

Our reference: 170520

27 October 2016

Mitchell

By email: foi+request-2367-8ed2bfbe@righttoknow.org.au



Department of
Justice and Attorney-General

Dear Mitchell

I refer to your email dated 20 October 2016 purporting to make a formal Freedom of Information request. On 1 July 2009 the Queensland Freedom of Information Act 1992 was repealed and replaced with the *Right to Information Act 2009* (RTI Act) and the *Information Privacy Act 2009* (IP Act). As a result of this change your application will now be processed under the RTI Act.

Your email advised that you are seeking access to:

To obtain an explanation for the term "Her Majesty's Peace", preferably in the form of documentary evidence. To obtain clarification that the term "according to law" refers to common law, preferably in the form of documentary evidence. To obtain an explanation for the above question - 'are Police Officers, in terms of their oaths, obliged to only uphold common law and hence "Her Majesty's Peace"?'

The terms of the application have been construed as outlined above. Please advise this office as soon as possible if managing the application in this way is inconsistent with the intention of your request.

I am writing to advise you that as it currently stands your application is noncompliant with the relevant application requirements of section 24 of the RTI Act. This means we cannot process your application as it currently stands. In order for us to process your application you will need to make it compliant by providing the following:

1. Complete, check and return the enclosed Right to Information and Information Privacy Access Application form. Please ensure question three and if relevant question four of the application form are answered. Please also ensure a contact number is provided and the declaration on the last page of the form is signed and dated.
2. Provide payment of the \$46.40 application fee as set out in the RTI Act. Applications that do not concern the applicant's personal affairs attract this application fee and should be paid at the time the application is made. As your request does not only seek information about yourself, the application fee is payable. This can be paid by cheque or money order payable to the Department of Justice and Attorney-General.

Please return your payment to: The Director
Right to Information and Privacy Unit
Department of Justice and Attorney-General
GPO Box 149
BRISBANE QLD 4001

Privacy Notice

The Department of Justice and Attorney-General is authorised to collect personal information under the *Information Privacy Act 2009* and the *Right to Information Act 2009*. This information will be used to process your application and may be disclosed to various officers within the department. The information may also be disclosed to other agencies where it is necessary to transfer the application. You will be advised if a transfer occurs. Your personal information will not be disclosed to any third party without your consent, unless authorised or required by law.

Right to Information and Privacy Unit
State Law Building
50 Ann Street Brisbane 4000
GPO Box 149 Brisbane
Queensland 4001 Australia
Telephone (07) 3239 3439
Facsimile (07) 3006 5929
Website www.justice.qld.gov.au

3. The RTI Act is not an Act which gives persons a legally enforceable right to obtain answers to questions, nor to extract answers to questions from documents. The legally enforceable right is to be given access under the Act to documents of an agency. In so far as your request seeks answers to questions it cannot be progressed.

In addition, the documents you seek to access appear to be documents that are either publicly available via the internet in various court judgments or may be held by the Queensland Police Service. The contact details for the Queensland Police Service are:

Right to Information and Privacy
Queensland Police Service
GPO Box 1440
BRISBANE QLD 4001
Telephone: (07) 3364 4666
Facsimile: (07) 3364 4675
Email: rti@police.qld.gov.au

I recommend you contact this unit prior to lodging any application to ensure it meets the compliance requirements. Should you choose to proceed with the request addressed to the Department of Justice and Attorney-General (via the email address rtiadministration@justice.qld.gov.au) then you will need to provide the additional requested information.

You will need to reply by **16 November 2016** otherwise, under the legislation, your application will be deemed to be noncompliant.

For further enquiries please contact this office on telephone number 3227 7618, or via email at RTIAdministration@justice.qld.gov.au, quoting reference number **170520**.

Yours sincerely



Patricia Gainey
Senior Administration Officer (Quality Assurance)
Right to Information and Privacy Unit

Privacy Notice

The Department of Justice and Attorney-General is authorised to collect personal information under the *Information Privacy Act 2009* and the *Right to Information Act 2009*. This information will be used to process your application and may be disclosed to various officers within the department. The information may also be disclosed to other agencies where it is necessary to transfer the application. You will be advised if a transfer occurs. Your personal information will not be disclosed to any third party without your consent, unless authorised or required by law.