

COVID-19 and International Students - Housing, Safety and Wo...

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SPEAKERS

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Nadia Morales

00:07

All right. I think it might be worth us kicking off now. People might trickle in as we go along. I'll also note that this presentation is being broadcast live on the Facebook page of the Victoria Law Foundation.

Hi, everyone. Thanks for joining us for this webinar on COVID 19 and international students. My name is Nadia Morales and I'm a director at Inner Melbourne Community Legal Center. I'll be moderating today's session and trying to get all the technology right. Bear with me if there are any mistakes.

We know that life as an international student can be really hard, especially now with COVID-19. During this seminar, you'll hear from community lawyers about what you can do about problems with your work, housing and safety. We want you to know that you have legal rights, and there are things that you can do and people that can help. It's okay to ask for help. Community lawyers are here to help you understand your rights and deal with your problems. The community lawyers will hear from today come from organisations called community legal centres (CLCs). Community legal centres are independent organisations that provide free and confidential legal services to people who can't afford a private lawyer - like many international students. Community lawyers can provide free legal information and advice and, in some cases, ongoing help with your situation. These lawyers can give you clear directions about what to do with your problem based on what you want. And they can do things for you, like talk to other people, write letters for you, or draft documents, and even speak in court for you if you need to go there. If you speak to a lawyer, they can't tell anyone what you've said, including migration authorities, police and your family/ What you tell them wont affect your visa, housing, work or education.

Today, the lawyers will give you information but we encourage you to call your local CLC for individual help about your specific issue. There are many community legal centres all across Victoria and close to where you live. At the end of the session. We'll let you know how you can find yours and contact them if you need extra help.

Today's session is interactive. We'll be helping you understand your rights connected to your work, housing and safety. There are a series of examples of individual stories based on the experiences of international students, like many of you. We'll read out the stories one at a time, and then ask you some questions through an online game called Kahoot. You can play along and answer the questions on your phone or computer. Don't worry if you don't know the answer. We'll go through the answers at the end after each question. Also, don't worry if you don't understand everything we say, including some of the unfamiliar legal words. We'll introduce you to our international student resource that you can look at in your own time to better understand what we're talking about. So how do you play along? I described to some of you who were here earlier, go to www.kahoot.it on your computer or on your phone.

03:18

Once we start to play the game, you'll see coloured boxes come up. They will look like this [boxes shown on screen]. You can choose the answer you think is right by pressing the colored boxes. Sometimes you can choose more than one answer to a question so pick whichever one you think is right. It'll make sense once we play along. As we go if you have questions about the stories or the information we give you, you can also add your questions to the q&a section in zoom. You'll find it in the black bar at the bottom of your screen. We'll try to answer your questions at the end of the session. You can also contact us directly after the session for more information, and we'll provide contact details later on.

So let's get started with Mina's story and her problems at work.

Francesca Lai

04:05

Hi, everyone, my name is Frankie. I'm an employment lawyer at West justice and I also provide free advice through the international students work rights legal service run out of Study Melbourne. I'm going to be giving you some scenarios about your work rights during this coronavirus pandemic and the first story is Mina's story. Mina has been a part time sales assistant in an electronic store for the last two years. Her boss tells her that because of the COVID-19 pandemic they have to fire her immediately.

04:36

And the question for you to answer through Kahoot is, "is this legal?".

Nadia Morales

05:00

Maybe read out the questions Frankie for the people that can't see.

Francesca Lai

05:03

The options are:

- A) Yes, this is legal if a business needs to dismiss staff during COVID they can.
- B) Maybe. It depends on whether or not the business has applied for Jobkeeper.
- C) No, there is a process they need to follow to fire a permanent employee.
- D) Only if the business has suffered a 30% downturn in revenue because of COVID.

So click on whichever one you think is right. And the correct answer is (C).

There is a process that your boss needs to follow to fire a permanent employee. I think the key message here is that the coronavirus situation does not give employers a special right to terminate people unfairly. Employers must still follow the processes under the law and the law has not changed in relation to firing people just because of coronavirus.

If you're a casual employee, generally you don't have to accept any shifts that your boss offers to you. And equally, your boss doesn't have to offer you any shifts. So generally, you can be fired at any time. But if you've been working regularly for more than six months, if you've been fired for a discriminatory reason, then you might still be able to make a claim against your boss. If you're a part time or full-time employee, you might have more rights if you get fired. For example, if a business has suffered because of COVID, they can make some jobs redundant which means that your job doesn't exist anymore, and they don't hire anyone to replace you. But they need to follow the law when doing this, they must first see whether there is any other work that you can do for them. And then they must pay you redundancy pay if there is not.

06:50

Otherwise, the law protects dismissed employees and gives them other rights such as notice pay and payment for untaken annual leave if you are a part time or full-time employee. If you've been fired and you think its unfair you should get immediate legal advice because you only have 21 days to make a claim. Another thing to note is because you are all international students, your boss cannot tell you to do anything that is related to the Jobkeeper scheme. The Jobkeeper scheme does not apply and if they are telling you to do things under the scheme it is illegal.

Nadia Morales

07:45

The next question?

Francesca Lai

07:47

So the next question is Dal's scenario, let's see what happens if your boss tries to reduce the number of hours that you work because of Coronavirus. Dal is an international student who works as a coder for a software company. He has regularly worked 20 hours per week on a part time contract for the last three years. Since COVID-19, his boss has told him his hours will be reduced to eight hours per week.

