

The price of freedom

Australia's flawed freedom of information system

The FOI system is dysfunctional, making it very difficult for Australians to get information out of government. Only 21% of requests are granted in full, compared to 81% under the Howard Government. It takes four public servants to do the work of one. Proposed restrictions on the public's right to information defy the Robodebt Royal Commission and the Government's promise of transparency.

Report

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October 2025

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Summary

The right of people to know whether a government's deeds match its words, ... [and] to know the information that underlies debate and informs decision-making, is fundamental to democracy.

– Former Senator John Faulkner¹

The Albanese Government is lagging on transparency:

- Only 21% of 2023-24 FOI requests were granted in full compared to 81% in 2006-07.
- Whereas the average request once took 13 hours to determine (2006-07), it now takes 51 hours (2023-24). In other words, the Albanese Government employs four public servants to do what only took one public servant under the Howard Government.
- If the Albanese Government achieved the Howard Government's cost-per-FOI-request ratio, taxpayers would save \$61 million per year.

The Albanese Government's proposed Freedom of Information Amendment Bill 2025 would exacerbate these problems, making it harder and more expensive for Australians to get information from the government.

The Bill would introduce a fee for non-personal FOI requests, expand exclusions on cabinet-related documents, and allow requests "likely to involve" more than 40 hours of work to be refused.

The Robodebt Royal Commission recommended that section 34 of the *FOI Act* (regarding Cabinet documents) be repealed because it thwarted efforts to investigate Robodebt. Instead, the Bill would make section 34 even more limiting, expanding its scope and betraying the Robodebt Royal Commission.

Government secrecy is the cause of the problems in the FOI system, not the applicants.

¹ Holmes (2015) *John Faulkner: A rare champion of transparency*, <https://www.smh.com.au/opinion/john-faulkner-a-rare-champion-of-transparency-20150127-12yq90.html>

Introduction

FOI improves the information flow between the people and the government. Examples of important disclosures made possible by FOI include:

- Australia secretly exported arms to countries “whose militaries have been consistently accused of war crimes and crimes against humanity”.²
- The Future Fund invested in an Adani company that was building a rail line for the Carmichael coal mine, a company that has been criticised by the United Nations for financially supporting the Myanmar military.³
- Former Energy Minister Angus Taylor was warned that his decision to “effectively rip up decades-long contracts for carbon credits” could “kill any new carbon-farming projects”, strand \$500 million in projects and “flood the market with carbon credits”.⁴
- The Morrison Government gave Foxtel a \$10 million grant without the company being required to submit a plan on how to spend the money until the following year.⁵
- The role of AUKUS adviser was created on the day Kathryn Campbell’s departure from her role as Secretary of Department of Foreign Affairs and Trade was announced; she was appointed to the new role eight days later.⁶

Other issues of public importance have been concealed by the abuse of the FOI system, although they have eventually become public. Prominent examples include:

² Doherty & Knaus (2020) *Australia urged to stop selling weapons to countries accused of war crimes*, <https://www.theguardian.com/australia-news/2020/jan/15/australia-urged-to-stop-selling-weapons-to-countries-accused-of-war-crimes>

³ Slezak (2020) *Australian taxpayers “in bed with Adani” after FOI reveals \$3.2 million Future Fund investment*, <https://www.abc.net.au/news/2020-12-16/future-fund-invests-millions-in-adani-project/12984734>

⁴ Ziffer (2022) *Coalition government’s pre-election carbon credit shake-up created “sovereign risk”, department warned*, <https://www.abc.net.au/news/2022-07-25/pre-election-carbon-credit-shake-up-foi-documents/101259776>

⁵ Ziffer (2020) *Foxtel given \$10 million federal grant without plan for spending it, FOI documents reveal*, [https://www.abc.net.au/news/2020-11-13/foxtel-given-\\$10-million-without-plan-to-spend-it-foi-reveals/12868704](https://www.abc.net.au/news/2020-11-13/foxtel-given-$10-million-without-plan-to-spend-it-foi-reveals/12868704)

⁶ Macdonald (2023) *Scamps criticises lack of transparency in Campbell’s AUKUS appointment*, <https://www.themandarin.com.au/220520-scamps-criticises-lack-of-transparency-in-campbells-aukus-appointment/>

- The Department of Environment unlawfully withholding more than 10,000 pages of documents from the public, including records on Adani and the Angus Taylor “grasslands affair”.⁷
- The Department of Prime Minister & Cabinet saying it “cannot find” a key letter from Attorney-General Christian Porter to Prime Minister Scott Morrison on the “sports rorts” affair.⁸
- The Australian Tax Office failing to meet its legal obligations by refusing to process some FOI requests.⁹

The FOI system is arbitrary and unfair. Members of the public receive worse treatment than experienced applicants,¹⁰ presumably because FOI officers know that experienced applicants have the resources, know-how and wherewithal to challenge a weak decision.

