

# Child Death Review Board

Queensland **Family & Child** Commission

## Procedural Guidelines

This document is subject to ongoing review.

<b>Revision Date</b>	<b>Version No.</b>	<b>Author</b>	<b>Description of Change / Revision</b>
12.08.2020	1.0	Secretariat	Draft for CDRB approval
30.11.2020	1.1	Secretariat	Incorporating changes requested by CDRB
23.03.2021	1.2	Secretariat	Readability changes and amendments related to conflicts of interest and code of conduct
05.05.2021	1.3	Secretariat	Clarification of categorisation framework
06.09.2023	1.4	Secretariat	Revision in readiness for new Board Member Induction and addition of themed collective reviews



*The Child Death Review Board (CDRB) Secretariat is referenced throughout this document. The CDRB Secretariat is made up of staff internal to the Queensland Family and Child Commission (QFCC). It acts as the agent for the CDRB to help operationalise its functions, roles, and responsibilities. The CDRB Secretariat operates under the direction of the CDRB Chairperson.*

# Contents

<b>OVERVIEW</b> .....	<b>5</b>
BACKGROUND TO CDRB .....	5
NEW CHILD DEATH REVIEW MODEL .....	5
INDEPENDENCE OF THE CHILD DEATH REVIEW BOARD .....	6
PROCEDURAL GUIDELINES REVIEW.....	7
CDRB PROCESS OVERVIEW .....	8
CDRB AND SECRETARIAT WORKFLOW .....	9
<b>SECTION 1—DETERMINING A MATTER FOR REVIEW</b> .....	<b>10</b>
PURPOSE.....	10
KEY STEPS.....	11
STEP 1.1 SECRETARIAT DETERMINES THE REQUIREMENT FOR A CDRB REVIEW FOLLOWING THE DEATH OF A CHILD .....	11
STEP 1.2 SECRETARIAT IDENTIFIES AGENCIES AND OTHER BODIES UNDERTAKING INTERNAL REVIEWS .....	12
STEP 1.3 SECRETARIAT RECEIVES INTERNAL AGENCY REVIEW REPORTS AND ALLOCATES A MATTER FOR REVIEW TO A MEETING.....	13
<b>SECTION 2—PREPARING A MATTER FOR REVIEW</b> .....	<b>14</b>
PURPOSE.....	14
KEY STEPS.....	15
STEP 2.1 SECRETARIAT COMMENCES REVIEW .....	15
STEP 2.2 SUBJECT TO DISCRETION OF THE CHAIRPERSON – MATTERS ARE CATEGORISED BY LEVEL OF REVIEW REQUIRED AND CAN BE INCLUDED IN A THEMED COLLECTIVE REVIEW.....	15
STEP 2.3 INFORMATION GATHERED FROM AGENCIES.....	17
STEP 2.4 SECRETARIAT TO PREPARE SUPPORTING DOCUMENTATION FOR MATTERS FOR REVIEW .....	19
<b>SECTION 3—PREPARING FOR A MEETING</b> .....	<b>21</b>
PURPOSE.....	21
KEY STEPS.....	22
STEP 3.1 CDRB CHAIRPERSON DISTRIBUTES THE AGENDA AND ISSUES INVITATIONS .....	22
STEP 3.2 CDRB MEMBERS ADVISE CHAIRPERSON OF ANY CONFLICT OF INTEREST.....	23
STEP 3.3 CDRB MEMBERS PREPARE FOR A MEETING.....	24
<b>SECTION 4—UNDERTAKING A MEETING</b> .....	<b>25</b>
PURPOSE.....	25
KEY STEPS.....	26
STEP 4.1 CDRB MEMBERS ATTEND A MEETING .....	26
STEP 4.2 CDRB DISCUSSES THE MATTERS LISTED AND MAKES DECISIONS.....	28
STEP 4.3 CDRB DETERMINES A MATTER FOR REVIEW HAS BEEN CONSIDERED.....	29
STEP 4.4 SECRETARIAT PREPARES A RECORD OF MEETING AND DECISIONS .....	29
<b>SECTION 5—REPORTS AND RECOMMENDATIONS</b> .....	<b>31</b>
PURPOSE.....	31
KEY STEPS.....	32
STEP 5.1 CDRB HOLDS A SPECIAL MEETING.....	32
STEP 5.2 CDRB MAKES AND MONITORS CDRB RECOMMENDATIONS.....	32
STEP 5.3 CDRB PREPARES AN ANNUAL CDRB REPORT .....	33
STEP 5.4 CDRB PREPARES OTHER CDRB REPORTS .....	34
<b>SECTION 6—RESPONSIBILITIES OF THE CDRB CHAIRPERSON</b> .....	<b>35</b>
PURPOSE.....	35
MAIN RESPONSIBILITIES.....	35

6.1 ACT INDEPENDENTLY .....	35
6.2 MANAGE THE CDRB BUDGET .....	35
6.3 REQUEST INFORMATION.....	35
6.4 RECEIVE CONFIDENTIAL INFORMATION .....	35
6.5 DISCLOSE CONFIDENTIAL INFORMATION .....	35
6.6 ENTER INTO INFORMATION SHARING ARRANGEMENTS.....	36
6.7 LEAD THE CDRB .....	36
6.8 CALL A MEETING.....	36
6.10 DIRECT THE OPERATION OF THE SECRETARIAT .....	36
6.11 ENGAGE OR CONTRACT QUALIFIED PERSONS.....	36
6.12 INVITE PERSONS WHO ARE NOT CDRB MEMBERS TO MEETINGS .....	36
6.13 APPROVE AND DISTRIBUTE THE AGENDA .....	36
6.14 DETERMINE MEETING LOCATION.....	37
6.15 DETERMINE MEETING LENGTH .....	37
6.16 RECEIVE NOTIFICATION OF ATTENDANCE BY PROXY .....	37
6.17 PROVIDE MEETING DOCUMENTATION TO PROXIES .....	37
6.18 RECEIVE MEMBERS’ DISCLOSURES OF CONFLICT OF INTEREST .....	37
6.19 APPROVE DRAFT MINUTES .....	37
6.20 MAKE MEDIA COMMENTS OR PUBLIC STATEMENTS ON CDRB MATTERS .....	37
6.21 PROVIDE NEW CDRB MEMBERS WITH APPROPRIATE LEVEL OF INDUCTION .....	37
6.22 RECEIVE FEEDBACK ON POLICIES OR PROCEDURES OF THE CDRB .....	37
6.23 PROVIDE CORRESPONDENCE AND REPORTS ON BEHALF OF THE CDRB.....	38
<b>SECTION 7—MISCELLANEOUS.....</b>	<b>39</b>
PURPOSE .....	39
OTHER MATTERS .....	39
7.2 COMPOSITION OF CDRB.....	39
7.3 CDRB WEBSITE .....	41
7.4 PAPERS PROVIDED ELECTRONICALLY THROUGH A SECURE SITE .....	41
7.5 CONFIDENTIALITY OF INFORMATION .....	41
7.6 MEDIA OR PUBLIC CDRB STATEMENTS .....	42
7.7 CDRB RECORDS MANAGEMENT BY THE SECRETARIAT .....	42
7.8 CDRB PROTOCOLS AND AGREEMENTS .....	42
7.9 CDRB MEMBER INDUCTION.....	43
7.10 CDRB EVALUATION FRAMEWORK .....	43
<b>SECTION 8 – REFERENCES .....</b>	<b>44</b>
8.1 LEGISLATION.....	44
8.2 RELEVANT PUBLICATION.....	44
8.3 OTHER JURISDICTIONAL MECHANISMS.....	44
<b>APPENDICES/PRACTICE GUIDES.....</b>	<b>46</b>
APPENDIX A – CONFLICT OF INTEREST REGISTER .....	46
APPENDIX B – THE DOUBLE-SMART RECOMMENDATIONS MODEL (GUIDANCE ONLY).....	47
APPENDIX C – RESOURCE MATERIALS FOR CDRB MEMBERS (GUIDANCE ONLY) .....	51
APPENDIX E – CONFLICTS OF INTEREST: MAKING GOOD DECISIONS (FLOWCHART).....	53

## Overview

This document outlines the procedural aspects of the Child Death Review Board's (CDRB) role and function in accordance with part 3A of the *Family and Child Commission Act 2014* (Qld) (the FCC Act) as amended by the *Child Death Review Legislation Amendment Act 2020* (Qld).

It should be read in conjunction with the entirety of the FCC Act, and the Chapter 7A ('Internal agency reviews following child deaths or injuries') of the *Child Protection Act 1999* (Qld).

### BACKGROUND TO CDRB

In July 2016, following the death of a 21-month-old child, the Queensland Government requested the Queensland Family and Child Commission (QFCC) oversee the reviews completed by the Department of Child Safety, Youth and Women<sup>1</sup> (Child Safety) and Queensland Health to:

- confirm whether both departmental reviews into service delivery were conducted thoroughly, and
- provide any guidance on necessary system changes to improve the system.

In April 2017 the QFCC released its report titled *A systems review of individual agency findings following the death of a child*.<sup>2</sup> This report found that while Child Safety's internal review processes were effective and comprehensive at an agency level, Queensland's current system of reviewing deaths of children known to Child Safety did not consider or identify the system changes needed to protect vulnerable children.

The QFCC's single overarching recommendation was to 'consider a revised external and independent model for reviewing the deaths of children known to the child protection system.'

The QFCC recommended that a new, contemporary, best practice child death review model should incorporate the following features:

- a review model scope that extends to cover both government and non-government agencies
- extended powers and authority, including the power to make and monitor recommendations
- public reporting on the outcomes of child death reviews
- review of the panel governance arrangements, such as selection and appointment of panel members, and
- promotion of learning and analysis of decision-making, the timely and transparent consideration of systems issues and inter-agency collaboration during the internal review process.

The Government accepted the QFCC's single recommendation and committed to introducing legislation to implement a new model. The Honourable Yvette D'Ath, former Attorney-General and Minister for Justice, introduced to Parliament the *Child Death Review Legislation Amendment Bill 2019* on 18 September 2019. The Bill was assented on 13 February 2020 and became the *Child Death Review Legislation Amendment Act 2020*.

### NEW CHILD DEATH REVIEW MODEL

The *Child Death Review Legislation Amendment Act 2020*<sup>3</sup> established a new child death review model by:

---

<sup>1</sup> Now known as the Department of Child Safety, Seniors and Disability Services following machinery of government changes in May 2023.

<sup>2</sup> Queensland Family and Child Commission 2017, *A systems review of individual agency findings following the death of a child*, <https://www.qfcc.qld.gov.au/sites/default/files/For%20professionals/death-of-a-child-report-march-2017.pdf>

<sup>3</sup> Refer: <https://www.legislation.qld.gov.au/view/html/asmade/act-2020-002>

- requiring more agencies involved in providing services to the child protection system, that is, the Department of Education, the Department of Youth Justice<sup>4</sup>, the Queensland Police Service, and Queensland Health, in addition to Child Safety and the Director of Child Protection Litigation, to conduct internal systems reviews of their service provision
- establishing a new, independent Child Death Review Board (CDRB) located within the QFCC and tasked to carry out systems reviews following the death of children connected to the child protection system to identify:
  - opportunities for continuous improvement in systems, legislation, policies, and practices
  - preventative mechanisms to help children and prevent deaths that may be avoidable.

The review model:

- complements, rather than replicates, existing Queensland child death review processes (such as those of the state Coroner and Queensland Ombudsman)
- focuses on systems and practice improvements, rather than on individual accountability, and
- expands beyond the delivery of child safety services in reviewing children known to Child Safety.

The CDRB has responsibilities across the wider child protection system and represents a significant shift in scope, functions, powers and governance from the predecessor Child Death Case Review Panels.

The wide systems focus of the CDRB recognises that:

- the safety and wellbeing of children is a shared responsibility, and
- a system for the protection of children is more than just a statutory child protection service.<sup>5</sup>

## INDEPENDENCE OF THE CHILD DEATH REVIEW BOARD

There are several mechanisms in place establishing the independence of the CDRB. The model is supported by legislation.

### Independence from Child Safety and agencies delivering services to children and families

To create independence, Chapter 7A, Part 2 (Child Death Case Review Panels) was removed from the *Child Protection Act 1999* (the main legislation for Child Safety) and Part 3A 'Child Death Review Board' in the FCC Act was introduced in 2020.

This means the CDRB is established under a different portfolio of legislative and ministerial responsibility to that of child protection statutory services. It also means it is hosted by the QFCC, an existing independent oversight body for child protection.

### Independence from the QFCC commissioner's other responsibilities and the QFCC

While the QFCC hosts the CDRB, Part 3A of the *Family and Child Commission Act 2014* establishes the CDRB with distinct functions and powers (separate to those of the QFCC). It is important to note that it is a role of either the QFCC Principal Commissioner or Commissioner to be the CDRB Chairperson. However, Part 3A of the FCC Act makes sure the commissioner, in their role as Chairperson, is not subject to direction of the responsible Minister or anyone else. The legislation also makes it clear that the CDRB must act independently and in the public interest.

---

<sup>4</sup> Now known as the Department of Youth Justice, Employment, Small Business and Training, following machinery of government changes in May 2023.

<sup>5</sup> Office of the Queensland Parliamentary Counsel 18 September 2019, *Child Death Review Legislation Amendment Bill 2019 - Explanatory Notes*, <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2019-030>, p. 7.

