

s.19(1)

JUDGE PROTECTED B
ADVOCATE GENERAL MEMORANDUM
91318 06 22
REFERRED TO *Legis*
CONTROL NO. *91303*

1457-2 (ADM(Per))
1745-42-7

12 Nov 91

CDS

FEDERAL COURT OF APPEAL HEARING -
[REDACTED]

Ref: 1457-2 (DJAG/Legis) 6 Nov 91 (copy enclosed)

- Former [REDACTED] has had an Application for Redress of Grievance (contesting his release on the basis of homosexuality) at the Governor in Council level for some time. He has also launched a court action in the Federal Court which we have attempted to block on the technical grounds that he has not yet completed the redress of grievance process. An appeal by the Crown is to be heard in the Federal Court of Appeal on 20 Nov 91.
- In view of the likely change in CF policy, DJAG/Legis recommends that the Department of Justice be instructed to drop the appeal. As pointed out in para 2 of the reference, this will not settle the matter but will only permit Bordeleau to proceed with his action in the same manner as the others currently challenging the policy.
- DJAG/Legis has asked for a decision by 13 Nov 91 so instructions can be provided to our counsel from the Department of Justice.
- The DJAG/Legis recommendation to abandon the appeal is supported.

NDHQ - CDS / VCDS / SEC
QGDN - CED / VCED / SEC
General Office
Bureau d'administration

15/12

referred passé a	DATE	by par
EA/CDS	12/11	JB
EA/ADM(Per)	13/11	JB

Kef
K.R. Foster
LGen
ADM(Per)
992-7582

1/2

PROTECTED B

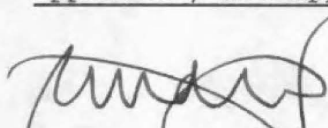
001829

PROTECTED B

Encl: 1

RECOMMENDATION TO ABANDON THE APPEAL

Approved / ~~Not Approved~~


A.J.G.D. de Chastelain
Gen
CDS

13 Nov 91

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