



Nfld. & Labrador

St. John's lawyer wants Ottawa to accept responsibility for sexual offender cadet leaders



Canadian government denies any responsibility for the actions of cadet leaders

[Glenn Payette](#) · CBC News · Posted: May 04, 2017 1:54 PM NT | Last Updated: May 5, 2017



Lawyer Will Hiscock says Ottawa should be less defensive about sexual assault cases involving cadet leaders.
(Glenn Payette/CBC News)

A St. John's lawyer is calling on The Government of Canada to accept responsibility for cadet leaders who sexually abused cadets.

"I don't believe there is a rationale for the Government of Canada, The Attorney General of Canada, not being responsible for cadet officers," says Will Hiscock, who has represented many

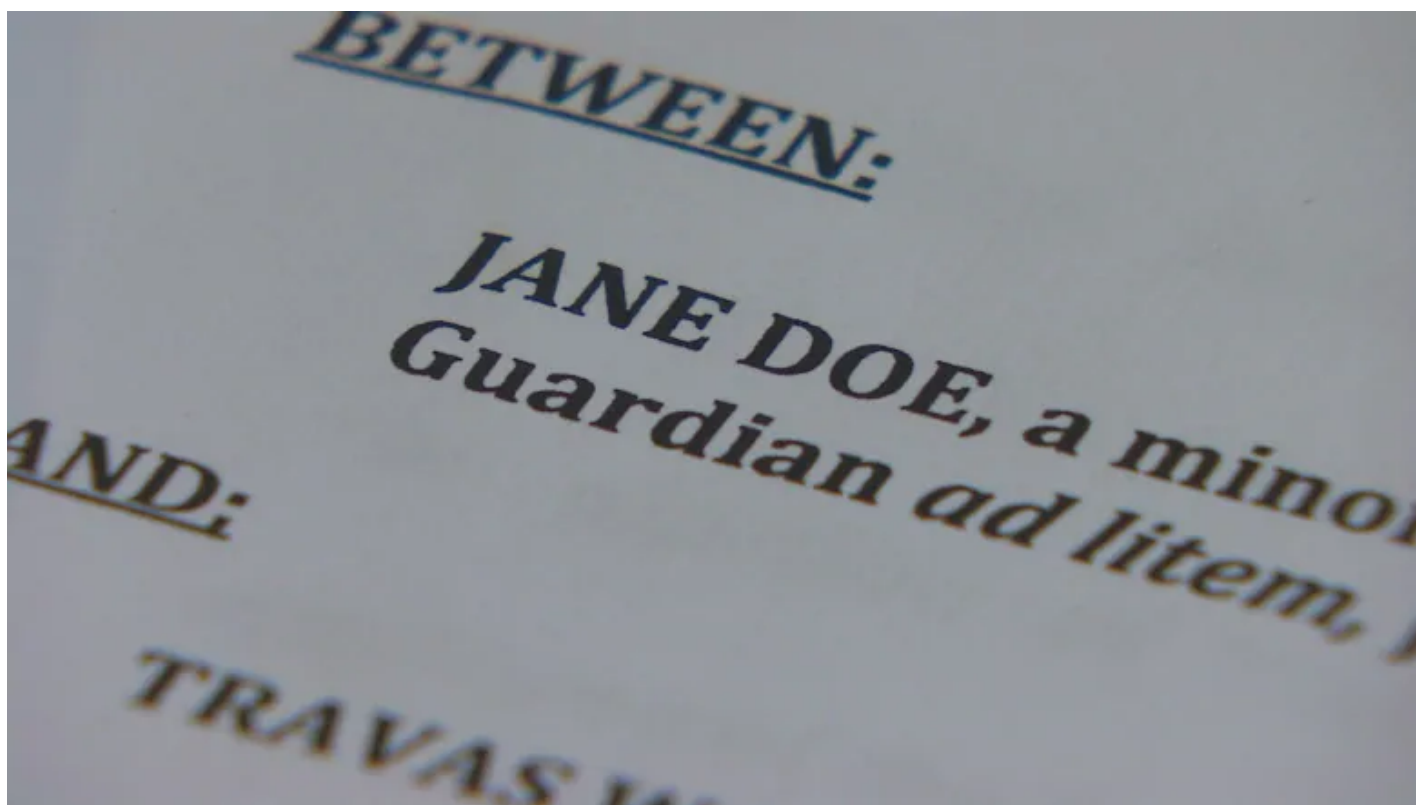
clients in sexual assault civil cases.

There are three such cases working their way through the courts in Newfoundland and Labrador.

One will go to trial on Monday, May 8, at Supreme Court in St. John's.

In it, Jane Doe is now suing four parties, including The Attorney General of Canada. She has just reached an agreement with a fifth party, the Army Cadet League Of Canada.

Over four months, she was sexually abused – sexual intercourse and other acts – by training officer Travas Kendell, of her air cadet squadron.



The Jane Doe sexual assault lawsuit begins in St. John's on Monday (Glenn Payette/CBC News)

Jane Doe was 14 at the time. Kendell was 33. In June 2011, he pleaded guilty to sexual touching and sexual assault, and was sentenced to 21 months in prison and a year's probation.

So there is no disputing that the offenses took place. The issue is whether the federal government has to take responsibility for Kendell's actions.

In its Statement of Defence in the civil case, The Attorney General said "Canada denies that it is directly or vicariously liable for the conduct of the First Defendant [Kendell].

It continues: "Canada further states that any sexual contact...was committed outside the course and scope of [Kendell's] duties.

In the other two cases, no criminal trials took place, and in each of the civil actions, the Attorney General "denies" responsibility for the men involved. In one of the cases, the defendant admits to sexual acts but says they were consensual.

