

D R A F T

NON NOBIS DOMINE

*Most Rev Philip Wilson DD JCL
Bishop of Wollongong*

DECREE**PURPOSE**

The purpose of this investigation is to resolve the doubt that some clergy, religious and laity were unjustly involved in action against Father John Nestor. The action against him allegedly centred on the events surrounding his arrest on charges of child sexual assault in May 1996. This claim was expressed in a letter of Fr Nestor to Bishop Wilson on 21 September 1996. The letter states:

In regard to the matter of 24 April, I was suspended by Fr Paul Ryan, then Diocesan Administrator, on the stated grounds that Mr T White, Director of the Catholic Education Office, had informed him that there were "rumours" about me. Naturally, I asked what were these "rumours and who (if any known person) had reported them. Fr Ryan stated that he did not know. On 26 April, 29 April, 14 May and 21 August, I again asked Fr Ryan to ascertain the source and nature of these rumours, without any success. On 21st August, Fr Ryan promised that he would ascertain this information for me, from Mr White, and let me know. I have not heard from Fr Ryan since that date. ...

... While I have kept this letter brief, I must say that the secrecy has not quieted nagging suspicions that certain officials of the diocese have been less than fully candid in regard to this matter. An openness towards dealing with me in these two matters would do much to allay my doubts.

PROCESS

Three judges delegated by the bishop will form the commission of enquiry. The judges will be chosen from outside the diocese of Wollongong. The judges will formulate the process and have it approved by the bishop. The procedure will be based on Book VII of the 1983 Code of Canon Law with special reference to Part II, Section II, The Oral Contentious Process, cc.1656-1670. The judges will also have the power to prepare a report for the diocesan bishop with recommendations for action, if necessary. However, this process will not be a formal canonical trial, but a canonical commission of investigation formally established by the diocesan bishop, to resolve this specific question.

Most Rev P Wilson DD JCL
BISHOP OF WOLLONGONG

NOTARY

(Dated)