

14/10/94

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SUPREME COURT MELB. 03 6708408 - 055 629374

NO. 173

GERARD FRANCIS RIDSDALE**SENTENCE**

Gerard Francis Ridsdale you have pleaded guilty to 30 counts of indecent assault upon a male person under the age of 16 years, 5 counts of buggery, four counts of gross indecency, one count of attempted buggery, one count of indecent assault upon a girl under the age of 16 years and 5 counts of indecent assault. That is a total of 46 offences involving 21 victims, 20 boys and one girl all under the age of 16 years.

These offences spanned a period of 21 years between 1961 and 1982 upon children aged 9-15. During this entire period you were a priest of the Roman Catholic Church and the offences were committed whilst you were positioned at Churches throughout the Western District in Bendigo and Swan Hill areas and later on in Melbourne.

In general terms the offences took the form of intimate fondling, mutual masturbation, anal penetration and oral sex. At the present time many of the offences would be described differently. You must of course be considered as committing the offences which existed at that time and with the penalties that were then applicable. The victims of your crimes were members of your parish. Your usual method of operation was to prey upon young boys many of whom were altar boys at the various churches where you were positioned. By reason of your respected status as priest you were trusted by the parents of many of the children and so under cover of that trust you were able to lure the children to places of privacy where you were able to perpetrate these crimes. You were also by virtue of that privileged position able to enjoy the exercise of power over the children. Of the counts themselves many of the offences

occurred against a particular victim so frequently that certain of the counts are representative of crimes of an ongoing type rather than being a count involving a single criminal act.

I shall deal very briefly with the facts of these counts. They were opened in detail by the learned prosecutor Mr Moore.

Count 1 & 2 Indecent Assault upon REDACTED occurred at Anglesea and Camperdown respectively.

REDACTED was 15 years of age and lived in REDACTED when his father was hospitalised you befriended the boy and with his mother's permission took him to REDACTED for a weeks fishing trip. During the course of the holiday you persuaded the boy to sleep in a double bed where mutual masturbation occurred. Later on that year you fondled the boy's penis in your car at REDACTED

Count 3 is an offence of indecent assault upon REDACTED at REDACTED REDACTED during the month of January 1966. This boy was an altar boy at Horsham convent where you were a priest. Three years later you came and stayed at the family home at REDACTED and persuaded the boy's parents to let you take him camping overnight at REDACTED. You fondled the boy's penis. When he resisted you became angry and took him to confession.

Counts 4, 5 and 6 involve offences of indecent assault against a boy REDACTED REDACTED. They occurred between 1st January 1967 and 31st December 1968 at REDACTED. The boy was an altar boy at the REDACTED Catholic Church where you practised. You befriended his parents who were devout Catholics and on occasion visited the family home. Under the pretext of inspecting other

churches you took the boy for drives in your car. The boy who was 11 or 12 years was allowed by you to steer the car during which times you masturbated him telling him to keep it a secret.

Counts 7, 10, 13 and 14 involve two counts of indecent assault at Warrnambool in 1970 and 1971 (C7, C10), an indecent assault at Apollo Bay in late 1970/71 (C13) and a count of buggery at Apollo Bay between 1st December 1972 and 31st January 1973 (C14). The victim in these cases was REDACTED who was aged approximately 11 or 12 years. REDACTED was an altar boy at St Joseph's in Warrnambool. Count 7 involved an occasion where you drove him to the Warrnambool breakwater where you masturbated him to ejaculation. Count 10 involved the same act at the Hopkins River Bridge in Warrnambool. Counts 13 and 14 occurred when you moved to Apollo Bay. You contacted the boy's parents and persuaded them to let REDACTED come and stay with you at the Apollo Bay Presbytery. At the Presbytery you slept with the boy, performed oral sex upon him and penetrated his anus with your penis.

