

Hon Chris Tallentire MLA
Chair
Education and Health Standing Committee
By email: laehsc@parliament.wa.gov.au



Dear Mr Tallentire,

Thank you for the opportunity to provide a submission to this inquiry. This inquiry represents an important step towards addressing the harm caused by the Esther Foundation and looking towards the policy and legislative responses needed to ensure this never happens again.

We have collaborated with Ending Conversion Practices WA to provide a submission that is informed by our knowledge around the needs of LGBTIQ+ young people in the community support service system with the knowledge of conversion practice survivors on the necessity of a specific conversion practices response to this issue.

We strongly believe all LGBTIQ+ young people have the right to enter any service and have their identity affirmed and receive evidence-based care. We hope this inquiry can bring us closer to that reality.

Should you have any questions, the Youth Pride Network can be reached at charlotte@yacwa.org.au or 9227 5440.

Kind Regards,

A handwritten signature in black ink, appearing to read 'C. Glance', with a light grey dotted background behind it.

Charlotte Glance
Policy and Project Coordinator
Youth Pride Network

1 June 2022



Chris Tallentire MLA
Chair
Education and Health Standing Committee
By email: laehsc@parliament.wa.gov.au

Dear Chris

Submission to inquiry into the Esther Foundation

Ending Conversion Practices WA (ECPWA) would like to thank you for the opportunity to provide a submission to the inquiry into the Esther Foundation and unregulated private health facilities. Allegations relating to the conduct of the Esther Foundation are deeply concerning, particularly claims relating to conversion practices directed towards young and vulnerable LGBTQA+ people.

ECPWA have joined with the Youth Pride Network to provide a submission to the Education and Health Standing Committee. It is a good outcome that the Committee is conducting this inquiry, which acknowledges some organisations can provide healthcare with little or no regulation. The absence of effective policy and regulation in relation to LGBTQA+ conversion practices can leave the door open for people to be exposed to proven harms and trauma caused by such practices.

In response to the conduct of Esther Foundation, ECPWA would like the WA Government to urgently implement survivor-led reforms detailed in the [SOGICE Survivor's Statement](#). Some relevant recommendations of this statement include:

- An inquiry into the extent and prevalence of the ex-gay/ex-trans/conversion movement in the experience of LGBTIQ+ Australians.
- Regulatory and legislative enforcement of the directives of Australian peak psychological and health bodies that prohibit the use of conversion practices by mental health professionals, including social workers, unregistered and registered health professionals, teachers and other professionals.
- Greater powers for health complaints and consumer affairs authorities to support the sufficient investigation of all claims of conversion practices.

- A public health and awareness campaign to explicitly target those at risk of the movement's influence and refute its key messages and assertions.
- Modification of legislation to classify as vilification the assertion that trans, gender diverse, and same-sex attracted Australians are inherently disordered.
- Protection of young Australians from SOGICE and the ex-gay/ex-trans/conversion movement's practices and ideology.
- Inclusion of compulsory content and clauses that systematically refute the ideology and practices associated with the conversion movement, with associated audit controls, in all tertiary courses that contain a counselling component.
- Implementation of licensing and standards for counsellors through a government regulator to protect LGBTQA+ Australians from conversion practices.
- Tighter regulation to prevent the promotion, broadcast and advertising of conversion practices and ideology.
- Funding for LGBTIQ+ and mental health organisations to boost public awareness of the conversion movement and support survivors.
- Australian Governments must issue statements that clearly address and condemn the damaging ideology behind the ex-gay/ex-trans/conversion movement and sexual orientation and gender identity change efforts.
- Applied research into specific faith and culturally diverse communities to develop culturally appropriate, evidence-based interventions that will raise awareness about the harm caused by conversion practices and support the development of best practice spiritual care for LGBTQA+ people.
- A Redress Scheme for survivors of the LGBTQA+ conversion movement should be implemented to support survivors with costs such as psychological support for recovery, as well as compensation for suffering.

Should you have any queries in response to our submission please contact ECPWA at 0413 732 260 or endingconversionpracticeswa@gmail.com.

Yours sincerely



Mark Fallows - Chair



Inquiry into the Esther Foundation and unregulated private health facilities

Education and Health Standing Committee

Joint Submission from:

Youth Pride Network
Ending Conversion Practices WA

Youth Pride Network

The Youth Pride Network is an LGBTIQ+ youth advocacy group working towards a Western Australia where LGBTIQ+ young people are accepted, included and celebrated by their communities.

Ending Conversion Practices WA

Ending Conversion Practices Western Australia is a coalition of survivors, LGBTIQ+ advocates and faith leaders working towards a Western Australia where LGBTIQ+ people can be safe from harms caused by conversion practices and ideology, and instead be able to embrace their gender, sexuality and individuality.

Executive Summary

This submission addresses the allegations of the delivery of conversion practices by the Esther Foundation to their clients.^{1 2 3 4} Given the significant evidence that demonstrates the harm of conversion ideology, and the efficacy of affirmative practice for LGBTIQ+ communities, it is clear that no service that subscribes to conversion ideology and delivers conversion practices can be considered therapeutic, evidence-based or safe. Services engaging in these practices can cause great harm, and governments should take steps to ensure that no such services should be allowed to operate.

However, the State Government currently does not have the requisite powers to investigate and address conversion practices and similar abusive practices when they occur in services that do not receive direct Government funding. Additionally, the State Government does not currently have the expertise to be able to ensure they are referring LGBTIQ+ people to safe and appropriate services - as demonstrated by evidence of government agencies providing referrals to the Esther Foundation. This raises significant concerns as to the potential for these practices to continue to occur unchecked in other rehabilitation, mental health and health services that are faith-based, unaccredited and not using evidenced based practices.

In order to ensure that no other vulnerable people are harmed by conversion practices being delivered in similar facilities, Youth Pride Network and Ending Conversion Practices WA make the following recommendations:

1. Implement comprehensive conversion practices legislation in line with the SOGICE Survivor Statement, with particular focus on the civil response scheme;
2. Improve procurement and referral processes in line with YPN's State of Play report;
3. Ensure conversion practices and ideology is in scope of the implementation of the National Principles for Child Safe Organisations in WA, including education and upskilling for community organisations to promote LGBTIQ+ inclusive practice; and
4. Fund psychological support for survivors of Esther House as well as conversion practice survivors generally.

These recommendations will provide the requisite powers and knowledge for the State Government to ensure that other facilities delivering conversion practices can be discovered and comprehensively addressed.

¹ Report: Echo Newspaper, 'Esther Foundation Survivor Criticises Abuse Handling', available from: <https://echonewspaper.com.au/esther-foundation-survivor-criticises-abuse-handling/>

² Report: The West Australian, 'The Esther Foundation, What really went on at Perth church rehab accused of abuse', available from: <https://thewest.com.au/features/the-sunday-times-long-reads/the-esther-foundation-what-really-went-on-at-perth-church-rehab-accused-of-abuse-c-6581206>

³ Report: Crikey, 'Esther House - it was disgusting how girls were treated', <https://www.crikey.com.au/2022/02/16/esther-house-disgusting-how-girls-treated/>

⁴ Report: The Project TV 3/ 4 /22, available from: https://www.youtube.com/watch?v=uUlijrw_KeY

Allegations of Conversion Practices at Esther House

Survivors of the Esther Foundation (also known as 'Esther House') have disclosed experiences of conversion practices at the service, the horrific details of which are available in news reports.^{5 6 7 8} The Youth Pride Network (YPN) has also been made aware of these experiences through confidential disclosures from young people.

LGBTQA+ people accessed Esther House in order to receive treatment for alcohol and drug related problems, not to receive these practices.⁹ The Esther Foundation did not advertise that it provided conversion practices or subscribed to conversion ideology. While accessing the facility LGBTQA+ people were subjected to these practices non-consensually in place of actual support or treatment for drug and alcohol issues.

In order to fully understand the impacts of these practices it is necessary to understand conversion ideology as well as current research and consensus on conversion practices.

