



# All the Latest from Northern Community Legal Centre

August 2021

Please share by distributing to your networks.

[Join our mailing list](#)

## From the Team at NCLC



### Welcome to the August Edition of the NCLC Newsletter

Many in our community are certainly feeling the lockdown fatigue as 6.0 gets further extended beyond the original snap lockdown. In our legal practice, we are seeing COVID-19-related legal issues arising in our community again, including concerns related to child contact arrangements, and COVID fines. At NCLC we are firmly keeping our eyes on the prize - that is - a vaccinated community where we can begin to resume our daily interactions without fear.

The right to get vaccinated, or not get vaccinated, is a critical emerging legal issue in our community. While vaccination provides a window of hope for most of us, there are some with legitimate concerns, such as for women who are pregnant or people with other medical issues. In this month's newsletter, we will explore the issue of mandatory vaccinations in more detail, as well as providing information regarding other COVID-related legal concerns.

As always, we remind people that NCLC lawyers are free and available to provide legal advice. Telephone or email: [\(03\) 9310 4376](tel:0393104376) or

VISIT the NCLC website

## Mandatory jabs: are they legal?

The Australian government has recently required residential aged care workers to receive a first dose of vaccination by the 17 September 2021. States and Territories can also make public health orders and directions that will define who must be vaccinated and any limited exemptions. While the Victorian public health orders are yet to be released, some employers, such as SPC Shepparton, have already begun to roll out mandatory vaccinations.

Our colleagues at the [Victorian Human Rights and Equal Opportunity Commission \(VHREOC\)](#), remind us that if your reasons for not getting vaccinated are connected to a protected attribute under the Equal Opportunity Act, then an employer or service requiring you to get vaccinated may be discriminating against you.

Protected attributes include pregnancy and disability. The VHREOC highlights that while political or religious beliefs or activities are also considered protected attributes, this 'has been interpreted narrowly in Victoria and is unlikely to apply to people who are opposed to vaccines being imposed by employers'.

However, 'people with certain disabilities, medical conditions or who are pregnant may not wish to get the vaccine for medical reasons. Requiring people to be vaccinated in these circumstances could amount to indirect discrimination'.

If this is the case, the employer or service provider may seek to rely on health and safety grounds to impose the vaccine. As stated by the VHREOC, 'under the Equal Opportunity Act, discrimination is allowed on the basis of disability or physical features if it is reasonably necessary to protect the health and safety of any person, or the public generally. If the employer wishes to make vaccination a mandatory requirement, they must prove how this health and safety exception applies'.

This is an emerging conversation across Victoria and we are yet to see the detail of any public health orders that might be made by the Victorian Government. However, if you believe that you are being discriminated against in the workplace, on the basis of any protected attribute (race, gender identity, sex, disability, etc), contact [VHREOC](#) on [1300 292 153](tel:1300292153) (phone) or [enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au) (email).

## Introducing NCLC's new lawyer, Batool



### **Tell us a bit about yourself?**

I am a Community Lawyer at NCLC, and I will be working in the areas of Generalist and Family Violence law.

### **Why did you chose to work in this area of law?**

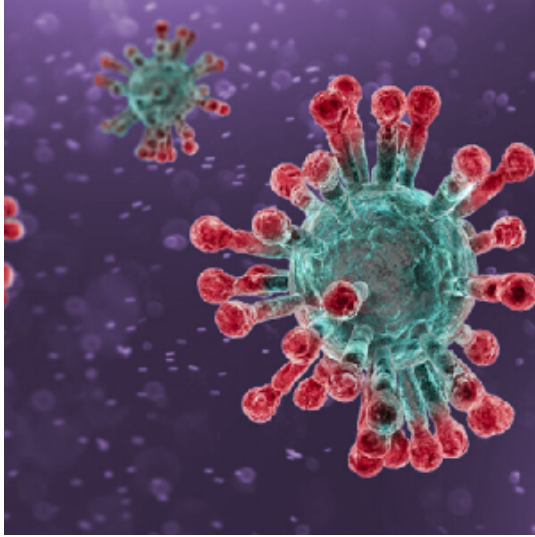
I have always wanted to use my skills to give back to the community, and working at NCLC is the perfect opportunity to do this. I'm very passionate about access to justice, and working to help vulnerable people within the legal system.

### **What kind of support can NCLC provide to victim/survivors of family violence?**

We provide legal advice and representation for those affected by family violence and related areas including assistance with family violence intervention orders, family law, and VOCAT applications, amongst other issues. There is also a duty lawyer service for applicants and affected family members that NCLC offers at the Broadmeadows Magistrates' Court.

## **Frequently asked COVID-19 questions**

**COVID-19 may be causing disruptions to court ordered arrangements, access to services, and judicial processes. Below we**



**provide some answers to the most frequently asked questions on COVID-19 impacts.**

### **How can I get a Family Violence Intervention Order (FVIVO) during a lockdown?**

Courts are still hearing family violence intervention order matters remotely and applications can be made online [here](#). If you are unsafe, then call 000 for assistance. An NCLC lawyer can also assist you to make an application and support you through the process through our FVIO Duty Lawyer Service.

### **What if I need to change my child contact arrangements?**

Under lockdown, all shared child contact arrangements, whether informal or court-ordered can continue as normal. You are permitted to leave the house to take children from one parent's home to the other parent's home.

If you have court orders in place, you must comply with the orders unless you have a reasonable excuse not to. If it is not reasonable to comply with your family court orders due to COVID-19, you may be able to negotiate a variation with the other party if safe to do so. Make sure any variation is agreed upon in writing, for example by text message or email. If it is not safe to negotiate with the other party, then mediation or applying to court may be an option. An NCLC lawyer can provide you with further advice.

### **What if I get a COVID fine?**

Victoria Police can issue on the spot fines for failing to comply with public health directions. If you get one of these fines, then you have the right to have it reviewed. It is important to **take action on your fine by the due date**, otherwise it will get more expensive and you may lose the right to challenge the fine.

### **How can I get a legal document signed and witnessed during lockdown?**

Changes to Victorian law mean that for many legal documents, there are now more options:

- electronic signatures may be able to be used
- signatories (people signing a document) and witnesses may be able to sign in each other's presence via an audio visual link such as Skype or Zoom

You can find more information about the required processes [here](#).

*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**

Level 3, Building 2, 1100 Pascoe Vale Road,  
Broadmeadows  
Australia

You received this email because you signed up on our website or made a purchase from us.

[Unsubscribe](#)

