



55th December 2025

Alison Cameron
Acting Deputy Ombudsman
pepsubmissions@ombudsman.wa.gov.au

Dear Ms Cameron

Thank you for your letter dated 20 October 2025 inviting Community Legal WA to provide a submission to the Ombudsman's review of the Protected Entertainment Precincts (PEP) Scheme. We welcome the review and the opportunity to share early evidence of how the scheme is operating in practice for people experiencing vulnerability and disadvantage.

We sought feedback from our members and received responses from Youth Legal Service and StreetLaw. The attached submission from StreetLaw, supported by four case studies, is endorsed by Community Legal WA and we ask that it be considered as a separate stand-alone submission.

The submission by StreetLaw demonstrates how PEP exclusion orders and related bail conditions can create serious and often unintended barriers to safety, stability and service access for people who are street-present, experiencing homelessness, and living with complex needs. In particular, the current exemption framework is not fit for purpose for people with no fixed address, as proof of "necessity" remains heavily subject to police or judicial discretion. In practice, this is cutting people off from essential health, housing, welfare and legal services that are largely located within PEP boundaries.

Youth Legal Service advised that they have not provided services to any clients related to exclusions under the PEP scheme. However, we note that many people affected by exclusion orders, bail conditions or venue bans do not seek legal assistance due to fear of police, low trust in the justice system, prior negative experiences, or lack of awareness that legal remedies may be available. For people experiencing homelessness, cognitive impairment, trauma, or substance dependence, these barriers are even more pronounced. As a result, the true impact of the PEP Scheme and related measures may not be easily visible to services. This creates a risk that people miss critical opportunities to challenge unlawful or disproportionate conditions, seek variations to exclusion orders or bail, or access supports that could prevent escalation into further criminalisation and entrenchment in the justice system.

Echoing concerns raised by StreetLaw, Youth Legal Service report their experience that when a person is charged with an offence within a PEP area, bail conditions routinely prohibit them from re-entering those areas. For young people, this commonly restricts access to youth services, safe spaces and social networks. Breaches of these conditions lead to further charges and remand, compounding criminalisation and deepening disadvantage. Where a person seeks legal advice, bail variation applications can be made to remove or vary these conditions.





We hold serious concerns about the disproportionate impact of the PEP Scheme on people who are already marginalised, particularly Aboriginal people, young people, and people who are street-present or experiencing homelessness. We are also concerned about the broader impact on relationships between police and vulnerable community members, where enforcement of exclusion-based laws can undermine trust and engagement with support services.

We emphasise that the PEP Scheme does not operate in isolation. It now intersects with expanded knife-wanding and weapon-search powers, as well as the widespread use of venue-based ID scanning systems such as Scantek. Together, these measures create a layered policing and exclusion environment that significantly increases surveillance, restrictions on movement, and the risk of compounding criminalisation within the same geographic areas.

Youth Legal Service raised concerns about the use of Scantek to exclude young people from venues on the basis of allegations alone, even where no charge is laid or where allegations are ultimately not proven. In practice, this can result in long-lasting and opaque exclusion from large parts of the night-time economy, with limited review mechanisms and no meaningful opportunity to challenge the ban. When combined with PEP exclusion orders and wanding powers, these systems can operate to entrench exclusion rather than promote safety. While publicly available demographic data remains limited, stakeholder evidence consistently indicates that young people, Aboriginal people and people who are street-present are more likely to be subject to these layered enforcement and exclusion mechanisms. We recommend that the Ombudsman's review explicitly examines the combined and cumulative impacts of PEP exclusions, knife-wanding powers and Scantek-based venue bans, supported by disaggregated data on age, Aboriginality, housing status and prior justice system contact. Without this level of transparency, the full scale of disproportionate and compounding impact on marginalised groups will remain obscured.

We support evidence-based measures that improve community safety. However, we are concerned that the PEP Scheme is not evidence based, and that it is producing harmful and disproportionate consequences for people least able to absorb further exclusion and criminalisation. We encourage the Ombudsman to closely examine these impacts as part of the current review.

Thank you for the opportunity to contribute.

Yours sincerely,

Chelsea McKinney
CEO

