



# Child Death Review Board Code of Conduct

*Public Sector Ethics Act 1994*

Version 1.0

June 2024

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## Version control

Revision Date	Version No.	Author	Description of Change / Revision
September 2021	0.3	Secretariat	Draft for internal consultation
September 2021	0.4	Secretariat	Draft for Chair approval
April 2022	0.5	Secretariat	Draft for board consultation; addition of section 7 and ‘Criminal behaviour’
May 2022	0.6	Secretariat	Changes made in response to Board member feedback
June 2024	1.0	Secretariat	Endorsed by Board members

# Foreword from the Chairperson

The Child Death Review Board was established in 2020 in response to a recommendation made by the Queensland Family and Child Commission in its report *A systems review of individual agency findings following the death of a child*. This recommendation called for a new, independent mechanism to review the deaths of children known to the child protection system in Queensland.

The Child Death Review Board is an independent, multidisciplinary body which is tasked with examining the child protection system following the deaths of the most vulnerable members of our community. It stands at the apex of Queensland's 'two-tier' child death review model and considers material from all agencies which had involvement with a deceased child to identify improvements to systems, legislation, policy and practice. The work of the Child Death Review Board is sensitive, confronting, and carries with it a sombre responsibility to Queensland children and their families.

Just as the Child Death Review Board must lead by example in building and maintaining collaborative relationships with its sector partners and stakeholders, so must members model good behaviour in the conduct of board business. Members of the Child Death Review Board are expected to maintain the highest standards of propriety and integrity.

This Code of Conduct sets out these expectations in a clear and concise way, for the benefit of members and the wider community.



**Luke Twyford**

**Chairperson**

**Child Death Review Board**

## Definitions

**'Board'** and **'CDRB'** mean the Child Death Review Board established under pt 3A of the FCC Act

**'Chair'** and **'Chairperson'** mean the Chairperson of the CDRB appointed under s 29W of the FCC Act

**'Code'** means this document, the *Child Death Review Board Code of Conduct*

**'Ethics Act'** means the [Public Sector Ethics Act 1994](#)

**'Ethics principles and values'** means the principles declared in s 4 of the Ethics Act and the associated values described in s 6

**'FCC Act'** means the [Family and Child Commission Act 2014](#) as amended by the [Child Death Review Legislation Amendment Act 2020](#)

**'Government Member'** means a member of the CDRB appointed under s 29X of the FCC Act, who is currently employed by the Queensland Government

**'Member'** means a member of the CDRB appointed under s 29X of the FCC Act

**'Minister'** means the Minister who from time to time has responsibility for the administration of the FCC Act

**'Non-government Member'** means a member of the CDRB appointed under s 29X of the FCC Act, who is not currently employed by the Queensland Government or is employed by the Queensland Government but is a member of the CDRB as an individual representative based on their qualifications and individual experience

**'Non-government organisation'** means an entity which functions independently of the Queensland Government, including private entities and not-for-profit community based organisations.

**'PSC'** means the Public Service Commission established under the *Public Service Act 2008*

**'Public service code'** means the [Code of Conduct for the Queensland Public Service](#)

**'QFCC'** means the Queensland Family and Child Commission established under the FCC Act

**'Secretariat officer'** means an individual employed by the QFCC in a role in the CDRB secretariat, regardless of the conditions of their appointment or wider responsibilities within the QFCC

# The Code of Conduct

## 1. Background

### 1.1. WHY DO WE NEED A CODE?

The CDRB is an independent oversight body, free from government direction or interference, which receives funding as part of the broader QFCC budget.

The CDRB consists of a Chairperson and not more than 11 other members. The CDRB members are appointed by the relevant Minister and include government and non-government members. The CDRB membership must include at least one Aboriginal and Torres Strait Islander person and cannot include a majority of government members.

Non-government board members are directly paid remuneration for attending meetings from this budget, and a secretariat employed by the QFCC provides administrative support at the direction of the Chair. For these reasons, the board has an obligation to foster, maintain, and demand high standards of ethical conduct from its members.

This code outlines the conduct and integrity expectations placed on members of the board. It should not be considered an absolute and complete guide to ethical behaviour as a board member; rather, it is a touchstone document, to give context and connection between existing expectations contained in other legislation and policies. It is designed to assist members to make sound, everyday decisions that incorporate the key dimensions of the public interest as it relates to the work of the board.