08:15

Is this legal?

08:20

And so now you've got an opportunity to put your answers into Kahoot.

08:30

Your options are:

- A) No, it's not legal unless Dal agrees or his boss follows a procedure set by law.
- B) Yes, Dal's boss can do anything because of COVID-19.
- C) No, there can be no changes to his hours during COVID.
- D) Or I'm not really sure.

09:07

And the correct answer is "No. Dal's boss cannot choose to reduce his hours of work unless he follows a procedure set by the law." (C)

So generally speaking, there might be a potential for your boss to reduce your hours of work, but they have to do it lawfully. If you're a casual employee your boss can decide to reduce your hours at any time but they cannot punish you for exercising your right to work or for a discriminatory reason.

09:40

For part time and full-time employees, your boss has to follow the law if they're going to reduce your hours. And what the law is depends on what industry you work in and what your employment contract says. But generally speaking, you need to agree to your hours being reduced if your boss is going to reduce them. They have to ask for your permission first. If your boss is trying to reduce your hours, and you're not sure if it's legal, you should go and get some legal advice.

10:20

The next situation we have is about your rates of pay during COVID and now we come to Li's story. Li works for a specialty food store as a casual employee. She usually earns \$28 per hour but her boss has said that things are difficult for the business and has asked her to agree to cut her pay to \$14 per hour, just for the next few months. Is this allowed?

11:06

And so your options are:

- A) "No, Lee's pays set by her contract award agreement or the law."
- B) "Yes, her boss can reduce her hours of pay. Businesses are doing it tough during COVID. So it's acceptable."
- C) "Yes, the law has changed so that employers make workers take a pay cut"
- D) "I'm not sure"

11:40

And the correct answer is no (A). So Li's rate of pay is set by her contract award or agreement or the law. The key message here is that pay rates are set by your employment contract or by the law, and in either circumstance, they cannot be reduced by your boss.

In addition, your employment contract which can just be a spoken agreement between you and your boss, or can exist in text messages, cannot set rates of pay that are less than the legal minimum rates of pay. So minimum wage for an adult that's working as a casual employee is \$24 and 36 cents per hour. For part time and full time working adults. It's \$19.49 per hour because they get annual leave. And basically, there are sets of rules called awards, which apply to specific industries or specific jobs and they will set higher rates of pay. For example, there's an award for cleaners and there's one for people working in the fast food industry. Your boss cannot pay you less than the legal rates of pay. If they are paying you less you should get some advice from a lawyer because you can claim that back and if you're not sure if you're getting paid the right amount, go and see a lawyer because it doesn't hurt to check. It's also relevant to note that it is illegal for your boss to do anything negative towards you, such as cut your shifts or fire you if you complain about your pay, or if you ask to be paid the correct amount.

13:35

Okay, now we're turning to Sharmila's story. Sharmila has worked as a casual cleaner for two years. Her boss asks her to resign and get an ABN and then has promised to hire her back immediately as an independent contractor to do exactly the same work, hours and shifts.

13:55

Is this okay?

13:59

And then we'll have a look at the options that are in Kahoot.

14:12

And the options are:

- A) "Yes, as long as her boss pays her the same rate. It's okay."
 - B) "No, it's not legal if her boss is doing it to avoid paying entitlements."
 - C) "Yes, as long as her boss hires her back like they promised."
- Or, finally, if you're not sure,
- D) "I don't know what an independent contractor is."

14:45

And the correct answer is no, it's not legal (B). What Sharmila's boss is proposing to do is not okay. And we call this sham contracting. This is where your boss says to you that you're an independent contractor, but you're actually an employee, and this is completely unlawful.

So an independent contractor is someone who is running their own business, they generally have to provide invoices for their work, and they don't have a minimum rate of pay, or entitlements like annual leave over time or superannuation. Employees, on the other hand, get minimum wages and things like superannuation and other entitlements. Whether you're an employee or not actually depends on the circumstances and not what your boss says or what you agree with your boss. Some employers will tell their employees to work as independent contractors to avoid having to pay the right rates of pay, or pay things like superannuation and tax. If your boss is trying to tell you to work as an independent contractor and get an ABN, but you don't feel like you're genuinely running your own business, which is what an independent contractor does, then you should get legal advice. In addition to this, it is particularly illegal for your boss to fire you and then hire you back as an independent contractor doing exactly the same job. And so if this happens to you should get legal advice quickly.

16:29

Okay, the next scenario relates to safety at work during coronavirus. Kenny works in a busy 7-eleven store. He has regular contact with the public, serving customers and restocking shelves. Kenny is concerned about his work because of COVID and his boss hasn't provided him with a mask or any gloves or put limits on how many customers can be in the store. Is this okay?

17:04

And then we'll look at the options in Kahoot.

17:16

Okay, the options are:

- A) "I guess this is okay, so long as he's boss provides hand sanitizer."
- B) "Yes, it's up to staff to take care of their own safety."
- C) "No, his boss cannot ask him to work in close contact with the public at all."
- D) "No, his boss must take reasonable steps to ensure his health and safety."

17:52

And the answer is No. Kenny's boss must take reasonable steps to ensure his health and safety at work (D).