Counts 8 and 9 involve indecent assaults upon REDACTED aged some 14 years at Warrnambool. REDACTED was also an altar boy at Warrnambool. You became known to his parents and were welcomed into their house. These are representative counts involving a range of offences against the boy involving oral and mutual masturbation. They are said to have occurred between 1st January 1970 and 31st December 1970 (C8) and 1st January 1971 and 31st December 1971 (C9).

Counts 11 and 12 involve the victim REDACTED.

Count 11 involves an indecent assault at Ballarat between the 1st January 1971 and 31st December 1971. Count 12 the same offence between the same dates at Ballarat.

REDACTED was aged approximately 12 years. He was an altar boy at St Aloysius School in Ballarat when he first met you. On two occasions you gave the boy a lift home after mass and fondled his penis. On the second occasion you gave him a piece of the sacramental bread as a reward.

Count 15 involves an act of indecent assault upon REDACTED aged approximately 10 or 11 years at Ballarat between 1st January 1972 and 30th June 1972. This boy was also an altar boy. One day during confession you undid the boy's pants and fondled his penis for about 10 minutes whilst telling him to confess his sins.

Counts 16 and 17 involve the victim REDACTED. Count 16 occurred at Apollo Bay between 1st March 1973 and 30th April 1973. Count 17 is a further offence of indecent assault at Apollo Bay between the same dates. You invited him and another boy from Warrnambool to spend a weekend at Apollo Bay Presbytery. Ostensibly they were to look for gemstones and go fishing. You organised for REDACTED to share your bed at the presbytery and on two nights you masturbated yourself and the boy in bed.

Count 18 involves the victim REDACTED. The offence occurred at Edenhope between 1st January 1975 and 31st December 1976. REDACTED grew up in Edenhope and met you when he was about 10 or 11 years. You were a priest there at the time and went to the boy's home and met his parents. You recruited him as an altar boy. On occasions you would take him driving around

the area to celebrate Saturday Evening Mass during which journeys you would touch him on the genitals.

Counts 19, 20, 25 and 26 involve the victim [REDACTED] [REDACTED] met you when he was 12 years of age growing up in the Apollo Bay area. His mother would let him ride in your car after mass on the return trip to the family home. During those trips you would masturbate the boy. On other occasions you would have the boy sleep with you at the presbytery during which time you would perform oral sex and mutual masturbation would occur.

Following the boy's father's death you took the boy and his sister aged 10 years to the presbytery at Edenhope for a few days. At the graveside at the father's funeral you persuaded the grieving widow to allow you to take the two children away so they might better cope with the tragedy of their father's death. You only did this so that you could perform oral sex and masturbate the boy on a number of occasions. You also indecently assaulted the girl at the Presbytery the night of the funeral. That girl had seen her father die in an accident some 4 days earlier. That is Count 27. She sat on your knee at your suggestion. You proceeded to touch the child's chest under her clothes and played on the outside of her vagina for about 30 minutes. Only that day you had presided at the graveside of the young girl's father.

Counts 21 and 22 concern the victim [REDACTED]. He was 12 years of age and was an altar boy at a Bendigo Church. The boy's family befriended you. You were the parish priest at Inglewood. You were also to have the boy stay with you at the Presbytery. There you performed oral sex upon him, masturbated him and attempted anal intercourse with your penis. You ceased the latter act when the boy yelled you were hurting. You insisted he not tell his mother of your activities.

Counts 23 and 24 involve the victim [REDACTED]. Count 23 involved indecent assault on the boy who was aged some 14 years. He met you through the Church. During a car trip you masturbated him.

Count 24 involved you taking the boy's pants down at the presbytery and penetrating his anus with your penis.

[REDACTED] was the victim and the subject of Count 27. I have already given a very brief summary of this offence when summarising the offences committed against her brother.

Counts 28, 29 and 30 involve the victim [REDACTED]

- Count 28 was an indecent assault occurring at Waanyarra between 1st January 1975 and 31st August 1975.

Count 29 is an indecent assault at Bealiba between 1st June 1975 and 30th September 1975. Count 30 is an indecent assault at Inglewood between 1st August 1975 and 30th September 1975.

