



**Cynulliad Cenedlaethol Cymru**  
**(Y Cofnod Swyddogol)**

**The National Assembly for Wales**  
**(The Official Record)**

**Dydd Mercher 7 Mehefin 2000**

**Wednesday 7 June 2000**

**Cynnwys**  
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Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynndi yn y Siambr.  
Yn y golofn dde, cynhwyswyd cyfieithiad o'r areithiau hynny.

*In the left-hand column, the proceedings are recorded in the language in which they were spoken in the Chamber. In the right-hand column, a translation of those speeches has been included.*

*Cyfarfu'r Cynulliad am 2 p.m. gyda'r Llywydd yn y Gadair.  
The Assembly met at 2 p.m. with the Presiding Officer in the Chair.*

**Cwestiynau i'r Ysgrifennydd Llywodraeth Leol a Thai  
Question to the Secretary for Local Government and Housing**

**Cyllideb Ymddiriedolaeth Adfywio'r Meysydd Glo  
Coalfields Regeneration Trust Budget**

**Q1 Owen John Thomas:** Has the Secretary for Local Government and Housing considered any alternatives to the formula presently used for distributing the Coalfields Regeneration Trust budget? (OAQ5500)

**The Secretary for Local Government and Housing (Peter Law):** Of the Assembly's contribution of £3.462 million over three years to the Coalfields Regeneration Trust, £2.1 million is in direct proportion to contributions from Scotland and England based on the Barnett formula. The remaining £1.36 million is Wales's share of the £10 million made available by the UK Treasury in lieu of miners' pension fund surpluses. Wales's allocation of the latter—13 per cent—is based on the number of pensioners and deferred pensioners in the three countries.

**Owen John Thomas:** I am sure that you accept that the environmental and social scars of the south Wales coalfield, and consequently the cost of its regeneration, is the accumulation of over a century and a half of intense mining. Therefore, it is unreasonable to base the formula on the Coalfields Regeneration Trust budget or any statistics of employment or production that reflect only the latter part of that lengthy era. Considering that at the mid point of that period, the south Wales coalfield employed directly over 250,000 workers and produced 54 per cent of all coal exports from the British Isles, will Peter Law give the National Assembly his assurance that in honour of the tens of thousands who lost their lives as a result of their work in the coalfield, he will reject the measly 6 per cent share of the Coalfields Regeneration Trust budget offered and demand a just and proper

**C1 Owen John Thomas:** A yw'r Ysgrifennydd Llywodraeth Leol a Thai wedi ystyried fformwlâu gwahanol i'r rhai a ddefnyddir ar hyn o bryd ar gyfer dosbarthu cyllideb Ymddiriedolaeth Adfywio'r Meysydd Glo? (OAQ5500)

**Yr Ysgrifennydd Llywodraeth Leol a Thai (Peter Law):** Allan o gyfraniad y Cynulliad o £3.462 miliwn dros dair blynedd i Ymddiriedolaeth Adfywio'r Meysydd Glo, mae £2.1 miliwn mewn cyfrannedd uniongyrchol i gyfraniadau o'r Alban a Lloegr ar sail fformwla Barnett. Cyfran Cymru o'r £10 miliwn a ddarparwyd gan Drysorlys y DU yn lle gwargedion cronfa bensiwn y glowyr yw'r £1.36 miliwn sydd yn weddill. Mae dyraniad Cymru o'r rheini—13 y cant—yn seiliedig ar nifer y pensïynwyr a phensiynwyr gohiriedig yn y tair gwlad.

**Owen John Thomas:** Yr wyf yn siŵr eich bod yn derbyn bod y creithiau amgylcheddol a chymdeithasol ar faes glo'r de, a chost ei adfer yn sgîl hynny, yn ganlyniad mwyngloddio dwys dros ganrif a hanner. Felly, mae'n afresymol seilio'r fformwla ar gyllideb Ymddiriedolaeth Adfywio'r Meysydd Glo nac ar unrhyw ystadegau cyflogaeth neu gynhyrchiant sydd yn adlewyrchu dim ond rhan olaf y cyfnod maith hwnnw. O ystyried bod maes glo de Cymru ar ganol y cyfnod hwnnw yn cyflogi'n uniongyrchol dros 250,000 o weithwyr ac yn cynhyrchu 54 y cant o'r holl allforion glo o Ynysoedd Prydain, a wnaiff Peter Law roi sicrwydd i'r Cynulliad Cenedlaethol y bydd, o ran parch i'r degau o filoedd a gollodd eu bywydau o ganlyniad i'w gwaith yn y maes glo, yn gwrthod y gyfran bitw o 6 y cant o gyllideb Ymddiriedolaeth Adfywio'r Meysydd Glo a

proportion?

**Peter Law:** I appreciate your reference to the proud tradition of mining in Wales, which we all remember with great affection and will never forget. Thanks to a Labour Government initiative, we have a Coalfields Regeneration Trust. That was Labour's action not words. The trust would not exist if it were not for the Labour Government. I pay tribute to the coalfield communities campaign which worked untiringly to ensure that this trust was formed. Therefore, I want to fight to get as much resource as I can for Wales, but resources are currently distributed under the Barnett formula. Proportionally, we are having a fair share of the £10 million available. We must consider pensioners and future pensioners. The Assembly has the power to consider giving the trust extra funding from its block budget, but rest assured that if funding is available, I will get it. However, the settlement we have is appropriate to the proportion.

**David Davies:** Does the Secretary agree that if the aims and objectives of the Coalfields Regeneration Trust are to be achieved, it is not only important that Wales gets its fair share of that money, but that disabled ex-miners who are still living in those areas and suffering from respiratory diseases are compensated quickly, fairly and adequately? Does he share my concern, as a grandson of a lifelong miner who was disabled in the pits, that the deliberate delays of the Labour Government, which you have just praised, are an absolute disgrace?

**Peter Law:** You learn something every day. I did not realise that you are the grandson of a lifelong miner. Many people in constituencies like mine will be amazed by that, given your terrible statements about deprived coalfield communities over the past year. You should be ashamed of those statements.

Compensation for miners is a matter for the UK Government. National Assembly Members and Welsh Members of Parliament

gynigiwyd, ac yn mynnu cyfran gyfiawn a theg?

**Peter Law:** Yr wyf yn gwerthfawrogi'ch cyfeiriad at draddodiad balch y glöwr yng Nghymru, a gofir gennym oll yn gynnes iawn ac nad anghofir gennym byth. Diolch i fenter y Llywodraeth Lafur, mae gennym Ymddiriedolaeth i Adfywio'r Meysydd Glo. Gweithred Llafur oedd honno, nid geiriau. Ni fuasai'r ymddiriedolaeth yn bodoli oni bai am y Llywodraeth Lafur. Talaf deyrnged i ymgyrch cymunedau'r meysydd glo a weithiodd yn ddiflino i sicrhau y ffurfiad yr ymddiriedolaeth hon. Felly, mae arnaf eisiau ymladd i gael cymaint o adnoddau ag y gallaf i Gymru, ond dosberthir adnoddau ar hyn o bryd dan fformwla Barnett. Yn gyfrannol, yr ydym yn cael cyfran deg o'r £10 miliwn sydd ar gael. Rhaid inni ystyried pensiynwyr heddiw ac yfory. Mae gan y Cynulliad y grym i ystyried rhoi arian ychwanegol i'r ymddiriedolaeth o'i gyllideb floc, ond gallaf eich sicrhau os bydd arian ar gael, fe'i caf. Fodd bynnag, mae'r setliad a gawsom yn briodol i'r cyfrannedd.

**David Davies:** A ydyw'r Ysgrifennydd yn cytuno ei bod yn bwysig, os am gyflawni nod ac amcanion Ymddiriedolaeth Adfywio'r Meysydd Glo, nid yn unig fod Cymru'n cael ei chyfran deg o'r arian hwnnw, ond bod hen lowyr anabl sydd yn dal i fyw yn yr ardaloedd hynny ac sydd yn dioddef o glefydau ar yr ysgyfaint yn cael iawndal buan, teg a digonol? A ydyw'n rhannu fy mhryder i, fel ŵyr i löwr oes a gafodd ei anablu yn y pyllau, fod yr oedi bwriadol ar ran y Llywodraeth Lafur, yr ydych chi newydd ei chanmol, yn warth llwyr?

**Peter Law:** Mae dyn yn dysgu rhywbeth bob dydd. Nid oeddwn yn sylweddoli eich bod chi'n ŵyr i löwr oes. Bydd llawer o bobl mewn etholaethau fel f'un i'n rhyfeddu at hynny, o gofio'ch datganiadau ofnadwy am gymunedau difreintiedig y meysydd glo dros y flwyddyn ddiwethaf. Dylai fod gennych gywilydd o'r datganiadau hynny.

Mater i Lywodraeth y DU yw iawndal i lowyr. Mae Aelodau'r Cynulliad Cenedlaethol ac Aelodau Seneddol Cymru

have supported it ably. We are all working together to ensure that miners receive appropriate compensation. However, that matter does not come under my jurisdiction.

wedi cefnogi'r mater yn fedrus. Yr ydym i gyd yn cydweithio i sicrhau y caiff glowyr iawndal priodol. Fodd bynnag, ni ddaw'r mater hwnnw dan fy awdurdod i.

### **Rôl Cymdeithasau Tai Cydweithredol yng Nghymru** **The Role of Housing Co-operatives in Wales**

**Q2 John Griffiths:** Will Peter Law make a statement on the role of housing co-operatives in Wales? (OAQ5533)

**C2 John Griffiths:** A wnaiff Peter Law ddatganiad ar rôl cymdeithasau tai cydweithredol yng Nghymru? (OAQ5533)

**Peter Law:** Housing co-operatives are one way in which tenants can participate in managing their properties. Housing co-operatives may be free-standing registered social landlords or tenant groups with management responsibilities delegated from their landlords. Proposed co-operatives must demonstrate that they have the full support of the tenants involved, and the confidence and capacity to fulfil their responsibilities.

**Peter Law:** Mae cymdeithasau tai cydweithredol yn un ffordd y gall tenantiaid gyfranogi yn rheolaeth eu heiddo. Gall cymdeithasau tai cydweithredol fod yn landlordiaid cofrestredig annibynnol neu'n grwpiau tenantiaid gyda chyfrifoldebau rheoli wedi'u dirprwyo gan eu landlordiaid. Rhaid i gymdeithasau cydweithredol arfaethedig ddangos bod ganddynt gefnogaeth lawn y tenantiaid dan sylw, a'r hyder a'r gallu i gyflawni'u cyfrifoldebau.

**John Griffiths:** Do you agree that we need a variety of housing models for the different needs of different communities in Wales? Do you also agree that housing co-operatives have a role to play in that? Could you give an indication of the picture in Wales and tell me whether housing co-operatives exist here? Would you encourage such developments in the future?

**John Griffiths:** Ydych chi'n cytuno bod angen amrywiaeth o fodolau tai ar gyfer gwahanol anghenion gwahanol gymunedau yng Nghymru? Ydych chi'n cytuno hefyd fod gan gymdeithasau tai cydweithredol rôl i'w chwarae yn hynny? Allech chi roi syniad o'r darlun yng Nghymru a dweud wrthyf a oes cymdeithasau tai cydweithredol yma? A fydddech chi'n annog datblygiadau o'r fath yn y dyfodol?

**Peter Law:** This is an interesting subject. The national housing strategy, which we are developing, will consider various forms of tenant involvement in the future. To my knowledge, there is one housing co-operative in Wales. That is the Gwynfyd Housing Co-op in Blaengwynfi, which includes about 30 houses. I pay tribute to that housing co-operative; it is a trailblazer. I would be pleased to consider future applications, particularly as this is the age of tenant participation compacts and of encouraging more empowerment for tenants. I would welcome those applications and would consider them on their potential viability.

**Peter Law:** Mae hwn yn bwnc diddorol. Bydd y strategaeth dai genedlaethol sydd yn cael ei datblygu gennym yn ystyried gwahanol ffurfiau o gyfranogiad tenantiaid yn y dyfodol. Hyd y gwn i, mae un gymdeithas dai gydweithredol yng Nghymru, sef Cymdeithas Dai Gydweithredol Gwynfyd ym Mlaengwynfi, sydd yn cynnwys rhyw 30 o dai. Talaf deyrnged i'r gymdeithas dai honno; mae hi'n arloesol. Byddwn yn falch o ystyried ceisiadau yn y dyfodol, yn enwedig gan mai dyma oes compactau cyfranogiad tenantiaid ac annog mwy o hawliau i denantiaid. Byddwn yn croesawu'r ceisiadau hynny ac yn eu hystyried ar sail pa mor hyfryw y gallent fod.

**Janet Davies:** Given that self-confidence and many skills are needed to run a housing co-operative successfully, what information will you make available to possible co-operative members? What training will you give to people who wish to establish a co-operative and what stage have such information and training schemes reached?

**Peter Law:** Thank you for your interest in this subject. I have not received any such applications during my time as Secretary for Local Government and Housing. However, wherever possible, I would fully support applications for housing co-operatives, as long as they are viable propositions. To that end, where training is necessary, I want to work with registered social landlords through officials in my department to ensure that tenants have all the expertise that they need for boards of management and for running a co-operative. They must also have the necessary day-to-day information. I would be pleased to co-operate but I need applications, plans and proposals. I have not received any.

**William Graham:** How much money will this administration make available for housing co-operative schemes in Wales?

**Peter Black:** Will you consider promoting housing co-operatives as a possible alternative in the stock transfer process and aim to provide the necessary advice and support to encourage tenants to seek that option in taking control of their homes?

**Peter Law:** Stock transfer is a voluntary suggestion. It is one option available to tenants at a time when, sadly, insufficient resources are available to raise our council stock to the repair standard expected in 2000. However, there are other opportunities. If people present me with positive applications for housing co-operatives, I will be pleased to discuss them and to do what I can to project them. I am a member of the Labour

**Janet Davies:** Gan fod angen hunan-hyder a llawer o sgiliau i redeg cymdeithas dai gydweithredol yn llwyddiannus, pa wybodaeth fyddwch chi'n ei darparu i aelodau cydweithredol posibl? Pa hyfforddiant roddwch chi i bobl sydd yn dymuno sefydlu cymdeithas gydweithredol, a pha mor bell a gyrhaeddwyd gyda'r cyfryw gynlluniau gwybodaeth a hyfforddiant?

**Peter Law:** Diolch am eich diddordeb yn y pwnc hwn. Nid wyf wedi cael unrhyw geisiadau o'r fath yn ystod fy nghyfnod yn Ysgrifennydd Llywodraeth Leol a Thai. Fodd bynnag, lle bynnag y bo modd, buaswn yn rhoi cefnogaeth lawn i geisiadau am gymdeithasau tai cydweithredol, dim ond iddynt fod yn gynigion hyfyw. I'r perwyl hwnnw, lle bo angen hyfforddiant, mae arnaf eisiau gweithio gyda landlordiaid cymdeithasol cofrestredig drwy swyddogion yn fy adran i sicrhau y caiff tenantiaid yr holl arbenigedd angenrheidiol i sefydlu byrddau rheoli a rhedeg cymdeithas gydweithredol. Rhaid iddynt gael yr wybodaeth feunyddiol angenrheidiol hefyd. Byddwn yn falch o gydweithredu ond mae arnaf angen ceisiadau, cynlluniau a chynigion. Nid oes dim wedi dod i law.

