

Public DEFENDER

John Rolfe

160

The number of people we have helped



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Please help!

I need some legal advice

# Our call to arms

Everyone, it seems, has a Telstra story. Here we try to intervene in three

## Case one

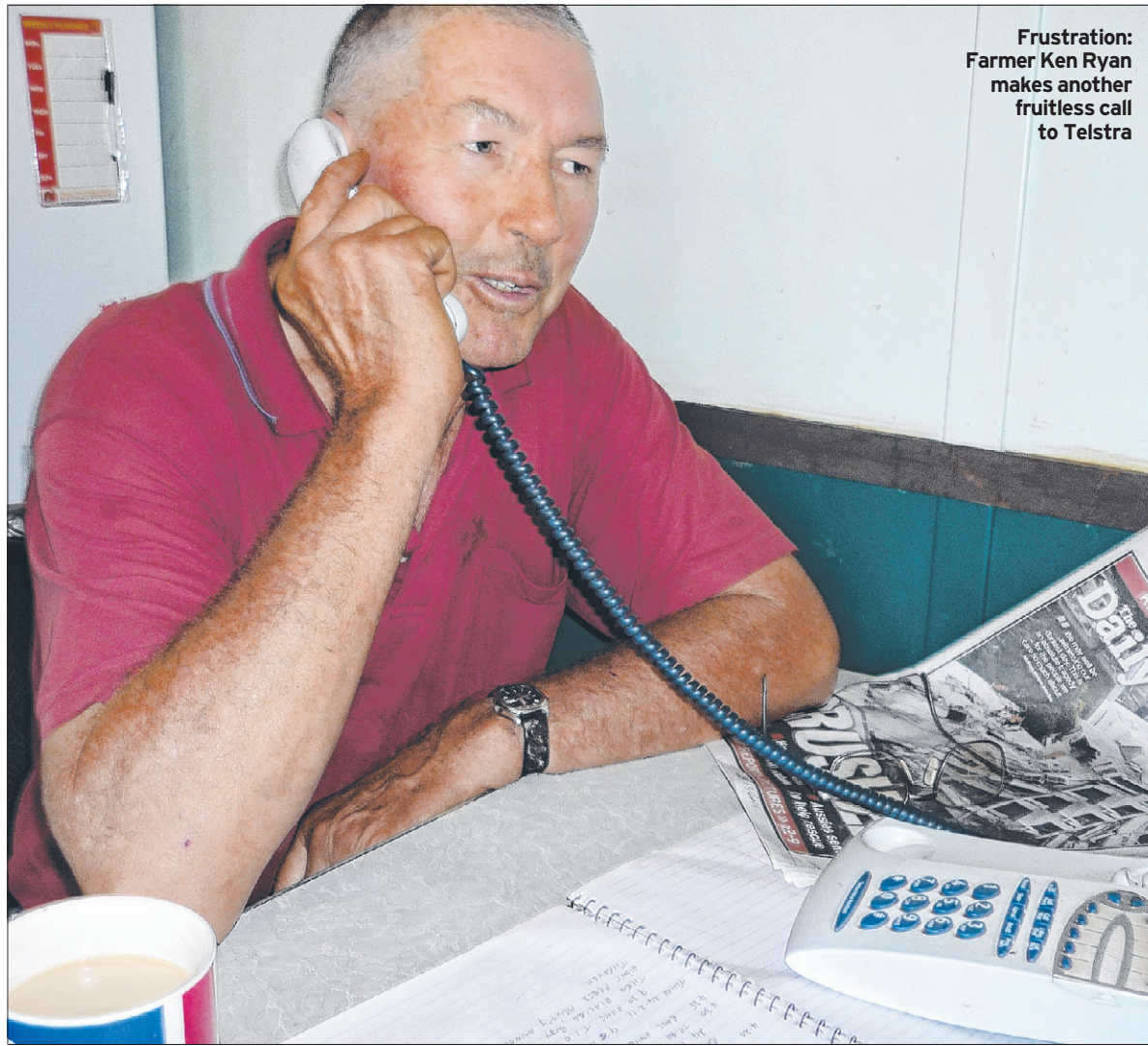
KEN Ryan prepares a cup of tea, takes a seat at the kitchen table, opens his notebook and dials. It's become a ritual. The Tullamore farmer has had to make 61 calls over a bung modem. It took more than 50 to get Telstra to send a replacement that worked.

The 61st call — which he makes while I'm sitting with him in the kitchen — brings some joy.

He'll be compensated for the 45 hours wasted on or by the phone when he should have been on his land. Money is not the point, he says: "I want to know that what's happened to me won't happen to someone else."

Mr Ryan said that time after time he was told the modem had been dispatched. It was in the system. But the system doesn't work properly.

He wants a promise, backed by CEO David Thodey, that Telstra will fix the issue. But Telstra can't make such a commitment. However a spokeswoman did tell me: "What we will promise is to make customer service a continued priority... we are investigating his specific concerns and will absolutely make changes to the system where possible to stop it happening again — we don't want it to happen again."



Frustration: Farmer Ken Ryan makes another fruitless call to Telstra

## Vanishing cash not so super

Marie asks: I am consolidating super. One dormant fund had \$1500 in it. But when transferred as lost super only \$10 was left. The loss seems to be connected to an unauthorised insurance payment. Is there any redress?

Member protection legislation stops super fund trustees charging fees in excess of interest earned on balances under \$1000. That rule doesn't apply to insurance deductions.

The significant drop in your account balance suggests the original fund deducted insurance premiums.

Many funds provide account-based insurance, whether the employer makes contributions

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or not. That means it's possible to keep death and disability cover with multiple funds.

If your insurance was contribution based, and your premiums were deducted after employer contributions ceased, you may be entitled to a full or partial refund.

You could ask the original fund, or lodge a complaint. Fund trustees have 90 days to respond under Section 101 of the Superannuation Industry (Supervision) Act 1993. If they don't or if you remain dissatisfied, you could complain to the Superannuation Complaints Tribunal or a court.

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

## Case two

THE residents of Lewis St, Epping, just wanted their phone lines to work.

For three months they had to battle Telstra over a faulty joint that rendered their phones useless in rain or extreme heat.

The residents said they reported the problem 12 times. Telstra told me it had *only* been "re-reported" three times. Like that's good enough.

One resident — whose need for

a phone is all the more critical because she has a medical condition that means she could bleed to death in minutes — said she was told it could take a year to get the fault fixed.

The day after contacting me Telstra technicians went to Epping and replaced the joint. Telstra said this was always due to occur by that date. The residents are happy their phones work irrespective of weather.

## Case three

JULIE Sinuks received an odd call last month — a man with an Indian accent claiming to be from Telstra who said there was a virus in her computer that he needed to fix urgently.

It is a new twist on a scam that first emerged in October, when cold-callers claimed they were from Microsoft.

After providing bogus evidence of a virus infection they demand a fee of up to \$400. You can hear such a call at my blog today.

Complaints about phone scams have increased 10-fold.

"I nearly got caught out," Ms Sinuks told me. "I want to warn other people."

And now she has — through this page and the ACCC's Scamwatch service. After I contacted Telstra, to its credit it posted warnings at [Telstra.com](http://Telstra.com) and [BigPond.com](http://BigPond.com).

Got a Telstra story for us? [blog.news.com.au/dailytelegraph/publicdefender](http://blog.news.com.au/dailytelegraph/publicdefender)

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

Maurice Blackburn Lawyers

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