

'NOTICE – REQUEST FOR TRANSPARENCY, TRUTH AND ACCOUNTABILITY'

To: Brendan Facey – Acting as 'Director' for IMES

Brendan.Facey@justice.vic.gov.au

CC Adam Tomison - Director - Australian Institute of Criminology	adam.tomison@aic.gov.au
CC Amanda Stevens - Mayor Port Phillip Bay	mayor@portphillip.vic.gov.au
CC Andrew Holden - Editor In Chief - The Age	letters@theage.com.au
CC Ann Bressington - SA Parliament - Legislative Council	Ann.Bressington@parliament.sa.gov.au
CC Bill Shorten - - Leader of the Opposition	Bill.Shorten.MP@aph.gov.au
CC Bruce Dyer - Corporations Committee, Business Law Section	economics.sen@aph.gov.au
CC Colin Neave - Commonwealth Ombudsman Ombudsman *	ombudsman@ombudsman.gov.au
CC Daniel Andrews - Leader of the Opposition VIC	daniel.andrews@parliament.vic.gov.au
CC David Mason-Jones – Journalist	David@journalist.com.au
CC Denis Napthene - Premier Victoria	premier@dpc.vic.gov.au
CC Geoffrey Robertson QC	g.robertson@doughtystreet.co.uk
CC George Brandis QC - Attorney General	senator.brandis@aph.gov.au
CC Gerard Brody, CEO- Consumer Action Law Centre	gerard@consumeraction.org.au
CC Glenn Rutter – Manager - Melbourne Magistrate's Court	mmc@magistratescourt.vic.gov.au
CC Gordan Lewis - SPEED camera watchdog	commissioner@cameracommissioner.vic.gov.au
CC Heidi Victory - Minister for Consumer Affairs	heidi.victoria@parliament.vic.gov.au
CC Jen - Sheriff's office - Mob: 0417 386 451	bla@justice.vic.gov.au
CC John Keeves - Law Council of Australia, Business Law Section	john.keeves@jws.com.au
CC John Rolfe – Public Defender	rolfej@dailytelegraph.com.au
CC Kim Wells - Minister for Police and Emergency Services VIC	kim.wells@parliament.vic.gov.au
CC Lynne Bertolini - Freedom Of Information Officer Commissioner	foi@justice.vic.gov.au
CC M Hoyle - CCV	Traffic_Inquiries@tenixsolutions.com
CC M Tewolde & Vu Huynh	imesresponse@justice.vic.gov.au
CC Mandi Bickham – Sheriff's office – Employee Badge # 2490	mandi.bickham@justice.vic.gov.au
CC Megan Levy Breaking News reporter - The Age	mlevy@theage.com.au
CC Michael Keenan MP	Michael.Keenan.MP@aph.gov.au
CC Michael Mibbons - Infringements Registrars	info@magistratescourt.vic.gov.au
CC Office Of The Victorian Privacy Commissioner	corporate.services@privacy.vic.gov.au
CC Rebecca Power - Horizon, Tenix et al	enquiry@tenixsolutions.com
CC Reporters - News.com.au	senator.bandt@aph.gov.au
CC Reporters - The Herald Sun	publicdefender@heraldsun.com.au
CC Robert Clark - Attorney General Victoria	robert.clark@parliament.vic.gov.au
CC Robert Doyle - Mayor - Melbourne City Council	robert.doyle@melbourne.vic.gov.au
CC Scott Charlton - Citylink, Transurban et al	corporate@transurban.com
CC Senators - Australia – Emailed to various	senator.bandt@aph.gov.au
CC Stephen Hartney - Mayor - Bayside City Council	shartney@bayside.vic.gov.au
CC Tim Wilson – Australian Human Rights Commissioner	email@timwilson.com.au
CC Tony Abbot - Prime Minister - For The Constitutional Monarchy	Tony.Abbott.MP@aph.gov.au
CC Warwick Gately AM- Electoral Commissioner VIC	info@vec.vic.gov.au
CC Sgt Phil Wild - Victoria Police Badge #17312 C/-	mark.buttler@news.com.au

