



Commonwealth Workplace Protection Orders

Commonwealth Workplace Protection Order (WPO) overview

A Commonwealth WPO is a protection order that a Commonwealth entity (for example, Services Australia or the Australian Taxation Office) applies for against a respondent or person. The Commonwealth entity can apply for a WPO when a respondent or person has been violent or aggressive to a Commonwealth worker or workplace.

A Commonwealth entity may apply for a WPO to protect the Commonwealth workplace or worker from future harm. The Court then decides whether to make a WPO against the respondent.

When the Court makes an order, it includes certain conditions that the respondent (you) must follow. For example, you cannot enter a particular place or have contact with a particular person.

The types of orders

There are 4 types of orders.

1. The Commonwealth entity can apply for a **final order**, which is an ultimate order made by the Court.
2. If protection is needed before the Court decides whether to make a final order, the Commonwealth entity can apply for an **interim order**. This is a temporary order which will apply in the meantime.
3. In urgent circumstances, the Commonwealth entity can apply for an **urgent interim order**. It is an urgent temporary order before the Commonwealth entity applies for a final order. However, the Commonwealth entity must apply to the Court for a final order within 7 days.
4. If the respondent and the Commonwealth entity agree, the Court can make a **consent order**. This is a type of final order where both parties agree to the conditions.

The WPO process

The Commonwealth entity will make an application for an order to the Court. Depending on the type of order, the Commonwealth entity will give you (serve) a copy of the application. You only need to follow the conditions in the order once the Court has made the order.

In some circumstances, the Court can make an order without you there. The recommendation is that you, or your legal representative, attend when the Court is deciding whether to make an order.

After the Court makes an order

Once the Court makes an order, or you are served the order, you should carefully read it.

You must follow the conditions of the order until the order ends. The Court will state the end date in the order. If you do not, this may be a criminal offence. You may face a penalty of up to 2 years' imprisonment, a fine of up to 120 penalty units (approximately \$40,000), or both.¹

The police in each state and territory will receive a copy of the order. If you own a firearm and the Court makes an order against you, it may impact your licence or ability to own a firearm.

The duration of an order

The duration of the order depends on the type of order. A final order or a consent order can last for a maximum of 2 years. An interim order or urgent interim order can last for a maximum of 12 months. However, an urgent interim order will last only 7 days if the Commonwealth entity does not apply for a final order within that time.

Criminal status

A Commonwealth WPO is a civil order. It does not give you a criminal record. However, if you do not follow the conditions of the order, it may be a criminal offence. You may get a financial penalty of up to 120 penalty units (approximately \$40,000), or 2 years imprisonment, or both. Police may investigate this breach, and they may charge you.

If you are found guilty of breaching an order, this will likely be on your criminal record.

When you already have a different protection order against you

A Commonwealth WPO should not conflict with another type of protection order, for example, a domestic violence order. If you have concerns that it does, you should contact the relevant Court as soon as possible. We also recommend that you get legal advice.

If you agree that the order should be made against you

Once you receive a copy of the application for the order, you may agree that the order should be made against you. If so, you may consider a **consent order**.

You should only consider this option if you understand the order and its conditions. You should contact the Commonwealth entity which applied for the order against you, or their representative, to discuss this option. We recommend you get legal advice. The Commonwealth entity's details will be included in the application.

If you do not agree that the order should be made against you

Once you receive a copy of the application for the order, if you do not agree the order should be made, you should consider getting legal advice.

If you do not agree with an order that has been made

If the Court makes a **final order** that you do not agree with and you think the court made a mistake, you may **appeal** the order.

You, and the Commonwealth entity that applied for the order, can apply to a higher Court about a final order, for example to cancel or change an order.

You can also apply to **vary** (change) or **revoke** (cancel) the order if your circumstances change.

If you want to vary, revoke or appeal an order, you will need to make an application to a court. We recommend that you get legal help or advice before you do this.

If you do not understand what you need to do

You should get help if you have questions about an application or order against you, or if you do not understand the documents you receive. You may want to get legal advice.

If you are under the age of 18, you should speak to your parent, legal guardian, or a trusted adult.

If you have a disability, we recommend that you speak to a trusted person or seek legal assistance. If you have a litigation guardian, you should speak to them.

Your rights

The order cannot stop you from getting government benefits and services, or from engaging in political communication (for example, contacting your local Member of Parliament). However, the way you do these things might change because of the order. More information will be in the application or order.

If you think that your order does stop you from doing these things, you should seek legal advice.

Getting legal advice or help

You may be able to get free or subsidised legal help and advice. The type of assistance available will depend on the state or territory you live in, and your individual circumstances. Otherwise, you may want to consult with a private legal practitioner.

Further information on the Commonwealth WPO scheme can be found [here](#) or at www.homeaffairs.gov.au/about-us/our-portfolios/criminal-justice/commonwealth-workplace-protection-orders-scheme.

¹ Visit the Australian Taxation Office website to understand and calculate penalty units.