DRAFT SECOND READING SPEECH

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Workplace Protection Orders Bill 2026

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Honourable Speaker, I move that the Bill now be read a second time.

Our Government is committed to making sure that Tasmanians are safe in their workplaces and feel safe going into businesses. Stakeholders have reported a concerning escalation in violent offending within workplaces, in Tasmania and most other jurisdictions in Australia. Both businesses and members of our community have contacted me and other members of the Government to express their concerns. This Bill is a direct response.

It reflects features of the current restraint order model in the *Justices Act 1959*, as well as the to-be-commenced *Restraint Orders Act 2019*. However, regard has also been had to the equivalent legislation that has been passed or been introduced in several other Australian jurisdictions.

Consultation

There were two rounds of public consultation. First, consultation on an eight-page workplace protection order scheme fact sheet ran from 7 June to 17 July 2026. This resulted in 31 published submissions which guided development of a consultation Bill.

That Bill went to public consultation from 9 October to 1 November 2026. Over 30 submissions were received from a broad range of stakeholders, including government departments and agencies, major Tasmanian employers, local councils, unions and community organisations.

While stakeholders expressed differing views on some aspects of the scheme, particularly its application to children and the breadth of its scope, consultation generally confirmed strong support for the establishment of a scheme to address violence, intimidation and property damage affecting workplaces.

I thank all stakeholders and members of the public who provided their valuable feedback on the draft Bill during the consultation period.

How the scheme works

Workplace protection orders are civil court orders made on the balance of probabilities, that have criminal penalties for breach. They protect workplaces and a wide cohort of people covered by the term ‘workplace-related person’.

Orders place restraints or obligations on people to prevent them from repeating negative behaviour. The Bill calls that person the ‘proposed WPO respondent’ once an application is made, and the ‘WPO respondent’ once an interim order or final order is made. For convenience, I will generally refer to both as 'the respondent'.

The orders can also protect the families of workplace-related persons and their customers. An order may apply to more than one workplace.

The threshold for making a final order is, first, that the respondent previously damaged a workplace or related property, or committed personal violence against a workplace-related person or such a person’s family member. Second, the respondent must be at serious risk, unless restrained, of continuing that behaviour or carrying out threats to continue it.

A court assessing serious risk can analyse behaviour in its overall context, cumulative effect and any pattern of behaviour. It can make an order without having to determine whether any actions or behaviours are imminent or certain to reoccur.

Conditions are a key aspect of these orders. While the Bill does not prescribe an exhaustive list of conditions, the Bill includes a broad range of examples expected to be the common ones required. They include a ban on the respondent from entering, staying in, or being within a certain distance of, the workplace or other relevant premises, locations or vehicles. Other bans can prohibit following, surveilling or loitering near protected persons, contacting or interacting with them or communicating information about them. Bans can extend to the respondent causing a third party to do any of the things listed.

A court imposing a condition is to give paramount importance to the protection, safety and welfare of workplace-related persons and their family members. The court is also to take into account that conditions are to be no more onerous on the respondent than necessary in the circumstances.

The test for making an interim order is different. The court must be satisfied that the interim order is necessary or appropriate to ensure the safety of a workplace-related person or their family member, or to prevent substantial damage to the workplace or property relating to it. The same conditions can be made.

A set of relevant matters are equally applicable to both forms of order and their conditions. The court must consider that the protection, safety and welfare of

workplace-related persons, and family members of those workplace-related persons, are of paramount importance.

Following that is a list of discretionary matters the court may take into account if it has information about them and they are relevant in the circumstances. They are examples and it is made plain that the court can consider any matter that it considers relevant. I will summarise the listed matters as follows:

- Any unreasonable impact on, or interference with, any person's ability to access and obtain essential goods and services like healthcare, education and legal services.
- Potential hardship to any person if the order is made.
- Any previous workplace protection orders made against the respondent and any breaches.
- Any previous family violence or restraint orders in respect of the respondent.
- Whether making the order would place any person at an unacceptable risk of harm or increase any existing risk of harm.
- Any previous personal violence by the respondent in relation to any person or any other workplace.
- Any physical, intellectual or developmental disability, or mental and physical health concern, of the respondent that may have contributed to their actions or behaviour.
- Whether the order is sought to circumvent, or discredit, any legitimate complaint, disclosure, industrial activity, peaceful protest or other lawful activity occurring in respect of the workplace.

