



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI/2024/260

To Jillian

By email: foi+request-11849-252862a7@righttoknow.org.au

Dear Jillian

I refer to your requests of 7 August 2024 to the Department of the Prime Minister and Cabinet (the Department), for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

Scope of request

You have requested access to:

A previous FOI to the Attorney-Generals office produced a "PROCLAMATION" signed by "Anthony Albanese" (aka Anthony Norman Albanese) and "David Hurley" (aka General David John Hurley).

"...do now proclaim Prince Charles Philip Arthur George to be King Charles the Third, by the Grace of God King of Australia and his other Realms and Territories, Head of the Commonwealth, and, with hearty and humble affection, we promise him faith and obedience:"

Under FREEDOM OF INFORMATION ACT 1982, in particular SECT 3, (2)(b)

1. I request the instrument for the establishment of the proclaimed King of Australia for which the title relies on,

2. In the occasion that the instrument for the proclaimed King of Australia exists, I request the head of power that the title relies on,

3. I request the information that demonstrates the proclaimed King of Australia conforms to the meaning of, "in the sovereignty of the United Kingdom", expressed in the second clause prefacing the Commonwealth of Australia Constitution proper.

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Material taken into account

In reaching my decision I referred to the following:

- the terms of your request
- the FOI Act
- the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines)

Documents in scope of request

The Department has identified three documents which are responsive to your request.

Decision

The Department has identified three documents that falls within the scope of your request.

Documents within scope

The documents which fall within the scope of your request are as follows:

- **Document 1** – the signed Proclamation by His Excellency, General the Honourable David John Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, and the Honourable Anthony Albanese, the Prime Minister of Australia, of King Charles the Third, the King of Australia. Document 1 is publically available on our website¹.
- **Document 2** – The Constitution of Australia, which is publically available on the Parliament of Australia's website².
- **Document 3** – Australian Symbols Booklet (specifically page 21 and 22 – the Great Seal) which is publically available on our website³.

¹ [Proclamation of King Charles the Third and continued use of The Great Seal of Australia | PM&C \(pmc.gov.au\)](#)

² [Australia's Constitution \(aph.gov.au\)](#)

³ [Australian Symbols booklet | PM&C \(pmc.gov.au\)](#)

Review rights

If you disagree with my decision, you may apply for Information Commissioner review of the decision.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter.

More information about Information Commissioner review is available [here](#).⁴

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. More information about complaints is available [here](#).⁵

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely



Ashleigh McDonald
Assistant Secretary
Legal Policy Branch
Department of the Prime Minister and Cabinet

18 September 2024

⁴ <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>

⁵ <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint>