

## DIOCESE OF WOLLONGONG



DIOCESAN CURIA

Marian Centre  
 PO Box 1239  
 Wollongong NSW 2500  
 Australia  
 86-88 Market Street  
 Tel: +61 2 4253 0900  
 Fax: +61 2 4253 0977  
 www.dow.org.au

PWI:mh/815005

18 April 2008

Rev J G Nestor

**PRIVATE AND CONFIDENTIAL****REDACTED**  


Dear John

As you are aware, the Diocese was required by the *Ombudsman Act 1974* to undertake an investigation into reportable allegations against you. Kamira Stacey Consulting has undertaken this investigation. It has taken longer than was anticipated initially and I apologise for this. However, in the interests of justice and fairness to all concerned, including yourself, I judged it of paramount importance that the investigation be thorough and rigorous in the methodology adopted.

Prior to bringing the investigation to a conclusion, I wish to address a number of concerns you raised in a letter to Kamira Stacey Consulting, dated 4 November 2007, that have been brought to my attention.

I understand that you are concerned about a lack of procedural fairness in your not receiving a copy of the final report. I wish to assure you that, in the event that this matter is considered to constitute a relevant employment proceeding, upon completion you have a right to obtain a copy of the investigation report via a Freedom of Information [FOI] request, free of charge. Any application for a copy of the report would be subject to the exemptions contained in the FOI Act and it is possible that some information in the report may need to be deleted. The reasons for any such deletions, should that occur, will be fully explained.

I understand, too, that you are concerned about a lack of procedural fairness in not being able to question witnesses against you. The requirement that you not approach witnesses was dictated by the need to ensure:

- i. that the integrity of the evidence provided by witnesses was not compromised;
- ii. that witnesses were protected from real or perceived harassment and intimidation; and
- iii. that you were protected from any assumptions about your intentions in approaching witnesses.

Procedural fairness requires that you be given sufficient information to enable you to respond to any allegations against you. I am confident that if this information had not been provided to you, the Office of the Ombudsman that is monitoring the investigation would have required that any failure to do so be rectified.

You raise questions about the independence of Kamira Stacey Consulting in relation to the Diocese. Kamira Stacey Consulting is a professional agency with no links to the Diocese. It has been appropriately contracted by the Diocese to ensure the independence of the investigation and any costs incurred must be met by the Diocese. As I have reiterated in earlier correspondence, the investigation is being monitored by the Office of the Ombudsman to also ensure that it is thorough, objective and rigorous.

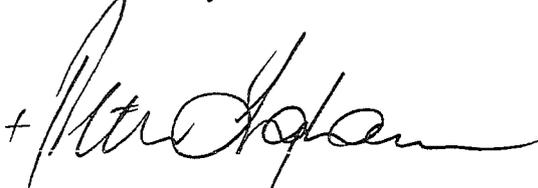
I understand that you have a letter complaining that a Diocesan official harassed a person in attempting to have that person make an allegation against you. I do not have a copy of this letter.

In relation to the investigation being concluded now, the Diocese made only the initial contact with some people who have brought allegations against you and, in the interests of justice and fairness, with those who worked with you as camp leaders/coordinators. The Diocese put no pressure whatsoever on any of these persons to participate in the investigation. If the person contacted was agreeable, the Diocese asked him/her to follow up directly with investigator, as the Diocese wished to make sure that it did not interfere in the investigation process in any way.

I hope, John, that this allays concerns that you have expressed in relation to the Diocese and its handling of the investigation.

I assure you of the support of my prayers.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter W. Ingham". The signature is written in a cursive style with a large initial "P".

Most Rev Peter W Ingham DD  
BISHOP OF WOLLONGONG