

	FOI Folder
1	HTB-OAIC-01: Law reform
2	FOI Senate Committee Report
3	FOI IC Reviews
4	FOI Complaints
5	Agency FOI statistics
6	Compliance with FOI Statutory Timeframes
7	Use of 'apps' to conduct government business
8	FOI Change of government and official ministerial documents of a Minister
9	General FOI Matters
10	Mr Patrick High Court
11	Referral of Matters to AAT
12	FOI Statistics Publication
13	Department of Home Affairs – Compliance with processing
14	FOI reforms

OT TOPIC BRIEF

OAIC-01

OAIC-01 Law reform

PA-Office of the Australian Information Commissioner

Implementation of Tranche 1 privacy reforms is underway. Tranche 2 privacy reforms are under development. Retailers (Bunnings) have called for law reform to allow Facial Recognition Technology to be widely used in stores. The Productivity Commission has recommended reforms to the *Privacy Act*. The Government has announced reforms to the *Freedom of Information Act*.

Privacy
Implementation of Tranche 1 Privacy Act reforms

- The Office of the Australian Information Commissioner (OAIC) is implementing reforms enacted by the *Privacy and Other Legislation Amendment Act 2024 (Amendment Act)*.
- ***If asked about the Children's Online Privacy Code***: OAIC is developing a Children's Online Privacy Code. OAIC commenced consultation with children and parents in May 2025, and consultation with industry, civil society, and other stakeholders in June 2025. OAIC is analysing consultation feedback to support development of the draft Code for consultation in early 2026.
- ***If asked about tort of serious invasions of privacy***: OAIC does not have a direct role, but the Information Commissioner may, with the leave of the court, appear in proceedings.
- ***If asked about automated decision-making***: privacy policies will need to note the use of automated decisions which use personal information and may significantly affect the rights or interests of an individual, from 10 December 2026. OAIC will begin consultation on this scheme in early 2026.

Future reforms (Tranche 2)

- The Attorney-General's department (AGD) is leading reforms and consultations to ensure legal frameworks remain fit for purpose and robust. The OAIC works with the AGD to provide regulatory implementation advice on potential reforms.
- Policy questions regarding Tranche 2 reforms should be directed to the AGD as the policy agency leading the reforms.

Facial recognition technology (FRT) in retail operations – industry calls for law reform

- In November 2024, the Privacy Commissioner found Bunnings Group breached Australians' privacy by collecting personal and sensitive information through a FRT

system. Bunnings has sought review by the Administrative Review Tribunal and publicly advocated for law reform to allow wider use of FRT in retail stores.

- The Australian Capital Territory (ACT) has enacted 'Workplace Protection Orders' to protect retail workers. Such laws are a less privacy-invasive alternative to FRT, whilst still effectively addressing retail violence. Woolworths has obtained orders for 13 'high-harm offenders' in the ACT, which it states has reduced further offending by 99%.

Kmart decision – retail fraud

- In September 2025, the Privacy Commissioner found that Kmart Australia Limited (Kmart) also breached Australians' privacy by collecting their personal and sensitive information through an FRT system designed to tackle refund fraud.
- While the Privacy Act may have been enacted in 1988, its principles-based nature allows it to be interpreted in light of new and emerging technology.
- Each deployment of FRT gives rise to questions including: what are individuals' expectations of privacy in certain public places, and how does that change depending on the place? Is this a place that people must go as part of daily life, for example an essential service such as a supermarket or pharmacy, or do they have other choices or alternatives? Is this a technology of convenience - is it being used only because it's cheaper, or as an alternative to employing staff to do a particular role, and are there other less privacy-intrusive means that could be reasonably used?
- Commissioner Kind has noted that, in the absence of parliamentary intervention to specifically authorise the use of FRT systems without consent, those are the kinds of considerations which will be applied to new deployments of FRT, on a case-by-case basis.

Productivity Commission interim report – recommended legislative privacy reform

- In August 2025, the Productivity Commission released its interim report on Harnessing data and digital technology. The report recommended the Government implement an alternative compliance pathway allowing entities to fulfil privacy obligations by meeting a 'best interests' test, and not implement a right to erasure.
- On 14 August 2025, in an opinion article published in the Financial Review the Privacy Commissioner noted that while the *Privacy Act* requires updates to ensure it remains fit

for the digital age, the alternative best-interest compliance pathway is “unworkable” if it allows entities to withhold basic controls and protections currently in the law.

- Reforms proposed to the *Privacy Act* will increase the regulatory focus on outcomes without radically moving away from a rights-based regime, as proposed by the Productivity Commission.
- 62% of Australians see the protection of their personal information as a major concern in their life, while only a third feel in control of their data privacy. 84% want more control and choice over collection and use of their personal information.¹
- The OAIC has made a written submission to the Productivity Commission.

Freedom of Information (FOI) reforms

- OAIC’s input to date has been to provide feedback regarding the operational implications of the Freedom of Information Amendment Bill 2025 (**the Bill**) proposals, so far as they would practically impact the OAIC in acquitting its regulatory responsibilities.
- The introduction of the Bill provides the opportunity for a public debate on the best way to improve the operation of the FOI scheme.
- Government-held information is a national resource, and OAIC will continue to promote open government to better serve the Australian community.
- OAIC welcomes the Government’s support for the Three Commissioner Model for Australia’s FOI, privacy and information publication regimes, through the recent appointment of Ms Alice Linacre as the Freedom of Information Commissioner for a 5-year term commencing on 29 September 2025.
- The OAIC will be releasing an Information Access – Community Study Report – in late September. It finds that in 2025, 96% of Australians (up 5 percentage points from 2023), regardless of age, gender, or location feel their right to access government information is important (58% very important; 38% quite important).

Version: 1	Cleared by: Elizabeth Tydd	Action officer: Marcel Savary
Current at: 08/09/2025	Phone number: s22	Action officer number: s22

¹ OAIC, Australian Community Attitudes to Privacy Survey 2023

ESTIMATES BRIEF: OTHER

Subject: FOI Senate Committee Report

Type: Report

Key details			
When did OAIC learn of matter?	28 March 2023		
Origin	Senate referred inquiry		
Is there an issue in the public domain?	Public submission, report		
Jurisdiction	FOI		
Responsible Branch & team	Information Rights (FOI case management) and Regulatory Intelligence and Strategy: Policy and Statutory Functions		
Content author	s22	Ph	s22
Clearance by	Marcel Savary	Ph	s22
Brief current at	8 September 2025		

Brief overview of the FOI Senate Committee Report

- On 7 December 2023, the Senate's Legal and Constitutional Affairs References Committee reported on its inquiry into the operation of Commonwealth Freedom of Information laws.
- The majority [report](#) made 15 recommendations including legislative, structural and cultural change, together with operational and resourcing revision and capability uplift. Not all recommendations were for OAIC action. Labor Senators tabled a [dissenting report](#) with 3 recommendations.
- An Order for Production of Documents (number 162 of 2025) requested that the government response be tabled by 4 September 2025.
 - The Attorney-General provided a response to the Committee on 3 September 2025.

- Questions about the Government Response are more appropriately directed to the Attorney-General's Department.

Current action – Reform within the OAIC
--

- Some of the recommendations went to the structure of the OAIC, its regulatory approach and its governance to support a 3 Commissioner model. Internally our OAIC redesign project addressed these issues.
- The OAIC's 2025–26 Corporate Plan sets out the OAIC's key activities and performance measures. Commissioner regulatory priorities guided the development of the plan.
- The OAIC has now transitioned to a new structure to support its regulatory objectives. The new structure changes how the OAIC works and will drive the transition to a more effective, harm-focused regulator.
- The new structure combines elements of privacy and FOI where practicable while retaining and highlighting regulated area expertise.
- The number of IC reviews on hand has been reduced using the following strategies:
 - Implementing a whole of OAIC surge team to provide additional capacity for FOI regulatory functions, including IC review case management to allow FOI staff to work on older IC reviews.
 - Using data and reporting to identify and expedite priority cohorts, focussing on the OAIC's oldest IC reviews.

