



SPEAKER'S DIRECTIVE 02/2024

Legislative Assembly Act

LEGISLATIVE SECURITY OFFICER DIRECTIVE

Under section 22.3 of the *Legislative Assembly Act*, the Speaker of the Legislative Assembly of Alberta issues the following directive.

PART 1 INTRODUCTORY PROVISIONS

Interpretation

1 In this Directive,

“Act” means the *Legislative Assembly Act*;

“class 1 officer” means an officer who may exercise the powers set out in section 6(1)(a);

“class 2 officer” means an officer who may exercise the powers set out in section 6(1)(b);

“complaint” means a complaint made under section 15(1);

“*Criminal Code*” means the *Criminal Code* (Canada);

“Director of Law Enforcement” has the same meaning as in the *Peace Officer Act*;

“enactment” has the same meaning as in the *Interpretation Act*;

“Legislative Assembly Office” means the Legislative Assembly Office as represented by

(a) the Clerk of the Legislative Assembly, or

(b) an employee of the Legislative Assembly Office to whom the Clerk has delegated in writing a power or duty under this Directive;

“officer” means an individual appointed as a legislative security officer under section 22.7 of the Act;

“Officer Code of Conduct” means the *Legislative Security Officer Code of Conduct* attached as Schedule 2 to this Directive;

“prescribed weapon” has the same meaning as in the Regulation;

“record management system” has the same meaning as in the Regulation;

“Regulation” means the *Legislative Precinct Security Regulation* made under the Act;

“security service” means the unit of the Legislative Assembly Office known as the Legislative Assembly Security Service;

“Sergeant-at-Arms” means the individual employed by the Legislative Assembly Office in the position of the Sergeant-at-Arms;

“Speaker” means the Speaker of the Legislative Assembly or, in the absence of the Speaker of the Legislative Assembly or a vacancy in the office of Speaker, the Deputy Speaker and Chair of Committees;

“supervisor” means

(a) in the case of an officer other than the Sergeant-at-Arms, the Sergeant-at-Arms, or

(b) in the case of the Sergeant-at-Arms, the Clerk.

(2) Unless the context otherwise requires, words and expressions used but not defined in this Directive have the same meaning as in the Act, Regulation, another directive issued by the Speaker under the Act or an Act of Parliament, including the *Criminal Code*.

(3) Unless the context otherwise requires, the provisions of the *Interpretation Act* apply with all necessary modifications to this Directive as if it were an enactment.

(4) For greater certainty, this Directive is intended to be applied in accordance with all laws that generally apply to the matters subject to this Directive.

Purpose

2 The purpose of this Directive is

(a) to provide for the matters respecting legislative security officers as set out in sections 22.3(1)(a) to (e) and (g) to (k) of the Act, and

(b) to ensure that the conduct of the security service maintains the trust and confidence of Members of the Legislative Assembly and the public, and does not bring the Legislative Assembly, the Legislative Assembly Office or the security service into disrepute.

Application

3 This Directive applies to all officers and any other person exercising a right or performing a duty under this Directive.

PART 2 LEGISLATIVE SECURITY OFFICERS

Determination of eligibility for appointment

4(1) An individual may only be considered for appointment as an officer by submitting to the Legislative Assembly Office an application in the form approved by the Legislative Assembly Office.

(2) On receiving an application under subsection (1), the Legislative Assembly Office must determine if the individual is eligible to be appointed as an officer by confirming whether the individual meets the eligibility requirements specified under section 2 of the Regulation.

(3) For the purpose of confirming an individual's eligibility as referred to in subsection (2) and subject to subsection (4), the Legislative Assembly Office may, with the written consent of the individual whose application is being considered, collect personal information about that individual through any of the following means:

- (a) a criminal record check;
- (b) a background check that may include
 - (i) obtaining character references from other individuals who know the individual, and
 - (ii) reviewing information about the individual that is held by a law enforcement agency, including a police service, or a government agency within or outside Alberta;
- (c) any other reasonable means that the Legislative Assembly Office determines are required to confirm the individual's eligibility.

(4) The written consent referred to in subsection (3) must be in the form determined by the Legislative Assembly Office.

(5) If an individual refuses to provide the written consent referred to in subsection (3), the Legislative Assembly Office must, on being notified of the refusal, treat the individual's application as withdrawn from consideration.

