Full Disclosure - A rudimentary guide to dealing with various fines, government impositions, and the legality of many actions that the government takes

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Chapter I – Disclaimer & Introduction

"The bigger the lie, the more people will believe it because no one would believe that someone would lie so much." ~Nazi propaganda

Before beginning, it is important to note that as with any product, the common disclaimer, "Individual results may vary" applies very much to this book and the methods that are outlined. The contents of this book are solely the experience and opinions of the author(s) who bear no responsibility for anyone else who chooses to pursue any of the strategies discussed. All methods are pursued only at the discretion of each respective reader with no expectation that the outcome may be the most desirable one that you want. There are always risks associated with legal challenges, so it is up to you to decide what you want to pursue and how far you want to go. Different methods are discussed purely as a way to educate you on the possibilities on what course of action you could take in a given situation; it does not mean you may always achieve your desired outcome or that you should take a certain course of action. The contents of this book are for commentarial purposes only and do not purport in any way to be general or specific legal or medical advice.

Once you agree to the above clause, read on, and enjoy!

There is quite a bit of information contained in this book so most of it will be as straight to the point as possible. Quite simply, what is going to be discussed here is the way that people can challenge impositions from the government (be it fines, lockdowns, mandates, etc.) in order to curb the trend of increasing government control that has been quite subtle up until 2020 – but since then, has become so much more obvious. Much of the information is Australia-specific – especially the specific sections of legislation and court cases which are referenced, but similar principles may be able to be used in other countries, more so those within the Commonwealth. After all, if people do not know their basic rights and freedoms, how can they know when or if their rights and freedoms are being infringed? This book aims to help people ensure that they are not coerced in anyway to make decisions or take certain actions which they may otherwise not want to take.

Chapter II – Law

"The real reason that we can't have the Ten Commandments in a courthouse: You cannot post 'Thou shalt not steal', 'Thou shalt not commit adultery', and 'Thou shalt not lie' in a building full of lawyers, judges, and politicians." ~George Carlin

To start with, there is a fundamental difference between "law" and "legislation". Although the two words are often (and not necessarily incorrectly) used interchangeably, there are some contexts where "law" refers exclusively to natural phenomenon like Gravity, Physics or Karma, while "legislation" refers exclusively to decrees or statutes which were made by humans (i.e. laws of man vs laws of nature/the universe). However, in this book the two terms will be used interchangeably and will be referring to human laws (unless explicitly stated otherwise) because it is the most relevant for the current system in which we operate.

What is known today as Australia was created as the Commonwealth of Australia through an Act of the British Parliament known as the *Commonwealth of Australia Constitution Act 1900 (U.K.)*. An "Act" is simply a piece of legislation that is currently in force and applicable to people in the jurisdiction within which it was enacted. A "bill" is also legislation, but it is not in force and is generally of draft of what later becomes an "Act" should it pass through the necessary process for it to become a law. In Australia, the *Commonwealth of Australia Constitution Act 1900 (U.K.)* is the fundamental law that all other legislation must be subject to. This is generally the case in many other countries that have written constitutions as well – any actions that their governments take, must be in accordance with that foundation document.

It is recommended that you have a basic understanding of the structure of the Westminster Parliamentary system before continuing to read. The best resource would be to read the *Commonwealth of Australia Constitution Act 1900 (U.K.)*, which contains the Commonwealth Constitution at clause 9. The Annotated Commonwealth Constitution is regarded by the High Court as the authority on which to interpret the *Commonwealth of Australia Constitution Act 1900 (U.K.)*, so we can look to that for more context behind any sections that are referred to hereafter. In order to best comprehend this book, it's not necessary, but recommended to have a decent understanding of the following:

- roles of the executive, judicial and legislative branches of government
- composition of the Parliament (e.g. what the two houses of parliament are and their purpose, how many members/senators there should be and how they are selected, etc.)
- composition of the Judiciary (e.g. the function and purpose of various Courts, how judges are appointed, etc.)
- composition of the Executive (e.g. how ministers are appointed, how the voting system works, how the Commonwealth is split into electorates, etc.)
- varying powers and responsibilities of the state and federal tiers of government
- difference between states and territories

- difference between residual, exclusive and concurrent powers of parliament
- history of federation
- process by which legislation is created, and the requirements for an Act to be constitutionally compliant.

The rest of this chapter will explain that last point – the process by which legislation is created, because much of what this book covers is in relation to many "laws" which are not actually laws, because they have not followed the requisite process before they are enacted. These are known as "pretend laws" – laws which are not actually laws because they are not constitutionally compliant, or beyond the powers of the parliament – and will be covered later in the book. The process for creating legislation is as follows: First, a bill is drafted. This is usually done by MPs, political parties who have their own ideas about how the country should be run, or lobby groups, but anyone can write up a bill and then present it to a member of the lower house. This is the draft text of what the legislation will contain. Then, the bill has to pass through three readings in the Lower House. At the state level, this is the Legislative Assembly and at the federal level this is the House of Representatives. During the first reading, the bill is introduced to the members. The second reading is where the debate among the members occurs and the third reading is when the members vote on the Bill. If it receives a majority vote, it is then passed to the Upper House. At the state level, this is the legislative council and at the federal level, this is the Senate. Then the same process for the first, second and third readings takes place among the senators. After the Bill has received a majority vote in the Upper House, it is then presented to the representative of the Monarch (at the state level, the Governor; at the federal level, the Governor-General). Once the representative has signed the bill, it has received what is known as "Royal Assent" at which point the Bill becomes an Act. To have a "quorum", at least a third of the members and senators need to be present in parliament during those proceedings. This is a requirement for the minimum number of people that need to be present in parliament for these proceedings to be valid. The three parliamentary readings are a convention inherited from Britain.

While reading, you may be wondering whether some of what can be achieved is really even possible and how accurate the information really is. The response to that would be to research and verify for yourself so that you can fully understand the context behind what is being explained. Do not just blindly believe what has been written and also be aware that there is a very valid reason that much of this information is not openly taught to people. Ask the average person who has grown up or lived most of their life in Australia and see how much they really know about fundamental laws like the Constitution or the process for creating legislation. Chances are that most people will simply not have any depth of understanding or be able to articulate much of what was discussed above. For instance, did you know that Australia has a Bill of Rights? Or that it's not actually compulsory to vote? If you didn't, that is probably by design because it is in the interest of the government and those in control for people to not know the full extent of their rights, as will be expanded on later. It is recommended that you familiarise yourself with the structure of government within the Commonwealth of Australia so that you will better understand the rest of this book.

Lastly, there will be numerous references to legislation and court cases throughout the book. It is also recommended that you read through the Acts and rulings for yourself so you can understand the context behind them, because there will not be enough pages in the book to include anything more than small quotations (sometimes without the wider context). Rulings which are made by the state Supreme Courts or the High Court create what are known as "binding" precedents. This means that the conclusions which were arrived at in those cases, must apply to any future court cases with a similar situation, and

all parties involved are bound by these rulings. Even a ruling made in the supreme court of one state can be used in another state because of section 118 of the Commonwealth Constitution which states:

> *"**Full faith and credit shall be given, throughout the Commonwealth to** the laws, the public Acts and records, and **the judicial proceedings of every State.**"* (emphasis added for context)

Sometimes you may encounter being told that a certain ruling "doesn't apply" because it is from another state, so you would use this section of the Constitution to counter that. If you read the Annotated Commonwealth Constitution, you will see that it also cites a number of foreign court cases as a justification for why certain sections of the Constitution are written the way they are.

Chapter III – Interacting with Police

"People sleep peaceably in their beds at night only because rough men stand ready to do violence on their behalf." ~George Orwell

In this chapter, what will be discussed is what rights and obligations apply to you and the police while interacting in different situations, as well as the case precedents and legislation which you can use in your defense.

To start with, it is important to be aware that when approached by police, you are never required to talk to police or answer any of their questions unless you are placed under arrest for which they would need a valid reason – otherwise they can be prosecuted for false arrest. Also, getting emotional or angry will never be off any help to anyone. Outwardly, you are best off being as calm and unemotional as possible regardless of what you may be feeling, as it would be in your best interest not to have any kind of outburst which can be used against you later.

Recording interactions

Some rogue cops may try to threaten you or deter you from recording any interaction with them, but they have no legal basis for doing this unless you recording physically hinders them in their work. Each state and territory have specific legislation that addresses this, so you should research what is applicable in your jurisdiction, but there are a few commonalities across Australia. First, there is no expectation of privacy outside private property which is why the media record people every day without specific dispensation by any legislation to be able to do this, and it's also why the police themselves wear body cameras when interacting with the public. However, there are only legal restrictions on recording any conversation to which you are not a party when the parties involved are unaware of you doing so. Therefore, it is recommended that you record any interaction with police, should you ever have an encounter with them.

If you are not driving and you do not wish to talk to police if approached, the best way to deal with the situation would be to answer "no comment" to anything they ask or say to you. If it is alleged that you have committed an offence, it is entirely on them to prove this. You are not required to assist them or incriminate yourself in any way. You could also state something to the effect of, "I am not required to answer any of your questions but if you believe I have committed an offence, I will let you prove it." The same applies while driving, except you are required to display (NOT hand over) your license for them if they ask but other than that, nothing else. This requirement of producing your license comes from the various road or transport Acts in each State.

Too many people get trapped into answering questions or perjuring themselves when they are not required to, because they feel intimidated or think it will help their situation if they make excuses or give some form of justification. This is a dumb thing to do, because if the police really wanted to let you go on your way, they wouldn't have even stopped you in the first place. The best way to ensure you are never pursued for any allegation is to always deny any allegation being made against you and never admit any guilt, no matter how obvious it may seem. If you admit guilt, you have made it much harder for

yourself to challenge anything later, because now they don't have the burden to prove anything. If you deny guilt or don't make any statement, they have to actually go through the effort of proving what they say and, in many cases, they may not be interested in putting in that work so they may just not bother pursuing you.

To give an example, if you were pulled over for speeding, the officer may ask you "what speed were you going at?" or "what's the hurry?". Instead of trying to make an excuse (e.g. sorry, officer. I was running late), just state that you were travelling within the speed limit, or that you are not in any kind of a hurry. You may be surprised, but police are so used to people confessing themselves, that your outright denial may cause them to actually let you go on your way, because in many cases, they rely on people to incriminate themselves. Do not fall for this! So many people get fined on this basis alone, even when the cop has no actual speed reading from any device. If they still insist that you were speeding (or whatever else), ask them if they have any evidence for this. They are not obliged to show you this while you are pulled over, but they may. Always object and question them on this (e.g. "how does that prove it was mine and not another vehicle?"), and create a doubt in their mind because it will make them more unsure about whether they are really correct.

Apart from this, the best thing to do is simply not to say anything. There is no legislation in any state which requires you to talk to police or answer questions, but there are a few case precedents to be aware off which you can use to your advantage. The first is *DPP v Hamilton [2011] VSC* which was a case from November 2011. These were a few of the determinations made in that case:

1. "It is well established, at common law, that, while each citizen may have a moral or social duty to assist the police, **there is no such legal duty**. Thus, at common law, **a citizen is not required to speak to a policeman if requested to do so**."
2. "At the same time, the common law has long recognised **that a citizen does not have a legal duty to cooperate with, or to assist, the police, upon request**. In *Rice v Connolly*, the defendant, who appeared to have been acting suspiciously in an area in which there had been a number of burglaries, refused, upon request by a police constable, to give his name and address, and to accompany the police to a police box. He was convicted by the Justices of having wilfully obstructed the police constable in the execution of his duty. That conviction was quashed on appeal to the Court of Queen's Bench Division. Lord Parker stated the basic principles in the following terms:
   > 'It seems to me quite clear that **though every citizen has a moral duty or, if you like, a social duty to assist the police, there is no legal duty to that effect, and indeed the whole basis of the common law is the right of the individual to refuse to answer questions put to him by persons in authority, and to refuse to accompany those in authority to any particular place; short, of course, of arrest**.'

   The corollary of that principle is that, at common law, **the police do not have the power to detain a suspect, in order to question the suspect, with a view to determining whether or not the suspect should be arrested**."
3. "It is a basic principle of statutory construction that, in the absence of express language, which is clear and unambiguous, a court will not construe a statute in a manner which has the effect of curtailing, or diminishing, a well established right or freedom." (emphasis added for context)

You can go online and read the entire case for yourself if you want, but the general conclusion to be gleaned from this excerpt is that you have no obligation or legal requirement to talk to police unless you want to. You also cannot be detained or arrested unless the police have already determined that there is a

reason to do so. Another high court case relating to the presumption of innocence was *Lee v NSW Crimes Commission [2013]*. This ruling effectively reinforced the principal that everyone is to be presumed innocent until proven guilty, the burden of proof lies on the one making the claim, and the standard of proof being, beyond a reasonable doubt. Here are a few extracts:

1. "**The presumption of innocence, the privilege against self-incrimination and the right to silence are important elements of the 'accusatorial system of justice' which generally prevails in the common law world. The privilege against self-incrimination reflects the long-standing antipathy of the common law to compulsory interrogations about criminal conduct.** It has been said to be partly a result of 'a persistent memory in the common law of hatred of the Star Chamber and its works'. **It is recognised as a human right in international instruments, which apply to both the common law and civil law legal traditions.** In the United States, the Fifth Amendment has clothed the privilege 'with the impregnability of a constitutional enactment'."
2. "**The privilege against self-incrimination** is not an essential element of the process of trial by jury. On the other hand, contrary to what Isaacs J said in *Huddart Parker*, it is not 'a mere evidentiary rule'. As this Court has emphatically held, it **is 'a basic and substantive common law right'. It is distinct from but supports the presumption of innocence.** That connection was succinctly expressed by Gibbs CJ in Sorby:

   'It is a cardinal principle of our system of justice that **the Crown must prove the guilt of an accused person, and the protection which that principle affords to the liberty of the individual will be weakened if power exists to compel a suspected person to confess his guilt.**'"
3. "Fourth, beneath many, perhaps all, of the arguments deployed in favour of the conclusion that the CAR Act permits the compulsory examination of a person charged with, but not yet tried for, an offence about the subject matter of the pending charge lies an assumption that the innocent have nothing to fear from the processes of compulsory examination, and that those who are guilty will lose nothing that society can value if compelled to admit their guilt. **The assumption is false.** It is founded not only on presupposing what will be the outcome of the exclusively judicial process of adjudicating guilt, but also on dividing the relevant world into the guilty and the innocent. The assumption thus presupposes an outcome which has yet to be determined. Not only that, **the assumption ignores both the burden and the standard of proof that must be applied in adjudging guilt. If the prosecution cannot prove guilt beyond reasonable doubt, the accused must be found not guilty. Guilt must be determined at trial, not assumed.**"
4. "The golden thread of the system of English criminal law is that **it is the duty of the prosecution to prove the prisoner's guilt. This is consistent with the presumption of an accused's innocence.** It finds expression as a fundamental principle of the common law of Australia." (emphasis added for context)

Another high court case which ruled that police cannot arrest people without intending to charge them with an offence was *NSW v Robinson [2019]*, which reached similar conclusions as the above two cases. As you can see from these cases, these following rights are well established in law:

- right to be presumed innocent until proven guilty, beyond a reasonable doubt
- right to silence
- right to not provide any self-incriminating information

- right to not be detained arbitrarily, unless you are under arrest for an offence which must be proven

Now, some people have considered whether they can use this to avoid providing a breath sample at a breath testing checkpoint. While it is true that having to provide a breath or blood sample would be needing to prove your innocence and would be self-incriminating (if indeed, you were intoxicated), it should be made clear that it is not being suggested that you should ignore police directions to pull over or anything similar. These precedents have been set in the past and while there may have been people to use them for this purpose, or videos of such interactions circulating online, this information is again being presented only for the purpose of educating you. It is then up to you to decide what you want to use it for and how far you want to go. The risks of doing so are entirely your own and when taking on challenges of this kind, you should only do so as if your situation is unique and not as though you want to create some kind of precedent or public statement because challenging the system itself carries a large risk of being targeted and harassed.