What is reasonable will depend on the situation, but it might include any of the following. For example, in Kenny's case, requiring that workers or workers and customers practice physical distancing where possible, like maintaining 1.5 meters apart, requiring workers to practice good hygiene, such as hand washing, using hand sanitizer or using gloves and masks, requiring workers to stay home when they're sick and or get tested for coronavirus before returning to work if they are sick and cleaning the workplace regularly. If you think that your workplace might be unsafe, you can call Work Safe to make an anonymous report. Or you can contact your union if you're a union member or seek free legal advice to find out what you can do if you have concerns that your boss is not providing a safe workplace.

And thanks, Nadia. That's it for all the worker rights questions.

Nadia Morales

19:00

Thank you. Can you just describe to the international students the work rights legal service and how students can contact you.

Francesca Lai

19:07

Yes, sure. So, me and a few other lawyers provide free legal advice to anyone who's an international student through the international student's work rights, legal services with Study Melbourne. All you need to do to book an appointment is to go to their website or give them a call. They have social workers who can help you with all of your questions and direct you to the right place to receive free legal advice or other kinds of support.

Nadia Morales

19:36

What other kinds of support do they provide, Frankie?

Francesca Lai

19:39

So they can provide some advice on how to best use your health insurance that you've got as international students and how to access free counseling, or access support for medical assistance. They can provide you with advice on how to manage your finances during this hard time and how to apply for emergency relief. And they can also refer you to get free legal advice regarding your work rights or regarding your housing issues, which Caitlin will touch on in a minute.

Nadia Morales

20:16

Right. Thanks, Frankie. We're now going to introduce you to Caitlin, another community lawyer, and she's going to talk to you about your housing rights.

Caitlin Louth

20:25

Hi, I'm Caitlin and I'm a tenancy lawyer with WEstjustice and the international student's accommodation legal service run through Study Melbourne. So I'll be talking to you about some common housing and accommodation issues.

So this first question is about whether a landlord can evict you; in other words, whether they can make you leave your house at the moment. So Ye has an agreement to rent a room until January 2021. An agreement like this for a set amount of time is called a fixed term lease. Because of Coronavirus, Ye has lost her job and has not been able to pay her rent for three weeks. Her landlord is sending her emails and texts, saying that she must either pay her rent or leave the property immediately. So our question, and we can go to the Kahoot, is can the landlord kick you out if she does not pay the rent she owes?

21:23

We'll have a look at the answers.

21:35

So the possible answers are:

- A) Yes, the landlord can make you leave immediately for not paying her rent.
- B) The landlord can't make a leave. She doesn't have to pay any rent.
- C) The landlord can't make you leave, but she might accrue a debt.

21:59

All right, so the correct answer is C: the landlord can't make you leave, but she might accrue a debt. So you can't be made to leave your home between the 29th of March and 26th of September this year for not paying your rent if the reason you cannot pay is because of coronavirus. However, it's important to know that if you keep living at the property without paying rent, you might accrue a debt which the landlord could apply to claim back. It is also important to note that if you could pay rent without it causing you any hardship, and for some other reasons, the landlord can still apply to make you move out.

22:40

But, if your landlord tries to make you leave no matter what the reason is, there are strict laws about how they do this. So they must make at least two separate applications to a tribunal. So this is the Victorian Civil Administrative Tribunal (VCAT), which is like a court but less formal. And even if the landlord is successful, only the police can force you to leave your house. So if the landlord threatens to make you leave without following the correct process, you can apply for an urgent restraining order. If you think you're at risk of being made to leave your home, you should seek legal advice.

23:18

Alright, we'll go into the second scenario.

23:27

This next question is about how you can try to get a reduction on your rent if your financial situation has been impacted by coronavirus. So Aman also has a fixed term lease to stay in a house until January 2021. And he's had his work hours reduced due to coronavirus. Aman asked his landlord whether he could pay less rent for the next six months, but the landlord refuses to discuss this with him. How can Aman reduce his rent if the landlord is difficult to negotiate with? And we'll go and look at the possible answers.

24:15

The answers are:

- A) He does not need to get the landlord's agreement, he can just pay less rent.
- B) There is nothing he can do
- C) He can contact Consumer Affairs Victoria (CAV) for help getting a rent reduction.

24:42

And the correct answer is C, he can contact Consumer Affairs Victoria (CAV).

So there are some new laws and regulations at the moment that provide processes to help you get a rent reduction if you're struggling to pay your rent. The first step is like Aman has done, to ask your landlord for a rent reduction. But if they're difficult to negotiate with step two is to contact Consumer Affairs Victoria (CAV), which is a government body. They will help you and the landlord agree to a reduced rent. Step three, if there's no agreement, Consumer Affairs Victoria (CAV) will refer the matter for mediation, and this is all done over the phone. Finally, if mediation does not work, an officer will make it decision about what your new rent will be.

So we'd like to give some tips about negotiating our rent reduction. The first thing is, it's really important to consider how much you can afford to pay. When you ask for a reduction, put it in writing, and be clear about your circumstances and how much you can pay. There are some good template letters available online from Tenants Victoria and Justice Connect. Be prepared with evidence about your financial situation and start the process as soon as possible before you fall behind on your rent. It's also really important to try and reach an agreement to reduce your rent for a period of time. One thing you should be really careful with is if the landlord asks you to agree to defer your payment because this means you might have to pay back the difference in rent later. If an agreement is reached, make sure to get it in writing and register it with Consumer Affairs Victoria. If you need help or think the landlord might be trying to get you to agree to something that is not fair. You should get legal advice.

