



Australian Government
The Treasury

TSY/AU

CONSULTATION REGULATION IMPACT STATEMENT

TICKET RESELLING IN AUSTRALIA

November 2017

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CONSULTATION PROCESS

REQUEST FOR FEEDBACK AND COMMENTS

On 31 August 2017, the Legislative and Government Forum on Consumer Affairs (CAF) agreed to the Commonwealth Department of the Treasury undertaking a regulatory impact assessment to address the issue of ticket reselling. As required by Council of Australian Government Regulation Impact Guidelines, a Consultation Regulation Impact Statement (RIS) and Decision RIS will be prepared ahead of Ministers formally considering the issue in the first half of 2018.

This consultation process is designed to allow interested parties to provide views on options to improve outcomes and protections for consumers who participate in the secondary ticket selling market. The consultation process will run for a period of five weeks. If you would like to make a written submission, please provide it before Friday 15 December 2017.

The earlier that you provide a submission, the more time Treasury has to consider your views. Treasury is particularly interested in hearing from ticket sellers and agents in the primary ticket selling market, sellers and platform operators in the secondary ticket selling (resale) market, artists, event managers and promoters, event venues and consumers who have had experiences participating in the resale market. Stakeholders can access details of the consultation process via the consultations page of the Treasury website - www.treasury.gov.au/Consultation.

Treasury values your feedback and will facilitate this consultation process through a number of channels, as outlined below.

SUBMISSIONS

Treasury welcomes formal written submissions on the content of this consultation RIS.

Throughout this paper there are questions for stakeholders to consider in their submission. There is no obligation to answer any or all of the questions, and there is no limit to the length of submissions.

Submissions should be uploaded using the consultations page of the Treasury website. For accessibility reasons, please upload responses in a Word or RTF format. An additional PDF version may also be submitted.

All information (including name and address details) contained in submissions will be made available to the public on the Treasury website, unless it is indicated that you would like all or part of your submission to remain confidential. Automatically generated confidentiality statements in emails do not suffice for this purpose. Respondents who would like part of their submissions to remain confidential should provide this information marked as such in a separate document.

A request made under the Freedom of Information Act 1982 (Commonwealth) for a submission marked 'confidential' to be made available will be determined in accordance with that Act.

Closing date for submissions: Friday 15 December 2017

Please Upload Submissions via the Australian Treasury Website

Website	www.treasury.gov.au/consultation
Mail	Ticket Reselling Consultation Paper Small Business and Consumer Policy Division The Treasury Langton Crescent PARKES ACT 2600
Enquiries	Ms Shelby Schofield, Consumer Policy Unit consumerlaw@treasury.gov.au
Phone	02 6263 3314

The principles outlined in this paper have not received Government approval and are not yet law. As a consequence, this paper is merely a guide as to how the principles might operate.

BRIEF FEEDBACK AND INFORMAL COMMENTS

Brief feedback can be provided through the informal comment facility on Treasury's Consultation Hub, which can be accessed at www.treasury.gov.au/consultation.

STAKEHOLDER MEETINGS

Treasury will conduct targeted meetings with key stakeholders to discuss the matters outlined in this paper. Key stakeholders will be contacted directly to arrange meeting times.

If you would like further information on stakeholders meetings, please contact Ms Shelby Schofield on 02 6263 3314 or shelby.schofield@treasury.gov.au.

GLOSSARY OF TERMS

ACCC	Australian Competition and Consumer Commission
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ACL	Australian Consumer Law
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CAANZ	Consumer Affairs Australia and New Zealand
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CAF	Legislative and Governance Forum on Consumer Affairs
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COAG	Council of Australian Governments
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LPA	Live Performance Australia
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RIS	Regulation Impact Statement
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EXECUTIVE SUMMARY

INTRODUCTION

In Australia the live performance and sporting event industries make up an important part of the economy. According to Live Performance Australia (LPA), the peak body for the live performance industry, an estimated total of 18.78 million tickets to live performances (excluding sporting events) were sold in 2016, equating to a value of \$1.43 billion (Live Performance Australia, 2017a). According to data collected by AusStadiums, attendance at live sporting events in Australia in 2016 was around 17.3 million.

The market for tickets in Australia is large and consists of the primary ticket market where tickets are first sold by an official ticket seller and the secondary market where tickets are resold. The secondary market for tickets can be divided into two main market segments: the ticket scalping market and the ticket onselling market. There are important differences between the ticket scalping and ticket onselling segments of the market. Generally, ticket scalpers sell tickets at an elevated price with the objective of making a profit, while ticket onsellors sell tickets that they are no longer able to use at their face value with the objective of recovering their costs and ensuring that purchased tickets are not wasted. The latter is often thought of as a more legitimate practice than the former.

While the secondary market for tickets provides opportunities for people to recover the full or part of the cost of tickets they can no longer use and allows another party to benefit from the unused ticket, the secondary market also creates opportunities for consumers to be exploited when they do not have enough information to make informed purchasing decisions. Anecdotal evidence suggests that most consumers who purchase tickets through ticket resale websites in the secondary market are not aware that they are buying those tickets from unauthorised sellers for prices generally above the original face value of the ticket. Ticket resale websites can look and feel like official ticket seller websites, misleading consumers into thinking that they are buying their tickets through official channels. In addition, most resale websites do not disclose important information that can assist consumers in making informed purchasing decisions, such as disclosing that they are a resale site and not the primary ticket seller, and information about the ticket being sold such as the face value of the ticket and the location of the ticket in the venue. Further, there is evidence that the use of ticket-buying bot software is being employed by ticket scalpers. The software can infiltrate ticket selling systems to purchase large volumes of tickets at high speed for the purpose of selling them on the secondary market at inflated prices. The use of this software creates an unfair advantage to ticket scalpers over legitimate consumers seeking tickets, eroding fair access.

Broadly, ticket reselling and ticket scalping is not illegal in Australia. In some states and territories, ticket reselling and ticket scalping are primarily regulated under 'major events' legislation that restricts, or prohibits, ticket reselling or scalping in that state or territory. The relevant enforcement bodies include, for example, police officers in Victoria and in Queensland.

The Australian Consumer Law (ACL) and the safety net of generic consumer protections that it provides, together with existing state and territory laws, provide a level of coverage to address issues associated with ticket reselling and ticket scalping in the secondary market. The ACL contains a number of different existing provisions that can be used to address issues associated with ticket reselling and ticket scalping. These include provisions that prohibit misleading and deceptive

conduct, false and misleading representations, unconscionable conduct, bait advertising and wrongly accepting payment. Further, the consumer guarantees regime can also provide consumers with remedies in relation to resold tickets. In addition, some states and territories also have in place 'major events' legislation to restrict or prohibit ticket resale and prevent ticket scalping. Further, the use of ticket-buying bots is not illegal in Australia, although the New South Wales Parliament has passed an amendment to its Fair Trading 1987 that will ban the use of ticket-buying bots, likely to commence in 2018.

While these existing laws provide a level of coverage to address issues associated with ticket reselling, their effectiveness depends on consumers understanding their rights under the ACL (and other legislation) and being able to take action when they believe those rights have been breached to find a remedy.

There may be scope for the Government to take action to improve the operation and efficiency of the secondary market to ensure that consumer can make more informed purchasing decisions as well as having fairer access to tickets. Treasury is seeking stakeholder views on the scope of the problem and options which could address the problem.

The policy options analysed in this RIS are:

- **Option 1** — Status quo, with consumer education
- **Option 2** — National prohibition on ticket reselling
- **Option 3** — Restricted reselling
- **Option 4** — Improved information disclosure arrangements for ticket resellers
- **Option 5** — National ban on the use of ticket-buying bot software

Improved disclosure arrangements for ticket resellers (**option 4**) is the preferred policy option at this time. Such an approach would address the information asymmetries that have been identified in the secondary ticket reselling market and ensure that consumers have access to the information that they require to make more informed consumption choices. This policy option would also ensure that consumers continue to have access to a range of ticket purchasing options and avenues to suit their wants and needs; that consumers who wish to resell their tickets for reasons other than profit are able to continue to resell their tickets; and that the market for tickets operates efficiently. This option is a light touch, low-cost regulatory response and is similar to disclosure regimes in other international jurisdictions.

Further evidence on the likely impact of all options is required to conduct an informed evaluation of the options and to determine which approach should be pursued. The views of stakeholders will inform a final, decision RIS.

KEY FOCUS QUESTIONS

Throughout this consultation paper there are a number of detailed questions for stakeholders to consider to assist in better defining the problem, and to analyse the costs and benefits of the different policy options.

Stakeholders lodging formal submissions are encouraged to refer to these detailed questions in their submissions. Where possible, Treasury encourages stakeholders to provide data and evidence to support their views.

For quick reference, the key questions are listed below. However throughout this consultation paper there are also a series of focus questions under each policy option.

THE PROBLEM

1. In relation to the supply of tickets, where multiple shows or events are offered, how is the number of shows or events determined? Is there flexibility to add additional shows where demand is strong?
2. Do artists and promoters announce a limited number of shows only to later announce additional shows which were already planned?
3. How common is it for shows in Australia to sell out? What percentage of shows and events in Australia genuinely sell out each year?
4. Typically, for an average event, what percentage of total tickets go on sale to the general public?
5. How is the ticket price for an event determined? Who has input into setting the ticket price?
6. Have you ever purchased a ticket from a ticket resale site without knowing it was a ticket resale site at the time?
7. Have you ever purchased a ticket from a secondary ticket resale site above the face value without knowing until after your ticket arrived? If so, what was the face value and the price you paid?
8. Have you ever resold a ticket? How did you resell your ticket?
9. How often do you cancel tickets that you know have been resold in contravention of your terms and conditions?
10. Have you ever had a ticket that you purchased on a ticket resale site cancelled by the official ticket seller?
11. How frequently do consumers present at events with tickets that are fake or fraudulent?
12. Have you ever had a ticket that you purchased on a ticket resale site cancelled by the official ticket seller? What did you do?

13. Have you ever purchased a fake or fraudulent ticket? What were the consequence for you as a result of this purchase? Who did you complain to and what was the result?
14. How widespread is the use of ticket-buying bots? How frequently is your ticket selling system subject to ticket-buying bot attacks?
15. Is there a problem with ticket-buying bots in the primary market?
16. How can the ticket-buying bots be caught? What are key indicators of ticket-buying bot activity?

THE POLICY RESPONSE

Option 1 – Status Quo With Consumer Education

17. Does the existing law provide adequate protection for consumers participating in the secondary ticket market? How effective is the existing law?
18. Does the existing law achieve the policy objective of reducing consumer detriment and reducing the risk that consumers are misled or deceived when participating in the secondary ticket market?
19. How effective are existing industry-led initiatives in combatting ticket reselling and ticket scalping behaviour?
20. Are there any other existing or future industry-led initiatives that address the problem?
21. How effective have industry-led education campaigns been in alerting consumers to the risks of purchasing tickets from sellers in the secondary ticket market?
22. Do you have any suggestions for improvement that could help a future campaign?
23. How effective is the current law in combatting ticket scalping practices?
24. Are there any other benefits or costs associated with the status quo?
25. Does the status quo achieve the policy objective of reducing consumer detriment?
26. What kind of information should be provided as part of the education campaign?

Option 2 – National Prohibition on Ticket Reselling

27. Are there any other benefits or costs associated with a prohibition on ticket reselling?
28. Would a prohibition on ticket reselling achieve the policy objective of reducing consumer detriment?
29. Under a prohibition on ticket reselling, who should be liable for an offence if the law was breached - the individual ticket seller, the ticket reselling platform, or both?
30. Under a prohibition on ticket reselling, should ticket sellers in the primary market be required by law to provide refunds for tickets where they can no longer be used?

31. Would a prohibition on ticket reselling be best implemented through an amendment to the Australian Consumer Law? Are there any other ways that a prohibition could be implemented?
32. What sort of penalties should apply to ticket resellers where they contravene a prohibition on ticket reselling?

Option 3 – Restricted Reselling

33. Are you aware of any recent data on the value of the secondary ticket market in Australia?
34. Are there any other benefits or costs associated with restricted ticket reselling?
35. Does restricted ticket reselling achieve the policy objective of reducing consumer detriment?
36. How should the face value of the ticket be verified? Who should be responsible for the verification?
37. What kind of compliance costs will ticket reselling platforms face in order to comply with restricted reselling requirements? Please provide data where possible.
38. Will compliance costs be passed onto consumers? If yes, how will these compliance costs be passed on?
39. Would restricted ticket reselling be best implemented through an amendment to the Australian Consumer Law? Are there any other ways that restricted reselling could be implemented?
40. Who should be liable for an offence if the restricted reselling law was breached - the individual ticket seller, the ticket reselling platform, or both?
41. What sort of penalties should apply to ticket sellers and ticket resellers where they fail to comply with restricted reselling laws?

Option 4 – Information Disclosure Requirements for Ticket Resellers

42. Are there any other benefits or costs associated with improved information disclosure requirements?
43. Could improved information disclosure requirements achieve the policy objective of reducing consumer detriment?
44. Should ticket resellers be required to disclose that they are not the official ticket seller? Should ticket reselling platforms be required to disclose that they are a ticket resale site and not the official ticket seller? How should such a disclosure be made?
45. What information about a ticket should be required to be disclosed when a ticket is being offered for resale? For example, the original face value, the location in the venue, any restrictions associated with the ticket.
46. Who should the ticket disclosure requirements apply to? Should they apply to the individual seller or to the ticket reselling platform or both?

47. At what point during the resale process should the information be disclosed, and how should the information be required to be disclosed?
48. What kind of compliance costs will ticket reselling platforms face in order to comply with the information disclosure requirements? Please provide data where possible.
49. Will compliance costs be passed onto consumers? Is yes, how will these compliance costs be passed on?
50. Are information disclosure requirements best implemented through an amendment to the Australian Consumer Law? Are there any other ways that information disclosure requirements could be implemented?
51. What sort of penalties should apply to ticket resellers and ticket reselling platforms where they fail to comply with information disclosure requirements?

Option 5 – National Ban on the Use of Ticket-Buying Bots

52. Are there times when ticket-buying bots are being used responsibly? Is it possible to use a ticket-buying bot responsibly?
53. Are generic consumer regulators the most appropriate regulators to enforce a ban on ticket-buying bots, or is there another body that is better placed with appropriate expertise?
54. How can ticket-buying bot use be identified? What technologies will be required to do this?
55. What would be an appropriate penalty for the use of ticket-buying bots?

1. THE PROBLEM

SUMMARY

The market for tickets to live performance and sporting events in Australia is large. The market for tickets consists of a primary ticket market where tickets are first sold and purchased, and a secondary ticket market where tickets are onsold or scalped.

Ticket reselling practices can cause a number of consumer harms including consumers being misled about the tickets they are purchasing due to information asymmetries in the secondary market which prevent them from making informed purchasing decisions; inflated ticket prices which can erode the consumer surplus; exposure to the risk of ticket cancellation because of contraventions of ticket terms and conditions; and exposure to potential scams and frauds because unofficial ticket resale websites provide a platform for deception.

In addition, consumers' fair access to tickets can also be undermined by the use of ticket-buying bots.

THE MARKET FOR TICKETS

In Australia the live performance and sporting event industries make up an important part of the economy. According to Live Performance Australia (LPA), the peak body for the live performance industry, an estimated total of 18.78 million tickets to live performances (excluding sporting events) were sold in 2016, equating to a value of \$1.43 billion (Live Performance Australia, 2017a). According to data collected by AusStadiums, crowd attendance at major live sporting events in Australia in 2016 was around 17.3 million.

The market for tickets in Australia consists of the primary ticket market, where tickets are first sold and purchased, and the secondary ticket market where tickets are onsold or scalped.

Overview of the primary ticket market

There are various participants in the primary ticket market for tickets including artists and performers, event promoters, ticket sellers and consumers. When tickets to events are first sold, they are sold in the primary ticket market at face value. Face value is the value printed or depicted on the ticket to indicate its official purchase price. A ticket's face value is ultimately determined and set by artists and promoters.

Promoters play an organisational role in the event, coordinating between the artist or performer and the venue, and contracting with various companies that will help put on the event such as transport and sound and lighting companies. The promoter also negotiates revenue sharing arrangements between the artist, the venue, the ticket seller and any other relevant market participants.

In Australia, official ticket selling companies, such as Ticketek and Ticketmaster, negotiate exclusive ticket selling rights with venues around the country to sell tickets to events held at those venues. Artists and promoters that perform in Australia will negotiate with venues to host events, and the ticket seller that has the exclusive rights to sell tickets for the particular venue will be the official ticket seller for the event. Tickets sold by the official ticket seller are sold in the primary ticket market, and the ticket seller will collect a ticket processing or booking fee.

Overview of the secondary ticket market

In addition to the primary ticket market, a secondary ticket market also exists. When tickets are sold by anyone other than the official ticket seller, they are sold in the secondary market for tickets.

Consumers value having access to a secondary ticket market for a number of reasons including convenience, time saving and avoiding 'the hysteria' of the ticket sales process (CHOICE, 2017, p. 10). In addition, the secondary market is also useful for 'late movers' who may have reason to delay their purchasing decisions. More ticket resale options can increase market efficiency because secondary markets create channels where tickets go to the consumers who value them the most (Courty, 2003, p. 85).