Occasionally, FOI officers accidentally release more information than they intend to.¹¹ When that occurs, it becomes clear that governments are hiding information that should be public.

A robust FOI system exposes the workings of government to the scrutiny of the press and the electorate. Even the anticipation that documents could surface as a result of an FOI request discourages decision makers from misrepresenting the facts or making a rushed or politicised decision. When the FOI system is bogged down, evaded or defied, the public misses out on key information it could use to assess the government’s performance and principles.

In September 2025, the Albanese Government introduced the Freedom of Information Amendment Bill 2025 (“the Bill”). Government ministers have recognised that the freedom of information system is dysfunctional, pointing to the number of public servant hours spent processing requests and the use of electronic tools to facilitate FOI requests.¹²

⁷ Knaus (2019) *Environment department illegally withholds thousands of FOI pages*, <https://www.theguardian.com/australia-news/2019/oct/16/environment-department-illegally-withholding-thousands-of-foi-pages>

⁸ Knaus (2021) *Prime minister’s department ‘can’t find’ sports rorts document requested by Rex Patrick under FOI*, <https://www.theguardian.com/australia-news/2021/dec/17/prime-ministers-office-cant-find-sports-rorts-document-requested-by-rex-patrick-under-foi>

⁹ Elvery (2017) *ATO’s refusal to process information requests ruled invalid*, <https://www.abc.net.au/news/2017-05-12/atos-refusal-to-process-information-requests-ruled-invalid/8520790>

¹⁰ Patrick (2025) *Arbitrary FOI process exposed. What’s the scam?* <https://michaelwest.com.au/arbitrary-foi-process-exposed-whats-the-scam/>

¹¹ Crowley (2025) *Chalmers “relaxed” about accidental release of Treasury advice*, <https://www.abc.net.au/news/2025-07-14/chalmers-relaxed-about-treasury-advice/105528858>

¹² Crowley (2025) *Labor plans to make it harder to access government information*, <https://www.abc.net.au/news/2025-09-02/labor-plans-to-weaken-foi-laws/105723992>; Smith (2025) *Government plan to charge for FOI requests labelled a ‘truth tax,’*

But has the government correctly diagnosed the cause and its cure? This paper uses government data to ask who or what is responsible for dysfunction in the FOI system.

<https://www.afr.com/politics/federal/government-plan-to-charge-for-foi-requests-labelled-a-truth-tax-20250902-p5mrrs>

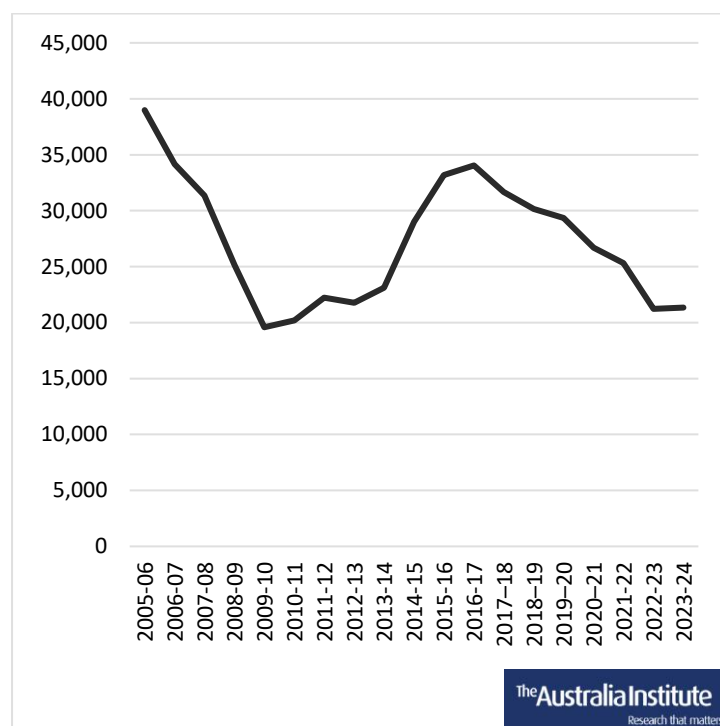
FOI applicants are not responsible for the failure of the FOI system

The FOI request workload has been lower under the Albanese Government than at any point under the Liberal–National Governments that preceded it, yet costs are higher and fewer requests are granted full access.

Fewer requests are being determined than in earlier years

There were only 21,000 requests determined in each of 2022-23 and 2023-24,¹³ down about a third from the 10-year peak of 34,000 in 2016-17.

