

From: [Webservices](#)
To: [FOI; Webservices](#)
Subject: RE: FOI Disclosure Log - FOI/2020/173 [SEC=OFFICIAL]
Date: Tuesday, 16 March 2021 4:30:05 PM
Attachments: [image009.jpg](#)
[image010.jpg](#)
[image011.jpg](#)
[image012.jpg](#)
[image013.jpg](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.jpg](#)
[image018.jpg](#)
[image019.jpg](#)
[image020.jpg](#)
[image021.jpg](#)

OFFICIAL

Good Afternoon s 22(1)(a)(ii)

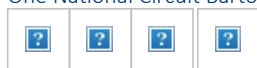
The below request has been actioned.

Please press CTRL + F5 to force a page refresh to see the new changes.

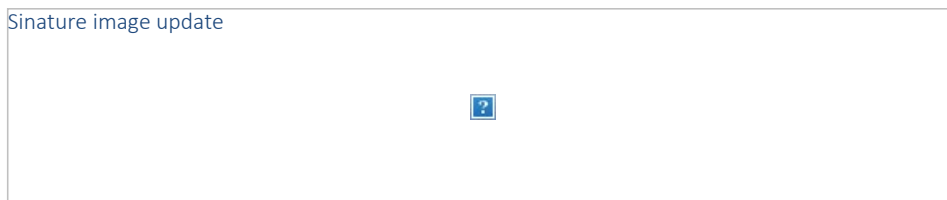
If you have any further questions regarding this request please don't hesitate to contact me.

Kind regards,

s 22(1)(a)(ii) Web Publisher
 Digital Communications | Communications Branch
 Ministerial Support Division | Department of the Prime Minister and Cabinet
 p. s 22(1)(a)(ii) [@pmc.gov.au](mailto:pmc.gov.au) | w. www.pmc.gov.au
 One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



Sinature image update



From: FOI <FOI@pmc.gov.au>
Sent: Tuesday, 16 March 2021 11:59 AM
To: Webservice s 22(1)(a)(ii)@pmc.gov.au>
Cc: FOI <FOI@pmc.gov.au>
Subject: FOI Disclosure Log - FOI/2020/173 [SEC=OFFICIAL]

OFFICIAL

Dear Webservices

If possible, could you please publish the [attached](#) document on the FOI disclosure log on or before **Monday 22 March 2021**. The FOI & Privacy team forwarded the decision to the applicant on Friday 12 March 2021.

The table below includes the details of the request. Please advise if you need any further information.

FOI reference number	Date of access	FOI request	Other Information
		<i>I request the information, documents and instruments held by the department that detail and establish in law or convention, any</i>	

<p>FOI/2020/173</p>	<p>12 March 2021</p>	<p><i>of the following:</i></p> <ul style="list-style-type: none"> a) <i>The name of the Crown(s) that the Sovereign of Australia possesses.</i> b) <i>The creation date of the Crown(s) that the Sovereign of Australia possesses.</i> c) <i>The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia.</i> d) <i>The list of all capacities in which the Crown can have in the Succession to the Crown Act 2015.</i> e) <i>An explanation of exactly what is being succeeded to the Succession to the Crown Act 2015 by the Sovereign of Australia (eg is it a physical Crown, if not what is the Crown being succeeded to).</i> f) <i>The relationship between the Queen of Australia and the Sovereign of Australia (eg where is it established that the Queen of Australia is the Sovereign of Australia).</i> 	<p>Release in full</p>
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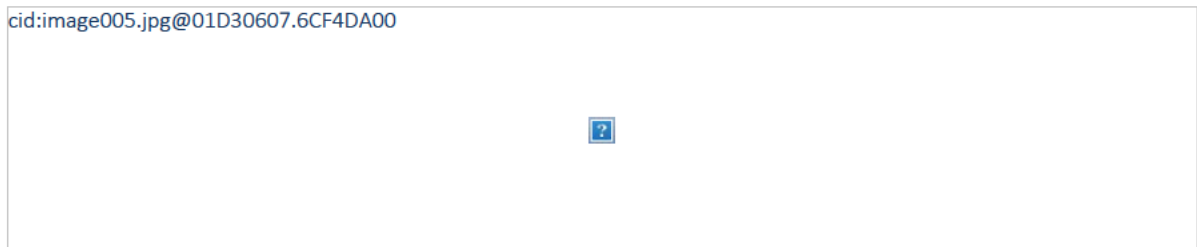
Kind regards

s 22(1)(a)(ii) Adviser
 FOI and Privacy Section | Legal Policy Branch
 Government Division | Department of the Prime Minister and Cabinet
 s 22(1)(a)(ii) FOI Team ☐ (02) 6271 5849
 s 22(1)(a)(ii) pmc.gov.au | foi@pmc.gov.au
 ☐ www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



cid:image005.jpg@01D30607.6CF4DA00



From: FOI
To: s 22(1)(a)(ii)
Cc: FOI
Subject: FOI/2020/173 - Freedom of information - Decision [SEC=OFFICIAL]
Date: Friday, 12 March 2021 8:54:08 PM
Attachments: [FOI-2020-173 - Decision.pdf](#)
[FOI-2020-173 - Attachment A - Schedule.pdf](#)
[FOI-2020-173 - Documents for release.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.jpg](#)
[image008.jpg](#)

OFFICIAL

FOI/2020/173
 Dea s 22(1)(a)(ii)

Please find **attached** the decision on your request under the *Freedom of Information Act 1982*.

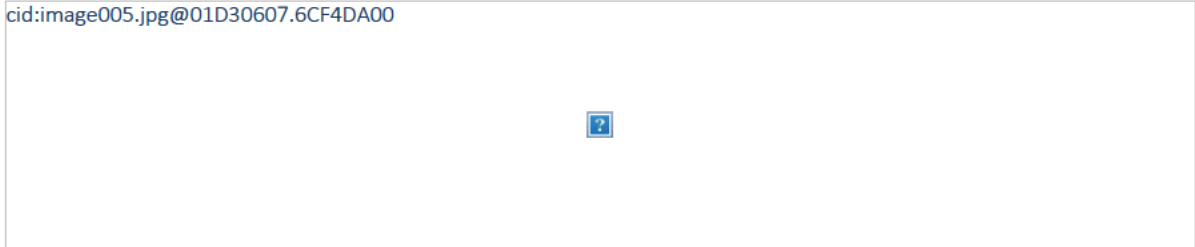
Yours sincerely

FOI Adviser

FOI and Privacy Section | Legal Policy Branch
 Government Division | Department of the Prime Minister and Cabinet
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cid:image005.jpg@01D30607.6CF4DA00





Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2020/173

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: s 22(1)(a)(ii)

DECISION BY: **Petra Gartmann**
Assistant Secretary
Legal Policy Branch

By email: s 22(1)(a)(ii)

Dear s 22(1)(a)(ii)

I refer to your email, dated 10 February 2021, to the Department of the Prime Minister and Cabinet (the **Department**), in which you made a valid request under the *Freedom of Information Act 1982* (the **FOI Act**) in the following terms:

... I now request the information, documents and instruments held by the department that detail and establish in law or convention, any of the following:

- a) The name of the Crown(s) that the Sovereign of Australia possesses.*
- b) The creation date of the Crown(s) that the Sovereign of Australia possesses.*
- c) The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia.*
- d) The list of all capacities in which the Crown can have in the Succession to the Crown Act 2015.*
- e) An explanation of exactly what is being succeeded to the Succession to the Crown Act 2015 by the Sovereign of Australia (eg is it a physical Crown, if not what is the Crown being succeeded to).*
- f) The relationship between the Queen of Australia and the Sovereign of Australia (eg where is it established that the Queen of Australia is the Sovereign of Australia).*

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Documents in scope

The Department has identified three documents within the scope of your request (the **requested documents**).

Decision

I have decided to grant access, in full, to the requested documents.

Further information is in the Schedule at Attachment A.

A copy of the documents released to you are attached.

In making my decision, I have considered the following:

- the terms of your request;
- the requested documents;
- the FOI Act; and
- The 'Guidelines made by the Australian Information Commissioner issued under section 93A of the *Freedom of Information Act 1982*' (the **FOI Guidelines**).

Publication of the documents

Under section 11C of the FOI Act, the Department will make arrangements to publish the document released to you on the Department's FOI disclosure log.

Processing and access charges

I have decided not to impose processing charges in respect of your request.

