



January 2021

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From the Team at NCLC



NCLC staff Christmas party and outdoors bowling

Happy New Year to our partner organisations and community members. We hope that everyone celebrated the holiday season and were able to enjoy our summer freedoms with family and friends.

In this month's newsletter, we will explore what you need to know about our new COVID normal from a legal perspective, touching upon returning to the workplace, what to do with COVID Fines, and updates for International Students and people on temporary visas. We will also let you know about NCLC programs and activities that may be of interest. For further information please contact:

admin@northernclc.org.au.

Join the Team at NCLC

We're hiring a full-time Senior Lawyer with responsibility for legal supervision, legal service delivery, strategic development, and community legal education. Applications close 5.00pm Friday 29 January 2021. A full Position Description and information on how to apply is available here:

<https://www.ethicaljobs.com.au/.../norther.../senior-lawyer/>

NCLC Service Delivery

NCLC is continuing to operate remotely and to provide legal advice to our clients via telephone.

The building in which we are located is currently closed and we will require office adjustments before we can resume face-to-face service delivery. We will keep our partners and community updated as soon as possible. In the meantime, appointments can be made by phoning our reception staff on [\(03\) 9310 4376](tel:(03)93104376) or email admin@northernclc.org.au.

Your Rights and Going Back to the Workplace

With up to 50 percent of private-sector staff and 25 percent of public sector employees returning to the workforce, there has been some legal debate regarding workers rights to continue working from home. A survey for the Fair Work Commission found that since most Australian workers were sent home to prevent the spread of coronavirus, only 5 percent want to return to the office full-time.

While generally workers are required to return to the office provided their work environment is safe, there are some circumstances under the Fair Work Act where workers have the right to make a request for flexible working arrangements, including working from home, and employers must consider them.

These include if the workplace isn't following a COVID-safe plan, having a medical condition that makes a worker more susceptible to respiratory infection, needing to care for a family member or being over the age of 55.

Where an employer refuses a reasonable request, and the employee believes the employer has breached their duty to provide a safe workplace, legal advice should be obtained.

Enforcement of COVID Fines

UP Form 2040
Enforcement Agency - Victoria Police

INFRINGEMENT NOTICE

SERVICE TYPE
 Personal
 Paid

Date of Infringement (month/year) 05/2020

The Infringement Penalty must be paid by the Specified Due date of 03/05/20

Issued by Officer Name [Redacted]

Registered Number [Redacted] Station [Redacted]

Relevant Act 1958 Summary Offence Act 1958 Other Act (specify) CRIMES

Brief Description of Infringement Offence Alleged Non-essential travel - COVID 19

Infringement Penalty \$1652

Noted to be included in this infringement notice under any ACT/OT other document that requires no offence

There has been mixed messaging in the media lately regarding the enforcement of COVID fines. On the 18th January 2021, the Age newspaper reported that police will be dropping all but the most serious of COVID fines and handing out cautions for unpaid infringements rather than proceeding with charges. Later this was retracted when Victoria Police Deputy Commissioner Rick Nugent stated that a "poorly worded" internal guidance note gave the impression remaining fines would not be prosecuted – which is not the case. In a later press conference, Premier Daniel Andrews stated that "rule-breakers must pay fines".

NCLC is assisting a number of clients with challenging COVID Fines. In many instances, the person was told by a police officer that they were being let off with a caution, only to receive a substantial fine in the mail.

If you have received a COVID fine, remember:

- You can ask for more time if you cannot pay your fine
- You can ask for the fine to be withdrawn or cancelled if you think it is unfair or wrong. If it is not withdrawn, then you may be able to challenge the fine in court. You should get legal advice before seeking a review of a fine or referring a matter to court
- Do not ignore your fine. If you ignore your fine, you may have to pay more money, or you may have your car wheel-clamped or property taken and sold to pay for the fine

You should speak with a lawyer if you are not sure about your rights, or if you require assistance with challenging a fine.

New Financial Assistance for People on Temporary Visas

CORONAVIRUS (COVID-19) EXTREME HARDSHIP SUPPORT PROGRAM

The Victorian Government has provided the Australian Red Cross with funding specifically to support people who do not have access to Commonwealth Income Support. The support is targeted towards the most vulnerable temporary and provisional visa holders and undocumented migrants, including International students. Applicants must meet the following criteria:

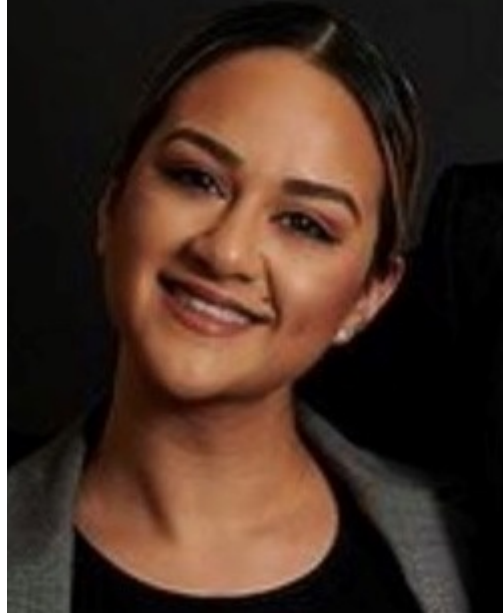
- Live in Victoria
- Be unable to access Commonwealth income support (including JobKeeper, Job Seeker and SRSS)
- Have zero or very limited income, savings or community support
- Be a temporary or provisional visa holder, or undocumented migrant.

When applying you will require evidence of your current or most recent visa status and evidence of financial hardship (i.e. bank statements).

Applications can be made via the Red Cross [website](#).

All international students experiencing financial hardship can apply, even if they previously received assistance through the International Student Emergency Relief Fund.

Meet Alana Ray – NCLC's Family Law and Family Violence Lawyer



Tell us a little about your background:

I initially wanted to practice law because I am highly passionate about access to justice and I wanted to contribute to bridging that gap within the community, particularly for women experiencing family violence and family law matters. I came to NCLC with a background in Family Law and Wills & Estates, most recently in private practice. Prior to that, I was fortunate enough to work, intern, and volunteer within organisations such as the Mental Health Legal Centre's Inside Access Clinic, the Bridge of Hope Innocence Initiative, and Port Phillip Prison in Justice Support.

Why are you interested in working in this area of law:

Family Law can be a very intricate and complicated area to navigate. As I began to learn and realise the intricacies of the system, I was inspired to assist those experiencing family law issues, by helping them to navigate through what can be a very complex process. Additionally, I am interested in this area because family law has allowed me to have ongoing interactions with clients who are in need, assist them with legal problem solving, and provide additional support. As a family law and family violence lawyer at NCLC, I feel very privileged to be assisting clients who are experiencing family law and family violence issues and helping them to navigate the process.

Why is it important to get legal advice when separating (would be good to include something here about ensuring women are informed of their rights so that they can make informed choices)

Due to the complexities of the family law system, I believe that it is imperative to seek legal advice to ensure that women are informed of their rights and aware of their legal position so that they are able to make informed decisions.

There are multiple considerations in every separation process, and each family situation and relationship is unique; as such, obtaining legal advice that is tailored to one's circumstances is essential. Seeking out legal advice throughout the separation process can help to provide additional support, ameliorate any potential concerns, and assist to navigate the process.

Look Out for Our New Podcast!

Northern Community Legal Centre will soon be launching our new podcast!

Hosted by our Mental Health Support Coordinator, Morgan Wright, and featuring interviews with our lawyers and experts across the sector on issues of interest, our podcast will be coming soon via your usual podcast channels.

Episode one will feature our COVID Response Lawyer, Cass Meade, and Economist, Professor Roger Wilkins, discussing the impact of COVID-19 on wellbeing and legal issues.

Stay tuned... further information pending!

Northern Community Legal Centre acknowledges and respects the traditional custodians whose lands we are fortunate to live and work on, and we pay our respects to all Elders past, present, and future.

Northern Community Legal Centre

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