

**Witness Statement**

<b>Name</b>	Bryan Jones
<b>Address</b>	19 College Avenue, Shellharbour City Centre 2529
<b>Occupation</b>	Catholic priest, Parish priest of Shellharbour City Parish, Vicar General of the Diocese of Wollongong
<b>Date</b>	11 June 2014

- 1 My name is Bryan Jones.
- 2 I am a Catholic priest, Parish Priest of Shellharbour City Parish, and a Vicar General of the Catholic Diocese of Wollongong.
- 3 Exhibited to me at the time of making this statement is a folder of documents that relate to my involvement with Fr John Nestor. Where I refer to a document in this statement, I have used the document reference number which appears in the top right-hand corner of the document to which I refer. I have not independently reviewed the files of the Diocese of Wollongong or other entities from which these documents have been drawn.
- 4 This statement has been prepared with the assistance of Gilbert + Tobin lawyers in response to and in compliance with a Summons or Notice issued by the Royal Commission in connection with a hearing into Case Study 14. It is produced to the Royal Commission on the basis that it will be tendered and received in evidence by the Royal Commission pursuant to that Summons or Notice, and on the basis that the statement will be treated as evidence pursuant to the Commonwealth or State legislation applicable to this Royal Commission case study.

**Background**

- 5 I was ordained as a priest in July 1964 in and for the Catholic Diocese of Wollongong.
- 6 After my ordination, I served as a priest in two parishes within in the Diocese before being appointed as a chaplain in the Royal Australian Air Force.
- 7 My period as chaplain ended in 1975, following which I returned to service as a parish priest within the Wollongong Diocese, first at Fairy Meadow, then Campbelltown. In 1997 I was appointed Parish priest of both Shellharbour and Warilla parishes. In 2002 the two parishes together with Oak Flats were combined into the new Shellharbour City parish.
- 8 On 2 February 2001, I was appointed Administrator of the Diocese of Wollongong, following the appointment of Bishop Philip Wilson as Archbishop of Adelaide. For about a month prior to that, and

Signature



Witness



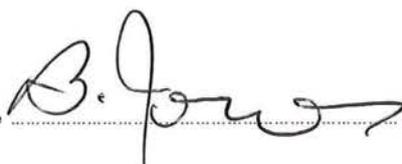
Page 1

until he actually moved to Adelaide, Bishop Wilson had himself acted as Administrator of the Diocese. I then became Administrator for a period of about five months, until Bishop Peter Ingham was installed as Bishop of Wollongong.

- 9 Following the appointment of Bishop Ingham, I along with another priest, Fr Patrick Faherty, was appointed Vicar General of Wollongong on 4 October 2001. I am still in that role, in addition to being parish priest at Shellharbour City.
- 10 The role of Vicar General in the Diocese of Wollongong involves being available to consult with the Bishop and to act as a reference point for diocesan priests. It is not a full-time position and does not require me to work or be present in the Diocese offices except when the Bishop is away. Although I am not normally present in the office, I am in relatively regular telephone contact with the Bishop or the Chancellor as required.
- 11 I am also a member of the Body of Consultors for the Wollongong Diocese, which meets every two months or as necessary. The Body of Consultors is a canonical group of priests that acts as an advisory body for the Bishop.
- 12 Since August 1999, I have been a member of the Professional Standards Resource Group of NSW & ACT (**PSRG**), which advises and assists the Professional Standards Office (PSO) and on occasion has referred policy matters to the National Committee for Professional Standards (**NCPS**). The NCPS is a joint committee of Catholic Religious Australia and the Australian Catholic Bishops established to oversee the development of policies, principles and procedures in responding to Church-related abuse complaints. One of the documents administered by the group is *Towards Healing*, which contains the principles that must form the basis of the Church's response to complaints of abuse and the procedures to be followed in responding to individual complaints. In my view, *Towards Healing* was and is of fundamental importance to the Church and the community generally. I have a strong recollection of the November 1996 speech by Cardinal Clancy at the National Press Club in Canberra at the time of the launch of *Towards Healing*. Cardinal Clancy gave his word to the country that the Church was absolutely committed to *Towards Healing* and properly dealing with the issue of child sex abuse. I felt then, and have continued to feel since, that it is extremely important that all of us working within the Church in Australia strive to honour Cardinal Clancy's commitment.

