



*Disclaimer: The material in this fact sheet is intended as a general guide only. You should not act on the basis of the information in this fact sheet without first getting legal advice about your own particular reason. The laws around COVID-19 are changing rapidly. The legal information is current as of 29 September 2020.*

# LEGAL ISSUES DURING COVID-19

The laws around COVID-19 are changing rapidly. We recommend you check [here](#) for the most up to date COVID-19 information from the Department of Health and Human Services.

## INCLUDED IN THIS FACT SHEET ARE:

### Rules about Staying home

- I live in metropolitan Melbourne. When am I allowed to leave the house?
- I live in Regional Victoria, including Mitchel Shire. What rules apply to me?
- Can I go to the park with a friend?
- Can I visit someone at their house?
- What about seeing my partner?
- What if I'm homeless or don't have a permanent address?
- Can I leave home to go to work?
- Can I leave home to go to school?

### Experiencing symptoms

- I'm feeling unwell. What should I do?
- I've tested positive for COVID-19 but I'm feeling better. Can I leave the house?

### My safety

- I am supposed to stay at home but I feel unsafe here. What should I do?

### Face masks

- Do I have to wear a face mask?

## Police powers

Do the police have new powers?

What are my rights?

When could I be fined by police?

Can police stop me in the street if they think I'm breaking social distancing rules?

## Renting during COVID-19

What's changed?

Do I still have to pay rent?

Can my landlord put my rent up?

I can't pay my rent because of COVID-19, what should I do?

How should I negotiate with my landlord?

I've reached an agreement with my landlord, what next?

I can't reach an agreement with my landlord about my rent. What do I do now?

Can I get help with money to pay my rent?

What about accessing my super to pay rent?

Can my landlord evict me during COVID-19?

Can I move out during COVID-19?

## I lost my job because of COVID-19

Jobkeeper 2.0

What if my position has been made redundant?

What if I've been stood down?

Can I get financial support if I've lost my job because of COVID-19?

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## RULES ABOUT STAYING HOME

A state of disaster has been declared in Victoria. During this time, the government can make special rules about when you can go out and who you can spend time with.

The state of disaster began on 2 August 2020 at 6pm and was in place for 6 weeks (to 13 September 2020). It was extended again and ends on [11 October 2020](#).

### I live in metropolitan Melbourne. When am I allowed to leave the house?

If you live in metropolitan Melbourne, you should mainly be staying at home.

There is no longer a curfew and you can only leave your house if you wear a face mask, for these four reasons:

- to go shopping for food and supplies within 5km of your house or to get vital services. This includes going to the supermarket, pharmacy, bank, petrol station, your doctor or to visit a service, like Frontyard, headspace or Centrelink;
- to go to work or school, where you can't do those things from home;
- for outdoor socialising or exercise for up to 2 hour within 5km of your house or your workplace (you will need a permitted worker permit). This includes, for example, going for a walk in your local area or having a kick of the footy in the park. You can enjoy exercise or socialise with people in your household or up to 5 people (including you) from a maximum of 2 households. If you exercise or socialise with a person outside of your household, you have to practice social distancing by staying 1.5 metres apart. You can only exercise or socialise in a public outdoor place; or
- for care and caregiving reasons. This includes to meet shared parenting arrangements (regardless of whether there is a court order), or to provide care and support to a friend or relative who is unwell, has a mental illness, is disabled, elderly or pregnant.

To work out what is within 5km of your house, you can enter your address on this [map](#).

Remember, you can also leave your home for the following reasons:

- if you need to escape harm or a risk of harm (including family violence);
- for other "compassionate reasons," including to visit someone in hospital or to attend a funeral (there are rules about how many people can attend funerals); or
- if there is an emergency or if you need to comply with a legal requirement e.g. if you need to go to a police station or attend court in person.

Police can give you a [fine](#) of [\\$4956.60](#) if you are outside of your home without a reasonable excuse or if you aren't following social distancing rules.

Police can give you a fine of \$200 if you aren't wearing a face mask or face covering (there are exceptions if you have a certain health condition). If you get a fine, please contact us for advice.

### I live in Regional Victoria, including Mitchel Shire. What rules apply to me?

From 11:59pm on 16 September 2020, Third Step restrictions apply in the rest of Victoria (excluding metropolitan Melbourne where Second Step restrictions apply).

