

# COVID-19 and your everyday legal issues

## Common questions about the potential impact of the coronavirus and social distancing

### THERE IS SO MUCH INFORMATION AROUND. WHERE CAN I GET INFORMATION I CAN TRUST?

As with any natural disaster or crisis, you need to get your information about emerging issues from government sources. Reliable and updated health information is available from:

- [Queensland Health: Novel coronavirus \(COVID-19\) information for Queenslanders](#)
- [Australian Government Department of Health: Coronavirus \(COVID-19\) health alert.](#)

For legal matters, Legal Aid Queensland, community legal centres and private lawyers are all good sources of legal information and advice. For workers, unions and the Fair Work Ombudsman are trustworthy. For financial problems, the National Debt Helpline is a free, reliable, community-based source of information.

### I HAVE TO STAY HOME FROM WORK BUT CANNOT WORK FROM HOME. CAN I STILL BE PAID, AND IF SO WILL IT USE UP ALL MY LEAVE?

This is a complicated question and the answer will depend on the character and nature of your employment, as well as who has decided you need to stay home and why. The Fair Work Ombudsman has information about most situations on its [website](#).

What happens if a dispute about leave pay or other entitlements arises?

If a dispute arises about what sort of leave you are taking when you are unable to come into work, you

might need to contact your union. If you are not in a union, an employment lawyer might be able to help. This sort of dispute does not always need to be resolved at the time. If you have been asked to use your leave entitlement but you should have been paid as usual, it can often be sorted out after the event and any leave re-credited.

This is not the case if you have been dismissed. The time limit for commencing any proceedings related to dismissal is 21 days from the date of dismissal. There are no apparent plans to change this very short time limit at the moment. As well as protection against unfair dismissal and discrimination, there is a specific protection against dismissal (and any other adverse action) because of temporary absence for illness or injury.

For more information visit the following websites:

[www.actu.org.au/coronavirus](http://www.actu.org.au/coronavirus)

[www.queenslandlawhandbook.org.au/the-queensland-law-handbook/living-and-working-in-society/employment/](http://www.queenslandlawhandbook.org.au/the-queensland-law-handbook/living-and-working-in-society/employment/)

[www.abc.net.au/radionational/programs/lifematters/not-enough-sick-leave/12046226](http://www.abc.net.au/radionational/programs/lifematters/not-enough-sick-leave/12046226)

### I AM STRUGGLING WITH A REDUCED INCOME. WHAT RELIEF IS THERE FOR ME FINANCIALLY?

There are federal and state government financial relief packages that will assist some households. There are also existing legal rights for people who struggle to meet any domestic debt payments due to a temporary hardship. A hardship variation can give you valuable breathing space by reducing your loan repayments, giving you a break from making payments or changing your loan to interest only for

a period. You can ask for a hardship variation for many types of household debts including home loans, credit cards, personal loans and loans to buy furniture.

If you ask your lender for a hardship variation and have any trouble getting what you need, you can contact the [Australian Financial Complaints Authority \(AFCA\)](#). AFCA can require lenders to enter into hardship arrangements if the circumstances require it.

There are also many other mechanisms to reduce your expenses for a period during a crisis. You can get safe and reliable financial counselling advice and information from the [National Debt Helpline](#). This is a government funded community service set up to help you, not a company with its own agenda. There is a lot of good information on their website about the various ways to manage debt in a crisis as well as how to access emergency sources of income.

For more information also see the *Queensland Law Handbook* chapter [Consumer Credit and Banking](#).

## THE RESTRICTIONS ON MOVEMENT AND INCREASE IN DEMAND RELATED TO THIS CRISIS IS AFFECTING MY ACCESS TO HEALTH SERVICES. AM I ENTITLED TO ACCESS THE HEALTH SERVICES I NEED?

Generally speaking, yes you are. However, in a time of crisis, a lot of other factors can affect the experience of accessing health services. Demand for help goes up just as supply of services tightens.

If any service provider intends to limit your access to a service that you need, they need good policy grounds for doing so. This means that even when service supplies are short or there is a risk to health and safety when providing a service, the decisions about who gets access and who misses out must be properly thought out and well founded. First in first served is not normally a good policy basis for who gets access to a service, and increased triaging should be expected.

In other countries that faced this crisis earlier, access to health services has been problematic, but Australian service providers have had additional time to prepare and should be better placed to do this well.

More information about rights to health services can be found on the [Queensland Human Rights Commission's website](#) and in the *Queensland Law Handbook* chapter [Medical Law](#).

## I HAVE EXPERIENCED RACISM BECAUSE OF A PERCEPTION THIS VIRUS WAS BROUGHT TO AUSTRALIA FROM A SPECIFIC FOREIGN COUNTRY. IS THERE ANYTHING I CAN DO ABOUT THAT?

In many cases, yes you can, especially if you know the identity of the person who engaged in the racist behaviour and the conduct occurred in public. The structure of the legal protections against racist conduct can be complicated, and you may need legal advice before making any sort of complaint. More information can be found on the [Queensland Human Rights Commission \(QHRC\)](#) and the [Australian Human Rights Commission \(AHRC\)](#) websites. Any complaint to the QHRC must be made within 12 months of the conduct occurring. Complaints to the AHRC must be made within six months of the conduct occurring.

Vilification that makes you scared for your safety, is accompanied by a threat or an assault of any sort, or that occurs in private might demand a different response. If you have any concerns at all about safety, call police immediately. If the conduct occurred in private it may not be covered by anti-discrimination law, but it is still not okay and could be domestic violence or breaching another law. Again, if you have any fears for your safety telephone police. Otherwise you may want to speak to a lawyer about the issue.

In an emergency telephone 000. Otherwise, to contact police call 13 14 44 or go to [www.police.qld.gov.au/units/police-link-131-444](http://www.police.qld.gov.au/units/police-link-131-444).

## MY PROBLEM IS MORE COMPLEX, URGENT, AND CANNOT BE ANSWERED BY LEGAL INFORMATION. WILL LAWYERS BE WORKING THROUGH THE COVID-19 CRISIS?

Some serious legal issues have arisen as a result of this crisis. Delays are also expected in many jurisdictions, which is a significant concern and can impact on human rights. If you already have a solicitor, you should be able to reach them using their email address and/or phone number they have given to you, even if they are working remotely.

If your legal problem arises during the crisis, it could become more difficult to access services. As usual, private lawyers will be less difficult to access than free services that generally rely on volunteers or a call centre to intake and advise new clients (both of which

become difficult to maintain during a health crisis). If you have the means to access a private lawyer, you should do that, even if free services could also help you in ordinary circumstances. Legal advice usually costs \$250 to \$400 an hour, and many people will only need one or two hours of advice to help them resolve a legal problem. There are also lots of lawyers who offer a reduced fee for the first appointment.

If you cannot afford to pay for advice and are having trouble accessing Legal Aid or your local community legal centre, you should check their website or social media channels for information. Many will do their best to work through this crisis, as they do for natural disasters, but services may be limited or unavailable for a period.

Caxton Legal Centre publishes a [referral list](#) to private solicitors.

Community Legal Centres Queensland publishes a [directory](#) of all community legal centres in Queensland.

The [Legal Aid Queensland website](#) can help you find legal information, get legal help or find a private solicitor.

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This information is current at March 2020.

### Disclaimer

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