



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Amgylchedd a Chynaliadwyedd **The Environment and Sustainability Committee**

Dydd Mercher, 5 Mehefin 2013
Wednesday, 5 June 2013

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Cynnig o dan Reol Sefydlog Rhif 17.42(vi) i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod
Motion under Standing Order No. 17.42(vi) to Exclude the Public from the Meeting

Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynddi. Yn y golofn
dde, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

In the left-hand column, the proceedings are recorded in the language in which they were
spoken. The right-hand column contains a transcription of the simultaneous interpretation.

Aelodau'r pwyllgor yn bresennol **Committee members in attendance**

Mick Antoniw

Llafur
Labour

Yr Arglwydd/Lord Elis-Thomas	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Vaughan Gething	Llafur Labour
Llyr Huws Gruffydd	Plaid Cymru The Party of Wales
Julie James	Llafur Labour
Julie Morgan	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour

**Eraill yn bresennol
Others in attendance**

Peter Davies	Comisiynydd Dyfodol Cynaliadwy Commissioner for Sustainable Futures
Yr Athro/Professor Gareth Wyn Jones	Bangor University Prifysgol Bangor
Anne Meikle	Pennaeth WWF Cymru Head of WWF Cymru
Julian Rosser	Pennaeth Oxfam Cymru Head of Oxfam Cymru

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance**

Alun Davidson	Clerc Clerk
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Nia Seaton	Y Gwasanaeth Ymchwil Research Service

*Dechreuodd y cyfarfod am 9.33 a.m.
The meeting began at 9.33 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions**

[1] **Yr Arglwydd Elis-Thomas:** Croeso i'r seminar hon ar ddatblygiad cynaliadwy. Nid oes gennyf unrhyw ymddiheuriadau. **Lord Elis-Thomas:** Welcome to this seminar on sustainable development. I do not have any apologies.

Cynnydd tuag at y Bil Datblygu Cynaliadwy—Trafodaeth Ford Gron
Progress towards the Sustainable Development Bill—Round Table Discussion

[2] **Yr Arglwydd Elis-Thomas:** Mae gennym banel o dystion disglair ger ein bron. Rydym wedi cwrdd â rhai ohonoch o'r blaen wrth drafod y pwnc hwn yn gyhoeddus ac mewn llefydd eraill. Felly, rydym yn edrych ymlaen at y drafodaeth yr ydym am ei chael y bore yma. Nid oes gwirionedd yn y ffaith y byddwn yn cyhoeddi unrhyw sgôr rygbi a ddaw o gyfeiriad Awstralia yn ystod sesiwn y pwyllgor, os na fydd hi'n mynd yn ddiddorol iawn, er gwaetha'r ffaith fy mod yn gwisgo'r lliwiau y bore yma. Rhag ofn bod rhai ohonoch yn meddwl fy mod yn mynd i gefnogi brenhiniaeth y Deyrnas Unedig, nid dyna beth yw'r tei hwn, ond tei swyddogol Llewod Cymru a rhai gwledydd eraill. *[Chwerthin.]*

[3] Rwyf yn croesawu'n arbennig yr Athro Gareth Wyn Jones, sydd, wrth gwrs, yn athro emeritws o brifysgol enwog y gogledd. Gofynnaf i Gareth gychwyn y drafodaeth ac yna, os caf, af rownd y bwrdd at Peter, Anne a Julian yn ogystal am sylwadau agoriadol. Yna, rwyf yn awyddus i dynnu aelodau'r pwyllgor i mewn fel ei bod yn dod yn seminar fyw a fydd yn help i'r Llywodraeth wrth iddi fynd yn ei blaen â'r gwaith o ddeddfu ar y mater hwn. Croeso, Gareth.

[4] **Yr Athro Jones:** Diolch yn fawr, syr, a diolch yn fawr am y gwahoddiad. Byddaf yn siarad yn Gymraeg yn y cyflwyniad. Pan fydd pobl yn gofyn cwestiynau, os byddant yn gofyn yn Saesneg byddaf yn eu hateb yn Saesneg. Dyna fydd y drefn i mi. Nid wyf am roi darlith i chi, syr, na'r annwyl bwylgor. Byddai hynny yn ddamniol, rwy'n sicr.

[5] O'm profiad i, mae pawb yn siarad am gynaliadwyedd ac mae hynny, yn rhesymegol, yn awgrymu bod pethau anghynaliadwy yn y byd rydym yn byw ynddo rŵan. Byddai rhai yn anghytuno efo hynny a dweud nad oes llawer o'i le efo'r drefn a bod modd i ni oresgyn problemau drwy ddefnyddio'r ffyrdd presennol. Ond, mae llawer un yn anghytuno.

[6] Os ydych yn gofyn i bobl beth sydd

Lord Elis-Thomas: We have a panel of very bright witnesses in front of us. We have met some of you before during discussions on this subject in public and in other places. Therefore, we look forward to the discussion that we are going to have this morning. There is no truth in the fact that we will be announcing any rugby score that will come from Australia during the committee session, unless it gets very interesting, even though I am wearing the colours this morning. In case some of you thought that I was going to be supporting the British monarchy, that is not what this tie is, but the official tie of the Welsh Lions and players from some other countries. *[Laughter.]*

I especially welcome Professor Gareth Wyn Jones, who, of course, is an emeritus professor from the famous university in north Wales. I will ask Gareth to open the discussion and then, if I may, I will go round the table for opening comments from Peter, Anne and Julian. Then, I am keen to bring in members of the committee so that it will be a live seminar that will help the Government as it progresses with the work of legislating on this matter. Welcome, Gareth.

Professor Jones: Thank you, sir, and thank you very much for the invitation. I will make my presentation in Welsh. When questions are asked, if they are asked in English, I will answer them in English. That is how I will conduct proceedings today. I am not going to lecture you, sir, or the committee. That would certainly not be beneficial, I am sure.

From my experience, everyone is talking about sustainability and that, rationally, suggests that there are certain things that are unsustainable in the world today. Some would disagree with that and say that there is little wrong with the system as it is and that we can overcome problems using current methods. However, many would disagree with that.

If you ask people what is unsustainable in the

yn anghynaliadwy yn y byd, cewch atebion gwahanol iawn i'w gilydd: dim digon o waith, gormod o ddyled a bod y gwasanaeth iechyd yn datgymalu o'n blaenau. Byddai rhai yn dweud newid hinsawdd a byddai rhai yn dweud colli'r iaith neu golli bioamrywiaeth. Byddai lot o atebion gwahanol. Yr hyn sydd wedi bod yn fy nghorddi yw a oes cysylltiad rhyngddynt. Rwy'n teimlo bod cysylltiad potensial rhyngddynt yn codi o waith John Kenneth Galbraith, a oedd yn economegydd o'r Unol Daleithiau, a'i lyfr enwog o'r 1950au, *The Affluent Society*.

[7] Yr unig beth rwyf am ei ddweud ar y dechrau yw mymryn bach am ddamcaniaeth John Kenneth Galbraith a'i oblygiadau. Roedd John Kenneth Galbraith yn dweud bod y gyfundrefn rydym yn byw ynnddi rŵan yn fargen rhwng tair prif elfen: ni, y cyhoedd; chi, y gwleidyddion a'r bobl efo grym, neu rywfaent o rym; a diwydiant a masnach. Rydym ni, fel y cyhoedd, eisiau elfen o olud, gwaith a statws yn ein bywydau. Rydych chi, fel gwleidyddion, eisiau rhoi hynny i ni er mwyn cael eich ailethol ac er mwyn llwyddiant. Er mwyn sicrhau hynny, mae'n rhaid creu twf economaidd cyson ac mae'r cylch hwn yn gorfod troi. Y ffordd rydym yn mesur y troad hwnnw yw GDP—*gross domestic product*—ac os yw'n troi'n gyson, mae'n gymharol *stable* ac yn weithredol. Os yw'n stopio, fel y gwnaeth yng ngwlad Groeg yn ddiweddar, mae pob math o drafferthion yn codi.

[8] Fodd bynnag, fel y gwnaeth Galbraith ragweld, yn y gyfundrefn honno y tuedd yw i chi Gronni dyled. Mae gan bawb yn y gyfundrefn ddiddordeb mewn anghofio dyled. Mae busnes yn ein hannog i fynd i ddyled er mwyn creu gwerthiant. Ar y llaw arall, mae busnes yn gorfod mynd i ddyled er mwyn buddsoddi, ac mae llywodraethau hefyd yn mynd i ddyled er mwyn cadw'r olwyn yn troi. Roedd ef wedi dweud bod y broses honno yn dueddol o ganoli grym yn y bancwyr a'r marchnadoedd arian a hefyd mewn rhai llefydd neilltuol. Y gair Lladin yw *centripetal*, sef eich bod yn tynnu grym i ychydig o ddwylo. Hyd y gwelaf i, mae damcaniaeth Galbraith wedi cael ei gwireddu. Roedd yn agos iawn i'w le.

world, you will receive very different answers: not enough work, too much debt and that the health service is unravelling before us. Some would refer to climate change and some would refer to losing the Welsh language or biodiversity. There would be many different answers to that question. What has been worrying me is whether these things are linked. I feel that there is a potential link, arising from the work of John Kenneth Galbraith, an economist from the United States, and his famous book of the 1950s, *The Affluent Society*.

The only thing that I would like to say at the outset is a little bit about the philosophy of John Kenneth Galbraith and its implications. John Kenneth Galbraith said that the system that we are currently living in is a bargain between three main elements: us, the public; you, the politicians and the people who hold power, or some power; and industry and commerce. We, the public, want a degree of prosperity, work and status in our lives. You, as politicians, want to provide that to us in order to be re-elected and in order to succeed. In order to secure that, one must create consistent economic growth and this circle must turn. The way that we measure that is through GDP—*gross domestic product*—and if this circle turns consistently, it is relatively stable and operational. If it stops, as it has done recently in Greece, all sorts of difficulties will emerge.

However, as Galbraith anticipated, under that system the tendency is for debt to accrue. Everyone in that system is almost encouraged to forget about debt. Business encourages us to go into debt in order to promote sales. On the other hand, business has to go into debt in order to invest, and governments also go into debt in order to keep that wheel turning. He said that that process tended to centralise power among bankers and financial markets and also in certain particular places. The Latin word is *centripetal*, where you draw power into the hands of the few. As far as I can see, Galbraith's vision has been realised. He was very close to the mark.

[9] Canlyniad damcaniaeth Galbraith, yn syml, yw eich bod yn gorfod cael twf a bod y twf hwnnw wedi ei gyplysu efo gormod o ddyled a mwy a mwy o alw ar yr amgylchedd. Y prif beth sydd wedi gyrru'r twf hwn dros y blynyddoedd yw'r ffaith bod gennym ynni rhad yn dod o hydrocarbonau. Mae'r rheini yn cael eu llosgi ac yn cynhyrchu carbon deuocsid yn yr awyr. Felly, mewn ffordd, rydym ar ryw felin draed. Rydym yn gorfod cario ymlaen efo hyn os ydym am lwyddo. Dyma'r hanfod sy'n tynnu'r holl elfennau hyn o anghynaliadwyedd at ei gilydd ac yn effeithio ar ein perthynas â'r trydydd byd—gyda bod Julian wrth fy ochr—a'n dylanwad arno.

The outcome of Galbraith's philosophy, simply, is that you must have growth and that growth is linked to too much debt and more and more demands being placed on the environment. The main thing that has driven this growth over the years is the fact that we have cheap energy coming from hydrocarbons. They are burnt and produce carbon dioxide that is emitted into the atmosphere. So, in a way, we are on some sort of treadmill. We have to continue with this if we are to succeed. This is the essence that draws all of these elements of unsustainability together and affects our relationship with the third world—as Julian is by my side—and our influence on it.

[10] Felly, yr unig beth rwyf eisiau ei ddweud rŵan yw fy mod yn credu bod y syniad hwn o dwf diderfyn bron yn sicr yn anghynaliadwy. Rydym yn gwneud gormod a gormod o ofyn. Rwyf newydd ddod nôl o Tsieina. Es i i gynhadledd yn Tsieina a gallwch weld beth sy'n mynd ymlaen yn y fan honno. Rydych yn gorfoleddu eu bod mor llwyddiannus a hefyd yn arswydo o weld y dylanwad mae hynny'n ei gael ar y byd, ar yr un pryd. Mae'n elfen o beth rwy'n ei alw'n 'fargen Galbraith'. Nid yw'n ymwneud â chyfalafiaeth ynddo'i hun, ond y ffordd mae'r byd yn cael ei redeg. Dyna'r pwynt roeddwn eisiau ei wneud.

So, the only thing that I would like to say now is that I believe that this concept of endless growth is almost certainly unsustainable. We are demanding too much. I have just returned from China. I went to a conference there and you can see what is happening there. You rejoice that they are so successful, but you are also horrified at the impact that it is having globally. Both those things happen simultaneously. That is what I call the 'Galbraithian bargain'. It is not simply about capitalism itself, but the way in which the world is governed. That is the point I wanted to make.

