

I ask the committee to examine the eligibility of Senator Roberts under S44 of the constitution. A voter has 40 days every 3 years to ask the High Court to examine eligibility of candidates and elected members of parliament.

I contacted Mr Roberts asking his previous citizenship details, when he became Australian and to provide a copy of his renunciation of prior citizenships. He blocked me on all social media and refused to answer any emails. I contacted the One Nation office and the first time they said they did not know who Malcolm Roberts was. The second time they claimed they could not understand my accent. I am dual British and Australian citizen with as good a strine accent as anyone I know.

In the only documents available about Mr Roberts he says he was born in India and came to Australia as a child.

After the election was declared I lodged an FOI request with the AEC to have a copy of Mr Roberts birth date, place of birth and date of getting Australian citizenship. FOIs have a response time of 30 days, I had plenty of time within the 40 day court of disputed returns period to get the information I required, but because the AEC couldn't be bothered, I am still waiting for a response.

Mr Roberts was born in India and got British citizenship on their Britons born overseas scheme. There is no proof in the UK Home Office he has renounced his British citizenship.

Because I was unable to ascertain there may be a problem because of whatever the AEC were up to and because Mr Roberts blocked me on social media and refused to answer any emails or allow the One Nation staff to answer my requests I was unable to go to the High Court to lodge a petition for the court of disputed returns.

Will the committee please ask Mr Roberts to show he has renounced his British citizenship and gained Australian citizenship legally. All members must comply with the constitution and when the only way to ascertain that is blocked by arrogance of the MP in refusing to respond to communication, and the AEC refusing to comply with their FOI laws the only option is to ask you to do the job of checking up on MPs.

Members of parliament including newly elected members of parliament must under Parliament House rules communicate with all voters, the rules say “One of a Member’s most important skills is communicating—receiving, understanding and evaluating information from many sources, and passing on information and opinions in Parliament and elsewhere—to the Government and to individuals and groups.

Being well informed and having up to date information is vital if a Member is to understand and debate the great range of legislation and other issues dealt with by the House and provide an effective representational link between his or her constituents and the Parliament.”

Senator Roberts was in breach of those rules by blocking me on social media and refusing to answer emails. The One Nation party may also be in breach of those rules for refusing to answer my questions about Malcolm Roberts.

I trust you will uphold the constitution and have the now Senator Roberts prove he has renounced his British citizenship and become Australian legally. If I am right and Senator Roberts has not renounced his British citizenship I would like to claim the Common Informers (Parliamentary Disqualifications) Act 1975 penalty due to me as the common informer.



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2014/159

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: Jan Olson

DECISION BY: Robert McMahon
Assistant Secretary
Parliamentary and Government Branch

FOI request

In an email dated 18 September 2014 to the Department of the Prime Minister and Cabinet (the Department), the applicant made a request under the *Freedom of Information Act 1982* (FOI Act), seeking:

“... an official copy of the Official confirmation of renunciation, of the Home Office UK Border Agency, Form RN, DECLARATION OF RENUNCIATION OF BRITISH CITIZENSHIP, BRITISH OVERSEAS CITIZENSHIP, BRITISH NATIONAL (OVERSEAS) OR BRITISH SUBJECT STATUS, for the legal fiction entity/person, Particulars of Child, known as MR ANTHONY JOHN ABBOTT and/or MR Anthony John ABBOTT, Particulars of Birth, 4th November 1957 (4/11/1957), London, Middlesex, England.”

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.

Searches for documents undertaken by the Department

Having regard to my knowledge of where documents potentially relevant to the applicant's request would be held, if they existed, the following locations were searched:

- The Department's file management system.
- The Department's current and former ministerial correspondence database.
- Computer drives of relevant branches in the Department.
- Email accounts of current officers in relevant branches in the Department.

As a result of these searches, no relevant documents were found in the Department.

Decision

I have decided to refuse the request under section 24A(1)(b)(ii) of the FOI Act.
My reasons for decision are set out below.

