

IN THE COUNTY COURT OF VICTORIA

Revised

AT BALLARAT
CRIMINAL DIVISION

THE QUEEN

v

GERALD FRANCIS RIDSDALE

<u>JUDGE:</u>	HIS HONOUR JUDGE WHITE
<u>WHERE HELD:</u>	Ballarat
<u>DATE OF HEARING:</u>	
<u>DATE OF SENTENCE:</u>	11 August 2006
<u>CASE MAY BE CITED AS:</u>	R v. Ridsdale, Gerald Francis
<u>MEDIUM NEUTRAL CITATION:</u>	[2006] VCC 1041

REASONS FOR SENTENCE

Catchwords:

<u>APPEARANCES:</u>	<u>Counsel</u>	<u>Solicitors</u>
For the Crown	Mr T.C. Doherty	
For the Accused	Mr P.A. D'Arcy	

HIS HONOUR:

- 1 Gerald Francis Ridsdale, you have pleaded guilty to indecent assault on a male person under 16, that is some 24 counts, seven counts of gross indecency with a male person and four counts of buggery. The period of offending in relation to these 35 counts was from 1 January 1970 to 17 April 1987.
- 2 On 14 October 1994 you were sentenced by Judge Dee of this court in relation to 46 counts of like criminal offending which offences occurred in the period from 1961 to 1982. Save for Count 13 on this presentment, the other 34 counts also occurred within that period in the same area of Victoria being the Western District including the towns of Bacchus Marsh, Ballarat, Horsham, Edenhope, Mortlake and Warrnambool. You were sentenced by Judge Dee to an effective term of 18 years' imprisonment with a minimum non parole period of 15 years. To date you have served approximately 12 years imprisonment with a potential parole date in August of 2009. The sentence of Judge Dee was the subject of appeal to the Court of Criminal Appeal in the Supreme Court of Victoria with judgment being handed down on 4 April 1995 dismissing the appeal. I will refer to that judgment later in this sentence.
- 3 Unfortunately it is necessary for the court to summarise the details of your offending. Exhibit B is the Crown summary for plea setting out how the Crown puts its case against you in relation to each count. Because I refer to the offending against some complainants in more detail than other complainants, it is not to give more importance to one complainant as against another but there is variation in the nature of the specific criminal acts and the amount of offending in relation to different complainants.
- 4 The general description of your offending would take the form of intimate fondling of the genitals, mutual masturbation, anal penetration and oral sex in which you would penetrate your victim or have him penetrate you. All of such

offending was done at your instigation and direction.

- 5 Throughout the period of your appalling conduct, you were an ordained Catholic priest and acting in your capacity as a parish priest. As to these offences you were placed at Warrnambool, Ballarat East, Apollo Bay, Inglewood, Edenhope, Mortlake and Horsham. Generally the victims of your crimes were members of Catholic families in the parish in which you had been placed. You would befriend these families and gain their trust. Many of your victims were young boys who were altar boys in the relevant parish and after establishing the trust of the parents, you would at times take your victims away on holidays to the beach or fishing and there sexually abuse them.
- 6 There would be sexual abuse in the confessional, in the sacristy, in the presbytery and at times in your car. By virtue of your privileged position as a priest, you had considerable control and power over the children and you used the blind trust of these Catholic families in your capacity as the parish priest to enable you to have private time with your victims and engage in your degrading conduct.
- 7 A number of the victims referred to in this presentment were abused by you so frequently that a number of the counts are representative counts of an ongoing type rather than a crime involving a single criminal act.
- 8 Dealing briefly with the facts of the respective counts which were opened in detail in open court by Mr Doherty for the Crown. Counts 1 to 5 involve three counts of indecent assault and two counts of acts of gross indecency with BAV [redacted] who was aged 12 at the time. On this occasion, you took the complainant, BAV [redacted] to the beach at Geelong and whilst panning for gemstones you touched the complainant's genitals and fondled him as in Count 1, indecent assault.
- 9 Count 2 on the same trip to the beach involves you having the complainant fondle your erect penis. When returning from Geelong, you stopped your car

at a fish and chip shop and other boys went to purchase food and at this stage you bent over your victim and sucked his penis as in Count 3, indecent assault. You then had the complainant suck your penis being Count 4, gross indecency. These offences relating to BAV are representative of a number of offences committed by you.