Please also refer to the following docs - pn@i-uv.com

Posted at Public Notices Board www.pn.i-uv.com/brendan-facey

- 1) List of Alleged Matters
- 2) Reference Information
- 3) Attachments
- 4) Outline of Submissions

[REDACTED]
[REDACTED]
[REDACTED]
11 March 2014

To: Brendan Facey – Acting as ‘Director’ for alleged SHERIFF’S OFFICE;

Under the banner of the alleged DEPARTMENT OF JUSTICE VICTORIA

Also trading as alleged INFRINGEMENT MANAGEMENT & ENFORCEMENT SERVICES (IMES) and
MAGISTRATES AND INFRINGEMENT COURTS

444 Swanston St, Melbourne VIC 3000

ABN: 32 790 228 959

Dear Brendan,

Thank you for your recent pro-forma letter that you took off your intranet, date stamped 18 Feb 2014.

On February 6th 2013, SPEED camera watchdog, Gordon Lewis said: “If the motoring public was to have confidence in Victoria's traffic camera system then it had to be as transparent as possible.”

However, on November 6th 2013, he criticised the secrecy which has surrounded the police official warning policy surrounding which speeding motorists can get off with warnings instead of fines, saying, “it was unsatisfactory that a major part of Victoria Police's official warning policy for speeding motorists had been kept secret for years. Exactly 12 months later, he confirmed to the Herald Sun that, “In my view the most important word in the road safety camera system is transparency”.

Further, John Roskam of Institute of Public Affairs said, “Tim Wilson's appointment offers the Australian Human Rights Commission an opportunity to prove it can do something which it has so far failed to do, namely defend the human rights of individuals against attacks on those rights by the state.”

Therefore, in the quest for transparency, truth and accountability, this letter and NOTICE has also been forwarded to the above list of individuals and various others in the community, To Whom It May Concern.

As you would be well aware, the Law is to be applied equally and without favour to ALL members of the community – including police, their ‘agents’ and all other employees of the business known as the STATE OF VICTORIA - DEPARTMENT OF JUSTICE and the various entities listed under ABN: 32 790 228 959. See Attachment 15.

In other correspondence from your intranet you point out that you believe that the VICTORIA POLICE, being a private corporation, has the right NOT to enter into an agreement or contract by failing to do something. For example, not responding in a reasonable time, if at all, to questions regarding your authority and jurisdiction.

Accordingly, if *you* are not bound by an agreement or contract because of your failure to do something, then *neither* is any other private individual or private corporation and your assertions of any binding obligation, have no legal force whatsoever.

Correspondence from your offices and other related departments has, without exception, ALL referenced 'money', 'outstanding balances' and/or 'associated costs'. For example, your signed pro-forma letter dated 18th February cites two *alleged* matters on your files: Your internal references: OBLIGATION NUMBER 1319067285 - for an alleged traffic offence; and OBLIGATION NUMBER 1145192253 – for an alleged “outstanding warrant and associated costs totaling \$209.20”, according to “records held at Civic Compliance Victoria”, also known as CCV.

Reading your letter/s again, would it be reasonable assume that as you are making demands for money, you are in fact “acting in commerce”? Also, as you signed off your last letter with the title of ‘Director’ that goes with your job, does this also further confirm that you are indeed “acting in commerce”?

Acting in Commerce*. As all your correspondence seems to indicate this is the case, there is something important to consider before you proceed with any further action in any of these alleged matters.

“Acting in commerce” always requires “insurance”, in order to indemnify the ‘Actor’ against any “act, error or omission in the performance of providing professional services”. As a business engaged in commercial activities, some how, some way, you will be insured against making any mistakes. For example, if you proceed with any of the alleged matters on your database – listed in Attachment 1 - and any turn out to be a ‘mistake’, there are two things you need to consider. The first is “circumstances” and the second is “claims”.

As you must be aware, “circumstances” can lead to “claims”, if you make any mistakes “acting in commerce”, which is why, if you read the small print of your policy you will almost certainly find that you need to report any “circumstances” as well as any “claims” made against you. Simply put, if you fail to report any “circumstances” you are UNINSURED. “Uninsured” means you would be PERSONALLY LIABLE for any mistakes you make while “acting in commerce”, for example, if you proceed in any one of these matters and it turns out there has been a mistake while you were “acting in commerce”, you would be “uninsured”.

