

# Integrating wellbeing into the business of government:

The feasibility of innovative legal  
and policy measures to achieve  
sustainable development in Australia

Report prepared for VicHealth by  
The George Institute for Global Health



# Foreword

Over the past 2 years Australians have faced some of the greatest challenges we've ever seen, in the form of the coronavirus pandemic, bushfires and floods. As we work towards recovery, many of us have paused to think about what a good life looks like for our community now and into the future. The events we've faced have highlighted and amplified the real and persistent inequities that many experience in Victoria and across the country. The public discourse has extended from recovery following the pandemic, to building back better and fairer. It is the only path to ensure that every Australian can live a life that is meaningful to them. These challenges have also forced us to be future focused, as we consider the long-term implications of our decisions on future generations and the planet they will inhabit. Will our actions today leave them with an equitable and sustainable society to flourish in?

For too long we have measured how we're tracking as a society primarily with indicators of economic growth. This has clouded our ability to determine whether people and our planet are genuinely thriving. As we reimagine so many concepts in the coming months and years, including how we live, work and play, we have renewed opportunity to reimagine how we define and foster wellbeing for a good life in Australia.

By embedding key concepts of wellbeing into the business of government, a clear message is sent that wellbeing is a priority and governments can support their attainment in a meaningful way. To do this effectively, we need to reconceptualise what wellbeing means, including considering culturally diverse and enduring knowledges. This will require going beyond wellbeing as the absence of illness and disease, and instead exploring an approach that encompasses all facets of one's life and meaningfully considers the way we interact with the world around us.

This report looks at 2 innovative examples of embedding wellbeing in government efforts: the Welsh *Well-being of Future Generations Act 2015* and New Zealand's Wellbeing Budget. These aim to use wellbeing as a central organising principle that guides whole-of-government action. They fuse conceptions of improved health and planet, today and into the future.

There are many learnings from these examples, including the need for greater public engagement, meaningful indicators guided by community need and priorities, political leadership, cross-government and cross-sectoral action, monitoring and accountability mechanisms, sufficient funding and policy reform that is enshrined in law to ensure a wellbeing focus is maintained.

This work recognises the significant work of groups like the Australian National Development Index to develop tools to measure wellbeing in Australia. We are excited to build upon these learnings to further investigate how progress can be made at local, state and national levels. Going forward, there is potential to bring together a diverse coalition of stakeholders from the health, environment and social service sectors to generate political priority for innovative policies that will benefit our society far beyond short-term political cycles.

Utilising wellbeing indicators as a window into the lives of all Australians and a catalyst for government action is the first step of many in building a more equitable society. It will allow us to effectively advocate and support current and future Victorians and Australians in leading happy, healthy and meaningful lives.

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# Executive summary

**Sustainable development is a way of organising society so that it can exist in the long term. This means taking into account the needs of the present without compromising the ability of future generations to meet their own needs. Health is at the centre of sustainable development. Investment in health supports social, economic and environmental sustainability, while investment in a healthy planet with inclusive and sustainable growth and fair and secure societies supports the health of individuals, families and communities.**

The events of 2020, including catastrophic Australian bushfires and the global coronavirus pandemic are a prescient reminder that the world is rapidly changing. These changes bring direct and indirect impacts for both human and planetary health, and the wellbeing of both current and future generations. Social, environmental and economic imbalances pose a threat to all, but particularly the poorest and most disadvantaged. The imperative to build back better creates opportunities for governments to look for new ways of working to better support the health and wellbeing of the community now and into the future.

In 2015, Wales introduced the *Well-being of Future Generations (Wales) Act* (the Act). The Act is the first legislation in the world to enshrine the rights of future generations alongside current ones. Fundamentally, the Act creates permission to do things differently by making sustainable development the central organising principle of all government action. The Act enshrines 7 wellbeing goals and 5 ways of working that must guide the activities of all public bodies in carrying out their duties. It also establishes an independent Future Generations Commissioner to hold government to account on action, and sets a range of national wellbeing indicators to be reported against regularly.

**“No matter what your political affiliation or opinions, the one thing that unites us all is our collective interest in and our right to a future – to a tomorrow.”**

Sophie Howe,  
Future Generations Commissioner of Wales

In 2019, New Zealand announced its first ‘Wellbeing Budget’ (the Budget), signalling an important change in fiscal policy formulation. The Budget is founded on the idea that financial prosperity alone is not a sufficient measure of quality of life. Instead, it allocates funding according to 6 priority areas, set where evidence suggests the biggest differences can be made to the long-term wellbeing of New Zealanders. More than a one-off political initiative, the approach has now been integrated into the *Public Finance Act 1989*, requiring government to report annually on the Budget’s wellbeing objectives.

While both the Act and the Budget address long-term wellbeing, they do so in different ways. The aim of this report is to draw lessons from the development and implementation of both initiatives and explore the potential feasibility of similar measures to integrate wellbeing into the business of government at all levels across Australia.

Our findings provide practical insight into innovative approaches to translate sustainable development into national, state and local laws and/or policies. Outcomes of this work are intended to engage potential champions across sectors, increase public and political awareness of the potential benefits of a wellbeing approach and inspire practical action to improve the wellbeing of current and future generations of Australians.



# Approach

A desktop review was conducted in July 2020 to analyse how global lessons on integrating wellbeing into government processes could be applied to Australia using the *Welsh Well-being of Future Generations Act* (the Act) and the New Zealand Wellbeing Budget (the Budget) as specific examples.

