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ATTORNEY  
GENERAL'S  
DEPARTMENT

Corporate Services Division

01/3549 CSD RG

7 May 2001

Mr I Henke  
PO Box 9112  
Seaford Delivery Centre  
VICTORIA 3198

Dear Mr Henke

FOI REQUEST

I refer to your request to this Department of 11 April 2001, made pursuant to the *Freedom of Information Act 1982* (the Act), for a copy of 'the empowering document, documents or legislation issued by the United Kingdom Government or Parliament empowering the Queen of Australia to use the Royal Prerogatives granted to the Queen of the United Kingdom, in particular the Royal Sign Manual'.

2. I am, pursuant to arrangements approved by the Secretary of this Department under subsection 23(1) of the Act, authorised to make decisions, on behalf of this Department, in relation to this matter. I have accordingly reached the conclusion that no such document, as described by you in your request, exists. I have therefore decided, pursuant to section 24A of the Act, to refuse your request on the ground that no such document exists.

3. My reasons for coming to the above conclusion are as follows. The Government and Parliament of the United Kingdom do not have a role in relation to government in Australia. The United Kingdom Government and Parliament therefore do not have a role in relation to the exercise of the Queen's powers in respect of Australia. The position occupied by the Queen of Australia is independent of and distinct from that occupied by the Queen of the United Kingdom. The Queen of Australia acts on the advice of the Australian Government.

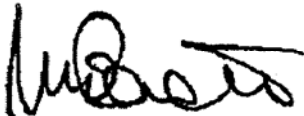
4. Should you so desire, you may seek an internal review of any aspect of my decision in this matter. If you wish to do so you should forward an application to me within 30 days of the date of this letter. You should also enclose in that letter the required \$40 application fee -- or a request for the fee to be waived. This Department has the power under the Act to waive this fee for any reason including the following two -- that payment of the fee would cause financial hardship to the applicant, and that release of the contested information is in the general public interest or in the interest of a substantial section of the public. Should you decide to seek internal review of my decision and seek a waiver of the above fee, you should state clearly in your letter the reasons for seeking such a waiver and attach any documentary evidence you may have supporting your case.

5. Should you be unhappy with any aspect of the way in which your request has been handled by

this Department, you are also entitled to complain to the Commonwealth Ombudsman. His address is GPO Box 442, CANBERRA, ACT, 2601.

6. Attached is a receipt for payment of your \$30 application fee.
7. I trust that the above information is of assistance to you.

Yours sincerely



Malcolm Bennett  
Director  
FOI Unit