



# FPMTA POLICY - ANTI-HARASSMENT AND DISCRIMINATION

## 1. POLICY

FPMTA is committed to providing a safe and productive work environment where the dignity of every individual is respected. FPMTA recognises that teachers and Sangha, staff, volunteers, members and associates of its centres, projects and services has the right to participate free from sexual intimidation, harassment and discrimination. FPMTA believes that discrimination and harassment are unacceptable. Therefore FPMTA takes responsibility for establishing procedures to actively encounter discrimination and harassment.

Harassment and discrimination are unlawful under State and Commonwealth legislation as follows:

Equal Opportunity Act 1995 (Vic)

Equal Opportunity Act 1984 (WA)

Equal Opportunity Amendment Act 1997 (SA)

Anti-Discrimination Act 1977 (NSW)

Anti-Discrimination Act 1992 (NT)

Anti-Discrimination Act 1991 (Qld)

Anti-Discrimination Act 1998 (TAS)

Discrimination Act 1991 (ACT)

Sex Discrimination Act 1984 (Cth)

Racial Discrimination Act 1975 (Cth)

Human Rights and Equal Opportunity Commission Act 1986 (Cth)

## 2. DEFINITION OF HARASSMENT AND INTIMIDATION

### Legal Definition of Sexual harassment

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

**Source:** [http://www.hreoc.gov.au/sex\\_discrimination/workplace/bad\\_business/partb.html](http://www.hreoc.gov.au/sex_discrimination/workplace/bad_business/partb.html)

### Sexual harassment

Covers a wide range of unwelcome and unsolicited behaviours largely defined by the offended person and includes all media, such as by text, email or telephone and by direct personal contact. They can include:

- Offensive comments or gestures;
- Displays of offensive pictures or books;

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- Persistent staring, touching, patting or pinching;
- Repeated unwelcome requests for dates;
- Demeaning comments about physical appearance or private life;
- Implying that giving sexual favours is an acceptable way to gain promotions, avoid dismissal, etc.
- Unwelcome requests for sex.
- Suggestive behaviours such as leering and ogling;
- Unnecessary physical intimacy, such as brushing up against a person;
- Both men and women can be the target of sexual harassment.
- Sexual harassment can also amount to discrimination on gender grounds under both Commonwealth and State legislation.
- Covers all media

### **Intimidation**

Covers a range of behaviours which demonstrate a threatening or bullying overtone. These behaviours can include:

- Physically standing over another person;
- Threats of a physical nature;
- Threats of disclosing or disclosing confidential or personal information, if an employee does not comply with a request;
- Unreasonable requests which are outside of agreed awards and entitlements that an employee feels they are obliged to fulfill;
- Exclusive behaviour, where an employee is excluded from the team or work group and treated as a loner or differently to other staff members;
- Requests to undertake unethical or inappropriate work tasks.
- Covers all media.

### **Discrimination**

- Refers to any behaviour or practice which reflects an assumption of superiority of one group over another
- Is behaviour which advantages people on the basis of their real or perceived membership of a particular group; and
- Includes such behaviour as less favourable treatment, unfair exclusion and asking discriminatory questions.

Indirect discrimination takes place when a person treats another person, on the basis of an attribute or characteristic, less favourably than a person without that attribute or characteristic.

These attributes or characteristics could include gender, religion, marital status, pregnancy, parental status, family responsibilities, sexuality, ethnicity, age, disability or physical characteristics. Indirect discrimination can also occur when groups or individuals are treated as being the same although they are different. By not taking differences into account, one group of individuals might benefit at the expense of the others.

## **3. RESPONSIBILITIES OF MANAGEMENT AND STAFF**

FPMTA strongly condemns all types of harassment and discrimination and promotes peaceful communication and understanding between its members. FPMT managers, supervisors and teachers have a responsibility to:

- monitor the working environment to ensure that acceptable standards of conduct are observed at all times
- model appropriate behaviour themselves

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- promote the organisation's anti-harassment and discrimination policy within their work area
- treat all complaints seriously and take immediate action to investigate and resolve the matter
- refer a complaint to another officer if they do not feel that they are the best person to deal with the case (for example, if there is a conflict of interest or if the complaint is particularly complex or serious).

**All staff and volunteers have a responsibility to:**

- comply with the organisation's anti-harassment and discrimination policy
- offer support to anyone who is being harassed and let them know where they can get help and advice. However, in the first instance they should not approach the harasser themselves.
- maintain complete confidentiality if they provide information during the investigation of a complaint. Staff and volunteers should be warned that spreading gossip or rumours may expose them to a defamation action.

#### **4. COMPLAINT PROCEDURE**

- a) The centre or project director and the FPMTA board shall be notified of any report concerning any alleged criminal act on the part of FPMT personnel, teachers, residents or students at the centre, including child abuse and sexual harassment.
- b) When a complaint concerns an allegation of criminal misconduct the centre director shall inform the complainant of the complainant's right to take the matter to the police or other civil authority and offer to provide assistance to do so if required. The centre director should also be cognisant of and explain to the complainant the requirements of laws requiring mandatory reporting.
- c) In all cases other than those in which reporting is mandatory, if the complainant indicates an intention not to take the matter to the police or other civil authority, this should be recorded by the centre director and confirmed by the signature of the complainant, together with a written acknowledgment that this decision was made freely without coercion and without prejudice to making a further complaint.
- d) No internal inquiry by FPMTA or centre personnel shall be undertaken in such a manner as to interfere in any way with the proper processes of criminal or civil law, whether in progress or contemplated.
- e) Where the complainant has chosen not to report the matter to police or other civil authority, or the civil authorities have decided not to take further action under the criminal law or any child protection legislation, the FPMTA board, centre director and centre committee must nevertheless consider and act on the complaint, following procedures outlined in the Grievance Procedure.
- f) Where there has been a complaint concerning an allegation of criminal misconduct or child abuse and sexual harassment, the FPMTA board, centre director and centre committee shall make effort to have a non-discriminatory and compassionate regard for both complainant and accused.
- g) Infringements by ordained Sangha members will be dealt with according to Australian law where indicated. All allegations of Sangha misconduct, including implications of broken ordination vows, will be referred to the IMI Senior Sangha Council.

**NB:** the steps for identifying and resolving issues related to harassment or intimidation not brought before the police or other civil authority are outlined in the **FPMTA Grievance Procedure Policy**

END OF POLICY



# FPMTA POLICY - CHILD PROTECTION POLICY AND PROCEDURES

## 1. INTRODUCTION

### 1.1 Policy statement

FPMT (Foundation for the Preservation of the Mahayana Tradition) Australia Ltd is committed to providing a safe and secure environment for all its members, teachers and Sangha, and particularly to children.

FPMTA's policy and procedures aims to reduce the risk of abuse occurring and to ensure that a caring and appropriate response is taken should abuse occur.

### 1.2 Scope

The policy and procedures apply to:

- All centres, (see definition) projects, services and study groups authorized by or affiliated with FPMT Inc and under the umbrella of FPMTA Ltd in Australia, including ministries by those centres, study groups and services undertaken at premises owned or rented by the organisation or away from premises owned or rented by the organisation.
- All leaders (see definition) within the FPMTA or engaged by FPMT centres, projects, services and study groups in Australia.
- All staff, all contractors (consultants), all volunteers and interns, all board members.

### 1.3 Authority

All Australian centres, projects, services and study groups affiliated with FPMT Inc are members of FPMTA Ltd. These are the policy and procedures of FPMTA and were adopted by the Board of Directors of FPMTA on (date)

The Board of Directors of FPMTA and all teachers, Sangha and directors of FPMT centres, projects, services and study groups in Australia are committed to implementing the policy and procedures and training our leaders in its content and application.

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## 1.4 Definitions

**Centre:** is used as the term for all centres, projects, services, study groups and outreach groups

**Child:** Any person under the age of 18

**Abuse:** Can consist of one or more of but is not restricted to the following:

**Physical abuse** – any non-accidental physical injury resulting from practices such as hitting, punching, kicking (marks from belt buckles, fingers); shaking (particularly babies); burning (irons, cigarettes), biting, pulling out hair; alcohol or other drug administration.

**Sexual abuse** – any sexual act or threat to perform such upon another person. It occurs when a person uses their power and authority to take advantage of another's trust to involve them in sexual activity. It does not necessarily involve genital contact but is any act which erodes the sexual boundary between two persons. It may appear consensual but the validity of consent is negated by the power differential.

**Emotional abuse** – the chronic attitude or behaviour of one person which is directed at another person, or, the creation of an emotional environment which erodes a child's development, self-esteem and social confidence over time. Behaviours may include: devaluing, ignoring, rejecting, corrupting, isolating, terrorizing or chronic and extreme domestic violence in the child's presence.

**Neglect** – characterized by the failure to provide for the child's basic needs. Any serious omission or commission which jeopardizes or impairs a person's development.

**Religious organisation:** The national office of the FPMT Australia Ltd is registered at 9 Victoria Square NSW 2131.

**Helpers:** any unpaid person over the age of 16 who is invited by a leader to assist them in their work at an FPMT centre.

**Leader:** any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of members placed in their care whilst holding a formal position in a recognised FPMT centre. A leader could include but is not limited to:

- Tulkus, lamas and geshes (senior spiritual teachers)
- FPMT registered teachers and facilitators
- Sangha (all ordained persons)
- Religious practitioners
- Small group leaders
- Leaders of cultural activities
- Counselors
- Youth leaders
- Children's Dharma group superintendants

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**Members:** any person, including children, who attends or participates in activities in FPMT centres, projects and services.

**Ministry:** any organised activity that is authorized by an FPMT centre, project or service.

**Ministry Leader:** the person recognised and authorized by the FPMT centre, project or service as head of an activity.

## 2. EXTERNAL POLICIES

We acknowledge that some FPMT centres in Australia might have external associations with other organisations. These organisations will possibly have policies concerning governing the issues of member and/or child safety and abuse. FPMTA's policy and procedures are not intended to replace or conflict with other policies, but instead to operate in conjunction with them.

## 3. POLICY REVIEW

FPMTA's Child Protection Policy and Procedures will be reviewed every two years. FPMTA decision makers will inform the centres, projects and services involved when the date of review will occur. Any changes recommended by those centres, should be submitted in writing to the decision makers for consideration one month before the review date.

Any proposed changes will be submitted to the national meeting for approval before being implemented.

## 4. OBLIGATIONS

### 4.1 Spiritual

The core beliefs of the Buddhist religion and the Foundation for the Preservation of the Mahayana Tradition require us to treat people with love and compassion and to care for those who are less powerful and in need of nurture and protection.

### 4.2 Legal

FPMTA Ltd and FPMT Inc affiliated centres and their leaders are all subject to federal and state legislation in Australia and principles established through common law.

### 4.3 Ethical

Some actions may not be regarded as abuse but are unacceptable behaviour for leaders of FPMT centres. These include:

- Inappropriate conversation of a sexual nature
- Coarse language, especially that of a sexual nature
- Suggestive gestures or remarks
- Jokes of a sexual nature

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- Inappropriate touching
- Inappropriate literature (eg PG, M,MA, R or X rated material used with young children)
- Recording of filming without prior consent (See Appendix 3: Use of children's images)
- Acts of violence committed by a leader in the course of an activity

The age of individuals is recognised as one of the determinants in deciding what acceptable or unacceptable behaviour is. FPMT leaders will ensure that high standards of conduct are maintained at all times.