[11] Mae'n anodd iawn dod oddi ar y felin draed heb gwmpo. Y gamp i'r pwyllgor hwn yw ystyried sut i symud ymlaen o'r gyfundrefn hon i gyfundrefn fwy cynaliadwy heb greu llanast dychrynlyd yn y cyfamser. Mae hefyd yn deg dweud bod y felin draed—bargen Galbraith—yn achosi pris cymdeithasol trwm iawn. Mae pris i'w dalu. Mae cymunedau yn cael eu hesgeuluso a'u hanwybyddu pan fo canran fach o bobl yn eithriadol o gyfoethog.

It is exceptionally difficult to get off the treadmill without there being a decline. The task for this committee is to consider how to progress from this system to a more sustainable system without creating the most appalling problems in the meantime. It is also fair to say that the treadmill—the Galbraithian bargain—also has a very heavy social price. There is a heavy price to pay. Communities are neglected and ignored when a small percentage of people are exceptionally wealthy.

[12] Mae un ystadegyn o Brifysgol Manceinion—ni af ymlaen lawer hirach, Gadeirydd—bod £21 triliwn, sef £21 miliwn miliwn, mewn *tax havens* yn nwylo o gwmpas 70,000 o bobl. Mae hynny'n fwy na gwerth cyfnewidfa stoc Efrog Newydd. Mae wedi'i guddio oddi wrthym. Mae symiau o bres wedi cael eu cuddio. Mae'r broses o ganoli grym wedi digwydd ar raddfa gwbl

There is one statistic from the University of Manchester—I will not go on for too much longer, Chair—that £21 trillion, or £21 million million if you prefer, is held in tax havens in the hands of around 70,000 people. That is more than the value of the New York stock exchange. It is hidden away from us. Huge sums of money have been hidden. The process of centralising power has happened

anhygoel. Mae'n anodd gweld sut gallwch symud i system fwy cynaliadwy tra bo'r gyfundrefn honno'n bodoli.

on an incredible scale. It is difficult to see how you can enter a more sustainable system while that current regime is in force.

[13] Nid wyf am ddweud beth yw'r ffigurau—maen nhw yn y papur ac ar y tafluniau i chi sylweddoli effaith twf esbonyddol di-ben-draw. Byddai'r Llywodraeth ym Mhrydain ac yng Nghymru wrth eu boddau yn gweld twf o 3% y flwyddyn. Byddent wrth eu bodd. Byddai'n sortio allan ein problemau. Rŵan, rydym yn sôn am bwynt rhywbeth y cant y flwyddyn ac mae pobl yn gwaredu at sut rydym am redeg y byd ar gyfundrefn fel hon. Ond, byddai 3% yn dyblu'r galw am adnoddau bob 23 mlynedd. Ni all hynny fynd ymlaen.

I will not give you the figures—they are contained in the paper and on the slides so that you realise the impact of never-ending exponential growth. The Welsh and British Governments would be delighted to see a growth of 3% a year. They would be delighted. That would sort out our problems. At present, we are talking about point something per cent per annum and people are asking how we can govern the world on that system. However, 3% would double the demand for resources every 23 years. That cannot continue.

[14] Fe wnaif orffen drwy ddweud hyn: pan oeddwn lawr yma yn ddiweddar, bûm yn siarad â Carole-Anne Davies. Byddwch yn ei hadnabod, rwy'n siŵr, am mai hi sy'n gyfrifol am Gomisiwn Dylunio Cymru. Mae hi'n cynrychioli Cymru yn '*The Global Challenge: System Trends and Pressures*' gan PricewaterhouseCoopers—nid grŵp rydych yn ei ystyried i fod yn amgylcheddol ymwybodol. Mae gennyf eu hadroddiad nhw yma. Mae graff ynddo sy'n dangos twf y boblogaeth, ynni a phob peth yn mynd i fyny yn esbonyddol. Mae PricewaterhouseCoopers yn dweud na all hynny byth barhau. Maen nhw felly yn ystyried newidiadau. Fe wnaif stopio yn y fan honno, syr, diolch yn fawr i chi.

I will conclude by saying this: when I was down here recently, I spoke to Carole-Anne Davies. You will know her, I am sure, because she is responsible for the Design Commission for Wales. She represents Wales in '*The Global Challenge: System Trends and Pressures*' by PricewaterhouseCoopers—not a group that you consider to be environmentally aware necessarily. I have the report here. There is a graph contained herein that demonstrates that the growth in population, energy use and everything is increasing exponentially. PricewaterhouseCoopers says that it simply cannot continue. They, therefore, are considering changes. I will stop there, sir, thank you very much.

[15] **Yr Arglwydd Elis-Thomas:** Diolch yn fawr iawn am y cyd-destun ehangach.

Lord Elis-Thomas: Thank you for the wider context.

[16] Peter, would you like to take it up from there, and then I will ask Anne and then Julian?

[17] **Mr Davies:** Picking up on the themes that Gareth set out, we had a discussion this week with the council for economic renewal, which the First Minister chaired, where I presented a paper in a discussion item on what was positioned as being green growth and which was sponsored by the Minister for Economy, Science and Transport, Mrs Hart. There was a very positive discussion around the table between the Confederation of British Industry, the Federation of Small Businesses and all of the major business groups that are represented in that council. We were trying to tackle some of the issues highlighted by Gareth. We have also been working with PricewaterhouseCoopers. It is work that we have done under the auspices of the Climate Change Commission for Wales. Gareth highlighted the fact that we are not going to be able to deliver our climate change targets under the current systems and models—we need new measures and new processes in order to tackle that.

9.45 a.m.

[18] In respect of the term 'green growth', we have had a series of meetings with companies and we have taken evidence as a commission. We have been using the term 'green growth', although it could be challenged as an oxymoron in terms of whether you can have growth that is green. However, it is about trying to redefine the concept of growth. I view growth as a positive term, and I think that it is about redefining growth in the context of the issues of resources and the legacy that we are leaving for future generations. I just want to highlight that point in terms of the importance of the sustainable development Bill, which is, essentially, around how we are looking to improve our governance for future generations, because we are leaving a significant debt—a financial debt, but also an environmental and ecological debt—for future generations.

[19] So, the concept of how we work with the business community to develop new models of doing business—there is a lot of development in that area—and how we support our businesses in Wales through interventions through Business Wales and Government support to address these future issues is very much part of the practical support.

[20] I am delighted to be able to report back that the council was very supportive and was putting forward new thoughts and ideas in respect of how we take forward a development plan, or an action plan, around the green growth concept, and put that at the heart of economic renewal. As to whether we define green growth as socially just, inclusive growth for the long term, I have spent a lot of time in my role as Sustainable Development Commissioner initially, and now as Sustainable Futures Commissioner, on this issue. At the Sustainable Development Commission, we produced the report 'Prosperity without Growth?'. We had to put a question mark in the title of that report because the UK Government would not allow us to publish it without the question mark. However, it was setting out this question and this whole agenda of whether we can have prosperity without growth, which is the point that Gareth highlights.

[21] There are key issues around this. Part of it is about re-localisation of the economy, and part of it is about making sure that our local economies are much more resilient, which brings in energy, so re-localising energy and food supplies. So, part of it is about re-localising our economy, and part of it is certainly about tackling the key issue of energy. I was a guest of the German council for sustainable development a week ago. There, you realise the massive transition that is happening in Germany in terms of the move to renewable energy, the closure of nuclear and the abandonment of coal. So, that is the sort of movement that requires a joint effort.

[22] I will just end by coming back to the sustainable development Bill, which I think is trying to set in place a mechanism that improves our long-term governance, because the democratic process, of necessity, is quite often short term and driven by short-term events and issues. We have to take into account stronger, longer-term measures of progress, beyond GDP, and that is a key theme that we have to make sure is incorporated within the sustainable development Bill, as well as that we establish a new body in Wales. The German council for sustainable development is very interesting; it is about taking a long-term view of how we are doing against those measures of progress, whatever you want to call them—sustainable development indicators, Organisation for Economic Co-operation and Development measures of green growth, or whatever. PricewaterhouseCoopers have put forward measures of good growth, and there is a whole raft of different options and approaches to this, but that is what we need to think about: how we incorporate that into our thinking for the sustainable development goal and build in a process and procedure to ensure that incoming Governments and programmes of government make contributions to those long-term measures, because the things that we are talking about, such as tackling poverty and tackling climate change, are beyond single programmes of government and, indeed, beyond Government itself.

[23] Finally, I would just say that it needs to be set—Julian will highlight this, I am sure—in the global context. So, the position of Wales in respect of the United Nations and the development of the United Nations sustainable development goals from 2015 onwards is critical. Our contribution to that needs to be set within the sustainable development Bill, and it needs to be set within that global context. We can talk more about those issues.

[24] **Ms Meikle:** What both of these contributors have just demonstrated is the need for this Bill to actually drive change, and that it is not sufficient that we have small pieces of incremental growth. I would relate that to the fact that we have all been very proud to have a constitutional duty, which is actually quite a weak duty, around sustainable development for the last 15 years. I would struggle to find many measures of sustainability that have got that much better in the last 13 years, and that is not because I think successive Governments have not been committed to it; I think that they have done more than the duty itself requires. I just think that it does not enable the entire public sector, which is what the new Bill is looking at, to work collectively to a clear and common outcome that has a much longer-term focus.

[25] I was very interested to hear the First Minister speak at the Hay Festival a week and a bit ago, recommitting himself to how important the whole ‘One Wales: One Planet’ approach is for this Government, but also reiterating that the Government is not weakening its commitment to SD at all. I think it was very important that he talked about that, and he also talked very much along the lines that Peter referred to, about how important sustainable development is for the future of Wales, and that it is not a brake on economic development, but is essential for the future development of a green economy and a sustainable future for Wales. I was very heartened to hear that, and, given that we have a new Minister having another look at the Bill, and, hopefully, going to improve on what the White Paper had, I would just like to reiterate a little of what it actually needs to do to be a mechanism to drive real change. You have heard me say this before, I think, but, if you go back to the Wales Audit Office report in 2010, it basically said that, regardless of our duty, Government—it only looked at the Government—has not embedded sustainable development in its decision making, and we need to find a way to do that.

[26] Most of the White Paper was aimed at that part of it—governance, decision making and how you improve decision making and make it take sustainable development into account. We have always said, as WWF, but also as a member of the third sector alliance on sustainable development, that it needs to do more than that. It needs a substantive duty, and that means a stronger one than the one we already have, which is to promote SD through a scheme. It must become clear that it is the overarching objective of Government and the sector, not one of many. That was one of the criticisms that the Wales Audit office had, that it was not clear to people where SD fitted into all the other duties and requirements of Government and the public sector. We really need to have that made clear, and I was very pleased to hear the First Minister reiterate that. He said it was important that the Bill works on the ground, that it is clear what SD means, that the duties must mean something and must be clear and well-defined, and that it must be ensured that they cannot be avoided by the bodies to which they apply. That implies that we need to make this a pretty strong Bill, and I would argue that we have not yet seen a version that has a strong substantive duty. We have proposed as a third sector alliance a quite simple duty: that every public authority must exercise its functions in order to achieve sustainable development. It needs to have a very clear definition and it needs to have the principles of sustainable development laid out very clearly.

[27] That clarity also needs to extend to what the scrutiny process is, what the role of the body will be, how much it will help and who it will help, and to how the other bodies involved in scrutiny of public service—the other inspectorates, auditor general, et cetera—will be required to contribute to that process. So, I think that there are quite a lot of things that are not clear yet, and I will be happy to talk more about those.

[28] **Lord Elis-Thomas:** Thank you, Ann. Julian is next in this opening round.

[29] **Mr Rosser:** Thank you. Oxfam has been working around the world for 71 years. Our mission is to overcome poverty and suffering. We have been running anti-poverty programming work in Wales now for around 14 years. Our perspective on this Bill and on sustainable development is very much about overcoming poverty and the role of sustainable development policy in doing that. I think it is very clear from our response to the consultation, if you have been able to look at that, that we feel that the current economic model is failing us; it is failing to overcome poverty in Wales. It is definitely failing to overcome poverty on a global level. Around Wales we still see massive levels of poverty, and great levels of inequality. Just last week, we released some work showing that there are around 500,000 people across the UK who are resorting to food banks to feed themselves and their families. We reckon that around 50,000 people in Wales are resorting to what is, essentially, emergency food aid in 2013. On a global level, what we are seeing is that there are nearly 1 billion people who are hungry. That is why Oxfam has been a leading member of the IF campaign, which is supported by over 200 organisations, calling for an end to hunger globally.

[30] The question is how this links to sustainable development in Wales. We see very clear links between environmental injustice globally and the entrenchment of poverty around the world. The most glaring example of that on a global level is when you look at climate change, the ultimate environmental injustice. It is an outrage that it is poor people around the world, in the poorest countries, disproportionately women, who are being impacted by climate change currently and, as the situation goes on, that is likely to get worse. In terms of environmental injustice, what we are seeing is something that is fundamentally a problem that is being caused by rich white men disproportionately being suffered by non-white poor women, fundamentally in developing countries. So, what we are looking for in a sustainable development Bill and in policy in Wales is to cement environmental justice within the system and to show some leadership around the world. Wales has, of course, shown some leadership in sustainable development.

[31] Some of the obvious examples that we could look at would be around waste disposal, recycling and waste management, on which Wales has done a very good job in many ways. We have seen very clear, high targets for reduction of greenhouse gas emissions, and Wales could be said to be leading the world in setting the targets, if not actually achieving a great deal of action to meet those targets. Also, from a poverty point of view, Wales's role as a Fairtrade Nation is something that we can be very proud of.