**William Graham:** Faint o arian fydd y weinyddiaeth hon yn ei ddarparu ar gyfer cynlluniau cymdeithasau tai cydweithredol yng Nghymru?

**Peter Black:** A wnewch chi ystyried hyrwyddo cymdeithasau tai cydweithredol fel dewis arall posibl yn y broses drosglwyddo stoc ac anelu at ddarparu'r cyngor a'r gefnogaeth angenrheidiol i annog tenantiaid i fynd am y dewis hwnnw wrth gymryd rheolaeth dros eu cartrefi?

**Peter Law:** Awgrym gwirfoddol yw trosglwyddo stoc. Mae'n un dewis sydd ar gael i denantiaid ar adeg pan fo adnoddau annigonol, ysywaeth, ar gael i godi'n stoc cyngor i'r safon o atgyweirio a ddisgwylir yn 2000. Fodd bynnag, y mae cyfleoedd eraill. Os bydd pobl yn cyflwyno ceisiadau cadarnhaol imi am gymdeithasau tai cydweithredol, byddaf yn falch o'u trafod a gwneud yr hyn a allaf i'w hybu. Yr wyf yn

and Co-operative Party. I believe in co-operation. I look forward to any such proposals and I am concerned that I have not received any from you yet. I look forward to receiving one.

aelod o'r Blaid Lafur a Chydweithredol. Credaf mewn cydweithredu. Edrychaf ymlaen at unrhyw gynigion o'r fath ac yr wyf yn bryderus nad wyf wedi derbyn dim gennyhych hyd yma. Edrychaf ymlaen at gael un.

2:10 p.m.

### **Dileu MIRAS The Abolition of MIRAS**

**Q3 Alun Cairns:** What impact has the abolition of MIRAS had on Welsh housing policy? (OAQ5497)

**C3 Alun Cairns:** Pa effaith y mae dileu MIRAS wedi'i chael ar bolisi tai yng Nghymru? (OAQ5497)

**Peter Law:** As I informed you on 12 April in response to your question regarding the effect of tax changes on home ownership in Wales, general taxation is a matter for the UK Government. However, the changes announced by the Chancellor are intended to make the tax system fairer and to help it focus on work enterprise and families. The recently completed reports of the housing strategy task groups will help us to develop housing policies that reflect the specific needs of Wales. I intend to undertake a wide-ranging consultation on proposals for a national housing strategy for Wales in the autumn.

**Peter Law:** Fel y dywedais wrthyf ar 12 Ebrill mewn ateb i'ch cwestiwn ynghylch effaith newidiadau treth ar berchenogaeth tai yng Nghymru, mater i Lywodraeth y DU yw trethi cyffredinol. Fodd bynnag, amcan y newidiadau a gyhoeddwyd gan y Canghellor yw gwneud y system dreth yn decach a'i helpu i ganolbwyntio ar fenter gwaith a theuluoedd. Bydd adroddiadau diweddar y gweithgorau strategaeth dai yn ein helpu i ddatblygu polisiau tai sydd yn adlewyrchu anghenion penodol Cymru. Bwriadaf ymgynghori'n helaeth ar gynigion ar gyfer strategaeth dai genedlaethol i Gymru yn yr hydref.

**Alun Cairns:** I am disappointed with your reply. It is always the case that people who work and save hard to provide a future for themselves and their family by owning their own home are hit hardest by this Government's taxation changes.

**Alun Cairns:** Yr wyf yn siomedig gyda'ch ateb. Mae'n wir bob amser mai pobl sydd yn gweithio ac yn cynilo'n galed i ddarparu dyfodol iddynt eu hunain a'u teuluoedd drwy fod yn berchen ar eu tai eu hunain sydd yn cael eu taro galetaf gan newidiadau treth y Llywodraeth hon.

**Peter Law:** It amazes me that the Tory side of the Assembly always raise primary legislative points. I received two this afternoon. William Graham is a decent Tory so he sticks to the rules. However, this is another matter that is mainly for Her Majesty's Treasury.

**Peter Law:** Mae'n destun syndod imi fod ochr Doriaidd y Cynulliad yn codi pwyntiau deddfwriaeth sylfaenol o hyd. Derbyniais ddau y prynhawn yma. Mae William Graham yn Dori da felly mae'n glynu at y rheolau. Fodd bynnag, mater arall yw hwn y mae a wnelo'n bennaf â Thrysorlys Ei Mawrhydi.

**Glyn Davies:** That is too offensive.

**Glyn Davies:** Mae hynny'n rhy dramgwyddus.

**Peter Law:** I hope so. I would have been disappointed if it was not. The extra cost to borrowers is small when compared to the

**Peter Law:** Gobeithio. Buaswn yn siomedig pe na buasai. Mae'r gost ychwanegol i fenthycwyr yn fychan pan gymherir hi â

benefits of the low interest rate. The average mortgage cost is substantially less than it was when interest rates were at their peak in the early 1990s. We all know who was in power in the early 1990s. Income tax and mortgage rates in general have also gone down under the Labour Government. Many things have gone down. The Tories will go down in the future, so it all makes sense.

**Janet Ryder:** You referred to the task groups. One of the recommendations of task group 2 gave general support to reforming financial assistance for homeowners through developing a housing credit system. The task group identified the serious problem of low income homeowners. With the demise of MIRAS, do you think that the time is right for considering selective and targeted help for homeowners on low income or without income? What discussions have you had with your colleagues in Westminster regarding the development and introduction of a unified housing credit system, which supports both tenant and homeowner equally?

**Peter Law:** You are right to refer to the housing task groups. They have done an excellent job and have collectively presented me with over 200 recommendations, which the Local Government and Housing Committee has seen. I will look at and refine the recommendations before I bring them back to the National Assembly with a proposed housing strategy for approval. It is important that we look at lower income families and what we can do for them. I have not yet had discussions with anybody in the Whitehall offices about this. However, I will have discussions shortly. I will meet Ministers from the Department of the Environment, Transport and the Regions and I will raise those points. I look forward to your continual input on this in the Local Government and Housing Committee as we refine the policies that will be in the interests of all our people, particularly those on low income and the unemployed.

**Michael German:** One of the consequences of the withering of the vine of MIRAS,

manteision y gyfradd log isel. Mae cost morgais ar gyfartaledd yn sylweddol is nag ydoedd pan oedd cyfraddau llog ar eu hanterth yn y 1990au cynnar. Gŵyr pawb ohonom pwy oedd mewn grym yn y 1990au cynnar. Mae cyfraddau morgeisi a threth incwm yn gyffredinol hefyd wedi mynd i lawr dan y Llywodraeth Lafur. Mae llawer o bethau wedi mynd i lawr. Bydd y Toriaid yn mynd i lawr yn y dyfodol, felly mae popeth yn gwneud synnwyr.

**Janet Ryder:** Cyfeiriasoch at y gweithgorau. Rhoddodd un o argymhellion gweithgor 2 gefnogaeth gyffredinol i ddiwygio cymorth ariannol i berchnogion tai drwy ddatblygu system credyd tai. Nododd y gweithgor broblem ddifrifol perchnogion tai ar incwm isel. Gyda diflaniad MIRAS, ydych chi'n meddwl fod yr amser yn iawn i ystyried cymorth dethol wedi'i dargedu ar gyfer perchnogion tai ar incwm isel neu heb incwm? Pa drafodaethau ydych chi wedi'u cael gyda'ch cydweithwyr yn San Steffan ynglŷn â datblygu a chyflwyno system gredyd tai unedig, fyddai'n cefnogi'r tenant a'r perchennog tŷ fel ei gilydd?

**Peter Law:** Yr ydych yn iawn i gyfeirio at y gweithgorau tai. Maent wedi gwneud gwaith rhagorol a rhyngddynt maent wedi cyflwyno dros 200 o argymhellion imi, sydd wedi'u gweld gan y Pwyllgor Llywodraeth Leol a Thai. Byddaf yn edrych ar yr argymhellion ac yn eu gwella cyn dod â hwy'n ôl i'r Cynulliad Cenedlaethol gyda strategaeth dai arfaethedig i'w chymeradwyo. Mae'n bwysig ein bod yn edrych ar deuluoedd ar incwm is ac ar beth y gallwn ei wneud drostynt. Nid wyf wedi cael trafodaethau eto gyda neb yn swyddfeydd Whitehall ynglŷn â hyn. Fodd bynnag, byddaf yn cynnal trafodaethau cyn bo hir. Byddaf yn cyfarfod â Gweinidogion o Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau ac fe godaf y pwyntiau hynny. Edrychaf ymlaen at eich mewnbwn parhaus ar hyn yn y Pwyllgor Llywodraeth Leol a Thai wrth inni gaboli'r polisïau a fydd er lles holl bobl ein gwlad, yn enwedig y rheini ar incwm isel a'r di-waith.

**Michael German:** Un o ganlyniadau gwywo gwinwydden MIRAS, proses a



which was put in train by the Conservatives, is that poorer and pre-1919 properties in Wales have a backlog of repairs in the private sector. The backlog is far greater than in England. The loss of the ability to create and develop your own mortgage has made it more difficult for people on low incomes to borrow to repair their homes, especially when their homes are in difficult circumstances. Is it your view that we should invest in the house renovation programme, which almost disappeared under the Conservatives and is continuing to disappear? It is possible that a time bomb is ticking underneath the private home sector in Wales, especially in the Valleys. I am sure that you are as concerned as I am about this. Do we need to give extra support and help to those people?

**Peter Law:** I am always grateful to the Liberal Democrats for giving the fair side of the argument. As Mick Bates reminded us in Plenary yesterday on an agricultural point, the decline started with the Conservatives. You are right that more resources are needed for private renovations. As the Secretary for housing, I must recognise this, as there is a need throughout Wales. I will enter into debate in the comprehensive spending review round. I have already had discussions on this with the Finance Secretary. I will pursue this and attempt to secure the best possible settlement for housing in Wales, bearing in mind the pressures on the block grant from health, education, agriculture and so on. I want to get the best possible deal. I cannot say more than that, but I am committed to getting more resources.

**Richard Edwards:** Do you agree that it was iniquitous that homeowners received the substantial tax break while those who rented their homes did not? Do you also join me in commending the Tories for starting the process by which MIRAS has been phased out?

**Peter Law:** Richard will appreciate that commendation of the Tories does not flow lightly from my lips and I do not want to spoil that tradition. I come from Blaenau

gychwynnwyd gan y Ceidwadwyr, yw fod gan eiddo tlotach ac eiddo cyn-1919 yng Nghymru restr o waith atgyweirio'n aros i'w wneud yn y sector preifat. Mae'r rhestr yn llawer mwy nag yn Lloegr. Mae colli'r gallu i greu a datblygu'ch morgais eich hun wedi'i gwneud hi'n anos i bobl ar incwm isel fenthyg arian i atgyweirio'u cartrefi, yn enwedig pan fo'u cartrefi mewn amgylchiadau anodd. A ydych o'r farn y dylem fuddsoddi yn y rhaglen adnewyddu tai, a fu bron â diflannu dan y Ceidwadwyr ac sydd yn dal i ddiflannu? A ydyw'n bosibl fod bom yn tician o dan y sector cartrefi preifat yng Nghymru, yn enwedig yn y Cymoedd? Yr wyf yn siŵr eich bod chi mor bryderus â mi ynghylch hyn. Oes angen inni roi cefnogaeth a chymorth ychwanegol i'r bobl hyn?

**Peter Law:** Yr wyf bob amser yn ddiolchgar i'r Democratiaid Rhyddfrydol am roi'r ochr deg i'r ddadl. Fel y cawsom ein hatgoffa gan Mick Bates yn y Cyfarfod Llawn ddoe ar bwynt amaethyddol, dechreuodd y dirywiad gyda'r Ceidwadwyr. Yr ydych yn iawn fod angen mwy o adnoddau ar gyfer adnewyddu tai preifat. Fel yr Ysgrifennydd dros dai, rhaid imi gydnabod hyn, gan fod angen ledled Cymru. Cymeraf ran mewn trafodaethau adeg cylch yr arolwg cynhwysfawr o wariant. Yr wyf eisoes wedi cael trafodaethau ar hyn gyda'r Ysgrifennydd Cyllid. Af ar ôl hyn a cheisiaf sicrhau'r fargen orau bosibl i dai yng Nghymru, gan gofio'r pwysau ar y grant bloc o du iechyd, addysg, amaethyddiaeth ac yn y blaen. Mae arnaf eisiau sicrhau'r fargen orau bosibl. Ni allaf ddweud mwy na hynny, ond yr wyf wedi ymrwymo i gael mwy o adnoddau.

**Richard Edwards:** A ydych yn cytuno ei bod yn anghyfiawn fod perchnogion tai wedi cael cwtogi'u trethi'n sylweddol tra na chafodd rhai sydd yn rhentu'u cartrefi ddim? A wnewch chi ymuno â mi hefyd i gymeradwyo'r Torïaid am gychwyn y broses o ddiddymu MIRAS?

**Peter Law:** Bydd Richard yn sylweddoli nad yw cymeradwyaeth i'r Torïaid yn llifo'n rhwydd o'm gwefusau, ac nid oes arnaf eisiau difetha'r traddodiad hwnnw. Yr wyf

Gwent, where we do not have that kind of tradition, because we remember the Tories and will never forget them. They never did anything for us in the past and I doubt whether they will in the future. However, it was an unfair balance and Richard was right to point out that those in the public sector did not have such an incentive. We have moved towards a more level plain.

**The Presiding Officer:** Due to the amount of electioneering during questions and answers in this session, I cannot get further than question 3.

yn hanu o Flaenau Gwent, lle nad yw'r math hwnnw o draddodiad yn bod, am ein bod yn cofio'r Torïaid ac ni wnawn fyth eu hanghofio. Ni wnaethant ddim drosom yn y gorffennol ac yr wyf yn amau a wnânt yn y dyfodol. Fodd bynnag, yr oedd yn anghydbwysedd annheg ac yr oedd Richard yn llygad ei le'n nodi nad oedd cymhelliant o'r fath yn bodoli i'r rheini yn y sector cyhoeddus. Yr ydym wedi symud tuag at faes mwy gwastad.

**Y Llywydd:** O ganlyniad i'r holl wleidyddiaeth a fu yn ystod yr holi ac ateb yn ystod y sesiwn hwn, ni allaf fynd ymhellach na chwestiwn 3.

## **Cwestiynau i Ysgrifennydd yr Amgylchedd, Cynllunio a Thrafnidiaeth Questions to the Secretary for the Environment, Planning and Transport**

### **Y Rhaglen Gefnffyrdd yng Nghymru The Trunk Road Programme in Wales**

**Q1 David Melding:** Will the Secretary for the Environment, Planning and Transport make a statement on the trunk road programme for Wales? (OAQ5568)

**The Secretary for the Environment, Planning and Transport (Sue Essex):** The report of the review of the Welsh trunk road programme, 'Driving Wales Forward', published in 1998, sets out the key criteria to be used in assessing options for addressing the problems of the road network in the overall context of the delivery of an integrated approach to transport. The report also sets out a new core trunk road network and new priorities for investment in the network. The former Local Government and Environment Committee generally endorsed this approach. In February, my predecessor, Peter Law, announced a major programme of improvements to the trunk road network that reflects the priorities in 'Driving Wales Forward'.

