



with
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PUBLIC DEFENDER

Dream flies by night

Wes Hosking

A YOUNG family stands to lose everything after a builder vanished with their dream home half-complete.

Justin Carter and fiancée Kate Merrett, building a new house in Bacchus Marsh, paid more than \$160,000 to builder Zadun Pty Ltd, but haven't heard from the company since January.

Phone calls and letters have gone unanswered and Zadun's Hoppers Crossing factory is locked up.

The pair, who have an 11-month-old son, are now struggling to keep up with monthly mortgage repayments of \$1100 for an unfinished house.

They are also paying \$860 a month in rent.

"Basically all of it means we are going to lose our home," Mr Carter told Public Defender.

"There is not enough money.



Losing the lot: Kate Merrett and Justin Carter with baby son Max at their unfinished house. Picture: ELLEN SMITH

"We are in a situation where we are screwed, basically."

Mr Carter said an insurance claim had been knocked back because Zadun Pty Ltd was still on the ASIC register and Consumer Affairs Victoria had

been unable to contact the company.

Public Defender's phone calls also went unanswered yesterday.

Vandals have damaged Mr Carter's unfinished house and he and his fiancée had been quoted

\$121,000 to finish the work.

"It was going to be a new beginning for my family," Mr Carter said.

"A family home."

Under Victorian law if a builder disappears the home owner may be able to make a claim under dom-

estic building insurance, which applies for work over \$12,000.

Consumer Affairs urges consumers not to pay a deposit until they check the insurance policy applies to their property, themselves and the builder.

Equality fairest way

ANDREW DIMSEY



PRINCIPAL LAWYER,
MAURICE BLACKBURN

FAIR Work Australia this week ruled in a landmark decision that a number of female employees working in the community services sector had been underpaid on the basis of gender.

It seems staggering in this day and age, where gender equality is more in balance than ever.

We have a female prime minister and governor-general and in this firm 70 per cent of our employees are women. Yet in this the centenary year of International Women's Day we still have gender pay inequality.

Fair Work, while recognising that women in this sector are paid less, are yet to decide on by how much.

The initial response to the landmark decision has been encouraging with unions heralding the decision an important milestone towards removing a non-sensical and discriminatory situation.

Somewhat predictably employer groups warn that any wage increases would hurt business.

While the impact of this decision when introduced will have political and economic implications, surely the most important need is to remain committed to pay equality for women, to not do so is simply unfair.

General information only and not to be regarded as legal advice from Maurice Blackburn

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

Q I OWN a 2ha block and I was planning to build a house on it.

I built a shed, put in a septic tank and formed a driveway while I had a planning permit, but due to unforeseen circumstances I had to put building on hold.

The permit has now expired and the council says I can no longer build because rules about the permissible size of land have changed.

I still want to build in the future and believe the rule changes should apply only to applications after the changes came into effect.

Brad Tanner,
Wangaratta

A AS YOUR permit has expired, it will be necessary to apply for a new planning permit.

Q&A YOUR QUESTIONS ANSWERED

TROUBLE AT HOME

The rules at the date of the new planning permit will apply to your land.

You will therefore need to have your house plans modified to comply with the new permit rules.

Q I MOVED into a rental property last year. Unfortunately, the ceiling collapsed, causing \$14,300 damage to my furniture. The landlord will not

pay and my insurer won't pay because it found the damage was structural.

Helena Kolodziej,
Mornington

A ASSUMING the ceiling collapsed because of a structural defect in the building, the landlord is ultimately liable for your losses.

Answers by Andrew Dimsey,
Maurice Blackburn

COMPLAINT OF THE WEEK

Q WE bought a fridge/freezer in June last year but started noticing yellow stains appearing about six months later.

We contacted the retailer who had not heard of the problem and told us to contact the manufacturer.

They claimed the stains were caused by something we had cleaned the fridge with and said it would cost \$100 to have someone look it. We refused.

After this we called them several times and were kept waiting for days, often weeks. The manager finally

replied they could not do anything about it because it was something that we had done.

Shauna Downey,
Croydon

A CONSUMER Affairs Victoria advises there is an implied warranty that goods are reasonably fit-for-purpose and you have the right to demand a refund from the seller if they fail that warranty.

This might include the stains if they arose from a defect with the fridge.

The seller has an obligation to comply with the implied warranty.

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

Maurice Blackburn
Lawyers

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