

Entertainment Industry Code of Fair Practice

Application and Objectives

The Code applies to the promotion, ticket sales and staging of events where an entry charge is made. The objectives of the Code are:

- To promote wider awareness and use within the entertainment industry of fair standards agreed by representatives of the industry, consumers and government and practiced by most entertainment providers; and
- To give guidance to entertainment providers and patrons on fair resolution of complaints that may arise.

Where they apply, the Code reflects a practical application of the NSW Fair Trading Act in the Commonwealth Trade Practices Act, referred to in the Code as "the law".

The Code

It is expected that:

1. Advertising and promotion material shall give details of:

- a) Main attraction/performer(s);
- b) Support attractions/performers, when known;
Note: With contemporary concerts ticketed well in advance, support acts may not have been finalised at the time of booking and more than one support can be used at different times throughout the lengthy tour.
- c) 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. change from the stage facing the audience to 'in the round'.
- d) Scheduled date(s);
- e) Ticket outlets and advance booking facilities;
- f) Limitation, if any, on ticket sales to one person (see clause 2c);
- g) If ticket price information is given, the minimum price (including ticketing cost) for which ticket can be purchased should be stated as well as any and all

additional charges (refundable or non-refundable) which may be payable at some booking outlets.

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 clips or other promotion material. Such misrepresentation could be in breach of the law.

2. Advance booking arrangements shall seek to maximise fair access to tickets for prospective patrons by:

- a) Decentralised counter and telephone booking facilities for where venue(s) cater for large audiences with shared access to best quality setting locations;

Note: This may not be applicable for small venues.

- b) Simultaneous release of the number of scheduled performances to enable patrons to express the date or seat preference, where reasonable, having regard to entrepreneurial risk;

Note: For contemporary concerts, this is appropriate where it is expected that there will be overwhelming demand for tickets for a particular event, and/or season is strictly limited because of the artist's availability. This ensures fairer access by relating the quality of available seats to earlier locations in a queue, as against the random lottery effect of progressive release of single performances. For theatrical shows it is most common to place tickets on sale in weekly blocks.

- c) Setting a limit on the number of best area tickets which are available to persons/organisations, where there is an overwhelming demand for short season events, so as to enable wider distribution amongst patrons.

Note: Actual limit set will vary for a number of valid reasons including venue size. Exceptions may also be appropriate for tour operators catering for large groups.

3. Venue box offices shall prominently display/make available information about:

- a) Program details including:

- main attraction/performer(s)
- support attractions (see clause 1b)
- commencement times
- anticipated duration of performance, particularly by the main attraction, where not commonly known to patrons;

Note: Alternatively, it would be expected that the promoter will ensure the actual performance time is consistent with the reasonable expectations of patrons having regard to comparable events.

- b) Limitations, if any, on ticket sales to one person;
- c) Seating plans showing:
 - areas and seats designated on ticket
 - permanent sightline obstructions where known, poor sightlines and other impediments from introduced obstructions (e.g. television or recording equipment);
- d) Ticket prices (see clause 1g) and any additional charges;
- e) Refund or exchange policy as set out in clause 7.
Note: Display of the Code would fulfil this obligation provided a reference is made in signs or on tickets which state the venue/promoters general refund or exchange policy, e.g. "No refund or exchanges except as in Entertainment Industry Code of Fair Practice" or "Refunds or exchanges only as provided in Entertainment Industry Code e.g. if performance cancellation or undisclosed sightline obstructions". Unqualified statements such as "No refunds or exchange" should not be used as they are misleading.

4. Ticket outlets, other than the new box offices, shall prominently display/make available information about:

- a) Program details as in 3a, unless such information has been provided in all advertising and promotion material;
- b) Items as outlined in 3b, c and d;
- c) Patrons' refund or exchange entitlements by a full statement as in 3e or by a statement on tickets and/or a notice that refers patrons to the venue box office for details of limited rights.

5. Telephone booking centres shall give information about:

- a) Charges above ticket prices;
- b) Whether allocated seats are affected by nominated sightline obstructions;
- c) The general location of allocated seating.

6. Money paid in advance of the date of the event.

Money for advance ticket sales received by venue operators or independent booking outlets shall be held by them until the event has been staged unless satisfactory

guarantees are received from the promoter of the event to cover refunds should the performance be cancelled.

Note: There is no common industry practice covering the security of advance ticket sales. Money is often received direct by the promoter, theatre company or other organisation presenting the entertainment, i.e. season subscriptions, travel/ticket packages, special block purchases by commercial organisations for members or credit card holders.

7. Patrons shall be entitled to a full refund or exchange option in situations such as:

- a) Main attractions/event cancelled or rescheduled;
- b) Main attraction/star performer(s) is cancelled and substitute arranged;
Note: In opera, theatre, ballet, symphony concerts, where there are multiple understudies and replacement by understudies is the accepted practice, a refund/exchange option shall not apply unless a premium price is charged directly related to the advertised star appearing.
- c) Event is part cancelled by premature termination substantially before performances advertised content or exploration of advertised duration;
Note: What is reasonable will vary depending on the type of performance and other factors affecting the staging of the event.
- d) Previously undisclosed significant visual obstruction for a reserved seat reported soon after commencement (includes effects of introduced factors such as filming or recording equipment).
Note: This clause does not restrict individual venues for promoters from having a more liberal refund/exchange policy nor does it restrict individual's rights under the Trade Practices Act.

Code Sponsors

This Code is published by the NSW Office of Fair Trading.

It was developed in consultation with and is supported by the following industry associations:

- Association of NSW and ACTU Performing Arts Centres
- Australian Institute of Arts Administration
- Australasian Performing Arts Centres Association
- Media Entertainment and Arts Alliance
- Entertainment Industry Employers Association
- Theatre Managers Association
- Venue Management Association

Assistance and advice in developing their standards was also provided by the interested parties including consumer organisations, leading venue operators, ticketing outlets, promoters and the Australian Competition and Consumer Commission.

Complaints

Patrons who feel the Code has not been observed should contact the manager of the venue, promotion company or booking office and discuss the problems experienced.

If the matter is not resolved, the NSW Office of Fair Trading can be contacted for advice on the issue and consumer rights to pursue a claim for redress.

Advice on the application of the Code and related law can be obtained from any Fair Trading Centre.

General enquiries	13 32 20
Language assistance	13 14 50
TTY for hearing impaired	1300 724 404
Aboriginal enquiry officer	1800 500 330
Consumer, Trader & Tenancy Tribunal	1300 135 399
Registry of Co-operatives & Association	1800 502 042

Fair Trading Centres:

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- Broken Hill
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- Goulburn
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