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CONGREGATIO
PRO CLERICIS

Vatican City, 12 August 1999.

Prot. N. 99000820

Most Rev. Philip E. Wilson
Bishop of Wollongong
P.O. Box 1239
Wollongong SCMC NSW 2521
AUSTRALIA.

Your Lordship,

This Congregation, as you know, has received a recourse from one of your priests, Father John Nestor.

As we had indicated to Your Lordship previously in our letter of 15 July 1998, Prot. N. 98000817 : *the Code of Canon Law, specifically Book VI is the reference point in dealing with sanctions within the Church. When it is possible and when the local Ordinary deems it appropriate, the penal process is to be applied. Under other circumstances, a penalty can be applied using the administrative mode. In either case, the norms of law must be rigorously followed, as these are established in Book VI and in canons 1717-1728, for the validity of the acts involved.*

In cases where a penalty cannot be applied, because of the norm of canon 1362, §1, the same Code of Canon Law in canons 1740-1747 allows for the removal of a Parish Priest as long as the canonical procedure and discipline is adhered to.

Hierarchical recourse to the Holy See against such actions is always a possibility according to the norms of canons 1732-1739. The Dicastries, in deciding on these recourses do not only look at the merits of the situation but must also judge the legitimacy of the canonical procedures followed. If these latter are not faithfully adhered to, then the decisions rendered by Diocesan Authority cannot be upheld.

It must always be borne in mind that any Particular Norms must be in strict conformity with the Code of Canon Law. Refuge cannot be sought in these when such norms are in conflict with the Code or disregard the canonical norms of procedure. Under such circumstances, such particular norms would be without juridic effect.

Bearing the above in mind, this Dicastery would respectfully and strongly urge Your Lordship to enter into dialogue with the priest concerned with the intention of seeking a mutually

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agreed means of regularising his situation. In this fashion, a pastoral solution could be worked out, which is always preferable in these circumstances, and this Dicastery would be relieved of having to render a difficult decision on this recourse.

This Dicastery is also writing to the priest concerned urging him to fully cooperate with you in attempting to resolve this recourse by mutual accord. We are enclosing a copy of our letter to the priest, for Your Lordship's information.

In order to afford all involved the time necessary for this last attempt to resolve the outstanding issues, this Congregation, by virtue of Article 136 of the General Regulations of the Roman Curia, hereby extends the time limits until 30 November 1999. If mutual agreement is not reached by this time, then the Dicastery will be constrained to render its decision.

We look forward to hearing from Your Lordship of the successful outcome of the negotiations.

I take this opportunity to renew my sentiments of esteem and with every best wish, I remain,

Sincerely yours in Christ,

+ *John Gungor*
Sgr.

Enclosure.