FIRST NATIONS ECONOMICS

Review of the National Agreement on Closing the Gap

Indigenous Data Sovereignty in the next phase of the National Agreement

Submission by First Nations Economics

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Acknowledgement of Country

First Nations Economics acknowledges the Aboriginal and Torres Strait Islander Peoples as the First Peoples and Traditional Custodians of Australia, their lands, seas, and skies.

Our offices are located on the traditional lands of the Gadigal and Wangal clans of the Eora Nation in Camperdown, the traditional lands of the Bundjalung Nation in Lennox Head, and the traditional lands of the Whadjuk Noongar people in Perth, Western Australia.

We have staff on the lands of the Larrakia, the Yuggera, the Wurundjeri Woi-wurrung, and the Bunurong / Boon Wurrung peoples. We pay our respects to the Elders of these lands, past and present, and thank them for their ongoing custodianship of Country.

We acknowledge that sovereignty was never ceded. These lands, waterways and skies are, and will always be, sovereign Aboriginal and Torres Strait Islander lands.

Executive summary

Getting Priority Reform Four right will strengthen all four Priority Reforms and support progress towards the Closing the Gap targets. This submission proposes five actions to put Indigenous Data Sovereignty into practice: national implementation requirements; sustained funding for community-controlled data capability; Indigenous-led governance that respects local protocols; data systems that work together, backed by contracts that enforce agreed conditions; and independent, Indigenous-led assurance and reporting. These actions build on existing frameworks and partnerships, but require clear responsibilities, funding and deadlines.

Communities need access to useful information and the power to determine how that information is gathered, interpreted and used. That in turn enables shared decision making, community-controlled services and change in government practice. Priority Reform Four provides a basis for this through the commitments to share disaggregated regional data, make government data holdings visible and to build community capability. The Productivity Commission's 2024 review found however that governments had not fully appreciated the scale of change required and that many of the actions identified were simply business as usual.

The Priority Reforms are about changing the way government works with Aboriginal and Torres Strait Islander peoples to improve outcomes. The 2026 Annual Data Compilation Report underlines the need for urgency: of the 19 targets only one has been achieved, three are on track and four are getting worse. Better data sovereignty can lead to better decisions and more locally appropriate responses.

Our work in data collection, management and reporting across government and community settings shows recurring problems: unclear responsibilities, inconsistent access and little community visibility of data use. Recognising Indigenous Data Sovereignty is not enough. Communities need decision-making powers, resources and ways to hold agencies and providers accountable.

Engagement must establish cultural authority, confirm what information means and agree how it may be used. Individual consent, an organisation’s custody of data and collective cultural authority are distinct. Agreed conditions must apply through collection, interpretation, sharing and reuse, including AI processing, model training and generated outputs. Governance rules, data classification, contracts and technology must uphold those conditions.

The test of progress is whether communities can make decisions, have them respected, obtain corrective action when agreed conditions are breached and use data for their own priorities. This is how data sovereignty can help communities control the information and decisions that affect their lives.

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1. Purpose and scope

This submission responds to the review of the National Agreement on Closing the Gap. It addresses one question: whether the Agreement's data settings are fit to deliver the outcomes governments and Aboriginal and Torres Strait Islander parties have committed to.

This submission does not restate the case for the National Agreement. It focuses on the data foundations that the four Priority Reforms rely on, and on the practical steps needed to move those foundations from principle into practice. It draws on the National Agreement, the Productivity Commission's review and annual data, the national data governance framework and its partnerships, the established body of Australian and international work on Indigenous Data Sovereignty and governance, and observations from practical work supporting data activities across government and community settings.

The argument follows four steps. First, it establishes the Agreement's commitments and the purpose of data sovereignty. Second, it identifies the gap between recognised rights and authority exercised in practice. Third, it examines the Productivity Commission's findings alongside operational observations from government and community settings. Finally, it proposes an alternative way forward that connects engagement, governance, policy, process, capability and technology. The proposals describe operating arrangements, not a particular product or provider. Public sources are listed in Appendix A; practical observations are identified separately in section 4.2.

2. Six ideas that frame the problem

Discussions about Indigenous data often mix different ideas together, so explaining each idea separately makes the problem and the response easier to understand. The first four ideas come from existing rights and governance frameworks and the last two explain how this submission proposes to put them into practice.

Indigenous Data Sovereignty is a right. It is the right of Aboriginal and Torres Strait Islander peoples to exercise authority, control and ownership over data about their peoples, communities, lands, cultures and resources[1]. It rests on the same foundation as self-determination[2].

Indigenous Data Governance is how the right is exercised. It is the structures, protocols, policies and infrastructure through which communities govern data. The difference between the right and its governance is the reason for this submission: Australia has largely accepted the right and largely not built the governance[3].

Data for governance and governance of data are different needs. Data for governance means communities having access to the data they need to make decisions, plan and monitor outcomes. Governance of data means communities having control over how data is collected, classified, stored, accessed, analysed, shared and reused. Priority Reform Four establishes commitments to improve access, collection, management and use. Implementation needs to be assessed against both the usefulness of available data and the authority communities can exercise over it[4].

Ethics and standards make the right operable. Two frameworks translate the right into practice. The CARE Principles (Collective benefit, Authority to control, Responsibility, Ethics) set the purpose and

[1] Maiam nayri Wingara Indigenous Data Sovereignty Collective, Indigenous Data Sovereignty Principles, Canberra, 2018. https://www.maiamnayriwingara.org/mnw-principles

[2] Kukutai T and Taylor J (eds), Indigenous Data Sovereignty: Toward an Agenda, CAEPR Research Monograph No. 38, ANU Press, 2016. https://press.anu.edu.au/publications/series/caepr/indigenous-data-sovereignty

[3] Lovett R, Lee V, Kukutai T and others, Good data practices for Indigenous data sovereignty and governance, in Good Data, Institute of Network Cultures, Amsterdam, 2019.

[4] National Agreement, Priority Reform Four, clauses 68 to 75.

control conditions for using Indigenous data[5], and the FAIR standards (Findable, Accessible, Interoperable, Reusable) set the technical conditions. The two are complementary: FAIR asks whether data can be found and used; CARE asks whether using it is legitimate, beneficial and controlled from an Indigenous perspective.

Engagement establishes the conditions for responsible collection and use. Governance begins in how people are approached, how the purpose is explained and how cultural authority and boundaries are recognised. Engagement must create opportunities to clarify what may be recorded, validate the meaning of contributions and agree conditions for use. Individual consent, organisational custody and cultural authority may differ and must be distinguished. Engagement systems must change where they gather information without establishing these conditions before it enters a data system.

Classification translates authority and conditions into obligations. Classification should record information's provenance, context, relevant authority and permitted uses, together with restrictions and approval requirements. It should determine what people and systems may do with information, including interpretation, combination, publication, sharing and reuse.

These obligations must accompany information as it moves between organisations and technologies, including AI systems. Classification therefore connects decisions established through engagement with the governance and controls required throughout the information lifecycle.

3. Current state

3.1 What the Agreement commits to

The National Agreement sets four Priority Reforms: shared decision-making, building the community-controlled sector, transforming government organisations, and shared access to data and information at a regional level[6]. The reforms are the mechanism through which the Agreement expects to move its socioeconomic targets.

Priority Reform Four is the data reform. It recognises that disaggregated data is most useful to Aboriginal and Torres Strait Islander organisations and communities and commits governments to three things: share available disaggregated regional data, tell communities what data government holds, and build the capability of communities to collect and use data[7]. The Agreement also provided for regional data projects so that communities could access location-specific data for their own priorities.

3.2 What has been built

Existing frameworks, partnerships and infrastructure provide a foundation for implementation. Their value depends on whether they change how decisions about community data are made and respected.

What remains missing is a consistent way to put those commitments into practice: who has authority to approve a use, how agreed conditions are recorded and upheld, and importantly how breaches are addressed. Connecting these arrangements, with clear responsibilities and ensuring adequate resources, would enable communities to exercise the authority recognised in policy.

A national governance framework. The Framework for Governance of Indigenous Data sets out how Australian Government agencies should partner with Aboriginal and Torres Strait Islander people, build

[5] Carroll S R and others, The CARE Principles for Indigenous Data Governance, Data Science Journal 19(1):43, 2020; Global Indigenous Data Alliance. https://www.gida-global.org/care

[6] National Agreement on Closing the Gap, July 2020. https://www.closingthegap.gov.au/national-agreement

[7] National Agreement, Priority Reform Four, clauses 68 to 75.

data capability, make agencies' data holdings known, and build an inclusive data system[8]. An implementation plan supports this work[9]. The review should examine how these commitments are being incorporated into agency responsibilities, engagement practices and everyday data handling, alongside their implementation across other jurisdictions.

A national partnership mechanism. The Data Policy Partnership brings Aboriginal and Torres Strait Islander representatives together with governments to progress Priority Reform Four[10]. The Commission's 2026 consultation paper reports that Joint Council agreed to amend the Agreement to include Indigenous Data Sovereignty and that the partnership is considering options for a national independent data body. These developments provide a basis for strengthening implementation through existing arrangements.

Public reporting. The Closing the Gap Information Repository and public dashboard provide reporting on socioeconomic targets and supporting indicators[11]. This reporting establishes an important accountability foundation. Further measures are needed to assess how the Priority Reforms operate in practice, including whether communities can exercise authority over information and whether agreed conditions of use are honoured.

Indigenous-led infrastructure. Community and institutional data infrastructure is emerging. Yumi Sabe, an Indigenous research and knowledge exchange, provides an Australian example of infrastructure supporting the discovery and exchange of Indigenous research and project information[12]. Its contribution should be recognised for those functions, while the review separately examines the arrangements needed to establish cultural authority, record permissions and govern subsequent use.

These developments give the review a foundation to build on. The next question is how consistently they translate into changed engagement, collection and data governance practices, and whether communities can exercise meaningful authority throughout the information lifecycle. That is the implementation gap examined in the next section.

3.3 The independent assessment

Six years on from the Agreement being signed (with most of the targets due in 2031) these results only serve to underline the importance of a much stronger implementation approach. They don't in themselves demonstrate the contribution of data governance to the outcomes.

The Commission's assessment is consistent with this submission's core argument which is that commitments to Indigenous Data Sovereignty need to be reconfigured in the way that governments exercise power in their day-to-day practice. Our assessment is that this will require a rethinking of engagement, data collection and the systems in which information is interpreted, shared and re-used. Community authority and the agreed conditions of use must be the basis of these activities from the outset and remain effective throughout the information lifecycle (including AI processing). This submission takes the Commission's findings and works out the practical implications by proposing clear decision rights, sustained capability, operational and contractual controls and assurance that those obligations are being met.

[8] National Indigenous Australians Agency, Framework for Governance of Indigenous Data, 2024. https://www.niaa.gov.au/our-work/data-evaluation-and-research/framework-governance-indigenous-data-gid

[9] National Indigenous Australians Agency, Governance of Indigenous Data: Implementation Plan, 2024. https://www.niaa.gov.au/our-work/data-evaluation-and-research/framework-governance-indigenous-data-gid

[10] Australian Bureau of Statistics and Coalition of Peaks, Data Policy Partnership, established under the National Agreement. https://www.abs.gov.au/about/aboriginal-and-torres-strait-islander-peoples/data-policy-partnership

[11] Productivity Commission, Annual Data Compilation Report, July 2026.

[12] Australian Institute of Aboriginal and Torres Strait Islander Studies, Yumi Sabe, Indigenous Research Exchange. https://yumi-sabe.aiatsis.gov.au

4. The implementation gap

Our assessment draws on practical experience supporting data collection, management and reporting across government and community settings, including work within government and on government-commissioned projects. Across this work, recurring challenges include unclear data responsibilities and ownership, inconsistent access arrangements, and limited community visibility into how information is interpreted and used. These observations inform our assessment of the implementation gap.

