

Commission into Sexual Abuse
Peter O'Callaghan Q.C.

Opius House
Level 25 Suite 30
357 Collins Street
Melbourne 3000

Tel: 9221 6190
Fax: 9221 6191

PRIVATE & CONFIDENTIAL

Vicar General
Catholic Archdiocese of Melbourne
383 Albert Street
East Melbourne 3002.

21 March 1997

Dear Monsignor Hart,

Re: Father Victor Rubeo

In reporting to Archbishop Pell on this matter the following facts are relevant.

1. Father Rubeo in 1965 and thereafter for about 2 years, sexually abused Tony Herbasch and his twin brother Will. During Father Rubeo's interview by the police on another matter (referred to hereunder) he volunteered that information and was consequently charged with indecent assault.
2. On the 8th day of October 1996 Father Rubeo was convicted of two counts of Indecent assault and was given a good behaviour bond till June 1998.
3. **REDACTED** complained to the police that she had been raped by Father Rubeo on at least 2 occasions in the mid 1980's and made a lengthy statement to the police detailing those allegations.
4. Father Rubeo was likewise interviewed by the police and he denied any rape, but freely admitted that over a period of approximately 3 years he had sexual relations with Mrs. **REDACTED** on about 8 to 10 occasions.

I have interviewed Mrs. **REDACTED** and I have interviewed Father Rubeo. I am not satisfied that any rape or attempt to rape occurred, but as Father Rubeo freely admitted it is clear that sexual abuse within the terms of my reference occurred, manifested by the acts of intercourse referred to above.

2

More recently **REDACTED** has alleged that Father Rubeo sexually harassed her in the period 1993 to mid 1995. When these complaints were put to Father Rubeo he essentially denied them.

I had accordingly proposed to conduct a meeting between Father Rubeo and Mrs. **REDACTED** so as to enable me to make a finding as to whose version is correct. However, Mrs. **REDACTED** has made it clear in a letter to me that she does not propose to attend any such hearing, and for that reason I am treating that matter as unresolved. (I will be writing to Mrs. **REDACTED** explaining my position and dealing with some of the complaints that she made in her letter.)

I have been asked to advise whether it would be appropriate to restore Father Rubeo's priestly faculties such that he would be available for supply work in the Archdiocese. "He (Rubeo) envisages short term weekend supply or holiday supply or emergency supply and, where possible, he would mean to return to his own residence each night while on supply assignment. It is proposed that he live in private accommodation with the provision made for retired priests in the Archdiocese."

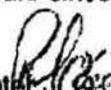
I referred Father Rubeo to Professor Ball for assessment in the light of the aforesaid. Professor Ball has conducted extensive examinations, and whilst I am yet to receive a detailed report, I understand Professor Ball takes a negative view.

I report to the Archbishop that I consider in all the circumstances, it would not be appropriate to return Father Rubeo even to a limited ministry.

However, I am now advised that Father Rubeo wishes to retire, and I am asked as to whether such retirement would impinge upon my investigations or findings. It would not. I consider that there is utility in accepting Father Rubeo's retirement, but subject to his resigning from all other offices (if any) held by him at this time.

Should there be any queries arising out of the above, please advise.

Yours sincerely,


Peter J. O'Callaghan
Commissioner