(vi) the UK's Consumer Rights Act requires that key details of tickets offered for resale should be given at the time of resale, including the face value of the ticket, seating area, as well as any restrictions that apply, but Australian consumers have no such protections,

(vii) the Senate Economics References Committee, in its report on ticket scalping in Australia tabled in the Senate in March 2014, identified the negative impact ticket scalping has on consumers, and

(viii) despite the findings of the Senate Economics References Committee, the Government has not made any substantive changes to address the issues identified in the report; and

(b) calls on the Government to introduce legislation to better protect customers from ticket scalpers, following the example of the USA, with their Better Online Ticket Sales Act 2016, and other measures under consideration by the UK Government.

I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator XENOPHON: This motion relates to the vexed issue of ticket scalping and the need for a new approach—a national approach—in respect of it. In respect of the amendment I have just moved from the floor, it is, in substance, substantially in the spirit of the former clause 2 of the amendment, but it does make reference to United Kingdom legislation. I do so after discussions—useful discussions—with the opposition. It was their approach that the motion be amended in those terms to make reference to the United Kingdom and to make reference

to the need for legislation along the UK and the US lines. It is for those reasons that I move this amendment with such short notice, but it does not affect the substance of the motion because references made to the United Kingdom's consumer rights act in the substance of paragraph 1 of the motion, in particular 1(f). Essentially that is what this is about.