

Implementation of Protected Entertainment Precincts

December 2022 to December 2025

MAY 2026



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Acknowledgment of Country

Ombudsman Western Australia acknowledges all Aboriginal and Torres Strait Islander Traditional Custodians of Country and recognise their continuing connection to land, sea, culture and community. We pay our respects to Elders past and present, and recognise the strength, resilience and diversity of Aboriginal and Torres Strait Islander peoples in this land.

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Executive Summary

The Protected Entertainment Precincts (**PEP**) scheme restricts freedom of movement by banning people who have engaged in certain unlawful behaviour from entering five PEP areas for up to five years.

It was enacted following an unprovoked attack resulting in the tragic death of Mr Giuseppe Raco in Northbridge in July 2020. It reflects Parliament's clear intention to improve public safety in areas containing a high concentration of licensed premises. Legislation establishing the scheme passed with almost unanimous support in November 2022.

The scheme confers substantial powers and distinct responsibilities on the office of the Director of Liquor Licensing (**the Director**) and the Western Australia Police Force (**WA Police**).

The Director's responsibilities include: identifying and notifying all automatic excluded offenders;¹ deciding extended exclusion order (**EEO**) applications and their terms; publishing information on exclusions; and making information available about PEP areas and any changes to them.

The Commissioner of Police (**Police Commissioner**), and WA Police more broadly, are responsible for administering all aspects of short-term exclusion orders (**STEOs**); applying for EEOs; and enforcing the scheme by charging and prosecuting people who breach their exclusion conditions.

Parliament requires the office of the Ombudsman to independently monitor the PEP scheme due to its effects on citizens' rights and duties. Specifically, under the *Liquor Control Act 1988* (**the Act**), I am required to report on:

1. the operation of, and exercise of powers under, the PEP scheme; and
2. the impact on any group that is particularly affected by the PEP scheme.

This is my first report following the initial three years of the scheme's operation (**the monitoring period**).

During the monitoring period my office has regularly engaged with the Director's representative, the Racing, Gaming and Liquor unit (**RGL**) within the Department of Local Government, Industry Regulation and Safety (**the Department**),² and WA Police. Our oversight has included regular meetings, inspections of relevant records at each agency, reviewing information and analysing data about individuals subject to the scheme.

This first report addresses three questions.

1 Has the scheme enhanced safety and confidence?

People's views about safety in PEP areas have improved or remained stable since the scheme began. In a survey of 1,000 people, more people said they felt safer than less safe in PEP areas (25 per cent compared to 16 per cent). More people also said the areas felt more welcoming than less welcoming (41.9 per cent compared to 13.5 per cent). However, these results reflect people's views at a point in time and cannot only be linked to the PEP scheme.

Perceptions of safety are influenced by a range of factors, including improved street lighting and streetscapes, the extent of CCTV coverage, visible police presence, and community events that are positively experienced by the public.

Although some offence data suggests a lower growth of reported offences in PEP areas compared with the greater metropolitan area, the data is inconclusive. It is not possible to directly compare the data sets, and the monitoring period is too short to make inferences about safety having been improved.

2 Has the scheme been implemented well?

Notable shortcomings were identified with how the Department is implementing key parts of the scheme. Significantly, the available information indicates that

¹ The term 'automatic excluded offender' refers to people who are automatically banned from PEP areas under section 152NZJ of the Act. It is used to distinguish them from people excluded under discretionary exclusion orders (STEOs and EEOs).

² Prior to 1 July 2025, known and operating as the Department of Local Government, Sport and Cultural Industries.

some automatic excluded offenders may not have been identified and excluded when they should have been. Manual methods for identifying automatic excluded offenders remain error-prone and opportunities to access and utilise authoritative information sources have not eventuated.

Stakeholders also reported that the Department's secure webpage has limited practical use because it is not compatible with common ID-scanning systems. This limits the industry's ability to play its role in the scheme to enhance safety.

WA Police have generally put in place key systems needed to carry out their responsibilities. However, we identified instances where STEOs were issued despite not meeting the required threshold, where the guidelines have not been appropriately or consistently applied, and where wrong breach offence provisions were charged. We also identified concerns that a one-size-fits-all approach has been taken to STEOs and exclusions were being enforced without properly considering a person's individual circumstances. This can increase the risk of people being charged with a breach, even when they may have a legitimate defence or permitted reason for being in a PEP area.

Pleasingly, the Police Commissioner has indicated that policing guidelines will be reviewed to give more weight to individual circumstances and permitted reasons for people being in a PEP area. This review would also examine the feasibility of nighttime only STEOs.

As the PEP scheme confers significant powers to restrict freedom of movement and with breaches carrying criminal consequences, it is vital that the scheme is administered fairly and in accordance with the law.

3 Have some communities been adversely impacted?

Aboriginal and Torres Strait Islander people (**Aboriginal people**),³ people experiencing homelessness⁴ and people experiencing mental

health conditions or cognitive impairments are particularly affected by STEOs issued under the scheme.

The principal impacts are social exclusion, greater marginalisation, reduced access to support services, and an increased risk of deeper involvement in the criminal justice system. This arises through disproportionate or overuse of STEOs and practical barriers to complying with exclusion requirements. Aboriginal people informed us that the scheme also compounds prior trauma, making them feel less safe which further undermines their trust in public institutions.

Significantly, the scheme's negative impacts compound for people who have overlapping vulnerabilities.

Concluding remarks

I thank the Director, Police Commissioner and their officers for their cooperation and constructive engagement during the monitoring period.

I am grateful to the PEP monitoring team and all stakeholders and members of the public who took the time to contribute to this report, whether through submissions, public surveys or through the consultation processes. I particularly acknowledge members of the Aboriginal community who shared their experiences and perspectives with us. Their contributions were critical to understanding how the scheme operates on the ground, and the impacts it has on Aboriginal people and communities.

The scheme is still relatively new. The seven recommendations are designed to support the scheme's objectives, of enhancing public safety and confidence in PEP areas, by ensuring exclusions are pursued effectively and fairly and in a way that Parliament intended.

Bevan Warner
OMBUDSMAN

³ When referring to Aboriginal people, this term includes the Nyoongar people, the traditional custodians of the lands on which the PEP scheme operates and different peoples from other traditional lands who may be visiting or living on Nyoongar Country.

⁴ References to people experiencing homelessness include street-present people.

Recommendations

-
- 1 As a priority, the Director of Liquor Licensing must obtain access to relevant WA Police information holdings, and implement effective arrangements that will enable all automatic excluded offenders to be identified and to be notified of their exclusion from protected entertainment precincts accurately and within a reasonable timeframe.
-
- 2 The Director of Liquor Licensing to facilitate legislative amendments to make the provisions relating to automatic excluded offenders more workable, including to establish a more workable conviction threshold and requiring notices to be served within a specified timeframe.
-
- 3 Whenever possible, WA Police should use only nighttime short-term exclusion orders. The Commissioner of Police should reinforce, through amended guidelines, the need for officers to always consider the individual circumstances and permitted reasons for people to visit a protected entertainment precinct, when deciding to seek a short-term exclusion order, or to pursue a breach.
-
- 4 The Commissioner of Police should:
 - a) improve the short-term exclusion order review process ensuring information is more accessible and readily understandable;
 - b) centralise the review function to promote consistent decisions made within the legislated timeframe; and
 - c) ensure the subject person is served notice of the outcome of a review in a timely manner.
-
- 5 The Director of Liquor Licensing should:
 - a) investigate making its secure webpage interoperable with identification systems used at licensed premises, to leverage the role licensed businesses can play in enforcing the scheme; and
 - b) limit the information on its secure webpage to authorised people within protected entertainment precincts.
-
- 6 All exclusion orders, notices, and explanations should be in plain English so excluded individuals can understand their rights and obligations. Documents and explanations must also specify and convey the permitted reasons for visiting a protected entertainment precinct during an exclusion.
-
- 7 Consistent with the Commissioner of Police's guidelines, the Commissioner should ensure that if a short-term exclusion order is approved for an Aboriginal person who is in custody, that officers also notify the Custody Notification Service of the approval.
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1. Background and overview of the PEP scheme

This chapter summarises key aspects of the scheme and our monitoring role.

1.1 The enabling legislation

The Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022 (**the Bill**) was introduced into Parliament on 26 October 2022 by the then Minister for Racing and Gaming (**the Minister**), the Honourable Dr. Tony Buti MLA.

The Bill was developed following the death of Mr Giuseppe Raco from an unprovoked attack in Northbridge in July 2020.

The Explanatory Memorandum states that the Bill:

[S]eeks to amend *the Liquor Control Act 1988* to address incidents of antisocial, and other inappropriate behaviour, and violence in areas where there is a concentration of licensed premises and make it safer for Western Australians to enjoy these entertainment precincts. It provides for the establishment of Protected Entertainment Precincts and for people who behave in an unlawful, antisocial, offensive or threatening... way, or are convicted of specified serious offences, which occurred in the precinct, to be excluded from the precinct.

The Bill passed with near unanimous support on 29 November 2022 and the legislation started operating on 24 December 2022.⁵

1.2 PEP areas

The PEP areas currently include parts of:

- Fremantle;
- Hillarys;
- Mandurah;
- Perth and Northbridge; and
- Scarborough.⁶

See Appendix 4 for the maps of the PEP areas.

1.3 Types of exclusions

The PEP scheme allows for three types of bans:

Automatic excluded offenders

- five years for adults; or
 - two years for juveniles;
- and the period of the ban is extended by any time the person is in custody.

Short-term exclusion orders

up to six months.

Extended exclusion orders

- up to five years for adults; or
 - up to two years for juveniles;
- and the period of the ban is extended by any time the person is in custody.

⁵ Western Australia, *Gazette*, No 185, 23 December 2022, 5997, 6000-6001.

⁶ These are set out in the *Liquor Control Regulations 1989*.

1.3.1 Automatic excluded offenders

A person becomes an automatic excluded offender if:

1. they are convicted of a specified offence after 24 December 2022; and
2. the listed offence occurred in a public place in a PEP area.

The specified offences include:

- murder;
- manslaughter;
- unlawful assault causing death;
- wounding;
- grievous bodily harm (GBH);
- act intended to cause GBH;
- drink spiking;
- drink spiking to commit an offence;
- sexual penetration without consent;
- aggravated sexual penetration without consent; and
- attempting, inciting another person or conspiring to commit a specified offence.

A person's status as an automatic excluded offender is not reviewable.

1.3.2 Short-term exclusion orders

Made by police officers if satisfied on reasonable grounds that making the STEO is necessary because:

- a person has behaved in a violent or unlawful way;
- in a public place within a PEP area; and
- there is a risk the person may behave in that way again.

The Police Commissioner must make guidelines for police officers to follow when they are exercising powers to make, vary or revoke STEOs.

The guidelines made by the Police Commissioner requires police officers to consider the individual circumstances of vulnerable people who may need to visit a PEP area.

A person can seek a review of their STEO by the Police Commissioner or the Liquor Commission.

1.3.3 Extended exclusion orders

The Police Commissioner can apply to the Director for an EEO. The Police Commissioner's guidelines only allow an application to be made to a high-harm recidivist offender.

The Director can decide to approve or reject the Police Commissioner's EEO application:

1. by applying the same requirements as for STEOs (above); **or**
2. if a person is subject to a prohibition order,⁷ and the Director is satisfied that:
 - the person has behaved in a violent or other unlawful way;
 - in a public place within a PEP area; and
 - it is in the public interest to make the EEO.

Before deciding, the Director must:

- give the person an opportunity to be heard about the EEO application; and
- consider any information from the person and the Police Commissioner.

A person can seek a review of their EEO by the Director or Liquor Commission.

⁷ Under Part 5A of the *Liquor Control Act*, a prohibition from entering a specified licensed premises or class of licensed premises. This is **not** part of the PEP scheme.

1.3.4 Breaching the exclusion

A person breaches their exclusion by entering a PEP area. The following significant penalties apply:

- **STEO or EEO breach:** up to two years imprisonment and a \$12,000 fine;
- **Automatic excluded offender breach:**
 - Summary conviction: up to two years imprisonment and a \$12,000 fine; or
 - Conviction on indictment: up to five years imprisonment.

1.3.5 Contesting a breach

If WA Police believe a person has breached their exclusion, that person can rely on one or more defences. These include that they were:

- transiting through the PEP area (e.g. using public transport);
- working or studying in the PEP area; and
- accessing health or social welfare services in the PEP area.

A person must show they took the most direct route and did not unnecessarily enter or stay in the PEP area.

In practice, this means the person is required to explain why they were there, and WA Police must then verify the claim before deciding to pursue the breach.

For this process to be fair, the available defences need to be easily understandable for the excluded person and WA Police. This is particularly important because Parliament's intention is that people are not criminally liable when they enter a PEP area for a permitted reason.

The full range of defences are summarised in Appendix 5.

1.4 The Ombudsman's legislated function

The Act requires the Ombudsman to independently examine how the PEP scheme is operating and its impact on any group particularly affected by it.

The first report, and any recommendations, must be provided to the Minister for Racing and Gaming and the Police Commissioner as soon as practicable three years after the PEP scheme began (that is, after 23 December 2025).

In examining how the PEP scheme is operating, we have considered whether it is meeting its objects and whether it is being administered fairly and in line with the Act. This includes how the Director and WA Police exercise their powers and assessing whether their respective information systems and processes are adequate and appropriate for the task.

In addition to inspecting records held by the Director and WA Police, we have consulted with stakeholders, including local governments, business associations and organisations representing vulnerable groups in the community. A survey on perceptions of safety within PEP areas was also commissioned.

1.4.1 Work not done

The report does not scrutinise compliance with parts of the Act that are not within or referenced by Part 5AA and section 175(1E), nor does it cover regulations that are not prescribed for the purposes of those provisions. It does not analyse underlying causes of violent behaviour or ways to address them. It has not assessed the adequacy of resources allocated to the Director or to WA Police to implement the PEP scheme.

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2. Operation of the PEP scheme

This chapter provides a statistical analysis of key aspects of the PEP scheme.

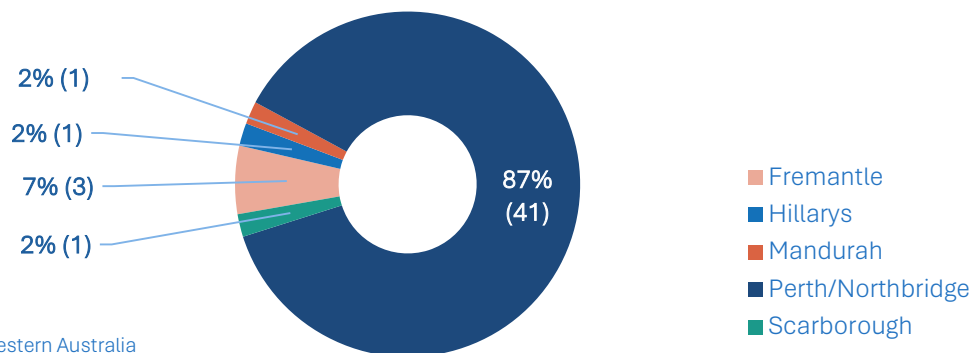
2.1 Automatic excluded offenders

A person becomes an automatic excluded offender when convicted of a specified offence that occurred in a public place in a PEP area. The period of exclusion is five years for an adult and two years for a juvenile, and it is not reviewable.

The Director's representative, RGL, identified 47 people as automatic excluded offenders.

2.1.1 PEP area where automatic excluded offenders committed the offence

Figure 1 illustrates the location of the offending, with 87 per cent of the offences that resulted in a person becoming an automatic excluded offender occurring in the Perth/Northbridge PEP.

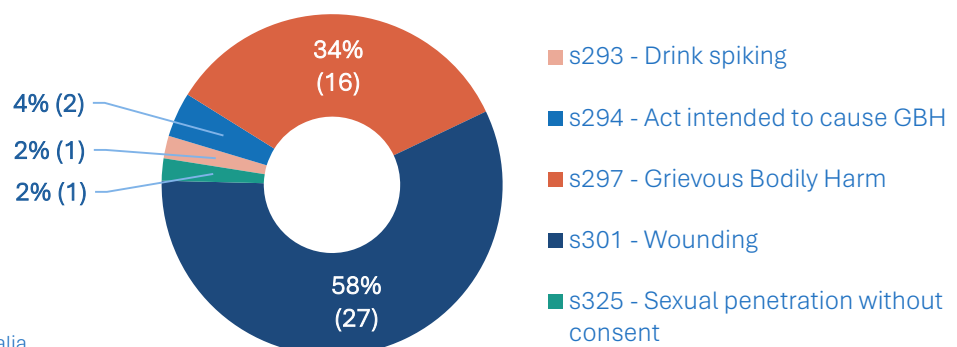


Source: Ombudsman Western Australia

Figure 1: Automatic excluded offenders offending in PEP area

2.1.2 Specified offence resulting in person becoming an automatic excluded offender

Figure 2 illustrates the *Criminal Code* specified offence each automatic excluded offender was convicted of, with wounding representing 58 per cent of all convictions.

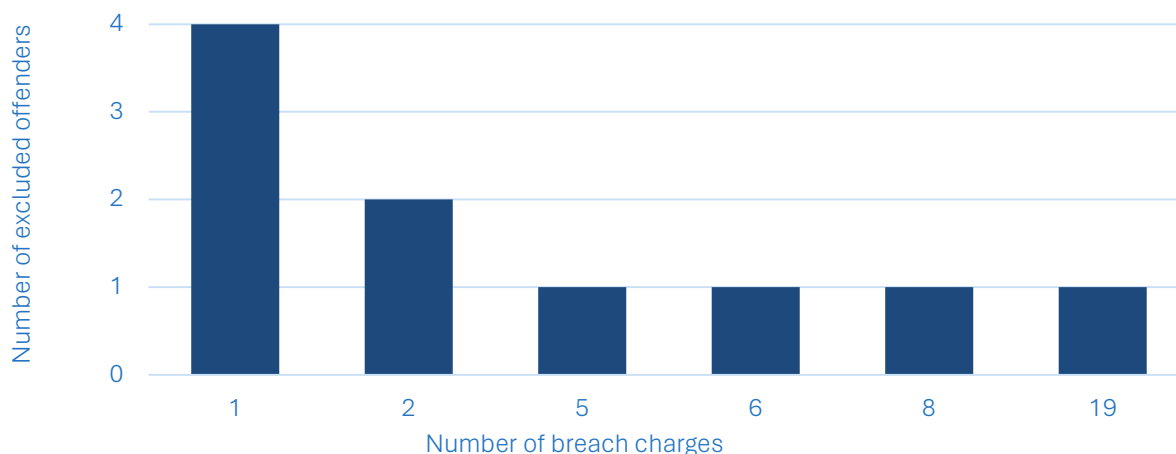


Source: Ombudsman Western Australia

Figure 2: Automatic excluded offenders specified offence

2.1.3 Automatic excluded offender breaches

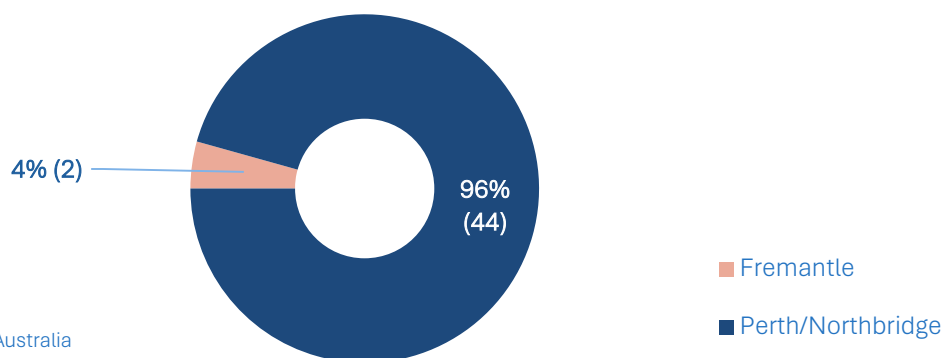
As shown in Figure 3, a total of 10 automatic excluded offenders were charged with 46 breaches during the monitoring period.



