



OFFICE OF THE OFFICIAL SECRETARY
TO THE GOVERNOR-GENERAL

Mr Andrew Laughton
via email:
foi+request-59-0738cfc7@righttoknow.org.au

Dear Mr Laughton

RE: Application under the *Freedom of Information Act 1982*

I refer to your email of 21 February 2013 in which you make a request under the Commonwealth *Freedom of Information Act 1982* (FOI Act) for:

"nomination documents for the Order of Australia Medal relating to Terry Romaro in 2009".

I apologise for the delay in responding. 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;
- the content of the documents to which you sought access;
- 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.

In particular, section 6A of the FOI Act states:

- (1) This Act does not apply to any request for access to a document of the Official Secretary to the Governor-General unless the document relates to matters of an administrative nature.
- (2) For the purposes of this Act, a document in the possession of a person employed under section 13 of the *Governor-General Act 1974* that is in his or her possession by reason of his or her employment under that section shall be taken to be in the possession of the Official Secretary to the Governor-General.

Further to that, the FOI Act does not apply to documents of the Council for the Order of Australia which were established by Letters Patent.

Decision

I do not consider the documents you are requesting to relate to matters of an administrative nature as they concern substantive functions of the Governor-General in conferring awards. Accordingly, in relation to your request for documents I have identified no documents relating to matters of an administrative nature.

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 black ink that reads "Mark Fraser". The signature is written in a cursive style with a large initial 'M' and 'F'.

Mark Fraser OAM

Deputy Official Secretary to the Governor-General

26 March 2013

ATTACHMENT A—INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act (the Act) gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

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. Application for review of the decision should be addressed to:

The Official Secretary to the Governor-General
Government House
CANBERRA ACT 2600

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
GPO Box 2999
CANBERRA ACT 2601

Or by email to: enquiries@oaic.gov.au

OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
GPO Box 2999
CANBERRA ACT 2601

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.