



Australian Government



Jobs and Skills Australia

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Jobs and Skills Australia Submission in response to DAT ACT Review

Jobs and Skills Australia (JSA) has prepared this submission in response to the statutory review of the DAT Act.

JSA is a Secondary Statutory Authority operating alongside the Department of Employment and Workplace Relations. JSA has been seeking to become an Accredited User and participate in data sharing under the DAT ACT but are currently clarifying legal questions which have delayed our onboarding. The DEWR Chief Data Officer has submitted DEWRs response to the Review and our response should be read in conjunction with this.

JSA is established under section 6 of the Jobs and Skills Australia Act 2022 (JSA Act). However, section 8 of the JSA Act provides that JSA is part of DEWR for the purposes of the Public Governance, Performance and Accountability Act 2013 (PGPA Act). JSA also meets part (a) of the definition of 'prescribed authority' in the Freedom of Information Act 1982, and not parts (c) or (d) of the definition. Therefore, none of the entity types listed in Section 137(1) of the DAT Act apply to JSA.

As such, JSA is not able to appoint an Authorised officer under the DAT Act. Responsibility for operating within the bounds of the DAT Act would require DEWR to perform those functions on JSA's behalf, which creates a potential conflict of interest since DEWR and JSA are separate entities for DAT Act purposes (e.g. if DEWR were to request data from JSA under the DAT Act).

As a default position, JSA adheres to data sharing requirements as stated in the DAT Act. We inform government policy and programs and undertake research and development.

Terms of Reference for the review

- *Does the Act support improved public sector data availability and transparency, including sharing public sector data in a controlled way?*
- *Has the operation of the Act advanced its objects?*
- *How does the operation of the Act compare and interact with other existing mechanisms for facilitating access to, sharing and use of public sector data?*
- *Stakeholder satisfaction with the operation of the Act as a tool for reducing barriers and enabling effective access to, sharing and re-use of public sector data.*
- *Should the Act remain in force past its current sunset date of 1 April 2027?*
- *Any other relevant matters.*

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

JSA acknowledges and supports the intent behind the DAT Act. We would note that we have neither made, nor received, any information requests via the DAT Act's mechanisms. To support our operations, JSA continues to receive and share data without relying on the DAT Act. Additionally, JSA notes that access to certain data sets, such as the *National Disability Data Asset*¹, is restricted to agencies accredited by the National Data Commissioner under the DAT Act. Rather than improve information flow, this restriction may hinder our ability to access this data.

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

JSA acknowledges the benefits of the Australian Government Data Catalogue to centralise and expose data. We appreciate this both as a data consumer, and as a mechanism to further expose the data we have available to audiences.

Our testing of DataPlace indicates it aligns with the DAT Act requirements, we note that using this environment would likely need to be implemented alongside existing mechanisms. Alternative data-sharing options will be necessary, as several agencies we liaise with for data access are not, and are unlikely to become, Accredited Agencies under the DAT Act. In these cases, we will continue to adhere to the data sharing principles outlined in the DAT Act.

JSA supports continued development of a culture of data sharing, specifically through the visibility of data assets, and acknowledges the benefits of this sharing, including supporting management of data as defined in the *Framework for the Governance of Indigenous Data*².

What changes could be made to the DAT Act or the DATA Scheme to make it more effective in facilitating access to, sharing and use of public sector data?

To overcome the challenges with DAT ACT participation, and in line with the response from the Department of Employment and Workplace Relations (DEWR), we recommend a review of the legislation to clarify the interpretation of 'Authorised Officer' and allow JSA, as a secondary statutory body with an independent Commissioner established by legislation, to participate as an Accredited Agency.

¹ [Home | NDDA](#) Retrieved 16/5/25

² [Framework for Governance of Indigenous Data | NIAA](#) Retrieved 16/5/2025

JSA notes that one of the benefits of its current structure is the independence that it provides the organisation. With regards to data sharing, our experience has demonstrated that other entities (both public and private) have indicated a willingness to only share with JSA/JSA's Commissioner and specifically not with JSA's portfolio agency, DEWR. An arrangement under the current DAT Act where JSA falls under DEWR's accreditation provides a potential conflict of interest, and the perception that DEWR ultimately has control over JSA's data.

Allowing JSA to participate separately as an Accredited Agency will give greater strength to our ability to receive data, and provide additional assurance that JSA retains control over data shared to JSA.

Feedback is also sought on the following topics related to the current legislative settings of the DATA Scheme:

- **possible changes to the DAT Act that would increase the effectiveness of the DATA Scheme in facilitating access to, sharing and use of public sector data.**

Nil response

- **the application of the public interest test to data sharing and exclusions for 'precluded purposes' (which include enforcement-related purposes).**

JSA supports the continued exclusions for 'precluded purposes', as including these purposes may possibly restrict disclosure of assets that may be of benefit to JSA and the wider data community.

- **the necessity of setting out data sharing principles in the DAT Act.**

Nil response

- **the interaction between the DAT Act and other non-legislative data sharing options, and broader efforts to establish a culture of data sharing**

Nil response

Should the DAT Act be allowed to sunset?

Nil response

Yours sincerely

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