

IN THE FEDERAL COURT OF CANADA

TRIAL DIVISION

B E T W E E N:

DERRICK COLIN DWYER

Plaintiff

- and -

HER MAJESTY THE QUEEN and
THE MINISTER OF DEFENCE

Defendants



STATEMENT OF DEFENCE

(filed this 30th day of March, 1990)

The Deputy Attorney General of Canada, on behalf of the Defendants, in answer to the Plaintiff's Statement of Claim, says as follows:

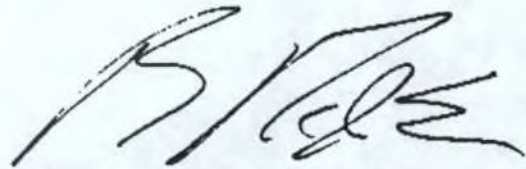
1. He admits the allegations contained in paragraphs 1,2,3,4 and 5 of the Statement of Claim.
2. Except as expressly hereinafter admitted, he denies the allegations in paragraphs 6 to 14 of the Statement of Claim, and he puts the Plaintiff to the strict proof thereof.
3. The Plaintiff's security clearance was temporarily suspended from June, 1988 to April 1989 pending an investigation to ensure that his secret homosexuality had not compromised his security position. The security clearance was reinstated after the investigation.
4. The Plaintiff was offered the option of either voluntarily resigning or remaining with the Canadian Forces subject to career restrictions. This offer was made in accordance with Canadian Forces Administrative Order 19-20 and the interim policy dealing with career disposition which accompanied that Order. The Plaintiff chose to remain with the Canadian Forces.

5. He denies that the Canadian Forces Policy regarding homosexual members is contrary to the *Canadian Charter of Rights and Freedoms*.

6. He says that, if the Canadian Forces Policy contravenes section 15 of the *Canadian Charter of Rights and Freedoms*, it constitutes a reasonable limited as prescribed by section 1.

7. The Deputy Attorney General of Canada denies that the Plaintiff is entitled to the relief sought in paragraph 1 at page 4 of the Statement of Claim.

DATED AT OTTAWA this 30th day of March, 1990.



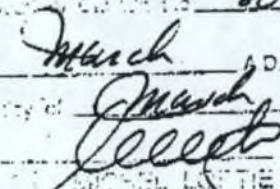
John C. Tait, Q.C.
Deputy Attorney General
of Canada
Per: Barbara A. McIsaac, Q.C.
Department of Justice
Room 536
Justice Building
239 Wellington Street
Ottawa, Ontario
K1A 0H8

Solicitor for the Defendants.

TO: The Administrator
Federal Court of Canada

AND TO: Smith and Hughes
Barristers and Solicitors
No. 208 - 1242 Robson Street
Vancouver, British Columbia
V6E 1C1

Attention: Robert J. Hughes
Solicitors for the Plaintiff.

I HEREBY CERTIFY that the above document is a true copy of the original filed of record in the Registry of the Federal Court of Canada this 30 day of March A.D. 1990
Filed this 30 day of March 1990

MICHAEL LATTIE
Registry Officer

Court file no. T-1474-89
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