In the case of child respondents, the Bill sets out two further matters. First, after considering practicable diversionary and therapeutic options, whether making the order is necessary or appropriate in the circumstances to prevent damage to, or personal violence in respect of, the workplace. Second, considering what is in the child's best interests with references to matters including their age, intellectual and emotional development, mental and physical health and available family and community support.

Breaches of orders

Breaching an order is a criminal offence. There are distinct maximum penalties for first offences and repeated offences.

For first offences, the maximum penalty is 12 months imprisonment or a fine not exceeding 20 penalty units, which is currently $4,260, or both.

For repeat offences, that increases to 18 months imprisonment or a fine not exceeding 30 penalty units, which is currently $6,390, or both. The Bill makes

clear that this higher maximum penalty would apply to someone who breached two different orders.

Key terms

I will discuss some of the key definitions used in the Bill which determine the scheme's scope.

An employee means a person employed or engaged to work at the workplace, a trainee or apprentice or a volunteer.

An employer is the person who has the authority to employ, or engage, individuals under a contract of service or a contract for service in respect of the workplace. If an employer is not the applicant for an order or interim order, a copy must be personally served on the employer, unless they were present in court when the order was made or the court specifies otherwise. It is important that an employer knows about legal orders regarding their workplace and employees.

The term 'workplace-related person' is a broad one, defined in an inclusive way. These are the people who an order protects. They include the owner or operator of the workplace or premises where the workplace is, employers, employees, customers and patrons and elected officials working at their workplace.

Workplace protection orders are made 'in respect of a workplace'. The Bill provides guidance about how a person's action or behaviour is 'in respect of a workplace'. First, it is sufficient if the person's action or behaviour is committed, or has been threatened to be committed, in the workplace. However, it is also sufficient if this is done because of the person's, or another person's, connection to the workplace. This will likely be important for protecting, for instance, a worker's family when required.

The Bill defines personal violence, which is a key term used in the test for deciding whether to make an order. There are four types of actions or behaviours. First is physical, or sexual, violence or abuse. Second is harassment, intimidation or offensive behaviour that is not trivial or incidental in nature. Third is stalking, within the meaning of section 106A of the *Justices Act 1959*, which is also included in the current Restraint Order scheme. That is another broad definition which includes, amongst other things, following or surveilling someone, loitering outside their workplace or residence and sending offensive material. Fourth is a threat to act or behave in a manner intended to cause fear that a person will be subject to one of the preceding actions or behaviours.

The definition can cover social media and evolving technology like AI. Actions or behaviours covered can occur in person, online, digitally or through any other

means of communication; publicly or only before one or more individuals; relating to a specific person or inferred as relating to a person; or, involving artificially generated, or manipulated, images, documents or information.

The broad definition of workplace includes a place where the person carries out a business or undertaking and somewhere where the person goes, or is likely to be, as part of their work. It includes vehicles and temporary structures.

The Bill sets out who can apply for an order. These are employers, owners or occupiers of the workplace or relevant premises, health and safety representatives, representatives of employer organisations, unions, police and prescribed persons. Police will use their discretion to make the operational decision about whether to apply for an order.

Employees are not included on that list of potential applicants. This is consistent with schemes in other jurisdictions. The intention is that these orders protect employees without requiring them to have to make an application, collect evidence or instigate and lead the process. An individual employee could still make use of an existing legal protection, like a restraint order.

The Bill also provides that an application for a workplace protection order cannot be made against a person who is an employer or employee in respect of the workplace concerned. This ensures that workplace protection orders do not interfere with employment and industrial relations processes.

Information for use in applications and court determination

The Bill has a provision requiring the Commissioner of Police to inquire into, and report to the Court on certain information if the court so requests. This goes to a respondent's prior convictions, pending criminal charges, any other WPO made against them and any prescribed information.

An applicant who is a personal information custodian, within the meaning of the *Personal Information Protection Act 2004*, is protected from breach of that Act because they use a person's personal information, in good faith, for the purpose of applying for a workplace protection order against that person.

Regulations may provide for the sharing, or disclosing, of certain information, including personal information, for the purposes of the Bill.

Courts will have power to prohibit publication of material relating to proceedings. There are also offences for publishing material identifying children related to the proceedings. The Bill has exceptions for good faith publication of material for the purpose of enforcing an order, to the extent necessary, if it is not publicly disclosed.

