

Diocese of Wollongong

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Mr William d'Apice
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8155/pac

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Dear Mr d'Apice,

The Diocese has recently received notification of a Decree issued by the Congregation for Clergy concerning the status of Fr John Nestor. Archbishop-elect Wilson is now awaiting the arrival of the decree itself before he takes any action. However, if in the event the Decree is upheld, Fr Nestor is to be re-instated in active ministry within the Diocese.

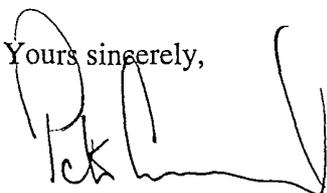
As you are aware, the recent raft of legislation concerning child-related employment is now up and running in NSW. My question, with regards to the status of Fr Nestor, is as follows:

Is the Diocese able (and, in fact, required) to ask Fr Nestor to give consent for a screening to be undertaken in accordance with Part 7 of the Commission for Children and Young People Act, 1998, and related Acts?

In August 1998 Fr Nestor was denied any further ecclesiastical appointment subject to the condition of a full psychological appraisal. This, as you are aware, was the result of a canonical process. Since that time, Fr Nestor has not been permitted to publicly exercise his priestly ministry and has not held an appointment within the Diocese. In the event of his return to ministry it is possible he will argue that he would not be required to give the above-mentioned consent because he is not entering into new employment as such but simply returning from suspension. It is this point on which we require legal clarification.

I look forward to your response at your earliest convenience.

Yours sincerely,



Fr Peter A Comensoli
Chancellor