

# Public DEFENDER

John Rolfe

# 166

The number of people we have helped



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## Please help!

I need some legal advice

## I'm just another statistic

Mathew asks: I was receiving notes on my front gate from the Bureau of Statistics stating they wish to interview me. They wanted me to take part in a survey but were happy to do it over the phone once a month. I gave them my contact number and that was that and I never heard from them again. Recently I have once again started to receive the same notes but, considering they had failed to contact me by phone, I brushed them off. Now I receive a written letter stating should I be directed in writing to take part and I fail to do so I will be fined \$110. When I contacted the bureau I told them that they had their chance. Their response was that it is a random survey and once my property has been selected it cannot be unselected. Is the fine legally enforceable?



## Bank finally beaten

MEHMET Kay – the Auburn businessman pushed to the brink by NAB – has got his and his family's life back on track.

After a six-year fight which drove him to attempt suicide, Mr Kay (pictured) proved in court that NAB charged him 20 per cent interest when it had no right to charge more than 6 per cent.

Then, with the help of lawyer and Senator Nick Xenophon, he reached a confidential settlement with the bank.

The cost of the NSW Supreme

Court case had threatened to claim the Kays' family home. But in October we negotiated some breathing space with GE Money.

The good news is that the Kays have made the most of that reprieve. Mr Kay has reduced his mortgage by \$300,000 and met all his repayments since October.

Now Mr Kay is taking a holiday in Turkey. His break means I have a disclosure to make: He is insisting on bringing me back a pair of the best shoes in Turkey. I intend to accept them.

# Set to have a lend

John Rolfe and Rosemarie Lentini

DON'T be surprised if NSW's 48 per cent cap on interest rates ends on July 1.

Greg Aplin — the man likely to be fair trading minister after Saturday's state poll — seems disposed towards its removal after representations from payday lenders.

It has been estimated that as much as \$800 million is lent over short terms to as many as 500,000 people across Australia each year.

But in NSW the market is



Greg Aplin

“The problem with the 48 per cent all-inclusive cap is you can't charge more than \$12 [for a \$300 loan] and it's simply impossible to offer that product,” Cash Converters marketing manager Glenn Donaldson said.

thought to have withered since a comprehensive cap came into effect in 2010.

“Business is not good.”

The NSW cap is due to expire at the end of the financial year, replaced by a national scheme which has no interest rate limit.

Mr Aplin said the cap was driven more by “ideology” than “evidence”.

The National Financial Services Federation represents short-term lenders.

Its CEO Phil Jones said the “general feeling” was that a new state government would allow the cap to lapse.

Consumer Credit Legal Centre principal solicitor

Katherine Lane said this would be a “really poor outcome” for consumers.

“The evidence is there. Caps work,” she said.

Soon-to-be former Fair Trading Minister Virginia Judge said she was appalled Mr Aplin “may be proposing to side with loan sharks at the expense of the most vulnerable in our community”.

Ms Judge said that, without a cap, consumers could be slugged annualised interest rates of up to 1500 per cent.

“This Government's 48 per cent interest rate cap on

all consumer credit contracts is a vital protection for the most vulnerable in our society,” Ms Judge said.

“For example, the CCLC has some recent case studies, such as a client in Queensland who borrowed \$100 and was sued for \$800 within two months of taking out the loan. This would not be legal in NSW.”

Ms Judge said she had conveyed her views to her federal Labor counterparts.

Federal laws, which may or may not have a cap, are due to be in place by July 1, 2012.

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



Rebecca says: It is likely the fine will be enforceable and saying the ABS “had their chance” is unlikely to get you out of paying. May I suggest that if you do get a notice of direction that you contact the ABS, in writing, to arrange a convenient way for you to do the survey given the poor telephone coverage in the area where you live. That way, you will have a record.

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

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

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