



nsw commission for
children & young people

Diocese of Wollongong		
20 MAR 2001		
Phone	Address	DFA
Name		
Title		
E-mail		

Father B Jones
Chancery Office
Diocese of Wollongong
PO Box 1239
Wollongong SCMC NSW 2521

Dear Father Jones

I refer to an article published in the Sydney Morning Herald on 20 February 2001, regarding the Vatican's order that Father John Nestor be reinstated to pastoral duties within the Wollongong Diocese after his conviction for a sexual offence against a former altar boy was overturned on an appeal.

Child protection employment legislation, known as the "Working With Children Check", was established in response to recommendations from the 1997 Wood Royal Commission into the NSW Police Service to reduce the risk of abuse of children and young people by those entrusted with their care.

The "Working With Children Check" commenced on 3 July 2000 and comprises Part 7 of the Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998.

Section 39 of the Commission for Children and Young People Act 1998 requires employers to notify the Commission for Children and Young People of the particulars of any employee against whom completed relevant disciplinary proceedings have been undertaken by the employer.

For the purposes of child protection employment legislation, relevant disciplinary proceedings include any action taken to investigate matters that have been the subject of allegations involving any of the following matters;

- child abuse
- sexual misconduct, or
- acts of violence committed by the employee in the course of employment.

It is only a requirement to notify the Commission of sexual misconduct or acts of violence in the workplace where these acts involve children, are directed at children, or, take place in the presence of children.

The requirement to notify the Commission of completed disciplinary proceedings also applies to relevant completed disciplinary proceedings which

have occurred in the five years prior to the commencement of the legislation, ie; 3 July, 2000.

Based on the information outlined in the Sydney Morning Herald article, it would appear that the church's actions in response to the allegations made against Father Nestor would constitute a relevant completed disciplinary proceeding. The Wollongong Diocese would, therefore, be required to notify the Commission of this matter.

A form for the notification of completed relevant disciplinary proceedings is included as Attachment 8 in the Working With Children Check – Guidelines for Employers. A copy of these Guidelines has been included for your information.

Should you have any further enquiries in relation to this matter, please contact Ms Peta Lucas, Coordinator, Employment Screening, on 9286 7218.

Yours sincerely

A handwritten signature in black ink that reads "Gillian Calvert". The signature is written in a cursive, flowing style.

Gillian Calvert
Commissioner
15 March, 2001