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Speeding Fines

What You REALLY Need to Know!

By Aussie Speeding Fines

www.aussiespeedingfines.com

It is Focus and Attention, NOT Fines and Detention that REALLY save lives on our roads!

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Foreword

We would like to begin by congratulating you on making the decision to stand up for your civil and common law rights, and for taking action to learn what traffic fines are REALLY all about and how to effectively deal with them for yourself. Also, as you are about to find out, by taking action yourself, you will, in turn, be helping others as well and, hopefully, when others see you standing up for your rights and helping them in the process, they too will want to do the same.

We can assure you that you will be very well rewarded for your decision to learn, stand up for your rights and make a difference. We know your time is valuable and that is why we have kept all the chapters short and directly to the point. We do not want to hold you up any longer, as we know you want to get straight into it.

However, due to the nature of the information contained in this e-book and how eager the authorities are going to be to shut us down, we must direct you to firstly read the Legal Notice section. Once you have read that and agreed to the terms and conditions within it, then, by all means, read on, learn and enjoy!

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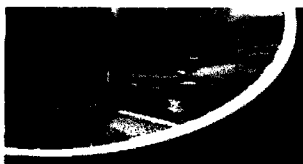

Speeding Fines

SAVE YOUR [illegible] NEVER PAY A [illegible] SPEEDING FINE PARKING TICKET OR [illegible] RED LIGHT CAMERA'S ME AGAIN!

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Introduction

Okay, so, now that we've got all the legal stuff out of the way, let us start by explaining what we are going to cover and why. Let us also state, right from the outset, that we have been involved in researching the following information for many years now. The examples we give have been tried and tested, some have worked, others have not. Some have worked every time and some have worked some of the time. Now, if the justice system was actually "just", how could this be the case? Either something IS the law or it is not. Sounds simple, but as you will see when you read on, this is not always the case.

And this brings us to the reason why we are continuing our research and why we have finally decided to publish our findings. The system that we are being forced to operate under at the moment is not "just", it is not legal and, as you will see in a moment, the supposed Laws surrounding traffic fines have NOT been lawfully ratified or enacted.

In relation to speeding fines, the police are using devices to book drivers that do NOT comply with Federal regulations but, more importantly, these devices are just plain inaccurate. A tree was detected at 60km/h; an old Datsun that could not physically reach 120 km/h (even on a dyno) was booked for doing 158 km/h and truly innocent people are losing their jobs and are, in MANY other ways, being disadvantaged as a result of these inaccurate devices.

Beyond that, though, the system as a whole doesn't work. The road toll has NOT been reduced and our roads are NOT safer to travel on. Shortly, we are going to cover how the government has been lying to you and, under the guise of "Road Safety", has been illegally taking money from you, without actually increasing road safety at all.

Our aim is to educate people on how they are being ripped off, to show them how ineffective the current system really is and explain how we intend to create a new system that is fair and equitable for all road users but, more importantly, a system that actually works. Please see the next chapter to find out how the NEW system that we want to implement would work for ALL drivers.

This information is NOT provided so that young hoons can reign supreme on our streets and never pay a speeding fine again. It is NOT designed for people to use irresponsibly, it is provided to educate you and to ultimately replace our current, highly ineffective system with one that actually WORKS for everyone.

You are, as they say, in for one hell of a ride, so, get comfortable, read on and be prepared to be blown away.....

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Chapter 1 >>

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Introduction >>

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1. History

To begin with, the Australian government is currently working towards implementing a national road rules system called the Australian Road Rules. Click this link for further details:
http://www.rta.nsw.gov.au/rulesregulations/downloads/roadraustr_dl1.html

Currently, that is only in force in New South Wales. Instead, each state has its own set of road rules. For example, in Victoria, it is Road Rules Victoria – all other states have a similar set of rules. To check the rules for your state, click this link:
http://www.overclockers.com.au/wiki/Guide_to_Road_Rules

What they don't tell you is that these rules are NOT law, they are simply GUIDELINES to help traffic flow.

For example, Road Rules Vic/QLD/SA etc. is simply a publication. It has never been laid at the table of Parliament to be signed off on and is, in fact, NOT law. The person who was allegedly authorised to create this publication in Victoria for example, (as it states on the inside cover) is Colin Jordan. He calls himself the Chief Executive of the Roads Corporation (now known as Vicroads). However, as you will see from the attached Freedom of Information (F.O.I.) request, he was NEVER officially appointed that position. Therefore, just to begin with, the publication is not actually officially authorised.

Refer to Appendix A to see a copy of an F.O.I. reply letter from Vicroads.

Now, when you look at that F.O.I. request, you will notice another question that was asked. That question is in relation to a "certified copy of any alleged statutory declaration/ document/contract/deed that contractually binds Vicroads to ....." Now, most people consider that their Driver's Licence is this article, but note the reply from Vicroads – it is NOT. In fact, there is NO such article and you are NOT in any way bound by the rules of any company, unless you work for them and AGREE to their rules BEFOREHAND.

That's right, a company. VicRoads/NSW RTA/ Queensland Transport etc. are NOT some big scary government organisations, they are simply privately owned companies that have a contract with the Victorian/New South Wales/Queensland etc. Government to provide certain services for them. Eg. Keeping track of your licence details. No COMPANY like the NSW RTA, Queensland Transport or VicRoads actually suspends your licence – they simply keep track of your demerit points and are the record keeping arm of the various state governments.

Speaking of companies, did you know that the "State of Queensland" is a company listed with the equivalent of the Australian Securities and Investment Commission (ASIC) in the United States?

In fact, just to give you the big picture in all of this, the Federal Reserve bank is actually foreign owned as well. Imagine that, the bank that controls ALL the money in this country is controlled by mainly American bankers! This is a huge topic on it's own that will be left to another e-book so it can be covered fully.

Anyway, back to traffic fines - did you know that there is NO provision in ANY state Constitution for a police force, which therefore means that all police forces must be private companies, as opposed to a government department and are, therefore, subject to the laws that a private company would be.

Interesting, huh? But it gets better, MUCH better. Let's go back to Road Rules Victoria for example (every state has a similar version and some states are EXACTLY the same) and take a look at the front page, the Introduction, which explains how the publication is to be used. Even VicRoads themselves refer to it as a "document" - not a Law or an Act or anything even resembling something LEGAL.

"The following document entitled "Road Rules – Victoria" is published by the Roads Corporation (VicRoads) to ENABLE the contents to be ADOPTED as law in Victoria." Could you get a more fluffy piece of writing if you tried?

Let's look at some of the terminology within the document itself. We'll start with the favourite of the boys (and girls) in blue – Road Rule 20:
"A driver must not drive at a speed over the speed-limit applying to the driver for the length of road where the driver is driving." That seems pretty clear - MUST NOT drive over the limit.

Let's take another, Road Rule 27 –
"A driver turning left at an intersection from a road must approach and enter the intersection from as near as practicable to the far left side of the road." Again, very clear – MUST stay left – and kind of

makes sense too.

Now, let's go back to the fluff on the front page – "to ENABLE it to be ADOPTED as law." How about – "This is the law." Or "This document is legally binding for all drivers in Victoria," or something similarly clear and concise.

In fact, if you look at the words they use, they actually tell you that it is NOT the law. "To ENABLE" it means that it is actually DISABLED, or has not yet been enabled. If you want to enable something, it means by default that it is currently disabled. By definition, to ENABLE it to be adopted into law means that it is NOT law!

In Victoria, you can buy a copy of the book entitled Road Rules Victoria from the government printers – and all other states have very similar wording/examples, etc. Go and buy a copy and look at the rubbish the government, the police and the lawyers are feeding you every day.

But, hey, we're not finished yet – we've barely even started. Let's take a quick look at Road Safety (Road Rules) Regulations 1999 – which is what all the police prosecutors will tell you makes the Road Rules Victoria publication legal.

Part 2 – Road Rules – Victoria. Section 201, Page 5 – Incorporation of Road Rules into Victorian law.

1. The Road Rules are to be read and construed with these Regulations **as if** they formed part of them.

"As if" is about right. Again, very simply, by definition, to say "as if" they form part of them, means that they do NOT. "Mate, I would like you to treat my Commodore AS IF it was a Ferrari" – clearly, that means it is NOT.

You know what, save yourself some money (there's no use giving the government any more of your hard earned cash) and check out these two points (and publications) on line at:

http://www.dms.dpc.vic.gov.au/Domino/.../$FILE/99-120sr016.doc Road Safety (Road Rules) Regulations 1999.

http://www.gazette.vic.gov.au/Gazettes1999/GG1999P002.pdf Road Rules Victoria P2

It's all there for you to read and it's important for you to do that so that you KNOW yourself EXACTLY what we're talking about here.

Use the link below to access the various Road Rules publications for your state and you will find the same types of inconsistencies. http://www.overclockers.com.au/wiki/Guide_to_Road_Rules

Everything that you will read in this e-book is our experience and our findings, but please don't blindly just follow what we say. Take the time to check it out for yourself so that YOU truly understand what is going on out there.

Now, we could go on forever shooting holes in these two publications, but these are the two MOST blindingly obvious points. Not that it will really help you that much in an actual court situation because, if you try and get out of a fine based ONLY on these points, you will more than likely lose.

What you now need to understand is that the whole "Justice" system is corrupt, they all work in with each other to keep their little system working and to continue lining their pockets. If you take this stuff to most lawyers, they will come up with any number of excuses NOT to run with it, and rightly so, because they would lose everything if they stood up for you and fought the very system that they have sworn to protect.

Think about it for a moment. If you were to win a case and PROVE that the Road Rules in your state were NOT law, then it would be the same as opening Pandora's Box and there would be mayhem on our roads. If you DO want to use this information, bring it up as a suggestion that the way it is written doesn't add up and there is certainly some DOUBT as to the legality and enforceability of these publications.

Remember, to win your case, you only have to provide reasonable doubt. Use this information as your "jab" and save the knockout punch for later. This information is really just provided to open your eyes to what is going on in our so-called "Justice" system and to show you what rubbish we are buying into every day and what THEY are getting away with.

Now that you are one of the educated few, we know you will not put up with this any more – will you?

Another major concern is, what happens to all the money that the governments are collecting from all the fines we pay, based on Road Rules that are neither legal nor valid? Where does it go? The government will tell you that it goes to improving our roads. Really? Drive around your local area and actually READ the signs where they are doing major road works, ring roads, etc. – most of the time it is funded by the TAC, not from revenue collected from motorists. The TAC is funded by your registration

payment, NOT fines.

Now, if the TAC is funding the road works, then where is all the speeding fine revenue going? EXACTLY! We are still in the process of investigating the money trail, but so far we have found NO proof that it goes back into improving road safety at all. In fact, our sources have told us that a large portion of the money goes back into buying MORE speed detection devices so the government can make yet MORE money!

It does make sense though. If you had an investment that made you 1 BILLION dollars a year, wouldn't you take a bit off the top for yourself and then put the rest back into making ANOTHER billion? Most people wouldn't feel so bad if the government actually came clean and said "Yes, it is simply revenue raising and we are putting it towards schools and hospitals etc." but to blatantly lie and then direct virtually NONE it back into road safety – in particular, improving the quality of our roads – is just simply unacceptable.

Think about this for a moment: look at the size of Australia compared to Europe. Once you get out of the major cities – Sydney, Melbourne, Perth, Brisbane, etc. the roads are VERY open and sparse. How differently populated is Europe? They have millions of people confined into a VERY small space, yet we have our population spread over a HUGE area. Europe manages to have safe autobahns, with unlimited speeds, travelling through densely populated areas, so why then don't we have them with our sparsely populated country?

Why on earth don't we have 4 or 5 lane (each way) open speed limit roads between the outskirts of Melbourne and Canberra, Sydney and Brisbane, etc.? The government will have you believe that the maximum safe speed to drive is 110km/h – what a load of rubbish! Any of you who have ever driven in Europe will know just how built up Europe is, how much traffic their Autobahns take, yet how fast they drive on them and how safe those roads are in comparison to ours.

Research has PROVEN that the faster you do something, the MORE you concentrate. Anyone who knows about speed reading will understand this. Most people get distracted by other thoughts when they read because they do it so slowly. When you speed read though, you focus intently.

Think of the professional chef who cuts up vegetables at a million miles an hour. How often do they cut themselves? Very rarely, because they are so focussed. Yet, how many of you have been watching the pot boil, listening out for the children whilst cutting something, and then slipped?

It is EXACTLY the same with driving. Driving has become so boring now that we eat a hamburger, talk on the phone, have the radio blaring, and THAT is when accidents happen. How fast do race car drivers go and how few fatal accidents are there on a racetrack? Look at Europe and their Autobahns: they drive at TWICE our speeds or MORE and have very few accidents. Why? Because they are very focussed on what they are doing.

We assure you that you are a LOT more focussed at 150 km/h than you are at 100km/h, and unbelievably focussed on EVERY little thing at 200 km/h. Now, not everyone is capable of driving at these speeds and we are NOT suggesting that everyone should. But, hey, give those that can the opportunity to do it so they don't get bored and fall asleep behind the wheel – because THAT is what really DOES cause accidents!

People complain because "young hoons' are flying around back streets at ridiculous speeds. Is this dangerous? Absolutely. So, why do they do it? Because they know that the cops are set up on all the freeways and highways, where it would be much safer to speed, but they don't usually sit in the back streets.

Now, think about this for a moment: if people could drive half an hour or an hour and connect with an Autobahn and drive as fast as they wanted (safely and within their and their cars capabilities, of course), do you think they would still feel the need to race around back streets? We think not.

So, it seems very simple. The government raises hundreds of millions of dollars in speeding fine revenue, which they then immediately put back into improving our roads and creating Autobahns for us to quickly and efficiently travel between distance places. That's the way it works, right?

WRONG!

Why? Because, firstly, the governments would no longer have control over us and, secondly, they would no longer have people speeding on "normal" roads – because they're now off to the Autobahns – so they would lose all that revenue.

This is one of the reasons why we need your help. It is only with time and money that we are able to continue our research and get this message out to as many people as possible (unfortunately, marketing and advertising costs money). As any of you who have been involved with research before would know, it is a very slow and time consuming process as well and we still need to eat. This is the reason why we need you to tell everyone you know about our website (www.aussiespeedingfines.com) and this e-book. Please urge them to purchase their own copy of this information for themselves because, the more money we raise, the more research we can do and the more information we can pass on to you about our findings and the more advertising we can do and, in turn, get this information out to more people.

Click Here to Join Our Affiliate Program so that You Can Earn Money While You Are Spreading The Word About Motorist Rights!

This process is continuing every day and more and more people are getting involved, but it does take time and money to find the information and test it out. Sometimes a technique doesn't work and we actually have to pay a fine, but hopefully we can then figure out why it didn't work and find strategies that will work for you virtually every time.

This brings us to the next reason we need your help. As you will read in the coming sections, we need EVERYONE to object to their fines. We need people to take a stand, to exercise their civil and Constitutional rights and say, "No more." The only way that we're going to be able to MAKE the government take notice and implement new changes is by hitting them where it hurts – their back pocket.

When the money stops rolling in from these unlawful fines and people stand up and say, "We're not going to be subjected to your rubbish Road Rules and inaccurate speed detection devices any longer", they will HAVE to take notice of us and listen to the changes we propose.

Speaking of which, so that you can understand our bigger picture in all this, we would like to take a moment to explain what we are ultimately trying to achieve. Think back 10 years to how many internet laws there were – not very many.

How many are there now? Thousands. Why? Because the complexities of the internet are constantly changing and therefore the rules and laws that govern the net need to change in line with new technology and the complexity of "the net" itself.

Why then are we still operating on 50 year old road laws which were created when our cars had poor vision, drum brakes, no power steering, etc. when our cars are now safer, they handle better, they're more responsive and people, on the whole, think a lot quicker? It's just crazy and the fact is that it DOESN'T work. Most of us now drive cars with ABS, traction control, stability control, airbags and bigger brakes. These speed cameras and radars have been proven NOT to improve the road toll at all – ALL they do is produce more money for the government. As we mentioned before, currently about $3 million a DAY!

Apart from the Autobahns that we would like to see constructed, to both improve traffic flow between major cities and, as an outlet for frustrated inner city drivers, we are looking at implementing a number of other strategies. Just as you have certain restrictions for L and P platers, we would like to see a system of A, B, C, etc. plates for drivers that would be dependent on advanced driving tests, reflexes and the capabilities of the cars as well.

For example, there is no way that an old lady in her 1960's Volkswagon (which hasn't been serviced for 3 years) should be doing anything like the same speed on a road as say, an airforce pilot in the latest model Ferrari. The capabilities of the cars are completely different, and the reflexes and response times of the drivers are totally different.

We want to introduce a system that firstly TRAINS people to be better drivers BEFORE they actually get a Driver's Licence and, secondly, REWARDS people for pursuing advanced driver training, etc, so they CONTINUE to become better drivers.

We would like to see the introduction of a system where, as you completed various advanced driver training programs you received a progressive discount off your registration or your insurance. If the government insists on having a demerit points system, for example, wouldn't it make sense that you lost points for every ACCIDENT you had – rather than simply breaking some arbitrary speed limit? After all, it is accidents that we are trying to reduce, isn't it? Then, your insurance company would CORRECTLY rate your level of risk on how many accidents you had – NOT how many speeding fines.

Our proposed system also includes clearly identified plates (like L and P plates) that indicate the level that a driver has achieved, the type of vehicle they have and the relative speeds – given certain built up areas, etc. – that they can then drive at. For further details on our proposed system, please click the "**Our Vision for the Future**" link on the main website.

"But that would be way too hard to police or enforce", say people. Yeah, so what? So are the copyright laws for pirated movies and most of the internet laws. That doesn't mean you don't have them, you just have to try a little harder.

Now, while we're on the subject of laws, let us also look at the topic of punishment. To begin with, for there to be a requirement for punishment, there actually has to be a crime first. For there to be a crime, there must be a victim. If you steal from someone or assault someone, there is clearly a victim, therefore these are clearly crimes. If you break the speed limit by 5 or 10 kilometres an hour, where is the victim? If you drive without a current state enforced licence, who is the victim?

Now, the government will try and tell you that these are potentially dangerous activities and that is why they are considered a crime. Great, so do they charge people who run skydiving courses or people who go hot air ballooning every time they take someone up in the air because it is potentially dangerous? No, of course not. Mind you, if a person or company does not maintain high safety standards and someone is injured or dies, THEN they will be charged because then there IS a victim.

So, why is this not the same for traffic offences? If you drive 10 km/h over the limit and nothing happens to anyone, you are charged with speeding. If you drive 10 km/h over the limit and hit someone though, you are then charged with dangerous driving or something similar. The government can't have it BOTH ways – you either charge someone with an ACTUAL crime or with a POTENTIAL crime, not BOTH.

It can ONLY be a crime if there is a victim and you should ONLY be charged THEN. You cannot go around charging people for activities that may NEVER cause anyone any harm. We must then look at the concept of intent or negligence. Someone must be able to prove that you INTENDED to cause someone some harm, or do something wrong, or that you were NEGLIGENT in that you didn't stop something from happening that could cause someone harm.

Where is the intent or negligence in driving 5 or 6 km/h above the speed limit? This is such a small margin that you could hardly say someone intended to do it, and again, even if they did, where is the proof that intent was in any way related to a crime – as speeding is NOT unlawful – or to harm someone. There can hardly be negligence since the ADR specifications allow for a 10% error in speedo readings so even if you were sitting right on or even BELOW the set limit you could still be speeding.

The whole so-called "justice" system around traffic fines – especially speeding - is plain and simply a JOKE! We have a common law right to be presumed innocent until PROVEN guilty yet these agencies (Civic Compliance, SDRO, SPER etc.) would have you believe that them simply sending you a letter saying you were speeding constitutes some kind of proof. This is a complete load of rubbish and we cover the best way to deal with this in Chapter 3.

What's even worse is that unless you get onto it quickly enough you will either have money illegally extorted from you (because they force you into paying) or you will be forced to waste valuable time and money going to court to prove your innocence before any guilt was established. How can we, as Australian motorists, stand for this ANY longer? Hopefully, after reading this you WON'T and you will encourage others not to either.

As an interesting side note to this, if you elect to take your speeding fine to court and ask them about your case, you will be told that it is a quasi-criminal case. A what???? Now, we all know what a civil case is and speeding is certainly not one of those.

We know what a criminal case is and, as we just covered, without a victim and without intent or negligence there can be no crime. So, how does the Government get around this? They create some rubbish thing called a quasi-criminal case.

Okay, so, if this is a completely different type of case, it should be heard in a completely different type of court, right? Wrong. They will at least have a different session or a new judge to differentiate between criminal cases and quasi-criminal though, yeah? Again, no.

