



with Wes Hosking publicdefender@heraldsun.com.au

# PUBLIC DEFENDER

## Mobile caps must be tighter

SHOCK phone bills would be avoided under a consumer-driven push to bar mobile users from making calls when their cap limit is reached.

The Australian Communications Consumer Action Network wants telcos to let customers nominate a spending limit, after which outgoing calls cut out.

It comes after Telstra announced it would slow data speeds when smartphone customers blow their allocation instead of charging extra.

Action network spokeswoman Elise Davidson commended the initiative but told Public Defender that unexpectedly high call costs were still catching users out.

"At the moment you can get a \$5000 phone bill if you are on a \$79 plan," Ms Davidson said.

"And that is completely unacceptable."

But providers appear unlikely to introduce customer-nominated spending limits, which

Wes Hosking

would also include text messages, when consumers approach their cash quota and real-time spend information.

A Telstra spokeswoman said the phone giant was constantly looking at ways to assist customers but data was the major cause of bill shock.

"Smartphones are very data-thirsty," she said.

An Optus spokeswoman said it provided usage alerts and information and would soon announce "new tools" to give customers greater control of their bill.

"For customers who require absolute surety of their spend we recommend a prepaid service," she said.

Complaints to the Telecommunications Industry Ombudsman about credit management issues rose 11.4 per cent between January and March.

Telecommunications ombudsman Simon Cohen said the move was welcome.



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## Hidden benefits to super

ANDREW DIMSEY



PRINCIPAL LAWYER, MAURICE BLACKBURN

**SUPERANNUATION.** It's an essential and somewhat mysterious investment we all make today to help take care of our individual and family's needs tomorrow.

But super does much more than create a nest egg in retirement.

Many people are unaware that many super policies include extra benefits for disability and death either by way of a lump sum payment or a monthly benefit.

So if you cannot work any more because of a disability or illness, it pays to speak to an expert.

Most super funds provide disability cover without any health questions, up to certain limits.

Even if you already had a disability or illness before you joined the fund, you may still be covered for disability benefits.

And disabilities do not have to be work-related, likewise you don't have to be unfit for all work to be eligible to make a claim.

It can be confusing knowing when and how to get your super contributions out early if you fall on hard times.

So let's demystify super! Blog with super expert David Kelsey-Sugg today to find out more about this important area of the law.

Legal information is general in nature and is not be regarded as legal advice from Maurice Blackburn.

**NEED LEGAL ADVICE? BLOG NOON-1PM**  
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**Q** I OWN a vacant block and intend to build. I will be required to connect to the reticulated sewer next year but have to pay the full cost to get the sewer mains extended.

The block is at the end of the road and there are three vacant blocks before mine.

Two of the owners have agreed to share the cost of connecting to the sewer but one, a developer, refuses.

The full cost will be \$50,000. Can we force the owner to pay his share?

John Mac, Gordon

**A** IT is unlikely you can force the developer to pay his share of the sewer connection because the sewerage authority is not compulsorily requiring you and your neighbours to pay. Your best option is to

**Q&A YOUR QUESTIONS ANSWERED**  
**NEIGHBOURHOOD HEADACHES**

Speak with the authority to determine whether they can force the developer to contribute.

**Q** MY neighbour has recently purchased a caravan which stands about 1.5m above the dividing fence of 1.8m.

The dark tinted windows invade our privacy. Our property is for sale and we lost a prospective buyer. Is

there any point of law we can use to oppose it?  
Barry Shepherd, Yarrowonga

**A** THE only point of law that could be argued is to claim that the caravan is a nuisance. It is unlikely to succeed. A more practical approach would be to speak to the council to determine whether any by-laws are being infringed.

Answers, Maurice Blackburn.

### COMPLAINT OF THE WEEK

**Q** MY wife and I purchased a new car in March 2007 on the understanding it was LPG compatible as long as we fitted the recommended kit for fuel injected engines.

We did this through the dealer's agent but had troubles from day one.

Eventually the dealer disclosed that a technical bulletin was sent to dealers acknowledging the problems we are having and saying the valves must be periodically adjusted.

It costs \$350 for each adjustment. The car still has a five-year warranty.

What can we do?  
Robert Shorland, Mt Eliza

**A** AS the car was purchased before Australian Consumer Law began on January 1 you are protected by the manufacturer's liability provisions of the Commonwealth Trade Practices Act.

Consumer Affairs Victoria advises that on the basis the advertisement about LPG compatibility was made by the manufacturer or importer, they must compensate for any loss suffered if the product fails to comply with the express warranty.

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