In our assessment, addressing this gap requires changes across engagement, collection, interpretation, sharing and reuse. Engagement must identify and respect relevant cultural authority, validate meaning and establish the conditions under which information may be used. Governance arrangements and data systems must then maintain those conditions throughout the information lifecycle. This submission proposes extending these requirements explicitly to secondary use and AI processing, so that new uses remain subject to appropriate authority, permissions and review.

The gap between recognised commitments and consistent practice

Policy and institutional foundations	What needs to be consistently embedded in practice
Rights and principles articulated through Maiam nayri Wingara and UNDRIP	Recognition of legitimate cultural authority in decisions about information, with individual consent, organisational custody and collective authority distinguished.
Governance framework in place through the NIAA Framework for Governance of Indigenous Data	Engagement and data ingestion processes that establish context, validate meaning and record authority, permissions and restrictions.
National partnership established through the Data Policy Partnership	Locally accountable governance, sustained community capability and access to useful regional data, supported by consistent requirements that respect local protocols.
Data collection and management systems in operation across government	Classification that governs interpretation, sharing and reuse, including explicit permissions, restrictions and approval requirements for AI use.
Public reporting established through the Closing the Gap Information Repository and dashboard	Measures that demonstrate whether communities can exercise authority, agreed conditions are honoured and information supports locally determined priorities.

The left column identifies foundations on which implementation can build. The right column identifies the practical requirements that should be assessed and strengthened. Closing this gap requires changes to engagement practices, agency behaviour and data systems, with clear responsibilities for carrying authority and obligations throughout the information lifecycle.

4.1 From recognition to implementation

Implementation of Indigenous Data Sovereignty is still very inconsistent even with the growing recognition of the data rights of Aboriginal and Torres Strait Islander peoples. Recognition of those rights doesn't, in itself, establish the mechanisms communities can use to exercise authority over information about themselves. Frameworks and partnerships can provide the basis for such arrangements, but whether they are effective will be determined by whether they actually result in communities having the power to make the decisions and whether those decisions are respected in practice.

Our practical observations in Section 4.2 point to a number of ongoing problems with respect to responsibilities, access and community visibility of data use. Where agencies have control over access and use, communities are left at the mercy of agency decisions in respect of their rights. This is exactly

what the Productivity Commission found in their assessment that reform has too often had the effect of leaving government practice and power unchanged.

We need to address this gap by changing engagement and the processes by which information enters and moves through systems. Engagement must establish relevant cultural authority, meaning, and conditions; record them at the point of collection and ingestion; and respect them throughout interpretation, sharing, and reuse (including when it is processed by AI).

Agencies and commissioned providers must make these obligations part of the normal course of business. Rights holders need to have accessible and well resourced avenues through which they can make decisions, review proposed uses and request corrections. It is essential that there are clear responsibilities, the necessary funding to deliver on those responsibilities and accountable systems in place so that the rights we have recognised can become actual authority which communities can exercise.

4.2 Operational observations

The implementation gap identified here draws on two distinct sources. The Productivity Commission's findings concern government-wide reform and the sharing of power. Practical work supporting data collection, management and reporting across government and community settings identifies how related barriers arise in everyday work. These observations inform the proposed operating arrangements; they are not presented as a formal evaluation of Priority Reform Four or as evidence of conditions in every community or agency. The recurring barriers are:

- Fragmented governance arrangements, where responsibility is split across agencies and programs and decision rights and accountability are unclear.
- Unclear cultural authority, custodianship and stewardship, where holding information is confused with authority to approve its interpretation, sharing or reuse.
- Inconsistent access pathways, where communities face repeated negotiations without a clear process, known responsibilities or agreed timeframes.
- Limited community visibility of information collected about them, including how it has been interpreted, used and incorporated into decisions.
- Difficulty sustaining trust where governance arrangements are unclear or communities cannot see whether commitments are being honoured.'

These observations also point to the need to examine engagement and data ingestion processes. The review should assess whether relevant authority, context and conditions of use are established during engagement, recorded when information enters a system and maintained through subsequent handling. This includes whether changed purposes, secondary use and AI processing trigger the required review and approval.

Taken together, these observations point to a missing connection between recognised commitments and everyday decisions: who can authorise a use, how conditions are recorded, who must uphold them and how misuse is corrected. This is consistent with the Productivity Commission's call for changes in power and government behaviour. The operational model proposed here is this submission's response to that challenge, not a model attributed to the Commission. It requires agencies and commissioned providers to assign responsibilities, resource community authority and provide accessible pathways to correct interpretation, challenge misuse and obtain a response.

4.3 Trusted data relationships

Access is not the only barrier; trust also matters. Many communities are understandably cautious after information was collected about them without their control, consent or tangible benefit. Trusted relationships depend on confidence in how information is collected, interpreted, governed and used, backed by evidence that commitments are honoured.

Consent, transparency, reciprocity and community control are all important foundations. Consent should be obtained prior to any collection or use and be based on full information[13]. Transparency allows communities to know what is held and how it is used. Reciprocity requires that communities are given appropriate value in return and community control allows communities to make the decisions about use[14].

Putting these conditions into practice requires legitimate cultural authority and clear accountability. Engagement must identify who contributes information, who holds it and who can authorise its interpretation, sharing and reuse. Agreed conditions must be recorded and upheld as information moves between people, organisations and systems.

The Productivity Commission identified a failure to give up power[15]. That's a fundamental issue of authority and institutional behaviour which in turn has implications for the ability to build trust. Agencies and commissioned providers need to show how their decisions and conduct are in keeping with the authority of the rights holders.

Trust is maintained through the opportunity to withhold information, to set boundaries, to review interpretations and to challenge the inappropriate use of authority. Greater participation or greater disclosure should not be seen as evidence that sovereignty has been achieved. The real test is whether people can in fact exercise the authority that has been agreed and whether their decisions are still respected after the engagement has concluded.

[13] United Nations Department of Economic and Social Affairs, Data and Indicators for Indigenous Peoples, and Permanent Forum on Indigenous Issues recommendations on disaggregation, free prior and informed consent, and return of data. https://www.un.org/development/desa/indigenouspeoples/mandated-areas1/data-and-indicators.html

[14] CARE Principles for Indigenous Data Governance, GIDA, 2020.

[15] Productivity Commission, 2024 review (as above).

AN EXAMPLE FROM THE FIELD

Difficulties in Evidence and Data Gathering

During a disaster recovery engagement there was a degree of reluctance to share information. Their concerns were very much based on experience where information had been collected without any real visibility as to how it was being interpreted, used or returned.
The discussion was about the circumstances in which people would be comfortable with contributing. What would be done with the information, who would have access to it, how cultural boundaries would be respected and what opportunities would be provided for people to see how they were represented.

As the issues were discussed participation grew. It became a more general conversation with people having the opportunity to explain their own experiences and priorities.

The account makes it clear why engagement design must get governance right before it even thinks about disclosure. Explaining the purpose of the collection is just one element of that duty. You also must establish relevant authority, set out the conditions of use and provide opportunities for people to check their understanding.

Increased participation does not prove that trust has been restored or that Indigenous Data Sovereignty has been achieved. The onus remains to record the agreed conditions, to uphold the restrictions and to carry those obligations through to the analysis, the reporting and any subsequent use.

The lesson from the implementation is that engagement and data governance must work in tandem. Agencies and the commissioned providers need to have in place processes by which the contributors and the relevant rights holders can set the boundaries, review the interpretations and exercise the agreed level of authority over the information once the engagement is over.

5. Why data is decisive for Closing the Gap

Putting Indigenous Data Sovereignty into practice can strengthen all four Priority Reforms and help improve progress towards the socioeconomic targets. This is the central argument of this submission: community access to useful data, backed by authority over its collection, interpretation and use, supports shared decision-making, a stronger community-controlled sector and changes to government practice, as well as Priority Reform Four. These foundations help communities identify priorities, shape responses and assess results. Data sovereignty alone will not deliver the targets, but getting it right strengthens the conditions for progress across the Agreement.

Shared decision-making (Priority Reform One) requires parties to have access to relevant information and meaningful opportunities to contribute knowledge, question interpretations and shape decisions. Where government controls the available evidence and how it is interpreted, communities face an unequal basis for participation.

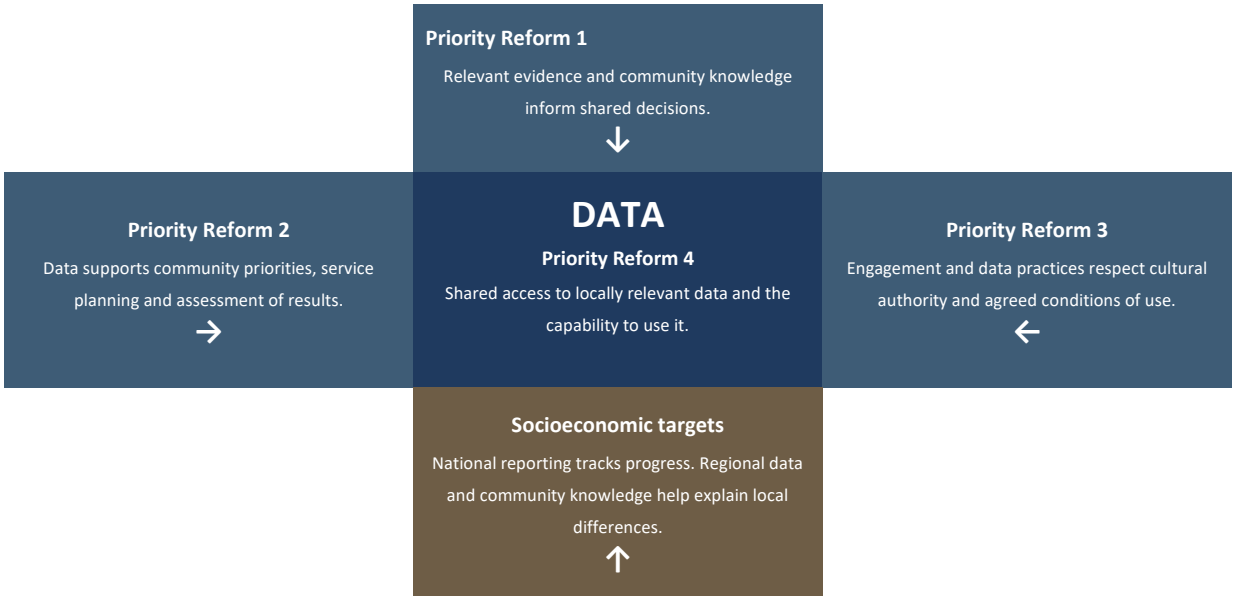
A strong community-controlled sector (Priority Reform Two) needs data to identify priorities, plan services, demonstrate need and assess results. Capability must support organisations to define success and interpret evidence for their own purposes, alongside meeting funding and reporting obligations.

Transforming government (Priority Reform Three) requires changes to how agencies engage, recognise cultural authority and make decisions about information. This includes establishing conditions of use during engagement and honouring them through collection, analysis, sharing and subsequent use, including AI processing.

The socioeconomic targets are the outcomes that the Priority Reforms are intended to help achieve. The connection runs through decisions: useful data and community authority support shared decisions, service planning and changes to government practice; those decisions shape the responses intended to improve outcomes. National reporting provides a picture of progress, while disaggregated regional data and community knowledge help explain differences between places, identify needs and assess whether responses reflect local priorities. Communities should have meaningful roles in interpreting findings and determining what action follows. Data sovereignty strengthens these conditions for progress; it does not, by itself, deliver the targets.

Data governance is one enabling condition for effective reform. Its contribution depends on whether information is useful to communities, relevant authority can be exercised, and evidence informs decisions and action.