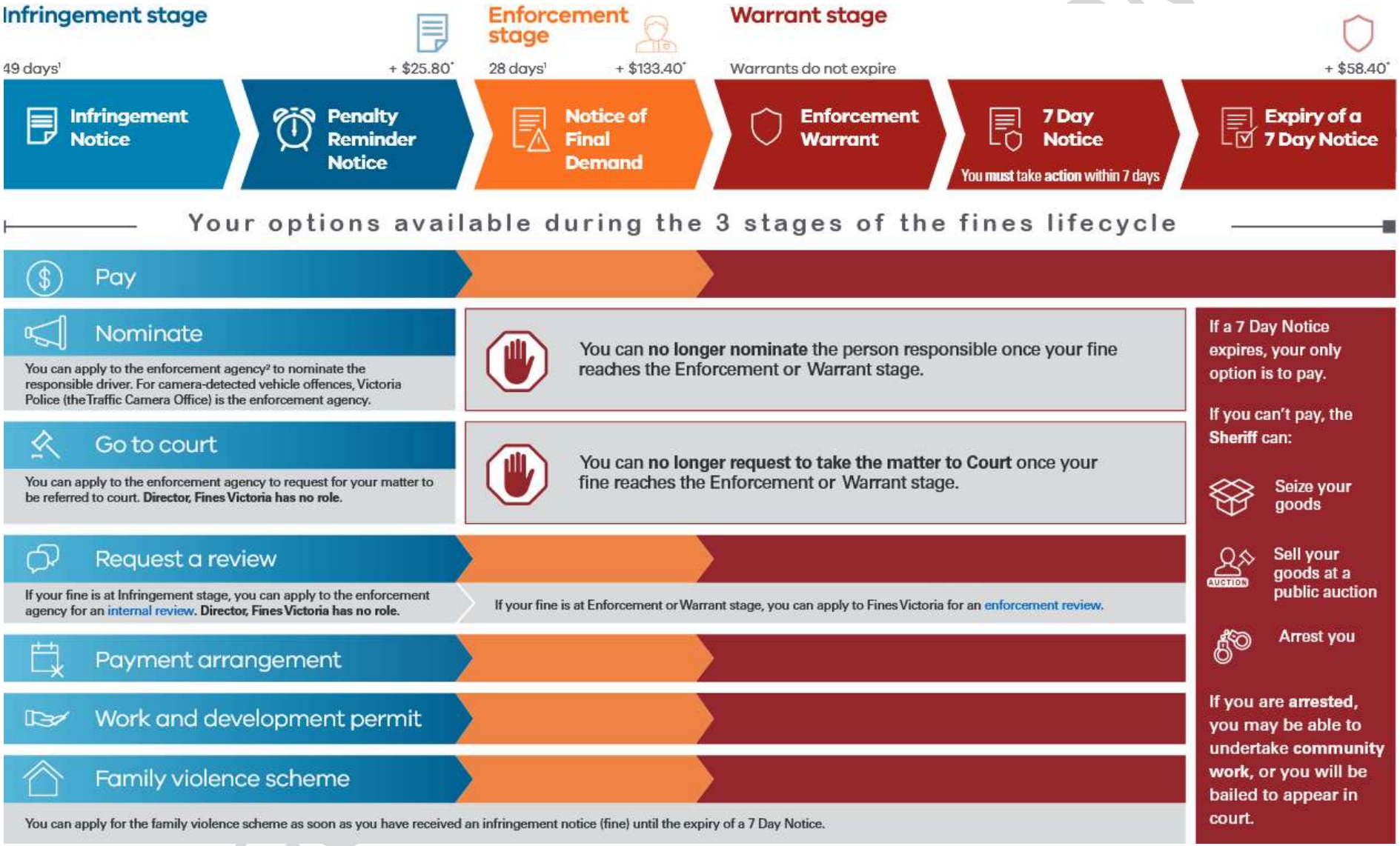
Before we go to the next chapter, you should be aware these rights often do not get upheld in reality, and as we progress through the book, there will be discussion about what to do in these situations. It is not in the interest, nor the job of the government to ensure your rights are upheld; that's on you.

Chapter IV – Different fines

"Unthinking respect for authority is the greatest enemy of truth." ~Albert Einstein

In this chapter, what will be discussed is the fines lifecycle, the different options to take when receiving a fine – whether in the mail or in person – and the result that each course of action is likely to achieve.

To begin with, every fine goes through what is known as its "lifecycle". The process and timeframes do vary between states and territories so be sure to check for the jurisdiction that you live in. Take the time to look over this example from the Victorian Government website[1]:



What is given to you when you get a fine are usually four different options. First is to pay the fine, which is not recommended (otherwise why would this book even be written??). Second is to nominate another person if you were not responsible for the alleged offence, which only is available for camera detected offences. Third is to request a review and fourth is to elect to go to court. Each of these will be discussed in detail.

NOTE: There will be sample correspondence later in the book which you can use, so be sure to refer to them for ideas about how to correspond with the police/local council/infringement agency or whoever else is pursuing you for a fine.

"Compulsory" voting

When it comes to voting, most people will be under the impression that voting in Australia is compulsory and that those who do not vote in elections will receive a fine. However, this is not entirely true. There are a few loopholes which can be used to circumvent voting for those who do not wish to partake. The first is to simply not be enrolled on the Electoral role. If you are enrolled, you can request to be removed from it by saying that you are moving overseas indefinitely. This will remove your name from the Electoral role and once you have "returned" from overseas, you will have the option to re-enroll, should you wish to. It is not an offence to not vote if you are living overseas, although there are still provisions for those who want to. Another option that people can use is to abstain from voting on religious grounds. The *Commonwealth Electoral Act 1918 (Cth)* is the legislation that governs the creation of the Electoral Commission (AEC) and in section 245, sub-section 14, it states:

> *"Without limiting the circumstances that may constitute a valid and sufficient reason for not voting, the fact that an elector believes it to be part of his or her religious duty to abstain from voting constitutes a valid and sufficient reason for the failure of the elector to vote."*

This means anyone has the right to abstain from voting should they feel that is a part of their "religious duty", and anyone who still receives an infringement notice can use this section as a defense. Section 116 of the Commonwealth Constitution states:

> *"Commonwealth not to legislate in respect of religion –*
> *The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious rest shall be required as a qualification for any office or public trust under the Commonwealth."*

Furthermore, the fine for not voting is only $20 and for most people this is an insignificant amount of money. Now it is up to you whether you want to pay this or not, but it's worth noting that in many cases, it would cost someone more to go to court over such a small amount of money than to actually spend the effort recovering it. In fact, if a regular person took someone else to court over just $20, the judge would probably laugh them out of court for wasting the court's time. The government may simply decide that it is simply not worth spending resources on recovering a small amount of money and may withdraw your fine on that basis – and this applies to all fines, not just voting. Fines are generally issued as a way to make money for the government so if you make it difficult for them to collect a fine, they will in many cases just give up and stop pursuing you. The loopholes and methods of achieving this are what will be

discussed as you read on. There are also other techniques in relation to the court process which will give you a greater chance at having the fine withdrawn. This will be discussed in Chapter VI.

Receiving mail

When you receive an infringement notice in the mail, there will always be a sender's address that the envelope has been sent from. Depending on exactly which agencies you are dealing with, you may often see a clause which says something along the lines of, "If undelivered, return to [XYZ address]" or "If unclaimed, return to [XYZ address]" written on the corner of the envelope. If you know that the address is from the relevant agency in your state which deals with fines or debt collection (e.g. Revenue NSW, Fines Victoria, FERU, SPER, etc.), one option you can take is to never open any correspondence from these agencies and instead write, "Not Claimed", "Not Delivered", or something like that on the envelope and post it back in the mailbox.

Some people may be concerned that by doing this, you are essentially admitting to knowing the contents of the envelope. However, there is no legislation that compels you to open mail even if it is addressed to you; anyone is well within their right to discard of "unsolicited mail". While chances are, if you choose to proceed like this, you will just be sent further reminder and enforcement notices – and the fine would progress along its normal lifecycle as if you had opened the envelope but took no action – but the benefit of doing this is that even if you have a warrant issued against you, you have a "valid" reason for never having known about this fine. You can state that because you were never aware of the fine, you would have opposed it if you did. As will be discussed later, since a conviction without your presence cannot be binding – and that fines before conviction are void – they would have no choice but to start the lifecycle from the beginning again. This is a great way to drag the process out for longer if you want to delay the inevitable.

In the case of tickets which were not issued to you on the spot (like parking, toll, or other camera detected offences), you have the option of actually changing the person to whom the fine is issued, especially if there are demerit points involved. Many people are aware of the concept of nominating someone else so that they are affected by the demerit points instead of you, but this can be a problem for insurance because as long as you admit to having demerit points on your license, the insurance companies will charge you a premium to continue being insured (whether CTP or any additional plan), so that is one thing to be aware off before making any false nominations. If you don't notify your insurance company that you have demerit points, they may also deny a claim you make. It is possible to be prosecuted for providing false information if it can be proven that the person named was not in charge of the vehicle (look up Marcus Einfield), but the key is that you don't provide any information at all.

The myth of "owner onus"

For camera detected traffic offences, many states have introduced the concept of "owner onus" which means that there is a purported responsibility on the registered owner of a vehicle to provide the details of who the driver was, if they were not the ones driving their vehicle at the time that an offense was allegedly committed. Obviously, this option is not available if you were issued a fine in person. Previously, what used to happen is that people were able to deny that they were responsible for driving the vehicle, and there was no way for them to be held fully accountable. There was an interesting case of this a few years ago in *Dolheguy v Becker & Anor [2009] VSC 106*. Basically, this was a case where Mr. Becker's car was captured travelling at 136km/h, but because the prosecution could not prove he was the one driving it, the magistrate could not impose a license suspension because of the way the legislation was

written (in this case, *Road Safety Act 1986 (VIC)*). The police appealed this decision to the supreme court and lost the case. After this, the Victorian parliament amended their Act to ensure that registered owners are assumed liable for an offence if they cannot prove someone else was driving. You can look this case up for yourself and read into the context behind it, but it was a good example of how the parliament amends or introduces new legislation every time the government loses a court case, which is how the owner onus legislation came about.

It becomes obvious that the law isn't a clear-cut or black and white subject. There are many contradictions and ambiguities between court rulings and Acts of parliament, just to name one example. However, if there is ambiguity on any point of law, it should always be construed in favour of the defendant. This was mentioned in the third quote from the *DPP v Hamilton [2011] VSC* case above. Also, only a higher court can overturn a ruling from a court below it. If there are two supreme court cases which arrive at conflicting conclusions, the ruling which was made first takes precedence and if two supreme court judges cannot agree on a certain point of law, this would by definition be reasonable doubt.

Back to "owner onus" – fortunately, there are few other ways you can circumvent an "obligation" to nominate someone else for an offence if you are ever in that situation. As was discussed in the previous chapter, you have the right to silence, the right to not provide any information that may incriminate, and the burden of proof is entirely on who is making the allegation.

Let's create an example where someone's car was photographed by a speed camera. What would happen is that a fine would be sent via mail to the registered owner of the car. All that the infringement agency has as evidence at this point is a photograph of the back of a vehicle. They have no idea who was actually driving.

Now, how can someone allege that a crime has taken place but not even be able to identify who was responsible for that? It wouldn't work in any other scenario, but this is effectively what happens in camera detected offences. Someone cannot be prosecuted for murder just because their knife may have been used in a stabbing. They actually have to have been the ones to commit that act. The police would try to investigate who actually committed the stabbing, not who owned the knife. Therefore, the same applies in a vehicle – just because it was photographed speeding, does not mean the owner of the car can be prosecuted for that act. Since many people are not aware of their rights, they end up succumbing to empty threats of being prosecuted if they don't reveal who the driver was, but as you are now aware, the onus is on the accuser to prove every element of their allegation.

Since people can be prosecuted for false nomination, you wouldn't want to make any declaration or admit liability unless you are sure beyond a reasonable doubt, would you? Therefore, if you are "unable" to ascertain who was driving your vehicle at a particular time and date, one option is to go online and fill out a form or stat dec stating this fact. You will normally be required to provide reasoning, a list of potential drivers, have the document certified by a JP and go to a bit of effort to submit this paperwork so that the government can keep up the impression that they don't give up pursuing people for fines just because they have to go to a bit more effort. But since people cannot be prosecuted for crimes, they cannot be proven to have committed, any government agency that tries to do otherwise would be breaking the law and this is supported by the cases listed previously.