### The Nestor Case

- 13 I knew John Nestor as a priest in the Diocese of Wollongong. Sometime around 1988, while I was parish priest of Campbelltown, Fr Stephen Reeves, an assistant priest in Campbelltown, drew my attention to some flyers advertising camps run by Fr John Nestor. My recollection is that these camps were for altar servers and Fr Reeves recommended that the flyers not be made available to our servers at Campbelltown. I have no recollection as to why Fr Reeves made this recommendation except that he referred to the camps as "dodgy". I do not know what aspect of the camps he was




referring to in saying this, but I think Steve's views were based on conversations with other priests. The flyers were not made available to altar servers in the Campbelltown parish.

- 14 Sometime after John Nestor had been stood aside in 1996, I agreed as parish priest of Campbelltown that John Nestor could live in a house that was owned by the parish and was vacant and very run down. There was no charge to either the Diocese or John Nestor for this house. John asked, and I agreed, if he could do maintenance to the house with materials supplied by the parish. During this time John Nestor regularly had lunch at the presbytery when other priests customarily gathered. During these years I was Dean of the Macarthur area of the Diocese and a consultor in the Diocese. I was aware, in general terms, of the ongoing developments with regard to John Nestor. During this time I had no discussion with John Nestor about his case.
- 15 On 21 June 1996, I met with Fr Pat Kenna regarding a statement Fr Kenna had given in an interview with the *Illawarra Mercury* newspaper about concerns held by Kiama parishioners regarding Fr Nestor. Fr Nestor was very unhappy at what he understood to be a reference to inappropriate behavior of some sexual nature. Fr Kenna said that in the newspaper, he had referred to theological views espoused by Fr Nestor. My memory of all this is that I became involved in this matter because Fr Nestor initially expressed his concerns about this publicity to me. Following the meeting, Fr Kenna confirmed by undated letter what he had told me in our meeting [CTJH.001.12001.1320].
- 16 Also on 21 June 1996, I received a letter from Fr Ryan attaching a letter of the same date which I was to deliver to Fr Nestor [CTJH.001.12003.0278; CTJH.001.12003.0279]. As part of the preparation for the ordination of Bishop Wilson, invitations had been sent to priests of the diocese, including Fr Nestor, to concelebrate Mass on that very public occasion. Fr Nestor accepted his invitation. This caused people to realize that his name was on the list of invitees and that his participation in this ceremony was not appropriate, I had the job of informing him of the withdrawal of the invitation and requesting that he sign a letter to the effect that he had chosen not to attend. My memory of the details of these events is that while Fr Nestor agreed not to participate in the ceremony; he was very reluctant to sign anything to this effect and I do not now remember whether he signed such a letter.
- 17 After becoming the Administrator of the Diocese in 2001, I became directly involved in matters concerning Fr Nestor. Fr Peter Comensoli was the Chancellor of the Diocese at the time. He told me of the history of the Nestor case, which had taken a great deal of Bishop Wilson's time and attention. As part of the discussion, Fr Comensoli showed me a document prepared by Bishop Wilson entitled "*Notes on the Case concerning Fr John G Nestor*" that outlined the Canon law processes undertaken so far and described what steps he thought should be taken in the future [CTJH.001.02001.0706]. **Tab 147**  
**CTJH.001.12001.0706**
- 18 At that time, the status of the Nestor matter was, in summary, as follows:
- (a) on 7 August 1998, Bishop Wilson had issued two decrees requiring Fr Nestor to undergo assessment by Encompass Australasia, a program established by the Australian Catholic Bishops Conference (ACBC) to identify and treat mental illness in the clergy, and preventing




him from engaging in public ministry as a priest until he had done so [CTJH.001.12001.0556; **CTJH.001.12001.1058** **Tab 73**  
**Tab 72** CTJH.001.12001.1054];