Review rights

Information about your rights of review under the FOI Act is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Complaint rights

You may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Yours sincerely

s 22(1)(a)(ii)

Petra Gartmann
Assistant Secretary
Legal Policy Branch
12 March 2021



FOI REQUEST: FOI/2020/173

SCHEDULE OF DOCUMENTS

FOI

Document	Description	Decision
1	<i>Royal Styles and Titles Act 1973</i> (Cth)	Release in full.
2	Explanatory Memorandum to the Succession to the Crown Bill 2015	Release in full.
3	Section 16 of the <i>Acts Interpretation Act 1901</i> (Cth)	Release in full.

From: FOI
To: s 22(1)(a)(ii)
Cc: FOI
Subject: FOI/2020/173 - Freedom of information - Acknowledgement [SEC=OFFICIAL]
Date: Friday, 19 February 2021 1:44:29 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.jpg](#)
[Re FOI2020173 - Freedom of Information - Correspondence - For response by 7 August 2020 SECOFFICIAL.msg](#)

OFFICIAL

FOI/2020/173

Dear s 22(1)(a)(ii)

We write in relation to your email dated 10 February 2021 (**attached**), and received by the Department of the Prime Minister and Cabinet (the Department), containing your request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

... the information, documents and instruments held by the department that detail and establish in law or convention, any of the following:

- a) The name of the Crown(s) that the Sovereign of Australia possesses.*
- b) The creation date of the Crown(s) that the Sovereign of Australia possesses.*
- c) The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia.*
- d) The list of all capacities in which the Crown can have in the Succession to the Crown Act 2015.*
- e) An explanation of exactly what is being succeeded to the Succession to the Crown Act 2015 by the Sovereign of Australia (eg is it a physical Crown, if not what is the Crown being succeeded to).*
- f) The relationship between the Queen of Australia and the Sovereign of Australia (eg where is it established that the Queen of Australia is the Sovereign of Australia).*

Timeframe for receiving your decision

We received your email on 10 February 2021 and the 30 day statutory period for processing your request commenced from the day after that date. You should therefore expect a decision from us by 12 March 2021. The period of 30 days may be extended in certain circumstances. We will advise you if there is any extension of time.

Charges

Agencies may decide that an applicant is liable to pay a charge in respect of a request for access to documents. If the Department decides that you are liable to pay a charge, we will send you a preliminary assessment of the charge as soon as possible.

Publication of documents

Please note that information released under the FOI Act may later be published online on our disclosure log at <https://www.pmc.gov.au/government/departmental-foi-disclosure-logs>, subject to certain exceptions. If you think you might wish to raise any objections to the publication of any of the information which may be released to you please contact us by email at foi@pmc.gov.au. If you do wish to object to the publication of information, you would need to provide supporting reasons.

Exclusion of officers' names and contact details

For documents that fall within scope of the request, it is the Department's policy to withhold:

- any person's signature;
- the names and contact details of Australian Public Service officers not in the Senior Executive Service (SES);
- the mobile or direct numbers of SES officers;
- the names and contact details of Ministerial staff at a level below Chief of Staff.

The names and other details of SES officers will not be withheld unless there is some reason for that information to be exempt from release. If you require signatures, the names and contact details of non-SES officers or Ministerial staff below the level of Chief of Staff, or the mobile or direct numbers of SES officers please let us know at foi@pmc.gov.au so the decision-maker may consider; otherwise we will take it that you agree to that information being excluded from the scope of your request (that is, the information will be treated as irrelevant and redacted from any documents for release).

We will write again when the Department has more information. Further information on FOI processing can be found at the website of the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/>.

Yours sincerely

FOI Adviser

FOI and Privacy Section | Legal Policy Branch

Government Division | Department of the Prime Minister and Cabinet

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From: **s 22(1)(a)(ii)**
 To: **s 22(1)(a)(ii)**
 Cc: [FOI](#)
 Subject: RE: FOI/2020/173 - Freedom of Information - Correspondence - For response by 7 August 2020 [SEC=OFFICIAL]
 Date: Friday, 12 February 2021 12:29:16 PM
 Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

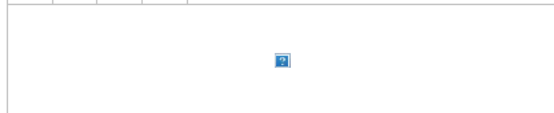
Dear **s 22(1)(a)(ii)**

We confirm receipt of your below email, dated 10 February 2021.

The Department is currently reviewing your email and we will provide a response in due course.

