



New South Wales

Wellbeing Indicators Bill 2014

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to provide for the development of a list of measures that indicate the wellbeing of people, communities and ecosystems in the State, and
- (b) to facilitate the State Government's development of policies and programs that promote the wellbeing of people, communities and ecosystems, and
- (c) to require the consideration of wellbeing and the factors that affect it in the decision-making of the State Government, and
- (d) 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.

This is to be achieved by:

- (a) establishing an independent statutory office of the Commissioner for Wellbeing, the functions of which include developing and maintaining a list of measures that indicate the wellbeing of people, communities and ecosystems in the State, and
- (b) establishing a Parliamentary Joint Committee, the functions of which include conducting a public inquiry, assisted by experts, to develop an understanding of what factors and measures reflect wellbeing, making recommendations regarding the indicators of wellbeing and examining reports produced by the Commissioner, and

- (c) providing for the ongoing measurement, reporting and analysis of wellbeing indicators by requiring the Commissioner to provide a periodic Wellbeing of the State Report that will be examined by the Parliamentary Joint Committee, and
- (d) ensuring the incorporation of wellbeing indicators as a public policy consideration by:
 - (i) requiring annual reports of departments and statutory bodies to address any wellbeing indicators that are directly relevant to the activities of the department or statutory body, and
 - (ii) requiring the Auditor-General to have regard to the potential impact of any government agency's performance on wellbeing when conducting performance audits of any government agency, and
 - (iii) providing that the Ombudsman's reports of investigations are to include conduct that is detrimental to the wellbeing of people, communities and ecosystems, and
- (e) promoting the use of wellbeing indicators through the Commissioner's role in public awareness and education activities to support public authorities, local governments, non-government organisations and communities.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 specifies the objects of the proposed Act.

Part 2 Commissioner for Wellbeing

Clause 5 enables the Governor to appoint a Commissioner for Wellbeing.

Clause 6 provides that the Parliamentary Joint Committee can veto the appointment or reappointment of a person as Commissioner.

Clause 7 specifies the objectives of the Commissioner.

Clause 8 specifies the functions of the Commissioner.

Clause 9 provides for the Commissioner to establish advisory committees to assist the Commissioner in the exercise of the Commissioner's functions.

Part 3 Wellbeing indicators

Clause 10 requires the Parliamentary Joint Committee to conduct an inquiry into the definition, development and publication of wellbeing indicators.

Clause 11 requires the Commissioner to develop an initial list of wellbeing indicators, having regard to the Parliamentary Joint Committee's report on its inquiry.

Clause 12 requires the Commissioner to maintain the list of wellbeing indicators in a publicly available form.

Part 4 Wellbeing of the State Report

Clause 13 requires the Commissioner to periodically prepare a Wellbeing of the State Report, which provides detailed and accessible information regarding the performance of the State, and specific areas within the State, with respect to the wellbeing indicators.

Clause 14 requires the Government to respond to any recommendations made by the Commissioner in a Wellbeing of the State Report.

Part 5 Other inquiries and reports by Commissioner

Clause 15 gives the Commissioner the power to inquire into any particular issue or general matter relating to wellbeing, whether at the request of the Treasurer or on the Commissioner's own initiative.

Clause 16 requires the Government to respond to any recommendation made by the Commissioner in a special report.

Clause 17 requires the Commissioner to prepare annual reports.

Part 6 Parliamentary Joint Committee

Clause 18 requires a joint committee of members of Parliament to be appointed, to be known as the Committee on Wellbeing.

Clause 19 provides for the membership of the Parliamentary Joint Committee.

Clause 20 specifies the functions of the Parliamentary Joint Committee, which include undertaking the inquiry about the definition, development and publication of wellbeing indicators under proposed section 10, monitoring and reviewing the exercise by the Commissioner of the Commissioner's functions and examining the Commissioner's reports.

Part 7 Miscellaneous

Clause 21 makes provision about reports required to be made to Parliament by the Parliamentary Joint Committee and the Commissioner.

Clause 22 provides that the proposed Act binds the Crown.

Clause 23 provides protection from personal liability for the Commissioner and certain others in relation to any matter or thing done or omitted in good faith for the purposes of executing the proposed Act.

Clause 24 provides that proceedings for offences under the proposed Act or the regulations are to be dealt with summarily before the Local Court.

