

ADF admission shuts down case to release sex-abuse report

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The Australian Defence Force has admitted liability in three child sexual abuse cases at HMAS Leeuwin, a legal manoeuvre that will keep secret the full 1971 Rapke report on mistreatment at the naval training base.

Lawyers for three men who were young recruits at Leeuwin appeared in the ACT Supreme Court this week seeking to force the commonwealth to issue an uncensored version of the report.

However, commonwealth lawyers told the court that debate need not take place because it would accept it knew or ought to have known of the abuse, rendering the application for release of the full report redundant.

About 10,000 boys, then aged 15 and 16, went through training at Leeuwin, which operated in Fremantle from 1960 to 1984.

The Rapke report, commissioned by the federal government in 1971 following reports of abuse and conducted by then Victorian county court judge Trevor Rapke, found significant cases of bullying. However, it found these were individual cases and commanders had not failed in their duty of care.

Sizeable sections of the report, as held in the National Archives, remain redacted. There have been periodic campaigns by alleged victims, media and others to have the full report released, with claims the ADF is hiding the full extent of the abuse or protecting one or more powerful individuals.

Of the three men in the current case, one had boot polish spread on his testicles by older recruits, another was abused by a Catholic chaplain and a third reported recruits inserted a broomstick handle in his anus.

The commonwealth had told lawyers for the three that it would not hand over the full report and would argue that sections remain censored based on “public interest immunity”. Taso Nicolaidis, representing the men, said the concession of liability meant his clients had won the case overall. However, a judge would not be able to countenance any further bid to release the full report because the military could argue it would be a wasted exercise.

A defence statement denied the admission of liability was designed to avoid legal debate about releasing the full report. It said the unredacted report would not be released to maintain the privacy of the boys who were abused or otherwise gave evidence.

The next step will be talks over the amount of compensation.

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