Recommendation for appointment

5(1) On determining that an individual is eligible for appointment as an officer in accordance with section 4, the Legislative Assembly Office may recommend to the Speaker that the individual be appointed as an officer, and if recommended, specify whether the individual is recommended to be appointed as a class 1 officer or a class 2 officer.

(2) An individual who is recommended under subsection (1) may only be appointed to the class of officer specified in the recommendation.

Officer classification

6(1) The classes of officer to which an eligible individual may be appointed are established as follows:

(a) class 1 officer, who is authorized to exercise the powers set out in section 7(1) and possess, carry and use the weapons specified in section 8(1);

(b) class 2 officer, who is authorized to exercise the powers set out in section 7(1) and possess, carry and use the weapons specified in section 8(2).

(2) For greater certainty, an individual who is appointed to a class of officer referred to in subsection (1) is vested with the powers set out in this Directive for that class of officer.

Supplemental powers

7(1) In addition to the powers of an officer under the Act, an officer is authorized to exercise the following powers:

(a) the powers of a peace officer under each of the following provisions in the *Criminal Code*:

(i) section 31 (power to arrest for breach of peace);

(ii) section 32 (power to use force to suppress riot);

(iii) section 117.02 (power to search and seize weapon without warrant);

(iv) section 117.03 (power to search and seize weapon on failure to produce authorization);

(v) section 495 (power to arrest without warrant);

(vi) section 495.1 (power to arrest without warrant on failure to comply with release conditions);

(b) the powers of a person under section 27 of the *Criminal Code* (power to use force to prevent the commission of an offence).

(2) An officer is not authorized to exercise any power of a peace officer under any enactment of Alberta or Canada except as provided under the Act and the *Criminal Code* provisions referred to in subsection (1).

Authorized weapons and equipment

8(1) A class 1 officer is authorized to do each of the following:

(a) possess, carry and use each type of prescribed weapon;

- (b) use the type of ammunition specified in the Regulation as authorized for an officer's use;
- (c) use each type of equipment specified in the Regulation as authorized for an officer's use.

(2) A class 2 officer is authorized to do each of the following:

- (a) possess, carry and use each type of prescribed weapon except a firearm;
- (b) use each type of equipment specified in the Regulation as authorized for an officer's use.

Appointment instrument

9 In addition to the requirements set out in section 22.7(2) of the Act, an officer's appointment instrument must set out each of the following:

- (a) the class to which the officer is appointed;
- (b) a description of the statutory powers that the officer may exercise;
- (c) a description of the geographic jurisdiction of the officer within and outside the legislative precinct as provided under the Act;
- (d) the title that the officer is authorized to use;
- (e) the officer's identification number assigned under section 11(1).

Uniform

10(1) Subject to subsections (2) to (4), an officer must, at all times while on duty, wear the uniform provided to the officer by the Legislative Assembly Office that consists of the following:

- (a) a black blazer;
- (b) a white uniform shirt with a shoulder flash showing the Mace that represents the Legislative Assembly and the security service's name;
- (c) a name plate, to be worn on the front of the blazer, displaying either the officer's name or the officer's assigned identifier, as determined by the Sergeant-at-Arms;
- (d) a duty belt to carry the officer's assigned weapons.

(2) The Sergeant-at-Arms or an officer employed in the position of Deputy Sergeant-at-Arms may wear a ceremonial dress uniform if

- (a) the uniform is approved by the Sergeant-at-Arms,
- (b) the officer meets the requirements of subsection (1)(d) when carrying an assigned weapon, and

(c) the officer wears a belt-mounted badge approved by the Sergeant-at-Arms.

(3) Despite subsection (1), in the event of an exigent or emergent circumstance, an officer may carry out the officer's duties in the legislative precinct even if the officer is not wearing the uniform set out in that subsection.

(4) The Speaker may, in writing and on the recommendation of the Sergeant-at-Arms, make an exemption or modify a uniform requirement set out in subsection (1) in respect of an officer or class of officer.