The phrase "pretend laws" (which was mentioned in Chapter II), describes legislation which appears to be law, but is in fact invalid. The invalidity can be for a number of reasons – namely, breaching established legal principle(s) or not fulfilling the constitutional requirements before being enacted. The various parliaments in Australia cannot enact just about any law they like; it has to be in accordance with the Constitution. As most people are unfamiliar with the Constitution, they would not really be aware of which laws are compliant with it and which ones aren't. Since the concept of "owner onus" violates those established rights detailed in the previous chapter, any legislation compelling you to incriminate, or assist the prosecution in any way can be construed as a pretend law; therefore, you are under no obligation to follow it because it is beyond the power of the parliament. The notion of "owner onus" cannot exist in our legal system and any legislation that appears to compel you to do so, is invalid.

In fact, the legislation on which any infringement you receive can be construed as a pretend law, if it assumes you guilty before you've been convicted at a trial and puts you into the situation of having to prove your innocence, which is again a breach of your legal rights. There was even a high court case which spoke about this very issue – *South Australia v Commonwealth [1942]*:

> *"Common expressions, such as: 'The courts have declared a statute invalid,' sometimes lead to misunderstanding.* ***A pretended law made in excess of power is not and never has been a law at all. Anybody in the country is entitled to disregard it.*** *Naturally, he will feel safer if he has a decision of a court in his favour – but such a decision is not an element which produces invalidity in any law. The law is not valid until a court pronounces against it – and thereafter invalid.* ***If it is beyond power, it is invalid ab initio.****"* (emphasis added for context)

The phrase "ab initio" is Latin for "from the beginning". It's important to stand your ground on issues like this. Obviously, this only works for camera detected fines and not if you were issued a fine in person as the police would have already ascertained your identity.

You can't be prosecuted for false nomination if you don't nominate anyone at all, and the same applies for vehicles which are registered in a company name. No one from the company is under any obligation to assist incriminating someone in any way, and they can use the same defence, but it's worth noting that the owner of corporate vehicles will be given an extra-large fine until someone is nominated. If you are ok with paying this then no one's license will be assigned any demerit points, but the registration of the car may be suspended for a period of time, so this is one thing to be aware off.

Parking tickets

When people are issued parking fines, it is usually in the form of a slip of paper that is lodged under one of the front windscreen wipers. This is generally the most common way of dishing out parking tickets. Many people see this ticket on their car and falsely assume that "they've" been issued a parking ticket which they now must pay. But this is not true. You see, the parking ranger actually has no idea who was in charge of that vehicle they just placed a ticket on. It's not "you" that has received any penalty; if anything, it's the car which has been accused of a crime. However, an inanimate object, cannot be accused of a crime. In a court case, there has to be an accuser and an accused, and both have to be humans (more on this in Chapter VI). What instead happens is that the local council just relies on people to come back to their vehicle and assume responsibility for that penalty. Then people will generally go online, enter their

bank card details to discharge of their fine. All that happens is money from your bank account gets transferred to the council or state government entity which manages fines. Since anyone can use anyone else's card details, there is no way to actually link someone to a parking ticket.

Read this paragraph again, because if you think about it in the context of a court case, at no point did the plaintiff (parking ranger) or the defendant (the driver) come into contact with each other, or even know who the other was. When making an accusation of a crime, one of the core elements of proving a crime would be to actually identify the person who is being accused, among other aspects. One of the rights that a defendant has is to be able to face their accuser. How can someone make a criminal allegation against no one? But this is what happens when parking tickets are issued. All that has occurred is that someone has made an accusation against someone else who they don't know and since most people are either unaware or don't think it through like this, they return to their vehicle and end up incriminating themselves by claiming responsibility for the ticket.

But what if they don't?

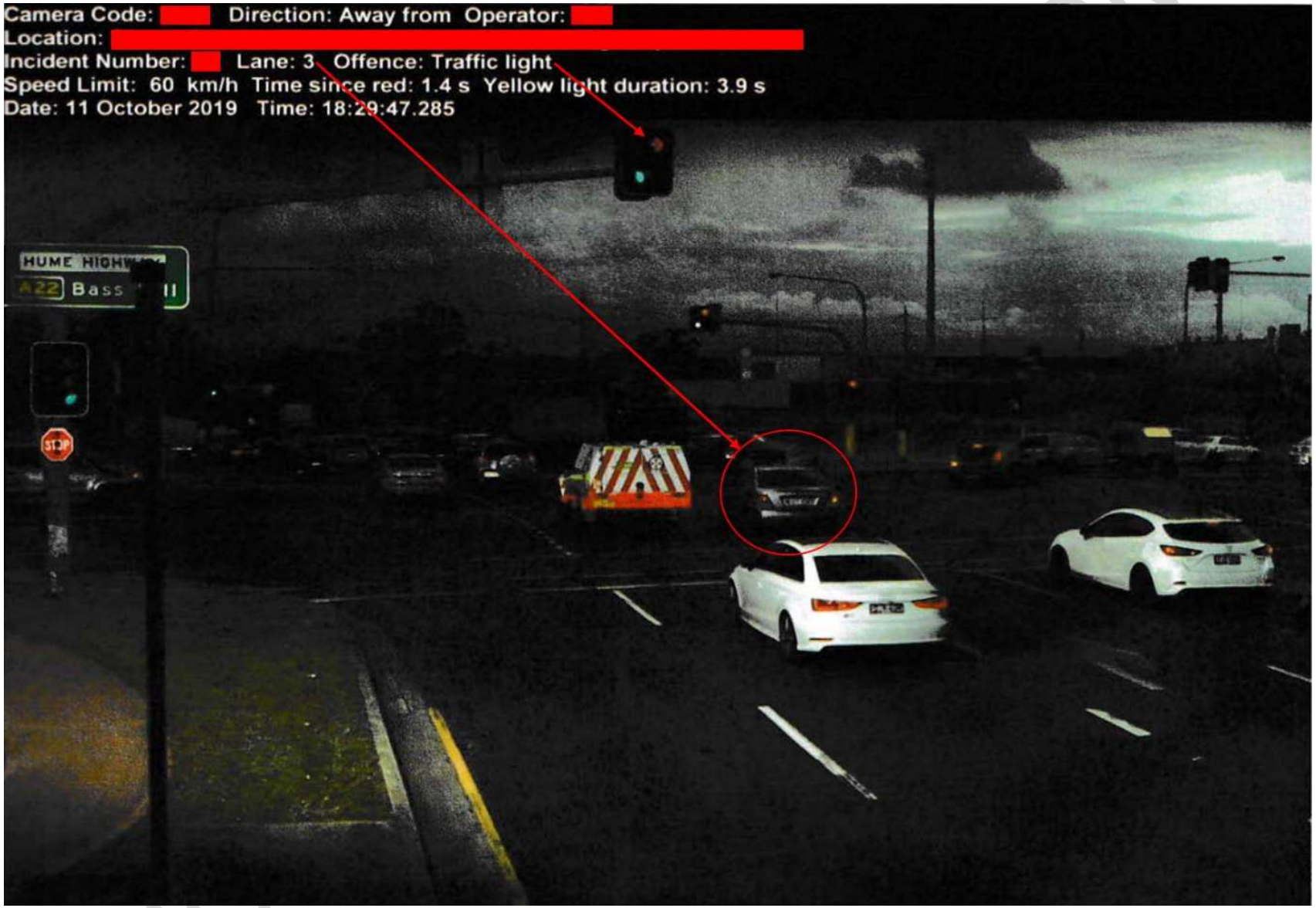
What if no one claims responsibility? If someone does not pay the ticket that was placed on the windscreen, a penalty reminder will be sent by mail to the registered owner of that vehicle by default. However, since people other than the registered owner can use a car, that alone would not be evidence that the registered owner was responsible for the parking infringement. You can use the same process as discussed above to deny being in charge of the vehicle and ensuring that whoever is making the allegation has the entire burden of proof. You can refer to the sample correspondence later in the book for examples of how to correspond with these agencies.

Please note that in the ACT there are no "local councils" the same way there are in the other states.

Red-light cameras

This can be an easy one to get out of if you phrase things correctly. When the registered owner of a vehicle receives a photo from a red-light camera, there will be two images that are provided. If you look below at these two examples carefully, you will notice that the images that are captured by the camera always show the vehicle well ahead of the stop line:


Camera Code: [redacted] Direction: Away from Operator: [redacted]
Location: [redacted]
Incident Number: [redacted] Lane: 1 Offence: Traffic light
Speed Limit: 70 km/h Time since red: 22.8 s Yellow light duration: 4.5 s
Date: 06 April 2019 Time: 22:30:08.889


Camera Code: [redacted] Direction: Away from Operator: [redacted]
Location: [redacted]
Incident Number: [redacted] Lane: 3 Offence: Traffic light
Speed Limit: 60 km/h Time since red: 1.4 s Yellow light duration: 3.9 s
Date: 11 October 2019 Time: 18:29:47.285
HUME HIGH
A22 Bass
STOP

Since it is legal to already be in the intersection when the light goes red (like when you are waiting to turn right without a green arrow), you would need a photograph of the vehicle **behind** the line as well as ahead of it in order to prove that you **entered** the intersection on a red-light, since it is illegal to **enter** the intersection on a red – not already be in it. But as you can see from these images, the camera does not provide this.

This is the proof you need to ask for if you ever receive a red-light camera fine. If you look at the road where the sensors for triggering the camera are, you will notice that they are where the pedestrian crossing is or even further ahead of that. Since the camera does not take video, the infringement agency will not be able to provide evidence that you **entered** the intersection on a red light – only that you were already in the intersection when the light already went red, and since this is not in breach of any road rule, they would have no grounds for fining you.

Tolls

If you do not have an electronic toll tag in your vehicle and you drive through a toll point, what will happen is that you will usually be given three days to go online, enter your details and pay for the prescribed trip(s) that you took. If you do not do this, the registered owner of the vehicle will be sent a "toll notice" in the mail. This notice will have extra administration costs added onto the price of the toll and will give you a certain number of days to pay. If this notice goes unpaid, a reminder toll notice will be sent with even more costs and giving you another few days to pay. If the reminder notice goes unpaid, what may happen is that the debt gets passed onto the infringement agency in your state (e.g. TMR, Fines Victoria, etc.) and they will issue you an infringement notice. This infringement notice is like any other fine and will give you the options of going to court, filing a review, etc., but the infringement itself is for failure to pay a toll trip.

The state government has criminalised what should normally be a civil debt and has taken over the job of pursuing you on behalf of a private toll operator. There is another school of thought which suggests that the respective state governments actually own these different subsidiaries which are called toll road operators, and that toll revenue actually goes back to the state governments themselves instead of a private toll operator. This may likely be true, given the aggressiveness with which the state governments pursue non-payment of tolls, and the degradation of surrounding infrastructure in order to force people onto toll roads. In fact, another thing to question is how state governments have the authority to "sell" off roads to "private" companies when roads all roads are owned by the Commonwealth?

There was a noteworthy case a few years ago of a guy called Bob Jarvis who managed to discover a loophole for not paying tolls when driving on toll roads. You can look him up online, but the general premise of his situation was that because only cash constitutes "legal tender" and tolling points are now only electronic, there was no compulsion for him to obtain a toll tag and pay in any way, other than with coins. Section 115 of the Commonwealth Constitution, the *Currency Act 1965 (Cth)* and the *Reserve Bank Act 1959 (Cth)* go into the specifics of what legal tender is.

> CC, section 115: *"A state shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts."*
> CA, section 16: *"Legal tender*

(1) A tender of payment of money is a legal tender if it is made in coins that are made and issued under this Act and are of current weight:

(a) in the case of coins of the denomination of Five cents, Ten cents, Twenty cents or Fifty cents or coins of 2 or more of those denominations – for payment of an amount not exceeding $5 but for no greater amount;

(b) in the case of coins of the denomination of One cent or Two cents or coins of both of those denominations – for payment of an amount not exceeding 20 cents but for no greater amount;

(c) in the case of coins of a denomination greater than Fifty cents but less tha Ten dollars – for payment of an amount not exceeding 10 times the face value of a coin of the denomination concerned but for no greater amount;

(d) in the case of coins of the denomination of Ten dollars – for payment of an amount not exceeding $100 but for no greater amount; and

(e) in the case of coins of another denomination – for payment of any amount.

(2) For the purpose of subsection (1), a coin shall be deemed to be not of current weight if it has become diminished in weight by wear or otherwise so as to be of less weight than the weight prescribed as the least current weight of that coin."

CA, section 22: *"Prohibition of other than official coins*

A person shall not make or issue a piece of gold, silver, copper, nickel, bronze or of any other material, whether metal or otherwise, of any value, other than a coin made or issued under the repealed Acts or under this Act or a British coin as defined by the repealed Acts, as a token for money or as purporting that the holder is entitled to demand any value denoted on it."

RBA, section 36: *"Notes to be legal tender*

(1) Australian notes are a legal tender throughout Australia."

What it essentially comes down to is that no one can be compelled to engage in a transaction with anything that is not coin (or cash, if you want to be a bit more flexible). Although people engage in transactions using their bank card, or other forms of electronic payment, this is only by agreement and not a requirement. The only form of payment that someone can be compelled to pay with is by cash. Since the provision to pay with coins was removed at the toll booths a few years back, Bob was able to use this as a defense against being required to pay for tolls and according to the various media releases, he was not pursued after trying to take his case to court. You can also use a similar defence by claiming your right to pay with legal tender.

Another case of successfully defeating toll payment demands was that of Harry Tsoukalas. Again, you can search him up online and his various arguments that he used to fend off the then Roads and Maritime Services in NSW when they attempted pursuing him for non-payment of tolls. Chief among them (along with Bob's defence) was the fact that if the NSW state government was criminalising civil debts and pursuing them on behalf of an alleged "private" company, then they would be obligated to offer the same service to any other private citizen. Since RMS could validly be sued for discrimination based on this, they withdrew the case against Harry. Now, if the "private" toll operator still wanted to pursue people for non-payment, they would be able to do so by filing a statement of liquidated claim in the civil jurisdiction of the court and then claiming compensation that way but given the possibility that these "toll operators" are really just various subsidiaries owned by the state government, it would explain why the state government agencies are the ones pursuing people for non-payment of tolls.

