

**STATEMENT OF EXPLANATION:**

# Freedom Camping Infringement

Version: April 2014

Note: Explanations will not be accepted if the full name and address of the person in charge of the vehicle at the time of the alleged offence is not provided.

## Applicant details

**PLEASE COMPLETE IN BLOCK LETTERS**

**NAME:** Mr / Miss / Mrs \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**DATE OF BIRTH:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**OCCUPATION:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**MOBILE/CELLPHONE NUMBER:** \_\_\_\_\_

**INFRINGMENT NOTICE NUMBER:** \_\_\_\_\_

**DATE ISSUED:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**VEHICLE REGISTRATION:** \_\_\_\_\_

**VEHICLE MAKE:** \_\_\_\_\_

**Are you the registered owner of the vehicle? YES / NO**

**If a rental car, please state name and address of rental firm:** \_\_\_\_\_

**Please turn the page to complete the "Your Explanation" section.**

***If you are not satisfied with the decision that is reached, you should read carefully the Summary of Rights that are attached to this form.***





## **SUMMARY OF RIGHTS**

Note: Please read this summary. If you do not understand it, you should consult a lawyer immediately.

### **Payment**

1. If you pay the infringement fee within 28 days after the service of this notice, no further action will be taken against you in respect of this infringement offence. Payments should be made to the enforcement authority at the address shown on the front page of this notice.  
Note: If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter, or have entered, into a payment by instalment arrangement with the enforcement authority in respect of an infringement fee payable by you, paragraphs 3 and 4 do not apply and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

### **Further action**

2. If you wish to raise any matter relating to the circumstances of the alleged offence, you should do so by writing a letter and delivering it to the enforcement authority at the address shown on the front page of this notice within 28 days after the service of any reminder notice in respect of the offence.
3. If you deny liability and wish to request a hearing in the District Court in respect of the alleged offence, you must, within 28 days after the service of any reminder notice in respect of the offence, deliver a letter requesting a court hearing in respect of the offence to the enforcement authority at the address shown on the front page of this notice. The enforcement authority will then, if it decides to commence court proceedings in respect of the offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.  
Note: If the court finds you guilty of the offence, costs will be imposed in addition to any penalty.
4. If you admit liability in respect of the alleged offence but wish to have the court consider submissions as to penalty or otherwise, you must, within 28 days after the service of a reminder notice in respect of the offence, deliver a letter requesting a hearing in respect of the offence to the enforcement authority at the address shown on the front page of this notice and in the same letter admit liability in respect of the offence and set out the submissions that you would wish to be considered by the court. The enforcement authority will then, if it decides to commence court proceedings in respect of the offence, file your letter with the court. There is no provision for an oral hearing before the court if you follow this course of action.  
Note: Costs will be imposed in addition to any penalty.

### **Non-payment of fee**

5. If you do not pay the infringement fee and do not deliver a letter requesting a hearing within 28 days after the service of this notice, you will be served with a reminder notice (unless the enforcement authority decides otherwise).
6. If you do not pay the infringement fee and do not deliver a letter requesting a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay costs in addition to the infringement fee (unless the enforcement authority decides not to commence court proceedings against you).

### **Defence**

7. You will have a complete defence against proceedings relating to the alleged offence if the infringement fee is paid to the enforcement authority at the address shown on the front page of this notice within 28 days after the service of a reminder notice in respect of the offence. Late payment or payment made to any other address will not constitute a defence to proceedings in respect of the alleged offence.
8. This paragraph describes a defence additional to the one described in paragraph 7. You must prove the following to have the defence:
  - (a) that the act or omission giving rise to the alleged offence to which the infringement notice relates was due to an action or event beyond your control; and
  - (b) you could not reasonably have foreseen or prevented the action or event; and
  - (c) you adequately remedied or mitigated the effects of the act or omission after the alleged offence occurred.
9. This paragraph describes a defence additional to those described in paragraphs 7 and 8. You must prove the following to have the defence:
  - (a) that the act or omission giving rise to the alleged offence to which the infringement notice relates was necessary to save or protect life or health, or to prevent injury, or to prevent serious damage to property, or to avoid actual or likely damage to the environment; and
  - (b) your conduct was reasonable in the circumstances; and
  - (c) you adequately remedied or mitigated the effects of the act or omission after the alleged offence occurred.
10. This paragraph describes a defence additional to the defences described in paragraphs 7 to 9. This defence is available only if you are charged with an infringement offence against section 20(1)(b)(ii), (d), (h)(ii), or (k) of the Freedom Camping Act 2011. You must prove the following to have the defence:
  - (a) that the act giving rise to the alleged offence to which the infringement notice relates was necessary in the circumstances; and
  - (b) your conduct was reasonable in the circumstances; and
  - (c) you adequately remedied or mitigated the effects of the act after the alleged offence occurred.
11. This paragraph describes 2 defences additional to the defences described in paragraphs 7 to 10. The defences are available if you are charged with an infringement offence in which a vehicle was used in the commission of the alleged offence and, at the time the alleged offence was committed, you were an owner of the vehicle, a registered person in relation to the vehicle, or lawfully entitled to its possession. You must do the following to have a defence:
  - (a) you must prove that another person, by virtue of an order under the Summary Proceedings Act 1957, became liable to pay a fine or cost, or both, in respect of the alleged offence; or
  - (b) you must—
    - (i) prove that, at the time the alleged offence was committed, either you were not lawfully entitled to the possession of the vehicle or another person was unlawfully in charge of the vehicle; and
    - (ii) advise the enforcement authority in writing of this immediately after becoming aware of the alleged offence; and
    - (iii) do everything reasonably possible to comply with all requests of the enforcement authority to supply information to the authority regarding the person who was lawfully entitled to possession, or who was in charge, of the vehicle at the time of the offence.

### **Queries and correspondence**

12. When writing or making payment of an infringement fee, please indicate—
  - (a) the date of the infringement offence; and
  - (b) the infringement notice number; and
  - (c) the identifying number of each alleged offence and the course of action you are taking in respect of it (if this notice sets out more than 1 offence and you are not paying all of the infringement fees for all of the alleged offences); and
  - (d) your full address for replies (if you are not paying all of the infringement fees for all of the alleged offences).

Full details of your rights and obligations are set out in sections 22 to 28 of the Freedom Camping Act 2011 and section 21 of the Summary Proceedings Act 1957.

Note: All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the address shown on the front page of this notice.