Yours sincerely

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From: **s 22(1)(a)(ii)**
 Sent: Wednesday, 10 February 2021 3:54 AM
 To: FOI
 Subject: Re: FOI/2020/173 - Freedom of Information - Correspondence - For response by 7 August 2020 [SEC=OFFICIAL]

Dear FOI and Privacy Section

Thank you for the further email.

The reason for your inability to identify and provide the requested documents or instruments under the FOI Act, remains unclear.

Firstly, my request clearly states that I am after documents or instruments that covers information held by the Government of the Commonwealth that I want access to, under section 3 of the Freedom of Information Act 1982, that facilitates and promotes public access to information, promptly and at the lowest reasonable cost.

I made no request for an explanation of anything, you introduced this strawman diversion in your last response.

It was you asking for clarification from me, to help identify which documents or instruments that I was after that has led to all this unnecessary correspondence and delay.

All I requested was access to the documents or instruments that covers the topics detailed, to increase my participation in Government processes, with actual artefacts, through scrutiny, discussion, comment and review of the Government's activities so I can point out in good faith any errors or defects in the government, the constitution, the legislation or the administration of justice of or in the Commonwealth, a State, a Territory or another country, with a view to the reformation of those errors or defects.

From my research, the role of Department of Prime Minister and Cabinet includes advising the government of the day on all aspects of sound political administration, and providing guidance on caretaker conventions.

One would assume, to be able to do that competently, in a constitutional monarchy, knowledge of the Crown, its name, it's establishment, it's possession, functions and powers are fundamental to our system of government and should be readily available to the department. It should not need to divert substantially any department resources, to provide for this request since this is fundamental information.

If this information does not exist, or is not documented or is unknown by the department, then I fear we have greater problems in our government and I can only question the due diligence of this department when advising and providing guidance in anything related to sound political administration or the caretaker conventions, that relates to the Crown, and would like to suggest to you that if this is the case, you probably have a duty of some sort to raise this issue immediately, for the peace, order, good governance and benefit of the People of the Commonwealth.

However, assuming the information does exist or is known and/or documented, my understanding is that the General object of this act (section 3.1a & b) requires agencies to publish the information through a right of access to documents, and the expectation is that that information is to be accurate, up-to-date and complete (section 8b) and that's all I'm after, so once again I now request the information, documents and instruments held by the department that detail and establish in law or convention, any of the following:

- a) The name of the Crown(s) that the Sovereign of Australia possesses.
- b) The creation date of the Crown(s) that the Sovereign of Australia possesses.
- c) The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia.
- d) The list of all capacities in which the Crown can have in the Succession to the Crown Act 2015.
- e) An explanation of exactly what is being succeeded to the Succession to the Crown Act 2015 by the Sovereign of Australia (eg is it a physical Crown, if not what is the Crown being succeeded to).
- f) The relationship between the Queen of Australia and the Sovereign of Australia (eg where is it established that the Queen of Australia is the Sovereign of Australia).

I believe this is very simple English, and cannot provide greater specificity without an indication of exactly what is causing you confusion, as I currently feel there is no easier or clearer way to ask for this information than I already have, and can only assume that I'm being unnecessarily stone walled in the

hope I'll just go away by the apparent undermining of the entire FOI regime with these spurious delays, and will have no choice but to further bog down the underfunded and swamped Office of the Australian Information Commissioner with a complaint, to try get some satisfaction on this matter.

I would like to remind you that the FOI system is a crucial limb of government accountability, and without it, governments can run rampant.

I am of the belief that access to this information and/or documents is a political right, as codified in the FOI act, and feel that right is being infringed here as part of a broader trend toward secrecy in Australia by the government and its bureaucracy due to the massive workload heaped on the swamped Office of the Australian Information Commissioner.

Very disappointed and unsatisfied.

Yours sincerely

s 22(1)(a)(ii)

On 1 Feb 2021, at 6:39 pm, FOI <FOI@pmc.gov.au> wrote:

Dear s 22(1)(a)(ii)

Thank you for the further email.

Your request under the FOI Act, if intended to seek access to an existing document, remains unclear. The right of access does not extend to 'explanations' or to information or advice that needs to be developed by way of answer to a query. To the extent you are seeking information about legislation, the law you have referenced, namely the *Succession to the Crown Act 2015*, is publicly available, as is explanatory material (see for example <https://www.legislation.gov.au/Details/C2015B00024/Explanatory%20Memorandum/Text>).

