



**ALMBC**

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**Response to Unfair Trading Practices  
Draft Legislation**

February 2026

Image: Late November, Solbar, Sunshine Coast



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## About The ALMBC

The Australian Live Music Business Council (ALMBC)<sup>1</sup> proudly represents a wide spectrum of business owners and industry professionals who are essential to getting live music on stage, on tour and seen by domestic and international audiences.

Our membership includes artist managers, booking agents, promoters, venue owners, and the extensive technical teams responsible for lighting, sound, and rigging, among others. We champion the interconnected nature of our industry and advocate for strategies that support all facets of the live music ecosystem.

## Executive Summary

The ALMBC responded to the federal government's consultation on a proposal to amend the Australian Consumer Law to introduce general and specific prohibitions on unfair trading practice in 2024.<sup>2</sup> This submission is based on that response and on further consultation with our large membership base.

The ALMBC proposes three key updates to the draft proposed legislation:

1. Consideration of the ongoing impacts of dynamic / surge pricing on every day concert ticket buyers
2. Consideration of the ongoing impact of concert cancellations on every day concert ticket purchasers
3. Consideration of the impact on sole traders and small businesses of unfair practices of major / global companies

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<sup>1</sup> <https://almbc.org.au/>

<sup>2</sup> <https://almbc.org.au/unfair-trading-practices/>



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## Introduction

This submission responds to the Federal Governments' release of draft legislation to improve consumer protection from unfair practices<sup>3</sup>.

The ALMBC understands that, as part of the Federal Government's articulated commitment to ban unfair trading practices, the draft laws will amend the Australian Consumer Law by:

- introducing a general prohibition on conduct that unreasonably manipulates consumers or distorts the environment they make decisions in, causing detriment
- providing protections against unfair subscription practices, including requiring businesses to improve information disclosure and simplify cancellation processes
- improving protections against hidden fees by requiring businesses to disclose mandatory transaction fees.

If the laws pass, they will start on 1 July 2027.

In advocating for better support for community members and small businesses, the ALMBC emphasises the interconnected and symbiotic nature of the live music industry, with a broad industry network made up largely of sole traders and small businesses, that contributes to the vibrancy and sustainability of regional towns across the continent.

Our submission proposes a comprehensive response that supports robust commercial outcomes throughout the music ecosystem, benefiting both established and emerging businesses (including artists) and the regional and metro venues that are vital incubators of both artists and audiences.

Effective Government legislation will sustain and expand the commercial potential of the live music industry both domestically and in international markets.

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<sup>3</sup> <https://consult.treasury.gov.au/c2026-739506>



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## Background

Changes in technology have exponentially impacted the community and small business over recent years. New technologies have enabled major companies to take advantage of small markets like Australia, with the individual community member and small business facing the greatest impacts.

Concurrently, since COVID, the music industry has been caught in the middle of a perfect storm:

- Increase in insurance premiums 30-80%
- Increasing alcohol costs – 4%-10%
- Increasing power costs – 40%-50% over 2 years
- Production costs have increased by 20%
- Reduction in turnover (20%) due to change in social and spending habits due to cost-of-living pressures
- Changes in youth culture - Younger people are drinking less, which is a great thing, however live music businesses often survive due to income derived from alcohol sales
- Increasing administrative burden such as superannuation
- Reinvigoration of ATO recovery activity leading to climb in insolvencies.

These changes have left the small businesses that make up the bulk of the live music industry exceptionally vulnerable.

These changes have also impacted individual ticket buyers, festival attendees, and music purchasers, with the whole marketplace facing a high level of vulnerability.



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## Previous Parliamentary Inquiry Recommendations

The 2024/5 Parliamentary Inquiry Into Live Music<sup>4</sup>, included significant discussion on the impact of dynamic pricing as an unfair practice creating uncertainty within live music, with the following recommendation:

*2024/5 Parliamentary Inquiry Recommendation 2*

*4.24 The Committee recommends Australian consumer law be amended to better regulate the selling of tickets to live music, by:*

- *improving the transparency of fees and charges within the price of tickets*
- *limiting extreme variability in ticket prices caused by 'dynamic pricing'.*

**It is disappointing that dynamic pricing / surge pricing is not addressed at all in this draft legislation.**



Miss Kaninna. Tanks Arts Centre Cairns 2025

<sup>4</sup> <https://www.aph.gov.au/LiveMusicIndustry>



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## Previous Treasury Consultation on Unfair Trading Practices

In 2024, following significant community and small business unrest, the Federal Government consulted on a proposal to amend the Australian Consumer Law to introduce general and specific prohibitions on unfair trading practices.

