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TRANSCRIPT OF PROCEEDINGS

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COUNTY COURT

CRIMINAL JURISDICTION

MELBOURNE

TUESDAY 8 JUNE 1999

BEFORE HIS HONOUR JUDGE R. P. L. LEWIS

THE QUEEN v. WILFRED JAMES BAKER

S E N T E N C E

HIS HONOUR: I will make orders as per the draft submitted by the prosecution, that is to say that Wilfred James Baker undergo a forensic procedure for the taking of an intimate body sample, namely blood, and I am of the opinion that the seriousness of the circumstances of the offences justify that procedure being undertaken.

Wilfred James Baker, you have pleaded guilty to 16 counts of indecent assault on a male person under the age of 16 years, being counts 1 to 15 inclusive and count 17, and one count, count 15, of committing an act of gross indecency with a male person. The facts and circumstances relating to the commission of these offences have been well canvassed during the course of the plea and I do not intend to repeat them. For sentencing purposes you are a serious sexual offender within the meaning of the Sentencing Act in respect of counts 3 to 17 inclusive; therefore, I must regard the protection of the community as the principal purpose for which the sentence is imposed. However, I do not intend to impose a sentence longer than that which is proportionate to the gravity of these offences in light of the evidence placed before me, in particular, the evidence of Mr Watson-Munro, the forensic psychologist, and the fact that the last offence was committed in 1979.

Your counsel, Mr Forrest, has made a number of submissions in mitigation of penalty: these include, 1. your absence of prior convictions; 2. the fact that you have not offended since 1979; 3. your early plea of guilty thereby saving the cost and expense of a number of trials and sparing the victims the trauma associated with court appearances; 4. your expressions of deep remorse - indeed,

Mr Watson-Munro described you as being "overwhelmed with guilt"; 5. your public disgrace as an ordained priest and your social ostracisation and isolation; 6. the unlikelihood that you will re-offend.

Further, the evidence shows that notwithstanding your odious sexual offending between 1960 and 1979, you were a hard-working, industrious priest invigorating and reinvigorating parish life wherever you were stationed.

Notwithstanding the cogency of these matters to which I have referred, it is important that your offending should be seen in context. These offences took place over a period of 19 years, the last offence occurring after you had been confronted by representatives of the Church and your parish, and after you had been moved to another parish. There were eight victims aged between 10 and 12 years who were pupils at the parish primary school. Some of them were altar boys. Except for count 1 you were in all respects supposed to be the person in whom they could unreservedly place their trust. As an ordained priest, you were supposed to be the shepherd of your flock, with all that that description entails. You are a man of superior intellect yet you abused these boys for your sexual gratification. In so doing you betrayed the trust that they and their parents had in you both as a man and as a priest.

Nor should the victims be forgotten. True it is that many worse cases of child sexual abuse have come before the courts, however, the effect on some of the victims has been profound. Those victims most affected describe their feelings in terms of betrayal, bewilderment, insecurity, problems with their sexuality,

guilt and disillusionment. They have suffered psychological and emotional harm of varying degrees.

Having reflected upon all of the foregoing, I am of the view that the appropriate sentence in this case is a custodial sentence to be served immediately. These offences occurring 20 years ago and more should nevertheless be seen for what they are. They represent exploitation of children to satisfy the sexual desires of a man in a position of power, a man who by the nature of his calling stands in a special relationship with children and their parents.

Wilfred James Baker, on count 1 you are sentenced to a term of imprisonment of 3 months. On each of counts 2 to 17 inclusive you are sentenced to a term of imprisonment of 9 months. The sentence imposed on count 1 and six months of each of the sentences imposed on counts 2, 3, 4, 5, 8 and 17 are to be served cumulatively upon the sentence imposed on count 14 and upon each other. An effective sentence of a term of imprisonment of four years is therefore imposed. I direct that you serve a minimum term of two years before you are eligible to be released on parole. I declare that one day spent in custody be reckoned as time already served under this sentence. I direct that the fact that such declaration has been made and its details be entered in the records of the court.

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