



Maiam nayri Wingara

Mr Romlie Mokak

Commissioner

Productivity Commission

17 October 2023

Dear Mr Mokak,

Re: The National Agreement on Closing the Gap and Indigenous Data Sovereignty

On behalf of *Maiam nayri Wingara Indigenous Data Sovereignty Collective*, please accept this submission to review the National Agreement on Closing the Gap (CtG) concerning Indigenous Data Sovereignty (ID-Sov). ID-Sov has relevance to all data within CtG, but in particular, Priority Reform Four: Shared Access to Data and Information at a Regional Level.

- 1) We believe the CtG Agreement would benefit from explicitly naming ID-Sov as a component of Priority Reform Four. This would be beneficial because the types of data, the data infrastructures, and the data literacy needed primarily by Aboriginal and Torres Strait Islander communities and organisations, and also non-Indigenous people and organisations, are largely absent.
- 2) To begin incorporating ID-Sov into the CtG agreement, we suggest starting with the 2018 definitions agreed to by over 40 Aboriginal and Torres Strait Islander leaders at the inaugural ID-Sov summit:
 - ‘Indigenous Data’ refers to the right to all information or knowledge, in any format or medium, which is about and may affect Indigenous peoples both individually and collectively.
 - ‘Indigenous Data Sovereignty’ refers to the right of Indigenous peoples to exercise ownership over Indigenous data. Data ownership can be expressed through the creation, collection, access, analysis, interpretation, management, dissemination and reuse of Indigenous data.
 - ‘Indigenous Data Governance’ refers to the right of Indigenous peoples to decide what, how and why Indigenous data are collected. It ensures that data on or about Indigenous peoples reflects our priorities, values, cultures, worldviews and diversity.
- 3) We suggest a staged and multi-step approach towards ID-Sov is needed. At present, the establishment of full ID-Sov across the entirety of the Indigenous data landscape is unrealistic because of the lack of resources, Indigenous data infrastructure, and Indigenous data literacy and skills within Aboriginal and Torres Strait Islander communities and organisations.

ID-Sov is a staged and multi-step objective that likely cannot be achieved short-term and is perhaps not wholly achievable regarding how the government uses Indigenous data. However, Indigenous Data Governance (ID-Gov) is the mechanism for operationalising ID-Sov. ID-Gov has two key components, both of which are unpinned by Indigenous leadership:

- i) *Data for Governance*; and,
- ii) *Governance of Data*.



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- 4) The establishment of an Indigenous Data Authority and infrastructure.¹ Because of the centrality of Indigenous data in the CtG, Maiam nayri Wingara believes an Indigenous Data Authority should be established to assist progress towards ID-Sov. An Indigenous Data Commissioner would oversee the functions of the Indigenous Data Authority, and would have powers to assist with:
 - i) Socialising ID-Sov and ID-Gov within government departments and agencies;
 - ii) Receiving and repatriating Aboriginal and Torres Strait Islander data;
 - iii) Developing new data items;
 - iv) Establish Indigenous data collections, including their management, analysis and reporting according to Aboriginal and Torres Strait Islander needs; and,
 - v) Support Aboriginal and Torres Strait Islander peoples and communities in realising Aboriginal and Torres Strait Islander data capability.
- 5) A focus on cultural and Indigenous data capability for non-Indigenous people and organisations, such as government departments. The Governance of Indigenous Data Framework² developed by NIAA with all 16 federal government departments, and in partnership with Aboriginal and Torres Strait Islander people, provides a practical outline that can be followed and socialised across the public sector (Richardson et al. 2023). The framework needs immediate enactment to support the CtG priority reforms.
- 6) It is crucial to recognise that government and non-Indigenous organisations, while they may play a role in data management and as data holders, are not the solution to achieving ID-Sov. ID-Sov emphasises the inherent right of Indigenous peoples to govern, control, and make decisions about their own data. This acknowledges that Aboriginal and Torres Strait Islander communities are best positioned to understand and address their own needs, aspirations, and challenges.

Prioritising Aboriginal and Torres Strait leadership and their self-determination is essential for the CtG agenda. Aboriginal and Torres Strait Islander peoples should be at the forefront of designing and implementing data governance frameworks and technical infrastructure that align with place-based cultural values, protocols, and worldviews. This recognises and respects culturally sensitive data practices and the diverse Indigenous knowledge systems across the continent.

We hope these suggestions are helpful and welcome further discussions with you and your team.

Yours sincerely,

The Maiam nayri Wingara Executive Members

¹ For further information, see Lovett, R. et.al, 2020. Knowledge and power: The tale of Aboriginal and Torres Strait Islander data. *Australian Aboriginal Studies* (Canberra), (2), pp.5.

² The Governance of Indigenous Data Framework has been agreed to in-principle by the Deputy Secretaries Data Group (DSDG) but is currently on hold. The Framework has four guidelines for each federal department to operationalise.