

**OFFICIAL**



# Professional standards for members of the Adult Parole Board

# Adult Parole Board

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# 1 Purpose

The Professional Standards for Members of the Adult Parole Board (professional standards) articulates the standard of behaviour expected of members of the Adult Parole Board.

It provides guidance as to the general standards of performance and ethical conduct expected of all Board members. It cannot and does not deal with every conceivable situation a member may encounter, but the general thrust of it can be relied on by members to inform appropriate behaviour and responses.

There are two generic codes of conduct published and overseen by the Victorian Public Sector Commission. One applies to public sector employees, and the other applies to directors and statutory officers of public sector entities (members of the Board are statutory officers and are bound by the code regulating statutory officers). They are summarised in the “other available guidance” section of this document. They both outline principles of good practice that members should familiarise themselves with. They have both informed the drafting of these professional standards.

In order to maintain public confidence in the Board, it is essential that members exhibit, and are seen to exhibit, the highest ethical standards and professional conduct. If a member (or former member) is unsure of the appropriate action to take in a particular situation, they should raise the matter with the Chairperson or the Chief Administrative Officer.

## 1.1 To whom do these professional standards apply?

The Board’s professional standards apply to all members of the Board including the Chairperson, Deputy Chairpersons, divisional chairpersons, full-time members and community members. Members are statutory officers – a person who holds a position to which duties and functions are specifically assigned in legislation – and appointed by Governor in Council.

Not every aspect of the professional standards is limited to a member’s tenure. For example, confidential and sensitive information obtained during the course of Board duties must continue to be respected when the member’s tenure is complete.

## 1.2 Other available guidance

### 1.2.1 Code of Conduct for directors and statutory officers of Victorian public entities

Members are bound by the Code of Conduct for directors of Victorian public entities which sets the standard of behaviour expected of directors of public entities and statutory office holders.

The code is available at <https://vpsc.vic.gov.au/html-resources/code-of-conduct-for-directors-of-public-entities>.

Members must abide by the code and should therefore familiarise themselves with it. Because the code covers directors and statutory officers across a broad spectrum of public service entities, the guidance given is necessarily high level. That is why the Board has written the professional standards that specifically apply to situations members may experience as a member of the Board.

Breaching the code “may be considered misconduct and in the most serious cases may lead to suspension or removal from office. Additionally, a director who improperly uses their position to gain an advantage for themselves or someone else or to cause detriment to the public entity will be liable for their actions under both civil and criminal law”.<sup>1</sup>

### 1.2.2 Code of Conduct for Victorian public sector employees

Public sector employees are bound by the Code of Conduct for Victorian public sector employees. This includes the Board’s Secretariat, who are all Department of Justice and Community Safety employees.

The code can be accessed at <https://vpsc.vic.gov.au/resources/code-of-conduct-for-employees>.

<sup>1</sup> <https://vpsc.vic.gov.au/html-resources/code-of-conduct-for-directors-of-public-entities/introduction>

Members are not public sector employees; members are not bound by the code for public sector employees. However, the principles outlined in the code are good practice and members are encouraged to familiarise themselves with it.

### **1.3 Breaching the professional standards**

Members who breach the professional standards may be liable for their actions under civil and criminal law. For example, it is an offence under section 104ZZA of the *Corrections Act 1986* for members to use or disclose personal or confidential information without authorisation.

All breaches must be brought to the immediate attention of the Chairperson or Chief Administrative Officer who will consider the most appropriate way to manage it.

## **2 Values**

### **2.1 Adult Parole Board values**

The Board's values are:

- community safety
- consistency
- impartiality
- integrity
- courage
- diversity
- respect
- clarity.

The Board's values reflect the Board's decision-making function. However, there is substantial overlap between the Board's values and the general public sector values.

Members should familiarise themselves with and adhere to the Board's values in addition to the general public sector values.

### **2.2 Public sector values for statutory office holders**

Section 7 of the *Public Administration Act 2004* requires public officials, including directors and statutory office holders, to demonstrate the public sector values:

- responsiveness
- integrity
- impartiality
- accountability
- respect
- leadership
- human rights.

As statutory office holders, Board members must demonstrate these values.

The following general statements provide guidance about these values.

