



Street Law Centre WA Inc Submissions to the WA Ombudsman re Protected Entertainment Precincts

This submission outlines how the Protected Entertainment Precincts (PEPs) are a significant contribution to the criminalisation and deepened marginalisation of people experiencing homelessness in Western Australia. The submission addresses the impact of the Liquor Control Amendment (Protected Entertainment Precincts) Act 2022 (WA), and how it is used in conjunction with the Bail Act 1982 (WA), and Criminal Investigation Act 2006, to effectively exclude vulnerable individuals from accessing essential services concentrated within the PEPs.

PEPs designate large areas in Perth-Northbridge, Fremantle, Scarborough, Hillarys, and Mandurah as zones of heightened police enforcement and spatial exclusion to enhance public safety and prevent violent, anti-social, and threatening behaviour in designated precincts. However, these areas also host over 57% of Perth's crisis accommodation, food, healthcare, and legal support services for those experiencing homelessness. The result is a policy contradiction: essential services are located in, or adjacent to, areas from which vulnerable people may be excluded, creating a criminalisation cascade that propels those experiencing homelessness deeper into the criminal justice system. This exclusion compounds disadvantage, social isolation, and housing instability.

It is our submission that this legislation, specifically the use of short term exclusion orders, significantly contributes to the criminalisation and deepened marginalisation of people experiencing homelessness in Western Australia. Legislative reform is critical to uphold justice and human rights for these populations.

The Legal Framework of Protected Entertainment Precincts (PEPs)

The legal basis for the PEP system is the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022. This legislation was developed to address antisocial and violent behaviour in areas with many licensed premises allowing Police and licensing authorities to ban individuals. The legislation designates five precincts: Perth-Northbridge, Fremantle, Scarborough, Hillarys, and Mandurah.

Protected Entertainment Precincts in Western Australia emerged from concerns about alcohol-related violence and public disorder in nightlife districts, particularly Northbridge in Perth's inner city.

Northbridge, as the primary entertainment precinct in Perth, encompasses an area of significant cultural, social, and economic activity extending from the Perth CBD northward across the railway line.

Liquor Control Amendment (Protected Entertainment Precincts) Act 2022 (WA)

- The legislative framework governing these precincts provides police with enhanced powers by allowing them to issue short term exclusion orders, to people excluding them from the PEP for up to six months. These orders are applied when a person behaves unlawfully, antisocially, violently, disorderly, offensively, indecently or threateningly in a public place with a PEP.
- In addition, Extended Exclusion orders can also be issued for up to five years. The Extended Exclusion Orders are issued by the Director of Liquor Licensing upon request from the Commissioner of Police and they must provide the affected person an opportunity to respond before finalising the order.
- Mandatory Exclusion Orders automatically apply to any adult convicted of a s serious violent or sexual offence within a PEP for five years.
- There are limited exemptions for persons needing to enter for residence, employment, or necessary reasons. These exemptions are unworkable for people experiencing street-present homelessness, who have no fixed address or secure employment and whose proof of necessity remains at police or judicial discretion.

Bail Act 1982 (WA)

- Allows courts to impose exclusion zones as bail conditions for those arrested in a PEP. These conditions are 'almost impossible' to observe for those experiencing homelessness, who must access essential services within precincts. A breach of bail leads to further criminal charges and remand, creating a self-perpetuating cycle of disadvantage.

WA Police 'Move-On' Powers – Criminal Investigation Act 2006

- Police may issue 'move-on' orders excluding individuals from public spaces for up to 24 hours for perceived disorder. These powers disproportionately target those experiencing homelessness for activities intrinsic to survival (e.g., sleeping, seeking shelter).

While the **Liquor Control Amendment (Protected Entertainment Precincts) Act 2022 (WA)** may have sought to exclusively target antisocial and violent behaviour and disorder, its application and structure create a mechanism of broad spatial and geographic control that is deployed against visibly poor individuals who are experiencing homelessness.

A systematic mapping of homelessness service locations confirms a stark geographic clustering in the Perth CBD and Northbridge areas, which are encompassed by the largest and most heavily policed PEP.

The following table provides a non-exhaustive but representative list of key services, demonstrating their overwhelming concentration within or directly adjacent to the Perth/Northbridge PEP.

