



OFFICE OF THE OFFICIAL SECRETARY
TO THE GOVERNOR-GENERAL

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

Dear Mr Laughton

Freedom of information request no. GG/2013/005

The purpose of this letter is to advise you of my decision following your request for internal review of Office of the Official Secretary to the Governor-General's decision to refuse access to documents you requested under the Freedom of Information Act 1982 (FOI Act).

Summary

I, Stephen Brady, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

You requested access to documents relating to the Order of Australia on 7 February 2013. Specifically you sought access to:

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

You were advised on 26 March 2013 of the decision to refuse access to the documents you requested. You asked for internal review of that decision on 31 March 2013.

In your application for internal review you suggested that the information which you were seeking was that of an administrative function, that you were not requesting the internal documents of the Council for the Order of Australia, but the documents, namely the collation of nominations, that were submitted to the Council.

In reviewing this Office's decision I considered documents capable of falling within the scope of your request.

Decision and reasons for decision

With regard to the documents identified, I have decided to refuse access under section 6A of FOI Act.

Material taken into account

I have taken the following material into account in making my decision:

- I do not consider the documents relate to matters of an administrative nature within the meaning of section 6A, and are therefore excluded from the FOI Act. In defining 'matters of an administrative nature' the relevant distinction being drawn by section 6A is between the substantive powers and functions of the Governor-General, on the one hand, and the apparatus for the exercise of that power or function, matters merely supportive of that power or function, on the other. I consider 'nomination documents for the Order of Australia Medal relating to Terry Romaro in 2009' to relate to the exercise of the substantive functions and powers of the Governor-General with respect to the Order of Australia.

Your review rights

If you are dissatisfied with my decision, you may apply to the Australian Information Commissioner for review. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.australia.gov.au/forms/oaic/foi-review/>

email: enquiries@oaic.gov.au

post: GPO Box 2999, Canberra ACT 2601

in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to www.oaic.gov.au/foi-portal/review_complaints.html#foi_merit_reviews.

Yours sincerely



Stephen Brady

Official Secretary to the Governor-General

29 April 2013

Attachments

1. Information on rights of review

ATTACHMENT A—INFORMATION ON RIGHTS OF REVIEW

1. 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

2. 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.