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From: [mailto:

Sent: Monday, 16 June 2008 12:20 PM

To: Adjudication

Subject: In agreement with ACCC draft notice Re: EBAY

These points that have been brought to my attention by another ebay user.

Ebay are arguing that: ACCC draft notice undermines online consumer protection and subsequently that eBay will continue to fight for safety benefits for consumers

Ebay Has No consumers under it's present User agreement. Hence this argument is mute. Ebay's only 'consumers' are it's sellers, which it refuses to recognise as having any 'CONSUMER' rights whatsoever.

The 'consumers' Ebay are allegedly protecting are in fact the customers of the sellers on this site i.e. the buyers.

If they wish to protect buyers from 'consumer disputes' surrounding misdescribed items or petty fraud, then they need to develop a set of 'Fair Trading' guidelines for all non ACN/ABN sellers. If a buyer is ripped off, they report it to Fair trading with the Seller ID and the matter can then be investigated objectively. If fraud is involved it would be referred to Police. Sellers don't need to fear, this doesn't make you a registered business paying tax. It just means that everyday mum and dad sellers, online garage salers and collectors would have to abide by 'fair trading rules' when selling online....Even if you sell a car privately, you are expected to observe certain RTA laws for roadworthiness and free title....Nothing different here.

Meanwhile Paypal/Ebay are hiding the real safety issue...that of your personal details and privacy and how vulnerable Paypal members really are when it comes to serious fraud and identity theft.

FACT: Paypal holds an Australian Financial Services License, and yet Paypal refuse to sign the EFT code of conduct that protects Australian 'consumers'.

The EFT Code is the key consumer protection code of conduct applying to the payment services industry, and covers fundamental issues concerning consumer rights, security, disclosure and resolution of mistaken or unauthorised payments

According to ASIC's Submission to ACCC on this issue they note that unlike most Australian AFS licensees PayPal has declined to become a signatory to the Electronic Funds Transfer Code of Conduct (EFT Code).

If Ebay/Paypal were serious or remotely honest about protecting consumers of their transaction product, then they would have to sign the EFT code of Conduct and take responsibility for:

- liability for unauthorised transactions
- liability in cases of system or equipment malfunction
- audit-trails, and
- complaint investigation and resolution procedures.

WHY WON'T PAYPAL SIGN? Their user agreement removes them from all liability currently for any unauthorized transactions, equipment malfunction, account takeover, withholding funds unlawfully, cooperation with local police etc. If they were to sign the EFT code of conduct they'd have to recognize all members as 'consumers' and take liability for any losses to consumers.

They'd also have to change their User Agreement to reflect 'consumer rights' and adequate protection of privacy under Australian Standards. Currently Paypal, can do and say whatever it wants to it's so called 'consumers'.

How Paypal can promote itself as the 'safest' transaction method, when it refuses to provide basic consumer protection under the EFT code. I will also be basing my argument that Ebay/Paypal 'Has no Consumers', upon their 'take no liability' user agreement...so how can it protect consumers that Ebay/Paypal don't recognise?

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