Another of Harry's defences was using section 92 of the Commonwealth Constitution, which states:

> *"On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free."*

Annotation 389 of the Annotated Constitution discusses this above clause. Under the "Elements of Interstate free trade" section, it says:

> *"Two questions have to be considered in connection with sec. 92 in order to grasp its significance; first, what is absolute freedom of trade, commerce, and intercourse? and secondly, during what period of time or within what limits of space do inter-state trade and commerce operate, so as to remain protected by the shield of Federal freedom? In reference to the first question,* ***absolute freedom of trade, commerce, and intercourse may be defined as*** *the right to introduce goods, wares, and merchandise from one State into another, the right to sell the same, and* ***the right to travel unburdened by State restrictions, regulations, or obstructions****. Freedom of trade necessarily means the right to sell as well as the right to introduce, and the right to travel in order to sell. The right of introduction without the right of disposition would reduce freedom of trade to an empty name. The second question may be conveniently discussed under the headings, (1) When does exportation begin? and (2) When is importation complete?"* (emphasis added for context)

Under the "Other State Fees and Charges Allowable" section of this annotation, it states:

> *"****In the following cases it has been decided that the fees, charges, and licenses required by State laws do not violate the rule of commercial freedom,*** *viz., a stamp fee on snuff intended for domestic use, such stamp being required simply to distinguish it from snuff designed for export, held constitutional (Pace v. Burgess, 92 U.S. 372); a stamp fee on tobacco before its removal from the manufactory, held constitutional (Turpin v. Burgess, 117 U.S. 504); a charge for storage and outage collected on tobacco shipped out of a State and inspected at the State warehouse, held constitutional (Turner v. Maryland, 107 U.S. 38); a tax on peddlers of sewing machines, applied alike to those manufactured in and out of a State, held constitutional (Machine Co. v. Gage, 100 U.S. 675, but this case was afterwards overruled); a license fee collected from a foreign corporation, provided such corporation is not engaged in carrying on foreign or inter-state commerce within the State (Pembina Mining Co. v. Pennsylvania, 125 U.S. 181); a license fee exacted from the agent of a corporation organized under a law of another State for the right to solicit insurance business on buildings within the State, held constitutional (Paul v. Virginia, 8 Wall. 168);* ***tolls for the use of improvements in connection with navigable streams and highways (Mobile v. Kimball, 102 U.S. 691; Harman v. Chicago, 147 U.S. 396, but the Federal legislature could interpose and declare such tolls illegal);*** *a charge for a license for all engineers to pay the expenses of examination as to their competency to undertake employment on inter-state railroads (Nashville Railroad Co. v. Alabama, 128 U.S. 96); a charge on all vessels touching at quarantine stations, such charge to be applied to pay the expenses of inspection (Morgan's S.S. Co. v. Louisiana Board of Health, 118 U.S. 455); a charge based on the tonnage of a vessel for the use of a wharf owned by a State, provided such charge is not of a discriminating character (Packet Co. v. KeokU.K., 95*

U.S. 80; Transportation Co. v. Parkersburg, 107 U.S. 691); a charge for the use of the improved internal waterways of a State, provided that such charge is not of a discriminating character. (Huse v. Glover, 119 U.S. 543; Sands v. Manistee R. Improvement Co., 123 U.S. 288.)" (emphasis added for context)

So, although tolls themselves are not unconstitutional, these were some of the various defences that have been used against them. Now you may also be able to argue that most of the modern tolls are only for profit and not for actual improvements, as stated in the above quote, and this would be especially true for infrastructure that has already been paid off.

Here is a loophole for NSW. In the *Roads Act 1993 (NSW)*, section 52 states (in relation to tollways):

*"A tollway is **not a road or road related area** within the meaning of section 4 (1) of the Road Transport Act 2013 for the purposes of any Act or law, or any provision of an Act or law, prescribed by the regulations for the purposes of this section."*

Section 4 (1) of the *Road Transport Act 2013 (NSW)*:

*"**road** means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles."*
*"**road related area** means—*
(a) an area that divides a road, or (b) a footpath or nature strip adjacent to a road, or (c) an area that is open to the public and is designated for use by cyclists or animals, or (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles, or (e) a shoulder of a road, or (f) any other area that is open to or used by the public and that has been declared under section 18 to be an area to which specified provisions of this Act or the statutory rules apply."

Section 11 of *Road Rules 2014 (NSW)*:

*"(1) These Rules apply to vehicles and road users **on roads and road related areas**."*

For some quick context, the purpose of the *Roads Act 1993 (NSW)* is to provide for a roads classification scheme (e.g. which roads are arterial, motorways, minor roads etc.), while the *Road Transport Act 2013 (NSW)* provides for how licensing, demerit points and registration etc. are to operate. The publication known as *Road Rules* 2014 is what actually sets out the rules governing how vehicles are to be operated (e.g. giving way, traffic lights, roundabouts etc.).

Now if road rules only "apply to roads and road-related areas", and since a tollway is "not a road or road related area", this could actually mean that none of the road rules which were otherwise enforceable on non-toll roads could be enforced on toll roads. This is another example of how there end up being

contradictions or loopholes within legislation because of the sheer obsession and haste with which legislation is passed, in order to try and control as many aspects of people's lives as possible.

Requesting a review

During the initial penalty or reminder period, this option is available to you. In most cases, a review will get denied but it's a good way to extend the due date of the fine. For instance, if you request a review on the last day that a penalty reminder is due, it will take the transport agency in your state a few days or weeks to get back to you and once they do, even if your request is denied, they will give you another 21 or 28 days to pay, so this can effectively give you more than an extra month before you need to pay.

In fact, if it's a camera offence, you can even contact the agency and request extension time on the basis that you are having trouble confirming who exactly was driving your car (or any other half-believable excuse). This may give you an additional month, and if ever you do want to nominate someone else (not recommended), then they can do the same thing and ask for an extension to the due date of the fine.

There is yet another way to delay the amount of time before you need to act on a fine, and this is to have your car registered in a different state to the one that the alleged fine took place in. This is because when the vehicle is photographed, if the registration is interstate, it takes extra time for the agency in one state to pass the violation onto the agency in another state, so if you live in a border area (or know someone in another state) but do most of your driving in a different state, this is an option you can try if you have an interstate address you can use.

In some states, if you haven't got a fine for a certain period of years and the infringement you receive is for something minor like less than 10km/h over the speed limit, you can automatically apply to have it withdrawn on that basis. Of course, you can only use that defence once every however many years and you have to meet strict criteria in order for it to work, so double check for the state where you live if you want to use this method.

The last important thing to note is that if you go down the route of requesting a review, it basically reveals that you were the driver of the vehicle, so you can't use the identity defence if you go down this path. Be sure to exercise your discretion regardless of which of the strategies you choose to pursue.

References

1) Fines Victoria, "*The fines lifecycle*", <https://online.fines.vic.gov.au/The-fines-lifecycle>.

Chapter V – Responding to an infringement notice

"If you're fighting the system, then you're still caught in it. It's not about fighting the system; it's about ceasing to hold it together. Non-cooperation. We cannot be imprisoned without our cooperation. Their power is in our acquiescence." ~David Icke

It is important to remember that silence is taken as acquiescence. If you do not object to an allegation made against you, you may as well be accepting it. This applies as much to you as it does to the people or agency issuing you a fine. Therefore, the way to deal with any infringement you receive is to raise an objection to it. If you do not, then they will take the lack of an objection as your agreement to them moving the fine along its lifecycle. This is why you get 21 or 28 days to act on the fine before they do this. If your guilt were automatically proven, you wouldn't get this chance.

When you receive a fine, what you need to do is exactly what they do to you – put certain terms and conditions to them, and if they cannot fulfill those within a specific timeframe, then they have agreed to not pursue you. This is a similar process to what the courts or the ATO uses when they pursue people for debts. They give people a specific timeframe to either pay up or make an objection – and if neither happens, you are "in default" of their terms and they take the lack of an objection as your consent to their conditions and then begin pursuing you. Below is some sample correspondence that you can edit to use for various scenarios you may find yourself in. Coloured sections of the text will be where you may have to insert your own details or modifications. Please modify, add or remove sections to suit your relevant situation. Do not just use exactly what is written here – it's just an example. Verify for yourself first that all the facts are accurate before you engage in any objections. Also, many agencies have caught on to the fact that people use template letters in the past, so be sure to add your own personalised twist to things.

> *To whom it may concern,*
>
> *I have received this red-light camera fine in the mail, but I think it has been issued to me in error, as I have no knowledge or any recollection of the incident to which you refer. If this is indeed relevant to me, then I require some clarification before I can take any further action in relation to this penalty and if not, then please withdraw this matter without any further action.*
>
> *As you must be aware, everyone has the right to be presumed innocent until proven guilty, the right to silence; among others. These rights are enshrined in our legal system which means that if you are alleging I have committed any offence, the onus is entirely on you to prove so, beyond any reasonable doubt. Any action taken against me prior to this, would be a violation of proper due process.*
>
> *Firstly, I require photographic evidence that I was responsible for vehicle [registration] being photographed on [date] at [time]. A specific person does not appear to be identifiable, so on what basis have I been accused of this offence?*

Second, I require you to specify who the plaintiff in this matter is. For a criminal allegation to have any legal standing, there needs to be both a specified plaintiff and a defendant.

Third, the images you have provided show a vehicle AHEAD of the stop line. Road Rule 59 clearly states, "If traffic lights at an intersection or marked foot crossing are showing a red traffic light, **a driver must not enter the intersection** or marked foot crossing." *Is there any evidence that whoever the driver was ENTERED the intersection on a red-light? Road rule 61 states,* "If the traffic lights or traffic arrows (as the case may be) change to yellow or red while the driver is stopped **and the driver has entered the intersection, the driver must leave the intersection as soon as the driver can do so safely.**" *Therefore, rule 61 allows a driver to be in the intersection when the light has gone red, and this is exactly what your images show. Can you specify which road rule was breached and prove that I was actually responsible for it?*

Fourth, it is your job as the accuser to summon me before court – should you think this is an adequate course of action – not my job as the defendant to have to "elect" to go to court, as it is your job to prove my guilt; not mine to prove my innocence. Any adverse action against me, before being duly convicted, is a breach of due process.

Please respond to me in writing within 21 days and either disprove my above points by providing evidence of your claims or advise that you are withdrawing this infringement against me.

Yours sincerely,
[name]

This was just an example, and you can either write up a more detailed letter or respond with a follow-up since the most likely response you would get from them is something generic along the lines of reiterating what the four options were given to you on the original notice. Here is an example way to respond:

To whom it may concern,

Thank you for your letter dated [date]. It appears that you have somehow misunderstood the points that I raised in my previous correspondence to you. I was simply objecting to a claim that was made against me and asking for further particulars. You may wish to read the correspondence again so that you can make a more appropriate reply.

You state that I am "required" to nominate another driver, but it has been determined in the high court case of Lee v NSW Crimes Commission; among other places, that I as the defendant have no legal obligation to assist the prosecution in any way and furthermore, I have the right to silence, the right to not provide any self-incriminating information. among many other legal rights. Since you seem to be unable to identify who committed

your alleged "crime", you are best off withdrawing this infringement as the high court has already ruled that the onus is completely on the accuser to prove the elements of their claim – and by asking me to "nominate" another driver, you have admitted that you are unable to do just that.

You also state that you are not required to provide me any evidence, but the high court has also ruled in the case of R v Mallard *that,* "the prosecution must at common law also disclose all relevant evidence to an accused, and that a failure to do so may, in some circumstances, require the quashing of a verdict of guilty." *Therefore, if you actually have any evidence against me, it would be in your interest to disclose such, so the matter can be finalised without a costly litigation process.*

Please understand that because of your failure to respond to the points raised in my initial letter, I am not willing to have anything further to do with this matter. I will also reiterate again that it is the plaintiff's role in any criminal matter to take the defendant to court. If you feel that this is an adequate course of action, then feel free to do so. Whether I wish to have the matter heard in court should be of no relevance because I am not the plaintiff.

Yours sincerely,
[name]

After the time period within which the accuser was supposed to respond has passed, you have the option of issuing a default notice which can be used against them in a court to show that they cannot prove any of their claims and therefore, have no case against you. It's best to always insist that all correspondence is in writing (whether electronically or via snail-mail), so that you have a proper record of everything which you can present in court, should you ever want to take things that far. Do not correspond via phone or discuss legal proceedings with anyone to avoid inadvertently disclosing anything which could be used against you.

Chapter VI –Court proceedings

"Reality cannot be ignored except at a price; the longer the ignorance is persisted in, the higher and more terrible becomes the price that must be paid."
~Aldous Huxley

Many people will have heard of phrases like "innocent until proven guilty" or "the right to silence" but would not really have any depth of knowledge in regard to what rights they have and where these principles came from. This is what will be discussed in this chapter, along with how the court system operates and ways to use the system to your advantage, should you ever find yourself in that position. Even if you never intend to go to court to defend any fine you receive, it is vital to read this chapter as it contains information that will teach you how to best use the system to your advantage.

One of the easiest and best ways for people to do this is to wait as long as they can (using the strategies discussed earlier) and then elect to go to court for their infringement. These two media releases from October 2019[1] and January 2021[2] are a good example of the backlog that can occur when the government overestimates the number of fines that it can issue to people who will not challenge anything.

Before we continue, it is important to remember that since the government is making an allegation against you, it is actually **their** role to take you to court. If you are the victim of a crime (e.g., a burglary), then you would be the victim and if you knew who the thief was, you would be the one to initiate court proceedings or police action against them so you can claim compensation for being wronged. Therefore, when you receive an infringement notice, someone (usually a police officer, or parking inspector) is making an allegation against you and so theoretically, what should happen is that they should be taking you to court and initiating the proceedings. But in reality, you are expected to "elect" to go to court which is a complete reversal of the roles. It is done like this presumably because the government knows that most people would just rather pay up the fine and be done with it than be hassled with going to court, and if you don't act on the fine before the due date, you can have your license of registration suspended for non-payment. Therefore, even though it's not your job to do so, you would need to elect to go to court "under duress" if they haven't stopped pursuing you by this point.

