DIOCESE OF WOLLONGONG

DIOCESAN CURIA
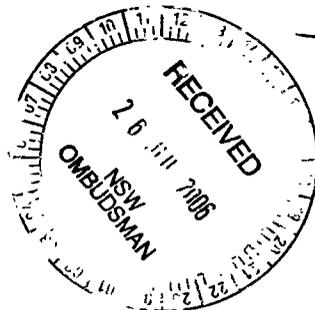
pac/815005

25 July 2006

Ms Sue Phelan
Principal Investigator
NSW Ombudsman's Office
Level 24, 580 George St
SYDNEY NSW 2000

Dear Sue,

Thank you for speaking with me on 6 July about whether or not the matters relating to Fr John Nestor come under the NSW Ombudsman's jurisdiction.

Since our phone conversation, Fr Nestor has written to Bishop Ingham informing him of a conversation he had with an officer of the Ombudsman's Office (a copy of Fr Nestor's letter is attached). As you will see from the letter, further questions have been raised about the situation in which Fr Nestor finds himself.

I am writing now to seek clarification on the matter and to ask for direction on what steps, if any, are to be taken by the Diocese. In particular, I would be grateful if you can confirm whether or not this matter comes under the Ombudsman's jurisdiction. If it is, how is the Diocese to proceed? If not, is there any requirement to inform CCYP?

Please find attached a document outlining the history of the matter between the Diocese and Fr Nestor. I have purposefully not included details of any allegations made. I note, however, that what has been received by the Diocese relates to children under the age of 18 years and that, on the face of the allegations, these matters would normally be investigated as either the possibility of sexual misconduct (§3.5.4 of *Child Protection in the Workplace: Responding to Allegations Against Employees*) or misconduct that may involve reportable conduct (§3.5.10).

As you know, I will be finishing up as Chancellor on Thursday, 27 July. Sr Moya Hanlen OLSH will become the new Diocesan Chancellor. Correspondence after this date can be addressed to her.

Yours sincerely

Fr Peter A Comensoli
Diocesan Chancellor