



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

**Pwyllgor Deddfwriaeth Rhif 2**  
**Legislation Committee No. 2**

**Dydd Iau, 27 Mai 2010**  
**Thursday, 27 May 2010**

**Cynnwys**  
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

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

Lorraine Barrett	Llafur Labour
Michael German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Gareth Jones	Plaid Cymru The Party of Wales
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Chair of the Committee)
Rhodri Morgan	Llafur Labour

**Eraill yn bresennol**  
**Others in attendance**

Catrin Dafydd	Cymdeithas yr Iaith Gymraeg The Welsh Language Society
Dr Robert Dunbar	Cynghorydd Allanol External Adviser
Siân Lewis	Aelod Pwyllgor, Mentrau Iaith Cymru Committee Member, Mentrau Iaith Cymru
Menna Machreth	Cadeirydd, Cymdeithas yr Iaith Gymraeg Chair, The Welsh Language Society
Colin Nosworthy	Cymdeithas yr Iaith Gymraeg The Welsh Language Society
Ceri Owen	Rhieni Dros Addysg Gymraeg Parents for Welsh Medium Education
Alun Owens	Urdd Gobaith Cymru Urdd Gobaith Cymru
Derek Parlour	Pennaeth Masnachol, Gwasanaeth Ymholiadau Trenau Cenedlaethol Head of Commercial, National Rail Enquiries
Iwan Williams	Swyddog, Mentrau Iaith Cymru Officer, Mentrau Iaith Cymru

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

Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Owain Roberts	Dirprwy Glerc Deputy Clerk
Dr Alys Thomas	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Gareth Williams	Clerc Clerk

*Dechreuodd y cyfarfod am 9 a.m.*  
*The meeting began at 9 a.m.*

## **Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions**

[1] **Val Lloyd:** Good morning and welcome to this meeting of Legislation Committee No.2, in which we are considering the Proposed Welsh Language (Wales) Measure at Stage 1. I have some housekeeping announcements to make. We are not expecting the fire alarm to be tested this morning, so, if you hear the alarm, please leave the room by the exit. I ask everyone to turn off their mobile phones and any other such equipment, because they interfere with the translation services. I remind everyone that we conduct business through the media of Welsh and English. Proceedings can be amplified on channel 0 and the translation can be heard on channel 1.

[2] Brynle Williams will not be with us this morning. I have not been advised of a substitute.

9.01 a.m.

### **Mesur Arfaethedig y Gymraeg (Cymru)—Sesiwn Dystiolaeth The Proposed Welsh Language (Wales) Measure—Evidence Session**

[3] **Val Lloyd:** We will be continuing our scrutiny of the Proposed Welsh Language (Wales) Measure this morning. We will be taking evidence from the Welsh Language Society, Celebrating our Language, Mentrau Iaith Cymru and National Rail Enquiries. I welcome to the meeting this morning Menna Machreth, the chair of the Welsh Language Society, and Colin Nosworthy and Catrin Dafydd from the Welsh Language Society. You are very welcome. Are you ready for us to start? I see that you are.

[4] I will start with the first question. Do you think that the proposed Measure is an improvement on the status quo?

[5] **Ms Machreth:** Nid ydym yn credu bod y Mesur arfaethedig yn welliant ar y status quo mewn unrhyw ffordd sylweddol. Yn wir, yr ydym yn meddwl nad yw'n gwireddu rhai o addewidion 'Cymru'n Un' ynghylch yr iaith Gymraeg.

**Ms Machreth:** We do not believe that the proposed Measure is an improvement on the status quo in any significant way. In fact, we believe that it does not deliver some of the 'One Wales' commitments on the Welsh language.

[6] Nid yw'r Mesur arfaethedig yn rhoi datganiad diamwys bod y Gymraeg yn iaith swyddogol yng Nghymru. Nid yw'n rhoi'r hawl gyffredinol i bobl Cymru gael gwasanaeth yn y Gymraeg nac yn creu cyfundrefn arolygu sy'n fwy annibynnol ar y Llywodraeth na'r drefn bresennol gyda Bwrdd yr Iaith Gymraeg. Yr ydym yn siomedig iawn gyda'r Mesur arfaethedig gan nad yw'n gwireddu addewidion 'Cymru'n Un'.

The proposed Measure does not provide an unambiguous statement that Welsh is an official language in Wales. It does not provide the people of Wales with a general right to receive a service in Welsh, nor does it create an inspection regime that is more independent of the Government than the current system with the Welsh Language Board. We are very disappointed with the proposed Measure, as it does not realise the promises of 'One Wales'.

[7] Yn y Mesur arfaethedig, fel ag y mae ar hyn o bryd, mae angen i siaradwyr Cymraeg gael eu cymell a'u haddysgu i optio i mewn i'r Gymraeg yn hytrach na chael eu grymuso a'u galluogi drwy hawliau i

In the proposed Measure, as it currently stands, Welsh speakers need to be persuaded and educated to opt into the Welsh language rather than empowered and enabled through rights to use the Welsh language. The

dddefnyddio'r iaith Gymraeg. Gallai'r sefyllfa fod yn waeth nag o dan Ddeddf yr Iaith Gymraeg 1993, oherwydd gall y safonau sy'n cael eu gosod ar gyrff fod yn llai na'r sefyllfa bresennol. Mae'r Mesur arfaethedig yn ddibynnol ar bersonoliaeth y comisiynydd a'r Gweinidog.

situation could be worse than under the Welsh Language Act 1993, because the standards that are set for bodies could be weaker than they are at present. The proposed Measure is dependent upon the personality of the commissioner and the Minister.

[8] Nid oes egwyddor yn y Mesur arfaethedig sy'n esbonio pam fod y comisiynydd yn gosod safonau. Yn y broses o gytuno'r safonau rhwng y comisiynydd a'r sectorau, mae modd i safonau gael eu glastwreiddio. Mae'n welliant i gyrff a chwmnïau gan fod modd iddynt herio unrhyw un o'r safonau sy'n cael eu gosod gan y comisiynydd. Nid oes gan yr unigolyn yr un hawl i herio safonau na sgôp y safonau.

There is no principle in the proposed Measure that explains why the commissioner sets standards. In the process of agreeing standards between the commissioner and sectors, standards can be diluted. It is an improvement for organisations and companies, as they can challenge any of the standards set by the commissioner. Individuals do not have the same right to challenge standards or the scope of the standards.

[9] Mae'n welliant ar y status quo o ran bod sgôp y cyrff sy'n dod o dan y Mesur arfaethedig ychydig yn ehangach nag o dan y Ddeddf bresennol. Hynny yw, mae'r cyfleustodau cyhoeddus yn cael eu cynnwys. Fodd bynnag, cam bach ymlaen yw hynny, gan fod sgôp o dan y Ddeddf bresennol i wneud hynny o dan adran 6(1)(o), i gynnwys cyrff sy'n arfer swyddogaethau o natur gyhoeddus, fel y gwnaed gyda'r cwmnïau dŵr. Mae peidio â chynnwys y sector manwerthu, er enghraifft, yn gadael bwloch anferth, felly mae gennym bryder gwirioneddol nad yw'r Mesur arfaethedig yn gam ymlaen. Byddwn yn sôn y bore yma am y newidiadau sylfaenol y mae angen eu gwneud er mwyn cael Mesur cyflawn sydd o werth i bobl Cymru.

We believe that it is an improvement on the status quo in that the scope of the bodies that come under the proposed Measure is slightly wider than in the current Act. That is, the public utilities are included. However, that is a small step forward, because there is scope under the current Act to do so under section 6(1)(o), to include bodies that exercise functions of a public nature, as was done with the water companies. Not including the retail sector, for example, leaves a huge gap, so there is real concern that the proposed Measure is not a step forward. We will talk this morning about the fundamental changes that are needed in order to get a complete Measure that is of value to the people of Wales.

[10] **Michael German:** Can you tell us why you are of the opinion that the proposed Measure does not, in its present form, grant official status to the Welsh language in Wales?

[11] **Ms Dafydd:** Mae pob cyfreithiwr a phob darn o gyngor yr ydym wedi'i dderbyn gan arbenigwyr ieithyddol yn dweud nad yw'r Mesur arfaethedig yn sefydlu statws swyddogol. Mae'r geiriad yn y Mesur arfaethedig yn ei chymryd yn ganiataol bod y Gymraeg yn iaith swyddogol eisoes. Mae adran 1(1) yn sôn am wneud darpariaeth bellach ynglŷn â statws swyddogol y Gymraeg. Mae adran 1(2)(a) ac 1(2)(b) yn crybwyll y ddwy Ddeddf sy'n sôn am statws y Gymraeg mewn meysydd penodol at ddibenion penodol. Nid yr un peth yw hynny

**Ms Dafydd:** Every lawyer and every piece of advice that we have received from language experts has said that the proposed Measure does not establish official status. The wording in the proposed Measure assumes that Welsh is already an official language. Section 1(1) talks about making further provision regarding the official status of Welsh. Section 1(2)(a) and 1(2)(b) refer to the two Acts that mention the status of the Welsh language in specific areas for specific purposes. That is not the same as stating that the Welsh language is, in general, an official

a datgan fod y Gymraeg yn iaith swyddogol yn gyffredinol. Felly, nid oes datganiad newydd am statws yr iaith Gymraeg yn y Mesur arfaethedig hwn—yr hyn mae gwleidyddion fel Ieuan Wyn Jones a Rhodri Morgan wedi datgan yn groch sydd ei angen ers 1993.

[12] Mae nifer o bobl sy'n rhanddeiliaid yr iaith Gymraeg ar hyd a lled Cymru wedi eu dadurthio yn llwyr fod adran ynghylch statws y Gymraeg yn bodoli yn y Mesur arfaethedig, ond nad oes datganiad clir a diamwys ynghylch statws swyddogol y Gymraeg yn yr adran honno. Yn syml, mae'r adran yn bodoli heb yr addewid creiddiol a wnaethpwyd yn 'Cymru'n Un'. Ar hyn o bryd, nid oes datganiad clir ac nid yw'r adran yn symud pethau yn ei blaenau o gwbl.

[13] Mae'n sarhaus fod y Llywodraeth wedi ceisio camarwain dinasyddion i feddwl fod gan y Gymraeg statws swyddogol eisoes, pan nad yw hyn yn dal dŵr yn gyfreithiol. Ymhellach na hynny mae'n honni ei bod yn atgyfnerthu'r statws hwnnw. Nid oes modd atgyfnerthu rhywbeth nad yw'n bodoli yn y lle cyntaf. Yn ffeithiol, nid yw'r Mesur arfaethedig yn sefydlu statws swyddogol i'r Gymraeg. Mae byd y gyfraith eisoes wedi darparu cyngor yn cadarnhau ein safbwynt. Er enghraifft, dywed Emyr Lewis yn ei erthygl yn *Golwg* ym mis Mawrth na ddatgenir yn ddiamwys fod yr iaith Gymraeg yn iaith swyddogol yng Nghymru, a bod hynny'n drueni. Dywedodd 13 o gyfreithwyr mewn llythyr agored i'r *Western Mail* yn ddiweddar fod y Mesur arfaethedig wedi ei lunio mewn modd sy'n cymryd yn ganiataol fod y Gymraeg eisoes yn meddu ar ryw faint o statws swyddogol, a'u bod yn credu bod angen datganiad clir a diamwys mewn deddf gwlad fod y Gymraeg yn iaith swyddogol yng Nghymru er mwyn gwireddu hynny. Aethant ymlaen i ddweud na chafwyd datganiad o'r fath hyd yn hyn. Hefyd, i ddyfynnu'r hyn ddywedodd Rhodri Morgan yn ystod dadl ar Fesur yr Iaith Gymraeg yn 1993:

[14] 'The Government are introducing a Welsh Language Bill, but they have made no reference to what it seeks to achieve... We believe that the Government should not only cease to try to uproot the language and get rid of it altogether, but confer official status on it'.

[15] Yn ogystal, dywedodd Ieuan Wyn In addition, Ieuan Wyn Jones, the Deputy

language. So, there is no new statement about the status of the Welsh language in this proposed Measure—which politicians such as Ieuan Wyn Jones and Rhodri Morgan have vociferously called for since 1993.

Many people who are stakeholders in the Welsh language across Wales are totally disillusioned by the fact that there is a section regarding the status of Welsh in the proposed Measure, but that it includes no clear and unambiguous statement about the status of the Welsh language. Simply put, the section exists without the core promise made in 'One Wales'. At the moment, there is no clear statement and that section does not move things forward at all.

It is insulting that the Government has tried to mislead citizens into thinking that the Welsh language already has official status when that does not hold water legally. It further claims that it is reinforcing that status. It is not possible to reinforce something that does not exist in the first place. Factually, the proposed Measure does not establish official status for the Welsh language. Solicitors have already provided advice that confirms our view. For example, in his article in *Golwg* in March, Emyr Lewis says that it is not stated unambiguously that the Welsh language is an official language in Wales, which is to be regretted. Thirteen solicitors stated in a recent open letter to the *Western Mail* that the proposed Measure has been drafted in a way that takes for granted that the Welsh language already has some official status, and that they believe that, to realise that, a clear and unambiguous statement in law is needed that Welsh is an official language in Wales. They said that no such statement has been forthcoming to date. Also, to quote what Rhodri Morgan said during a debate on the Welsh Language Bill in 1993:

Jones, Dirprwy Brif Weinidog Cymru, yn 2006 bod Cymru wedi disgwyl yn hir cyn sicrhau statws swyddogol i'w hiaith a bod pobl Cymru wedi disgwyl yn rhy hir am yr hawl i wasanaeth drwy gyfrwng y Gymraeg yn eu gwlad eu hunain.

First Minister of Wales, said in 2006 that Wales has waited a long time before securing official status for its language and that the people of Wales have waited for too long for the right to have services in Welsh in their own country.

[16] Felly, drwy gyfrwng sylwadau arbenigwyr ieithyddol, cyfreithwyr a gwleidyddion yn y gorffennol gwelwch nad yw'r Mesur arfaethedig yn cyflawni'r hyn mae'n honni ei gyflawni.

Therefore, through the comments of linguistic experts, solicitors and politicians in the past you will see that the proposed Measure does not achieve what it claims to achieve.

[17] **Michael German:** You mentioned lots of lawyers, but we have taken evidence from Emyr Lewis, which you have probably read. His suggestion is that we insert the words 'Welsh and English are the official languages of Wales and have equality of status'. Do you agree with him?

[18] **Mr Nosworthy:** Ein barn fel cymdeithas yw nad oes angen newid statws y Saesneg gan ei bod yn iaith gref fyd-eang, ac unig iaith de facto Cymru ar hyn o bryd. Diben y Mesur arfaethedig yw hybu a hwyluso'r defnydd o'r Gymraeg. Nid oes angen unrhyw gymorth deddfwriaethol ar y Saesneg—mae'n ddigon diogel fel iaith yng Nghymru, Prydain ac ar draws y byd. Yn yr un modd, nid oes angen egluro statws pobl abl mewn deddfwriaeth i atal gwahaniaethu yn erbyn yr anabl. Os yw dyn yn dilyn cynsail deddfwriaeth a hawliau sydd yn weithredol yn rhyngwladol ac ar lefel Brydeinig, mae modd gweld yn gwbl glir mai'r hyn sydd ei angen yw datganiad o statws arbennig i'r Gymraeg, sydd yn golygu rhagfarnu yn gadarnhaol o blaid iaith leiafrifol—hynny yw, rhoi llwyfan deddfwriaethol er mwyn caniatáu i iaith ffynnu ac i'w defnydd gynyddu. Fel y dywedodd Rhodri Morgan yn 1993:

**Mr Nosworthy:** Our opinion as a society is that the status of the English language does not need to be changed, as it is a strong global language and the only de facto language in Wales at present. The aim of the proposed Measure is to promote and facilitate the use of the Welsh language. The English language does not need legislative assistance, as it is safe enough as a language in Wales, the UK and throughout the world. In the same way, there is no need to explain the status of able-bodied people in legislation to prevent discrimination against the disabled. If one follows the precedent of British and international legislation and rights, it can be clearly seen that a statement of particular status for the Welsh language is required, which means positive discrimination in favour of a minority language—that is, to give a legislative platform to allow the language to prosper and for its use to increase. As Rhodri Morgan said in 1993:

[19] 'There is a total of 1.2 billion people who speak English compared with the 500,000 people who speak Welsh. That shows the extent of the problem and the measure of our task today'.

[20] **Michael German:** As you do not agree with Emyr Lewis's evidence that, if you want to have equality of status in the proposed Measure, you have to use the word 'English' as well, do you want it to only say that Welsh is one of the official languages of Wales? Do you want to remove the words 'equality of status' as well?

[21] **Mr Nosworthy:** Yr ydym wedi gwneud awgrym pendant yn ein tystiolaeth, ond yr ydym yn cytuno i ryw raddau gyda bwrdd yr iaith, sydd wedi awgrymu'r un math o eiriad. Fel y gwelwch yn ein

**Mr Nosworthy:** We have made a concrete suggestion in our evidence, but we agree to some extent with the language board, which has suggested the same kind of wording. As you will have seen from our written evidence,

tystiolaeth ysgrifenedig, yr ydym wedi awgrymu geiriad penodol. we have suggested a specific wording.

9.10 a.m.

[22] **Michael German:** Okay, I will now move on to another statement in your evidence. You say that a practical consequence of the acknowledgement of Welsh as a unique language of Wales would be to

[23] ‘offer a robust legal and normalising foundation to the kind of plans that we would like to implement in the future’.

[24] In other words, you see it as a progression—a foundation that would create a pathway to the eventual plan. Could you tell us where the end of your plan is? What is the ultimate aim of your plan, so that we can see whether this is an appropriate pathway to it?

[25] **Ms Machreth:** Mae'r egwyddor o wneud y Gymraeg yn briod iaith Cymru yn golygu cydnabod safle arbennig y Gymraeg yn ei pherthynas â phobl Cymru, fel ein hiaith genedlaethol. Credwn fod yr iaith yn haeddu triniaeth arbennig oherwydd bod anghyfartaledd grym rhwng y Saesneg a'r Gymraeg ar hyn o bryd. Os ydym o ddifrif o ran trin y Gymraeg ar y sail ei bod yn gyfartal â'r Saesneg, mae angen gwahaniaethu'n gadarnhaol o blaid y Gymraeg ar hyn o bryd, oherwydd bod ei sefyllfa yn wan o'i gymharu â sefyllfa'r Saesneg.

**Ms Machreth:** The principle of making the Welsh language the unique language of Wales means recognising the special position that Welsh occupies in relation to the people of Wales, as our national language. We believe that the language deserves special treatment as there is a power imbalance between the English and Welsh languages at present. If we are serious about treating the Welsh language on the basis of equality with English, we need positive discrimination in favour of the Welsh language, because of its weakness in comparison with English.

[26] Mae cydnabod bod y Gymraeg yn briod iaith Cymru yn esbonio i bobl Cymru pam fod angen trin yr iaith Gymraeg yn wahanol. Y cynlluniau o dan sylw yw'r rhai sy'n anelu at hybu a hwyluso'r defnydd o'r Gymraeg. Mae dyletswydd ar y sefydliad hwn i hybu iaith genedlaethol Cymru. Mae ieithoedd ar draws y byd yn dioddef o effeithiau globaleiddio, ac mae hyd yn oed ieithoedd pwerus fel Sbaeneg yn cael anhawster o ran cystadlu â'r Saesneg. Wrth ddweud mai yn y Cynulliad y dylid deddfu dros yr iaith Gymraeg, mae pobl yn arwyddo at y ffaith bod yr iaith Gymraeg yn perthyn i Gymru, ac felly mae angen gwneud yr egwyddor honno'n glir yn y Mesur arfaethedig hwn.

Acknowledging that the Welsh language is the unique language of Wales explains to people why there is a need to treat the Welsh language differently. The schemes that I mean are those that aim to promote and facilitate the use of the Welsh language. This institution has a duty to promote the national language of Wales. Languages across the globe are suffering the effects of globalisation, and even strong languages like Spanish are finding it difficult to compete with English. In saying that the Assembly should legislate in relation to the Welsh language, people are pointing at the fact that the Welsh language belongs to Wales, so that principle needs to be stated clearly in this proposed Measure.

[27] Nid yw'r egwyddor hon o briod iaith yn unigryw i Gymru. Dyma'r egwyddor sylfaenol sy'n sail i ddeddfwriaeth ieithyddol yng Ngwlad y Basg a Chatalonia, yn ogystal â'r datganiad byd eang o hawliau iaith a gyflwynwyd i UNESCO. Credwn fod yr egwyddor yn un pwysig, a hynny yn sgîl ei

The principle of a unique language is not unique to Wales. That is the fundamental principle underpinning linguistic legislation in the Basque Country and Catalonia, in addition to the worldwide statement on language rights presented to UNESCO. We believe that the principle is an important one,



grym symbolaidd ac ymarferol. Ar lefel symbolaidd, byddai'n cydnabod bod y Gymraeg yn briod iaith, yn egluro'r teimlad sydd gan bobl Cymru tuag at y Gymraeg a'r berthynas arbennig ac unigryw sydd gan yr iaith â'r darn hwn o'r byd. Wrth sôn am y cynlluniau y dymunem eu gweithredu yn y dyfodol, yr oeddem yn cyfeirio at sut y gallai'r egwyddor o briod iaith fod yn yriant ac yn egwyddor waelodol i gynlluniau cyfredol y Llywodraeth. Byddai'r strategaeth iaith Gymraeg a'r strategaeth addysg Gymraeg yn elwa o gael yr egwyddor o briod iaith yn sail ar gyfer eu bwriadau a'u polisiau. Gall hefyd fod yn egwyddor i sicrhau bod pobl yn cael mynediad i gyrsiau dysgu'r Gymraeg yn y gweithle ac fel arall.

in the context of its symbolic and practical force. On a symbolic level, it would acknowledge the Welsh language as the unique language of Wales, it would explain the sentiments that the people of Wales have towards the Welsh language, as well as the special and unique relationship that the language has with this part of the world. When we mentioned the schemes that we would like to implement in the future, we talked about how the principle of a unique language could be a driver and founding principle for the Government's current schemes. The Welsh language strategy and the Welsh-medium education strategy would benefit from having the unique language principle as a basis for their aims and policies. It could also be a principle for ensuring that people have access to Welsh-language courses in the workplace and elsewhere.

[28] **Michael German:** I want to go back a step. You say that you want positive discrimination for the Welsh language in order to create equality of status. However, you have just told me that you want to take the words 'equality of status' out of the line that I read to you earlier. So, I just want to be absolutely clear about this: if you are seeking equality of status, why do you want to remove the words that were suggested by Emyr Lewis?

[29] **Ms Machreth:** Mae priod iaith yn sôn yn fwy am y ffaith fod gan yr iaith Gymraeg berthynas arbennig â Chymru, a bod angen cyfiawnhau rhai polisiau sy'n gweithio o blaid y Gymraeg. Mae'n esbonio bod yna anghyfartaledd grym, ac yn esbonio i bobl Cymru pam fod angen ceisio gwneud yn iawn am yr anghyfartaledd grym gyda'r Saesneg sydd wedi bodoli yn y gorffennol.

**Ms Machreth:** The unique language concept is more about the fact that the Welsh language has a special relationship with Wales, and that some of the policies that work in favour of the Welsh language need to be justified. It explains that there is a power imbalance, and explains to the people of Wales why there is a need to compensate for the power imbalance in relation to English that has existed in the past.

[30] **Michael German:** I understood what you were saying about needing positive discrimination in order to create equality. I understand that concept very well. If the endgame of your plan is equality of status, is it not right that we should put it in here to give it a route forward?

[31] **Ms Machreth:** Mae rhoi statws swyddogol i'r iaith Gymraeg a gwneud yr iaith Gymraeg yn iaith briod Cymru yn gamau tuag at sicrhau cydraddoldeb gwirioneddol rhwng y Gymraeg a'r Saesneg.

**Ms Machreth:** Granting the Welsh language official status and making it the unique language of Wales are steps towards securing true equality between the Welsh and English languages.

[32] **Michael German:** I am sorry to give the appearance of playing with words, but you did not want the words 'equality of status' in the first place, and yet you mentioned the concept later. You also talk in your evidence about the practical and symbolic benefits of official status. Could you tell us what you think those practical and symbolic benefits might be?

[33] **Ms Dafydd:** Efallai y dylem edrych yn gyntaf ar rym seicolegol cael statws swyddogol. Gadewch inni ystyried bywyd dinesydd yng Nghymru heddiw, sydd wedi codi y bore yma, fel yr ydym ni wedi gwneud, ac sy'n dewis defnyddio'r Gymraeg. Nid oes amheuaeth y byddai dealltwriaeth ymhlith y cyhoedd fod gan y Gymraeg statws swyddogol yng Nghymru heddiw yn grymuso dewisiadau ieithyddol o ddydd i ddydd a ddeuai ag effaith seicolegol gadarnhaol ar ddilysrwydd defnyddio'r Gymraeg mewn mannau cyhoeddus ac yn atgyfnerthu dewis ieithyddol yr unigolyn ym mhob agwedd o'i fywyd. Yn ogystal, byddai statws swyddogol yn grymuso dewisiadau cyrff sydd eisiau normaleiddio'r Gymraeg yn eu sefydliadau ac yn rhoi rhesymeg i'r swyddogion sy'n gweithredu dyletswyddau yn ymwneud â'r Gymraeg. Byddai datganiad diamwys o du'r Llywodraeth yn dangos bod gyriant tuag at gryfhau statws y Gymraeg ar bob lefel o fywyd yng Nghymru, gan roi gwerth ar resymeg ar normaleiddio'r Gymraeg. Os mai nod y Llywodraeth yw creu Cymru ddwyieithog, mae angen nodi hynny'n gyfreithiol, a dylid gwireddu gweledigaeth 'Iaith Pawb' i ddangos nad geiriau a rhethreg yn unig yw'r agenda ddwyieithog. Byddai hyn yn dangos i bobl Cymru fod y Gymraeg yn rhan real o ddyfodol Cymru, ac yn eu hannog i roi eu ffydd yn y Gymraeg fel cyfrwng, fel mae cynifer wedi ei wneud yn barod drwy ddewis addysg Gymraeg i'w plant.

**Ms Dafydd:** Perhaps we should first look at the psychological power of having official status. Let us consider the life of a citizen in Wales today, who has got up this morning, as we have done, and chooses to use the Welsh language. There is no doubt that, were the public to have a shared understanding of the status of Welsh as an official language in Wales today, it would strengthen linguistic choices daily that would have a positive psychological effect on the validity of using the Welsh language in public places and reinforce the linguistic choice of the individual in every aspect of his or her life. In addition, official status would strengthen the choices of those organisations that want to normalise the Welsh language within their establishments and give a rationale to those officials who execute duties that involve the Welsh language. An unambiguous statement from the Government would demonstrate that there is a drive towards strengthening the status of the Welsh language in every level of life in Wales, giving value and rationale to the normalisation of the language. If the aim of the Government is to create a bilingual Wales, that needs to be stated in law, and the vision of 'Iaith Pawb' must be realised to show that there is more to the bilingual agenda than just words and rhetoric. This would demonstrate to the people of Wales that the Welsh language is a real part of the future of Wales; it would encourage them to have confidence in the Welsh language as a medium, as many have already done by choosing Welsh-medium education for their children.

[34] Dywedodd Emyr Lewis, yn ei dystiolaeth i'r pwyllgor deddfwriaethol, fod datgan statws swyddogol y Gymraeg yn newid seicolegol a chymdeithasol pwysig. Byddai cadarnhau mewn Mesur fod yr iaith Gymraeg yn iaith swyddogol ac yn gydradd â'r Saesneg yng Nghymru yn ffordd briodol ac effeithiol o roi terfyn ar effaith ddifäol y cyfreithiau a sefydlodd, dros ganrifoedd, y norm o gael iaith Gymraeg allan o fywyd cyhoeddus Cymru, ac allan o gynifer o beuoedd eraill. Gadewch inni edrych ar enghraifft Bethan Wyn Jones yn Ysbyty Gwynedd, a anfonodd dystiolaeth atom. Arwyddodd hi ffurflen yn y Gymraeg i roi caniatäd am driniaeth endosgopi. Eglurodd y

Emyr Lewis, in his evidence to this legislation committee, said that stating the official status of the Welsh language is an important social and psychological change. Establishing in a Measure that the Welsh language is an official language and equal to the English language in Wales would be an appropriate and effective manner of halting the corrosive effect of laws that have established, over centuries, the norm of removing the Welsh language from public life in Wales, and from many other domains. Take the example of Bethan Wyn Jones at Ysbyty Gwynedd, who sent evidence to us. She signed a consent form in Welsh for an endoscopy. The doctor explained that she had

meddyg fod rhaid iddi arwyddo'r ffurflen Saesneg gan nad oedd dilysrwydd cyfreithiol a swyddogol i'r ffurflen Gymraeg. Mae hynny'n codi cwestiwn ynghylch a fyddai Bethan Wyn Jones wedi derbyn ei thriniaeth pe bai wedi arwyddo'r ffurflen yn Gymraeg yn unig. Pe bai gan y meddygon ymwybyddiaeth o statws swyddogol y Gymraeg, byddent wedi sylweddoli bod arwyddo'r ffurflen Gymraeg yn gwbl dderbyniol yn gyfreithiol, gan gael gwared ar unrhyw amwyster ac adfywio hawl yr unigolyn.

to sign the English form as there was no legal or official validity to the Welsh form. That raises the question of whether Bethan Wyn Jones would have received her treatment had she signed only the Welsh form. If doctors had an awareness of the official status of the Welsh language, they would realise that signing the Welsh form was completely legally acceptable, and that would remove any ambiguity and revive the rights of the individual.

[35] Mewn cyfarfodydd yn ddiweddar, mae gwleidyddion o bob plaid wedi holi a holi beth, ar wahân i werth symbolaidd a seicolegol statws swyddogol, fyddai'i werth ymarferol. Cwestiwn teg ydyw. Yr enghraifft sydd gennym yw achos yr Unión de Television Comerciales Asociadas—UTECA—yng Nghatalonia, lle yr oedd statws swyddogol yn rheswm tra phwysig ac ymarferol a olygai y gallai'r Llywodraeth orfodi cwmnïau ffilm i dybio cyfran o'u ffilmiau i'r Gatalaneg, sef un o ieithoedd swyddogol Catalonia. Dyma enghraifft glir o statws swyddogol yn gweithio fel sail ar gyfer polisiâu a datblygiadau sy'n hybu prif-frydio iaith leiafrifol. Nid dyma'r unig achos ychwaith. Mae achosion, megis Groener yn Iwerddon, yn atgyfnerthu'r gwerth ymarferol sydd gan statws swyddogol a datganiad clir a diamwys.

In recent meetings, politicians from every party have asked again and again what, apart from the symbolic and psychological value of official status, the practical impact would be. That is a fair question. The example that we have here is the case of the Unión de Television Comerciales Asociadas—UTECA—in Catalonia, in which official status was an exceptionally important and practical reason that allowed the Government to compel film companies to dub a proportion of their films into the Catalan language, which is one of the official languages of Catalonia. This is a clear example of official status being implemented as a basis for policies and developments to promote the mainstreaming of a minority language. This is not the only case. Examples such as Groener in Ireland reinforce the practical value of official status and a clear and unambiguous statement.

[36] Mewn cynhadledd Mudiadau Dathlu'r Gymraeg yn ddiweddar, dywedodd Gwion Lewis,

At a recent Celebrating our Language conference, Gwion Lewis said,

[37] 'Mae arwyddocâd cyfreithiol pendant i'r egwyddor [o osod statws swyddogol i'r Gymraeg]. Os yw rhywun yn edrych ar achosion cyfreithiol lle mae llysoedd barn wedi cytuno ei bod hi'n rhesymol ac felly yn gyfreithlon cymryd camau er mwyn ceisio hyrwyddo un iaith arbennig, mae nhw bron yn ddi-eithriad wedi datgan fod y polisi yn un rhesymol oherwydd fod yr iaith dan sylw yn iaith swyddogol gwlad arbennig.'

'There is a definite legal significance to the principle [of establishing legal status for Welsh]. If someone looks at legal cases where courts of law have agreed that it is reasonable and therefore lawful to take steps in order to promote one specific language, they will almost invariably have declared that the policy is a reasonable one because the language in question is the official language of that particular country.'

[38] Felly, byddai rhoi statws swyddogol i'r iaith Gymraeg yn dod â sgîl-ffaith yn y gymdeithas. Byddai'n rhoi grym seicolegol, ymarferol, cyfreithiol a chymdeithasol i'r

Therefore, giving official status to the Welsh language would have a knock-on effect in society. It would give psychological, practical, legal and social power to the Welsh

Gymraeg ac i bobl Cymru.

language and to the people of Wales.

[39] **Val Lloyd:** Thank you. Before I proceed with further questioning, I ask witnesses to focus their answers. I have no wish at all to stifle the discussion, but we have a limited amount of time and a number of wide-ranging topics on which we would like to hear your views. I will ask some questions now on section 2, on a Welsh language commissioner. Do you agree with the creation of the post of Welsh language commissioner and the abolition of the Welsh Language Board? I would very much appreciate an explanation of your answer.

9.20 a.m.

[40] **Ms Machreth:** Yr ydym yn cytuno â chreu comisiynydd iaith a fydd yn annibynnol ar y Llywodraeth ac yn eiriolwr grymus a fydd yn diogelu hawliau pobl i ddefnyddio'r Gymraeg yn eu bywydau bob dydd. Mae cael ffigwr sydd yn fodlon sefyll i fyny dros bobl sydd am gael y Gymraeg yn rhan o'u bywydau yn gam pwysig, ac mae'n dangos bod yr iaith Gymraeg yn haeddu yr un sylw â materion eraill, fel yn achos y comisiynwyr dros blant a phobl hŷn.

**Ms Machreth:** We agree with the creation of the role of language commissioner to be independent of Government and a strong advocate to safeguard the rights of people to use the Welsh language in their daily lives. Having a figure who is willing to stand up for people who want to have Welsh as part of their lives is an important step and it demonstrates that the Welsh language deserves the same attention as other issues, as is the case with the commissioners for children and older people.

[41] Un o brif wendidau Bwrdd yr Iaith Gymraeg ar hyn o bryd yw bod disgwyl iddo fod yn gyfrifol am gynlluniau iaith ac ymchwilio i gwynion, ynghyd â cheisio hyrwyddo'r iaith Gymraeg a hybu defnydd cyrff a chwmnïau ohoni. Mae'n amhosibl ceisio rheoleiddio a hyrwyddo ar yr un pryd. Credwn fod yn rhaid i'r ddau beth fod ar wahân.

One of the main weaknesses of the Welsh Language Board at present is that it is expected to be responsible for language schemes and carry out inquiries into complaints, as well as promoting the Welsh language and encouraging companies and organisations to use it. It is impossible to try to regulate and promote simultaneously. We believe that the two things need to be separate.

[42] Nid yw'r bwrdd wedi cael unrhyw bwerau i gosbi cyrff nad ydynt yn cydymffurfio, sydd yn golygu bod cyrff yn cael cynlluniau iaith heb fawr o ganlyniad. Y canlyniad yw bod y dinesydd, unwaith eto, yn cael ei amharchu ac yn cael ei amddifadu o'r urddas o allu dewis iaith. Nid yw Bwrdd yr Iaith Gymraeg yn ceryddu cyrff sydd yn torri cynllun iaith, ac ni all torri cynllun iaith byth gwneud iawn am y ffaith bod y dinesydd wedi'i amddifadu o'i urddas.

The board has not been given any powers to penalise organisations that do not comply, which means that organisations can disregard language schemes with hardly any repercussions. The result is that the citizen, once again, is not respected and is deprived of the dignity of being able to use the language of his or her choice. The Welsh Language Board does not reprimand organisations that breach their language schemes, and non-compliance can never make up for the fact that the citizen has been deprived of his or her dignity.

[43] Nid yw hyn yn ddigon da, a chredwn bod angen adeiladu ar hynny drwy greu system o hawliau sy'n rhoi sicrwydd i unigolion ynghylch eu perthynas â'r Gymraeg. Dyna pam y mae'n hanfodol nodi'n glir mai un o ddyletswyddau'r

This is not good enough and we believe that we need to build on this by creating a system of rights that will give individuals assurance in terms of their relationship with the Welsh language. That is why it is crucial to clearly state that one of the duties of the

comisiynydd yw diogelu hawliau pobl Cymru o ran y Gymraeg.

commissioner will be to safeguard the rights of the people of Wales with regard to the Welsh language.

[44] Hefyd, yr ydym yn pryderu bod nifer o wendidau yn rôl y comisiynydd ar hyn o bryd. Er enghraifft, gall Gweinidog roi cyfarwyddiadau i'r comisiynydd, ac mae hynny'n peryglu annibyniaeth y comisiynydd. Ein pryder ni yw, os nad oes egwyddor waelodol yn gyrru gwaith y comisiynydd, yn absenoldeb hawliau, nid oes esboniad pam y byddai'r comisiynydd yn gosod safonau yn y lle cyntaf.

We are also concerned that there are a number of weaknesses in the role of the commissioner as it stands. For example, the Minister can instruct the commissioner, which could threaten the commissioner's independence. Our concern is, if there is no underlying principle to drive the work of the commissioner, in the absence of rights, there is no reason why the commissioner would set standards in the first place.

[45] **Val Lloyd:** Could you explain why you think it is more suitable for the commissioner to be appointed by the Assembly rather than the First Minister?

[46] **Mr Nosworthy:** Credaf mai'r prif reswm yw annibyniaeth. Yr ydym am gael comisiynydd a fydd mor annibynnol â phosibl, ac nid rhywun a fyddai'n rhy ffyddlon i Lywodraeth y dydd. Rhan bwysig o rôl y comisiynydd fydd rheoleiddio Llywodraeth y dydd. Ein hawgrym yw mai'r modd gorau o benodi fyddai i Weinidogion Cymru enwebu rhywun a chael cytundeb gan gorff y Cynulliad am y penodiad hwnnw.

**Mr Nosworthy:** I believe that the main reason is independence. We want the most independent commissioner possible, rather than someone who would be a faithful servant to the Government of the day. An important part of the role of the commissioner would be to regulate the Government of the day. Our suggestion is that the best method of appointing the commissioner would be for Welsh Ministers to nominate a person with the agreement of the Assembly as a whole.

[47] Mae'n deg dweud nad oes un model a fydd yn sicrhau y bydd y comisiynydd yn gwbl annibynnol, ond os mai'r Prif Weinidog yn unig a fydd yn gyfrifol am benodi'r comisiynydd, gellid gofyn i ba raddau y byddai comisiynydd yn teimlo'n rhydd i feirniadu gwaith y Llywodraeth.

It is fair to say that no one model would ensure that the commissioner is entirely independent, but if the First Minister has sole responsibility for appointing the commissioner, one could question the extent to which the commissioner would feel free to criticise the work of the Government.

[48] Un fantais bosibl arall o gael y Cynulliad i wneud y penderfyniad yw y gallai cyfranddeiliaid yn y sector gymryd rhan yn y broses o benodi'r comisiynydd. Hefyd, byddai'n cynyddu atebolrwydd y comisiynydd i bobl Cymru. Os ystyriwch waith gwahanol gomisiynwyr eraill ar draws y byd, cewch fod llawer o'u gwaith yn ymwneud â gwasanaethau a ddarperir gan y Llywodraeth. Felly, creu sefyllfa lle y mae'r comisiynydd yn gwbl rhydd i ddatgan barn ar y gwasanaeth hwnnw yng Nghymru yw'r peth pwysicaf.

One other possible advantage to having the Assembly decide would be that sector stakeholders could take part in the process of appointing the commissioner. It would also increase the accountability of the commissioner to the people of Wales. If you look at the work of various other commissioners throughout the world, you will see that a great deal of their work relates to the services provided by the Government. Therefore, creating a situation where the commissioner is completely free to express an opinion on those services is the most important thing.

[49] **Val Lloyd:** In your evidence, you discuss appointing the commissioner and board

members through public hearings. Where would that fit in with your answer?

[50] **Mr Nosworthy:** Mae ychydig resymau dros wneud hynny. Mae'n fodel sydd yn cael ei ddilyn, i ryw raddau, yn yr Unol Daleithiau, ac mae wedi cael sylw gan y Pwyllgor Gweinyddiaeth Gyhoeddus yn San Steffan yn ddiweddar. Mae'n fodd hefyd o roi cyfle i gyfranddeiliaid yn y sector fod yn rhan o'r broses benodi. Un peth pwysig arall yw y byddai gwrandawriadau cyhoeddus yn cynyddu atebolrwydd y comisiynydd i bobl Cymru drwy godi ei broffil a sicrhau eto bod y dinesydd yn rhan canolog o'r holl broses, yn hytrach na bod ar yr ymylon. Byddai gwrandawriadau cyhoeddus yn symbol posibl bod rôl y dinesydd yn cael ei weld yn rhan ganolog o'r broses honno.

**Mr Nosworthy:** There are several reasons for doing that. It is a model that is followed, to some extent, in the United States, and the Public Administration Committee in Westminster also looked at this recently. It is also a means of giving sector stakeholders an opportunity to be part of the appointment process. One other important thing is that public hearings would increase the accountability of the commissioner to the people of Wales by increasing his or her profile and further ensuring that the citizen is at the centre of the whole process, rather than consigned to the margins. Public hearings could, potentially, symbolise the fact that the role of the citizen is considered to be a central part of that process.

[51] **Val Lloyd:** Would the public hearing be before an Assembly committee?

[52] **Mr Nosworthy:** Mae'n ddigon posibl. Byddai hynny'n ffordd fwy amlwg o'i wneud.

**Mr Nosworthy:** Quite possibly. It would be a more visible way of doing it.

[53] **Val Lloyd:** In your evidence, you say that there is no statutory principle or purpose to drive the work of the commissioner. Could you explain this and what difference it would make?

[54] **Ms Dafydd:** Mae'r cwestiwn hwn yn mynd i hanfod un o brif broblemau'r Mesur arfaethedig hwn. Un o'r prif broblemau gyda Bwrdd yr Iaith Gymraeg ar ei ffurf bresennol yw nad oes gorfodaeth na disgwyl iddo weithredu na bod yn rhagweithiol wrth weithio gyda'r cyhoedd. Hynny yw, pan fo rhywun yn cwyno wrth Fwrdd yr Iaith ar hyn o bryd, nid oes rhaid iddo ddefnyddio'r holl bwerau sydd ganddo, ac nid oes polisi yswiriant, fel petai, a fyddai'n golygu bod hawl gan ddinesydd i herio a chwestiynu pa mor bell y mae'r bwrdd wedi mynd â'r cwynion.

**Ms Dafydd:** This question goes to the heart of one of the main problems of the proposed Measure. One of the main problems with the Welsh Language Board in its current form is that it is not required to act or be proactive in dealing with the public. That is, when someone complains to the Welsh Language Board at the moment, it is not required to use all the powers at its disposal, and there is no insurance policy, as it were, to ensure that the citizen has the right to challenge and question how far the board has taken the complaints.

[55] Mae modd rhoi llawer o rym i berson mewn awdurdod, fel y comisiynydd, er enghraifft, ond y peth elfennol bwysig yw bod cyfres o egwyddorion a phrif nod i yrru'r comisiynydd, i'w gymell i ddefnyddio'r pwerau sydd ganddo i'w llawn botensial. Er enghraifft, mae 'Iaith Pawb' yn gosod targedau uchel iawn, ond gan nad oes gan Fwrdd yr Iaith Gymraeg y symbyliad na'r nod i weithredu i'w llawn botensial, mae'r

It is possible to give a person in authority, such as the commissioner, for example, a great deal of power, but the fundamental point is that there should be a series of principles and a main objective to drive the commissioner, to motivate him or her to use his or her powers to their full potential. For example, 'Iaith Pawb' sets very high targets, but since the Welsh Language Board has neither the impetus nor the objective to work

dinesydd yn dioddef. Fel y dywedodd Rhodri Morgan yn 1993, yr oedd Deddf 1993 yn gadael bwrdd yr iaith mewn gwactod o ddiffyg egwyddor. Gellid gofyn, felly, pam y dylai'r comisiynydd wneud unrhyw beth o gwbl os nad oes nod a ffocws penodol i'w cyflawni. Fel y saif y Mesur arfaethedig ar hyn o bryd, nid oes rhaid i'r comisiynydd wneud braidd dim ond cynhyrchu adroddiad blynyddol. Y cwestiwn mawr yw: ar ei ffurf bresennol, beth sy'n galluogi dinesydd i ddal y comisiynydd yn atebol am beidio â chyflawni ei rôl? Er enghraifft, mae gan y comisiynydd plant nod a ffocws clir.

to its full potential, the citizen suffers. As Rhodri Morgan said in 1993, the 1993 Act left the Welsh Language in a vacuum of principle. One could therefore ask why the commissioner should do anything at all if there is no specific objective or focus to be achieved. Under the proposed Measure as it stands, the commissioner does not have to do hardly anything other than produce an annual report. The question is: in its current form, what enables the citizen to hold the commissioner accountable for failing to fulfil his or her role. For example, the children's commissioner has a clear objective and focus.

[56] 'The principal aim of the Commissioner in exercising his functions is to safeguard and promote the rights and welfare of children to whom this Part applies.'

[57] Yn ogystal, yr ydym wedi nodi yn ein tystiolaeth y dylid mewnosod y gair 'rhaid' yn hytrach na 'caiff' yn adran 3(1). Furthermore, we have noted in our evidence that we believe that the word 'must' should be inserted instead of 'may' in section 3(1).

[58] **Val Lloyd:** I would like to turn to the regulatory and promotional roles of the commissioner. You recommend that they should be separate and that there should be a Welsh language council to carry out the promotional role. Could you elaborate on that, and specifically on how you see this working, what powers the council would have to ensure a partnership and, in practical terms, how it would be empowered to co-ordinate efforts? Why not just retain the Welsh Language Board?

[59] **Ms Machreth:** Yn gyntaf, hoffwn bwysleisio y bydd angen i'r hyrwyddo fod hyd braich i'r rheoleiddio i sicrhau hygrededd y broses reoleiddio. Mae rheoleiddio a hyrwyddo yn bethau hollol ar wahân. Y perygl yn y Mesur arfaethedig yw ei fod yn troi comisiynydd, sef yr hyn y mae ymgyrchwyr iaith wedi bod yn ymgyrchu drosto, yn derm sy'n golygu rhywun sy'n gwneud yr un peth ag y mae Bwrdd yr Iaith yn ei wneud ar hyn o bryd.

**Ms Machreth:** First of all, I would like to emphasise that the promotion role would need to be at arm's length from the regulatory role to safeguard the credibility of the regulatory process. Regulation and promotion are two completely separate things. The danger in the proposed Measure is that it turns the commissioner, which is what language campaigners have campaigned for, into a term that means someone who does exactly what the Welsh Language Board does now.

[60] Syniad y mae Cymdeithas yr Iaith wedi'i wyntyllu yw cyngor yr iaith Gymraeg i wneud y gwaith hyrwyddo, gan fod hyrwyddo yn bwysig iawn. Pobl ar lawr gwlad sy'n gwneud y gwaith hyrwyddo dros yr iaith Gymraeg yn eu cymunedau, felly dylent gael mwy o rym yn y ffordd y mae cynlluniau iaith yn digwydd ac yn datblygu.

The Welsh Language Society has floated the idea of a Welsh language council to undertake the promotional work, because it is important work. It is people at the grass roots who undertake the promotional work for the Welsh language in their communities, so they should have more powers over the way that language schemes happen and are developed.

[61] Yn draddodiadol, mae cynllunio ieithyddol wedi digwydd o'r pen i lawr, mewn ffordd ecblyg yn achos y Gymraeg. Yn y ffordd mae Cymdeithas yn gweithio ar

Traditionally, language planning has happened from the top down, explicitly so in relation to the Welsh language. In the way that Cymdeithas works at present, there is

hyn o bryd, mae mwy o bwyslais ar gynllunio o'r gwaelod i fyny. Yr ydym yn gweld yn achos mudiadau sy'n gweithio i hyrwyddo'r Gymraeg y gallant greu deinameg newydd o rannu arfer da, rhannu sgiliau cynllunio iaith a mynd tuag at ddull synhwyrol o hyrwyddo'r iaith ym mhob rhan o Gymru.

more emphasis on a bottom-up approach. We see that organisations that work to promote the Welsh language could create a new dynamic of sharing good practice, to share language planning skills and move towards a sensible approach towards Welsh-language promotion in all parts of Wales.

[62] Yr ydym am weld corff mwy cynrychioladol, a byddai cyngor yr iaith, wedi'i ffurfio gan y mudiadau, yn cyfranogi o'r sgiliau sydd ar lawr gwlad. Mae angen corff mwy cynrychioladol na'r bwrdd presennol.

We want to see a more representative body, and a Welsh language council, formed by the organisations, would participate in the skills that exist on a grassroots level. We need a more representative body that the board as it currently stands.

9.30 a.m.

[63] **Val Lloyd:** In your evidence, you say that the commissioner should comment in public on the use of Welsh in the private sector. Why do you refer to that specifically, given the wide-ranging powers that will be given to the commissioner?

[64] **Ms Machreth:** Yr hyn yr ydym yn ei ddweud yw bod perygl, ar hyn o bryd, na fyddai'r comisiynydd yn gorfod beirmiadu unrhyw beth yn y sector breifat. Nodwn fod angen i'r comisiynydd amddiffyn hawliau pobl Cymru. Nid oes rheidrwydd ar y sector breifat i ddarparu gwasanaethau Cymraeg ar hyn o bryd. Mae rhai wedi mabwysiadu polisiau iaith gwirfoddol, ond os ydynt yn torri eu polisi, nid oes modd i Fwrdd yr Iaith Gymraeg eu dwyn i gyfrif mewn unrhyw ffordd, gan nad yw'r polisiau yn statudol.

**Ms Machreth:** What we are saying is that there is a risk, at present, that the commissioner would not have to criticize anything in the private sector. We note that the commissioner needs to defend the rights of the people of Wales. There is no obligation on the private sector to provide services in Welsh at the moment. Some have adopted voluntary language policies, but if they are in breach of their policy, it is not possible for the Welsh Language Board to hold them to account in any way, because those policies are not statutory.

[65] Mae'r gymdeithas wedi nodi sawl gwaith bod angen i'r pwyslais fod ar natur y darparwr, nid ar statws y darparwr, os ydyw'n breifat neu'n gyhoeddus. Mae'r ffiniau rhwng y sector gyhoeddus a'r sector preifat yn llawer llai eglur erbyn hyn. O ran hawliau, credwn fod angen penderfynu yn gyntaf a ddylai'r Gymraeg fod yn hawl i unigolyn ai peidio, ac mai ar ôl hynny y penderfynwch beth sy'n rhesymol o dan yr amgylchiadau. Felly, credwn y dylid sefydlu hawliau ar draws pob sector, ac wedyn y dylid wynebu'r cwestiwn o'r hyn sy'n rhesymol. Yn amlwg, rhan fach iawn o'r sector preifat sy'n dod o dan y Mesur arfaethedig, ond credwn ei fod yn bwysig bod y comisiynydd yn gallu gwneud sylwadau ar y sector preifat, oherwydd os bydd cynsail i hawliau yn y Mesur arfaethedig, bydd disgwyliadau pobl yn cynyddu ar draws pob

The society has noted several times that the emphasis needs to be on the nature of the provider, not on the status of the provider, whether it is private or public. The boundaries between the public sector and the private sector are much less clear now. With regard to rights, we believe that it needs to be decided first of all whether the Welsh language should be a right for an individual or not, and that it is after that that you decide what is reasonable under the circumstances. Therefore, we believe that rights should be established across all sectors, and then the question of what is reasonable should be faced. Obviously, only a very small part of the private sector is covered by this proposed Measure, but we believe that it is important that the commissioner can comment on the private sector, because if there is a precedent of rights in the proposed Measure then



sector.

people's expectations will increase across all sectors.

[66] Hoffwn roi rhai enghreifftiau i chi o ddisgwyliadau pobl a'u teimladau bod eu hawliau wedi cael eu gwarafun mewn sefyllfaoedd yn y sector breifat. Dywedodd Rhodri Evans o Abertawe wrthym ei fod wedi bod ar ymweliad â'r parc thema Oakwood ym mis Mehefin 2009, a'i fod yn siomedig tu hwnt i weld bod holl arwyddion y parc thema yn uniaith Saesneg. Dywedodd nad oes yr un arwydd yn Gymraeg, a hynny mewn parc thema sydd yng nghefn gwlad Cymru. Nododd ei siom a'i anfodlonrwydd ar daflen werthuso swyddogol y parc, gan ofyn a fyddai modd i rywun gysylltu ag ef ynglŷn â'r mater. Fodd bynnag, ni chlywodd ddim oddi wrth y parc.

I want to give you some examples of people's expectations and their feelings that they have been deprived of their rights in private sector situations. Rhodri Evans of Swansea told us that he had been on a visit to the Oakwood theme park in June 2009, and that he was extremely disappointed to see that all the theme park's signs were in English only. He said that there was not one sign in Welsh in a theme park that is in rural Wales. He noted his disappointment and his discontentment on the park's official evaluation form, and asked whether someone could contact him about the matter. However, he did not hear anything from the park.

[67] Derbyniasom hefyd dystiolaeth o ba mor dameidiog yw gwasanaethau yn y sector preifat a pham fod angen i'r comisiynydd fod yn feiriadol ac i eirioli dros hawliau pobl yn y sector hwnnw hefyd. Dywed Carol Ann Davies o'r Wyddgrug fod yr opsiwn Gymraeg wedi diflannu oddi ar diliau hunanwasanaeth yn Tesco ym Mrychdyn. Gofynnodd am hyn sawl gwaith ers mis Ionawr, ond dywedwyd wrthi mai penderfyniad y brif swyddfa oedd dileu opsiwn y Gymraeg o'r tiliau hynny. Felly, nid yw'r gwasanaeth hwnnw ar gael yno bellach, er ei fod ar gael yn Tesco yr Wyddgrug. Cwynodd Stephen Mason o Lanfair-ym-Muallt bod gwefan Stadiwm y Mileniwm yn uniaith Saesneg.

We also received evidence on how patchy services are in the private sector and why there is a need for the commissioner to be critical and to advocate people's rights in that sector. Carol Ann Davies from Mold said that the Welsh-language option has disappeared from the self-service tills in Tesco in Broughton. She has asked about this several times since January, but she has been told that it was the head office's decision to remove the Welsh option from those tills. So, that service is now not available there, although it is available in the Tesco in Mold. Stephen Mason from Bülth Wells complained that the Millennium Stadium website is English only.

[68] Mae'r enghreifftiau hyn yn dangos bod unigolion yn teimlo y dylai fod ganddynt yr hawl i weld, clywed a defnyddio'r Gymraeg mewn meysydd y tu hwnt i sgôp y Mesur arfaethedig hwn. Mae'n bwysig felly bod y comisiynydd yn gallu cynnig sylwadau ac ymchwilio i feysydd sydd y tu hwnt i'r Mesur arfaethedig. Nid oes gwahaniaeth beth yw'r sector oherwydd os nad yw unigolion yn gallu defnyddio'r Gymraeg, yna maent yn cael eu hamddifadu o'u hurddas.

These examples demonstrate that individuals feel that they should have the right to see, hear and use the Welsh language in areas that are beyond the scope of this proposed Measure. It is therefore important that the commissioner can comment and research into areas beyond the proposed Measure. It does not matter what the sector is because if individuals cannot use the language, then they are being deprived of their dignity.

[69] **Lorraine Barrett:** Do you think that it is necessary to have an advisory panel to assist the commissioner?

[70] **Mr Nosworthy:** Nid ydym yn credu bod hynny'n angenrheidiol yn y bôn. Ni **Mr Nosworthy:** We do not believe that that is fundamentally necessary. We do not think

chredwn fod angen cael panel statudol sy'n cynnig clust i'r comisiynydd. Gall y comisiynydd benodi pobl heb rôl statudol ac felly heb gynnwys y darpariaeth hwn yn y Mesur arfaethedig. Yr hyn sy'n ein poeni yw eich bod, drwy greu panel ymgynghori, yn ail-greu cwango iaith, yn hytrach na chreu rheolydd annibynnol, gydag atebolrwydd clir i ddinasyddion Cymru. Felly, i ryw raddau, byddai'r panel ymgynghori yn cymylu'r dyfroedd, fel pe bai.

that there is a need to have a statutory panel working with the commissioner. The commissioner can appoint people without a statutory role and therefore without including this provision in the proposed Measure. What worries us is that, through creating an advisory panel, you are recreating a language quango, rather than creating an independent regulator, with clear accountability to the citizens of Wales. So, to some extent, the advisory panel would muddy the waters, so to speak.

[71] **Lorraine Barrett:** I now move onto standards. The Minister previously told the committee:

[72] 'We are talking about the duties placed on bodies, which are described as standards in the proposed Measure. I am not a lawyer, but that is the means by which British law gives rights to individuals. If there is a duty, the individual can expect to receive that service in Wales in Welsh or in English, and, therefore, has rights because if he or she does not receive the service according to the definition, he or she is entitled to appeal to the commissioner, who has a duty to investigate and to take appropriate steps.'

[73] What is your view of this interpretation of rights being derived from the standards?

[74] **Ms Machreth:** Credwn fod y dyfyniad hwn yn ffeithiol anghywir ac yn gamarweiniol iawn. Nid yw gosod safonau yr un peth â hawl—mater o ffocws ydyw. Mae dyletswydd yn ffocysu ar y darparwr; mae hawl yn ffocysu ar y defnyddiwr. Grymuso'r defnyddiwr sy'n bwysig. Ymhlyg yn y syniad o hawl mae iawn os caiff yr hawl ei nacáu. O dan y Mesur arfaethedig hwn, os yw corff yn torri safon, mae'r comisiynydd yn gallu ei gosbi, ond nid oes ffordd i'r unigolyn y'i nacaodd ei hawl gael iawn am y golled hon.

**Ms Machreth:** We believe that this quotation is factually incorrect and very misleading. Setting standards is not akin to giving a right—it is a matter of focus. Duty focuses on the provider; a right focuses on the user. Empowering the user is important. Implicit in the concept of a right is redress if that right is denied. Under the proposed Measure, if a body does not comply with the standard, then the commissioner can penalise it, but there is no way for the individual whose rights have been denied to get redress.

[75] Nid yw'r Mesur arfaethedig yn rhoi'r hawl i unigolyn apelio at y comisiynydd. Yr unig hawl yn y Mesur arfaethedig yw hawl y cwmnïau a chyrrff i herio unrhyw ofyniad am wasanaeth Cymraeg drwy gyfrwng safonau. Mae'n gwbl warthus ac yn hollol annheg a sarhaus i bobl Cymru nad oes ganddynt yr hawl cyfatebol i herio'r safonau.

The proposed Measure does not give an individual the right to appeal to the commissioner. The only right in the proposed Measure is the right for companies and organisations to challenge any requirement for a Welsh-medium service imposed by standards. It is quite disgraceful and entirely unfair and insulting to the people of Wales not to have the equivalent right to challenge the standards.