Clause 25 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 26 provides for the review of the proposed Act in 5 years.

Schedule 1 Provisions about Commissioner

Schedule 1 makes further provision with respect to the employment of the Commissioner.

Schedule 2 Parliamentary Joint Committee

Schedule 2 makes further provision with respect to the Parliamentary Joint Committee.

Schedule 3 Savings, transitional and other provisions

Schedule 3 provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Schedule 4 Amendment of Acts

Schedule 4.1 amends the *Annual Reports (Departments) Act 1985* to provide that all Departments must identify any wellbeing indicators that directly relate to the activity of the Department and

indicate any policy initiatives, strategies or activities undertaken by the Department to attempt to improve performance on those indicators.

Schedule 4.2 amends the *Annual Reports (Statutory Bodies) Act 1984* to provide that all statutory bodies must identify any wellbeing indicators that directly relate to the activity of the statutory body and indicate any policy initiatives, strategies or activities undertaken by the statutory body to attempt to improve performance on those indicators.

Schedule 4.3 amends the *Defamation Act 2005* to provide defences for publication of public documents, and of fair report of proceedings of public concern, in relation to certain documents produced to the Parliamentary Joint Committee.

Schedule 4.4 amends the *Ombudsman Act 1974* to provide that the Ombudsman's reports of investigations are to include particulars of conduct that is detrimental to the wellbeing of people, communities and ecosystems.

Schedule 4.5 amends the *Parliamentary Remuneration Act 1989* to provide for the additional salary and expense allowance of the Chair of the Parliamentary Joint Committee constituted under the proposed Act.

Schedule 4.6 amends the *Public Finance and Audit Act 1983* to provide that the Auditor-General must have regard to the potential impact of any government agency's performance on wellbeing when conducting performance audits of any government agency.



New South Wales

Wellbeing Indicators Bill 2014

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New South Wales

Wellbeing Indicators Bill 2014

No. , 2014

A Bill for

An Act to develop and provide for the publication of measures that indicate the wellbeing of people, communities and ecosystems in the State.

The Legislature of New South Wales enacts:	1
Part 1 Preliminary	2
1 Name of Act	3
This Act is the <i>Wellbeing Indicators Act 2014</i> .	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Definitions	7
(1) In this Act:	8
<i>Commissioner</i> means the Commissioner for Wellbeing appointed under section 5.	9
<i>function</i> includes a power, authority or duty, and <i>exercise</i> a function includes perform a duty.	10 11
<i>initial list of wellbeing indicators</i> means the list published by the Commissioner under section 11.	12 13
<i>Parliamentary Joint Committee</i> means the Committee on Wellbeing constituted under section 18.	14 15
<i>special report</i> means a report of the Commissioner under section 15.	16
<i>wellbeing indicators</i> means the list of measures that indicate the level of wellbeing of people, communities and ecosystems in the State, developed and maintained under Part 3.	17 18 19
<i>Wellbeing of the State Report</i> means a report prepared by the Commissioner under section 13.	20 21
(2) Notes included in this Act do not form part of this Act.	22
4 Objects of this Act	23
The principal objects of this Act are as follows:	24
(a) to provide for the development of a list of measures that indicate the wellbeing of people, communities and ecosystems in the State,	25 26
(b) to facilitate the State Government's development of policies and programs that promote the wellbeing of people, communities and ecosystems,	27 28
(c) to require the consideration of wellbeing and the factors that affect it in the decision-making of the State Government,	29 30
(d) 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.	31 32 33 34

