



5 May 2021

Mr Dean Miles

**BY EMAIL:** [foi+request-8758-0ae9ce1e@righttoknow.org.au](mailto:foi+request-8758-0ae9ce1e@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 22/04/00805

File Number: OBJ2022/9801

Dear Mr Miles

**Freedom of Information (FOI) request - Access Decision**

On 17 April 2022, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

**1 Scope of request**

You have requested access to the following documents:

*I request any evidence held by The Department of Home Affairs, that any man, woman or child has a contract in any form, not limited to things or matters including but not limited to those ultra vires, or purports to relinquish our unalienable rights to social corporations and subsidiaries to all levels of government, local, state, Commonwealth, have Jurisdiction over the men women and children of Australia, or any claim the men, women and children of Australia are property of any government and its subsidiaries involved in the day to day operations of government across Australia its states and territories since Federation.*

**2 Authority to make decision**

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate records.

**3 Relevant material**

In reaching my decision I referred to the following:

- the terms of your request
- the documents relevant to the request
- the FOI Act

- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access.

#### **4 Decision**

Section 24(1)(b) of the FOI Act provides that where a practical refusal reason exists, an agency may refuse to process a request only if the agency has undertaken the 'consultation process' in s24AB of the Act, and after completing the consultation, the agency remains satisfied that a practical refusal reason exists.

The Department issued a section 24AB notice on the 22 April 2022 because the request in its current form did not qualify as a valid 'document of an agency' under section 15(2)(b) of the FOI Act. The Department was unable to identify relevant documents to answer your request.

You replied to the Department's section 24AB notice on the 22 April 2022 in which you revised the scope of your request. However, your request remained unclear as to what documents were sought in response.

Having considered the scope of the request, I am satisfied that the practical refusal reason remains. Therefore, I have decided to refuse your request under s24(1) of the FOI Act.

#### **5 Legislation**

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

#### **6 Your Review Rights**

##### Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a review of the decision is necessary. The internal review will be carried out by an officer other than the original decision maker and the Department must make a review decision within 30 days.

Applications for review should be sent to:

By email to: [foi.reviews@homeaffairs.gov.au](mailto:foi.reviews@homeaffairs.gov.au)

OR

By mail to:  
Freedom of Information Section  
Department of Home Affairs  
PO Box 25  
BELCONNEN ACT 2617

### Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see Fact Sheet 12 "Freedom of information – Your review rights", available online at <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

## **7 Making a Complaint**

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Home Affairs as the relevant agency.

## **8 Contacting the FOI Section**

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at [foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au).

Elaine - position number 60097486  
Authorised Decision Maker  
FOI and Records Management Branch  
Data Division | Strategy and National Resilience Group  
Department of Home Affairs