Source: Ombudsman Western Australia

Figure 3: Automatic excluded offender breach charges

Further, as highlighted in Figure 4, 96 per cent of breach charges were laid for breaches of exclusions occurring within the Perth/Northbridge PEP.

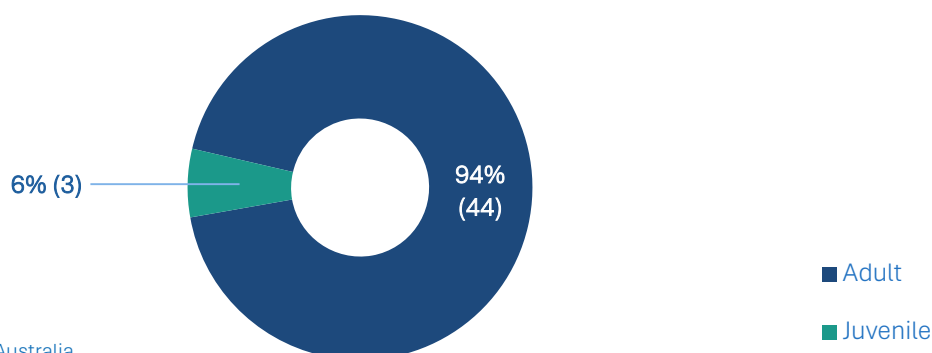


Source: Ombudsman Western Australia

Figure 4: Automatic excluded offender breach location

2.1.4 Age demographic of automatic excluded offenders

An adult is excluded for five years and a juvenile for two years. As illustrated in Figure 5, 94 per cent of automatic excluded offenders are adults.



Source: Ombudsman Western Australia

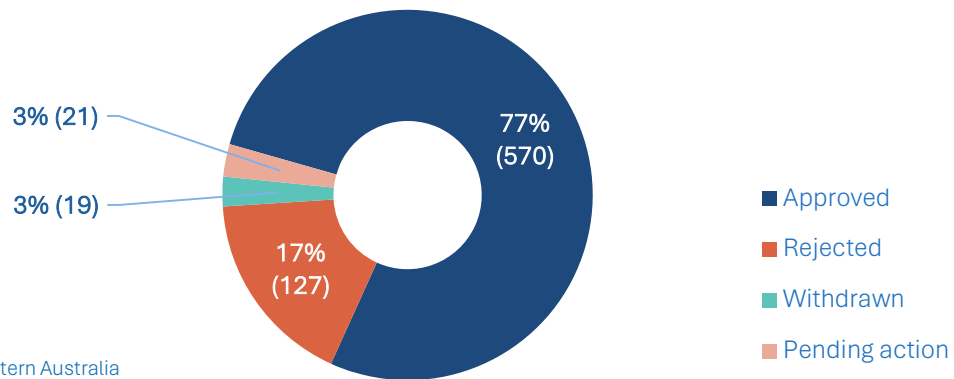
Figure 5: Age demographic of automatic excluded offenders

2.2 Short-term exclusion orders

A total of 737 STEO applications were made by WA Police during the monitoring period.

2.2.1 STEO application outcomes

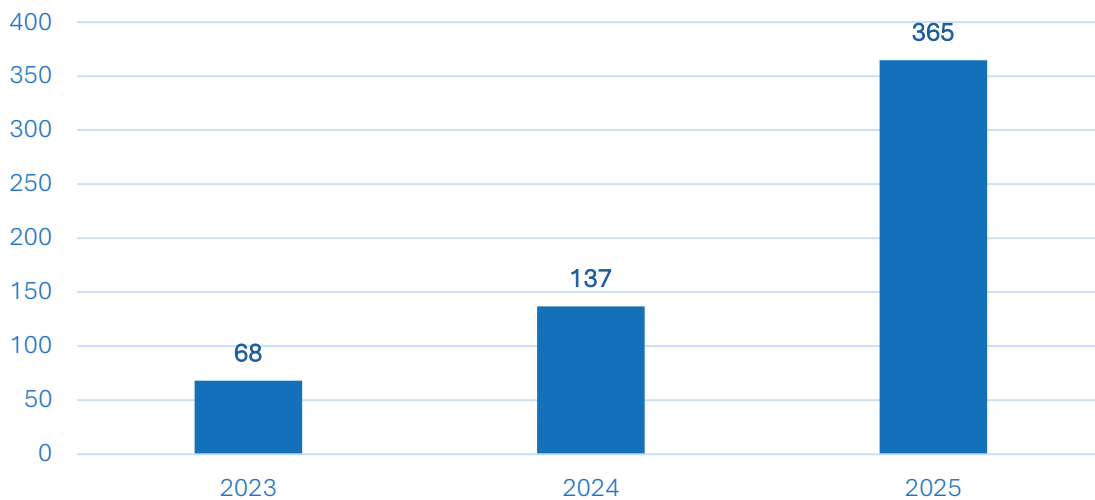
Figure 6 illustrates that 77 per cent of STEO applications were approved by a senior police officer.⁸ Over the monitoring period, WA Police rejected or withdrew 20 per cent of STEO applications. This suggests that the individual circumstances of these applications were considered when making their decision.



Source: Ombudsman Western Australia

Figure 6: STEO applications

The number of STEOs issued by WA Police has significantly increased over the past three years. Figure 7 shows the number increased by 100 per cent between 2023 and 2024 and by 170 per cent between 2024 and 2025.



Source: Ombudsman Western Australia

Figure 7: Total STEOs approved during the monitoring period

⁸ The Act and Police Commissioner's guidelines require a senior police officer of a rank of Inspector or above to consider and review all STEO applications.

2.2.2 Term of approved STEOs

Police officers have the discretion to make a STEO for up to six months. Figure 8 shows that 88 per cent of STEOs were made for the maximum period of six months.

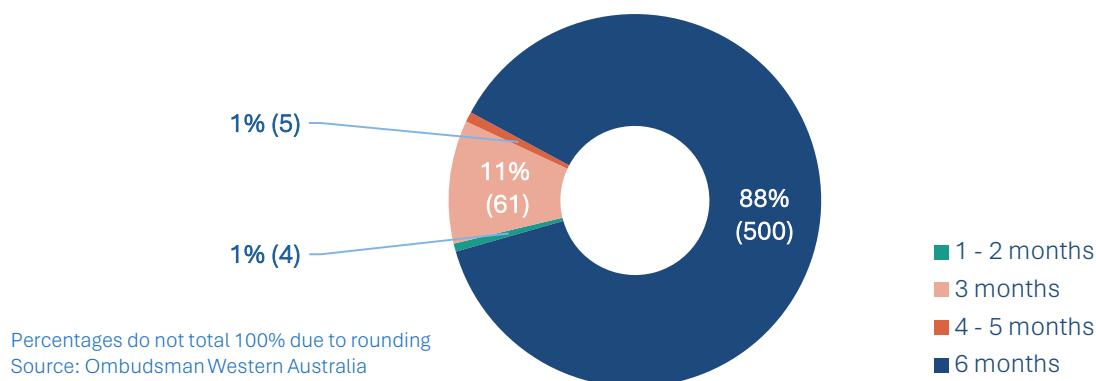


Figure 8: Term of approved STEOs

2.2.3 Approved STEOs by PEP area

A STEO is made for unlawful behaviour that occurred in a public place in a PEP area. Figure 9 illustrates the PEP area where the unlawful behaviour occurred, with 83 per cent of the behaviour occurring in the Perth/Northbridge PEP.

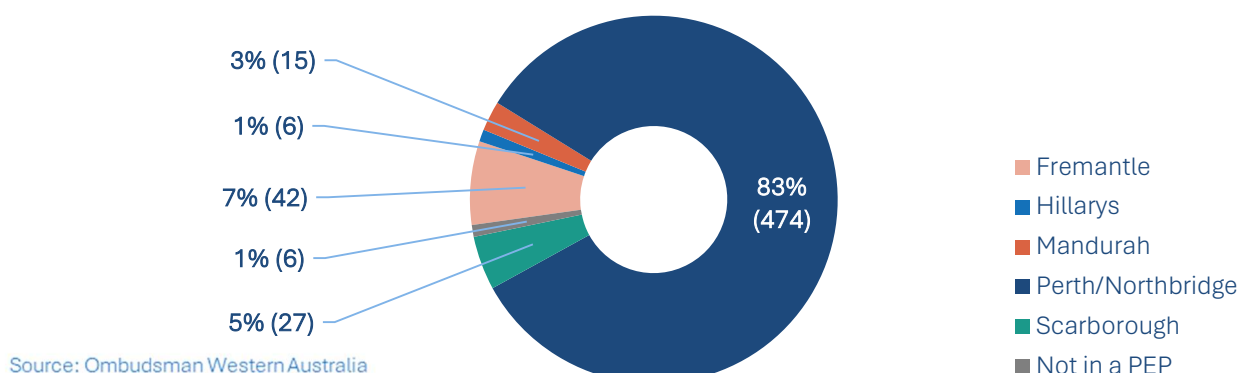


Figure 9: STEOs approved for behaviour in PEP area

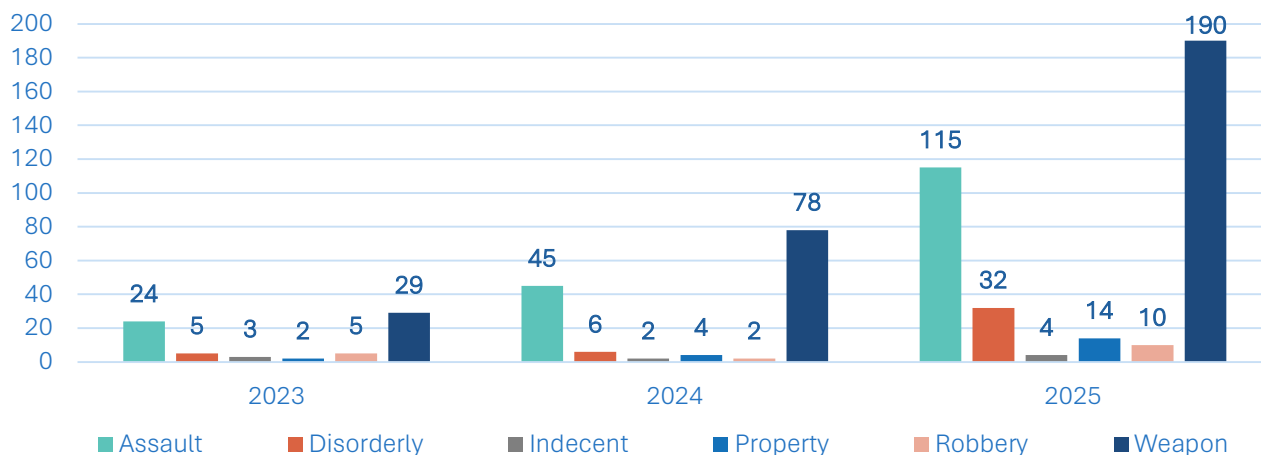
2.2.4 Terms and conditions of approved STEOs

A STEO can be made on any terms and conditions that the police officer thinks fit. This can include limiting the exclusion to certain times and specifying when a person can visit a PEP area. The Police Commissioner's guidelines are silent and offer little or no guidance on how STEOs can be tailored to individual circumstances.

Despite the Police Commissioner's guidelines suggesting that STEOs are not to be issued indiscriminately, the lack of variability in their terms and conditions has resulted in a one-size-fits-all approach. All approved STEOs applied at all times. This means none offered daytime flexibility to visit PEP areas and none applied only to nighttime hours.

2.2.5 Type of behaviour for approved STEOs

A STEO may be issued for unlawful, anti-social, violent, disorderly, offensive, indecent or threatening behaviour. Figure 10 illustrates the behaviour type resulting in a STEO.⁹ Weapons and assault offences accounted for the largest increase in STEOs issued in the past three years.



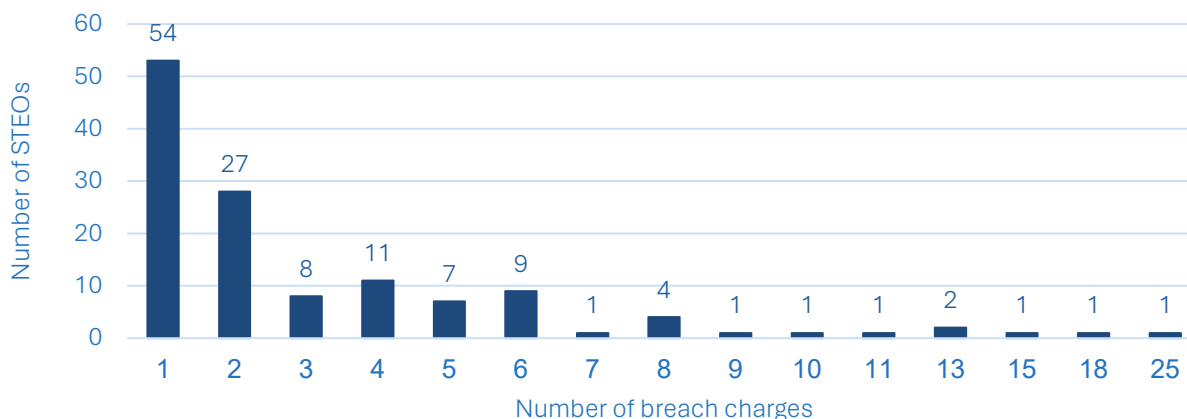
Source: Ombudsman Western Australia

Figure 10: Offence type

Knife-wielding laws came into effect in December 2024, two years after the PEP scheme began. These new laws give WA Police the power to conduct weapons searches on people in the five PEP areas without needing reasonable suspicion that the person possesses a weapon. The increase in STEOs issued for weapons offences is likely attributable to a change in policing practices following these new laws.

2.2.6 Breaches of STEOs

The number of approved and expired STEOs total 373. The remaining 197 approved STEOs were still in effect at the end of 2025, so breach data relating to these STEOs are omitted from this analysis. As illustrated in Figure 11, 418 breach charges were issued to people subject to 129 STEOs that expired during the monitoring period.



Source: Ombudsman Western Australia

Figure 11: STEO breach charges

⁹ This analysis is based on the most serious recorded offences. Where an STEO was based on multiple offences, this is the offence with the highest penalty.

As highlighted in Figure 12, 83 per cent of breach charges were issued to the subject person entering the Perth/Northbridge PEP.

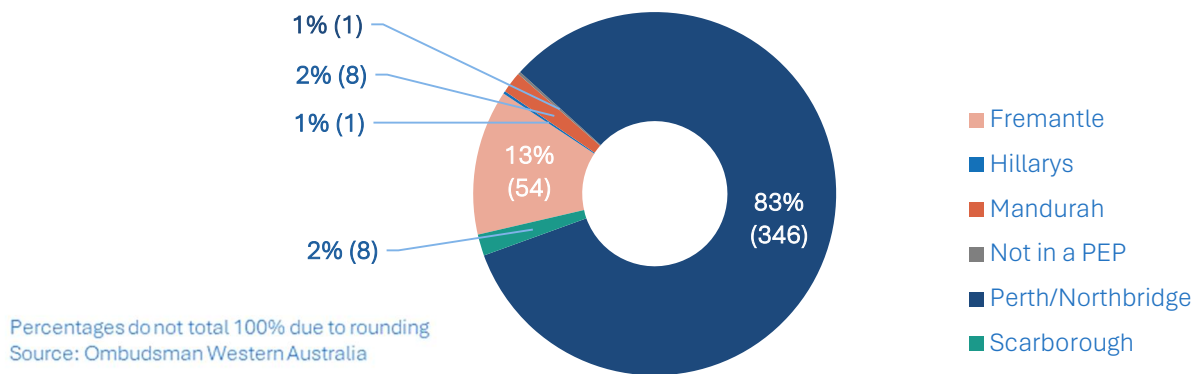


Figure 12: STEO breach location

2.3 Extended exclusion orders

During the monitoring period, three EEOs were approved and issued by the Director. All three orders were issued to adults.

Two were issued for the maximum term of five years and arose from the person's violent behaviour in the Perth/Northbridge PEP. The other was issued for two years and arose from the person's violent behaviour in the Perth/Northbridge and Hillarys PEPs.

2.3.1 Terms and conditions of approved EEOs

All three EEOs applied at all times.

2.3.2 Breach of EEOs

No person subject to an EEO was charged with a breach during the monitoring period.

3. Has the PEP scheme enhanced safety and confidence in PEP areas?

The available evidence suggests perceptions of safety in PEP areas have improved or remained stable. Due to other factors and inconclusive data, it is not possible to conclude that PEP areas are safer because of the scheme.

Summary

Any person exercising a function under the PEP scheme must consider its purposes.

Excluding people with a history of unlawful behaviour from PEP areas is intended to increase community confidence, by lessening the likelihood of the community being exposed to future violent or unlawful acts.

The PEP scheme restricts the freedom of movement of some people, to increase the confidence of others to spend time in public entertainment areas.

Although public awareness of the PEP scheme is low, perceptions of safety have improved or held steady since the scheme commenced. A survey of 1,000 people showed 59 per cent of survey participants said PEP areas feel just as safe and a further 25 per cent said they feel safer. Only 16 per cent reported feeling less safe. Over the same period, 42 per cent of survey participants said PEP areas feel more welcoming.

WA Police crime statistics provide different insights. During the past three years, recorded offences within the scope of the scheme increased in all five PEP area suburbs and in the greater metropolitan area. The increase was slightly lower in PEP area suburbs, suggesting the scheme is lessening the impact on recorded offences. But the data is inconclusive because it is not directly comparable and the period is too short to draw inferences that the scheme has reduced the rate of offending.

Importantly, the relationship between recorded offences and perceptions of safety is not a straight line. While perceptions of public safety have improved this cannot be attributed solely to the PEP

scheme. Many factors influence perceptions of safety including lighting and improved streetscapes, the visible police presence and extent of CCTV coverage, as well as the frequency of well controlled and positively experienced community events.

Stakeholder views also vary. Local governments are mostly positive. Business associations, including those representing licensed premises, tended towards positive, however views varied. The views from organisations providing services to vulnerable communities were negative, stating there is evidence of harm, and little or no evidence that public safety is being enhanced.

3.1 Objects of the scheme

The Act states that every person exercising a function under the PEP scheme must have regard to its objects. These objects are set out in section 152NB of the Act. In relation to areas with a concentration of licensed premises, the objects are to minimise:

- harm, or the potential for harm, to people, or any group of people, in the areas;
- adverse effects on the safety or welfare of people, or any group of people, in the areas;
- adverse effects on the atmosphere, ambience, character or pleasantness of the areas; and
- public disturbances and public disorder in the areas.

The objects of the scheme are aimed at protecting and enhancing public safety and confidence in PEP areas.¹⁰

¹⁰ Explanatory Memorandum, Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022 (WA), p. 1.