Part 2	Commissioner for Wellbeing	1
5	Appointment of Commissioner	2
(1)	The Governor may appoint a Commissioner for Wellbeing.	3
(2)	Schedule 1 makes further provision concerning the Commissioner.	4
6	Parliamentary Joint Committee has power to veto proposed appointments and re-appointments	5
(1)	The Treasurer is to refer a proposal to appoint a person as Commissioner to the Parliamentary Joint Committee and the Committee is empowered to veto the proposed appointment as provided by this section. The Treasurer may withdraw a referral at any time.	7
(2)	The Committee has 14 days after the proposed appointment is referred to it to veto the proposal and has a further 30 days (after the initial 14 days) to veto the proposal if it notifies the Treasurer within that 14 days that it requires more time to consider the matter.	8
(3)	The Committee is to notify the Treasurer, within the time that it has to veto a proposed appointment, whether or not it vetoes it.	9
(4)	A person is not to be appointed as Commissioner until:	10
(a)	a proposal that the person be appointed has been referred to the Committee under this section, and	11
(b)	either the period that the Committee has under this section to veto the proposed appointment has ended without the Committee having vetoed the proposed appointment or the Committee notifies the Treasurer that it has decided not to veto the proposed appointment.	12
(5)	A referral or notification under this section is to be in writing.	13
(6)	In this section, <i>appointment</i> includes reappointment.	14
7	Objectives of Commissioner	15
	The objectives of the Commissioner are as follows:	16
(a)	to report on matters relating to the wellbeing of people, communities and ecosystems in the State,	17
(b)	to enhance knowledge and understanding of issues relating to wellbeing,	18
(c)	to encourage decision-making that promotes the wellbeing of people, communities and ecosystems across the State.	19
8	Functions of Commissioner	20
	The functions of the Commissioner are as follows:	21
(a)	to develop and publish an initial list of wellbeing indicators in accordance with section 11,	22
(b)	to collate, maintain and publish the list of wellbeing indicators on an ongoing basis in accordance with section 12,	23
(c)	to periodically prepare and publish the Wellbeing of the State Report in accordance with section 13,	24
(d)	to inquire into, and publish special reports on, any particular matter relating to wellbeing in accordance with section 15,	25
(e)	to promote awareness and understanding of wellbeing, and the factors that affect the wellbeing of people, communities and ecosystems, across the State,	26

(f)	to make formal requests to public authorities (including departments, statutory bodies or local government bodies) for the provision of assistance, information and data for the purposes of this Act,	1 2 3
(g)	to make statements and provide information, whether to the general public, public authorities or other specific audiences, for the purposes of achieving the Commissioner's objectives under this Act,	4 5 6
(h)	to do all things necessary or appropriate in the circumstances to achieve the objectives of the Commissioner,	7 8
(i)	such other functions as are conferred or imposed on the Commissioner by or under this or any other Act.	9 10
9	Establishment of advisory committees	11
(1)	The Commissioner may, with the approval of the Treasurer, establish advisory committees to assist the Commissioner in the exercise of the Commissioner's functions.	12 13 14
(2)	The Commissioner may appoint as members of an advisory committee persons whom the Commissioner considers have appropriate expertise, qualifications or experience as will enable them to make a valuable contribution to the advisory committee.	15 16 17 18
(3)	The Commissioner may determine the term of office and remuneration of members and the procedure of an advisory committee.	19 20
(4)	An advisory committee has the following functions:	21
(a)	to provide advice to the Commissioner on specific matters relating to the Commissioner's objectives or functions under this Act,	22 23
(b)	such other advisory functions as the Commissioner may determine.	24

Part 3	Wellbeing indicators	1
10	Inquiry into the definition, development and publication of list of wellbeing indicators	2
(1)	The Parliamentary Joint Committee is to conduct an inquiry into the definition, development and publication of a list of measures that indicate the level of wellbeing of the people, communities and ecosystems of the State (<i>wellbeing indicators</i>).	3 4 5
(2)	In particular the Committee must inquire into the following:	6
(a)	the broad societal values relating to economic, social and environmental wellbeing on which the list of indicators should be based, having regard to:	7 8
(i)	the views of the public about the meaning of wellbeing and the factors that influence the wellbeing of people, communities and ecosystems, and	9 10 11
(ii)	information and advice from individuals and organisations who have expertise in the measurement of the wellbeing of people, communities and ecosystems,	12 13 14
(b)	the availability of data from existing sources, including State, Commonwealth and local government agencies, which could contribute to the list of wellbeing indicators,	15 16 17
(c)	any gaps or difficulties in the availability and quality of data relating to the measurement of wellbeing,	18 19
(d)	the potential calculation of one or more composite indices from measures that indicate specific aspects of wellbeing,	20 21
(e)	whether further legislation is advisable to govern the development and publication of the list of indicators,	22 23
(f)	any other matter that the Committee thinks appropriate.	24
(3)	In its report on the inquiry under this section, the Committee is to make recommendations regarding the measures that indicate the wellbeing of people, communities and ecosystems in the State.	25 26 27
(4)	The Committee is to report on its inquiry under this section no later than 12 months after the commencement of this Act.	28 29
11	Development of initial list of wellbeing indicators	30
(1)	The Commissioner is to develop an initial list of measures that indicate the wellbeing of people, communities and ecosystems in the State (the <i>initial list of wellbeing indicators</i>).	31 32 33
(2)	In developing the initial list, the Commissioner must have regard to the Parliamentary Joint Committee's report on its inquiry into the definition, development and publication of wellbeing indicators under section 10.	34 35 36
(3)	The initial list is to be published by the Commissioner no later than 12 months after the Parliamentary Joint Committee reports on that inquiry.	37 38
(4)	The initial list is to 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.	39 40 41 42
12	Maintenance of list of wellbeing indicators	43
(1)	The Commissioner is to collate, maintain and publish a list of the wellbeing indicators on an ongoing basis, following the publication of the initial list of wellbeing indicators.	44 45 46

