	PUFFING BILLY RAILWAY		Document Number ETRB S 002
		Child Safety & Wellbeing Code of Conduct	

1. Purpose

This *Child Safety and Wellbeing Code of Conduct* has been implemented to support Emerald Tourist Railway Board (ETRB) operators of Puffing Billy Railway's (PBR's) commitment to safeguarding the health, wellbeing and safety of children and young people in visiting or participating with our services to ensure that they feel and are safe.

Puffing Billy Railway is committed to ensuring that our workplace participants act in accordance with the highest possible standards with respect to safeguarding children and young people from the risk of harm and abuse. This *Child Safety and Wellbeing Code of Conduct* clearly sets out the requirements that PBR has in relation to workplace participants conduct towards and in the presence of children, and so prevent, behaviour that may be harmful to the children and young people at PBR.

The *Child Safety and Wellbeing Code of Conduct* is to be read in conjunction with relevant position or role description/s, PBR's *Child Safety and Wellbeing Policy*, and *Child Safety and Wellbeing Reporting and Response Policy* and Procedures and relevant legislation; all of which have been approved and endorsed by the Board.

As part of our commitment to observing this Code all workplace participants are required to sign a *Child Safety and Wellbeing Commitment Declaration*.


Failure to act in accordance with the Code may be considered misconduct and PBR will investigate and take appropriate disciplinary action in the event of a breach of this code. Disciplinary action may, depending on the seriousness of the misconduct, include suspension while matters are investigated and/or dismissal. In addition to any internal disciplinary proceedings, we will report to the police all instances in which a breach of the law has or may have occurred.

There may be exceptional situations where conduct may be required that is contrary to the Code, for example, in an emergency health and safety situation. However, it is crucial that, where possible, you seek management authorisation prior to taking action that contravenes the Code, and that you advise management as soon possible after any incident in which these guidelines are breached.

2. Scope

For the purposes of this code, all employees, volunteers, contractors, sub-contractors and other people engaged to work at Puffing Billy Railway are considered to be **workplace participants** and are required to adhere to this code by observing the expectations for appropriate conduct and behaviour below.

This *Child Safety & Wellbeing Code of Conduct* applies to all aspects of work at and on behalf of Puffing Billy Railway, including the use of digital technology and social media. It is important to note that the personal conduct of workplace participants which has the potential to cause harm to PBR, or which is otherwise unlawful or in breach of this or any other PBR policy may also result in disciplinary action by PBR.

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3. Responsibilities

Workplace Participants are required to

- Read and comply with this *Child Safety and Wellbeing Code of Conduct*
- Comply with all other policies and procedures related to this *Child Safety and Wellbeing Code of Conduct*
- Participate in mandatory training and education programs related to safeguarding relevant to your role
- Report any known or suspected breaches of the Code of Conduct
- Raise any queries or questions about obligations arising from their Code of Conduct with their line manager or supervisor.

In addition, **Managers and Supervisors** are required to

- Actively ensure that all Workforce Participants implement and follow the Code of Conduct at all times
- Demonstrate leadership through championing the behaviours and requirements set out in the Code of Conduct
- Report and escalate any known or suspected breaches of the Code of Conduct

The **CEO and delegates** are required to

- Develop, review and continually improve the Code of Conduct and other Child Safe policies and procedures across the organisation
- Ensure approaches to child safety are informed by consultation with relevant stakeholders and subject matter experts, are evidence-informed and represent best-practice
- Demonstrate leadership through championing the behaviours and requirements set out in the Code of Conduct
- Implement the Code of Conduct and other Child Safe policies and procedures across the organisation Report any known or suspected breaches of the Child Safety & Wellbeing Code of Conduct ensuring all obligations and duties are clearly documented and easy to understand
- Ensure workplace participants have access to and understand all Child Safety and Wellbeing documentation
- Ensure all Managers and Supervisors have access to support and advice to understand and implement procedures
- Ensure all incidents, allegations, disclosures and identified risks are thoroughly investigated and that appropriate action is taken at all times.

The Board is responsible for endorsing this Child Safety and Well Being Code of Conduct, ensuring this code of conduct is reviewed and updated as needed and reviewing ETRB's compliance with this code and child safety.

4. Code of Conduct

Our Code of Conduct addresses the primary areas and activities in which workplace participants are likely to interact directly or indirectly with children and young people who engage with and visit PBR.

