



The Buddhist Society of Western Australia (Inc.)

[www.bswa.org](http://www.bswa.org)



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## Sexual Abuse Prevention and Reporting Policy

**Version: 1.1**

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Approved by: BSWA Committee

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## Version Control

Version #	Author	Approved Date (By)	Summary of Change
1.1	Lay Har Goh (Ops Mgr)	19 Apr 2023 Administratively updated	Corrected policy approval date. Updated policy document format to BSWA letterhead. Added Version Control Table
1.0	Ajahn Brahm	6 November 2016 BSWA Committee	

**Background:**

Over a year ago, our Spiritual Director Ajahn Brahm, composed a set of guidelines for dealing with Child Abuse and Sexual Harassment for the Australian Sangha Association. BSWA has passed a motion in our November 2016 meeting for us to formally adopt this policy and make known to our Sangha, volunteers and office bearers.

It is an offence for someone in a position of authority over a young person to have sex or engage in any sexual behaviour with that young person unless the young person is over 18 years of age. Persons in a position of authority include spiritual advisers.

**A) CHILD SEXUAL ABUSE****1. Definition**

The World Health Organisation gives the following definition of Child Sexual Abuse:

*Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to: - the inducement or coercion of a child to engage in any unlawful sexual activity; - the exploitive use of a child in prostitution or other unlawful sexual practices, - the exploitive use of children in pornographic performance and materials.*

([http://www.who.int/violence\\_injury\\_prevention/resources/publications/en/guidelines\\_chap7.pdf](http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf))

The minimum age of consent in all States and Territories of Australia is 16 years counting from birth. Sexual abuse of anyone under 16 is a criminal offence.

Abuse of children could occur in Buddhist organisations at the hands of teachers, volunteers, employees, members, visitors or others.

(Although the age of consent is 16, sexual intercourse is not a crime if the younger person was 15 and the older person is less than two years older and believed the younger one was 16)

**2. Expectations**

The core expectations of any responsible organisation include the treatment of all people with fairness and dignity and to care for those who are less powerful and in need of nurture and protection. A temple or centre must be a place of refuge, a place of safety. This includes safety for children.

**3. Safeguards**

Volunteers and workers must complete application forms, provide references, and will usually be required to undertake statutory working with children checks to show they are suitable for working with children. Where it is found that a person has been convicted of a Class 1 or Class 2 offence (violent crimes including murder and sex offences) and they have no current assessment notice (or application for one), then they MUST NOT be employed by the Temple in child-related work, either paid or unpaid. The Temple management should engage the services of a lawyer to check the laws in the State or Territory where the Temple is located and also determine if the work that person does qualifies as "child-related".

All staff must be adequately trained in the policy adopted by the Temple to manage complaints of child abuse.

It is strongly recommended to work in pairs or with the presence of family when in contact with children.

#### 4. Reporting Complaints of Child Sexual Abuse

Abbots, abbesses, employees and volunteers must report reasonable suspicions or complaints of abuse, even when the abuse is allegedly committed outside the temple premises, such as on an outing or on a retreat.

An independent, competent person, or persons, will be appointed by senior management with the specific duty of dealing with any allegations of harm or abuse. The person so appointed should be mindful of their legal obligations when investigating a complaint of child sexual abuse.

Details of reported abuse will be treated as confidential.

The temple must have a documented reporting process to handle allegations. Complaints should be made in writing and all steps made to address the complaint need to be documented.

#### 5. Managing a Complaint of Child Abuse

Maintain appropriate pastoral care, treat the allegation seriously and report it as described in 4. Do not attempt to run an investigation on your own.

Maintain confidentiality of all parties involved.

Reassure the victim that they are heard and understood.

Any disclosures by a member, 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 a breach of privacy is unlikely to occur.

Where their identity is known, an alleged victim must not be blamed or shamed and should be welcomed back into the community, but it is preferable that the identity of the alleged victim is not made known.

Support, professional counselling, and advocacy on behalf of the victim are recommended.

If enquiries uncover compelling evidence to suggest that a child has been or is suffering sexual abuse, **the police must be contacted immediately**. Such a person will be suspended from work or other duties within the temple while under police investigation for committing abuse.

If a person is convicted by a court for sexual abuse of a child then their employment or involvement with the temple will be terminated.

**Concealing crimes or failing to provide information may be criminal offences.**

## **B) SEXUAL HARASSMENT**

### 1. Definition

Sexual harassment is harassment with a sexual basis: such as when a person makes sexual advances that a reasonable person would regard as unwelcome; persistent, unwanted requests for sexual favours; unwanted physical intimacy such as touching and unwanted comments of a sexual nature. It also includes requests for physical intimacy by a teacher from his or her student.

Sexual harassment can be obvious or indirect, physical or verbal, repeated or one-off, perpetrated by both males and females, against people of the same or opposite gender.

Sexual harassment may have occurred if a person feels uncomfortable, offended, humiliated, intimidated and or frightened.

The Sex Discrimination Act 1984 makes sexual harassment unlawful in some circumstances. Further information is available from: <https://www.humanrights.gov.au/our-work/sex-discrimination/guides/sexual-harassment>

## 2. Expectations

The core expectations of any responsible organisation include the treatment of all people with fairness and dignity and to care for those who are less powerful and in need of nurture and protection. A temple or centre must be a place of refuge, a place of safety. This includes safety for vulnerable people. Vulnerable people include the aged, the disabled, those going through grief, divorce, loss of a job or who are in other difficult circumstances.

## 3. Safeguards

Volunteers and workers must complete application forms, provide references, and undertake checks to show they have no history of sexual harassment. Where it is found that a person has been convicted of violent crimes or sex offences, it is up to the Temple's management committee to determine whether they can be engaged by the temple. It is suggested that the Temple engage the services of a professional, e.g. a psychologist or a lawyer, before making their decision.

All staff must be adequately trained in the policy adopted by the temple.

It is strongly recommended to work in pairs or with the presence of family when in contact with vulnerable people as defined above.

## 4. Reporting Complaints of Sexual Harassment

An independent, competent person, or persons, will be appointed by senior management with the specific duty of dealing with any allegations of sexual harassment. The person so appointed should be mindful of their legal obligations when investigating a complaint. Abbots, abbesses, employees and volunteers must report reasonable suspicions or complaints of sexual harassment.

Details of reported harassment will be treated as confidential.

The temple must have a documented reporting process to handle allegations. Complaints should be made in writing and all steps made to address the complaint need to be documented.

## 5. Managing an Allegation of Sexual Harassment

Maintain appropriate pastoral care, treat the allegation seriously and report it as described in 3.1. Do not attempt to run an investigation on your own.

Maintain confidentiality.

Request the harasser to stop.

After notification, and should harassment continue, the matter should be reported to temple officials. Should temple officials fail to acknowledge the incident and act upon it immediately, the complainant (or another person privy to the case), should refer the matter to police and or The Equal Opportunity Commission.

Harassment may be considered a criminal offence, in which case report the abuse to the police.

**Be aware that concealing crimes or failing to provide information may be criminal offences.**

Brochures from health departments, counselling services or women's advocacy services should be available from the temple. Prevention is better than cure.

## Conclusion

These two policies are offered to temples where they have no policy, but it is not compulsory. It could, for example, be replaced by a similar policy required by an insurance company. However, temples are urged to adopt policies that take into account the principles and procedures listed above and make the policies visible to both residents and visitors.