



22 August 2022

The Hon Tony Burke MP
Minister for the Arts

By email: culturalpolicy@arts.gov.au

Submission in relation to the National Cultural Policy Review

Thank you for providing the opportunity to make a submission as part of the public consultation process in relation to the National Cultural Policy Review.

Who are we?

The Ticket Brokers Association of Australia (TBA) is a professional industry body made up of several Australian-based ticket marketplaces and individual brokers, who represent the interests of the secondary ticket market in Australia.

Several members of the TBA have appeared in person before a Commonwealth Treasury inquiry into the ticket industry, as well as having collaborated with the NSW and Victorian state governments on ticket industry reform. Our industry experience and knowledge underpins both our evidence and input to those processes, and this submission to the National Cultural Policy Review.

Each of our members has an established corporate and private client base and abides by a code of conduct which prohibits using automated technology to acquire tickets and unfair consumer practices such as “drip pricing”.

TBA members provide superior customer value through the packaging of event tickets with ancillary benefits such as food and beverage, accommodation and transport.

Without a functioning and transparent ticketing market, access to events at affordable prices for consumers will continue to elude patrons for many events and acts – as will a fair capacity to purchase tickets at all.

“How do we protect performers and audiences from ticket scalpers?”

In addition to the five pillars upon which the policy is to be based, your media release of 1 July 2022 also poses the following question which is to be considered as part of the policy review: “How do we protect performers and audiences from ticket scalpers?”.

Purpose of this submission

The purpose of this submission is to:

- highlight the differences between unscrupulous overseas-based ticket scalpers and scalper sites like Viagogo and TBA's all-Australian members;
- summarise existing federal safeguards in place to protect performers and audiences; and
- recommend a number of policy and legislative options which will protect artists and audiences.

Difference between TBA members and ticket scalpers including Viagogo

TBA has previously worked with law enforcement agencies, state and federal legislators, concert promoters, professional sports leagues, and teams in the fight against counterfeit and stolen tickets and in creating effective legislation that helps address the issue of international ticket scalping websites like Viagogo, without negatively impacting legitimate Australian businesses who provide valuable services.

Contrary to overseas based ticket scalper site Viagogo, TBA's members employ over 100 Australian-based staff and derive over \$100 million in revenue annually which contributes to the Australian economy. TBA members have an enormously positive impact on travel and tourism in Australia and on the wider economy.

The TBA is proud to be collaborating with children's' cancer charity Challenge and Little Dreamers (see appendices), which supports those who provide unpaid care for people with disabilities.

Adequacy of existing federal safeguards to protect performers and audiences

The Australian Consumer Law (ACL) has more than adequate protections to address issues associated with ticket reselling, including those against misleading or deceptive conduct, false or misleading representations, unconscionable conduct and bait advertising. The ACL is an especially potent tool to address rogue overseas operators such as Viagogo as was demonstrated by the \$7 million penalty handed that company in 2020.

In December 2018, the Commonwealth Treasury published its decision regulation impact statement: "Ticket Reselling in Australia"¹, ("Treasury D.R.I.S") which followed a public consultation process, resulting in five proposed policy options ranging from outright bans and restrictions to lighter touch regulations to improve the operation of the secondary ticket market.

This ultimately resulted in the introduction of the Competition and Consumer (Australian Consumer Law—Electronic Ticket Resale Service) Information Standard 2022 (**"Information Standard"**), which introduces new consumer protection requirements for the resale of event tickets on electronic platforms, which take effect from 1 October 2022. The Standard requires persons who provide these event ticket resale services to continuously display the following on the electronic platform in a "legible, prominent and unambiguous way":

- a statement in the form "This is a ticket resale service. You are not buying from a primary ticket provider"; and
- the total price, excluding the delivery charge, that the consumer would reasonably be expected to pay to purchase the ticket from the original ticket seller.

¹ <http://ris.pmc.gov.au/2018/11/30/ticket-reselling>

Considerations when formulating legislative and policy outcomes

When formulating legislative and policy outcomes which affect the secondary ticket market including TBA members livelihoods, any such policy ought to strike a balance between:

- protecting the commercial interests of organisers of genuinely major events of national and state significance;
- avoiding monopolistic practices by event organisers through the eradication of secondary market competitors including TBA members; and
- providing transparency in order to better manage consumer expectations regarding what tickets will be made available to them.

Recommendation 1:

The TBA believes greater consumer education such as the Information Standard will go a considerable way in reducing the confusion experienced by the 48% of consumers whom consumer group Choice claims were unaware they were dealing with a resale website instead of the official ticket seller.²

Despite the increased prevalence of dynamic or market-based pricing by event organisers, we believe consumers should nonetheless be equipped with the “face value” of a ticket at any given time in order to make as informed a decision as possible to buy from a secondary market reseller.

