



## Royal Commission into Aboriginal Deaths in Custody Recommendation

### 50. Ensure Aboriginal perspective in development of data collection

*That in the development of future national censuses and other data collection activity covering Aboriginal people, the Australian Bureau of Statistics and other agencies consult, at an early stage, with ATSIC – to ensure that full account is taken of the Aboriginal perspective.<sup>1</sup>*

<b>Background<sup>2</sup></b>	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised that knowledge of Aboriginal society derived from social indicators came as a by-product of data collected for administrative purposes. The Commissioners felt a special national survey covering a range of social, demographic, health and economic characteristics of the Aboriginal population would be extremely valuable and was long overdue'. It was imperative that Aboriginal perspectives be incorporated in all stages of the design and implementation of national censuses and other Aboriginal data collections.
<b>Intent</b>	Consideration of Aboriginal perspectives is critical to ensure that survey and data collection activities are designed in a way that reflects Aboriginal priorities and community needs.
<b>Responsibility</b>	The Commonwealth Government.
<b>Key contacts</b>	Australian Bureau of Statistics (ABS).
<b>Key action taken</b>	
<b>2005 Review<sup>3</sup></b>	Recommendation 50 was not assessed by Victorian government agencies as it was deemed to be the sole responsibility of the Commonwealth Government.
<b>2018 Review<sup>4</sup></b>	Deloitte assessed Recommendation 50 as <b>fully implemented</b> by the Commonwealth Government through the Australian Bureau of Statistics' (ABS) engagement with Aboriginal and Torres Strait Islander people in data collection and the establishment of guidelines for researchers working with their communities.

<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 2, 62 ('RCIADIC').

<sup>2</sup> Ibid vol 2, 62, [11.1.3].

<sup>3</sup> Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) 1, 680 ('2005 Review').

<sup>4</sup> Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 106 ('2018 Review').

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### Since then

#### **Australian Bureau of Statistics<sup>5</sup>**

The ABS recognise there is increasing demand for higher quality data about Aboriginal and Torres Strait Islander peoples to inform key policy initiatives such as Closing the Gap, and to better fulfil ABS' commitment to return information to the community.

*We are dedicated to early and ongoing conversations with Aboriginal and Torres Strait Islander peoples to increase the participation in, and relevance of, our statistical collections.*

At the Commonwealth level, the National Aboriginal and Torres Strait Islander Social Survey (NATSISS) was developed by the ABS in consultation with a range of stakeholders including the Aboriginal and Torres Strait Islander community, peak bodies, research groups, government and academia.

The ABS is also involved in Aboriginal and Torres Strait Islander reference groups, including the ABS led Round Table on Aboriginal and Torres Strait Islander Statistics which consults at a grassroots level with individuals on operational and cultural aspects related to Aboriginal and Torres Strait Islander statistics and collections.

#### **Centre of Aboriginal and Torres Strait Islander Statistics<sup>6</sup>**

The Centre of Aboriginal and Torres Strait Islander Statistics (CoATSIS) leads and coordinates national statistical activities relating to Aboriginal and Torres Strait Islander peoples. It engages with communities through various data initiatives, including health and social surveys, the Census, and data integration projects.

Key Objectives:

- Inform Aboriginal and Torres Strait Islander peoples, organisations, and the broader public about relevant statistics and issues.
- Provide reliable data to support government policy and evaluation.
- Contribute to national reporting efforts like Closing the Gap.
- Help communities and organisations use statistics effectively.
- Promote best practices in data collection and analysis.
- Improve the quality and integration of statistics across data sources.
- Ensure culturally secure, consultative approaches in all statistical work with Aboriginal and Torres Strait Islander peoples.

#### **CoATSIS Engagement Management Unit<sup>7</sup>**

CoATSIS have 13 Aboriginal and Torres Strait Islander engagement staff (including one role that covers Victoria and Tasmania) based in ABS State and Territory offices throughout Australia to support meaningful engagement with their local communities on ABS work.

Their role is to:

<sup>5</sup> 'Aboriginal and Torres Strait Islander Engagement', *Australian Bureau of Statistics* (Web Page, 2023)

<<https://www.abs.gov.au/about/aboriginal-and-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-engagement>> ('Aboriginal and Torres Strait Islander Engagement').

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

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- Engage with Aboriginal and Torres Strait Islander communities—urban, regional, and remote—through partnerships that promote participation in ABS data collections.
- Build understanding and participation in data initiatives.
- Return information and provide statistical training to communities.
- Improve the quality and relevance of statistics to meet the needs of both communities and key stakeholders.