[32] What we want to see now is for that to be stepped up, and for Wales to continue to lead the world in implementing sustainable development. I would very briefly echo the comments that Anne has made about what we would like to see in a sustainable development Bill in Wales. The first thing—and this has not been proposed in the White Paper, but it certainly has a lot of support from civil society organisations around Wales, including the bulk of the international development sector in Wales—is that there should be a duty placed on all Welsh public bodies, not to promote sustainable development, but to exercise all of their functions and powers in a way that aims to achieve sustainable development. That is something that we would like to see in the Bill and would like to see enacted in law.

[33] Secondly, we really need to see a strong definition of sustainable development within the legislation. I imagine that we will talk a little more about definitions as we go on, but we wish to see a very strong definition there and that has to consider, in our view, clarity that sustainable development is about overcoming poverty, and clarity that sustainable development within Wales puts Wales within a global context, and that it is not just for Wales to worry about the people of Wales.

[34] Finally, we would like to see an independent commissioner, accountable not to the Welsh Government but to the Assembly, able to stand up for people around Wales and around the world who are disenfranchised from the political system. So, we would like to see a strong, independent commissioner who can be a strong voice for people in poverty in Wales, for people in poverty around the world, and for future generations. That is what we would like to see in this Bill.

10.00 a.m.

[35] **Lord Elis-Thomas:** Thank you very much for setting so firmly for us a broad context, which this committee is very much engaged with. Before I call Antoinette Sandbach, I would just comment on the last point, in relation to governance. It has been one of my substantial failures in my role as an Assembly Member, first as Presiding Officer and now as Chair of this committee, to achieve what you have just described. It is my firm view that all officials serving the Welsh people in various capacities to do with justice and independent scrutiny should, in fact, be officials who are appointed or elected by the National Assembly, formally, rather than serving Government. I have not quite got there yet. Of course, we already have a model in the Auditor General for Wales and in other commissioners, but it is not consistent across Government, and I think that we have a case to make with our colleagues, particularly those in Government, on this issue. You, obviously, encourage us to do it. The international status of an independent commissioner, which we see in a number of countries now, is something that we could work towards.

[36] **Antoinette Sandbach:** I want to come back to the definitions thing that Julian raised. I know, Anne, that, at our last hearing in private session, there were concerns about the definitions of sustainability. One of the things that I want to know—because sustainability has been defined in economic, social and environmental terms—is how you would advise public bodies to deal with the conflicts that can sometimes arise. We have seen, for example, TAN 6, which was a very good planning tool to allow localism and local sustainable development—it is an excellent tool for local authorities—being used as a preventative tool, rather than as an enabling tool. I do not know whether that throws up too many issues, but something that has not been dealt with in anything that I have seen is how to reconcile the conflicts where you might get sustainable economic growth and environmental growth, but that might be at the cost of something else. It is a rare thing to have all three boxes ticked at the same time, and really, what I want to know as a policy maker is how we should balance those conflicts.

[37] **Lord Elis-Thomas:** Would you like to run in reverse order on this one?

[38] **Mr Rosser:** Okay. I think that you have a copy of Oxfam's response to the White Paper. If you would like to look at page 5, I could commend to you another way of looking at sustainable development, which is quite appealing in many ways, as it is in the form of a doughnut. This is a piece of work that has been proposed by Oxfam, looking to move beyond the three pillars of sustainable development. One of the problems that we have seen is that there are many perceived conflicts between the three pillars, and if you listen to political debate in Wales and around the world, it is very often expressed that there is conflict, or people are concerned that too much emphasis is given to the environment or too much is given to economy.

[39] In an attempt to bypass that and come up with a model that, strangely, is in some ways simpler, and in many ways more complex, than the three pillars, we are proposing the doughnut—I hope that Members have a copy in front of them, because it is a little bit complicated. At the inner circle of the doughnut is what we are calling the social foundation, and people need to be above that social foundation, in that they need to have access to food, health, energy, jobs, education and gender equality. These are the things that people need in

order to lead valuable lives. At the top of the doughnut is the environmental ceiling, and that is the concept of environmental limits. If we go above that environmental ceiling, then we are essentially undermining the environment on which everybody relies. So, for us, sustainable development is not about balancing the three legs of a stool; it is about finding a space, which we have called the safe and just space for humanity, and that is within the dough, I suppose, of the doughnut.

[40] This is not a magic bullet in terms of individual decision making on planning applications or economic development projects. The way of understanding it, possibly, on an all-Wales level is that there may be tactical disputes between different elements of sustainable development, in the same way that there may well be tactical disputes between different environmental goods. For example, if you put a windfarm somewhere, then you are encouraging renewable energy, but you could be damaging an important wildlife site. However, although there may be tactical problems, the idea is for Government policy as a whole to set a strategy by which everything is encompassed. That strategy is there to keep us within the doughnut, to ensure that people are meeting their basic needs, but also to ensure that, as a country, we are not exceeding the environmental ceiling, which would damage the environment on which we all rely.

[41] **Lord Elis-Thomas:** It is not a bagel; it is a doughnut.

[42] **Mr Rosser:** It is a doughnut, yes.

[43] **Lord Elis-Thomas:** I cannot find the jam, though. It is a very stimulating way of thinking. We do not do enough of this clear thinking in metaphor. Speaking as a humanities graduate and a former scholar of some kind, most human thinking is done in metaphor, not in scientific statements, which are apparently value neutral. So, this is a very good way of reorganising the stool—taking the bits away from the three-legged stool and putting them in another shape. It makes us think more clearly about the space.

[44] **Mick Antoniw:** Professor Jones, I was very interested in your outline. It is difficult to know where to start with the questions, because there is quite a lot of philosophy as well as economics within the statement that you made about what we should be aiming to achieve. It reminded me of many of the long debates that we used to have into the early hours of the morning when I was a student in the early 1970s about the concept of socialism in one country as opposed to how you implement social economic reform and so on. It is important, as we are talking about legislating. I wonder whether what you are saying is that, in the current system of financial and economic management, certainly individually, we are incapable of delivering some of what we really need to do in terms of sustainability. In which case, are we better off focusing on the macro-governmental areas—you mentioned the UN and possibly the European Union—rather than attempting to legislate in areas in which we can only have minimal and insubstantial impact?

[45] **Professor Jones:** No, I do not think that I am saying that. I am saying two things, which I do not think are in conflict. There are certain issues. If you take taxation, there is no way that Wales has any influence on it; in fact, the UK probably has very little influence on it. So, it has to be achieved at a European level, and hopefully at a UN level as well, but let us start within Europe. Europe is a big enough entity that it can stand up, to a limited extent, to the very big companies. That is why the argument that is going on at the moment about the Tobin tax and things are so important. So, there are certain things that have to be done internationally, but there are a lot of other things that are to do with the people. I have read the excellent book to which Peter referred, about moving to a new system, but the difficulty with that book is that it starts off with a model not unlike the Galbraithian model and then it jumps to another ecological growth model without showing us how to get from one to the other. This is a major difficulty. I talk to friends who are economists and ask them how we can move out

of this model, and they all raise their hands and say ‘Oh’. They do not know how to do it. I am not an economist; I was a biochemist, when I knew something, but we must start with the grass roots.

[46] Peter has said that energy is critical. Despite what Julian said, there are conflicts that are inescapable. I am sorry; I would love to avoid it, but I do not think that you can. To me, the biggest threat is climate change. I am obsessed by it, I am sorry to say, partly because I have worked in the middle east so much and have seen what is going on there. I do not want to see Porthdinllaen, which is one of my favourite places, washed away. Each of you will have your favourite places. So, Wales faces a very important issue about energy. Philosophically—I am going to make it black and white, although I know that it is not black and white—you can go for the big, centralised schemes, such as Wylfa B or the Severn barrage, where you direct energy from a point source out to the people, and people think that they have a right to it. The alternative is to localise it, and to ask the people of Llŷn or Ysbyty Ifan—wherever it might be—how much of their energy they can produce themselves and to what extent they can take hold of that responsibility themselves. I would be absolutely delighted if the National Assembly and its Government were to take that approach to energy. We will still need the grid and we will still need the backups, but much more localised energy would change the relationship between people and their environments. I have done it in a small way at home—I have put my photovoltaics in, I have put the insulation in, I have cut my energy bills, I am electricity positive in the house and I switch all the bloody switches off. I am obsessed by it now. I am lucky. I was pushed out by Redwood. I had a lot of money from Mr Redwood; thank you. So, I was fortunate. We can broaden that principle to others. I would say that energy is the core. When I discussed this model with Gerry Holtham, who is a proper economist, he said, ‘You’re right, Gareth; your diagnosis is correct, but we cannot do everything at once, so start with energy’. I think that he is right.

[47] So, I would commend that approach through this committee, working with the economics committee, as a way of changing. Peter was talking about Germany; it seems to me that Denmark is even more relevant to Wales. Denmark is a much smaller state, much more like us in many ways. I have, on this little memory stick, which I can leave with your staff to give to you, the latest Danish reports on renewable energy and on going for energy neutrality by 2030.

[48] **Ms Meikle:** I would like to come back with a little more, because it is quite interesting. In terms of trying to get the international change, those processes are there. How well driven they are, I do not know. I was quite heartened this week, when the UN high-level panel on the post-2015 sustainable development goals reported. It is chaired by David Cameron, so it can hardly be said to be flaky, off to one side or on another planet. It has called for the setting of a new direction for sustainable development, in a way that will favour sustainable consumption and production patterns. It was talking about using all the macro-economic tools, fiscal incentives et cetera and moving what they were aimed at—for example, away from subsidising fossil fuels and towards subsidising, if you are going to subsidise anything, the kind of energy that will give us a more sustainable future. I think that that will come up with some more of the macro-economic game plan. However, at the same time, the whole process relies on the individual components underneath that taking action that is consistent with that. So, I am with Gareth; it is not an either/or to me. I do not think that we can wait for that process to finish before we take forward our own legislation and action.

10.15 a.m.

[49] **Mick Antoniw:** I understand what you are saying, and what you have both said in respect of environmental sustainability and the challenges of that. However, there is also the big issue of economic sustainability. These things are all connected; one interacts dialectically with the other and so on. In terms of the economic side—I appreciate that you said that you

are not an economist; perhaps some of the others could assist with this—do we need to legislate? Additionally, what should be the key objectives of legislation? What should we be practically targeting? The difficulty that I have had in terms of the White Papers and the debates is that it is a bit like, ‘Let’s legislate to be nice to neighbours’—it is that type of scenario. We need to show that there is a purpose to legislation and that there are practical benefits from it. It seems to me that that is really where we have to start. I know that it starts from the definition being a part of it, and trying to have a practical definition is an ongoing problem. However, outside of the environmental side of things, what might be the practical areas on which you would want to legislate?

[50] **Professor Jones:** May I respond to that? The first thing that I would do is recognise the limitations gross domestic product. Government policy is governed by GDP to a great extent, and depending on whether you are right or left wing, you would make different criticisms of it. If you are right wing, the criticism of GDP is that it ignores the source of the capital, and therefore ignores debts and allows you to build up debts. If you look at American websites, you will see this criticism made of GDP. If you go to the green or the left wing, the criticism of GDP is that it ignores externalities: social impacts, social disintegration and the environmental costs of growth.

[51] There has been good work done in Wales on one of the alternatives—the index of sustainable economic welfare, which was done between the universities of Cardiff and Aberystwyth. I would like that to be revived and if you are very brave—in *Yes Minister* terms—then you would consider recognising in the foreword to the Bill that GDP is an inadequate measure of long-term growth and that you would take on board one of these other measures. I am not sufficiently expert to tell you which is the most appropriate, but you have, within the universities here, Professor Peter Midmore, Professor Munday and Professor Calvin Jones—some really good people whom you could get in to look at a better measure. The Government could move towards adopting that as a measure of green growth in Wales. This would give us some measurable criteria for progress.

[52] **Lord Elis-Thomas:** Julian and Peter are next, in whatever order you prefer, then I will call Llyr, Julie Morgan, Joyce and Julie James.

[53] **Mr Rosser:** I would like to say a few things about why I think that there is a need to legislate, and why I can understand that, looking at the White Paper, you do not quite see why there is a need to legislate. We think that the White Paper proposals are far too weak. We feel that there is a need to legislate because decisions being taken by public bodies in Wales are unsustainable at the moment. That is not just environmentally unsustainable, but they are not doing what they should be doing to bring people out of poverty and to tackle inequality. There are lots of other bits of legislation and other bits of Government policy that have regard to equality and the environment and we think that there is a need to bring those together and to put a strong duty on the public sector—not just the Welsh Government, but local authorities and the whole of the devolved public sector in Wales.

[54] Coming back to your question about whether that is the right level at which to be taking action, I think that it is the right level for you, as Assembly Members, to be taking action at, because you are Assembly Members. Do I think that all of the problems in Wales are caused by the Welsh Government and the Welsh public sector? Of course not. There are lots of levers at lots of levels that have an impact on Wales and its footprint around the world, but in terms of whether there is any point in legislating, I would say that, yes, there is a point and we can make a difference to the way that the Welsh public sector operates and performs by putting strong duties upon it. There is also a good need to legislate for that independent commissioner to be a strong voice for people who are in poverty, people who are disenfranchised and people who at the moment do not have access to environmental justice, given that accessing the courts and the legal system is very expensive. So, we would like to

see somebody standing up for them.