Harmful Impacts of Conversion Ideology and Practices

The SOGICE Survivor Statement is the leading international survivor-led voice on conversion practices.¹⁰ It has been developed by survivors of conversion practices who are experts on the modern practices and the necessary policy responses.¹¹ The statement outlines the difficulty in identifying often diverse conversion practices without a comprehensive understanding of the conversion ideology that underpins them.¹²

This ideology can be summarised as:

- All humans are born with the potential to be heterosexual people whose gender identity reflects their sex assigned at birth
- That same sex attraction or trans or gender diverse identity is a result of halted or stunted development due to one or several factors including: abuse, neglect, inappropriate parenting dynamics, social influence or spiritual issues (including demonic influences).
- That same-sex attracted or trans and gender diverse people should lead celibate lives or seek healing

⁵ Report: Echo Newspaper, 'Esther Foundation Survivor Criticises Abuse Handling', available from: <https://echonewspaper.com.au/esther-foundation-survivor-criticises-abuse-handling/>

⁶ Report: The West Australian, 'The Esther Foundation, What really went on at Perth church rehab accused of abuse', available from: <https://thewest.com.au/features/the-sunday-times-long-reads/the-esther-foundation-what-really-went-on-at-perth-church-rehab-accused-of-a-buse-c-6581206>

⁷ Report: Crikey, 'Esther House - it was disgusting how girls were treated', <https://www.crikey.com.au/2022/02/16/esther-house-disgusting-how-girls-treated/>

⁸ Report: The Project TV 3/ 4 /22, available from: https://www.youtube.com/watch?v=uUlijrw_KeY

⁹ Report: The Project TV 3/ 4 /22, available from: https://www.youtube.com/watch?v=uUlijrw_KeY

¹⁰ SOGICE Survivor Statement, available from: <http://socesurvivors.com.au/wp-content/uploads/2020/12/Survivor-Statement-A4-Doc-v1-2-Digital.pdf>; SOGICE stands for 'Sexual Orientation and Gender Identity Change Efforts'

¹¹ SOGICE Survivor Statement, available from: <http://socesurvivors.com.au/wp-content/uploads/2020/12/Survivor-Statement-A4-Doc-v1-2-Digital.pdf>

¹² SOGICE Survivor Statement, available from: <http://socesurvivors.com.au/wp-content/uploads/2020/12/Survivor-Statement-A4-Doc-v1-2-Digital.pdf>

- Through consistent, long-term spiritual devotion a person can either change their same-sex attraction or trans identity, or can overcome the causes of this identity and remain celibate
- Because of this 'sexual brokenness' same-sex attracted or trans and gender diverse people are not suited to positions of authority in their faith community

Research has found that while individual conversion practices often receive focus due to their shocking nature, the 'slow trauma of continuous exposure to conversion ideology did the most harm'.¹³ Importantly, while the clients of Esther House did not consent to the delivery of conversion practices, appropriate, free and informed consent is not a feature of conversion practices in any context.¹⁴

This ideology has been robustly rejected by nearly all reputable medical and psychological organisations. A 2015 joint statement issued by 12 United Nations agencies, including the World Health Organisation, called on States to protect LGBT people from violence, torture and ill-treatment including by ending 'unethical and harmful so-called "therapies" to change sexual orientation'.¹⁵ The Australian Medical Association opposes conversion ideology and practices, as does the Australian Psychological Society, the Royal Australasian College of Physicians, the Royal Australian and New Zealand College of Psychiatrists and the Psychotherapy and Counselling Federation of Australia.^{16 17 18 19 20} In addition to this, there is 50 years of research that shows that these practices are ineffective.²¹

Research also demonstrates the enormous harm of conversion practices to the individuals who undergo them. One report describes the harms as:

*"self-hatred, shame, loneliness, thoughts of suicide, problems with being touched or loved, sexual dysfunction, causing harm to those they love including partners and spouses, grief, loss of faith, loss of community, depression, ongoing mental health problems and economic disadvantage."*²²

¹³ Jones, T, Brown A, Carnie, L, Fletcher G, & Leonard, W. *Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia*. Melbourne: GLHV@ARCSHS and the Human Rights Law Centre, 2018. Page 30