Data underwrites the four Priority Reforms



The data reform sits at the centre. Each other reform, and the targets, depends on it; arrows point to the capability they rely on.

Data governance is one enabling condition for effective reform. Where communities cannot access relevant information, question interpretations or exercise authority over its use, shared decision-making and locally informed responses can be weakened. Practical mechanisms are needed to support communities' influence over the evidence and decisions that shape their outcomes.

The Coalition of Peaks and the Joint Council have both identified data as central to the Agreement's next phase[16]. The proposed implementation approach connects the Agreement's policy commitments with Indigenous Data Sovereignty as a right and Indigenous Data Governance as the arrangements through which that right is exercised.

Engagement establishes meaning and conditions of use, informed by relevant cultural authority. Classification translates those conditions into obligations for people and systems. Technical standards, provenance records and controls support their implementation, while community-controlled capability enables information to inform locally determined priorities and decisions. These functions must remain connected as information moves through collection, analysis, sharing and reuse, including AI processing.

The table below identifies implementation issues for review, their relationship to the Priority Reforms and the potential consequences if they remain unaddressed.

[16] Coalition of Peaks, Priority Reform Four. https://www.coalitionofpeaks.org.au/priority-reform-four Joint Council on Closing the Gap, Response to the 2024 Productivity Commission Review, 2025. https://www.closingthegap.gov.au/sites/default/files/2025-08/Joint-Council-Response-to-the-2024-Productivity-Commission-Review.pdf

Implementation issues and their implications for the Priority Reforms

Implementation issue for review	Priority Reform	Potential consequence if unaddressed
Timely access to useful regional information	PR4; PR1	Delayed or incomplete access can limit communities' ability to assess evidence and participate in decisions.
Sustained community data capability and resources	PR4; PR2	Access may not translate into the ability to interpret information, determine priorities or exercise governance responsibilities.
Cultural authority reflected in decision rights	PR1; PR3; PR4	Relevant rights holders may have limited control over interpretation and use, despite commitments to sovereignty.
Engagement and ingestion processes that establish meaning and conditions of use	PR3; PR4	Information may enter systems without sufficient context, validated interpretation or clear permissions and restrictions.
Classification, provenance and controls applied throughout the lifecycle	PR3; PR4	Agreed conditions may be lost or applied inconsistently when information is analysed, transferred, combined or reused.
Explicit governance of secondary use and AI processing	PR3; PR4	Proposed uses may proceed without the required assessment, approval or review of generated interpretations and outputs.
Clear delivery responsibilities and resourcing through existing frameworks and partnerships	PR3; PR4	Commitments may remain disconnected from agency workflows, funded delivery plans and locally accountable governance.
Assurance, correction and accessible review pathways	PR3; PR4	Communities may be unable to establish whether conditions are honoured, challenge inappropriate use or obtain corrective action.

These issues should be assessed through evidence of practice, including community perspectives, decision records and the operation of agreed controls. They identify where implementation needs examination and strengthening, rather than assuming that every gap exists in every jurisdiction.

6. What a working response looks like

A working response makes community authority effective in everyday decisions about information. Engagement establishes purpose, relevant authority and conditions of use. Classification records those conditions as obligations. Governance assigns decision rights and accountability, while policy and operational processes make clear who must act and how. Funded capability enables communities, agencies and providers to fulfil their roles. Technology applies approved decisions and maintains controls as information moves between systems. Shared infrastructure supports authorised exchanges without overriding local protocols, permissions or restrictions.

The existing Australian and international frameworks and initiatives provide the basis for this work. Implementation will require agencies and their partners to tailor those foundations to their own local governance arrangements, to assign responsibilities and to demonstrate in practice how those responsibilities are met. Both community capability and government capability need to be supported and there needs to be clear accountability in relation to the collection, interpretation, sharing and reuse of information.

6.1 Technology in its place

Technology should put decisions made through legitimate governance into practice, with cultural authority guiding engagement and agreement on what information means and how it can be used. Culturally informed classification of data carries those conditions in to how information is handled. Governance, then clarifies who can make the decisions, who is responsible and how they are accountable. Making this work on a day to day means ensuring these requirements are built across an organisations policies and processes. This also includes giving people the skills, time and resources.

These functions are interdependent throughout the information lifecycle rather than stages that are completed once in a rigid order. The sequence below identifies the appropriate starting logic for implementation: engagement establishes authority and conditions; governance, policy and process carry them into practice; capability and technology sustain them. In operation, feedback among all six functions must continue.

Technology can of course enable the required controls (access controls, approval workflows, provenance, restrictions on further use, audit trails etc). The controls must cover secondary use and AI processing including the use of generated interpretations and outputs. The system must apply the approved rules and have a process for referring any unresolved issues through the agreed review route. Cultural authority and permission must be derived from the appropriate people and governance arrangements rather than being inferred by the software.

The order of implementation



These functions operate together. Engagement informs governance and classification, while governance requirements shape engagement, processes and system behaviour. Capability and accountability are required throughout.

6.2 The functions and their precedents

Engagement decides what is collected and on what terms. Engagement should enable contributors and relevant rights holders to clarify purpose, establish cultural boundaries, validate meaning and agree conditions of use. The AIATSIS Code of Ethics provides an Australian foundation for consent, cultural authority and community leadership across the research lifecycle[17], alongside the principle of free, prior and informed consent[18]. These foundations should inform engagement design, with clear processes for recording and honouring agreed conditions.

Governance gives effect to legitimate authority over information. Canada's First Nations principles of OCAP (Ownership, Control, Access and Possession) and the Māori Data Governance Model in Aotearoa New Zealand provide precedents for articulating Indigenous authority and governance arrangements[19][20]. Their application must respect the distinct peoples, institutions and protocols from which they arise. Guidance on moving from principle to operating requirement provides a further basis

[17] Australian Institute of Aboriginal and Torres Strait Islander Studies, AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research, 2020. https://aiatsis.gov.au/research/ethical-research/code-ethics

[18] UN DESA, Data and Indicators for Indigenous Peoples.