- (2) The list is to 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. 1
2
3
4
- (3) In exercising functions under this section the Commissioner must have regard to: 5
 - (a) any recommendations of the Parliamentary Joint Committee, and 6
 - (b) other relevant considerations. 7

Part 4	Wellbeing of the State Report	1
13	Wellbeing of the State Report	2
(1)	The Commissioner is to periodically prepare a Wellbeing of the State Report.	3
(2)	The Wellbeing of the State Report is to provide detailed and accessible information regarding the performance of the State, and specific areas within the State, with respect to the wellbeing indicators, including the following:	4
(a)	an assessment of the performance of the State, and specific areas within the State, with respect to all of the available wellbeing indicators,	7
(b)	an evaluation of any issues or trends relating to the wellbeing indicators that are affecting people, communities and ecosystems in the State,	8
(c)	a summary of any issues relating to the measurement of the wellbeing indicators, including any changes to the list of indicators or limitations in the current availability of data relating to the indicators.	9
(3)	The first Wellbeing of the State Report is to be furnished no later than 2 years after the date on which the Commissioner publishes the initial list of wellbeing indicators.	10
(4)	The Wellbeing of the State Report must be published at least once every 2 years.	11
(5)	The Wellbeing of the State Report must be published on the website of the Commissioner.	12
(6)	The Commissioner is to furnish the Wellbeing of the State Report to the Presiding Officer of each House of Parliament.	13
(7)	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.	14
14	Government must respond to any recommendations	15
(1)	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 State Government specifying the action (if any) to be taken by the State Government in response to the recommendations.	16
(2)	The Treasurer is to cause a copy of the statement to be tabled in both Houses of Parliament not later than 6 months after the relevant Wellbeing of the State Report was tabled.	17

Part 5	Other inquiries and reports by Commissioner	1
15	Special inquiries and reports	2
(1)	The Commissioner may inquire into any particular issue or general matter relating to wellbeing, whether at the request of the Treasurer or on the Commissioner's own initiative.	3 4 5
(2)	The Commissioner is to make a report on such an inquiry (a <i>special report</i>).	6
(3)	A special report is to be furnished by the Commissioner to the Presiding Officer of each House of Parliament.	7 8
16	Response to special report	9
(1)	If a special report of the Commissioner includes any recommendations made by the Commissioner, the Treasurer must prepare a statement of the response of the State Government specifying the action (if any) to be taken by the State Government in response to the recommendations.	10 11 12 13
(2)	The Treasurer is to cause a copy of the statement to be tabled in both Houses of Parliament not later than 6 months after the special report was tabled.	14 15
17	Annual reports to Parliament	16
(1)	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.	17 18 19
(2)	A report by the Commissioner under this section must include the following:	20
(a)	a description of the Commissioner's activities during that year in relation to each of the Commissioner's functions,	21 22
(b)	an evaluation of the response of relevant authorities to the recommendations of the Commissioner.	23 24

