

Code of Practice for the Ticketing of Live Entertainment in Australia

1 April 2005

SCOPE AND APPLICATION

This Code applies to:

- the Australian Entertainment Industry;
- the promotion and staging of live entertainment performances where an entry charge is made; and
- the ticketing of live entertainment performances in Australia.

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OBJECTIVES

The objectives of this Code are:

- to encourage 'best practice' within the Australian live entertainment industry;
- to maintain fair standards when providing a service to the public;
- to ensure acceptance and consistency in compliance with these fair standards;
- to provide guidelines on fair resolution of complaints; and
- to provide prospective Ticket Holders with an understanding of the service standards to expect and how to deal with problems.

This Code applies to the purchase of Tickets directly from a Venue or an authorised Ticketing Service, known throughout the Code as a Ticketing Agent.

Ticketing Agents and Venues should prominently display this Code, or advise a prospective Ticket Holder where they can obtain a copy of the Code if requested (e.g. leaflet or sign saying the Code is available on request or via the internet). All organisations covered by this Code should include the Code on their web sites.

DEFINITION OF TERMS

In this Code, the following terms have the meanings set out in this paragraph:

Complaints Procedure:

Means the Procedure set out at the end of this Code.

Person:

Includes a natural person or any form of legal entity.

Presenter:

A person which presents a performance, and includes a promoter, producer or venue.

Ticketing Agent:

A person which provides goods and services relating to ticketing and ticket sales for performances to Presenters and/or Venues. It also includes an authorised person who sells tickets in a package with hospitality, travel or accommodation benefits.

Ticket Holder:

A person who has purchased or validly holds a Ticket for a performance.

Ticket:

In relation to a Ticket Holder, the right of admission to a given performance, which may also include the right to be admitted to a designated area or a seat in a designated seating area.

Venue:

The owner, proprietor or manager of a venue, place or location where a performance is held.

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THE CODE

1. Advertising and promotion material should give details of:

(a) main performance; main attraction or performer(s);

Note: Clause 1(a) is not intended to guarantee that a particular performer will appear in a theatrical or musical show. Prospective Ticket Holders should be made aware that it is industry practice to use understudies where the principal performer is unavailable – see Clause 3(a).

(b) support attraction(s) or performer(s), when known;

Note: With contemporary concerts ticketed well in advance, support acts may not have been finalized at the time of booking, and more than one support can be used at different times during a series of performances. Prospective Ticket Holders should be made aware of the identity of the support attractions, where known, or if it is not known, where Prospective Ticket Holders can obtain the information prior to the performance – see Clause 3(a). Prospective Ticket Holders should also be made aware if the Presenter reserves the right to change the support attraction without specifically notifying the Ticket Holder – see Clause 3(a).

(c) the name of the presenter, where possible;

Note: Where the performance is being presented by an amateur or non-professional company, this should also be indicated in advertising where possible.

(d) venue(s);

Note: Where the normal configuration of the Venue is significantly varied for a particular performance, the configuration to be used should be disclosed in promotion material, e.g. if the Venue has been changed from a stage facing the audience to “in the round”.

(e) scheduled date(s);

(f) Ticketing Agent including advance booking facilities;

(g) limitations, restrictions, or special conditions, if any, on Ticket sales; and

(h) if any Ticket price information is given, it should include any other additional fees that will apply.

Note: Care should be taken not to misrepresent the nature, scale or quality of a performance by including, omitting or failing to qualify information in video advertising or other marketing material. Such misrepresentation could be in breach of the law.

2. Advance booking arrangements should seek to maximise fair access to Tickets for a prospective Ticket Holder by:

(a) providing adequate booking facilities;

(b) making as much information available as possible at the time about the number and type of performances that will occur; and

(c) disclosing as much information as possible about the particular seats or seating area for a given performance, that the prospective Ticket Holder may purchase.

3. Venue box offices should prominently display or make available information about:

(a) performance details, when known, including:

(i) main performance; attraction or performer(s) (see Clause 1(a));

(ii) if applicable, that it is intended that understudies be used where the principal performer is unavailable (see Clause 1(a));

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- (iii) if applicable, support attractions where known or, if not known, where prospective Ticket Holders can obtain the information prior to the performance (see Clause 1(b));
- (iv) if applicable, that the Presenter reserves the right to change the support attraction without specifically notifying the Ticket Holder;
- (v) commencement times; and
- (w) anticipated duration of the performance if it is likely to differ substantially from expected norms for that type of performance;

- (b) any specific conditions of entry for each performance;
- (c) limitations, restrictions, or special conditions, if any, on Ticket sales;
- (d) Ticket prices (see Clause 1(h)) and any additional charges; and
- (e) refund or exchange policy as set out in Clauses 8 and 9.

Note: Display of the Code would fulfill the obligation in Clause 3(e), provided a reference is made in signs or on Tickets which states the Venue/Presenter's general refund or exchange policy. Refunds and exchanges should be available in accordance with Fair Trading legislation and the additional rights under this Code. Unqualified statements such as "No refunds or exchange" should not be used, as they are misleading.

