



27 February 2025

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Secretariat

**Submission to Senate Legal and Constitutional Affairs Committee inquiry  
and report of the *Commonwealth Workplace Protection Orders Bill 2024***

We thank the Committee for providing Basic Rights Queensland Inc with the opportunity to make this submission, which broadly supports the introduction of the *Commonwealth Workplace Protection Orders Bill 2024*.

Basic Rights Queensland

Basic Rights Queensland Inc. (BRQ) is an incorporated non-profit organisation and community legal centre registered with the Australian Charities and Not-for-profits Commission. BRQ provides free information, advice, advocacy and legal services across Queensland. Our organisation supports vulnerable and disadvantaged people in relation to social security, disability discrimination and to those who experience mental health concerns. Working Women Queensland (WWQ) is a part of BRQ; WWQ provides provide free advice, support and information for vulnerable women in relation to employment related matters, including sexual harassment and gender discrimination. WWQ employ a team of solicitors, industrial advocates and a social worker who offer a holistic, interdisciplinary approach. WWQ is the only specialist women's employment service of its kind in Queensland.

Uniquely our organisation supports employees in workplaces (including Commonwealth workplaces) while also providing supports and services to the clients of Commonwealth agencies, such as Services Australia, who may report experiences of discrimination and frustration as a user of these services.

Support for *The Commonwealth Workplace Protection Orders Bill 2024*

This Bill introduces a significant and welcomed preventative workplace safety measure and implements recommendations from the Services Australia Security Risk Management Review.

The removal of the onus of the individual and the introduction of the Authorised person to seek a CWPO is a powerful prevention tool and control mechanism that aligns to the intent of Safe Work Australia's model WHS legislative frameworks (the model Work Health and Safety Act 2011, the model Work Health and Safety Regulations 2011 and model Codes of Practice).

While the WHS frameworks acknowledge the important role of trade unions in relation to employee consultation, review and representation in the recognition of workplace hazards, implementation of safety measures, controls and (ongoing) reviews, this Bill does not reference the important role of unions in workplaces, especially as a representative of vulnerable cohorts of employees.

BRQ supports and extends the recommendation made by Community and Public Sector Union (CPSU) in their submission<sup>i</sup> to the Committee that the Bill should accommodate:

1. A clear mechanism to enable impacted workers and for unions to request an Authorised person to apply for a CWPO, and;
2. That impacted workers will have access to trade union support and advice in relation to CWPO matters.

The proposed CWPO is an important tool to address real and demonstrated risk to psychological and physical safety of employees arising from work interactions with clients (who use and access Commonwealth services). We believe that similar reforms should be accessible to all employees, irrespective of employer.

#### A gendered view of *personal violence*

While the Bill ensures a wide definition of *personal violence* to encapsulate the diversity of expressions of violent behaviours experienced by Commonwealth workers, there is an omission and lack of acknowledgement of the inherently gendered nature to the violence experienced. The Bill would be strengthened by recognising the gendered nature of this violence, and explicitly stating:

- Who is most likely to experience the violence in the workplace, and;
- Who is most likely to use violence towards workers/employees arising from the course of their employment.

Women are more likely than men to be psychologically injured at work, with over 57% of compensation claims for psychological injuries made by women, because of harmful behaviours such as harassment including sexual harassment, bullying and work-related violence and aggression.<sup>ii</sup>

The disproportionate impact of gender in relation to both questions (who has violence used against them and who uses violence in the workplace) was irrefutably demonstrated in the landmark *Respect@Work* Report.<sup>iii</sup>

Our Watch recognises Australia's dangerous and pervasive problem with gender-based violence (GBV) which extends from our homes and to our workplaces. *Change the Story*<sup>iv</sup> makes clear that gender inequality is a key driver of GBV and identifies that cohorts of people, and workers, are more likely to experience *personal violence* and GBV in and out of the workplace. The connection of gender inequality and workplace violence must be explicit, and it is important to use accurate and descriptive language.

The definition of personal violence in the Bill should explicitly include gendered based violence to make overt the intention of the CPWO to address violence that is gendered in nature. This is especially important given the senior personnel who hold the responsibility and authority for making CWPO applications in Commonwealth workplaces are more likely to be male<sup>v</sup> as the Commonwealth Public Sector's workforce in the Workplace Gender Equality Agency (WGEA) 2024 scorecard demonstrates.

#### Extending protections to all workers

While the Bill is a crucial and welcome step in safeguarding Commonwealth workers, its scope is limited to those employed in Commonwealth workplaces. This creates a protection gap for workers in state agencies, private businesses, non-profits, and other industries, who face similar risks of workplace violence, harassment, and abuse.

Workplace violence does not discriminate by employer type—frontline workers, healthcare staff, teachers, retail employees, hospitality workers, and those in insecure employment are just as likely, if not more so, to experience physical aggression, verbal abuse, threats, and gendered violence. However, without a comprehensive national framework, many workers must rely on patchy and inconsistent protections under state-based laws, such as:

- workplace health and safety regulations that place the burden on employers;
- domestic and family violence laws, which only apply to people who have been in particular forms of relationships;
- personal safety protections (such as Queensland's *Peace and Good Behaviour Act 1982*) which generally requires the victim to bring the application and applies to certain behaviours and relationships; or

- criminal laws that only apply after harm has already occurred.

To ensure all Australian workers are protected, we recommend that the CWPO model be expanded to apply nationwide. This could be achieved through amendments to the *Fair Work Act 2009*, a dedicated national workplace protection framework, or harmonisation with state and territory laws. A universal Workplace Protection Order system would ensure all employees—especially women, First Nations workers, and those in precarious employment—can access proactive legal protections that prioritise their safety and dignity at work.

