

SUBMISSION PAPER

Recognising Indigenous Data Sovereignty

Priority Reform Four: Shared Access to Data and Information at a Regional Level

Submission to the Productivity Commission

Review of the National Agreement on Closing the Gap 2026

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Date: 27/10/2026

Contents

1. Executive summary....4
2. Purpose and scope....4
3. Policy context: Priority Reform Four....4
4. Why Indigenous Data Sovereignty must be explicit....5
Kowa's position....5
5. Recommended reforms....5
Recommendation 1: Amend the National Agreement to recognise Indigenous Data Sovereignty....5
Recommendation 2: Establish a Bureau of Indigenous Data or equivalent First Nations-led mechanism....6
Recommendation 3: Embed Indigenous Data Governance in funding and contracting....7
Recommendation 4: Invest in community-controlled data capability and infrastructure....7
Recommendation 5: Expand regional data partnerships and community-led analytics....7
Recommendation 6: Strengthen accountability for government behaviour and outcomes....7
6. Wathaga: a practical tool to support implementation....7
Potential use cases....8
Safeguards and implementation conditions....8
7. Proposed implementation pathway....8
8. Suggested measures of progress....9
9. Conclusion....9
Reference List....10

Acknowledgement

Kowa respectfully acknowledges the Awabakal peoples, the Traditional Custodians of the lands on which Kowa's head office is located.

We extend our respect to Traditional Custodians of the lands on which we conduct our business; to Elders, past, present and emerging; and to all First Nations peoples whose wisdom contributes to our future.

Kowa is deeply committed to honouring and amplifying First Nations peoples' unique cultural and spiritual relationship to the lands, waters and seas; and to transforming impact evaluation practice to uphold and reflect First Nations values.

Terminology Statement

Kowa uses the terms 'Aboriginal and Torres Strait Islander', 'First Nations', and 'Indigenous' interchangeably, acknowledging personal community preferences while recognising that all institutional terminology retains imperfect, colonial legacies.

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1. Executive summary

Kowa Collaboration welcomes the Productivity Commission's 2026 Review of the National Agreement on Closing the Gap (the National Agreement). This submission focuses on Priority Reform Four (PR4): Shared Access to Data and Information at a Regional Level, and the need to explicitly recognise and support Indigenous Data Sovereignty.

Access to data is essential, but access alone is not sufficient. First Nations peoples and organisations need meaningful authority over the collection, governance, interpretation, use and sharing of data concerning their communities, cultures, Country and priorities. Data arrangements should support self-determination, protect cultural and personal information, and enable communities to define and measure the outcomes that matter to them.

Kowa recommends that the National Agreement explicitly recognise Indigenous Data Sovereignty within PR4; establish a First Nations-led Bureau of Indigenous Data or equivalent independent mechanism; embed Indigenous Data Governance in government funding, procurement and reporting; invest in community-controlled data capability and infrastructure; and strengthen accountability for government progress.

Kowa also identifies Wathaga as a practical platform that could support implementation. Wathaga's Theory of Change and measurement approach can help organisations connect goals, activities, indicators, evidence and outcomes. Subject to appropriate governance, technical capability and locally agreed arrangements, it could support regional data partnerships between ACCOs, ACCHOs, communities, governments, funders and policy makers.

2. Purpose and scope

This submission responds to the Productivity Commission's Review of the National Agreement on Closing the Gap 2026. It concentrates on PR4 and the relationship between regional data access, Indigenous Data Sovereignty, Indigenous Data Governance, government transformation and accountability.

Kowa's submission builds on the policy direction of the Commission's first review, which identified the need to recognise and support Indigenous Data Sovereignty and recommended that it be included in the National Agreement, alongside establishing a Bureau of Indigenous Data. Kowa previously made a submission to the 2023 review on Indigenous Data Sovereignty, demonstrating an established interest in this issue.

The recommendations below are proposals for the Commission to consider. References for Wathaga describe potential uses and should not be read as asserting that every suggested integration, control or data-sharing arrangement is currently available. Any implementation would require technical assessment, community authorisation and fit-for-purpose governance.

3. Policy context: Priority Reform Four

PR4's stated outcome is that Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to set and monitor Closing the Gap efforts, determine priorities and drive their own development. Its target is to increase regional data projects that support community decision-making.

The National Agreement's data-sharing elements include partnerships to improve data collection, access, management and use; access to the information governments use to make decisions, subject to privacy and security requirements; timely and accessible disaggregated data; and support for First Nations organisations to build data capability.

