COTA TASMANIA
for older Australians

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Submission: Draft Workplace Protection Orders Bill 2026

1. Overview

COTA Tasmania welcomes the opportunity to comment on the draft Workplace Protection Orders Bill 2026.

We supported the introduction of a workplace protection order scheme in its submission to the preliminary consultation in July 2026. It is our belief that a dedicated scheme could provide an important preventative response to serious, persistent, or escalating violence, threats, intimidation, stalking, harassment, and property damage connected with workplaces.

We are pleased that the draft Bill addresses many of the issues raised in our earlier submission.

In particular, COTA welcomes:

- the broad definition of workplace, extending beyond conventional fixed workplaces;
- the express inclusion of volunteers;
- the broad range of people and organisations able to apply for an order;
- recognition of work-related conduct occurring online, digitally, or away from the physical workplace;
- the requirement for the Court to consider access to essential goods and services;
- consideration of disability and physical and mental health circumstances;
- flexible and proportionate conditions;
- provisions enabling firearms restrictions where appropriate;
- mechanisms for interim orders and for variation, extension, and revocation; and
- the inclusion of a statutory review.

These provisions respond substantially to concerns COTA raised during the first round of consultation.

Our comments at this stage therefore focus primarily on implementation and safeguards.

The legislation must be effective in protecting workers and others from serious workplace-related violence, while remaining accessible, proportionate, and attentive to the circumstances of people who may depend upon the affected workplace for health care, aged care, housing, government, or other essential services.

2. About COTA Tasmania

Council on the Ageing Tasmania (COTA) is the leading advocacy organisation for older Tasmanians. We work to advance the rights, interests, and wellbeing of people as they age and to ensure that public policy reflects the diversity of older people's experiences.

COTA undertakes policy, advocacy, consultation, and community engagement across issues including health and aged care, housing, transport, employment, digital inclusion, social connection, safety and access to government and community services.

Older Tasmanians participate in workplaces in many capacities: as employees, employers, small business owners, volunteers, board and committee members, customers, patients, residents, and service users. They may therefore be affected by workplace violence both as people requiring protection and as people whose access to essential services could potentially be restricted by an order.

3. Why this matters for older Tasmanians

Workplace violence and aggression are unacceptable, and employees, volunteers, employers, customers, and others have a right to be safe.

Older Tasmanians remain in or return to the workforce, operate businesses, undertake unpaid governance roles, and contribute substantial time to community organisations as volunteers. The broad approach adopted in the Bill appropriately recognises these different forms and locations of work.

At the same time, many workplaces are also points of access to services essential to an older person's health, independence, and wellbeing. These include hospitals, medical practices, pharmacies, aged care and community care services, housing providers, government service centres, and community organisations.

The challenge is therefore not whether workplace violence should be addressed - it clearly should - but how risk can be managed effectively without creating avoidable additional harm or disadvantage.

COTA considers that the draft Bill establishes a generally sound framework for achieving that balance.

4. Recommendations

COTA recommends that the Tasmanian Government:

1. retain the broad definitions of workplace, employee and workplace-related conduct contained in the draft Bill;
2. retain the requirement in clause eight for the Court to consider access to essential goods and services, hardship, disability, and physical and mental health circumstances;
3. strengthen the framework for maintaining safe and reasonable access to essential services where a workplace protection order restricts physical access to a service location;
4. ensure that information about applications, orders, conditions, breaches, variation, and review rights is available in plain English and accessible formats;
5. ensure that application fees and other costs do not prevent small businesses, volunteer organisations, or other eligible applicants from using the scheme;
6. provide practical guidance, assistance and training for employers, small businesses, volunteer organisations, service providers, police, and court staff;

7. review whether an interim workplace protection order should be capable of remaining in force for up to six months without earlier mandatory judicial review;
8. establish de-identified monitoring and public reporting of the operation of the scheme; and
9. undertake the first statutory review earlier than the five-year period currently proposed.

5. Detailed comments

5.1 Broad definition of workplace and coverage of volunteers

COTA strongly supports clauses 3 and 5.

The definition of employee expressly includes volunteers, while the definition of workplace encompasses partnerships, unincorporated associations and volunteer associations and extends to places where a person goes, or is likely to be, as part of their work.