[76] Pwrpas unrhyw ddeddfwriaeth sy'n delio gyda sefyllfaoedd tebyg sydd i fod er lles lleiafrif yw grymuso unigolion wrth ddelio â mantais adnoddol a'r grym amlwg sydd gan gwmnïau mewn cymhariaeth â hwy. Mae'r Mesur arfaethedig hwn yn gwneud y

The purpose of any legislation that deals with similar situations that is meant to benefit the minority is to empower individuals to deal with the obvious resource advantage and power that companies have in comparison with them. The proposed Measure does the

gwrthwyneb yn llwyr. Mae'n gor-rymuso corff gan roi'r hawl iddo osgoi safonau y mae'r comisiynydd am iddo eu darparu heb wneud unrhyw beth i rymuso'r unigolyn. Mae fel pe bai'r Llywodraeth wedi anghofio am yr unigolyn wrth lunio'r Mesur arfaethedig hwn. Dyfynnaf Emyr Lewis eto ar y Mesur arfaethedig:

[77] 'Nid yw, fodd bynnag, yn creu hawliau'.

[78] Mae dwy ffordd gydnabyddedig o roi hawliau i unigolion. Awgrymwn yn 'Mesur yr Iaith Gymraeg 2007' mai datgan hawliau cyffredinol clir gallai unigolion dibynnu arnynt yw'r ffordd orau ymlaen. Mae safonau wedyn yn egluro beth y gallai unigolion ei ddisgwyl gan wahanol wasanaethau.

[79] Mae'n gwbl anghywir i ddadlau drwy osod dyletswyddau bod modd creu hawl, oherwydd nid yw'n driw i brosesau rhyngwladol dealladwy nac i'r traddodiad Prydeinig ychwaith. Felly, i ddilyn rhesymeg dadl y Gweinidog i'r pen, byddech yn disgwyl gweld yn y Mesur arfaethedig fod proses a hawl yr unigolyn i gael iawn am ddiffyg cydymffurfiaeth cwmnïau neu'r sefydliadau â safonau.

[80] Yn ogystal â hynny, mae'r absenoldeb o'r unigolyn yn gallu herio unrhyw safon. Yn ddiweddar, pan fu'r Gweinidog dros Dreftadaeth yn cynnal cyfarfodydd cyhoeddus ynghylch y Mesur arfaethedig, gofynnwyd iddo a fyddai modd creu safon ynghylch gwersi nofio ar gyfer plant. Yr ateb oedd na fyddai hynny'n bosibl. Yr ydym yn poeni nad oes gan unigolion y cyfle i herio paham nad yw safon wedi'i osod. Mae hwn i gyd i lawr i'r ffaith bod yr egwyddor o hawl ar goll o'r Mesur arfaethedig.

[81] **Gareth Jones:** Mae'r Mesur arfaethedig wedi'i ddrafftio fel bod yr hawl i herio yn cael ei drosglwyddo o'r unigolyn i'r comisiynydd fel bod y comisiynydd yn cymryd y rôl hwnnw o herio. Dywedwyd mewn tystiolaeth yma mai un rheswm dros wneud hynny yw pan fo'r unigolyn yn teimlo ei fod am herio rhywbeth, ei fod yn fater anodd a beichus i'r unigolyn. Mae ef neu hi'n

exact opposite. It over-empowers a body by giving it the right to avoid standards that the commissioner would wish it to provide without empowering the individual in any way. It is as if the Government has forgotten about the individual in drafting this proposed Measure. I quote Emyr Lewis again on the proposed Measure:

'It does not, however, create rights'.

There are two recognised ways of giving rights to individuals. We suggest in 'Welsh Language Measure 2007' that a clear statement of rights on which individuals could depend is the best way forward. The standards would then explain what individuals could expect from different services.

It is quite wrong to argue that by imposing duties you can create a right, because that is not true to understood international processes or to the British tradition either. So, to follow the logic of the Minister's argument to its conclusion, you would expect to see in the proposed Measure a process and a right for individuals to have redress if companies or organisations do not comply with the standards.

In addition, there is the absence of an individual's ability to challenge any standard. Recently, when the Minister for Heritage held public meetings on the proposed Measure, he was asked whether it would be possible to create a standard for swimming lessons for children. The reply was that that would not be possible. We are concerned that individuals do not have the opportunity to challenge why a standard has not been set. That is all down to the fact that the principle of a right is not included in the proposed Measure.

**Gareth Jones:** The proposed Measure has been drafted so that the right to challenge is transferred from the individual to the commissioner so that the commissioner takes up that role of challenging. It was stated in evidence here that one reason for that is that when an individual feels that he or she wants to challenge something, it is difficult and a burden for that individual. He or she has to

gorfod chwilio am gyngor cyfreithiol ac ati, efallai, ac y mae ef neu hi'n gorfod adeiladu'r achos hwn yn yr hawl. Mae hynny'n anodd i'r unigolyn ac yn aml, efallai, byddai'r unigolyn yn digalonni oherwydd natur y gwaith a'r broses. Sut yr ydych yn ymateb i hynny?

[82] **Ms Machreth:** Mewn sefyllfa o'r fath, gobeithiwn na fyddai rhaid i'r unigolyn wneud hynny. Gobeithiwn y byddai'r comisiynydd yn gallu cyflawni'r rôl, ond os oes sefyllfa lle mae'r unigolyn yn teimlo nad oes safon a bod hawl ganddi hi neu ganddo ef i gael hynny, yna dylai fod hawl ganddo neu ganddi i herio hynny.

[83] **Mr Nosworthy:** Mae ffordd o feddwl amdano fel polisi yswiriant, hynny yw, y profiad sydd yn wynebu ein haelodau o ddydd i ddydd yw eu bod yn gwneud cwyn i Fwrdd yr Iaith Gymraeg ac efallai nad oes dim yn digwydd. Y polisi yswiriant yw sicrhau bod gan yr unigolyn y *back-stop* hwnnw.

[84] **Ms Dafydd:** Os yr ydych yn sôn am bersectif yr unigolyn, yn aml iawn, os edrychwch ar gymariaethau rhyngwladol, mae cymdeithas o bobl sy'n teimlo eu bod wedi profi'r un anghyfiawnderau ac y mae mudladau fel ni sy'n eu cefnogi ar hyd y daith er mwyn eu sicrhau nad ydynt yn teimlo'n unig. O leiaf mae'n eu grymuso i weld bod llwybr clir a bod y trywydd deddfwriaethol yn hygyrch yn hytrach na rhywbeth biwrocraataidd sydd yn cael ei wneud tu ôl i ddrysau caeedig.

9.40 a.m.

[85] **Lorraine Barrett:** Briefly, before I go on to the next question, how would the right that you are calling for for individuals to speak, use, hear and learn Welsh be implemented practically in different parts of Wales, especially in places where it might be difficult to find Welsh-speaking staff?

[86] **Ms Dafydd:** Mae'n bwysig nodi nad dim ond ein tystiolaeth sydd yn dweud bod y Mesur arfaethedig yn rhoi hawliau i gwmnïau a chyrrff yn unig. Mae'n ffeithiol gywir i ddweud hynny. Yr unig le mae'r gair 'hawl' yn cael ei ddefnyddio yn y Mesur arfaethedig yw yn adran 53 o Ran 4, Pennod 7, 'Yr hawl i herio'. Mae'r cwestiwn hwn yn broblematig oblegid rheoliadau a fydd yn esbonio'n

seek legal advice and so on, perhaps, and he or she then has to build the case in the right. That is difficult for the individual and often, perhaps, the individual might lose heart because of the nature of the work and the process. How do you respond to that?

**Ms Machreth:** In such a situation, we hope that the individual would not have to do that. We would hope that the commissioner would be able to fulfil that role, but if there is a situation where the individual feels that there is no standard and that he or she has the right to that, then he or she should be able to do challenge that.

**Mr Nosworthy:** It can be thought of as an insurance policy, that is, the experience that our members face daily is that they make a complaint to the Welsh Language Board and then perhaps nothing happens. The insurance policy is to ensure that the individual has that back-stop.

**Ms Dafydd:** If you are talking about the individual's perspective, very often, if you look at international comparisons, there is a community of people who feel that they have experienced the same injustices and there are organisations such as ours that will support them along the journey to ensure that they do not feel alone. At least it empowers them to see that there is a clear route and that the legislative route is accessible rather than something bureaucratic that happens behind closed doors.

**Ms Dafydd:** It is important to note that it is not just our evidence that states that the proposed Measure only gives rights to companies and organisations. It is factually correct to say that. The only place where the word 'right' is used in the proposed Measure is in section 53 of Part 4, Chapter 7, 'Right of challenge'. This question is problematic because it is regulations that will explain in

fanylach beth y gall yr unigolyn ddisgwyl fel gwasanaeth o'r safonau, a hawliau sy'n galluogi'r dinesydd i sicrhau bod y gwasanaethau hynny'n cael eu darparu. I'w rhoi mewn geiriau eraill, gwreiddiau'r holl broses hon yw creu hawliau i'r unigolyn er mwyn sicrhau bod y safonau yn gwneud synnwyr i'r cyhoedd ac yn gwireddu gweledigaeth 'Iaith Pawb' ac addewidion 'Cymru'n Un'.

[87] Mewn ateb i'ch cwestiwn am sut y byddai'r hawl hon yn cael ei rhoi ar waith mewn gwahanol rannau o Gymru, nid dyna ddylai fod y cwestiwn. Dyma brif fantais hawl—ei hyblygrwydd. Mae hawl yn hyblyg ac yn ddibynnol ar yr hyn sydd yn rhesymol o dan yr amgylchiadau penodol, er enghraifft, sefyllfa ddaearyddol. Hynny yw, yr ydym yn dweud y dylai fod hawl gyffredinol i dderbyn gwasanaethau, nwyddau a chyfleusterau drwy gyfrwng y Gymraeg. Byddai hynny'n cael ei esbonio ar lawr gwlad drwy'r safonau.

[88] Yn olaf, un o brif fanteision hawliau yw eu gallu i esblygu ac addasu dros amser, a hynny mewn modd llawer llai biwrocraidaidd na'r system bresennol, yn unol â newidiadau mewn cymdeithas. Fodd bynnag, ni ddylem anghofio na cholli golwg ar ein sefyllfa ieithyddol bresennol yng Nghymru ac anghenion ieithyddol pobl heddiw. Wrth gwrs ein bod yn meddwl ei fod yn bwysig gosod cynseiliau ar gyfer y dyfodol, creu hawliau a phrif ffrydio defnydd y Gymraeg, ond mae angen i'r Mesur arfaethedig fynd i'r afael ar frys gyda'r holl dystiolaeth sydd yn dod ger ein bron wrth ddinasyddion sydd wedi eu dadrymuso gan y system bresennol. Mae hawliau yn ffordd o gael cyfiawnder i bobl sydd eisiau byw eu bywydau drwy gyfrwng y Gymraeg heddiw, nid ffordd o gynllunio ar gyfer y dyfodol yn unig.

[89] **Lorraine Barrett:** Can you say something about the evidence that we have received that says that the current voluntary approach is working and that a compliance regime could undermine the existing progress that is being made on a voluntary basis?

[90] **Ms Machreth:** Beth yw'r dystiolaeth honno? Ein tystiolaeth ddiamwys yw nad yw'r dull presennol yn diogelu hawl pobl Cymru i ddefnyddio'r Gymraeg ym mhob agwedd o'u bywydau. Mae rhai cyrff yn well na'i gilydd, ond mae hynny'n aml yn dibynnu ar ewyllys da unigolion brwd. Ni fydd y cyrff

greater detail what service an individual can expect from the standards, and it is rights that enable the citizen to ensure that those services are provided. In other words, the roots of this entire process lie in the creation of rights for the individual in order to ensure that the standards make sense to the public and realise the vision of 'Iaith Pawb' and the promises of 'One Wales'.

In response to your question about how this right would be implemented in different parts of Wales, that should not be the question. The main advantage of a right is its flexibility. A right is flexible and dependent upon what is reasonable under the specific circumstances, for example, the geographical situation. That is, we are saying that there should be a general right to receive services, goods and facilities through the medium of Welsh. That would be explained on the ground through the standards.

Finally, one of the main advantages of rights is their ability to evolve and adapt over time, and that in a much less bureaucratic manner than the current system, in accordance with changes in society. However, we should not forget or lose sight of our current linguistic situation in Wales and the linguistic needs of people today. Of course we think that it is important to set precedents for the future, to create rights and to mainstream the use of the Welsh language, but the proposed Measure needs to address as a matter of urgency all of the evidence that comes before us from citizens who have been disempowered by the current system. Rights are a way of securing justice for people who want to live their lives through the medium of Welsh today, not just a means of planning for the future.

**Ms Machreth:** What is that evidence? Our unambiguous evidence is that the current approach does not safeguard the right of the people of Wales to use the Welsh language in all aspects of their lives. Some organisations are better than others, but that is often dependent on the goodwill of enthusiastic

sydd â'r ewyllys da hwnnw'n gwrthwynebu gorfodaeth achos eu bod yn cytuno â'r nod. Mae'r pobl sy'n gwrthwynebu gorfodaeth yw'r rhai sydd yn meddwl ei fod yn ddigon da i wneud cyn lleied â phosibl yn y Gymraeg yma ac acw yn wirfoddol fel rhyw frechiad yn erbyn gorfod cynnig gwasanaeth cynhwysfawr yn yr iaith.

[91] Mae'n hollbwysig bod y Llywodraeth yn sicrhau drwy'r Mesur arfaethedig nad yw cyflwyno safonau'n tansilio'r cynnydd a wnaethpwyd gan system y cynlluniau iaith. Mae'r ddadl fod y dull gwirfoddol yn gweithio yn hurt oherwydd y dibynna'r ddarpariaeth ar hyn o bryd ar ewyllys da unigolion a sefydliadau a metha fynd i'r afael â sefydliadau a ddylai fod yn darparu gwasanaeth drwy gyfrwng y Gymraeg. Mae'r ddarpariaeth yn gwbl anghyson ac mae gennym dystiolaeth sy'n profi bod dibynnu ar ddulliau gwirfoddol a mympwy ac ewyllys da cwmnïau yn arwain at sefyllfa anwastad sy'n newid o flwyddyn i flwyddyn. Nid yw'n cynnig sefydlogrwydd i'r unigolyn na'r gymuned ac mae'n caniatáu anghysonderau tost. Er enghraifft, mae gennym dystiolaeth o gwmnïau sy'n anwybyddu'n llwyr unrhyw ofyniad iddynt ddarparu gwasanaeth drwy gyfrwng y Gymraeg. Mae cwmnïau sydd yn gwneud dim byd a gwrthod gwneud dim byd. Yr ydym wedi bod yn ymgyrchu gyda chwmni ffôn Orange am flynyddoedd maith. Dywedodd wrthym yn glir yn 2003 nad oedd rheidrwydd arno o gwbl i gynnig gwasanaeth Gymraeg a dim ond o ganlyniad i Ddeddf y byddai'n cynnig unrhyw fath o wasanaeth.

[92] Mae nifer o enghreifftiau o broblemau yn y dystiolaeth, sy'n dangos yn glir nad yw'r dull o berswadio yn creu sefyllfa glir a dealladwy i'r defnyddiwr nac yn sicrhau fod cwmnïau yn darparu.

[93] **Val Lloyd:** I respectfully remind the witnesses of the need to focus your answers because of time constraints.

[94] **Rhodri Morgan:** Diolch yn fawr ichi ac yr wyf yn ymddiheuro fy mod wedi drysu ynglŷn ag amser dechrau'r pwyllgor y bore yma ac fy mod yn hwyr oherwydd hynny. Mae eich tystiolaeth yn honni ei bod yn amhosibl i'r comisiynydd a'r tribiwnlys benderfynu ar beth sy'n rhesymol a chymesur

individuals. The organisations that have that goodwill will not have to face compulsion, because they agree with the aim. Those who oppose it think that it is good enough to do as little as possible through the medium of Welsh here and there on a voluntary basis like some kind of vaccination against having to provide a comprehensive service in Welsh.

It is crucial that the Government ensures through the proposed Measure that it does not introduce standards that undermine the progress made by the Welsh language schemes system. The argument that the voluntary approach works is ridiculous, because current provision depends on the goodwill of individuals and organisations, and fails to get to grips with institutions that should be providing services through the medium of Welsh. Provision is entirely inconsistent and we have evidence that proves that depending on the voluntary approach and the whim and goodwill of companies leads to an unlevel playing field that changes from year to year. It does not provide stability to the individual or the community, and it allows grave inconsistencies. For example, we have evidence of companies that are completely ignoring any requirement to provide services through the medium of Welsh. There are companies that do nothing and refuse to do anything. We have been campaigning with the phone company Orange for many years. It told us clearly in 2003 that it was not obliged to offer any service in Welsh and only an Act would make it offer any such service.

There are many examples of problems in the evidence, which clearly show that a system of persuasion does not create a clear and understandable situation for the user or ensure that companies provide services.

witnesses of the need to focus your answers

**Rhodri Morgan:** Thank you and I apologise that I was confused about the start time of the committee this morning and that I was late as a result. Your evidence alleges that it is impossible for the commissioner and the tribunal to decide what is reasonable and proportionate because there is no clear

oherwydd nad oes datganiad clir o egwyddor. A fedrwch ymhelaethu a dweud beth yw'r egwyddor a pham yr ydych yn meddwl ei bod yn anodd i rywun ddeall yr egwyddor o fod yn rhesymol a chymesur?

[95] **Ms Dafydd:** Mae nifer fawr o agweddau yn absennol o'r Mesur arfaethedig yn ei ffurf bresennol: datganiad clir o statws swyddogol, fel yr ydym wedi sôn eisoes; hawliau unigolion—

[96] **Rhodri Morgan:** Ond, beth yw'r egwyddor sydd yn ei wneud yn anodd deall 'rhesymol a chymesur'?

[97] **Ms Dafydd:** Yr wyf yn dod at y pwynt hwnnw. Yr hyn sydd yn ei wneud yn amhosibl fel y saif pethau ar hyn o bryd yw diffyg nod clir i'r comisiynydd a fyddai'n sicrhau atebolrwydd. Hynny yw, mae diffyg ffocws clir o ran y pethau y dylent fod yn eu cynrychioli ac nid yw'n ddigon clir pa mor bwysig ydyw eu bod yn atebol i ddinasyddion Cymru.

[98] **Rhodri Morgan:** Rhof enghraifft. Mae 22 awdurdod lleol yng Nghymru, ac mae'n amlwg bod y galw am wasanaethau drwy'r iaith Gymraeg yn wahanol yn sir Fynwy nag ydyw yn sir Fôn. Felly, pan fu Bwrdd yr Iaith Gymraeg yn trio gweithio yn ôl y syniad o fod yn 'rhesymol a chymesur', ni fu'n trio gosod yr un safonau yn sir Fynwy ag yn sir Fôn. Pam yr ydych yn meddwl bod y syniad hwn yn anodd ei ddeall a'i fod yn wall yn y Mesur arfaethedig nad oes un egwyddor glir wedi'i gosod ynddo?

[99] **Ms Dafydd:** Mae'n dod yn ôl at yr hyn y dywedasom am ddiffygion Bwrdd yr Iaith Gymraeg. Hynny yw, mae ymwneud rhwng y bwrdd ac awdurdodau lleol yn rhesymol ac yn gymesur. Ar y llaw arall, byddai nifer o bobl yn dadlau nad yw'r bwrdd wedi cyflawni'r rôl i'w lawn botensial oherwydd nad oes nod a ffocws clir gan y bwrdd. Dywedasoch chi eich hunan hynny yn 1993; hynny yw, ei fod mewn gwactod.

[100] **Rhodri Morgan:** Beth sydd yn anodd i'w ddeall am y syniad o fod yn rhesymol a chymesur, sef nad ydych yn disgwyl yr un safonau ar gyfer gwasanaethau

statement of principle. Can you elaborate and tell me what the principle is and why you think that it is difficult for someone to understand the principle of being reasonable and proportionate?

**Ms Dafydd:** Many aspects are absent from the proposed Measure in its present form: a clear statement of official status, as we have already mentioned; individuals' rights—

**Rhodri Morgan:** But, what is the principle that makes it difficult to understand 'reasonable and proportionate'?

**Ms Dafydd:** I am coming to that point. What makes it impossible as things stand at present is the lack of a clear aim for the commissioner that would ensure accountability. That is, there is a lack of a clear focus about what they should represent and it is not clear enough how important it is that they are answerable to Welsh citizens.

**Rhodri Morgan:** I will give an example. There are 22 local authorities in Wales, and it is clear that demand for services through the medium of Welsh is different in Monmouthshire than in Anglesey. So, when the Welsh Language Board was trying to work within the concept of being 'reasonable and proportionate', it was not trying to impose the same standards in Monmouthshire and Anglesey. Why do you think that that concept is difficult to understand and that it is an error in the proposed Measure that there is not one clear principle in it?

**Ms Dafydd:** It comes back to what we said about the defects of the Welsh Language Board. That is, the engagement between the board and local authorities is reasonable and proportionate. On the other hand, many people would argue that the board has not fulfilled the role to its full potential because it does not have a clear aim and focus. You said that yourself in 1993; that is, that it was in a vacuum.

**Rhodri Morgan:** What is difficult to understand about the idea of being reasonable and proportionate, that is, that you do not expect the same standard of service provided

sy'n cael eu darparu drwy gyfrwng yr iaith Gymraeg yn sir Fôn a sir Fynwy, er enghraifft? Beth sy'n anodd am y syniad hwnnw?

through the medium of Welsh in Anglesey and Monmouthshire, for example? What is difficult about that idea?

[101] **Mr Nosworthy:** Nid ydym yn dadlau yn erbyn rhesymoldeb a chymesuredd, yr ydym yn trio tynnu sylw at y broblem. Hynny yw, pam fyddai'r comisiynydd yn gwneud unrhyw beth o blaid yr iaith Gymraeg o ran cydymffurfio â'r Mesur arfaethedig? Yr ydym yn gweld bod rhywbeth ar goll, fel nod a fyddai'n gyrru gwaith y comisiynydd. Dyna'r pwynt yr ydym yn trio ei wneud. Yr ydym yn cael problemau ar hyn o bryd oherwydd nad yw bwrdd yr iaith yn defnyddio ei bwerau. Pam nad oes nod a fyddai'n gyrru gwaith y comisiynydd gan ddweud bod rheswm dros osod safonau ar gyrff mewn sefyllfa arbennig? Nid oes dim byd o'r fath yn y Mesur arfaethedig ar hyn o bryd.

**Mr Nosworthy:** We are not arguing against reasonableness and proportionality, we are trying to demonstrate the problem. That is, why would the commissioner do anything to support the Welsh language in order to conform to the proposed Measure? We see that something is missing, such as an aim that drives the work of the commissioner. That is the point that we are trying to make. We have problems now because the language board does not use its powers. Why not have an aim that drives the work of the commissioner that states that there is a reason for imposing standards on organisations in particular situations? There is nothing like that in the proposed Measure at the moment.

[102] **Rhodri Morgan:** Hoffwn symud ymlaen i drafod yr effaith ar yr economi. Mae nifer fawr o dystion o'r sector preifat wedi rhoi tystiolaeth inni am y ffordd y byddai ymestyn y Mesur arfaethedig yn rhy bell a chynnwys cwmnïau yn y sector breifat i raddau helaeth iawn yn rhoi pwysau arnynt wrth iddynt geisio bwrw ymlaen gyda'u gwaith.

**Rhodri Morgan:** I would like to move on to discuss the impact on the economy. Many witnesses from the private sector have given evidence to us regarding the way in which extending the proposed Measure too far and including companies in the private sector to a great extent would put pressure on them as they try to proceed with their work.

[103] Yr ydych yn dadlau i'r gwrthwyneb yn hollol ac yn dweud, ymhell iawn o danseilio llwyddiant economaidd, byddai rhoi llawer iawn mwy o hawliau ynglŷn â'r iaith Gymraeg yn y sector breifat yn help i ddatblygiad a llwyddiant economaidd. A fedrwch ymhelaethu ar y syniadau hynny?

You argue quite the opposite case and say that, far from undermining economic success, giving far more rights regarding the Welsh language in the private sector would help development and economic success. Can you elaborate on those ideas?

9.50 a.m.

[104] A ydych wedi gwneud astudiaeth o'r dystiolaeth a roddwyd i ni gan gynrychiolwyr y sector preifat? Sut fydddech yn dadlau yn erbyn eu tystiolaeth ac yn profi eich honiad chi?

Have you studied the evidence given to us by representatives of the private sector? How would you argue against their evidence and prove your assertion?

[105] **Ms Machreth:** Yr ydym yn credu bod angen gwneud ymchwil i fanteision cwmnïau yn defnyddio'r Gymraeg—a ydyw'n fantais neu'n anfantais? Yr ydym yn teimlo fod y drafodaeth yn aml wedi cael ei lliwio gan anfanteision defnyddio'r Gymraeg

**Ms Machreth:** We believe that research is required on the benefits of companies using the Welsh language—is it an advantage or a disadvantage? We feel that the discussion has been coloured in the past decades by emphasis on the disadvantages of using



yn ystod y degawdau diwethaf. Dengys tystiolaeth o wledydd fel Galicia fod defnyddio Galisieg yn fanteisiol i fusnesau bach a bod defnyddio'r iaith frodorol yn gallu rhoi stamp hunaniaeth ar yr ardal ac yn rhoi gwerth ychwanegol i'r gwasanaeth a'r cynnyrch. Yr ydym yn credu y gallai sgiliau dwyieithog hefyd fod o fudd i gwmnïau.

[106] **Rhodri Morgan:** Yr ydych hefyd yn dweud yn eich tystiolaeth bod

[107] 'polisiau cryf o blaid iaith yn creu marchnadoedd mewnol newydd sydd y tu hwnt i gyrraedd cystadleuwyr allanol, gan roi mantais i ddiwydiant cynhenid'.

[108] Mae hynny bron yn gyfystyr â sefydlu'r egwyddor o gael rhyw fath o S4C ar gyfer agweddau helaeth iawn o'r sector preifat, sef creu marchnad fewnol lle na fyddai pobl sydd ddim yn rhugl yn yr iaith Gymraeg yn gallu cystadlu. Ai dyna yw'r syniad y tu ôl i'r honiad? Beth yw'r marchnadoedd mewnol newydd hyn yr ydych yn cyfeirio atynt?

[109] **Ms Machreth:** Na, nid dyna yw'r syniad. Os oes rhywbeth yn digwydd drwy gyfrwng yr iaith frodorol, mae'r arian yn fwy tebygol o aros yn y wlad honno o ganlyniad. Mae S4C yn enghraifft o hyn yn y maes teledu. Bob tro yr ydym yn prynu o rywle arall, yr ydym yn symud arian allan o Gymru a'i roi yn rhywle arall, ond mae gwledydd cyfoethog yn cylchredeg arian o fewn y wlad. Mae iaith yn un ffordd a ddefnyddir gan sawl gwlad o gadw arian o fewn y wlad. Dyna'r pwynt cyffredinol yr ydym yn ei wneud yn y fan honno—nid yw'n cyfeirio at unrhyw beth penodol.

[110] **Rhodri Morgan:** Yr ydych hefyd yn datgan eich bod fel cymdeithas yn meddwl y dylai'r Mesur iaith arfaethedig osod disgwyliad ar awdurdodau lleol Cymru, ynghyd â chyrrff cyhoeddus eraill, y byddent yn mabwysiadu polisi o weithio tuag at weinyddu'n fewnol yn Gymraeg. Mae'r syniad o ddisgwyliad ychydig yn estron i'r syniad o ddeddfu, achos pan yr ydych yn deddfu yr ydych yn siarad am ddyletswyddau yn hytrach na disgwyliadau. Sut yr ydych yn cysoni'r hyn yr ydych wedi'i ddweud am ddisgwyliad gyda'r syniad o Fesur?

Welsh. Evidence from countries such as Galicia shows that using Galician has been advantageous for small businesses and that using the native language can put a stamp on a region's identity and add value to the service and product. We believe that bilingual skills could also be of benefit to companies.

**Rhodri Morgan:** You also say in your evidence that

'a strong policy that promotes a language creates new internal markets that are beyond the reach of outside competitors, thus giving an advantage to the indigenous industry'.

That almost equates to setting the principle of having some kind of S4C for vast parts of the private sector, creating an internal market whereby people who were not fluent in the Welsh language could not compete. Is that the concept behind the assertion? What are these internal markets to which you refer?

**Ms Machreth:** No, that is not the idea. If something happens through the medium of the native tongue, the money is more likely to be retained in that country as a result. S4C is an example of this in the area of television. Every time we buy in from elsewhere, we are moving money out of Wales and giving it to other places, but wealthy countries circulate money in their own countries. Language is one way used by many countries of retaining money within that country. That is the general point that we are making there—it does not refer to anything specific.

**Rhodri Morgan:** You also state as a society that you believe that the proposed language Measure should place an expectation on local authorities in Wales, as well as other public bodies, to adopt a policy of working towards using the Welsh language as the language of internal administration. The concept of expectation is foreign to the concept of legislating, because when you legislate you talk about duties rather than expectations. How do you square the circle of what you have said about expectations with the concept of a Measure?