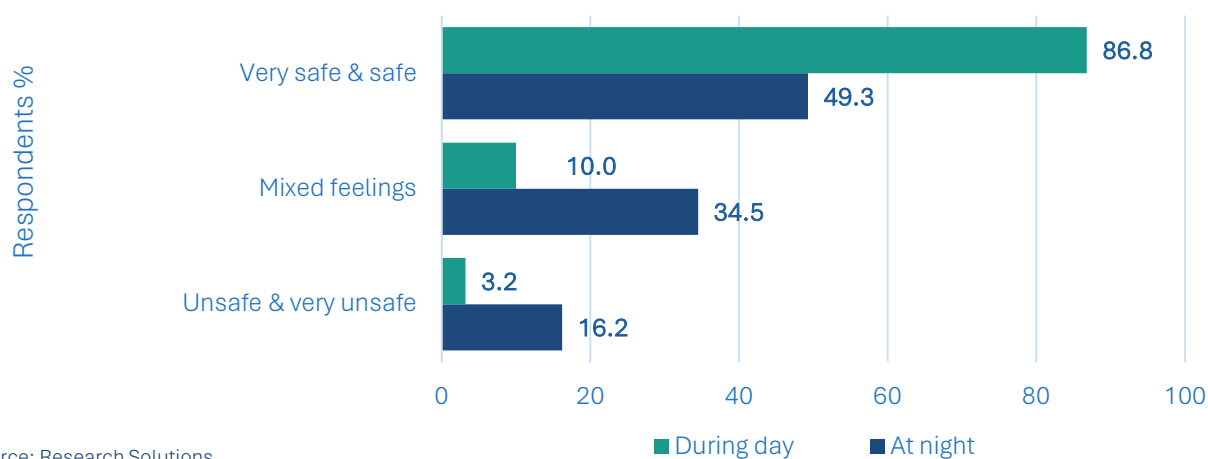
3.2 Public survey

An independent survey of 1,000 people was commissioned to understand perceptions of safety in PEP areas.

The surveys took place in November 2025 and involved:

1. an online survey of 500 people living in the greater metropolitan area; and
2. interviews with 500 people conducted inside the five PEP areas, with larger samples being obtained in the Perth/Northbridge PEP.¹¹

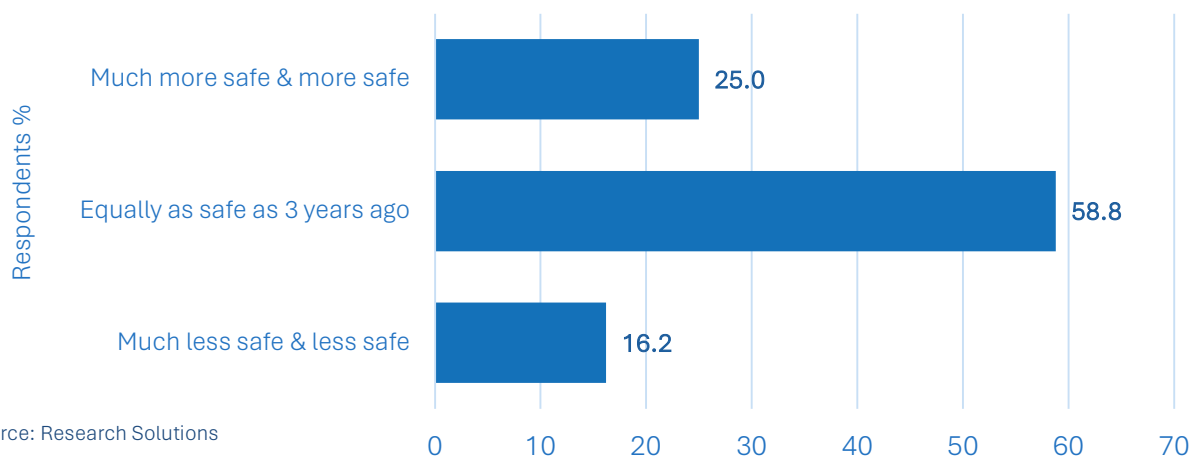
Awareness of the PEP scheme is very low; few survey participants mentioned it unprompted, and fewer could accurately describe it. Even when prompted, recognition varied, with precinct interviewees less aware than those surveyed online. Most people have either not heard of, or do not understand, the scheme. Regarding safety perceptions, most participants felt safe in PEP areas during the day, but fewer felt safe at night.



Source: Research Solutions

Figure 13: Feelings of safety in PEP areas

Since the scheme began, 25 per cent of surveyed participants feel safer in the precincts, while 59 per cent believe safety is unchanged. There is a net 9 per cent positive differential in perceptions of safety when the numbers of people who feel less safe (16 per cent) are accounted for. Improved police patrols, more people, and reduced anti-social behaviour were cited as reasons for positive perceptions, whereas increased anti-social and substance-related issues concerned those who felt less safe. Figure 14 compares safety perceptions in PEP areas to three years ago.

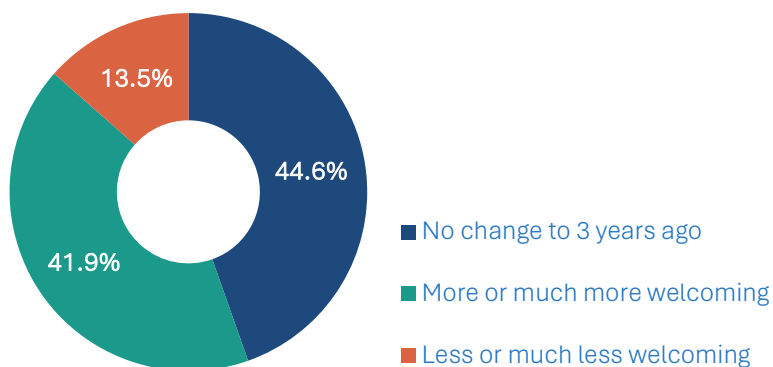


Source: Research Solutions

Figure 14: A comparison of perceptions of safety in a PEP compared to three years ago

¹¹ The Perth/Northbridge PEP area had a greater sample size to reflect the size of the area and the number of visitors.

Overall, as shown in Figure 15, 41.9 per cent of people surveyed said the PEP areas feel more welcoming than three years ago. This equates to a 28 per cent positive differential in people who feel the PEP areas are more welcoming than three years ago, with 44.6 per cent nominating they would like to spend more time there, and only 13.5 per cent wanting to spend less time in PEP areas.



Source: Research Solutions

Figure 15: Compared to three years ago, extent to which the PEP is welcoming

In summary, although awareness of the PEP scheme remains low it has played a role in shaping the perception that these areas have sustained or improved their safety and amenity over the past three years.

Appendix 2 has further information on the public survey.

3.3 Exclusion statistics

Excluding people from the PEP areas who have a history of behaving in an unlawful way is intended to enhance public safety and confidence in PEP areas. This is because exclusions are intended to prevent the recurrence of harmful behaviour, thereby reducing the risk to the community being exposed to further unlawful conduct in PEP areas. During the monitoring period, 620 exclusions were in effect across all five PEP areas. Fifty of these are automatic excluded offenders and people subject to EEOs, almost all in effect for five years. Additionally, of the 570 STEOs that were made, the overwhelming majority excluded people from PEP areas for six months.

A very small number of people were subject to more than one type of exclusion during the monitoring period. A total of 21 people were subject to two exclusions, and one person was subject to three. While this low number of repeat exclusions may indicate the scheme has influenced a person's behaviour, it is not possible to draw conclusions from the low number of multiple exclusions.

3.4 Breaches of exclusions

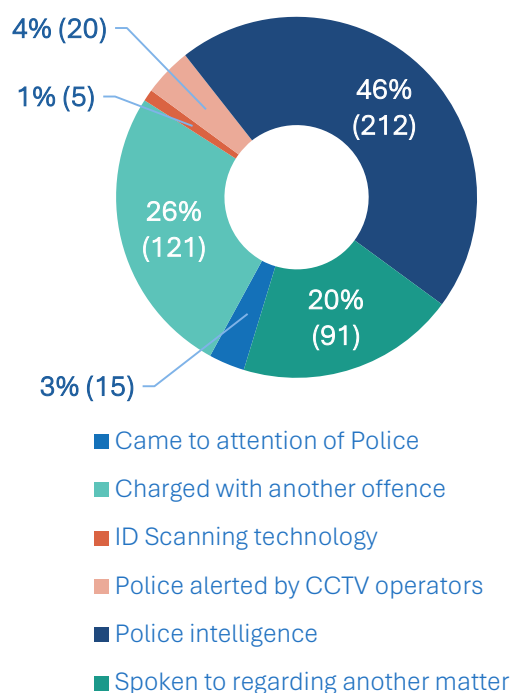
The number of individuals who breach their exclusion can indicate their overall compliance with the exclusion conditions.

During the monitoring period,

- approximately 21 per cent of automatic excluded offenders were charged with a breach;
- approximately 35 per cent of STEOs were breached; and
- no EEO subject person was charged with a breach.

Of the people charged with a breach, 63 per cent had two or less breach charges. The remaining 37 per cent were charged with three or more breaches (see Figure 3 and Figure 11).

It is not possible to definitively determine how many excluded individuals may have entered a PEP area without being detected or charged by WA Police or whether the excluded person charged with a breach had a legitimate reason to be in the PEP area. An analysis of breach charges, shown in Figure 16, reveals police officers predominately detect breaches either by the person being known to police or by coming to their attention for other offending.



Source: Ombudsman Western Australia

Figure 16: Method of breach detection

Academic research on prohibition orders and banning notices suggests that while exclusions have an impact on moderating people's behaviour, they are least effective in the long term for prolific offenders.¹² This research is relevant because it was conducted specifically in relation to exclusions operating under the Act which were the basis of the PEP scheme.

¹² Farmer C, Miller PG, Taylor N, Baldwin R., 'Do patron bans affect subsequent behaviour? An examination of pre- and post-ban offending for barring notice and prohibition order recipients in Western Australia'. *Drug Alcohol Rev.* 2023; 42(4): 892-901. <https://doi.org/10.1111/dar.13633>

3.5 WA Police crime statistics

An analysis of whether the PEP areas are safer may be informed by looking at trends in recorded offences that come within the purview of the PEP scheme over time. One way to do this is to compare recorded offences in relevant suburbs over the first three years of the PEP scheme operating, and to consider these trends alongside recorded offences in the greater metropolitan area.

WA Police's publicly available crime statistics,¹³ from 2023 to 2025,¹⁴ shows an increase in the number of recorded offences that are relevant to the PEP scheme.¹⁵ This percentage increase in Table 1, is slightly lower in the PEP area suburbs (27 per cent) compared to the greater metropolitan area (32 per cent). At face value, the 5 per cent lower increase in PEP area suburbs relative to the greater metropolitan area, suggests the scheme is having a lessening effect on reported offences.

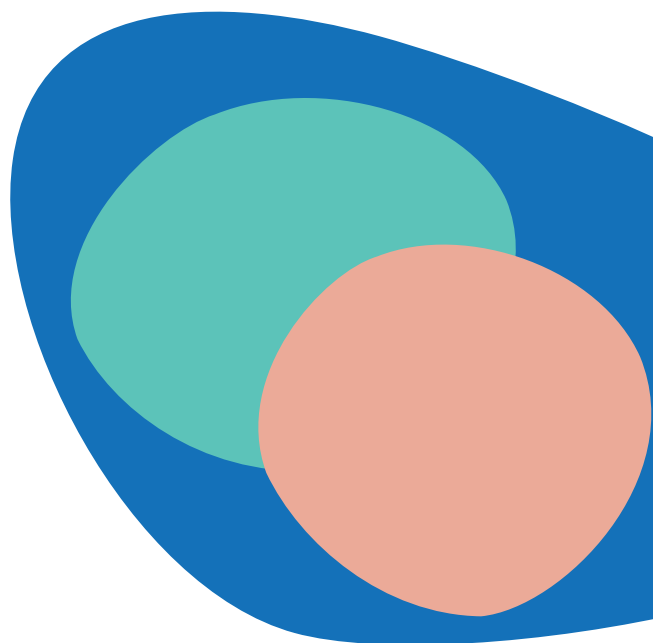
However, crime statistics have several limitations, including:

- whole suburb data does not directly correlate to part suburb data in PEP areas;
- offence data does not distinguish between a public or private place;
- factors like population size and how crime is reported or detected;¹⁶ and
- that they are provisional and subject to revision.¹⁷

	2023	2024	2025	Percentage increase
All PEP suburbs	8,125	9,340	10,311	27%
All metropolitan area	58,071	68,372	76,826	32%

Source: Western Australia Police Force

Table 1: Crime statistics in PEP area suburbs and the metropolitan area from 2023-2025



¹³ 'Crime Statistics', *Western Australia Police Force* (Web Page, 17 February 2026) <[https://www.police.wa.gov.au/Crime/CrimeStatistics#/>.](https://www.police.wa.gov.au/Crime/CrimeStatistics#/)

¹⁴ Representing three full years of the operation of the PEP scheme.

¹⁵ The filtered offences were homicide, recent sexual offences, assault family and non-family, threatening behaviour family and non-family, deprivation of liberty, robbery, drug offences and

regulated weapon offences, and was extracted on 17 February 2026.

¹⁶ 'Crime Statistics', *Western Australia Police Force* (Web Page, 17 February 2026) <[https://www.police.wa.gov.au/Crime/CrimeStatistics#/>.](https://www.police.wa.gov.au/Crime/CrimeStatistics#/)

¹⁷ 'Crime Statistics', *Western Australia Police Force* (Web Page, 17 February 2026) <[https://www.police.wa.gov.au/Crime/CrimeStatistics#/>.](https://www.police.wa.gov.au/Crime/CrimeStatistics#/)

3.6 Stakeholder submissions

Over 40 identified stakeholder organisations were invited to provide their views on whether the PEP scheme had enhanced public safety and confidence. Identified stakeholders included local governments, business associations, liquor accords¹⁸ and organisations representing or providing social services to vulnerable groups in PEP areas.

The views ranged from strongly supportive to strongly opposed to the idea that the scheme had enhanced public safety or confidence in PEP areas.

Local governments with PEP areas within their boundaries expressed strong support for the operation of the PEP scheme:

- The City of Fremantle reported that the combination of the scheme and the knife-wandering laws¹⁹ has contributed to a noticeable shift in the public feeling safer, particularly during evening hours. The introduction of STEOs has had a significant impact, effectively reducing the presence of individuals known to be involved in anti-social behaviour. Their CCTV statistics showed more detected issues over the past three years, but the City explained this was due to an increase in cameras. The higher numbers reflect improved incident detection, not necessarily more crime.²⁰
- The City of Joondalup expressed support for the Hillarys PEP area and the scheme's objectives to enhance public safety and community confidence within that area.²¹
- The City of Mandurah reported the PEP scheme and the knife-wandering laws are relevant and useful tools for maintaining the safety of visitors and businesses in the area. It reported that the PEP scheme allows for more focussed, preventative policing in and around the Mandurah PEP area, which has in turn improved community confidence and feelings of safety. Notably, the City indicated

it would welcome more frequent use of exclusion orders to address criminal activity such as property damage, drug use and serious anti-social behaviour.²²

- The City of Stirling advised that the PEP scheme, together with knife-wandering laws, provides additional measures to support visitor safety. The City also published a *'Feels like Scarborough'* report in August 2024,²³ covering the Scarborough foreshore and surrounding entertainment area. That report indicated that residents and visitors feel safe and enjoy the vibrancy of the area. The City also uses the Scarborough Beach PEP designation as a positive message in its communications to reinforce the perception of a safe environment.²⁴

While the City of Perth did not provide a written submission, we have been in regular communications with them and they have verbally expressed general support for the scheme.

Business associations had a more mixed view:

- The Australian Hotels Association WA (AHA) has members operating in all PEP areas, who are primarily licensed premises but also include unlicensed restaurants and accommodation businesses. It expressed that the PEP scheme, in conjunction with the knife-wandering laws, have resulted in an increase in public safety and a perceived reduction in the incidence of knife crime and serious assaults. It also reported mixed impressions from members about the effectiveness of the scheme in increasing public safety. They attributed a key reason for the mixed view to licensees being unable to identify persons subject to an exclusion as this information is not able to be downloaded onto ID scanning devices. The feedback from the AHA's members is that the PEP scheme would be more effective if there was a more efficient way of identifying excluded people and a shared responsibility between all businesses operating in the PEP area together with relevant enforcement

¹⁸ Liquor accords are voluntary, local partnerships between licensed venues, police, councils and community groups. They aim to reduce alcohol-related violence, anti-social behaviour, and harm through collaborative, pro-active strategies and improved communication.

¹⁹ The knife-wandering laws were introduced after the PEP scheme started. They operate permanently in all PEP areas. Our review does not comment on their operation.

²⁰ City of Fremantle received on 24 October 2025.

²¹ City of Joondalup received on 25 November 2025.

²² City of Mandurah received on 21 November 2025.

²³ City of Stirling, *'Feels Like Scarborough Research Findings'* (Research Paper), August 2024.

²⁴ City of Stirling received on 23 November 2025.

agencies.²⁵ The issue of identifying people subject to an exclusion is considered further in Chapter 4.

- The Fremantle Chamber of Commerce welcomes initiatives that aim to strengthen public safety and build community confidence in key precincts. It also commented that increased visibility, communication and reporting around the scheme's effectiveness would help strengthen confidence among local businesses. This is because many members are unsure whether the scheme has had a direct, measurable impact on day-to-day safety outcomes. As they were not aware of any serious incidents, they assume that PEP exclusion orders are having a positive effect in preventing and/or deterring potential offenders.²⁶
- Members of the Mandurah Liquor Accord reported they are extremely supportive of the PEP scheme.²⁷
- The Peel Chamber of Commerce was strongly positive in relation to the way the PEP scheme was operating in Mandurah. It commented that the scheme reflects a proactive measure to uphold community standards and aligns with public safety objectives.²⁸

Organisations representing or providing support or advocacy services to vulnerable groups felt there was little or no evidence that the scheme had made the PEP areas safer or increased public confidence in them. Many expressed concern that the PEP scheme criminalises marginalised individuals, affects their access to support services and makes them feel unsafe. These issues are examined further in Chapter 5.

Views on the PEP scheme's impact on public safety and confidence, include the following:

- The Aboriginal Legal Service of Western Australia (**ALSWA**) commented that it does not have information showing there has been a decline in violent and other anti-social behaviour in PEP areas. They expressed the view that it has not changed the behaviour of extremely vulnerable Aboriginal people who struggle with other acute challenges, and that exclusions prevent and discourage these people from accessing vital health, legal, disability and support services.²⁹
- The Commissioner for Children and Young People supports improving the safety of public entertainment precincts. The Commissioner expressed that the scheme's breadth appears disproportionate to available evidence and may unintentionally amplify exclusionary effects without enhancing community safety.³⁰
- Community Legal WA supports evidence-based measures that improve community safety. However, they are concerned that the PEP scheme and knife-wielding laws can operate to entrench exclusion rather than promote safety.³¹
- Legal Aid WA commented that there is little evidence that exclusions under the scheme have made the PEP areas safer. It also put forward the view that the PEP scheme may increase risks of safety for people living with mental illness or cognitive impairment. It was mentioned that exclusions from key precincts

²⁵ Australian Hotels Association Western Australia received on 3 December 2025.

²⁶ Fremantle Chamber of Commerce received on 1 December 2025.