[55] **Mr Davies:** We need to be clear, when we talk about legislation and about this Bill, if we are talking about the sustainable development Bill, because there is a lot of legislation coming through from the Welsh Government now. I am very clear that this Bill is about improving our governance for the long term and about setting very clear outcomes in terms of what long-term goals we want for the nation, and creating a mechanism by which we can ensure that that happens. So, that includes mechanisms like an independent new body and a future generations report. I recommend that the committee looks at the national sustainability committee in Australia, which has recently produced its report on a sustainable future for Australia. That is creating a national conversation about what sort of Australia they want and what Government policy is contributing towards those long-term measures. So, while we need a definition, but I am clear that we need a process that sets the outcomes and the measures of progress beyond GDP, and it needs to be accessible and understandable to the nation.

[56] I know that the new Minister is very clear that he wants this Bill to be understandable—as he said to me the other day—to Mrs Jones in Treorchy, and that it is about her grandchildren and great-grandchildren. So, it is about putting in a process to make sure that our public policy is fit for purpose for the future, for future generations. That is the purpose of this particular piece of legislation. We are putting in it processes and procedures that help the democratic process to be better at delivering in the long term. That is the measure that we need to apply. Within that, there is the point about tension. The Bill is trying to set out certain principles, such as collaboration and engagement. If you get these right, while you might not necessarily remove the tensions, you can deal with them more effectively.

[57] I take the point that Germany is a very big country and is very different to Wales, but I was struck that its movement to renewable energy is a joint national effort. That transition to renewable energy is part of a national movement. That is because there has been a long-term process of commitment and engagement in collaboration between business, communities and Government. That has to be central. We are setting that out in the Bill as one of the principles of public sector performance and making the public sector accountable through individual reporting—that is one of the proposals in the Bill—and through external audit through the Wales Audit Office. So, there is work to be done—I am not saying that there is not—but the principle of why we are legislating is very clear.

[58] **Ms Meikle:** I agree on two key points. First, the Bill needs to be really clear regarding what the outcomes are. Whenever we talk about ‘definition’, people think of this as a simple ‘What do you mean by SD?’ However, the definition has to tell you and tell every local authority what is being aimed at. The principles, in a similar way, are really important to sit alongside that definition to say, ‘This is what you have to consider’, and it helps to prioritise. To go back to those difficult decisions that will always be there, it helps you to prioritise. What we are saying is that, if it does not force you to make a different decision to that which you have been making for the last 13 years, they are not good enough and there is no point in legislating. I, sort of, do not agree with you, Peter, about the principles; I do not think that those are sufficient. They are right, and governance et cetera are key fundamentals of this, particularly participation by people in the process. However, if you do not ensure that the principles are quite clear about what you mean by sustainability, that its focus is on meeting people’s needs now but also making a change that will not be to the exclusion of the ability of your grandchildren to be able to live well in Wales, then you are not forcing the kind of changes you need. It is difficult to get to grips with that because it is an overarching framework and you are actually saying, ‘We want everything that you do to be affected by this Bill’. It is quite hard to tie that down, because it is not as easy as saying, ‘I want to legislate for sprinklers in houses’. It is not as clear, because you are trying to get something

that is truly overarching. So, I can understand the frustration.

[59] **Llyr Huws Gruffydd:** Mae Peter wedi ateb y cwestiwn roeddwn yn mynd i'w ofyn. Roeddwn yn darllen yn y blog sydd wedi cael ei gylchredeg gennych ynglŷn â'r angen i gael ffocws cryfach ar ganlyniadau, ac mae hynny'n cydnabod yr hyn roedd Anne yn ei ddweud gynnau ynglŷn â'r angen i'r Bil yrru newid, achos mae perygl iddo fod yn rhy lefel uchel ac amwys o safbwynt yr hyn mae'n trio ei gyflawni. Roeddech yn sôn bod dyletswydd glir i ddelifro canlyniadau hirdymor fel, er enghraifft, cyfrannu at dacio tloidi a newid yn yr hinsawdd. Roeddech yn cyfeirio hefyd at yr iaith Gymraeg. Hoffwn ofyn i bob un ohonoch a fydddech yn cytuno bod angen i'r diffiniad o ddatblygu cynaliadwy ar wyneb y Bil gynnwys yr iaith Gymraeg.

Llyr Huws Gruffydd: Peter has answered the question that I was going to ask. I was reading in the blog that you circulated about the need to have a stronger focus on outcomes, which acknowledges what Anne said earlier about the need for the Bill to drive change, because there is a risk for it to be too high level and ambiguous in terms of what it is trying to achieve. You mentioned that there was a clear duty to deliver long-term outcomes, such as, for example, contributing to tackling poverty and climate change. You also referred to the Welsh language. I would like to ask all of you whether you agree that the definition of sustainable development on the face of the Bill needs to include the Welsh language.

[60] **Mr Davies:** I have no doubt that in any definition of sustainable development, if you are looking at it in terms of the long-term future and the legacy that we are leaving for future generations, the Welsh language and culture is critical. What is important to us is that it is part of the legacy that we want to leave positively for future generations.

[61] **Lord Elis-Thomas:** That is the jam in the doughnut, is it? I have got it now. *[Laughter.]*

[62] **Yr Athro Jones:** Dyna'r garreg yn y canol. Mae'r broblem yn un anodd. Hwyrach y byddai'n help pe byddai enghreifftiau i bobl o'r blaenoriaethau yn y rhagymadrodd. O ran y canlyniadau, a ydym am sôn ein bod am leihau allyriadau nwyon tŷ gwydr 80% erbyn 2040? A ydych am roi manylion o'r math hwnnw i mewn er mwyn creu strwythur pendant? Mae'n anodd gwybod.

Professor Jones: It is the stone in the centre. It is a difficult problem. Perhaps it would be of assistance if there were examples of the priorities in the foreword. In terms of the outcomes, are we going to mention that we will reduce greenhouse gas emissions by 80% by 2040? Are you going to include such details in order to create a concrete structure? It is difficult to know.

[63] **Mr Davies:** I do not think that you would identify those specific outcomes on the face of the Bill in that way. However, you would include in the Bill the process and procedures by which those long-term outcomes are embedded within the process. My recommendation would be that the new body has responsibility for setting and recommending, and measuring and reporting progress against those long-term outcomes that connect to the UN's sustainable development goals. A clear priority for the UN is that the goals that are set at UN level are translated at a national level, so the Bill is part of the process for doing that.

[64] So, the Bill needs to clearly set out the process by which those outcomes are set and the responsibility for them, which are partly the responsibility of the new body, and then link back to the democratic process, so that a new Government coming into power would have to recommend those long-term measures to the Assembly, and demonstrate how its programme for government was going to contribute towards those long-term measures of progress. The long-term measures of progress would be created not by a body sitting internally and producing a piece of paper, but it would be about creating what you might call, as I referred to

in the example in Australia, a national conversation as part of the electoral cycle. That means that you are clear that these measures are not just owned by people in a room like this, but also by the nation. They are national measures of progress towards which we all have a contribution to make. This Bill puts in the processes and procedures that allow that to happen.

[65] You can set the principles, but I do not think that you can set the detail of those outcomes in the Bill. However, the process by which you achieve that can be clearly set out. I might not have communicated that very well, but I am clear about how the new body can play a role alongside the democratic process in improving our governance for the long term.

[66] **Lord Elis-Thomas:** Before I call Anne, this has huge implications for the way in which political parties think and the way in which they produce policy, which is generally appalling, and has been for years.

10.30 a.m.

[67] **Mr Davies:** Absolutely. So, the future generations report, if we call it that for now, is timed to inform and influence thinking and debate within political parties, pre-election. An incoming Government relates its agenda to those long-term measures. Obviously, we have a democratic process, so the Government is responsible for setting those, but the new body is about setting the advice and the recommendations, to which the Government responds.

[68] **Lord Elis-Thomas:** I invite Anne to respond and then I will call Julie Morgan, who has been very patient.

[69] **Ms Meikle:** I suppose that you could put those kinds of outcomes in the Bill. It is not the approach that has been taken forward here. When I said that the third sector alliance had been looking at a definition and at principles, I suppose that there are two different kinds of principles. I will talk about environmental ones, because I know them best, but some of them already exist in 'One Wales: One Planet'. Achieving a sustainable economy is one of them, as is living within environmental limits. If you put those in very clearly, they are called principles in the way that they are addressed in other legislation around the world. There is nearly always a suite of principles, and they include those sorts of things—which, in my simplistic mind, I would call outcomes, not principles. However, they are referred to as sustainable development principles.

[70] As a separate point, you and the Government can define—and you can have a national conversation about defining—what that looks like, what a sustainable economy is, and how you are going to define it, be that by GDP or by resources. In the same way, the science of ecological or environmental limits is constantly changing, so one of the things that we have argued for quite clearly is that there has to be a process and there have to be some people very specifically charged—in this case, I would suggest Natural Resources Wales—with reviewing and advising Government and the bodies on what those are and how they should change. That is brought together by the commissioner and this body, but it is actually a job that many people need to do.

[71] So, you can put numbers around them, but in the interests of that kind of democratic process, I would say that I agree that, if you put them in as principles, even though that language is a bit odd, it is up to parties and Government to say, 'This is what we think they are'. If the commissioner disagrees and says, 'That is not en route to what we consider a sustainable outcome', that challenge is available in the system.

[72] **Julie Morgan:** I am still struggling to get to grips with the legislation bit. I just wanted to ask you about international comparisons—we have heard about Australia, Germany and Denmark. Could each of you tell us of an example of where these principles are

successfully included in legislation that would be useful for us to look at, where they perhaps have an overriding duty in the way that you are talking about?

[73] **Ms Meikle:** Funnily enough, I was writing a paper on this yesterday as a briefing for the reference group. There are various pieces of legislation, the first one written in 1995, I think. There are several in Canada—by the Canadian Government itself, and in Manitoba and Quebec—there are some in American states, like Oregon, and there are some in countries like Malta and Estonia, which was the first one, in 1995, I think. They all have versions of those principles, and there is something that is common to a lot of them. In 2002, the International Law Association worked to pull together the seven New Delhi principles of legislation for sustainable development. In effect, they are seven principles that legislation should embody in order to be good legislation for sustainable development, and they were endorsed by the UN in a subsequent convention. So, there is a sort of internationally accepted version of what are good principles, and most of those pieces of legislation use them in one way or another. They are all slightly different and worded slightly differently, but they all use some of those principles in some way.

[74] **Mr Davies:** To endorse that, there are good examples, some of which are non-legislative examples. For instance, I think that there are now over 40 national councils for sustainable development. That is referred to as the new body, and if you think of the new body in those sorts of terms, there are variations on that theme, some of which, as in Hungary, report to the Parliament, and are established by the Parliament, and some, as in Germany, are established by the Government and report, in that case, to the Chancellor. You have different models, and not all are established under legislation, but there are some common characteristics in terms of role. There is also the example—there is a lot of pressure on the UN to incorporate this within its structure—of a UN commissioner for future generations. That is quite a significant possibility, which may be established within the UN structure. The role of the ombudsman is interesting. In Hungary, there is the ombudsman for future generations, now mainstreamed within the ombudsman function—that is a recent change. Within the ombudsman's office, there is a deputy whose responsibility is to look specifically at long-term issues and the impact of decisions on them. That is part of the ombudsman process.

[75] So, there are various mechanisms that different countries are putting into place to improve the long-term agenda. That relates back to this whole question of the measures of progress—the UN SD goals. What measures of progress are we looking at as a country or at a global level, beyond GDP? Wales is recognised as doing some leading thinking, and it is important to be positive: we had Jonathan Porritt down yesterday, and he said, 'You are terrible down here—you beat yourselves up for not doing enough, but I can tell you that you are the only part of the UK that is having this conversation at this particular point in time'. We are recognised as being part of a leadership role, but we are by no means alone in that. There is a lot of development around the world on this question of long-term governance, and how we improve that structure.

[76] **Julie Morgan:** Is there one country that it would be useful to look at in more depth, as part of this process of coming up with legislation?

[77] **Mr Davies:** I probably would not say one country, actually. Anne mentioned a selection, and I think that there are quite interesting examples at a state level. There are some members of the global Network of Regional Governments for Sustainable Development that have some practice. I think that we could give you a short list. I would not say that there is one model that we should follow, but there are elements of models that we should learn from and apply.

[78] **Julie Morgan:** That would help us in this process.

[79] **Mr Davies:** We could certainly do that.

[80] **Lord Elis-Thomas:** I see that there is a global network of national councils for sustainable development as well.

[81] **Mr Davies:** I supposedly sit on the advisory panel for that.

[82] **Lord Elis-Thomas:** I should have known that. [*Laughter.*] Russell George is next, then Joyce Watson.

[83] **Professor Jones:** Could I just respond to that? I am slightly concerned. I agree with what my colleagues have said, and it is admirable, but I am a bit of a sceptic. Two of the examples are connected to Canada, which is going flat out to exploit the Alberta shale gases, despite all these things, in the name of immediate economic growth. There is no doubt that that is an international disaster. Even though you have all the structures, Governments will override them, as with some of the things that are happening in Hungary. Hungary is very neo-fascist.