## 1. Mapping the features and evaluation of the Act and the Budget

We conducted our analysis using 2 sources of information:

- Government-issued information on the Act, Budget and associated policies (e.g. official websites, legislation, implementation reports, commissioned research).
- Peer-reviewed and grey literature (e.g. a search of Informit, ProQuest, JSTOR, Trove and Factiva databases).

All materials were publicly available. We reviewed these materials to identify features of the Act and the Budget, their development, implementation and any existing evaluation. We used this to summarise the key benefits and limitations of both the Act and the Budget in practice to date.

## 2. Assessing current consideration of wellbeing in Australia

In step 2, Australian media sources and parliamentary records were examined to consider the background to potential adoption of similar policy initiatives in Australia. Particular focus was given to politicians who had advocated for wellbeing policies during parliamentary debates. We also evaluated examples of existing wellbeing frameworks or legislation in states and territories to explain how these are similar or different from the Act and the Budget.

## 3. Analysing legal barriers and opportunities

We conducted a preliminary legal analysis of the law making powers of both federal and state governments in Australia to identify options that could enable wellbeing policies or laws to be adopted.

## 4. Identifying potential opportunities to integrate wellbeing in future Australian policy

Drawing upon the findings from the above steps, we considered how the recovery context in Australia following the 2019–2020 bushfires and the coronavirus pandemic provides an opportunity for reorienting government processes to promote the wellbeing of future generations.



## 1. Features and evaluation of the Act and the Budget

We identified 38 relevant sources that provided information on the development, implementation and evaluation of the Act and Budget. Eight documents were reports, websites or legislation produced by government sources, 17 were peer-reviewed documents or books, and 13 were media articles.

### A. The Well-being of Future Generations (Wales) Act 2015

#### Lessons from development of the Act

##### Commitment to sustainable development

Wales has a history of commitment to sustainable development, placing intergenerational wellbeing on its political agenda long before many other nations. In 1998, Wales devolved from the United Kingdom. The newly created National Assembly for Wales (now Senedd Cymru) was given a statutory duty to promote sustainable development.<sup>1</sup> This duty has been maintained by successive Welsh Governments and operationalised through a series of national strategies.<sup>2</sup>

In 2009, the ‘One Wales, One Planet’ policy made sustainable development the central organising principle of the Welsh Government.<sup>3</sup> The policy set out strategic action for delivering sustainable development, comprised of actions around environment, resource use, economy and society, and included indicators for reporting progress, including on wellbeing. While a strong political step, government and independent evaluations of the policy concluded that more still needed to be done to mainstream sustainable development as a whole-of-government responsibility and to translate overarching political commitment into tangible action.<sup>4,5</sup>

##### Political entrepreneurs and widespread public engagement

This deep commitment to sustainable development laid the groundwork for key politicians and civil society advocates to propose and progress legislation in the form of the Act. Dr Jane Davidson, Wales’ Minister for Environment, Sustainability and Housing from 2007–2011, was a powerful advocate who led campaigns such as the plastic bag charge and secured a commitment to put sustainable development into legislation in the Welsh Labour Manifesto in 2011.<sup>5</sup>

Welsh Labour also committed to setting up a new independent sustainable development body, following the abolition of a similar United Kingdom body earlier that year. It included a non-statutory post of Sustainable Futures Commissioner.<sup>6</sup>

Peter Davies, Wales’ first Sustainable Futures Commissioner, provided strong leadership after Davidson’s exit from politics by leading a 2-year national conversation entitled ‘The Wales We Want’. The open and inclusive conversation involved 20 events, 3 launches, recruited 150 ‘Future Champions’ and brought together 6474 individuals who took part in over 100 conversations across the country.<sup>7</sup> This resulted in around 1000 responses in the form of reports, videos, postcards, drawings and surveys. People were asked to discuss the Wales that they wanted to leave behind for their children and grandchildren, considering challenges, aspirations and ways to solve long-term problems to create a Wales they wanted by 2050. This effort helped create broad support for the Act. Health groups in Wales were key contributors to this consultative process, including Public Health Wales, the Royal National Institute of Blind People, and Disability Wales.

##### From ‘sustainable development’ to ‘wellbeing’: Framing the Act as more than environmental

Initially titled the Sustainable Development White Paper, after ‘The Wales We Want’ the developing legislation was renamed the Well-being of Future Generations (Wales) Bill (the Bill).<sup>8</sup> This reflected a growing understanding among society and Ministers that sustainability was more than just protecting the environment.<sup>2</sup>

Sustainable development, while a broad concept, has potential to be marginalised by stakeholders who see it as solely relating to environmental concerns.<sup>2</sup> The use of the word ‘wellbeing’ was thought to have broader appeal, and had already been incorporated in Welsh legislation through the *Social Services and Well-being Act 2004*, albeit with a different definition.<sup>9</sup> The prior legislation related primarily to personal wellbeing, whereas the definition in the final Act is more clearly a statement of societal wellbeing, linked to economic, social, cultural and environmental wellbeing.

