

16 July 2026

Bruce Paterson,
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Department of Justice
Office of the Secretary
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Dear Mr Paterson,

Thank you for the opportunity to provide comment on the preliminary consultation for the development of a Workplace Protection Order Scheme in Tasmania.

I wholeheartedly support the development of a Workplace Protection Order Scheme (the proposed scheme). Such a scheme should be rights-based, aligned with workplace and safety practices, and the Youth Justice Blueprint's aim to divert children and young people away from the justice system, keeping detention as a last resort.

The introduction of the proposed scheme in Tasmania has the potential to better protect and uphold a young person's right to safety at work, as reflected by Article 19 of the United Nations Convention on the Rights of the Child (UNCRC)¹, provide a preventative tool targeting repeat or escalating harmful behaviour, and complement existing legal and enforcement mechanisms. However, without appropriate safeguards, the scheme also could contribute to the unwarranted criminalisation of young people, disproportionately impacting vulnerable young people, and result in their unintended exclusion from essential goods, services, and community spaces.

My response focuses on the question posed in the discussion materials, '*Should children and young people be subject to WPOs, and if so, what exceptions, limitations and safeguards should apply?*'.

The information provided below focuses on the possible impacts of WPOs on children and young people, both as members of the workforce and those potentially subject to WPOs due to their behaviour.

I also seek to emphasise the importance of including a focused consultation with young people in the workforce as a part of the WPO development process, as is their right.

This submission is not intended to be exhaustive, and I welcome further opportunities for discussion on this matter.

¹ [United Nations Convention on the Rights of the Child Article 19: Protection from violence.](#)





The role of the Commissioner for Children and Young People

The *Commissioner for Children and Young People Act 2016*² (CCYP Act) establishes the statutory office of the Commissioner for Children and Young People (Commissioner). The Commissioner's general functions include:

- advocating for all children and young people in the State generally;
- advocating for individual children and young people detained under the *Youth Justice Act 1997*;
- researching, investigating and influencing policy development into matters relating to children and young people generally;
- promoting, monitoring and reviewing the wellbeing of children and young people generally;
- promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters, that may affect their lives;
- assisting in ensuring the State satisfies its national and international obligations in respect of children and young people generally; and
- encouraging organisations to establish child-friendly mechanisms to assist children and young people to participate in matters that affect them.

In performing these and other functions under the CCYP Act, the Commissioner is required to:

- do so according to the principle that the wellbeing and best interests of children and young people are paramount;
- observe any relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC); and
- give special regard to the needs of children and young people who are vulnerable or disadvantaged for any reason.

Consistent with these functions, my analysis and comments on the proposed scheme are limited to matters that affect, or have the potential to affect, the rights, wellbeing and interests of children and young people.

My feedback is informed by the views and experiences shared by Tasmanian children and young people through CCYP's engagement activities, including the *Voices of Young People in the Youth Justice System Project* (Voices Project)³ and the *A Mountain of Voices*⁴. It is also informed by my broader understanding of the views of children and young people, as well as publicly available research, including approaches adopted in other Australian jurisdictions and the United Nations Convention on the Rights of the Child.

² [Commissioner for Children and Young People Act 2016 \(Tas\).](#)

³ [The Youth Justice Voices Project, Commissioner for Children and Young People Tasmania.](#)

Between 2023 and 2026, the Office of the CCYP has released five reports in a series called The Voices of Young People in the Youth Justice System Project. To inform this project, young people were asked about what it is like for them to be in trouble with the law and other topics including arrest, diversion, bail, remand, detention and leaving detention.

⁴ [A Mountain of Voices, Commissioner for Children and Young People Tasmania.](#) *A Mountain of Voices* was a co-designed, creative, arts-based response to ideas of the Voices for Tasmanian Youth.



