

## DIOCESE OF WOLLONGONG



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PWI:mh/815005

12 December 2006

Rev J G Nestor

REDACTED

Dear Fr John

I refer to your letter of 9 October 2006 which I received on 31 October 2006 when I returned from annual leave, and your subsequent letter of 16 November 2006.

I have sought legal advice in relation to the matters you raise and respond accordingly:

1. *Page two: Bishop Wilson provided a considerable quantity of material largely covering the events surrounding the appeal against his conviction lodged by Fr Nestor, media reports and comment, and correspondence with ...*

I can only presume that the material referred to is the "media reports and comments". There are a number of media reports here that you are free to inspect. They were not included in the material made available to you on 26 July 2006 as they were judged to be public documents and documents to which you would have access.

The correspondence referred to is correspondence with the "Diocese's legal advisors". Such correspondence was withheld on the basis of legal privilege.

2. *Page two: ... and records of some complaints made to Bishop Wilson concerning alleged conduct by Fr Nestor.*

There is only one document on file. Please see the response to question 8 in relation to it.

3. *Page two: The record of complaint by ... made to Centacare in July 1997. Although it may be argued that communications with Centacare are confidential, in this case, the information was relayed to two external individuals – Ms Hannan and Mr Murray – so there can be no argument of continuing confidentiality.*

Refer to the response to question 8.

4. *Page three: The record of discussion between ...*

Refer to the response to question 8.

5. *Page three: The letter referred to in the written note: "See Letter of H Murray 10.06.1988 [sic?]"*

The annotation was included to draw to your attention the fact that the person concerned "declined to sign a statement and indicated she wanted nothing further to do with the assessment process".

6. *Page four: The assessment carried out by Hugh Hynd, a matter about which I have never been previously informed.*

I am unable to comment except to say that the report of the assessment carried out by Hugh Hynd has been forwarded to the NSW Ombudsman's Office. Refer to the response to question 8 in relation to this material.

7. *Page nine: The letter mentioned in the marginal handwritten note.*

The annotation was included to draw to your attention the statement: "I refer to her having 'raised concerns with Fr Nestor over allegations of nude swimming' is incorrect. That statement is incorrect."

8. *The appendices attached to the report by Ms Hannan and Mr Murray.*

The appendices were not filed with the report, however, they have been located in another section of the Diocese's secret archive.

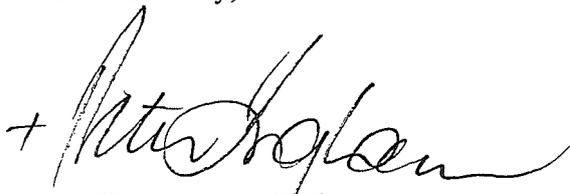
As I told you in my letter of 31 October 2006, the Diocese has been advised that the allegations against you are reportable and, in keeping with the Diocese's obligations under law, an initial notification has been made to the NSW Ombudsman's Department. The appendices formed part of that notification. The Ombudsman's Office has advised the Diocese that while the proceeding is in progress, such information should be protected. I explained in the letter referred to above, access is generally given when the proceeding is completed, or at the point of the preliminary finding where this is judged reasonable.

I am grateful to learn that the copy of the decision of the Apostolic Signatura arrived. I did ask Sr Moya to forward it to you. The Signatura provided me with the Latin copy only; I do not have a certified English copy.

Mr Mark O'Donohue, the Diocesan Financial Administrator, has notified me of your new address. I hope you are settling in well – moving house is often more than a little stressful!

I take this opportunity to wish you all the blessings of the Advent and Christmas seasons.

Yours sincerely,



Most Rev Peter W Ingham DD  
BISHOP OF WOLLONGONG