



Professional Standards Risk Management Service

CLAIM SUMMARY

Claim No Archdiocese Melbourne: 255

Carelink: 158

CCI:

Offender: Father Vincent Rubeo

Victim: Paul Hersbach

Date of Birth: REDA 1977
REDA

Date of Event: 1983 through 1984

Date Of Knowledge: 1992

Medical Report:

We have a report of Professor Richard Ball who relies also on assistance from Susan Sharkey and Lethe Gaskin all of whom believe the claimant was affected by the actions of Father Rubeo. His father was a victim of this priest and compensation has been paid to him.

The claimant has been academically successful REDACTED
REDACTED The medicos are prepared to attribute his problems to the conduct of Father Rubeo.

Investigation

The Independent Commissioner conducted an interview in the course of which he elicited a description of the conduct of Father Rubeo who was often a house guest of the family. The so called abuse, so far as Paul was concerned, consisted of occasions when the priest entered the bathroom when Paul and his older brother aged nine years were there, Paul, aged about seven years, being naked in the bath. The older brother ordered the priest to leave. Nothing otherwise happened. On a later occasion the priest exposed himself naked in the house and appeared to be masturbating, or at least walking out of the door of his room with his hand on his penis. The complainant has a very vague memory of all this.

Panel Recommendation

The Panel awarded \$17,500. Were it a cent more I would recommend we reject the amount paid as excessive.

Other Relevant Information

This whole matter is rather puzzling. The Archdiocese paid \$35,000 to Anthony Rubeo in respect of abuse by Rubeo that occurred in 1965, when Anthony was 12 years. It seems extraordinary that the same abusive priest is a friend still of Anthony, is a regular house guest and so is given the opportunity to expose himself and engage in voyeurism of his children, eighteen years later. Were it not that the amount of claim is comparatively low, I would be inclined to investigate the whole matter more thoroughly.

HERSBACH (FATHER)

I believe this matter highlights a difficulty we face with the "Melbourne Scheme". There are very seldom independent medical reports and we rely upon Carelink who appear more than ready to attribute the ailments with which the claimant presents to the alleged abuse.

Further, unless the police have been involved, there is no investigation other than the pitiful interviews conducted by the Independent Commissioner which are seldom more than an account of the events as given by the claimant, accompanied by anecdotal irrelevancies offered by the Commissioner himself that are designed to support the story being told. I would like to find that following these typical interviews the Commissioner engaged in some form of investigative activity but I do not believe this is the case. Certainly there are no reports in the files of Corr's to support that suggestion.

Conclusion.

The earliest events occurred in 1982, at a time when a Public Liability Policy in favour of the Archdiocese was in force. We are content that the client first had knowledge of Father Rubeo's conduct in 1992. The victim was at the time 6 or 7 years old, therefore younger than the age of consent. It would appear that indemnity should be granted and reimbursement in the amount of \$17,500 paid to the Archdiocese.

LMR
30.03.08