

MEMORANDUM

1745-42-7 (DPPCS)

29 Sep 93

Distribution List

RESPONSE TO UNDERTAKINGS  
POIRIER V. THE QUEEN

- Refs: A. 1605-19-20/1606-19-21 (DPLS) 8 May 85 (copy  
encl)  
B. Proposed CANFORGEN MAR 86 (extracts encl)  
C. Telecon LCol Boak/Mr. Logan 29 Sep 93

1. During discovery in the above case, counsel for the plaintiff requested and received an undertaking to "Provide the date on which DPLS ceased to have responsibility for CFAO 19-20 and responsibility passed to DPCAOR."

2. Various references indicate that such a change took place: clearly, ADM(Per) approved a change in responsibility to CPCSA vice DPLS on 16 May 85 (ref a) and there are a number of drafts on file of a revised CFAO 19-20 that were prepared within DPCAOR leading to the preparation of a CANFORGEN in early 1986 that would have removed homosexuality from CFAO 19-20 and introduced a new CFAO 19-36 entitled "Homosexual Behaviour" (extracts at ref B). It is noteworthy that this CANFORGEN was recommended by both DGPCOR and CPCSA without a DPLS signature block. By itself, this proposed message appears to indicate that CPCSA and DGPCOR had no doubt where the responsibility for CFAO 19-20 lay - ie, within CPCSA.

3. At ref C, DPCAOR(5) advised that it is the opinion of DPLS that the change in responsibility directed/agreed to at ref A never took place and that DPLS continued to retain responsibility for CFAO 19-20. The paper trail seems to indicate otherwise. It is proposed to answer the undertaking as follows:

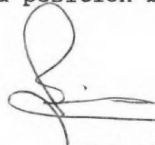
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"The exact date cannot be determined. However, responsibility was transferred from DPLS to CPCSA effective 16 May 85. Subsequently, CPCSA assigned responsibility to DGPCOR who in turn assigned it to DPCAOR."

4. Please advise concurrence or otherwise with the above proposed response. An agreed position between DPLS and DPCAOR is essential.



J.C. Bain  
Capt(N)  
DPPCS  
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Encls: 2

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Action

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