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Reference: 8089273

19 November 2025

Via Email: pepsubmissions@ombudsman.wa.gov.au

Dear Sir/ Madam

Protected Entertainment Precinct Scheme Submission – City of Mandurah

Thank you for the opportunity to provide a submission as part of the Ombudsman review of the Protected Entertainment Precinct (PEP) Scheme. The introduction of the PEP in Mandurah has been invaluable, however there are opportunities to make entertainment precincts safer and improve community outcomes, through the increased use of Short Term Exclusion Orders (STEO's).

The City of Mandurah is home to an estimated 102,922 residents as at 30 June 2024, with population forecasts indicating an increase of approximately 23,338 people (24.98 %) between 2021 and 2046. This sustained growth highlights the strategic importance of the waterfront area encompassing Smart Street Mall, the foreshore and marina precincts as a major civic, commercial and visitor hub.

The establishment of the Protected Entertainment Precinct (PEP) in 2022 supports the ongoing capacity of this high-use and high-profile zone to meet the needs of a growing and diverse community, while maintaining amenity, safety and liveability. The PEP remains a relevant mechanism within this context, helping to ensure the precinct continues to function as a safe, vibrant and economically significant destination for residents, businesses and visitors.

The City works in close partnership with WA Police and entertainment venues encouraging safety and vibrancy. Consistent feedback from stakeholders is that the PEP has seen improved behaviour within Mandurah. The City administers the Mandurah Liquor Accord and members have been extremely supportive of the PEP. The focus and resourcing provided by WA Police to the PEP and also the linkage with knife and edged weapon laws have been particularly well received.

Established research demonstrates that visible policing reduces fear of crime and strengthens perceptions of safety. The establishment of the PEP has enabled a more sustained and coordinated WA Police presence across Smart Street Mall, the foreshore and marina precincts. This has resulted in targeted foot patrols, high-visibility operations and wandering, contributing to fewer incidents and a stronger sense of guardianship in the area.

The PEP framework has provided the structure for more focused, preventative policing in and around the Mandurah waterfront, which in turn has improved community confidence and feelings of safety. These strengthened perceptions of safety are not only critical for community wellbeing but also generate positive economic and tourism outcomes — supporting local

businesses, encouraging increased visitation, and helping sustain the many families who rely on hospitality, retail and tourism-related employment.

The City has historically seen the impacts of serious incidents within the PEP which are extremely damaging. The City's Strategic Community Plan sets community outcomes it is seeking to deliver including:

- 1.1. Local jobs to retain our people and attract skilled workers
- 1.2. A diversified economy that supports growth sectors
- 1.3. Well-planned, sustainable urban development
- 1.4. A thriving city that residents are proud to call home and people want to visit
- 1.5. A supportive business environment where investment is encouraged and entrepreneurship prospers
- 2.2. Safe and connected communities
- 2.3. Inclusive and welcoming places, spaces and neighbourhoods

City environments can be attractors to people with complex issues. An ongoing problem the City of Mandurah faces, within its PEP, is repeated serious criminal damage to private and public property, visible drug use and intense serious disruptive and antisocial behaviour.

It is the City's view that WA Police are underutilising the STEO's in managing this type of criminal activity in PEP's. A recommendation of the Ombudsman's review should include the recognition of the opportunity this tool has to improve safety and business outcomes.

Standard enforcement options for these type of offences are very challenging for WA Police. A key challenge within the PEP area is the persistent perception that people experiencing homelessness are linked to antisocial behaviour, despite evidence that such behaviour is not determined by a person's housing status. In reality, individuals sleeping rough are disproportionately victimised and face significantly higher risks of violence and crime, which often leads them to seek out areas like the PEP where increased policing and foot traffic provide a greater sense of safety.

The PEP framework enables police to more effectively manage those who do engage in antisocial or criminal behaviour, while ensuring vulnerable individuals who are not offending are left undisturbed. This distinction is essential in shifting community and business narratives away from equating homelessness with criminality, and toward a more accurate understanding of vulnerability and public safety.

For the individuals committing these offences, prosecutions are extremely time consuming for WA Police and occupy significant court time. In isolation, the offences may not be seen as having a major impact and sentencing reflects this.

24 hour Move On Notices are insufficient to control these type of criminal behaviours. Infringements for many people have no impact with individuals having no prospect to pay and no licence to be suspended.

Short-Term Exclusion Orders (STEOs) are an important element of the PEP framework, enabling Police to temporarily remove individuals who engage in behaviours that compromise public safety — particularly antisocial conduct and offence-driven behaviours such as alcohol-related disorder or illicit substance use. This mechanism addresses local safety concerns by allowing Police to respond proportionately and effectively to behaviour that undermines public confidence, while ensuring the broader precinct remains accessible to the community.

By providing a clearer and more robust tool than a standard 24-hour move-on notice, STEOs enable WA Police and the local government to work collaboratively to manage risk, enhance public safety, and maintain a stable, secure and welcoming environment for residents, visitors and local businesses.

There are appropriate controls through appeal provisions and also Section 152NZK(3) of the *Liquor Control Act 1988* in identifying defences for returning to PEP where individuals are living, working, receiving a health service or social welfare service, or going to a school or attending another educational institution.

The City appreciates the importance of this process and remains committed to supporting outcomes that strengthen safety, amenity and community confidence. Should you have any queries regarding this matter please contact the undersigned on 9550 3777.

Yours sincerely



Casey Mihovilovich
Chief Executive Officer