#### **2.2.1 Responsiveness**

Public officials should demonstrate responsiveness by:

- providing frank, impartial and timely advice to the government
- providing high quality services to the Victorian community
- identifying and promoting best practice.

### **2.2.2 Integrity**

Public officials should demonstrate integrity by:

- being honest, open and transparent in their dealings
- using powers responsibly
- reporting improper conduct
- avoiding any real or apparent conflicts of interest
- striving to earn and sustain public trust of a high level.

### **2.2.3 Impartiality**

Public officials should demonstrate impartiality by:

- making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest
- acting fairly by objectively considering all relevant facts and fair criteria
- implementing government policies and programs equitably.

### **2.2.4 Accountability**

Public officials should demonstrate accountability by:

- working to clear objectives in a transparent manner
- accepting responsibility for their decisions and actions
- seeking to achieve best use of resources
- submitting themselves to appropriate scrutiny.

### **2.2.5 Respect**

Public officials should demonstrate respect for colleagues, other public officials and members of the Victorian community by:

- treating them fairly and objectively
- ensuring freedom from discrimination, harassment and bullying
- using their views to improve outcomes on an ongoing basis.

### **2.2.6 Leadership**

Public officials should demonstrate leadership by actively implementing, promoting and supporting these values.

### **2.2.7 Human rights**

Public officials should respect and promote the human rights set out in the Charter of Human Rights and Responsibilities by:

- making decisions and providing advice consistent with human rights; and
- actively implementing, promoting and supporting human rights.

While the Board is exempt from the Charter of Human Rights and Responsibilities, that does not mean that members should ignore the human rights of persons. On most occasions, Board decisions and its general approach will be consistent with human rights. What the exemption means is that, if warranted in a specific situation, the Board may make a decision that is outside the Charter.

## **3 Responsibilities**

Membership of the Board brings with it a responsibility to behave in a way that ensures the Board's integrity and standing is maintained at the highest standard, so the community can have absolute confidence in it and its decisions.

Some of the expectations of Board members are identified below. Following these, in the appendix, a set of case study examples are presented to assist members understand appropriate and acceptable behaviour in response to some potential scenarios.

### **3.1 Membership**

Members should behave with propriety, professionalism and discretion, especially in public places and when they are identifiable as a member of the Board.

Members should not use, or attempt to use, their position as a member of the Board to gain advantage or influence over persons or situations.

Except with the specific prior consent of the Chairperson or Chief Administrative Officer, members should avoid engaging in public discussion, making public statements, or talking with the media about the affairs of the Board.

Members should immediately notify the Chairperson or Chief Administrative Officer of anything that has the potential to adversely impact on their membership or the Board, even if the member is of the view that there is no substance to the issue.

Many Board members hold other appointments or occupy other senior positions and have a high public profile. This means that from time to time they may be the subject of media or other interest. Even though not related to the Board, it is possible that their Board membership may be referred to in context of such interest. Members should inform the Chairperson or Chief Administrative Officer of the potential for such interest.

Members should not give a written reference for anyone in their capacity as a member of the Board (or in a way that leaves open to interpretation that they are doing so in their capacity as a member of the Board) or on behalf of the Board. Any request for a reference from the Board or a member of the Board should be directed to the Chairperson or Chief Administrative Officer.

### **3.2 Keep informed**

It is the member's responsibility to actively keep themselves informed about Board-related news and issues including changes to practice and procedures.

The Chairperson will inform members of important information from time to time. It is the member's responsibility to read the Chairperson's emails and, if needed, contact the Chairperson or Chief Administrative Officer to seek clarification or further information.

Board members are encouraged to discuss practice issues and approaches with full-time members.

Members are expected to attend the member seminars. The seminars are video recorded so that those who are unable to attend can contact the Secretariat and ask to view the footage.

### **3.3 Maintain effective relationship with the Secretariat**

The Secretariat aims to provide the best possible service to the Board and its members.

Secretariat staff take their instructions from, and are accountable to, the Chief Administrative Officer and the management team. Although members can give directions to staff in the course of hearings, members should be aware that care needs to be taken to refrain from giving staff directions that put them in a difficult position because they are contrary to accepted practice, or because they conflict with directions given by the Chief Administrative Officer or a manager. If an issue occurs and a discussion with the Chief Administrative Officer does not resolve it, members should discuss the issue with the Chairperson.

