



# **THE FREEDOM OF INFORMATION (FOI) AMENDMENT BILL 2025**

The Media, Entertainment & Arts Alliance

October 2025

## **ABOUT MEAA**

The Media, Entertainment & Arts Alliance (MEAA) is the largest and most established union and industry advocate for workers in the creative and cultural industries, with a history going back more than 110 years. Our members include people working in television, radio, theatre, film, entertainment venues, sporting stadia, journalists, actors, dancers, sportspeople, cartoonists, photographers, musicians, orchestral and opera performers as well as people working in public relations, advertising, book publishing and website production – in fact, everyone who works in the industries that inform or entertain.

## **ACKNOWLEDGEMENT OF COUNTRY**

The Media, Entertainment & Arts Alliance acknowledges the traditional custodians and cultures of the lands and seas on which we live and work. We pay our respects to all First Nations Peoples, Elders and Ancestors. We acknowledge that sovereignty was never ceded and stand in solidarity towards a shared future.

## Submission to the Freedom of Information Amendment Bill 2025

MEAA welcomes the opportunity to make a submission to the Legal and Constitutional Affairs Legislation Committee's inquiry into the Freedom of Information (FOI) Amendment Bill 2025. The proposed Bill makes significant amendments to the *Freedom of Information Act 1982* and the *Australian Information Commissioner Act 2010*.

### Introduction

FOI is a crucial industrial issue for journalists and a vital aspect of press freedom. Australian journalists, through FOI, have been able to reveal issues of critical public interest. For example, the ABC was able to show that correctional services in Australia had potentially prevented prisoners from voting in prior federal elections through FOI.<sup>1</sup> In 2023, the Australian Financial Review used FOI to show that Philip Lowe had briefed bankers at a private lunch in Barrenjoey following an interest rate meeting.<sup>2</sup> Last, a Seven West and News Corp investigation, using FOI, revealed widespread sexual misconduct and assault at Australian Universities.<sup>3</sup>

However, there are long-standing issues with Australia's federal FOI system. The volume of requests have grown over the last 15 years, from less than 25,000 in 2010-11 to nearly 35,000 in 2023-24.<sup>4</sup> The costs for running the service have ballooned, from \$36 million in 2010-11 to \$86 million in 2023-24.<sup>5</sup> OVIC, which oversees the FOI system, is receiving 27% more complaints compared to last year – most in relation to agencies failing to meet statutory timeframes.<sup>6</sup>

Given these entrenched issues, MEAA understands the need to promote efficiencies in the federal FOI system. However, the proposed reforms, if enacted, would result in

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<sup>1</sup> Tom Joyner (2017) Potentially thousands of prisoners prevented from voting in federal elections, FOI documents reveal, *ABC*, <https://www.abc.net.au/news/2017-07-05/prisoners-left-disenfranchised-in-successive-federal-elections/8461316>

<sup>2</sup> Jonathan Shapiro and Joe Aston (2023) Lowe briefs traders at Barrenjoey after rates meeting, *AFR*, <https://www.afr.com/policy/economy/lowe-briefs-traders-at-barrenjoey-after-rates-meeting-20230210-p5cjko>

<sup>3</sup> Seven West (2017) *Seven's Sunday Night receives United Nations award for promotion of gender equality*, <https://www.sevenwestmedia.com.au/assets/pdfs/Seven-Sunday-Night-receives-United-Nations-award-.pdf>

<sup>4</sup> OAIC (2024) *Annual Report 2023-24*, page 41, [https://www.oaic.gov.au/\\_\\_data/assets/pdf\\_file/0025/243592/OAIC\\_Annual-Report-2023-24\\_Digital.pdf](https://www.oaic.gov.au/__data/assets/pdf_file/0025/243592/OAIC_Annual-Report-2023-24_Digital.pdf); Australia Institute (2023) Senate inquiry into freedom of information laws, page 5, <https://australiainstitute.org.au/wp-content/uploads/2023/08/P1447-Senate-submission-Freedom-of-information-inquiry-Web.pdf>

<sup>5</sup> *Ibid*; Australia Institute (2025) *Proposed changes to Freedom of Information scheme don't add up*, <https://australiainstitute.org.au/post/proposed-changes-to-freedom-of-information-scheme-dont-add-up/>

<sup>6</sup> OAIC (2024) *Annual Report 2023-24*, page 10, 146, [https://www.oaic.gov.au/\\_\\_data/assets/pdf\\_file/0025/243592/OAIC\\_Annual-Report-2023-24\\_Digital.pdf](https://www.oaic.gov.au/__data/assets/pdf_file/0025/243592/OAIC_Annual-Report-2023-24_Digital.pdf)

serious detriment to the public interest. They would make the federal FOI system less accessible, knock out all but the simplest requests, shield more documents from the public, and undermine the work of journalists and whistleblowers. Taken together, the proposed reforms therefore make an already unworkable system worse. As such, MEAA opposes the passing of this Bill in its current form.

