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File reference

Dr Stephen King
Lead Reviewer, Data Availability and Transparency Act Review
Department of Finance
By email: DATAActReview@finance.gov.au

Dear Dr King

Re: Northern Territory Government Submission to the *Data Availability and Transparency Act 2022* review

The Northern Territory Government welcomes the opportunity to provide a submission to the statutory review of the *Data Availability and Transparency Act 2022* (DAT Act).

Although not a participating member of the DAT Act Scheme, the NT acknowledges the importance of establishing a consistent instrument to enable better data sharing and improving data availability nationally and will work with the Commonwealth to join the Scheme in the future.

The NT Government recognises the value of data to deliver positive impact to citizens through analysis and research, policy development reform and improved government solutions that meet citizens' needs. It also recognises the importance for NT data to be equally represented at the national level to ensure the NT's unique needs and challenges are adequately captured in analysis to influence policy and investment decisions.

Overall, while the NT Government supports the establishment of the DAT Act framework for safe and controlled sharing of government data, it is noted that operationalising the DAT Act has proven to be complex and is not delivering intended benefits for national strategic data sharing projects.

In February 2025, the Northern Territory noted the advice from the Australian National Data Integration Infrastructure (ANDII) Board to the Data and Digital Ministers Meeting (DDMM) and agreed the Commonwealth should consider that advice in the statutory review.

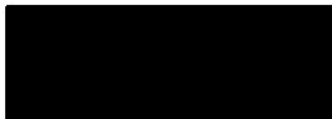
The attachment details the NT response to the Statutory Review of the DAT Act - Issues Paper, in alignment with the ANDII Board report. The NT recommendations are summarised below.

1. Tailor legislation based on operational experiences from the National Disability Data Asset (NDDA) and ANDII projects to improve process efficiency, while ensuring the requirements continue to meet privacy and security safeguards.

2. The governance and process for data sharing, including data sharing agreements, needs to be simpler, including streamlining governance practices required to deliver data sharing projects.
3. Expand the DATA Scheme to enable participation by the broader community.
4. State and territory governments should be recognised as data custodians under the legislation, or the legislation relaxed to enable easier participation (e.g. not a legislated requirement).
5. Implement an “accredit once, trust many” principle. Harmonise accreditation across all Commonwealth legislation to enable entities to be considered as “trusted.”
6. In areas of legislative inconsistency, enable the DAT Act to prevail when determining if an entity is accredited.
7. Do not allow the DAT Act to sunset in 2027.

The NT Government submits these recommendations to support the review of the DAT Act, aiming at delivering its objects to promote better availability and confidence in public sector data, ensure consistent data sharing with safeguards and enhanced transparency.

Yours sincerely



Catherine Weber
Chief Executive

20 June 2025

Data Availability and Transparency Act 2022 Review

Northern Territory Government Submission

Consultation Points

Has the operation of the DAT Act advanced its objects?

The NT Government considers that the objects of the DAT Act listed in the Issues Paper have not been fully realised. Operationalising data sharing under the DAT Act has proven to be more restrictive, prescriptive and complex and less enabling than intended.

In its current form, the Act is not appropriately supporting the delivery of national strategic data sharing projects. In particular the challenges faced in delivering the National Disability Data Asset resulted in alternative legal pathways being investigated to deliver the project.

In the absence of any substantial data and data sharing activities occurring under the Act, there has been no opportunity for the intended benefits to be realised and hence, build confidence in the use of public sector data through the Act.

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

Access to Commonwealth Government data is available through an accreditation process prescribed by the Office of the National Data Commissioner. Other jurisdictions have reported that gaining accreditation is a long and costly process, which has required employing additional, dedicated staff to work through the requirements and processes to obtain accreditation.

The accreditation requirements are well understood as a necessary aspect to safeguard data and the sharing mechanisms however, the criteria do not need to be legislated.

The Northern Territory's limited financial resources and low data maturity significantly affect our ability to obtain accreditation and fully participate in DATA Scheme. Despite the clear benefits it would afford, the Northern Territory does not expect to be in a position to achieve accreditation for some time without support from the Commonwealth to uplift our data maturity and readiness to participate in the Scheme.

