

# UPDATE 51

## Royal Commission – The Melbourne Response

### Melbourne



Monday 18 August 2014 – Day 1

The Royal Commission into Institutional Responses to Child Sexual Abuse commenced its 16<sup>th</sup> public hearing today into the Melbourne Response, the protocol put in place by the Catholic Archdiocese of Melbourne in 1996 to respond to allegations from people who were sexually abused by priests, religious and lay people under the control of the Archbishop of Melbourne.

In her opening statement, Senior Counsel Assisting, said the hearing will hear evidence from three people who have sought redress from the Archdiocese since 1996: Mrs Christine Foster, Mr Paul Hersbach and another victim known as AFA.

The case study will explore the key features of the Melbourne Response which include the appointment of independent commissioners to enquire into allegations of sexual abuse; a free counselling and professional support service, known as Carelink; and a compensation panel to provide ex gratia compensation payments to victims. These elements are funded by the Archdiocese but are run independently of the Archdiocese and of each other.

In 1996, payments were capped at \$50,000, \$55,000 in 2000 and \$75,000 in 2008. There has been no formal review of the Melbourne Response. In April this year, Archbishop Denis Hart announced he will consider the cap on ex gratia payments, how such payments are determined, and whether past cases should be reviewed.

Evidence will also be heard from Mr Richard Leder of Corrs Chambers Westgarth (the Archdiocese's solicitors), Cardinal George Pell and Archbishop Denis Hart.

The Royal Commission will hear evidence relating to the role of the Independent Commissioner and the appointments of Mr Peter O'Callaghan QC since 1996 and Mr Jeffery Gleeson QC since 2012.

The Commission will also hear evidence from Ms Susan Sharkey, Coordinator of Carelink, the Archdiocese-funded service that facilitates and coordinates the provision of counselling and medical and other professional support services to victims of abuse, including secondary victims, as part of the Melbourne Response.

Senior Counsel Assisting outlined the role, processes and make-up of the Compensation Panel. Evidence will be heard from the current Chair, Mr David Curtain QC.

The first witness to appear in the hearing was Mrs Christine Foster who gave evidence about her experience with the Melbourne Response protocol and subsequent legal engagement with the Melbourne Archdiocese.

Mrs Foster's daughters, Emma born in 1981 and Katie born in 1983, were abused by their parish priest Fr Kevin O'Donnell when they were students at Sacred Heart Primary School in Oakleigh in the 1990s.

O'Donnell was charged with 49 child sex offences in 1995 and was sentenced to just over three years in prison.

Mrs Foster and her husband Anthony, gave evidence about the family's protracted experience of the Melbourne Response and their ultimate decision to take legal action.

They gave evidence about the tragic impact of the abuse on their family. In January 2008 Emma Foster took her own life. Katie took to binge drinking to escape the memories of her abuse and will require 24 hour care after being hit by a car in 1999.

After being offered \$50,000 through the Melbourne Response, the Fosters ultimately took legal action and received \$750,000 in a settlement.

Mr Paul Hersbach then gave evidence that he was sexually abused by Fr Victor Rubeo from 1985 to 1988. He was aged eight to 11 years at the time.

Paul Hersbach's father and uncle had also been abused by Rubeo, who died on the day he was to appear in Court for his committal. Mr Hersbach described his experience of the Melbourne Response process and the impact of the abuse on his life. In November 2006 he was offered compensation of \$17,500. A year later he signed the deed of release and received compensation.

AFA was sexually abused by Michael Glennon when he was 15 years old in his local parish, St Gabriel's. AFA described his experience with the Melbourne Response, including his interviews with Mr O'Callaghan QC, Ms Sue Sharkey and Mr Curtain QC. He said he found the experiences daunting and confronting. Mr O'Callaghan was satisfied that AFA had been abused and that he could be referred to Carelink and the Compensation Panel.

AFA was offered \$50,000 in compensation, which he considered inadequate, but eventually accepted. Glennon was charged and was to face trial in relation to his abuse of AFA in June 2014, but he died while still in prison on other child sexual abuse offences.

The hearing will continue tomorrow.

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