Reasons for decision

Subsection 24A(1) of the FOI Act provides that:

An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document;
and
- (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

I am satisfied that all reasonable steps have been taken to identify documents relevant to the applicant's request and that no documents relevant to the request are in the possession of the Department. I have therefore decided to refuse the request under section 24A(1)(b)(ii) of the FOI Act.

Processing and access charges

I have decided not to impose processing charges in respect of the applicant's request.

Review and complaint rights

Information about the applicant's rights of review and complaint are attached.

Robert McMahon
Assistant Secretary
Parliamentary and Government Branch

8 October 2014



Freedom of information – Your review rights

July 2012

If you disagree with the decision of an Australian Government agency or minister under the *Freedom of Information Act 1982* (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if someone is to be granted access to information that is about you, if the agency has informed you that it will impose a charge for processing your request or if your application to have your personal information amended was not accepted. There are two ways you can ask for review of a decision: internal review by the agency, and external review by the Australian Information Commissioner.

Internal review

If an agency makes an FOI decision that you disagree with, you can ask the agency to review its decision. The review will be carried out by a different agency officer, usually someone at a more senior level. There is no charge for internal review.

You must apply within 30 days of being notified of the decision, unless the agency extended the application time. You should contact the agency if you wish to seek an extension. The agency must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed.

Internal review is not available if a minister or the chief officer of the agency made the decision personally.

Review by the Information Commissioner

The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act.

Is a review the same as a complaint?

No. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that an agency decision is wrong, it will be treated as an application for a review. Your matter will be treated as a complaint when a review would not be practical

or would not address your concerns (for example, if you were not consulted about a document that contains your personal information before it was released). For more information see FOI fact sheet 13 – *Freedom of information: How to make a complaint*.

Do I have to go through the agency's internal review process first?

No. You may apply directly to the Information Commissioner. However, going through the agency's internal review process gives the agency the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process.

Do I have to pay?

No. The Information Commissioner's review is free.

How do I apply?

You must apply in writing and you can lodge your application in one of the following ways:

online: www.oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
fax: +61 2 9284 9666
email: enquiries@oaic.gov.au
in person: Level 8, Piccadilly Tower
133 Castlereagh Street
Sydney NSW

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

Can I get help in completing the application?

Yes. The Information Commissioner's staff are available to help you with your application if anything is unclear.

When do I have to apply?

If you are objecting to a decision to refuse access to documents, impose a charge or refuse to amend a document, you must apply to the Information Commissioner within 60 days of being given notice of the decision. If you are objecting to a decision to grant access to another person, you must apply within 30 days of being notified of that decision.

You can ask the Information Commissioner for an extension of time to apply, and this may be granted if the Information Commissioner considers it is reasonable in the circumstances.

Who will conduct the review?

Staff of the Information Commissioner will conduct the review. Only the Information Commissioner, the FOI Commissioner or the Privacy Commissioner can make a decision at the end of the review.

Does the Information Commissioner have to review my matter?

No. The Information Commissioner may decide not to review an application that is frivolous, misconceived or lacking in substance, or if you fail to cooperate with the process or cannot be contacted after reasonable attempts. You cannot appeal against that decision.

Alternatively the Information Commissioner may decide that the Administrative Appeals Tribunal (AAT) would be better placed to review the matter, and if so, will advise you of the procedure for applying to the AAT. This will not be common.

Can I withdraw my application?

Yes. An application can be withdrawn at any time before the Information Commissioner makes a decision.

What happens in the review process?

The review process is designed to be as informal as possible. The Information Commissioner may contact you or any of the other parties to clarify matters and seek more information. The Information Commissioner may also ask the agency or minister to provide reasons for their decision if the reasons given were inadequate.

Most reviews will be made on the basis of the submissions and papers provided by the parties. Sometimes the Information Commissioner may decide to hold a hearing if one of the parties applies. Parties may participate in a hearing by telephone. If confidential matters are raised, the hearing may be held partly or wholly in private.

