



PARLIAMENTARY SUBMISSION

29 September 2025

Chair
Senate Legal and Constitutional Affairs Committee
c/o Committee Secretary
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Chair,

46 Steps Back – Why This Bill Should Not Pass

We thank you for the opportunity to provide a submission to the Senate Legal and Constitutional Affairs Committee on a Bill for an Act to amend the law relating to access to information, and for related purposes (the Bill).

Reflecting the severity of the changes proposed by the Bill, this is the first Bill that Unlisted Thoughts will call to be rejected entirely and in full by the Senate.

In our other submissions, we frequently use hyperbole to—more or less—humorous effect. We speak without hyperbole when we say that, if passed, this Bill will not only set back the federal freedom of information (FOI) regime but also set back access to government information across the country.

This Bill is an attack on one of the best FOI regimes in Australia. The *Freedom of Information Act 1982* (Cth) (the Act) is not perfect—far from it. Instead of making it better, this Bill will make it worse by erecting more barricades to government information.

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Warning: Fines apply. Now, Diplomacy, Trade, and Defence.



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We take serious issue with how this Bill will:

- end anonymous FOI requests,
- give public servants an excuse to reject complex FOI requests,
- charge Australians for simple and trivial FOI requests, and
- send the Australian FOI regime forty-six steps¹ down the stairs.

We believe that others will speak more eloquently and with more vigour on other aspects of the Bill. We commend them. We will discuss the Australian Government's intentions to set mandatory fees on FOI requests.

If the Bill is passed, we might see savings from fewer FOI requests—the jobs of some public servants will be made easier. Hooray. But there's a cost—reduced access to government information.

This is bad for Australian democracy. This is a bad bill that must be binned.

Fees, Fees, and Fees

The Australian Government has not been ambiguous in their incessant desire to charge an application fee for FOI requests.² In response to a question from the member for Wentworth on 3 September 2025, the Prime Minister stated:³

Every state and territory, other than the ACT, has an initial FOI application fee—

The Prime Minister (and his speechwriters and proofreaders) are correct. However, the Prime Minister says this with the implied intention to bring the federal government's FOI fees into alignment with the states and the Northern Territory.

This is the wrong approach.

Instead of joining the states and the Northern Territory in having a barrier to small FOI requests, the Australian Government should stand steadfast and bring the laggards to the current standards shared by the Commonwealth and the great Australian Capital Territory.

We have prepared a comparative table of fees across the states and territories in [Appendix A](#).

It doesn't matter that 72% of overall FOI requests in 2023–2024 were about personal information. There is small and interesting information—independent of vexatious and voluminous requests—that should, without a fee, be requested to be made public.

¹ We like the number 46.

² Michelle Rowland, 'Strengthening the Freedom of Information Framework', (Media Release, 3 September 2025).

³ Commonwealth, *Parliamentary Debates*, House of Representatives, 3 September 2025, 50 (Anthony Albanese, Prime Minister).

We speak from personal experience that if there was an application fee greater than 5 AUD, then the following documents would not be released to the public:⁴

- Miscellaneous appointment documents—but not in a sovereign citizen sense that we doubt a sitting judge's commission,
- Miscellaneous gift registers from various departments and agencies,
- Miscellaneous correspondence to ministers,
- Miscellaneous ministerial diaries,
- Classification of popular video game *Grand Theft Auto V* (Australian Classification Board),
- Classification of popular children's animated film *Mulan: Special Edition* (Australian Classification Board),
- Why Wine Australia was renamed from the Australian Grape and Wine Authority (Wine Australia),
- Feedback relating to the re-design of the Federal Register of Legislation (Office of the Parliamentary Counsel),
- Procurement information relating to the replica mace that's in Old Parliament House (Old Parliament House),
- Total number of staff working in the office of the Solicitor-General (Attorney-General's Department),

The information above is not personal. They weren't requested to abuse a system. Instead, they shine a light on the workings of government and improve transparency. The Australian public is better off knowing why *Mulan: Special Edition* was rated G.

