TRANBY
ABORIGINAL CO-OPERATIVE LTD
SINCE 1957

SUBMISSION

From access to authority

Priority Reform 4, Indigenous data sovereignty and artificial intelligence

SUBMITTED BY

Tranby Aboriginal Co-operative Ltd

SUBMITTED TO

Productivity Commission
Review of the National Agreement on Closing the Gap 2026

DATE

October 2026

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ACKNOWLEDGEMENT OF COUNTRY

Tranby acknowledges the Gadigal people of the Eora Nation, on whose Country Tranby has stood since 1957. We pay our respects to Elders past and present, and to all Aboriginal and Torres Strait Islander peoples whose knowledge, stories and data this submission concerns.

SUBMISSION DETAILS

Oral submission

Tranby would welcome the opportunity to give an oral submission at Tranby, in Glebe.

Attachment

Attachment A: *Indigenous Data Sovereignty, UNDRIP and Indigenous-Led AI: A Framework for Indigenous Digital Productivity* (Tranby 2026)

Use of AI

AI tools supported the planning of this submission and Attachment A. Tranby has reviewed all content and owns it.

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OUR POSITION

Tranby urges the Productivity Commission to find that Priority Reform 4 applies to artificial intelligence, and to hold every party to that finding before the Australian Standards for AI become law in early 2027.

Timing drives this request. The Prime Minister announced the standards on 15 July 2026. On 26 August National Cabinet agreed the Commonwealth will work with the states and territories on consistent mandatory standards. The Commonwealth intends to legislate early next year. This review releases its draft report in April 2027 and delivers its final report in August 2027. By the time the Commission reports, the rules for how AI systems collect, learn from and decide with Aboriginal and Torres Strait Islander data will already be law.

0 The call for submissions does not mention artificial intelligence once.

Priority Reform 4 was written to give our communities access to data. AI changes the question. Access asks whether a community can see the data held about it. Authority asks who decides what goes into a model, what comes out of it, and who benefits. The Commission's own 2024 review found that Aboriginal and Torres Strait Islander people "require more than just access to existing data held by governments" (PC 2024, p. 63). AI is where that finding meets its first real test.

Authority over data also decides who gets the work. The Tech Council of Australia forecasts up to 200,000 AI-related jobs by 2030. One in three Aboriginal and Torres Strait Islander people is under 15. The generation that will fill those jobs, or watch others fill them, is already in the classroom.

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Tranby has held our people's knowledge since 1957. Our Digital Dilly Bag stores community knowledge on Aboriginal-owned freehold land under Aboriginal governance, and we are building AI that runs inside it. We write from practice. Attachment A sets out the framework behind this submission.

THE STORY BEHIND THE NUMBERS

Four numbers that frame this submission

1 in 3

Aboriginal and Torres Strait Islander people are under 15

What it tells us: the generation that will live with the AI rules written in 2026 and 2027 is already at school.

177

Aboriginal and Torres Strait Islander languages spoken or used in 2025-26, 45 of them strong

What it tells us: our languages are living knowledge. AI can grow them under community governance, or strip them without it.

200,000

AI-related jobs forecast for Australia by 2030, up from 33,000+ in 2023

What it tells us: population parity would mean about 7,600 of those jobs for our people. Jobs follow whoever controls the data.

0

Times the Commission's call for submissions mentions artificial intelligence

What it tells us: Priority Reform 4 is being reviewed without the technology now reshaping it.

Sources: ABS, Estimates of Aboriginal and Torres Strait Islander Australians, June 2021 | Productivity Commission Closing the Gap dashboard, July 2026 | Tech Council of Australia, Meeting the AI skills boom (2024), "up to 200,000" | Productivity Commission call for submissions (September 2026). Parity figure is Tranby's calculation: 3.8 per cent of 200,000.

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TEN RECOMMENDATIONS

What Tranby recommends

Each recommendation names who must act. Section 9 sets out every one in full, with a date.

1. **Confirm that Priority Reform 4 covers AI.** Joint Council writes AI and automated decision-making into the Agreement in technology-neutral terms.
2. **Build Indigenous data governance into the Australian Standards for AI** before the Office of AI takes the bill to Parliament.
3. **Make consent continuing and disclosure routine.** Every agency maps where its Indigenous data flows into AI and reports that use in its Closing the Gap statement.
4. **Set a date.** The Data Policy Partnership reports options for an independent Indigenous data body, with AI in its remit, by 30 June 2027.
5. **Fund community-controlled data infrastructure** as a sector under Priority Reform 2, starting with shared regional safe settings.
6. **Train the workforce.** A First Nations data and AI workforce pathway, with a parity goal of about 7,600 roles by 2030.
7. **Measure authority, not just connection,** under Targets 16 and 17.
8. **Return value to communities** when their data creates commercial or AI value.
9. **Future-proof the obligations** in the national agreement that follows 2031, and in legislation.
10. **Apply data sovereignty to this review** by giving submitters control over how their contributions are kept.

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A GUIDE FOR THE COMMISSION

Where we answer the Commission's questions

THE COMMISSION ASKS	OUR ANSWER	SECTION
How have governments improved the availability and accessibility of data relevant to Aboriginal and Torres Strait Islander people and communities?	Access stalls on infrastructure, not intent. Shared community-controlled safe settings solve it.	6
How are parties working with communities to determine what data is collected and shared?	Through cultural authority, bound to a purpose and open to withdrawal.	4
How are parties working to incorporate Indigenous Data Governance into government data collection and management?	Five design requirements that apply to a statistical collection and an AI model alike.	4
Are the socio-economic outcomes and targets appropriately defined and measured?	Not for Targets 16 and 17. They count connection, not control.	4
What makes independent oversight credible to communities?	Aboriginal and Torres Strait Islander leadership, independence, real powers and a date.	7
How could governments embed obligations for partnership, shared decision-making and accountability into future national agreements and policy frameworks?	Through the AI standards now, and through the agreement that follows 2031.	7

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1 The rules will be written before this review reports

Four decisions land inside the life of this review.

- In **November 2026** the Data Policy Partnership is due to report to Joint Council. Its options study for an Aboriginal and Torres Strait Islander data entity is under way.
- During **2026** the Partnership Working Group is due to advise Joint Council on Essential Action 2.1, the Commission's proposal to write Indigenous Data Sovereignty into Priority Reform 4.
- From **10 December 2026**, entities covered by the Privacy Act must explain in their privacy policies how they use personal information in automated decisions that could significantly affect an individual's rights or interests.
- In **early 2027** the Commonwealth intends to legislate the Australian Standards for AI.

Each one is a chance to write Indigenous authority into the rules. Two of them carry no Indigenous data governance requirement on the public record. The Government's 15 July announcement of the AI standards does not mention Aboriginal and Torres Strait Islander people at all. The Privacy Act protects individuals, while most data about our communities is aggregated or de-identified and falls outside the Act altogether. Priority Reform 4 was built for exactly that space.

OUR ASK

Our organisation urges the Commission to engage the Office of AI now, and to state its view on Priority Reform 4 and AI before the standards bill is introduced. A finding delivered in August 2027 will describe law already made.

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THE WINDOW

The rules will be written before this review reports

● AI and data rules being set ● This review ○ Commitments already made

Jul 2020	**National Agreement takes effect.** Priority Reform 4 commits parties to shared access to data and information.
Feb 2024	**First Commission review.** Communities "require more than just access to existing data held by governments".
Jun 2025	**Data Policy Partnership endorsed.** Its first priority: scoping options for a Bureau of Indigenous Data.
15 Jul 2026	**Australian Standards for AI announced.** Office of AI set up in PM&C.
26 Aug 2026	**National Cabinet considers the approach.** First Ministers agree data centre energy, water and land-use impacts need managing.
26 Oct 2026	**Submissions to this review close.**
Nov 2026	**Data Policy Partnership report due to Joint Council.**
10 Dec 2026	**Privacy Act transparency rules for automated decisions begin.** They protect individuals, not communities.
Early 2027	**AI standards due to be legislated.**
Apr 2027	**Commission draft report released.**
Aug 2027	**Commission final report to Government.**

The AI standards are due to become law in early 2027, **before** the Commission's final report. Waiting for that report means commenting on settled law.

Sources: Productivity Commission (2024, 2026) | Joint Council communique, 20 June 2025 | Prime Minister, 15 July 2026 | National Cabinet, 26 August 2026 | Data Policy Partnership Meeting Three communique | Privacy and Other Legislation Amendment Act 2024.

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2 What the AI frontier means on the ground

"The AI frontier" sounds abstract. On the ground, it is a supply chain, and Aboriginal and Torres Strait Islander data enters it at five points.

THE AI FRONTIER IN PRACTICAL TERMS

Five places where AI meets Aboriginal and Torres Strait Islander data

LINK IN THE CHAIN	WHAT HAPPENS NOW	WHAT AUTHORITY LOOKS LIKE
01 **Country**	Data centres need land, power and water. National Cabinet has agreed they carry material land and water impacts.	Traditional Owners hold a decision right on siting and water use, with land-use agreements that carry jobs and revenue.
02 **Collection**	Agencies adopt AI tools that can link, summarise and predict from health, education, housing, child protection and justice records.	Purpose recorded for every dataset. Renewed consent for new uses. Flows into AI mapped and disclosed.
03 **Training**	Recordings, stories, songs, art and archives become training material. Copyright does not recognise communal ownership.	Free, prior and informed consent for cultural material. Restricted knowledge excluded at the source.
04 **Outputs**	AI-generated images labelled as Indigenous, and AI-made Aboriginal-style art, circulate without context or permission.	Provenance labels, a right to take down misuse, and benefits returned to communities of origin.
05 **Decisions**	Automated systems assess eligibility, risk and debt across government services.	Every agency use of Indigenous data in automated systems disclosed in its Closing the Gap statement.

Sources: National Cabinet, 26 August 2026 | Bulun Bulun v R & T Textiles [1998] FCA 1082 | National Indigenous Times, 10 March 2025 | Tranby (2026), Attachment A.

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01 Country

AI runs on data centres that need land, power and water. On 26 August 2026 First Ministers agreed that large data centres bring "material energy, water and land-use impacts that need to be managed" (National Cabinet 2026). Where a data centre sits and how much water it draws are decisions about Country. Traditional Owners should hold a decision right on both, through agreements that also carry employment and revenue.

02 Collection

Governments hold data about our people in health, education, housing, child protection and justice. Agencies are adopting AI tools that can link those records, summarise them and predict from them. Much of this data is aggregated or de-identified, so the Privacy Act does not reach it. Priority Reform 4 can.

03 Training

Language recordings, stories, songs, art and archives are all training material. The Government has said "no company should use Australian creative works to train AI without the artist's control" (Prime Minister of Australia 2026). That promise is framed around individual creators. Australian copyright law vests ownership in the author for a fixed term, and the Federal Court has held that it does not recognise a clan's communal ownership of an artwork (*Bulun Bulun v R & T Textiles* [1998] FCA 1082). A story held collectively under law for thousands of years sits outside it. Unless the standards cover communal knowledge, the people with the oldest claim fall outside the promise.

04 Outputs

Stock image platforms have already carried AI-generated images labelled as Indigenous Australians, alongside AI-made Aboriginal-style artwork (National Indigenous Times 2025). That material travels without context or permission. Authority here means provenance labels, a right to have misuse taken down, and a share of the value.

05 Decisions

Agencies use automated systems to assess eligibility, risk and debt. The Royal Commission into the Robodebt Scheme (2023) showed the cost of automated decisions made without human accountability. When those systems draw on Indigenous data, communities are entitled to know where and how.

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The same supply chain, under community control

Run under community authority, the chain produces something else entirely.

PROOF FROM AOTEAROA

Te Hiku Media, a Māori media organisation in the far north of Aotearoa, invited te reo Māori speakers to read phrases aloud. In 10 days more than 2,500 people signed up and read over 200,000 phrases, producing over 300 hours of labelled speech. The speech recognition models built on that data transcribe te reo Māori with 92 per cent accuracy.

The data is governed by Te Hiku's Kaitiakitanga Licence, which limits use to the benefit of Māori people, and Te Hiku holds its archive on its own platform, Whare Kōrero (NVIDIA 2024). **Community control did not slow the technology down. It built it.**

Australian evidence points the same way. A CSIRO Australian e-Health Research Centre project with the Victorian Aboriginal Community Controlled Health Organisation (VACCHO), the Aboriginal and Torres Strait Islander Community Health Service Brisbane, the Centre of Excellence for Aboriginal Digital in Health and Australian Indigenous HealthInfoNet ran four workshops between 2023 and 2025 with 53 leaders, clinicians, researchers and health service providers. It found current AI frameworks "overly general and insufficiently detailed in relation to cultural diversity". Participants set three priorities: AI health literacy and cultural appropriateness, Indigenous data sovereignty, and self-determination, with Indigenous organisations leading AI design, implementation and oversight. Lead author Dr Andrew Goodman, an Aboriginal man from Iningai Country, put it plainly: "If AI is to benefit our mob, it must reflect our voices, our data and our ways of knowing" (CSIRO 2025).

That finding came from health. It holds in every portfolio the Agreement touches.

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3 The rights already exist

Australia endorsed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in April 2009. Its articles already answer most of the questions AI raises.

ARTICLE	RIGHT	WHAT IT MEANS FOR DATA AND AI
3 and 4	**Self-determination and self-government**	Communities decide how data about them is governed, including inside AI systems.
18	**Participation in decision-making**	Communities sit at the table when systems that use their data are designed.
19	**Free, prior and informed consent**	Consent is collective, sought through communities' own institutions, and renewed when the purpose changes.
26(2)	**Own, use, develop and control lands, territories and resources**	Data and knowledge that communities hold are resources under their control.
31	**Cultural heritage and traditional knowledge**	Control extends to knowledge in digital and algorithmic form.
34	**Institutional structures and customs**	Cultural protocols, including those for restricted knowledge, govern use.
43	**Minimum standards**	These rights are the floor.

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In its March 2026 response to the Joint Standing Committee's inquiry into economic self-determination, the Government stated that UNDRIP informs how Australian governments engage with Indigenous peoples and that it has given the Declaration practical effect through its programs and policies (Australian Government 2026). The same response notes UNDRIP is not legally binding. That gap matters, and Section 7 returns to it. The APS Framework for Governance of Indigenous Data (NIAA 2024) and the Maiam nayri Wingara principles (2018) put those rights into practice. **Australia does not need a new principle. It needs to apply the ones it has endorsed.**

Data is part of Country

The High Court's decision in *Mabo v Queensland (No 2)* (1992) ended the legal fiction that this continent belonged to no one. Native title rests on rights held under traditional law and custom, and that same law governs stories, songs, language and knowledge.

> **An AI industry that treats cultural material as free for the taking repeats terra nullius in data form.**

We make this argument with care. Data sovereignty becomes a metaphor once it is cut loose from land, law and real control (Tuck & Yang 2012). Communities exercise it on infrastructure they control, under protocols they set. Section 6 shows what that looks like at Tranby.

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4 From access to authority: our answers on data

The Commission asks three questions about data and one about measurement. Our answers follow.

QUESTION

How should parties work with communities to decide what data is collected and shared?

Through the community's own institutions, as a continuing obligation rather than a one-off approval. Four rules follow from that.

1. **Consent comes from people with cultural authority.** In many communities that means one or more Elders recognised as holding authority, reached through the community's own processes. Where several organisations or individuals claim to speak for a community, the party seeking consent does the work to find the right people. Convenience is no test.

2. **Consent is bound to a purpose.** Data given for education cannot move to commercial AI training without a fresh request. Every agency should record the purpose attached to each Indigenous dataset it holds.

3. **Consent can change.** Communities must be able to vary or withdraw it. Digital consent registers linked to community governance can help, but they sit beneath relational and ceremonial processes and never replace them.

4. **Some knowledge is not for sharing.** Restricted knowledge stays out of collection and out of AI training altogether.

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QUESTION

How can Indigenous Data Governance be built into government data systems?

Design the system around the obligations that govern the knowledge. Adding Indigenous data to systems built on other assumptions fails. Indigenous cultural capital, meaning the relational law, kinship obligations and place-based knowledge that shape authority (Bamblett et al. 2019, Abeysekera 2024), yields five concrete requirements:

FIVE DESIGN REQUIREMENTS

01	tiered access based on cultural authority, not security clearance alone
02	a community veto over new uses
03	audit logs that knowledge custodians can read
04	purpose-limited model training, with restricted material excluded
05	outputs that carry their context, so knowledge keeps the meaning that governs it

These apply to a statistical collection and an AI model alike. None of them waits on a national body. **Agencies can start this financial year.**

Every agency should also map where its Indigenous data sits, who handles it, where it goes and what it is used for, including whether it trains, tests or runs an AI system. Without that map, no agency can show it meets Priority Reform 4. Where ownership and permitted uses of the data entering and leaving an AI system cannot be clearly assigned to the community concerned, access to that system should be restricted through binding terms of use or infrastructure under community control.

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QUESTION

Are the targets appropriately defined and measured?

For the two targets closest to data and knowledge, no.

TARGET 17

Target 17 promises equal levels of digital inclusion by 2026. That is this year. Its indicator is the share of Aboriginal and Torres Strait Islander people aged 15 and over who personally used the internet in the last three months: 88.3 per cent in 2022-23. The Commission cannot yet assess progress, because comparable data on non-Indigenous people is not available (PC 2026b). Even with that data, the number would tell us only that people are online. It says nothing about whether a community can use information to make decisions about its own life, which is what Outcome 17 promises, or whether it controls data about itself, which is what Priority Reform 4 is for.

Connection is also rising fast wherever infrastructure arrives. In the 12 remote First Nations communities studied by the RMIT and Swinburne Mapping the Digital Gap project, daily internet use climbed from 44 per cent in 2022 to 62 per cent in 2024 (RMIT 2025). **Communities are ready. The measure has not kept up with them.**

TARGET 16

Target 16 records 177 Aboriginal and Torres Strait Islander languages spoken or used in 2025-26, 45 of them strong. That is the baseline, so progress cannot yet be measured (PC 2026b). AI language tools could lift both the number and the strength of those languages. They will do so only under the governance of the language communities themselves. Tools trained on recordings without consent damage the very thing the target protects.

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MEASURING WHAT MATTERS

Target 17 measures the first rung. Priority Reform 4 lives at the top.



Source: Productivity Commission Closing the Gap dashboard, July 2026. Target 17 falls due in 2026 and progress cannot yet be assessed. Ladder is Tranby's framing of the Priority Reform 4 outcome.