Figure 1: FOI requests determined, 2005-06 to 2023-24



Source: FOI and Office of the Australian Information Commissioner reports, 2006-07 to 2023-24

¹³ OAIC (2024) *Annual report 2023-24*, p. 159, <https://www.oaic.gov.au/about-the-OAIC/our-corporate-information/oaic-annual-reports/annual-report-202324>

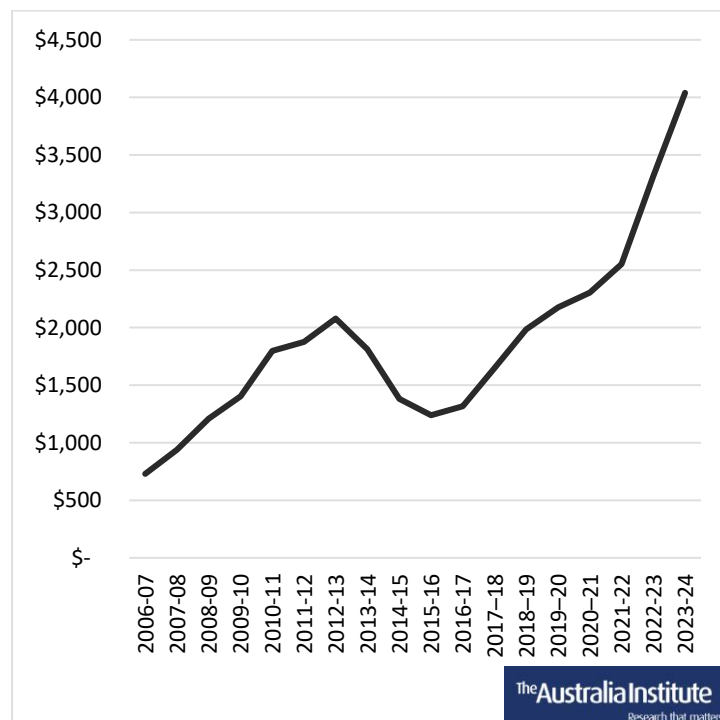
The cost of deciding an FOI has more than tripled

The Office of the Australian Information Commissioner measures the cost of the FOI system by comparing total costs to the number of FOI requests determined.¹⁴

The cost of deciding an FOI has increased from just \$730 per determination in the last year of the Howard Government (2006-07) to \$4,040 in 2023-24.¹⁵

Adjusting for inflation, that means the cost has more than tripled from \$1,167 per determination in 2006-07 to \$4,040 per determination in 2023-24.

Figure 2: Average cost per request determined (nominal dollars)



Source: FOI and Office of the Australian Information Commissioner reports, 2006-07 to 2023-24

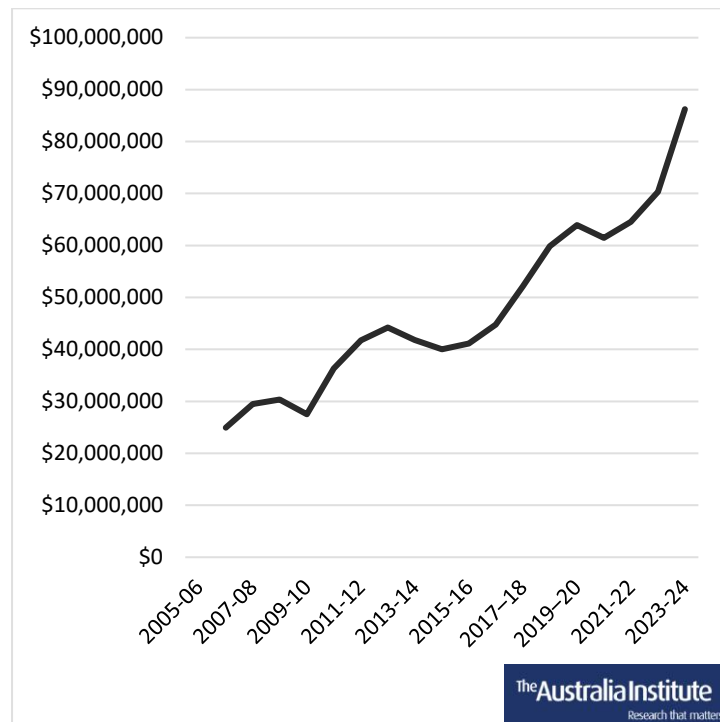
¹⁴ OAIC (2024) *Annual report 2023-24*, pp. 158–159

¹⁵ Cabinet Secretary and Special Minister of State (2008) *FOI annual report 2007-08*, p. 24; OAIC (2024) *Annual report 2023-24*, p. 159

Costs rise even as number of decisions falls

Even though the FOI workload has fallen by about a third, the total cost of the FOI scheme has increased dramatically – from just \$25 million in 2006-07 (around \$40 million in 2024 dollars) to \$86 million in 2023-24.¹⁶

Figure 3: Total cost of FOI administration (nominal dollars)



Source: FOI and Office of the Australian Information Commissioner reports, 2006-07 to 2023-24

¹⁶ Cabinet Secretary and Special Minister of State (2008) *FOI annual report 2007-08*, p. 24; OAIC (2024) *Annual report 2023-24*, p. 159

Higher costs per decision add \$61 million to annual cost

The increased cost of administering the FOI scheme is explained by the increased cost of determining each FOI request.

