

MAKINSON & d'APICE

SOLICITORS AND NOTARIES

INCORPORATING THE PRACTICE OF
REMEDIOS & MARTIN

Diocese of Wollongong

- 6 OCT 1999

Bishop

File

FAKED

30 September 1999

Partner: Bill d'Apice

Most Rev P Wilson DD JCL
Bishop of Wollongong
Catholic Church Offices
PO Box 1239
WOLLONGONG SCMC NSW 2521

By Fax: 4224 7977

Dear Bishop Wilson

RE: FATHER JOHN NESTOR

Thank you for your letter of 28 September 1999 with which you enclosed a copy of a letter from Father John Nestor dated 25 September 1999.

On 28 September 1999, I also received a letter from Father John Nestor's solicitors, a copy of which is **attached**. These letters from Father John Nestor and his solicitors call for a response slightly different to the draft letter forwarded to you on 27 September 1999.

I suggest that I respond to his solicitors again refuting the allegation that natural justice has been denied to Father John Nestor. A copy of a draft letter is **attached**.

In relation to Father John Nestor's letter, I think it appropriate to indicate to him that you would reconsider his position upon an appropriate appraisal being conducted (which I understand to be your stance). His approach to date has been to ask you to take action (review the Decrees).

In the interim, he has not indicated why he should be considered a fit and proper person to conduct public ministry nor whether he would undergo an appraisal.

I believe a response to Father John Nestor should indicate that the ball is fairly and squarely in his court and that he needs to satisfy you in regard to his suitability for public ministry by undergoing an appraisal. He should be asked to advise you whether or not he is prepared to undergo a full appraisal by Encompass Australasia.

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Most Rev P Wilson DD JCL


Page 2

It appears to me that Father John Nestor has chosen to proceed along the canonical route as he perceives that his chances of success may be greater there than pursuing the matter in civil law. As you aware, I am not qualified to advise on Canon Law and I note that you are seeking appropriate external advice to compliment your own considerable expertise in this area. I will be happy to assist with this wherever possible.

I will call you to discuss the draft letters shortly.

With best wishes,

Yours sincerely,



Bill d'Apice

Encl.