You were at the time parish priest at Bealiba where [REDACTED] was an altar boy. He was persuaded to go gold fossicking with you during which trip touched him around the groin area and tried to kiss him. That is the subject of Count 28.

Count 29 concerned an incident at [REDACTED]'s family property at Bealiba. You were gold fossicking and again you engaged in touching the boy in the groin area.

Count 30 occurred at Inglewood. After a Mass which you held at the Church you took the boy back to the Presbytery. You took the boy into your bed, undressed him and rubbed your penis up and down the boy's thigh kissing him at the same time. You also performed oral sex on the child and masturbated him. They are the activities comprising Count 30 being a representative count.

Counts 31 and 32 involve the victim Stephen Thomas Woods. He was aged 14 years. Offences of indecent assault and buggery occurred when you were parish priest at East Ballarat. This boy came to see you about a personal sexual problem he was experiencing and troubling him. AT the time the boy was confused and distressed about his own sexuality. He was extremely vulnerable at the time. He went to the Presbytery and whilst explaining his difficulties you took advantage and indecently assaulted him. The boy had buggery committed upon him by you in a toilet block at Lake Wendouree.

Counts 33 and 34 concern the victim REDACTED. They are two counts of buggery. He was aged approximately 14 years at the time you committed these offences. Over a period between 1975 and 1976 he was anally penetrated by you at Edenhope Presbytery at least once a week. He was also indecently assaulted by you and these indecent assaults were the subject of Magistrate Court's proceeding in May 1993. When he first made statements to police Mr REDACTED was too embarrassed to speak of the acts of buggery you perpetrated upon him.

Counts 35 and 36 were offences of indecent assault committed on REDACTED REDACTED. They occurred between 1st January 1979 and 31st December 1979. REDACTED was aged about 10 or 11 years.

Count 35 involved you engaging in masturbating him in a toilet block at Coleraine.

Count 36 occurred in the Presbytery at Coleraine after Mass. You masturbated him and oral sex was performed.

Count 42 involves the victim [REDACTED]. He was aged 10 years and indecently assaulted by you at Mortlake during the year 1981. You grabbed him on the genitals outside his clothing.

Counts 41 and 43 involve the victim [REDACTED]. These offences of indecent assault occurred during 1981 when you were parish priest at Mortlake. [REDA] was 10 years of age and an altar boy. You masturbated him a number of times at the presbytery.

Counts 44 and 45 involve the victim [REDACTED]. They are offences of indecent assault which occurred at Mortlake in 1981. [REDACTE] was aged 10 years. Whilst he was in the presbytery counting the collection money when you made him fondle your erect penis. That is Count 44. You caused the boy to perform the same act about 2 months later.

Counts 37, 38, 39, 40 and 46 involve the final victim [REDACTED]. These offences occurred between the 1st May 1980 and 25th October 1982. They are 2 counts of indecent assault upon a male under the age of 16 years and 2 counts of gross indecency. [RED] was 12 years of age when the offences commenced. He was a student in Melbourne at a Catholic College. At that time you were positioned at the National Pastoral Institute at Elsternwick. You there had a bungalow. With the boy's parent's permission you picked the boy up from school for a weekend trip. This occurred on a number of occasions.

During these visits both oral sex and masturbation were performed.

Count 46 occurred at Mortlake between 24/5/82 and 25/10/82. REDA was then 14 years of age. RED had been wagging school and you obtained permission from his mother to have him Mortlake. You were then parish priest at Mortlake. When the boy arrived at Mortlake you performed acts of oral sex and masturbation upon him.

