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Manager
Consumer and Corporations Policy Division
The Treasury

By email: Consumerlaw@treasury.gov.au

Dear Manager

ACCC submission on the draft Ticket Resale Information Standard

The Australian Competition and Consumer Commission (ACCC) welcomes the opportunity to comment on the draft Ticket Resale Information Standard (the Standard).

Overall, the ACCC supports the introduction of the Standard to provide greater clarity and awareness for consumers to know when they are dealing with an electronic ticket resale service, and to assist them to make a more informed decision when purchasing tickets to an event. We consider the introduction of the Standard would complement existing provisions in the Australian Consumer Law in this regard, such as the prohibition on misleading or deceptive conduct.

Price a consumer would be reasonably expected to pay

The ACCC considers the draft standard could be improved through redrafting sub-paragraph 6(2)(b). Sub-paragraph 6(2)(b) will require electronic ticket resale service providers to continuously display, in a legible, prominent and unambiguous way the total price that a consumer “*would reasonably be expected to pay to purchase the ticket from a person who is authorised to provide the first supply of tickets for the event*” (excluding a charge that is payable in relation to sending the ticket to a person).

The draft Explanatory Statement provides that this price “*should be worked out by reference to the actual price that a person would ordinarily pay to purchase that ticket from the person authorised to provide the first supply of tickets for that same event*”. It further notes a list of characteristics of the ticket in question that would need to be considered to determine this price, including:

- the event to which the ticket grants admission;
- the time, date and location of the event;
- the seat number or viewing position at the event to which the ticket relates;
- if there are multiple releases of tickets to an event, the relevant release date.

The ACCC is concerned that a requirement to display the total price a consumer “would reasonably be expected to pay” introduces unnecessary potential ambiguity into the draft Standard, particularly where the details of how electronic ticket resale services are to

determine this price are set out in the Explanatory Statement rather than in the Standard itself.

The ACCC understands that this part of the draft Standard is aimed at ensuring consumers are informed up front of the 'face value' of the ticket they are considering buying from the electronic ticket resale service. We are concerned that having a price *"that the consumer would reasonably be expected to pay to purchase the ticket from a person who is authorised to provide the first supply of tickets for the event"* as the reference point would allow electronic ticket resale services to comply with the Standard by providing pricing information other than the original value of the ticket.

The ACCC considers that it would provide greater clarity and certainty, for both businesses and consumers, if the draft Standard instead required electronic ticket resale service providers to continuously display, in a legible, prominent and unambiguous way, **the total original cost of the ticket**. We consider that the total original cost of the ticket in this context should be the cost as payable by an ordinary consumer to an original authorised primary ticket seller for the event (excluding a charge payable in relation to sending the ticket to a consumer). The draft Standard should then specify that this cost is determined by reference to:

- i. the original cost as specified on the ticket itself, or
- ii. the original cost as specified to the general public by a person who is authorised to provide the first supply of tickets for the event, when they offered that ticket for supply (whether publicly stated on their website, or on an invoice, or in an advertisement, etc.), taking into account:
 - a. the event and its time, date and location;
 - b. the seat number or viewing position at the event to which the ticket relates; and
 - c. if there are multiple releases of tickets to an event, the relevant release batch.

Yours sincerely

Rod Sims
Chair