

DIOCESE OF WOLLONGONG



CONFIDENTIAL
DIOCESAN CURIA

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PWI:mh/815005

26 August 2008

Rev J G Nestor

PRIVATE AND CONFIDENTIAL

REDACTED

Dear John

Re *Relevant Employment Proceeding - Employee Advisory Letter*

Section 39 of the *Commission for Children and Young People Act 1998* requires employers to provide details to the Commission for Children and Young People of any employee, either paid or volunteer, who has been the subject of a relevant employment proceeding.

Under the Act, a relevant employment proceeding means employment proceedings against an employee by the employer that involve:

- reportable conduct by the employee; or
- an act of violence committed by the employee in the course of employment and in the presence of a child.

Your name is being registered with the Commission for Children and Young People (CCYP) in relation to the employment proceeding involving:

- (i) sexual assault of two children;
- (ii) a pattern of behaviour involving children that constitutes sexual misconduct; and
- (iii) an allegation of sexual assault of a third child that was found not sustained as there is insufficient evidence available to establish whether the alleged conduct did or did not occur.

These matters involve your conduct as a priest of the Diocese between the years 1989 and 1994.

The notification to CCYP has been given a *category 1* classification.

CONFIDENTIAL**Category One**

If you are the preferred applicant for a child-related employment position in the future, with this or any other organisation, the nature of this relevant employment proceeding will be taken into consideration during the background checking process to determine your suitability for such employment.

If you do not agree with this notification and wish to dispute it, you should contact Sr Moya Hanlen, the Chancellor of the Diocese, to discuss this further.

The Commission for Children and Young People (CCYP) does not release details of relevant employment proceedings to future or prospective employers when providing advice to them. The only information held by the Commission for Children and Young People is your name, sex, date and place of birth and the relevant employment proceeding *category*. Records of the relevant employment proceeding are maintained by the Diocese. If the Diocese were to be dissolved, your relevant employment proceeding records will be forwarded to the Commission for Children and Young People. Such records will be kept in a secure place and will be used only for the purposes of the background checking process where relevant.

Your entitlement to access information on relevant employment proceedings

Under the *Freedom of Information Act 1989* you are entitled to access any documents held by the Diocese relating to this relevant employment proceeding. You can also request that such documents be amended if you consider them to be incomplete, incorrect, out of date or misleading. There is no fee or charge for making a request for access to, or amendment of, documents.

To access documents, or request amendments, you should contact the Chancellor for the Diocese of Wollongong. Such contact should be in writing and should list the documents you wish to access.

If you do not receive a response to your request within 21 days you may complain to the NSW Ombudsman (phone 9286 1000 or 1800 451 524).

If you are refused access to information requested in a FOI application, or refused your requested amendments, you can:

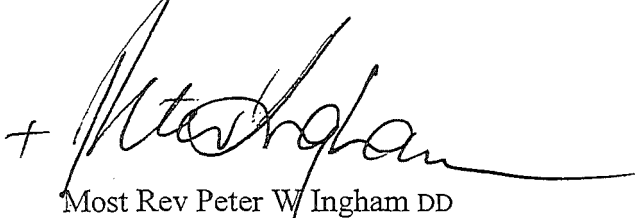
- request the Diocese to review the decision through an internal review;
- if you are not satisfied with the internal review, or it is unable to occur, request the NSW Ombudsman to review the matter;
- if you are not satisfied with the NSW Ombudsman's review, or there is good reason not to request one, make an application to the Administrative Decisions Tribunal, which will consider the merits of the matter and make a binding decision.

Further information about FOI is available from the NSW Ombudsman. The Ombudsman may be contacted by telephone on 02 9286 1000 or 1800 451 524 or by visiting the website at <http://www.ombo.nsw.gov.au>.

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Please contact Sr Moya Hanlen, the Chancellor of the Diocese, if you require any further information on this matter.

Yours sincerely

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Most Rev Peter W Ingham DD
BISHOP OF WOLLONGONG