Assigned identifier and identification card

11(1) The Sergeant-at-Arms must, on an officer's appointment, do the following:

(a) assign an identifier to the officer using the designation "LSO";

(b) issue an identification card to the officer that sets out the following information:

(i) the officer's full name;

(ii) a statement that the officer is a legislative security officer with the Legislative Assembly Security Service with specification of the class to which the officer is appointed;

(iii) the officer's assigned identifier;

(iv) a photograph of the officer;

(v) the expiry date of the identification card;

(vi) a signification by the Speaker that the officer has been appointed as an officer.

(2) An officer must do the following in respect of the officer's identification card:

(a) carry it at all times while on duty;

(b) if any individual makes a reasonable request to the officer to identify themselves and doing so would not endanger the officer or another individual, show the identification card to that individual.

(3) If an officer loses the officer's identification card

(a) the officer must immediately report the loss to the officer's supervisor, and

(b) the Sergeant-at-Arms

(i) must immediately inform the police service of jurisdiction of the loss, and

(ii) may issue another identification card to the officer.

(4) For greater certainty, an officer may not have more than one identification card in the officer's possession at any one time.

Oath of office

12 Before exercising any powers or performing any duties as an officer, the officer must take the oath of office set out in Schedule 1.

If appointment cancelled or suspended

13 An officer who receives notice that the officer's appointment has been cancelled or suspended in accordance with the Regulation must immediately return all of the following to the Sergeant-at Arms or the officer's supervisor:

- (a) the officer's appointment instrument;
- (b) the officer's identification card;
- (c) the officer's uniform;
- (d) the officer's assigned weapons, equipment and ammunition.

PART 3 OFFICER CODE OF CONDUCT AND COMPLAINTS

Officer Code of Conduct

14(1) An officer must, at all times, comply with the Officer Code of Conduct.

(2) For greater certainty, nothing in this Part is intended to limit the Legislative Assembly Office from conducting an investigation into an officer's conduct if the Legislative Assembly Office becomes aware, other than through a complaint, that an officer may have failed to comply with the Officer Code of Conduct.

Making a complaint

15(1) Subject to subsection (3), an individual may, only in accordance with this Part, make a complaint to the Legislative Assembly Office that an officer has conducted themselves in a manner contrary to the Officer Code of Conduct.

(2) A complaint referred to in subsection (1) must be in writing and in the form determined by the Legislative Assembly Office.

(3) A complaint under this section must be made within one year of the date on which the subject matter of the complaint became known, or could reasonably have become known, to the complainant.

Investigation of complaint

16(1) On receiving a complaint, the Legislative Assembly Office must, within 30 days of the date on which it received the complaint, decide to do one of the following:

(a) refuse to investigate the complaint in accordance with subsection (3) and provide notice of the decision to the complainant;

(b) investigate the complaint in accordance with subsection (4) and provide notice of the decision to the complainant and the officer who is the subject of the complaint;

(c) subject to subsection (2) and with the consent of the complainant and officer who is the subject of the complaint

(i) conduct an informal resolution process as a means to resolve the complaint, and

(ii) if the complaint remains unresolved at the end of that period, make a decision under clause (a) or (b).

(2) A complaint that is resolved in accordance with subsection 1(c) is to be considered withdrawn.

(3) If the Legislative Assembly Office determines that a complaint is frivolous or vexatious, or having regard to all relevant circumstances the investigation of a complaint is not warranted, the Legislative Assembly Office must refuse to investigate the complaint.

(4) Subject to subsections (6) and (7), if the Legislative Assembly Office determines that an investigation of a complaint is warranted, the Legislative Assembly Office must investigate the complaint in accordance with the procedures referred to in section 19(2)(a)(iv).

(5) If, at the time of receiving a complaint under subsection (1), the subject matter of a complaint is being or has been investigated in accordance with another Legislative Assembly Office policy or process, the Legislative Assembly Office may do any of the following:

(a) for the purpose of subsection (3), consider that investigation as the basis on which to determine that an investigation of the complaint is not warranted;

(b) for the purpose of subsection (4), rely on any findings of fact made in respect of that investigation for the purpose of an investigation of the complaint.

(6) If, during the investigation of a complaint, the Legislative Assembly Office determines that the complaint is frivolous or vexatious, or after having regard to all relevant circumstances the investigation of a complaint is no longer warranted, the Legislative Assembly Office must

(a) discontinue the investigation, and

(b) provide notice of this determination to the complainant and officer who is the subject of the complaint.