Communities should determine the measures. Options for them to weigh include:

- the number of community-controlled data repositories and safe settings operating
- the share of community data requests that agencies meet within an agreed time
- the share of agency AI and automated systems using Indigenous data that are publicly disclosed
- whether each language technology is governed by the language community it serves
- the number of Aboriginal and Torres Strait Islander people employed in data and AI roles

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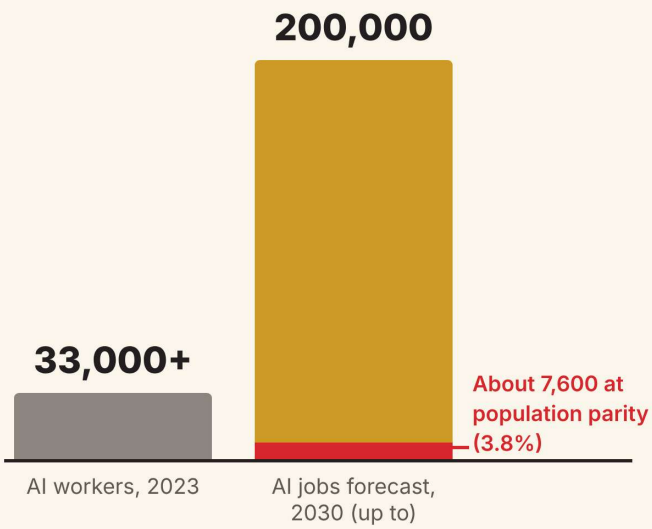
5 Authority creates jobs and enterprise

The case for data sovereignty rests on rights. The jobs are the dividend.

Australia's AI workforce grew to more than 33,000 people in 2023. The Tech Council of Australia forecasts up to 200,000 AI-related jobs by 2030 (Tech Council of Australia 2024). Aboriginal and Torres Strait Islander people make up 3.8 per cent of the population (ABS 2023). Parity in that workforce would mean about 7,600 AI jobs held by our people by 2030. No national dataset tracks our share of AI jobs today. **That is itself a gap the Commission can close.**

JOBS AND SELF-DETERMINATION

Australia's AI workforce could grow six-fold by 2030. Our share should grow with it.



12x
Indigenous businesses are 12 times more likely than non-Indigenous businesses to employ an Indigenous worker.

1 in 5
Aboriginal and Torres Strait Islander workers are employed by Indigenous businesses, which make up less than 1% of firms.

$50bn
Potential annual revenue of the First Nations economy within the next decade.

Sources: Tech Council of Australia (2024) | Dilin Duwa Centre, University of Melbourne (2025) | Deloitte Access Economics for ANZ (2025). Parity figure is Tranby's calculation.

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What the numbers tell us

Jobs follow control. The Indigenous business sector proves it. Indigenous businesses make up under 1 per cent of firms trading in Australia, yet they employ 20 per cent of Aboriginal and Torres Strait Islander people in the workforce and are 12 times more likely than non-Indigenous businesses to employ an Indigenous worker. Almost two-thirds of the jobs in that ecosystem are in rural and remote areas (Dilin Duwa Centre 2025).

Data infrastructure works the same way. When a community-controlled organisation holds the data, the work stays in community. Data stewards. Archivists and digitisation officers. Language technologists, cyber security staff and data centre technicians. The people who test AI systems for cultural safety. When an agency or a vendor holds the data, those jobs sit somewhere else.

Small initiatives already show it. The Cherbourg Digital Service Centre has created between 25 and 30 jobs (First Nations Digital Inclusion Advisory Group 2024).

The wider First Nations economy is moving the same way. Indigenous businesses surveyed for the University of Melbourne's 2024 Indigenous Business Snapshot contributed more than $16 billion to the Australian economy (Dilin Duwa Centre 2024). Deloitte Access Economics, commissioned by ANZ, estimates the First Nations economy has the potential to generate $50 billion a year in revenue within the next decade (ANZ 2025). AI developed under Indigenous governance can lower barriers to capital and markets, scale language and cultural industries, and help enterprises prove their impact.

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> **This is self-determination at its most practical. A community that holds its own data plans its own services, runs its own enterprises and trains its own young people for jobs that did not exist five years ago.**

A workforce pathway with a target

Tranby is a national Aboriginal adult education and training provider. Community-controlled education providers are the natural route into these roles because they already hold the trust of the students and communities the jobs must serve. We recommend the Commonwealth fund a First Nations data and AI workforce pathway through them, with a parity goal reported each year through Closing the Gap reporting (Recommendation 6). The same pathway lifts Target 7 on young people in employment, education or training and Target 8 on employment.

The pressure to give it away

Pressure to open creative and cultural material to AI training has come from close to home. In August 2025 the Commission's own interim report on harnessing data and digital technology sought feedback on a text and data mining exception to copyright for AI training. The Government ruled one out in October 2025, and the Commission's December 2025 final report recommended waiting and monitoring instead (PC 2025). The debate has not ended. Framing cultural material as a free input to national competitiveness repeats an old pattern, in which others draw the benefit from cultural expression and custodians carry the cost. Communities pushed to license quickly may sign deals they cannot enforce.

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Not every community wants its data shared, and not all Indigenous data suits open release. Where Indigenous data does create commercial, open-data or AI value, the benefits should flow back to the communities it comes from. Aotearoa's Māori Data Governance Model ties Māori data to value creation, benefit sharing and collective wealth for iwi and Māori (Kukutai et al. 2023).

In November 2024 the Joint Standing Committee recommended a centralised database or national registration system for Indigenous knowledge to support access and benefit-sharing agreements (Recommendation 15). The Government noted the recommendation. It pointed to stakeholder calls for access controls, data sovereignty and free, prior and informed consent, and to the Commission's own caution that registration is not compatible with secret or sacred aspects of culture (Australian Government 2026).

OUR ASK

Any register, and any provenance scheme modelled on the new geographical indications arrangements Australia is developing under the Australia-EU Free Trade Agreement (DFAT 2026), must be Indigenous-designed and Indigenous-governed from day one.

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6 Tranby is already doing this

Tranby has worked where knowledge, community control and economic independence meet since 1957. We hosted early meetings on land rights. We distributed materials for the 1967 referendum. Dozens of Indigenous co-operatives grew out of Tranby (BCCM 2025). Custody of knowledge has run through all of it, moving from paper and tape to digital systems. It now meets AI.

The Digital Dilly Bag

The Digital Dilly Bag is Tranby's community-controlled sovereign data centre. It stores stories, documents, learning materials and community knowledge on Aboriginal-owned freehold land, under Tranby's governance. It carries the responsibilities of land-based custodianship into digital form, alongside the Tranby National Indigenous Oral History Centre and Keeping Place.

We are now building AI that runs entirely inside this community-controlled environment. Recordings and knowledge are processed on site. **Nothing goes to an external cloud.**

10,000s	**100+**	**1,000s**	**100s**
hours of recordings held	years the collection spans	students Tranby serves	communities Tranby serves

This approach matches international practice. Aotearoa's Māori Data Governance Model calls for investment in Māori self-determined data infrastructure outside the public sector, and canvasses limits on offshoring Māori data (Kukutai et al. 2023).

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Shared regional safe settings: our answer on access

The Commission asks how governments have improved access to data. **Access stalls on infrastructure, not intent.** Agencies apply strict safe-settings requirements before they release granular, place-based data. Most community-controlled organisations cannot each fund a data environment that meets those requirements.

Tranby has proposed a New South Wales pilot that solves this with shared regional hubs. Every government party, NSW included, has committed under Priority Reform 4 to share regional data with communities (clause 72). In our experience, agencies hesitate once data leaves their systems. Their concern is sharpest for the granular data that communities most need for local planning. Under our model, Aboriginal Community Controlled Organisations (ACCOs) share regional hubs located on sites communities choose, run under Aboriginal governance and built to meet the Five Safes framework. Four features carry the design.

FEATURE 1

Community-held keys. Communities hold the encryption keys, so no agency or provider can open transferred data without community consent.

FEATURE 2

Community data stewards decide who may analyse which dataset, and for what purpose.

FEATURE 3

Audit without exposure. Every access is logged permanently. Government assurance teams can inspect the logs without seeing the data.

FEATURE 4

Safe outputs. Reports are aggregated and checked for re-identification risk before anything leaves the hub.

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THE PILOT

The pilot runs in four stages. 1 Co-design with pilot ACCOs and NSW agencies. 2 Establish the first regional hub. 3 Transfer one granular regional dataset, such as health or housing data. 4 Evaluate the hub against the Five Safes and against how far it shortens the time communities wait for data. If it works, the Commission can recommend it for community data projects in every jurisdiction.

CLAUSE 74

Clause 74 committed the parties to establish community data projects in up to six locations by 2023. The Coalition of Peaks lists three as established: in Western Sydney, the Kimberley and the western suburbs of Adelaide (Coalition of Peaks n.d.). **We ask the Commission to report the status, funding and degree of community control of each, and to confirm that future projects can include community-governed knowledge and AI infrastructure.** To our knowledge, no sector strengthening plan yet covers community-controlled data and digital capability. Without one, Priority Reform 4 relies on infrastructure nobody is funded to build.

Indigenous data embassies

In 2017 Estonia and Luxembourg signed an agreement for an Estonian data embassy in Luxembourg. Estonian government data sits on servers in another country and stays fully under Estonian control (e-Estonia n.d.). Adapted for Australia, an Indigenous data embassy would hold data under Indigenous law and protocols wherever the servers sit, through binding agreements grounded in UNDRIP. Attachment A develops the model. It depends on governments honouring the agreements they sign, which is why treaty processes matter.

Trusted Indigenous institutions turn principles like these into working systems. Navajo Technical University works with Navajo Nation leadership as a trusted intermediary, developing AI governance grounded in Diné philosophy without setting policy for the Nation (Diné AI Innovation Hub 2026). **Tranby is ready to play that role here.**

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7 Built to last

Priority Reform 4 was written in 2020, before generative AI reached the public. Whatever the Commission recommends now will meet technologies nobody can name yet. Four design choices keep the obligations current.

