



OFFICE OF THE OFFICIAL SECRETARY
TO THE GOVERNOR-GENERAL

1 July 2020

Darren

Email: [REDACTED]

Dear Darren

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

I refer to your email of 8 June 2020 in which you make a request under the Commonwealth *Freedom of Information Act 1982* (FOI Act) for:

"Dear FOI Officer,

I make request for documents under section 15 of the Freedom of Information Act for administrative documents.

Background Information

'Constitutional Requirements from the Commonwealth Constitution Act 1900'.

1. The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is herein-after called "The Parliament," or "The Parliament of the Commonwealth."

'Section one provides the Legislative power shall be vested in the Parliament of the Commonwealth'.

42. Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

'Every Member of the House of Representatives shall make and subscribe an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution'.

SCHEDULE.

OATH.

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.
SO HELP ME GOD!

AFFIRMATION.

I, *A.B.*, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.

(NOTE.—*The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.*)

Only the name of the King or Queen of the United Kingdom is to be substituted from time to time.

The Request

I request a copy of the oath of allegiance as required by section forty two of the Commonwealth of Australia Constitution Act made and subscribed to by Prime Minister Scott Morrison, as provided in the Schedule consistent with the note found within the Schedule prior to the Minister taking his position within the Parliament of the Commonwealth as prescribed by section one.

If the first requested document cannot be found I request such document showing any undertaking that the Australian Prime Minister Scott Morrison made prior to taking his position in the Parliament of the Commonwealth as per section one.

If the first requested document cannot be found I request such information that provides the reason the oath or affirmation was not in accordance to the terms in the first request.

Please find attached to assist you in locating the document, a copy of an oath of a previous member of the house of representatives meeting the constitutional requirements of section one, forty two and the schedule as required and requested.

Oath of Allegiance.

I, Edmund Barton,
do swear that I will be faithful and bear true Allegiance to Her
Majesty, Queen Victoria Her Heirs and Successors according to
Law.

So help me, God.

Edmund Barton

Sworn and subscribed before me, the Governor
General of the Commonwealth of Australia,
at Sydney, in the State of New South
Wales, and in the Commonwealth aforesaid,
the 1st day of
January, in the sixty-fourth year of Her
Majesty's Majesty; and in the year of our
Lord one thousand nine hundred and one.

M. J. Martin

71137-1

Thank you for processing my request, can you be so kind as to acknowledge receipt of this Request.

Please note I only seek the constitutionally compliant document if it exists or conformation should it fail to exist, I do not seek opinions.

Regards,

Darren."

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.

Decision

In relation to your request for information, I have identified no documents held by this office. Accordingly I advise that I must reject your request under Section 24A of this Act.

Documents and information provided outside of the FOI Act

In responding to your request, I have decided to provide you with publicly-available information which may help you, even though it falls outside the scope of our obligations under the FOI Act.

The documents you seek may be found at through the Parliamentary Library at: https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1314/OathsAffirmations.

Review rights

You are entitled to seek review of this decision. Your rights are set out at Attachment A to this letter.

Yours sincerely



Ms Jo Tarnawsky

Deputy Official Secretary to the Governor-General

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.