26:33

Okay, we'll go to the next scenario.

26:40

Right, so our third scenario is about whether you have options to end your lease early. So Linh has an agreement to rent a room that will end in December 2020. Linh previously received financial support from her family but her parents have lost work because of coronavirus. She has a chronic illness and wants to go back home to be with her family. She can get a flight home in June so she writes to her landlord and asked if she can break her lease. The landlord says she can't and will have to pay rent up until December. The question is can Linh leave her house and end her lease early? We'll go to Kahoot for the possible answers.

27:26

Can Linh leave her house early?

- A) No, she will have to continue to pay rent until her lease ends in December.
- B) Yes, she can just leave without costs as she is suffering hardship.
- C) Yes, she can leave without costs. If she gives 14 days written notice,
- D) Yes, she can apply to the tribunal to reduce the term of the lease got the answer a bit more quickly.

So there's two correct options here. Yes, she can leave without cost if she gives 14 days notice (C), or she can apply to the tribunal (D).

28:01

So new laws allow you to end your lease early without fees between March and September this year, but only if you're suffering hardship and only if you give at least 14 days written notice to the landlord of your intention to leave. This requirement will likely be strict. So it's really important to calculate the 14 days correctly and state the exact date that you will move out. You can also make an application to the tribunal to reduce the term of your tenancy. If you are suffering severe hardship, there is a risk the landlord might contest the fact that you are suffering hardship. So for this reason, it's a good idea to take some evidence of your circumstances.

As well as these two options. There are other ways to end your lease. The best option for you will depend on your circumstances. So you should get legal advice. If you are thinking of ending your lease early before you do it. You should be aware that if you break your lease just by moving out without taking certain legal steps, you might have to pay the cost of rent until the end of the lease or until a new tenant moves in, as well as lease break fees.

29:14

Alright, so we'll go to the final scenario for me.

29:20

Now, this example is about a rooming house and a bond. So before we start, I'll explain a couple of things. First, a rooming house is where there are one or more rooms in the one building that are available for rent and four or more people live there. Sometimes the landlords of rooming houses will say that tenancy laws do not apply to them. But this is not true. There are specific laws that apply to rooming houses. And a bond, as most of you will know, it's a security deposit you pay for the property. If the landlord asked you to pay a bond, they must lodge it with the residential tenancies bond authority. This is the RTBA for short and it holds your bond safe during your tenancy.

So the last scenario for me; Diana rented a room in a rooming house, she paid a \$500 bond to the landlord when she moved in. Diana does not have a written agreement and did not sign a bond lodgment form. Diana moved up 10 days ago and left her room clean and tidy. But when she asked for her bond back, the landlord told her that he would be keeping it to cover the costs of professional cleaning and the time it took him to find a replacement resident. What can Diana do to get her bond back?

So go to the possible answers please.

30:56

So what can I do to get a bond back?

- A) She can't do anything. The landlord has the right to keep her bond.
- B) She can contact the bond authority to return her bond.
- C) She can apply it to the Tribunal for an order that the landlord pay her back.
- D) She can't do anything because she did not have a written agreement.

So the correct answer is C she can apply to the tribunal that the landlord pays her back. So because Diana didn't sign a bond lodgment form it is unlikely that the bond has been given to the authorities so she can't apply for them to return it. If you do pay a bond, it's really important to make sure the landlord lodges it, because if not, it will be more difficult to get it returned. If your bond is correctly lodged, the authority will only give it back if you and your landlord agree or if one of you applies to the tribunal. If the landlord does not lodge your bond, you can still apply to the tribunal but there is a bigger risk you won't get it back.

And it's important to know as well that the landlord can only keep your bond for certain things. So this includes unpaid rent, and some costs of cleaning and damage or repairing damages. But they must prove the cost they are claiming so for example by showing quotes or receipts, and they have to prove that it was your fault.

The final thing to note from Diana's situation is that just because she did not have a written lease does not mean she does not have rights. So it is best to get things in writing so that you can prove you had a tenancy agreement, but it's not always essential. On the other hand, not all renting arrangements are covered by the law. So, for example, sometimes if you rent off a person who you also live with, and some student accommodation, the laws and processes we have talked about may not apply to you. If you're unsure about what type of renting arrangement you have, you should get legal advice.

So, the final thing for me this morning is just some tips for making sure you get your bond back. So firstly, make sure your bond is lodged with the RTBA - the residential tenancies bond authority. If you don't have a receipt from them, you can look up RTBA online and if your bond has not been lodged, ask your landlord to do it. When you leave, make sure you clear out all your belongings and leave the property reasonably clean. This does not mean you have to pay for professional cleaning. It just has to be reasonably clean. Make sure you know your landlords contact details, especially their postal address. Take photos when you move in and out of the condition of the property. And if the landlord tries to keep your bond and you don't think it's fair, you should get legal advice.

33:50

So that's it from me.

Nadia Morales

33:51

Thanks Caitlin, do you just want to remind students about where they can get help?

Caitlin Louth

33:55

Yep, so as Frankie was saying about employment law advice, you can also contact Study Melbourne. So you can look up Study Melbourne's Students Centre online and there's a phone number there as well. You can contact them and they can book you in for an appointment with the lawyer for accommodation issues.