¹⁴ Discussed in: Timothy W. Jones, Jennifer Power, Tiffany M. Jones, (2022) 'Religious trauma and moral injury from LGBTQA+ conversion practices', *Social Science & Medicine*, Volume 305, <https://doi.org/10.1016/j.socscimed.2022.115040>

¹⁵ United Nations, 'United Nations Entities Call on States to Act Urgently to End Violence and Discrimination against Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Adults, Adolescents and Children' (Statement, September 2015) http://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF

¹⁶ Australian Medical Association, AMA Position Statement: Sexual Diversity and Gender Identity (2002) PACFA-Position-Statement-on-therapeutic-support-for-LGBTI-individuals-and-their-families-OCT-2014.pdf.

¹⁷ Australian Psychological Society, APS Position Statement on Psychological Practices that attempt to change Sexual Orientation (2015), <https://www.psychology.org.au/getmedia/ebd486a2-761c-403c-bdef-406fda87dc4b/Position-Statement-Sexual-Orientation.pdf>;

¹⁸ Royal Australasian College of Physicians, 'Doctors criticise gay conversion therapy remarks in marriage equality debate', <https://www.racp.edu.au/news-and-events/media-releases/doctors-criticise-gay-conversion-therapy-remarks-in-marriage-equality-debate>;

¹⁹ Royal Australian & New Zealand College of Psychiatrists, Sexual Orientation Change efforts (June 2015), [https://www.ranzcp.org/Files/Resources/College_Statements/Position_Statements/PS-60-PS-Sexual-Orientation-Change-Efforts-\(Ju-\(1\).aspx](https://www.ranzcp.org/Files/Resources/College_Statements/Position_Statements/PS-60-PS-Sexual-Orientation-Change-Efforts-(Ju-(1).aspx)

²⁰ Psychotherapy & Counselling Federation of Australia, Position Statement on Therapeutic Support for Lesbian, Gay, Bisexual, Transsexual, Transgender and Intersex Individuals and their Families (2015), <http://www.pacfa.org.au/wp-content/uploads/2015/04/>

²¹ Jones, T, Brown A, Carnie, L, Fletcher G, & Leonard, W. *Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia*. Melbourne: GLHV@ARCSHS and the Human Rights Law Centre, 2018. Page 72

²² Jones, T, Brown A, Carnie, L, Fletcher G, & Leonard, W. *Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia*. Melbourne: GLHV@ARCSHS and the Human Rights Law Centre, 2018.

Additionally, LGBTQA+ young people who have undergone conversion practices are more likely to be unemployed, homeless, have increased drug and alcohol use, have anxiety and experience self-harm and suicidality.²³

This clearly demonstrates that any service subscribing to conversion ideology or delivering conversion practices is not one that will be providing evidence based, therapeutic responses to issues relating to mental health or alcohol and other drugs. Services that advertise as therapeutic services while covertly subscribing to this ideology have the potential to do irreparable harm and effective levers are needed to investigate and ensure the quality of these services.

Gaps in Government Capability to Regulate and Assess Service Safety

Regulation of conversion practices and abuse requires a body that is equipped with the knowledge and capability to recognise these practices and respond in a timely manner. Addressing and preventing future conversion practices, similar to what has happened within Esther House, will require a strengthening of current workforce capability within State Government and the establishment of stronger regulatory processes and bodies. Currently this capability does not exist consistently across State Government bodies, and requires concerted effort to develop.

It has been acknowledged that the Department of Communities, the Department of Health, and the Department of Justice all referred individuals, particularly young people, to Esther House.²⁴ Additionally, financial support was provided to Esther House by both the Federal and State Governments in the form of grants and of peppercorn rents for residential properties.²⁵

The YPN previously notified the Department of Communities of abusive conversion practices occurring at Esther House in meetings between November 2021 and February 2022. YPN provided this information to enable the Department of Communities to ensure that referrals were being made consistent with their duty of care. The YPN did not receive any updates on action taken from these disclosures.

