

From: [Bert Franzen](#)
To: "Yogasandhan"
Subject: Working with Children
Date: Tuesday, 30 October 2012 3:17:00 PM
Attachments: [Working with Children Clearance Requirements.docx](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

Hi Yogasandhan

On reviewing the working with children legislation it has become apparent that there has been a major change in the law in this respect.

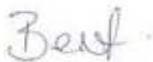
Where the responsibility **used** to be on the applicants' side to declare that they may be a restricted person; as of June 2012 the responsibility has shifted to the employer (of both employees and volunteers) to request "Clearance Checks" for all new employees hired since June 2012. This is a serious change and involves serious penalties if you don't conform to this law.

We should implement this sooner rather than later as it does leave the Ashram exposed. Click [here](#) and it will take you to the Check Kids Website.

I've attached a very rough draft of the Policy but will help you rap you head around the essentials.

We can discuss this when I come up.

Cheers



Bert Franzen

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From: Yogasandhan [mailto:yogasandhan@satyananda.net]
Sent: Wednesday, 5 September 2012 4:17 PM
To: Bert Franzen
Subject: Re: Contract & OHS

Hi there Bert

OHS

Looks like we don't have a separate OHS policy. As you said being an RTO is the main

reason we have most of this stuff together so we only have the policy for SYA. This is very timely as we are planning to extend our RTO scope to include kitchen units, grounds etc. This explains why i couldn't find the kitchen OH&S manual for the kitchen.

Contract

Also do not have a current contract. Since the information from Volunteering NSW (via Jaytama) came through we have not re-done the contracts or drawn up the Volunteer Agreement as per Jayatma's Actions list. This is in process but won't be ready for at least a week.

om om om
Yoga

*"Each day watch the colours of your mind,
until the light shines clearly" ~ SSS*

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On 04/09/2012, at 3:44 PM, Bert Franzen wrote:

Hi Yogasandhan

The DEPARTMENT SEVAK RESIDENTIAL FORM under the heading 'Agreement', second bullet states *"This is a preliminary information form; a signed contract is required for all course stays and will be presented and signed at the end of the 6-week trial period"*. Would you be able to send me a copy of this agreement or contract for me to review?

Many thanks.

<image011.jpg>

Bert Franzen

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T: 9454 7736 | M: **REDACT** | F: 02 8088 6725
| <image012.jpg><image013.png> <image014.png> <image015.png>

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From: Yogasandhan [<mailto:yogasandhan@satyananda.net>]
Sent: Sunday, 2 September 2012 9:58 PM
To: Bert Franzen
Subject: Fwd: volunteers at yoga centre

Hi Bert,

Passing on some background info that came from a conversation Jayatma had with Volunteering NSW around our position on volunteers

Shanti
 Yoga

Begin forwarded message:

From: Jayatma Saraswati <jayatma@satyananda.net> [REDACTED]
Subject: Fwd: volunteers at yoga centre
Date: 23 August 2012 12:17:00 PM AEST
To: MMOmdhyanam <omdhyanam@satyananda.net>, MMYogasandhan <yogasandhan@satyananda.net>, MMKriyavidya Saraswati <kriyavidyananda@satyananda.net>, GP <guruprem@satyananda.net>, MMYogasarita <yogasarita@satyananda.net>, MMKriyatma <kriyatma@satyananda.net>
Cc: MMHridayananda <hridayananda@satyananda.net>, MMSumitra <Sumitra@satyananda.net>, Alakhrupa <alakhrupa@satyananda.net>, aSadashiva <sadashiva@moksha7.com>

Hari Om All

After much chasing around of different government bodies etc who all gave very vague answers, I have finally got onto the CEO of the Centre for Volunteering NSW - Lynne Dalton.

I sent her the email below and she phoned me and we had a chat. She was very clear and confident in her answers, unlike the people at the tax office or at Fair Work Australia, who were unsure of whether what we were doing was okay or not and did not seem to be very familiar with the rules around volunteers.

Please read through the email further down to see how I have described our situation to her. This is how we should stick to describing it.

Here is a summary of our conversation:

- We are a **not-for-profit organisation** and this is where the big difference is. The rules are very different for private enterprise and I think that is why Fair Work etc get confused (and we get confused!) when we speak to them
- Everything I write below applies to not-for-profit orgs only.

We should have a **volunteer agreement** for each karma yogi/volunteer which clearly states that their karma yoga is considered volunteer work, is unpaid and at no time should there be any expectation of being paid.

- A karma yogi/volunteer can do **ANY** type of work.
- It is fine for the same organisation to engage someone for karma yoga/volunteer work and paid karma yoga/work as long as it is not for the same task - ie you cannot do 5 hours of paid work in kitchen and the rest karma yoga unless the jobs are very different - ie you could get paid for 5 hours of kitchen admin and still volunteer as cook/kitchen help for x amount of hours per week.
- It is even clearer to have someone do karma yoga/volunteer work for YAMM and get paid by SYA - but still better it should not be for the same work.
- it is fine for two people to do the same role and one be paid for it and one not.
- Many times not-for-profit orgs can only afford- for example - 3 paid roles but need 6 people - so they take on 3 volunteers and 3 paid people all doing the same job.
- Karma yogis/Volunteers **cannot claim workers comp**
- We **do not** have to include karma yogis/volunteers of any kind in our **workers comp calculations**. This is different to what people have told us before, but that was because they did not realise we are a not-for-profit organisation.
- The reason why wwoofers are entitled to claim workers comp and why wwoof hosts have to calculate their premium including workers comp is because most of the wwoof farms are private enterprises.
- It is a good idea but not legally essential to have volunteer accident insurance (we do).

