

Commission into Sexual Abuse
Peter O'Callaghan Q.C

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Private and Confidential

Mr Paul Hersbach

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Dear Paul

I refer to my meeting with you on 9 March and apologise for the delay in getting back to you.

I enclose herewith a copy of the transcript of our interview.

I confirm that I am an Independent Commissioner appointed by the Archdiocese of Melbourne to enquire into allegations of sexual abuse by priests, religious and lay persons within the Archdiocese of Melbourne.

The terms of my appointment were in writing and for your information I enclose a copy thereof.

You will note that I advise persons who complain of sexual abuse if that conduct may constitute criminal conduct they have a continuing and unfettered right to report the matter to the police and I encourage the exercise of that right.

In your case however with respect to the unsurprising haziness of your memory there would not appear to be much point in your taking the matter to the police. However that is a matter for you and if you did intend to exercise that right I would not take any further steps until the results of the police investigation and any charges emanating therefrom were completed.

Assuming that you are not going to take the matter to the police I advise you that I am satisfied that you were the victim of sexual abuse in that the conduct of Father Rubeo in commencing to masturbate in your presence constitutes conduct which in my view amounts to sexual abuse.

Having made that finding I can refer you to Carelink which is an agency set up to provide free counselling and psychological support for victims of sexual abuse. However as you have explained to me, you have already been seeing Carelink on the reference of Leath Gaskin.

I would appreciate your formal consent to my obtaining from Carelink the transcript of your interview with Professor Ball and Sue Sharkey because that may supplement the picture you drew for me of the incidents that occurred with Father Rubeo.

Because I am satisfied that you were such a victim I can also refer you to the Compensation Panel which has jurisdiction to make binding awards of compensation up to a limit of \$55,000. I enclose herewith an Application for Compensation which I invite you to complete and return to me. I play no part directly or indirectly in the computation of compensation. In due course you will be contacted by David Curtain Q.C. who is the present Chairman of the Panel and he will arrange for the Panel to meet with you in an informal and non-legalistic way. The Panel's task is to determine the impact which the sexual abuse has had upon you and to make a binding recommendation to the Archbishop as to the amount of compensation which is to be offered to you.

I enclose herewith a brochure which demonstrates the interaction between the Panel, Carelink and the Independent Commissioner. That of course is updated in the sense of the personnel of the Panel who are currently as I have said, David Curtain Q.C. Chairman, Timothy McFarlane Solicitor, Barbara Taylor Psychiatrist and Ms Geraldine Croagh a Pharmacist/Social Worker.

I await your authority to obtain the transcript from Carelink and if you have any queries arising out of the above do not hesitate to contact me.

Yours sincerely


P. J. O'Callaghan
Independent Commissioner

Encs.