PBR has developed the Child Safety and Wellbeing Code of Conduct to establish a mandatory standard of behaviour for all workplace participants to follow at all times. By ensuring all workplace participants abide by the Code of Conduct, workforce participants all play an individual and collective role in safeguarding children and young people from the risk of or actual harm, abuse or neglect at PBR whilst promoting safety and wellbeing of our service users.

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4.1 Communication

We communicate our *Child Safe Code of Conduct* requirements to all our workplace participants involved with children and young people in our organisation through the recruitment and onboarding process per *Recruitment and Selection (Employees) Policy*. PBR's recruitment materials, induction training, role-specific training and ongoing performance management processes include clear, current, and accessible information about the *Child Safety and Wellbeing Code of Conduct* and PBR's broader approach to safeguarding.

We involve our workplace participants and other relevant stakeholders in reviews of our *Child Safety and Wellbeing Code of Conduct* to ensure that our Code is accessible, appropriate, and tailored to the context of PBR operations. We communicate any significant alterations to our *Child Safe Code of Conduct* requirements and resources to all workplace participants through our internal communications channels.

We communicate the *Child Safety and Wellbeing Code of Conduct* and other relevant policies, procedures and information to children, young people, their families, and the broader community who participate in or attend services at PBR via our website, signage at our facilities and verbally.

4.2 Upholding the Rights of Children and Young People

PBR and workplace participants must at all times uphold the rights of children and young people who come into contact with PBR and participate in our services. This includes the right to safety, protection, information, privacy, participation, inclusion (particularly in the context of equity and diversity) and the right to provide feedback and make a complaint.

4.3 Promoting equity and diversity

All workplace participants must ensure that their approach and interactions with children and young people are sensitive, respectful, and inclusive of all backgrounds and abilities.

Where our organisation has involvement with or provides services to children and young people who identify as LGBTQIA+ are Aboriginal or Torres Strait Islander, from culturally and/or linguistically diverse backgrounds or who have a disability, our workplace participants will promote their safety (including cultural safety), participation and empowerment. For more information, refer to the *Equity & Diversity Policy*.


PBR has zero tolerance for discriminatory conduct of any kind, including against children and young people. Such behaviour must be reported to PBR and will be subject investigation and management in accordance with the *Discipline Policy*.

4.4 Adhering to professional role boundaries

Our workplace participants should not, of their own volition or at the request of a service user, act outside the confines of their duties (as specified in their position or role description) when helping to deliver our PBR services or activities.

PBR Workplace participants:

- must not provide unauthorised transportation, for example, transporting a child in a private vehicle without prior approval and consent of the parent/guardian and the child or young person.
- must not engage in activities with children or young people who are visitors or participants in activities of PBR outside authorised activities or events

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- must not provide any form of support to a child or young person or their family, unrelated to our services and activities, for example arranging to meet a child on site after hours to show them around the PBR sheds
- must not seek contact with children or young people (or former participants) outside our services and activities including but not limited to online environment such as Instagram/snapchat/Facebook.
- must not accept an invitation to attend any private social function at the request of a child or young person who has participated, or is participating, in our services or activities – or at the request of their family
- must not develop any ‘special’ relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- must not engage in open discussions of a mature or adult nature with or in the presence of children (for example, personal social activities).

4.5 Supervision

Workplace participants are responsible for supervising the safety of children and young people to which our organisation provides services or activities to ensure those children and young people:

- engage positively with our services and activities, for example, ‘Day Out With Thomas’
- behave appropriately toward one another, for example, visiting school groups
- are in a safe environment and are protected from site related and external risks and threats, for example, building contractors working on site

Our workplace participants are required to avoid one-to-one unsupervised situations with children and young people to whom we provide services, and (where possible) to conduct all activities and/or discussions with service recipients in view of other workplace participants.

4.6 Use of language and tone of voice

Workplace participants must at all times ensure that their language and tone of voice used in the presence of, or when speaking to, children and young people must:

- Be respectful and age-appropriate
- provide clear direction, boost their confidence, encourage or affirm them
- not be harmful to children – in this respect, language that is unacceptable includes:
 - discriminatory, racist or sexist comments
 - derogatory, belittling or negative comments, for example, by calling a child a ‘loser’ or telling them they are ‘too fat’
 - comments intended to threaten, intimidate or frighten
 - profane or sexual comments.
 - comments that incentivise the child to stay quiet, for example “you can drive the train if you..”

4.7 Positive guidance [Discipline]

We strive to ensure that children and young people participating in our services are aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants. Children are encouraged to feel safe and be safe and have positive relationships and friendships with their peers.