## 5. SELECTION AND SCREENING

### 5.1 Leaders

Leaders involved in children's ministry must be carefully selected and screened. Prior to leaders commencing child-related ministries the following precautions will be taken:

- Volunteer leaders will be members of the relevant centre, and have regularly attended that centre for at least six months.
- Candidate leaders will complete an application form which requests details of relevant past experience, positions held, details of two referees and permission to contact them (Appendix 4: Application form and interview guide).
- Referees will be checked and spoken to, using an agreed set of questions which have been drafted by FPMT A. The questions will seek to establish the applicant's suitability for the role or position and the conversation will be documented and retained on file.
- Short-listed candidate leaders will be interviewed by an experienced and responsible member of the FPMT centre prior to being accepted as a leader.
- A Police and/or Community Services and/or Working with Children Check which complies with the legislative requirements of each state in which FPMT centres operate will be requested and received prior to the leader commencing their proposed role.

**Where the centre has identified that an applicant has previously committed a violent or sexually related offence they cannot, under any circumstances, be considered for child- related ministries.**

These offences do not preclude the applicant from serving in other ministries and the FPMT centre after careful consideration, might welcome the applicant's contribution in more appropriate areas.

### 5.2 Helpers

- Helpers are expected to have an awareness of the content of the Child Protection Policy and Procedures of FPMTA Ltd and be prepared to work within them.

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- Any helper who provides assistance in a children's ministry must be supervised by a leader at all times and will be accountable to that leader.
- Leaders who accept the assistance of a helper must be satisfied of the leader's maturity and their suitability for children's ministry.

## 6. TRAINING

All leaders will be issued with a copy of this policy and training in:

- The content and application of the FPMTA's member protection policy and procedures
- Reporting procedures and the associated legal requirements

In addition leaders responsible for recruiting leaders for child-related ministries will undertake further education in child/member protection.

## 7. SAFE ENVIRONMENT

Incidents of abuse are unlikely to take place in front of another person and the presence of a witness can assist in clarifying questionable allegations. For these reasons two leaders will always be present when working with or supervising children.

- Leaders will not visit children in their homes unless a parent is present or another leader accompanies them.
- When transporting children leaders should never be alone with a child in a car. Where this is not practical leaders will take children directly to and from arranged venues and will not spontaneously detour or make additional arrangements.
- All personal counseling is to be carried out within sight of another leader.
- Leaders will respect a member's feelings and privacy when engaging in physical contact of any kind.
- Adults and children are expected to respect each other's privacy during activities that require undressing, dressing or changing clothes. Leaders will set an example by protecting their own privacy in similar situations. No leader will be alone in a room with a child while either is changing.
- Secret ceremonies are prohibited. All aspects of every child-related program will be open to observation by parents/guardians.
- Leaders have the right to ask people who do not have a valid reason to be present at child-related activities to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

## 8. DISCIPLINING CHILDREN

It is not the responsibility of FPMT centres or their leaders to discipline a child. If a child does not abide by the rules set down by the leader, or is an obstruction to the care of other children or may cause harm to other children, the child will be removed and referred back to their parent or guardian.

**At no time will a leader administer any form of physical, emotional or mental discipline.**

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## 9. REPORTING PROCEDURES

An independent person will be appointed by FPMTA with the specific duty of dealing with any allegations that arise. The name, address and contact telephone number will be freely available to all leaders.

Documented reporting and escalation procedures will be established by the FPMTA for handling allegations of abuse. (See FPMTA Grievance Procedure Policy)

If there are reasonable grounds to suspect a child has been or is suffering abuse, the police and the FPMTA's NCO and insurance broker, CPS General 1300 88 99 65 contact Lesley Brungs, will be contacted immediately.

### ***Appendix 4 – Contains the procedures and legislative requirements for each state***

Reasonable grounds can be assumed when:

1. A child discloses that he or she has been abused and/or
2. Someone close to a child (eg. sibling, relative, close friend) discloses on behalf of the child.

The police will also be notified if a child discloses an incident of abuse that has occurred somewhere other than at an FPMT centre (eg. home or school).

If a disclosure of abuse is made the person who receives the disclosure will maintain appropriate pastoral care to the one making the disclosure. This will include:

- Treating each allegation seriously and not attempting to deny the allegation or minimize its impact on the alleged victim. The matter should not be swept under the carpet.
- Not pushing the child to disclose details of the alleged assault or attempting to investigate the allegation.
- Assuring the child that they are understood and that their disclosure is being taken seriously; that what has happened is not their fault and that they are correct in disclosing the incident.
- Reporting the abuse to the police and the organisation's NCO and insurance broker.
- Not making contact with the alleged perpetrator. If the leader is already providing counsel to the alleged perpetrator, it may be advisable for another person to assume this responsibility for the duration of the investigation.
- If the alleged assault has taken place recently, clothing worn by the child should be retained and handed to the police for forensic examination.
- Maintaining confidentiality. Any disclosures by a child, reports of suspected abuse and all details of the subsequent investigation will be documented promptly and the documents will be held in a secure location where breach of privacy cannot occur.

Where an allegation is made the accused person will be removed from all children's ministry pending the outcome of all investigations.

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## 10. **ALCOHOL AND DRUGS**

The consumption of alcohol or illegal drugs at any FPMT centre, or during an activity, is not to be allowed or condoned by any leader. Any child found to be under the influence of alcohol or illegal drugs is to be counseled and the parents/guardians contacted so the child can be returned home immediately.

Any child required to take prescription medication will provide a letter from their parents/guardians to the leader.

## APPENDIX 1 - Use of children's images

When photographing and filming a child for promotional purposes I must:

- Before photographing or filming a child, assess and endeavour to comply with their own cultural traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain consent from the child or a parent or guardian of the child; explain to them how the photograph will be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

I understand that the onus is on me, as a person engaged by (name of FPMT centre, study group or service) to use common sense and avoid actions or behaviours that could be construed as child abuse when implementing FPMT ministry.

Print name and sign \_\_\_\_\_

Date \_\_\_\_\_

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## APPENDIX 2 - Code of Conduct

I (insert name), engaged by (name of FPMT centre, study group or service), agree that while implementing FPMT activities I will:

- Treat children with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not engage children in any form of sexual activity or acts, including paying for sexual services or acts, where under the law(s) applicable to the child (including Part IIIA of the *Australian Crimes Act 1914* (Cwlth) as amended), the child is below the age of consent or the acts are an offence under relevant laws.
- Wherever possible ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission and ensure that another adult is present if possible.
- Use any computers, mobile phones or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also Appendix 1: Use of children's images).
- Refrain from physical punishment or discipline of children (excluding my own children).
- Refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities or which places them at significant risk of injury.
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour.
- Immediately report concerns or allegations of child abuse in accordance with appropriate proceedings.

Print name and sign \_\_\_\_\_

Date \_\_\_\_\_

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## APPENDIX 3 – Procedure for Working with Children

### 1. PROCEDURE

Children have a right to be safe in all their associations with FPMT centres, projects and services. Directors and managers of all FPMT centres, projects and services will ensure that all employees and volunteers having contact with children have undergone the appropriate Working with Children checks applicable in their state. The check is a screening mechanism to reduce the likelihood that unsuitable people work with children and to assist in protecting children from sexual and physical harm.

### 2. LEGISLATION

If an FPMT centre, project, or service requires someone to work with children the relevant legislation and its requirements in each state are as follows. *Please see Appendix 4 – for detailed legislative requirements:*

#### VIC - Working With Children Act 2005 (VIC)

In **Victoria** the **Working with Children Check** is administered by the Department of Justice. Application forms are available at Australia Post outlets or [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

#### QLD - Commission for Children and Young People and Child Guidance Act 2000 (QLD)

In **Queensland** the **Working with Children Suitability Card**, or **Blue Card**, is administered by the Commission for Children and Young people and Child Guardian. Application forms can be downloaded from [www.childcomm.qld.gov.au](http://www.childcomm.qld.gov.au)

#### NSW - Commission for Children and Young People Act 1998 (NSW)

In **New South Wales** the Commission for Children and Young People oversees the check [www.check.kids.nsw.gov.au](http://www.check.kids.nsw.gov.au)

#### WA - Working with Children (Criminal Record Checking) Act 2004 (WA)

In **Western Australia** applications forms for a **Working with Children Card** are available at Australia Post outlets. [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

#### SA - Children's Protection Act 1993 (SA)

In **South Australia** police check application forms can be obtained from [www.sapolice.sa.gov.au/sapol/home.jsp](http://www.sapolice.sa.gov.au/sapol/home.jsp)

**NB** There are NO Commonwealth Acts in TAS or the ACT and FPMT centres, projects and services should take advice from the police in those regions.

### 3. DEFINITIONS

**Child:** a person under eighteen years of age.

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**Contact:** any form of physical contact; any form of oral contact whether face to face, by telephone or otherwise, any form of electronic communication.

## 4. APPLICATION

This procedure applies to all Sangha, teachers, employees and volunteers undertaking regular work that involves direct contact with children, where that contact is not directly supervised.

## 5. CHECK PROCEDURE

Most Australian states have some legislative checking process for people who work with children (*see table above*). This check verifies a person's history to make sure they do not have any relevant criminal offences or findings from professional disciplinary bodies. It is more extensive than a regular Police Check and valid for a designated period during which the card-holder continues to be checked for new relevant offences or findings.

## 6. RESPONSIBILITIES

### 6.1 Responsibilities of Management

All FPMT centres, projects and services must:

- Know the relevant state based legislative check and requirements before someone commences working with children
- Identify positions which require a state based legislative check for people who work with children
- Include notification of this requirement in the position description, advertisement and associated documentation
- Ensure existing staff members and volunteers are informed of the requirement to undergo the check
- Ensure prospective staff members and volunteers have passed the check before commencement
- Keep a photocopy record of any state based legislative check of the candidate in the person's personnel file
- Ensure suitable monitoring procedures are in place to ensure all relevant staff and volunteers hold valid state based legislative checks at all times

### 6.2 Responsibilities of applicants, staff members and volunteers

They must:

- Provide a successful Assessment Notice or state based legislative check prior to commencement
- Notify the Manager of the FPMT centre, project or service in writing within seven days if an Interim Negative Notice or a Negative Notice is received

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- Inform the Manager of the FPMT centre, project or service if there has been a change in circumstances, such as if they have been charged or convicted of a new relevant offence
- Make sure that all state legislative checks are current and renewed prior to the expiration date.

## 7. MONITORING EVALUATION AND REPORTING

The Centre Director, Centre Manager or nominee monitors the implementation of the Working with Children Procedure. This includes review with appropriate stakeholders and reporting on compliance as required.

## APPENDIX 4 – Legislative Requirements for Each State

Below is a précis of legislative requirements with respect to Child Abuse that apply in ([\\*Your State](#)). Every attempt has been made to ensure this information is accurate however a review should be undertaken regularly to ensure the information remains correct and current.