The expectations in this code are imposed by parliament and by the community. Board members receive the trust of the government to act with propriety and fulfill their obligations effectively, and the community expects independent boards to hold the government and the public service to account. This code is intended to assist members to meet these expectations.

As required by the Ethics Act,<sup>1</sup> this code:

- Relates to the board in particular as a public sector entity
- Applies to all officials of the board including the Chair and to third parties who are contracted or commissioned by the board (including members of committees or advisory groups, whether paid or volunteer)
- Contains the conduct obligations with which members are expected to comply
- Explains and provides guidance on the application of the ethics principles and standards of conduct.

### 1.2. THE LEGISLATIVE ENVIRONMENT

The board commenced operation on 1 July 2020. Its enabling legislation is the *Child Death Review Legislation Amendment Act 2020*, incorporated as part 3A of the FCC Act. Section 29C of the FCC Act establishes the board.

The board is constituted as a distinct and independent public service entity, with the Chair as its CEO who reports directly to the Minister in that capacity.<sup>2</sup> Section 15 of the Ethics Act states that '*the chief executive officer of a public sector entity must ensure that a code of conduct is prepared for the entity.*' Further, the board may do all things necessary or convenient to fulfill its functions.<sup>3</sup> The preparation and enforcement of this code is therefore within the board's powers.

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<sup>1</sup> *Public Sector Ethics Act 1994* s 13.

<sup>2</sup> *Public Sector Ethics Act 1994* sch 1, definition of '*chief executive officer*'; *Family and Child Commission Act 2014* s 29W(1) and (2).

<sup>3</sup> *Family and Child Commission Act 2014* s 29E(1).

The Ethics Act requires that individuals who are to be bound by a proposed code of conduct must be consulted on its content. This code was prepared by the Chair in consultation with the board, and approved by the Minister, as required by ss 15-17 of the Ethics Act.

The PSC publishes a Code of Conduct that applies to all employees and Senior Executives within the Queensland Public Sector (the [Code of Conduct for the Queensland Public Service](#)). This document outlines principles of good practice and standards of expected behaviour that apply to all public service employees. The principles and standards included in the public service code have informed the drafting of the board's code.

### 1.3. THE BOARD

The board consists of a Chairperson (who must be a commissioner of the QFCC), and both government and non-government members with qualifications and experience in child protection, child-related litigation, health, paediatrics and other relevant areas.<sup>4</sup> Government members are senior public servants from public service entities which form a part of the child protection system, including child safety, youth justice, police, health and education. The appointment of government members is made on the basis of a position, not an individual.

The Chair, Deputy Chair and Members are appointed by the Minister in consultation with Cabinet; however, once appointed they may not be directed by government.<sup>5</sup> The board is free to conduct its proceedings as it considers appropriate<sup>6</sup> and in the public interest.

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*In performing its functions, the board must act independently and in the public interest.*

#### **Section 29F, Family and Child Commission Act 2014**

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## 2. Application

### 2.1. TO WHOM DOES THIS CODE APPLY?

#### **Board members**

This code applies to all members of the board appointed under s 29X of the FCC Act.

Members of the CDRB are required to adhere to this code in all activities related to their work as members.<sup>7</sup> This includes:

- During board meetings
- When representing themselves as CDRB members outside of meetings
- In all communications between members, the Chair, the secretariat and stakeholders invited or commissioned to perform work for the CDRB.

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<sup>4</sup> Family and Child Commission Act 2014 s 29X(3)(a), (b).

<sup>5</sup> Family and Child Commission Act 2014 s 29F(2), with the exception of requests made under s 29I.

<sup>6</sup> Family and Child Commission Act 2014 s 29ZH(1).

<sup>7</sup> Public Sector Ethics Act 1994 s 18.

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*A non-government member who works for a non-government organisation (NGO) in the child protection sector may present themselves as a member of the CDRB in interactions with stakeholders in the course of their NGO work. When doing so, the member must consider that this code applies; the member must maintain the dignity, respect, and confidentiality expected of them when handling information which they are privy to because of being a member.*

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## The Chairperson

This code applies to the Chairperson of the board (the Chair) appointed under s 29W of the Act.