The secondary market for tickets can be divided into two main market segments: the ticket scalping market and the ticket onselling market. There are important differences between the ticket scalping and ticket onselling segments of the market. Generally, ticket scalpers sell tickets at an elevated price with the objective of making a profit, while ticket onsellers sell tickets that they are no longer able to use at their face value (or below) with the objective of recovering all (or part) of their costs and ensuring that purchased tickets are not wasted (Sa and Turkay, 2013, p. 628). Ticket scalpers take on a risk if tickets cannot be onsold or are onsold below the original face value of the ticket.

Ticket Scalping

Ticket scalping is the unauthorised reselling of tickets to entertainment and sporting events, usually at a price higher than the ticket's original face value. Ticket scalpers purchase tickets in the primary ticket market with the deliberate intention of making a profit (Senate Economics References Committee, 2014, p.1). Ticket scalpers may charge different elevated prices for each individual seat depending on its desirability in the venue (Courty, 2003, p. 88). The practice of ticket scalping is often seen as deceptive, unfair and unethical (Griggs, 2006, p. 291).

In order for ticket scalpers to make a profit, the promoter or official ticket seller must not have any tickets to sell at the same time in the primary ticket market or consumers must not be aware that there are still tickets available in the primary ticket market, otherwise buyers would just make their ticket purchase through that market. The ticket scalper can only make a profit when demand exceeds the available (inelastic) supply, profiting from the residual scarcity of the product.

Generally, ticket scalping practices fall into two main categories. First, traditional or in-person ticket scalping and second, modern or online ticket scalping. Traditional scalping practices generally see ticket scalpers selling tickets in the secondary ticket market by standing outside event venues on the day of the event. Tickets scalped outside events are generally done so for cash payment. Modern scalping practices generally see ticket scalpers selling tickets in the secondary ticket market online through the internet. Modern scalping techniques rely heavily on virtual markets and online trading platforms. Online ticket reselling platforms have become increasingly prevalent in recent years, as they are generally cheap to establish and are associated with reduced transaction costs (Sá and Turkay, 2013, p. 628). The increasing prevalence of online ticket selling platforms has made it difficult to contain the activities of ticket scalpers (Senate Economics References Committee, 2014, p. 8).

Buying a ticket from a ticket scalper, whether in person or online, typically carries with it two main risks. First, there is a risk that the ticket may not be genuine or may not be provided at all. Second, there is a risk that the ticket may be cancelled by the event organiser, as many tickets carry conditions that restrict resale or transfer. However, it is often difficult for ticket sellers in the primary ticket market to identify tickets that have been resold.

In Australia, the major ticket selling platforms used by ticket scalpers include Viagogo, TicketmasterResale, eBay and Gumtree (Senate Economics References Committee, 2014, p. 8). While ticket scalping often makes headlines in the media, especially in relation to big name and popular events, there is no clear data on how many tickets are scalped each year in Australia.

Ticket Onselling

Ticket onselling is the selling of tickets, usually at their face value, that are no longer able to be used by the original purchaser. The reasons for persons wishing to resell their tickets are varied and include circumstances where they can no longer attend an event due to unexpected work or family commitments, illness, or their favourite team or artist is no longer playing in the event. The secondary ticket market provides the opportunity for people to recover, in full or part, the cost of their ticket and allow another party to benefit from the unused ticket (Senate Economics References Committee, 2014, p. 7).

Ticket onsellors use websites to resell their tickets to those willing to buy them. Sellers use online reselling platforms to connect with buyers, but the delivery of tickets is generally conducted exclusively between the seller and buyer, with the seller usually sending the ticket directly to the buyer (Schroeder et al, 2012, p. 26).

In Australia, the major ticket onselling websites are Viagogo, TicketmasterResale StubHub (owned by eBay), Twickets, and Gumtree.

CHARACTERISTICS OF THE PRIMARY TICKET MARKET CONTRIBUTE TO THE EXISTENCE OF THE SECONDARY MARKET

There are characteristics inherent in the primary ticket market for tickets that contribute to the existence of a secondary ticket selling or resale market, including:

- a perfectly inelastic supply of tickets coupled with circumstances where demand for tickets can exceed supply for popular events;
- ticket resellers having early or priority access to tickets through pre-sales and the like (ticket allocation and availability);
- ticket underpricing that creates opportunities for profits to be made by reselling tickets; and
- a lack of variation of prices between tickets based on quality, which provides opportunities for tickets to be resold at different prices based on the differences in quality.

Perfectly Inelastic Supply for Tickets

The supply of tickets for shows and events has an important impact on the price of tickets in the primary and secondary markets. The supply of tickets depends on a number of factors, including the capacity of a venue and the number of shows that will be held.

Generally, ticket markets have a perfectly inelastic supply in the short run. A perfectly inelastic supply occurs when a change in the price of a good or service has no effect on the quantity supplied. Usually if the price of a good increases, a firm would like to supply more of the good or service. However, in the case of tickets, given entertainment and sporting venues have a restricted physical capacity, there is generally a restricted or finite supply of tickets and little capacity to increase ticket supply. When supply is perfectly inelastic and sufficient demand for tickets exists, ticket sellers and importantly ticket resellers, can increase ticket prices resulting in consumers having to pay more for tickets.

The issue of perfectly inelastic or finite supply of tickets is more serious for events that are strictly 'one show only', like sporting events such as grand finals, because the match can only be played once, and therefore there is a finite supply of tickets based on capacity at the event. This finite supply of tickets, coupled with the demand for the event, can make those tickets more valuable. Conversely, for events where there are multiple shows or viewings, such as a music concert or theatre production, the supply of tickets becomes less inelastic over time. The less inelastic the supply of tickets over time, the less impact on price.

Artists and promoters are sometimes accused of creating artificial scarcity for events in an attempt to build hype or interest in an event. Consumer advocacy group CHOICE, in its report, *Sold Out: Consumers and the Ticket Resale Industry*, found that:

'Currently industry practice (for many music concerts and other touring events) is to announce one show in each city to build hype and speculation on ticket sales. As a result, people can end-up buying excessively priced tickets through resale websites before second and third shows are announced (CHOICE, 2017, p. 9).'

This artificial scarcity can affect the demand for events and the price of tickets.

FOCUS QUESTIONS

For Artists and Promoters

1. In relation to the supply of tickets, where multiple shows or events are offered, how is the number of shows or events determined? Is there flexibility to add additional shows where demand is strong?
2. How often do artists and promoters announce a limited number of shows only to later announce additional shows which were already planned?

For Ticket Sellers in the Primary Market

3. How common is it for shows in Australia to sell out? What percentage of shows and events in Australia genuinely sell out each year?

Ticket Availability and Allocation

Closely related to the supply of tickets is the availability and allocation of tickets to events. The availability of tickets to events can have an impact on the market for tickets, making ticket scalping opportunities more attractive and prevalent.

While many consumers may assume that all tickets for an event are available for general or public sale, this is not always the case. Artists and promoters may establish mechanisms to provide priority access to tickets for some segments of the market and they can withhold tickets from general sale in a number of ways. For example, artists can request that bundles of tickets are withheld from general sale so that these tickets can be sold through their fan clubs, giving fans priority access to some of the best tickets at the venue. Generally, it does not cost anything to become a member of a fan club, and therefore almost anyone can sign up to be given access to early releases of tickets, including potential ticket scalpers.

Further, promoters, ticket sellers and venues can also make deals with artists to withhold certain bundles of tickets for separate or exclusive sale to their own stakeholders. For example, venues may have deals with corporate sponsors that allow them to allocate tickets to those sponsors, or promoters may have deals with credit card companies or hotels to allow early access to tickets as part of 'rewards' schemes and programs (Medhora, 2017). The types of tickets withheld through these separate mechanisms are generally better tickets, such as front row seats or VIP areas. All of these schemes that provide priority access to tickets create opportunities for ticket scalpers to gain access to some of the best tickets before the general public.

It is unclear what percentage of tickets are held back for priority access and never make it to general public sale, and artists, promoters and ticket sellers generally do not release this kind of information (Medhora, 2017). Anecdotal evidence suggests that the figure could be anywhere between 5 and 50 per cent of tickets.

FOCUS QUESTION

For Ticket Sellers in the Primary Market

4. Typically, for an average event, what percentage of total tickets go on sale to the general public?

Ticket Underpricing

Typically, artists, promoters and ticket sellers in the primary ticket market underprice tickets. Tickets are routinely sold for prices less than the highest price that the market can withstand. Underpricing leads to the inefficient allocation of tickets in the primary ticket market and creates gains that can be realised in the secondary market (Leslie and Sorensen, 2009, p. 2). When tickets are sold for less than the market can bear, excess demand is created, and it is this excess of demand that often supports the creation of secondary ticket markets (Schroeder et al, 2012, p. 26) (see [Box 3](#)).

Artists and promoters can benefit from underpricing tickets and the creation of secondary markets. In this regard, artists and promoters may be seen as being complicit in encouraging ticket scalping. Artists and promoters may underprice tickets for a number of reasons:

- **Sold Out Shows.** Underpricing of tickets ensures that more people will demand tickets to an event, making it more likely for the event to sell out. Selling tickets below the price that would limit demand to the available supply creates opportunities for ticket scalping behaviour. In addition, sold out shows enhance the image of artists and promoters (Sa and Turkey, 2013, p. 629-30). Selling tickets quickly can also generate hype around an event and encourage others to attend (Medhora, 2017).
- **Revenues From Complementary Goods.** Accessible ticket pricing and sold out shows create demand for complementary goods that may be sold at events. Demand for complementary goods such as parking, snacks and beverages, programs and artist merchandise may be an advantageous trade-off for a ticket price reduction (Sa and Turkey, 2013, p. 230).
- **Improve Cash Flows, Short Term Liquidity and Shifting Risk.** Underpricing tickets can also improve the short term liquidity of promoters. Early ticket sales can serve as an immediate source of internal finance. In this regard, promoters may be willing to tolerate scalpers operating in ticket markets because the purchase of tickets by scalpers improves liquidity and removes the risk for the promoter that a ticket will not be sold (Sa and Turkey, 2013, p. 231).
- **Goodwill Towards Consumers.** Finally, the desire to promote goodwill towards consumers is also a reason why artists and promoters underprice tickets. Pricing events at an accessible price instils goodwill for future events that the artist or promoter may hold and improves their reputation with consumers as an honest seller that is not complicit in gouging consumers (Sa and Turkey, 2013, p. 30).

FOCUS QUESTION

For Ticket Sellers in the Primary Market

5. How is the ticket price for an event determined? Who has input into setting the ticket price?

Lack of Variation in Ticket Pricing Across Categories

Typically, when tickets to events are sold in the primary ticket market there is a lack of variation among ticket prices for different types of tickets. For example, tickets closer to the front of a show may not be that much more expensive than tickets seated further away from the action.

This lack of variation in ticket pricing across ticket categories creates opportunities for ticket scalpers to capitalise on the differing inherent values (as opposed to the face value) of tickets by selling more desirable tickets at a higher price because the willingness of fans to pay is generally higher for these types of tickets.

CONSUMERS LACK THE INFORMATION REQUIRED TO MAKE INFORMED PURCHASING DECISIONS

The purchasing of tickets to live performances and sporting events in Australia can be a difficult and confusing process for some consumers. There can often be a lack of clarity around how and from whom consumers should purchase their tickets, how many tickets are available to a certain event and at what price those tickets are available for purchase.

In Australia there is a range of official ticket selling companies in the primary ticket market including the most well-known providers, Ticketek, Ticketmaster, MoshTix and OzTix. As noted, these ticket selling companies typically have exclusive agreements with individual venues. If an event is booked by a promoter at a particular venue, the ticket seller who has the exclusive ticketing rights to that venue will be the official ticket seller for that event. In order for the consumer to ensure that they are purchasing tickets on the primary ticket market at their face value, the consumer needs to know ahead of the sale who the official ticket seller is for the event. Consumers hear about events in a variety of ways such as through television and radio advertising, online advertising, direct emails from artists, fan clubs, promoters and word of mouth from friends and relatives. However, when a consumer hears about an event, information about the official ticket seller may not be communicated or may be difficult to find.

It is important to know who the official ticket seller is for an event because it ensures that consumers can obtain tickets from an official ticket seller that are guaranteed to be valid for entry into the event (i.e. that the tickets are not fraudulent), that the tickets are sold at their true face value and that the tickets carry with them the full terms and conditions ascribed to those tickets at the time of their sale. Unless the consumer knows who the official ticket seller for the event is, there is a risk that they may unknowingly purchase their ticket from the secondary ticket market. Purchasing tickets from the secondary ticket market, while convenient for some consumers, can carry with it a number of risks including the risk that the consumer may unknowingly pay over and above the face value of the ticket, that the ticket may be cancelled because terms and conditions of the original sale of the ticket have been breached by the act of the ticket being on sold and the risk that the ticket may be fraudulent or fake.

It is not always easy to know who the official ticket seller for an event is before a consumer goes to purchase their tickets. While artists, promoters and venues will generally inform consumers who the official ticket seller is ahead of the ticket sale (either by providing that information while advertising the event or by providing direct links to the official ticket seller's website), consumers may not remember who the official ticket seller is or they may find out about the event through other channels where they are not informed and have to find out where to purchase tickets through their own research. Where a consumer is not aware of the official ticket seller, they may seek out this information to ensure that they purchase from the official ticket seller, or they may seek their tickets in other ways. CHOICE found that:

'Many fans found their tickets through Google, with 66% of case studies saying they found their tickets through the search engine'.

If consumers are using internet search engines to find tickets to the events that they wish to attend, they may be led to ticket resale websites without even knowing it. Ticket reselling websites often pay advertising premiums to internet search engines to ensure that their websites appear at the top of search engine results. CHOICE notes:

'If a consumer is unaware of the official primary seller, they can be led to click on the first result — often a paid advertisement for a ticket reseller (CHOICE, 2017, p. 9)'

Treasury undertook sample ticket searches to test the veracity of the claim that an internet search will lead consumers to non-official ticket reseller websites ahead of official ticket seller websites. An example of these sample searches is presented in [Box 1](#).

Treasury undertook internet searches for tickets to 100 different ticketed events being held in Australia between September 2017 and April 2018. Of the 100 internet searches conducted, 47 per cent of searches resulted in a secondary ticket seller appearing as the top result, while 59 per cent of searches resulted in secondary ticket sellers appearing as the top 5 search results. The most resulted secondary ticket seller was Viagogo, followed by TicketmasterResale and StubHub. The majority of the top results from secondary ticket sellers were paid advertisements.

This sample search suggests that consumers who do not know who the primary ticket seller is for an event, and use an internet search to find a ticket seller, are generally more likely to be directed to a secondary ticket reseller than the official ticket seller.

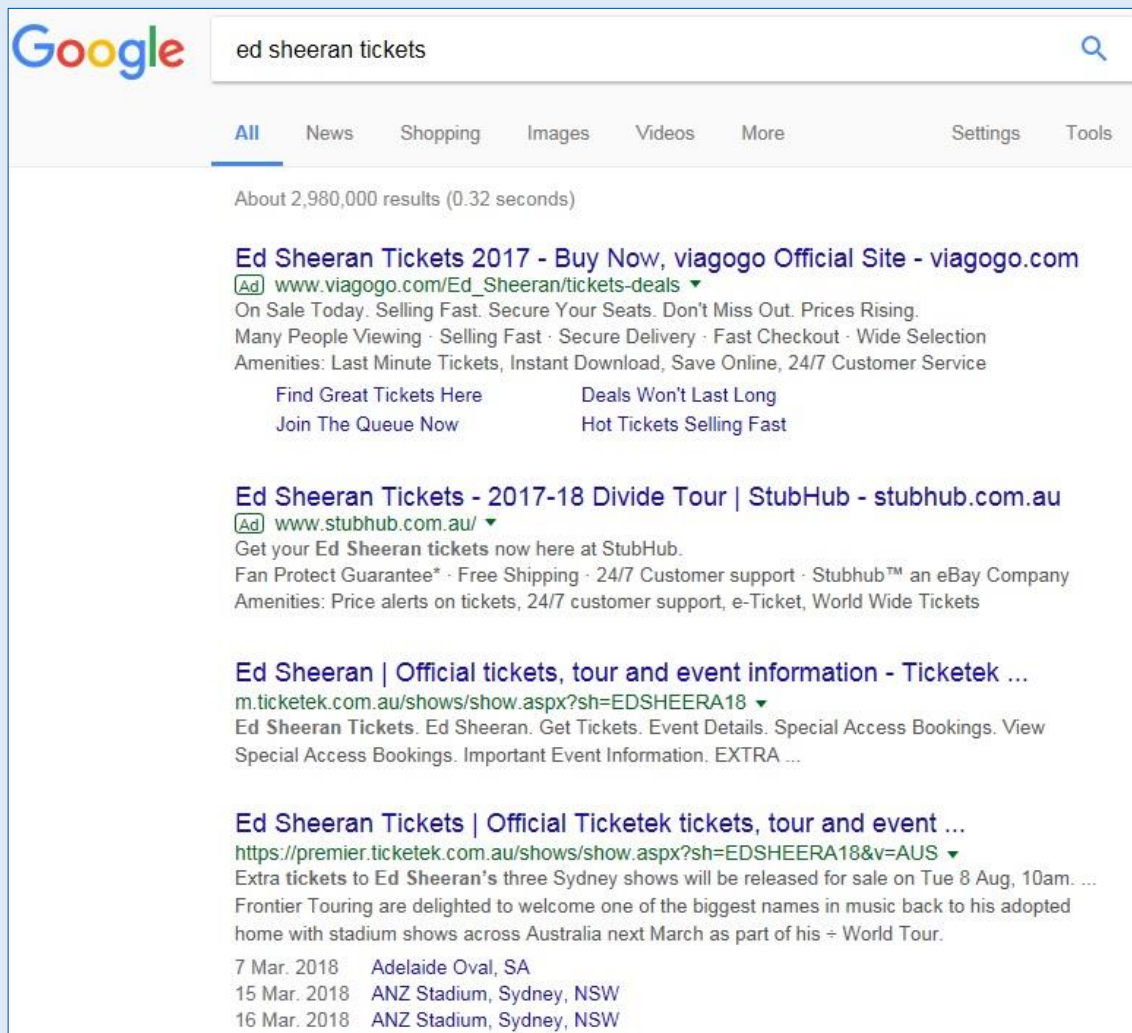
The results of this sample search can be found at [Appendix A](#).

