# Statutory Review of the Data Availability and Transparency Act 2022

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# Executive Summary

The University of Melbourne welcomes the opportunity to respond to the Australian Government Department of Finance's issues paper titled *Statutory Review of the Data Availability and Transparency Act 2022*. This submission builds on the University's extensive engagement with the Data Availability and Transparency Scheme. This engagement goes back to 2016 when the University responded to the Australian Government Productivity Commission issues paper titled *Data Availability and Use*. Since then, the University of Melbourne has hosted a Productivity Commission policy round table, had persistent visibility in consultation sessions, provided feedback on draft legislation led by Australian Government Prime Minister and Cabinet, and actively engaged with the Office of the National Data Commissioner since the Data Availability and Transparency Scheme was established in 2022.

The University commends the work of the Office of the National Data Commissioner (ONDC) and remains very supportive of the vision behind the Data Availability and Transparency Act (DAT Act). The DAT Act serves the public interest in enabling academic researchers based out of Australian Universities to better access public sector data. From its inception, the DAT Act and the ONDC have ensured Australia's place on the world stage for supporting greater use of government data to support policy testing, evaluation, and innovation. As noted in their submission[1] to the 2026 National Research Infrastructure Roadmap Survey, the Academy of Social Sciences in Australia notes that the need and value of national-scale infrastructure to cater to the increasing availability of research-relevant data being collected in the public sector. The DAT Act supports this through its accreditation scheme to provide 'data service providers' to support the access and use of these government data.

More importantly, the DAT Act provides legislative means to access data to advance knowledge and create and test public policies that benefit Australians. One of the DAT Act's key mechanisms is to provide appropriate safeguards around data access, which is enabled through the DATA Scheme. The Scheme enables the sharing of data provided by Data Custodians (currently limited to Australian Government entities) with Accredited Users, supported by Accredited Data Service Providers when data sharing relates to accessing sensitive or confidential data.

The University has made key investments into gaining accreditation under the DATA Scheme. At the time of writing, the University of Melbourne is one of eight Australian universities to have Accredited User status. The University of Melbourne is the only Australian university to have Data Service Provider accreditation under the Scheme (issued May 2024). Since receiving this accreditation, the University has been using the Dataplace platform to pursue data sets under the DATA Scheme. The results of these pursuits have been mixed. Of six requests by the University, only one[2] data sharing activity has reached "Agreed – In Effect." Two data sharing activities relating to the National Disability Data Asset (NDDA) are in progress. A data sharing activity that relates to accessing unit record data from the Australian Early Development Census is identified as under assessment but the custodian has informed the University that the data set cannot be shared with accredited users under the DATA Scheme because it was outsourced to a third party data management agency. The University also had two activities refused by Data Custodians (one with Australian Tax Office, and one with the Department of Social Services).

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[1] Academy of the Social Sciences in Australia (2025), Submission to the 2026 National Research Infrastructure Roadmap: Survey. Available at: https://socialsciences.org.au/wp-content/uploads/2025/04/NRI-Roadmap-Survey-Response-Academy-of-the-Social-Sciences-in-Australia-19-March-2025.pdf.

[2] This data sharing activity was with the Department of Employment and Workplace Relations and data access is enabled by the University's Accredited Data Service Provider (the Melbourne Institute Data Lab).

The University of Melbourne believes that the DATA scheme has not met its full potential and there are several areas where the operations undertaken by the ONDC can be strengthened, especially as it relates to the coordination with the data custodians, and where efficiencies can be gained. By achieving its full potential, the DATA Scheme will make better use of the talent and opportunities provided by universities. Based on recent experience, there have been bureaucratic hurdles experienced by the University, especially as it relates to its status as a Data Service Provider. Moreover, collaboration with the University to support implementation of the Five Safes for data protection and access, consideration of how best to make data accessible, and encouraging a 'forward thinking' approach for promoting use of public sector data has been limited.

The research sector is a vital part of the data ecosystem. Universities are critical institutions for ensuring objective insights through state-of-the art research design and analysis and contributing to skill development for what is needed for a strong Australian Public Service workforce in the data space.

Australia is poised to be a global leader in data accessibility and transparency provided the DAT Act and its robust implementation support this vision. However, today, there are major challenges. as noted in the Issues Paper there have been only eight data sharing agreements under the DAT Act, all of them related to the NDDA. Further, at this time, there has only been an initial release of the NDDA, in December 2024, many months behind schedule and with only 18 datasets included. Since then, an additional four datasets have progressed to the point that they can be added to the asset, as it is taking 4-5 months per dataset to get all the legal approvals, despite enormous goodwill and effort from data custodians. There is therefore no prospect of 200 datasets being available at the end of 2025, as set out in the timetable for development of the full NDDA. Getting data into the NDDA in a timely and cost-efficient way under the DAT Act is therefore proving to be a major stumbling block. In addition, while there is great interest in accessing the NDDA from researchers, not one data access request has been approved, signalling significant challenges with the approval of data usage. These issues must be addressed as a matter of urgency as part of this Strategic Review.

Then, by fully leveraging the University's potential as both Accredited Users and Accredited Data Service Providers, we can help catapult Australia to being a leader for data innovation and insights. The ONDC's proactive engagement and ongoing collaborations with university stakeholders have laid a solid foundation for success. We encourage galvanizing Data Custodians to wholeheartedly embrace the ONDC's initiatives and to propel the DAT Act's vision into reality. With university involvement, we can unlock unprecedented opportunities, drive groundbreaking research, and foster a new era of data-driven progress that will benefit all Australians.

## Recommendations

1. **Increased engagement with Australian universities**
   The research sector is a vital part of the data ecosystem. Their interaction with the DATA Scheme extends beyond utilising public sector data to advance knowledge and utilising insights to inform better public policy.

   - Researchers can extend the investment made by data custodians to share data under the Scheme by enhancing public sector data for use by an academic audience.

   - Subject matter experts can improve data development methods using a mix of best data practices and cutting-edge emerging technology.

   - Universities can contribute towards the skill development of the public sector data profession stream, particularly skills relevant to data sharing i.e. data management, data governance, data analytics and research infrastructure.

   - Universities can also provide a good institutional framework for training accredited users in understanding how to use sensitive data in a safe and effective manner.

2. **Better incentives for data custodians to work with universities**
   The University's access to sensitive and protected data by accredited users and for making use of the university developed ADSP has been met with unnecessary hurdles, and, more often than not, delays and/or rejection of requests, highlighting a critical need for system improvement.

   - Universities provide added capability and a variation in approaches that can lead to technological advances as well as deeper policy driven insights.

   - Protocols that address concerns of Data Custodians while also encouraging more efficient and timely interactions with Data Custodian are needed.

   - Developing a trusted environment between universities and Data Custodians would support a more effective use of the DATA Scheme by universities.

3. **Integrated process for data sharing**
   The DAT Act and the ONDC should continue its work to build an integrated process for data sharing i.e. supporting the process by which users find data, contact Data Custodians, and create data sharing agreements and legal instruments that can then be executed. Much of this is enabled through Dataplace but its current implementation feels like it was designed to be used mostly within an Australian Government context. For example, universities have nuanced variations around research integrity, ethics and intellectual property that would need to be considered. Furthermore, the current 'view' of data only provides limited information for users to make informed choices about the suitability of the dataset for their research question. Additional work in conjunction with users from the research sector would provide additional features (e.g. improved view of metadata on data variables and/or data dictionaries) for Dataplace to improve in this domain.

4. **Testing and identifying mechanisms for encouraging collaboration across ADSPs**
   There is no single ADSP that can meet all needs of Accredited Users. There is extensive variation in activities such as data curation/transformation, linking, analysis, and reporting.

