



# Response to the Data Availability and Transparency Act 2022 Review Findings and Recommendations

August 2025

Thank you for the opportunity to respond to the DAT Act Review Findings and Recommendations.

We welcome the Review's recognition of the importance of First Nations data governance and its alignment with the *National Agreement on Closing the Gap* (CtG) and the *Framework for Governance of Indigenous Data* (GID). This is an opportunity to achieve alignment with the CtG and GID principles by conducting meaningful consultations with Indigenous communities to ensure they are better heard, recognised and empowered to ensure their rights and interests are served and lead to better outcomes.

In particular we commend and note:

- **Finding 9** appropriately acknowledges the current exclusion of First Nations voices under the DAT Act, limiting its contribution to CtG outcomes.
- **Recommendation 10** is strongly supported, particularly the proposal to extend eligibility for accreditation be extended to Aboriginal Community-Controlled Organisations (ACCOs).
- **Recommendation 14** is also strongly supported, particularly its proposals to:
  - Embed First Nations data governance frameworks and CARE principles into decision-making; and
  - Co-design mechanisms to support Indigenous Data Sovereignty and participation.

## Response to focus questions for Recommendation 10:

***Are there other groups who should be considered for inclusion, in the national interest, at this stage, and should all the group listed above be included?***

In addition to ACCOs, inclusion of Aboriginal and Torres Strait Islander communities as eligible for accreditation would align more closely with CtG Priority Reform 4 (Shared access to data and information at a regional level).

***Are there particular supporting mechanisms which would be considered as critical to enabling ACCO participation?***

Consultation with First Nations organisations who have experience requesting data from Commonwealth Agencies is key to understanding which supporting mechanisms are critical. This aligns with GID Guideline 1 Partner with Aboriginal and Torres Strait Islander people. This provides an opportunity for First Nations people to co-design mechanisms ensuring cultural appropriateness and the application of culturally safe data processes.

Noting that ACCOs will have varying levels of data maturity, the most appropriate supporting mechanisms for enabling ACCO participation will vary depending on the data maturity of the organisation.

The following supporting mechanisms are suggested as critical enablers:



- Increase accessibility through inclusion of culturally appropriate and plain language knowledge documents and fact sheets. These would assist in uplifting capability and understanding of members of organisations applying for accreditation or otherwise interacting with the DATA scheme. This aligns with GID Guideline 2 to build data-related capabilities providing First Nations people with skills needed to actively participate in decision making around their priority issues.
- A simplified accreditation pathway. Some ACCOs have less immediate access to the skills needed to complete the accreditation process. A simpler accreditation pathway and practical support will help address Finding 6 that the accreditation process is resource intensive. This aligns with CtG Priority Reform 4.
- Capacity building through targeted funding, resources, and training. Training to provide an uplift in technical skills, data governance and data literacy skills to enable more ACCOs to participate in decisions and discussions as equal partners. This also includes access to technical infrastructure and ICT support required to participate in the DATA scheme. This aligns with CtG Priority Reforms 2 (Building the ACCO sector) and 4.
- Recognising the rights of First Nations people to control their data is a positive step towards self-determination that could be actioned through the redesign of data sharing agreements to reflect culturally safe data practices. Consideration needs to be given to ensuring both the personal and collective privacy of individuals and communities is respected in data sharing agreements.
- Balancing privacy should also consider decisions about who has control over access to culturally sensitive data.

**Recommendation 13:** We are encouraged to see consideration of the impacts of data sharing on First Nations communities as discussed in the example attached to Recommendation 13.

The original DAT Act was explicit in prohibiting data sharing for compliance purposes. This was key to ensuring social license of DAT Act and maintaining community trust of Commonwealth agencies. Careful consideration of the perceived benefits of allowing 'incidental detection of non-compliance' from data sharing should be weighed against the risk of negatively impacting community trust. Specifically, how detection of 'incidental non-compliance' will be actioned by Commonwealth agencies and how this may erode trust in Government agencies. This is likely to disproportionately impact vulnerable communities (i.e. First Nations, People with disability and/or CALD communities) who are more likely to have interactions with Government services and may have previous experiences resulting in lower levels of trust with Government agencies.

