

Diocese of Wollongong

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PW/lt/8155

12 January 2001

His Eminence
Dario Castrillon Hoyos
Prefect
Congregatio pro Clericis
Palazzo delle Congregazioni
00193 ROMA
Piazzo Pio XII 3

Your Eminence

The fax copy of the Congregation's decree concerning Fr John Nestor's recourse (Prot. N. 20001201) reached this office on 22 December 2000. Our office closed on that day for the Christmas holidays and reopened on 2 January 2001. Unfortunately on 31 December I was admitted to hospital and remained on sick leave until 9 January. In the meantime, the confirmation of the Congregation's decision reached this office on 8 January.

Your covering letter was addressed to the Reverend Administrator of the diocese. However, I shall be the Administrator until I take possession of my new office in Adelaide on 1 February next.

I now petition the Congregation to revoke this decree on procedural and pastoral grounds. My reasons for this are as follows.

1. PROCEDURAL

My understanding of the process of recourse is that after a communication of a refusal to revoke or amend, or after 30 days of silence, the individual has 15 days in which to appeal to the hierarchical superior through the author of the decree or by appealing directly to the hierarchical superior. If these time frames are not strictly followed, then the recourse can be denied for lack of proper procedure. The dates nominated in the decree of the Congregation indicate that Fr Nestor's recourse to the Congregation exceeded the time limit of 15 days.

FAXED
12.1.01

4.50 pm

Congregatio pro Clericis, Rome

12 January 2001

2. PASTORAL

The pastoral reasons centre on the effect this decree will have on the faithful of this Diocese. The difficulties of dealing with these cases go beyond what is provided for in the canons. Because the faithful have been scandalised in this country, and more particularly in this Diocese, over cases involving child sexual assault by clergy, the Bishops of Australia have tried to restore faith by committing themselves to specific guidelines for professional standards. These guidelines, and the bishops' commitment, have done much to overcome the negative influence of these cases in our local Churches and communities. This decision of the Congregation will cause difficulties in this regard, with a real possibility of causing further scandal to the faithful.

On this basis, I ask that the Congregation reconsider its decree of 21 December 2000.

With sentiments of esteem and with every best wish

Yours sincerely

+ Philip Wilson

Most Rev P Wilson DD JCL
DIOCESAN ADMINISTRATOR
Coadjutor Archbishop-Elect of Adelaide