If you live in regional Victoria, this means are no restrictions on the reasons to leave home.

You must wear a face covering when you leave your home.

For more information on the restrictions in place across the rest of Victoria, see [here](#).

### Can I go to the park with a friend?

Yes.

**If you live in metropolitan Melbourne**, you can go to your local park to exercise or socialise. You can do things like walking the dog, yoga in the park, running or bike riding as long as it's within 5km from your house or workplace, and you're outside for no longer than 2 hours. You can go to the park to exercise with members of your household or up to five people (including you, and from a maximum of two households). If you are meeting with another person from another household, you must wear a face covering and maintain social distancing by keeping at least 1.5 metres apart.

**If you live in other parts of Victoria**, groups of up to ten people will be able to meet outdoors, so long as you wear a face covering and maintain social distancing by keeping 1.5 metres apart.

### Can I visit someone at their house?

**If you live in metropolitan Melbourne**, you cannot make social visits to friends or family and you cannot have visitors at your house.

However, you can still visit an intimate partner or maintain shared parenting arrangements for children.

Also, if you live alone or are a single parent you can create a social bubble with one other person. For more information about the rules on social bubble, see [here](#).

You can visit someone at their house if you are going to provide care to that person or for “compassionate reasons” (see above). For example, you might need to provide care to someone if they are unwell, disabled, elderly or pregnant. You can also visit someone at their house if you are the person requiring care.

You can go to someone’s house to look after their children so that they can go out for a permitted reason (e.g. to go to work or to a doctor’s appointment).

**If you live in regional Victoria**, from 11:59pm 16 September you can meet up in groups of up to ten people in a public outdoor place (babies under 12 months are not included in this cap). You must wear a face mask when you leave home, unless a lawful exception applies and keep at least 1.5 metres from others.

You can also have up to five people visit you from your household bubble.

For more information on social gathering, please see [here](#).

### What about seeing my partner?

You are allowed to see your partner if you live separately.

You can visit your partner, even if one of you lives in metropolitan Melbourne and one lives in regional Victoria, but you have to stick to the rules when you get there.

For example, if you live in Ballarat and your partner lives in Brunswick, you can travel to Brunswick to see them but you must stick to the rules that apply in Brunswick. This means that while you’re visiting your partner in Brunswick, you can only exercise or socialise outside within 5km of where you’re staying, for up to 2 hours.

### What if I’m homeless or don’t have a permanent address?

If you don’t have a permanent place to stay or you can’t stay at home (because it’s unsafe, for example), then the “stay at home” directions do not apply to you. You cannot be fined for breaking the stay at home rules if you have a reasonable excuse. Police officers have been advised to use discretion in dealing with people who are experiencing homelessness.

If suitable housing becomes available to you (eg crisis accommodation, or you can stay with a mate), you must comply with the stay at home directions for as long as you can stay safely at your new address.

### Can I leave home to go to work?

If you are a “permitted worker”, you can leave home to go to work if you have a permit from your employer.

See [here](#) for more information about eligibility for a Permitted Worker Permit.

In some circumstances, you may not need a worker permit. These include:

if you are at risk at home, such as at risk of family violence; or

law enforcement, emergency services workers or healthcare workers who carry employer-issued photographic identification, which clearly identifies the employer.

You should not be going to work if you are unwell, have tested positive to COVID-19 or are a close contact of someone who has tested positive.

### Can I leave home to go to school?

When term 4 resumes on 12 October, **in metro Melbourne**, secondary students (except for Years 11 and 12) will continue remote and flexible learning.

From 12 October, there will be a phased return for going back to school on-site for Prep to Grade 6, VCE (Years 11 and 12 or those doing VCE or VCAL subjects) and special schools.

In **regional Victoria**, from 5 October:

- Years 11 and 12 students can attend onsite for GAT and essential assessments. Year 10 students completing VCE and VCAL can also attend onsite for essential assessments; and
- Primary school students will slowly return to going back to school on-site.

In **regional Victoria**, from 12 October, secondary students will slowly return to school on-site.

