

FEDERAL COURT OF APPEAL

B E T W E E N:

LIEUTENANT ANDREA REDWING

(Appellant)

- and -

**THE ATTORNEY GENERAL OF CANADA
THE MINISTER OF NATIONAL DEFENCE
ADMIRAL JEAN DELEAU, CHIEF OF THE DEFENCE STAFF**

(Respondents)

APPELLANT'S / RESPONDENT'S FACTUM
(Select One)

NAME OF LAW FIRM
Address of law firm

Names of Counsel (Include First and Last Names)
Of Counsel for the Appellant / Respondent (select one)

Telephone:

Fax:

Email:

PART I:
INTRODUCTION

1. This case is about the [insert a short summary of the main issue raised by this appeal].

PART II:
SUMMARY OF THE FACTS

2. The Appellant was born in 1970. She hailed from a military family where many of her male relatives served in the armed forces with distinction. In 1988, at the age of 18, the Appellant joined the Navy. She enlisted as a Seaman, the lowest rank, and the equivalent of a private in the army. She was sent to the Canadian Naval Academy at Esquimalt, British Columbia, where she distinguished herself both academically and in her role as a recruit. This led to her being sent to Halifax, Nova Scotia, for further specialized training on frigates and later, destroyers. She excelled in her chosen field.
3. The Appellant advanced through the ranks of the Forces steadily. She was promoted to Petty Officer, Chief Petty Officer, Warrant Officer, Sub-Lieutenant and then to her present rank of Lieutenant. Both her commanding officers and those under her command praised her for her knowledge, dedication and courage. She was awarded several citations and commendations.
4. In the first Gulf War, she served on a *Protecteur* class auxiliary ship, which re-supplied frigates and destroyers, and provided medical support for other craft. In 1996 through 1999, she served on a coastal patrol vessel, which was responsible for guarding Canadian waters against smugglers, providing search and rescue and other duties. She then was a Warrant Officer on a

destroyer for four years, followed by service as the third ranking commander of a frigate. In all capacities, she performed well.

5. In 2008, the Forces conducted an internal competition for a submarine Lieutenant Commander, which is a position of second or third in command of the vessel, depending upon the other officers aboard. The Appellant applied for the position, but was told by her commander that due to the Forces' policy regarding women on submarines, she could not apply. She appealed this decision within the ranks of the military, receiving the same reply at each level. After exhausting the appeal options available to her through the military system, the Appellant sought judicial review at Federal Court and challenged the Navy's policy on four grounds:
 - a) the policy violates s. 15(1) of the *Charter*, denying her equal benefit and protection of the law based on her gender;
 - b) Naval policies must be interpreted in light of s. 15(2) of the *Charter*, which is designed to advance the position in society of traditionally disadvantaged persons or classes of person;
 - c) the policy violates s. 28 of the *Charter*, which guarantees rights and freedoms be available to both genders, equally; and
 - d) the Navy's policy is not a reasonable limit upon her rights, prescribed by law, demonstrably justified in a free and democratic society.
6. At the Federal Court, Madam Justice Beattie-Colleen dismissed the Appellant's application.

[This is where you will need to summarize the Federal Court decision, by explaining how Justice Beattie-Colleen decided on each of the four issues. All quotes should be indented and single-spaced, like this paragraph. All quotes must be referenced immediately after the paragraph, noting the page **or** paragraph number of the quote.]

PART III
GROUNDINGS OF APPEAL

A ISSUE ONE: EQUAL BENEFIT AND PROTECTIONS OF THE LAW BASED ON GENDER UNDER S. 15(1)

7. [Insert your firm's argument on this issue. Refer to the explanatory notes, *How to Prepare a Factum*, for information on how to refer to cases and how to structure your argument.]

B ISSUE TWO: POSITION IN SOCIETY OF TRADITIONALLY DISADVANTAGED PERSONS OR CLASSES OF PERSONS UNDER S. 15(2)

8. [Insert your firm's argument on this issue. Refer to the explanatory notes, *How to Prepare a Factum*, for information on how to refer to cases and how to structure your argument.]

C ISSUE THREE – GUARANTEE OF RIGHTS AND FREEDOMS TO BOTH GENDERS, EQUALLY UNDER S. 28

9. [Insert your firm's argument on this issue. Refer to the explanatory notes, *How to Prepare a Factum*, for information on how to refer to cases and how to structure your argument.]]

D ISSUE FOUR –JUSTIFIABLE LIMITS IN A FREE AND DEMOCRATIC SOCIETY UNDER S. 1

10. [Insert your firm's argument on this issue. Refer to the explanatory notes, *How to Prepare a Factum*, for information on how to refer to cases and how to structure your argument.]

APPLICATION TO THIS CASE

11. [Insert a concluding statement, summarizing how the preceding arguments support the order you have requested.]

PART IV
ORDER REQUESTED

12. It is respectfully requested that [Insert the remedy or result that you would like. Refer to the explanatory notes, *How to Prepare a Factum*, for more information.]

ALL OF WHICH is respectfully submitted by

Name of all four counsel

Of Counsel for the Appellant/Respondent (Select One)

DATED AT (LOCATION) this ____th Day of (month), (year)

APPENDIX A

AUTHORITIES TO BE CITED

[List all the cases and/or statutes that you have referred to in your factum using proper legal citation. Refer to the explanatory notes, *How to Prepare a Factum*, for formatting guidelines.]