

## PARLIAMENTARY BUREAU

### REFERRAL OF DRAFT PROPOSAL FOR THE WELLBEING AND SUSTAINABLE DEVELOPMENT (SCOTLAND) BILL

1. A draft proposal for a Wellbeing and Sustainable Development (Scotland) Bill was lodged on 13 December 2022 by Sarah Boyack MSP.
2. The proposal is for a Bill to ensure policy development and implementation by public bodies is in line with principles of sustainable development and wellbeing by introducing a duty for public bodies to promote these principles and establishing a Commissioner for sustainable development and wellbeing.
3. The draft proposal is accompanied by a consultation document which runs from 14 December 2022 to 24 March 2023.
4. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit the subject matters falls.
5. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.
6. The proposed bill centres on the principles of ‘wellbeing’ and ‘sustainable development’. Given the breadth of these principles and their inclusion across public policy, it could be considered that the proposed bill engages all committee remits to a varying degree. This paper therefore sets out those committee remits which are most directly engaged by the policy proposals underpinning the proposed legislation.
7. The proposal engages the remits of two subject committees (Net Zero, Energy and Transport; Rural Affairs, Islands and Natural Environment), and one mandatory committee (Finance and Public Administration).

Committee	Remit and relevance
Finance and Public Administration Committee	To consider and report on the following (and any additional matter added under Rule 6.1.5A)— <ul style="list-style-type: none"> <li>• any report or other document containing proposals for, or budgets of, public revenue or expenditure or proposals for the making of a Scottish rate resolution, taking into account any report or recommendations concerning such documents made by any other committee with power to consider such documents or any part of them</li> </ul>

- any report made by a committee setting out proposals concerning public revenue or expenditure
- Budget Bills
- any other matter relating to or affecting the revenue or expenditure of the Scottish Administration or other monies payable into or expenditure payable out of the Scottish Consolidated Fund
- matters relating to public service reform and the National Performance Framework within the responsibilities of the Deputy First Minister and public administration.

The proposal aims to establish new definitions of 'wellbeing' and 'sustainable development' in legislation, to establish new public duties based on these definitions and to establish a new publicly-funded officeholder position – a Commissioner for sustainable development and wellbeing. These aims could be considered public sector reforms for the purpose of embedding the principles of sustainable development and wellbeing into public decision-making.

The proposal is similar to the Well-being of Future Generations (Wales) Act 2015 which established the Welsh Future Generations Commissioner. The governance of the Welsh Commissioner is overseen by the Senedd Public Audit and Public Administration Committee, whose remit includes consideration of any matter which relates to the economy, efficiency and effectiveness with which resources are employed in the discharge of public functions in Wales. The relevant Welsh Committee therefore aligns more closely with the remit of the Scottish Parliament Finance and Public Administration Committee than the Public Audit Committee.

Both improving wellbeing and sustainable growth are included within the purpose of the National Performance Framework. A by-product of the proposed Bill is to improve the efficacy of the National Performance Framework as the distinct overarching

	<p>framework for achieving national outcomes, and to reaffirm its focus on sustainable development and wellbeing. The Committee recently conducted an inquiry into the National Performance Framework, examining how the National Outcomes shape Scottish Government policy aims and spending decisions, and in turn, how this drives delivery at national and local level.</p> <p>The proposal therefore engages the public administration, public service reform and National Performance Framework elements of the committee's remit.</p>
<p>Net Zero, Energy and Transport Committee</p>	<p>To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport. The Committee focuses on:</p> <ul style="list-style-type: none"> <li>• Scrutinising the Scottish Government's policies and progress towards meeting climate change targets across all government departments</li> <li>• Transport</li> <li>• Energy</li> <li>• Net zero and circular economy</li> <li>• Aspects of environmental policy</li> </ul> <p>The draft proposal seeks to establish a legal definition of 'sustainable development' – a principle which intersects with the principle of net zero.</p> <p>By putting into law definitions of sustainable development and wellbeing, the proposal aims to bring coherence to both interpretation and policy implementation across government and the public sector, including in relation to, for example, net zero, climate change, energy and transport.</p> <p>The draft proposal also seeks to establish a Commissioner for wellbeing and sustainable development, similar to the equivalent Welsh Commissioner for Future Generations established by the Well-being of Future Generations (Wales) Act 2015. The proposed Commissioner's role would include powers of investigation and scrutiny for oversight of other relevant Acts that</p>

	<p>confer sustainable development and wellbeing duties, monitoring the implementation of public sector bodies' climate change duties, and building policy coherence for sustainable development across the public sector.</p> <p>It should be noted that the Scottish Government's Programme for Government 2021-22 also included a commitment to consult on a Wellbeing and Sustainable Development Bill, with the PfG for 2022-23 also referring to the potential establishment of a Future Generations' Commissioner officeholder position<sup>1</sup>. The remit of the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (who supports the Cabinet Secretary for Net Zero, Energy and Transport) includes responsibility for a 'Future Generations Commissioner', which this proposal also seeks to establish.</p> <p>The draft proposal therefore engages the committee's remit.</p>
Rural Affairs, Islands and Natural Environment Committee	<p>To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.</p> <p>The proposal seeks to embed sustainable development considerations in policymaking, which it proposes would have the effect of furthering the sustainable use of resources and carbon neutral objectives. It therefore engages the remit of the Cabinet Secretary for Rural Affairs and Islands (whose remit includes carbon-neutral, islands, food and drink supply chain, agriculture, fisheries and aquaculture).</p>

<sup>1</sup> Scottish Government, *A Fairer, Greener Scotland: Programme for Government 2021-22*, pg 57, <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/09/fairer-greener-scotland-programme-government-2021-22/documents/fairer-greener-scotland-programme-government-2021-22/fairer-greener-scotland-programme-government-2021-22/govscot%3Adocument/fairer-greener-scotland-programme-government-2021-22.pdf> ;

Scottish Government, *A Stronger & More Resilient Scotland: The Programme for Government 2022-23*, pg 27, <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/09/stronger-more-resilient-scotland-programme-government-2022-23/documents/stronger-more-resilient-scotland-programme-government-202223/stronger-more-resilient-scotland-programme-government-202223/govscot%3Adocument/stronger-more-resilient-scotland-programme-government-202223.pdf>

8. The proposal engages the remits of the committees mentioned above. It is considered that the Net Zero, Energy and Transport Committee has the greater interest in this Member's Bill proposal. As such it is recommended that the Bureau refer the proposal to the Net Zero, Energy and Transport Committee, for information only.

**Recommendation**

9. The Bureau is invited to refer the draft proposal on the Wellbeing and Sustainable Development (Scotland) Bill to the Net Zero, Energy and Transport Committee.

**Non-Government Bills Unit  
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