



15 January 2026

PEP Submissions Team

Ombudsman Western Australia

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

Dear Natasha

WAAMH submission in response to the Ombudsman's Review of the Protected Entertainment Precincts Scheme (PEP).

As the peak body for community mental health in Western Australia, WAAMH appreciates the opportunity to provide input to inform the Ombudsman's Review of the Protected Entertainment Precincts Scheme (PEP).

WAAMH welcomes the Review and the opportunity to provide our sector's perspective on the PEP Scheme and its impact on people with mental health conditions (and/or co-occurring AOD issues).

We sought feedback from member organisations and other service providers working at the intersection of mental health, AOD and homelessness and received responses from representatives of the following agencies- Uniting WA, St Vincent de Paul, St Pats, Mission Australia, Ruah, Perth Inner City Youth Services, the Beacon (Salvation Army) and St Barts. All agencies provide support and services to people experiencing homelessness and mental health and AOD issues.

We also consulted with Community Legal Western Australia who shared information they had gathered as it pertains to people with mental health issues (and AOD issues).

In December 2022, WAAMH was a signatory to a letter provided by Shelter WA and other agencies to the WA Police Commissioner which raised concerns that the PEP Scheme may: (1) hinder access to critical community services, including mental health services and (2) disproportionately impact people experiencing homelessness and/or other vulnerabilities.

The feedback we received from members and agencies consulted confirms that the PEP Scheme is having negative impacts on people with mental health conditions (and/or co-occurring AOD issues). In particular, the PEP Scheme results in the exclusion of impacted people from support services that they need which are located within the exclusion zones.

We will discuss some of these in more detail.

Peak body for community mental health in WA



People with mental health issues, particularly people with co-occurring mental health and AOD issues, are being excluded, often for behavior and actions arising from their mental health or AOD condition and their access to services and support is being limited

The feedback from the agencies we consulted is that some people's access to critical mental health, AOD and community services and support is being hindered as a result of the PEP Scheme. The most common issue raised during our consultations is that the Scheme has the effect of limiting access to critical mental health, AOD or community services for some people with mental health conditions and/or co-occurring AOD issues. This is because people are being excluded from the precincts or they choose to avoid the precincts to reduce their risk of being charged with an offence in the precinct.

Many homelessness, mental health, medical, health and community services operate within the boundaries of the exclusion zones.¹ These services provide critical and often lifesaving support for people with mental health issues, including crisis accommodation, safe spaces, daily activities, hygiene, access to medication and medical assistance, mental health support, legal and financial support and food.

One agency told us

At this stage, we are aware of general concerns among our homeless and mental health support teams that the PEP Scheme may be disproportionately impacting people with co-occurring mental health issues, particularly those who regularly access services in the Perth and Northbridge precincts. Staff have highlighted that some individuals may be receiving exclusions for behaviour closely linked to mental health symptoms, which can then limit their ability to attend essential supports such as crisis accommodation, outreach, and clinical appointments.

We have also heard that people who have been excluded may avoid the precinct entirely—even for permitted purposes—due to fear or confusion about the conditions, potentially increasing isolation from treatment and community supports.

For some people with mental health conditions or AOD issues (and/or cognitive impairments) understanding and complying with the conditions of an exclusion order can be particularly challenging. Agencies told us that people with mental health conditions often have difficulty understanding and complying with conditions.

The concern is that the Scheme further restricts people's access to services and support, thereby increasing the risk of worsening mental health and wellbeing, and deepening exclusion, vulnerability and disadvantage.

One service told us that several of their clients were banned from the city area under the PEP scheme, however they were granted permission to attend the service but only between 5.30pm and 8.30am, after which they were required to leave the city area.

Most mental health services and supports are not available during those times so even providing the clients with an exemption does not necessarily enable them to access services and support.

¹ The submission by Street Law Centre demonstrates the overwhelming concentration of services and supports for people experiencing homelessness, mental health conditions and AOD issues in the various Protected Entertainment Precincts.



There is evidence of compounding criminalization, disadvantage and exclusion for some people with mental health conditions

People with mental health issues who are 'street present' already face significant barriers, leading to a form of social and physical exclusion from inner city locations. This exclusion is often not the result of explicit policy, but rather a complex interplay of factors including social stigma, urban design, policing of public space, police and security officers' practice, discrimination, economic stress, and fear of police and the authorities.