Service Name	Service Type	Location	Proximity to PEP
ADRA Community Care	Charitable	Belmont (near Perth)	Outside PEP (Belmont)
Anglicare WA	Charitable	Perth/Northbridge	Within/Adjacent to PEP
ECHO Community Services	Charitable	Perth	Within/Adjacent to PEP
Hannah's House	Charitable	Perth	Within/Adjacent to PEP
MCCO	Charitable	Perth	Within/Adjacent to PEP
Salvation Army Doorways	Charitable	Perth/Northbridge	Within PEP
St Patrick's Community Support Centre	Charitable	Perth CBD	Within PEP
St Vincent de Paul Society WA	Charitable	Perth CBD	Within PEP
Uniting WA	Charitable	Perth/Northbridge	Within/Adjacent to PEP
WA Charity Direct	Charitable	Perth (various locations)	Within/Adjacent to PEP
Foodbank WA Mobile	Food	Various Perth locations	Within/Adjacent to PEP
Manna Inc	Food	Weld Square, Northbridge	Within PEP
Moore Street Accredited Meal Providers	Food	Moore Street (between RPH & McIver Station)	Adjacent (East Perth)
OzHarvest Perth	Food	Various Perth locations	Within/Adjacent to PEP
Passages Youth Engagement Hub	Food	143 Edward St, Perth	Within PEP
Ruah Engagement Hub	Food	33 Shenton St, Northbridge	Within PEP

St Pat's Emergency Relief	Food	Perth CBD (ERFAS referral)	Within/Adjacent to PEP
Tranby Engagement Hub	Food	Unit 6/5 Aberdeen St, East Perth	Adjacent (East Perth)
Uniting WA Emergency Relief	Food	Perth CBD (call for location)	Within/Adjacent to PEP
Derbarl Yerrigan Health Service	Health	156 Wittenoom St, East Perth	Adjacent (East Perth)
Doctor Northbridge	Health	Suite 3/177 Stirling St, Perth	Within PEP
M Clinic	Health	2/731 Wellington St, West Perth	Adjacent (West Perth)
Northbridge Medical Centre	Health	Shop 2, 154 Newcastle St, Perth	Within PEP
Sexual Health Quarters (SHQ)	Health	70 Roe St, Northbridge	Within PEP
Street Doctor (Mobile)	Health	Moore Street & various locations	Within PEP
WAAC Needle & Syringe Exchange	Health	664 Murray St, West Perth	Adjacent (West Perth)
Missionaries of Charity Outreach	Homelessness	Various Perth/Northbridge locations	Within PEP
Moore Street Services Hub	Homelessness	Moore Street (between RPH & Mclver Station)	Adjacent (East Perth)
One Voice Shower Bus	Homelessness	Moore Street	Adjacent (East Perth)
Orange Sky Laundry	Homelessness	Moore Street	Adjacent (East Perth)
Salvation Army Street Outreach	Homelessness	Various Perth/Northbridge locations	Within PEP
Sikh Association Outreach	Homelessness	Various Perth/Northbridge locations	Within PEP
Street Chaplains	Homelessness	Various Perth/Northbridge locations	Within PEP
Street Connect (Anglicare WA)	Homelessness	Yagan Square, Perth	Within PEP
Entrypoint Perth (Crisis Accommodation)	Housing	Perth (phone service)	Phone service

Ngulla Mia (Richmond Wellbeing)	Housing	96 Moore St, East Perth	Adjacent (East Perth)
Passages Youth Engagement Hub (Housing)	Housing	143 Edward St, Perth	Within PEP
Ruah Engagement Hub	Homelessness	33 Shenton St, Northbridge	Within PEP
St Bartholomew's House	Housing	7 Lime St & 111 Kensington St, East Perth	Adjacent (East Perth)
The Beacon (Salvation Army)	Housing	9 Aberdeen St, Northbridge	Within PEP
Tom Fisher House (St Vincent de Paul)	Housing	Perth CBD	Within PEP
Uniting WA / Tranby	Homelessness	5 Aberdeen St, East Perth	Adjacent (East Perth)
Aboriginal Legal Service of WA	Legal	7 Aberdeen St, Perth	Adjacent (East Perth)
Community Legal WA	Legal	Various Perth locations	Within/Adjacent to PEP
Law Access	Legal	Perth (online/phone)	Phone/online service
Legal Aid WA	Legal	7 Aberdeen St, Perth	Adjacent (East Perth)
Ruah Legal Services	Legal	Perth CBD (phone service)	Phone service (covers PEP)
Street Law Centre	Legal	Tranby & other centres	Within/Adjacent to PEP
Youth Legal Service	Legal	Suite 3, 12 St George's Tce, Perth	Within PEP

Summary

This comprehensive directory includes **49 services** across six categories:

- **Charitable services:** 10 organisations
- **Food relief:** 9 providers
- **Health services:** 7 clinics and programs
- **Homelessness support:** 8 specialist services
- **Housing assistance:** 8 providers
- **Legal services:** 7 organisations (including Street Law)

Proximity breakdown: 20 services operate directly within the PEP boundaries, 12 operate both within and adjacent areas, and 11 are in immediately adjacent suburbs (primarily East Perth and West Perth). Most services located just outside the technical PEP boundary (such as those on Aberdeen Street, Moore Street, and East Perth locations) serve the PEP population extensively and are within walking distance.

The Moore Street hub, located between Royal Perth Hospital and McIver Station in East Perth, functions as a critical coordination point for multiple food, health, and homelessness services despite being just outside the core PEP area.

Fremantle PEP

Service Name	Service Type	Location	Proximity to PEP
Caralee Medical & Community Centre (Willagee)	Charitable	2/62 Archibald St, Willagee	Outside PEP (Willagee)
Foodbank WA	Charitable	Various Fremantle locations	Within/Adjacent to PEP
Fremantle Foundation	Charitable	Fremantle (grants across WA)	Based in Fremantle (serves broader WA)
OzHarvest Fremantle	Charitable	Fremantle area	Within/Adjacent to PEP
PortCare (C3 Church Fremantle)	Charitable	230 South Terrace, South Fremantle	Adjacent (South Fremantle)
Second Harvest	Charitable	8 Caffrey Place, Hamilton Hill	Adjacent (Hamilton Hill)
South Lake Ottey Family Centre	Charitable	City of Cockburn	Outside PEP (Cockburn)
St Patrick's Community Support Centre	Charitable	12 Queen Victoria St, Fremantle	Within PEP
Uniting WA	Charitable	Fremantle & surrounding areas	Within/Adjacent to PEP
Canva WA Community Meals	Food	Fremantle (Wednesdays)	Within PEP
Chorus Meals	Food	Meals delivered (Fremantle area)	Service area includes

			PEP
Emergency Relief and Food Access Service (ERFAS)	Food	Phone service 1800 979 777	Phone service (covers PEP)
Mobile Foodbank (at St Pat's)	Food	12 Queen Victoria St, Fremantle (weekly visits)	Within PEP
PortCare Community Lunch (C3 Church)	Food	C3 Church, South Fremantle (Fridays)	Adjacent (South Fremantle)
PortCare Low Cost Supermarket	Food	230 South Terrace, South Fremantle	Adjacent (South Fremantle)
St Pat's Fresh Produce & Foodbank	Food	12 Queen Victoria St, Fremantle	Within PEP
St Patrick's Community Support Centre - Daily Meals	Food	12 Queen Victoria St, Fremantle	Within PEP
St Vincent de Paul (Vinnies)	Food	Home delivery (Fremantle area)	Service area includes PEP
Black Swan Street Doctor	Health	Multiple locations: St Pat's (Tue/Thu), Foundation Housing (Mon), Fremantle Oval (Wed)	Within PEP
Ellen Health	Health	2 locations: Fremantle (main) & South Fremantle	Within PEP
Fremantle Hospital and Health Service	Health	2 Alma St, Fremantle	Within PEP
Fremantle Women's Health Centre	Health	Fremantle	Within PEP
Sexual Health Services (Fremantle Hospital)	Health	Fremantle Hospital, 2 Alma St, Fremantle	Within PEP
West End Medical	Health	Level 1, 20 Cantonment St, Fremantle	Within PEP
City of Fremantle Community Safety Team	Homelessness	1300 360 666	Within PEP