(\*Delete the following information that is not relevant to your Church)

### 1. QUEENSLAND

- **SUITABILITY NOTICE (BLUE CARD)**
- **WORKING WITH CHILDREN CHECK**

A blue card is issued by the Commission for Children and Young People and Child Guardian. When a person applies for a blue card the Commission conducts a Working with Children Check which is a detailed national check of a person's criminal history, including any charges or convictions.

Also considered is disciplinary information held by certain professional organisations and police investigation information (into allegations of serious child-related sexual offences, even if no charges were laid because the child was unwilling or unable to proceed).

A person is disqualified if they:

- have been convicted of a disqualifying offence (including a child-related sex or pornography offence, or the murder of a child), or
- are a reportable offender with current reporting obligations under the Child Protection (Offender Reporting) Act 2004, or
- are subject to a child protection offender prohibition order, or
- are subject to a disqualification order prohibiting them from applying for or holding a blue card).

A disqualified person may apply to the Commission for an 'eligibility declaration' and in very limited and defined circumstances may be declared eligible to apply for a blue card.

A person whose application is approved is issued with a positive notice letter and a blue card.

If a person's application is refused, they are issued with a negative notice which prohibits them from carrying on a business or providing child-related activities in the categories regulated by the Commission's Act.

### New obligations from 2 June 2008

All employers and education providers must:

- use only the latest blue card application forms (which include a new declaration that it's an offence for a disqualified person to apply for a blue card)
- warn every person applying for a blue card that it's an offence for a disqualified person to sign the application form. For example, *"I am legally obliged to warn you that it is an offence for a disqualified person to sign a blue card application form."*
- sign the declaration on the application form stating you have warned the applicant

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- check that the applicant has signed the declaration stating they are not a disqualified person before lodging an application on their behalf.

## Risk management obligations

It is also mandatory for every organisation covered by the Commission's Act to have a risk management strategy in place to keep children and young people safe. This means employers must develop and implement a written child protection risk management strategy and review it each year. The strategy should include a register of all paid and volunteer staff in your organisation that carry out regulated child-related activities. The Commission provides free risk management workshops around the state. For more information call the Commission on **3247 5518** or visit the website at [www.ccypcg.qld.gov.au/about/risk\\_management.html](http://www.ccypcg.qld.gov.au/about/risk_management.html)

## Who Needs a Blue Card?

Anyone who proposes to work, in a paid or voluntary capacity in a child-related area regulated by the Commission's Act will require a Blue Card.

Regulated employment activities include:

Both paid employees and volunteers may need a blue card if they fall under one of the following categories:

- residential facilities
- school boarding houses
- schools – employees other than teachers and parents
- child care
- churches, clubs and associations involving children
- health, counseling and support services
- private teaching, coaching or tutoring
- education programs conducted outside of schools
- child accommodation services, including homestays
- religious representatives
- sport and active recreation
- emergency services cadet programs, and
- school crossing supervisors
- care of children under the Child Protection Act 1999
- volunteers

A volunteer, unless exempt, must have a blue card before they start volunteering in one of the above categories, regardless of how often they come into contact with children and young people.

## Paid employees

Paid employees must apply for a blue card if they work, or are likely to work, in one of the above categories over 12 months, for at least:

- eight consecutive days; or
- once a week, each week, over four weeks; or
- once a fortnight, each fortnight, over eight weeks; or

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- once a month, each month, over six months

**Note:** A paid employee can commence work pending the outcome of their blue card application.

## Trainee students

A student, irrespective of their age, studying at a registered training organisation, university or TAFE, will require a blue card if they carry out work in one of the above categories as part of their study.

**Note:** A trainee student must have a blue card before they start volunteering in one of the above categories, regardless of how often they come into contact with children and young people.

## Checking blue cards

When a new employee or volunteer starts work in your organisation, you should check the card holder's name and signature on their blue card with other signature or photo identification to satisfy yourself of their identity, then lodge an 'Authorisation to confirm a valid blue card' form. This will allow the Commission to validate the blue card produced and notify you of any change to their blue card status considered relevant to their child-related employment.

Don't forget to notify the Commission when:

an applicant or blue card holder stops working for your organisation, or the contact person for your organisation changes. To do this, an authorised person from your organisation should write to the Commission on official letterhead advising the name and contact details of the new contact person.

## How long is the Check Valid?

The check is valid for 2 years unless there is a change in the person's criminal history.

## Cost of the Blue Card

The cost is \$60.00 for paid and self-employed people and is free for volunteers and students. Replacement cards are \$10.

## MANDATORY REPORTING

Legislation which specifies who is required by law to report suspected cases of child abuse and neglect is known as mandatory reporting.

The people mandated to report in the State of Queensland are:

Doctors and nurses who become aware of or reasonably suspect a child has, is, or is *likely to suffer harm*.

Officers employed to implement the Act 1999: all staff of residential care services with reasonable suspicion of *abuse* or *neglect* to a child in residential care.

Educational staff (teaching and non-teaching staff in government and non- government schools) who become aware of or reasonably suspect *sexual abuse* of a child under 18 by an employee of the school.

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## REPORTS SHOULD BE MADE TO:

The Commission for Children and Young People  
PO Box 12671  
George Street  
Brisbane QLD 4003  
Telephone: (07) 3247 5525  
Fax: (07) 3247 5507  
Email: [wmaster@ccypcg.qld.gov.au](mailto:wmaster@ccypcg.qld.gov.au)  
Website: [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au)

## SOURCES OF INFORMATION

Commission for Children and Young People and Child Guardian –  
<http://www.ccypcg.qld.gov.au>  
Health Act 1937 s76k  
The Criminal Code Act 1899  
The Commission for Children & Young People Act 2004

## 2. NEW SOUTH WALES

### PROHIBITED EMPLOYMENT DECLARATION

The *Children and Young Persons (Care and Protection) Act 1998* mandates the Department of Community Services with the responsibility for the care and protection of children and young people in NSW where there are concerns about their safety, welfare and wellbeing.

### Who is a Prohibited Person?

All people working in, or seeking to work in, child-related employment must declare whether they are a prohibited person. This includes volunteers and students on placement. It is an offence for prohibited persons to apply for, undertake or remain in child-related employment.

A prohibited person is a person convicted of committing a serious sex offence, or a 'registrable person'. A 'registrable person' is someone who has been found guilty of the following offences:

- murder of a child
- child related personal violence offence
- serious sexual offences
- indecency offences (punishable by imprisonment of 12 months or more)
- kidnapping
- child prostitution
- child pornography (possession, distribution or publication)

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- attempt, conspiracy or incitement to commit the above offences

## What is Child Related Employment?

Child-related employment is any work (paid or unpaid) of the following kinds that involve direct and unsupervised contact with children in the following areas:

- pre-schools, kindergartens, child care centres (including residential child care centres)
- refuges used by children
- clubs, associations etc (including those of a cultural, recreational or sporting nature) which have a significant child membership
- religious organisations
- entertainment venues where the clientele is primarily children
- taxi services for the transport of children
- private tuition of children
- child health services
- counseling or other support services for children
- overnight camps for children
- babysitter or child minder arranged by a commercial agency
- in schools or other educational institutions (not being universities)
- on school buses
- fostering or other child care
- child protection services

All people in, or commencing, child-related employment must be asked by their employer if they are a prohibited person. Employers should clearly state in all information for child-related positions that Prohibited Persons are not eligible to apply. As an employer, the Working With Children Check requires that you:

- don't employ prohibited persons in child-related employment
- do Working With Children background checks
- report relevant employment proceedings
- keep records and protect confidentiality

## BACKGROUND CHECKS

Background checks are conducted by the NSW Commission for Children and Young People and other Approved Screening Agencies.

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***Background checks are only mandatory for:***

- preferred applicants for paid child-related employment
- a minister, priest, rabbi, mufti, or other like religious leader or spiritual official of a religion
- anyone seeking to provide foster care ('authorised care' to children)

Three specific checks are made for:

- relevant criminal records;
- relevant Apprehended Violence Orders;
- relevant employment proceedings.

Any relevant records arising out of the background check will be assessed in terms of risk of employing the person in a child-related position. An assessment report is then forwarded on to the employer. The decision whether to employ a person always remains the employers. Employers may conduct other criminal record checks as part of their employment screening process at their own discretion.)

**Cost of the Check**

There is no charge for employers or applicants requesting a background check as part of the Working with Children Check.

**MANDATORY REPORTING**

A "mandatory reporter" is any person who delivers health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children (aged under 16) as part of their paid work and includes any person who directly manages or supervises such work.

If you are a mandatory reporter with current concerns that a child aged under 16 is at risk of harm, you are required to make a report to the Department of Community Services.

This is a legal obligation, which carries a penalty if you fail to comply.

**REPORTS SHOULD BE MADE TO:**

Department of Community Services  
4 – 6 Cavill Avenue  
Ashfield, NSW 2131  
Phone Number 9716 2222  
24 hours: 132 111  
URL: [www.community.nsw.gov.au](http://www.community.nsw.gov.au)

**SOURCES**

NSW Commission for Children & Young People <http://www.kids.nsw.gov.au/check/>  
Child Protection (Prohibited Employment) Act 1998

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Commission for Children and Young People Act 1998

Children (Care & Protection) Act 1987

Children (Care & Protection) Regulations 1996

Children & Young Persons (Care & Protection) Act 1998 s27

Ombudsman Act 1974 <http://www.kids.nsw.gov.au/kids/check/employerguidelines.cfm>

### 3. AUSTRALIAN CAPITAL TERRITORY

#### CRIMINAL RECORD CHECK

There is no legal requirement that requires people working with children to undergo a police check in the ACT. Criminal history check application forms are covered by the ACT Police Department.

#### MANDATORY REPORTING

The following people are legally required to report reasonable suspicions of abuse:

- Medical practitioners
- Dentists
- Nurses
- Teachers
- Law enforcement officers
- School counselors
- Child-care providers
- Public servants providing services relating to the health or wellbeing of children, young people or families, the community advocate, or the official visitor

#### What should be notified?

A reasonable suspicion that a child or young person has suffered or is suffering *sexual abuse* or non-accidental *physical injury* arising during the course of the person's work.

For notification purposes in the Australian Capital Territory, a *Child* is any person under 12 years old.

A *Young Person* is 12 years or older but not yet an adult.

#### REPORTS SHOULD BE MADE TO:

Department of Disability, Housing & Community Services

Office for Children, Youth and Family Support

Address: GPO Box 158 Canberra City, ACT 2601

Enquiries: 132281

Fax: (02)62057187

Email: [ocyfs@act.gov.au](mailto:ocyfs@act.gov.au)

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## SOURCES

National Child Protection Clearinghouse: Australian Institute of Family Studies –  
<http://www.aifs.gov.au/nch/pubs/sheets/rs3/rs3.html>  
Mandatory Reporting - "Summary of Grounds & Contacts for Notification of Abuse"  
Herbert Greer & Rundle (Lawyers),  
Choose with Care (Childwise)  
Children and Young People Act 1999 s159

## 4. VICTORIA

### WORKING WITH CHILDREN CHECK

In 2006, the Victorian Government introduced a new checking system to help protect children under 18 years of age from physical or sexual harm. The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The WWC Check helps to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work.

If you work or volunteer with children you may need to apply for a WWC Check. Employers, volunteer organisations and agencies must ensure that any of their staff or volunteers who need a WWC Check have applied by the due date. The WWC Check is being phased in over five years. If you need a WWC Check, you must apply by the due date for your field of child-related work. The next due date is **30 June 2009**.

The Working with Children Check provides information regarding a person's criminal history for serious sexual, violence or drug offences and findings from professional disciplinary bodies. Persons wishing to work in child-related employment are required to apply for a Working with Children Check. Checks will begin to be phased in for different occupations from 2007 and fully implemented in 2012.

### Who Needs a Working With Children Check?

Employees and volunteers who work in, child related work must apply for a Working with Children Check. This work most commonly involves regular, direct contact with a child where that contact is not directly supervised.

Direct contact is defined as any contact with a child that involves any of the following:

- physical contact
- talking face to face
- physically being within eyeshot (this means you can physically see them)

Direct supervision must:

- be undertaken by a person who supervises child-related work;
- be immediate and personal.

For the purposes of the Working with Children's Act, child-related work includes the following occupation fields:

- child care or children's services (e.g. care for 5+ children under the age of 6yrs)
- educational institutions

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## FPMTA Policy – Child Protection Policy and Procedures

- community services, youth residential centres or youth training centres.
- refuges and other residential facilities used by children
- paediatric wards of hospitals within the meaning of the Health Services Act 1988, or within private hospitals within the meaning of that Act
- clubs, associations or movements (including of a cultural, recreational or sporting nature) whose membership mainly comprises children
- religious organisations;
- baby-sitting or child-minding services arranged by a commercial agency
- fostering children
- providing a transport service specifically for children
- coaching or private tuition services of any kind for children
- counseling or other support services for children
- overnight camps for children
- school crossing services
- providing commercial entertainment or party services for children (not incidental to other business activities)
- providing commercial gym or play facilities for children (not incidental to other business activities)

### How long is the Check Valid?

The WWC Check is valid for five years and is transferable between different employers or volunteer organisations (except if moving from a volunteer to an employee position).

### Cost of the Working for Children Check

The Check is free for volunteers and \$73.90 for employees.

### MANDATORY REPORTING

The following people are legally required to report reasonable suspicions of abuse:

- Doctors
- Nurses
- Teachers
- Police
- School principals

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## REPORTS SHOULD BE MADE TO:

Department of Human Services  
Children Youth and Families  
Child Protection & Family Services  
9/50 Lonsdale Street, Melbourne, Vic. 3000  
Phone: 1300 360 391  
Phone Number: 131 278 - after hours emergency service  
URL: [www.cyf.vic.gov.au](http://www.cyf.vic.gov.au)

## SOURCES

Department of Justice  
<http://www.justice.vic.gov.au/CA25711C001EBB33/HomePage?OpenForm&1=Home~&2=~&3=~>  
National Child Protection Clearinghouse <http://www.aifs.gov.au/nch/index.html>  
Children & Young Persons Act 1989 s64  
Children Services Act 1996  
Children Services Regulations 1998 s27  
Working with Children Act 2005

## 5. TASMANIA

### CRIMINAL RECORD CHECK

The Commissioner for Children Tasmania released a consultation paper in 2005 discussing proposals to introduce policies and procedures for Tasmanian organisations to screen individuals who seek to work with children in a voluntary or paid capacity. However, at present there are no legal requirements for people working with children to undergo a police check. Criminal history record checks can be obtained through the Tasmanian Police Department.

### MANDATORY REPORTING

The following people are legally required to report reasonable suspicions of abuse:

- Medical practitioners, dentists, psychologists and nurses
- Teachers, school principals, kindergarten teachers, and child care workers
- Law enforcement officers and probation officers
- Child welfare officers
- Persons concerned in the management of a child care service
- People employed by, or volunteering in, government agencies or organisations funded by the Crown that provide health, welfare, education, residential services or care wholly or partly for children

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## REPORTS SHOULD BE MADE TO:

Department of Health and Human Services  
Children and Families Division  
Level 4, 34 Davey, Street  
Hobart Tas, 7000

Phone Number: 1300 737 639

1800 001 219

URL: [www.dhhs.tas.gov.au](http://www.dhhs.tas.gov.au)

## SOURCES

Department of Health & Human Services – [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

Children, Young Persons and their Families Act 1997

Mandatory Reporting - "Summary of Grounds & Contacts for Notification of Abuse"

Herbert Greer & Rundle (Lawyers), Choose with Care (Childwise), National Child Protection Clearinghouse

<http://www.aifs.gov.au/nch/index.html> [www.childcomm.tas.gov.au](http://www.childcomm.tas.gov.au)

## 6. SOUTH AUSTRALIA

### CRIMINAL RECORD CHECKS

South Australia has not yet put forward specific legislation on the issue of police clearances and checks. A National Police Certificate Application Form is available on the website of the South Australia Police Department.

### MANDATORY REPORTING

The following people are legally required to report reasonable suspicions of abuse:

- medical practitioners, dentists, enrolled nurses, social workers and pharmacists
- police and probation officers
- teachers
- voluntary workers providing children's services.

## REPORTS SHOULD BE MADE TO:

Department of Human Services

Family & Youth Services

PO Box 39

Rundle Mall PO

Adelaide SA 5000

Phone Number: 131 478

URL: [www.cyh.com.au](http://www.cyh.com.au)

**Child Abuse Report Line** (24 hours every day) 131478

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<http://www.childabuseprevention.com.au/reportabuse/sa.htm>

## SOURCES

Mandatory Reporting - "Summary of Grounds & Contacts for Notification of Abuse"

Herbert Greer & Rundle (Lawyers), Choose with Care (Childwise),

Protection Clearinghouse <http://www.aifs.gov.au/nch/index.html>

Children's Protection Act 1993 s11

[www.parliament.sa.gov.au](http://www.parliament.sa.gov.au) (2004)

<http://www.jcs.act.gov.au/eLibrary/lrc/r07/Report7c1.html>

## 7. WESTERN AUSTRALIA

### WORKING WITH CHILDREN CHECK

A Working with Children Check is a national criminal record check that will be compulsory for people who carry out child-related work in Western Australia.

Working with Children Checks are very different from a National Police Check conducted by the WA Police, which many employers may currently require of their employees or volunteers.

The Working with Children Check considers convictions for all offences, and charges for a limited range of serious offences, to see if an applicant has a criminal history that may place children at risk of harm. However, it is important to understand that a criminal history in itself will not necessarily prevent a person from working with children. When assessing an applicant's criminal history, the circumstances of any convictions or certain charges, and their relevance to working with children, will be considered.

The Working with Children Check commenced in 2006 and phasing-in of the Checks will occur until 2011 when the system will be fully operational. For details about the introduction dates for specific types of child related work please refer to the Working with Children website.

Any person undertaking child-related work in WA must have a Working with Children Check by the date required under the phasing-in arrangements.

### Who Needs a Working with Children Check?

People employed in child-related employment including: paid employees; volunteers; unpaid people such as students doing practical training and people who carry on a child-related business e.g. self employed.

**"Child-related work"**, is defined under Section 6 of the *Working with Children (Criminal Record Checking) Act 2004*. Below is a summary of the key areas affected:

"Work is child-related work if the usual duties of the work involve, or are likely to involve, contact with a child in connection with:

- kindergartens and child care services
- an educational institution for children
- a coaching or private tuition, but not informal private arrangements

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- accommodation or care of children but not including an informal arrangement made by a parent of the child concerned or accommodation or care provided by a relative of the child
- A placement arrangement under the Children and Community Services Act 2004
- The performance by an officer, as defined in the Children and Community Services Act 2004, section 3, of a function given to the officer under that Act
- a detention centre, as defined in the Young Offenders Act 1994 section 3
- a community child health service
- a counselling or other support service
- a religious organisation
- a club, association or movement with a significant membership or involvement of children
- a ward of a hospital in which children are ordinarily patients
- an overnight camp, regardless of the type of accommodation or how many children are involved
- a transport service specifically for children
- a school crossing service
- a children's entertainment or party service
- any other work of a kind prescribed by the regulations

## Who Is Exempt?

- volunteers under 18 years of age
- volunteer parents whose child participates in the activity (except for overnight camps)
- employers of children and people who work alongside children as fellow employees, unless otherwise doing child-related work
- short term visitors to WA, for 2 weeks after their arrival, and for no more than 2 weeks in a 12 month period are exempt from the Checks

## What Are The Application Outcomes?

Applicants may be issued with either:

- An Assessment Notice in the form of a Working with Children Card that will include a photograph, signature and Assessment Number. The Card is valid for 3 years, subject to changes in a person's criminal history. During this time, the person issued with the Notice may present their card to any employer as proof of a Working with Children Check.
- A Negative Notice or an Interim Negative Notice which prohibits a person from "child related work". Strict penalties apply to people who do not comply - a fine of up to \$60,000 and up to 5 years imprisonment.

## How long is the Check Valid?

The card will be valid for three years and is transferable across different types of child-related work, whether

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volunteer or paid work.

## Cost of the check

The cost of a Working with Children Check is heavily subsidised for all applicants and is: \$50 for paid workers and self-employed people; \$10 for volunteers and other unpaid people, such as students on placement as part of their studies. These fees may be paid either by the workplace or the employee or volunteer.

## MANDATORY REPORTING

There is no current legislation requiring the mandatory reporting of child abuse in Western Australia.

## REPORTS SHOULD BE MADE TO:

Department for Child Protection  
189 Royal Street  
East Perth 6004  
Phone Number 9222 2555  
Freecall STD: 1800 622 258  
Crisis Care Unit: 9223 1111 or 1800 199 008 (24 hours)  
URL: [www.community.wa.gov.au](http://www.community.wa.gov.au)

## SOURCES

Dept of Community Development <http://www.checkwwc.wa.gov.au/default.htm>  
The Criminal Code Act 1899  
The Commission for Children & Young People Act 2004  
Protection Clearinghouse <http://www.aifs.gov.au/nch/index.html>

## 8. NORTHERN TERRITORY

### CRIMINAL RECORD CHECKS

The Northern Territory Government has released draft legislation for the creation of a screening scheme that stipulates minimum standards for broadly identified child-related occupations and activities. The Police Department provides information on criminal history checks.

At present there are no legal requirements for people working with children to undergo a police check, although individual organisations may have their own policy in this regard.

## MANDATORY REPORTING

The people mandated to report in the Northern Territory are Police; all other people who believe on reasonable

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grounds that a child has suffered or is suffering maltreatment (physical, sexual abuse or emotional abuse).