BOX 1: INTERNET SEARCHES AND RESULTS

Artist Ed Sheeran will tour Australia in March 2018. The official ticket sellers for Ed Sheeran's shows are Ticketek (Sydney, Brisbane and Adelaide shows) and Ticketmaster (Perth and Melbourne shows).

Treasury undertook an internet search for 'ed sheeran tickets' using the search engine Google.

The first two results of the internet search produced links to secondary ticket resellers, Viagogo and StubHub, with the official ticket seller not appearing until the third and fourth results.



As noted, purchasing tickets from the secondary market can carry risks. In addition, when consumers reach a secondary ticket selling site, there is often little to signify that the site is not the official ticket seller and is instead a resale site. Ticket resale websites can look and feel like official ticket seller websites, misleading consumers into thinking that they are buying their tickets through official channels with all the protections that come with that purchase. For example, the design of secondary ticket selling websites often use a similar graphic user interface to official ticket selling websites, characterised by a heavy use of graphics advertising upcoming and top events, ticket sale countdown timers, venue information pages and sale screens that mimic the ticket purchase processes on official websites. A comparison of Ticketek's (official seller) home screen and Viagogo's (unofficial reseller) home screen is illustrated in **Box 2**. This example shows how similar primary and secondary market websites can look and how easily it is for consumers to be misled into believing that they are purchasing from an official ticket seller.

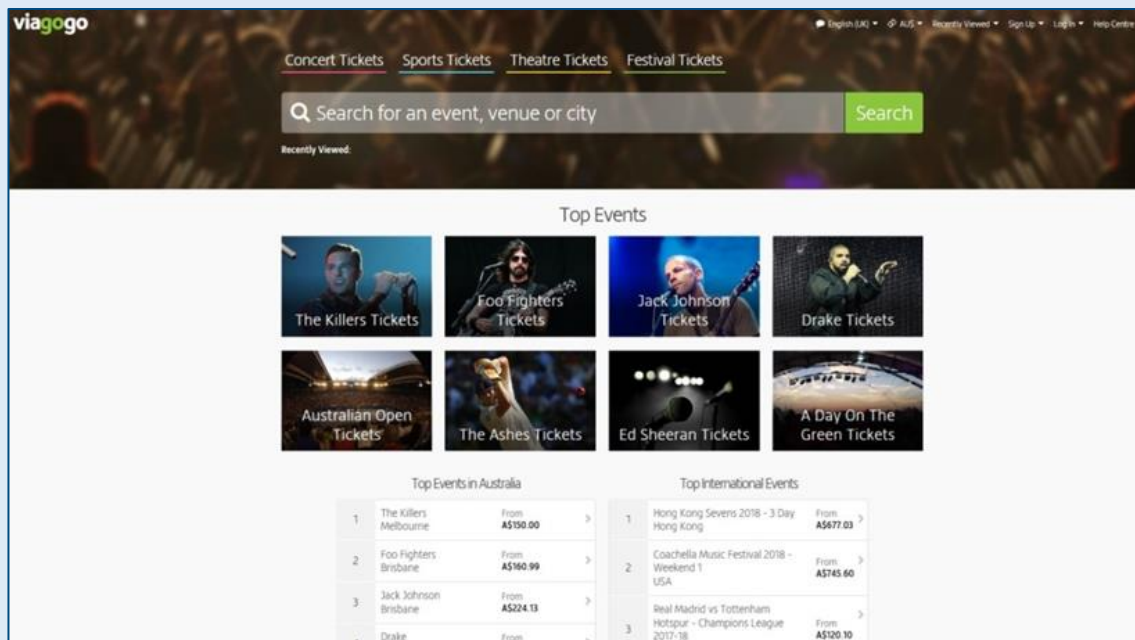
BOX 2: COMPARING THE LOOK AND FEEL OF TICKET WEBSITES

The website of official ticket seller, Ticketek, is characterised by graphical advertising of upcoming events, a menu bar at the top of the page, a search bar to search for events, and a category bar outlining categories of events.

The screenshot displays the Ticketek website interface. At the top, a navigation bar includes links for 'My Account', 'Order History', 'Where's My Ticket', 'Venues', 'Agencies', 'Accessible Seating', and 'Help', along with social media icons. Below this is a blue header with the Ticketek logo and buttons for 'SIGN IN' and 'JOIN NOW'. A search bar is positioned to the right of these buttons. A category bar below the header lists 'SPORTS', 'CONCERTS', 'THEATRE & ARTS', 'FAMILY', 'COMEDY', 'EXPERIENCES', 'LAST MINUTE', and 'HELP'. The main content area features a large banner for the '2018 FIFA WORLD CUP RUSSIA™ ASIAN QUALIFIER SOCCEROOS V SYRIA' on Tuesday 10 October, 2017, at Stadium Australia, Sydney. To the right of this banner is a section titled 'SOCCEROOS V SYRIA' with a description and a 'Get Tickets' button. Below the banner are six smaller event tiles: 'Macklemore', '2017 Supercars Supercheap Auto Bathurst 1000', '2018 Gold Coast Commonwealth Games', 'The Script', 'AUS vs ENG', and 'Paul McCartney - One on One'. A red banner at the bottom left promotes 'ONE GIFT, THOUSANDS OF EVENTS'. On the right side, a 'Where's My Ticket?' section provides information about ticket delivery for 'SIA' on Mon 2 Oct, 2017, and 'Muse'.

BOX 2: COMPARING THE LOOK AND FEEL OF TICKET WEBSITES (CONTINUED)

The website of ticket reseller, Viagogo, has a similar layout to the Ticketek website including graphical advertising of upcoming events, a menu bar at the top of the page, a search bar to search for events, and a category bar outlining categories of events.



CHOICE conducted a consumer survey as part of its research and found that 48 per cent of consumers surveyed who purchased tickets on a ticket resale website thought that they were purchasing from an official ticket seller and did not realise that the site was a resale website (CHOICE, 2017, p. 7).

Further, secondary ticket selling websites often lack important information about the tickets that are being sold, making it difficult for consumers to make informed purchasing decisions. The types of information that are useful for consumers to make informed purchasing decisions about tickets include the face value of the ticket, the location or seat within the venue and information about the seat that may affect the purchase decision and the consumer's willingness to pay, such as visibility or proximity to the stage. CHOICE found that:

'The lack of transparency can often lead to disappointment and shock when the tickets received do not match what the purchaser thought they were buying (CHOICE, 2017, p. 14).

Consumers benefit from knowing as much information as possible about a product or service before they make a purchase – this is one reason why mandatory disclosure requirements exists for some categories of products, such as financial products. When consumers have more information, they make better choices. CHOICE found that:

'Many consumers said misleading or missing information on ticket resale websites was frustrating and they would not have made a purchase had they known the details of a ticket (CHOICE, 2017, p. 14).'

FOCUS QUESTIONS

For Consumers

6. Have you ever purchased a ticket from a ticket resale site without knowing it was a ticket resale site at the time?

CONSUMERS CAN HAVE THEIR WELFARE REDUCED BY TICKET SCALPING PRACTICES

The consumer surplus is the difference between what a consumer would be willing to pay for a good or service and what the consumer actually has to pay. Consumer surplus reflects the amount of benefit, satisfaction or well-being consumers receive when they buy products and services. Ticket reselling, and in particular ticket scalping practices, can erode the consumer surplus as a result of inflated ticket prices, causing consumers to experience reduced benefits or satisfaction because of difference in what they are willing to pay and what they actually had to pay. An erosion of the consumer surplus results in reduced consumer welfare and sees that surplus transferred to the ticket scalper, so the ticket scalper is taking some of the benefit that the consumer would have experienced had the scalper not been operating in the market. Phillip Leslie and Alan Sorensen note:

Resale causes profit-seeking individuals to purchase tickets who otherwise would not have, and causes some consumers to bypass the primary market and buy in the resale market. Moreover, by providing a profit-motive for ticket buyers, resale may stimulate individuals to engage in costly rent-seeking behavior as they compete to obtain the most valuable tickets in the primary market. For these reasons, not only does ticket resale give rise to redistributions of surplus in which some individuals are made worse off, but it may also reduce overall social welfare (Leslie and Sorensen, 2009, p. 1).

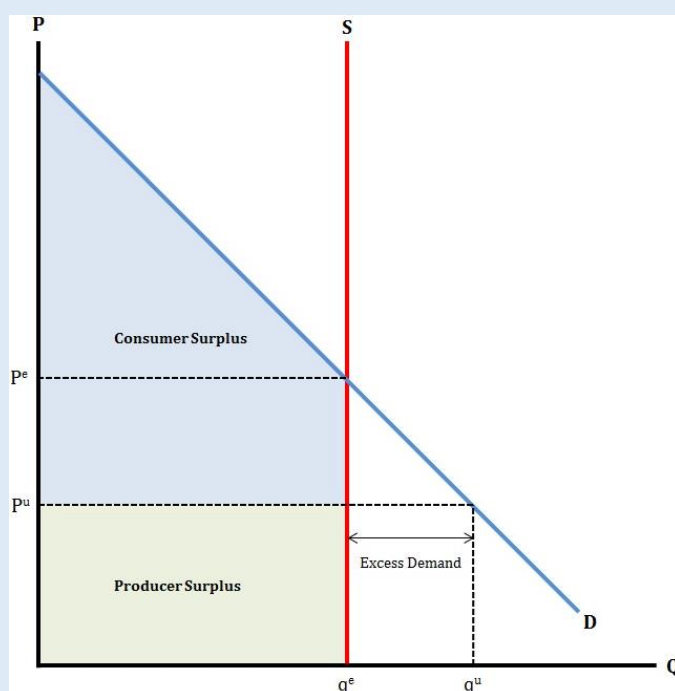
When ticket underpricing occurs in the primary ticket market and ticket scalping is legal, scalpers will receive the level of surplus which is forgone by primary ticket sellers when they make the decision to underprice. As noted, ticket sellers in the primary ticket market can make the decision to underprice for a variety of reasons: positive externalities that result from sold out shows, revenues from complementary goods, short term liquidity and goodwill towards consumers.

Box 3 illustrates the welfare effects of ticket scalping in a ticket market where ticket scalping is legal.

BOX 3: WELFARE EFFECTS OF TICKET SCALPING

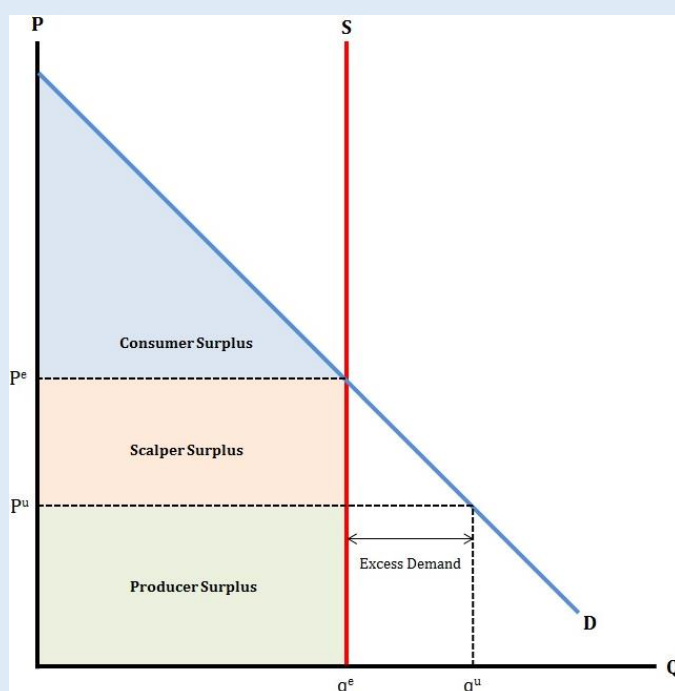
In the market for tickets to an event where ticket scalping is not permitted, the supply of tickets is inelastic and fixed at S . The demand for tickets is downward sloping at D . The equilibrium price in the market for tickets is P_e with Q_e as the quantity supplied at that price.

The primary ticket seller (producer) underprices their tickets at P_u , creating excess demand for tickets of Q_u . The consumer increases their consumer surplus when the ticket is underpriced and ticket scalping is not permitted, taking the portion of the producer surplus that is forgone as a result of the lower ticket price.

BOX 3: WELFARE EFFECTS OF TICKET SCALPING (CONTINUED)

In the market for tickets to an event where ticket scalping is permitted, the supply of tickets is inelastic and fixed at S . The demand for tickets is downward sloping at D . The equilibrium price in the market for tickets is P^e with Q^e as the quantity supplied at that price.

The primary ticket seller underprices their tickets at P^u , creating excess demand for tickets of Q^u . The ticket scalper will purchase the ticket at P^u . As ticket scalpers enter the market, market forces drive up the price level until it reaches equilibrium (P^e). Instead of the consumer taking some of the producer surplus that has been forgone, the ticket scalper takes some of the producer surplus, thereby making the consumer worse off than they would have been when ticket scalping was not permitted.



As illustrated in Box 3, while ticket resellers and scalpers do receive some surplus when ticket reselling is permitted, the existence of reselling within the ticket market does not reduce total welfare. Consumers may be better off when resellers operate, as those who place a greater value (as reflected by a higher price) will have access to resold tickets, whilst those who value their tickets at a lower price (and are therefore willing to sell their tickets) may be able to sell their tickets at a profit. These gains are known economically as 'gains from trade'. There can be net economic gains for the economy when these 'gains from trade' are realised, which lead to benefits for consumers.

In recent years there has been growth in the prevalence of unauthorised ticket resale websites and platforms, making it easier for ticket scalpers to operate. Online ticket resale websites provide a market for exchange, making it easy for ticket resellers and ticket scalpers to sell tickets acquired in the primary ticket market at inflated prices to consumers. The websites typically provide the online space to advertise, market and sell the ticket, and the payment mechanism to facilitate the transaction. These websites typically allow the seller to set the price of the tickets that they wish to resell. The website will often charge the seller a service fee, feed in their own booking or transaction fees or take a percentage of the final price that the ticket has sold for.

Consumers may not know that that they have purchased resold or scalped tickets until the ticket arrives and they see the face value of the ticket and compare it to what they have paid.

FOCUS QUESTIONS

For Consumers

7. Have you ever purchased a ticket from a secondary ticket resale site above the face value without knowing until after your ticket arrived? If so, what was the face value and the price you paid?
8. Have you ever resold a ticket? How did you resell your ticket?

CONSUMERS RISK THEIR TICKETS POTENTIALLY BEING CANCELLED

Tickets sold by ticket sellers in the primary ticket market are generally subject to multiple sets of terms and conditions, sometimes coming from the artist, the promoter, the ticket seller and the venue.

Since 2001 LPA has produced the LPA Ticketing Code of Practice, a voluntary industry code of practice covering the ticketing industry for live performance events. The Code provides protection for consumers in the live performance industry, and although the document itself does not carry legal force it is reflective of legal standards as expressed in the ACL. Compliance with the Code is a condition of LPA membership.

The terms and conditions of the ticket sale may include provisions that prohibit the resale of tickets or warn the purchaser that tickets may be cancelled if they have been found to have been resold. Consumers who purchase tickets from resale websites risk breaching the terms and conditions of the original ticket sale and subsequently having their ticket cancelled.

A selection of terms and conditions from official ticket sellers are outlined in [Box 4](#).