It is also worth noting that in 2021 the Department of Communities received the Australian Evaluation Society Award for Best Practice in Public Sector Evaluation from the Institute of Public Administration Australia for an evaluation of the Esther Foundation with the following description:

“The award-winning Esther Foundation Program empowers young women and girls to overcome a range of social and health issues, including substance abuse, depression, and self-harm through an extensive health, development and leadership program. The Department of Communities (Communities) enabled the Foundation to move from several rental properties in South Perth to the St. Emilie’s Facility in Kalamunda. In 2020, Communities completed an evaluation to understand the outcomes achieved for Program participants and the benefits of

²³ Jones, T., Power, J., Hill, A.O. *et al.* Religious Conversion Practices and LGBTQA + Youth. *Sex Res Soc Policy*(2021). <https://doi.org/10.1007/s13178-021-00615-5>

²⁴ Report: The West Australian, ‘The Esther Foundation, What really went on at Perth church rehab accused of abuse’, available from:

<https://thewest.com.au/features/the-sunday-times-long-reads/the-esther-foundation-what-really-went-on-at-perth-church-rehab-accused-of-a-buse-c-6581206>

²⁵ Report: The West Australian, ‘The Esther Foundation, What really went on at Perth church rehab accused of abuse’, available from:

<https://thewest.com.au/features/the-sunday-times-long-reads/the-esther-foundation-what-really-went-on-at-perth-church-rehab-accused-of-a-buse-c-6581206>

*the Facility. The evaluation also identified factors that contributed to the Program's success and lessons learned to improve other programs in Communities."*²⁶

This raises concerns as to the Department of Communities' ability to recognise conversion practices in their evaluations of services. This indicates that in order for Government departments to be able to regulate and respond to unethical practices, workforce training is required.

This is noted to demonstrate two significant gaps in current levers for Government action.

Government understanding of LGBTIQ+ safe service provision

The 2021 YPN report titled 'State of Play Report – LGBTIQ+ Young People's Experiences of the Youth Accommodation System' revealed the lack of knowledge at a departmental level of the capabilities of services in LGBTIQ+ inclusion.²⁷ This was due to multiple factors.

Firstly, a lack of data collected on LGBTIQ+ young people accessing services meant the State Government had no knowledge of the prevalence of LGBTIQ+ young people accessing services, nor how outcomes for LGBTIQ+ young people may differ compared to the general youth population.

Secondly, State Government agencies did not require services to disclose their LGBTIQ+ inclusive practices as part of procurement or reporting, meaning that the Department of Communities did not have knowledge as to the competence of services in providing LGBTIQ+ inclusion.

Thirdly, individual workers did not have an understanding of LGBTIQ+ inclusion, including of conversion practices, to be able to identify appropriate services in referral processes.

Without these mechanisms in place, government departments cannot fulfil their duty of care by referring young people to appropriate services that will be safe and affirming. As demonstrated earlier in our submission, LGBTIQ+ affirmative practices are vital components of service delivery for vulnerable LGBTIQ+ young people.

Ultimately, this resulted in a number of referrals from State Government agencies to housing and homelessness services that did not meet the needs of LGBTIQ+ young people, and may have entrenched further harm or trauma. While YPN would like to note that a number of State Government agencies have been collaborating with YPN to implement the recommendations of the State of Play report, and to improve service provision for LGBTIQ+ young people, this work requires a consistent and whole-of-government approach to address. YPN recommends the Inquiry's work to examine current regulatory and legislative provisions and also consider what workforce capability and data reforms are required to support this work to occur effectively.

Levers for investigation and action when conversion practices are identified

Currently, when the government is made aware of abusive practices in services that are not directly government funded they have limited avenues for investigation and recourse. This is an enormous gap that urgently needs a policy and legislative response. This would be effectively

²⁶ IPAA Website: <http://www.wa.ipaa.org.au/2021-Achievement-Award-Winners.aspx>

²⁷ Youth Pride Network (2021) *State of Play – LGBTIQ+ Young People's Experiences of the Youth Accommodation System*, available from: https://www.youthpridenetwork.net/files/ugd/34ec50_e736401c8c10402f93fef358737805eb.pdf

addressed by implementing a conversion practices response in line with the SOGICE Survivor Statement, further outlined below.

