

LEGISLATIVE COUNCIL

WORKPLACE PROTECTION ORDERS BILL 2026

(Amendments and New Clauses to be proposed in Committee by EVAN MULHOLLAND)

1. Clause 2, lines 9 and 10, omit all words and expressions on these lines and insert—

"This Act comes into operation on the day after the day on which it receives the Royal Assent."
2. Clause 2, page 2, lines 1 to 3, omit all words and expressions on these lines.
3. Clause 4, page 3, after line 2 insert—

"final workplace protection order" means an order under section 21(1);
interim workplace protection order means an order under section 20A(1);".
4. Clause 4, page 4, lines 7 to 10, omit all words and expressions on these lines and insert—

"retail operator" means an entity (other than a transport operator) that carries out a business the predominant purpose of which is either or both of the following—

(a) the sale or hire of goods by retail (including by auction);
(b) the retail provision of services;".
5. Clause 4, page 5, lines 3 and 4, omit "an order under section 21" and insert "an interim workplace protection order or a final workplace protection order".
6. Clause 8, line 11, after "27" insert "(ba) or".
7. Clause 8, line 12, after "(ii)" insert "if the order is a final workplace protection order,".
8. Clause 8, line 27, after "27" insert "(ba) or".
9. Clause 8, line 28, after "(ii)" insert "if the order is a final workplace protection order,".
10. Clause 14, page 14, line 12, omit "its" and insert "the".
11. Clause 17, line 4, omit "Each" and insert—

"(1) Subject to subsections (2) and (3), each".
12. Clause 17, line 7, omit "union." and insert "union;".
13. Clause 17, after line 7 insert—

"(c) a police officer."

14. Clause 17, before line 8 insert—

- "(2) An applicable business operator must not apply for a workplace protection order unless—
- (a) the applicable business operator consists of only one natural person, and that person is the victim of the unacceptable conduct in respect of which the application is to be made; or
 - (b) the victim of the unacceptable conduct in respect of which the application is to be made has given consent in writing to the making of the application.
- (3) An employee union must not apply for a workplace protection order unless the victim of the unacceptable conduct in respect of which the application is to be made has given consent in writing to the making of the application."

15. Clause 20, line 1, after "**union**" insert "**or police officer**".

16. Clause 20, line 2, after "union" insert "or a police officer".

17. Clause 20, line 3, after "union" insert "or officer".

NEW CLAUSE

18. Insert the following New Clause before clause 21—

"20A Court may make interim workplace protection order

- (1) On an application under section 17, the court may, without finally determining the application, make an order that requires the respondent to comply with the conditions that are to be imposed under the order if—
- (a) the respondent is of or over the age of 14 years; and
 - (b) the unacceptable conduct alleged by the applicant is alleged to have occurred no earlier than 12 months before the application was made; and
 - (c) the respondent was of or over the age of 14 years at the time of the unacceptable conduct that the applicant alleges; and
 - (d) the court is satisfied that—
 - (i) the respondent is likely to engage in unacceptable conduct at the workplace at which the applicant alleges that the respondent has engaged in unacceptable conduct; and
 - (ii) it is necessary to make the order in order to protect a person from that conduct; and
 - (iii) it is necessary to make the order before finally determining the application; and
 - (e) the respondent is not ineligible under subsection (2); and

Note

Subsection (2) concerns persons who are workers or applicable business operators in relation to the relevant workplace.

(f) the imposition of those conditions is in accordance with Division 3.

Note

Section 34 sets out when a workplace protection order ceases to have effect.

- (2) The following persons are ineligible for the purposes of subsection (1)(e)—
 - (a) each worker of an applicable business operator that has a sufficient connection to the unacceptable conduct alleged by the applicant;
 - (b) each applicable business operator that—
 - (i) consists of only one natural person; and
 - (ii) has a sufficient connection to the unacceptable conduct alleged by the applicant.
 - (3) The court may make the order—
 - (a) whether or not there is in force any other restrictive instrument by or under which the respondent is required to do anything or prohibited from doing anything; and
 - (b) whether or not the respondent is before the court."
19. Clause 21, line 20, after "**may make**" insert "**final**".
 20. Clause 21, line 30, omit "the applicant".
 21. Clause 21, after line 30 insert—

"(A) the applicant (if the applicant is an applicable business operator or an employee union); or

(B) an applicable business operator (if the applicant is a police officer); and

(ia) the respondent engaged in that unacceptable conduct—".
 22. Clause 21, page 18, after line 25 insert—

"(ba) in the case of an application made by an applicable business operator or an employee union, the victim of the unacceptable conduct referred to in paragraph (b)(i) has given written consent to the making of the application; and".
 23. Clause 23, line 9, after "27" insert "(ba) or".
 24. Clause 23, line 12, after "27" insert "(ba) or".
 25. Clause 25, page 22, line 1, after "(iv)" insert "in the case of a final workplace protection order,".
 26. Clause 26, line 2, after "**union**" insert "**or police officer**".
 27. Clause 26, line 6, after "union" insert "or a police officer".

