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Closing the Gap Review Commission

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# Submission to the *Closing the Gap National Agreement Review* Draft Report

## Introduction

Universities Australia (UA) welcomes the opportunity to respond to the review of the National Agreement on Closing the Gap. We are responding specifically to the Commission's call for further information and feedback on its draft recommendations relevant to *Priority Reform 4 - Shared access to data and information at a regional level*.

UA is the peak body representing Australia's 39 comprehensive universities. Our member universities span the length and breadth of Australia. Together, they educate approximately one and a half million students each year, undertake significant research and development activities, and engage globally to grow Australia and the world's knowledge base while supporting the nation's economic and social well-being. This entails significant interaction with data, including data about and concerning Indigenous peoples.

Indigenous peoples have been collecting, managing, sharing and using data for tens of thousands of years before their lands became collectively known as Australia. Many are now calling for the data collected by Australian governments at all levels to give due regard to Indigenous peoples and their knowledges. This will make it possible for Indigenous Australians to govern data about themselves, and data that impacts their families and communities. It is appropriate that the Commission has already drawn upon the works of Indigenous academics and researchers to inform the draft report. Indigenous academics and knowledge holders' perspectives and input should be relied upon for matters that concern them and are aligned with their expertise.

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## UA acknowledges Country

Universities Australia takes this opportunity to honour and respect the Indigenous peoples who have been, and continue to be, the Custodians of the lands, skies, and waterways upon which we at Universities Australia, and our member universities live, work, and learn.

We recognise the ongoing advocacy of Indigenous staff, students, and communities for the due regard of Indigenous data sovereignty within their universities, and at regional, state, national and international levels. This is critical so that statistics and data about Indigenous peoples serve the interests and purposes of Indigenous peoples and contribute to the development and implementation of Indigenous-led policy.

We acknowledge that sovereignty was never ceded, and that connection to Country and Culture has been maintained, nourished, and continues to thrive. We pay respect to Elders and knowledge holders, past and present, as we listen carefully, tread lightly, and nurture those who are our future.

## Recommendations

- Alter Priority Reform 4 to explicitly state that Indigenous data sovereignty is the goal.
- Set up guidelines for the reuse of Government data that reflect Indigenous Open data governance principles.

## Responses re: Priority Reform 4

### Should Priority Reform 4 be altered to explicitly state that Indigenous data sovereignty is the goal?

UA supports the altering of the Agreement to say that Indigenous data sovereignty is the goal of Priority Reform 4. We concur with the following points as outlined by the draft report:

- That Priority Reform 4 needs to be clarified to make outcomes consistent and actionable, as no large-scale changes have been made and there has been no progress towards rebalancing power over data ecosystems.
- That parties should commit to the principles and practice of Indigenous data sovereignty.
- That the priority is not and should not be limited to encompassing the metrics and reporting of government shared data.
- That the data collected by government agencies is often framed in a way that is not meaningful to Indigenous peoples.<sup>1</sup>

### What difference would it make if the Agreement said that Indigenous data sovereignty was the goal of Priority Reform 4?

Currently, governments' collection and reporting of metrics continue to produce a narrative of blame and of a problem that requires fixing.<sup>2</sup> By upholding the original intent of the national Closing the Gap strategy to 'overcome disadvantage', governments continue to risk ignoring Indigenous peoples' cultural differences in aspirations, life values, and evaluations of success.<sup>3</sup> By only partially adopting Indigenous peoples' calls for Indigenous data sovereignty (i.e., Priority Reform 4 only encompasses increasing shared access to data and information at a regional level rather than Indigenous governance of the entire data ecosystem) governments make data available to external parties that maintain and magnify, not reduce, the deficit narrative.<sup>4</sup> This approach is more likely to lend itself towards discourse that feeds into public perceptions of

<sup>1</sup> Productivity Commission 2023, Review of the National Agreement on Closing the Gap, Draft Report, Canberra, July <https://www.pc.gov.au/inquiries/current/closing-the-gap-review/draft>

<sup>2</sup> Fogarty, Bulloch, McDonnell, & Davis, (2018); Walter, (2018) in Raymond Lovett, Roxanne Jones, and Bobby Maher, 'The Intersection of Indigenous Data Sovereignty and Closing the Gap Policy in Australia', in *Indigenous Data Sovereignty and Policy*, 1st ed., Routledge Studies in Indigenous Peoples and Policy Series (Taylor & Francis Group, 2020), 36–50

[https://www.taylorfrancis.com/books/9780367567477?\\_gl=1\\*1privsb\\*\\_ga\\*MTQ2MDQzNDYzMS4xNjk2Mjk0NzU0\\*\\_ga\\_0HYE8YG0M6\\*MTY5NjI5NDc1NC4xLjEuMTY5NjI5NDc3NC4wLjAuMA](https://www.taylorfrancis.com/books/9780367567477?_gl=1*1privsb*_ga*MTQ2MDQzNDYzMS4xNjk2Mjk0NzU0*_ga_0HYE8YG0M6*MTY5NjI5NDc1NC4xLjEuMTY5NjI5NDc3NC4wLjAuMA)

<sup>3</sup> Lovett, Jones, and Maher, 'The Intersection of Indigenous Data Sovereignty and Closing the Gap Policy in Australia'.

<sup>4</sup> Maggie Walter et al., 'Indigenous Data Sovereignty in the Era of Big Data and Open Data', *Australian Journal of Social Issues* 56, no. 2 (2021): 143–56, <https://doi.org/10.1002/ajs4.141>.

Indigenous policy and initiative ‘failure’ and ‘a waste of financial resources’, rather than solving any complex Indigenous policy matter.<sup>5</sup> It is not enough to simply increase access to location-specific data and information, as such actions can exacerbate harm and promote deficit narratives (i.e., the 5Ds: Difference, Disparity, Disadvantage, Dysfunction, and Deprivation).<sup>6</sup> Instead, to address these issues effectively, we need to embrace the principles of Indigenous data sovereignty completely.

If the agreement said that Indigenous data sovereignty was the goal of Priority Reform 4, senior Indigenous leadership would get access to disaggregated and contextualised higher education data that supported their planning, resourcing, and funding advocacy. For example, Indigenous data sovereignty principles can support Indigenous education priorities for the university sector, such as the following recommendation made by Deputy and Pro Vice-Chancellors (Indigenous) in their recent submission to the Universities Accord, which outlined:

*“a plan to double the First Nations enrolment base from 24,000 to 48,000 in ten years ... [and] amplify Indigenous Leadership voices and Governance models across the sector....”*<sup>7</sup>

In practice, Indigenous data sovereignty principles support Indigenous education priorities and plans by facilitating the transition from idea to actuality.<sup>8</sup> This approach emphasises a shift away from surveillance-focused data, allowing for the development of student support policies grounded in empirical data that reflect the reality of students' experiences.<sup>9</sup> This encompasses considerations such as the expectation for students to navigate and adapt to the demands and expectations of traditional university life, while also dealing with the impacts of colonisation, racism, and systemic barriers.<sup>10</sup> It also takes into account factors like students' financial circumstances, family commitments, accommodation, employment, and commute times.<sup>11</sup> Instead of isolating these aspects based solely on the interests of the state or the institution, Indigenous data sovereignty views them as interconnected facets of students' lives and contextualises the data accordingly.<sup>12</sup>

It also means that systemic barriers for Indigenous staff, both academic and professional, can be identified and institutions can be held accountable by Indigenous communities for the implementation and outcomes of the institution's Indigenous strategies, Indigenous goods and services procurement plans, reconciliation action plans, Indigenous research strategies, and their Indigenous workforce and recruitment strategies.

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<sup>5</sup> Lovett, Jones, and Maher, ‘The Intersection of Indigenous Data Sovereignty and Closing the Gap Policy in Australia’.

<sup>6</sup> Maggie Walter et al., ‘Indigenous Data Sovereignty in the Era of Big Data and Open Data’.

<sup>7</sup> Submission to Accord interim report by a group of Deputy and Pro Vice-Chancellors, Indigenous: <https://www.education.gov.au/australian-universities-accord/consultations/consultation-accord-interim-report/submission/17040>

<sup>8</sup> Maggie Walter et al., ‘Indigenous Data Sovereignty in the Era of Big Data and Open Data’.

<sup>9</sup> Maggie Walter et al., ‘Indigenous Data Sovereignty in the Era of Big Data and Open Data’.

<sup>10</sup> Martin Nakata, and Vicky Nakata, Supporting Indigenous Students to Succeed at University: A Resource for the Higher Education Sector. (Taylor and Francis, 2022). <https://doi.org/10.4324/9781003326458>

<sup>11</sup> Martin Nakata, and Vicky Nakata., ‘Supporting Indigenous Students to Succeed at University.’

<sup>12</sup> Maggie Walter et al., ‘Indigenous Data Sovereignty in the Era of Big Data and Open Data’.

In addition, Indigenous staff, including the members of the UA DVC and PVC Indigenous Committee and other members of Indigenous university leadership, contend with reporting obligations that overlap, are cumbersome, and often do not serve Indigenous interests and purposes, or Indigenous-led policy development. By altering Priority Reform 4 to incorporate Indigenous data sovereignty, senior Indigenous leadership in higher education can use the data they need (not what they currently have) to influence and drive national research priorities and policies that enhance Indigenous collective well-being – including Indigenous student enrolment, retention, and success.

### **What would governments have to do differently (compared to what they have already committed to)?**

In consideration of the growing volume and opportunities for secondary use of data, it is imperative that governments collaborate with Indigenous communities to co-design protocols for the governance and stewardship of Indigenous data.<sup>13</sup> These protocols should be formally applicable and enforceable for anyone who wishes to analyse Indigenous peoples' data.<sup>14</sup> This would help address the tension that Indigenous communities feel between '(1) protecting Indigenous rights and interests in Indigenous data (including traditional knowledges and intellectual property) and (2) supporting open data, machine learning, broad data sharing, and big data initiatives.'<sup>15</sup>

In addition, incorporated into these protocols for the governance and stewardship of Indigenous data should be the FAIR Guiding Principles for scientific data management and stewardship (Findable, Accessible, Interoperable and Reusable). These should be augmented by the CARE Principles for Indigenous Data Governance (Collective benefit, Authority to control, Responsibility, Ethics).<sup>16</sup> This approach should mitigate the 5D deficit narratives and enable the application of Indigenous data protection and sovereignty.<sup>17</sup>

## **Conclusion**

Indigenous data can be a cultural and economic asset that produces invaluable information and enables Indigenous communities to define their own outcomes, formulate strategic choices, advocate to industry and government, and evaluate successes and outcomes.<sup>18</sup> By explicitly making Indigenous Data Sovereignty a part of the National Agreement on Closing the Gap, governments set a standard for not only the stewardship and application of data, but also

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<sup>13</sup> Maggie Walter et al., 'Indigenous Data Sovereignty in the Era of Big Data and Open Data'.

<sup>14</sup> Rainie et al. (2019) in Maggie Walter et al., 'Indigenous Data Sovereignty in the Era of Big Data and Open Data'.

<sup>15</sup> Stephanie Russo Carroll et al., 'The CARE Principles for Indigenous Data Governance', *Data Science Journal* 19, no. 43 (2020): 1–12, <https://doi.org/10.5334/dsj-2020-043>.

<sup>16</sup> International Indigenous Data Sovereignty Interest Group (within the Research Data Alliance) <https://www.gida-global.org/care>

<sup>17</sup> Carroll et al., 'The CARE Principles for Indigenous Data Governance'.

<sup>18</sup> Maggie Walter et al., 'Indigenous Data Sovereignty in the Era of Big Data and Open Data'.

managing Indigenous cultural and intellectual property respectfully and ethically in ways that support Indigenous interests and collective well-being.<sup>19</sup>

This is why UA has two recommendations: (1) altering Priority Reform 4 to explicitly state that Indigenous data sovereignty is the goal and (2) the development of formally applicable and enforceable guidelines for the reuse of Government data that reflect Indigenous Open data governance principles.

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<sup>19</sup>Dr Terri Janke, Clare McKenzie, and Neane Carter, 'Indigenous Data Sovereignty: The Legal and Cultural Considerations', 2023, <https://www.terrijanke.com.au/post/indigenous-data-sovereignty-the-legal-and-cultural-considerations>.