A truly safe workplace is one where all workers, regardless of their employer or industry, have access to the same protections against violence and harassment.

#### Accessing Commonwealth services safely

Most of the clients BRQ and WWQ support are women, and our team provides assistance to thousands of vulnerable clients in relation to accessing services from Services Australia.<sup>vi</sup> Our mutual clients often have already experienced violence, including DFV, homelessness, and/or they are likely to have a disability in addition to being over 50 years old. BRQ also provides outreach and in community services for Aboriginal and/or Torres Strait Islander peoples.

The introduction of a CWPO not only makes these workplaces safer for employees, but also for the clients accessing the services. Verbal and physical abuse and threats to safety impacts trauma-affected and vulnerable people trying to access services. This additional benefit to the delivery of service, and the environment in which people access service should also be stated as a desired outcome of this Bill.

#### Concerns for vulnerable people and consequences of a punitive approach

Individuals accessing income support or family assistance payments through Services Australia often do so at times of crisis and can present with several complex vulnerabilities which impact their engagement with employees.

Whilst BRQ broadly supports the measures outlined above, we maintain concerns that this Bill contains overly punitive measures which would be applied disproportionately to vulnerable people in times of crisis.

BRQ holds concerns in relation to:

- the broad definition of ‘personal violence’ at section 5
- the potential lack of procedural fairness in applications for urgent and interim orders

- the creation of an offence for the breach of a CWPO under section 31, with the maximum penalty of up to 2 years imprisonment or a fine of 120 penalty units (120 penalty units at \$330 per penalty unit is equivalent to \$39,600)
- the strict liability attached to section 31(1)(a)
- the lack of clarity around how and when Authorised persons must apply to the Court to have the CWPO varied or revoked, giving rise to a situation where these orders may be a situation of 'set and forget'.

While the Bill states that CWPOs should not prevent access to services and payments, it ultimately leaves the Court with discretion on the conditions to impose, leading to significant barriers in accessing essential services and payments.

Individuals who are already on Managed Service Plans (MSPs) face barriers in that they are not permitted to attend at any service centres around Australia and must rely on their assigned One Main Contact for assistance. Many of our clients on MSPs struggle to regulate their behaviour due to mental illness or other chronic conditions and perceive their interactions with Services Australia as being particularly stressful, inconsistent and frustrating. Clients on MSPs report they risk exclusion, refusal of services and exacerbation of the symptoms of their conditions. Distressed clients are frequently marginalised in many of their interactions with other services providers and government agencies and routinely seek advice about disability discrimination in terms of these restrictions and refusal of services. These individuals are at risk not only of being subjected to a CWPO but also of unintentionally breaching the conditions of such an order with profound consequences, given the import of section 31(1)(a).

BRQ supports a *preventative* approach in managing breaches of the CWPOs and notes the significant barriers to legal support for vulnerable people within the justice system. The Security Risk Management Review acknowledged operational factors that may contribute to unwelcomed behaviour towards staff, (including the almost 50% increase in Centrelink call wait times in the last year, and the number of customers receiving congestion messages when calling Services Australia phone lines has growing by millions<sup>vii</sup>).

BRQ refers to the Review's recommendations which include increases to staff development in responding to client aggression and increasing security at high-risk locations but also urges a commitment to increasing staffing levels to reduce call wait times, processing claims and addressing appeal backlogs which are a source of deep frustration and anger for individuals.

## Conclusion

Basic Rights Queensland welcomes the *Commonwealth Workplace Protection Orders Bill 2024* as a vital step in protecting Commonwealth workers from violence and harassment, particularly through its proactive, preventative approach. We recommend further improvements to create a stronger, more inclusive national framework for workplace safety, including:

- Expanding access to Workplace Protection Orders beyond Commonwealth workers;
- Recognising the gendered nature of workplace violence;
- Ensuring workers and unions can request protection orders;
- Guaranteeing access to union support and representation;
- Improving protections for frontline workers interacting with the public; and
- Aligning with workplace health and safety laws.
- A commitment to building capacity of client focussed Commonwealth staff to de-escalate distressed clients and utilise a trauma informed approach in managing vulnerable peoples;
- Removing barriers to accessing legal advice and support for individuals at risk of CWPOs or possible breaches given the disproportionate impact the criminal charges and the proposed penalties will have on vulnerable communities.

Again, we thank the Committee for the opportunity to provide insights into the Bill. Should further information or explanation of our points be required, please do not hesitate to contact Penny Spalding, Special Projects Manager ([pennys@brq.org.au](mailto:pennys@brq.org.au)).

Sincerely,

James Farrell

CEO – Basic Rights Queensland

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<sup>i</sup> [Submissions – Parliament of Australia](#)

<sup>ii</sup> [Snapshot: Psychological health and safety in the workplace](#) – Safe Work Australia 2024. Pg. 4

<sup>iii</sup> [Respect@Work | Australian Human Rights Commission](#)

<sup>iv</sup> [Our Watch | Change the story](#)

<sup>vi</sup> [Basic Rights Queensland - 2024 Annual report FINAL](#)

<sup>vii</sup> [https://www.cpsu.org.au/CPSU/Content/Media\\_releases/Services\\_Aus\\_safety\\_recommendations.aspx](https://www.cpsu.org.au/CPSU/Content/Media_releases/Services_Aus_safety_recommendations.aspx)