The CDRB is also required to report on its own functions (the QFCC does not report on the CDRB). The FCC Act gives the CDRB powers to release annual reports of its operations, and produce other review reports, which may include information that could be considered adverse to an individual. It is also able to release its own reports (in certain circumstances). The annual reports (and other reports at times) are provided by the CDRB Chairperson to the Minister for tabling in Parliament.

The CDRB is supported by the secretariat (a team of staff employed by the QFCC). The Secretariat acts as an agent for the CDRB to help prepare information and materials for the CDRB reviews. The Secretariat reports to the Manager of the Child Death Review Board Secretariat. The Manager reports to the Executive Director, Government Relations and Corporate Services, and to the CDRB Chairperson. The CDRB Chairperson regularly scheduled times each month to solely focus on performing the role of Chairperson. The Chairperson's roles and responsibilities are outlined in *Section 6: Roles and responsibilities of the CDRB Chairperson*.

In some circumstances, it is important to share information between the QFCC and CDRB as they both play a role in preventing child deaths. A Memorandum of Understanding (MOU) defines the information sharing protocol regarding when and how this is done.

To ensure the separation of the role of the Chairperson from their role as QFCC commissioner, the Chairperson will engage in meaningful consultation and collaboration with the Deputy Chairperson and those CDRB members who are not State government employees.

If the CDRB intends to make any recommendations and improvements relating to the QFCC, these recommendations are to be agreed upon by CDRB members at meetings composed of a majority of persons who are not public sector employees.

Information about the conduct of reviews by the CDRB will be quarantined from the commissioner's communication with the Minister or Departmental Officers to avoid any actual or perceived undue influence over the conduct of the independent review function.

### **Independence from the government**

In addition to requirements to act independently and in the public interest, the legislation also makes sure the Minister, or anyone else, cannot direct the CDRB on how it is to perform its functions. While the Minister may direct the CDRB to carry out a review about a particular matter, the CDRB determines the terms of reference, how the review is carried out and its outcomes.

The CDRB membership also plays an important role in maintaining independence from government. The Chairperson and no more than eleven members are appointed to the CDRB with at least 6 members being non-government members. All resolutions (decisions) must be made by CDRB member majority vote. This means government members do not hold majority voting powers and decisions.

Independent reporting by the CDRB (discussed in the above section) also makes sure reports are not influenced by government policy agendas.

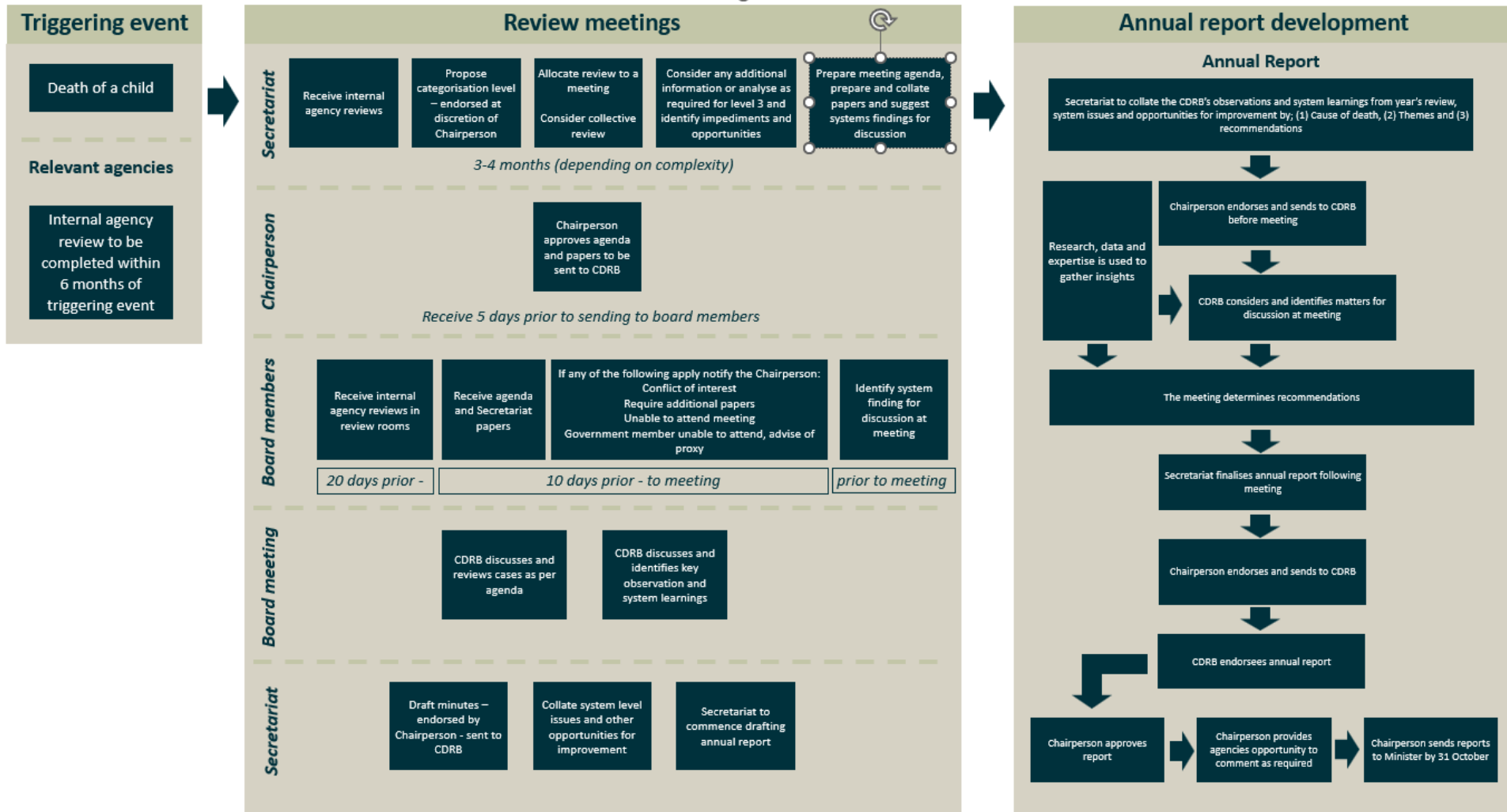
### **PROCEDURAL GUIDELINES REVIEW**

The CDRB will give consideration to the appropriateness and effectiveness of these procedural guidelines. Periodic review occurs by the Secretariat and/or as guided by the CDRB Chair and members. Areas of consideration are:

- meeting frequency and workload management
- Case categorisation framework
- volume of information necessary to make systemic findings.



# CDRB PROCESS OVERVIEW



## CDRB AND SECRETARIAT WORKFLOW

### Section 1 – Determining a matter for review

Identifying a matter for review



#### Secretariat to:

- Receive notification of death connected to the child protection system
- Identify requirement for CDRB to review the death
- Identify other agencies/bodies undertaking a review for this case
- Receive internal agency review reports
- Identify opportunity for themed collective reviews
- Allocate matters for review to a meeting

### Section 2 – Preparing a matter for review

Commencing a review



#### Secretariat to:

- Commence the review
- At discretion of the Chairperson – categorise the matter by level of review and determine if the matter will be included in a themed collective review, required for CDRB consideration
- Gather information from agencies
- Prepare the supporting documentation for CDRB discussion

### Section 3 – Preparing for a meeting

Preparing for discussion about matters for review



- Secretariat to prepare the agenda for the CDRB
- Secretariat to provide internal review reports and supporting documentation
- Secretariat to distribute the agenda and Secretariat meeting papers
- Members to advise on conflicts of interest
- Members to review the meeting papers and prepare for a meeting

### Section 4 – Undertaking a meeting

Discussing matters for review



- CDRB to consider the matters for review listed for discussion
- CDRB to determine decisions about further actions
- CDRB to determine actions to be undertaken following the meeting
- CDRB to determine a matter as considered
- Secretariat to prepare a record of meeting and decisions

### Section 5 – Reports and Recommendations

Reports and Recommendations

- Ongoingly, the CDRB works to develop and monitor recommendations and discuss business matters, which will be finalised during the last meeting of the financial year.
- Prepare an annual report
- Prepare discretionary reports
- Commission research reports

## Section 1—Determining a matter for review

### PURPOSE

This section sets out the procedural aspects for the Secretariat receiving, categorising and allocating cases to the CDRB for review.

### Section 1 – Determining a matter for review

Identifying a matter for review

#### Secretariat to:

- Receive notification of death connected to the child protection system (S245G Notice)
- Identify requirement for CDRB to review the death
- Identify other agencies/bodies undertaking a review for this case
- Receive internal agency review reports within 6 months of triggering event (S245G response)
- Allocate matters to a meeting date for CDRB review

### Key steps

- 1.1** Secretariat determines the requirement for a CDRB review following the death of a child
- 1.2** Secretariat identifies agencies and other bodies undertaking internal reviews
- 1.3** Secretariat receives internal agency review reports

### Standards and principles

- The CDRB carries out reviews following the deaths of children connected to the child protection system.

## KEY STEPS

### Step 1.1 Secretariat determines the requirement for a CDRB review following the death of a child

#### Child protection-related death

The CDRB carries out reviews relating to the child protection system following the deaths of children connected to the child protection system.



*A child death is 'connected to the child protection system' if it is a child death for which an internal agency review was carried out under chapter 7A of the Child Protection Act 1999.*

*Chapter 7A describes a system in which an agency carries out a review of its own involvement, if a child dies (or suffers serious physical injury) after a (relevant) agency has been involved within one (1) year before the death (or serious physical injury) of a child that is known to Child Safety.*

*The purpose of internal reviews relating to the death of a child (internal reviews) is to promote the safety and wellbeing of children who come into contact with the child protection system. In this context, the Child Protection Act 1999 continues to focus on children known to Child Safety who have died or suffered a serious physical injury over the past 12 months.*

#### CDRB matter for review

Child Safety provides a written notice to all relevant agencies as soon as it becomes aware that it is required to undertake an internal system review of its involvement with a child known to Child Safety after the child's death or serious physical injury.

Child Safety provides the Secretariat with a copy of its written notice about the death of a child as per section 245G of the *Child Protection Act 1999*, including the date of the triggering event. Child Safety does not provide the Secretariat a copy of notices in relation to a serious injury.



*The CDRB undertakes reviews in relation to child deaths and not serious physical injuries. The Secretariat does not receive written notice about serious physical injury from Child Safety or internal system review reports from relevant agencies in relation to serious injury of a child.*

*In exceptional circumstances, the Minister may ask the CDRB to carry out a review on an issue arising from the serious physical injury of a child, or from a child death not connected to the child protection system, if the injury or death is relevant to the child protection system.*

---

Once the Secretariat receives a written notice from Child Safety or a request from the Minister to undertake a review, the Secretariat identifies the matter as a 'matter for review' and records it in the register of matters for review by the CDRB.

Reviews that fall outside the ordinary process (for example a dedicated topics review on a system issue or review on a cohort of children) will be listed by the Secretariat as 'matters for review' on direction of the Chairperson.

### **Minister may request a review**

In exceptional circumstances, the Minister responsible for the QFCC may request the CDRB to conduct a systems review or to consider a certain system or issue as part of a review, that would ordinarily fall outside of the CDRB scope.<sup>6</sup> For example:<sup>7</sup>

- the death of a child that was not the subject of an internal agency review; or
- a review related to a serious physical injury of a child.

The CDRB must comply with the Minister's request. In such event, the terms of reference for the requested review are determined by the CDRB, on a case-by-case basis through applying the review categorisation framework.



*It is expected that Ministerial requests will only occur in limited circumstances where there is a need to review a very serious or high-profile issue with significant system implications (which, otherwise, would have fallen outside the CDRB's usual scope of review work which focuses on children connected to the child protection system).*

---

## **Step 1.2 Secretariat identifies agencies and other bodies undertaking internal reviews**

### **Internal agency reviews relating to the death of a child**

On receipt of a notice from Child Safety, relevant agencies determine whether there is a triggering event for an internal agency review, that is, determine if they provided a service to the child within the previous year.

Relevant agencies notify the Secretariat as soon as they become aware that they are required to carry out an internal review relating to the death of a child, including the date of their triggering event (agencies do not provide a notice to the Secretariat in relation to a serious injury).

As soon as practicable, but not exceeding 6 months after the 'triggering event'<sup>8</sup> for an internal review, the relevant agencies (including the litigation director's office):

---

<sup>6</sup> *Family and Child Commission Act 2014* (Qld), s. 291(1).

<sup>7</sup> *Family and Child Commission Act 2014* (Qld), s. 291(2).

<sup>8</sup> *Child Protection Act 1999* (Qld), s. 245(1), s. 245M.

- decide on the extent of, and terms of reference, for their internal review<sup>9</sup>
- carry out a review of the agency's involvement and prepare a review report<sup>10</sup> and
- provide a copy of the review report (with copies of any documents obtained by the agency and used for the review) to the CDRB Secretariat, for a systems review by the CDRB.<sup>11</sup>

Agencies which have completed an internal review (relating to the death of a child) provide the CDRB Secretariat with a copy of the internal review report and documents obtained by the agency and used for the internal review.<sup>12</sup>

The Secretariat manages receipt of internal review reports from relevant agencies, including sending a reminder one month before the report due date.

### Other entities may also undertake a review

Other entities such as the Domestic and Family Violence Death Review and Advisory Board and the Queensland Family and Child Commission may also undertake a systems review following the death of a child.