The code applies to the Chair in their capacity as Chairperson and member of the board. It does **not** apply to the Chair in their capacity as Commissioner or Chief Executive of the QFCC.

## Committees and advisory groups

The board may appoint advisory committees, sub-committees and groups which may prepare reports and/or advice to support the board's work.<sup>8</sup> Any person appointed to a committee (or another group) by the board is bound by this code and will be held to the same expectations as if they were a member of the board. Breaches of this code by committee members may be handled at the complete discretion of the Chair.

## Contractors and consultants

The board employs 'appropriately qualified persons' to perform work for the board.<sup>9</sup> Third parties who are engaged to perform work for the board are bound by this code and will be held to the same expectations as if they were a member of the board. This includes:

- Researchers, academics and other similar parties
- Legal advisors
- Report development and writing.

These duties must be communicated to third parties in the agreements confirming their engagement. A copy of this code must also be provided to third parties before they commence work.

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*The board may engage an academic to prepare a research report into a topic area relevant to systems issues or child death prevention mechanisms before the board. The academic is granted access to a range of sensitive information and data, and contact information for relevant officers in other agencies. The contracted academic must abide by the requirements of this code when handling such information and interacting with stakeholders and the public.*

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## The Public service code

The Public service code informed the content of this document.

The Chair and other government members have primary roles in the QFCC and other public service entities and they are subject to the Public service code when performing their primary roles.

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<sup>8</sup> Family and Child Commission Act 2014 s 29E(2).

<sup>9</sup> Family and Child Commission Act 2014 s 29E(2).

However, the CDRB code takes precedent over the Public service code in all matters where the Chair and CDRB members act in their capacity as members of the CDRB. Non-government members are not bound by the Public service code and should always abide by the CDRB code.

In the unlikely event of an actual or perceived conflict between the Public service code and the CDRB code, the Public service code should be given precedent. It is recommended that advice should be sought from the Queensland Public Service Commission, the Attorney-General and/or Crown Law if a concern about a possible conflict between the codes arises.

### The secretariat

Secretariat officers, including Senior Executives, are employed by the QFCC which is a 'public service agency' for the purposes of the Ethics Act and they are bound by the Public service code. The Secretariat officers are not part of the CDRB membership and are therefore not bound by the CDRB code.

## 2.2. APPLICATION OF OTHER GUIDELINES

This code is not intended to interfere with other guidelines established for the operation of the board (for example the *Procedural Guidelines*). Those documents should be read together with this code, which will assist members to interpret their responsibilities and the expectations placed on them.

This code should be read together with any relevant Queensland government directives, policies, circulars, and guidelines applying to the functions and administration of the CDRB. If there is a conflict between this code and a whole of government directive or policy, members should defer to such directive or policy.

Government may from time to time publish documents dealing with the appointment of members to, and the function of, government boards (for example, [Welcome Aboard: A Guide for Members of Queensland Government Boards, Committees and Statutory Authorities](#)). This code should be read, as far as is possible, in conjunction with such guides; however if they come into conflict this code takes precedence.

## 3. Human rights

The *Human Rights Act 2019* applies to the work of the board and the decisions made by individual board members.<sup>10</sup> Under this act, the Chair, the board and members must consider human rights in their decision-making, and avoid decisions that are incompatible with human rights, unless it is necessary to impose a limit on a human right that is demonstrably justified to achieve a lawful purpose.

*(1) It is unlawful for a public entity*

*(a) to act or make a decision in a way that is not compatible with human rights; or*

*(b) in making a decision, to fail to give proper consideration to a human right relevant to the decision.*

### Section 58, Human Rights Act 2019

The board should have regard for human rights and the rights of the children in particular in the course of its work. Members should strive to uphold and promote the rights of all persons in all facets of their work for the board.

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<sup>10</sup> See *Human Rights Act 2019* s 9 and *Public Service Act 2008* s 24, defining what is a 'public entity' and 'public service office'.

## Training

The Chair will arrange access to education and training relating to public sector ethics for board members as requested or required.<sup>11</sup> This includes education and training relating to:

- the operation of the Ethics Act, including the application of the ethics principles and member's obligations
- the contents of this code, and
- the rights and obligations of the officials in relation to breaches of this code.

