

## CATHOLIC DIOCESE OF WOLLONGONG

AND

FR JOHN GERARD NESTOR (JGN)

- 
- 30 April 1996: JGN was stood aside from the exercise of public ministry and placed on administrative leave until further notice as a result of an allegation of a serious sexual nature received by the Diocese. At the time, JGN was exercising his priestly ministry at St John Vianney's Parish, Fairy Meadow. Diocesan records indicate that this included providing pastoral and liturgical services at St John Vianney's Parish Primary School, Fairy Meadow. There were no restrictions on JGN's ministry prior to him being stood aside.
- 1 May 1996 JGN was charged with aggravated indecent assault (person under 16 years).
- 12 December 1996 Wollongong Local Court (Magistrate Paul Johnson): JGN found guilty of charges.
- 18 February 1997 JGN was sentenced to a sixteen month gaol term. He was granted bail pending an appeal of the conviction.
- 22 October 1997 NSW District Court of Appeal – Criminal Jurisdiction (Judge J B Phelan): JGN's appeal was upheld and he was acquitted of the charges.
- 7 November 1997 Bishop Philip Wilson (+PEW), then Bishop of Wollongong, initiated an assessment process focused on the question of JGN's suitability for a future pastoral appointment in the Diocese or elsewhere. JGN was required to remain on administrative leave until the process was completed.
- 17 November 1997 Following a meeting with +PEW, JGN asked the Bishop to give his reasons for requiring JGN to remain on administrative leave.
- 24 November 1997 +PEW acknowledged JGN's letter and his willingness to stand aside from public ministry.
- 19 December 1997 In the light of new information received by the Diocese, +PEW repeated his personal request for JGN to continue to stand aside from public ministry and informed him of his intention to instigate an assessment in accordance with Section 6 of *Towards Healing*.
- 28 December 1997 JGN wrote to +PEW indicating that he was willing to consider standing aside from public ministry if and when informed of

any specific complaint against him, if this is recommended by appropriate assessors and dependent upon the provision of signed statements from the persons making the complaints.

Further, JGN requested that any assessors appointed be mutually-agreed assessors, reporting to a mutually-agreed and independent bishop.

- 8 January 1998 +PEW appointed Elizabeth Hannan and Howard Murray as assessors. The *Towards Healing* investigation concerning JGN related to both (i) the matters that had gone before the court and (ii) other allegations involving a number of other children in the past that had been received by the Diocese in recent times. A number of these other allegations were reported to civil authorities also.
- 21 January 1998 +PEW wrote to JGN, acknowledging his letter of 28 December 1997. +PEW stated that he had "no alternative but to comply with the procedures of *Towards Healing*" and repeated "my call for you to stand aside from public ministry as I explained to you when we last met".
- 22 January 1998 Following an occasion when JGN celebrated a Mass publicly, +PEW issued a decree instructing JGN, under obedience, to cease functioning publicly as a priest in any place until he is given permission to do so.
- 22 April 1998 Following advice that JGN did not agree to meet with the assessors conducting the *Towards Healing* investigation, the assessors wrote to JGN providing some detail of a number of the allegations that had been made against JGN.
- 1 May 1998 JGN wrote to the assessors providing a written response to the allegations outlined in the letter of 22 April 1998.
- 29 June 1998 The NSW Professional Standards Resource Group issued its report and formal advice to +PEW as a result of the *Towards Healing* investigation. The Group stated that "in light of the available evidence of his continuing and seriously imprudent and ambiguous behaviour, significantly at variance with any reasonable understanding of the obligations of his role, there are serious grounds for concern about JGN's suitability for pastoral ministry". It advised that JGN "should be requested as *a conditione sine qua non* for further appointment to undergo a full appraisal by *Encompass Australasia* as the means of providing reassurance".
- 7 August 1998 +PEW issued a decree concerning JGN restricting him from celebrating the liturgy publicly (applying to all places within and without the Diocese) until such time as it is abrogated by a decree of the Bishop of Wollongong.