   - Currently there are no specific mechanisms in place to encourage collaboration. While housing the same data in different ADSPs supports greater use of the data and addresses the variation in the uses of the data. Equally important can be encouraging and supporting a collaborative approach that supports the success of all ADSPs.

5. **Improve Dataplace to be more inclusive of sensitive and protected data that require access through an ADSP**
   Currently, Dataplace seems to be more fit for purpose for data sets that do not need to be housed in ADSPs (i.e. data that require strict protections). In addition, it is not clear what data may already be accessible through existing ADSPs (such as data provided through ABS DataLab) and if this is the case, what steps can be taken to add the data to other ADSPs. The University supports enhancing and strengthening Dataplace.

# Responses to key consultation points raised in Issues Paper

## 1. Has the operation of the DAT Act advanced its objects?

The DAT Act was designed with an intent to maximise the value of public sector data while providing mechanisms to overcome existing barriers to data sharing. These mechanisms range from authorisation to override other laws and setting in place an accreditation scheme to ensure that appropriate safeguards are in place to support data sharing activities. Included in achieving the maximum value of public sector data was the specific inclusion of universities, both as accredited users and as accredited data service providers.

The DAT Act's accreditation scheme is comprehensive. The accreditation scheme was independently recognised[3] by CyberCX, a leading Australian cyber security services provider, as providing a 'robust level of assurance' and having satisfactory controls in place. Given the importance of the due diligence needed for ensuring appropriate use of public sector data, establishing clear standards for awarding accreditation has been paramount. The University has found the accreditation process transparent and fair. The University, thus, believes the DAT Act has been advanced as it relates to accreditation. Accreditation, however, is costly and requires high investments by universities. At the time of this submission, only eight universities are accredited as 'users' under the Scheme. Only the University of Melbourne holds accreditation to provide data services under the Scheme.

At the moment this submission was drafted, Australian Accredited Integrating Authorities (AIA's) are the only organisations permitted to record link 'national' datasets. This strict provision is changing from 30th July with the sunsetting of AIA arrangements.[4] Having the AIA provisions sunsetting with reliance on the DATA Scheme has the potential to provide new mechanisms and opportunities for the University to streamline record linkage processes where this is appropriate to be undertaken (for example where privacy preserving algorithms mean person identifiers are not utilised).

Once accredited, there has been limited success in gaining access to public sector data. This has been particularly true for access related to sensitive or protected data. Requests for access are made through Dataplace. Of requests to access data through Dataplace since the University received accreditation (May 2024), only one request has been successful. This data was not shared under the DATA Scheme (made as a general request through Dataplace) but protections within the University's ADSP (Melbourne Institute Data Lab[5], or MIDL) and its accreditation status helped support the case for the Data Custodian (DEWR) to approve storage of unit-record (individual-level) data within the MIDL environment. All other requests have been refused or remain "in progress."

In contrast, university researchers have been able to access sensitive data through processes that are outside of the DAT Act. The initiatives undertaken by the Australian Bureau of Statistics (ABS) has resulted in the enhancement of the ABS' Person-Level Integrated Data Asset to include more public sector data.

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[3] Office of the National Data Commissioner (2025) DataPoints: March 2025 Edition, 05 March 2025. Available at: https://www.datacommissioner.gov.au/node/304.

[4] As noted in March 2024 by the Australian Government's Deputy Secretaries Data Group, the body responsible for overseeing the Accredited Integrating Authorities arrangements.

[5] The Melbourne Institute Data Lab (or MIDL, pronounced 'middle') is a secure data environment that facilitates the development of collaborative data environments for authorised researchers and analysts, allowing the rigorous and deep study of critical issues important to Australian society. The MIDL team has actively participated and informed the ONDC through consultations to inform the accreditation process for data service providers under the DATA Scheme.

These data have included the linking of public sector data. The ABS' actions have improved data linking and access to university researchers.  Access has been provided through the ABS Datalab, an accredited government-operated ADSP, following a process set by the ABS.

University researchers have also been able to access the data set known as ALife, a sample of tax records provided by the Australia Tax Office (ATO). The ATO provides access to the data asset using its own process and through a non-ADSP non-government environment operated by the SAX Institute (SURE). A request was made through Dataplace to access the ALife dataset through the University of Melbourne's ADSP (MIDL). This request was rejected by the ATO.

As noted earlier, there have been other initiatives to build linked data assets, such as the NDDA. The DAT Act has enabled the pursuit of linking public sector data assets which are critical for providing a comprehensive perspective of how different Australian Government departments (both at state/territory and federal levels) can share data to create larger data assets with immense utility. Limited options for putting the data into ADSPs by Data Custodians, or the appetite for sharing data across multiple ADSPs, however, may limit the engagement with and utilisation of these data especially amongst the research sector.

Despite the above mentioned advances, universities have had limited access to data assets and the ability of universities to provide data services as an ADSP has been limited. The University's experience to date in working with data custodians, especially through Dataplace, has been mixed. For every positive interaction, there have been negative interactions.  This may, in part, result from differential practices by data custodians. The University recommends strengthening the activities undertaken by the ONDC to permit it to be a stronger broker for enabling data access and for delivering on the vision of the DAT Act.

There is much room for improvement in how the DAT Act engages with universities. The scheme should be strengthened to make better use of the talent and opportunities provided by universities. Universities are critical institutions for providing objective insights through the state-of-the-art research design and analyses, to which end, there are large opportunities with better access to public sector data. Universities also play a critical role in contributions to skill development for what is needed for a strong Australian Public Service workforce in the data space. In addition, University researchers create and curate large amounts of data for research projects. As such, there are multiple opportunities here for public sector data custodians to integrate other sources of data that will enable deeper insights.

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

The creation of Dataplace has increased one's understanding of public data assets. Information, however, as it relates to the protocols or expectations of Accredited Users and university-based Accredited Data Service Providers has been more limited and could use improvement. Dataplace, in its current form, could be improved to meet the diverse needs of the broader research community, particularly universities. Its design appears tailored for use by departments in the Australian Government.  Missing are university-specific nuances that affect the use of data for research. These nuances include research integrity protocols, ethical frameworks, and intellectual property considerations.. Furthermore, the current 'view' of data only provides limited information, restricting Accredited Users' ability to assess the suitability of the data.

Tranformation of Dataplace into a truly powerful tool for all stakeholders should include a collaborative redesign that includes partnering with universities to develop a better interface and functionality. The University also encourates the development of a comprehensive metadata displays and interactive data dictionaries with a goal of providing enhanced data transparency. We also recommend the development of flexible frameworks through tailored access protocols that accommodate university-specific research requirements.

As mentioned in the Issues Paper, only eight data sharing activities were completed under the DATA Scheme since the DAT Act commenced. In contrast, for the same period, approximately 11,000 data sharing agreements were executed outside of the DATA Scheme. Furthermore, as noted earlier, all eight activities under the DATA Scheme were in relation to the development of the National Disability Data Asset. The fact that there are approximately 245 restricted data sets[6] listed in the Australian Government Data Catalogue (as of 20 May 2025) further highlights the amount of active work that is needed to establish the Scheme as an integrated solution to enabling public sector data sharing with universities and through university built ADSPs.

There are a few mechanisms by which data sharing activities with the public sector can be improved. Some of these suggestions are specific to Australian universities while others are applicable to all entities participating in the Scheme.

## An integrated process for data sharing

As highlighted in the Issues Paper, most sharing of public sector data outside of the DATA Scheme is achieved through a large variety of mechanisms. For universities, navigating these mechanisms can be particularly challenging, as each data custodian often has distinct processes and requirements. This lack of standardisation makes the process of accessing data less streamlined, more resource-intensive, and significantly lengthens the time between data request and access. Universities must coordinate across multiple internal areas (such as cybersecurity, research platforms, research integrity and ethics, legal and risk, data governance, and the research team (i.e., the users of the data)) to meet the requirements of each individual data custodian. When these requirements vary widely, it creates unnecessary duplication of effort and delays that hinder timely research outcomes.