Yes, there is nothing in the Bill that says the application fee cannot be 5 AUD. However, the Attorney-General—being the one who makes the delegated legislation under the Act—has foreshadowed that the fee will be between 30 AUD and 55 AUD. The latter amount is absolutely outrageous, unjustifiable, and bothersome.

Because the public, as a whole, benefits from open government information, the cost shouldn't be borne by an individual. The states and the Northern Territory do not understand this. The current Australian regime and the ACT does.

The Australian Government should drag the laggards into good policy, not join them wallowing in the bad.

⁴ If you want the documents, you can find them on disclosure logs. We have left the respective agency in brackets.

Extending the Olive Branch—a Compromise

As a compromise, we will suggest one option for the Australian Government.

If you are going to steam right ahead with these changes, then do the public a service: if you're going to erect a monetary barrier to stop supposedly vexatious and time-wasting FOI requests, then the following documents should be made public:⁵

- Appointment documents of statutory officeholders, including judicial and quasi-judicial officeholders,
- Gift registers, and
- Ministerial diaries.

The public is—undeniably—better off being able to access these documents.

Host it on your Website

While we have your attention, this Bill will be improved by requiring agencies to host, on their website, the documents mentioned in their disclosure log.

For too long, we have had to email some agencies for access to documents already made available under the Act.

This will cut down the work for FOI public servants. They will no longer need to read the email request, find the document internally, formulate a response, get approval for the response, and then send it off.

If you really wanted to cut the bloat, this is how you do it.

There are some good agencies out there like the [Office of the Official Secretary to the Governor-General](#) and the newly reformed [Attorney-General's Department](#)⁶ that do this—you can access the files through the disclosure log webpage.

Make this required through the Act rather than being an act of goodwill by some agencies. You can even do this with an amendment to this Bill.

This will save time for everybody.

⁵ Be this informally, under the regulations, or maybe an amendment to section 8 of the Act.

⁶ The Attorney-General's Department upped their game in August 2023 after being an agency that demanded people email them for access to documents on their disclosure log.

Conclusion

In conclusion, the Bill is a bad bill that should be binned, and we do not support this Bill returning to the Senate with the Committee's endorsement.

This Bill will erect barricades to government information. This Bill sends the Australian FOI regime 46 steps back.

We cannot support this Bill, and the Committee shouldn't either. However, the Committee can improve this bad Bill by making it so that some key information is made public without the agony of fees, and that documents on the disclosure log are hosted in a way that allows easy access for the good folk.

If you would like to contact us to discuss this submission, you can email us at

Your old friends and comrades,

William Luu

Warwick Senjak

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Appendix A: Breakdown of application fees for government information across states, territory, and the Australian Government

Jurisdiction	Fee (\$)	Where the fee is set	Is it indexed?
Australian Government	0	Delegated legislation – Freedom of Information (Charges) Regulations 2019 (Cth)	N/A
New South Wales	30	Legislation – Government Information (Public Access) Act 2009 (NSW)	No
Victoria	32.70	Delegated legislation – Freedom of Information (Access Charges) Regulations 2014 (Vic)	Yes – looks to be set as 2 fee units. Fee units are indexed yearly.
Queensland	55.75	Delegated legislation – Right to Information Regulation 2009 (Qld)	Yes – set as 52.60 fee units. Fee units can be indexed but have been frozen for 2024–2025.
Western Australia	30	Delegated legislation – Freedom of Information Regulations 1993 (WA)	No
South Australia	42	Delegated legislation – Freedom of Information (Fees and Charges) Regulations 2018 (SA)	Unknown
Tasmania	46.75	Legislation – Right to Information Act 2009 (Tas)	Set as 25 fee units. Fee units are indexed to inflation.
Australian Capital Territory	0	Legislation – Freedom of Information Act 2016 (ACT)	N/A
Northern Territory	30	Delegated legislation – Information Regulation 2003 (NT)	No