**“We hope what Wales does today, the world will do tomorrow. Action, more than words, is the hope for our current and future generations.”**

Nikhil Seth, Head of Sustainable Development, United Nations Development Programme

## Building whole-of-government and multisectoral support

Political stewardship of the Bill passed through 3 different Ministers during its development. Peter Davies initially worked with the Environmental and Sustainable Development Minister, and then reshuffled responsibility for the Bill so that it sat with the Minister for Communities and Tackling Poverty, who contributed to widening 'The Wales We Want' dialogue. Finally, the Minister for Natural Resources moved the Bill through the National Assembly of Wales, championing it until it achieved royal assent. Each Minister became supportive of the Act and was able to highlight its relevance to their respective spheres of influence and build political support.<sup>2</sup>

Resistance in some government sectors came from concern that the Act would add unnecessary bureaucracy and would not have the power to deliver outcomes.<sup>2</sup> The Act was a wide-ranging and forward-looking policy considering that the National Assembly of Wales was a fairly new institution. Building support across government departments that shared a social justice agenda beyond environmental concerns was key to overcoming this resistance.

## Putting it into practice: Implementation of the Act

The Act enshrines Wales' commitment to sustainable development in legislation.<sup>10</sup> Section 4 of the Act sets ambitious, long-term goals (Table 1), which provide the Welsh Government and its 44 public bodies (including local government and local health boards) with a legally binding common purpose. Each public body must set its own objectives to contribute to these shared goals, and outline what reasonable steps they will take to achieve them.

**Table 1: The Act's 7 national wellbeing goals**

<b>A prosperous Wales</b>	<ul style="list-style-type: none"><li>• Innovative, productive, low-carbon</li><li>• Resources used efficiently and proportionately</li><li>• Acting on climate change</li><li>• Skilled and well-educated population</li><li>• Economy generates wealth and employment opportunities</li></ul>
<b>A resilient Wales</b>	<ul style="list-style-type: none"><li>• Biodiverse natural environment with healthy functioning ecosystems</li><li>• Supports social, economic and ecological resilience</li><li>• Capacity to adapt to change, including climate change</li></ul>
<b>A healthier Wales</b>	<ul style="list-style-type: none"><li>• Physical and mental wellbeing maximised</li><li>• Choices and behaviours benefit future health</li></ul>
<b>A more equal Wales</b>	<ul style="list-style-type: none"><li>• Enables people to fulfil potential regardless of background or circumstances, including socioeconomic</li></ul>
<b>A Wales of cohesive communities</b>	<ul style="list-style-type: none"><li>• Attractive, viable, safe and well-connected communities.</li></ul>
<b>A Wales of vibrant culture and thriving Welsh language</b>	<ul style="list-style-type: none"><li>• Culture, heritage and the Welsh language</li><li>• Arts, sports and recreation</li></ul>
<b>A globally responsible Wales</b>	<ul style="list-style-type: none"><li>• Considers whether actions make a positive contribution to global wellbeing.</li></ul>

If these 7 wellbeing goals are the *what*, the Act also sets out 5 ways of working which provide the *how*, or the processes by which these goals should be achieved (Table 2). These provide the public service with a consistent guide to working towards sustainable development, allowing for local discretion. They create opportunity within government to do things differently, including by focusing on longer-term needs beyond standard political cycles and focusing on prevention, for example in the area of public health or issues such as homelessness.

**Table 2: The 5 ways of working**

<b>Long-term</b>	Balancing short-term needs with ability to meet long-term needs.
<b>Integration</b>	Considering how a body's wellbeing objectives impact on the 7 wellbeing goals and objectives of other public bodies.
<b>Involvement</b>	Involving people with an interest in achieving wellbeing goals and ensuring those people reflect the diversity of the area.
<b>Collaboration</b>	Collaborating with people and different parts of the relevant body to help meet wellbeing objectives.
<b>Prevention</b>	Acting to prevent problems occurring or worsening to enable objectives to be met.

A summary of the requirements of the Act are included in Box 1 below. In addition to the 7 goals and 5 ways of working, the Act creates accountability mechanisms for measuring progress, including 46 national indicators that must be reported on annually. In the area of health, these indicators include the percentage of adults with fewer than 2 healthy behaviours (not smoking, maintaining a healthy weight, consuming 5 fruits or vegetables a day, not drinking above recommended levels, and meeting the guidelines for physical activity). The Act also establishes an independent Future Generations Commissioner (the Commissioner) to support implementation and requires the Auditor General to monitor implementation.

### **Box 1. Summary of the requirements of the Act\***

#### **Wellbeing duty**

All public bodies must develop and publish wellbeing objectives to maximise their contributions to achieving the wellbeing goals, and take all reasonable steps to meet their objectives.

#### **Local partnerships**

The Act established public services boards in the local areas. A public services board includes representatives of the main statutory partners who are required to work together to collectively publish a report on wellbeing in their local areas (a local wellbeing assessment), which will inform the development of their local wellbeing plans.

#### **Future Generations Commissioner for Wales**

The Act established the post of Future Generations Commissioner to safeguard the interests of future generations and support public bodies in working towards achieving the wellbeing goals. The Commissioner can monitor, advocate, challenge and review the work of the public bodies and the latter must take all reasonable steps to follow the recommendations of the Commissioner.

#### **Future trends report**

Welsh Ministers are required to produce this report within 12 months of a National Assembly for Wales election. It looks at the likely future social, economic, environmental and cultural wellbeing trends of Wales to inform planning and priorities at the regional and local levels. It must take account of any action taken by the United Nations in relation to the Sustainable Development Goals and assess the potential impact of that action on the wellbeing of Wales.

#### **Audit**

The Auditor General for Wales has a duty to carry out examinations of public bodies.

