

FOI: How to Use Freedom of Information

Getting the Story · By Simon Townsend · 5 min read

Freedom of Information in Australia gives journalists and citizens a legal right to ask federal and state government agencies for documents in their possession. It is a powerful tool. It is also underused by most working reporters, because the system is slow and the rules are fiddly.

This page covers the Commonwealth FOI Act, how to lodge an effective request, how to handle refusals, and the state-level variants.

The Commonwealth Act

The *Freedom of Information Act 1982* (Cth) covers federal government agencies and ministers. It establishes a default right of access to documents and requires agencies to identify grounds for refusal.

The Office of the Australian Information Commissioner (OAIC) oversees the Act, publishes decisions, and handles review applications. The OAIC also publishes statistics on processing times and agency performance, which is useful intelligence when you are planning a request.

What you can and cannot ask for

You can ask for any document held by a covered agency. "Document" includes emails, letters, reports, briefing notes, calendar entries, photographs, audio recordings, databases, and in some cases, metadata.

You cannot ask for documents that do not exist. Agencies are not required to create documents for you. You cannot ask questions in the hope of receiving a briefing answer. An FOI request is for documents, not information.

You cannot ask for documents held by a body not covered by the Act. Some Commonwealth bodies are excluded or partially excluded (ASIO, ASIS, the Office of National Intelligence, parts of the defence intelligence community).

Writing a strong request

Be specific. An FOI request that asks for "all documents about the ministerial advisory group" will be rejected or heavily charged. An FOI request that asks for "briefing notes prepared for the Minister relating to the Ministerial Advisory Group on Digital Platforms between 1 January 2026 and 31 March 2026" is workable.

Be tight on dates. Narrow the period. Wider periods get charged more, and the agency has more to redact.

Name the document type. "Briefing notes," "ministerial correspondence," "meeting minutes," "agency emails containing the following terms." Each is a specific request.

Name the custodian. If you know which division holds the documents, say so. Agencies conduct the search they are asked for.

Lodge in writing. Email is fine. Most agencies accept FOI requests through a specific email address listed on their website. Some use a portal.

Fees and charges

Under the Commonwealth Act, there is no application fee for an FOI request. Charges may apply for processing time beyond a threshold. An agency must issue a written estimate of charges before you incur them, and you have 30 days to agree, reduce scope, or dispute them.

Charges for journalists and other applicants with a public interest argument are often waived. If you are a working journalist, say so in the covering email. Ask for a waiver. Many agencies will grant one for media requests, especially when a public interest benefit is clear.

How long it takes

The statutory response time is 30 days from receipt of the request. This can be extended by agreement or by statutory grounds (for example, if consultations with third parties are required).

In practice, median response times vary wildly by agency and by year. Some agencies respond on time. Others routinely take six months. The OAIC's published statistics will tell you what to expect.

A request that is not responded to within the statutory period is taken to be a deemed refusal, which gives you a right of review.

Exemptions

Agencies can refuse to release documents under specified exemptions. The most common:

Cabinet documents. Deliberations of cabinet are exempt.

Documents affecting national security, defence, or international relations.

Documents affecting law enforcement or protection of public safety.

Personal information of third parties (privacy exemption).

Commercial-in-confidence information.

Legal professional privilege.

Documents that would, on balance, be contrary to the public interest to release.

Partial release is common. Agencies release some documents with redactions. Always read the schedule of documents and the reasons for redaction. You can challenge any of them.

If your request is refused

You have a right of internal review by the agency. Lodge it within 30 days of the decision.

If internal review is also unsatisfactory, you can apply for review by the Information Commissioner. Free. No hearing required unless the Commissioner calls one.

Above that sits the Administrative Appeals Tribunal (being renamed the Administrative Review Tribunal in 2026). Then the Federal Court. These cost money, take years, but do sometimes force document release.

The OAIC's published decisions are a treasure. Read them for insight into how exemptions are applied and where agencies overreach. Your next request can cite the relevant decision to make your case stronger.

State FOI

Each state and territory has its own freedom of information or "right to information" regime:

NSW: the Government Information (Public Access) Act 2009 (GIPA).

Victoria: the Freedom of Information Act 1982 (Vic).

Queensland: the Right to Information Act 2009 (Qld).

WA: the Freedom of Information Act 1992 (WA).

SA: the Freedom of Information Act 1991 (SA).

Tasmania: the Right to Information Act 2009 (Tas).

ACT: the Freedom of Information Act 2016 (ACT).

NT: the Information Act 2002 (NT).

Rules, fees and processes differ. Always check the specific legislation and the agency's own guidance.

Tips from working practice

Build a list of agencies that process FOI well and those that don't. Prioritise your requests accordingly.

File in batches. A single broad request often produces refusals or huge charges. Break the project into ten narrow requests and you will get more material, faster.

Talk to other FOI-using journalists. There is a quiet informal network in Australian journalism that shares techniques and war stories. The MEAA and the Walkley Foundation both run workshops.

Publish the decision notices. When an agency refuses under a weak exemption, naming and publishing the decision creates pressure. Transparency works both ways.

Track the metadata. An agency that consistently takes longer than the statutory period is worth flagging publicly. Information Commissioners have taken notice of this kind of reporting.

Why it matters

FOI is one of the few tools a journalist has that forces government to put something on paper. It will not give you everything you want. It will sometimes give you more than you expected. And every document released under FOI is a document that existed in the dark until a journalist asked for it.

Simon's version: "If you want to know what the government did, ask for the paperwork. Ask in writing. Ask again when they say no. Ask a third time when you get the review. Journalists who do not use FOI are journalists who are only reporting what they are told."

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