



17/16538; FOI17/199

21 February 2018

Mr Kenneth Stagg

By Email: foi+request-4266-0e2c866b@righttoknow.org.au

Dear Mr Stagg,

Freedom of Information request – FOI17/199

The purpose of this letter is to advise you of my decision following your request for internal review of the Attorney-General's Department's decision to refuse access to documents you requested under the *Freedom of Information Act 1982* (FOI Act).

Summary of your request

I, Michael Johnson, Assistant Secretary, am authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests made of the Attorney-General's Department (the department).

The department received your original freedom of information request on 15 December 2017. Your request was for:

I need clarification and valid information on how the COA (COM OF AUS) & crown land have TRUE ownership or "SOVEREIGNTY" over the first inhabitants COMMON LAW SOVEREIGNTY, land, water and air.

A QUESTION AT LAW -

1: when did we the autochthonous sovereign tribes surrender and where are the terms of surrender.

2: when did the autochthonous sovereign tribes consent to the administration of our tribal estates?

These questions or similar have been posed to the Australian government for the least 3 years, so turnbull , Brandis and others have received these questions, an state and territory government bodies still no response.

Under international and domestic contract law the must give full disclosure and have acquiescence through silence.

3: what date did we sign over all our minerals rights and consent to usufruct of our tribal estate's?'

On 15 January 2018, the department provided a decision letter in relation to your request. Ms Seal's decision was that the department held one document relevant to the scope of your request, which was released to you in full. This document was a letter from you addressed to the Commonwealth of

Australia received on 26 September 2017 (**attached**), which the department responded to on 22 December 2017 (also **attached**).

On 16 January 2018, the department received an email from you requesting an internal review of Ms Seal's decision. Specifically, you requested:

'I need valid information and documents not assumptions, I am asking for any sort of documents etc.. containing signature of the original sovereign members of Australia.

all of you's on this website keeps saying I am not writing in a high words of English format, with all your acts and jurisdictions.

I am asking a very simple question which I am not writing all again, see previous letter..'

Decision on review

On review of the original decision made by Ms Seal, I have decided that the original decision should be **affirmed**.

Material taken into account

I have taken the following material into account in making my decision:

- the decision made by Ms Seal on 15 January 2018;
- your request for internal review;
- the nature and content of documents within scope of your request;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

More information, including the reasons for my decision is set out below.

The FOI Act requires that a request be for access to a document or documents, and not for information or for advice generally. The FOI Guidelines issued by the Office of the Australian Information Commissioner state at paragraph 3.180 that the FOI Act provides a scheme for requests to be made for existing documents, rather than for information, and that the FOI Act does not require an agency to create new documents containing the information that is sought. It is open to you to make an FOI request seeking access to specific documents in future,

I note that the department is unable to provide any further information to assist you in relation to your request, beyond what was outlined in the department's letter to you of 22 December 2017. If you have concerns about the application of any particular laws or have a legal query, you may wish to seek independent legal advice.

I have otherwise identified that the Attorney-General's Department does not hold any other documents relevant to the scope of your request (section 24A(1)(b)(ii)). I did this by arranging for searches of the department's document management systems and making inquiries of staff likely to be able to identify relevant documents. On the basis of these searches, I am satisfied that the department does not have any other documents relating to your request.

To the extent that your request seeks access to further documents, I must **affirm** Ms Seal's decision and refuse it under section 24A(1)(b)(ii) of the FOI Act.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: <https://forms.business.gov.au/aba/oaic/foi-review/>
Email: enquiries@oaic.gov.au
Post: GPO Box 5218, SYDNEY NSW 2000
In person: Level 3, 175 Pitt Street, SYDNEY NSW 2000

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>

Questions about this decision

If you wish to discuss this decision, please contact Courtney, Freedom of Information case manager, by telephone on (02) 6141 6666 or by email at foi@ag.gov.au.

Yours sincerely



Michael Johnson
Assistant Secretary

Encl:

Letter from Mr Stagg to the Commonwealth of Australia – 26 September 2017
Letter from Native Title Unit to Mr Stagg – 22 December 2017

To the Commonwealth of Australia;

I Kenneth T Stagg do serve notice on you to forward to me by the 3rd day of October 2017 a copy of the Title & Deeds to

13 Parmentier Way; Moulden NT 0830.

If you do not respond to this notice, you will forfeit any right to the dwelling listed above including any monies you believe are owed you in the form of rent.

I am the son in law of Gwarla Daraniki sovereign members Bobby Secretary and Topsy Secretary of the Sovereign Larrakia Peoples who did not at any time give to you the Title and Deeds for the above listed Property, prior to 1901 or after 1901.

I claim the right to serve notice on you as a Sovereign member of the Wallingurru Jinnawalli clan of the Nyikina Walmatjarri Sovereign peoples, and in law of the above listed Sovereign larrakia.

Kenneth T Stagg

26 September 2017.



Australian Government
Attorney-General's Department

MC17-011840

22 December 2017

Mr Kenneth Stagg
13 Parmentier Way
MOULDEN NT 0830

Dear Mr Stagg

Thank you for your letter of 26 September 2017, concerning a property located at 13 Parmentier Way, Moulden, Northern Territory. I understand that you are seeking to assert ownership of the property on the basis that the Nyikina Wamatjarri and Larrakia Peoples hold sovereignty over it.

The Commonwealth of Australia is sovereign in respect of all Australian territory. The Australian Constitution does not recognise Aboriginal and Torres Strait Islander communities as sovereign groups in their own right.

However, in recognition of the deep significance of traditional lands and waters to Indigenous Australians, processes have been established for the determination, protection and recognition of native title rights under the *Native Title Act 1993* (Cth). In the Northern Territory, the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) also provides traditional owners with a right to consent to mining exploration and other development on their land.

Further information about native title determinations in the Northern Territory is available on the National Native Title Tribunal's website: <http://www.nntt.gov.au>. Alternatively, you may wish to contact the Tribunal directly:

Phone: 1800 640 501
Email: enquiries@nntt.gov.au

I trust that this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alana Fraser'.

Alana Fraser
Director
Native Title Unit