

# **Agreement to Implement the Data Policy Partnership**

PARTNERSHIP AGREEMENT TO IMPROVE OUTCOMES UNDER CLOSING THE GAP FOR DATA

ESTABLISHED BY THE JOINT COUNCIL ON CLOSING THE GAP

UNDER THE AUTHORITY OF THE NATIONAL AGREEMENT ON CLOSING THE GAP

## **Preamble**

*Our people carry the stories of our Ancestors. These stories hold more than sixty thousand years of knowledge: of the seasons, the stars, the movement of waters and winds, and the ways we live with each other and with Country. They tell us where we have been and guide us towards where we need to go.*

*For Aboriginal and Torres Strait Islander peoples, data is more than numbers or reports. It is our knowledge, our stories, and our aspirations for the future. Data is layered, interconnected, and intrinsically linked to every element of our lives and being. Yet governments have traditionally used our data to tell stories about us, stories that are not ours.*

*Through this Partnership, we will share our knowledge so governments can better understand how we see data, and how it connects to the needs of our communities. We will continue to tell our stories in ways that celebrate our strengths and empower our people to shape the path ahead.*

*At the heart of this work is our drive to uphold the principles of Indigenous Data Sovereignty and Indigenous Data Governance. By placing our people at the centre of how data is governed, we ensure it becomes a foundation for truth-telling and better outcomes.*

*Together with our government agency partners, we will work to build what is needed to make this work real, so that data has a positive impact for Aboriginal and Torres Strait Islander peoples and communities. In this Partnership, we will walk forward together, with trust and respect.*

## **Introduction**

The National Agreement on Closing the Gap (the National Agreement) makes provision for the establishment of policy partnerships under Priority Reform One: Formal Partnerships and Shared Decision-Making. Policy partnerships are partnerships created for the purpose of working on discrete policy areas, such as education, health or housing (Clause 30, National Agreement).

The National Agreement states at Clause 38, that by 2022, the Joint Council will establish a joined-up approach between the Commonwealth, states and territories, and Aboriginal and Torres Strait Islander representatives to address policy priority areas. Other policy priority areas include:

- a) justice (adult and youth incarceration)
- b) social and emotional wellbeing

- c) housing
- d) early childhood care and development
- e) Aboriginal and Torres Strait Islander languages.

The National Agreement states that policy partnerships should include the strong partnership elements articulated at Clause 32 unless Aboriginal and Torres Strait Islander people, communities and organisations choose not to pursue elements (Clause 35).

In 2024, Joint Council agreed to establish a data policy partnership to accelerate progress on data and report back to Joint Council in response to the Productivity Commission's (2024) review of the National Agreement on Closing the Gap. The Data Policy Partnership is also strongly aligned to Priority Reform Four, Shared Access to Data and Information at a Regional Level. Priority Reform Four focuses on providing Aboriginal and Torres Strait Islander communities and organisations with shared access to location specific data and information in order to make informed decisions on their priorities moving forward.

### **Strong partnership elements**

The Data Policy Partnership is consistent with the Partnership Agreement on Closing the Gap and the National Agreement on Closing the Gap. The strong partnership elements at Clauses 32 and 33 of the National Agreement apply to the Data Policy Partnership.

### **Purpose**

1. The purpose of this Agreement is to establish a mechanism for the Parties to develop a joined-up approach to data policies relevant to Aboriginal and Torres Strait Islander peoples with a focus on progressing Priority Reform Four of the National Agreement.
2. The primary function of the Data Policy Partnership is to make recommendations to the Joint Council to progress Priority Reform Four (including addressing systems-wide barriers to shared data access and exercises of Aboriginal and Torres Strait Islander Data Sovereignty and Governance), and to improve data on Priority Reforms and socioeconomic outcomes, targets and indicators under the National Agreement.

### **Objectives**

3. The objectives of the Data Policy Partnership are to:
  - a. Establish a joined-up approach between all governments and Aboriginal and Torres Strait Islander representatives to progress Priority Reform Four and to improve data on Priority Reforms and socioeconomic outcomes, targets and indicators under the National Agreement.
  - b. Give focus to the Priority Reforms in the National Agreement, and how they can be harnessed to make the changes needed to ensure Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to set and monitor implementation efforts to close the gap, their priorities, and drive their own development.