- Lowering delegations to exercise particular powers (issuing directions, exercising discretion to decline to undertake an IC review) and greater use of compulsory powers.
 - Revising decision templates to capture key points from published decisions to promote consistency and more succinct decisions.
 - Reviewing letter templates, smart forms and guidance, including FOI Guidelines.
 - Establishing regular input meetings with FOI leadership team on specific cases.
 - Focusing on uplifting agency capability through surveys, engagement, education (eg published guidance), a series of webinars to FOI practitioners, a survey of FOI practitioners about their training needs and a new self-assessment tool for agencies.
 - Emphasising team/branch targets (for example, 200 IC review decisions per year).
- See 'FOI IC Reviews' brief: [D2025/000306](#).

Recent developments

- See 'Designing the Future OAIC' brief: [D2025/000356](#).

ESTIMATES BRIEF: REGULATORY PRIORITY

Subject: FOI IC reviews

Type: Functions and background

Key details			
Responsible Branch & team	Freedom of Information Case Management		
Content author	s22 [REDACTED] [REDACTED]	Phone	s22 [REDACTED]
Clearance by	Rocelle Ago	Phone	s22 [REDACTED]
Brief current at	18 September 2025		

Brief overview of regulatory priority

- Increasing OAIC FOI regulatory and case management effectiveness and uplifting agency capabilities are key regulatory priorities for 2025/26.
- The OAIC is committed to delivering a timely IC review process, informed by the principles of informality, responsiveness and proportionality. The OAIC is working through a significant volume of IC reviews on hand, many of which are over 12 months old.
- In 2024/25, the OAIC finalised more IC reviews (2,470) than we received (2,135).
 - This was achieved despite a 21% increase in the number of IC reviews received compared to the same period last year.

Current caseload – matters on hand

- As at 31 August 2025, the number of IC reviews on hand is 1,796.

- *If asked:* In relation to IC reviews received from 1 July 2024 to 31 August 2025, 62% derive from 3 agencies:
 - Department of Home Affairs (approx. 50%)
 - Department of Veterans Affairs (approx. 7%), and
 - Australian Federal Police (approx. 5%).

Applications received

- In 2024/25, the OAIC received 2,135 Information Commissioner (IC) reviews.
 - 21% increase compared to 2023/24, when we received 1,766.
- IC reviews of the Department of Home Affairs' deemed access refusal decisions (1,028) accounted for 48% of all IC review applications received in 2024/25.

Finalisations

- We have now finalised all matters lodged in 2018, 2019 and 2020.
 - As at 2 October 2025, there were only 2 IC reviews on hand from 2021.
 - [see the table below for stats on aged cohorts of reviews]
- In 2024/25, the OAIC finalised 2,470 Information Commissioner (IC) reviews in
 - This is 722 more IC reviews (or a 41% increase) compared to 2023/24, when we finalised 1,748 IC reviews.

- In 2024/25, 67% of IC reviews (1,665) were finalised within 12 months of receipt
 - Compared to 63% in 2023/24 (1,108).
- In 2024/25, the average time taken to finalise an IC review decreased from 15.5 months (in 2023/24) to 13.5 months. This reflects a focus on early intervention and resolution in relation the increased number of deemed access refusal matters.
- IC review timeframes comparison:

	As at 30 June 2023	As at 29 Feb 2024	As at 31 Mar 2024	As at 31 Oct 2024	As at 6 Feb 2025	As at 28 Feb 2025	31 Aug 2025
<i>Greater than 48 months old (4 years)</i>	86	85	81	34	4	13	107
<i>Between 36 and 48 months (3-4 years)</i>	227	229	243	212	216	196	251
<i>Between 24 and 36 months (2-3 years)</i>	342	428	426	350	329	327	391
<i>Between 12 and 24 months (1-2 years)</i>	561	595	587	403	414	409	657
<i>Total over 1 year</i>	1,216	1,337	1,336	999	963	945	1,406

How have the improved finalisation rates been realised?

- To deliver a timelier IC review process and to support parties to understand the expectations and steps of the IC review process, revised procedure directions and updated Part 10 of the FOI Guidelines took effect on 1 July 2024.

- Key changes to the procedure directions included:
 - a requirement that respondents engage, or attempt to engage, with the applicant during the IC review, with a view to resolve or narrow the matters at issue
 - a requirement that applicants and respondents send submissions to each other at the same time as they send them to the OAIC, and
 - specific procedures for certain types of IC reviews, including reviews of deemed access refusal decisions, and access refusal decisions that are made on the basis that documents cannot be found or do not exist, designed to deliver adequate first instance decisions.
 - requiring the provision of information and production of documents under s 55R of the FOI Act where an agency or minister fails to provide information and documents within the required timeframe.
 - The OAIC has observed that agencies have been responsive to forward notices indicating a s 55R notice will be issued following non-compliance with the IC's *Direction as to certain procedures to be followed by agencies and ministers in Information Commissioner reviews*.
- IC reviews on hand were reduced through a combination of strategies which facilitated improved finalisation rates including through:
 - The implementation of a whole of OAIC surge team, providing additional capacity and enabling FOI staff to work on older IC reviews.

- Improved data capability to identify and expedite priority cohorts including access grants, charges, searches, practical refusals, ministers' matters and secrecy provisions.
- Lowering delegations to exercise powers such as issuing directions, exercising discretion to decline to review applications and greater use of compulsory powers to facilitate case management.
- Revision of decision templates, capturing key points and standard words or approaches from decided matters to promote consistency, and more efficient and succinct decision-making.
- Review of correspondence templates, smartforms and guidance, including FOI Guidelines which agencies and ministers must have regard to when exercising a function under the FOI Act.
- Establishment of case input meetings with FOI leadership team.
- Engagement with agency and ministerial staff, including senior staff, through external meetings, webinars, to clarify expectations and inform our priorities.
- Emphasis on team/branch targets (e.g, 200 decisions per year).

Section 55K decisions

- A significant increase in the number of s 55K decisions:
 - In 2024/25, 248 IC review decisions under s 55K were made
 - compared to 207 in 2023/24.

- As at 31 August 2025, 154 s 55K decisions have been made in the 2025 calendar year.
- The rate of matters set aside or varied in 2024/25 was 70% (62% set aside, 8% varied)
 - compared to 85% (79% set aside, 6% varied) this financial year.

2025/25 priorities

- The OAIC has published key statistical information about the [OAIC's freedom of information regulatory work](#) on its website. This includes a summary of the OAIC's FOI caseload as well as focus areas and caseload reports for IC reviews and FOI complaints.
- In 2025/26, the OAIC is prioritising:
 - IC review applications received 2021, 2022 and 2023
 - IC reviews applications involving deemed access refusals (where an agency has not provided a decision within the statutory processing timeframe)
 - IC reviews where the sole access refusal reason relates to:
 - adequacy of searches (s 24A)
 - imposition of a charge (s 29)
 - practical refusal (s 24)
 - access grants
 - IC reviews where the respondent is a Minister.
- The OAIC is currently considering the recent decision of the full Federal Court in *Bachelard v Australian Federal Police* [2025] FCAFC 5 and whether it has implications for case management practice in IC reviews, particularly in relation to relevant procedural fairness steps regarding the application

of exemptions that have been raised during the course of the IC review but have not been specifically raised in relation to a particular document. The OAIC's process for conducting IC reviews are set out in [Part 10 of the FOI Guidelines](#) and in the [Direction as to certain procedures to be followed by agencies and ministers in Information Commissioner reviews](#).

ESTIMATES BRIEF: OTHER

Subject: FOI Complaints

Type: Report

Key details			
Responsible Branch & team	Freedom of Information Case Management, Early Resolution team and Reviews and Investigations team		
Content author	s22	Phone	s22
Clearance by	Rocelle Ago	Phone	s22
Brief current at	12 September 2025		

Brief overview

- Uplifting agency capability and making FOI compliance easier are key regulatory priorities for the OAIC in 2025/26.
- The OAIC is committed to delivering a timely complaint process, informed by the principles of informality, responsiveness and proportionality.
- As of 31 August 2025, the OAIC had **107 FOI complaints on hand**.
 - No complaints pre-date the 2024/25 year.
- In the 2024/25 year, the OAIC:
 - Received a 26% increase in complaints (339) compared with 2023/24 (269).
 - Finalised 343 complaints, a decrease of 10% compared to the previous year.
- The OAIC has recently finalised 3 cohort investigations into agency timeliness.

