

# TOLL ROAD PAYMENT AVOIDANCE LETTER

Dear (Toll Road Operator, Debt Recovery Agency or whoever sent the letter of demand),

**RE: Toll Payment Notice (enter number)**

I received the above notice of demand for me to pay a toll, plus penalty charges, for my trip across (specify toll road) on (specify date).

I wish to advise you that I was quite prepared to pay the toll in Australian currency, however there was nobody from your company present to accept payment. Therefore as I was unable to make this payment at that time, I considered that you had abrogated your right to demand any payment from me.

The Australian Currency Act 1965 clearly specifies that the ONLY legal tender in Australia is Australian currency. No other form of payment is legal tender, including cheques, promissory notes, bars of gold or in this particular instance, electronic tolling.

Also, under the Australian Constitution, the highest law in the nation that overrides all other legislation, states in Section 115 as follows:

*115. A State shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts.*

This clearly implies that the only legal tender in any state of Australia is gold and silver coin, not electronic tolling in your particular case.

Because there was no representative or employee of your company to collect the toll payment that I was prepared to freely offer at the time, I consider that any debt to your company that you consider that I may have incurred in driving on your toll road is therefore forgiven under the various Laws of Tort in this nation.

I wish to also advise you that I was not under any legal obligation to divert from my journey in order to go to a place designated by you to pay the toll in cash. If you failed to provide a person to collect the toll payment from me at the start of the toll road or the tolling point, then that was negligent of you and is not my problem.

Therefore I demand that you immediately withdraw this notice of demand, however I warn you that if you choose to proceed with trying to recover a forgiven debt from me, I will take all legal measures to overturn this demand and also proceed against your company for damages and possibly even illegal demanding money with menaces, as this is a serious criminal offence.

Yours sincerely,

(Your signature)