[111] **Ms Dafydd:** Ar hyn o bryd, mae dyletswydd ar gyrff neu ddisgwyliad y byddent yn llunio cynllun iaith, er enghraifft. Mae Cyngor Gwynedd wedi mabwysiadu polisi o weinyddu drwy gyfrwng y Gymraeg gan fod y cyngor mewn ardal benodol o Gymru lle mae modd gwneud hynny. Byddem yn dadlau fod rhai siroedd eraill yng Nghymru lle gallai hynny fod yn bosibl, er enghraifft, sir Gaerfyrddin neu Geredigion. Gallai fod proses drwy gyfrwng y safonau i hwyluso'r prosesau hynny, megis hybu dysgu'r Gymraeg yn y gweithle, ac yn y blaen. Ffordd arall o edrych ar hyn yw bod pobl yn gweithio yn y gwahanol sefydliadau, megis yr awdurdod lleol enfawr yn sir Gaerfyrddin, a fyddai'n dymuno gweithredu drwy gyfrwng y Gymraeg, ac yn teimlo'n fwy cyfforddus yn cyfathrebu yn eu mamiaith, ond sydd, ar hyn o bryd, yn cael eu gorfodi i ddefnyddio'r Saesneg, er eu bod yn delio o ddydd i ddydd gyda nifer fawr o bobl sydd eisiau eu gwasanaethau drwy gyfrwng y Gymraeg.

[112] **Rhodri Morgan:** Sut y byddech yn datrys y broblem? Yr ydych naill ai yn gosod dyletswyddau ar bobl drwy Fesur neu yr ydych yn annog pobl i wneud pethau yn wahanol drwy ddisgwyliad, a ddim yn rhoi hynny mewn Mesur. Yr ydym yn siarad am Fesur arfaethedig yn y fan hon, ac nid am bolisi o annog mewn ffyrdd eraill.

[113] **Ms Dafydd:** Yr ydym yn cefnogi'r ffaith y gallai fod yn rhywbeth a allai ddigwydd drwy'r broses safonau. Fodd bynnag, byddem yn dadlau fod hawliau yn elfennol bwysig o ganlyniad er mwyn sicrhau fod y safonau hynny yn gweithio er mwyn darparu gwasanaethau ar gyfer pobl sydd eisiau'r gwasanaethau ar lawr gwlad ac er mwyn amddiffyn hawliau gweithwyr o fewn y system.

[114] **Rhodri Morgan:** Yr ydych yn siarad am weithio tuag at ddefnyddio'r Gymraeg. Beth yw'r syniad hwn o 'weithio tuag at'? Sut fydddech chi'n rhoi'r cysyniad hwnnw mewn iaith sy'n addas ar gyfer deddfwriaeth?

[115] **Ms Dafydd:** Os edrychwch ar unrhyw ddeddfwriaeth ryngwladol yn ymwneud â hawliau, gwelwch yn aml, wrth

**Ms Dafydd:** There is currently a duty on these bodies or an expectation that they will draw up a language scheme, for instance. Gwynedd Council has adopted a policy of administrating through the medium of Welsh because the council is in a specific part of Wales where it is possible to do so. We would argue that there are other counties in Wales where that could be possible, such as Carmarthenshire or Ceredigion. There could be a process through the standards to facilitate those processes, such as promoting the learning of Welsh in the workplace, and so on. Another way of looking at this is that people who work in the different institutions, such as the massive local authority in Carmarthenshire, who would wish to operate through the medium of Welsh, and who would feel more comfortable communicating in their native tongue, but who are currently forced to use English, despite the fact that they deal on a daily basis with a large number of people who want to receive services in Welsh.

**Rhodri Morgan:** How would you solve the problem? You either place duties on people through a Measure or you encourage people to do things differently through expectation, and do not include that in a Measure. We are talking about a proposed Measure here, not about a policy of encouraging in other ways.

**Ms Dafydd:** We support the fact that it is something that could happen through the standards process. However, we would argue that rights are of fundamental importance as a consequence to ensure that those standards are working in order to provide services for those people who wish to receive services at a grassroots' level and in order to protect workers' rights within the system.

**Rhodri Morgan:** You talk about working towards the use of Welsh? What is this notion of 'working towards'? How would you put that concept in language that would be appropriate for legislation?

**Ms Dafydd:** If you look at any international legislation on rights, you often see that it comes back to the idea of reasonableness, and

gwrs, ei bod yn dod yn ôl at y syniad o fod yn rhesymol, a bod cyflwyniadau cynyddol o fewn ffiniau amser, lle y bo hynny'n rhesymol yng nghyd-destun gwahanol awdurdodau lleol. Mae'n rhaid cydnabod, mewn rhai ardaloedd, byddai modd gweithredu polisïau i annog gweithwyr i ddysgu Cymraeg ac yn y blaen a sicrhau bod prosesau hwylus newydd yn cael eu rhoi ar waith. Drwy gyfrwng safonau, byddai modd gwneud hynny mewn modd gwbl realistig, ar wahanol lefelau ar gyfer pob math o awdurdod lleol yng Nghymru, er enghraifft, yn dibynnu ar yr ardal ddaearyddol lle y maent wedi eu lleoli, wrth gwrs.

[116] **Rhodri Morgan:** Symudaf ymlaen at fy nghwestiwn olaf. Yn un adran o'ch tystiolaeth, yr ydych yn cyfeirio at yr hawl i ddefnyddio'r Gymraeg yn y gweithle. A ydych yn disgwyl i'r hawl honno fod yn un absoliwt neu yn un amodol? Mae rhai pobl o'r sector preifat wedi rhoi tystiolaeth ynglŷn â diogelwch ar y rheilffyrdd, er enghraifft. Nid Network Rail yn uniongyrchol a roddodd y dystiolaeth honno, ond pobl eraill a oedd yn siarad am y llyfr mawr o ganllawiau sy'n bodoli. Soniwyd ei fod yn safonol i ddefnyddio'r Saesneg er mwyn sgrechian 'Stopiwch y trê'n', neu beth bynnag yw'r frawddeg briodol. Holais y tystion ynghylch sut yn union y mae pobl yn ymateb i argyfwng. Yr ateb a gefais oedd na fyddai unrhyw un yn cael ei gosbi am sgrechian yn Gymraeg, os mai Cymraeg oedd yr iaith naturiol i'r person hwnnw sgrechian yn gyntefig ynddi mewn sefyllfa o argyfwng. Sut ydych chi'n delio â'r sefyllfa hon o ddefnyddio'r iaith Gymraeg yn y gweithle? A ydych yn ystyried yr hawl hon i fod yn un absoliwt neu yn un amodol?

[117] **Mr Nosworthy:** Mae'r ateb yn un gweddol glir: byddai'r hawl yn un amodol. Mae'r holl hawliau a allai fod yn y Mesur arfaethedig hwn, wrth gwrs, yn rhai amodol am fod yr amodau yn ymwneud â rhesymoldeb yn y Gorchymyn. Nid oes dewis am hynny. Credwn fod angen sefydlu, yn gyntaf, yr egwyddor sylfaenol fod naill ai gan rywun yr hawl i ddefnyddio'r Gymraeg neu beidio. Dyna'r egwyddor sylfaenol. Wedyn, mae'r cwestiwn o resymoldeb yn dod i'r wyneb ynghylch sut y caiff yr hawl honno ei gweithredu. Yr amodau byddai'r rheiny a

that there are incremental progressions within time constraints, where they are reasonable in the context of the different local authorities. It must be acknowledged that, in some areas, it would be possible to implement policies to encourage workers to learn Welsh and so on, as well as ensuring that new processes are put in place. By using standards, it would be possible to do that in a completely realistic way, at a different level for every kind of local authority in Wales, for example, depending on the geographical area in which they are located, of course.

**Rhodri Morgan:** I will move on to my final question. In one section of your evidence, you refer to the right to use Welsh in the workplace. Do you expect this right to be absolute or conditional? Some people from the private sector have given evidence about safety on the railways, for example. This evidence did not come directly from Network Rail, but other people who talked about the large book of guidelines that exists. It was said that it is standard practice to use English when screaming, 'Stop the train', or whatever the appropriate phrase is. I asked the witnesses about how, exactly, people respond to an emergency. The answer that I received was that no-one would be punished for screaming in Welsh, if Welsh was the natural language for that person to use when issuing a primal scream in an emergency situation. How do you deal with this situation of using the Welsh language in the workplace? Do you consider this right to be absolute or conditional?

**Mr Nosworthy:** The answer is reasonably clear: the right would be conditional. All of the rights that could be in this proposed Measure are, of course, conditional because the conditions relating to reasonableness are included in the Order. There is no choice about that. We believe that there is a need to establish, first, the fundamental principle that a person either has the right to use Welsh or does not. That is the fundamental principle. Then, the question of reasonableness surfaces in terms of how that right will be implemented. The conditions would be those

ddatgenir yn y Gorchymyn, sef rhesymoldeb a chymesuredd.

stated in the Order: reasonableness and proportionality.

[118] **Val Lloyd:** I have been exceptionally lenient regarding time, so in this final section, please really focus your answers because we are eating into other people's time. We now move on to questions from Gareth Jones.

[119] **Gareth Jones:** Hoffwn ddiolch i'r tystion am eu tystiolaeth ysgrifenedig a'u hymatebion. Maent yn gynhwysfawr ac yn ddefnyddiol. Trof yn awr at Ran 6, sy'n ymwneud â'r rhyddid i ddefnyddio'r Gymraeg. Mae'r cwestiwn hwn yn ymwneud â beth a ddywedodd y Gweinidog pan ofynnwyd iddo pam fod y Mesur arfaethedig yn cyfeirio at y rhyddid i siarad Cymraeg yn hytrach na'r hawl i siarad Cymraeg. Dywedodd y Gweinidog:

**Gareth Jones:** I would like to thank the witnesses for their written evidence and their responses. They are comprehensive and useful. I turn now to Part 6, which is on the freedom to use the Welsh language. This question relates to what the Minister said when he was asked why the proposed Measure refers to the freedom to speak Welsh rather than the right to speak Welsh. The Minister said:

[120] 'Mae gan bawb ryddid i siarad Cymraeg—neu unrhyw iaith arall, hyd y gwn i—gyda'i gilydd. Dyna'r sefyllfa. Os ydych yn ceisio creu hawl i rywun siarad Cymraeg, y perygl yw y byddech yn creu dosbarth o leoedd lle nad oes gan rywun hawl i wneud hynny.'

'Everyone has the freedom to speak Welsh—or any other language, as far as I know—with one another. That is the situation. If you try to establish a right for someone to speak Welsh, the danger is that you would create a class of places where someone does not have the right to do so.'

[121] I ba raddau yr ydych yn cytuno â datganiad y Gweinidog?

To what extent do you agree with the Minister's statement?

[122] **Mr Nosworthy:** Mae'r datganiad hwnnw yn hollol anghywir a chamarweiniol. Mae'n mynd yn groes i ddeddfau sy'n ceisio gwahaniaethu'n gadarnhaol mewn meysydd cydraddoldeb ar draws y byd ac ar lefel Brydeinig. Hynny yw, mae'n gyfystyr â dadlau yn erbyn y Ddeddf Gwahaniaethu ar sail Rhyw 1975. Wrth gwrs, drwy ddeddfu o blaid lleiafrif, mae'n annatod eich bod yn creu ambell sefyllfa lle mae'n iawn i gamwahaniaethu. Mae hynny'n rhan gyfarwydd o unrhyw ddeddfwriaeth ym maes cydraddoldeb. Mae'n bwysig cofio mai eithriadau yn unig yw'r cyfleoedd sydd gan bobl i ddefnyddio'r Gymraeg. Mae datganiad y Gweinidog yn dweud ein bod yn hapus â'r sefyllfa bresennol, lle dim ond mewn ychydig iawn o sefyllfaoedd y mae modd defnyddio'r Gymraeg.

**Mr Nosworthy:** That statement is completely inaccurate and misleading. It contravenes laws that endeavour to discriminate positively in equalities' fields across the globe and at a British level. That is, it equates to arguing against the Sex Discrimination Act 1975. Of course, in legislating for a minority, it is inevitable that you will create situations in which it is right to discriminate. That is a familiar part of any legislation in the field of equalities. It is important to remember that those opportunities that people have to use Welsh are only exceptions. The Minister's statement says that we are happy with the current situation, where it is only possible to use the Welsh language in very few situations.

10.00 a.m.

[123] **Gareth Jones:** Mae eich safbwynt ar y mater hwnnw'n hollol glir. Dywedodd Emyr Lewis a'r Athro Colin Williams wrth y

**Gareth Jones:** Your viewpoint on that issue is very clear. Emyr Lewis and Professor Colin Williams told the committee that Part 6

pwyllgor y dylid cael gwared ar Ran 6 o'r Mesur arfaethedig gan ei bod yn ddianghenraid. A ydych chi'n cytuno â hwy?

should be removed from the proposed Measure as it is unnecessary. Do you agree with them?

[124] **Ms Dafydd:** Yr ydym yn teimlo bod rhan 6, fel y mae yn y Mesur arfaethedig, bron yn ddiwerth. Mae'n hynod arwyddocaol i ni, fodd bynnag, fod adran sy'n ceisio mynd i'r afael â'r rhyddid i ddefnyddio'r Gymraeg yn y gweithle, oherwydd mae'n cydnabod bod y sefyllfa hon yn broblemus. Ond y broblem yw na fyddai Rhan 6 ar ei ffurf bresennol yn mynd i'r afael â'r sefyllfa o gwbl, na chynnig proses na goblygiadau i wneud yn iawn am y sefyllfa. Mae'n hollbwysig inni gofio nad eithriad oedd achos Thomas Cook. Y gwir amdani yw pe bai gan y comisiynydd rym i weithredu canlyniad ymchwiliad, a phe bai gan yr unigolyn yr hawl i herio sefyllfa yn y gweithle, byddai Adran 6 yn rymus tu hwnt wrth sicrhau cyfiawnder i siaradwyr Cymraeg. Yr ydym yn colli cyfle gwirioneddol.

**Ms Dafydd:** We feel that part 6, as it stands in the proposed Measure, is almost worthless. It is very significant to us, however, that there is a part that tries to address the freedom to use the Welsh language in the workplace, because it acknowledges that this situation is problematic. However, the problem is that Part 6 in its current form would not address the issue at all, or offer a process or consequences to redress the situation. It is crucial to remember that the Thomas Cook case was not an exception. The truth of the matter is that if the commissioner had the power to implement the outcome of an inquiry, and if an individual had the right to challenge a situation in the workplace, part 6 could be extremely powerful in securing justice for Welsh speakers. It is truly a lost opportunity.

[125] **Gareth Jones:** Diolch yn fawr. Eto, mae hynny'n ddigon clir. Efallai fod y cwestiwn nesaf ychydig yn fwy heriol. Pam eich bod yn ystyried y dylid cynnwys addysg Gymraeg yn y Mesur arfaethedig, yn hytrach nag mewn Mesur ar wahân ynglŷn ag addysg Gymraeg?

**Gareth Jones:** Thank you. Again, that is clear enough. Perhaps the next question is slightly more challenging. Why do you consider that the issue of Welsh-medium education should be included in the proposed Measure, rather than in a separate Measure on Welsh language education?

[126] **Ms Machreth:** Er mwyn bod yn gyflawn, credwn y dylid rhoi addysg Gymraeg yng nghyd-destun nod cyffredinol y Mesur arfaethedig hwn. Mae cydberthynas rhwng y strategaeth addysg, y strategaeth iaith a'r Mesur iaith arfaethedig. Ar hyn o bryd, nid yw'r strategaeth addysg yn statudol, ac felly mae awdurdodau lleol sy'n cynhyrchu cynlluniau sy'n mynd yn groes iddi. Byddai'n gwneud synnwyr i gynnwys adran am addysg yn y Mesur arfaethedig, gan gyfuno nod ac amcanion y prif strategaethau sy'n mynd i'r afael â datblygiadau'r Gymraeg.

**Ms Machreth:** For the sake of completeness, we believe that Welsh language education should be included in the general aim of this proposed Measure. The language strategy, the education strategy and the proposed language Measure are all interrelated. At present, the language strategy is not statutory, so there are local authorities that produce schemes that run contrary to the strategy. It would make sense to include a section on education in the proposed Measure, combining the main aims and ambitions of the strategies which get to grips with the development of the Welsh language.

[127] **Gareth Jones:** Diolch yn fawr am eich ateb cryno. Mae'r cwestiwn olaf ar gyllid. Yr ydych yn datgan y bydd rhaid diogelu a chynyddu'r arian sy'n cael ei wario ar yr iaith Gymraeg gan y Llywodraeth ar hyn o bryd i greu strwythurau newydd o dan y Mesur arfaethedig yn llwyddiannus. A allwch ymhelaethu ar y datganiad hwn, a rhoi

**Gareth Jones:** Thank you for the succinct answer. The final question is on finance. You state that the funding currently spent on the Welsh language by the Government must be made secure and increased to successfully create the structures under the proposed Measure. Will you expand on that statement, and detail the additional funding the new

manyllion ynghylch y cyllid ychwanegol y byddai ei angen ar y strwythurau newydd? structures would require?

[128] **Mr Nosworthy:** Ynglŷn â chyllid, ar hyn o bryd, yr ydym yn gweld bod rhan helaeth o'r arian sy'n mynd i Fwrdd yr Iaith Gymraeg yn cael ei wario ar y gwaith hyrwyddo. Yr hyn nad ydym eisiau ei weld yw'r gwaith rheoleiddio newydd yn digwydd ar draul y gwaith hyrwyddo. Hynny yw, ni ddylid gweld cyllideb y bwrdd iaith fel uchafswm o'r hyn y gellir ei wario ar yr iaith Gymraeg, a dyna sy'n bwysig. Ni ddylid defnyddio hyn fel esgus i ddweud, 'Dyna gyllideb bwrdd yr iaith a dyna a gewch chi'.

**Mr Nosworthy:** With regard to finance, at present we see that a major part of the funding going to the Welsh Language Board is spent on promotion. What we do not want to see is the new regulatory responsibilities being put in place at the expense of the promotion work. That is, the Welsh Language Board's funding should not be seen as the maximum that can be spent on the Welsh language, and that is what is important. This should not be used as an excuse to say, 'That is the board's funding, so that's what you'll get'.

[129] **Val Lloyd:** On behalf of the committee, I thank the three witnesses from the Welsh Language Society and advise you that you will receive a draft transcript of today's proceedings in about seven days for verification. Thank you.

[130] I now welcome to the committee Ceri Owen, who is representing Parents for Welsh Medium Education, and Alun Owens from Urdd Gobaith Cymru, under the banner of the Celebrating our Language organisation. You are very welcome, and I thank you for your forbearance, as we are running a little late. I understand that a third comrade was unable to be with you today. We will go straight to questions, if you are ready, and I will ask the first one. In your view, is the proposed Measure an improvement on the status quo?

[131] **Mr Owens:** Cyn imi ateb y cwestiwn cyntaf, dywedaf yn fyr pwy ydym ni, gan nad yw pobl yn hollol ymwybodol am Fudiadau Dathlu'r Gymraeg. Yr ydym yn fudiad sy'n cynnwys 20 mudiad arall sy'n cynrychioli dros 70,000 o bobl Cymru sy'n siaradwyr Cymraeg, rhieni i blant sy'n derbyn addysg Gymraeg a llawer o bobl ddi-Gymraeg sy'n credu'n gryf mewn hybu cyfleoedd i ddefnyddio'r Gymraeg yn eu bywydau bob dydd. Yr ydym yn cynrychioli Cyfeillion y Ddaear, Cymdeithas Alawon Gwerin Cymru, Cymdeithas Cyfieithwyr Cymru, Cymdeithas y Cymod, Cymdeithas yr Iaith Gymraeg, Cymdeithas Ysgolion Dros Addysg Gymraeg, Cymuned, Eisteddfod Genedlaethol Cymru, Mentrau Iaith Cymru, Merched y Wawr, Clwb Ffermwyr Ifanc Cymru, Rhieni dros Addysg Gymraeg, Undeb Amaethwyr Cymru, Undeb Cenedlaethol Athrawon Cymru, Undeb Myfyrwyr Cymraeg Aberystwyth, Undeb Myfyrwyr Cymraeg Bangor, Urdd Gobaith Cymru, Cwlwm Cyhoeddwyr Cymru, Eglwys Bresbyteriaid Cymru a Chronfa Glyndŵr. Felly, yr ydym yn cynrychioli ystod eang o Gymry Cymraeg.

**Mr Owens:** Before I answer the first question, I will just say quickly who we are because people are not totally aware of the Celebrating our Language organisation. We are an organisation of 20 other organisations representing over 70,000 of the people of Wales who are Welsh speakers, parents of children who receive Welsh education and many people who do not speak Welsh but who believe strongly in promoting opportunities to use the Welsh language in their daily lives. We represent Friends of the Earth, the Welsh Folk Song Society, the Association of Welsh Translators and Interpreters, the Fellowship of Reconciliation in Wales, the Welsh Language Society, Cymdeithas Ysgolion Dros Addysg Gymraeg, Cymuned, the National Eisteddfod of Wales, Mentrau Iaith Cymru, Merched y Wawr, Wales Young Farmers Club, Parents for Welsh Medium Education, the Farmers' Union of Wales, UCAC, Undeb Myfyrwyr Cymraeg Aberystwyth, Undeb Myfyrwyr Cymraeg Bangor, Urdd Gobaith Cymru, Cwlwm Cyhoeddwyr Cymru, the Presbyterian Church of Wales and Cronfa Glyndŵr. Therefore, we represent a broad

range of Welsh speakers.

[132] **Ms Owen:** Mae'r holl fudiadau uchod wedi ymrwymo i'r pedwar prif amcan canlynol: yn gyntaf, sefydlu statws swyddogol i'r iaith Gymraeg; yn ail, sefydlu hawliau statudol i bobl Cymru gael defnyddio'r Gymraeg ym mhob agwedd ar fywyd; yn drydydd, diogelu'r Gymraeg fel iaith gymunedol; ac yn bedwerydd, sefydlu comisiynydd yr iaith Gymraeg, a fydd yn gwarchod yr hawliau hynny. Ar ran Alun a'r mudiadau, diolch i chi am y cyfle i siarad y bore yma. Credwn fod gan y Mesur arfaethedig wir botensial i newid y sefyllfa bresennol, gan roi'r hyder i'n haelodau ofyn am wasanaethau Cymraeg a'u defnyddio yn ddi-ofn ym mhob agwedd ar fywyd.

**Ms Owen:** All the organisations listed are committed to the four main aims: first, to establish official status for the Welsh language; secondly, to establish statutory rights for the people of Wales to use Welsh in every aspect of their lives; thirdly, to protect Welsh as a community language; and fourthly, establishing a Welsh language commissioner who will protect those rights. On behalf of Alun and the organisations, I thank you for the opportunity to come here to speak today. We believe that the proposed Measure has real potential to change the current situation, by giving our members the confidence to ask for and to use Welsh language services without fear in every aspect of life.

[133] **Mr Owens:** Credwn fod y Mesur arfaethedig, heb amheuaeth, yn gyfle i osod amodau i wella'r sefyllfa bresennol o ran y Gymraeg. Fodd bynnag, mae gwendidau amlwg yn y Mesur arfaethedig fel y saif. Mae lle i ofni y gallai'r gwendidau hynny arwain at sefyllfa sydd hyd yn oed yn waeth ac yn fwy aneglur na'r sefyllfa bresennol o dan Ddeddf 1993. Y peth pwysig i ni yw sicrhau bod yr unigolyn yn ganolog yn y ddeddfwriaeth hon. Nid yw'r Mesur arfaethedig yn rhoi'r unigolyn yn ei ganol, a chredwn ei fod yn annelwig o'r herwydd.

**Mr Owens:** We believe that the proposed Measure is, without doubt, an opportunity to create conditions that would improve the current situation of the Welsh language. However, there are obvious weaknesses in the proposed Measure as it stands, and there is room for concern that they could lead to a situation that is even worse and even more ambiguous than at present under the 1993 Act. The important thing for us is to ensure that the individual is at the heart of this legislation. The proposed Measure does not place the individual at its heart, and it is ambiguous for that reason.

[134] **Michael German:** Why are you of the opinion that the proposed legislation does not, in its present form, grant official status to the Welsh and English languages in Wales?

[135] **Ms Owen:** Credwn yn gryf fod y Mesur arfaethedig ar ei ffurf bresennol yn annelwig, a bod angen datgan yn gwbl glir a diamwys fod gan yr iaith Gymraeg statws swyddogol yng Nghymru. Yn wir, mae'n bosibl dadlau y byddai datganiad o'r fath yn helpu i wneud iawn am dros 500 mlynedd o ddeddfu yn erbyn yr iaith Gymraeg, gan wneud yr iaith yn ganolog i fywyd pob dydd pobl Cymru. Byddai'n sicrhau newid sylfaenol a fyddai'n golygu nad yw'r Gymraeg yn ymylol neu ar y cyrion. Yr ydym yn pryderu y bydd cyfle yn cael ei gollu os na fydd hynny'n digwydd i wrthdroi'r ffordd y mae pobl Cymru yn gweld ac yn ystyried y Gymraeg mewn modd cwbl bellgyrhaeddol. Yn deillio o hynny, byddai

**Ms Owen:** We believe strongly that the proposed Measure in its current form is unclear, and that it needs to be stated clearly and unambiguously that the Welsh language has official status in Wales. Indeed, it is possible to argue that such a statement would help to make amends for over 500 years of legislating against the Welsh language, by bringing the language to the heart of people's everyday lives in Wales. That would bring about a fundamental shift that would ensure that the Welsh language is not marginalised or seen as peripheral. We fear that if that does not happen, we will have lost an opportunity to change fundamentally the way the people of Wales view and consider the Welsh language. As a result, they would have the

ganddynt yr hyder i'w defnyddio yn gwbl ddi-ofn a gofyn am wasanaethau cyfrwng Cymraeg. Mae'r cydberthynas honno ac effaith ymarferol hynny yn gwbl allweddol. confidence to use it without fear and to request Welsh-language services. That interrelationship and the practical impact of that are crucial.

[136] **Michael German:** You may have read the evidence of Emyr Lewis, who suggested what might be included in the proposed Measure to satisfy this issue. He suggested the words:

[137] 'Welsh and English are the official languages of Wales, and have equality of status'.

[138] We have just heard evidence from Cymdeithas yr Iaith's representatives, who suggested that we should take out the words 'English' and 'equality of status', because they are a sine qua non. They went on to say that they wanted equality of status, and I was a little confused by that. Could you tell us your position and views on that statement by Emyr Lewis?

[139] **Mr Owens:** Mae'n bosibl dadlau dros y ddwy ochr ynghylch geiriad y datganiad honno. I ni, yr hyn sy'n sylfaenol ac yn hollbwysig yw bod datganiad gwbl glir am greu statws i'r iaith. Byddai hynny'n gam symbolaidd o ran meddylfryd a hyder ein haelodau a dinasyddion Cymru i allu defnyddio'r iaith heb deimlo eu bod yn gofyn am rywbeth annheg, eu bod yn niwsans neu fod pobl yn gorfod mynd allan o'u ffordd. O ran ein pedwar prif amcan, y prif un yw greu statws swyddogol i'r iaith Gymraeg. **Mr Owens:** It is possible to make a case for both sides with regard to how that statement is worded. For us, it is fundamentally important that there is a categorical statement about creating that status for the language. That would be a symbolic step in relation to the mindset and confidence of our members and the citizens of Wales to use the language without feeling that they are asking for something unreasonable, being a nuisance, or making people go out of their way. With regard to our four main aims, the principal one is creating official status for the Welsh language.

10.10 a.m.

[140] Yn wir, mae creu'r statws swyddogol hwnnw yn brif amcan ac yn hollbwysig. O ran geiriad, dywedwn y byddai rhai o'r mudiadau yn cytuno â barn Emyr Lewis, a'n bod yn sôn am y ddwy iaith yn gyfartal. Serch hynny, efallai y byddai rhai aelodau yn cytuno â Chymdeithas yr Iaith. Indeed, creating that official status is the main objective and it is vital. In terms of the wording, I would say that some of the organisations would share the view of Emyr Lewis, in that we should refer to both languages as being equal. Nevertheless, some Members might agree with the Welsh Language Society.

[141] **Michael German:** All right. So, you do not have an official view because you have some internal dissent between—

[142] **Mr Owens:** Gan ein bod yn cynrychioli 20 mudiad, nid wyf yn meddwl y byddai rhai yn cytuno y naill ffordd na'r llall. **Mr Owens:** Since we represent 20 organisations, I do not think that some would agree either way.

[143] **Ms Owen:** Credaf mai deiliant ac effaith bellgyrhaeddol i gadarnhau'r statws yn y pen draw yw pryder ein haelodau, ac mae'n rhywbeth i fod yn ymwybodol ohono fel rhywbeth fyddai'n effeithio ar eu bywydau. Mae'n fwy am *end product* y cadarnhau na'r geiriad, efallai. **Ms Owen:** I think that the outcome and the far-reaching effect of confirming its status is what concerns our members, and that is something to be mindful of as something that would affect their lives. It is more about the end product of such confirmation than the wording, perhaps.



[144] **Mr Owens:** Credwn ei fod yn hollbwysig gosod yn glir bod gan yr iaith Gymraeg statws. Byddai hynny'n bwysig i hyder ac yn symbolaeth i bobl fod yn fwy hyderus i ddefnyddio'r iaith ar bob cyfle.

**Mr Owens:** We believe that it is crucial to state clearly that the Welsh language has status. That would be important for people's confidence and it would give them the confidence to use the language at every opportunity.

[145] **Michael German:** Do you think that you might agree on the words 'equality of status', namely the second part?