The ALMBC's response<sup>5</sup> focused on three areas:

### 1. IMPACT OF DYNAMIC TICKET PRICING

Many ticketing companies—particularly large, globally owned operators—add substantial extra fees. In some cases, those fees have been reported to be as much as three times higher than the fees charged by independent sellers for the same tickets. This highlights the impact that unfair contracting practices can have on major festivals.

Many fees are not explained and are added towards the final moments of ticket purchasing. The ALMBC believes strongly that, just like food packaging and GST disclosure requirements, all fees need to be separately listed and explained clearly both in the initial stages of purchase and on the final receipt.

The status quo sees audiences in some locations paying much higher prices to see the same act, or simply paying hefty prices that are not explained. Feedback we have received from ticket purchasers is that, in future, they are less likely to purchase tickets at all after experiencing the feeling of being 'ripped off' in this way.

The ALMBC understands the need for some surge pricing, for example when it is raining an Uber will cost more. This is frustrating, however widely understood and the higher amount is published to the consumer up front.

The ALMBC argues that any dynamic pricing for music concert tickets should be banned. There is no call for this practice and the downsides to the consumer and the industry are many and varied.

As a note, the industry should be encouraging early bird pricing with cheaper tickets available earlier and tickets gaining in expense the closer to the event. This would be an appropriate way for companies to gain income without any need for dynamic pricing and would be an easily understood process for all consumers.

If dynamic pricing is allowed, then ticketing companies must:

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<sup>5</sup> <https://almbc.org.au/unfair-trading-practices/>



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- Advise that the ticket is dynamically priced
- Advise the standard ticket price (rack rate) and the rate the ticket cost is being increased by
- Display the quantity tickets left so that consumer can make a decision to proceed at a higher rate
- Refund the higher rate if a second / further show is released (as often occurs after tickets sell out to a concert)
- Allow extended time period to finalise a ticket purchase if the ticket is being dynamically priced above the standard ticket price so the consumer can make a decision without being pressured into a decision due to a 'fear of missing out'.

Dynamic Pricing should be prohibited under the ACL for concert ticketing.

Dynamic pricing encourages hasty purchases with poor planning. Some purchasers reported being alarmed at the final price they paid for their tickets.

The ALMBC asserts that there should always be a 'Guest' check out option. Ticketing companies often treat the contact details of thousands of purchasers as a major asset, using them for direct marketing. Requiring customers to create accounts is a widespread problem across online industries, and forced account creation should be banned.

Across dynamic pricing and online account requirements, small businesses that engage with major corporations face identical issues to individual consumers and should be treated the same.

There will only be positive outcomes for the industry and the consumer if our proposed changes are implemented:

- Consumers will know what price they are paying and will clearly understand the fees they are paying;
- Consumers will feel more positive towards artists and ticketing companies; and
- Consumers will feel safe as they purchase tickets.

**The ALMBC is satisfied that practises designed to add unseen fees within ticketing will be captured within the new legislation. However, despite the clear community concern, dynamic pricing has not been considered within this draft legislation.**



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## **2. UNFAIR CONTRACTING PRACTICES**

As well as the impact on consumers from unfair practices, there are significant impacts on other businesses, in particular where a sole trader, micro business (company with a sole director or with one or two directors or employees) is contracting against a major globally-owned company with exceptionally greater power in the industry.

Currently, the ACCC accepts vertical integration of company ownership in the Australian music industry, where one company (and their subsidiaries) can own all facets of the system such as the artist, management, booking agent, label, publishing, venues, ticketing and more. A clear and predictable outcome of this, is that when any artist or partner causes any kind of disruption or annoyance to any part of that system, they can quickly find themselves without ongoing gig bookings and contracting opportunities.

A globally-owned company reigns supreme in the contracting power they have over the small players in the industry. The ALMBC has witnessed this on many occasions with emerging artists being booked to perform at major globally-owned festivals; artists being booked for tours with major players; sole traders or micro-businesses engaged to provide production services for a major festival; the list is extensive.

The ALMBC understands these kinds of power-differences are to be anticipated but also believes that the ACL should include provisions to prohibit unfair practices such as:

- festival contractual exclusions around exclusivity, timeframes and milage. Major festivals regularly force artists to sign contracts that exclude the artist from playing any other shows in the country within a 4-6 month period. When a festival then cancels without payment to the artist, the artist is left with many months of no income as well as the lost anticipated festival payment and anticipated income from merchandise sales at the festival. Currently the artist bears the risk for this 100%. These impacts are identical for sole traders and micro-businesses contracted to the festival.
- distribution of risk when major environmental or disaster impacts occur to artists and contractors. Major festivals routinely provide no deposit and include provisions in their contract for non-payment of artists when natural disasters or environmental impacts such as major rain events cause the cancellation of the event. Further, some major festivals force artists to provide their own insurance against their own cancellation. This insurance is impossible for artists to gain because insurance companies require significant information such as event plans, wet weather plans, etc, which the artist is not privy to. Again, this is identical for sole traders and microbusinesses contracted to the festival.
- non-payment of deposits by major festivals to all artists and contractors. Some festivals refuse to pay deposits to artists and contractors, meaning that the full risk of loss is transferred to these smaller players. Major global companies can afford to announce



