

300

FAX MESSAGE OF 3 PAGES. COPY BY AIR MAIL FOLLOWING. Page 1

REDACTED

Phone: REDACTED

REDACTED

November 30, 1999

His Eminence Cardinal Dario Castrillon Hoyos  
 Prefect  
 Sacred Congregation for Clergy  
 Piazza Pio XII 3  
 00193 Rome Italy

CONGREGATIO PRO CLERICIS
4 Gen. 2000
PROT. N. 2000055

Prot.N. 99000820

Eminence,

As advised in my letter to the Congregation of November 25, 1999, my Bishop, Most Rev Philip Wilson, agreed to see me on November 27, 1999, to dialogue on the outstanding matters of my recourse, as directed by the Congregation in August 1999.

*Meeting between Bishop Wilson and myself Saturday November 27th 1999:*

The meeting was cordial and formal, and lasted about thirty minutes.

The Bishop declined to make any change to his direction of August 7, 1998, requiring that I undergo a full appraisal by Encompass Australasia before any consideration could be given to allowing me to minister publicly anywhere.

In answer to my question, he agreed that this represented no change at all from the position which prompted my Recourse. He said that he must accept the recommendation of the New South Wales Professional Standards Resources Group (NSWPSRG). He later accepted that he was not obliged to follow their recommendation, but thought that he must "in conscience". He declined to tell me what persons actually comprised the NSWPSRG.

I pointed out that his decision to ask the advice of the NSWPSRG was not usual in such cases, and followed two Assessors Reports which have never been made known to me.

I also pointed out- as I had in writing on August 23, 1998- that those parts of the NSWPSRG Report which had been shown me, contained errors of fact, obvious misinterpretation and selective quotation from the trial at which I was acquitted, and matters of alleged complaint which had never been previous made known to me; that the Report found me guilty of matters made known to me only in vague form, which I had denied; that I had agreed to be interviewed but that the

FAX MESSAGE OF 3 PAGES. COPY BY AIR MAIL FOLLOWING. Page 2

301

Assessors appointed by the Bishop, had deemed it unnecessary to interview me. I also pointed out that now that I had finally been shown the complete NSWPSRG Report, I was aware that it also included a most serious allegation, which in fact had never been made about me, but which the writer of the Report, thought should have been made, and treated as if it had been made. Obviously, the recommendations in the Report were based on a most flawed document and therefore must be rejected.

I also pointed out that in 1998 I had obtained an Authority to drive public buses. As buses may carry unsupervised school children on occasions, a character assessment by the NSW Police is required. No objection to me obtaining the Authority was raised by the police.

The Bishop repeated that he would not change his position.

We therefore agreed that there was no possibility of coming to a mutually agreed solution to the outstanding matters of my Recourse. The Bishop agreed to my suggestion that he contact the Congregation for Clergy to inform them of this fact, and he offered to send me a copy of his letter.

*Matters brought against me:*

I would like to briefly review the facts of complaints against me:

Although at a summary hearing before a Wollongong Local Court Magistrate, which I had voluntarily agreed to, I was found guilty, I was found not guilty in the clearest possible terms, when my case came before a judge.

The Diocese did not give me information they had, which would have made my defence easier, a lawyer representing the Diocese, made statements which were factual errors, and prejudicial, at my trial. A false return on subpoena was submitted by the Diocese on a vital matter. The Diocese has never publicly accepted the court's October, 1997, finding that I was not guilty.

When in December 1997 I asked to be allowed to return to public ministry, my Bishop wrote that he had received more complaints about me which caused him to wonder whether I could ever minister anywhere. I wrote asking that any alleged complaints about me, be investigated openly and fully.

In spite of further requests to be told of these alleged complaints, it was not until May 1998 that they were given to me, and then only in the vaguest form.

I replied in writing to the Assessors appointed by the Bishop, stating that I denied the alleged complaints, and agreed to be interviewed. The Assessors replied in writing that they had decided not to interview me.

They was further delay. On August 7, 1998, Bishop Wilson forwarded me a decree, including extracts from a Report from the NSWPSRG, finding me guilty of the several matters previously raised (which I had never been given an opportunity to address). and some more which had never

FAX MESSAGE OF 3 PAGES. COPY BY AIR MAIL FOLLOWING. Page 3

been made known to me. Again, the alleged wrong doings were in vague form, including no details of persons, places or times (other than the alleged years).

There is evidence of a rejection of the original Assessors' Report by the Bishop and appointment of new Assessors. There is evidence of canvassing of complaints by officials of the Diocese. There is evidence of rejection of the evidence of people in a position to know that the matters of the alleged complaints, had not taken place.

I am morally certain that most of the "complaints" are from persons not actually present when the alleged matters, were alleged to have occurred. I am also morally certain that no effort was made to check the "complaints" with persons who were actually present, who were readily available, and whose identity should have been known to the Diocesan authorities.

*My Position as a Priest:*

I have now been forbidden to minister publicly, for 43 months. In that time, the Diocese has provided me with no accommodation, no rental assistance, and no assistance with my legal fees. Accommodation has been provided by two generous priests, and more recently by my mother. Some assistance with my legal fees has been provided by generous lay people. Until my brief meeting last Saturday, my Bishop had not telephoned or spoken to me in two years.

In that time, my good name has been irreparably damaged. My Bishop has now used the time allowed by the Congregation, for dialogue concerning the normalization of my priestly life and restoration of my good name, to further damage my good name by untrue statements attributed to him by the Illawarra Mercury.

I maintain my innocence in all the matters raised in the last 43 months.

The Congregation has extended the Recourse- originally made by me on October 4, 1998- on two occasions.

I respectfully request that the Congregation now take action on the matters of my Recourse, so that I might be able to work as a priest in some other part of the world.

Yours sincerely in Our Lord,

Father John G Nestor.