<u>St Pat's Engagement Hub & Crisis Assessment Team</u>	<u>Homelessness</u>	<u>12 Queen Victoria St, Fremantle</u>	<u>Within PEP</u>
St Pat's Library Connect (at Fremantle Library)	Homelessness	Fremantle Library	Within PEP
St Pat's Outreach Teams	Homelessness	Multiple locations: Fremantle, Kwinana, Rockingham, Mandurah	Within/Adjacent to PEP
ARYA House (Life Without Barriers)	Housing	Metro area (for 14-17 years)	Metro-wide (covers PEP)
Anglicare WA	Housing	Fremantle & surrounding areas	Within/Adjacent to PEP
Entrypoint Perth	Housing	Phone: 1800 124 684	Phone service (covers PEP)
Housing Choices Australia	Housing	Fremantle & surrounding areas	Within/Adjacent to PEP
Lucy Saw Centre	Housing	Fremantle area	Within/Adjacent to PEP
Ngatti House (Life Without Barriers)	Housing	Fremantle (for 17-22 years with mental illness)	Within PEP
St Pat's Housing Services	Housing	Greater Fremantle area	Within/Adjacent to PEP
Uniting WA Housing	Housing	Greater Fremantle	Within/Adjacent to PEP
Youth Place	Housing	Fremantle (for 15-24 years)	Within/Adjacent to PEP
Community Legal WA	Legal	Various locations (covers Fremantle)	Service area includes PEP
Fremantle Community Legal Centre	Legal	Level 1, Suite 31, 35 William St, Fremantle	Within PEP
Legal Aid WA	Legal	Multiple locations (covers Fremantle)	Service area includes PEP
Street Law	Legal	Fortnightly legal clinic at St Pats	Within PEP

Summary

This comprehensive directory includes **40 services** across six categories:

- **Charitable services:** 9 organisations
- **Food relief:** 9 providers
- **Health services:** 6 clinics and programs
- **Homelessness support:** 4 specialist services
- **Housing assistance:** 9 providers
- **Legal services:** 3 organisations (including Street Law)

Proximity breakdown: 16 services operate directly within the Fremantle PEP boundaries, with 10 more operating both within and immediately adjacent areas. Four services provide area-wide coverage that includes the PEP, and several are located in nearby suburbs like South Fremantle, Hamilton Hill, and Willagee that serve the PEP population.

Key Hub: St Patrick's Community Support Centre at 12 Queen Victoria Street functions as the central coordination point for multiple services in Fremantle, offering daily meals, fresh produce, crisis assessment, housing support, library outreach, and serving as a Mobile Foodbank location. The centre operates 7:30am–2pm Monday to Friday and provides a comprehensive range of support for people experiencing or at risk of homelessness.

The **Black Swan Street Doctor** provides free mobile medical services at multiple Fremantle locations throughout the week, including at St Pat's (Tuesday and Thursday), Foundation Housing (Monday), and Fremantle Oval (Wednesday), specifically targeting vulnerable populations including those experiencing homelessness.

Mandurah PEP

Service Name	Service Type	Location	Proximity to PEP
Calvary Youth Services (Charity)	Charitable	Central Mandurah	Within PEP
Foodbank WA	Charitable	Mandurah branch	Within PEP
Housing Choices Australia (Community)	Charitable	Mandurah area	Within PEP
Peel Community Kitchen (Charity)	Charitable	2 Tuart Avenue, Mandurah	Within PEP
Peel Volunteer Resource Centre	Charitable	Peel region	Within/Adjacent to PEP
Salvation Army Mandurah Corps	Charitable	45 Lakes Road, Greenfields	Adjacent (Greenfields)