### **Introduction of a fee for FOI requests**

The Bill proposes measures that would introduce an application fee for FOI requests. MEAA understands that this fee would range between \$30 and \$58, in line with existing fees for state and territory FOI applications. This would exist on top of any additional fee that departments are already permitted to add to FOI requests to cover processing costs, which one MEAA journalist noted was “already extremely expensive”.

Importantly, the payment of an application fee does not guarantee that the department will proceed with the request, and even where FOI requests are successfully processed, they may not yield results or lead to news stories. This means that the decision to pursue an FOI request presents a resourcing risk for news organisations and journalists, who must weigh up potential benefits and costs of making such applications. The imposition of a fee therefore adds to the potential costs of pursuing an FOI request, creating an additional barrier to this investigative work.

This issue is compounded by declining revenue across the sector, meaning that resources are already stretched. Journalists spoke of already having “zero discretion to spend on expenses, with every single expense, no matter how small, required to be approved by a manager”. In this context, even a relatively small fee presents a significant cost and administrative burden.

The impact is particularly significant for freelancers, who make up a large portion of the media workforce. These workers often operate without the financial backing of mastheads, meaning that the cost of FOI can fall to them as an individual. For example, one journalist wrote:

“As a freelance journalist without a masthead behind me that can pay the charges, any extra fees would be a further disincentive...”

The imposition of a fee would therefore present a barrier for journalists, especially freelance journalists, to lodge FOI requests. As such, MEAA views the imposition of a fee as fundamentally opposed to the public interest and therefore urges the government to drop the proposed changes to fee structure.

**Recommendation 1: that the proposed introduction of an application fee for FOI requests be removed from the Bill.**

### **Ban on anonymous and Pseudonymous FOI Requests**

The Bill also proposes measures that would prohibit anonymous or pseudonymous FOI requests. MEAA members are concerned that these proposed measures would exert a chilling effect on whistleblowers who use anonymous FOI as a mechanism to reveal wrongdoing, misconduct, or maladministration within government. These whistleblowers may be public servants who are concerned about issues within their agency or department and want a greater degree of accountability brought to bear on the issue. They may also be ordinary members of the public who do not feel comfortable using their own name due to concerns about previous interactions with government departments or agencies (e.g. police). For example, one journalist wrote:

“...anonymous FOI requests are critical tools to allow public servants to bring to light misconduct or problems within agencies.”

As such, MEAA sees the introduction of these measures as imposing a chilling effect on whistleblowers and therefore urges the government to remove the proposed prohibition on the use of anonymous or pseudonymous FOI requests from the Bill.

**Recommendation 2: that the proposed prohibition on the use of anonymous or pseudonymous FOI requests be removed from the Bill.**

### **Blanket refusal for applications that take more than 40 hours to process**

The government has also proposed measures that would introduce a blanket refusal for applications that would take more than 40 hours to process. MEAA members expressed concern about this change within a broader culture of “inflating processing time estimates”. Another suggested that in their experience, agencies “routinely suggest simple requests will take hundreds of hours when this is clearly not the case”. In such a context, members warned that the 40-hour limit could be used to refuse all but the most basic FOI requests. One member stated that the proposed reforms:

“...would in practice eliminate almost every serious FOI that is not for a single, named and dated document - and would also eliminate many of those if they contain a number of third-party names requiring consultation and/or are lengthy.”

MEAA is therefore concerned that placing a 40-hour limit on FOI requests would significantly reduce the effectiveness of the FOI system and further undermine transparency. As such, it urges the government to remove these provisions from the Bill.

**Recommendation 3: that the proposed blanket refusal on applications that would take more than 40 hours be removed from the Bill.**

### **Requests deemed vexatious, abusive or frivolous**

The government has also proposed measures that would give agencies the power to reject requests deemed vexatious, abusive, or frivolous. MEAA understands that mechanisms already exist in the Act to reject truly vexatious, abusive, or frivolous requests, and that the OAIC can receive and action such complaints where necessary.