If you learn one thing from this chapter, it should be this: When you elect to go to court, you still have the option until the actual hearing day of paying up the fine and withdrawing your objection if you want. Since you are the one who initiated the court proceedings, you are well within your rights to withdraw from it if you choose to. This is **extremely** important to remember for two vital reasons. First, in the case of traffic offences (which are the most common types of fines), the demerit points which are associated with the offence are recorded on the license for a certain period of years (usually 3 but may vary between states and territories). Now the kicker is that this three-year period is from the date of the offence and **not** the date from which you pay the fine. For instance, if you committed an offence on 1 Jan 2017, but you only paid the fine on 1 Mar 2017, the demerits would be recorded until 1 Jan 2020 and not until 1 Mar 2020. Now, if you had received a fine on 1 January, but had a court date set for 1 October, you now have until 30 Sep to pay the fine. This is a good way to reduce the amount of time that demerit points are recorded against you, because as long as you admit to having demerit points, this can also impact your insurance as

was discussed earlier, and it allows you to avoid a suspension in some cases. If someone who is almost at their demerit limit – or they have a provisional license – received a fine which caused them to have their license suspended, they can use the technique of electing to go to court and delaying for as long as they can – until some earlier demerit points expire, or until they are eligible for a full license – so that they only need to pay the fine once they have enough points to avoid a suspension.

The second reason that this technique is so vital is that it has the effect of clogging the court system which in turn helps everyone else to drag their fines out even longer. As of the time of writing (early 2021), most court dates that people receive are ending up being well over a year after the date the offence was actually committed. The more people that elect to go to court, the more this delay will increase. This has become a serious issue in NSW[3] ever since the state introduced mobile phone detection cameras and removed signage from mobile speed cameras. As you can see from that media release, the Shadow Roads Minister said that Revenue NSW could not keep up with the number of fines being issued. It really is that simple: if you are not interested in actually defending yourself in court (as most people aren't), when you receive a fine, try to extend the due date as long as you can and then elect to go to court. Then try and delay your court date as long as you can and just before the date, pay up the fine. The backlog effect that this would have would be monumental and the more people that do this, the more fines they will be forced to withdraw simply because of the pressure it would put on their system.

If an enforcement order or warrant is issued against you (refer to the fines lifecycle in Chapter IV), you have the option of applying for annulment/revocation (depending on what state you live in). This application can be made for two reasons. If you receive an enforcement order, you would then apply to have the order revoked so the case can be heard before a court. This is usually in the form of an online application where you explain why you could not act on the fine earlier (was out of town, did not receive the mail, changed address, whatever other excuses but make it sound authentic). If your application is approved, you will receive a mention date (this will be discussed later). The other type of annulment application is for when you did not attend court for your mention and were sentenced guilty in your absence. You would make this application so that the case can be reheard at a later date and may involve you going into court to explain the grounds on which you would like to appeal the guilty conviction. The actual hearing will not take place – it is just where you go and explain your circumstances and why you want the case reheard. One of the grounds for revocation you can use is to cite section 12 of the *Bill of Rights 1688 (U.K.)*, which states:

> *"That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void."*

This essentially means that until conviction, you are not obligated to pay any fine or endure any forfeiture and is just an extra way to drag things out for longer, for those who are more familiar with how the system runs.

All traffic cases in court will be treated as criminal cases. In fact, any matter where the government is the plaintiff will almost always be heard in the criminal jurisdiction. Civil cases will not generally be relevant in the situations being examined, although it may be important to be aware of the outcome of certain cases. Just as an aside, one of the main differences between a civil and criminal case to be aware of, is the differing burden of proof requirements. Civil cases are judged on a balance of probabilities – i.e. which side provides the most "likely" evidence – while criminal cases place the burden of proof solely on the

accuser, with the standard being "beyond any reasonable doubt". The accuser in a case in known as the **plaintiff** while the person against whom the allegation is being made is the **defendant**.

This actually works in your (the defendant's) advantage because as the burden of proof is firmly on plaintiff(s), you are not required to make any "arguments" or have any great depth of legal knowledge. This is an important point to remember because there are many people who are afraid of going to court simply because they do not know what "arguments" to make or what to say. Once you understand that your role as the defendant should only be to ask questions, it becomes far less complicated. It is not your job to make statements or claims; let the plaintiffs do that. You should only **question** them for the evidence on their allegations, and if you do it in the right way, it will be very easy for you to introduce "reasonable doubt" about your accuser's claims, which would have the charges against you dismissed. It is best to phrase questions like, "Do you have any evidence for **[whatever allegation they've made]**?" rather than making statements like "You might have made a mistake", or "Maybe the device you used was incorrect", because the moment you do this, you will be trapped into having to prove your statements. Now you will have to prove that their speed camera was faulty or that they did not comply with their operational regulations or whatever else. The defendant's job should be to **stick to asking questions** so that you can allow them to do the talking and make it easier for you to expose any mistakes or inconsistencies they have made.

Another reason that people seem to be afraid of going to court is the impression of it being very costly even if you win and if you lose, there is the threat that you may be liable for extra "court costs". This is only true if you hire a lawyer, for whom you would have to pay to represent you, as you are essentially paying someone for their services. However, if you represent yourself, the only cost you will incur is time that you would have taken to attend court.

Criminal cases like a murder or robbery are prosecuted by an Office or Department of Public Prosecutions. The costs involved in these cases (e.g. forensics, questioning witnesses etc.) are already paid for by taxpayer money. When a defendant is successfully found guilty in such a case, you will never hear a murderer or thief needing to pay "court costs" or pay for the cost of the case investigation. They are given their penalty (e.g. imprisonment) and that is their conviction. If they are not successfully convicted, they are let free and are not subject to any costs. However, when it comes to things like traffic offences, people seem to be threatened with these "extra" costs assumedly in order to discourage people from taking action to challenge their fines. They know that most people would rather pay a $300 fine – even if they were wrongly charged – than try to defend themselves if they are convinced that it is too hard or expensive for them to retain their innocence. But as you will realise, this is not the case.

Firstly, everyone has the right to access the courts without any monetary penalty. If you are asked to pay a court filing fee or anything similar, there are usually waiver forms you can fill out to provide grounds on which the fee should be waived. One of the justifications you would use is to quote the *Free Access to Courts Act 1400*, which states:

> *"All his liege people and subjects may freely and peaceably, in his sure and quiet protection, go and come to his courts, to pursue the laws, or defend the same, without disturbance or impediment of any."* and *"Full justice and right be done, as well to the poor as to the rich, in his courts aforesaid."*

The "his" that is being referred to in this legislation is a reference to the monarch – who, at the time was Henry IV – but this law still continues to be in force today because it is one of the inherited imperial laws from England. "Imperial laws" are laws that were enacted by the British Parliament before 1900 and many of them continue to remain in force in Australia because ultimately, the Commonwealth of Australia was created as a British colony by the U.K. Parliament in 1900 when they passed the legislation known as the *Commonwealth of Australia Constitution Act 1900 (U.K.)*. As long as we continue to operate under a monarchy, there is no way for any parliament in Australia to repeal these entrenched laws (despite the many attempts). Many states and territories will also have an *Imperial Acts Application Act* which is just a re-enactment and/or translation of these old British laws in a consolidated form, but it does not affect their validity in any way. This was just a bit of background context, but it is why you can use this 1400s law in a waiver form to have a court fee waived if you do not want to pay filing fees, and why you can use that clause from the U.K. Bill of Rights to grant you an annulment application. It is extremely important for people to be aware of the rights they have under the Constitution and inherited British law. No parliament in Australia can override any of this.

If you lose a court case, you are also not required to pay any additional costs than the original penalty which was imposed on you. Since Australia is part of the United Nations, they are a signatory to the International Covenant on Civil and Political Rights, and section 1 of article 15 of this covenant states:

> *"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 a lighter penalty, the offender shall benefit thereby."* (emphasis added for context)

The ICCPR has legislative force in Australia because of the *Human Rights Commission Act 1986 (Cth)*. If you are ordered to pay court costs, or any other levies or fees, you would quote the section of that Act rather than just the covenant itself because only Acts of Parliament are binding. This basically prevents any additional penalties from being imposed – especially if you lose a court case. There are various state Acts or regulations pertaining to court proceedings which have statements along the lines of "costs are in the full discretion of the court", or something to that effect. However, section 109 of the Commonwealth 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"*, which means that the clause within that Human Rights Commission Act (which is a Commonwealth law) overrides any conflicting state legislation which says otherwise. If you win a court case, you will be able to claim back any costs that you incurred from needing to prove your innocence. The ICCPR is just one of the many pieces of legislation that codifies the various rights (e.g. presumption of innocence in article 14) that have largely originated from these ancient British laws, and which have been reinforced over time through various court rulings.

Now when it comes to the actual court hearing, one of the first and foremost issues that people need to be aware of is the conflict of interest between a magistrate or judge and the state. Think about this: judges are employed and paid by the government who is also the entity which prosecutes people for traffic offences. Therefore, having someone "judging" a case while being employed by one of the sides in that case is a clear conflict of interest. It would be like

having a sports game with a referee that has been hired by one of the playing teams. They may claim they are impartial, independent, and unbiased but you can make up your own mind about how well you stand a chance against a judge employed by the same people who are prosecuting you.

Once people begin to understand that their cases are being judged by people who are employed by the ones trying to prosecute them, they will realise that they actually are not getting a fair trial when defending themselves. Since all a defendant needs to do is introduce reasonable doubt into the prosecution's case, this could be one aspect that can be brought up during a case. It would certainly put into doubt whether you are being given a fair trial and would give you more than enough grounds to appeal a determination made against you if you lose, since one of the grounds for your appeal would be this conflict of interest.

How to delay your court date as long as possible

Criminal cases are divided into two types – indictable and summary. This can refer either to the type of offence being committed or the type of court proceeding that takes place. To be "tried on indictment" means the trial must be by a jury, according to section 80 of the Commonwealth Constitution. To be "tried summarily" means that the process can take place in front a magistrate in a local court. Indictable offences are also generally "more serious" than summary offences, but there are many more differences which you can research, should it interest you.

The important thing to understand is what is known as the "statute of limitations". This means that there is a time limit within which court proceedings must commence against an accused person. In the case of summary offences (which, like traffic offences, are what most people would deal with most often), this limitation varies between six or twelve months depending on what state or territory you are in. For instance, section 179 of the *Criminal Procedure Act 1986 (NSW)* states that:

> *"(1) Proceedings for a summary offence must be commenced not later than 6 months from when the offence was alleged to have been committed.*
> *(2) Subsection (1) does not apply –*
> *(a) to an offence for which an Act or law specifies another period within which proceedings must be commenced, or..."*

Sub-section 2 of section 179 basically lists out exceptions to which the six-month rule does not apply. Since there is a provision for another Act to specify another time period, this can be found in section 37a of the *Fines Act 1996 (NSW)*:

> *"(1) This section applies to proceedings for a summary offence that has an applicable limitation period (apart from this section) of less than 12 months if –*
> *(a) a penalty notice in relation to the offence has been issued to a person within that applicable limitation period, and*
> *(b) the person has duly elected, in accordance with this Part, to have the matter dealt with by a court.*

(2) Proceedings relating to that offence may, despite the applicable limitation period, be commenced not later than 12 months from when the offence was alleged to have been committed.
(3) Subsection (2) does not affect the operation of section 179 of the Criminal Procedure act 1986 in relation to the commencement in any other circumstances of proceedings for an offence."

Therefore, using traffic offences and NSW as an example, you have to be charged within 12 months of the date that the offence was alleged to have occurred, or you cannot be pursued any longer. "Charged" in this context does not mean "convicted". This means that once you elect to go to court and a court attendance notice (CAN) is filed and served on you, as long as this happens within twelve (or six) months, you are considered to have been charged within the statute of limitations. It does not mean you have to be convicted within that time period, because once you have received a CAN, the proceedings are now under the jurisdiction of whatever State court regulations that govern the respective proceedings.

This is what the techniques in the previous chapter can be used for – to assist you to extend the payment due date of the fine beyond the twelve (or six) month statute of limitations. This is because if you elect to go to court after this date (or if you elected before, but had not yet received a CAN), you can have the matter automatically withdrawn by informing the prosecution that they have exceeded the time period within which they can charge you. They will not be able to pursue you no matter how compelling the evidence may be, and as more people begin to use these strategies, it will take the government agencies increasingly longer to process all this paperwork and thus, give people better chances of having their fines exceed the statute of limitations and as a result, withdrawn.

Once you have elected to go to court, if the prosecution decides the case is not worth running (usually because they lack evidence, the court system is too burdened, or it's not worth the effort), you may be informed that the charges against you are being dropped or more commonly, you may not hear back anything at all after this point. If they do choose to proceed with action against you, they will send a charge sheet with a mention date. A charge sheet is a list of the details of the offence – like what would be on the initial fine you receive, but more comprehensive. Here's what one looks like:

DETAILS OF COURT LISTING

The Court Attendance Notice has been listed before [redacted] Local Court on			
Date: [redacted]		Time:	9:30 AM
Place: [redacted]			
Defendant: [redacted]		Sex :	[redacted]
Address: [redacted]		Date Of Birth:	[redacted]
		Driver Licence Number:	[redacted]
		RMS Customer Number:	[redacted]
Prosecutor: [redacted]			
Department / Organisation:	NSW Police - 5353		
Address:	1 Charles St Parramatta NSW 2150		
Date of Issue of Court Attendance Notice: 06/07/2020			
Telephone: Revenue NSW 1300 138 118			

DETAILS OF OFFENCE

Description of Offence:	[redacted] exceed speed > 10 km/h - Radar
Date & Time of Offence:	[redacted]
Place of Offence:	[redacted]
Short Particulars:	Speed Limit (km/h): 100km/h; Speed Travelled (km/h): 116km/h; Street of Offence: [redacted]; Time of Offence: [redacted]M; Vehicle Registration: [redacted];
Statutory Provision Describing Offence:	Act/Regulation: Road Rules 2014 Section/Clause: 20
Law Part Code:	82979

Basically, it tells you who the prosecutor is and specifically what law has been broken. The date that's listed is not the actual case hearing – only the mention. The court mention is the day where you turn up to court to give a plea of guilty or not guilty. If you plead guilty (or don't show up), then the proceedings are finalised on that day itself and you are given your penalty. This can be at a courthouse of your choosing because the prosecution does not need to be present to give evidence as you've already admitted guilt. If you plead not guilty, then another day will be set for this so the case can be heard. The hearing date is usually a few months after the mention and is the date on which the prosecution will turn up to court in order to provide their evidence and give you a chance to defend yourself. For this reason, the hearing will always be held closest to the place the offence was alleged to have taken place because that would be the nearest to where the prosecuting officer lives, and they want to make it as inconvenient as possible for people to defend themselves.

