

PUBLIC DEFENDER



with
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qa YOUR QUESTIONS ANSWERED



WARRANTY GRIPES

WE installed a gas-boosted solar hot water system three years ago. Two-and-a-half years later, the solar panel failed and began leaking. We were told the system had a one-year warranty. The supplier provided a new panel free, but we had to pay \$480 for installation. Six months later, the replacement failed. The supplier insists the same situation applies.

Lyn Mather, Moorabbin

An inspection after Public Defender's call has revealed your builder's plumber did not comply with the manufacturer's installation instructions.

He failed to install a frost valve and solar non-return valve/heat trap.

It is not the replacement you mention that failed but the other original collector not protected by frost.

The supplier has offered to replace this as a goodwill gesture, as with the initial part.

You must pay for installation, but note, the supplier has gone over and above its obligations.

You are actually covered by a five-year warranty on the system's cylinder and collectors, including 12 months' parts and labour.

Contact the Plumbing Industry Commission to pursue out-of-pocket costs with the plumber.

I BOUGHT a diamond bangle discounted as a manager's special from \$2999 to \$1350. On close inspection at home, I noticed it was distorted. I rang the store and was told to bring the bangle in. I returned but was told there was nothing wrong with it and refused a refund.

Elizabeth Bednarski, Ardeer

STORES must provide a refund or exchange where a product is faulty or not fit for use.

Other remedies include having goods replaced or repaired.

The store is disputing that the bangle is defective.

They have offered to send the item to the supplier to be assessed and pledged to replace it if deemed faulty. The store is also willing to exchange the item.

This appears reasonable.

COMPLAINT OF THE WEEK

MY mother died more than a year ago. Before she died she changed her will, making a lawyer executor. Her wishes were for the house to be sold. The proceeds were to be shared between her eight children. We are still waiting for Mum's will to be finalised.

Geraldine Fraser, Wyndham Vale

It is not unusual for it to take more than a year for the beneficiaries to get their share, says Maurice Blackburn lawyer Andrew

Dimsey. An application for probate has to be made, and the court needs to make a grant of probate. During the six months after that, people can make a claim for a greater share of the estate. If the will requires trusts to be established, they must be set up and properly administered. Ask the executor to explain the delays. Seek legal advice if you're still unhappy. You may be able to get court orders to force the executor to carry out your mother's wishes.



In limbo: Beaufort flood victims Shannon Hall and Rosie Jaeger are waiting for their claim to be assessed on damage to their house. Picture: IAN WILSON

Morale sinks in wait

RESIDENTS of flood-affected Beaufort fear insurers could dodge their claims by blaming a lake for the damage instead of heavy rain.

Rosie Jaeger and partner Shannon Hall have been waiting three weeks for insurer CGU to assess whether damage to their home was caused by storm water or flood.

"We just feel sick in the stomach," Ms Jaeger said. "We do not know if we are covered or not."

Lost contents and damage to the couple's home are estimated at \$40,000.

Their policy covers

INSURANCE CLAIMS

\$40,000 in contents and up to \$175,000 in damage provided rain, storm or wind cause it.

Ms Jaeger, 40, said it had been reported that Beaufort Lake burst its banks in the floods but this was wrong.

She said flooding was caused by heavy rain and drains backing up.

Pyrenees Shire sent a letter to residents saying the area received about 275mm of rain in four days.

A CGU Insurance spokesman told Public

Defender its claims team would be in touch with Ms Jaeger to explain the process was progressing "at the expected speed".

A hydrology report has been requested.

"If the report indicates the water was storm water run-off then the claims will be accepted, but if the water is found to have come from the nearby Beaufort Lake then the claims will be denied," the spokesman said.

Ms Jaeger said she and her partner were living in limbo.

"We just need some answers," she said.

Devil in fine print

ANDREW DIMSEY



PRINCIPAL LAWYER
MAURICE BLACKBURN

YOU will have seen the devastation in Victoria and Queensland from the recent floods and problems about whether insurance companies will cover losses.

Some insurers are refusing to pay because their policies exclude flood damage. This highlights the problem people have with insurance, particularly in understanding fine print.

Each insurance policy has its own definition for "flood", but it generally means water overflowing from rivers, creeks, dams, lakes or reservoirs that causes damage.

Some policies that exclude flood damage cover damage caused by flash flooding, where it is caused by a flood within 24 hours (or maybe up to 72 hours) of the downpour.

You will be covered for loss and damage fixed at a set amount or for either the replacement or full replacement value of the damaged items. However, history shows fixed price cover is often not enough to cover losses.

Home and contents insurance policies can be up to 50 pages long. The things to look for are "definitions" and "exclusions" that spell out what is and isn't covered.

Lodge a claim regardless of whether you think you are covered. Take photos and draw up a list of items lost, or damaged in any way.

If you forget anything, you can add this later even after your claim has been paid, perhaps up to six months.

If the insurer rejects your claim, you can complain to the ombudsman or sue.

Blog live with Andrew from noon-1pm today heraldsun.com.au/opinion

If you have to fight the system, don't fight it on your own.

Maurice Blackburn
Lawyers

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