



**Senator the Hon Don Farrell**

Special Minister for State  
Minister for Trade and Tourism

Reference: MS25-000818

Senator the Hon Sue Lines  
President of the Senate  
Parliament House  
CANBERRA ACT 2600

Dear President

Pursuant to Standing Order 164, I write on behalf of the Attorney-General regarding the **Order for Production of Documents number 162** of 2025, agreed by the Senate on 3 September 2025, relating to the Government response to the Senate Standing Inquiry into Legal and Constitutional Affairs Inquiry into the Operation of Commonwealth Freedom of Information (FOI) Laws.

The order requested that there be laid on the table by the Minister representing the Attorney General, the outstanding government response to the Legal and Constitutional Affairs References Committee report on the operation of Commonwealth Freedom of Information (FOI) Laws.

Please see attached letter in response to this order for tabling.

Yours sincerely

**DON FARRELL**

*Enc letter in response to Order for Production of Documents*



## The Hon Michelle Rowland MP

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Attorney-General  
Federal Member for Greenway

Reference: 25/23070-3

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

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Dear Committee Secretary,

The Senate Legal and Constitutional Affairs Committee (Committee) issued a report on its Inquiry into the Operation of Commonwealth Freedom of Information (FOI) laws (FOI Inquiry) in December 2023. I thank the Committee for its in depth consideration of the operation of the Commonwealth FOI system, including its recommendations for improvements.

On 3 September 2025, I introduced the Freedom of Information Amendment Bill 2025 (2025 FOI Bill) which responds to issues raised in the course of the FOI Inquiry. The Bill is intended to modernise the FOI framework and make it more effective and efficient by reducing system inefficiencies, addressing abuses of process, and clarifying the operation of certain provisions within the *Freedom of Information Act 1982*.

The 2025 FOI Bill includes a number of amendments which respond to evidence of the Committee to create administrative efficiencies for the Office of the Australian Information Commissioner (OAIC) and in relation to the Information Commissioner review (IC review) process. This includes amendments in Schedules 4 and 5 of the Bill to streamline the review of FOI decisions by preventing concurrent internal agency and IC review; create a new power for the Information Commissioner to remit IC review applications with directions to decision-makers for further consideration; provide for the resolution of IC review applications by agreement, without requiring a formal written IC review decision; provide that only the applicant and respondent, not third parties, are automatically a party to an IC review; and to support more efficient handling of FOI complaints by the OAIC. These amendments respond to evidence of the Committee relating to the need to address IC review delays and make efficient use of OAIC resources.

The 2025 FOI Bill also includes amendments to create efficiencies for agencies, streamline processes relating to access requests and to ensure the FOI system can appropriately manage vexatious and frivolous requests and reduce the risk of harm. This includes amendments in Schedules 2 – 5 to streamline extension of time arrangements and amend the timeframes for agencies to respond to requests to reflect working days and where consultation processes with an agency in relation to a document require an extension of time; clarify the deemed refusal process

to make clear that agencies have an ongoing obligation and jurisdiction to continue assessing and making decisions on FOI requests once the statutory timeframe has elapsed; and modernise the submission requirements for FOI requests, applications for amendment or annotation of records. These amendments respond to issues discussed in the Committee report relating to delays in FOI requests and increasing complexity in the FOI system. Importantly, the 2025 FOI Bill also includes amendments that give agencies the ability to decline to handle a request that is vexatious or frivolous or an abuse of process. This responds to evidence presented to the Committee around difficulties with the current vexatious applicant declaration process.

The 2025 FOI Bill also responds to the issue canvassed in the Committee's inquiry in respect of access to documents of a former minister. The amendments in Schedule 8 of the Bill make provision for the treatment of FOI requests and review proceedings in circumstances where a Minister ceases to hold the relevant office.

In addition to measures in the 2025 FOI Bill, the Government has also implemented and supported changes to address issues raised by the Committee in relation to the operation of the OAIC. This includes funding a Strategic Review of the OAIC, which was completed in February 2024.

For the reasons set out above, the Government is of the view that the 2025 FOI Bill supports the aims of the FOI Inquiry to improve the functioning of the FOI system.

Yours sincerely

Michelle Rowland MP

3 / 9 /2025