**David Melding:** Does Sue Essex agree that the airport access road should be designated as a trunk road programme? It will serve a vital strategic interest for the economy of the

**C1 David Melding:** A wnaiff Ysgrifennydd yr Amgylchedd, Cynllunio a Thrafnidiaeth ddatganiad ynghylch y rhaglen gefnffyrdd yng Nghymru? (OAQ5568)

**Ysgrifennydd yr Amgylchedd, Cynllunio a Thrafnidiaeth (Sue Essex):** Mae adroddiad yr adolygiad o raglen gefnffyrdd Cymru, 'Gyrru Cymru Ymlaen', a gyhoeddwyd yn 1998, yn amlinellu'r meini prawf allweddol i'w defnyddio wrth asesu dewisiadau ar gyfer ymateb i broblemau'r rhwydwaith ffyrdd yng nghyd-destun cyffredinol sicrhau agwedd integredig at drafndiaeth. Mae'r adroddiad hefyd yn amlinellu rhwydwaith cefnffyrdd craidd newydd a blaenoriaethau newydd ar gyfer buddsoddi yn y rhwydwaith. Ategodd yr hen Bwyllgor Llywodraeth Leol a'r Amgylchedd yr agwedd hon yn gyffredinol. Ym mis Chwefror, cyhoeddodd fy rhagflaenydd, Peter Law, raglen bwysig o welliannau i'r rhwydwaith cefnffyrdd sydd yn adlewyrchu'r blaenoriaethau yn 'Gyrru Cymru Ymlaen'.

**David Melding:** A ydyw Sue Essex yn cytuno y dylai'r ffordd fynediad i'r maes awyr gael ei dynodi'n rhaglen gefnffordd? Bydd yn rhoi mantais strategol allweddol i

whole of south Wales. It is important that we get this road soon, if the airport is to serve as one of the top regional airports in western Britain.

**Sue Essex:** I am not surprised that you have asked this supplementary question. The current proposal for the airport access road is a local road, largely designed to relieve the Culverhouse Cross interchange, to bypass the Wenvoe area and to provide better access to Barry docks. Because of that, it is not considered to be an appropriate part of the strategic trunk road network. As well as the road, local authorities are advancing proposals for the railway line. That will be an important strategic connection between Cardiff and the station that will hopefully be developed at the airport. I hope that that reassures Alun.

**Alun Pugh:** Are you aware that there are several cases of long-term traffic lights on the A470, causing single lane working and that have been in place for many months, years in some cases? When will they be cleared?

**Sue Essex:** I experienced most of these traffic lights last week when I travelled towards the north, so I appreciate your frustration. There are currently five sets of lights on the A470. Four of these sites have a problem with retaining walls and side support. It is therefore a question of negotiating with the adjoining landowners to deliver that. There is one site at Christmas Pitch in Kirsty's constituency where negotiations are progressing. We hope that that will be resolved.

**Glyn Davies:** It is not only in Kirsty's constituency, it is also in mine.

**Sue Essex:** Many of us have an interest in this, as we drive through the area. I know that it has been one of Kirsty's personal interests. I hope that the problems can be resolved soon. I also remind you of the Babbie study, which has considered the A470 route and there are other conclusions that come through on that network.

economi de Cymru gyfan. Mae'n bwysig ein bod yn cael y ffordd hon yn fuan, os yw'r maes awyr i fod yn un o'r prif feysydd awyr rhanbarthol yng ngorllewin Prydain.

**Sue Essex:** Nid wyf yn synnu eich bod wedi gofyn y cwestiwn atodol hwn. Ffordd leol yw'r cynnig cyfredol ar gyfer ffordd fynediad y maes awyr, wedi'i chynllunio'n bennaf i liniaru cylchfan Croes Cwrlwys, osgoi ardal Gwenfô a darparu mynediad rhwyddach i ddociau'r Barri. Oherwydd hynny, nid ystyrir ei bod yn rhan briodol o'r rhwyddwaith cefnffyrdd strategol. Yn ogystal â'r ffordd, mae awdurdodau lleol yn rhoi cynigion ger bron ar gyfer y rheilffordd. Bydd hynny'n gysylltiad strategol pwysig rhwng Caerdydd a'r orsaf a gaiff ei ddatblygu, gobeithio, yn y maes awyr. Gobeithio bod hynny'n tawelu meddwl Alun.

**Alun Pugh:** Ydych chi'n ymwybodol bod sawl achos o oleuadau traffig tymor hir ar yr A470, yn achosi gweithio un lôn ac sydd yn eu lle ers misoedd lawer, a blynyddoedd hyd yn oed, mewn rhai achosion? Pa bryd y cânt eu clirio?

**Sue Essex:** Profais y rhan fwyaf o'r goleuadau traffig hyn yr wythnos diwethaf pan deithiais i'r gogledd, felly deallaf eich rhwystredigaeth. Ar hyn o bryd mae pum set o oleuadau ar yr A470. Mae gan bedwar o'r safleoedd hyn broblem gyda muriau cynhaliaeth ac ymgynnal ochr. Mae'n gwestiwn felly o negodi gyda'r perchnogion tir wrth ochr y ffordd i gyflawni hynny. Mae un safle yn Christmas Pitch yn etholaeth Kirsty lle mae negodi ar droed. Gobeithiwn y caiff yr achos hwnnw ei ddatrys.

**Glyn Davies:** Nid dim ond yn etholaeth Kirsty mae hwnnw, mae yn f'etholaeth i hefyd.

**Sue Essex:** Mae gan lawer ohonom ddiddordeb yn hyn, gan ein bod yn gyrru drwy'r ardal. Gwn ei fod wedi bod yn un o ddiddordebau personol Kirsty. Gobeithiaf y gellir datrys y problemau'n fuan. Fe'ch atgoffaf hefyd am astudiaeth Babbie, a ystyriodd ffordd yr A470, ac mae casgliadau eraill a ddaeth drwodd ar y rhwyddwaith

hwnnw.

2:20 p.m.

**Jocelyn Davies:** Should we not prioritise safer routes to schools and slower speed initiatives, for example, instead of being obsessed by fast roads? Is there adequate publicity for those initiatives? Should not the Assembly do more to promote them?

**Jocelyn Davies:** Oni ddylem roi blaenoriaeth i ffyrdd mwy diogel i ysgolion a chynlluniau arafu cyflymder, er enghraifft, yn lle'r obsesiwn â ffyrdd cyflym? A oes cyhoeddusrwydd digonol i'r cynlluniau hynny? Oni ddylai'r Cynulliad wneud mwy i'w hyrwyddo?

**Sue Essex:** I appreciate your support for safer routes for schools. I have received good reports about the initiative, which was introduced following the transport forum. It has worked well. The former Environment and Local Government Committee visited Gowerton and the initiative is spread across Wales. I hope that, with the Environment, Planning and Transport Committee's approval, it will feature in the transport grant bids this year. It has been well promoted and assessed. I am prepared to reconsider the scheme again if Members can provide examples of how it is not reaching enough people.

**Sue Essex:** Gwerthfawrogaf eich cefnogaeth i ffyrdd mwy diogel i ysgolion. Yr wyf wedi derbyn adroddiadau da am y cynllun, a gyflwynwyd yn dilyn y fforwm trafndiaeth. Mae wedi gweithio'n dda. Ymwelodd hen Bwyllgor yr Amgylchedd a Llywodraeth Leol â Thre-gŵyr ac mae'r cynllun wedi ymledu dros Gymru. Gobeithiaf, os bydd y Pwyllgor yr Amgylchedd, Cynllunio a Thrafnidaeth yn cymeradwyo, y caiff ei gynnwys yn y ceisiadau grant trafndiaeth eleni. Cafodd ei hyrwyddo a'i asesu'n dda. Yr wyf yn barod i ailasesu'r cynllun eto os gall Aelodau roi enghreifftiau i ddangos nad yw'n cyrraedd digon o bobl.

The slower speed initiative is dear to my heart and during the last Committee meeting we discussed whether it should be considered a priority. I consider it as such and it will hopefully be included in this year's transport grant bids.

Mae'r cynllun arafu cyflymder yn agos at fy nghalon ac yn ystod y cyfarfod Pwyllgor diwethaf buom yn trafod a ddylid ei ystyried yn flaenoriaeth. Yr wyf i'n ei ystyried felly a gobeithio y caiff ei gynnwys yng ngheisiadau grant trafndiaeth eleni.

**Kirsty Williams:** Will you acknowledge that Christmas Pitch is not the only area in Powys that is experiencing difficulties? Can the residents of Newbridge on Wye and Talgarth look forward to an early solution to the long-standing high volumes of traffic in those communities?

**Kirsty Williams:** A wnewch chi gydnabod nad Christmas Pitch yw'r unig ardal ym Mhowys lle ceir anawsterau? A all trigolion y Bontnewydd ar Wy a Thalgarth edrych ymlaen at ateb buan i'r niferoedd traffig uchel hirsefydlog yn y cymunedau hynny?

**Sue Essex:** I have received many letters from you and other Members regarding problems with trunk roads in their rural constituencies. I am concerned about the safety aspects of those trunk roads as well as related environmental issues. I would like to take another look at that area to consider whether we could make a more positive impact. I do not know the answer. People want the trunk roads because they are also used as local routes in rural areas and they provide a vital

**Sue Essex:** Derbyniais lawer o lythyrau gennych chithau ac Aelodau eraill ynglŷn â phroblemau gyda chefnffyrdd yn eu hetholaethau gwledig. Yr wyf yn bryderus ynghylch agweddau diogelwch y cefnffyrdd hynny yn ogystal â materion amgylcheddol cysylltiedig. Hoffwn gael golwg arall ar yr ardal honno i ystyried a allem gael effaith mwy cadarnhaol. Nid wyf yn gwybod yr ateb. Mae ar bobl eisiau'r cefnffyrdd am eu bod yn cael eu defnyddio hefyd fel ffyrdd

lifeline, but we do not want that to put unacceptable pressures on local residents. Kirsty, we will soon be meeting the residents of Talgarth together.

lleol mewn ardaloedd gwledig a'u bod yn darparu dolen gyswllt hanfodol, ond nid oes arnom eisiau i hynny roi pwysau annerbyniol ar drigolion lleol. Kirsty, byddwn yn cwrdd â thrigolion Talgarth gyda'n gilydd cyn bo hir.

### **Llygredd Ymbelydrol oddi ar Arfordir Cymru Radioactive Pollution off the Welsh Coast**

**Q2 Richard Edwards:** Will Sue Essex make a statement on the effect of radioactive pollution off the Welsh coastline? (OAQ5545)

**C2 Richard Edwards:** A wnaiff Sue Essex ddatganiad ynghylch effaith llygredd ymbelydrol oddi ar arfordir Cymru? (OAQ5545)

**Sue Essex:** The main responsibility for monitoring radioactivity off the Welsh coastline now rests with the Food Standards Agency and the Environment Agency. The results of the monitoring programme are published regularly and the evidence is that levels are within the acceptable limits.

**Sue Essex:** Yr Asiantaeth Safonau Bwyd ac Asiantaeth yr Amgylchedd sydd erbyn hyn yn bennaf gyfrifol am fonitro ymbelydredd oddi ar arfordir Cymru. Cyhoeddir canlyniadau'r rhaglen fonitro'n rheolaidd a'r dystiolaeth yw fod y lefelau o fewn y terfynau derbyniol.

**Richard Edwards:** There is no question that the main source of radioactive pollution is the reprocessing of spent nuclear waste fuel at Sellafield. Given that the UK Government is committed under the Oslo Paris Commission agreement for the protection of the marine environment of the north-east Atlantic to work towards achieving substantial reductions or elimination of radioactive discharges by 2000, will you and the Executive support Ireland and Denmark, among others, in calling for an end to reprocessing and convey that support to the UK Government before the OSPAR Commission's annual meeting on 26 June?

**Richard Edwards:** Nid oes unrhyw gwestiwn nad prif ffynhonnell llygredd ymbelydrol yw'r gwaith ailbroseu gwastraff tanwydd niwclear yn Sellafield. Gan fod Llywodraeth y DU wedi ymrwymo dan gytundeb Comisiwn Oslo Paris i warchod amgylchedd môr gogledd-ddwyrain yr Iwerydd i weithio tuag at sicrhau gostyngiadau sylweddol neu ddileu gollyngiadau ymbelydrol erbyn 2000, a wnewch chi a'r Weithrediaeth gefnogi Iwerddon a Denmarc, ymhlith eraill, wrth alw am roi terfyn ar ailbroseu, a chyfleu'r gefnogaeth honno i Lywodraeth y DU cyn cyfarfod blynyddol comisiwn OSPAR ar 26 Mehefin?

**Sue Essex:** As you mentioned reprocessing at Sellafield, it is only right for me to inform Members that the waste from Wylfa goes to Sellafield.

**Sue Essex:** Gan ichi grybwyll ailbroseu yn Sellafield, dim ond iawn yw imi hysbysu Aelodau yr aiff y gwastraff o'r Wylfa i Sellafield.

The OSPAR agreement requires the reduction of discharges to virtually zero by 2020. Reprocessing at Sellafield is not a devolved matter, but I appreciate your concerns and we must continue to raise these issues and meet our obligations. We must voice our concerns to the UK Government. If Members so wish, I will make that view known.

Mae cytundeb OSPAR yn gofyn am gwtogi gollyngiadau i ddim, fwy neu lai, erbyn 2020. Nid yw ailbroseu yn Sellafield yn fater datganoledig, ond gwerthfawrogaf eich pryderon a rhaid inni barhau i godi'r materion hyn a chyflawni'n dyletswyddau. Rhaid inni leisio'n pryderon wrth Lywodraeth y DU. Os dymuna'r Aelodau, fe leisiaf y farn honno.

**Cynog Dafis:** Cefnogaf alwad Richard Edwards a hoffwn nodi bod yr un pryderon yng Nghymru ynglŷn ag effeithiau iechyd ymbelydredd yn y môr ag sydd yn Iwerddon a Denmarc, dwy wlad arfordirol lle credir bod effaith niweidiol ar iechyd. Nid oes gennym gyfrifoldeb am bolisi'r deyrnas sydd yn gyfrifol yn y mater hwn ac, yn yr un modd, nid oes gan Iwerddon na Denmarc awdurdod ar bolisi ychwaith. Maent wedi gwneud eu cais am i Lywodraeth Prydain ymddwyn yn gyfrifol mewn perthynas â gwledydd eraill yn y mater hwn a phwysaf ar Sue Essex i ddatgan barn. Onid yw hi'n meddwl y byddai'n briodol i'r Cynulliad ddatgan barn ar ran pobl Cymru bod y lefelau presennol o ymbelydredd yn y môr yn y gorllewin, y gogledd a'r de yn annerbyniol, bod lle i gredu bod perygl i iechyd ac y dylem sefyll yn gadarn ar y mater hwn?

**Sue Essex:** I take note of those points. The target date according to the Sintra Agreement is set at 2020 but we could start a dialogue about the process and the period during which those discharges would be stopped and try to move that forward. We have existing nuclear plants and we must address that problem too. This is not just about discharges. You cannot isolate one point from the other. I take note of the mood of the Assembly and will make representations to the Department of the Environment, Transport and the Regions.