### **Round Table on Aboriginal and Torres Strait Islander Statistics<sup>8</sup>**

The Round Table is an advisory group formed by the ABS to enhance data quality and engagement with Aboriginal and Torres Strait Islander peoples. It ensures that ABS statistical programs are culturally appropriate and meet the information needs of communities, organisations, and governments. The group also focuses on increasing community participation in data collections, including the Census. Its members are Aboriginal and Torres Strait Islander experts from diverse backgrounds and regions, with experience in research, policy, service delivery, and advocacy.

### **Victoria**

As with earlier phases of the Aboriginal Justice Agreement, AJA4 includes a commitment to ‘improve collection and availability of Aboriginal justice data’. While efforts have been made across justice agencies to improve Aboriginal identification in data, there are still areas, like courts where it is difficult to get any data disaggregated by Aboriginal status, particularly in relation to court proceedings and outcomes. The data that is available across justice agencies rarely reflects the outcomes that are of most interest to Aboriginal communities and organisations.

The Victorian Government recognises ‘Aboriginal ownership and control of data is a key enabler of self-determination<sup>9</sup> and that ‘Aboriginal communities and organisations should have governance, choice and control over data collected from and about their communities.’<sup>10</sup>

Under Priority Reform Four of the National Agreement on Closing the Gap, the Victorian Government committed to: share disaggregated regional data with Aboriginal communities; work with Aboriginal partners to guide improved collection, access, management and use of data; be transparent about what data is held and how Aboriginal people can access it; and build capacity in Aboriginal organisations and communities to collect and use data.<sup>11</sup>

The Victorian Closing the Gap Implementation Plan expands on how these commitments will be fulfilled over the 2021-2023 period, confirming that government departments will ‘develop sector-wide data access and data sharing agreements with and for Aboriginal Controlled Community Organisations (ACCOs) and Traditional Owners in their sector (local, state-wide and peak) with advice and input from the appropriate Aboriginal governance mechanism;’ and

<sup>8</sup> Ibid.

<sup>9</sup> Victorian State Government, *Victorian Aboriginal Affairs Framework 2018–2023* (Framework, 2018) 59 ('VAAF 2018-2023').

<sup>10</sup> Victorian State Government, *Victorian Closing the Gap Implementation Plan 2021-2023* (Strategy, 2 August 2021) 46 ('Victorian Closing the Gap Implementation Plan 2021-2023').

<sup>11</sup> Joint Council on Closing the Gap, 'Priority Reforms', *Closing the Gap* (Web Page, July 2020) <<https://www.closingthegap.gov.au/national-agreement/priority-reforms>> ('Priority Reforms').

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‘prioritise additional investment in ACCO data management and analytics as a core function’ and ‘collaboratively develop options to properly resource this function through allocations from departmental funding programs and through the annual budget process.’<sup>12</sup>

### Evidence of impact

#### Authorising documents

None identified.

#### Outputs

Several national and state-level initiatives have been established to improve the collection and accessibility of data about Aboriginal and Torres Strait Islander peoples. At the Commonwealth level, the Australian Bureau of Statistics established the Centre of Aboriginal and Torres Strait Islander Statistics (CoATSIS), which leads the development of culturally appropriate statistical collections, including surveys and administrative data. CoATSIS also maintains a national Engagement Management Unit with Aboriginal and Torres Strait Islander staff who work directly with communities to support participation and data use. Additionally, the ABS Round Table on Aboriginal and Torres Strait Islander Statistics brings together Aboriginal leaders to advise on data relevance and cultural safety. In Victoria, through the Aboriginal Justice Agreement and Closing the Gap Implementation Plan, the government has committed to data governance reforms, improved data sharing with Aboriginal community-controlled organisations, and investment in Aboriginal data capabilities.

#### Outcomes

Structures to support Aboriginal participation in data governance have been strengthened, with improved cultural relevance in data collection. However, implementation remains incomplete. Disaggregated justice data—particularly in courts—is still limited, and ongoing gaps in transparency, access, and community control continue to prevent the full realisation of Aboriginal-led data sovereignty.

The Aboriginal Justice Caucus previously raised concerns that commitments made by the Victorian Government under Victoria’s Closing the Gap Implementation Plan 2021-2023 to enhance Aboriginal control of access to and use of data, had not been met.

#### Community views

#### **Maiam nayri Wingara Indigenous Data Sovereignty Collective and Australian Indigenous Governance Institute<sup>13</sup>**

*Data is a cultural, strategic, and economic asset for Indigenous peoples. Indigenous Australians have always been active in what is now known as ‘data’. Yet in modern times we have been isolated from the language, control and production of data at community, state and national levels. This has resulted in data that are overly focused on Indigenous peoples as the problem. Existing data and data infrastructure does not recognise or privilege our knowledges and worldviews nor meet our current and future needs.*

<sup>12</sup> Victorian Closing the Gap Implementation Plan 2021-2023.