The Secretariat liaises with these entities to determine if the entity is undertaking a review.



*The responsibility for investigating the specific circumstances and causes of the individual child's death remains with the relevant agencies, such as the Queensland Police Service and the Coroner.*

### Step 1.3 Secretariat receives internal agency review reports and allocates a matter for review to a meeting

On receipt of the internal agency review reports, the Secretariat allocates a matter to the earliest CDRB review meeting as practicable, while also considering thematic group as part of a collective review.

Five CDRB review meetings are ordinarily scheduled per year. At the last meeting each financial year, annual report discussions are added to the agenda. The annual schedule of meetings is provided to CDRB members as soon as possible for the year ahead.

<sup>9</sup> *Child Protection Act 1999* (Qld), s. 245K.

<sup>10</sup> *Child Protection Act 1999* (Qld), s. 245(1), s. 245N.

<sup>11</sup> *Child Protection Act 1999* (Qld), s. 245O.

<sup>12</sup> *Child Protection Act 1999* (Qld), s. 245O(2).

## Section 2—Preparing a matter for review

### PURPOSE

This section sets out the procedural aspects for the Secretariat preparing the review of a child death for CDRB consideration.

### Section 2 – Preparing a matter for review

#### Commencing a review

##### Secretariat to:

- Commence the review
- At discretion of the Chairperson – categorise the matter by level of review required and determine inclusion of matter in a themed collective review, for CDRB consideration
- Gather information from agencies
- Prepare the supporting documentation for CDRB discussion

### Key steps

- 2.1** Secretariat commences review
- 2.2** Subject to discretion of the Chairperson – matter is categorised by the level of review required and determine inclusion of matter in a themed collective review
- 2.3** Information gathered from agencies
- 2.4** Secretariat prepares supporting documentation for matters for review

### Standards and principles

- CDRB reviews are system reviews.<sup>13</sup>
- The CDRB avoids unnecessary duplication of processes carried out by the QFCC and other review entities when considering a matter listed for CDRB review.<sup>14</sup>
- Public agencies should make available to the CDRB, in a timely manner, any requested information which is considered to be relevant to the CDRB functions and in the best interests of children.<sup>15</sup>
- The CDRB is not required to review all child deaths; rather, the CDRB should place most focus on reviews following the deaths of children that provide the greatest opportunity for system learnings that contribute to strengthening the system.
- The CDRB is not to consider whether disciplinary action should be undertaken within the terms of reference.<sup>16</sup>

<sup>13</sup> *Family and Child Commission Act 2014* (Qld), s. 29A(1).

<sup>14</sup> *Family and Child Commission Act 2014* (Qld), s. 9(3).

<sup>15</sup> *Family and Child Commission Act 2014* (Qld), s. 29O.

<sup>16</sup> *Family and Child Commission Act 2014* (Qld), s. 29H(5).

## KEY STEPS

### Step 2.1 Secretariat commences review

The Secretariat will ordinarily commence reviewing the internal review reports for a child death once it has received the reports from all the agencies undertaking internal reviews relating to that death.

### Step 2.2 Subject to discretion of the Chairperson – matters are categorised by level of review required and can be included in a themed collective review

As a matter of course, the CDRB focuses on reviewing child deaths and not cases of serious physical injury.<sup>17</sup>

The CDRB places most of its focus on those deaths that provide the greatest opportunity for system learnings that contribute to strengthening the system.

### Terms of Reference for reviews

The CDRB carries out systems reviews it considers appropriate for its purpose and decides the extent and terms of reference of the review which may include:

- (a) the effectiveness of, or interaction between—
  - (i) services that were provided to a child or a child's family before the child's death, or
  - (ii) services provided to children or families that could have been, but were not, provided to a child or a child's family before the child's death
- (b) issues relating to practices or systems that may expose children to risk
- © ways of improving practices or systems relating to identifying or responding to risks
- (d) ways of improving communication and collaboration between service providers.<sup>18</sup>

A review categorisation framework sets the standard terms of reference for all reviews to be considered by the CDRB. Additional terms of reference may be considered necessary by the CDRB and can be agreed to.

### Review categorisation framework

To assist the CDRB in setting its terms of reference for each review, the Chair, with the support of the CDRB Secretariat, categorises each review into one of three levels (level 1, 2 or 3). Level 3 reviews are those requiring the greatest preparatory work and consideration by the CDRB.

The decision to categorise a review at a particular level is a matter of fact and degree, and is subject to the discretion of the Chairperson to ensure the CDRB appropriately performs its functions (per S 29W(2)). Members of the CDRB are regularly informed about these decisions.

The framework should be applied flexibly, on a case-by-case basis. When considering the level of a review, a higher level may be recommended if any of the relevant factors are present, and a child has died from fatal assault and neglect or suicide or was in state care at the time of their death.

### Case categorisation framework

---

<sup>17</sup> Office of the Queensland Parliamentary Counsel 18 September 2019, *Child Death Review Legislation Amendment Bill 2019 - Explanatory Notes*, <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2019-030>, p. 7.

<sup>18</sup> *Family and Child Commission Act 2014* (Qld), s. 29H(4).



<p><b>Level 3</b></p>	<p>Reviews are to be categorised at Level 3 if any of the following factors indicate issues inherent to the child protection system, and <b>present opportunities for improvement to systems, legislation, policies and/or practices to resolve those issues and/or to prevent future avoidable deaths:</b></p> <ul style="list-style-type: none"> <li>• There are indications of systemic shortcomings in government services</li> <li>• There were serious oversights, or issues in relation to funded service providers or other entities prior to the child’s death</li> <li>• Multiple (or isolated but significant) opportunities for system intervention or agency coordination were missed</li> <li>• Significant or obvious child death prevention mechanisms did not function as expected or were not in place.</li> </ul>
<p><b>Level 2</b></p>	<p>Reviews may be categorised at Level 2 if any of the following factors present opportunities for improvements to systems, legislation, policies and/or practices. Child death prevention mechanisms may be considered:</p> <ul style="list-style-type: none"> <li>• Agency oversights, mistakes, or service gaps exist but have been adequately identified and considered in the internal review process</li> <li>• Themes inherent in the child protection system are identified which require monitoring to determine their full extent and impact</li> <li>• Relevant child death prevention mechanisms require monitoring to determine their ongoing effectiveness.</li> </ul>
<p><b>Level 1</b></p>	<p>Reviews may be categorised at Level 1 if the circumstances of the case present limited or no opportunities for system learnings and/or do not support ongoing monitoring of system themes or child death prevention mechanisms—particularly if the following apply:</p> <ul style="list-style-type: none"> <li>• The agency review process does not identify or indicate agency oversights or missed opportunities for intervention</li> <li>• The death of the child was anticipated for medical reasons and the system response was appropriate under the circumstances</li> <li>• The child and their family had minimal contact with the child protection system prior to the child’s death, including where involvement was triggered by the incident leading to their death.</li> </ul>
<p><b>Themed collective reviews</b></p>	<p>Categorised case reviews may be grouped by similar themes and considered collectively where reoccurring system or practice issues have been identified across multiple reviews. For example, collective reviews could be completed regarding, but not limited to, vulnerable infants and unborn children, suicide, children with complex medical needs or a disability, substance use by parents, or family impacts of domestic and family violence. The following applies for themed collective reviews:</p> <ul style="list-style-type: none"> <li>• Can include matters categorised at any level</li> <li>• Cases that have been categorised as level 3 are considered lead matters</li> <li>• Conducting a themed collective review is at the discretion of the Chair.</li> </ul>

### Themed collective reviews

At the discretion of the Chair, matters may be included in a themed collective review. At times, matters will be grouped into similar themes and considered collectively. For example, collective reviews could be completed regarding vulnerable infants and unborn children, suicide, children with complex medical needs or a disability, substance use by parents, or family impacts of domestic and family violence. This allows for collective learnings and generates opportunities to invite subject matter experts to present to the CDRB on specific topic areas.

Collective reviews can include matters categorised at all levels. The cases that have been categorised as level 3 are considered lead matters.

### Additional matters

The CDRB may decide to consider matters in addition to those set out in the review categorisation framework, such as specific systems or issues that arise from reviewing a matter.<sup>19</sup> From time-to-time, a review may also be undertaken on the deaths of children over prior years in response to a specific issue.

Additional matters can be addressed through the CDRB deciding actions or by Chair direction. This may include, for example, further preparatory work by the Secretariat (data analysis, gathering further case information, or reports dedicated to a particular topic), inviting expert stakeholders and commissioning research or a report. See *Step 4.2: CDRB to discuss the matters listed and determine decisions* for further information on determining decisions. Additional matters must not include whether any disciplinary action should be taken against any person.<sup>20</sup>

The review categorisation framework is informed by the internal review reports and other information at hand. Matters are grouped on the agenda by categorisation level. CDRB members can vote to override a review's assigned categorisation level and raise a matter to a Level 3 category in special circumstances, such as for matters of strong public interest.

For each matter, the recommended categorisation is moderated internally by the Secretariat. The process includes officers independently categorising each matter which is then reviewed through a categorisation and review meeting. The proposed categorisation is then considered by a more senior officer before being provided to the Chairperson for their final determination on the review level. CDRB members can ask at any time for a matter to be re-categorised.

### Step 2.3 Information gathered from agencies

To support the systems focus of the CDRB and its reviews, the CDRB may request information, including confidential information, from any entity for the purpose of the CDRB's functions. Examples of entities from whom information may be requested are included below.

Any agency may also provide confidential information to the CDRB to carry out its child death system review functions.

### Secretariat information requests

The Secretariat may gather additional information from agencies responsible for undertaking an internal agency review. For example, the Secretariat may request referenced policies and procedures or further information about agency responses to the family discussed within the internal review report.

---

<sup>19</sup> *Family and Child Commission Act 2014* (Qld), s. 29H(3).

<sup>20</sup> *Family and Child Commission Act 2014* (Qld), s. 29H(5).

The Secretariat may also request information needed to inform the review categorisation. See *Step 2.2: Subject to discretion of the Chairperson - matters are categorised by level of review required and determination of inclusion in a themed collective review is made* for further information on how reviews are categorised, and the material prepared for each case category.

### CDRB information requests

For the purposes of carrying out its functions, either:

- the CDRB may ask an entity for information, or
- any entity may give confidential information to the CDRB (whether or not the information was requested by the CDRB) but only for the purpose of the CDRB's functions.<sup>21</sup>

The CDRB can request information from a range of other entities, such as:

- a public agency
- a non-government agency that provides services to children or their families
- a private hospital
- a medical practitioner
- a school principal, and
- an approved provider of an education and care service.<sup>22</sup>

Requests for information must be made in writing and issued by the Chairperson of the CDRB (and not the Secretariat) when the:

- information sought from agencies responsible for internal agency reviews falls outside of the scope of an agency's internal review report, or when the
- information is sought from agencies which are not responsible for internal agency reviews.

The CDRB Chairperson can issue an information request when:

- the Chairperson determines the need for additional information to inform the preparatory work of the Secretariat
- the CDRB records an action to request the information
- the CDRB determines the information is needed for another purpose to fulfil the functions of the CDRB.

An agency is asked to provide the requested information within 15 business days. To streamline the process for agencies and entities, information requests are issued by the CDRB Chairperson on a standardised template.

### Information from qualified persons

As part of its statutory functions, the CDRB can engage persons to carry out research that is relevant to its reviews.<sup>23</sup> Similarly, the CDRB can engage appropriately qualified persons to conduct research, provide legal advice or prepare reports to help the CDRB perform its functions.<sup>24</sup>

---

<sup>21</sup> *Family and Child Commission Act 2014* (Qld), s. 29P.

<sup>22</sup> *Family and Child Commission Act 2014* (Qld), s. 29P(2), Examples.

<sup>23</sup> *Family and Child Commission Act 2014* (Qld), s. 29D(c).

<sup>24</sup> *Family and Child Commission Act 2014* (Qld), s. 29E.

In these circumstances, contractual arrangements are between the CDRB Chairperson on behalf of the CDRB and the qualified person. These contractual arrangements are managed and made by the QFCC on behalf of the CDRB, as the CDRB is not an entity. The CDRB is hosted by QFCC for administrative purposes.

The CDRB may also invite persons (whether qualified or not) who are not CDRB members to attend a meeting to advise or inform the CDRB about any matter.<sup>25</sup> Invitations are issued through the CDRB Chairperson. See *Step 3.1: CDRB Chairperson distributes the agenda and issues invitations* for information on nominating persons to be invited.

### Information from entities under information sharing agreements

The CDRB can enter into other sharing or exchange arrangements with other agencies for information (including confidential information). Some examples of such agencies are the:

- State Coroner (for example, to obtain investigation documents under the *Coroners Act 2003* (Qld))
- Domestic and Family Violence Death Review and Advisory Board (DFVDRAP), and
- the QFCC.<sup>26</sup>

Examples of information sharing mechanisms that the CDRB may enter into are:

- Memoranda of Understanding (MoU)
- Service Agreements, or
- review-specific Joint Agency Agreements.

The Secretariat is responsible for drafting an information sharing agreement, under the direction of the CDRB Chairperson. The Chairperson is the signatory on behalf of the CDRB on the agreement and is to ordinarily publish the agreement.

### Step 2.4 Secretariat to prepare supporting documentation for matters for review

The CDRB Secretariat develops supporting review information for matters listed on the agenda for discussion based on their review categorisation.