Recommendations

1. Implement comprehensive conversion practices legislation in line with the SOGICE Survivor Statement, with particular focus on the civil response scheme

It is vital that the Government implements a comprehensive scheme to address conversion practices. In line with the SOGICE Survivor Statement this must be legislation that:

- Strongly affirms that LGBTQA+ people are not 'broken' or 'disordered'.
- Defines conversion practices as both 'change' *and* 'suppression' practices.
- Bans practices in both formal (medical/psychology/counselling) and informal (including religious and education) settings, whether paid or unpaid, regardless of age. This acknowledges that conversion practices primarily occur in unpaid, informal spaces, and that legislation that only targets formal or health-based practices will do very little to address the harm.
- Targets the false, misleading, and pseudoscientific fraudulent claims that drive conversion practices by focusing on conversion practitioners' intent and purpose, and acknowledging that it is not possible for a person to provide *informed* consent to participate in conversion practices.
- Prohibits advertising and promotion of paid or unpaid conversion practices, including promotion of false and misleading claims designed to generate demand.
- Prohibits inducements and referrals to participate in conversion practices.
- Establishes a range of criminal penalties for practices where injury or serious injury occurs, for advertising conversion practices (strict liability), and for removing children from the jurisdiction for the purpose of conversion practices.
- References and works alongside existing professional regulatory standards, health and consumer affairs commissions, and crimes legislation.
- Employs definitions and exemptions that ensure religious leaders and health professionals can only be seen as having delivered conversion practices if clear intent is present, including exemptions for health professionals to use their professional judgement within professional regulatory boundaries.
- Explicitly establishes a Civil Response Scheme with powers of investigation, education, and research, with scope for investigations to be initiated internally or as a response to complaints by third parties, not just by survivors, using strategies that prevent re-traumatisation. The Scheme is empowered to facilitate a range of voluntary and enforceable actions.

Victoria recently implemented comprehensive legislation in line with these principles.²⁸ From preliminary feedback the Civil Response Scheme, with powers of investigation, education and research has been particularly effective in addressing these practices. Had Western Australia had a similar scheme in place, survivors would have had a dedicated organisation to which they could have raised complaints and would have actively investigated and responded to. This scheme must be survivor led and implemented across Government.

Why a conversion practice response?

As noted above, conversion practices occur in diverse ways and in diverse settings, however a comprehensive conversion practices scheme provides the power and flexibility to address all of these. The Civil Response Scheme is an example of a model that would create an effective mechanism by which these practices could have been reported. Advocates have noted that the criminal penalties have resulted in many facilities delivering conversion practices to shut down. The similar case of Mercy Ministries, a residential Christian not-for-profit offering counselling services for women, was charged for misleading and deceptive conduct by the Australian Competition & Consumer Commission and subsequently shut down its Sydney and Brisbane sites.²⁹

While we note a conversion practices response would not identify all of the harm that occurred at Esther House, addressing the conversion practices in this service would have likely resulted in other practices being identified and addressed and this scheme would effectively identify services of concern for further investigation.

Western Australia should take learnings from other jurisdictions to ensure a responsive is effective and appropriate to how and where conversion practices occur. In the journey to its current legislative scheme, Victoria initially responded to reports of conversion practices by expanding the functions of the Health Complaints Commissioner. A subsequent inquiry found that a health complaints-based response alone was not effectively responding to conversion practices.³⁰ Following the inquiry, the Commissioner noted:

“without legislation to prohibit these practices, and in the absence of complainants coming forward with specific and current information, it was difficult for regulatory bodies, including hers [the Health Complaints Commission], to regulate those providers who offered conversion therapy/practices.

