



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 7 December 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.

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RULES ABOUT STAYING HOME

As of 11:59pm on Sunday 6 December 2020 Victoria has moved into the "COVIDSafe Summer restrictions".

These rules apply across all of Victoria.

Can I leave the house?

Yes.

Victorians can now leave the house for any reason.

There is no restriction on how far you can travel within Victoria.

The rules around masks have changed (see below). You must now carry one with you and only have to wear them in certain places.

For more detailed information on the restrictions see [here](#).

Can I go to the park with a friend?

Yes.

Gatherings in public places (like parks) are limited to groups of up to one hundred (100) people (not including infants under 12 months).

Can I visit someone at their house?

Yes with limits.

You can now have up to 30 people visit your home each day (infants under 12 months not counted and other dependents can also attend if they cannot be left unattended).

Your intimate partner is not included in this limit.

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

What about seeing my partner?

Yes, you are allowed to see your partner if you live separately.

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

Given the rules now provide for leaving home for any reason you should not be hassled for being in a public space.

If you are experiencing homelessness and are having negative interactions with Police, please get in touch with Youthlaw.

Can I leave home to go to work?

The general rules of if you can work from home you must work from home still applies.

However, the rules are allowing more workers to go into the office (within limits).

It is worth noting that despite the restrictions your workplace may have different rules under their Covid safe plan – for example if you work at a café they may require you to continue wearing a mask.

Can I leave home to go to school?

Yes.

Are things opening?

Yes.

With each step out of restrictions you will start to see more and more businesses and spaces (like libraries, gyms, pools etc) opening up.

There are specific rules around how many people can access each space - these really vary from space to space.

There are also rules around businesses collecting names of people who visit.

You may start to observe new “check ins” when you go to spaces as they open up. If you have any questions it's always a good idea to ask the business.

If you are unsure about anything get in touch with Youthlaw.

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.

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. 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?

The rules around face masks have changed.

It is really important that you carry a face mask with you.

You must now wear a mask:

- On public transport
- In taxis or ride shares (like Uber)
- When going to large retail venues (shopping centres, supermarkets, Bunnings etc)

You are still encouraged to wear a mask indoors and outdoors when you can not keep 1.5 meters distance from other people.

If you don't follow the rules - the police may give you a fine. 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

What are my rights?

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?

The most likely instances of being fined include if you:

Do not carry a mask.

Break the rules on the number of visitors to a home or number of people in a public place.

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](#).

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

Chat to us: 03 9113 9500

Email your questions: legal@youthlaw.asn.au

YOUTHLAW

Young Peoples Legal Rights Centre

Inc No A0041616E

ABN 12 794 935 230