

**IMPORTANT: This letter is a legal notice. You are required to note and carefully consider the contents therein. If you fail to do so, this notice and your response may be used as evidence against you.**

Dear Sir/Madam,

**RE: Infringement Notice (Insert Details)**

This infringement notice was sent to me because I am the registered owner of the vehicle in which a person was alleged to have committed an offence. However, there is no evidence on this infringement notice that I was the alleged offender.

Your Penalty Notice offers me a number of choices and I shall respond to them here:

1. **PAY THE FINE** - I will NOT pay the fine because I have the legal presumption of innocence and have not been convicted by a court of law of the alleged offence described in the Penalty Notice.
2. **NAME THE DRIVER** - I will certainly not be naming anybody or providing you with any information whatsoever because I have the legal right to silence and the legal right to refuse to provide anything that may incriminate me. I cannot be compelled to violate my legal rights or be punished in any way for upholding them.
3. **REQUEST A REVIEW** - As far as I am concerned, there is nothing to review so I will not be doing this.
4. **GO TO COURT** - It is NOT my job to elect to go to court. If you want to take me to court with no evidence against me except a photo of my vehicle, this is entirely up to you.

I strongly advise you to read the following very carefully and understand the ramifications. Traffic, parking and littering offences are all criminal matters that are always tried in the criminal jurisdiction. Although the legal principle of "Mens Rea" does not have to be proven, the principle of "Actus Reus" still has to be proven to a court beyond reasonable doubt. But all you have is a photograph of my vehicle or an unfounded accusation from a person who cannot identify me.

Please note the following very important principles and precedents of law and most importantly, understand that they override all those unsustainable state laws that attempt to abrogate my legal rights and circumvent due process of law.

1. **Section 109 of the Australian Constitution** - "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 if "owner onus" or "deeming" state laws attempt to put the onus onto me to prove my innocence, rather than the state having the onus of proving that I am guilty of an offence, they are inconsistent with the Constitution's provisions for every person to be granted a fair trial and are thus unsustainable according to the highest law of the land.
2. **Justice John Latham in the Uniform Tax Case in the High Court of Australia - HCA 1942 (65 CLR 373 at 408)** - "A pretend 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." So all those state "owner onus" and "deeming" laws that claim that I am guilty of a traffic offence by merely being the owner of a vehicle without any evidence to prove that I actually committed the offence are completely unsustainable under our legal system.

In light of the fact that you cannot identify me as the actual offender at the time that this alleged offence was committed, you have no admissible evidence that can be used against me in a court of law and thus you have no cause of action.

I caution you that unless I am found guilty of the alleged offence in a court of competent jurisdiction before a magistrate with a valid Bonding Certificate and Writ of Commission after you comply with all due legal process, you have no legal power to impose a fine or penalise me in any other way, whether it be by default judgement, loss of driver's licence, imposition of demerit points or anything else. If you take any punitive action against me prior to me being convicted of the alleged offence, I will most certainly initiate strong legal action against you.

You have no right to send me a penalty notice demanding money with menaces and threatening me with legal action when you have no evidence against me as the offender. I demand that you withdraw it immediately.

Yours sincerely,

(Insert Name)