A second decree, issued by +PEW on the same date, required JGN to undergo a full appraisal by *Encompass Australasia* as a prerequisite to any further ecclesiastical appointment.  
*These decrees have never been rescinded and the Diocese continues to act in accordance with them.*

- 23 August 1998 JGN wrote to +PEW and concluded by saying "I renew my previous verbal request to be allowed to minister in another Diocese".
- 11 September 1998 +PEW replied to JGN's letter of 23 August 1998 stating "I must inform you that I cannot revoke the decisions that I have made".
- 4 October 1998 JGN took recourse against +PEW's decision to the Congregation for the Clergy (Vatican), asking the Congregation to set aside +PEW's decree.
- 21 December 2000 The Congregation for the Clergy upheld the recourse of JGN and instructed the Diocese to restore JGN immediately to the full exercise of his priestly ministry.
- January 2001 On his own initiative, without reference to +PEW, JGN moved to the United States of America.
- 22 February 2001 The Diocese of Wollongong took recourse to the Apostolic Signatura (the Supreme Tribunal of the Catholic Church) against the decision of the Congregation of the Clergy.
- 25 July 2001 Bishop Peter Ingham (+PWI) replaced +PEW as Bishop of Wollongong.
- 28 February 2003 Bishop Korir of Kenya wrote to Bishop of Wollongong stating that he had "received an application from America, from a priest of your diocese who is living there and wishes to work in this Diocese of Eldoret. His name is Fr John Gerald Nestor." Bishop Korir was seeking the Bishop of Wollongong's approval.
- 4 June 2003 +PWI wrote to Bishop Korir of Kenya stating that JGN "does not have faculties" to minister.
- 26 June 2003 Bishop Ricken of Wyoming, USA, emailed +PWI indicating that JGN had indicated an interest in serving in the diocese and requesting any necessary information.
- 1 July 2003 +PWI wrote to Bishop Ricken of Wyoming, USA, in which the latter had enquired about the possibility of JGN serving in his diocese. +PWI informed him of +PEW's decree.

- 17 July 2003 Bishop Biguzzi of Sierra Leone emailed +PWI to enquire about JGN's standing as the latter had been recommended to him.
- 10 August 2003 JGN emailed +PWI expressing his "concern that you had apparently informed another bishop that I did not have priestly faculties at present". He added: "I thought that you would be quite aware that since my ordination to the priesthood on November 11, 1989, I have always had faculties in the diocese of Wollongong and that this is still the situation".
- 15 August 2003 In a letter to JGN, +PWI confirmed that he continued to act in accordance with the decrees issued by +PEW in August 1998.
- 3 September 2003 New information was received by a senior employee of the Diocese regarding the matters concerning JGN that had been before the court in 1996-7, which involved a boy and his younger brother. With regard to this matter, it was alleged that more recently new disclosures were made by the younger sibling about what he had witnessed. This new information received was of a general nature only and the informant did not follow up as they were advised at that time.
- 23 November 2003 Bishop James Keleher of Kansas wrote to +PWI enquiring about the possibility of JGN serving in his diocese.
- 23 January 2004 +PWI replied to Bishop Keleher's letter of 23.11.2003 and stated that he could not recommend JGN.
- 27 January 2004 +PWI notified JGN of his response to Bishop Keleher's request.
- 12 February 2004 In the course of responding to a distressed parent, a senior employee of the Diocese received information that the parent's adult son (who was reportedly suicidal and highly at risk at that time) had recently disclosed an allegation involving JGN with himself when he was a child. When the parents were advised of the reporting requirements they refused to cooperate. +PWI was advised of this matter.

Shortly before this a Priest of the Diocese had similarly advised +PWI that the same parent had recently informed him of the son's disclosure.

Following these two reports of this matter, the Diocese advised the NSW Professional Standards Office (PSO) and *head of agency* (at CCER) of this new matter and consulted regarding the appropriate course of action. *Head of agency* (at CCER) at that time advised that this matter was not in jurisdiction and not reportable to Ombudsman. The Diocese informed NSW police, as advised by the PSO.

