

Advice on Cosgrove's vice-regal role to remain secret

EXCLUSIVE

TROY BRAMSTON
SENIOR WRITER

The appointment of former governor-general Sir Peter Cosgrove as administrator of the commonwealth during King Charles III's coronation followed advice from the Solicitor-General but that opinion has been withheld from the public.

A Freedom of Information request by The Australian seeking the legal advice provided to the Department of the Prime Minister and Cabinet by the Australian Government Solicitor has been deemed to be entirely privileged and grounds for exemption. The

decision was upheld on review. However, documents released under FOI reveal the AGS could find no precedent for such an appointment, which was required because the Governor-General and state governors were to be in London for the coronation.

"We suggest that a former governor-general be appointed as administrator," Peter Singer, official secretary to the Governor-General, advised the department on March 27. "They are familiar with the responsibilities of the role and their appointment is consistent with the AGS advice in this extremely rare – possibly unprecedented – occurrence."

The idea of recalling Sir Peter for vice-regal duties – effectively acting as governor-general – was



Cosgrove

tested with the Prime Minister's Office before he was formally invited. Asking Dame Quentin Bryce to act in the role of governor-general was also mooted.

"I understand that you will test this proposal with the PMO before I sound Sir Peter (as the immediate former governor-general) to confirm his availability,"

Mr Singer wrote via email. "If he is not available, I propose to ask Dame Quentin."

Peter Rush, acting first assistant secretary, advised Government House on March 28 that the Prime Minister's Office was "supportive" of Sir Peter acting as administrator.

Sir Peter served as administrator from April 30 to May 10. The appointment was made just one week before it was publicly announced by Government House, on April 26, but the AGS provided legal advice to the department on or before March 17.

The appointment required correspondence from Anthony Albanese to King Charles, formally recommending the temporary commission be made. Governor-

General David Hurley agreed that Sir Peter be approached.

Sir Peter's commission was made by King Charles on April 19 at Birkhall – the King's estate in Scotland – and was countersigned by the Prime Minister. The commission stated that Sir Peter, who was previously chief of the ADF, would act in the role "in the event of the absence out of Australia, or the death, incapacity or removal, of the Governor-General".

A dormant commission is held by state governors to allow them to act as administrator, with the convention being that the longest-serving governor is appointed. Lieutenant-governors act as governors in their absence. But as all governors were overseas, nobody could act as administrator.