#### **National indicators**

Welsh ministers set 46 national wellbeing indicators to help assess progress towards achieving the 7 wellbeing goals.

\* Adapted from: WHO Regional Office for Europe 2017, *Sustainable development in Wales and other regions in Europe – achieving health and equity for present and future generations*, World Health Organization, Copenhagen.



### The M4 Road Corridor

Large infrastructure projects provide an ideal opportunity for decision-makers to demonstrate how they are fulfilling their duties in relation to the Act. In 2017, shortly after the Act came into force, a public inquiry was being held into a proposed M4 Road Corridor. The Commissioner, Sophie Howes, submitted evidence to the inquiry questioning how the road would meet the needs of future generations, given its apparent misalignment with carbon reduction targets and the Act's goals of supporting resilient ecosystems and a healthier Wales.<sup>11</sup>

The Commissioner also submitted further concerns about how the Welsh Government had interpreted its duties under the Act.<sup>12</sup> For example, there was no explicit reference to the sustainable development principle, insufficient explanation of how the needs of current and future generations had been balanced in policy development, and no evidence that the 5 ways of working had been used. She also argued that individual policy decisions must seek to achieve all the wellbeing objectives, and in particular, balance must be achieved between the economic pillar of wellbeing and the environmental, cultural and social pillars. Allowing trade-offs between the pillars and arguing a decision only relating to one domain of wellbeing would undermine the legislation.<sup>12</sup>

Ultimately the M4 road was rejected by the Welsh Government on grounds that included insufficient funding and concerns about its environmental impact.<sup>12</sup> While the Commissioner's recommendations were not explicitly referenced in this decision, the evidence offered important guidance for what is expected of government bodies going forward in order to comply with the Act.

### Response to the Act at Public Health Wales

Public Health Wales (PHW) is the public body with national remit to protect and improve health and wellbeing and reduce health inequity. In response to the Act, PHW has invested in a new Health and Sustainability Hub (the Hub), comprising a team of people to help the organisation and the wider National Health Service Wales system meet the legal requirements of the Act, and act as catalysts of change.<sup>13</sup> The Hub has commissioned a baseline assessment of PHW's readiness to meet the Act, in order to measure and assess proposed changes. The Hub has developed PHW's wellbeing objectives, which align with the 7 wellbeing goals of the Act. The Hub's program of current work includes development of a tool to assess and identify areas in which change is required at individual, team and organisational levels in order to 'make the Act real'.

Alongside these changes to the internal structure of PHW, the organisation has been developing resources to support partner organisations and public service boards to implement the Act, for example by producing guidance on investing in actions to address the economic, social and environmental determinants of health as part of a prevention approach. Health Impact Assessment (HIA) has been recognised as a tool to support sustainable development, by ensuring short and long-term health impacts of policies, plans and projects are taken into account. PHW has long advocated for HIA as a tool to support achievement of Health in All Policies (HiAP). Since the introduction of the Act, a HIA Support Unit at PHW has been supporting and developing the role of wellbeing impact assessments in demonstrating that the policies, plans and projects of public bodies take the wellbeing goals into consideration.

### Sustainable food procurement

The Act provides an opportunity to transform the way money is spent by public bodies in Wales to deliver wellbeing outcomes. On a small scale, the University of Wales Trinity Saint David (where Dr Jane Davidson is Pro Vice Chancellor Emeritus) is conducting work with the local public service board to improve the procurement of local food from the region. This work will focus on improving supply chains and sustainability of local food production, and also look at the potential health benefits for pupils, students and staff that consume the food procured.<sup>14</sup>

## Recognised strengths and ongoing challenges



While implementation is still in its early phases, the Act is recognised as a pioneering global example for translating the United Nation’s Sustainable Development Goals into holistic national action.<sup>15</sup> One major strength of the Act is that its use of legislation, as opposed to policy, is enduring beyond regular political cycles. Law is a powerful tool for government to shape long-term policy and influence change in society.<sup>16</sup> This doesn’t prevent future governments of Wales interpreting the Act through their own agendas, but does require them to continue incorporating the needs of future generations in their decision-making.

In 2020, the Commissioner issued her first report on progress as required by the Act.<sup>17</sup> The 800 page report highlights examples of a growing movement for change, including changes in transport planning in the capital, reforms in aged care, declaration of a climate emergency and reforms to education to give more focus to environmental wellbeing.

Despite widespread recognition that the Act is a significant achievement, there are concerns about its implementation. The Commissioner has highlighted that the Welsh Government has not provided sufficient resources in terms of infrastructure, funding and leadership to help people shift from old to new ways of thinking.<sup>17</sup> Additionally, the Budget documents have not explicitly referred to the Act and show no evidence that it has been used to inform decisions.<sup>18</sup>

A further concern is that the Act lacks sufficient accountability mechanisms. The duties on public bodies in the Act are not legally binding. Although bodies ‘must’ carry out sustainable development, they are only required to *take account* of the five ways of working, which falls short of a mandatory requirement to *implement* them. Public bodies are only required to take ‘all reasonable steps’ to achieve wellbeing objectives, and assessment of reasonableness depends on the Auditor General, Ministers and the Commissioner.<sup>19</sup> Additionally, the Act’s success depends largely on political will and the Commissioner’s willingness to exercise the full extent of her powers. Howes has been a strong voice in championing the Act and calling out issues that need addressing. However, she has no enforcement powers and can only ensure compliance through non-binding recommendations, although to date they have usually been observed.<sup>19</sup> Additionally, the Act does not prescribe any sanctions or explicit public or private rights for action for citizens to enforce the Act. For these reasons, the Act may not be as effective in practice as intended.

