

STATE OF TASMANIA v BIANCA LOUISE FORD
COMMENTS ON PASSING SENTENCE

3 DECEMBER 2025
SHANAHAN CJ

This matter has been before me on three separate occasions for sentencing submissions. First on 20 June 2025, and subsequently on 20 August 2025 and 18 September 2025. On the first occasion Ms Norton appeared for the State, Ms Luzzo on the second and third. Mr Scott has appeared for you on all occasions. The proceedings commenced with an amendment to complaint 10121/2023 to which a plea of guilty had already been entered, and was maintained after amendment. You have already been sentenced for those matters.

Turning to the matters for sentence today. You have pleaded guilty to a charge of trafficking in a controlled substance, contrary to s 12 of the *Misuse of Drugs Act* 2001, namely for trafficking methylamphetamine between the 18 August 2023 and the 3 October 2023.

On Tuesday 3 October 2023, at 9.14 am, police executed a search warrant at [address specified] in Moonah in relation to separate matters. You did not reside at that address. You had stayed there overnight and you were in the lounge room when police arrived and presented the tenant with a search warrant. You said that another person named Darren Burgess had also been present at the address the evening prior.

As part of the search, you were subject to a frisk search and your handbag was also searched. Whilst searching your handbag, police located a number of items which they believed were illicit drugs.

Those items were packaged and concealed inside a zippered hair straightener bag. The following items were located and seized from within the hair straightener bag that was located in your handbag:

- (a) a large ziplock bag containing a large quantity of white crystal substance;
- (b) two smaller ziplock bags containing a white crystal substance;
- (c) a ziplock bag containing three smaller ziplock bags each containing residue of a white substance;
- (d) a round screw-top container which contained five small ziplock bags each containing a white crystal substance;
- (e) a second round screw-top container which contained 11 small ziplock bags each containing a white crystal substance;
- (f) a cylindrical makeup bag containing a vial of clear liquid, a container of empty capsules, and three small ziplock bags containing a white crystal substance;
- (g) a used ice pipe; that's been already dealt with and is not the subject of this sentence, and
- (h) a set of scales.

Photographs of some of those items are at page 10 of the Crown papers. Police believed the white crystal substance to be methylamphetamine.

You were arrested and transported to the Glenorchy Police Station, where you participated in an electronically recorded interview. You made the following comments under caution: you stated that you are a drug user and have been using ice for a few years. In your bag, you said there would have been a bag of MSM, as well as spoons, straws and a single point. MSM is magnesium, which is a cutting agent. The small containers were not yours. You said you did not know whose they were or what was in them. You said the first time you saw the containers was when police searched your bag that morning.

You stated that before you went to sleep the previous night, Darren had asked you for a needle and you handed him the whole hair straightener bag and went back to sleep, and that Darren must have put the needle back into your handbag that night. Darren is Darren Burgess. You said you had not seen the hair straightener bag since giving it to Darren and after the police arrived. The MSM was given to you by a friend to look after. He gave it to you and you put it in your handbag and you forgot it was there.

The MSM was in a large ziplock bag, it was about a quarter of a bag full.

You said you knew it was MSM. You have seen it before and you know that it looks like murky white rocks, whereas meth is clearer. You said you do not use MSM, and that you had a point in your bag. The point was in a little ziplock bag. You said you bought it the day before for fifty dollars and had not used any of it yet. You stated that the ice pipe is yours. You said that the 25 packages of crystal substance were not yours and were not there the last time you saw your bag.

You said your DNA should not come back on any of the packages, and that the vial of clear liquid was yours. It was liquid G. You said you got it from a friend. You had not used any of it, and you didn't pay for it. You said your friend gave it to you to try as a tester. You said the scales are yours and that you inject methylamphetamine, so you need to weigh out the amount you use. You said you were new to using a needle for ice and used to smoke it using a pipe.

You said you had been injecting methylamphetamine for the past four to five months. When you inject ice, you said you use a point at a time and you use one every couple of days. You denied selling methylamphetamine.

The State obviously do not accept that explanation in light of your plea of guilty.

You denied that there were any messages on your mobile phone relating to the sale of methylamphetamine, and you said you were then currently on the day program for rehab at the Bridge Program and you were on the wait list for the residential program.

Following your interview you were charged, processed and bailed to appear in court. Your phone was seized by police at the time of your arrest. You declined to provide a PIN. Following the video interview, police gained access to your mobile phone and the contents were examined.

The examination revealed numerous messages on your phone in which you offered to sell drugs via text message and Facebook Messenger messages.

The messages spanned the period from the 18 August 2023 to 3 October 2023, and related to approximately 12 different customers and included message exchanges setting up the location, timing and the value of the sales. Throughout the previous day, being Monday the 2 October 2023, you had sent messages to seven recipients offering drugs. Those messages included a message to a contact named Lisa at 10.22 am, stating:

Hey babe, got filth. Good prices too.

At 10.42 am, you sent a Facebook message to a contact named Jack, stating:

I've got some good stuff. Two hundred HG.

The recipient responded to you:

Okay, hon.

You then responded at 8.41 pm, stating:

Anyone chasing?

At 8.36 pm, the accused sent a Facebook message to a contact named Lisa, stating:

You need any? HG two hundred. G four hundred. HB five hundred.

The recipient responded:

I've only got fifty. I'll have one if you're coming this way.

You replied:

Don't have to yet but I've got a G sold down that way soon.

The recipient replied,

Cool, I'll leave the cash with Shaz in case I'm out.

At 8.40 pm, you sent a Facebook message to a contact named Adam, stating:

I've got some goods. HG two hundred. G four hundred. HB five hundred.

At 8.43 pm, you sent a Facebook message to a contact named Tim, stating:

Got filth. HG two hundred. G four hundred. HB five hundred.

At 8.45 pm, you sent a Facebook message to a contact named Casey, stating:

Hey babe, I've got that one I owe you. It's definitely not the same shit. HG two hundred. G four hundred. HB five hundred

At 8.45 pm, you sent a Facebook message to a contact named Amber Rose, stating:

Got some goods. HG two hundred. G four hundred. HB five hundred.

The State contends that the references to "HG" means a half of a gram; reference to "G" means a gram; and "HB" refers to "half a ball", and a "ball" is also known as an "eight ball", and it's an eighth of an ounce of methylamphetamine, or 3.5 grams.

Based on the messages found on your phone, the State say that you were offering the methylamphetamine that you had in your possession on 3 October 2023 for sale and that you did so at prices of two hundred dollars for half a gram, four hundred dollars for a gram, and five hundred dollars for a half ball.

Subsequent forensic testing of the white crystal substance confirmed it was methylamphetamine.

The liquid seized from you was identified as being *gamma hydroxybutyrate*, otherwise known as "GHB" or "liquid G".

The crystal substance was decanted from the individual ziplock bags before being forensically analysed. Combined, the total weight of the methylamphetamine seized was 17.34 grams. The State cannot assert the quantity by weight of each individual package.

The largest ziplock bag was not forensically tested and was returned to you. The State does not dispute your assertion that the substance was MSM or magnesium.

The methylamphetamine seized had a street value of \$17,400 if sold in point deals at one hundred dollars per point, or \$8,000 if sold in gram deals at five hundred dollars per gram.

You entered a plea of guilty to the charge in the Hobart Magistrates Court on 18 March 2025. You have not spent any time in custody in relation to the matter.

The Crown makes an application pursuant to s 36B(2) of the *Misuse of Drugs Act 2001*, that you pay the cost of analysis of the methylamphetamine seized, being \$3,069, as outlined at page 11 of the Crown papers where the cost of analysis is provided.

The State applies, pursuant to s38 of the *Misuse of Drugs Act*, for an order that the following items be forfeited to the State of Tasmania:

- A Samsung phone referred to on property seizure record 208232, and I note a copy of that record was tendered on the sentencing hearing;
- The items listed on property seizure record 311598, including:
 - a case;
 - a white container
 - a set of scales;
 - a Peter Rabbit designed container, containing empty snap lock bags
 - 1 x Vogue New Famous case (a hair straightener case);
 - 2 x containers, and
 - a quantity of zip lock bags;

You have relevant prior convictions, your record of convictions is at 15 to 32 of the Crown papers. It evidences a history of drug use. Sticking with drug related offending and relevant hearings dates it includes convictions on:

- (i) 28 May 2021: for driving whilst an illicit drug was present in your oral fluid, which included methylamphetamine;
- (ii) 19 October 2021: driving with an illicit drug present in your oral fluid, this time methamphetamine and THC, or cannabis - there were also some possession charges associated with that sentence including possessing a glass ice pipe and possessing methylamphetamine;
- (iii) 5 December 2022: driving with an illicit drug present in your oral fluid, this time methamphetamine and THC, or cannabis, possess a controlled drug (methylamphetamine), x 2 possessing a thing for the administration of a controlled drug; and consuming a drug before all relevant tests analyses and examinations have been completed
- (iv) 6 June 2024: you were resentenced on two counts of driving with an illicit drug present in your oral fluid and two counts of possessing a controlled drug (methylamphetamine); and
- (v) 17 October 2024: driving with an illicit drug present in your oral fluid, this time methamphetamine.

