

ESTIMATES BRIEF – Hot Issue DATA AVAILABILITY AND TRANSPARENCY (DAT) ACT REVIEW

Additional Estimates – February 2026

Data Availability and Transparency (DAT) Act Review

Subject/Issue

On 20 March 2025, the Minister for Finance initiated a statutory review of the *Data Availability and Transparency Act 2022* (the DAT Act Review).

Key facts and figures

- The final report of the DAT Act Review was provided to the Minister for Finance on 11 November 2025.
 - The Minister must table the report in the Parliament within 15 sitting days after receiving the report.
 - The report must be tabled by 3 March 2026.
 - A government response to the DAT Act Review is under consideration.
- Dr Stephen P. King was appointed as the independent reviewer on 27 March 2025 by the Minister for Finance. This appointment was categorised as a non-statutory, non-significant appointment.
 - Dr King is also a Commissioner of the Productivity Commission, and a Professor of Practice at Monash University.
 - Dr King was supported by a secretariat based in the Department staffed by four (4) departmental officers (including an SES Band 1) and a secondee from the Australian Bureau of Statistics.
- An initial issues paper was released on 30 April 2025 seeking public feedback on the DAT Act with 63 submissions received from Commonwealth and state and territory government entities, universities, research institutes, private companies and individuals (submissions closed on 30 May 2025).
- This initial consultation process also included 26 meetings with key stakeholders (Commonwealth and state and territory government entities, universities and research institutes).
- A Draft Findings and Recommendations paper was publicly released on 18 July 2025 with 24 submissions received from Commonwealth and state and territory government entities, universities, research institutes, private companies and individuals (submissions closed on 8 August 2025).

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Reviewer costs for undertaking the DAT Act Review

- The total cost for Dr King's engagement on the review is \$32,864.77. This is comprised of:
 - reviewer fees totalling \$28,894.56 for work undertaken
 - travel expenses totalling \$3,970.21.
- Dr King's remuneration for undertaking the review is determined by work undertaken at a fixed daily rate plus variable fees and charges, subject to a maximum contract price of \$115,000.
- Dr King's daily rate is specified in his contract and is subject to a confidentiality clause.
- The following details about Dr King's engagement have been previously reported:
 - Dr King's engagement, maximum contract price, and existence of the above confidentiality clause – Senate Order 13 on Entity Contracts (1 July 2024 – 30 June 2025) (Murray Motion).
 - Dr King's engagement, maximum contract price, and total costs – response to Senator Paterson's Question on Notice to the Minister for Finance on 22 July 2025 (PQoN 64).
- Dr King's contract was not required to be recorded on the Procurement Register or on AusTender because it is an appointment rather than a procurement.

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Background

Section 142 of the DAT Act requires the Minister for Finance to cause periodic review of the DAT Act's operation to be undertaken. An initial review of the of the DAT Act was required to start by 1 April 2025. The terms of reference stated the report was to be presented to the Minister in the second half of 2025.

Section 143 of the DAT Act mandates that the Act ceases to have effect 5 years after it commences. This means without legislative intervention, the DAT Act will cease on 1 April 2027.

The Draft Findings and Recommendations

The published Draft Findings and Recommendations found that:

- There are ongoing limitations and obstacles inhibiting access to public sector data that is more likely to be overcome by reforming the DAT Act than by allowing it to sunset, however substantial reforms are necessary to justify the Act's continued operation.
- The DAT Act needs to be stripped back to its essential elements with significant parts reformed and removed. It needs to be simple and flexible with a clear authorising pathway for sharing data for approved purposes.
- The DAT Act also needs to expand what types of entities could be accredited and greater recognition of First Nations and state and territory governments in data sharing.
 - Extending eligibility to the private sector must be balanced with continuing to build and maintain social license for data sharing. To this effect, the Draft Findings and Recommendations proposed a Ministerial power to enable future expansions.

Supporting information

Questions on Notice

- As above, details about Dr King's engagement were provided in response to Senator Paterson's Question on Notice to the Minister for Finance on 22 July 2025 (PQoN 64).

Freedom of Information (FOI) Requests

- No FOIs asked.

Recent Ministerial Comments

- Nil.

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Relevant Media Reporting

- Nil.

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