

**REPORT WITH RESPECT TO THE APPLICATION FOR
REVIEW OF [REDACTED] WITH RESPECT TO INFORMATION REQUESTED
FROM SASKATCHEWAN ENVIRONMENT AND RESOURCE MANAGEMENT**

I received a total of four Requests for Review from [REDACTED] with respect to the applications to provide records made by him to Saskatchewan Environment and Resource Management (SERM). It is convenient, and the applicant has agreed, that these requests be dealt with in a single report.

The applicant, in August 1993 made a request to SERM for records which he described in his request in the following terms:

"On March 3rd, 1993 Greenwater Conservation Officers held an annual DNR/RCMP banquet at Fisherman's Cove. I would like the following information:

- a) For that banquet, they solicited certain businesses in Porcupine Plain for gifts to be distributed amongst themselves and members of the RCMP and guests.
 - 1) What are the names of the officers that did the soliciting?
 - 2) What are the names of the businesses that contributed?
 - 3) What are the names of the businesses that refused?
 - 4) What criteria were used to select businesses for contribution?

- 5) What were the gifts that were received and what was their value?
- 6) Was any money or cash given as a donation?
- 7) What criteria was used for the distribution of these gifts?
- 8) What were the names of all the peace officers that attended this function?
- 9) What are the names of the peace officers that received any of these gifts?
- 10) Wildlife meat was served at the banquet, either in 1991, 1992, or 1993.
 - a) In what years, was wildlife meat served?
 - b) Who requested the permit?
 - c) I would like a photocopy of the permits in each of the years applicable.
 - d) Why was seized wildlife meat used to subsidize will paid crown officers?
 - e) Did the use of wildlife meat reduce the catering fees?
 - f) Under what conditions was the wildlife meat seized? (Because they needed it for the supper?)
 - g) Is this practise going to be used in 1994?
 - h) What are the implications of this type of procedure under the criminal code? Wildlife officers are peace officers and soliciting is bribery.
 - i) Why wasn't the seized meat donated to food banks, hospitals, nursing homes, etc?
 - j) How was the criminal code circumvented?
11. [REDACTED] [REDACTED] owns a business in Porcupine Plain. In what years and by whom was he requested to donate a gift to the banquet?

12. The [REDACTED] Building holds 3 different businesses. In any of the years, were any of these business solicited for a gift? If not, why?
13. According to a thank you note that was placed in the paper, a log was kept of the donors. Was there a log kept of the people that refused?
14. Were any of the businesses that were ignored, were ignored for dubious reasons because they were charged with an offense by conservation officers or the RCMP?"

The applicant received the following letter dated August 23, 1993 from SERM:

"Re: Freedom of Information Request # [REDACTED]

Dear [REDACTED]:

Your application for access to information regarding three banquets held at Greenwater Lake Provincial Park was received on August 18, 1993.

The record you requested is not in the custody of or under the control of Saskatchewan Environment and Resource Management. The banquets are a social function organized by the local officers' club and are not funded or sponsored in any way by the Department.

The only relevant item from your list of 23 questions that the Department does have, are copies of the permits to allow wild game to be served. I can assure you that the game used was from personal donations by the attendees. Copies of the specific permits requested are being forwarded to you under separate cover from our regional office in Prince Albert.

Please contact me at 787-9079 should you wish to discuss this matter further.

Sincerely

Ross R. MacLennan
Access Officer
Freedom of Information"

Having investigated this matter, I am satisfied that the banquet in question was not held under the auspices of or conducted by SERM but was, in fact, a social function arranged by the officers in question entirely outside of their duties or employment, and I am satisfied that SERM does not have any records pertaining to this affair other than the banquet permits which have been disclosed to the applicant.

However, the signatures on the copies supplied to him were illegible or indecipherable and I therefore asked for, and was provided with the actual duplicates of these permits, and also with copies of these permits, which show who the permits were issued to and who signed the permits on behalf of the Department. With respect to these permits, it is my recommendation that the Department provide [REDACTED] with copies of the permits with the names of the persons to whom they were issued and the names of the persons who issued them, in legible form, and that the duplicate original permits be made available for his inspection should he wish to examine them.

A further Request for Review was made by the applicant to the Department in the following terms:

- "1. Conservation officers, particularly in the North eastern part of the province, have been obtaining certain information which may be beyond the jurisdiction of the Wildlife Act or any other Act.

On a routine check, the information requested and recorded are specific names, addresses, wildlife licence number, and calibres of guns. Under what Act or Statute is this information legally required?