Part 6	Parliamentary Joint Committee	1
18	Constitution of Committee	2
(1)	On the commencement of this Act and as soon as practicable after the commencement of the first session of each Parliament, a joint committee of members of Parliament, to be known as the Committee on Wellbeing, is to be appointed.	3 4 5
(2)	The Parliamentary Joint Committee has the functions conferred or imposed on it by or under this Act or any other Act.	6 7
19	Membership of Committee	8
(1)	The Parliamentary Joint Committee is to consist of 7 members, of whom:	9
(a)	3 are to be members of, and appointed by, the Legislative Council, and	10
(b)	4 are to be members of, and appointed by, the Legislative Assembly.	11
(2)	The appointment of members of the Parliamentary Joint Committee is, as far as practicable, to be in accordance with the practice of Parliament with respect to the appointment of members to serve on joint committees of both Houses of Parliament.	12 13 14
(3)	A person is not eligible for appointment as a member of the Parliamentary Joint Committee if the person is a Minister of the Crown or a Parliamentary Secretary.	15 16
(4)	Schedule 2 contains provisions relating to the Parliamentary Joint Committee.	17
20	Functions of Committee	18
(1)	The Parliamentary Joint Committee has the following functions under this Act:	19
(a)	to undertake an inquiry into the definition, development and publication of a list of measures that indicate the level of wellbeing of the people, communities and ecosystems of the State under section 10,	20 21 22
(b)	to examine each Wellbeing of the State Report, special report and annual report of the Commissioner and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report,	23 24 25
(c)	to monitor and review the exercise by the Commissioner of the Commissioner's functions,	26 27
(d)	to inquire into any issues relating to the functions of the Commissioner,	28
(e)	to 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.	29 30 31
(2)	Nothing in this Part authorises the Parliamentary Joint Committee to investigate a matter relating to particular conduct.	32 33
(3)	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.	34 35 36

Part 7	Miscellaneous	1
21	Provisions relating to reports to Parliament	2
(1)	This section applies to the following reports:	3
(a)	a Wellbeing of the State Report,	4
(b)	an annual report of the Commissioner,	5
(c)	a special report of the Commissioner,	6
(d)	a report of the Parliamentary Joint Committee.	7
(2)	A copy of a report furnished to the Presiding Officer of a House of Parliament under this Act is to be laid before that House within 15 sitting days of that House after it is received by the Presiding Officer.	8 9 10
(3)	If a report includes a recommendation by the Commissioner that the report be made public immediately, a Presiding Officer of a House of Parliament may make it public whether or not that House is in session and whether or not the report has been laid before that House.	11 12 13 14
(4)	If such a report is made public by a Presiding Officer of a House of Parliament before it is laid before that House, it attracts the same privileges and immunities as if it had been laid before that House.	15 16 17
(5)	A Presiding Officer need not inquire whether all or any conditions precedent have been satisfied as regards a report purporting to have been made and furnished in accordance with this Act.	18 19 20
22	Act to bind Crown	21
	This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.	22 23 24
23	Protection from liability	25
	A matter or thing done or omitted to be done by the Commissioner, a member of staff of the Commissioner or any person acting under the direction of the Commissioner does not, if the matter or thing was done or omitted in good faith for the purposes of executing this Act, subject the Commissioner, a member of staff of the Commissioner or a person so acting personally to any action, liability, claim or demand.	26 27 28 29 30 31
24	Proceedings for offences	32
(1)	Proceedings for offences under this Act or the regulations are to be dealt with summarily before the Local Court.	33 34
(2)	Despite any other law, proceedings for an offence under this Act must be commenced not later than 2 years from when the offence was alleged to have been committed.	35 36
25	Regulations	37
(1)	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	38 39 40 41
(2)	The regulations may create offences punishable by a penalty not exceeding 20 penalty units.	42 43

26	Review of Act	1
(1)	The Treasurer is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	2 3 4
(2)	The review is to be undertaken as soon as possible after 5 years from the date of assent to this Act.	5 6
(3)	A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.	7 8

Schedule 1	Provisions about Commissioner	1
	(Section 5 (2))	2
1	Term of office of Commissioner	3
(1)	The Commissioner holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	4 5 6
(2)	A person is not eligible to be appointed for more than 2 terms of office as Commissioner (whether or not consecutive terms).	7 8
2	Full-time office of Commissioner	9
	The office of Commissioner is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Treasurer.	10 11
3	Employment and remuneration	12
(1)	The employment of the Commissioner is (subject to this Schedule) to be governed by a contract of employment between the Commissioner and the Treasurer.	13 14
(2)	The following provisions of, or made under, the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the Commissioner (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Treasurer):	15 16 17 18
(a)	provisions relating to the band in which an executive is to be employed,	19
(b)	provisions relating to the contract of employment of an executive,	20
(c)	provisions relating to the remuneration, employment benefits and allowances of an executive.	21 22
4	Vacancy in office of Commissioner	23
(1)	The office of Commissioner becomes vacant if the holder:	24
(a)	dies, or	25
(b)	completes a term of office and is not re-appointed, or	26
(c)	resigns the office by instrument in writing addressed to the Treasurer, or	27
(d)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	28 29 30
(e)	becomes a mentally incapacitated person, or	31
(f)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	32 33 34 35
(g)	is removed from office under clause 5.	36
(2)	If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	37 38
5	Removal from office of Commissioner	39
	The Governor may remove the Commissioner from office, but only for incompetence, incapacity or misbehaviour.	40 41

