



Senate Legal and Constitutional Affairs Legislation Committee

Commonwealth Workplace Protection Orders Bill 2024 [Provisions]

Services Australia's Submission

FEBRUARY 2025

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Introduction

Services Australia (the **Agency**) welcomes the opportunity to make a submission to the Senate Legal and Constitutional Affairs Legislation Committee's inquiry into the Commonwealth Workplace Protection Orders Bill 2024 [Provisions] (the **Bill**). This submission provides further detail to assist this Committee's consideration of the Bill and explains how the Bill will support the Agency to provide improved safety and security for its workforce and workplaces.

Services Australia is the primary service delivery agency of Government. With a footprint right across Australia, the Agency plays a key role in Australians' experience of Government. Australians seeking government payments and services often present to the Agency experiencing difficult circumstances. Supports are provided based on an individual's needs and presenting circumstances.

The Bill has been introduced following an external review and is complementary to the Agency's work to strengthen protections for its workers and customers.

Agency staff play a critical role in providing services and payments to Australians, and most customer interactions occur without incident. However, when serving Australians, our frontline workers are regularly subjected to incidents of customer aggression.

The Bill will provide a necessary response to customer aggression and will send a strong message to our frontline workers that their safety is valued by the Commonwealth, and the risk associated with their work is recognised in law.

This Bill will support the Services Australia 2030 Vision which has a key principle of taking steps to prevent and reduce the risk of harm to Agency staff and customers.

Background

The Security Risk Management Review (the **Review**) undertaken by former Chief Commissioner of Victoria Police, Mr Graham Ashton, AM APM was initiated by the Hon Bill Shorten MP on 24 May 2023. The Review was announced following a serious incident of customer aggression at the Agency's Airport West Service Centre in Melbourne, where a staff member was seriously injured by a customer on 23 May 2023.

Finalised in July 2023, the Review outlined 44 recommendations (refer to [the Key Findings and Recommendations at Attachment A](#)) covering Agency improvements to: security capabilities; service centre design; managed service plans; and the adequacy of legislation to prevent and respond to incidents of aggression.

On 13 October 2023, former Minister Shorten announced that the Government will act on all 44 recommendations, including recommendations to implement legislative change to enhance protections for Commonwealth workers to reduce workplace risks to staff safety.

Recommendation 17 addresses the need to strengthen the Commonwealth's ability to adopt nationally consistent workplace protection orders (WPOs), similar to the existing Australian Capital Territory (ACT) *Personal Violence Act 2016* provisions as a staff protection mechanism nationwide. This legislation will enable the Agency to seek Commonwealth Workplace Protection Orders (CWPO) on behalf of staff, removing the need for staff to apply for personal protection orders in their name.

The work of our frontline workers

Over the course of their lives, most Australians will rely on a payment or service delivered by the Agency. In 2023-24, Services Australia had 27.1 million Medicare customers, 8.5 million Centrelink

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customers and 1.1 million Child Support customers. As at 31 December 2024, there were 35,033 (headcount) Services Australia staff.

Our frontline workers include staff that work in a variety of roles and environments such as Service Officers in service centres and smart centres. Many staff also provide outreach services, such as Remote Servicing, Mobile Service Centres and embedded in community organisations. Of these, 6,389 (headcount) staff work within one of the Agency's 318 service centres, exclusive of other Government co-located staff. Their work is crucial to support Australians' access to payments and services administered by the Agency.

During 2023-24, our frontline workers in service centres supported Australians through approximately 10 million customer contacts. For this financial year, as at 31 December 2024, our frontline workers in service centres have helped Australians through just over 5 million contacts.

Our frontline workers are regularly subject to incidents of customer aggression. Service centre staff reported 12,142 customer aggression incidents in 2023-24, including 1,694 which were recorded as serious incidents. As at 31 December 2024 (financial year to date), there were 5,787 customer aggression incidents, including 799 serious incidents.

Across all service channels in 2023-24, the Agency's frontline workers reported a total of 26,824 customer aggression incidents. As at 31 December 2024 (financial year to date), the Agency's frontline workers reported experiencing 14,331 customer aggression incidents.

The number of serious customer aggression incidents are not reflective of the number of customers involved as one customer may be responsible for multiple incidents. The Agency anticipates that the number of CWPOs to be much lower than the number of serious incidents. On Agency analysis, modelled off the experience in the ACT we would expect about 75 applications for CWPOs per year.

Customer aggression incidents reported by our frontline workers includes, but is not limited to:

- experiences of physical assault, including with a weapon and spitting
- arson
- objects being thrown at frontline workers
- repeated exposure to obscene and offensive material
- verbal abuse including serious threats of harm, and
- property damage.

Customer aggression has business impacts, reducing the operational capacity and capability of the Agency and partner agencies in delivering services to Australians. Customer aggression also impacts the health and wellbeing of Agency staff, contributing to physical and psychological injury claims, absenteeism and reduced productivity.

Consistent with its work health and safety legal obligations, the Agency's Work Health and Safety Strategy 2021-26 includes a commitment to eliminating risks to the safety of workers and other persons as far as is reasonably practicable.

Strengthening the current controls, including through this Bill, to deter or prevent staff exposure to customer aggression and associated injury will not prevent customers from accessing or obtaining benefits or services. The Agency must propose, and the order must specify, alternative procedures or arrangements for how the respondent may do those things. The Bill promotes the right to payments and services by ensuring that it can be accessed in a safe way allowing the Agency to continue to keep our staff healthy and safe while delivering for Australians at their time of need.

Why a Commonwealth workplace protection order scheme is needed

Most state and territory protection order schemes are not designed to protect Commonwealth workplaces, because:

- In most states and territories, protection orders are directed to protect individuals, rather than workplaces. While an order can prevent an aggressive individual from approaching or contacting a particular worker, the order cannot prevent them from attending other Agency offices.
- In most states and territories, individuals need to personally bring an application for a protection order in their own name. Understandably, workers may choose not to pursue an order due to fears the order will further provoke the perpetrator.
- State and territory courts only have the power to make orders protecting locations in the particular state or territory. This makes it especially difficult to protect offices in cross-border towns or in circumstances where the aggressive individual may travel interstate.
- Unlike family and domestic violence orders, a WPO obtained in one state or territory is not always recognised in another, creating enforcement issues.
- Due to the differences in regimes, there are significant inconsistencies in the Agency's ability to protect workers and customers in some states and territories over others.

Only the ACT has a specific workplace protection order scheme. The Agency has utilised that scheme against 12 individuals since 2012, including after some particularly violent incidents. In most cases, WPOs have had the desired result of curbing the individual's violent and aggressive conduct as the CWPO scheme makes it a criminal offence to breach the conditions of a CWPO. In one case, there was a serious incident involving the customer damaging the outside of the service centre, and then further incidents involving threats, verbal abuse and approaching employees near the service centre. The WPO prohibited the customer from coming within 50m of an Agency workplace. The customer has attended once since the WPO was served; this was reported to ACT Policing. Since this time, the customer has been broadly compliant with the terms of the WPO.

The existing *Personal Violence Act 2016* (ACT), however, can only protect workplaces in the ACT. In other states where customers engage in more serious incidents an individual worker would need to volunteer to apply for a personal safety intervention order in their own name, to prohibit the customer from returning to the service centre.

The Agency has also experienced the challenges of navigating the different state and territory schemes. In one case, a customer who resided outside of the ACT made threats to harm workers, including workers located in Federal Parliament. The Agency obtained an ACT workplace protection order. However, the Agency could not register the ACT order in the state the customer lives in as it does not have an equivalent workplace protection order scheme. The customer breached the ACT order. However, the charge for breaching the ACT order was withdrawn as it was not clear the customer could be prosecuted under the ACT workplace protection order legislation for threats made outside the ACT. As the ACT order could not be registered in the state the customer lives in, the conduct also could not be prosecuted under their state's legislation.

