

DIOCESE OF WOLLONGONG



CONFIDENTIAL

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PWI:mh/815005

19 August 2008

Rev J G Nestor

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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*.

In my letter to you of 12 June 2008, I stated that the matters had been fully investigated and the Report of the investigation had been given to me. The Report detailed four allegations which were provided to you as "Annexure 1". At that time, after thoroughly studying the Report and carefully considering the allegations and accompanying documentation, including the information provided by you, I reached the preliminary findings. I informed you of these preliminary findings and invited you to respond in writing.

I have conscientiously studied the Report again and the supporting documentation and have given serious consideration to your letter of response, dated 29 June 2008. I have carefully weighed the evidence before me and before God I have reached the following findings:

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

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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.

The details of these matters were set out in "Annexure 1" which has been provided to you on previous occasions and a copy of which is attached.

In view of the findings, the child protection legislation requires that this 'relevant employment proceeding' must be notified to the Commission for Children and Young People [CCYP] for inclusion on the database maintained by CCYP for the purposes of employment screening of persons applying for engagement in child-related employment. The notification to CCYP will place you in Category 1. The findings raise serious questions about your suitability to work with children.

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. I shall let you know when this 'relevant employment proceeding' has been notified to CCYP.

As required, I shall forward a copy of this letter to the Office of the Ombudsman together with a copy of your letter of 29 June 2008.

I assure you of the continuing support of my prayers.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter W Ingham", with a small plus sign to its left.

Most Rev Peter W Ingham DD.
BISHOP OF WOLLONGONG

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