FACT SHEET

Workplace Protection Orders Bill 2026

This Bill introduces a workplace protection order (WPO) scheme, intended to offer a civil protection pathway tailored to workplace-related violence.

Under this order, the Court may bar individuals from entering or being within a particular distance of a workplace, or impose other conditions, where there are concerns a person will continue to act in a violent or abusive manner, such as by engaging in:

- physical, or sexual, violence or abuse;
- harassment, intimidation or offensive behaviour that is not trivial or incidental in nature;
- stalking within the meaning of s.106A of the *Justices Act 1959*;
- a threat to act or behave in a manner that a reasonable person would find is intended to cause fear.

This Bill will not replace any of the existing law enforcement tools (such as trespass notices or public annoyance and dispersal powers), or any health and safety requirements, obligations or policies that workplaces have. It instead complements these by creating a legal process to prevent further harm by individuals already engaged in persistent offensive or violent behaviours.

Workplace Protection Orders (WPOs)

A workplace protection order is a civil court order that imposes restraints and conditions on a person to prevent them from engaging in violence towards a workplace or a workplace-related person.

It is similar in function to a restraint order, or a family violence order, but is specifically targeted towards the workplace.

WPO applications are made to the Magistrates Court. The person who is proposed to be the subject of an order is known as a ‘proposed WPO respondent’. Once an order is made, the person who is the subject of the order is the ‘WPO respondent’.

What is a ‘workplace’?

There is a broad definition of ‘workplace’ in clause 5. A place is considered a workplace if the place:

- is where the person carries out a business or undertaking within the meaning of the *Work Health and Safety Act 2012* including, but not limited to, as a partnership, unincorporated association or volunteer association; or
- is somewhere the person goes, or is likely to be, as part of the person’s work; or
- is prescribed a workplace for a class of persons and the person is a member of that class of person.

‘Workplace’ under the Bill also includes, but is not limited to:

- an area of land or water; and
- a building or structure; and

- a temporary or mobile building or structure; and
- a place inside, or on, a vehicle, vessel or aircraft; and
- an installation:
    - on land or on the bed of any waters; or
    - floating on any waters.

Who may apply for a WPO?

Under clause 8, a WPO may be applied for by:

- an employer;
- the owner or occupier of the workplace or premises of the workplace;
- a health and safety representative;
- a representative of an employer organisation;
- a union;
- a police officer;
- a person or member of a class of persons prescribed by any regulations made under the legislation.

Matters relevant to making workplace protection orders

In deciding whether or not to make a WPO, and the conditions to impose, the Court must consider under clause 9:

- the protection, safety and welfare of workplace-related persons and their family members (clause 9(1));

and in addition, the Court may consider other relevant information before the Court including (clause 9(2)):

- whether making the order will unreasonably impact on, or interfere with, any person's ability to access and obtain essential goods and services including, but not limited to, healthcare, education and legal services;
- any hardship that may be caused to any person if the order is made, including, but not limited to, the WPO respondent or proposed WPO respondent;
- any breaches of a WPO or interim WPO, committed by the respondent;
- whether making the order will place any person at an unacceptable risk of harm or increase any risk of harm to a person.
- any previous personal violence in relation to any person or any other workplace;
- any previous WPO;
- any previous orders made or registered under the *Family Violence Act 2004*;
- any previous restraint orders made or registered under Part XA of the *Justices Act 1959*;
- any physical, intellectual or developmental disability, or any mental and physical health concerns, that may have contributed to the actions or behaviour of the respondent;

- whether the WPO is being sought to circumvent, or discredit, any legitimate complaints, disclosure, industrial activities, peaceful protests or other lawful activities occurring in the workplace.

The Court may also take into account any other matter it considers relevant.

Making of WPO or interim WPO

Under clause 11, the Magistrates Court can make an order if it is satisfied, on the balance of probabilities, that a person has engaged in:

- damage to a workplace or workplace-related property; or
- personal violence against a workplace-related person connected to a workplace, including family members of an employee/employer;

and unless restrained, is at serious risk of:

- continuing to engage in such actions or behaviour in respect of the workplace, workplace-related person or family member; or
- carrying out previous threats to engage in such actions or behaviour.

If the Court is satisfied that a copy of an application for a WPO has been served on a respondent, or that all reasonable attempts of service have been made, the Court may make the WPO order sought in the absence of the respondent (clause 11(3)).

Under clause 13, a WPO may apply to more than one workplace (clause 13(3) and be subject to such conditions as the Court considers necessary or appropriate including conditions outlined in clause 22.

Proceedings relating to WPO applications are to be made in open court, except where the respondent is a child or the court orders otherwise (clause 23).

WPO and interim WPO commence:

- on the making of the order, if the respondent is present in court; or
- on service, if the respondent is not present in court (clause 14).

For adult respondents, a WPO remains in effect for the period specified by the Court, or for 12 months if no period is specified.

Changes to WPOs

The Bill provides for the application for, and powers to the Court to order, the variation, extension or revocation of WPOs, outlining who has standing to make such applications.

Conditions that may be imposed in respect of order

If the Court considers it necessary or appropriate to prevent damage to, or personal violence in respect of a workplace, Clause 22 outlines an extensive list of conditions the Court may consider and provides that the Court may impose one or more of these conditions. For example, prohibiting a WPO respondent:

- entering into or remaining on a workplace, other premises or location or vehicle specified in the order, or being within a specified distance of the workplace, other premises or location or vehicle.
- following, surveilling or loitering nearby the workplace, vehicle or other premises or location.
- publishing or communicating personal information, images or location information.

- instigating, enabling or aiding another person to take an action specified in this subsection.
- purchasing or acquiring a firearm, or applying for a licence, permit or exemption, and the Court may require the surrendering of any firearms or accessories in the possession of the respondent.

Children and young people

The Bill outlines additional considerations where the respondent is a child or young person.

A WPO or interim WPO may not be made in respect of a child who has not attained the age of 10 years.

Similarly to restraint order procedures, there is a mechanism for WPO applications relating to children to be transferred to the Magistrates Court (Youth Justice Division).

A WPO for a child may only be in effect for a period not exceeding 6 months, and may be extended but not be in effect for more than 12 months in total. An interim WPO may only be for up to 60 days.

Clause 9 of the Bill provides the Court may consider additional relevant matters where the respondent is a child. These relate to diversionary and therapeutic options, and the best interests of the child.

If the Court does make a WPO or interim WPO in respect of a child, the Bill provides that the Court must explain, or cause to be explained to the child in simple language:

- the purpose and effect of the order; and
- the consequences that may follow if the child fails, without reasonable excuse, to comply with the order; and
- the way in which the order may be varied; and
- any rights the child has in relation to the order and hearings under this Act; and
- the rights of the child to-
    - legal assistance; and
    - the support of an advocate including, but not limited to, the Commissioner for Children and Young People.

The Bill allows for a parent or guardian of the child or an advocate acting on behalf of the child to apply for the variation, extension or revocation of a WPO (clause 18(1)(c)).

Offence provisions

The Bill contains the following offence provisions:

- Under clause 27 a person must not contravene workplace protection orders. There are increasing penalties under this provision for second or subsequent offences.
- Breaches of publication restrictions under clause 29, where the Court makes an order prohibiting publication of material or names of parties, or in general publication that identifies children related to proceedings, subject to limited exceptions.

Review of Act

A review provision has been included in the Bill, requiring a review of the 3 year period after the commencement of the Act, and the review to be completed with a report tabled in Parliament within 4 years of commencement.

The Bill will commence on Proclamation.