

Van Phuong

12/345 Probable Road
Cottonwood VIC 3654

8 September 2020

The Director
Fines Victoria
GPO Box 1916
MELBOURNE VIC 3001

To whom it may concern,

**Request for internal review –
Infringement number 987 654 321
Issued to Van Phuong
Date of issue 15 August 2020**

I request internal review under section 22(a)(i) of the *Infringements Act 2006* (Vic) on the basis that special 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.

Special circumstances

I have special circumstances as defined in s 3 of the Act, in that I have a diagnosed mental illness (schizophrenia).

I enclose a letter from Dr Jen Kindly, my treating general practitioner, which confirms that I suffer from the above condition. In her letter, Dr Kindly confirms that my condition is such that I am unable to control my conduct at times.

My mental illness comes and goes. Mostly it is well controlled with medication, but at times of stress I sometimes hear voices and feel an irresistible urge to do something. On 15 August, I was very upset about problems in my relationship and I was really stressed from spending so many days at home under the restrictions. I felt an uncontrollable urge to go outside because I thought the sun's rays would calm me down. I was just sitting on a bench on the street when the police came and gave me a ticket.

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.

I have also enclosed a support letter from Thanh Dang, who is my case worker at the Cottonwood community clinic, explaining more about my condition and how it affects me.

For the reasons outlined in this letter, I believe my condition means I have special circumstances, and that my condition was the reason I was not following the Chief Health Officer's directions. I request that the infringement notice be withdrawn.

Yours sincerely,

Van Phuong

Example only