



MELBOURNE BUDDHIST CENTRE
ETHICS | MEDITATION | WISDOM

Practising with Children at the Melbourne Buddhist Centre Policy and procedures

Preamble

It is expected that children (people aged under eighteen) will make contact with the Melbourne Buddhist Centre (MBC) and members of its community, on site at the premises and / or through off-site activities such as retreats. This contact may also be online, through email or the website.

Members of the MBC community may enter into a care-based relationship with children and, as a result, children may disclose personal details of their lives which may place community members within the jurisdiction of the appropriate legislation.

This document is developed to provide policy and guidelines for members of the *Melbourne Buddhist Centre community* who are in contact with *Children and Young People*. It covers issues concerned with *significant risk of harm* and the *process of reporting*. Members of our community may be *mandatory reporters* of harm where there are *reasonable grounds* for making a report.

This policy complies with:

- [Child Wellbeing and Safety Act 2005](#)
- [Working with Children Regulations 2016](#)
- [Crimes act 1958 – Sect 327 \(Mandatory reporting\)](#) ([Failure to Disclose 2014](#); [Failure to Protect 2015](#))



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1. Definitions

1.1 Melbourne Buddhist Centre Community

Members of the Melbourne Buddhist Centre (MBC) community include ordained members of the Triratna Buddhist Order, either those dwelling locally or visiting from other states, territories and countries. Community members also consist of Mitras (persons who have made a commitment to participating in the community) and regular attendees.

1.2 Children and Young People

In Victoria, a child is a person under the age of eighteen.

1.3 Significant Risk of Harm

A child is *at risk of significant harm* if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

There are five types of “reportable conduct” listed in the Child Wellbeing and Safety Act 2005:

- Sexual offences (against, with or in the presence of, a child)
- Sexual misconduct (against, with or in the presence of, a child)
- Physical violence (against, with or in the presence of, a child)
- Behaviour that is likely to cause significant emotional or psychological harm
- Significant neglect



MELBOURNE BUDDHIST CENTRE
ETHICS | MEDITATION | WISDOM

1.4 Mandatory Reporters

The Victorian [Crimes act 1958 – Sect 327 \(Mandatory reporting\)](#) ([Failure to Disclose 2014](#); [Failure to Protect 2015](#)) provides for the mandatory reporting of children at risk of significant harm.

A mandatory reporter in Victoria is any adult person. Any adult person who forms a reasonable belief that a sexual offence has been committed by an adult against a child under eighteen has an obligation to report that information to police.

Failure to disclose the information to police is a criminal offence. If you hear information in the context of confession that leads you to form a reasonable belief of child sexual abuse, you must report that information to police.

As of 17 February 2020, the religious confessions privilege no longer applies.



MELBOURNE BUDDHIST CENTRE
ETHICS | MEDITATION | WISDOM

1.5 Reasonable Belief

A reasonable belief is not the same as having proof. A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a reasonable belief might be formed when:

- A child states that they have been sexually abused
- A child states that they know someone who has been sexually abused (the child may be talking about themselves)
- Someone who knows a child states that the child has been sexually abused
- Professional observations of the child's behavior or development leads a mandated professional to form a belief that the child has been sexually abused
- Signs of sexual abuse lead to a belief that the child has been sexually abused

In addition, the offence of Failure to Protect came into law in Victoria in 2015. The offence provides that a person who:

- by reason of the position they occupy within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of eighteen years who is associated with the relevant organisation; and
- knows that there is a substantial risk that the person will commit a sexual offence against a relevant child —

must not negligently fail to reduce or remove that risk.

The offence applies to people in authority within a *relevant organisation*. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise. Relevant organisations include religious bodies.



MELBOURNE BUDDHIST CENTRE
ETHICS | MEDITATION | WISDOM

2. Code of Conduct in Relation to Children and Young People

2.1 General Conduct

MBC community members should use common sense in their dealings with children and young people in the context of MBC activities. They should be wary of:

- Making any physical contact with children and young people
- Interviewing or speaking with children, one-to-one, out of sight and hearing of another adult
- Giving disproportionate assistance to any particular child or young person
- Making contact with a child or young person in the context of MBC activities, except at the MBC and in the presence of at least one other adult
- Giving gifts to children and young people which could be misconstrued

MBC community members are to insist on maintaining clear boundaries between themselves and children or young people in the context of MBC activities. Maintaining clear boundaries is an essential part of acting in a care-giving capacity.

2.2 On-Site and on Retreats

It is a requirement that children be accompanied by a responsible adult (parent or guardian) whilst on retreat or on-site at the MBC.

It is understood that children and young people are not to be left alone, unsupervised, in the presence of a member of the MBC community.

Exceptions apply when members of the MBC community are acting in a teaching capacity where children and young people are present. This is only to occur under the following conditions:

- The parent or guardian has given consent for this to occur
- The MBC community member has a current Working with Children Check and the number is lodged with the MBC management team



MELBOURNE BUDDHIST CENTRE
ETHICS | MEDITATION | WISDOM

3. Non-Reportable Conduct

Behaviour which may not constitute reportable conduct, but which is considered inappropriate within the MBC community towards children and young people, includes:

- Telling inappropriate jokes
- Making suggestive or obscene gestures
- Discussing personal family issues
- Making comparisons with siblings, either complimentary or invidious
- Intimidating, embarrassing or humiliating a child or young person

Non-reportable conduct is addressed within the MBC management structure, according to internal policies and in conjunction with the child or young person and their family. This process will be guided by the MBC's ethical guidelines, the Buddhist precepts and restorative processes.

4. Reportable Conduct

Under the Victorian [Crimes act 1958 – Sect 327 \(Mandatory reporting\)](#) ([Failure to Disclose 2014](#); [Failure to Protect 2015](#)), reportable allegations or reportable convictions specifically include any:

- Sexual offence or sexual misconduct with or in the presence of a child (including a child abuse material offence)
- Assault, ill-treatment or neglect of a child
- Behaviour that causes psychological harm to a child, with or without the consent of the child



MELBOURNE BUDDHIST CENTRE
ETHICS | MEDITATION | WISDOM

5. Process of Reporting

A mandatory reporter must, where they have reasonable grounds to suspect that a child is at risk of significant harm, report this to the MBC Chairperson or their delegate immediately in writing by email.

In line with the Commission for Children and Young People's requirements, the MBC Chairperson will report to the Commission for Children and Young People, within the required three business days from when the head of an organisation first became aware of a reportable allegation. The MBC Chairperson will provide the Commission with detailed information about the allegation, any disciplinary or other actions undertaken and the response of the worker or volunteer to the allegation.

If anyone is aware of, or suspects, the inappropriate behavior of an MBC community member (whether reportable to the Commission or not), they must report this to the MBC Chairperson immediately, in writing by email.

If a child makes any reportable allegations to an MBC community member about other parties, this information is required to be passed to the MBC Chairperson and then reported to the Commission.

See Appendix I for a diagram of the Child Safety Reporting Process at the MBC.

6. Relevant Contacts

Working with Children Act 2005
Commission for Children and Young People: ccyp.vic.gov.au

Ratified by the MBC Committee, 15th June, 2019, Reviewed and updated June 2020



Appendix I

MBC Child Safety Reporting Process

This chart outlines the process for reports to be made by parents, children, staff members and volunteers alike.