A CWPO scheme would resolve these gaps in the existing schemes and provide consistent protection for Commonwealth workers and customers who may visit a service centre regardless of where they are located. The CWPO scheme aims to deter acts of violence and other harmful behaviours directed at Commonwealth workers and Commonwealth workplaces. It will:

- Enable agencies to mitigate some of the serious risks of harm faced by Commonwealth employees.
- Allow protection orders to be sought on behalf of a workplace i.e. staff will not need to take out a personal protection order in their own name.
- Improve the safety of Commonwealth workplaces, for workers and the public.

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- Enable the court to impose conditions on the respondent to address the risk they pose to the safety of Commonwealth workplaces, or Commonwealth workers.

The importance of the Bill to help keep our frontline workers and customers safe

The Agency's policy on preventing and responding to customer aggression is based on an Aggressive Behaviour Response Model that guides the response to aggressive behaviour to protect people from physical and psychological harm and we would not use the CWPO mechanism for all serious incidents. The guiding principles of the model are:

- De-escalation, to bring a customer back to a respectful interaction.
- Dis-engagement, if staff feel unsafe.
- Emergency Response, when a customer is violent, or staff or customer safety is at risk.

Our current responses including reporting matters to police, trespass warnings and Managed Service Plans effectively deal with most situations. Where the ongoing threat to staff safety or property is assessed as credible and imminent, our first response will always be to report the matter to police. Depending on advice on threat credibility from law enforcement and our own security investigation and intelligence functions, the Agency may choose to seek an order from the court. The use of CWPOs would strengthen the existing measures in place and be applied in a small number of circumstances.

The Agency has an extensive range of internal proactive measures in place to protect its frontline workers and tailor services for customers. These include:

- Access to specialist referrals, including Social Workers, Multicultural Service Officers, Community Engagement Officers, Financial Information Service Officers, Aged Care Specialist Officers and Indigenous Service Officers. These services can be provided in person, over the phone or in the community.
- Access to services to assist customers manage their payments, for example weekly and advance payments.
- Referrals to external service providers to provide specialised support, such as community welfare organisations.
- Prioritising claim processing and appeals of adverse decisions for customers experiencing vulnerability.
- Flexibility for debt repayments, including suspension of debt recovery for a short period of time.
- Considering a job seeker's vulnerable circumstances when assessing their capacity to meet mutual obligation requirements.

The Agency can, and frequently does, tailor the way services are delivered to customers by implementing a Managed Service Plan (MSP). MSPs ensure ongoing access to payments and services provided by the Agency, while maintaining a safe work environment for staff. An MSP is implemented following an incident of customer aggression or counter-productive behaviour, or to assist a customer who has self-identified vulnerabilities or barriers. MSPs can include support options and full or partial restrictions of the customer's access to one or more service delivery channels.

The most complex or vulnerable customers are referred to the Agency's specialised Personalised Services team for management. Personalised Services provides a dedicated point of contact between the customer and the Agency, reducing the risk of aggressive behaviours experienced by our service centre and smart centre staff. This administrative arrangement improves customer and business outcomes by brokering a collaborative approach to complex case management and facilitates internal and external referrals for customers including regular contact with social workers.

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Despite these administrative measures, for some customers they are insufficient to deter them from continued acts of customer aggression.

WPOs can be very effective as the following example demonstrates. The customer had an extensive history of violent, intimidatory and coercive behaviours when undertaking business with the Agency. As a result of a serious incident and continued breaches of MSPs and incidents of aggression, an interim workplace protection order was sought, preventing the customer from attending any of the Agency's service centres. Along with the WPO, the customer remained managed by Personalised Services. The WPO resulted in a change in the customer's behaviours including more productive engagement with their Personalised Services Service Officer, which resulted in the customer's circumstances being accurately reflected on Agency records to enable their eligibility for payments to be assessed correctly. The customer's WPO was not extended as the aggressive and counterproductive behaviour reduced.

To support the implementation of CWPO, the Agency would update internal policies, processes and procedures to provide guidance on when a CWPO should be considered, establish quality assurance processes and inform staff about their use.

The Agency supports the Bill considering it a necessary and effective method of deterring our most egregious and threatening customers from escalating their behaviour to harmful acts or repeating violent behaviour.

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