

# Communities, Equality and Local Government Committee

## National Assembly for Wales (Official Languages) Bill

### Paper 2: Welsh Language Officers Group

Unless otherwise stated, it should be assumed that we agree with or welcome every element of the Bill, except for what is noted below.

1. There is no doubt that the Bill is necessary because the Government of Wales Act 2006 is not fit for purpose with regard to ensuring that the Assembly and the Assembly Commission are required to achieve what other Welsh public bodies are expected to achieve in relation to bilingualism. That is not acceptable given that the Assembly is Wales's main public body and if the Assembly does not give the Welsh language official status, treating it on an equal basis with English in the execution of its functions, how can any other organisation in Wales be expected to undertake its statutory duties in accordance with current Welsh language legislation?
2. The Bill must place the same duties on the Assembly as are placed on the Government and other public bodies by current legislation. 'Ambition' (e.g. Point 4.4. (explanatory memorandum)) should be changed to 'duty' in every instance, if the Bill is to achieve its purpose.
3. The four new provisions are a considerable improvement on the Act in its previous form, creating true linguistic equality compared to the previous wording, which, in our view, undermined the Welsh language.
4. On the whole, we welcome the general provisions, except for the following points, which relate to the additional questions under question 4:

iii. The wording in sub-paragraph (6) is ambiguous and unclear:

"(6) Nothing in this paragraph (or in section 35(1)) is to be interpreted as requiring all words spoken or written in one of the official languages to be interpreted or translated into the other."

Even though the Explanatory Memorandum notes that this wording reflects the content of the Irish Official Languages Act 2002 (section 6(3)), we are of the opinion that the EM should include wording that is more similar to that used in the Irish Act (12.8 of the Bill) (below), as it is far clearer and conveys the meaning more effectively:

"Every official report of the debates and other proceedings of the Houses of the Oireachtas shall be published in each of the official languages, except that contributions (whether oral or in writing) in either of the official languages by persons may be published therein solely in that language."

v. The inclusion of sub-paragraph (9), which relates to how often the Scheme should be reviewed, is disappointing, since it has changed from once every four years to once every five years.

(9) The Assembly Commission—

(a) must, at least once every five years, review the Scheme, and

(b) may, at any time, adopt a new Scheme or an amendment to the existing Scheme.

(a) We believe that the scheme needs to be reviewed more often than every five years, to coincide with the Assembly term. Also, equality legislation generally encourages the revision of schemes every three years and that is now local authorities' practice with regard to Welsh Language Schemes. What are the reasons for extending the scheme's review period from four to five years?

(b) If there is to be a new Scheme or revision, it should be more strongly in favour of the Welsh language than was the case previously and there must be public consultation.

vi. In the wording of sub-paragraph (10)(b)

(10)(b) the Assembly Commission has considered any representations made about the draft Scheme (or draft amendment) by—

- (i) members of the public, and
- (ii) the Assembly, and

Every organisation that is encompassed by the provisions of the Welsh Language Measure should also be included.

5. If you choose to incorporate our comments and amendments, then we will agree that there is an appropriate balance between the specific requirements that are included on the face of the Bill and the provisions that are to be included in the Scheme.
6. It is possible that the connection between the Bill and the Welsh Language Measure is inadequate or lacks clarity. The Measure needs to be implemented effectively by other organisations in order for the Bill to work in the Assembly and vice versa.
7. Since the Welsh Language Measure states that Welsh and English are the official languages of Wales, and are therefore equal in status, any arguments about expenditure are irrelevant. It should therefore be accepted that the funding of the Assembly as a whole is for providing services in both languages in Wales, and if the cost of operating in Welsh is taken into account, the cost of operating in English should also be included and expenditure should be compared on that basis, rather than considering the provision of services in Welsh to be an 'additional' cost. Bilingual officers can work bilingually and therefore no additional cost should be noted, but more effective workforce planning might be necessary.
8. Overall, the Bill strengthens current legislation and apart from the concerns noted above, we welcome the Bill's content.
9. We have no further comments on specific sections of the Bill, but we would like to know why the Bill itself (even though it relates to bilingualism and has been prepared by the National Assembly for Wales) is in English only. This meant that we had to quote the above sections in English. Also, we had to look for the documents on the

English-language side of the Assembly website and switch to the Welsh-language side because using the Welsh-language search facility to find the relevant documents was not successful.

10. Our opinion and comments with regard to the Draft Official Languages Scheme are included as **Annexe A** to this response.

11. The changes outlined in paragraph 6.19 are fine, except for the following, which is ambiguous:

‘include explanatory paragraphs explaining why communication between individual Assembly Members and the public is outside the scope of the Scheme.’

Does this mean that Assembly Members do not have to reply in Welsh to a letter that is received in Welsh? If so, we disagree with this. Local council members are expected to reply in Welsh. Why is this outside the scope of the Scheme? Is it not the case that it would be encompassed by the provisions of the Welsh Language Measure and the right of the individual anyway? If so, that should be noted instead.

