

ESPERANCE TOY LIBRARY - WAIVER, RELEASE AND INDEMNITY FOR BICYCLE AND SCOOTERS

The Esperance Toy Library ("Provider") is pleased to make bicycles and scooters available to subscribers ("the Service").

As a subscriber to the Service you acknowledge that there are dangers and risks inherent with bicycle and scooter riding (the "Activity") to which any child under your supervision ("Your Child") may be exposed.

The Provider does not provide protective clothing or bicycle helmets and it is your responsibility to ensure that Your Child wears a helmet at all times and is otherwise appropriately attired when participating in the Activity. You agree that Your Child will participate in the Activity at your own risk. You also agree to voluntarily assume responsibility for supervising the Activity and any injury, death or property damage you or Your Child may suffer or cause as a result of participating in the Activity.

To the maximum extent possible at law, you (both in your personal capacity and on behalf of Your Child) agree to release, hold harmless and indemnify the Provider and its respective officers, employees, servants, agents and contractors (the "Indemnified Persons") against all actions, claims, suits, costs, expenses, demands and damages suffered or incurred by the Indemnified Persons or any one or more of them by reason of, or in respect of, or in any manner whatsoever arising out of, or caused by, your use of the Service or Your Child's participation in the Activity.

You agree that you are subscribing to the Service on the express condition that the Provider:

- (a) will, under no circumstances be liable or responsible in any manner whatsoever for any death, loss, accident, damage or injury to you, Your Child or any of your servants, agents, contractors, visitors or invitees or any other person whatsoever ("Related Party") which may happen as a result of your use of the Service or Your Child participating in the Activity; and
- (b) will not incur or be under any liability whatsoever to you, Your Child, or to any Related Party for any loss, damage or injury to or in respect of any of your property or of any Related Party's property.

The Provider is not liable to you, Your Child or any Related Party in respect of any indirect or consequential loss. For the avoidance of doubt, 'consequential loss' means loss or damage arising from a breach of contract, tort (including

negligence), under statute or any other basis in law or equity of an indirect or consequential nature including, but without limitation, loss of profits, loss of revenue, loss or denial of opportunity, loss of goodwill, loss of business reputation, future reputation or publicity, damage to credit rating and indirect, remote, abnormal or *unforeseeable loss, or any similar loss whether or not in the reasonable contemplation of the parties.*

CHILD SAFETY POLICY

Our commitment to child safety

Our organisation is committed to child safety.

We want children to be safe, happy, and empowered. We support and respect all children, as well as our staff and volunteers.

We are committed to the safety of all children.

We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.

We have legal and moral obligations to contact authorities when we are worried about a child's safety, which we follow rigorously.

Our organisation has robust recruitment practices for all staff and volunteers.

We have policies, procedures and education in place that support our staff and volunteers to achieve these commitments.

[If you believe a child is at immediate risk of abuse phone 000.](#)

Our staff and volunteers

This policy guides our staff and volunteers on how to behave with children in our organisation.

Children should never be left unsupervised in the care of toy library staff or volunteers. Parents/guardians should always supervise their children at the toy library. Wherever feasible toy libraries should implement the 'two-person rule' – ensuring there are two people present when the toy library is open.

All our staff and volunteers must agree to abide by our code of conduct, which specifies the standards of conduct required when working with children.

Our organisational culture aims for all staff and volunteers to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. Education is important to ensure that everyone in our organisation understands that child safety is everyone's responsibility. All staff receives training on our code of conduct.

Any inappropriate behaviour will be reported through appropriate channels, including the relevant government department or police, depending on the severity and urgency of the matter.

Training and supervision

Training and education are important to ensure that everyone in our organisation understands that child safety is everyone's responsibility.

Our organisational culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our staff to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

New employees and volunteers will be supervised regularly to ensure they understand our organisation's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (please refer to this organisation's code of conduct to understand appropriate behaviour further). Any inappropriate behaviour will be reported through appropriate channels, including the relevant government department or police depending on the severity and urgency of the matter.

Recruitment

We take all reasonable steps to employ appropriately skilled people to work with our members. We develop selection criteria that clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities.

We carry out reference checks and working with children checks for any paid staff members to ensure that we are recruiting the right people. Please see <https://workingwithchildren.wa.gov.au/> for further information

Fair procedures for personnel

The safety and wellbeing of members is our primary concern. We are also fair and just to personnel. The decisions we make when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

We record all allegations of abuse and safety concerns using our incident reporting form, including investigation updates. All records are securely stored.

If an allegation of abuse or a safety concern is raised, we provide updates to children and families on progress and any actions we as an organisation take.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they are staff, volunteers, parents, or children, unless there is a risk to someone's safety. We have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

Legislative responsibilities

Our organisation takes our legal responsibilities seriously, including:

- **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.

- **Failure to protect:** People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk but negligently fail to do so.
- Any personnel who are mandatory reporters must comply with their duties.

Risk management

Organisations are required to protect children when a risk is identified (see information about failure

to protect above). In addition to general occupational health and safety risks, we proactively manage risks of abuse to our children.

