

Submission in response to consultation on ticket reselling in New Zealand

Name (full)

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Organisation (if applicable)

Submitter category

Individual consumer

Have you experienced problems with ticket resale?

Yes, I have personally experienced a problem

Please share your experiences, either positive or negative

I bought tickets from Viagogo without understanding that they were resale tickets - the website came up top on a Google search, referred to 'official' tickets (untrue), and told me tickets were selling out fast (untrue).

I successfully gained a refund through my credit card company after extensive and very time consuming e-mail correspondence.

Your views on the issues

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

Yes

Tell us what you think

I think that Viagogo misrepresented the nature of the tickets, and that the tickets were really just a right to claim a refund, i.e. Viagogo just obtained cash to hold until the refund was claimed. The first time it became apparent to me from the website that they were resold, not official, was when I had completed the purchase. Instead of receiving tickets, I received a complicated description of what I had bought and an explanation of why I would not receive any ticket until closer to the performance date. I also received an explanation of how I could claim a refund if once I arrived at the venue I was unable to gain admission by using the tickets. When I called the venue, they explained the nature of Viagogo tickets to me and assured me that I was unlikely to be able to gain entry using the tickets because they would be re-sold to a series of unsuspecting purchasers like me. The first to arrive would possibly get entry, but not holders of the tickets who arrived later. They also told me that unless the name on the ticket matched the name on a credit card I could produce at the door, I would in any case be refused entry. When I first tried to cancel the purchase directly with Viagogo they sent me tickets - they did not have my name on them, naturally!

Your views on the options, and the pros and cons

Price cap on resale tickets:

Option C: Original sale price + resale costs

Why did you choose the option above? Please explain

I think allowing third parties to make profits by buying up large numbers of tickets and selling them at an inflated price undermines the ability of the general public to buy tickets at the price set by the promoters. Public performances could become (more) elite private performances held at public venues which are paid for/subsidised/supported by public funds, for the public benefit.

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

I finally gained an agreement from Viagogo to cancel the contract when I argued that the failure to disclose the re-sale nature of the tickets I was purchasing was a misrepresentation under the Fair Trading Act and fraudulent. I am not sure that all consumers would know to raise these arguments, or have the same time or energy to persist with the demand to cancel.

The problem would not arise for naive purchasers like me if the re-seller explained the true nature of the tickets before the purchase goes through and if they were prohibited from claiming to be sellers of 'official' tickets.

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

This will not help if it is unenforceable.

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

I think there needs to be legislation which enables action to be taken by consumers/government agencies against overseas based operators like Viagogo as well as any based in New Zealand.

I have no confidence in voluntary/unenforceable industry-only solutions.

Are there other solutions that would work well?

Consider: credit card companies having legislative authority to act on consumers' requests for refunds knowing that they are protected from action by identified re-sellers.