## EXPERIENCING SYMPTOMS

### I'm feeling unwell. What should I do?

Check your symptoms – you may have coronavirus (COVID-19) if you have any of the following:

- fever;
- chills or sweats;
- cough;
- sore throat;
- shortness of breath;
- runny nose; or
- loss of sense of smell or taste.

Get tested at a [nearby testing location](#) if you have any of the symptoms. Return home immediately.

Wait for your test results. Do not go to work or go out shopping, stay at home. It usually takes between 1 and 3 days for your results to be returned to you. If you are worried your results are taking too long you can call a service provider for more information.

You may be eligible for some payments for having to isolate or losing income. See [here](#) for more information.

### I've tested positive for COVID-19 but I'm feeling better. Can I leave the house?

You must isolate until the Department of Health and Human Services gives you permission to stop isolating. They will be in contact with you once you receive a positive test result and will remain in contact with you until they tell you to stop isolating. If you break the rules and go out when you're not supposed to during your isolation, you might be given a warning the first time but you can be fined \$4957 on the spot after that. See [here](#) for more information about isolation and quarantine.

## MY SAFETY

### I am supposed to stay at home but I feel unsafe here. What should I do?

**If you are in immediate danger, please call the police by phoning triple zero (000)**

We know that family violence can get worse during events like COVID-19. Especially when people are home together, all the time. However, there are no excuses for violence. Everyone has the right to feel safe at home.

Remember, the new social distancing laws don't mean you have to stay at home if you feel unsafe. You can leave home to escape violence or to seek help from a support service.

Family violence is against the law. It includes things like:

- Someone physically hurting you in any way (hitting, kicking you etc);
- Using the Coronavirus to control or frighten you;
- Stopping you from getting medical treatment that you need;
- Restricting your movements around the house e.g. by saying that you can only stay in one room; or
- Monitoring your mobile and/or email.

If you or someone in your family is experiencing family violence, there are services that can support you. If you are not in danger right now, but would like to speak confidentially to a lawyer or a youth worker about family violence, please call Youthlaw's main phone line on 9113 9500, or email us at [legal@youthlaw.asn.au](mailto:legal@youthlaw.asn.au). Please note that Youthlaw is not a crisis service

If you feel unsafe or threatened or fearful for yourself, a child or family member, please call 000.

If you are in a crisis, call Safe Steps, Victoria's 24/7 family violence response line on 1800 015 188.

If you need an interpreter, call the Telephone Interpreter Service (24 hours) on 131 450. They will connect you with the service you want.

## FACE MASKS

### Do I have to wear a face mask?

Generally, yes.

From 11:59pm on Sunday 2 August 2020, **if you live Victoria**, and you are over 12 years old, you have to wear a face mask if you leave your house.

On [27 September](#), the premier said that all Victorians must wear a fitted mask, covering the nose and month and people can no longer wear a scarf, bandana or face shield.

You need to wear your mask at school if you can't learn from home (primary schools students are exempt), work or when out shopping, walking or attending appointments in public. The premier has indicated people will not be required to wear a mask when it is impractical, such as when they are actively jogging or visiting a bank.

If you don't wear a mask, the police may give you a fine of \$200. You should [contact us](#) for advice if you get a fine.

**There are some exceptions to having to wear a face covering. For example, if you have a certain medical condition.** You can find more information on the requirement to wear a face covering [here](#).

## POLICE POWERS

### Do the police have new powers?

The Victorian government has asked Victoria police for help to exercise the Government's special "public health powers" and "emergency powers."

The police have created a 'coronavirus enforcement squad' to enforce rules made by the government during the COVID-19 pandemic.

As part of their role assisting the government, the police can fine you if they think you are not complying with the Victorian government's quarantine or "stay at home" rules or if you're not wearing a mask.

The police can only exercise the Government's special powers while there is a State of Disaster declared in Victoria. The Victorian government only has the power to declare a State of Disaster for 6 weeks at a time.



If the government changes the stay at home measures, then the powers of police will also change.

### What are my rights?

Before exercising their special powers during the pandemic, the police:

- must show you their identity card if you ask to see it or if they attempt to come onto your property
- must warn you that is against the law not to comply with their instruction, before they give you an instruction to do something (e.g. to go home from the beach).

For more information about your rights when interacting with police, [see here](#).

If you have been treated unfairly by the police, please [contact Youthlaw](#) for more information and advice.

