



Wellbeing Indicators Bill 2018

Briefing Note

Introduction

The NSW Greens will introduce a bill into the Legislative Council to establish a set of indicators to measure the wellbeing of the people of NSW and inform decision making of Government in regards to the maintenance and improvement of wellbeing in the state.

The Wellbeing Indicators Bill 2018, continues the work of Jan Barham MLC who first introduced this legislation in 2014.

This Bill creates a framework to identify, measure and report on wellbeing indicators, while promoting public awareness and Government consideration and accountability of wellbeing.

Background

The intention of this Bill is to establish a legislative framework to broaden the measures of progress and performance of the State. The narrow focus on economic performance indicators (for example Gross Domestic Product or Gross State Product) has significant flaws and limitations when it comes to maximising the wellbeing all members in society and enhancing the long-term value of social, economic and environmental assets.

The idea of creating alternative measures to those purely economic ones has been around for some time. At the global level, the UN Sustainable Development Goals broadened the targets set in the Millennium Development Goals that resulted from the Millenium Declaration signed in 2000.

Renowned economist Joseph Stiglitz is heading up an OECD Commission tasked with working out how to measure wellbeing, Canada implemented a comprehensive Index of Wellbeing following the 2008 recession so it could track recovery and resilience, and New Zealand is currently developing a set of national indicators.

In a number of jurisdictions there has been considerable progress toward development of wellbeing indicators (sometimes referred to by other terms such as a progress index, key national indicators, national accounts of wellbeing or a happiness index), whether by Government itself (e.g., the United Kingdom' s Measures of Well - Being, international agencies (e.g., the OECD) or non - government organisations (e.g., the Australian Wellbeing Index).

Details of the Bill

Objectives

The principal objectives of this Bill are:

1. to provide for the development of a set of measures that indicate the wellbeing of people, communities and ecosystems in the State;
2. to facilitate the Government's development of policies and programs that promote the wellbeing of people, communities and ecosystems;
3. to require the consideration of wellbeing and the factors that affect it in the decision making of the Government; and
4. to promote transparency and accountability, and to encourage local governments and communities to take action to improve wellbeing, by facilitating the provision of accessible information about indicators of wellbeing across the State.

The Bill achieves these objectives through the following mechanisms:

1. **Establishing a Parliamentary Joint Committee on Wellbeing** (the Committee) to undertake an inquiry to make recommendations regarding the indicators of wellbeing among people, communities and ecosystems in the State.
2. **Establishes an independent statutory office of the Commissioner for Wellbeing** who establishes the Wellbeing indicators with consideration of the inquiry findings and provides regular Wellbeing of the State Reports.
3. Amendments to various Acts to ensure Wellbeing is factored into Government decision making and reporting.

Commissioner for Wellbeing

The Bill establishes an office of the Commissioner for Wellbeing. The Commissioner is to be appointed by the Governor and holds office for a term not exceeding five years and is eligible (if otherwise) for re-appointment, but is not eligible to be appointed for more than two successive terms of office.

The office of Commissioner is a statutory office and the provisions of the Government Sector Employment Act 2013 relating to the employment of Public Service employees do not apply to the office. The Governor may only remove the Commissioner from office for incompetence, incapacity or misbehaviour .

The Joint Committee to be established in this Bill is to have a veto power over the proposed appointment (including re - appointment) of a Commissioner, in a similar manner to section 6A of the Ombudsman Act 1974 and section 28A of the Public Finance and Audit Act 1983 .

The Governor may appoint a person as Acting Commissioner during the illness or absence of the Commissioner, or during a vacancy in the office of Commissioner, and may at any time remove a person from the office of Acting Commissioner.

Persons may be employed in the Public Service under the Government Sector Employment Act 2013 to enable the Commissioner to exercise his or her functions , and the Commissioner may delegate any of his or her functions (other than this power of delegation) to a member of the staff of the Commissioner .

Objectives , functions and powers of the Commissioner

The objectives of the Commissioner are to:

1. report on matters relating to the wellbeing of people, communities and ecosystems in the State;
2. enhance knowledge and understanding of issues relating to wellbeing; and
3. encourage decision - making that promotes the wellbeing of people, communities and ecosystems across the State .

The functions of the Commissioner are to:

1. develop, publish and maintain a list of wellbeing indicators;
2. prepare the periodical Wellbeing of the State Report;
3. examine and publish special reports on any particular matter relating to wellbeing; and
4. promote awareness and understanding of wellbeing , and the factors that affect the wellbeing of people, communities and ecosystems, across the State .

The Commissioner shall , subject to this Act, have the power to do all things necessary or appropriate in the circumstances to achieve the objectives of the Commissioner.

Without limiting this general power, things the Commissioner may do include:

1. making formal requests to public authorities (Departments, statutory bodies, local governments, etc.) for the provision of assistance, information and data for the purposes of this Act;

2. subject to the approval of the Treasurer , appointing one or more advisory committees for the purpose of providing advice to the Commissioner on specific matters relating to the Commissioner's objectives under the Act; and
3. making statements and providing information, whether to the general public, public authorities or other specific audiences, for the purpose of achieving the Commissioner's objectives under the Act.