## REPORTS SHOULD BE MADE TO:

Department of Health and Community Services  
PO Box 40596  
Casuarina NT 0811  
Phone Number: 1800 700 250  
URL: [www.families.nt.gov.au](http://www.families.nt.gov.au)

## SOURCES

Mandatory Reporting - "Summary of Grounds & Contacts for Notification of Abuse"  
Herbert Greer & Rundle (Lawyers),  
Choose with Care (Childwise),  
Community Welfare Act 1983  
National Child Protection Clearinghouse <http://www.aifs.gov.au/nch/index.html>

## APPENDIX 5 - Application to work with children and interview questions

Position Applied For: \_\_\_\_\_

### Personal Details

Full Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Home Ph.: \_\_\_\_\_ Mob Ph.: \_\_\_\_\_ Work Ph.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Please list all ***Places of Worship*** that you have attended regularly in the last 3 years

Date (Approx.)	Place of Worship

Please list any ***qualifications*** you have that relate to working with Children

Date	Qualification	Institution

Please provide any ***experience*** you have had that relates to working with Children

Date	Organisation	Position

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## References

Please provide details of two people we can contact, who can comment on your suitability for this position:

### First Referee

Full Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Home Ph.: \_\_\_\_\_ Mob Ph.: \_\_\_\_\_ Work Ph.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Position & Organisation: \_\_\_\_\_

### Second Referee

Full Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Home Ph.: \_\_\_\_\_ Mob Ph.: \_\_\_\_\_ Work Ph.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Position & Organisation: \_\_\_\_\_

## Declarations

Have you:

- Read and understood FPMT Australia Ltd's Child/Member Protection Policy & Code of Conduct? Yes / No
- Ever been in serious breach of FPMT Australia Ltd's Child/Member Protection Policy & Code of Conduct? Yes / No
- Had someone express concerns about your behaviour towards a child? Yes / No
- Ever been convicted of a criminal offence or been the subject of an investigation relating to the abuse of a child or inappropriate sexual behaviour? Yes / No

☐ I confirm that the information provided on this application form is true and correct.

☐ I consent to a National Police Record check and the release to FPMT Australia Ltd of any matters deemed to be relevant which are recorded against my name.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

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## WORKING WITH CHILDREN INTERVIEW QUESTIONS

***The questions asked in this interview may make you feel uncomfortable but they are a necessary part of our child safety policy and must be answered. The answers you provide will be kept confidential where possible but may be divulged to other Leaders within the Church.***

1. Why have you applied for this position and why do you feel you are suitable for the role?

2. Please describe any positive experiences you have had with children or young people

3. Please describe any negative experiences you have had with children or young people

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4. Have you ever been in a situation where you have disciplined a child or young person?  
If so, how did you handle this situation?

5. Have you ever been investigated for violent or sexually related offences?  
If so, what were the circumstances?

6. Is there any other information relating to your suitability for this position that we should be aware of?

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

END OF POLICY

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# FPMT Ethical Policy

1. ***The Five Lay Precepts***

The five lay precepts are the foundation of ethics for all persons while in the course and scope of performing duties, responsibilities or actions for, on behalf of, or related to FPMT. The five basic rules are not to kill, steal, engage in or commit sexual misconduct, lie, or take intoxicants. Intoxicants include alcohol, recreational drugs, and tobacco products.

2. ***No Discrimination***

The FPMT organization shall not discriminate in its programs, services, employment, volunteer opportunities, or other activities or benefits on the basis of race, ethnicity, national origin, gender, affectional or sexual orientation, marital status, age, or disability.

3. ***No Harassment***

FPMT is committed to promoting safe environments wherein the dignity of every individual is respected. Everyone participating in FPMT-related activities has the right and shall be free from harassment of any type, be it sexual harassment, intimidation, bullying, or other forms of harassment. Everyone coming into contact with the FPMT network shall be treated with dignity and respect.

4. ***Relationships***

Sexual relationships between Dharma teachers and students while a student is attending the teacher's teachings, course or retreat are prohibited, and are strongly discouraged at all other times as long as there is a Dharma teacher-student relationship. Please see below for a policy specific to Dharma teachers. Others in positions of authority are also strongly discouraged from entering into sexual relationships in situations where there may be a real or perceived power imbalance. As well, no teacher, volunteer, staff member, or other representative of the hosting center shall make sexual advances to any participant during a teaching, course or retreat.

5. ***Right Speech***

Those in positions of authority must avoid gossip and harsh or abusive language, since overhearing conversations in which others are disparaged can have a negative impact on those involved in FPMT activities. Harsh or abusive language may also constitute harassment or bullying.

6. ***Finances***

All income and expenditure in FPMT affiliates must be accounted for according to generally accepted accounting principles. Money that has been donated for a specific project must be used for the project it has been donated for, and not for operating expenses or other projects. Income from the sale of Dharma items must be used for Dharma purposes, not for operating expenses.

7. ***Whistleblower Protection***

If an individual or group believes that a practice or activity within the FPMT organization is illegal and/or against this Ethical Policy, and brings their concern to the relevant management, that individual or group shall be protected from retaliation.

## Additional Policy for FPMT Registered Teachers, Class Leaders, and Interpreters

Because of the uniqueness of the teacher-student relationship, FPMT registered teachers, interpreters, and introductory class leaders are required to observe the following additional policy:

- *Confidentiality*  
In any situations where disclosures are made by students with a stated expectation of privacy, including but not limited to during private interviews, teachers, interpreters, and class leaders shall respect the confidentiality of students, and treat all communications from students as confidential, not disclosing information acquired from students without the consent of the student.
  - *Honesty*  
Dharma teachers and class leaders are to be honest about their qualifications, and shall correct any misrepresentation of their qualifications as soon as it comes to their attention.
  - *Avoiding Inappropriate Relationships*  
Dharma teachers and class leaders, shall not engage in a sexual relationship or communicate an interest in doing so while a student is attending the teacher's course, teachings, or retreat. Dharma teachers and class leaders must never use, or create the appearance of using, their authority or position to pursue or initiate sexual relationships with students, volunteers, or other participants in teachings, courses, or retreats.
-

# **FPMT Shugden Policy**

- **Those in service or teaching in FPMT centers and projects do not engage in the practice of Shugden/Dolgyal.**
- **Centers must prominently state this policy on their websites and notice boards.**
- **Projects such as hospice services or international projects may decide whether displaying this policy is appropriate for their mission. If displaying the policy is not consistent with the project's mission, the project should display a photo of His Holiness the Dalai Lama on the main pages of their websites to help indicate that the project or service respects His Holiness.**
- **Students regularly attending FPMT centers should not practice Shugden.**
- **FPMT teachers and key staff should not attend teachings by teachers who are known Shugden practitioners.**
- **Center members should be made aware of this policy. If possible, members with voting rights should also commit to following this policy.**

**- END -**



# FPMTA POLICY - CONFLICT OF INTERESTS

## 1. POLICY

The Board of FPMTA places great importance on making clear all existing or potential conflicts of interest for its directors, and for members of the Executive Committees of all centres, projects and services. All such conflicts of interest shall be declared by the member concerned and documented in the relevant Conflicts of Interest Register. A Board member or member of an Executive Committee who believes another Board of Executive Committee member has an undeclared conflict of interest should specify in writing the basis of this potential conflict.

Examples of conflict of interest are:

1. When a Board or Executive Committee member or his/her immediate family or business stands to gain financially from any business dealings, programs or services of the organisation.
2. When a Board or Executive Committee member him or herself offers, or proposes to offer, a professional service to the organisation.
3. When a Board or Executive Committee member stands to gain personally or professionally from any insider knowledge if that knowledge is used to advantage.
4. Where a Board or Executive Committee member has a role on the governing body of another organisation, where the activities of that other body may be in direct conflict or competition with the activities of FPMTA.

## 2. PROCEDURES

- Any business or personal matter which is or could be a conflict of interest involving the individual and his/her role and relationship with the organisation must be declared and registered in the official Conflicts of Interest Register. This Register is to be maintained by the Secretary to the Board or Executive Committee.
- All such entries in the Register shall be presented to the Board or Executive Committee and minuted at the first board or executive committee meeting following the entry in the register.
- When a conflict of interest is identified and/or registered, the Board or Executive Committee member concerned is not permitted to participate in any Board or Executive Committee discussion on that topic or topics felt by the Board or Executive Committee to be closely related. Preferably the Board or Executive Committee member concerned should leave the room during such discussions and not vote on those issues. Continued participation could occur with the consent of the Board or Committee as a whole.
- If a person declares themselves to have existing or potential conflict of interest confidentiality will be respected. If a person alleges that another person has a conflict of interest, whether existing or potential, and if the Board cannot resolve this allegation to the satisfaction of both parties the matter shall be referred to the FPMTA Mediation Group. This Mediation Group will make a recommendation to the Board as to what action shall be taken.

END OF POLICY

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## FPMTA COPYRIGHT POLICY

### 1. FPMTA COPYRIGHT POLICY

All materials produced by or on behalf of FPMT Inc are copyright. Permission to reproduce such materials depends on the category into which they fall.

All materials produced by or on behalf of FPMT Inc will be classified by the FPMT Education Services Department into one of the following classes:

#### 1a

Those materials that are copyright and that cannot be reproduced by any process other than for the purposes of and subject to the provision of the Copyright Act (Copyright Act 1968 Commonwealth of Australia), and any licensing agreement between the user and FPMTA, FPMT's agent in Australia.

#### 1b Grant of Licenses: Section 4 of the Affiliation Agreement:

During the period of this Agreement FPMT Inc grants to Affiliate a non-exclusive non-transferrable right to use certain trade names, trademarks, service marks, abbreviations, symbols, logos, designs, letterheads and/or copyrighted materials of FPMT Inc including the Handbook, the Affiliation Agreement, Ethical Policy, templates, standard education materials, etc, subject to the terms, conditions and covenants contained in this Agreement. Affiliate shall not permit any other person or entity to use the licensed materials without prior written authorization from FPMT Inc. FPMT Inc reserves all rights to the licensed materials except as specifically permitted to Affiliate herein, and FPMT Inc may exercise such reserved rights at any time.

#### 1c

For all teachings given on a tour at or under the auspices of an FPMT center by a visiting teacher and interpreter, the copyright is held jointly by the visiting teacher and the hosting center. Wisdom Publications shall have the right of first refusal to publish such works, which rights must be exercised within a reasonable period of time.

### 2. COPYRIGHT AND OWNERSHIP OF THE TEACHINGS

#### 2a The Spiritual Director

The copyright of Lama Zopa Rinpoche, Lama Thubten Yeshe and Lama Osel Rinpoche's oral and written teachings are held by Lama Zopa Rinpoche. Lama Yeshe Wisdom Archive is currently the exclusive agent.

#### 2b Resident Teachers

The center and the FPMT Education Services Department at International Office have free access to and use of any material (tapes or written) produced during center activities. Centers are asked to inform the Education Services Department of their existing and new material, so that if suitable it can be made available to other FPMT centers who need that material.

The principles of that agreement should be that copyright for third party use (i.e., publishing outside the center) will be held jointly by center and resident teacher.

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## **2c Resident Interpreters**

Copyright is held by the center for any work done by the interpreter for which they are paid by the center.

## **2d Visiting Teachers and Interpreters**

For all teachings given on a tour at or under the auspices of an FPMT center by a visiting teacher or interpreter, the copyright is held jointly by the visiting teacher and the hosting Center. Wisdom Publications shall have the right of first refusal to publish such works, which rights must be exercised within a reasonable period of time.

## **3. INCOME FROM PUBLISHING**

In general, money received from the sale of Dharma should not be used for one's own food, clothing or shelter. This includes money received through royalties. His Holiness the Dalai Lama advised to try and find another source of income for one's support if possible.

