

# Diocese of Wollongong

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BJ/pac/8155

21 June 2001

CONFIDENTIAL

His Lordship  
Most Rev John J Myers  
Bishop of Peoria  
Diocesan Chancery  
PO Box 1406  
PEORIA ILLINOIS USA 61655

COPY

Dear Bishop Myers,

Having thoroughly considered the issues involved, I am now able to respond more fully to your letter of 5 April 2001 concerning the possibility of Fr John Nestor being assigned an appointment in the Diocese of Peoria.

In December 1996, the Australian Catholic Bishops' Conference and the Australian Conference of Leaders of Religious Institutes published the document 'Towards Healing' which sets out the principles that must form the basis of the Church's response to complaints of abuse by personnel of the Catholic Church in Australia and the procedures to be followed in responding to individual complaints (cf. attached copy of the revised 'Towards Healing', December 2000). This document, and its subsequent revision in December 2000 (see enclosure), has been adopted in full by the Diocese of Wollongong.

On 7 August 1998, the then Bishop of Wollongong, Most Rev Philip Wilson, issued two decrees: the first stating that Fr Nestor must undergo a full assessment by Encompass Australasia as a prerequisite to any further ecclesiastical appointment; the second restricting him from celebrating liturgy publicly in all places within and outside the Diocese until the restriction is lifted by the Bishop of Wollongong. These two decrees were the culmination of an assessment process undertaken by the Diocese of Wollongong according to the procedures outlined in 'Towards Healing (1996)'.

On 12 December 1998, the Congregation for Clergy informed Bishop Wilson that it had received a petition for recourse to his decree from Fr Nestor. In a decree issued 21 December 2000 (Prot. N.20001201) the Congregation upheld the recourse and directed the (by then) Diocesan Administrator, Bishop Wilson, that Fr Nestor be given a pastoral appointment.

On 31 January 2001, following the procedures of Canon Law, the Diocese of Wollongong requested the Congregation for Clergy to revoke its decree on both procedural and pastoral grounds. Following the expiration of the time frame given in Canon Law, the silence of the Congregation indicated to the Diocese that the appeal would not be granted. (This has subsequently been confirmed in a decree issued by the Congregation on 19 May 2001 – Prot. N. 20010676.)

By this time, I had taken up my appointment as Diocesan Administrator. Following the silence of the Congregation, I sought further advice from my College of Consultors, the Central Commission of the Australian Catholic Bishops' Conference, and the NSW Professional Standards Resource Group, a body established as part of the framework of 'Towards Healing' to advise bishops and dioceses on matters of abuse within the Australian Church and allegations against Church personnel.

Having considered their advice, on 22 February 2001 I appealed to the Apostolic Signatura to set aside the decree of the Congregation for Clergy. At the same time, the Most Rev Francis Carroll, Archbishop of Canberra and Goulburn, wrote to the Apostolic Signatura in his role as Chairman of the Central Commission of the Australian Catholic Bishops' Conference. The purpose of his letter was to offer the Central Commission's strong support of our appeal.

Until such time as a judgement is given, it is our understanding that the decree of the Congregation for Clergy is suspended. To date, I have received no word from the Apostolic Signatura.

After receiving your letter, I again took advice, as I indicated I would in my letter of 17 April. It must be said that the advice I have received is consistent across a number of key individuals and groups and that it is firmly stated. Given the importance of 'Towards Healing' in the Australian Church context, the Central Commission of the Australian Catholic Bishops' Conference is keen to see that the appeal takes its full course and that every opportunity is taken to test the validity of the principles and procedures established. In a similar vein, the NSW Professional Standards Resource Group made the following recommendation:

*The Resource Group recommends that the reply to the Bishop of Peoria include wording to the effect that: 'As the Diocese is in the process of appealing against the Congregation for the Clergy's decree that Fr Nestor be given an appointment, it does not consider it appropriate that it provide any advocacy for Fr Nestor's appointment elsewhere'.*

The upshot of the advice I have received is that, until such time as the judgement of the Apostolic Signatura is known, no consideration be given to changing the status

Most Rev John J Myers

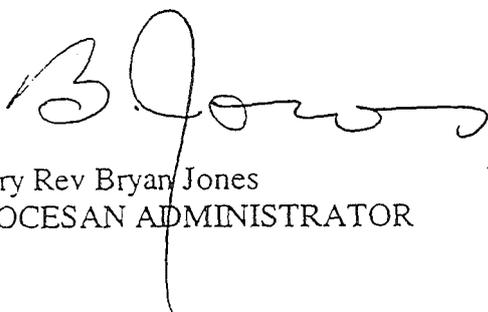
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of Fr Nestor nor to revoking the original decrees by the Diocese of 7 August 1998. Given the history of the case, and having considered carefully both the content of your letter and the advice I have received, I have decided that it would be inappropriate to respond positively to your request at this time. Having taken this position, I wish to add that a new Bishop, Most Rev Peter Ingham, has been appointed to the Diocese of Wollongong, and will take up his appointment on 25 July 2001.

I trust that this information clarifies our position and assists you in yours.

With every good wish,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B. Jones', with a long, sweeping horizontal flourish extending to the right.

Very Rev Bryan Jones  
DIOCESAN ADMINISTRATOR