St Vincent de Paul (Vinnies WA)	Charitable	Peel region	Within/Adjacent to PEP
Uniting WA Peel Region	Charitable	Peel region	Within/Adjacent to PEP
WA Mums Cottage (Women & Children)	Charitable	25 Davey Street, Mandurah	Within PEP
Emergency Relief and Food Access Service (ERFAS)	Food	Phone: 1800 979 777	Phone service (covers PEP)
Foodbank WA (Mandurah Branch)	Food	Peel offices, 08 9581 9200	Within PEP
Mobile Foodbank (Mandurah locations)	Food	Multiple Peel locations	Within PEP
Peel Community Kitchen	Food	2 Tuart Avenue, Mandurah	Within PEP
Salvation Army - Mandurah Doorways Community Connect	Food	45 Lakes Road, Greenfields	Adjacent (Greenfields)
St Patrick's Community Support Centre (Mandurah)	Food	Mandurah area	Within PEP
The Crew Mobile Meals (Peel region)	Food	Mobile service across Peel region	Service area includes PEP
Uniting Outreach Mandurah Op Shop & Emergency Relief	Food	Op Shop location, Peel region	Within/Adjacent to PEP
Brecken Health	Health	Aldgate St, behind Mandurah Forum	Within PEP
Mandurah Community Health Centre (MCHC)	Health	112 Lakes Road, Mandurah	Within PEP
Murray Medical Centre (MMC)	Health	34-36 Minilya Parkway, Mandurah	Within PEP
Peel Health Campus	Health	110 Lakes Road, Mandurah	Within/Adjacent to PEP
Rockingham Peel Group – Sexual Health Clinic	Health	Peel Health Campus	Within PEP

Vita Medical and Skin Clinic	Health	Unit 4/264 Pinjarra Rd, Mandurah	Within PEP
Salvation Army Street Outreach	Homelessness	Mandurah area	Within/Adjacent to PEP
St Pat's Assertive Outreach (Mandurah)	Homelessness	Mandurah community	Within PEP
St Pat's Southern Corridor Team (Mandurah)	Homelessness	Mandurah outreach	Within PEP
Calvary Youth Services Mandurah	Housing	Central Mandurah (24/7, ages 15-25)	Within PEP
Entrypoint Perth (Crisis Accommodation)	Housing	Phone: 1800 124 684	Phone service (covers PEP)
Housing Choices Australia	Housing	4 Stevenson St, Mandurah	Within PEP
Life Without Barriers (ARYA/Ngatti)	Housing	Mandurah & surrounding areas	Within/Adjacent to PEP
Mandurah Common Ground (planned)	Housing	85 Allnutt Street, Mandurah (under construction)	Within PEP (planned)
Reconnect Peel - Youth Homelessness Support	Housing	41 Dower Street, Mandurah	Within PEP
YES! Housing (Anglicare WA)	Housing	Perth Metro (Joondalup to Rockingham)	Service area includes PEP
Community Legal WA	Legal	Service area includes Mandurah	Service area includes PEP
Legal Aid WA	Legal	Multiple locations (covers Mandurah)	Service area includes PEP
Peel Community Legal Services	Legal	61b Pinjarra Road, Mandurah	Within PEP

Summary

This comprehensive directory includes **36 services** across six categories:

- **Charitable services:** 9 organisations
- **Food relief:** 8 providers
- **Health services:** 6 clinics and programs
- **Homelessness support:** 3 specialist services
- **Housing assistance:** 7 providers
- **Legal services:** 3 organisations

Proximity breakdown: 20 services operate directly within the Mandurah PEP boundaries, with 7 more operating both within and immediately adjacent areas. Four services provide area-wide coverage across the Peel region, including Mandurah.

Key Hubs and Recent Developments:

- **Mandurah Common Ground** (85 Allnutt Street): A landmark project comprising 50 self-contained apartments with on-site support services for adults experiencing chronic homelessness, currently under construction with service providers being identified mid-to-late 2025.
- **Calvary Youth Services:** 24/7 crisis accommodation for 15–25-year-olds offering intensive case management, living skills development, and a transitional housing program.
- **Peel Community Kitchen** (2 Tuart Avenue): Serves in excess of 1,000 meals per week (9:30am–1pm Mon–Fri) in a non-judgmental environment to those experiencing homelessness, unemployed, elderly pensioners, and families in poverty.
- **Salvation Army – Mandurah Doorways Community Connect** (45 Lakes Road, Greenfields): Provides food parcels, vouchers, and financial crisis assistance Mon, Tue, Fri 9–11:30am.

Youth-Focused Services: Reconnect Peel (12–18 years, homelessness prevention) and YES! Housing by Anglicare WA (15–25 years, outreach case management across Peel Metro) provide targeted support for young people at risk.