If you go to court to have your speeding case heard, it will be heard along with people on drug charges, theft charges, etc. How can this be possible? It's possible because people don't know any better, because they don't ask the right questions. By all means, ask the judge when he calls you up what court you are in. Ask him what type of case he is discussing and see what he says. If he says he is hearing a criminal case, then simply ask the Police Prosecutor who the victim in the matter is. If he says the victim is the "State", then you know there is something wrong because you and I make up the "State" and neither of us are the victim of someone else doing 5 km/h over the limit.

Please be aware that none of this is going to help you get out of a fine, but it IS worth knowing so that you fully understand what is going on in our so-called "justice" system and why we can NOT simply sit back any longer and allow this to continue.

Okay, so, let's get back to punishment, despite the fact that we have just established that no punishment is warranted for speeding offences because there is no crime. A couple of points you need to understand - firstly, you cannot be punished for the same crime twice. If you murder someone, for example, you get sentenced to 10 years in jail and that's it. In fact, as we all know, with most crimes, people actually serve far LESS than their original sentence.

We have all heard of the term Double Jeopardy, which states that you cannot be tried for the same crime twice. This is a very straight forward approach that makes sense to most of us. Most of us would also agree that the punishment should fit the crime, and punishment should be incremental for similar crimes. For example, if you got a year in jail for punching someone, you would expect to get 10 years in jail for killing someone. You wouldn't expect to get 5 years in jail for stealing something and 6 months in jail for raping someone. There has to be some logic and order to it all for it to work and make sense.

Yet, this is NOT the case when it comes to traffic "crimes". We actually get punished 3 times for the same thing that isn't even a crime! We receive a monetary fine, demerit points on/off our licence (which you can then lose) AND it affects your insurance. That's right, your insurance – go and read your current insurance policy – quickly!

Do you realise that if you get a speeding fine and you DON'T tell your insurance company, they then have a legal loophole whereby they can NOT pay you in the event of an accident. When you apply for

insurance, you will be forced to sign (otherwise you won't get cover) a release form that says you give the insurance company permission to check your licence record in the event of a claim.

Even if someone hits you whilst you are stationary, they can refuse your claim because you had one speeding fine, that is COMPLETELY irrelevant (see below), that you forgot to tell them about. But if you DO tell them about a speeding fine, they then have a right to refuse you on-going insurance or charge you MORE for it!

In fact, MOST insurance companies will NOT insure you if you have had your licence suspended at ANY stage in the past 5 years and many companies will not insure you if you have had more than 2 speeding offences in the last 3 years. Some of them are even 5 years.

My God, you can get less than 5 years' punishment for killing someone, yet an insurance company can now refuse you insurance – which obviously causes a LOT of uncertainty and stress (especially if you have an expensive car) - all because of something that is NOT even illegal or dangerous and has NOTHING to do with your insurance!

There is NO proven correlation between driving 10 or 20 km/h above the speed limit and having more crashes – despite what the authorities will try and tell you. In fact, WORLDWIDE research has shown that speeding – as in exceeding some arbitrary set speed limit - has almost NO correlation to accidents. The TRUTH is that is only a factor in 5% of accidents and even then, it is only A factor, not THE factor.

Please download the "Crash Statistics" file from our Vision for the Future page and see for yourself. Click the "By Severity" tab and follow the yellow highlighted lines across to the "All Accidents - Percentage" section. You will note that it is "Driving too fast for the conditions" section that is the problem and this is why better driving training, not lower speed limits, is the answer.

Please, as with everything in life, ask for the PROOF before you blindly believe something. We URGE you to follow up, check and confirm everything that we outline in this e-book – that's why we include links to legal web pages, why we have scanned in ACTUAL letters that we have received from various agencies and why we quote ACTUAL cases – to PROVE our facts. What does the Government do to prove ANY of their claims, other than offer up fancy TV commercials that bear NO resemblance to reality?

We trust that you can now see why we MUST all band together, why we must ALL exercise our Constitutional and common law rights and do something to change this ridiculous system?

Okay, so, that's the reasoning behind all of this. Hopefully, your eyes are now at least slightly open to what's going on out there in respect to all the traffic laws – speeding fines in particular - and we trust that you are passionate about doing something to change it all. So, let's move right along .....

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Chapter 2 >>

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2. What to do when you get pulled over.

We all know that familiar feeling of hearing a siren somewhere behind us and glancing into the rear view mirror and seeing the flashing red and blue lights fill our field of vision. The heart sinks and you begin to ask yourself ,"Damn, how fast was I going?" (This is, of course, because we know that it is far more important to focus on the road rather than the speedo – despite what the authorities would have us believe). Well, fear not. There is no longer any reason to feel bad. Understand and accept that the police officer is just doing what he has been taught to do and you are now going to do what you have been taught to do.

Okay, so, the first thing we suggest is to get out of the vehicle and walk over to the police car. We say this because this way the officer already loses much of their power. They are used to walking up to your car and towering over your window to intimidate you. Don't let them. You have every right to get out of your vehicle and walk over to their car, or at least meet them somewhere in the middle.

We also suggest that you do it in a way that shows confidence, strength and certainty – yes, even for you females out there reading this. Undoing an extra button on your top and smiling sweetly is not going to work with a female officer pulling you over and won't even work for half the male ones any more – the strategy outlined below will put you in a far more powerful position – every time.

As a quick aside to this, do you want to get off a ticket because someone felt sorry for you or liked your breasts/smile, etc. or would you rather avoid an unlawful fine because you knew that you were doing nothing wrong and you stood up for your rights? We are firm believers in educating people. Knowledge is power and giving you the information to stand up and fight for yourself is important to us. You are then in control, rather than being at the mercy of what someone else thinks of you.

As the old saying goes; 'GIVE a man a fish and you feed him for a day – TEACH him how to fish and you feed him for life". We want to teach you how to stand up of for your rights so that you can apply the principles in this e-book to any and ALL unjust and unlawful situations you may encounter in your day-to-day lives.

Anyway, moving right along. We suggest approaching the officer in an almost indignant way. You don't want to be abrupt or rude, but you want to speak and act from the point of view that "I have done nothing wrong and you are just wasting my time. I know my rights and will stand up for them." Obviously you don't actually say this, but just come from that place within you when you communicate with the police. Don't be like, "Oh please be nice to me, take pity on me", etc. Police officers have an uncanny way of sensing when someone is in fear of them and are trained to use that to their advantage.

Think about it for a moment. Why would someone become a police officer – specifically a traffic cop? If they just wanted to uphold the law and make sure people did the right thing, they would have become a lawyer or a REAL cop (yes, we know we are going to upset some people with this comment but hey, build a bridge and get over it!).

Many love the power and control that comes from wearing the blue suit but the traffic cop gets that EXTRA sense of power by pulling someone over and putting them in fear – despite that fact that they have hurt NO-ONE. Don't get us wrong, we have nothing against police members and most of the police we know (which are quite a few now) do have good intentions, but almost all traffic cops are on at least some kind of ego trip. So, don't show fear, don't be scared of them. They are just human beings, doing a job, like you and I.

In fact, most people think that the Police are some kind of big government agency but they are NOT. Our research has actually proven that Victoria Police, NSW Police, etc. are actually all offshore, privately owned companies and the people working for them (ie. Police Officers) are basically just contracted out to the various states. So, as we stated in the previous chapter, they really are just normal people working for a big company – nothing more.

Okay, so, what do you say and not say? Firstly, in the words of that excellent TV show, The X Files – "Deny Everything!" If the officer says they are pulling you over for speeding, just simply say, "But I wasn't speeding." If they ask you if you know how fast you were going, simply repeat again, "I was not speeding." You do NOT have to answer ANY questions other than your name and address, however, it is worth mentioning that you were NOT speeding, as this will be taken down in the officer's notes.

When an officer asks you why you were speeding, he expects that you will give some kind of response or excuse. This gets noted down and becomes the basis of proof for the fact that you were actually speeding and agreed that you were. If you deny speeding completely, they are forced to go to a lot more effort to prove that you were. For example, if you confess to a REAL crime (as opposed to these

fictitious quasi-criminal offences), it is much easier for the Police to prove their case in court than if you deny your guilt all along – it is exactly the same with speeding fines.

The officer will explain that he has pulled you over for speeding and will usually tell you what speed you were ALLEGEDLY doing and in what designated speed zone. Immediately state, "I was not going that fast. I was not speeding." He will write down what you say and this will become important for later on when you challenge this in court. If he asks how fast you THINK you were going, just repeat again, calmly and concisely, "I was not speeding."

They should then offer to show you the laser or radar device that they detected you with. Always agree to see this and ask, "Can you please point out where on this device it shows MY car speeding?" Of course they can't do that and this again will become relevant later. If he does not offer to show you the device, make note of that fact. Ask the officer how he measured your speed. Sometimes he has just followed you and estimated your speed. This will all be used against them later on.

You must hand over your Driver's Licence and state your current address. He will usually do a licence and registration check on the spot, so make sure everything is up to date, otherwise he will have extra ammunition to use against you later.

If he gives you a ticket on the spot, just be pleasant and take note (some time later) that all the information that they have written on the ticket is correct. You will be amazed at how many times they write down a wrong address, licence number, etc. This, again, can be used against them later on in court.

Make SURE you have the officer's name and his station – it should be written on the ticket but it is ALWAYS worth mentally taking note of the name on his badge as you will need this information later on. In NSW the officers do not write their names on the ticket so it is especially important to take note of it if you receive a ticket there. Do NOT indicate that you will be fighting the ticket though, as this will alert them to your intentions and will cause them to take more detailed notes.

You will see in Chapter 5 how easy it is to delay any court proceedings for a VERY long time and, the fewer notes the officer takes, the better your chance to win the case. Obviously, once they leave, you want to make as many notes as possible with respect to EXACTLY where you were driving, where the police were positioned with their detection device and what they said to you. Also, note down the officer's name as you will need this for the letters you will be writing him shortly.

Now, before you even need to THINK about going to court, there is a very simple 3 step process that you can go through that will, in most cases, stop the process before it ever gets that far.

We will cover that in the next Chapter but firstly, a special note for people who drive vehicles registered in a company name – something we HIGHLY recommend doing is writing a letter, such as the one referred to below, back to the Police officer from your company's accounts department. This is based on the same principle as the 3 step process in the next chapter, but is MUCH simpler. We have tried this strategy a number of times now and have not heard anything further about the fine, we have NOT been chased up by the agency and there has been NO suspension of vehicle registration. This will only work if the fine was not for excessive speed – ie 25km/h over. If it is, you will still have your licence suspended so go with the strategy in the next chapter instead.

See Resources File – "Company_Letter.doc"

Okay, so let's look at the 3 step process in detail .....

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3. The 3 Step Process.

We have included a set of response letters that were originally formulated by the Community Law Resource Group. These letters have been SIGNIFICANTLY modified now and are applicable to ALL traffic fines in ALL states. The outline below explains the use of these letters in respect to on-the-spot fines but please note that they can be used, and have been adapted to suit, speed camera fines, parking fines, red light camera fines and ALL other unlawful traffic fines.

In the case of on-the-spot fines, the letters are mailed directly to the officer who pulled you over. In the case of other offences – eg. camera offences, parking tickets, etc. - they are mailed to the agency that is pursuing the matter – Civic Compliance, SDRO, RTA etc.

Specifically, the response letters referred to below are designed to force the hand of the Police and/or their agencies to provide specific proof of claim. You are asking them to prove that the law they are booking you under has been enacted correctly/lawfully and, where appropriate, the device that was used conforms to the relevant Federal requirements and was used correctly. It follows that if they are unable to provide any proof that they are acting in accordance with the laws of the Commonwealth, then they have NO right to request payment or forfeiture of demerit points.

In fact, the Imperial Acts Application Act section 8, clause 12 (page 43) states "That all grants and promises of fines and forfeitures of particular persons BEFORE conviction, are illegal and void." This Act is enshrined in the State Constitution of every state in Australia.

You are also pointing out to them the fact that even if they COULD somehow prove that the laws HAD been enacted correctly, the devices WERE in fact accurate and HAD been used correctly, that you still can't legally discharge a debt over the value of $20 in Australia anyway, because of the way that the Currency Act 1965 is written.

Click the link below to access a copy of the Currency Act 1965 and read sections 9, 11, 16 and 22 for a full understanding of why this is the case.
http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/...

Now, some agencies will try and tell you that the Currency Act is irrelevant and has no bearing on fines. Please understand that the Currency Act is THE most relevant piece of information when it comes to actually paying/discharging a fine! As we are no longer a gold backed currency, our notes have no intrinsic value and therefore there is "no valuable consideration in circulation today with which to discharge any debt/tax" which is in contravention of section 115 of the Commonwealth Constitution – "The States shall not coin nor make anything but gold and silver as payment of debt" and this is EXACTLY what you tell any of these agencies or the Sheriff, should they try and pursue payment from you down the track.

This is the EXACT wording that the guy who gave the video testimonial on our website used to avoid paying over $28,000 in unjust and unlawful fines!

A full explanation of each letter is provided in the FAQ section as well as below. Please note that we have also now added specific letters for parking fines (see Bonus report 2 below) and red light camera fines. We have also just included a General 3 Step Process which can be modified to suit ANY unlawful traffic fine.

See – "Speeding_Notice_of_Objection.doc", "Clarification_letter.doc", "Speeding_Default.doc" and "Private_Settlement_Agreement.doc"

Also See – "Red_Light_Notice_of_Objection.doc", "Red_Light_Default.doc", "General_Notice_of_Objection.doc" and "General_Default.doc"

The Private Settlement agreement is ALWAYS the same no matter what the initial fine is for.

Please note that in many cases you MUST make use of our Court Election process AS WELL AS using these letters. If you don't, you run the risk of having your licence suspended, points being added to your licence or having a court order made in your absence. Please read the section at the end of this Chapter in relation to dealing with court orders if this has happened to you.

First Letter – Notice of Objection

It is important to respond to their demands/notices/tickets in a timely manner.

The first letter that you send back in response to the speeding fine makes a point of not entering into an argument. The Police/collection agencies may prefer to get you into court to argue your case before a Magistrate. You are not seeking to get into argument here, or to go to court.

What you are doing is objecting to their claim in relation to the infringement notice. You deny that they have any valid or lawful claim against you and request that they provide PROOF of any claim before you entertain any thoughts of paying any fine. It is your right to ask for it. It is their reasonable duty to provide it. Under the Imperial Acts Application Act you have a right to be presumed innocent until PROVEN guilty.

Fill out the blue and red fields with your own details and those of the officer/agency making the claim. Then, send it to as many relevant people as possible – the police officer concerned/Civic Compliance/State Debt Recovery, RTA etc.

The more people you give a chance to answer you questions and fail, the better your chance of winning your case.

You may need to find the postal address of the place of work of the sender, e.g. Smithville Traffic Management Unit, 1 Copper Street, Smithville, VIC, 3333. Again, please read the "*Resource Letters FAQ*" file on our Resources page for further details. Click on 'Edit', and then from the scroll down menu, click on 'Select All'; then click on the 'Font Colour' button on your toolbar at the top of the screen and select 'Automatic' to change all the text to black. Don't forget to save your copy to your hard drive and then print out your letter.

Make THREE Copies of your signed letter and send the original by Registered Mail with a "Delivery Confirmation – Advice Receipt" slip attached to the envelope (ask your post office for details). It is VERY important to do this as you can then prove down the track, should it become an issue, that the agency concerned has in fact received your correspondence.

Possible Responses & Actions You Should Take

If you receive a phone call:

Some people have received phone calls from the Police after sending the first letter. Be courteous but firm in advising the caller that you will respond to any enquiry they may have in WRITING. Ask them to please put their question in writing and mail it to you. Do NOT enter into any verbal discussion about the matter, or attempt to tell the Police that they are acting unlawfully, etc. It is important to avoid the temptation to make your point or get into argument. That may negate everything you have done and you could end up in court wondering what happened.

You may receive another notice or warning whilst you are waiting for the 28 days to elapse. This may be from another agency, like Civic Compliance Victoria, SPER, State Debt Recovery Office or the Infringements Court.

Send these agencies a copy of the Conditional Acceptance Letter with a cover letter explaining that you are waiting on proof of claim so that you may proceed and deal with the fine.

Clarification Letter

You may receive a letter stating that a review has been undertaken and containing statements such as:

> "I am satisfied that the alleged offence was committed and the issue of the notice was justified, therefore my interference in this matter is not warranted.
>
> If you disagree with the decision, you may contest it in a magistrate's court.
>
> Under the Infringements Act 2006, you are not entitled to make any further applications for internal review of this infringement notice."

If you receive a letter worded in this way you should note that they have attempted to make a judicial decision – "I am satisfied that the alleged offence was committed" - which they have no lawful right to make. How can they make a legal decision that an offence was committed – that's what the courts are for. You should therefore write back to them along the lines of:

Dear ????,

It appears as though the line "I am satisfied that the alleged offence was committed and the issue of the notice was justified" is a judicial decision and I am requesting from you a copy of your authorisation to make such a judicial decision, as it is my understanding that only a court of competent jurisdiction can make such a determination. Secondly, I request from you a copy of the evidence that you used to arrive at that decision.

Furthermore, you make mention of an "application for internal review" yet NO such application was made – I simply objected to the Infringement Notice being issued and will continue with said objection until such time as the very basic burden of proof that I have requested from you has been met. As per the Imperial Acts Application Act, a law of the Commonwealth, I have a right to be presumed innocent until proven guilty.

Yours sincerely,

There are also a number of other letters being sent out by various agencies trying to scare people by telling them the our "internet based letters do not work" or that speed measuring devices DO in fact meet the National Measurements Act and yet agencies from other states will write and refer to cases saying that the devices don't need to comply (references to Harris V Penn have been quoted in Victoria, for example) – go figure that out! Please refer to the WA Supreme Court ruling and all the information contained in *Appendix D* to inform yourself why these devices absolutely MUST conform to this Commonwealth Act.

In any case, if you receive one of these types of letters then your first letter has been misunderstood and you should write back, pointing out that they have not addressed your first letter correctly. Include a copy of your first letter again and explain that they must respond to the points raised in your letter.

There are further details on our "*Resource Letters FAQ*" file under the Resources section but you need to send a covering letter explaining that you have NOT asked for an internal review, you have objected to the fine and are simply awaiting some kind of proof of claim. Always remind them that proof of claim MUST be received within 28 days of the original notice otherwise a formal Notice of Default will be forwarded (see next section).

Please note that if the Infringement Notice relates to a case where you would automatically have your licence suspended – excessive speed, a fine that would put you over the 12 points, etc., - then you must state, in writing, WITHIN 28 days of receiving the original notice that you wish to have to case heard in a court of competent jurisdiction.

Please use the *"Court_Election.doc"* letter to do this and see the notes below on electing to have your matter heard in court.

You may actually have your licence suspended without your knowledge if they try and stall with one of these letters, but you can NOT have your licence suspended if you have made a written request for the matter to be heard in court.

Please make SURE that you read the "*Resource Letters FAQ*" file on the Resources page so that you FULLY understand when you need to write in and object and request the matter to be heard in court.

These letters will work in most cases but you MUST still take care to protect yourself against them illegally taking further action against you. Remember, as citizens of Australia, you have the right to be presumed innocent until PROVEN guilty. We will cover the "Court Election" letter in greater detail below.

Second Letter – Default Notice

After 28 days have elapsed from your Conditional Acceptance letter to them, fill out the coloured fields in the Police Default Notice with the appropriate details, have the letter witnessed by a Justice of the Peace (they can be found by doing a search on the internet in your local area), make THREE copies and send the original signed and witnessed copy by registered mail as you did with the first letter.

You will notice that the last paragraph of the Notice says; 'Wherefore I now, in the presence of a Justice of the Peace, acknowledge and accept the default by Senior Constable Iva Radar and Victoria/Queensland/New South Wales Police as agreement, settlement and closure between the parties.'

Remember, the only way that the police officer and Victoria Police (or other state police) can NOT enter into this agreement with you is by supplying the sworn affidavit and document/s supporting their claim within the 28 day time period. If they fail to do this, then by default, they accept your terms and conditions.

Third Letter – Notice of Private Settlement Agreement

Have two people witness your Notice and again, make three copies. This Notice and copies of the first two letters are now sent to the Police officer and to any other relevant entities (Police Commissioner, Police Ombudsman, Civic Compliance, SPER, State Debt Recovery Office, etc.) to establish witnesses to the Private Settlement Agreement. They now become witnesses to the private settlement.

An extra optional action that you may take is to have your Notice of Private Settlement Agreement published in a newspaper. This certainly puts the Notice plainly in the public domain.