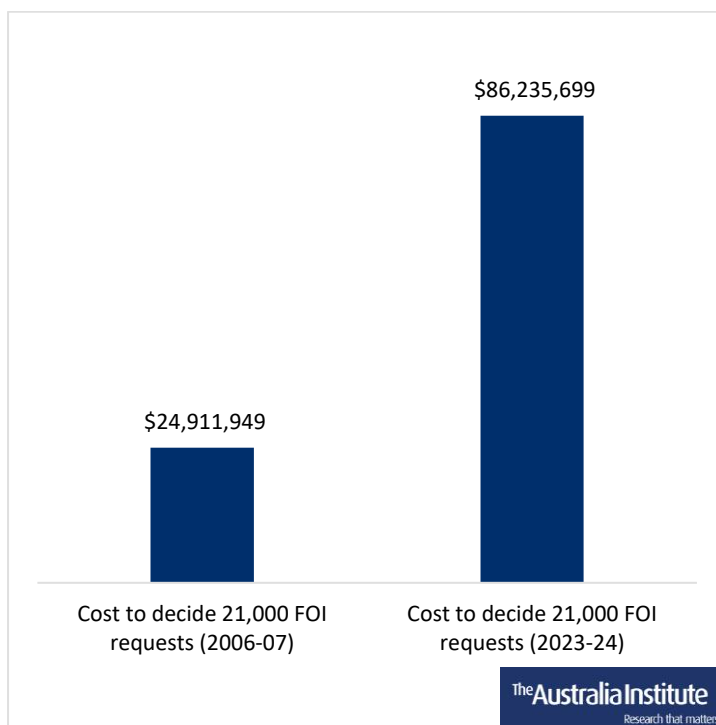
In 2006-07, the Howard Government spent \$40 million (in 2024 dollars) to decide 36,000 FOI requests.

That works out to \$1,167 per request, or \$25 million to decide 21,000 FOI requests.

Last year, the Albanese Government spent \$86 million deciding 21,000 FOI requests.

If the Albanese Government were as efficient as the Howard Government, taxpayers would save \$61 million per year.

Figure 4: Cost to decide FOI requests, 2006-07 versus 2023-24 (both in 2024 dollars)



Source: FOI and Office of the Australian Information Commissioner reports, 2006-07 to 2023-24

Note: 2006-07 figures are pro-rata of the 36,000 requests determined.

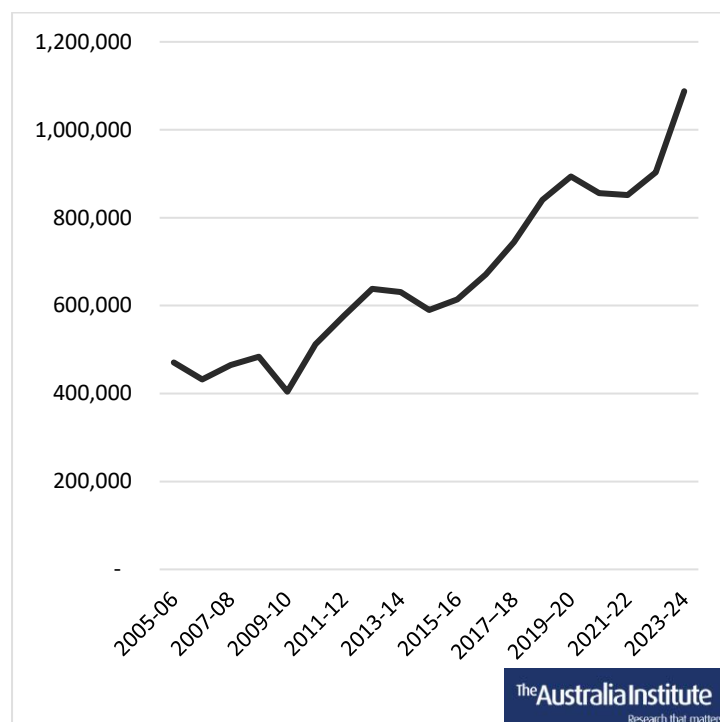
Time spent on FOI equates to about 550 public servants

The main cost of administering the FOI scheme is labour.