- The OAIC will be undertaking regular thematic investigations of FOI complaints in 2025/26.

Current action

- The OAIC is focussed on the extant capacity and capabilities within agencies to properly acquit their functions under the FOI Act.
- The OAIC is monitoring the responses from agencies recently investigated in relation to their timeliness and will be investigating the National Disability Insurance Agency in relation to similar issues.
- A self-assessment tool recently developed by the OAIC¹ will provide the basis for assessment of capacity and capability building within agencies to address non-compliance or risk of non-compliance with FOI obligations.

Finalised cohort investigations

- In Q1 of 2025/26 FY, the OAIC finalised 3 investigations into a cohort of complaints made about the Australian Federal Police (AFP), the Department of Defence and the Department of Veterans Affairs, finding that in each case the agency had failed to comply with the statutory processing timeframes under s 15(5) of the FOI Act. The outcomes, including findings, recommendations and suggestions [are available on the OAIC website].

¹ The OAIC's self-assessment tool is an interactive Excel document designed to assist agencies to understand the effectiveness of their information access systems and the extent to which these comply with the FOI Act. The tool is published on our website, and agencies subject to investigation will generally be required to complete the tool to assist the OAIC in assessing the issues under investigation and informing any recommendations made.

- Recommendations and suggestions were made in each case to uplift the agencies' information access operations and capability in the processing of FOI requests through:
 - focusing on areas which require improvement, including operational processes and systems
 - enhancing the agencies' knowledge of decisions, investigation outcomes and guidance issued by the Information Commissioner
 - supporting governance improvements through delivery of revised guidance, procedures, and training, and
 - engaging with the agencies' own initiatives for improvement, including implementation of action plans, expansions of surge teams and technological improvements.
- The AFP and Department of Defence have confirmed acceptance of the recommendations, which are to be implemented over specified timeframes.²

Upcoming actions

- The OAIC will continue to undertake thematic investigations of FOI complaints in 2025/26. Compliance with processing timeframes is a prevalent theme and likely to be subject to further investigation.

² As at 9 September 2025, the AFP and Defence have each confirmed acceptance of the recommendations. The DVA's response confirming acceptance of our recommendations is not due until 16 September 2025.

ESTIMATES BRIEF: OTHER

Subject: Agency FOI statistics

Type: Report

Key details			
Jurisdiction	Freedom of Information		
Responsible Branch & team	Regulatory Intelligence and Strategy: Guidance and Publications		
Content author	s22	Phone	s22
Clearance by	Rocelle Ago	Phone	s22
Brief current at	22 September 2025		

Brief overview

- Agencies and ministers are required to submit FOI statistics at the end of each quarter, and at the end of financial year, including the number of requests received, on hand and finalised.
- The OAIC collects and publishes Australian Government agency and ministerial FOI statistics in our [annual report](#), on data.gov.au and – since January 2025 – on the [OAIC’s Australian Government FOI statistics dashboard](#). Q4 statistics for 2024-25 are now available on this dashboard.

Summary – agency FOI activity Q4 2024-25

- 6,754 FOI requests were **decided**.
 - 1,352 requests were **granted in full** (20% of all requests decided).
 - 3,681 FOI requests were **granted in part** (55% of all requests decided).
 - 1,721 requests were **refused** (25% of all requests decided).
- **71% of all FOI requests** were decided within **statutory timeframes**.

- **11,735 FOI requests** received (+ **8% more** than Q3 2024-25). The top 3 agencies are the Department of Home Affairs (4,688), Services Australia (1,433) and the Administrative Review Tribunal (736).
 - The requests received during the 2024–25 increased by 25% and the numbers of requests withdrawn, transferred to another agency or a minister, or decided increased in similar proportions.
- 8,604 FOI requests (**73%** of requests received) were for documents containing **personal information**. **27%** of all requests were for **‘other’ (non-personal) information** (3,131).

Current action

- Q4 agency FOI statistics for 2024-25 are available on the [OAIC’s Australian Government FOI statistics dashboard](#), since September 2025.
- In Q4, the OAIC has been focusing on the extant capacity and capabilities within agencies to properly acquit their functions under the FOI Act. This reflects Commissioner priorities to uplift agency capability in the exercise of FOI functions and to make FOI compliance easier.
- A [self-assessment tool](#) has been developed by the OAIC, which will provide the basis for assessment of capacity and capability building within agencies. This will assist agencies in addressing non-compliance or risks of non-compliance with statutory timeframes prescribed in s 15(5)(b) of the FOI Act.¹
- The OAIC is undertaking and will continue to undertake thematic investigations of FOI complaints in the 2025/26 year in relation to agencies identified as being at risk of non-compliance with statutory timeframes.

¹ Other agencies that might be subject to investigation may include: Department of Homes Affairs and National Disability Insurance Agency

This follows the completion of our investigations in relation to the Department of Veterans' Affairs, the Australian Federal Police, and the Department of Defence in relation to compliance with statutory timeframes.

- Other guidance we have recently published to support capability building within agencies include:
 - an FOI processing period calculator, published March 2025
 - Revisions to Part 2 of the FOI Guidelines (Scope of application of the FOI Act, published in April 2025, and
 - Public consultation on draft revisions to Part 3 of the FOI Guidelines (Processing and deciding on requests for access), published May 2025.
 - Revisions to Part 3 of the FOI Guidelines (Processing and deciding FOI requests) was published on 1 October 2025.

Summary – agency FOI activity 2024–25
--

- **43,456 FOI requests** received (+ **25% more** than in 2023–24 (**34,706**)). The top 3 agencies are Department of Home Affairs (17,342), Services Australia (5,135) and the National Disability Insurance Agency (2,331).
- 32,109 FOI requests (**74%** of requests received) were for documents containing **personal information (up from 72% in 2023-24)**. **26%** of all requests (11,347) were for **‘other’ (non-personal) information (down from 28% in 2023-24)**.
- 25,211 FOI requests were **decided**².

² Covers access granted in full, in part or refused.

- 5,395 requests were **granted in full** (**21%** of all requests decided – the same as 2023–24 and down 4% from 2021–22 (25%)).
- 13,558 FOI requests were **granted in part** (**54%** of all requests decided – down from 55% in 2023–24 and 52% in 2022–23).³
- 6,258 requests were **refused** (**25%** of all requests decided – up from 24% in 2023–24 and 23% in 2022–23).
- **21,168** of all requests decided involved **exemption claims** (**86% of all requests decided**, compared with 78% in 2023–24). **Section 47F** (personal privacy) remains the most claimed exemption (applied in 42% of all decisions in which an exemption was claimed – up from 39% in 2023–24).
- **73% of all FOI requests** were decided within **statutory timeframes** – down from 74% in 2023–24 and 2022–23.⁴
- **67% of all personal requests** were **decided in time**. **85% of all ‘other’** (non-personal) **requests** were **decided in time**.
- 37% of requests decided by Home Affairs and 33% of requests decided by NDIA were decided in time.
- The overall cost of administering FOI rose to **\$97.99 million** (14% more than 2023–24). Legal expenditure rose 22% compared with 2023–24 (litigation expenditure was 10% higher and general legal advice costs 43% higher).

³ In December 2022, the OAIC updated the FOI Statistics Guide to clarify that if irrelevant matter is deleted from a document before it is released, the outcome of the request is ‘granted in part’. Note: when asked whether the new guidance was the reason for increases of the proportion of requests granted in part, many agencies denied this was a relevant factor.

⁴ This refers to requests for which a decision was made. It does not include requests withdrawn by the applicant.

