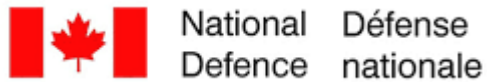


Legalities of the CAF and CFWMS – Messes - Explained

Legal Separation

Department of
National Defence



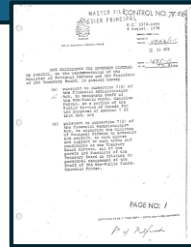
The CAF



Appx 80 thousand soldiers



Order in Council 1978 Establishes the Staff of the Non-Public Funds, Canadian Forces signed by the Governor General on recommendation from the MND and the President of the Treasury Board



The Financial Administration Act R.S.C., 1985, c. F-11, Current to November 20, 2025, Published by the Minister of Justice -



Non-Public Funds, Non-Public Property is the governing issue creating the legal separation



Legalities of the CAF and CFWMS – Messes - Explained

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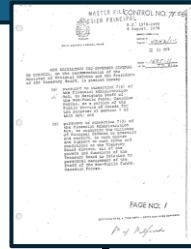
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The Financial Administration Act R.S.C., 1985, c. F-11, Current to November 20, 2025, Published by the Minister of Justice -



Non-Public Funds, Non-Public Property is the governing issue creating the legal separation



Messes are businesses owned and run by the CFMWS. These businesses have Mess Managers, bars and bar staff that serve alcohol and are currently given permission to operate on DND property, some in historic buildings. These business are clubs like a Planet Fitness and have a monthly subscription fee.



Legalities of the CAF and CFWMS – Messes - Explained

Legal Separation

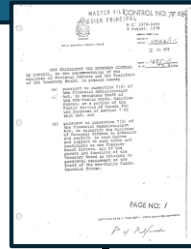
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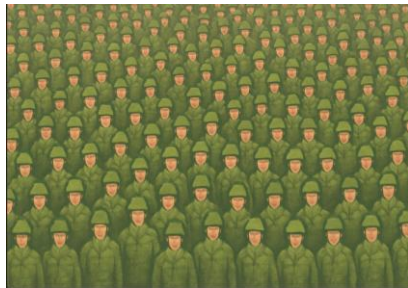
The CAF has been ORDERING its members to join these non-CAF, non-DND private clubs for DECADES. Subscription fees range from appx \$10-30 a month per member. Appx \$14 million annually compelled from CAF members.

Legalities of the CAF and CFWMS – Messes - Explained

Canadian Charter of Rights and Freedoms



Appx 80 thousand soldiers



CAF members still retain their Charter rights including 2(d)(ii) their Freedom From Compelled Association. The CAF cannot lawfully order members to join a private club that doesn't belong to the DND or the CAF.



Messes are businesses owned and run by the CFMWS. These businesses have Mess Managers, bars and bar staff that serve alcohol and are currently given permission to operate on DND property, some in historic buildings. These business are clubs like a Planet Fitness and have a monthly subscription fee.



Legalities of the CAF and CFWMS – Messes - Explained

Canadian Charter of Rights and Freedoms

The CAF

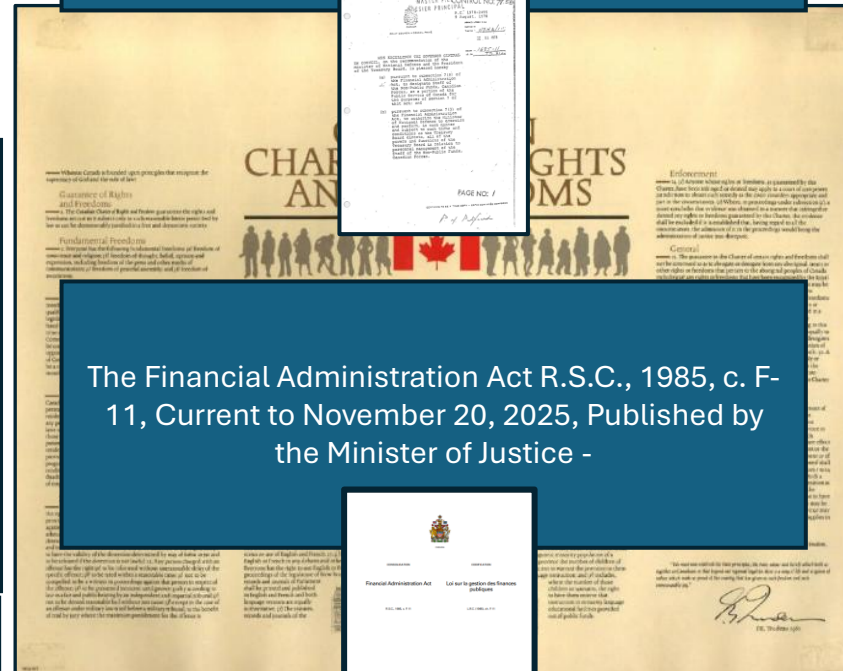


The function of a mess in CAF culture is historical with its genesis being the British military forces.

There is no tradition that is important enough to violate the Charter Rights of Canadian citizens. CAF members are Canadians citizens too.

It seems the CAF has not addressed the legality of this issue for over 40 years.

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The Financial Administration Act R.S.C., 1985, c. F-11, Current to November 20, 2025, Published by the Minister of Justice -

