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MILITARY LAW AND OPERATIONS Chris Madsen 2026-2

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What's New in This Update:

Bill C-11, the Military Modernization Act, received royal assent on June 18, 2026. This legislation gives exclusive jurisdiction to investigate and prosecute sexual offences to civilian authorities and criminal courts, with a mandated review in three-years time, changes the name of the Canadian Forces Provost Marshal to the Provost Marshal General, clarifies the positions of Director of Military Prosecutions and Director of Defence Counsel Services, excludes military judges from summary hearings and enhances access to victims liaison officers, and aligns sex offender information and publication ban provisions with associated amendments to the Criminal Code of Canada. See § 1:28.

Madame Justice Louise Arbour was installed governor general, the King's representative in Canada, on June 8, 2026, and honorific commander-in-chief of the Canadian Armed Forces. Arbour previously undertook an independent review of sexual offences and harassment in the Canadian military after serving in various international capacities and on the Supreme Court of Canada. See § 4:17 to § 4:18.

Courts martial lists for 2026, 2025, 2024, 2023, 2022, 2019 have been updated.

Cases of note:

Bees v. Canada (Attorney General), 2024 ABKB 704, 2024 CarswellAlta 3150 (Alta. K.B.), affirmed 2026 ABCA 163, 2026 CarswellAlta 1268 (Alta. C.A.) allows a proposed class action to proceed on behalf of the victims of a military padre and related matters, against the Government of Canada and the Canadian Armed Forces, for failure to prevent offences against minors on military bases. See § 3:9.

Snook v. Canada (Attorney General), 2026 FC 912, 2026 CarswellNat 2490 (F.C.) upheld the denial of a grievance of naval reserve officer wanting an extension of service to age 65, five years beyond the mandatory retirement age in the military. See § 4:9.

Military Police Complaints Commission v. Canada (Attorney General), 2026 FC 626, 2026 CarswellNat 1604 (F.C.) established that the Military Police Complaints Commissions lacks power to compel the Provost Marshal General to disclose files or information related to the conduct of a public interest investigation by that body into military police matters. See § 3:9.

R. v. Glossop, 2026 BCCA 225, 2026 CarswellBC 1732 (B.C. C.A.) provides for consideration of post-traumatic stress disorder arising from previous military service, to reduce sentences for gen-

eral criminal acts, that may involve significant property and financial losses. See § 4:11.