



MILITARY POLICE COMPLAINTS COMMISSION

IN THE MATTER OF a conduct complaint made under Section 250.18 of the *National Defence Act* by Mr. Stéphane Goulet (MPCC 2024-051)

DECISION ON THE STANDING OF THE CANADIAN FORCES PROVOST MARSHAL

Overview

1. On August 21, 2025, the Canadian Forces Provost Marshal (CFPM) submitted a motion under Section 250.44 of the *National Defence Act* (NDA),¹ seeking to obtain the status of interested party in this hearing.
2. On August 29, 2025, I ordered that the CFPM's motion be decided in accordance with sections 39 to 43 of the *Rules of Procedure for Hearings Before the Military Police Complaints Commission (2022)* (Rules).² On September 23, 2025, I informed the CFPM that, since the parties, namely the military police subjects, had not yet been identified, the processing of the motion had been put on hold. On April 10, 2026, after the persons who are the subjects of the complaint were notified, I notified the CFPM and the complainant that the timelines applicable to the processing of the motion would begin to run the same day. The military police members who are the subjects of the complaint were informed of the CFPM's motion and the applicable timelines on April 10, 2026.
3. No response was received from the complainant or from the military police members who are the subjects of the complaint. Following an extension of the timeline requested by the CFPM, the memorandum of fact and law was received on May 29, 2026.
4. Section 250.44 of the NDA states that once a public interest hearing is convened, the Military Police Complaints Commission (MPCC or Commission) must "afford a full and ample opportunity" to participate in it to the complainant, to

¹ *National Defence Act*, R.S.C., 1985, c. N-5, sect. 250.44

² *Rules of Procedure for Hearings Before the Military Police Complaints Commission, 2022* (SOR/2022-9)

any person who is a subject of the complaint, and to any other person who satisfies the Commission that they have “a substantial and direct interest in the hearing.”

5. For the following reasons, the motion from the CFPM to obtain interested party status is dismissed. The CFPM did not convince me that she has a substantial and direct interest in the proceedings. However, I recognize that the CFPM can make a significant contribution or bring a significant perspective to the hearing. As I explain below, I am granting the CFPM intervenor status at this hearing.

6. In her motion, the CFPM submits that she has a substantial and direct interest because of her role responsibilities, as she is the commander of the Canadian Forces Military Police Group, and specifically is responsible for the training standards. She also submits that she is directly affected by the issue of the admissibility of the complaint. Those two arguments will be examined separately.

The CFPM is Not an Interested Party Solely because of her Role and her Training Responsibilities

7. Only the complainant and the person who is the subject of the complaint are automatically, or *de facto*, considered to be interested parties under NDA Section 250.44. Any other person must convince the MPCC that they have a substantial and direct interest in the proceedings in order to have interested party status.

8. I re-examined the case law mentioned in a decision recently rendered in file [MPCC-2024-037](#) (Orton), on the notion of “substantial and direct interest,” and I have no grounds on which to exclude its application to the present case.³ The Courts found that the terms “substantial” and “direct” set a high bar, directly linked to the context and the purpose of the proceedings in which it is applied.⁴ It is a question of fact that is case-specific.

9. The argument that the CFPM has a direct and substantial interest in these proceedings because of her role responsibilities has already been made, and a decision has been rendered, in the [Orton](#) file.

10. On the same grounds as those set out in this decision, I accept that, because of the responsibilities assigned to the CFPM as Commander of the Canadian Forces Military Police Group under Section 18.4 of the NDA, she is affected by the issues raised by the complaint and the specific context of the incident.

³ MPCC 2024-037, [Ruling on Standing of the Canadian Forces Provost Marshal - Proposed Interested Party](#) (November 13, 2025).

⁴ *Burnstick (Re)*, 2024 ABCJ 49, para. 22-33, et *Montgrand (Re)*, 2024 ABCJ 175, para. 15 and 23.

11. However, I remain of the view that if Parliament had intended that the CFPM be an interested party in all cases or that the criterion of a substantial and direct interest be met in every case solely because she is the Commander of the Canadian Forces Military Police Group and performs the functions of the position, that would have been provided for in Part IV of the NDA.

12. I also considered the arguments regarding the CFPM's specific training responsibilities. Any case before the MPCC may involve direct or indirect considerations regarding training and the applicable standards and orders. With respect to the conduct of the military police, it is true that the CFPM has an ongoing interest to ensure that it acts in accordance with the professional standards defined in the *Military Police Professional Code of Conduct*. This issue is not specific to the present complaint; it stems from the very nature of the CFPM's responsibilities. However, it does not mean that the CFPM has a substantial and direct interest in every case that involves training considerations. I also note that the subject matter of the hearing is not training; rather, it is the conduct of the members of the military police, in the performance of policing duties or functions, toward a civilian employee.

13. As already mentioned in our decision to conduct a public interest hearing in the Orton⁵ case, what is examined in this case is the conduct of the military police members toward a civilian employee. The hearing will focus on the allegations of arbitrary detention, unlawful arrest, unreasonable search, and excessive use of force. Due to the context of the incident and the alleged actions, the issue of training cannot be avoided, even though it is not central.

14. The memorandum supporting the CFPM's request states that [TRANSLATION]: "If training that involves simulated police activities can be the subject of civilian complaints and public interest hearings, that would necessarily have an impact on military police training activities."⁶ In my view, the arguments to the effect that the CFPM must have the same latitude as the parties because she has an interest in the issue amount to the argument regarding the jurisdiction of the MPCC, which is examined below.

15. I recognize that the CFPM's participation at certain stages of the hearing could be relevant. She could bring a significant perspective, particularly on training issues. In my view, that is the nature of the role of an intervenor, as defined by the Rules. However, those contributions are not sufficient to demonstrate that the

⁵ MPCC 2024-051 Goulet Public Interest Hearing, [Decision to Conduct a Public Interest Hearing](#) (July 18, 2025).

⁶ The proposed interested party's memorandum of fact and law (May 29, 2026).

CFPM has a substantial and direct interest in the merits of the case, as the complainant and the persons who are the subjects of the complaint do.

Interested Party Status is Not Necessary in Order to Challenge the Admissibility of the Complaint

16. In her motion,⁷ the CFPM also argues that she has a substantial and direct interest in the proceedings because they involve the conduct of military police members as part of military exercises and training activities and the definition of policing duties for the purposes of Part IV of the NDA. In addition, she argues that the CFPM is directly affected by the issue of the admissibility of the complaint.

17. The letter accompanying the motion⁸ indicates that the CFPM intends to make a preliminary motion to contest the admissibility of the complaint. It also states that [TRANSLATION] “the principles of procedural fairness require that the Provost Marshal be heard before the MPCC decides on the admissibility of Mr. Goulet’s complaint.” But, as of this date, the MPCC has not yet received a motion.

18. The CFPM had the opportunity to examine the complaint in the first instance, which she declined to do, stating that the complaint did not meet the criteria in Part IV of the NDA. Based on the information available, the MPCC determined that it has jurisdiction to investigate the complaint. It is now up to the MPCC to examine the conduct in question and to draw conclusions and make recommendations to the CFPM. The CFPM can then decide on the actions to take in light of the report prepared by the MPCC.

19. The arguments made in the motion do not deal with the CFPM’s substantial and direct interest in the proceedings themselves, but with the admissibility of the complaint. Paragraph 38(a) of the Rules specifically deals with motions concerning the jurisdiction of the MPCC, and the Rules do not limit the possibility of submitting such a motion to the interested parties. This means that interested party status is not required in order to submit a motion regarding jurisdiction. Therefore, she could submit a motion with intervenor status and even without any particular status.

20. Issues of jurisdiction frequently involve factual aspects that are case-specific. Those facts must be examined from the perspective of determining the MPCC’s jurisdiction, not to draw conclusions about the merit of the case. Granting interested

⁷ Canadian Forces Provost Marshal’s motion to obtain interested party status (August 21, 2025).