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new festivals with grand displays and then cancel if ticket sales are poor. For major companies this may be a 'loss-leading' exercise – that is, a way to test the market or to hold a space against a competitor, even if the company has little commitment to go through with the festival. Allowing contractual arrangements that mean artists and contractors booked do not need to be paid, provides no incentive for the company to go through with the festival – instead it encourages major companies to take major risks, knowing that their costs if a cancellation occurs, are minor. Smaller artists and contractors caught up in this process cannot afford these losses and many have closed due to the large losses they have incurred.

**It appears that impacts on vulnerable sole traders and micro-businesses have not been considered in this draft legislation.**

### **3. TICKETING BARRIERS TO COMPETITION AND RISK**

Promoters are in the business of taking risk and should not be allowed to pass that risk on to their vendors, suppliers or artists, as outlined above.

Currently ticketing agents are unregulated and can hoard the large windfalls of income generated from initial ticket sales without any requirement to keep these funds in trust. If the festival / event fails, then consumers should be refunded their tickets in full, however currently these funds can be held out of the country and are likely not to be refunded to the consumer in the event of a cancellation.

The ALMBC believes that Ticket Agents could be regulated the same way travel agents and real estate agents are regulated, to stop the practice of ticket companies loaning or advancing ticket funds that should be held in trust.

Whilst there is legitimate reason patrons may not be able to attend an event and wish to on-sell their ticket, the re-sale market should be restricted so tickets cannot be resold for more than 10% face value, thereby stopping speculation from scalpers and stopping them artificially inflating prices.

Making ticket scalping illegal on all events regardless of venue or government ownership is an appropriate prohibition.

**Apart from dealing with addition of hidden charges within ticketing processes, the key issues of ticket re-selling, scalping, and the risk of ticket purchases not being honoured if a festival cancels, have not been considered in this draft legislation.**



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Budjerah, Dream Aloud, Cairns 2025

## ALMBC Recommendations

The ALMBC commends the Federal Government on the development of this draft legislation and recommends that the draft legislation is updated to include the following:

1. Include a general ban of dynamic / surge pricing for concert ticket selling
2. Include a ban on processes designed to increase purchasing pressure on concert tickets, such as count down timers, etc
3. Include a requirement of concert ticketing companies to place ticket income in trust to ensure that ticket purchasers are not unfairly impacted by concert cancellations
4. Include additional regulations to minimise the impact on sole traders and micro-businesses for unfair practices by major companies

The ALMBC further recommends that the Federal Government:

- Partner with the ALMBC to develop best practice processes for major / global music companies to work with smaller and emerging local companies
- Further consider the impact of vertically integrated ownership of companies across live music and partner with the ALMBC to investigate these.



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## Conclusion

Through the implementation of the recommendations above, ALMBC seeks to foster a more sustainable and economically vibrant live music industry.

These initiatives are designed to provide comprehensive support across the ecosystem, ensuring that live music in Australia not only survives but thrives.

We invite the government to collaborate with us, to enrich our cultural landscape and bolster economic growth within the sector.



Gloam, WAMcon 2025



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## ALMBC Board Members

Name	Board Role	Company	Sector
Howard Adams	Chair & Secretary	<a href="#">Corner Soul</a>	Legal
Angie Dunbavan	Deputy Chair	<a href="#">Red Chair</a>	Promoter
Kylie Thompson	Treasurer	<a href="#">Sorrento Strategic</a>	Accounting
Sharlene Harris	Director	<a href="#">ALH Group</a>	Venues
Brian Chladil	Director	<a href="#">Oztix</a>	Ticketing & Promoters
Stephen Wade	Director	<a href="#">Select Music</a>	Booking Agents
Jarrad Thessman	Director	<a href="#">Midnight Assembly</a>	Events & Production
Andrew Bassingthwaighte	Director	<a href="#">Xcelerate</a>	Insurance & Risk
Hayley Ayres	Director	<a href="#">360 Artist Logistics</a>	Promoters & Events
Larissa Jane Ryan	Director	<a href="#">Hutch Collective</a>	Artist Development
Rod Smith	Director	<a href="#">Corner Group</a>	Venues
Ben Tillman	Director	<a href="#">Yours &amp; Owls</a>	Agents & Promoters



Big Pineapple Festival, Sunshine Coast, 2025