In addition, through the *Royal Styles and Titles Act 1973*, the Australian Parliament assented to the adoption by the Queen of the form of Royal Style and Titles for use in Australia and its territories. The form of the Royal Style and Titles is published in that legislation.

The Department notes the detailed information already provided to you, notwithstanding that the terms of your request do not provide sufficient specificity as to enable the Department to identify the document you are seeking.

Yours sincerely

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-

From: s 22(1)(a)(ii)

Sent: Friday, 8 January 2021 8:03 AM

To: FOI <FOI@pmc.gov.au>

Subject: Re: FOI/2020/173 - Freedom of Information - Correspondence - For response by 7 August 2020 [SEC=OFFICIAL]

Hi just following up on this as it's been over 100 days since I provided this clarification to the original request made under the FoI act, with no response as to the status of this request.

Can you let me know where this is at?

Thanks

s 22(1)(a)(ii)

On 22 Sep 2020, at 8:47 am, s 22(1)(a)(ii) wrote:

Dear FoI advisor,

Ok let's try this again, I'm not sure why that even if there are various possible interpretations of my request, why this request is being delayed, as you can either give me documents to cover all the possible interpretations, or you can list all the possible interpretations and I can select which one(s) I want from your list, but nevertheless, there exists Commonwealth legislation, called the *Succession to the Crown Act 2015*, whose listed purpose is to "to change the law relating to the effect of gender and marriage on royal succession, consistently with changes made to that law in the United Kingdom, so that the Sovereign of Australia is the same person as the Sovereign of the United Kingdom.", and then goes on to establish changes to the rules governing the "succession to the Crown", but it doesn't state which Crown(s) are being succeeded to, but rather just who can succeed to the unspecified Crown.

The closest it comes to defining the Crown in some way is in the statement :

"*Crown* means the Crown in all of its capacities."

For example the Commonwealth Constitution act makes reference to "the Crown of the United Kingdom of Great Britain and Ireland" and the Act of Settlement makes reference to "the Crown and Regall Government of the Kingdoms of England France and Ireland and the Dominions thereunto belonging", so it's obvious that these crown are capitalised proper nouns, so what is the proper name of the crown that the Sovereign of Australia succeeds to, via the *Succession to the Crown Act 2015*.

Eg Is it the Crown of the Kingdom of England, and/or the Crown of the Kingdom of Scotland, and/or the Crown of the United Kingdom of Great Britain and Ireland, and/or the Crown of the United Kingdom of Great Britain and Northern Ireland, and/or is it the Crown of Australia, and/or the Crown of the Kingdom of Australia, and/or some other unspecified Crown(s) (eg: Crown of Victoria, and/or the separate Crowns of the other Australasian States as established by the Commonwealth Constitution).

So once again, with this clarification, I now request the *information, documents and instruments ... that detail and establish in law, any of the following:*

- a) *The name of the Crown(s) that the Sovereign of Australia possesses.*
- b) *The creation date of the Crown(s) that the Sovereign of Australia possesses.*
- c) *The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia.*

d) The list of all capacities in which the Crown can have in the Succession to the Crown Act 2015.

e) An explanation of exactly what is being succeeded to the Succession to the Crown Act 2015 by the Sovereign of Australia (eg is it a physical Crown, if not what is the Crown being succeeded to).

f) The relationship between the Queen of Australia and the Sovereign of Australia (eg where is it established that the Queen of Australia is the Sovereign of Australia).

Thanks

s 22(1)(a)(ii)

On 8 Sep 2020, at 10:17 pm, FOI <FOI@pmc.gov.au> wrote:

OFFICIAL

Dear s 22(1)(a)(ii)

I write in relation to your email of 25 August 2020.

We have reviewed the additional information you have provided and are of the view that your request remains unclear, as it is still open to possible various interpretations, and accordingly further clarification is still required.

You may find the following helpful:

- *Royal Style and Titles Act 1973* (Cth) (publicly available at <https://www.legislation.gov.au/Details/C2004A00044>) which prescribes the Royal Styles and Titles adopted by Her Majesty the Queen for use 'in relation to the Commonwealth of Australia and its Territories', and the preamble sets out some information relating to that Act;
- *Acts Interpretation Act 1901* (Cth) (publicly available at <https://www.legislation.gov.au/Details/C2019C00028>) – e.g. section 16 'References to the Sovereign'.