- c. Identify specific reforms and actions to drive a joined-up approach to data and improve delivery of data projects that will improve data access, sharing, joint decision-making, and use for Aboriginal and Torres Strait Islander people, communities and organisations.
- d. Identify actions to improve data on Priority Reforms and socioeconomic outcomes, targets and indicators under the National Agreement.
- e. Identify opportunities to work more effectively across the Coalition of Peaks and community organisations, reduce gaps and duplication and improve outcomes under the National Agreement.
- f. Identify opportunities to work more effectively across governments, reduce gaps and duplication and improve outcomes under the National Agreement.
- g. Support efforts to implement the National Agreement including meeting targets for the Priority Reform areas and socio-economic outcomes.
- h. Drive Aboriginal and Torres Strait Islander community-led outcomes on the National Agreement, and support community-led development initiatives.
- i. Enable Aboriginal and Torres Strait Islander representatives, communities and organisations to negotiate and implement agreements with governments to implement all Priority Reforms and policy specific and place-based strategies to support the National Agreement.

## Scope

- 4. The Data Policy Partnership will focus on strategies and actions that will deliver progress towards the implementation of Priority Reform Four and improving data on Priority Reforms and socioeconomic outcomes, targets and indicators under the National Agreement, including related intersectional areas: a. 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, their priorities and drive their own development.
- 5. Topics in scope for consideration are:
  - a. Strategies and actions that progress the objectives of the Data Policy Partnership including establishing a joined-up approach to data, specifically:
    - i. The measurement of progress under the National Agreement.
    - ii. Increasing the support for and number of community data projects.
    - iii. Strengthening the data capability of communities and the community-controlled sector, including support for Aboriginal and Torres Strait Islander communities and organisations to access and use government-held data, and to embed Aboriginal and Torres Strait Islander Data Governance that reflects their values, priorities, and cultural protocols.
    - iv. Building governments' data capabilities to manage, share, and use data in ways consistent with Priority Reform Four, including culturally safe data

practices and respectful partnerships with Aboriginal and Torres Strait Islander peoples.

- v. Improving cross-jurisdiction data sharing, access and use for the community-controlled sector, including addressing systems-wide barriers to shared access to government-held data.
  - vi. Embedding the Maiam nayri Wingara principles of Indigenous Data Sovereignty<sup>1</sup> across the Australian data system, including through Aboriginal and Torres Strait Islander Data Governance and governance of Aboriginal and Torres Strait Islander data.
- b. Governments' enabling role of removing systemic barriers and supporting community-led enactment of Aboriginal and Torres Strait Islander Data Governance. Strategies and actions that can be directly linked to progressing the measurement of Priority Reforms, Sector Strengthening Plans, and socioeconomic outcomes, targets and indicators in the National Agreement. This may include:
- i. Review of existing, or creation of new cross-government plans and/or partnerships to improve the measurement of Priority Reforms and socioeconomic outcomes, targets and indicators.
  - ii. Providing oversight and accountability for implementation of plans and/or partnerships to improve the measurement of Priority Reforms and socioeconomic outcomes, targets and indicators.
  - iii. Connecting with other Policy Partnerships on work to progress the measurement of Priority Reforms and socioeconomic outcomes, targets and indicators.
- c. Strategies and actions that progress the Priority Reforms as they relate to data. This may include:
- i. Review of existing, or creation of new partnerships related to data, including data sharing.
  - ii. Review of the community-controlled sector's data experiences, expertise and plans to strengthen the sector, including to identify how jurisdictions can collaborate and cooperate to develop a joined-up approach to reform initiatives and actions to effectively address systemic issues and barriers.
  - iii. Transformation of mainstream government agencies given the cross-cutting nature of data, including across the portfolios of health (including mental health), disability, aged care, social and emotional wellbeing, education (including early childhood), economic development (including employment), justice, safety (including domestic, family and sexual violence), housing, land and waters, languages, essential services and digital inclusion.

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<sup>1</sup> Maiam nayri Wingara. (2018). Indigenous Data Sovereignty Communique Indigenous Data Sovereignty Summit 20th June 2018, Canberra, ACT. Available <<https://www.maiamnayriwingara.org/mnw-principles>>.

