

PART II
Section E

OBLIGATION INCUMBENT UPON DIOCESE
under
NSW OMBUDSMAN ACT 1974

1. On 19 September 2006, the Diocese was advised by the NSW Ombudsman's Office that the allegations against Fr Nestor were reportable under Part 3A of the *Ombudsman Act 1974*.
2. On 31 October 2006, Bishop Ingham wrote to Fr Nestor and informed him that the Diocese was required to undertake a thorough investigation of the matters raised against him to determine the facts. The letter indicated that the Diocese would engage the services of an independent assessor for this purpose and informed Fr Nestor of his rights under the *Ombudsman Act 1974*. Finally, the letter urged Fr Nestor to have a support person with whom he could speak in the course of the proceeding and who could be present with him on any occasion when the investigation was being discussed formally with him. The letter invited Fr Nestor to contact Fr David O'Brien, the Director of Clergy Life and Ministry, for any pastoral support the Diocese was able to offer.
3. On 15 January 2007, after consultation with the NSW Ombudsman Office, the Diocese engaged *Kamira Stacey Consulting* to carry out the investigation. Fr Nestor was notified of this in a letter from Bishop Ingham, dated 23 January 2007. Again, Fr Nestor was informed of his rights and encouraged to have a support person and to contact Fr O'Brien for any pastoral support the Diocese could offer. He has been informed of this on a number of occasions.
4. Because of the number of people to be sought out, contacted and interviewed, the investigation took longer than had been anticipated. Bishop Ingham wrote to Fr Nestor on 24 July 2007 to inform him of this.
5. The investigation was monitored by the Ombudsman's Office from its commencement to its completion on 26 August 2008. All correspondence was required to be forwarded to the Ombudsman's Office.

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