## B. New Zealand's Wellbeing Budget

### Lessons from development of the Budget

#### Building momentum to redefine government spending

The Wellbeing Budget has been championed as an innovative policy approach by New Zealand's current government. In practice, it reflects building momentum in New Zealand over the last decade for an alternative approach to measuring quality of life. During his tenure as Minister of Finance from 2008 to 2016 and Prime Minister from 2016 to 2017, Sir Bill English advocated that government policies and expenditure were a form of investment in the people of New Zealand.<sup>21</sup> Since 2011, Treasury has employed a Living Standards Framework (Figure 1) which is intended as a tool to integrate sustainable development at the centre of policy, expenditure and long-term asset management.

In 2012, New Zealand also introduced welfare reforms that included a social investment approach. This involves evaluating long-term return from investment in social services and using that information to prioritise future spending.<sup>22</sup> Social spending is framed as having both health and fiscal benefits, as it reduces spending on treatment in the future, making it palatable to a range of political ideologies.

Figure 1: Treasury New Zealand's Living Standards Framework



Source: New Zealand Treasury 2019, 'Our living standards framework', <https://treasury.govt.nz/information-and-services/nz-economy/higher-living-standards/our-living-standards-framework>

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### Acceleration with a new government in 2017

Development of the practicalities of the wellbeing approach were slow until the change of government in 2017 provided new impetus for action.<sup>23</sup> In 2018, Statistics New Zealand produced indicators for measuring wellbeing, supported by 6 months of public consultation, workshops and peer reviews. One of their outreach campaigns included the question, 'What matters to you and your whanau, here and now, and in the future?'.<sup>24</sup> These indicators were a response to recommendations by various international bodies, such as the European Commission's 'GDP and Beyond' Group; the EU Sponsorship Group on Measuring Progress, Well-being and Sustainable Development; and the Organisation for Economic Cooperation and Development (OECD) forum 'Measuring and Fostering the Progress of Societies'.<sup>23</sup>

In 2019, Prime Minister Jacinda Ardern proposed a Wellbeing Budget at the World Economic Forum.<sup>25</sup> The Budget was framed as an effective way to drive long-term policy impacts on people's lives beyond short-term political cycles. Finance Minister, Grant Robertson, introduced the Budget later in 2019, adding that many New Zealanders were not benefiting from a growing economy in their daily lives. The Budget implemented the Indicators of Statistics New Zealand as well as the Treasury's Living Standards Framework. Arguably it is an extension of this previous work rather than a radically new project of the current government.<sup>22</sup>

### Mixed reception

The Budget has not been without critics. The Leader of the Opposition, Simon Bridges, called the Budget 'overhyped' and a 'disappointment' that would fail everyday New Zealanders, and was an inappropriate approach considering the economy was expected to continue to decline.<sup>26</sup> Leader of the ACT New Zealand Party, David Seymour, concurred that it failed to provide fiscal policies for stronger economic growth.<sup>27</sup> Outside economic arguments, critics such as Ricardo March from the Auckland Action Against Poverty and left-wing blogger Martyn Bradbury criticised it for lacking any new initiatives for addressing poverty and inequality, both of which are on the rise in New Zealand.<sup>28</sup>

**“We need to address the societal wellbeing of our nation, not just the economic wellbeing... Our people are telling us that politics are not delivering and meeting their expectations. This is not woolly, it's critical. And it's not ideological; it's not something just progressive governments do. It's about finally saying, 'this is how we match expectations' and try and build trust back into our institutions again.”**

Jacinda Ardern, Prime Minister of New Zealand, World Economic Forum, January 2019<sup>20</sup>

## Implementation of the Budget

The first Wellbeing Budget in 2019 recognised that while New Zealand currently has overall high levels of wellbeing in terms of health, education and material living standards, significant challenges remain that need to be addressed to ensure sustained economic growth is shared by all. These challenges include poor mental health, children in poverty, high greenhouse gas emissions, ethnic health disparities and threats to waterways and biodiversity.<sup>29</sup> Based on evidence from Statistics New Zealand and the OECD, the Budget identified priority areas for allocating funding. Each bid for funding by Ministers required a wellbeing analysis based on the Living Standards Framework to highlight how it would address one or more of these priorities.<sup>29</sup>

In Budget 2020, New Zealand continued this wellbeing approach, selecting priorities using a collaborative and evidence-based approach. Evidence from Treasury’s Living Standards Framework was combined with advice from sector experts and the Government’s Chief Science Advisors to identify areas where the greatest opportunities existing to make a difference to New Zealanders’ wellbeing (see Table 3).<sup>30</sup>

**Table 3: Wellbeing Budget 5 priority areas 2020**

<b>Just Transition</b>	<ul style="list-style-type: none"> <li>Supporting New Zealanders in the transition to a climate-resilient, sustainable and low-emissions economy.</li> </ul>
<b>Future of Work</b>	<ul style="list-style-type: none"> <li>Enabling all New Zealanders to benefit from new technologies and lift productivity through innovation.</li> </ul>
<b>Child Wellbeing</b>	<ul style="list-style-type: none"> <li>Reducing child poverty and improving child wellbeing.</li> </ul>
<b>Māori and Pacific</b>	<ul style="list-style-type: none"> <li>Lifting Māori and Pacific incomes, skills and opportunities.</li> </ul>
<b>Physical and Mental Wellbeing</b>	<ul style="list-style-type: none"> <li>Supporting improved health outcomes for all New Zealanders.</li> </ul>