A submission by the Street Law Centre highlights an issue that applies to people with mental health conditions and those experiencing a mental health crisis who may find themselves excluded because of behavior resulting from their mental health condition.

"The result is a policy contradiction: essential services are located in, or adjacent to areas from which vulnerable people may be excluded, creating a criminalization cascade that propels those experiencing homelessness deeper into the criminal justice system. This exclusion compounds disadvantage, social isolation and housing instability."

Agencies told us that some people avoid the precinct(s) entirely, even for permitted purposes, due to fear of breaching orders or being questioned and charged by police, and to reduce the risk of contact with the authorities, as well as confusion and uncertainty about the conditions and an overall lack of understanding.

This has the effect of increasing people's isolation and exclusion and creates an unwillingness and inability to access services, treatments and community support. For people with mental health issues this inability to access mental health treatment and support can have serious negative consequences for their health and well-being

The real effects of the PEP scheme may not be visible

Several agencies suggested that the real effects of the scheme may not be visible as agencies might not know whether clients of their service have received an exclusion order, due to clients not being willing to share the information.

This issue was also noted by Community Legal Western Australia in its submission dated 5 December 2025.

The cumulative impact of exclusion orders and other policing and control measures

The PEP Scheme does not operate in isolation. Community Legal Western Australia make the point that the Scheme intersects with several other policing and control measures, including move on orders, police search powers and venue-based ID systems

The issue of the intersection between the PEP Scheme and move on orders was raised by several agencies who work with people with mental health conditions. People experiencing mental health issues may be regularly issued with move on orders. These orders may have a significant impact on a person's ability to stay safe and access specialist services. Move on orders are often given without proper regard to reasonableness and proportionality.



Community Legal WA argues that together these various measures create a layered policing and exclusion environment that significantly increases surveillance, restrictions on movement and the risk of compounding criminalisation for people with mental health conditions and co-occurring issues within the same geographic area.

We share some of the concerns raised in submissions by Community Legal WA, Street Law Centre and WA Justice Association about this issue, but we have had neither the time, nor the capacity to explore this issue further. However, we would suggest that as part of its review the Ombudsman investigate the cumulative impact the PEP Scheme and these various policing and control measures are having on people with mental health conditions.

The need for better police response to people with mental health conditions and/or AOD Issues

There is evidence from agencies we consulted that some individuals with mental health conditions are receiving exclusions for behaviour closely linked to mental health symptoms. In its submission the Street Law Centre also provides several case studies.

This suggests that some police officers lack understanding about the way certain behaviours are the result of a person's mental health condition and should not be viewed through a lens of criminal or anti-social behaviour and thereby result in the issuing of an exclusion order.

There continues to be concern about the capacity of police to respond adequately to people with challenging mental health presentations, such as substance-induced psychosis.

Perhaps a more effective response is for WA Police to foster closer working relationships with NGO services and to have more joint responses where MH/AOD workers are covering the precincts along with police. Or perhaps a 'community policing' type approach that brings a different lens and seeks to connect people with services and support rather than criminalise them.

There is also a need for better police training on mental health and /or co-occurring AOD issues and better capacity of police officers in responding to people presenting with mental health issues and challenging mental health presentations, such as substance-induced psychosis.

Conclusion

WAAMH recognises the intent of the PEP Scheme, which is to prevent violence and harm in key entertainment precincts, is both valid and necessary. But it's an intent that in a way excludes people who might be impacted by mental health and/or AOD issues etc from the community that is supposedly being kept safe.

We also support the view expressed by Community Legal WA about the need for evidence informed measures.

Although WAAMH was unable to undertake a detailed analysis, due to limited time and capacity, the evidence provided to us during our brief consultation, along with the evidence presented in other submissions, suggests that the PEP scheme in its current form is having negative impacts upon some people with mental health conditions.



Although, in this brief consultation we are unable to quantify the extent of harm, WAAMH is concerned that that the PEP Scheme is producing harmful consequences for some people with mental health conditions.

As such, we urge the Ombudsman to undertake a detailed review of the impact of the PEP Scheme on people with mental health conditions, and/or co-occurring conditions such as problematic AOD use and cognitive impairment.

Should you wish to discuss the matter further, please do not hesitate to contact Colin Penter, Policy and Research Officer at [REDACTED] or phone 08 6246 3000.

Yours Sincerely

[REDACTED]

Taryn Harvey, Chief Executive Officer
WA Association for Mental Health