Australia

Retail Barring Orders Act 2026

Western Australia

Retail Barring Orders Act 2026

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Defined terms

Western Australia

Retail Barring Orders Act 2026

An Act —

- **to provide for orders to prevent people from committing retail violence or otherwise stalking or harassing retail workers by imposing restraints on their behaviour and activities; and**
- **to make related amendments to the *Children's Court of Western Australia Act 1988* and the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013*; and**
- **for related purposes.**

Part 1 — Preliminary

1. Short title

This is the *Retail Barring Orders Act 2026*.

2. Commencement

This Act comes into operation as follows —

(a) Part 1 — on the day on which this Act receives the Royal Assent;

(b) the rest of the Act — on a day fixed by proclamation.

3. Act binds Crown

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

4. Objects of Act

The objects of this Act are to —

(a) protect retail workers and other persons on retail premises from retail violence; and

(b) protect retail businesses from the effects of retail violence; and

(c) protect retail workers, while not on retail premises, from stalking and harassment by persons who have committed retail violence; and

(d) help ensure members of the public can be confident that retail premises will be free from retail violence; and

(e) provide for a legally enforceable mechanism to prevent retail violence; and

(f) hold persons who commit retail violence accountable for their conduct.

5. Terms used

In this Act —

adult means a person who has reached 18 years of age;

child means a person under 18 years of age;

common area, in relation to a cluster of premises that makes up a retail shopping centre —

(a) means any area within, adjoining or adjacent to, or separating, the cluster of premises that is intended for —

(i) use by the public in the course of attending the retail shopping centre; or

(ii) use in common by retail businesses conducted on retail premises in the cluster of premises in connection with the conduct of the retail businesses;

and

(b) includes any stairway, escalator, elevator, mall, walkway, trafficway, parking area, toilet facilities, restroom, garden or fountain that meets the requirements of paragraph (a);

community titles scheme has the meaning given in the *Community Titles Act 2018* section 3(1);

contractor, of a retail business, includes —

(a) an employee of a contractor of the retail business; and

(b) a subcontractor, and an employee of a subcontractor, of a contractor of the retail business; and

(c) a person, and an employee of a person, with whom a subcontractor specified in paragraph (b) contracts;

electronic means includes —

(a) an electronic database or document system; and

(b) another means by which a document can be given or accessed electronically;

eligible person has the meaning given in section 8(3);

employer, for retail premises —

(a) means a person who employs or engages 1 or more persons to work as retail workers on the retail premises for the retail business conducted on the retail premises; but

(b) does not include a labour hire agency;

explosive means a substance or article that is controlled as an explosive under the *Dangerous Goods Safety Act 2004*;

explosives licence means a licence, permit or authorisation to hold an explosive under the *Dangerous Goods Safety Act 2004*;

firearm item means any of the following as those terms are defined in the *Firearms Act 2024* section 5 —

(a) a firearm;

(b) a major firearm part;

(c) a prohibited accessory;

(d) ammunition;

firearms authorisation means —

(a) a licence, permit, approval or exemption under the *Firearms Act 2024* that entitles a person to be in possession of a firearm item; or

(b) a licence card (as defined in section 206 of that Act) issued in respect of a licence, permit, approval or exemption referred to in paragraph (a);

firearms restraint has the meaning given in section 19(1);

first hearing RBO means an RBO referred to in section 11(1)(a);

mention hearing means a hearing fixed under section 10(5), 11(1)(b), 31(2) or 42(2)(a)(i);

other party to the application, in relation to a set aside application, means —

(a) if the application is made under section 38(1) — the person who was the respondent to the RBO application; or

(b) if the application is made under section 38(2) — the person who was the applicant for the RBO;

person who is bound, in relation to an RBO, means the person named in the RBO on whose lawful activities and behaviour restraints are imposed by the RBO;

premises means the whole or any part of a building, place, stall, structure, tent, vehicle or yard;

RBO application has the meaning given in section 8(1);

RBO hearing means a hearing fixed under section 32, 33(3)(c) or 42(2)(a)(ii);

RBO proceedings —

(a) means proceedings in the Magistrates Court or the Children's Court on —

(i) an RBO application; or

(ii) a set aside application; or

(iii) an application to vary or cancel an RBO;

but

(b) does not include proceedings for an offence under this Act;

registrar —

(a) in relation to proceedings under this Act in the Magistrates Court — means a registrar (as defined in the *Magistrates Court Act 2004* section 3); or