01 Write it in technology-neutral terms

An amendment that says "AI" and stops will date quickly. The Agreement should cover any data used to train, test, run or evaluate an automated or AI system. That wording holds when today's tools are obsolete.

02 Put it in law

The Australian Standards for AI are the first chance to give Indigenous data governance legislative force. If the standards pass without it, a national framework written alongside the Agreement will have bypassed the Agreement. In the longer term, Tranby supports legislative recognition of UNDRIP so that data rights become enforceable rather than voluntary. Victoria's *Statewide Treaty Act 2025*, which became law in November 2025, shows a government can legislate in this direction.

03 Give the data body a date and real powers

The Commission recommended a Bureau of Indigenous Data in 2024. Joint Council did not agree that action. It asked the Data Policy Partnership to examine the option, and the Partnership is now running an options study for an Aboriginal and Torres Strait Islander data entity (NIAA 2026, Data Policy Partnership 2026). Two years on, this review should assess a decision, not a deferral. **We recommend the Partnership report its options to Joint Council by 30 June 2027, so the Commission's final report in August can weigh the outcome.**

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THE TEST

The Commission asks what makes oversight credible to communities. For a data body, four things:

- Aboriginal and Torres Strait Islander governance and leadership
- independence from the agencies whose data practices it oversees
- power to set standards and report publicly on compliance
- a remit that names AI and automated decision-making

04 Carry it past 2031

Fourteen of the 19 Closing the Gap targets fall due in 2031. The obligations in this submission should not lapse with them. Joint Council should write them into the national agreement that follows, so the next agreement starts where this one finishes.

Responsibility grows with benefit

Those who gain most from current data arrangements carry the clearest obligations to change them.

PARTY	WHAT IT GAINS NOW	WHAT IT MUST DO
Commonwealth, state and territory agencies	Use of administrative data about Aboriginal and Torres Strait Islander people for policy, services and AI	Map and disclose Indigenous data flows. Seek renewed consent for new purposes. Report AI use in Closing the Gap statements.
Office of AI and agencies setting AI assurance	Authority to define how AI is built and used nationally	Build Indigenous data governance into the Australian Standards for AI before they are legislated.
AI developers and technology vendors	Training data and markets that include Indigenous knowledge and cultural material	Exclude restricted material. Honour consent limits. Share benefits. Accept community audit.
Research institutions and data custodians	Research outputs and funding drawn from Indigenous data	Apply Indigenous data governance across the full data lifecycle, beyond ethics approval.
Joint Council and the Data Policy Partnership	Stewardship of the Agreement's commitments	Decide on a national independent data body by a set date.

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Start with this review

The Commission has grounded this review in Indigenous research methodology and secured ethics approval from the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). We acknowledge that work. Its submission settings still fall short of Indigenous data sovereignty. Public submissions published on the Commission's website "will stay there indefinitely into the future". Withdrawal is possible only until set dates in 2027. Confidential material can be released under a valid freedom of information request, and confidential submissions archived with the National Archives can be accessed by the public after 20 years (PC 2026a).

Oral, video and art-based contributions carry knowledge governed by cultural protocols. For them, these settings grant exactly the open-ended permission Priority Reform 4 exists to move beyond.

OUR ASK

We recommend the Commission offer time-limited publication, stated conditions of use, and the return of contributions to communities to hold.

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8 What this means for the next generation

Our people are young. Our median age is 24. One in three of us is under 15 (ABS 2023). By 2031 our population is projected to reach between 1.17 and 1.19 million (ABS 2025).

BORN 2026

Picture a girl born on Gadigal Country this year. Her birth enters government data systems in her first days of life. Her health record, her school results and her image will pass through AI systems her parents never encountered. She will be one year old when the AI standards are due to become law, and five when most Closing the Gap targets fall due. In 2044 she turns 18 and enters an economy built, in part, on data about her and her people.

> **The rules written in the next twelve months decide what she inherits: custody of her community's data, with the skills and jobs that come with it, or a request form to see what others hold about her.**

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FUTURE GENERATIONS

A child born in 2026 will grow up under the rules set in the next twelve months



24
Median age of Aboriginal and Torres Strait Islander people

33.1%
Aged under 15, a third of our people

1.17m+
Projected Aboriginal and Torres Strait Islander population by 2031 (1.17m to 1.19m)

Sources: ABS, Estimates of Aboriginal and Torres Strait Islander Australians, June 2021 (2023) | ABS, Estimates and projections (2025): 1,171,700 to 1,193,600 by 2031.

Her languages are part of that inheritance. Today 177 Aboriginal and Torres Strait Islander languages are spoken or used, 45 of them strong. Under community governance, AI can help her generation hear, learn and speak more of them than her parents could.

> Tranby began as a place where students gained skills and carried them home to their communities. The digital version of that promise is simple.
>
> **The next generation holds its knowledge at home too.**

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9 Recommendations in full

NO.	RECOMMENDATION	WHO ACTS AND BY WHEN
1	**Confirm that Priority Reform 4 covers AI.** When Joint Council acts on Essential Action 2.1, it writes into the Agreement that Indigenous Data Sovereignty covers any data used to train, test, run or evaluate AI and automated decision-making systems, in technology-neutral terms.	**WHO** Joint Council, advised by the Partnership Working Group and the Data Policy Partnership **WHEN** **With the decision on Essential Action 2.1**
2	**Build Indigenous data governance into the Australian Standards for AI.** Co-design requirements with the Data Policy Partnership and Aboriginal and Torres Strait Islander data governance bodies, covering consent for training on cultural material, protection for communal knowledge beyond copyright, Traditional Owner decision rights on data centre siting and water use, and provenance and takedown of misuse.	**WHO** Office of AI, Department of the Prime Minister and Cabinet **WHEN** **Before the bill is introduced in early 2027**
3	**Make consent continuing and disclosure routine.** Agencies record the purpose of each Indigenous dataset, seek renewed consent through community processes for any new purpose including AI training, map where Indigenous data flows into AI and automated systems, and disclose that use in their annual Closing the Gap statements.	**WHO** All Commonwealth, state and territory agencies **WHEN** **Data maps by 30 June 2027. First disclosures in 2027-28 annual reports**
4	**Set a date for the independent data body.** Report options for a national independent Indigenous data body, with AI and automated decision-making explicitly in its remit.	**WHO** Data Policy Partnership, then Joint Council **WHEN** **Options to Joint Council by 30 June 2027**

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NO.	RECOMMENDATION (continued)	WHO ACTS AND BY WHEN
5	**Fund community-controlled data infrastructure.** Recognise community-controlled data and digital infrastructure as a sector for joint strengthening under Priority Reform 2, with a sector strengthening plan and sustained funding for regional safe settings, beginning with a NSW pilot. Report the status, funding and community control of each clause 74 community data project, and open future projects to community-governed knowledge and AI infrastructure.	**WHO** All parties to the Agreement **WHEN** **Plan agreed in 2027. Funding from the 2027-28 Budgets**
6	**Train the workforce.** Fund a First Nations data and AI workforce pathway through community-controlled education and training providers, with a parity goal of 3.8 per cent of Australia's AI workforce (about 7,600 roles by 2030) reported every year.	**WHO** Commonwealth, with Jobs and Skills Australia and community-controlled providers **WHEN** **From 2027-28**
7	**Measure authority, not just connection.** Add community-determined measures of capability and control over data to Target 17, and let language communities determine the measures for Target 16, including governance of AI language tools.	**WHO** Data Policy Partnership, with the Commission **WHEN** **Agreed by the end of 2027**
8	**Return value to communities.** Where Indigenous data creates commercial, open-data or AI value, agreements return benefits to the communities it relates to. Any knowledge register or provenance scheme is Indigenous-designed and Indigenous-governed.	**WHO** Office of AI, Office for the Arts, IP Australia **WHEN** **Alongside the AI standards in 2027**
9	**Future-proof the obligations.** Write these commitments into the national agreement that follows 2031 and into legislation recognising UNDRIP, so data rights become enforceable.	**WHO** Joint Council and the Commonwealth Parliament **WHEN** **In negotiating the agreement that follows 2031**

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NO.	RECOMMENDATION (continued)	WHO ACTS AND BY WHEN
10	**Apply data sovereignty to this review.** Offer submitters time-limited publication, stated conditions of use, and the return of oral, video and art-based contributions to communities to hold.	WHO Productivity Commission WHEN **Before the draft report in April 2027**

Tranby would welcome the Commission at Tranby, on Gadigal Country, to discuss this submission in person.

Dr Belinda Russon
Chief Executive Officer, Tranby Aboriginal Co-operative Ltd

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ATTACHMENT A

A Framework for Indigenous Digital Productivity

Indigenous Data Sovereignty, UNDRIP and Indigenous-Led AI

PREPARED BY

Tranby Aboriginal Co-operative Ltd

ATTACHMENT TO

Tranby submission to the Productivity Commission Review of the National Agreement on Closing the Gap 2026

DATE

October 2026

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ABOUT THIS PAPER

This paper is Attachment A to Tranby's submission to the Productivity Commission Review of the National Agreement on Closing the Gap 2026, *From access to authority*.

Note: AI has been used in the planning of this paper.

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CASE STUDIES

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ABBREVIATIONS

AI	artificial intelligence
ECLAC	Economic Commission for Latin America and the Caribbean
FPIC	free, prior and informed consent
GI	geographical indication
IDGS	Indigenous data governance and sovereignty
LLM	large language model
NTU	Navajo Technical University
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

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Executive summary

This paper examines the intersection of artificial intelligence and Indigenous data governance and sovereignty (IDGS) in Australia. It argues that the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) provides a foundational ethical and legal framework for governing AI systems that interact with First Nations knowledge, data and cultural materials. UNDRIP is directly applicable to AI and digital transformation, providing guardrails for how digital systems should engage with Indigenous data.

As AI systems increasingly absorb, process and generate data from or relating to First Nations communities, sovereignty principles must extend into the digital realm. Drawing on the concept of native title as property rights, this paper argues that First Nations data constitutes an extension of Country and heritage to which IDGS principles inherently apply.

The paper surveys several practical approaches to realising IDGS in the AI era, including data embassies, Indigenous-led large language models (LLMs), blockchain-based consent mechanisms and community-controlled digital repositories, drawing on international Indigenous models.

Finally, the analysis is positioned within the broader trajectory of Australia's First Nations economy, which is projected to generate $50 billion in revenue within the next decade. AI developed under Indigenous governance and aligned with UNDRIP has the potential to accelerate this growth by removing barriers to capital and markets, scaling language and cultural industries, and enabling new business models rooted in cultural and natural capital.

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Background

AI is rapidly transforming Australia's social, cultural and economic landscape. It can revitalise endangered languages, strengthen community-controlled services and support self-determined governance, but digital systems also increasingly draw upon cultural materials without adequate governance.

The recent Parliamentary Inquiry into Economic Self-Determination (the Inquiry) recommended establishing and funding a centralised database or national registration system to substantiate Indigenous knowledge and facilitate the creation of access and benefit-sharing agreements (Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, 2024). Further, such a database would enable a digital repository for data and knowledge associated with genetic resources found in Australia.

The Australian Government's (2026a) response to the Inquiry noted this recommendation. It referred to public consultations on databases in which stakeholders raised the need for appropriate access controls, incorporation of the principles of free, prior and informed consent (FPIC), and the need for Aboriginal and Torres Strait Islander peoples to retain data sovereignty. The Government went on to note the Productivity Commission's urging of caution around the use of registries in the context of First Nations visual arts and crafts.

There is clearly a need to strike the right balance. For Indigenous communities to be economically empowered, there must be strong Indigenous governance over data, knowledge and emerging technologies, reinforcing the relevance of AI as a critical domain of modern sovereignty (Australian Government, 2026a).

UNDRIP provides a foundation for IDGS, and for an ethical and civil rights-aligned AI future for Indigenous communities (United Nations, 2007). When Indigenous-led LLMs and generative AI are viewed through the lens of

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UNDRIP, they can chart a course toward a sovereign digital future in which technology strengthens cultural integrity, protects knowledge and affirms Indigenous self-determination.

UNDRIP provides a framework for rights-aligned AI

UNDRIP is the most comprehensive articulation of Indigenous peoples' rights in contemporary society (United Nations, 2007). The following articles are directly relevant to IDGS.

ARTICLE	RIGHT	WHAT IT MEANS FOR IDGS
3	**Self-determination**	Indigenous peoples have the right to determine their political status and pursue economic, social and cultural development.
4	**Autonomy**	Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government.
18	**Participation in decision-making**	Indigenous peoples must participate in all decisions affecting their rights and futures, including those involving technology and data.
19	**Free, prior and informed consent**	Consent must be freely given, collective, informed and grounded in cultural governance.
20	**Rights to develop political, economic and social systems or institutions**	AI systems must support Indigenous peoples to be secure in enjoying their own means of subsistence and development, and to engage freely in social and economic activities.

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ARTICLE	RIGHT	WHAT IT MEANS FOR IDGS
21	**Rights to develop economic and social conditions**	AI systems must expand, rather than restrict, cultural and economic opportunities.
26(2)	**Right to own, use and develop resources**	Indigenous peoples have the right to own, use, develop and control the resources they possess.
31	**Cultural heritage and knowledge rights**	Indigenous peoples have the right to maintain, control and protect their cultural heritage, traditional knowledge and intellectual property, including in digital and algorithmic forms.
34	**Rights to develop and maintain institutional structures and customs**	Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and juridical systems or customs.
43	**Minimum standards**	The rights articulated within UNDRIP comprise the minimum standards for Indigenous peoples' survival, dignity and wellbeing.

The Inquiry confirmed that UNDRIP already guides federal policy and should shape how agencies assess different impacts on First Nations peoples, through mechanisms such as the First Nations Impacts Framework and the National Agreement on Closing the Gap (Australian Government, 2026a). These mechanisms give effect to the principles of UNDRIP with more granularity, and may serve as useful inspiration in developing a framework for IDGS and the use of AI.

In particular, the National Agreement on Closing the Gap creates structural obligations through four Priority Reforms, which focus on changing how government collaborates with Aboriginal and Torres Strait Islander people

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(Closing the Gap, 2020). The APS Framework for Governance of Indigenous Data further enhances these principles through four guidelines (National Indigenous Australians Agency, 2024).

THE APS FRAMEWORK FOR GOVERNANCE OF INDIGENOUS DATA

GUIDELINE 1	GUIDELINE 2	GUIDELINE 3	GUIDELINE 4
Partnering with Aboriginal and Torres Strait Islander people	**Building data-related capabilities**	**Providing knowledge of data assets**	**Building an inclusive data system**

Models for IDGS in other jurisdictions also draw on the principles of UNDRIP, including New Zealand's Māori Data Governance Model and the United States Indigenous Data Sovereignty Network's Indigenous Data Governance Principles. As discussed below, the principles of UNDRIP can form an ethical and legal foundation for the AI governance of Indigenous data in Australia.

From land sovereignty to data sovereignty in the digital realm

The foundations of Indigenous sovereignty in Australia have long been expressed through land rights, native title and custodianship of Country. The *Mabo* decision (*Mabo v Queensland (No 2)*, 1992) recognised native title, which the High Court has since described as a "bundle of rights" (*Western Australia v Ward*, 2002). Those rights include possession, occupation, use and enjoyment, maintained through continuous connection with lands under Indigenous peoples' own laws and customs. Under those same laws and customs, authority extends to other tangible and intangible items of cultural heritage, such as First Nations stories.

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For First Nations communities, data is often intimately connected to Country, kinship, language and collective memory. It reflects relationships, obligations and cultural authority. A characterisation of First Nations data as an extension of Country therefore supports the argument that Indigenous sovereignty principles apply to data ownership.

As AI systems increasingly absorb, process and generate data from or relating to First Nations communities, the governance of digital information becomes inseparable from the governance of cultural and political sovereignty.

IDGS asserts that Indigenous peoples must own, control and govern data relating to their peoples, lands and cultures (Maiam nayri Wingara, 2018; Marriott et al., 2025). This is consistent with UNDRIP's recognition that Indigenous peoples have the right to exercise autonomy over decisions affecting themselves, and to own, use and develop their own resources. Aligning IDGS frameworks with UNDRIP also allows flexibility to incorporate each community's specific conceptions of governance and autonomy, acknowledging that First Nations law varies between clans and does not always align with common law frameworks.

Consent through cultural authority

Article 19 of UNDRIP requires good-faith cooperation with Indigenous peoples through their own representative institutions to obtain FPIC (United Nations, 2007). Consent to the use of Indigenous data must be culturally grounded. Communal knowledge must not be extracted, digitised or repurposed without

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permission from the responsible community, and authority over cultural materials must remain with communities even when data is transformed through digital tools. This is critical, as consent that lacks these qualities also risks undermining Indigenous peoples' right to maintain their institutional structures and distinctive customs (United Nations, 2007, Article 34).

In practice, this may mean that consent is obtained from the First Nations persons who are authorised representatives of their clan or nation. While the specific processes will differ for each group, this may (and often does) require consent from one or more Elders who are respected and acknowledged by their community as having cultural authority. Such consent must be obtained through the correct cultural processes for the relevant community, and those processes should be reflected in any agreements made with or on behalf of that community.

This can be challenging where multiple competing organisations or individuals indicate they are the relevant organisation or Elders with decision-making authority. It is therefore important for those obtaining consent from First Nations communities to ensure they have sufficiently researched and confirmed the appropriate persons to deal with, while reconciling and treating as paramount the voices of those First Nations communities.

CONSENT IS CONTINUING

The scope of such consent is not unlimited. Where proposed uses evolve beyond what was originally agreed (for example, where data provided for educational purposes is later sought for commercial AI training), consent must be re-obtained through the community's established processes. **Consent should therefore be treated as a continuous obligation.**

Emerging digital tools may support the exercise of communal consent given by First Nations peoples. For example, blockchain-based consent mechanisms could allow communities to record, track and modify consent decisions transparently. A digital application linked to community governance structures

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could enable modifications to flow through the system automatically. While such tools would not replace relational and ceremonial processes, they could provide a supporting digital layer.

CASE STUDY 1

Digital sovereignty and the foundations of land-based custodianship

Australian First Nations rights to land and water are inseparable from the rights to govern the knowledge, stories and cultural materials that come from those places. As AI accelerates the digitisation of cultural assets, communities are increasingly recognising that digital space carries the same sovereignty obligations as physical Country.

Initiatives such as the **Digital Dilly Bag**, the sovereign data centre of Tranby Aboriginal Co-operative (Tranby), demonstrate how this principle is being realised in practice. Designed as a community-controlled digital repository, the Digital Dilly Bag provides a culturally governed space where stories, documents, learning materials and community knowledge are stored, accessed and protected on First Nations-owned freehold land. In doing so, it enacts sovereignty and authority over those digital assets. It shows how digital infrastructure can be shaped to mirror the responsibilities and relational governance embedded in a land-based custodianship that has existed in Australia for more than 65,000 years.