In 2023-24, the number of hours spent on the FOI scheme exceeded one million for the first time.¹⁷ This represents about 544 full-time staff employed on FOI in 2023-24, up from just 216 full-time staff in 2006-07.¹⁸

In other words, less than half of one percent of Australian Public Service employment involves FOI.¹⁹

Figure 5: Staff-hours spent on FOI administration



Source: FOI and Office of the Australian Information Commissioner reports, 2006-07 to 2023-24

The OAIC has issued guidance that would encourage contractor hours to be counted as staff-hours worked, but “the increase in the time taken to decide each request pre-dates the widespread use of contractors to perform routine FOI work”.²⁰

¹⁷ OAIC (2024) *Annual report 2023-24*, p. 61

¹⁸ Based on the ratio of 0.01 staff-years equals 20 hours, described in Cabinet Secretary and Special Minister of State (2008) *FOI annual report 2007-08*, p. 21

¹⁹ 0.3% of the 178,000 public servants employed as of 31 December 2024, but note the 178,000 figure includes 21,000 employed part-time. APSC (2025) *APS Employment Data 31 December 2024*, <https://www.apsc.gov.au/employment-data/aps-employment-data-31-december-2024>

²⁰ OAIC (2024) *Annual report 2023-24*, p. 159

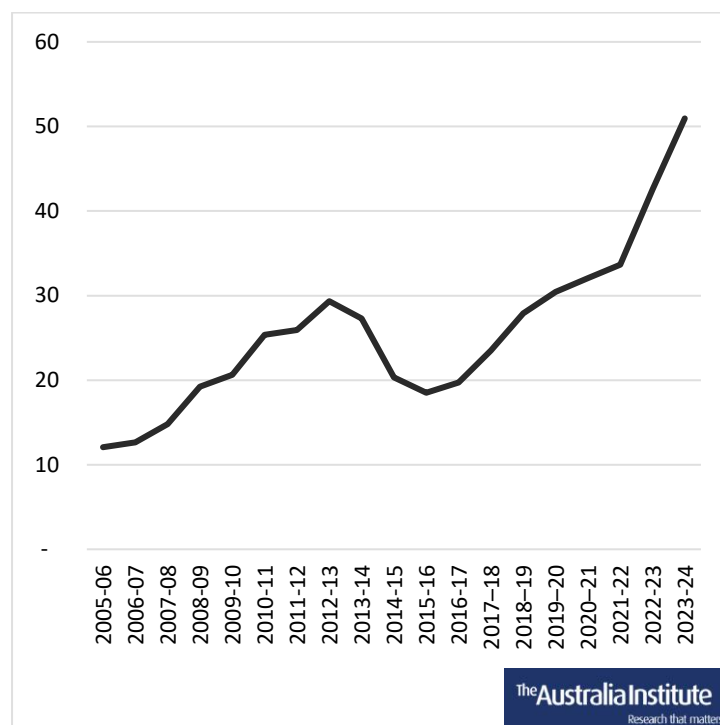
Requests take four times longer to process

The increase in staff-years spent is explained by the increase in processing time per request.

Whereas the average request once took 13 hours to determine (2006-07),²¹ it now takes 51 hours (2023-24).²²

In other words, the Albanese Government employs four public servants to do what only took one public servant under the Howard Government.

Figure 6: Hours per determination



Source: FOI and Office of the Australian Information Commissioner reports, 2006-07 to 2023-24

²¹ A total of 216 staff-years, with 0.01 staff-years equalling 20 hours, spent on 34,158 determinations: Cabinet Secretary and Special Minister of State (2008) *FOI annual report 2007-08*, pp. 5, 21

²² 1,087,650 staff-hours spent on 21,347 determinations: OAIC (2024) *Annual report 2023-24*, pp. 159, 161

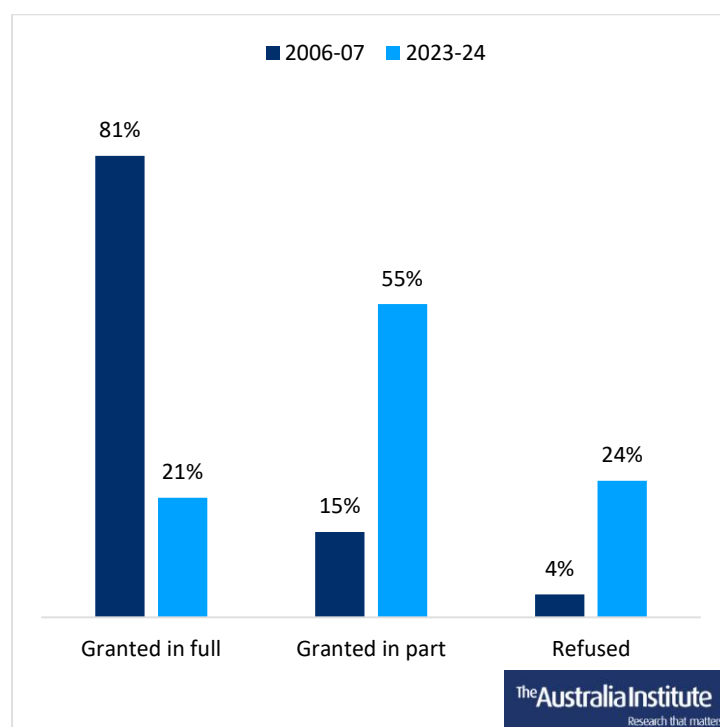
Time is spent denying access instead of facilitating it