Yours sincerely

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From: s 22(1)(a)(ii)

Sent: Tuesday, 25 August 2020 8:14 AM

To: FOI <FOI@pmc.gov.au>

Subject: Re: FOI/2020/173 - Freedom of information - Correspondence - For response by 7 August 2020 [SEC=OFFICIAL]

Dear FOI Advisor,

Just for clarity ... I don't want every document or instrument that the government has that refers in some way to the information being requested, just the foundational or source document or instrument, that establishes the facts in law ... eg the document that establishes the name of the crown (not every other document that refers to the name in some way in it).

Does that help?

Thanks

s 22(1)(a)(ii)

On 24 Aug 2020, at 9:12 pm, FOI <FOI@pmc.gov.au> wrote:

OFFICIAL

Dear s 22(1)(a)(ii)

I write in relation to your email of 17 August 2020, in which you revised your request to be for:

information, documents and instruments ... that detail any of the following:

- The name of the Crown(s) that the Sovereign of Australia possesses.*
- The creation date of the Crown(s) that the Sovereign of Australia possesses.*
- The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia*

Your revised request, in our view, is currently open to a number of possible interpretations, such that it is still currently not possible to ascertain which documents you are seeking.

For example, one possible interpretation is that you are seeking any document that mentions:

- The name of the Crown(s) that the Sovereign of Australia possesses.
- The creation date of the Crown(s) that the Sovereign of Australia possesses.
- The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia

If the above is the intended meaning of your request, it is possible that the documents within scope of the request would be of a substantial volume, such that it may be an unreasonable diversion of the Department's resources if it were to be processed.

Further, under section 12 of the FOI Act, a person is not entitled to obtain under FOI those documents which are in the open access period of the Archives Act 1983, i.e. documents dated prior to 1 January 2000. Access to documents that fall into this category will need to be through the National Archives of Australia (see <https://www.naa.gov.au/help-your-research/using-collection/access-records-under-archives-act>).

Accordingly, we invite you to provide further clarification and/or refinement of your request.

We note that the subject matter of your request also appears to relate to the *Commonwealth of Australia Constitution Act*. The Attorney-General's Department (AGD) has responsibility for constitutional law, and provide assistance and advice to the government on matters of constitutional policy development and litigation: <https://www.ag.gov.au/legal-system/constitutional-law>. Accordingly, you may wish to address your request to them. Information on how to make an FOI request to AGD is available at <https://www.ag.gov.au/rights-and-protections/freedom-information>.

Yours sincerely,

FOI Adviser
FOI and Privacy | Legal Policy Branch
Government Division | Department of the Prime Minister and Cabinet

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From: s 22(1)(a)(ii)
Sent:
To: FOI <foi@pmc.gov.au>
Subject: Re: FOI/2020/173 - Freedom of Information - Correspondence - For response by 7 August 2020 [SEC=OFFICIAL]

Dear FOI advisor

Ok let's make this as simple as possible, since it appears to be a very difficult request.

information, documents and instruments ... that detail any of the following:

- a) *The name of the Crown(s) that the Sovereign of Australia possesses.*
- b) *The creation date of the Crown(s) that the Sovereign of Australia possesses.*
- c) *The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia*

Thanks

s 22(1)(a)(ii)

On 17 Aug 2020, at 8:51 pm, FOI <foi@pmc.gov.au> wrote:

OFFICIAL

Dear s 22(1)(a)(ii)

Thank you for your response below.

We advise that we have reviewed your response and have sought ascertain a reasonable interpretation of your request after taking into account the clarification you provided regarding the meaning of "actual legal situation".

However, we advise that it is still not possible to reasonably identify the documents you are seeking. Your request, as revised, is currently worded as follows:

"Information, documents and instruments ... that disclose the ~~actual legal situation~~ the principles, customs, usages, mechanisms and laws relied upon that establishes the line of authority that underpins the authority and status for the Crown(s) involved in the governance of the Commonwealth of Australia and/or Australia relating to all and any of the following:

- a) *The name of the Crown(s) that the Sovereign of Australia possesses.*
- b) *The creation date of the Crown(s) that the Sovereign of Australia possesses.*
- c) *The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia."*

Accordingly, could you please provide more specificity/details concerning the document/s you are seeking access to.

Processing of your request will commence once it meets the requirements of section 15 of the FOI Act.

Yours sincerely,

FOI Adviser
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www.pmc.gov.au
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The Department acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respect to their Cultures, Country and Elders both past and present.