“As our inquiry found, there are still psychologists, counsellors and counselling services offering conversion therapy/practices, despite the overwhelming evidence of the significant and long-term harm caused by conversion therapy/practices,” she said.”³¹

In particular, this report found that even though this behaviour contravened many codes of conduct and health standards, psychologists and counsellors continued to offer conversion

²⁸ Research Paper, Parliament of Victoria, ‘Change or Suppression (conversion) Practices Prohibition Bill 2020’, available from: <https://www.parliament.vic.gov.au/publications/research-papers/download/36-research-papers/13979-change-or-suppression-conversion-practices-prohibition-bill-2020>

²⁹ Media Statement, Australian Competition & Consumer Commission, ‘Undertakings Remedy Mercy Ministries Misleading Conduct’ available from: <https://www.accc.gov.au/media-release/undertakings-remedy-mercy-ministries-misleading-conduct>

³⁰ Media Statement, Victorian Health Complaints Commissioner ‘Commissioner welcomes step towards new legislation prohibit conversion therapy’ available from: <https://hcc.vic.gov.au/news/commissioner-welcomes-step-towards-new-legislation-prohibit-conversion-therapy>

³¹ Media Statement, Health Complaints Commissioner, ‘Commissioner welcomes step towards new legislation prohibit conversion therapy’ available from: <https://hcc.vic.gov.au/news/commissioner-welcomes-step-towards-new-legislation-prohibit-conversion-therapy>

practices.³² This meant it was necessary to explicitly ban conversion practices in order to ‘send a very strong message’ that these practices were unacceptable.³³ Any amendment to the *Private Hospitals and Health Services Act 1927* that does not effectively implement the conversion practices scheme will not be effective to address conversion practices in these services. The recently debated National Code of Conduct for Unregistered Healthcare Workers suffers from the same weaknesses.³⁴ However, these health schemes can be effectively integrated into the Civil Response Scheme and this central complaints body can help individuals navigate those systems when appropriate.

2. Improve procurement and referral processes in line with YPN’s State of Play report

The YPN State of Play Report provides key recommendations to improve Government’s understanding of the capabilities of services to include LGBTIQ+ clients. This includes specifically assessing LGBTIQ+ cultural safety in procuring and reporting processes and having a comprehensive understanding of appropriate referral pathways for LGBTIQ+ young people. The YPN State of Play Report must be implemented in full, particularly changes to data collection, training of Government staff and inclusion in Government strategy.³⁵ YPN would like to acknowledge and commend the commitments of the Department of Communities and their steps towards achieving this. Two key recommendations relevant to this inquiry are outlined below.

Procurement

State Government agencies commissioning or procuring community-based services should be required to ask explicit questions about how the services will support LGBTIQ+ inclusion, and ensure that capacity for LGBTIQ+ inclusion is a clear criterion in procurement decisions. While we understand that at the time of this inquiry Esther House is no longer funded by the State Government, our consultations have found LGBTIQ+ young people struggle to access LGBTIQ+ inclusive services, with many not meeting commonly-accepted standards of inclusion. It is vital that all State Government funded services are LGBTIQ+ inclusive to address this and ensure there is an adequate network of services available for LGBTIQ+ young people to access. This is also vital to the success of policies such as ‘no wrong door’, a key component of a number of government strategies including the WA 10-Year Strategy on Homelessness.³⁶ In order to ensure that young people aren’t coerced into accessing services such as Esther House when they are in their time of need, clear accessible services must be available.

Referral

³² Health Complaints Commissioner (2019) ‘Report on the Inquiry into Conversion Therapy: Executive Summary, Melbourne, Health Complaints Commissioner’, Page 2.

³³ Health Complaints Commissioner (2019) ‘Report on the Inquiry into Conversion Therapy: Executive Summary, Melbourne, Health Complaints Commissioner’, Page 2.

³⁴ Media Statement, WA Parliament, “Significant reforms to implement a code of conduct for unregistered healthcare workers” available from: <https://www.mediastatements.wa.gov.au/Pages/McGowan/2021/11/Significant-reforms-to-implement-a-code-of-conduct-for-unregistered-healthcare-workers-in-WA.aspx>

³⁵ Youth Pride Network (2021) *State of Play – LGBTIQ+ Young People’s Experiences of the Youth Accommodation System*, available from: https://www.youthpridenetwork.net/files/ugd/34ec50_e736401c8c10402f93fef358737805eb.pdf Page 29

³⁶ Department of Communities (2020). *All Paths Lead to A Home: Western Australia’s Strategy on Homelessness 2020-2030*, available from: <https://www.wa.gov.au/system/files/2021-06/homelessness-strategy-final.pdf>

Referrals from Government departments to Esther House were entirely inappropriate and could have been prevented through better assessment and understanding of appropriate referral pathways. Frontline government workers as well as contract managers and service design teams must have a comprehensive understanding of what makes a service safe for LGBTIQ+ young people, as well as working knowledge of the quality of services within their network.

