

Public DEFENDER

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Please help!

I need some legal advice

A small merci for French TV

A FRENCH couple with permanent Australian residency rented an apartment and had French satellite TV installed seven months ago. They sought the permission of their landlord and real estate agent. They received a letter from the strata management saying they were not authorised to have the (small) satellite dish installed and must remove it. They believe there is a Commonwealth law that says migrants must be allowed to stay in touch with their community back home otherwise it is discrimination. Is this true? Is there any way they can appeal?

Kate

Have your legal queries answered on our blog with Maurice Blackburn legal expert Rebecca Gilsenan at noon today

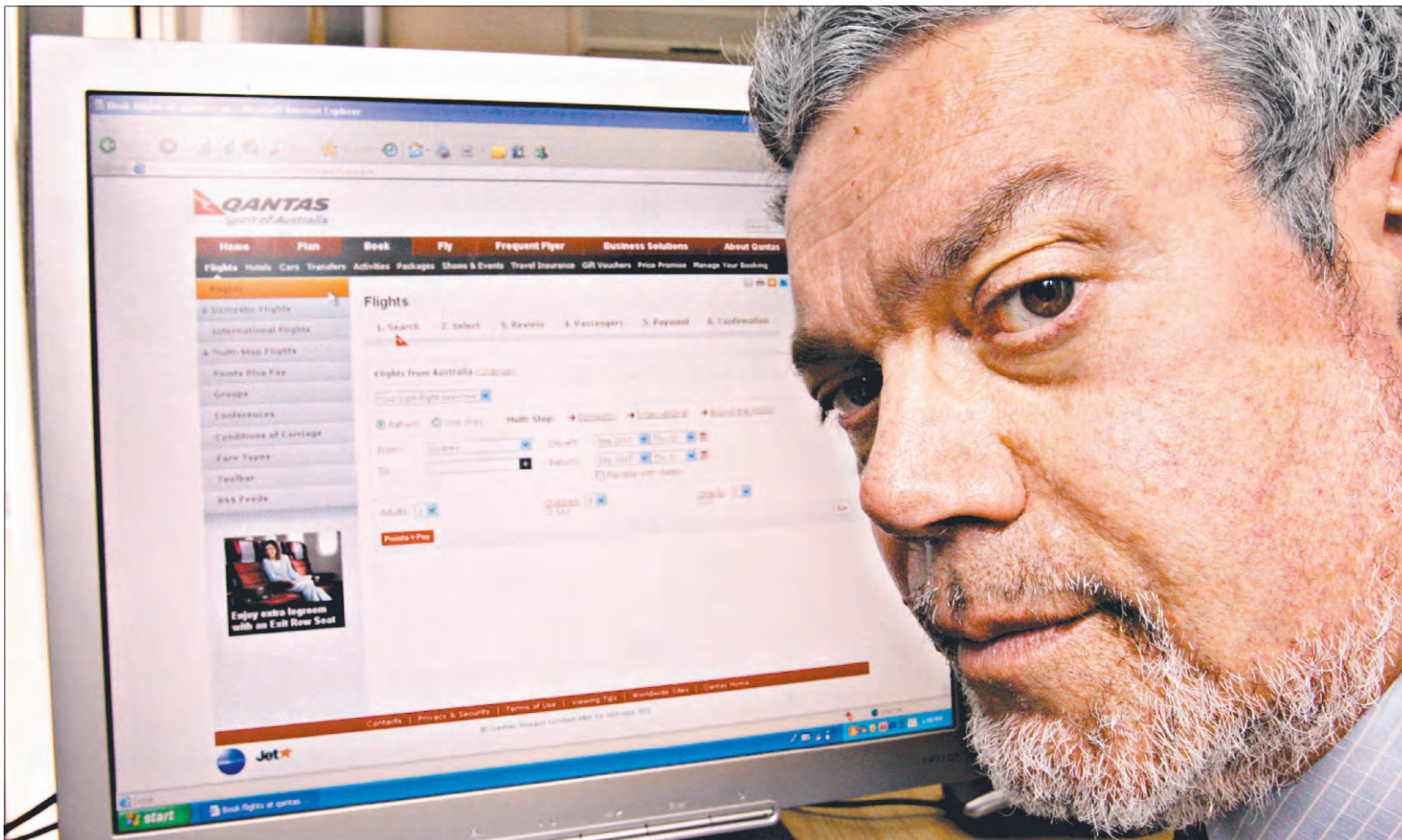


Tenants in strata schemes are bound by the same strata rules as owners, so the tenants should first check those rules to see if the satellite dish is in breach. If it isn't, the tenants can approach NSW Fair Trading to mediate a strata scheme dispute. If it is in breach, discrimination law would only help if other residents of non-French origin were able to have a similar dish and the French couple were not. If that is the case, it could be discrimination on the basis of race in the terms and conditions on which accommodation is provided.

Legal information is general in nature and not to be regarded as legal advice by Maurice Blackburn

Debit card dogfight

They came out of the sun – he didn't see fee coming



Fell into a carefully worded trap: Brian Edwards was shot down by hidden Qantas ticketing fees

Picture: Jeff Herbert

Rosemarie Lentini

ALL Brian Edwards wanted to do was book a Qantas flight for his daughter without being slugged extra fees.

But that's when he flew into a range of conditions.

On August 26, the 56-year-old schoolteacher from Springwood booked a one-way flight from Canberra to Sydney on the Qantas website, paying by BPay and incurring no extra fee.

But he didn't book a return flight until three days later,

running into a Qantas rule that BPay cannot be used to pay for flights less than seven days away.

The only fee-free option he had was paying with a Debit Mastercard — which he doesn't have.

Instead, he was forced to use a Debit Visa — and was hit with a \$7.70 surcharge for a \$139 ticket.

"I am still seething at the process and the extra cost involved," Mr Edwards said.

The reason a Debit Mastercard is fee-free and a Debit

Visa is not is because of changes to the Trade Practices Act.

The new rules meant Qantas would have had to disclose credit-card fees in its advertised prices.

To get around this, Qantas decided to not charge a fee for using Debit Mastercards — making a credit card fee "optional" for consumers.

But only people who have a Debit Mastercard will avoid the service fee.

The practice was cleared by the Australian Compe-

tition and Consumer Commission after Qantas went to the corporate watchdog to get the green light.

"Purchasing online is like buying something at a shop," ACCC chairman Graeme Samuel said.

"The shopkeeper might apply a 3 per cent surcharge on a particular card and its up to the consumer to make a decision about whether they'll pay for it."

A spokesman from consumer advocate Choice said the Qantas policy meant it

was impossible to buy a fee-free ticket within seven days of flying unless a consumer had a particular debit card.

"Many consumers will not have that card, so they have no fee-free option," he said.

"Qantas says the fee doesn't have to be disclosed until the end of the transaction because it's optional."

Qantas has no intention of changing the policy.

"We have different commercial arrangements with different card companies," a spokesman said.



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