



OFFICE OF THE OFFICIAL SECRETARY
TO THE GOVERNOR-GENERAL

30 January 2025

Via email: foi+request-12677-ccd8187d@righttoknow.org.au

Dear Tyler,

Re: Application under the *Freedom of Information Act 1982*
Ref: FOI2025004

I refer to your email of 2 January 2025 to the FOI Coordinator of the Department of Prime Minister and Cabinet (PM&C), in which you make a request under the Commonwealth Freedom of Information Act 1982 (FOI Act):

“Is it possible to provide, with necessary redactions if you need any, documents provided to the Governor-General for the Australian Government’s recommendation to appoint or award Professor James Richard CRAWFORD as Companion in the General Division, in the Order of Australia, in the Queen’s Birthday 2013 Honours List?”

As PM&C’s FOI Coordinator advised on 15 January 2025, your request was transferred to the Office of the Official Secretary to the Governor-General (OOSGG), as it was more closely connected with the functions of the OOSGG than with those of PM&C.

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'.

Honours matters, including honours nominations, supporting information and deliberations of the Council of the Order of Australia, are considered to be a substantive function of the Governor-General and associated documents are excluded from disclosure.

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

Although your request referred to "the Australian Government's recommendation to appoint or award", decisions regarding appointment of individuals to the Order of Australia are made by the Governor-General based on the recommendations of the Council of the Order of Australia. It is for this reason that the request was transferred to our Office from PM&C. There is more information about this process, and about the Council, on the Governor-General's website (see <https://www.gg.gov.au/australian-honours-and-awards>). Matters relating to the Council's deliberations are excluded from disclosure as they are a substantive function of the Governor-General.

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.