Summary of costs drivers

- agencies are asked to estimate the hours staff spent on FOI matters and the non-labour costs directly attributable to FOI, such as legal and FOI training costs, in order to assess the impact on agency resources of compliance with the FOI Act.
- Agencies are also asked to report their costs of compliance with the Information Publication Scheme (IPS).
- The total cost attributable to processing FOI requests in 2024–25 was **\$97.99 million**, a **14% increase** over the previous financial year's total of \$86.24 million.
 - In 2023–24, there was a 23% increase in total FOI costs compared with the previous year (when FOI costs were \$70.33 million).
- The increase in total FOI costs occurred in the context of agencies and ministers receiving significantly higher numbers of FOI requests in 2024–25 (**43,456**) than in 2023–24 (**34,706**).
- The total staff hours devoted to FOI was **8% higher** in 2024–25 (1,171,890 hours) than in 2023–24 (1,087,650 hours).
- The average staff days for each FOI request received in 2024–25 was 3.6 days, which is **14% lower** than in 2023–24 (when it was 4.2 days).
- In 2024–25, staff costs were **13% higher** than in 2023–24 (\$92.51 million, compared with \$81.66 million in 2023–24).
- Total non-labour costs were \$5.48 million in 2024–25, which is **20% higher** than 2023–24 (\$4.58 million).
- Legal expenditure was **22% higher** in 2024–25 than the previous year.

- Litigation expenses **increased 10%**, from \$2,571,507 in 2023–24 to \$2,829,880 in 2024–25.
- General legal advice costs **increased 43%**, from 1,371,054 in 2023–24 to \$1,964,642 in 2024–25.
- The overall average cost per request decided was \$3,887, **4% lower** than in 2023–24 when it was \$4,040.

ESTIMATES BRIEF: OTHER

Subject: Compliance with FOI Statutory Timeframes

Type: Report

Key details			
When did OAIC learn of matter?	Ongoing		
Origin	Regulatory matters		
Is there an issue in the public domain?	Timeliness – non-compliance – publicly known		
Jurisdiction	FOI Act		
Responsible Branch & team	Freedom of Information		
Content author	Various	Phone	
Clearance by	Rocelle Ago	Phone	s22
Brief current at	12 September 2025		

Key issues

- Q4 2024/25 and annual agency FOI statistics for 2024/25 are available on the [OAIC's Australian Government FOI statistics dashboard](#).
- Agencies continue to face challenges with meeting processing timeframes under the FOI Act.
 - The OAIC sees the impact of failed adherence to timeframes across its FOI oversight and regulatory functions – including agency reporting (FOI statistics); the number of deemed IC reviews lodged with the OAIC; the nature and number of FOI complaints; and increases in the number of extension of time applications.
- Between 1 April 2025 – 30 June 2025 (Q4 2024/25) agencies decided 73% of FOI requests within the statutory timeframe
 - This is relatively consistent with the same quarter in 2023/24, when 74% of requests were decided within the statutory timeframe.

- However, relevantly there was a 25% increase in the number of FOI requests made to agencies in 2024/25 (43,456 requests compared with 34,706 requests in 2023/24). The Department of Home Affairs accounted for 40% of all FOI requests received (17,342).
- Deemed refusal decisions arising due to non-adherence to statutory timeframes are area of regulatory priority for the OAIC.
 - In 2024/25, 79% (1,691) of IC reviews received were review of deemed refusal decisions. Between 1 July 2024 - 31 August 2025, 84% (2,113) of IC reviews received were review of deemed refusal decisions. The Department of Home Affairs accounted for 61% (1279) of all IC reviews of deemed refusals between 1 July 2024 - 31 August 2025.

What is the OAIC doing to improve agency compliance with timeframes?

- The OAIC continues to focus on the extant capacity and capabilities within agencies to properly acquit their functions under the FOI Act.
 - This reflects Commissioner priorities to uplift agency capability in the exercise of FOI functions and to make FOI compliance easier.
- The OAIC issues **tools and guidance** to support capability building within agencies. Recent updates (in 2025) include:
 - The FOI self-assessment tool, published January 2025
 - The FOI processing period calculator, published March 2025
 - Revisions to Part 2 of the FOI Guidelines (Scope of application of the FOI Act), published in April 2025, and

- Public consultation on revisions to Part 3 of the FOI Guidelines (Processing and deciding on requests for access), published May 2025.
- These tools and guidance are directed at assisting agencies to address non-compliance, and risks of non-compliance, including non-compliance arising from a failure to comply with the statutory timeframes prescribed in s 15(5)(b) of the FOI Act.¹
- The OAIC is **engaging with at-risk agencies** to mitigate non-compliance with statutory timeframes, and associated issues with managing access requests under the FOI Act, Privacy Act and through administrative release.
 - The OAIC is undertaking and will continue to undertake thematic investigations of FOI complaints, including complaints arising due to agency non-compliance with statutory timeframes.
 - Recently concluded an investigation finding three agencies had failed to comply with statutory timeframes under s15(5) of the FOI Act, namely, the Department of Veterans Affairs, the Australian Federal Police (AFP), and the Department of Defence.
 - The recommendations and suggestions made to each agency are available on our website.

¹ Other agencies that might be subject to investigation may include: Department of Homes Affairs and National Disability Insurance Agency

- These are directed at uplifting the agencies' information access operations and capability in the processing of FOI requests, which are to be implemented over specified timeframes.
 - As at 2 October 2025, the AFP and Department of Defence have accepted the recommendations and timeframes for implementation. The Department of Veterans Affairs have accepted the recommendations and suggestions in principle, proposing for implementation to occur in conjunction and concurrently with the amendments proposed in the *Freedom of Information Amendment Bill* as passed by Parliament.
- *If asked about Home Affairs:* The OAIC is monitoring the timeliness of the Department of Home Affairs compliance to inform the OAIC's consideration of regulatory measures to achieve ongoing compliance.
- **Inadequate agency systems** remain a challenge: a recent survey of FOI practitioners suggests that improving systems will make complying with FOI obligations easier.
 - Only 29% of agencies surveyed have an integrated records management system.
 - Only 22% of agencies surveyed have comprehensive document management policies covering all forms of records, including messaging services like WhatsApp.
 - While 26% of agencies use a case management system to manage and report on FOI requests, the majority of agencies (63%) use a basic spreadsheet or other static record.

- Improving systems would make complying with FOI obligations easier.
- As examples, an integrated records management system makes searching and retrieving documents more efficient; while using a case management system assists to track cases, meet obligations under the FOI Act and identify trends to support proactive publication.

FOI Statistics

- In January 2025, the OAIC commenced publishing the **Australian Government FOI statistics dashboard**, which presents key FOI data over the last 5 years as reported to us by Australian Government agencies and ministers.²
 - Agencies are required to submit statistical returns quarterly.
 - The easily accessible nature of this data has assisted the OAIC in quickly assessing agency compliance in the context of complaints received.

Agency results – timeliness

- In 2024/25, 73% of all FOI requests were decided by agencies and Ministers within statutory timeframes. This is 1 percentage point lower than 2023/24 and 2022/23.³

² For ministers' data, the statistics relate to the ministerial position and do not distinguish between individuals occupying the role.

³ This refers to requests for which a decision was made. It does not include requests withdrawn by the applicant.

- In Q4 of 2024/25, 71% of all FOI requests were decided within statutory timeframes.
- In 2024/25, 67% of all **personal requests** were **decided in time**.
 - 85% of all '**other**' (non-personal) requests were decided in time.
- *Home Affairs*: in 2024/25, 37% of requests decided by Department of Home Affairs were decided in time (and only 30% in Q4 of 2024/25).
- *NDIA*: in 2024/25, 33% of requests decided by NDIA were decided in time (and only 31% in Q4 of 2024/25).

IC reviews of deemed access refusal decisions – number of new matters

- In 2024/25, the OAIC received 1,691 applications for IC review of a deemed refusal decision, 79% of all IC reviews received.
 - This is an increase of 59% in the number of new applications, compared with 2023/24.
- In 2024/25, 10 agencies accounted for 88% (1,493) of all deemed refusal decisions received for IC review (see [D2025/013944](#) – Detailed statistics, p.20).
 - The OAIC regulates over 200 agencies under the FOI Act.
- *Home Affairs*: 61% (1,028) of deemed refusal decisions received for IC review in 2024/25 relate to a failure by Home Affairs to make a decision within the statutory timeframe.
 - This is a 78% increase on 2023/24 (the previous year).

- The increase in IC reviews of deemed refusals relating to Home Affairs also occurs in the context of year-on year-decline of decisions made by the Home Affairs within time:

Home Affairs	
Year	Percentage of FOI requests decided within statutory timeframe
2024/25	37%
2023/24	36%
2022/23	38%
2021/22	45%
2020/21	62%
2019/20	66%

- The OAIC has prioritised the review of deemed access refusal decisions consistent with the Direction on IC review procedures to be followed by agencies, balanced with its regulatory priority to significantly reduce the IC review backlog. The significant increase in the number of IC reviews of deemed access refusals requires resources to be expended in registering, triaging, commencing and resolving these IC reviews, and issuing OAIC notices and directions such as notices to compel the production of documents required to progress the IC review.

FOI complaints

- The OAIC continues to receive a large volume of FOI complaints about agencies' compliance with timeliness.
- The OAIC received 339 complaints in 2024/25.

- 26% increase compared to 2023/24.
- The issue most commonly raised is timeliness.
- As at 31 August 2025, the top 3 agencies with the highest volume of FOI complaints ongoing are
 - Department of Home Affairs at 25% (27 complaints),
 - National Disability Insurance Agency at 17% (18 complaints), and
 - Department of Veterans Affairs at 8% (9 complaints).
- Agencies' compliance with statutory timeframes under s 15(5)(b) of the FOI Act has been the subject of two Commissioner Initiated Investigations (CIIs) into the Department of Home Affairs since the commencement of the OAIC, and a recently concluded investigation into three agencies (AFP, Defence and DVA).
 - A further investigation (into NDIA) is currently underway.
- The OAIC is undertaking thematic investigations of FOI complaints in the 2025/26 year, informed by trends in issues raised.

Extension of time applications (EOTs)

- The OAIC received 6,045 EOT notifications under s 15AA in 2024/25, where parties have agreed to extend the timeframe by agreement.
 - 48% increase on 2023/24.
- The OAIC received 815 EOT applications to the OAIC to extend the processing timeframe in 2024/25.

- 17% decrease on 2023/24.
- The decrease in the EOT applications may be contributing to the increase in the number of IC reviews sought of deemed refusal decisions.

Expected next steps/dates

- The OAIC will continue to undertake thematic investigations of FOI complaints in the 2025-26 year. Compliance with processing timeframes is a prevalent theme and likely to be subject to further investigation.
- To support improved compliance with statutory timeframes, the OAIC will continue to undertake regulatory engagement with agencies, including through promotion of the OAIC's self-assessment tool⁴ and other resources for agencies, the OAIC's 'ICON' newsletter⁵ and quarterly webinars for FOI practitioners.

Background: public matters only

Issues of note for OAIC

- Agencies sustained inability to comply with timelines under the FOI Act, noting the various regulatory actions taken by the OAIC over the past 12 years coupled with the nature and number of IC review applications (deemed refusal decisions), EOTs and FOI complaints received by the OAIC.

⁴ The OAIC's self-assessment tool is an interactive document designed to assist agencies to understand the effectiveness of their information access systems and the extent to which these comply with the FOI Act. The tool is published on our website, and agencies subject to investigation will generally be required to complete the tool to assist the OAIC in assessing the issues under investigation and informing any recommendations made.

⁵ Through 'ICON' [Information Contact Officer Network], FOI practitioners can subscribe to receive newsletters from the OAIC containing news on FOI matters, including recent IC decisions, messages from the FOI Commissioner, as well as best practice guidance and upcoming OAIC events such as webinars.

- Timeliness issues across FOI regulatory functions relating to top 5 agencies

Agency	Deemed IC review applications				FOI complaints regarding timeliness				EOT s 15AA notifications			
	Q1 – FY2025	% change from Q1-FY2024	Q2 – FY2025	% change from Q2-FY2024	Q1 – FY2025	% change from Q1-FY2024	Q2 – FY2025	% change from Q2-FY2024	Q1 – FY2025	% change from Q1-FY2024	Q2 – FY2025	% change from Q2-FY2024
DHA	223	128%	263	180%	13	550%	21	425%	76	117%	77	48%
DOD	20	82%	12	33%	5	25%	1	0%	122	54%	135	13%
DVA	19	-21%	21	-13%	1	-50%	1	-80%	28	-13%	0	-100%
AFP	11	83%	15	150%	3	50%	1	-67%	65	124%	88	87%
NDIA	10	-33%	15	114%	4	0%	1	N/A	102	10100%	99	N/A

Agency	EOT applications (OAIC decisions)				FOI Statistics (Agency timeliness)			
	Q1 – FY2025	% change from Q1-FY2024	Q2 – FY2025	% change from Q2-FY2024	Q1 – FY2025	% change from Q1-FY2024	Q2 – FY2025	% change from Q1-FY2024
DHA	9	29%	1	-50%	38%	+3.7 p.p.	42%	13.62%
DOD	32	7%	39	160%	60%	-14.9 p.p.	81%	-22.26%
DVA	4	-85%	3	-73%	49%	-42.9 p.p.	63%	0.00%
AFP	4	-84%	11	-58%	64%	+12.2 p.p.	62%	5.86%
NDIA	4	-43%	4	N/A	44%	-0.1 p.p.	40%	-13.85%

ESTIMATES BRIEF: OTHER

Subject: Use of ‘messaging apps’ to conduct government business

Type: Report

Key details			
When did OAIC learn of matter?	N/A		
Origin	OAIC identified / media		
Is there an issue in public domain?	Media comment		
Jurisdiction	Information Commissioner		
Responsible Branch & team	Regulatory Action		
Content author	s22	Phone	s22
Clearance by	Annan Boag Rowena Park	Phone	s22 s22
Brief current at	27 August 2025		

Brief overview of issue: Use of ‘apps’ to conduct government business

- App-based messages sent or received for official purposes, whether within an agency’s systems or on personal devices, are subject to the FOI Act.
 - They are also ‘Commonwealth records’ and subject to the retention requirements in the *Archives Act 1983* (Cth).
- On 22 November 2024, the Information Commissioner wrote to 25 agencies, ranging in size and function, requesting they complete a series of questions. Twenty-two agencies responded.
- On 27 February 2025 the Information Commissioner, with the support and expertise of the Director General of the National Archives, reported to the Attorney-General about the use of messaging apps in the conduct of government business. This report was released publicly on 19 March 2025.

- The OAIC called on agencies to ensure they had the right information governance for newer forms of communication, to protect information rights and preserve government information as a national resource.
- The report focused on the actions of individual agencies, for which the agency head is responsible, rather than the actions of the government. We chose to look at agency practices as the first step in the process of better understanding the use of messaging apps for government business.

Current action

- The FOI Act definition of document is broadly stated and not exhaustive. The OAIC's resource [Taking all reasonable steps to find documents](#) advises agencies to search documents in all possible locations including apps.
- Part 3 of the FOI Guidelines [at 3.215] encourages agencies to develop guidelines and procedures to efficiently store and retrieve information held on mobile devices as well as servers, hard disks and portable drives.
- In 2027 the OAIC will revisit the use of messaging apps in the APS to understand how it has evolved.

Background: public matters only

- IC review decision of 12 February 2024: *Paul Farrell and Department of Foreign Affairs and Trade (Freedom of information)* [\[2024\] AICmr 28](#) (access sought to correspondence, including that sent by message based apps).
- On 27 May 2024, joint statement by the OAIC and National Archives noted the benefits to technological advances, including encryption, but access government information must be considered and managed.

- The messaging apps report generated interest with the media and Senators.

Report findings and recommendations

- Finding 1: Use of messaging apps is widespread in government agencies

Recommendation 1: Agencies should review existing policies or develop a policy to clearly set out whether or not they permit the use of messaging apps for work purposes

- Finding 2: Policies and procedures to guide the use of messaging apps require review and revision to meet legislative obligations

Recommendation 2: Agencies that permit the use of messaging apps should have policies and procedures that adequately address information management, FOI, privacy and security considerations

- Finding 3: There may be benefits to agencies using one messaging app across the agency

Recommendation 3: Agencies should examine the features of messaging apps needed to support official work. They should conduct appropriate due diligence on apps, consider the implications for communications with other agencies, and develop policies and procedures for individual apps

- Finding 4: Agencies' use of messaging apps may adversely impact their ability to uphold their privacy, FOI and recordkeeping obligations

Recommendation 4: Agencies that permit the use of messaging apps should conduct due diligence to ensure any preferred messaging app collects and handles personal information appropriately. This may be achieved through a privacy threshold assessment

ESTIMATES BRIEF: OTHER (PROMINENT ISSUE)

Subject: FOI Change of government and official ministerial documents of a Minister

Type: (IC review)

Key details			
When did OAIC learn of matter?	25 September 2024		
Origin	OAIC identified (IC reviews)		
Is there an issue in the public domain?	Attorney-General (Cth) v Patrick [2024] FCAFC 126 (25 September 2024)		
Jurisdiction	Information Rights (FOI case management) and Regulatory Intelligence and Strategy: Guidance and Publications		
Responsible Branch & team	FOI Branch		
Content author	s22 [REDACTED]	Phone	s22 [REDACTED]
Clearance by	Rocelle Ago	Phone	s22 [REDACTED]
Brief current at	31 August 2025		

- The Full Court of the Federal Court in *Attorney-General (Cth) v Patrick* [\[2024\]](#) [FCAFC 126](#) found:
 - the time for assessing whether a document is an ‘official document of a Minister’ is the time the FOI request is made ([65])
 - there is a duty not to frustrate the rights of the requesting party to have the FOI request determined, including on review or appeal ([93]).
- The Full Court disagreed with the primary judge’s reasoning ([68]) that:
 - the Minister responsible for dealing with a request must maintain possession of the document until the request is finally determined ([94])

- a new Minister may demand from a former Minister that they transfer custody of a document that is the subject of an unresolved request ([94]).
- The Full Court found at [96] it was unnecessary to decide the Constitutional issue of whether a new office of minister is created when the minister changes.
- The Full Court remitted the matter to the OAIC for re-determination. The OAIC progressed this matter in accordance with usual case work procedures.
- On 5 February 2025, this matter was finalised under s 54R of the FOI Act when Mr Patrick withdrew his IC review application. Questions about this matter should be directed to the Attorney-General's Department.

Current action

- Part 2 of the FOI Guidelines was updated on 1 April 2025 to reflect the Full Federal Court decision (*Attorney-General (Cth) v Patrick* [\[2024\] FCAFC 126](#)) (24 September 2024).
- The updates to Part 2 also reflect a subsequent decision by the FOI Commissioner considering whether requested documents were official documents of a Minister: *Geoffrey Shafran v Minister for Veterans' Affairs and Defence Personnel (Freedom of information)* [\[2025\] AICmr 46](#) (4 March 2025).
- In the updated Part 2, the Information Commissioner gives practical examples of how ministers could preserve an FOI applicant's right to have a determination on an FOI request that they made to an outgoing minister.

- This includes clarification from *Shafran* that a document cannot be both a document of an agency and a document of a minister. If an applicant makes an FOI request to a minister for a document that is not in the minister's possession at the time of the request, but is in the possession of an agency at the time of the request, the document is not a document of the minister.

If asked about impact of FOI Amendment Bill 2025

- Amendments contained in Schedule 8 of the Freedom of Information Amendment Bill 2025 would, if passed, amend the definition and treatment of official documents of a Minister.
- Questions about the Bill should be directed to the Attorney-General's Department.

ESTIMATES BRIEF: REGULATORY PRIORITY

Subject: General FOI matters

Type: Background

Key details			
Origin	Statutory functions		
Is there an issue in the public domain?	No		
Jurisdiction	AIC Act and FOI Act		
Responsible Branch & team	FOI Case Management Branch; Regulatory Intelligence and Strategy: Guidance and Publications		
Content author	s22 s22 s22	Phone Phone	s22 s22
Clearance by	Rocelle Ago	Phone	s22
Brief current at	3 October 2025		

Webinars

- The OAIC has continued to convene webinars for FOI practitioners, with the most recent sessions addressing extensions of time (8 April 2025), an IC review practice updates (27 May 2025) and a regulatory practice webinar (30 September).
- A special FOI statistics drop-in session was held for agencies having difficulty finalising their annual statistical returns on 7 August 2025.

Recent guidance

- FOI Guidelines:

- Part 2 (Scope and application of FOI Act): revised April 2025
- Part 3 (Processing and deciding on requests for access): revised 1 October 2025
- [FOI self-assessment tool](#)
 - Published 18 December 2024.
 - Interactive document that assists agencies to understand their FOI Act compliance and identify areas for improvement
 - Companion piece to assist agencies with strategies to address areas for improvement was published on 27 February 2025.
- [Australian Government FOI statistics dashboard](#)
 - Published on 13 January 2025
 - Presents data that Australian Government agencies and ministers have reported to the OAIC under s 93 of the FOI Act over the last 5 years. Agencies and ministers are responsible for the reliability and quality of their data contained in the dashboard.
 - Is an interactive presentation of data published in the OAIC's annual reports and on data.gov.au.
 - Is updated quarterly.
- [Freedom of Information processing period calculator](#)
 - Published on 24 March 2025.
 - Is an interactive tool created in Excel.

- Assists FOI practitioners to calculate the default processing period set out in s 15(5)(b) of the FOI Act during which they are required to process access requests made under the FOI Act.
- Assists calculation of any extended processing period if any variety of factors affect the default processing period.

Information Publication Scheme statistics
--

- Each quarter, in addition to providing the number of new entries added to their disclosure logs, agencies are asked to provide (if collected), the number of unique visitors to their disclosure log, and the number of webpages viewed ('page views') from their disclosure logs.
 - Only 17% of agencies registered on the FOI statistics database (51 out of 299) reported that they collect statistics on unique visitors and page views.
- In 2024–25, agencies and ministers reported 102,080 unique visitors to disclosure logs and 237,516 page views, which represents a 20% decrease in unique visitors from 2023–24 (when it was 127,356), and an 18% decrease in total page views (when it was 289,624).
- The substantial decrease in unique visitors to disclosure logs is due to a 66% reduction in those unique visitors reported by Home Affairs (37,374 unique visitors to its disclosure log compared with 62,024 in 2023–24).
- The decrease in the number of page views is also the result of changes reported by Home Affairs (133,747 – down 49% from 198,991 in 2023–24).

- The number of unique visitors to Home Affairs' disclosure log comprises the highest proportion (37%) of the total of unique visitors to Australian Government agency disclosure logs. Department of Health, Disability and Ageing comprises the second-highest proportion (12%) of total unique visitors to those disclosure logs.
- The number of page views reported by Home Affairs (133,747) comprises 56% of total page views from Australian Government agency disclosure logs (237,516).

Information Publication Scheme review survey

- The 2023 Information Publication Scheme review survey, conducted every 5 years (ss 8F and 9 of the FOI Act), was finalised in June 2024 and agencies received individualised reports about their IPS in December 2024.
- Agencies identified a range of challenges to publishing public sector information, and a majority (78%) believed proactive publication would not change the number of FOI requests they received.
- This was a concerning finding, as proactive release should be a key tool in creating a better functioning system.
- The results of this survey will inform a review of Part 13 of the FOI Guidelines to ensure it reflects our digital operating environment and more effectively promotes compliance.
- Through this approach we will support agencies to effect better outcomes consistent with the objectives of the IPS, and embed a culture of compliance in a systematic and rigorous manner.

