

CONFIDENTIAL

NOTES ON THE CASE CONCERNING  
FR JOHN G NESTOR  
February 2001

These are some thoughts about the present situation in the case concerning the Rev John Nestor, a priest of the Diocese of Wollongong.

- 1 My position concerning the need for an assessment before an appointment has always been based on facts which are in the public forum. There may be many others, alleged and disputed, which are significant. However, I have always put them to one side in discerning my position as diocesan bishop. The fact that Fr Nestor slept in a bedroom on a mattress alongside two boys has always been the central fact upon which I would require the assessment. I believe my position was also reinforced by the remarks of the appeal-judge that although Fr Nestor had not been found guilty, there were issues in the case that had to be considered, and acted upon, by ecclesiastical authorities.
  
- 2 On 12 January 2001 I wrote to the Congregation for the Clergy asking them to amend their decision on two grounds, one procedural, the other pastoral.
  - a) *Procedural*: according to my calculation, Fr Nestor's recourse breached the allowable time span for taking recourse.
  - b) *Pastoral*: because of the pastoral situation in the diocese and the possibility of the development of scandal.
 The Congregation has not replied.
  
- 3 THE APOSTOLIC SIGNATURA  
 If the Congregation's reply is negative, or after 30 days of silence, I would consider taking recourse to the Signatura. The Signatura is only competent to judge procedural lapses. So the recourse would be based on two grounds:
  - a) The breach of allowable time, as described above
  - b) Citing the letter I received from the Congregation for the Doctrine of the Faith, I would claim that this case was under their competence. Hence the proper procedures were those outlined by the 1962 Secret Instruction on Solicitation. The competence for cases involving minors is outlined in the fifth chapter of the Instruction. It was these procedures which I was going to begin when Fr Nestor's recourse suspended all action. Up to that point, in the spirit of canon law, I had tried to resolve the issue by means of dialogue and exhortation.
  
- 4 THE SECRETARIAT OF STATE  
 Because of the recent changes in legislation in NSW, this case also has important Church-State implications. My intention was to write to the Secretary of State enclosing the decree of the Congregation for the Clergy and my *votum* to the Congregation on the case. I would also include the recent letter of advice from d'Apice concerning this case.

The request to the Holy See should underline the serious criminal penalties the relevant church authority would face if these laws were ignored or broken.

- 5 I would discuss these strategies with the Nuncio and seek his advice. I would also refer everything to Archbishop Carroll as President of the ACBC and seek the help of the Conference as this case has implications for the whole Australian strategy.

Because Archbishop Pell has similar cases, I have always discussed this case with him and Bishop Denis Hart.

If I can be of any help with this matter, I would be always ready.

The elements of the decree concerning Fr Nestor's good name are also tied to me. So I intend to engage a canonical advocate to help me to prepare my response. I will, of course, keep you informed of that.

*+ Philip Wilson.*

Most Rev P Wilson DD JCL  
COADJUTOR ARCHBISHOP OF ADELAIDE

12 February 2001  
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