It is likely that the reason for FOI inefficiency is that staff time is being spent delaying and denying legitimate requests. The number of FOI requests granted “in full” has fallen from 81% in 2006-07 to just 21% in 2023-24.²³

The effect is that whereas in 2006-07, there were 27,500 FOI requests granted in full, just 4,500 were granted in full in 2023-24.²⁴

The change is somewhat less stark when FOI requests granted in full or in part are aggregated (96% in 2006-07 vs 76% in 2023-24). However, the author can attest that a request granted “in part” is often so redacted as to be useless. In other words, an FOI request granted “in part” is often closer to a refusal than to a request granted “in full”.

Figure 7: FOI requests granted in full or in part, or refused



Source: Cabinet Secretary and Special Minister of State (2008) *FOI annual report 2007-08*, p. 5; OAIC (2024) *Annual report 2023-24*, p. 138, <https://www.oaic.gov.au/about-the-OAIC/our-corporate-information/oaic-annual-reports/annual-report-202324>

The OAIC has issued guidance that is stricter about what qualifies as granting access “in full”, but the decline pre-dates that guidance.²⁵

²³ Cabinet Secretary and Special Minister of State (2008) *FOI annual report 2007-08*, p. 5; OAIC (2024) *Annual report 2023-24*, p. 138

²⁴ Cabinet Secretary and Special Minister of State (2008) *FOI annual report 2007-08*, p. 5; OAIC (2024) *Annual report 2023-24*, p. 138

²⁵ OAIC (2024) *Annual report 2023-24*, p. 138

Cost recovery will be negligible

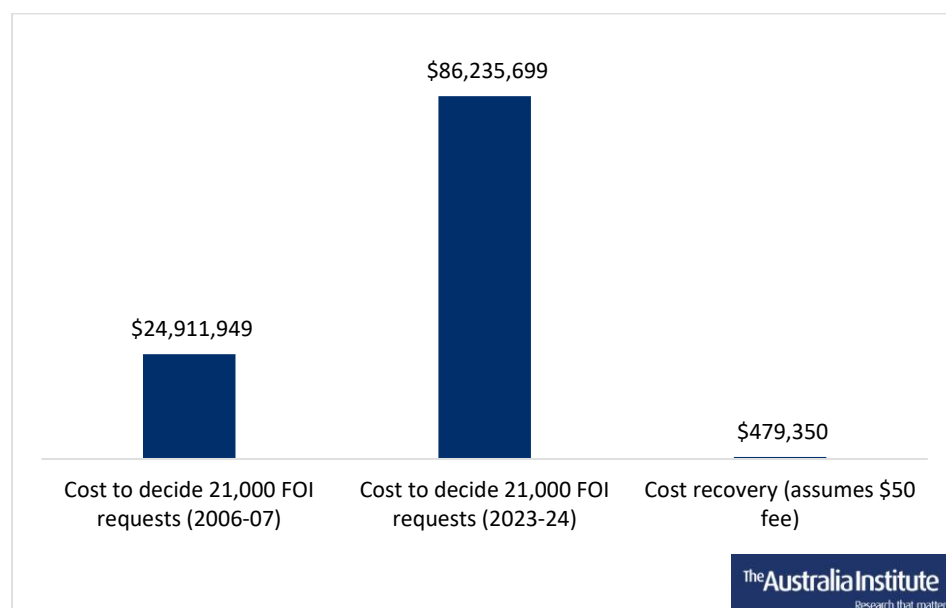
The Freedom of Information Amendment Bill 2025 includes provisions for a fee for freedom of information requests (except for personal information), to be set by regulation.

The Albanese Government has defended charging a fee on the basis that “a modest charging environment is consistent with the usual cost recovery principles the Government has had in place for probably three decades now”.²⁶

“Modest” is an exaggeration of the cost-recovery that would take place under this scheme. Most FOI requests are for personal information, and therefore exempt from the fee. In the last year, only 9,587 requests would have been subject to a fee,²⁷ perhaps \$50 per request if the government follows the precedent of state governments.