This is consistent with the New Zealand approach. The Māori Data Governance Model calls for Māori-led data infrastructure outside government, and canvasses limits on offshoring some kinds of Māori data (Te Kāhui Raraunga, 2023).

These emerging Indigenous-led digital archives, grounded in community governance and increasingly supported by Indigenous-controlled infrastructure, extend cultural custodianship into the digital realm. They embody the principle that sovereignty is exercised through control over both land and information, which helps communities make decisions about their resources, rights and future economic development, and so strengthens their self-determination.

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CASE STUDY 1 CONTINUED

Just as land rights secure authority over physical places, IDGS secures authority over cultural materials in data form. This continuity between land, knowledge and governance creates a strong basis for AI systems that incorporate or use Indigenous data to be similarly respectful, consent-based and aligned with UNDRIP.

Cultural capital as a design principle for ethical AI

First Nations Cultural Capital offers a framework for designing AI systems that strengthen Indigenous rights. Cultural capital refers to "the way people come to know their localised world and how they act within it" (Abeysekera, 2024). In particular, Indigenous Cultural Capital is a sophisticated system of relational law, kinship, community obligation, intergenerational knowledge transfer and place-based pedagogy (Bamblett et al., 2019). It shapes how decisions are made, how authority is understood and how stories are interpreted within cultural contexts.

While the specific Indigenous Cultural Capital will differ among groups, it can look like cultural knowledge that responds to the conditions specific to where people live, such as managing risk through reciprocity and storing resources, or the living interconnection between the tangible and the intangible, such as Dreamtime stories, culture, animals, plants, individuals and other forces (Abeysekera, 2024).

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When AI lacks cultural intelligence

When AI is developed without cultural intelligence from the relevant communities, it risks collapsing this complexity, misrepresenting cultural knowledge, reinforcing stereotypes, circulating restricted material or replicating harmful patterns of extraction. For example, some image-generation platforms have been shown to depict contemporary Indigenous communities through impoverished or outdated stereotypes, while many AI systems return inaccurate or incomplete information about Indigenous governance structures (Diné AI Innovation Hub, 2026).

These systems can also appropriate cultural content, including stories, languages and artistic expression, as training data without consent. These harms threaten cultural continuity and undermine IDGS, contrary to Articles 18 and 31(1) of UNDRIP respectively (United Nations, 2007).

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When cultural capital guides design

Conversely, when Indigenous Cultural Capital guides AI design, technology can preserve and strengthen First Nations assets rather than merely "including Indigenous data" or "reducing bias". Embedding Indigenous Cultural Capital (tailored to the relevant First Nations group, where applicable) into AI design principles could mean:

01

Relational governance. Reflecting relational governance, which is obligation-based rather than rights-based.

02

Restricted knowledge. Upholding protocols around restricted knowledge, which cannot be extracted, for example by designing AI systems with tiered access controls based on cultural authority.

03

Collective consent. Embedding collective consent from the relevant First Nations community, for example by incorporating community veto mechanisms.

This can help ensure the outputs of such AI are presented in ways that align with cultural meaning, strengthen identity and belonging, and support more grounded and culturally safe forms of education and service delivery. Moreover, it upholds Indigenous peoples' rights to maintain their institutional structures and distinctive customs, as reflected in Article 34 of UNDRIP (United Nations, 2007). It may also be appropriate to support this with purpose-driven model training and audit logs that are visible to knowledge custodians.

Partnerships that stay Indigenous-led

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While UNDRIP and IDGS principles indicate that technology advancements should be Indigenous-led, financial and capacity constraints may require partnerships with non-Indigenous organisations (Closing the Gap, 2020; Te Kāhui Raraunga, 2023).

Non-Indigenous partners must support AI systems with cultural intelligence while maintaining an Indigenous-led approach. Following the approach of the Navajo Technical University (NTU) AI Initiative (see page A25) and the Māori Data Governance Model, non-Indigenous organisations seeking to develop or deploy AI that relates to Indigenous data should ensure the applicable Indigenous community leads the design and governance of those systems. This includes incorporating Indigenous values and consulting Indigenous stakeholders with appropriate decision-making authority throughout the process.

AN ANALOGOUS EXAMPLE

The Inclusivelymade.ai platform, developed by Thinkerbell and Inclusively Made, builds checks for disability bias, tokenism and accessibility into the creative workflow. A similar approach could support IDGS by prompting users to consider cultural protocols and consent requirements before interacting with Indigenous data.

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CASE STUDY 2

Story sovereignty and the future of provenance in a changing global trade environment

The Australia-EU Free Trade Agreement introduces a significant national shift through the creation of a new geographical indications (GI) system. While the system has been designed primarily for food and agricultural goods, its underlying principle carries broader implications. GIs recognise that origin (where something comes from, and who has the authority to define and represent it) is a source of value, identity and legal protection (DFAT, 2026). This principle resonates deeply with First Nations communities, for whom the origin of a cultural story, practice, design or product is fundamentally tied to Country, kinship and law.

For Indigenous peoples, *story sovereignty* has always been central to cultural survival (Maiam nayri Wingara, 2018; Rogers, 2025), a position further supported by Article 43 of UNDRIP (United Nations, 2007). Story sovereignty affirms that stories are forms of data whose ownership, interpretation and custodianship must remain under Indigenous authority. As cultural data, these stories carry identity, law, responsibility and relational meaning (Maiam nayri Wingara, 2018; Rogers, 2025). Their unique value is found in both their narrative content and the governance structures determining who may tell them, how they may circulate, and the conditions for sharing or withholding them. Protecting story sovereignty therefore means protecting the data itself, ensuring that cultural narratives cannot be reproduced, commercialised or repurposed without Indigenous consent and control.

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CASE STUDY 2 CONTINUED

As Australia develops its GI framework, there is significant potential to evolve new models that recognise Indigenous provenance systems alongside conventional trade law. If designed with Indigenous leadership, provenance mechanisms could affirm that cultural stories and designs originate within specific cultural jurisdictions, prevent misappropriation and misuse, and ensure that the economic benefits derived from cultural expressions flow back to the communities to whom those stories belong, consistent with Articles 20 and 21 of UNDRIP (United Nations, 2007). In this way, story sovereignty becomes a cultural safeguard and a form of economic justice, protecting the value inherent in Indigenous knowledge and ensuring that future markets are built on respect, truth and the rightful authority of the knowledge holders.

Story sovereignty, viewed through this lens, is essential for the digital era. As AI and global creative industries increase the circulation and commercialisation of narrative forms, the protection of stories as Indigenous-owned and governed data becomes even more urgent. **Their authority must remain with the communities of origin. Their movement must be governed by cultural law. Their value (cultural, economic and relational) must be recognised as inseparable from the sovereignty that sustains them.**

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From analogue knowledge stewardship to digital and AI sovereignty

For generations, First Nations communities have exercised stewardship over cultural knowledge through oral traditions, storytelling, ceremony and written records. Organisations such as Tranby have played a vital role in protecting and transmitting this knowledge, supporting communities to navigate social, political and technological change.

In earlier decades, this stewardship focused on analogue forms of knowledge: stories, texts, recordings and archival materials. With the rise of digital systems, stewardship expanded into data governance and the protection of cultural materials within online environments. AI represents the next extension of this trajectory.

ANALOGUE	DIGITAL	AI
Story sovereignty	**Digital story sovereignty**	**AI-enabled story governance and sovereignty**
Stories, texts, recordings and archival materials, held through oral tradition, ceremony and written records.	Data governance and the protection of cultural materials within online environments.	Cultural authority over AI inputs and outputs, their authenticity, and consent.

As AI becomes capable of generating representations of language, story and imagery, the line between source knowledge and machine-produced knowledge becomes increasingly porous. This raises new questions about who has cultural authority over AI outputs, the authenticity of AI data, the governance of Indigenous data input into AI, and consent.

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The transition from analogue story sovereignty to digital story sovereignty, and now to AI-enabled story governance and sovereignty, requires continuity of the same cultural principles:

- authority over knowledge must remain with communities
- context must guide interpretation
- not all knowledge is shareable
- technology should support cultural survival, not erode it
- systems must be designed to respect these boundaries.

UNDRIP as guardrails for data custodians

Using the principles of UNDRIP as guardrails, data custodians must impose obligations aligned with the UNDRIP framework on persons accessing and using Indigenous data. In particular, these obligations should reflect the right to self-determination (United Nations, 2007, Article 3), the right to participate in decisions affecting Indigenous peoples (United Nations, 2007, Article 18) and the requirement for free, prior and informed consent (United Nations, 2007, Article 19). Data custodians must also uphold the right of Indigenous communities to use the resources they possess (United Nations, 2007, Article 26(2)), and respect their cultural heritage and knowledge rights and their institutional structures and customs (United Nations, 2007, Articles 31 and 34).

One way to achieve this is to clearly allocate to Indigenous communities ownership of their data that is input into, and output from, AI models, and to define the rights of use so that every contemplated use is authorised by the applicable community. This can be clarified by mapping the data lifecycle, who handles the data at each stage, and the proposed uses of the data. If this cannot be clearly defined, another option to uphold IDGS is to control access to the AI model more tightly, for example through Indigenous data embassies or legally binding mechanisms such as terms of use.