You now have established an irrefutable paper trail that is a matter of public record. In all likelihood, the infringement will be dropped and the matter will quietly fizzle away. If, however, you do find an officer game enough to summons you to court, you have a head start that will place you at a tremendous advantage. Handled correctly, the charge would most likely be quickly dismissed.

Please note that this 3 step process can also be used just as effectively if you have been detected by a speed camera, rather than been pulled over (see next chapter) and, as stated previously, the process can be used for ALL unlawful traffic fines. We have modified the letters to suit and you will need to send them to the agencies issuing the fine rather than the actual police member themselves. Please see Chapter 10 for further details on how this process relates to parking fines as well.

So, what do you do if they ignore your letters and keep pursuing you?

As we explained earlier, the system is corrupt and just because you have sent them these legal documents, that you have every right to send, and they have by default, agreed not to take any further action against you, it does NOT mean that they will abide by this contract.

Remember, this is a $1 billion a year industry and they are NOT going to give it up easily, but that does not mean you should be deterred. As of the time of this update, August 2007, we have had a LOT of success with these letters but, as more people start writing them, they will try and clamp down more and force people into court. Now, this will ultimately be the beginning of the end for them because they WRONGLY believe that because they are forcing people to go to court that they will just give in and pay.

But, with all the information in this e-book you will be armed to teeth and well and truly ready to fight back and to WIN! Once people stop being afraid of defending their charges in court – and why would they be afraid any longer after learning all the information in this e-book – then very soon the courts will fill up with people ready to fight back and they simply will NOT be able to handle this and then the system will finally come to a grinding halt.

Even now we are receiving feedback on an almost daily basis from people who have elected to go to court and then the agency has written back and withdrawn the claim or when they turned up in court there was no prosecutor to try the case. We even had one guy write to us recently saying that his case had been put on hold indefinitely due to a prolonged illness of the camera operator – just another way of them saying "This is too hard for us to pursue."

So PLEASE understand that just because you elect to have a matter heard in court it does NOT mean that it will actually go ahead – certainly not all the way. They will still try and scare people for a little while but it will NOT last long.

So, what is the best way to elect to have the matter heard in court, if they continue to illegally pursue the matter, to give you the best chance of avoiding the need to actually go to court?

Electing to Have the Matter Heard in Court

If you have been booked for excessive speed or for an infringement that would put you over the 12 demerit points then you will need to elect to have your matter heard in court BEFORE the due date on the notice. This means that the agency concerned must RECEIVE your court election letter BEFORE any Final Due Date on the Notice.

For all other fines, unless you get a response saying that the matter has been DROPPED, we suggest that you still send in the court election letter anyway, otherwise they may illegally issue a court order against you.

Now, you CAN still fight this – see the notes below - but it is MUCH simpler to just protect yourself in the first place. Having said that, if you are confident fighting these types of fines then that is a GREAT way to drag it on for ANOTHER 6 months, fight the court order and then go back to having your day in court again. Please note that is a fairly advanced process and best suited to those who are comfortable fighting these agencies in court.

Please note that you must send the court election letter with enough time so that the agency concerned RECEIVES this letter BEFORE the final due date on the Final Warning Notice.

Most agencies issue an initial notice and give you 21 or 28 days to pay. They then issue a Final Warning Notice that gives you an additional 28 days to pay and usually has an extra $50 worth of unlawful costs added. In most cases, you still have time to elect to have your matter heard in court right up to the due date of this Final Warning Notice – just check and make sure in your state.

We recommend sending the Court Election letter by Platinum Post because this way you can PROVE that they received it on a certain date – it is fully traceable on the internet. Recently, we have heard of cases of agencies trying to illegally issue court orders against people by saying that they didn't receive the court election form in time. Some agencies will also try and ignore OUR court election letter and tell you that the ONLY way of applying for a court hearing is to fill out and sign THEIR form – this is NOT

true! There is NO legislation that says you must only use their form and we have stood in front of a Magistrate who has agreed that since we CLEARLY stated our intention IN WRITING to have a mater heard in court then that request should have been granted.

The "Court Election" letter itself explains that you have written in (assuming that you have started the 3 step process before the fine is due) and they have not yet responded to your questions (which, of course, they can't).

You further go on to say that you want the matter heard in a court of competent jurisdiction, being a trial by jury or in a court with two Magistrates/Judges on the bench (Chapter III of the Commonwealth Constitution) – which, again, they obviously can't do.

It is important to note at this point that you can fill out THEIR court election form but do NOT sign it. Attach OUR court election letter to it which basically states that you do NOT consent to their unlawful computer courts/infringements courts and instead want your case determined by a court of competent jurisdiction.

If you refer to the High Court ruling in the case of Forge v ASIC, (there is a copy of this in the Resources section if you want to research it further yourself) you will note that, as part of the determination given, the Judges stated that all courts must revert back to the way they were at Federation.

A) "The States must a preserve a system of State courts to act as repositories of the judicial power of the Commonwealth."

B) "It is beyond the legislative power of a State to so alter a Constitution or character of its Supreme Court that it ceases to meet the Constitutional description "Supreme Court"".

C) "State legislation will be invalid where it compromises the institutional integrity of State courts and affects their capacity to exercise Federal jurisdiction impartially and competently."

Basically, all the States were given the opportunity to make any changes to their respective Constitutions before the 1900 Commonwealth Constitution was enacted but, at that time, every state had two Magistrates or two Judges on the bench of every court hearing. Just so you know, this was done based on the principles of the Bible that stated that a man could not single-handedly judge another and determine his fate.

So, as per the above determination, as a minimum, a Magistrate's court MUST have two Magistrates on the bench at the time of your court hearing otherwise you are only in front of a Bail Justice. As is explained further in Chapter 7, if two Magistrate's are not present at your case then you simply explain that you do not consent to the jurisdiction of the court.

Furthermore, there is no mention in any Constitution of Perin courts or Infringements courts and, as all Constitutions are written in the manner; "That which is not specifically granted is denied" these types of courts have no lawful jurisdiction – unless you GRANT it to them!

Finally, you make mention of the fact that anyone who is involved in taking the matter further would be in breach of their duty of oath. This assumes that you have at least started the 3 step process and, depending how far along this process you are, you will need to amend the section in red accordingly. If you have left things to the last minute and have not started the 3 step process you will need to remove these sections from the letter and simply request that the matter be heard on a court of competent jurisdiction.

You can still use the 3 step process to gather further proof for your case but it will be nowhere near as effective as if you had started it straight away.

How to deal with a court order

If you have a court order made against you because the agency took the matter to court without you, you need to understand that the order is NOT valid as it has NOT been made by a court in accordance with Chapter III of the Commonwealth Constitution. Once again, the High Court ruling of Forge v ASIC applies.

If a court order has been issued without you going to court then you need to request the revocation papers and explain that you either sent your court election letter in and it was ignored (if that's what actually happened) or, if you just didn't get around to that, that the order was made unlawfully as it was not made in your presence. It was made in an Infringements court which is an Un-Constitutional court and does not comply with Chapter III of the Commonwealth Constitution as was upheld by the High Court ruling Forge v ASIC.

Furthermore, your protection under the Imperial Acts Application Act – a law of the Commonwealth - is to be presumed innocent until PROVEN guilty and Section 8, Sub-section 12 clearly states "That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void."

Make sure you put ALL this information forward IN WRITING when dealing with illegally made court orders.

If the Sheriff attempts to contact you in respect to the order you simply explain that the matter has not yet been litigated and therefore they cannot pursue the alleged debt until it has been litigated and determined by a court of competent jurisdiction.

What if they DO take you to Court?

We have a whole Chapter dedicated to winning your case in court (Chapter 7) but in the meantime you will need to take a copy of your 3 letters and attach them to an Affidavit – you can find a copy of this on our Resources page. This Affidavit then gets lodged with the court and can be used against them before the case even begins – as they have agreed not to take any further action against you. You simply mail the Affidavit to the court and request that it be attached to your file and quote your case number.

What we have here is a first line of defence in these letters that may prevent you having to go to court. If you did happen to go to court, you would have documentary evidence, on the public record, un-rebutted, of the default by the Police officer and the agencies. Behind that is the vast wall of factual evidence, which we cover elsewhere in this e-book, which can be used to defeat the claim that the Police or camera operators are acting in accordance with all of the laws of the Commonwealth in respect of speed detection devices.

Please note that the modification and use of any of these sample letters is NOT considered to be in breach of the terms and conditions of this document, as you have been expressly given permission to use the sample letters contained in this document, and on our website, for your own purposes.

When EVERYONE starts writing these letters to the various agencies, they are going to be kept VERY busy. It will well and truly stretch their resources and eventually, they will get to the point where they simply cannot handle them. Then, if and when they FINALLY do get back to you, if it's not the answer you are looking for, then you object and request that the matter be heard in court and then you tie up the court system as well.

Okay, so, what else can you do if you are detected by a speed camera, rather than being pulled over? Read on ....

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4. What to do if you receive a ticket by mail

So, what do you do if you open the mail and have received an Infringement Notice as a result of detection by a speed camera?

There are MANY strategies to use here and we will cover each of them one by one. Be aware that some of these would be considered "illegal" and we do not condone any illegal activity in any way, we are simply educating you on what options there are for you and the consequences of using those options.

The obvious one that most people know about is simply nominating a friend or family member as the driver and getting them to take the points for you whilst you pay the actual fine. Now, there are a few problems with this method. Firstly, with double demerit points now applied in many states, you will very quickly run out of friends and family members to take points for you.

Secondly, this can actually negatively affect your friends and family in ways that you, and they, probably haven't considered. As we discussed earlier with the problem with insurance companies, your friend could end up not being covered in the event of an insurance claim if they fail to let their insurance company know about a speeding fine – even if they took it for you.

So, this is NOT an effective strategy and it is NOT one that we recommend. However, as a way of educating you, since many people speak about this strategy, we thought we would share it with you – more-so to educate you on what NOT to do though, as there are FAR better options.

We must point out here that we do not condone speeding just for the sake of it. We believe that, once people have proven their capabilities and had their driving skills PROPERLY assessed, that – those who pass certain strict requirements - should be able to decide for themselves what is a safe speed to drive at, given the conditions and vehicle they are in at the time. People are fundamentally NOT stupid and it is well and truly time that the authorities started to realise that fact and stop treating all motorists as idiots that need protection from themselves!

The next option is based on the same principle, but will only get YOU into trouble and not your friends or family members. What you do is actually nominate another driver by filling out the Stat Dec on the back of the fine. When that driver gets the fine, they write back to the agency and deny the nomination (see denial letter below). They explain that they know nothing about the fine and put the onus of proof back onto the Police. Please note this is more effective in some states than others as each state differs slightly on its onus of proof responsibilities.

See - "Denial_of_Nomination.doc"

Now, here's the good bit. This then goes into a huge black hole. Don't ask us why – we don't know yet - it just does. We suspect it's because these agencies do not have enough staff to be chasing up all these incorrect nominations.

You would think they would simply write to the person who filled out the Stat Dec and ask them to re-do it or something, but they just don't – neither party hears about the matter again. We know people who have done this many times and it works. But...

The agencies WILL eventually catch on if everyone starts doing this. As of the time of this update, Victoria has now closed this loop but has instead allowed for the option of saying that you "do not know and cannot determine who the driver was at the time" which, in essence, is much the same thing. In other states, technically, you have signed a Stat Dec, so you CAN legally be prosecuted. So, once again, we do NOT recommend this course of action, but share it with you, once again, for educational purposes. Again, as of the 1st of July, 2007 these are no longer Stat Decs in Victoria they are simply Nomination Statements so that is worth keeping in mind.

Okay, so, how about some strategies that we DO actually recommend and use ourselves?

With a company registered vehicle, you MUST nominate a driver, otherwise you will receive a greater fine and the registration will be suspended for 6 months. Now, if you own a large company and can afford the $600 fine instead of the $150 - $200 and you have enough cars that you don't mind if one is off the road for 6 months, then simply don't nominate anyone and no-one will get points on their licence.

This is NOT the case for privately owned cars – which most people's are. With private vehicles, you ONLY need to show that you have taken reasonable steps to identify who the driver was. You are not

REQUIRED to nominate a driver. So, if you happen to live with a few people or have an open door policy at home and a number of your friends know where the car keys are, or your family members just drive whatever car they want, etc. then you have no way of KNOWING who was actually driving the car on that day.

Now, you would NOT want to break the law and sign a Stat Dec that you were not SURE was 100% correct, would you? So, your only option in this instance is to write to the agency concerned and explain that you do not know for sure who the driver was at the time. They will usually ask you to supply a list of people who had access to the vehicle and all you do is supply a list of 3 or 4 names, explain that you have contacted all of these people – if you have interstate friends, that helps too – and that they have all denied driving the vehicle on the day and you know it certainly wasn't you.

See - "Personal_Vehicle.doc"

Please note that the agency will usually write back and request some kind of Stat Dec to be filled out. You must keep in mind that all these speeding fines are simply a revenue raising exercise. The government just wants money for nothing – they certainly don't want have to do anything for it. So, if you make it difficult for them to simply collect a fine, they will, in many cases, stop pursuing it. They A) can't be bothered and B) don't have the manpower. They do, however, have to cover their behinds and make it LOOK like they tried – which is why they will often request the Stat Dec.

See - "Personal_Vehicle_Stat_Dec.doc"

They then have no option but to let the matter go. You see, if you read the fines/tickets carefully, you will see that they are just "alleged" infringements or offences – they are NOT real. They only become real when you accept them.

We're going to go back into the history bit again for a moment, but if you understand anything about contract law, you will know that there are 3 elements for any contract to exist – an offer, acceptance and valuable consideration.

Now, for these fines to be valid and for the agencies to have any way of enforcing them, you have to first accept them. Remember before we spoke about "deny everything"? If you don't accept something, then it is not real, it is just an idea – it remains alleged.

If you say something is black and we say it is white, how do we resolve that? Unless there is an independent person to adjudicate, then we just have to agree to disagree – nothing more can be done. If an officer says you were speeding and you say you weren't, that's the end of it. Now, if he has another person in the car or uses some kind of device, it gets more complicated, but until, or unless, YOU accept his version as fact, it remains alleged.

No action can be taken on something that is simply alleged – for action to be taken, something needs to be proven. This is why we deny everything and ALWAYS elect for the matter to be heard in court. Now the Police have to go through the whole process of PROVING their case before they can take any further action – i.e. forcing you to pay a fine or taking demerit points off your licence. This is what we will be dealing with in the next chapter.

Okay, so, getting back to receiving fines in the mail, there is another strategy still. If I walk up to you and say, "John?" you have a choice to say "yes" or "no". If your name IS John, but you don't want to talk to me, you can say "no". If your name is NOT John, but you WANT to talk to me, you might say "yes". Either way, I can't force you to talk to me. If you receive a letter in the mail that is clearly from one of these agencies - for example, P.O. Box 1916R in Victoria - you simply write "Return to Sender – Unsolicited Mail – Please remove these details from your mailing list" on it and put it back in the mail. You don't have to accept anything you don't want to. In fact, if they EVER send you a fine again, you can have them charged with harassment, extortion and/or mail fraud under the Telecommunications Act 1997, which would be a Federal offence.

These agencies are NOT legal entities – they have not been correctly registered with ASIC and the Department of Fair Trading. They are simply administrative bodies so you are well within your rights to return ANY correspondence to them as unsolicited mail.

Too many people feel like they HAVE to accept stuff in life, and we're talking about ALL areas now, not just legal things. They feel like they have to accept what their doctor says, they have to accept what their boss says. You don't! You can CHOOSE at any time what you are willing to accept in life and what you are not. Sure, there will always be consequences, but they are NOT always as bad as you think they are.

Okay, so, what happens if you send it back "Return to Sender"? More than likely the agency will then send a follow up letter and will send extra penalties, but ultimately you can return all their letters. At some point, the agency may take the matter to court without you and, as long as you have put "Return to Sender" on everything, not just opened it and put it in the bin, you have a great case.

Sure, they will try and argue that the fine was sent to your last place of residence, but if they cannot

PROVE that you received these letters then, as we mentioned before, they cannot PROVE the fine – it is only ALLEGED until you accept it or they prove it – so there will be very little option but to grant you the opportunity to have your matter heard in court, if that's what you request.

You see, no judgement or order that the "authorities" come up with can be enforced if you have denied everything. Even if the Sheriff finally turns up on your doorstep with a Court Order, you can simply and honestly say that you knew nothing about it (you never got the papers with a court date) and did NOT get the information. Their case might drag on for a year or more before they finally get a Court Order and you then get to start the whole process again because you simply say "Well, if I knew about it, I would have defended myself in court. I was not given that opportunity and would like it now."

You simply have to request the "revocation papers" – the documents that request that the court order be revoked and you be given your chance to have your matter heard in court. If you meet any resistance to this request, then simply quote Annotation 206 of the Australian Constitution Act 1900 (UK) – That "no man can be legally bound by a judgement given behind his back and without his having had an opportunity of being heard."

These agencies CANNOT deny you your day in court. You simply request the revocation papers to be sent out for any and all fines, fill the papers out and send them back in. Please also refer to the section at the end of Chapter 3 – How to deal with a court order. All orders get cancelled and they go right back to the start again. Just imagine what a mess the court system would be in if EVERYONE did this.

Okay, you don't want to do illegal things (nor do we condone illegal activities in ANY way), and you don't want to get into ANY kind of even POSSIBLE trouble, so what do you do?

Very simple - when you get the fine in the mail, the agency MUST offer you an opportunity to have the case dealt with by a court if you want. It comes back to that whole, "He says I was speeding, I say I wasn't" and the need for an independent person to adjudicate. Not that Judges are truly independent, but that is the perception they want us to have of a court hearing.

Again, there is a particular strategy for doing this. We usually recommend, especially for first time offenders, that you write to the agency and request to be let off the matter. (Please see sample letter below) Explain that it is your first time, you have been driving for X number of years and you promise to be good in the future, etc. You will be amazed at how many first time offenders they let off – if you ask. "Ask and you shall receive", as they say.

See – "Request_Leniency.doc"

No-one is going to give you something for nothing, but you will be surprised at what people will give you if you just ask for it - something to do with them trying to uphold a positive image or some such. But, hey, whatever works. If you can get out of it that quickly and easily and don't have to worry about the rest of the steps, then great – do it.

See Appendix B to seesample reply letters from the Police

There was actually an article on the front page of The Age newspaper recently that clearly stated that, if you have not received a speeding fine for 2 years in Victoria (it is 10 years in NSW (go figure that one out) and varies between the other states) and you get one for below 10 km/h over that, if you write in and ask to be let off, you will be.

See – "Request_Leniency2.doc"

Now, here's the bit to think about. Either speeding is dangerous or it is not so, why do you get let off if you haven't done it for 2 years (or 10 years etc.)? Also, who is MORE dangerous on the road, the person who speeds all the time and is used to handling higher speed or the person who only speeds as a once off in 2 years (10 years) and is probably stressed, anxious, etc. (that's why they did it) and is NOT used to higher speeds?

Anyway, for those of you who are not first time offenders, and HAVE received speeding fines within the past 2 years (10 years NSW), you can now afford to be a bit tougher. You can now stand up for yourself and assert your new found knowledge and rights by sending off the 3 step process from the previous chapter.

The overall aim of this process is to start showing the government that we, as a nation, now understand what they are up to and we will no longer simply accept it. You will note that the concept of the 3 Step Process is to clearly inform the agency that you know what they are up to and you want answers.

These letters are just the first step in a very long process, so there's certainly no harm in trying and, as we said before, if you can avoid paying an unjust and unlawful fine this easily, then great.

Instead of addressing the officer who pulled you over, you simply write to the Issuing Officer, who will be noted on the Infringement Notice, and instead of noting the state Police Force, you would note the

relevant agency – Civic Compliance, State Debt Recovery Office etc. You could even try one of the above letters first and, if you don't get the desired result, then you could put into place the 3 Step Process.

Be aware, though, that if you are going to write in requesting leniency or objecting directly to the agency, you MUST do it within the first week of receiving your ticket. This gives the agency time to read your request and make a decision on it and get back to you quickly so that, if you don't get the answer you want, you can still have time to object, and ask for the matter to be heard in court, if you want to. You only have a 28 day (some states it is only 21 days) window to object to a fine and, if you miss this, it makes things VERY hard. This is particularly relevant for cases where your licence will be automatically suspended in 28 (21) days.

See Appendix C for a sample reply letter from the Agency

Just to explain further, you can actually apply to have the matter heard in court if you miss the 28 day cut-off, but it does start to get difficult. You have to lodge a formal application and you have to state that you wrote to the relevant department (state Police, Civic Compliance, SPER, etc.) objecting to the matter, or requesting leniency, and then explain that you didn't get an answer in time or whatever. It can be done, but it is definitely more mucking around.