<sup>13</sup> Maiam nayri Wingara Indigenous Data Sovereignty Collective and Australian Indigenous Governance Institute, *Indigenous Data Sovereignty* (Communique, 20 June 2018) ('Indigenous Data Sovereignty').

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### **Indigenous Data Sovereignty Communique<sup>14</sup>**

The Summit delegates affirmed that Aboriginal and Torres Strait Islander peoples in Australia have the right to control all aspects of the data ecosystem—including its creation, management, and use. They called for:

- Contextual, disaggregated data accessible at community and regional levels.
- Data that is relevant, supports self-determination and effective self-governance.
- Data structures that are accountable to Aboriginal and Torres Strait Islander peoples
- Data that protects and respects our individual and collective interests.

To achieve Indigenous Data Governance, Indigenous leaders, practitioners and communities must have the skills and infrastructure to participate across all sectors and jurisdictions. They also retain the right to govern specific data sets and to decline involvement in data processes that violate these principles.

### **Aboriginal Justice Caucus<sup>15</sup>**

The AJC submission to Yoorrook included relevant recommendations to promote and progress Aboriginal Data Sovereignty and Aboriginal Data Governance. These recommendations were like those put forward in submissions from other AJC member organisations:

- Reform funding arrangements with Aboriginal community-controlled organisations to provide sustainable, and ongoing support for all aspects of Aboriginal-led service delivery (from design to implementation, data collection and evaluation).
- Enshrine the Maïam nayri Wingara Indigenous Data Sovereignty protocols and principles in legislation and policy that governs data collection, storage and use for government departments and other public sector agencies.
- Ensure Aboriginal Community Controlled Organisations are sufficiently resourced to support Indigenous Data Governance.

### **Related recommendations**

None identified.

### **Assessment summary<sup>16</sup>**

The intent of Recommendation 50 was to ensure that national and other data collection activities meaningfully incorporate Aboriginal and Torres Strait Islander perspectives.

While the Aboriginal and Torres Strait Islander Commission is no longer operating, the intent of the recommendation remains relevant as agencies like the ABS must ensure that ‘full account is taken of the

<sup>14</sup> Ibid.

<sup>15</sup> Aboriginal Justice Caucus, Nuther-mooyoop (NUT.0001.0074.0004) to Yoorrook Justice Commission (12 January 2023) ('AJC Nuther-mooyoop to Inquiry into Systemic Injustice in the Criminal Justice and Child Protection Systems (Yoorrook Justice Commission)').

<sup>16</sup> Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person, 7 June 2023) ('Working Group Meeting (7 June 2023)'); Meeting with Aboriginal Justice Caucus (Project Team, In person, 19 July 2023) ('Aboriginal Justice Caucus Meeting (19 July 2023)').

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Aboriginal perspective'. Data systems must reflect Aboriginal knowledge, values, and priorities to genuinely support self-determination. This requires improved access to data and greater control over what is collected and how our stories are told.

Actions taken to date demonstrate alignment with this intent. The Centre of Aboriginal and Torres Strait Islander Statistics has been established within the ABS, advisory groups have been convened, and Aboriginal staff employed to engage with communities. However, there is a lack of transparency about the depth and impact of this community engagement and the extent to which it has influenced the design of data or content. There needs to be ongoing, meaningful engagement and reflection of Aboriginal perspectives in data collections.

Commitments made by the Victorian Government about Aboriginal data sovereignty and governance have not been fulfilled and must be progressed with some urgency. To enable Aboriginal communities to hold government to account, greater transparency of and access to data is of paramount importance.

Recommendation 50 is mostly the responsibility of the Commonwealth Government and Australian Bureau of Statistics, but state agencies must continue to engage Aboriginal organisations and groups, support Aboriginal data governance and ensure Aboriginal data sovereignty becomes a reality.

## Assessment of Recommendation 50

**Is the intent of the recommendation accurately described?**

Yes  No

**Does the action taken align with the intent of the recommendation?**

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

**3**

(Score out of 3)

**Is there evidence of the desired impact or outcome/s?**

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

**2**

(Score out of 3)

**How relevant is the recommendation in the current context?**

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

**3**

(Score out of 3)

**Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?**

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

**2**

(Score out of 3)

### Potential actions for further work

#### Embed Aboriginal Data Sovereignty protocols and principles.

Enshrine Aboriginal Data Sovereignty protocols and principles in legislation and policy that governs data collection, storage and use for government departments and other public sector agencies.

Ensure Aboriginal Community Controlled Organisations are sufficiently resourced to support Aboriginal Data Governance.

### Moderate priority for further work

#### Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			<b>Rec 50</b>
	Moderate (3-4)			
	Low (0-2)			

## **Bibliography**

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