(7) If, during the investigation of a complaint, the Legislative Assembly Office is provided notice that the subject matter of the complaint is the subject matter of a criminal investigation or proceeding

(a) the Legislative Assembly Office must do the following:

(i) immediately suspend its investigation until

(A) it receives notice that the criminal investigation or proceeding has been fully disposed of and concluded, or

(B) after having regard to all relevant circumstances, it discontinues the investigation in accordance with subsection (5);

(ii) as soon as practicable, provide notice of the suspension to the complainant and the officer who is the subject of the complaint, and

(b) the period during which a suspension in accordance with clause (a) applies to an investigation is not to be considered in respect of the application or calculation of any other period that applies to the investigation or complaint under this Directive.

(8) For the purpose of an investigation under this section, the Clerk may appoint an individual other than an employee of the Legislative Assembly Office to conduct the investigation on behalf of the Legislative Assembly Office.

Disposition of complaint

17(1) Subject to subsection (2), the Legislative Assembly Office must, within 180 days of commencing an investigation of a complaint, do the following:

(a) dispose of the complaint by making one of the following decisions in consideration of the facts established by the investigation:

(i) dismiss the complaint on the basis that the Legislative Assembly Office found

(A) the complaint is unsubstantiated in consideration of the established facts, or

(B) the complaint is unfounded in consideration of the established facts;

(ii) confirm the validity of the complaint on the basis that the Legislative Assembly Office found that the complaint has merit, in whole or in part, in consideration of the established facts, and specify the remedial measures required to address each cause that led to the complaint, if any;

(b) provide notice of the decision made under clause (a) with supporting reasons to the complainant and officer who is the subject of the complaint;

(c) subject to a request for a review being made under section 18 and if the Legislative Assembly Office makes a decision under clause (a)(ii), carry out or ensure the carrying out of each remedial measure in a reasonable and timely manner.

(2) The Legislative Assembly Office may extend the period of investigation of a complaint for

(a) an additional 45 days following the expiry of the period referred to in subsection (1) if it determines doing so is warranted in consideration of all relevant circumstances;

(b) any additional periods beyond the period referred to in clause (a) only as approved by the Speaker.

(3) On extending the period of investigation of a complaint under subsection (2), the Legislative Assembly Office must provide notice of that extension to the complainant and the officer who is the subject of the complaint.

Review of disposition decision

18(1) For the purposes of this section, the Legislative Assembly Office must maintain a list of qualified individuals who may be appointed to conduct a review of a decision made under section 17(1)(a).

(2) An individual is qualified for appointment if the individual is one of the following:

(a) a lawyer with at least 10 years of experience who has

(i) knowledge of law enforcement issues, and

(ii) experience in adjudicating hearings or conducting administrative proceedings;

(b) another individual who has substantially equivalent knowledge and experience.

(3) Within 30 days of being provided notice under section 17(1)(b) in respect of a complaint, the complainant or officer who is the subject of the complaint may request a review of that decision by submitting a written request, in the form determined by the Legislative Assembly Office, to the Legislative Assembly Office.

(4) On receiving a request under subsection (3) for review of a decision, the Legislative Assembly Office must, as soon as practicable

(a) appoint an individual from the list referred to in subsection (1) to review the decision, and

(b) on the individual being appointed, provide notice of the appointment to the complainant and officer who is the subject of the complaint.

(5) On an individual being appointed to review a decision

- (a) the Legislative Assembly Office must provide the individual with reasonable access to
 - (i) the factual record on which the decision that is to be reviewed was based, and
 - (ii) subject to the withholding of any personal information, previous decisions made by reviewers under subsection (6) with a similar factual record;
 - (b) the appointed individual must do the following in respect of the conduct of the review:
 - (i) consider all relevant previous decisions made under subsection (6);
 - (ii) limit the review to an assessment of the decision made under section 17(1)(a), including, if applicable, all specified remedial measures that form a part of the decision;
 - (iii) conclude the review by providing a decision under subsection (6) within 60 days of being appointed or such other period as approved by the Legislative Assembly Office.
- (6)** On concluding a review, the appointed individual
- (a) must make one of the following decisions in respect of the disposition decision under review:
 - (i) confirm the decision;
 - (ii) reverse the decision and specify how the decision is reversed;
 - (iii) vary the decision and specify how the decision is varied;
 - (b) must provide the decision made under clause (a) with written reasons to
 - (i) the Legislative Assembly Office,
 - (ii) the complainant, and
 - (iii) the officer who is the subject of the complaint;
 - (c) may make recommendations to the Legislative Assembly Office in respect of actions that the appointed individual considers reasonably necessary to address each cause that led to the complaint.
- (7)** A decision under subsection (6) is final.