2. Three days after the 1992 Open Moose Season, a conservation officer intercepted me [REDACTED] of Porcupine Plain and [REDACTED] [REDACTED] of Porcupine Plain and demanded the specific calibre of our weapons in the bush. Is this a legal requirement?
3. No where in the Wildlife Act is this required. Where are the legal requirements of this request?"

By letter dated September 16, 1993, SERM replied to [REDACTED] application in the following terms:

"Re: Freedom of Information Request # [REDACTED]"

Dear [REDACTED]:

Your application for access to information regarding legal inquiries was received on August 24, 1992.

The authority for Conservation Officers to undertake field inspections is contained in The Saskatchewan Wildlife Act Chapter W-13.1 of the Revised Statutes of Saskatchewan and regulations made thereunder.

The specific power of officers to inspect the calibre of firearm being used by a hunter is contained in Section 17(1) of The Wildlife Regulations, 1981.

As the questions posed relate to a matter that I understand is still before the courts, any further comment or elaboration would be inappropriate at this time.

Sincerely

Ross R. MacLennan
Access Officer
Freedom of Information"

The short answer to this Request is that the questions propounded by the applicant relate solely to legal matters and it is apparent that the reply from the Department refers to the appropriate legislation and the regulations thereunder. These documents and records are public documents readily available to any member of the public and are not records that come within *The Freedom of Information and Protection of Privacy Act*. Copies of *The Saskatchewan Wildlife Act* and Regulations can be obtained from the Queen's Printer. Section 3(1) of *The Freedom of Information and Protection of Privacy Act* specifically provides that the Act does not apply to published material or material that is available for purchase by the public. Furthermore, the Act does not require departmental officials to answer questions or give opinions. The duty of the appropriate department officials under the Act is to disclose **records** which are defined in Section 2(1)(i) of the Act to mean recorded information which is written, photographed, recorded or stored in any manner.

Accordingly, with respect to this Request, I am satisfied that the Act has been fully complied with.

Two further Requests for Review pertain to an application for information, which in the first instance was directed to the R.C.M.P. Crime Detection Laboratory by letter dated August 19, 1993 from the applicant to the RCMP as follows:

"I understand you did a ballistics test on my gun. This test was requested by Conversation Officers of the Department of Parks and Renewable Resources of Mistatim, Saskatchewan.

The rifle was a Model 7400 semi automatic 308 Winchester, Serial [REDACTED] To this date I have not received a copy of the test and was informed on the telephone to request it from your department.

If you have any questions, feel free to telephone me collect at [REDACTED]

Sincerely,

[REDACTED]

By letter dated September 15, 1993, the RCMP replied:

"Dear [REDACTED] [REDACTED]:

In response to your request for information dated 93 SEP 10, I wish to advise you that this laboratory did not receive and therefore did not conduct any tests on the weapon you described in your Access to Information Request Form.

Sincerely,

[REDACTED] Manager
Forensic Laboratory Regina
R.C.M. Police

P. O. Box 6500
Regina, Saskatchewan
S4P 3J7"

The applicant also made an application for the same information to SERM and received a letter from SERM dated October 20, 1993 as follows:

"Dear [REDACTED] [REDACTED]:

Your application for access to information regarding your seized rifle was received on October 1, 1993.

There was no ballistic test performed on the weapon although it was test fired to ensure it was in working order.

Sincerely

Ross R. MacLennan
Access Officer
Freedom of Information"

The applicant provided me with a portion of a transcript of certain court proceedings relating to this firearm in which a conservation officer of SERM testified in the following terms:

"Q. Did you take ballistic test on [REDACTED] [REDACTED] gun?

A. Yes, I did."

However, as a result of my investigation, I am satisfied that no ballistic test was performed on the applicant's rifle, although apparently it was test fired.

Since there is no record of any ballistic test, this is the appropriate answer to the applicant's request in accordance with Section 7(2)(e) of the Act which provides:

"7(2) The head shall give written notice to the applicant within 30 days after the application is made:

(e) stating that access is refused for the reason that the record does not exist."

I note that the reply given to the applicant by SERM did not refer to this specific section as it should have done under the provisions of the Act.

Subject only to my recommendation regarding the banquet permits, I have concluded that SERM has dealt with the applicant's requests in accordance with the Act.

Dated at Regina, Saskatchewan this day of January,
1994.

**Derril G. McLeod, Q.C.,
Commissioner of Information and
Privacy for Saskatchewan**