Wellbeing Indicators

The Commissioner shall publish a list of wellbeing indicators no later than twelve months after the Parliamentary Joint Committee reports on its inquiry into the definition, development and publication of wellbeing indicators, as provided for in section E below. In developing and maintaining the list of wellbeing indicators, the Commissioner shall have regard to the recommendations of the Parliamentary Joint Committee.

After the list of indicators has been published, the Commissioner is to collate, maintain and publish all available measures on the wellbeing indicators. The measures should be published in one or more electronic formats such that all available current and historical measures relating to wellbeing in the State and, where available, within specific regions and communities, will be accessible to all members of the public.

Wellbeing of the State Report

The Commissioner must prepare and furnish to the presiding Officer of each house of Parliament a periodical Wellbeing of the State Report at intervals not exceeding two years, with the first Report to be furnished no later than two years after the date on which the Commissioner publishes the list of indicators.

If a Wellbeing of the State Report includes any recommendations made by the Commissioner, the Treasurer must prepare a statement of the response of the Government specifying the action (if any) to be taken by the Government in response to the recommendation(s), and cause a copy of the statement to be tabled in both Houses no later than six months after the Report was tabled.

The Wellbeing of the State Report shall include:

1. an assessment of the performance of the State and specific areas within the State with respect to all of the available wellbeing indicators;
2. an evaluation of any issues or trends relating to the wellbeing indicators that are affecting people, communities and ecosystems in the State; and

3. a summary of any issues relating to the measurement of the wellbeing indicators, including any changes to the set of indicators or limitations in the current availability of data relating to the indicators.

The Commissioner must ensure that copies of each Wellbeing of the State Report are made publicly available and published in such formats as are appropriate to be accessible to all members of the public.

Special Reports

The Commissioner may, at any time, make a special report on any particular issue or matter relating to wellbeing, whether at the request of the Treasurer or on the Commissioner's own initiative, and furnish the report to the Presiding Officer of each House of Parliament.

If a special report includes any recommendations made by the Commissioner, the Treasurer must prepare a statement of the response of the Government specifying the action (if any) to be taken by the Government in response to the recommendation(s), and cause a copy of the statement to be tabled in both Houses no later than six months after the Report was tabled.

Annual Reports

The Commissioner is required to prepare, within the period of 4 months after 30 June in each year, a report of the Commissioner's operations during the year ended on that 30 June and furnish the report to the Presiding Officer of each House of Parliament.

A report by the Commissioner under this section must include a description of the Commissioner's activities during that year in relation to each of the Commissioner's functions, and an evaluation of the response of relevant authorities to the recommendations of the Commissioner.

Parliamentary Joint Committee

The Bill establishes a joint committee of Members of Parliament to be known as the Committee on Wellbeing.

Upon its appointment following the commencement of the Bill, the Committee shall inquire into the definition, development and publication of a set of indicators of the wellbeing of the people, communities and ecosystems of the State, and in particular:

1. the broad societal values relating to economic, social and environmental wellbeing on which the set of indicators should be based , having regard to:
 - a. the views of the public about the definition of wellbeing and factors that influence the wellbeing of people, communities and ecosystems ; and
 - b. information and advice from individuals and organisations who have expertise in the measurement of the wellbeing of people, communities and ecosystems;
 - c. the availability of data from existing sources, including State, Commonwealth and local Government agencies, which could contribute to the set of indicators;
 - d. any gaps or difficulties in the availability and quality of data relating to the measurement of wellbeing;
 - e. the potential calculation of one or more composite indices from measures that indicate specific aspects of wellbeing;
 - f. whether further legislation is advisable to govern the development and publication of the set of indicators; and
 - g. any other related matter.

The Committee shall report on this inquiry no later than twelve months after the commencement of the Bill.

In addition to conducting the initial inquiry into wellbeing indicators, the ongoing functions of the Committee shall be to:

1. monitor and review the exercise by the Commissioner of the Commissioner 's functions;
2. examine each annual report, Wellbeing of the State Report and other report by the Commissioner and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report; and
3. inquire into any question in connection with the Commissioner's functions which is referred to it by both Houses of Parliament, and report to both Houses on that question .

The Commissioner may, as soon as practicable after a report of the Parliamentary Joint Committee has been tabled in a House of Parliament, make and furnish to the Presiding Officer of that House a report in response to the report of the Committee.

Amendments to other Acts

Public Finance and Audit Act 1983: In Part 3 Division 2A relating to performance audits of activities, a new provision should be inserted into section 38B which provides that when considering the effectiveness of an authority's activities, the Auditor - General may have regard to the impact of those activities on wellbeing in the State as defined and measured by the Wellbeing Indicators Act .

Ombudsman Act 1974: In section 26(1) relating to the kinds of conduct on which the Ombudsman is to make a report, a new clause should be inserted to conduct that is detrimental to wellbeing as defined and measured by the Wellbeing Indicators Act .

Annual Reports (Departments) Act 1985 and Annual Reports (Statutory Bodies) Act 1984: In section 11 (Nature of report of operations) of the former Act and section 9 (Nature of report of operations) of the latter Act, new provisions should be inserted to provide that the report of operations of the Department or statutory body shall identify any wellbeing indicators (as defined and measured under the Wellbeing Indicators Act) that are directly relevant to the activity of the Department or statutory body, and shall include particulars in relation to operations addressing these wellbeing indicators.