That would raise less than \$500,000, against a scheme that cost \$86 million last year. To put it another way, the fees charged on a whole year’s worth of FOI requests wouldn’t even cover the FOI regulator’s legal fees in a single court case.²⁸

Figure 8: Cost recovery would be negligible (in 2024 dollars)



Source: FOI and Office of the Australian Information Commissioner reports, 2006-07 to 2023-24

²⁶ Butler (2025) *Doorstop Parliament House*, 2 Sep 2025, <https://www.markbutler.net.au/news/transcripts/doorstop-parliament-house-tuesday-2-september-2025>

²⁷ OAIC (2024) *Annual report 2023-24*, p. 133

²⁸ Hurst (2022) *Information commissioner spends more than \$560,000 in legal fees to defend FOI delays*, <https://www.theguardian.com/australia-news/2022/oct/11/oaic-spends-more-than-560000-in-legal-fees-to-defend-foi-delays>

There is no evidence that the eSafety Commission has been unduly burdened by FOI requests

The Government has emphasised the 600 requests received by the eSafety Commissioner as a justification for its FOI changes.²⁹ This would represent about 2% of all FOI requests received by government in a given year.

The vast majority of these requests (89%)³⁰ are for personal information, and therefore would be exempt from the fee.

Government data also suggests that the eSafety Commission was not overly burdened by processing the FOI requests. The OAIC lists 18 agencies with particularly high FOI processing costs (over \$10,000 per request decided).³¹ The eSafety Commission is not on the list.

While the sudden influx of FOI requests may have come as a surprise to the Commission, there is no reason to believe they were particularly burdensome to process – and in any case, the proposed fee would not apply to nine in 10 requests received by the Commission.

²⁹ Nilsson (2025) “Foreign actors could ‘exploit’ the FOI process, the government claims. But when we asked for evidence? Nada.” <https://www.crikey.com.au/2025/09/03/foi-requests-reform-labor-government-michelle-rowland-foreign-actors/>

³⁰ OAIC (2025) “Australian Government freedom of information statistics”, eSafety Commission requests for Financial Years 23-24 and 24-25, <https://www.oaic.gov.au/freedom-of-information/australian-government-freedom-of-information-statistics>

³¹ OAIC (2024) *Annual report 2023-24*, p. 162

The 40-hour cap rewards inefficiency and stonewalling

The Freedom of Information Amendment Bill 2025 would allow the government to refuse to process an FOI request that “is likely to involve a total number of hours of work that exceeds” 40 hours.³²

The government is already allowed to refuse a request that “would substantially and unreasonably divert the resources of the agency from its other operations”.³³

Therefore, the only purpose of adding the 40-hour cap is to also block requests that *are* reasonable or do not *substantially* divert resources. The government can already reject unreasonable requests that substantially divert resources under the existing law.

The FOI system has become so inefficient that the average FOI request now takes over 50 hours to process. Not all this time would count towards the 40-hour cap, but presumably much of it would.

Requests that used to be processed quickly now take much longer. In other words, there will be requests that once comfortably took much less than 40 hours that would be blocked under the 40-hour cap because the FOI process has become so much less efficient.

In effect, this provision would reward inefficient agencies by allowing them to withhold information that more efficient agencies would be required to publish.

³² Freedom of Information Amendment Bill 2025 (Explanatory Memorandum), p. 181, https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fr7371_ems_02b3ac9b-1b64-474b-949e-de526e0f7e26%22

³³ A similar clause exists for requests to a minister.

Robodebt Royal Commission said cabinet documents should be open

The Robodebt Royal Commission observed that journalists, academics and activists:

attempted to get to the bottom of how [Robodebt] measure had come to pass by making Freedom of Information applications. But they were, in part at least, thwarted by the existence of public interest immunity. The application of the immunity has also limited the Commission's ability to reveal the entirety of the documentation concerning how the original proposal which became Robodebt, was passed and what was put to Cabinet thereafter.³⁴

The Royal Commission recommended:

Section 34 of the Cth FOI Act should be repealed

The Commonwealth Cabinet Handbook should be amended so that the description of a document as a Cabinet document is no longer itself justification for maintaining the confidentiality of the document. The amendment should make clear that confidentiality should only be maintained over any Cabinet documents or parts of Cabinet documents where it is reasonably justified for an identifiable public interest reason.³⁵

The Albanese Government said that it accepts “all” of the Royal Commission's recommendations, but has already argued semantics to defend not accepting this one.³⁶

The Albanese Government is now actively moving in the opposite direction to that recommended by the Commissioner.

Instead of repealing section 34 as recommended by the Robodebt Royal Commission, the Bill would make section 34 even stricter. Instead of excluding documents whose *main reason* for existing is to advise Cabinet, it would exclude documents with multiple reasons for existing, just one being to advise Cabinet.