6	Commissioner not Public Service employee	1
	The office of Commissioner is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by clause 3).	2 3 4
7	Acting Commissioner	5
(1)	The Governor may, from time to time, appoint a person to act in the office of the Commissioner during the illness or absence of the Commissioner (or during a vacancy in the office of the Commissioner) and a person, while so acting, has all the functions of the Commissioner.	6 7 8 9
(2)	The Governor may, at any time, remove a person from the office of acting Commissioner.	10 11
(3)	The acting Commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Treasurer may from time to time determine.	12 13 14
8	Staff of Commissioner	15
	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commissioner to exercise his or her functions.	16 17
9	Delegation	18
	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 or to a person of a class prescribed by the regulations.	19 20 21

Schedule 2	Parliamentary Joint Committee	1
	(Section 19 (4))	2
1	Vacancies	3
(1)	A member of the Parliamentary Joint Committee ceases to hold office:	4
(a)	when the Legislative Assembly is dissolved or expires by the effluxion of time, or	5 6
(b)	if the member becomes a Minister of the Crown or a Parliamentary Secretary, or	7 8
(c)	if the member ceases to be a member of the Legislative Council or Legislative Assembly, or	9 10
(d)	if, being a member of the Legislative Council, the member resigns the office by instrument in writing addressed to the President of the Legislative Council, or	11 12 13
(e)	if, being a member of the Legislative Assembly, the member resigns the office by instrument in writing addressed to the Speaker of the Legislative Assembly, or	14 15 16
(f)	if the member is discharged from office by the House of Parliament to which the member belongs.	17 18
(2)	Either House of Parliament may appoint one of its members to fill a vacancy among the members of the Parliamentary Joint Committee appointed by that House.	19 20
2	Chair and Deputy Chair	21
(1)	There is to be a Chair and a Deputy Chair of the Parliamentary Joint Committee, who are to be elected by and from the members of the Parliamentary Joint Committee.	22 23
(2)	A member of the Parliamentary Joint Committee ceases to hold office as Chair or Deputy Chair of the Parliamentary Joint Committee if:	24 25
(a)	the member ceases to be a member of the Parliamentary Joint Committee, or	26
(b)	the member resigns the office by instrument in writing presented to a meeting of the Parliamentary Joint Committee, or	27 28
(c)	the member is discharged from office by the Parliamentary Joint Committee.	29
(3)	At any time when the Chair is absent from New South Wales or is, for any reason, unable to perform the duties of Chair or there is a vacancy in that office, the Deputy Chair may exercise the functions of the Chair under this Act or under the <i>Parliamentary Evidence Act 1901</i> .	30 31 32 33
3	Procedure	34
(1)	The procedure for the calling of meetings of the Parliamentary Joint Committee and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Parliamentary Joint Committee.	35 36 37
(2)	The Clerk of the Legislative Assembly is to call the first meeting of the Parliamentary Joint Committee in each Parliament in such manner as the Clerk thinks fit.	38 39
(3)	Subclause (2) does not apply to the Parliamentary Joint Committee as first constituted under this Act.	40 41
(4)	At a meeting of the Parliamentary Joint Committee, 4 members constitute a quorum, but the Parliamentary Joint Committee must meet as a joint committee at all times.	42 43