(b) in relation to proceedings under this Act in the Children's Court — means a person appointed, or taken to be appointed, under the *Children's Court of Western*

Australia Act 1988 section 16 as a registrar or deputy registrar of the Children's Court;

relevant order has the meaning given in section 63;

respondent means a person against whom an RBO is sought;

responsible adult, in relation to a child, means a parent of the child, a guardian of the child or another person having responsibility for the day-to-day care of the child;

retail barring order (***RBO***) means an order made under section 12 imposing restraints of the kind referred to in section 17;

retail business means a business that involves any sale of goods by retail, including by auction;

retail premises —

(a) means premises on which a retail business is conducted; and

(b) if premises referred to in paragraph (a) are part of a retail shopping centre — includes any common area of the cluster of premises that makes up the retail shopping centre; and

(c) if premises referred to in paragraph (a) are not part of a retail shopping centre — includes any parking area or toilet facilities adjoining or adjacent to the premises and intended for use by —

(i) the public in the course of attending the premises; or

(ii) the retail business conducted on the premises in connection with the conduct of the retail business;

retail shopping centre means a cluster of 3 or more premises that has all of the following attributes —

(a) at least 2 of the premises are retail premises as defined in paragraph (a) of the definition of that term;

(b) the premises are —

(i) adjoining or adjacent to each other; or

(ii) within, adjoining or adjacent to a common area; or

(iii) separated only by a common area;

(c) the premises —

(i) are all owned by the same person; or

(ii) all have (or, if leased, would have) the same lessor or the same head lessor; or

(iii) are all lots in the same strata titles scheme; or

(iv) are all lots in the same community titles scheme;

(d) the cluster of premises is promoted as, or generally regarded as constituting, a shopping centre, shopping mall, shopping court or shopping arcade;

retail violence has the meaning given in section 6;

retail worker, in relation to retail premises —

(a) means a person who performs duties on the retail premises for the retail business conducted on the retail premises, including as an employee or apprentice of, or volunteer for, the retail business; and

(b) includes the person who conducts the retail business; but

(c) does not include a person who performs duties as a contractor of the retail business, unless —

(i) the duties performed are part of the day-to-day operations of the retail business; and

(ii) the person is subject to the control and direction of the person who conducts the retail business in the performance of their duties;

senior police officer means a police officer who is, or is acting as, a sergeant or an officer above the rank of sergeant;

set aside application has the meaning given in section 38(1) and (2);

stalking, a person, includes committing an offence under *The Criminal Code* Chapter XXXIIIB against the person;

strata titles scheme has the meaning given in the *Strata Titles Act 1985* section 3(1);

union means —

(a) an organisation of employees registered, or taken to be registered, under the *Fair Work (Registered Organisations) Act 2009* (Cth); or

(b) an organisation of employees, or an association of employees, registered under the *Industrial Relations Act 1979*.

6. Retail violence

(1) A person commits ***retail violence*** if the person, while on retail premises, engages in any of the following behaviour in relation to another person on the retail premises —

(a) physical violence or abuse;

(b) sexual violence or abuse;

(c) threatening behaviour;

(d) stalking;

(e) harassing, intimidating or offensive behaviour.

(2) A person who procures another person to commit retail violence is taken to have also committed the retail violence.

7. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Pt. 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

[Parts 2-7 have not come into operation.]

Notes

This is a compilation of the *Retail Barring Orders Act 2026*. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
Retail Barring Orders Act 2026 Pt. 1	17 of 2026	21 Oct 2026	21 Oct 2026 (see s. 2(a))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
Retail Barring Orders Act 2026 (other than Pt. 1)	17 of 2026	21 Oct 2026	To be proclaimed (see s. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
adult	5
child	5
common area	5
community titles scheme	5
contractor	5
electronic means	5
eligible person	5
employer	5
explosive	5
explosives licence	5
firearm item	5
firearms authorisation	5
firearms restraint	5
first hearing RBO	5
mention hearing	5
other party to the application	5
person who is bound	5
premises	5
RBO	5
RBO application	5
RBO hearing	5
RBO proceedings	5
registrar	5
relevant order	5
respondent	5
responsible adult	5
retail barring order	5
retail business	5
retail premises	5
retail shopping centre	5
retail violence	5, 6(1)
retail worker	5
senior police officer	5
set aside application	5
stalking	5

strata titles scheme 5
union 5

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