



# Inquiry into the Esther Foundation and unregulated private health facilities

Submission to the Legislative Assembly Education and Health Standing Committee

Centre for Women's Safety and Wellbeing

**10 June 2022**

## About the Centre for Women's Safety and Wellbeing

The Centre for Women's Safety and Wellbeing is the leading voice for women and children affected by gender-based violence in Western Australia and the peak body for domestic, family and sexual violence services and community based women's health services in WA.

The Centre for Women's Safety and Wellbeing (the Centre) works to prevent domestic, family and sexual violence against women and their children; promote women's health and wellbeing; and advance gender equity. The Centre works to ensure that the evidence is taken up in policy and practice to further the safety, health and wellbeing of women and their children. We advocate for systems and structures that enable and support the safety, wellbeing and economic security of women.

The Centre for Women's Safety and Wellbeing also promotes non-violent and respectful attitudes and behaviours towards women and girls in the broader community, and community responsibility for violence prevention.





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Dear Ms Parsons and Committee Members

**RE: Inquiry into the Esther Foundation and unregulated private health facilities**

The Centre for Women's Safety and Wellbeing welcomes the opportunity to make a submission to the Legislative Assembly Education and Health Standing Committee on its inquiry into the Esther Foundation and unregulated private health facilities. The inquiry is an important response to the deeply concerning complaints and allegations of sexual abuse, psychological abuse, and other forms of mistreatment that have been publicly raised by former residents, staff, and volunteers.

Experiences of abuse and mistreatment in any context are a violation of human rights. The Esther Foundation, a faith-based residential treatment and recovery facility for young women, provided services for marginalised women, many of whom with previous experiences of trauma. The public allegations and complaints raised against the Esther Foundation indicate that the Foundation was potentially responsible for retraumatisation and additional experiences of trauma for women engaged with the service. The compounding, long-term impacts on women's health and wellbeing of multiple trauma experiences is well documented. There is an added imperative to ensure women with experiences of trauma are able to access services that are safe, effective, evidence based and ideally trauma informed to ensure service provision meets their needs and supports their healing.

As the Centre has not been directly involved with the Esther Foundation, has no direct contact with women who have raised complaints and allegations, and has no explicit knowledge of the actions taken by the Esther Foundation to address the concerns, we cannot provide detailed evidence related to these specific items in the Terms of Reference. However, we welcome the opportunity to make a submission to the inquiry.

It is important that the personal experiences of former residents, staff, and volunteers are central to the considerations of the inquiry. Based on the complaints and allegations that are currently available publicly, we encourage the inquiry to ensure the considerations attempt to establish how the alleged abuse and mistreatment was able to go undetected ostensibly for many years.





In addition to considering the adequacy of the actions taken by the Esther Foundation in response to concerns, we urge the inquiry to consider if and when complaints or concerns had been raised previously. Attempts should be made to establish who any previous complaints were raised with and what actions were taken, including who else the complaints were communicated to. Review of the process and experience of previous complaints will be important foundational findings for any review of regulatory provisions. Clear processes for people to raise complaints or concerns about public and private health and community services are necessary to support accountability and ensure timely, appropriate actions are taken. These processes should be well understood by consumers, accessible, trauma informed, widely promoted and with information easily available.

We are heartened to see the [message to former residents, staff, volunteers and families involved with the Esther Foundation](#) released by the Committee which recognises the barriers to participation in the inquiry process. Providing an ongoing opportunity for people to make a submission in a format that is most appropriate for them has the potential for more people to engage with the inquiry. However, it is vital to recognise that even with these positive measures in place, there is likely to be a significant number of people who choose not to make a submission due to their experiences of trauma. It is likely that the submissions received by the inquiry underrepresent the number of women who had traumatic experiences with the Esther Foundation and the people who have been impacted by the complaints and allegations.

It is understood that while the Esther Foundation has most recently received funding from the Australian Commonwealth Government, the service has been operating on sites supported by the Western Australian Government through funded renovations and a peppercorn lease. State Government agencies are also understood to have made referrals to Esther Foundation facilities. The Centre welcomed the immediate suspension of State Government dealings with the Esther Foundation. We believe it is important that the State Government agencies assessment process to identify appropriate referral pathways for marginalised women is considered for review. We would also encourage the inquiry to consider the communication requirements and pathways between the Australian Commonwealth Government and the State Government regarding complaints received about federally funded services operating in Western Australia.

The safety of women engaging with services must be ensured. The examination of the existing regulatory and legislative frameworks as part of the review is welcomed. Legislative and regulatory frameworks are important in guaranteeing the safety and accountability of services that are provided to the community and must be fit for purpose. All people seeking treatment and support from services deserve and are entitled to safety, respect, and high quality, trustworthy services, regardless of the service funding arrangements.

As the focus of the current inquiry is likely to appropriately be on the complaints and allegations from former residents, staff and volunteers; the actions taken in response to any





previous complaints by any complaint receivers; and the adequacy of actions taken by the Esther Foundation to address concerns, there may be a need for further consideration of regulatory and legislative frameworks for unregulated health services. Meaningful consideration of regulatory and legislative frameworks should include:

- Broad sector consultation with clear and accessible Terms of Reference
- Consideration of principal regulatory strategies and mechanisms for health and social care governance- command and control; meta-regulation, self-regulation and voluntarism; market mechanisms
- Examination of effective quality models of regulation from domestic and international contexts and novel and innovative strategies
- Role and scope of practice of unregulated health workers

The Centre understands that this broader consideration of regulatory and legislative provisions, which constitutes significant review, is likely to be outside the scope of the current inquiry.

The Centre would like to acknowledge the strength of victim-survivors using their voice to powerfully advocate for women's safety. Our thoughts are with the women sharing their stories and all who have been impacted.

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