

Bianca Pyke, you plead guilty to dangerous driving. I also agreed to deal with your plea of guilty to the summary charges of evading police, driving while disqualified and possessing a controlled drug. All of the offences were committed during one course of conduct on 3 September 2019 in Launceston. You were then aged 27. You are now 28 but you have never held a driver licence. You were a disqualified driver. At about 7.50 pm police travelling in the opposite direction saw you driving south on Invermay Road. They had been looking for the car you were driving for other reasons. They did a U-turn and followed. You had one passenger. The police attempted to intercept you by activating the lights and sirens on the police vehicle, but you immediately accelerated away, reaching speeds of 80 to 100 kph along Invermay Road where the speed limit is 50 kph. The police continued to follow you and road spikes were authorised. Acting Sgt Michael Grenda and Constable Benjamin Pearce-Lieutier arrived at the Tamar Street Bridge when you were still 100 metres away. They did not have time to fully deploy the road spikes. Instead Constable Pearce-Lieutier moved to throw them across your path. As he did so, you braked heavily, then swerved to the incorrect side of the road and accelerated heavily. By doing so you drove towards Sgt Grenda, who was on the opposite side of the road and was forced to jump out of the way to avoid being struck. It is not contended that you drove at him deliberately, but rather to avoid passing over the area where you thought the road spikes were going to be thrown.

You then drove away through the Launceston CBD, weaving in and out of traffic at speeds well over the speed limit. At the intersection of Wellington Street and Elizabeth Street you drove through a red light and collided with another vehicle, before spinning out and stopping. The other vehicle was damaged but fortunately neither the driver nor any of the three passengers were injured. While your car was stationary you were recognised by the police. You then drove away and the police disengaged from the chase. You were arrested a couple of hours later hiding under blankets in the lounge room of a house in Ravenswood. At the police station a small bag of methylamphetamine was found in your handbag.

You had a terribly difficult childhood which has negatively influenced your life. After your parents separated when you were seven, you spent most time with your mother, but your father had a damaging influence on you. He normalised serious criminal behaviour and exposed you to illicit drug abuse. As a result of other shocking abuse at the hands of another person when you were 12 you attempted self-harm. You first fell pregnant when you were 13 and, although that pregnancy was terminated, you were soon pregnant again and your daughter, now aged 12, was born when you were 14 or 15. Nor surprisingly, you suffered from mental health problems including depression and bipolar effective disorder. The combined result of drug abuse and poor mental health has continued to influence your life. After abusing cannabis and morphine, your father introduced you to methylamphetamine at age 17 and you became addicted to it. Since then you have been party to violent relationships and the victim of other criminal violence. All of this is reflected in your criminal record. You began offending when you were a youth and that has continued throughout your adult life. Your criminal record runs to 44 pages although that involves some re-sentencing, particularly involving a drug treatment order which was made in 2013 but cancelled in 2014. Your record is principally for offences of dishonesty but includes offences of violence and anti-social offending. You were made subject to suspended detention orders as a youth, but since then you have served many terms of imprisonment. Of direct relevance is your terrible driving record. You have 20 prior convictions for driving without a licence arising from offences

committed between 2009 and 2016. You have six prior convictions for driving while disqualified, offences committed between 2011 and 2019. You have two prior convictions for driving while your licence was suspended, although I am informed that you have never held a licence. You have five prior convictions for evading police, offences committed within the period of less than two years between October 2016 and July 2018. One of those instances of driving was accompanied by aggravating circumstances and another with a conviction for reckless driving. Reckless driving is serious because, unlike dangerous driving, it involves not only objective danger but an appreciation of risk. You have four prior convictions for driving with an illicit drug in your blood and one for refusing to submit to the taking of a blood sample. You have two prior convictions for possessing a controlled plant. At the time of the offences I am dealing with you were subject to two separate court orders disqualifying you from driving.

You have spent most of the period since October 2017 in prison. You were released on parole on 5 July 2018 but it was revoked when you immediately re-offended. After having served the three separate sentences imposed during 2018 you were released in May 2019. You found it difficult to cope in the community and recommenced drug use in June 2019. Very quickly you again began to re-offend. You were sentenced by a magistrate on 21 February 2020 for numerous offences of dishonesty committed in July and August 2019. You were ordered to serve a term of imprisonment of nine months which, taking into account the period you had already been in custody, was ordered to commence on 1 September 2019. Your earliest release date for that sentence was 29 February 2020 and the latest release date is 31 May 2020.