**Level 3 reviews** are those which indicate serious issues with service provision or systems issues or significant missed opportunities, are accompanied by a systems analysis of responses to the family to support the CDRB discussion.

The systems analysis includes:

- a review of system touchpoints with the child and family
- establishing a timeline of those touchpoints
- creation of a chronology of the touchpoints and relevant events
- identifying impediments to timely and effective responses to the child.

The analysis considers additional information requested by the CDRB Chairperson (for new requests) or the CDRB Secretariat (for requests relating to a completed internal agency review report).

A report is prepared by the Secretariat for the CDRB discussion and provided together with the internal review reports in the meeting pack.

---

<sup>25</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZH(7).

<sup>26</sup> *Family and Child Commission Act 2014* (Qld), s. 29R.

**Level 2 reviews** can be collated and include the following information prepared by the Secretariat:

- a summary and review of the issues requiring monitoring as they apply to each case
- information requested from other agencies to inform the review
- a summary of the child's story.

Case reviews can be collated in a **themed review** at the discretion of the Chair. Matters in a themed collective review are grouped by similar themes and systems issues.

**Cases that have been categorised as Level 1 reviews** can be raised for discussion by exception, and a briefing note for this categorisation is prepared by the Secretariat and provided to the CDRB for information. For example, "The family had contact with a relevant agency on one occasion for a matter relating to school truancy."

All relevant papers, including agency review reports, are provided to CDRB members electronically, while maintaining strict confidentiality using a secure site.

## Section 3—Preparing for a meeting

### PURPOSE

This section sets out the procedural aspects for preparing for a CDRB meeting.

#### Section 3 – Preparing for a meeting

Preparing for discussion  
about matters for review



- Secretariat to prepare the agenda for the CDRB
- Secretariat to provide internal review reports
- Secretariat to distribute the agenda and Secretariat meeting papers
- Members to advise on conflicts of interest
- Members to review the meeting papers and prepare for a meeting

### Key steps

- 3.1** CDRB Chairperson distributes the agenda
- 3.2** CDRB members advise Chairperson of any conflict of interest
- 3.3** CDRB members prepare for a meeting

### Standards and principles

- CDRB members must disclose direct or indirect interests in matters under CDRB consideration.<sup>27</sup>
- As part of its review functions, the CDRB can review a cohort of children over prior years, analyse data, and apply research to identify patterns, trends and risk factors that are relevant to its review and systems.
- CDRB members consider matters for review at a systems level, and do not make any findings about an individual person.

---

<sup>27</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZJ.

## KEY STEPS

### Step 3.1 CDRB Chairperson distributes the agenda and issues invitations

The CDRB Secretariat allocates each matter for review to a meeting as soon as practicable and in accordance with the identified themes for collective reviews and prepares the draft agenda for each CDRB meeting. Matters for review that are listed for discussion on the agenda are accompanied by the appropriate information, based on their categorisation level. See *Step 2.2: Subject to discretion of the Chairperson - matters are categorised by level of review* required for further information.

The Secretariat provides the draft agenda to the CDRB Chairperson. The Chairperson distributes the draft agenda and a list of proposed invitees to members no later than ten (10) business days before the scheduled meeting.

If CDRB members would like to nominate a person to be invited to a CDRB meeting or would like to include additional matters for discussion on the agenda, the member notifies the CDRB Chairperson no later than fifteen (15) business days before the scheduled meeting.

Internal agency review reports are made available no later than twenty (20) business days before the scheduled meeting. The agenda and papers developed by the Secretariat are made available no later than ten (10) business days before the scheduled meeting. The Chairperson determines other stakeholders to be invited to the meeting where required.

The CDRB Chairperson distributes the final agenda and associated papers to CDRB members no later than ten (10) business days before the next scheduled meeting. Additional matters, identified by CDRB members after receipt of the agenda, are managed as other business or carried over to the next meeting.

### Matters listed on the agenda once all review reports are available

Matters for review are listed for CDRB discussion once all internal review reports have been received and all support material has been prepared by the Secretariat.

The CDRB makes every attempt to consider matters in timely fashion. This ensures that:

- accountability is upheld, as matters are reviewed as close as possible to the death of a child
- swift responses to matters which may need rapid consideration to provide recommendations for system improvement.

At times, matters will be considered in themed collective reviews, to:

- explore collective learning from collated information and evidence
- seek opportunities for inviting subject matter experts to inform the themed or dedicated topic discussion.

From time-to-time, a review may also be undertaken on the deaths of children from previous years, if responding to a specific issue.

Some child deaths which are ready to be listed for review by the CDRB, may be under investigation or may have a review planned by other agencies or entities, such as the Coroner or the Domestic and Family Violence Death Review and Advisory Board.

In these circumstances, matters being listed for review by the CDRB will not be held over pending the findings of investigations or reviews by other entities. To reduce unnecessary duplication, the CDRB will share information with other agencies or entities conducting reviews as deemed appropriate.

## Step 3.2 CDRB members advise Chairperson of any conflict of interest

### Disclosure of Conflict of interest

CDRB members are expected to declare on the commencement of their appointment any conflict of interest (including conflicts which may be perceived only) relating to their CDRB membership.<sup>28</sup>

Under the Act, CDRB members, including their proxies, are required to disclose to the board any interest that may relate to specific agenda matters under CDRB consideration. This must be disclosed as soon as possible after the perceived conflict comes to the CDRB member's knowledge, but otherwise before it is considered at a CDRB meeting.<sup>29</sup>

Members may disclose any perceived conflict of interest to the Chairperson in writing in a form provided by the CDRB Secretariat.

A CDRB member who discloses an interest in a relevant matter which is determined by the non-conflicted members to be a conflict must not:

- be present when the non-conflicted members consider whether to include or exclude that member from its consideration of the relevant matter<sup>30</sup>
- be present when the non-conflicted members deliberate on the relevant matter, unless directed otherwise by the CDRB<sup>31</sup>
- participate in the non-conflicted members' decision-making about the relevant matter, unless directed otherwise by the CDRB.<sup>32</sup>

### Managing conflicts

Conflicts of interest are recorded in the minutes of meeting. The CDRB Secretariat maintains a register of member conflicts of interest containing details of each disclosure with a record of associated decisions.<sup>33</sup> A sample copy of this register is attached in Appendix A.

A contravention by a CDRB member in relation to disclosing a conflict of interest does not automatically invalidate a CDRB decision on which they voted.<sup>34</sup> However, the decision must be reconsidered by the CDRB on becoming aware a CDRB member's conflict of interest exists.<sup>35</sup>

CDRB members will be provided with guidelines to assist them to identify, disclose, deliberate and manage conflicts of interest in accordance with the FCC Act and relevant standards, and to provide avenues to obtain independent advice. Appendix E contains *Conflicts of Interest: Making good decisions*, a visual guide to assist CDRB members between and during meetings.

---

<sup>28</sup> Department of Premier and Cabinet 2020, *Cabinet Handbook*, <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/assets/gld-cabinet-handbook.pdf>, p. 56.

<sup>29</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZJ(2).

<sup>30</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZJ(5).

<sup>31</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZJ(4)(a).

<sup>32</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZJ(4)(b).

<sup>33</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZI(3).

<sup>34</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZI(6).

<sup>35</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZI(7).





Information on avoiding conflicts of interest is included in the document produced by the Queensland Integrity Commissioner, 'Identifying, Disclosing and Managing Personal Interests: A Guide for Multi-Member Decision-Making Bodies'.<sup>36</sup>

### Step 3.3 CDRB members prepare for a meeting

CDRB members review the internal agency review reports, supporting documentation and other agenda papers prior to the meeting.

If a government CDRB member is attending by proxy, the proxy will be granted access to the documentation by the CDRB Chairperson, and not the nominating member. See step 4.1 *CDRB members attend a meeting* for further information.

CDRB members consider the system level issues, opportunities for improvements and areas needing further consideration for discussion at the meeting. The CDRB does not make findings about the actions of individuals or assign disciplinary action against any person.<sup>37</sup>

Matters to consider may include:<sup>38</sup>

- (a) the effectiveness of, or interaction between—
  - (i) services that were provided to a child or a child's family before the child's death; or
  - (ii) services provided to children or families that could have been, but were not, provided to a child or a child's family before the child's death.
- (b) issues relating to practices or systems that may expose children to risk;
- (c) ways of improving practices or systems relating to identifying or responding to risks;
- (d) ways of improving communication and collaboration between service providers;
- (e) issues about a particular system arising from internal agency reviews;
- (f) research, data, or information of benefit to emerging system issues.

---

<sup>36</sup> Queensland Integrity Commissioner, 2019, *Identifying, Disclosing and Managing Personal Interests: A Guide for Multi-Member Decision-Making Bodies*, <https://www.integrity.qld.gov.au/assets/document/catalogue/resources/multi-member-decision-making-bodies.pdf>.

<sup>37</sup> *Family and Child Commission Act 2014* (Qld), s. 29H(5).

<sup>38</sup> *Family and Child Commission Act 2014* (Qld), s. 29H.

## Section 4—Undertaking a meeting

### PURPOSE

This section sets out the procedural aspects for undertaking a CDRB meeting.

#### Section 4 – Undertaking a meeting

Discussing matters for review



- CDRB to consider the matters for review listed for discussion
- CDRB to determine decisions about further actions
- CDRB to determine actions to be undertaken following the meeting
- CDRB to determine a matter as considered
- Secretariat to prepare a record of meeting and decisions

### Key steps

- 4.1** CDRB members attend a meeting
- 4.2** CDRB discusses the matters listed and makes decisions
- 4.3** CDRB determines a matter for review has been considered
- 4.4** Secretariat prepares a record of meeting and decisions

### Standards and principles

- The CDRB conducts its proceeding and meetings as it considers appropriate<sup>39</sup> and holds its meetings when and wherever it decides<sup>40</sup> using appropriate technologies.
- The CDRB and the Chairperson are not subject to direction by the Minister in carrying out CDRB functions.<sup>41</sup>
- The CDRB considers matters for review at a systems level,<sup>42</sup> and does not make any finding about an individual person.<sup>43</sup>
- CDRB members act independently and in the public interest.<sup>44</sup>

<sup>39</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZH(1).

<sup>40</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZE(1).

<sup>41</sup> *Family and Child Commission Act 2014* (Qld), s. 29F.

<sup>42</sup> *Family and Child Commission Act 2014* (Qld), s. 29A(4).

<sup>43</sup> *Family and Child Commission Act 2014* (Qld), s. 29H(5).

<sup>44</sup> *Family and Child Commission Act 2014* (Qld), s. 29F(1).

## KEY STEPS

### Step 4.1 CDRB members attend a meeting

#### Conduct of meeting

The CDRB Chairperson schedules meetings in line with the agenda. The CDRB conducts its meeting proceedings as it considers appropriate.

Members are expected to attend and participate in CDRB meetings. If extenuating circumstances prevent a member's attendance, they are required to notify the Chairperson of their unavailability as soon as practicable.

Where possible, members who are unable to attend a meeting are requested to provide written comments and feedback to the meeting for the consideration of other members, even if they have a proxy attending in their place.

An appointed member must not be absent from three (3) consecutive meetings without the CDRB's permission and without a reasonable excuse.<sup>45</sup>

#### Quorum

A quorum for a CDRB meeting is at least half of the members, including at least one (1) member who is an Aboriginal or Torres Strait Islander person.<sup>46</sup> In the absence of a quorum a meeting may go ahead but business decided at a meeting needs to be ratified at a later meeting at which a quorum is formed, or ratified out of session. A proxy holder cannot be counted for the purpose of determining a quorum for a meeting.<sup>47</sup>

#### Expert advisors

The CDRB may invite other persons (such as subject matter experts or advisors) to attend a CDRB meeting to advise or inform it about any matter.<sup>48</sup> Only the CDRB Chairperson can issue external persons with an invitation to a meeting.

If an advisor, in their advisory role, requires access to meeting documentation they are only granted access to the documentation relating to the matter on which they are advising. In such cases, the advisor is bound by the confidentiality provisions of the FCC Act.

Advisory persons cannot vote on any matters submitted for a CDRB vote.

See *Step 3.1: CDRB Chairperson distributes the agenda and issues invitations* for information on nominating persons to be invited to a meeting.

#### CDRB meeting schedule and place

The CDRB meets a minimum of five (5) times per year. Ordinarily, the first four meetings each year are general review meetings and focus on reviewing the matters listed for CDRB discussion.

The fifth meeting which is held in June or July will have additional agenda items that are dedicated to:

- an overarching review of the previous meetings of the year for the purpose of formulating systems review recommendations for the annual report

---

<sup>45</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZB(2)(a).

<sup>46</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZF.

<sup>47</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZK(2)(c).

<sup>48</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZH(7).

- a reflection of the CDRB activities of the previous year
- presentations from invited experts or researchers
- planning for the year ahead.

Meetings are to be held at the QFCC or other suitable location, or as a virtual meeting as determined by the CDRB Chairperson.<sup>49</sup>

All meetings are scheduled as determined by the CDRB Chairperson, depending on the agenda and any outstanding business or administrative matters.

The CDRB Chairperson may call an additional meeting at any time; and must call a meeting if at least three (3) other CDRB members request it.<sup>50</sup>

### Board composition

The CDRB consists of a maximum of 12 board members, namely the Chairperson and not more than 11 other members.<sup>51</sup> This membership must include at least one Aboriginal and Torres Strait Islander person and cannot include a majority of public sector employees.<sup>52</sup> The CDRB members are appointed by the relevant Minister.