4. Ticketing Agents, other than Venue box offices, should have available information about:

- (a) performance details as in Clause 3(a), unless such information has been provided in all advertising and promotion material;
- (b) the matters set out in Clauses 3(b), (c) and (d);
- (c) refund or exchange conditions set out in Clauses 8 and 9; and
- (d) service charges additional to the price of a Ticket.

5. Ticketing Agents selling Tickets as part of a package including accommodation, travel and/or hospitality should have available information about:

- (a) performance details as in Clause 3(a), unless such information has been provided in all advertising and promotion material;
- (b) the matters set out in Clauses 3(b) and (c);
- (c) refund or exchange conditions set out in Clauses 8 and 9; and
- (d) the area of the venue that the Ticket will be in or the type of Ticket and the price category in which it falls (e.g. A Reserve, B Reserve).

6. Telephone booking centres and online services, prior to a prospective Ticket Holder purchasing a Ticket, should give information about:

- (a) the price of the Ticket, and all charges additional to that price of Ticket; and
- (b) the general location of allocated seating or the specific location, if technically possible.

7. Money paid in advance of the date of the performance:

Money received for advance Ticket sales should be deposited in a secure and segregated bank account to ensure that the funds from Ticket sales are available for Ticket refunds to be made should this be

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required (see Clauses 8 and 9, and Complaints Procedures). This practice may not necessarily apply to subsidised companies which are in receipt of government funding from one or more sources, or to organisations which otherwise satisfactorily secure the funds paid by Ticket Holders.

8. Cancelled or re-scheduled performances:

The Presenter, Venue and Ticketing Agent should use their best endeavours to advise customers when a performance is re-scheduled or cancelled. The Presenter should ensure that a Ticket Holder is entitled to entry in a similar location at a re-scheduled performance. If a performance is cancelled or abandoned by the Presenter, and if the Ticket Holder is unable to attend the re-scheduled performance, or if the performance is not re-scheduled, the Presenter should ensure that the Ticket Holder receives a full refund of the Ticket price and other Ticket charges. Ticket Holders should apply for a refund in a timely manner and, where possible, before the date of any re-scheduled performance.

9. Refund and exchange conditions:

If a Ticket Holder reports a problem for which they feel they have grounds for complaint, other than those specified in this Code, and has reported the problem to the Venue before the completion of the performance, the Presenter should take all reasonable steps to determine whether the Ticket Holder is entitled to an exchange option or refund. Where a substitute seat is found that is satisfactory to the Ticket Holder, no refund will be available. If an exchange option to another performance of the same performance, or a refund is to be made, the Ticket Holder has no right to attend the remaining portion of the performance for which the exchange or refund has been made.

At all times, the original Ticket(s) and proof of purchase may be required, and any refund may not necessarily be available at the Venue at the time the complaint is made.

Note: This Clause does not restrict individual Venues or Presenters from having a more liberal refund/exchange policy, nor does it restrict an individual's rights under the Trade Practices Act 1974 (Cth).

10. A Presenter will not be required to provide an exchange option or refund where the Ticket Holder is unable or chooses not to attend the performance, or where the Ticket Holder has been refused entry or evicted from the venue in any of the circumstances outlined in Clause 12 or 13.

11. Where a Ticket Holder applies for a refund only on the grounds that a performance does not meet his or her expectations, the Presenter is not required to make a refund. The Presenter acknowledges that a Ticket Holder has access to remedies under any relevant Trade Practices or Fair Trading Laws, in the event of any false, misleading or deceptive representation.

12. Right to refuse entry:

The circumstances in which a Presenter or Venue may refuse entry to the Venue to a Ticket Holder include, but are not limited to, any of the following circumstances:

(a) where a Ticket Holder cannot produce a valid Ticket;

(b) where a concession Ticket Holder cannot produce proof of their concession entitlement;

(c) where a Ticket Holder produces a Ticket that has been purchased or obtained through an unauthorised source, or where the Ticket has been obtained by illegal means;

Note: A Ticket Holder should ensure the validity of their Ticket by purchasing Tickets only from an authorised Ticketing Agent. If Tickets are reported lost or stolen, they can usually be replaced by the Ticketing Agent for reserved seats, on the condition that the replacement Tickets may become invalid

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if the person claiming to have lost their Ticket is undertaking a deception or fraud. However, not all Tickets can be traced and a Ticket Holder should safeguard Tickets purchased in advance.

(d) where a Ticket Holder has in his or her possession or refuses to surrender to the Venue any prohibited object or article that is not permitted to be brought into or used in that Venue;

Note: For example, the use of photographic or recording equipment, and other items such as food and alcohol may be prohibited. The prohibited object or article may be placed into the safekeeping of the Venue until the conclusion of the performance.

(e) where a Ticket Holder refuses to undergo a physical search or a search of their possessions where the conditions of entry state that a search may be required;

(f) where a Ticket Holder is behaving in a manner which may cause property damage or that threatens the safety of performers, other Ticket Holders, or any other persons.

Note: The following statement should be used to ensure that a Ticket Holder is aware that a search may be required:

“It is a condition of entry to performances that a search of person or possessions may be required at the time of entry to the Venue. If concerned, please consult the Venue.”

This statement should be:

- *displayed at the point of sale; and/or*
- *on the Ticket; and/or*
- *on paperwork sent out with Tickets; and/or*
- *on the recorded telephone message when prospective Ticket Holders make a telephone purchase of Tickets.*

13. Right to evict a Ticket Holder:

The circumstances in which a Presenter or Venue may evict a Ticket Holder from the Venue include, but are not limited to, any of the following circumstances:

(a) where a concession Ticket Holder cannot produce proof of their concession entitlement;

(b) where a Ticket Holder has in his or her possession or refuses to surrender any prohibited object or article that is not permitted to be brought into or used in that Venue;

Note: For example, the use of photographic or recording equipment, including mobile phones, and other items such as food and alcohol may be prohibited.

(c) where a Ticket Holder is behaving in a manner which may cause property damage or that threatens the safety of performers, other Ticket Holders, or any other persons;

(d) where a Ticket Holder is behaving in a manner that reasonably interferes with other Ticket Holders' enjoyment of the performance; and

Note: For example, a patron may be ejected if his/her mobile phone or paging device is interfering with other Ticket Holders' enjoyment of the performance. Patrons should be warned that they can be removed on these grounds, either via notices in the foyer or the pre-show announcements.

(e) where a Ticket Holder refuses to remain in the area or seat designated on their Ticket.

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14. Presenters and Venues reserve the right to refuse admission to a Ticket Holder who arrives late to a Venue or a part of the Venue. The Ticket Holder may not be located in the designated seat or area, until there is a suitable break, if any, or at interval.

15. Presenters and Venues should ensure that patrons with a disability are provided with access to performances in accordance with Federal and State legislation.

16. Ticketing Agents, Venues and Presenters should, where possible, include the following on the back of Tickets:

“For information regarding ticket complaints, ask [... the Ticketing Agent ...] for a copy of the Code of Practice for the Ticketing of Live Entertainment in Australia.”

COMPLAINTS PROCEDURES

A Ticket Holder who considers that this Code has not been observed, or who has a complaint that this Code has not been observed, may do any one of the following:

1. Prior to the performance: If the complaint occurs prior to the performance, the Ticket Holder should report the complaint to the Ticketing Agent.

2. At the time of the performance: If the complaint occurs at the time of the performance, the Ticket Holder should lodge a complaint with the Venue, which should then ensure that the complaint is reported to the appropriate person so that the complaint is addressed.

3. Subsequent to the performance: If the complaint occurs subsequent to the performance, the Ticket Holder should contact the Venue who should assist and advise the Ticket Holder to whom they should report the complaint to have it addressed.

In the event that the Ticket Holder's complaint is unable to be resolved, the Presenter should refer the Ticket Holder to the Office of Fair Trading or any Small Claims Tribunal.

Organisations should develop internal mechanisms based on the *Australian Standard on Complaints Handling AS4269* to resolve complaints from the public.

REVIEW

This is the second edition of this Code, which shall continue to be monitored and reviewed by the AEIA and a representative Review Committee every two years, and the results made public by the AEIA.

This Code first came into effect on 1 November 2001, with the second edition taking effect from 1 April 2005.

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CODE SPONSORS

This Code was facilitated and produced by the Australian Entertainment Industry Association (AEIA). The AEIA's Australia-wide membership includes employers in commercial and subsidised organisations, covering all aspects of the industry including theatre, opera, ballet, dance, festivals, colleges, rock and roll, multi-purpose and sporting venues, hirers, casinos, orchestras, comedy and variety, ticketing, events, promotion, production, cinema exhibition, crewing, sound and lighting, service supply, contracting, and exhibition.

This Code was developed by AEIA members and the AEIA Executive Council, and the AEIA Ticketing Working Party comprising ticketing companies, venues, cinemas, presenters, and suppliers. This Code was reviewed by the Ticketing Code Review Committee in consultation with AEIA members.

In the process of developing and reviewing the Code, the following bodies were consulted:

- Australia Council for the Arts
- Australian Competition and Consumer Commission (ACCC)
- Australian Major Performing Arts Group (AMPAG)
- Australasian Performing Arts Centres Association (APACA)
- Confederation of Australasian Performing Arts Presenters
- Consumer Affairs Division, Treasury
- Ministerial Council on Consumer Affairs
- NSW Department of Fair Trading
- Venue Management Association (VMA)

Further information about equal opportunity and ticketing can be found in the *AEIA Companion Card and Discrimination Guidelines*.