

# DAT ACT REVIEW | DRAFT FINDINGS AND RECOMMENDATIONS

## Monash response

8 August 2025

## INTRODUCTION

Thank you for the opportunity to provide feedback on the interim findings and recommendations. We recognise the challenges associated with addressing the issues and opportunities across a broad range of stakeholder groups.

After careful consideration of the findings, we are concerned that the recommendations will not address the findings fully or result in the DATA scheme achieving its ambition to be “a new, best practice scheme for sharing Australian Government data.”

We note the review's position that the DAT act should be capable of operating alongside - not replace - existing data sharing pathways. Whole-of-system reform should be prioritised to ensure all the Commonwealth data sharing regulations and frameworks are complementary and interoperable, and with institutional (data consumer) responsibilities consistently applied. Ideally, most of the recommendations outlined in the report should apply to all the relevant data sharing pathways.

Komathy Padmanabhan  
Director, Digital Research and Data Strategy

Professor Robyn Ward AM  
Deputy Vice-Chancellor, Research and Enterprise

## DISCUSSION

### Whole of system reform

We support [Recommendation 14](#) (embed Indigenous data governance frameworks), and [Recommendation 15](#) (recognise the roles of states and territories).

- We suggest that [Recommendation 17](#) (investment in data sharing ecosystem) should be a high priority and [Recommendation 16](#) (nationally consistent data sharing framework) should be a medium rather than longer term priority.

### Clarity, simplification and navigation guidance

[Recommendation 1](#) limiting the DAT act to effectively the pathway of last resort might reduce its potential to achieve its objective to overcome barriers to the sharing of Commonwealth data. We estimate that fewer than 5 per cent of Monash data requests would use the scheme, reducing the potential return on our investment in accreditation and operationalisation.

As the review finds, multiple frameworks and pathways operating across different agencies and jurisdictions creates significant navigation challenges for potential users. Clarity is required therefore about who determines when “the DAT Act is simpler to use than another framework”.

Additionally, and contrary to the statement that “participants should generally determine which authorising pathway is the most appropriate”, researchers do not always know which pathways are available, let alone which is the most appropriate.

New preferred pathways are continuing to be created by data custodians. A very recent example illustrates our concerns about pathway efficiency and complexity. A researcher seeking to access de-identified data from the Australian Immunisation Register was asked to submit their request through the NID data reporting and analysis section of the Health data portal, even though the data is listed in the Australian Data Catalogue. Submitting a request through this portal requires both an institutional representative and the requesting researcher within the institution to create an account on the Relationship Authorisation Manager system, which must then be approved by the institutional representative before the researcher can make their request for accessing the data. The Data Custodian agency preferred to use their system in which the data was held, rather than Dataplace which would be the least complex pathway for researchers.

- Framework clarity and transparency would aid the achievement of [Recommendation 16](#) for a nationally consistent, interoperable data sharing framework. Until this is developed, we suggest a centralised approach to pathway guidance, including clear legislative or regulatory guidance that explicitly defines when each pathway should be the preferred pathway, including the DAT Act. Indicative decision trees or flowcharts would help participants determine the most appropriate authorisation mechanism for their circumstances.
- Similarly, [Recommendation 2](#) to shift the authorisation framework to a principles-based, risk proportionate-approach with an outcomes focus should be applied across the Commonwealth data sharing ecosystem. This would reduce the administrative burden on data requestors that engage with multiple data custodians
- We also suggest that subordinate legislation, regulatory instruments and guidelines be applicable across multiple frameworks where possible to reduce duplication and promote consistency. Otherwise, the complexity will only increase.

### **Refined accreditation arrangements**

Universities currently face inconsistent treatment across different data sharing pathways, which creates confusion and inefficiency, particularly for multi-dataset research projects that may span several frameworks.

- i. The DAT Act designates the Vice-Chancellor as the authorising officer for decisions that bind the university as a legal entity in government agreements including accreditation, data sharing agreements and ensuring that the institution's risk management, legal, privacy, and research governance frameworks are compliant.
  - ii. Other data sharing frameworks do not impose such accountabilities on the institution. Access through these frameworks may be more limited or subject to different requirements.
- We suggest that a recommendation be made to streamline institutional responsibilities across all data sharing frameworks, including recognition of DATA scheme accreditation
  - We welcome [Recommendation 7](#) for a proposed permissions-based accreditation system and suggest that it be supported by detailed guidance that helps organisations understand what permissions they require for different types of data sharing activities.

### **Reforming the functions and powers of the National Data Commissioner (NDC)**

We support [Recommendation 6](#) to refocus the ONDC on assurance, oversight and facilitation. Further, we suggest greater data sharing effectiveness could be achieved by making the NDC the key coordinating authority across the Commonwealth. Focusing on front end facilitation, the ONDC could serve as a central triage point, regardless of the ultimate authorising framework. This would reduce confusion and inefficiencies in choosing the right authorisation pathway, enable better coordination between frameworks to avoid duplication and support the development of consistent standards and practices across Commonwealth frameworks.

- We suggest the ONDC be given the function of strategic oversight of Commonwealth data sharing activities as the single entry (triage) point for data users. Such a function would address the whole of

[Finding 11](#) (need for data ecosystem uplift) and support the achievement of [Recommendation 4](#) (data sharing by default), [Recommendation 16](#) and [Recommendation 17](#).

We understand the difficulty in achieving a national, unified approach, but the efficiency gains and benefits to sovereign research effectiveness are immense, justifying the scale of the project. The sooner the data sharing ecosystem is harmonised, the sooner the efficiencies will be realised.

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Further information

Janet Creaney

Principal Specialist, Higher Education Policy