### **3.4 Report conflicts of interest**

Conflicts of interest can be perceived, potential or actual conflicts. Depending on the nature of the conflict, the Chairperson may need to restrict a member's involvement in a matter. If the Chairperson determines that the conflict is real, the Chairperson will ensure that the member does not participate in the matter at all.

Identifying and reporting conflicts of interest is an ongoing process. Members should check their meeting list during pre-reading and inform the presiding divisional chairperson of their panel about

any conflict with scheduled matters. If a presiding divisional chairperson or other panel member has previously dealt or associated with a prisoner on their meeting list in any other capacity (for example, if the presiding divisional chairperson sentenced the prisoner), they must carefully consider whether that previous dealing or association may give rise to a real, potential or perceived conflict of interest. This may depend on the circumstances in which they dealt or associated with the prisoner previously and the purpose for which the matter is scheduled for consideration by the Board on which they are sitting. A cautious approach should be taken. The Board is comprised of sufficient members to enable matters to be re-scheduled to avoid any suggestion of a conflict of interest due to previous dealings or association between a prisoner and a member. If the presiding divisional chairperson is not sure about the approach to take, they should consult the Chairperson. When a conflict of interest is confirmed, the presiding divisional chairperson or Chairperson will need to inform the Chief Administrative Officer so the Secretariat can restrict the member from accessing information about the offender in PRISM.

Members must advise the Chairperson of all affiliations with persons or organisations which have the potential to cause a conflict of interest or adversely affect the reputation of the Board, and to accept and act upon directions given by the Chairperson about how to handle the conflict.

### **3.4.1 Declare private interests**

Members could have private interests or another public duty that may conflict or be perceived to conflict with their role on the Board. Members, as statutory officers, are required to declare their private interests. Declarations include any pecuniary interests, including interests in any properties held, shares held as a nominee or held beneficially in a statutory authority or subsidiary, any criminal proceedings or convictions and civil probity matters. Members must inform the Chairperson or Chief Administrative Officer if their circumstances change. Any potential conflicts of interest will then be considered and managed accordingly.

### **3.4.2 Report offers of gifts or rewards**

Members should reject favours of any kind where the offer is related to, or could reasonably be perceived as being related to, their membership on the Board. Members should immediately report to the Chairperson or Chief Administrative Officer any circumstances where an offer of a benefit or gift is made.

## **3.5 Understand and comply with information security obligations**

Information security is the protection of information and systems from unauthorised access, use, disclosure, disruption, modification or destruction in order to provide confidentiality, integrity and availability of information. The Board receives, generates, stores and disseminates highly confidential information daily.

There are protective measures across four security domains including:

- information security (protecting information across the information lifecycle)
- physical security (ensuring our workplace remains secure, and unauthorised persons cannot access secure locations)
- cyber security (protecting our IT systems from attacks, damage, or unauthorised access)
- personnel security (mitigating the risk of workers from using their legitimate access to information and assets, whether intentionally or unintentionally, for unauthorised purposes).

Members have information security obligations. Having a sound knowledge of these and complying with them protects the Board and Secretariat, as well as the member, and mitigates the risks of any potential negative consequences such as loss of reputation, litigation, and safety issues.

Members are obligated to:

- handle – including access, receive, store, generate and disseminate – all information appropriately and apply the right security controls where required
- ask the Chief Administrative Officer if they are unsure of how certain information should be handled to determine how to handle it appropriately



- notify the Chairperson or Chief Administrative Officer if they become aware of an information security incident so it can be managed appropriately and mitigate the risks of any potential negative consequences.

The Board needs to ensure compliance with the Victorian Protective Data Security Framework and its associated standards, the Victorian Protective Data Security Standards, under the *Privacy and Data Protection Act 2014*.

Members are required annually to acknowledge that they have information security obligations (the Secretariat manage this member acknowledgement process).

### **3.5.1 Pre-reading and sitting remotely**

When working remotely, members should always be aware of their surroundings to prevent others (family, friends, tradespeople etc.) from accessing confidential information on their computer. Members should always lock their screen (Windows + L keys or Ctrl + Alt + Delete and click lock) when leaving their desk.

