



OFFICE OF THE OFFICIAL SECRETARY
TO THE GOVERNOR-GENERAL

11 September 2025

Via email: women@womensadvocacy.net

Dear Dr Poore,

Re: Application under the Freedom of Information Act 1982
Ref: FOI2025062

I refer to your email of 15 August 2025 in which you make a request under the Commonwealth *Freedom of Information Act 1982* (FOI Act) for:

"I seek access to administrative documents (including, but not limited to, emails and file notes) held by the Office of the Official Secretary to the Governor General (OOSGG) that relate to the administration of the "Ongoing Requirements" of the Patronage Policy in connection with the Governor General's patronage of Equality Australia Ltd, for the period 22 February 2025 to the date of processing of this request. For clarity and reference, the Ongoing Requirements section of the Patronage Policy states:

Patronages are required to update the Office on any change to Conditions 1-4.

Patronages should provide the Office advance notice of any incidents likely to draw significant adverse attention. Particular care – and additional consultation – is required where a patronage seeks to involve the Governor-General in activity that could be construed as fundraising, advocacy or any activity that could be considered beyond the publicly accepted role of the Governor-General.

Specifically, I seek any notifications received from Equality Australia under the "Ongoing Requirements" of the Patronage Policy, as well as any OOSGG documents discussing or considering Equality Australia's compliance in relation to the "ongoing requirements," including in relation to (but not limited to) the following matters.

- a. Equality Australia's arrangements with Thorne Harbour Health to access DGR tax treatment, enabling tax deductible fundraising despite the organisation being ineligible for DGR status in its own right;*
- b. Equality Australia's intervention in the politically charged Federal Court case *Tickle v Giggle* - an intervention that attracted adverse attention;*
- c. Equality Australia's politically charged public campaign rejecting*

“divisive politics,” noting that condemning “divisive politics” in a contested policy space is itself a political act;
d. *Equality Australia’s publication of a 2025 federal election voting guide, which ranked political parties and promoted the election of preferred candidates.”*

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.

Further information provided outside the Office’s FOI obligations

In your request, you reference your earlier FOI request FOI2025021, which related to the Governor-General’s patronage of Equality Australia, and indicate your belief that this request aligns with the administration of the Office and not the Governor-General’s substantive functions.

As was explained in our letter of 30 April 2025, being internal review of decision

FOI2025021, Gaegler J said in Kline at [76] 'Matters which do not relate to the provision of logistical support do not become "administrative" merely because they are in some way preparatory to an exercise of a substantive power or to the performance of a substantive function'.

The Governor-General's ongoing patronage of organisations – and the work performed by the Office to support these patronage arrangements – relates to the substantive powers and functions of the Governor-General, therefore any documents relating to this work are not open to access 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

A handwritten signature in blue ink, appearing to read 'Sharon Prendergast', with a long horizontal line extending to the left.

Sharon Prendergast LVO

Acting 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.