FOI practitioners survey 2024

- Published 13 January 2025
- Provides insights into the training needs of practitioners delivering Australia's FOI system
- Key learnings:
 - Improving systems will make complying with FOI obligations easier
 - The majority of agencies require improvement to their systems and policies for records management and managing and reporting on FOI requests.
 - Only 29% of agencies surveyed have an integrated records management system, and only 22% have comprehensive document management policies covering all forms of records, including messaging services like WhatsApp.
 - While 26% use a case management system to manage and report on FOI requests, the majority (63%) use a basic spreadsheet or other static record.
 - Improving these systems would make complying with FOI obligations easier. As examples, an integrated records management system makes searching and retrieving documents more efficient, while using a case management system assists to track cases, meet obligations under the FOI Act and identify trends to support proactive publication.
 - There are opportunities to expand training

- Most agencies use informal, on-the-job methods (79%) to train staff on their obligations under the FOI Act, followed by internal resources (69%). Training provided by the Australian Government Solicitor (42%) and internal legal services (39%) were also common. External service providers (17%) and internal online training (28%) were less likely to be used.
 - There is an opportunity to expand and formalise training offerings and programs to ensure agency staff are well-equipped to meet FOI Act obligations. This includes a role for the OAIC, such as building on resources like the FOI Essentials, our FOI self-assessment tool for agencies, and providing fact sheets to explain specific issues, which would help agencies make sure training is thorough.
- There is work to do to elevate FOI as a whole-of-agency responsibility
 - Practitioners were asked a series of questions about which area in their agency is responsible for managing various obligations under the FOI Act.
 - Legal sections, followed by corporate teams, were most likely to be responsible for meeting FOI obligations. Business areas commonly played a role in making decisions on FOI requests, but were less likely to be involved in other aspects.
 - Agency-wide understanding and coordination of the FOI request process and proactive release obligations are critical to Australian Government agencies meeting their legal obligations under the FOI Act. This requires leadership and understanding

that FOI is a core function and a responsibility of all Australian Public Service (APS) staff. It should be taken seriously, demonstrated by better resourcing and all APS staff being stewards of government-held information and playing a role in meeting FOI obligations, including through record keeping.

- Will be used by the OAIC to drive agency compliance and support better practice, while being mindful of changes in the operating environment.

Information Access – Community Study Report
--

- The FOI system is a critical pillar of open government and robust democracy in Australia. Government information is a national resource that should be available for community access and use.
- On 1 October 2025, the OAIC released an [Information Access – Community Study Report](#), measuring Australians’ attitudes towards information access and the FOI system.
- Key findings include that:
 - 96% of Australians, regardless of age, gender or location, feel their right to access government information is important (58% very important; 38% quite important). This is an increase of 5% from 2023.
 - Most Australians (86%) agree the government must publicly report on any technology used to inform decision-making (including AI and automated decision making), with 56% strongly agreeing.

- Only 44% of Australians are confident the FOI Act will allow them access to information about how decisions are made by the federal government and agencies.
- Almost all (97%) consider having an independent regulator report on an agency performance's in meeting the community's right to access information as important.
- The report emphasises the value placed by Australians in the FOI system, and underscores the continuing important role played by the OAIC.
- The community attitudes reflected in this survey are an important consideration in the context of broader reforms to the FOI system.

Upcoming work

- Monitoring debate of the Freedom of Information Amendment Bill 2025, and making consequential amendments to the FOI Guidelines if the Bill is passed.

ESTIMATES BRIEF: MATTER

Respondent name: Mr Patrick

Type: IC Review

Key details			
How was OAIC advised/origin?	Review under the ADJR Act		
Date action commenced	9 August 2024 (High Court appeal)		
Jurisdiction	Federal (High Court)		
Related representative action?	N/A		
Responsible Branch & team	Regulatory Action Division		
Content author	s22	Phone	s22
Clearance by	Annan Boag Rowena Park	Phone	s22 s22
Brief current at	3 October 2025		

- The High Court of Australia refused Mr Patrick’s special leave application to appeal the Full Federal Court’s decision of 11 July 2024 in the matter of *Patrick v the Australian Information Commissioner* [2024] FCAFC 93. The Court affirmed the decision of the Federal Court that that the delays experienced by Mr Patrick in relation to his IC review applications were not unreasonable for the purposes of s 7(1) of the *Administrative Decisions (Judicial Review) Act 1977* (Cth)

Key points

- On 7 November 2024, the High Court of Australia refused to grant special leave for Mr Rex Patrick to appeal against a Full Federal Court ruling that there had been no unreasonable delay in processing his IC review applications under section 7(1) of the *Administrative Decisions (Judicial Review) Act 1977* (Cth) (**ADJR Act**) (“the application”).
- The High Court refused special leave to appeal with costs.

- The Full Federal Court had previously ruled that Mr Patrick was to pay the Information Commissioner's costs to be agreed or assessed.

s47E(d)



s42



ESTIMATES BRIEF: OTHER

Subject: Referral of Matters to ART

Type: IC Reviews

Key details			
Jurisdiction			
Responsible Branch & team	FOI Case Management Branch Early Resolution team		
Content author	s22	Phone	s22
Clearance by	Rocelle Ago	Phone	s22
Brief current at	12 September 2025		

Key points

- The Information Commissioner (IC) may decline to undertake an IC review under s 54W(b) of the FOI Act, if satisfied ‘that the interests of the administration of the FOI Act make it desirable’ that the Administrative Review Tribunal (ART) consider the IC reviewable decision.
 - This form of IC decision enables the applicant to apply directly to the ART to seek review.
- In 2024/25, 7% (166) of IC reviews finalised were finalised under s 54W(b).
 - Compared to 6.36% in 2023/24.
- Factors considered by the IC in making a decision to finalise an IC review under section 54W(b) are guided by the FOI Act and the FOI Guidelines. Factors include:¹

¹ Guidelines issued under s 93A of the *Freedom of Information Act 1982*, paragraph [10.104].

- where the IC review is linked to ongoing proceedings before the ART or a court
- where there is an apparent inconsistency between earlier IC review decisions and ART decisions
- where, should the IC review application progress to an IC review decision, the IC review decision is likely to be taken on appeal to the ART
- where the FOI decision under review is of a level of complexity that it will be more appropriately handled through the procedures of the ART
- where there may be a perceived or actual conflict of interest in the IC undertaking the IC review, including where:
 - the FOI request under review was made to, or decided by, the IC or their delegate
 - the FOI request or documents at issue relate to specific functions exercised by the IC under the Privacy Act
 - the IC review applicant has active matters in other forums, including the ART or Federal Court, and the IC is the respondent.
- where the applicant seeks the IC exercise their discretion under s 54W(b) and the IC finds that it is desirable to do so in the interests of the administration of the FOI Act.

KEY FACTS, FIGURES AND FUNDING

Number of s 54W(b) decisions & percentage of total IC review finalisations

Period	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Volume	83	138	69	93	112 ²	166
% of total IC review finalisations	10.01%	13.54%	4.98%	6.09%	6.36%	7%

Recent QONs

No relevant QONs raised in last Senate Estimates in February 2025

Version: 1	Cleared by: Elizabeth Tydd	Action officer: Rocelle Ago
Current at: 18/09/2025	Phone number: s22	Action officer number: s22

² In SQoN [3457](#), the volume for this period was advised as 113. This was due to a bug in resolve which caused matters to appear with an incorrect closure date.

ESTIMATES BRIEF: OTHER

Subject: FOI Statistics Publication (Dashboard)

Type: Reporting

Key details			
Responsible Branch & team	FOI		
Content author	s22	Phone	s22
	s22		s22
			s22
Clearance by	Marcel Savary	Phone	s22
Brief current at	3 September 2025		

Brief overview

- The [Australian Government freedom of information statistics dashboard](#) (the dashboard) presents key FOI data over the last 5 years, as reported by Australian Government agencies and ministers to the OAIC under the *Freedom of Information Act 1982* (FOI Act).
- The dashboard is an interactive presentation of data published in the OAIC's annual reports and on [data.gov.au- external site](#).
- The dashboard has been created to help government, agencies, media and the public better understand the volume and type of FOI requests received and how well agencies are meeting their obligations under the FOI Act.
- Agencies and ministers are responsible for the reliability and quality of their data contained in the dashboard.
- Questions about agencies' data should be directed to that agency.

- Ministers' data relates to the ministerial position and does not distinguish between individuals occupying the role.

Recent developments

- The dashboard was published on 13 January 2025.
- 2024/2025 Q4 data has been published.
- Annual data for the entire 2024–25 has also now been published.

Next publication date

- The dashboard is updated quarterly.
 - 2025–26 Q1 data will be published in October/November 2025.