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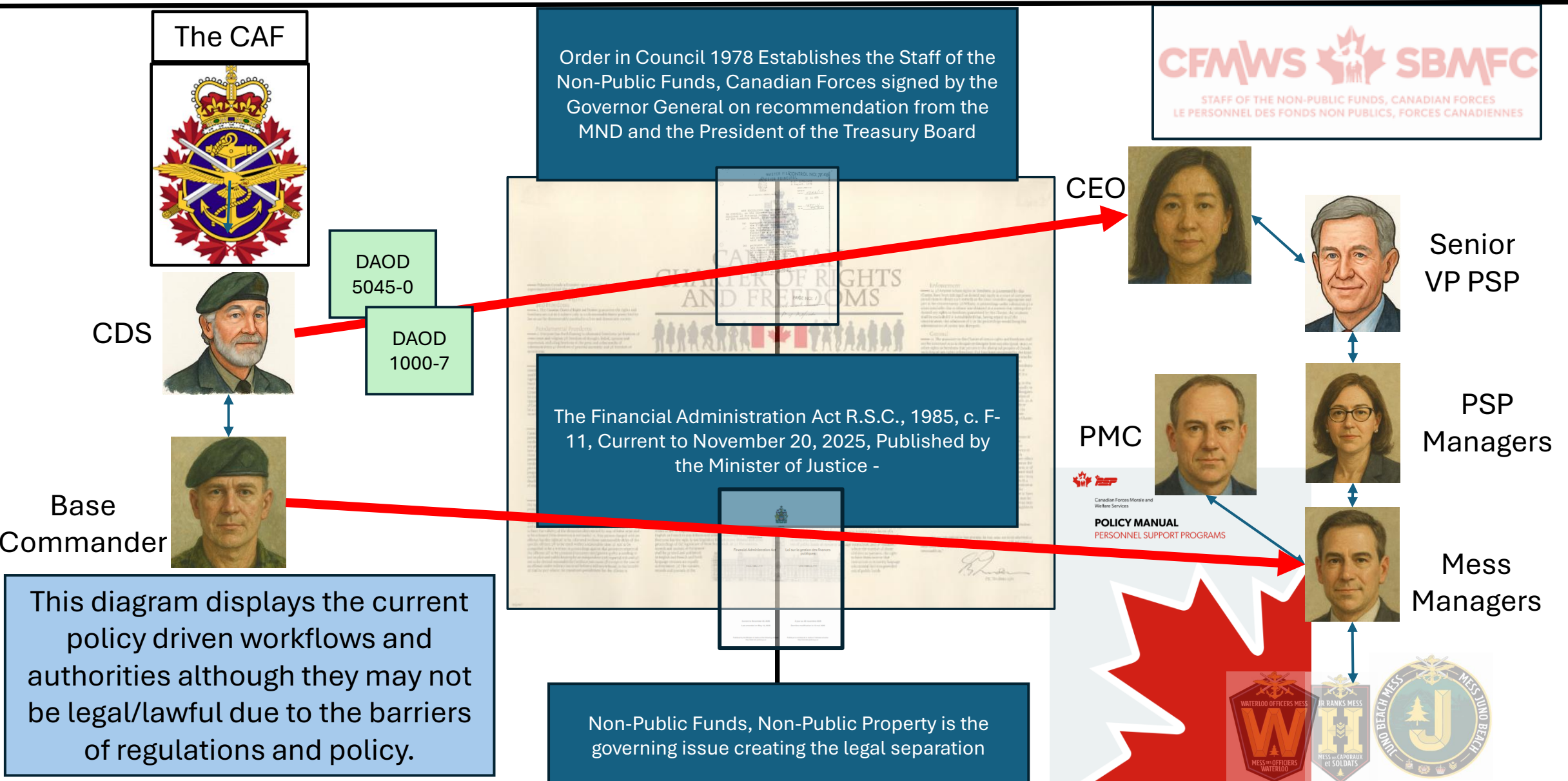
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Legalities of the CAF and CFWMS – Messes – Explained

(all images below do not represent these actual people)

Workflows



Legalities of the CAF and CFWMS – Messes – Explained

CFMWS and Functional Authorities

The CAF



CFMWS acknowledges that the CFMWS and all subordinate organizations do not fall under the DND or the CAF and that the PSP Policy Manual is direction and guidance for PSP and not the CAF. The PSP policy manual is not a legal record providing any functional authorities to anyone in the CAF. The MND is overall responsible for all NPP/NPF (see the OIC) and CFMWS although the CDS has been vested with NPP stewardship for the CAF.

Order in Council 1978 Establishes the Staff of the Non-Public Funds, Canadian Forces signed by the Governor General on recommendation from the MND and the President of the Treasury Board



From: Heilman, Corinna <Heilman.Corinna@cfmws.com>
Sent: Tuesday, December 10, 2024 1:41 PM

CORINNA HEILMAN

Senior Vice President Personnel Support Programs

Subject: RE: Mess Membership, PSP Manual and DAOD 5045-0 Canadian Forces Personnel Support Programs - Grievances processing and Initial Authority

I'm sending this from my CFMWS account for ease of access.

I sent a short note recommending that we find some time to chat. In the mean time, I'd offer the following related to authorities and reporting chain for CEO CFMWS/MD NPP:

- Chap 9-4 para 4(b) is referring to policies governing the public support that is provided to morale and welfare programs. This speaks to things like infrastructure and public funding allocations, not to program policy.
- Chap 9-4 para 4(c) is the appropriate reference for policies covering CAF members, which includes the personnel support program policies as captured in the PSP Policy Manual. This is CMP authority. CFMWS/PSP is the delivery mechanism for the programs.
- DAOD 1000-7 assigns functional authority over morale and welfare programs to CMP.
- DAOD 5045 directs that DND and the CAF must manage personnel support programs in accordance with the PSP Policy Manual.

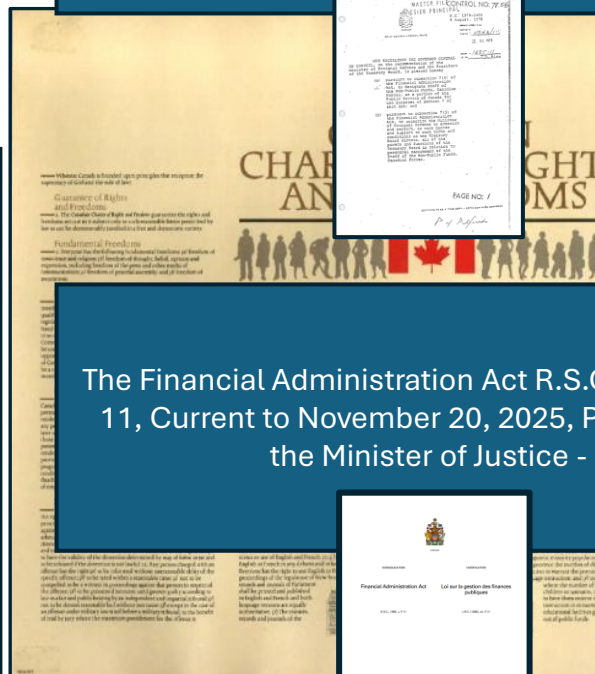
In terms of reporting, the CEO reports directly to the CDS with ongoing direction provided by the VCDS. CFMWS is not part of CMP, the CAF or DND. Under Schedule 5 of the Financial Administration Act, CFMWS is a federal agency that is not part of the core public service (i.e. it does not fall under Treasury Board).

The requirement for CAF members to belong to a mess falls under CMP's authority for morale and welfare with the policy being captured in the PSP Policy Manual and as such, it is not CEO CFMWS/MD NPP direction so it would not be appropriate to have the CDS sign the adjudication letters. I also think this would present a conflict given that the CDS is the final authority.

Again, it's likely best if we find some time to chat through this space.