(b) on or about 4 October 1998, Fr Nestor informed Bishop Wilson that he had sought recourse against Bishop Wilson's decrees of 23 August 1998 from the Congregation for the Clergy (CFC). This was understood to refer to the 7 August 1998 Decrees. The CFC is the congregation of the Roman Curia responsible for overseeing matters regarding priests and deacons not belonging to religious orders. The Roman Curia is the administrative apparatus of the Catholic Church in Rome and the central governing body through which the Pope conducts the affairs of the Catholic Church;

(c) on 21 December 2000, the CFC upheld Nestor's recourse. It decreed that Bishop Wilson's 7 August 1998 decrees were void and required Fr Nestor to be reinstated [CTJH.001.12001.0713]; **Tab 130** **CTJH.001.12001.0388**

(d) on 12 January 2001, Bishop Wilson (then Diocesan Administrator of Wollongong and Archbishop-elect of Adelaide) wrote to the CFC [CTJH.001.12001.0700] **Tab 143** requesting them to review their decision of 21 December 2000 on two grounds: **CTJH.001.12001.0391**

- (i) that Fr Nestor's recourse was invalid as it had been made outside the period allowed by Canon law; and
- (ii) to avoid scandal, which could follow the implementation of the CFC's decree, in the Diocese of Wollongong.

This letter asking the CFC to reconsider its own ruling was a necessary precondition to making an appeal to the Apostolic Signatura (**Signatura**), the highest judicial body of the Church apart from the Pope himself. The appeal (called a recourse) to the Signatura could be made if the CFC confirmed its decree or failed to respond to the request for reconsideration within 30 days.

- 19 On 15 February 2001, I received a letter from Fr Nestor which referred to a period of annual leave having expired and requested an extension of leave for another month [CTJH.001.12001.0705]. **Tab 148**
- 20 On 20 February 2001, the Sydney Morning Herald published three articles by Chris McGillion [CTJH.300.02001.0082; CTJH.300.02001.0085; CTJH.300.02001.0083]. The articles referred to the recent decree by the CFC which Mr McGillion described as "*demanding the reinstatement of one Fr John Nestor to the full exercise of his priestly ministry in the Diocese of Wollongong*".
- 21 I recall thinking that while the articles were sympathetic to the Wollongong Diocese's efforts to properly address the issue of child sex abuse they were troubling at the same time because they put into question the consistency between the Church's policy for dealing with child sex abuse, Towards Healing, with the approach under canon law. I was also concerned that information concerning the decree had been released to the media.




- 22 On 22 February 2001, the 30-day period for the CFC to reconsider its decree having expired, I sent a letter to Cardinal Pompedda, Prefect of the Signatura [CTJH.001.12001.0689]<sup>Tab 149</sup>. The letter enclosed an application for recourse to the Signatura against the decision made by the CFC in the Nestor matter.
- 23 The application for recourse to the Signatura, also dated 22 February 2001 [CTJH.001.12001.0690],<sup>Tab 151</sup> identified three grounds of appeal. In summary, these were:
- (b) that the recourse of Fr Nestor to the CFC was outside the allowable time limits;
  - (c) that the CFC was not competent to judge the issue because jurisdiction was reserved to the Congregation for the Doctrine of the Faith (CDF), being the congregation of the Holy See responsible for promoting doctrine and dealing with sex abuse matters; and
  - (d) that, contrary to canonical procedure, Bishop Wilson was not given a copy of Fr Nestor's documentation submitted to the CFC, or even a summary of the facts of the case, meaning he could not contest the veracity of certain statements made by Fr Nestor.
- 24 The application for recourse was principally prepared by Fr Comensoli and Fr Robert McGuckin, then Vicar General of Parramatta (now the Bishop of Toowoomba), an experienced canon lawyer.
- 25 Also on 22 February 2001, I sent a second letter to his Cardinal Pompedda [CTJH.001.12001.0704] requesting confirmation of the amount of the deposit payable to the Signatura and seeking advice as to the process for appointment of an advocate-procurator to act on behalf of the Wollongong Diocese. In addition, the letter stated:
- "I understand that this appeal suspends the decree of the Congregation for the Clergy. If this is not so, then as a matter of urgency and for the good of souls in this Diocese, I now ask for the suspension of the Decree".*
- 26 Finally, also on 22 February 2001, I sent:
- (a) a letter to Fr Nestor [CTJH.001.12001.0687]<sup>Tab 150</sup> informing him that the Wollongong Diocese had appealed against the CFC's decree; and
  - (b) a letter to the PSRG seeking leave of absence from the PSRG while I was Diocesan Administrator [CTJH.305.01001.0540].
- 27 On 23 February 2001, I issued a media release and held a press conference regarding the Diocese's recourse to the Signatura [CTJH.402.05001.0352]<sup>Tab 154</sup>. The Illawarra Mercury newspaper and Channel 4 television station attended. [CTJH.001.03006.0277] The purpose for calling a press conference was to respond to the recent newspaper reports referred to above.




