



AAWAA Women <women@womensadvocacy.net>

Re: OAIC - Response due 03/12/25 - MR25/01208 Recommendation not to undertake an Information Commissioner review under s 54W(a)(i) of the FOI Act (Agency reference: IR-FOI2025021) [SEC=OFFICIAL]

Women Women <women@womensactionall.org>
To: OAIC - FOI DR <foidr@oaic.gov.au>
Cc: women@womensadvocacy.net

2 December 2025 at 21:39

To: foidr@oaic.gov.au

Please note our new email address, women@womensadvocacy.net

Subject: Response to Request for Further Information — MR25/01208 (OOSGG Patronage Policy FOI Refusal)

Dear Assistant Commissioner,

Thank you for your correspondence of 19 November 2025 regarding my application for IC review, reference MR25/01208, concerning my request for an IC review of the decision by the Office of the Official Secretary to the Governor-General (OOSGG) to refuse relating to the refusal of access to documents under section 6A of the Freedom of Information Act 1982 (Cth) by the As requested in paragraph 12 of your letter, I am writing to provide “further reasons” as to why section 6A and the decision in *Kline v Official Secretary to the Governor-General* (2013) 249 CLR 645 should not prevent review from proceeding.

A review of the OOSGG disclosure log confirms that the Office has historically treated a wide range of records relating to vice-regal activities as administrative in nature and therefore subject to the FOI Act. For example, the log records access to documents concerning election writs and referendum timing, arrangements for swearing-in of Ministries, program and calendar matters relating to vice-regal functions, and communications concerning engagements.

These examples illustrate the challenge of applying *Kline* across the board and underscore the matters of substance raised in my application for IC review. Several examples in the disclosure log - such as election writs and referendums - relate directly to the Governor-General’s “substantive powers and functions”, expressly set out in the Constitution (ss 32 and 33). At the same time these records are not simply documents that concern “the management and administration of office resources, such as financial and human resources and information technology.”

As stated in my original review request, *Kline* is distinguishable and applicable to the matter of Honours. In that case, the High Court recognised the Honours function as grounded in executive power under section 61 of the Constitution and structured by Letters Patent and the Constitution of the Order. By contrast, the Patronage Policy rests on an internal administrative framework of the Office, rather than any identified constitutional or statutory authority.

Additionally, and with respect, I believe a review by your Office would serve the public interest by providing independent assurance that section 6A has been correctly applied in this context. Where a decision concerns a matter of demonstrated public interest it is especially important that classification under section 6A is based strictly on the nature and function of documents, not on the potential

reputational consequences of disclosure. A merits review would resolve this question transparently and conclusively.

For those reasons, my request for IC review plainly has substance. The way section 6A and Kline have been applied to patronage, when compared with other matters in the OOSGG disclosure log, raises a genuine question that is appropriately addressed through IC review. I therefore ask that the review proceed.

Thank you for your consideration. I look forward to your response.

Yours sincerely,

Megan Poore

PS: Please note our new email address, women@womensadvocacy.net

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e: women@womensadvocacy.net

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