Legal and Outreach: Peel Community Legal Services offers free legal advice and advocacy for civil, family, criminal, and tenancy matters, with extended evening hours (Monday, Tuesday, Thursday, Friday 9am–8pm). St Patrick's Southern Corridor Team provides assertive outreach and housing support for people experiencing rough sleeping in Rockingham and Mandurah.

This geographic reality creates a fundamental policy incoherence. On one hand, social policy and the community sector have designated the inner city as the primary zone for homelessness support infrastructure. On the other, criminal justice policy designates the same area as a zone of exclusion. Individuals experiencing homelessness are caught in the crossfire of these contradictory state logics and face impossible choices.

The Criminalisation Cascade

The intersection of the PEP legal framework with the realities of street-present homelessness creates a predictable and destructive cycle, which can be described as a criminalisation cascade. This process begins with disproportionate police contact through discretionary powers granted by the Criminal Investigation Act 2006, such as move on orders and discretionary searches per the Police Legislation Amendment Act 2024. These interactions progress to arrest for offences such as disorderly behaviour which then forms the pretext for the imposition of bail conditions which are inevitably breached.

To evidence the disproportionate nature of policing for those experiencing homelessness, a University of Western Australia study confirmed that move on powers are used with extraordinary frequency against those experiencing homelessness individuals in Perth. Police data for a cohort of 2,792 experiencing homelessness or formerly experiencing homelessness individuals over a five-year period (2011-2015) revealed the following:

- A total of **14,240 move-on orders** were issued to this group.
- **42% of the cohort** (1,162 people) received at least one move-on order.
- The orders were issued repeatedly to the same individuals, with **26 people receiving more than 100 orders each**.
- One individual was issued **412 move-on orders** during the five-year period.

Street Law Centre has observed how move on orders and searches targeting people experiencing homelessness can be used as a pretext for a police interaction which escalates to an arrest. We have evidenced this in case studies annexed to this submission. Then when bail is granted, a person arrested for an offence within a PEP, a condition prohibiting them from re-entering that precinct appears within the bail conditions. However, a bail condition to *not enter the Northbridge PEP and/or Perth PEP* is functionally a judicial order which prevents access to the majority of meal services, to crisis shelters, to specialist health clinics, and to be cut off from legal and social support hubs.

The way the PEPs influence bail conditions can be visualised as follows:

1. An individual experiencing homelessness is present in the Northbridge or Perth PEP, either to access essential services or because it is a place of relative safety and community.
2. They are subjected to heightened police surveillance and are arrested for an offence (e.g., disorderly conduct, street drinking, or stealing food).
3. They are granted bail but with a condition specifically excluding them from the Northbridge PEP and Perth PEP, or their bail conditions prohibit access to street boundaries which match the PEPs. These conditions result in those experiencing homelessness not being able to access social, welfare, health and legal services.
4. To access food, medical care, belongings, or shelter, they must violate this condition and enter the prohibited zone.
5. The high concentration of police in the PEP ensures a high likelihood of detection. They are arrested for Breach of Bail, a separate criminal offence.

6. They are now remanded in custody; When they next apply for bail, they are seen by the court as a higher risk, having already breached a previous order, making release less likely and more restrictive conditions being put in place.

The effect of the legislation is to criminalise poverty and homelessness impacting those highly vulnerable and marginalised in our community.

Overrepresentation of First Nations Peoples

The scale of First Nations Peoples experiencing homelessness and being placed in custody is extreme.

- **Homelessness:** While First Nations peoples make up approximately 3.3% of the Western Australian population, they account for an astonishing **35% of the state's homeless population**. Nationally, they comprise 20% of all people experiencing homelessness. Western Australia has the second-highest rate of Indigenous homelessness in the country, at 381 per 10,000 people.
- **Incarceration:** This overrepresentation is mirrored and magnified in the criminal justice system. First Nations peoples are subject to disproportionate rates of police contact, arrest, and imprisonment.

Any policy that negatively impacts those experiencing homelessness will, by definition, disproportionately negatively impact First Nations Peoples. The PEP system operates within a society characterised by profound and systemic racial inequality. It is a mechanism that amplifies pre-existing disadvantage.

Conclusion and Systemic Recommendations

The PEP system in Western Australia operates as a system for the criminalisation of homelessness. The criminalisation cascade is a logical and predictable outcome of this dynamic, creating a revolving door that traps people in the justice system and deepens their disadvantage.

This system is not only unjust but profoundly counterproductive. It is a costly failure of public policy, expending significant public resources on policing, court time, and interventions that are known to be more expensive and less effective than providing housing and support. It actively worsens the problem it purports to manage, creating harm by transforming housing instability into chronic homelessness. Most grievously, it inflicts these harms disproportionately on First Nations peoples, perpetuating cycles of trauma and exclusion. The current approach fails to advance any legitimate public policy objective and demands urgent and systemic reform.

Policy Recommendations

Addressing this multifaceted problem requires a multi-tiered response that moves beyond punitive enforcement and towards a paradigm of social investment, public health, and human rights.

Immediate Reforms (Judicial and Policing)

- I. Legislation should be amended to create a presumption *against* the use of geographic exclusion orders as a bail condition for defendants identified as experiencing homelessness. Where such a condition is deemed necessary, the court must be required to document on the record how the defendant can continue to access specified essential services (food, accommodation, healthcare, legal aid) outside the exclusion zone.
- II. Magistrates, police officers, and prosecutors must receive mandatory training on the geography of homelessness services in Perth, the practical impossibility of compliance with exclusion orders for those experiencing homelessness, and trauma-informed approaches to interacting with vulnerable populations.
- III. WA Police policy and, if necessary, legislation must be revised to explicitly prohibit the use of move-on powers against individuals for engaging in life-sustaining activities such as sleeping, resting in public space, or sheltering from the elements.

Medium-Term Reforms (Service Delivery and Local Government)

- I. The State Government should actively fund the decentralisation of essential services to create accessible service nodes in key metropolitan and regional areas outside of the central PEPs. This could reduce the critical vulnerability created by the current geographic concentration.
- II. Local government by-laws and police policies should be amended to provide legal protection for accredited mobile service providers (e.g., food vans, outreach health clinics). This should include exemptions from parking restrictions and move-on powers when they are engaged in service delivery.

Long-Term Reforms (State Government and Systemic)

- I. The State Government must fully commit to and fund a "Housing First" approach as the primary response to chronic homelessness. This is the only effective way to eliminate the experience of homelessness and address related social issues.
- II. A genuine commitment to reducing the criminalisation of First Nations peoples requires addressing the root causes of their overrepresentation. This includes the full implementation of recommendations from the Royal Commission into First Nations peoples Deaths in Custody, increased funding and self-determination for First Nation's peoples Community Controlled Organisations, and systemic reforms that respect kinship structures and connection to country in the delivery of housing and social services. This requires a fundamental shift from a criminal justice paradigm to one that addresses the ongoing impacts of colonisation through empowerment and investment.

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Case Study: Daniel

Daniel is currently experiencing street present homelessness. His journey to the streets was sudden, initiated when he was forced to leave his residence following the issuing of a Family Violence Restraining Order (FVRO). This immediate displacement left him without a stable place to sleep and made him entirely dependent on the network of support services, such as shelters, food banks, and specialist outreach teams, all of which operate within the densely serviced Perth and Northbridge CBD areas.

While experiencing homelessness, Daniel was involved in a physical altercation with an acquaintance. Daniel maintains that he was acting in self-defence and, indeed, he was the person who first contacted the police to report the incident. Despite his account, Daniel was arrested and subsequently charged with Common Assault.

Upon being released on bail, the court imposed a highly restrictive bail condition: Daniel is prohibited from entering the designated Perth and Northbridge protected entertainment precincts. Because the exclusion zone encompasses the majority of the inner-city area, Daniel is completely cut off from all essential homelessness support services. He cannot access a bed, a meal, or even a basic health check without breaching a court order, meaning the legal system, in an effort to manage a criminal charge, has denied him his means of accessing vital social, welfare, health and legal services.

The bail condition was disproportionate to the risk posed, effectively punishing Daniel before any conviction by denying him access to fundamental supports. It was by accessing legal services that Daniel received the advocacy support he needed in Court and the bail conditions preventing him access to the PEP areas were removed. Daniel's ability to access necessary social, welfare, health and legal services was prevented whilst the bail conditions remained in place.