28 On 25 February 2001, I received an email from Bishop Geoffrey Robinson attaching a draft proposed letter from the ACBC to the Signatura stating the support for the Catholic bishops of Australia for the position taken by the Wollongong diocese with respect to Fr Nestor [CTJH.001.12003.0421]. I recall there had recently been an ACBC meeting at around this time, at which Archbishop Carroll (then Archbishop of Canberra and chairman of the ACBC) had indicated to me that should we decide to appeal the CFC's decision, the ACBC would support us. I assume he asked Bishop Robinson to prepare this draft.

29 The community of the Wollongong Diocese was very divided about the Nestor matter. Fr Nestor had a number of very strong supporters who ensured their views were known. For example, on 26 February 2001 an article was published in the Illawarra Mercury and titled "*Unholy Row*"

**Tab 155** [CTJH.001.12001.1204]. The article quoted Unanderra Priest, Fr Mark O'Keefe as saying that Bishop Wilson (by now the Archbishop elect of Adelaide) was "*blind and foolish*" in his treatment of Nestor.

30 In the week commencing 26 February 2001, I received the following letters:

- (a) Letter dated 25 February 2001 from **REDACT** of **REDACT** New South Wales, expressing grave concern regarding the Nestor case and the suggestion that Fr Nestor was seeking reinstatement as a priest in the Wollongong Diocese [CTJH.001.12001.0678]. Mr **RED** was known to me because he was the Principal of a local Catholic school and his son had been sexually abused by a member of the clergy in Wollongong during the tenure of Bishop Murray. He was good friends with Fr Maurice Crocker who, as I understood, had given information to the Wood Royal Commission which led to a priest of the diocese being charged with sexual abuse offences and a Christian Brother being investigated for abuse offences. The Christian Brother suicided before charges were laid.
- (b) letter dated 26 February 2001 from Janet Morrissey which congratulated me on a "*firm stand and reiteration of [the principles and procedures outlined in Towards Healing (1996)] at the media conference on Friday*" [CTJH.001.12001.0680]. The letter commended *Towards Healing* for acknowledging "*that abuse did take place and that while not all alleged abuses would stand up in a court of Criminal Law, there were many allegations which, on a 'balance of probabilities', called into question a person's suitability for many ministries within the Church and its organisations.*"; and
- (c) letter dated 26 February 2001 from Mary Bourke regarding the press conference [CTJH.001.12001.0682]. The letter was supportive of Fr Nestor and critical of the treatment of Fr Nestor by church authorities.

31 Throughout the Nestor matter, the Diocese has received letters like these, both in support of the Diocese and in support of Fr Nestor. In addition, some priests came to see me. A number of them said that because Fr Nestor had been acquitted under Australian law and his recourse to the CFC had been upheld under canon law, he should be allowed to operate as a priest and we should not




appeal to the Signatura. Some of Fr Nestor's supporters were quite vocal in their opposition to the way in which he was being treated.

32 I carefully considered the matters raised by Fr Nestor's supporters. The issue was a difficult one but I was unable to decide to reconsider our appeal to the Signatura. I accepted that Fr Nestor was entitled to defend himself given that his life's work was under threat. But, on the other hand, I felt that the Diocese in Wollongong and the Church in Australia should be absolutely committed to Towards Healing and its commitment to stamp out child sexual abuse. I considered that the Diocese needed to pursue all available avenues to ensure that we were satisfied that the protocols of *Towards Healing* were followed and that children would not be exposed to risk.