3. Ensure conversion practices and ideology is in scope of the implementation of the National Principles for Child Safe Organisations in WA, including education and upskilling for community organisations to promote LGBTIQ+ inclusive practice

Implementation of the National Principles for Child Safe Organisations (the National Principles) in Western Australia provides an opportunity for services and government to ensure the wellbeing and safety of LGBTIQ+ young people is centred in service provision – including conversion practices. While a number of the National Principles will relate to young people, Principle 4 specifically notes the need to uphold equity and respect diverse needs. The Commissioner for Children and Young People has published a number of resources relating to this, including the needs of LGBTIQ+ young people.³⁷ These resources explicitly mention conversion practices as a harm that needs to be guarded against in these contexts.³⁸

We recommend the State Government ensure specific attention is paid to the needs of LGBTIQ+ children and young people under the implementation of the National Principles, including setting appropriate standards of practice for LGBTIQ+ young people and developing resources to increase awareness of LGBTIQ+ issues and needs among community-based services.

In addition, it has been suggested that explicitly including conversion practices as reportable conduct may provide more opportunities to identify conversion practices, when implemented alongside a full conversion practices scheme.^{39 40}

Development of the Independent Oversight System in Western Australia should consider the needs of LGBTIQ+ young people and conversion practices to ensure the appointed body can appropriately monitor and address these practices should they be identified in community, ideally through referral to the body appointed through a conversion practises civil response scheme.

4. Fund psychological support for survivors of Esther House as well as conversion practice survivors generally

³⁷ Commissioner for Children and Young People. Available from:

<https://www.ccp.wa.gov.au/our-work/child-safe-organisations-wa/equity-is-upheld-and-diversity-needs-respected/>

³⁸ Commissioner for Children and Young People. Available from:

<https://www.ccp.wa.gov.au/our-work/child-safe-organisations-wa/equity-is-upheld-and-diversity-needs-respected/> Page 4-5

³⁹ Jones, T, Brown A, Carnie, L, Fletcher G, & Leonard, W. *Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia*. Melbourne: GLHV@ARCSHS and the Human Rights Law Centre, 2018. Page 69

⁴⁰ Jones, T, Brown A, Carnie, L, Fletcher G, & Leonard, W. *Preventing Harm, Promoting Justice: Responding to LGBT Conversion Therapy in Australia*. Melbourne: GLHV@ARCSHS and the Human Rights Law Centre, 2018. Page 56

The Government needs to provide comprehensive mental health support for survivors of Esther House as well as survivors of conversion practices more generally. This mental health support needs to be provided by practitioners trained to support conversion practice survivors.

Providing professional development opportunities for current WA psychologists through nationally accredited training packages, such as the recently developed package by La Trobe, will assist in increasing the available psychologists with the skills to support survivors.⁴¹ This is critical to ensure that appropriate organisations and professionals are contracted to deliver these services - noting that a diversity of religious and non religious services are appropriate.

Conclusion

The Esther Foundation and services like it cannot be allowed to continue to abuse Western Australia's most vulnerable communities. With the news that the Esther Foundation has entered voluntary administration, this inquiry must turn its focus to preventing similar services doing this harm, and addressing the environment which has allowed them to flourish unchecked.

It would be naïve to think this is a lone example, and indeed it is easy to find many other faith-based services providing mental and physical health services with no accreditation or evidence-based practices. This harm requires a multifaceted and comprehensive response, and a Western Australian conversion practices scheme must be a part of this. If it is not, LGBTIQ+ people will continue to endure this abuse in other services.

⁴¹ Example of training registration page from La Trobe University, available from:
<https://www.eventbrite.com.au/e/working-with-survivors-of-lgbtqa-conversion-or-suppression-practices-tickets-169904826911?fbclid=IwAR1iMNkUXhJFHUSXtOmcVynNBhRZd3YZETFmERUZUTAUoh6k3IbdAh7-ePU>