In some states, it is possible to provide a plea in writing so that you do not need to attend court on the mention day. The reason that the mention and hearing are on separate days is again, most likely to inconvenience people as they would need to take more than one day off work in order to attend court and is just another way to dissuade people from doing just that.

Below is an excerpt from an ex-police officer who provides advice on this exact issue:

> **Hi,**
>
> **My name is Stan. I am a retired Sergeant of Police in Victoria for 14 years. I was also a police prosecutor at times, so I know what I am talking about. I spent half my life in Magistrates Court during my time in the Force. I was only ever a very fair copper, and I am proud of my time in the job, looking after the interests of Victorians, often to the detriment of my family and my health.**
>
> **I never booked any driver for a trifling offence "ever". People committing trifling offences commonly used to get a warning and a licence/vehicle check. It had to be serious before I booked anyone.**
>
> **I am so annoyed at what is happening these days, in what I call "Indiscriminate revenue gathering." It is absolutely disgusting. The government and the Police Force need to hang their heads in shame. If you did a survey of current serving members of the police forces in this country, you would be hard pushed to find many who disagree with me.**
>
> **I know how the legal system works, and I know how to beat the system. This is how to do it, and if about 10% of all drivers booked follow my specific instructions, then the entire system will crash and become unworkable to the extent, that the government will have no choice but to stop issuing fines for every type of traffic offence. The whole lot of them. Seriously.**

I do not feel guilty about coming out with this information, as I think it's about time someone stood up for hard working, civil minded, law abiding taxpayers in this country, who are being screwed.

This is very simple and very basic. The idea is to clog up the system in the traffic camera office and the courts by drivers exercising their rights to remain innocent until proven guilty.

SIMPLE BASIC LEGAL STEPS TO FOLLOW.....

1. Do not accept the alleged offence. There are numerous valid reasons to dispute every single alleged offence. Often the charges are incorrect, or the evidence is illegally or incorrectly gathered.

2. Challenge it, tell them that you are going to defend the matter. Make them earn their miserable $150 or $200 or whatever. They have to prepare evidence and witnesses. Just the wages for the camera operator or the Policeman on the day of the court, will be more than the actual fine. You are also taking a camera operator or a member of the Police Force off the street for the day. But it won't get to that point....read on....

3. If a court date is ever set, and it does not suit you, do not accept it, ask for a delay to a time and place that suits you.

4. When they're set the date, delay it as often as possible. keep pleading not guilty all through the process. You have every right to be sick or go for an adjournment if the day does not suit for any legitimate reason. For example, you may have pressing family or work commitments which prevent you from attending a particular court on a particular day.

5. If it ever actually gets to court, (which is unlikely if everyone does this) and if you are unwell that day, ring the court in the morning and tell them that you cannot make it as you are sick. The camera operator, and a police prosecutor will already be at court, and will be greatly inconvenienced, by having to come back another day. The whole time this is going on, the amount of paperwork involved at the traffic camera office is huge. Several staff are involved, and it rapidly becomes very costly, probably running into thousands. ....with me so far.....keep reading.....

6. The court system is then placed under such a massive load by people who wanted "their day in court" that it simply will not be able to cope unless they open up about another 50 magistrates' courts, and this is obviously going to cost the government a lot more than any revenue raised. If all the above fails, which is highly unlikely....and you actually go to court and get convicted.....you have a right of appeal. Make sure you appeal the conviction. You don't need to be a rocket scientist to see what happens. They are not going to spend millions chasing hundreds.

7 Tell everyone you know to challenge their alleged offences, and the entire system will crash within a few weeks.

8. Please pass this on. AND ALWAYS REMEMBER THAT YOU ARE INNOCENT UNTIL PROVEN GUILTY AND THAT THERE IS A VERY HIGH PROBABILITY THAT THE EVIDENCE USED AGAINST YOU IS WRONG. YOU HAVE EVERY RIGHT TO CHALLENGE ANY ALLEGED OFFENCE. THIS IS WHY COURTS EXIST....SO USE THEM.....A LOT.

Regards,
Stan

Although there is debate as to who exactly is behind this excerpt which circulates on the internet, the points which are made are still valid, nonetheless.

After you submit a Not guilty plea, the officer has to spend time preparing a "Brief of Evidence". This is the paperwork that defendants should receive before the hearing so that they have full disclosure of what evidence is going to be used against them during the hearing. If you ever meet any objection to receiving evidence before your hearing, simply quote the high court case of *R v Mallard [2005]*, which concludes; among other things, that:

> *"this Court stands as authority for the proposition that* ***the prosecution must at common law also disclose all relevant evidence to an accused****, and that a failure to do so may, in some circumstances, require the quashing of a verdict of guilty."* (emphasis added for context)

It is your right to receive any evidence that a prosecution has against you. If you ever plan to withdraw your objection and pay up the fine, make sure you have pleaded Not guilty so that the officer has to go through this effort before you pay up the fine. You may be surprised and find out that they withdraw their case against you, as many of them will not want to go through the effort of formulating all the paperwork, which takes time and effort for them.

During the case
This small section is about how to run a case, but since this is not the crux of the book, it will not be discussed in much detail.

If you want to go as far as defending yourself in court, it is recommended that you go into court beforehand and sit in the public area to watch how proceedings are run so that you become more familiar with the process. The courthouse is split into various rooms in which various proceedings will be held. There will usually be other people in the court room with you who are also waiting to have their cases heard and there will be a seating area for people to wait, as well as for members of the public who wish to bear witness to the court proceedings. The judge will be seated behind a table and near him will be the court clerk who performs the administrative duties. You (the defendant) and the prosecutor will be seated opposite the judge at a table. The prosecutor is usually not the person who issued the fine to you, but a representative of that agency who relies on notes that were given to them by the apprehending officer.

As discussed earlier, your main goal as the defendant should be to phrase everything like a question and grill them on all the points which have been elaborated on earlier in the book. Never get trapped into making claims or statements. Just as an example of one line of questioning, if you are objecting to a

red-light camera fine, you might ask, “The images provided to me only show my vehicle **ahead** of the stop line. Do you have any evidence that I **entered** the intersection on a red-light? Is it not legal to be waiting in the intersection when the light goes red, such as when turning right without a green arrow?” Then all you need to do is wait for their response and see what they say, as an example.

Of course, it is impossible to hypothesise every possible response and scenario you may encounter, which is why those who want to develop court experience should go watch how it works and talk to those who have done so, before attempting to run a case.

References

1) Houston, Cameron & Towell, Noel & Mills, Tammy, “*Fines Victoria crisis deepens, leaving massive hole in state budget*”, 22 Oct 2019, <https://www.theage.com.au/politics/victoria/fines-victoria-system-collapses-leaving-massive-hole-in-state-budget-20191022-p5333d.html>.
2) Houston, Cameron & Webb, Carolyn, “*Police to drop most COVID-19 fines and hand out cautions*”, 17 Jan 2021, <https://www.theage.com.au/national/victoria/police-to-drop-most-covid-19-fines-and-hand-out-cautions-20210117-p56uoo.html>.
3) 9News Staff, “*Mobile speed and phone detection cameras are being destroyed by angry drivers*”, 26 Apr 2021, <https://www.9news.com.au/national/mobile-speed-and-phone-detection-cameras-in-nsw-being-attacked-burnt/d6d3adb8-0007-49b1-be22-14039fb5171c>.

Chapter VII – Lockdowns, mask mandates, "compulsory" vaccinations, and other COVID stuff

"In the event that I am reincarnated, I would like to return as a deadly virus, to contribute something to solving overpopulation." ~Prince Phillip

This chapter will be a little different to the rest. The discussion is going to be centered around the events of 2020, the viewpoints and conclusions reached by many scientists and doctors who are not given a platform on legacy media, and some actions that people can take to avoid being impacted by any government mandates.

To start with, according to the Australian Department of Health themselves, there has been no evidence or isolation of any virus called SARS-COV-2 causing the disease known as COVID-19. As at the time of writing, this "virus" does not appear to exist in the way people have been led to believe by the mainstream media. You can see from the Freedom of Information enquiry below, what the response was, when asked about this.

Australian Government
Department of Health

Department Reference: FOI 2296

Mr Kamran Hathiram
[redacted]

Dear Mr Hathiram

NOTICE OF DECISION UNDER SECTION 24A OF THE FREEDOM OF INFORMATION ACT 1982

I refer to your request of 9 March 2021 to the Department of Health (the department) seeking access under the *Freedom of Information Act 1982* (Cth) (the Act) to the following documents:

> *There has been evidence that the isolated virus known as SARS-COV-2 causes the disease known as COVID-19, or;*
>
> *The four criteria know as Koch's postulates have been satisfied to show that the virus known as SARS-COV-2 causes the disease known as COVID-19, and;*
>
> *There has been documentable and real-life cases of asymptomatic transmission of the virus known as SARS-COV-2, and;*
>
> *There is a scientifically accurate test, which can detect the existence of the virus known as SARS-COV-2.*

FOI decision

I am authorised under subsection 23(1) of the Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision in response to your request.

Appropriate steps have been taken to find the documents referred to in your request including consultation with relevant departmental officers and searches of departmental file management systems.

I am satisfied, on the basis of the consultation undertaken and the searches conducted, that the department does not hold any documents referred to in your request.

Freedom of Information Unit (MDP 516) GPO Box 9848 Canberra ACT 2601
Telephone: (02) 6289 1666 ABN: 83 605 426 759

As you can see from the last two lines, the department stated they did not have any documentation proving the existence of a virus known as SARS-COV-2 which causes the disease COVID-19. Without deviating too much, "Koch's postulates" (which were referenced in the FOI), are a set of four criteria which are used to prove a relationship between a microorganism and it causing a certain disease. These are:

1. *The microorganism must be found in abundance in all organisms suffering from the disease but should not be found in healthy organisms.*
2. *The microorganism must be isolated from a diseased organism and grown in pure culture.*
3. *The cultured microorganism should cause disease when introduced into a healthy organism.*
4. *The microorganism must be reisolated from the inoculated, diseased experimental host and identified as being identical to the original specific causative agent.*

The biological specifics of this are too lengthy to get into, but when similar FOI requests were sent to various governments around the world who offer this mechanism, they also returned the same results.

In Jul 2020, the CDC in the United States released a document called *CDC 2019-Novel Coronavirus (2019-nCoV) Real-Time RT-PCR Diagnostic Panel*[1]. On page 42 of this document, there is a section that discusses the Performance characteristics of the PCR test. Keep in mind that the following was released as late as July 2020:

Performance Characteristics

Analytical Performance:

Limit of Detection (LoD):

LoD studies determine the lowest detectable concentration of 2019-nCoV at which approximately 95% of all (true positive) replicates test positive. The LoD was determined by limiting dilution studies using characterized samples.

The analytical sensitivity of the rRT-PCR assays contained in the CDC 2019 Novel Coronavirus (2019-nCoV) Real-Time RT-PCR Diagnostic Panel were determined in Limit of Detection studies. Since no quantified virus isolates of the 2019-nCoV are currently available, assays designed for detection of the 2019-nCoV RNA were tested with characterized stocks of in vitro transcribed full length RNA (N gene; GenBank accession: MN908947.2) of known titer (RNA copies/µL) spiked into a diluent consisting of a suspension of human A549 cells and viral transport medium (VTM) to mimic clinical specimen. Samples were extracted using the QIAGEN EZ1 Advanced XL instrument and EZ1 DSP Virus Kit (Cat# 62724) and manually with the QIAGEN DSP Viral RNA Mini Kit (Cat# 61904). Real-Time RT-PCR assays were performed using the ThemoFisher Scientific TaqPath™ 1-Step RT-qPCR Master Mix, CG (Cat# A15299) on the Applied Biosystems™ 7500 Fast Dx Real-Time PCR Instrument according to the CDC 2019-nCoV Real-Time RT-PCR Diagnostic Panel instructions for use.

Once again, you can see from the highlighted section that "no quantified virus isolates of the 2019-nCoV are currently available". Now why would these health agencies and government departments NOT have any evidence of the existence of Covid-19? Do you think that's too big of a fraud for you to have fallen for? But it gets better.

If you look at the fourth point in the FOI, the Health Dept. was asked for a scientifically accurate test that can detect for the existence of Covid-19 (again, they don't seem to have one). Now even if there was a real virus, the test that is being used to allegedly detect Covid-19 is the RT-PCR test. This stands for reverse

transcription polymerase chain reaction and was invented by Kary Mullis in the 1980s, for which he won a Nobel Prize. If you do some amount of research into him, you will discover that one of the things he stated about his test was that it *cannot be used to detect infectious diseases*.

The test only tests for a genetic sequence and not any actual virus. This is because when a nasal swab or saliva sample is taken, it's collecting only a very tiny proportion of all of that material that is actually in your body. Therefore, even if there were viral particles to detect, they could be in a completely different sample of your bodily fluid that was not taken when the PCR test was done. In fact, in another part of that document, it even states:

> *"False-negative test results are more likely when prevalence of disease is high. False-positive test results are more likely when prevalence is moderate to low."*

How does that even make any sense???

This of course raises a LOT of questions, such as what the real agenda is here – if there is apparently no virus, what are the vaccines for? What are the lockdowns, masks, and other travel restrictions for??? This book is not going to cover what the "agenda" is – that's already been done fairly well in other books like *1984* by George Orwell (Eric Blair) or *Brave New World* by Aldous Huxley. Also, investigating the science of *eugenics*, its history, and the people behind it would have you better understand what is really going on. The purpose of this book, however, is to illustrate what **you** can do to legally not have to comply with these pointless restrictions, so that's what will be discussed hereon.

One more thing: if you think the people in government don't know this easily available information, you are deluding yourself.

Blanket mandates

Both the Commonwealth and State governments have enacted legislation in relation to how they would respond to public health scenarios. At the Commonwealth level, this is the *Biosecurity Act 2015 (Cth)* and at the State level, their various Public Health Acts. In section 3 of the *Biosecurity Act 2015 (Cth)*, the simplified outline of the Act says it "is about managing diseases and pests that may cause harm to human, animal or plant health or the environment."