The Budget also seeks to move beyond traditional government methods in 3 key ways:

1. breaks down government silos and encourages programs that bring agencies and departments together
2. focuses on outcomes for the needs of present generations at the same time as long-term impacts for future generations
3. tracks progress with a broadened definition of success, incorporating not just the health of finances, but also the health of natural resources, people and communities.<sup>29</sup>

### Embedding wellbeing as an enduring aspect of New Zealand’s Budget

In June 2020, the New Zealand Government introduced new legislation that requires all future governments to report annually on wellbeing objectives in the Budget, and requires Treasury to report periodically on the state of wellbeing.<sup>31</sup> Each government will have the freedom and flexibility to describe their own wellbeing objectives, but must state the objectives explicitly and use them to guide financial decisions. This embeds the pursuit of wellbeing as an enduring aspect of New Zealand’s Budget, and recognises that achieving genuine changes and measuring progress requires legislative amendments to the public finance system.<sup>32</sup>

Another piece of legislation that followed the Wellbeing Budget was the *Local Government (Community Well-being) Amendment Act 2019*, which defines the purpose of local governments as ‘to promote the social, economic, environmental, and cultural wellbeing of communities’.<sup>33</sup> This reintroduces the purpose that existed in the 2002 version of the *Local Government Act*, which the previous New Zealand Government changed in 2012. Elected local members now have a broader mandate to determine whether activities in their communities fit with this purpose.<sup>34</sup> In this way, New Zealand councils have similar duties to promote wellbeing as public authorities under the Welsh Act.

The New Zealand example demonstrates that incorporating a wellbeing focus in fiscal policy can lead to further legislative changes, reinforcing a wellbeing agenda within government and expanding duties to other levels of government. While less holistic than the Welsh approach, it provides some evidence that incremental reforms are possible to mainstream wellbeing into government processes over time.

## Evaluation of the Budget

The Budget's wellbeing approach is both transparent and accountable, for example its 6 priorities for 2019 were backed by major funding commitments (NZ\$26 billion for the next 4 years). Unlike other countries that only report wellbeing indicators for statistical purposes, New Zealand has made explicit commitments to measure the success of their Budget and allocate funds according to those wellbeing indicators.<sup>35</sup>

While there is now a legislative guarantee that future Budgets will take a wellbeing approach, there is no statutory requirement for Ministers to regularly report to Parliament on the state of wellbeing to inform policy, nor does the Budget target holistic public sector cultural reform as has been done in Wales.<sup>35</sup> This makes it less likely that wellbeing will remain on the political agenda in the periods between Budget publications, or that Parliament will continue to pass pro-wellbeing legislation.

### Ongoing challenges in implementation

New Zealand Treasury has acknowledged that the Living Standards Framework Dashboard – the measurement tool to inform Treasury's advice to Ministers on priorities for improving wellbeing – is in pilot form and will be reviewed in 2021. Acknowledged gaps include: the role of family wellbeing, including quality relationships and promoting breastfeeding; the role of natural and cultural capital, including the atmosphere and high seas; the role of Indigenous worldviews, including Indigenous self-determination and connection to culture, environment and kinship; and the role of market enterprise, including creating value from natural and human capital.<sup>36</sup>

There is some debate about whether the funding allocations in the Budget will raise living standards and wellbeing in practice, with suggestions that further cross-sectoral coordination is required.<sup>37,38</sup> Other commentators have characterised the Budget as a 'meaningful shift, but more in intention than sufficient funding'<sup>39</sup>, noting it only signals a broad direction of investment and a history of underspending in comparison to Budget announcements in New Zealand, which could undermine the effectiveness of a wellbeing approach through fiscal policy.<sup>39</sup>

A further critique is that the local government legislation fails to address how national and local approaches work together. Local government leaders have argued that in order for wellbeing to be experienced in practice, national priorities must consider the uneven distribution of wellbeing among different communities.<sup>40</sup> While local governments are intended to play a key role as coordinators of the public service response to local wellbeing needs, their integration into the national Wellbeing Budget needs to be further defined.<sup>40</sup>

## 2. Current social and political discussion of wellbeing in Australia

We examined publicly available media content and political discussion to ascertain the current interest of Australian politicians, community organisations and the public in integrating wellbeing into government.

While there has been explicit reference to the New Zealand Budget in both parliamentary and social debates, there has been little discussion of the Welsh Act to date. This may be unsurprising considering New Zealand's greater geographical and social proximity to Australia.

We also identified some existing policies that integrate wellbeing frameworks in Australia. While a positive step, these are much narrower in scope than the approach implemented in New Zealand and Wales.

### Existing political discussion of wellbeing reforms in Australia

The possibility of Australia following New Zealand's Wellbeing Budget model has been mentioned in Parliament on several occasions. In July 2019, Greens Senator Mehreen Faruqi suggested a Wellbeing Budget to support climate action and enable future generations to live a meaningful life.<sup>41</sup> Shadow Treasurer Dr Jim Chalmers also proposed a Wellbeing Budget in a speech to the Australia Institute in 2020, in which he argued that the impacts of the 2019–2020 bushfire season had demonstrated the shortcomings of the GDP measure, and that there was an opportunity in its wake to redefine what success means to Australians.<sup>42</sup> Dr Chalmers later proposed a Wellbeing Budget in parliamentary discussion, which was met with derision from the Coalition.

