

The Driving v Travelling conundrum



The term "Driving" is understood as a "Commercial activity" to OPCA theorists - Instead of admitting to "Driving" (as described in the statute) they prefer to practice the "Common law right" to "Travel" in their "Private Automobiles" on "The Kings Highway".

There is a great conundrum here, they cannot have a valid licence or registration, because it would create "joinder" with a "private corporation" (the traffic registry or police). Think about it. How dare our "policy enforcers" interrupt their "lawful right" to "travel", and then attempt to force them to "contract" with them, at threat of armed violence. The dirty scumbags, hey. Grab an outdated foreign law dictionary and check this out:

The definition of a "Driver" in Bouvier's Law Dictionary, (1914 ed., Pg. 940) is

"One employed in conducting a coach, carriage, wagon, or other vehicle."

The definition of "Motor Vehicle" (Title 18 USC 31) is

"Every description or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, or passengers and property."

"Used for commercial purposes" means

"the carriage of persons or property for any fare, fee, rate, charge or other considerations, or directly or indirectly in connection with any business, or other undertaking intended for profit."

The definition of "Traffic" in Bouvier's Law Dictionary, (1914 ed., Pg. 3307) is

"Commerce, trade, sale or exchange of merchandise, bills, money, or the like. The passing of goods and commodities from one person to another for an equivalent in goods or money."

Those indoctrinated by the OPCA movement are told to use the term "TRAVEL" or "SOJOURN" as opposed to "DRIVE", and "AUTOMOBILE" as opposed to "VEHICLE" etc. They claim that "driving" is a business term, denoting "For Hire", and for these reasons the activity doesn't apply to those using their conveyance just for private use.

Unfortunately for them, these definitions from outdated foreign dictionaries make no difference at all in the eyes of police or magistrates, and they have no obligation to follow these terms at all. These interpretory concepts are further discussed in [Van den Hoorn v Ellis \[2010\] QDC 451](#)

Roads and transport are a state matter, and each state has its own Roads and Traffic Act, with the glossary of terms included. This is called "*Intrinsic evidence*", which is defined as information contained within the definition section of the Act. The use of the Interpretation Acts, and Hansard (a record of debates in parliament concerning that legislation) is called "*Extrinsic evidence*" which is defined as information which is obtained from outside of the Act. See the article on [Interpreting legalese](#).

This is New South Wales legislation, section 4 of the [Road Traffic Act 2013](#), but you'll find the other states are similar. This is the definitions NSW Police and the courts are obliged to follow...

LICENCE...

"driver licence" means: (a) a licence (including a conditional licence, a provisional licence and a learner licence) issued in accordance with the statutory rules authorising the holder to drive one or more classes of motor vehicle on a road or road related area, or (b) a driver licence receipt.

"driver licence receipt" means a receipt that: (a) is issued following an application for an Australian driver licence and after payment of any applicable fee, and (b) authorises the holder to drive one or more classes of motor vehicle on a road or road related area.

"learner licence" means a licence or permit issued to a person under a law in force in a State or internal Territory to authorise the person to drive a motor vehicle on a road or road related area for the purpose of learning to drive a motor vehicle.

"probationary licence" means a licence to drive a motor vehicle: (a) issued to a person who applies for a driver licence following a period of disqualification from driving: ordered by a court in Australia, or (b) issued to replace an equivalent licence issued under a corresponding driver law.

"provisional licence" means a licence (other than a learner licence) to drive a motor vehicle, issued under a law in force in a State or internal Territory, that is subject to conditions, restrictions or qualifications.

"provisional P1 licence" means a provisional P1 licence issued in accordance with the statutory rules.

"provisional P2 licence" means a provisional P2 licence issued in accordance with the statutory rules.

"relevant Australian driver licence" means: (a) an Australian driver licence, or (b) a learner licence issued under a law in force in a State or internal Territory authorising the holder to drive a motor vehicle on a road or road related area.

"restricted licence" means an authority to drive a motor vehicle issued at the direction of a court in Australia that authorises the holder to drive only in the course of the holder's employment or in other specified restricted circumstances.

"unrestricted driver licence" means a driver licence other than a learner licence or provisional licence.

VEHICLE...

"motor vehicle" means a vehicle that is built to be propelled by a motor that forms part of the vehicle.

"vehicle" means: (a) any description of vehicle on wheels (including a light rail vehicle) but not including any other vehicle used on a railway or tramway, or (b) any description of tracked vehicle (such as a bulldozer), or any description of vehicle that moves on revolving runners inside endless tracks, that is not used exclusively on a railway or tramway, or (c) any other description of vehicle prescribed by the statutory rules.

"registrable vehicle" means: (a) any motor vehicle, or (b) any trailer, or (c) any other vehicle prescribed by the statutory rules for the purposes of this definition.

"registered" and "registration" in relation to a vehicle-see section 7.

TRAFFIC...

"traffic" includes vehicular traffic and pedestrian traffic and all other forms of road traffic.

DRIVE/DRIVER...

"drive" includes: (a) be in control of the steering, movement or propulsion of a vehicle, and (b) in relation to a trailer, draw or tow the trailer, and (c) ride a vehicle. "driver" means any person driving a vehicle, and includes any person riding a vehicle.

Losalini Rainima tested these theories all the way to the Supreme Court of New South Wales. You can read her case here. [Losalini Rainima](#)

In Victoria, a person must pull over when signaled by police, which includes a PSO in their designated area, under section 59 (1) of the [Road Safety Act 1986 \(Vic\)](#) They must provide a name and address when asked. This is 'name AND address', not 'driver's licence'. You do not have to have your driver's licence on you if you're over 26 and not on your Ls or Ps (See [section 19\(8\)](#)), but do need to provide your name and address in some way. This can be your rego number if you are driving your own car. Under [section 76](#) of the *Road Safety Act 1986 (Vic)* Police may arrest a person for driving offense if they refuse to give a name AND address, or there is reason to believe they have given false information. See [Police Powers in Victoria](#) for Victorian Supreme Court rulings.

Similar to the relevant provisions in other states, in South Australia, under section 96(1) of the South Australian [Motor Vehicles Act 1959](#), drivers must produce their licence when requested by a police officer, either immediately or to a specified police station within forty-eight hours. The maximum penalty for failure to comply is a fine of \$1,250.

Under s 137(b) of the [Motor Vehicles Act 1959 \(SA\)](#) a person must answer any question that would help to identify the driver of a motor vehicle. The maximum penalty for failure to comply is a fine of \$750. [Section 40V](#) of the *Road Traffic Act 1961 (SA)* also requires a driver to give their name and other personal details, while s 40W requires them to produce records, devices or other things.



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