33 At this time and throughout my time as administrator of the diocese, I had cause to think often and deeply about the issues with Fr Nestor. That Fr. Nestor had questions to answer about his behavior with children I had no doubt. I was not the person to whom these answers were due, but in my view he could not be returned to ministry until the right people got the right answers.

34 On 1 March 2001, the ACBC sent a letter signed by Archbishop Carroll to Cardinal Pompedda at the Signatura [CTJH.301.05001.0003] <sup>Tab 156</sup>. The letter was the final version of the draft letter emailed to me by Bishop Robinson on 25 February 2001. It provided support for the application by the Wollongong Diocese for recourse from the decree of the CFC. The letter refers to the concept in Australian law of "*unacceptable risk*", meaning that a person cannot be appointed to an office if the appointment carries with it an unacceptable risk of abuse of minors. The letter stated:

*"it is not a penalty, but a balancing of the rights of the priest against the rights of minors"*

and asked whether,

*"if the idea of unacceptable risk is 'foreign to canon law', then should the idea be rejected or should the law be changed?"*

The letter also stated:

*"in matters affecting the spiritual common moral and physical safety and wellbeing of minors, the Bishop must not be placed in a situation where the state is ordering him to do one thing while the church is ordering him to do the opposite".*

35 On 12 March 2001, I received a letter from Fr Nestor [CTJH.001.12001.0676] <sup>Tab 157</sup> which acknowledged that an appeal had been made to the Signatura but observed that he had received no notice of the suspension in execution of the decree of the CFC. He accordingly requested a pastoral appointment.

36 On 20 March 2001, I received a letter dated 15 March 2001 [CTJH.001.12003.0640] <sup>Tab 158</sup> from Gillian Calvert, Commissioner of the NSW Commission for Children and Young People (CCYP) asking whether the Diocese intended to notify the CCYP regarding the Nestor case due to the operation of s

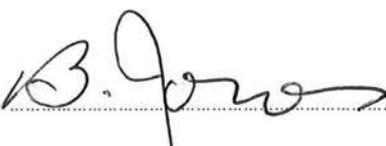



39 of the Commission for Children and Young People Act 1988 which "requires employers to notify the Commission for Children and Young People of the particulars of any employee against whom completed relevant disciplinary proceedings [including any investigation of child abuse or sexual misconduct] have been undertaken".

- 37 On 22 March 2001, I sent a letter to Fr Nestor requesting that he contact me by phone or letter to arrange to meet and discuss the situation between him and the Diocese [CTJH.001.12001.0675]. I received no response to this letter and Fr Nestor did not telephone me as requested. **Tab 159**
- 38 On 3 April 2001, I spoke with Professor Patrick Parkinson, who had been central in drafting Towards Healing, to ask him for advice regarding whether we needed to notify the CCYP regarding the Nestor matter.
- 39 On 4 April 2001, I spoke with Fr Comensoli and asked him to send Professor Parkinson a copy of the letter from the CCYP. He did so [CTJH.001.12003.0646].
- 40 On 11 April 2001, I received a letter dated 5 April 2001 from Professor Parkinson **Tab 161** [CTJH.001.12003.0642]. The letter concluded that as no disciplinary process had yet been begun nor a disciplinary action taken with respect to Fr Nestor, notification to the CCYP was not required.
- 41 On 12 April 2001, I received a letter dated 5 April 2001 from Bishop John Myers, Bishop of Peoria in the United States **Tab 160** [CTJH.001.12001.0673]. The letter stated that Fr Nestor had approached him about the possibility of being assigned as a priest in the Diocese of Peoria. It asked whether there "is any kind of evaluation of Fr Nestor which would lead [me] or a new Bishop in Wollongong to give permission for him to be assigned to priestly work in this Diocese?"
- 42 On 17 April 2001, I sent a letter to Bishop Myers of Peoria letting him know that I had referred his request to professional standards and would respond when I had appropriate advice **Tab 162** [CTJH.001.12003.0361].
- 43 On 19 April 2001, I faxed the letters from the CCYP, Professor Parkinson and Bishop Myers to John Davoren of the PSRG [CTJH.402.05001.0389]. The fax cover page refers to a telephone conversation that day, but I do not now recall it.
- 44 On 3 May 2001, I received a letter dated 1 May 2001 from John Davoren, NSW Director of Professional Standards **Tab 163** [CTJH.402.05001.0387]. The letter stated that the PRSG's opinion was that there was no new information that would persuade it to withdraw advice it had provided to Bishop Wilson on 29 June 1998 to the effect that due to Nestor's continuing and seriously imprudent and ambiguous behaviour, "there are serious grounds for concern about [his] suitability for pastoral ministry" and that he should be requested as a condition of further appointment, to undergo a full appraisal by Encompass Australasia. The letter concluded regarding the letter from the Bishop of Peoria, that no clearance should be provided for Nestor to work in Peoria. I was at that time on leave of absence from the PRSG but I was present at the meeting of the PRSG at which the issue was

