

I write this submission as an engaged private citizen, and someone who has worked in numerous data sharing related projects in the public sector.

This is an act that, if I am interpreting its objects correctly, aims to facilitate more data sharing between Commonwealth Bodies and with the public (whilst maintaining important safeguards). I am in furious agreement with the stated objects of this act as I understand them.

That being the case, it is worth considering the collective culture and technical capabilities of the relevant Commonwealth bodies on which the legislation acts. I would submit that there are clear cultural and technical blockers against a healthy culture of data sharing across the Commonwealth. An act such as this could do a lot to address the cultural blockers directly and, through this, the technical ones indirectly.

That said, I would note that the body of this act is fundamentally phrased in terms of providing the strict, specific conditions under which Commonwealth organisations *can* share data, with the unstated assumption being that they otherwise should not. The clear default being “when in doubt, don't share”. If we had a community with a high data sharing capability, and a high (or even possibly too high) motivation to share data, that approach would make sense. Our community is neither of those things, however, and the net effect of legislation such as this with a community such as ours can only really be to prevent sharing.

To a community whose capabilities make data sharing difficult, and with a fundamental fear of sharing data, this legislation offers ample excuses to follow these inclinations, as I would submit is borne out by the low number of data sharing arrangements currently in place. I would submit that the legislation would be vastly improved by being phrased instead in terms of stipulating the valid reasons not to share, with the assumption that one otherwise can and, indeed, should.

To public servants invested in data sharing, I submit that this legislation places an onus on them to justify doing so to their organisation. I believe legislation which placed the onus more on an organisation having to justify not sharing instead would go a surprising way towards empowering those who want to share more, and that this legislation should be redrafted in these terms.