²⁷ City of Mandurah received on 21 November 2025.

²⁸ Peel Chamber of Commerce and Industry Inc. received on 22 October 2025.

²⁹ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026.

³⁰ Commissioner for Children and Young People received on 7 November 2025.

³¹ Community Legal Western Australia received on 5 December 2025.

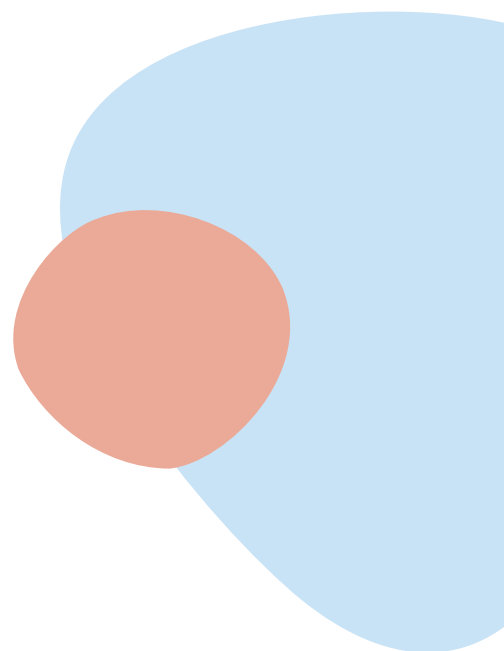
can push vulnerable people away from places where they access important supports and services, like outreach programs, food relief or health care. It was recognised that this can lead to more instability, distress and conflict with authorities.³²

- The Mental Health Commission noted that the PEP scheme is part of a broader population based and targeted prevention approach to reducing harm from alcohol.³³
- The Nyoongar Outreach Service shared that there was a sense of enhanced safety in the Perth/Northbridge PEP due to the apparent decrease in crime and violence but could not determine if this was achieved by the PEP scheme alone or by other initiatives, such as knife-wandering laws. The Nyoongar Outreach Service also stated that there is little general awareness of the PEP scheme. Feedback from staff suggested that more general awareness of the PEP scheme could deter problematic behaviour.³⁴
- WA Network of Alcohol and Other Drug Agencies shares the commitment to improving community safety and wellbeing in entertainment precincts, however, believes that systemic and evidence informed strategies to address underlying drivers of complex social issues must be prioritised.³⁵
- The WA Justice Association believes the PEP scheme has decreased confidence among many community members, such as those experiencing mental health challenges, disability or homelessness, due to fears of increased contact with police and expanded police powers.³⁶
- Youth Legal Services expressed concern that the PEP scheme and knife-wandering laws operate to entrench exclusion rather than promote safety.³⁷

Further information on stakeholder submissions is also included in Appendix 3 and on our website.

Conclusion

It is likely that the PEP scheme has had a positive impact on perceptions of safety alongside a wider suite of laws and initiatives implemented during the monitoring period. This wider suite of laws and initiatives are indivisible when assessing the overall impact on recorded offences and perception of community safety of these areas.



³² Legal Aid Western Australia received on 6 November 2025.

³³ Mental Health Commission received on 18 November 2025.

³⁴ Nyoongar Outreach Services received on 29 January 2026.

³⁵ Western Australian Network of Alcohol & other Drug Agencies received on 5 December 2025.

³⁶ WA Justice Association received on 5 December 2025.

³⁷ Community Legal Western Australia received on 5 December 2025.

4. Has the PEP scheme been implemented well?

Significant improvements are required by the Director and WA Police to support the intended operation of the PEP scheme.

Summary

The power to exclude people from entering entertainment precincts for up to five years is significant, particularly as breaches carry criminal sanctions. It is therefore essential that the PEP scheme is administered fairly and in accordance with the law.

Notable shortcomings have been identified with how the Department is delivering key parts of the scheme in relation to automatic excluded offenders and attempts to improve them over the past three years have been insufficient. We are not confident that all automatic excluded offenders have been identified and notified of their exclusion when they should have been and delays are also problematic. Inadequate information controls and errors have resulted in both under-identification and misclassification of automatic excluded offenders.

WA Police have generally established key systems needed to carry out their obligations under the scheme. WA Police are responsible for issuing STEOs, applying for EEOs and enforcing all three types of exclusions. Their role is supported by guidelines, officer training and a dedicated software application. Our review has identified a small number of STEOs that were wrongly issued, considerable inconsistencies in applying the guidelines and instances of incorrect breach charges being laid. We also identified a risk that some STEOs may not properly consider a person's individual circumstances, and some breach charges may be progressed despite the person being able to enter a PEP area for a permitted purpose. Additionally, the STEO review process is not well understood and can be difficult to access, weakening an important procedural safeguard for people wanting to challenge their exclusions.

This chapter details issues identified from our monitoring of all exclusions arising under the PEP scheme. It considers issues identified by stakeholders. These include the accessibility of information provided by RGL to enable licensed premises to enforce exclusions and concerns raised by agencies representing vulnerable communities. This second matter is discussed in more detail in Chapter 5 of the report.

Exclusions under the PEP scheme

4.1 Automatic excluded offenders

A person becomes an automatic excluded offender when convicted of a specified offence that occurred in a public place within a PEP area. This status is automatic on conviction and there is no discretion for it to be reviewed.

Under the Act, the Director is responsible for identifying and notifying automatic excluded offenders of their exclusion from the PEP areas.

Forty-seven people were identified by the Director's representative, RGL, as becoming automatic excluded offenders in the monitoring period.

Our monitoring identified inadequate information controls and errors arising from the manual processing of data.

4.1.1 Shortfalls in identifying automatic excluded offenders

RGL's method for identifying automatically excluded offenders is error prone. RGL manually gather and check information provided by WA Police and monitor publicly available court information to determine whether the statutory threshold is met. This includes engaging in multiple information exchanges with WA Police over time, confirming what specified offence occurred, where it happened and when the person was convicted of that specified offence.

RGL relies on information provided in a multi-step manual process, without direct access to WA Police information systems. Opportunities to use authoritative information sources were missed or not taken, leading to systemic risks in the accurate identification of automatic excluded offenders.

The current approach creates two risks:

1. people who should be automatically excluded are not; and
2. people who are not automatic excluded offenders are incorrectly told they are.

After three years, RGL still cannot confirm that all automatic excluded offenders are being identified and

notified. WA Police data indicate that the number of people charged with specified offences in PEP areas is roughly three times greater than the number of automatic excluded offenders identified by the Director. Although charge data has its limitations - not all offences happen in public, nor do all charges lead to convictions - the gap is significant. Our monitoring also found several individuals who appear to meet the legal threshold to be automatically excluded but who had not been flagged by RGL at the end of the monitoring period.

We also found six instances where RGL incorrectly notified people as automatic excluded offenders despite not meeting legal criteria. These errors are problematic because automatic excluded offenders are denied the right to seek a review of their status, and their freedom of movement was wrongly limited.

The rate of omission and misclassification suggests a systemic problem rather than isolated errors and we cannot be confident that all automatic excluded offenders were excluded, when they should have been.

The Director and RGL provided thoughtful, responsive and risk aware leadership throughout the scheme's legislative design and passage through the Parliament. However, the same level of attention was not apparent during the implementation phase of the scheme. Providing risk guidance and success criteria would have emphasised to administrators the need for timely, accurate information systems, to identify and notify those affected by the scheme. This remains an outstanding issue requiring attention.

4.1.2 Delays in notifying automatic excluded offenders

The Director must notify a person they are an automatic excluded offender as soon as practicable after their conviction, and if the person is serving a prison sentence, an additional notice must be given close to their release. The legislation provides that the exclusion applies whether or not the notice is served on the offender.

Delays in serving the initial automatic excluded offender notice

Over the monitoring period, it has taken RGL an average of 142 days to serve notice on automatic excluded offenders.

Because automatic excluded offender status operates independently from sentencing, some individuals may not be aware that their conviction for a specified offence leads to exclusion under the scheme. Notably, 60 per cent of automatic excluded offenders did not receive a prison sentence upon conviction. Delays in delivering the notice can result in both the person and WA Police being unaware of the exclusion from all PEP areas, which compromises the scheme's integrity.

Delays in re-serving automatic excluded offender notices on those released from custody

The requirement for RGL to re-serve a notice close to when a person is released from custody is important as an automatic excluded offender's period of exclusion is extended by any time they spend in custody. This re-service acts to remind the person of their obligations under the scheme, which is especially important for those who have spent a significant amount of time in custody. RGL has been unable to access information required to systematically identify when automatic excluded offenders will be or have been released from custody. This has caused delays and omissions in re-notifications.

Information received from RGL indicates that:

- only three automatic excluded offenders have been re-served a notice *after* being released from custody, on average 48 days after being released from custody; and
- eight automatic excluded offenders have not been re-served notice despite having a custody release date or earliest release date that has passed.

4.1.3 Difficulties calculating exclusion dates and identifying automatic excluded offenders in custody

Several factors have contributed to uncertainties in how RGL determines the exclusion period for automatic excluded offenders.

Problematic definition of conviction

A person becomes an automatic excluded offender if they are convicted of a specified offence that occurred in a public place within a PEP area.

The Act essentially defines a ‘conviction’ as either a finding of guilt or the court accepting a guilty plea.³⁸ However, in practice, court processes are not always straightforward. For example, a person may enter a guilty plea in the Magistrates Court and then formally confirm that plea in a higher court at a later date.

This creates uncertainty about when a ‘conviction’ occurs for the purposes of the scheme. RGL has not applied a single approach in determining when a person is ‘convicted’. This has led to inconsistent practices and delays in identifying automatic excluded offenders.

It would be clearer if a person became an automatic excluded offender at the time of sentencing. Sentencing is the final stage of a criminal matter and provides a clear and definitive point in time. It also aligns with approaches in other legislation where obligations arise because of a person’s conviction for a specific offence but which commence at sentencing.³⁹

Linking automatic excluded offender status to the date of sentencing would provide a single and clear point in time, improving the accuracy and timeliness in RGL administering the scheme. This requires legislative change.

Deficiencies in RGL’s information system

RGL’s lack of direct access to necessary and reliable information results in mistakes in calculating an automatic excluded offender’s exclusion period. They

are not able to easily identify the date a person becomes an automatic excluded offender, if that person has spent any time in custody or determine this period. This is significant as the exclusion period for an automatic excluded offender starts on their ‘conviction’ date and is extended by any time they spend in custody.

Four cases were identified where RGL’s records showed the automatic excluded offender as being in the community, while WA Police records showed the person was in prison.

Given the growing number of automatic excluded offenders that RGL must monitor, it is essential to establish effective processes with other government agencies to access information to determine whether any automatic excluded offender has entered or been released from custody.

Notices must clearly and accurately communicate an automatic excluded offender’s exclusion period to:

- ensure that automatic excluded offenders are properly informed of their designated exclusion timeframe;
- allow WA Police to enforce exclusions for the appropriate duration; and
- to facilitate the aim of the scheme to enhance public safety and confidence in PEP areas.

4.1.4 Incorrect details on exclusion notices

We identified that some automatic excluded offender notices contained inaccurate details and descriptions, such as wrong references to specified offences. This falls within RGL’s administrative responsibilities and suggests there may be opportunities to strengthen internal quality assurance processes for issuing these notices. Although being classified as an automatic excluded offender does not depend on the information within the notice itself, accuracy remains crucial, as the notice formally informs individuals of a legal exclusion that carries criminal penalties.

³⁸ *Liquor Control Act 1988* (WA) s 152NZJ(1).

³⁹ *Community Protection (Offender Reporting) Act 2004* (WA) s 6(1).

4.1.5 Actions required to resolve identified issues

Inadequate information protocols and internal systems remain our key concern. In January 2026 the Acting Director advised that:

'LGIRS acknowledges the ongoing challenges associated with obtaining timely information from the DoJ and WA Police, noting that the information is critical to effective administration of exclusion orders. While LGIRS does receive information, it is not provided in real time, which can sometimes impact operational responsiveness and the ability to enforce orders promptly.'

*As part of the scheduled 2026 review under Tranche 2 reforms to the LC Act, the Department will consider legislative options to enhance timely access to information and data. This may include amendments enabling LGIRS to compel the provision of relevant information or, the establishment of more efficient data-sharing mechanisms between agencies. These measures will improve operational efficiency, enhance compliance, and support the harm minimisation objectives embedded in the scheme.'*⁴⁰

The issues regarding identifying and accurately notifying automatic excluded offenders require more urgent action.

The issues were known before the scheme commenced. The Department of Justice has consistently advised the Director that WA Police's information holdings contain all the required data for the purposes of the scheme. While WA Police's information holdings are not the primary source for conviction data, the Department of Justice and the courts automatically feed conviction data into WA Police's information systems.

At various times over the previous three years, direct access to WA Police's information holdings was identified as a practical solution where data could not

be obtained from its primary source. However, it has not occurred to date and RGL still use manual information exchanges. We believe RGL must obtain direct access to WA Police's information systems and enhance their administrative processes.

It is important for these issues to be promptly rectified as Parliament has determined automatic excluded offenders shall be excluded from PEP areas, without any avenue for appeal.

Recommendation 1

As a priority, the Director of Liquor Licensing must obtain access to relevant WA Police information holdings, and implement effective arrangements that will enable all automatic excluded offenders to be identified and to be notified of their exclusion from protected entertainment precincts accurately and within a reasonable timeframe.

Recommendation 2

The Director of Liquor Licensing to facilitate legislative amendments to make the provisions relating to automatic excluded offenders more workable, including to establish a more workable conviction threshold and requiring notices to be served within a specified timeframe.

⁴⁰ Department response to Ombudsman Letter received on 23 Jan 2026.

4.2 Short-term exclusion orders

A total of 737 STEO applications were made by WA Police during the monitoring period.⁴¹

WA Police are responsible for issuing STEOs and for identifying when a person breaches their exclusion. A STEO can exclude a person from PEP areas for up to six months because of unlawful, anti-social, violent, disorderly, offensive, indecent or threatening behaviour. This is a broad, discretionary power.

The Act includes a number of safeguards to guide and limit how this power is used. These include:

- approval of an application by a senior police officer (Inspector or above);
- consideration of the Police Commissioner's guidelines when making and deciding the application; and
- access to internal and external review processes.

Our office reviewed all STEO applications, including those that were not approved.

We found that some aspects of WA Police's exercise of powers under the PEP scheme did not fully comply with the Act and guidelines. When specific concerns or instances were brought to their attention, WA Police responded promptly to address them.

WA Police have adequate systems in place to administer requirements. This includes guidelines for officers involved in considering and approving STEOs, a dedicated application software to support the STEO process, and an online training course for officers. However, some significant issues still require attention.

4.2.1 STEOs issued for behaviour outside of a PEP area

A STEO can only be issued for unlawful behaviour occurring within a PEP area.

We identified six instances of STEOs being issued for conduct that occurred outside a PEP area. Upon being notified, WA Police promptly revoked five of the STEOs and formally informed the individuals that the exclusion was no longer in effect. One STEO was not revoked but had no impact as the individual was in custody throughout the duration of the STEO.

While these errors are limited in number in the context of there being 570 approved STEOs, they are significant as:

- in these instances, WA Police exercised powers beyond their legal authority by invalidly issuing a STEO; and
- the safeguard that requires senior officer approval did not prevent the error occurring.

WA Police identified and withdrew 11 applications that were made for behaviour that occurred outside a PEP area, through their own review.

⁴¹ These include STEO applications that were approved, rejected, withdrawn or were pending action.

4.2.2 Inconsistent application of the guidelines

The Act requires the Police Commissioner to issue guidelines which police officers must consider in exercising their powers to make, vary or revoke STEOs. Additional considerations are also to be addressed if applying for a STEO for a person who identifies as vulnerable.

We identified inconsistencies with the guidelines themselves and how they are being applied.

Clarification on offending history

The guidelines specify that STEOs should be issued only to people who have a history of repeat, high harm offending.

We observed two notable omissions in the guidelines regarding:

- whether a STEO should be issued solely based on the seriousness of the current offence, irrespective of the individual's criminal history; and
- whether a STEO is appropriate if the individual's offending history is outside PEP areas.

We identified that differing interpretations of the guidelines have resulted in them being applied inconsistently:

- approximately 25 per cent of the 570 approved STEOs were issued due to the seriousness of the current offence. This does not fully comply with the guidelines that require WA Police to establish that the individual was a high-harm recidivist offender; and
- a further 26 per cent of the 127 rejected STEOs were denied because, although the individuals had committed relevant offences, the previous offences did not occur within a PEP area. In contrast, 9 per cent of the 570 approved STEOs were based on general criminal history, despite the person not having a criminal history in a PEP area, highlighting the inconsistent application of the guidelines.

Clarification on offences suitable for a STEO

The guidelines advise the type of offences that are appropriate for the creation of a STEO, including assault, disorderly behaviour and weapons related offences. Our monitoring of charges revealed a small number of instances where the offence does not fall into a category of offending identified in the guidelines. These have included property related dishonesty offences, such as retail theft, stealing and gains by fraud. Arguably, a STEO issued for these offence types is inconsistent with the objects of a scheme focussed on public safety.

It would be appropriate for the Police Commissioner to re-evaluate offences appropriate for a STEO and to ensure appropriate and ongoing training for officers applying the guidelines.

STEOs issued to juveniles

While the Act imposes no minimum age limit for issuing STEOs, the guidelines provide that a STEO should not be issued to a person under the age of 16.

We identified six instances of STEOs being issued to persons under 16. Although all cases acknowledged the recipients as high-harm recidivist offenders and considered other aspects of the guidelines, the applications and approvals did not address their age. Following notification of these instances, WA Police revoked or withdrew all STEOs.

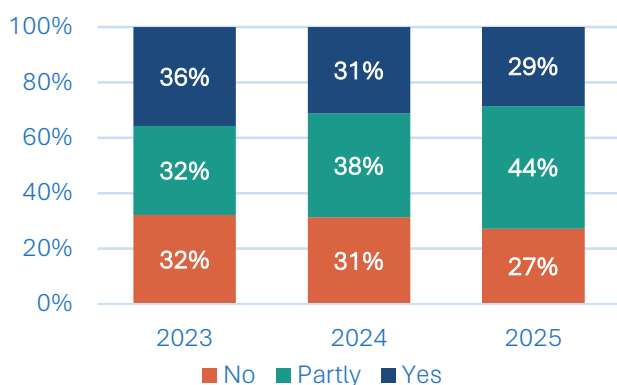
WA Police independently identified and withdrew seven applications related to STEOs issued to persons under 16.

Application of WA Police guidelines to vulnerable people

WA Police guidelines are designed to minimise issuing STEOs to vulnerable people. The guidelines require officers to consider alternative methods for dealing with vulnerable people and to justify the reasons for proceeding to apply for a STEO. Our analysis found that 68 per cent of approved STEOs involving vulnerable people did not address the required criteria. Specifically:

- 30 per cent did not address alternative methods for dealing with the person's behaviour; and
- 38 per cent partially considered alternative methods for dealing with the person's behaviour but did not address any specific alternative or justify the creation of the STEO in the circumstances.

These proportions have remained consistent over the monitoring period, as illustrated in Figure 17.



Source: Ombudsman Western Australia

Figure 17: WA Police's compliance with the guidelines in relation to particularly affected communities

This suggests that some STEOs issued to vulnerable people were not compliant and may not have been approved if guidelines had been followed.

