



ACT Children & Young People Death Review Committee

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Information Guide

The ACT Child and Young People Death Review Committee

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Disclaimer: *In accordance with the principles outlined under section 3(c) of the [2020 Guidance on Caretaker Conventions](#), candidates should be shortlisted and decided by the incoming government.*

About the Committee

The ACT Children and Young People Death Review Committee (CYPDRC) is established under *the Children and Young people ACT 2008* (the Act). The Act can be located on the ACT legislation register www.act.legislation.act.gov.au

The CYPDRC has the following functions:

- (a) to keep a register of deaths of children and young people under part 19A.3;
- (b) to identify patterns and trends in relation to the deaths of children and young people;
- (c) to undertake research that aims to help prevent or reduce the likelihood of the death of children and young people;
- (d) to identify areas requiring further research, by the committee or another entity, that arise from the identified patterns and trends in relation to the deaths of children and young people;
- (e) to make recommendations about legislation, policies, practices and services for implementation by the Territory and non-government bodies to help prevent or reduce the likelihood of the death of children and young people;
- (f) to monitor the implementation of the committee's recommendations;
- (g) to report to the Minister under part 19A.4;
- (h) any other function given to the committee under this chapter.

(2) The CYP death review committee has no function in relation to reviewing the cause of death of a particular child or young person.

Please note: The CYPDRC has no function in relation to reviewing the cause of death of a particular child or young person.

Register of Deaths of Children and Young People

The CYPDRC is required to keep a register of deaths of children and young people that occur in the ACT and those that occur outside the ACT of children and young people who normally live in the ACT.

The Register must include information that is available to the CYPDRC. This include the cause of the death of the child or young person; the age and sex of the child or young person; whether the child or young person is an Aboriginal or Torres Strait Islander person; whether, within 3 years before his or her death, the child or young person, or a sibling of the child or young person, were the subject to a child protection report.

In addition the register can contain other demographic data available, information about the circumstances of death and any other information the committee considers relevant.

Reporting

The CYPDRC has published eight annual reports about the deaths of children and young people who have died in the ACT.

A retrospective report on the deaths of children and young people that occurred between 1 January 2004 and 17 September 2011 (s727) has also been published.

For each calendar year, the CYPDRC must report to the Minister about the following in relation to the deaths of children and young people included on the children and young people deaths register during the year:

- the number of deaths of children and young people;
- the age and sex of each child or young person who died
- whether, within 3 years before his or her death, the child or young person, or a sibling of the child or young person, was the subject of a child protection report;
- the patterns or trends (if any) identified in relation to the deaths of children and young people generally.

In 2018 The Committee completed a group review of eleven children aged 0 to 3 years who died in the ACT prior to 2014 and who were subject to a closed coronial inquiry. The Committee is currently undertaking a review into ACT children and young people who died by intentional self-harm between 2017 and 2019.

Committee membership

The CYPDRC is made up of:

- the director-general (responsible for the administration of the Act)
- the children and young people commissioner; and
- the members appointed by the Minister
- the chair appointed by the Minister.

The Minister responsible for the Act must appoint someone as the Chair of the Committee. The current Chair is Ms Margaret Carmody PSM.

The Minister must also appoint at least eight and no more than ten members to the CYPDRC. Appointments can be for no longer than three years.

The Chair and committee members must meet certain requirements in order to be considered for appointment.

The Chair must:

- Not also be a member of the committee
- Have expertise and experience to be the Chair of the CYPDRC
- Be otherwise suitable to be the Chair.

The members must be individuals who have experience or expertise in at least one of the following:

- psychology;
- paediatrics;
- epidemiology;

- public health administration;
- engineering and child safety products or systems;
- working with Aboriginal and Torres Strait Islander children and young people;
- social work;
- investigations;
- mental health;
- child protection; or
- has other qualifications, experience or expertise, or membership of an organisation, relevant to exercising the functions of a committee member.

A member of the CYPDRC must take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the CYPDRC functions.

The appointment of individuals, including the reappointment of any current Committee members, to the CYPDRC is subject to the Minister being satisfied that the person is suitable to be a member of the CYPDRC. The Minister must consider suitability information in section 65 (1) of the *Children and Young People Act 2008*.

In accordance with government policy, successful appointees will be asked to complete:

- Statutory Declaration concerning suitability;
- A criminal National Police Record check by CrimTrac;
- Code of Conduct Statement;
- Conflict of interest statement.

Committee meetings

Regularity: The Act stipulate that the CYPDRC must meet at least once each year (727J). However, the meeting schedule will be determined by the CYPDRC when considering workload. Currently the CYPDRC meets four times a year.

Presiding Member: The chair presides at all meetings at which the chair is present. If the chair is absent, the deputy chair presides.

Quorum: Business may be carried on at a meeting of the CYPDRC only if at least 1/2 of the members (other than the presiding member) are present. In addition to this a member must not be represented at a meeting by anyone else.

Voting: At a meeting of the CYP death review committee, each member, other than the presiding member, has a vote on each question to be decided. A question is decided by a majority of the votes of the members present and voting. If the votes are equal, the presiding member has a deciding vote.

Administrative /secretariat support: Administrative support is provided by the Directorate responsible for the Act.

Remuneration

The conditions of appointment of the Chair and members are the conditions stated

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in the appointment, subject to any determination under the *Remuneration Tribunal Act 1995*. Determinations by the tribunal are found at <https://www.remunerationtribunal.act.gov.au/determinations>

Appointment Process

Appointment as Chair or member of the CYPDRC is a statutory appointment. For all statutory appointments the Minister is required to consult with relevant Standing Committee or the ACT Legislative Assembly; and an appointment is notified on the ACT Legislation Register.

Ending Appointments

The Minister may end the appointment of a member of the CYPDRC or the chair—

- for misbehaviour; or
- if the member is convicted, or found guilty, in Australia of an indictable offence; or
- if the member is convicted, or found guilty, outside Australia of an offence that, if it had been committed in the ACT, would be an indictable offence; or
- if the member is absent from 3 consecutive meetings of the committee, otherwise than on approved leave; or
- for physical or mental incapacity, if the incapacity substantially affects the exercise of the member's functions.

An individual's appointment may also end if the individual resigns in writing to the Minister.

Confidentiality Information

The management of the information by the CYPDRC is required to comply with relevant legislation including but not limited to the:

- *Children and Young People ACT 2008*
- *Information Privacy Act 2014*
- *Health Records (Privacy and Access) Act 1997*; and
- *Freedom of Information Act 1989*

The CYPDRC have powers under the Act to request relevant information from certain entities (s727O) such as the Registrar – General and Coroners Court or individuals (other than family members). Interstate agreements are in place and the CYPDRC continues to work with the Australia and New Zealand Death review and Prevention Group.

Records Management

The records of the CYPDRC are Territory records for the purposes of the *Territory Records Act 2002*.