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A Workplace Protection Order Scheme for Tasmania

July 2026

The Australian Retail Council (ARC) welcomes the opportunity to provide feedback on the Tasmanian Government's consultation on a proposed Workplace Protection Order (WPO) scheme.

ARC represents the Australian retail sector. Valued at \$444 billion, retail supports more than 1.5 million jobs, including employing more young Australians than any other industry. Retail is embedded throughout the economy and plays a critical role in communities across metropolitan, regional and rural Australia. ARC advocates for policies and reforms that strengthen worker safety, support business resilience and drive the long-term prosperity of Australian retail and the millions who rely on it.

This submission focuses on the practical design of a Tasmanian WPO scheme, including who may apply, the scope of orders, interim protections, youth offending, enforcement and accessibility for businesses.

General comments

ARC strongly supports the introduction of WPOs in Tasmania.

WPOs should be viewed first and foremost as a worker safety mechanism. They would fill a significant gap in the current framework by providing a dedicated, preventative means of protecting workers and workplaces from known violent, threatening or abusive individuals before further physical or psychological harm occurs. Trespass notices, service refusals, police move-on powers and general criminal offences remain important, but are often reactive, temporary or ineffective against persistent offending.

ARC recommends:

- An application process that is employer-led and accessible: Employers should control applications, with employer associations, premise owners, shopping centre managers and other representatives able to act only where formally authorised by the employer. Tasmania Police should be able to support applications and provide evidence. The process must be simple, affordable and workable for businesses without dedicated legal or security resources.
- WPOs that apply across workplaces and locations: The scheme should adopt broad and practical definitions of workplaces and protected persons. WPOs must be capable of protecting multiple workers and applying across multiple premises where necessary to address repeat or mobile offending.
- The threshold must be preventative, and interim orders must be available: A WPO should be available where a person has engaged in personal violence in relation to a workplace and may do so again. Interim orders must be available where workers face an urgent or escalating risk before the final application is determined.
- Coverage of youth offending: WPO should apply to children and young people where their conduct creates an ongoing risk to workers or workplaces. Appropriate safeguards should shape how an order is made and applied but should not prevent an order where workers face an ongoing safety risk.
- Practical conditions and sufficient duration: Courts should be able to impose exclusion, no-contact, distance and other conditions needed to protect workers and workplaces. Orders should ordinarily remain in force for 12 months, with flexibility for shorter or longer periods where justified.



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- Service and enforcement processes must be police-led: WPOs should be served and enforced by Tasmania Police or another authorised public officer. Knowing breach of an order must be a criminal offence supported by meaningful penalties. The scheme should commence without unnecessary delay following the passage of the legislation. The ability to obtain a WPO should be supported by clear procedures, guidance and implementation arrangements.

Detailed comments

Retail workers face aggression, threats, intimidation, abuse and violence in publicly accessible workplaces. These incidents can cause immediate and long-term physical and psychological harm, contribute to workers' compensation claims and lead employees to leave their jobs. Customer aggression and violence are recognised psychosocial hazards, and WPOs would provide employers with an additional control to help eliminate or minimise those risks so far as is reasonably practicable.

Member experience shows that this conduct occurs across metropolitan, suburban and regional locations and is often driven by a relatively small cohort of repeat offenders. The same individuals may return to a workplace, target different workers or move between nearby outlets, creating an ongoing risk that existing controls do not always address.

One national employer recorded more than 30 occupational violence and aggression incidents across its Tasmanian retail network between February 2024 and June 2026. Incidents occurred across Hobart, Launceston, Burnie and numerous suburban and regional locations. They ranged from verbal abuse and intimidation to serious threats, property damage and incidents requiring police attendance.

Retailers already invest in CCTV, security personnel, staff training, duress systems, banning notices, service refusals and incident-management procedures. These measures reduce risk but do not create a clear, enforceable mechanism to exclude a known repeat offender.

Trespass notices and move-on powers are also limited. They may apply only to a particular place or period, and members report that some offenders disregard banning notices and return to stores. Police may then have limited grounds to intervene unless further offending occurs.

A WPO scheme would address this significant gap by providing a court-based mechanism to exclude known high-risk individuals and a clear basis for police action where an order is breached. It should complement existing criminal offences, restraint orders, police powers and retailer safety controls by enabling protection before further criminal conduct occurs.

1. An application process that is employer led and accessible

The employer should be the applicant, with third parties able to act only where formally authorised by the employer.

This reflects the employer's responsibility for workplace safety and ensures that applications are integrated with the employer's risk management, evidence and employee support processes.

An employer should be able to appoint an appropriate representative to act on its behalf, such as an employer association or another authorised representative. This will allow smaller businesses and complex retail networks to access practical assistance without removing employer control.

ARC does not support third parties independently commencing applications without the employer's authorisation. That would create uncertainty about accountability, evidence, employee consultation and the relationship between the application and the employer's broader safety response.

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Tasmania Police should be able to join or support an application where appropriate, particularly where the respondent is a known repeat offender or presents an escalating risk. Police should also be able to provide relevant evidence without requiring employers to reproduce information already held by the State.

The application process must be straightforward and affordable. Retailers should be able to rely on evidence ordinarily available through their incident-management systems, including incident reports, CCTV footage, witness statements, police reports, banning notices, photographs and security records.

Reliable business records should be capable of supporting an application without requiring affected workers to carry the full evidentiary burden in person. The application process should include a straightforward online option, supported by standard forms, clear guidance and simple procedures comparable to the accessible approach used in the ACT. These arrangements must be operational when the WPO scheme commences, particularly for small and regional businesses without dedicated legal or security teams.