BOX 4: OFFICIAL TICKET SELLER TERMS AND CONDITIONS AND RESALE**Ticketek**

Tickets may not, without the prior written consent of Ticketek and the Seller, be resold or offered for resale at a premium (including via on-line auction or other unauthorised resale sites) or used for advertising, promotion or other commercial purposes (including competitions and trade promotions) or to enhance the demand for other goods or services. If a ticket is sold or used in breach of this condition, the ticket may be cancelled without a refund and the ticketholder of the ticket may be refused admission. Ticketek will use reasonable efforts to notify you of such action.

Ticketmaster

There are laws in place in certain states that prohibit resale of tickets to certain events or limit the prices at which they may be resold. As a ticket purchaser, you are responsible for complying with any such laws.

A ticket shall not be used for advertising, promotions, contests or sweepstakes, unless formal written authorisation is given by the Event Partner, provided that even if such consent is obtained, use of Ticketmaster's trademarks and other intellectual property is subject to Ticketmaster's express consent.

When purchasing tickets on a Site, you are limited to a specified number of tickets for each event (also known as a 'ticket limit'). This amount is included on the unique event page and is verified with every transaction. This policy is in effect to discourage unfair ticket buying practices. We reserve the right to cancel any orders where we identify breaches of these limits, including where we know or reasonably suspect automated means have been used to purchase tickets. Use of automated means to purchase tickets is strictly prohibited.

OzTix/Destroy All Lines (Ticket Solutions)

Tickets may not, without the prior consent of the Presenter, be resold or offered for resale at a premium over the face value of the ticket (including via on-line auction sites) or used for advertising, promoting or other commercial purposes (including competitions and trade promotions) or to enhance the demand for other goods or services either by the original purchaser or any subsequent ticket holder.

FOCUS QUESTIONS**For Ticket Sellers in the Primary Market and Venues**

9. How often do you cancel tickets that you know have been resold in contravention of your terms and conditions?

For Consumers

10. When you buy a ticket to an event, do you read the terms and conditions of sale?
11. Have you ever had a ticket that you purchased on a ticket resale site cancelled by the official ticket seller? What did you do?

CONSUMERS RISK POTENTIAL SCAMS AND FRAUDS

In addition to ticket scalping and ticket onselling activity, the secondary market can also create opportunities for people to perpetrate ticket fraud and ticket scams against consumers.

Purchasing tickets from an unauthorised ticket reseller can expose consumers to the risk of fraud because the authenticity of the ticket cannot be guaranteed. In addition to authenticity issues, consumers also risk that the same authentic ticket may be counterfeited and sold multiple times. Where a ticket has been sold multiple times, the first purchaser to arrive at the event will gain entry and those who follow will be refused entry.

Media reports and anecdotal evidence from some stakeholders has asserted that the sale of fraudulent tickets is a major issue. Notwithstanding these assertions, the scale of this behaviour is unclear. In 2014, the ACCC found that fake or non-existent tickets were only a small component of the total number of scams that were reported. Money lost by these reported scams totalled \$70,993 compared to the total money lost to all scams of \$90 million (Medhora, 2017)

FOCUS QUESTIONS

For Ticket Sellers in the Primary Market and Venues

12. How frequently do consumers present at events with tickets that are fake or fraudulent?

For Consumers

13. Have you ever purchased a fake or fraudulent ticket? What were the consequence for you as a result of this purchase? Who did you complain to and what was the result?

TICKET-BUYING BOTS REDUCE CONSUMERS' FAIR ACCESS TO TICKETS

A ticket-buying bot is a piece of computer software that automates the process of buying a ticket from primary ticketing websites. Ticket-buying bots are employed by ticket scalpers to infiltrate ticket selling systems and purchase large quantities of tickets at high speed for the purposes of onselling those on resale sites. Ticket-buying bots are easy to find online and can typically be purchased for a few hundred dollars. Some more sophisticated ticket scalpers may write their own ticket-buying bot software.

There are several types of ticket-buying bots, but the majority are used to pick up tickets as soon as they go on sale by filling out the primary ticketing websites dropdown prompts in less than a tenth of the time that even a skilled human can. In many cases the ticket-buying bots are not able to complete the CAPTCHA or re-CAPTCHA (a test in which the user of a website is asked to decipher a distorted image, used to protect the website against automated attacks), and this is assigned to human workers. Some ticket-buying bots are programmed to make thousands of requests on ticketing websites using thousands of different IP addresses (Common, 2016). The tickets are then immediately resold at higher prices on ticket reselling websites and platforms. In 2016, Ticketmaster alone blocked more than six million attempts by ticket-buying bots to gain access to its websites globally, including Australia (Ticketmaster, 2017).

Ticket-buying bots cause consumer detriment because they prevent consumers from having fair access to the primary ticket market. Research from overseas such as the United States of America, United Kingdom and Canada indicates that overseas ticket resellers or scalpers use ticket-buying bots as part of an overall strategy to gain access to tickets in volume. Typically a ticket scalper studies the underlying architecture and processes of ticketing websites, researches presale requirements, and joins fan clubs or obtains presale-specific credit cards (Koebler, 2017).

While the use of ticket-buying bots does seem to have an impact on the availability of tickets in the primary market, there is no evidence to suggest that ticket-buying bots is resulting in completely sold out shows, and in most cases there are several tickets still available on the primary market (CHOICE, 2017).

FOCUS QUESTIONS

For Ticket Sellers in the Primary Market

14. How widespread is the use of ticket-buying bots? How frequently is your ticket selling system subject to ticket-buying bot attacks?
15. Is there a problem with ticket-buying bots in the primary market?
16. How can the ticket-buying bots be caught? What are key indicators of ticket-buying bot activity?

CONCLUSIONS

The consultation process is seeking data about the structure and composition of the secondary ticket market and evidence on the extent of consumer detriment from ticket reselling activities.

In general terms, when consumers participate in the secondary ticket markets they often lack the information required to make an informed purchasing decision that would maximise their utility. Falling prey to ticket scalping practices can reduce consumers' welfare and leave them worse off than if they had purchased their tickets in the primary ticket market. In addition, consumers who participate in the secondary ticket market expose themselves to risks (both knowingly and unknowingly) such as cancellation and fraud.

Further, the use of ticket-buying bots can reduce fair access to tickets for consumers.

2. POLICY OBJECTIVE

SUMMARY

The policy objective is to reduce consumer detriment in the secondary ticket market that arises from consumers not being provided the information that they require to make an informed purchasing decision that would benefit them. The policy objective is also to reduce the risk that consumers are both advertently or inadvertently misled or deceived when they purchase tickets to events in the secondary ticket market.

Reducing consumer detriment and reducing opportunities for consumers to be misled or deceived will enhance the welfare of Australians by giving them greater confidence and certainty when they choose to participate in the secondary ticket market.

The options to address the identified problems seek to improve outcomes for consumers who participate in the secondary ticket market. The options reduce the level of risk in the market, ensure that consumers are provided with the information that they require to make more informed purchasing decisions and ensure that consumers have fairer access to tickets.

Consumers should be able to participate in the ticket market with confidence and certainty. They should be able to know and recognise the differences between the primary and secondary ticket markets and understand who they are purchasing their tickets from.

Consumers' understanding who they are purchasing their tickets from allows them to better identify, understand and manage the risks associated with purchasing tickets in the secondary ticket market. This includes consumers being able to make better judgements about the price of tickets they are purchasing, as well as being able to make better judgements about how they value those tickets.

In achieving these objectives, it is important that the benefit should exceed the costs.

In addition, options addressing the problem identified would also seek to provide certainty to ticket resellers operating in the secondary ticket market by outlining the manner in which tickets can be resold.

3. POLICY OPTIONS AND IMPACT ANALYSIS

SUMMARY

There are a number of policy options to reduce consumer detriment and improve outcomes for consumers in relation to ticket reselling.

To address the problem defined, this RIS explores five options:

- **OPTION 1** – the status quo, with consumer education
- **OPTION 2** – national prohibition (ban) on ticket reselling
- **OPTION 3** – restricted reselling
- **OPTION 4** – improved information disclosure arrangements for ticket resellers
- **OPTION 5** – national ban on the use of ticket-buying bots

The options explore the gamut of interventions from outright bans and restrictions to lighter touch regulations to improve the operation of the secondary ticket market.

OPTION 1: STATUS QUO, WITH CONSUMER EDUCATION

Under this option, current and existing laws would continue to operate. Government, together with the industry, will be conducting an education campaign to warn consumers of the risks of participating in the secondary ticket market.

Current and existing law

Broadly, ticket reselling and ticket scalping is generally not illegal in Australia. However, the ACL, together with existing state and territory laws, provide a level of coverage to address issues associated with ticket reselling and ticket scalping in the secondary ticket selling market.

The ACL is jointly administered and enforced by the Australian Competition and Consumer Commission and state and territory consumer affairs agencies under a 'one law, multiple regulator' model. Policy on the ACL is set by the Legislative and Governance Forum on Consumer Affairs (CAF) as part of a consultative process governed by an Intergovernmental Agreement.

The Australian Consumer Law

In the context of ticket reselling and ticket scalping, even though these types of transactions may involve private sales through classifieds or online websites, the transactions in question are generally undertaken for a profit, therefore these types of transactions could be considered to be undertaken in 'trade or commerce' and would therefore be covered by the provisions of the ACL.

The ACL contains a number of different existing provisions that can be used to address issues associated with ticket reselling and ticket scalping. These include provisions that prohibit:

- misleading and deceptive conduct;
- false or misleading representations;
- unconscionable conduct;
- bait advertising; and
- wrongly accepting payment.

In addition, the consumer guarantees regime can also provide consumers with remedies in relation to resold or scalped tickets.

Misleading and Deceptive Conduct

Section 18 of the ACL provides that a person must not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive.

It would be reasonably open to a court to find that certain aspects of ticket reselling and ticket scalping practices could amount to misleading and deceptive conduct (or conduct that is likely to mislead and deceive) in that the secondary ticket seller's conduct would lead (or would be likely to lead) the buyer into error. This could be particularly the case to the extent that the secondary ticket seller or ticket scalper:

- deliberately fails to disclose any terms or conditions of the ticket that prohibit the original ticket from being resold, and the breach of which would result in the ticket being cancelled; or
- sells the same ticket multiple times, which may lead to the ticket being cancelled, or to some of the buyers not being able to gain entry to the event.

In such cases, it is likely that the fact that a secondary ticket seller is selling the ticket would imply that the ticket could be used to enter the relevant event. Without any further conduct implying that there may be restrictions attached to the ticket, it is likely that sale of the ticket, without disclosing that such restrictions may apply, would be misleading and deceptive.

False or Misleading Representations

Section 29 and Section 34 of the ACL set out particular conduct that would be considered false or misleading representations regarding goods or services, including making false or misleading representations in relation to the existence or exclusion of any terms and conditions, false or misleading representations in relation to value, sponsorship and approval or false or misleading representations in relation to price.

Depending on the circumstances of the particular transaction between a secondary ticket seller and a consumer, it may be possible that the secondary ticket seller's conduct could amount to a false or misleading representation. However, this would depend on the specific facts of the transaction, and, particularly, on whether the secondary ticket seller's statements lead the consumer to believe, for instance, that there are no conditions attached to the ticket.

Unconscionable Conduct

Section 20 of the ACL prohibits a person from engaging, in trade or commerce, in conduct that is unconscionable within the meaning of the common law. Section 21 prohibits a person from engaging

in unconscionable conduct in trade or commerce, in connection with the supply or possible supply, or the acquisition or possible acquisition, of goods or services.

Whether a secondary ticket seller has been unconscionable in relation to their conduct for the purposes of Section 21 will depend on the particular facts of the individual transaction. However, the following factors could support the view that there has been unconscionable conduct:

- the consumer may not have been able to understand documents relating to the supply or possible supply of the goods or services (such as any terms and conditions on the primary ticket seller's website that may include a prohibition on ticket resale); and
- the secondary ticket seller may have unreasonably failed to disclose to the consumer the risks arising from their intended conduct, in circumstances where the ticket seller should have foreseen that those risks would not be apparent to the customer. This would include, for instance, that the ticket could be cancelled if the secondary ticket seller sold it to the consumer.

However, the following factors could support the view that there has been no unconscionable conduct:

- the consumer was aware that the ticket seller is not the original ticket seller;
- the consumer was aware that the ticket is likely to include a condition that prohibits resale of the ticket, and that it is possible the ticket may be cancelled; and
- the consumer is aware of the original price of the ticket from the original sale.

Bait Advertising

Section 35 of the ACL provides that a person must not, in trade or commerce, advertise goods or services for supply at a specified price if there are reasonable grounds to believe the person will not be able to offer those goods or services at that price in reasonable quantities having regard to the nature of the market and the advertisement, and the person is aware or ought reasonably to be aware of those grounds.

In circumstances in which a secondary ticket seller advertises the same ticket multiple times, it may be possible to argue that the seller has engaged in bait advertising for the purposes of Section 35. Whether a secondary ticket reseller would actually contravene Section 35 would depend on the particular circumstances of the transaction and the advertisement.

Wrongly Accepting Payment

Section 36 of the ACL provides that a person must not, in trade or commerce, accept payment or consideration for goods or services if, at the time of the acceptance, the person intends not to supply the goods or services.

If a secondary ticket seller or ticket scalper accepts payment for a ticket and does not supply the ticket or supplies a fraudulent ticket, they may be wrongly accepting payment. Similarly, if a person sells the same ticket multiple times, they cannot genuinely provide the good or service to multiple people, and may be wrongly accepting payment.

Consumer Guarantees

Finally, the consumer guarantees regime, contained in Part 3-2, Division 1 of the ACL are also relevant to the issue of ticket reselling and ticket scalping.

Consumer guarantees include, among other things, that goods will be of acceptable quality, fit for any specified (particular) purpose, and match the description, sample or demonstration model. By purchasing tickets, a consumer makes known to sellers that their intention is to attend an event. If the purchased ticket is subject to terms and conditions that could result in the ticket being cancelled because it has been resold, this could amount to the ticket being no longer fit for purpose.

Similarly, if the same ticket has been sold multiple times (such that all but one of the purchasers would be prevented from attending the event), a ticket would no longer be fit for purpose. In these limited circumstances, the secondary ticket reseller is likely to have breached the consumer guarantees.

State and Territory Legislation

In Australia, some state and territory jurisdictions have in place legislation that can restrict or prohibit ticket reselling and ticket scalping for certain events. Some jurisdictions have implemented legislation which permits regulation of events that are declared 'major events' or similar by the relevant Minister. In some cases, relevant laws will only cover traditional ticket scalping and not modern ticket scalping, while others cover both. Further, some legislation only applies to sporting events, not other forms of entertainment.

Victoria

In Victoria, the *Sports Event Ticketing (Fair Access) Act 2002* was the first piece of legislation that dealt specifically with ticket scalping by attempting to control scalping activity in the physical vicinity of venues. The Act was later replaced with the *Major Sporting Events Act 2009* (MSEA).

Under the MSEA, the Minister may make a sports ticketing event declaration in respect of a sports event. Within 60 days of the declaration being made, the operator of the event must submit a ticket scheme proposal to the Minister for approval which publically declares how tickets are to be distributed and to whom and in what quantity.

Under the legislation, if the sports event has been declared and there is a condition in the proposal that prohibits the sale or distribution of a ticket by a person who is not authorised to sell or distribute tickets, then the person has contravened the Act.

To date, there have been seven successful prosecutions for ticket scalping in Victoria, with fines ranging from \$500 to \$5,000 issued, as well as costs awarded to the Victorian Government. In addition, Sport and Recreation Victoria was successful in securing an injunction against the operators of the website *Ticketfinders* to prevent them illegally selling tickets to the 2011 AFL Grand Final. The Department of Economic Development, Jobs, Transport and Resources is reviewing the MSEA with a view to potentially broadening the ticketing provisions to non-sporting events.

Queensland

In Queensland, ticket reselling is regulated under the *Major Sports Facilities Act 2001* (MSFA) and the *Major Events Act 2014* (MEA).

The MSFA applies only to events conducted at declared major sports facilities (typically major stadiums) and the MEA applies prescribed major events (which occur over larger areas during temporary periods).

Under the MSFA it is an offence to resell a ticket to a major sports facility event for a price greater than 10 per cent above the original face value of the ticket. Similarly, it is also an offence under the MSFA to purchase a ticket to a major sports facility event for more than 10 per cent of the original price. Similarly, the MEA prohibits a person from selling tickets to a prescribed major event within a controlled area or a major event area, or at a price greater than 10 per cent above the original sale price of the ticket. Currently declared major sports facilities under the MSFA include the Brisbane Cricket Ground, Brisbane Entertainment Centre, Suncorp Stadium, Metricon Stadium and other venues. To date, the Townsville and Gold Coast V8 Supercars, the 2015 AFC Asian Football Cup and the Gold Coast 2018 Commonwealth Games have been prescribed as major events under the MEA.

Enforcement activities under the MSFA and MEA are the responsibility of Queensland Police. Penalties for contraventions range from \$63 on-the-spot infringement notices (for contravening the MSFA by purchasing a scalped ticket) to fines of \$2,523. The Department of Tourism, Major Events, Small Business and the Commonwealth Games administer the MEA and are of the view that the MEA applies to internet based sales. However, it has become increasingly difficult for the Queensland Police to enforce ticket scalping provisions, particularly due to the growing number of online companies used to resell tickets.

Australian Capital Territory

In the ACT, ticket reselling is regulated under the *Major Events Act 2014*. Similar to Victoria and Queensland, the legislation only covers events that are declared events. Under the Act, notice must be given for either a major event (through a Major Event Declaration) or an important sporting event (through an Important Sporting Event Notice). There are also offences under the Act if a person sells or trades a ticket to an event without written permission from the event organiser for greater than the face value of the ticket. A separate offence exists under the legislation where a person uses a ticket for the purpose of receiving a financial benefit without authorisation from the event organiser.

Since the Act was introduced, the One Day Cricket International (2014) was declared as an important sporting event. The AFC Asian Cup (2015), the Cricket World Cup (2015) and the Rugby League World Cup (2017) have been declared major events.

South Australia

In South Australia, ticket reselling for certain events is regulated under the *Major Events Act 2013*. This legislation is similar to Victoria, Queensland and the ACT as the legislation only covers events that have been declared as major events. Major events generally generate significant benefits for the state and align with wider government and strategic priorities for tourism.

Under the Act, it is an offence to sell a ticket for a major declared event in the controlled area of the event, or to resell a ticket anywhere, for a mark-up greater than 10 per cent.

New South Wales

In NSW, recent amendments to the *Fair Trading Act 1987* will prohibit the resale of tickets to sporting or entertainment events in NSW, for any amount above the original acquisition cost of the ticket.

The original acquisition cost of the ticket is defined as the face value plus any transaction costs not exceeding 10 per cent of the amount for which the ticket was first sold. Transaction costs include booking fees, credit card surcharges and ticket delivery fees. Further, NSW will prohibit the advertising of the sale or supply of a ticket for an amount that is more than 110 per cent of the original face value of the ticket. The NSW laws will also aim to protect 'legitimate' resale by voiding any ticketing condition that invalidates or cancels a resold ticket where the ticket was resold for no more than the original acquisition cost.

In NSW, ticket resellers will be required to disclose the original supply cost of the tickets, as well as the details of the location from which the ticket holder is authorised to view the event, such as the section, row and seat, as well as the admission type. Further, the Minister will be able to issue an order requiring the public disclosure of ticketing information about certain events, provided certain procedural fairness steps for event organisers have been met. When the order is made, the event organiser must give public notification of the number of tickets available for general public sale by authorised sellers.

The *Major Events Act 2009* also makes it an offence, without authorisation, to sell a ticket for admission to a major event venue or facility, which has been declared as such by the responsible Minister. The *Crown Lands Act 1989* and the *Local Government Act 1993* have prohibitions on engaging in unauthorised commercial, trade or business activities on certain public lands or community lands respectively, that would apply to the reselling of event tickets on those lands.

Additionally, the *Sydney Cricket and Sports Ground Act 1978*, the *Sydney Olympic Park Authority Act 2001*, and the *Centennial Park and Moore Park Trust Act 1983* contain prohibitions against trading that in effect prohibit ticket resale at the relevant venues. However, the prohibitions in these Acts only apply if the sale or attempted sale takes place at the venue or lands in question (that is, they do not apply to internet sales).

FOCUS QUESTIONS

17. Does the existing law provide adequate protection for consumers participating in the secondary ticket market? How effective is the existing law?
18. Does the existing law achieve the policy objective of reducing consumer detriment and reducing the risk that consumers are misled or deceived when participating in the secondary ticket market?

Industry Led Initiatives

Artists and performers, event promoters and primary ticket sellers are all taking significant industry-led actions to reduce opportunities for ticket reselling and scalping. These include the use of terms and conditions and codes of practice that limit resale, anti-ticket scalping technologies at the point of sale within ticket selling systems, the use of electronic tickets, holding back ticket distribution until a few days before events, using proof of purchase and proof of identity measures, allowing refunds and establishing exchange mechanisms and implementing consumer awareness programs about the secondary ticket market.

It is in the interests of artists, promoters and ticket sellers to limit ticket reselling and ticket scalping opportunities for a number of reasons including ensuring fair access and the creation of trust within their ticketing systems, maintaining the goodwill of consumers and preserving their industry reputation.

These industry-led initiatives are going some way to combatting unauthorised ticket reselling and ticket scalping.

Ticket Terms and Conditions and Codes of Practice

Tickets sold by ticket sellers in the primary ticket market are generally subject to multiple sets of terms and conditions, sometimes coming from the artist, the promoter, the ticket seller and the venue. These were outlined in **Box 4**.

Ticket terms and conditions are often influenced by LPA's Ticketing Code of Practice (the Code). Both Ticketmaster and Ticketek are members of LPA and compliance with the Code is a condition of LPA membership. Whilst the Code does not currently require ticket sellers to include particular anti-scalping clauses in their terms and conditions, this is currently under revision.

Some ticket sellers in the primary market have indicated that whilst some terms and conditions give rise to a right to cancel resold tickets it is often difficult to identify tickets based on the information provided on resale platforms.

Anti-Scalping Technologies

Ticket sellers in the primary ticket market have a number of anti-scalping technologies in place within their ticketing systems. Some ticket sellers have indicated that they use technologies that can detect when a purchaser is using ticket-buying bot technology, if a purchaser is using a fake or stolen credit card, or if a purchaser is purchasing tickets from a previously offending IP address. However, none of these methodologies are flawless.

Primary ticket sellers are also using technologies such as CAPTCHA and re-CAPTCHA systems which verify if the purchaser is human. These systems can slow down the purchase of tickets by genuine buyers. However, these systems are being adapted as quickly as possible to prevent new ticket-buying bots, or software updates to existing ticket-buying bots from continuing to infiltrate systems.

In addition, it is also possible for primary ticket sellers to implement regional buying restrictions tied to credit card billing addresses (for example, tickets to a concert in Sydney only being able to be purchased by people in Australia), and some ticket websites have done this in the past. This method is useful, but can hinder genuine consumers from being able to purchase the tickets if they are not residing in the location but plan to visit.

Electronic Ticket Delivery

Some ticket sellers in the primary market are putting in place electronic delivery mechanisms that make it harder to forward on resold tickets. Electronic tickets are typically sent directly to the purchaser's phone or electronic wallet. However, a screenshot can often be taken of the ticket, allowing it to be onsold. In addition, the ability of the purchaser to still opt for a paper ticket over electronic delivery reduces the usefulness of electronic tickets being used as an anti-scalping measure.

Hold Backs on Ticket Distribution

In an effort to shorten the available window of time in which ticket scalpers have to receive and forward on resold tickets, ticket sellers in the primary market can make a choice to only provide tickets in the days or weeks leading up to an event. This increases the risk to ticket resellers and ticket scalpers that they will not be able to provide tickets in a timely fashion for an event and therefore can reduce the attractiveness of the practice.

Proof of Purchase and Proof of Identity Measures

For some events, generally small events where fewer than 2,000 tickets are sold, ticket sellers in the primary market and venues will require the ticket purchaser to provide proof of identity or proof of purchase (such as presenting the credit card used to purchase the ticket) to verify that they are the original ticket purchaser. This measure reduces the ability of the original purchaser to onsell the ticket, as the identity and credit card information used to purchase the ticket cannot be changed.

Allowing Refunds and Providing Exchange Mechanisms

Providing refunds to ticket purchasers who may no longer be able to attend an event reduces the risk that those tickets will be onsold. Refunds remove the need for authorised resale by returning tickets to the primary ticket market when they cannot be used. The terms and conditions reviewed by Treasury did not provide for refunds beyond those provided in the ACL. Official ticket sellers sometimes provide mechanisms for exchange where their tickets can be officially resold at face value to other fans.

FOCUS QUESTIONS

For Ticket Sellers in the Primary Market

19. How effective are existing industry-led initiatives in combatting ticket reselling and ticket scalping behaviour?
20. Are there any other existing or future industry-led initiatives that address the problem?

Consumer Education

Live Performance Australia Guides

LPA has developed guides to better educate consumers about where to buy official tickets and the risks of buying from the secondary ticket market.

The LPA *Safe Tix Guide* provides tips for buying tickets safely and securely. The Guide offers advice to consumers at all stages of the ticket buying process. The Guide is geared towards ensuring that consumers seek out information that will help them to make a more informed purchasing decision. Before consumers buy tickets, they are advised to: do their research, sign up for alerts from their favourite artists, be wary of internet search engine results, get organised and don't panic. During the purchasing process, consumers are advised to: check the ticket that they are buying, read the terms and conditions of purchase and pay by credit card (so that charge back facilities can be used if something goes wrong). The Guide also provides advice on what consumers should do if things go wrong (Live Performance Australia, 2017b).

The LPA *Consumer Guide to Buying and Selling Tickets in the Ticket Resale Market* provides guidance to consumers on buying and selling tickets in the secondary ticket market and aims to help consumers understand the ticket resale marketplace. The Guide provides information on the primary ticket market, how the refunds and exchanges process operates, outlines options for onselling tickets, and explains the secondary ticket market. The Guide also contains a checklist for buying tickets in the secondary ticket market (Live Performance Australia, 2017c).

Official Ticket Seller Advice

Some ticket sellers in the primary ticket market also provide advice to consumers on the risks of purchasing tickets in the secondary ticket market.

Ticketek produces a fact sheet about ticket resale and ticket scalping. The fact sheet is distributed to all major venues as part of Ticketek's consumer education program. The fact sheet warns consumers about ticket scalping and the risks associated with purchasing from the secondary ticket market. The fact sheet outlines the benefits of purchasing tickets from an official ticket seller and also provides information to consumers on how they can lodge a complaint in the event that they find themselves the victim of ticket resale or fraud.

Consumer Affairs Australia and New Zealand (CAANZ) Education Campaign

On 31 August 2017, CAF Ministers directed CAANZ officials to develop a consumer education campaign as an interim measure to improve consumer understanding and awareness of the secondary ticket market.

The campaign will run for 8 weeks throughout March/April 2018.

FOCUS QUESTIONS

For Ticket Sellers in the Primary Market

21. How effective have industry-led education campaigns been in alerting consumers to the risks of purchasing tickets from sellers in the secondary ticket market?
22. Do you have any suggestions for improvement that could help a future campaign?

Impact Analysis

If the status quo is maintained, current and existing laws would continue to operate. The current and existing laws will be supported by a consumer education program to improve consumer understanding and awareness of the secondary ticket market. In addition, industry-led initiatives will likely continue.

A benefit of maintaining the status quo is that no additional compliance costs are incurred in the primary or secondary ticket markets as a result of increased regulation. Sellers in the secondary ticket market would continue to operate as usual and would continue supplying tickets to consumers on the secondary ticket market. In addition, if the status quo is maintained, consumers' understanding and awareness of the risks associated with purchasing ticket in the secondary ticket market is enhanced as a result of the consumer education campaign.

The costs associated with maintaining the status quo result from the aforementioned policy objectives not being met. Maintaining the status quo would most likely result in consumers remaining confused about the market for tickets.

Consumers need and want to know whether they are buying from the primary or secondary ticket market. Consumers often find it difficult to identify who the official ticket seller is for a particular event, and may not know how to go about finding out who the official ticket seller is without the use of a search engine that can provide misleading results. Further, when a consumer reaches a resale website they may not be aware that they are purchasing from a secondary ticket seller because resale websites generally do not provide that information.

An additional cost associated with maintaining the status quo is that consumers will continue to lack all the information that they require to make an informed purchasing decision. Ticket resale websites often lack important basic information about the tickets that are being sold, such as the face value of the ticket, the location of the ticket within the venue (such as section, row, seating information), any restrictions on the ticket (such as concessional or entry restrictions) and information about the seat that may affect the purchase decision (such as proximity to the stage and visibility). These information asymmetries prevent consumers from making fully informed decisions in line with their preferences.

If the status quo is maintained, consumers will continue to experience detriment from their participation in the secondary ticket market, with their consumer surplus reduced and their exposure to risk remaining.

Further, if the status quo is maintained, there will continue to be inconsistencies in ticket reselling legislation across jurisdictions.

BENEFITS	COSTS
<ul style="list-style-type: none">No additional compliance costs are incurred by sellers in the primary and secondary ticket markets or consumers are a result of increased regulation.	<ul style="list-style-type: none">Despite the education campaign, the majority of consumers will continue to be confused about the ticket market.
<ul style="list-style-type: none">Consumers are still able to purchase tickets on the secondary market.	<ul style="list-style-type: none">Consumers continue to lack all the information that they require to make an informed purchasing decisions.
<ul style="list-style-type: none">Consumers' understanding and awareness of the risks associated with purchasing tickets in the secondary ticket market will be slightly enhanced through consumer education if they come into contact with the campaign.	<ul style="list-style-type: none">Consumers continue to experience detriment from their participation in the secondary ticket market, with their consumer surplus reduced and their exposure to risk continuing.
<ul style="list-style-type: none">Industry would continue to take industry-led actions to combat ticket reselling practices.	<ul style="list-style-type: none">There continues to be inconsistency in legislation across jurisdictions.

FOCUS QUESTIONS

23. How effective is the current law in combatting ticket scalping practices?
24. Are there any other benefits or costs associated with the status quo?
25. Does the status quo achieve the policy objective of reducing consumer detriment?
26. What kind of information should be provided as part of the education campaign?

OPTION 2: NATIONAL PROHIBITION ON TICKET RESELLING

Ticket reselling practices can cause a number of consumer harms including consumers being misled about the tickets that they are purchasing due to information asymmetries in the secondary market which prevent them from making informed purchasing decisions; inflated ticket prices which can erode the consumer surplus; exposure to the risk of ticket cancellation because of contraventions of ticket terms and conditions; and exposure to potential scams and frauds because unofficial ticket resale websites provide a platform for deception.

These problems can be partially overcome by shutting down the secondary ticket market entirely. Under this option, the practice of ticket reselling would be completely prohibited or banned. This option would make the act of ticket reselling illegal and the resale of tickets under any circumstances an offence, with penalties applying. This option would effectively shut down the entire secondary ticket market and remove the ability to resell, even at face value.

Ticket reselling (generally without the consent of the event organiser) is prohibited in some international jurisdictions, notably Spain and France. As noted, ticket reselling and scalping is generally not illegal in Australia. However, there are certain circumstances where ticket scalping activity may be illegal under state legislation. For example, Victoria and New South Wales both have laws that make it an offence to resell tickets to certain events. In the case of Victoria, the Minister needs to deem the event a ‘major event’ before the resale action can be considered an offence. In the case of New South Wales, unauthorised ticket sales at a major event venue or facility are prohibited, however the Minister must declare what is a major event venue or facility, and the prohibition does not apply to online based sales. If Commonwealth legislation were to be introduced prohibiting ticket reselling, this legislation would likely override existing state and territory laws.

A prohibition or ban on ticket reselling would need to apply to both in-person and online sales for it to be effective. Enforcement of in-person ticket reselling is likely to be a more straightforward task than enforcement of online ticket reselling. As noted, the costs of establishing online ticket reselling platforms is low and these websites can generally be established overseas outside of Australian jurisdictions, making enforcement difficult. The United Kingdom’s *Independent Review of Consumer Protection Measures Concerning Online Secondary Ticketing Facilities* (the Waterson Review) found that:

It is now relatively easy for a UK seller and a UK buyer to complete a ticket resale transaction for a UK event over a ticketing platform owned by a multinational company with no presence in the UK. As a result, some jurisdictions have been reviewing their regulatory legislation on “touting” or “scalping” to reflect the borderless reality of the internet. While in others, such as Germany, event organisers seek injunctions against online exchanges for breaches of their own ticketing terms and conditions. It follows from this that simply banning the operation of secondary sites in the UK would not solve perceived problems with the secondary ticketing market; any more than the banning of secondary ticketing sales in France means that such sales do not take place; they do (Waterson, 2016, p. 119-120).

In addition, given that several sellers in the primary market have established their own resale platforms, this implies that there is tacit approval of such activities to a certain degree.

Impact Analysis

The benefits associated with this option are that consumers will be less exposed to the risks associated with purchasing tickets in the secondary ticket market— that is, the risk that they are purchasing fraudulent tickets and the risk that their ticket may be cancelled because of ticket reselling. In essence, consumers would have more confidence that they are purchasing tickets from official ticket sellers because these sellers will legally be the only sellers that can provide tickets to events. However, a prohibition on ticket selling will not completely remove the risks associated with ticket resale, as it is likely that a ban would not result in the absence of a secondary market entirely. Instead, the activity is more likely to be forced underground into the black market or shadow economy.

In addition to reducing the risks associated with ticket reselling, a prohibition on ticket reselling would result in a nationally consistent approach to ticket resale, providing consumers and ticket sellers across Australia with greater clarity and certainty. At present, state and territories have different laws in relation to ticket resale which can result in reselling behaviour simply being conducted across state borders out of the reach of the authorities.

