

Background

Name	Will Hersbach
Publish	
Address	c/-Lewis Holdway Lawyers 20 Queen Street Melbourne 3000 Ph 96299629
Responsible Church Authority	Catholic Archdiocese of Melbourne
Time of Assaults (Approximate year)	1966 - 1970. Numerous sexual assaults by Parish Priest Fr Victor Rubeo, I was aged 13 when the assaults began.
Time of Report to Church Authority	1996
Time Taken to Resolve Complaint	18 months
Outcome	Select option: Ex-gratia payment

The Handling of My Report of Abuse to the Church

Initial Contact:

I did not receive immediate and appropriate assistance. I did not receive counselling or intervention at the outset but I did get some counselling 6-12 months later.

I was asked to put my complaint in writing before any action could be taken.

I was not told that the accused in my case had been the subject of other complaints.

I did not get clear information about the complaint process at the outset.

My experience of the Independent Commissioner was that he worked for the church authority and I did not understand why the church had to have a QC.

I was not offered independent legal advice.

No support was offered to my family or my parish community.

Period of Investigation:

I had third parties who worked for the church authority sit in on my meetings without my consent, to the best of my recollection it was Susan Sharkey who sat in on my Assessment interview with Professor Ball and I did not want her to.

I was not told I could have a support person with me during interviews and meetings. If I had been told this, the process would have been much easier on me as I would have taken my wife and not felt so alone.

My process had significant time delays before resolution was reached; it felt like a long time.

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Submission
I found the experience of the process unnecessarily legalistic in that I had to be interviewed by a QC. It felt to me like they (the church) were trying to cover themselves.

I did not want to ask them for anything really. I was so embarrassed about it, I just wanted it over.

Outcome:

My complaint was not properly investigated by the church authority.

The alleged perpetrator was moved to another parish and remained in ministry, despite my report.

The accused in my case was only "stood down" 2.5 years later.

I felt re-traumatised as a result of going through the church authority's complaint process; I found it to be very embarrassing and confronting.

My complaint was not resolved to my satisfaction for the following reasons:

- I felt like I had sold my soul, it felt like it was hush money
- The process was flawed and did not meet my needs. It was like "sign this and shut-up".
- I was very disturbed that I had to sign a Deed of Release
- The message from the church was "don't discuss this anymore, it's over now" - but for me it wasn't over at all.

Harmful Systemic Practices

Between the police and the church I felt discouraged from making a full report. Although there were numerous assaults, I could only have one count dealt with, and this was the tip of the iceberg- what about the rest of the iceberg? Both the police and the church failed to get to the bottom of what really happened. I remain confused as to why the police could not charge him for all of the assaults. It would have saved me such a lot of anguish and pain if the full extent of the abuse could have been addressed in the first place.

I was not encouraged to seek independent legal advice - never.

I felt intimidated by the Panel and did not understand the purpose of it; for me, going to the Panel was like having to prove my case all over again.

I did not take civil action against the church because of the following:

- The Statute of Limitations
- The church not being a legal entity
- Church personnel not being considered employees

Required changes required to law/practices/policies/protocols

The church authority's response organisations should be locally based and have a public profile such that they are approachable to the public and professionals.

The church authority's organisations should include complainant representatives to ensure that their services appropriately target the needs of complainants.

Recognition and Inclusion of spiritual damage as a critical element in the harm caused. For me, I suffered a loss of spirituality and needed to find an alternative.

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There should be recognition and practical response and support to family members of the complainant – the secondary victims.

The relationship between Canon Law and civil and criminal law should be transparent and Canon Law should be subject to the law of the State.

There should be psychiatric screening of all current church personnel including those currently in training for religious life to minimise risk to children. I see this as an absolute priority to ensure the safety of children.

There should be funding for complainants who seek a holistic casework approach, (spiritual/medical/legal/ psychological).

An acknowledgement that the required pastoral care in this field is specialised and should be provided to victims by appropriately qualified professionals at no cost to the complainants.

The whole system should be made more approachable - it's so hard to raise the abuse and if you don't go to church, you are not aware that there is a process,

Priests should not be allowed to hide behind the confessional.

It should be mandatory for the priest to report child assaults to the police if they become aware of them.

It is an abuse of privilege to hide behind Canon law and the seal of the confessional

Priests must get psychological screening at the start of their training

I believe the following changes to the law will improve access to justice for victims of Catholic clergy abuse:

- The Statute of Limitations – amend to allow historical abuse claims.
- Amend corporations law so that the church authority is legally a corporation and capable of being sued over time .
- Amend property trust legislation in each state to prevent the church authority from protecting its assets from civil suits.
- Amend the law on vicarious liability so that priests and religious are treated as employees and therefore church authorities can be held responsible for breaches committed by church personnel.

Witnesses

Will Hersbach

I would welcome the opportunity to speak in person to the Committee and if so, I would like to bring a support person with me.

Signed

Date 28/8/12