- (5) The Chair or, in the absence of the Chair, the Deputy Chair (or, in the absence of both the Chair and the Deputy Chair, a member of the Parliamentary Joint Committee elected to chair the meeting by the members present) is to preside at a meeting of the Parliamentary Joint Committee. 1
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- (6) The Deputy Chair or other member presiding at a meeting of the Parliamentary Joint Committee has, in relation to the meeting, all the functions of the Chair. 5
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- (7) The Chair, Deputy Chair or other member presiding at a meeting of the Parliamentary Joint Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote. 7
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- (8) A question arising at a meeting of the Parliamentary Joint Committee is to be determined by a majority of the votes of the members present and voting. 10
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- (9) The Parliamentary Joint Committee may sit and transact business despite any prorogation of the Houses of Parliament or any adjournment of either House of Parliament. 12
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- (10) The Parliamentary Joint Committee may sit and transact business on a sitting day of a House of Parliament during the time of sitting. 15
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- 4 Reporting when Parliament not in session** 17
- (1) If a House of Parliament is not sitting when the Parliamentary Joint Committee seeks to furnish a report to it, the Committee may present copies of the report to the Clerk of the House. 18
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- (2) The report: 21
- (a) on presentation and for all purposes is taken to have been laid before the House, and 22
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- (b) may be printed by authority of the Clerk, and 24
- (c) if printed by authority of the Clerk, is for all purposes taken to be a document published by or under the authority of the House, and 25
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- (d) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after receipt of the report by the Clerk. 27
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- 5 Evidence** 29
- (1) The Parliamentary Joint Committee has power to send for persons, papers and records. 30
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- (2) Subject to clause 6, the Parliamentary Joint Committee must take all evidence in public. 32
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- (3) If the Parliamentary Joint Committee as constituted at any time has taken evidence in relation to a matter but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as constituted at any subsequent time, whether during the same or another Parliament, may consider that evidence as if it had taken the evidence. 34
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- (4) The production of documents to the Parliamentary Joint Committee is to be in accordance with the practice of the Legislative Assembly with respect to the production of documents to select committees of the Legislative Assembly. 39
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- 6 Confidentiality** 42
- (1) If any evidence proposed to be given before, or the whole or a part of a document produced or proposed to be produced to, the Parliamentary Joint Committee relates 43
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to a secret or confidential matter, the Committee may, and at the request of the witness giving the evidence or the person producing the document, must:	1
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(a) take the evidence in private, or	3
(b) direct that the document, or the part of the document, be treated as confidential.	4
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(2) If a direction under subclause (1) applies to a document or part of a document produced to the Parliamentary Joint Committee:	6
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(a) the contents of the document or part are, for the purposes of this clause, to be regarded as evidence given by the person producing the document or part and taken by the Committee in private, and	8
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(b) the person producing the document or part is, for the purposes of this clause, to be regarded as a witness.	11
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(3) If, at the request of a witness, evidence is taken by the Parliamentary Joint Committee in private:	13
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(a) the Committee must not, without the consent in writing of the witness, and	15
(b) a person (including a member of the Committee) must not, without the consent in writing of the witness and the authority of the Committee under subclause (5),	16
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disclose or publish the whole or a part of that evidence.	19
Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.	20
(4) If evidence is taken by the Parliamentary Joint Committee in private otherwise than at the request of a witness, a person (including a member of the Committee) must not, without the authority of the Committee under subclause (5), disclose or publish the whole or part of that evidence.	21
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Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.	25
(5) The Parliamentary Joint Committee may, in its discretion, disclose or publish or, by writing under the hand of the Chair, authorise the disclosure or publication of evidence taken in private by the Committee, but this subclause does not operate so as to affect the necessity for the consent of a witness under subclause (3).	26
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(6) Nothing in this clause prohibits:	30
(a) the disclosure or publication of evidence that has already been lawfully published, or	31
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(b) the disclosure or publication by a person of a matter of which the person has become aware otherwise than by reason, directly or indirectly, of the giving of evidence before the Parliamentary Joint Committee.	33
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(7) This clause has effect despite section 4 of the <i>Parliamentary Papers (Supplementary Provisions) Act 1975</i> .	36
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(8) If evidence taken by the Parliamentary Joint Committee in private is disclosed or published in accordance with this clause, sections 5 and 6 of the <i>Parliamentary Papers (Supplementary Provisions) Act 1975</i> apply to and in relation to the disclosure or publication as if it were a publication of that evidence under the authority of section 4 of that Act.	38
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Note. The <i>Defamation Act 2005</i> makes provision for 2 defences in respect of the publication of defamatory matter that is contained in evidence taken by, or documents produced to, the Parliamentary Joint Committee in private, but only if the evidence or documents have been disclosed or published in accordance with this clause.	43
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Section 28 of the <i>Defamation Act 2005</i> (when read with clause 8 of Schedule 2 to that Act) ensures that such documents attract the defence relating to public documents in defamation proceedings.	47
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Section 29 of the <i>Defamation Act 2005</i> (when read with clause 17 of Schedule 3 to that Act) ensures that proceedings in which such evidence is taken or documents produced attract the defences relating to fair reports of proceedings of public concern in defamation proceedings.	1 2 3
7 Application of certain Acts	4
For the purposes of the <i>Parliamentary Evidence Act 1901</i> and the <i>Parliamentary Papers (Supplementary Provisions) Act 1975</i> and for any other purposes:	5 6
(a) the Parliamentary Joint Committee is to be regarded as a joint committee of the Legislative Council and Legislative Assembly, and	7 8
(b) the proposal for the appointment of the Parliamentary Joint Committee is to be regarded as having originated in the Legislative Assembly.	9 10
8 Validity of certain acts or proceedings	11
Any act or proceeding of the Parliamentary Joint Committee is, even though at the time when the act or proceeding was done, taken or commenced there was:	12 13
(a) a vacancy in the office of a member of the Committee, or	14
(b) any defect in the appointment, or any disqualification, of a member of the Committee,	15 16
as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.	17 18

