



26 June 2024

Bob
Right to Know

By email: foi+request-11497-8c84cb09@righttoknow.org.au

Dear Bob

RE: Freedom of Information Request

I refer to your request received by the Department of Foreign Affairs and Trade (the department) on 5 June 2024 for access under the *Freedom of Information Act 1982* (the FOI Act) to:

I require the Department to provide the documented provisions (or special provisions), legislation, policy or other documents that:

A. Ensure the right of a man (a non-legal entity) is not interfered with whilst moving between different land masses (commonly known as a unincorporated country, or within the realm/Commonwealth) as further described by points 1 and 2 below:

1. The Attorney General's Department has provided information via a FOI request (<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Frequest%2F11344%2Fresponse%2F34837%2Fattach%2F3%2FFOI24%2520213%2520Decision%2520letter%2520with%2520Attachment.pdf&data=05%7C02%7Cfoi%40dfat.gov.au%7Cee5b994633184f76314908dc8558c9c2%7C9b7f23b30e8347a58a40ffa8a6fea536%7C0%7C0%7C638531863728710718%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEkaWwiLCJXVCi6Mn0%3D%7C20000%7C%7C%7C&sdata=19iWj2LFXxtGO4gnWXfGpaps7NF1gQUIPpBzyQPQiTc%3D&reserved=0>), reference: FOI24/213; CM24/8446, dated 20 May 2024, that: there is no legislation or documents that give a Federal Agency, and/or Federal Employee, and/or other Federal personnel jurisdiction over a man; and

2. Various Australian States and Territories and the Commonwealth [the realm], have legislation enforced that ensure a man is not denied or deferred either justice or right. Nor can a man can be disseised of liberties. For example, ACT Legislation: https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.act.gov.au%2FView%2Fa%2Fdb_1781%2Fcurrent%2Fhtml%2Fdb_1781.html&data=05%7C02%7Cfoi%40dfat.gov.au%7Cee5b994633184f76314908dc8558c9c2%7C9b7f2

[3b30e8347a58a40ffa8a6fea536%7C0%7C0%7C638531863728720125%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C20000%7C%7C%7C&sdata=9J0ZkZE5q7Z8hhwPY3aDDCyVX%2BFABOErdhHIDHquSQ0%3D&reserved=0](https://www.foi.gov.au/3b30e8347a58a40ffa8a6fea536%7C0%7C0%7C638531863728720125%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C20000%7C%7C%7C&sdata=9J0ZkZE5q7Z8hhwPY3aDDCyVX%2BFABOErdhHIDHquSQ0%3D&reserved=0), and similar/same for the United Kingdom, New Zealand, and others.

B. If the Department has no provisions (or special provisions) or documents to ensure the right and liberty of a man is not denied/disseised, I require the policy, legislation, or other documents that the Department of Foreign Affairs and Trade can:

1. require a man into involuntary servitude; and 2. deny a man the right to move between land masses; and 3. deny a man liberty

On 6 June 2024, the department notified you that the department does not track the movement of people across Australian borders, nor do we track the movement of people within, or between, States and Territories. As such, the department would not ordinarily hold any of the documents that you have requested.

The same day you replied stating:

Thanks for your prompt response with information supplied. This has helped to narrow the request to the information sought, hence to help clarify the request, some additional information is provided:

i. This request is not about movement of 'people', or movement between States and Territories, or movement of legal entities (such as PERSONs, Individuals, Citizens) across borders, or movement records; and

ii. noting that the Department is responsible for issuance of Passports to permit legal entities travel across Country borders, then it would be expected that the Department (DFAT) provides provisions/special provisions or special arrangements to ensure a man's right of liberty to movement (across a Country border) is not interfered with; and

iii. Points 1 and 2 of the original FOI request in Section A is background information and will help identify the requested documents.