### Presiding CDRB member

The presiding member must be the CDRB Chairperson (when present) or the Deputy Chairperson in the Chairperson's absence.<sup>53</sup>

If neither the Chairperson nor the Deputy Chairperson is present at a meeting, the presiding member for that meeting may be chosen by the present CDRB members.<sup>54</sup>

### Values and behaviours of CDRB members

All CDRB members must act independently and objectively during the conduct of their CDRB duties and must act in the public interest.<sup>55</sup>

CDRB members are required to declare on the commencement of their appointment any real, potential, perceived or apparent conflict of interests relating to their CDRB membership.<sup>56</sup>

Similarly, CDRB members, including their proxies, are required to declare at the outset of each CDRB meeting any interests that may relate to specific agenda matters under CDRB consideration. See *Step 3.2: CDRB members advise Chairperson of any conflicts of interest*.

Members must comply with the CDRB Code of Conduct and with the *Public Sector Ethics Act 1994* (Qld).<sup>57</sup>

The Code requires that public sector employees must always conduct themselves appropriately and be mindful of their obligation to maintain and enhance public confidence in the integrity of public administration.

<sup>49</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZE(1).

<sup>50</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZE(2).

<sup>51</sup> *Family and Child Commission Act 2014* (Qld), s. 29V.

<sup>52</sup> *Family and Child Commission Act 2014* (Qld), s. 29X(7).

<sup>53</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZG(1), s.29ZG(2).

<sup>54</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZG(3).

<sup>55</sup> *Family and Child Commission Act 2014* (Qld), s. 29F.

<sup>56</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZJ.

<sup>57</sup> Refer: <https://www.legislation.qld.gov.au/view/pdf/inforce/2014-07-01/act-1994-067>

The government guidance publication *Welcome Aboard: A guide for members of Queensland Government Boards, Committees and Statutory Authorities*<sup>58</sup> provides important information for CDRB members.

CDRB members must also observe the Information Privacy Principles detailed in Schedule 3 of the *Information Privacy Act 2009* (Qld).<sup>59</sup>

Links to the above documents are provided in the footnotes below.

### Proxy attendance

A government member may attend a CDRB meeting by proxy and participate in the meeting. The proxy holder cannot:<sup>60</sup>

- vote on behalf of the CDRB member
- preside at the meeting if acting as the proxy holder for the Chairperson or Deputy Chairperson,<sup>61</sup>and
- be counted for the purpose of establishing a quorum for a meeting.

The government member must provide advice of attendance by a proxy to the CDRB Chairperson no later than ten (10) business days prior to the meeting.

When sending a proxy, the government member needs to:

- fully brief the proxy on all relevant aspects of the meeting agenda
- advise the proxy that they will only be granted access to documentation that relates to that meeting
- reiterate the proxy's responsibilities in terms of confidentiality of meeting proceedings and their obligation to abide by the CDRB Code of Conduct and observe the principles of the *Information Privacy Act 2009*, Schedule 3<sup>62</sup>
- ensure the proxy has no conflict of interest, or otherwise instruct the proxy to declare any real, potential, perceived or apparent conflict of interest relating to their meeting attendance, at the outset of the CDRB meeting, and
- advise the proxy holder that they cannot vote on behalf of the CDRB member.

Only the CDRB Chairperson can distribute meeting papers to nominated proxies via the Secretariat.

### Step 4.2 CDRB discusses the matters listed and makes decisions

The CDRB discusses the matters listed for discussion at the scheduled meeting.

Meeting decisions include, but are not limited to:

- matters for review have been considered (See *Step 4.3: CDRB determines a matter for review has been considered*)

---

<sup>58</sup> Department of the Premier and Cabinet 2010, *Welcome Aboard: A guide for members of Queensland Government Boards, committees and statutory authorities*, <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/welcome-aboard/assets/welcome-aboard-handbook.pdf>

<sup>59</sup> Refer: <https://www.legislation.qld.gov.au/view/pdf/inforce/2017-06-05/act-2009-014>

<sup>60</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZK(2).

<sup>61</sup> In the absence of both the Chairperson and Deputy Chairperson, a proxy for the Chairperson or Deputy Chairperson may preside at the meeting if they are chosen to do so by the present CDRB members.

<sup>62</sup> Refer: <https://www.legislation.qld.gov.au/view/pdf/inforce/2017-06-05/act-2009-014>

- actions that need to occur - for example, actions may include work by the Secretariat or others (data analysis, gathering further case information, reviewing similar cases to explore a specific issue further, or specific topic reviews), inviting expert stakeholders, commissioning research or a report, writing to a head of an agency to raise an issue, or issuing an information request
- actions to be closed.

All actions arising from a CDRB meeting are recorded in an Action Items Register. The status of each outstanding action item is reviewed at CDRB meetings until the action has been completed.

The CDRB Secretariat maintains a list of completed action items.

Meeting resolutions are decided by a majority of attending members. At times, the Chairperson may put in place formal voting mechanisms or implement different avenues for decision-making, such as action items endorsed by members and ongoing recommendation development.

When formal voting occurs and there is no clear outcome for a resolution, such as when there is an equal number of votes, the presiding member (the Chairperson or Deputy Chairperson) has the casting vote.<sup>63</sup> A CDRB meeting resolution is considered valid if:<sup>64</sup>

- it is passed at a CDRB meeting, or
- it is not passed at a CDRB meeting but at least half of the members give written agreement to the resolution.

Reviews can be considered out-of-session, and a resolution about a review may also be completed out-of-session. This occurs in exceptional circumstances and by the direction of the Chairperson. Other business matters may also be considered out-of-session if this is necessary due to time constraints. Such matters will be recorded in the minutes at the next scheduled CDRB meeting to make a record of the resolution.

### Step 4.3 CDRB determines a matter for review has been considered

A matter for review is ordinarily only considered once. CDRB members determine that a matter has been considered once it has been discussed at a CDRB meeting.

In exceptional circumstances, a decision can be made that a matter needs further consideration. In these circumstances, the Chairperson or CDRB is to decide the actions for how the matter is to be further addressed. See *Step 4.2: CDRB discusses the matters listed and makes decisions* for more information. In this situation, the matter is not identified as having been considered until the action/s have been addressed and the CDRB has undertaken further consideration.

### Step 4.4 Secretariat prepares a record of meeting and decisions

The CDRB Secretariat maintains meeting minutes and associated records of the CDRB decisions and resolutions.<sup>65</sup>

A draft copy of the CDRB meeting minutes is prepared by the CDRB Secretariat, endorsed by the Chairperson and provided to CDRB members no later than ten (10) business days before the following meeting. Other meeting outcome documentation that is required through an action resolution of the CDRB, such as writing to agencies if there is an urgent system gap that needs addressing or providing a summary document, will be prepared by the Secretariat at the direction of the CDRB Chairperson.

<sup>63</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZH(4), (5).

<sup>64</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZH(6).

<sup>65</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZI.

The draft minutes of the previous meeting, including matters considered out-of-session, are confirmed, and endorsed at each CDRB meeting. If CDRB members identify inaccuracies in the minutes, the CDRB Secretariat updates the minutes.

The approved CDRB minutes, with all associated documentation, are saved by the CDRB Secretariat.

## Section 5—Reports and recommendations

### PURPOSE

This section sets out the procedural aspects for the CDRB to prepare reports and recommendations.

#### Section 5 – Reports and Recommendations

##### Reports and Recommendations

- Ongoing, the CDRB works to develop and monitor recommendations and discuss business matters, which will be finalised during the last meeting of the financial year.
- Prepare an annual report
- Prepare discretionary reports

### Key steps

- 5.1** The last meeting of each financial year will have additional agenda items in regard to recommendations, monitoring, reflection and planning for the year ahead CDRB makes and monitors recommendations
- 5.2** CDRB prepares an annual CDRB report
- 5.3** CDRB prepare other CDRB reports

### Standards and principles

- The CDRB provides the Minister, by 31 October of each year, an annual report on its operations during the previous financial year.
- The CDRB makes recommendations about improvements to systems, policies, and practices.
- The CDRB monitors the implementation of its recommendations.
- The CDRB may prepare a report about the findings of any review or about any matters relating to the performance of its functions.
- The CDRB may provide comments and information in response to any internal review relating to the death of a child.



## KEY STEPS

### Step 5.1 The last CDRB meeting of the financial year

Generally, the fifth CDRB meeting has additional agenda items that are dedicated to an overarching review of all previous meetings and the formulation of the annual review recommendations.

This meeting is held in June or July each year with the following additional functions:

#### 1 Discuss findings and develop recommendations

- take an overview consideration of the findings and system learnings from the meetings held within the financial year
- hear from experts, or researchers engaged by the CDRB
- hear from relevant agencies and other stakeholders on proposed new recommendations, including other review entities to minimise duplication and maximise shared value for system improvements
- confirm recommendations to be included in the annual report.

#### 2 Monitor selected recommendations

- hear from agency leads or those responsible for implementing the recommendations selected for in-depth monitoring about progress and impacts at the local level.

#### 3 Discuss business matters

- reflect on the CDRB functioning in the past financial year and identify changes required
- plan for the following year, including identifying experts to be contracted to provide advice or undertake research.

### Step 5.2 CDRB makes and monitors CDRB recommendations

Recommendations are made annually and reported in the October annual report.

The CDRB may decide to make recommendations at other times if rapid or iterative system improvements are required. See *Step 4.2: CDRB discusses the matters listed and determines decisions* for further information.

The last meeting of the financial year is to formalise proposed new recommendations. Specialists, researchers, and frontline professionals may be invited to this meeting to inform the development of robust recommendations.

Recommendations should be guided by the ten (10) Double-SMART criteria contained in Appendix B.

If the CDRB intends to recommend in a report that a certain agency takes responsibility for a recommendation, it must consult, before finalising the report, on that recommendation with the particular agency and with any other agencies likely to be affected by the proposed CDRB recommendation.<sup>66</sup> This process ensures that the recommendations made by the CDRB are reasonable, proportionate, and achievable.

The intention to make and report on recommendations annually **does not** prevent the CDRB determining a decision to:

---

<sup>66</sup> *Family and Child Commission Act 2014* (Qld), s. 29L(3).

- make recommendations to the heads of agencies when rapid or iterative system improvements are needed
- prepare a report and recommendations on a specific case
- release snapshot reports on themes and issues at any time.

The CDRB monitors and publicly reports on the progress of implementation of its recommendations in each annual report.<sup>67</sup>

The CDRB Chairperson writes to relevant agencies each year to request a status update on recommendations to inform the annual report. The implementation status of recommendations, as advised by the relevant agency, is reported in the CDRB's annual report.

In addition, the CDRB selects a number of recommendations (in progress or completed) to explore in-depth as part of its monitoring activities. The Chairperson invites agencies responsible for implementing the selected recommendations and other stakeholders to attend the monitoring component of the last meeting in the financial year to discuss the outcomes of, and learnings from, implementing the recommendations.

The in-depth monitoring information may be included in the annual report or another discretionary report.

The CDRB Chairperson must not publish a report that includes personal information or recommendations, unless the Minister has first tabled the report.

### **Step 5.3 CDRB prepares an annual CDRB report**

The CDRB must give the responsible Minister, by 31 October each year, an annual report on the operation of its functions during the past financial year.<sup>68</sup>

The responsible Minister must then table in Parliament a copy of the CDRB annual report within 14 sitting days after receiving the report.

To support the accountability of the CDRB and other government agencies, the annual report can include recommendations about:<sup>69</sup>

- improvements to systems, policies, and practices for implementation by government and non-government agencies that provide services to children and their families
- legislative changes.

The report can also include information about progress made by government and non-government agencies to implement previous CDRB recommendations.

The CDRB Secretariat prepares the draft annual report. The CDRB Chairperson provides the draft annual report to the CDRB members for consideration.

The CDRB Chairperson provides the annual report to the Minister.

---

<sup>67</sup> *Family and Child Commission Act 2014* (Qld), s. 29D(e).

<sup>68</sup> *Family and Child Commission Act 2014* (Qld), s. 29J(1).

<sup>69</sup> *Family and Child Commission Act 2014* (Qld), s. 29J(2).

## Step 5.4 CDRB prepares other CDRB reports

In addition to an annual report, the CDRB may decide to prepare, at any time, a report about the outcomes of any review or about any other matter that arises from the performance of its functions.<sup>70</sup>

Once the report is agreed to by the CDRB, the Chairperson provides a copy of the report to the Minister with the CDRB's recommendation about whether the report should be tabled in the Legislative Assembly.<sup>71</sup>

Unless the Minister has tabled the report, the CDRB cannot publish a report if it includes:<sup>72</sup>

- personal information about an individual (as defined by the *Information Privacy Act 2009*), or
- information that may prejudice an investigation of a possible contravention of the law, or
- a recommendation made by the CDRB.

Where a CDRB report refers to the functions of a relevant agency, the CDRB may give a copy of the report to the chief executive of the agency.<sup>73</sup>

In most instances, a report is to be prepared by the CDRB Secretariat. However, a report may be prepared by a contracted researcher, or another person, as requested by the CDRB (for example, a specific topics report on medical neglect of infants).

The CDRB Chairperson provides a copy of other reports to relevant persons on behalf of the CDRB.

## Natural justice

The CDRB cannot include in any of its reports (whether the annual report or other) any adverse information (including commentary) about an agency that can be identified from its report unless the agency has been given a copy of the relevant information and a reasonable opportunity to make a submission about it.<sup>74</sup>

Where the agency makes a submission, the CDRB must:<sup>75</sup>

- consider the agency's submission before finalising its report
- not include the information in its report unless it also includes the agency's submission, or a fair summary of it, in its report.

Where a draft CDRB report refers to the functions of a relevant agency, the CDRB Chairperson provides a copy of the draft report to the agency with a request for a submission about the content of the report within fifteen (15) business days.

## Liability for defamatory report statement

It is a lawful excuse for a published CDRB report to contain a defamatory statement if the publication was made in good faith and for the purposes of the CDRB's legislative functions.<sup>76</sup>

---

<sup>70</sup> *Family and Child Commission Act 2014* (Qld), s. 29K.

<sup>71</sup> *Family and Child Commission Act 2014* (Qld), s. 29K(2).

<sup>72</sup> *Family and Child Commission Act 2014* (Qld), s. 29K(3), s. 29K(4).

<sup>73</sup> *Family and Child Commission Act 2014* (Qld), s. 29K(5).

<sup>74</sup> *Family and Child Commission Act 2014* (Qld), s. 29L(1).

<sup>75</sup> *Family and Child Commission Act 2014* (Qld), s. 29L(2).

<sup>76</sup> *Family and Child Commission Act 2014* (Qld), s. 29U.

## Section 6—Responsibilities of the CDRB Chairperson

### PURPOSE

This section sets out the responsibilities of the CDRB Chairperson.

### MAIN RESPONSIBILITIES

#### 6.1 Act independently

- The CDRB Chairperson is the QFCC principal commissioner or another commissioner of the QFCC and is appointed by the responsible Minister.<sup>77</sup>
- Unlike the QFCC role, in the role as Chairperson of the CDRB, the QFCC commissioner is not subject to ministerial direction in performing the CDRB functions.<sup>78</sup>
- In performing its functions, the CDRB must act independently and in the public interest.<sup>79</sup>

#### 6.2 Manage the CDRB Budget

- The CDRB Chairperson is responsible for managing the CDRB budget.
- The Chairperson and CDRB members manage the discretionary component of the CDRB's budget. This includes expenses such as commissioning research or expert advice.

#### 6.3 Request information

- The CDRB Chairperson may ask public entities for information for the purposes of the CDRB's functions and public entities should give the information.<sup>80</sup>
- If the information sought from public entities responsible for internal agency reviews falls outside of the scope of an agency's internal review report, or if the request is being sought from an entity not responsible for internal agency reviews,<sup>81</sup> the request is made in writing from the Chairperson, on a standardised Request for Information form.

#### 6.4 Receive confidential information

- The CDRB Chairperson may receive confidential information from any entity for the purpose of the CDRB's functions, whether or not the Chairperson has requested the information.<sup>82</sup>

#### 6.5 Disclose confidential information

- The CDRB Chairperson may disclose confidential information to an entity for the performance of the CDRB's functions, including to issue information requests<sup>83</sup> and coordinate reviews with those carried out by other agencies.<sup>84</sup>

---

<sup>77</sup> *Family and Child Commission Act 2014* (Qld), s. 29W.

<sup>78</sup> *Family and Child Commission Act 2014* (Qld), s. 29F(2)(b).

<sup>79</sup> *Family and Child Commission Act 2014* (Qld), s. 29F(1).

<sup>80</sup> *Family and Child Commission Act 2014* (Qld), s. 29O.

<sup>81</sup> *Family and Child Commission Act 2014* (Qld), s. 29P(1).

<sup>82</sup> *Family and Child Commission Act 2014* (Qld), s. 29P(2).

<sup>83</sup> *Family and Child Commission Act 2014* (Qld), s. 29Q.

<sup>84</sup> *Family and Child Commission Act 2014* (Qld), s. 29G.

## 6.6 Enter into information sharing arrangements

- The CDRB Chairperson may enter into an arrangement with the QFCC, the State Coroner, the Domestic and Family Violence Death Review and Advisory Board or another entity about sharing or exchanging information for the purpose of the CDRB's functions.<sup>85</sup>
- The Chairperson directs the Secretariat in developing information sharing protocols and agreements between the CDRB and relevant agencies.

## 6.7 Lead the CDRB

- The CDRB Chairperson is responsible for leading the CDRB and directing its activities to ensure it appropriately performs its functions.<sup>86</sup>

## 6.8 Call a meeting

- The CDRB Chairperson may call a meeting at any time.<sup>87</sup>
- The CDRB Chairperson must call a meeting if asked by at least 3 other members.<sup>88</sup>

## 6.9 Preside at meetings

- The CDRB Chairperson presides at all meetings at which the Chairperson is present.<sup>89</sup>

## 6.10 Direct the operation of the Secretariat

- The CDRB Chairperson directs the operation of the CDRB Secretariat in its role of supporting the CDRB.

## 6.11 Engage or contract qualified persons

- Any contractual arrangements with appropriately qualified persons to conduct research, provide legal advice or prepare reports to help the CDRB perform its functions is between the CDRB Chairperson and the qualified person.

## 6.12 Invite persons who are not CDRB members to meetings

- The CDRB Chairperson issues invitations on behalf of the CDRB to any person who is not a CDRB member to attend a CDRB meeting to advise or inform the meeting about any matter.<sup>90</sup>
- If CDRB members would like to nominate a person to be invited to attend a CDRB meeting to advise or inform the CDRB, the member is asked to provide that information to the CDRB Chairperson no later than fifteen (15) business days before a meeting.

## 6.13 Approve and distribute the agenda

- The CDRB Chairperson approves and circulates the agenda no later than ten (10) business days before the next scheduled meeting. If CDRB members identify additional matters after receipt of the agenda, these are to be managed as other business or carried over to the next meeting.

---

<sup>85</sup> *Family and Child Commission Act 2014* (Qld), s. 29R.

<sup>86</sup> *Family and Child Commission Act 2014* (Qld), s. 29W(2).

<sup>87</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZE(2)(a).

<sup>88</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZE(2)(b).

<sup>89</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZG(1).

<sup>90</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZH(7).

#### **6.14 Determine meeting location**

- The CDRB Chairperson determines where meetings are held, for example, at the QFCC or other suitable location, or whether a meeting is a virtual meeting.<sup>91</sup>

#### **6.15 Determine meeting length**

- The length of meetings tends to be several hours to a full working day. However, depending on the agenda and any outstanding business or administrative matters, the CDRB Chairperson can determine the meeting length.

#### **6.16 Receive notification of attendance by proxy**

- The CDRB Chairperson receives notification from a government member of their intention to attend by proxy no later than ten (10) business days before a meeting.
- Notice of attendance by proxy for government members may not be accepted within ten (10) business days of a scheduled CDRB meeting.

#### **6.17 Provide meeting documentation to proxies**

- If a government member is sending a proxy to a meeting, the CDRB Chairperson, and not the nominating member, is responsible for granting the proxy access to the documentation.

#### **6.18 Receive members' disclosures of conflict of interest**

- The CDRB Chairperson receives all disclosures of conflicts of interest from CDRB members.

#### **6.19 Approve draft minutes**

- The CDRB Chairperson approves draft minutes of a meeting. The draft minutes are then held until they are circulated with the agenda, 10 business days before the next scheduled meeting.

#### **6.20 Make media comments or public statements on CDRB matters**

- The CDRB Chairperson is the appointed spokesperson for all CDRB matters and all media requests are to be directed to the Chairperson.
- The Chairperson may delegate the responsibilities of media spokesperson to the Deputy Chair or another member if their knowledge and experience is relevant to the topic under discussion.

#### **6.21 Provide new CDRB members with appropriate level of induction**

- The CDRB Chairperson, or a nominated delegate, is responsible for providing each new CDRB member with an appropriate level of induction. For instance, members who are external to the public sector may be offered additional familiarisation with the key public sector business processes.

#### **6.22 Receive feedback on policies or procedures of the CDRB**

- If a CDRB member wants to provide significant feedback on the policies or procedures of the CDRB, the member should raise the matter with the CDRB Chairperson.

---

<sup>91</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZE(1).

### **6.23 provide correspondence and reports on behalf of the CDRB**

- All correspondence and reports, including the annual report, are sent to relevant persons by the CDRB Chairperson on behalf of the CDRB.

## Section 7—Miscellaneous

### PURPOSE

This section sets out the procedural aspects for the following miscellaneous functions of the CDRB administration.

### POWERS

#### 7.1 Power to do all things necessary or convenient

The CDRB has the power do all things necessary or convenient to be done for, or in connection with, the performance of its functions.<sup>92</sup> This empowers the CDRB to engage specialists to conduct research, provide legal advice, and prepare reports, amongst other things. This power is strictly ancillary and cannot be used to extend the scope of part 3A of the FCC Act.<sup>93</sup>

### OTHER MATTERS

#### 7.2 Composition of CDRB

The appointed CDRB members must:

- reflect the social and cultural diversity of the Queensland community, and
- include a range of experiences, knowledge or skills that are relevant to the CDRB's functions.

#### The CDRB Chairperson

- is the QFCC principal commissioner or commissioner
- is appointed by the responsible Minister
- is responsible for leading the CDRB and directing its activities and functions
- holds office for the term specified in the instrument of appointment
- ceases to be a Chairperson on resignation from office (following a signed notice to the Minister) or when the Chairperson ceases to be a QFCC Commissioner.<sup>94</sup>

#### CDRB Deputy Chairperson and other members

The CDRB Deputy Chairperson:

- is a CDRB member appointed by the responsible Minister
- must be an Aboriginal or Torres Strait Islander CDRB member appointed by the Minister if the CDRB Chairperson is not an Aboriginal or Torres Strait Islander person
- cannot be a QFCC Commissioner
- may be appointed as a CDRB member and Deputy Chairperson at the same time
- must act as a Chairperson if the Chairperson's office is vacant and when the Chairperson is either absent or cannot perform the CDRB functions

---

<sup>92</sup> *Family and Child Commission Act 2014 (Qld)*, s. 29E.

<sup>93</sup> See *Northern Land Council v Quall* [2019] FCAFC 77 at [105-107].

<sup>94</sup> *Family and Child Commission Act 2014 (Qld)*, s. 29W.



- ceases to be a Deputy Chairperson on resignation from office as Deputy Chairperson (following a signed notice to the Minister) or when the Deputy Chairperson ceases to be a CDRB member.<sup>95</sup>

Except for the CDRB Chairperson, all other potential CDRB members:<sup>96</sup>

- may be appointed by the responsible Minister when satisfied that they are eligible and suitable for appointment (including having considered the potential member's criminal history)<sup>97</sup>
- are eligible for appointment to the CDRB if they:<sup>98</sup>
  - have relevant expertise in the field of paediatrics and child health, forensic pathology, mental health, investigations of child protection or expertise in child protection related litigation (or similar)
  - can make a valuable contribution to the CDRB based on their qualifications, experience, or an agency membership
- are not eligible for appointment to the CDRB if they:<sup>99</sup>
  - have a conviction for an indictable offence
  - do not provide consent to a criminal history check before appointment, or
  - are insolvent under administration under the *Corporations Act 2001*, or
  - are a member of the Legislative Assembly.

### Presiding CDRB member

The presiding member is the CDRB Chairperson, when present, and the Deputy Chairperson in the Chairperson's absence.<sup>100</sup>

If neither the CDRB Chairperson nor the Deputy Chairperson is present at a meeting, the presiding member for that meeting may be chosen by the present CDRB members.

### Conditions and terms of appointment of CDRB members

CDRB members are paid remuneration and allowances as decided by the Minister<sup>101</sup> unless they are state employees<sup>102</sup> in which case, they are not entitled to be paid remuneration for holding the CDRB office.<sup>103</sup>

Unless specifically covered by the FCC Act, the CDRB member holds office under the terms and conditions specified in the instrument of their appointment.<sup>104</sup>

CDRB members are appointed for a maximum of three (3) years, after which a CDRB member may be reappointed.<sup>105</sup>

<sup>95</sup> *Family and Child Commission Act 2014* (Qld), s. 29Y.

<sup>96</sup> *Family and Child Commission Act 2014* (Qld), s. 29X.

<sup>97</sup> *Family and Child Commission Act 2014* (Qld), s. 29X(6), s. 29ZC. Schedule 1 (Dictionary) contains a detailed definition of the term 'criminal history'.

<sup>98</sup> *Family and Child Commission Act 2014* (Qld), s. 29X(3).

<sup>99</sup> *Family and Child Commission Act 2014* (Qld), s. 29X(4), s. 29ZC.

<sup>100</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZG.

<sup>101</sup> Queensland Government, *Remuneration procedures for part-time Chairs and members of Queensland Government bodies-Adjudication & determination*, [https://www.qld.gov.au/data/assets/pdf\\_file/0025/39481/remuneration-procedures.pdf](https://www.qld.gov.au/data/assets/pdf_file/0025/39481/remuneration-procedures.pdf) - sets out government requirements relating to the remuneration and remuneration procedures of members of Qld government bodies.

<sup>102</sup> *Family and Child Commission Act 2014* (Qld), Schedule 1 (Dictionary).

<sup>103</sup> *Family and Child Commission Act 2014* (Qld), s. 29Z(2).