Our analysis is consistent with concerns expressed by ALSWA that police officers are frequently not following guidelines and are issuing STEOs to vulnerable Aboriginal people where other more

appropriate alternatives exist to deal with the circumstances.⁴²

Conclusion about guidelines

Approving officers need to implement a more stringent quality assurance process to ensure all STEOs follow the guidelines, noting the restrictions on a person's freedom of movement that arise from the imposition of an unfair or unnecessary STEO. Although the Act and guidelines allow for tailored STEOs based on individual circumstances, they are not seen in practice.

Recommendation 3

Whenever possible, WA Police should use only nighttime short-term exclusion orders. The Commissioner of Police should reinforce, through amended guidelines, the need for officers to always consider the individual circumstances and permitted reasons for people to visit a protected entertainment precinct, when deciding to seek a short-term exclusion order, or to pursue a breach.

⁴² Aboriginal Legal Services of Western Australia Limited received on 12 January 2026.

4.2.3 Issues with the review process

The Act allows anyone subject to a STEO to request a review either by the Police Commissioner or the Liquor Commission.⁴³

Over the monitoring period, only four applications for review were made to the Police Commissioner out of a total of 570 STEOs. The Police Commissioner also initiated 34 reviews independently. We are unaware of any applications for review being submitted to the Liquor Commission.⁴⁴ The very low number of people seeking review suggests that the right to review is not well understood or is difficult to access. This view was also shared by ALSWA in their submission.⁴⁵

Even though each STEO comes with a written explanation mentioning the right to seek a review, it states that a specific form approved by the Police Commissioner must be used. This form was not made available on the WA Police website until almost two years after the PEP scheme began. We are concerned that the explanation does not include directions on where to find the form or an address for submitting it.

There was one instance where the decision to revoke a STEO was not served on the person, so they were never notified that it was no longer in effect. Equally concerning is that another request for review was decided well outside of the 30-day period the Act requires a decision to be made. This was compounded by the person never being notified of the decision. ALSWA's submission also identified this concern in Case Study – 'H'.⁴⁶

These issues are significant as they impinge on a person's freedom of movement to enter a PEP area when permitted to do so.

It is evident that the review process is ineffective and not meeting the requirements of the Act. It may be more effective for a single unit within WA Police to become the central hub for handling variation and

revocation applications, as well as reviews initiated by the Police Commissioner. Centralising this function could help ensure more consistent and timely decisions are made and communicated to the affected person.

Recommendation 4

The Commissioner of Police should:

- a) improve the short-term exclusion order review process ensuring information is more accessible and readily understandable;
- b) centralise the review function to promote consistent decisions made within the legislated timeframe; and
- c) ensure the subject person is served notice of the outcome of a review in a timely manner.

⁴³ The Liquor Commission review function is limited to STEOs over one month in duration and requires an application fee.

⁴⁴ On 11 June 2024, it was confirmed, through RGL, that there had been no review applications made to the Liquor Commission to that date. Further enquiries were made to the Liquor Commission in the lead up of this report on 14 August 2025.

⁴⁵ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026.

⁴⁶ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 7-8.

4.2.4 Incorrectly charged and prosecuted breaches

We have discovered that several breaches had been charged under the incorrect offence provision. Specifically, some individuals subject to a STEO were incorrectly charged and prosecuted under the provision that applies to automatic excluded offenders and vice versa.⁴⁷

The Police Commissioner was informed of incorrect charges and prosecutions in September 2024. The Police Commissioner confirmed additional instances of incorrect charges and prosecutions.

To prevent this error from reoccurring, WA Police reported several internal steps, including:

- better distinguishing the two breach offences by upgrading the software used for managing charges and prosecutions;
- issuing a Broadcast outlining the error and providing corrective guidance; and
- the monitoring of breach charges since the review, assuring that they have subsequently been correctly applied.

WA Police also sought to rectify any wrongdoing by:

- notifying the affected individuals of the mistake if the prosecution had been finalised and offering assistance to correct it; and
- formally amending non-finalised charges at the person's next court appearance.

Although records show that some charges were amended, not all were addressed.

While WA Police believed their corrective actions would resolve the issue, in late 2025 we discovered new incidents of breach charges being laid under the wrong provision, both for STEO subject people and automatic excluded offenders.

In response to these findings, WA Police have taken further remedial actions including:

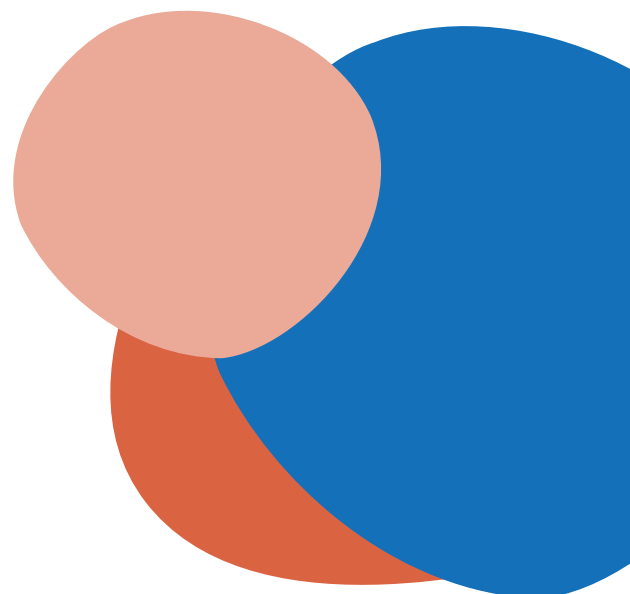
- re-circulating the Broadcast to officers working in the Perth/Northbridge PEP area;
- seeking to amend any outstanding incorrect charges; and
- notifying excluded people convicted under the wrong provision of their right to appeal.

Despite this second round of remedial actions, further instances have again been identified.

Relatedly, we have also identified two instances where individuals were charged with breaching their STEO in locations not within a PEP area. One charge was withdrawn by WA Police following notification; the other had been finalised by the time of review.

It is crucial for WA Police to remain vigilant, and monitor breach charges laid, to train and re-train staff and to promptly address any future errors.

⁴⁷ No EEO subject person has been charged with a breach.



Defences to being inside a PEP area

Where WA Police allege a person has breached their exclusion, that person can cite a permitted reason for entering a PEP area e.g. rely on defences. That person must raise a relevant defence and WA Police then verify the information to determine whether it applies.

ALSWA⁴⁸ and Legal Aid WA⁴⁹ submitted examples where their clients, while reportedly in a PEP area for a permitted purpose, were allegedly arrested for breaching their exclusion. These examples indicate that police officers might not always pursue breaches in a way tailored to the person's circumstances or sensitive to the purpose of the defences.

To ensure that breach charges are not pursued when a valid defence is available, it is important that police officers:

- plainly ask the person if they have a legitimate reason for being in a PEP area;
- know the available defences; and
- remain responsive and open-minded to them.

The Police Commissioner's guidelines should be more explicit about how officers are to be sensitive to potential defences before charging and arresting the person for a breach. This matter is addressed in recommendation 3 and will be examined in more detail in Chapter 5.

Further, and to promote fairness, the defences need to be easily understandable for the excluded person. This is particularly important because they are required to raise the defence and it was Parliament's intent that the person not be held criminally liable for entering a PEP area for a legitimate or permitted reason.

The Act contains 14 defences, and they are summarised in Appendix 5.

4.3 Extended exclusion orders

The Director can make an EEO, on the application of the Police Commissioner. The EEO may be made for a period of up to five years for an adult and two years for a juvenile. The Act contains procedural fairness requirements including notifying the person of the application to make a EEO and their individual review rights.

During the monitoring period, three EEOs were approved and issued by the Director. All three orders were issued to adults and complied with the Act's requirements.

⁴⁸ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, Case study – 'C' at page 8 and Case study – 'J' at page 9.

⁴⁹ Legal Aid Western Australia received on 6 November 2025, 2.

General aspects of the scheme

4.4 Change in Hillarys PEP boundary

Before any new PEP area is added or an existing area is changed, the Act requires:

- 1) the proposed changes to be published on the Department's website; and
- 2) the people who are subject to exclusion orders be given notice of the change before it takes effect.

On 23 January 2025, the Hillarys PEP area was extended, being the only change to a PEP area. The first requirement was met, but the second was not. Less than 15 per cent of people with exclusion orders were notified of the change either at the time or subsequently.

Encouragingly, all exclusion orders or notices issued after the change to the Hillarys PEP area include an updated version of the map showing the exclusion area.

The Department should embed better processes for notifying affected people of any future boundary changes.

4.5 Restricted publication on a secure webpage

The Act allows authorities to publish information about people who have been excluded under the PEP scheme on a restricted secure webpage.

The secure webpage is hosted on the Director's liquor licensing portal and is available to certain officials connected to licensed premises and other authorised people under the Act. The purpose of the secure webpage is to assist licensed premises in recognising anyone in their premises who is subject to an exclusion under the scheme.

4.5.1 Limited utility of the secure webpage

During stakeholder consultation the practical utility of the secure webpage was questioned, particularly by liquor industry stakeholders, including the AHA, some liquor accord members and individual licensees. These stakeholders have reported that:

- the information cannot be used with the ID-scanning systems many venues rely on;
- staff are required to manually check the secure webpage with the person's photo identification card; and
- exclusions under the PEP scheme are merged with information about other bans unrelated to the PEP scheme. This creates an extensive list of people subject to various types of bans and therefore creating confusion.⁵⁰

The impracticality of the secure webpage does not assist licensed premises to identify whether a person excluded under the scheme is attending their venue. This limits their ability to proactively play a role in enforcing the scheme and promoting community safety.

⁵⁰ Australian Hotels Association Western Australia received on 3 December 2025.

4.5.2 Issues in uploading information on the secure webpage

RGL officials manually upload details of excluded individuals to the secure webpage, but updates depend on internal resources, which can cause delays. These delays may prevent licensed premises from proactively identifying excluded people in a timely manner and highlight gaps in the scheme's effectiveness.

4.5.3 No guidelines around publishing information on the secure webpage

RGL exercise discretion in publishing personal information about EEO subjects and automatic excluded offenders. Decision-making should be informed by clear policies and guidelines to ensure fairness, especially for juveniles whose details are usually protected. Clear guidelines promote consistent, fair decisions and should consider individual factors like spent convictions before disclosure.

The absence of clear policies and guidelines has been consistently raised since August 2024 and remains unresolved.

4.5.4 Access to the secure webpage should be restricted

The personal details of people excluded under the scheme can be accessed by any permit or licence holder across the State, including those not in the five PEP areas. This is concerning as the purpose of disclosing the personal information is for licensed premises within PEP areas to be able to identify if any excluded people are in their licensed premises, and therefore in breach of their exclusion. The information is not uploaded for the purpose of all licensed premises having access to the information, as such, the personal details of people excluded under the scheme should be restricted to those permit or licence holders that operate within a PEP area.

Recommendation 5

The Director of Liquor Licensing should:

- a) investigate making its secure webpage interoperable with identification systems used at licensed premises to leverage the role licensed businesses can play in enforcing the scheme; and
- b) limit the information on its secure webpage to authorised people within protected entertainment precincts.

4.6 Stakeholder submissions

Stakeholders were invited to provide their view to our office on whether the scheme is being administered fairly, appropriately and in accordance with the law.

Local governments with PEP areas in their locality were generally supportive of the scheme, having no evidence that indicated it was not being implemented contrary to its intention.

Other stakeholders raised concerns with the way the scheme was being implemented:

- The AHA put forward the view that it appears to be being fairly and appropriately implemented, however were concerned that their members operating in PEP areas, being licensed premises, are burdened with identifying people excluded under the scheme. It was raised that the same burden does not exist for unlicensed premises and accommodation providers as they do not have access to the secure webpage.⁵¹
- ALSWA detailed serious concerns with the way WA Police have implemented and enforced the PEP scheme and its impact on Aboriginal people. Of particular relevance to this chapter is their view that WA Police do not follow their guidelines when issuing STEOs, where they believe some people's behaviour falls short of recidivist high harm offending but are still issued with a STEO. They also raised concerns about the

⁵¹ Australian Hotels Association Western Australia received on 3 December 2025.

inadequate review process and WA Police not genuinely considering if a person subject to a STEO has a lawful defence to be in a PEP area.⁵² These have been considered in this chapter and again in Chapter 5.

- The Fremantle Chamber of Commerce expressed that its members had a mixed understanding on how exclusions are applied, their duration and how businesses in PEP areas are meant to identify and respond to people who are excluded under the scheme.⁵³
- Legal Aid WA stated they had serious concerns about the fairness of the PEP scheme, particularly for people with mental impairment. Legal Aid submitted that the scheme focusses on punishing the individual rather than providing support or treatment, potentially causing detriment to the persons circumstances. The submission detailed instances of people being charged with a breach despite being permitted to enter the PEP area, for instance, to access essential services. Legal Aid also submitted concerns about the risk of the unending cycle of people who do not understand the scheme breaching an order, being arrested and placed into custody. They believe a fairness measure would be for the orders to be time limited.⁵⁴ This is discussed in Chapter 5.
- The Nyoongar Outreach service expressed that it is difficult to assess whether the PEP scheme has been administered fairly due to the lack of awareness of the scheme.⁵⁵
- The WA Justice Association did not believe the PEP scheme was fair or being appropriately implemented. They raised concerns about the lack of transparency, inadequate judicial oversight and limited avenues for appeal. It recommended that further information on orders made and WA Police guidelines be publicly available as well as a review role for the State Administrative Tribunal.⁵⁶

- The WA Network of Alcohol and other Drug Agencies expressed concerns about the proportionality and fairness of exclusion orders under the scheme due to this additional layer of policing, where priorities should be on public health and community safety policies.⁵⁷

Further information on stakeholder submissions is also included in Appendix 3 and on our website.

Conclusion

Current systems for identifying and notifying excluded individuals have notable shortcomings and attempts to improve them over the past three years have been insufficient. This creates a risk that people who should be excluded for serious offences in PEP areas are not being advised of their exclusion from those areas. Urgent action is required to improve the operation of the scheme and to ensure that excluded offenders are identified and notified as soon as practical.

WA Police generally issue STEOs in a structured way, but we found a small number of orders issued in error, inconsistencies in applying guidelines and incorrectly charged breaches. Significantly, we also identified a lack of flexibility and a risk that breach charges may be pursued despite the person having a permitted purpose for being in the PEP area. In addition, we found significant barriers to accessing the STEO review process, which is a key safeguard for procedural fairness.

⁵² Aboriginal Legal Services of Western Australia Limited received on 12 January 2026.

⁵³ Fremantle Chamber of Commerce received on 1 December 2025.

⁵⁴ Legal Aid Western Australia received on 6 November 2025.

⁵⁵ Nyoongar Outreach Services received on 29 January 2026.

⁵⁶ WA Justice Association received on 5 December 2025.

Amendments to the *Liquor Control Act* recently passed Parliament and gives the State Administrative Tribunal a review role for EEOs and STEOs longer than three months. This change is not yet in effect.

⁵⁷ Western Australian Network of Alcohol & other Drug Agencies received on 5 Dec 2025.

5. Have some communities been adversely affected?

Vulnerable communities are particularly affected by short-term exclusion orders under the PEP scheme. The impacts include: increased social exclusion, greater justice system involvement and limited access to support services.

Summary

Three groups of people are particularly affected by the PEP scheme:

- Aboriginal and Torres Strait Islander people (**Aboriginal people**);⁵⁸
- people experiencing homelessness;⁵⁹ and
- people experiencing mental health conditions and/or cognitive impairment.

The impacts of the scheme on these people include greater social exclusion and marginalisation, reduced access to health and wellbeing supports and greater risk of deeper involvement in the criminal justice system. Additionally, exclusion orders that limit access to traditional meeting places and sites of significance can re-trigger or compound trauma amongst Aboriginal people, make them feel less safe and further undermine trust in public institutions.

Approximately 25 per cent of individuals identified as particularly affected experience multiple vulnerabilities, which compound the impacts on these individuals, their families, and the broader community.

5.1 Our role in relation to impacts on particularly affected communities

Alongside scrutinising how the PEP scheme operates we must identify whether it disproportionately affects any community group and review the impact.

WA Police guidelines establish a threshold for a STEO to be considered. The person must have been charged with an offence that falls within a particular category and to also have a history of repeat offending. This threshold can make it difficult to separate the impacts of the PEP scheme from broader factors that influence police contact with individuals and groups.

5.1.1 Data sources and approach

We designed a review of the scheme's mechanisms to identify its impact on particularly affected communities, so this chapter draws on two main evidence sources:

1. **Quantitative analysis:** We anonymised information obtained from inspecting every STEO application on WA Police's information holdings. Where information differed across police systems, the information management system record was treated as the source of truth; and
2. **Qualitative sources:** We considered stakeholder submissions describing the impacts of exclusions on people as well as broader community impacts, including access to services and practical barriers to complying with their exclusion. All stakeholder submissions are available on our website.

The conclusions in this chapter should be read in light of the following limitations:

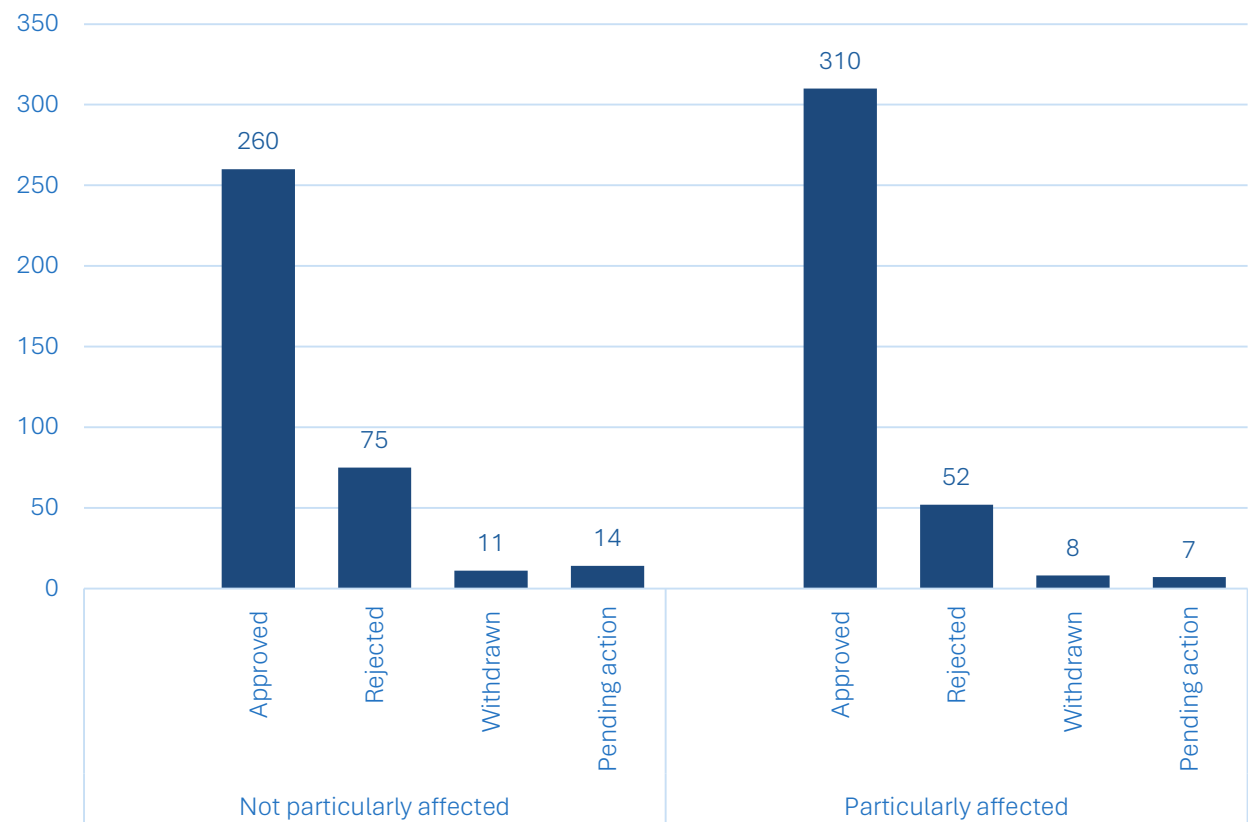
1. Demographic and vulnerability information is not always consistently recorded, so the size of some cohorts may be understated; and
2. This chapter only focusses on STEOs because comparable vulnerability data is not available for automatic excluded offenders and because of the small dataset of EEOs.