[84] Governments are—this is what Galbraith said—in hock to the people. You have to work with the people at a grass-roots level, and there is a certain amount of that going on, but it has to come up from the bottom much more. Much more powerful Governments than yours are hamstrung by ‘Events, dear boy’, as Macmillan said. This is fine, but we must not expect too much. The choices that Antoinette Sandbach referred to will be there. If I have a frustration with the Welsh Government, it is its lack of quantitation. Look at the renewable energy policies: there is not a single number there. I am battering away at this—the civil servants are maybe watching. You must quantify, quantify, quantify—you know? What is our renewable energy potential? What are the physical constraints? What are the economic constraints? Otherwise, it is just greenwash. I am sorry, but I felt that I had to say that.

[85] **Russell George:** I want to ask for your thoughts on involving the democratic process within the Bill. I come at this, particularly, from knowing that, yesterday, the largest-ever public inquiry into windfarm development started in mid Wales—we have not seen an inquiry of that size ever before in this country. It is as a result of a number of projects coming together in a community that do not have community support. My question is one of how we involve the democratic process in the Bill. How important is it that we have a Bill that encompasses community support and is developed from the ground upwards?

[86] I suppose that the second point to my question, or my thoughts, is how we can get the public to be excited about this Bill. How can we make it alive and interesting to them? We are all sitting here and we all have an interest, but if I were to walk up my street and ask 100 people what they want to see in the SD Bill, they would look at me as if I were an alien. They would not know what I was talking about. So, it is about how we sell this and package it up, to ignite people’s passion to get involved. I am pleased to see so many members of the panel putting their hands up, wanting to come in on that.

[87] **Lord Elis-Thomas:** Anne, I think that your hand went up first; then it was Peter, and now Julian.

[88] **Ms Meikle:** I suppose that the two are slightly related. Let me take the second one first. The other very interesting talk that I went to at Hay, even as an environmentalist, managed to stop me short. It made me think about how you can present some of this to the public. I went to listen to Lord Stern, who did his usual update on what is happening with climate change. It comes back to the point about talking about future generations. When the reference group talked to the Minister about this, I said, ‘My only slight concern is that you

shouldn't talk about this as something that is for future generations, and then people who are alive today think, 'That it is not very important. That's not to do with me; I've got more immediate problems to worry about than what happens to people in the future who were not even born yet.'

[89] Lord Stern also said that, currently, the trajectory for climate change is that, within 100 years, the world will be 5 degrees warmer than before the industrial revolution. He said that people have never lived on a planet that warm. The last time it was that warm was before humans evolved. We do not know how to do that, and I find that incredibly scary. He then said that, if you think 100 years is a long time, it means babies being born now are likely to be alive. You are not talking about some time in the far distant future, where these things become a real crucial issue; you are talking about your children—and not even your grandchildren—living to see the consequences of what we are all choosing to do. These are not just environmental consequences, but all of the others, too. When we were talking to the Minister, I felt that the whole point of SD was about balancing the needs of people currently on this earth with the needs of those who are coming behind us. It is about balance, which is a difficult thing to achieve, and I think that the right part of that debate is about what is happening to your children. If we talk too much about it as 'the future generations', it all begins to sound like something that is not very urgent, but is a long way away. It is much better to talk about your children than even your grandchildren.

[90] The democracy point is an important one. It was interesting to me that, in the White Paper, one of the suggestions from Government was that one of the very fundamental principles of engagement in SD—back to principles—is participation in the process of decisions that affect you, and yet, the White Paper said, 'Hmm, because we already have a code for the public sector on that, we don't really need to include it in the legislation'. I think that that is a point worth debating, because, to go back to your point, it is very important that we develop grass-roots support for this, but, at the same time, you need leadership to do that, and there is a balance to be struck between how we all talk about it, in particular how politicians and other community leaders talk about it, and how you try to influence public opinion to the thing that is necessary, but may not be popular. They are going to be there, whatever they are, whether windfarms or some other decision.

10.45 a.m.

[91] **Lord Elis-Thomas:** Peter, Julian, Gareth.

[92] **Yr Athro Jones:** Gwnaf ateb yn **Professor Jones:** I will answer in Welsh—Gymraeg—

[93] **Lord Elis-Thomas:** Peter yn gyntaf. Peter first.

[94] **Yr Athro Jones:** Chi sydd gyntaf? **Professor Jones:** You are first, are you? Sori, Peter. Sorry, Peter.

[95] **Mr Davies:** I agree entirely. I think we have an opportunity here. We are proud of our commitment to sustainable development, but it has been quite a top-down process. We need to turn it on its head and the right way up and make it a bottom-up process, because we all know of some brilliant examples of communities designing their own future, creating sustainable action plans or sustainable town plans, whatever you want to call them, which encompass food and energy and all of that, and are about making those communities more resilient. That is what we have to enable. I am dealing with a case now where a community council has gone into a joint venture with a local developer and it is currently being blocked. We need those sorts of things to be enabled, and so we need a bottom-up process. I chaired the sustainable development Bill reference group, which is the stakeholder group to which

Anne referred. The key point brought to us by the new Minister, Huw Lewis, is, ‘How do we make this Bill more accessible? I want it to be more understandable and to inspire people.’

[96] So, I think it is about future generations, but you are right, in a sense it is about our grandchildren and children and the sort of Wales we want. We need to create mechanisms that have a better process of exciting and involving people in that. There are examples around the world and there are things that we can do better here. We are going to trial this future generations report idea as part of the preparation for the Bill and turn it into something about the sort of Wales that we want and whether we are really contributing to that. I am not suggesting that is easy, but it has to be about the pride that we have in our country and translating that pride into action through clear outcomes that we want to achieve over a period of time: tackling climate change, and becoming more resilient as communities, whereby very practical things around food and energy can be built into local plans, and by that I mean very localised plans. This relates back to our local authority restructuring discussions, and how we build the local into this, which I think is a key aspect of how we make sustainable development real to communities around Wales.

[97] **Lord Elis-Thomas:** Julian and Gareth are next, and then Joyce, please.

[98] **Mr Rosser:** We feel very strongly that public participation and involvement in democracy are central to sustainable development. The idea of voice is part of the social foundation, of the doughnut. You cannot have a sustainable society without proper participation in democracy. One thing that our colleagues in Scotland have done is the humankind index, whereby they went out and engaged in participative exercises, talking to people in communities about what was important to them. It was another way of understanding sustainable development, by just going out to shopping centres, church halls, and wherever people are at, and talking about the things that are important to them, partly as an alternative way of understanding the success of your economy and your society. That would be a very interesting exercise, and we are considering what we might be able to do along those lines in Wales.

[99] You are probably not going to have massive excitement in the streets about this particular piece of legislation. In a way, it is a little bit technical, and it is a little bit dry. I would argue, however, that the way the Welsh Government has proposed it so far in the White Paper is far more technical and far more dry than it needs to be. The members of the third sector alliance that Anne has referred to—WWF Cymru, Friends of the Earth Cymru, Oxfam Cymru, Christian Aid, Fair Trade Wales, Wales Africa Community Links, and a whole host of organisations—did get together and engage supporters and interested people in the early consultations on the Bill. We got around 3,500 or more people to respond, which is obviously not the bulk of people in Wales, but is still a fairly significant level of response for quite a dry piece of legislation and a consultation document. I would argue that the responses of those 3,500 people or more were broadly ignored when it came to working out what should be in the Bill. If you want to excite people, then I would say that a central organising principle that relates solely to the way that people in Government talk to each other and does not relate to duties is not going to excite people. The idea of not actually having a definition of sustainable development, so the Government could change it at whim, is not going to excite people. Again, I think that the idea of having a cuddly, friendly commissioner who is not going to stand up to Government and who is not going to stand up to abuse of power by public authorities is also not going to excite people. So, if you want to excite people, then let us get together a really interesting and challenging piece of legislation that will make a real difference in Wales.

[100] **Russell George:** Sorry to interrupt, Chair, but Anne’s point was not about our grandchildren, which you mentioned, but about our children. Therefore, surely, it is they who have to be involved in this, but if it is dry for an adult, then—. Surely part of this is to go into

schools and to drive it from that. You were talking about working from the ground upwards, and it is for them you have to make this Bill exciting, because they are the generation that Anne is talking about.

[101] **Ms Meikle:** I would also caution that it is not the technical bits of Bills that people get excited about. Well, I am sure some people do; I do—I am dull like that. I have learned to be dull. [*Laughter.*] That, to me, is part of the consequence of legislating for this, in a way. We have been at this for two years now. We have had two lots of consultations, but we are still not at a point where we are going to have a Bill, and it really needs to be the first piece of legislation—not the last—that comes out of this parliamentary session, or it is not going to form an overarching framework for everything else that comes along around it. So, I have some concerns about that engagement process. To me, it is fundamentally—I am with Julian on this—one of the changes that you need to see. I would say that the process that started after Rio in 1992, of Local Agenda 21, which was very much about trying to start that process of bottom-up engagement, and interest, excitement and encouraging people to do it, died with local government reorganisation. By 2002, it did not happen anymore. Mainstreaming killed it dead, because it became a public process and not a bottom-up, encouraged action. There are very few remnants of it. Ceredigion still has a remnant of that Local Agenda 21 process, but most of the rest of it is dead. So, there is a whole raft of things that need to follow legislation.

[102] **Lord Elis-Thomas:** Unless you are worn out, we have another hour of time. First, I have three members of the committee who have signalled that they have not spoken yet.

[103] **Russell George:** Sorry, Chair, did Gareth not want to comment?

[104] **Lord Elis-Thomas:** Well, he has had a bit of time. I am going to call Joyce now. We will move on. Then I will call Julie James and William Powell, who is a very patient man from Powys. You can have the first round, and then we will have a second round. Well, you can have as many rounds as you like, but we will close at 12 p.m.

[105] **Joyce Watson:** Thank you all for your thought-provoking contributions. I could be more thought-provoking by asking whether we should all be vegans and whether that would solve some of the problems that we are creating elsewhere and the starvation that is happening. It is all linked to the GDP, because we have to grow and we have to become wealthy and, as we become wealthy, we have to consume more goods and we have to consume more goods that other people are consuming, just because the world tells us that we need to do that, even though we were perfectly happy doing what we were doing before. That is a tongue-in-cheek comment, although I genuinely do believe that it would solve most of the world's food shortages. Moving on from that—we could spend all day talking about that one—

[106] **Lord Elis-Thomas:** Well, we are not going to. [*Laughter.*] I am certainly not becoming a vegan.

[107] **Joyce Watson:** Exactly. That is the point. So, that would be a good opener. Moving on swiftly—I am not a vegan by the way—can people afford to be sustainable and what do we mean by that? I am putting this back into the localism aspect. I am particularly interested, if we are going to look at policy and the effect that policy and statements from Government on the environment, that one of the big policy statements at the moment is that we must raise GDP, and we do that by building more houses. That is the big conversation going on at the moment. So, if we are going to effect change, and if we are going to effect that change through energy policy, as has been suggested, should we now be putting those two things together, and asking how we are going to grow the economy by building more houses, but also look at, as we did in Wales, the Building Research Establishment environmental assessment method and—and this is my big hobby horse—the impact of keeping those houses

in terms of making them keep their own surface water and should that be in the Bill somewhere? It leads to the creation of poverty for other people; if you do not do preventative work, that results in other people experiencing flooding and losing their homes, their livelihoods and their life's investment. Those people then become poor, although they have done nothing whatsoever to contribute towards the situation, and they cannot get insurance. That is an example, I think, of needing to get people engaged in that local conversation about the actions that they take having an adverse impact on other people. I will leave the vegan debate for another day.

[108] **Yr Arglwydd Elis-Thomas:** Gareth, gwnes i gau dy geg yn gynharach, felly well i ti gychwyn.

Lord Elis-Thomas: Gareth, I did not let you speak earlier, so you had better start.

[109] **Yr Athro Jones:** Mi ddywedaf air sydyn ynglŷn â bod yn fegan. Nid oes amheuaeth petai'r byd yn symud tuag at feganiaeth byddai hynny'n help. Rydym wedi bod yn gwneud gwaith yn ddiweddar, ac rydym yn meddwl bod oddeutu 35% o allyrion nwyon tŷ gwydr, ar lefel byd eang, yn dod o fwydo pobl. Mae hynny'n cynyddu yn gyson. Mae'n ffigurau—mae gen i sleidiau, ond nid wyf am eu dangos heddiw—yn dangos y bydd, erbyn canol y ganrif, bwydo'r byd ei hun yn newid yr hinsawdd, hyd yn oed os cymerwn yr holl carbon deuocsid allan o'r sector ynni, neu 85% allan o'r sector ynni. Mae hynny yn codi arswyd arnaf.

Professor Jones: I will say a word or two on being a vegan. There is no doubt that if the world moved towards veganism that would be of assistance. We have been doing work recently, and we believe that around 35% of greenhouse gas emissions, at a global level, come from feeding the population. That is constantly increasing. Our figures—I have slides, but I do not want to show them today—show that, by the middle of this century, feeding the world's population will itself change the climate, even if we take all the carbon dioxide out of the energy sector, or 85% out of the energy sector. That is quite frightening.