[19] First Nations Information Governance Centre, The First Nations Principles of OCAP (Ownership, Control, Access and Possession), Canada. https://fnigc.ca/ocap-training/

[20] Te Kahui Raraunga, Maori Data Governance Model, Aotearoa New Zealand, 2023. https://www.kahuiraraunga.io/maoridatagovernance

for practical implementation[21]. Classification should translate relevant authority and agreed conditions into permissions, restrictions and approval requirements for people and systems.

Policy embeds governance requirements into organisational practice. Australia's Framework for Governance of Indigenous Data and the Data Policy Partnership provide foundations on which implementation can build[22]. Agencies should translate commitments into policies, commissioning requirements and data-sharing arrangements that assign responsibilities and respect locally determined protocols. Consistency should apply to the obligation to recognise authority and honour conditions, while allowing the relevant rights holders to determine those conditions.

Operational process carries obligations through everyday work. Documented processes should connect engagement and data ingestion with interpretation, review, sharing and subsequent use. They should identify who records conditions, who approves proposed uses and how uncertainty or disagreement is referred for resolution. Responsibilities must remain clear when information moves between people, organisations and systems.

Capability enables authority and responsibilities to be exercised. Community-controlled capability should include the resources and time needed to review interpretations, determine permissions and participate in governance. Government agencies and commissioned providers also need the skills to engage appropriately, apply classification requirements and honour their obligations.

Technology supports approved governance decisions. The CARE and FAIR principles inform responsible governance and data usability[23]. IEEE 2890-2025 provides relevant guidance on provenance[242526]. These initiatives inform different components of implementation. Systems must still be configured to apply approved classification rules, maintain traceability and enforce restrictions through access controls and review workflows. These requirements should extend to secondary use and AI processing, including generated interpretations and outputs.

6.3 Characteristics of successful implementation

The review should assess whether governance commitments translate into authority that communities can exercise and obligations that people and systems honour. The following characteristics provide a practical starting point, to be refined with Aboriginal and Torres Strait Islander parties:

- Communities have clear pathways to access relevant information and the capability to use it for their own priorities.
- Relevant cultural authority is recognised, with individual consent, organisational custody and collective decision rights distinguished.
- Engagement establishes purpose, validates meaning and records agreed boundaries and conditions before information enters subsequent systems.
- Classification records provenance, context, permitted uses, restrictions and approval requirements.
- Decision rights, permissions and review pathways are clear to contributors, relevant rights holders and those handling information.
- Documented processes maintain agreed conditions when information is transferred, interpreted, combined, published or reused.
- Secondary use and AI processing remain within agreed permissions or receive the required further approval, with appropriate review of generated interpretations and outputs.

[21] United States Indigenous Data Sovereignty Network, Indigenous Data Governance Brief, October 2024. https://usindigenousdatanetwork.org

[22] NIAA, Framework for Governance of Indigenous Data, 2024. ABS and Coalition of Peaks, Data Policy Partnership.

[23] CARE Principles for Indigenous Data Governance, GIDA, 2020.

[24] IEEE 2890-2025, Recommended Practice for Provenance of Indigenous Peoples' Data, 2025. https://standards.ieee.org/ieee/2890/10318/

[25] CARE Principles for Indigenous Data Governance, GIDA, 2020.

[26] AIATSIS, Yumi Sabe.

- Contributors and relevant rights holders can withhold information, set restrictions and review or correct interpretations through agreed processes.
- Benefits and responsibilities are clear, and information supports locally determined priorities and decisions.
- Accessible processes enable concerns to be raised, inappropriate use to be challenged and corrective action to be tracked.

Success should be demonstrated through evidence of these practices and community assessment of whether commitments are honoured. Establishing a policy, governance body or technology platform is a foundation; assurance must examine how it operates.

7. Recommendations

The review should facilitate implementation through five inter-related actions. These would build on the existing frameworks and partnerships, respect the locally determined cultural authority and establish clear accountability for the changes to engagement and data practice. Taken together they would meet the requirements for operationalising Indigenous Data Sovereignty across government agencies and their contracted providers.

1. **National implementation requirements.** The Joint Council on Closing the Gap, in consultation with the Data Policy Partnership and relevant Aboriginal and Torres Strait Islander parties, should agree on minimum operating requirements for Indigenous Data Sovereignty across the jurisdictions. This should be built on the Framework for Governance of Indigenous Data and the existing work on a national independent data body. The requirements should cover engagement, collection, ingestion, classification, interpretation, sharing and reuse (including AI processing). Each government should then identify the responsible agencies, funding, delivery milestones and reporting requirements.

2. **Investment in community and government capability.** There needs to be sustained investment in community-controlled data capability (the people, skills, infrastructure and time required to determine authorisations, review interpretations and exercise governance responsibilities). This investment needs to recognise the work of the relevant rights holders. Agencies and any commissioned providers will also need the capability to engage appropriately, to recognise cultural authority and to apply the agreed conditions throughout their work. Implementation must not result in the transfer of any further unfunded responsibilities to the community.

3. **Consistent governance and classification requirements.** There should be consistent requirements in place for the recording of provenance, context, relevant authority, consent conditions, permitted purposes, restrictions and approval pathways. The relevant rights holders will of course determine their own local protocols and decision-making arrangements. Classification must then reflect those decisions in terms of the obligations that are placed on the interpretation, publication, transfer and subsequent use (including AI processing) of the data. The governance arrangements should provide clear pathways for the review of changed purposes, unresolved authority and conflicting obligations, drawing on relevant principles and precedents where appropriate and in a manner which is sensitive to the context.