Wherever possible, children and young people are encouraged to ‘have a say’ and participate in all relevant organisational activities, especially on issues that are important to them or directly effect them. Children and young

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people are given information about their safe participation in organisational activities including access to information about reporting of child harm or abuse.

However, there are times when workplace participants may be required to use appropriate techniques and behaviour management strategies to ensure:

- an effective and positive environment
- the safety and/or wellbeing of children, young people or workplace participants participating in our PBR services and activities.

We require our workplace participants to use strategies that are fair, respectful, and appropriate to the developmental stage and considerate of any special needs of the children or young people involved. The child or young person needs to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

Under no circumstances are our workplace participants to take disciplinary action involving physical punishment or any form of treatment that would be considered by a reasonable person to be degrading, cruel, frightening or humiliating.

4.8 Use of electronic and online communications

Circumstances that require electronic and online communication with children and young people by workplace participants are extremely limited. If such contact is required, approval must be sought in advance by Group Manager visitor Experience. Email and text messages sent to a child or young person must be copied to their parent, guardian, or teacher.

All our workplace participants are required to follow our *Social Media Policy* and *Information Communications Technology Acceptable Use Policy*.

Our workplace participants are required to ensure appropriate monitoring of children and young people when they use our organisation's electronic communication equipment to ensure that they do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites or through web searches, or inappropriate email communication.

4.9 Giving gifts

Giving of gifts, awards or acknowledgements by our service delivery workplace participants to children and young people to whom we provide service is subject to:

- obtaining prior authorisation from a supervisor or Manager
- parents, caregivers or other responsible adults (for example, a teacher) being made aware of any gift given.

Workplace participants must follow the [PBR Gifts, Benefits and Hospitality Policy](#).

4.10 Photographs of children and young people

Under these guidelines children and young people to whom we deliver service are to be photographed while involved in our services and activities only if: our Visitor Experience Branch has granted prior and specific approval

- the context is directly related to participation in our services and activities
- the child is appropriately dressed and posed
- the image is taken in the presence of other workplace participants

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Images are not to be distributed (including as an attachment to an email) to anyone outside our organisation other than the child photographed or their parent, without management knowledge and approval.

Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example:

- if in hard-copy form, in a locked drawer or cabinet
- if in electronic form, in a 'password protected' folder.
- Images are not to be exhibited on our website without parental knowledge and approval, or such images must be presented in a manner that de-identifies the child or young person. Any caption or accompanying text may need to be checked so that it does not identify a child or young person if such identification is potentially detrimental.
- Images are to be managed, stored and destroyed as per the *Information Management Policy*.

4.11 Overnight stays and sleeping arrangements

We prohibit overnight stays at PBR as part of the service we provide to children and young people.

4.12 Change room arrangements

The use of change rooms by children and young people at PBR is prohibited.

4.13 Use of Uniform and Crew Card

PBR Uniforms identify workplace participants as being associated with PBR and are recognisable within the community, including by children and young people. Workplace participants must only wear their uniform only while involved in delivering service or as required by our organisation, such as when representing our organisation at designated functions or to and from work. A crew card identification pass is to be used only in delivery of our services or activities and must be worn when rostered.

4.14 Transporting children

Children and young people are to be transported only in circumstances that are directly related to the delivery of our services and activities and with prior written approval by a parent or guardian – for example travelling on a PBR rail service.

In circumstances other than the above, children are only to be transported with prior written authorisation from our Child Safety Officer and CEO and from the child's parent/guardian/teacher. Gaining approval involves providing information about the proposed journey, including:

- the form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat
- the reason for the journey
- the route to be followed, including any stops or side trips
- details of anyone who will be present during the journey other than our workplace participants who are involved in delivering our services or programs.

4.15 Physical contact with children and young people

Circumstances that require physical contact by workplace participants with children and young people are extremely limited. Any physical contact with children and young people must be appropriate to the delivery of our services and

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activities such as lifting a child into a carriage or engine cab and based on the needs of the child or young person (such as to assist or comfort a distressed young person). Wherever possible, parents, caregivers and those tasked with supervision (such as teachers and tour group leaders) should be encouraged to perform tasks requiring physical contact.