The foregoing represents the briefest of summaries of sexual offences committed by you over a period of some 21 years against 21 young victims. The offences were serious in nature and sustained over that period of time. You were at all times as a Catholic Priest in a position of trust. Under the cover of your clergy you inveigled yourself into the trust of your victims and in a substantial number of cases the trust of their families. As a priest you held a privileged and trusted position and as such were able to use that position to lure your victims to secluded places and in many cases to be with you overnight over significant periods of time. Nobody else comes to mind but a priest such as you were who could achieve that trust. You abused that trust. You were able to exercise a power and dominion over these children by abusing them in the reprehensive and abhorrent way you did. You preyed on children in a serious criminal way over a wide ranging area of the Victorian country side and finally in Melbourne. Certain of the counts are merely representative of repeated similar conduct against the same victim. In seeking to satiate your perverted lust it seems no victim was too frail or vulnerable on occasion so sacred that you would desist from perpetrating these outrageous crimes. The effect your depraved conduct might have on the minds of young victims never seemed to cross your mind or if it did it was quickly dismissed in your seeking satisfaction for your desires. You betrayed parental trust, abused your exercise

of power and the mist of vulnerable children in a heartless way. Your acts of debauchery were wicked and appalling.

I have been provided pursuant to the Sentencing Act with 15 impact statements from the victims of your offences. They are of course now in adult life. These statements are an unhappy testament to the history of misery and pain you have caused them. You struck at them at a very early age in their lives. In each and every case you have caused significant emotional problems. Most have been living devastated lives as a result of your conduct. Many will continue to do. In general terms common themes emerge. First was an inability to communicate your conduct to anybody, to discuss it with parents or friends. You instilled feelings of guilt in them which was so unwarranted. They were the innocent unable to speak up because you were the priest. You caused confusion in their minds as to their own sexuality. In most you caused an inability to trust others or attain in later life satisfactory relationships of their own. There were other traumas than these I have mentioned. For many the despair and misery of their lives throughout the years may be somewhat abated by them speaking out and seeing you brought before the courts to be dealt with. For some they are able to seek counselling and obtain benefit. The damage you caused I find has been considerable. The reading of these statements evokes in one at least two emotions the first of compassion for your victims and secondly a feeling of disgust at the enormity of your crimes. Some of the victims were required to give evidence at the committal proceeding although only as to formal matters. You were also only partially co-operative with police.

I have had a powerful and eloquent plea made on your behalf by your counsel. I take into account in mitigation all the matters he has urged upon me.

You are now 60 years of age. I take into account the character witnesses called on your behalf. I have heard from Father Madden and Father Davey and Miss Morton. They have all spoken of the other side to you., the hardworking priest who gave assistance to his parishioners particularly those who might be described as the needy. They have all spoken of your remorse and contrition since returning from a nine month course in New Mexico which you attended between December 89 and September 90. This was a special course designed to help members of the clergy with personal problems. The witnesses spoke of your genuine feeling for the damage you caused your victims and your desire to express your sorrow to them. Indeed as far as your conduct was concerned your counsel in no way sought to defend, justify or mitigate it describing it as causing enormous harm under the cover of your priesthood. The witnesses further spoke of your devastation at being laicised from the Church in late 1993 and the assistance you gave to bring that about. As to the devastation that you have caused I find that difficult to comprehend. It seems to me that how you could carry on the position and status of priest at the time of committing these offences is a mystery. The two aspects to your life were totally at odds. Your acting as a priest at those times can only be euphemistically described as hypocritical.

I have heard from two expert witnesses. Mr. Joblin an experienced and respected clinical psychologist. I have further heard from Professor Ball formerly of St Vincent's Hospital and the University of Melbourne. He is an eminent psychiatrist in the field of aberrant sexual behaviour. Both experts seem to be in general agreement. First that your remorse and contrition seem genuine. They have both examined you over many hours.

They are agreed that for rehabilitation purposes you can be treated and that such treatment as does exist in prison is inadequate for you. Professor Ball

spoke of chemical castration if you were at large as being one of the various forms of treatment which you would require. In describing your conduct he doubted you had any remorse or contrition at the time of commission of the crimes as evidenced by the fact that you continued to offend. I have considered their reports and evidence.

I take into account all the written material and references submitted on your behalf.

All of these matters are powerfully urged upon me as indicating that a sentencing course to enable you to continue your rehabilitation at large should be adopted. To that is added weighty matters namely your age, pleas of guilty and the fact that you come before me as a person with no prior convictions of any kind. I interpose that 27 convictions in May 1993 at Melbourne Magistrates Court for sexual assault on 8 young victims in Inglewood and Edenhope during a period common with the present offences resulted in a gaol sentence of 2 years 3 months. You served a period of some 3 months. The only victim common to that case and the present is Mr. RED. It is reasonable to assume that due to the similar nature of those offences and the period over which they occurred that if they had been included in the present proceedings, arguments as to concurrency of sentence could have been made. I add what effect such arguments would have precisely had is not for me to decide. I also add that the present 46 offences before me did not come to light from any voluntary disclosure or confession by you. They were brought to the attention of the authorities after Operation Paradox by victim's actions. The fact that they did not come to light for many years until this presentment was in the main due to the grossly deleterious effect your conduct had on your victims who could not bear to speak about these offences for years let alone report them to the authorities.

I also take into account that many people still have faith in you and care for you and your well being.

I am also cognisant of the fact that in serving a prison term you will do so as a prisoner requiring protection. That will make imprisonment even more harsh for you. It means that many of the privileges and comforts afforded ordinary prisoners will be denied you.

I appreciate and take into account all those matters. I also am aware that you have not committed any offence since 1982. I take into account your age. I consider also that punishment reflecting specific and general deterrence must be demonstrated. There is also room for retribution.

- In sentencing you care must be taken to see that you are afforded a fair and balanced sentence imposed according to established sentencing principles. I have a duty to you to take into account all the good things said about you and the earnest submissions made recommending your continued rehabilitation.

I also have a duty to the community and the victims of your crime. I have to take into account the nature of your crimes and the effects on your victims. I have had regard inter alia to the sentencing guidelines contained in Section 7 of the Sentencing Act. The victims were not given in my view any priority by your superiors in the Catholic Church aware of your conduct. The image and reputation of the Church was given first priority. You were given some perfunctory in-house counselling before being shifted off to continue your criminal conduct in other areas. That sort of prioritising I am assured has been changed by the Catholic Church and other Churches and organisations who have amongst their midst persons like-minded as you.

I have heard no evidence or submissions to indicate that you suffer from any psychiatric or psychological illness such as to not make you a proper vehicle for a sentence reflecting the need for general deterrence. I consider a sentence should be imposed upon you which contains both elements of specific and general deterrence.

Your crimes were serious and sustained over 21 years. They were committed against children at ages where they were innocent and very vulnerable. Your effect on them has been devastating in the pain, misery and suffering you have caused. Children must be protected from predators like you and offences such as these are of increasing public concern. As well as deterring you the sentence I impose must be such as to deter others also minded to molest children by indicating that their behaviour will be met by lengthy terms of imprisonment. Yours was a gross breach of trust and also involved the exercise of power and dominion by you over your child victims.

Of the offences of indecent Assault Counts 1, 2 and 3 allow for a maximum sentence of 10 years each, the remaining 27 counts 5 years each. The offences of Buggery for Count 14 a maximum of 20 years, for the other four counts 24, 32, 33 and 34 a maximum of 15 years. For the offence of attempted buggery Count 22 the maximum penalty is 10 years.

For Count 27 the indecent assault upon the girl under 16 years the maximum sentence is 5 years. Counts 20, 26, 38 and 40 representing crimes of gross indecency the maximum sentence is 3 years.

I have had submissions put to me that you are a serious sexual offender within the meaning of the amendment to the Sentencing Act 1994 which came into

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effect on 15th August 1993. The proceedings for these offences were commenced after that date in March 1994 and in that regard seem to fall within Section 26 of that Act.

In May 1993 you were convicted and sentenced of 27 charges of sexual offences and sentenced to serve a period of 2 years and 3 months. On the 31st May 1994 the words "or hearing" were added to the words "trial in s.3(2)(a)(i) and s.3(2)(a)(iii). I take "on hearing" to include a hearing before a Magistrates' Court.