[110] Ar y llaw arall, pe byddech yn gwneud hynny, mae 1.5 biliwn o bobl yn y byd yn byw mewn ardaloedd mynyddig a lled-sych ac yn dibynnu ar anifeiliaid. Os byddant yn llifo i mewn i'r trefi, byddai'r sefyllfa'n waeth byth. Felly, nid yw mynd yn figan yn ateb i'r broblem am y rhesymau a amlinellwyd ynglŷn â'r cydbwysedd hwn rhwng y gwahanol broblemau. Felly, beth sy'n rhaid i ni ei wneud yw bwyta llai o gig a gwastraffu llai o fwyd—mae traean o fwyd y byd yn cael ei wastraffu. Petai fy wraig yma, byddai hi'n dweud y dylid mynd yn ôl i'r ysgol a dysgu'r holl blant—nid dim ond y genethod—i goginio pethau syml a phlycio tatws, fel eu bod nhw'n gwybod sut i baratoi bwyd syml, rhad. Mae'r ddawn honno wedi mynd; nid bod yn fegan yw'r ateb ond byddai bwyta llai o gig, bwyta'n well, a pheidio bwyta pizzas o hyd yn help yn hyn o beth.

On the other hand, if you were to do that, there are 1.5 billion people in the world living in mountainous areas and semi-arid areas who are dependent on livestock. If they flowed into the towns, the situation would be even worse. So, becoming vegan is not a solution to the problem for the reasons that were outlined earlier about the balance between the various problems. Therefore, what we have to do is eat less meat and waste less food—a third of the world's food is wasted. If my wife were here, she would say that we need to go back to school and teach all children—not just the girls—to cook simple meals and peel potatoes, so that they know how to prepare simple, cheap food. We have lost that ability; veganism is not the solution, but eating less meat, eating more healthily and not eating pizzas all the time would assist in this regard.

[111] **Lord Elis-Thomas:** Julian, you indicated.

[112] **Mr Rosser:** Yes. I would echo a lot of that. I was a vegan for six years and reverted to vegetarianism, but I do not think, in policy terms, that the answer lies in those absolutist

approaches to life. However, certainly eating less meat and dairy products is very much part of the solution, particularly for us in rich countries. Food waste, as Gareth said, is also very important.

[113] I just want to reflect on some of your remarks about people living in poverty in Wales, about flood risk and some of the interactions between environmental justice, energy use, poverty in Wales and some of the solutions.

11.00 a.m.

[114] Most of the examples that we give around poverty and environmental degradation, as Oxfam, are global examples. The most glaring injustices, as I said in my introductory remarks are around the impact that we have on people in developing countries. But, we are seeing the emergence of people in poverty in Wales and across the UK, who are also being impacted now by climate change. Flooding is a key part of that, particularly because of the difficulties in getting insurance, and in retaining insurance, and we are at risk of seeing large numbers of people being taken out of insurance and being plunged, potentially, into poverty.

[115] In developing countries, Oxfam talks about resilience to shocks as being one of the most crucial things in terms of people overcoming poverty. It is not necessarily that people have to have a massive income and a very luxurious lifestyle, but if people have the capacity to overcome shocks, then that stops them from being plunged into absolute poverty in the way that so many people in the world are. It is very worrying that we are looking at a situation where people in Wales could be made non-resilient to shocks such as flooding. That is a big worry. Similarly, we have seen research and evidence showing, again, that it is people who are most vulnerable to extreme heat, to smog incidents and to extreme cold, so largely we are looking at people who are ill, the elderly and the very young who are in danger of that environmental injustice from climate change.

[116] The other injustice that I would like to talk a bit about is fuel poverty and the potential that we have for economic activity and development in Wales, through helping people to overcome fuel poverty. Another piece of work that Oxfam has done with WWF Cymru, as part of Stop Climate Chaos Cymru, was to commission research looking at the impacts that we could see from upgrading around 400,000 homes in Wales that are currently very energy inefficient. We commissioned Cardiff Business School and Dr Calvin Jones, who Gareth mentioned earlier. We commissioned him as an economist to look at the implications of that and he showed that by serious Government effort in upgrading 400,000 homes in Wales, you could make a significant dent in our greenhouse gas emissions and that you could help to stop the escalating problem of fuel poverty in Wales. He estimated that you would create or retain around 20,000 jobs in Wales. That is not 400,000 homes in a year; that is 400,000 homes over the next 10 years or so. But, that is still vastly in excess of the ambition of any party that is currently sitting in the Assembly. It is something that could be done that would have a really wonderful impact in terms of carbon emissions and poverty in Wales.

[117] **Mr Davies:** To build on the back of that, the ambition of delivery of energy retrofit in our homes and businesses is absolutely central and we really have to make sure that that is being delivered to maximum scale and value. I would recommend that the committee makes sure that that is a key aspect of its considerations going forward in terms of how we are delivering on that. It is a complicated issue because it involves partly UK policy, partly Welsh Government policy, and partly our relationship with the utilities in Wales, and we have to deliver on that one.

[118] On the point about new build, which is not as significant because the numbers are smaller, I would encourage us to continue to back the Welsh Government's position in respect of holding firm on the importance of being fit for the future in terms of new builds. There is

pressure from certain, but not all, elements of the construction sector saying, ‘Actually, we should not be doing that’. Of course we should be doing that, and it will equip our businesses and homes for the future in Wales much more effectively by sticking to those commitments.

[119] **Lord Elis-Thomas:** William Powell and Julie James are next, and then we will move on to the second round.

[120] **William Powell:** Good morning, all. Professor Gareth Wyn Jones mentioned earlier the danger that there is in terms of rogue governments, like the Harper Government in Canada, taking the measures forward that are currently being contemplated. It is a matter that is common to all of our witnesses, that there really needs to be a long-term attitudinal change and that that has to be achieved and made safe from here-today-gone-tomorrow politicians. I think that, in many ways, the German example was emphasised earlier. Surely, education is critical to that. If you think about the way in which Germany moved from the economic miracle of the 1950s and 1970s to its position now, it is a matter that is beyond the day-to-day public debate, and it is an accepted central plank. I remember, when I was teaching German in the 1990s and early 2000s, the phrase that Petra Kelly came up with,

[121] *‘Wir haben die Erde von unseren Kindern nur geborgt.’*

[122] That is, ‘We have only borrowed the earth from our children’. That is somehow in the psyche of Germans. They have moved from the economic miracle period to a time when the environment is absolutely central. Is it not the case that the Bill, as it is currently envisaged, is too silent in terms of the duty around education—global environmental education and other things in terms of resource use? I had the privilege a couple of weeks ago to attend a school assembly at a school of which I am a governor. The school has received a platinum award under the Eco-Schools initiative. That assembly was led by year 5 and year 6 pupils, and their message was so much more powerful to me than much that I hear in other arenas. Surely, that is something that we need to strengthen in the Bill as it comes forward.

[123] **Professor Jones:** I can say only ‘Hear, hear’. I agree totally. There is a particular problem in the UK. I am not trying to make a party political point, but greed is not good. We still have a society that believes that greed is good and gives prominence to footballers who earn staggering amounts of money. So, there is a psychological issue, which you referred to in relation to my paper; it is almost a philosophical issue about the way that we think about society. Germans and Scandinavians think of society in a very different way—I am not going to go into examples of that. Every time I hear about a competitive tax regime, I blink, because that is automatically going for the lowest common denominator. So, there are a lot of things that need to be done differently and, yes, in schools, absolutely.

[124] **Mr Davies:** I agree entirely with what you say. My only question is to ask whether it is on the face of the Bill. There is a raft of things, such as procurement, where we need to make sure that the principles of the Bill are being applied. In some cases, they may need to be applied with specific legislation on, for instance, procurement specifically as opposed to within the Bill. We have duties around education for sustainable development and global citizenship. There are issues about the way in which that is currently being delivered in schools and Estyn, as a result of my recommendation as a commissioner in my annual report last year, is conducting a review of that this year. The point that has been made several times around the table is that we need to do more about engaging young people and schools in this process regarding the Bill and the commitment that that would demonstrate. So, that is very important. However, I am just not sure about the level of detail in the Bill on the point, because it may be that we have it already and we are simply not implementing it. However, we need to look at that and I agree that we need to focus in on that.

[125] **Julie James:** I would dearly love to go into all of the philosophies and politics that

we have just discussed, but I fear that it needs seven hours and a bottle of red wine to do it justice.

[126] **Lord Elis-Thomas:** That can be arranged, but not this morning. [*Laughter.*]

[127] **Julie James:** One day, I will debate the veganism point with you, Chair, as two members of a white race in a rich country, and discuss our attitude to the eating of meat, which is a little bit more than just the promotion of good Welsh food, which we would all like to see. However, this is a very serious point for us, is it not?

[128] In practical terms, the issue that we face in changing our economic system from the one that we have now to the one that I would very much like to see, which you have outlined in your paper, Professor—and one that I also remember from the J.K. Galbraith heyday of the 1970s, I am afraid—is a real one, and it is one that we face daily as a Government. We have our debates in the Senedd about house builders not putting in sprinklers, not having carbon neutral things because they can then build the houses more cheaply and achieve the economic miracle that we all hope to see off the back of the house building—although I, for one, remain deeply sceptical of that as the way forward, but there we are.

[129] If we are to hold that line in the face of mounting economic pressure—and we have yet to see the economic pressure that the Welsh budgets are going to be put under, so let us not make a mistake about that—and if we are not to repeat the mistakes of Canada— I will say that I grew up in Canada as an adolescent, although I was born in Wales. Canada is an interesting dichotomy. It is starting from a different place to us in terms of waste recycling, water usage, the local generation of electricity and all the rest of it. Apart from in the big cities, they all live in little communities where they can see the effect of the waste, the water and so on. They switch off their lights because they can see how much they need to generate. But, at the same time, they exploit their sulphur, copper, silver and oil horrendously. I lived in a small mining community with the worst spoil heaps that you could possibly imagine inside a pristine temperate rainforest, but in a community that recycled its tins. So, you have those dichotomies. My question is: practically, how can we give a shield in this Bill to the councils that wish, in their development plans, to put those things in place, so that they are not judicially reviewed constantly by the fracking companies, the energy companies, and the road builders that want to put their profits above the balance system that the council is trying to implement?

[130] Perhaps I could make just one last point. As a lawyer, I love your statement of principles, mostly because I could get very rich indeed arguing in the courts about what they say. Of course, I fundamentally agree with them, but we have to find some wording that is not a lawyer's charter for arguing for the next 40 years about what exactly it is that you mean by some of the things that you say. So, we cannot just say, 'Yes, I would like it to be better' without having these concrete proposals that you mention being somehow tied to the Bill—and I quite agree that you cannot put them on the face of it—and somehow tied to statutory guidance, regulatory renewal programmes or some other practical ways of implementing them, so that we do not spend the rest of our lives arguing about what exactly we mean by the third principle of whatever it is. I would very much like to see that. I am not suggesting that we do it now, but I would very much like to see some practical examples of drafting that might lead us to having both the shield and the sword that you all want.

[131] **Ms Meikle:** I suppose that there are two bits to the answer to that question. I think that a part of the first question is about how governments are held to account for non-compliance with their own legislation. That is what we are all saying that Canada has done. It is not that there is anything particularly wrong with the legislation, and you cannot make everything foolproof. I think that there is an issue here. We go back to the point about what the role of the commissioner is, for example, and how independent that role is. One of the

things that we have suggested—as an alternative, it may remove some of the desire for judicial review, although not necessarily from companies—is that if you have that commissioner with a role a little more like that of an ombudsman, so that they can hear complaints of non-compliance, then you are providing a cheaper and less vexatious way, perhaps, of dealing with some of the things that might otherwise end up as rather vexatious judicial reviews. Quite specifically, when we looked at the drafting for the third sector alliance of the definition and the duty, we asked for a legal opinion on how best to avoid wordings that would make judicial review. It is actually quite interesting because, basically, the response was, ‘This is almost a bit of hysteria among public authorities when, actually, most applications are likely to be unsuccessful, because the more legislation concerns matters of broad social policy, the less ready a court would be to intervene’.

11.15 a.m.

[132] So, in a sense, in terms of the broader part of what you are suggesting, it is not that you will not get somebody offering to take you to judicial review, but they are less likely to win simply because you are talking about broad social policy. Judicial reviews work best where there is a very clear process that has to be followed so that you can ask, ‘Did you meet that, or did you not meet that?’ However, that does not mean that there would not be any. That is an important issue.

[133] **Julie James:** Just to answer your point, I am not talking about a judicial review of the Bill itself; I am talking about a judicial review of a planning authority attempting to impose policies based on the Bill. I think that is a much more specific process, susceptible to a lot more challenge both within the planning system and by way of judicial review of the policy itself.

[134] **Ms Meikle:** I think it is one of the purposes that Government forgets when it talks about why it is legislating—and again, perhaps because it is not very exciting to the public. One of the things that the Government is trying to do is safeguard the space for the people who want to make the difficult decision or the right thing; it is not about the Government getting a lot of flack or whatever. So, I agree with you that the way in which that is drafted is quite important. One of the problems is that, as a third sector alliance, we have spent a lot of time and effort with barristers trying to come up with some very limited clauses, which I am more than happy to send to you. As a bunch of charities, they are reluctant, I have to say, to spend any more money on it. I am afraid that it is Government’s job, but if it made clear, as Government should, that that is the purpose—safeguarding people from vexatious judicial reviews of decisions—then that is what you should be asking to be drafted. I think that you will look in vain in the White Paper or anywhere else for that as an outcome that is actually wanted.