## 4. Breaches of the code

The Ethics Act requires that members comply with the standards of conduct stated in this code.<sup>12</sup> Members are expected to comply at all times. If the board becomes aware of a breach of the code, it may refer the matter to the Chair, or address it in any other way it sees fit.

The Chair has a responsibility to make fair, transparent and consistent decisions regarding any allegations of behaviour that is inconsistent with the obligations set out in this code. The Chair and the board will support members who report genuine concerns of wrongdoing and manage any reports of suspected wrongdoing in a fair, transparent and consistent manner.

The FCC Act states that the Chair *'is responsible for leading the board, and directing its activities, to ensure it appropriately performs its functions.'*<sup>13</sup> The Chair may address any breach of this code referred to the Chair or at the Chair's own motion, having regard to the seriousness and impact of the breach, up to and including by making a recommendation to the Minister that the member should be dismissed under s 29ZB(2)(b) of the Act.

### Allegations of corrupt conduct against the Chair

Allegations against the Chair of corrupt conduct are particularly severe and extend beyond the scope of this code. They must be handled under the CDRB's policy *Handling Complaints Involving the Chairperson* as approved by the Crime and Corruption Commission and the Minister.

## 5. Ethics principles and values

The board and its members will at all times conduct business in alignment with the ethics principles and their associated values in part 3 of the Ethics Act. The ethics principles underpin, inform, and guide this code:

1. Integrity and impartiality
2. Promoting the public good
3. Commitment to the system of government
4. Accountability and transparency

### 5.1. INTEGRITY AND IMPARTIALITY

The CDRB and its members are committed to the highest ethical standards in all aspects of their roles. This includes maintaining:

- objectivity

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<sup>11</sup> *Public Sector Ethics Act 1994* s 21.

<sup>12</sup> *Public Sector Ethics Act 1994* s 18.

<sup>13</sup> *Family and Child Commission Act 2014* s 29W(2).

- impartiality
- independence and an apolitical voice
- respect for all persons
- respect for the primacy of the public interest.

## Respect and dignity

The work of the board touches upon difficult, confronting, traumatic and emotional subjects. Members are exposed to material which may pose a risk to their mental health, and supports are made available to them to mitigate this risk. Additionally, members may inadvertently come into contact with family and friends of deceased children, and or employees working within the child and family support system, about whom members may be privy to confidential information.

For these reasons, members are at all times expected to act with respect and to uphold the dignity and rights of the Chair, other members, secretariat officers, contractors, guests, and members of the community. Members will give due consideration to the input of their colleagues, in recognition that a diversity of views leads to high quality decision-making which respects the dignity and rights of others.

Members will also have regard to the dignity of the children who are the subject of reviews, their families, and communities. It is acknowledged that Aboriginal and Torres Strait Islander children are overrepresented in the numbers of children known to the child protection system who die each year in Queensland. Members will ensure that the memory of all the children whose cases are considered, and their significance to their families and communities, are respected and honoured in members' behaviour and discussions.

## Gifts and benefits

Members are expected to disclose to the Chair any non-token gifts or benefits they receive from third-parties which may imply or be perceived to imply a relationship with their work. This may include (for example):

- Accommodation, alcohol, fine dining, or travel expenses
- Memberships to exclusive organisations
- Vouchers, promissory notes, or the forgiveness of loans.

Where possible and appropriate, members should politely decline gifts or benefits. The receipt of valuable gifts or benefits may give rise to a disclosable interest (see below), and places an obligation on the CDRB to publicly report the gift or benefit.<sup>14</sup>

**Accepting cash or items which are readily converted to cash or credit will breach whole of government policy and may be corrupt or criminal behaviour under Queensland law.**

## Conflicts of interest

A conflict of interest involves a conflict between a board member's personal interest and their duties to act independently and in the public interest. It can arise from avoiding personal losses as well as gaining personal advantage or doing the same for a relation or associate.<sup>15</sup> Government members also need to be mindful of the need to avoid a conflict of interest between their duties as public servants and their duties as CDRB members.

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<sup>14</sup> Public Service Commission, Directive No. 22/09 *Gifts and Benefits*.

<sup>15</sup> CDRB, *Conflicts of Interest: Guideline for board members* p 1.