4. **Shared data infrastructure and governance controls.** Build a compatible infrastructure to enable authorised access and agreed data exchanges, whilst at the same time maintaining community control, local protocols and local restrictions. Classification, provenance and conditions of use must be maintained throughout the life of the data. The appropriate access controls, review workflows and audit trails should be in place to enforce the agreed permissions on access, interpretation, transfer, export and reuse (including AI processing). The infrastructure may comprise community owned repositories and shared services with storage and access arrangements being the outcome of appropriate governance. The CARE and FAIR principles should underpin the design, and the IEEE 2890-2025 standard provides relevant guidance on provenance. The responsibilities for maintaining

these obligations should be clearly defined during commissioning, technology procurement and in the data sharing agreements (including where an AI provider or other third party is involved in the handling of the data).

5. **Indigenous-led assurance and public reporting.** Establish independent Indigenous-led assurance arrangements to verify that communities can exercise authority and that the agreed conditions are in fact being met. These arrangements should be in line with existing oversight arrangements and there should be a focus on establishing a national independent data body. There should be accessible complaints, correction and review processes with clear responsibilities for dealing with breaches and for carrying out corrective action. Reporting should be through the appropriate existing channels with respect to community-informed measures, whilst appropriately protecting sensitive information and minimising the reporting burden.

These recommendations describe the shape of a solution and the sequence for building it. They are independent of any single provider or product, and each rests on a precedent that already exists in public policy or practice[27].

8. Measuring progress

Progress should be measured by the extent to which communities can exercise their own authority and to which agencies, providers and systems will in fact honour the agreed obligations. The reporting should link the implementation of Priority Reform Four with the changes to government behaviour and practice that are required under Priority Reform Three.

Funding, staffing and governance structures can be usefully measured in terms of their capacity to deliver. Such measures must be supplemented by others which indicate how well the arrangements work, whether the information is relevant to community priorities and whether any concerns are followed up with appropriate action.

The indicators listed below are just a starting point and will be co-developed with Aboriginal and Torres Strait Islander organisations.

Illustrative implementation indicators

Dimension	Indicator
Access and timeliness	Percentage of data requests resolved within agreed timeframes and governance conditions, with reasons for restrictions or refusals recorded and review pathways available.
Engagement and validation	Percentage of sampled engagements demonstrating that intended uses were explained, relevant authority and cultural boundaries were recognised, and agreed opportunities to review interpretation were provided.
Authority and classification	Percentage of sampled records with relevant authority, provenance, permitted purposes, restrictions and approval requirements documented. Records with unresolved authority should be separately identified, together with the restrictions and review arrangements applied.
Governance in practice	Percentage of sampled use decisions that followed the required approval pathways and respected the conditions determined by relevant rights holders.
Secondary use and AI	Percentage of sampled secondary uses and AI uses that remained within agreed conditions or received the required further approval. These should be reported separately, including whether required review of generated interpretations and outputs occurred.

[27] Productivity Commission, 2024 review. Productivity Commission, 2024 review, data sovereignty recommendation.

Continuity of controls	Percentage of sampled transfers between organisations or systems that maintained the required provenance, permissions and restrictions. Failures and corrective actions should also be reported.
Capability and resourcing	Sustained funding and workforce capacity for community-controlled governance, alongside demonstrated agency and provider capability to apply engagement, classification and handling requirements.
Accountability and correction	Percentage of complaints, correction requests and identified breaches addressed within agreed timeframes, with outcomes and completion of corrective action recorded.
Community judgement and benefit	Community-defined assessment of whether information is accessible, useful for local priorities and governed in ways that honour agreed commitments.

Each measure must have a defined definition, a responsible reporting body, a reporting period and an evidence source. Percentage measures must specify the population or sample being assessed, must account for missing records and must make the difference between documented commitments and actual practice clear. Baselines and targets should be established having regard to the current level of performance and the local context.

Reporting must not be incentivised simply by the act of disclosure. A decision to withhold or limit disclosure can be an indicator of good governance where that decision is taken in accordance with the appropriate authority and the agreed conditions. Likewise, a low number of concerns reported should not in itself be taken as proof that the arrangements are working.

These would be measures to support Indigenous-led assurance in accordance with Recommendation 5 and reporting via the appropriate existing mechanisms. Assurance would be a combination of records of practice and community judgement, would protect any restricted information and would seek to minimise any additional reporting burden.

9. From principle to practice

Recognising Indigenous Data Sovereignty is an important first step, but it alone does not change how information is collected, interpreted, or used. To put it into practice, there needs to be a willingness to share authority and practical ways for that to happen. Agencies and commissioned providers should turn their commitments into daily actions, with clear responsibilities and accountability.

This starts with engaging in ways that respect cultural authority, confirm meaning, and set clear conditions for how information is used. These conditions should be included in data systems and guide later decisions, such as secondary use or AI processing. Governance, policy, operations, and technology all need to work together to keep these obligations in place as information is shared between people and organisations.

To make these changes last, there must be resources for community-led governance and support for agencies and providers to meet their responsibilities. The real test is whether rights holders can make decisions, have those decisions respected, get things fixed if obligations are not met, and use information to support their own goals.

10. Conclusion

It is policy, principle and agreement that makes Indigenous Data Sovereignty work, with the success of the next phase creating the translation of those commitments into practical and accountable arrangements. When this happens, Aboriginal and Torres Strait Islander peoples can exercise their authority over data at all stages of its life cycle.

This requires a change in engagement practice and the way information flows into and through systems. Cultural authority, meaning and the conditions of use need to be established from the start. Governance, classification, policy, operational processes and the enabling technology all need to be able to maintain those conditions through interpretation, sharing and re-use (including AI processing). There needs to be sustained investment to enable community-controlled capability and to equip the agencies and providers to meet their obligations.

The review is a chance to make these responsibilities explicit, funded and measurable. The test of implementation is whether communities can exercise their decision making, see the conditions they have agreed to respected, get the correction they need if those conditions are breached and use the data to advance their own agenda. The government will be judged on its commitment to this through changes in the way it operates on a day-to-day basis and through a genuine willingness to share power.