Corinna

The Financial Administration Act R.S.C. 11, Current to November 20, 2025, Part 1, Section 11, the Minister of Justice -



Non-Public Funds, Non-Public Programs governing issue creating the legal

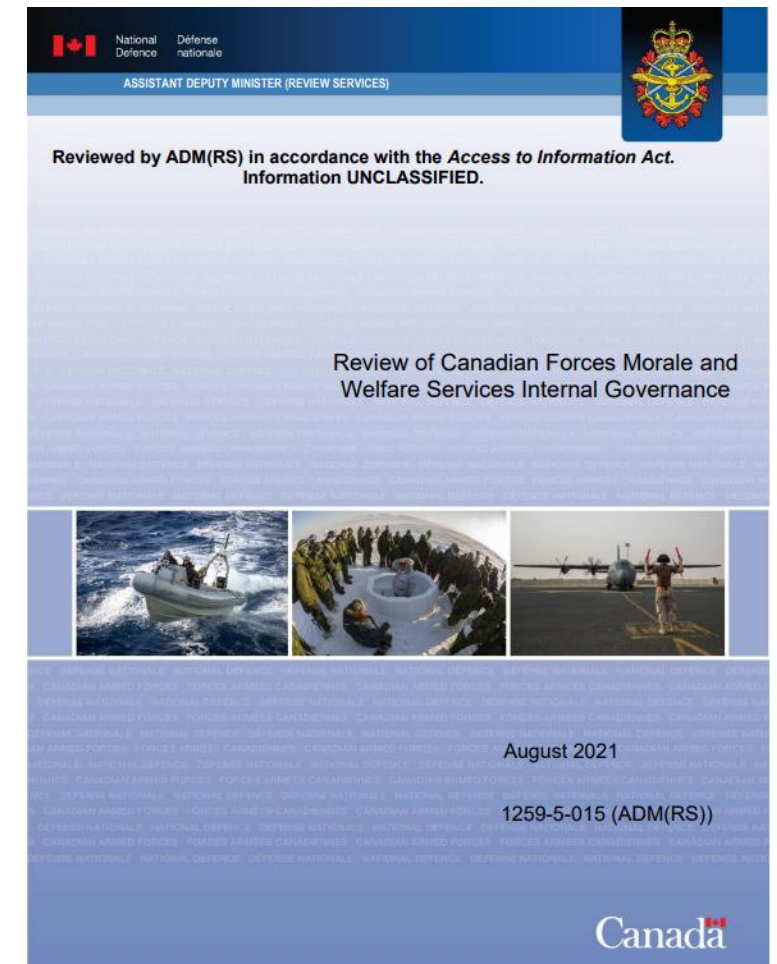
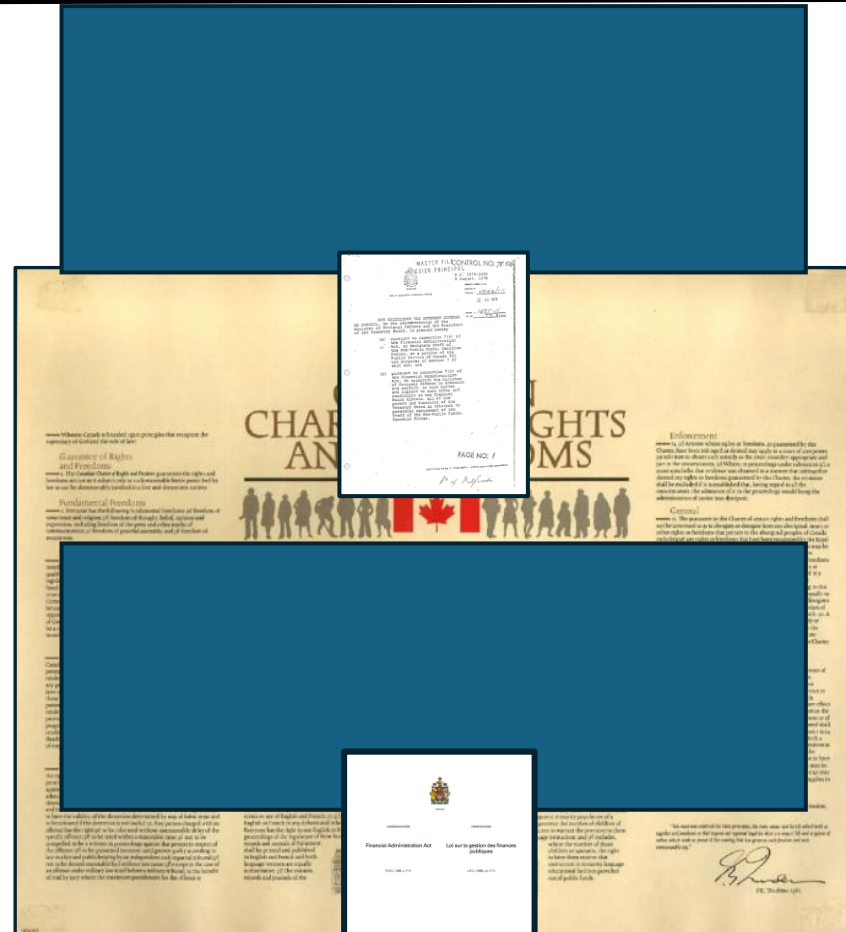
Legalities of the CAF and CFWMS – Messes – Explained

National Defence Act

This review was conducted in August of 2021:

1. “The NDA makes the Minister of National Defence ultimately responsible for NPP and specifies that NPP is vested with the Chief of the Defence Staff (CDS), Base/Wing Commanders and Unit Commanding Officers. The CFMWS is responsible for administering NPP on behalf of the CDS and for delivering selected Morale and Welfare (MW) services and activities to eligible members and their families.”

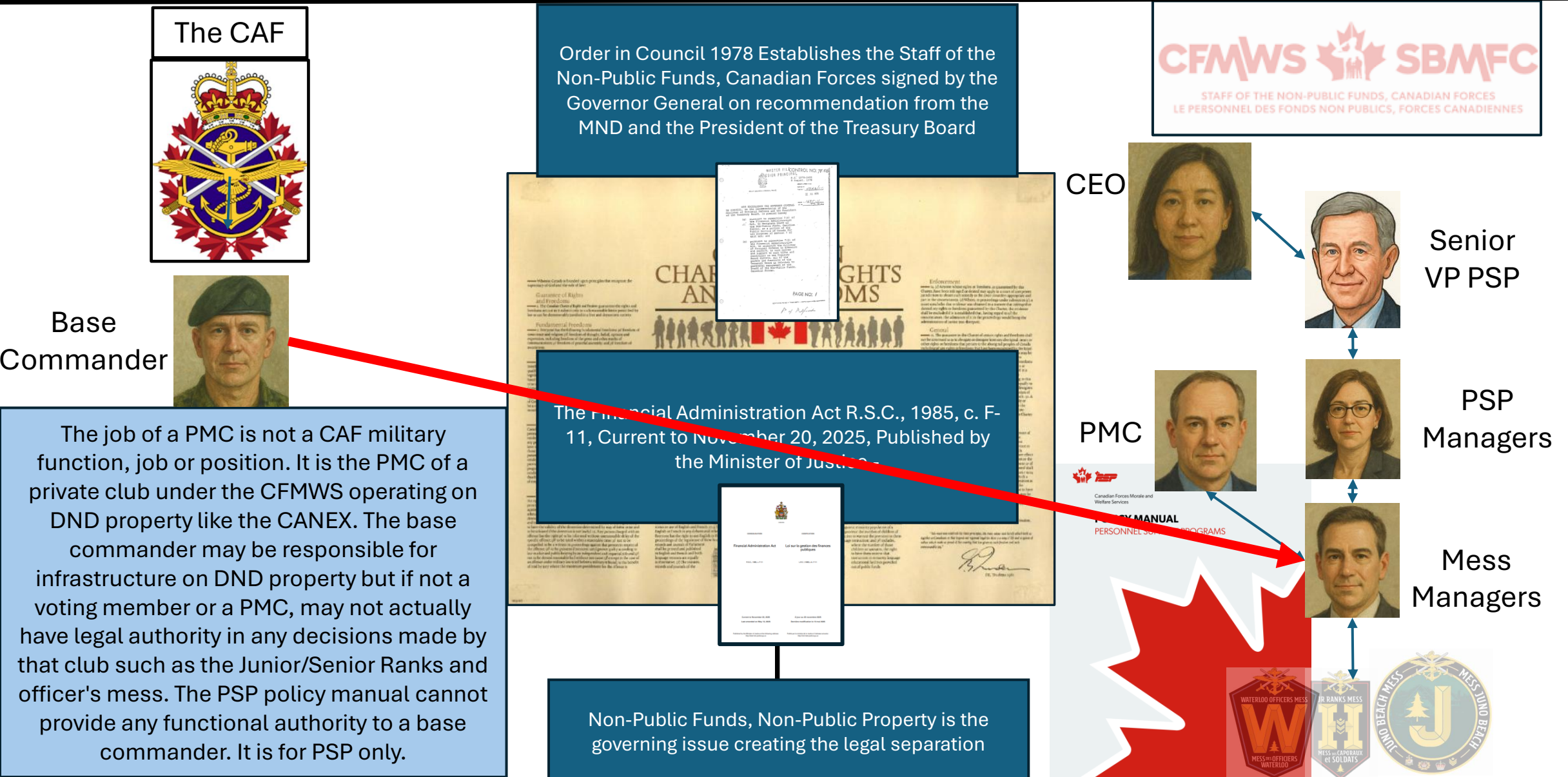
2. This does not provide the CDS or Base/Wing Commanders or Unit CO's with any functional authorities over a Mess association or its members. The mess associations are small businesses established under CFWMS with a financial structure, constitution, treasury, and mess managers that work for the PSP manger and the PMC/mess committee NOT the base/wing commander.



Legalities of the CAF and CFWMS – Messes – Explained

(all images below do not represent the actual people in these positions)

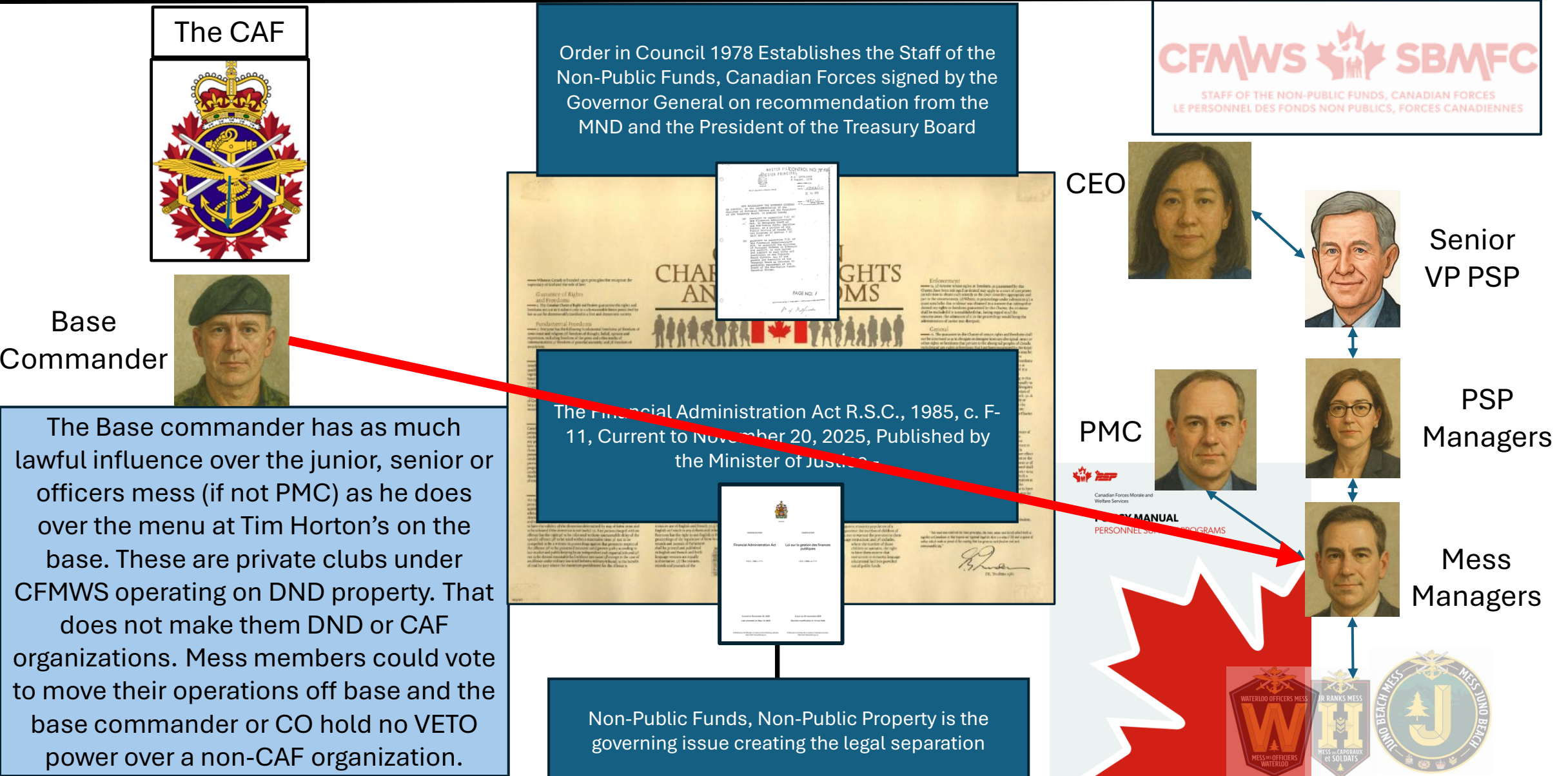
Mess Committee Positions Are Not CAF Functions



Legalities of the CAF and CFWMS – Messes – Explained

(all images below do not represent the actual people in these positions)

Base Commander Authorities / Private Organization



Legalities of the CAF and CFWMS – Messes – Explained

(all images below do not represent the actual people in these positions)

Is CANFORGEN 095/25 A Lawful Order (to follow PSP Policy Manual)?

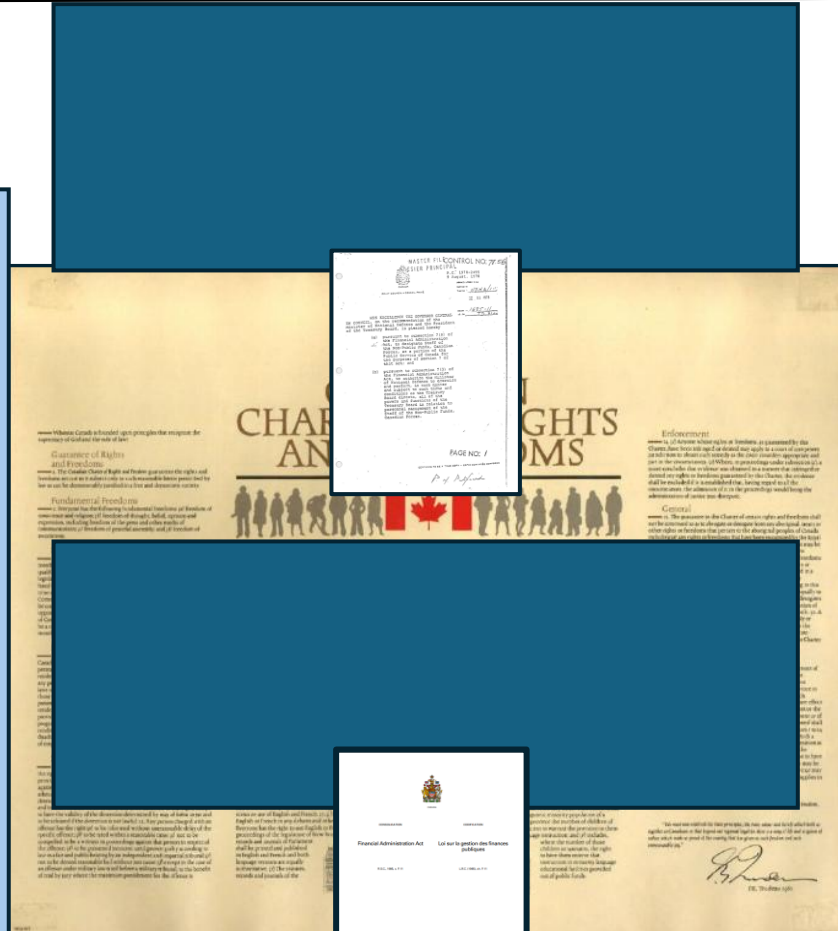
CDS



Can the CDS Order Compliance with CFMWS Policies?

The Chief of the Defence Staff (CDS) is the senior officer charged with the control and administration of the CAF, under the direction of the [Minister \(NDA 18\)](#). The CDS can issue orders to the CAF on any matter **necessary** to carry out Government decisions or Minister's directions. In theory, the CDS **could** issue a directive stating that CAF members will comply with certain CFMWS or PSP policies. For example, the CDS could promulgate an order (via CANFORGEN, order, or QR&O amendment) that *"all CAF members shall adhere to the PSP Policy Manual's provisions regarding XYZ."* If properly issued, such a directive would then become an **order** from the military chain of command.

However, the key issue is whether doing so is **legally or practically justifiable when there is "zero operational requirement" and no military necessity**. Is it in fact a **lawful order**? Military orders must have some foundation in military purpose, they should relate to good order, discipline, administration, or operational effectiveness of the forces.



In the absence of any operational, security, or administrative necessity, ordering members to follow the directions of an outside entity starts to look **ultra vires** (beyond the proper authority). It would be analogous to ordering CAF personnel to obey the policies of a private club or an unrelated organization, something highly unusual. The comparison to a local Legion branch would be apt: it would be like the CDS ordering all members to "follow the direction of the Royal Canadian Legion" (a veterans' organization). **Nothing in law expressly empowers the CDS to place blanket obedience to a separate non-military organization's policies upon CAF members**, especially when that separate entity's policies are not tied to any duty or operation of the CAF.

A CDS order that "all members shall abide by section x in the PSP Manual", which might include things like recreational club rules or mess policy, edges into an area of **policy preference rather than military necessity**. Such an order could be viewed as unreasonable or not *"necessary for the performance of the member's duties"*

The legal authority of the CDS or any CAF chain of command to compel members to **associate with and obey the policies of CFMWS or PSP**, in the absence of military necessity or lawful attachment/secondment, is **constitutionally questionable** under s. 2(d) of the Charter.

The practice of **enforcing CFMWS or PSP policy through military orders**, especially when that policy has no operational justification and comes from an external civilian employer, is **legally analogous to conscripting members into a union, private club, or association without consent**.

Legalities of the CAF and CFWMS – Messes – Explained

(all images below do not represent the actual people in these positions)

Who Works For Who?

Base Commander



The mess manager does not work for the base or wing commander. The base or wing commander's authorities extend to anything having to do with their real property, facilities and the operational functionality of the infrastructure on base. The base commander lawfully could:

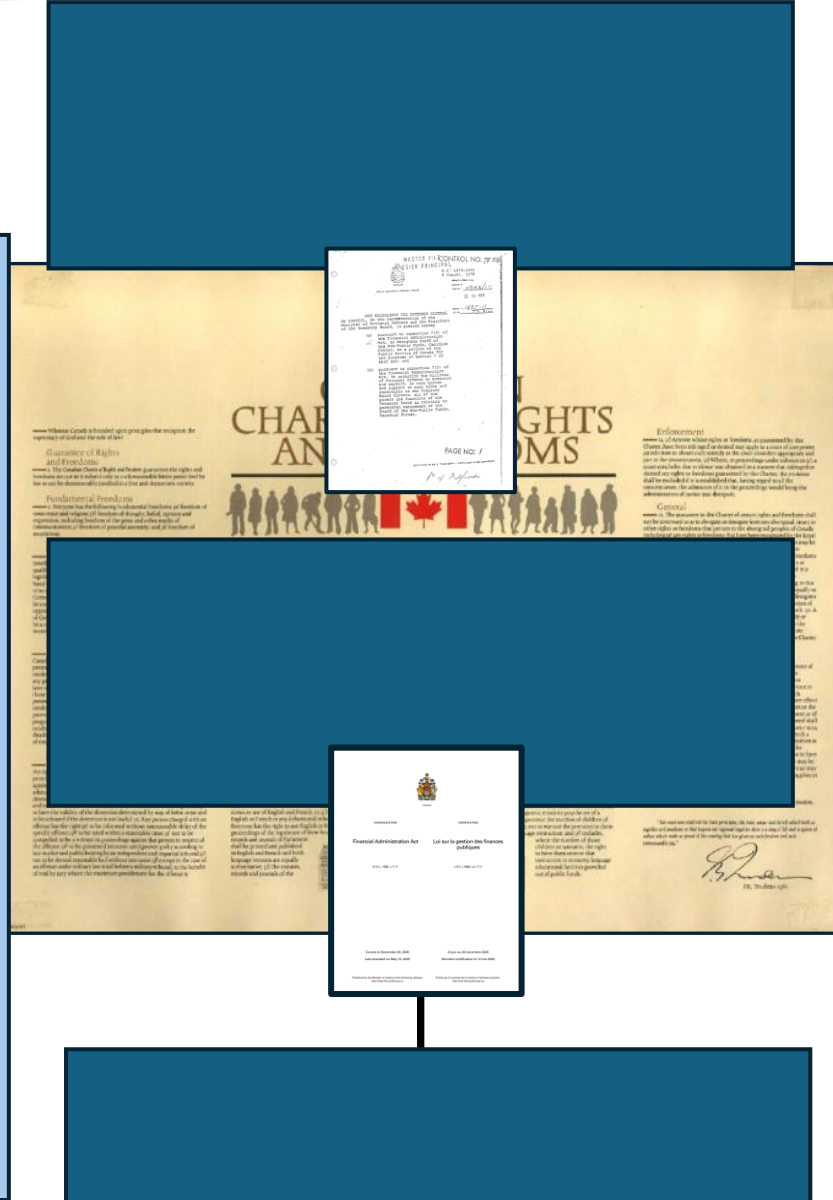
- Deny the installation of an electronic device or appliance into one of their buildings;
- Modify the hours and operations of a building on their base;
- Deny the installation of furniture into one of their buildings;
- Deny the storage of equipment or furniture in any building on their base;
- Raise or lower conditions related to use, entry, occupation, and operation of a building or facilities on their base;
- Demand reporting/reports from military members about all activity of their private club or association that he has permitted to operate on their base/wing (if not in breach of Privacy Act);
- Deny or cancel any event that is not a CAF function, planned or taking place on their base/wing.

Mess Managers



The mess manager works for the PSP manger, the PMC, the mess committee and by extension the body of the club/association members. The mess manager does not work for the base commander. The base commander has zero lawful authority over the mess association unless the specific mess has enshrined powers to the base commander in their constitution. In which case, the mess association may vote to change their constitution and remove any/all power they had previously given to the base/wing commander.

If there happen to be any intimidation, threats or any negative CAF workplace activity or negative treatment that the PMC and mess association members suffer due to their lawful activities within their mess association, these acts could/may be reported to any law authority. Since a CAF mess association is not a CAF or DND organization civilian law enforcement may also be involved.



Legalities of the CAF and CFWMS – Messes – Explained

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PMC Guidance Manual

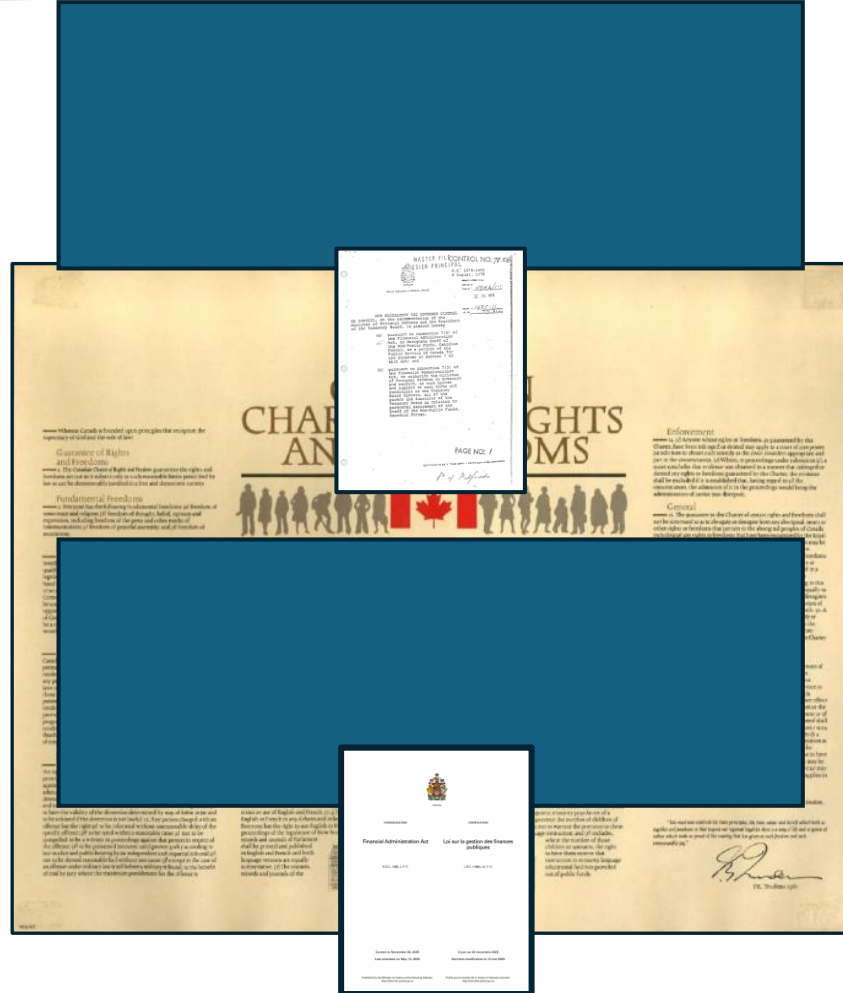
Base
Commander



PMC



President Mess Committee (PMC)
Guidance Manual



The PMC Guidance Manual exists and is published by the CFWMS. This document does not provide any lawful authorities or responsibilities to any member of the CAF which is the same situation with the PSP Policy Manual that Corinna Heilman identified in slide 7. The PMC Guidance manual is contradicting in its information, such as:

1. Mess: means the organization whose membership is related to an identifiable rank, formed for the purpose of building esprit de corps and comradeship; or the facility or facilities, which provide space in which to carry out the functions of the organization and may include a wardroom or dining room, bar or anteroom, lounge, games room, patio, and other common rooms/areas which, when provided, are operated and administered to provide services to the members of the mess. Messes have been entrusted to the Commanding Officer pursuant to Sections 38 to 41 of the National Defence Act.
2. Mess due or mess subscription: is a monthly assessment corresponding to a membership fee, which defrays the general operating expenses of the mess. The amount shall be set for both ordinary and associate members and shall be determined by a general mess meeting and *approved by the B/W CO*.

Legalities of the CAF and CFWMS – Messes – Explained

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PMC Guidance Manual

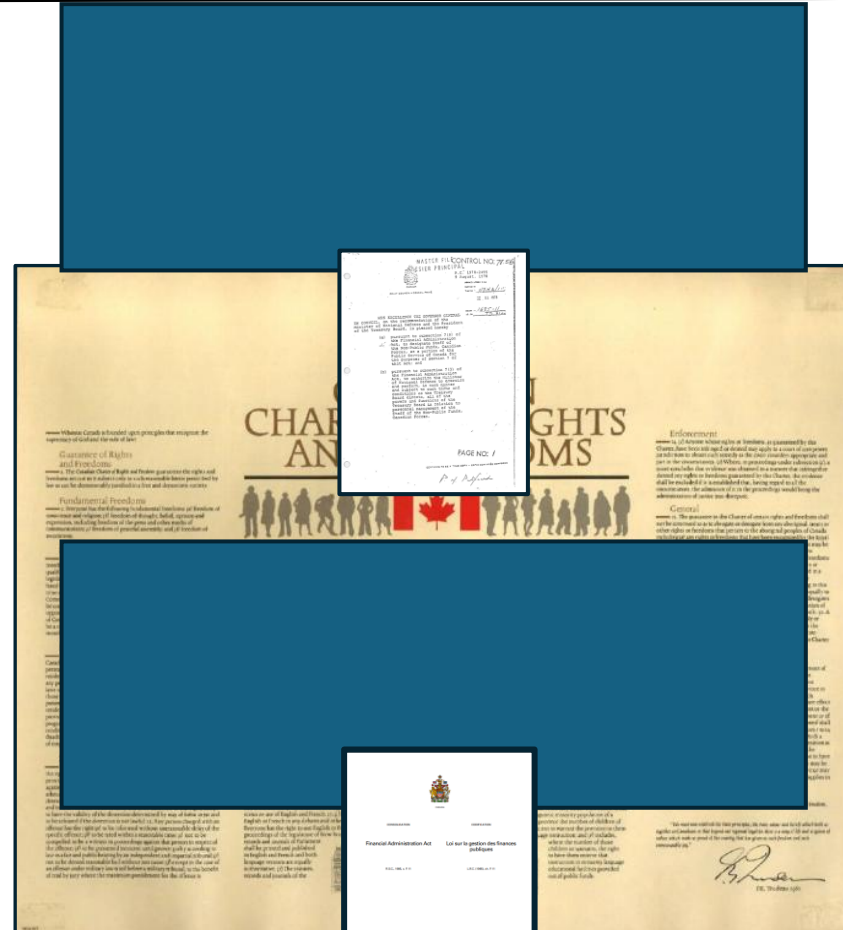
Base
Commander



PMC



President Mess Committee (PMC) Guidance Manual



3. 2.01 Mess Organization 1. The example of the Mess management organization chart at Annex A indicates the chain of command and roles of key positions in the management of a Mess. They include: a. PMC; b. Executive Committee Positions; c. Mess Manager; d. Supervising Officer; e. PSP Manager/Base/Wing Pers Services Officer; and f. Base/Wing Commander/Commanding Officer (CO);
4. 2.05 Role Mess Supervising Officer (in addition to duties stated in ref C) 1. The CO shall appoint an officer to act in an advisory capacity to the mess committees of each officer cadet and junior ranks' mess. The Mess Supervising Officer shall: a. assist and advise the Mess Committee as required; b. be an ex-officio member of the Mess Committee; and c. keep the CO advised of the affairs of the mess. 2. The Mess Supervising Officer is the link between the PMC and the CO. The Mess Supervising Officer ensures that the PMC and Mess Committee are conducting business in accordance with NPP policies and procedures. Mess Supervising Officers should attend all Executive and General Mess Meetings.

Legalities of the CAF and CFWMS – Messes – Explained

(all images below do not represent the actual people in these positions)

PMC Guidance Manual

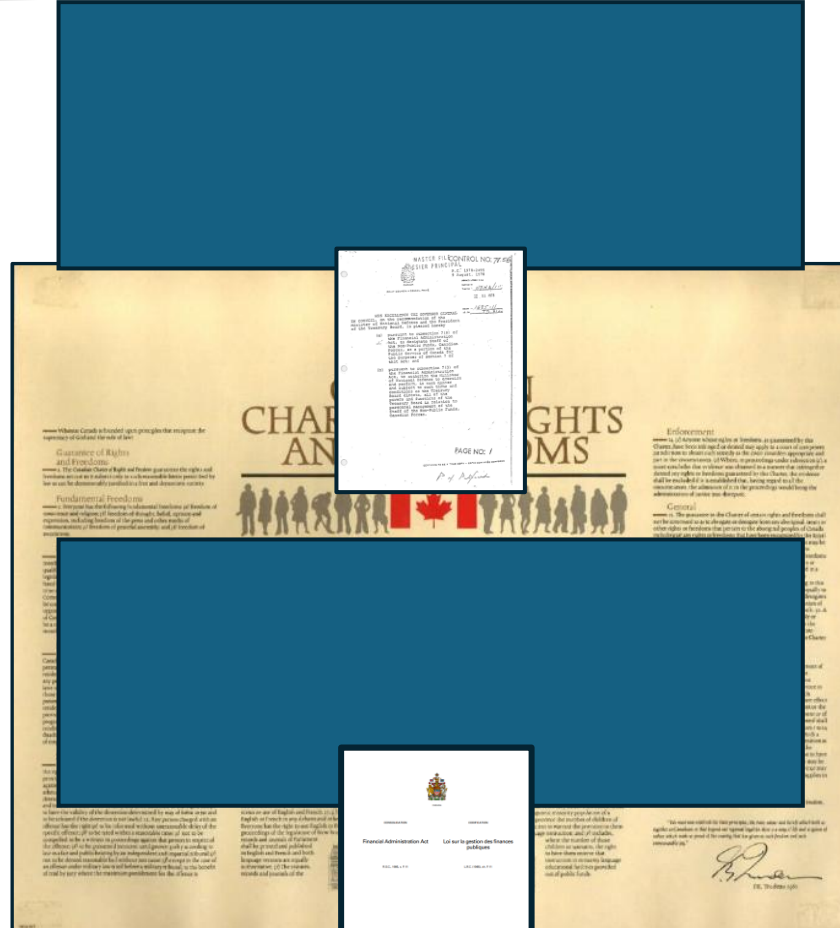
Base
Commander



PMC



President Mess Committee (PMC)
Guidance Manual



5. Budgets must be presented to the General Mess Meeting for approval. The budget is officially approved once the general mess meeting minutes are signed by the *CO or delegated authority*.

6. 6.01 Constitution and By-Laws 1. A constitution, as applied to a Mess, is a document, which enunciates the authorized principles according to which the mess is formed and governed. All details shall be contained in a set of Mess rules known as "Constitution and By-laws". A sample constitution and suggested article headings for by-laws is in NPP Policy Manual. The constitution and by-laws shall be ratified at a general mess meeting and be *approved by the B/W CO* prior to taking force. Immediately on joining a Mess, a member shall be given the opportunity to read the constitution and by-laws, a copy of which must be available to members at all times.

Legalities of the CAF and CFWMS – Messes – Explained

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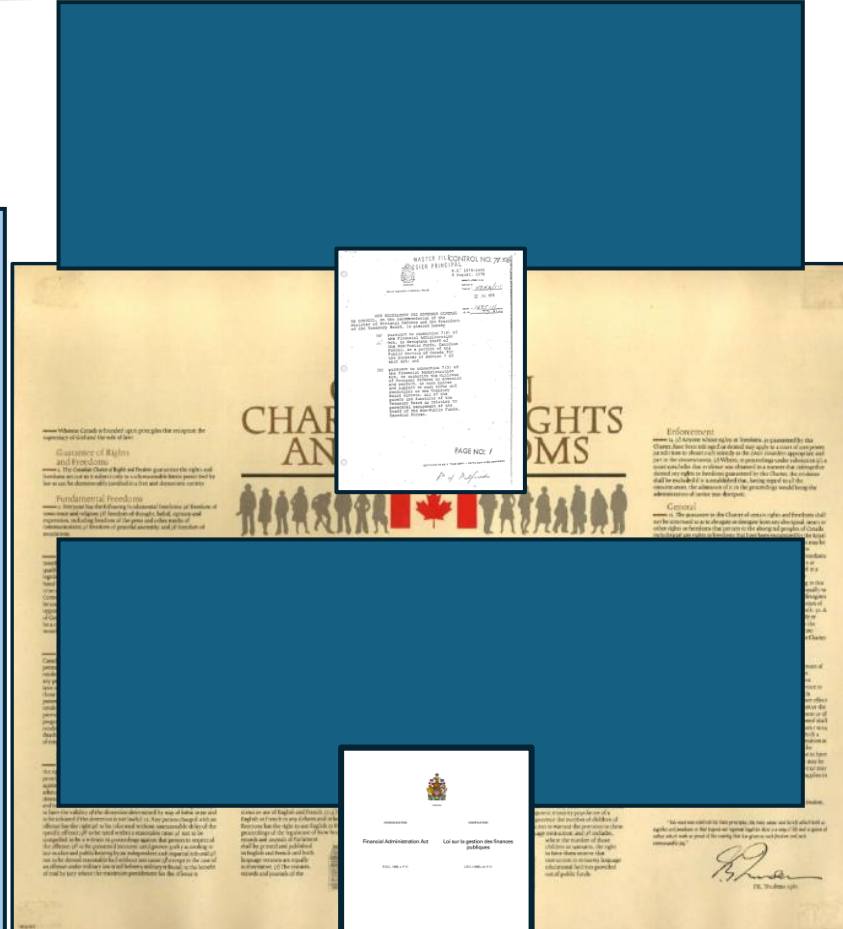
Legal Authorities?

Base
Commander



Contradictions explained:

- [NDA Section 38-41](#) provides ZERO specific lawful authority over a private mess association, the mess manager, the PMC or committee or the mess association body;
- B/W CO have no lawful “approval” authority for mess subscription fees (membership fees);
- B/W CO’s have no lawful managerial authority over the mess under CFWMS – their authority extends to real property and facility operation while on a DND installation;
- B/W CO’s have no authority to appoint “supervising officers” in any *ex-officio* capacity to a mess association or committee. The mess would need to vote and accept these members in. While mess activities take place on a DND installation the B/W CO have every lawful authority to task an officer (or anyone) to attend all functions and meetings;
- B/W CO’s have no lawful authority to be the approving authority for a budget for a non-CAF, non-DND organization that they have no lawful jurisdiction over, although they do have oversight;
- A mess association does not require any approval from a B/W CO to generate or amend any sections or parts within their constitution.



PMC



President Mess Committee (PMC) Guidance Manual

Legalities of the CAF and CFWMS – Messes – Explained

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PMC Position Is Not In The CAF CoC



Base
Commander



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Not a single regulation or lawful order exists that gives the B/W CO any specific direct authority over the civilian position of PMC or the mess manager. A base commander cannot simply *order* the PMC to take certain actions in the mess, unless those actions overlap with military duties or lawful orders. PMC (and other committee members) are CAF members working within a non-CAF entity. In practice this is managed informally (with supportive cooperation between the CO and the committee), but it underscores that a **PMC's obedience is owed to the mess's by-laws and membership decisions, rather than to orders from the military chain of command (except where those orders concern broad military matters like discipline or lawful general policies).**

References:

- [National Defence Act](#);
- [DAOD 5045-0 CAF Support Programs](#);
- [DAOD 9003-1 Non-Public Property](#);
- [Financial Administration Act](#);
 - [PSP Policy Manual](#)
 - [PMC Guidance Manual](#)
- [NPP Audit of Mess Management](#)

The Financial Administration Act, R.S.C. 1985, c. F-11, Current to November 20, 2025, Published by the Minister of Justice -



Non-Public Funds, Non-Public Property is the governing issue creating the legal separation

PMC



Mess
Managers



Legalities of the CAF and CFWMS – Messes – Explained

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So What?



PMC



Mess
Managers

1. With the \$1 million your mess has sitting in a bank account, vote to move your mess off base, rent a small building or office space downtown that isn't full of asbestos that isn't managed by RP Ops taking 10 years for repairs. Build an arcade in it, install TV's and game systems, WIFI 24/7, install proximity passes or use door codes for access 24/7 so that you can take your kids there to the non-drinking side and hang out whenever you like, or maybe there is no bar at all;
2. Vote to invest \$600 000 in dividend stocks, let it accumulate and maybe in 10 or 20 years the dividends pay for the annual operations of the mess or help to build a new building off base;
3. Vote to move of base, let the bases and wings maintain their own historical buildings with their own RP Ops budget and other funding for tables, chairs and repairs. Dinners and events where CAF members are ordered to wear "mess kit" in a historical building is not necessarily a mess association function, it is just held at a building or facility where the mess association operates out of. Yes they are called "mess dinners" but they may not be mess association functions; and
3. Vote to change the dress regulations in your constitution, the base commander does not hold any veto power over the body of the mess association when they vote on issues like this. The mess is not a CAF or DND organization.