We have risk management strategies in place to identify, assess, and take steps to minimise child

abuse risks, which include risks posed by physical environments (for example, any doors that can

lock), and online environments (for example, no staff or volunteer is to have contact with a child in

the organisation on social media).

Regular review

This policy will be reviewed every two years and following significant incidents if they occur. We will ensure that families and children can contribute to the review. Where possible we do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities and people with a disability.

Allegations, concerns, and complaints

Our organisation takes all allegations seriously and has practices in place to investigate thoroughly and quickly.

We work to ensure all families, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place (see information about failure to disclose above).

If an adult has a reasonable belief that an incident has occurred, then they must report the incident.

Factors contributing to reasonable belief may be:

- A child states they or someone they know has been
- Behaviour consistent with that of an abuse victim is observed
- Someone else has raised a suspicion of abuse but is unwilling to report it
- Observing suspicious behaviour.

(Last revised: April 2022)

OUR APPROACH TO CHILD SAFETY

In continuing to implement and promote a child-safe system of work, we will:

- develop an environment in which children feel listened to and valued, and in which their concerns are acted upon, including encouraging and allowing children to participate in decisions important to them
- consult with staff, contractors and volunteers and other appropriate parties, including families and children
- assess and manage the risk of abuse to children who interact with our organisation, including through recruitment practices and online
- take a proactive approach to child safety, including fostering a culture of openness that encourages all staff, contractors and volunteers to report any concerns of child safety and supports them in this process
- report suspected abuse, neglect or mistreatment promptly to the appropriate authority, whether or not the law requires reporting
- ensure children know the options available to them if they are concerned or feeling unsafe, and foster an environment where children are safe to raise such concerns
- recruit staff, contractors and volunteers who are suitable to work with children and provide high quality training, supervision and professional development to staff, contractors and volunteers as appropriate.
- have policies, procedures and supports in place to reflect these commitments, and review these regularly.

AUTHORISATION

Genevieve Redding

Esperance Toy Library

Date: July 2026

CHILD SAFETY PROCEDURES

RESPONSIBILITIES

All staff, contractors and volunteers are responsible for the safety and wellbeing of children and young people who engage with our organisation. All staff, contractors and volunteers are expected to act in accordance with our Code of Conduct in their physical and online interactions with children and young people under the age of 18 years.

The Wagin Toy Library committee of management has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The committee of management is also responsible for ensuring that appropriate policies and procedures and a Code of Conduct are in place.

The President is responsible for:

- dealing with and investigating reports of child abuse
- ensuring that all staff, contractors and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Code of Conduct
- ensuring that all adults within our community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures
- ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct
- providing support to staff, contractors and volunteers in undertaking their child protection responsibilities.

All committee of management must ensure that they:

- promote child safety at all times
- assess the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible
- educate those under their supervision whether they are staff, contractors or volunteers about the prevention and detection of child abuse
- facilitate the reporting of any inappropriate behaviour or suspected abusive activities.

Session leaders should be familiar with the types of abuse that might occur within a toy library environment and be alert for any indications of such conduct.

All staff, volunteers and contractors share responsibility for the prevention and detection of child abuse, and must:

- familiarise themselves with relevant laws, the Code of Conduct, and our policy and procedures in relation to child safety, and comply with all requirements
- report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police or the state child protection service)
- report any suspicion that a child's safety may be at risk to their supervisor or the President (or, if their supervisor/President is involved in the suspicion, to a responsible person in the organisation)
- provide an environment that is supportive of all children's emotional and physical safety.

DEFINITIONS

Child means a child or young person who is under the age of 18 years.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child abuse means

- a sexual offence committed against, with or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded, or
- sexual misconduct committed against, with or in the presence of a child, or
- physical violence committed against, with or in the presence of a child, or
- any behaviour that causes significant emotional or psychological harm to a child or significant neglect of a child.

Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Non-member volunteers are people volunteering at the toy library who are not members of the toy library.

Reasonable grounds for belief is a belief based on reasonable grounds (see below) that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- the child is in need of protection, or
- the child has suffered or is likely to suffer significant harm as a result of physical injury, or
- the parents are unable or unwilling to protect the child.

A “reasonable belief” or a “belief on reasonable grounds” is not the same as having proof, but it is more than mere rumour or speculation.

A “reasonable belief” is formed if a reasonable person in the same position would form the belief on the same grounds. For example, a “reasonable belief” might be formed if:

- a) a child states that they have been physically or sexually abused
- b) a child states that they know someone who has been physically or sexually abused (the child may be talking about themselves)
- c) someone who knows a child states that the child has been physically or sexually abused
- d) signs of abuse lead to a belief that the child has been physically or sexually abused.

Session leaders are volunteers who run toy library opening sessions that involve supervising other volunteers.

Supervisor is a person overseeing the work of a staff member, volunteer or contractor. This could be a toy library manager, session leader or President depending on the individual’s role.

Toy librarian is anyone paid to work in a toy library.