Appendix A. References

The sources this submission draws on, grouped by category

Australian foundations

Resource	What it establishes for this submission
Maiam nayri Wingara, Indigenous Data Sovereignty Principles (2018) maiamnayriwingara.org/mnw-principles	The Australian statement of the right to govern the data ecosystem, from creation to reuse.
Kukutai and Taylor (eds), Indigenous Data Sovereignty: Toward an Agenda, ANU Press (2016) press.anu.edu.au/publications/series/caepr/indigenous-data-sovereignty	Foundational academic text linking data sovereignty to self-determination.
Lovett and others, Good data practices for Indigenous data sovereignty and governance (2019) researchportalplus.anu.edu.au	Sets the distinction between the right (sovereignty) and its governance; the conceptual basis of this submission.
Yap and Yu, Data sovereignty for the Yawuru in Western Australia (2016) press.anu.edu.au	A place-based Australian case for regional, community-held data governance.
AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research (2020) aiatsis.gov.au/research/ethical-research/code-ethics	Established Australian basis for consent, cultural authority and community leadership across the data lifecycle.
Yumi Sabe, AIATSIS Indigenous Research Exchange yumi-sabe.aiatsis.gov.au	An Australian example of Indigenous-led data infrastructure supporting community decision-making.

Closing the Gap and Australian Government

Resource	What it establishes for this submission
National Agreement on Closing the Gap, Priority Reform Four (2020) closingthegap.gov.au/national-agreement	The policy mandate for shared access to disaggregated regional data and community data capability.
Productivity Commission, Review of the National Agreement (2024) pc.gov.au/inquiries-and-research/closing-the-gap-review	Independent finding that governments relabel business-as-usual; recommends embedding Indigenous Data Sovereignty.
Productivity Commission, Annual Data Compilation Report (July 2026) pc.gov.au/closing-the-gap-data	Current target status: of 19 targets, 1 met, 3 on track, 4 worsening.
NIAA, Framework for Governance of Indigenous Data (2024) niaa.gov.au/our-work/data-evaluation-and-research	National operational framework for how agencies govern Indigenous data.
ABS and Coalition of Peaks, Data Policy Partnership abs.gov.au/about/aboriginal-and-torres-strait-islander-peoples/data-policy-partnership	The national mechanism progressing Priority Reform Four; evidence the architecture exists but is partial.

International and comparative

Resource	What it establishes for this submission
CARE Principles for Indigenous Data Governance, GIDA (2020) gida-global.org/care	The international framework for legitimate, controlled use of Indigenous data; complements FAIR.
OCAP principles, FNIGC (Canada) fnigc.ca/ocap-training	A long-established model of Indigenous ownership, control, access and possession of data.

Resource	What it establishes for this submission
Maori Data Governance Model, Te Kahui Raraunga (2023) kahuiraraunga.io/maoridatagovernance	A public-sector implementation of Indigenous data governance at national scale.
USIDSN, Indigenous Data Governance Brief (2024) usindigenousdatanetwork.org	Contemporary strategies for moving from principle to operating requirement.
IEEE 2890-2025, Provenance of Indigenous Peoples' Data standards.ieee.org/ieee/2890/10318	The first international technical standard for describing and tracing Indigenous data.

Human rights foundation

Resource	What it establishes for this submission
UN Declaration on the Rights of Indigenous Peoples (2007) un.org/development/desa/indigenouspeoples	The rights basis for self-determination, participation and control of knowledge and resources (Articles 3, 18, 19, 31).
UN DESA, Data and Indicators for Indigenous Peoples un.org/development/desa/indigenouspeoples/mandated-areas1/data-and-indicators.html	International standards on disaggregation, free prior and informed consent, and return of data.

Appendix B. Glossary

Key terms used in this submission.

Term	Plain-language meaning
Indigenous Data Sovereignty	The right of Aboriginal and Torres Strait Islander peoples to control data about their people, Country and resources.
Indigenous Data Governance	The structures, rules and systems through which communities exercise that right in practice.
Data for governance	Communities having access to the data they need to make decisions, plan and monitor outcomes.
Governance of data	Communities having authority over how data is collected, classified, stored, accessed, shared and reused.
Disaggregated data	Data broken down to a regional or community level, rather than reported only as national totals.
Free, prior and informed consent	Agreement given by a community before data is collected or used, based on full information and without pressure.
CARE Principles	Collective benefit, Authority to control, Responsibility, Ethics: the conditions for legitimate use of Indigenous data.
FAIR standards	Findable, Accessible, Interoperable, Reusable: the technical conditions for data to be usable across systems.
Provenance	A traceable record of where data came from, how it has been used, and under whose authority.
Interoperability	The ability of separate data systems to work together and exchange data reliably.

Appendix C. Logic map

A one-page logic of the submission: from what was committed, through what has happened, to what the review should do.

CLAIM

Closing the Gap will not deliver unless Indigenous Data Sovereignty moves from recognition to implementation, with data treated as shared infrastructure.

↓

GROUND 1: Commitment

Priority Reform Four commits governments to share disaggregated regional data and build community data capability (National Agreement, cl. 68 to 75).

GROUND 2: Practice

PC 2024: governments 'relabel business-as-usual'; a 'failure to relinquish power'. Frameworks exist; governance and sharing do not follow.

GROUND 3: Outcome

2026 data: of 19 targets, 1 met, 3 on track, 4 worsening. The trajectory does not match the commitment.

↓

WARRANT: why data is decisive

Data underwrites all four Priority Reforms, and without practical mechanisms communities cannot influence the decisions that shape their outcomes. Precedents exist: the national framework and Data Policy Partnership, AIATSIS ethics, CARE, OCAP, the Maori Data Governance Model, Yumi Sabe and IEEE 2890.

↓

SO THE REVIEW SHOULD

1. National implementation requirements for Indigenous Data Sovereignty. 2. Sustained investment in community and government capability. 3. Consistent governance and classification requirements that respect locally determined protocols. 4. Shared data infrastructure and governance controls, with technology enabling approved decisions. 5. Indigenous-led assurance and public reporting against measurable indicators.