



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI/2023/012



I refer to your request to the Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act), received on 4 January 2023.

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 set out your request in the following terms:

1. *The legal instrument or mechanism that authorised the creation of the title "King of Australia", being distinct from the "King of the United Kingdom of Great Britain and Ireland", for the purpose of proclaiming and assenting to laws, and;*
2. *The documentation which provides for the evidence that the "King of Australia" is an heir and successor in the sovereignty of the United Kingdom, to the Queen as referred to in clause 2 of the Commonwealth of Australia Act 1900 (UK), and;*
3. *The legal instrument or mechanism which delegates the powers of Assent found in section 58 of the Commonwealth Constitution, from the Monarch in the Sovereignty of the United Kingdom (as per clause 2 of the Commonwealth of Australia Constitution Act 1900 (U.K.)), to a separate independent entity known as the "King of Australia", and;*
4. *The legal instrument or mechanism which authorises the Governor-General of the Commonwealth of Australia, on advice from the Prime Minister, to proclaim the succession of the British Crown.*

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
- searches undertaken by the Department
- the documents relevant to your request
- the FOI Act
- the Guidelines issued by the Information Commissioner¹ (the FOI Guidelines)

Documents in scope of request

The Department has identified four (4) documents that fall within the scope of your request.

These documents are set out in the Schedule of Documents at **Attachment A**.

Decision

I have decided to grant access in full, with irrelevant material deleted, to the documents identified within the scope of your request. The documents are enclosed.

Reason for decision

My findings of fact and reasons for deciding that certain information is irrelevant are set out below.

1. Deletion of irrelevant matter

Section 22 of the FOI Act provides that the Department may prepare an edited copy of documents, to remove information reasonably regarded as irrelevant to the request.

On 17 January 2023, the Department advised you of our policy to exclude the personal information of Departmental and Ministerial staff, as well as any person's signature, which are contained in documents that fall within the terms of an FOI request. This category of information is identified as irrelevant and documents can be modified by the Department to delete the irrelevant material.

Documents three and four are publicly available on the Department's website. I have therefore determined not to apply section 22 to irrelevant material (signatures) on these documents.

I am satisfied that parts of the documents are irrelevant under section 22(1)(a)(ii) of the FOI Act. The remainder of the documents have been released to you.

Review rights

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

¹ s 93A of the FOI Act

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days after the date of this letter. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days from the date it is received.

Applications for review should be sent to foi@pmc.gov.au.

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](#).²

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](#).³

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



Autumn Field
Assistant Secretary
Legal Policy Branch
Department of the Prime Minister and Cabinet
15 February 2023

² <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review>

³ <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint>