

CTJH.001.03006.0235

The Supreme Tribunal of the Apostolic Signatura

Chancery Palace
00120 Vatican City

File No. 32108/01 CA

WOLLONGONG

Exercise of priestly ministry

(The Most Excellent Diocesan Bishop – Congregation of Priests)

Preliminary: regarding the application for a suspension of the contested decree

DECREE

On the 4th of October 1998 the Reverend John Gerard Nestor lodged a hierarchical appeal before the Congregation of Priests against the two decrees dated the 7th of August 1998 with which the Most Excellent Phillip Wilson, then Bishop of Wollongong, regarding the doubtful suitability of a priest to exercise his priestly ministry, decided that he should be subjected to examination at the Institute “Encompass Australasia” just as a “prerequisite to any further ecclesiastical appointment” and declared that in the meantime the priest should be “restricted from celebrating the liturgy publicly”.

Then on the 21st of December 2000, the Congregation of Priests annulled the contested decrees and determined that “the Reverend Nestor is to be restored immediately to the full exercise of his priestly ministry in the Diocese of Wollongong and restitution is to be made of that of which he was deprived in keeping with the Diocesan norms for remuneration of the Clergy and canon 281”.

Then in truth, on the 12th of January 2001, the Most Excellent Wilson, then Diocesan Administrator, applied to the Congregation for a withdrawal of the decrees. As in truth no notification of acceptance was received within the month, the new Diocesan Administrator of Wollongong the Reverend Bryan Jones on the 22nd of February 2001 appealed against the decree of the Congregation with H.S.T. asking in addition for the suspension of the execution. In his letter dated the 24th of July 2001 the Reverend Administrator illustrated the reasons for the suspension, while the letter by the Reverend Nestor dated the 25th of July 2001 and the letter of the Congregation of Priests dated the 19th of February 2002 explained the contrary opinion on the subject matter in question.

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Having carefully considered without delay the reasons for granting the suspension requested, all related to the public exercise of the ministry by the priest;

Having, furthermore, considered the opposite reasons for suspending the contested decree by the originator or by the Congregation of Priests and or indeed by the priest himself;

Having paid attention to the special circumstances that exist in the Australian nation, to which the letter dated the 1st of March 2001 written by the Most Excellent Chairman of the Australian Bishops Conference refers;

However, the burdensome reservations of the Most Excellent Bishop of Wollongong regarding the suitability of the priest to properly exercise the priestly ministry, are believed have remained thus far unresolved;

Having regard for the vote taken by the delegated Reverend Promoters of Justice;

In accordance with art. 118 of the Special Regulations H.S.T.;

Having the matter been purposely subjected to examination in the meeting before the undersigned Cardinal Prefect on the 22nd of April 2002,

decreed:

The suspension requested – while the appeal for review is pending – that the execution of the decree of the Congregation of the Priests may be granted and it is in fact granted, it is determined so far that “The Reverend Nestor is to be restored immediately to the full exercise of his priestly ministry in the Diocese of Wollongong”, on the contrary it is not determined that “restitution is to be made of that of which he was deprived in keeping with the Diocesan norms for remuneration of the Clergy and canon 281”.

This decree will be notified to all those affected by the law.

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Given in Rome in the premises of the Supreme Tribunal of the Apostolic Signatura on the 22nd of April 2002

Cardinal Mario Francesco Pompedda, Prefect

Francesco Saverio Salerno, Secretary