

# **Universities Australia submission to the Statutory Review of Data Availability and Transparency Act 2022**

May 2025



Universities Australia (UA), representing the 39 comprehensive Australian universities, appreciates the opportunity to contribute to the statutory review of the Data Availability and Transparency Act 2022 (DAT Act). We acknowledge the Act's intent to enhance public sector data sharing, aiming to improve government services, inform policy, and support research and development. As significant contributors to national research and innovation efforts, our member universities are keen to engage more fully with the DATA Scheme established under the Act.

### **Advancing the objectives of the DAT Act**

The DAT Act was designed to facilitate controlled access to public sector data for accredited users, promoting transparency and informed decision-making. While the framework is commendable in its intent, practical implementation has faced challenges.

Currently, only eight universities are accredited under the Scheme, restricting broader academic access to valuable data resources. Even accredited institutions have been unable to realise the expected benefits that the Scheme was anticipated to bring.

Given the pivotal role of universities in research and policy development, expanding accreditation to all UA members would significantly enhance the Scheme's impact – but only if underlying issues with the scheme are also addressed.

The Act was intended to improve data sharing between public sector agencies and accredited entities. However, in practice, current processes are opaque and time-consuming. Data sharing requests can take up to two years to process, which significantly delays time-sensitive research and policy projects. Improved clarity around expected processing timelines, rationales for data sharing refusals and data availability parameters could create a more efficient and trustworthy system for all stakeholders.

Additionally, there are concerns that application requirements unnecessarily duplicate the legislative and regulatory framework covering research (inclusive of TEQSA, ARC and NHMRC requirements). Universities rigorously ensure ethics, privacy, cybersecurity, foreign interference and critical infrastructure obligations are met, which can be confirmed with the relevant government entity.

### **Barriers to effective engagement**

The accreditation process for Associated Data Service Providers (ADSPs) is lengthy and resource-intensive, posing a significant financial challenge for universities. While we understand the process has become more streamlined over time, it continues to impose a substantial cost burden on institutions seeking accreditation.

Several UA members continue to work with the Office of the National Data Commissioner to establish arrangements with agencies. However, to date none of our members have yet been able to finalise a data sharing arrangement under the Scheme. This makes the value proposition for seeking accreditation uncertain and reflects serious structural and procedural impediments.

Project-based safeguards prevent centralised access to data and the lack of a clear, accessible data catalogue means users are uncertain about the nature of data which could be made available under the Act. Correcting these issues would provide much needed transparency and predictability, reducing rejections and delays for ADSPs.

Additionally, although the Scheme provides a mechanism for ADSPs to request data, the decision ultimately remains at the discretion of the data custodian agency. Agencies often reject requests for data—even for de-identified datasets—without clear reasoning or engagement. This results in inconsistent outcomes and uncertainty for accredited users.



This lack of certainty and transparency is critical, as the success of the DATA Scheme is reliant on the cooperation and preparedness of individual agencies. In the absence of clear obligations or incentives for agencies to share data, many will remain reluctant to participate fully.

## Recommendations

To unlock the full potential of the DAT Act and its supporting mechanisms, UA proposes the following recommendations:

1. **Expand accreditation to all UA member universities:** Streamline and simplify the accreditation process to include all member universities. Broader participation would unlock significant academic research capacity.
2. **Invest in improved data infrastructure:** Create a national Data Catalogue with clear metadata and access indicators, and shift from project-based approvals to controlled access to centralised public data. This will streamline requests and better support large-scale, long-term research.
3. **Mandate timely and transparent data sharing decisions:** Introduce mandatory timelines for data custodians to process requests and require agencies to provide clear justification in cases of rejection. This would significantly reduce uncertainty and improve efficiency.
4. **Include not-for-profit organisations in the Scheme:** Broaden access to not-for-profit entities under strict governance arrangements, recognising their critical role in service delivery, evaluation, and innovation in the public interest.
5. **Enable strategic partnerships with the private sector:** Allow ADSPs to collaborate with private sector entities under regulated agreements to promote public-private innovation partnerships, particularly in areas like health, infrastructure, and social policy.
6. **Clarify governance and accountability provisions:** Greater clarity is needed around what constitutes acceptable data sharing arrangements, and on the respective responsibilities of agencies and ADSPs. Improved accountability can be fostered through enhanced oversight and reporting.
7. **Maintain a public register of data sharing agreements:** This transparency measure, already provided for in the Act, must be actively maintained and expanded to include metadata on decision timelines, data types shared, and agency participation levels.
8. **Develop Standardised data sharing agreement templates:** Standardised templates tailored to security requirements would enable universities and agencies to uphold compliance and safeguard information while minimising delays.

### *[Assuming structural problems are addressed]*

9. **Extend the scheme beyond the April 2027 sunset date:** Allow time to refine the framework, implement the proposed improvements, and evaluate the effectiveness of the Scheme under a more inclusive and responsive model.