ESTIMATES BRIEF: OTHER

Subject: Department of Home Affairs – Compliance with processing

Type: Advice

Key details			
When did OAIC learn of matter?	Ongoing issue (10+ years)		
Is issue in the public domain?	Yes, has been reported in media		
Jurisdiction	FOI Act		
Responsible Branch & team	Compliance (RAD), FOI Branch		
Content author	s22	Phone	s22
Clearance by	Rowena Park	Phone	s22
Brief current at	3 October 2025		

Key talking points

- The Department's non-compliance with the FOI Act, in particular its failure to make decisions within the statutory timeframes, has been a persistent area of concern for over a decade.
 - Its non-compliance is evident through the quarterly and annual FOI data it provides to the OAIC. It is also reflected in the volume and nature of the complaints and Information Commissioner (IC) review applications received by the OAIC.
- This issue has been the subject of Commissioner-initiated investigations in 2012 and 2020, and complaint investigations in 2021.
- Between 2018-19 and 2024-25 (7 years), 41% of IC review applications were requests for review of Home Affairs decisions. Of the 4,351 requests for IC review of Home Affairs' decisions over this 7 year period, 82% of the decisions were deemed. In this 7 year period, 64% of all IC reviews of deemed decisions related to Home Affairs.
- In 2024-25, 50% of the IC review applications were requests for review of Home Affairs decisions. Of the 1,062 requests in 2024-25 for IC review of Home Affairs decisions, 1,028 (97%) of these decisions were deemed. In 2024-25, 61% of all IC reviews of deemed decisions related to Home Affairs.

- The consequences of Home Affairs not meeting its FOI obligations in a timely manner has significant implications for the FOI system
 - If requests are not processed within the statutory timeframe, it denies individuals the right to seek internal review of the Department's decision on their request
- Persistent failures by Departments to process decisions on time erodes trust in the FOI system and government.

Background: public matters only
--

- Home Affairs' ability to meet decision-making statutory timeframes under the FOI Act has been the subject of various investigations, including 2 Commissioner initiated investigations (CIIs) since the commencement of the OAIC.
- The Information Commissioner's most recent regulatory or monitoring activity relating to Home Affairs includes:

Action	Issue	Status
CII (2020)	Department's non-compliance with the statutory processing period when processing FOI requests for non-personal information	The Department accepted and implemented all 4 of the CII recommendations in the non-personal cohort. The Department was formally acquitted of the CII recommendations on 30 April 2024.
Complaints investigations about cohort of 17 complaints (25 November 2021)	The investigation of a cohort of 17 complaints about the Department's non-compliance with the statutory processing period when processing requests for personal information (personal cohort)	The Department's responses in relation to all 4 of the recommendations for the personal cohort indicates it had sought to implement initiatives it considered would address the issues identified in the investigation completion notices and that it had undertaken the tasks it <i>had committed</i> to undertake. On 29 November 2024, recognising the environment has evolved since the recommendations were made in 2021, the Information Commissioner advised the Department the OAIC will proceed to close the investigation to allow for consideration of other regulatory measures.
Request for information pursuant to s 8(g) of the <i>Australian Information Commissioner Act</i>	To assist the OAIC's close monitoring of the Department's practices and consideration of other regulatory	On 29 November 2024, the Information Commissioner sought information relating to the Department's information access schemes and resourcing, statistics, structure, trends and issues adversely impacting compliance with the FOI Act and mitigation strategies

Action	Issue	Status
2010, in recognition of the deteriorating compliance with processing timeframes (ongoing)	measures to position the Department to achieve ongoing compliance	that the Department proposes to institute. The Department provided its initial response on 17 January 2025 and provided monthly responses February to May 2025.
Request for information pursuant to s 7(a) of the <i>Australian Information Commissioner Act 2010</i> , regarding the Department's processes for responding to requests for personal information.	To understand Home Affairs' performance in meeting its obligations to respond to requests for personal information under the FOI Act, the Privacy Act and administrative access.	On 16 September 2025 the Information Commissioner wrote to the Secretary seeking information (including statistics) about the Department's processes and performance in responding to requests for personal information under each regime. The Information Commissioner asked for the Department's response by 30 October 2025.

ESTIMATES BRIEF: OTHER

Subject: FOI Reforms

Type: Bill

Key details			
When did OAIC learn of matter?	19 June 2025		
Origin	AGD advised OAIC		
Is there an issue in the public domain?	Introduction of Bill, Committee process, media comment		
Jurisdiction	FOI		
Responsible Branch & team	Regulatory Intelligence and Strategy (Policy and Statutory Functions) Information Rights (FOI Case Management)		
Content author	s22	Phone	s22
Clearance by	Marcel Savary	Phone	s22
Brief current at	10 September 2024		

Brief overview of FOI Law Reform

- On 3 September 2025, the Freedom of Information Amendment Bill 2025 (the Bill) was introduced to the House of Representatives.
- The Bill has been referred to the Senate Legal and Constitutional Affairs Legislation Committee, to report by 3 December 2025.
- The Bill includes a variety of measures, including proposed amendments to:
 - the objects of the Act

- key concepts and definitions
- processes and exemptions, and
- Information Commissioner functions and powers.
- The Bill would also introduce new grounds for refusing access, and establishes a fee regime for applications, internal review and IC review.
- The FOI regime has not had any substantive legal reform since 2010.
- In 2023 there was an inquiry into the operation of Commonwealth Freedom of Information laws.
 - A Senate Order for Production of Documents (number 162 of 2025) requested the government response to that inquiry be tabled by 4 September 2025.
 - I understand the Attorney-General provided a response to the Committee on 3 September 2025.
 - Questions about the Government Response are more appropriately directed to the Attorney-General's Department.

Potential impacts of the proposed reforms on the OAIC
--

- The reforms will have **resourcing and regulatory impacts** for the OAIC. Key factors driving the resource impacts are summarised below.
- ***Changes to case management procedures:*** Implementation of the reforms would require significant changes to FOI case management operational procedures, guidance and templates; new FOI Guidelines and Practice Directions; ICT systems; and smart forms and other public-facing information.

- **Two systems of FOI law:** following commencement, there would be two systems of FOI law in operation until all pre-reform (legacy) matters have been finally dealt with. This is expected to take 3–4 years.
 - During the transitional period, the OAIC would have to stand up new case management processes and systems and implement the new jurisdiction, while simultaneously maintaining the current system of review and procedures under the current FOI Act.
- **Timing:** The Bill provides that the reforms will commence on a date to be fixed by proclamation, or no later than 12 months after Royal Assent. Timing for consideration of the Bill is a matter for Government.
- **New fee regime:** The Bill provides for the establishment of a fee regime for requests, internal reviews and IC reviews, with the fees to be prescribed in legislation, certain types of requests excluded from the fee regime and the ability to waive fees in certain circumstances.
 - If implemented, the OAIC will be required to establish a charging regime which will involve changes to our current lodgement procedures; creation of a payment portal; and authority, processes and delegations to collect, waive and refund fees.
 - We anticipate that the cost of administering a charging regime will outweigh any revenue collected from fees.

Current action

- The OAIC has provided a submission to the Committee on 2 October 2025.
- The OAIC is yet to be invited to appear before the Committee.

- The OAIC continues to engage with the Attorney-General's Department about the implementation and resourcing impacts of the proposed measures on the OAIC.

Recent developments

2023 Inquiry into the operation of Commonwealth FOI laws

- A Senate Order for Production of Documents (number 162 of 2025) requested that the government response be tabled by 4 September 2025.
 - The Attorney-General provided a response to the Committee on 3 September 2025.
 - Questions about the Government Response are more appropriately directed to the Attorney-General's Department.

Consultation with OAIC on FOI Amendment Bill 2025

- To date, the OAIC's engagement with the Attorney-General's Department about the FOI Amendment Bill 2025 has been largely confined to providing feedback in tranches through an informal consultation process. Our feedback has focused on the operational implications of the Bill's proposals, so far as they would practically impact the OAIC in acquitting its regulatory responsibilities in limited timeframes.

The OAIC has also provided a costing justification to AGD for consideration, as the measures in the Bill would have a significant implementation and regulatory impact for the OAIC.

Expected next steps/dates

- Submission to, and appearance before, the Senate Legal and Constitutional Affairs Committee in October 2025, in relation to the FOI Amendment Bill 2025.