### **3.5.2 Computer care**

Members have the same login credentials for their Windows and PRISM. The password must be unique and not shared with a personal account. Members should remember their password and not write it down to prevent their password from being compromised.

Members should run software updates as soon as they can (without disrupting their hearing) as software updates help to improve the computer's security.

If a member's laptop is lost or stolen, they must report it to Victoria Police so a police report can be generated, log into office.com on any internet-connected device and change their password (within settings) and call the Board's on-call number on 0429 914 403 to notify the on-call manager (between 10pm and 8am, leave a voice message and the on-call manager will call the member at 8am).

Phishing attempts can and do occur. Members who receive a suspicious email to their DJCS email account from an unverified source must not provide any information, open attachments, click any links or forward the email. Instead, members must click the "Report Spam" button in the top navigation bar in Outlook and the email will be automatically removed from their inbox and sent to the DJCS security team for investigation.

### **3.5.3 Protective markings**

Protective markings are labels assigned to information to enable us to understand the sensitivity or security classification of the information and how it needs to be handled. The Board only generates OFFICIAL and OFFICIAL: Sensitive information. OFFICIAL: Sensitive means that compromised information could cause harm or damage to Victorian government operations, organisations or individuals, and must be handled appropriately. When members receive an email that is marked OFFICIAL: Sensitive, they should not forward it to a non-DJCS email account.

### **3.5.4 Keep confidential information in PRISM**

PRISM has security controls to protect the information contained within it. Therefore, members should leave offender documents in PRISM where they are secure and not download and email them to other members.

When offender documents are accessed in PRISM, a copy of the document automatically saves to the computer's downloads folder. These can then be accessed outside of PRISM, even when not connected to Go Connect. Therefore, members must remember to regularly delete these automatically saved offender documents from their computer's downloads folder and recycle bin.

When writing notes to prepare for their hearings, members should use the notes field in PRISM rather than writing notes down on paper. Information in PRISM is stored securely while paper can be compromised.

### **3.5.5 Information security in the office**

Members should always remain alert when entering or exiting through staff-only doors or access points (including the garage) to prevent tailgating. This is particularly relevant when accessing 50 Franklin Street out of hours.

Members must not leave sensitive information unsecure and unattended (on desks or printers). Dispose of sensitive information in the security bins. Documents marked “PROTECTED” must be provided to a Secretariat manager who will shred them. Members must lock their screen (Windows + L keys or Ctrl + Alt + Delete and click lock) when leaving their desk.

### **3.5.6 Disclosure of personal or confidential information**

Through the course of their duties, members will acquire detailed knowledge about prisoners and the parole system. This information may be of interest to a range of people, who may seek access to it directly or indirectly, formally or informally.

Members must be particularly aware of their privileged access to personal or confidential information and the need to protect it from unauthorised disclosure.

Members must use the information they gain in the course of their Board duties only for its intended purpose.

Members should not discuss or review work or sensitive matters in public places where others can hear such as cafes, social settings, public transport etc.

Members must ensure the confidentiality of all sensitive information that comes to the attention of the Board. Official information of a confidential or privileged nature must not be disclosed to unauthorised persons or organisations except with the prior approval of the Chairperson or the Chief Administrative Officer.

Members should be aware of, and take all reasonable measures to ensure compliance with, the confidentiality provisions in the *Corrections Act 1986*. For example, in part 9E Disclosure of information in the *Corrections Act 1986*, section 104ZZA stipulates that “a person who is or has been a relevant person must not use or disclose personal or confidential information unless that use or disclosure is authorised under section 104ZY or 104ZZ.” A Board member is a relevant person. It is an offence to disclose personal or confidential information unless authorised.

### **3.5.7 Do not seek confidential information outside of Board duties**

There is no legitimate reason for members to access information about cases that they are not directly involved with as part of their Board duties.

The Board receives and holds confidential and sensitive information about prisoners, including criminal histories, mental health details, and written correspondence from their families, friends and legal representatives. Unless the member is directly involved with the case, they should not access confidential information.

### **3.5.8 Beware what you share on social media**

Members should not disclose or discuss work-related information on social media. Members should also check their privacy settings on social media and apps to protect their personal information.