28. Clause 26, line 7, after "union" insert "or police officer".
29. Clause 26, line 9, after "union" insert "or officer".
30. Clause 27, after line 13 insert—
 "(ba) if the order is an interim workplace protection order, specify the workplace in respect of which the court was satisfied as required by section 20A(1)(d)(i); and".
31. Clause 27, line 14, after "(c)" insert "if the order is a final workplace protection order,".
32. Clause 27, line 18, omit "to the applicant; and" and insert—
 "to—
 (A) the applicant (if the applicant is an applicable business operator or an employee union); or
 (B) the protected operator (if the applicant is a police officer); and".
33. Clause 28, after line 8 insert—
 "(ab) if the order is an interim workplace protection order made on the application of an employee union or a police officer, the applicable business operator that the court is satisfied—
 (i) performs work, or engages workers who perform work, at the workplace specified in the order under section 27(ba); and
 (ii) is the principal applicable business operator that performs work, or engages workers who perform work, at that workplace (if there is any other applicable business operator who does so; or".
34. Clause 28, line 9, after "is" insert "a final workplace protection order".
35. Clause 28, line 12, omit "worker." and insert "worker; or".
36. Clause 28, after line 12 insert—
 "(c) if the order is a final workplace protection order made on the application of a police officer—
 (i) if the victim of the unacceptable conduct was an applicable business operator that consists of only one natural person, that operator; or
 (ii) otherwise, the applicable business operator of which the victim of the unacceptable conduct was a worker.".
37. Clause 28, line 13, after "(1)(b)" insert "and (c)".
38. Clause 28, line 21, omit "conduct." and insert "conduct; and"
39. Clause 28, after line 21 insert—
 "(c) a reference to the victim being an applicable business operator that consists of only one natural person refers to that natural person being the

only person of whom that operator consisted at the time of the unacceptable conduct."

NEW CLAUSE

40. Insert the following New Clause to follow clause 29—

"29A When related operator to be specified in interim workplace protection order

- (1) Subject to subsection (3), if—

- (a) a court is making an interim workplace protection order; and
- (b) the court is satisfied that, besides the protected operator, there is at least one other applicable business operator that performs work, or whose workers perform work, at—
 - (i) the workplace specified in the order under section 27(ba); or
 - (ii) a workplace that intersects with that workplace—

the court must specify, in the order and in accordance with subsection (2), the entity that is to be the related operator in relation to the order.

- (2) The entity that the court must specify as the related operator is whichever of the other applicable business operators referred to in subsection (1)(b) the court is satisfied is most appropriate to specify, having regard to section 8(2).
- (3) The court may decline to specify a related operator in the workplace protection order if satisfied that it is appropriate to do so."

41. Clause 30, line 28, after "**specified in**" insert "**final workplace protection**".

42. Clause 30, line 29, after "making a" insert "final".

43. Clause 31, line 7, after "27" insert "(ba) or".

44. Clause 34, after line 9 insert—

"(1) An interim workplace protection order ceases to have effect on the final determination of the application on which it was made (including on the withdrawal of that application)."

45. Clause 34, line 10, before "A" insert "(2)".

46. Clause 34, after line 16 insert—

"(3) Without limiting subsection (2), that subsection applies to an interim workplace protection order that has not yet ceased to have effect under subsection (1)."

47. Clause 38, line 3, omit "The" and insert "Subject to subsections (1A) and (1B), the".

48. Clause 38, after line 7 insert—

"(1A) An applicable business operator must not apply for the variation or revocation of a workplace protection order unless—

- (a) the applicable business operator consists of only one natural person, and that person is the victim of the unacceptable conduct of which the court was satisfied under section 21(1)(b)(i) when making the workplace protection order; or
 - (b) the victim of the unacceptable conduct referred to in paragraph (a) has given consent in writing to the making of the application.
- (1B) An employee union must not apply for the variation or revocation of a workplace protection order unless the victim of the unacceptable conduct referred to in subsection (1A)(a) has given consent in writing to the making of the application."
- 49. Clause 39, page 32, line 15, after "27" insert "(ba) or".
- 50. Clause 39, page 33, after line 13 insert—
 - "(5A) The court must not make a variation order or a revocation order on an application that was made in contravention of section 38(1A) or (1B)."
- 51. Clause 43, line 9, after "**union**" insert "**or police officer**".
- 52. Clause 43, line 13, after "union" insert "or a police officer".
- 53. Clause 43, line 14, after "union" insert "or police officer".
- 54. Clause 43, line 16, after "union" insert "or officer".
- 55. Clause 48, line 2, omit "**Applicants**" and insert "**Police officers**".
- 56. Clause 48, line 2, after "**consent**" insert "**to make applications**".
- 57. Clause 48, line 3, omit "person" and insert "police officer".
- 58. Clause 51, page 39, after line 7 insert—
 - "(aa) if the document is to be served on a police officer—
 - (i) by delivering it personally to the Chief Commissioner of Police; or
 - (ii) by sending it by prepaid ordinary post to the Chief Commissioner of Police at the Chief Commissioner of Police's office address; or
 - (iii) by leaving it at the Chief Commissioner of Police's office address with an individual on the premises who is apparently employed there;"
- 59. Clause 51, page 39, line 9, after "individual" insert "(other than a police officer)".
- 60. Clause 54, line 14, omit "subsection (2)" and insert "subsections (2) and (3)".
- 61. Clause 54, after line 20 insert—
 - "(3) If the court determines to award costs against a police officer, the order must be made against the Chief Commissioner of Police."
- 62. Clause 55, line 7, omit "for the order" and insert "on which the order was made".

63. Clause 55, line 22, omit "for that order" and insert "on which the order was made".
64. Clause 55, line 27, omit "for that order" and insert "on which the order was made".