Actions which we need to take to make sure we are following the rules:

- Work out for each person who is paid an allowance 5 hours of work which they could be paid for which is different to their normal karma yoga.
- I imagine we want to keep this simple - for example - all admin and edu karma yogis could count their hour of morning cleaning as their paid work - easy as most people do this 5 hours per week.
- For others with mixed roles choose something else they do roughly one shift or 5 hours per week - perhaps they have one garden shift, one bush regen shift of 5 hours of teaching per week (eg could be visitors meeting x 5, plus evening program and morning class etc)
- Make a **volunteer agreement** for each person doing volunteer work, including those on allowance and those not on allowances, which thanks them nicely for their karma yoga and lets them know very clearly that this is considered volunteer work and as such is unpaid and at no stage should they expect to be paid for it.
- This volunteer agreement can also state how many hours they agree to undertake karma yoga/volunteer work and that we agree to provide them with rent and board...and yoga classes or whatever.
- Have a **nice sheet** for seva yogis, wwoofers and even Skills and Lifestyle people which explains karma yoga, how their contribution helps us keep fees low and that they understand their contribution is voluntary and there is no remuneration. They then sign off on this.
- Make any **contracts** for those on allowances very clear and to cover only their 'paid work'. There is not need to include anything about karma yoga/volunteer work in these - it is a completely different scenario.

She also emailed a **very useful and comprehensive guide** for Not-For-Profit organisations working with volunteers - also has other useful info not specifically about volunteers.

I have attached it.

I hope this makes things more clear.

If you have any questions, please email back.

Lynne's contact details are below, but it would be best if we minimise the number of different people talking to her, so probably best that Omdhyanam is the contact person for further clarifications or questions to Lynne.

Oms

J

Jayatma

Begin forwarded message:

From: "Lynne Dalton" <ldalton@volunteering.com.au>
Date: 23 August 2012 11:20:27 AM AEST
To: "Jayatma Saraswati" <jayatma@redacted>
Subject: RE: volunteers at yoga centre

Hi Jayatma

As discussed please find attached the Guide I spoke about.

Cheers

Lynne

Lynne Dalton
 CEO

The Centre for Volunteering

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Government funding for The Centre for Volunteering equates to **50c** per volunteer per year. There are over 2million volunteers in NSW and we need your help to help us care for NSW volunteers by donating to The Centre at www.givenow.com.au/youthvolunteeringfoundation

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From: Jayatma Saraswati [<mailto:jayatma@redacted>]
Sent: Sunday, 12 August 2012 12:57 PM

To: ldalton@volunteering.com.au
 Subject: volunteers at yoga centre

Dear Lynne

I called the Centre for Volunteering NSW last week and spoke to one of your colleagues about our situation and some questions I had.
 She suggested you would be the best person to answer my questions.

We have the following situations occurring at our yoga centre and some people have suggested to us that there may be issues from doing things like this.
 As we understand the rules around volunteers and what they can do has changed a fair bit over the past few years.

Background:

The centre is a large residential yoga retreat centre which was started in the 1970's. Between its start and the early 2000's it was staffed purely by live-in volunteers, with occasional contractors brought in for specialist one-off jobs (pretty rare as we had lots of skilled volunteers).
 Since 2001 we have had several paid staff members who live in the local area, a mixture of casual, part time and full time. This was done mainly to have some long term stability in various key departments.

Service ethos:

Two of the principle kinds of yoga we teach in our tradition are karma yoga - the yoga of mindful action and seva yoga - selfless service.
 {We tend to use these terms interchangeably to cover these yogas and for any tasks which need doing in the centre}
 Due to this some degree of 'volunteering' is integral to the experience of every guest at our centre, even if just for a weekend stay.

Guests:

Part of the timetable is to do an hour cleaning karma yoga each morning and to help with the meal cleanups.
 We also offer a reduced fee "Skills and Lifestyle Stay" whereby guests can have a reduced fee in exchange for a half day of seva yoga.
 Are there any issues we could run into through doing any of this?

Residents:

Many people are drawn to live in our centre for anywhere from a month to 20 years and participate in full time karma/seva yoga.
 These people do a wide variety of tasks within the centre (at least 85% of all 'work' done in the centre is done by volunteers/seva yogis).
 These tasks could include a mixture of the following and more: cooking, maintenance work, cleaning, administration, managing various departments of centre, working in the reception office, teaching yoga etc etc

There is a variety of arrangements we have with these people to make it financially viable for them to do this:

1. Small fee - those who are staying for 1 to 6 months would usually have this arrangement - they would usually do half time seva/karma yoga - roughly half days for 5 or 6 days a week.
2. fee neutral stay - this is the usual arrangement for people who are staying for 6 months or more and participating in full time seva/karma yoga - they would usually do

seva/karma yoga for 5 days a week. The yoga centre provides free board and rent and use of facilities.

3. small payment - we have 2 different organisations at the centre and one of them runs a Diploma Course in yoga teaching. This organisation has some paid positions which we offer to our longer term residents (usually one year plus) to allow them to be financially self sufficient. The yoga centre continues to provide free board and rent and use of facilities. The paid position pays them for 5 hours per week under a 'normal' employment contract. They may also be doing some volunteer hours for the same organisation as well as for the yoga centre.

Are there issues with any of these situations?

Any help you could offer us would be most appreciated. We have spoken to Fair work and other government departments trying to understand any potential issues, but we get very mixed and ambiguous answers.

If it would be easier to talk on the phone, please provide your number or call me on **REDACTED** **REDACTED** (please note I will be at the yoga centre on Thursday and Friday and we do not get mobile reception there).

Kind regards,
Jayatma Saraswati

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