Recommendation 2:

National ban on automated ticket harvesting software

Recommendation 3:

Utilise existing regulatory mechanisms under the Australian Consumer Law to target unscrupulous reseller platforms like Viagogo.

Recommendation 4:

A ticket reseller licensing model akin to that utilised in New York³, with a portion of revenue from licensed ticket resellers going back into the industry and/or charities

Next steps

We look forward to guiding future policy proposals in this sphere and would greatly appreciate the opportunity to meet with you to further discuss the very significant role which our members play.

Yours sincerely,
Robert Revis
President
The Ticket Brokers Association of Australia Inc.

² https://consult.treasury.gov.au/people-and-communications-division/ticket-reselling-in-australia/supporting_documents/cs2017t234743.pdf page 17

³ <https://dos.ny.gov/ticket-reseller>

To Whom It May Concern,

For 36 years, the Challenge organisation has supported children and families living with cancer. We offer an extensive range of programs and services to our members and one major program is our ticketing service.

When a child is diagnosed with cancer, their family's world changes immediately and the normal process of looking forward to opportunities and events is taken away, due to the child's illness.

Challenge identifies that it is extremely important for the young person to have something to look forward to. With their health at risk, families are hesitant to purchase tickets to concerts, sporting events and theatre shows as they are very expensive and they can't guarantee that their loved one will be able to attend, due to their cancer treatment.

This is where Challenge steps in and is able to assist hundreds of families with opportunities to attend special events.

In recent years, securing and purchasing tickets from promoters has become more difficult due to costs and the increasing number of charitable organisations seeking assistance.

In 2016, Challenge met with the Ticketbrokers Association and Ticketblaster with the hope they would look favourably upon assisting Challenge with individual requests and the allocation of tickets to popular concerts, sporting events and theatre shows. We became their charity of choice and since that time, our relationship has grown.

Over the years, we have been able to provide hundreds of tickets to families around Australia. On a number of occasions, we have sought tickets for palliative families at very late notice. The Ticketbrokers Association and Ticketblaster have always tried to the best of their ability to assist with our requests.

The Ticketbrokers Association and Ticketblaster have also assisted Challenge with our international program – a Trip of a Lifetime – by securing tickets to baseball and concerts.

I am very proud of the partnership we have established and the difference that the Ticketbrokers Association and Ticketblaster make to the community and Challenge families is significant.

If you require any further feedback or clarification, I would be more than happy to assist.

Kind regards

David

David Rogers OAM

Chief Executive Officer

Challenge - supporting kids with cancer

www.challenge.org.au

Little Dreamers Australia

Partnership with The Ticket Merchant



To Whom It May Concern,

Little Dreamers is working towards an equal world for Young Carers, delivering programs aiming to improve their quality of life. We define a Young Carer as anyone under the age of 25 who provides care for a family member with a disability, mental illness, chronic illness or drug and/or alcohol addiction.

It is estimated that 1 in 10 young people in Australia are carers. Of these young people, 50% report having difficulty attending school every day and research shows they are up to 1.5 years behind their peers in NAPLAN scores. In 2016, Young Carers were also named one of the four most at risk groups of young people in Australia.

Little Dreamers delivers fun, empowering and proactive support programs to reduce the risk factors that Young Carers face and increase their life opportunities. Running for 13 years, with almost 50 permanent staff and 300 volunteers across VIC, NSW and QLD, Little Dreamers programs have been developed by Young Carers for Young Carers.

Providing wrap-around support for Young Carers, our programs include Dream Experiences; holiday programs; mentoring and tutoring; in-school education and training; The Dreamers Hub, an online peer support platform; in-person peer support; and the Big Dreamers Personal Development Program. These programs target each of our five main impact areas - identity, health and wellbeing, social connection, education, employment and financial literacy. We believe in a world where every Young Carer is supported by someone or something by 2030.

With over a 218% increase in demands for our support since 2020, we have been working tirelessly to ensure that all Young Carers receive support, respite and acknowledgment. In October 2021, Little Dreamers formed a partnership with The Ticket Merchant and through this, hundreds of Young Carers across Australia have been positively impacted. The Ticket Merchant assists Little Dreamers with Dream Experiences for our Young Carers and allocates free tickets to popular concerts, sports events, musicals and theater performances. Alex and the team at The Ticket Merchant continuously work hard to make sure that our vulnerable Young Carers are given experiences that they'll never forget.

On behalf of the thousands of Young Carers we support and the entire team at Little Dreamers, I am extremely grateful for the ongoing support and generosity of The Ticket Merchant. If you require any further information, please do not hesitate to contact Little Dreamers.

Kind regards,

Madeleine Buchner OAM | CEO, Founder