Expanding the number of data custodians participating in the DATA Scheme could address these challenges by reducing the reliance on distinct, individual processes and enabling a more integrated and standardised approach to data sharing. Such a shift in governance and oversight structures would be transformative. If cybersecurity assurances and other compliance requirements could be addressed once through a robust, transparent, and universally accepted process as part of accreditation, it would reduce the need for repeated negotiations with multiple custodians. This would not only lighten the administrative burden on universities but also enable central support teams to assist researchers more effectively, ultimately accelerating access to data and supporting more impactful research. Such a standardised approach would also foster greater trust and collaboration between data custodians and non-government Accredited Data Service Providers (ADSPs), such as universities. By streamlining processes and demonstrating a consistent commitment to security and governance, universities could better leverage their unique capabilities.

## Improve visibility of DATA Scheme

The benefits around the use of public data are well known. But the Scheme and its data catalogue are not well known in academic settings. There are barriers to entry (accreditation) but also issues with delays in accessing data or  refusals to share data. Additionally, the length of time to process requests and the suboptimal experience of current participants present further challenges. Given the current conditions, one might appreciate universities exhibiting caution about widely advertising or promoting awareness of the Scheme, as it risks a large number of researchers encountering a poor experience, which could ultimately lead to not engaging with  Dataplace.

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[6] Data sets that are similar to the National Disability Data Asset i.e., unit-record data at an individual level which require signification protections and management of privacy risks as per the Australian Data Sharing Principles.

## Encouraging trust and transparent practices between universities and Data Custodians

The current landscape of data access is plagued by a fundamental issue: a pervasive lack of trust between government data custodians and universities. This mistrust manifests in several critical ways. First, informal networks dominate. A reliance on "who knows who" creates an opaque system that undermines transparency, encourages storage of sensitive data in non-ADSP environments, and stifles innovation and evidence-based policy development.

Second, regular turnover of personnel in positions that are linked most closely to approving or negotiating data access leads to chaos. Frequent changes in key positions responsible for data access approvals lead to inconsistent interpretations of the DATA Scheme, DAT Act, and related legislation. This inconsistency can result in unpredictable shifts in data access likelihood, and the disruption of ongoing research and collaborations.

This issue is further amplified when data custodians operate their processes outside of the DATA Scheme. Without the standardised frameworks and safeguards provided by the Scheme, the lack of trust and transparency is exacerbated, leading to even greater inconsistency, inefficiency, and delays in data access. Researchers are left navigating a fragmented and unpredictable system, which directly undermines the goals of the DATA Scheme and the DAT Act. Addressing this misalignment should be a priority for the DAT Act and Scheme, ensuring that all data custodians adopt and adhere to the standardised processes and principles of the Scheme. By doing so, the Scheme can fulfill its potential to create a more consistent, efficient, and trusted data-sharing environment.

To break this cycle of mistrust and inconsistency, we recommend:

- Establish clear, standardised protocols for data access that transcend personal connections
- Implement robust training programs to ensure consistent policy interpretation across personnel changes
- Create a transparent, merit-based system for evaluating data access requests
- Foster ongoing dialogue between universities and data custodians to build mutual understanding and trust

By addressing these challenges head-on, we can transform the data access landscape from a barrier to a catalyst for groundbreaking research and policy innovation. The time for decisive action is now – our nation's progress in the data-driven era depends on it.

## Measures to improve visibility of research impact

Greater emphasis should be placed on showcasing the tangible benefits and societal impact of academic use of public sector data. Highlighting successful case studies where public sector data has been leveraged by universities to drive evidence-based policy, innovative solutions, and meaningful societal outcomes would demonstrate the value of the DATA Scheme. Platforms such as the Australian Government Data Forum could be used to spotlight these examples, fostering greater awareness and trust in the role of academic research in maximising the potential of public sector data.