As such in my view you come before me and convicted to be sentenced as a serious sexual offender. I am satisfied beyond reasonable doubt each of the offences the subject of the counts 1 to 46 are serious sexual offences and you are a serious sexual offender within the meaning of the 1993 amending legislation.

In sentence you I am satisfied sentences of imprisonment must be imposed and therefore I must have regard to the protection of the community as the 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 occurred in the light of their objective circumstances.

Section 10 of the Sentencing Act does not apply to any of these sentences so as to give you the benefit of any reductions for remissions. The maximum sentences I have referred to are the maximum sentences applicable to the offences to which you have pleaded guilty. You also do not come within the provision in the Act requiring sentences to be served concurrently unless otherwise directed.

Section 16(3A) requires me in respect of each of these sentences to make them in effect cumulative unless otherwise directed. For practical purposes and reasons of common sense it would not be possible to make cumulative all these sentences so I have to be selective with cumulation and allow for considerable concurrency. I also allow for some degree of concurrency because of the sentence of 2 years and 3 months imposed at the Magistrates' Court. These charges were part of a series which could have been included on this presentment. The reason for this will be seen to be clear. The prisoner is 60 years of age and the total effective sentence I impose will be harsh. No victim should feel their case is any less significant or important than any other victim because I make the sentence for their particular case concurrent. The sentences I impose and the orders for cumulation and concurrency are necessarily tailored to a total effective sentence taking into account all matters that aggravate or militate the offences keeping in mind the application of appropriate sentencing principles.

You will be sentenced to serve a period of 3 years imprisonment on counts 1, 2 and 3.

You will be sentenced to serve a period of 2 years on each of counts 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 21, 23, 25, 28, 29, 30, 31, 35, 36, 37, 39 and 41. (Indecent assault upon male under 16)

You will be sentenced to serve a period of 2 years on counts 42, 43, 44, 45 and 46. (Indecent assault)

You will be sentenced to serve a period of one years imprisonment on counts 20, 26, 38 and 40. (Acts of gross indecency)

You will be sentenced to serve a period of 2 years imprisonment on count 27.
(Indecent assault upon a female under 16)

You will be sentenced to serve a period of 8 years on each of counts 14, 24, 32, 33 and 34. (offences of buggery)

You will be sentenced to serve a period of 5 years on count 22 of attempted buggery.

I further order that the sentences imposed on counts 2 and 3 be served concurrently with each other and with the sentence imposed on count 1.

The sentences on counts 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 21, 23, 25, 28, 29, 30, 31, 35, 36, 37, 39, 41, 42, 43, 44, 45 and 46 will be served concurrently with each other and with the sentence imposed on count 4.

I direct that five years of the sentence imposed on count 14 be served concurrently with the whole of the sentence imposed on count 24 and concurrently with 6 years of the sentence imposed on count 32 and concurrent with the whole sentence imposed on count 33 and the whole sentence imposed on count 34.

The sentence imposed on count 22 will be served concurrently with the sentence imposed on count 34.

The sentences imposed on counts 20, 26, 38 and 40 will be served concurrently with each other and wholly concurrent with the sentence imposed on count 34.

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The sentence imposed on count 27 will be concurrent with sentence on count 34.

The order for cumulation to make the sentences clear is as follows. The sentence of 3 years imposed on count 1 will be cumulative upon the sentence of 2 years imposed on count 4 and cumulative upon 3 years of the sentence imposed on count 14, and cumulative upon 2 years of the sentence imposed on count 32 and cumulative upon the sentence of 8 years imposed on count 34.

The total effective sentence is therefore one of 18 years and I direct that you serve a period of 15 years before being eligible for parole.

Declare pursuant to section 18 of the Sentencing Act 1991 that the period of7.2.... days already spent in custody, be reckoned as a period of imprisonment already served under the sentence and to be administratively deducted.