[135] **Lord Elis-Thomas:** Julian and then Peter, and, by the way, Leigh Halfpenny has already taken one penalty. [*Laughter.*]

[136] **Mr Rosser:** You make some very good points and we would be very happy to continue conversations with you; if you know of a lawyer who is willing to advise us for nothing, that would be fab. [*Laughter.*]

[137] **Julie James:** [*Inaudible.*—my free advice. [*Laughter.*]

[138] **Mr Rosser:** It is about what mechanisms would have to be in place in order to make the Bill a reality and to see that it has application. I will admit that most of the concern that we have had from Government has not been about judicial review by corporations; it has been about judicial review by us. It is worried about putting in place a system by which we can constantly be judicially reviewing things that we think are having an impact on people in

poverty, on the environment, on wildlife or whatever. While I think that we have a lot more work to do, in some ways it would be a better situation, because, currently, we are not seeing those judicial reviews by corporations of local authorities, because essentially, very often, those corporations are getting their own way without judicial review anyway. If this is a way of putting more impediments to things that are happening that oppress people in Wales and that are damaging the environment in Wales and increasing the negative impact that the people of Wales have on people in developing countries, we have to do what we can to put legislation in place that actually provides that framework for sustainable development, and therefore for the public sector in Wales.

[139] **Mr Davies:** I agree with the points that Anne made around the need for recourse, and the role of the body, commissioner or ombudsman in some respect. The point that I want to make about this goes back to the point that I mentioned at the beginning around the work with business. My key exam question in respect of this Bill is this: will this Bill allow us to work and make Wales a more attractive place for those businesses that are very much leading the way in terms of new business models and approaches to sustainable development? So, my line has been very much to work with the Minister for business on making sure that we are making Wales as attractive as possible to businesses that we want to work with in Wales that will deliver jobs for our communities in Wales. The last thing that we want to present through this Bill is some sort of sense that it will make it more difficult to do business in Wales. We are going to make it easier and better to do business the right way in Wales.

[140] We do not want to paint the business community as being the problem here. As I said in my first statement, the support that we have around the table from representatives of business communities about recognising these issues and wanting to work positively on these issues was very encouraging, and that is the opportunity that we have in Wales to make sure that this Bill is part of that process. In some respects, it is part of the brand of Wales message. Scotland tends to be pretty good at this; it has just produced its green investment portfolio in the city, which says, 'If you want to invest, there is plenty of money around in terms of green investment and this is our green investment portfolio'. We need to be looking at that. We need to have dialogue with the Green Investment Bank and to be positioning Wales as the go-to place to do business in a sustainable way. That is the real opportunity that we have. Of course there are elements of the business community that are not in that space, but there are large parts of the business community that are absolutely leading the way in that space.

[141] **Lord Elis-Thomas:** This is the answer to your earlier question about what is green growth, is it not? This is real green growth, because it is sustainable green growth from a sector of the economy that is performing so much better than the rest of the economy. So, it is a no-brainer in that sense. Antoinette is next with the second round of questions.

[142] **Antoinette Sandbach:** I want to come back to Peter's point about Germany. One of the reasons people do not get engaged is because they feel that the tools are being used in a preventive way, rather than in an enabling way. They also see inherent contradictions and I can see that in north Wales, where county councils have been told that they have to allow for 8,000 houses. They are being told that by the Welsh Government. The communities do not want it, they want to plan in a sustainable way and they are having housing targets imposed on them from the centre. So, I would not want to see an individual's right to judicially review constrained in the way that Julie was talking about.

[143] **Julie James:** Excuse me; I was not saying that. That is not what I said.

[144] **Lord Elis-Thomas:** It is not the practice in this committee to have an argument among ourselves when we have witnesses before us with whom we can have an argument. *[Laughter.]*

[145] **Antoinette Sandbach:** Okay; I will phrase it another way. I would have concerns about the limits on judicial review, which has very strict criteria in order to do it, in any event. So, in order to get a judicial review, you are taking a huge risk with costs.

[146] However, I want to go back to the engagement with members of the public, because if they see things being imposed on them from outside, then that will go totally against their understanding of sustainability. That is not supported at a local level; it is a top-down approach. So, I want to know what mechanism can be put into this Bill that gives it, as you said, Peter, the ability to be an enabling feature, rather than a mechanism to be used to stop things happening the whole time, allowing things to happen, as you say, in the best possible way. That is one of the things, in my experience, at least, that have turned people away from the idea of sustainability. Some of the feedback that I get is that sustainability is seen as a block; it is not a 'Don't do it this way, but how about this way?' approach. The answer tends to be 'yes' or 'no', not 'How can we find the right way to achieve it?' What mechanism could be put into the Bill to allow that to happen?

[147] **Mr Davies:** In terms of mechanism, I think that the Bill will challenge lack of consistency, because we will have a framework. One of the problems is the mixed message that we have, which was a point that you highlight, and a lack of consistent approach. There will obviously continue to be barriers. For instance, interestingly, we had a food summit yesterday around the question of a sustainable food nation. Small points arose. For example, we cannot expand the market gardening area around the city because of planning constraints around growing vegetables and extending polytunnels et cetera to provide fresh veg for the cities of Cardiff, Swansea et cetera. So, there are things that we can encourage, as enablers. I do not think that we can necessarily cover everything. The problem is that we should not be trying to put everything into the Bill. The Bill has to be a framework that ensures consistency of application across all of the other aspects of legislation and policy and the implementation of that. I want to see greater incentives to community councils and town councils in terms of support for additions to their precepts that encourage enabling action at their local level. I think that it needs to be part of the consideration of the structural review of local authorities, which we will be talking about in going forward. That is where the enabling will be, but I think that it needs to be seen in an enabling context. However, I am not sure that I have clear points at this stage to be specific. It needs to be an enabling Bill by setting a framework that ensures consistency of application against the principles. That would be my answer to that question.

[148] **Professor Jones:** Could I ask you a question?

[149] **Lord Elis-Thomas:** No. That is not allowed. [*Laughter.*]

[150] **Professor Jones:** Okay.

[151] **Lord Elis-Thomas:** Do not go there. [*Laughter.*]

[152] **Mick Antoniw:** We are still in quite a difficult area in terms of the suitability of the legislative process. The closest we have come, I think, is probably the concept of the framework directive, which gets translated into giving a legislative status rather than the traditional status. I think that the problem is the way that we look at legislation and drafting, rather than looking, in many ways, at the European examples of the purposes of certain objectives, which are perhaps framed in a sort of regulatory way. However, leaving that aside, because that is a whole debate on its own—although I think that that is more where we are heading—in terms of the obligations that we are creating, do you envisage legislation, in whatever form, placing obligations on people individually or on organisations? Also, on the issue of a commissioner, a commission or whatever, what sort of teeth and penalties would you have in mind? How powerful do you think that they should actually be?

[153] **Lord Elis-Thomas:** I think that Julian should have a go.

[154] **Mr Rosser:** I will have a go. In terms of Europe and the question of duties on individuals or organisations, we are very much proposing a duty on all organisations within the devolved public sector in Wales—the Welsh Government and all of the organisations and public bodies that are accountable to the Welsh Government, such as local authorities and the various quangos—if you still call them thus. So, that is where the duties would be. I cannot see there being any kind of obligations or duties on individuals outside the devolved public sector in Wales. It is very interesting. We all probably have slightly differing views in terms of the exact role and powers of the ombudsman. At the moment, I think, I am afraid that we are struggling to get certainly the Welsh Government beyond the cuddly friend model. I do not think that we have had a full discussion about exactly what kinds of powers to penalise any public bodies that the ombudsman might have. At the moment I would see it as being the big priority that the commissioner should be independent of the Government and accountable to the Assembly. I think that my instinct at the moment would be to say that we would want that person to be able to speak freely and to criticise, and that would probably tend towards them not having any kind of quasi-judicial functions or powers beyond, possibly, powers to demand and acquire evidence and to get feedback from the public bodies that they would be scrutinising.

[155] **Lord Elis-Thomas:** I will now call on Anne, and then Peter.

[156] **Ms Meikle:** The WWF commissioned some legal opinion to look at whether some of the powers that other commissioners, like the Welsh Language Commissioner, have to impose penalties were appropriate. I have to say that although it might be desirable, on balance, it is looking rather difficult, because SD is such a broad concept, and you are talking about imposing an overarching duty and principles, rather than something as specific as compliance to a Welsh language scheme et cetera. You then get into the question of whether it would be right that this commissioner, who would not be elected, would be able to impose penalties on an elected body. It all gets a bit complicated.

11.30 a.m.

[157] So, we feel that the commissioner should be able to give some direction, perhaps, to the public bodies to direct their focus if, when they look at performance, they think ‘This body is not complying or making sufficient progress towards complying with the duty’. Maybe ‘complying’ is the wrong word; ‘implementing’ might be better. If he gives advice, the important question is what status that advice has. I would say, at the very least, that obligations should be placed on public bodies to have regard to that advice and to respond in some way. If they—the Government in this case—choose in the end to say ‘We think we’re not going to implement that for x reason’, that may be as far as it goes. They are soft sanctions rather than penalties in the sense of fines or whatnot, which do not seem appropriate.

[158] **Mr Davies:** I have a few thoughts on that. To begin with, in terms of your point about individual organisations, an interesting proposal was made in respect of having an extra Nolan principle that relates directly to the nature of this Bill for public appointments in Wales. I think that that is an interesting proposal, in terms of an additional specific responsibility on those public appointments.

[159] We need to emphasise the role of the Wales Audit Office, as set out, because this is about a mainstream function, and it would be a real, significant change for the role of the Wales Audit Office, which is beginning to grapple with this change now, in terms of the nature of the implications for it.

[160] I have this position as a commissioner, which is a weak 100-days-a-year appointment by the Welsh Government. I do what I can in that role, supported through Cynnal Cymru. I have made it clear that if there is a commissioner role, going forward, I would not apply for it, on the basis that, in that case, I can argue about its shape now. I am slightly nervous about an individual commissioner role. I can see its advantages, and it is consistent with the approaches that we have with other commissioners. It is a real help to have an identified individual as a commissioner, but when I look at the other national councils around the world, I see that their strength is that they have major business players, major public sector players and major voluntary sector players around the table, with a strong chair. It is similar to the UK Sustainable Development Commission, which Jonathon Porritt chaired, of which I was a member. The strength of voice of the message came from that group of people. They were about building consensus. When Angela Merkel wanted to look at the question of renewable energy, she asked that council to look at it. We have gone down the line of assuming that there will be an individual commissioner. That might be the right way to do it, but we need to check that question and ask whether there are other models that we should look at.

[161] **Lord Elis-Thomas:** So, what you are suggesting is that the national council model, with strong representation and a strong, independent chair, because of the overarching nature of what is being talked about, might be more effective than an individual commissioner.

[162] **Mr Davies:** Yes, with a secretariat and chief executive or director, or whatever, working for the chair and the council. It might be more effective than an individual commissioner. I think that we need to look at that. We have been going down the road of assuming that we will have an individual commissioner, and we need to pause and check whether that is right.

[163] **Julie James:** On this point, you mentioned in an earlier answer the correlation between you and the ombudsman.

[164] **Mr Davies:** Yes.

[165] **Julie James:** In terms of what you were talking about there, that is interesting.

[166] **Mr Davies:** It is, and there may be a point at which we take another perspective, in the sense that we have that national body that we have just talked about, but, just as we have mainstreamed the Wales Audit Office, we look at the ombudsman's office in this process and we talk about the responsibility of the ombudsman in relation to this Bill. As far as I am aware, we have not had that conversation, and there are models elsewhere where it is embedded in the ombudsman process.

[167] **Lord Elis-Thomas:** This is not necessarily contradictory to the way that we have developed our equalities activities, because, if you bring intergenerational equality into a central position, it is a model that can also sit alongside the older persons' commissioner and the younger persons' commissioner—it is an as-yet-unborn persons' commissioner or futures commissioner, sitting alongside them. Sorry, Julian, you wanted to come in.

[168] **Mr Rosser:** Yes. I just wanted to say that we have proposed an independent commissioner who would be accountable to the Assembly, because we would like to see somebody with some status, but with some independence, who is able and willing to challenge power, authority and Government. If we are to have a commissioner who is directly appointed by and accountable to the Welsh Government, and that person decides to take on the role of consensus building—I do not think that we object to consensus building, and I think that Peter has done some excellent work in building consensus—then that could be valuable. However, I do not think that that role is going to provide the champion that we are

advocating here for people in poverty in Wales and around the world, and for future generations, who would be able and willing to speak up without fear of losing their job because they have upset Ministers in the Welsh Government.

[169] **Lord Elis-Thomas:** I am not looking at Peter. [*Laughter.*] In a sense, of course, you have that in the role of the auditor general, because when we were going through the stages of the Public Audit (Wales) Act 2013, the question that appeared was: how does the auditor general emerge, and how should the auditor general be appointed? Clearly, it was a royal appointment, but the actual appointment was made through a motion in the Assembly, in the end, and I think that people appointed in that way feel that they have confidence across parties and independence from Government. I think that there are ways of creating that kind of situation.