Nadia Morales

34:16

Thanks, Caitlin. So next we're going to move on and you're going to hear from a lawyer from Inner Melbourne Community Legal - Indy.

Indy McMahon

34:27

Hi, everyone. My name's Indy and I am a family violence and family law lawyer at inner Melbourne community legal. As Nadia said, I'll be talking a little bit about your personal safety. And if we go to the first scenario, we're going to hear about Diya's story.

So, Diya has a quite controlling partner and we're going see how we can help her. Diya has been in a relationship with her boyfriend, Arun, for seven months. Arun has become increasingly controlling of her, telling her who she can see what she can wear, sometimes he even gets angry when she talks to her friends or family. He sometimes calls her names and threatens to hurt himself or her if she leaves. Diya is starting to get scared that if she leaves Arun, he will hurt himself or her. What can she do? And we'll go to the Kahoot questions.

35:28

So what can Diya do?

35:40

The possible answers are:

- A) She can do nothing. Arun is just protective and Diya and doesn't want them to break up.
- B) She can get some legal advice from her community legal center or call the police.
- C) She should just leave him.
- D) She can call a 24/7 family violence support line.

Okay, so the correct answers was blue - she can get some legal advice from a CLC or call the police (B). And she can also contact a 24-hour family violence support line (D). So in Diya's story, Arun's treatment of her is not okay. It's called 'family violence' and it's against the law. '

'Family Violence' is any behavior by a family member, a partner, a boyfriend or girlfriend that makes you feel threatened or scared. It can be physical, so it can be pushing, hitting, or forcing you to do things you don't want to do, like drink alcohol or take drugs. It can be emotional, like hurting your pet, or controlling who you see or where you go, and damaging your property and things that you care about. It can be via money - so controlling how you spend your money. It could be stealing from you or using money to manipulate you in your relationship. It can be sexual as well - so forcing you to have sex when you don't want to. It can be verbal - calling you names, belittling you and bullying. They can also be using your religion or their religion to make you feel bad about the choices you make in your life.

37:30

But in this situation with Diya, she is not alone. And there are many support services specifically designed to help people like her. So for support, she should do some of the following. She can call Safe Steps or In Touch. These are services which provide support for people experiencing family violence. They can help her draw a plan if things get worse or she wants to leave, help her find emergency accommodation, or put her in touch with lawyers like us that can talk to her about getting a court order. In Touch is also a fantastic resource for international students because they have a designated migration legal service that can help you discuss things around visas as well. She can also contact her local community legal center or the police to assist her in making an application which we'll talk about a little bit more. And she can go to her University and school and inquire if there's any support networks there for people experiencing family violence.

38:39

So Nadia will go to the next slide and we'll see the update in Diya's story.

Okay, so Diya decides to break up with Arun. But now he starts calling her every couple of hours and texted her more than 10 times a day saying horrible things. She asks him to stop contacting her, but he won't. He also has a key to her apartment and he won't give it back. She's scared that he will come over and hurt her so she's staying at a friend's place. She decides to call Safe Steps and they help Diya think about the things that she can do to protect her immediate safety. They also recommend she speak to a lawyer about getting a court order against Arun to force him to stop his behavior.

39:30

How will a court order help Diya in this situation?

- A) It could stop Arun from texting her.
- B) It won't - she should just move home and change her number.
- C) It will stop Arun from coming near her.
- D) it will stop Arun from going to her house, or where she works or studies.

40:17

So, the correct answer is that it will stop Arun from texting her or coming near her and going to her house (A), (C) and (D). It is also important to know though that in very serious circumstances, it may be necessary that she needs to change her number and take steps to distance if intervention orders or other measures aren't going as far as Diya needs to feel safe.

So, a court order in this case is called a 'Family Violence Intervention order.' It's an order or a set of rules made by the court restricting Arun from doing certain things when it comes to Diya. These things, or the rules that are put into orders are called 'restrictions' or 'conditions'. Common Family Violence Intervention orders impose restrictions like Arun cannot commit family violence against Diya, he cannot intentionally damage her property or threaten to do so, he can't try to locate her or keep her under surveillance or follow her. This could include things like trying to find her on Facebook or Instagram. He can't publish anything about her on the internet, either through social media or emails. He also can't communicate or contact Diya by any means - this is by phone, by text, email, letter, and so on. An order can also restrict him from coming close to anywhere where she lives, works or studies or coming close

to her individual person. An order can also prevent him getting other people to do things under the order that he's not allowed to do. An example of this could be that Arun cannot ask his friend to call Diya and yell at her over the phone.

If you ask the court, they also may make other rules to impose upon Arun. In this case, it may be able to force him to give the key back to her apartment so Diya feels safe. It's very important to know that if one of these orders are in place and the person it is against, like Arun, breaks the conditions of the order, it is a criminal offence to do this. Diya should feel that she can contact police so that these actions are on record, and they can take some steps to ensure her safety again.

42:50

So, how does Diya get an order like this? There's two main ways. The first way is to contact police. She can do this by looking up her local police station online and asking to speak to somebody from the family violence team. If it's urgent, she can contact 000 and they can also come to her. They will help her make an appointment and she can give a statement about a Arun's actions. If the police feel it's necessary to make take immediate steps to protect Diya even when the Courts are closed, they can do this by a document called a 'Safety Notice'. They will then give this to Arun - she does not need to do it herself. The other way to do it is what we call an 'in-person application.' Diya can contact her local community legal centre or can go to the magistrate's court herself and log an application online. In both cases though, Diya needs to be prepared to go to court. However, she's got the help of a community legal center lawyer and they may be able to go to court with her and help her/represent her in front of the judge.

So that's my story in relation to Diya. I could see that somebody had a question about my audio. Can people hear me before I go into the next story?

44:30

Okay, okay. All right. Well, if you've got any issues, put it in the chat, and I'll try and rectify it while I'm giving you the second scenario.

Indy McMahon

44:44

So the second story is about personal safety and it's about Mei's story about being harassed. So Mei is studying Business Management at RMIT and lives in student accommodation in Parkville. Lawrence is in Mei's economics class, and also lives in the same building. She knows this because one day he followed her from RMIT to her apartment block and up the elevator. Recently, she keeps bumping into him in the lobby of her apartment building. He walks her to class, comments on her clothes and asks her on dates. She feels very uncomfortable by this and says no, but now he's found Mei's RMIT student email and WeChat profile and won't stop emailing her rude pictures and comments. His comments are getting worse and she's scared Lawrence will try and touch or hurt her.

45:40

What can Mei do?

- A) Mei can speak to police or a community legal center about a protection order.
- B) She can change out of the economics class and hope Lawrence will just get the point.
- C) She can speak to a support worker at RMIT about Lawrence's behavior.
- D) Obviously he really likes Mei and she should just give him a chance.

46:28

Okay, so the right answers we have there on the screen - Lawrence's behavior is sexual harassment and stalking, and Mei should not feel embarrassed to try and get support to stop this behavior so it doesn't happen again. So how can they stop this? The correct answers were that she could speak with police or community legal center about a protection order (A). These types of orders are known as 'Personal Safety Intervention Orders.' She can also contact the international student well-being department at her university or school and see if they have a social worker there to help her (C).

Looking at the first option though. If she speaks to somebody about a protection order, these are orders made by the court to protect a person from physical or mental harm caused by somebody else who is not a family member. So this could be another student, it could be a roommate, it could be a neighbor, or even somebody that you know and see quite regularly and are treating you badly.

47:45

The court can make these types of orders when someone has done any of the following things that I'll talk about. So physically hurting you (that's hitting and pushing and so on). It can be harassing you by sending you lots of texts over again, calling you all the time making offensive or racially offensive comments about you, being over critical of everything you do. It can be sexually harassing, and it's really important to know that this behavior is at no point okay - like asking you out on dates over and over again, touching you when you don't want to be touched, commenting on your body and your clothes. It can be breaking or damaging things or hurting your pets, things that are important to you, telling you that they'll hurt themselves if you don't do what they say. It can also be stalking - whether that's in person, or using any of your social media profiles, whether it be WeChat or Instagram or Tik Tok to monitor you and try and contact you.

48:58

Like in Diya's story before, Mei can get an order to stop Lawrence from speaking and going near her. If he does do these things that the Court has said he should not, then that is a criminal offence and Mei can report it to police.

The second avenue for Mei which is also an important one, is that she can seek out the support network she has at her university or all the resources that we've been talking about today. This way Mei may feel she can have a confidential conversation with somebody, like a support worker, about Lawrence's behavior and request that the university take it further if she would like and if she feels comfortable in doing that. Mei may also want to contact her student accommodation manager and talk to them about some of the behaviors she's been seeing from Lawrence as they are living in the same student accommodation complex.

50:05

What I want for the participants to take away from today, is both in Diya's and Mei's situation, they are not alone in what they're experiencing. There are many support services out there that strive to make their experiences safe and they can feel that they can contact them at any time. Quite often they are 24-hour support services, so that they can be free from harassment, or relationships that make them feel unhappy and scared.

And thank you Nadia, that was the final part my portion of the presentation around personal safety.

Nadia Morales

50:48

Right. Thanks, Indy.

Frankie, I just wondered if I could put you on the spot, you don't have to answer this if you can't, we can send some stuff out to students later. But do the workplaces and your bosses have obligations if someone you're working with is making you feel uncomfortable or unsafe?

Francesca Lai

51:05

Yeah, absolutely. Look, it depends on exactly what the behavior is. All employers have a duty to try and prevent as far as is possible, things like sexual harassment and discrimination in the workplace. So that would be some of the things that Indy referred to before but in particular any kind of unwanted sexual contact, or behavior that's likely to make someone feel uncomfortable or intimidated. If your boss doesn't do anything to prevent that, you can make a claim both against the person who has engaged in this kind of conduct and also against your boss. So your employer (the company) will be legally responsible for what's happened if they haven't done anything to prevent this.

Nadia Morales

51:59

Right. Thanks for explaining that, Frankie.

52:05

So I just want to introduce you now to a free resource that we've developed, IShelp.org.au, made especially for international students. So today, we set out some common problems that you're facing during COVID-19 and you can find out more about the types of problems we discussed and the people in place that can help you, in this resource. It's been translated in Spanish, Vietnamese, Chinese and English.

52:34

We also included specific information so you can read more about your rights and how to get help on issues along the lines of the things you've heard today. If you go into the individual episodes, you can see that we've created a red banner here that has information especially about COVID-19.

