



Decision not to undertake an Information Commissioner review under s 54W(a)(i) of the *Freedom of Information Act 1982*

Information Commissioner review applicant	Megan Poore
Agency	Office of the Official Secretary to the Governor-General
Decision date	5 December 2025
OAIC reference number	MR25/01208
Agency reference number	IR-FOI2025021

Decision

1. I refer to the application made by Megan Poore (the applicant) for Information Commissioner review (IC review) of an internal review decision made by the Office of the Official Secretary to the Governor-General (the Agency) under the *Freedom of Information Act 1982* (Cth) (the FOI Act).
2. As a delegate of the Information Commissioner, I have decided to exercise my discretion not to undertake an IC review under s 54W(a)(i) of the FOI Act.
3. The background of this matter was provided to the parties on 19 December 2025.

Scope of IC review

4. The decision under review is the Agency's internal review decision of 30 April 2025. The issue under review is whether the documents requested relate to 'matters of an administrative nature' in relation to the Agency and therefore, whether the Agency's decision to refuse the applicant's request was the correct or preferable decision in the circumstances.

Reasons for decision

5. I am a delegate of the Information Commissioner.
6. Under s 54W of the FOI Act, the Information Commissioner may decide not to undertake a review, or not to continue to undertake a review, if the Information Commissioner is satisfied that the IC review application is lacking in substance.

7. In deciding whether to exercise the discretion not to undertake a review, I have considered:
- the internal review decision dated 30 April 2025
 - the recommendation and background provided to the applicant and the Agency by an officer of the Information Commissioner on 19 November 2025
 - the nature of the documents requested
 - the FOI Act, in particular s 6A and 54W, and
 - the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act to which agencies must have regard in performing a function or exercising a power under the FOI Act, in particular [10.100].¹
8. Based on the information available to me, including the applicant's IC review application, the applicant's submissions, the internal review decision and relevant IC review decisions and case law, I am satisfied that the applicant's IC review application is lacking in substance.
9. This is because the FOI Act has a restricted application to the Official Secretary to the Governor-General. Specifically, the FOI Act does not apply to a request for access to a document of the Official Secretary to the Governor General 'unless the document relates to matters of an administrative nature' (ss 5 and 6A). The phrase 'matters of an administrative nature' is not defined in the FOI Act. However, in *Kline v Official Secretary to the Governor General (Kline)*, the High Court held that the phrase refers to documents that concern 'the management and administration of office resources, such as financial and human resources and information technology'.
10. The applicant's request is for documents related to the decision of the Governor General to become a patron of Equality Australia, including consultation with external parties about the decision, consideration of reputational risk and advice or recommendations given to the Governor General about the decision. In my view, the nature of the documents relate to the Governor General's substantive community engagement function. I am not satisfied that the nature of such documents relate to 'matters of an administrative nature' as that term is understood in *Kline*.
11. I am therefore satisfied that these documents were characterised correctly by the Agency and are therefore excluded from the operation of the FOI Act.

¹ See Office of the Australian Information Commissioner, *Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982*

12. In deciding whether to exercise the discretion not to undertake a review, I have considered:
- During the IC review, the OAIC invited the applicant to provide submissions if they disagreed with the proposed finalisation of their IC review. The applicant responded to the invitation, providing submissions which I have taken into consideration. However, the applicant's submissions have not changed my view that this IC review is lacking in substance
 - continuing to review this matter will not promote the objects of the FOI Act by facilitating access to documents for the reasons set out above,
13. For these reasons, as a delegate of the Information Commissioner, I have decided to exercise my discretion to decide not to undertake a review of this application under s 54W of the FOI Act.
14. I confirm that this IC review is now closed. Information about the applicant's review rights are set out below.

Yours sincerely



Carl English
Assistant Director
Freedom of Information Case Management Branch
Office of the Australian Information Commissioner

5 December 2025

Review rights

Judicial review

You can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner if you think that a decision by the Information Commissioner not to review or not to continue to undertake review of this IC review application under the Freedom of Information Act 1982 (the FOI Act) is not legally correct. You can make this application under the Administrative Decisions (Judicial Review) Act 1977.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision or determination to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website.²

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website.³

Accessing your information

If you would like access to the information that we hold about you, please [contact us](#).

More information is available on our website.⁴

² See [Federal Court of Australia](#)

³ See [Commonwealth Ombudsman](#)

⁴ See [About us: Access our information](#)