

# Australian Labor government moves to bar access to key political documents

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Without any prior notice, the Albanese Labor government this week tabled in parliament a huge bill designed to further gut the already limited and severely eroded Freedom of Information (FOI) laws. In particular, facing growing social and political discontent, the government wants to extend the secrecy surrounding all supposedly cabinet-related documents.

Containing hundreds of amendments, the bill was obviously long in preparation, but it was never mentioned during the May 3 election campaign. In fact, in both the 2022 and 2025 federal elections, the Labor government postured as an opponent of the previous Liberal-National government's anti-democratic secrecy and the Coalition's Trump-style authoritarian agenda.

Labor's bill, personally championed by Prime Minister Anthony Albanese, is the most serious attack on the FOI laws for decades. It is not taking place in a political vacuum. It marks another move to prevent public and even parliamentary scrutiny of Labor's pro-corporate, anti-immigrant and militarist program, on top of its secretive deal for mass deportations to Nauru, continued furtive permits for weapons exports to Israel as the US-backed Gaza genocide intensifies and closed-door talks with the Trump administration.

Albanese and Attorney-General Michelle Rowland claimed that the changes were needed to halt a deluge of "vexatious" or spam FOI applications. That is clearly false. The official statistics show that the number of applications has halved under the Labor government, accompanied by lengthy delays.

Albanese and his ministers added another sham "national security" scare campaign. They declared, without providing any evidence whatsoever, that "offshore actors" or "foreign agents" were exploiting the FOI laws to interfere in Australia, "for potentially nefarious purposes." That assertion came just after the government and the domestic spy agency ASIO accused Iran of orchestrating alleged antisemitic attacks in Australia, quickly winning praise from US President Donald Trump and Israeli Prime Minister

Benjamin Netanyahu.

The key aspects of Labor's bill include:

- The existing FOI Act exemption for documents related to cabinet-related decisions would be expanded to include anything that has been supposedly brought to the cabinet's attention, even for "noting," or that might inform something that is shown to cabinet in future.

- Any document in which ministers, public servants or other officials record their thoughts about policy could be exempted as "deliberative material"—including what the bill's explanatory memorandum calls "blue-sky thinking" that might relate to some future policy deliberation.

- Powers for the Information Commissioner (IC) to set as-yet-unknown fees for FOI applications, internal agency review requests and first-level tribunal reviews by the IC office itself, all of which are currently free.

- Unprecedented powers for ministers and officials to arbitrarily reject FOI applications as "vexatious" or seeking to "disrupt" government operations.

- Ministers and officials could also refuse an FOI application if it allegedly would involve more than 40 hours of searching and "processing" time—which includes the time taken to decide whether to release documents.

Above all, Labor's "reforms" are intended to extend cabinet-related secrecy. Under the current FOI laws, documents that have the "dominant purpose" of possibly going to cabinet for potential discussion are exempt from being disclosed. A key change would alter the wording from "dominant purpose" to "substantive purpose." That will allow a wider bar on access to any documents that ministers or top officials say could be contained in a submission to cabinet.

For the same purpose, Labor's bill would alter the FOI Act's "public interest" test to block access to "deliberative" documents whose disclosure could "prejudice the frank or timely provision of advice" to a minister or "prejudice the orderly and effective conduct of a government decision making process."

The introduction of FOI fees is calculated to prevent

applications by ordinary people, not wealthy or well-resourced ones. Already, FOI applications are complicated and rarely free in practice. Ministers and government agencies have wide powers to impose hefty charges for time allegedly spent locating, deciding on and releasing documents.

For all the government's claims about being inundated by vexatious applications, the numbers have halved since the days of the Howard Coalition government, when 42,627 requests were made in 2003-2004 at the height of the invasion of Iraq, the stepped-up domestic "war on terrorism" and mass imprisonment of asylum seekers.

The latest FOI annual report shows that during the first two years of the Albanese government, about 21,000 FOI requests were determined per year. That was the lowest since the Gillard Labor government, when 20,000 requests were processed in 2010-11.

One reason for the fall in FOI applications is the worsening rates of delay and rejections under the Labor government. Ministers and agencies are meant to reply to FOI applications within 30 days, but that time limit can be extended.

No time limit exists for a review by the Information Commissioner (IC). The average waiting time for an IC review has blown out to 15.5 months, often making pointless the release of documents. In one case, the Federal Court ruled that a delay of nearly three years in an IC review of an FOI rejection was not "unreasonable."

Further delays occur if an IC decision to uphold the blocking of a document's release is appealed to the Administrative Review Tribunal and/or the courts, where substantial fees apply as well.

A recent Centre for Public Integrity report showed that, in 2022-23, the proportion of FOI-requested documents fully released had more than halved to 25 percent, from 59 percent in 2021-22. The report said the FOI regime was "severely compromised by systemic secrecy and persistent delays." The Albanese government had "overseen the most dramatic decline in full disclosures since records began."

The government's bid to expand the cabinet documents FOI exemption directly contradicts the Robodebt royal commission report's recommendation for the partial abolition of that exemption.

The Robodebt system, protected by the Liberal-National government's secrecy about its illegality, unlawfully claimed nearly \$2 billion from at least 433,000 welfare recipients between 2015 and 2019. Lives were shattered, including by suicide, all in an effort to slice billions of dollars off the welfare budget, while ministers made it nearly impossible for the victims to obtain any information about the automated scheme.

Likewise, the Albanese government's assault on FOI rights is connected to its drive to cut social spending, including on the National Disability Insurance Scheme (NDIS), to make way for the allocation of hundreds of billions of dollars for the AUKUS pact and other military spending in preparation for involvement in US-led wars, especially against China.

The Labor government is seeking to eliminate access to its deliberations for one reason only—to ensure that the population has no oversight over the actions of ministers and departments. This is designed to increasingly create the conditions for possible illegal and anti-democratic measures to be imposed on a population that has been denied the relevant information. This is under conditions where the Labor government, in tandem with the Liberal-National opposition, pushes through legislation about which no one is informed in advance.

In fact, in its secrecy drive, the Labor government is going beyond that of the Liberal-National government. Under that government, the Labor leaders claimed to oppose Prime Minister Scott Morrison's extension of the FOI cabinet documents exemption to the unconstitutional wartime-like "National Cabinet" formed in March 2020 in response to the COVID-19 pandemic.

Labor also said it opposed Morrison's secret appointment of himself to at least five pivotal ministries, including the treasury and home affairs cabinet posts, handing him direct control over government finances and the main security and intelligence agencies, such as ASIO and the Australian Federal Police.

Once in office, Albanese's government covered up both developments, and awarded Morrison the country's highest official honour, Companion of the Order of Australia. Morrison was honoured for deepening the integration of successive Australian governments into the war plans of US imperialism, while shutting down COVID-19 safety measures and assaulting the conditions of workers and welfare recipients.

Now the Albanese government is outdoing the Liberal-National Coalition in seeking to eviscerate the FOI laws. It is doing everything it can to suppress rising dissent and opposition as it intensifies the austerity and war agenda of the ruling class.



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