### When could I be fined by police?

This depends on where you live.

**If you live in metropolitan Melbourne**, you can only leave the house for the permitted reasons listed above . If you leave home for any other reason or if you're not following social distancing rules when you're outside the house, the police could give you a fine of \$4956.60, unless you have a reasonable excuse.

Police can also fine you \$200 if you're not wearing a mask in public. Everyone over 12 years old in Victoria must wear a face mask in public, unless you have a valid reason not to like having a medical condition.

**If you live in regional Victoria**, you can also be fined \$4956.60 by police for breaking the stage 3 Stay at Home restrictions or social distancing rules.

If you're over 12 years old, you can also be fined \$200 for not wearing a face covering without a reasonable excuse (like having a certain medical condition). You can find more information on the requirement to wear a face covering [here](#).

**If you live in Victoria**, and you are required to isolate or quarantine at home because you, or a close contact, are a confirmed case of COVID-19, or because you are awaiting test results, you must follow the directions of DHHS closely. In general, you must stay at home unless you need to leave to seek urgent medical care (e.g. you need to go to hospital). Police are doing spot checks to see if those required to be at home are at home. If you break the rules and go out when you're not supposed to during your quarantine or isolation, you can be fined \$4,957. See [here](#) for more information about isolation and quarantine.

The police have been advised to use their discretion before fining people, following some cases reported by the media. You can ask the police to use their discretion to issue you with a warning instead of a fine.

If you get a fine from police, please [contact Youthlaw](#) to get advice from a lawyer about your options. If you don't agree with the fine or if you were experiencing difficulties like homelessness, family violence, mental health or substance abuse issues when you got the fine, you can ask for it to be reviewed.

To assist human rights organisations to ensure police are using their new powers responsibly, fairly, and without bias and prejudice, you can anonymously register your interaction with police [here](#).

### Can police stop me in the street if they think I'm breaking social distancing rules?

Yes.

If the police officer believes on reasonable grounds that you are breaking stay at home rules or social distancing rules, they are allowed to ask you for your name and address.

If police ask you to give them your name and address you can ask police for their details, such as their name, rank and police station. You can ask them to write down their details for you.

You may be charged in court if you refuse to give your name and address or if you give a false name or address. Police can be fined if they refuse to give you their details when you ask for them.

For more information about your rights when stopped by police, see [here](#). If you have been treated unfairly by police, please [contact us](#).

## RENTING DURING COVID-19

### What's changed?

New laws have been introduced to protect Victorian tenants from hardship associated with the coronavirus (COVID-19) pandemic. The new laws came into effect on 29 March 2020 and will apply until 28 March 2021.

Youthlaw recommends the comprehensive Coronavirus (COVID-19) Guide for Renters by Tenants Victoria which can be read [here](#).

We also recommend the [Dear Landlord](#) self-help tool by Justice Connect to help renters advocate directly to their landlord for a rent reduction.

Information on the new renting laws can also be found on the Consumer Affairs Victoria website [here](#).

Other legal services which may be able to help you with renting issues include your local [community legal centre](#), [Anika Legal](#) and [Victoria Legal Aid](#)

### Do I still have to pay rent?

YES.

Although, you may be entitled to concessions around payment of rent if:

- You are unwell (whether the illness is COVID-19, or something else);
- Your ability to pay rent has been affected by the exercise of emergency or public health powers (e.g. you lost your job in hospitality because your workplace had to close down);
- You can't pay your rent without suffering severe hardship; or
- You can't pay rent due to exceptional circumstances in relation to the COVID-19 pandemic.

Non-payment of rent for one of these reasons will not constitute a breach of your lease, and will not give your landlord a right to evict you.

Your landlord is not allowed to list you on a residential tenancy database (known as a "blacklist") if you are unable to pay rent because of coronavirus.

### Can my landlord put my rent up?

NO.

There is a 'rent freeze' between 29 March 2020 and 28 March 2021. This means that your landlord is not allowed to increase your rent during this time.

You should contact [Youthlaw](#) or [Consumer Affairs Victoria](#) if your landlord issues you with a notice of rent increase during this period.

Rent can be increased after 28 March 2021, but only by a reasonable amount within the terms of your lease agreement and the Residential Tenancies Act 1997 (Vic).