The FCC Act requires that members disclose interests which may ‘*conflict with the proper performance of the member’s duties about the consideration of the matter*’.<sup>16</sup> This acknowledges that conflicts may arise unexpectedly, and the critical task is for the board to be able to assess and appropriately manage those conflicts.

*A member has had a direct involvement in an agency’s internal child death review report and will need to disclose this interest to the CDRB as soon as practicable. Once disclosed, the Chair and the non-conflicted members will consider the conflict of interest and decide whether the conflicted member can be present or take part in a decision of the CDRB in relation to the case. The declaration and the CDRB’s decision will be recorded in the minutes of the CDRB meeting and in the CDRB’s register of interest.*

Conflicts of interest may arise from many sources, and members are encouraged to consult the document *Conflicts of Interest: Guideline for board members*, or seek advice from the Chair or the independent [Queensland Integrity Commissioner](#)<sup>17</sup> if they have concerns about their personal interests.

### Criminal behaviour

Prospective members of the board may be subject to criminal history checks made prior to their appointment.<sup>18</sup> Members who, during their term of appointment, are convicted of an indictable offence must disclose this conviction to the Minister immediately. **Failure to do so is an offence attracting penalties of more than \$13,000.**<sup>19</sup>

Members are expected under this Code to disclose any new conviction for any offence to the Chair. **Failure to do so will be considered a breach of the Code.** This includes charges for indictable offence, and convictions for indictable offences (which must also be reported to the Minister).

Disclosures of offences to both the Chair and the Minister can be made verbally or in writing and must include the following information:

- (a) the existence of the conviction; and
- (b) when the offence was committed; and
- (c) details adequate to identify the offence; and
- (d) the sentence imposed on the person.<sup>20</sup>

Once a disclosure has been made, a decision about the member’s eligibility to continue as a member of the CDRB<sup>21</sup> will be taken by the Minister and communicated to the Chair and the member as soon as a decision has been reached.

## 5.2. PROMOTING THE PUBLIC GOOD

The board is entrusted with public funds to fulfil a vital oversight role of the child protection system in Queensland. Members have a responsibility to:

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<sup>16</sup> *Family and Child Commission Act 2014 s 29ZJ.*

<sup>17</sup> Section 15 of the *Integrity Act 2009* prescribes the form of a request for advice, and s 21 provides that the Integrity Commissioner must respond in writing.

<sup>18</sup> *Family and Child Commission Act 2014 s 29ZC.*

<sup>19</sup> *Family and Child Commission Act 2014 s 29ZD.*

<sup>20</sup> *Family and Child Commission Act 2014 s 29ZD(3).*

<sup>21</sup> *Family and Child Commission Act 2014 s 29X(4) and s 29ZB(1)(a)(iii).*

- Engage fairly and courteously with members of government, the public service, and the community
- Maximise the utility provided by the allocated CDRB budget through efficient meetings and meaningful reform recommendations
- Be responsive to government and community priorities without compromising the independence of the board
- Ensure attendance at board meetings and any meetings of board sub-committees
- Thoroughly prepare for meetings by allowing adequate time to read papers and flagging matters that require clarification
- Raise concerns where insufficient time has been allocated to allow proper consideration of all relevant issues
- Ask the board to seek additional information, including expert and independent legal and financial advice where necessary to make reasoned judgements.

### 5.3. COMMITMENT TO THE SYSTEM OF GOVERNMENT

Whilst the QFCC hosts the CDRB for administrative purposes, Part 3A of the FCCA establishes the CDRB with distinct functions and powers (separate to those of the QFCC).

The CDRB is not subject to direction by the responsible Minister or anyone else about how it performs its functions and is established to act independently and in the public interest at all times.

The board fulfills an important role in the structure and operation of the Queensland public service and members are expected to commit to this role. This includes:

- Protecting the independent role of the CDRB, while also respecting the mandate of the elected government to undertake a program of work with which the board may not agree
- Complying with the laws of the State, Commonwealth, and local government, and with relevant whole of government policies and guidelines
- Not exploiting their role as members of the CDRB or communicating information obtained by virtue of that role when communicating as private citizens with Members of Parliament
- Respecting that while secretariat officers are responsive to the needs and requirements of the board, they are also public service employees and are subject to the lawful directions of their superiors which may conflict with members' requests.

#### Transparency in business dealings

Members are required to ensure their business dealings with persons who were formerly Ministers, Parliamentary Secretaries or senior government representatives do not relate to matters those persons previously had official responsibility for, or to matters with which members are connected to by virtue of their role on the board.

#### Public comment

Members will have regard to the *Child Death Review Board Media Protocol*. The board will speak with one voice to government and to the community. This voice will be communicated by way of the Chair and through its reports (including the annual report).

Members will not hold themselves out to speak for the board or the Chair unless explicitly authorised to do so and will consult the Chair before attending events or interacting with the media in circumstances where their membership of the board is a significant factor.

## 5.4. ACCOUNTABILITY AND TRANSPARENCY

The board is charged with significant responsibility and is granted powers and independence to fulfill this. Members are expected to discharge these obligations with diligence, skill, and without fear or favour. Members will:

- Treat all persons fairly and have regard to natural justice when making decisions
- Exercise powers and influence with care, and for the purposes of the board's functions only
- Appropriately and conscientiously use public resources, and avoid waste or extravagance
- Comply with the lawful and reasonable instructions of the Chair and with the decisions of the majority on the board
- Have respect for and cooperate with the board's partners in the public service, and respect the unique challenges posed by the dual roles of government members.

### Confidentiality

Board members are required to maintain the confidentiality of all information received by virtue of their role, including:

- Information from and about agencies and others involved in or connected to reviews
- The identity and details of children and their families who are the subject of reviews
- The proceedings, deliberations, and decisions of the board, including information shared by other members in confidence during or outside meetings.

Members must not record, or intentionally or recklessly disclose information they acquire in the course of their work with the board to any other person (including employees of the QFCC or partner agencies) without proper authorisation.<sup>22</sup> Board members who are given access to confidential documents must not distribute these without the knowledge and permission of the Chair.

Members are required to sign a confidentiality agreement before taking their place on the board and must abide by the terms of this agreement for the course of their involvement with the board. This includes maintaining the confidentiality of information they received or obtained while they were members, even after they leave the board.

### Public interest disclosures

A public interest disclosure is a disclosure about wrongdoing in the public sector that serves the public interest. Members are considered public officials for the purposes of the [Public Interest Disclosure Act 2010](#) and are expected to make a disclosure if they have raised an allegation in the public interest with the board and it has not been addressed satisfactorily.

To be considered a public interest disclosure under the legislation, it must be:

- public interest information about serious wrongdoing or danger
- an appropriate disclosure
- made to a proper authority.

For the purposes of the board, a proper authority includes the Chair, the Minister, or an external agency with responsibility to investigate such as the Crime and Corruption Commission, the Queensland Police Service, or the Integrity Commissioner.

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<sup>22</sup> *Family and Child Commission Act 2014* s 36(1); see also subs (3) and (4) which provide lawful reasons for recording or disclosing confidential information.

Members may seek advice from the [Queensland Ombudsman](#) if they have questions or concerns about making a public interest disclosure.

## **6. Maintenance of the code**

This code is a living document. It may be updated as and when the board sees fit. It will also be updated as necessary, whenever legislation or policy requires or necessitates changes to the content of the code.

The Chair, through the secretariat, is responsible for the ongoing monitoring, review, and promulgation of this code.

Any non-trivial changes to the code must be approved by the board by resolution or out of session upon request of a member.

## References

### Legislation

*Child Death Review Legislation Amendment Act 2020*

*Family and Child Commission Act 2014*

*Human Rights Act 2019*

*Integrity Act 2009*

*Public Interest Disclosure Act 2010*

*Public Sector Ethics Act 1994*

*Public Service Act 2008*

### Policies and codes

*Child Death Review Board Media Protocol*

*Child Death Review Board Procedural Guidelines*

*Code of Conduct for the Queensland Public Service*

*Child Death Review Board: Conflicts of Interest  
Guideline for Board Members*

*Directive No. 22/09 Gifts and Benefits*

*Handling Complaints Involving the Chairperson (Crime  
and Corruption Commission Act 2001 s 48A)*

*Welcome Aboard: A Guide for Members of Queensland  
Government Boards, Committees and Statutory  
Authorities*

*Making a public interest disclosure: A guide for  
individuals working in the public sector*