Children and young people in the workforce

In December 2025 there were approximately 41,200 young people aged 15-24 in the Tasmanian workforce.⁵ The retail, accommodation and food industries workforce in Tasmania includes a disproportionate number of young workers, with 21% of the accommodation and food service industry and 20.4% of the retail industry, being young people aged 15-24.⁶

It was reported in 2023 that retail violence and abuse in Tasmania had increased by 40.3% since 2014, the fastest rate in the country.⁷ The McKell Institute also undertook a study in the same year and their report, '*Data Briefing into Retail Violence and Abuse in Tasmania*' describes violence and abuse towards retail workers as an 'enduring and increasing problem'.⁸

The issue of violence and abuse towards any worker infringes on their human rights, and in the case of children and young people, it impacts on a range of rights afforded to them under the UNCRC. Young people working in any industry have a right to safe working conditions⁹, (Article 19), protection from workplaces that may be harmful to their physical and mental health or social development¹⁰ (Article 32), and a general right to health and wellbeing¹¹ (Article 24), that includes protection from psychological harm and unsafe environments.

A WPO Scheme in Tasmania ought to align with work health and safety obligations by strengthening employers' capacity to manage psychosocial hazards, which includes violence, aggression, and harassment. Under the *Work Health and Safety Act 2012*¹² and the *Work Health and Safety Regulations 2022*¹³, employers must, so far as reasonably practicable, provide a working environment that is safe and without risks to health, which includes exposure to customer aggression and abuse. A WPO Scheme can support this duty by enabling businesses to proactively restrict individuals who pose an identified risk, thereby reducing the likelihood of repeat incidents and harm to workers.

Sectors such as retail and hospitality are predominantly customer-facing and employ a large number of young workers. Therefore, employers in these contexts could be seen to have a heightened obligation to ensure appropriate safeguards.

The ACT's *Personal Violence Act 2016*¹⁴ provides a fully integrated protection order system where workplace and non-workplace personal violence are addressed under a single legislative framework. This integrated approach supports child-rights principles by applying coherent safeguards and procedural fairness, whether conduct occurs at work or in other contexts. An integrated model also recognises young people equally and consistently across contexts.

All other current and emerging WPO Schemes operate alongside, not within, broad personal protection systems, which can lead to a more fragmented regulatory landscape. Standalone WPO

⁵ [Australian Policy Online, Australian Jobs 2026 \(Report, 2026\)](#).

⁶ [Jobs and Skills Australia, Industry Profile: Tasmania \(Report, March 2025\)](#).

⁷ ['Recorded Crime – Victims', Australian Bureau of Statistics](#).

⁸ [The McKell Institute, The McKell Institute Data Briefing into Retail Violence and Abuse in Tasmania, \(Report, September 2023\)](#).

⁹ [United Nations Convention on the Rights of the Child Article 19: Protection from violence, abuse and neglect](#).

¹⁰ [United Nations Convention on the Rights of the Child Article 32: Child labour](#).

¹¹ [United Nations Convention on the Rights of the Child Article 24: Health and health services](#).

¹² [Work Health and Safety Act 2012 \(Tas\)](#).

¹³ [Work Health and Safety Regulations 2022 \(Tas\)](#).

¹⁴ [Personal Violence Act 2016 \(ACT\)](#).



models risk treating young people as situational risks with fewer built-in protections and they can create gaps or inconsistencies in how young people's rights are protected.

Creating an integrated scheme, together with a minimum age threshold (discussed in more detail below), will create a more proportionate, rights-respecting model that balances worker safety with protections for vulnerable young people.

Children and young people displaying harmful behaviour

Whilst the introduction of the proposed scheme in Tasmania would help to keep young workers safe from violence, supplement existing Workplace Health and Safety obligations, and respond to a genuine rise in retail abuse, it also has the potential to disproportionately impact marginalised youth. A WPO Scheme could lead to the exclusion of young people from public and commercial spaces, expand coercive legal controls over children, lead to criminalisation through breach offences, while failing to address the root causes of youth offending. I echo the words of former Tasmanian Commissioner for Children and Young People, Leanne McLean, who said the following in a 2023 opinion piece entitled, *'Tough on crime' approach will not make communities safer*:¹⁵

"In some cases, children can exhibit harmful behaviours. Harmful to themselves and harmful to others. This can include behaviours like shop lifting, property damage and, in the most concerning of cases, violence and abuse. These behaviours affect individuals and communities, sometimes in the worst of ways, and should never be dismissed or belittled. However, children should be helped to understand the impacts of their behaviour, to make amends and supported to change their life trajectory. Tasmania's current youth justice system is not fit for purpose and does not enable this to happen."