Under no circumstances should any of our workplace participants have contact with children or young people participating in our services or activities that:

- Involves touching
 - of genitals
 - of buttocks
 - of the chest/breast area. That is other than as part of delivering medical or allied health services
- would appear to a reasonable observer to have a sexual connotation
- is intended to cause pain or distress to the child or young person – for example corporal punishment
- is overly physical – as is, for example, wrestling, horseplay, tickling or other roughhousing
- is unnecessary – as is, for example, assisting with toileting when a child does not require assistance
- is initiated against the wishes of the child or young person, except if such contact may be necessary to prevent injury to the child/young person or to others, in which case:
 - physical restraint should be a last resort
 - the level of force used must be appropriate and proportionate to the specific circumstances
 - restraining the child or young person to prevent harm to themselves or others
 - the incident must be reported to management as soon as possible.

Our workplace participants are required to report to management any physical contact initiated by a child or young person that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the child or young person, our workplace participants and any other participants. Workforce Participants must report any observed inappropriate touching as soon as practicable.

4.16 Sexual misconduct

Under no circumstances is any form of sexualised behaviour including grooming to occur between, with, or in the presence of, children or young people participating in any of our services or programs at PBR. Engaging in sexual behaviour while participating in our service is prohibited even if the young persons involved may be above the legal age of consent.


‘Sexual behaviour’ needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- ‘Contact behaviour’, such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution
- ‘non-contact behaviour’, such as grooming, flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

4.17 Use, possession or supply of alcohol or drugs

While on duty, workplace participants must not:

- use, possess or be under the influence of an illegal drug
- use or be under the influence of alcohol
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs

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- supply alcohol or drugs (including tobacco) to children and young people participating in our services or activities

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with your ability to supervise and engage with children involved in our service. Workplace participants are to comply with the Drug and Alcohol Management Policy which includes agreement to participate in drug and alcohol testing programs when required.

4.18 Reporting Obligations

All workplace participants are expected to make a report to PBR immediately (i.e. as soon as possible or before the end of the day) if:

- they become aware of any allegations, concerns or disclosures of child related harm or abuse
- they have a concern for the health, safety or wellbeing of a child or young person engaging in our services
- they observe any workplace participant whose practice or behaviour is contrary to the expectations of behaviour set out in this Code of Conduct
- if they identify a risk, hazard or near miss relating to the health, safety and wellbeing of a child or young person.

Please refer to the *Child Safe Reporting and Response Policy* for detailed guidance for all workplace participants to follow when making a report – this document outlines the relevant legislative obligations relating to workplace participants internal and external reporting in the event of known or suspected risk of or actual child related harm including but not limited to police and/or other relevant statutory authorities.

In the event of emergency or to protect the immediate safety of a child or young person, workplace participants must call 000 immediately.

4.19 Ongoing screening and assessment

Along with pre-engagement screening requirements, including, but not limited to obtaining a current Working with Children Check and participating in a national criminal history check, workplace participants are required to participate with and maintain screening requirements in line with their personal legal obligations as set out in the *Worker Screening Act 2020*. Ongoing screening requirements are outlined in the Individual Compliance Check Policy. In addition, certain workplace participants are required to engage in regular, ongoing training related to the safeguarding of children and young people. Where a workplace participant has a role which involves high degrees of contact with children or young people, high levels of power and supervision of children or performs a role which provides opportunities for children, young people and families to raise concerns or complaints, additional enhanced assessment processes will apply.

Workplace participants must inform PBR immediately in the event that they are charged with a serious criminal offence, or in the event that their Working with Children Check is suspended or revoked. Failure to do so may result in disciplinary action.

4.20 Compliance

Failure to adhere to this Code may result in disciplinary action as per the *Disciplinary Action Procedure* and, in serious cases, termination of your employment or engagement. Breaches of a suspected criminal nature will be reported to

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the relevant authorities including Victorian Policy. Where a matter is subject to investigation or inquiry, relevant stakeholders will be advised of the outcome and findings.

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5. Definitions

Aboriginal	In this policy, the term Aboriginal refers to persons who identify as Aboriginal and/or Torres Strait Islander people.
Bullying	<p>Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ul style="list-style-type: none"> • Verbal (name calling, put downs, threats); • Physical (hitting, punching, kicking, scratching, tripping, spitting); • Social (ignoring, excluding, ostracising, alienating); and/or • Psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).
Child or young person	In this policy, the term child refers to children and young people up to the age of 18
Cultural and Linguistic diversity	A broad term used to describe communities with diverse languages, ethnic backgrounds, nationalities, traditions, societal structures and religions. It may describe persons born overseas in a non-English speaking country, or born in Australia in a household where English is not the primary language spoken (source – Victorian State Government – Data Collection Standards)
Disability	A broad term which describes impairments, activity limitations and participation restrictions; all of which can interact with a person's health condition(s) and environmental and/or individual factors to hinder their full and effective participation in society on an equal basis with others (source – Australian Institute of Family Studies)
Emotional or psychological abuse	Emotional or psychological abuse occurs when a child or young person does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a child or young person. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviors continue to an extent that results in significant damage to the child or young person's physical, intellectual or emotional wellbeing and development.
Family Violence	Family violence occurs when children are forced to live with violence between adults in their home. It is harmful to children. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.
Harm	<p>Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> • physical, psychological or emotional abuse or neglect; • sexual abuse or exploitation; • a single act, omission, or circumstance; and <p>a series or combination of acts, omissions or circumstances.</p>