### Existing support in the community sector

In the community sector, the Victorian Council of Social Service (VCOSS) and the Community Council for Australia (CCA) both support a Wellbeing Budget. VCOSS called for a shift to a wellbeing economy in their 2020 Victorian Budget Submission, arguing that Victoria was well placed to lead the conversation on this approach in Australia.<sup>43</sup> Among the priorities VCOSS supports in any wellbeing agenda are tackling loneliness among at-risk Victorians, delivering quality homes for low-income people, and improving funding for the primary prevention of family violence.<sup>43</sup>

CCA has been advocating for some time that Australia needs to look beyond economic measures to indicators that reflect quality of life. Their Pre-Budget Submission and Commentary for the 2019–2020 period express that the current Australian approach fails to offer a compelling picture about the wellbeing of the nation and future generations, in contrast to the approach of New Zealand.<sup>21,44</sup>

## Existing examples of wellbeing approach in Australia

The Australian Treasury established a Wellbeing Framework under the Howard Government in 2004, until it was abolished by the Abbott Government in 2016. Based on the Australian Bureau of Statistics' 2001 *Measuring Wellbeing* report, the framework outlined that Treasury's mission was to 'improve the wellbeing of the Australian people by providing sound and timely advice to the Government, based on objective and thorough analysis of options'.<sup>45</sup> Treasury was to assess costs and benefits of all policies, but only as a descriptive tool to provide background for policy advice, not as an analytical framework. They had to consider factors of opportunity, consumption possibilities, distribution, risk and complexity.<sup>46</sup> The framework did not provide clear direction on incorporating wellbeing into policy and funding decisions. It appears to have been largely overlooked and was never discussed in political debates.

In 2008, Victoria introduced the *Public Health and Wellbeing Act* and in 2019 it introduced a new Public Health and Wellbeing Plan and new Public Health and Wellbeing Regulations.<sup>47,48</sup> Despite the use of 'Wellbeing' in its title, this legislation is similar to other state and territory public health acts in Australia. It relates to the Victorian Government's duty to protect and promote public health in areas including harmful odours and smoke, infectious disease control, cooling tower operations and immunisation. It prescribes powers to promote health awareness, conduct inquiries and conduct health impact assessments upon Ministerial requests. The Act requires a state Public Health and Wellbeing Plan and local council public health and wellbeing plans to be prepared every 4 years. *The Victorian Public Health and Wellbeing Plan 2019–2023* maintained a commitment to previous health priorities of reducing injury, preventing violence, decreasing the risk of drug-resistant infections in the community, increasing healthy eating and active living, reducing harmful alcohol use, drug use and tobacco related harm, improving mental wellbeing and improving sexual and reproductive health. It was also the first time the plan included a priority of tackling climate change and its impact on health. Local councils develop their 4-year health plans with specific priorities, based on evidence for their local populations. While attention to local government's role in promoting health shares similarities to the Welsh and New Zealand approaches, the Victorian Act is narrower. The Act currently does not incorporate sustainable development principles, does not define 'wellbeing', and does not mention future generations. Similar to the use of 'wellbeing' in earlier legislation in Wales, the term appears to primarily relate to personal wellbeing, whereas the definition in the final Welsh Act is more clearly a statement of societal wellbeing, linked to economic, social, cultural and environmental wellbeing.

In March 2020, the Australian Capital Territory (ACT) Chief Minister Andrew Barr introduced a Wellbeing Framework to guide government decision-making, including Budget framing, policy development and spending priorities.<sup>49</sup> It defines wellbeing as 'having the opportunity and ability to lead lives of personal and community value', noting wellbeing is not just about today, but about longer-term balances. It recognises that while the ACT has the lowest unemployment rates and highest average incomes in Australia, economic conditions do not solely determine quality of life and existing measures do not capture issues important to the community, particularly following the bushfires.

The Wellbeing Framework is modelled on New Zealand's approach. During development, ACT universities held wellbeing forums, which were followed by consultation with the community and input from advisory bodies. The framework includes 12 wellbeing domains that contribute most to the overall quality of life of ACT residents, and indicators of progress that will be reported on. The ACT Government proposes introducing wellbeing principles progressively in its 2020–2022 Budget papers and processes, and to 'further progress the extent to which wellbeing shapes both investment priorities and other decision-making processes' of government. This leadership by the ACT makes it a potential policy champion for broader legislative and policy implementation across Australia.

### 3. Legal opportunities and barriers

Based on results from the previous section, we applied lessons from the Act and the Budget to Australia's governmental structure and the division of lawmaking powers between state and federal governments to consider whether similar legislation could be developed in Australia.

While state-based entrepreneurship could be important in progressing a wellbeing policy agenda, a national approach to holistic wellbeing legislation appears legally feasible and could embed a coordinated approach throughout different levels of government to improve impact, support policy coherence and promote national equity.

#### Wellbeing at the national level

The Australian Constitution provides Parliament power to make law in specified areas that are not easily mapped to the breadth of potential matters covered by something like a Welsh Act equivalent. However, initial analysis suggests this appears unlikely to pose a barrier to federal wellbeing legislation.

