

# Diocese of Wollongong

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BJ/lt/8155

22 February 2001

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

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Your Eminence

REV JOHN NESTOR AND THE DIOCESE OF WOLLONGONG

The Congregation for Clergy issued a Decree (Prot. N. 20001201) on 21 December 2000, the original of which was received by Most Rev Philip Wilson, then Diocesan Administrator of Wollongong, on 8 January 2001. The Decree upheld the recourse taken by Rev John Nestor, of the Wollongong Diocese, on 30 October 1998. Rev Nestor appealed against a Decree of the Most Rev Philip Wilson, the then Diocesan Bishop of Wollongong, which was issued on 7 August 1998.

Bishop Wilson became the Archbishop Coadjutor of Adelaide on 1 February 2001. I was elected Diocesan Administrator of Wollongong on 2 February 2001. In a letter dated 12 January 2001 (ref. PW/lt/8155), and in accordance with c.1734, Bishop Wilson asked the Congregation for the Clergy to reconsider their decision on two grounds:

- 1 That the recourse of Rev Nestor was invalid as it had been made after the legal period of time had expired.
- 2 That scandal, which could follow the activation of the Congregation's Decree, be avoided in the Diocese of Wollongong.

The Congregation has not replied to that letter and the thirty-day period has now expired.

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*Supreme Tribunal of the Apostolic Signatura, Rome*

*22 February 2001*

Therefore, in my capacity as Diocesan Administrator, I now appeal to the Supreme Tribunal of the Apostolic Signatura to set aside the Decree of the Congregation for the Clergy for the following reasons:

- 1 The recourse of Rev John Nestor to the Congregation for the Clergy was outside the allowable time limits to make such a recourse.
- 2 The Congregation for the Clergy was not competent to judge this issue. The Congregation for the Doctrine of the Faith is competent because this case comes under the scope of special procedures reserved to it. This competence is based on *Titulus V* of the 1962 *Instructio de modo procedendi in causis sollicitationis* of the Holy Office on causes of solicitation in the Sacrament of Penance. This competence was confirmed, at Bishop Wilson's request, in a letter from the Secretary of the Congregation on 28 February 1998 (Prot. N. NR-05931).
- 3 Bishop Wilson was requested by the Congregation for the Clergy to prepare his *votum* in this recourse by a letter of request on 12 December 1998 (Prot. N. 98002776). Contrary to canonical procedure, Bishop Wilson was never given a copy of Rev Nestor's documentation or even a summary of the facts of this case. The acceptance of statements made by Rev Nestor as facts has resulted in factual errors in the Decree. Bishop Wilson would have contested the veracity of these statements, had he known they had been made by Rev Nestor.

Your Eminence, I submit this letter as an initial statement of our appeal to the Tribunal. I enclose with this letter the following documents:

Congregation for the Doctrine of the Faith: letter to Bishop Wilson, 28 February 1998

Congregation for the Clergy: letter to Bishop Wilson, 12 December 1998

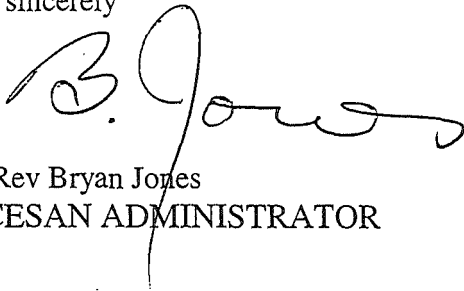
Congregation for the Clergy: Decree, 21 December 2000

Bishop Philip Wilson: letter to Congregation for the Clergy, 12 January 2001.

I await your further instructions.

With best wishes and expressions of esteem

Yours sincerely



Very Rev Bryan Jones  
DIOCESAN ADMINISTRATOR

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