2. WPOs that apply across workplaces and locations

The scheme must adopt broad and practical definitions of workplace, protected persons and the locations to which an order may apply.

The definition of workplace should include stores, shopping centres, loading docks, car parks, service counters, drive-throughs, storage areas and other places connected with work.

A WPO should be capable of protecting an individual worker, multiple identified workers, workers at a specified workplace, and customers or other persons at the workplace where necessary. WPOs should also protect any person undertaking prescribed work, irrespective of whether this is in person or not.

The scheme should not require every affected worker to pursue a separate order. Repeat offenders may threaten different employees on different visits, target a workplace generally or move between locations. The court must be able to consider that conduct as a single pattern of risk.

Orders must also be capable of applying across multiple premises where necessary and proportionate. This is particularly important for national and multi-site retailers, franchise networks, shopping centres, neighbouring businesses and offenders who move between outlets after being refused service or excluded.

Member evidence confirms that aggressive individuals may move between outlets or channels, spreading the risk across a retail network. A scheme confined to one store would shift the risk rather than address it.

3. The threshold must be preventative, and interim orders must be available

The court should be able to make a WPO where a respondent has engaged in personal violence in relation to a workplace and there is a risk that the conduct may occur again.

Personal violence should include:

- physical or sexual violence or abuse;
- threats;
- stalking;
- harassment;
- intimidation;
- offensive behaviour; and

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- property damage.

The court should consider the full pattern of conduct, including incidents involving different workers across shift rotations and incidents at different workplaces or locations. Conduct should not be assessed as isolated interactions where the same offender targets multiple workers or moves between sites. The legislation should not require another serious incident where the overall pattern already demonstrates a clear and escalating risk.

Interim WPO must be available where protection is needed before the final application can be determined.

An interim order should be available where there is an urgent safety risk, a risk of substantial property damage or a real prospect that the respondent will return before the final hearing. It should take effect upon service and remain in force until the application is determined or the court orders otherwise.

Without interim protection, workers may remain exposed during the period when the risk is highest, making interim orders essential to the practical operation of the scheme.

4. Coverage of youth offending

WPO should apply to children and young people where their conduct creates an ongoing risk to workers or workplaces.

Tasmanian retailers report a heightened youth offending environment. Excluding young people would leave a significant gap in the scheme and deny workers protection solely because of the respondent's age.

Appropriate safeguards should shape how an order is made and applied, but should not prevent an order where workers face an ongoing safety risk. As a preventative mechanism, WPO are particularly suited to repeated youth offending that has not been adequately addressed through banning notices, service refusal or short-term police powers.

5. Practical conditions and effective duration

The court should have broad power to impose conditions necessary to protect workers and workplaces.

Available conditions should include:

- prohibiting entry to or remaining at a workplace;
- prohibiting approach within a specified distance of a workplace;
- prohibiting contact with identified workers;
- prohibiting threats, harassment, intimidation or offensive behaviour;
- preventing the respondent from directing another person to engage in prohibited conduct; and
- suspending or cancelling firearms licences and authorising seizure where justified.

Exclusion from the relevant workplace should ordinarily be a core condition where the respondent presents an ongoing risk.

The duration of a WPO should be 12 months unless the court specifies another period. Short exclusion periods are unlikely to provide meaningful protection against persistent or repeat offending.

The court should retain discretion to impose a longer duration of a WPO where conduct is serious, persistent or escalating, or a shorter order where justified. Orders should also be capable of variation or revocation through a clear court-supervised process.



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6. Service and enforcement processes must be police-led

WPO should be served and enforced by Tasmania Police or another authorised public officer, and knowingly breaching an order must be a criminal offence.

Employers, managers and affected workers should not be required to personally serve an order on someone who has already engaged in violent, threatening or intimidating conduct. Police-led service is safer, carries appropriate authority and supports effective enforcement.

Where personal service is not practicable, the court should be able to authorise alternative service by an appropriate public authority.

Tasmania Police should be the primary enforcement and prosecution agency for breaches. Police must have immediate access to current orders and clear procedures for responding when a breach is reported.

Penalties must be strong enough to deter non-compliance and reflect the seriousness of returning to a workplace or contacting workers in direct contravention of a court order. The legislation should provide for imprisonment in serious or aggravated cases, particularly where the breach involves further personal violence.

Implementation must also include:

- a central and accessible record of current orders;
- clear guidance for employers and workers;
- standard application and evidence templates;
- training for police, court staff and relevant agencies; and
- practical support for small and regional businesses.

The interaction between WPO, restraint orders, trespass laws, move-on powers and criminal offences must be clearly explained. Employers, workers and police should be able to identify the appropriate pathway without navigating unnecessary procedural complexity.

To support operational enforcement, WPOs should be visible through existing Tasmania Police operational databases and information systems so officers can immediately confirm the existence and conditions of an order when responding to incidents.

A successful WPO scheme should contribute to reductions in repeat offending, workplace violence and aggression incidents, worker injuries and psychological harm, while improving workers' confidence that threats and violence will be addressed effectively.

The scheme should commence as soon as practicable after the legislation is passed. Worker safety should not be delayed by avoidable administrative or implementation issues.

ARC looks forward to continuing to work with the Tasmanian Government as the Workplace Protection Order scheme is developed and implemented. Any queries in relation to this submission can be directed to policy@retail.org.au.