In this resource, you'll also find more stories about other common problems international students experience, connected to where you live, work and study and the services you have access to. This includes things like being treated badly because of where you come from or what you look like, having a car accident, getting a fine, not getting what you paid for from an education agent or education provider. So, you can look at this in your own time and in your own language. We really encourage you to share it with all your friends. It's really easy to do that - you can use the sharing tools here on your preferred platforms. Now, if anyone has any questions, this is an opportunity to ask something. Sarah, are there some questions in our Q&A?

Sarah Watson

53:42

Yep. So we have four questions in the Q&A at the moment.

53:47

Did you want me to read them out? Or were you happy to read them out?

Nadia Morales

53:50

Yeah, that'd be great.

Sarah Watson

53:55

Yeah, so the first question David has asked. He has a question regarding accommodation. He plans to go back home in July because his country is doing repatriation, but he is not sure if he's able to break his lease contract with the uni student accommodation without having to pay any fees. He's wondering if this break of lease is possible? I think Caitlyn said she's going to answer this one.

Caitlin Louth

54:20

Yeah, I'll have a go at that one. So, before I get to my answer, I think this is a really good example of needing to get specific legal advice because it will really depend on the contract that you have and your circumstances. So I'd really encourage David to maybe contact Study Melbourne and book in for an appointment.

One of the complicating factors here is, as I said briefly earlier, is that some student accommodation is not covered by tenancy law, so there's an exemption in the law for some student accommodation, however not for all student accommodation. It would be really important for me to see the lease and know what that type of accommodation it is to know whether or not the laws apply. Okay, one of my examples dealt with lease breaks, so I went quickly through a couple of options for breaking your lease early. I should also say that any lease contract can be ended by mutual agreement, so you can always try and contact your landlord and explain your situation and see if they'll agree to end early. I went through a couple of the other options available which were first to give 14 days written notice of your intention to move out, but you can only do this if you can show your suffering severe hardship. And then the second option, is to apply to the tribunal to reduce your rent- again, if you are suffering severe

hardship. You can also transfer your lease to someone else. The benefits and risks of each of these options are a little complicated and again will be dependent on your specific circumstances. So it's a good idea to come and get specific legal advice before taking steps to end your lease early.

Sarah Watson

55:56

Awesome, thank you for that, Caitlin.

Our next question was from Chui, who was wondering what constitutes a permanent employee? So, for example, is a casual staff member who has been working 20 hours a week for 5-6 months, considered a permanent employee? And I think Frankie was going to answer this one.

Francesca Lai

56:18

Sometimes these terms like 'permanent' can be a little bit confusing. 'Permanent' just refers to someone who's been offered an ongoing role that has no end. 'Permanent' employees only refer to people who are engaged on a full time or part time basis, and they're an alternative to people who are employed casually.

So, if you're a casual staff member, as I said before, while you might be working regular shifts, there's no specific obligation for your boss to offer you ongoing work. But similarly, you can choose to leave at any time and you have no obligation to accept the shifts that your boss gives you. However, as I mentioned before, there are slightly different rules. So you've got rights relating to unfair dismissal if you've been fired unfairly if you have been a casual staff member working regular and systematic shifts. So for example, like you say, 20 hours per week for more than 6 months. There are also other laws, which say that if you've been working as a casual staff member of the same sort of regular and systematic shifts for more than a year, at the end of that time, you might have the right to apply to become a part time staff member and get all of those entitlements like annual leave and sick leave.

I hope that answers your question.

Sarah Watson

57:56

Awesome. And our next one's from Ace. So Ace says - my agent, who represents the owner, sent me an email before I vacated the premises indicating that I needed to get the carpet steam cleaned. Is there any way I could get reimbursed for that? Because I felt like I was forced to do it.

Caitlin Louth

58:17

Okay, so I mentioned when talking about return of bonds that you don't have to pay to get your property professionally cleaned. This includes steam cleaning when you move out, and it's really common for real estate agents or landlords to tell you that you have to do these things. Your only obligation is to leave it reasonably clean. The difficulty will be if you've already paid to do that, it will be difficult to get reimbursed, usually because it's taken as your agreement to do those things.

If you feel like a real estate agent has forced you to do that, you can make a complaint to consumer affairs Victoria. You can also contact Consumer Affairs Victoria and then apply to the Tribunal for compensation. However, you might have to think about whether it's worth it for that amount, and there's no guarantee that the Tribunal would decide that the agent has forced you to do that. Something to be aware of at the moment, particularly with compensation applications, is that the tribunal is very busy and is likely to take a couple of months to list any matters.

Sarah Watson

59:26

Cool, thank you for that Caitlin. Well, we've got two more questions that have just come through in the last couple of minutes. So Ace has asked, I've been billed with a disconnecting fee, which is very expensive and if possible, I would rather avoid paying it. I've lost my job. And the only reason I moved out to a cheaper apartment is because I couldn't afford my previous one. And that's why I've been charged with a disconnection fee. Is there any way I can not pay this?

Caitlin Louth

59:57

Okay, that sounds like another housing issue. So I'll take it as well. And unfortunately, I'm not really sure what you mean by a disconnecting fee - that that's not something I'm familiar with. So I'm not sure if you mean the agent or the landlord is trying to charge you lease break fees if you've moved out of a property, or if it's something to do with utilities. If they're claiming a lot of money from you, and you haven't paid it already, I would say get legal advice and a lawyer can look over the claim and give you some advice about whether you need to pay it or not.

Sarah Watson

1:00:30

Great. And last question,

Nadia Morales

1:00:32

They just commented on that and said it was the utilities.

