



Workplace Protection Order Scheme for Tasmania

Tasmania

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Master Electricians Australia (MEA) is a peak industry association representing electrical contractors across Australia, majority of which are small and medium sized businesses and has been supporting Australia's electrical businesses since 1937. We are recognised by industry, government and the community as a leading business partner, knowledge source and advocate. You can visit our website at www.masterelectricians.com.au

MEA supports the introduction of Workplace Protection Orders (WPO) as an additional mechanism to protect workers and businesses from violence, threats, intimidation and other abusive behaviour in the workplace. Construction workers regularly undertake work across construction sites, factories, homes and other workplaces and should be able to carry out their work in a safe environment, free from violence, harassment and intimidation.

Should persons other than employers be able to apply for WPOs (as in South Australia), and should Tasmania Police have standing to join an application?

Responsibility for WPO applications should primarily rest with employers, recognising their work health and safety obligations and direct understanding of workplace risks. Employers are best placed to assess threats to their workplace and seek appropriate protections for workers and others connected with the workplace.

Tasmania Police should also have standing to join an application where appropriate, particularly where there are concerns regarding ongoing threats, violence or intimidation.

We do not consider it necessary to broadly extend standing beyond employers and Tasmania Police. Expanding access too widely may create complexity and increase the risk of applications being used in circumstances that are not directly connected to workplace safety. The framework should remain focused on providing an efficient and effective mechanism to protect workplaces, workers, employers and others connected with the workplace from serious and ongoing threatening or harmful behaviour.

How should workplaces be defined? Should public and private health service delivery workplaces, prisons, youth detention facilities, courts or schools be included?

“Workplace” should be broadly defined to clearly includes construction sites, temporary worksites, work vehicles, maintenance locations, factories, dwellings, and other places where workers perform duties in connection with their employment.

The definition should be sufficiently flexible to cover both permanent and temporary workplaces without creating uncertainty about coverage.

For example, if a contractor performs electrical work at premises including supported accommodation, that contractor needs to be able to carry out their work with suitable protections in place.

What kinds of prohibitions and conditions should the court be able to impose under a WPO?

The courts should be granted the ability to impose practical conditions necessary to prevent further workplace violence, including prohibiting entry to a workplace, requiring a person to remain a specified distance away, restricting contact with workers, and prohibiting threatening, abusive or intimidating behaviour.

Conditions should be proportionate to the risk and focused on protecting workplace safety.

Should there be a default duration that a WPO remains in force?

It is suggested the application form for a WPO include a prompt for the expected duration, for example ‘while workers are in attendance at the site, expected to be from [date] to [date] inclusive’.

The duration of a Workplace Protection Order should otherwise be determined based on the circumstances of each matter, including the nature and severity of the conduct, the risk posed, and any history of relevant behaviour by the individual subject to the order.

The framework should ensure courts retain discretion to determine an appropriate timeframe and extend an order where ongoing risks continue to exist.

What are the appropriate maximum penalties that should apply for breaching a WPO?

Penalties for breaching a WPO should be proportionate to the seriousness of the conduct and provide an effective deterrent against ongoing breaches. Courts should retain discretion to consider the nature of the breach, any history of non-compliance, and the level of risk posed to workers and workplaces.

Other

In light of recent events across the construction industry and reviews such as the *Wood Commission Inquiry* and the *Commission of Inquiry into the Construction, Forestry, Maritime, Mining and Energy Union (CFMEU)*, MEA seeks to ensure the proposed framework applies equally to any individual who engages in conduct captured by the legislation. The WPO serves an opportunity to protect construction workers and their employers against this harmful behaviour.

The effectiveness of the framework will depend on it operating consistently and without exemption based on a person's role, position or affiliation. Where the legislative threshold is met, the protections and enforcement mechanisms should apply equally to all persons.

MEA is aware of instances across the construction industry where workers and businesses have been subjected to threatening, intimidating and abusive behaviour that can disrupt worksites, place individuals at risk and undermine confidence in the

Conclusion

MEA supports the introduction of a WPO scheme in Tasmania as an important mechanism to protect workers and businesses from violence, threats, intimidation and other harmful behaviours.

The effectiveness of the scheme will depend on ensuring it is practical, proportionate and consistently applied. A well-designed framework will support safer workplaces and provide greater confidence for workers and employers across Tasmania.

MEA looks forward to the development of this proposal and is available for further discussion.