

CONGREGATION FOR THE DOCTRINE OF THE FAITH
(Dismissal from the clerical state and dispensation from obligations)

Prot. No. 30/2004

Wollongong, Australia

Mr. John Gerard NESTOR

On the 17th day of October 2008

The Supreme Pontiff Pope Benedict XVI

Having considered the report of this Congregation concerning the grave manner of acting of the abovementioned priest of the diocese of Wollongong, Australia, and having observed all necessary procedure, by this supreme decision, not subject to appeal or any other recourse,

decreed

that the penalty of dismissal be imposed on the said priest.

To the same priest he also grants a dispensation from all the obligations connected with sacred ordination in accordance with the following provisions.

1. Both the dismissal and the dispensation have effect from the moment of the decision of the Roman Pontiff.
2. The Decree of dismissal and dispensation is to be made known to the priest by the competent Ordinary of the place, and it is never lawful for him to separate those two elements. The Decree also carries with it an absolution from censures, in so far as this is necessary.
3. The fact of the dismissal and dispensation is to be noted in the parochial Baptismal Register of the priest.

4. Concerning the celebration of a canonical marriage, if this applies, the norms contained in the Code of Canon Law are to be applied. The Ordinary is to see to it that the matter is handled discreetly without external pomp.
5. The ecclesial authority whose duty it is to notify the said priest of the Decree is to strongly exhort him to take part in the life of the People of God in a manner in accordance with his new condition of life, live an edifying life and thus show himself to be a good son of the Church. At the same time, he is to inform him of the following matters:
 - a. A priest who has been dismissed automatically loses the rights proper to the clerical state, and also all dignities and ecclesiastical offices; he is no longer bound by other obligations connected with the clerical state;
 - b. He remains excluded from the exercise of sacred ministry, except for those matters contained in can.976 and 986 #2 of the Code of Canon Law, and therefore may not give the homily, nor hold an executive office (*officium directivum*) in the pastoral field, nor exercise the role of parish administrator;
 - c. Furthermore, he may not carry out any role in Seminaries or equivalent institutes. In other institutes of studies of a higher level, which in any way depend on ecclesiastical authority, he may not carry out an executive role or an office of teaching;
 - d. In other institutes of studies of a higher level not dependent on ecclesiastical authority he may not teach any theological discipline;
 - e. In institutes of studies of a lower level depending on ecclesiastical authority he may not carry out either an executive role or a teaching role. The same rule binds any priest dismissed and dispensed in teaching religion in institutes of the same kind not depending on ecclesiastical authority.
6. The Ordinary is to see to it that, in so far as is possible, the new situation of the dismissed priest does not cause scandal to the faithful. If, however, there is danger of abuse to minors, the

Ordinary may make public both the fact and the canonical basis of the dismissal.

- 7. Notification of the dismissal and dispensation may be carried out either personally through a notary or ecclesiastical actuary or by means of a registered letter. The dismissed priest must return one copy, correctly signed as testimony of the reception and acceptance of the dismissal and dispensation and at the same time of acceptance of its requirements. His failure to do this does not affect the force of the Decree.
- 8. At an opportune time the competent Ordinary should briefly inform the Congregation concerning the carrying out of the notification and, if some concern of the faithful arises, he should provide a prudent explanation.

All matters to the contrary notwithstanding.

From the offices of the Congregation, on 17th day of October 2008.

William Cardinal Levada
 Prefect
 Aloysius Francis Ladaria SJ
 Secretary

Date of Notification.....

 Signature of priest as sign
 of acceptance

 Signature of the Ordinary