



Australian Government  
Indigenous Land Corporation



The ILC GROUP

PEOPLE. LAND. OPPORTUNITY.

15 January 2018

Mr Kenneth Stagg

By email: [foi+request-4253-6c23b41d@righttoknow.org.au](mailto:foi+request-4253-6c23b41d@righttoknow.org.au)

Dear Mr Stagg,

**Your request for information—aboriginal land (sovereignty)**

I write in response to your emails to the ILC's freedom of information email address dated 12 December 2017 and 15 January 2018.

In the first of those emails you stated that you would 'like information or the name of the department that deals with aboriginal land' and you needed 'clarification and valid information on how the [Commonwealth of Australia]... [has] TRUE ownership or "SOVEREIGNTY" over the first inhabitants COMMON LAW SOVEREIGNTY, land, water and air'.

This email was directed to the Indigenous Land Corporation, which is a corporation established pursuant to the *Aboriginal and Torres Strait Islander Act 2005* (Cth) for two functions. The first function is to acquire land through purchase on the open market and grant that land to Aboriginal and Torres Strait Islander controlled entities. The second function is to assist Aboriginal and Torres Strait Islander people to manage their land. The ultimate aim of these purposes is to create social, environmental, cultural and economic benefits for Aboriginal and Torres Strait Islander people.

While the Indigenous Land Corporation was created by an act of Commonwealth Parliament, it acts independently of the direction of Commonwealth Ministers. The Indigenous Land Corporation is not a Commonwealth Department.


I mention the functions of the Indigenous Land Corporation and its independence to highlight that the Indigenous Land Corporation is not, and never has been, directly concerned with the Commonwealth of Australia's claim to sovereignty over Australian lands and waters.

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Turning to your request for clarification and valid information on Australian sovereignty. As stated above, this request was sent to the Indigenous Land Corporation's freedom of information email address and I presume that it was sent for the purpose of making an application under the *Freedom of Information Act 1982* (Cth). According to that Act, a person has a right to request access to documents provided such request includes information that is reasonably necessary to allow the documents to be identified. There is no right under the Act to request general information, opinion or clarification. The Act is only set up to facilitate access to documents that are already in existence and are held by the agency that receives the request.

Your email seeks clarification and valid information but does not provide information concerning documents sufficient to allow the Indigenous Land Corporation to reasonably identify documents. To make a valid request under the Act, you should provide the recipient with detail sufficient to identify the actual documents that you request.

If you made a request for documents held by the Indigenous Land Corporation, the Indigenous Land Corporation would then search its records to find documents that fit within the scope of your request. The Indigenous Land Corporation would not however answer your questions or provide general advice, clarification or information in response to a freedom of information request.

It is important to note that if a request for documents is so broad that a search for those documents would substantially and unreasonably divert the resources of an agency from its ordinary operations it may be possible for the agency to refuse access to those documents. This is part of the reason why a freedom of information request for documents must provide information concerning the documents sufficient to allow the identification of those documents.

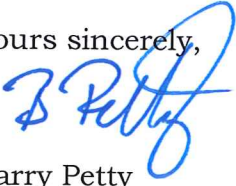
As stated above, the Indigenous Land Corporation's functions are to acquire, divest and manage land. These functions do not directly relate to Australia's right of sovereignty, pursuant to Australian laws. Such laws, including the Commonwealth of Australia Constitution, are publically available and are not subject to freedom of information requests.

There are parts of the Commonwealth Government that are more directly related to issues surrounding Commonwealth sovereignty. For example, the Attorney General's Department is the Commonwealth of Australia's peak law administrator and is charged with delivering programs and policies to maintain and improve Australian law.

In your email you ask for the name of the 'department' that deals with aboriginal land in the context of the Commonwealth claim of sovereignty over those lands. If you would like your queries to be considered as a request under the *Freedom of Information Act 1982* (Cth) it is

recommended that the best way to proceed may be to request documents in a way that specific documents can be readily identified from the Attorney General's Department.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "B. Petty", is written over the closing "Yours sincerely,".

Barry Petty

Senior Legal Counsel