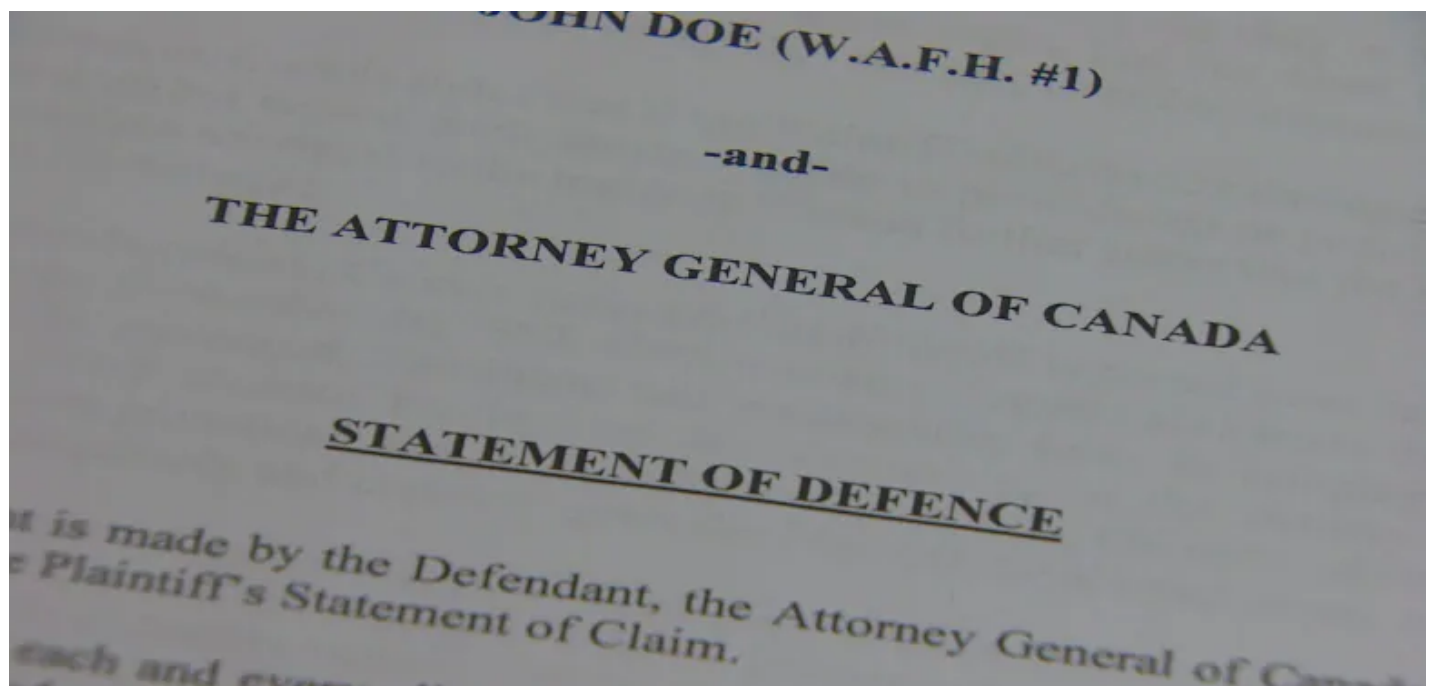
- [Ex-cadet sues over alleged sexual abuse in N.S. in 1970s](#)

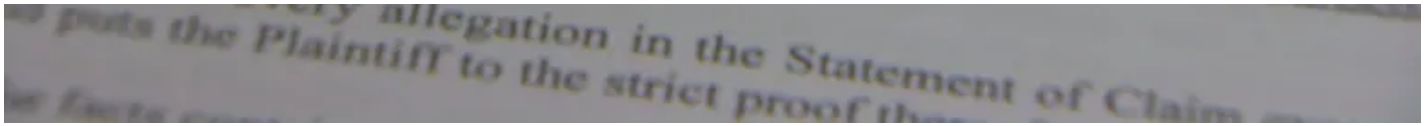
The man who has filed the civil action in that case was 14 at the time of the alleged assaults. He spoke with CBC in January 2016.

"It happened in his house. In a car. Any place he had the opportunity to take advantage of me."
" he said.

In the other case, government denies any knowledge of assaults.

"I don't believe ultimately that the government actually does believe that nothing occurred," says Hiscock. "I think they agree that something occurred. What I don't think they are willing to admit is that they are responsible. And I don't think that is right."





In each Statement of Defence, the government denies any responsibility for the actions of the cadet leaders. (Glenn Payette/CBC News)

Hiscock said, "I think the Trudeau government has made a particular point of speaking on these sorts of matters. It holds itself out as a progressive government. And I think as a progressive government, it has a responsibility to address abuse that's occurring inside of its institutions, and to deal very fairly with survivors of abuse."

He continues: "That was recognized clearly in the residential schools matters and other matters the federal government has dealt with this differently. We want them to step forward and deal with this appropriately in the same way."

Hiscock said that sexual assault criminal and civil trials are very traumatic on the victims, and should be avoided when that's possible.

"This isn't fighting some insurance company or telecommunications company in the courts," he says.

Hiscock said if the government knows that abuse took place, it should only go to trial to argue over the amount of the settlement if it thinks the plaintiff is asking for too much.

"I think they should be addressing these cases with a more open mind, and a less defensive posture." says Hiscock.

In a statement to CBC, the Department of National defence said welfare of cadets is always the department's first priority, but could provide no further comment on this specific trial.

It went on to say that all adults working with cades are held to a very high standard of conduct, and undergo police screenings. It also said that if a criminal act is committed, police are notified and the officer in question would be suspended immediately.