

8 August 2025

Dr Stephen King
Independent Reviewer

Via email: DATAActReview@finance.gov.au

Dear Dr King

Feedback on the Statutory Review's draft findings and recommendations

The University of Tasmania welcomes the opportunity to provide feedback on the draft findings and recommendations of the statutory review of the *Data Availability and Transparency Act 2022* ("DAT Act"). We continue to support the objectives of the legislation and commend the ongoing efforts of the Office of the National Data Commissioner (ONDC) to foster a more transparent and accessible public data ecosystem.

Key issues and recommendations

- 1. Broad support for draft findings and continuation of the DAT Act*
The University broadly supports the draft findings of the Statutory Review and agrees with the finding that the DAT Act has not yet achieved its full potential. We support the continuation of the Scheme and therefore do not support the DAT Act being allowed to sunset. Instead, we advocate for legislative amendment to address the identified limitations and improve the Scheme's effectiveness.
- 2. Clarifying the DAT Act's place among other data sharing mechanisms*
The University supports Finding 1 and urges the Government to clearly articulate whether the DAT Act is intended to replace or complement existing data sharing mechanisms. We advocate for a complementary model that integrates with existing frameworks and provides a clear, efficient authorising pathway for data sharing.
- 3. A facilitative approach to data sharing*
We support a facilitative rather than regulatory approach to data sharing that encourages broader participation (Recommendation 6). The significant criminal penalties that apply under the DAT Act for non-compliances greatly disincentivises engagement with the Scheme, particularly when much of the data that is potentially available is already in the public domain or may be accessed via other data sharing mechanisms. We therefore encourage further efforts to refine the DAT Act so that it encourages participation in the Scheme.
- 4. Expanding the Commissioner and ONDC's role in data requests*
The Commissioner and ONDC's facilitative posture has been valuable, and we support the recommendation to enhance their roles in mediating data sharing

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requests and providing guidance to both custodians and users. The Commissioner's ongoing statutory independence from Government will be particularly important in encouraging Commonwealth Government participation in the Scheme, including the sharing of data holdings.

5. *Greater incentives to encourage Commonwealth participation*

We support Recommendation 4 and encourage the introduction of mechanisms or incentives to ensure that Commonwealth Government agencies actively participate in the Scheme and respond to data requests in a facilitative, timely and transparent manner. A default posture of agreeing to share data (with clearly defined grounds for refusal) would significantly improve access and certainty for accredited users.

6. *Greater flexibility to support collaborative research and data linkage*

Collaborative research harnesses diverse expertise, resources, and perspectives to solve complex problems more efficiently and innovatively than any single organisation could alone. However, the current prescriptive and prohibitive DAT Act model does not support collaborative research. It also prevents the development of enduring data assets for data linkage and sharing. The University strongly supports Recommendations 2, 3, and 12 which aim to simplify and streamline the authorising framework and expand data sharing purposes to include the combining, preserving, and reuse of data. The Scheme should specifically support the sharing of data. These changes are essential to ensure the Scheme allows multi-institutional research collaborations, including those involving international partners, and supports the country's critical data linkage efforts.

7. *Expansion of eligible entities under the Scheme*

Currently, only state/federal government entities and universities may be accredited under the Scheme. We support the proposed expansion of accreditation to also include not-for-profit research institutes, such as medical research institutes (Recommendation 10). The current limited scope of eligible participants means that a significant portion of Australia's research community is prevented from accessing data for public interest research. This limits cross-sector collaboration and the full utilization of government data for innovation.

The University looks forward to continuing its collaboration with the ONDC. We welcome the opportunity to provide further feedback on proposed amendments to the Scheme and legislation. Thank you for considering our submission.

Yours sincerely,



Professor Anthony Koutoulis
Deputy Vice-Chancellor (Research)