⁵⁸ When referring to Aboriginal people, this term includes the Nyoongar people, the traditional custodians of the lands on which the PEP scheme operates and different peoples from other traditional lands who may be visiting or living on Nyoongar Country.

⁵⁹ References to people experiencing homelessness include street present people.

5.2 What we have found

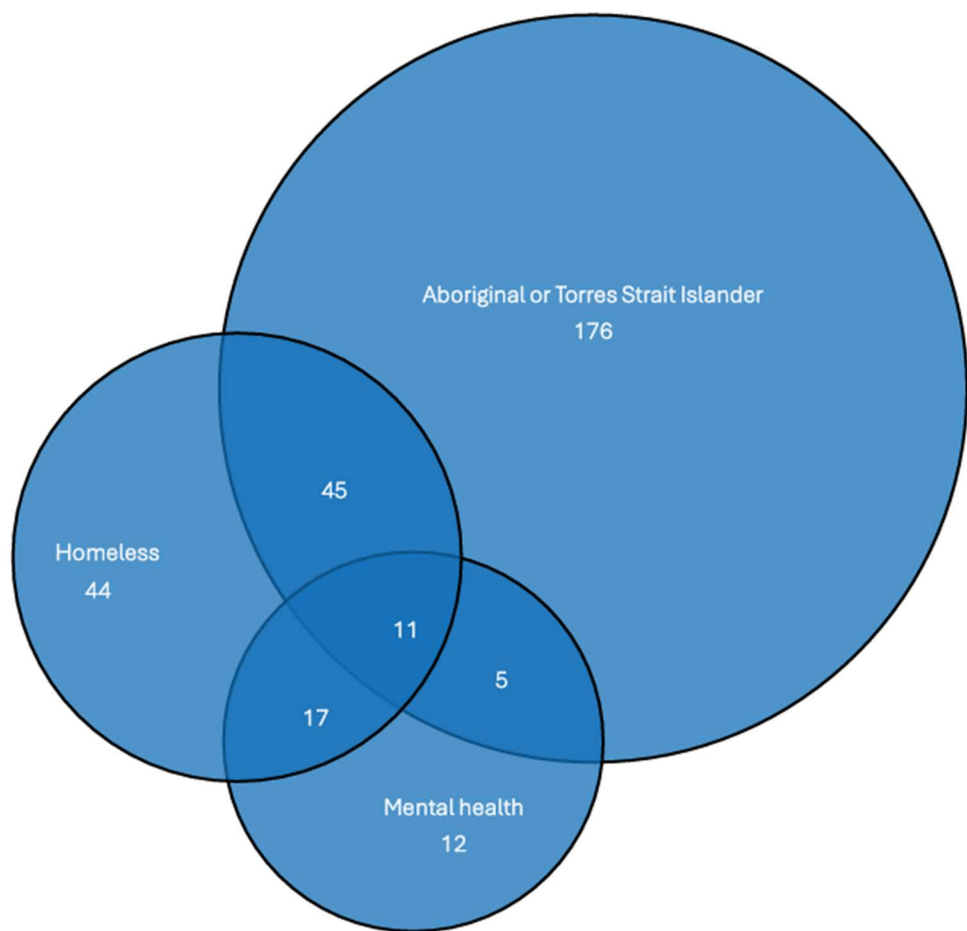
Figure 18 indicates that 54 per cent of approved STEOs related to a person with at least one recorded vulnerability indicator (Aboriginal and Torres Strait Islander status, homelessness or mental health or cognitive impairment).



Source: Ombudsman Western Australia

Figure 18: Breakdown of all STEO applications by vulnerability indicator

Figure 19 shows the recorded vulnerability indicators in all approved STEO applications. These are recorded counts only and may underrepresent the true prevalence of vulnerability due to variability in recording practices.



Source: Ombudsman Western Australia

Figure 19: Recorded vulnerability indicators for approved STEOs

Juveniles

Some stakeholders raised concerns about juveniles being particularly affected by the scheme. Eleven STEOs applied to juveniles, representing less than 2 per cent of all STEO applications. Although the impacts are considerable for this group there is not enough statistical evidence to identify juveniles as a particularly affected group for the purpose of our report.

5.3 Aboriginal people

Aboriginal people are particularly affected by the PEP scheme. Aboriginal people were subject to 41.6 per cent of all approved STEOs, while representing 3.3 per cent of the Western Australia's general population,⁶⁰ and 44.4 per cent of the prison population.⁶¹ The scheme is having a significant and disproportionate impact on Aboriginal people and that impact should be understood in a broader social, historical and cultural context.

To better understand these impacts, Tjallara Consulting Pty Ltd (**the consultant**) was commissioned to undertake Aboriginal-led consultation. We also considered written submissions from a range of stakeholders including ALSWA,⁶² Legal Aid WA,⁶³ Community Legal WA,⁶⁴ Street Law Centre,⁶⁵ the Commissioner for Children and Young People,⁶⁶ and the WA Justice Association.⁶⁷

This material shows the impacts on Aboriginal people are significant and broader than mere exclusion from entertainment precincts. They include barriers to understanding and complying with exclusions, reduced access to culturally safe essential services, a greater risk of further involvement in the criminal justice system, and additional trauma and loss of trust in public institutions.

Impact on Aboriginal people needs to be understood from a holistic perspective

A key theme from the Aboriginal-led consultations was:

*'there is a need to adopt a holistic perspective when considering the impact of the PEP scheme on local Nyoongar/Aboriginal people...[as] they do not interact with the PEP scheme from a neutral position. Their experience must be understood in its full historical and cultural context.'*⁶⁸

The consultant's report explains that exclusion orders can 'echo earlier controls on movement, reinforce the idea that Aboriginal people must be managed in public spaces,' and retraumatise communities through their similarity to historical practices of surveillance, removal and displacement.⁶⁹ In this way it is believed the PEP scheme has a racial bias resulting in a third-wave of dispossession and dispersal, that is, building upon and adding to colonialisation and historical exclusions.⁷⁰

Relevantly, the consultant's report identified that Aboriginal people engage with the scheme from a range of complex circumstances:

*'They are generally homeless, rely on public spaces due to housing insecurity, there is a lack of private venues for social and cultural connection, they may be visiting Perth from regional or remote areas for medical treatment or court hearings particularly regarding child protection, and are highly visible in PEP areas and surrounds. That is, they live in spaces of heightened risk rather than safety.'*⁷¹

⁶⁰ Australian Bureau of Statistics (1 July 2022), *Western Australia: Aboriginal and Torres Strait Islander population summary*, ABS Website, accessed 5 March 2026.

⁶¹ Australian Bureau of Statistics (2025), *Prisoners in Australia*, ABS Website, accessed 5 March 2026, Data downloads - Table 15 Prisoners, selected characteristics by state/territory 2025 (a); released 11 December 2025;

⁶² Aboriginal Legal Services of Western Australia Limited received on 12 January 2026.

⁶³ Legal Aid Western Australia received on 6 November 2025.

⁶⁴ Community Legal Western Australia received 5 December 2025.

⁶⁵ Street Law Centre WA Inc. received 5 December 2025.

⁶⁶ Commissioner for Children and Young People received on 7 November 2025.

⁶⁷ WA Justice Association received on 5 December 2025.

⁶⁸ Tjallara Consulting Pty Ltd, "The Protected Entertainment Precincts Scheme Aboriginal Engagement Summary Findings Report", February 2026 (**Tjallara Consulting Report**), 11.

⁶⁹ Tjallara Consulting Report, 12.

⁷⁰ Tjallara Consulting Report, 17-18.

⁷¹ Tjallara Consulting Report, 12.

In such circumstances, the report puts forward the view that the scheme can ‘weaponise their vulnerability’ and add to trauma and disadvantage.⁷² This theme was also reflected in submissions from ALSWA,⁷³ Legal Aid WA,⁷⁴ Community Legal WA,⁷⁵ Street Law Centre⁷⁶ and the WA Justice Association.⁷⁷

Difficulty understanding and complying with exclusion orders

The consultant’s report and stakeholders highlight that exclusion orders are difficult to understand and follow, mainly due to complex language and unclear maps of the five PEP areas. These issues especially affect those with limited literacy or English skills. Since people only receive a paper copy, losing it means they cannot check the order’s duration, terms, or boundaries. For Aboriginal people also experiencing homelessness or mental health or cognitive impairment, ALSWA stated that affected individuals find it almost impossible to understand and comply with STEOs.⁷⁸

The following case studies provided by ALSWA reinforce these concerns:

Case Study – ‘B’ stated that ‘...B was charged and convicted of three breach STEO offences and was fined. When ALSWA spoke to B it was clear he did not understand the difference between a STEO, bail conditions and a move on notice.’⁷⁹

Case Study – ‘C’ stated that ‘C instructs that he didn’t understand the STEO. He thought it was linked to alcohol and licensed premises and could not understand why he was being arrested when he had not been drinking and had not entered licensed premises.’⁸⁰

Case Study – ‘G’ stated that ‘G is worried living near the PEP zone that she will forget about her STEO and accidentally breach it. This impacts her confidence going shopping or visiting services like ALSWA.’⁸¹

Case Study – ‘H’ stated that ‘... [H] has both a mental and physical impairment... H did not have any memory of receiving the STEO and did not understand it.’⁸²

Case Study – ‘J’ stated that ‘...WA Police served J with a 6-month STEO. J could not read any paperwork given to her. She also instructs that the maps attached to the STEO were blurry and so unclear that she could not see the street names or understand where the zones began and ended...

J is currently staying with a family member who is helping her access the support she needs to address her issues. The family member’s house is very close to the Fremantle PEP zone. Furthermore, J must report twice weekly to a police station within the Fremantle PEP zone. This has made it stressful for J to leave the house.’⁸³

Reduced access to essential support services

A consistent issue raised by the consultant and stakeholder submissions is the scheme’s impact in deterring Aboriginal people from accessing essential support services. Aboriginal people may avoid support services located within PEP areas because they are uncertain about the conditions of their exclusion or fear further police contact.⁸⁴ This is especially significant because the Perth/Northbridge, Fremantle and Mandurah PEPs contain a high concentration of legal, health, housing, mental health and other support services used by vulnerable people. In practice, this may make it harder for Aboriginal people to obtain help they need. This apprehension or reluctance exists despite the Parliament setting out permissible reasons to visit a PEP area whilst a person is subject to an exclusion.

⁷² Tjallara Consulting Report, 12.

⁷³ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026.

⁷⁴ Legal Aid Western Australia received on 6 November 2025

⁷⁵ Community Legal Western Australia received on 5 December 2025.

⁷⁶ Street Law Centre WA Inc. received 5 December 2025.

⁷⁷ WA Justice Association received on 5 December 2025.

⁷⁸ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 7.

⁷⁹ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 11-12.

Bail conditions and move on notices do not form part of the PEP scheme.

⁸⁰ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 8.

⁸¹ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 8-9.

⁸² Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 7.

⁸³ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 9.

⁸⁴ Accessing support services is a lawful defence.

Permissions and defences not well understood

It is important to note that accessing services within a PEP area is a valid reason or defence to be in a PEP area despite being excluded. The range of defences are listed in Appendix 5.

The evidence of reluctance to access support services within a PEP area suggests exclusion orders are not being tailored to individual circumstances and available defences are not sufficiently considered when breaching decisions are made. The ALSWA provided case studies showing that the available defences are not well understood by the person or always accepted by police officers:

Case Study – ‘C’ stated that ‘C was issued with a 6-month STEO ... [and] charged with nine breaches of the STEO. C instructs that when WA Police came across him in the Perth/Northbridge PEP zone, he would be immediately arrested, and police would never ask why he was there... C instructs that he would go into Perth and Northbridge to access [essential support] services..., which were inside the zone or nearby.’⁸⁵

Case Study – ‘J’ stated that ‘J has since been charged with three breaches of the STEO. She instructs that she has tried to tell police that she is in the PEP zones for lawful reasons but that they are not interested.’⁸⁶

Entrenchment of Aboriginal people in the criminal justice system

The consultant, Legal Aid WA, Street Law Centre, WA Justice Association, the Commissioner for Children and Young People and ALSWA all said the PEP scheme further entrenches Aboriginal people in the criminal justice system. This is particularly the case if the person does not understand or remember the terms of the order and therefore may repeatedly breach their exclusion.

Breaches are an arrestable offence and carry a penalty of imprisonment and a fine. ALSWA provided the following case study:

Case Study – ‘D’ stated that ‘D found it almost impossible difficult to comply with the STEO as he needed to enter the PEP zone to obtain mental health treatment, to attend court, and to access food provided by homeless services. D does not have a phone. In a period of two months, D was charged with breaching the STEO on 22 occasions. D instructs that it felt like he was being arrested on a daily basis. D instructs that the circumstances of his breaches were often either:

- when he sat down for a cigarette and a break, because he was tired from walking; or
- when he was socialising with other homeless people all of whom occupied public space in the prohibited zone.

All the STEO serves to do is criminalise D. It does nothing to address or alleviate his personal circumstances and condemns him to a life of endless adverse interactions with police and the loss of liberty.’⁸⁷

Problems with the right of review

Only four people have sought to review their exclusion order which suggests this right may be more theoretical than realisable.

Powerfully, the consultant’s report ‘noted that for those living in impoverished conditions, their time can be taken up with simply trying to navigate the systems that they rely on for support to maintain a basic standard of living – it takes all day to be poor. In relation to the issue of survival each day, seeking a review of a PEP exclusion order is unlikely to be a priority’.⁸⁸

⁸⁵ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 8.

⁸⁶ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 9.

⁸⁷ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 14.

⁸⁸ Tjallara Consulting Report, 22.

Another issue highlighted by ALSWA and discussed in Chapter 4 at 4.2.3 relates to deficiencies in the operation of the review process itself:

Case Study – ‘H’ stated that ‘...ALSWA wrote to the Commissioner of Police requesting that the Commissioner exercise his discretion and revoke the STEO. ALSWA did not receive a response.’⁸⁹

ALSWA also reported that ‘[p]eople subject to STEOs invariably do not know that they can apply to have the STEO revoked. Equally, police rarely, if ever, make it known at the time of serving the STEO, that an application can be made to revoke the order.’⁹⁰

As a right for a review is a fundamental procedural fairness aspect of the scheme, there must be significant improvements in the way it operates so that it is accessible to all. This is addressed by recommendation 3.

View that the PEP scheme is culturally unsafe and racist

The consultant recorded strong views that the scheme is culturally unsafe and racist, in its effect, in that it appears to prioritise the comfort and wellbeing of some groups while leaving Aboriginal people feeling less safe.

Participants expressed concern that ‘public safety’ is being pursued by pushing vulnerable Aboriginal people out of visible public areas rather than responding to harm in a fair and inclusive way.⁹¹ This has a compounding effect with ‘vulnerable Nyoongar/Aboriginal people being pushed out of central well-lit areas, to less populous areas that have less people around to observe what is happening and to potentially intervene if they are experiencing harm, i.e., help them.’⁹²

The consultant recorded that ‘Participants were... concerned that the PEP scheme is... a blunt instrument that unfairly penalises vulnerable Nyoongar/Aboriginal

people. They spoke at length about the misidentification of vulnerable people as potential threats to the public, when they should be viewed as people in need of care and support.’⁹³ The consultant recorded ‘a consistent view... that the high visibility of vulnerable Nyoongar/Aboriginal people as a result of their appearance, their way of being, their ways of expressing strong emotions such as joy through laughter, anger, and their distress... can place them at risk because of the predictive policing, racial profiling, and criminalisation of their presence that occurs through the PEP scheme.’⁹⁴

The consultant’s full report and stakeholder submissions are on our website.

A small, practical step

One small, practical step to help address the impact on Aboriginal people is to expand an existing requirement for police to notify the Custody Notification Service (CNS) when an Aboriginal person is taken into police custody. This should be formally broadened to include that the CNS be notified if a STEO is approved for an Aboriginal person while they are in custody.

The CNS could help ensure the person understands the STEO, the reasons they may enter a PEP area, and their right to seek a review. It would also help ensure police guidelines relating to Aboriginal people are properly applied.

Conclusion

The PEP scheme has a significant and disproportionate impact on Aboriginal people. There are significant barriers to understanding and complying with exclusions, that combine to reduce access to culturally safe essential services and increase the risk of further justice involvement. For Aboriginal people, these impacts may be intensified by historical and intergenerational trauma, and perceptions of racial bias in how the scheme operates.

⁸⁹ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 7-8.

⁹⁰ Aboriginal Legal Services of Western Australia Limited received on 12 January 2026, 15.

⁹¹ Tjallara Consulting Report, 15-17.

⁹² Tjallara Consulting Report, 16.

⁹³ Tjallara Consulting Report, 16.

⁹⁴ Tjallara Consulting Report, 19.

5.4 People experiencing homelessness

People experiencing homelessness are particularly affected by the PEP scheme. During the monitoring period, 20 per cent of all approved STEOs were issued to people experiencing homelessness. This view is consistent with stakeholder submissions, including from Legal Aid WA,⁹⁵ Street Law Centre WA,⁹⁶ Community Legal WA,⁹⁷ WA Justice Association,⁹⁸ and Youth Legal Services,⁹⁹ which identified people experiencing homelessness as being particularly affected by the scheme.

Impact on this group needs to be understood in the context of how they use public space and services

People experiencing homelessness are more likely to rely on public spaces and to need regular access to support services that are located within, or close to, PEP areas. This is especially the case in the Perth/Northbridge, Fremantle and Mandurah PEP areas, where there is a high concentration of food, housing, health, legal and other support services used by people experiencing homelessness. In practice, this means the scheme can affect not only where people can go, but also how easily they can access help they need.

Difficulty understanding and complying with exclusion orders

Stakeholder submissions described practical barriers that can make exclusion orders difficult for people experiencing homelessness to understand and comply with. These include losing their only paper copy of an order, misplacing the map of the PEP areas, difficulty remembering precinct boundaries, and literacy, cognitive or other barriers that affect a person's ability to understand their obligations. For people whose day-to-day circumstances are already challenging, these barriers can make compliance especially difficult.

Reduced access to essential support services

A consistent issue raised in stakeholder submissions is that some people may avoid PEP areas altogether because they are unsure about the conditions of their exclusion or fear further contact with police. This may happen even where the scheme allows them to enter a PEP area for a permitted purpose. The impact on people experiencing homelessness can be reduced access to food relief, housing assistance, health care, legal help and other essential services, and greater social isolation.

