



Tasmanian Council of Social Service Inc.

Workplace Protection Order Scheme Proposal

July 2026



INTEGRITY
COMPASSION
INFLUENCE

About TasCOSS

TasCOSS's vision is for one Tasmania, free of poverty and inequality where everyone has the same opportunity. Our mission is two-fold: to act as the peak body for the community services industry in Tasmania; and to challenge and change the systems, attitudes and behaviours that create poverty, inequality and exclusion.

Our membership includes individuals and organisations active in the provision of community services to Tasmanians on low incomes or living in vulnerable circumstances. TasCOSS represents the interests of our members and their service users to government, regulators, the media and the public. Through our advocacy and policy development, we draw attention to the causes of poverty and disadvantage, and promote the adoption of effective solutions to address these issues.

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Introduction

TasCOSS welcomes this opportunity to provide feedback on the proposal for a Workplace Protection Order (WPO) scheme for Tasmania.

TasCOSS recognises that every worker has the right to be safe at work and that employers should have effective legal mechanisms to respond to serious threats or acts of violence. No worker should be subjected to violence, threats, intimidation or abuse in the course of their employment.

However, workplace safety measures should be designed in ways that promote long-term community safety rather than relying solely on punitive responses. Evidence consistently demonstrates that justice responses focussed exclusively on exclusion and punishment do little to reduce reoffending where underlying drivers — including trauma, mental ill-health, substance dependence, homelessness, poverty or developmental vulnerabilities — remain unaddressed.

Accordingly, any WPO scheme must be carefully designed to avoid creating new pathways into criminalisation, particularly for children and young people.

The consultation paper identifies that Tasmania already has a range of mechanisms available to respond to workplace violence and anti-social behaviour, including restraint orders, trespass notices, public annoyance provisions and police dispersal powers. The rationale for introducing an additional order regime should, therefore, be clearly established.

The focus of TasCOSS's submission is the impact of a WPO scheme on children and young people (i.e. young adults up to 24 years of age) who may be disproportionately represented.

Protecting Children and Young People from Criminalisation

Rehabilitation, Early Intervention and Prevention

TasCOSS is particularly concerned that WPOs could unintentionally expand justice system contact for children and young people. Research consistently demonstrates that early justice system contact is associated with poorer long-term outcomes and increased likelihood of future justice system involvement.

TasCOSS has consistently advocated for justice policies that prioritise rehabilitation, early intervention and prevention over increasingly punitive responses. TasCOSS supports 'prevention first' approaches that address the causes of harmful behaviour before incidents escalate.

Many children and young people who engage in offending behaviour in settings, such as retail, hospitality, health and other public facilities, have experienced trauma, family violence, involvement with child protection, housing insecurity, poverty, disability, mental ill-health or substance use. These factors require coordinated support rather than additional punitive responses focused primarily on exclusion or enforcement, that are unlikely to address the underlying causes of behaviour or reduce the likelihood of future incidents.

Workplace safety should therefore be viewed not only through a compliance and enforcement lens, but also through a prevention and support lens.

Evidence consistently shows that early involvement with the criminal justice system has a criminogenic effect, increasing rather than reducing future offending. Diversion and therapeutic intervention are more effective responses for most young people.

Accordingly, any scheme should include explicit provisions requiring an application to the Magistrates Court to consider the age and developmental maturity of respondents before making a WPO.

WPOs should not apply to children under 14 years of age and where the respondent is under 18 years of age, the court should be required to consider:

- Whether diversionary or restorative approaches would adequately protect workplace safety;
- Whether the behaviour is linked to trauma or unmet support needs; and
- Whether appropriate therapeutic supports have been offered.

Consistency with Youth Justice Reform Agenda

Tasmania is currently undertaking significant youth justice reform, including implementation of the *Youth Justice Blueprint*, development of a new Youth Justice Act, closure of Ashley Youth Detention Centre and consideration of increasing the age of criminal responsibility.

These reforms reflect a commitment to reducing children's contact with the justice system and prioritising prevention, diversion and therapeutic responses. TasCOSS is concerned that, if applied to children and young people without robust safeguards, WPOs may be inconsistent with these reform objectives.