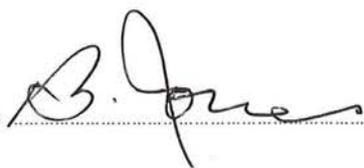



- discussed. I did not actively participate in the decision to advise the Diocese in the terms of Mr Davoren's letter of 1 May 2001. Rather, I listened to the discussion and answered questions where necessary.
- 45 On 5 June 2001, I received a letter dated 19 May 2001 from the CFC enclosing its decision regarding Bishop Wilson's request that it revoke its decree of 21 December 2000 [CTJH.001.12001.0393]. The CFC rejected Bishop Wilson's request [CTJH.001.12001.0394]. This was only a formality because the 30-day period for the CFC to reconsider its decision had by then already expired. <sup>Tab 164</sup>
- 46 On 21 June 2001, I sent a letter to Bishop Myers of Peoria regarding his request to let Fr Nestor minister in the Diocese of Peoria [CTJH.001.12001.0596]. In my letter, I described the history of the Nestor matter and concluded that "*given the history of the case, and having considered carefully both the content of your letter and the advice I have received, I have decided that it would be inappropriate to respond positively to your request at this time*". Bishop Myers responded by letter dated 6 July 2001 (but received on 17 July 2001) that he would "*not, of course, want to do anything which might be adverse to the work and the pastoral intentions of the Bishops*" [CTJH.001.12001.0665]. <sup>Tab 165</sup>
- 47 On 17 July 2001, I received a letter dated 28 June 2001 from the Signatura [CTHJ.001.12001.0397]. It stated that the Nestor case was not one in which canon law gives a recourse an "*automatic suspensive effect*". I took this to mean that our application to the Signatura for recourse against the CFC's decision had not automatically suspended the CFC's decision while the application was being heard. This put us in an awkward position because it meant that we were essentially failing to give effect to a decree of the CFC. My position, however, remained as I have described above: I was personally committed to the position of the Australian Church as outlined in the Towards Healing document, so that for so long as Fr Nestor represented an unknown, and therefore, unacceptable risk to children I would not do anything that would permit him to engage in public ministry and I would not give him a pastoral appointment. While the Signatura had said that the CFC's decree was not automatically suspended, it also said that we could apply to the Signatura for a suspension, and I decided to do so. <sup>Tab 166</sup>
- 48 I have been shown a letter dated 28 June 2001 from the Signatura to Archbishop Carroll [CTJH.001.12001.0860]. The letter stated that the Signatura had received the ACBC's letter dated 1 March 2001, referred to above, and that it had been included in the acts of the case. It have no recollection of this letter but it is possible that I saw it at some time during my administratorship of the diocese. I certainly remember knowing at the time that the ACBC's letter had become part of the acts of the case. <sup>Tab 167</sup>
- 49 On or about 19 July 2001, I spoke with Fr Comensoli and asked him to consult with Fr McGuckin regarding the recourse to the Signatura to make sure we were getting everything right. I understand that Fr Comensoli spoke with Fr McGuckin that day and faxed him relevant documents [CTJH.001.12003.0374]. Fr Comensoli also sent the documents to Bishop Peter Ingham, the Bishop <sup>Tab 168</sup>




elect of Wollongong, to start getting him familiar with the facts of the Nestor matter [CTJH.001.12003.0366].