The costs associated with this option are that consumers would have less choice in relation to ticket purchase. As noted, consumers value having access to a secondary ticket market for a number of reasons including convenience, time saving and avoiding ‘the hysteria’ of the ticket sales process (CHOICE, 2017, p. 10). In addition, the secondary market is also useful for ‘late movers’ who may have reason to delay their purchasing decisions. More ticket resale options can increase market efficiency because secondary markets create channels where tickets go to the consumers who value them the most (Courty, 2003, p. 85). Further, the Waterson Review found that a large proportion of tickets sold on secondary resale sites were actually priced below their face value, offering a useful service to ticket sellers and consumers alike, and allowing more people to attend an event (Waterson, 2016, p. 136).

A prohibition on ticket reselling would prevent consumers who genuinely need to onsell their tickets (because they can no longer attend an event) being prohibited from doing so. This would result in these consumers suffering losses that they cannot recoup or partially recoup. The operation of a secondary ticket market allows these consumers to at least obtain some recompense and also allows other consumers who may value the tickets to attend.

Further, a prohibition on ticket reselling may cause consumers to delay their ticket purchase until closer to the day of the event, until they are certain that they can attend. A lack of early sales may result in certain events being cancelled and this could affect the financial viability of the live event industry. Similarly, it could have an impact on the cash flows of primary ticket sellers.

A prohibition of ticket reselling would also likely create an underground economy or black market for tickets, and would see ticket reselling and ticket scalping behaviour move underground or offshore. An act is deemed to be part of the underground economy if it violates formal rules imposed by government. There are a range of problems associated with the operation of black markets including underreported economic activity, lost tax revenues, welfare loss, corruption in society and unfair competition.

The operation of a black market increases the risk of fraud to consumers. At present, consumers who engage with sellers in the secondary ticket market are protected by the ACL and have access to a range of remedies should they experience detriment as a result of a breach of the law. If ticket reselling were to be prohibited and move underground, consumers would be exposed to risks with no avenues for recourse and no access to justice. In addition, consumers also have access to other remedies such as credit card chargebacks that can be used in the event that a promoter or event 'goes bust'. However, if ticket reselling was prohibited, these avenues would no longer be available as a remedy.

BENEFITS	COSTS
<ul style="list-style-type: none"> Consumer face less risk when buying tickets to events because they can only legally purchase them through the primary ticket market. A nationally consistent approach to ticket resale is adopted, providing consumers with greater clarity. 	<ul style="list-style-type: none"> Consumers have less choice in who they purchase their tickets from. Consumers who genuinely need to onsell their tickets cannot do so and therefore suffer losses. Consumers may delay their purchase until closer to the event until they are certain that they can attend. A lack of early sales may result in certain events being cancelled and the event industry suffering losses. A black market for tickets would likely be created. Resources would be required to put in place a stronger enforcement regime.

FOCUS QUESTIONS

27. Are there any other benefits or costs associated with a prohibition on ticket reselling?
28. Would a prohibition on ticket reselling achieve the policy objective of reducing consumer detriment?
29. Under a prohibition on ticket reselling, who should be liable for an offence if the law was breached - the individual ticket seller, the ticket reselling platform, or both?
30. Under a prohibition on ticket reselling, should ticket sellers in the primary market be required by law to provide refunds for tickets where they can no longer be used?
31. Would a prohibition on ticket reselling be best implemented through an amendment to the Australian Consumer Law? Are there any other ways that a prohibition could be implemented?
32. What sort of penalties should apply to ticket resellers where they contravene a prohibition on ticket reselling?

OPTION 3: RESTRICTED RESELLING

Ticket reselling, and in particular ticket scalping practices, can result in inflated and expensive ticket prices which can erode the consumer surplus. An erosion of the consumer surplus results in reduced consumer welfare and sees that surplus transferred to the ticket reseller or ticket scalper. The secondary ticket market is thought to be quite lucrative as a result of tickets being sold in excess of the face value. In some cases, mark-ups can be as high as 900 per cent (CHOICE, 2017, p. 18).

In 2004, De Atley estimated that the secondary ticket market in the United States alone was worth around \$12 billion (De Atley, 2004). While it is expected that that market has grown significantly since 2004, there is no readily available or reliable data on its current size or value. Nevertheless, this figure does suggest that the secondary market is valuable, with gains to be made by ticket resellers and ticket scalpers. The value of the secondary ticket market in Australia is unclear, as there is no firm data or statistics available to confirm its size and value.

The issue of inflated and expensive prices is a problem that also plagues Australia's secondary ticket market and can be a cause of consternation for consumers, especially when they are not aware that they are paying prices in excess of the face value of the ticket. A recent survey of consumers conducted by CHOICE indicated that the vast majority of consumers that were surveyed indicated that they had paid more than the face value of the ticket, with only a small amount of consumers indicating that they had paid less than the face value (CHOICE, 2017, p. 7 and 18).

Some parts of the entertainment industry have expressed concern about inflated and expensive ticket prices and the impacts of this on consumers. In particular, some artists and event promoters have noted that inflated ticket prices reduce fair access for genuine fans. This has led to some artists supporting ticket reselling platforms that only resell tickets at the face value or at the face value plus a small mark-up, such as Twickets. Further information on face value selling is in [Box 5](#).

BOX 5: 'TWICKETS' AND THE FACE VALUE TICKET SELLING MODEL

Twickets is a fan-to-fan ticket trading platform that enables users to buy and sell spare tickets to events at no more than face value. The site brands itself as a safe and secure place for fans to exchange tickets. Twickets partners with some of the biggest names in music, who endorse the company's mission to combat hiked-up prices and unethical resellers.

To prevent ticket scalping, the site moderates and checks through every ticket posted for sale to ensure that it is not listed above the face value. The site also posts information such as the venue, the section and the row of the seat associated with the ticket.

Twickets users list their ticket on the site by selecting the ticket type and face value from an extensive database of events. The site allows the seller to add an additional fee of up to 15 per cent to cover the original booking fee and transaction costs. The seller can then select the delivery option that they would like to offer buyers, including post, drop and collect, meet up and download. The site allows the seller to choose an option that will ensure that the buyer receives the ticket on time and urges sellers to deliver tickets to buyers promptly.

Payment occurs through PayPal or a bank account transfer, depending on the event. The site provides a guarantee around the transaction.

Twickets does not charge transactions fees to sellers of tickets, however booking fees are sometimes applicable to the buyer.

Restricted reselling and price caps are often presented as a solution ‘to avoid consumers being exploited by those with no interest in music or the artist, other than making an excessive profit (Waterson, 2016, p. 148)’. Advocates of this solution have argued that ‘a cap would reduce the prevalence of touts, brokers, professional sellers in the market and particularly the incentive to invest in ‘bot’ technology to acquire the most lucrative seats at high demand events (Waterson, 2016, p. 148)’. Some ticket resellers have publicly stated their beliefs that price caps are not a solution and do not work. In April 2017, StubHub, a ticket resale website owned by eBay, warned the Government of Ireland that measures to limit ticket prices in the market would be easily avoidable. StubHub noted that price caps do not work because ‘they drive resale onto the streets and other parts of the internet where this is no consumer protection’ (Flynn, 2017). Similarly, ticket reseller Viagogo, in testimony to a 2014 Senate Committee on Ticket Reselling, also noted that ‘the concept of imposing price caps, while well intentioned, just results in sellers reverting to selling their tickets in places where price caps cannot easily be enforced, and where the chances of consumers having a bad experience are high (Senate Economics Committee, 2014, p. 31)’.

While restricted reselling practices are not common, there is some evidence of their use in international jurisdictions such as South Africa, New Zealand, Norway and parts of the United States. New York State’s reselling restriction laws are some of the oldest in the world and are outlined in detail in **Box 6**. Restricted reselling laws and price caps have been instituted in some Australian jurisdictions — Victoria, Queensland, South Australia, New South Wales and the Australian Capital Territory — however, these generally require a major event to first be declared before the reselling restrictions apply.

BOX 6: RESTRICTED RESELLING LAWS IN NEW YORK STATE

From 1920 to 2007, the US state of New York had in place strong anti-scalping measures in the form of restricted reselling laws. In the early years of the policy, reselling was capped at \$US2.00 above the face value of the ticket, this eventually rose to 20 per cent and later 45 per cent (Schneiderman, 2006, p. 7). In addition, the resale restriction was required to be printed legibly on each ticket:

If the venue to which this ticket grants admission seats 6000 or fewer persons, this ticket may not be resold for more than 20% above the price printed on this ticket, whereas if the venue to which this ticket grants admission seats more than 6000 persons, this ticket may not be sold for more than 45% above the price printed on the face value of this ticket (Schneiderman, 2006, p. 7).

Despite the resale restrictions, the laws were largely ignored. Further, the New York Attorney General found that the laws were difficult to enforce and inconsistently enforced, with underground ticket scalping flourishing (Schneiderman, 2006, p. 7).

In 2007, the State repealed its long standing reselling restrictions, citing a failure to prevent ticket scalping behaviour, the practical inability of undertaking meaningful enforcement, and a recognition that free market industry solutions could more effectively combat problems that arise from ticket scalping. The repeal of the laws allowed ticket resellers and ticket scalpers to operate openly and sell tickets at whatever prices consumers were willing to pay. The hope of the repeal was that allowing greater competition in the resale market would see a decrease in secondary prices. In addition, it was hoped that the repeal would also see increases in tax revenue, as a formal licencing system for resellers was introduced. The licencing system required various disclosures of tickets sold, the posting of a \$25,000 bond to cover counterfeit tickets, and the payment of an annual \$5,000 registration fee (Schneiderman, 2006, p. 7-9).

BOX 6: RESTRICTED RESELLING LAWS IN NEW YORK STATE (CONTINUED)

In 2016, a report by the New York State Attorney General found that the repeal of the reselling restrictions had not worked. Instead, competition-driven savings intended to benefit fans had instead been converted into profits by ticket scalpers. The report recommended reintroducing the restricted reselling provisions.

In the United Kingdom, the Waterson Review examined the issue of a cap on resale prices at a particular level and concluded that there was no convincing evidence that a price cap is an appropriate solution. The Review concluded that:

The history of price caps in other spheres is not a propitious one, particularly where the set of sellers is not well defined; people find a way around them...there is an increased likelihood of sellers moving abroad in order to circumvent the cap...it would be of limited effect since there are rapidly changing routes to market, including social networking sites, some of which are based in other jurisdictions, meaning any legislation would be extremely difficult to police or future-proof (Waterson, 2016, p. 22-23).

Similarly, the Waterson Review also cautioned against the setting of price caps with an additional premium, as it can legitimise and encourage the mark-up.

Finally, suppose a price limit were imposed at say 10% or 20% of the full face value ticket cost including face value and fees. This is a substantial margin for any business, albeit less than the mark-up on the current secondary ticketing sites. Imposing a mark-up limit in the absence of primary ticketing market controls in effect legitimises through legislation the operator who makes multiple purchases from the primary site in order to themselves operate a secondary ticketing site charging the full mark-up, plus whatever fees are allowed by the legislation. This would not alleviate the concerns of an event organiser who opposes secondary ticketing sales on moral grounds. It would not have a substantially different effect on the market from the case where a primary operator chooses a particular secondary ticketing partner and imposes restrictions on it directly (Waterson, 2016, p. 151).

Waterson also noted the difficulties that arise in enforcing price caps:

Most importantly, there is a question of who would enforce the cap and what resources they would employ. Merely declaring there to be a cap is not sufficient. Price caps in Britain are most often enforced by dedicated, substantially staffed regulators dealing with a clear set of established companies subject to their regulation. My feeling is that such a body would only be merited in circumstances where very substantial and sustained evidence of (the potential for) market manipulation was present. It would also exonerate the primary market from complicity in creating the circumstances behind a substantial secondary ticketing market (Waterson, 2016, p. 22-23).

3(a) Face Value

Under this option, ticket reselling would be restricted to the selling of the ticket at the face value only. The face value is the value printed or depicted on the ticket to indicate its official purchase price. Under this option, there would be nothing preventing the sale of the ticket for less than the face value.

Restricting resale of the ticket to the face value would require individual sellers in the secondary ticket market to ensure that their tickets are not advertised or sold for amounts above the face value. In addition, businesses that facilitate the resale of tickets in the secondary market, such as ticket reselling platforms, would also need to ensure that tickets are not advertised or sold on their sites for amounts above the face value.

Ensuring that tickets are not sold for amounts above the face value of the ticket would require the reseller or the ticket reselling platform to be able to verify the face value of each individual ticket sold, since ticket prices to a single event can vary based on seating arrangements. It is unclear what may be the best mechanisms for verifying the face value of tickets, though there may be several methods of verification including obtaining the information from the primary ticket seller or their website, requiring the ticket seller to verify the face value of the ticket through some kind of authentication measure, such as providing proof of purchase or a receipt, or simply relying on the seller to include the correct face value when registering the ticket for sale. Verifying the face value of the ticket to ensure that it is sold for no more than the face value will likely create compliance costs for ticket reselling platforms.

3(b) Face Value Plus 10 Per Cent

Under this option, ticket reselling would be restricted to selling the ticket at the face value plus a ten per cent premium. The addition of a ten per cent premium is designed to cover the costs associated with reselling the ticket, such as postage and handling. The ten per cent premium would be an absolute cap, so if postage and handling costs are greater than ten per cent of the face value, these would not be covered.

As with the option to limit the resale of tickets to the face value, this option would also require individual resellers and ticket reselling platforms in the secondary ticket market to ensure that their tickets are not advertised or sold for amounts above the face value plus a ten per cent premium.

There are several international jurisdictions that cap the resale value of the ticket to the face value plus a premium including New Zealand and parts of the United States. In recent months, the Canadian province of Ontario has announced plans to introduce legislation that, if passed would cap the price of the resold tickets at 50 per cent above the face value. In addition, New South Wales has recently legislated to restrict ticket reselling to the face value of the ticket plus transaction costs up to a maximum of ten per cent. Details of the proposed law are outlined in **Box 7**.

BOX 7: NEW SOUTH WALES TICKET RESELLING LAWS

On 18 October 2017, New South Wales passed laws restricting ticket reselling to NSW events. The new laws are likely to commence in 2018.

The laws will introduce price limits in the secondary ticket market and include a prohibition on the resale of tickets above the original acquisition cost of the ticket (including any transaction costs not exceeding 10 per cent). The law will also include a prohibition on the publication of an advertisement for ticket resale above the original ticket sale price plus ten per cent. In addition, the law will also include provisions that mandate that event organisers would not be able to cancel tickets on the basis that they were resold if the tickets are resold below the restricted price level.

BOX 7: NEW SOUTH WALES TICKET RESELLING LAWS (CONTINUED)

The proposed 10 per cent price restriction only applies to tickets for sporting or entertainment events in NSW that are subject to terms and conditions that limit the circumstances in which a ticket may be resold or that prohibit resale altogether. This aims to ensure that tickets to amateur and local event tickets are not covered.

Under the law, artists, promoters, venues and ticketing agencies will be provided with the ability to take court action against anyone who breaches the prohibition. In addition, New South Wales Fair Trading will also be able to take enforcement action to investigate and address any alleged breaches.

Impact Analysis

The benefits associated with restricted reselling options are that consumers wishing to buy tickets to events are still provided with a range of options, including purchasing in the secondary market, and those consumers who need to onsell their tickets for genuine reasons, such as they can no longer attend the event, are permitted to do so and still have avenues available to do so. In addition, consumers will benefit from restricted reselling regulations because they will be protected from being exposed to inflated or excessive ticket prices.

Ticket reselling practices can improve allocative efficiency in the ticket selling market. Ticket resellers can help to ensure that tickets are distributed to those who value them the most, because they allow potential buyers to indicate how much they want to go to an event, or their willingness to pay. A cost associated with restricted reselling options is that restricted reselling will likely result in market inefficiencies, with tickets not necessarily being allocated to those consumers who value them the most (those consumers who have the greatest willingness to pay). Rather, tickets will likely go to those consumers who move to purchase tickets early during the sales period. Late movers may miss out on tickets, even when they may value those tickets more highly than first movers.

Where restricted reselling is put in place, ticket reselling platforms are in the best position to ensure that their sellers follow the law. They can make changes to their ticket selling platforms to ensure that tickets are not sold above the terms of the restricted resale. As a result of this, ticket selling platforms in the secondary market would face increased compliance costs. This option would likely require secondary ticket sellers to make changes to their websites to ensure that they comply with the law including putting in place mechanisms to ensure that sellers cannot sell tickets above the restricted resale parameters, and mechanisms to ensure that the value of tickets can be verified.

In addition, this option would likely not prevent ticket reselling platforms from including additional fees and charges associated with the ticket sale, such as booking fees, and existing booking charges may be increased as ticket resellers move to protect their profits.

BENEFITS	COSTS
<ul style="list-style-type: none"> Consumers are still able to purchase tickets on the secondary market. 	<ul style="list-style-type: none"> Restricted reselling may result in market inefficiencies, with tickets not necessarily being allocated to those consumers who value them the most.
<ul style="list-style-type: none"> Consumers who genuinely need to onsell their tickets can still do so. 	<ul style="list-style-type: none"> Restricted reselling where a mark-up or premium is used can legitimise and encourage charging up to the full mark-up level.
<ul style="list-style-type: none"> Consumers are protected from paying 'inflated' or 'excessive' ticket prices. 	<ul style="list-style-type: none"> Secondary ticket reselling platforms face compliance costs associated with updating their websites to put in place mechanisms that prevent sale at prices above the face value or face value plus 10 per cent.
	<ul style="list-style-type: none"> Secondary ticket resellers face compliance costs associated with verifying face values.
	<ul style="list-style-type: none"> Resources would be required to put in place a stronger enforcement regime.

FOCUS QUESTIONS

33. Are you aware of any recent data on the value of the secondary ticket market in Australia?
34. Are there any other benefits or costs associated with restricted ticket reselling?
35. Does restricted ticket reselling achieve the policy objective of reducing consumer detriment?
36. How should the face value of the ticket be verified? Who should be responsible for the verification?
37. What kind of compliance costs will ticket reselling platforms face in order to comply with restricted reselling requirements? Please provide data where possible.
38. Will compliance costs be passed onto consumers? If yes, how will these compliance costs be passed on?
39. Would restricted ticket reselling be best implemented through an amendment to the Australian Consumer Law? Are there any other ways that restricted reselling could be implemented?
40. Who should be liable for an offence if the restricted reselling law was breached - the individual ticket seller, the ticket reselling platform, or both?
41. What sort of penalties should apply to ticket sellers and ticket resellers where they fail to comply with restricted reselling laws?

OPTION 4: IMPROVED DISCLOSURE ARRANGEMENTS FOR TICKET RESELLERS

The purchasing of tickets to live performances and sporting events in Australia can be a difficult and confusing process for some consumers. There can often be a lack of clarity around how and from whom consumers should purchase their tickets, how many tickets are available to a certain event and at what price those tickets are available for purchase. The secondary ticket market creates opportunities for consumers to be exploited when they do not have enough information to make informed purchasing decisions.

In order to make more informed purchasing decisions, consumers would benefit from the disclosure of certain types of information. Under this option, ticket resellers and by extension, ticket reselling platforms would be required to disclose certain information when reselling tickets in the secondary ticket market. The scope of the information that could be provided is broad as there are many different types of information that may be useful to consumers who participate in the secondary ticket market.

Firstly, a disclosure by the ticket reseller that they are indeed a reseller is a useful piece of information for consumers to know. As noted, anecdotal evidence suggests that most consumers who purchase tickets through ticket resale websites in the secondary ticket market are not aware that they are buying those tickets from unauthorised sellers for prices generally above the original face value of the ticket. Ticket resale websites can look and feel like official ticket seller websites, misleading consumers into thinking that they are buying their tickets through official channels. Therefore, it may be useful to require ticket resellers to prominently disclose that they are not an official ticket seller before they enter into transactions with consumers. Examples of potential reselling site disclosures are outlined in [Box 8](#). Secondly, a disclosure about the characteristics of the ticket is also useful information for consumers to know, such as the face value of the ticket, the location of the ticket within the venue (such as the section, seat and row) and any other important information pertaining to the ticket, such as any restrictions on the ticket (for example, disclosure that the ticket is a concessional ticket or entry is restricted to over 18s only).

BOX 8: EXAMPLES OF POTENTIAL DISCLOSURES

Below are examples of potential disclosures for ticket reselling platforms:

**WARNING: THIS SITE IS NOT AN OFFICIAL TICKET SELLER.
THIS SITE IS A TICKET RESALE SITE.**

*

THIS SITE IS A SECONDARY TICKET RESELLER.

*

**THIS SITE IS NOT AN OFFICIAL TICKET SELLER. THIS SITE IS A
TICKET RESALE SITE.**

Requiring the disclosure of certain information is aimed at reducing information asymmetries in the secondary ticket market and providing consumers with the information that they require to make an informed purchasing decision. For example, if a consumer is advised of the original face value of the ticket alongside the price that the ticket reseller is selling the ticket for, then they can make a more informed judgement about the inherent value of the ticket and also their own willingness to pay. Similarly, if a consumer is informed that their ticket is located in the back row of the top section of a venue, their willingness to pay may be lower than if the ticket was located in the front row of the venue.

As with restricted reselling practices, information disclosure requirements in the secondary ticket market are not common. The United Kingdom provides the best example of how information disclosure can be used to reduce information asymmetries in the secondary ticket market, and equip consumers with the information that they need to make more informed purchasing decisions. Further information on the UK's duty to provide information is outlined in **Box 9**.

BOX 9: DUTY TO PROVIDE INFORMATION IN THE UNITED KINGDOM

The United Kingdom's *Consumer Rights Act 2015* (CRA) contains provisions that deal with the issue of secondary ticket reselling.

Section 90 of the Act imposes obligations on ticket resellers to provide certain information about tickets. The provisions apply where a person resells a ticket for a recreational, sporting or cultural event in the United Kingdom through a secondary ticketing facility. The seller or operator of the facility must ensure that the person who buys the ticket is given specific types of information. The specified information that is required includes the seat or standing area in the venue where the event will be held, information about any restrictions which limits the use of the ticket to certain persons and the face value of the ticket. This information must be provided in a clear and comprehensible manner.

Section 91 of the Act also contains provisions that protect consumers from their tickets being cancelled by the event organiser if they have purchased those tickets through a secondary resale mechanism. Under the law, the event organiser cannot cancel the ticket merely because the ticket has been resold unless there are terms in the original contract for the sale of the ticket provided for cancellation in circumstances where the ticket has been resold.

In May 2016, the UK's laws relating to secondary ticket resale were independently reviewed by Professor Michael Waterson. The Waterson Review concluded that the information provisions are not as effective as they could be:

Evidence of complaints of missing information suggests that the CRA secondary ticketing provisions are not being well observed by the secondary ticketing facilities and the design of the online facilities. The rules seem not to be sufficiently well or broadly understood by stakeholders in the market, or where they are understood by secondary sites, are only patchily applied. The consumer survey confirms that, as yet, the provisions appear to have only limited impact upon problems being experienced (Waterson, 2016, p. 57).

Ordinary consumer sellers are wary of providing the full details of the tickets because they fear having the tickets cancelled (Waterson, 2016, p. 58).

Professor Waterson noted that the ineffectiveness of the provisions was related to a lack of compliance and enforcement action:

Ticketing resale platforms are seemingly not insisting on compliance with the CRA information requests by those posting tickets for sale. This can be seen from a routine check of the sites, but also from evidence submitted by stakeholders (Waterson, 2016, p. 58).

There is therefore scope for greater enforcement of the legislation facilitated by greater central coordination and funding for dedicated enforcement action (Waterson, 2016, p. 58).

As with restricted reselling, the information that is required to be disclosed needs to be able to be verified, and similarly it is unclear what may be the best mechanisms for verifying the disclosed information. As with restricted reselling, there may be several methods of verification including obtaining the information from the primary ticket seller or their website, requiring the ticket seller to verify the disclosure information through some kind of authentication measure, such as providing proof of purchase or a receipt, proof of the ticket, or simply relying on the seller to include the correct information when registering the ticket for sale. Verifying the disclosed information will likely create compliance costs for ticket reselling platforms.

Impact Analysis

The benefits associated with improved information disclosure requirements are that consumers wishing to buy tickets to events are still provided with a range of options including purchasing in the secondary market and those consumers who need to onsell their tickets for genuine reasons, such as they can no longer attend the event, are permitted to do so and still have avenues available to do so.

Importantly, improved information disclosure requirements reduce information asymmetries in the secondary ticket market and ensure that consumers are provided with the information that they require to make more informed purchasing decisions. When consumers are more informed, they can participate more confidently in the secondary ticket market.

The costs associated with this option are that individual secondary ticket sellers face compliance costs associated with complying with the information disclosure requirements. This could be realised in the form of the additional time that it takes an individual reseller to advertise their ticket or register their ticket on a ticket reselling platform. Importantly, secondary ticket reselling platforms will face compliance costs associated with updating their websites to put in place mechanisms that allow individual secondary ticket sellers and the ticket reselling platform itself to comply with the information disclosure requirements. This will likely require website redesign and updating, or changes to other back-end system. Further, secondary ticket reselling platforms face compliance costs associated with verification of the information that is required to be disclosed.

BENEFITS	COSTS
<ul style="list-style-type: none"> Consumers are still able to purchase tickets on the secondary market. 	<ul style="list-style-type: none"> Secondary ticket sellers face compliance costs associated with complying with the information disclosure requirements.
<ul style="list-style-type: none"> Consumers who genuinely need to onsell their tickets can still do so. 	<ul style="list-style-type: none"> Secondary ticket reselling platforms face compliance costs associated with updating their websites to put in place mechanisms that allow secondary ticket sellers to comply with the information disclosure requirements.
<ul style="list-style-type: none"> Information asymmetries in the secondary ticket market are reduced and consumers are provided with the information that they need to make a more informed purchasing decision. 	<ul style="list-style-type: none"> Secondary ticket reselling platforms face compliance costs associated with verification of the information that is required to be disclosed.
	<ul style="list-style-type: none"> Resources would be required to put in place a stronger enforcement regime.

FOCUS QUESTIONS

42. Are there any other benefits or costs associated with improved information disclosure requirements?
43. Could improved information disclosure requirements achieve the policy objective of reducing consumer detriment?
44. Should ticket resellers be required to disclose that they are not the official ticket seller? Should ticket reselling platforms be required to disclose that they are a ticket resale site and not the official ticket seller? How should such a disclosure be made?
45. What information about a ticket should be required to be disclosed when a ticket is being offered for resale? For example, the original face value, the location in the venue, any restrictions associated with the ticket.
46. Who should the ticket disclosure requirements apply to? Should they apply to the individual seller or to the ticket reselling platform or both?
47. At what point during the resale process should the information be disclosed, and how should the information be required to be disclosed?
48. What kind of compliance costs will ticket reselling platforms face in order to comply with the information disclosure requirements? Please provide data where possible.
49. Will compliance costs be passed onto consumers? If yes, how will these compliance costs be passed on?
50. Are information disclosure requirements best implemented through an amendment to the Australian Consumer Law? Are there any other ways that information disclosure requirements could be implemented?
51. What sort of penalties should apply to ticket resellers and ticket reselling platforms where they fail to comply with information disclosure requirements?

OPTION 5: NATIONAL BAN ON USE OF TICKET BUYING BOTS

Ticket-buying bots cause consumer detriment because they prevent consumers from having fair access to the primary ticket market. Research from overseas jurisdictions such as the United States of America, United Kingdom and Canada indicates that overseas ticket resellers or scalpers use ticket-buying bots as part of an overall strategy to gain access to tickets in volume (Koebler, 2017). While precise figures are impossible to obtain, it is believed that ticket-buying bots can account for as much as 30 per cent of the traffic to primary ticketing sites in the moments after a major event goes on sale (Rolfe, 2017).

Under this option, the use of ticket-buying bots to purchase tickets from the primary market will be banned. That is, it would be an offence to use a ticket-buying bot to circumvent the security measures of a ticketing website to purchase tickets to events held in Australia.

A national ban on the use of ticket-buying bots could be framed in similar terms to the ban legislated by New South Wales. The New South Wales ban makes it an offence for persons to engage in any prohibited conduct in relation to the use of ticketing website. A person engages in prohibited conduct if they use software that enables them to circumvent the security measures on a ticketing website. Further information on the New South Wales ban on ticket-buying bots is outlined in **Box 10**.

BOX 10: NEW SOUTH WALES BAN ON TICKET-BUYING BOTS

In October 2017, the New South Wales Government passed laws that will ban the use of ticket-buying bots in New South Wales as part of a legislative package to address ticket scalping. The reform is included in *Fair Trading Amendment (Ticket Scalping and Gift Cards) Act 2017* which was assented to on 24 October 2017 and will likely commence in 2018.

The legislation prohibits a person from engaging in prohibited conduct in relation to the use of a ticketing website if the person uses any software to enable or assist the person to circumvent the security measures of the website and to purchase tickets in contravention of the terms of use that are published on the website.

There are two enforcement options available under the new prohibition. Remedies under Part 5.2 of the Australian Consumer Law will be available so that NSW Fair Trading or any person can apply to a court to grant an injunction to prevent a person contravening the new ticket scalping provisions or requiring them to refund money. A person who has suffered loss or damage because of a breach of the new provisions will also be able to recover damages or compensation, and a court will be able to make a range of other orders such as requiring community service or publishing certain information.

NSW Fair Trading will also be able to act directly under the Fair Trading Act to enforce the requirements and seek penalties of up to \$22,000 for an individual or \$110,000 for a corporation (MacDonald, 2017).

A national ban on the use of ticket-buying bots would need to be accompanied by a strong enforcement capability. This enforcement role could be undertaken by Commonwealth, state and territory consumer regulators or some other body. Enforcement of a national ban on ticket-buying bots could be problematic, as it can be difficult to identify the user of a ticket-buying bot. If a ban is instituted, ticket sellers in the primary market should be able to report ticket-buying bot activity to the regulator and share any information about the identity of the ticket-buying bot user with the regulator. LPA has previously recommended that there be a dedicated body to enforce such a ban, as its own research has indicated that without such an enforcement body, the likelihood of the ban being a success will be low.

In 2016, both the United States of America and the United Kingdom legislated to ban the use of ticket-buying bots. It is too soon to evaluate the effect of either Act, particularly the United Kingdom's provision as it has not come into effect yet.

BOX 11: US BETTER ONLINE TICKET SALES ACT 2016

The Better Online Ticket Sales Act was enacted on 14 December 2016.

The Act prohibits the circumvention of security measure, access control measure or any technological measures on an internet website or online service of a ticket issuer that is used to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules for a public event with an attendance capacity exceeding 200 persons.

The Act also prohibits the sale of or offers to sell an event ticket in interstate commerce obtained through such a circumvention violation if the seller participated in, had the ability to control, or should have known about the violation. Violations of the Act are treated as unfair or deceptive acts or practices under the Federal Trade Commission Act.

Although it is early days, anecdotal evidence suggests that the ban has had a deterrent effect and that the use of national legislation has enabled cross-jurisdictional enforcement.

Impact Analysis

The benefits associated with a national ban on the use of ticket-buying bots is that it would be an offence to use ticket-buying bot technology. Making the use of the technology an offence creates a disincentive effect for ticket scalpers to use ticket-buying bot technology because they risk being caught and prosecuted. In particular, a ban may deter more casual users of ticket buying bot technology, as well as professional scalpers. A national ban on the use of ticket-buying bots would provide consumers with fairer access to tickets in the primary market, and reduce the number of tickets purchased by ticket-buying bots.

The costs associated with this a national ban on the use of ticket-buying bots namely relate to enforcement costs.

BENEFITS	COSTS
<ul style="list-style-type: none">• It would be an offence to use ticket-buying bots and this would create a deterrent effect to using the technology.	<ul style="list-style-type: none">• Identifying ticket-buying bot users is a difficult and expensive process requiring enforcement resources.
<ul style="list-style-type: none">• May reduce the use of ticket-buying bots and gives consumers fairer access to tickets because they no longer have to compete with ticket-buying bot technology.	
<ul style="list-style-type: none">• Banning the use of the software is also likely to reduce the number of 'casual' scalpers.	
<ul style="list-style-type: none">• Allows ticket sellers in the primary market to report ticket-buying bot users to a regulator.	

FOCUS QUESTIONS

52. Are there times when ticket-buying bots are being used responsibly? Is it possible to use a ticket-buying bot responsibly?
53. Are generic consumer regulators the most appropriate regulators to enforce a ban on ticket-buying bots, or is there another body that is better placed with appropriate expertise?
54. How can ticket-buying bot use be identified? What technologies will be required to do this?
55. What would be an appropriate penalty for the use of ticket-buying bots?

4. CONSULTATION

SUMMARY

Treasury aims to use the public consultation process to seek feedback on the policy options presented in this paper.

Treasury will accept formal written submissions, conduct face-to-face meetings with key stakeholders and provide the opportunity for consumers to share their experiences with ticket reselling through a comment facility on our website.

Treasury will undertake an extensive public consultation process in relation to the issues explored in this consultation RIS. The objective of the consultation process is to gather additional evidence and data on the extent of the problem and to seek views on the benefits and costs of the five proposed policy options.

The consultation process will consist of:

- a formal written submission process;
- targeted face-to-face and telephone meetings with key stakeholders; and
- a comment facility for consumers to share their experiences.

Treasury intends to reach a broad cross-section of stakeholders. It will be important to assess the views of consumers, artists and promoters and ticket sellers in the primary and secondary markets.

Once the initial consultation process has concluded, a final or decision-making RIS will be produced to discuss the results of the consultation process, the evidence that has been gathered and the preferred policy option. All submissions to the consultation process will be published on the Treasury website, unless authors have indicated that they would like all or part of their submission to remain in confidence.

Specific questions are likely to arise from this consultation paper which may have not been considered at the time of drafting and Treasury may undertake further targeted consultation with key stakeholders if necessary.

Treasury has designed the consultation procedures consistently with OBPR consultation principles and has ensured that there is flexibility to maximise stakeholder participation in the consultation process.

Both this consultation RIS and the decision-making RIS will be published on the Office of Best Practice Regulation (OBPR) website.