[146] **Mr Owens:** Byddwn i'n dadlau, fel a nodwyd yn nhystiolaeth Colin Williams, ei bod yn bwysig dilyn trywydd 'a positive offer'. Mae'r gwasanaethau hyn ar gael weithiau, ond yn aml, mae'r Gymraeg o dan y ddesg ac y mae angen mynd i chwilio amdani. Mae angen mwy na statws cyfartal i bobl ddefnyddio'r Gymraeg. Gwelaf fod pwynt da iawn gan Emyr Lewis. Mae'n debyg i Ddeddf Canada 1982 a Deddf Gogledd America cyn hynny; ac yng nghydestun hanesyddol San Steffan, mae synnwyr i'r geiriad hwnnw. Er tegwch i'r mudiadau yr ydym yn eu cynrychioli, ni allwn ddweud ei bod yn well gennyf un dros y llall.

**Mr Owens:** I would argue, as Colin Williams stated in his evidence, that it is important to go after 'a positive offer. These services are sometimes available, but often, the Welsh language is hidden under the desk, and you have to go rooting around for it. We need more than equal status for people to use the Welsh language. I see that Emyr Lewis has a very good point. It is similar to the Canada Act 1982 and the North America Act previously; and in the historical context of Westminster, there is sense behind the wording. In fairness to the organisations that we represent, we cannot state a preference for one over the other.

[147] **Rhodri Morgan:** It is just like the coalition in Westminster. [*Laughter.*]

[148] **Michael German:** I will ignore that comment, and the fact that other coalitions have been in this Assembly.

[149] I will read you one of your sentences. You state,

[150] 'the official status of the Welsh language would lay indispensable foundations for more practical provisions and would set an important, clear and unambiguous legal precedent for the future.'

[151] There are many messages in that sentence. Could you expand on that and tell us what your overarching ambition is in that sentence?

[152] **Ms Owen:** Yn sylfaenol, credwn y byddai'n atgyfnerthu'r agenda ddwyieithrwydd, fel a osodwyd yng ngweledigaeth 'Cymru'n Un' a dogfen 'Iaith Pawb', ac y byddai'n creu ymwybyddiaeth ac yn rhoi statws i'r Gymraeg o fewn cydestun Ewropeaidd. Fel y crybwyllwyd gan yr Athro Colin Williams, gallai agor drysau a rhoi'r cyfle i ddenu arian Ewropeaidd i hybu a hyrwyddo'r iaith Gymraeg i'r dyfodol. Felly, mae'n bosibl y gallai agor drysau ymarferol a gâi effaith positif.

**Ms Owen:** Fundamentally, we believe that it would reinforce the bilingualism agenda, as set out in the 'One Wales' vision and the 'Iaith Pawb' document, and it would create awareness and give status to the Welsh language within a European context. As mentioned by Professor Colin Williams, it could open doors and give us an opportunity to attract European funding to promote the Welsh language for the future. Therefore, perhaps it could open doors in a practical sense that would have a positive impact.

[153] Mae'r datganiad ynglŷn â'r statws The statement on the language's status is also

hefyd yn gyfle i Lywodraeth Cynulliad Cymru ddangos ei hymrwymiad gwirioneddol a chymryd cyfrifoldeb am ddyfodol yr iaith. Yn y bôn, yr ydym o'r farn bod cyfle gwirioneddol yma i ddwyn yr awenau o ran gyrru agenda dyfodol yr iaith a rhoi hyder fel bod hwnnw'n prif-ffrydio o'r uchelfannau i lawr at holl bobl Cymru.

[154] **Rhodri Morgan:** Cyn belled ag yr wyf yn deall eich tystiolaeth, nid ydych yn hollol anhapus, ac efallai eich bod yn cefnogi'r syniad o gael gwared ar fwrdd yr iaith, gyda'r comisiynydd iaith yn cymryd ei le. Byddwn yn ddiolchgar iawn pe gallech ymhelaethu ychydig ar y syniad hwn.

[155] **Mr Owens:** Fel y dywedasom ar y dechrau, y pedwerydd o brif amcanion y mudiadau yw sefydlu comisiynydd yr iaith Gymraeg i warchod yr hawliau hynny. Felly, yr ydym yn credu'n gryf y dylid creu swydd comisiynydd iaith. Credwn hefyd y dylai'r comisiynydd gael cwrpas o bwerau eang a grymus, a'i bod yn hanfodol i ddatblygiad yr iaith Gymraeg fod gan y comisiynydd ddyletswyddau clir, oherwydd, ar hyn o bryd, fel y saif y Mesur arfaethedig, mae'n dibynnu cymaint ar bersonoliaeth y comisiynydd. Felly, y mae hefyd yn creu llwybr clir a diamwys i ddinasyddion Cymru o ran defnyddio'r Gymraeg, ac, fel y dywedais, i roi'r hyder iddynt i'w ddefnyddio.

[156] **Rhodri Morgan:** Felly, nid ydych yn anhapus.

[157] **Mr Owens:** Yr ydym yn cytuno mewn egwyddor. O ran ail ran y cwestiwn ynghylch dileu Bwrdd yr Iaith Gymraeg, cytunwn i raddau â'r hyn a nodwyd yn nhystiolaeth y bwrdd. Teimlwn y bydd tensiynau amlwg yn codi pe bai'r un swyddfa neu'r un person â'r dyletswyddau a'r cyfrifoldeb dros reoleiddio a hyrwyddo. Felly, yr hyn sy'n bwysig i ni yw bod strwythur clir a thryloyw i ddinasyddion wybod ei hawliau. Teimlwn hefyd fod hyrwyddo'r iaith yn hollbwysig a bod rhoi'r ddwy ddyletswydd yn yr un swyddfa efallai yn golygu rhoi blaenoriaeth i un ar draul y llall. Mae'n bosibl dadlau mai dyna sydd

an opportunity for the Welsh Assembly Government to show its true commitment and take responsibility for the future of the language. Essentially, we believe that there is a real opportunity here to take the reins in driving the agenda for the future of the language and give confidence so that it is mainstreamed from the top down to all of the people of Wales.

**Rhodri Morgan:** As far as I understand your evidence, you are not completely unhappy, and perhaps you support the idea of abolishing the language board and having the language commissioner take its place. I would be most grateful if you could elaborate a little on this idea.

**Mr Owens:** As we said at the outset, the fourth main aim of the organisations is to establish a Welsh language commissioner to safeguard those rights. Therefore, we strongly believe that the post of language commissioner should be created. We also believe that the commissioner should have a broad and strong remit of powers, and that it is essential to the development of the Welsh language that the commissioner should have clear duties, because, at present, as the proposed Measure stands, it is totally dependent on the personality of the commissioner. Therefore, it also creates a clear, unambiguous route for the citizens of Wales with regard to using the language, and, as I said, to give them the confidence to use it.

**Rhodri Morgan:** So, you are not unhappy.

**Mr Owens:** We agree in principle. On the second part of the question about abolishing the Welsh Language Board, we agree to some extent with what was noted in the board's evidence. We feel that tensions would obviously arise if the same office or person was responsible for regulation and promotion. So, what is important for us is that there is a clear and transparent structure so that citizens know their rights. We also feel that promoting the language is vital and that placing both duties in the same office would perhaps means that one is prioritised at the expense of the other. You could argue that that has happened in the past.

wedi digwydd yn y gorffennol.

[158] **Rhodri Morgan:** A oes gennych ateb penodol i'r broblem o'r tensiwn rhwng yr ochr hyrwyddo a'r ochr reoleiddio?

**Rhodri Morgan:** Do you have a specific answer to the problem of the tension between the promotion side and the regulatory side?

[159] **Mr Owens:** Byddwn yn dweud bod angen eu gwahanu.

**Mr Owens:** We would say that they need to be separated.

[160] **Rhodri Morgan:** Felly, yr ydych o blaid eu cadw ar wahân, ydych?

**Rhodri Morgan:** So, you are in favour of keeping them separate, are you?

[161] **Mr Owens:** Ydym.

**Mr Owens:** Yes, we are.

[162] **Rhodri Morgan:** Byddai hynny'n golygu cael dau gomisiynydd, nid un.

**Rhodri Morgan:** That would mean having two commissioners, not one.

[163] **Mr Owens:** Byddai un comisiynydd i edrych ar hawliau ac ar broblemau o ran defnyddio'r iaith a rheoleiddio, ac wedyn byddai corff arall yn gyfrifol am hyrwyddo ac annog pobl i ddefnyddio'r iaith.

**Mr Owens:** One commissioner could look at rights and at any problems with using the language and regulation, and then there would be another body responsible for promoting and encouraging people to use the language.

[164] **Rhodri Morgan:** Byddai'n bosibl cael dwy adran o dan swydd y comisiynydd. Ai dyna'r hyn yr ydych yn ei ddweud?

**Rhodri Morgan:** It would then be possible to have two departments coming under the role of commissioner. Is that what you are saying?

[165] **Mr Owens:** Credaf fod cryfder mawr o'u gwahanu, oherwydd, fel yr ydym wedi'i glywed—

**Mr Owens:** I think that there would be great merit in separating them, because, as we have heard—

[166] **Rhodri Morgan:** Felly, dau gomisiynydd.

**Rhodri Morgan:** So, two commissioners.

[167] **Mr Owens:** Na, un comisiynydd i wneud penderfyniadau am hawliau siaradwyr Cymraeg, gyda'r elfen hyrwyddo ar wahân i swyddfa'r comisiynydd hwnnw.

**Mr Owens:** No, one commissioner to make decisions about the rights of Welsh speakers, but with the promotion element separate from the office of that commissioner.

[168] **Rhodri Morgan:** Felly, yr ydych eisiau cadw bwrdd yr iaith i wneud y gwaith hyrwyddo, yn ogystal â chael comisiynydd, ydych?

**Rhodri Morgan:** So, you want to retain the language board to do the promoting work, as well as having the commissioner, do you?

[169] **Mr Owens:** Ydym, ond nid ei gadw fel ag y mae, fel y dywedodd y bwrdd ei hun. Yn amlwg, byddai'n rhaid ei newid. Fodd bynnag, credaf fod cael corff i hyrwyddo'r Gymraeg sydd ar wahân i swyddfa'r comisiynydd yn gwneud synnwyr. Er enghraifft, pe bai'r comisiynydd yn bygwth erlyn neu enwi rhyw gorff am beidio â chynnig gwasanaethau digon da yn y

**Mr Owens:** Yes, but not to retain it as it is, as the board itself said. Obviously, it would need to be changed. However, I think that having a body to promote the Welsh language that is separate from the commissioner's office makes sense. For instance, if the commissioner were to threaten to prosecute or to name an organisation for not offering a Welsh-

Gymraeg, nid y comisiynydd fyddai'r person gorau i fynd at yr un cwmni yr wythnos wedyn i geisio'i annog i wella ei gynllun iaith ac i gynnig gwasanaeth gwell mewn awyrgylch bositif.

language service of a high enough standard, the commissioner would not be the best person to go to the same organisation the following week to try to encourage it to improve its language scheme and offer a better service in a positive way.

[170] **Rhodri Morgan:** A oes digon o waith i rywun, hynny yw, y comisiynydd, reoleiddio ac i gorff tebyg i fwrdd yr iaith wneud y gwaith hyrwyddo? A ydych yn credu bod digon o waith?

**Rhodri Morgan:** Is there enough work for a commissioner to act as regulator, and for another body similar to the language board to carry out promotional work? Do you believe that there is enough work?

[171] **Mr Owens:** Ydwyf, yn bendant. Credwn fod yr elfennau hyrwyddo yn hollbwysig, a bydd y gwaith a wnaed eisoes yn bwysig i'r dyfodol. Fel y gall pawb ei ddweud, ni fydd deddfu yn achub yr iaith. Mae'n rhaid annog pobl i ddefnyddio'r Gymraeg a rhoi'r cyfle iddynt ei defnyddio y tu allan i'r ysgol.

**Mr Owens:** Yes, definitely. We believe that the promotional elements are crucial, and that the work that has already been done will be important for the future. As everyone can say, legislation will not save the language. We have to encourage people to use it and give them chances to use it outside school.

[172] **Ms Owen:** Mae'r sgôp, o ran yr holl feysydd sydd angen eu hyrwyddo, a'r arbenigedd sydd ei angen yn golygu y byddai cylch gorchwyl eithaf eang i'r gwaith hyrwyddo. Fel y dywedodd Alun, nid drwy ddeddfu'n unig y gallwn sicrhau iaith fyw; mae'r gwaith hyrwyddo hwn yn gwbl greiddiol a chanolog i hynny.

**Ms Owen:** The scope, with regard to all of the areas that need to be promoted, and the expertise needed mean that the promotion work would have quite a wide remit. As Alun said, it is not just through legislation that we can ensure a living language; this promotional work is crucial and is central to that.

[173] **Rhodri Morgan:** I ddyfynnu o'ch tystiolaeth unwaith eto, dywedwch:

**Rhodri Morgan:** To quote from your evidence, you state:

[174] 'Credwn y dylai'r Comisiynydd gael ei b/phenodi yn y modd mwyaf annibynnol gyda'r llif arian mwyaf annibynnol posibl.'

'We believe that the Commissioner should be appointed in the most independent way possible, and with the most independent funding stream possible.'

[175] Beth yw ystyr hynny—mae'n anodd iawn imi ei ddeall? Yr ydych yn dweud y dylid apwyntio yn y modd mwyaf annibynnol ac wedyn yn dweud 'gyda'r llif arian' yn annibynnol hefyd, ond rhaid i rywun bleidleisio ynghylch arian cyhoeddus, a rhaid iddo gael hwb gan y Llywodraeth. Felly, beth yw ystyr yr ymadrodd 'mwyaf annibynnol posibl'?

What is the meaning of that—it is very difficult for me to understand it? You state that the appointing must be done in the most independent way possible, and then also that it needs the most independent 'funding stream' possible, but someone has to vote on public money, and it must be boosted by Government. So, what is the meaning of the statement 'most independent way possible'?

[176] **Ms Owen:** Teimlwn fod annibyniaeth y comisiynydd yn ffactor gwbl ganolog i hyn oll, a bod yr unigolyn, ef neu hi, yn gwbl rydd o unrhyw hualau gwleidyddol eu naws. Mae hyn yn cynnwys y drefn o apwyntio'r comisiynydd hwnnw, a

**Ms Owen:** We feel that the independence of the commissioner is an absolutely central factor in all this, and that the individual, he or she, should be completely unfettered, politically. That includes the procedure for appointing that commissioner, and also the

hefyd yr elfen gwbl allweddol o gyllido'r adran honno.

crucial element of funding that department.

[177] **Rhodri Morgan:** O ble y daw'r cyllid hwnnw?

**Rhodri Morgan:** Where will that funding come from?

[178] **Ms Owen:** Cyllid oddi wrth y Llywodraeth fyddai hynny.

**Ms Owen:** It would be funding from the Government.

[179] **Rhodri Morgan:** Os daw'r cyllid o'r Llywodraeth, sut y gall hynny fod yn annibynnol?

**Rhodri Morgan:** If the funding comes from the Government, how can that be independent?

[180] **Ms Owen:** Yr ydym yn awyddus i weld annibyniaeth o ran y sianelau y mae'r arian yn mynd drwyddynt i gyrraedd yr unigolyn.

**Ms Owen:** We are keen to see independence in the channels through which the funding reaches the individual.

10.20 a.m.

[181] **Rhodri Morgan:** Gadewch imi ofyn y cwestiwn mewn ffordd wahanol. Mae rhai swyddogaethau tebyg i'r comisiynydd, fel yr ombwdsman neu'r archwilydd cyffredinol, yn San Steffan neu yng Nghymru. Caiff annibyniaeth y swyddogaethau hynny ei gwarantu oherwydd y gofyn iddynt roi ambell glatsien i'r Llywodraeth—dyna eu swyddogaeth. Mae comisiynwyr eraill, fel y comisiynydd pobl hŷn a'r comisiynydd plant, sy'n rhan o'r Llywodraeth ac sy'n cael eu penodi gan Weinidogion, ac maent yn cael cyllid er mwyn helpu'r Llywodraeth i gyrraedd ei nodau. Felly, ni sefydlwyd y swyddogaethau hynny i wneud y gwrthwyneb i'r hyn y mae'r Llywodraeth yn ei wneud—fel gyda'r eithriadau cynt o'r ombwdsman a'r archwilydd cyffredinol. A ydych yn gweld rôl y comisiynydd iaith yn ymdebygu fwy i'r ombwdsman a'r archwilydd cyffredinol, sef rhywun nad yw'n helpu'r Llywodraeth i gyrraedd ei nodau?

**Rhodri Morgan:** Let me ask the question in a different way. There are some roles similar to that of the commissioner, such as the ombudsman or the auditor general, in Westminster or in Wales. The independence of those functions is guaranteed because they are required to give the Government a rap on the knuckles every now and then—that is their function. There are other commissioners, such as the commissioner for older people and the children's commissioner, who are a part of Government who are appointed by Ministers, and who receive funding to help the Government to achieve its aims. So, those functions were not set up to do the opposite of what the Government does—as with the previous exceptions of the ombudsman and auditor general. Do you see the role of language commissioner being closer to the ombudsman and auditor general, so someone who does not help the Government to achieve its aims?

[182] **Ms Owen:** Yn ei dystiolaeth, cyfeiriodd yr Athro Colin Williams at y ffaith bod tua 90 y cant o lwyth gwaith comisiynydd Canada yn ymwneud â'r cylch gorchwyl ynghylch gwaith cyhoeddus a gwaith y Llywodraeth. Felly, wrth gwrs byddai unrhyw hualau a roddir arno gan y Llywodraeth yng Nghymru yn cyfaddawdu penderfyniadau y comisiynydd maes o law. Felly, yn hynny o beth, mae'r annibyniaeth honno'n gwbl greiddiol. Fel arall, gwas sifil—neu bwdl, os liciwch chi—fyddai'r

**Ms Owen:** In his evidence, Professor Colin Williams referred to the fact that around 90 per cent of the workload of Canada's commissioner relates to its remit over public sector work or Government work. So, it follows that any shackles placed on the commissioner by the Government in Wales might compromise the decisions that the commissioner would have to make in due course. So, in that respect, that independence is crucial. Otherwise, the individual would be a civil servant—or a poodle, if you like—for

unigolyn hwnnw i'r Llywodraeth.

[183] **Rhodri Morgan:** Yn eich tystiolaeth, yr ydych yn dweud bod angen swyddogaeth glir ar y comisiynydd. Yn fersiwn ddrafft y Mesur arfaethedig, a ydych yn meddwl bod ei swyddogaeth yn aneglur? Beth yw'r broblem?

[184] **Ms Owen:** Teimlwn fod y cyddestun yn aneglur ac yn amwys ac y byddai gwneud datganiad clir o rôl, nod ac amcanion y comisiynydd yn gam ymlaen er mwyn sicrhau bod pwrpas y swydd yn gwbl glir a bod y comisiynydd yn cyflawni ei ddyletswyddau. Mae'r Mesur arfaethedig ar ei ffurf bresennol yn golygu bod hyn yn gwbl ddibynnol ar bersonoliaeth yr unigolyn a gaiff ei benodi maes o law. Yr ydym hefyd eisiau sicrhau fod dinasyddion Cymru yn gwbl eglur ynghylch rôl yr unigolyn hwnnw a phwrpas cylch gorchwyl y comisiynydd. Ar hyn o bryd, teimlwn nad yw hynny'n gwbl glir i bobl Cymru.

[185] **Rhodri Morgan:** Felly, nid ydych yn meddwl bod pwrpas y comisiynydd yn glir. Mae hwnnw'n mynd ymhellach na'r feirniadaeth a wnaethoch eisoes, sef bod drysu rhwng yr ochrau rheoleiddio a hyrwyddo. Felly, mae aneglurder ymhellach gennyh mewn golwg yn y feirniadaeth hon.

[186] **Ms Owen:** Teimlwn fod angen datganiad tebyg i'r hyn a roddwyd yn is-ddeddfwriaeth y comisiynydd plant a'r comisiynydd pobl hŷn, hynny yw o ran nod ac amcanion. Byddai hynny hefyd yn fuddiol yn yr achos hwn er mwyn sicrhau eglurder, fel bod pobl yn gwybod beth yn union fyddai rôl y comisiynydd.

[187] **Mr Owens:** Fel y dywedwyd, wrth ddarllen y Mesur arfaethedig, mae'r rôl yn dibynnu gymaint ar bersonoliaeth y person. Gall y person ei wneud yn rôl gref, ond fel y dywedodd Ceri, os yw'r person yn bwdl, gall fod yn rôl lywaeth iawn lle nad oes llawer yn digwydd o gwbl.

[188] **Ms Owen:** Felly, byddai'r nodau a'r amcanion yn mowldio'r rôl, yn rhoi ffiniau, ac yn rhoi cyfeiriad cwbl strategol clir i'r comisiynydd.

the Government.

**Rhodri Morgan:** In your evidence, you say that the commissioner needs a clear function. In the draft version of the proposed Measure, do you think that the role is currently unclear? What is the problem?

**Ms Owen:** We feel that the context is unclear and ambiguous and that making a clear statement about the role, aims and objectives of the commissioner would be a step towards ensuring that the purpose of the post is quite clear and that the commissioner achieves his or her duties. The proposed Measure, in its current form, means that all that is totally dependent on the personality of the individual who is finally appointed. We also want to ensure that Welsh citizens are crystal clear about the role of that individual and the purpose of the commissioner's remit. At present, we feel that that is not entirely clear to the people of Wales.

**Rhodri Morgan:** So, you think that the commissioner's purpose is unclear. That goes further than the criticism that you have already made, namely that there is confusion about the regulatory and promotional sides. So, you have a further lack of clarity in mind in respect of this criticism.

**Ms Owen:** We feel that a statement similar to that given in the subordinate legislation relating to the children's commissioner and the commissioner for older people is needed, about aims and objectives. That would also be helpful in this case to ensure clarity, so that people would know the commissioner's exact role.

**Mr Owens:** As has been said, from reading the proposed Measure, the role depends so much on the personality of the person. The person could make it a strong role, but, as Ceri said, if the person is a poodle, it could be a very weak role where nothing much at all gets done.

**Ms Owen:** So, those aims and objectives would mould the role, set boundaries, and provide an entirely clear strategic direction to the commissioner.

[189] **Rhodri Morgan:** A ydych o blaid neu yn erbyn cael panel cynghori i gynorthwyo gwaith y comisiynydd?

**Rhodri Morgan:** Are you in favour of or against having an advisory panel to assist the commissioner?

[190] **Mr Owens:** Ar y funud, mae rôl y comisiynydd mor eang fel ei bod yn cynnwys meysydd fel y Gymraeg mewn Llywodraeth, o fewn y cartref, adloniant poblogaidd hyd yn oed, a'r holl waith rheoleiddio ar ben hynny. Felly, ni theimlwn fod panel o ryw dri neu bump o bobl yn ddigonol i adlewyrchu'r arbenigedd sydd ei angen ar y comisiynydd yn y rôl honno. Hoffwn weld y maes yn cael ei gynrychioli'n ddigonol un ai drwy alw ar arbenigwyr o'r meysydd perthnasol o bryd i'w gilydd yn ôl y galw, neu drwy greu cyngor yr iaith, i gefnogi syniad cymdeithas yr iaith, a hynny er mwyn cynrychioli ystod eang o fudiadau sy'n ymwneud â'r Gymraeg.

**Mr Owens:** At the moment, the role of the commissioner is so wide ranging that it includes areas such as the Welsh language in Government, within the household, popular entertainment even, with all the regulatory work on top. So, we do not feel that a panel of three or five people would adequately reflect the expertise required by the commissioner in that role. I would like to see the field being adequately represented either by calling on experts in relevant fields from time to time as the need arises, or by creating a language council, to support the language society's idea, to represent a wide range of organisations involved with the language.

[191] **Lorraine Barrett:** I will focus on standards. The Minister told this committee that,

[192] 'We are talking about the duties placed on bodies, which are described as standards in the proposed Measure'.

[193] He went on to say that,

[194] 'If there is a duty, the individual can expect to receive that service in Wales in Welsh or in English, and, therefore, has rights because if he or she does not receive the service according to the definition, he or she is entitled to appeal to the commissioner, who has a duty to investigate and to take appropriate steps.'

[195] What is your view of that interpretation of rights being derived from the standards?

[196] **Ms Owen:** Yn ôl y trafodaethau a'r cyngor yr ydym wedi eu cael o sawl cyfeiriad erbyn hyn, a'r dystiolaeth sydd eisoes wedi ei chyflwyno i'r pwyllgor hwn, nid ydym o'r farn bod hyn yn creu amodau sy'n rhoi hawliau i'r dinesydd. Hyd y gwelwn ni, yr unig hawl a roddir yn y Mesur arfaethedig ar ei ffurf bresennol yw'r hawl i gwmnïau herio penderfyniadau gan y comisiynydd y maent o'r farn eu bod yn afresymol. Nid oes hawl gyfatebol gan unigolyn i apelio yn erbyn penderfyniadau'r comisiynydd yng nghydestun diffygion neu hyd yn oed absenoldeb safonau penodol. Er enghraifft, ein dealltwriaeth yw nad oes bwriad rhoi safonau ar wasanaethau cynghorau lleol megis gwersi nofio. Gallu ymarferol ein haelodau i weld y safonau hyn yn cael effaith gadarnhaol ar eu bywydau bob dydd sydd flaenaf yn ein meddyliau. Os bydd safonau, maes o law, yn cyflawni'r nod hwnnw, mae lle i ddadlau eu

**Ms Owen:** From the discussions and advice that we have had from several quarters now, and the evidence that has already been presented to this committee, we are not of the view that this creates conditions that confer rights upon citizens. As far as we can see, the only right that is given in the proposed Measure in its present form is the right for companies to challenge decisions by the commissioner if they are of the view that they are unreasonable. There is no corresponding right for an individual to appeal against the commissioner's decisions in the context of deficiencies or even the absence of specific standards. For example, our understanding is that there is no intention to impose standards on local authority services such as swimming lessons. Our members' ability to see these standards having a positive effect in practice on their lives is uppermost in our minds. If standards, in due course, achieve that aim, it

bod i'w croesawu.

could be argued that they will be welcomed.

[197] **Lorraine Barrett:** To what extent do you think that the standards framework that is proposed will improve on the current system of language schemes for providing services in Welsh?

[198] **Mr Owens:** Mae'n anodd mynegi barn am y system newydd achos mae ei hyd a'i lled yn gwbl annelwig yn y Mesur arfaethedig ar y funud, fel yr ydym yn ei ddarllen. A fydd safonau yn disodli cynlluniau iaith neu yn creu lleiafswm o'r hyn sy'n ddisgwyliedig o ran gwasanaethau? A fydd pobl yn defnyddio cynlluniau iaith ar ben y safonau i hybu'r defnydd a wneir o'r iaith? Nid yw'n glir. A fydd creu safonau yn rhwystro datblygiad a chynnydd y cynlluniau iaith hynny sydd wedi arloesi—ac yr ydym wedi clywed pobl yn siarad yn y pwyllgor hwn am eu defnydd o'r Gymraeg yn barod? Mae cael gwybodaeth bellach am strwythur a natur y safonau hyn yn angenrheidiol cyn inni allu mynegi barn bendant. Yr hyn sy'n hollbwysig i ni yw sicrhau safonau clir o ran gwasanaethau a disgwyliadau defnyddwyr yr iaith Gymraeg ac aelodau'r mudiadau yr ydym yn eu cynrychioli, er mwyn magu a meithrin eu hyder i ofyn am y gwasanaethau hynny a'u defnyddio. Mae angen strwythur clir arnom, ac nid yw hwnnw'n bodoli ar y funud.

**Mr Owens:** It is difficult to express an opinion on the new system, because we cannot get the measure of it, from our reading of the proposed Measure as it stands. Will standards replace language schemes or place a minimum standard for what is expected from services? Will people employ language schemes on top of the standards to promote the use of the language? It is not clear. Will the creation of standards be a barrier to the development and growth of those language schemes that have been innovative—and we have already heard people speak in committee about how they use the Welsh language? We need further information about the structure and nature of these standards before we can express a clear opinion. It is vital that we ensure that there are clear standards set for services and the expectations of Welsh speakers and the members of the organisations that we represent, to foster their confidence to ask for and to use those services. We need a clear structure, which does not exist currently.

[199] **Lorraine Barrett:** Can you say a little more about what you consider to be a minimum standard, which you mentioned in your evidence and also just touched on?

[200] **Ms Owen:** Byddwn i eto'n cyfeirio'n ôl at yr ail o amcanion sylfaenol Mudiadau Dathlu'r Gymraeg, sef yr alwad am hawliau statudol i bobl Cymru allu defnyddio'r Gymraeg ym mhob agwedd ar fywyd. Yr ydym yn croesawu cynnwys maes telegyfathrebu yng nghwmpas y Mesur arfaethedig. Yr ydym yn ei weld yn faes cynyddol ddylanwadol ym mywydau beunyddiol ein haelodau. Ein prif fyrdwn yw realiti byw yng Nghymru heddiw. Dylai pob person sy'n byw yng Nghymru gael mynediad hygyrch i wasanaethau cyfrwng Cymraeg heb orfod teimlo eu bod yn creu stŵr, trafferth neu boendod. Yr isafswm, yn ein barn ni, yw normaleiddio'r Gymraeg yn y Gymru fodern. Mae sawl cwmni eisoes wedi rhoi tystiolaeth ichi y dylai'r isafswm hwnnw adlewyrchu lefel bresennol gwasanaethau y cwmnïau hynny a chreu cae chwarae

**Ms Owen:** I refer you back once again to the second fundamental aim of Celebrating Our Language, namely our call for statutory rights for the people of Wales to use the Welsh language in all aspects of life. We welcome the inclusion of telecommunications in the scope of the proposed Measure. We see it as being increasingly influential on the daily lives of our members. The main burden of our message is the reality of living in Wales today. Every person who lives in Wales should have easy access to Welsh-medium services without being made to feel as though they are making a fuss, or being difficult or a nuisance. The minimum, in our view, would be the normalisation of the Welsh language in a contemporary Wales. Several companies have already given evidence to you that that minimum should reflect the current level of those companies' services and should create a



gwastad, fel y maent wedi gofyn amdano. Yr ydym ni'n dadlau y dylid hefyd osod amodau teg a chydadd—y cae chwarae gwastad hwnnw—fel bod defnyddwyr, unigolion a'n haelodau ni fel mudiadau yn gallu defnyddio'r Gymraeg ym mhob agwedd ar fywyd.

