



Ms Brianna Lonnie
Acting Deputy Ombudsman
Ombudsman Western Australia
Via email: pepsubmissions@ombudsman.wa.gov.au

Dear Ms Lonnie

SUBMISSION ON THE PROTECTED ENTERTAINMENT PRECINCTS SCHEME

I am writing in response to your invitation to provide feedback about the operation of the Protected Entertainment Precincts Scheme (PEP), in relation to adults with a decision-making disability for whom the Public Advocate is appointed guardian, and adults for whom the Public Advocate undertakes an investigation regarding concerns about the potential need for the appointment of a guardian or administrator.

The Office of the Public Advocate (OPA)'s current electronic case management system is such that a search across client files to identify the existence of PEP Scheme exclusion orders would have to be done manually, therefore this Office is not able to readily identify for the Ombudsman, the number of clients where these orders are in place.

In addition, there could easily be clients for whom the Public Advocate has undertaken an investigation, and clients for whom the Public Advocate is appointed guardian, who have PEP scheme exclusion orders applying to them, but this Office is not aware that the order is in place.

As OPA's involvement with the PEP Scheme has been limited, OPA's ability to provide commentary on the scheme is therefore very limited.

I am aware of one person for whom I am currently appointed as guardian, who has a PEP Scheme order in place. This Office was only made aware of the order by chance, when the individual presented to the David Malcolm Justice Centre, where OPA is located, and due to their behaviour the Police had to be called to remove him from the building. One of the Police officers who presented to the building discussed the situation with an OPA senior manager and reported that there was a Short-Term Exclusion Order in place.

For this individual, there are a number of issues with such an order. Firstly, his cognitive impairment is such that he is unlikely to adhere to the exclusion order, despite being aware that it is in place. However, he faces significant penalties if he does breach the order.

There is also the fact that although the Courts dealing with criminal matters in Perth are outside the exclusion area, this Office is located within the Perth and Northbridge exclusion area, as is the Public Trustee's office and the State Administrative Tribunal. While it may be possible to argue that the exceptions to the ban would include visiting these agencies/Tribunal under "receiving a health service or social welfare service" exception, this still poses a risk to this individual and may mean he needs to argue that he had a reason for being in the area, which he may not argue sufficiently and some sort of advocacy or legal representation may be required.

This individual is also disadvantaged by the fact that he uses public transport and the Perth and Northbridge Protected Entertainment Precinct encompasses the two Perth train stations and the Fremantle precinct encompasses the Fremantle train station.

I hope this limited feedback is useful for the Ombudsman's review.

Yours sincerely



Pauline Bagdonavicius
PUBLIC ADVOCATE

26 November 2025