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Indigenous data embassies: toward sovereign digital infrastructure

An Indigenous data embassy offers communities a model for exercising practical sovereignty over their digital assets. The Economic Commission for Latin America and the Caribbean (ECLAC) defines a data embassy as a diplomatic arrangement in which a host country grants another state jurisdiction over data servers within its borders (Greene & Herakleous, 2025). Its key features are:

FEATURE 1

Control. The host state cannot gain control of the data, or require access to it, without the consent of the data embassy state.

FEATURE 2

Treaty. The arrangement is made under a bilateral or multilateral treaty, with formal ratification by both states.

FEATURE 3

Dedicated links. Dedicated network links connect the host state and the embassy state.

The Māori Data Governance Model recommends that data infrastructure be Indigenous-owned and led (Te Kāhui Raraunga, 2023). However, given the financial and capacity constraints experienced by many Australian First Nations communities (Closing the Gap, 2020), the data embassy represents a more immediately feasible interim option.

PROOF FROM ESTONIA

Estonia established the world's first data embassy in 2017. The Estonian Data Embassy is located in Luxembourg and is a cloud-based extension of the Estonian government, operating under an agreement between Estonia and Luxembourg. The Estonian government describes it as a data centre through which the state owns and operates server resources outside its territorial boundaries. The data embassy is fully under Estonia's control, but has the same rights as physical embassies, such as immunity (e-Estonia, n.d.).

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This model could be used as a framework for similar solutions for Australian Indigenous communities. In particular, the data embassy could be a secure digital space where Indigenous data is stored, protected and governed according to Indigenous law and governance, even when the physical infrastructure sits within the borders of a country or region with different laws (even within Australia). This could be supported through data-sharing agreements between the Indigenous community and the host state, which may include the Australian Government or state and territory governments, as applicable. Such agreements should be underpinned by UNDRIP, Indigenous procurement frameworks, Indigenous Cultural Capital and terms of use that protect First Nations data from unauthorised third-party access or use.

Indigenous large language models and generative AI as tools for sovereign futures

Indigenous-led LLMs and generative AI can expand the possibilities for First Nations futures, not by applying existing models to a "niche" application, but by designing or reconfiguring AI to align with Indigenous communities' needs. When controlled by Indigenous communities and aligned with cultural governance, such systems can revitalise languages, support community-controlled service delivery, strengthen cultural education and expand opportunities for enterprise and innovation.

Such models can respect cultural protocols by ensuring restricted knowledge is excluded from training data and consent is embedded at the collective level. They can translate complex government or legal information into culturally grounded forms, support locally relevant learning pathways and revitalise cultural industries.

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Indigenous-designed AI can accelerate First Nations economic growth by reducing barriers to participation, strengthening cultural industries and improving access to markets. With young demographics and expanding entrepreneurial activity, AI can become an engine of prosperity, if governed ethically and on Indigenous terms.

CASE STUDY 3

Indigenous AI and the $50 billion First Nations economy: accelerating a national opportunity

The First Nations economy has emerged as one of Australia's fastest-growing economic sectors. According to ANZ's landmark economic analysis, co-authored with Deloitte Access Economics, Indigenous-owned businesses generated **more than $16 billion in annual revenue** in 2021 and demonstrated above-average business formation and productivity compared to national benchmarks (Australia and New Zealand Banking Group Limited [ANZ], 2025). The same report forecasts that, under strengthened conditions, the First Nations economy **could expand to $50 billion within the next decade**, a projection grounded in improved market access, capital availability and investment in Indigenous-led enterprise (ANZ, 2025).

$16bn+

annual revenue of Indigenous-owned businesses in 2021

$50bn

potential annual revenue of the First Nations economy within a decade

This growth is propelled by young demographics, expanding entrepreneurial capacity, land-based economic opportunities and strong demand for culturally grounded services (ANZ, 2025). Indigenous businesses are already outperforming national growth rates in several areas and reinvesting more consistently in community wellbeing, cultural continuity and local economic development (ANZ, 2025). As national awareness increases, it is becoming clear that the First Nations economy is a structural engine of Australia's broader economic future rather than a marginal contributor.

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CASE STUDY 3 CONTINUED

AI has the potential to dramatically accelerate this trajectory, if it is developed under Indigenous governance and aligned with UNDRIP (United Nations, 2007). Culturally informed AI systems can help remove persistent barriers that limit First Nations communities' access to capital, markets and networks. They can support the scaling of language and cultural industries, streamline community-controlled service delivery and enable new business models rooted in cultural and natural capital. These technologies can also strengthen data governance, helping Indigenous enterprises manage information, demonstrate impact and access opportunities across supply chains.

With Indigenous-led design, AI amplifies the inherent strengths of First Nations businesses, enhances cultural authority and supports the continued growth of an economy that is dynamic, resilient and deeply grounded in community obligations. **Indigenous-led AI can help the First Nations economy grow faster, fairer and firmly on its own sovereign terms.**

Cultural commodification and economic pressure in the AI era

Story sovereignty faces growing pressures as economic narratives increasingly frame cultural content as raw material for innovation. Across Australia, rapid investment in digital infrastructure and AI capability is creating new pressures around how cultural materials are valued, accessed and governed (Harris, 2026). As technology companies seek ever-larger datasets to refine their algorithms and models, the harvesting of cultural content (stories, songs, artworks, performances and written expression) has become one of the most contested resources of the digital age (Harris, 2026).

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Calls for more permissive data-use arrangements often emerge under the banner of innovation or economic growth, framing cultural content as a public commodity that can be leveraged to attract technological investment or accelerate national competitiveness.

However, cultural expression is far from a simple economic input. For First Nations peoples, it represents identity, law and intergenerational responsibility.

Safeguarding that responsibility is essential to ensure cultural expression is used in culturally safe ways, including by prioritising cultural authority, collective community consent and appropriately contextualised Indigenous data.

These pressures echo earlier periods when cultural expression was treated as a resource from which others derived benefit while Indigenous custodians bore the costs. The digital age magnifies these tensions because cultural materials, once protected through physical and ceremonial contexts, can now be copied and remixed at unprecedented scale. Pressure to commercialise rapidly may also lead communities into agreements with unfavourable terms, compounding difficulties in enforcing their rights.

These permissive data-use arrangements may also be well-intentioned in seeking to achieve Priority Reform 4 under the National Agreement on Closing the Gap: ensuring Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to set and monitor the implementation of efforts to close the gap. However, parties must navigate the tension between this potential benefit and the risk that accessibility may expose those communities to unauthorised exploitation of

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their data. The Māori Data Governance Model addresses this tension by recommending that the economic benefits of open-access data flow back to the communities to which that data relates, so they are not deprived of the benefits enjoyed by the wider non-Indigenous public (Te Kāhui Raraunga, 2023).

Aligning all use of Indigenous data with the UNDRIP framework and Indigenous Cultural Capital provides one pathway to addressing these pressures. Prioritising Indigenous rights, and incorporating localised knowledge for the applicable First Nations community, will help ensure the solution is tailored to the needs of that community and culturally sensitive. For example, open-access solutions may assist data sharing and data equity for Indigenous groups, but not all First Nations communities may wish to share their data, and not all First Nations data is suitable for sharing through an open-access initiative.

STAYING VIGILANT

In this environment, First Nations peoples must remain vigilant and adaptable to the risks that threaten IDGS and the safeguarding of their identity, law and intergenerational responsibility for cultural expression (Diné AI Innovation Hub, 2026, p. 8). This may include:

- seeking assistance when entering agreements under which First Nations data is shared with or accessed by third parties
- actively asserting ownership rights in relation to First Nations data (Diné AI Innovation Hub, 2026, p. 14)
- requiring all relevant parties to engage in regular knowledge sharing to remain informed about the appropriate ways First Nations data can be used, including in relation to emerging technologies.

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Indigenous data governance and sovereignty across the globe

Approaches taken across the globe may be instructive in developing a framework for the use, governance and sovereignty of First Nations data in Australia. Four are explored below.

UNITED STATES

The Navajo Nation

Navajo Technical University (NTU) has published its approach to a culturally grounded AI implementation framework, the NTU AI Initiative. The initiative brings together Navajo Nation leadership, community stakeholders and technical experts to develop a framework that centres First Nations governance and sovereignty (Diné AI Innovation Hub, 2026, p. 1).

NTU encourages the development of an implementation framework for AI using the concept of *Sa'ah Naaghái Bik'eh Hózhó*, "the foundational concept in Diné philosophy that is the guiding principle for fostering social responsibility, community service, and cultural well-being". Ultimately, the initiative seeks to ensure that AI development strengthens "Diné sovereignty, culture, lands, and community wellbeing", while maintaining Navajo control over data and decision-making (Diné AI Innovation Hub, 2026, pp. 1-3).

NTU does not seek to set AI policy for the Navajo Nation. Rather, it operates as a "trusted institutional intermediary", working in partnership with Navajo Nation leadership and communities to develop governance models that may be transferable to other Tribal Nations (Diné AI Innovation Hub, 2026, pp. 2-3). NTU recognises that delay risks AI being "introduced piecemeal, without coordination and clear accountability", and accordingly frames proactive engagement as a practical necessity (Diné AI Innovation Hub, 2026, p. 3).

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Critically, the model emphasises that AI tools should be "created and implemented by Navajo people, for Navajo communities, and in alignment with Navajo values and priorities" (Diné AI Innovation Hub, 2026, p. 2).

NTU proposes six potential pillars as the foundation for the NTU AI Initiative.

PILLAR 1

Economic development. AI can support businesses by automating administrative processes, generating business plans and assisting with accounting, expense tracking, forecasting and market analysis. It can also support industries such as agriculture and hospitality through data analysis and e-commerce.

