

**Macrae, Tess**

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**Subject:** FW: Ebay International A.G - Notification N93365 [SEC=UNCLASSIFIED]

**Categories:** SEC=UNCLASSIFIED

**ACCC Classification:** SEC=UNCLASSIFIED

**EXCLUDED FROM  
PUBLIC REGISTER**

-----Original Message-----

From: [mailto:

Sent: Monday, 16 June 2008 5:41 PM

To: Adjudication

Subject: Ebay International A.G - Notification N93365

SUBJECT: Ebay International A.G - Notification N93365

Dear Sir/Madam

I have read the eBay notification and their submissions to the ACCC about exclusive dealing. I have also read many submissions against the proposed conduct and the ACCC's draft notice of revocation, along with eBay's public response to said draft notice.

I wholeheartedly agree with the ACCC's draft notice as I believe eBay's proposed conduct would severely decrease competition, to overall public detriment.

I have been active on eBay since 2006 as both a buyer and seller, and have only ever paid for my own purchases, and accepted payment for sales from my buyers, via direct bank deposit, Australia Post Money Order, or Cash On Pickup (in the case of physical face-to-face handover of goods).

The majority of my eBay transactions during this period have involved traditionally "small ticket" items, worth an average of \$12.00 per transaction with a \$4.00 postage making Paypal fees creating a 5.7% difference to my nett sales. I am also required to pay \$1.00 to withdraw less than \$150 which I need to do constantly to pay for the postage of my items.

In view of the not-inconsiderable monetary values involved in the above transactions, I have always chosen to avoid buying from sellers who offer Paypal as their only payment option, and have refrained from accepting Paypal as a payment option on my own sales listings. This is essentially because, contrary to statements made by eBay, I have little trust in the oft-touted "security" of the Paypal payment method (as both a buyer and a seller), nor do I find it any more "convenient" or "easier" to use than the above mentioned alternative payment methods (direct bank deposit, Australia Post Money Order, Cash on Pickup).

Whilst it may be through no fault of Paypal's, for myself and many of my friends and acquaintances who use online shopping to any degree, Paypal as a payment method has come to be inextricably associated with some of the more "disreputable" corners of the Internet and e-commerce such as "adult", "warez" (pirate software), and "cheap online medication" websites, along with fraudulent and misleading eBay listings by (mostly international) sellers. It has become, in effect, an electronic version of the much-maligned <text excluded>. Therefore as a buyer, I have absolutely no confidence in eBay's ability to "protect" any transactions I make using Paypal.

As a seller, further to the above misgivings I have about Paypal from a buyer perspective, accepting this as a payment method on my own listings exposes me to a wholly unacceptable level of "charge-back fraud" risk, with little to no recourse offered by either Paypal or eBay should this occur, and a lengthy and complicated arbitration process to contend with, should I indeed need to claim back funds and/or lost goods in the event of aforementioned fraud.

It is primarily for these reasons that I've avoided using Paypal as both a buyer and seller during the time I have been an eBay member, and will continue to

do so. In view of these misgivings, I find it almost laughable that eBay should tout their proposed mandating of "Paypal and COD only" listings as offering buyers and sellers in their marketplace more "security".

Certainly COD/pickup is the most "secure" payment method of all (which is why I've always been happy to accept it), but is not practical for all sellers nor buyers. In view of the concerns I've expressed above, one can see why I would strongly disagree with eBay about the supposed "security" of Paypal.

Further, by undertaking to mandate my payment options (as both buyer and seller) to these two methods, I feel eBay is restricting my right to utilise competitive payment systems (such as BPay or direct bank transfer) under the Reserve Bank of Australia's Payment Systems Act and/or the Commonwealth Trade Practices Act. Whilst I certainly don't claim to be a qualified lawyer or legal practitioner, I nonetheless suspect the proposed conduct by eBay may also be a clear example of "third line forcing", and therefore in further breach of the TPA.

I would appreciate you taking into account my comments in this email, and thank you for your valued consideration of the matter. Further, I strongly urge you to uphold both the letter and intent of your draft determination, to revoke immunity for eBay's PayPal only policy in your final determination on this matter, and to allow direct deposit and other alternative methods as a payment options on eBay listings for sellers who choose to accept them.

Kind regards,  
Kaye Mckay