### I can't pay my rent because of COVID-19, what should I do?

NEGOTIATE AN AGREED REDUCTION OR EXEMPTION IN RENT (not a "deferral" of rent).

If the impacts of COVID-19 have affected your ability to pay rent, you should contact your landlord or property manager and discuss your concerns.



You should propose an alternative arrangement that would work for you in the circumstances. For example, you could ask your landlord to consider offering:

1. A rent **reduction**. Consumer Affairs recommends offering to pay no more than 30% of your current income towards rent.
2. An **exemption** from rental payments for a period of time. This would mean that you do not have to pay rent during the agreed period and you will not have a debt to your landlord at the end.
3. A **deferral** arrangement, allowing you to catch up on rent in instalments once your situation has improved. This would provide a temporary break from rental payments while you are experiencing hardship, but comes with an obligation to pay back your landlord when you can afford it.

While there is no obligation under the law for your landlord to agree to such arrangements, they will be expected to negotiate in good faith.

It's a good idea to raise your concerns as early as possible with your real estate agent or landlord so that alternative arrangements can be put in place quickly.

### How should I negotiate with my landlord?

IN WRITING – USE THE SAMPLE LETTER [HERE](#)

Firstly, work out how much rent you can afford to pay. You should consider:

- If you're working, the income you will have from your employer, and any change to this amount that you anticipate in the near future;
- whether you qualify for any government assistance, including Centrelink payments or the Victoria Government's COVID-19 rent relief grant (see below);
- the amount you will be spending on essential items, such as groceries, medicines, utilities, phone and internet, education, or vehicle expenses;
- any loans you need to pay (consider checking with your lender as to whether you can pause payments due to hardship); and
- any savings you may be able to rely on during this time.

Based on the above, determine a rental amount that would be reasonable in the circumstances.

Before approaching your landlord, gather any supporting evidence, such as a letter of termination from your employer, or payslips showing that your income has reduced.

For help writing a letter to your landlord about a rent reduction, visit the Tenants Victoria [website](#). Here you will find template letters to landlords and real estate agents requesting a rent reduction.

### I've reached an agreement with my landlord, what next?

LODGE IT WITH CONSUMER AFFAIRS VICTORIA [HERE](#).

If you and your landlord are able to come to an alternative arrangement, the details should be recorded in writing and registered with [Consumer Affairs Victoria](#).

Once registered, you, the landlord and any other tenants will be notified of the recorded agreement. This may be used as evidence to access other government support such as the COVID-19 Rent Relief Grant (discussed in further detail below).

### I can't reach an agreement with my landlord about my rent. What do I do now?

GET CONSUMER AFFAIRS VICTORIA TO MEDIATE. APPLY [HERE](#).

If you and your landlord don't agree, you can do the following:

- Use the new specialised mediation service facilitated by Consumer Affairs Victoria. The service is free, and you will receive information and support to reach an agreement. Complete the online application [here](#).
- If your initial mediation is unsuccessful (or your landlord refuses to participate), you will be referred to another mediation service provided through the Dispute Settlement Centre of Victoria. This service is also free. Here, an accredited mediator will work with you to find a mutual agreement, tailored to your individual financial and personal circumstances. This mediation service will have the ability to make binding orders.
- If the order is breached, the matter will be referred to the Victorian Civil and Administrative Tribunal (VCAT) for hearing. VCAT will consider the order, and the action of the parties since it was made, and then determine the dispute accordingly.
- You may also apply directly to VCAT for a reduction in rent for a specified period, or a payment plan for rent and any arrears.

### Can I get help with money to pay my rent?

MAYBE.

The Victorian Government has set up a rent relief fund to provide grants of up to \$3000 for Victorians experiencing rental hardship as a result of COVID-19. This is called the DHHS COVID-19 Rent Relief Grant and is available up until 31 December 2020.

The payments are provided directly to your landlord or agent to assist with paying rent.

Please note that the Government has extended this grant from the initial \$2000 to \$3000.

You can either apply for the full \$3000 or an extra \$1000 will be made available for eligible previous recipients.

You are eligible if:

- You have registered your rent reduction agreement with Consumer Affairs Victoria, or have already been through mediation with Consumer Affairs Victoria;
- You have less than \$5000 in savings;
- Your household income is less than \$1903 per week; and
- You are currently paying 30% or more of your income towards your rent

You can apply for the DHHS COVID-19 Rent Relief Grant [here](#). If your application is approved, your rental relief payment will typically be processed within two weeks. You will not have to pay back the grant.

If you need additional financial support or you're not eligible for the COVID-19 Rent Relief Grant, you can speak to a free financial counsellor through the [National Debt Helpline](#) by calling 1800 007 007.

### What about accessing my super to pay rent?

SEEK INDEPENDENT FINANCIAL ADVICE.

There have been reports of real estate agents and landlords requesting that tenants apply for the early release of their superannuation in order to pay rent.

Your real estate agent or landlord should not advise you to do this. Unlicensed financial advice is illegal and ASIC has warned against accessing your superannuation without first getting advice from a qualified and reputable financial adviser.

Before deciding to access your super, we recommend speaking to a financial counsellor for advice. You can speak to a **free financial counsellor** through the [National Debt Helpline](#) by calling 1800 007 007.

### Can my landlord evict me during COVID-19?

NOT IF RELATED TO COVID-19. SEEK LEGAL ADVICE IMMEDIATELY IF SERVED WITH A NOTICE TO VACATE.

From 29 March 2020, there is a ban on notices to vacate. This means that you cannot be evicted from your rental property if you fail to meet your obligations as a tenant because you've been affected by COVID-19. *For example, if you fall behind in rent because you lost your job in a childcare centre because of COVID-19.*

Any notice to vacate served on or after 29 March 2020 is ineffective. This means you don't have to move out. Please [contact Youthlaw](#) or [Tenants Victoria](#) for advice if you are served with a Notice to Vacate during this period.

However, your landlord can still apply to VCAT to terminate your lease in limited circumstances (not related to COVID-19). Your landlord could try to terminate your lease if:

- you have intentionally or recklessly damaged the property;
- you have endangered the safety of your neighbours or landlord;
- you have seriously threatened or intimidated your landlord;
- you have used your rental property for criminal activity;
- you are able to pay rent, but wilfully do not;
- your landlord wants to sell or move back into their property; or
- you have assigned or sub-let your rental property without the landlord's consent.

If this happens, you will get a chance to tell your side of the story and VCAT will take into account all of the circumstances of the case before deciding whether to allow your landlord to terminate your lease. VCAT can only make a termination order if they find that it is 'reasonable and proportionate' to do so.

Remember, if VCAT makes a termination order and you don't leave your rental property, your landlord cannot evict you unless VCAT also makes a 'possession order.' You should **get urgent legal advice in this situation**. You can contact [Youthlaw](#) or [Tenants Victoria](#) for free advice.

Eviction matters will continue to be heard at VCAT and are currently being conducted over the phone.

For more information about evictions, please visit the [Tenants Victoria website](#).

### Can I move out during COVID-19?

YES.

You can move out under the pre-COVID-19 reasons by giving the correct notice period to your landlord. You can find the reasons for leaving a tenancy and the correct notice periods [here](#).

There are also new rules about ending a tenancy. For the period from 29 March 2020 to 28 March 2021, tenants can serve a 14 day Notice of Intention to Vacate (to move out) for two more reasons. These include, if you:

- are suffering severe hardship (for example: you are experiencing financial difficulties due to COVID-19); or
- the landlord has made an application to VCAT to terminate the tenancy (please note you do not have to vacate – as above seek legal advice in these circumstances).

There should be no fees or charges associated with giving the above notices.

**Please note, there are also special protections for victim-survivors of family violence.** If you have experienced family violence, you can apply to VCAT to have your name removed from a lease or to have a perpetrator's name removed from a lease. Applications will be heard quickly to protect victim-survivors. For family violence support, [contact Youthlaw](#) or see [here](#) for support at VCAT.

## I LOST MY JOB BECAUSE OF COVID-19

We recommend workers under 30 get in contact with the [Young Workers Centre](#) for free specialist employment advice.

You can also contact [JobWatch Employment Rights Legal Centre](#).

Remember, if you think you have been unfairly dismissed from work, you have a strict **21 day time limit** to bring a claim at Fair Work Australia.

## Jobkeeper 2.0

The Jobkeeper payment has been extended to 28 March 2021. But there are a few changes.

Jobwatch has completed a comprehensive Q&A about Jobkeeper 2.0 [here](#). We recommend you look here for answers to common legal questions and an overview of these changes.

Importantly if the change in payment rates leaves you in financial hardship please read the tenancy information above and/or consider speaking to a **free financial counsellor** through the [National Debt Helpline](#) by calling 1800 007 007.

## What if my position has been made redundant?

In short, a position is redundant where an employer doesn't need the position to be performed by anyone anymore. Some employers may make positions redundant if they suffer a downturn in business due to COVID-19. If your employment ends because your position is redundant, you will be entitled to notice of termination and may be entitled to redundancy pay.

Generally speaking, redundancy pay increases with years of service with the employer. Any accrued but untaken annual and long service leave should also be paid out to you.

Your exact entitlements will depend on a number of things, including any applicable award or enterprise agreement, the nature of your employment (eg, casual, fixed term, permanent etc), terms of your employment contract and the terms of any workplace policy.

We recommend speaking to us if:

- You have been dismissed on the basis of redundancy, but do not believe that your position was actually redundant. In this situation, you may be eligible to file an unfair dismissal claim at Fair Work Australia. You have **21 days** from the date of your dismissal to file your claim.
- You are not sure you have received your legal entitlements upon your employment ending.

## What if I've been stood down?

The new rules are covered in detail in the Jobwatch 2.0 [Q&A](#).

An employer can, in very limited circumstances, stand down employees who cannot be usefully employed. Employees who are stood down remain employed, but are not required to present for work for some or all of the time.

Employers are not generally required to make payments to employees who have been stood down unless they have enrolled in the JobKeeper scheme and the employee is eligible to receive JobKeeper payments.

There are three circumstances in which an employer can stand you down:

1. **By agreement**  
You can agree with your employer to be stood down from work.
2. **Under the Fair Work Act, your contract of employment or an enterprise agreement**  
You can be stood down under the Fair Work Act if you cannot be usefully employed due to industrial action, a breakdown of machinery or equipment, or a stoppage of work, in circumstances where your employer cannot be reasonably held responsible.  
It is also possible for your contract of employment or an applicable enterprise agreement to provide for stand down in broader circumstances.
3. **Under the "JobKeeper" scheme**  
If your employer qualifies for JobKeeper payments for you, it has a broad power to stand you down if you cannot be usefully employed because of COVID-19 (or government measures to stop the transmission of

COVID-19).

There are certain requirements that an employer must meet in order to stand you down under the scheme. They include requirements to consult with you in relation to the stand down, and provide you with at least three days' notice of the stand down (unless you agree to a lesser period).

If your employer meets all the requirements, it can issue a direction which involves you working different days, or performing less or no work.

Under the JobKeeper 2.0 scheme, an employer is still required to make relevant payments to you per fortnight for the period they are qualified to receive payments for you.

You should ask your employer if it is eligible to receive JobKeeper payments for you, if you do not already know.

We recommend speaking to us if:

- Your employer has stood you down, or said it will stand you down, and you do not believe your employer is entitled to do so.
- Your employer has enrolled for the JobKeeper scheme but you have not been receiving the correct payments
- Your employer has requested that you spend or pay a portion of the JobKeeper payments in a particular way (such as returning some or all of it to your employer).

### Can I get financial support if I've lost my job because of COVID-19?

You may be eligible for government support, including the JobSeeker Payment or Youth Allowance Job Seeker if you:

- lose your employment as a permanent employee, or
- are stood down without pay as a permanent employee, or
- lose income as a sole trader, self-employed person, casual worker or contract worker, or
- lose income due to being required to care for someone who is affected by COVID-19

For more information on accessing Jobseeker payments see [here](#).

To make a claim, you need a myGov account linked to Centrelink (which can be set up online). Economic Justice Australia have developed a step-by-step guide to [claiming Centrelink during COVID-19](#).

Visit our website: [www.youthlaw.asn.au](http://www.youthlaw.asn.au)

Chat to us: 03 9113 9500

Email your questions: [legal@youthlaw.asn.au](mailto:legal@youthlaw.asn.au)

# YOUTHLAW

Young Peoples Legal Rights Centre

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