Submission to the Productivity Commission's Review of the National Agreement on Closing the Gap Draft report

Introduction

The First Nations Digital Inclusion Advisory Group (Advisory Group) welcomes the opportunity to provide a submission to the Productivity Commission's Review of the National Agreement on Closing the Gap Draft report (the Review).

The Advisory Group supports the recommendations outlined in the Review. This submission is focused on:

- the effectiveness of policy partnerships

- appointing an organisation to lead data development under the Agreement Review Information

- Indigenous data sovereignty and Priority Reform 4.

The Advisory Group notes the Review's findings regarding the slow progress across all levels of government to implement the Priority Reforms and, more broadly, to implement measures to empower First Nations Australians in the design and delivery of measures to address the 17 targets in the National Agreement on Closing the Gap (the National Agreement).

The Advisory Group would also welcome the opportunity to discuss its findings with the Productivity Commission. To arrange a meeting, please contact its secretariat at firstnationsdigitalinclusion@infrastructure.gov.au.

Background

Target 17 of the National Agreement on Closing the Gap commits the government to ensuring that Aboriginal and Torres Strait Islander people have equal levels of digital inclusion by 2026.[1] This aligns with Outcome 17 of the National Agreement: Aboriginal and Torres Strait Islander people have access to information and services enabling participation in informed decision-making regarding their own lives.[2]

The Advisory Group was formed in January 2023 by the Hon Michelle Rowland, Minister for Communications to provide advice on progressing Target 17 of the National Agreement on Closing the Gap. The Advisory Group consists entirely of First Nations Australians, and is supported by a Digital Inclusion Expert Panel.

Since the Advisory Group's establishment, it has undertaken considerable stakeholder engagement including meetings with First Nations groups, including land councils, media and broadcasting outlets, telecommunication providers and peak bodies. It has met with Commonwealth, state and territory government officials, and with representatives from consumer and arts stakeholder groups.

Members of the Advisory Group also participate in a number of government and industry forums, such as the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) Low Earth Orbit Satellites (LEOSats) Working Group and NBN Co's Low Income and Digital Inclusion Forum (LIDIF).

Given the similar issues raised with the Advisory Group by First Nations people and communities, as well as other stakeholders, the Advisory Group has attached a copy of its initial report to the Hon Michelle Rowland

---

[1] https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/7-difference/b-targets/b17.

[2] Op.cit.

MP, Minister for Communications for consideration by the Productivity Commission in the context of this Review.

The initial report identified three key areas of focus:

- the delivery of targeted measures to improve access to connectivity, making sure it is affordable and fit for purpose, and that First Nations people are aware of their connectivity options and have the digital skills they need to be safe online

- improving the national collection and use of data so that we can better assess the impact of measures delivered in community, as well as broader progress towards Target 17

- ensuring genuine engagement and collaboration with First Nations people and communities, as well as supporting their access to government programs and opportunities.

This report was provided to the Minister in August 2023 and has been shared with the relevant portfolio minister and department in each state and territory. Please note that we expect the report will be published shortly and until that time it remains under embargo for public release.

In the longer term, the Advisory Group will be focusing on developing a roadmap for First Nations digital inclusion more generally. This will build on the First Nations Digital Inclusion Plan, which was released in July 2023, and the Priority Reforms in the National Agreement.

While the recommendations of the initial report are focused on digital inclusion across the telecommunications, media and broadcasting sectors, we would like to draw the Productivity Commission's attention to the principles which underpin these recommendations and which are relevant to the Review, such as the need for greater alignment across government and industry, place-based and community led solutions, and improving data collection to empower First Nations in their advocacy and ensure communities of most need are identified.

The initial report notes that for digital inclusion initiatives to be successful, it is essential to understand the unique, rich and culturally specific ways in which digital technologies are currently being used among First Nations people and communities. This can be applied more broadly to how government and industry collaborate and partner with First Nations organisations and communities to ensure success and positive outcomes.

Review Information request 1 - Effectiveness of policy partnerships

The establishment of the Advisory Group is a necessary step for strong First Nations partnerships and shared decision-making (as per Priority Reform 1) to provide input on policy and programs to address Closing the Gap Target 17. However, the Advisory Group has limited means of determining whether its recommendations are enacted beyond advocacy and continued collaboration with government.

Under its Terms of Reference, the Advisory Group does provide a means for First Nations organisations and communities to have their concerns heard in a culturally appropriate and transparent way. The scope for the Advisory Group to support these partnerships is strengthened by the participation of First Nations Media Australia as an ex officio member of the Advisory Group. First Nations Media Australia is a dedicated independent First Nations communications peak body that is independent of government and was instrumental in promoting digital inclusion as a target for Closing the Gap.

An independent peak body can be proactive in providing 'frank and fearless' input on policy and programs based on knowledge of their communities/membership and on-the-ground service delivery experience. This in turn can ensure improvements in data collection and analysis, community engagement, representation and service delivery.

From the perspective of transparency and the transformation of government processes, it is difficult for the Advisory Group to see whether systemic and structural transformation of mainstream government agencies and institutions is actually occurring internally within government. There is evidence of some progress, for example, the inclusion of reference to Target 17 in guidelines for round 3 of the Regional Connectivity Program and the earmarking of some funds for projects that will benefit First Nations people and communities. The launch of the First Nations Digital Inclusion Plan in July 2023 also provides a framework for future action on Target 17, informed by extensive consultations with stakeholders by the National Indigenous Australians Agency.

Review Recommendation 1 - Appointing an organisation to lead data development under the Agreement

The current approach of the Australian Government has been to centralise data collection and systems, without a clear process for enabling data sharing with First Nations people and communities. This approach prevents First Nations communities leveraging data for their own advocacy and goes against the intent of Priority Reform 4: Shared Access to Data and Information at a Regional Level.

The Advisory Group is of the view that governments must do more to decentralise, disaggregate and repatriate Indigenous data back to communities. The launch of the First Nations Communications Mapping Tool by DITRDCA in October 2023 is an example of a positive step towards making data held by government agencies and industry available and accessible, but far more needs to be done.

While the establishment of a proposed data development agency could provide independent monitoring of outcomes, as well as help build data management and analysis capacity across the Commonwealth, the Advisory Group would only be supportive if this agency was designed and led by First Nations people, and had appropriate levels of support and governance. It should be noted that different First Nations agencies will have different data needs, particularly those specialising in areas such as health, education and employment.

Review Information request 4 - Indigenous data sovereignty and Priority Reform 4

Although Priority Reform 4 highlights the importance of data for empowering First Nations communities and organisations to advocate for their needs and hold government to account, there needs to be clearer definitions of the term 'data sovereignty' as this can often be confused as requiring completely open data when certain data sets, such as health records, are private and confidential.

The current approach of the Commonwealth has been to centralise their data systems through the Australian Institute of Health and Welfare (AIHW). Concerningly, the commonwealth is also requesting that First Nations communities and states and territories to also share their data to AIHW. This is not in the spirit or intent of Priority Reform 4 and does not align with Indigenous data sovereignty principles and practices. The recommendation of a central agency to have data oversight should only be supported if this was a first nations independent data authority with appropriate and robust Indigenous data governance. The Commonwealth must strive to transfer, break down and return data to First Nations communities.

Permission processes are needed to be put into place during data collection to clarify which information can be shared publicly and clear guidelines around de-identifying data to avoid personal or identifiable information being shared, especially for geo-located or small sample groups. Outside of government data, a lot of the relevant communications data is held by corporations and they also need to be mindful of data sovereignty or compelled to abide by it.

There has been inadequate focus on training and development and infrastructure at a community level and this undermines the potential for leveraging data for nation building at local community levels and creating secure and well-functioning data systems. There continues to be a deficit narrative which is perpetuated

through government data collection and there needs to be a shift to more locally relevant indicators which are determined by First Nations communities. The limited data sharing at regional levels also inhibits accountability of governments and granular analysis and responses to closing the gap targets.

Furthermore, there is significant policy and legislative changes required to enable data sharing and to create systems for sharing data. It's important to note that Priority Reform 4 underpins the ability for all priority reform areas to effectively realise their ambitions, and that without digital inclusion data will be less secure, accessible and usable.

Review Information request 7 & 8 - Dashboards / Quality of implementation plans and annual reports

Implementation plans are an important means of setting sub-targets and activities to achieve these, with annual reports needed to document annual progress against these targets. Annual reports also need to be more accessible in terms of language and style, and explicitly include progress against the Priority Reforms within government agencies.

However more continual means of progress measurement would be the ideal aim, showing incremental changes over time. This can be done if data dashboards used by government agencies become more user-friendly and regularly updated and can be made available as mobile apps given the high number of First Nations mobile only users.

Conclusion

The First Nations Digital Inclusion Advisory Group looks forward to working with the commission on their national progress reports in relation to Digital Inclusion, but more broadly how Target 17 can assist the progress of most targets in Closing the Gap should Outcome 17 be fully realised.

Dot West OAM

Chair

First Nations Digital Inclusion Advisory Group

10 October 2023