

24 October 2024

Dr James Popple
Chief Executive Officer
Law Council of Australia
PO Box 5350
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By email: James.Popple@lawcouncil.au
cc: John.Farrel@lawcouncil.au

Dear Dr Popple

INPUT TO AUDIT OF DESIGN AND IMPLEMENTATION OF THE MEASURING WHAT MATTERS FRAMEWORK

Thank you for your Memorandum dated 16 August 2024 seeking input to the Law Council of Australia's submission to the Australian National Audit Office (ANAO) in response to its audit of the design and implementation of the Measuring What Matters Framework.

Our feedback is provided below.

Access to Justice

The Law Society of Western Australia supports in principle the key Government initiatives proposed by the Framework to expand access to fair and equitable justice. However, the effectiveness of most of these initiatives is not measurable using the Rule of Law Index (the Index) as a metric.

The 2023 results for the Index were based on a poll of 1067 Australians from the general population, and a questionnaire completed by a select group of experts. The polling data, collected in 2018, does not capture the demographics of participants, and it was not targeted towards people who are likely to experience the most legal need or face the most barriers to accessing legal assistance. The questionnaire for experts did not appear to consult with key stakeholders from the legal assistance sector.

Although the Index developed by the World Justice Project offers valuable insights into the strength of Australia's institutions, the Index wasn't intended to be used for the development of domestic policy in countries with well-established democratic institutions such as Australia. Instead, the Index is designed to identify global systemic issues pertaining to the rule of law and global trends towards authoritarianism.

The Law Society submits that the Index is not an effective indicator of wellbeing in Australia.

A national survey of unmet legal needs

A key recommendation of the Independent Review of the National Legal Assistance Partnership Final Report (NLAP Review) was to direct the Bureau of Statistics to conduct a regular Australia-wide survey to collect data on legal need and unmet legal need.

The Law Society submits that a national survey of legal need, as recommended by the NLAP Review, is necessary to ensure that the Framework is successful and relevant.

A national survey would also improve the effectiveness of the Government's initiatives for implementing the Framework broadly across the 'secure' theme.

If you have any questions or wish to discuss the above, please contact Susie Moir, General Manager Advocacy and Professional Development on smoir@lawsociety.asn.au or telephone (08) 9324 8648.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paula Wilkinson', with a long horizontal flourish extending to the right.

Paula Wilkinson
President