



CONFIDENTIAL

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

12 June 2008

Rev J G Nestor

PRIVATE AND CONFIDENTIAL

REDACTED

Dear John

I am writing regarding the investigation into allegations that have been made in relation to you and which have been reported to the Ombudsman's Office pursuant to the *Ombudsman Act 1974*.

The allegations and preliminary findings:

The matters have been fully investigated and the Report of the investigation has been given to me. The Report details four allegations. After thoroughly studying the Report and carefully considering the allegations and accompanying documentation, including the information provided by you, I have reached the following preliminary finding:

1. Allegation one in the Report: that in 1991 you sexually assaulted the child, ABA, at the parish house at Dapto where you resided - is sustained.
2. Allegation two in the Report: that in 1993 you sexually assaulted the child, ABO at a camp organised by you and held in Canberra - is sustained.
3. Allegation three in the Report: that between 26 December 1990 and 3 January 1991 you sexually assaulted an unnamed male child during a 'Summer Safari' camp that you had organised and that went to the areas of Canberra, Mt Kosciuszko, Braidwood and the South Coast of New South Wales - is not sustained as there is insufficient evidence available to establish whether the alleged conduct did or did not occur.
4. Allegation four in the Report: that between (approximately) 1989 and 1993 you engaged in a pattern of behaviour that constitutes sexual misconduct - is sustained. The alleged sexual misconduct involved a number of boys under the age of eighteen years who attended camps organised by you at various places. It also involved behaviour that took place at the parish property where you resided.

(SENT REGISTERED MAIL)

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The details of these allegations were set out in "Annexure 1" provided to you with a letter dated 11 October 2007 from Kamira Stacey Consulting, a copy of which is attached. The allegations were further discussed at a formal interview with Ms Kylie Starling from Kamira Stacey Consulting held at 2/50 York Street, Sydney, on Tuesday 27 November 2007 from 10.45 am to 12.17 pm.

Your right to respond to an adverse preliminary finding:

As I stated above, given the evidence before me I have reached a *preliminary* finding that three of the four allegations are sustained. You have a right to respond to this adverse preliminary finding and I invite you to make a written response. Your response should be provided to this office within twenty-one (21) days of the date of this letter. I shall carefully consider your response before reaching a final decision. The final decision in relation to the findings and outcome will be confirmed in writing.

If I do not receive any response from you within the nominated time frame, the above preliminary finding will become a final finding.

Should the above preliminary finding become a final finding, I will be faced with serious questions about your suitability to work with children and your suitability for ministry.

Legislative requirements

Under the *Ombudsman Act 1974* and the *Commission for Children and Young People Act 1998* (CCYP Act), child sexual assault and sexual misconduct involving children are "reportable conduct". When this employment proceeding is completed, if it is found there is evidence of reportable conduct the legislation requires that a notification be made to the Commission for Children and Young People (CCYP) for inclusion on the database maintained by CCYP for screening persons who apply for engagement in child-related employment.

The notification to CCYP would place you in Category 1. Matters that fall within Category 1 are considered as part of the background checking process under the CCYP Act. If you are to be considered for child-related employment in the future, with this or any other organisation, the nature of this relevant employment proceeding would need to be taken into consideration during the background checking process to determine your suitability for such employment.

Final finding and report to the NSW Ombudsman:

The Report of the investigation, including any response you submit, will be forwarded as a confidential document to the Office of the NSW Ombudsman. The Ombudsman's Office will review the finding and the process and will decide if any further investigation and/or information are required prior to closing the matter. The Diocese will advise you when the Ombudsman's Office has indicated that no further action is required and the matter will be closed as far as the Diocese's obligations under the *Ombudsman Act 1974* are concerned.

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I must reiterate, John, that the Diocese has made and will continue to make every effort to ensure that confidentiality is maintained throughout the process. To this end, the Diocese has sought assurances of confidentiality from all parties concerned and I ask that you, too, continue to maintain this same level of confidentiality. A breach of confidentiality will be taken seriously. The Diocese has also sought and will continue to seek to make certain that there is no intimidation of any person involved, thus preserving your dignity and that of others.

I recognise that this proceeding has not been easy for you. To ensure thoroughness it has taken longer than was initially anticipated. I urge you again to contact Fr David O'Brien if there is any pastoral support the Diocese is able to offer. Should Fr O'Brien be unavailable, Fr Patrick Faherty is willing to assist you.

If you have any concerns relating to the process undertaken in this matter you may wish to bring these to the attention of the NSW Ombudsman who has the responsibility to oversee the process and outcome of investigations of this nature.

As I explained in my letter of 18 April 2008, upon completion of a relevant employment proceeding 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 would be fully explained.

I also wish to advise you that any documentation associated with this matter held by the Diocese will be held at the Bishop's Office, Catholic Church Offices, 86-88 Market Street, Wollongong, in a secure and confidential file, separate from the file containing information relating to your ordination and ministry. It is also separate from other personnel files.

I assure you of the continuing support of my prayers.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Ingham", with a small cross symbol to the left of the first letter.

Most Rev Peter W Ingham DD
BISHOP OF WOLLONGONG

Enc. Letter from Kamira Stacey Consulting, dated 11 October 2007 (2 pages),
together with "Annexure 1" (7 pages).