- 10 As to Count 5, you drove the complainant into the bush near Nerrina Tavern and on leaving the car after having engaged in sexual activity at your request, you pulled the complainant's pants down and pushed his bottom around your erect penis. This is Count 5, indecent assault. In addition, you touched the area around the complainant's anus but penetration is not alleged.
- 11 Count 6 relates to BAV brother REDACTED who was also a student at St Alpius Catholic Primary School. REDACTED went on a camp to Lederberg Forest near Bacchus Marsh with you and while sleeping in the same bed as you, he awoke to find you lying on top of him as he had been lying on his stomach and that you were dry humping him. This is Count 6 of indecent assault. REDACTED was approximately ten at the time.
- 12 Counts 7 to 10 inclusive involve the complainant REDACTED also being a student at St Alpius who was 11 years of age at the time of the offending. REDACTED was taking classes in preparation for his Confirmation over a period of 12 weeks. In addition you had agreed to give personal instruction to REDACTED in order for him to become an altar boy. These offences occurring during the teaching sessions and are representative of conduct which occurred on each of the four special teaching lessons.
- 13 Count 7, indecent assault involved you in masturbating the complainant and Count 8 gross indecency related to the complainant masturbating you at your request.
- 14 Count 9, indecent assault relates to your performing oral sex on the complainant and Count 10 of gross indecency involves the complainant

performing oral sex on you at your direction. [REDACTED] was 11 years of age at the time and you told him that if he told his parents, he would not become an altar boy and that God would not like him. You also suggested that [REDACTED]'s parents wanted him to do it and that if he told them, they would not believe him.

15 Counts 11 to 13 relate to [REDACTED] who would have been six or seven years of age at the time. Similarly the offences charged are representative of other offending committed by you on [REDACTED]. You had contact with the complainant's mother and arranged for him to join you on a holiday from where they were living in [REDACTED]. On the journey to Edenhope you masturbated the complainant as in Count 11, indecent assault then you forced his hand onto your penis but the complainant managed to pull his hand away. This is Count 12, indecent assault.

16 Some seven or so years later, you returned to Horsham to work as the parish priest and you visited the family home for dinner. You took [REDACTED] in your arms, turned so the family could not see you and you felt around his anus area, this being Count 13, indecent assault.

17 Counts 14 and 15 relate to your nephew, [REDACTED] then 14 years old. When he visited you at Edenhope while sitting in a chair, you placed your hands onto his groin area outside the clothing and stroked and squeezed his penis for several minutes, this being Count 14, indecent assault.

18 On another occasion when your nephew was staying with you, you entered the bedroom in your underpants, tried to get into bed with [REDACTED] but he managed to stop you. You then stood near the bed and forced your penis into his mouth eventually ejaculating into his mouth. This being Count 15, indecent assault.

19 Counts 16 to 21 relate to [REDACTED] a parishioner who lived with his family in [REDACTED]. When [REDACTED] was 13, you took him on a fishing trip to the

Murray River. You engaged in sexual foreplay with [REDACTED] at your instigation and as instructed you had [REDACTED] play with your genitals with you having an erect penis. This is Count 15, gross indecency and you then masturbated [REDACTED] until ejaculation being Count 17, indecent assault. You then placed your finger into [REDACTED]'s anus and moved it in and out being Count 18, indecent assault. You stopped because the complainant was in pain. You told [REDACTED] not to tell anybody. At the age of 14, [REDACTED] and his father went to stay at the presbytery in Edenhope. You and [REDACTED] went for a drive to check the sheep on a farm and in a shearing shed, there was a mattress and after some sexual activity at your request and having [REDACTED] get undressed, you both lay on a mattress on the shed floor and you then placed your tongue on [REDACTED]'s genitals and began to suck his penis. This being Count 19, indecent assault. You also placed your tongue into the complainant's anus being Count 20, indecent assault.

20 In the August school holidays in 1978, [REDACTED] went to stay with you in Edenhope and at your request, the two of you went to bed and engaged in various acts of mutual masturbation. On another day, there was an incident in the pool room when at your instruction he undressed, was pushed onto the pool table and tied down. He requested you not to do anything to him. You placed lubricant on the end of a cue stick and inserted the same into his anus being Count 21, indecent assault. You also inserted your penis into his anus as in Count 22, buggery. Your victim suffered a sore back, bottom, genitals and legs and found blood stains on his sheets.

21 Similarly to other complainants, these counts are representative having regard to numerous acts of sexual abuse perpetrated on [REDACTED].

22 [REDACTED] was your victim as in Counts 23 to 27. Similarly the counts are representative counts. At the time of this offending your victim was some eight to nine years of age with you being the parish priest in Edenhope from 1976 to 1979. As I have said these counts are representative counts.

On hearing confession, whilst in the confessional you would have the complainant masturbate you, as in Count 23, gross indecency and you would masturbate the complainant as in Count 24, indecent assault. On one occasion during confession, the complainant was directed to suck your penis, being Count 25, gross indecency.

- 23 You similarly sexually assaulted the complainant on other occasions including penetration of his anus with your penis and in Count 26, indecent assault, you masturbated the complainant and sucked his penis. You would also fondle REDACTED after mass at which he had served as an altar boy and this occurred approximately monthly. Both at his First Holy Communion and on his Confirmation at aged 12, you placed your penis into the anus of REDACTED Count 27 being a representative count relates to another occasion of you placing your penis into the anus of REDACTED lying over a pool table.

- 24 Counts 28 and 30 relate to the brother of REDACTED being REDACTED REDACTED REDACTED also became an altar boy and again, before or after mass you would fondle REDACTED's penis, being Count 28, indecent assault. You would also engage in fondling after mass. At times you would expose your penis and grab the complainant's hand and try to place it on your penis but he would pull away, this being Count 29, indecent assault.

- 25 There were other occasions of sexual molestation including your exposing your erect penis in confession and trying to have REDACTED place his hand on your penis. In the second half of 1979 when aged nine, REDACTED REDACTED and another boy travelled with you to Ballarat and whilst he was in bed, you got into bed and held REDACTED's arms over his head. His pants were pulled off and you pushed your penis into his anus. On REDACTED screaming you said you would stop if he would be quiet and you told him not to tell anyone, that it was your secret, this being Count 30.

- 26 Counts 31 to 33 involve REDACTED who would visit his

grandparents at [REDACTED]. When he was approximately 11 years of age in January of 1980, while staying with his grandparents, [REDACTED] came to mow the presbytery lawns and asked you for a drink. You suggested that you would play pool and after the game you pulled the complainant's pants down and masturbated him until ejaculation. This being Count 31, indecent assault. [REDACTED] was also told that this was your little secret and not to tell anyone. A few days later on staying at the presbytery overnight you had [REDACTED] get into bed with you, you masturbated him and then sucked his penis, being Count 32, indecent assault. At your direction, the complainant placed his penis into your anus and moved it in and out until he ejaculated. This being Count 33, buggery. [REDACTED] told his mother that you had touched his private parts and she asked if he wanted to tell the police and he said no.

27 Counts 34 and 35 involve [REDACTED] and he was 13 to 15 years of age at the time of you abusing him between 1970 and 1971. Following [REDACTED] serving as an altar boy at a funeral, you drove the complainant to the Hopkins Point lookout at Warrnambool and whilst in the car, you placed your hands inside [REDACTED]'s pants and onto his penis. This being Count 34, indecent assault. On another Saturday afternoon, after having served as an altar boy at a wedding service, you had the complainant come to the presbytery with you and had him engage in mutual masturbation and you pressed your penis against his bottom and slid your penis up and down his bottom, this being Count 35, indecent assault.

28 These crimes are extremely serious but you are to be sentenced according to the relevant penalties at the time of the commission of these offences. Parliament has provided a maximum penalty of five years' imprisonment for indecent assault, three years for gross indecency and 15 years for buggery. Some of those penalties have now been considerably increased.

29 Having regard to your position of trust, the attitude of Catholic families at the

time of placing priests on a pedestal, the power you were able to exercise over those families and their children and your vocation as a priest, there is no doubt your conduct plummets to the depths of evil hypocrisy. Your conduct has given rise to disastrous, catastrophic and at times tragic results. Your victims, their families, your family, practising Catholics and the church have all suffered. The Catholic church cannot escape criticism in view of its lack of action on complaints being made as to your conduct, the constant moving of you from parish to parish providing you with more opportunity for your predatory conduct and its failure to show adequate compassion for a number of your victims.

30 Exhibit A contains 17 victim impact statements being of those of your victims and their family members. They are sad and compelling documents and the court bears in mind the admissible contents of such victim impact statements as provided by s.95B of the Sentencing Act 1991.

31 Without specifying the authors of those statements, I will list some of your terrible legacy to these victims and their family members. Loss of trust in the church and its clergy, loss of faith, mental breakdowns, a number of victims diagnosed with depression, alcoholism, post traumatic stress disorder and hospitalisation in mental institutions. A number of suicide attempts and possible actual suicides, anger, severe mood swings, marriage stress with numerous marriage breakdowns and divorces, relationship problems with friends, partners and children. Difficulties with concentration at work, feelings of guilt, shame and being dirty and filthy. The need for counselling, sometimes for years at great expense. Bedwetting during the time of the assaults, illiteracy as a result of lack of concentration at school, difficulties with families not understanding and not believing their children on complaining and being punished by their families, sexual difficulties.

32 These problems are obviously not all applicable to each of your victims but there is a constant thread of anger at your lack of apology and great anger at

your conduct. One of the professional counsellors describes the level of cruelty and degradation to which you subjected these young men as very rarely exceeded. The matters to which I have referred are problems that you have inflicted upon your victims and their families by your terrible breach of trust. Your sexual abuse of these young boys and your utilisation for your own sexual gratification of the naivety and blind respect of these Catholic families for the status and authority of the parish priest and the church.

- 33 There are priests to this day who will not even pat a child on the head in case their actions are misinterpreted. Your conduct bordered on the profane when you consider the circumstances of your utilisation of the sacristy, presbytery and confessional. There were occasions following the celebration of mass, First Holy Communion, Confirmation, weddings and funerals when before and afterwards you would sexually abuse your victims.
- 34 Your counsel, Mr Wraight tendered three reports to the court being Exhibits 1, 2 and 3 being those of Mr Ian Joblin, clinical psychologist dated 13 May 1993 and 22 April 2006 and the report of Professor Richard Ball, professor of psychiatry dated 17 May 1993. The earlier reports were prepared before the plea and the sentence before Judge Dee. Mr Joblin details your personal history and updates same in his recent report although of course you have spent the last 12 years in custody.
- 35 I shall not repeat such history in detail here save I note you were born on 20 May 1934 and you are now 72 years of age. Your family, education and history as a priest are set out in the report and as at 1993, Mr Joblin noted you had suffered a significant psycho-sexual dysfunction for many years. His diagnosis of you that you were a preferential homosexual, paedophile and hebephile. I do not entirely accept Mr Joblin's earlier opinion that the offences are seen as being extensions of an emotionally based relationship rather than simply predatory, violent sexual abuse which he says you were not capable of in his opinion.

- 36 The circumstances of some of your offending in relation to the counts on the presentment before this court involved planning and clear predatory behaviour. Despite being sent for pastoral assistance as early as approximately 1978, you continued to offend. Mr Joblin notes you have developed insight and appreciation of the seriousness of your offending and he noted that you were aware of the difficulties you may well have caused many of your victims. He felt that the psychological factors giving rise to your offending had been attended to by various sources including a period of treatment in New Mexico.
- 37 In his earlier report Mr Joblin expressed the view that you were contrite and remorseful with willingness to undergo any treatment and he felt if you had continued to see those who were endeavouring to assist and treat you, that your prognosis must be reasonably optimistic. On questioning you on 20 April 2006 he noted you claiming that in custody you were reminded every minute that you cannot escape the reality of what you have done and that you have become more aware of the impact of your offending on the victims and those associated with the victims, their families and the church. Mr Joblin felt that you continued to be of good intellect and he felt little cause to alter his previous opinion. He noted that treatment in sexual rehabilitation courses would be of benefit and that you will only have access to a sex offenders program whilst in custody towards the latter part of your incarceration.
- 38 Professor Richard Ball in his report seems to have some reservations as to the accuracy of what you told him. He noted your lying to both a priest who was endeavouring to assist you and your Bishop with the latter purportedly finally discovering the true nature of your offending when you went to America for treatment.
- 39 Mr Joblin and Professor Ball both are non specific as to the cause of your homosexual paedophilia although Mr Joblin does refer to you being the victim of sexual assault by at least three persons as a young boy. Your family has

been driven apart as a result of your conduct although two of your sisters still visit you on occasions in prison and your sister whose son was a victim experienced difficulties when visiting you and it has been agreed she not visit you at this time.

40 Mr Wright on your behalf referred to your plea of guilty and your awareness of the harm caused to your victims. I note Mr Joblin does not use the word "remorse" in his latest report but more so speaks of an intellectual appreciation of the harm you have caused. Another matter referred to was the delay in these matters being brought before the court. Mr Joblin did note you having been aware of the potential for further proceedings over the last four years and this giving rise to considerable anxiety.

41 A number of your victims' police statements were obtained in 1994 after the proceedings before Judge Dee. These police statements being obtained in 1994, 1996, 1997, 2001, 2002 and 2003. It is clear that the victims of sexual assault at times try to repress the memory and are reluctant to come forward. In relation to a number of your victims it is understandable that they delayed making complaints until feeling mentally and emotionally capable of doing so. In that regard delay in part can be said to be due to your conduct. I find there was an element of delay in relation to the complaints made from 1994 to 1997. I infer that it was as a result of the later complaints after the year 2000 which provided the impetus for the Crown to present you on these further charges. I bear in mind that the earlier complaints prior to 2000 do involve an element of delay, part of which is not attributable to you.

42 Mr Wright also stressed to the court that you are serving what was described in the Court of Criminal Appeal as an unusually high sentence and unusually long. Mr Wright argued that were the charges all heard together as at 1994, the addition of the further charges would not have resulted in a substantially increased head sentence or non parole period. There is merit in that submission.

- 43 Another matter that was pressed upon the court was the principal of totality with the court being referred to R v. Mill [1988] 166 C.L.R. 59 and the court was referred to the judgment of Justices Wilson, Dean, Dawson, Toohey and Gaudron where at p.63 the court noted "The principle has been stated many times in various forms when a number of offences are being dealt with and specific punishments in respect of them are being totted up to make a total, it is always necessary for the court to take a last look at the total just to see whether it looks wrong".
- 44 Mr Wraight also referred the court to R v. Postiglione [1997] 189 C.L.R. 295 at 341 where Justice Kirby noted "The sentencing judge must first reach a conclusion as to what seems to be the appropriate sentence having regard to the maximum fixed by Parliament for the worst case and the norm that is appropriate to the objective criminality of the case. The judge must then adjust that sentence where appropriate for all the factors personal or special to the offender discounted by any relevant considerations. For example, cooperation with the authorities or absence of remissions but it still remains for the judge to look back at the product of those calculations and discounts. It is then that the sentencing judge must consider whether resulting sentence needs further adjustment".
- 45 Mr Wraight submitted that the court should not impose a crushing sentence and the court was referred to R v. Yates [1985] V.R. 41 at 48 where Justice Murphy noted "The word 'crushing' in this context connotes the destruction of any reasonable expectation of useful life after release". I note that in the Court of Criminal Appeal decision in your appeal, that is in John Francis Ridsdale, [1995] 78 A.C.R. 486 with judgment being handed down on 4 April 1995, that Justice Southwell commented at p.496, "I confess to considerable vacillation upon the question of whether the sentence imposed which might fairly be regarded as a virtual life sentence should be regarded as manifestly excessive. I say a virtual life sentence for

the reason that the life expectancy of a 60 year old man is about 18 years, the term of a head sentence passed upon the applicant". His Honour further went on to say, "While the sentence imposed is unusually long, it cannot be said that either the head sentence or the non parole period lie beyond the permissible range". In the same judgment, Justice Hampel noted "The total sentence imposed upon the applicant is in my view unusually high. Its imposition at the late stage of the applicant's life imposes upon him harsh punishment and a severe burden".

- 46 Mr Doherty for the Crown referred the court to DPP v. Grabovac [1998] 1 V.R. 664 where it was held, "In general, a court should avoid imposing artificially inadequate sentences in order to accommodate the rules relating to cumulation. Where practicable when applying accepted rules of sentencing as to totality, proportionality and the like and in order to fashion an appropriate total effective head term in relation to a series of offences, it is preferable to achieve a satisfactory result by passing appropriate individual sentences and to make those sentences wholly or partially concurrent rather than by an order or orders for the cumulation of unnecessarily reduced individual sentences. Nevertheless a rule of this kind can only be a precept or guideline to be applied as and when practicable. In particular, though concurrency is to be preferred, a degree of cumulation ought to be ordered where sentences represent separate episodes or transactions which ought to be recognised though at all times avoiding the imposition of a crushing sentence".
- 47 The principal of deterrence is of substantial relevance to this sentencing disposition with a view to discouraging others of like minded propensity to engage in sexual activity with young children being an important element of this sentencing disposition. No evidence has been placed before the court to indicate any psychiatric or psychological illness so as to indicate you are not a proper vehicle for a sentence reflecting the application of the principle of general deterrence. Your crimes are most serious and in this presentment

were committed over a period of 17 years. Children must be protected from this form of abhorrent behaviour and the sentence to be imposed in conjunction with the sentence you are already undergoing must be such as to deter any like minded molester particularly those in a position of trust.

48 Pursuant to the provisions of the Sentencing Act 1991, you are a serious sexual offender as defined by s.6B following previous convictions and sentences of imprisonment. Pursuant to s.6D, the court must take into account the protection of the community as a principal purpose for which the sentence is imposed. I do not in order to achieve that purpose impose sentences longer than that which is proportionate to the gravity of the offences occurring in the light of their objective circumstances. Pursuant to s.6E every term of imprisonment imposed on a serious offender is to be served cumulatively unless otherwise directed. For practical purposes and reasons of common sense it would not be possible to make cumulative all these sentences so I will be selective with cumulation and allow for considerable concurrency. I will also allow for concurrency because of the sentence imposed by Judge Dee in 1994. I direct that it be noted in the records of the court that you are being sentenced as a serious sexual offender.

49 Your counsel Mr Wright stressed your plea of guilty, age, the principle of totality, remorse as to which I have already commented as being more so an intellectual appreciation of the harm caused to your victims as set out in the report of Mr Joblin and delay to which I have also referred. The court was also told of some health problems that you have been experiencing and that you suffer from a cataract in one eye, have blood pressure, cholesterol problems, a leaking heart valve and you have been treated for a blocked artery. Your health, together with your age are also matters which I take into account.

50 It was submitted that consistent with your efforts at rehabilitation your last known offending was in 1987 some seven years before being dealt with in this

court. It was put that this was indicative of rehabilitation together with your efforts at rehabilitation seeking treatment overseas.

51 Mr Doherty for the Crown submitted your conduct involved gross criminality and was deserving of condign punishment. He submitted that there was no material placed before the court to show that you were no longer a danger to the community but I note the comment of Mr Joblin in his first report as adopted in his second report in that he felt that if you were in a position to continue treatment, that under those conditions the prognosis must be reasonably optimistic.

52 This is an exceptionally complex sentencing disposition taking into account the principles of law, the nature, circumstances and effects of your criminality, the matters personal to you and the sentence imposed in 1994. I am satisfied that a further sentence of imprisonment must be imposed and I bear in mind the potential for any further sentence being imposed being a virtual life sentence. While I have indicated I do not propose exercising the sentencing power provided by s.6D(b) of the Sentencing Act 1991, I do bear in mind the principle of retribution or just punishment having regard to the appalling nature of your criminality. It is important that each of your victims understands that their case is not any less significant or important than any other victim because I make the sentence for their particular count concurrent.

53 The sentence I impose and the orders for cumulation and concurrency are necessarily tailored to a total effective sentence taking into account all the matters that aggravate or militate the offences keeping in mind the application of the principle of totality in relation to this sentence of imprisonment.

54 Accordingly you will be sentenced as follows.

55 On the 24 counts of indecent assault on a male person under 16 being Counts 1, 3, 5, 6, 7, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 24, 26, 28, 29, 31, 32, 33, 34 and 35, you are sentenced to two years' imprisonment on each count.

- 56 As to the gross indecency with a male person being Counts 2, 4, 8, 10, 16, 23 and 25, you are sentenced to 18 months imprisonment on each count.
- 57 As to the four buggery counts being Counts 22, 27, 30 and 33, you are sentenced to eight years' imprisonment on each count.
- 58 Bearing in mind s.6E of the Sentencing Act 1991 I order that all such sentences be served concurrently save as follows: I order that one year of the sentences imposed on Counts 22, 27 and 30, one year and three months of the sentence imposed on Count 1 and nine months of the sentence imposed on Count 2 be served cumulatively on the sentence imposed on Count 33 and upon each other. That is an effective sentence of 13 years' imprisonment.
- 59 I fix a new single non parole period of seven years to have effect from today, being 11th day of August 2006. Should the Parole Board release you at the earliest possible date, you will not be released until August 2013 when you will be 79 years of age. Following August 2013, it will be a matter for the Parole Board as to your release date up to the completion of the effective sentence of 13 years.
- 60 Pursuant to s.18 of the Sentencing Act I declare that you have spent no time in custody in relation to these matters before me and I direct that be noted in the records of the court. Pursuant to s.464ZF(2) of the Crimes Act - what is the situation, is this a retention order or a new order, Mr Doherty?
- 61 MR DOHERTY: I think in fact it is a retention order, Your Honour, that we seek.
- 62 HIS HONOUR: Pursuant to s.464ZFB of the Crimes Act 1958 I direct there be retention of the forensic sample previously provided by you, I have no idea of the date of that but I think that is quite clear what I am referring to. Pursuant to s.7(1) of the Sex Offenders Registration Act 2004, the offences of which you are convicted and sentenced are registrable offences and pursuant to s.6

of that Act you are a registrable offender and as such you are a person who is required to comply with the provisions of the Act. The delegate of the Secretary of the Department of Justice, in these circumstances my Associate, will now give you notice of your obligations under the Act and I note that pursuant to s.34 of that Act, the reporting period will be life.

63 There is one matter here, under the 24 counts of indecent assault I referred to Count 33 which is as I recall one of the buggery counts, is it not?

64 MR DOHERTY: Yes, Your Honour, it is.

65 HIS HONOUR: It has been referred to twice and I thank my Associate for pointing that out.

66 MR DOHERTY: Can I just clarify this, Your Honour. Your Honour set a new non parole period effective from today of seven years and Your Honour has set a total head sentence of 13 years, is that right?

67 HIS HONOUR: Yes.

68 MR DOHERTY: Does Your Honour direct that is cumulative upon the sentences imposed by Judge Dee?

69 HIS HONOUR: No, that also is to commence as of today's date.

70 MR DOHERTY: It is clear that it will be cumulative upon the earlier sentences imposed.

71 HIS HONOUR: It is in part cumulative.

72 MR DOHERTY: If Your Honour please.

73 MR D'ARCY: Your Honour, I missed the details of the cumulation, would Your Honour mind repeating them? Simply Your Honour moved too fast for me.

74 HIS HONOUR: Yes. As the cumulation, I order that one year of the

sentences imposed on Counts 22, 27 and 30, they are the buggery counts and one year and three months of the sentence imposed on Count 1 and nine months of the sentence imposed on Count 2 be served cumulatively on the sentence imposed on Count 33 and upon each other. That is an effective sentence of 13 years imprisonment.

75 MR DOHERTY: That is effective from today.

76 HIS HONOUR: From today. Are there any other matters? Remove the prisoner please.

COMMENT: Total of sentences - 25 years and 6 days with a non parole period of 19 years and 6 days.

29/07/94 16:21 DFP CIRCUIT SECTION - 61 3 6707829

NO. 332 002

EX 9

29 July 1994

GERALD FRANCIS RIDSDALE


On 27 May 1993 Gerald Francis RIDSDALE pleaded Guilty to 31 charges of Indecent Assault - 4 further informations were withdrawn (Informations 12, 17, 31 and 32).

On Charges 8, 11, 24, and 26 Sentenced to 12 months imprisonment on each; 9 months of which was suspended for 24 months.

On Charges 6, 7, 9, 10, 13, 14, 16, 18-23, 27, 28, 30, 33-35 - 9 months imprisonment each 6 months of which was suspended for 24 months.

On the remaining charges (1-5, 15, 25, 29) sentenced to be imprisoned for 3 months on each charge.

The informations concerning Ruth are charges 1-14.



KEVIN ANDERSON
Manager - Circuit Section