### **3.5.9 Report information security incidents**

Members must report any potential or actual information security incidents so they can be managed appropriately to minimise the risks of any potential negative consequences. The Board is required to report information security incidents to the Office of the Victorian Information Commissioner via the Department of Justice and Community Safety’s Security Management and Assurance team.

## **3.6 Be fair and impartial**

Members must ensure that Board proceedings are conducted without any suggestion or manifestation, by words or conduct, of prejudice or bias based upon, for example, race, sex, religion, disability, age, sexual orientation or socio-economic status. Members must be particularly careful when communicating directly to prisoners or other persons.

If a member holds a view that might be regarded as prejudicial or biased, they must disclose that view to the presiding divisional chairperson at Board proceedings in which their impartiality might reasonably be questioned. Appropriate action can then be taken to prevent any decision of the Board being subject to that prejudice or bias.

### **3.7 Speak up – all members have an equal say**

Most Board sittings comprise a divisional chairperson, who is the presiding chair, a full-time member and a community member, and each member brings their unique experience, knowledge and skill set to the Board. Diversity is a crucial aspect of how the Board operates. Members should feel comfortable to speak up and have their say about each matter.

Members must also feel comfortable with the decision-making process, including that all relevant information is identified, considered, discussed and taken into account in arriving at decisions. There should be clarity about the basis the panel has arrived at each decision. Members who need more time to consider a matter should inform the presiding divisional chair.

### **3.8 Seen something? Say something**

Members who become aware of the questionable conduct of a fellow member are obligated to report it to the Chairperson or the Chief Administrative Officer. A situation can then be managed appropriately before it turns into a serious issue.

### **3.9 Don't know? Ask**

A member or former member who is unsure of the appropriate action to take in a particular situation should discuss the matter with the Chairperson or the Chief Administrative Officer.

## 4 Appendix – scenario examples

The scenarios below are presented as examples of situations that may arise for Board members. That such a scenario arises is not necessarily a problem. It is how the situation is handled that is important.

The purpose of setting out example scenarios is to highlight the breadth of conduct members may encounter. The examples are designed to assist members to anticipate and prepare themselves for such situations, and to provide guidance on acceptable responses.

All examples are fictional.

### 4.1 Conflicts of interest

#### Scenario

Tim\*, a member of the Board, has a sister who recently married Andrew. Tim's sister informs him that Andrew's brother is serving a term of imprisonment for armed robbery. Tim is later approached by Andrew who asks for advice about what his brother should do to assist his chances of being granted parole in the future.

#### Unacceptable behaviour

Tim doesn't tell anyone when he finds out that Andrew's brother is in prison. Instead, Tim advises Andrew that his brother will benefit from behaving in prison and completing relevant programs, including the Violence Intervention Program. Tim even agrees to visit Andrew's brother at Port Phillip Prison to provide his advice in person.

#### Acceptable behaviour

As soon as Tim was made aware that Andrew's brother is serving a term of imprisonment, he notifies the Chairperson. The Chairperson explains to Tim that he cannot have any involvement, directly or indirectly, with Andrew's brother's case, or access any information about it. The conflict is recorded and kept in the conflict of interest register. When approached by Andrew seeking advice for his brother's parole, Tim contacts the Chairperson immediately and enquires what he should do.

\*Fictional member to illustrate example

### 4.2 Gifts or rewards

#### Scenario

A crime journalist from a well-known media outlet knows Tina\* is a member of the Board and offers her a ticket to a musical showing at the Arts Centre that is sponsored by the media outlet.

#### Unacceptable behaviour

Tina accepts the ticket and attends the musical. Months later the journalist contacts Tina and asks her about a Board decision about a high-profile offender's parole application. Tina reveals the Board's decision because she feels obligated to.

#### Acceptable behaviour

Tina does not accept the ticket. Instead, she notifies the Board's Chairperson that she has received an offer of a gift from a media outlet. The offer of the gift is recorded on the Department of Justice and Regulation gift register.

\*Fictional member to illustrate example

### 4.3 Declare private interests

#### Scenario

Tim\*, a member of the Board, decides to invest in some real estate for a new revenue stream.

#### Unacceptable behaviour

Tim doesn't inform the Chairperson about his new business venture.

**Acceptable behaviour**

Tim informs the Chairperson who determines whether there is any potential conflict of interest with Tim's new business venture.