- 17 February 2004 JGN emailed +PWI requesting letter stating the he a priest in good standing in the diocese so that he may celebrate the marriage ceremony for a couple in Chicago (the Bishop of Chicago required this letter). He states "I have even recently celebrated marriages of university students in the diocese of Peoria with no objection from the Bishop".
- 4 March 2004 JGN emailed +PWI requesting a letter stating the he a priest in good standing in the diocese. He notes that "I have done weddings regularly in various dioceses".
- 8 March 2004 +PIW emailed JGN stating that he cannot give him a letter to state the he is a priest in good standing in the diocese.
- 10 March 2004 JGN emailed +PWI asking him to reconsider his decision whereby he refused to grant JGN permission to celebrate the marriage of a couple in the United States.
- 24 April 2004 JGN wrote to +PIW expressing his distress that +PIW was not willing to give him a statement saying that he was a priest in good standing in the diocese. JGN accused +PWI of "continuing calumny of me to bishops who wish to use me in pastoral service in the United States". JGN concluded by stating that "I will continue to carry out the priestly work for which I was ordained".
- 28 April 2004 +PWI emailed JGN, acknowledging letter of 24.04.2004 and stating that "this whole matter is before the Apostolic Signatura and that is where it will be resolved".
- 15 August 2004 +PWI wrote to JGN informing him that he had replied to a letter from Bishop Korir of Kenya in which the latter had enquired about the possibility of JGN serving in his diocese. +PWI stated in the letter that "he [JGN] currently does not have faculties".
- In the same letter +PWI informed JGN that he had written a similar letter to Bishop Ricken of Wyoming, USA, in response to the latter's enquiry as to the possibility of JGN serving in his diocese.
- 20 August 2004 JGN wrote to +PWI formally requesting a formal letter stating that he was a priest in good standing in the diocese.
- 17 September 2004 +PWI replied to JGN's letter of 20.08.2004 stating that he cannot issue such a statement.
- 21 September 2004 JGN wrote to +PWI formally requesting that he reconsider his decision not to grant him a statement stating that he was a priest in good standing in the diocese.

- 2 September 2005 Bishop Vasa of Oregon, USA, emailed +PWI stating that he would be willing to consider JGN for a pastoral assignment, if +PWI were agreeable.
- 6 October 2005 +PWI replied to Bishop Vasa's email of 02.09.2005, USA, stating the situation with regard to JGN.
- 18 March 2006 The Apostolic Signatura issued an interim decree upholding the recourse of the Diocese against the decree of the Congregation for the Clergy. A definitive decree confirming the decision (and any action flowing from it) would be issued at a later date.
- 23 March 2006 GJN informed +PWI via email that he has returned to Australia.
- 24 March 2006 +PWI replied to JGN's email of 23.03.2006. +PWI stated: "... pending the resolution of your case, I am unable to give you an appointment or allow you to celebrate liturgy publicly. This is your canonical status at present".
- 4 June 2006 JGN emailed +PWI suggesting that they should meet. He added, "No doubt you would like to hear of the pastoral and apostolic work I have been carrying out in the last five years".
- 5 July 2006 +PWI and JGN met. +PWI informed JGN that he is not able to give him an appointment as he was awaiting the definitive response from the Apostolic Signatura.
- 6 July 2006 JGN wrote to +PWI informing him of a conversation he had had with an officer of the Ombudsman's Office. The letter raises further questions about the situation in which JGN finds himself (copy attached).
- 20 July 2006 +PWI received definitive response from the Apostolic Signatura. It stated that "the violation of the law both in procedure and in discernment in the decision of the Congregation for Clergy of 21 December 2000, and confirmed on 19 May 2001, has been proven.
- 23 August 2006 Diocese forwarded to JGN a copy of the definitive decree of the Apostolic Signatura.

\*\*\* End of Document \*\*\*