⁸ Letter from the CFPM, [TRANSLATION] *Preliminary motion to come regarding the admissibility of Mr. Goulet’s complaint and Request for Suspension of Deadline to Respond to Summons* (August 21, 2025).

party status to anyone who contests the jurisdiction would have the effect of unduly expanding the notion of “interested party.”

21. Interested party status is intended to protect the persons whose rights and obligations are directly in play in the proceedings, and not those who could be indirectly affected by the consequences of the jurisdiction of a decision maker. Intervenor status exists to enable participation that is proportional to the interest in question.

22. The arguments raised in her motion to obtain interested party status do not convince me that the CFPM has a substantial and direct interest in the proceedings on the basis that she contests, or intends to contest, the MPCC’s jurisdiction to investigate the complaint.

23. I note that the conclusion on the type of status granted to the CFPM would not have been different, even if the motion regarding the jurisdiction of the MPCC had been submitted. However, it would have been useful to be informed of the arguments the CFPM will put forth in her motion regarding jurisdiction. Those arguments could be relevant in establishing the scope of the rights to be granted to the CFPM as an intervenor.

24. I invite the CFPM to submit her motion regarding the jurisdiction of the MPCC by August 31, 2026. That would enable the parties to respond to the motion before the beginning of the hearing and enable the MPCC to take it into account when planning the hearing, particularly its length.

Intervenor status

25. Section 44 of the Rules allows the MPCC to authorize a person to intervene if the MPCC is convinced that the person can make a significant contribution or bring a significant perspective, and if the potential benefits of the intervention outweigh any prejudice it could cause to the parties.

26. The present case could raise issues about the training of military police members on detention, arrests, searches, and the use of force. Given the CFPM’s responsibilities for military police training and professional standards, I believe she could make a significant contribution and bring a significant perspective to the hearing as an intervenor on these issues. I also believe that, if the CFPM submits a motion regarding the MPCC’s jurisdiction, she will be able to make a significant contribution and bring a significant perspective on this specific issue.

27. In accordance with the obligation to deal with this case as informally and expeditiously as the circumstances and considerations of fairness permit, I exempt the CFPM from submitting a separate motion for leave to intervene. In doing so, I took into consideration the arguments already presented in this motion, as well as the fact that none of the parties opposed it.

28. I therefore grant the CFPM the authorization to intervene in this hearing. The advantages of the cooperation and participation of the CFPM in the hearing outweigh any prejudice it could cause to the parties.

29. Section 49 of the Rules allows me to limit an intervenor's participation to one or more stages, in particular cross-examination of witnesses, the right to present evidence, or one or more issues raised at the hearing.

30. In light of the above, I conclude that the CFPM should be permitted to make written opening and closing submissions, but only regarding the current standards and military police training on detention, arrests, searches, and the use of force. That submission must be limited to these issues and must not pertain to the conduct of the military police members who are the subjects of the complaint.

31. It is preferable to wait for the submission of the motion regarding the MPCC's jurisdiction before deciding the extent of the rights that could potentially be granted to the CFPM as an intervenor in relation to the issue of jurisdiction. As explained above, the arguments advanced by the CFPM in the motion can inform the MPCC in this evaluation.

Decision

32. I **DISMISS** the CFPM's motion to obtain interested party status.

33. I **GRANT** the CFPM intervenor status. As no response was received regarding this motion, I waive an exchange of memoranda on this issue.

34. I **GRANT** the CFPM the right to make written opening and closing submissions but only regarding the current standards and military police training on detention, arrests, searches, and the use of force.

35. If the CFPM submits a motion regarding the MPCC's jurisdiction, I will reconsider the restrictions established under Section 49 of the Rules so that the CFPM can present her arguments regarding this jurisdiction issue.

36. If the CFPM or the parties do not agree with this decision, they can seek a judicial review before the Federal Court under Section 18.1 of the *Federal Courts Act*, within 30 days following receipt of this court order or within the time limit ordered by the Court.

DATED at Ottawa (Ontario) this 14th day of July 2026.

Original document signed by:

Me Tammy Tremblay, MSM, CD, LL.M.
Chairperson