<sup>104</sup> *Family and Child Commission Act 2014* (Qld), s. 29Z(3).

<sup>105</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZA.

If a CDRB member is convicted of an indictable offence during their term of appointment as a CDRB member, they must immediately notify the Minister of such conviction and include the following details:<sup>106</sup>

- the existence of the conviction
- the time of committing the offence
- adequate details to identify the offence, and
- the imposed sentence.

CDRB members who need to resign because they are unable to further perform their duties are required to provide a minimum notice of two (2) months to the CDRB Chairperson.

A CDRB member will vacate their CDRB position when they:<sup>107</sup>

- resign from office (following a signed notice to the Minister)
- become ineligible for appointment
- complete their term of office and are not reappointed
- when the Minister ends their appointment under the following circumstances:
  - they are absent from three (3) consecutive CDRB meetings without CDRB permission and without reasonable excuse, or
  - the Minister is satisfied that they are incapable of satisfactorily performing the CDRB functions.

### 7.3 CDRB website

The CDRB has a dedicated website [www.cdrb.qld.gov.au](http://www.cdrb.qld.gov.au). Details of CDRB members and reports are published on this website.

### 7.4 Papers provided electronically through a secure site

CDRB papers are provided electronically to CDRB members through a secure site. CDRB members are required to comply with usage guidelines to maintain data security of sensitive information.

### 7.5 Confidentiality of information

Despite the CDRB's overarching function to carry out systems reviews of the child protection system following child deaths, CDRB members may have access to specific information (such as particulars of child death case studies) or material relating to other relevant investigations (such as coronial and criminal investigations).

In this regard, it is important that CDRB members are aware of the sensitivity of the material and the adverse outcomes if such confidential material is used or disclosed.

Any CDRB member who gains confidential information through involvement in the CDRB<sup>108</sup> or any Secretariat staff supporting the CDRB or any person consulted or employed to assist the CDRB<sup>109</sup> must not:

- recklessly disclose that confidential information to anyone

---

<sup>106</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZD.

<sup>107</sup> *Family and Child Commission Act 2014* (Qld), s. 29ZB.

<sup>108</sup> *Family and Child Commission Act 2014* (Qld), s. 36(2)(e).

<sup>109</sup> *Family and Child Commission Act 2014* (Qld), s. 36.

- make a record of that confidential information or intentionally disclose the information to anyone unless they are permitted to do so.<sup>110</sup>

The CDRB cannot publish confidential information as part of its annual or systems reports.

The CDRB Chairperson may, in certain circumstances, disclose confidential information to an agency as part of the CDRB's functions,<sup>111</sup> including:

- for the purpose of obtaining certain information that the CDRB Chairperson may request from an agency<sup>112</sup>
- to avoid unnecessary duplication of the processes carried out in other agencies<sup>113</sup>
- to coordinate its own reviews and the reviews carried out by other agencies<sup>114</sup> (such as those reviews undertaken by the Domestic and Family Violence Death Review and Advisory Board).

All CDRB members are responsible for making sure that their advisers (or those assisting them on matters involving confidential material) are made aware of their obligation to neither use or disclose any confidential information that they may receive unless they are authorised to do so or are required or permitted by law to do so.<sup>115</sup>

All confidential documents and information held by the Secretariat must be kept and filed according to the provisions of the *Public Records Act 2002* (Qld),<sup>116</sup> and whole of government and QFCC records management policies.

## 7.6 Media or public CDRB statements

The CDRB Chairperson is the appointed spokesperson for all CDRB matters. Any media requests are to be directed to the Chairperson. The Chairperson may delegate the responsibilities of media spokesperson to the Deputy Chair or another member if their knowledge and experience is relevant to the topic under discussion.

## 7.7 CDRB records management by the Secretariat

All CDRB related files must be maintained and stored by the Secretariat in accordance with QFCC records management procedures, the *Public Records Act 2002*, the *Right to Information Act 2009* (Qld),<sup>117</sup> the *Information Privacy Act 2009*<sup>118</sup>, the *Information Security Policy*,<sup>119</sup> and the *Children's Rights, Protection and Promotion Retention and Disposal Schedule*.<sup>120</sup>

## 7.8 CDRB protocols and agreements

Information sharing agreements and protocols between the CDRB, and another entity are made public, unless the CDRB determines otherwise.

<sup>110</sup> *Family and Child Commission Act 2014* (Qld), s. 36(1).

<sup>111</sup> *Family and Child Commission Act 2014* (Qld), s. 29Q.

<sup>112</sup> *Family and Child Commission Act 2014* (Qld), s. 29Q(1)(a), s. 29P(1).

<sup>113</sup> *Family and Child Commission Act 2014* (Qld), s. 29Q(1)(b), s. 29G(a).

<sup>114</sup> *Family and Child Commission Act 2014* (Qld), s. 29Q(1)(b), s. 29G(b).

<sup>115</sup> *Family and Child Commission Act 2014* (Qld), s. 37.

<sup>116</sup> Refer: <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2002-011>

<sup>117</sup> Refer: <https://www.rti.qld.gov.au/right-to-information-act>

<sup>118</sup> Refer: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014>

<sup>119</sup> Queensland Government Chief Information Office 2018, *Information security policy-V8.1.1 (IS18:2018)*, <https://www.qgcio.qld.gov.au/documents/information-security-policy>

<sup>120</sup> Queensland State Archives December 2013, *Children's Rights, Protection and Promotion Retention and Disposal Schedule*. Queensland Disposal Authority Number (QDAN) 636, <https://www.forgov.qld.gov.au/system/files/schedules/childrens-rights-protection-and-promotion-retention-and-disposal-schedul.pdf?v=1484885886>

## 7.9 CDRB member induction

The CDRB Chairperson or a nominated delegate is responsible for providing each new CDRB member with an appropriate level of induction. For instance, members who are external to the public sector may be offered additional familiarisation with the key public sector business processes.

The successful completion of the induction process for a new CDRB member should be recorded in the CDRB minutes.

A generic induction plan that may be relevant to newly inducted CDRB members is provided in Appendix C for guidance only. CDRB members can also refer to Section 8 of these guidelines for a list of further relevant references and publications.

## 7.10 CDRB Evaluation Framework

As a way of understanding the merit of the new model of child death review, the CDRB endorsed an evaluation framework at the first board meeting in August 2020. The evaluation framework comprises four phases of activities. These are:

- Phase 1 - Implementation Review to determine if implementation of the new model has occurred as intended.
- Phase 2 - Process Review to consider how well the processes supporting the new model are working and to identify any areas for improvement.
- Phase 3 - Outcomes Evaluation to determine if recommendations from the CDRB are identifying areas of improvement for systems, legislation, policies, or practice.
- Phase 4 - Review of Model to consider if the CDRB model is efficient and effective.

After 18 months of operation, the CDRB completed the implementation review and process review (phases 1 and 2). The implementation review found that the CDRB had generally been implemented as intended. Some areas for improvement were identified and action was taken to address these.

The process review identified many positive response areas, including governance matters, the diversity of CDRB member's experience, the quality of the commissioned research, and the Secretariat's support to the CDRB, including briefings, reports, research, recording meeting outcomes and preparation of draft recommendations. Strategies have been implemented to address the identified areas for improvement including representation of Aboriginal and Torres Strait Islander persons on the CDRB and management of caseloads and volume of material.

Phases 3 and 4, the outcomes evaluation and review of the model, will be conducted approximately in 2023-24.

## Section 8 – References

### 8.1 Legislation

Legislation relevant to the performance of the CDRB's functions are as follows:

*Child Death Review Legislation Amendment Act 2020 (Qld)*

<https://www.legislation.qld.gov.au/view/whole/html/asmade/act-2020-002>

*Child Protection Act 1999 (Qld)*

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010>

*Coroners Act 2003 (Qld)*

<https://www.legislation.qld.gov.au/view/inforce/current/act-2003-013>

*Director of Child Protection Litigation Act 2016 (Qld)*

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-023>

*Domestic and Family Violence Protection Act 2012 (Qld)*

<https://www.legislation.qld.gov.au/view/inforce/current/act-2012-005>

*Family and Child Commission Act 2014 (Qld)*

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2014-027>

*Information Privacy Act 2009 (Qld)*

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014>

*Integrity Act 2009 (Qld)*

<https://www.legislation.qld.gov.au/view/inforce/current/act-2009-052>

### 8.2 Relevant publication

*A systems review of individual agency findings following the death of a child.* The State of Queensland (Queensland Family and Child Commission) 2017.

<https://www.qfcc.qld.gov.au/sector/child-death/system-reviews-after-child-death>

### 8.3 Other jurisdictional mechanisms

Child Death Review Committees across the various jurisdictions are:

State / Territory	Review Committee	Link
ACT	ACT Children & Young People Death Review Committee	<a href="https://www.childdeathcommittee.act.gov.au/home">https://www.childdeathcommittee.act.gov.au/home</a>
NSW	Child Death Review Team (CDRT), convened by the NSW Ombudsman	<a href="https://www.ombo.nsw.gov.au/what-we-do/coordinating-responsibilities/child-death-review-team">https://www.ombo.nsw.gov.au/what-we-do/coordinating-responsibilities/child-death-review-team</a>
NT	Northern Territory Child Deaths Review and Prevention Committee, the Children's Commissioner	<a href="https://occ.nt.gov.au/">https://occ.nt.gov.au/</a>
SA	Child Death and Serious Injury Review Committee (CDSIRC)	<a href="https://cdsirc.sa.gov.au/">https://cdsirc.sa.gov.au/</a>

VIC	Commission for Children and Young People	<a href="https://ccyp.vic.gov.au/upholding-childrens-rights/child-death-inquiries/">https://ccyp.vic.gov.au/upholding-childrens-rights/child-death-inquiries/</a>
VIC	Consultative Council on Obstetric and Paediatric Mortality and Morbidity	<a href="https://www.bettersafecare.vic.gov.au/about-us/about-scv/councils/ccopmm">https://www.bettersafecare.vic.gov.au/about-us/about-scv/councils/ccopmm</a>
WA	Child Death Reviews, WA Ombudsman	<a href="http://www.ombudsman.wa.gov.au/Reviews/review_of_certain_deaths.htm">http://www.ombudsman.wa.gov.au/Reviews/review_of_certain_deaths.htm</a>
TAS	Serious Events Review Team (SERT); Serious Events Review Committee (SERC), Dept. of Communities Tas	<a href="https://www.communities.tas.gov.au/children">https://www.communities.tas.gov.au/children</a>
TAS	Council of Obstetric and Paediatric Mortality and Morbidity, Dept. Health	<a href="https://www.dhhs.tas.gov.au/about_the_department/partnerships/registration_boards/copmm">https://www.dhhs.tas.gov.au/about_the_department/partnerships/registration_boards/copmm</a>

## Appendices/Practice Guides

### APPENDIX A – CONFLICT OF INTEREST REGISTER

The following table<sup>121</sup> registers conflicts of interest declared by **Child Death Review Board** (CDRB) members.

It is updated following each CDRB meeting, and following the declaration of a new conflict, or change to an existing one. Refer to s 29ZJ of the FCC Act regarding *disclosure of interests*.

Child Death Review Board Conflict of Interest Register										
Member Name	Proxy	Date disclosed (if prior to meeting)	Date of meeting when interest disclosed	Matter in which interest arises	Type and proximity of conflict (real, potential, perceived; direct or indirect)	Details of interest	Was a direction made under sub 29ZJ(4)?	Details of direction made under sub (4)	Date direction implemented	Reference to minutes
JONES, James	N	1/07/20		SMITH, Alex	Perceived	James' wife (Nicole) led the QPS internal agency review	Y	To remove any bias during the CDRB's review, James: <ul style="list-style-type: none"> <li>did not receive the reports for the matter</li> <li>was not present when the CDRB considered the matter</li> </ul>	15/07/20	123456

<sup>121</sup> Adapted from TasCOSS Library, Conflict of Interest Register — Sample, <https://www.tascosslibrary.org.au/how-to/reference/conflict-interest-register-sample> (accessed 14 Oct 2019)

## APPENDIX B – THE DOUBLE-SMART RECOMMENDATIONS MODEL (GUIDANCE ONLY)

The quality and usefulness of recommendations can be considered against the following ten (10) inter-related and mutually reinforcing criteria. Each criterion in the following table includes guidance and reflections.<sup>122</sup>

While recommendations may not meet all criteria, maximising compliance makes them much more effective. Although this model serves primarily to assess the efficacy of proposed recommendations, it may also serve the secondary purpose of assessing the efficacy of implementing the recommendations.

