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John Rolfe & Rosemarie Lentini

Please help!

I need some legal advice

Fired up over bank

Businesswoman blames ANZ as she faces bankruptcy



Facing bankruptcy: Suzanne Harper with husband Jason and children Olivia, 7, and Harry, 2
Picture: Tracee Lea

UNTIL recently Suzanne Harper was a successful businesswoman — now she is facing bankruptcy as soon as tomorrow.

And the way things are looking, her family are going to lose their home.

Mrs Harper ran a business called Suja Pty Ltd, which imported luggage. Suja was doing well before a blaze in September 2007 damaged its North Rocks warehouse.

Mrs Harper's insurance included business interruption cover. She told me GIO insisted Suja keep operating for that cover to remain valid.

So Mrs Harper set about ordering cosmetic bags.

In February 2008, ANZ

Cold callers' bank fees scam

FRAUDSTERS are cold-calling households across the state, claiming to be from NSW Fair Trading and offering to reimburse over-charged bank fees.

The real NSW Fair Trading has received 70 complaints about the scam this year. Reports about fake "reclaim experts" have been received from Bathurst, Orange, Lithgow,

Worrigee, Hoppers Crossing, West Pennant Hills and Dunedoo. The shonks are understood to have taken a man in Bonnyrigg for \$12,000.

Robert and Susan Ashburn, of Hill Top, in the southern highlands, were told to pay a \$200 deposit into a Western Union account to recover "overcharged bank fees" but called Fair Trading on 13 32 20 to report the scam.

told Mrs Harper she could access \$30,000.

In May that year ANZ emailed her, seeking bank details to pay one supplier.

Mrs Harper told me ANZ was supposed to pay that supplier a deposit. Another

email then shows ANZ paying two suppliers. Mrs Harper said the bank paid in full.

Mrs Harper told me ANZ's actions meant she had no leverage over the suppliers. The cosmetic bags, she said, not only turned up below par

but late, meaning she had missed the trade shows.

"You are not allowed to go to trade shows and sell air," Mrs Harper said yesterday.

She said she had budgeted on generating \$365,000 in orders, which would have

allowed her to pay her overdraft. Mrs Harper told me she believed ANZ had contributed to her situation.

ANZ rejected Mrs Harper's offer for her to sell the family's Winston Hills home to clear all but about \$60,000 of debt. Instead the bank is preparing to be in the NSW Supreme Court in the morning.

In April the court entered a judgment in ANZ's favour. There is a stay of execution on orders including a writ of possession on the house.

But with the Harpers out of fighting funds, the stay is likely to be lifted tomorrow.

ANZ said it could not comment because the matter was before court.

Driving too hard a bargain

Gary writes: In July I agreed to buy a Supreme caravan from a dealer in Nowra for \$60,000, signed a contract and paid a \$5500 deposit. In September, the dealer said he couldn't supply a Supreme but would do a Traveller for the same price. I signed another contract. In April I was advised they had grossly underquoted the price and that they would not supply the caravan. Where do I stand?

Have your legal queries answered on our blog with Maurice Blackburn legal expert Giri Sivaraman



Giri says: The dealer should not have advertised the Supreme or Traveller for \$60,000 if it knew there was no way it could sell them at those prices.

It is against the law to engage in "bait" advertising, promoting a product at a price even though goods can't be bought at that price.

The ACCC can prosecute. You can claim the dealer breached its contract. While you can be awarded compensation, it is unlikely to be more than your deposit unless you show you've spent money expecting a Traveller, such as buying goods that only fit in a Traveller.

Ultimately, a court will probably say unless by signing the contract you missed out on a bargain elsewhere you haven't suffered a financial loss, assuming you get your deposit and expenses back.

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