- iv. Issues relating to the structure and operation of mainstream government services that disproportionately and unfairly impact Aboriginal and Torres Strait Islander people.
- v. Review of data available and needed to develop evidence-based and locally responsive policies that are inclusive of diverse Aboriginal and Torres Strait Islander population groups.
- d. Strategies and actions that relate to the drivers of data governance, availability and access, which have direct and tangible effects on progress measurement of socio-economic outcomes and targets.
- e. Strategies and actions related to best practice for data systems and shared decision-making
- f. Any other issues that impact and/or intersect with data collection, data access and administration relevant to the objectives of the Data Policy Partnership.
- 6. The Parties to the Data Policy Partnership will have authority to determine by consensus whether a topic is in scope or not. If the Parties are unable to agree on whether a topic is in scope, the dispute resolution processes may be triggered (see Clauses 42 and 43).
- 7. Matters which are considered out of scope for the Data Policy Partnership may be referred to other bodies or mechanisms for consideration in line with powers of the Data Policy Partnership set out above.

### **Chairing arrangements**

- 8. The Data Policy Partnership is co-chaired by a representative of the Coalition of Peaks and a representative of the Commonwealth who are Parties to the Agreement. The co-chairs are indicated in Schedule A.
- 9. The co-chairs are responsible for agreeing meeting agendas, chairing meetings, and overseeing and monitoring the work of the Data Policy Partnership.

### **Parties**

- 10. The Parties to the Agreement are the Coalition of Peaks, other Aboriginal and Torres Strait Islander representatives, and all Australian Governments.
- 11. Continuity of membership and attendance at meetings is critical to the effective functioning of the Data Policy Partnership.
  - a. Coalition of Peaks representatives will confirm their attendance with the Peaks' co-chair prior to meetings. If they are unable to attend the Peaks' co-chair will nominate an alternative representative in consultation with the relevant Peak. If the member misses three meetings the co-chair will ask them to reconsider their ongoing membership.
  - b. Independent Aboriginal and Torres Strait Islander representatives will also confirm their attendance with the Peaks' co-chair prior to meetings. They have been selected based on individual expertise. In the event an independent member cannot attend, the Peaks co-chair can appoint a suitable proxy with the relevant

expertise, in consultation with the independent member. If the member misses three meetings the co-chair will ask them to reconsider their ongoing membership and advise the Coalition of Peaks. In such an event, the Coalition of Peaks may remove the member and call expressions of interest for a replacement.

- c. Government representatives must hold the appropriate level of authority to contribute effectively to the partnership's decision-making process. Government representatives will confirm their attendance with the Government co-chair prior to meetings. If a Government representative is unable to attend a meeting, then the jurisdiction will nominate an alternative representative at an appropriate level of responsibility. A consistent proxy should be identified for each jurisdiction to attend meetings on behalf of the Government representative. If a Government member misses three meetings the Government co-chair will ask them to consider an alternative representative at an appropriate level for their jurisdiction.
12. The Coalition of Peaks co-chair can nominate additional partners to attend meetings to support the work of the Data Policy Partnership. The intent of this additional attendance is to maintain equal ratio of Aboriginal and Torres Strait Islander and government members, and to ensure the Partnership listens to a diversity of representative community voices. Aboriginal and Torres Strait Islander partners may also be invited to share additional expertise when required. Partners are non-voting members of the Data Policy Partnership.
13. The Commonwealth Government co-chair can nominate additional partners to attend meetings in support of the work of the Data Policy Partnership. The Partner must have an appropriate level of delegation equal to members and must be from a different government department from the primary member. The intent of this additional attendance is to support cross-portfolio engagement with data policy, implementation and administration relevant to the matters discussed. Partners are non-voting members of the Data Policy Partnership.
14. The Parties to the Agreement are listed at Schedule A.
15. A meeting quorum will be 10 members, inclusive of five voting Aboriginal and Torres Strait Islander members and five voting government members.

## **Roles and responsibilities**

16. All Parties are jointly responsible for:
- a. Developing a joined-up approach to data policy and implementation, including:
    - i. identifying opportunities to work more effectively and share knowledge and learnings across governments and with Coalition of Peaks partners and other Aboriginal and Torres Strait Islander organisations
    - ii. reducing gaps and duplication
    - iii. reducing barriers and improving related outcomes, and
    - iv. working collaboratively with other entities across the National Agreement governance structures as required to deliver on the Data Policy Partnership objectives.
  - b. Agreeing the priorities and work plan for the Data Policy Partnership

- c. Conducting and commissioning research and studies, analysing data and information, preparing reports, including to support other Policy Partnerships under the National Agreement
  - d. Developing recommendations for action through the implementation approaches of the National Agreement, and
  - e. Tracking and reporting on progress.
17. The Coalition of Peaks Parties will:
- a. Liaise across the Coalition of Peaks and their membership and bring the perspectives of the Aboriginal and Torres Strait Islander people, communities and organisations, their expertise, and their lived experiences to the deliberations of the partnership
  - b. Provide opportunities for Aboriginal and Torres Strait Islander people, communities and organisations to share their data
18. The government Parties will:
- a. Liaise with other agencies in their jurisdiction to develop cross-agency perspectives to inform the work of the Data Policy Partnership
  - b. Engage with other organisations to seek expert advice
  - c. Engage with relevant Ministers and seek Ministerial clearance of key actions ahead of Data Policy Partnership agreement
  - d. Represent the views of, and examine how recommendations of the Data Policy Partnership can be implemented in their jurisdiction, including through the implementation planning process or more urgent action
  - e. Communicate the work of the Data Policy Partnership to other agencies in their jurisdiction
  - f. Share data with Aboriginal and Torres Strait Islander representatives, where government is the custodian or steward of that data and privacy or other requirements allow, to inform shared decision-making.
19. Independent Aboriginal and Torres Strait Islander members will:
- a. Liaise across relevant parties to their area of expertise to bring the perspectives of Aboriginal and Torres Strait Islander people to the deliberations of the partnership.
20. Other members may be invited to join meetings at the discretion of the partnership membership and co-chairs. These members will:
- a. Liaise across relevant parties to their area of expertise to bring well-informed perspectives to the deliberations of the partnership.
21. The Coalition of Peaks co-chair and Commonwealth Government co-chair can both nominate non-voting members to attend meetings in support of the work of the Data Policy Partnership.
- a. Non-voting Coalition of Peaks members must have an appropriate level of subject-matter expertise to inform the work of the DPP and must be from a different organisation from the primary members.

- b. Non-voting government members must have an appropriate level of subject-matter expertise to inform the work of the DPP and must be from a different government department from primary members.
- c. Other non-voting members such as independent Aboriginal and Torres Strait Islander members must have an appropriate level of subject-matter expertise to inform the work of the DPP.

## **Term**

- 22. The Agreement comes into effect on the date of signing and continues for an initial period of four years (see Clauses 31 to 35 on annual reporting obligations).
- 23. The Data Policy Partnership will be reviewed before the end of its initial four-year term with a view to being extended or renewed to drive ongoing progress. The process for this review will be established by the Drafting Group in consultation with Data Policy Partnership Parties, and endorsed by the Joint Council on Closing the Gap.

## **Amendment**

- 24. The Agreement can be amended at any time by express and formal agreement of the Parties.
- 25. The Data Policy Partnership will consider whether any amendments are required to this Agreement, its membership and its forward work plan at least once each year.

## **Decision-making**

- 26. 26. The Data Policy Partnership is guided by the principle that decision-making is shared between governments and Aboriginal and Torres Strait Islander people. Shared decision-making is:
  - a. By consensus, where the voices of Aboriginal and Torres Strait Islander Parties hold as much weight as the governments'
  - b. Transparent, where matters for decision are in terms that are easily understood by all Parties and where there is enough information and time to understand the implications of the decision
  - c. Where Aboriginal and Torres Strait Islander representatives can speak without fear of reprisals or repercussions
  - d. Where a wide variety of groups of Aboriginal and Torres Strait Islander people, including women, young people, Elders, Stolen Generations survivors and descendants, LGBTQIA+SB persons, and Aboriginal and Torres Strait Islander people with a disability can have their voice heard
  - e. Where self-determination is supported, and Aboriginal and Torres Strait Islander lived and living experience is understood and respected
  - f. Where relevant funding for programs and services align with jointly agreed community priorities, noting governments retain responsibility for funding decisions

- g. Where partnership Parties have access to the same data and information, in an easily accessible format, on which any decisions are made.

## **Recommendations**

- 27. The Data Policy Partnership may make recommendations under this Agreement and will provide those recommendations to the Joint Council for its information, unless the recommendation is for an action to be taken to Joint Council for agreement.
- 28. All recommendations made pursuant to this Agreement are made by consensus of the Parties. Recommendations are non-binding.
- 28A. Recommendations of the Data Policy Partnership made to Joint Council will be made public unless agreed otherwise by Joint Council.
- 29. Recommendations may be made as national recommendations or may apply to a specific member or other party. Recommendations should not duplicate existing efforts in a particular jurisdiction and should complement existing structures and jurisdictional drivers. It is not the intention that jurisdictions would have to report against all the recommendations of the Data Policy Partnership as some may not be applicable.
- 30. Actions to respond to relevant recommendations would be included in each Parties' annual implementation plan updates where publication of the recommendations is endorsed by Joint Council. Specific actions should be considered and taken forward through jurisdictional partnership arrangements for implementation plans, to enable actions to be tailored to the specific circumstances of each jurisdiction. Progress on actions against recommendations should be outlined in Parties' annual reports.
- 31. Beyond incorporating actions to respond to the recommendations in implementation plans, Parties may take more urgent action if appropriate.
- 32. The extent to which recommendations have been implemented by jurisdictions and other organisations will be reported as part of the Data Policy Partnership reporting process (set out under the Reporting' section of this Agreement).

## **Referring matters**

- 33. The Data Policy Partnership may refer matters which it deems out of scope to an appropriate mechanism for consideration.
- 34. By agreement, the Parties may establish sub-structures or working groups as required to progress recommendations or explore specific topics arising under the Data Policy Partnership. Where possible, Parties should rely on existing structures, including existing jurisdictional and regional arrangements to progress recommendations.

## **Expert advice**

- 35. Subject matter experts, including people with lived and living experience, may be invited to attend meetings of the Data Policy Partnership from time to time for the purpose of presenting on topics being considered by the Data Policy Partnership or to provide expert advice. Experts must be agreed by Parties before being invited to attend a meeting.

## **Data sharing**

36. In line with Priority Reform Four, parties should endeavour to share available data and information with the Data Policy Partnership to assist the Data Policy Partnership to have clear understanding of context, to make evidence-based recommendations and to gauge progress toward the targets. The Data Policy Partnership may agree to ask Parties to collate and provide relevant data, and Parties will endeavour to do so as far as possible.

## **Reporting**

37. Policy partnerships will be a standing item at Joint Council. This standing item will include a verbal update on how the Data Policy Partnership is progressing, including jurisdictional updates on actions taken to support the objectives of the Data Policy Partnership.
38. In addition to verbal updates, the Data Policy Partnership will report annually in writing to the Joint Council on:
- a. Recommendations it has made
  - b. Actions being taken to implement recommendations
  - c. Progress against the objectives of the Data Policy Partnership
  - d. Progress against any relevant Priority Reforms and socio-economic targets in the National Agreement
  - e. Any other updates
39. The written report will, where possible, draw on existing reporting and not add additional reporting burdens. It will compile information from all the jurisdictional implementation plans on how recommendations of the Data Policy Partnership are being addressed. It will also include a short summary of how the Data Policy Partnership is progressing, and a list of any recommendations made by the (Data Policy Partnership).
40. The Data Policy Partnership annual report will be submitted directly to Joint Council and provided to the Partnership Working Group at the same time for noting.
41. Actions arising from recommendations of the Data Policy Partnership which are incorporated into Implementation Plans will also be reported on through the annual public reports (clause 118 and 119 of the National Agreement). These reports should also include a specific reference to the Data Policy Partnership and its progress.

## **Dispute resolution**

42. The Parties to the Data Policy Partnership will endeavour in the spirit of co-operation, good faith, and mutual trust to resolve any difficulties or misunderstandings with respect to the Data Policy Partnership.
43. If the matter cannot be resolved by negotiation, the Data Policy Partnership will refer the matter to the Joint Council for resolution.

## **Meetings**

44. Regular meetings of the Parties will be held as required. The Parties will meet at least four times per calendar year.

45. The forward work plan for the Data Policy Partnership for its first 12 months will be determined at the first meeting of the Parties. The agenda for each meeting will be determined with input from the Parties and approved by the co-chairs.

### **Secretariat support**

46. A Secretariat will be established to support the Data Policy Partnership by:
- a. Preparing papers
  - b. Organising meetings including travel
  - c. Compiling the annual reports
  - d. Maintaining and updating public material
47. Papers will be distributed at least one week ahead of each meeting. The Data Policy Partnership may agree to progress items out of session.

### **Resourcing**

48. In accordance with Clause 33 of the National Agreement, the Parties acknowledge that the Coalition of Peaks Parties need to be provided with adequate and ongoing financial support to enable them to engage and negotiate as equal partners. This financial support will be separate to their current funding as this is a new activity not covered by existing funding sources.
49. The Parties acknowledge that the other Aboriginal and Torres Strait Islander Parties also need to be provided with adequate and ongoing financial support to enable them to engage and negotiate as equal partners.
50. The Commonwealth will provide funding for the establishment of the Data Policy Partnership, including resourcing for the Data Policy Partnership Secretariat and reasonable meeting costs such as travel for the Data Policy Partnership. The Commonwealth will also support the participation of the independent Aboriginal and Torres Strait Islander members of the Data Policy Partnership, including through sitting fees. Members can choose not to accept fees where they may already be receiving a salary or payment from their employer.
51. All governments are responsible for resourcing their government member to attend Data Policy Partnership meetings as part of their commitments under the National Agreement.
52. Resourcing for additional activities of the Data Policy Partnership will be negotiated and agreed by the Parties as they arise during the life of the Agreement. This includes the commissioning of any reports or expert evidence.
53. All governments have a responsibility to consider resourcing for Policy Partnership activities as part of their jurisdictional funding to support actions under the National Agreement.

## ***Schedule A: Parties to the Agreement to Implement the Data Policy Partnership***

### **Coalition of Peaks representatives**

- Sharif Deen, Head of Secretariat for the New South Wales (NSW) Coalition of Aboriginal Peak Organisations (CAPO)
- Catherine Liddle, Chief Executive Officer (CEO), Secretariat of National Aboriginal and Islander Child Care (SNAICC)
- Donnella Mills, Chairperson, National Aboriginal Community Controlled Health Organisation (NACCHO)
- Kerry Staines, CEO, First Nations Advocates Against Family Violence (FNAAFV)
- Vicki O'Donnell, Chairperson, Aboriginal Health Council of Western Australia (AHCWA)

### **Other Aboriginal and Torres Strait Islander representatives**

- Bep Uink, Director, Australian Indigenous HealthInfoNet, Edith Cowan University
- Nicole Clinch, Deputy CEO, South Australian Aboriginal Community Controlled Organisation Network
- Liz Wren, Gilibanga Lead, Kowa Collaboration
- Yasmin Johnson, University of Western Sydney
- Ian Brown, Just Reinvest NSW

### **Government representatives**

- Commonwealth Government – Phillip Gould, Deputy Australian Statistician, Data and Statistical Practices, Australian Bureau of Statistics
- NSW Government – James Bates, Executive Director, Policy and Cabinet, NSW Department of Customer Service
- Victorian Government – John Batho, Deputy Secretary Digital Transformation, Department of Government Services
- Queensland Government – Nathan Bines, Executive Director, Department of Customer Services, Open Data, Small and Family Business
- Western Australian Government – Natalia Kacperek, Chief Data Officer, Department of the Premier and Cabinet
- South Australian Government – Rebecca Astley, Acting Executive Director, Strategic Policy and Data Analytics, SA Department of Treasury and Finance.
- Tasmanian Government – Mellissa Gray, Deputy Secretary Policy and Reform, Department of Premier and Cabinet
- Northern Territory Government – Margaret Close, Deputy Chief Executive Officer A/g, Department of the Chief Minister and Cabinet
- Australian Capital Territory Government – Leesa Croke, Deputy Director General of the Chief Minister, Treasury and Economic Development Directorate