

Being pulled over for a Random Breath Test does not constitute a crime.

Therefore, the police have no right to pull me over without due cause, or to make any demands on me as a citizen, as confirmed in these court decisions. I repeat: The following judgments make it very clear that the police do not have the power or authority to stop me for any reason unless they suspect I have committed a crime.

1. Regina v Banner (1970) VR 240 at p 249 – the Full Bench of the Northern Territory Supreme Court

In this judgement, the NT Supreme Court handed down a ruling that, “(Police officers) have no power whatever to arrest or detain a citizen for the purpose of questioning him or of facilitating their investigations. It matters not at all whether the questioning or the investigation is for the purpose of enabling them to ascertain whether he is the person guilty of a crime known to have been committed or is for the purpose of enabling them to discover whether a crime has or has not been committed. If the police do so act in purported exercise of such a power, their conduct is not only destructive of civil liberties but it is unlawful.”

2. Andrew Hamilton Vs Director of Public Prosecutions – Justice Stephen Kaye – Melbourne Supreme Court ruling – 25 November 2011

“It is an ancient principle of the Common Law that a person not under arrest has no obligation to stop for police or answer their questions. And there is no statute that removes that right. The conferring of such a power on a police officer would be a substantial detraction from the fundamental freedoms which have been guaranteed to the citizen by the Common Law for centuries.”

3. Magistrate Duncan Reynolds – Melbourne – July 2013

“There is no common law power vested in police giving them the unfettered right to stop or detain a person and seek identification details. Nor, is s.59 of the (Road Safety) Act a statutory source of such power.”

PLEASE NOTE: None of the above precedents have been overturned on appeal or in the High Court. They still stand current today. I am also pointing out to you, the police, that you are acting unlawfully if you continue to detain me without due cause to believe I have committed a crime.