We discussed the process by which legislation was created at the start of the book. However, that process does not take place in relation to lockdown orders, mask mandates or any other kind of Covid-19 impositions. What has been the pattern over the last few months is that the state premiers have essentially taken control of the state and through the media, they make statements which the population largely acquiesces to. What they don't tell you, is that there is actually no legislation relating to any of these mandates which allows the government to enforce these blanket impositions.

The *Biosecurity Act 2015 (Cth)* operates on the premise that people are healthy unless they are proven to be sick (innocent until proven guilty?). And the proof has to be scientifically – not just a feeling or suspicion that some police officer might have – proven. Therefore, there is only a provision for specific

individuals or businesses to be subject to what is known as a **Biosecurity control order** or a **Public Health Order** (at the state level), which is generally issued by the health minister.

These control orders can pertain to various public health situations and can impose a number of different requirements on those who are subject to them (section 61). The method by which a biosecurity control order is issued is laid out in section 34 (The Principles). It is too lengthy to quote the entire section here, but the criteria to be satisfied, before the imposition of a biosecurity control order are laid out in sub-section 2:

> *"(2) Before the person makes the decision, the person must be satisfied of **all** of the following:*
> *(a) that exercising the power, or **imposing the biosecurity measure, is likely to be effective in, or to contribute to, managing the risk**;*
> *(b) that exercising the power, or imposing the biosecurity measure, **is appropriate and adapted to manage the risk**;*
> *(c) that **the circumstances are sufficiently serious** to justify exercising the power, or imposing the biosecurity measure;*
> *(d) that the power, or the biosecurity measure, is **no more restrictive or intrusive than is required** in the circumstances;*
> *(e) that **the manner in which the power is to be exercised, or the biosecurity measure is to be imposed, is no more restrictive or intrusive than is required** in the circumstances;*
> *(f) if the power is to be exercised or the biosecurity measure imposed during a period—that **the period is only as long as is necessary**.*
> *(3) Subsection (2) does not apply in relation to the making of a legislative instrument under this Chapter in relation to a class of individuals."*
> (emphasis added for context)

Section 60 (Imposing a human biosecurity control order on an individual), sub-section 2 outlines what needs to happen before the imposition of a control order:

> *"(2) A human biosecurity control order may be imposed on an **individual** only if the officer is satisfied that:*
> *(a) the individual **has one or more signs or symptoms of a listed human disease**; or*
> *(b) the individual has been exposed to:*
> *(i) a listed human disease; or*
> *(ii) another individual who has one or more signs or symptoms of a listed human disease; or*
> *(c) the individual has failed to comply with an entry requirement in subsection 44(6) in relation to a listed human disease."* (emphasis added for context)

The contents of what a Biosecurity order must contain are outlined in section 61:

> *"(1) A human biosecurity control order that is in force in relation to an individual must specify the following:*
> *(a) **the ground** in subsection 60(2) under which the order is imposed on the **individual**;*

*(b) **the listed human disease** in relation to which the order is imposed on the **individual**;*
*(c) **any signs or symptoms** of the listed human disease;*
(d) the prescribed contact information provided by the individual under section 69 or 70 (as the case requires);
(e) a unique identifier for the order;
*(f) **each biosecurity measure** (specified in Subdivision B of Division 3) with which the individual must comply, **and an explanation of**:*
*(i) **why each biosecurity measure is required**; and*
*(ii) in relation to a biosecurity measure included under section 89 (decontamination), 90 (examination), 91 (body samples) or 92 (vaccination or treatment)—**how the biosecurity measure is to be undertaken**;*
(g) any information required to be included in the order by Subdivision B of Division 3;
*(h) **the period during which the order is in force, which must not be more than 3 months**;*
(i) the following:
(i) the effect of section 70 (requirement to notify of changes to contact information);
(ii) the effect of section 74 (when an individual is required to comply with a biosecurity measure);
(iii) the rights of review in relation to the human biosecurity control order under this Act, the Administrative Appeals Tribunal Act 1975 and the Administrative Decisions (Judicial Review) Act 1977;
(iv) the effect of section 107 (offence for failing to comply with an order);
(j) details of a chief human biosecurity officer who can be contacted for information and support in relation to the order;
(k) any other information that the officer imposing the order considers appropriate;
(l) any other information required by the regulations.

(2) If a human biosecurity control order ceases to be in force, paragraph (1)(h) does not prevent another human biosecurity control order from being imposed on the same individual.

(3) To avoid doubt, a human biosecurity control order that is varied must comply with subsection (1).” (emphasis added for context)

Section 74 outlines “when an individual is required to comply with a biosecurity measure” and the situations that give rise to requirement for compliance. These are just a few examples, but the key word to take note off is **individuals**. Only an **individual** can be required to comply with such requirements once it has been proven there is a necessity for them to do so (e.g. they are provably sick). Section 95 (No use of force to require compliance with certain biosecurity measures) of the *Biosecurity Act 2015 (Cth)* states that, *“Force must not be used against an individual to require the individual to comply with a biosecurity measure imposed under any of sections 85 to 93.”*

Before we move onto analysing some state legislation, it’s important to remember that section 109 of the Commonwealth 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”*, so any provision in state legislation that is inconsistent with the *Biosecurity Act 2015 (Cth)* is invalid.

NSW will be used as the example, but each state will have similar provisions in their respective Acts. Firstly, just like a biosecurity control order, the *Public Health Act 2010 (NSW)* also requires a public health order to be issued before commencing any action. A few important sections to take note of are sections 71, 108, and 115.

Section 71 outlines the procedure for arresting people who contravene public health orders:

> *"Arrest of persons who contravene public health orders—*
> *(1) An authorised **medical practitioner** may issue a certificate to the effect that a named person is contravening a public health order.*
> *(2) A police officer may apply to an authorised warrants officer for an **arrest warrant in relation to the person named in a certificate** issued under subsection (1).*
> *(3) The authorised warrants officer may issue an arrest warrant in relation to the person so named if satisfied that there are reasonable grounds for doing so.*
> *(4) A warrant under this section is sufficient authority for any police officer to arrest the named person and to bring the named person before the Civil and Administrative Tribunal to be dealt with under section 73."* (emphasis added for context)

If you contravene a public health order, after due process has been followed to issue you one, you can be arrested only **after** a medical practitioner has assessed and confirmed that there has been a breach, and a police officer applies for a warrant to do so. Section 108 outlines the authority for premises to be inspected. Take specific note of sub-sections 2 and 3:

> *"Powers of authorised officers to enter premises—*
> *(1) For the purposes of this Act, an authorised officer—*
> *(a) may enter and inspect any premises, either alone or together with such other persons as the authorised officer considers necessary, and*
> *(b) may inspect any documents that are on the premises and, for that purpose, may direct the occupier of the premises—*
> *(i) to make available for inspection any documents that are in the possession, or under the control, of the occupier, or*
> *(ii) in the case of a document that is not in writing but is capable of being reduced to writing, to produce, and make available for inspection, a written copy of the document, and*
> *(c) may make copies of, or take extracts from, any such documents, and*
> *(d) may, for the purpose of analysis, take samples of any substance found on the premises, and*
> *(e) may examine and inspect any apparatus or equipment on any premises, and*
> *(f) may take such photographs, films and audio, video and other recordings as the authorised officer considers necessary, and*
> *(g) may, for the purpose of collecting evidence of a contravention of this Act or the regulations, take samples of any substance or take possession of any thing that the authorised officer believes may constitute such evidence.*
> *(2) **An authorised officer may not exercise a power conferred** by subsection (1) unless the authorised officer—*

(a) ***is in possession of a search warrant or a certificate of authority that identifies him or her as an authorised officer****, and*

(b) ***produces the warrant or certificate of authority if required to do so by the occupier of the premises****, and*

(c) gives reasonable notice to the occupier of the premises of intention to exercise the power, unless the giving of notice would defeat the purpose for which it is intended to exercise the power, and

(d) exercises the power at a reasonable time, unless it is being exercised in an emergency.

(3) A ***certificate of authority is to be issued by the person who appoints the authorised officer*** *and must—*

(a) ***state that it is issued under the Public Health Act 2010****, and*

(b) ***give the name of the person to whom it is issued****, and*

(c) ***describe the nature of the powers conferred and the source of the powers****, and*

(d) ***state the date, if any, on which it expires****, and*

(e) ***describe the kind of premises to which the power extends****, and*

(f) ***bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate****.*

(4) This section does not authorise entry into any part of premises that is used solely for residential purposes, except—

(a) with the consent of the occupier of the premises, or

(b) under the authority of a search warrant." (emphasis added for context)

Basically, as long as you do not consent, any police officer or anyone else cannot demand to enter premises without a valid warrant. Section 115 (Offence to impersonate authorised officer) states that, *"A person who impersonates an authorised officer is guilty of an offence"*, so if someone turns up at your property and demands to inspect it, they can be charged with the offence of impersonating an authorised officer if you ask them, and they do not comply with the provisions in section 108.

Much of this information is not meant to bore you but is explained as a way to illustrate what "due process" actually looks like – something you have a right to expect. Indiscriminate lockdowns, association restrictions, travel restrictions and other such blanket measures – that too, at the behest of one person (normally the state premier) – are not in any way considered to be due process. Having just one person decide for millions whether, where and when they can go out, work, who they can meet, etc. is not in any way a free society. This shows just how far the actions of the various governments have strayed from what they are supposed to be. There has to be certain criteria met before an order is made against someone – it can't just be arbitrarily decided. Even if there is an order issued against you or your business, there are methods of appealing that decision, but many of the sections are far too long to insert the entire excerpt here, which is why it's recommended that you go online and read the legislation for yourself to fully understand what applies to you and how these various situations work.

Just like it was discussed in the earlier chapters how the accuser has to prove every element of their case, the essence is the same here – you are to be presumed healthy until proven sick, and if there is an accusation against you which claims you are sick, then 1) it has to be proven beyond a reasonable doubt that you actually are, and 2) the measures imposed thereafter must actually be proven to be effective in managing the alleged risk.

If you are threatened with a fine for not complying with any so-called "mandate", you can demand that the prosecuting officer **prove** you are the subject of a health order or ask them to state what legislation is being breached. If you are in a situation where you need to apply for a "permit" (such as, to travel overseas), you can again ask them to prove whether you are subject to a control order which restricts your movement. The same applies to businesses who are "required" to close during a lockdown. In fact, anyone can contact the health minister and ask for the order which names them or their business, and in the absence of that, continue to operate as normal. This can even be done via a Freedom of Information request.

State governments are acting beyond their power when they impose blanket mask mandates, lockdowns, or any other such restrictions on the general population. However, because the majority of people never bother to actually read the legislation they are apparently bound by and just rely on baseless statements made by the media, they just end up complying and thus, enduring the consequences of doing so without any recourse.

So, if you are one of those people who wears a face mask or goes under house arrest only when you are threatened with a fine for not doing so (and not at any other time), then please take note of the above so you can avoid receiving a fine. For information about dealing with the fines themselves, refer to the earlier chapters of this book for how to deal with those. For more information about what to do in other scenarios relating to travel, "mandatory" vaccines, employment, scanning QR codes and access to venues, continue reading below.

"Mandatory" vaccinations

Let's start with the elephant in the room. Australia has a unique constitutional guarantee found in section 51, sub-section 23a of the Commonwealth Constitution, which states:

> *"The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:*
>
> > *(xxiiiA) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits,* ***medical and dental services (but not so as to authorise any form of civil conscription****), benefits to students and family allowances."*
> > (emphasis added for context)

This section was inserted by referendum in 1946. There are various high court cases that discuss this section and the meaning of "civil conscription". Here are a couple of excerpts from *Wong v Commonwealth [2009]*:

1. "In this sense, the prohibition is expressed for purposes of protection, **including a protection extending to the patient**. It is designed to ensure the continuance in Australia of the individual provision of such services, as against their provision, say, entirely by a government-employed (or government-controlled) healthcare profession."

2. “This does not mean that there cannot be the provision of ‘medical and dental services’ otherwise than by individual suppliers, including for example public hospitals and private insurers. However, the prohibition on ‘any form of civil conscription’ is designed to **protect patients from having the supply of ‘medical and dental services’**, otherwise than by private contract, **forced upon them without their consent**.” (emphasis added for context)

Excerpt from *General Practitioners Society v Commonwealth [1980]:*

1. “Other forms of "practical compulsion" are easy enough to imagine, particularly those which impose economic pressure such that it would be unreasonable to suppose that it could be resisted. The imposition of such pressure by legislation would be just as effective as legal compulsion, and would, like legal compulsion, be a form of civil conscription. To regard **such practical compulsion as outside the restriction placed on this legislative power would be to turn what was obviously intended as a constitutional prohibition into an empty formula, a hollow mockery of its constitutional purpose.**” (emphasis added for context)

Excerpt from *British Medical Association v Commonwealth [1949]*:

1. I summarize my opinion upon this question in the propositions that the prohibition of “ any form ” of civil conscription prevents any compulsory service being required under a Federal law for the provision of pharmaceutical benefits, that the prohibition applies to piecemeal as well as to whole-time compulsion, and that in determining whether there is compulsion it is proper to consider not only the bare legal provision but also the effect of that pro vision in relation to the class of persons to whom it is applied in the actual economic and other circumstances of that class. In my opinion s. 7a does impose a form of civil conscription. I am therefore of opinion that s. 7a of the Act is invalid. The terms of the constitutional amendment shew a concern to avoid in the application of legislation which might be passed under the new constitutional power any form of compulsion of services in relation to the subject-matter of such laws. The object of conferring power upon the Commonwealth Parliament to make laws for the provision of pharmaceutical benefits was to enable the Parliament to make laws with respect to *(inter alia)* the provision of pharmaceutical benefits by the Commonwealth under a scheme **which should involve no compulsion of service by any person, which would leave every person, according to his own will, and not by reason of the exercise of the will of Parliament or of any other person, at liberty to take part in the execution of the scheme or to stand outside the scheme altogether, whether as doctor, as chemist or as patient.**” (emphasis added for context)

Quite clear, isn’t it? There are more cases which confirm this, but the point is that in the context we are facing today, this constitutional guarantee is essentially a protection against any form of medical compulsion (vaccines) – in order to access services which would have otherwise been accessible to you.