Kowa supports these commitments. However, regional access must be accompanied by clear governance rights and responsibilities. Otherwise, communities may receive data without having influence over how it is interpreted, combined, used to allocate resources or translated into policy decisions.

Indigenous Data Sovereignty is therefore not an optional addition to PR4. It is a foundation for making regional data access meaningful, safe, accountable and consistent with Self-Determination.

4. Why Indigenous Data Sovereignty must be explicit

Indigenous Data Sovereignty Concerns First Nations Peoples' Rights to maintain, control, protect and develop data about their peoples, communities, cultures, lands and resources. Indigenous Data Governance is the practical expression of those rights through decision-making, protocols, standards, stewardship and accountability.

Explicit recognition in the National Agreement would help shift practice from data sharing determined primarily by government institutions towards arrangements in which First Nations communities and organisations have a defined role in setting priorities, authorising appropriate uses and interpreting results.

Kowa's position

- Recognise Indigenous Data Sovereignty expressly in the PR4 outcome and implementation commitments.
- Recognise that data may include administrative and service data, community-generated data, cultural knowledge, lived experience and other information defined as important by First Nations peoples.
- Support First Nations communities and organisations to determine appropriate governance arrangements, including who may access data, for what purposes, under what conditions and with what safeguards.
- Ensure data-sharing arrangements address privacy, security, cultural protocols, Indigenous Cultural and Intellectual Property, data linkage, retention, reuse and accountability.
- Avoid treating Indigenous Data Sovereignty as satisfied merely because a dataset has been made available or a consultation has occurred.

The risk of extractive data practices and vendor dependency

Kowa is concerned that some data companies and external intermediaries position themselves as the solution to First Nations communities' data needs, while retaining control over the tools, infrastructure, expertise or commercial arrangements through which community data is collected and used. This can reproduce extractive relationships: communities supply data and knowledge, while external organisations gain commercial value, shape how problems are defined, or become gatekeepers to access and interpretation. The concern is not that communities should be prevented from choosing external partners; it is that choice must be genuine, informed, adequately resourced and free from lock-in. Communities should have the technical knowledge and confidence to make informed choices about external partnerships and technical infrastructure. Communities should receive free, prior, and informed consent when scoping solutions; equally, partners and platforms should invest sufficient resources to ensure Communities build technical knowledge and leadership. Communities should be in the driver's seat and supported to move toward future change that improves Community-led approaches or pivots towards internal Community-owned solutions.

Communities must be supported to self-determine the solutions that work for them, including whether to use an existing platform, commission an Aboriginal-designed solution, build community-controlled

infrastructure, or choose a different approach. The government should actively advocate for and invest in Aboriginal-designed, Aboriginal-led and Aboriginal-protected solutions, and ensure procurement and funding do not privilege external vendors simply because they already own technology or control technical expertise. Communities should be able to change providers, export their data in usable formats, set the terms of access and reuse, and retain authority over the purposes for which their data is used.

This approach is consistent with the PR4 commitment to support communities to determine priorities and drive their own development, and with Indigenous Data Sovereignty principles. It also responds to concerns raised in First Nations submissions to the Productivity Commission's earlier Closing the Gap review about mainstream data organisations presenting themselves as solutions while accumulating value from Indigenous data. The Commission should treat community choice, ownership and control, not platform adoption, as the measure of success.

5. Recommended reforms

Recommendation 1: Amend the National Agreement to recognise Indigenous Data Sovereignty

The Commission should recommend explicit recognition of Indigenous Data Sovereignty within PR4, supported by commitments to implement Indigenous Data Governance. The wording should recognise First Nations peoples' authority to determine how data about their communities and priorities is governed and used, consistent with applicable law, privacy protections and community-defined protocols.

This recognition should apply across the data lifecycle: priority setting, collection, access, storage, storage, linkage, analysis, interpretation, sharing, publication, retention and disposal.

Recommendation 2: Establish a Bureau of Indigenous Data or equivalent First Nations-led mechanism

Kowa supports the establishment of a Bureau of Indigenous Data, or an equivalent independent mechanism with strong First Nations leadership and legitimacy. Its design should be developed in partnership with First Nations communities, representative organisations and relevant data institutions.

