



AAWAA Women <women@womensadvocacy.net>

Request for IC Review: Office of the Official Secretary to the Governor-General

2 messages

Women Women <women@womensactionall.org>

29 June 2025 at 20:30

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Freedom of Information Commissioner
Office of the Australian Information Commissioner
Via email: foidr@oaic.gov.au

29 June 2025

Dear Commissioner,

Request for IC Review: Office of the Official Secretary to the Governor-General

I am writing to request that the Information Commissioner review the outcome and process of an internal review (IR-FOI2025021) conducted by the Official Secretary to the Governor-General in relation to my FOI request dated to the Office on 27 February. I attach for your reference the decision letter issued by the Official Secretary, as well as the decision letter in response to my original FOI application.

Respectfully, I request that the Information Commission:

- Confirm that a document search was undertaken in relation to my request;
- Provide a list of documents (if any) identified by that search, consistent with the OAIC Guidelines;
- Determine, with reference to section 6A of the FOI Act, which of those documents fall within or outside the scope of the Act, and provide reasons where access is refused;
- Release all documents (or parts thereof) that fall within scope.

Commissioner, I am seeking this review because I do not believe that the Official Secretary conducted a fresh review of the original decision as required under section 54C of the *Freedom of Information Act 1982* (Cth) (the FOI Act); rather, it would seem that he reaffirmed the initial decision without undertaking an independent assessment of my request, including a proper document search, against which he should have applied the statutory test set out in the Act.

I appreciate that the Official Secretary responded to me at some length; however, I am concerned about the reasoning that has been applied and its consistency with the requirements and purpose of the FOI regime.

By way of background, my request sought documents held by the Office of the Official Secretary to the Governor-General (OOSGG) relating to the patronage of the Governor-General of a national advocacy organisation. I understand that section 6A of the FOI Act limits access to OOSGG documents unless they relate to "matters of an administrative nature." However, relevant to my request is the fact that the Office maintains a Patronage Policy (available at gg.gov.au), which outlines specific administrative procedures. My request is intended to understand, in line with the

objects of the FOI Act, how the Office undertook these procedures especially in light of the stipulation that:

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.

The initial decision-maker responded in a way that raised doubts as to whether a document search had been undertaken, and suggested that the Office may have pre-emptively concluded that any relevant documents would fall outside the scope of the Act. Unfortunately, the internal review did not address this procedural concern. The decision letter does not confirm that a document search specific to my request was undertaken. It merely states that searches are conducted “for all FOI requests,” in a paragraph that also refers to requests about the Governor-General’s “substantive functions,” including “the operation of the Australian Honours system” — which my request did not concern.

I note that the Official Secretary in his letter advises that “confirming the existence of documents may in and of itself constitute an inappropriate release of information.” I am aware that section 25 of the FOI Act allows an agency not to confirm or deny the existence of a document, but this is a limited exemption that applies only to documents that would be exempt under section 33 (national security, defence or international relations), section 37(1) (law enforcement or public safety), or section 45A (Parliamentary Budget Office documents). The documents I sought do not relate to these subject matters, and I am concerned that the Office of the Governor-General appears to have applied this limited exemption more broadly, and potentially to all requests for documents irrespective of their subject matter.

I am also concerned by what appears to be a reinterpretation of the test in section 6A. The Official Secretary writes that:

The statutory test is not whether documents relate to the substantive powers of the Governor-General, but whether the documents ‘relate to matters of an administrative nature’ as defined by the High Court in *Kline*.

Yet the Office’s own reasoning repeatedly frames its non-disclosure around the idea that the documents concern the Governor-General’s substantive powers and therefore fall outside the Act. This appears to apply the very standard the letter disclaims.

I have read the *Kline* decision. In that case, the High Court found that documents concerning the conferral of honours were excluded from the FOI Act because they concerned the Governor-General’s substantive powers. The Court contrasted such documents with those “which concern the management and administration of office resources or the provision of logistical support” not as a closed definition, but as illustrative examples of “administrative” matters. There is nothing in *Kline* to suggest that documents relating to the implementation of *all* internal policies, including the Patronage Policy, are excluded.

I also note that *Kline* acknowledges that some documents may be preparatory to the exercise of the Governor-General’s substantive powers. While I recognise that some documents relevant to my original request may fall into this category (such as direct briefings to the Governor-General if they occurred or records of her decision), I do not accept that *all* relevant documents necessarily do. Internal assessments, correspondence with the nominating organisation, or assessments of whether the organisation’s advocacy activities triggered the need for additional consultation, as required

under the Patronage Policy, are not necessarily preparatory to the Governor-General’s decision but rather reflect the Office’s own administrative implementation of that policy.

I am concerned that interpreting *Kline* as excluding all documents other than those concerning logistical matters or internal resourcing is, in effect, to rewrite section 6A(1). The section refers to documents that “relate to matters of an administrative nature,” and I believe that at least some documents relating to the Patronage Policy and its application will fall squarely within that scope.

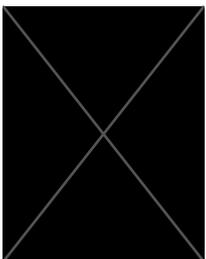
I was struck by the Official Secretary’s personal statement that “I strongly support the objectives of the FOI Act and recognise the importance of transparency in ensuring impartiality and integrity in the administration of Government institutions and in their actions.” While I welcome that sentiment, my request for review is not about personal beliefs but about whether the Office has complied with the Act.

Commissioner, I understand that this may appear to be a small matter, but I believe it has important implications for public trust. The OOSGG is explicitly referenced in section 6A of the FOI Act, and it is critical that the Office applies that provision faithfully, transparently, and in line with Parliament’s intent.

In this case, there is a clear public interest in understanding how the Office applies its own policies that prescribe certain administrative tasks, such as conducting research on an organisation’s background, seeking references and, in certain circumstances, undertaking consultation. The organisation in question promotes medicalised interventions for gender-distressed children, including the use of puberty blockers and cross-sex hormones – advocacy that many Australians might regard as beyond the publicly accepted role of the Governor-General. But regardless of one’s attitude to these issues, many elements of the Patronage Policy involve clearly administrative processes, including reference checks, internal briefings, or consultation, and documents relating to these should fall within the scope of the FOI Act.

Thank you for your attention to this matter. I appreciate the important role your Office plays in upholding the integrity of the FOI system and look forward to your consideration of this review.

Yours Sincerely,



Dr Megan Poore
Founder, AAWAA

ATTACHMENT. Re: Application under the Freedom of Information Act 1982 - Internal Review of Decision - Ref: IR-FOI2025021

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