

13 June 2025

Taylor Black
Assistant Secretary
DAT Act Review Team
Department of Finance

Dear Mr Black

The Business Council of Australia (BCA) welcomes the opportunity to provide a submission to the Statutory Review of the *Data Availability and Transparency Act 2022* (DAT Act). We believe that a robust and efficient data-sharing framework is crucial for Australia's economic growth, productivity, and international competitiveness. The DAT Act has been a good start, with several areas for improvement.

Has the operation of the DAT Act advanced its objects?

Yes, but its impact remains limited. The DAT Act has established a regulatory architecture that prioritises trust, privacy and transparency in public sector data sharing. However, it has not yet realised its full potential to unlock data as a strategic national asset. With only eight data sharing agreements in three years, all related to a single initiative, the Act has opportunities to achieve its ambitious purpose.

Private sector entities currently need to partner with accredited bodies, such as universities or government departments, to access data, which introduces additional complexity and slows innovation. A more streamlined and direct model of access would support agile development in sectors like AI, logistics, and fintech.

We recommend that government streamline approval processes, reduce friction for participants, and shift to a culture that rewards value creation through data use. The Act should empower entities to generate economic and social returns.

Does the DAT Act improve information flows between public sector bodies and accredited entities?

Marginally, but not meaningfully. Information flows have not improved at scale. Despite the establishment of the scheme, the vast majority of data sharing still occurs outside the DAT framework.

Make the DAT Act the preferred vehicle for sharing public sector data by:

- introducing service-level expectations or incentives for custodians to respond to data requests,
- embedding default data sharing where risk is low and value is high, and
- establishing two-way data sharing obligations for State and Territory entities to increase national interoperability.

How does the DAT Act add value in the wider data sharing context?

In principle, it offers a consistent and safe framework, but its restrictive scope limits its value.

Expanding the scope to include the private sector is essential for Australia to fully realise the economic productivity and competitiveness benefits that secure and consent-based data sharing can

deliver. The initial vision for the DAT Act was to enable data sharing across all sectors of the economy, and we urge the review to return to these first principles.

Opening the DAT Scheme to private sector bodies would also act as a powerful supplement to Australia's AI capabilities, as described in the BCA's *Accelerating Australia's AI Agenda* (2025).¹

What changes could make the DAT Act or DATA Scheme more effective?

1. Broaden eligibility to include the private sector. Direct inclusion would enable Australian businesses to unlock value from government datasets without having to rely on intermediaries or collaboration models.
2. Embed pro-innovation settings. Ensure the Act supports:
 - a. real-time data flows where possible,
 - b. AI and machine learning use cases,
 - c. global interoperability (while maintaining privacy), and
 - d. consent-based or privacy-enhanced sharing models.
3. Reduce the regulatory burden. Accreditation requirements should remain rigorous, but proportionate, especially for low-risk data or use cases where public value is clear.
 - a. The mechanisms and governance structures required by the DAT Act, including accreditation and approval processes, are necessary but overly complicated in their current forms. They impede data sharing and deter participation. We recommend simplification of these processes to facilitate greater ease of use and uptake.
 - b. For smaller businesses and start-ups, meeting accreditation requirements, even if eligibility is expanded in the future, could be a significant barrier to entry. The current model risks favouring larger, more established organisations at the expense of emerging innovators.
4. The Act should provide greater clarity on what data can be shared, and how quickly, and under what conditions outputs or insights derived from shared data can be used or commercialised. Overly restrictive rules here may unintentionally suppress downstream value creation.
5. Include a public dashboard for the DAT Scheme. It would report metrics like datasets shared, uptake rates, time to approval, and data usage outcomes. This ensures transparency, aids evidence-based policymaking, and shows the scheme's utilisation.
6. Explore the alignment of disparate data initiatives into a more coherent framework for data sharing. Australia's data landscape could be improved by reducing fragmentation. We observe duplication and overlapping objectives between:
 - i. The Australian Government Digital ID System.
 - ii. The Data Availability and Transparency (DAT) Act.
 - iii. The Consumer Data Right (CDR) and other Open Data regimes.
 - b. Despite considerable government expenditure and compliance and infrastructure costs imposed on industry, all three of these initiatives could be improved relative to their stated objectives.
 - c. Acknowledging the significant technical complexities, we suggest that government should still keep an eye to more alignment and coherence between these initiatives to enhance interoperability.
7. Australia can learn from international examples of successful consent-based, transparent models for data sharing, digital identity, and digital credentials. Estonia's X-road, Denmark's Datafordeler,

¹ <https://aiagenda.bca.com.au/>

and Singapore's frameworks offer valuable insights into effective governance and infrastructure that can be adapted to the Australian context.²

Should the DAT Act be allowed to sunset?

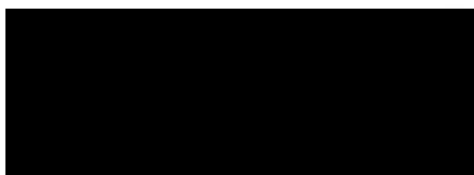
No, it should be reformed and retained. Sunsetting the DAT Act would be a step backwards in Australia's data maturity. Instead, the Act should be amended to:

- expand participation,
- accelerate adoption,
- embed a culture of "safe by default, open by design" in the public sector.

In conclusion, the BCA urges a bold and comprehensive approach that also maintains individuals' security and privacy. By addressing the identified challenges, consolidating overlapping initiatives, and re-emphasising the original intent of broad-based data sharing, Australia can build a world-leading data framework that drives significant economic productivity and strengthens our global competitiveness, especially in the age of AI.

Thank you for the opportunity to contribute to this important review.

Yours sincerely,



Mike Bareja

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Business Council of Australia

² <https://x-road.global/>, <https://datafordeler.dk/>, <https://www.imda.gov.sg/how-we-can-help/data-innovation/trusted-data-sharing-framework>