5. CONCLUSION

The market for tickets to live performance and sporting events in Australia is large. The market for tickets consists of a primary ticket market where tickets are first sold and purchased, and a secondary ticket market where tickets are onsold or scalped.

Ticket reselling practices can cause a number of consumer harms including consumers being misled about the tickets they are purchasing due to information asymmetries in the secondary market which prevent them from making informed purchasing decisions; inflated ticket prices which can erode the consumer surplus; exposure to the risk of ticket cancellation because of contraventions of ticket terms and conditions; and exposure to potential scams and frauds because unofficial ticket resale websites provide a platform for deception. In addition, consumers' fair access to tickets can also be undermined by the use of ticket-buying bots.

Broadly, ticket reselling and ticket scalping is not illegal in Australia. However, the ACL, together with existing state and territory laws, provide a level of coverage to address issues associated with ticket reselling and ticket scalping in the secondary market. While these existing laws provide a level of coverage to address issues associated with ticket reselling, their effectiveness depends on consumers understanding their rights under the ACL (and other legislation) and being able to take action when they believe those rights have been breached to find a remedy.

The policy objective is to reduce consumer detriment in the secondary ticket market that arises from consumers not being provided the information that they require to make an informed purchasing decision that would benefit them. The policy objective is also to reduce the risk that consumers are both advertently or inadvertently misled or deceived when they purchase tickets to events in the secondary ticket market. Reducing consumer detriment and reducing opportunities for consumers to be misled or deceived will enhance the welfare of Australians by giving them greater confidence and certainty when they choose to participate in the secondary ticket market.

This paper has outlined a number of options that could be pursued to achieve the policy objective. The options to address the identified problems seek to improve outcomes for consumers who participate in the secondary ticket market. The options reduce the level of risk in the market, ensure that consumers are provided with the information that they require to make more informed purchasing decisions and ensure that consumers have fairer access to tickets.

Option 1 maintains the status quo and outlines no new government action. Under this option, current and existing laws would continue to operate. With government conducting an education campaign to warn consumers of the risks of participating in the secondary ticket market.

Option 2 would make the act of ticket reselling illegal and the resale of tickets under any circumstances an offence, with penalties applying. This option would effectively shut down the entire secondary ticket market and remove the ability to resell, even at face value.

Option 3 outlines options for restricted reselling. Under option 3(a) ticket reselling would be restricted to the selling of the ticket at the face value only. Under option 3(b) ticket reselling would be restricted to selling the ticket at the face value plus a ten per cent premium.

Option 4 would require ticket resellers and by extension, ticket reselling platforms to disclosure certain information when reselling tickets in the secondary ticket market including that they are a reseller, and information about the ticket itself, such as the face value, location within the venue and any restrictions associated with the ticket.

Option 5 would introduce a national ban the use of ticket-buying bots.

Further evidence on the likely impact of these options is required to conduct an informed evolution of the options and to determine which approach should be pursued. Each options presents benefits and costs that may be experience differently by different stakeholders.

Treasury invites stakeholders to provide further evidence and information on the problem outlined, and the benefits and costs of each option. This evidence, in addition to evidence gathered through face-to-face meetings with stakeholders, will be used to inform the final decision-making RIS for consideration by CAF.

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APPENDIX A — SAMPLE INTERNET SEARCH RESULTS

Artist	Main Official Ticket Sellers	Search Result 1	Search Result 2	Search Result 3	Search Result 4	Search Result 5
Pricilla Presley	Ticketmaster, Ticketek	Viagogo	Ticketek	Ticketmaster	Ticketmaster	Ticketmaster
The Script	Ticketek and MoshTix	Viagogo	StubHub	Frontier Touring	Ticketek	Ticketmaster
The Killers	Ticketmaster, Ticketek	Viagogo	StubHub	Ticketek	Frontier Touring	Ticketmaster
Foo Fighters	Ticketmaster, Ticketek	Viagogo	TicketmasterResale	StubHub	Ticketmaster	Frontier Touring
Drake	Ticketmaster, Ticketek	TicketmasterResale	AMEX	Viagogo	StubHub	Ticketek
Dan Sultan	Ticketmaster, Ticketek, MoshTix, OzTix, NTix	Viagogo	Frontier Touring	Dan Sultan	Dan Sultan	Moshtix
Mac Miller	Ticketek	Viagogo	Frontier Touring	Ticketek	Music Feeds	Ticketmaster
The Vamps	Ticketmaster, Ticketek	Viagogo	TicketmasterResale	Frontier Touring	Ticketek	Ticketmaster
Midnight Oil	Ticketmaster, Ticketek, Ntix, TicketLink	Viagogo	Frontier Touring	Ticketek	Ticketmaster	TicketmasterResale
Migos	Ticketmaster, Ticketek, OzTix, MegaTix	Frontier Touring	Ticketek	Viagogo	Ticketmaster	Ticketmaster
6lack	Ticketek, Ticketmaster MoshTix	Viagogo	Frontier Touring	Twitter	Ticketmaster	Ticketek
Andy Grammer	Ticketmaster, OzTix, Ticketek	Viagogo	Frontier Touring	Ticketmaster	Andy Grammer	Songkick
Ne-Yo	MoshTix	Frontier Touring	Ticketmaster	MoshTix	Viagogo	Songkick
Anna Netrebko and Yusif Eyvazov	Ticketmaster, Ticketek	Frontier Touring	Ticketek	Ticketmaster	Ticketmaster	Ticketmaster
Melvins	OzTix, Ticketek	Viagogo	Frontier Touring	Oztix	Songkick	Ticketmaster
Tex Perkins	Ticketek	Frontier Touring	Ticketmaster	Ticketek	Songkick	Tex Perkins
Lorde	Ticketmaster, MoshTix	Viagogo	Frontier Touring	Ticketmaster	Ticketmaster	Ticketmaster
Paul Kelly	Ticketmaster, Ticketek, OzTix	Frontier Touring	Ticketmaster	Paul Kelly	Ticketek	Songkick
Vance Joy	Ticketmaster, Ticketek	TicketmasterResale	Frontier Touring	Ticketek	Ticketmaster	TicketmasterResale
Shawn Mendes	Ticketek	Viagogo	Ticketek	Frontier Touring	Viagogo	Ticketmaster
The Temper Trap	Ticketek, OzTix	Frontier Touring	Ticketmaster	Temper Trap	Temper Trap	Ticketek
Harry Styles 2017	Ticketek, Ticketmaster	Stubhub	Frontier Touring	Frontier Touring	Ticketek	Ticketek
John Farnham	Ticketmaster	Ticketmaster	Ticketmaster	John Farnham	John Farnham	Music Feeds

Artist	Main Official Ticket Sellers	Search Result 1	Search Result 2	Search Result 3	Search Result 4	Search Result 5
alt-J	Ticketek, Ticketmaster	Ticketmaster	Frontier Touring	Ticketek	Viagogo	alt-J
Paul McCartney	Ticketek, Ticketmaster	Stubhub	TicketmasterResale	Ticketek	Frontier Touring	Viagogo
KC and The Sunshine Band	Ticketek	Frontier Touring	Ticketmaster	Ticketek	Music Feeds	Songkick
Muse	Ticketek	Viagogo	Ticketek	Ticketek	Frontier Touring	Viagogo
The xx	Ticketmaster, MoshTix	Stubhub	Frontier Touring	MoshTix	Ticketmaster	The xx
Armand Van Helden / Symphonica	Ticketmaster	Ticketmaster	Ticketmaster	The Music	Skiddle	Ticketmaster
Walker Stalker Con	MoshTix	Frontier Touring	MoshTix	Walker Stalker Con	Walker Stalker Con	Walker Stalker Con
Rise Against	Ticketek, Ticketmaster	Frontier Touring	Ticketek	Ticketmaster	Music Feeds	Rise Against
Veruca Salt	Ticketek, MoshTix	Frontier Touring	Ticketek	Ticketmaster	Ticketmaster	Moshtix
Ed Sheeran	Ticketek, Ticketmaster	Viagogo	Ticketek	Ticketek	Frontier Touring	Viagogo
James Blunt	Ticketek, Ticketmaster	Viagogo	Frontier Touring	Ticketmaster	TheMusic	Ticketek
Harry Styles 2018	Ticketek	TicketmasterResale	Frontier Touring	Ticketek	Ticketek	Viagogo
Alanis Morissette	Ticketek, Ticketmaster	Stubhub	TicketmasterResale	Viagogo	Ticketek	Ticketmaster
All We are	OzTix	SongKick	All We Are	OzTix	Stereo Board	Facebook
Ben Folds	Ticketmaster	Ben Folds	Sydney Opera House	Chugg Entertainment	Ticketmaster	Canberra Theatre
Don Broco	Destroy All Lines (OzTix)	Ticketmaster	MoshTix	Oztix	Songkick	Don Broco
Elton John	Ticketmaster, MoshTix	Viagogo	Ticketmaster	Viagogo	Chugg Entertainment	Moshtix
Fat Nick	Destroy All Lines (OzTix)	OzTix	SongKick	The Music	Viagogo	Ticketmaster
Feist	Ticketmaster	Ticketmaster	Ticketmaster	Ticketmaster	Music Feeds	Chugg Entertainment
Knuckle Puck	Destroy All Lines (OzTix),	SongKick	Knuckle Puck	Music Feeds	Ticketmaster	See Tickets
Laneway Festival	MoshTix	Laneway Festival	Laneway Festival	Laneway Festival	Ticketbooth	Moshtix
Lime Cordiale	OzTix, Eventbrite, MoshTix, Ticketek	Lime Cordiale	Lime Cordiale	Metro Theatre	Songkick	Facebook
Miss May I	Destroy All Lines (OzTix)	Destroy All Lines	Ticketmaster	Ticketek	Songkick	Miss May I
Mitski	MoshTix	MoshTix	MoshTix	SongKick	Music Feeds	Ticketmaster
Neil Hilborn	Destroy All Lines (OzTix)	Destroy All Lines	MoshTix	Ticketmaster	Ticketmaster	See Tickets
Never Shout Never	Destroy All Lines (OzTix), MoshTix	MoshTix	SongKick	Ticketmaster	Music Feeds	StubHub
Noname	OzTix, Ticketek, MoshTix	Viagogo	Ticketmaster	Ticketek	MoshTix	SongKick

Artist	Main Official Ticket Sellers	Search Result 1	Search Result 2	Search Result 3	Search Result 4	Search Result 5
Old Crow Medicine Show	Ticketek, Ticketmaster	Viagogo	Ticketmaster	Ticketmaster	Old Crow	Ticketek
One OK Rock	Destroy All Lines (OzTix)	Viagogo	Destroy All Lines	Destroy All Lines	OzTix	Viagogo
Pennywise	Destroy All Lines (OzTix)	Ticketek	Ticketmaster	Ticketmaster	Destroy All Lines	Music Feeds
Robbie Williams	Ticketek, Ticketmaster	Ticketek	Ticketmaster	Ticketmaster	Chugg Entertainment	Viagogo
SIA	Ticketek	Ticketek	Ticketek	Ticketmaster	Ticketmaster	Chugg Entertainment
The Acacia Strain	Destroy All Lines (OzTix)	Ticketmaster	SongKick	OzTix	Bands In Town	Ticketmaster
The Dillinger Escape Plan	Destroy All Lines (OzTix)	Destroy All Lines	OzTix	Ticketek	Ticketmaster	Songkick
The Maine	Destroy All Lines (OzTix)	Ticketmaster	OzTix	Destroy All Lines	The Maine	Ticketek
Todd Terje	Ticketek, Ticketmaster	Ticketek	Tickemaster	Ticketmaster	Ticketmaster	Ticketmaster
Ugly Kid Joe	Destroy All Lines (OzTix)	Destroy All Lines	Ticketmaster	Chugg Entertainment	OzTix	OzTix
Nirto Circus	Ticketek, Ticketmaster	Nitro Circus	Ticketmaster	Ticket Direct	Ticket Direct	Ticketek
Fall Out Boy	OzTix	Viagogo	Ticketmaster	Music Feeds	Fall Out Boy	Viagogo
Leroy Sanchez	Ticketmaster, OzTix, SeatAdvisor	Ticketmaster	Ticketmaster	Leroy Sanchez	Select Touring	Songkick
The Beautiful Girls	OzTix, Ticketek, MoshTix, Ticket Booth, Eventbrite	Viagogo	Ticketmaster	SongKick	OzTix	Select Touring
David Duchovny	Ticketek, Ticketmaster, OzTix	Viagogo	Ticketmaster	The Music	David Duchovny	Songkick
At The Drive In	Ticketek, Ticketmaster, OzTix	Ticketmaster	Ticketek	Music Feeds	Songkick	At The Drive In
Me First and the Gimme Gimmes	Ticketek, OzTix, Eventbrite	Viagogo	Ticketmaster	Select Touring	Ticketek	The Music
Mayday Parade	Ticketek, OzTix, Ntix	Select Touring	Ticketmaster	Ticketek	Mayday Parade	OzTix
Angus and Julia Stone	Ticketmaster	Ticketmaster	Ticketek	Secret Sounds	Viagogo	Gumtree
Aled Jones	Ticketmaster	Ticketmaster	Ticketmaster	Live Nation	City Recital Hall	QPAC
Against The Current	Ticketmaster, Ticketek, Eventbrite	Viagogo	Ticketmaster	Ticketek	Live Nation	Against The Current
Nazeem Hussain	TryBooking	Ticketmaster	Nazeem Hussain	Live Nation	MoshTix	Viagogo
Bill Nye	Ticketmaster	Viagogo	Ticketmaster	Ticketmaster	Live Nation	Sydney Opera House
Michael Ball and Alfie Boe	Ticketek, Ticketmaster	Ticketmaster	Ticketmaster	Live Nation	Ticketmaster	Ticketek
Northlane	Ticketmaster, Ticketek, OzTix	OzTix	OzTix	Ticketmaster	Ticketek	Facebook
The Chainsmokers	Ticketek, Ticketmaster	Stubhub	Viagogo	Ticketmaster	Ticketmaster	Live Nation

Artist	Main Official Ticket Sellers	Search Result 1	Search Result 2	Search Result 3	Search Result 4	Search Result 5
Less Than Jake	Ticketmaster, Ticketek, OzTix	Ticketmaster	Live Nation	Music Feeds	Less Than Jake	Less Than Jake
Kathy Griffin	Ticketmaster, Ticketek	Viagogo	Ticketmaster	Live Nation	Kathy Griffin	The Music
Tonight Alive	Ticketmaster, MoshTix, OzTix, TicketBooth, EventBrite	Viagogo	Ticketmaster	Live Nation	Songkick	Facebook
Khalid	Ticketek, Ticketmaster, OzTix	Live Nation	Twitter	Ticketmaster	Ticketek	Viagogo
Stevie Nicks	Ticketek, Ticketmaster	Ticketmaster	Ticketek	Live Nation	Ticketmaster	Stevie Nicks
Blackbear	OzTix, Ticketmaster	OzTix	Live Nation	Ticketmaster	Songkick	Viagogo
Cat Stevens	Ticketek, Ticketmaster	Viagogo	StubHub	Ticketek	Ticketmaster	Ticketmaster
Jack Johnson	Ticketmaster	TicketmasterResale	Ticketmaster	Ticketmaster	Ticketmaster	Sydney Opera House
The Weeknd	Ticketek, Ticketmaster	Viagogo	Ticketek	Ticketek	Live Nation	Ticketmaster
Run The Jewels	Ticketmaster	TicketmasterResale	Ticketmaster	Ticketmaster	Ticketmaster	Live Nation
Four Year Strong	OzTix, Eventbrite, Ticketek, Ticketmaster	Viagogo	Ticketmaster	Oztix	Four Year Strong	Songkick
Adam Devine	Ticketmaster	Live Nation	Ticketmaster	Ticketmaster	Ticketmaster	The Music
Bruno Mars	Ticketek	Viagogo	Ticketek	Ticketek	Viagogo	TicketmasterResale
Niall Horan	Ticketek	Ticketek	Twitter	Ticketmaster	Viagogo	Songkick
Fifth Harmony	Ticketek, Ticketmaster	Ticketek	Ticketmaster	Music Feeds	Viagogo	Fifth Harmony
Take That	Ticketek, Ticketmaster	Ticketek	Ticketmaster	Take That	Take That	Viagogo
Lionel Richie	Ticketek	Ticketek	Ticketmaster	Ticketmaster	AIS	News.com.au
Katy Perry	Ticketek	Ticketek	Music Feeds	Ticket Merchant	SBS News	TEG Dainty
Queen	Ticketek, Ticketmaster	Viagogo	TicketmasterResale	Ticketek	Ticketek	Ticketmaster
NRL Grand Final	Ticketek	Viagogo	NRL	Ticketek	Wide World of Sports	Lifehacker
Melbourne Cup	Ticketek	Viagogo	Flemington	Flemington	Flemington	Ticketek
Socceroos v Syria	Ticketek	Socceroos	Socceroos	Ticketek	Viagogo	Ticketmaster
Rugby League World Cup	Ticketek	Rugby League World Cup	Rugby League World Cup	Rugby League World Cup	Ticketek	Ticketmaster