PART 4
GENERAL PROVISIONS

Sergeant-at-Arms responsibilities

19(1) The Sergeant-at-Arms

- (a) is the head of the security service, and
- (b) must, at all times, be a legislative security officer in good standing.

(2) The Sergeant-at-Arms must do the following as head of the security service:

(a) establish and maintain the following administrative guidance by means of a written policy or procedure:

(i) a comprehensive procedure manual that provides guidance to officers on how to properly exercise discretion in respect of powers that an officer may exercise and fulfill duties that an officer must carry out;

(ii) direction on the use, storage and maintenance of each type of weapon that a legislative security officer is authorized to possess, carry and use;

(iii) specific training on the use of each type of prescribed weapon;

(iv) investigative procedures for investigating a complaint made under section 15(1);

(b) establish and maintain a repository into which all records referred to in section 12 of the Regulation are deposited;

(c) provide the Director of Law Enforcement with the following:

(i) a copy of each proposed policy or procedure, or a change to an existing policy or procedure, referred to in clause (a) for the Director's review in consideration of all legislative requirements that apply to an officer;

(ii) a description of how the record management system meets the requirements of the Regulation;

(iii) an annual report summarizing each of the following that occurred in the year to which the report relates:

(A) the total number of complaints made under section 15(1);

(B) the total number of investigations conducted under section 16(1)(b);

(C) the total number and types of disposition decisions made under section 17(1)(a);

(D) the total number of reviews conducted under section 18;

(E) the total number and types of reports made by an officer or another individual under the Regulation;

(F) the total number of occurrences of the use of force by an officer that were not reportable under the Regulation.

(3) The Sergeant-at-Arms may delegate any power or duty under this Directive to any officer or employee of the security service except the power to delegate under this subsection and the duty under subsection (1)(a).

(4) If, at any time, the Sergeant-at-Arms is unable to meet the requirement under subsection (1)(b) or is unable to act in the capacity as head of the security service, the Clerk must delegate, in writing, an employee of the security service to act in that capacity until the Sergeant-at-Arms is able to, as the case may be, meet that requirement or resume acting in the capacity as head of the security service.

Audit inspections

20(1) On the request of the Director of Law Enforcement, the Sergeant-at-Arms may permit the Director to enter any premises within the legislative precinct for the purpose of inspecting any record, weapon or equipment of the Legislative Assembly Office or an officer to ensure compliance with the Act, the Regulation and this Directive.

(2) An inspection under subsection (1) must be conducted at a reasonable time.

(3) If acting under the authority of this section, the Director of Law Enforcement must carry identification and present it to any individual on request.

(4) The Director of Law Enforcement may, in the course of an inspection and subject to the Sergeant-at-Arms' approval, examine and make copies of or temporarily remove books, records, reports, documents or other things that are relevant to determine if there is compliance with this Act, the Regulation and this Directive.

(5) The Director of Law Enforcement must, after an inspection, provide a report summarizing the Director's findings during the inspection to the Sergeant-at-Arms and the Clerk.

Tabling and making directive publicly available

21 As soon as practicable on issuance of this Directive or an amendment to the Directive

(a) the Speaker must table a copy of it in the Legislative Assembly, and

(b) the Legislative Assembly Office must post a copy of it on its publicly accessible website.

Effective date

22 This Directive is effective as of the date on which it is issued by the Speaker.

Issued by the Speaker on the date noted below.

September 17, 2024

Date of signature

[Original signed by Hon. Nathan Cooper]

Nathan Cooper, MLA
Speaker
Legislative Assembly of Alberta

SCHEDULE 1

Legislative Security Officer Directive

LEGISLATIVE SECURITY OFFICER OATH OF OFFICE

I, _____ [*insert either of the following: swear / solemnly affirm and declare*] that I will diligently, faithfully and to the best of my ability execute according to law my powers and duties as a legislative security officer appointed under the *Legislative Assembly Act* and that I will not, except in the discharge of my duties, disclose to any person any matter or information provided to me as a holder of this office [*insert if officer swears: , so help me God*].