PILLAR 2

Education. AI can enable more personalised and effective learning, administrative support and tailored career guidance, which can promote education for people facing language or systemic barriers. NTU recognises that human elements must be retained, to keep the benefits of human teaching of social skills and to ensure AI does not widen existing gaps.

PILLAR 3

Healthcare. AI can enhance diagnostics, personalise treatment plans, analyse medical data, audit racial and cultural biases and improve access to healthcare, and so support better health outcomes for First Nations groups.

PILLAR 4

Language and culture. AI can support the preservation of First Nations languages through language preservation tools, help teach languages to younger generations and analyse community practices to create digital archives. NTU argues that community engagement, and the incorporation of First Nations culture and values in the relevant worldview, are essential foundations of a culturally grounded AI initiative.

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PILLAR 5

Environmental management. First Nations groups can use AI to monitor and analyse environmental data, to support interventions, resource allocation and conservation.

PILLAR 6

Organisational efficiencies. AI can be used for data analytics, to promote effective communication and to automate administrative tasks, allowing First Nations groups and organisations to devote more time to complex issues.

The Navajo case study demonstrates how Indigenous-led frameworks can move beyond abstract principles of governance and data sovereignty to establish practical, community-driven models of AI governance that prioritise cultural integrity, local control and long-term self-determination. Such a framework clearly aligns with, and gives effect to, the principles of UNDRIP, most notably the right to self-determination (United Nations, 2007, Article 3).

NEW ZEALAND

The Māori Data Governance Model

In 2023, Te Kāhui Raraunga released the Māori Data Governance Model, which recognises data as a taonga (treasure) that must be treated in accordance with culturally grounded models of protection and care. The model recognises that Māori data governance is closely connected to Māori data sovereignty, being the inherent rights and interests that Māori have in relation to Māori data, including collective rights. These rights draw on the collective rights to self-determination, self-government and fiscal autonomy set out in Articles 3 and 4 of UNDRIP (United Nations, 2007).

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The model is organised around eight Data Pou (pillars):

Data capacities and workforce development	**Data infrastructure**	**Data collection**	**Data protection**
Data access, sharing and repatriation	**Data use and reuse**	**Data quality and system integrity**	**Data classification**

These Pou are further guided by five values: nurture data as a taonga, be accountable, put iwi-Māori data in iwi-Māori hands, use data for good, and decolonise data systems (Te Kāhui Raraunga, 2023). The model also presents an effective example of Indigenous Cultural Capital as a design principle for AI systems. For example, Pou 7 indicates that any Māori data standards should be developed in partnership with Māori and take account of relevant customs or rules.

The model is grounded in Te Tiriti o Waitangi, New Zealand's constitutional document and treaty between Māori and the Crown, and was further guided by the engagement of Taha Māori (Māori members of the Ohu, who were deemed to have the relevant experience) at each stage of consultation and development (Te Kāhui Raraunga, 2023). This can be distinguished from the Australian context, given the greater national cohesion of Māori people compared with the number and diversity of Australian First Nations clans. That diversity creates challenges for widespread adoption of any one AI model. Instead, there must be flexibility to incorporate the different Indigenous Cultural Capital of each First Nations clan.

CANADA

The OCAP model

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As with the Māori model, the OCAP principles (ownership, control, access and possession) do not translate directly to Australia, given the absence of a national treaty and the diversity of First Nations clans. This reinforces the need for any AI framework to incorporate Indigenous Cultural Capital and UNDRIP principles while being adapted to each group's individual needs.

AUSTRALIA

A Victorian First Nations treaty to pave the way

Reviewing these models in the Australian context, it is clear that a First Nations data governance and sovereignty framework should include, as a minimum, the following features.

MINIMUM FEATURES

- an emphasis on self-determination and First Nations peoples' wellbeing
- recognition of First Nations peoples' continuing connection from land and culture to data
- acknowledgement of collective consent and rights
- a focus on First Nations values and voices, to promote effective and culturally safe handling of First Nations data
- recognition that upholding each element of the framework is essential to Indigenous survival, dignity and wellbeing.

As described above, there are additional challenges in designing and implementing such a model in the Australian context without a treaty. However, in 2025 Victoria became the first Australian jurisdiction to legislate a treaty with its First Peoples, under the *Statewide Treaty Act 2025* (Vic). Among its functions, the First Peoples' Assembly is to help ensure Victoria meets its obligations under UNDRIP (State of Victoria, 2025). The legislation

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established Gellung Warl, a permanent representative body that brings together the First Peoples' Assembly and new accountability and truth-telling bodies, and advises government on matters affecting First Peoples.

This presents a promising opportunity to advance IDGS, guided by the principles of the Victorian Statewide Treaty and in consultation with Gellung Warl, as a body accepted as having the appropriate cultural authority to provide collective consent to uses of Indigenous data. The Māori and Canadian experiences demonstrate how treaties can assist in promoting IDGS from the top down, through implementation by government agencies. Further, as discussed above, the data embassy approach appears to rely on bilateral or multilateral treaties between the host state and the embassy state, so the existence of the Victorian treaty may form a strong foundation for an Indigenous data embassy model in Victoria.

The Navajo model is also instructive, as it illustrates the value of institutional intermediaries that bridge high-level policy and community-level implementation.

If successful, a Victorian framework informed by the Victorian Statewide Treaty, UNDRIP and Indigenous Cultural Capital, and drawing inspiration from international examples, may pave the way for a national model.

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Conclusion

Australia's AI transformation will reshape how knowledge is created, governed and shared for generations to come. The central task for First Nations peoples is to shape this transformation instead of merely participating in it, ensuring it upholds cultural authority, protects community-held knowledge and strengthens sovereignty across physical and digital realms.

Shaping AI in this context means First Nations peoples should actively exercise their rights over data by asserting ownership, monitoring for any unauthorised reproduction or use of Indigenous knowledge, and being deliberate about what data is shared. This vigilance matters because once data enters an AI system it can be replicated at a scale that makes retrieval or correction extremely difficult, and a single data breach or unauthorised use can undermine sovereignty.

IDGS, Indigenous Cultural Capital and the principles of UNDRIP provide the foundations for this work (United Nations, 2007). The development of the Australian Government's new AI standards, announced in July 2026, represents a key opportunity to apply this framework to protect First Nations peoples' cultural rights through a federally endorsed approach to AI use (Australian Government, 2026b; Benton, 2026).

As AI systems increasingly seek out cultural content as a form of raw material, new pressures arise around the commodification of story, art and identity. These pressures heighten the need for governance models that recognise stories as living cultural responsibilities rather than economic inputs. Indigenous-led LLMs and generative AI offer a pathway toward a digital future grounded in cultural integrity, where technology serves to amplify, rather than consume, the world's oldest living knowledge systems.

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Realising such a future requires ongoing commitment to Indigenous governance, ethical design and community-controlled digital infrastructure. In practice, that commitment must be translated into action at every level. It means embedding regular training and knowledge sharing across all organisations that handle Indigenous data. This will help ensure IDGS principles are incorporated into every level of handling Indigenous data, as every person who collects, stores, analyses or shares Indigenous data has a role to play in upholding the UNDRIP framework and handling that data in a culturally safe way.

This is supported by mapping data flows to clarify where Indigenous data is held, where it is going and the purposes it is used for. Following the approach in Victoria, further legislative change should incorporate UNDRIP principles into Australian law. This will help IDGS move beyond soft commitments to enforceable protections that give First Nations communities real power to assert and defend their rights over data. If these principles guide Australia's technological development, AI can become a tool for justice, cultural continuity and Indigenous-defined futures.

The opportunity is profound and the responsibility is shared.

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ABOUT TRANBY

About Tranby Aboriginal Co-operative Ltd

Tranby Aboriginal Co-operative (Tranby) has a unique authority to articulate a rights-based, culturally grounded vision for Australia's digital and AI future, having demonstrated what self-determined Indigenous education and governance look like in practice for nearly seven decades. Established in 1957 as Australia's first Aboriginal Community-Controlled Organisation, Tranby emerged in direct response to the structural exclusion of First Nations peoples from the economy, education and decision-making systems. It was founded on the belief that Aboriginal communities are best placed to govern themselves, make collective decisions and build sustainable local economies, a principle that shaped its co-operative model from the outset (Goodall et al., 2023; BCCM, 2013).

From its early years, Tranby nurtured a distinctive approach to learning that integrated activism, community organising and culturally grounded pedagogy (Goodall et al., 2023). This longstanding commitment to sovereignty, co-operative governance and cultural authority positions Tranby to lead critical national conversations about IDGS, UNDRIP-aligned rights and the future of Indigenous-led AI in Australia.

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GLOSSARY

Algorithm	A step-by-step set of instructions that tells a computer how to answer a question or complete a task.
Artificial intelligence (AI)	Technology that enables computers and machines to carry out tasks typically requiring human intelligence, such as understanding language, recognising images and making decisions.
Bias	Unfair or distorted outcomes produced by an AI system, often because the data it was trained on reflects pre-existing prejudices or does not adequately represent all groups.
Data	Information AI systems use to learn and make decisions. This can include text, numbers, images, videos and other forms of digital content.
Generative AI	AI systems that can create new content such as text, images, music or video, rather than simply analysing existing information.
Large language model (LLM)	A type of AI trained on vast amounts of text, capable of understanding and generating human-like language for tasks such as writing, translation and conversation.
Machine learning (ML)	A method that enables computers to learn from data and experience, rather than relying solely on pre-programmed rules, allowing them to improve performance over time.
Model	The trained output of an AI system, representing what it has learned from data and enabling it to make predictions or decisions.

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