**Nick Bourne:** There is concern about the incidence of cancer along the Welsh coastline. Will you speak to Jane Hutt about how cancer figures are collected? At the moment, they are correlated on a county by county basis, which makes it difficult to assess whether there is a higher incidence of cancer along the coastline. There is evidence to that effect but the way that we collect cancer figures at present does not make it immediately obvious. If we are going to put forward a case, it would help if we were able to collect them on a different basis.

**Sue Essex:** Thank you for that constructive point. The report was produced in north

**Cynog Dafis:** I support Richard Edwards's call and wish to note that the concerns in Wales about the health effects of radiation in the sea are the same as those in Ireland and Denmark, two coastal countries where it is believed that there is a detrimental effect on health. We do not have responsibility for the policy of the kingdom that is responsible in this matter and, in the same way, neither Ireland nor Denmark have influence on policy either. They have requested that the British Government acts responsibly in relation to other countries in this matter and I urge Sue Essex to declare a view. Does she not think that it would be appropriate for the Assembly to declare a view on behalf of the people of Wales that the present levels of radiation in the sea in the west, the north and the south are unacceptable, that there is reason to believe that there is a health risk and that we should stand firm on this matter?

**Sue Essex:** Nodaf y pwyntiau hynny. Y dyddiad targed a bennwyd yng Nghytundeb Sintra yw 2020 ond gallem gychwyn deialog ynglŷn â'r broses a'r cyfnod y byddid yn rhoi'r gorau i'r gollyngiadau hynny a cheisio symud hynny ymlaen. Mae gennym weithfeydd niwclear ar hyn o bryd a rhaid inni roi sylw i'r broblem honno hefyd. Nid gollyngiadau yw'r unig fater dan sylw. Ni allwch wahanu'r naill oddi wrth y llall. Nodaf dymer y Cynulliad a chyflwynaf sylwadau i Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau.

**Nick Bourne:** Mae pryder ynghylch yr achosion o ganser ar hyd arfordir Cymru. A wnewch chi siarad â Jane Hutt ynghylch sut y cesglir ffigurau canser? Ar hyn o bryd, cânt eu casglu fesul sir, sydd yn ei gwneud hi'n anodd asesu a oes mwy o achosion o ganser ar hyd yr arfordir. Mae tystiolaeth yn awgrymu hynny ond nid yw'r ffordd y casglwn ffigurau canser ar hyn o bryd yn ei gwneud hi'n amlwg yn syth. Os ydym am gyflwyno achos, byddai'n gymorth pe gallem eu casglu ar sail wahanol.

**Sue Essex:** Diolch am y pwynt adeiladol hwnnw. Cynhyrchwyd yr adroddiad yn

Wales by Dr Chris Busby, and was investigated and examined by Jane Hutt. Thankfully, its outcome was that the results were not as damaging as was thought hitherto. You are right that how we collect health data, whether it is in a small or large area, is important in terms of examining distributions of patterns. Jane and I could have a useful dialogue on that.

**Christine Humphreys:** You have already spoken about Wylfa. In view of the recent announcement that the life of Wylfa nuclear power station is to be extended and the threat that this unsafe and unsustainable method of energy generation poses with regard to continuing radioactive pollution of the north Wales coastline, will you undertake to eradicate the need for such stations in the future and initiate a Welsh energy strategy, which will include a policy of sustainable energy generation?

**Sue Essex:** The extension of Wylfa's life is dependent on what is called the magnox fuel being used. We must make that point clear as it would only be extended on that basis. A national energy strategy for Wales is being prepared. Rhodri Morgan, in his role as Secretary for Economic Development, has prime responsibility for that. As you may well know, I am eager that renewable, sustainable uses should go through into the future. That is my attitude towards the issue.

2:30 p.m.

### **Erydiad Tywod yn Ardal Bae Abertawe Sand Erosion in the Swansea Bay Area**

**Q3 Brian Gibbons:** What steps are being taken to address the public concern over sand erosion in the Swansea Bay area? (OAQ5546)

**Sue Essex:** Dealing with erosion of the coastline is primarily a matter for the local authorities, which have powers to carry out any coast protection work that they consider to be necessary. A shoreline management plan for the coastline between Worms Head

ngogledd Cymru gan Dr Chris Busby, a'i archwilio a'i astudio gan Jane Hutt. Yn ffodus, gwelwyd nad oedd y canlyniadau mor niweidiol ag y tybiasid hyd hynny. Yr ydych yn gywir fod y ffordd y casglwn ddata iechyd, boed mewn ardal fach neu fawr, yn bwysig o safbwynt archwilio dosbarthiad patrymau. Gallai Jane a mi gael sgwrs fuddiol am hynny.

**Christine Humphreys:** Yr ydych eisoes wedi sôn am yr Wylfa. Yn wyneb y cyhoeddiad diweddar fod oes gorsaf ynni niwclear yr Wylfa i gael ei hystyngi, a'r bygythiad y mae'r dull anniogel ac anghynaliadwy hwn o gynhyrchu ynni yn ei godi o safbwynt parhau i ollwng llygredd ymbelydrol ar hyd arfordir gogledd Cymru, a wnewch chi ymgymryd i ddileu'r angen am bwerdai o'r fath yn y dyfodol a rhoi strategaeth ynni Gymreig ar waith, a fydd yn cynnwys polisi cynhyrchu ynni cynaliadwy?

**Sue Essex:** Mae estyniad oes yr Wylfa'n ddibynnol ar defnydd o'r hyn a elwir yn danwydd magnocs a ddefnyddir. Rhaid inni wneud y pwynt hwnnw'n glir gan mai dim ond ar y sail honno y câi ei hystyngi. Mae strategaeth ynni genedlaethol ar gyfer Cymru'n cael ei pharatoi. Rhodri Morgan, yn ei rôl fel Ysgrifennydd Datblygu Economaidd, sydd yn bennaf cyfrifol am hynny. Fel y gwyddoch efallai, yr wyf yn awyddus i ddefnyddiau adnewyddadwy, cynaliadwy fynd drwodd i'r dyfodol. Dyna fy gwedd i at y mater.

**C3 Brian Gibbons:** Pa gamau sydd yn cael eu cymryd i roi sylw i bryder y cyhoedd ynghylch erydiad tywod yn ardal Bae Abertawe? (OAQ5546)

**Sue Essex:** Mater i'r awdurdodau lleol yn bennaf yw delio ag erydiad yr arfordir, ac mae ganddynt bwerau i wneud unrhyw waith sydd yn angenrheidiol yn eu tyb hwy i warchod yr arfordir. Mae paratoad cynllun rheoli glan y môr ar gyfer yr arfordir rhwng

on the Gower and Lavernock Point is in the final stages of preparation. I expect that any public concerns over sand erosion in the Swansea Bay area to be addressed by this plan.

**Brian Gibbons:** There is a sense of urgency among the many people who are concerned about this issue. It amazes them that we still argue scientifically about whether sand erosion takes place, when it is obvious to anyone that looks at the beaches that it happens. The issue that concerns most people is when the causes will be identified and, more importantly, when work to remedy the problem will begin.

**Sue Essex:** I must say—and I know that many people in the Assembly take an interest in this issue—that it is an extremely complicated study. Many people can describe the effects of erosion—it is not necessarily erosion but change, because in some places there is sediment accumulation—and the effects of change. However, we are in a far more difficult position trying to describe its causes. A variety of changes that take place could be a result of natural causes, although many natural causes could have a man-made origin.

There are other changes that could be due to man-made causes. There have been grave concerns over dredging. In Aberavon, Brian, there has been dredging from the harbour. All I can do to reassure people is say that studies are being carried out and the recommendations acted upon. A considerable amount of work has been undertaken on analysing the Bristol Channel; for example, the shoreline management plans in association with local authorities and the work that has been carried out as a result of the dredging licences. I have offered to hold a seminar for members of the Environment, Planning and Transport Committee, as soon as an appropriate date can be found. I open that to all Assembly Members, so that everybody—because I know that there is widespread concern—can gain an understanding of the work that has taken place and ask questions. I hope that Members respond to that after a suitable date has been

Pen Pyrod ar Benrhyn Gŵyr a Thrwyn Larnog bron wedi'i gwblhau. Disgwyliaf i'r cynllun hwn roi sylw i unrhyw bryderon gan y cyhoedd ynghylch erydiad tywod yn ardal Bae Abertawe.

**Brian Gibbons:** Mae teimlad o frys ymhlith y llu o bobl sydd yn pryderu am y mater hwn. Maent yn synnu ein bod yn dal i ddadlau'n wyddonol ynghylch a yw erydiad y tywod yn digwydd, a hithau'n amlwg i unrhyw un sydd yn edrych ar y traethau ei fod yn digwydd. Y mater sydd yn peri pryder i'r rhan fwyaf o bobl yw pa bryd y canfyddir yr achosion ac, yn bwysicach, pa bryd y dechreuir gwaith i adfer y broblem.

**Sue Essex:** Rhaid imi ddweud—a gwn fod llawer o bobl yn y Cynulliad yn ymddiddori yn y mater hwn—ei bod yn astudiaeth hynod o gymhleth. Gall llawer o bobl ddisgrifio effeithiau erydiad—nid erydiad ydyw o reidrwydd ond newid, oherwydd mewn rhai mannau ceir cronïad gwaddodion—ac effeithiau newid. Fodd bynnag, yr ydym mewn sefyllfa anos wrth geisio disgrifio'i achosion. Gallai amryw o newidiadau sydd yn digwydd fod o ganlyniad i achosion naturiol, er y gallai llawer o achosion naturiol darddu o weithredoedd dynion.

Mae newidiadau eraill a allai fod o ganlyniad i waith dyn. Bu pryderon difrifol ynghylch carthu. Yn Aberafan, Brian, fe garthwyd llaid o'r harbwr. Y cwbl y gallaf ei wneud i dawelu ofnau pobl yw dweud fod astudiaethau ar y gweill ac y gweithredir ar yr argymhellion. Gwnaethpwyd cryn dipyn o waith ar ddadansoddi Môr Hafren; er enghraifft, y cynlluniau rheoli arfordir mewn cydweithrediad â'r awdurdodau lleol a'r gwaith a wnaethpwyd o ganlyniad i'r trwyddedau carthu. Yr wyf wedi cynnig cynnal seminar ar gyfer aelodau Pwyllgor yr Amgylchedd, Cynllunio a Thrafnidiaeth, cyn gynted ag y gellir trefnu dyddiad addas. Agoraf hwnnw i holl Aelodau'r Cynulliad, fel y gall pawb—oherwydd gwn fod pryder cyffredinol—gael dealltwriaeth o'r gwaith a wnaethpwyd a gofyn cwestiynau. Gobeithio y gwnaiff Aelodau ymateb i hynny wedi i ddyddiad addas gael ei drefnu.



arranged.

**David Lloyd:** A yw Ysgrifennydd yr Amgylchedd, Cynllunio a Thrafnidiaeth yn barod i dderbyn cyfrifoldeb am unrhyw fesurau angenrheidiol? A yw hi hefyd yn barod i chwilio am arian o San Steffan i ddigolledu am unrhyw golled, os bydd cysylltiad yn cael ei brofi rhwng carthu tywod ac erydu arfordir Bae Abertawe a Phenrhyn Gŵyr?

**Sue Essex:** I am not sure what you mean by 'accept responsibility' as those licences were given long before I was born. We must try to learn from current research so that we are better informed in the decisions that we make in the future. I have a geographical background, so I hope that you will accept this. There are changes that occur as a result of nature, which humble us because they are not always in our control. On the east coast of England, one can see land disappearing, despite human efforts over many years to prevent that happening. I cannot stand here and tell you that all the changes taking place are due to natural change. That would be ridiculous. However, we are doing our utmost to try to find the causes for this. Wales has been surveyed and researched more than anywhere else in the UK to try to find the causes of this change. If it is within our powers to respond to that, we will do so.

**Alun Cairns:** I recently had the opportunity, as you will be aware, to attend a presentation by your officials in Swansea. I was astounded to hear some of their claims that the sand levels on some of the beaches in Gower and Porthcawl are higher now than they were five years ago. They also said that it was a complex, dynamic environment, which they were trying to understand. From some of your answers, it is clear that we do not have complete understanding. How will you make an assessment or judgment on the licence application, when we do not have complete understanding of sand dredging in the Bristol Channel?

**David Lloyd:** Is the Secretary for the Environment, Planning and Transport willing to accept responsibility for any necessary measures? Is she also willing to look for money from Westminster to compensate for any loss, if a link is proved between sand dredging and the erosion of the Swansea Bay coastline and the Gower Peninsula?

**Sue Essex:** Nid wyf yn siŵr beth yr ydych yn ei olygu wrth 'dderbyn cyfrifoldeb' gan y rhoddwyd y trwyddedau hynny ymhell cyn i mi gael fy ngeni. Rhaid inni geisio dysgu oddi wrth ymchwil gyfredol fel y bydd gennym well gwybodaeth yn sail i'r penderfyniadau a wnawn yn y dyfodol. Mae gennyf gefndir daearyddol, felly gobeithio y derbyniwch hyn. Ceir newidiadau sydd yn digwydd o ganlyniad i natur, sydd yn ein darostwng oherwydd nad oes gennym reolaeth drostynt bob amser. Ar arfordir dwyreiniol Lloegr, gellir gweld tir yn diflannu, er gwaethaf ymdrechion dyn dros flynyddoedd lawer i atal hynny rhag digwydd. Ni allaf sefyll yma a dweud wrthyfch fod pob newid sydd yn digwydd yn ganlyniad newid naturiol. Byddai hynny'n chwerthinllyd. Fodd bynnag, yr ydym yn gwneud ein gorau glas i geisio canfod yr achosion sydd y tu ôl i hyn. Mae Cymru wedi'i harolygu a'i hymchwilio fwy nag unman arall yn y DU i geisio canfod beth sydd yn achosi'r newid hwn. Os ydyw o fewn ein gallu i ymateb i hynny, fe wnawn.

**Alun Cairns:** Yn ddiweddar cefais y cyfle, fel y gwyddoch, i fynychu cyflwyniad gan eich swyddogion yn Abertawe. Fe'm syfrdanwyd i glywed rhai o'u haeriadau fod lefelau'r tywod ar rai o draethau Penrhyn Gŵyr a Phorthcawl yn uwch yn awr nag yr oeddent bum mlynedd yn ôl. Dywedasant hefyd ei fod yn amgylchedd cymhleth, deinamig, yr oeddent hwy'n ymdrechu i'w ddeall. O glywed rhai o'ch atebion, mae'n amlwg nad oes gennym ddealltwriaeth lwyr. Sut y gwnewch chi asesiad neu ddyfarniad ar y cais am drwydded, pan nad oes gennym ddealltwriaeth lwyr o garthu tywod ym Môr Hafren?

**Sue Essex:** Monitoring sand dredging has only been done over a couple of years. Longer term monitoring of shoreline profile changes has been carried out. However, at that stage, the total research survey package that they presented was incomplete. I do not think that they said the kinds of things that you intimated. They would have said that considerable changes were taking place. For example, in some cases, beaches had been eroded. In other places, perhaps only offshore, sand had accumulated. It is a changing situation. When making a decision on a licence, I must do so using the best information available. That is why it is so important that we receive that information. I intend to share that information with you and other Members.

