## **CHOICE feedback on NSW Government ticketing proposals**

CHOICE has identified several issues with potential anti ticket scalping legislation, proposed at the NSW Government's Ticketing Roundtable on the 4<sup>th</sup> June 2013. While CHOICE agrees with most of the principles behind the legislation, namely allowing greater opportunity for fans to purchase tickets to events, allowing consumers to resell tickets purchased and provide consumer protection and information, we believe that the proposed legislation, which seeks to allow the enforcement of event owners' terms and conditions, may tip the scales in favour of event owners over consumers.

## The issues CHOICE has identified are:

- Terms and conditions of event owners or ticketing agencies may be unreasonable, for example making tickets non-transferrable. Without the requirement for terms and conditions to be reasonable, and an attempt to define reasonable, consumers who have genuine reasons for needing to on-sell their tickets may be prevented from being able to do so.
- 2) It is relatively simple to manipulate photographs and images of tickets to make them appear genuine. Thus the requirement to photograph tickets is unlikely to deter scalpers. However, innocent consumers may find themselves accidentally in contravention of the legislation, and may have their listings cancelled without warning.
- 3) It is impossible for a consumer to set a ceiling price for listings on eBay and other similar auction sites. This means that a consumer can be accidentally in contravention of terms and conditions. This limits consumers to either taking the chance that an auction will not exceed whatever limit has been set on the ticket value, or selecting the Buy It Now option, which is not necessarily an attractive one as it forces a consumer to guess at the demand for a ticket, which they are not equipped to do.
- 4) The "immediate removal" of listings from auction sites such as eBay in cases where an event owner has deemed that a listing is contrary to their terms and conditions does not allow for an appeal from the ticket seller.
- 5) The cancellation of tickets will impact the end purchasers of the tickets, but will not necessarily impact on scalpers. An end purchaser may only find out their ticket has been cancelled when they attend an event, at which point the scalpers have already made their money and have little incentive to proactively warn consumers of ticket cancellation, if they are even aware of it.

CHOICE would appreciate the consideration of these issues, and for any legislation to err on the side of the consumer, rather than the event owner.