## Accreditation must be viewed equally

Accreditation as a data service provider (ADSP) requires significant investments, e.g., obtaining the necessary security assessments and standing up best governance practice around data sharing. While the accreditation process is the same for universities and the public sector, there seems to be a difference in how Data Custodians view Government based ADSP's and university based ADSPs. This difference has led to rejected data sharing requests by university-based ADSPs, even when these data have been provided to Government based ADSPs. Data Custodians have also requested separate security assessments even though one was undertaken by ONDC.

Unlike government settings where leadership changes regularly bringing about differing priorities, universities provide a stable institutional setting for the delivery of data services. These services, enhanced with the appropriate subject matter experts, can range from the existing services named in the Act, i.e., secure data access, data de-identification and complex data integration, to new services like data curation and data development.

Strengthening the involvement of universities in the use of data will support a whole of Australia approach for skill development, providing quality policy evaluation, encouraging policy innovation, and ensuring standards that promote efficient and fair government activities.

## Extending eligibility for user accreditation

The University supports expanding the list of entities that can qualify as an accredited user to include the not-for-profit sector and medical research institutions.  These institutions play a critical role in the delivery of services. Providing these organisations with the opportunity to become accredited users will support activities such as self-assessment and evaluation of services provided, enabling improvements and better service innovation.

## Increase in ADSP options

There are currently only 13 Accredited Data Service Providers under the Scheme.[7] The university supports having multiple ADSPs that include university developed ADSPs given there is no single ADSP that can meet all needs of accredited users. There is extensive variation in ADSP oriented activities such as data curation/transformation, linking, analysis, and reporting.

The DATA Scheme could also tackle/develop protocols for encouraging greater collaboration across ADSPs allowing data custodians to house data in different ADSPs. Currently there are no specific mechanisms in place to encourage collaboration. While housing the same data in different ADSPs supporters greater use of the data and addresses the variation in the uses of the data, equally important can be encouraging and supporting a collaborative approach that supports the success of all ADSPs.

Given the protocols for receiving ADSP accreditation is extensive plus assessments such as IRAP, it would be useful if Data Custodians would trust the ONDC processes that are in place, especially as they relate to Safe People and Safe Projects. This would encourage an increase in users use of ADSPs that can be based on the particular users intentions for accessing data and take advantage of the investments made into the capabilities of a wide range of ADSPs.

Currently there are variations in how Data Custodians undertake assessments of the Australian Data Sharing Principles (or Five Safes Framework). A notable example is the excellent resources for user training provided by the Australian Bureau of Statistics as part of ensuring Safe People access and use their data. Yet, not all government departments can provide adequate training for financial and human capital reasons. Universities are equipped to train and to assess skill development.  The University recommends making greater use of opportunities to engage with universities to support stronger data sharing assessments.

## Increasing State and Territory participation in providing data under the Scheme

A large number of public sector data assets are held within State and Territory Government settings. These assets are valuable for data users particularly the research sector. The Scheme can extend its value by enabling ways by which State and Territory Data Custodians can share data under the Scheme. Innovative

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[7] Office of the National Data Commissioner (2025) Data Availability and Transparency Act: the first 3 years, May 2025. Available at: https://www.datacommissioner.gov.au/statutory-review.

data integration efforts are being led by the Australian Bureau of Statistics (ABS) with South Australian and Australian Capital Territory governments sharing data for integration within the ABS's Life Course Data Asset.

Additional efforts such as guidance around the use of common language between national data sharing activities and state/territory data sharing efforts/legislation would further enable deeper collaboration. This aspect of making better use of public data assets highlights the importance of encouraging collaboration across ADSPs while enabling ADSPs to develop to meet differential accredited user needs.

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

Academic researchers bring data together for answering specific research questions – generally of importance to the Australian public. There are ongoing efforts by academic journal publishers to create data that is fit for replication. Making data available for use in other projects and by other researchers, including public sector data have been curated by academic researchers, however, remains at a nascent stage. There are, however, many examples of how data assets that are specifically created for research and policy analyses, expand our understanding on a range of issues and encourages testing and innovation. In Australia, a prime example would be the use of the Household, Income and Labour Dynamics in Australia (HILDA) Survey data asset. Around the world, there are numerous examples.  Yet, the use of public sector data for understanding issues, testing ideas, and for promoting policy innovation, has been very limited. Public Sector data assets offer benefits in that the data are collected in ways that we can observe extensive information about individuals, households, communities, and organisations. These data, moreover, often capture the relevant population versus a small sample. Finally, these data can be used to construct extensive longitudinal observations of the relevant population.

Both with respect to privately / research-oriented collection of data and public sector data there is much that the DAT Act can add to promoting wider data sharing.

- **Standardising Access and Governance**: Establishing clear, standardised protocols for accessing public sector data is essential. This includes setting out appropriate data governance and oversight responsibilities between universities and government departments to ensure consistency and trust.

- **Easing Access to Sensitive Data**: Simplifying the process for gaining access to sensitive data, particularly when housed in accredited environments such as the Melbourne Institute Data Lab (MIDL), would reduce delays and encourage more researchers to engage with these valuable resources.

- **Encouraging Collaboration Across ADSPs**: Supporting initiatives that promote greater collaboration and coordination across Accredited Data Service Providers (ADSPs) would enhance the sharing of expertise, tools, and best practices, ultimately improving the efficiency and effectiveness of data use.

- **Addressing Funding Constraints**: Adequate funding is critical to support the acquisition and maintenance of data infrastructure, including equipment, software, and skilled personnel. Coordination with funding agencies is needed to ensure that resources are available to encourage innovation and analysis.

These steps would not only improve access to public sector data but also enable better data stewardship practices. Legislative barriers, inconsistencies in data quality standards, and variations in data curation practices between data custodians currently hinder the effective use of data. Addressing these issues would ensure that data is securely controlled, ethically used, and of high quality.

Improvements in this area could also be reflected in updates to Dataplace. Enhancing Dataplace to better showcase metadata and data quality would help Accredited Users make informed decisions about data assets before submitting requests.

By taking these steps, the DAT Act can play a pivotal role in fostering a more integrated and collaborative research data ecosystem. Public sector data, when effectively shared and utilised, can complement privately collected and research-oriented datasets, expanding our understanding of critical issues and encouraging innovation. This, in turn, would strengthen Australia's capacity for evidence-based policy development and ensure that research data is leveraged to its fullest potential for the benefit of society.

## 4. 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 maximise the effectiveness of the DAT Act and the DATA Scheme, several key changes are recommended. In order of importance these changes are based on strengthening the role of the ONDC, elevating the importance of universities in the DATA Scheme, fostering greater coordination across the DATA Scheme stakeholders, and addressing broader systemic challenges.

### Strengthen the Role and Authority of the ONDC

- **Empower the ONDC to Drive Coordination and Accountability**: The ONDC should be given greater authority to act as a central coordinator between data custodians, Accredited Data Service Providers (ADSPs), and users. This would ensure alignment with the overarching goals of the DAT Act, such as fostering transparent policy innovation, enabling state-of-the-art analyses, and upholding good governance and privacy standards.
- **Enhance Dataplace as a Centralised Platform**: While Dataplace was intended to streamline data sharing, it has not yet lived up to its potential. Strengthening Dataplace, particularly for sensitive and secure data, would improve its functionality and usability. This includes better metadata, clearer data quality indicators, and more robust privacy and security protocols to build trust and efficiency in the data-sharing process.