Criterion	Description	Guidance and reflections
Specific	<ul style="list-style-type: none"> <li>Each recommendation should address one specific issue only.</li> <li>Each recommendation should be simple, sensible, and significant.</li> <li>Each recommendation may also propose one or more specific actions (however these should each be clearly defined and separated).</li> </ul>	<p>This approach will assist the authorities to understand and implement the recommendations and to facilitate follow-up by the monitoring body.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Does the recommendation address one specific problem or issue only?</li> <li><input checked="" type="checkbox"/> Is the recommendation simple, sensible, and significant?</li> <li><input checked="" type="checkbox"/> Are individual action points clearly differentiated within the recommendation?</li> <li><input checked="" type="checkbox"/> Are all the proposed actions directly related to the subject of the recommendation?</li> </ul>
Measurable	<ul style="list-style-type: none"> <li>A recommendation should be meaningful and motivating.</li> <li>A recommendation should be formulated in a way that allows the evaluation of progress to be made in an easy way.</li> <li>Agencies and monitoring bodies should be able to unequivocally assess whether a recommendation is being implemented and to what extent.</li> </ul>	<p>Consider the respective advantages and disadvantages of using process or outcome and qualitative or quantitative indicators to measure progress of recommendation implementation.</p> <p>For future comparisons, the main report that contains the recommendation should outline the current level of the problem (baseline) and its future desired.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Is the recommendation meaningful?</li> <li><input checked="" type="checkbox"/> Does the body of the report establish the current situation with clarity?</li> <li><input checked="" type="checkbox"/> Does the report or recommendation include an indicator for follow-up?</li> <li><input checked="" type="checkbox"/> To what extent will the evidence given by the indicator be indisputable?</li> </ul>
Achievable	<ul style="list-style-type: none"> <li>A recommendation should seek to be feasible in practical terms.</li> </ul>	<p>Recommendations should highlight what must be done within reason.</p> <p>Consider alternative or additional actions that might produce the desired results more easily.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Is the implementation of this recommendation possible in practical terms?</li> </ul>

<sup>122</sup> Adapted from: APT (2008). *Making Effective Recommendations-Detention Monitoring Briefings 1* (accessed 28 Oct 2019). Refer to: [https://www.apr.ch/content/files\\_res/Briefing1\\_en.pdf](https://www.apr.ch/content/files_res/Briefing1_en.pdf)



		<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Are there alternative or complementary actions that could be recommended?</li> <li><input checked="" type="checkbox"/> Does the implementation of the recommendation lead to meaningful changes?</li> <li><input checked="" type="checkbox"/> How realistic was the recommendation, based on other constraints, such as financial factors?</li> </ul>
Results-oriented	<ul style="list-style-type: none"> <li>● The actions suggested in the recommendation should be designed to lead to a specific result or state of affairs.</li> <li>● This desired situation may be implied and explicitly stated in the recommendation.</li> </ul>	<p>A recommendation should not include a description of the problem or calls for a change (these should be included in the main report).</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Does the recommendation contain information or analysis that should be in the main body of the report?</li> <li><input checked="" type="checkbox"/> Does the recommendation affect change and how?</li> <li><input checked="" type="checkbox"/> Does the recommendation identify the desired change for the future and/or specific actions to that end?</li> </ul>
Time-bound	<ul style="list-style-type: none"> <li>● Recommendations should be time-bound: <ul style="list-style-type: none"> <li>– time-based</li> <li>– time-limited</li> <li>– time/cost limited</li> <li>– timely</li> <li>– time sensitive.</li> </ul> </li> <li>● Timeframes for implementation of recommendations should be realistic and clear.</li> <li>● Such timeframe assists agencies to prioritise their response, leads to meaningful change and enhances accountability.</li> </ul>	<p>Timings for implementation should be specific in terms of durations. Where generic expressions are used (short-, medium- and long-term) there should be mutual clarity about what each implies in terms of numerical durations.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Does the recommendation identify by when implementation should be initiated and/or completed?</li> <li><input checked="" type="checkbox"/> Is the timeframe sufficiently short to create pressure for change but sufficiently long to allow for a realistically meaningful implementation timeframe?</li> </ul>
Solution-suggestive	<ul style="list-style-type: none"> <li>● Generic recommendations that call for 'change' or 'improvements' are insufficient.</li> <li>● Credible recommendations must include credible solutions.</li> </ul>	<p>Recommended actions should be concrete and concise but include enough expert information to avoid mis-implementation.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Has the report analysis identified specific actions that should help overcome the problem identified?</li> <li><input checked="" type="checkbox"/> Are these actions included in the recommendation?</li> <li><input checked="" type="checkbox"/> Is there a need to include technical elements or change the wording in the recommendation to avoid misinterpretation or erroneous implementation?</li> </ul>
Mindful of prioritisation, sequencing, and risks	<ul style="list-style-type: none"> <li>● Crucial in the implementation of any recommendation is the focus on: <ul style="list-style-type: none"> <li>– the most important and urgent recommendations first</li> </ul> </li> </ul>	<p>Consider any risks that may arise from a certain way of implementing a recommendation. Prioritise recommendations according to their importance and assign their sequencing based on their inter-dependencies. Consider unforeseen negative consequences from the implementation</p>

	<ul style="list-style-type: none"> <li>– the logical sequencing of dependent recommendations, and</li> <li>– a risk-based approach to implementation, particularly in terms of unintended consequences by specific implementation actions.</li> </ul>	<p>actions that may affect the recommendation monitoring and implementation.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Are some recommendations in the report so important that they should come earlier in the list?</li> <li><input checked="" type="checkbox"/> Is it preferable to omit certain recommendations in order to get the authorities to focus on fewer, more urgent ones?</li> <li><input checked="" type="checkbox"/> Is the implementation of certain recommendations dependent on the implementation of others first?</li> <li><input checked="" type="checkbox"/> Could the implementation of any specific actions have a negative unintended impact on the final recommendation outcome?</li> </ul>
Argued	<ul style="list-style-type: none"> <li>● Recommendations should be based on high quality objective evidence and analysis gathered during the monitoring cycle and systematically detailed in the body of the report.</li> </ul>	<p>In formulating and implementing recommendations, these should be able to be justified based on credible evidence, professional standards, and best available practices.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Is the problem to be addressed by the recommendation clearly identified in the main body of the report?</li> <li><input checked="" type="checkbox"/> Is that analysis based on objective, verified and quality evidence?</li> <li><input checked="" type="checkbox"/> Does the analysis identify the relevant legal, professional, and best practice justifications for the recommendation?</li> <li><input checked="" type="checkbox"/> Does the analysis lead logically and persuasively to the related recommendation?</li> </ul>
Root-cause responsive	<ul style="list-style-type: none"> <li>● Recommendations (and their subsequent monitoring) should be directed at addressing the root-causes of problems (rather than the symptoms of problems) or the systems/processes needed to mitigate risk factors.</li> </ul>	<p>Where it is not possible to identify the root-causes or risk mitigation factors, consider ongoing and critical re-analysis of incremental recommendation actions that may facilitate the improvement of a problem.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Does the report outline the symptoms of the problem (i.e., the evidence)?</li> <li><input checked="" type="checkbox"/> Does the report analysis identify the causes?</li> <li><input checked="" type="checkbox"/> Do the actions that are proposed in the recommendation address directly the causes rather than the symptoms?</li> <li><input checked="" type="checkbox"/> If the root causes remain unidentified, could an incremental approach be applied?</li> </ul>
Targeted	<ul style="list-style-type: none"> <li>● Recommendations should correctly identify the relevant agencies that can legally and practically implement the recommendation.</li> <li>● This assists the process of assigning actions and responsibilities, increasing accountability and facilitating progress follow-up.</li> </ul>	<p>Consider identifying the most appropriate organisations that can lead, facilitate, and give effect to the recommendation. Consider the advantages of grouping recommendations according to certain themes (e.g., target sectors).</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Which organisations should be most able to implement the recommendation in practice?</li> <li><input checked="" type="checkbox"/> Is there an organisation that that may well need to authorise, action or facilitate implementation?</li> <li><input checked="" type="checkbox"/> Which of the actioning organisations need to be explicitly linked with the recommendation from a strategic point of view?</li> </ul>

## Acknowledgements

CDRB acknowledges the use of this framework which was adapted for use as a guidance tool from the publication:

WA Government, Department of Health (2016). Closing the Loop Program: SAC 1 Implementation and Evaluation of Recommendations Strategies and Action Plan (Version 1)

Source:

<https://ww2.health.wa.gov.au/~media/Files/Corporate/general%20documents/Quality/PDF/Closing-the-Loop-plan.pdf>

## APPENDIX C – RESOURCE MATERIALS FOR CDRB MEMBERS (GUIDANCE ONLY)

The CDRB induction process may include the following elements:

- A summary briefing by the Chairperson on the:
  - principles, functions, powers, and responsibilities of the CDRB
  - relevant QFCC operations and activities that support the functions of the CDRB
- An opportunity to meet other CDRB members and support parties, such as the CDRB Secretariat
- Photographs and biographies of other CDRB members
- Access to relevant information, such as relevant legislation, Government documents and CDRB documents. These are detailed below with links in the footnotes.

### Legislation

- *Family and Child Commission Act 2014* (Qld) (Refer: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2014-027>)
- *Child Protection Act 1999* (Qld) (Refer: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010>)
- *Information Privacy Act 2009* (Qld) (Refer: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014>)
- *Public Sector Ethics Act 1994* (Qld) (Refer: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1994-067>)
- *Public Sector Ethics Regulation 2010* (Qld) (Refer: <https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2010-0369>)
- Financial and Performance Management Standard 2009 (Qld)<sup>123</sup>

### Government documents

- Welcome Aboard: A guide for members of Queensland Government Boards, Committees and Statutory Authorities<sup>124</sup>
- Identifying, Disclosing and Managing Personal Interests: A Guide for Multi-Member Decision-Making Bodies<sup>125</sup>

---

<sup>123</sup> This Standard establishes the financial management and accountability obligations for all statutory bodies, such as the Queensland Family and Child Commission; refer: <https://www.legislation.qld.gov.au/view/pdf/2011-08-18/sl-2009-0104>

<sup>124</sup> This Department of the Premier and Cabinet Qld guide describes the role of government boards and those who serve the community as members, including board member obligations and responsibilities; refer: <http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/welcome-aboard/assets/welcome-aboard-handbook.pdf>

<sup>125</sup> This Queensland Integrity Commissioner guidance provides a framework to multi-member decision-making boards and bodies about managing personal interests of members of Queensland boards or bodies; refer: <https://www.integrity.qld.gov.au/assets/document/catalogue/resources/a1-gic-framework-guide-mmdmb.pdf>

## Child protection information

- Information kit on child protection for professionals (Refer: <https://www.qfcc.qld.gov.au/supporting-our-sector/information-kits-practice-resources/information-kit-child-protection>)
- Protecting children online module (Refer: <https://www.qfcc.qld.gov.au/sector/information-kits-practice-resources/protecting-children-online-module>)
- Protecting children (Refer: <https://www.csyw.qld.gov.au/child-family/protecting-children>)
- Child and family reform (Refer: <https://www.csyw.qld.gov.au/child-family/child-family-reform>)
- History of child protection legislation reforms (Refer: <https://www.csyw.qld.gov.au/child-family/child-family-reform/history-child-protection-legislation-reforms>)

## Child protection performance

- Child protection reform evaluation (Refer: <https://www.qfcc.qld.gov.au/keeping-kids-more-safe/monitoring-reviewing-systems-protect-children/evaluating-child-protection>)
- Performance of the Queensland child protection system (Refer: <https://www.qfcc.qld.gov.au/about-us/annual-report/annual-report-2018-19>)
- Our performance (Child Safety data) (Refer: <https://www.csyw.qld.gov.au/child-family/our-performance>)
- Report on Government Services 2020 (Refer: <https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/community-services/child-protection>)

## Systemic review reports following the death of a child

- Various (Refer: <https://www.qfcc.qld.gov.au/kids/monitoring-reviewing-systems>)

## Responsibility

Disclosing member

**I think I have a personal interest about a matter before the board:**

- Do you have a personal association or relationship which is connected to a matter before the board?
- Do you (or a friend or relation) stand to materially benefit (or suffer loss) from a decision of the board?
- Do you owe duties to another organisation which may conflict with your duties to the board and the State?
- **Could any of the above lead a reasonable person to a perception that you would be unable to make an unbiased and impartial decision?**

**I'm not sure if I should declare an interest:**

- Refer to the *Guideline for board members*
- Request advice from the Integrity Commissioner
- Seek independent legal advice

**My personal interests do not relate to a matter before the board at this time:**

- Continue to monitor the interest
- Disclose if a relevant matter comes before the board

- Disclose to the board at the next meeting
- Discuss with the Chair/Secretariat
- Submit a disclosure form

Full board

Is there enough information to decide if the interest causes a conflict?

No

Question member on the nature and extent of the interest

**What information is necessary to determine a conflict?**

- Is the personal association or relationship **significant**? How proximate, intense, lengthy, and meaningful is the relationship?
- Is the material benefit or loss large enough to influence behaviour?
- Is the member likely to benefit alone or only as part of a class?
- Are the duties owed by the member to another entity in conflict with their duties to the board? For **government members**, are their duties to the State the same in both roles?

Yes

Ask member to leave the room/conversation while the non-conflicted members discuss whether the information gives rise to a conflict

Non-conflicted members

Might the interest give rise to a **perception of bias**?

No

No conflict of interest exists

Secretariat documents decision

Yes

Might the interest conflict with the **proper performance** of the member's duties?

No

The member is excluded from entirety of board's business around the relevant matter

**Yes - a conflict of interest exists**

**Should the member be excluded?**

- Would the presence of the conflicted member diminish public trust?
- Would the loss of the member's expertise diminish the decision more than harming the integrity of the board?
- How does this compare to previous decisions of the board?
- **Would the exclusion or presence of the conflicted member lead to a decision which is contrary to the public interest?**

Should the member take part in a **decision** about the relevant matter?

No

Should the member take part in **discussing** the relevant matter?

Invite member to return and inform them of the board's decision

Yes

While a conflict exists, it is not serious enough to warrant excluding the member from the relevant matter

Yes

The member may take part in discussing the relevant matter, but must not be involved in decision-making