Your counsel submitted that I should request an assessment of your suitability for the making of a drug treatment order. I am satisfied that you have a demonstrable history of drug abuse, but I may only make such an order if I am satisfied illicit drug use contributed to the commission of the offences for which I am to sentence you, and that an order is an appropriate one in all the circumstances. Your counsel, very ably, said everything that could possibly be said in favour of the making of an order. It is contended that you have not used drugs whilst in prison. It is also contended that one of the mental health conditions you suffer from is agoraphobia, which, when you are in the community, led to you driving when you should not have. You do not say that you had used illicit drugs before driving on this occasion, although you were driving after having purchased the methylamphetamine found in your possession, and that your past drug use and mental health problems caused you to panic. I think that is something of a long bow and I am not satisfied that drug use contributed to the driving on this occasion. Even were that not to be the case, I consider that the making of an order, which gives priority to rehabilitation, does not adequately serve the need for punishment and general and specific deterrence. Your record entitles you to no lenience. I have that view even though I am satisfied that conditions in prison are somewhat more onerous than usual and access to services is also reduced. The same can be said of the availability of services in the community within the operation of a drug treatment order.

Amendments to the law in Tasmania in September 2017 increased the penalties to be imposed for evading police and dangerous driving, making clear a legislative intention that persons who commit crimes such as these should face heavy penalties. I am required by the *Police Powers (Vehicle Interception) Act 2000*, s 11A(2A), to impose a separate sentence for evading the police. The law provides for greater penalties for subsequent offenders for evading police and for disqualified driving. As a result, the charge of evading police is punishable by fine or imprisonment for up to three years or both. Disqualification from driving for at least two

years is mandated by s 11A(4A). By driving away from the police, indeed by driving at all, you displayed your continuing disregard of the law, to authority and to court orders. You exposed your passenger, the police and the public to considerable danger. Although the period of driving was not prolonged, you drove at excessive speed and in an erratic way from one side of the Launceston CBD to the other. The distance from when you were first seen to the bridge was almost three kilometres. From my own knowledge of the area you drove on for a further two kilometres, even assuming you drove straight to the place where the collision occurred. The fact that you were trying to escape from the police increased the potential danger by adding desperation to your driving and decision-making. You were on the type of streets where, even in the evening, traffic from cars and pedestrians would normally be present, at least at a moderate level. In fact the level of vehicular traffic was moderate. The danger you posed was directly demonstrated by the way you drove towards Sgt Grenda, and then by the collision with another car with four occupants after you drove through a red traffic light. It is relevant that no-one was injured, but the potential for injury or death was considerable. It is only good fortune that no-one was killed or badly injured. I take into account that although you are charged with more than one offence, each involving separate criminality, the charges arise from one course of conduct, and the result of the sentences I impose must be an appropriate measure of your overall criminality.

There is a clear need to punish you, to deter you from future offending and to protect the public. It is in your favour that you have pleaded guilty. At a time when there is considerable delay in the administration of justice as a result of the pandemic, you have facilitated justice, and avoided the need for a trial. Your plea indicates some acceptance of responsibility for what you have done. I will reduce the sentence I would otherwise have imposed as a result. I take into account the sentence you have already served as relevant to totality. Taking into account all of the relevant sentencing factors a total effective sentence of imprisonment for two years is required. I think your rehabilitation can be sufficiently addressed by allowing for the earliest possible eligibility for parole. But for your plea, I would have increased the sentence by at least six months and ordered a longer non-parole period.

Bianca Pyke, you are convicted on each count. I make a compensation order in favour of Milton William Ford and adjourn the further terms of that order to a date to be fixed. On complaint 34332/2019, count 31, evading police, you are sentenced to imprisonment for three months, cumulative to the term imposed by a magistrate on 21 February 2020. I order that you not be eligible for parole until having served half of that term. You are disqualified from driving for three years from your release. On the remaining counts I impose one sentence. You are sentenced to imprisonment for one year and nine months cumulative to the term just imposed. I order that you not be eligible for parole until you have served half of that term. On those counts you are disqualified from driving until further order of the court. I formally order that any driver licence you have is cancelled.

In accordance with the *Sentencing Act*, s 92A, I specify that the total term of imprisonment that you are liable to serve for all the sentences of imprisonment that are being imposed today is two years, cumulative to the sentence imposed by a magistrate on 21 February 2020. You are not eligible for parole until you have served half of that total term.