**Lorraine Barrett:** I am grateful for the invitation to the seminar. Many of us live along the coastline. I plead for Penarth beach in particular. Over the years, for whatever reason, many layers of rock have been exposed. The foundations of the car park, which has now closed, are far more exposed. Penarth Town Council has made representations over a long period on this. I add my voice to the others and look forward to the results of the survey.

**Sue Essex:** It has become apparent since these concerns were first voiced in Gower that the concern has spread much wider than we imagined. I did not realise that Penarth was affected. However, it is something that I can visualise.

**Peter Black:** Given the concern that exists across the whole of the south Wales coast—we have heard about Penarth, Porthcawl and Gower—and given the fact that you have acknowledged that you do not understand the environment of the Bristol Channel and what is happening, do you not think it is wise that we should suspend any extensions to licences until we have that knowledge?

**Sue Essex:** Dim ond ers blwyddyn neu ddwy y mae gwaith carthu tywod yn cael ei fonitro. Mae monitro newidiadau proffil yr arfordir wedi digwydd dros gyfnod hwy. Fodd bynnag, pan wnaethpwyd hynny, yr oedd y pecyn arolwg ymchwil llawn a gyflwynwyd yn anghyflawn. Nid wyf yn credu iddynt ddweud y math o bethau a awgrymwyd gennych. Byddent wedi dweud fod newidiadau sylweddol yn digwydd. Er enghraifft, mewn rhai achosion, roedd traethau wedi'u herydu. Mewn mannau eraill, efallai dim ond oddi ar y glannau, yr oedd tywod wedi cronni. Mae'n sefyllfa newidiol. Wrth wneud penderfyniad ar drwydded, rhaid imi wneud hynny gan ddefnyddio'r wybodaeth orau sydd ar gael. Dyna pam y mae mor bwysig inni dderbyn yr wybodaeth honno. Bwriadaf rannu'r wybodaeth honno gyda chi ac Aelodau eraill.

**Lorraine Barrett:** Yr wyf yn ddiolchgar am y gwahoddiad i'r seminar. Mae llawer ohonom yn byw ar hyd yr arfordir. Ple dros draeth Penarth yn arbennig sydd gennyf. Dros y blynyddoedd, am ba reswm bynnag, dinoethwyd haenau lawer o graig. Mae sylfeini'r maes parcio, sydd bellach wedi cau, yn llawer mwy agored. Mae Cyngor Tref Penarth wedi cyflwyno sylwadau ynglŷn â hyn dros gyfnod maith. Ychwanegaf fy llais at y gweddill ac edrychaf ymlaen at ganlyniadau'r arolwg.

**Sue Essex:** Mae'n amlwg ers i'r pryderon hyn gael eu lleisio gyntaf yng Ngŵyr fod y pryder wedi lledaenu'n llawer pellach nag a ddychmygwyd. Nid oeddwn yn sylweddoli fod hyn yn effeithio ar Benarth. Fodd bynnag, y mae'n rhywbeth y gallaf ei ddychmygu.

**Peter Black:** Yn wyneb y pryder sydd ar draws y cyfan o arfordir de Cymru—yr ydym wedi clywed am Benarth, Porthcawl a Gŵyr—ac yn wyneb y ffaith eich bod wedi cydnabod nad ydych yn deall amgylchedd Môr Hafren a beth sydd yn digwydd, onid ydych yn meddwl mai doeth fyddai peidio â chaniatáu estyniadau i unrhyw drwyddedau hyd nes bydd yr wybodaeth honno gennym?

**Sue Essex:** The Bristol coast study will make a geographical delineation within the Severn estuary. I cannot say anything publicly about what I will do. I must be guided by legal opinion. I understand the philosophy behind it and the precautionary approach. However, it would be unwise for me to make any particular decisions and say anything about the licences in a public arena.

**Sue Essex:** Bydd astudiaeth arfordir Bryste'n tynnu llinell ddaearyddol o fewn Môr Hafren. Ni allaf ddweud dim yn gyhoeddus am yr hyn yr wyf am ei wneud. Rhaid imi gael fy arwain gan farn gyfreithiol. Yr wyf yn deall yr athroniaeth y tu ôl iddo a'r agwedd ragofalus. Fodd bynnag, byddai'n annoeth i mi wneud unrhyw benderfyniadau arbennig na dweud dim am y trwyddedau mewn arena gyhoeddus.

### **Pwyntiau o Drefn Points of Order**

**Alun Pugh:** Point of order. I raise this point of order under Standing Order No. 4.5, which refers to the declaration of interests. In his question to Peter Law, Alun Cairns spoke in favour of MIRAS. Should he not have declared in that question and in debate that his employers and car-providers, Lloyds TSB, benefit directly from the tax break of MIRAS? Such an admission is clearly a breach of Standing Order No. 4.5 and arguably in breach of Standing Order No. 4.6 also. I would appreciate a ruling.

**Alun Pugh:** Pwynt o drefn. Codaf y pwynt o drefn hwn dan Reol Sefydlog Rhif 4.5, sydd yn cyfeirio at ddatgan buddiant. Yn ei gwestiwn i Peter Law, siaradodd Alun Cairns o blaid MIRAS. Oni ddylai fod wedi datgan yn y cwestiwn hwnnw ac yn y ddadl fod ei gyflogwyr a darparwyr ei gar, Lloyds TSB, yn elwa'n uniongyrchol o gwtogiad treth MIRAS? Mae'r ffaith na wnaeth hyn yn amlwg yn groes i Reol Sefydlog Rhif 4.5 a gellid dadlau ei fod yn torri Rheol Sefydlog Rhif 4.6 hefyd. Gwerthfawrognw ddyfarniad.

**Alun Cairns:** I considered declaring that interest. However, it was my understanding that MIRAS benefited the customer and not the bank. As a result of the withdrawal of MIRAS, the customer must now pay the bank. The bank does not benefit in any way as a result of the withdrawal of MIRAS.

**Alun Cairns:** Ystyriais ddatgan y buddiant hwnnw. Fodd bynnag, fy nealltwriaeth i oedd mai'r cwsmer ac nid y banc oedd yn elwa ar MIRAS. O ganlyniad i ddileu MIRAS, rhaid i'r cwsmer bellach dalu i'r banc. Nid yw'r banc yn elwa mewn unrhyw fodd o ganlyniad i ddileu MIRAS.

**The Presiding Officer:** As you know, there is currently a review of the Members' interests procedure. I know that that has caused some interest, for example in this morning's Agriculture and Rural Development Committee. I followed that on the television with great interest while trying to do other things. I will ensure that we will review the understanding of Standing Orders No. 4.5 and No. 4.6. No. 4.5 refers specifically to taking part in Assembly proceedings. That includes questions. Standing Order No. 4.5 clearly applies to questions. I will review it and report back to the Assembly.

**Y Llywydd:** Fel y gwyrddoch, mae trefn datgan buddiannau'r Aelodau yn cael ei hadolygu ar hyn o bryd. Gwn fod hynny wedi achosi cryn ddiddordeb, er enghraifft yn y Pwyllgor Amaethyddiaeth a Datblygu Gwledig y bore yma. Dilynaish hwnnw ar y teledu gyda diddordeb mawr tra'n ceisio gwneud pethau eraill. Byddaf yn sicrhau ein bod yn adolygu'r ddealltwriaeth o Reolau Sefydlog Rhifau 4.5 a 4.6. Mae Rhif 4.5 yn cyfeirio'n benodol at gymryd rhan yn nhrefnion y Cynulliad. Mae hynny'n cynnwys cwestiynau. Mae Rheol Sefydlog Rhif 4.5 yn amlwg yn berthnasol i gwestiynau. Fe wnaif ei hadolygu ac adrodd yn ôl i'r Cynulliad.

**Helen Mary Jones:** Pwynt o drefn. Fel y gwyddoch, tynnais eich sylw at y ffaith fod problemau gyda chyfieithiad gwelliant 2 yn y ddadl ar y comisiynydd plant. Nid oedd y gair 'exclusively' wedi'i gyfieithu i'r Gymraeg ac felly newidiwyd ystyr y gwelliant yn gyfan gwbl. Derbynaf fy mod wedi cael ateb gennych. Datryswyd y broblem cyn y ddadl. Yr hyn sydd yn ein poeni yw, pe bai'r gwelliant wedi llwyddo heb i neb sylwi ar y gwahaniaeth, pa fersiwn fyddai'n sefyll? Ym Mhlaid Cymru—The Party of Wales, y Gymraeg sydd yn sefyll bob tro. Efallai mai'r fersiwn gwreiddiol ddylai fod wedi sefyll yn yr achos hwn.

2:40 p.m.

**Y Llywydd:** Ar y pwynt olaf, gobeithio nad yw'r Gymraeg yn sefyll ar ei phen ei hunan yn eich plaid, ychwaith—

**Helen Mary Jones:** Ein plaid ni, gobeithio.

**Y Llywydd:** Yn ein plaid ni, ychwaith, oherwydd polisi'r Cynulliad yw bod y ddwy iaith yn gwbl gyfartal. Felly mae gofyn i fersiynau popeth yn y Cynulliad fod yn fanwl gywir yn y ddwy iaith, ac mae hyn yn digwydd yn ein trefniadau presennol. Diolch ichi am dynnu fy sylw at y mater.

**Helen Mary Jones:** Ymhellach i'r pwynt hwnnw, Lywydd, derbynaf eich bod wedi datrys y broblem ynglŷn â'r gwelliant hwn, ond gallai sefyllfa godi lle nad oes neb yn sylwi bod gwahaniaeth. Yr ydym yn gofyn a oes eisiau ystyriaeth bellach: pe bai gwelliant yn llwyddo a'r ddadl efallai wedi'i chynnal yn gyfan gwbl yn y Gymraeg, ond bod problem yn Saesneg y gwelliant, pa fersiwn a fyddai'n sefyll? Cyfeirio yr oeddwn gynt at reolau mewnol Plaid Cymru, nad wyf o reidrwydd yn eu cymeradwyo ar eu ffurf bresennol.

**Cynog Dafis:** Gobeithio, Lywydd, nad ydych chi awgrymu y dylai rhywun, pan fo'n darllen fersiwn Cymraeg o ddogfennau'r Cynulliad, orfod darllen yr ochr Saesneg hefyd i brofi ei

**Helen Mary Jones:** Point of order. As you know, I have drawn your attention to the fact that there were problems with the translation of amendment 2 in the debate on the children's commissioner. The word 'exclusively' had not been translated into Welsh and therefore the meaning of the amendment was totally changed. I accept that I have received your response. The problem was resolved prior to the debate. What worries us is, if the amendment had been passed without anyone noticing the difference, which version would stand? In Plaid Cymru—The Party of Wales, the Welsh version always stands. Perhaps the original version should have stood in this case.

**The Presiding Officer:** On the last point, I hope that the Welsh version does not stand on its own in your party, either—

**Helen Mary Jones:** Our party, I hope.

**Y Llywydd:** In our party, either, because the Assembly's policy is that both languages are totally equal. Therefore there is a requirement that versions of everything in the Assembly be precise in both languages, and this happens in our current procedures. Thank you for drawing my attention to the issue.

**Helen Mary Jones:** Further to that point, Lywydd, I accept that you solved the problem concerning this amendment, but a situation could arise where no one notices that there is a difference. We ask whether further consideration is needed: if an amendment were passed and the debate had perhaps taken place completely in Welsh, but there was a problem in the English version of the amendment, which version would stand? I was referring earlier to Plaid Cymru's internal rules, of which I do not necessarily approve in their present form.

**Cynog Dafis:** I hope, Lywydd, that you are not suggesting that when someone reads the Welsh version of Assembly documents, they should also have to read the English side to

fod yn gweithredu'n ddwyieithog. Mae'n bwysig bod fersiwn Cymraeg dogfen yn gywir ar ei ben ei hunan ac yn ddigonol i'w ddarllen ar ei ben ei hunan.

**Y Llywydd:** Diben y polisi dwyieithog yw sicrhau hynny. Awgrymwyd i mi fod un fersiwn yn fwy cywir na'r llall. Nid yw hynny'n bosibl. Pan ofynnir i mi a yw un fersiwn yn sefyll yn lle'r llall, nid oes modd datrys y pos hwnnw, oherwydd bod y ddau fersiwn yn gyfartal. Byddaf bob amser, i bwrpasau ymarferol, yn ymchwilio i'r hyn a gynigiwyd yn wreiddiol pan osodwyd y mater gerbron. Mae hynny'n golygu ymgynghori ag Ysgrifenyddiaeth y Cabinet pan fo'n dod o du'r Llywodraeth, neu â'r Swyddfa Gyflwyno os yw hynny'n briodol, i geisio sicrhau, os oes anghydbwysedd rhwng fersiynau, bod yr anghydbwysedd hwnnw'n cael ei gywiro. Nid oes problem o gwbl. Nid oes problem yn yr egwyddor gyffredinol ychwaith, oherwydd bod gan y Cynulliad ei brosesau priodol o sicrhau cydraddoldeb ieithyddol.

**Nick Bourne:** Further to that point of order—

**The Presiding Officer:** I thought I had said enough.

**Nick Bourne:** You referred earlier to electioneering and I hope that we will not be treated to this type of discussion for the benefit of internal electioneering. The Government of Wales Act 1998 is clear on the equality of the languages: it would ultimately be a matter for the courts to decide on.

**Rhodri Glyn Thomas:** Ar ran grŵp Plaid Cymru yn ei gyfanrwydd yr wyf yn mynegi siom bod Nick Bourne wedi gwneud y fath sylw. Yr oedd y pwynt yn ddilys ac nid oedd a wnelo â dim heblaw'r pwynt a gododd Helen Mary Jones.

**Y Llywydd:** Codwyd y pwynt gyda mi ddoe. Fe'i hatebais y bore yma; gweithredwyd arno a datryswyd y broblem. Nid wyf yn awyddus i ni fel Cynulliad godi pwyntiau o drefn ar faterion gweithdrefnol ynglŷn â threfniadau'r

prove that they are operating bilingually. It is important that the Welsh version of a document is correct in its own right and that it is sufficient to read in its own right.

**The Presiding Officer:** The intention of the bilingual policy is to ensure that. It was suggested to me that one version was more correct than the other. That is not possible. When I am asked whether one version stands in place of the other, it is impossible to solve that conundrum, because both versions are equal. For practical purposes I always investigate what was originally proposed when the matter was laid. That entails consulting with the Cabinet Secretariat when it comes from the Government, or with the Table Office where appropriate, to try and ensure, if there is an imbalance between versions, that that imbalance is corrected. There is no problem at all. There is no problem in the general principle either, because the Assembly has its proper processes to ensure linguistic equality.

**Nick Bourne:** Ymhellach i'r pwynt hwnnw o drefn—

**Y Llywydd:** Yr oeddwn yn meddwl fy mod i wedi dweud digon.

**Nick Bourne:** Cyfeiriasoch yn gynharach at ymgyrchu gwleidyddol a gobeithiaf na chawn ein tretio i'r math hwn o drafodaeth er budd ymgyrchu gwleidyddol mewnol. Mae Deddf Llywodraeth Cymru 1998 yn glir ar gydraddoldeb yr ieithoedd: mater i'r llysoedd ei benderfynu fyddai hynny yn y pen draw.