The simplest thing is to make sure you leave yourself plenty of time and follow the simple steps outlined here.

Okay, so, they write back and say that they have reviewed your request, but the matter still stands. You then have the option of paying the fine or having the matter heard in court.

ALWAYS ASK FOR THE MATTER TO BE HEARD IN COURT!

Once again, in case you missed it – always ask for the matter to be heard in court – you MUST do this. It is your Constitutional and common law right to request this and, if you do not follow this vitally important step, you will make it VERY difficult for yourself.

But whatever you do, do not EVER pay the fine. If you do that, you have lost the game and nothing in this e-book can help you. The reason is because, once you have paid the fine, you have accepted their alleged offence and you WILL lose the points off your licence.

Remember, this is what they WANT you to do. These agencies want you to think that it's all just too hard and they want to simply and easily take your hard earned money from you. Do NOT let them do this any more.

As we said before, just because you write in requesting a matter to be heard in court, it does NOT mean that they will pursue it. Many times they are just testing to see how committed you are to defending your case – although this is happening less now. However, if you have used the 3 step process in a timely manner and include copies of all your letters when you write in requesting the matter to be heard in a court of competent jurisdiction, then you have a very good chance of them not pursuing it.

Okay, hopefully that is clear now. Once you have objected and requested that the matter be heard in court, they will eventually send you paperwork informing you of a court date, time and place. As of right now (February 2008), this can take between 1 – 3 months. If EVERYONE asks for their matter to be heard in court, this will blow out to 12, 18, even 24 months.

Now, here is the key. If the Police do NOT charge you WITHIN 12 months, the statute of limitations comes into effect and the matter is automatically dropped. We'll say it again, they can NOT pursue you AFTER 12 months has passed. When EVERYONE starts doing this, that will be the case more often than not.

Now, here's the other good bit. Since speeding fines are just alleged offences, they are considered quasi criminal – they are not real. These agencies MUST give you an opportunity to defend your case in court and, whilst the Government can change lots of other laws whenever they feel like it, they can NOT change this one.

Think about it, if they tried to remove people's rights to defend themselves, especially for quasi criminal offences, there would be an almighty uproar and you would see cases listed against the Australian Government in international courts around the world.

All we need is for everyone to object to EVERY fine they get, no matter how small, and this will be enough to make a difference. The courts will become backlogged.

Cases will miss the 12 month deadline and the government will start to lose hundreds of millions of dollars in illegal revenue. Then they will HAVE to take notice of us and our new proposed laws that will work for EVERYONE.

"Okay, but I don't want all the hassle of going to court", you say. You don't have to. All you have to do is play your part and get your objection into the system and you will be helping yourself and helping

others.

You see, right up to the day of the court case, YOU have the option of withdrawing your objection and just paying the fine. Sure, you will still pay the original fine, but there will be NO extra costs to pay and you will still get the same points on your licence. We MUST stress the importance of this point – you can have a number of adjournments and drag a case out for a year or so and then say at the last minute that you withdraw your objection and you still ONLY have to pay the original fine. Again, this is your Constitutional and common law right. You are not in ANY way trying to pervert the court of justice, you are simply making use of your rights, rather than constantly allowing others to take them away from you.

You simply send a cheque to the agency with a copy of the fine and make a copy of this and send it to the court along with a covering letter explaining that the matter has now been finalised as payment has been sent and the court's interference in the matter is no longer required. Now, we have just heard of one agency sending the cheque back and saying that they still require you to turn up in court. We have not found ANY legislation that compels you to go to court and any suggestion that there IS such legislation for a summary offence would again NOT have been enacted correctly.

You need to remember that this whole system is designed to get money out of you quickly and efficiently. They do not want you to go to court so if you elect to go to court and then try and pull out they may want to punish you so that you don't just do the same thing again next time.

One thing to keep in mind is that they send you this letter in the mail (the initial Infringement Notice) that tries to FORCE you to either pay money or go to court despite NO proof of any crime being committed. If you were to commit a REAL crime, you would be interviewed by the police and there would be statements taken from other people all BEFORE you were charged but this does NOT happen in respect to speeding fines.

In fact, a letter that compelled you to pay money or take a particular action (going to court) – without any prior legal substance being provided – could be construed as blackmail or extortion. Forcing you to go to court once you had tendered payment to settle a matter would be along the same lines – you are being forced to take an action (turning up in court) against your will and without compensation for your time.

Not to mention that YOU are actually not your NAME and they are taking your NAME to court, not YOU, because they can't obviously take a name to court. They call your name, which is in ALL CAPS but you answer to it and accept it as you – which it isn't (you are far more than just your name) - and you get trapped into the system – but that's getting pretty advanced.

Also, the fact that they might try and then charge you additional costs could render the initial Infringement Notice an unconscionable conduct because in most cases they simply say "pay the fine or go to court" there is no mention of any extra costs that could be involved. This would come under a breach of duty of disclosure and this is DEFINITELY something that you would bring to the attention of the Magistrate if this applied to you.

If a credit card company has a contract with you then they have to disclose all current charges as well as future or potential charges – if they didn't, there would be no obligation to pay them. This would work in a similar way with the fine, if the initial Infringement gave you an option of going to court but did not disclose any possible charges then you would again have no obligation to pay these. This is just extra ammunition to use against these agencies in court if they continue to pursue these ridiculous, unlawful fines.

The biggest benefit to this, other than helping others by filling up the court system with objections, is that when the points are eventually applied to your licence, they are backdated to the date of the original offence!

Now, as you know, your points stay on your licence for 3 years. However, as we said before, you may not get your court date for 3, 6 or even 9 months (eventually even longer) and, as we will discuss in a moment, you can then postpone and adjourn your court date FAR beyond that. It is very easy to put off a court case for 12 to 18 months (even right now before this information is easily accessible by the general public – imagine how long it will be when EVERYONE is doing this) which means that even if you pay your fine at the last minute, your points are only valid for HALF the time!

Okay, so, how do you successfully adjourn a case and drag it out for as long as possible?

Please read the next chapter – or at least the start of it – even if you intend to pay the fine at the last minute. It will help you keep your money in your pocket for that little bit longer and will keep those points off your licence for a lot longer.

Please note that this can be a VERY useful strategy if you are almost at your points limit or about to go over your limit. For example, if you know that this latest fine is worth 3 points and that will put you over the 12 points, so you will be forced to lose your licence for 3 months, but you have 3 points coming off your licence in 6 months, then you can simply use the strategies in the next chapter so that you don't lose your licence.

If you have a speed camera fine, it is very easy to ring the agency who issued it and get an extension

over the phone for up to a month by saying that you have been away and only just got back and need time to find out who the driver is. They will give you an extension and, in the meantime, you start the 3 step process and have extra time to finish it and lock them into YOUR contract before they lock you into nominating a driver, paying the fine or requesting that the matter be heard in court.

Another strategy for vehicles owned in a company name is to simply ring the agency that has issued the fine and explain that you are having difficulties establishing who the driver was at the time. They can give you a month's extension on top of the usual month they give you to fill out the Stat Dec nominating the driver of the car on the day.

You then deliberately miss out the company address when filling out Stat Dec – something that is actually very easy to do. They will then send you another Stat Dec and tell you to fill it out correctly, but you will get another FULL month to send that new Stat Dec in.

This effectively gives you an additional 3 months because THEN they send the fine to the nominated driver and he/she gets a full month to either deny the nomination or object to the fine and ask for it to be heard in court. They can also use the strategy above and get an extra month by ringing and saying they got this fine out of the blue and want time to confirm whether they were actually the driver at the time or not. This obviously only works for speed camera fines, not on the spot fines.

Pretty powerful and effective strategies, right? So, let's read on.....

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5. How to legitimately adjourn your case for a LONG time.

Now, we want to begin this chapter by explaining, once again, that we are NOT trying to incite any kind of uprising. We are not suggesting that people do anything illegal, all we are trying to do is educate you as to what your Constitutional and common law rights are and how to make the best use of them. We fully believe that if enough people start exercising their rights then the governments will HAVE to take notice and they will, therefore, be open to our new suggestions for improving road safety and our ideas for implementing a system that actually WORKS for all road users. The process of adjourning your case for as long as possible and filling up the court systems with these ridiculous speeding fines is one of the most effective ways of achieving this end result.

It is also worth noting that it does NOT cost you a cent to have your case heard in court. You do NOT need to hire a lawyer or seek legal aid and, even if you lose, it will NOT cost you ANYTHING extra!

Please, read that sentence again because far too many people say "I can't be bothered going to court" or "It costs too much to take it to court". It does NOT cost you at all and is VERY simple.

Okay, in the last chapter we spoke about having a case adjourned for as long as possible. So, how do you do that? The system is very simple in its operation and we will run you through the steps.

Firstly, once you have sent in your Notice of Objection – your request to have the matter heard in court – all other action is halted. No points are added to your licence and the monetary fine is removed. If your licence was due to be suspended, that will NOT happen either. As there is no proven infringement (because you objected to it) there is no fine and no loss of licence.

You will then receive a Brief of Evidence and a Charge and Summons Sheet. Now, please be aware that it is your right to receive this information. Some people will tell that you that you didn't request it in writing therefore you didn't get it but that is rubbish – the police are obliged to inform you of what the charges are and what evidence they have against you. If they do NOT provide this information up front then you have a very valid reason for requesting an adjournment to go over this information. We will discuss these 2 documents in detail shortly, but the important thing to be aware of at this point is the date that they want you to go to court. This date is printed on the bottom of the Charge and Summons Sheet.

It is important to understand that, by law, you MUST be given an opportunity to object to any fine, however, this is obviously NOT what they want you to do. So, having given you that opportunity, they want the matter dealt with as quickly as possible, so they send you all this paperwork to try and scare you and put you off continuing with the case.

The agencies hope that after you read all the information in the Brief of Evidence and once you have seen all the Sections and Subsections of various Acts and Regulations on the Charge and Summons sheet that you will just say "Oh, this is too hard, I will just plead guilty and be done with it". Do NOT give in – this is just the beginning.

What they expect is that you will turn up to court on the day and then, seeing the Judge and the Police Prosecutor, you will panic and you will be pressured into pleading guilty. They can then read the charges and you will be sentenced there and then and it's all over in 5 minutes. But this is NOT what you will be doing because, after reading this chapter, you will FULLY understand how the system works and how you can use the system to YOUR advantage.

So firstly, you do NOT have to attend court on this day. All you need to do is ring a day or 2 before the date listed and explain that your barrister is on holiday and you can't get hold of him. Do NOT say whether you are pleading guilty or not. If they ask you, explain that you need the adjournment to speak to your barrister and get his advice on that very matter. Request a 3 to 4 week extension and it will be automatically given to you over the phone. The courts can NOT deny you an extension if you are seeking legal advice on a case and you have not requested an adjournment on before.

It is a good idea to mention a barrister, even though you will be representing yourself, because this is often noted on the system and will be of concern to the Police Prosecutor – he thinks it is a simple speeding fine, but now you're getting a barrister involved.

At this stage, no-one is turning up for your case on that day. The file is simply held by a Police Prosecutor. If you were pleading guilty, they would run the case but, as you have requested an adjournment, the Judge will simply adjourn the case off to a Mention date and you will receive an Advice of Hearing Date letter. You will note on this letter that your case is listed for Mention and it will

also show that no plea has been taken.

You WILL actually have to turn up to court on this new date, but you do not have to run your case. The Judge will simply ask what your intentions with the case are and, at this point in time, you simply state that you are pleading not guilty. The Judge will then adjourn the matter off again, this time for a Contest Mention.

Please note, this is not some trick, this is how the system works. They want you to turn up to court and then, when you plead not guilty, they say they are not prepared for the case on the day and it will be adjourned. They expect that you will then be so annoyed that you turned up for nothing that you will just plead guilty to get it over and done with. Do NOT waste your time, use the system to YOUR advantage and waste theirs!

A Contest Mention is designed to basically give you one last chance of pleading guilty, so they can finalise the matter. If you disagree with some of the charges for any reason, you can bring that up at the Contest Mention and the Judge may actually dismiss charges at that point in time.

Remember, this information relates to ALL traffic infringements, NOT just speeding. You may have received a ticket for something as simple as failing to display a P-plate. If this is the only charge against you, the judge will often tell you and the Informant to speak and try and work things out.

If you can't come to an agreement, he may simply dismiss the charge if he thinks it is too small to warrant wasting the court's time on – this DOES actually happen, so be prepared for it.

Also, if you have a charge of speeding AND something small, like failing to display a P-plate, the Judge might still get you to talk to the Informant and he may say "If you plead guilty to the speeding charge, we will withdraw the fail to display charge". Now, it's up to you whether you agree or not, but just be aware that it is these types of things that go on during a Contest Mention. There is no point arguing charges before this time as the ONLY person who can withdraw charges is the Informant, NOT the Police Prosecutor.

To quickly explain, the Informant is there to inform you of you charges. He (or she) is the one that charges you and he is the one who can withdraw them. The Police Prosecutor is there to prosecute the case. The prosecutor is the one who runs and directs the case, he is the one who calls witnesses, asks questions and discusses the laws in relation to the case. The Informant simply gives evidence in respect to the charges. Just a quick outline so you know who does what. We know when we started out with all this that trying to get our head around all the legal terms and all the various people involved was a very daunting task. Once you understand that the system is very straightforward and no-one, other than the Judge, has any absolute power, it makes it much easier to deal with.

Okay, so the Judge doesn't order any charges to be dropped, the Informant refuses to come to the party, so what happens next? If you previously asked for leniency and were denied it or you KNOW that you were speeding and have a good case, then you can actually plead Guilty and throw yourself on the mercy of the court and the Judge. Otherwise, if you still plead not guilty (which is what we always recommend) and you want the matter to proceed, the Judge will make a final adjournment for a Contest Hearing. This is the date that your case will actually be heard. You MUST be ready to run your case on this day. You must have all your documents, photos and legal arguments ready on the new date that you will be given.

Be aware that it will take around 3 months or so before the courts can fit you in for an actual Contest Hearing. This is where they book 3 or 4 hours for the case to actually be heard. When you say that you are pleading not guilty, they will ask you AND the Informant if you have any unsuitable dates – as in, are there any dates that you cannot attend court. Make sure when they ask you this, you get an idea of when they are looking at booking it in.

It will usually be between 2 to 4 months down the track. If they say "July" for example, you can state that you know you are travelling in July, but you're not sure when. You may even be able to get them to put it off until August and get MORE time before your case is actually heard. Otherwise, you can just accept the date they give you, but then go home and find out that you have something on that date – because you're new to all of this and you didn't know to bring your diary with you to court. You can then call the court and explain this to them and it is again possible to get another extension.

Remember, the court has to find a date that is suitable as far as court bookings go, that fits in with you and ALSO fits in with the Informant. Furthermore, if there is a corroborator or witnesses involved in the case, the date has to fit with ALL of them as well. This can be quite difficult, as you can well imagine.

Now you begin to understand how you can easily drag a case on for a year or two without any real effort and this is BEFORE everyone starts doing this. Imagine what it is going to be like in 6 months time if we can get EVERYONE to take advantage of their civil rights, object to their tickets and then plead not guilty – the courts will be backlogged for years.

Ways of getting a Bonus extension even at your Contest Hearing

Just for fun, go to court one day and look at the hours a judge actually works. They start at 10.00am, work through 'til 12.00pm or so, take lunch until 2.00pm and then finish around 4.00pm. They are

unbelievably slack and are looking for ANY opportunity to get out of work – all you have to do is give them one.

Simply explain that you are seeking clarification from your legal advisor in relation to the points of law raised in the Charge and Summons. Explain that you have a relevant certificate coming from a mechanic in relation to your vehicle that you have not received yet. Explain that there was a death or illness in your family and, as you are preparing this case yourself, you simply need more time and a clear head to be able to effectively represent yourself – they LOVE this one!

Whatever it is, make it sound half believable, appeal to their sense of decency and you will almost always get a first adjournment. Please note that you MUST come prepared to run your case on the chance that you are not granted the adjournment.

In fact, you may be surprised, when you arrive on the day, the Prosecution themselves may request an adjournment. This will only ever happen on an actual Contest Hearing date. If this does happen, you MUST object to the Prosecution's adjournment and explain that the matter has been adjourned a number of times previously, through no fault of your own, and now you are there, ready to present your case, and you cannot afford to waste any more of your valuable time on a case that NEVER should have gone ahead in the first place. The Prosecution will NOT ask for an adjournment if they are actually ready to go ahead. Therefore, if you object and the Judge accepts your objection, they can NOT go ahead with the case on the day and you can ask the Judge to have the charges dismissed and the case closed.

We actually had this happen one day. We went through all the usual objection procedures and turned up on the Contest Hearing date, only to be told that there wasn't a Police Prosecutor available on the day to run the case. We explained that we were ready to present our case and if they couldn't run their case, then we wanted the matter finalised. The Judge agreed that there was no valid reason why a Police Prosecutor should not be available and ordered the case closed and all charges were dismissed.

Again, these types of anomalies DO happen and, as the police and courts get more backlogged with cases – as everyone is now objecting – this will occur a LOT more frequently.

Also, as the Police are no longer able to charge people within the 12 month time frame, then more and more people will get off these ridiculous fines with NO real effort at all.

So, if for some reason you DON'T want to actually run your case in court, why is it still important for you to adjourn your case for as long as possible? Firstly, you will be reducing the amount of time that the demerit points will be effectively attached to your licence and secondly, by adjourning your case, it means that you will automatically be assisting others to delay their case and maximise their time as well because you're helping fill up the court schedule.

But, there is one other reason – adjourning your case and standing up for your right to do so will show the government that you no longer accept their crap and are prepared to do something about it. So, how bad is the government crap really?

Please read the next chapter to find out – when you've finished going through it, you may just change your mind and decide to have your case heard in court after all!

<< Chapter 4 Chapter 6 >>

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6. Why Speed Camera, Radar and Laser Readings are Flawed.

The readings from these speed detection devices are often flawed and can NOT legally be used in evidence for 3 main reasons:

1. Inherent inaccuracy within the instrument itself
2. Improper use of the device
3. Inability of the device to meet certain legal requirements, therefore making evidence from the device in-admissible

So, let's deal with the last point first. From a legal point of view, the National Measurement Act 1960 was created to provide a uniform system of weights and measures throughout Australia. How this Act came about and the specifics of it are very interesting, but it's far too lengthy to go into here.

However, the relevant Section that you need to be aware of is Section 10 of the Act. In essence, this relates to the traceability of a unit of measurement back to a specified Australian standard of measurement outlined elsewhere in the Act.

The full copy of Section 10 of the Act can be found on page 10 of the National Measurement Act 1960, which can be downloaded from the following web address:
http://scaleplus.law.gov.au/html/pasteact/0/156/pdf/NatMeasure1960.pdf

Speed cameras, laser and radar devices do NOT comply with Section 10 of the National Measurement Act. Their units of measurements can NOT be traced back to an appropriate Australian standard and therefore their readings can NOT legally be used to prove anything in a court of law. Please note that QLD Police are going to great lengths to try and tell people that their devices comply to this section of the Act yet their devices have NOT received an NSC number and therefore they do NOT comply – in fact, any attempt to tell you that they do is a breach of Federal law.

Again, there is a whole heap of information relating to this and it is WELL worth taking the time to read it. We have included a short document that will cover the majority of the relevant information for you and it also shows you VERY clearly why all speed detection devices currently being used in Australia are being used ILLEGALLY.

Refer to Appendix D for a copy of this document.

Having given you all that information though, most of it is not going to be of much use to you, because the court system in which you need to use it is not "just". How do we know this? Because we have tried numerous times and, 9 times of out 10, if you stand up in court and object to the reading or measurement from a speed detection device and quote Section 10 of the National Measurements Act, you will be overruled. The Judge will tell you that, based on prima facie evidence, the reading from the device will be accepted. So, what happens that 1 time out of 10? If you present the information in the correct way, you may actually get somewhere.

Now, how is this possible? Either Section 10 of the Act IS the law and it IS relevant or it is not! Unfortunately, that is NOT the way it works in our so-called "Justice" system. Although Section 10 absolutely IS law and definitely is relevant, it is all going to come down to how you present the information and the judge you get on the day.

Please note that this is NOT the crux of your whole argument, it is simply just ANOTHER element of reasonable doubt that you will bringing into your case as a whole. The judge will more than likely tell you that Section 10 is not relevant because of things like section 79 of the Road Safety Act which, in relation to evidence of speed, states that:

"If, in any criminal proceedings, the speed at which a motor vehicle travelled on any occasion is relevant, evidence of the speed of the motor vehicle as indicated or determined on that occasion by a prescribed speed measuring device when tested, sealed and used in the prescribed manner is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof of the speed of the motor vehicle on that occasion."

As we mentioned before, your speeding fine case is a quasi-criminal case NOT a criminal case, so Section 79 does NOT apply! Ask the informant and/or the officer giving evidence to PROVE that it IS a criminal case, otherwise the evidence of the reading is NOT relevant!

Also, this is only a State Act and the National Measurement Act is a Commonwealth Act and Section 109 of the Australian Constitution states that:

"When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid."

Therefore, Section 10 of the National measurement Act IS a valid defence to readings from all speed detection devices currently used in Australia. In fact, as the following case shows, it is a legal and valid defence to ANY case where measurements are being taken for any legal purpose:

In 1995, a Western Australian Fisheries prosecution concerning under size lobsters failed because the Magistrate ruled that the evidence that the lobsters were under size, relying on the use of a Sheridan gauge, was inadmissible because it could not be shown that the measurements were taken in accordance with the National Measurement Act 1960. Fisheries appealed and, on the 4th of April 1996, Mr Justice Owen of the WA Supreme Court disallowed the appeal with the concluding remarks – "In my opinion, Section 10 of the National Measurement Act must be complied with when measurements are being taken for any legal purpose. The language of the section is in clear and imperative terms. The evidence was, in my opinion, properly excluded and I can discern no error in the Magistrate's decision to dismiss the complaint."

Please note that there is another example of a case concerning Section 10 of the National Measurement Act entitled Environmental Case, on page 8 of Dr Graham Harvey's report (*See Appendix D*).

Also, at the time of writing this, it is our understanding that the police breathalysers, which have been used for years without conforming to this Act, are now either undergoing testing, or have just completed, pattern approval in accordance with this Act. The authorities will tell you that this is just a matter of procedure, but it is NOT a legal requirement.

Come on now, please be serious. Why would they go to all the trouble to have these devices tested and certified if they didn't need to?

Now, if breathalysers need to comply with the Act, then so do all speed measuring devices. As a side note, this would mean that you would also have a good case against a breathalyser reading. The reality is that, if you fail a breathalyser reading twice, they then do a blood test and it is the results of this blood test that they use to charge you. You could argue that, if the breathalyser was not accurate, (because it did not meet the requirements of Section 10 of the National Measurement Act) then they had no grounds to do the blood test in the first place and therefore those results are inadmissible. However, we are NOT going to cover this subject any further because, unlike speeding, which has NOT been proven to cause accidents – in fact, speeding has been proven to INCREASE response times - the consumption of alcohol whilst driving HAS been proven to SLOW reaction times and we are in FULL agreement with the Government's stance on drink driving. If you have been wrongly accused of drink driving though, you could use these elements in your defence.

We will assume that you have now read Leaflet No. 25 and Dr. Graham Harvey's report from *Appendix D* and you now have a solid understanding of the relevant Sections of the National Measurement Act and how it applies to speed detection devices.

Instead of jumping up and down and instructing the Judge that he/she can't possibly accept the reading from the device based on the information above, what you must instead do is point out to the judge that it seems unlikely that the reading on the device would be accurate (as you will read in a moment) or be legally admissible if challenged fully.

Explain that, as you are representing yourself, you are CLEARLY not qualified to make a complete legal challenge about the admissibility of evidence, but your understanding of the law is that all measurements used for trade or legal metrology, or that form the basis of government regulation, (which is the speeding charge you are defending) must be traceable back to Australian standards, as per Section 10 of the National Measurements Act.

The ONLY organisations that can legally certify this traceability are the CSIRO or NATA – NOT a unit of RMIT, which is what usually appears on some arbitrary "Certificate of Testing" or similar that is included with the Brief of Evidence. Proof of whether a device conforms to the requirements of the Act can be simply identified by its pattern approval number. If the device does NOT have a pattern approval, then it does NOT comply with the Act and therefore the evidence is not admissible.

Special mention must now be made about a particular legal flaw associated to speed cameras. Speed cameras simply use a basic radar device (rendering them subject to the same legal requirements mentioned above) plus a camera. Instead of a police officer using the radar device, seeing the reading and then chasing after you, a speed camera uses a radar device and then takes a photo. If the reading is above the limit entered, then a photo is taken and a ticket is issued. A far more efficient way of collecting revenue, wouldn't you agree?

However, despite the efficiency of this device – a camera can take FAR more photos in an hour than a police officer can physically write up tickets for – this presents a few interesting issues and one major problem. When the police officer pulls you over, he speaks to you, confirms your identity and your driver's licence number. A speed camera obviously can't do this and we have already discussed the

opportunity this provides us to shift speed camera liability.

Secondly, the officer will take note of your reasons for speeding, the road conditions, etc. Should you object to the fine and go to court, he has a written summary of what occurred and is legally allowed to refer to these notes in a court of law to back up his claim. Now, obviously he could write down anything he wants, he could make stuff up or he could even change his notes down the track to suit his story and no-one would be any the wiser. Clearly, this shouldn't be allowed but, so far, we have not found any way of getting around this.

With a speed camera, however, the evidence of speed is provided to the court by way of a photo. The photo is taken in a digital format and then printed out for the court in a hard copy format. The question has been asked – and rightly so - how can the prosecuting authority PROVE to the court that the image was not altered in any way BEFORE it was printed out?

In answer to this, these authorities have utilised an algorithm called MD5. It is used as a digital signature to verify data integrity. Now, this all sounds very complicated and high tech, which is exactly what the authorities want you to believe. Here is this high tech, basically unbreakable code that guarantees that photos taken by speed cameras have not been tampered with. It would be like you protecting a Word document with a password so no-one could read or alter it. Great, if no-one knows your password or how to figure it out, but USELESS if they do.

Fortunately for you, the MD5 algorithm is just as useless. You see, you can actually go on the internet and get a crack for the MD5 algorithm very easily. We have included some links for you below outlining the purpose of MD5 and the actual information on how to crack the code.

http://userpages.umbc.edu/~mabzug1/cs/md5/md5.html
Explains what the MD5 algorithm is and includes a link to site below

http://www.stachliu.com/md5coll.c MD5
This site explains how to create an MD5 collision generator

http://www.x-ways.net/md5collision.html
Explains what an MD5 Collision is

http://it.slashdot.org/article.pl?sid=05/11/15/2037232&from=rss
Another site showing how to create an MD5 Collision

Lo and behold, there is FINALLY some justice in our legal system. You see, even though most people would not bother doing this and you can't prove whether it has been done to a particular photo or not, the fact remains that these agencies cannot PROVE that a photo has not been altered and therefore, by law, it is inadmissible as evidence.

Cases denying the admissibility of photographs from speed cameras, based on the flawed MD5 algorithm, HAVE been successfully tried in court by Dennis Miralis of Nyman Gibson Stewart lawyers in N.S.W. We mention this because, as with all the information contained in this document, it is very real. Due to the corruption and injustice within our legal system though, we have only managed to get some of it to actually work every time. This point is one of those examples.

So, this IS information you can bring up DIRECTLY with the judge if a photo from a speed camera is ever tendered as evidence. Always say "Objection, Your Honour" and then go on to explain the details above.

People often ask us "But if the cops find out about your information, won't they just change things to get around what you say?" Now, as we mentioned before with the laws, they cannot change the Australian Constitution unless they do it by referendum and they cannot change how mathematics works!

You see, ANY mathematical equation or digital security code can be BROKEN! This is just a scientific certainty. Remember, any digital code or program that is created is written by man and therefore it can be broken or cracked by man. Governments around the world spend hundreds of millions of dollars a year trying to create new security systems and codes that cannot be broken but they are ALWAYS eventually hacked. There was mention on the news recently that some high school kid broke the $84 million internet porn filter in about half an hour! So, no matter WHAT code or algorithm the speed cameras use in respect to their photos, they will NEVER be able to be legally tendered in evidence and all you would need to do is get a mathematics or IT expert to give evidence of this point on the stand and there goes every speed camera fine out the window.

Here is some other VERY valuable information in relation to photographs from speed cameras. Most of the photos will be presented to the court in A4 size but will still RARELY show a clear image of the driver. When discussing the admissibility of the photo, be sure to ask if it CLEARLY shows you as the driver of the vehicle, because it usually won't.

If you have been nominated as the driver of the vehicle by a company or another person and you are disputing that, then you are in a very good position. For you to be nominated the other party MUST fill out a Statutory Declaration nominating you as the driver – the prosecution do NOT get this document,

they only get a copy. They can NOT offer a photocopy in court as evidence of anything, EVER! If they cannot PROVE you were the driver, the case will be dismissed. This has been proven to work MANY times now.

Okay, so you WERE the driver and YOU received the ticket and you wrote back to the agency saying you wanted the matter heard in court. As long as the photo does not CLEARLY show you driving the vehicle – if it is even POSSIBLE that it was someone else – you are in the same position- this is PERFECT for guys/girls on motorbikes. If the prosecution cannot PROVE you were the driver, the case MUST be dismissed. I have personally had the prosecution say "But, Your Honour, if he wasn't the driver, then why is he here defending himself in court today?" I simply replied that I wasn't the driver and that was the only option I was given, to have the case heard in court, so I took it. Remember, most Judges will take a little bit of pity on you if you are defending yourself and will place more emphasis on the Prosecution to prove their case if you show lots of reasonable doubt.

We have only just established that if you are nominated as the driver at the time of an offence in a company vehicle you are NOT given an option to nominate anyone else. You may have been in CHARGE of a company car at the time – which is why the company nominated you as the driver when they got the fine – but you were NOT the driver, you let someone else drive. Currently, there is NO opportunity for you to explain that to the agency and this is yet ANOTHER thing that you can use to YOUR advantage. The current system is not fair and does not CLEARLY give you an opportunity to explain the situation without going to court.

Okay, so let's move on to the inaccuracy of the instruments. A few years ago, we applied for copies of the speed camera, mobile radar and Pro Laser 2 & 3 Training Manuals from the Police under the Freedom of Information Act. You are entitled to do this in your own state, but we have recently had feedback from people in Victoria that the police are trying to block this request.

Now, why would the Victoria Police (or any other Police Force, for that matter) have ANY issue with you having a copy of the operator's and/or training manuals for these devices?
Unless they KNOW that there is information contained within them that would be harmful to their cases. And this is PRECISELY the case.

In the Pro Laser 2 & 3 manual, page 5 has a definition of the term "sweep", stating that it is "The development of a target speed reading while the laser beam is reflecting from points up and down on a sloped surface of the target, resulting in a reading which is higher or lower than the true speed of the vehicle." A reading HIGHER than the TRUE speed of the vehicle is possible.

On page 11 there is a paragraph that states that "The laser device is an intelligent piece of equipment with a complex computer program. This program is intended to eliminate the possibility of unexplained readings." It does NOT say that it DOES eliminate unexplained reading and in fact alludes to the fact that there ARE some!

On page 17, there is an outline of an accuracy test that is automatically conducted by the unit. "Accuracy test: performs a comparison between two independent timing circuits to verify that the range and speed determination circuits are operating correctly." It says the circuits are operating CORRECTLY but it does NOT say anywhere that it is operating ACCURATELY!

Page I of the mobile radar manual begins in the same way. When describing beam width, it states "Note – Manufacturers normally express beam width in their equipment specification. However, this only represents the region of greatest field strength and not the full detection area". It is precisely because of this fact that objects can be detected OUTSIDE of the greatest field strength – or beam area - that a tree can be detected moving at 60km/h and an old Datsun at 158km/h.

We think the best one of all is page 5-5 under the heading of Interference. It states that "There are many forms of interference that may affect a Radar instrument, however they are too numerous to mention." This is then further confirmed at the top of page 5-8 "To conclude, interference always has a reason, however, the reasons are often impossible to explain as there are too many variables that have to be considered."

No wonder the police don't want to release these manuals any more. How can these devices even be CONSIDERED as reliable evidence when their own training manuals have statements like this in them?

Another good one is on page 5-7 under Harmonics – "The first source of interference, harmonics, refers to RADAR's tendency occasionally to process the wrong radio frequency." What the????? Its tendency to process the WRONG frequency! How can a device that sometimes processes the wrong radio frequency, therefore giving a completely false reading, be relied on in a court of law?

The less said about speed cameras at this stage the better. Besides which, Victoria Police have a VERY large Copyright Notice on the front cover which we must not violate. It really doesn't matter though because there are just so many flaws (such as the MD5 algorithm we discussed earlier) with speed cameras that have now been PROVEN in court that you should NEVER be convicted for a speed camera fine EVER again.

It is interesting to note though that there is a 2km/h difference at only 51km/h between a hand held radar and a speed camera in the example on page 72 in their own manual!

Okay, so clearly all these devices are flawed in and of themselves and cannot possibly be expected to provide reliable evidence that could be used to convict someone in a court of law. We have also discussed already why their failure to meet Australian standards is also an issue and why their readings should NOT be permitted to be used in evidence.

Just so you know, the evidence that is tendered by way of a reading from one of these speed detection devices is known as Prima Facie evidence – this means "on the face of it". If you were standing over a dead body with a gun in your hand, the prima facie evidence would be that you shot the person. Now the reality may be that you saw the person there and picked up the gun for whatever reason but you didn't shoot them at all. The same principles apply to prima facie evidence in respect to speeding charges. You have to either provide evidence to the contrary – eg. a reading from a GPS unit at the time OR you have to show why the evidence should NOT be considered prima facie evidence because in all likelihood it is inaccurate. This is done by raising the points outlined above.

So, now let's look at the final, and often the worst, aspect of these devices – user error. Once again, if we refer back to the actual operator and training manuals for these devices, some very simple facts become extremely clear – that, realistically, it is only under the most perfect of conditions and when used in the perfect way, by an experienced operator, that these devices have any real chance of being even close to accurate.

Let's re-visit the Laser manual again. Page 8 covers the importance of precise use of the device in relation to beam width – "Taking a reading from a target varies from difficult to impossible if the device is not held still."

Page 31 states that you must plug the "cord into either the patrol vehicle's shielded power supply or a portable battery pack." Now, police cars in Australia are NOT fitted with a shielded power supply and they do not power these devices from a battery pack. They simply plug them into the cigarette lighter socket, leaving them subjected to any number of electrical interferences.

Be sure to ask the officer when he is on the stand for proof of the vehicle having a shielded power supply fitted to it – guaranteed, he won't be able to because, even if the car was fitted with one, he won't come to court prepared with that proof. Once again, this allows plenty of room for interference, therefore error, and, ultimately, reasonable doubt.

Page 31 also states that you should "Orient the Prolaser toward traffic flow in as nearly a parallel direction to traffic flow as the setup location permits. This provides two advantages: it minimises the amount of cosine error introduced into the measurement ...." Again, the manual itself clearly states that there IS cosine error present and precise use of the device can only, at best, minimise it – not eliminate it. So, what happens if it is not held parallel to traffic flow?

There are numerous other things that a laser device operator needs to do in order to maximise effectiveness and minimise error, but NOTHING states that it is 100% accurate and the fact that the manual mentions numerous errors throughout proves the points listed above. There is, however, one far GREATER problem.

Fundamentally, the way that laser and radar devices are used is flawed. Police are required to estimate the speed of a vehicle FIRST and then CONFIRM their estimation by using the speed detection device. Clearly this can NOT happen with a speed camera (see our Bonus Report No. 3 for further details) – it simply takes a photo but it almost NEVER happens in relation to hand held radar or laser devices either.

Page 32 of the laser manual explains this VERY clearly – "This allows the operator to correlate the displayed target speed with visual observations of the target vehicle, thus establishing the tracking history needed for introduction of the evidence into court."

Now, almost ALL officers will LIE under oath and say that they followed this procedure, but the facts of your individual case will almost always prove otherwise. If you have been pulled over as a result of being detected by a hand held device (ie. Laser or radar) you will notice two different figures on the ticket. The first figure is the speed that you were allegedly doing and the second is the distance at which that speed was detected.

If you then take the time to note where that police car/officer was located and then pace out the distance indicated on the ticket, you will almost always notice that it takes you right back to the crest of a hill or to the bend in a corner.

You see, what the police ACTUALLY do is they sit in a particular spot and, as soon as a car comes over a hill or around a corner, they point the device at them and register the speed. This way, they have the best chance of catching someone speeding and issuing a ticket. If they estimated your speed first, that would mean that you also had time to see them and slow down!

We have actually run cases where we have asked an officer under oath to point to the exact spot on a map where he was located when he took a reading. We then measured out precisely, using a ruler and the scale of the map to show that, at the distance signified on the device, he MUST have had the device pointed and waiting as soon as the car came around the corner. It is, quite obviously, impossible to estimate the speed of a car that is still behind a corner. In these cases, the officers have CLEARLY not followed procedure and you want to make sure you well and truly hammer them on this

point, especially if they have previously denied this.

Remember, if they lie on the stand, then you CAN have them charged with perjury. The more people that pursue this course of action against the police, the quicker we will get our point across and be able to make changes to the current system.

Once again, it is exactly the same scenario with radar devices. A few interesting points, also from the manual itself, can be found firstly on page 2-4 which has a special note saying; "The operator should stop answering any questions on measurements of the beam width, as it refers to power ratios that would affect vehicles of different reflecting capacities in unlike manners." So, if you have a fibreglass car, eg. Corvette, Lotus, kit car, etc. then you have a very strong argument.

Page 2-10 mentions the life of the receiver diode, stating that; "Under normal conditions, the life expectancy of the Diode is 6 to 12 months, **but** this can be **greatly** reduced if the Diode is not protected from reflected, excessively strong signals."

As these devices are passed around to a number of different operators, how is the current user supposed to know what others before them have done with the unit and therefore what condition all the relevant parts are truly in.

A very important note is on page 6-1 in relation to the testing of radar devices. It says:
(2) The test of a radar device must be such as will determine that the radar device is properly calibrated.
(3) The person who conducts the test of a radar device must record and retain the results of the test, including:
(a) a statement showing the speeds at which the calibration was effected and the number of times at each speed the calibration was effected; and
(b) the date the test was made and the ambient temperature at the time of the test.

I'm sure it will come as no surprise for you to hear that these tests are simply NOT done in this way. No certificate that we have ever seen produced in court, in relation to the testing and sealing of a radar device, has EVER included these details. They only ever provide some irrelevant certificate in the Brief of Evidence from a local RMIT or similar, not from an authorised NATA tester (as required under Section 10 of the National Measurement Act) – except Queensland, which cannot prove that these devices have been certified and issued an NSC number.

If we again go back to Section 79 of the Road Safety Act, it clearly states that evidence of speed from a speed measuring device can only be used if the device has been "tested, sealed and used in the prescribed manner". As we have now established, radar devices are NOT TESTED in the prescribed manner, according to the training manual and, in most cases, are not USED in the prescribed manner, according to the training manual.

Page 7-8 clearly states, in respect to the power source for radar devices, that; "Cigarette lighter receptacles have been responsible for poor grounding. Electronic ignition bleed over, and alternator noise in newer cars can combine to create an unacceptably high level of ambient electronic interference." Always ask the officer, when he is giving his testimony, where the radar was plugged into for power. They will inevitably say the "cigarette lighter".

Then ask if the car was running or not. If it was, then it was subject to these "unacceptably high levels of interference" and if it wasn't, then it wasn't getting a regular voltage supply – another problem outlined in the manual.

And finally, page 2-7 again outlines the necessity for visually checking speed first and THEN confirming with the radar device – "Several elements are involved in the valid identification of a target vehicle. Together, these elements comprise what is referred to as a complete "tracking history" and are listed below:

Visual estimate of the target speed: This is the most critical element. Testimony must prove that the vehicle in question was observed to be speeding. An operator's ability to estimate speeds is established separately from the RADAR evidence."

Moving radar (one mounted in a car) says the same thing even more clearly. Page 2-8 in all capitals – "A VALID TRACKING HISTORY MUST BE MAINTAINED FOR AT LEAST 3 SECONDS WHEN USING RADAR TO CHECK SPEED." Now we ALL know this is NOT what happens at all because a cop drives over the hill, picks you up instantly and brakes and does a u-turn before 3 seconds have even passed!

And last but not least, the speed camera. As we mentioned before, due to Copyright laws we are not able to reproduce ANY part of this manual – primarily because it so flawed it is a joke.

We can, however, tell you that this manual is TWICE as thick as the others because it is so full of precise measurements – distance the car parks from the kerb, exact angle of alignment of camera across the road, etc. that need to be adhered to for it to work properly. No wonder you get the most false readings from speed cameras – you would have to be a rocket scientist to be able to actually set up and use one exactly as the manual says.