The DAT Act has not improved information flows to the Territory, and this may not change for a number of years. Jurisdictions that have undertaken the long and costly accreditation process have reported, in the first three years of the DAT Act's operation, no Commonwealth Government data has been made available.

NT recommendation 1:

Tailor legislation based on operational experiences from the National Disability Data Asset (NDDA) and Australian National Data Integration Infrastructure (ANDII) projects to improve process efficiency, while ensuring the requirements continue to meet privacy and security safeguards.

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

The DAT Act established the DATA Scheme, designed to underpin strong safeguards and consistent, efficient processes.

Conceptually, the Scheme is designed to streamline the data sharing arrangements by establishing a baseline agreement with accredited entities and meeting privacy and security requirements. In practice, the Scheme includes complex governance arrangements including long and detailed data sharing agreements. Legal assessment required to consider any data sharing project under the Act is time consuming and costly.

In the most recent experience with the NDDA and ANDII, use of the DAT Act has partly contributed to delays in the delivery of these projects.

With the exception of stronger safeguards to data, the Act is not improving the flow of information between public sector bodies.

NT recommendation 2:

The governance and process for data sharing, including data sharing agreements, needs to be simpler, including streamlining governance practices required to deliver data sharing projects.

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?

Participation in the DATA Scheme

By default, Commonwealth bodies are data custodians under the DAT Act and are authorised to participate in the Scheme. State and territory governments and Australian universities can apply to participate in the Scheme by satisfying specific accreditation criteria.

Participating state and territory governments are not regulated by the National Data Commissioner as data custodians, and as such they are not treated equally. The cost to become accredited and contribute data to the Scheme is borne by jurisdictions. Without being part of the Scheme, they cannot access research and analysis carried out on shared data, vet output for accuracy or receive any benefit from participation such as improved government service delivery.

The requirements for accessing the Scheme should be changed to permit all state and territory jurisdictions to fully participate.

Other third-party community organisations, including Aboriginal community controlled organisations, are currently excluded from participation, which limits their ability to provide tailored services to their community (often government funded).

NT recommendation 3:

Expand the DATA Scheme to enable participation by the broader community.

NT recommendation 4:

State and territory governments should be recognised as data custodians under the legislation, or the legislation relaxed to enable easier participation (e.g. not a legislated requirement).

Accreditation process

State and territory governments can become accredited under the DAT Act to participate in the DATA Scheme, to access and use data and view project output from research and analysis.

Seeking accreditation is costly and time consuming and beyond the capability of jurisdictions with low data maturity and limited financial resources available, such as the Northern Territory. This currently prevents the Territory from participating and accessing its own data in the Scheme, or vetting output.

Inconsistency of accreditation

Accreditation under the DAT Act only enables an entity to access data in the DATA Scheme. Other Commonwealth entities that are not using the DATA Scheme require other types of accreditation, which are burdensome and costly.

The DAT Act should allow a single point of accreditation to recognise a jurisdiction as trusted to access all Commonwealth data. This would work in the same manner as a national security clearance ie only required to be obtained once.

NT recommendation 5:

Implement an “accredit once, trust many” principle. Harmonise accreditation across all Commonwealth legislation to enable accredited entities to be considered as “trusted.”

NT recommendation 6:

In areas of legislative inconsistency, enable the DAT Act to prevail when determining if an entity is accredited.

Should the DAT Act be allowed to sunset?

State and territory governments need an overarching legislative framework to enable data to be shared safely, securely, lawfully and quickly. Lessons learned from the COVID period led to the signing of the Intergovernmental Agreement on data sharing by the Prime Minister and state and territory First Ministers on 9 July 2021 to advance national strategic data sharing projects.

The leadership of the Office of the National Data Commissioner needs to be acknowledged in progressing national data sharing through the implementation of the DAT Act.

The true value of data is realised when it is shared and joined and the DAT Act has the potential to enable better data sharing however, lessons learned from the implementation of the NDDA need to be considered to reframe the legislation. The DAT Act has the potential to realise the value of data and should continue to improve as an ongoing legislative instrument and not be allowed to sunset in 2027.

NT recommendation 7:

Do not allow the DAT Act to sunset in 2027.