The paper trail of all previous correspondence you and your associated entities have received from the ‘accused’ parties, clearly indicates a complete lack of desire to engage “in commerce” with you and your organization/s. Your decision to proceed directly against those documented desires may be construed as a deliberate attempt by you and your associates to force the ‘accused’ parties to “act in commerce” with you, against the either party’s wishes or better judgement.

***Request for your Professional Indemnity Insurance Details.** As all your correspondence seems to indicate you are in fact “acting in commerce”, please forward the following details of your Professional Indemnity Insurance Policy, the address above:

- *The name of your insurer*
- *Your insurer's contact details*
- *Your insurance policy number*

To continued the quest for transparency, truth and accountability, please answer the following questions, in the form of an affidavit, with your personal assurance and promise that all of the replies and details given will be true and without deception, fraud or mischief:

Imperial Acts Application Act – Section 8, Sub-section 12 clearly states “That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.” This Act is enshrined in the State Constitution of every state in Australia.

Does the Department of Justice, Victoria have to comply with the Commonwealth Constitution, or are there clauses you, as its representative, can ignore? Are you asserting that you and your agents have authority above the protection given by the Commonwealth Constitution, in that all are presumed innocent until PROVEN guilty?

Penalties and ‘additional costs’ – Article 15 of the Covenant on Civil and Political Rights states that “... Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed”. Therefore no ‘Penalty Reminder Notice Costs’, Lodgement Fees, ‘Enforcement Order Costs’, nor any ‘court costs’ can be added to a so-called “criminal” traffic fine.” You claim that the alleged matters are criminal charges, yet you would know that costs are NOT payable by the ‘accused’ in any criminal proceedings.

*Can you please confirm under what or whose authority and agency are you are applying additional costs, when **according to your system**, none actually apply?*

“All Fines Are voluntary” - Public announcements from the Office of the Premier of Victoria and the Police (see links in Attachment ‘References’), clearly state this as a legal and lawful fact. In a nutshell, it seems that your system works like this: A “voluntary tax” ‘opportunity’ is posted out in the form of an ‘infringement notice’. If it goes unpaid, various interconnected companies and business entities begin sending out ‘demand’ letters and warning ‘notices’. If those ‘notices’ go unpaid, they morph and become listed as “criminal charges” and acquire a ‘court case’ reference number. If those demands for money STILL go unmet, written threats of confiscation, arrest and/or imprisonment start arriving from the Sheriff’s office. There may also be notices from alleged ‘infringement courts’ delivering judgements held behind the accused’s back. If that doesn’t make the ‘accused’ pay up, next comes the stand-over tactics delivered by ‘sheriff officers’ who are now acting as glorified debt collectors.

Can you please confirm under what or whose authority and agency are you engaged as debt collectors and do you understand your responsibility your legal obligations under the Fair Trading Act 1999 to function as a debt collection agency?

Elect to go to court: In other correspondence, you offered the option to ‘elect’ to go to court for the alleged ‘criminal offences’. As you would know, if you were accused of rape or murder, you would not have to ‘elect’ to go to court.

If you believe that 'crimes' have been committed, why have you ignored every request for these matters to be heard by a Court of Competent Jurisdiction, pursuant to Chapter III of the Commonwealth of Australia Constitution Act 1900 (UK) so that your alleged charges can be defended, at your cost?

The 'Infringement Courts' you refer to are not courts of competent jurisdiction, pursuant to Chapter III of the Commonwealth Constitution Act of 19 (UK). **Annotation 206 of the Australian Constitution Act 1900(UK)** – That “no man can be legally bound by a judgement given behind his back and without his having had an opportunity of being heard.”

If the Infringement Court has no authority, under what authority or instruction do the Infringement Registrars use to 'rule' on various matters prior to litigation? See Attached 4

The role of police - Many police officers and Dept of Justice employees seem to have forgotten about their Oath and Contract?