The broad definition of "place" also appropriately encompasses temporary and mobile structures, vehicles, vessels, and other non-traditional workplaces.

This responds directly to concerns raised by COTA during the preliminary consultation.

For older Tasmanians in particular, work and volunteering frequently occur outside conventional employer–employee arrangements and fixed commercial premises. Community organisations, volunteer groups, home and community care, outreach services and mobile work all need to be captured by the legislation.

COTA recommends that these broad definitions be retained.

5.2 Work-related conduct away from the physical workplace

COTA also welcomes the recognition that conduct may be workplace-related because of a person's connection to the workplace, rather than solely because it occurs at the physical workplace.

Clause 4 appropriately recognises personal violence occurring in person, online or digitally, including conduct involving manipulated or artificially generated images, documents, or information.

This is an important contemporary safeguard. Harassment, intimidation, or stalking does not cease to be workplace-related merely because it occurs through social media, electronic communications or away from a worker's usual place of employment.

These provisions should be retained.

5.3 Who may apply

Clause 7 significantly broadens standing beyond employers alone.

COTA welcomes the ability of employers, workplace owners and occupiers, health and safety representatives, employer organisations, unions, and police officers to apply.

This is particularly important for small businesses, volunteer organisations, and workplaces in which the conventional employer–employee relationship may not adequately reflect who carries responsibility for workplace safety.

The capacity to prescribe additional persons or classes of persons also provides useful flexibility should gaps become apparent as the scheme operates.

5.4 Essential goods and services

COTA particularly welcomes clause 8(1)(b), requiring the Court to consider whether an order would unreasonably impact or interfere with a person's ability to access essential goods and services, including healthcare, education, and legal services.

This substantially addresses one of COTA's principal concerns during the preliminary consultation.

An order excluding a person from a workplace may have serious unintended consequences where that workplace is also the means through which the person receives health care, medication, aged care, housing assistance, income support, or another essential service.

COTA nevertheless considers that implementation should go one step further.

Where exclusion from a workplace would materially affect access to an essential service, the Court and relevant service provider should be encouraged, where reasonably practicable and consistent with worker safety, to consider safe alternative access arrangements.

These might include:

- attendance at another location;
- appointment-only or supervised attendance;
- contact through a nominated staff member;
- telephone or online access;
- alternative service delivery arrangements; or
- other measures appropriate to the individual circumstances.

The paramount importance given by the Bill to the safety and welfare of workplace-related persons should remain. Alternative access should never require workers or others to accept an unreasonable safety risk.

The objective should instead be to ensure that a protective order does not unnecessarily result in the loss of an essential service where the risk can safely be managed in another way.

5.5 Disability, cognitive impairment, and health circumstances

COTA welcomes clause 8(1)(i), requiring the Court to consider physical, intellectual, or developmental disability and mental and physical health concerns that may have contributed to the conduct prompting an application.

This reflects an important distinction raised in our earlier submission. Violence, threats, or serious harassment cannot be excused because a person has dementia, cognitive impairment, disability, mental illness, or another health condition. Workers and others must remain safe.

However, these circumstances may be relevant to determining the most effective and proportionate response. A workplace protection order should not inadvertently substitute for appropriate clinical care, disability support, mental health intervention, or case management where those responses are also required.

We therefore support the individualised approach adopted in clause eight and the requirement in clause sixteen that conditions be no more onerous than necessary in the circumstances.

5.6 Interim orders and procedural fairness

COTA supports the availability of interim workplace protection orders where they are necessary to ensure safety or prevent substantial property damage.

We note, however, that an interim order may be made in the absence of the proposed respondent and may remain in force for up to six months.

Six months is a substantial period for an interim order, particularly where significant restrictions may have been imposed before the respondent has had an opportunity to be heard.

COTA recommends consideration of whether an interim order made in the absence of the respondent should be subject to an earlier return date or mandatory judicial review, unless the matter has already proceeded to a substantive hearing.

Respondents should also receive clear information explaining:

- the conduct alleged;
- the conditions applying to them;
- the consequences of breach;
- how to respond to the application;
- how an order can be varied or revoked;
- review rights; and
- available legal and support services.

Information should be provided in plain English and accessible formats, with interpreter and communication assistance available where required.

5.7 Accessibility, fees, and practical implementation

The legislation establishes the legal framework, but the effectiveness of the scheme will depend heavily on how it operates in practice.