Matters regarding orders against children

The Bill allows workplace protection orders to be made against children aged 10 or older. This reflects the Restraint Orders scheme and is consistent with the current minimum age of criminal responsibility in our Criminal Code. When Tasmania in future raises that minimum age through intended youth justice reform, the age in this legislation will be raised accordingly as a consequential amendment in that future Bill.

As well as the factors I have already discussed, there are other considerations and safeguards in the Bill as regards respondent children.

The Bill provides a mechanism for proceedings involving children to be transferred to the Magistrates Court (Youth Justice Division), which has jurisdiction to hear and determine those proceedings, similarly to the regime for restraint orders.

The court must be satisfied that there has been reasonable opportunity for the child to be represented by a lawyer and supported by a parent, guardian or advocate. Some people under 18 may choose not to have this representation or support, but it is very important they have this opportunity.

A court that makes an order against a child must take steps to ensure that the child understands how the order operates, the consequences of breaching it, their ongoing rights in relation to it, and their rights to legal assistance and advocacy support.

The Bill requires that if an order or interim order is made in a respondent child's absence, a copy is to be personally served on the child and also at least one parent or guardian, unless one cannot be found.

In terms of Supreme Court review of an order or interim order, a respondent child's parent or guardian or an advocate has standing to apply.

Duration of orders

The duration of orders differs between child and adult respondents. For interim orders, the maximum duration is 60 days for children and 6 months for adults.

For final orders, there is no maximum for orders against adults, similarly to restraint orders. A default 12-month period applies if the court does not specify otherwise. This provides the Court with flexibility to tailor the duration of an order to the circumstances and level of ongoing risk, rather than requiring repeated applications where longer-term protection is justified. This is consistent with the current restraint order legislation which does not have a maximum duration, but is set by the Court in response to the circumstances.

For child respondents, the maximum order length is 6 months and extensions cannot amount to a continuous period exceeding 12 months.

Firearms

The Bill contains conditions and police powers regarding a respondent's rights to, and custody of, firearms. This includes prohibitions on applying for a licence, permit or exemption under the *Firearms Act 1996* and ancillary order powers regarding suspension or cancellation of any licence, permit or exemption under that Act and forfeiture and disposal of firearms and firearm accessories.

A court can also issue a warrant authorising police, using force as is necessary, to enter and remain in premises and to search for and seize any firearm or firearm accessory specified in the warrant.

Interim orders and procedural matters

An interim order can be made between an application being filed and determined. This can be done regardless of whether the application has been served on the proposed respondent and can be made in that person's absence, to address urgent circumstances.

The Bill allows a court to make a final order in the proposed WPO respondent's absence if satisfied that person has been served with the application, or of reasonable attempts to do so.

There are court powers to proceed as if the application were instead for a family violence order or restraint order under the legislation established for those orders, if the Court believes that is the more appropriate course. This is expected to be rarely arise in practice, but provides flexibility. For example, it could be relevant to a sole trader with no employees who applies for a WPO, when another order may be more suitable.

The Bill covers tests, powers and requirements regarding applications to vary, extend or revoke orders, service of orders, costs and police powers.

The court may require that police serve an interim order or order on a respondent, irrespective of whether police were the applicant or not.

Generally, each party to proceedings is to bear its own costs. However, the court may order a party to pay such costs as the court considers necessary or appropriate, if satisfied there are exceptional circumstances making that reasonable; or if that party made, objected to or withdrew the application for a purpose or manner that is malicious, frivolous, vexatious or in bad faith.

The scheme is to be administered by the Magistrates Court. However, the Bill gives the Supreme Court power to make orders in appropriate circumstances and to review orders.

This Bill provides a new and targeted tool to address violence, intimidation and property damage affecting Tasmanian workplaces. It complements, rather than replaces, existing protections under workplace safety, family violence and restraint order legislation.

The Bill expressly notes that obtaining a WPO does not of itself, discharge any duty under the *Work Health and Safety Act 2012* in respect of that workplace. It also makes clear that workplace protection order or interim order operates subject to any relevant Family Court orders, any relevant family violence orders, interim family violence orders or police family violence orders and any relevant restraint orders, or interim restraint orders.

The Bill requires a statutory review three years after commencement, with the relevant report to be tabled within four years.

Honourable Speaker, I commend the Bill to the House.