



Commissioner for Children and Young People
Western Australia

Our reference: 25/05928

Alison Cameron
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Ombudsman Western Australia

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Dear Ms Cameron

Feedback – Protected Entertainment Precincts Scheme

Thank you for the opportunity to provide feedback on the operation of the Protected Entertainment Precincts Scheme (the PEP Scheme).

As Commissioner for Children and Young People in Western Australia, I have a statutory responsibility under the Commissioner for Children and Young People Act 2006 (WA) to advocate for the views of children and young people to be heard in decision making that affects them. This role includes giving priority to, and having special regard to, the interests and needs of Aboriginal and Torres Strait Islander children and young people, and to children and young people who are vulnerable or disadvantaged in any way.

In undertaking these responsibilities, I must also have regard for the United Nations Convention on the Rights of the Child (UN CRC) which upholds the right of all children and young people to be protected from harm, to feel and be safe, to be treated with respect, and to participate in decision-making that affects them. It is within this context, as an independent, statutory officer with a mandate to promote and advocate for the wellbeing of all children and young people in Western Australia (WA) that I provide the following comments regarding the PEP Scheme, insofar as they are relevant to children and young people.

I emphasise the need for a child-centred, trauma-informed approach that upholds the best interests of children and young people, consistent with the UN CRC. The following comments are offered with a focus on strengthening protections for children and young people, while ensuring that legislative responses effectively reduce exposures to harm and violence and improve overall community safety.

Recommendation 1 – Consider Punitive Effect of Scheme

Violent offences committed in public entertainment precincts cause serious harm to victims, families and the wider community, undermining public safety and confidence in shared spaces. I recognise the importance of improving the safety of entertainment areas to ensure that all Western Australians, including children and young people, can participate safely in community life. I therefore support the intent of measures designed to reduce harm and strengthen community confidence in these spaces.

However, I question whether it is appropriate for the PEP Scheme to apply to children and young people under the age of 18. The breach offence risks inflating criminal liability without delivering additional protection for victims or the community. Instead, it may unfairly extend the net of criminalisation to young people who are more likely to breach exclusion orders due to impulsive behaviour and developmental factors. Rather than enhancing justice outcomes, this approach risks further entrenching disadvantage by exposing more young people to prosecution and custody. Layering additional liability in this way may produce disproportionate outcomes and intensify punitive effects without clear evidence of added deterrence or community safety benefit. Evidence indicates that punitive approaches are ineffective in achieving long-term community safety. Further, studies have consistently highlight that detention during critical stages of brain development has enduring negative effects.

Although the PEP Scheme applies to both adults and children, the legislative framework does not adequately consider the developmental needs and rights of children and young people. There is no clear articulation of how decisions regarding exclusion orders for juveniles will take into account age, maturity, vulnerability, or alignment with child safety and wellbeing principles under the UN CRC. While exclusion order durations are shorter for young offenders (two years rather than five for adults), continued criminal enforcement of breaches fails to reflect the cognitive and behavioural differences between children and adults. Criminalising this behaviour risks increasing the number of young people entering custody, with particularly acute effects for Aboriginal children and young people, who are already overrepresented in the justice system. The scheme's reliance on police discretion, combined with the automatic nature of "excluded offender" status, raises concerns about compounding systemic inequities and disproportionate impacts in areas such as Northbridge and Fremantle, where over-policing and the visibility of Aboriginal young people in public spaces are well documented.

Recommendation 2 - Risk of social exclusion and harm amplification

While I support the aim of the PEP Scheme to deter repeated violent or criminal behaviour within high-density entertainment precincts, it is important to ensure that safety measures do not create unintended harm. Violent incidents in entertainment areas frequented by families and young people do pose genuine risks to community wellbeing; however, as outlined in Recommendation 1, punitive measures that fail to account for developmental differences can disproportionately impact young people rather than deter or prevent offending. Exclusion from central public areas such as Perth's CBD or Fremantle can interrupt access to essential services including education, healthcare, and youth support programs. These areas host a concentration of such services, making access even more critical for vulnerable young people. Although "*necessary reasons*" for entering a precinct are listed, the mechanisms for verifying or approving such exemptions remain unclear and may create further barriers for young people seeking assistance or stability.

The Ombudsman's review should therefore consider how the PEP Scheme affects children and young people in practice, particularly regarding proportionality of penalties, access to review mechanisms, and continuity of support during exclusion periods. I also request that the review include information on the number and nature of complaints raised by children and young people in relation to exclusion orders, to better understand their lived experiences under the PEP Scheme. Policies that rely on broad discretionary enforcement powers risk exacerbating racial profiling and disproportionately targeting Aboriginal and Torres Strait Islander children and young

people, as well as others facing social or economic disadvantage. This not only amplifies exclusion but also undermines the early intervention and prevention objectives central to effective youth justice policy, which are discussed further in Recommendation 3.

