

Public DEFENDER

John Rolfe

130

The number of people we have helped



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Please help!

I need some legal advice

Address an unfair situation

DES asks: In 2006 the part of Wentworthville where I live was changed to Constitution Hill. I thought that my insurance policy had been changed, that the insurance company, NRMA, had automatically changed it, or I had notified them. When I had to make a change to my policy, it was still showing Wentworthville. I notified NRMA and they adjusted the policy. This generated a refund of about \$100. I asked them to backdate. They advised that they would only go back to the last renewal. Legally, can they do this? I have looked at the Insurance Contracts Act that states that "the insured does not have to tell the company what they should know in their normal course of business".

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



THE fact that your suburb changed name should be information that is within the knowledge of your insurer – unless the wording on the policy document says otherwise. Check your policy and if it doesn't mention this, then you can lodge a complaint under your insurer's internal complaints mechanism. If unsuccessful, you can lodge a complaint with the Financial Ombudsman Service.

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

Green light to walk

Poor service means Vodafone contracts null and void

TENS of thousands of angry Vodafone customers are free to walk out on their contracts, according to the nation's top telco consumer advocate.

Many of Vodafone's seven million mobile customers have for two months been enduring problems, including call failures and slow data speeds.

Some want to switch to another provider but believe they are unable to because of contracts they have signed with the No. 3 ranked mobile provider.

"I believe the contract has been broken by Vodafone," Teresa Corbin, CEO of the Federal Government-funded Australian Communications Consumer Action Network, said.

Ms Corbin said Vodafone had sold services that had not worked well for a sustained period. Ms Corbin said that constituted a breach of contract.

Ms Corbin's position was supported by the Australian Competition and Consumer Commission.

The ACCC enforces the Trade Practices Act, a law which, among other things, imposes on sellers a "statutory condition" that goods and services must be "fit for their intended purpose". When they aren't, it breaks the deal between the seller and the consumer.

"If the product isn't fit for purpose, you could argue that the contract hasn't been fulfilled and therefore could be null and void," an ACCC spokeswoman said.

Analie Barros, 23, of West Ryde, and her boyfriend, Adrian Soca, 25, of Cecil Hills, are among those who want out.

"They are not offering the service we are paying for," Ms Barros said.

They want to leave but have been concerned about the cancellation costs.

The ACCC spokeswoman said customers shouldn't just stop paying, but rather should lodge a complaint with the Telecommunications Industry Ombudsman and NSW Fair Trading.

Vodafone's chief technical officer Michael Young, when asked about if Vodafone had breached its contract with customers, said: "You're talking to the wrong individual."

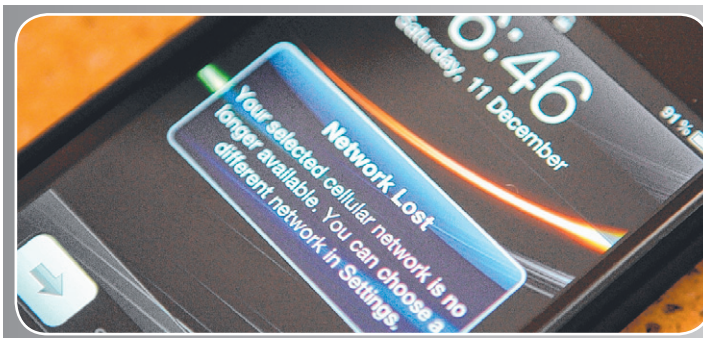
Mr Young was the only person Vodafone would make available.

He said the problems were mainly confined to the CBD and the company expected to have fixed its network issues by the end of the week.



Can't get good service: Adrian Soca and Analie Barros want out of their Vodafone contracts

Picture: Adam Ward



How to complain

1. Gather all the relevant information
2. Think about what you want your supplier to do
3. Contact your supplier
4. Still not happy? Tell the supplier
5. Contact the Telecommunications Industry Ombudsman. He has the power to investigate

You can fill in an online form at www.tio.com.au, phone 1800 062 058, mail your complaint to PO Box 276, Collins St West, VIC 8007, or fax the TIO's consumer complaint form to 1800 630 614



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