Case Study: Elara

Elara is a young, pregnant Aboriginal woman currently experiencing street present homelessness in Fremantle. Her health and stability rely on the essential services offered by St Pat's and other services which include meals, laundry, and culturally appropriate connections which enable her to access vital pre-natal health support. Consistent access to these specific services is critical due to her pregnancy.

Elara is subject to both a Protected Entertainment Precinct (PEP) Exclusion Order and subsequent Bail Conditions, which prohibit her from entering the Fremantle PEP area. Critically, these legal exclusion zones encompass the exact location of her service providers. This dual restriction completely severs her connection to the established support systems she needs to manage her pregnancy and basic survival, leaving her vulnerable and unsupported.

The geographical layout of the Fremantle PEP boundary creates an additional barrier regarding access to public transport. Both the Fremantle Train Station and the main bus interchange points are central hubs, often located within or immediately adjacent to the PEP. The nearest train station, outside the PEP zone at North Fremantle, is made inaccessible due to the extension of the PEP boundary to include the two bridges that provide access in and out of Fremantle.

To travel from Fremantle to necessary alternative hubs in the Perth CBD (a 15 to 20 kilometre journey), Elara would need to board a train or bus at one of these central points. However, the PEP exclusion means she is legally barred from entering the immediate vicinity of these stations.

She is forced to wait at isolated bus stops or secondary train stations, often at times of day when she is moving between rough sleeping locations and services. This significantly increases her exposure to harassment, exploitation, and violence, a heightened risk given her street present status.

The legal framework of the PEPs, creates barriers to accessing much needed social, welfare, health and legal services. The use and exclusion from the PEP is disproportionate, and it prevents her from accessing her local, established, and essential support centres placing her health and her unborn child's health at risk.

Marcus – Exclusion Orders, Homelessness, and Systemic Disadvantage

Marcus is a 24-year-old man experiencing street-present homelessness in Perth, Western Australia. He faces charges for disorderly behaviour and obstructing police officers. His bail conditions and an exclusion order prohibit him from accessing areas within any Protective Entertainment Precinct (PEP). Most homelessness and mental health services in Perth and Fremantle are within PEPs. Marcus is living with drug-induced psychosis, further increasing his vulnerability.

Marcus sleeps in public spaces without access to shelter or safety. Young adults like Marcus experiencing homelessness in Australia are at elevated risk for criminal justice involvement, especially in urban settings.

He suffers from drug-induced psychosis, a disorder involving hallucinations, delusions, and disorganised thinking as a result of substance use. Drug-induced psychosis increases risk for progression to chronic mental health illness and complicates access to, and engagement with, treatment. Homelessness compounds these challenges, making medication adherence and psychiatric care difficult.

The charges Marcus faces are common among those experiencing homelessness and frequently linked to the visible consequences of unmet social, welfare and health needs. The criminal justice response often initiates a cycle of disadvantage, especially when legal responses ignore the underlying causes of the offending behaviour.

Most homelessness, mental health, and support services including those Marcus previously relied on in Fremantle, such as St Pats, are located within PEP areas. The exclusion order and bail conditions make it illegal for Marcus to access food, shelter, crisis support, or psychiatric care in both Perth CBD and Fremantle.

Marcus's situation reflects intersecting disadvantages (homelessness, young age, mental health illness, substance use, criminal charges), which research shows are associated with higher rates of morbidity, mortality, and repeat justice involvement.



Case Study: Sarah

Our client, Sarah, was experiencing street present homelessness and was completely reliant on the network of social, welfare, health, legal services operating within the Northbridge PEP. Sarah was accessing the Ruah, Safe Nights Space.

Sarah was charged with obstructing a public officer. Sarah was at the time experiencing a mental health episode, feeling overwhelmed and overstimulated and was unable to communicate her needs to the arresting Police Officers. Sarah did not have any court history this was her only criminal charge.

Sarah's bail conditions resulted in her not being able to access the Northbridge PEP between 7 pm and 7 am which meant she would not be able to access Ruah, Safe Nights Space.

It was critical the bail condition varied. Street Law lawyer's prepared submissions requesting the charge be withdrawn due to Sarah's mental health illness and requested the Court vary the bail conditions. The bail conditions were varied which allowed Sarah access to the Ruah Safe Nights Space. Further the submissions were accepted and the charge against her was withdrawn.