- 50 At about this time, the Diocese of Wollongong engaged Martha Wegan, a canon lawyer in Rome, to be its advocate-procurator in the recourse to the Signatura. These arrangements were made by Fr Comensoli, the Chancellor.
- 51 On 24 July 2001, I sent two letters to Cardinal Pompedda of the Signatura:
- (a) the first notifying of the appointment of Martha Wegan as advocate-procurator and enclosing the requisite deposit of L.3,000,000 [CTJH.001.12001.0660]<sup>Tab 172</sup>; and
  - (b) the second giving reasons for our request for the suspension of the decision of the Congregation for the Clergy, including the potential for scandal if Fr Nestor were to be allowed a pastoral appointment before the allegations against him had been fully addressed and the requirement of Towards Healing that accused priests be removed from ministry while investigations were ongoing [CTJH.001.12001.0661]<sup>Tab 173</sup>.
- 52 On 25 July 2001, Bishop Ingham was installed as Bishop of Wollongong and my role as administrator ended. My day to day involvement with the Nestor case ceased, though I continued to discuss it with Bishop Ingham from time to time in my position as a diocesan consultor and, from 4 October 2001, Vicar General.
- 53 On 21 May 2002, I received a copy of a decree of the Signatura dated 13 May 2002 [CTJH.001.12001.0553]<sup>Tab 179</sup>. This decree granted the suspension we had sought of the first part of the decree of the CFC pending the final decision of the Signatura. That part of the CFC's decree was [CTJH.001.03006.0235 T] the part setting aside Bishop Wilson's decree of 7 August 1998. Accordingly, the position as I understood it was that the CFC's decree setting aside Bishop Wilson's decree had been suspended, meaning that Bishop Wilson's decree preventing Fr Nestor from engaging in public ministry remained on foot until the Signatura made its final ruling. The Signatura's decree did not suspend the second part of the decree of the CFC which required the Diocese to reimburse Fr Nestor amounts that should have been paid to him.
- 54 I have been shown a letter dated 24 June 2002 from Fr Nestor to Bishop Ingham in which he stated that I gave him permission to move to the United States to increase his "*pastoral skills in University apostolate*" [CTJH.001.12001.0594]<sup>Tab 183</sup>. I remember discussing a request Fr Nestor made for permission to go to the United States to study. I cannot remember either the number of others in the discussion or their identities. I could see no reason why he could not pursue studies while his case progressed – and I readily expressed my view. However, I never agreed or gave permission for Fr Nestor to engage in pastoral ministry in another country, Such permission would have required a letter of some description, and I am sure I did not write such a letter.




Royal Commission into Institutional Responses to Child Sexual Abuse  
Towards Healing | Witness Statement of Reverend Bryan Jones

- 55 I have been shown a letter dated 17 November 2006 from the NSW Ombudsman regarding the notification of Fr Nestor [CTJH.001.12001.0141] <sup>Tab 272</sup>. I have no recollection of this letter from the NSW Ombudsman in November 2006. I was not then the diocesan administrator and so not the person to whom such correspondence would be rightly addressed.
- 56 I was again involved in the Nestor matter in January 2009, after Bishop Ingham had sought guidance from the CDF and, on 17 October 2008, Pope Benedict XVI had responded by dismissing Fr Nestor from the clerical state, meaning he could no longer function as a priest [CTJH.001.12001.0060] <sup>Tab 331</sup>. On 24 January 2009 I was present while Bishop Ingham spoke with Fr Nestor by telephone and informed him that he had been dismissed from the clerical state.

Signature B. Jones  
Name Rev Bryan Jones  
Date 11 June 2014

Witness Alonso  
Name MS. ABDULIA CANERO  
Date 11 June 2014

B. JonesAlonso