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Submission to the National Cultural Policy Consultation

Submitted on May 24, 2026

Tixel is an Australian-owned, fan-first ticket resale platform. We cap resale at face value plus a small handling fee: no scalping, no inflation. Resale done well is cultural infrastructure: it keeps fans connected to artists when life intervenes, and protects the integrity of the live experience that millions of Australians rely on. Since our launch in 2018, Tixel has helped over 4 million Australian fans safely buy and sell fairly priced tickets.

Revive's 2022 Electronic Ticket Resale Information Standard was a meaningful first step. The next policy must go further to strengthen the long-term resilience of our live performance ecosystem, strengthen Australia's position as the global benchmark for fan-first ticketing, and level the playing field for Australian operators. We urge the panel to consider two concrete actions:

1. Federally harmonised fan-first resale legislation

State legislation related to the resale of tickets currently differs across the country, creating confusion for fans and arbitrage loopholes for bad actors. Even with some states capped, the patchwork is not working. During the 2024 Eras Tour Australian on-sale, Viagogo listings reached $6,000 against face values of $79.90–$379.90, prompting Victoria to announce additional enforcement measures while interstate fans paid the price of weaker laws.[1]

We support a single national price cap on resale tickets of 110% of the original purchase price, delivered through national government and uniform state implementation. NSW provides the strongest existing template: alongside this same cap, the Fair Trading Act 1987 (NSW) voids any term in a primary ticket purporting to cancel or invalidate that ticket if it is resold within the cap, which protects fans from the punitive industry practice of having tickets cancelled simply for being resold.

This would give Australian fans a consistent experience nationwide, signals clear expectations to dominant international operators, and positions Australia as an international precedent-setter as the US, UK and EU debate similar reforms.

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[1] Australasian Leisure Management, "Victorian Government announces crack down on ticket scalpers" (reporting on Taylor Swift Eras Tour Viagogo listings, 2024), available at https://www.ausleisure.com.au/news/victorian-government-announces-crack-down-on-ticket-scalpers

2. Mandatory, always-on ticket transferability

Many of the large international primary ticketers operate as walled gardens: closed systems that funnel fans into resale channels owned by the same vertically integrated multinational, often by disabling or restricting fans' ability to transfer their own tickets. This stifles competition, disadvantages Australian operators and harms fans most: when a fan genuinely can't attend and transfer is blocked, the remaining options are unregulated channels where neither price caps nor consumer protections apply - the very black market these laws were designed to prevent. We urge the policy to introduce a mandatory open-platform principle: any primary ticketer operating in Australia must not block the ability to safely transfer their tickets at all times. This is the single most important structural reform for a contestable Australian ticketing market and would meaningfully reduce the fraud that has been a sustained regulator focus, including the 2019 Federal Court ruling against Viagogo (a $7 million penalty) and repeated ACCC consumer warnings during major on-sale periods[2].

Underpinning both asks is a quieter principle: artists should retain visibility over how their fans buy and re-buy tickets, rather than ceding that relationship to opaque markets controlled by foreign-owned intermediaries. These reforms cost the government very little, benefit the entire creative sector, and protect Australian fans.

Tixel welcomes the opportunity to work with the Office for the Arts as the policy develops.

Sincerely,
Zac Leigh
CEO and Cofounder, Tixel
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[2] Australian Competition and Consumer Commission, *ACCC v Viagogo AG* [2019] FCA 544; ACCC media release, "Viagogo to pay $7m in penalties for misleading consumers" (18 October 2019), available at accc.gov.au.