

Omar Nazeer

98/76 Boundary Street
Plainsville VIC 3246

8 September 2020

The Director
Fines Victoria
GPO Box 1916
MELBOURNE VIC 3001

To whom it may concern,

**Request for internal review –
Infringement number 111 222 333
Issued to Omar Nazeer
Date of issue 15 August 2020**

This letter has been written with the assistance of my case worker, Asim Ayman.

I request internal review under section 22(a)(i) of the *Infringements Act 2006* (Vic) on the basis that exceptional circumstances apply to the infringement.

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.

Exceptional circumstances

Although I was not following the Chief Health Officer's direction, I believe my conduct should be excused having regard to my exceptional circumstances as permitted under s 22(1)(c) of the Act, in that I did not understand what I was supposed to do due to language barriers.

I have only been in Australia since 2018 and I speak little English. My native language is Oromo but I also speak some Swahili. I read some Oromo language information about the restrictions, but they were from an earlier period of time when the rules were different. I went out to go buy a dress for my daughter – I did not realise the dress shops were all closed due to the change from stage 3 to stage 4 restrictions the week before.

I enclose a letter from my case worker, which confirms I do not speak English well.

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 due to my special circumstances outlined above.

For the reasons outlined in this letter, I believe I have exceptional circumstances, and that my conduct on the day should be excused having regard to these. I request that the infringement notice be withdrawn.

Yours sincerely,

Omar Nazeer

Example only