You have an extremely poor traffic record, and you have many convictions for stealing and breach of bail.

On 6 June 2024 you received a sentence of 9 months' imprisonment suspended for three years, and a further suspended sentence of 2 months suspended for 2 years. You were re-sentenced on 17 October 2024 to further suspended terms of imprisonment.

Your previous convictions have all related to possession and/or use of drugs, primarily methylamphetamine. This is the first time you comes before the Court charged with trafficking. I accept the Crown submission that specific deterrence is relevant, given that your drug-related offending is escalating.

General deterrence, denunciation and community protection are relevant factors. This Court has long recognised that methylamphetamine causes great harm within our community and it needs to be reinforced that people who sell those drugs can expect substantial punishment. Your record also shows a disinclination to turn away from drug use. It is unclear if your offending relating to stealing is linked to your drug use.

There is some evidence of an apparent lack of remorse you initially sought to blame others and denied responsibility. There is certainly evidence that your offending is escalating. There is however a utilitarian value in your plea of guilty.

You were born on 16 February 1987. Your counsel assured me that you are remorseful, and your remorse is evidenced by your pleas of guilty in an early stage in the proceedings. Of course that has to be measured against the strength of the State's case and your record of offending. It appears clear that your life, at least in recent times, has revolved around the selling and use of controlled drugs. That was immediately acknowledged by your counsel.

I am told that you have been seeking out drug treatment. I was provided with some documents. These included a letter from Craig Tate of the Anglicare Tasmania Drug and Alcohol Service dated 22 October 2024, so now over a year old, which states that you "have shown interest in recovery from addictions", and that you have attended "Smart Recovery group sessions" at the Mary Hutchinson Women's Prison in 2024. I note the offending before me today occurred in October 2023 so a year prior to Mr Tate's letter.

Another letter is from Felicity Massey a Health Services Officer at Max Solutions. It is a confidential service funded through Workforce Australia, and it is dated 7 May 2025. That letter records your attendance for a brief assessment and two sessions of "Preparing for Work", a short term health intervention tailored around work. At that stage you had four additional sessions booked.

I also have a letter from the St Vincent de Paul Society dated 13 May 2025 which states you have been living at "Amelie House" for a period in 2025. That letter suggests that you have been engaging in rehab and case management and doing everything that you can do to turn around life for you and your young son. Importantly the author suggests that "I truly believe Bianca has shown honesty, remorse, and commitment to change".

I have two letters from Natalie Scott, an Alcohol and Other Drug Specialist, from the Salvation Army Bridge Program dated 21 March 2025 and 17 June 2025. The first letter records you attending 1 session with your AOD Specialist. The second letter states you have attended 11 sessions and expressed interest in the day program.

At the time I heard sentencing submissions you were homeless and living in a women's shelter, Amelie House at 56 Warwick Street Hobart, I was told that you are still motivated toward rehabilitation.

Mr Scott submitted that ultimately a wholly suspended sentence combined with community service and a Community Corrections order would be an appropriate disposition.

I subsequently heard submissions after a pre-sentence report dated 12 August 2025 had been prepared and provided. Its pages are un-numbered.

The report noted that you continue to have contact with your parents who live at Bridgewater and that you visit once a week with your son, albeit your father has emphysema and you have an unstable relationship with your mother. Your son generally resides with his father in Lewisham. Your son has autism. The child's father is supportive of you maintaining contact with your son. Your relationship with your son's father came to an end 5 years ago, you have had one significant relationship over a three year period since.

You were found *unsuitable* for home detention, see un-numbered pages 8-9 of the pre-sentence report. I am not bound by those recommendations but you have obvious difficulties in respect of housing. In that regard you nominated a women's refuge as the accommodation you would stay in if a home detention order was made, although you noted that you were nearing the top of the wait list for social housing but there is no indication when you will get access to such housing. Whilst the Amelie House manager agreed that home detention there was possible, it was ultimately not recommended.

I am concerned that the pre-sentence report notes that you have had a relapse into drug use and only limited abstinence from illicit drugs to-date (un-numbered pages 8-9). In that regard the pre-sentence report at the bottom of un-numbered page 5 states:

Community Corrections note Ms Ford's engagement in substance intervention as a protective factor, however raise concern for her compliance on home detention owing to previous relapse following custody and limited abstinence from illicit substances to-date, and note a condition to 'not take any illicit or prohibited substances' on home detention may set Ms Ford up to fail. Ms Ford should be required to submit to urinalysis testing on home detention, should she return a positive test for illicit substances, the order should be returned to court for breach action.

In those circumstances I am not prepared to impose a home detention order and note the assessment that you are unsuitable in any event. I will not condone the use of illicit substances by tailoring court orders so that you do not breach them by such use.

So I am then left with the question what sentencing disposition will ensure your offending stops and that you are offered the chance to manage or overcome your use of illicit drugs. You have been found to be unsuitable for community service but suitable for community supervision.

Given the uncertain nature of your sobriety according to the author of the pre-sentence report I would not be prepared to impose a sentencing disposition that places you directly back into the community, unless it was done on conditions. However, I was encouraged to clarify the position in relation to your sobriety given your own claims of sobriety and the correspondence I have received from the Salvation Army.

Ultimately, the Court requested that the author of the pre-sentence report attend Court to clarify the position. The Court heard from the author during a hearing on 18 September 2025 and she confirmed your attempts at rehabilitation and the accuracy of the material that had previously been handed to me by your counsel.

Bianca Louise Ford, I convict you of trafficking in a controlled substance, contrary to s 12 of the *Misuse of Drugs Act* 2001. I impose one sentence. I sentence you to an immediate term of imprisonment of 18 months but suspend the whole of that term for a period of 18 months on the condition that you do not commit an offence punishable by imprisonment. Also in that regard, under s 24(2) of the *Sentencing Act* 1997 I make the order suspending your sentence subject to the following conditions which include a supervision order and an order as to rehabilitation programs:

Supervision Order

- That you will be subject to the supervision of a probation officer for a period of 18 months. I impose the following as conditions of your supervision:
 - 1 You must, during the operational period of the order, submit to the supervision of a probation officer as required by the probation officer;
 - 2 You must, during the operational period of the order, undergo assessment and treatment for drug dependency as directed by a probation officer;
 - 3 You must, during the operational period of the order, submit for testing for drug use as directed by a probation officer;
 - 4 You must, during the operational period of the order, undergo assessment and treatment for alcohol dependency as directed by a probation officer;
 - 5 You must not, during the operational period of the order, consume alcohol;
 - 6 You must, during the operational period of the order, submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer; and
 - 7 You must, for the purposes of that order, report to a probation officer at 75 Liverpool Street, Hobart, within 2 business days of your release.

Rehabilitation Order

- That you undertake any rehabilitation program required by your probation officer:

- 1 You must, for the purposes of that order, report to a probation officer at 75 Liverpool Street, Hobart, within 2 business days of your release.

These are not like community service or community supervision orders they work as conditions upon which the suspension of your sentence rests. If you breach these conditions imposed under s 24(2) you may be brought back to the Court for re-sentencing and required to serve an immediate term of imprisonment.

By making those orders under s 24(2) I acknowledge the seriousness of your offending. I am also concerned about your level of sobriety, but I have done all that I can to ascertain your current status in that regard and I am relying upon the material that has been handed up and the oral testimony of the author of the pre-sentence report on 18 September 2025.

If I have erred in this sentencing disposition by accepting evidence of your sobriety and that manifests itself through a breach of the Court's orders you will be brought back and re-sentenced. This disposition gives you an opportunity to turn your life around for yourself and your son. It is entirely up to you whether you take it. I also make the following ancillary orders.

I make an order pursuant to s 36B(2) of the *Misuse of Drugs Act* that you pay the costs of analysis of the methylamphetamine seized being three thousand and sixty-nine dollars.

I make an order pursuant to s 38 of the same Act that the following items be forfeited to the State of Tasmania, being items referred to on property seizure record number 208232 and 311598, including:

- A Samsung phone referred to on property seizure record 208232, and I note a copy of that record was tendered on the sentencing hearing; and
- The items listed on property seizure record 311598, including:
 - a case;
 - a white container
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