

Submission in response to consultation on ticket reselling in New Zealand

Name (full)

Andy Wynes

Organisation (if applicable)

Submitter category

Individual consumer

Have you experienced problems with ticket resale?

No, I had a positive experience

Please share your experiences, either positive or negative

I have only sold unwanted tickets on a re-seller site on a couple of occasions, when I was unable to attend an event, and where the face value of the ticket was significant. For me, I was only interested in limiting a potential financial loss, I was not interested in making a profit. In those cases, I sold the tickets at a value lower than others being sold on the site, but was able to recover the face value of the ticket as well as the handling fees.

I have also only bought tickets on re-seller sites on a couple of occasions, in one case I knowingly paid double the face value of the ticket, and was happy to do so as I wanted to attend the event. My biggest concern in this case was that after the fact I realised I'd provided my credit card details to a company based in Eastern Europe. However, the tickets arrived, I attended the event, and it is one of the best concerts I've ever attended.

I think there is a place for ticket re-sellers and people should be allowed to sell tickets in a supply/demand type environment in a capitalist society. The original ticket sellers are not running a not for profit organisation, they make a huge profit from selling tickets and the additional fees they charge.

So, let the buyer beware, they have a responsibility to themselves to be informed, and ensure they are also provided sufficient information to enable them to make their own choice. If they want to pay hundreds or thousands of dollars for a ticket to attend an event, it is either worth that much to them, or they have more money than sense.

And surely existing laws provide the opportunity for criminal actions where tickets are purchased but not provided to the buyer? Isn't this theft, or fraud?

Your views on the issues

Are these problems serious enough to require changes to the law or industry practices?

Yes

Tell us what you think

Relying on ticketing organisations to voluntarily regulate themselves is in my view a misguided concept and has led to the current situation.

These organisations need to be regulated to ensure that they provide fair trading practices and provide the public with transparency relating to the costs involved.

Where that is not the case, then significant civil and/or criminal penalties should be applied.

I think it is difficult, if not impossible to stop scalping, making it illegal won't stop it. That hasn't worked for drugs, or guns etc.

Your views on the options, and the pros and cons

Price cap on resale tickets:

I don't agree with a price cap

Why did you choose the option above? Please explain

I think there is a place for ticket re-sellers and people should be allowed to sell tickets in a supply/demand type environment in a capitalist society.

The original ticket sellers are not running a not for profit organisation, they make a huge profit from selling tickets and the additional fees they charge.

So, let the buyer beware, they have a responsibility to themselves to be informed, and ensure they are also provided sufficient information to enable them to make their own choice.

More could also be done to make the cost of the purchase more transparent.

If someone wants to pay hundreds, or thousands of dollars for a ticket to attend an event, it is either worth that much to them, or they have more money than sense.

Surely existing laws provide the opportunity for criminal actions where tickets are purchased but not provided to the buyer? Isn't this theft, or fraud?

And if it is difficult to identify the perpetrator, then more needs to be done to enable these people or organisations to be identified, as otherwise they are potentially also evading paying tax on the profit earned.

More information disclosure: Do you agree with this option? Why or why not?

Yes, I agree.

I regularly purchase tickets for events through a range of ticketing agents here in New Zealand and in the UK and have done so for approximately the last 35 years. I have also used secondary ticket resellers to buy and sell unwanted tickets.

My experience is that across the range of organisations out there who sell or re-sell tickets, the amount of transparency relating to the costs involved in purchasing tickets is varied and this is my biggest annoyance.

I regularly compare costs across multiple sites before purchasing tickets and therefore have ticket vendors I purchase from more regularly due to their costs being cheaper/transparent than others.

Venue lock-in to ticket vendors prevents me from making that choice.

Greater transparency around ticketing fees is required, when you purchase a ticket, additional fees are applied, these often include:

- 1) Handling fees.
- 2) Booking fees (not necessarily the same as the above), which are often a percentage of the face value of the ticket.
- 3) Credit card fees.
- 4) Delivery charges.
- 5) Even fees for printing your own ticket at home!

The above can often add a significant uplift in cost to your purchase and if an event is cancelled and you are provided a refund, that refund is often only for the face value price of the ticket, not all the fees you incurred.

In one case a number of years ago (in the UK) the fees applied were the same as the face value of the ticket I'd purchased.

Ban on ticket-buying bots: Do you agree with this option? Why or why not?

Yes, I agree.

Where I think things become dishonest is where ticket sellers own ticket re-seller companies, and/or collude with ticket agents/scalpers/ticket buying bots. Isn't this a conflict of interests, effectively insider dealing, or an example of unfair competition/trade?

These practices mean that popular events sell out within minutes and prevent real fans from attending the event.

Preventing bots from buying tickets would better enable the public to purchase tickets more fairly, as they are only competing with other members of the public for those tickets.

Further limiting the number of tickets any one person or credit card is able to purchase would also limit the number of tickets they were able to profit from. Although some provision would need to be made where a 'group' booking is required.

To be fair ticket sellers already employ a number of tactics to prevent the on-selling of tickets, these often include a limit on the number of tickets that can be purchased as well as withholding the ticket itself until much close to when the event is staged.

Joint industry-government actions: Do you agree with this option? Why or why not?

Yes, I agree. But relying on ticketing organisations to voluntarily regulate themselves is in my view a misguided concept and has led to the current situation.

These organisations need to adhere to legislative regulations that ensure they provide fair trading practices to the public and provide the public with transparency relating to the costs involved and in my view this should include limiting the fees they add to the face value of the ticket.

Where that is not the case, then significant civil and/or criminal penalties should be applied.

I think it is difficult, if not impossible to stop scalping, making it illegal won't stop it. That hasn't worked for drugs, or guns etc.

Are there other solutions that would work well?

I think a number of approaches need to be employed to improve on the current situation, these include:

- 1) Making ticket buying bots illegal, actively taking these down where they are found to exist and pursuing civil/criminal prosecutions relating to these.
- 2) Separation of ownership of ticket sellers from ticket re-sellers.
- 3) Preventing alliances between any organisation or people that provides an unfair advantage over the general public to buy tickets in any volume.
- 4) Further additional voluntary action by the ticket sellers/re-sellers. For example artists themselves have taken innovative measures to ensure fans are able to buy their tickets rather than scalpers.
- 5) Other legislation by the Government.