



Committee Clerk
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay CF99 1NA

5 September 2014

Dear Clerk

Consultation on the Well-being of Future Generations (Wales) Bill

The Welsh Language Commissioner welcomes the opportunity to comment on the Committee's inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.

The principal aim of the Welsh Language Commissioner is to promote and facilitate the use of Welsh. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers. Two principles underpin the Commissioner's work:

- The Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to inspect statutory Welsh language schemes through the powers inherited under the Welsh Language Act 1993.

The role of the Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate failure to implement a language scheme, allegations of interference with individuals' freedom to use Welsh in Wales and, in future, complaints regarding the failure of organizations to meet standards.

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One of the Commissioner's priorities is to scrutinise policy developments with regard to the Welsh language. Therefore, the principal role of the Commissioner is to provide comments in accordance with these terms of reference, acting as an independent advocate on behalf of Welsh speakers in Wales who may be affected by the proposed amendments. This approach is advocated to avoid any potential compromise of the Commissioner's regulatory functions and should the Commissioner wish to conduct a formal review of the organization's performance in accordance with the provisions contained in the Measure.

Point two of the terms of reference - General principles of the Well-being of Future Generations (Wales) Bill and the need for legislation in the following areas - the “common aim” and “sustainable development principle” established in the Bill and the “public bodies” specified

Section 2 of the Bill states that *“the aim of public bodies is to improve the economic, social and environmental well-being of Wales in accordance with the sustainable development principle.”* Sustainable development is defined in section 3 of the Bill as *“seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.”*

The Welsh Language Commissioner has already stated that the well-being of the Welsh language is closely intertwined with economic, social and environmental well-being. The Government's Welsh Language Strategy recognises that the Welsh language's sustainability is a cause for concern. The specific reference to the Welsh language in one of the well-being goals in section 6 of the Bill; *‘A Wales of vibrant culture and thriving Welsh language’* reinforces the importance of ensuring the well-being of the Welsh language in the context of sustainable development.

In placing sustainability and sustainable development at the heart of the public sector's work, there must be an awareness of the duties placed on these bodies with regard to the Welsh language. The aim of the Bill is to reinforce the need to work in a way that links different aspects of the work undertaken by public bodies, and so it should highlight the relationship between sustainable development and the Welsh language. In that regard, sections 77-79 of the Government of Wales Act 2006 identify three cross-cutting themes to be considered by the Welsh Government, including the Welsh language and sustainable development.

There is no reference to the Welsh language under the definition of “sustainable development principle” and “common aim” in the Bill, although the Welsh language is part of the social well-being of Wales. Therefore, to ensure that appropriate consideration is given to the Welsh language, we trust that Welsh Ministers will publish a national indicator(s) in accordance with section 11, relating directly to the Welsh language, in order to be able to measure progress towards the well-being goals and, in particular, goal 6. Doing so would ensure that the relationship between the Welsh language and the three aspects of well-being contained in the “common aim” is established. This could also strengthen the consideration given to the Welsh language when public bodies and Welsh



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Ministers set and publish their well-being objectives in accordance with sections 9 and 10 of the Bill.

Point five of the terms of reference - whether there are any unintended consequences arising from the Bill

The Welsh Language Commissioner is named in section 24(2)(b) of the Bill as a member of the Sustainable Development Commissioner's advisory panel. The Commissioner has already stated in correspondence to the Minister for Communities and Tackling Poverty that she is keen to work with the Future Generations Commissioner in an appropriate manner. However, as a Commissioner who exercises a regulatory function in relation to Welsh Ministers, it is essential that independence is maintained.

The Welsh Language Measure 2011 contains sections which allow the Welsh Language Commissioner to work collaboratively with the Ombudsman and other Commissioners (section 20 and 21). I recommend that the Committee considers the appropriateness of including similar clauses in the Bill rather than the current proposal regarding membership of the Advisory Panel.

Thank you for the opportunity to comment on the consultation.

Yours sincerely

Meri Huws

Welsh Language Commissioner