For more information, see the Financial chapter in the FPMT Handbook, [Guidelines for Use of Income from Dharma Items](#).

## **4. COURSE LITERATURE**

It is strongly recommended that all courses held at centers for more than two days duration should include a book published by an FPMT publishing house (if a book on the subject being taught has been published by one of the FPMT publishing houses).

## **5. USING PUBLISHED MATERIAL - COPYRIGHT GUIDELINES**

If you wish to photocopy material from books published by the FPMT Education Services Department, Wisdom Publications, or any other copyrighted source, it is always proper to first get permission from the publisher or copyright holder. It is relatively easy in the day of emailing to ask and get permission quickly. When requesting, you should state the source book and specific pages to be copied. If you receive permission and make copies, be sure to indicate the original copyright and that the material has been copied with permission.

It is worth bearing in mind, especially if you wish to use material that is more than a couple of pages long, that encouraging people to purchase the book may support the center bookshop and supports the creation of new books as well. This is especially relevant when the book contains words of Lama Yeshe or Lama Zopa Rinpoche.

Permission also needs to be requested from the publisher for any book, or portion of any book, that you may wish to translate.

Copyright means "ownership", so it is essentially stealing to use and distribute someone's work without permission.

## **6. COPYRIGHT OF MATERIALS PRODUCED BY INDIVIDUAL CENTRES OR CENTRE MEMBERS ON BEHALF OF THAT CENTRE.**

It may be helpful to place a copyright (statement of ownership) notice on your center website, to apply to an opening page, an entire site or individual files.

## **7. BREACH OF COPYRIGHT**

Where a person or group in Australia has deliberately, and after a suitable warning, continued to infringe copyright held by FPMT, either published materials or through the non-approved use of trademarks, logos, symbols, designs and letterheads, FPMTA as FPMT's agent in Australia will pursue the matter through legal recourse and as laid down in the Copyright Act, 1968, Commonwealth of Australia.





## FPMTA POLICY – DISCIPLINARY

### 1. POLICY

The purpose of this policy is to ensure that unacceptable conduct is addressed promptly and appropriately in all FPMT centres, projects and services. It applies to teachers, Sangha, employees, volunteers, residents and members and should be used in accordance with the **FPMT Ethical Policy**. Invariably there will be few employees within FPMT centres, projects and services and a large number of volunteers.

The **FPMTA Grievance Policy** provides a framework by which a person may complain about a perceived wrong done to them by a teacher, employee or volunteer. The **FPMTA Disciplinary Policy** provides for a separate process from the perspective of the person who is complained about.

### 2. PRINCIPLES

The procedure is designed to establish the facts quickly and to deal with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated and a written report produced. An employee, teacher, volunteer or member should not continue working while an investigation is in process.

At every stage employees, teachers and volunteers and members will have the opportunity to state their case and be accompanied at a hearing by a work colleague or union representative, but not a lawyer. All persons subject to this policy have the right to appeal in writing, within five working days, against any disciplinary penalty.

Where appropriate, counseling will be offered to resolve problems and where possible and practicable all proceedings should be confidential.

### 3. PROCEDURE

**Stage one – first warning:** If conduct or performance is unsatisfactory the employee, teacher, volunteer or member will be given a written warning. This will be recorded but may be disregarded after an agreed period of subsequent satisfactory service. This warning should include the date of the alleged offence and a description of it.

**Stage two – final warning:** If the offence is serious, or if there is no improvement in standards, or if a similar offence occurs, a final written warning will be given including the reasons for the warning and offering an agreed period during which improvement must be demonstrated.

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**Stage three – dismissal or action short of dismissal:** If conduct or performance has not improved the employee, teacher, volunteer or member may suffer demotion, disciplinary transfer, loss of seniority or dismissal.

In the case of the dismissal of an employee the minimum statutory procedure requires that:

**Step one:** a written note to the employee setting out the allegation and its basis and requesting the employee to attend a meeting

**Step two:** a meeting to consider and discuss the allegation

**Step three:** the right of appeal including an appeal meeting. Applications for an appeal must be presented in writing within five working days of being informed in writing of the formal action to be taken.

The employee will be reminded of their right to be accompanied at a meeting and to access the FPMTA Mediation and Resolution Advisory Group. The decisions of the MRAG will be recorded and handed to the employee within three working days of the group's meeting. The disciplinary procedure is internal to FPMTA and the decisions of the MRAG are final.

The FPMT Senior Sangha Council should also be advised of all disciplinary issues relating to Sangha.

#### **4. GROSS MISCONDUCT**

In cases of gross misconduct the first stage may be omitted and a final written warning presented. If, after investigation, it is confirmed that such an offence has been committed the normal consequence will be dismissal without notice or payment in lieu of notice. Some examples of gross misconduct are:

- Theft, misappropriation, misuse or unauthorized use of FPMT centre, project or service property
- Fraud, deceit, deception and dishonesty
- A serious breach of FPMTA policies and procedures
- Violent, offensive or other intimidating conduct or language
- Unlawful harassment
- Incapacity at work through use of alcohol or drugs
- Conduct that constitutes a criminal offence, whether committed on the premises of an FPMT centre, service or project or elsewhere
- Inappropriate use of the internet

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- Action likely to cause injury or impair safety
- Failure to respect confidentiality of information
- Undertaking work detrimental to or in conflict with FPMT's interests
- Failure to comply with a reasonable instruction
- Misconduct so incompatible with the employee/ teacher/volunteer's duties and responsibilities that their continued presence within the organisation is insupportable

## 5. EXPULSION OF A VOTING MEMBER

Incorporated centres, projects and services in Australia have constitutions whereby a member may be expelled following a complaint made to the committee by any member that a member of the centre, project or service has:

- Persistently refused or neglected to comply with a provision or provisions of the rules governing the constitution, or
- Persistently and willfully acted in a manner prejudicial to the interests of the centre, project or service.

On receiving such a complaint the committee must:

- Cause notice of the complaint to be served on the member concerned, and
- Give the member at least 14 days from the time notice is served within which to make submissions to the committee in connection with the complaint, and
- Take into consideration any submissions made by the member in connection with the complaint.

The committee may, by resolution, expel the member from the centre, project or service, or suspend the member from membership of the centre, project or service if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

If the committee expels or suspends a member the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal.

The expulsion or suspension does not take effect:

- Until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or

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- If within that period the member exercises the right of appeal, unless and until the centre confirms the resolution, whichever is the later.

Rules governing the appeal process are further set out in the constitution of the centre, project or service.

## **6. REPORTING TO FPMTA**

If the person being disciplined is an FPMT registered teacher or the current Director, the FPMTA National Coordinator should be informed immediately and will progress the situation in consultation with FPMT Inc.

In all cases of dismissal for gross misconduct or dismissal of a voting member, the FPMTA National Coordinator must be kept informed.



# FPMTA POLICY - EQUAL OPPORTUNITY

## 1. POLICY

FPMTA promotes the recognition, acceptance and right of all people to be treated with fairness, equity and justice. FPMTA does not condone or tolerate unfair treatment within its community.

FPMTA is committed to supporting the principles of equal opportunities in employment, training and promotion. It is our philosophy to ensure there is no discrimination on the grounds of race, colour, ethnic or national origin, gender, sexual preference, marital status, disability or religion.

The FPMTA community includes all staff, volunteers, residents, community members, visitors and contractors involved in FPMTA centres, projects and services and related activities. They are entitled to be treated with courtesy, fairness and equity by other members of the FPMTA community in a safe environment free of bullying, harassment and vilification to any degree. Any form of victimization is a serious breach of this policy.

FPMTA expects all members of its community to abide by the relevant State and Federal legislation and to adhere to high standards of behaviour that reflect positively on FPMTA. Unlawful conduct will not be tolerated in the organization and may result in discipline.

Disability Discrimination Act 1992 (Fed)

Human Rights and Equal Opportunity Commission Act 1986 (Fed)

Race Discrimination Act 1975 (Fed)

Sex Discrimination Act 1984 (Fed)

Age Discrimination Act 2004 (Fed)

Fair Work Australia 2009 (Fed)

Racial Vilification Act 1996 (SA)

Equal Opportunity Act 1984 (SA)

Equal Opportunity Act 1995 (Vic)

Occupational Health and Safety Act 2004 (Vic)

Racial and Religious Tolerance Act 2001 (Vic)

### The handling of a complaint or appeal involves all the following elements:

- The right to a fair hearing
- The right to attend hearings with a support person (colleague or employee representative), if required
- The opportunity for all parties involved to present their case openly
- The subject of the complaint having full knowledge of the nature and substance of all allegations
- The person making the complaint or appeal will not determine the outcome of the complaint or appeal
- The right to an independent unbiased decision-maker
- A final decision based solely on the relevant evidence.

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- Staff are required to avoid gossip and respect the confidentiality of the complaint resolution procedure as outlined in the FPMTA Grievance Procedure Policy.

## 2. PROCEDURES

The selection and employment of staff is made solely on an impartial assessment of their ability to achieve the excellent performance standards needed to attain the organisation's goals.

The personal development of employees is achieved by giving opportunities and training to enable the individual's achievement of full potential in accordance with the organisation's goals.

Managers and supervisors have the responsibility to

- Be role-models for appropriate standards of behaviour
- Take action to ensure all staff and volunteers are educated and aware of their obligations under this policy and the law
- Intervene promptly and appropriately when they become aware of inappropriate behaviour
- Wherever possible assist in informal resolution of complaints
- Refer formal complaints about breaches of this policy to the appropriate person for investigation
- Take action to ensure that a person raising an issue or making a complaint is not victimized for doing so
- Act impartially in resolving issues and enforcing workplace behavioural standards, and ensure relevant parties have an opportunity to be heard.

FPMTA centres, projects and services will provide personnel with a list of related policies and procedures, and a list of appropriate people within the organisation whom persons may approach for advice, support or to make a complaint.

**Note:** Infringements by ordained Sangha members will be dealt with according to Australian law where indicated. All allegations of Sangha misconduct, including implications of broken ordination vows, will be referred to the IMI Senior Sangha Council.

END OF POLICY



# FPMTA POLICY - GRIEVANCE RESOLUTION

## 1. OBJECTIVES

FPMT and its affiliated centres, projects and services in Australia is committed to promoting a cooperative, positive, harmonious and open environment and the culture of wisdom through emphasizing harmony and family feeling whilst providing appropriate mechanisms to resolve grievances. All students, members and staff have the right to appeal over a grievance with another person within any FPMT affiliated centre, project or service, or over a failure to follow due process.

It is the aim of this policy to:

- promote the resolution of grievances with a preference for an informal process, only involving third party intervention when absolutely necessary
- achieve a satisfactory outcome with the focus on the problem and not the individuals involved
- ensure that when necessary a grievance is resolved impartially and independently through investigation and or mediation using one or more mediators

**NB:** This policy is to be executed in conjunction with the Ethical Policy and Grievance Procedure guidelines outlined in the FPMT Handbook. Grievances covered by legislation are addressed in other policies or the relevant federal, state or territory laws.

## 2. CONFIDENTIALITY

In order to ensure the ongoing promotion and practice of harmony and goodwill it is essential that discussion of grievances be confined to those who can assist in the resolution.

