Review of the regulation of ticket scalping in South Australia



The *Fair Trading Act 1987* was changed in late 2018 to improve protections for consumers purchasing tickets to sporting and entertainment events via the secondary market.

This followed concerns from consumers about:

- missing out on tickets because ticket scalpers were buying large quantities of tickets and reselling them at significantly inflated prices
- being able to access tickets, but only if they paid a hefty price to a ticket scalper
- purchasing tickets only to find out that they were fake or otherwise invalid.

The current legislation is being reviewed to find out whether the existing restrictions on the resale of tickets to events in South Australia are effective.

Re-sale restrictions

Authorised ticket sellers often include a re-sale restriction in their terms and conditions. This can prohibit the resale of a ticket, or limit how a ticket may be resold.

For example –

> *A restriction might allow a person who falls ill and cannot attend an event to resell their ticket to a friend or family member, but the ticket must not be resold or offered for resale at a premium. The ticketing agency's Ts & Cs could say that the ticket may be cancelled without a refund, or the ticket bearer may be refused entry, if this condition is breached.*

Current legislation

Since 10 December 2018:

- It is illegal to sell a ticket to a sporting or entertainment event in SA at a price that is more than 110% of the original supply cost of the ticket. This applies to tickets with a resale restriction.
  *The original supply cost is the amount that the ticket was first sold to a purchaser by an authorised seller, excluding any transaction costs
- it is an offence to use 'ticket bots' or other software to buy tickets in a way that goes against the terms and conditions of the authorised ticket seller's website
- it is an offence to make the supply of tickets dependent on other purchases.

Key issues for consultation

As part of the review process, we would particularly like to hear your thoughts on the following matters.

Your personal experience

Tell us about your own experience with reselling or purchasing a resold ticket. For example:

- How have you advertised the ticket for resale or found out about the original ticket for resale
- The sale price compared to the price you or the original ticket purchaser originally paid
- If you knew whether the ticket was subject to a resale restriction.

Which tickets should be covered

Share your thought about whether all tickets should be covered by the ticket reselling laws, not just tickets that come with a resale restriction.

Restrictions on who/how

If you think there should be restrictions on how an event ticket should be resold, or who can resell tickets. For example, whether a ticket can only be resold once, or multiple times.

Have your say

To have your say about ticket reselling laws:

- Join the online discussion at https://yoursay.sa.gov.au/ticket-reselling-review
- Respond to the survey at https://yoursay.sa.gov.au/ticket-reselling-review
- Send written feedback to:

  Consumer and Business Services
  Regulatory Services
  GPO Box 1719
  Adelaide, SA 5001

  or via email to CBSReforms@sa.gov.au.

Closing Date: 5pm Friday 6 August 2021