This is particularly important for small businesses, volunteer organisations and community organisations that do not have access to dedicated human resources, security, or legal staff.

COTA recommends that implementation include:

- simple application forms and plain-English guidance;
- telephone and face-to-face assistance;
- clear information about evidentiary requirements;
- affordable fees, with waivers or exemptions where appropriate;
- information about legal advice and representation;
- guidance specifically designed for small businesses, volunteer organisations, and not-for-profit bodies;
- accessible information for respondents; and
- appropriate training for Tasmania Police, court staff, and relevant service providers.

Clause 28 permits regulations to prescribe fees and charges. COTA considers that fees should not create a barrier to use of the scheme, particularly for small community and volunteer organisations.

We also reiterate our earlier suggestion that Government consider providing a clear central source of advice explaining the respective roles of workplace protection orders, restraint orders, trespass provisions, police responses and work health and safety processes.

5.8 Costs

Clause 21 permits the Court to order a party to pay costs where it considers this appropriate.

COTA acknowledges the need for the Court to retain discretion in relation to costs. However, the possibility of an adverse costs order should not inadvertently deter small organisations, volunteer bodies, or other legitimate applicants from seeking protection.

Guidance on the intended operation of the costs provision would therefore be useful, including the circumstances in which costs would ordinarily be considered.

5.9 Penalties

COTA supports the graduated penalty structure in clause twenty-two.

The availability of both fines and imprisonment responds to our earlier concern that imprisonment should not be the only meaningful sanction.

The increased maximum penalty for second and subsequent breaches also appropriately recognises the seriousness of repeated non-compliance.

Sentencing courts will retain the ability to consider the individual circumstances of the breach and the respondent.

5.10 Monitoring and public reporting

The draft Bill provides for a statutory review but does not establish an express framework for ongoing monitoring or public reporting.

COTA considers that de-identified information should be collected and periodically published on the operation of the scheme.

Relevant information should include, where practicable:

- the number and type of applications;
- applicants and workplace categories;
- interim and final orders;
- conditions imposed;
- applications involving children;
- breaches and enforcement outcomes;
- processing times;
- orders involving health, aged care, housing, or other essential service providers;
- impacts on access to essential services; and
- use of the scheme by small businesses, community organisations, and volunteer bodies.

Without this information, it will be difficult to determine whether the scheme is accessible, proportionate, and operating as intended.

5.11 Statutory review

COTA welcomes the inclusion of a statutory review in clause twenty-nine.

We note, however, that the provision requires review of the first five years of operation, with the review report to be tabled within six years of commencement.

Our earlier submission recommended a review after three years.

As this will be a new protective order regime with potentially significant consequences for workers, employers, respondents and service users, COTA considers that five years is unnecessarily long to wait before formally assessing its operation.

We recommend that the first statutory review commence after three years of operation, or alternatively that a formal interim evaluation be undertaken at three years with the comprehensive statutory review retained at five years.

The review should include consultation with workers, employers, unions, legal and community services, disability advocates, volunteer organisations, older people's organisations, and people who have been subject to workplace protection orders.

6. Conclusion

COTA continues to support the introduction of a dedicated workplace protection order scheme as an additional preventative mechanism for addressing serious workplace-related violence, threats, harassment, and intimidation.

We particularly welcome the extent to which the draft Bill addresses issues raised during the preliminary consultation. The broad definition of workplace, inclusion of volunteers, expanded standing provisions, recognition of online and off-site conduct, consideration of essential-service access and health or disability circumstances, and flexible and proportionate conditions all strengthen the proposed scheme.

The remaining challenge will be to ensure that these protections work effectively in practice.

Workers, volunteers, and members of the public must be protected from serious or escalating violence. At the same time, the scheme should remain accessible to small organisations, procedurally fair to respondents and capable of protecting access to essential health, care, housing, and community services wherever that can safely be achieved.

COTA therefore recommends that the Bill be progressed, accompanied by strong implementation guidance, accessible processes, appropriate monitoring and public reporting, and an earlier evaluation of how the new scheme is operating.

With these measures, the Workplace Protection Orders Bill 2026 should provide Tasmania with a useful additional mechanism for preventing workplace violence while maintaining appropriate safeguards for all those affected.