



1 October 2025

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Parliament House
Canberra ACT 2600

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Dear Committee Secretary

Freedom of Information Amendment Bill 2025

As the primary union representing employees in the Australian Public Service (APS), the Community and Public Sector Union (CPSU) is committed to providing a strong voice for our members in key public policy and political debates.

The CPSU welcomes the opportunity to make a submission to this Senate inquiry into the *Freedom of Information Amendment Bill 2025*. The modernisation of the *Freedom of Information Act 1982* is long overdue and necessary to address a range of Work Health and Safety (WHS) risks faced by Freedom of Information (FOI) teams across the APS.

FOI laws are vital for transparency, accountability, and public trust in government. They are a cornerstone of open government, ensuring that decisions made by public institutions can be understood and scrutinised by citizens. The right of the public to access information held by government strengthens our democracy and promotes informed civic engagement.

While we note there are contentious elements in the Bill, the CPSU supports several positive changes proposed, including:

- Changing statutory timeframes from calendar days to working days.
- Simplifying processes for requesting extensions of time.
- Introducing a process to deal with vexatious FOI requests without declaring individuals as vexatious applicants.
- Clarifying there is a legislative basis for redacting personal information about staff.

These reforms will help FOI teams manage workloads more safely and effectively, while maintaining access to personal information for genuine applicants. These changes should be passed with the more contentious parts of the Bill split out.

Workloads and Statutory Deadlines

FOI work is highly manual and resource intensive. In 2023-24, 72% of FOI requests were for personal information, with Home Affairs (38%) and Services Australia (15%) receiving the majority of FOI requests.¹ Processing such requests often involves:

- Reviewing every line of a file for third-party personal information
- Seeking consent and verifying identity from multiple individuals
- Manually redacting sensitive content

One of the causes of increased workloads in some agencies has been bulk FOI requests from agents on behalf of clients. These are often proforma “bucket list” requests, which significantly increase the volume of work and reduce compliance rates. Members from one agency noted they previously had a much better rate of compliance before the rise in these types of requests.

The current 30 day statutory deadline is widely regarded by FOI staff as unrealistic. One member described it as “*next to impossible to meet.*” The deadline has remained unchanged since the Act’s inception, predating the internet and modern digital systems, despite the increasing complexity and volume of FOI work. FOI teams rarely receive additional resources or staffing to manage these demands.

Members also highlighted that the regulator’s focus on statutory compliance rates overlooks other important metrics, such as average case finalisation time and the adequacy of resourcing. These factors are critical to understanding the true performance of FOI operations.

The CPSU supports changing the deadline to working days and simplifying processes for requesting extensions of time. These changes will provide FOI teams with more realistic timeframes to complete highly manual and complex work. We also recommend considering a longer timeframe to better reflect the realities of FOI work.

That said, legislative reform alone will not be sufficient. FOI teams across the APS are under pressure due to under resourcing. The 2023 Senate inquiry into the operation of Commonwealth Freedom of Information laws stated, “*It is clear...that the government’s FOI functions have suffered from underfunding across the APS.*”² While the inquiry acknowledged that legislative reform would help, it also noted “*It will not deal with the chronic backlog of matters which need to be finalised so that the system is placed on an even keel.*”³

¹ Appendix E: Freedom of Information Statistics in Office of Information Commissioner, Annual Report 2023-24.
<https://www.transparency.gov.au/publications/attorney-general-s/office-of-the-australian-information-commissioner/office-of-the-australian-information-commissioner-annual-report-2023-24/part-5%3A-appendices/appendix-e%3A-freedom-of-information-statistics>

² Senate Standing Committees on Legal and Constitutional Affairs, The operation of Commonwealth Freedom of Information (FOI) laws, December 2023.
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/CommonwealthFOI2023/Report/Chapter_5_-_Committee_views_and_recommendations

³ Senate Standing Committees on Legal and Constitutional Affairs, The operation of Commonwealth Freedom of Information (FOI) laws, December 2023.
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/CommonwealthFOI2023/Report/Chapter_5_-_Committee_views_and_recommendations



The CPSU strongly supports additional resourcing to accompany any legislative changes. Without this, FOI teams will continue to face significant workloads, undermining both the effectiveness of the FOI system and the wellbeing of staff.

Vexatious requests

The current FOI system has a system of addressing vexatious FOI requests, however our members report that it has proved to be ineffective. Under existing legislation, only individuals, not specific requests, can be declared vexatious, and only through a complex process involving the Office of the Information Commissioner (OAIIC). This process is rarely used due to its difficulty and lack of fit-for-purpose design.

FOI staff report that:

- Some applicants repeatedly lodge requests for the same information using slightly different wording.
- Requests are sometimes used to harass staff by seeking details about them.
- The system is vulnerable to misuse by individuals with grievances, including sovereign citizens.

The CPSU supports the Bill's proposal to allow specific requests to be declared vexatious, which will help protect staff and reduce unnecessary workload, whilst also maintaining access to information consistent with the purpose of the FOI scheme.

Redaction of personal information

FOI teams often redact staff names and other identifying details, especially in cases involving vexatious FOI requests. The CPSU supports the Bill's proposal to clarify that personal and non-work-related matters of staff and employee identifying information is not required to be disclosed, providing legal backing for current practice.

Anonymous requests

FOI teams are required to process and engage with all FOI requests, even those that are anonymous or missing key information. This differs from other areas of the public service, where triage and validation processes are standard.

Noting concerns about proposals to ban anonymous requests, strengthening applicant identity requirements specifically for any personal information requests and allowing FOI staff discretion to seek further details before processing would assist FOI teams and should be considered as part of a comprehensive review.



Comprehensive review

The Review of the Freedom of Information Act 1982 and Australian Information Commissioner Act 2010 (Hawke Review) recommended a comprehensive review of the Acts, including its interaction with the *Archives Act 1983*, *Privacy Act 1988*, and other relevant legislation.

Given the 2013 Hawke Review, which this Bill has drawn on, was conducted over a decade ago and other jurisdictions have made changes to their own equivalent Acts since, such as the Australian Capital Territory in 2018 and Queensland in 2024, a comprehensive review is overdue.

Recommendations

There are parts of the Bill that should be passed that will help FOI staff such as enabling more reasonable timeframes, strengthening the legal basis for the redaction of staff information and a better process to declare FOI requests as vexatious.

The CPSU recommends:

- More contentious reforms are split out of the Bill to allow some changes to proceed.
- The non-contentious parts of the Bill that address WHS risks and improve FOI processes are passed.
- Appropriate additional resourcing accompanies any legislative changes.
- A comprehensive review of the FOI Act is undertaken, as recommended by the 2013 Hawke Review, including its interaction with the *Archives Act 1983*, *Privacy Act 1988*, and other relevant legislation.

The CPSU is happy to provide further information regarding any of the matters raised in this submission and supplementary information on other relevant issues.

If you require further information, please contact Osmond Chiu, Senior Policy and Research Officer, via email at osmond.chiu@cpsu.org.au.

Sincerely,

Melissa Donnelly
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CPSU-PSU Group