

Evidence-based policy

Queensland Law Society is committed to evidence-based policy

A fundamental tenet of a democracy is that the people voluntarily transfer power to regulate their activities to elected representatives. In addition, conformity with regulation is achieved on a collaborative basis-the citizenry generally voluntarily obey laws without constant, active enforcement or monitoring. In short, such a system functions because most people do the right thing most of the time.

It follows that democratic rule is based on mutual obligation-citizens obey laws as long as the laws are just and workable. If citizens perceive that laws are ill-founded, applied inconsistently or do not achieve their stated purpose, citizens may cease to obey the laws on the basis that the elected representatives have failed to discharge their obligations to the citizens.

In order to maintain the confidence of the citizenry, laws must be well-founded, just, workable and subject to consultation. This can only be achieved by ensuring that the laws arise from evidence-based policy.

Evidence-based policy is public policy informed by rigorously established objective evidence. It is imperative that such evidence be reliable and well founded; the outcome of the accurate collection of appropriate data, accountable and transparent analysis of that data and public and professional debate. Once validated, evidence (not mere opinion, whimsy or ideology) drives the development of good policy.

Examples of such evidence include:

- observations of the activity in question and its consequences;
- empirical quantitative and qualitative data;
- unit-record data (which analyses the individual unit of interest eg family or household);
- rigorous scientific experimentation;
- randomised controlled trials;
- experience of the activity and/or its regulation in other jurisdictions comparable to Queensland.

Examples of phenomena which are not considered evidence include:

- religious belief;
- superstition;
- uninformed (as opposed to expert) opinion;
- racial or other prejudice;
- unreliable reports;
- statistical or actuarial modelling, when the modelling is founded on assumptions which do not reflect circumstances that exist in Queensland or circumstances/experiences in competent jurisdictions,
- statistical or actuarial modelling based on insufficient data or data unrepresentative of Queensland.

To ensure that policy is developed in accordance with evidence, it is imperative that the evidence be applied to the proposed policy in such a way that:

- the policy is tested to ascertain whether or not it will be effective and what the impacts of the policy will be if it is successful;
- alternatives to the policy, including considering what would occur if the policy is not implemented, are explored; and
- the likely impact of the policy is considered, including the direct and indirect effects of the policy and an examination of the likelihood of unintended consequences flowing from the implementation of the policy.
- The Society is committed to advocating for policy and legislation which can be shown, with reference to credible objective evidence, to be necessary, just and workable.