[*Insert as applicable: Sworn/affirmed*] before me in the _____ of _____, in the Province of Alberta, this ____ day of _____

Commissioner for Oaths in and for Alberta

Officer's signature

SCHEDULE 2

Legislative Security Officer Directive

LEGISLATIVE SECURITY OFFICER CODE OF CONDUCT

PART 1 INTRODUCTORY PROVISIONS

Interpretation

1(1) In this Code of Conduct,

“Act” means the *Legislative Assembly Act*;

“appointment”, in respect of an officer, means the appointment of the officer issued by the Speaker under section 22.7 of the Act;

“Directive” means the Legislative Security Directive issued under section 22.7 of the Act and to which this Code is attached;

“Legislative Assembly Office” has the same meaning as in the Directive;

“officer” means an individual appointed to the office of legislative security officer;

“Public Service Code of Conduct” means the *Code of Conduct and Ethics for the Public Service of Alberta* made under the *Public Service Act*;

“Regulation” means the *Legislative Precinct Security Regulation* made under the Act;

“security service” has the same meaning as in the Directive;

“Sergeant-at-Arms” means the Sergeant-at-Arms as defined in the Directive.

(2) Unless the context otherwise requires, words and expressions used but not defined in this Code of Conduct have the same meaning as in or are to be interpreted in accordance with the Directive.

(3) This Code of Conduct is to be read together with the following instruments:

(a) any Act relating to the actions of an officer, including the *Legislative Assembly Act*;

(b) the terms of the officer’s appointment;

(c) the Public Service Code of Conduct;

(d) a policy, guideline, protocol or similar type of document issued by the Legislative Assembly Office that applies to an officer as an employee;

(e) guidance issued by the Sergeant-at-Arms under section 19(2) of the Directive in respect of the security service.

Purpose

2(1) The purpose of this Code of Conduct is to set out the rules of conduct that apply to officers to ensure a professional standard of conduct in the provision of security services within the legislative precinct to Members and staff of the Legislative Assembly and the public considering the following:

(a) an officer's distinct duties arising from being employed to preserve and maintain the public peace;

(b) an officer's duties as a security officer in consideration of the unique parliamentary context in which an officer exercises those duties;

(c) the unique relationship that officers and the security service have with elected officials and Alberta's democratic institutions.

(2) For greater certainty, an officer's duty to comply with this Code of Conduct is in addition to the officer's duties to comply with the instruments set out in section 1(3).

Application

3 This Code of Conduct applies to all officers, including the Sergeant-at-Arms.

PART 2 OFFICER RESPONSIBILITIES

Discreditable conduct

4(1) An officer must not engage in any of the following conduct:

(a) using abusive or insulting language towards another individual, including an officer, a peace officer, a Member or staff of the Legislative Assembly or a member of the general public, including in a manner that tends to demean or show disrespect to the individual on the basis of a personal characteristic;

(b) using profane language towards another individual except if the use is justified as operationally tactical;

(c) acting in a manner that is likely to bring the security service into disrepute;

(d) acting in a manner that results or may result in an actual or perceived conflict of interest between the officer's duties and the officer's personal interests.

Deceitful conduct

5 An officer must not engage in any of the following conduct:

- (a) making or signing a false, misleading or inaccurate personal statement;
- (b) withholding or suppressing information relating to a complaint, report or allegation against another officer;
- (c) without lawful excuse
 - (i) destroying, mutilating or concealing information, a record or property, or
 - (ii) altering or erasing a record;
- (d) wilfully or negligently making a false complaint or statement against another officer;
- (e) encouraging or knowingly assisting another officer in relation to a contravention of this Part;
- (f) applying the law or exercising authority in an arbitrary or discriminatory manner.

Corrupt practices

6(1) An officer must account for or return money or property that the officer receives in the capacity of an officer.

(2) An officer must not directly or indirectly solicit or accept a fee, gift or benefit from a person in connection with the performance of duties as an officer, except as provided for under the Public Service Code of Conduct.

(3) An officer must not enter into a financial, contractual or other legal obligation to a person in respect of whom the officer could reasonably be expected to report or give evidence.

(4) An officer must not, without adequate reason, use the officer's position for the officer's own benefit or another person's benefit.

Unnecessary exercise of authority

7 In exercising a statutory power vested in the officer, an officer must not exercise the power when it is unnecessary to do so.

Neglect of duty

8 An officer must not engage in any of the following conduct:

- (a) neglecting, without lawful excuse, to promptly and diligently perform the duties of an officer;

- (b) leaving an area, detail or other place of duty without permission or sufficient cause;
- (c) permitting an individual who is lawfully in custody to escape on account of the officer being careless or negligent;
- (d) failing to report a matter that is the officer's duty to report;
- (e) failing to disclose evidence that the officer can give for or against another person.

Insubordination

9 An officer must reasonably carry out a lawful written or verbal order or direction that applies to the officer provided by an individual who has authority to make that order or give that direction in respect of the officer.

Confidential information

10(1) In this section, "confidential information" means information obtained in the performance of an officer's duties that is not available to the public and includes each of the following:

- (a) personal information as defined in the *Freedom of Information and Protection of Privacy Act*;
- (b) information collected by the Legislative Assembly Office from a law enforcement agency;
- (c) information related to guidance issued by the Sergeant-at-Arms under section 19(2) of the Directive in respect of the security service.

(2) An officer must not disclose confidential information to any person other than a person who is authorized to receive the confidential information.

(3) An officer must not give notice, directly or indirectly, to any person against whom a warrant or summons has been or is about to be issued, except in the lawful execution of the warrant or service of the summons.

(4) An officer must not, without prior authorization from the officer's supervisor, communicate to the news media.

(5) An officer must not, without prior authorization from the officer's supervisor, disclose confidential information to

- (a) any person who is not a member of the security service, or
- (b) a member of the security service
 - (i) who is not authorized to access the information, or

(ii) to whom there is no operational requirement to provide access to the confidential information.

(6) For greater certainty, an officer must follow the Legislative Assembly Office's policies, procedures and other administrative rules applicable to the collection, use and disclosure of confidential information and take all reasonable precautions to protect confidential information from unauthorized disclosure.

(7) If an officer is uncertain about the application of any applicable law to any confidential information, the officer must consult the officer's supervisor before disclosing, retaining or transmitting the confidential information, including if the officer is uncertain about whether

(a) certain information is confidential information, or

(b) a potential recipient is authorized to access the confidential information.

Inappropriate use of firearm

11 An officer must exercise sound judgment in respect of the use and care of a firearm in all circumstances in which the officer is authorized to use the firearm, including during periods when the officer is not on duty and authorized to use the firearm other than under the Act.

Consumption of alcohol and drugs in a manner prejudicial to duty

12(1) An officer must not consume alcohol while on duty.

(2) An officer must not report for or be on duty while unfit to do so by reason of the use of alcohol or a drug.

(3) For greater certainty, an officer must not consume drugs that the officer is prohibited by law from consuming.

PART 3 ADMINISTRATION

Administration

13 If an officer has a question about the application of this Code of Conduct or a matter not addressed by this Code of Conduct, the officer must, without delay, direct the question to the officer's supervisor.

Consequences of breach

14(1) The requirement to comply with the provisions in this Code of Conduct is a condition of an officer's employment with the Legislative Assembly Office.

(2) If an officer is found to have not complied with a provision of this Code of Conduct, the officer may be subject to disciplinary action, which may include any of the following types of actions:

- (a) the issuance of a written warning to the officer;
- (b) the recommendation to the Speaker that the officer's appointment be suspended or cancelled;
- (c) the termination of employment with the Legislative Assembly Office.

(3) Nothing in this section limits the Legislative Assembly Office's ability to use alternate remedial means that it determines appropriate to address an officer's non-compliance with a provision of this Code of Conduct, including one or more of the following actions:

- (a) the coaching or training of the officer in relation to particular conduct;
- (b) the requirement to complete remedial policy or procedural training;
- (c) the requirement to complete training additional to the training requirements to be eligible for appointment as an officer;
- (d) the issuance of a verbal warning to the officer;
- (e) the re-assignment of the officer's duties, in whole or in part.

(4) An officer must

- (a) review this Code of Conduct at the commencement of the officer's appointment and at least once a year after that, and
- (b) on completing each review, provide the Legislative Assembly Office a confirmation that the officer has done so.