Please, by all means, try and get hold of these three manuals under Freedom of Information for yourselves. We have simply pointed out the blindingly obvious faults and concerns, but there are many more, smaller ones, if you take the time to read them thoroughly. As we have mentioned right from the start, this has been a long and arduous research task and we have gathered a LOT of information. We know that it is correct, but you are more than welcome – indeed, we encourage you - to confirm everything we say for yourselves.

All you have to do is look at the farce that occurred with the fixed speed cameras in Victoria a few years back to KNOW that these devices do NOT work properly or accurately. If a fixed camera that is mounted to a solid pole or concrete pillar cannot give accurate readings, what hope is there for smaller, more delicate, car mounted cameras and, worse still, for even more delicate, hand held devices?

So, now you realise that these devices really are a joke and, perhaps on principle alone, you may decide that you want to stand up for your rights and defend your case in court. So, what do you do?

Now, as with most of the situations we have discussed thus far, there are a number of ways of tackling the prospect of taking a case to court and winning. So, let's get straight into the next chapter – How to Win Your Case in Court.

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7. How to Win Your Case in Court

The first thing to ensure, when your case is called, is that the matter is being recorded. Most Magistrate's Courts will record all hearings but you want to be sure to ask before you start. You do this for two reasons, 1) It warns the Magistrate/Judge and Prosecutor that you are serious and it will go some way to helping keep them honest and 2) It gives you peace of mind to know that you can then get a copy of the recording at the end of the day, should you need to take the matter further down the track or, should you want to refer to it for future cases.

We have already covered a number of specific topics and lines of questioning in the previous chapter relating to the actual speed detection devices themselves. However, this is only ONE aspect of winning your case in court. The ultimate key to being successful in ANY legal case that is brought against you (not just speeding offences) is to introduce reasonable doubt into the Prosecutions argument.

So, let's go through, step-by-step, what you need to say and do to have the best chance of achieving that and being victorious on the day.

Before the case even starts they will call your name. At that point, stand up and say that you are there by special appearance and ask the Magistrate where the second Magistrate is, as you have elected to be heard by a Chapter III court. He will probably ask you what the hell you are talking about and you simply explain what we mentioned earlier in Chapter 3 about the High Court ruling Forge v ASIC and that all court hearings are required to be in accordance with that determination - specifically the 3 sections we mention and that if there is not a second Magistrate available to assist in the determination of your case then you do not consent to the jurisdiction of the court.

It is also worth asking the Prosecutor if he is aware of the letters that you had previously sent the agency and then direct the Magistrate's attention to your court file and the Affidavit that you have lodged with the 3 step process letters. Ask the Prosecutor why he is wasting the court's valuable time pursuing a matter that the agency that he represents has already agreed they will not pursue. Remind them of the contents of the Notice of Objection, specifically the sections that relate to them agreeing that if they cannot provide proof of claim within the 28 days then they cannot provide such proof at ANY time and also the section where they agree not to take further action in respect to the matter.

Should the Prosecutor and Magistrate conspire to ignore the lawful points that you raise – or should you have for some reason not completed the 3 step process then go on with the points below instead. Please note that failing to grant you a Chapter III court hearing is, in itself, immediate grounds for a re-hearing.

To being with, the Police Prosecutor will read out what the charges are and will then attempt to tender into evidence the relevant Road Rules publication that your state uses. You MUST again object at this point – say "Objection Your Honour, assumes facts not in evidence". Please note that this will NOT get you off your charge, but it WILL add reasonable doubt to your case.

You simply say that your understanding is that the document they have just tendered to the court is NOT law and you request that they PROVE to the court that is before continuing. Tell them that it is your understanding of the Commonwealth of Australia Constitution Act 1900 (UK) – as per the preamble – is that all laws MUST be made in the Queen's name. For example, pull out a copy of the Imperial Acts Application Act and show how the Act specifically mentions the Queen's name in the preamble – "Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of ....."

They may go on and try and tell you that the Act was enacted by the parliament in your state on behalf of the Queen. Again, re-iterate that the preamble does NOT contain a reference to the Queen as it is required to (see above), as we are still operating under the Monarchy, as we all agreed to do as a result of the 1999 referendum. Also, ask them at this point in time to produce a copy of the Hansard entry that proves that the Parliament DID actually enact the "Road Rules" as law. Hansard is like the "minutes of the meeting" for Parliament session. If they cannot produce the Hansard entry then you again have immediate grounds for a re-hearing as a determination was made based on a law that could not be proven to actually be law.

If they cite something like the Road Rules Regulations 1999 – as we discussed in the first chapter – then you simply say that it certainly sounds ambiguous to you and your understanding of the law is that if it is not written in clear and imperative terms, then it MUST be read in favour of the defendant (that's you). Again, be prepared to move on very quickly because the Judge is NOT going to allow a case to be dismissed on this point alone, as it would then be used as a precedent in ALL future cases.

You simply want to make these objections clear so as to build up grounds for reasonable doubt for later

in the case.

At some stage in these early parts of the case, you will be asked to confirm your plea of "not guilty" and you should simply agree to this. The Prosecutor will go on to call his first witness to the stand – this will almost always be the Police Informant (either the person who pulled you over or the speed camera operator). They will then proceed to question the witness and you need to make special note of ANY answers that do NOT coincide with their statement.

Let's go back to their statement for the moment, which you will have received with your copy of the Charge and Summons and the Brief of Evidence. You need to read both of these documents VERY carefully. You will be amazed at how many times we find errors in them. The beauty is that these documents are LEGAL and must be signed with the acknowledgement that, if they are made falsely, then the officer is liable to the penalties of perjury.

As a quick side note, these documents are all pro-forma sheets on a computer screen. The police just fill in the blanks and print them out. We once had a case where the Police Officer forgot to type in the relevant licence number, so the document contained some else's licence details. When asked about this error on the stand, he said it was simply a cut and paste error. We actually said to the judge "Yes, but he made this document liable to the penalties of perjury, he didn't make it subject to any possible cut and paste errors."

We could have pursued him and had him charged with perjury on that point alone if we wanted to, but we figured we had embarrassed him enough on the stand.

Okay, so you've received the Charge and Summons and the Brief of Evidence and you have read through them. You have made note of the mistakes and errors and have already made a list of points on which to question the informant (and other witnesses, if there are any). You have seen the Certificate that they intend relying on for the reading of the speed detection device and you KNOW that is does NOT comply with Section 10 of the National Measurement Act and it does NOT contain the information outlined in the training manual.

So, now it's your turn to question the witness. We know this can be a very daunting task for first timers, so the key is to stay focussed, do NOT get emotional and, just take it slowly. Go back to that almost indignant feeling when you were first pulled over – know full well that you have done nothing wrong and these people are just here wasting your valuable time and you want to make that abundantly clear to the Judge – in a calm and concise manner though.

At some point, ALWAYS question how the officer (or speed camera operator) can be sure they haven't made errors, especially if they have made one in their statement. If they made a cut and paste error, then they could have also made an error using the speed measuring device. Do they perform ALL their duties with that little care that they can't check a legally binding document before they send it out?

You would be amazed at how many errors appear on these documents. Incorrect spellings of names, wrong addresses or licence numbers and flat out lies in their actual statements. It is worth noting that, if they have made one mistake, then they have probably made one or two others. The best thing is to ask them if their statement is accurate and they will usually say "Yes." Point out the first mistake and ask them if they are SURE it is accurate or does it have OTHER mistakes. They will usually say, "No, that's the only one" Then, when you point out the other one or two it makes them look really stupid and incompetent.

Remember, you only have to create "reasonable doubt" to win a case. If you can show errors in a simple document, what else have they done incorrectly – like booking you in the first place!

They will usually start to crumble and become unsure and insecure at this point. You have to realise that they are police and are used to wielding the power of their uniform and badge – they are NOT used to lay people questioning them like this.

Then, depending on the device that was used to detect your alleged speed, go back to the last chapter and make sure you ask questions that cover all the flaws that we pointed out relating to each device. The best thing to do is to have a list of questions written up BEFORE you go into court and just go through them one-by-one, calmly and slowly, making your relevant point as each one is answered.

Obviously, if the witness has brought up something else during their testimony on the stand that is incongruent with their statement, then you will want to ask questions about this as well. Take the time to prepare your case as thoroughly as you can BEFORE you get to court and you will stay calm and perform a lot better during your actual case.

So, go back through Chapter 6 again and list all the relevant questions that you should ask, and note the relevant points to bring up in relation to; set up of the device, inherent inaccuracy mentioned in the training manual, use of the device itself, any possible errors or interference, etc.

Note also that, somewhere during the questioning process, the Prosecutor will tender some kind of certificate of testing to show that the device was recently tested and is "supposedly" working correctly. Be sure that you FULLY understand the ramifications of Section 10 of the National Measurement Act and GRILL the person on the stand about things such as:

Who tested the device?
Are they a registered organisation under the National Measurement Act?
Has the device got pattern approval?
What is the pattern approval number of the device?
Can they provide evidence, under oath, as to how the device was treated before they picked it up and used it?

This will FREAK them out as they will NOT be at all prepared for this line of questioning and will NOT have the answers they need. This all goes to further provide reasonable doubt in your case.

If you are dealing with a speed camera case, make sure you ask questions in relation to the MD5 algorithm:
Can they PROVE to the court that the photo has not been tampered with? If they offer some answer, you have a wealth of information in response to this – as provided in Chapter 6.
Can they prove who the actual DRIVER of the vehicle was at the time? They can't and, if they offer up a photocopy of a Stat Dec nominating you as the driver, then you simply explain to the Judge that a photocopy is NOT acceptable as evidence in a court of law.

You basically want to shoot as many holes as you can in the testimony of all the witnesses, but you do NOT want to give evidence yourself. This way there is NO chance of you getting nervous and coming unstuck on the stand. Also, there is no need for you to give evidence because; the holes in the testimony of the witness, plus the fact that the Police Prosecutor has NO authority to run the case, the device in question does NOT meet the requirements of the National Measurement Act and the manuals associated with the device all explain numerous options for interference and therefore incorrect results MUST, by law, constitute reasonable doubt and therefore the charge(s) must be dismissed.

You want to summarise all of this to the Judge after you have cross-examined the last witness and then just wait to see what they say. You want to present all this information in a way that would allow the judge to say "In this particular case, with all the points that have been raised, it is my belief that there IS reasonable doubt in relation to some of the facts and therefore I am dismissing the charges". You do NOT want to try and be a hero and set a precedent that others can then use for all future cases. Believe us, we have tried and failed.

No Judge will take responsibility for setting a precedent that will then cause the government to lose hundreds of millions of dollars in revenue – they will NOT hold their position for very long if they did. So, you want to make it EASY for them to dismiss your charges, whilst not losing face in the greater community.

Obviously, if the charges are dismissed, there is nothing further to do than to go home happy in the knowledge that you have won. You have taken a stand, you have fought for your rights and you have helped MANY other people in the process.

If you REALLY want to get a message across to these agencies that enough is now enough then ask the Judge to award you costs. Come prepared with a reasonable list of costs – this e-book, time off work etc. that you want to be reimbursed for because they wrongfully charged you. When enough people start doing this it make the cops and their agencies think twice about issuing these unlawful fines.

If, however, the charges are NOT dismissed, what's next? The next process is that of sentencing, where the Judge tells you how much you have to pay and how many points you will lose off your licence (and, if applicable, how long you will lose your licence for). It is worth noting at this point in time that the Judge can NOT over-ride minimum licence suspension times or demerit points, even if they want to.

The judge can, however, reduce the amount you have to pay and our experience is, if you have put up a good case, this will often be the result. The key to note here is that you can NOT go backwards, you can only possibly gain. If the Judge tries to impose any additional costs on top of the original fine, then you need to refer them to Article 15 of the Covenant On Civil and Political Rights, which clearly states the following:

> *1. "No-one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.* ***Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed****. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby."*

This was brought into effect by the Human Rights and Equal Opportunities Act 1986. Do NOT let them railroad you on this point. It is VERY clear and MUST be read in your favour!

One final point to note in relation to sentencing is that the Judge will ask the Police Prosecutor for proof of any prior convictions. This will be a list of any previous speeding fines you have paid (because you didn't know better, but now do) or if you have previously had any driving-related, court convictions. The Prosecutor will attempt to tender a printout from your local Roads Corporation eg. Queensland Transport, VicRoads, RTA, etc. – they will usually include a copy of this in the Brief of Evidence.

For the final time, you must object. Do so by quoting the following:

> *Road Safety Act, Section 90, relates to proof of prior convictions. Sub-section (4) states that "Any such document may not be tendered in evidence without the consent of the defendant if the defendant is present at the hearing of the information."*
>
> *This means that if the Prosecution try to tender a document detailing your previous driving history, you have a right to deny that document being tendered. They may go through the trouble of asking you one by one if those convictions are correct or not (just reading them off the document) and all you have to say is that you don't know, you have no recollection.*
>
> *Even better still as they ask you each of the points and ask if they are correct, simply say "not that I'm aware of". This way, any prior convictions can NOT be used against you during sentencing.*

Okay, so what next? You have been convicted of the driving charge, you had to pay some kind of penalty – usually LESS THAN the original fine and now you have received some demerit points on your licence which have actually been backdated some 12 or more months – to the date of the offence.

You can either choose to accept this, pay the fine and be done with it, knowing that you have still stood up for your rights, quite probably inspired others to do the same, and have helped us all make a difference to the system as a whole or ....

You go straight back to the Magistrate's Court co-ordinator and put in an application for re-hearing based on whatever points of law they ignored – eg. Chapter III court, not supplying proof that the camera photo could not have been enhanced, failed to provide a copy of the Hansard entry, etc. - and do the whole thing again, but with any new-found information and confidence that you now have from running a case on your own. You could also put in an appeal to have the matter heard in the County Court.

If it is just a "normal" speeding fine with a few demerit points, we would recommend that you just pay the fine and keep your experience for the next fine that comes along – unless you REALLY feel that the Judge was unfair and you put across a solid case.

If, however, it is a fine that causes you to lose your licence, then we would DEFINITELY recommend fighting it in the County Court. Why? Because your application for an appeal will almost ALWAYS be granted and you can then put in an application to drive, pending the outcome of your County Court hearing – this gives you a further 6, 9, even 12 months to drive! This is a simple application that you fill out with the re-hearing application that allows you to continue driving until the case is eventually re-heard and ruled on.

If you have a court order made against you as a result of losing your actual court case then you simply send the court a version of our *"Court_Order_Notice_of_Objection"* followed by our *"Court_Order_Default"*.

It also gives you time to take advantage of the strategy outlined in Bonus Report 2.

So, let's quickly re-cap all this mind blowing information....

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8. Summary

Okay, so you've just learnt a great deal of exciting and powerful information, which can be a lot to get your head around. It has taken us over 4 years to gather all this information and to present it to you in a format that is not only easy to understand but also, simple to implement.

So, let's just quickly re-cap it all for you:

1. Re-familiarise yourself with the fundamental speeding laws that are related to your state. Access copies of the relevant Road Rules in your state and make sure you understand why they are NOT actually law.
2. Remember to be assertive if you are pulled over. Stand your ground and be sure to make it clear at EVERY opportunity that you were not speeding. Read over the letters that we have supplied, that are relevant to on the spot fines, and be sure to request that your matter is heard in court, if you cannot have the fine dismissed through the use of one of these letters.
3. If you receive a ticket in the mail, make sure you are familiar with the letters we have included that are relevant to speed camera tickets and again, be sure to object to these alleged offences and have the case heard in court if you still don't get anywhere with one of those letters.
4. Next, ensure you understand the relevance of Section 10 of the National Measurement Act and make sure you know that Section 109 of the Australian Constitution states that Commonwealth Acts ALWAYS have precedence over State law.
5. Make sure that you are aware of your civil and common law rights. Look up information such us Australia's agreement to the Geneva Convention on Driving. Be aware that you have a responsibility to drive in a manner that is safe to other road users BUT, if you are doing that, you have the right to drive on Australian roads UN-HINDERED.
6. Be sure to write a letter to the relevant agency either disputing the charge, requesting further information (in respect to a company vehicle) or denying a nomination – if these are relevant.
7. If detected by a speed camera, make sure you are familiar with the NUMEROUS reasons why these are the MOST inaccurate devices of all and be especially aware of the relevance of the MD5 algorithm.
8. Make sure that you CAREFULLY read through the Brief of Evidence, when you receive it, and all associated paperwork and note down any errors that you find.
9. Be sure to make use of as many of the strategies that we have outlined for delaying your case as possible. Remember, it is well within your rights to do this. Be aware that even if you choose to eventually pay the fine and NOT go to court that you can still put the case off for over 12 months and just pay the fine the day before your case is finally listed for hearing.
10. Be confident that if, and when, you go to court that you now have more knowledge than virtually ANY Police Prosecutor out there and all you need to do to win your case is the present the information in a calm and rational way that clearly introduces reasonable doubt into their case.
11. Make sure you fully understand the relevant sections of the law in your state that outline the fact that proof of prior convictions may NOT be tendered in court if you are present and object to them and make sure you understand Article 15 of the covenant on Civil and Political Rights and why it means that a court can NOT add any extra costs onto a fine, even if you lose.
12. Be sure to familiarise yourself with the application procedures required to have a matter re-heard, in the rare event that you do actually lose a case for some reason.
13. Ultimately, just be aware that the current system does not work and you now you have all the information that you need – should any more become available, it will be e-mailed to you – to stand up for your rights, fight back against the government and play your vital role in making a difference for ALL road users in this country.

We urge you ALL to follow these simple steps and do your part to help us change this system that CLEARLY isn't working and instead take some positive action towards creating safer roads and better drivers for all Australians.

Our final request of you is to please tell everyone you know that this information is available and please direct them to our site (www.aussiespeedingfines.com) to purchase it for themselves. We know that you could very easily breach the terms and conditions at the start of this document and copy this and pass it around to people and it would be very hard for us to find out. However, as we discussed, right from the outset, just because something is hard to enforce doesn't mean that it's not the right thing to do.

Hopefully, you have gained great insight from reading this and we trust that you can now see how much research has gone into putting all this together. Hopefully, you can also understand why the government would desperately want this information to remain hidden and how much risk we have gone to, to put all this together in a way that is so straight forward and simple to understand.

We MUST continue our research and the simple truth is that we need time and money to do this. So, please, understand that the more people that purchase this product, the more research we can do.

Then, as we find out new information, we will forward it to you via e-mail and post it on our Updates page. We have also included an FAQ page on our website as well so please read that first in case you have any questions.

We have created a forum through the website, for people to share with everyone any new ideas and strategies they have, any success stories they have and any questions they may have as well. Also, please feel free to e-mail us at info@aussiespeedingfines.com

So, help us to help you. Please do the right thing and use this information for yourselves and tell others how powerful you have found it. Then, urge them to go and get their own copy from our website so that they too may contribute to helping our overall cause.

Thank you so much for your time, your commitment and your honesty. May you use this information wisely and may EVERYONE benefit as a result and may our roads HONESTLY become a safer place to drive in the very near future and may a new system be brought in so that we can ALL fully enjoy them!

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9. Bonus Section 1 – Parking Fines

In this Bonus Section we will outline a very simple way to stand up for your rights and avoid paying an unjust parking fine. Once again, we present this information NOT to create anarchy on our roads and have people parking wherever they want, for as long as they want, but simply to educate you on your rights and to show you how to exercise them.

As with speeding fines – and even more obviously so – parking fines have absolutely NOTHING to do with road safety, they are plain and simply about revenue raising. There is clearly no victim if you overstay your spot at a parking meter by 5 minutes or stop in a No Standing Zone to drop someone off.

As we mention elsewhere in the e-book, if there is no victim then there can be no crime and if there is no crime then there is simply no requirement for punishment – hence no need for parking fines rendering them completely unjust and unnecessary.

Our roads were originally created in "Fee Simple". This means that we all have a right to use these roads for free – this INCLUDES the side of the road, where you might park your car. eg. A road in the middle of the city in Sydney, Melbourne, Brisbane, etc. The government is infringing on your right to free movement about your country by charging you to use this section of the road. Sure, they are trying to create a system that is fair for everyone and have time limits but, for them to do this, they had to change the status of your automobile from PRIVATE to COMMERCIAL. This, of course, has all been done behind your back and without your permission at either election time or by Referendum.

If you have a look on your automobile registration papers you will see your automobile is defined as "Light Vehicle". The word "VEHICLE" is a commercial term and only commercial vehicles must comply to fees and charges for the use of the Queens Highway, this is how it has been for hundreds of years. There is NO lawful requirement for privately owned and used vehicles to pay any such fees – please read Section 92 of the Commonwealth Constitution (the Annotated version – Quick and Garran).

