



OFFICE OF THE OFFICIAL SECRETARY
TO THE GOVERNOR-GENERAL

18 March 2025

Via email: women@womensactionall.org

Dear Dr Poore

Re: Application under the *Freedom of Information Act 1982*
Ref: FOI2025021

I refer to your email of 27 February 2025 in which you make a request under the Commonwealth *Freedom of Information Act 1982* (FOI Act):

- “1. Documents related to the decision to become patron of Equality Australia*
 - All internal communications, briefing notes, meeting minutes, and correspondence within the Office of the Governor-General concerning the decision for Her Excellency, the Honourable Sam Mostyn AC, to accept the role of patron for Equality Australia.*
 - All communications and correspondence between the Office of the Governor-General and external entities, including Equality Australia and other government agencies, regarding this patronage decision.*
- 2. Documents pertaining to reputational risk assessment*
 - Any assessments, analyses, or discussions within the Office of the Governor-General regarding potential reputational risks associated with the Governor-General’s acceptance of the patronage of Equality Australia.*
 - Any consultations or considerations undertaken regarding the policy requirement that “particular care and additional consultation” is required for patronage involving advocacy.*
 - Any records regarding how the Office considered the Federal Court’s recent finding that Equality Australia is not a public beneficent institution but an advocacy organisation.*
 - Any advice or recommendations received or prepared within the Office of the Governor-General regarding the compatibility of this patronage with Equality Australia’s policy advocacy.”*

I am the authorised decision maker under section 23 of the FOI Act and this letter sets out my decision on your request for access.

Material taken into account

In making my decision, I have had regard to the following:

- the terms of your request;
- advice from Agency officers with responsibility for matters relating to the documents to which you sought access;
- the relevant provisions of the FOI Act; and
- the Commonwealth's guidelines on FOI.

Application of the FOI Act

The FOI Act has a limited application to the Official Secretary to the Governor-General. Section 6A provides that the Act does not apply to any request for access to a document of the Official Secretary unless the document relates to matters of an administrative nature. In *Kline v Official Secretary to the Governor General* [2013] HCA 52 the High Court said:

'the exception of a class of document which relates to "matters of an administrative nature" connotes documents which concern the management and administration of office resources.'

Further, the High Court held the phrase does not apply to documents that relate to the discharge of the Governor-General's 'substantive powers and functions'.

FOI Act

From the terms of your request, no documents or categories of documents (if they exist) relate to matters of an administrative nature, as that term has been interpreted by the High Court.

Decision

The document(s) that you have requested, to the extent they existed, would not relate to matters of an administrative nature. Accordingly it is not open to you to obtain access to the documents you seek under the FOI Act.

Review rights

You are entitled to seek review of this decision. Your rights are set out at Attachment A to this letter.

Yours sincerely



Jeff Barnes

Deputy Official Secretary to the Governor-General

ATTACHMENT A — INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

You can request internal review within 30 days of you receiving this decision. An internal review will be conducted by a different officer from the original decision-maker.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed. Applications for internal review can be made:

- via email to FOIcontactofficer@gg.gov.au
- by mail to The Official Secretary to the Governor-General, Government House, CANBERRA ACT 2600

If you choose to seek an internal review, you will afterward have a right to apply for Information Commissioner review (IC review) of the internal review decision.

OR

2. INFORMATION COMMISSIONER REVIEW OR COMPLAINT

You also have the right to seek IC review of this decision. For FOI applicants, an application for IC review must be made in writing within 60 days of the decision. For third parties who object to disclosure of their information, an application for IC review must be made in writing within 30 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

The complaint should be in writing and set out the reasons for why you are dissatisfied with the way your request was processed. It should also identify this office as the agency about which you are complaining. The OAIC recommend that complaints be made via the FOI Complaint Form available on the OAIC website.

You can make an IC review application or make an FOI complaint in one of the following ways:

- online at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>
- via email to foidr@oaic.gov.au
- by mail to GPO Box 5218 Sydney NSW 2001, or
- by fax to 02 9284 9666.

More information about the Information Commissioner reviews and complaints is available at its website: www.oaic.gov.au/freedom-of-information/foi-review-process.