\*Fictional member to illustrate example

## **4.4 Comply with information security obligations**

Tim\*, a member of the Board, is sitting next week and wants to spend more time pre-reading a complicated case on Saturday as the time he has next week is limited. However, he's going to his friend's holiday house for the weekend and would prefer not to bring his PRISM-enabled laptop.

**Unacceptable behaviour**

Tim downloads offender documents from PRISM (including the Parole Suitability Assessment and criminal history report) and emails them to his personal email. At his friend's holiday house, he accesses the offender documents from his personal email on his tablet. Over dinner, he discusses the interesting case with his friend and, while going to the bathroom, leaves the documents open on his tablet that his friend could potentially access.

**Acceptable behaviour**

Tim leaves the offender documents in PRISM – he doesn't download or email them to himself – and only accesses them in PRISM. He brings his PRISM-enabled laptop to his friend's house so that he can pre-read. However, he locks his computer when he steps away from it. He also doesn't discuss the case or any of his work on the Board with his friend.

\*Fictional member to illustrate example

## **4.5 Do not seek confidential information outside of Board duties**

**Scenario**

Tina\*, a member of the Board, has a daughter who attends the same school as a victim in a high-profile crime. Because of this association, Tina has followed the case in the media. The offender convicted of the crime has applied for parole. Tina is not sitting on the case.

**Unacceptable behaviour**

Out of interest, Tina asks a member of the Secretariat to access and give her confidential information about the offender and his parole application.

**Acceptable behaviour**

Tina acknowledges that it would be inappropriate for her to misuse her position to access the offender's confidential information, either directly or through someone else.

\*Fictional member to illustrate example

## **4.6 Be fair and impartial**

**Scenario**

Tim\*, a member of the Board, notices that a notorious child sex offender's case is listed on the agenda for a meeting he is scheduled to sit on. Before the meeting commences and he has read any material, he expresses strong views to the other members of the panel that the offender had not been sufficiently punished by the sentence imposed by the court.

**Unacceptable behaviour**

Tim lets his prejudice negatively impact his decision-making. The presiding chair allows the decision to be made knowing or suspecting that Tim has been influenced by the opinion he expressed before the meeting commenced.

**Acceptable behaviour**

The presiding chair addresses the comments made by Tim before the panel considers the case. Tim acknowledges his preliminary view but is still able to make his decision impartially

based on the information available to the Board. If Tim doesn't think he can contribute to the decision impartially, he informs the presiding chair so that appropriate action can be taken. This may result in Tim being removed from involvement in the case.

\*Fictional member to illustrate example

## **4.7 Members have an equal say**

### **Scenario**

Tim\*, a member of the Board, is sitting on a general offender Board. The Board is racing through the proceedings. At this pace, the Board will finish well within the allocated time. The other two members seem willing to continue at this pace. Tim struggles to keep up. He feels overwhelmed by the other two members and that he is not able to contribute.

### **Unacceptable behaviour**

Tim doesn't say anything and allows the proceedings to continue at a rapid pace. The meeting finishes early. Tim had stopped contributing anyway because he felt overwhelmed. He doesn't feel comfortable with some of the decisions as he was not sure of the basis on which they were made.

### **Acceptable behaviour**

Tim informs the presiding chair that he is unable to keep up and needs more time to properly consider the cases. The presiding chair slows the pace down to allow Tim to carefully review the relevant information and encourages him to have his say. The other members could also have noticed that Tim was struggling with the pace and not contributing, and taken proactive and appropriate steps to manage the meeting to include Tim.

\*Fictional members to illustrate example

## **4.8 Seen something? Say something**

### **Scenario**

Tina\*, a member of the Board, hears that one of her Board colleagues has developed a friendship with a member of an outlaw motorcycle gang (OMCG) through their shared interest in motorcycles.

### **Unacceptable behaviour**

Tina decides not to say anything, either to her colleague or the Chairperson. Later on, Tina learns that her colleague felt intimidated by the OMCG member when he questioned whether one of his fellow bikie friends would be granted parole. Subsequently, the relationship is revealed in the media.

### **Acceptable behaviour**

Tina notifies the Board's Chairperson who considers how to deal with the situation before any potential conflict is realised.

\*Fictional member to illustrate example