We know serious youth offending in Tasmania is concentrated in a small, highly disadvantaged cohort¹⁶. Young people involved in the youth justice system have, more often than not, experienced trauma, poverty, exposure to family violence, abuse and other child maltreatment, homelessness, disability, mental ill health, and lack of opportunity in their lives. It is likely that, without careful consideration and application of safeguards for young people, this scheme will disproportionately impact marginalised youth. As explained by two young people who participated in the Voices Project:

"Because that's what most kids go through before they get locked up. They're either homeless or going through poverty. That's why they need to do shit to survive." (Stevie, 15-year-old female)

*"Like it's a broken home... That's what I felt like sometimes when I had to help my mum out. I went and stole and made money and gave my Mum money because she was broke and she was hard up." (James, 15)*¹⁷

The UNCRC sets out a range of rights that are relevant in considering a WPO Scheme. Regardless of their background and life experiences, all young people have the right to non-discrimination¹⁸ (UNCRC Article 2), the right to freedom of association¹⁹ (Article 15), and the right to access essential

¹⁵ [Commissioner for Children and Young People \(Tas\), Opinion Piece: Tough on Crime.](#)

¹⁶ [Josh Duggan, "Adult crime, adult time' not the solution, criminologist says, as top cop says officers feel like 'toothless tigers'", \(web article, 2 May 2025\).](#)

¹⁷ The Youth Justice Voices Project, Commissioner for Children and Young People Tasmania, 'Setting Yourself Up to Fail': Voices of Young People in the Youth Justice System Project (Report, 2026), (forthcoming).

¹⁸ [United Nations Convention on the Rights of the Child Article 2: Non-discrimination.](#)

¹⁹ [United Nations Convention on the Rights of the Child Article 15: Freedom of association.](#)



services²⁰ (Articles 24 and 27). There is a significant risk that the introduction of WPOs could lead to further exclusion and unintended impacts on groups of generally disadvantaged young people. A young participant in the Voices Project talked about the effects of receiving trespass notices and bans:

“Some kids always are in town, they’ve got nowhere else to go and shit. Me, when I was homeless, I used to cross through the same school, but they kept giving me trespass notices. But it was the only fast way to get to the shops, so I could get my food and shit. Then I got a ban notice from the shops, so I’d nowhere to get food or nothing from. They just don’t really think about how it affects us in the long run”.
(Liam, 16-year-old-male)²¹

Workplaces utilising WPOs may often be central to children accessing food and essential goods, social participation and community engagement. In some areas, especially in regional and remote communities, exclusion from a single retail outlet may equate to functional exclusion from essential services and access to material basics. The CCYP’s Mountain of Voices Project²² ran engagement activities with four secondary schools from across Tasmania, with 66 of the young people emphasising the importance of increased access to living essentials. This included better access to services, such as transport and shops; but also access to the essential things they need to live, like a safe home, food and money.

Tasmania’s proposed WPO Scheme intends to address a genuine safety problem. However, without strong youth safeguards, it risks expanding justice system control over a small, already vulnerable group of young people, rather than resolving the underlying drivers of harm.

WPOs should be complemented by expanding current and planned improved access to therapeutic supports, diversion pathways, youth support services, and case management for repeat offenders, as outlined in both the Youth Justice Blueprint²³ and the Youth Justice Diversionary Services Framework²⁴. Given that a small cohort of young people in Tasmania may be exhibiting the behaviours that may lead to a WPO being considered, targeted responses are likely to be more effective than generic enforcement alone.

Minimum age of criminal responsibility

Under the Youth Justice Blueprint, and in response to the Commission of Inquiry into Child Sexual Abuse in Institutional Settings,²⁵ the Tasmanian Government has committed to raising the age of criminal responsibility to 14 years. It would, in my view, be prudent to include these age restrictions within the WPO Scheme from the outset, consistent with the ACT legislation. Such an initiative aligns

²⁰ [United Nations Convention on the Rights of the Child Article 24: Health and health services](#); and [Article 27: Adequate standard of living](#).