### Elevate the Role of Universities in the DATA Scheme

- **Position Universities as Neutral Hubs for Data Innovation**: Universities are uniquely positioned to act as a "Switzerland" for housing data, conducting data analysis, and supporting policy innovation. Their expertise in data science and subject matter knowledge makes them critical players in the data-sharing ecosystem. Currently, this potential is underutilised, as government departments often reject requests too easily. Strengthening the role of universities would not only unlock their capabilities but also reinforce the importance of building and maintaining a social license for data use.
- **Address Disparities in Data Access**: Statistics show that public ADSPs acquire data assets at rates thousands of times greater than university ADSPs. Despite clear accountabilities and responsibilities outlined in the DAT Act, these standards are not consistently recognised or understood by government departments. Greater trust and recognition of universities as ADSPs are essential to addressing this imbalance.
- **Establish Mechanisms for Dispute Resolution**: Currently, there is limited recourse for universities when data access requests are rejected. Introducing clear mechanisms for appealing decisions or mediating solutions would provide greater fairness and transparency in the process.

### Foster Greater Coordination Across Stakeholders

- **Encourage Collaboration Between ADSPs**: No single ADSP can meet the diverse needs of all Accredited Users or Data Custodians. Provisions should be made to enable collaboration and data sharing between ADSPs to better serve the interests of all parties. For example, the UK GDPR provides a model for how data controllers and processors can interact, including cases where data is shared between processors or controllers.
- **Incentivise Public Sector Data Custodians to Engage**: Establishing incentives for public sector data custodians to participate in the DATA Scheme and conduct formal consultations on the future design of public data holdings would improve coordination and ensure that data assets are designed with broader research and policy needs in mind.

**Address Broader Systemic Challenges**

- **Provide Sustainable Funding for ADSPs and Accredited Users**: Greater financial support is needed to enable ADSPs and users to acquire and maintain the infrastructure, software, and expertise required for effective data sharing and analysis. Coordination with funding agencies is critical to ensure sustainability.
- **Support Research and Development with Public Benefits**: The DAT Act should explicitly enable and encourage research and development activities that deliver clear and direct public benefits. This would ensure that the Scheme contributes to evidence-based policy innovation and societal progress.

# 5. Should the DAT Act be allowed to sunset?

The University of Melbourne is strongly supportive of the DAT Act and recommends that it should not be allowed to sunset. Sunset would jeopardise the future of the National Disability Data Asset as the data is being linked using the DAT Act and without the DAT Act, there would not be a legislative basis for the ongoing storage and use of this data. Given that governments are investing tens of millions of dollars in the NDDA, this would be a huge setback at a time when linked disability data is poised to provide critical policy and research insights during a period of rapid disability reforms.

To the contrary, the DAT Act should amended as set out in this submission so it can fulfill its potential as a key enabler for greater and better use of public sector data. However, to ensure ongoing improvements in the effectiveness of the DAT Act, following this Statutory Review, Section 143 should be amended to provide for a further review in 3 or 5 years.

Furthermore, Australian Integrated Authorities will be sunsetted on the 30th of June 2025 because of safeguards and mechanisms provided through the DATA Scheme. Sunsetting the DAT Act, and in turn the DATA Scheme, then undoes any provisions and advancements that are planned around record linkage. Another reason the DATA Scheme needs to remain is to allow the continuation of the refinement of how record linkage can be undertaken safely and efficiently in Australia.

The DAT Act provides key national data sharing legislation that is crucial for Australia's research sector. The Act's mechanism to enable data sharing, the DATA Scheme, provides avenues for researchers based out of Australian universities to access public sector data, undertake analyses and utilise insights gained to inform, shape, create and/or test public policies in to issues that affect Australians. The DAT Act and the Scheme also provides a pathway for public sector data custodians and data services to engage with the Australian universities. These pathways include access to subject matter expertise in policy areas, relevant for the curation of public sector data for research purposes; and contributing to the development of public sector expertise around data management, data governance, and data research infrastructure.

## For more information

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