

Reasons for Seeking an Interim Suspension of the decision by the Congregation for Clergy (1736§2)

- ✓ 1. The damaging national repercussions for both the Church itself, and in Church/State relations, that the outcome of the case will have (cf. Archbishop Carroll's letter)
- 2. The number, substance and seriousness of independent allegations made in confidence to Bishop Wilson constitute a high degree of moral certainty of the veracity of the allegations
- 3. The unco-operativeness of Fr Nestor over an extended period of time
- 4. The pastoral harm already done to the faithful of the Diocese by the notoriety of the case and the potential for further and deeper scandal to them if Fr Nestor were allowed to exercise a pastoral appointment without fully addressing the allegations made against him.
- ✓ 5. The deep scandal to the faithful and the real possibility of harm to the mission of the Church in the Diocese if an individual clergy's suitability to have privileged access to children has not been assured.
- 6. The need to restore faith in the Church in Wollongong by supporting guidelines and procedures put in place by the Bishops of Australia to ensure proper accountability in cases of sexual assault and grossly inappropriate behaviour by clergy.
- 7. Cardinal Clancy, as then President of the ACBC, pledged to the people of Australia that the Church in Australia would commit itself to follow the specific procedures set out in 'Towards Healing'. Fr Nestor has consistently refused to co-operate with these procedures. ~~To allow Fr Nestor to receive a pastoral appointment would be to decide the~~ question of the validity of these procedures before the appeal has been heard. This would have the further effect of undermining the value of the Cardinal's pledge.
- 8. There is a Diocese in another country requesting to make it possible for Fr Nestor to be given a pastoral appointment.

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before the appeal is heard, then in, via process to not occur the Cardinal's pledge

Fr Nestor is not in a position to sign an affidavit and hear

& procedure put in place in that country to protect the faithful..

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