**Australian Retail Council**

ABN 99 064 713 718

Level 29, 31 Market Street
Sydney NSW 2000

www.retail.org.au

# Submission on the Workplace Protection Orders Bill 2026 (Tas)

**October 2026**

The Australian Retail Council (ARC) welcomes the opportunity to provide a submission on the exposure draft of the *Workplace Protection Orders Bill 2026* (Tas). ARC thanks the Attorney-General and the Department for the ongoing consultation, and the advocacy of ARC members in the development of similar schemes in New South Wales, Victoria, Western Australia, South Australia and the ACT.

## Executive summary

ARC welcomes the Workplace Protection Orders (WPO) Bill as an important step towards protecting retail workers from violence, intimidation, harassment and repeat offending.

ARC strongly supports the introduction of WPOs in Tasmania. Tasmania Police, in 2024-25, recorded over 250 robberies, with more than half occurring at retail locations, and 4,000 assaults, with 10 per cent occurring at retail locations. One national retailer recorded more than 30 occupational violence and aggression incidents across its Tasmanian network between February 2024 and June 2026, across Hobart, Launceston, Burnie and suburban and regional locations. These incidents ranged from intimidation through to serious threats, property damage and incidents requiring police attendance.

The SDA has reported that in the ACT, the use of WPOs has seen a 23 per cent reduction in violent incidents. ARC members have reported in the ACT there has been a 92 per cent reduction in reoffending among repeat offenders subject to an order, and South Australia has achieved a 100 per cent reduction among repeat offenders.

The Bill establishes a strong framework through its broad worker coverage, recognition of online abuse, interim protection mechanisms and wide-ranging protective conditions. ARC supports the overarching objective of prioritising worker safety, while ensuring orders are practical and enforceable.

Our submission recommends several amendments that would further strengthen the Bill's effectiveness for retailers and frontline workers.

## Detailed comments

ARC welcomes the following aspects of the Bill:

- The broad coverage of workers in clauses 3 and 5, namely engaged workers, trainees and volunteers, mobile workplaces and conduct connected with work and workplace-related persons and families.
- Clause 4 including harassment, intimidation, stalking and threats, including where occurring online
- Clauses 8 and 16 emphasising that worker protection, safety and welfare are paramount considerations in a Court determination, with previous workplace violence and earlier WPOs able to inform the Court's decision.
- Clause 14 permitting the making of an interim WPO in the absence of the respondent and without requiring the final-order threshold outlined in clause 9

- Clause 16 providing exclusion, distance and contact restrictions, protections against surveillance and disclosure of personal information, and firearms conditions
- Clause 2 providing commencement in a timely manner; on Royal Assent.

**Lowering the threshold for intervention**

ARC supports the preventative intent of the Bill, however, considers that the threshold for making a WPO should better enable early intervention before harmful conduct escalates.

The Bill currently requires the Court to be satisfied that a worker "is at serious risk of" violence, intimidation, harassment or threatening behaviour. While this provides an important safeguard, it may set the threshold too high in circumstances where concerning conduct has already emerged but has not yet escalated to a level characterised as a serious risk.

Retail workers are frequently exposed to patterns of aggressive, intimidating and escalating behaviour. Experience across the sector demonstrates that early intervention is often critical to preventing more serious incidents from occurring. Waiting until a serious risk has crystallised may unnecessarily limit the preventative value of the scheme and expose workers to avoidable harm.

ARC recommends lowering the threshold of “serious risk”. This would better align the scheme with its protective purpose by allowing courts to intervene where there is a likelihood of future harmful conduct, while still requiring an evidence-based assessment of risk. It would strengthen the practical operation of WPOs as a preventative tool rather than one that is primarily available after risks have significantly escalated.

In relation to matters relating to a child, clause 8(1)(k) requires consideration of whether a WPO is the only reasonable option and is in the best interests of the child. We recommend replacing the “only reasonable option” requirement with a necessity and proportionality test. We also recommend that a provision be included to ensure a WPO may operate alongside other measures and urgent protection does not need to await their completion. We welcome that clause 14(3)(b) takes into account these matters during interim decisions.

Clauses 10 and 12 cap initial adult orders at 12 months, child orders at six months and total duration ordinarily at 24 months. We recommend making 12 months the ordinary minimum for adults in clause 10(1)(b)(iii), remove the initial maximum and exceptional circumstances barrier beyond 24 months in clause 12(1) and clause 12(2), and allow renewal where risks are ongoing and continuous. The absence of further incidents during the term of an order should not, by itself, defeat an extension application, as this is often direct evidence that the order is operating successfully.

Clause 8(1)(b) requires consideration of access to essential goods and services, such as food or legal services, when issuing a WPO. ARC recommends that the Court should explicitly assess the availability of delivery, collection by another person or controlled attendance - in recognition of the diversity of options made available by retailers to access essential items. Amendment to cl 8(1)(b) could replace " whether making the order will unreasonably impact on, or interfere with" with "the ability of the respondent to feasibly make alternative arrangements for".

**Expanding coverage to reflect modern retail work**

The retail workforce increasingly includes employees who perform duties away from traditional shopfronts, including delivery personnel, mobile workers and employees who regularly move between locations. In many cases, the risk of threatening or abusive behaviour is not confined to a particular retail premises.

Effective protection of workers in modern retail environments requires limited and secure information sharing between employers, centre management, security personnel and police. Clause 24 should permit operational sharing of WPO information for safety purposes to those who should be aware, while maintaining restrictions on broader disclosure and preserving protections relating to children.

ARC recommends expressly clarifying that the protections available under the Bill extend to delivery drivers and other mobile retail workers, conduct occurring while a worker is travelling for work purposes, threats, intimidation or harassment occurring during a worker's arrival at or departure from a workplace, and circumstances where work is performed away from a fixed retail premises.

ARC also recommends clarifying that WPOs extend to common areas associated with retail operations, including shopping centre entrances, internal common spaces, loading docks and car parks. In addition, further clarification is needed the meaning of "workplace" in circumstances involving retail networks, shopping centres and businesses operating from multiple premises.

This would be consistent with the Retail Barring Orders Act 2026 in Western Australia, where a common area is defined as including a “stairway, escalator, elevator, mall, walkway, trafficway, parking area, toilet facilities, restroom, garden or fountain…” that is “adjoining or adjacent”. Similarly, in New South Wales, Schedule 2 of the Workplace Protection Orders Bill 2026 provides that ‘workplace’ has the same meaning as in the Work Health and Safety Act 2011 (WHS Act). Section 8 of the WHS Act defines a ‘workplace’ as “a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.”

These changes would help ensure WPOs can provide practical and effective protection in the environments where repeat offending most commonly occurs.

Smaller retailers must also have accessibility to the scheme, and should a reasonable application be unsuccessful, it should not attract adverse costs. We recommend limiting adverse costs against safety applicants to vexatious or unreasonable proceedings.

**Supporting multi-site retail operations**

Many retail businesses operate across multiple stores, while shopping centres often experience repeat offending by individuals who target numerous retailers within the same precinct. Restricting applications or orders to a single workplace may reduce the effectiveness of the scheme in addressing this behaviour.

The Bill should therefore provide greater flexibility for multi-site retail environments by permitting joint applications by multiple retailers affected by the same individual and allowing a single WPO to apply across multiple specified locations where circumstances justify broader protection. Clause 16(1)(b)(ii) refers to the “workplace”, but joint and network applications that cover multiple specified workplaces are not expressed directly. We recommend inserting an additional element to clause 5 that provides that a workplace can include one or more workplaces that are individually and jointly affected by a proposed WPO respondent or WPO respondent.

**Improving the WPO process**

Clause 20 refers to the service of WPOs. We recommend requiring the registrar to arrange service of applications and WPOs by the police or another authorised public officer, by amending clause 20(4) to make it the default option. Prioritising urgent orders and promptly recording proof of service will alleviate broader risk.

If the recommended amendments to clause 20(4) are not supported and the burden remains with an applicant to effect service on a respondent, ARC recommends the inclusion in clause 20 of a further subclause to give the Court the express power to order substituted service.  This could comprise service by way of electronic service,

delivery, or such other means as the Court considers appropriate, in circumstances where the applicant has genuinely attempted to effect service multiple times without success.

The preventative purpose of the scheme may be undermined where repeat offenders are known through CCTV footage, banning notices or employee reports but cannot be formally identified. Clauses 7 and 10 should permit applications against a respondent identified by alias, description or image, with police-assisted identification occurring before a final enforceable order is made.

To ensure the scheme remains preventative, interim and final protections should not lapse merely because an extension application is awaiting determination. We recommend amending clause 15 accordingly, as the interim powers in clauses 13 and 14 depend on an initial clause 7 application.

Similarly, we recommend allowing current employers and protected workers to maintain effective protection after business transfers or changes in the original applicant, to ensure ongoing safety.

Requiring affected workers to recount events can cause trauma and compromise impact worker safety. Clauses 17(3) and (4) facilitates police declarations and medical opinions but does not provide an equivalent pathway for other records like CCTV and incident logs. Requiring the applicant to provide evidence should only be done as a last resort and once all other appropriate avenues for evidence have been exhausted. We also recommend permitting evidence of relevant conduct at other stores.

Allowing the disclosure of identifying information to authorised store teams, shopping centre security and police, and ensuring they know who is excluded from publication of this information, ensures security for both the safety and wellbeing of workers, and enforcement of WPOs and interim WPOs. We recommend amending clause 24 to expressly permit this information, while retaining limitation of further disclosures and preserving protection against public identification of children.

ARC supports criminal enforcement and meaningful consequences for deliberate non-compliance with WPOs. While clause 22 provides up to 12 months' imprisonment for a first offence and three years for subsequent offences, we recommend amending clause 22(1) to provide a maximum of five years' imprisonment for a breach and retaining recognition of breaches across different WPOs. This would be consistent with Western Australia and South Australia, where serious, persistent or personally violent conduct leads to a maximum penalty of imprisonment of five years.

## Recommendations

- Amend clause 9(1)(b) to replace "is at serious risk of" with "is at risk of"
- Replace the "only reasonable option" requirement in clause 8(1)(k)(i) with a necessity and proportionality test
- Clarify that a WPO may operate alongside other therapeutic measures in the "best interests of the child" in clause 8(1)(k)(ii), and that urgent protection need not await their completion
- Add a process to allow police assistance with identification of an offender for the prescribed information required in clause 7(2)
- Add a process for police assistance with identification where applicable to clause 10(1)(b)
- Add alternative options for collection or use of essential goods and services to clause 8(1) to avoid compromising worker safety

- Allow interim renewal of up to 12 months, and an out-of-hours pathway into clause 14(3) when an offender may return before a final hearing
- Allow interim order renewal from six months to 12 months in clause 14(4)(b)(iv)
- Make 12 months the ordinary minimum for adult orders in clause 10(1)(b)(iii) and clause 12(1)(a)
- Remove the time period barrier beyond 24 months in clause 12(2)
- Retain recognition of breaches across different WPOs and police arrest powers in clause 22(1) and (2)
- Ensure clause 21(1) and (2) limits adverse costs to vexatious, abusive, or otherwise unreasonable applicants
- Clarify clause 5(1)(b) to ensure coverage of deliveries during arrival, departure, or travel to and from work
- Confirm the definition of "the workplace", as it relates to clause 10(1)(b)
- Ensure clause 16(1) covers multiple specified workplaces, including different franchise entities, and restrictions in common areas like car parks and entrances
- Amend clause 16(1)(h) to require other prohibited weapons and existing licence suspension
- Amend clause 17(2) to provide remote evidence and reasonable limitations on direct cross-examination
- Add a provision to clause 17(3) to allow CCTV, incident logs, security records, banning notices and other retail records to assist proceedings with WPO applications
- Within clause 24(1), require that the Court expressly consider worker safety and trauma when directing how evidence is given
- Amend clause 20(4) to allow for a member of the Police Service or another authorised public officer serve a WPO or interim WPO
- Ensure clause 21(1) and (2) limits adverse costs to vexatious, abusive or otherwise unreasonable applicants
- Insert in clause 15: "if an application to extend an order is made before it expires, the order continues in force until the application is determined or withdrawn, unless the Court otherwise orders"
- Add "current relevant employers" and "protected workers" under clause 15(1) and confirm that a business transfer or change of applicant does not, itself, end a WPO.
- Amend clause 24(2) to expressly permit necessary and secure disclosure of orders to relevant employers, authorised security personnel and police for safety and enforcement purposes
- Amend clause 22(1) to provide a maximum of five years' imprisonment for a breach

Please contact policy@retail.org.au if you have any questions about this submission.

## About ARC

ARC represents the Australian retail sector. Valued at $444 billion, retail is the nation's largest private sector employer, supporting more than 1.4 million jobs, including more young Australians aged 15 to 24 years than any other industry. ARC's membership is diverse. From family-owned small and independent businesses, comprising 95 per cent of our membership, to large national and international retailers supporting communities across metropolitan and regional Australia. With more than 155,000 retail outlets nationwide and a growing online presence, the retail sector is embedded throughout the economy, playing a critical role in the supply chain of Australian businesses. ARC advocates for policies and reform that drive growth, resilience, and long-term prosperity for Australian retail and the millions who rely on it. At a time of rapid change, from technological disruption and international competition to shifting consumer behaviour and sustainability expectations, effective policy settings are critical for retailers, workers, consumers, and communities.