10.30 a.m.

[201] **Rhodri Morgan:** Hoffwn ofyn cwestiwn ychwanegol am y pwynt hwn. Cymerwch, er enghraifft, blant sy'n mynd i ysgolion cyfrwng Cymraeg mewn ardaloedd sydd wedi eu Seisnigeiddio ers canrifoedd, fel Caerdydd, sy'n awyddus i gymryd rhan yn Eisteddfod yr Urdd neu gystadlaethau sy'n gallu arwain at gystadlu yn Eisteddfod yr Urdd, ond, fel arfer, nid yw ysgolion yn gadael iddynt wneud hynny oherwydd bod yn rhaid gwneud hynny drwy gangen o'r Urdd yn hytrach na drwy'r ysgol. A yw hynny'n eu hannog i ddefnyddio'r Gymraeg ym mhob agwedd ar eu bywyd, ynteu a yw'n enghraifft lle byddai'r safonau yn cael eu defnyddio a byddai plant yn gallu gofyn am yr hawl i gymryd rhan mewn cystadlaethau er nad ydynt yn dod o gartrefi Cymraeg nac yn rhan o aelwydydd yr Urdd?

[202] **Mr Owens:** Yr wyf yn gweithio i'r Urdd, felly gallaf roi rhywfaint o wybodaeth ichi. Yn yr ardaloedd di-Gymraeg, mae mwyafrif y canghennau wedi'u sefydlu yn yr ysgolion. Mae ychydig yn wahanol yn y gogledd-orllewin, ond mae'r ysgolion yn cymryd rhan yn y cystadlaethau hynny drwy gyfrwng y Gymraeg. Yr ydym wedi sôn eisoes am wersi nofio ac yn y blaen, ac, mewn ardal fel Caerdydd, lle mae 25 y cant o'r plant mewn ysgolion Cymraeg, prin yw nifer y gwersi nofio sy'n cael eu cynnal drwy gyfrwng y Gymraeg. I ni, mae'n hollbwysig bod pobl sy'n frwdfrydig ac yn awyddus i ddysgu'r Gymraeg yn cael y cyfle i ddefnyddio'r iaith. Felly, mae'n bwysig bod safonau ar gyfer hynny.

[203] **Ms Owen:** Yr ydych wedi cyfeirio at Gaerdydd yn benodol ac, wrth gwrs, mae dros 20 y cant o blant Caerdydd yn derbyn addysg cyfrwng Cymraeg. Byddwn yn dadlau y dylai gwasanaethau cymdeithasol gyfateb i hynny. Mae'n rhesymegol bod cyfleoedd allgyrsiol hefyd.

level playing field, as they have requested. We argue that fair and equal conditions should also be set—that level playing field—so that users, individuals and our members as organisations are able to use the Welsh language in every aspect of life.

**Rhodri Morgan:** I want to ask a supplementary question on this point. If you take, for example, children who attend Welsh-medium schools in areas that have been anglicised for centuries, like Cardiff, who are keen to take part in the Urdd Eisteddfod or competitions that can lead to competing in the Urdd Eisteddfod, but schools do not usually let them do so because that has to be done through a branch of the Urdd rather than through the school. Does that encourage them to use the language in every aspect of their life, or is it an example where the standards would be used and children would be able to ask for the right to take part in competitions although they do not come from Welsh-speaking households, nor are they members of the local Urdd group?

**Mr Owens:** I work for the Urdd, so I can give you some information. In the non-Welsh-speaking areas, the majority of branches have been established within schools. It is a little different in north-west Wales, but schools participate in those competitions through the medium of Welsh. We have already talked about swimming lessons and so on, and, in areas such as Cardiff, where 25 per cent of children are in Welsh-medium schools, few swimming lessons are available through the medium of Welsh. For us, it is vital that people who are enthusiastic and eager to learn Welsh have the opportunity to use the language. Therefore, it is important that there are standards for that.

**Ms Owen:** You have referred to Cardiff in particular and, of course, more than 20 per cent of children in Cardiff now receive Welsh-medium education. We would argue that social services should correspond to that. It is also logical that there should be extracurricular opportunities.

[204] **Rhodri Morgan:** Dyna bwynt y cwestiwn. Yr ydych yn creu darlun fel pe bai rhywbeth o'i le ac yn awgrymu nad yw awdurdodau lleol yn darparu gwasanaethau i helpu pobl i ddefnyddio'r Gymraeg, ond, y tu fewn i ysgolion cyfrwng Cymraeg, bydd plant, efallai, sy'n awyddus i gymryd rhan mewn cystadlaethau—os ydynt yn ddigon talentog i gymryd rhan yn Eisteddfod yr Urdd—ond lle nad yw'n bosibl iddynt wneud hynny drwy'r ysgol oherwydd bod yn rhaid iddynt fod yn aelod o'r Urdd, gan mai drwy'r Urdd yn unig y gallant gystadlu. Felly, mae rhan i'r sector gwirfoddol neu'r ysgolion, yn hytrach nag edrych yn unig ar beth sydd o'i le ar yr hyn mae'r awdurdod lleol yn ei wneud.

[205] **Mr Owens:** Credaf ei fod yn rhan o'r darlun. Un ffordd y mae awdurdodau lleol weithiau yn darparu rhywfaint o wasanaethau Cymraeg—er nad oes llawer ar hyn o bryd—yw drwy gydweithio gyda mentrau iaith neu'r Urdd. Mae hynny'n gost-effeithiol ac yn ffordd iddynt gynnig gwasanaethau drwy gyfrwng y Gymraeg, ond gyda chymorth y sector gwirfoddol. Mae'n bwysig bod hynny hefyd yn dod o dan gwmpawd y Mesur arfaethedig.

[206] **Ms Owen:** Mae hynny'n wir. Mae gofyn i awdurdodau lleol roi tegwch a chydaddoldeb o ran gwasanaethau hefyd fel bod hynny'n cyfateb i'r twf cynyddol yn nifer y plant mewn ardaloedd Seisnig sy'n mynd drwy addysg Gymraeg ac arnynt angen cyfleoedd i ddefnyddio'r Gymraeg y tu allan i'r dosbarth.

[207] **Rhodri Morgan:** Yr ydych yn siarad am gyfleoedd cyfartal i fyw bywyd drwy gyfrwng y Gymraeg, ond a yw'n rhan o gyfleoedd cyfartal bod plant sy'n mynd i ysgolion Cymraeg mewn ardal sydd wedi'i Seisnigeiddio yn cael yr un hawl i gymryd rhan mewn cystadlaethau sy'n gallu arwain—os ydych yn ddigon talentog—at lwyfan Eisteddfod yr Urdd?

[208] **Mr Owens:** Ydyw.

[209] **Rhodri Morgan:** Nid yw hynny'n digwydd yn awr.

**Rhodri Morgan:** That is the point of the question. You create a picture that suggests that something is wrong and that local authorities are not providing services to help people use Welsh, but, within Welsh-medium schools, there will be children who may be keen to take part in competitions—if they are talented enough to take part in the Urdd Eisteddfod—but where it is not possible for them to do so through the school because they must be a member of the Urdd, and they can only enter the competition through the Urdd. Therefore, there is a role for the voluntary sector or schools, rather than looking only at what is wrong with what the local authority is doing.

**Mr Owens:** I think that that it is part of the picture. One way in which local authorities sometimes provide some services in Welsh—although there are not many at the moment—is by working with mentrau iaith or the Urdd. That is cost-effective and a way for them to offer services through the medium of Welsh, but with the assistance of the voluntary sector. It is important that that is also included within the scope of the proposed Measure.

**Ms Owen:** That is true. It requires local authorities to provide fairness and equality of services so that it corresponds to the growing number of children in anglicised areas who are in Welsh-medium education and who need opportunities to use the language outside the classroom.

**Rhodri Morgan:** You talk about equality of opportunity to live life through the medium of Welsh, but is it part of that equality for children attending Welsh schools in anglicised areas all to have the same right to participate in competitions that could lead—if you are talented enough—to the Urdd Eisteddfod stage?

**Mr Owens:** Yes, it is.

**Rhodri Morgan:** That does not happen now.

[210] **Mr Owens:** Nid wyf am fynd i mewn i sgwrs am hyn, ond, er enghraifft, mae'r Urdd wedi newid strwythur y rhagbrofion eleni. Mae pawb yn awr yn cael mynd i ragbrawf. Nid oes rhagbrofion drwy'r ysgol cyn yr eisteddfod gyloch a'r eisteddfod sir. Mae pawb yn cael cyfle i gymryd rhan. Felly, mae'r Urdd yn cytuno gyda'r egwyddorion hyn i gyd ac mae'r Urdd yn un o aelodau Mudiadau Dathlu'r Gymraeg.

**Mr Owens:** I do not want to get into a discussion about this, but, for example, the Urdd has changed the structure of its preliminary rounds this year. Everyone will now be able to attend the prelims. There will be no prelims through schools before the local and county eisteddfodau. Everyone will have the chance to participate. Therefore, the Urdd agrees with all of these principles and is a member of Celebrating Our Language.

[211] **Lorraine Barrett:** This is the last question from me. In your written submission, you advocate the creation of clear rights to receive services through the medium of Welsh. Could you mention some of those services? You have already mentioned one or two. Would individuals have any rights to services from private and voluntary sector organisations through the medium of Welsh? Would any of those rights be conditional, in your view? If so, what would those conditions be?

[212] **Mr Owens:** Credwn, fel yr ydym wedi sôn eisoes, fod meysydd rheng flaen fel gwasanaethau ieuentid, iechyd ac addysg yn cyffwrdd â bywydau ein haelodau bob dydd. Felly, mae'n amlwg bod gwendidau mawr yn y system bresennol, fel yr amlgwyd yn adroddiad diweddar Cyngor Ewrop ar siarter Ewrop ar gyfer ieithoedd rhanbarthol neu leiafrifol, adroddiad COMEX, ac adroddiadau Estyn mewn perthynas â gwasanaethau ieuentid a'r iaith Gymraeg.

**Mr Owens:** We believe, as we have already mentioned, that front-line services such as youth, health and education services touch upon the everyday lives of our members. So, it is clear that there are major weaknesses in the present system, as highlighted in the recent report on the European charter for regional or minority languages, the COMEX report, and Estyn reports with regard to youth services and the Welsh language.

[213] O ran mudiadau sy'n cynrychioli'r twf syfrdanol o ran addysg Gymraeg, fel yr oeddech yn sôn, yr ydym yn ymwybodol iawn o bwysigrwydd cyfleoedd i ddisgyblion ddefnyddio'r Gymraeg y tu allan i'r ysgol, fel yr ydym wedi cyffwrdd arno yn barod, mewn awyrgylch gymdeithasol ac anffurfiol. Dyna'r unig ffordd y gallwn sicrhau bod y Gymraeg yn iaith fyw yn yr ardaloedd nad ydynt wedi defnyddio'r Gymraeg yn naturiol ers sawl blwyddyn, fel y dywedodd Mr Morgan. Felly, yr ydym yn credu'n gryf bod yr hawl i dderbyn gwasanaethau drwy gyfrwng y Gymraeg yn greiddiol yn y sector cyhoeddus, y sector preifat a'r sector gwirfoddol.

With regard to organisations representing the huge growth in Welsh-medium education, we are very aware of the importance of opportunities for pupils to use Welsh outside the school gates, as we have already touched upon, in a social and informal atmosphere. That is the only way in which we can ensure that the Welsh language is a living language in the areas that have not used the language naturally for many years, as Mr Morgan said. So, we strongly believe that the right to receive services through the medium of Welsh is crucial in the public sector, the private sector and the voluntary sector.

[214] O ran y cwestiwn olaf, ynglŷn ag a fyddai'r hawliau yn amodol, gan fod y Mesur arfaethedig wedi ei seilio ar y Gorchymyn iaith, mae unrhyw hawl sydd yn cael ei greu yn gorfod bod yn rhesymol a chymesur. Mae hyn yn amlwg yn creu amodau o ran yr hawliau hynny. Felly, byddent yn hawliau amodol.

On the final question, on whether those rights would be conditional, as the proposed Measure is based on the Welsh language Order, any right created has to be reasonable and proportionate. This obviously creates conditions in respect of those rights. So, they would be conditional rights.

[215] **Gareth Jones:** Diolch yn fawr ichi am y dystiolaeth ysgrifenedig. Nid yw'n fater hawdd crynhoi tystiolaeth fel hyn ar ran 70,000 o aelodau ar draws Cymru. Mae fy nghwestiynau yn ymwneud â Rhan 6, sef rhyddid i ddefnyddio'r Gymraeg. Pan ofynnwyd i'r Gweinidog pam fod y Mesur arfaethedig yn cyfeirio at y rhyddid i siarad Cymraeg yn hytrach na'r hawl i siarad Cymraeg, dywedodd:

[216] 'Mae gan bawb ryddid i siarad Cymraeg—neu unrhyw iaith arall, hyd y gwn i—gyda'i gilydd. Dyna'r sefyllfa. Os ydych yn ceisio creu hawl i rywun siarad Cymraeg, y perygl yw y byddech yn creu dosbarth o leoedd lle nad oes gan rywun hawl i wneud hynny.'

[217] I ba raddau y byddech yn cytuno â datganiad y Gweinidog?

[218] **Ms Owen:** Yr egwyddor sylfaenol sydd bwysicaf i ni fel mudiadau, a'r llinyn arian sydd yn ein clymu ynghyd, yw cynyddu'r cyfleoedd i ddefnyddio'r Gymraeg ar bob achlysur ac ym mhob parth o fywyd. Felly, yn ein barn ni, mae'r datganiad hwn gan y Gweinidog yn mynd yn erbyn ysbryd deddfu ar hawliau cydraddoldeb dros y degawdau diwethaf. Mae'r dyfyniad hefyd yn awgrymu bod cyfleoedd i ddefnyddio'r Gymraeg yn norm ar hyn o bryd, ond nid yw hynny mewn gwirionedd ond yn wir mewn eithriadau.

[219] **Gareth Jones:** Dywedodd Emyr Lewis a'r Athro Colin Williams ill dau wrth y pwyllgor y dylid cael gwared ar Ran 6 o'r Mesur arfaethedig gan ei fod yn ddianghenraid. A ydych yn cytuno â hwy?

[220] **Mr Owens:** Mae'n wir dweud fod Rhan 6 bron yn ddiwerth fel ag y mae ar hyn o bryd. Fel yr oedd Ceri yn sôn, mae'n cydnabod bod problem ond mae wedi creu datrysiaid drwy rhyw gymal diwerth i greu rhyddid i ddefnyddio'r Gymraeg. Fodd bynnag, yn ôl arbenigwyr cyfreithiol yr ydym wedi siarad â hwy, nid oes gwerth i hyn yng nghyd-destun cyfreithiau a hawliau rhyngwladol. Fel yr ydym wedi sôn eisoes, yr unig hawl clir sydd yn y Mesur arfaethedig yw i gwmnïau apelio i dribiwnlys yn erbyn

**Gareth Jones:** Thank you for your written evidence. It is not an easy task to summarise such evidence on behalf of 70,000 members across Wales. My questions relate to Part 6, the freedom to use the Welsh language. When asked why the proposed Measure refers to the freedom to speak Welsh rather than to the right, the Minister said:

'Everyone has the freedom to speak Welsh—or any other language, as far as I know—with one another. That is the situation. If you try to establish a right for someone to speak Welsh, the danger is that you would create a class of places where someone does not have the right to do so.'

To what extent would you agree with Minister's statement?

**Ms Owen:** The fundamental principle that is most important to us as organisations, and the thread that joins us all together, is to increase the opportunities to use the Welsh language on all occasions and in all parts of life. So, in our opinion, this statement by the Minister contradicts the spirit of legislating on equality rights over the past decades. The quotation also suggests that opportunities to use Welsh are currently the norm, whereas, in reality, that is only the case in certain exceptions.

**Gareth Jones:** Emyr Lewis and Professor Colin Williams both told the committee that Part 6 should be removed from the proposed Measure as it was unnecessary. Do you agree with them?

**Mr Owens:** It is true to say that the Part 6 as it stands is almost worthless. As Ceri mentioned, it acknowledges that there is a problem but it has created a solution by means of a worthless clause to create the freedom to use Welsh. However, according to legal experts to whom we have spoken, this has no value in the context of international laws and rights. As we have already mentioned, the only clear right in the proposed Measure is for companies to appeal to a tribunal against decisions taken by the

penderfyniad gan y comisiynydd iaith.

language commissioner.

[221] **Gareth Jones:** Fy nghwestiwn olaf yw: pam eich bod yn ystyried y dylid cynnwys addysg Gymraeg yn y Mesur arfaethedig hwn, yn hytrach na'i chynnwys mewn Mesur ar wahân ynghylch addysg Gymraeg? A yw Mudiadau Dathlu'r Gymraeg yn derbyn bod addysg Gymraeg y tu allan i gwmpas y Mesur arfaethedig hwn?

**Gareth Jones:** My final question is: why do you consider that the issue of Welsh-medium education should be included in this proposed Measure, rather than in a separate Welsh-language education Measure? Does Celebrating Our Language accept that Welsh-medium education is outside the scope of this proposed Measure?

[222] **Ms Owen:** Y gwir amdani ar hyn o bryd yw nad oes deddfu arfaethedig ar droed mewn perthynas ag addysg Gymraeg. Pe bai hynny'n bod, efallai y byddem yn cael trafodaeth gwbl wahanol. Fel cogen allweddol yn y peirianwaith ieithyddol, credwn yn gryf y gallai'r Mesur arfaethedig ddatgan pwysigrwydd addysg Gymraeg fel elfen anhepgor a chanolog. Nid oes modd ymddihatu addysg Gymraeg oddi wrth yr iaith Gymraeg.

**Ms Owen:** The truth is that there is currently no proposed legislation in relation to Welsh-medium education. If there was such legislation, we could be having a completely different discussion. As a vital cog in the linguistic wheel, we strongly believe that the proposed Measure could state the important central and essential role of Welsh-medium education. You cannot separate Welsh-medium education from the Welsh language.

10.40 a.m.

[223] Yn sgîl cyhoeddi strategaeth Llywodraeth Cynulliad Cymru ar addysg Gymraeg yn ddiweddar—datblygiad yr ydym wrth gwrs yn ei groesawu'n fawr—pryderwn nad yw'r strategaeth, a'r cynllun gweithredu hollbwysig sydd ynghlwm â'r strategaeth, yn statudol, a'u bod, felly, yn ddiddannedd. Efallai na fydd yr amcanion a nodwyd yn cael eu gwireddu, felly, ac na fydd y sefyllfa bresennol o ran addysg Gymraeg yn cael ei gwrthdroi. Yn wyneb yr anhawster mae nifer o bobl yng Nghymru yn ei chael o hyd o ran sicrhau addysg Gymraeg i'w plant—rhywbeth y mae'r mudiad yr wyf i yn rhan ohono, sef RhAG, yn ei drafod yn ddyddiol—mae'r agwedd hon yn allweddol er mwyn gwireddu gallu pawb i ddysgu'r Gymraeg ac i fod yn ddinasyddion dwyieithog.

As a result of publishing the Welsh Assembly Government's Welsh-medium education strategy recently—a development that we of course greatly welcome—we are concerned that the strategy and its allied, all-important action plan are not statutory, and that they are, therefore, toothless. The objectives that have been identified may not be realised, therefore, and the current situation in terms of Welsh-medium education may not be overturned. In the face of the difficulty still experienced by many people in Wales in terms of securing Welsh-medium education for their children—something that the organisation of which I am a member, RhAG, discusses on a daily basis—this aspect is key in order to realise the opportunity for everyone to learn the language and to become bilingual citizens.

[224] Mae'n bryder, er enghraifft, bod rhai awdurdodau lleol yn symud i wanhau darpariaeth cyfrwng Cymraeg mewn rhai sectorau, ac awdurdodau eraill yn araf i symud i fesur y galw a gweithredu'n bositif ar y canfyddiadau. Yn wir, mae rhai awdurdodau lleol yn ymwrthod rhag gwneud hynny yn y lle cyntaf. O ran y strategaeth, cyfeiriad yn unig sydd at ddeddfu ym maes addysg Gymraeg, a chyfeiriad yn unig sydd

It is a concern, for example, that some local authorities are moving to weaken Welsh-medium provision in some sectors, while other authorities are slow to move to measure demand and to act positively on the findings. Indeed, some local authorities refuse to do that in the first place. The strategy includes only a reference to legislating in the field of Welsh-medium education, and there is only a reference to the possibility of doing so in the

at y potensial i wneud hynny yn y dyfodol. Felly, nid oes yna ymrwymiad ar hyn o bryd i wneud hynny; mae'r gagendor hwnnw'n amlwg. Drwy sicrhau grym statudol i'r strategaeth, byddai modd sicrhau yn ddiamod bod pob plentyn yn cael y cyfle i fod yn gwbl ddwyieithog, gan symud eto i wireddu amcan Llywodraeth Cymru'n Un o greu gwlad cwbl ddwyieithog.

[225] Fel mae Llywodraeth y Cynulliad eisoes wedi ei gydnabod, addysg Gymraeg yn anad dim sydd wedi bod yn gyfrifol, ac sydd yn parhau i fod yn gyfrifol, am droi'r trai o ran cynhyrchu'r niferoedd cynyddol sy'n siarad Cymraeg. Mae Gweinidogion hefyd wedi datgan mai rhan o'r jig-so ehangach yw'r Mesur iaith arfaethedig, y strategaeth iaith a'r strategaeth addysg Gymraeg, a'u bod i gyd yn elfennau sy'n cydorwedd ac yn cydblethu. Credwn, felly, bod cyfle pwysig yma i Lywodraeth Cynulliad Cymru gadarnhau'r gydberthynas sydd rhyngddynt er mwyn llwyddo i wireddu amcanion yr agenda ddwyieithog yng Nghymru.

[226] **Gareth Jones:** Hoffwn ofyn un cwestiwn atodol. Mae'n amlwg eich bod wedi astudio'r Mesur arfaethedig a'r atodlenni sy'n rhan ohono. A ydych yn deall yn glir nad oes sgôp yma i gyplysu addysg cyfrwng Cymraeg â'r elfen statudol? Nid yw hynny'n bodoli yn y Mesur arfaethedig.

[227] **Ms Owen:** Mae'r atodlenni yn cynnwys rhai cyrff addysgol a fyddai'n dod o dan gylch gwaith y Mesur arfaethedig hwn. Yr ydym yn sôn, fodd bynnag, am safonau a fyddai'n gallu cyfeirio'n benodol at agweddau ar addysg Gymraeg, er enghraifft mesur y galw, fel y cyfeiriais ato eisoes. Yn sicr, byddai hynny'n rhywbeth y byddem yn awyddus i'w weld yn cael ei yrru drwy'r Mesur arfaethedig.

[228] **Val Lloyd:** On behalf of the committee, I thank you for your written evidence and for taking the time to come here this morning to answer questions. You will be sent, by the clerks, a transcript of today's proceedings for your verification. You should expect to receive that within about seven days. Thank you.

[229] **Mr Owens:** Mae'n bosibl y bydd gennym ychydig dystiolaeth ychwanegol, yn enwedig yng nghyd-destun cyfreithiol rhai

future. Therefore, there is no commitment at present to doing that; that gulf is clear. By ensuring statutory force for the strategy, it would be possible to ensure, unconditionally, that every child had the opportunity to be completely bilingual, moving again to realise the objective of the One Wales Government of producing a wholly bilingual country.

As the Assembly Government has already acknowledged, it is Welsh-medium education, above all else, that has been and is responsible for turning the tide in terms of producing increasing numbers of Welsh-speakers. Ministers have also stated that the proposed Measure, the language strategy and the Welsh-medium education strategy are all pieces of a larger jigsaw, and that these are elements that lie alongside each other and which interweave. We believe, therefore, that there is an important opportunity here for the Welsh Assembly Government to confirm the relationship between these elements in order to realise the objectives of the bilingual agenda in Wales.

**Gareth Jones:** I have a supplementary question. It is evident that you have studied the proposed Measure and the schedules that form part of it. Do you understand clearly that there is no scope to couple Welsh-medium education with the statutory element? That does not exist in the proposed Measure.

**Ms Owen:** The schedules include some of the educational institutions that would come under the scope of this proposed Measure. We are talking, however, about standards that would be able to refer specifically to aspects of Welsh-medium education, such as measuring demand, as I mentioned earlier. Certainly, that is something that we would be eager to see being driven through the proposed Measure.

**Mr Owens:** It is possible that we will have some additional evidence, particularly in the legal context of some of the questions to

o'r cwestiynau yr ydym wedi bod yn ymbalfalu i gael atebion cywir iddynt. A fyddai modd inni gynnig tystiolaeth ychwanegol cyn diwedd trafodaethau'r pwyllgor?

[230] **Val Lloyd:** We have closed the call for evidence. However, I suppose that it would be possible, as long as we are still considering evidence and not writing our report. Thank you again. The committee will now take a short break.

*Gohiriwyd y cyfarfod rhwng 10.43 a.m. a 10.56 a.m.  
The meeting adjourned between 10.43 a.m. and 10.56 a.m.*

[231] **Val Lloyd:** Welcome back after our short break. I welcome Siân Lewis and Iwan Williams from Mentrau Iaith Cymru. We will move straight into the questions, if you are ready. I will start off. Do you think that the proposed Measure is an improvement on the status quo?

[232] **Mr Williams:** Hoffwn ddweud cyn inni ddechrau, i roi ychydig o gefndir i chi, nad yw Mentrau Iaith Cymru yn gorff cyfreithiol, felly nid barn gyfreithiol y byddwn yn ei rhoi heddiw, ond ein barn am yr hyn sydd orau i'r Gymraeg ar lefel gymunedol. Cafodd y fenter iaith gyntaf ei sefydlu yn 1991. Erbyn hyn, mae 21 ohonynt drwy Gymru gyfan. Yr ydym yn cyflogi rhyngom mwy na 120 o staff, gyda mwy na 1,300 o wirfoddolwyr, sy'n gweithredu i wireddu mwy na 13,000 o ddiwyddiadau ar draws Cymru. Dyna rywfaint o gefndir i bawb sydd yma heddiw.

**Mr Williams:** I want to say before we start, to give you a bit of background, that Mentrau Iaith Cymru is not a legal entity, and so we will not be giving a legal opinion today, but our opinion of what is best for the Welsh language on a community level. The first *menter iaith* was set up in 1991. By now, there are 21 of them throughout Wales. We employ, between us, more than 120 staff, with more than 1,300 volunteers, who work to make more than 13,000 events happen across Wales. That is just by way of background for everyone who is here today.

[233] I fynd yn ôl at y cwestiwn, ar ei ffurf bresennol, nid ydym yn credu bod y Mesur arfaethedig yn gwella rhyw lawer ar yr hyn sy'n bodoli yn barod. Y newid gorau, yn ein barn ni, yw'r grym i orfodi sefydliadau. Ar hyn o bryd, nid oes digon o fanylion yn y Mesur arfaethedig i weld yn bendant sut y bydd yn gwella'r sefyllfa bresennol.

To return to the question, in its current form, we do not believe that the proposed Measure improves a great deal on the status quo. The best change, in our opinion, is the power of enforcement over organisations. At the moment, there are not enough details in the proposed Measure to see how exactly it will improve the current situation.

[234] **Val Lloyd:** Moving on to the official status of the language, can you explain why you are of the opinion that the proposed Measure does not, in its current form, give official status to the Welsh and English languages in Wales?

[235] **Mr Williams:** Yn ein barn ni, oherwydd nad yw wedi'i ysgrifennu yn blwmp ac yn blaen, mewn du a gwyn, yn y Mesur arfaethedig, nid yw'n rhoi statws swyddogol i'r Gymraeg. Os caiff hynny ei wneud, credwn na fydd dadleuon yn y dyfodol ynghylch statws y Gymraeg, ac felly hoffem weld hynny yn rhan ohono.

**Mr Williams:** In our opinion, because it is not stated clearly in black and white in the proposed Measure, it does not confer official status on the Welsh language. If that were to be done, we believe that there would then be no ambiguity in future about the status of the language, and so we would like to see it included.

[236] **Rhodri Morgan:** Mae'r cwestiwn hwn o statws swyddogol yn dipyn o bwnc llosg, fel y gwyddoch, ac mae rhai o'r tystion sydd wedi rhoi tystiolaeth yn barod wedi rhoi atebion gwahanol i'r cwestiwn a syniadau gwahanol ynghylch y pwnc llosg hwn—Emyr Lewis, er enghraifft, yn ei dystiolaeth fel cyfreithiwr sy'n arbenigo yn y maes wedi dweud bod angen mynegiad clir sy'n delio â'r cwestiwn o gyfartaledd y Saesneg a'r Gymraeg. Os cofiaf yn iawn, yr oedd eisiau brawddeg debyg i hon yn y Mesur arfaethedig: y Gymraeg a'r Saesneg yw ieithoedd swyddogol Cymru, ac mae eu statws yn gyfartal. Nid yw Cymdeithas yr Iaith Gymraeg eisiau gweld unrhyw gyfeiriad at y Saesneg yn y Mesur arfaethedig. A oes syniadau gyda chi? A ydych yn tueddu i gytuno'n agosach â syniadau Emyr Lewis neu syniadau cymdeithas yr iaith? Ble yn union yr ydych chi'n sefyll?