**Rhodri Glyn Thomas:** On behalf of the Plaid Cymru group as a whole, I express disappointment that Nick Bourne made such a remark. The point was valid and it had nothing to do with anything except the point raised by Helen Mary Jones.

**The Presiding Officer:** The point was raised with me yesterday. I answered it this morning; it was acted upon and the problem was solved. I do not want us as an Assembly to raise points of order on procedural matters

Cynulliad, yn enwedig pan fyddant wedi'u datrys.

**Glyn Davies:** Well done, Llywydd, put them in their places.

**The Presiding Officer:** Glyn, as you well know I have put you in your place before and will do so again if necessary. I try, with difficulty, to serve this Assembly in the interests of all Members, when presiding. Whatever I may do outside, when not presiding, is a matter for me.

concerning the Assembly's arrangements, especially when they have been solved.

**Glyn Davies:** Da iawn chi, Lywydd, rhowch nhw yn eu lle.

**Y Llywydd:** Glyn, fel y gwyddoch yn iawn yr wyf wedi'ch rhoi chithau yn eich lle cyn hyn ac fe wnafe eto os oes angen. Ymdrechaf, gydag anhawster, i wasanaethu'r Cynulliad hwn er budd yr Aelodau i gyd, wrth lywyddu. Beth bynnag a wnelwyf y tu allan, pan nad wyf yn llywyddu, mater i mi yw hynny.

### **Cymeradwyo Gorchymyn y Cyngor Datblygu Garddwriaeth Approval of the Horticultural Development Council Order**

**The Secretary for Agriculture and Rural Development (Christine Gwyther):** I propose that

*the National Assembly, acting in accordance with Standing Order No. 22.33 approves the draft of the Horticultural Development Council (Amendment) Order 2000, a copy of which was laid in the Table Office on 31 May 2000.*

The Horticultural Development Council is a statutory levy body that commissions research and development on behalf of the industry. Its remit covers Great Britain and as a cross-border authority its parent legislation, the Industrial Organisation and Development Act 1947, requires the National Assembly for Wales, acting jointly with agriculture ministers in England and Scotland, to approve any amendments to the founding legislation, the Horticultural Development Council Order 1986.

The proposed changes will do two things. First, the amendment to the Order is required to implement an increased levy threshold that was agreed last year as part of the formal review of the Council. Second, to increase the maximum levy rate but not the levy applicable to mushroom growers. The cut-off limit, based on annual turnover, at which businesses start paying the statutory levy will increase from £25,000 to £50,000. The

**Yr Ysgrifennydd Amaethyddiaeth a Datblygu Gwledig (Christine Gwyther):** Cynigiad fod

*y Cynulliad Cenedlaethol, drwy weithredu yn unol â Rheol Sefydlog Rhif 22.33, yn cymeradwyo drafft Gorchymyn Cyngor Datblygu Garddwriaeth (Diwygio) 2000 y cyflwynwyd copi ohono yn y Swyddfa Gyflwyno ar 31 Mai 2000.*

Mae'r Cyngor Datblygu Garddwriaeth yn gorff treth statudol sydd yn comisiynu ymchwil a datblygiad ar ran y diwydiant. Mae ei faes llafur yn ymestyn dros Brydain Fawr ac fel awdurdod trawsffiniol mae'r ddeddfwriaeth a roddodd fodolaeth iddo, Deddf Trefniadaeth a Datblygiad Diwydiannol 1947, yn gofyn bod Cynulliad Cenedlaethol Cymru, gan weithredu ar y cyd â gweinidogion amaeth yn Lloegr a'r Alban, yn cymeradwyo unrhyw welliannau i'r sylfaen-ddeddfwriaeth, sef Gorchymyn Cyngor Datblygu Garddwriaeth 1986.

Bydd y newidiadau a gynigir yn gwneud dau beth. Yn gyntaf, mae angen diwygio'r Gorchymyn er mwyn gweithredu trothwy treth uwch a gytunwyd y llynedd fel rhan o'r adolygiad ffurfiol o'r Cyngor. Yn ail, er mwyn cynyddu'r dreth uchaf y gellir ei chodi ond nid y dreth a godir ar dyfwyr madarch. Bydd y llinell derfyn, ar sail trosiant blyneddol, lle bydd busnesau'n dechrau talu'r dreth statudol yn codi o £25,000 i

raising of this threshold is designed to avoid uneconomic collection of the levy. However—and this is of interest to many of us—it will also help reduce the burden on smaller businesses. It is particularly important in Wales because the horticultural sector here is generally made up of small businesses. It is estimated that the proposed change will relieve some 660 small growers in Britain of the levy burden. In Wales, 31 per cent of our growers—and that is only 10 in number—will no longer have to pay the levy.

The second amendment will increase the maximum levy rate for mushroom growers from 7p per litre to 15p per litre and that is for mushroom spawn. The proposal is designed to allow the council the flexibility to increase the mushroom levy to fund essential research and development. The proposal will not result in an increase in the levy to be paid. We are talking here about the parameters in which the levy should be set. Any increases would have to come back to Ministers and in this case it would have to come back to Plenary for us to decide upon. I think the proposals are non-contentious and have been agreed by the industry. A consultation exercise was undertaken in Wales and no objections to the proposed changes were received. Therefore, I ask the Assembly to support the motion.

**Rhodri Glyn Thomas:** Croesawaf y Gorchymyn hwn. Er nad yw'n ymddangos ar yr wyneb yn Orchymyn o bwys a'i fod yn ymwneud yn benodol â'r diwydiant tyfu madarch, mae iddo oblygiadau ehangach. Fel y bydd Christine yn cofio, yr oedd Peter Cook o adran fferm a busnes gwledig Coleg Amaethyddol yr Alban gyda ni y bore yma yn y Pwyllgor Amaethyddiaeth a Datblygu Gwledig. Soniodd am y cyfleoedd sydd ar gael i arallgyfeirio ac i greu incwm ychwanegol o fewn yr economi gwledig. Maent wedi cynnal arolwg cynhwysfawr ar ran y Cynulliad i'r maes hwn. Nododd fod garddwriaeth yn sector a allai ddatblygu ac mai dyna oedd y sector â'r cyfleoedd gorau i ddatblygu.

£50,000. Y bwriad wrth godi'r trothwy hwn yw osgoi casglu'r dreth yn aneconomaidd. Fodd bynnag—ac mae hyn o ddiddordeb i lawer ohonom—bydd hefyd yn helpu i leihau'r baich ar fusnesau llai. Mae'n arbennig o bwysig yng Nghymru gan mai busnesau bach sydd yn ffurfio'r sector garddwriaethol yma yn gyffredinol. Amcangyfrifir y bydd y newid arfaethedig yn codi baich y dreth oddi ar ryw 660 o dyfwyr bychain ym Mhrydain. Yng Nghymru, ni fydd yn rhaid i 31 y cant o'n tyfwyr—sef dim ond 10 o ran nifer—dalur dreth mwyach.

Bydd yr ail welliant yn cynyddu'r gyfradd dreth uchaf i dyfwyr madarch o 7c y litr i 15c y litr, a hynny am rawn madarch. Bwriad y cynnig yw caniatáu'r hyblygrwydd i'r cyngor gynyddu'r dreth fadarch i dalu am ymchwil a datblygu hanfodol. Ni fydd y cynnig yn arwain at gynnydd yn y dreth sydd i'w thalu. Sôn yr ydym yma am y paramedrau y dylid gosod y dreth ynddynt. Byddai'n rhaid i unrhyw godiadau ddod yn ôl at y Gweinidogion ac yn yr achos hwn byddai'n rhaid i'r mater ddod yn ôl i Gyfarfod Llawn i ni benderfynu arno. Yr wyf o'r farn nad oes dim cynhennus yn y cynigion ac mae'r diwydiant wedi cytuno â hwy. Cynhaliwyd ymarfer ymgynghori yng Nghymru ac ni chafwyd unrhyw wrthwynebiadau i'r newidiadau arfaethedig. Gofynnaf felly i'r Cynulliad gefnogi'r cynnig.

**Rhodri Glyn Thomas:** I welcome this Order. Although it would appear superficially that it is not an important Order and that it is primarily concerned with the mushroom-growing industry, it has wider implications. As Christine will remember, Peter Cook from the farm and rural business department of the Scottish Agricultural College was with us this morning in the Agriculture and Rural Development Committee. He mentioned the opportunities available for diversification and to create additional income within the rural economy. They have undertaken a comprehensive survey on behalf of the Assembly into this field. He noted that horticulture is a sector which could develop and that it was the sector with the best opportunities for development.

Mae'n bwysig ein bod yn defnyddio'r cyfle hwn i gefnogi'r sector arbennig hwn o fewn ein strategaeth ar gyfer amaeth a'r economi gwledig. Mae'n bwysig sylweddoli hefyd fod yna gyfleoedd gwyth i ddatblygu cynnyrch organig yn y maes hwn. Mae hynny'n cydfynd â'r penderfyniad a gymerodd y Cynulliad ychydig amser yn ôl i sicrhau ein bod yn cyfyngu ar gnydau a addaswyd yn enetig yng Nghymru. Byddai hynny'n sicrhau nad yw sectorau fel hyn yn cael eu heffeithio a'u bod yn gallu hyrwyddo eu cynnyrch ar sail y ffaith eu bod yn wyrdd ac yn lân. Yn ogystal, byddai cynnyrch o Gymru ymhlith y cynnyrch gorau ac o'r ansawdd uchaf. Felly, croesawaf y Gorchymyn hwn a'r ffaith ein bod fel Cynulliad yn gwneud ein gorau i hyrwyddo a chefnogi mentrau o'r math hwn sydd yn creu ac yn cynnig cyfleoedd newydd o ran incwm i amaethwyr ac i bobl eraill yn ein cymunedau gwledig.

**Peter Rogers:** You will be pleased to know, Christine, that the Welsh Conservatives do not find this a contentious issue. It is agreed within the industry and we support the Order.

2:50 p.m.

**Mick Bates:** You will also be pleased to know that the Liberal Democrats think that this is an effective Order because it is another example of the industry helping itself. That is something that we wish to promote and see more examples of it in Wales. We fully endorse the comments made by the Plaid Cymru spokesperson: we look forward to the promotion of an organic horticultural industry in Wales, which will bring future prosperity to all concerned.

**Christine Gwyther:** Thank you for all the contributions. With regard to Rhodri Glyn Thomas's contribution, there are 100 different varieties of fruit and vegetables grown in Wales, which come under the auspices of the Horticultural Development Council. Although mushrooms are important, this is not only about mushrooms.

It is important that we use this opportunity to support this particular sector within our strategy for agriculture and the rural economy. It is also important to realise that there are excellent opportunities to develop organic produce in this field. That conforms with the decision taken by the Assembly some time ago to ensure that we restrict genetically modified crops in Wales. That would ensure that sectors such as these are not affected and that they can promote their produce on the basis that they are green and clean. In addition, produce from Wales would be among the best and of the highest quality. Therefore, I welcome this Order and the fact that we as an Assembly are doing our best to promote and support such enterprises which create and offer new opportunities from the point of view of income to farmers and to other people in our rural communities.

**Peter Rogers:** Byddwch yn falch o wybod, Christine, nad yw'r Ceidwadwyr Cymreig yn gweld hyn yn destun dadl. Cytunir ag ef o fewn y diwydiant a chefnogwn ninnau'r Gorchymyn.

**Mick Bates:** Byddwch yn falch o wybod hefyd fod y Democratiaid Rhyddfrydol o'r farn fod hwn yn Orchymyn effeithiol gan ei fod yn enghraifft arall o'r diwydiant yn helpu ei hun. Dyna rywbeth yr ydym yn dymuno'i hyrwyddo a gweld mwy o enghreifftiau ohono yng Nghymru. Ategwn yn llawn y sylwadau a wnaethpwyd gan lefarydd Plaid Cymru: edrychwn ymlaen at hyrwyddo diwydiant garddwriaethol organig yng Nghymru, a ddaw â dyfodol llewyrchus i bawb sydd yn ymwneud ag ef.

**Christine Gwyther:** Diolch am eich cyfraniadau i gyd. Ynglŷn â chyfraniad Rhodri Glyn Thomas, tyfir 100 o wahanol fathau o ffrwythau a llysiau yng Nghymru, o dan oruchwyliaeth y Cyngor Datblygu Garddwriaeth. Er bod madarch yn bwysig, nid am fadarch yn unig y mae hyn.

*Cynnig: O blaid 47, Ymatal 0, Yn erbyn 0.*



*Motion: For 47, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Barrett, Lorraine  
Bates, Mick  
Black, Peter  
Bourne, Nick  
Butler, Rosemary  
Cairns, Alun  
Chapman, Christine  
Dafis, Cynog  
Davies, Geraint  
Davies, Glyn  
Davies, Janet  
Davies, Ron  
Edwards, Richard  
Essex, Sue  
Evans, Delyth  
German, Michael  
Gibbons, Brian  
Graham, William  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Halford, Alison  
Hancock, Brian  
Humphreys, Christine  
Hutt, Jane  
Jarman, Pauline  
Jones, Carwyn  
Jones, Gareth  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Law, Peter  
Lewis, Huw  
Lloyd, David  
Marek, John  
Melding, David  
Middlehurst, Tom  
Neagle, Lynne  
Pugh, Alun  
Randerson, Jenny  
Richards, Rod  
Rogers, Peter  
Ryder, Janet  
Sinclair, Karen  
Thomas, Gwenda  
Thomas, Owen John  
Williams, Kirsty  
Williams, Phil

*Derbyniwyd y cynnig.  
Motion adopted.*

**Y Comisiynydd Plant i Gymru  
The Children's Commissioner for Wales**

**The Secretary for Health and Social Services (Jane Hutt):** I propose that **Yr Ysgrifennydd Iechyd a Gwasanaethau Cymdeithasol (Jane Hutt):** Cynigiaf fod

the National Assembly

y Cynulliad Cenedlaethol

*1. acknowledges the contribution of the consultation process to the development of the proposals of the Health and Social Services and Pre-16 Education Schools and Early Learning Committees for the role, remit and functions of an independent Children's Commissioner for Wales;*

*2. endorses the recommendations in the report of the Health and Social Services Committee which was laid in Table Office on 31 May 2000; and*

*3. resolves that the Cabinet should continue discussions with the Secretary of State for Wales about an early legislative opportunity to confer on the Commissioner wider statutory functions than those to be conferred under the Care Standards Bill.*

I am delighted today, prior to the first anniversary of the transfer of functions to the Assembly, to ask you to agree a set of proposals made in Wales for the children of Wales—the establishment of an independent children's commissioner. It is a milestone in our young history. The process that has brought us to this point is an exemplar of how the Assembly should operate. It has been an open process. A great deal of government policy at a local, central, European and international level is created by politicians and civil servants before others are informed and consulted. This has been done the other way around. It is about the people of Wales influencing the Assembly on this policy. It has been open and inclusive.

