

MAKINSON & d'APICE

SOLICITORS AND NOTARIES

INCORPORATING THE PRACTICE OF
REMEDIOS & MARTIN

15 September 1999

Partner: Bill d'Apice

Your Ref: KJM/99003.1h

Messrs Walter Madden Jenkins
Solicitors
DX 11596 SYDNEY DOWNTOWN

By fax: 9264 8440

Dear Sirs

RE: DIOCESE OF WOLLONGONG and FATHER JOHN NESTOR

We refer to your letter of 30 August 1999 addressed to Bishop Philip Wilson, the Bishop of Wollongong, concerning his "Decree" dated 7 August 1998 to Father John Gerard Nestor. We note that you act for Father John Nestor.

We note that Bishop Wilson issued two Decrees to Father John Nestor on that date. Copies of these are enclosed for your information.

Please advise us to which Decree you are referring in your letter.

Our client does not accept that your client was denied procedural fairness in this matter. We note that Howard Murray wrote to your client on 22 April 1998 (copy letter enclosed) providing details of the allegations against Father Nestor, strongly suggesting that Father John Nestor seek legal advice before making any decision whether or not to agree to an interview. Father Nestor responded in writing to the allegations on 1 May 1998 (copy enclosed). Father John Nestor sought advice from a Barrister, Michael McAuley, who had a lengthy discussion with Howard Murray. Mr McAuley informed Mr Murray of your client's response to each of the allegations made against him. Mr McAuley and Howard Murray agreed that it would not be productive for your client to be interviewed.

Your client was advised of this by letter dated 6 May 1998 (copy enclosed).

Our client refutes your client's allegations that procedural fairness was denied in relation to each of Bishop Wilson's Decrees.

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We enclose for your information a copy of the advice of the Professional Standards Resource Group. Should your client wish to make any comment in relation to the report, he is welcome to do so. Please forward comments through your office to our office.

In the light of this report, Bishop Wilson's concern is to ensure that Father Nestor is a fit and proper person suitable to be re-appointed for a pastoral ministry. Hence, Bishop Wilson decreed that your client should undergo a full appraisal by Encompass Australasia as a pre-requisite to any further ecclesiastical appointment.

Please advise as soon as possible whether your client is prepared to undergo such a reassessment which may lead to a review of Bishop Wilson's Decree restricting your client from celebrating the liturgy publicly.

It is to be hoped that this dialogue may be helpful in resolving issues between our respective clients.

Yours faithfully

MAKINSON & d'APICE

Encl.

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