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Western Australia

Ticket Scalping Regulations 2022

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Schedule 1 — Prescribed offences and modified penalties

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Defined terms

Ticket Scalping Act 2021

Ticket Scalping Regulations 2022

SL 2022/35

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Ticket Scalping Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Terms used

In these regulations —

package deal, for an event, means the supply of any goods or services, including food, beverages, accommodation or transport, as a part of a package that includes a ticket for admission to the event;

recipient has the meaning given in section 9(1);

section means a section of the Act;

supplier has the meaning given in section 9(1).

4. Agreements for supply of tickets

- (1) This regulation applies for the purposes of section 9(2)(b).

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- (2) Subject to subregulation (3), an agreement by a supplier to supply a ticket for admission to an event as part of a package deal is a prescribed agreement if —
- (a) the supplier provides to the recipient —
 - (i) a description of each of the goods or services that are part of the package deal; and
 - (ii) the amount of the consideration for each of the goods or services that are part of the package deal;
- and
- (b) the package deal is supplied in the ordinary course of carrying on the supplier's business or undertaking.
- (3) The details referred to in subregulation (2)(a)(i) and (ii) must be provided to the recipient before any amount in consideration for the package deal is paid by the recipient to the supplier.

5. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3)(a).

6. Authorised officers and approved officers

- (1) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (2) The Commissioner must issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

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r. 7

- (3) An authorised officer may, for the purpose of showing that the authorised officer is authorised to issue an infringement notice, show a certificate, badge or identity card issued under subregulation (2) to the alleged offender.

7. Forms

For the purposes of the *Criminal Procedure Act 2004* Part 2, the forms set out in Schedule 2 are prescribed.

Ticket Scalping Regulations 2022**Schedule 1** Prescribed offences and modified penalties**Schedule 1 — Prescribed offences and modified penalties**

[r. 5(1) and (2)]

Offence under the Act		Modified penalty
s. 7	Selling a ticket for admission to an event for an amount that exceeds the original ticket price by more than 10%	\$2 000
s. 9(1)	Supplying a ticket for admission to an event that is contingent on payment for other goods or services	\$2 000
s. 11(1)	Owner of an advertising publication failing to ensure that no prohibited advertisement is published	\$2 000

Ticket Scalping Regulations 2022Forms **Schedule 2****Form 1****Schedule 2 — Forms**

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Form 1 — Infringement notice

<i>Ticket Scalping Act 2021</i>		Infringement notice no.
INFRINGEMENT NOTICE		
Alleged offender	Name	
	Address	
Alleged offence	Date or period	
	Time	
	Place	
	Details of offence	
	Written law contravened	
Date	Date of notice	
Issuing officer	Name	
	Office	
	Signature	
Modified penalty	\$	
TAKE NOTICE	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty to the Approved Officer within 28 days after the date of this notice.</p>	

Ticket Scalping Regulations 2022**Schedule 2** Forms**Form 1**

	<p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you should contact the Approved Officer at the address below.</p> <p>Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.</p> <p>If you want this matter to be dealt with by prosecution in court, sign and date here:</p> <p>_____ / /</p> <p>and post this notice to the Approved Officer at the address below within 28 days after the date of this notice.</p>	
How to pay	By post	<i>[Insert details for paying by post]</i>
	In person	<i>[Insert details for paying in person]</i>

Ticket Scalping Regulations 2022Forms **Schedule 2****Form 2****Form 2 — Withdrawal of infringement notice**

<i>Ticket Scalping Act 2021</i>		Withdrawal no.
WITHDRAWAL OF INFRINGEMENT NOTICE		
Alleged offender	Name	
	Address	
Details of infringement notice	Infringement notice no.	
	Date of issue	
Alleged offence	Date or period	
	Time	
	Place	
	Details of offence	
	Written law contravened	
Approved Officer withdrawing notice	Name	
	Office	
	Signature	
Date	Date of withdrawal	

Ticket Scalping Regulations 2022**Schedule 2** Forms**Form 2**

<p>Withdrawal of infringement notice</p> <p><i>[*Delete whichever is not applicable]</i></p>	<p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p>* Your refund is enclosed</p> <p><i>or</i></p> <p>* If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:</p> <p>Approved Officer — <i>Ticket Scalping Act 2021</i></p> <p><i>[Insert address]</i></p>		
<p>Your signature</p>		<p>Date</p>	

V.MOLAN, Clerk of the Executive Council.

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Defined terms

Defined terms*[This is a list of terms defined and the provisions where they are defined.**The list is not part of the law.]*

Defined term	Provision(s)
package deal.....	3
recipient	3
section	3
supplier	3