³⁴ Royal Commission into the Robodebt Scheme (2023) *Report*, pp. 656–657, <https://robodebt.royalcommission.gov.au/publications/report>

³⁵ Royal Commission into the Robodebt Scheme (2023) *Report*, pp. 656–657

³⁶ RMIT ABC Fact Check (2023) *We fact checked Mark Dreyfus on the Robodebt royal commission recommendations. Here's what we found*, <https://www.abc.net.au/news/2023-11-24/fact-check-robodebt-royal-commission-recommendations/103142218>; Royal Commission into the Robodebt Scheme (2023) *Report*, p. xxi

FOI expert Rex Patrick warns:

Right now, you can request and gain access to ministerial briefs about important topics – the briefs reveal their department’s views, not the ministers.

The changes in the new Bill alter this situation dramatically, not seeking to protect collective responsibility and cabinet solidarity, but rather any issue that the Cabinet is dealing with. And, of course, the Cabinet only deals with the big issues, so the proposed law will stop access to any document that deals with big issues.³⁷

Academic Maria O’Sullivan explains:

The move is in direct conflict with the 2023 Robodebt Royal Commission report. It recommended the cabinet exemption in the FOI be repealed entirely.

The commission made this recommendation because it found affected people and advocacy groups faced significant difficulties in obtaining information about the operation of the Robodebt scheme through FOI.³⁸

While the Royal Commission’s recommendation should be decisive on its own, it is worth noting that the Commission is aligned with a growing expectation that Cabinet documents be made public by default. The Independent Review of Tasmania’s Right To Information Framework observes:

Neither government nor the [Tasmanian State Service] can expect the non-government sector to participate, evaluate and advocate in their governance without access to timely, reliable and high-quality information. The expectation is that Cabinet has received the highest quality information upon which to base their deliberations. A more open approach to information flowing into the Cabinet process would significantly increase trust in the decisions of government or reveal at early stages inadequacies in the processes and information that led to the Cabinet decision. The problem with the all-inclusive approach to what constitutes ‘Cabinet information’ is the broad scope of information that is dragged into a zone of secrecy just in case it might reveal Cabinet information.

As the Independent Review notes, New Zealand, the ACT, Queensland and Wales already require the proactive disclosure of Cabinet documents within about 30 days.³⁹

³⁷ Patrick (2025) *FOI amendment bill. A transparency counter-revolution.*, <https://michaelwest.com.au/foi-amendment-bill-a-transparency-counter-revolution/>

³⁸ O’Sullivan (2025) *Yes, freedom of information laws need updating, but not like the government is proposing*, <http://theconversation.com/yes-freedom-of-information-laws-need-updating-but-not-like-the-government-is-proposing-264474>

³⁹ McCormack and Snell (n.d.) *Getting back on track*, pp. 66–67, <https://www.dpac.tas.gov.au/rti/right-to-information-uplift-project/submissions-to-the-rti-review>

Conclusion

How very odd! The fearlessness of a person confident that his or her position will be known to very few. The frankness of a person who can be confident of the limited audience he or she has.

Bret Walker SC⁴⁰

Australia's FOI system has been run down. Australians cannot depend on FOI requests being processed in a timely manner, and the FOI review process that should guarantee integrity is logjammed. Sometimes, delays allow public officials to escape accountability for their actions.

Government secrecy is the cause of the problems in the FOI system, not the applicants who would be penalised and further restricted under the changes proposed by the Albanese Government.

⁴⁰ Patrick (2024) *Secret Treasury advice. Neither frank nor fearless but dishonest and fearful*, <https://michaelwest.com.au/secret-treasury-advice-neither-frank-nor-fearless-but-dishonest-and-fearfull/>

Appendix: Benchmarks

This paper measures FOI performance (cost, time spent and so on) against the number of FOI requests *decided* in a given year.

Sometimes, the government resolves an FOI request without making a decision on it. For example, the department may offer to provide the relevant information under the *Privacy Act* and therefore obviate the need for the FOI request to be decided.⁴¹

It could be argued then that FOI requests *finalised* is a useful metric alongside or instead of FOI requests *decided*.

However, the government's own data does not take this approach.

The OAIC itself benchmarks the cost of the FOI system against the number of FOI requests *determined*,⁴² just as this paper does. (It benchmarks time spent against a third measure, being the number of requests *received*, albeit in a less structured way.)

Nonetheless, using requests finalised as the denominator also shows an FOI system that is much more expensive and less efficient. For example, it took 12 hours per FOI request finalised in 2006-07 versus 33 hours in 2023-24. It cost \$1,094 (in 2024 dollars) per finalised FOI request in 2006-07 versus \$2,615 in 2023-24.

⁴¹ OAIC (2024) *Annual report 2023-24*, p. 137

⁴² OAIC (2024) *Annual report 2023-24*, pp. 158–159