Who in fact, is your oath and allegiance made to? Is it to Queen Elizabeth II or to 'Parliament'? What is the job you actually signed up to do? Was it to act as glorified revenue raisers and debt collectors of our fiscally incompetent elected 'leaders'? Are you prepared to inject common sense back into your job description and start acting in accordance with the age-old adage: "do unto others as you would have others do to you"?

The Road Safety Act 1986 - This Act has never been proclaimed, therefore it is INVALID. The NUREMBERG TRIALS delivered the verdict“... that even if you are obeying orders when committing a crime, you are personally guilty of that crime.” This is also confirmed by Commonwealth and/or State laws, regarding Aid 'N' Abet offences.

So, under what and whose authority and agency are you acting? Who is giving you your 'orders'?

Currency Act 1965 – Sections 9, 11, 16 & 22 - It is impossible to legally discharge a debt over the value of \$20 in Australia, as there is no valuable consideration in circulation in Australia with which to legally discharge any alleged fines, penalties or 'court' costs.

Can you please confirm what can be used as legal and valuable consideration, that is currently in circulation within the Commonwealth of Australia, which can be used to discharge any 'alleged' debt to the State?

Free to travel – Section 92 of the Commonwealth Constitution. All traffic infringement laws are in direct contradiction of, and therefore contravene, our fundamental Constitutional right to travel freely on our roads. This constitutional right ensures that no government or corporate body can force any type of payment for travelling freely on commonwealth roads. This inconsistency is dealt with under Chap 5 Sect 109 of the Commonwealth Of Australian Constitution.

Can you confirm that both the Common Law and Commonwealth Law 'rights to travel' freely still exists?

Harassment, Intimidation and Extortion. In your pro-forma letter dated 18th February 2014 you “advise that the Sheriff may execute an infringement warrant by enforcing a range of sanctions,

including the seizure and sale of assets”, and “If you have no assets, you may be arrested and brought before a magistrate in an open court” and that the ‘Magistrate’ “will have various sentencing options available.”

Can you please explain how your ‘advice’ is different to extortion?

Notice of Intention to direct VICROADS to Suspend: 056466: Please refer to Attachment 9b - You will notice this document was marked with ‘ellipsis’. It was intended to write ‘V.C.’ or ‘Under Duress in the ‘signature’ part of this document but due to intimidation tactics used by your agent - Employee Badge # 2490 - on 8 March 2013, the ‘accused’ was prevented from doing so. Any document signed ‘Under Duress’ nullifies any assumed agreement and therefore your action in suspending the ‘license’ was a) unlawful, b) constitutes a denial of basic Rights and c) requires your immediate attention to reverse the suspension, as **VICROADS has no standing or authority** - Please see Attachment 14 and 15b.

Can you please confirm that any document signed ‘under duress’ nullifies the supposed agreement? Can you please also confirm that you have read and understood the letters related to VICROADS lack of authority in any form whatsoever?

Remedy: Your repeated attempts to create a joinder or ‘legal’ obligation with any private individual and/or a private corporation are all *rejected outright*, as those attempts are without consent and/or merit. Should you believe this to be incorrect, you are required to provide proof to the contrary within 10 days - from the your registered receipt of this correspondence - in the form of an affidavit. *If you fail to respond appropriately, as you are legally obliged to, it will be deemed that no such Laws or Acts exist that can be used to deprive the ‘accused’ or any private individual or private corporation in the community of their Common Law rights, which were afforded by God, to all to Know and Rely Upon.*

If you are not able to provide adequate proof of any of your claims, as per the various questions above, then you are required to immediately:

- a. Remove all ‘criminal’ references and ‘tags’ from both the private individual and private corporation you listed for these alleged matters;
- b. Re-instate the ‘driving license’ listed in your ‘Notice of Intention to Direct VICROADS to Suspend: 056466’;
- c. Revoke all matters you have listed for both the private individual or private corporation, as per the attached list;
- d. Award costs and damages for harassment and other various expenses incurred by the ‘accused’;
- e. Confirm in writing that ALL alleged matters are cancelled, revoked and dissolved, with your personal and professional assurance that all harassment, threats and false accusations will cease and desist forever more.

Without Prejudice For [REDACTED] PTY LTD and [REDACTED] *

*Not be confused with the flesh and blood human being Helen: of the family Vita™
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