

Diocese of Wollongong

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24 July 2001

His Eminence
Mario Cardinal Pompedda
Prefect
Supreme Tribunal of the Apostolic Signatura
Piazza della Cancelleria 1
00186 ROMA ITALIA

Your Eminence

THE DIOCESE OF WOLLONGONG AND
THE SACRED CONGREGATION FOR THE CLERGY
(Prot. N. 32108/01 CA)

Thank you for your letter of 28 June 2001, which I received on 17 July.

In your letter you informed me that ours is not a case in which the law gives a recourse an automatic suspensive effect. You then requested that I submit to the Apostolic Signatura:

- a) an authentic copy of our request for suspension of the decision of the Congregation for Clergy (Prot. N. 20001201 dated 21 December 2000)
- b) an explanation of the grave reasons (cf. can.1736,§2) for which the suspension is requested.

Enclosed with this letter is the authentic copy of our request, which we had faxed on 22 February 2001.

Following are the reasons for which we are seeking this suspension.

1. Much pastoral harm has already been suffered by the faithful within the Diocese of Wollongong because of the public notoriety of the case involving Fr Nestor. The potential for further and deeper scandal is very real if Fr Nestor were to be allowed to exercise a pastoral appointment before the allegations made against him have been fully addressed.

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2. Fr Nestor has been un-cooperative in seeking to resolve the issue over an extended period of time, and this un-cooperativeness continues to the present.
3. There would be the real possibility of damaging national repercussions for both the Church herself, and for Church-State relations if Fr Nestor were allowed to resume active ministry before the case has been fully pursued. Most Rev Francis Carroll, President of the Australian Catholic Bishops' Conference, has supported our case and noted the national implications of it in a letter to you dated 1 March 2001.
4. Furthermore, in launching 'Towards Healing' in 1996, the then President of the Australian Catholic Bishops' Conference, His Eminence Cardinal Edward Clancy, pledged to the people of Australia that the Catholic Church in Australia would commit itself to following the procedures set out in this document. These are the procedures that were followed by the Diocese of Wollongong in the case of Fr Nestor. To allow Fr Nestor to receive a pastoral appointment before the appeal is heard would, in practice, have the effect of setting aside the Cardinal's pledge.
5. Fr Nestor is actively seeking an appointment in another Diocese in the USA that would enable him to by-pass both Australian civil law as well as the procedures put in place by the Catholic Hierarchy in this country to protect the Catholic faithful.

For these grave reasons the Diocese of Wollongong seeks to have the decree of the Congregation for Clergy suspended by its superior authority, the Supreme Tribunal of the Apostolic Signatura, until such time as a judgment on our case is made.

Yours sincerely



Very Rev Bryan Jones
DIOCESAN ADMINISTRATOR

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