Recommendation 3 – Reassess the Scope and Proportionality of the Scheme

From 2023 to 2025, 214 exclusion orders were issued, resulting in 211 offenders being barred from Protected Entertainment Precincts. Of the 178 short-term exclusion orders made by WA Police, 165 related to offending in Perth–Northbridge, with only 4 in Mandurah, 3 in Fremantle, 3 in Scarborough, and 2 in Hillarys.ⁱ This concentration of orders within a single precinct (92.7% of total orders in Northbridge) raises questions about the necessity of maintaining a year-round, state-wide scheme that applies equally across multiple locations, regardless of demonstrated risk.

The current PEP Scheme's breadth, covering multiple precincts continuously throughout the year, appears disproportionate to available evidence and may unintentionally amplify exclusionary effects without enhancing community safety. Narrowing the scheme's application to times and locations of proven risk could achieve the same safety objectives while reducing unintended harm to children and young people. For example, the Declared Public Precinct Scheme in Adelaide, South Australia applies only during peak high-risk periods, specifically the summer months of January to April, from 3pm to 3am on Fridays, Saturdays, and Sundays, based on police data identifying when and where behavioural offences against people and property were most prevalent. Limiting the scheme to times and locations of demonstrated risk allows enforcement to be more targeted, proportionate, and effective, while minimising the unintended consequences of broad, year-round exclusions such as social isolation, disruption to access to essential services, and potential discretionary enforcement issues.

A more targeted and proportionate approach would also free resources for investment in measures that address the underlying causes of offending. Redirecting effort from enforcement towards prevention, diversion, and early intervention provides a more sustainable pathway to improving community safety and wellbeing.

Recommendation 4 – Prioritise early intervention and community involvement

Given the risks of social exclusion, criminalisation, and disrupted access to essential services outlined in Recommendations 1, 2 and 3, I strongly recommend a shift from punitive measures towards prevention, diversion, and community-led interventions that prioritise the wellbeing of children and young people. Supporting schools, youth services, and culturally appropriate community programs to engage with children and young people at risk is essential to addressing harmful behaviour before it escalates. Robust evidence demonstrates that early intervention, diversion and therapeutic supports are far more effective in reducing reoffending and promoting long-term behaviour change.ⁱⁱ

I also question whether police and justice agencies are best placed, or sufficiently resourced, to manage this behaviour without unintended harm. Greater consideration should be given to complementary roles for schools, youth services, and community organisations in supporting safe participation in public life. The Ombudsman's review should therefore explore opportunities for early intervention and collaboration with youth services, Aboriginal Community Controlled Organisations, and local government youth engagement programs, to address

underlying causes of offending while protecting the safety, rights, and wellbeing of children and young people.

Recommendation 5 – Broader Context and the Need for Systemic Reform

In this context, it is imperative that the WA Government focus on the long-overdue review of the *Young Offenders Act 1994* (WA), which provides the overarching framework for responding to harmful behaviour by children and young people. A comprehensive, evidence-based review is essential to ensure responses to youth offending are developmentally appropriate, trauma-informed, and focused on early intervention and prevention.

Without systemic reform, fragmented punitive measures, such as broad exclusion orders, risk entrenching the harms they seek to prevent, disproportionately affecting vulnerable children and young people, including Aboriginal and Torres Strait Islander children. Holistic legislative reform is critical to aligning youth justice policy with the safety, rights, and wellbeing of children and young people, while maintaining community safety.

I thank you again for the opportunity to provide input on these important reforms. We strongly encourage further direct consultation with children and young people, whose lived experiences can meaningfully shape the development and implementation of reforms that affect them. I note that I have limited my comments to aspects of the Scheme that directly impact children and young people, consistent with my statutory function to promote and protect their rights and wellbeing.

I would be pleased to provide further information or clarification if required.

Yours sincerely,



Jacqueline McGowan-Jones

Commissioner

1 November 2025

ⁱ Department of Creative Industries, Tourism and Sport, "Precincts making Perth safer", 17 December 2024, accessed 30 October 2025, <https://www.cits.wa.gov.au/departments/news/news-article/2024/12/17/precincts-making-perth-safer>.

ⁱⁱ Little M, Boswell G, Wright S et al, *Trauma and Young Offenders: A Review of the Research and Practice Literature*, Beyond Youth Custody, 2016, accessed 19 December 2023.