From s 22(1)(a)(ii)
Sent: Thursday, 6 August 2020 7:30 PM
To: FOI
Subject: Re: FOI/2020/173 - Freedom of Information - Correspondence - For response by 7 August 2020 [SEC=OFFICIAL]

Fear FOI Advisor,

The term legal situation in this request relates to the principles, customs, usages, mechanisms and laws relied upon that establishes the line of authority that underpins the authority and status for the Crown(s) involved in the governance of the Commonwealth of Australia and/or Australia.

Do you need any further clarification?

Thanks

s 22(1)(a)(ii)

On 6 Aug 2020, at 6:59 pm, FOI <FOI@pmc.gov.au> wrote:

OFFICIAL

Dear s 22(1)(a)(ii)

We write in relation to your below email.

Invalid Request

Section 15 of the *Freedom of Information Act 1982* (FOI Act) requires that a request for access meets certain requirements. Specifically, section 15 of the FOI Act provides that requests for access under the FOI Act must:

- be in writing;
- state it is a request for the purposes of the FOI Act; and
- provide such information as is reasonably necessary to enable the agency to identify the document/s.

Your request, in its current form, does not constitute a valid request as it does not provide such information as is reasonably necessary to identify the documents you are seeking access to. Your request states that you are seeking

"Information, documents and instruments ... that disclose the actual legal situation relating to all and any of the following:

- a) The name of the Crown(s) that the Sovereign of Australia possesses.
- b) The creation date of the Crown(s) that the Sovereign of Australia possesses.
- c) The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia."

It is unclear what the phrase "actual legal situation" means. Further, the use of the phrase "relating to" means that it is not possible to identify the documents you are seeking with sufficient specificity.

Accordingly, could you please provide more specificity/details concerning the document/s you are seeking access to.

Processing of your request will commence once it meets the requirements of section 15 of the FOI Act.

You may also find information in these links helpful:

https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7/HTML/Chapter1/Powers_and_Functions_of_the_Governor-General and <https://www.foundingdocs.gov.au/item-sdid-99.html>

Yours sincerely,

FOI Adviser

FOI and Privacy Section | Legal Policy Branch
Government Division | Department of the Prime Minister and Cabinet

(02) 6271 5849 |

foi@pmc.gov.au |

www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: S 22(1)(a)(ii)

Sent: Thursday, 23 July 2020 10:50 PM

To: FOI

Subject: FOI: Questions about the Crown(s) possessed by the Sovereign of Australia

To: The FOI Coordinator
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600
email: foi@pmc.gov.au

"Questions about the Crown(s) possessed by the Sovereign of Australia"

WHEREAS the COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (PREAMBLE, CLAUSE 2, SCHEDULE) refers to the Crown of the United Kingdom of Great Britain and Ireland, and the provisions of that Act extend to the Queen, and Her Heirs and Successors, in the sovereignty of the United Kingdom, and;

WHEREAS the current Royal Style and Title, as defined in the Royal Style and Titles Act 1973, for Elizabeth the Second, refers to the Queen of Australia, and;

WHEREAS the Succession to the Crown Act 2015 makes clear that the Sovereign of Australia is a different office to Sovereign of the United Kingdom, as it requires legislation to ensure that the same person holds both offices, and;

WHEREAS within the COMMONWEALTH, the Crown is the supreme symbol of unity and authority; and all laws are enacted and carried out in the name of the Crown.

THEREFORE I make this request in writing, to point out in good faith, any errors, defects or mistakes, in the counsels, policies or actions of the government and for the purposes of the FREEDOM OF INFORMATION ACT 1982, for information, documents and instruments that disclose the actual legal situation relating to all and any of the following:

- a) The name of the Crown(s) that the Sovereign of Australia possesses.
- b) The creation date of the Crown(s) that the Sovereign of Australia possesses.
- c) The name of the Crown(s) required by the Commonwealth Constitution to be possessed by the Sovereign of Australia.

AND LET IT BE THEREFORE KNOWN that it is a legally enforceable right for members of the public to obtain access to operational information held by the agency that enables the agency to perform or exercise the agency's functions, powers and

authority, in accordance with the FREEDOM OF INFORMATION ACT 1982, and that such information must be accurate, up-to-date and complete, in order to enable more effective public participation in the nation's democratic processes and to enhance the transparency of policy making.

Thank you

s 22(1)(a)(ii)

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