The Commonwealth Government does not have an explicit power to make laws and spend money in relation to health or the environment, for example, but a variety of options exist that allow it to do so in practice. Over recent years, the Commonwealth's powers have been read in very broad terms, allowing the Commonwealth to make laws or funding allocations on many areas outside those explicitly granted to them in the Australian Constitution. A number of national environmental laws now exist that have been held up by the High Court of Australia as valid.<sup>50</sup> There is also increasing acceptance that the Commonwealth Government has control over the health and environment sectors, as they control the majority of revenue and have greater financial resources than state and territory governments.<sup>51</sup> Beyond the explicitly specified Constitutional powers, the Commonwealth can also make laws on matters referred to it by the parliaments of the states.

A national approach to wellbeing could create duties for all governments and public bodies in Australia. Consistency and harmonisation between states, territories and local governments would provide the best means for country wide improvement in wellbeing indicators.

There is some potential for the Commonwealth's limited lawmaking powers to expose any proposed legislation to challenge from states, industries or other organisations whose interests may be affected. For example, challenges to federal environmental legislation have been brought by the mining industry against the prohibition of exporting mineral sands from Fraser Island<sup>52</sup>, and by the agriculture industry against reductions in groundwater entitlements to environmentally sustainable levels.<sup>53</sup>

Challenges have also been brought by states arguing against the Commonwealth Government's authority to declare heritage areas and prohibit states from constructing dams in those areas.<sup>54</sup> In these challenges to date, the High Court upheld that the Commonwealth had authority to make such regulations for the environment. However, there is a possibility that the High Court could declare what would likely be a far more broad-reaching wellbeing of future generations approach invalid.

If Australia was to adopt an approach more similar to New Zealand's, the Commonwealth could make a policy decision to integrate wellbeing into its annual Budget. To make this more than a one-off political initiative, Australia would need to pursue fiscal legislation reform similar to New Zealand. Like New Zealand, Australia could also seek to implement other legislation in parallel to this 'top down' approach to better coordinate the roles of state, territory and local governments in implementing wellbeing priorities.

#### Wellbeing at the state level

State governments have traditionally been responsible for areas such as health, environment, infrastructure and transport, and have power to create laws and policy for these areas. However, the states' lack of revenue has taken power away from them in pursuing large-scale reforms, as demonstrated by the Commonwealth Government's partial funding of public hospitals and its responsibility for major areas of health policy.<sup>54</sup>

Another option is for a Commonwealth initiative to be enacted by all states. The Commonwealth Government can make agreements with states, committing them to all pass legislation in a uniform way. An example is the *Food Regulation Agreement*, which commits the state governments to enact the Food Standards Code, a Commonwealth legislative instrument, in their jurisdictions. This obligation to adopt the Code comes from the Agreement, not from the *Food Standards Australia New Zealand Act 1991* (Cth). States are individually responsible for enforcement, but the Agreement achieves consistency and harmonisation in an area where the Commonwealth traditionally has very little power.<sup>55</sup>

One potential advantage of pursuing a wellbeing agenda at a state level is that it may be more expedient, particularly in Victoria and the ACT, where at least some support for such policies already exists. If well-received, progress at a state level could have a domino effect to other jurisdictions.

## 4. Reimagining life and health after 2020 – opportunities to place wellbeing at the centre of future Australian law and policy

As Australia continues to face the challenges presented by 2020, there is opportunity for our governments and leaders to consider new ways of measuring, and promoting, quality of life.

The coronavirus pandemic has intensified pre-existing disadvantages and weaknesses in current health and economic systems, exposing traditional ways of working as no longer viable. The systemic flaws revealed include job insecurity, wage poverty, racial disparity, inequalities in home ownership and housing quality, and deep structural inequalities in economy. Australia's experience of heatwaves and bushfires have also reinforced that our environmental policies are lacking, and our response to climate change remains well behind other nations. While the effects of these joint crises have been felt immediately, they will also have long-term consequences.

This context provides opportunity to reset and re-evaluate what aspects of life matter the most to the population, and how we can best meet the needs of our future generations. To do this, governments need a framework within which to operate, one that allows us to escape old ways of working or 'business as usual'.

Wales and New Zealand are now part of an increasing network of countries and institutions exploring innovative institutional protections for future generations and their environment.

Undeniably, building back better will be a major challenge of the next decade. The dual urgency of tackling the coronavirus pandemic and climate change, both nationally and internationally, brings competing priorities and complexities to policy-making. Both the Act and the Budget offer progressive inspiration for how Australia could incorporate wellbeing into the business of government, at either a state or national level. They offer promise for how a post coronavirus recovery could incorporate concepts of wellbeing and sustainable development to rebuild while safeguarding future generations of Australians from the impacts of recent events. They also provide an avenue through which Australia could become a world leader in moving towards a healthier, greener future. The time is now for an ambitious policy agenda, and it has never been more crucial for the safety and prosperity of the Australian people.

### **Next steps to further explore what an Australian wellbeing approach could look like may include:**

- identification and outreach to potential political, civil society, academic, community and private sector champions for a wellbeing approach
- convening policy leaders from Wales and New Zealand with potential Australian policy champions to inspire action
- developing an advocacy roadmap to build public and political awareness of the potential benefits of these measures in Australia, including processes for community consultation tailored to the unique context and opportunity created by the coronavirus pandemic
- engagement with existing global platforms and collaborations, including the Network of Institutions for Future Generations and the Wellbeing Economy Alliance.

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