11.00 a.m.

[237] **Mr Williams:** Y prif beth i Mentrau Iaith Cymru yw bod angen ochri yn bositif â'r Gymraeg yn y Mesur arfaethedig. Fel y gwyddoch, mae'r Saesneg yn boblogaidd iawn yn rhyngwladol; mae'r Gymraeg yn israddol ac wedi bod o ran nifer y siaradwyr ac ati. I gyrraedd lefel lle mae'r Gymraeg yn dod yn agos at fod yn gyfartal gyda'r Saesneg, mae angen ochri'n bositif â'r Gymraeg. O ran sut y mae hynny'n gweithio yn gyfreithiol, eto nid ydym yn arbenigwyr cyfreithiol—

[238] **Rhodri Morgan:** Fodd bynnag, yr ydych yn gorfod deddfu mewn ffordd sy'n achosi cyn lleied â phosibl o ddryswch ar ôl i'r Mesur arfaethedig gael ei basio.

[239] **Mr Williams:** Derbyniaf y pwynt hwnnw. Mae'r hyn y mae Emyr Lewis wedi'i ddweud yn uchelgeisiol iawn o ran gwneud y Gymraeg yn gyfartal â'r Saesneg. Mae llawer o waith i'w wneud i wireddu hynny, a hoffwn weld sefyllfa lle mae'r ddwy iaith yn gyfartal, ond bydd hynny'n cymryd blynyddoedd. I gyrraedd y pwynt hwnnw, mae angen mwy o adnoddau a chefnogaeth i'r Gymraeg.

[240] **Rhodri Morgan:** Yr ydym yn siarad am statws swyddogol. A oes ateb gyda chi,

**Rhodri Morgan:** This question of official status is quite a contentious subject, as you know, and some of the witnesses who have already given evidence have given different answers to that question and have different ideas about this contentious subject—Emyr Lewis, for instance, in his evidence as a lawyer who specialises in this field said that there needs to be a clear expression that deals with the equality of the Welsh and English languages. If I remember rightly, he wanted a sentence similar to this one included in the proposed Measure: Welsh and English are the official languages of Wales, and they have equal status. The Welsh Language Society does not want to see any reference to the English language in the proposed Measure. Do you have any ideas? Do you tend to align yourselves more closely with Emyr Lewis's ideas or with those of the language society? Where exactly do you stand?

**Mr Williams:** The main thing for Mentrau Iaith Cymru is that the proposed Measure needs to come out positively on the side of the Welsh language. As you know, English is a language widely used internationally; the Welsh language is inferior and has been in relation to the number of speakers and so on. To get to a level where the Welsh language is close to being equal with the English language, we need positive discrimination in terms of the Welsh language. With regard to how that works legally, again we are no legal experts—

**Rhodri Morgan:** However, you must legislate in a way which causes as little confusion as possible once the proposed Measure is passed.

**Mr Williams:** I accept that point. What Emyr Lewis has said is very ambitious in terms of making the Welsh language equal with the English language. There is a great deal of work to be done to achieve that, and I would like to see a situation where both languages are equal, but that will certainly take many years. In order to reach that point, the Welsh language needs more resources and support.

[241] **Rhodri Morgan:** We are talking about official status. Do you have an answer,



neu a ydych chi'n meddwl ei fod yn rhy gymhleth ac nad yw'n rhan o'ch arbenigedd chi i siarad am statws swyddogol, dim statws swyddogol, statws cyfartal swyddogol, neu statws cyfartal â'r Saesneg?

[242] **Mr Williams:** Hoffwn weld statws swyddogol i'r Gymraeg. Derbyniaf yr hyn a ddywedodd Emyr Lewis, er ein bod ni'n cydweld gyda chymdeithas yr iaith mai Mesur yr iaith Gymraeg yw hwn, ac nid yw'n delio â'r Saesneg. Deallaf safbwynt cymdeithas yr iaith nid yw'r Mesur arfaethedig yn ymwneud â'r iaith Saesneg.

[243] **Rhodri Morgan:** A ydych chi'n meddwl byddai mynegiad ynglŷn â statws swyddogol i'r iaith Gymraeg, neu statws swyddogol a chyfartal i'r iaith Gymraeg, yn cael effaith ymarferol ar hawliau pobl? Neu a ydych chi'n meddwl mai effaith seicolegol byddai? Os felly, ydych chi'n meddwl ei bod hi'n weddus i ddeddfu er mwyn cael effaith seicolegol yn hytrach na goblygiadau ymarferol?

[244] **Mr Williams:** Caiff effaith seicolegol yn bendant, ond byddai'n mynd yn bellach na hynny. Bydd pobl yn gwybod lle maent yn sefyll. Mae pobl yn deall i ryw raddau beth yw statws swyddogol. Ar hyn o bryd, mae'r Mesur arfaethedig yn datgan beth yw statws swyddogol y Gymraeg yn gyfredol yn hytrach na datgan bod ganddi statws swyddogol. Yn bendant, byddai dinasyddion Cymru yn gwybod yn fwy pendant lle maent yn sefyll gyda'r iaith Gymraeg a beth i'w ddisgwyl.

[245] **Rhodri Morgan:** A ydych yn derbyn, os nad ydych yn defnyddio'r mynegiad y mae Emyr Lewis wedi ei ddewis, ac yn gwneud mynegiad clir am yr iaith Gymraeg ar ei phen ei hunan, fod perygl y byddai pob math o gyfreithwyr '*no win, no fee*' yn gallu meddwl bod modd mynd ag achosion i'r llys gan ddechongli'r mynegiad fel bwriad i beidio â rhoi hawliau. Wrth gwrs, gall cyfreithwyr ddefnyddio unrhyw fynegiad i ddod â achos o flaen y llys. Nid dyna'r bwriad, ond gallai greu llawer o ddrysych. Ni fyddai fawr o help i'r Gymraeg, a gall arwain at lawer o achosion yn y llysoedd oherwydd y drysych hwnnw.

or do you think that it is too complex and not part of your area of expertise to talk about official status, no official status, official equality of status, or equal status with the English language?

**Mr Williams:** We would like to see official status for the Welsh language. I accept what Emyr Lewis has said, although we agree with the language society that this is a Welsh-language Measure, which does not deal with the English language. I understand the language society's viewpoint that it does not relate to the English language.

**Rhodri Morgan:** Do you believe that a statement about the official status of the Welsh language, or official equality of status for the Welsh language, would have a practical impact on people's rights? Or do you believe that it would be a psychological effect? If so, do you believe that it is appropriate to legislate for psychological effect rather than for practical purposes?

**Mr Williams:** It will definitely have a psychological effect, but it would go further than that. People will know where they stand. People understand to some extent what official status is. At present, the proposed Measure states the official status of the language currently rather than stating that it has an official status. The citizens of Wales would definitely know where they stand with the Welsh language and what to expect.

**Rhodri Morgan:** Do you accept that if you do not use the expression that Emyr Lewis has chosen, and make a clear statement about the Welsh language on its own, that there is a danger that many 'no win, no fee' lawyers would think that they could challenge it in the courts, interpreting the statement as an intention not to convey rights. Of course, lawyers can use any statement to bring a case before the courts. That is not the intention, but it could create a great deal of confusion. It would not be of great assistance to the Welsh language, and it could lead to many court cases because of that ambiguity.

[246] **Mr Williams:** Eto, nid ydym yn arbenigwyr cyfreithiol. Ni allwn ddweud wrthy ch sut y byddai'n gweithio yn gyfreithiol. Fodd bynnag, yn sicr hoffwn weld statws swyddogol i'r Gymraeg, a'r opsiwn nesaf fyddai'r hyn mae Emyr Lewis wedi'i ddweud.

**Mr Williams:** Again, we are not legal experts. We could not tell you how it would work legally. However, we would certainly like to see official status for the Welsh language, and the next option would be what Emyr Lewis has said.

[247] **Rhodri Morgan:** A ydych yn deall yr ofn sydd gan bobl sy'n gyfrifol am y Mesur arfaethedig, fel y ninnau wrth graffu arno fel ag y mae? Nid ydym am weld cyfreithwyr yn llyfu eu gwefusau'n meddwl am faint o achosion y gallant ddod o flaen y llysoedd. Pe byddai mynegiad clir yn cael ei wneud ynglŷn â statws swyddogol, gall hynny achosi dryswch, nid o fwriad, ond yn ymarferol, a gallai arwain at achosion yn y llysoedd barn am chwarter canrif, yn groes i'r bwriad. Mae cyfreithwyr yn gallu gwneud hynny.

**Rhodri Morgan:** Do you understand the fear of people responsible for the proposed Measure, such as ourselves who are scrutinising it as it stands? We do not want to see lawyers licking their lips thinking about how many cases they can bring to court. If a clear statement was made about official status, that could create confusion, not intentionally, but in practice, that could lead to court cases for a quarter of a century, contrary to the intention. Lawyers can do that.

[248] **Mr Williams:** Yr ydym yn cydnabod bod cyfrifoldebau cyfreithiol ynghlwm â'r Mesur arfaethedig. Eto, nid ydym mewn sefyllfa i roi barn gyfreithiol ar yr hyn a fydd yn gweithio a'r hyn na fydd, ond yr ydym yn deall yr ofnau am broblemau a all godi yn y dyfodol o ran pobl yn dod â achosion o flaen y llys gan nad oes hawl Saesneg, er enghraifft, fel yr ydych yn ei awgrymu.

**Mr Williams:** We recognise that there are legal responsibilities attached to the proposed Measure. Again, we are not in a position to give a legal opinion on what will work or what will not, but we understand the concerns about problems that could arise in the future in terms of people bringing cases before the court because there is no English-language right, for example, as you suggest.

[249] **Rhodri Morgan:** O ran atebolrwydd y comisiynydd, mae dau ysgol o feddwl wedi ymddangos ger bron y pwyllgor craffu hwn i roi tystiolaeth. Un yw y dylai'r comisiynydd gael ei ystyried yn greadur y Cynulliad er mwyn rhoi gwarant gryfach ei fod yn hollol annibynnol ar Weinidogion. Ar y llaw arall, dywed y Gweinidog nad oes unrhyw debygrwydd rhwng y comisiynydd a'r ombwdsmon neu'r archwilydd cyffredinol, oherwydd maent hwy yn cael eu gosod yn eu lle er mwyn rhoi clatsien i'r Llywodraeth. Dywed y byddai'r comisiynydd yn debycach i'r comisiynwyr ar gyfer plant neu ar gyfer yr henoed, oherwydd byddai'n gweithio gyda'r Llywodraeth neu ar ei rhan er mwyn cyrraedd nodau sydd wedi'u gosod gan y Llywodraeth ac sydd wedi'u ariannu ganddi. Felly, nid oes rhaid i'r comisiynydd fod yn greadur i'r Cynulliad er mwyn fod yn hollol annibynnol ar y Llywodraeth. I ba ysgol o feddwl ydych chi'n perthyn?

**Rhodri Morgan:** In relation to the accountability of the commissioner, two schools of thought have appeared before this scrutiny committee to give evidence. One is that the commissioner should be considered a creature of the Assembly in order to give a stronger guarantee that he or she would be completely independent from Ministers. On the other hand, the Minister says that the commissioner is not like the ombudsman or the auditor general, who are put in place to give the Government a rap over the knuckles. The Minister says that the commissioner would be more like the children's or the older people's commissioners, because he or she would work with or on behalf of the Government to fulfil objectives set and funded by it. Therefore, there is no need for the commissioner to be a creature of the Assembly in order to be entirely independent of Government. To which school of thought do you belong?

[250] **Mr Williams:** Dylai'r comisiynydd fod yn annibynnol a chael y rhyddid i farnu cyrff ledled Cymru, gan gynnwys y Llywodraeth. Yr ydym yn ofni os yw'r comisiynydd yn rhy agos at y Llywodraeth ac yn ceisio gwireddu amcanion y Llywodraeth yn uniongyrchol, bydd tensiynau yn codi. Felly, mae angen i'r comisiynydd fod mor annibynnol â phosibl er mwyn bod yn rhydd i farnu ac i gymryd camau angenrheidiol yn unol â'r Mesur arfaethedig.

[251] **Rhodri Morgan:** Gallaf weld y ddadl o ran yr ochr reoleiddio, oherwydd efallai, o bryd i'w gilydd, byddai'r comisiynydd yn gorfod rheoleiddio a dyfarnu yn erbyn y Llywodraeth. Fodd bynnag, o ran y gwaith hyrwyddo, ni welaf fod gan y ddadl honno yr un cryfder. Mewn ffordd, byddai'n gweithio gydag arian cyhoeddus sydd wedi cael ei gymeradwyo drwy bleidleisiau yn y system lywodraethol, a byddai'n gweinyddu gyda'r Llywodraeth er mwyn hybu'r iaith. Felly, beth sydd o'i le â'r syniad bod y gwaith hyrwyddo yn agos iawn at waith, syniadau a bwriad y Llywodraeth?

[252] **Mr Williams:** Teimlwn y dylai'r swyddi rheoleiddio a hyrwyddo fod ar wahân, ac na ddylai'r comisiynydd hyrwyddo. Mae angen i ddyletswyddau'r comisiynydd fod yn glir i'r cyhoedd, fel eu bod yn gwybod beth yw swyddogaeth y comisiynydd.

[253] **Rhodri Morgan:** Mae hynny'n cryfhau'r syniad na ddylai'r gwaith hyrwyddo fod yn annibynnol ar y Llywodraeth, ond yn rhan o waith llywodraethol, onid yw?

[254] **Mr Williams:** Ni chredaf mai dyna'r unig opsiwn o ran hyrwyddo'r iaith. O ran hyrwyddo yn gyffredinol a'r Mesur arfaethedig, mae angen mwy o drafodaeth agored a chlr am yr opsiynau posibl. Ynghylch y comisiynydd a rheoleiddio, yn fy marn i mae angen i'r comisiynydd fod mor annibynnol â phosibl, fel y soniais. Credwn fod angen trafod mater y gwaith hyrwyddo ar wahân, oherwydd ni ddylai'r comisiynydd fod yn gyfrifol am hyrwyddo'r Gymraeg.

**Mr Williams:** The commissioner should be independent, and should be free to make judgments on bodies throughout Wales, including the Government. We fear that if the commissioner is too close to the Government and tries to realise its objectives directly, tensions will arise. Therefore, the commissioner needs to be as independent as possible in order to have the freedom to make judgments and to take the necessary steps in accordance with the proposed Measure.

**Rhodri Morgan:** I understand that argument in terms of regulation, because perhaps the commissioner would, from time to time, have to regulate and make judgements against the Government. However, with regard to the promotional work, I do not see that that argument has the same validity. In a way, the commissioner would be working with public funding that would have been voted through the governmental system, and would be working with the Government to promote the language. What is wrong with the concept of the promotional work being closely linked to the Government's work, policies and intentions?

**Mr Williams:** We believe that the regulatory and promotional roles should be separate, and that the commissioner should not have a promotion role. The duties of the commissioner have to be set out clearly for the public, so that it knows what the functions of the commissioner are.

**Rhodri Morgan:** That reinforces the idea that the promotional work should not be independent of Government but should be part of its work, does it not?

**Mr Williams:** I do not think that that is the only option for promoting the language. In relation to promotion in general and the proposed Measure, we need further open and clear discussion about the possible options. On the regulatory role of the commissioner, as I have said, in my opinion the commissioner needs to be as independent as possible. We believe that the issue of the promotional work needs to be discussed separately, because the commissioner should not be responsible for promoting the Welsh language.

[255] **Michael German:** I would like to continue some of that discussion about the promotional work, and I will dodge back and forth with reference to your evidence, if I may. In paragraph 7.3 of your evidence, you say that some of the promotional work of the Welsh Language Board has proven successful and that you believe that these elements should be maintained. Could you tell us which ones have been successful—because you say that only some have—and which have not?

11.10 a.m.

[256] **Ms Lewis:** Yn ein barn ni, mae Twf wedi llwyddo, oherwydd mae'n hollbwysig bod rhieni yn ymwybodol o bwysigrwydd dewis iaith. Mae technoleg gwybodaeth hefyd wedi bod yn faes llwyddiannus gan y bwrdd, megis cyflwyniad Windows ac Office yn y Gymraeg. Mae'r gwaith pwysig o ran ymchwil ieithyddol wedi digwydd, ond mae'n hollbwysig bod hwnnw'n parhau.

**Ms Lewis:** In our view, Twf has been a success, because it is vital that parents be made aware of the importance of language choice. Information technology has also been a successful area for the board, with the introduction of Windows and Office in Welsh. The important work on linguistic research has been carried out, but it is vital that that continues.

[257] Efen bwysig arall yw bodolaeth a sefydlu'r mentrau iaith. Nid prosiect yw'r mentrau iaith i'r bwrdd, ond partneriaeth gref a phwysig. Mae'r mentrau iaith yn cael eu rhedeg a'u harwain gan y gymuned. Maent yn ymatebol i anghenion lleol, yn ddatblygiadau cymunedol ieithyddol ac, yn bwysicach, yn rhoi gwerth am arian. Erbyn heddiw, mae rhai mentrau iaith wedi dyblu a mwy y grantiau y maent yn eu cael gan gyrff allanol—nid y bwrdd. Mae'r gwaith y maent yn ei ddatblygu yn digwydd o'r gwaelod i fyny, ac mae pob menter yn unigryw.

Another important element is the existence and establishment of the *mentrau iaith*. They are not simply a project for the board, but a strong and important partnership. The *mentrau iaith* are run and led by the community. They are responsive to local needs, are linguistic community developments and, more importantly, provide value for money. By now, some *mentrau iaith* have doubled, if not more, the grants that they receive from external bodies—not the board. The work that they are developing takes place from the bottom up, and each one is unique.

[258] Prosiectau sydd heb fod yn llwyddiant yn ein barn ni yw prosiectau hyrwyddo cenedlaethol y bwrdd, megis Cymraeg yn Gyntaf. Y rheswm am hynny yw bod y gwaith wedi digwydd o'r top i lawr, ac nid o'r gwreiddiau, fel yr hoffem ei weld.

Projects that have not been successful in our opinion are the board's national promotion projects, such as Welsh—Give it a Go! The reason for that is the fact that the work has been from the top down, not at the grass roots, as we would like to see.

[259] **Michael German:** So, there are lots of good things and one bad thing. I want to return to your response to Rhodri just now about the possible options for carrying out these activities. Can you give me two or three options that may be possible?

[260] **Mr Williams:** Fel y dywedais wrth Rhodri, credaf fod angen trafodaeth agored am hyn gyda rhanddeiliaid y Gymraeg yn gyffredinol, gan gynnwys y Llywodraeth a'r Cynulliad. Un model, efallai, fyddai creu consortiwm o fudiadau sy'n ymwneud â'r Gymraeg ar draws Cymru ac sydd â phrofiad o hyrwyddo'r Gymraeg. Gallai consortiwm o'r fath ddod ynghyd i wneud y gwaith

**Mr Williams:** As I told Rhodri, I believe that an open discussion is needed on this with Welsh language stakeholders generally, including the Government and the Assembly. One model, perhaps, could be to create a consortium of organisations involved in the Welsh language throughout Wales and which have experience of promoting the language. A consortium like that could come together

hyrwyddo neu ddod i benderfyniad ynghylch y ffordd orau o hyrwyddo'r Gymraeg.

to do the promotional work or could decide on the best way to promote the language.

[261] **Michael German:** Who should co-ordinate that? Would it be the Government or another body?

[262] **Mr Williams:** Unwaith eto, mae hynny'n rhywbeth i'w drafod i weld beth fyddai'n fwyaf effeithiol. Hwyrach y gallai hynny ddigwydd o dan Fwrdd yr Iaith Gymraeg ar hyn o bryd, wrth arwain at y pwynt pan ddaw'r Mesur i rym. Nid ydym ym Mentrau Iaith Cymru yn teimlo bod digon o drafodaeth wedi bod am yr hyn a fydd yn digwydd wedi dileu'r bwrdd, o ran yr holl swyddogaethau gwahanol sydd ganddo, megis hyrwyddo, sy'n rhan fawr o'i waith.

**Mr Williams:** Once again, that is something to discuss to see what would be most effective. Perhaps that could happen under the Welsh Language Board currently, leading up to the point at which the Measure comes into force. We in Mentrau Iaith Cymru do not feel that there has been enough of a discussion about what will happen after the board is wound up, as regards all its different functions, such as promotion, which is a major part of its work.

[263] Felly, o ran sut y byddai hynny'n gweithio a phwy fyddai'n trefnu ac yn y blaen, credaf fod angen trafodaeth yn awr tra bod y bwrdd o hyd yn ei le, fel ein bod yn cyrraedd atebion pendant cyn gynted ag y gallwn. Gallai'r atebion hynny wedyn fod yn rhan o ddrafft nesaf y Mesur arfaethedig.

So, as for how that would work and who would arrange it and so on, I think that there needs to be a discussion now, while the board is still in place, so that we can come to a definitive agreement as soon as possible. Those answers could then be included in the next draft of the proposed Measure.

[264] **Michael German:** People would have to move fairly speedily to come to that conclusion, would they not? Is that directed at Government, the need to come up with some options speedily?

[265] **Mr Williams:** Yn y lle cyntaf, mae angen i'r Llywodraeth ddweud bod y drws ar agor a'i bod eisiau clywed syniadau pawb am hyn. Efallai y gellid sefydlu pwyllgor neu banel i ymchwilio i bosibiliadau gwahanol. Ar hyn o bryd, nid yw'n teimlo fel pe bai'r drafodaeth honno'n digwydd.

**Mr Williams:** In the first instance, we need the Government to say that the door is open and that it wants to hear everyone's ideas about this. Perhaps a committee or panel could be established to investigate different possibilities. Currently, it does not feel as though that discussion is happening.

[266] **Gareth Jones:** Yr oeddwn yn falch o glywed am ymwneud y mentrau iaith. Yr ydych yn gweld realiti'r sefyllfa oherwydd eich bod yn datblygu o'r gwreiddiau i fyny. Mae llwyddiant amlwg, ac yr ydych wedi cyfeirio ato. Wrth gwrs, yr ydych hefyd yn gweld yr her a'r problemau. Mae'n siŵr eich bod wedi gweld tystiolaeth Cymdeithas yr Iaith Gymraeg, ac yn rhannu ei chonsŷm am yr holl problemau amlwg. A ydym wedi colli cyfle na fyddem wedi gwneud efallai pe bai'r Llywodraeth wedi ymgynghori'n helaethach â chi ynghylch natur y problemau hyn? Byddai wedyn wedi gallu cyflwyno Mesur arfaethedig a fyddai'n ymateb yn bositif ac yn gwella'r Gymraeg? A ydych yn teimlo eich bod wedi bod yn rhan o'r math hwnnw o

**Gareth Jones:** I was glad to hear about how the *mentrau iaith* are involved. You see the reality of the situation because you are developing from the grass roots upwards. There are some obvious successes, which you have referred to. Of course, you also see the challenges and problems. You have probably seen the evidence of the Welsh Language Society, and share its concerns about all the obvious problems. Have we missed an opportunity that we perhaps would not have done had the Government consulted more with you about the nature of these problems? Then, we would have been able to introduce a proposed Measure that responded positively and improved the language? Do you feel that you have been a part of that kind of

drafodaeth o gwbl?

[267] **Mr Williams:** Credaf fod y Cynulliad ar y cyfan yn agored ac yn dryloyw. Mae'r broses graffu yn arbennig i'w channol, ynghyd â'r ymgynghori â'r cyhoedd. Fodd bynnag, ni themlaf y bu digon o fewnbwn gan y cyhoedd i'r Mesur arfaethedig. Cynhaliwyd tri chyfarfod yn unig ar draws Cymru. Cynhaliwyd y prif gyfarfod yn y gogledd—lle mae'r rhan fwyaf o siaradwyr Cymraeg—yn y gogledd-orllewin yn Llanrwst, a dim ond tua 15 i 20 o bobl ddaeth. I mi, nid yw hwnnw'n teimlo fel bod y cyhoedd i gyd wedi cael gwybod am y cyfarfod ac wedi cael y cyfle i gael dweud eu dweud am yr hyn yr hoffent ei weld.

[268] Cafodd Mentrau Iaith Cymru gyfarfod â'r Gweinidog i drafod y Mesur arfaethedig, ond, eto, yr oedd hwnnw ar ôl i'r peth gael ei gyflwyno. Teimlaf y byddai trafod gyda mentrau iaith a mudiadau eraill cyn i'r drafft cyntaf gael ei gyhoeddi wedi bod o fudd i bawb; efallai wedyn y byddai angen llai o graffu ar y Mesur arfaethedig yn awr, i ryw raddau.

[269] **Michael German:** Paragraph 3.8 of your written evidence, on the Welsh-language commissioner and appeals, states that

[270] 'In our opinion, rights to appeal are not commensurate between citizens and organisations under this Measure.'

[271] Do you mean that some are treated less fairly than others or that some are treated with more weight than others? Could you explain that?

[272] **Mr Williams:** Mae'r Mesur arfaethedig yn teimlo fel ei fod yn pwysu i ffwrdd o'r dinesydd—nid yw'r dinesydd yn ganolog iddo. Un enghraifft benodol yw sefydliad sy'n dod o dan rym y comisiynydd am beidio â chyrhaedd y safonau, neu beth bynnag. Ar sawl adeg, mae'r sefydliad hwnnw'n cael apelio os nad yw'n cytuno â'r penderfyniad. Fodd bynnag, ni welaf hawl i'r unigolyn apelio os nad yw'n cytuno ag unrhyw benderfyniad a wnaed gan y comisiynydd o ran sefydliad neu a wnaed mewn tribiwnlys—neu rywle ar hyd y llwybr hwnnw. Ni all yr unigolyn godi ei lais eto i ddweud nad yw'n hapus gyda'r hyn sy'n digwydd. Mae digon o gyfleoedd ar hyd y llwybr hwnnw i'r sefydliad gwyno, ond nid yw hynny'n wir am y dinesydd.

discussion at all?

**Mr Williams:** I think that on the whole, the Assembly is open and transparent. The scrutiny process particularly is to be applauded, as is its consultation with the public. However, I do not feel that the public had sufficient input to the proposed Measure. Only three meetings were held throughout Wales. The main meeting to be held in the north—where the majority of Welsh-language speakers live—was in the north-west, in Llanrwst, and only around 15 to 20 people turned up. To me, that does not feel as though the general public got to hear about the meeting or had the opportunity to have a say on what people want to see.

Mentrau Iaith Cymru had a meeting with the Minister to discuss the proposed Measure, but that was after it was introduced. I feel that discussing with the *mentrau iaith* and other organisations before the first draft had been published would have been to everyone's benefit; perhaps then less scrutiny of the proposed Measure would be required now, to an extent.

**Mr Williams:** The proposed Measure feels as though it inclines away from the citizen—the citizen is not central to it. One specific example is an organisation that comes within the commissioner's remit for not achieving the standards, or whatever. At several points, that organisation is able to appeal the decision if it does not agree with it. However, I do not see an individual's right to appeal if he or she does not agree with a decision made by the commissioner in respect of an organisation, or a decision made in a tribunal—or anywhere along that route. The individual cannot speak up again to say that they are not happy with what is going on. There are plenty of opportunities along that route for an organisation to complain, but the same is not true of the citizen.

[273] **Michael German:** Let us pursue that a little by looking at paragraph 5.2 in your written evidence, which relates to standards. The key question that I will ask relates to rights deriving from standards. The Minister said to us,

[274] ‘If there is a duty, the individual can expect to receive that service in Wales in Welsh or in English, and, therefore, has rights because if he or she does not receive the service according to the definition, he or she is entitled to appeal to the commissioner, who has a duty to investigate and to take appropriate steps.’

[275] So, that would be the Minister’s response to your question about the rights of the individual. Those rights are derived from the duties placed on bodies. To what extent do you agree with the Minister?

[276] **Mr Williams:** I do not agree.

[277] Nid wyf yn cytuno â'r Gweinidog. Credaf fod angen, a defnyddio'r gair Saesneg, ‘*hardwiring*’ o'r hawliau hynny yn y Mesur arfaethedig. Rhaid i unrhyw hawliau fod yn hyblyg ac mae angen gallu eu newid yn ôl newidiadau demograffig yng Nghymru. Nid yw hawl yn llonydd; mae'n datblygu ac yn esblygu. Felly, nid ydym yn cytuno bod y safonau yn rhoi hawliau i unigolion.

I do not agree with the Minister. I think that there is a need, to use an English word, to ‘hardwire’ those rights into the proposed Measure. Any rights have to be flexible, and there has to be the ability to amend them to reflect demographic changes in Wales. A right is not static; it develops and evolves. So, we do not agree that the standards give individuals rights.

[278] **Lorraine Barrett:** I am looking at the standards. In paragraph 5.3 of your written evidence, you state that,

[279] ‘Welsh language schemes are operational and have been successful to a certain extent.’

[280] In what ways have the schemes not been successful, and to what extent would the system of standards address any weaknesses in the present system? Are there alternatives to the system of standards that would better address any weaknesses in the present system?