I have amended the original request to read as follows:

As the Department (DFAT) is responsible for the issuance and management of Passports that other Federal Departments and Agencies depend on that relate to borders, commerce of legal entities across borders, I require the Department to provide the documented provisions (or special provisions), or special arrangements, any non-published Legislation, Legislation, policy, or other documents that:

A. Ensure the right of a man (a non-legal entity) is not interfered with whilst moving between different land masses, across a Country border, or across The Commonwealth. The information in points 1 and 2 below provide background to the

right of man and the legislation enforced across The Commonwealth and various Countries to ensure the right, liberty and justice of a man is not denied:

1. The Attorney General's Department has provided information via a FOI request reference (see link in original request in this email thread): FOI24/213; CM24/8446, dated 20 May 2024, that: there is no legislation or documents that give a Federal Agency, and/or Federal Employee, and/or other Federal personnel jurisdiction over a man; and

2. Various Australian States and Territories, Countries (such as the United Kingdom, New Zealand) and The Commonwealth [the realm], have legislation enforced that ensure a man is not denied or deferred either justice or right. Nor can a man can be disseised of liberty. An example of this legislation can be found https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.act.gov.au%2FView%2Fa%2Fdb_1781%2Fcurrent%2Fhtml%2Fdb_1781.html&data=05%7C02%7Cfoi%40dfat.gov.au%7C1bcc23f6f60e4de3a9b708dc85dede54%7C9b7f23b30e8347a58a40ffa8a6fea536%7C0%7C0%7C638532439644051084%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCi6Mn0%3D%7C40000%7C%7C%7C&sdata=tDO7yZzL%2BeOzi2kR6Fh78N4CEFY6TRDiUEEu7YSeQoA%3D&reserved=0 and is similar/same to the United Kingdom, New Zealand, The Commonwealth, and others.

B. If the Department (DFAT) has no documented provisions (or special provisions), or special arrangements, or any non-published legislation, policy or other documents to ensure the right and liberty of a man is not denied/disseised when moving: between land masses, across a Country Border, or throughout The Commonwealth, then, I require the policy, legislation, or other documents that the Department of Foreign Affairs and Trade can:

1. require a man into involuntary servitude by requiring a man give up rights and liberties to involuntary serve under the limited and revocable rights of a legal entity with a Passport in order to move between land masses, a Country Border, or throughout The Commonwealth; and

2. deny a man the right to move between land masses, a Country Border, or throughout The Commonwealth; and

3. deny a man liberty

I am writing to provide you with a decision about your request.

Decision

I am an officer authorised under [section 23 of the FOI Act](#) to make decisions in relation to FOI requests and have been appointed as the decision-maker on your request.

Thorough searches conducted by the Australian Passport Office (APO) and the General Counsel Branch (GCB) found no documents matching the description of the documents you requested.

In accordance with [section 24A\(1\) of the FOI Act](#), your request for access to documents is refused as all reasonable steps have been taken to find the documents and I am satisfied that the documents do not exist.

Sections of the FOI Act referenced in my decision letter can be found online at www.legislation.gov.au.

Review rights

Information about your review rights is set out in the **Attachment** for your reference.

Additional information

The department's website provides a variety of policy information in relation to passports, accessible at www.dfat.gov.au/about-us/publications/corporate/passports/passport-policy.

Contact

Should you have any queries regarding this decision please contact the Freedom of Information Section by email: foi@dfat.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. McNamara', with a long horizontal flourish extending to the right.

Joe McNamara
A/g Director
Freedom of Information Section

Your review rights

Internal review

You may apply for internal review of the decision (section 54 of the FOI Act). The internal review application must be made within 30 calendar days from the day you receive this notice.

Where possible, please attach reasons why you believe review of the decision is necessary.

The internal review will be carried out by another officer within 30 days.

Any request for internal review should be directed via email to foi@dfat.gov.au or addressed to:

Freedom of Information Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

Australian Information Commissioner

You may apply to the Australian Information Commissioner to review my decision (section 54L of the FOI Act). To do this, you must contact the Australian Information Commissioner within 60 calendar days from the day you receive this notice.

You may also make a complaint to the Australian Information Commissioner about the Department's actions in relation to this decision (section 70 of the FOI Act). Making such a complaint about the way the Department has handled your FOI request is a separate process to seeking review of my decision.

Further information on applying for an Australian Information Commissioner review is available at: www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews.

Further information about how to make a complaint is available at: www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints.