

MEDIA RELEASE

Protected Entertainment Precincts scheme

Background

The Protected Entertainment Precincts (PEP) scheme was introduced in December 2022 to improve amenity and public safety in Perth, Fremantle, Scarborough, Hillarys and Mandurah.

The scheme requires people who have committed certain unlawful acts to be banned from entering those precincts for five years. It also equips Police with discretion to impose shorter term exclusion orders of up to six months.

Parliament required the Ombudsman to independently examine and report on the scheme after three years of operation, including its impact on any groups particularly affected.

The review process included inspecting records, consultation with stakeholders, including local governments, business associations and organisations representing vulnerable groups. A perception survey of 1000 people was also conducted.

The Ombudsman's first report was recently tabled in Parliament by the Minister for Racing and Gaming and is now available on the Ombudsman's website.

Findings and comments attributable to the Ombudsman

The review found that most survey respondents felt safety in PEP areas had improved or remained unchanged since the scheme began, with a net 9% of respondents saying they felt safer than three years ago. Scarborough and Mandurah were especially viewed as more welcoming.

Although perceptions had improved the Ombudsman said firm conclusions could not be made because perceptions of safety are influenced by a range of factors, including streetlighting, streetscapes, well planned community events, the extent of CCTV coverage and visible police presence.

"While it is good that some people feel safer and more welcome, the available evidence does not show those changes can be attributed solely to the PEP scheme," said Mr Warner.

The review also found that WA Police often applied short-term exclusion orders without sufficient consideration of individual circumstances. It also identified errors in manual systems used by the Director of Liquor Licensing for identifying who should be excluded.

"Any new scheme will have teething problems, but it is important these weaknesses are fixed," Mr Warner said.

Western Australian Ombudsman, Bevan Warner, said the report highlighted the need to balance public safety with fairness and accountability.

"The scheme is intended to improve public safety, but our review found some in our community are carrying a much greater burden than others," he said.

When authorities have the power to restrict where people can go and who they can see, every decision needs to be fair and based on individual circumstances.

Aboriginal people are among those most affected, with some describing the scheme as retraumatising and reminiscent of past exclusion practices.

The review found Aboriginal people received 41.6 per cent of approved short-term exclusion orders despite representing 3.3 per cent of Western Australia's population.

It also found people experiencing homelessness and people living with mental health conditions or cognitive impairment were more likely to be subject to exclusion orders.

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

The Ombudsman made seven recommendations aimed at improving the fairness, integrity and operation of the scheme. The recommendations focus on:

- ensuring short-term exclusion orders are tailored to each person's circumstances
- improving review processes and access to information
- strengthening administrative systems and reducing errors
- improving communication with people affected by exclusion orders
- strengthening safeguards for Aboriginal people affected by the scheme.

"Our recommendations are designed to help ensure the scheme operates fairly, lawfully and as Parliament intended," Mr Warner said.

WA Police and the Director of Liquor Licensing have committed to addressing the issues identified in the report. The Ombudsman will continue to monitor the operation of the scheme and report on progress in future reviews.

ENDS

Resources

<https://ombudsman.wa.gov.au/publications-resources/implementation-protected-entertainment-precincts-scheme-december-2022>

Media contact

Lindon McKenna
9220 7555
media@ombudsman.wa.gov.au