In any dispute or grievance resolution process it is vital that:

- All persons involved in the grievance process maintain strict confidentiality in relation to that grievance and its process.
- The problem is not discussed with other members of the community. This is simply gossip and it will often escalate the problem rather than helping to resolve it — and it could even be construed as slander.

However, it is recognized and accepted that people involved in a dispute/conflict/ grievance may wish to exercise their right to consult with and/or be supported/accompanied by a neutral third party in any of the processes undertaken to find resolution.

## 3. GENERAL PRINCIPLES

The Grievance Dispute Procedure will emphasise and promote the following principles:

- Fair and equitable treatment for all parties
- A safe environment
- Strictly confidential treatment of all grievances

- Access to the grievance resolution process for all parties
- Timely resolution of grievances
- Resolution by an authorised delegate, facilitator/ mediator where necessary
- Non-adversarial resolution to be sought
- Open and honest discussion
- Open communication and consultation with all stakeholders if deemed appropriate and necessary to ensure accurate and honest processes and outcomes
- A process of resolution based on compassion for all concerned parties

## 4. APPROPRIATE AUTHORITY

The appropriate authority to deal with resolving a grievance is dependent upon the nature of the grievance and the number and position of the people involved:

**Where the grievance involves an individual** - the grievance should be resolved informally with this individual.

**NB:** *Where the complainant genuinely feels that they cannot approach the person/s concerned to reach resolution, or they have previously tried and failed to reach a resolution, they should seek assistance from the next appropriate authority*

**Where the grievance involves a director of the centre, project or service** - the complainant should seek assistance from another member of the board/executive committee. The board/executive committee must inform the National Coordinator of any grievance raised against the director ([office@fpmta.org.au](mailto:office@fpmta.org.au)).

**Where the grievance involves the director and the board/executive of the centre, project or service** - the complainant should seek assistance from the national coordinator ([office@fpmta.org.au](mailto:office@fpmta.org.au)) who will assess and enlist the FPMTA Mediation, Resolution and Advisory Group (MRAG) as required.

**Where the grievance involves the national coordinator** – the complainant should seek assistance from the FPMTA Board of Directors ([board@fpmta.org.au](mailto:board@fpmta.org.au)) and/or the FPMT Centre Services Director ([centerservices@fpmt.org](mailto:centerservices@fpmt.org))

**Where the grievance involves a Sangha member (anyone living in the vows of a monk or nun)** - the complainant should seek assistance from the International Mahayana Institute (IMI) ([office@imisangha.org](mailto:office@imisangha.org)), and IMI will then follow up with an appropriate senior Sangha member in the local area who can discuss with the individuals concerned.

**Where the grievance involves a Sangha member (anyone living in the vows of a monk or nun) in an official capacity i.e. director, SPC, resident teacher, visiting teacher, etc** - the complainant should seek assistance from the board/executive committee who must inform the IMI director ([director@imisangha.org](mailto:director@imisangha.org)) in case the grievance relates to their vows (Vinaya) and the National Coordinator ([office@fpmta.org.au](mailto:office@fpmta.org.au))



## 5. RESOLUTION PROCESS

**NB:** The Mediation Group of FPMTA is available to Centre, Project and Service Directors and others at any time for advice or mediation assistance ([mediation@fpmta.org.au](mailto:mediation@fpmta.org.au))

Based on clean clear communication and as much as possible by all concerned on equanimity, compassion and an understanding of cause and effect, the following steps should be taken to resolve grievances that arise:

### Step One:

The aggrieved individual/s should discuss the issue directly with the person/s concerned as soon as possible.

### Step Two:

If aggrieved individual/s feel unable to communicate directly with the person/s concerned, or have tried this and failed to resolve the problem, the next step is to ask for assistance from the next appropriate authority as soon as possible — time is of the essence — ideally within one month of the initial problem.

When a grievance remains unresolved and/or when a person believes that actions, circumstances and/or procedures are practiced in such a way as to discriminate, injure, harm or grievously affect them or other persons or cause damage to the organization, the aggrieved is required to supply a written submission clearly stating the grievance.

**NB:** from now onwards, the issue needs to be put in writing with as much documentation and information as possible.

### Step Three:

Matters raised by the written grievance will be investigated by the most appropriate authority.

The appropriate authority will talk to each person involved in the dispute separately at first. This gives each party a chance to speak openly and frankly about the issue and discuss what steps they feel should be taken to help resolve the issue.

### Step Four:

The appropriate authority will bring both parties together focusing on resolving the issue. All parties involved should be familiar with the FPMT Ethical Policy as outlined in the FPMT Handbook and given a copy of this grievance resolution policy.

If deemed necessary, the appropriate authority can choose to arrange a meeting with the disputants and a trained mediator, to try to reach a resolution. This can be arranged via the national coordinator ([office@fpmta.org.au](mailto:office@fpmta.org.au)) utilising the FPMTA Mediation, Resolution and Advisory Group or sourced independently.

**NB:** Any associated costs are the responsibility of the centre, project or service.

### Step Five:

The appropriate authority will advise involved parties of the recommendations and actions required to rectify the matter and effect resolution.

### Step Six:

The appropriate authority will write a final report with as much supporting documentation and information as possible. A copy of this report must be sent to the national coordinator ([office@fpmta.org.au](mailto:office@fpmta.org.au))

## 6. APPEALS

Should the aggrieved or other relevant party in a formal resolution process be dissatisfied with the determination, they may lodge a written appeal via the national coordinator ([office@fpmta.org.au](mailto:office@fpmta.org.au)) and/or other appropriate authority.

A request for appeal shall be investigated by an appropriate authority, which may be sourced either internally or externally.

This decision will then be reported to all relevant parties. There will be no further process.

### END OF POLICY



# FPMTA POLICY - OCCUPATIONAL HEALTH AND SAFETY

## 1. POLICY

As responsible employers FPMT centres, projects and services will abide by the federal Health and Safety Employment Act 1991, and state legislation, to prevent harm to employees, contractors, sub-contractors and volunteers.

This policy is in accordance with the relevant legislation:

Commonwealth: Health and Safety Employment Act 1991

NSW: Occupational Health and Safety Act 2000

QLD: Workcover Health and Safety Act 1995

SA: Occupational Health, Safety and Welfare Act 1986

WA: Occupational Health and Safety Act 1984

ACT: Occupational Health and Safety Act 1989

TAS: Workplace Health and Safety Act 1995

VIC: Occupational Health and Safety Act 1985

## 2. PROCEDURES

- FPMT centres, projects, services and related activities will take practicable steps to:
  - Ensure employees and volunteers are safe at work
  - Identify all hazards in the place of work
  - Where the hazards identified are significant – eliminate, isolate or minimize employees' exposure to hazards
- The organisation will provide appropriate facilities, ensure the building/centre is safe to use, work methods do not harm employees, and develop emergency procedures.
- The organisation will keep a register of accidents and cases of *serious harm* that occur at work.
- In the case of an accident causing *serious harm* the procedures will be according to the Act including:
  - Non-interference with the scene of the accident until authorized by an OSH Officer, unless it is to help the injured or to prevent serious damage or loss of property
  - Notification of the accident to the OHS Officer as soon as possible after the event
  - Provide the OHS Officer with a written report of the circumstances of the accident
- Any other case of *serious harm* will be reported to the OHS Officer as soon as practicable after the event.
- Each centre, project or service will appoint an OHS Officer from amongst appropriate staff or volunteers.

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The following are just some of the activities currently being carried out by FPMT centres, projects and services to which occupational health and safety issues need to be applied.

- General workplace practices
- Public venue safety
- Accommodation
- Fundraising activities
- Building sites
- Meditation instruction

### **General Occupational Health and safety policy:**

Offices: Work areas adequately set up ergonomically. Adequate light, desk and chair height, ventilation around photocopier, heat and/or cooling provided. Walkways to be kept clear and storage areas to be safely arranged.

Fire: All public buildings and accommodation require regularly maintained smoke alarms to be fitted, fire extinguishers, exit emergency lighting and exit routes marked clearly on plan of building. The plan should be displayed on a notice board with procedures to follow.

Staff and volunteers should be trained in the fire evacuation procedure during their initial orientation.

### **Public venue safety:**

Facilities used by outside groups require the usual fire safety and general workplace practices policies to be in place.

### **Accommodation:**

FPMTA centres, projects and services providing accommodation are required to follow the usual fire safety and general workplace practices policies.

Health and hygiene regulations and procedures in relation to kitchens and dining-rooms to be followed at all times.

Bedrooms, bathrooms and community areas are to be kept clean and tidy.

### **Building Sites:**

It is the responsibility of FPMT centres, projects and services carrying out building work using staff and volunteers to ensure the safety of all those participating.

Insofar as is relevant in this matter, the following obligations need to be taken into account:

- the obligation of an employer (including someone who engages volunteer work) to ensure that workers are safe, including the provision of training, appropriate supervision and appropriate equipment;
- The obligation of an occupier to ensure that the premises are safe, and there are effective exits and entry points;
- The obligations of a provider of equipment (vehicles, power tools etc) to ensure that it is fit for purpose and safe to use, including that an individual has sufficient skills and training;
- The obligation of individuals (particularly supervisors) to ensure safety of themselves and others;
- The obligations of the executive committee of the centre, project or service to ensure of themselves and others.

As regards the safe conduct of people working on a construction site:

- Manual handling, hazardous materials, use of machinery, personal protective equipment should be covered in training of volunteers working on building sites in the form of an induction program and a brief test to ensure that it is understood;
- Building sites should be fenced from the public at all times (a tape boundary with signage may be sufficient)

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## FPMTA Policy – Occupational Health and Safety

- Establishment of control mechanisms, including supervision of volunteers;
- Establishment of a hazard identification process for each new stage of construction;
- Assessment of emergency first aid facilities in the context of the activities being undertaken;
- A safety audit before volunteers commence work to determine what needs to be done to ensure safety

### **Fundraising:**

It is the responsibility of FPMT centres, projects and services carrying out fundraising activities such as catering, to ensure the safety of volunteers at all times.

The following obligations need to be taken into account:

- the obligation of an employer (including someone who engages volunteer work) to ensure that workers are safe, including the provision of training, appropriate supervision and appropriate equipment;
- The obligation of an occupier to ensure that the premises are safe, and there are effective exits and entry points;
- The obligations of a provider of equipment (cooking and preparation equipment etc) to ensure that it is fit for purpose and safe to use, including that an individual has sufficient skills and training;
- The obligation of individuals (particularly supervisors) to ensure safety of themselves and others;
- The obligations of the executive committee to ensure safety of themselves and others;
- Assessment of emergency first aid facilities in the context of the activities being undertaken;
- A safety audit before volunteers commence work to determine what needs to be done to ensure safety;
- Ensure all health regulation procedures are being adhered to.

### **Meditation instruction:**

The nyung-nae waiver form should be filled in by all participants at every nyung-nae, regardless of their experience.

Participants should seek advice from Registered FPMT teachers or from Education Services at FPMT International Office if any part of any practice is unclear or of concern.

Participants should be aware that working with one's mind through meditation can bring up unexpected and sometimes painful or challenging experiences and that the centre is not responsible for these.

END OF POLICY

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# FPMTA POLICY - PRIVACY

## 1. POLICY

FPMT, its centres, projects and services will at all times comply with the Privacy Act (CW 1988), and the relevant state legislation including:

NSW: Privacy and Personal Information Protection Act 1998

QLD: Information Privacy Act 2009

SA: Freedom of Information Act 1991

TAS: Personal Information Protection Act 2004

VIC: Information Privacy Act 2000

WA: Information Privacy Bill 2007

## 2. PROCEDURES

- Personal information collected by FPMT, its centres, projects and services, must be for a necessary and lawful purpose connected with the organisation's activities.
- Personal information must be collected directly from the individual concerned unless there are 'reasonable grounds' for collecting that information from another source. Reasonable grounds are as specified in the Privacy Act. (<http://www.privacy.gov.au/law>)
- Personal information is to be collected only with the knowledge and informed consent of the individual concerned, unless there are reasonable grounds for not doing so.
- Personal information shall not be collected by the organisation by means which are unlawful, unfair, or a reasonable intrusion upon that individual's personal affairs.
- Personal information will be protected against loss, unauthorized access, use or disclosure, or other misuse.
- The individual concerned is entitled to confirmation of personal information held by the organisation, and be provided access to that information. Access is to be granted unless there are 'good reasons' for refusing access. Good reasons are specified in the Privacy Act. (<http://www.privacy.gov.au/law>)
- The organisation will take reasonable steps to ensure information is accurate, up to date, complete and not misleading.
- Personal information will not be kept longer than necessary.
- Personal information gained will not be used for any purpose other than that for which it is obtained.
- The individual is entitled to request correction or request that a correction statement be attached to the information.

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## FPMTA Policy - Privacy

FPMT, its centres, projects and services will not disclose personal information to anyone other than the individual concerned unless:

- Disclosure is for a purpose for which the information is obtained
- Source of information is publicly available
- Disclosure is authorized by the individual concerned
- Disclosure is necessary to prevent or lessen a serious and imminent threat to public health and safety, or the individual's life and health
- Disclosure will not identify the individual
- The organisation shall not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable the organisation to carry out any one or more of its functions efficiently
- FPMT centres, projects and services will each appoint a Privacy Officer from amongst appropriate staff and volunteers.

END OF POLICY

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# FPMTA POLICY - RISK MANAGEMENT

## 1. POLICY

FPMTA's risk management program provides the framework to manage organisational risk to an acceptable level and to incorporate risk management within all its activities. Centres, projects and services are required to have robust and consistent structures, systems and processes in place to manage all risks and to comply as far as is reasonably practicable, with the minimum standards laid down in statute, together with recognised standards relevant to the operation of the organisation.

Adoption of a strategic and formal approach to risk management will improve decision making, enhance outcomes and accountability.

## 2. SCOPE

This policy complements any existing Risk Management Processes within the organisation.

Risk management should become part of the organisation's culture and embedded in its philosophy, practices and business processes, rather than viewed as a separate activity. In this way everyone in the organisation becomes involved in and responsible for the management of risk.

This policy recognises the 'upside' of risk, which does not always impact negatively and may involve potential gains as well as losses.

FPMT centres, projects and services recognise that risk avoidance is only possible when there is some control or influence over causal or contributing factors and effects. However, steps will be implemented to mitigate that risk to a degree considered acceptable or unavoidable at the local management level. Risk control solutions must be directed at the cause rather than the symptoms to reduce the number, severity and costs of incidents.

## 3. DEFINITIONS

### Risk

Is the chance of something happening that will have an impact on the objectives of the organisation. It is measured in terms of likelihood and impact. Risk management applies to all risks and includes the use of insurance to deal with potential losses.

### Potential risk areas:

- Strategic risk
- Financial/funding risk (Insurance, contracts)
- Incident and crisis risks
- Legal, regulation and compliance risks
- Info and Com Tech risks
- Ethical and Fraud risks
- Brand and Reputation risks (complaints, spiritual lineage, community engagement)
- WPHS risks (staff, volunteers)

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- Facility and Property risks

### **Consequence:**

The outcome or impact of any event – may be negative or positive and defined in relation to the achievement of an objective.

### **Control:**

An existing process, policy, device, practice or other action that acts to minimize negative risk and enhance positive opportunities.

### **Likelihood**

Probability or frequency of occurrence.

## **4. PERFORMANCE INDICATORS**

### **Incident reporting**

Evidence of a reduction in reportable incidents.

### **Near miss reporting**

Evidence of reduction in near miss incidents occurring.

## **5. RISK MANAGEMENT PROGRAM**

Risk management is an agenda item on all Executive Committee meetings. Directors will appoint a **Risk Officer**, ensure that agreed risk control measures are carried out and that all employees and volunteers understand and carry out their individual responsibilities for the management of risk.

Identification of risk forms part of the daily duties of all employees and volunteers and risk management responsibilities are included in all position descriptions.

## **6. RESPONSIBILITY FOR RISK MANAGEMENT**

The Board of FPMTA is responsible for ensuring there is a risk management program in place in all FPMT centres, projects and services, and proactively reviewing the program.

All risks are to be recorded in a **Risk Register** in every centre, project and service, and significant issues are to be reported to the FPMTA Coordinator. The Risk Register will prioritise all risks and identify strategies to reduce risk. The Director/ Executive Committee take ownership of the Risk Register and Risk Management Program on behalf of the FPMTA Board.

Complaints are to be managed according to the FPMTA Grievance Procedure Policy.

In order to maintain a safe environment, FPMT centres, projects and services will take disciplinary action in instances of proven

- Gross misconduct
- Abuse of person/s
- Failure to report an incident in which staff or volunteers were involved or aware of the circumstance
- Repeated incidences involving the same individual.

**NB:** Needs an organization risk analysis chart to cover the three areas of **identification** (source of risk; risk event; impact) **assessment** (likelihood: rare, unlikely, possible, likely, almost certain; consequence: insignificant, minor, moderate, major, extreme) **analysis** (existing measures (controls) which minimize risk)

Also need a **risk reporting form**

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## SEXUAL HARASSMENT COMPLAINT OR REPORT FORM

This Complaint and Report Form allows for complaints or the reporting of occurrences of bullying, discrimination or sexual harassment to be made against teachers, sangha, staff, volunteers or students by others who attend, volunteer or work in an Australian FPMT centre, service or project.

It is intended to be used for the following purposes:

- the making of a **complaint** of bullying, discrimination or sexual harassment whereby an investigation and response is sought; or
- the **reporting** of an occurrence of bullying, discrimination or sexual harassment either experienced or witnessed for the purpose of better informing the training and awareness needs and initiatives of the centre, service or project.

**All information is treated confidentially.**

**No identifying information will be provided for any external reporting processes.**

### Section 1: Complaint and report

Please choose report or complaint (only one):

Report ☐

Complaint ☐

Your name

First Name

Last Name

Phone

Email

Are you happy for us to contact you to discuss the information you have provided?

Yes ☐

No ☐

Your relationship with the centre, service or project:

Student ☐

Staff ☐

Management ☐ (includes Board, Director, SPC)

Teacher ☐

Volunteer ☐

Was the conduct witnessed by any other person or persons?

Yes ☐

No ☐

More than 1  
person ☐

Is this report/complaint of

☐

Conduct directed at you / which has affected you

☐

Conduct directed at another / which has affected another

Is this a report of

☐

Sexual harassment behaviour

☐

Bullying

☐

Discrimination

## Section 2: Report Section

A report of conduct against sexual harassment, discrimination or bullying is used to inform the centre, service or project about the incidence of non complying behaviour that is occurring. Reports are used for the purpose of training and education. If you want action taken you will need to make a complaint (see next page). A report will not be investigated and no action will be taken.

The person about whom you are making a Report

Male ☐

Female ☐

Teacher ☐

Student ☐

Volunteer ☐

Where did the conduct occur ?

At the centre ☐

In the gompā ☐

At a centre event ☐

Off-site ☐

Other ☐

Describe the conduct you wish to report. Do NOT identify persons by name or other identifying information. Please describe what was said or done. If it occurred on more than one occasion describe the frequency and for how long the conduct has been occurring

When did the conduct occur?

Was the conduct witnessed by any other person or persons?

Yes ☐

No ☐

More than 1  
person ☐

### Section 3: COMPLAINT SECTION

**The person about whom you are making a Complaint.**

**This process is an internal voluntary process which can only achieve outcomes by agreement of all parties. It does not prevent more formal complaint processes being used if appropriate.**

First Name

Last Name

Where did the conduct occur?

At the centre ☐

In the gompā ☐

At a centre event ☐

Off-site ☐

Other ☐

Describe the conduct about which you are making a complaint. Please identify persons by name or other identifying information. Please describe what was said or done. If it occurred on more than one occasion describe the frequency and for how long the conduct has been occurring.

If the conduct has occurred on more than one occasion describe the frequency and for how long the conduct has been occurring.

Was the conduct witnessed by any other person or persons?

Yes ☐

No ☐

More than 1  
person ☐

Name of witness

First Name

Last Name

What outcome are you seeking to resolve the complaint?



# FPMTA POLICY - VOLUNTEER TERMS & CONDITIONS

## 1. POLICY

FPMTA recognises the immense contribution made by so many people in serving FPMT centres, projects and services in Australia. The organization recognises the right of all volunteers to fair and proper terms and conditions of engagement consistent with good employer practice.

### DEFINITION OF VOLUNTEER

The term 'volunteer' is recognised as it defines other than an employee.

The volunteer's work is undertaken to be of benefit to the community and the volunteer.

It is done of the volunteer's own free will, without coercion and for no financial payment.

Volunteers work only in designated volunteer positions.

Volunteering is not compulsorily undertaken to receive pensions or government allowances.

Volunteering is a legitimate way in which citizens can participate in the activities of their community.

Volunteering is a vehicle for individuals or groups to address human, environmental and social needs.

Volunteering is an activity performed only in the not for profit sector.

Volunteers do not replace paid workers nor constitute a threat to the job security of paid workers.

Volunteering respects the rights, dignity and culture of others

Volunteering promotes human rights and equality.

The facts and circumstances of each individual should be considered when determining whether a person is a volunteer, employee or independent contractor.

## 2. PROCEDURES

Centre Directors shall:

- Ensure they have current insurance in place to cover volunteers
- Develop and keep up-to-date a set of standard terms and conditions of engagement for all volunteers including those serving in a sponsored placement.
- Carry out periodic reviews to ensure that such terms and conditions are met
- Recognise that when any proposed changes to terms and conditions of service have implications for the Board of FPMTA's governing responsibilities the Board's approval is required.
- Ensure volunteers are provided acceptable, safe working conditions.

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## FPMTA Policy – Volunteer Terms and Conditions

- Offer volunteers the opportunity to provide regular feedback on their experience and confidentiality relating to specific comments by individuals
- Commit to standards of recruitment, training and evaluation of defined volunteer roles and programs
- Ensure a Volunteer Coordinator is available to assist staff in the development of volunteer role descriptions
- Continue to offer volunteers support and appropriate recognition for their service
- Ensure volunteers are made aware of all FPMTA policies and grievance procedures

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