[170] **Ms Meikle:** On that point, there is another gap in general for all of the inspectorates, because, of course, the auditor general does not have a role with regard to tertiary education institutions, for example; it is a different inspectorate. I think that there is a need to look beyond the auditor general. There is the auditor general, there is the public services ombudsman, there are inspectorates for different public bodies, and none of them, as proposed in the White Paper, is captured by the Bill. They would not be subject to the duty in the Bill. I do not know whether, technically, that is right or wrong; I am just saying that if they are not going to have the duty that is in there—it is not in the Public Audit (Wales) Act, for example—what would be the mechanism by which we could ensure that those inspectorates take forward investigating this compliance with sustainable development? I do not quite know. Will it be a lot of individual pieces of legislation that you will have to go back to, or something? It does not quite seem to have been captured, certainly by the White Paper.

[171] **Lord Elis-Thomas:** I would have to take further advice from Mr Ian Summers or others who have advised me on these matters in the past as to what exactly the powers of the auditor general are. Certainly, in the discussions that we have had with the auditor general, in his office working with this committee, it is clear from what he has been telling us that he—that is, Huw Vaughan Thomas—sees it as central to the role of auditor general to audit environmentally, and that therefore requires taking a sustainable development approach. The work that they have done has been pointed out already, in terms of the inadequacy of the existing powers and the operation of the Welsh public sector in sustainable development seems to bear that out. It comes back to the point about what is needed in legislation and what may already be there in the operation of the powers of the individuals concerned.

[172] Llyr, mae'n ddrwg gennyf. Rwy'n siarad gormod. Sorry, Llyr. I am talking too much.

[173] **Llyr Huws Gruffydd:** Rwyf eisiau dod yn ôl at y diffiniad, oherwydd mae nifer o'r ymatebion i'r Papur Gwyn wedi mynegi consŷrn bod y term '*wellbeing*', neu 'lles', yn cael ei gyflwyno fwyfwy o gwmpas y Bil hwn. Byddwn yn falch o glywed eich sylwadau ynglŷn â'r perygl, efallai, bod hwnnw fel nod yn goddiweddyd datblygu cynaliadwy a chynaliadwyedd. Hefyd, fel rhan o hynny, oni fyddai'r cysyniad o les yn haws i'r Joneses o Dreorci ei ddeall a gwerthfawrogi beth yn union mae'r Bil yn ceisio ei gyflawni?

Llyr Huws Gruffydd: I want to come back to the definition, because a number of the responses to the White Paper have expressed concern that the term '*wellbeing*' is being used more and more around this Bill. I would be interested to hear your comments regarding the danger, perhaps, that this aim could overtake sustainable development and sustainability. Also, as part of that, is the concept of wellbeing not easier for the Joneses of Treorchy to understand, and to appreciate what exactly this Bill is trying to do?

[174] **Lord Elis-Thomas:** You are all waving desperately, so we will start with Anne and work across from there.

[175] **Ms Meikle:** From my perspective, this is another thing that we have spent quite a lot of time getting legal opinion on, to find out whether our concerns would be justified. The concern, generally, is that what we are trying to develop here is a clear definition that is also consistent with international principles and understanding of SD. Of course, the definitions that are used in most legislation are related to the original Brundtland definition, which did not talk about wellbeing, or quality of life, or any of those things. It talked about meeting people's needs—it was very specifically about needs, within limits. I think that 'One Wales: One Planet' says something about economic, social and environmental wellbeing, so we asked what you could do, particularly with environmental wellbeing, which is a completely new term, and not one that we know much about. Although you could define that within the Bill in whatever way the Government wished it to be used—you could use it to substitute for what is more commonly used—the feeling was that, because it is naturally understood as being a very social, human, health-related kind of wellbeing, trying to apply it in an environmental sense becomes quite problematic. That might also be true of economic wellbeing; I am not so sure. It would be quite unlikely— This would naturally be understood as human wellbeing, and that is not what Government and everybody else means by the phrase.

[176] This is why I get slightly concerned when people talk about getting people inspired by the Bill. You can get people inspired by the idea, including, by all means, talking to them about their wellbeing, and the wellbeing of their children and their environment, and people will understand that perfectly well, but when you are trying to make a precise definition in law, the legal advice came back to us saying that it was such an imprecise term, and was already used in other ways in other legislation, that it was not great. It is much easier to stick to what we suggested—that 'sustainable development' means meeting the economic, social, cultural and environmental needs of people and communities without compromising the ability of future generations to meet their needs. It is quite specific then, and much easier to be clear what you are talking about, but it also gives you that idea about what is your fair share of the resources, and who is suffering injustice because we are consuming too much. In a way, the concept of meeting your needs is more accurate than giving people the impression that what you are talking about is everybody in the world living as we do. That is impossible with the current state of technology and resources. So, there has to be some way of being clear that we are not talking about everybody living the lifestyle of a footballer. It is just not going to happen.

[177] **Lord Elis-Thomas:** I do not know why we are being so critical of footballers.

[178] **Julie James:** I want to develop something that you said about the definition of wellbeing as a concept. One of the things that we have been thinking about is having some kind of consolidating provision in this Bill for some of the other powers that local public bodies have, trying to bring them together so that they sit below the sustainable development umbrella. For example, the social, economic and environmental wellbeing power already exists for local authorities in Wales.

11.45 a.m.

[179] Health authorities have a similar duty to promote the health and wellbeing of those in their area. So, we have had a little confab about whether this Bill should have a set of principles in it that will inform retrospectively and future legislation—a bit like the Nolan principles, I suppose. The principles of SD set out in this Bill would underpin all future legislation. It is very difficult to do that retrospectively, of course. Do you agree, or do you want an overarching Bill that everything else has to fit in underneath?

[180] Some of those practical things matter in terms of how the duty works on the ground. There is a sort of broad agreement that we want the duty to work on the ground. Some of those practical points need to be addressed quite early on in this discussion, because they change the way in which you structure the rest of the outcome-led stuff, and so on. To put my cards on the table, I am kind of heading down the route of having a bit of a consolidation section and then a set of underlying principles, which would not have to be narrowly legally defined for all of the reasons that we have already discussed, because they could be principles like the Nolan principles, and then this Bill would become the bedrock of the other Bills, such as the environment Bill, the housing Bill, the planning Bill, and so on, which would put the specifics into place, with it as the underlying Bill. I am sorry to be a practical lawyer about it for a minute, but we have to have that practical discussion, because we are all using the terms ‘overarching Bill’, ‘underlying principle’, ‘wellbeing of people’, or whatever, but I think that we have to get to the bottom of that before we can practically move forward or else we will be just woolly teddies for the next three years.

[181] **Lord Elis-Thomas:** This is such a useful pre-legislative discussion, because presumably this committee will deal with this Bill and therefore we will face the responsibility as we go into Stages 1 and 2 of the discussion on this. Peter?

[182] **Mr Davies:** That is very interesting, because principle simplification is really important. We have always said that, with this Bill, there should be an element of consolidation. We have not achieved that yet. I have always had a worry about wellbeing, but I have been told consistently, ‘Look, we have the powers of wellbeing and so let us work with that’, which I can understand. However, that needs to be set in the context—and I think that is what you are saying—of what this Bill is doing. The programme for government talks about a long-term development path and this Bill is about the framework for the long-term development path. My problem with wellbeing is that individual wellbeing has traditionally been based upon the exploitation of resources for now rather than the future. So, this Bill needs to consolidate that in the context of that future agenda. So, there may absolutely be something in what you are saying about the consolidation element of that in terms of the existing powers.

[183] **Lord Elis-Thomas:** I have another issue with that, of course, which is the international dimension of legislation in this area. I do not think that wellbeing is understood within the European Union or, indeed, other nations within the United Nations, in that sense.

[184] **Mr Davies:** I agree entirely, whereas sustainable development has an established position at the European level and indeed at an international UN level.

[185] **Lord Elis-Thomas:** Julian? I know that you will agree with that. [*Laughter.*]

[186] **Mr Rosser:** I will just say, briefly, that Oxfam first became engaged with this Bill process when we saw a paper written by a very senior Welsh Government civil servant, who has now left us, in which he attempted to define sustainable development as being about the wellbeing of people in Wales, which we thought was an outrageous position for somebody at a senior level in the Welsh Government to take. It was at that point that we felt that we had to engage quite urgently with Ministers, who we worried might accept this bizarre position that sustainable development was not about the wellbeing people of people outside Wales nor about the biodiversity of Wales, for example, which are all very important components of it.

[187] On Julie’s point, we really should be talking in some more detail about some of the specifics of how the Bill can be put together. One thing that I have some concern about is that you say that there is consensus that the duty needs to apply on the ground, but at the moment, there is no consensus as to what the duty is or what the duty should be. That is why we have

been articulating in the third sector alliance, with the support of networks that involve thousands of voluntary organisations in Wales, that the duty should be on the Welsh Government and the public sector to enact all of their functions in order to achieve sustainable development. I agree that that is more difficult and more challenging than saying that they need to consider things in a particular way, in that SD is their central organising principle. However, we think that that is a formulation that will have a real impact and will lead to a real step change in the way in which government happens in Wales.

[188] **Professor Jones:** It is an inadequate concept. It certainly does not include the future. You can have high wellbeing now in a disastrous situation for where it might be in 20 or 30 years' time. Therefore, it is inadequate, just for that one reason.

[189] **Lord Elis-Thomas:** There is also another part to this, which is that legislation has a cycle to do with the definition of the words used in the legislation. You will be well aware that I was involved in some discussion involving the word 'marriage' in the last two days, so I have had a lot of opportunity to think about this, namely how you redefine words. Of course, they are always embedded within a tradition, because other people will interpret them in a different way. When you have terms such as 'sustainable development', which is part of a succession of Government of Wales Acts, I do not want to lose that because that is part of my country's constitution.

[190] **Ms Meikle:** I would be very interested to discuss those ideas some more, because we asked a barrister to look at where else 'wellbeing' was defined and how you might use it. His beautifully scathing tone about the lack of definition of it in any previous legislation where it appeared made me laugh quite a lot. He basically said that it is not already defined, so you would have to find some way of being clear about what you mean.

[191] **Julie James:** I would go further and say that it is not capable of definition—it is too woolly a word in the first place.

[192] **Lord Elis-Thomas:** That disposes of that, then. Thank you. [*Laughter.*] Are there any other points that people would like to make from your end of this round table? It is not a round table, it is a square table.

[193] **Professor Jones:** May I make a suggestion? It seems to me that the economy is crucial to this, in evolving to a more people-friendly and more localised economic model. Would it not be appropriate for there to be a joint meeting of your group with its economic equivalent, to consider how you might move forward in terms of economic thinking in Wales?

[194] **Lord Elis-Thomas:** This is difficult for some of us who have to sit on both committees, but it would be good to have—

[195] **Julie James:** At least three of us sit on both committees.

[196] **Lord Elis-Thomas:** We could get some of our old friends back for that meeting. We will take that challenge on.

[197] **Professor Jones:** There is a real issue here. The question was asked earlier about prioritisation and how we create work. Peter spoke about liaison with business. There is this conception around that sustainable development is a negative and that it is a stopper. Somehow, you have to get over that and say, 'No, this is the way forward, so that you do enjoy wellbeing, or some equivalent thereof, on the ground as the current model is unsustainable and you will suffer substantially'. The floods were a case in point. It is an incredibly important discussion to have, and to engage in with the people of Wales and

elsewhere. Otherwise, whatever you do legislatively can be undone in 10 years' time.

[198] **Lord Elis-Thomas:** In response to that, I can undertake on behalf of colleagues that we will consult with Nick Ramsay and colleagues who are members of the business and enterprise and transport and learning committee. We already have six Ministers who are accountable to this committee, so we do not mind having a few more. [*Laughter.*]

[199] **Julie James:** Chair, may I make just one point? I know that you said that you would give us a shortlist of the most important bits, but I do not mind being bombarded with every example that you can think of. We are at quite a crucial stage of trying to understand what else is going on. I would welcome any contributions of that sort, just as a personal thing. I know that the committee is going to have a consolidated thing as well.

[200] **Yr Arglwydd Elis-Thomas:** Hoffwn ddiolch yn fawr i bawb ohonoch am gymryd rhan mewn rhywbeth yr wyf yn meddwl sydd wedi bod yn drafodaeth nodedig am ei deallusrwydd ac ehangder y pwnc o dan sylw. Mae'n dda gen i ddweud bod y cyfaill, Leigh Halfpenny, yn dal i gicio'n rhagorol. [*Chwerthin.*] Diolch yn fawr iawn i chi.

Lord Elis-Thomas: I thank each and every one of you for participating in a discussion that I think has been notable for its intellect and for the depth of knowledge displayed on the subject in question. I am pleased to say that my colleague Leigh Halfpenny is still kicking superbly. [*Laughter.*] Thank you all very much.

[201] We will now have a short private session.

11.55 a.m.

Cynnig o dan Reol Sefydlog Rhif 17.42(vi) i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod

Motion under Standing Order No. 17.42(vi) to Exclude the Public from the Meeting

[202] **Yr Arglwydd Elis-Thomas:** **Lord Elis-Thomas:** I move that Cynigiad fod

y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog Rhif 17.42(vi).

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(vi).

[203] Gwelaf fod y pwyllgor yn gytûn. I see that there is no objection.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.55 a.m.
The public part of the meeting ended at 11.55 a.m.*