Collectively, these reforms reflect a commitment to reducing children's contact with the justice system, strengthening diversion and responding to harmful behaviour through therapeutic and community-based approaches, wherever possible.

Any new legislative framework should support these objectives rather than undermine them. Without strong safeguards, children who would otherwise be diverted from the justice system may become subject to court orders, police enforcement and criminal penalties through WPOs and potential breaches.

Aboriginal Children and Young People

TasCOSS is also concerned that the consultation paper does not consider the potential impact of WPOs on Aboriginal children and young people.

Any proposal, such as a WPO scheme, that may increase justice system contact for Aboriginal children should be assessed against Tasmania's commitments under the *National Agreement on Closing the Gap*.

The consultation paper does not identify any role for Tasmanian Aboriginal organisations or communities in the design, implementation, oversight or evaluation of the proposed scheme.

TasCOSS considers that any legislative framework capable of affecting Aboriginal children should be co-designed with Aboriginal organisations and communities. This is particularly important given the significant over-representation of Aboriginal children in child protection and youth justice systems.

If WPOs are introduced, Aboriginal-led diversion, behavioural support, family support and therapeutic services should be available before justice-system responses are pursued.

Without investment in Aboriginal-led alternatives, there is a risk that enforcement mechanisms become the default response to behaviours that are more appropriately addressed through community support, healing and connection to culture.

Schools, Health and Justice Facilities

TasCOSS is concerned that use of WPOs in schools, health services and youth justice facilities could undermine children and young people's right to education, health and justice services and contribute to exclusionary practices, with potential long-term impacts of restricting education, training or employment opportunities, and health and wellbeing.

Schools, health and youth justice facilities and services should be excluded from WPOs.

Conclusion

TasCOSS supports measures that improve the safety of workers, customers and the broader community from serious violence in workplaces. However, any WPO scheme must be carefully designed to avoid unintended consequences that further criminalise children and young people or undermine rehabilitation and prevention.

The design of any WPO scheme should be explicitly rehabilitative, proportionate and trauma informed. It should include safeguards to ensure that WPOs are used only where necessary to prevent future violence, are subject to regular review, and are accompanied by pathways into therapeutic support rather than functioning as an additional punitive sanction.

Particular protections should apply in relation to children and young people, recognising the well-established evidence that early contact with punitive justice systems increases the likelihood of future offending and poorer life outcomes.

Robust oversight and public reporting will be essential to ensure the scheme does not disproportionately affect Aboriginal children and other vulnerable groups of children and young people.

Recommendations

TasCOSS makes the following recommendations in relation to the proposal for a Workplace Protection Order (WPO) Scheme for Tasmania:

1. **Demonstrate why existing powers (i.e. restraint orders, trespass and police powers) are insufficient before introducing a new WPO scheme.**
2. **Demonstrate that the proposed WPO scheme will reduce harm without increasing children and young people's contact with the justice system.**
3. **Assess the proposal for a WPO scheme against the *Youth Justice Blueprint*, the Government's commitments to Youth Justice Act reforms and commitments to diversion, raising the age of criminal responsibility and reducing reliance on detention.**
4. **Undertake an assessment of the impact of a WPO scheme against Tasmania's obligations under the *National Agreement on Closing the Gap*.**
5. **Co-design the legislation, implementation framework and review mechanisms with Tasmanian Aboriginal organisations and communities.**
6. **Ensure WPOs are not applied to children below 14 years of age and require the Magistrate's Court to consider therapeutic and diversionary alternatives before imposing restrictive conditions on respondents under 18 years of age.**
7. **Alongside any WPO scheme, invest in diversion, prevention, early intervention and therapeutic services, including Aboriginal-led services, youth outreach and engagement services, family support programs, housing and homelessness responses, mental health services, disability supports, and community-based diversion programs.**
8. **Exclude schools, health services and justice facilities from any WPO scheme.**
9. **Require annual public reporting on applications, orders, breaches and outcomes, disaggregated by age, Aboriginality, disability, care experience, location and setting.**