

How to apply for a Workplace Protection Order (WPO)

Forms you must complete

To make an application for a Workplace Protection Order (WPO), you need to complete the following forms and lodge them in person at the ACT Magistrates Court:

Application for a Workplace Protection Order (WPO)

A copy of this application and any attachments will be provided to the respondent.

If you need protection immediately, you can also apply for an interim order (see section 3 of this application).

Notice of Address for Service

This form includes your contact details which will be used by the court to contact you.

These details will be kept confidential **and will NOT be given to the Respondent unless you give permission to do so.**

Private and Confidential Form

This form includes your private and confidential contact details, and the details of the respondent.

The information in this form is provided to the police so they can locate the respondent to serve them with your application and any orders made by the Court.

The information on the Private and Confidential Form will **not** be provided to the Respondent.

Key terms

Applicant – The employer who is applying to the Court for a protection order on behalf of a workplace.

Affected workplace/person – A workplace or person who has been, or is likely to be, affected by personal violence, being an employee, employer, or any other person at the workplace.

Protected person – A person protected by a workplace protection order.

Respondent - The person against whom the workplace protection order is sought or made.

Litigation guardian – A person appointed to represent a person who is under 14 years old, or who has impaired decision-making ability.

Service – The way that documents have to be given to a party to proceedings. If a Workplace Protection Order, or any other orders or documents in the proceedings, have been ‘personally served’, this means that they have been handed to a party in-person, usually by the police.

Interim workplace protection order – A short-term order that is in place until the application for a final order (a long-term order) is decided by the Court. An interim order is usually heard without the respondent being there.

You can get free legal advice or assistance with court forms by calling Legal Aid on (02) 6207 1874 or talking to Legal Aid ACT at their office located at the ACT Law Courts building.

For more information and to access forms:
courts.act.gov.au/magistrates/protection

If you have immediate concerns for your safety, please call 000 for police assistance.

Applying for a Workplace Protection Order (WPO)

Important Information

You cannot apply for a Workplace Protection Order against a child who is under 14 years old.

What is Workplace Personal Violence?

The *Personal Violence Act 2016* says that personal violence towards a workplace is behaviour by any person towards the workplace including the employer, employees, or anyone else in the workplace that is:-

- **Physical violence or abuse**
- **Sexual violence or abuse**
- **Threatening behaviour**
- **Stalking**
- **Harassing, intimidating, or offensive behaviour**
- **Damaging property**

Who can apply for a WPO?

The Applicant

The Applicant must be the legal entity who is the employer of the workplace.

Examples of the legal entity who may be the employer include:

- A government body (for example the Australian Capital Territory or the Commonwealth)
- A company (for example "Toast and Beans Pty Ltd" or "the trustee for Best and Worst Family Trust" or "*Toast and Beans Pty Ltd as trustee for the Best and Worst Family Trust trading as Best Toast*")
- A sole trader (for example "Alan Smith")
- A partnership (for example "Alan Smith and Jane Jones")

An employer's legal entity may be different to what the employer is publicly known as. If there is a difference, the name of the employer's legal entity should be included.

Who is an Authorised Person?

The person who is making the application on behalf of the employer must have authority to do so.

The most common types of legal entities, and the person authorised to make an application on behalf of that entity, are:

- Government agency:
 - Head of agency: for example CEO/Secretary/Director-General
- Non-profit organisation:
 - Responsible person or director
- Private business:
 - Company director
 - Sole trader
 - Trustee
- Trustee company director

A person can also be authorised to make the application on behalf of the workplace.

Someone who is authorised to make the application must provide evidence that they are authorised to make the application on the employer's behalf.

If you have immediate concerns for your safety, please call 000 for police assistance.

Form 3: Application for a Workplace Protection Order (WPO)

Personal Violence Act 2016

In the Magistrates Court of the Australian Capital Territory

Court staff to complete:	WPO /
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Giving false or misleading information is a serious offence, punishable by a fine, imprisonment or both.

A copy of this form will be served on the respondent (the person against whom this application is made).

1. Who needs the Workplace Protection Order? (APPLICANT)

The APPLICANT is the legal entity who is the employer of the workplace making the application for a Workplace Protection Order.

The AUTHORISED PERSON is the name of the person who is authorised to make this application on the employer's behalf.

(You must provide the full legal name of the entity. Do not use the trading name or business name.)

Name of applicant

Name of authorised person

Position held by the authorised person

Do you need an interpreter? Yes No Unsure

If yes, which language should the interpreter speak?

Proof of authority to make the application for a Workplace Protection Order

Have you attached proof that you are a person authorised to make this application?

Please tick documents attached.

- An Australian Securities and Investment Commission (ASIC) search
- An Australian Charities and Not-for-Profits Commission (ACNC) search
- A letter of authority from the employer (for example, the director of the company, responsible person for a registered charity, a trustee)
- An Instrument of Delegation (government entities)
- If authorised by a corporation, an affidavit stating the following:- (see rule 30(8) Court Procedure Rules 2006)
 1. The position you hold in the corporation; and
 2. That you are authorised by the corporation to represent the corporation and the authorisation has not been revoked; and
 3. That you are aware that you may be liable to pay some or all of the costs of the proceedings.
- Other – *please specify*

Who should the Workplace Protection Order protect? (AFFECTED WORKPLACE and PERSONS)

The AFFECTED WORKPLACE includes those who have been (or are likely to be) affected by personal violence and for whom a workplace protection order is being applied for to protect. The AFFECTED PERSON/S includes the employer, the employees, and/or others at the workplace.