Potential functions could include:

- Supporting communities and ACCO's and ACCHO's to develop and implement Indigenous Data Governance frameworks within the health system.
- Developing guidance and model clauses for data-sharing agreements, funding contracts and procurement.
- Promoting appropriate standards for data access, interoperability, disaggregation, stewardship and culturally safe use.
- Supporting data capability, training and access to technical expertise.
- Monitoring implementation and publishing transparent reports on progress, barriers and government responses.

The mechanism should complement, not duplicate or displace, existing First Nations governance structures, peak bodies and the Data Policy Partnership.

Recommendation 3: Embed Indigenous Data Governance in funding and contracting

Governments should incorporate Indigenous Data Governance requirements into relevant funding agreements, procurement, commissioning, grants, service contracts and program evaluation. These

requirements should be proportionate and co-designed, rather than imposing unfunded compliance obligations on ACCOs.

Agreements should specify the purpose of data collection and use, decision-making authority, access permissions, security and privacy responsibilities, publication and disclosure rules, retention and deletion, permitted secondary use, and processes for resolving disputes. Funding should cover the capability and infrastructure required to meet these obligations.

Recommendation 4: Invest in community-controlled data capability and infrastructure

Governments should provide sustained, multi-year investment so First Nations organisations can build data capability and access infrastructure that meets their needs. This should include workforce development, data literacy, analytical support, governance capacity, secure digital tools and resources for community-led monitoring and evaluation.

Investment should not be limited to short-term pilot projects. It should support enduring capability and allow communities to choose tools and partners that suit their priorities, governance arrangements and operating context.

Recommendation 5: Expand regional data partnerships and community-led analytics

Governments should work with First Nations communities and ACCOs to establish or strengthen regional data partnerships under locally agreed arrangements. These partnerships should provide access to relevant government data while enabling communities to collect and use other data they consider important.

Regional projects should be evaluated on whether they improve community decision-making, strengthen data governance and capability, influence resource allocation and support community-defined outcomes, not only on the number of datasets shared or dashboards produced.

Recommendation 6: Strengthen accountability for government behaviour and outcomes

Governments should report on the quality and impact of their implementation of PR4. Reporting should address whether data is available in a timely and accessible form, whether First Nations organisations have meaningful authority in governance arrangements, whether capability is adequately resourced, and whether data informs decisions and improves outcomes.

Accountability should also cover barriers to access, delays, data quality, limitations on permitted use and actions taken to remedy problems. Independent review and public reporting should complement community-led assessment of whether arrangements are working in practice.

6. Wathaga: a practical tool to support implementation

Kowa positions Wathaga as a potential practical tool to help operationalise community-led measurement, evaluation and learning. Its Theory of Change approach can link big goals and activities to early outcomes, long-term outcomes, indicators, evidence, opportunities, challenges and signals. This creates a structured way to connect program delivery with learning and reporting.

Wathaga should be positioned as enabling infrastructure within First Nations-led governance, not as a substitute for Indigenous Data Governance, community authority or secure data-sharing agreements.

Potential use cases

- For ACCOs, ACCHOs and community organisations: define locally meaningful outcomes, select indicators, record evidence and produce reports that reflect community priorities.

- For regional partnerships: bring agreed measures and approved datasets into a shared measurement and evaluation process, subject to access permissions and technical feasibility.
- For governments and policy makers: understand progress against jointly agreed outcomes and identify gaps between commitments, activities and results.
- For funders and commissioners: improve visibility of program implementation and outcomes while supporting community-defined reporting and accountability.
- For learning and adaptation: identify opportunities, challenges and early signals so programs can be adjusted in response to evidence and community feedback.

Safeguards and implementation conditions

Any use of Wathaga for regional or cross-organisational data should be subject to an agreed governance model and technical due diligence. Kowa recommends that implementation arrangements address:

Community authority and clearly defined roles in data governance.

- Role-based access and permissions, with transparent records of who can access and use information.
- Privacy, consent where applicable, security, data minimisation and appropriate handling of small or sensitive datasets.
- Cultural protocols and protection of Indigenous Cultural and Intellectual Property and sensitive knowledge.
- Clear agreements on data ownership or control, stewardship, linkage, publication, reuse, retention and deletion.
- Interoperability and data quality requirements, where data integration is proposed.
- Training, support and resourcing so communities can use the platform effectively.

These are recommended requirements for implementation and should be verified against Wathaga's actual technical features, contractual terms and security arrangements before the platform is represented as meeting them.

7. Proposed implementation pathway

1. Co-design: work with First Nations communities, ACCOs, ACCHOs, representative bodies and relevant government data custodians to identify priorities, governance requirements and regional use cases.
2. Establish governance: agree local data governance and data-sharing arrangements before data is integrated or made available through any platform.
3. Select a regional pilot: choose a willing region and participate in organisations based on community priorities, readiness and clear benefit, not solely on data availability.
4. Build capability: fund governance, workforce development, analytical support and platform onboarding as part of the pilot.
5. Measure what matters: jointly define outcomes, indicators, data sources, baselines and reporting responsibilities, allowing community-defined measures alongside national indicators.
6. Evaluate and improve assess whether the pilot improves access, community decision-making, capability and accountability; publish findings with the appropriate authorisation of participating communities.
7. Scale only by agreement: use lessons from pilots to inform expansion, while respecting each community's authority to determine whether and how it participates.

8. Suggested measures of progress

Kowa recommends that PR4 monitoring includes measures of both access and governance. Possible measures for consideration include:

- Number and proportion of regional data partnerships with agreed Indigenous Data Governance arrangements.
- Timeliness, accessibility and level of disaggregation of data provided to participating communities and organisations.
- Number of ACCOs and community organisations funded to build data governance, collection, analysis and evaluation capability.
- Evidence that First Nations-defined indicators and data inform program design, funding decisions and policy responses.
- Proportion of relevant funding and data-sharing agreements include clear governance, access, permitted-use and accountability provisions.
- Community-reported experience of access, capability, custodianship and influence over decisions involving data.
- Documented government responses to data gaps and barriers raised by First Nations organisations.

Measures should be co-designed and interpreted with First Nations partners. Counting datasets or dashboards alone would not demonstrate that data sovereignty or community decision-making has improved.

9. Conclusion

Kowa Collaboration urges the Productivity Commission to recommend that Indigenous Data Sovereignty be explicitly recognised and supported through Priority Reform Four. Regional access to data will have limited value if First Nations communities cannot meaningfully govern how it is used, interpret it in context and influence decisions made from it.

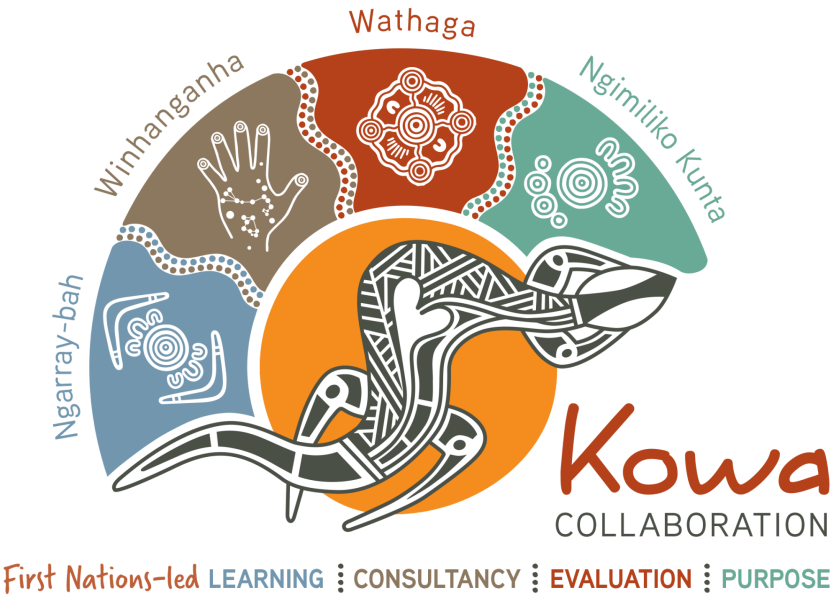
A First Nations-led Bureau of Indigenous Data or equivalent mechanism, stronger governance requirements in funding and contracting, sustained investment in community-controlled capability, regional partnerships and transparent accountability would help turn the Agreement's commitments into practical change.

Indigenous Data Sovereignty provides potential opportunities for Indigenous communities and businesses to self-determine their own futures, however it poses a risk of Black Cladding and exploitation of Indigenous Data and fueling the new frontier of new extracted industries.

Wathaga is a culturally safe gathering place for storing and maintaining community data that offers a way to support the community by connecting community-defined goals, evidence, indicators and outcomes within a structured measurement and evaluation process. Its role should be determined by participating in communities and under governance arrangements that protect their authority, privacy and cultural rights.

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Wathaga
Winhanganha
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COLLABORATION
First Nations-led LEARNING CONSULTANCY EVALUATION PURPOSE