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LGBTQIA+	Means lesbian, gay, bisexual, transgender and/or gender divers, intersex, queer, questioning and asexual people (source – Australian Institute of Family Studies)
Neglect	Neglect is the persistent failure or deliberate denial to provide the child or young person with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child or young person's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.
On-line environment	Anywhere online that allows digital communication, such as: social networks, text messages and messaging apps, email and private messaging, online chats, comments on live streaming sites and voice chat in games.
Physical Abuse	Physical abuse occurs when a person subjects a child or young person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a child or young person. Physically abusive behavior includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, suffocating, excessive and physically harmful over training, and kicking. It also includes giving children and young people harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child or young person at risk of being hurt.
Risk Management	In the context of creating safe environments for children and young people, risk management consists of assessing and taking steps to minimise the risks of harm to children and young people because of the action of an employee, volunteer, contractor or another child or young person. Risk management includes planning the work of the organisation to reduce or minimise situations where children and young people may be abused.
Sexual Abuse	Sexual abuse occurs when an adult or a person of authority (e.g. older) involves a child or young person in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse.
Sexual Exploitation	Sexual exploitation is a form of sexual abuse where offenders use their power, (physical, financial or emotional) over a child or young person, or a false identity, to sexually or emotionally abuse them. It often involves situations and relationships where children and young people receive something (food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money etc.) in return for participating in sexual activities. Sexual exploitation can occur in person or online, and sometimes the child or young person may not even realise they are a victim.
Workplace Participant	All who work for the organisation whether in a paid or unpaid capacity, including; employees, casual employees, volunteers, Board and committee members and contractors.


Definition Reference and Sources

Australian Institute of Health and Welfare (AIHW), 2018

World Health Organization, (2006)

Child Family Community Australia (CFCA), (2016)

Australian eSafety Commissioner, (2020)

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6. Supporting documentation

6.1 Policies and procedures

- Child Safe Policy ETRB PO 020
- Child Safe Reporting and Response Policy ETRB PO 053
- Child Safe Commitment Declaration ETRB F 024
- Information Communications Technology Acceptable Use Policy ETRB PO 033
- Social Media Policy ETRB PO 016
- Gifts, Benefits and Hospitality Policy ETRB PO 015
- Information Management Policy ETRB PO 041
- Drug and Alcohol Management Policy ETRB PO 002
- Individual Compliance Check (Criminal History, Working with Children, Working VISA) Policy ETRB PO 044

6.2 Legislation

- Child Wellbeing and Safety Act 2005 (including Child Safe Standards as Gazetted on 31 December 2015)
- Child Wellbeing Regulations 2007
- Commission for Children and Young People Act 2012
- Children Youth and Families Act 2005
- Charter of Human Rights and Responsibilities Act 2006
- Crimes Act 1958
- Worker Screening Act (Vic) 2020

7. Document information and control

7.1 Information



Document ID	ETRB ST 002
Document title	Child Safety and Well-being Code of Conduct

7.2 Responsibility

Policy owner	Chief Executive Officer
Policy author	Human Resources Manager
Approving body	Emerald Tourist Railway Board

7.3 Version control and change history

Version number	Approval date	Approved by	Amendment
1	07/06/2018	ETRB	Nil
2	10 September 2019	ETRB	Updated with signatory panel
3	16 January 2020	CEO	Remove the word 'volunteer' from signature panel
4	31 August 2021	ETRB	MofC 38 / 2021 – complete rewrite
5	23 November 2021	ETRB	MofC 45/2022 – complete rewrite
Review			

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Due date:	November 2022
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Puffing Billy Railway's staff and volunteers are committed to providing positive experiences for children in an environment that is caring, nurturing and safe.

Our Children, Our Focus, Our Future, Speak Up!