As you will see in a moment – even apart from the fact that they have no legal right to do this - the way that they go about it, is also NOT actually legal.

Once again, the parking laws in Australia have NOT been lawfully enacted and no parking meter in use in Australia complies with section 10 of the National Measurement Act. Local councils took over the responsibility of looking after "minor" and "local" roads as a result of underhanded agreements with the respective State governments – basically to expand the authority of the alleged Local Government through the Local Government Acts of the various states. This was done in total disregard of the People's wishes as was clearly expressed through the Referendum of 1988 where the People rejected the idea of a Local Government and, as a result of this, you are now stuck with tyrannical councils that are always looking for ways to fund themselves. Because of the 1988 Referendum they should not lawfully be taking funds from the Commonwealth or State taxes being your taxes.

You can see below the result of the majority vote on Question 3 of the 1988 Referendum - Australians voted against the establishment and continuance of Local Government across Australia.

Question 3

A Proposed Law: To alter the Constitution to recognise local government.

Do you approve this proposed alteration?

The Constitution recognises government at the Commonwealth and State levels but makes no mention of local government. *Constitution Alteration (Local Government) 1988* sought to give such constitutional recognition to local government.

Result							
State	*Number on rolls*	*Ballot papers issued*	*For*		*Against*		*Informal*
				%		*%*	
New South Wales	3 564 856	3 297 246	1 033 364	31.70	2 226 529	68.30	37 353
Victoria	2 697 096	2 491 183	882 020	36.06	1 563 957	63.94	45 206
Queensland	1 693 247	1 542 293	586 942	38.31	945 333	61.69	10 018
South Australia	937 974	873 511	256 421	29.85	602 499	70.15	14 591

Western Australia	926 636	845 209	247 830	29.76	584 863	70.24	12 516
Tasmania	302 324	282 785	76 707	27.50	202 214	72.50	3 864
Australian Capital Territory	166 131	149 128	58 755	39.78	88 945	60.22	1 428
Northern Territory	74 695	56 370	21 449	38.80	33 826	61.20	1 095
Total for Commonwealth	**10 362 959**	**9 537 725**	**3 163 488**	**33.61**	**6 248 166**	**66.39**	**126 071**
Obtained majority in no State and an overall minority of 3 084 678 votes.							
							Not carried

As is clearly explained above, the Constitution recognises government at the Commonwealth and State levels but NOT at the Local Government level. In fact it again clearly states that the Commonwealth Constitution "makes no mention of local government." Now, the way that the Commonwealth Constitution Act is written is very simple. It states that "anything that is not granted is denied".

It is like if you were to go out for the night and leave your kids and at home and they ask you what they could do and what they could have. You might say "You can watch TV until 10.00pm, you can have cookies and milk and that's it. Just assume that anything that we haven't specifically said you can do or have – you can't!"

It would impossible to list every single thing that they could and couldn't have or do so you make a simpler list and basically say "If it's not on the list then you can't have it or do it."

The Constitution is written in EXACTLY the same way – that which is not granted is denied. Therefore, if the Constitution makes "No mention of local government" then it Local Government does NOT have any lawful power – simple!

Now, some councils will try and tell you that they operate under the Local Government Act of such and such year. Yet, in EVERY state in Australia, this so-called Local Government Act was brought in AFTER the Referendum which said that it couldn't be done!

NONE of these supposed Local Government Acts have been enacted in the Queen's Name as they are required to be under the preamble of the Commonwealth of Australia Constitution Act – to which the people have agreed - and yet they bring in a Local Government act AFTER the country had a Referendum and voted that they did NOT want to change the Constitution to recognise Local Government at Commonwealth or State level. This must only mean that Local Government and everything they do is UN-CONSTITUTIONAL.

Furthermore, this decision is protected by the Covenant on Civil and Political Rights – Article 1 (The right to self-determination). These local councils are just companies that have NO right to issue fines at all. They also have no right to request rate payments either, but that is a whole other e-book.

We have adapted the 3 step process that is outlined in Chapter 3 to suit all parking fines and if you click the link below it will take you to the first letter – the Parking Notice of Objection letter. You then follow through with the other letters in the same way as the 3 step process outlined in Chapter 3. The 3 step process for parking fines works in the same way as for speeding fines in that you are requesting that they PROVE that they have a legal and valid claim against you by simply proving that they have any lawful authority to issue the fine in the first place – which obviously they can't do.

"Parking_Notice_of_Objection.doc", "Parking_Default.doc"

"Parking_Meter_Notice_of_Objection.doc", "Parking_Meter_Default.doc"

Refer to Appendix E for a sample reply letter from a local council.

Now, as with speeding fines, in some cases, these councils are stupid enough to push the point and will ignore the 3 step process and will ask you to request for the matter to be heard in court. This is where you will need to use the Court Election letter requesting that the matter be determined by a court of competent jurisdiction. See letter below.

"Court Election.doc"

Please refer to Chapter 3 for a full explanation of how the Court election letter works and the relevance of the High Court ruling Forge v ASIC. Please also refer to Chapter 7 for tips and strategies on how to win your parking fine case in court.

Another point worth noting is that many local councils now think they're being smart by taking photos of cars that they believe are parked illegally. Because we have now inspired so many people to stand up and fight back against these ridiculous and unlawful fines the councils are looking for extra evidence to use against these people.

With speeding fines, the agencies usually had a speed camera photo or a reading from some other device to use as additional evidence in court – although we have obviously covered elsewhere in the e-book how to overcome this. At best they had 2 officers who would get on the stand and give evidence

against the driver.

With parking fines though, they had no external evidence and so, when it came to a court situation, it was simply the word of the parking officer against the word of the owner of the car. If the owner got up and gave evidence to say he wasn't parked illegally there wasn't much more the council could do. So, they thought they would get smart and start taking photos which they would then bring into evidence later should the fine be challenged in court.

Well, while they may have thought this was a smart move it has actually worked against them for a number of reasons. Firstly, the whole point of a fine is to discourage someone for doing the wrong thing. How the hell is someone going to know what they have done wrong when they simply go to their mailbox and find a parking fine from a week or two previous and they have no idea what the problem was?

Secondly, with the old system, the officer would place a ticket on the window so the driver knew that he had done something wrong and this would hopefully educate them not to do it again. But, if the officer had made a mistake, it gave the owner an opportunity to take their own photo or notes to prove that they had NOT committed any offence. By simply taking a photo and then sending a parking fine in the mail has removed the ability for the owner of the vehicle to confirm whether or not they have actually done something wrong.

And finally, and most significantly for those of you who are reading this e-book, NO PHOTO can EVER be used against you in court if you ask this one simple question –

"Can you PROVE to the court that this photo COULD not have been tampered with or enhanced?"

If you ask this simple question of any officer whilst he is on the stand he can NOT possibly prove that the photo COULD not have been tampered with or enhanced. He may give evidence that he didn't tamper with it or something along those lines but there is NO way of him proving that a photo that has been taken with a hand held digital camera could not have been altered. At that point you simply direct the Judge to have the photo removed as evidence as the authenticity of the photograph cannot be proven to be reliable. Then, it goes right back to your word against his and since you were not given the details of the alleged offence at the time, you are at a disadvantage as they have used subversive tactics against you.

When running a parking fine case in court you must also use the same principles as are mentioned in Chapter 7 in respect to speeding fines. You must ask if the court hearing is accordance with the High Court ruling Forge v ASIC – which it won't be - and therefore you do not consent to the jurisdiction of the court.

If you have used the 3 step process, you should also have the 3 letters attached to your court file by way of the supplied Affidavit and ask the prosecutor at the beginning of the case why they are pursuing a matter after they have admitted that they can't prove any claim against you and have agreed not to take any further action in the matter. You should point out to the Magistrate/Judge that this is a blatant disregard of their legal responsibilities and a waste of the court's valuable time.

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Chapter 10 >>

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APPENDIX A:

vicroads
ABN 61 760 960 480
www.vicroads.vic.gov.au

[redacted]
VIC [redacted]

Our Ref: [redacted]

[redacted] 2004

Dear Mr [redacted]

Freedom of Information Request

I refer to your Freedom of Information request dated [redacted] 2004, which was received in this office on [redacted] 2004. I also refer to your $20.00 application fee, which was received in this office on [redacted] 2004. You sought access to copies of the following documents:

1. *A certified copy of any alleged statutory declaration/document/contract/deed that contractually binds the Roads Corporation (NRGD 050 948 966) and/or VicRoads (NRGD 050 984 186) with "[redacted]," a juristic person, an abstract, legal entity, an "ens legis," such as a corporation, created by construct of law and considered as possessing certain legal rights and duties of a human being*

2. *A certified copy of the appointment of Colin Jordan, the previous Chief Executive of VicRoads (NRGD 050 984 186), pursuant to Section 15 of the Transport Act 1983.*
   "15. Roads Corporation
   (1) There is established a Roads Corporation.
   (2) The Roads Corporation consists of one member appointed by the Governor in Council as Chief Executive of the Roads Corporation."

3. *A certified copy of the appointment of David Anderson, the current Chief Executive of VicRoads (NRGD 050 984 186), pursuant to Section 15 of the transport Act 1983*

Although a thorough and diligent search has been conducted documents relating to the above three points do not exist

Notwithstanding, where requested documents do not exist or cannot be located, I am obliged under Section 27(1)(c) of the Freedom of Information Act to advise you of your right to complain to the Ombudsman

Should you have any queries regarding this matter, please contact me on Tel: 9854 2331

Yours sincerely

Franca Chick

Franca Chick
Freedom of Information Officer

Victoria
The Place To Be

[redacted]

<< Chapter 11

Appendix B >>

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All correspondence should be addressed to

CIVIC COMPLIANCE VICTORIA
GPO BOX 1916
MELBOURNE VIC 3001

Attend in person at

CIVIC COMPLIANCE VICTORIA
LEVEL 1, 277 WILLIAM STREET
MELBOURNE VIC 3000

TELEPHONE (03) 9200 811*
FACSIMILE (03) 9200 8029

VICTORIA POLICE

[redacted] April 2006

[redacted]

Obligation Number: [redacted]
Infringement Number: [redacted]

Dear Sir/Madam,

Your letter concerning the above Infringement Notice has been received and is in the process of being considered.

You need take no further action until advised by this office, unless the following note applies.

Yours faithfully

R Ritchie
Snr Sergeant 18348
Traffic Camera Office

[redacted]

Note:
If your Infringement Notice is for a speed greater than 25 km/h above the limit or a Drink Driving offence which relates to a licence loss, this office cannot waiver or defer the suspension/cancellation/disqualification period or commencement date of your licence loss, which is 29 days from the date of issue of your Infringement Notice.

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All correspondence should be addressed to

THE OFFICER IN CHARGE
TRAFFIC CAMERA OFFICE
PO BOX 1916R
MELBOURNE 3001

TRAFFIC CAMERA OFFICE
PROSECUTIONS SECTION
LEVEL 20
120 SPENCER STREET
MELBOURNE 3000

Telephone 9637 5710
Facsimile 9637 5722

VICTORIA POLICE

Ref[redacted]

[redacted]

Monday [redacted] 2005

Dear Sir/Madam

REVIEW OF TRAFFIC CAMERA OFFENCE

RE: INFRINGMENT NOTICE NO[redacted] Issued at Nepean Highway, Aspendale on[redacted]

Following a review of the above mentioned matter I wish to advise you that no further police action will be taken against you

Yours faithfully,

Ron Ritchie
Senior Sergeant 18348
Prosecutions Officer

[redacted]

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Appendix C >>

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APPENDIX C:

All correspondence should be addressed to

THE OFFICER IN CHARGE
TRAFFIC CAMERA OFFICE
PO. BOX 1916R
MELBOURNE 3001

TRAFFIC CAMERA OFFICE
PENALTY REVIEW SECTION
LEVEL 1
277 WILLIAM STREET
MELBOURNE 3000

Telephone 9224 4380
Facsimile 9224 4305

VICTORIA POLICE

Ref: [redacted]

[redacted] August 2006

TRAFFIC INFRINGEMENT WITHDRAWAL NOTICE

Issued pursuant to the *Infringements Act* 2006 and the *Infringements (Reporting and Prescribed Details and Forms) Regulations* 2006

Dear Sir/Madam

INFRINGEMENT OFFENCE DETAILS

Enforcement Agency: Victoria Police
Date/Time of Offence: [redacted] [redacted] AM
Approximate Place of Offence: NEPEAN HIGHWAY, [redacted]
Infringement Offence: **EXCEED SPEED BY LESS THAN 10KM/H**
Road Safety Act 1986
Road Rules - Victoria

I refer to Traffic Infringement Notice Number [redacted] issued to you on [redacted]

If you have paid the infringement penalty and any prescribed costs, a refund will be forwarded to you in due course, unless you have an ongoing payment plan under Part 3 of the *Infringements Act* 2006. Any demerit points associated with this offence will be cancelled.

Further information regarding this matter may be obtained from www.police.vic.gov.au or by contacting Civic Compliance Victoria by phone on (03) 9200 8111 or in person at Level 1, 277 William Street Melbourne.

Yours faithfully

C DOWELL
Senior Constable24892
Prosecutions Officer

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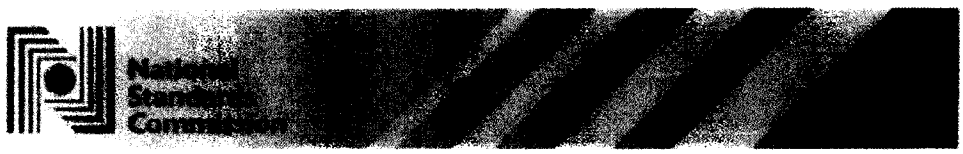

[illegible]

Leaflet No 25
November 2002

The National Measurement Act

Introduction

Historically Australia's measurement system was transferred from England, and prior to Federation many of the States and Territories had independently developed local systems of weights and measures. Commonwealth responsibility for weights and measures was first specified in section 51(XV) of the 1901 Constitution

In accordance with this responsibility the Commonwealth acceded to the Convention of the Metre in 1947 and in 1948 used its constitutional powers to enact the first national legislation defining legal units of measurement in Australia, i.e. the *National Measurement Act 1948*. The object of this legislation was to provide a uniform system of weights and measures throughout Australia that could be administered through the existing State and Territory instrumentalities.

During its passage through Parliament the Government was at pains to point out that the term 'weights and measures', whilst traditionally referring almost exclusively to commercial transactions, in fact applied to the measurement of all physical quantities. Subsequently this legislation was superseded by the *National Measurement Act 1960* (the Act) which now forms the legislative basis of Australia's national measurement system.

Objectives of the Act

The objectives of the Act are:

- to establish a national system of units and standards of measurement of physical quantities;
- to provide for the uniform use of those uniform units and standards of measurement throughout Australia;
- to coordinate the operation on the national system of measurement;
- to bring about the use of the metric system of measurement in Australia as the sole system of measurement of physical quantities; and
- to provide for a system of verification of utility meters used for trade.

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The Role of the National Standards Commission

The Commission was established in 1950 to advise the Government on the operation of the Act and to coordinate the operation of the national system. In addition it has a number of specific functions which are provided for in the Act, namely:

- to furnish advice to the Minister on matters relating to the administration of the National Measurement Act;
- to promote and coordinate the use in Australia of a uniform system of units and standards of measurement of physical quantities;
- to consult and cooperate with appropriate State and Territory authorities on matters relating to legal metrology and the use of units of measurement in the packaging of articles for sale;
- to consult and cooperate with the International Organisation of Legal Metrology (OIML) and other appropriate international organisations on matters relating to legal metrology;
- to examine and approve patterns of measuring instruments;
- to take appropriate steps to ascertain whether measuring instruments with an approved pattern are in accordance with the pattern;
- to verify utility meters used for trade;
- to take appropriate steps to ensure that utility meters used for trade are verified and used and dealt with as required by the Act;
- to promote the adoption in the States and Territories of uniform legislation relating to:
  - patterns of measuring instruments for use for trade; and
  - the use of units of measurement in the packaging of articles for sale;
- to provide information relating to units of measurement and standards of measurement;
- to bring about progressively the use of the metric system of measurement in Australia as the sole system of measurement of physical quantities;
- to make grants of financial assistance for purposes relating to metrology;
- to make loans for purposes relating to metrology;
- to guarantee loans made for purposes relating to metrology; and
- to establish and award fellowships and scholarships for:
  - training in the knowledge and skills relevant to metrology; and
  - metrology research.

The National Measurement Act and the National Measurement Regulations

Federal Government legislation in the form of the Act and the National Measurement Regulations (the Regulations) in power under the Act, apply to the measurement of all physical quantities throughout Australia in commerce, industry, government, science and the community.

Under section 7A of the Act, Australian legal units of measurement are defined in the Regulations for physical quantities including length, area, mass, volume, angle, time interval, frequency, electrical quantities, photometric quantities and radiation quantities.

The Act also provides for the combination of legal units, not otherwise prescribed, to be legal units of measurement.

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Regulations made under force of the Act may prescribe Australian legal units of measurement of any physical quantity. Such units are the sole legal units of measurement of those physical quantities, with the exception of certain additional units which have been prescribed for particular purposes. These non-SI units include the inch for use in the electronics and computer industries, the kilocalorie to measure food energy values, the millimetre of mercury to measure blood pressure and the horse power to measure engine ratings in the aviation industry.

In order to ensure national uniformity, section 19A of the Act empowers the National Measurement (Patterns of Measuring Instruments) Regulations. These Regulations specify that all new patterns of measuring instruments intended for trade use must be submitted to the Commission for examination. Pattern approval aims to ensure that instruments will maintain their accuracy between verifications and will not be adversely affected by changes in environmental conditions such as temperature, humidity, electromagnetic interference etc. Once a pattern is approved any instrument complying with the pattern can, after successful verification and marking by a trade measurement authority, be used for the purpose of trade throughout Australia.

Traceability and Legal Measurement

Legal metrology comprises all measurements carried out for any legal purpose and includes measurements that are subject to regulation by law or government decree. In addition to those measurements administered by trade measurement authorities, it also includes trade measurement of electricity, gas, water, telephone and taxi meters as well as measurements in areas such as occupational health and safety (e.g. acoustic power and ionising radiation) and traffic control (vehicle speed and breathalysers).

The Act requires that where Australian legal units of measurement have been defined for a physical quantity, then measurements of that physical quantity shall only be legal when they are traceable to the Australian primary standards of measurement.

Traceability is the process whereby a measurement is referenced back to the appropriate Australian primary standard of measurement through a hierarchy of calibrations of increasingly higher accuracy. To ensure traceability, the calibrations at each level should be carried out by an accredited organisation, using approved equipment, traceable standards and appropriately trained personnel. Traceability is necessary both to ensure that all measurements are derived from, and are consistent with, Australian primary standards as well as meet the legal requirements of section 10 of the Act.

Traceability also has economic importance for all trade measurements, measurements made for government regulatory purposes and also in international dealings such as offset and joint venture contracts, where it is necessary to demonstrate traceability to the national standards and through them to international standards.

States and Territories may enact legislation in respect of the verification of means of measurements provided that there is no inconsistency with section 10 of the Act. Section 10 of the Act requires that a legally traceable measurement of a physical quantity may only be made by means of, by reference to, by comparison with, or by derivation from:

(a) an appropriate Australian primary standard of measurement;

(b) an appropriate Australian secondary standard of measurement;

(c) an appropriate State primary standard of measurement;

(d) an appropriate recognised-value standard of measurement;

(e) an appropriate reference standard of measurement;

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(f) two or more standards of measurement, each of which is a standard of measurement referred to in (a), (b), (c), (d) or (e);

(g) a certified reference material;

(h) a certified measuring instrument;

(i) one or more standards of measurement, each of which is a standard of measurement referred to in (a), (b), (c), (d) or (e) and a certified reference material;

(j) one or more standards of measurement, each of which is a standard of measurement referred to in (a), (b), (c), (d) or (e) and a certified measuring instrument; or

(k) one or more standards of measurement, each of which is a standard of measurement referred to in (a), (b), (c), (d) or (e), a certified reference material and a certified measuring instrument.

and not in any other manner.

The definition of legally traceable measurement is very broad. In the present climate of increasing litigation it is timely to consider whether measurements that are physically traceable need also to be legally traceable.

Uniformity

Prior to the mid-1960s, the pattern approval of measuring instruments was carried out by the States and Territories. At the request of the trade measuring industry for uniformity, this activity was centralised at the Commission. In the 1980s the Commission chaired a working party that developed Uniform Trade Measurement Legislation that has subsequently being enacted by all State and Territory governments.