Name of Affected Workplace/s

Workplace address/es

Names of Affected Person(s)

2. Who is the order being sought against? (RESPONDENT)

The RESPONDENT is the person who this application for a Workplace Protection Order is being made against.

Family name(s)	
Given/other name(s)	
Date of birth or approximate age	
Where does the respondent live? <small>(If not known, please indicate what state/territory/city you believe they live in)</small>	
Relationship between affected workplace/person(s) and respondent	
How long has the respondent been known by the workplace?	

Do you know if the respondent has any disabilities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Do you know if the respondent needs an interpreter?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
If yes, which language should the interpreter speak?			
Does the respondent own a firearm (including a gun) or have a firearms licence (including a gun licence)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
If yes, please specify			
Does the respondent own or have access to weapons?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
If yes, please specify			

3. Application for Interim Orders

Are you making an application for an Interim Workplace Protection Order? i.e., a short-term order that will be in place while your application for a final order (a long-term order) progresses. Yes No

4. History of personal violence

Has there been a history of personal violence by the respondent towards the workplace? Yes No

Have there ever been any reports made to the police about the respondent's behaviour towards the workplace?

Yes No

Have the police ever charged the respondent with any criminal offences for that behaviour?

Yes No Unsure

If the respondent has been charged, list the charges (if known):

Is the respondent on bail?

Yes No Unsure

If the respondent has bail conditions relating to the workplace (or the affected person(s)), what are the bail conditions (if known):

Have there been previous protection orders made between the respondent and the workplace or any of the affected persons?

Yes No Unsure

If yes, provide details below – who, when, where:

Have there been previous protection orders made between the respondent and other persons?

Yes No Unsure

If yes, provide details below – who, when, where:

Has the respondent ever breached any protection order? Yes No Unsure

If yes, provide details below:

5. Respondent's behaviour

Has the respondent engaged in any form of personal violence towards the workplace or an affected person?

(See the 'What is Workplace Personal Violence' section on page 2 of this form).

Yes No

Has the respondent behaved in a way that is:

(Tick any/all that apply, and describe the behaviour and when it happened)

Behaviour	Describe the behaviour and when it happened
<input type="checkbox"/> Physical violence or abuse	
<input type="checkbox"/> Sexual violence or abuse	
<input type="checkbox"/> Threatening behaviour	
<input type="checkbox"/> Harassing, intimidating or offensive behaviour	
<input type="checkbox"/> Stalking	
<input type="checkbox"/> Property damage	

What was the most recent incident of personal violence by the respondent against the workplace/affected person(s)? (please describe below)

What happened?

When and where did it occur?

What are the immediate safety concerns for the workplace?

6. Related/other proceedings

Are there any other current court or tribunal proceedings in progress involving the respondent?

	Next court date	Type of proceeding
<input type="checkbox"/> ACAT		
<input type="checkbox"/> Family Court		
<input type="checkbox"/> Care and Protection		
<input type="checkbox"/> Criminal		
<input type="checkbox"/> Mental Health		
<input type="checkbox"/> Protection Orders		

7. Length of order you are seeking

How long do you want the Workplace Protection Order to be in place? NOTE: A Final Order can be made for up to 12 months.

If you are seeking a final order for longer than 12 months, you will need to show the Court that special or exceptional circumstances exist. Please outline those circumstances below:

Do you want the Court to send a copy of any order made by the court to someone else?

Yes No

If YES, please include details below:

8. What conditions are you asking the Court to make?

Tick the conditions you believe you need to make sure the affected workplace is safe and protected.

CONDITIONS ABOUT WHAT THE RESPONDENT CANNOT DO	Tick the conditions you are asking for
Doing any behaviour that is personal violence in relation to the workplace: (see the 'What is Workplace Personal Violence' section on the front of this Form) Including but not limited to: [Redacted box]	<input type="checkbox"/>
Cause someone else to do any behaviour that is personal violence to the workplace	<input type="checkbox"/>
Being closer than a set distance away from the workplace – for example, 20 metres. How far away do you want the respondent to stay? [Redacted box] metres <input type="checkbox"/> EXCEPT [Redacted box]	<input type="checkbox"/>
Contacting a person (via any means including face to face, SMS or social media) <i>Include names of persons:</i> [Redacted box]	<input type="checkbox"/>
<input type="checkbox"/> EXCEPT through a legal practitioner; <input type="checkbox"/> EXCEPT at a Court or Tribunal proceeding or to take a step in one <input type="checkbox"/> EXCEPT at a counselling/mediation session or restorative justice conference arranged with the consent of the affected person(s); <input type="checkbox"/> EXCEPT [Redacted box]	
Approaching a person <i>Include names of persons:</i> [Redacted box]	<input type="checkbox"/>
<input type="checkbox"/> EXCEPT [Redacted box]	

CONDITIONS ABOUT WHERE THE RESPONDENT CANNOT GO		Tick the conditions you are asking for
Entering the workplace <i>Include specific addresses/locations:</i> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		<input type="checkbox"/>
<input type="checkbox"/> EXCEPT <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		

Applicant's signature

Date