²¹ The Youth Justice Voices Project, Commissioner for Children and Young People Tasmania, ‘Setting Yourself Up to Fail’: Voices of Young People in the Youth Justice System Project (Report, 2025), (forthcoming).

²² [Commissioner for Children and Young People Tasmania, A Mountain of Voices \(2025\)](#).

²³ [Department for Education, Children and Young People \(Tas\), Youth Justice Blueprint 2024-2034, \(December 2023\)](#).

²⁴ [Department for Education, Children and Young People, Youth Justice Diversionary Services Framework \(March 2026\)](#).

²⁵ [Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse \(Report, August 2023\)](#).



with established child justice principles, including best interests, minimal intervention, proportionality and recognition of developmental capacity²⁶

Legal controls and the criminalisation of young people

The UNCRC provides that young people have the right to be treated appropriately in justice processes (Articles 37 and 40)²⁷. To uphold these rights, WPO processes should include clear eligibility thresholds that take into account age, developmental stage, and individual circumstances. WPOs should also be limited to serious, repeated or escalating conduct with evidence required of previous harmful behaviour and a proven, credible risk of recurrence. Ensuring WPOs remain a targeted intervention will reduce the risk of their overuse, and the flow on effects of unintended harms.

WPOs add a new layer beyond trespass laws and police move-on powers. As has been seen in other jurisdictions²⁸, breach of WPOs typically becomes a criminal offence. This risks young people quickly progressing from anti-social behaviour to having a serious criminal record. This is a significant concern, as we know that having a criminal record can follow a young person into adulthood and create barriers to employment, education, and housing, often reducing opportunity in ways that increase the risk of further disadvantage or reoffending, rather than supporting rehabilitation.²⁹ WPOs should be time-limited and include mechanisms for review, variation and revocation to ensure they remain proportionate over time.

Defining workplaces under the Scheme

Whilst it is not my place to answer the question posed in the discussion materials regarding how workplaces should be defined, I do not want to disregard the possible negative implications of defining youth detention facilities as workplaces under the scheme, without ensuring appropriate and necessary boundaries.

Defining youth detention facilities under the WPO Scheme may create harmful, unintended consequences such as further criminalising the young people already undertaking a period of detention. I highly recommend the WPO Scheme project team undertake a targeted consultation with the teams currently working on youth justice reforms, including the new youth justice model of care³⁰, to consider what mechanisms are already in place and how the proposed scheme could enhance, or hinder, the current or planned processes, policies and procedures in these settings.

Conclusion

As the UNCRC makes clear, all young people have the right to have their best interests treated as a primary consideration (Article 3)³¹, as well as the right to participate in decisions that affect them and to have their views heard and given due weight (Article 12)³². Young people are therefore best placed to inform decision-making by sharing their experiences of both the workplace and the youth

²⁶ [Australian Human Rights Commission, \(2024\). Help way earlier! How Australia can transform child justice to improve safety and wellbeing.](#)

²⁷ [United Nations Convention on the Rights of the Child Article 37: Inhumane treatment and detention](#); and [Article 40: Juvenile justice](#).

²⁸ [Personal Violence Act 2016 \(ACT\)](#); [Workplace Protection \(Personal Violence\) Act 2025 \(SA\)](#).

²⁹ [Australian Human Rights Commission, Discrimination in Employment on the Basis of Criminal Record \(December 2012\).](#)

³⁰ [Department for Education, Children and Young People, Youth Justice Model of Care \(December 2024\).](#)

³¹ [United Nations Convention on the Rights of the Child Article 3: Best interests of the child.](#)

³² [United Nations Convention on the Rights of the Child Article 12: Respect for children's views.](#)



justice system, thereby helping policy-makers understand the potential implications of a scheme such as this.

I urge you to carefully consider the issues raised in this submission, and to take the time to engage directly with young people. Hearing from those with lived experience, both as workers across different industries and as young people who have had contact with the youth justice system, will provide valuable insight into how this proposal may operate in practice and its likely impacts on young people.

Yours sincerely,

Ros Cornish AM

Interim Commissioner for Children and Young People

cc: The Hon Jo Palmer, Minister for Children and Youth
cc: Ms Kristy Bourne, Secretary, Department of Justice Tasmania