We asked the Health and Social Services Committee last July to consider and make recommendations to the Assembly on the role, remit and functions of a children's commissioner. As I have said, this policy has been developed in an inclusive way. The Committee carried out a wide-ranging consultation between October 1999 and March 2000, receiving over 90 responses and hearing oral evidence from representatives from a range of key organisations in Wales. I am happy to accept amendment 1 because I am sure that the Assembly would wish to

*1. yn cydnabod cyfraniad y broses ymgynghori i ddatblygiad cynigion y Pwyllgorau Iechyd a Gwasanaethau Cymdeithasol ac Addysg Cyn 16 Oed, Ysgolion ac Addysg Gynnar, i rôl, cylch gwaith a swyddogaethau Comisiynydd annibynnol i Blant yng Nghymru;*

*2. yn ategu'r argymhellion yn adroddiad y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol a gyflwynwyd i'r Swyddfa Gyflwyno ar 31 Mai 2000; a*

*3. yn penderfynu y dylai'r Cabinet barhau i drafod gyda'r Ysgrifennydd Gwladol ynghylch cyfle deddfwriaethol cynnar i roi swyddogaethau statudol i'r Comisiynydd sydd yn ehangach na'r rheini a roddir iddo yn y Mesur Safonau Gofal.*

Yr wyf yn falch iawn heddiw, cyn penblwydd cyntaf trosglwyddo swyddogaethau i'r Cynulliad, o ofyn ichi gytuno ar set o gynigion a wnaethpwyd yng Nghymru er mwyn plant Cymru—sef sefydlu comisiynydd annibynnol i blant. Mae'n garreg filltir yn ein hanes ifanc. Mae'r broses a ddaeth â ni i'r pwyt yma'n esiampl o sut y dylai'r Cynulliad weithredu. Bu'n broses agored. Caiff llawer iawn o bolisi llywodraeth ar lefel leol, canolog, Ewropeaidd a rhyngwladol ei greu gan wleidyddion a gweision sifil cyn hysbysu nac ymgynghori ag eraill. Fel arall y gwnaethpwyd hyn. Pobl Cymru sydd wedi dylanwadu ar y Cynulliad ar y polisi hwn. Buwyd yn agored ac yn gynhwysol.

Gofynasom i'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol fis Gorffennaf diwethaf ystyried a gwneud argymhellion i'r Cynulliad ar rôl, cylch gwaith a swyddogaethau comisiynydd plant. Fel y dywedais, datblygwyd y polisi hwn mewn ffordd gynhwysol. Cyflawnodd y Pwyllgor ymgynghoriad eang rhwng Hydref 1999 a Mawrth 2000, cafwyd dros 90 ymateb a gwrandawyd ar dystiolaeth lafar gan gynrychiolwyr amrediad o gyrff allweddol yng Nghymru. Yr wyf yn hapus i dderbyn gwelliant 1 oherwydd yr wyf yn siŵr y

give special thanks to the children and young people who were involved in that consultation. Some of the most powerful presentations came when we heard oral and written contributions from 'Voices from Care' and from children's voluntary organisations.

We have established joined-up government in the Assembly. We have brought together the Health and Social Services Committee and the Pre-16 Education Committee to consider how this can effect and improve the lives of children. The children's commissioner has major implications for both Committees. Lorraine Barrett has represented the Pre-16 Education Committee during the Health and Social Services Committee's discussions on the commissioner, and I have worked closely with Rosemary Butler. We have held a joint session and, on occasion, the Pre-16 Education Committee has considered papers in parallel. I am grateful for the Committee's contribution.

The work has also been marked by a consensus approach. We have established that all the parties support the proposal. Our discussions have been free from party political point scoring. We owe it to our children to have done this in such a way. It is an important historical decision. It is a unique policy, tailored to Welsh circumstances. No other part of the UK has a firm proposal to establish a children's commissioner. We must not forget that. We must triumph our achievement.

byddai'r Cynulliad yn dymuno diolch yn arbennig i'r plant a'r bobl ifanc a fu'n ymwneud â'r ymgynghoriad hwnnw. Cafwyd rhai o'r cyflwyniadau mwyaf grymus wrth inni glywed cyfraniadau llafar ac ysgrifenedig gan 'Voices From Care' a chan sefydliadau gwirfoddol i blant.

Yr ydym wedi sefydlu llywodraeth gydlynol yn y Cynulliad. Daethom â'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol a'r Pwyllgor Addysg Cyn-16 at ei gilydd i ystyried sut y gall hyn effeithio ar fywydau plant er gwell. Mae gan y comisiynydd plant oblygiadau mawr i'r ddau Bwyllgor. Mae Lorraine Barrett wedi cynrychioli'r Pwyllgor Addysg Cyn-16 yn ystod trafodaethau'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol ar y comisiynydd, ac yr wyf innau wedi cydweithio'n agos gyda Rosemary Butler. Cynhaliwyd sesiwn ar y cyd, ac yn achlysurol mae'r Pwyllgor Addysg Cyn-16 wedi ystyried papurau'n gyfochrog. Yr wyf yn ddiolchgar am gyfraniad y Pwyllgor.

Nodwedd arall o'r gwaith oedd agwedd gonsensws. Yr ydym wedi sefydlu fod pob parti'n cefnogi'r cynnig. Bu ein trafodaethau'n rhydd o sgorio pwyntiau dros bleidiau gwleidyddol. Yr oedd rhaid oedd yn rhaid inni wneud hyn yn y fath fodd er mwyn ein plant. Mae'n benderfyniad hanesyddol pwysig. Mae'n bolisi unigryw, wedi'i deilwrio i amgylchiadau Cymru. Nid oes gan unrhyw ran arall o'r DU gynnig pendant i sefydlu comisiynydd plant. Rhaid inni beidio ag anghofio hynny. Rhaid inni orfoleddu yn ein gorchest.

Looking at the need for a children's commissioner, we see that Wales has a tradition of strong family and community ties. However, we know that a significant number of children in Wales suffer at the margins of exclusion and poverty because of social and economic deprivation. We have a duty to protect and develop all children, but especially the most vulnerable. We talked about this again today as we discussed our response to the Waterhouse report, 'Lost in Care', in the Health and Social Services Committee and the Pre-16 Education, Schools and Early Learning Committee.

The Assembly has already taken significant steps to safeguard and promote the welfare and development of children and young people in Wales through individual programmes which we have debated in the Chamber: Children First, Building Excellent Schools Together, all-Wales health gain targets for children, the Children and Youth Partnership, Sure Start and the National Childcare Strategy. We are developing a children and young people strategy, which brings together all the elements of the Assembly's programme for children and young people into a coherent framework. These are all crucial developments but they focus primarily on services provided for children. The missing element is someone to speak on behalf of children. To put it simply, children do not have the vote. They have no democratic avenue to let politicians, planners and providers know their needs and wants.

Listening to children is at the forefront of how we respond to the Waterhouse report. Children and young people lack a real voice and do not have a direct influence on the decisions that affect their lives. Our need for a commissioner is rooted in the need for us all to listen to children and young people. That awful expression, 'children should be seen and not heard', remains real in our society and exemplifies how we treat our children. We have to listen to and protect the most vulnerable, but all children have a contribution to make. We must ensure that

O edrych ar yr angen am gomisiynydd plant, gwelwn fod gan Gymru draddodiad o glymau cryf mewn teulu a chymdeithas. Fodd bynnag, gwyddom fod nifer arwyddocaol o blant yng Nghymru'n dioddef ar ymylon allgaedigaeth a thlodi oherwydd amddifadedd cymdeithasol ac economaidd. Mae gennym ddyletswydd i warchod a datblygu pob plentyn, ond yn enwedig y rhai mwyaf bregus. Siaradasom am hyn eto heddiw wrth inni drafod ein hymateb i adroddiad Waterhouse, 'Ar Goll Mewn Gofal', yn y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol a'r Pwyllgor Addysg Cyn 16 Oed, Ysgolion ac Addysg Gynnar.

Mae'r Cynulliad eisoes wedi cymryd camau breision i ddiogelu a hyrwyddo lles a datblygiad plant a phobl ifanc yng Nghymru drwy raglenni unigol a drafodwyd gennym yn y Siambr: Plant yn Gyntaf, Adeiladu Ysgolion Rhagorol Gyda'n Gilydd, targedau gwella iechyd plant drwy Gymru gyfan, Partneriaeth Plant a Ieuenctid, Cychwyn Cadarn a'r Strategaeth Ofal Plant Genedlaethol. Yr ydym yn datblygu strategaeth blant a phobl ifanc, sydd yn dwyn ynghyd holl elfennau rhaglen y Cynulliad ar gyfer plant a phobl ifanc yn un fframwaith cydlynol. Mae'r rhain i gyd yn ddatblygiadau allweddol ond maent yn canolbwyntio'n bennaf ar wasanaethau a ddarperir i blant. Yr elfen sydd ar goll yw rhywun i siarad ar ran plant. A'i roi yn syml, nid oes gan blant bleidlais. Nid oes ganddynt gyfle democrataidd i adael i wleidyddion, cynllunwyr a darparwyr wybod beth yw eu hanghenion a'u gofynion.

Mae gwranddo ar blant yn flaenllaw yn y ffordd yr ymatebwn i adroddiad Waterhouse. Nid oes gan blant a phobl ifanc wir lais ac ni chânt ddylanwad uniongyrchol ar y penderfyniadau sydd yn effeithio ar eu bywydau. Mae ein hangen am gomisiynydd wedi'i wreiddio yn yr angen inni i gyd wrando ar blant a phobl ifanc. Mae'r ymadrodd ofnadwy hwnnw, 'dylai plant gael eu gweld ac nid eu clywed', yn dal i fod yn wir yn ein cymdeithas ni ac yn dangos sut yr ydym yn trin ein plant. Rhaid inni wrando ar y gwannaf a'u gwarchod, ond mae gan bob

children have a real say in influencing the services and opportunities that we are developing in Wales through the Assembly. We must be committed to reflecting their needs and views when deciding policies and when planning and delivering services.

We turn to the UN Convention on the Rights of the Child as a starting point because it has been instrumental in the past decade in helping to set up an accepted international framework for the treatment of all children. The aim has been to advance an international commitment to protecting children's rights, to raise the profile of children and to foster a competent and positive image of children as pro-active holders and users of rights of citizens of the world. The convention has three broad categories of rights that define the values, expectations and requirements of society towards children. First, participation. Children are active citizens in the world and have rights to their own opinions, to express them and have them fully taken into account. Second, protection. Children are vulnerable and have the right to be protected in various ways. Third, provision. Children have rights to proper standards of physical care, education and health, as well as leisure and environmental opportunities and all the other aspects of policy.

I move on to our role, remit and function. A clear message emerged from the consultation that the functions of the commissioner in Wales should be based on the UN convention. That was the clear message that we got from children in Wales and all the organisations that came to see us. They should underpin the three broad categories I have outlined.

Children's rights of participation should be key to the commissioner's role. The commissioner's agenda should be determined by children and young people themselves, rather than the providers of services. That is why we envisage a role for children and young people from the outset with the appointment procedure. That role should continue in terms of letting the commissioner

plentyn gyfraniad i'w wneud. Rhaid inni sicrhau y caiff plant lais gwirioneddol i ddylanwadu ar y gwasanaethau a'r cyfleoedd yr ydym yn eu datblygu yng Nghymru drwy'r Cynulliad. Rhaid inni fod ag ymroddiad i adlewyrchu'u hanghenion a'u barn wrth benderfynu ar bolisïau ac wrth gynllunio a darparu gwasanaethau.

Trown at Gytundeb y Cenhedloedd Unedig ar Hawliau'r Plentyn fel man cychwyn gan y bu hwnnw'n arf yn y degawd diwethaf a helpodd i sefydlu fframwaith rhyngwladol derbyniedig ar gyfer trin pob plentyn. Y nod fu hyrwyddo ymrwymiad rhyngwladol i warchod hawliau plant, i godi proffil plant ac i feithrin delwedd abl a chadarnhaol o blant fel rhai sydd yn rhagweithiol yn dal ac yn defnyddio hawliau dinasyddion y byd. Mae'r cytundeb yn cynnwys tri chategori bras o hawliau sydd yn diffinio gwerthoedd, disgwyliadau a gofynion cymdeithas tuag at blant. Yn gyntaf, cyfranogiad. Mae plant yn ddinasyddion gweithgar yn y byd ac mae ganddynt hawl i'w barn eu hunain, i'w mynegi ac i gael ei chymryd i ystyriaeth yn llawn. Yn ail, gwarchodaeth. Mae plant yn agored i niwed ac mae ganddynt hawl i gael eu gwarchod mewn amryfal ffyrdd. Yn drydydd, darpariaeth. Mae gan blant hawl i safonau priodol o ofal corfforol, addysg a iechyd, yn ogystal â chyfleoedd hamdden ac amgylcheddol a phob agwedd arall ar bolisi.

Symudaf ymlaen at ein rôl, ein cylch gwaith a'n swyddogaeth. Daeth neges glir o'r ymgynghoriad y dylai swyddogaethau'r comisiynydd yng Nghymru fod yn seiliedig ar gytundeb y Cenhedloedd Unedig. Dyna'r neges glir a gawsom gan blant yng Nghymru a'r holl sefydliadau a ddaeth i'n gweld. Dylent gynnal y tri chategori bras a amlinellais.

Dylai hawliau plant i gyfranogi fod yn allweddol i rôl y comisiynydd. Dylai agenda'r comisiynydd gael ei bennu gan blant a phobl ifanc eu hunain, yn hytrach na chan ddarparwyr gwasanaethau. Dyna pam y rhagwelwn rôl i blant a phobl ifanc o'r dechrau gyda'r drefn benodi. Dylai'r rôl honno barhau yn nhermau gadael i'r comisiynydd wybod am flaenoriaethau a

know of children and young people's priorities and concerns. We have to start with that important point of the appointment of the commissioner, who will have a role in upholding children's rights to protection. This will take place through the monitoring and overseeing of complaints and whistle-blowing procedures, and arrangements for children's advocacy.

The intention is for the commissioner to be able to investigate individual cases where that is considered necessary. I stress that he or she will have the right to require the provision of information and attendance of witnesses. That is already in our Committee report. The commissioner will be able to help children to pursue proceedings in respect of breaches of rights, to advise children about representation and complaints procedures and to guide practitioners in good practice in the production and implementation of these procedures.

3:00 p.m.

Finally, the commissioner should have an impact on the full range of provision affecting all children in Wales, through raising the profile, and taking an overview, of the impact of policies, procedures and services on children. The commissioner will be able to produce reports and recommendations in the exercise of her or his functions, including an annual report to the Assembly on the position of children in Wales. She or he will be a constant reminder, including to the Assembly, of the need to give children's services the priority that they deserve. There will be a mechanism to ensure that the commissioner's recommendations are followed up. The commissioner must have teeth.

On David Melding's amendment 2, I agree that the Assembly should fully acknowledge the importance of family and parents in protecting and nurturing children. However, I do not believe that the Health and Social Services Committee intended that the commissioner should have routine involvement in private family issues. Instead, we discussed the commissioner's remit under future legislation as being primarily

phryderon plant a phobl ifanc. Rhaid inni ddechrau gyda'r pwynt pwysig hwnnw sef penodi'r comisiynydd, a fydd â rôl o ran sicrhau hawliau plant i gael gwarchodaeth. Bydd hyn yn digwydd drwy fonitro a goruchwyllo gweithdrefnau cwyno a chwythu chwib, a threfniadau ar gyfer eiriolaeth i blant.