Schedule 3	Savings, transitional and other provisions	1
1	Regulations	2
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.	3 4
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	5 6
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:	7 8 9
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	10 11 12
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	13 14 15

Schedule 4	Amendment of Acts	1
4.1	Annual Reports (Departments) Act 1985 No 156	2
	Section 11 Nature of report of operations	3
	Insert after section 11 (1) (f):	4
	(g) any wellbeing indicators as defined and measured under the <i>Wellbeing Indicators Act 2014</i> that are directly relevant to the activities of the Department and particulars of any policy initiatives, strategies or activities undertaken by the Department to attempt to improve performance on those wellbeing indicators.	5 6 7 8 9
4.2	Annual Reports (Statutory Bodies) Act 1984 No 87	10
	Section 9 Nature of report of operations	11
	Insert after section 9 (1) (f):	12
	(g) any wellbeing indicators as defined and measured under the <i>Wellbeing Indicators Act 2014</i> that are directly relevant to the activities of the statutory body and particulars of any policy initiatives, strategies or activities undertaken by the statutory body to attempt to improve performance on those wellbeing indicators.	13 14 15 16 17
4.3	Defamation Act 2005 No 77	18
[1]	Schedule 2 Additional kinds of public documents	19
	Insert after clause 8 (g):	20
	(h) a document (or part of a document) produced to the Committee on Wellbeing constituted under the <i>Wellbeing Indicators Act 2014</i> in proceedings conducted in private, but only if the document (or part of the document) has been disclosed or published in accordance with clause 6 of Schedule 2 to that Act.	21 22 23 24 25
[2]	Schedule 3 Additional proceedings of public concern	26
	Insert after clause 17 (g):	27
	(h) a document (or part of a document) produced to the Committee on Wellbeing constituted under the <i>Wellbeing Indicators Act 2014</i> in proceedings conducted in private, but only if the document (or part of the document) has been disclosed or published in accordance with clause 6 of Schedule 2 to that Act.	28 29 30 31 32
4.4	Ombudsman Act 1974 No 68	33
	Section 26 Report of investigation	34
	Insert after section 26 (1) (f):	35
	(f1) detrimental to the wellbeing of people, communities and ecosystems, having regard to the <i>Wellbeing Indicators Act 2014</i> ,	36 37

4.5 Parliamentary Remuneration Act 1989 No 160	1
Schedule 1 Additional salaries and expense allowances	2
Insert at the end of Part 2:	3
Chair of the Committee on Wellbeing	6.25% 6.25%
4.6 Public Finance and Audit Act 1983 No 152	4
Section 38B Performance audit by Auditor-General	5
Insert after section 38B (1):	6
(1A) The Auditor-General, in the course of conducting a performance audit of an authority, must have regard to the potential impact of the authority's performance on wellbeing within the meaning of the <i>Wellbeing Indicators Act 2014</i> .	7 8 9 10