



Australian Government

Office of the National Data Commissioner

ONE CANBERRA AVENUE
FORREST

Commissioners
Closing the Gap Review
Productivity Commission
PO Box 1428
Canberra City ACT 2601

Dear Commissioners Mokak and Siegel-Brown

Thank you for the opportunity to make a submission to the Productivity Commission's *Review of the National Agreement on Closing the Gap, Draft Report* and for our recent discussions on this matter.

Information request 5 asks what, if any legislative or policy barriers are preventing governments from sharing data with Aboriginal and Torres Strait Islander people and organisations. During public consultations on the draft *Data Availability and Transparency Code 2022* and in other forums, we have heard calls for changes to the *Data Availability and Transparency Act 2022* so that Aboriginal and Torres Strait Islander Community Controlled Organisations and Registered Native Title Bodies Corporate can participate directly in the data sharing scheme established by the Act.

As a first step, we are gathering information about Aboriginal and Torres Strait Islander focused entities that are eligible to participate in the data sharing scheme because they are Commonwealth, state or territory government entities. A list of those Commonwealth entities is at Attachment A. My office and I are consulting with the National Indigenous Australians Agency and state and territory governments to identify any Aboriginal and Torres Strait Islander focused entities that are state or territory government entities and that may also be eligible to participate directly in the data sharing scheme.

I note that a review of the Act is due to commence from 1 April 2025. The review is intended to allow an independent assessment of the operation of the data sharing scheme.

Please contact Assistant Secretary, Sally Hill, if you have any questions in relation to this submission.

Yours sincerely

Gayle Milnes
National Data Commissioner
25 October 2023

List of Aboriginal and Torres Strait Islander focused entities (Commonwealth Government entities) eligible to participate in the DATA Scheme

Commonwealth bodies			
Indigenous Body	Type of body/ Establishing legislation	A data custodian?	Eligible for accreditation?
National Indigenous Australians Agency	Non-corporate Commonwealth entity	Yes	Yes
Anindilyakwa Land Council	Corporate Commonwealth entity	Yes	Yes
Australian Institute of Aboriginal and Torres Strait Islander Studies	Corporate Commonwealth entity	Yes	Yes
Central Land Council	Corporate Commonwealth entity	Yes	Yes
Indigenous Land and Sea Corporation	Corporate Commonwealth entity	Yes	Yes
Indigenous Business Australia	Corporate Commonwealth entity	Yes	Yes
Northern Land Council	Corporate Commonwealth entity	Yes	Yes
Northern Territory Aboriginal Investment Corporation	Corporate Commonwealth entity	Yes	Yes
Tiwi Land Council	Corporate Commonwealth entity	Yes	Yes
Torres Strait Regional Authority	Corporate Commonwealth entity	Yes	Yes
Wreck Bay Aboriginal Community Council	Corporate Commonwealth entity	Yes	Yes
Aboriginal Hostels Limited	Commonwealth company, limited by guarantee	Yes	Yes
Outback Stores Pty Ltd	Commonwealth company, limited by shares	Yes	Yes