Will there be other parties to the review?

There may be. The Information Commissioner can join other parties who are affected by the application. For example, if you are objecting to someone else being granted access to information that concerns you, that person may be joined in the review.

Can someone else represent me?

Yes, including a lawyer. However, the Information Commissioner prefers the process to be as informal and cost-effective as possible and does not encourage legal representation.

Will the Information Commissioner look at all documents, including ones that are claimed to be exempt?

Yes. The Information Commissioner's review is a fresh decision, so all the relevant material must be examined, including documents that the agency or minister has declined to release. Developments that have occurred since the original decision may also be considered.

What powers does the Information Commissioner have?

While the review process is designed to be informal, the Information Commissioner has formal powers to require anyone to produce information or documents, to compel anyone to attend to answer questions and to take an oath or affirmation that their answers will be true.

An agency or minister can also be ordered to undertake further searches for documents.

What decisions can the Information Commissioner make?

After reviewing a decision, the Information Commissioner must do one of three things:

- set the decision aside and make a fresh decision
- affirm the decision, or
- vary the decision.

The Information Commissioner will give reasons for the decision.

Will the decision be made public?

Yes. The Information Commissioner will publish decisions on the website. Exempt material (that is, material that is not released) will not be included. Nor will the name of the review applicant, unless that person requests otherwise or there is a special reason to publish it.

What can I do if I disagree with the Information Commissioner's review decision?

You can appeal to the AAT. The Information Commissioner will not be a party to those proceedings. There is a fee for lodging an AAT application, although there are exemptions for health care and pension concession card holders, and the AAT can waive the fee on financial hardship grounds. For further information see www.aat.gov.au/FormsAndFees/Fees.htm.

FOI applications made before 1 November 2010

The Information Commissioner can only review an agency's or minister's FOI decision if you made your FOI request on or after 1 November 2010. If you made your FOI request before 1 November, even if the decision was made after that date, the review process is different.

You must first ask the agency for internal review of the decision. You may then appeal to the AAT if you are not satisfied with the decision.

The information provided in this fact sheet is of a general nature. It is not a substitute for legal advice.

For further information

telephone: 1300 363 992

email: enquiries@oaic.gov.au

write: GPO Box 2999, Canberra ACT 2601
or visit our website at www.oaic.gov.au



FOI Fact Sheet 13

Freedom of information – How to make a complaint

October 2010

You may complain to the Australian Information Commissioner if you have concerns about how an Australian Government agency handled a request for documents under the *Freedom of Information Act 1982* (the FOI Act) or took any other action under that Act. If you are unhappy with the agency's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process.

Disagree with an FOI decision?

If you disagree with an agency's or minister's decision on your request under the FOI Act, you have the right to have the decision reviewed. You can ask an agency to review its decision internally. You also have the right to ask the Information Commissioner to review an agency's or minister's decision. See **FOI Fact Sheet 12 Freedom of information – Your review rights** for more information about the review process.

If you are concerned about the way an agency has handled your matter, you can complain to the Information Commissioner.

What are the powers of the Information Commissioner?

The Information Commissioner can investigate a complaint about how an agency handled an FOI request, or other actions the agency took under the FOI Act. The Information Commissioner cannot investigate a complaint about a minister.

In conducting the investigation the Information Commissioner has the power to:

- make inquiries of an agency
- obtain information from any person
- take possession of, or inspect, any relevant documents.

If the Information Commissioner decides to investigate your complaint, the agency you have complained about will be notified in writing of the complaint. The Information Commissioner conducts investigations of complaints in private.

Who can make a complaint?

Any person can make a complaint about the actions of an agency in relation to an FOI activity. You do not need to have requested documents under the FOI Act.

When should I make a complaint?

You can complain to the Information Commissioner at any time. If your complaint relates to an FOI request you can make the complaint at any stage of the process.

Before making a complaint to the Information Commissioner, you should contact the agency directly to try to resolve your concerns. The Information Commissioner may decide not to investigate your complaint if you have not raised your concerns first with the agency or you have not given the agency a reasonable opportunity to deal with your complaint.

How do I make a complaint?

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to us using the details at the end of this fact sheet. A complaint form is also available on our website at www.oaic.gov.au.

If you need help we can assist you. You can contact us on 1300 363 992 or by email to enquiries@oaic.gov.au.

What information do I need to put in the complaint?

To help the Information Commissioner give the best consideration to your complaint, please provide as much relevant information as possible. Be clear about the issues in your complaint and what action or outcome you would like to see as a result.

Is there a fee for making a complaint?

No. There are no costs involved in making a complaint to the Information Commissioner.

What will happen to my complaint?

An officer of the Information Commissioner will contact you to discuss your complaint and you will be kept informed of the progress of your complaint along the way.

Before deciding whether to investigate your complaint the Information Commissioner may make preliminary inquiries of the agency you have complained about.

If the Information Commissioner decides to investigate your complaint, the Commissioner will write to the agency and request information to assist with the investigation.

Can the Information Commissioner decide not to investigate my complaint?

Yes. The Information Commissioner may decide not to investigate, or may discontinue an investigation, if:

- your complaint does not concern an agency's action under the FOI Act
- it is more appropriate for you to complain to another body (such as the agency or the Commonwealth Ombudsman)
- it is more appropriate for you to ask for the decision to be reviewed
- the agency you complained about has dealt with your complaint, or is in the process of dealing with it
- your complaint is frivolous, lacking in substance or not made in good faith
- you do not have sufficient interest in the matter.

If the Information Commissioner decides not to investigate or discontinues an investigation, the Commissioner will notify you and the agency of the reasons for this in writing.

How will my complaint be resolved?

In some cases the Information Commissioner's investigation and intervention may result in the agency addressing the issues that you have complained about. In other cases the Information Commissioner may make suggestions or recommendations that the agency should implement. You and the agency will be notified in writing of the outcome of the investigation.

If an agency fails to take adequate and appropriate action to implement any recommendations, the Information Commissioner may issue a formal implementation notice. This notice requires the agency to explain what action it will take to implement the recommendations. The Information Commissioner may also provide a written report to the minister responsible for the agency, and the report will be tabled in Parliament.

Your name will not be included in the report unless there is a special reason and you were first consulted.

Investigation by the Ombudsman

The Commonwealth Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be or has been investigated by the Information Commissioner, the Ombudsman will consult the Information Commissioner to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate, the complaint and all relevant documents must be transferred to the Information Commissioner.

The Information Commissioner can also transfer to the Ombudsman a complaint that could more appropriately be investigated by the Ombudsman. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. It is unlikely that this will be common. You will be notified in writing if your complaint is transferred.

The information provided in this fact sheet is of a general nature. It is not a substitute for legal advice.

For further information

telephone: 1300 363 992

email: enquiries@oaic.gov.au

write: GPO Box 2999, Canberra ACT 2601

or visit our website at

www.oaic.gov.au

I ask the committee to examine the eligibility of Anthony John Abbott to sit in parliament. He is a dual national British and Australian citizen and as such is in breach of s44 of the constitution. The rules set by your parliament and the AEC stop me from taking Mr Abbott to the court of disputed returns because I am not a voter in Warringah. This disenfranchises me from the electoral process significantly.

There are petitions in the House of Representatives asking Mr Abbott show he complies with the constitution and the answer to that petition was that the 40 day period every 3 year is enough to find out the truth. But when the person lodging the petition in parliament can not lodge a petition in the court of disputed returns the system is broken.

Your committee can resolve this problem by asking Mr Abbott to show he has renounced his British citizenship. Parliamentary rules say MPs must communicate, communication is one of the prime skills of being an MP. Mr Abbott has refused to answer any email or letter from me about his British citizenship. He blocks me on social media. His staff have been instructed to tell me on the phone that Mr Abbott has only ever been Australian, but a look at the proof shows otherwise.

Mr Abbott was born in London UK to a British father on 4/11/1957. Under British law he was given automatic British citizenship. A copy of the birth certificate is attached to this submission.

Mr Abbott has never applied for Australian citizenship, his mother did that when he was 23 years old to comply with the Rhodes Trust citizenship requirements. The National Archives of Australia have a copy of the file which the committee can access and most relevant document is attached which shows Mr Abbott was granted citizenship on 2/7/1981. This gave him dual British and Australian citizenship.

In October 1981 Mr Abbott entered Oxford University as a British citizen, not as an Australian.

The UK Home Office and the UK National Archives have no record of Mr Abbott renouncing his British citizenship.

Because MPs ignore voters and don't follow their own rules with regard to communication and because the rules set down by the AEC in petitioning the court of disputed returns it is very easy for an MP to sit in parliament illegally.

I trust you will examine the facts and ask Mr Abbott to show he has renounced his British citizenship, it is a fairly easy matter to have him show the paper work if he has it. The Department of Prime Minister and Cabinet said in an FOI 2014-159 that the renunciation of British citizenship papers do not exist.

UNIVERSITY OF OXFORD
University Offices, Wellington Square, Oxford OX1 2JD



Ref. FOI/2014/March

02 May 2014

| Reply to request for information under Freedom of Information of Act | |
|--|--|
| Your Ref: | E-mail dated 27 March 2014 |
| Request | Can you ascertain if Mr Abbott took up the scholarship and entered Oxford university as an Australian citizen or as a dual national, Australian and British citizenship? |

Dear Mr Magrethea,

I write in reply to your email of 27 March 2014, requesting the information shown above.

Our records show that Mr Abbott had British nationality when he matriculated on 17 October 1981 i.e. when he was formally admitted to the University.

We understand that the Rhodes Trust has already addressed the question of Mr Abbott's eligibility for a Rhodes Scholarship. I refer you to the following statement posted on its Facebook page:

"The rules for Australia at the time Prime Minister Tony Abbott was selected were that candidates must "be Australian citizens (or qualified to become Australian citizens), ordinarily resident in Australia for at least five years by October 1981". Mr Abbott fulfilled that criteria as he was born in the UK but moved to Australia in 1960."

Yours sincerely

(Max Todd)

81/10264
EAC/GB:JS

17 JUL 1981

Mr and Mrs R. Abbott

Dear Mr and Mrs Abbott

I refer to your application for the registration of the birth of your son Anthony John who was born in London.

The birth has been recorded as Entry No. 1172 in the Register of Births No. 135 maintained at this Office.

Your son is now deemed to be an Australian citizen under Section 11 of the Australian Citizenship Act 1948.

A Certificate of Extract from the Register of Births has been prepared in his favour and is enclosed herewith.

Yours sincerely

G. BRADSHAW
for Acting Secretary

MINUTE

Central Office

Regional Director
SYDNEY

For your information.

G. BRADSHAW
Ethnic Affairs and
Citizenship Branch

Should you find Mr Abbott does not comply with our constitution would you please order he pay the Common Informers (Parliamentary Disqualifications) Act 1975 penalty to me.

My private contact details are not for publication, I have had 5 death threats online since first asking questions about Mr Abbotts dual citizenship. All were sent to the AFP.

Tony Magrathea

I am a voter, I am politically savvy, I am not a member of any political party. The parliamentary system seems to be there to protect the politicians rather than to have voters being able to access their MPs.

My two proposals about S44 outline a big problem for the system, whilst the ARC is not allowed to query the constitution it must be up to you, the JSCEM to ascertain all MPs are in parliament legally. It is ridiculous that a voter in Queensland can not query the legality of an MP in Sydney because I didn't vote in their electorate; even in Qld the slow response by the AEC endangers the system which only allows a complaint to be made for 40 days every 3 years.