The extension of these powers is therefore unwarranted and opens the system up for abuse, especially where the information sought could potentially reveal wrongdoing, misconduct, or maladministration. Many MEAA members spoke of how their FOI requests had been treated as somehow ‘frivolous’ or ‘vexatious’ by government departments and agencies seeking to avoid disclosing information. Even in more benign situations, these powers could be problematic. As one journalist highlighted:

“This measure would be open to abuse – just because a department or agency staffer thinks a request is unimportant, doesn't mean it's not in the public interest.”

The introduction of these powers could therefore open the door to abuse and misuse and are unnecessary given existing measures to prevent vexatious applicants. As such, MEAA urges the government to drop these proposed measures from the Bill.

**Recommendation 4: that the proposed measures to give agencies the power to reject requests deemed vexatious, abusive, or frivolous be removed from the Bill.**

### **Expansion of exemptions for Cabinet documents**

The government has proposed measures that would expand exemptions for Cabinet documents. MEAA understands that this would expand exemptions from those documents submitted for the ‘dominant purpose’ of going to Cabinet to those submitted for the ‘substantial purpose’ of going to Cabinet, thereby allowing more documents to be shielded from FOI requests.

MEAA members are extremely concerned about these proposed measures. One journalist argued that, in their view, this provision would:

“...allow a huge amount of information to be exempt from FOI for no good reason and it would lead to departments including a small amount of cabinet information in a broader document to create the exemption. This exemption is highly open to abuse...”

Many members argued that existing Cabinet exemptions were already too broad and should in fact be narrowed. As such, MEAA sees the expansion of exemptions for Cabinet documents as a threat to transparency and therefore urges the government to drop these proposed measures.

**Recommendation 5: that the proposed measures to expand exemptions for Cabinet documents be removed from the Bill.**

### **Working days**

The government has proposed measures that would change the number of days permitted to consider an FOI request from calendar to working days. This would effectively extend the permitted time for an FOI request. In 2023-24, only 74% of FOI requests were processed within the applicable statutory timeframe, meaning that a large portion of FOI requests are significantly delayed. Furthermore, the timeliness of decision making has been in decline since at least 2017-18.<sup>7</sup> This indicates that any further extension would exacerbate this existing problem. As one journalist put it:

“The proposed change... in effect blows out timeframes by at least a week.... It is particularly egregious”.

MEAA therefore sees attempts to extend existing timeframes as problematic and encourages the government to drop these proposed measures.

**Recommendation 6: that the proposed measures to change statutory timeframes from calendar days to working days be removed from the Bill.**

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<sup>7</sup> OAIC (2024) *Annual Report 2023-24*, page 146,  
[https://www.oaic.gov.au/\\_\\_data/assets/pdf\\_file/0025/243592/OAIC\\_Annual-Report-2023-24\\_Digital.pdf](https://www.oaic.gov.au/__data/assets/pdf_file/0025/243592/OAIC_Annual-Report-2023-24_Digital.pdf)

## Other matters

MEAA acknowledges the introduction of provisions to provide for an FOI request where the original Minister has ceased to hold the relevant office. This is a positive reform, although MEAA understands that this is already the law as a result of landmark legal action undertaken by Rex Patrick.

## Concluding remarks

Freedom of Information is a cornerstone of democratic accountability, enabling journalists and the public to scrutinize government actions and hold departments and agencies to account. The proposed reforms stand to significantly worsen the state of FOI in Australia, and in doing so, would make an unworkable system even worse. As one journalist put it,

“The system does need reform, and it does need to be improved, but this is not the way to do it.”

MEAA encourages the government to therefore drop these measures and instead focus on much-needed improvements to the FOI system, including by implementing a stronger presumption in favour of disclosure. Such changes would not only reduce the timelines and costs for agencies and departments in fulfilling their obligations under the Act – but would improve rather than stymie public accountability and transparency of government.<sup>8</sup>

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<sup>8</sup> For an example, see the 2023 Senate Report into FOI. Legal and Constitutional Affairs References Committee (2023) *The operation of Commonwealth Freedom of Information (FOI) laws*, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/CommonwealthFOI2023/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/CommonwealthFOI2023/Report)