

DIOCESE OF WOLLONGONG



DIOCESAN CURIA

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Catholic Church Offices
 PO Box 1239
 Wollongong NSW 2500
 Australia
 86-88 Market Street
 Tel: +61 2 4253 0900
 Fax: +61 2 4253 0977

bishop@woll.catholic.org.au

PWI/815005

31 October 2006

Rev J G Nestor

REDACTED

Dear Fr John

You will recall that Fr Peter A Comensoli, on my behalf, sought the advice of the NSW Ombudsman's Office in relation to the allegations made against you. These allegations related to sexual misconduct with children. Because of the complexity of the case, the advice has taken time.

I now wish to inform you that the Diocese has been advised that allegations against you are reportable. In keeping with the Diocese's obligation under law, an initial notification has been made to the NSW Ombudsman's Office.

Under the *Ombudsman Act 1974*, it is now incumbent upon the Diocese to undertake a thorough investigation of the matters raised to determine the facts. The Diocese will employ the services of an independent assessor for this purpose. When the initial phase is completed and all the relevant information has been obtained, the substance of the allegations will be presented to you in writing and you will be invited to respond fully, either orally and/or in writing, as fair procedure demands.

Your response may indicate additional lines of inquiry that should be pursued. When any further inquiry is completed, the Diocese will inform you of the preliminary finding of the investigation. At this time you will be given the opportunity for a further response. Your response will be taken into consideration before making a final determination. You will then be advised of the outcome of the investigation and the proceeding will be brought to a conclusion.

The Diocese will provide a final report to the Ombudsman's Office, outlining the findings of the investigation. The nature of these findings will determine whether the Diocese is required to notify the Commission for Children and Young People also. Throughout the investigation, the Diocese will seek to cooperate fully with the

Ombudsman's Office and any other civil authority, as required. The Ombudsman's Office will monitor the investigation from the initial phase to its completion. Should you require further information about the Ombudsman's Office and employment related proceedings, you may like to access the website (www.ombo.nsw.gov.au) or speak with Sr Moya Hanlen at the Chancery Office.

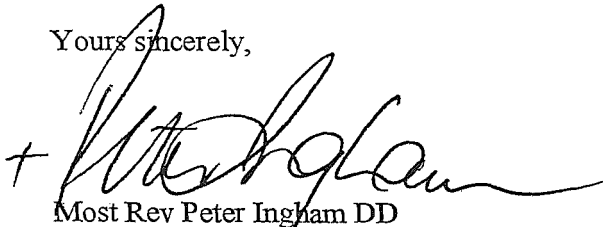
The Diocese will make every effort to ensure that confidentiality is maintained throughout the process. To this end, it will seek assurances of confidentiality from all parties concerned and I ask that you, too, maintain this same level of confidentiality. The Diocese will also seek to make certain that there is no intimidation of any person involved, thus preserving your dignity and that of others.

Section 43 of the *Commission for Children and Young People Act 1998* provides that a person against whom any relevant employment proceedings have been taken, subject to this section, is entitled to apply for access under the *Freedom of Information Act 1989* to documents of the agency containing information about those proceedings. If requested, access would generally be made available when the proceeding is completed, or at the point of the preliminary finding where this is judged reasonable.

I appreciate that this proceeding will not be easy for you and I assure you that I shall do all in my power to have it completed without undue delay. I shall let you know when an assessor has been appointed. I strongly urge you to have a support person with whom you may speak as you feel the need throughout the proceeding. I also urge you to have this person present with you on any occasion when the investigation is being discussed formally with you. If there is any pastoral support the Diocese is able to offer, I invite you to contact Fr David O'Brien, the Director of Clergy Life and Ministry.

I assure you of the support of my prayers.

Yours sincerely,

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Most Rev Peter Ingham DD
BISHOP OF WOLLONGONG