Additionally, Article 7 of the ICCPR (found in the *Human Rights Commission Act 1986 (Cth)*) guarantees that:

> *“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular,* ***no one shall be subjected without his free consent to medical or scientific experimentation****.”* (emphasis added for context)

Any state or other Commonwealth legislation that is contrary to the provisions of the Commonwealth Constitution would be a pretend law and consequently, invalid. You can also use the religious defence (from the "compulsory" voting section) if vaccination is against your religious beliefs, or use section 28 of the *Crimes Act 1914 (Cth)*, which states:

> *"Any person who, by violence or by threats or intimidation of any kind, hinders or interferes with the* ***free exercise of performance, by any other person, of any political right or duty****, shall be guilty of an offence.*
> *Penalty: Imprisonment for three years."* (emphasis added for context)

We're going to deviate for a moment, but this section of the *Crimes Act 1914 (Cth)* has been repealed and re-encoded into the *Criminal Code Act 1995 (Cth)*. For people who are a bit more advanced, there is a mechanism for invoking repealed laws, through section 7 of the *Acts Interpretation Act 1901 (Cth)*:

> *"(1) The repeal of an Act, or of a part of an Act, that repealed an Act (the old Act) or part (the old part) of an Act does not revive the old Act or old part,* ***unless express provision is made for the revival****.*
> *(2) If an Act, or an instrument under an Act, repeals or amends an Act (the affected Act) or a part of an Act, then the repeal or amendment does not:*
> *(a) revive anything not in force or existing at the time at which the repeal or amendment takes effect; or*
> *(b) affect the previous operation of the affected Act or part (including any amendment made by the affected Act or part), or anything duly done or suffered under the affected Act or part; or*
> *(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the affected Act or part; or*
> *(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the affected Act or part; or*
> *(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment.*
> *Any such investigation, legal proceeding or remedy* ***may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the affected Act or part had not been repealed or amended****."* (emphasis added for context)

This is something to remember for people who worry that the government might "change the law" so people cannot access remedy.

But back to the topic – along with these many defences you have against medical compulsion, you are under no obligation to adhere to any medical advice that is not provided by a medical practitioner – and this extends to any situation, not only vaccination. Only qualified medical professionals can provide medical advice, and whether you decide to follow it is completely up to you.

"Mandatory" masks

On the various state government websites, there are a list of exemptions for why one may not wear a face mask – chief among them being, for medical reasons. It also clearly states that there is no requirement to carry any documentation proving this.

Section 16B of the *Privacy Act 1988 (Cth)* provides for this and although it is too long to insert here, the only two valid reasons for the collection of health information about an individual are 1) when providing a health service to the person and 2) for research purposes relevant to public safety. A shop, restaurant, or similar entertainment venue does not meet either of those criteria and therefore, have no grounds for asking you to prove your medical exemption which would be asking for your personal health information. They are also not medical practitioners and so have no authority to be providing such health advice.

Additionally, Section 88 (Risk minimisation interventions) of the *Biosecurity Act 2015 (Cth)* states:

> *"(1) An **individual** may be required by a human biosecurity control order to wear either or both **specified clothing and equipment that is designed to prevent a disease from emerging, establishing itself or spreading**.*
> *(2) The order must specify the following:*
> *(a) the circumstances in which the individual is required to wear the clothing and equipment;*
> *(b) the period during which, or the times at which, the individual is required to wear the clothing and equipment;*
> *(c) instructions for wearing the clothing and equipment."*

Without getting into the effectiveness (or lack thereof) of masks, the legislation spells out quite clearly that you are not required to wear "specified clothing and equipment that is designed to prevent a disease from emerging, establishing itself or spreading" unless you are "required by a human biosecurity control order".

Scanning QR codes/disclosing details before entering a venue

Many people falsely believe that they "must" disclose their details upon entering a venue – whether via an app or manually – but there are a few facets to this. Firstly, there is not a legal requirement to own a phone so it cannot be "compulsory" to scan a QR code or use an app to disclose your details because it isn't compulsory to own a phone. Secondly, there isn't any requirement for people to carry identification on them unless they are driving or buying alcohol, so even if you are asked to use the venue's device or write your details, they don't have a way to authenticate this. Furthermore, under section 51, sub-section 5 of the Commonwealth Constitution:

> *"The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:*
> *(v) postal, telegraphic, **telephonic**, and other like services;"* (emphasis added for context)

This means that the ability to make laws regarding **telephonic** and similar services is an exclusive power of the Commonwealth. Therefore, any "requirement" by a state government (if indeed, there was even any specific legislation for it) for people to scan a QR code (with their **phones**) before

entering a venue, would be another pretend law because it is beyond power – the states don't have the constitutional authority to enact any such legislation. Section 52 of the Commonwealth Constitution states:

> *"The Parliament shall, subject to this Constitution, have **exclusive** power to make laws for the peace, order, and good government of the Commonwealth with respect to:*
>
> *(i) the seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes;*
>
> *(ii) **matters relating to any department of the public service** the control of which is by this Constitution transferred to the Executive Government of the Commonwealth;*
>
> *(iii) other matters declared by this Constitution to be within the exclusive power of the Parliament."* (emphasis added)

Section 69 (Transfer of certain departments):

> *"On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth **the following departments of the public service in each State shall become transferred to the Commonwealth**:*
>
> *posts, telegraphs, and **telephones**;*
>
> *naval and military defence;*
>
> *lighthouses, lightships, beacons, and buoys;*
>
> *quarantine."* (emphasis added)

The premise behind scanning QR codes is that it allegedly helps with contact tracing, so that the government knows where people have been and who they have been with. Now in case there is a legitimate outbreak of a pathogen, Section 85 (Managing contacts) of the *Biosecurity Act 2015 (Cth)* can require you to disclose the following information:

> *"An **individual may be required by a human biosecurity control order** to provide to a specified biosecurity officer, human biosecurity officer or chief human biosecurity officer **the prescribed contact information for any individual with whom the individual has been, or will be, in close proximity**."* (emphasis added for context)

But that's about it. Once again, even if there was any state legislation in contradiction to this, it would be invalid because of section 109 of the Commonwealth Constitution. There is no further requirement to scan QR codes, download any app, disclose where you were, who you were with, or any information of that nature.

Under Article 17 of the ICCPR:

*"1. **No one shall be subjected to arbitrary or unlawful interference with his privacy**, family, home or correspondence, nor to unlawful attacks on his honour and reputation.*
2. Everyone has the right to the protection of the law against such interference or attacks." (emphasis added)

If you are asked to physically write your details – or use their device to do so – before entering a venue, you can either refuse (you can use this as grounds to take legal action later), or simply write a false name or phone number. Unless you are buying alcohol or driving, there is no legislative requirement to display or carry any identification.

Denial of entry by venues
Certain venues may try to restrict or prevent entry on the basis that you were not wearing a mask (or in the future, because you were not vaccinated). In addition to all the above defences, sections 6, 23, 24 and 43 of the *Disability Discrimination Act 1992 (Cth)* cover this:

"6 Indirect disability discrimination—
(1) For the purposes of this Act, a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:
(a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and
(b) because of the disability, the aggrieved person does not or would not comply, or is not able or would not be able to comply, with the requirement or condition; and
(c) the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.
(2) For the purposes of this Act, a person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:
(a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and
(b) because of the disability, the aggrieved person would comply, or would be able to comply, with the requirement or condition only if the discriminator made reasonable adjustments for the person, but the discriminator does not do so or proposes not to do so; and
(c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.
(3) Subsection (1) or (2) does not apply if the requirement or condition is reasonable, having regard to the circumstances of the case.
(4) For the purposes of subsection (3), the burden of proving that the requirement or condition is reasonable, having regard to the circumstances of the case, lies on the person who requires, or proposes to require, the person with the disability to comply with the requirement or condition."

"23 Access to premises—
It is unlawful for a person to discriminate against another person on the ground of the other person's disability:
*(a) **by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not)**; or*

*(b) **in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises**; or*
(c) in relation to the provision of means of access to such premises; or
*(d) by refusing to allow the other person the use of any facilities in such premises **that the public or a section of the public is entitled or allowed to use** (whether for payment or not); or*
(e) in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or
(f) by requiring the other person to leave such premises or cease to use such facilities." (emphasis added for context)

"24 Goods, services and facilities—
It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's disability:
*(a) **by refusing to provide the other person with those goods or services or to make those facilities available to the other person**; or*
*(b) **in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person**; or*
(c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person." (emphasis added for context)

"43 Offence to incite doing of unlawful acts or offences—
It is an offence for a person:
(a) to incite the doing of an act that is unlawful under a provision of Division 1, 2, 2A or 3; or
(c) to assist or promote whether by financial assistance or otherwise the doing of such an act.
***Penalty: Imprisonment for 6 months**."*

Employment conditions
If a certain condition like having to wear a mask or being vaccinated in order to work is not a part of your original employment contract, then the employer has no power to impose any such condition of employment on you without your consent at a later time during your tenure. If they do, you will have a valid case to pursue them for unfair dismissal. Also, since most employers are not medical practitioners, they have no basis to make such determinations and once again, you are not under any obligation to disclose your medical history.

Interstate, international travel and hotel quarantine
To start with, Article 12 of the ICCPR states:

"1. Everyone lawfully within the territory of a State shall, within that territory, ***have the right to liberty of movement and freedom to choose his residence****.*
2. ***Everyone shall be free to leave any country, including his own.***
3. The above-mentioned rights shall not be subject to any restrictions ***except those which are provided by law****, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.*
4. ***No one shall be arbitrarily deprived of the right to enter his own country.****"* (emphasis added for context)

Section 87 (Restricting behaviour) of the *Biosecurity Act 2015 (Cth)* states:

"(1) An ***individual*** *may be required by a human biosecurity control order to go to, and* ***remain at, the individual's intended place of residence*** *for a specified period.*
(2) Without limiting subsection (1), if an individual does not reside in Australian territory, the individual's intended place of residence includes a place at which the individual intends to stay while in Australian territory.
(3) An ***individual*** *may be required by a human biosecurity control order not to do either or both of the following for a specified period:*
(a) visit a specified place, or class of place, where there is an increased risk of contagion of the listed human disease;
(b) come into close proximity with a specified class of individuals, where there is an increased risk that the individuals in that class might contract the listed human disease." (emphasis added for context)

And again, unless there is a specific health order against you, you are not required to remain at your "intended place of residence for a specified period". This is in contravention of the blanket travel and lockdown restrictions which are "imposed" on people. Additionally, quarantine is one of the exclusive powers of the federal branch of government under section 51, sub-section 9 of the Commonwealth Constitution. This means that none of the states or territories can impose their own such system:

"The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:
(ix) quarantine;"

The principle of not being arbitrarily detained comes from the British law of *Habeas Corpus* – Latin for "bring me the body". Provided for by legislation, there are three reasons that someone can be lawfully detained. These are 1) if one has broken a law; 2) if one has a mental condition; and 3) quarantine, if one has an infectious disease.

The *Habeas Corpus Act 1679* starts out by saying:

> *"**Sheriff, &c. within Three Days after Service of Habeas Corpus**, with the Exception of Treason and Felony, as and under the Regulations herein mentioned, **to bring up the Body before the Court** to which the Writ is returnable; and **certify the true Causes of Imprisonment**."* (emphasis added for context)

There was also a 1640 Act of the same name which was for *"Regulating the Privy Council and for taking away the Court commonly called the Star Chamber."* You can go online and look more into that one, if you want.

Issuing a *writ* of Habeas Corpus is a mechanism through which someone being detained can either present evidence that they have been wrongly detained or require the detainer to present evidence that there is a lawful reason to detain them. In the case of hotel quarantine, this can be used to require proof that there are valid grounds to keep you quarantined for that specific period of time and where that cannot be provided, you would then be free to go. As unbelievable as it may sound, there would be no legal requirement to comply with hotel quarantine until the requirement for proper due process has been met as stipulated by this ancient British law and other relevant federal legislation. *Due Process of Law Act 1354*:

> *"None shall be condemned without due process of law*
> *No person of what estate or condition that the person be, shall be put out of land or tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of the law."*

You can go online and find examples of *Habeas Corpus* paperwork. Please note that these latter strategies are fairly advanced and for people who have a deeper understanding of how these legal procedures work. It is just included as a way to inform you of what avenues you have available, and how far you want to investigate things is completely your prerogative.

References

1) Division of Viral Diseases, CDC, "*CDC 2019-Novel Coronavirus (2019-nCoV) Real-Time RT-PCR Diagnostic Panel*", 13 Jul 2020, <https://www.fda.gov/media/134922/download>.

Chapter VIII – Conclusion

"Your beliefs do not shape reality. You have to let reality shape your beliefs." ~Kamran Hathiram

Reading this book would have given you a very rudimentary introduction to the type of information that is largely concealed from the public. Hopefully, you have enjoyed it and learnt some new and useful information. It has been a fairly arduous task to compile all of this information into a relatively easy-to-understand guide which shows just how bad the amount of deception and corruption has got. It is by no means the be all and end all; just the tip of the iceberg and over time, there will be more information and resources added to the website for people to peruse. As you will soon realise (if you haven't already), there are colossal amounts of material which people are not aware of and can really only be uncovered through spending "full-time job" amounts of time on it. Given the various life commitments that average people have, where would they find the time to learn?

One of the other reasons that this book was written is so that people can be assisted in making decisions for themselves in life, instead of having someone else decide for them. Often, the people making the big decisions about the direction the world goes, are the ones who will be the least impacted (if at all) by them. A school principal who decides that vaccination must be compulsory for students to attend that school, will not be the one impacted because they are not the one missing out on an education or a qualification. Why should it matter to them? It is the same in politics; the politicians calling the shots mostly do not take the consequences for them – the common people usually do. This is why it is absolutely vital for people to be aware of their rights and responsibilities and to educate themselves about this – after all, can you really rely on a government education system to teach this to you? If you could, you would already know this stuff and this book would never have needed to be written.

You need to be the one to take a stand against that which impacts you negatively or that which you do not agree with and not rely on some nameless, faceless scientists, lawyers, or any other kind of "experts" – that too, usually government chosen – to solve your problems for you. Doctors cannot prevent your health from deteriorating; only help you when it already has. Police cannot defend you from crime; only turn up after it has happened. You need to be responsible for all that and take the individual steps that you can, for minimising the problems in your life instead of expecting someone or something else to do it, because no one else can replicate the level of self-interest that you have.

Please share this around to anyone who you think would benefit from it and if you have any questions or suggestions, then feel free to contact kamran@diggingapartreality.com