Verifying Authorities

Australia has two principal methods of disseminating standards of measurement to prove traceability to Australian primary standards of measurement held and maintained by CSIRO's National Measurement Laboratory. One method is through the National Association of Testing Authorities, Australia (NATA), and the other is through the appointment of verifying authorities by the Commission.

The Commission appoints verifying authorities under Regulation 77 of the Regulations in force under the Act. Verifying authorities are appointed where there is a need for legally traceable measurement, such as measurements that form the basis for government regulation, agreements, contracts and court proceedings.

A verifying authority is empowered to issue certificates under Regulation 13 that attest to the verification of a standard of measurement. Such a certificate is evidence of the matters stated in it and may be received as evidence in any court of law.

An increasing number of measurements are being made for regulatory purposes, and these require traceability within the meaning of section 10 of the Act, e.g. vehicle speed, breathalyser measurements and measurements for environmental monitoring. Many of the measurements are made by laboratories that have not been appointed as verifying authorities, but which may be able to demonstrate a chain of calibrations to Australian primary standards.

Advice from the Attorney General indicates that measurements from a particular laboratory, although being able to demonstrate a chain of calibrations, may not comply with section 10 of the Act, and could be excluded from legal proceedings on the basis of the hearsay rule of evidence. Certificates issued under Regulation 13 are always admissible as evidence in legal proceedings.

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In order to be appointed as a verifying authority under Regulation 77, an applicant must satisfy the following conditions:

(a) there is a reasonable need to verify standards of measurement for purposes of administering a State or Federal law;

(b) adequate test facilities are available;

(c) competent staff, who can be identified, are employed; and

(d) valid standards of appropriate accuracy are held and maintained.

The applicant laboratory shall also enter into agreement with the Commission upon:

(a) the manner of expressing and calculating the accuracy of a measured value;

(b) the least uncertainty to be expressed in Regulation 13 certificates; and

(a) the form of certificate that the appointee proposes to issue in accordance with Regulatio

NATA News

Reference Materials and the National Measurement Act

By Dr Grahame Harvey,
National Standards Commission

ABSTRACT
The objective of the National Measurement Act (1) can be summarised by the statement that we must ensure that measurements are what they purport to be. The rewritten National Measurement Regulations came into effect on 1 October 1999 together with new National Measurement Guidelines. The former included provisions for reference materials. The major thrust of the measurement legislation is to facilitate the achievement and demonstration of traceability, thereby providing a sound evidentiary basis for any contracts, dealings or other transactions involving measurement. The impact of the legislation and its new provisions for reference materials is discussed below

OBJECTS OF THE ACT
Section 4 of the Act states

"The objects of this Act are

- to establish a national system of units and standards of measurement of physical quantities;

- to provide for the uniform use of those uniform units and standards of measurement throughout Australia;

- to co-ordinate the operation of the national system of measurement; and

- to bring about the use of the metric system of measurement in Australia as the sole system of measurement of physical quantities

and this Act shall be construed accordingly "

In addition, the second reading speech for the Act stated that we "must ensure measurements are what they purport to be ... " This is a succinct apprehension of the objects of the Act

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The main provisions of the Act are concerned with

- specification of units of measurement (s 7)

- CSIRO's role in maintaining standards of measurement (s 8)

- traceability (s 10); and

- trade measurement matters (s 19 and Part VA)

AUSTRALIAN LEGAL UNITS OF MEASUREMENT
Section 7 of the National Measurement Act (the Act) states that the Australian legal units of measurement of a physical quantity are the sole legal units of measurement of that physical quantity. Section 7A provides for the Regulations to prescribe the Australian legal units of measurement of any physical quantity.

The previous Regulations prescribed the legal units of measurement exhaustively. For each physical quantity the base units were prescribed and an associated schedule listed all of the compound legal units of measurement, comprising the base unit and a prefix, and any additional units of measurement for use for a particular purpose. It is important to note that legal units of measurement were not prescribed for every physical quantity. For example, no legal units of measurement were prescribed for concentration or flow rate. In addition, For each physical quantity mentioned in the regulations, only that subset of the possible combined legal units of measurement required by existing technology was prescribed.

Part 2 of the new Regulations (2) prescribes the Australian legal units of measurements. These are now prescribed in the same abbreviated manner as has been adopted by the International Organization for Standardisation (ISO). Schedule 1, Parts 1 to 4 list the SI base units of measurement, the SI derived units of measurement with special names, the non-SI units of measurement and additional derived units of measurement. Schedule 2 lists additional units of measurement prescribed for special purposes, and Schedule 3 prescribes the SI prefixes.

National Measurement Guidelines (3) issued by the Commission under section 7B of the Act govern how Australian legal units of measurement may be formed from the prescribed SI units and prescribed prefixes. The physical quantities for which Australian legal units of measurement may be formed are listed in the guidelines and are unchanged from the previous Regulations apart from the addition of several to satisfy the needs of the electricity industry.

The new method of prescribing Australian legal units of measurement means that the full range of prefixes may be used with the base unit of measurement for each physical quantity. This obviates the need to amend the Regulations from time to time as technology advances to include specific compound units of measurement.

TRACEABILITY
Section 10 of the Act provides a mechanism to allow the demonstration of a measurement's traceability. It states:

"When, for any legal purpose, it is necessary to ascertain whether a measurement of a physical quantity for which there are Australian legal units of measurement has been made or is being made in terms of those units, that fact shall be ascertained by means of, by reference to, by comparison with or by derivation from
(a list of standards of measurement)
and not in any other manner."

The list of standards includes, in addition to the highest level standards, reference standards of measurement. In 1992, the list was amended to include certified measuring instruments and certified reference materials. However, it is only with the making of the new Regulations that these additional pathways to demonstrate traceability have become available.

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Reference Standards of Measurement
A reference standard of measurement is defined in the Act as being a standard of measurement, other than the highest level standards, that is verified in accordance with the Regulations. In practice this means one that has been verified according to Regulation 13 of the Regulations. This corresponds to the familiar Regulation 80 of the former Regulations.

Organisations that may verify standards of measurement under Regulation 13 are the CSIRO, the National Standards Commission and a body or person appointed by the Commission to verify particular standards of measurement. The Commission appoints as verifying authorities both private and public business entities provided that they meet the necessary criteria.

Certified Measuring Instruments
Part 4 of the new Regulations specifies the requirements for measuring instruments to be certified. The provisions provide additional means by which a measurement can be shown to be made in terms of Australian legal units of measurement under section 10(h) of the Act. The proposed provisions will facilitate the presentation of evidence in court by regulatory authorities such as the police.

Organisations that may certify measuring instruments are the CSIRO, the Commission and a body or person appointed by the Commission to certify particular measuring instruments.

Before an instrument may be certified, its design must be approved by the Commission. This is known as pattern approval (4).

Certified Reference Materials
Part 5 of the new Regulations specifies the requirements for reference materials to be certified. Chemical measurements make an important contribution to the Australian economy and rely to a large extent on reference materials. By providing an additional traceability pathway under section 10(g) of the Act, this part will facilitate the demonstration of traceability, where it exists, of measurements in chemistry.

Organisations that may certify reference materials are the Commission and a body or person appointed by the Commission to certify particular reference materials.

Recognition of Overseas Calibrations
One of the issues faced by the Australian measurement system is the appropriate recognition of international calibrations and testing. It is not possible for the full range of calibrations and reference materials required by industry to be provided within Australia. However Section 10 of the Act requires traceability to Australia's primary standards of measurement. To address this issue, the Regulations provide for the Commission to recognise by written instrument foreign verifications of reference standards of measurement (Regulation 21), foreign certifications of measuring instruments (Regulation 40) and foreign certifications of reference materials (Regulation 53) where appropriate.

The basis for recognition is that there is demonstrated traceability within the foreign country and that there is comparability between the primary standards of the foreign country and Australia. The Commission will require that the body issuing the certificate should have third-party accreditation by an organisation that has a mutual recognition agreement with NATA.

REFERENCE MATERIALS
Meaning
The term 'certified reference material' has a particular meaning in Australia. It is defined in Section 3(1) of the Act to mean "a reference material that has been certified by a certifying body under the regulations". The Regulations themselves define a certified reference material as one certified under Regulation 48. However the term is used loosely in Australia to mean a reference material that has been certified by anyone.

Appointment of Certifying Authorities
On receipt of a written application, the Commission may appoint a body or person as a certifying authority for reference materials. Certifying authorities are the only bodies or persons that can certify reference materials in Australia. The appointment may be for reference materials generally or for reference

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materials of a particular kind or of particular kinds. A prime requirement for appointment is NATA accreditation for that activity

Certification of Reference Materials
On written application a certifying authority may
- examine a reference;
- certify a reference material, and
- issue a certificate for the reference material

It is also possible for a certifying authority to issue a certificate of variation for a reference material. Under Regulation 52, the Commission may determine the methods by which property values of reference materials must be established. Finally, provision is also made for a certifying authority to certify a reference material without application. This would be appropriate where it is necessary to confirm the validity of a particular certified reference material

SOME LEGAL METROLOGY ISSUES
Units of Measurement for Concentration
While the mole is specified as the Australian legal unit of measurement for the physical quantity "amount of substance", at the present time there are no Australian legal units of measurement for the quantity "concentration". Much of analytical chemistry is concerned with reporting levels of concentration, and this omission places that activity outside of the ambit of the Act.

The Commission's Chemical Metrology Committee has requested that the Commission address this issue by specifying units of measurement for the quantity "concentration", but concerns raised by the National Environmental Protection Council (NEPC) have prevented this occurring to date. Representatives of the NEPC were invited to the most recent meeting of the Chemical Metrology Committee and the Commission is actively attempting to resolve this matter through consultation

Environmental Court Case
The problems that can arise when Australian legal units of measurement are not specified are best illustrated by way of example

In 1998, the Kalgoorlie Court of Petty Sessions heard a case between the Department of Environmental Protection of Western Australia (the EPA) and WMC Resources Ltd (WMC). WMC was charged with having caused the concentration of sulphur dioxide at a monitoring station to exceed the statutory limits. The measurements of sulphur dioxide concentration were carried out by WMC under a license agreement with the EPA

When the lawyer acting for the EPA attempted to introduce evidence relating to the concentration of sulphur dioxide, it was opposed by the lawyer for WMC on the basis that the measurements were not traceable under Section 10 of the National Measurement Act. During the case the prosecution contacted the Commission for its views. They were advised that as no Australian legal units of measurement had been prescribed for the physical quantity "concentration", the Commission believed that Section 10 did not apply to the WMC measurements of concentration. Under this circumstance the matter is outside the ambit of the Act and would need to be resolved by argument based on the evidence and common law precedent

Notwithstanding this advice, the magistrates court found that the evidence was inadmissible and the prosecution failed. The EPA appealed this decision to the Western Australian Supreme Court. The Supreme Court has now ruled that s 10 does not apply to the WMC measurements.

Certified Measuring Instruments
Analytical chemistry has moved away from wet chemical methods and has embraced instrumental techniques in order to meet demands for increasingly sensitive measurements. There is now an opportunity for some of these measuring instruments to be certified under Regulation 37. As with reference materials, certification can only be carried out by certifying authorities that have NATA accreditation for the appropriate activity. One of the matters that the Commission is discussing with the National Environmental Protection Council is the range of measuring instruments used for evidentiary purposes that may need to be certified. Also the Commission is currently in consultation with the police about the certification of evidentiary breathalysers

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Common Law Presumption of Accuracy
The introductory wording of Section 10 is "When, for any legal purpose, it is necessary to ascertain ..." This wording has featured in several court cases where it has been argued, successfully on occasions, that it was not necessary to ascertain that a measurement was made in terms of Australian legal units of measurement. The reason given was that the presumption of accuracy would apply unless an alternative measurement was provided to cast doubt on the original measurement.

One of the presumptions of common law is the presumption of accuracy of notoriously accurate scientific instruments. Any scientist or metrologist would know that a better presumption would be one of inaccuracy of scientific instruments. After all, no measurement is completely accurate. Nevertheless the former presumption forms part of common law.

The Commission sought a legal opinion on this matter from the Attorney General's Department. The opinion relied on a further presumption, that legislation is not taken to override common law rules (such as the presumption of accuracy of scientific instruments) unless it shows a clear intention to do so. If the legislation does show such an intention (express or implied), it automatically prevails over the common law. In the present context, the question is whether Section 10, read in the context of the Act as a whole, shows an intention to override the presumption of accuracy of scientific instruments. The Attorney General's view was that it did not.

If this view is correct, then the presumption of accuracy of scientific instruments provides prima facie evidence as to the accuracy of the measurement. Only if that presumption is rebutted, does it become "necessary to show that a measurement has been made in terms of Australian legal units of measurement ..." and then section 10 comes into effect.

CONCLUSION
This paper has sketched out the application to chemistry of the new provisions in the National Measurement Regulations relating to certified measuring instruments and certified reference materials. It has been emphasized that in the absence of a firm evidentiary basis for contracts, dealings and other transactions provided by legal metrology, one is left with common law presumptions and all the uncertainty and arbitrariness that this entails.

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APPENDIX E:

CITY OF **PORT PHILLIP**

Port Phillip Parking Services
Ground Floor, 120 Spencer St
Melbourne VIC 3000

Postal Address
GPO Box 632E
Melbourne VIC 3000

(03) 9611 7660
(03) 9611 7632

[redacted]2005

[redacted]

Dear Madam,

Thank you for your Court application regarding Infringement No.[redacted] issued to vehicle registration[redacted]

The Prosecution's officer has re-examined your case and at his discretion has decided not to proceed with any court action against this matter.

On this occasion the ticket has been withdrawn and the matter is now finalised. The action taken in this matter is not to be viewed as a precedent and you are reminded that offences of a similar nature may not result in the same outcome.

No further action is required on your behalf.

Yours faithfully,

Penalty Review Officer[redacted]
PORT PHILLIP PARKING

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10. Bonus Section 2 – How to Keep Your Licence if You're About to Lose it.

So, you have a fine that you didn't object to in time or have JUST been convicted in court of a speeding offence that is going to cause you to lose your licence – either because you were travelling too fast or because you are about to go over your points allocation. What do you do?

What you need to do is find someone in another state who will say that you live with them and QUICKLY go there and change over your licence. You will firstly need to go to your local Roads Corporation: Queensland Transport, VicRoads, RTA, etc. and explain that you have misplaced your licence and need another copy. This usually costs less than $10. This is not an essential step, but it just means that you have 2 copies of your current licence so, when you hand one into the authorities in the next state, you still have one for ID purposes. This becomes handy for bank loans and the like, where you have to prove your identity and address so it is definitely worth doing – you never know what you may be doing in 6 months or so.

You will need to have someone in another state who can write you a letter or provide some kind of rental receipt to say that you now live there. All you need to do is go into the Roads Corporation office, show the proof of your new address and hand over your licence. You need to do this ASAP because they will do a licence check to make sure your licence is not suspended. If it is, they will NOT issue you a new one.

Even if you have been convicted in court of law, it will usually take more than a week for the court to provide the Roads Corporation details of your licence suspension and then they have to update that information on their system. We have been involved with cases that took over 2 months for all the information to go through and be processed, but we URGE you not to tempt fate.

You now have a new Driver's Licence that is free of demerit points. Even with a court conviction, you can only have that state's licence suspended. You cannot have a QLD licence suspended if you were convicted in Victoria, etc. We actually had a case where we SPECIFICALLY asked the Judge if he was suspending ONLY a Victorian Drivers Licence or any other licences and he answered that he had no right to suspend any other licences and was therefore only suspending the Victorian one. When we went to get a copy of the tape to get a transcript of this fact, the tape somehow went "missing" – this was despite clearly requesting that the matter be recorded. We'll leave that one up to YOU to figure out what happened.

Please be aware that if you are pulled over and the car you are driving is registered in your name, you will be questioned as to why you are driving when your licence in that state has been suspended. All you need to say is that you are driving on a legal and valid licence from such and such state.

The officer may still choose to pursue the matter, but you will have a very strong case in court if that happens. The best thing is to keep a low profile for the period of your suspension and an even BETTER idea is to borrow someone else's car or drive a company vehicle because then they can't correlate your name to that state.

Please note, this is NOT the case between Vic and NSW, as their systems are linked.

Sure, all of this is a bit of mucking around, but a lot less trouble than not being able to drive for 3, 6 or 12 months and a LOT better than driving on a suspended licence, which we do NOT recommend, as the penalties can be very severe.

There is also a gentleman by the name of Scott Cooper who has very kindly offered his services to all of our clients. He has a specific system for appealing any loss of licence and he can be contacted directly on 0419 536 975 or his website can be found at www.speedingfineconsultants.com

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11. Bonus Report 3 - Why ALL Speed Cameras MUST be Removed from Service IMMEDIATELY!

As we covered earlier in this e-book, when Police are using a laser or radar device to charge you, they can NOT rely on the reading from the device alone. They MUST first ESTIMATE your speed and then CONFIRM that estimation by pointing the device at you and taking a reading.

If you read a Police statement in a Brief of Evidence or hear them give testimony under oath, they will always say that they saw the vehicle and estimated that it was travelling above the speed limit and then pointed the speed detection device in the direction of the vehicle and took a reading and that reading then confirmed their estimation.

In the user manuals for these devices, it is known as creating a "tracking history".

Page 32 of the Pro Laser 2 Model Auslaser and Pro Laser 3 Speed Measuring Device Training Manual states that, "This allows the operator to correlate the displayed target speed with the visual observations of the target vehicle, thus establishing the tracking history needed for introduction of the evidence into court."

Page 2-4 of the Victoria Police Mobile Radar Training Manual states that, "Several elements are involved in the valid identification of a target vehicle. Together, these elements comprise what is referred to as a complete "tracking history" and are listed below:
Visual estimate of the target speed: This is the most critical element. Testimony must prove that the vehicle in question was observed to be speeding. An operator's ability to estimate speeds is established separately from the RADAR evidence."

We also know this relates to other devices that are used for legal purposes, eg. a breathalyser. The hand held breathalyser is used to take an initial reading (that's why it's called a "preliminary breath test") and then, if it shows that you are over the prescribed limit, you are taken for a SECONDARY check via a blood test. It is the results of this blood test that will determine whether or not you get charged.

The point is that a device of ANY kind can NOT be used wholly on its own to charge you. Any device can only be used to pre-empt a charge or confirm a charge. With a radar or laser, the device is used to confirm the initial estimation; with a breathalyser it provides probable cause and suggests further investigation needs to occur to see if a charge is warranted or not.

Let's quickly look at some other real world examples. If you go through a metal detector, it might go off and pre-empt someone to come and do a more thorough search of your bags, for example.

An officer can't come and search your home without first getting a search warrant. Now, they can't get a warrant just because they want one either, they have to have probable cause. All these devices can only play ONE role in a 2 step process to show probable cause.

Probable cause has to be shown first, BEFORE someone can be charged – this is what a tracking history is. The officer's initial estimate of speed is the probable cause required to take the actual measurement of speed with the device, otherwise, police could just point their laser and radar devices at anyone and ASSUME they were guilty – which is pretty much what happens anyway.

However, that is NOT how our illustrious justice system is supposed to work. There is still some kind of transparency required. Imagine if the police just pulled everyone over and stuck a needle into their arm to see if they were over the State's blood alcohol limit – there would be outrage. What if the Police just barged into people's houses because they wanted to look around and see if they could find any evidence of a crime – without first having probable cause?

So, the million dollar question is HOW DOES A SPEED CAMERA USE A 2 STEP PROCESS AND SHOW PROBABLE CAUSE BEFORE CHARGING YOU??????

The fact is that it DOESN'T! You pass a beam and a photo is taken and you are automatically charged. Sure, you can dispute that charge, but you can also do that with a laser, radar or blood alcohol charge. The KEY here is that there MUST be a 2 step process and, with speed cameras, there simply ISN'T!

There is no-one there to FIRST estimate your speed and then CONFIRM it with the camera, it happens all by itself. Talk about Big Brother - we can NOT allow these devices to become Judge, Jury and Executioner all in one, as they are at the moment.

If there is no transparency of justice – as there is with laser and radar readings – then our common law rights are being circumvented. We are purely and simply assumed to be guilty unless WE can prove our innocence.

Now, this information has only JUST come to light recently and we are hoping to break it to the public and media all at the same time via this e-book. We need everyone to write to their local politicians and express their disgust that these cameras have been allowed to operate illegally for so long and demand that they are IMMEDIATELY removed from service. We would ask ALL the media to launch their own, independent investigation into our claims and inform the public of their findings.

We will continue to research this and test cases as they come up and will keep you informed via e-mail and also via our forum. We urge you ALL to understand the implications of this information. There is NO legal transparency when it comes to speed cameras and we can NOT just sit back and ignore this information. We must ALL act together to have these illegal devices removed from service.

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