CONGREGATIO PRO CLERICIS

DECREE

Prot. N. 20010676

Whereas on 31st January 2001 the then Most Reverend Diocesan Administrator of the Diocese of Woolongong, Australia, Bishop Philip Wilson requested this Dicastery to revoke its Decree Prot. N. 20001201 issued 21st of December 2000 in the matter of a recourse entered into by the Rev. John Nestor of the Diocese of Wollongong, against the provisions of a Decree issued by the then Bishop of Wollongong, Australia, His Lordship, the Most Rev. Philip Wilson, on 7th August 1998, and

whereas the said then Most Reverend Diocesan Administrator sought this action on grounds described as both "procedural" and "pastoral", namely that the *fatalia leges* were not followed in the presentation of the recourse and "the difficulties of dealing with these cases go beyond what is provided for in the canons", and

whereas the Dicastery is possessed of the authority, to either reject a recourse because of the *fatalia leges* or to admit same for its disposition, *Sua sponte*, and

whereas the Universal Church is bound by the canons of the Code of Canon Law, Particular Laws or norms cannot "go beyond" that which is provided for in the canons of the Code of Canon Law, and

the Dicastery noting the norms of canon 57, especially §3 of same, and again mindful of its many attempts to have Diocesan authority remedy this situation, to no avail, hereby decrees:

that the petition to revoke its Decree Prot. N. 20001201 issued 21st of December 2000 in the matter of a recourse entered into by the Rev. John Nestor of the Diocese of Wollongong, against the provisions of a Decree issued by the then Bishop of Wollongong, Australia, His Lordship, the Most Rev. Philip Wilson, on 7th August 1998, is hereby

REJECTED

in that it lacked basis in law and in fact, therefore the dispositions of the Decree Prot. N. 20001201 of the 21st December 2000 remain in force.

Dario Card. Castrillón H

Given at the Seat of the Congregation for the Clergy
Vatican City, 19th May 2001.

+ Crescenzio Sepe
Secr.