[281] **Ms Lewis:** Mae tua 570 o gynlluniau iaith mewn bodolaeth erbyn hyn. Mae cynllun iaith unrhyw sefydliad cystal â'r sefydliad sydd yn ei fabwysiadu yn unig. Os nad yw'r cynllun iaith yn treiddio drwy staff y cwmni, mae'n methu yn llwyr. Hefyd, hyd yma, nid oes grym i gosbi unrhyw sefydliad nad yw'n gweithredu'r cynllun iaith. Mae hynny'n anfantais fawr yr ydym yn ei gweld yn y mentrau iaith ar draws Cymru ar hyn o bryd.

**Ms Lewis:** There are around 570 language schemes in existence at present. The language scheme of any organisation is only as good as the organisation that adopts it. If a language scheme does not permeate the company’s staff, it fails completely. In addition, to date, there is no power to penalise any institution that fails to implement the language scheme. That is a major disadvantage that the *mentrau iaith* across Wales see at present.

11.20 a.m.

[282] **Mr Williams:** Hoffwn ychwanegu at hynny. Model gwahanol y gallai fod yn ei le yw cael y grym i gosbi y tu ôl i'r cynlluniau iaith. Yr hyn nad ydym yn glir yn ei gylch yw sut y bydd y safonau iaith yn gweithredu. Nid

**Mr Williams:** I would like to add to that. Another model that could be put in place is to have the power to penalise behind the language schemes. It is unclear how the language standards will work. There are no

oes esiamplau pendant o beth yw'r safon a sut y bydd yn cael ei chyrraedd, ei mesur a'i monitro. Hoffwn weld enghreifftiau o hynny. I ryw raddau, mae'n destun pryder i mi ein bod yn arbrofi gyda'r iaith drwy'r system o safonau newydd hyn nad ydynt, hyd y gwn i, wedi cael eu profi. Hoffwn weld enghreifftiau lle y maent yn cael eu defnyddio gydag ieithoedd lleiafrifol ar draws y byd, a hynny'n llwyddiannus. Mae perygl y bydd y Gymraeg ar ei cholled os yw'r system safonau yn cael ei chyflwyno ac nid yw'n gweithio am ba reswm bynnag. A fyddem yn cymryd cam yn ôl o ran hyrwyddo'r Gymraeg? Beth fyddai'n digwydd wedyn? A fyddem yn mynd yn ôl at gynlluniau iaith? Nid ydym yn gwybod.

definite examples of what a standard is or how it will be attained, measured and monitored. I would like to see examples of that. To some extent, it is a cause of concern for me that we are experimenting with the Welsh language through this system of new standards that, to my knowledge, has not been tested. I would like to see examples of their being used with minority languages across the world, and being successful at that. There is a danger that the Welsh language will lose out if the system of standards is introduced and it does not work for whatever reason. Would we be taking a retrograde step in promoting the Welsh language? What would happen then? Would we revert to language schemes? We do not know.

[283] **Lorraine Barrett:** Several witnesses have made reference to the need for the creation of explicit language rights rather than standards. Do you agree that there is a need for such rights? If so, what rights do you think should be created?

[284] **Mr Williams:** Yr ydym yn cytuno bod angen hawliau: yr hawl i gyfathrebu yn Gymraeg, yn syml. Yn ôl Gorchymyn Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (yr Iaith Gymraeg) 2010, mae cyfyngiadau yn bodoli, sef rhesymoldeb a chymesuredd. Felly, dyna'r ffiniau, i raddau, i'r hyn a all ddigwydd.

**Mr Williams:** We agree that rights are needed: the right to communicate in Welsh, quite simply. According to the National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2010, there are limitations, namely reasonableness and proportionality. So, those are the limits, to a certain extent, on what can happen.

[285] **Lorraine Barrett:** You have answered my last question about the fact that it is a new and unproven system. I was going to ask you about your concerns in relation to that, but you answered that in your previous question, so thank you.

[286] **Val Lloyd:** Before I bring Gareth in, I would like to ask a question, if he will excuse me. In your evidence, you made some comments on the advisory panel, and I quote,

[287] 'It is good that the Advisory Panel will be appointed by the Commissioner but it will also need external input.'

[288] Could you further explain why you support the proposal and why you believe that 'external input' is needed for its appointment, please?

[289] **Mr Williams:** Yn gyntaf, yr wyf yn credu ei fod yn beth da i gael panel ymgynghori. Nid oes disgwyl i'r unigolyn wybod popeth a chael profiad o bob elfen o waith y comisiynydd. Felly, bydd cael y panel hwn yn cryfhau'r wybodaeth sydd ar gael i'r comisiynydd er mwyn iddo wneud ei waith yn drylwyr. Yr hyn yr hoffwn ei weld o ran cael mewnbwn allanol yw ein bod yn edrych ar enghreifftiau rhyngwladol, i weld

**Mr Williams:** First of all, I believe that having an advisory panel is a good thing. Individuals cannot be expected to know everything or to have experience of every aspect of the commissioner's work. Therefore, the establishment of this panel will make the information that is available to the commissioner more robust to enable him or her to undertake the work thoroughly. What I would like to see as regards an



sut y mae problemau tebyg wedi cael eu datrys, neu heb gael eu datrys. Hoffwn weld ein bod yn medru cael y cyngor hwnnw yn uniongyrchol gan unigolion allanol, y tu allan o Gymru, hefyd, o bosibl, fel ein bod yn agored ac yn arloesol, i ryw raddau, ynghylch yr hyn y gall y comisiynydd gael gwybodaeth amdano, fel nad yw'n cyfyngu ei hun i gael cyngor oddi wrth unigolion yng Nghymru yn unig.

[290] **Gareth Jones:** Diolch am hynny ac am y dystiolaeth ysgrifenedig. Mae Rhan 6 yn ymwneud â'r rhyddid i ddefnyddio'r Gymraeg. Yr ydych yn sôn yn eich tystiolaeth eich bod yn croesawu'r rhyddid hwnnw, wrth gwrs, ond eich bod yn teimlo y dylai'r hawl i siarad Cymraeg fod yn sylfaen iddo. Yr ydych yn dweud hynny'n ddigon amlwg. Pan ofynnwyd i'r Gweinidog pam mae'r Mesur arfaethedig yn cyfeirio at y 'rhyddid' yn hytrach na'r 'hawl' i siarad Cymraeg, dywedodd:

[291] 'Mae gan bawb ryddid i siarad Cymraeg—neu unrhyw iaith arall, hyd y gwn i—gyda'i gilydd. Dyna'r sefyllfa. Os ydych yn ceisio creu hawl i rywun siarad Cymraeg, y perygl yw y byddech yn creu dosbarth o leoedd lle nad oes gan rywun hawl i wneud hynny.'

[292] I ba raddau yr ydych yn cytuno â datganiad y Gweinidog?

[293] **Mr Williams:** Nid ydym yn cytuno. Yn dechnegol, oes, mae gan bobl y rhyddid i siarad Cymraeg ond, yn y byd go iawn, nid yw hynny'n wir drwy'r amser—ac mae pawb wedi clywed am enghreifftiau fel honno yn Thomas Cook ac ati. Felly, yn y byd go iawn, er bod rhyddid i siarad Cymraeg, mae lleoedd o hyd lle nad yw pobl yn cael siarad Cymraeg a maent yn cael ffrae am wneud os ydynt mewn gweithle ac ati, ac, o bosibl, fe'u cosbir. Nid ydym yn ymwybodol o sawl gwaith y mae hyn wedi digwydd mewn gweithleoedd ac nad ydym wedi cael gwybod amdano. Person dewr iawn sydd yn sefyll i fyny ac yn dweud wrth eu pennaeth bod ganddynt hawl i siarad Cymraeg a'u bod yn mynd i gwyno. Gobeithio, gyda'r Mesur arfaethedig, y bydd y broses honno'n fwy agored ac y bydd yn haws i unigolion fynd at y comisiynydd a gwneud rhywbeth yn ei

external input is that we look at international examples of how similar problems were solved, or were not solved. I want to see us getting that advice directly from external individuals, possibly from outside Wales, too, so that we are open and innovative, to an extent, about the information that the commissioner can access, so that he or she is not limited to receiving advice from individuals within Wales only.

**Gareth Jones:** Thank you for that and for your evidence. Part 6 relates to the freedom to use the Welsh language. You state in your evidence that you welcome that freedom, of course, but that you feel that the right to speak Welsh should form the basis of that freedom. You state that quite clearly. When the Minister was asked why the proposed Measure refers to the 'freedom' rather than to the 'right' to speak Welsh, he said:

'Everyone has the freedom to speak Welsh—or any other language, as far as I know—with one another. That is the situation. If you try to establish a right for someone to speak Welsh, the danger is that you would create a class of places where someone does not have the right to do so.'

To what extent do you agree with the Minister's statement?

**Mr Williams:** We do not agree with him. Technically, yes, people have the freedom to speak Welsh but, in the real world, it is not always true—and everyone has heard examples such as that in Thomas Cook and so on. Therefore, in the real world, although there is freedom to speak Welsh, there are still places where people are not allowed to speak Welsh and are told off for doing so if they are in a workplace and so on, and they may possibly be punished. We do not know how often this occurs in workplaces when we are not told about it. It is a brave person who stands up and tells their boss that they have a right to speak Welsh and that they are going to complain. Hopefully, because of the proposed Measure, that process will be more open and it will be easier for individuals to approach the commissioner and do something about it. However, I do not agree that that

gylch. Fodd bynnag, nid wyf yn cytuno bod y rhyddid hwnnw'n bodoli ar hyn o bryd, achos gwesgir ar bobl i beidio â defnyddio'r Gymraeg, yn benodol yn y gweithle.

freedom exists at present, because people are pressurised not to use the Welsh language, specifically in the workplace.

[294] **Gareth Jones:** Mae'r rhyddid yn bodoli ond mae'n gyfyngedig oherwydd nad yw'r hawl yn bodoli. Yr wyf yn meddwl mai dyna yr ydych yn ei ddweud. A yw'r hawl hwnnw felly'n dibynnu ar y cwestiwn cyntaf un, sef statws, neu fod y Gymraeg yn iaith swyddogol? Ai o'r fan honno y bydd yr hawl yn deillio?

**Gareth Jones:** That freedom exists, but it is restricted because the right does not exist. I think that that is what you are saying. Does that right therefore depend on the very first question, namely status, or that Welsh should be an official language? Does that right emanate from there?

[295] **Mr Williams:** Dyna sut yr ydym yn gweld pethau. Y cam cyntaf yw rhoi statws i'r Gymraeg. Yn dilyn yn amlwg o hynny fyddai'r hawl i'w siarad a dylai pob peth adeiladu ar ben hynny. Dylai gwaith y comisiynydd o hyrwyddo'r Gymraeg ddeillio o'r statws a'r hawl hynny.

**Mr Williams:** That is how we see matters. The first step is to confer status on the language. What would clearly follow on from that is the right to speak it and everything should build upon that. The work of the commissioner of promoting the Welsh language should emanate from that status and right.

[296] **Gareth Jones:** Mae hynny'n ddigon clir, diolch yn fawr. Yn eich tystiolaeth ysgrifenedig, yr ydych yn awgrymu

**Gareth Jones:** That is clear enough, thank you. In your written submission, you suggest that

[297] 'y dylai'r mesur iaith ddatgan bod gan bobl Cymru'r hawl i ddefnyddio'r Gymraeg cyn belled ag y bo hynny'n rhesymol ac yn gymesur'.

'the Measure should state that the people of Wales have the right to use Welsh as far as that is reasonable and proportionate.'

[298] Ym mha amgylchiadau y byddai defnyddio'r Gymraeg yn afresymol neu'n anghymesur?

Under which circumstances would it be unreasonable or disproportionate to use Welsh?

[299] **Mr Williams:** Tu allan i Gymru, yn bennaf. Yr hyn nad oeddem wedi ei gynnwys yn yr ymateb oedd mai yng Nghymru y byddai hynny'n rhesymol a chymesur. Yn ogystal, yr ydym ni'n rhagweld y bydd yr hawliau hyn yn tyfu ac esblygu. Mae pawb yn ymwybodol o enghraifft y siop sglodion yng Nghasnewydd. Nid oes disgwyl, unwaith y bydd y Mesur wedi dod i rym, y bydd yr hawl hwnnw'n golygu y bydd pawb yn medru siarad Cymraeg ar draws Cymru gyfan dros nos. Mae'n rhaid tyfu hyn a gweithio arno er mwyn cyrraedd y nod o fod â'r hawl i siarad Cymraeg ar draws Cymru gyfan.

**Mr Williams:** Outside Wales, primarily. What we did not include in the response was that we were talking about it being reasonable and proportionate in Wales. In addition, we foresee that these rights will grow and evolve. Everyone is aware of the example of the chip shop in Newport. There is no expectation that, once the Measure comes into force, that right will mean that everyone will be able to speak Welsh across the whole of Wales overnight. We have to grow this and work on it in order to achieve the aim of having the right to speak Welsh across the whole of Wales.

[300] **Gareth Jones:** Y cwestiwn olaf gennyf i yw: dywedodd Emyr Lewis a'r Athro Colin Williams ill dau wrth y pwyllgor

**Gareth Jones:** The final question from me is: Emyr Lewis and Professor Colin Williams both told the committee that Part 6 of the

y dylid cael gwared ar Ran 6 o'r Mesur arfaethedig gan ei fod yn ddianghenraid. A ydych yn cytuno â hwy?

proposed Measure should be removed as it is unnecessary. Do you agree with them?

[301] **Mr Williams:** Pe bai hawl, yn hytrach na rhyddid, yr wyf yn meddwl na fyddai ei angen, ond yr wyf yn eich atgoffa eto nad cyfreithwyr ydym. Os yw cyfreithwyr yn dweud bod y Rhan hwnnw'n gwneud dim, nid oes pwrpas cael y Rhan hwnnw yn y Mesur arfaethedig. Un pwynt a godasom yn yr ymateb oedd bod Rhan 6 yn delio gyda sefyllfaoedd penodol, gan ddisgrifio pobl mewn sefyllfaoedd a'r hyn sydd yn digwydd yn sgîl hynny. Beth os oes rhywbeth yn digwydd nad yw wedi ei gynnwys yn y Mesur arfaethedig? Beth fyddai'n digwydd wedyn? Byddai'n disgyn rhwng dwy stôl—ni fyddai yn y Mesur, felly ni ellid gwneud dim amdano. Byddai rhywbeth mwy llorweddol oedd yn ymdrin â phob peth yn fwy effeithiol.

**Mr Williams:** If there were a right, instead of a freedom, I would think that it would not be necessary, but I remind you again that we are not lawyers. If lawyers say that that Part does nothing, there is no purpose in having that Part in the proposed Measure. One point that we raised in our response was that Part 6 dealt with particular circumstances, describing people in certain circumstances and what would happen as a result of that. What if something happened that had not been mentioned in the proposed Measure? What would happen then? It would fall between two stools—it would not be in the Measure, so nothing could be done about it. Something more cross-cutting that would cover everything would be more effective.

[302] **Val Lloyd:** That concludes our session this morning. On behalf of the committee, thank you for your written evidence and for your contribution this morning. You will be sent a transcript of today's proceedings for your verification, and you should expect to receive that in about seven days. Once again, thank you.

11.30 a.m.

[303] Good morning, simultaneous translation is available on channel 1 of the headsets. I would like to welcome Derek Parlour, the head of commercial for National Rail Enquiries, to our meeting this morning. We have a number of questions, and I will begin with the first of these. What services do you currently provide in Welsh? Do you actively promote the Welsh-language services that you provide?

[304] **Mr Parlour:** We provide a Welsh-language call centre, seven days a week, from 6 a.m. until 10 p.m.. That offers the same service as the English-language call centre. You can get train times, real-time information, station information and details regarding fares. We actively promote it on the same level that we promote the English-language call centre. So, it is a listed number.

[305] **Rhodri Morgan:** What steps do you take to try to promote the use of the services that you already make available in Welsh?

[306] **Mr Parlour:** We promote them in the same way that we promote the English-language call centre, by listing the number. We do not have a marketing budget to spend on advertising any of our services.

[307] **Rhodri Morgan:** Do you think that the low use made of the Welsh-language call centre is because you do not promote it and, therefore, people naturally assume that it is not there? What other thoughts do you have on why the usage seems to be pretty low?

[308] **Mr Parlour:** I do not believe that it is because we do not promote it, because we promote it in the same way that we promote the English-language call centre. I do not have

any—

[309] **Rhodri Morgan:** Let me put an alternative theory to you: the default option is always going to be English, because people will assume that the service is available not in French, but in English. Therefore, the English-language service does not need to be promoted, because that is the default. The Welsh-language service may be a surprise to some people, because they may assume that it does not exist, but it does; therefore, the English service may not need to be promoted, but the Welsh service does. However, you do not do that. Is that a fair analysis of the position?

[310] **Mr Parlour:** No, I do not think so. If you need to call either the English or the Welsh number, you need to look up the number. If you are in Wales and you look it up, you will see the Welsh number there.

[311] **Rhodri Morgan:** Okay. What is your theory about the level playing field between rail and other forms of public transport, private transport, and so on? The ‘level playing field’ is a much-loved phrase. What is your definition of what a level playing field ought to be as it would be impacted upon by the proposals in the proposed Measure as it stands?

[312] **Mr Parlour:** National Rail Enquiries is a national service that looks after the whole of the mainland UK.

[313] **Rhodri Morgan:** Not Northern Ireland?

[314] **Mr Parlour:** No.

[315] **Rhodri Morgan:** So, England, Wales and Scotland?

[316] **Mr Parlour:** Yes. So, a level playing field for us would mean being treated in the same way as any other national transport system—air or road, for example.

[317] **Rhodri Morgan:** You say that you are willing to carry the cost of the call centre operation now because, although the usage is low, the cost is low relative to the totality of the National Rail Enquiries service. So, it is acceptable to all of your members. Do you think that it would be better if, in some way or another, there was a greater commitment to promote it to increase the usage? You are meeting the fixed cost anyway, but it might be useful if you pushed it a bit more so that people become more used to the idea that it is there and made more use of it. Do you not believe that it is your job to do that and that you just put it there passively and, if people use it, that is fine, but if they do not, then that is fine too?

[318] **Mr Parlour:** It is not a fixed cost. Our contract is on a cost-per-call basis. So, if people use it more, it will cost more.

[319] **Michael German:** I would like to look at how organisations will be treated under the proposed Measure. Do you think that compliance notices should be weighted according to the size of the organisation or the business, or perhaps weighted according to the language schemes that they already have in place? Is there a case for making a distinction between different organisations and businesses?

[320] **Mr Parlour:** Yes, I think that there is probably a case for making a distinction between national services that cover the UK mainland, as we do, and something that is specific to Wales.

[321] **Michael German:** You have to be slightly careful with the use of the word ‘national’; we are a National Assembly for Wales. If you say ‘Great Britain’, that would

probably be helpful.

[322] **Mr Parlour:** Great Britain, yes.

[323] **Rhodri Morgan:** GB.

[324] **Mr Parlour:** We are investing a lot of money in improving the quality and delivery of information and increasing the number of channels. Anything that would be of commercial detriment to National Rail Enquiries would mean that we would not be able to get any more money, which would cause us to dial back our investment in the quality and delivery of the information. We believe that those improvements benefit everyone in Great Britain, including people in Wales.

[325] **Michael German:** I am looking at your consultation document, but I do not think that you have said anything about whether the enforcement regime is appropriate or whether the penalties that could be placed upon an organisation are appropriate, or whether you feel they are too rigid, too strict or too heavy. Do you have a view on that?

[326] **Mr Parlour:** Any fine or penalty on a commercial organisation for not supplying a service that is commercially unattractive would not be helpful. As I said, any fines or penalties that have to be paid would detract from our investment elsewhere.

[327] **Michael German:** There is a regime in the proposed Measure about the approach—the fine would be the last stage in that process. Is that something with which you are content as a body?

[328] **Mr Parlour:** We believe that the process should be based on whether a service is going to be commercially viable for National Rail Enquiries.

[329] **Michael German:** The proposed Measure does not say that promotion is based upon commercial viability. The proposed Measure will place obligations upon you to do things according to the regime expressed within it. There is then a regime of enforcement should you not follow the requirements of the proposed Measure.

[330] **Rhodri Morgan:** And a right of challenge.

[331] **Michael German:** Yes. There is a whole system in the proposed Measure that says that a fine is the last stage. Do you think that that progress of different levels is appropriate or does it need to be longer or shorter, or whatever?

[332] **Mr Parlour:** We would like to see a consultation before anything is imposed, rather than having something imposed and having to appeal against that.

[333] **Michael German:** That is implicit in the proposed Measure, so you may be happy with that. In your response to the consultation, you talk about the fact that the proposed Measure is unclear on the criteria for deciding what is ‘reasonable and proportionate’. That is a principal check for you, in that what is being asked of you is reasonable and proportionate. What do you think might be reasonable and proportionate, or do you have a definition with which you might be satisfied?

[334] **Mr Parlour:** Our definition of reasonable and proportionate would be something that is commercially viable for us to do.

[335] **Michael German:** But that is not inherent in the proposed Measure.

[336] **Mr Parlour:** No.

[337] **Michael German:** So, are you saying that you do not agree with the proposed Measure?

[338] **Mr Parlour:** We agree with the principle of promoting the Welsh language, but we would like to see how reasonably and proportionately it will be applied. Like I say, we only have a limited amount of money to invest, and if there is an enforcement regime resulting in a fine for us to provide further services in Welsh, that would be to the detriment of our overall services.

[339] **Michael German:** In that case, are you satisfied with having the proposed Measure in place at all?

[340] **Mr Parlour:** We would have to see how it is applied to National Rail Enquires on an individual case-by-case basis.

11.40 a.m.

[341] **Val Lloyd:** Before I bring Gareth Jones in, I would like to ask Mr Parlour a question. The proposed Measure suggests different types of standards for different organisations to some extent. How easy is it to understand the standards that will be applied to your organisation and to your members?

[342] **Mr Parlour:** It is hard to comment, because I believe that the standards are yet to be finalised.

[343] **Val Lloyd:** Yes.

[344] **Mr Parlour:** So, it is a little difficult to comment on that.

[345] **Val Lloyd:** I understand that and thank you for your answer.

[346] **Gareth Jones:** A ydych yn fodlon **Gareth Jones:** Are you content that the bod yr asesiad effaith rheoleiddiol yn gwneud regulatory impact assessment makes a asesiad realistig o oblygiadau ariannol y realistic assessment of the financial Mesur arfaethedig? implications of the proposed Measure?

[347] **Mr Parlour:** National Rail Enquiries is a unique case; it is a large organisation with a very limited remit. Again, we would have to see how this works on a case-by-case basis.

[348] **Gareth Jones:** Fy nghwestiwn olaf **Gareth Jones:** My final question is: are there yw: a oes goblygiadau ariannol, neu financial, or other, implications of the oblygiadau eraill, i'ch sefydliad neu eich proposed Measure for your organisation or aelodau yn y Mesur arfaethedig? members?

[349] **Mr Parlour:** If there is an order for us to provide more services in Welsh, yes, there will be a financial impact. We run with a very small team. The whole of National Rail Enquiries is run with a team of 20 people. We run quite a tight ship. There is no slack there, so if there is a requirement for us to provide more services, we would need more staff and more resources and, as I said before, the money to pay for that would have to come from reducing the other planned improvements in our services.

[350] **Gareth Jones:** Could that be done in a planned way? You have 20 members of staff, but how many Welsh speakers do you currently employ? Would you look to the future to

employ someone, so that that would be more of a substitution rather than an addition? Is that feasible?

[351] **Mr Parlour:** We employ people based on their skillset and, because we provide a wide range of services run by only 20 people, the people whom we employ have to be specialists in their area, such as call-centre operations and call-centre quality, using speaker-recognition systems. So, we employ people based on those specialist skills. Trying to employ people with those specialist skills who also speak Welsh would probably limit our ability to hire the top people. Of course, that may not be the case.

[352] **Gareth Jones:** It would not be impossible.

[353] **Mr Parlour:** I do not know.

[354] **Rhodri Morgan:** I wanted to ask a question about the history of National Rail Enquiries service. Does my memory serve me correctly in that it used to be based in the building in Cardiff that I think of as the Littlewoods Pools building? After the National Lottery was introduced and Littlewoods Pools was knocked out, it became National Rail Enquiries around 10 or 15 years ago. It is no longer there; is that right? National Rail Enquiries has now moved out of Cardiff and is in Plymouth or somewhere else.

[355] **Mr Parlour:** I have not been with National Rail Enquiries for very long, but it sub-contracts its services—

[356] **Rhodri Morgan:** To a company called Ventura, I seem to remember. Is that true?

[357] **Mr Parlour:** I think that it was run by Serco Group plc in the building that you are talking about in Cardiff. At that point, we had call centres in Cardiff, Derby and Newcastle. Our English-language services are now all based in India, in New Delhi and Mumbai.

[358] **Rhodri Morgan:** The obvious next question is: was it easier to hire competent operators in Welsh and English in a call centre when it was in Cardiff rather than when it was moved out of Cardiff, and especially now that it is in Mumbai?

[359] **Mr Parlour:** The call centre that handles Welsh-language calls is in Porthmadog.

[360] **Rhodri Morgan:** That is the Traveline operation, which is separate from the Mumbai operation.

[361] **Mr Parlour:** Yes. It is a separate company with a separate contract.

[362] **Rhodri Morgan:** Okay, but when Cardiff was one of the three centres, rather than Porthmadog, presumably you recruited people in Cardiff to provide Welsh-language services. Maybe you do not remember that far back.

[363] **Mr Parlour:** I was not there at that time; I do not remember that far back. However, I believe that Serco ran the Welsh-language line out of the Cardiff call centre.

[364] **Rhodri Morgan:** Fine. I presume that you have not found any Welsh-speaking operators in Mumbai who can provide a bilingual service there.

[365] **Mr Parlour:** No. I do not think that we have looked, but I would imagine that that would be unlikely.

[366] **Val Lloyd:** You never know; there is always one person. Unusually for us, we are

ahead of time. I would like to give you the opportunity, Mr Parlour, to address anything that we have not brought up or that you did not put in your written evidence.

[367] **Mr Parlour:** No, there is nothing. I would just reiterate that we are working to improve our services and push them through more and more channels. We are mainly trying to improve their accuracy, especially when there is disruption. We are trying to provide people with good information, and we are putting an awful lot of investment into that. It would be a shame if we had to cut back on our investment in those improvements that benefit people in the whole of Great Britain—in Wales, England and Scotland.

[368] **Rhodri Morgan:** I have one more question. In general, it is said that, if you get your information from the web rather than by talking directly to someone on the telephone, it reduces the cost to 10 per cent of the alternative, namely a phone call. A phone call costs 10 per cent of what the cost would be of visiting a ticket office in person, as we used to do—going down to the station and asking somebody—but using the web costs 10 per cent of a phone call, and therefore 1 per cent of the original cost of queuing up at the ticket office and asking when the next train is to wherever it may be. Is that roughly your understanding of the relative costings?

[369] **Mr Parlour:** I do not have those percentages. There is no doubt that, when you have a large volume, it is considerably cheaper to deliver information through the self-service channels—the web and speech-recognition services—than by way of a real live person. The thing about a website is that there is a large degree of fixed costs in the system; it costs a lot of money to set it up and to keep it running, as well as hosting the site.

[370] **Rhodri Morgan:** This is what I found interesting in your evidence. It seems to imply that you can handle the present situation, even though a phone call is more expensive to deal with than a web communication. On the other hand, you do not fancy the idea of this proposed Measure coming in and obliging you to provide an equal service by way of the web, even though you really want to be encouraging everybody to use the web, because it cuts the cost of dealing with individual cases. The fixed cost of setting up a Welsh-language website, *pari passu* any improvements in your English-language websites, would be very high and would detract from other ways in which you are trying to speed up your information service to make sure that people get the cheapest bargains or updating them on last-minute changes to the timetable because of Sunday engineering work, or whatever. Is that a fair summary? In an ideal world, you want to encourage more people not to use the telephone and to use the web instead.

[371] **Mr Parlour:** We are doing that. It is certainly cheaper over the web. Our website handles 200 million inquiries a year; there are 200 million visits a year. It is certainly cheaper to have a website to handle 200 million inquiries than it would be to have a call centre to handle that many inquiries. However, for 4,000 inquiries, it is cheaper for us to have the system that we have now, which uses our website. The people in Porthmadog have the English-language website in front of them, which they use before translating the information back to the caller. It is a question of fixed costs; there is a high fixed cost in running a website, but when there are 200 million inquiries, it is a lot cheaper than having a call centre.

11.50 a.m.

[372] **Rhodri Morgan:** Let me reverse that question, then. Do you think that people who want to use the Welsh-language service get a better service at the moment? If they are looking for a bargain fare to London and back or whatever, they would be receiving an almost individualised service from the Traveline centre in Porthmadog, and would be more likely to be told about the best bargain that is available than someone who is using the English-language service. On the other hand, it could be the case that, because your website is not



available in Welsh, Welsh-language inquiries will not access the best bargain fares to London, Manchester or wherever.

[373] **Mr Parlour:** No, the services are the same, because the service in Porthmadog uses the website. The systems that power that website are pretty much the same as those that power the call centre in England and that power our other channels. So, there is consistency of information and of service across all of them. I do not think that any are better or worse than others.

[374] **Val Lloyd:** I think that everyone has asked their questions; thank you for answering them, Mr Parlour, and thank you for your written evidence. We will send you a transcript of today's evidence session for you to verify. You should receive that in about seven days' time.

[375] The next meeting of the committee will take place on Thursday 10 June. I see that there are no other queries, so I declare the meeting closed.

*Daeth y cyfarfod i ben am 11.51 a.m.  
The meeting ended at 11.51 a.m.*