Further marginalisation and greater risk of criminalisation

Stakeholders also raised concerns that the scheme can deepen the marginalisation of people experiencing homelessness. Street Law Centre WA described a tension between the concentration of homelessness services in central city areas and the operation of the PEP scheme in those same areas, particularly in the Perth/Northbridge PEP. It said this can create a 'criminalisation cascade', where fear or confusion about exclusion conditions discourages people from accessing services and increases the risk of further contact with the justice system.¹⁰⁰ Other stakeholders similarly raised concerns that people experiencing homelessness may have nowhere else to go, may be separated from belongings or support networks, and may not seek legal help because of fear of police, low trust in the justice system, past negative experiences or lack of awareness of available remedies.

Conclusion

The PEP scheme has a significant impact on people experiencing homelessness. The main impacts are barriers to understanding and complying with exclusions, reduced access to essential support services, greater social exclusion and marginalisation, and an increased risk of further involvement in the criminal justice system.

⁹⁵ Legal Aid Western Australia received on 6 November 2025.

⁹⁶ Street Law Centre WA Inc. received 5 December 2025.

⁹⁷ Community Legal Western Australia received on 5 December 2025.

⁹⁸ WA Justice Association received on 5 December 2025.

⁹⁹ Community Legal Western Australia received 5 December 2025.

¹⁰⁰ Street Law Centre WA Inc. received 5 December 2025, 1.

5.5 People experiencing mental health conditions or cognitive impairments

People experiencing mental health conditions or cognitive impairments are also particularly affected by the PEP scheme. Recorded data from the monitoring period indicates that 8 per cent of all approved STEOs were issued to people identified as experiencing mental health conditions. Given the nature of mental health conditions and cognitive impairment, this cohort is likely to be under-recorded in the available data. Stakeholder submissions by Legal Aid WA,¹⁰¹ the Public Advocate,¹⁰² WA Justice Association,¹⁰³ the WA Association for Mental Health,¹⁰⁴ and Youth Legal Services¹⁰⁵ also raised concerns that the scheme has a disproportionate impact on people living with mental health conditions or cognitive impairments.

Impact on this group needs to be understood in the context of vulnerability and support needs

Stakeholders said that behaviour linked to distress, confusion, illness or difficulty communicating may sometimes be treated as anti-social or disorderly behaviour under the scheme. As expressed by Legal Aid, this creates a risk that exclusion orders may be used in circumstances where a support-focused or health-based response may be more appropriate.¹⁰⁶ Several stakeholders emphasised that people in this cohort may need access to assessment, treatment and support, rather than a punitive response.

Difficulty understanding and complying with exclusions

Stakeholders also described practical barriers to understanding and complying with exclusion orders. These include difficulty understanding the wording of the order, remembering the conditions, navigating precinct boundaries, and explaining lawful reasons for being in a PEP area. These barriers are particularly significant for people experiencing cognitive impairment or mental impairments and as expressed

by the Office of the Public Advocate, may increase the risk of breaches even where the person did not intend to do so or where the person may not be able to sufficiently communicate their permitted reason for being in a PEP area.¹⁰⁷

Reduced access to essential support services

A further concern raised in submissions is that the scheme may discourage people from entering precincts even when they need to access health, legal or community services located within or near those areas. Stakeholders said that increased police presence can itself heighten distress for some people, and that fear or confusion about exclusion conditions can deter people from seeking support. This may reduce access to services at the very time those services are most needed.

Greater risk of further criminalisation

Stakeholders also raised concern that the scheme may contribute to further criminal justice involvement for people with mental health conditions or cognitive impairments. This can occur where a person enters a PEP area for a lawful purpose but is unable to explain that purpose to police, or where they do not fully understand the terms of their exclusion. The Office of the Public Advocate highlighted the risk that a person may be charged with a breach while trying to access essential services, including the Office's own services. Other stakeholders said the scheme can compound criminalisation, disadvantage and exclusion for people who are already vulnerable.

Conclusion

The PEP scheme has a disproportionate impact on people experiencing mental health conditions or cognitive impairments. The main impacts identified are barriers to understanding and complying with exclusions, reduced access to essential support services, and an increased risk of further involvement in the criminal justice system. For some people, these impacts may be compounded by distress, impaired communication, and fear of police contact.

¹⁰¹ Legal Aid Western Australia received on 6 November 2025.

¹⁰² Office of the Public Advocate received on 26 November 2025.

¹⁰³ WA Justice Association received on 5 December 2025.

¹⁰⁴ Western Australian Association for Mental Health received 15 January 2026.

¹⁰⁵ Community Legal Western Australia received 5 December 2025.

¹⁰⁶ Legal Aid Western Australia received on 6 November 2025.

¹⁰⁷ Office of the Public Advocate received on 26 November 2025.

Conclusion: The scheme's impact on particularly affected communities

On the evidence presented, the principal impacts identified for Aboriginal people, people experiencing homelessness and mental health conditions or cognitive impairments are:

Greater social exclusion and marginalisation

Exclusions can cut people off from places and essential services that they rely on for safety, connection, or support, increasing their isolation and disadvantage.

Higher risk of further justice involvement

Exclusion orders can be difficult to comply with as they are communicated in legalistic language, supported by unclear maps, and provided in only one physical copy. These barriers are particularly significant for people with limited literacy, comprehension difficulties or cognitive impairment, increasing the risk of repeated breaches. Because each breach is an arrestable offence that carries a criminal penalty, the scheme can contribute to vulnerable people becoming further entrenched in the criminal justice system.

Further, a lack of awareness of the scheme, such as permitted reasons for entering a PEP area or seeking a review of their exclusion, risks missing critical opportunities for the person to seek available legal remedies under the scheme.

Reduced access to essential support services

People may avoid PEP areas altogether because they are unsure about their exclusion conditions or fear police contact. This can reduce access to vital support services located in or near precincts, including health, legal, housing or other supports; further compounding their disadvantage.

Additional impacts on Aboriginal people

Exclusion under the PEP scheme can echo historical control over movement and re-trigger or compound personal and intergenerational trauma amongst Aboriginal people, make them feel less safe and further undermine trust in public institutions.

Recommendations

Recommendation 6

All exclusion orders, notices, and explanations should be in plain English so excluded individuals can understand their rights and obligations. Documents and explanations must also specify and convey the permitted reasons for visiting a protected entertainment precinct during an exclusion.

Recommendation 7

Consistent with the Commissioner of Police's guidelines, the Commissioner should ensure that if a short-term exclusion order is approved for an Aboriginal person who is in custody, that officers also notify the Custody Notification Service of the approval.

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Appendix 1: Terms used in this report

Aboriginal people	Aboriginal and Torres Strait Islander people
ALSWA	The Aboriginal Legal Service of Western Australia
Act	<i>Liquor Control Act 1988</i> (WA)
AHA	Australian Hotels Association WA
Bill	Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022
Consultant	Tjallara Consulting Pty Ltd;
CNS	Custody Notification Service established under Part VII of the <i>Police Force Regulations 1979</i>
Defences	Defences to a charge of breaching an exclusion. Set out in section 152NZK of the Act
Department	Department of Local Government, Industry Regulation and Safety. Operating prior to 1 July 2025 as the Department of Local Government, Sport and Cultural Industries.
Director	Office of the Director of Liquor Licensing
EEO	Extended exclusion order
Automatic excluded offender	A person convicted of a specified offence committed in a public place and in a PEP area. Defined in section 152NZJ of the Act
Exclusion order	STEO or EEO
Guidelines	Commissioner's STEO guidelines as required by section 152ND of the Act
Minister	Minister for Racing and Gaming
Monitoring period	The first three years of the PEP scheme operating, commencing from 24 December 2022
PEP	Protected entertainment precincts
PEP areas	Protected entertainment precincts areas
Police Commissioner	Commissioner of Police
Regulations	<i>Liquor Control Regulations 1989</i> (WA)
RGL	Racing, Gaming and Liquor unit in the Department
Secure webpage	Webpage provided for in sections 152NZC and 152NZT of the Act
STEO	Short-term exclusion order
WA Police	Western Australia Police Force

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Appendix 2: Public survey

OMBUDSMAN WESTERN AUSTRALIA

PERCEPTIONS OF PUBLIC SAFETY IN PROTECTED ENTERTAINMENT PRECINCTS (PEP)

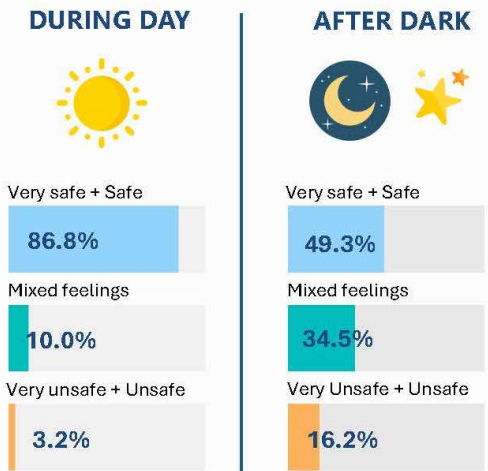


WHO WE ASKED

- 500 community members across Greater Metro Perth (online survey)
- 500 in-person interviews in PEPs
 - 200 Perth/Northbridge PEP
 - 75 interviews each in the Fremantle, Hillarys, Mandurah & Scarborough PEPs.



PERCEPTION OF SAFETY – DAY TIME VS. AFTER DARK



www.researchsolutions.com.au



AWARENESS AND UNDERSTANDING OF PEPs

8.4% able to give a reasonable description of a PEP

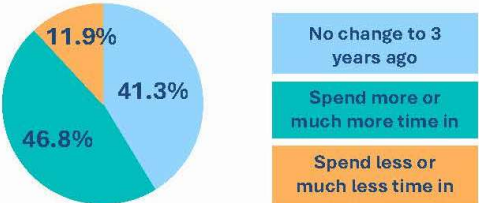
PERCEPTION OF SAFETY TODAY VS. 3 YEARS AGO



ARE PEPs MORE WELCOMING THAN 3 YEARS AGO



DO PEOPLE WANT TO SPEND MORE TIME IN A PEP



Perceptions of public safety in Protected Entertainment Precincts (PEPs)

SUMMARY

The Ombudsman WA engaged Research Solutions to provide it with an understanding of community perceptions of personal safety in Protected Entertainment Precincts (PEPs), as part of its report on the operation of the PEP scheme.

The PEP scheme, established in December 2022 by legislative amendments to the *Liquor Control Act 1988*, allows authorities to ban people who behave in a violent, threatening or antisocial way from designated PEP areas.

The five PEP areas are:

- Perth CBD and Northbridge
- Fremantle town centre and waterfront
- Scarborough foreshore
- Hillarys around the Boat Harbour
- Mandurah town centre and foreshore

Our study looked at whether people:

- Have heard of and know what a PEP is
- Felt safe in these areas
- Think things have changed since PEPs were introduced in December 2022

1. Who took part

The information was gathered from two surveys, and 1,000 people took part:

- A representative sample of 500 adults from across greater metropolitan Perth completed an online survey.
- A sample of 500 people were interviewed in person while visiting one of the PEP areas. 200 interviews in Perth CBD/Northbridge (representing the larger size) and 75 interviews each in the remaining PEPs.

This approach allowed the research team to hear from both the general community and people who were spending time in these locations.

2. What do people know about PEPs?

Very few survey participants (0.7%) could name or describe a PEP without being prompted. When asked directly, 22.5% said that they had heard of a PEP. However, only 8.4% of all participants could clearly explain what a PEP is.

These people described a PEP as:

- Safe zones with extra protection
- Areas where people can be banned for unlawful behaviour
- Places with stronger police powers
- Areas focused on nightlife and hospitality

In short, while some survey participants had heard of PEPs, most did not fully understand what they were or how they operated. This was true across all demographics.

3. How safe do people feel?

During the day

Most survey participants felt safe in PEP areas during the daytime; 86.8% said they felt safe or very safe during the day. This percentage was similar amongst all five PEPs.

After dark

Feelings were more mixed at night. About half (49.3%) of survey participants said they felt safe or very safe after dark. At the same time, 16.2% said they felt unsafe or very unsafe after dark.

People interviewed inside PEPs tended to feel safer overall than those surveyed online. The Scarborough foreshore stood out as being rated safer at night than other PEP locations.

4. Have perceptions of safety changed since PEPs were introduced?

Participants were asked to compare how safe they feel now to three years ago (before PEPs were introduced). Almost all survey participants (83.8%) believed their local PEP was either just as safe or safer than it was three years ago. One in four (25.0%) said they felt safer or much safer. However, 16.2% believe the area was less safe than before. Perceptions of safety were similar in all five PEPs.

Why do some people think PEPs are safer?

Common reasons included:

- Greater police presence and more security
- The areas have become busier with more visitors and residents around
- Less antisocial behaviour
- More family-friendly environments
- Better lighting

Survey participants who clearly understood what a PEP was, were more likely to say they feel safer than before the introduction of PEP three years ago. In other words, awareness and understanding appeared to influence perceptions.

Why do some think PEPs are less safe?

Those who felt safety had declined mentioned:

- More antisocial behaviour
- More substance-affected behaviour
- Increased crime or violence
- Youth-related issues
- Reduced visible security

Are PEPs more welcoming?

A significant number of survey participants (41.9%) felt that PEP areas have become more welcoming over the past three years. Only 13.5% believed they had become less welcoming

Mandurah town centre and foreshore received the most responses as having become more welcoming, while Fremantle town centre and waterfront were identified as the PEP, which was the least friendly and welcoming.

Do people want to spend more time in the PEP?

Survey participants were evenly divided between those who had wished to spend more time in the PEP (46.8%) and those who had expressed no desire to change the time they spent in the PEP compared to three years earlier (41.3%). Scarborough foreshore stood out, with the majority of survey participants who commented on this PEP expressing interest in having spent more time there.

5. Why do people visit these areas?

Most survey participants visited PEPs:

- To eat or drink (lunch, dinner, coffee)
- To enjoy the atmosphere
- To meet friends or family

Many visitors attended with friends or colleagues, especially in the evenings and on weekends. Families with children were also common visitors, particularly among adults aged 35 – 54.

Most participants were regular visitors or lived/worked in close proximity to a PEP. Almost 70% of survey participants visited a PEP at least once a month, and many attend weekly or more often.

6. Overall conclusions

The findings of the study are definitive as follows:

- (1) **Most people felt safe during the day in a PEP**, but safety concerns increase after dark.
- (2) **The majority believed that their personal safety had stayed the same or improved** since PEPs were introduced.
- (3) **Understanding of PEPs was low**, and greater awareness appears linked to feeling safer.
- (4) **Many people saw PEP areas as becoming more welcoming**, particularly Mandurah and Scarborough, and **almost half would like to spend more time in these areas**.

Appendix 3: Stakeholder consultation

We invited the following stakeholders, including peak body organisations, to provide a written submission on their views and experience with the PEP scheme:

- Aboriginal Legal Services Western Australia
- Alike WA
- Australian Hotels Association (WA)
- City of Fremantle
- City of Joondalup
- City of Mandurah
- City of Perth
- City of Stirling
- Commissioner for Children and Young People
- Community Legal WA
- Fremantle Chamber of Commerce
- Fremantle Liquor Accord
- Headspace Mandurah
- Hillarys Boat Harbour Lessees
- Hillarys Boat Harbour Management - CygnetWest
- Legal Aid WA
- Liquor Commission
- Mandurah Liquor Accord
- Mental Health Commission WA
- Office of the Public Advocate
- Peel Chamber of Commerce
- Perth City Liquor Accord
- Perth Inner City Youth Service
- Public Trustee
- Ruah Community Services
- Scarborough Liquor Accord
- Scarborough Beach Association
- Shelter WA
- St Bartholomew's House Inc
- St Patricks Community Support Centre
- Street Chaplains
- Street Law Centre
- The Justice Reform Initiative
- The Law Society of Western Australia
- The Nyoongar Outreach Service
- The Salvation Army Perth Community Support Service
- The WA Justice Association
- WA Association for Mental Health
- WA Council of Social Service
- WA Network of Alcohol and other Drug Agencies
- Youth Affairs Council of WA
- Youth Legal Services

The following stakeholders provided a written submission, with some peak organisations incorporating the views of their members:

- Aboriginal Legal Services Western Australia
- Australian Hotels Association (WA)
- City of Fremantle
- City of Joondalup
- City of Mandurah
- City of Stirling
- Commissioner for Children and Young People
- Community Legal WA – also submitting the views of:
 - Youth Legal Services
- Fremantle Chamber of Commerce
- Legal Aid WA
- Mental Health Commission WA
- The Nyoongar Outreach Service
- Office of the Public Advocate
- Peel Chamber of Commerce
- Street Law Centre
- The WA Association for Mental Health – also submitting the views of:
 - St Bartholomew's House Inc
 - St Patricks Community Support Centre
 - Ruah Community Services
 - Perth Inner City Youth Service
 - St Vincent de Paul
 - Uniting WA
 - Mission Australia
 - The Beacon (Salvation Army)
- The WA Justice Association – also submitting the views of:
 - Shelter WA
 - Vinnies WA
 - Consumers of Mental Health WA
- WA Network of Alcohol and other Drug Agencies

Tjallara Consulting Pty Ltd was commissioned to consult with Aboriginal organisations and representatives. Tjallara Consulting Pty Ltd provided a thematic analysis of the consultation with these organisations and representatives.

Tjallara Consulting Pty Ltd report and all submissions are available on our website.