Toy library manager is a senior toy librarian who has other staff reporting to them.

TOY LIBRARY OPERATIONS

Children should never be left in the care of toy library staff or volunteers.

Parents/guardians must always supervise their children at the toy library, so that two adults will be present when there are children (other than staff/volunteer's own children) in the toy library.

Wagin Toy Library will ensure that child safety is a part of its overall risk management approach.

VOLUNTEER SCREENING

Guidance note – WWCC for committees, non-member volunteers and session leaders:

Requirements for and availability of Working with Children Checks (WWCC) vary by state.

- **WA:** for standard operations of the toy library most people are ineligible to apply for a WWCC in WA. For more details see the [WA info sheet](#), if unsure of your toy libraries particular activities contact the WWCC screening unit 1800 883 979.

We do not require all eligible Committee of Management/Board members, non-member volunteers and session leaders to have Working with Children Check, however they must agree to our Code of Conduct.

TRAINING

Wagin Toy Library is committed to ensuring that staff, contractors and volunteers have access to appropriate induction and ongoing training in relation to their child safety responsibilities, including our child safety policies and procedures and the Code of Conduct.

Training will be available through Toy Libraries Australia for staff and volunteer leaders.

This training will include how to identify, assess and minimise the risk of child abuse and detect potential signs of child abuse.

REPORTING

All staff, volunteers and contractors are responsible for reporting child safety concerns to their supervisor (e.g. toy library manager or session leader) or the President as soon as possible after receiving such information or forming a belief that a child is at risk.

In situations where the supervisor is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the President.

Supervisors must report complaints of suspected abusive behaviour or misconduct to the President.

If any staff member or contractor has a reasonable belief that reportable conduct may have occurred, then they must report the incident to the President directly and immediately.

If the incident potentially involves a criminal offence, the incident must also be reported to the local police station or by calling 000. Ensuring the President is notified as soon as reasonably practicable.

Reportable conduct includes the following incidents:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct committed against, with or in the presence of a child
- physical violence committed against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

Where a law enforcement agency is seeking to investigate child safety concerns, staff members, contractors and volunteers must co-operate to the best of their ability.

Our President can be contacted by email at esptoylibrary@gmail.com or by phone on [0403930744](tel:0403930744).

In the event that the suspected abusive behaviour or misconduct is by the President Toy Library Australia can be contacted by email at info@toylibraries.org.au.

INVESTIGATING

If the appropriate child protection service or the police decide to investigate a report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the President will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the President may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice including the right to be heard, the right to be treated without bias, and a decision being based on relevant evidence.

The President will make every effort to keep any such investigation confidential; however, from time-to-time other staff and volunteers may need to be consulted in relation to the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the President shall coordinate the investigation with the appropriate investigators and law enforcement officials. Internal or external legal representatives will be involved in the process as deemed appropriate.

RESPONDING

If it is alleged that staff member, contractor or volunteer may have committed an offence or breached the organisation's policies or its Code of Conduct, the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

Standing down of a staff member, contractor or volunteer during an investigation does not imply that the individual has committed an offence or breached the organisation's policies or its Code of Conduct and should not be considered as a disciplinary action.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation.

PRIVACY

Wagin Toy Library will respect the privacy of the individuals involved unless there is a risk to someone's safety. We will have safeguards and practices in place to ensure that any personal information considered or recorded remains confidential. Information will be provided to relevant authorities in compliance with State, territory or federal law as required.

In accordance with privacy laws, everyone is entitled to know how the personal information will be recorded, what will or can be done with it, and who may be able to access it.

REVIEWING

Every two years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

RELATED DOCUMENTS

This policy must be read in conjunction with:

- The law of the Commonwealth or of the relevant state or territory
- [The National Principles for Child Safe Organisations](#)
- [Esperance Toy Library](#) Code of Conduct

Last reviewed: April 2025

Code of conduct

All staff, volunteers and committee members of our organisation are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.

All staff, volunteers and committee members are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- always adhering to our child safe policy and upholding our statement of commitment to child safety at all time
- taking all reasonable steps to protect children from abuse
- treating everyone with respect
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- promoting the cultural safety, participation, and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation, and empowerment of children with a disability (for example, during personal care activities)
- ensuring that adults are not left alone with a child
- reporting any allegations of child abuse to our President and ensure any allegation is reported to the police or child protection
- reporting any child safety concerns to our President
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe

Staff and volunteers 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)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps). Sitting on laps could be appropriate at times, for example while reading a storybook to a small child in an open plan area)
- put children at risk of abuse (for example, by locking doors)
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of culture, race, ethnicity or disability
- have any online contact with a child or their family (unless necessary, for example providing families with e- newsletters)
- ignore or disregard any suspected or disclosed child abuse.

By observing these standards you acknowledge your responsibility to immediately report any breach of this code to Esperance Toy Library's President.

If you believe a child is at immediate risk of abuse phone 000.

I agree to adhere to this Code of Conduct:

Name:

Signature:

Date: