



Indigenous Data Sovereignty

AbSec's Position on Indigenous Data Sovereignty

Data is an important resource to support the development of strong, responsive, and impactful systems for Indigenous peoples.¹ However, data is not a neutral resource, with large bodies of data *about* Aboriginal people focused on issues of deficit, disadvantage and difference, presenting Aboriginal people as a social problem and 'justifying' policies and practices that have negatively impacted on Aboriginal communities.² Little of this data is oriented to the aspirations and developmental needs of Aboriginal peoples, empowering Aboriginal communities to shape policies and programs to achieve their goals.

Indigenous Data Sovereignty (IDS) refers to the right of Indigenous peoples to exercise authority over the collection, access, analysis and use of data that pertains to them.³ Control over data is an important element of exercising self-determination, framing needs and measuring impact in line with the perspectives, values and aspirations of Aboriginal communities. Exercising ownership of data about Aboriginal peoples is critical to supporting Aboriginal communities to make informed decisions about priorities and actions to support the social, cultural and economic development of our communities.

Maiam Nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective and the Australian Indigenous Governance Institute have identified the following principles of IDS:

- *“Exercise control of the data ecosystem including creation, development, stewardship, analysis, dissemination and infrastructure.*
 - *Data that is contextual and disaggregated (available and accessible at individual, community and First Nations levels).*
 - *Data that is relevant and empowers sustainable self-determination and effective self-governance.*
 - *Data structures that are accountable to Indigenous peoples and First Nations.*
 - *Data that is protective and respects our individual and collective interests.”⁴*
- Indigenous Data Sovereignty Summit (2018)*

AbSec supports these principles, particularly with respect to data about the safety, welfare and wellbeing of Aboriginal children and families. Exercising authority over data about Aboriginal children and families is essential in empowering informed decision making and the exercise of self-determination by Aboriginal peoples, moving forward from harmful government policies that continue to impact on our communities.

¹ First Nations Information Governance Centre (2016) 'Pathways to First Nations' data and information sovereignty', in Kukutai, T. and J. Taylor (eds) *Indigenous Data Sovereignty*, Canberra, Australian University press: 139-156.

² Walter, M. (2016) 'Data politics and Indigenous representation in Australian statistics' in Kukutai, T. and J. Taylor (eds) *Indigenous Data Sovereignty*, Canberra, Australian University press: 79-97.

³ Lovett, R., V. Lee, T. Kukutai, S.C. Rainie, & J. Walker (2019) 'Good Data Practices for Indigenous Data Sovereignty' in A. Daly, K. Devitt, & M. Mann (eds), *Good Data*, Amsterdam: Institute of Network Cultures, 26-36.

⁴ Walter, M. (2018) *The Voice of Indigenous Data*, available at: <https://griffithreview.com/articles/voice-indigenous-data-beyond-disadvantage/>.



Indigenous Data Sovereignty

Indigenous Data Sovereignty in the NSW Child Protection System

Currently, data is predominantly government-led, with access by Aboriginal communities largely limited to aggregated, publicly available data. Further, governments often seem reluctant to share relevant, disaggregated data with Aboriginal communities. In short, it is governments, and not Aboriginal peoples, exercising authority over data about Aboriginal people, including the content, use and dissemination of data, and its use in shaping policies and programs that impact on Aboriginal children and families. As a result, little data and therefore policy about Aboriginal children and families is aligned to the perspectives, values and aspirations of Aboriginal communities. This undermines Aboriginal participation and self-determination, and has limited ability to support the development of a sustainable future for the Aboriginal Child and Family sector.

However, current frameworks within the NSW Child Protection System permit the implementation of IDS principles in practice. Section 11 of the *Children and Young Persons (Care and Protection) Act 1998* notes that Aboriginal people “are to participate in the care of their children... with as much self-determination as possible”. Further, subsection 2 notes that the Minister may negotiate agreements with Aboriginal people regarding strategies to promote self-determination. These provisions could be utilised to implement IDS through the principles outlined above.

In practice:

The NSW Government should commit to implementing IDS across all agencies, in partnership with Aboriginal communities and peak bodies. Specifically, with respect to Aboriginal child and family welfare, the NSW Government should:

- Negotiate an agreement with AbSec and Aboriginal communities to enable Aboriginal people to exercise greater authority over data routinely collected by the Department of Communities and Justice, consistent with the principles of Indigenous Data Sovereignty. This should include (but not be limited to) access to disaggregated data and linked data to inform local Aboriginal community decision making regarding policies and programs for Aboriginal children, families and communities.
- Build the capacity and expertise of Aboriginal communities to engage effectively with data, through specialised training resources and establishing pathways for the development of technical expertise.
- Invest in the development of Aboriginal community-controlled data infrastructure as a foundation to a strong Aboriginal child and family sector
- Establish an Aboriginal Centre for Aboriginal Child and Family Excellence to promote Aboriginal community-control of Aboriginal child and family research and support Aboriginal communities in the development of evidence, aligned to community priorities and aspirations.
- Ensure that Aboriginal children, young people, families, and communities are appropriately engaged in decision making about data, with the opportunity to have their feedback valued and recognised.