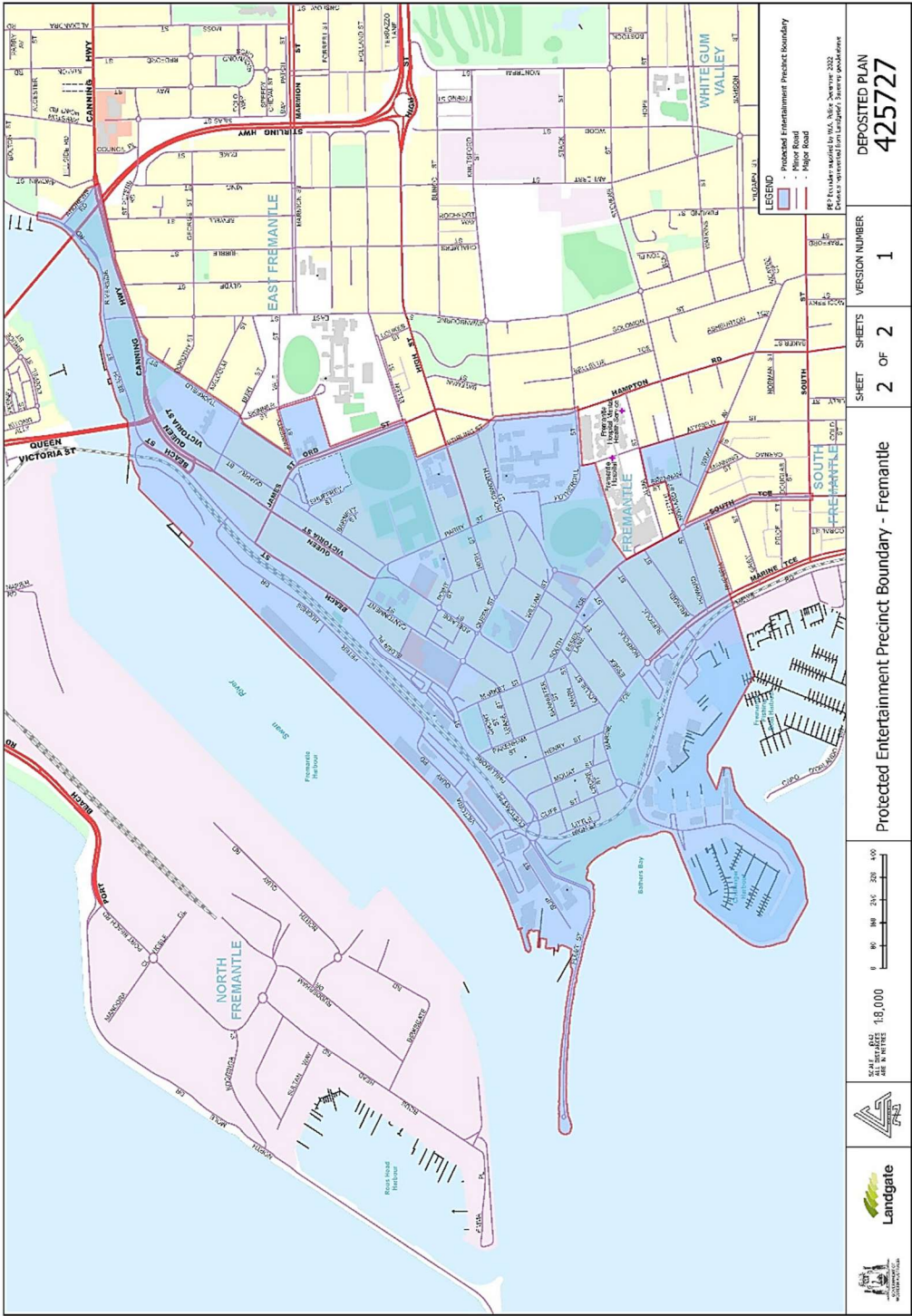
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Appendix 4: Maps of PEP areas

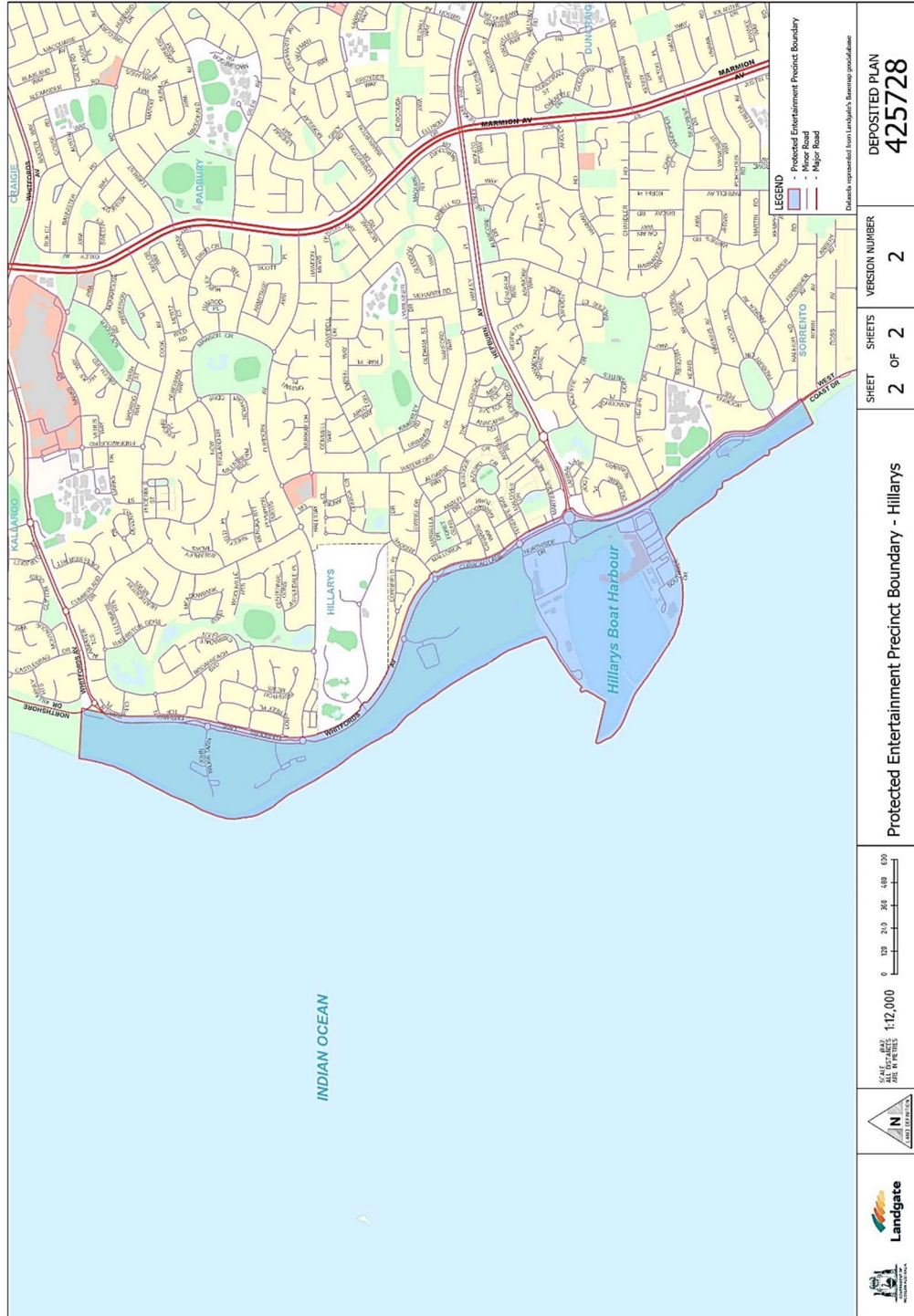
The following PEP areas are prescribed in reg 28 of the Regulations. Schedule 4 of the Regulations contain the maps of the PEP areas and are as follows as at 31 December 2025.

The PEP areas are indicated in blue shading.

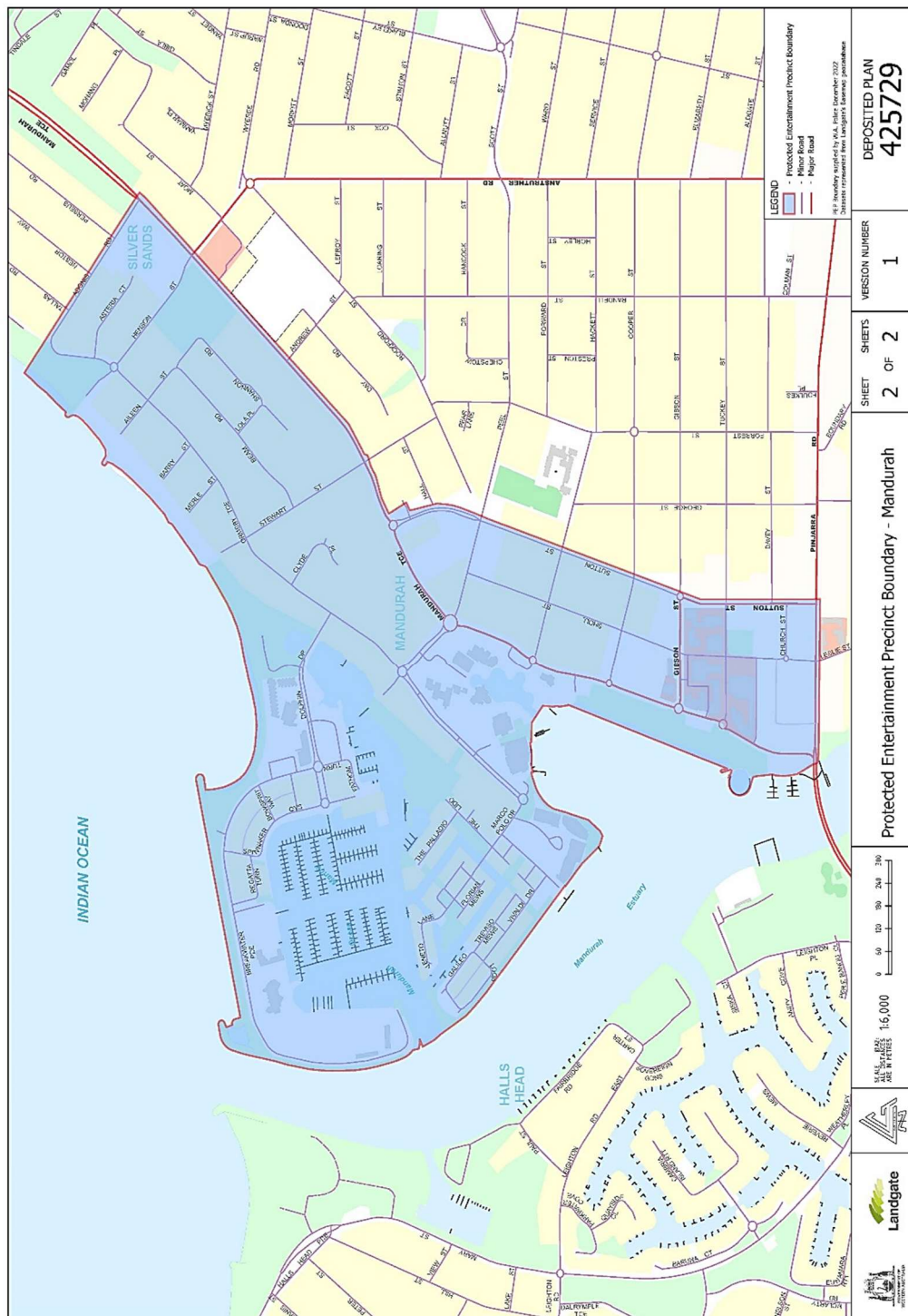
Fremantle PEP area:



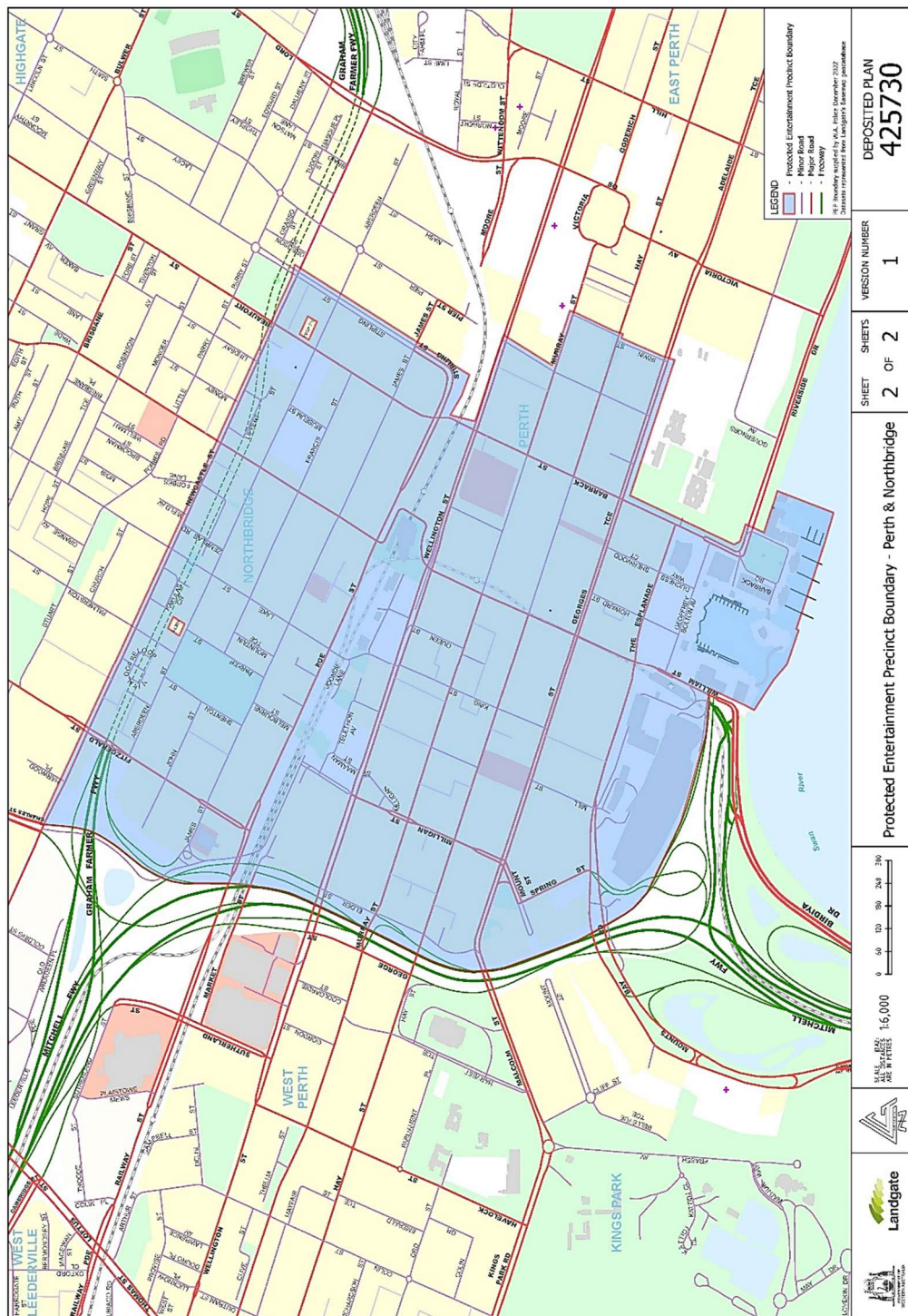
Hillarys PEP area:



Mandurah PEP area:

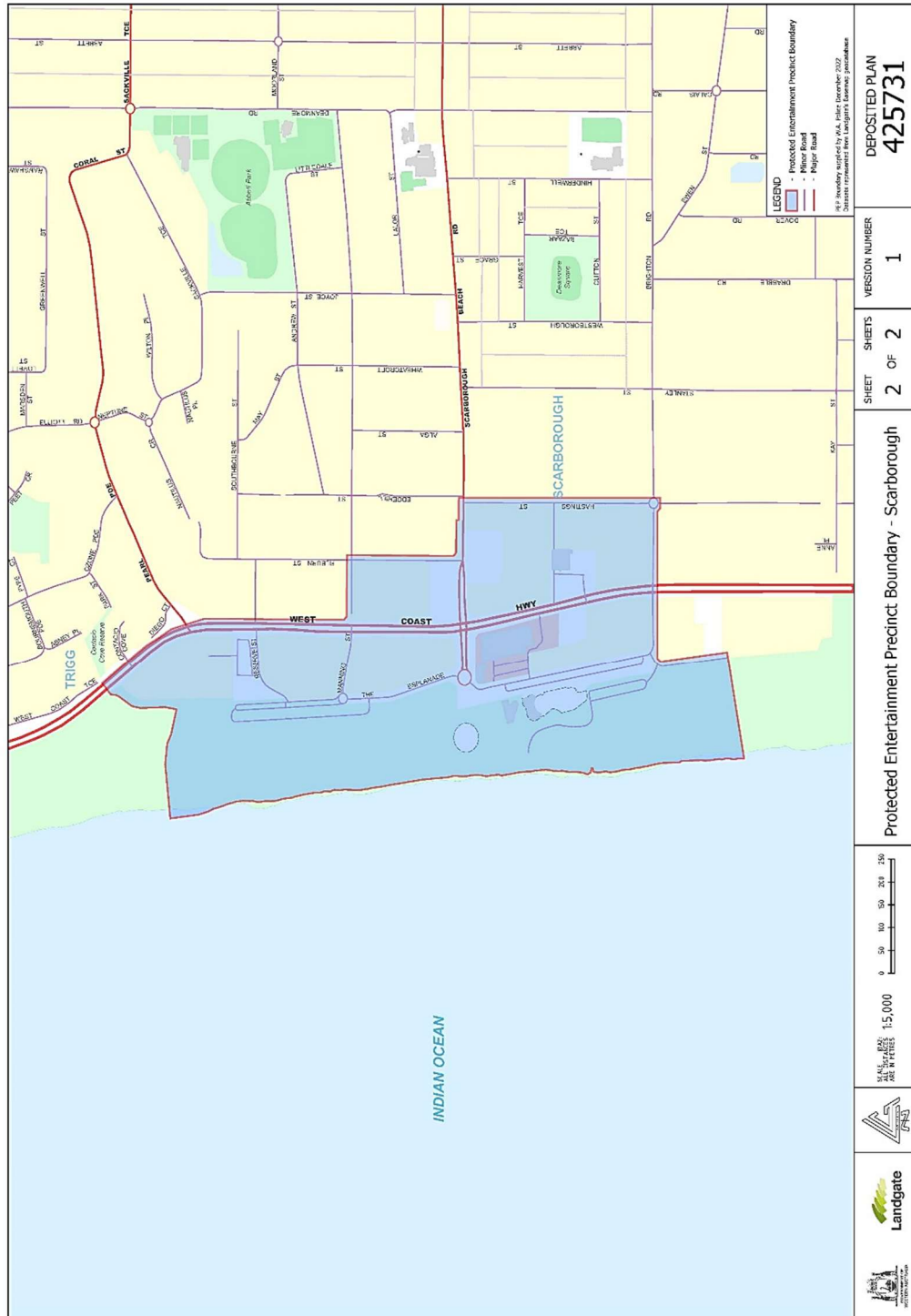


Perth/Northbridge PEP area:



			Protected Entertainment Precinct Boundary - Perth & Northbridge		SHEET	2 OF 2	VERSION NUMBER	1	DEPOSITED PLAN 425730

Scarborough PEP area:



Appendix 5: Summary of defences contained in section 152NZK of the Act

Section 152NZK of the Act sets out a range of defences that may apply if a person is charged with a breach of a STEO, EEO or their exclusion as an automatic excluded offender. These are summarised below and require the person to prove that they were:

1. at their ordinary place of residence;
2. at another person's place of residence if —
 - a. they were the sole carer of the other person and there solely to provide care to them; and
 - b. it was necessary for them to be there to provide the care;
3. engaging in a lawful occupation, trade or profession;
4. attending an educational institution to;
 - a. take part in secondary education or a registered higher education course or an approved vocational education and training course; and
 - b. it was necessary for the person to be in the PEP to take part in the course;
5. receiving a health service or social welfare service and it was necessary in the circumstances for them to be in the PEP to receive the service;
6. obtaining a health service or social welfare service for a person for whom they are the sole carer and it was necessary in the circumstances for them to be in the PEP to obtain the service;
7. receiving legal advice and it was necessary in the circumstances for them to be in the PEP to receive the advice;
8. in custody;
9. complying with a written law, an order made by a court or tribunal, or any other order, direction or requirement made under a written law;
10. appearing before a court or tribunal;
11. attending a religious service and it was necessary in the circumstances for them to be in the PEP to attend a religious service of that kind;
12. a member of a union, undertaking activities for the purposes of the union and it was necessary in the circumstances for them to be in the PEP to undertake the activities;
13. an Aboriginal person or a Torres Strait Islander fulfilling a cultural practice or obligation of the customary laws or traditions of their community and it was necessary in the circumstances for them to be in a PEP to fulfil the practice or obligation;
14. undertaking permitted travel in relation to the PEP. Permitted travel involves travelling through the PEP area or accessing a mode of transport in the PEP area for the sole purpose of:
 - a. getting to a place or doing a thing identified above; or
 - b. transiting through the PEP, taking the most direct route possible; and
 - c. not stopping unnecessarily in the PEP or remaining in the PEP for any other purpose.





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