

Charly Lee

123 Sample St
Suburbia VIC 3987

8 September 2020

The Director
Fines Victoria
GPO Box 1916
MELBOURNE VIC 3001

To whom it may concern,

**Request for internal review –
Infringement number 123 456 789
Issued to Charly Lee
Date of issue 5 August 2020**

I request internal review under section 22(a)(i) of the *Infringements Act 2006* (Vic) on the basis that this infringement notice was issued contrary to law.

I have been issued the above infringement notice under section 203(1) of the *Public Health and Wellbeing Act 2008* (Vic) ('**PHW Act**') for 'refusing or failing to comply with a direction given to, or a requirement made of, a person in the exercise of a power under an authorisation given under s 199'.

The infringement notice does not state the reason I was given the infringement, but my understanding is that it was issued on the basis that the issuing officer formed the view that I was not outside my home for a permissible purpose under the Chief Health Officer's direction at the time.

Grounds for review

My conduct did not constitute an offence under s 203 of the PHW Act. I was outside my home for a permitted purpose under the Chief Health Officer's direction in force on that day, specifically obtaining necessary goods and services.

Around lunch time on 15 August 2020 I left my home to walk to the local café to get take-away food for lunch. After I had purchased the food, I was walking home and noticed two friends (who live together) walking in the opposite direction. We stopped to briefly say hello – we were all wearing masks and maintained 1.5 metres apart the whole time. A police car happened to drive by at this very moment and the officers got out. They told us that we were not allowed to stand around in groups of three and issued us all fines..

Please find enclosed a screenshot of my banking app that shows a purchase from Fancy Café on 15 August 2020 at 12:16pm which shows I was out of my home to obtain food and drink.

Clause 6(1)(a) of the directions at the time permitted a person to leave the house for the purpose of obtaining take away food and drink. I did not leave my home for the purpose of standing in a group of three – I did not arrange to meet or organise or intentionally attend a gathering of more than two people. For these reasons, I did not fail to comply with the directions.

In the alternative, I submit that any breach of the Chief Health Officer's directions was not deliberate, or was so minor that a warning should have been given, in line with (then) Deputy Commissioner Shane Patton's public statement reported in *The Age* on 13 April 2020 that only 'deliberate, obvious and blatant breaches' would attract fines, and that warnings would be given for minor breaches. The directions are very complex and have changed many times – if I was not complying with the directions on that day, it was due to a misunderstanding on my part.

For the reasons outlined in this letter, I believe this infringement was issued contrary to law and I request that it be withdrawn.

Yours sincerely,

Charly Lee

0412 345 678

charly.lee@example.net