

PUBLIC DEFENDER



with
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Appeal to hire places

DIANNE Wong's husband was lucky to escape injury when a hit-run driver sideswiped their hire truck. But the Geelong couple didn't avoid a \$550 excess from rental company Thrifty, which a year later it still refuses to refund until the money is recouped from the driver at fault.

"I am getting to the end of my tether," Ms Wong said. "Six hundred dollars is not very much to them but they are not out of any money."

Ms Wong said her husband, Micheal, parked the truck outside their Belmont home after helping their two children move to Melbourne when it was hit, damaging the door.

He made a police statement and paid the excess, understanding it would be refunded once Thrifty had the offending driver's details.

But many phone calls failed to resolve the issue.

A Thrifty spokesperson said the excess would be refunded once the cost of the damage was recovered from the at-fault driver, who it had been unable to reach

Wes Hosking

despite repeated attempts. "This policy was made clear to Ms Wong in the terms and conditions of the rental agreement, as well as at the time of the payment of the damage recovery fee," the spokesperson said.

"At no point during this time did we offer to refund Ms Wong the fee before the costs were recovered."

THERE is finally some good news for Kilsyth retiree Tom Skelly, whom Public Defender last week reported was left \$2500 out of pocket when he was unable to return a leaky rainwater tank from the troubled GGN Urban Solutions.

Coburg-based business rainwise has offered to provide Mr Skelly with a free Aussie-made Tankworld or Nylex tank and will also install it at no charge.

Managing director Rob Styles said poor-quality, foreign-made tanks had caused the industry problems in recent years.

Mr Skelly was thrilled with the news.



Driven: Dianne Wong, still out of pocket a year after the accident. Picture: ROB BAIRD

Rights on our bikes

ANDREW DIMSEY



INCREASED numbers of cyclists on roads and bike paths are outstripping infrastructure growth. This inevitably brings motorists and cyclists together, sometimes with tragic consequences.

The Herald Sun ran a story yesterday about the dangers associated with carrying children in bike trailers.

Cyclists are vulnerable and governments need to continue to invest in safer cycling paths and lanes.

In Victoria, there is no-fault compensation scheme for persons injured in transport incidents including cyclists. This means that the statutory insurer, the Transport Accident Commission (TAC), will pay certain benefits regardless of whether or not the crash was your fault and these no-fault benefits can include medical and like expenses, loss of earning benefits, and lump-sum compensation for pain and suffering if you have a level of permanent impairment above a mandated threshold.

As a cyclist, have you been involved in a road accident and had to lodge a TAC claim? Are you aware of your rights in either claiming for property damage or injury? Should young children be allowed to be transported in bike trailers? Join Maurice Blackburn lawyer Andrew Dimsey online today from noon.

NEED LEGAL ADVICE?
BLOG NOON-1PM
heraldsun.com.au/opinion

Q WE have been trying to sell a property in Cairns via an agent there. We paid \$2700 for advertising but the house remains on the market more than three months later.

The agent put an unrealistic price on our home and he then advised us to drop the price by \$30,000 when nobody came for inspections. Still nobody came and he then advised us to drop the price further.

The agent's contract has run out and he has apologised for setting an unrealistic price and offered to help pay for advertising if we stay with his agency.

Adrian English,
Carnegie

qa YOUR QUESTIONS ANSWERED

PROPERTY WOES

A The admission of error by the estate agent helps contribute somewhat as to whether or not he acted negligently. Write a letter of complaint to the managing director of the agency alleging that the agent's over-quoting was misleading or deceptive, and

in breach of the Real Estate Institute of Queensland's standards. If you don't receive a satisfactory response, take your complaint to REIQ's Real Estate Industry Professional Standards and Consumer Complaints Tribunal.

Answer by Andrew Dimsey, Maurice Blackburn

COMPLAINT OF THE WEEK

Q My mobile phone failed after only 12 months.

The manufacturer said they would have a look at it for a cost of \$35.

They extended the warranty until April 14 but then advised it had a fluid in it that was not covered by the warranty.

I know for a fact that is not true.

I am on a pension and don't expect a phone to die after only 12 months.

Joseph Portelli,
Kangaroo Flat

A Consumer Affairs Victoria advises that as well as any manufacturer warranty you are also covered under the Fair Trading Act and the Trade Practices Act, which imply that goods are fit for their purpose.

If the manufacturer's warranty doesn't include water you may still be entitled to a refund if the phone has a manufacturing defect that allowed water into it.

If that was the case, the manufacturer must also refund the \$35 charge.

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

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