Caitlin Louth

1:00:38

Okay, so utilities is an interesting one. And again, it will depend on the kind of house that you're living in because a landlord can only charge you for utilities if there is a separate meter. So a meter is something that you sometimes see on houses that is outside the house that measures how much gas and electricity and water you have. Unless there's a separate meter on your room or your house, a landlord can't charge you for those costs. But if you have a rental agreement over an entire house, you have a responsibility for paying certain connection and disconnection fees. So again, I'd need to know what type of rental agreement you had and what exactly those costs are.

Nadia Morales

1:01:22

So it sounds like I should contact you directly at the service or independent advice.

Caitlin Louth

1:01:28

I would say that. Thanks, Nadia.

Sarah Watson

1:01:32

Right. And then our last question is from anonymous. So I have not been working for three months now. If I started working, can I work more than 20 hours per week to cover up the lost time? And Frankie said that she's happy to answer this one.

Francesca Lai

1:01:49

So this is more of a question regarding your right to work rather than your work rights. And if you wanted specific, or sort of more detailed advice, you'd have to come and see us through Study Melbourne, and we can refer you to a migration agent for some free advice.

But just for you to know generally speaking, your visa restrictions say that you can only work a maximum of 40 hours per fortnight and that's counted from the beginning on a Monday to the following fortnight ending on the Sunday. So if you haven't been working, you don't get to store up the hours of work you haven't used. It's for every fortnight that you work, so you're only allowed to work 40 hours a fortnight unless you're on your uni holidays.

Sarah Watson

1:02:41

Great. Oh, I got one more question, sorry. The last question is: I was working as a cleaner at a company until last month, but now because of the JobKeeper payments, the company I was working with has changed their policy to give work only to citizens and permanent residents. I'm an international student and a casual staff member, what can I do?

Francesca Lai

1:03:10

Okay, so, as I said before, generally speaking as a casual employee, there's no obligation to give you work, but it does sound like there is some possibility that your employer has started discriminating against people on the basis of their nationality, so favouring local workers rather than international workers such as yourself. For more detailed advice, it would really depend on exactly what the company has said to you and what your contract says, and the sort of the circumstances in which this is this policy has happened. So I would recommend that you get some free legal advice through Study Melbourne, and they can give you some options and what you can do next.

Sarah Watson

1:03:57

We've just got a follow up question from a previous question. Anonymous has asked how the government will know if I've been working more than 40 hours per fortnight.

Francesca Lai

1:04:08

Look, it depends on a lot of things. I think the migration agents we've spoken to have said that generally the government operates on a dob-in system. So, if someone tells the government that you've been working more than 40 hours a fortnight, they might look for evidence that you've done that, such as in text messages or on your pay slips or things like that. If you're concerned about whether or not you have worked over 40 hours a fortnight and what might happen, then you should come to Study Melbourne for some legal advice, and we can refer you to a migration agent. He'll give you free and confidential advice and they won't tell anyone what's been going on.

Sarah Watson

1:04:53

Cool. And we have one last question that's come through on Facebook - my friend lost his job and borrowed money to pay the bills from a person with no written contract who is demanding a high interest rate and constantly harassing and threatening him over the money. Can he get help?

1:05:11

I'm not sure who'd like to answer this one.

Indy McMahon

1:05:14

I could probably answer that, based on answering the second part of the question. If the person who owes the money feels like they're being harassed and threatened to the point it's like making them feel quite concerned for their safety and scared that the other person might harm them in any way, ultimately if the threats and harassment are very serious, consider speaking to police.

But if it's just something that's continuous that they would like to stop, then they can contact a community legal center who can talk about possibly making an application for the personal safety order that we were talking about today.

Ultimately, something that is important to also note for the person who owes the money, is even if there isn't a written contract, the person who is owed the money may be able to find some other ways to recover the debt by arguing that there was a verbal agreement that that money was going to be repaid. So if you're feeling harassed and you're feeling threatened, depending on the severity, this impacts where you should go to. But your lawyers can always help you if you feel like you need some protection from that harassing behavior, but also be aware on the other end, that if you owe a person some money and you've promised to pay them back, they can also try and have that debt recovered from you.

Sarah Watson

1:06:54

Great. So I think that has answered the question. So I might pass it back to Nadia now, because I think that's all the questions that we've had come through.

Nadia Morales

1:07:02

Thanks to those of you who asked the questions and for the panelists answering. Just want to also remind everyone again, the information we gave today was information, not specific legal advice. So if you want to rely on the information that you obtained today to take action with respect to the issues that you addressed, please contact the lawyers separately for some specific advice.

I've actually just put into the chat, a few questions. It would be great if you could let us know if today was helpful for the first question. So if you don't mind before you log out of today's session, if you could just answer them. So one of them was did you learn something today? All I need you to say is whether you learnt a bit, no, or not much. And if you could also let me know if you feel more confident to get legal help if you need it?

1:07:55

Thanks again. So just remind everybody that we've got this free online resource www.ishelp.org.au, which can give you more information about your rights, where you can get help, and a number of people and services for different areas and problems that you're facing. We really encourage you to share the resource with your friends using the simple sharing tools. Thanks again for joining us. You can share the live video on Facebook and we'll post this webinar on different platforms so that you can see it and listen again if you need to, and also share it with other people.

Thanks again for joining us. Have a good rest of your day.