Y bwriad yw i'r comisiynydd allu ymchwilio i achosion unigol lle bernir bod angen hynny. Pwysleisiaf y bydd ganddo neu ganddi'r hawl i fynnu cael gwybodaeth a phresenoldeb tystion. Mae hynny yn ein hadroddiad Pwyllgor yn barod. Bydd y comisiynydd yn gallu helpu plant i ddwyn achos parthed torri hawliau, cynghori plant ynghylch cynrychiolaeth a gweithdrefnau cwynion a rhoi arweiniad i ymarferwyr parthed ymarfer da wrth lunio a gweithredu'r gweithdrefnau hyn.

Yn olaf, dylai'r comisiynydd gael effaith ar yr amrediad llawn o ddarpariaeth sydd yn effeithio ar bob plentyn yng Nghymru, drwy godi proffil, a chymryd golwg gyffredinol ar y modd y mae polisiau, gweithdrefnau a gwasanaethau'n effeithio ar blant. Bydd y comisiynydd yn gallu llunio adroddiadau ac argymhellion wrth weithredu'i swyddogaethau, gan gynnwys adroddiad blynyddol i'r Cynulliad ar sefyllfa plant yng Nghymru. Bydd yn ein hatgoffa'n gyson, i'r Cynulliad yn ogystal, o'r angen i roi i wasanaethau plant y flaenoriaeth a haeddant. Bydd mecanwaith i sicrhau y gweithredir ar argymhellion y comisiynydd. Rhaid i'r comisiynydd gael dannedd.

Ar welliant 2 gan David Melding, cytunaf y dylai'r Cynulliad gydnabod yn llawn bwysigrwydd teulu a rhieni wrth warchod a meithrin plant. Fodd bynnag, ni chredaf fod y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol wedi bwriadu y dylai'r comisiynydd gael ymwneud yn rheolaidd â materion preifat teulu. Yn hytrach, trafodasom gylch gwaith y comisiynydd dan ddeddfwriaeth y dyfodol fel rhywbeth

concerned with services that affect children and are provided or commissioned by public bodies. I say 'services that affect children' deliberately, since the agreed Committee report refers to the commissioner being given a remit beyond children's services. That is where we must differ: on going beyond children's services and on further legislation. As I have said, the Committee envisaged that the commissioner could comment on aspects of other services such as transport, the environment and anti-pollution measures, in so far as they affect children. I would not want the commissioner confined to the narrow remit of children's services, as amendment 2 proposes.

**Rod Richards:** Does the Secretary recognise that part of the social problem is often due to step-parents or live-in, unrelated 'parents', who, in some instances, are known to abuse the children who live with them? My concern about amendment 2 is that it seems to create the illusion that the family is always the best environment for children. In many instances, frankly, it is not.

**Jane Hutt:** We should not rule out the possibility of the commissioner's involvement in issues that affect families and parents. If issues affect children's rights and interests, then we must ensure that the commissioner is able to investigate them. I know that the issue of family life and external bodies' interference, or perceived interference, in that life is sensitive. However, we are saying to children and young people that we are serious about upholding their rights and taking account of their interests. We would not do them justice if we denied the commissioner the right to comment on issues that might be interpreted as having an impact on family life. A classic example is domestic violence. We must ensure that the commissioner has the right to comment on that and similar matters. However, the commissioner would not exercise formal powers of investigation with

fyddai'n ymwneud yn bennaf â gwasanaethau sydd yn effeithio ar blant ac a ddarperir neu a gomisiynir gan gyrff cyhoeddus. Dywedaf 'gwasanaethau sydd yn effeithio ar blant' yn fwriadol, gan fod yr adroddiad y cytunodd y Pwyllgor arno'n cyfeirio at roi cylch gwaith i'r comisiynydd y tu hwnt i wasanaethau plant. Dyna lle mae'n rhaid inni anghytuno: ar fynd y tu hwnt i wasanaethau plant ac ar ddeddfwriaeth bellach. Fel y dywedais, rhagwelai'r Pwyllgor y gallai'r comisiynydd roi sylwadau ar agweddau o wasanaethau eraill fel trafniadaeth, yr amgylchedd a mesurau gwrth-lygredd, cyn belled ag y bônt yn effeithio ar blant. Ni fyddwn am weld cyfyngu'r comisiynydd i gylch gwaith cul gwasanaethau plant, fel yr awgryma gwelliant 2.

**Rod Richards:** A ydyw'r Ysgrifennydd yn cydnabod bod rhan o'r broblem gymdeithasol i'w phriodoli'n aml i lys-rieni neu 'rieni' sydd yn cyd-fyw, heb fod yn perthyn i'r plant, ac y gwyddys eu bod, mewn rhai achosion, yn eu cam-drin? Fy mhryder i ynghylch gwelliant 2 yw ei fod fel petai'n creu'r rhith mai'r teulu yw'r amgylchedd gorau i blant bob tro. Mewn llawer o achosion, â siarad yn ddi-flewyn-ar-dafod, nid yw hynny'n wir.

**Jane Hutt:** Ni ddylem ymwrthod â'r posibilrwydd y gallai'r comisiynydd ymhel â materion sydd yn effeithio ar deuluoedd a rhieni. Os oes materion yn effeithio ar hawliau a buddiannau plant, yna rhaid inni sicrhau bod y comisiynydd yn gallu ymchwilio iddynt. Gwn fod cwestiwn bywyd teulu ac ymyrraeth gan gyrff allanol, neu'r hyn sydd yn ymddangos fel ymyrraeth, yn y bywyd hwnnw, yn un sensitif. Fodd bynnag, yr ydym yn dweud wrth blant a phobl ifanc ein bod o ddifrif ynglŷn ag amddiffyn eu hawliau ac ystyried eu buddiannau. Ni fyddem yn gwneud cyfiawnder â hwynt petaem yn gwadu'r hawl i'r comisiynydd wneud sylwadau ar faterion y gellid eu dehongli fel rhai sydd yn effeithio ar fywyd teuluol. Enghraifft glasurol yw trais yn y cartref. Rhaid inni sicrhau bod gan y comisiynydd hawl i wneud sylw ar hynny ac ar faterion tebyg. Fodd bynnag, ni fyddai'r

regard to such family matters. That is the appropriate remit of social services, the police and the courts.

This is about the commissioner being able to comment on aspects of family life that affect children. David may wish to withdraw his amendment on the basis of my explanations. This is about not limiting the commissioner's remit to children's services, and enabling her or him to uphold children's rights in family life. We can discuss these issues further.

To move on to the legislative framework, the Committee's recommendations are based on the principle that the commissioner's functions must have statutory authority. The independence of the office must be enshrined in statute. That requires primary legislation. Let us reflect on how far we have gone in a year. At the beginning we were talking tentatively about advisory roles. I remember meeting the Norwegian ombudsman and him saying 'you could do this without primary legislation'. We were so tentative then. We have moved on much further. We will have primary legislation.

When 'Lost in Care' was published during the course of our deliberations in the Committee and we observed the important recommendation about ensuring that children's rights were respected through the monitoring and oversight of complaints and whistle-blowing procedures, and ensuring that there were arrangements for children's advocacy through the establishment of a children's commissioner, we immediately told the Government that we wanted to amend the Care Standards Bill. That enables us to implement those first two vital recommendations in 'Lost in Care'. This amendment will confer initial statutory functions on the commissioner relating to those services that are regulated by the Care Standards Bill in line with Sir Ronald Waterhouse's recommendations. You will be

comisiynydd yn arfer pwerau ffurfiol i ymchwilio parthed materion teuluol. Cylch gwaith priodol y gwasanaethau cymdeithasol, yr heddlu a'r llysoedd yw hynny.

Mae a wnelo hyn â sicrhau y gall y comisiynydd wneud sylwadau ar agweddau ar fywyd teuluol sydd yn effeithio ar blant. Efallai y bydd David yn dymuno tynnu'i welliant yn ôl ar sail fy esboniadau. Mater yw hwn o beidio â chyfyngu cylch gwaith y comisiynydd i wasanaethau plant, a galluogi'r person hwnnw i siarad dros hawliau plant mewn bywyd teuluol. Gallwn drafod y materion hyn ymhellach.

I symud ymlaen at y fframwaith deddfwriaethol, mae argymhellion y Pwyllgor wedi'u seilio ar yr egwyddor fod yn rhaid i swyddogaethau'r comisiynydd gael awdurdod statudol. Rhaid gwarchod annibyniaeth y swydd mewn statud. Mae hynny'n gofyn am ddeddfwriaeth sylfaenol. Gadewch inni edrych yn ôl ar y pellter yr ydym wedi teithio mewn blwyddyn. Ar y dechrau yr oeddem yn siarad yn betrus am rolau ymgynghorol. Cofiaf gwrdd ag ombwdsmon Norwy ac yntau'n dweud 'gallech wneud hyn heb ddeddfwriaeth sylfaenol'. Yr oeddem mor betrus bryd hynny. Yr ydym wedi symud ymlaen yn llawer pellach. Fe gawn ddeddfwriaeth sylfaenol.

Pan gyhoeddwyd 'Ar Goll Mewn Gofal' yn ystod ein trafodaethau yn y Pwyllgor, a ninnau'n gweld yr argymhelliad pwysig ynghylch sicrhau bod hawliau plant yn cael eu parchu drwy gydol y gwaith o fonitro a goruchwyllo gweithdrefnau cwynion a chwythu chwib, ac ynghylch sicrhau bod trefniadau ar gyfer eiriolaeth i blant drwy sefydliad comisiynydd i blant, dywedasom yn syth wrth y Llywodraeth fod arnom eisiau diwygio'r Mesur Safonau Gofal. Mae hynny'n ein galluogi i weithredu'r ddau argymhelliad cyntaf hollbwysig yn 'Ar Goll Mewn Gofal'. Bydd y gwelliant hwn yn rhoi swyddogaethau statudol cychwynnol i'r comisiynydd parthed y gwasanaethau hynny a reoleiddir gan y Mesur Safonau Gofal yn unol ag argymhellion Syr Ronald Waterhouse. Byddwch yn falch o wybod y



pleased that this amendment is due to be tabled at the House of Commons Committee stage later this month.

To clarify, the commissioner's functions under the Bill will extend to children's homes, residential family centres, fostering agencies, voluntary adoption agencies, local authorities' fostering and adoption services, domiciliary and day care, child minding services for those under eight years of age, private and voluntary hospitals and clinics and boarding schools. All that will come under the scope of the Care Standards Bill. Under this statutory duty we can establish a statutory commissioner as soon as possible. This is an important first step. At the earliest opportunity, Wales can establish an independent statutory commissioner to represent the rights and safeguard the welfare of the most vulnerable children. This is only the first step and a crucial issue, because the Bill's scope extends beyond services for children looked after by local authorities, but it does not enable the commissioner to cover all settings on a statutory basis. That is why I have started discussions with the Secretary of State for Wales about seeking an early opportunity to extend the statutory role, functions and powers of the commissioner's office through further primary legislation.

The recommendations in the Committee's report will form the basis for further detailed discussions with the Secretary of State for Wales. This is important, as I turn to Kirsty's amendments 3 and 4. The Secretary of State for Wales has said that the UK Government will want to look at our proposals sympathetically and urgently. Today's debate enables us to progress that. In the meantime, the Health and Social Services Committee must look at other aspects of the commissioner's scope, for example, the powers that we can use under Section 40 of the Government of Wales Act 1998, which enable the commissioner to advise the Assembly on a range of functions until we get further primary legislation.

Amendment 3 strengthens my point. It

caiff y gwelliant hwn ei gyflwyno i Bwyllgor yn Nhŷ'r Cyffredin yn ddiweddarach y mis yma.

I egluro, bydd swyddogaethau'r comisiynydd dan y Mesur yn ymestyn i gartrefi plant, canolfannau teuluoedd preswyl, asiantaethau maethu, asiantaethau mabwysiadu gwirfoddol, gwasanaethau maethu a mabwysiadu awdurdodau lleol, gofal cartref a dydd, gwasanaethau gwarchod plant dan 8, ysbytai a chlinigau preifat a gwirfoddol ac ysgolion preswyl. Daw hynny i gyd o dan rychwant y Mesur Safonau Gofal. Dan y ddyletswydd statudol hon gallwn sefydlu comisiynydd statudol cyn gynted ag sydd yn bosibl. Mae hyn yn gam cyntaf pwysig. Ar y cyfle cyntaf, gall Cymru sefydlu comisiynydd statudol annibynnol i gynrychioli hawliau a diogelu lles y plant mwyaf agored i niwed. Dim ond y cam cyntaf yw hyn ac mae'n fater hollbwysig, gan fod rychwant y Mesur yn ymestyn y tu hwnt i wasanaethau i blant sydd yng ngofal awdurdodau lleol, ond nid yw'n galluogi'r comisiynydd i drafod pob sefyllfa ar sail statudol. Dyna pam yr wyf wedi cychwyn trafodaethau gydag Ysgrifennydd Gwladol Cymru ynghylch ceisio cyfle cynnar i ymestyn rôl, swyddogaethau a phwerau statudol swyddfa'r comisiynydd drwy ddeddfwriaeth sylfaenol bellach.

Bydd yr argymhellion yn adroddiad y Pwyllgor yn ffurfio'r sail ar gyfer trafodaethau manwl pellach gyda Ysgrifennydd Gwladol Cymru. Mae hyn yn bwysig, wrth imi droi at welliannau 3 a 4 gan Kirsty. Mae Ysgrifennydd Gwladol Cymru wedi dweud y bydd Llywodraeth y DU eisiau edrych ar ein cynigion gyda chydymdeimlad a brys. Mae dadl heddiw'n rhoi cyfle inni symud hynny ymlaen. Yn y cyfamser, rhaid i'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol edrych ar agweddau eraill o rychwant y comisiynydd, er enghraifft, y pwerau y gallwn eu defnyddio dan Adran 40 Deddf Llywodraeth Cymru 1998, sydd yn galluogi'r comisiynydd i gynghori'r Cynulliad ar ystod o swyddogaethau hyd nes cawn ddeddfwriaeth sylfaenol bellach.

Mae gwelliant 3 yn cryfhau fy mhwynt.

requests the Secretary of State for Wales to convey the Assembly's proposals to the UK Cabinet Committee on the Queen's Speeches and Future Legislation. We are moving in that direction. I am willing to support the amendment, but I want to make some technical clarifications, Kirsty. Your amendment is an expression of support for the Government's statement in this motion. I must clarify that the Committee to which you refer apparently no longer exists; it has merged with the UK Cabinet Committee on Legislation to form the Committee on the Legislative Programme, which is known as LP. You may know about that. Other Cabinet committees are also interested in our proposals. I understand the thrust behind your amendment, Kirsty. It is to ensure that relevant parts of the UK Government machinery consider urgently the need to extend the commissioner's remit. Therefore, I am happy to support it on that basis. Your amendment deletes the reference to discussions between the Cabinet and the Secretary of State for Wales, but I do not think that that is what you intend. We must continue those discussions and continue to involve the Health and Social Services Committee and Plenary where appropriate. I hope that that clarifies that, in spirit, we are saying the same thing.

Amendment 4 asks the Assembly to affirm its belief that the commissioner's statutory powers should extend across all areas relating to children in Wales and that those powers should include the right to require action by public authorities and bodies. The Committee has produced a strong consensus through its report that it would be desirable in the interests of children in Wales for the commissioner's powers to extend to non-devolved services and services provided outside Wales for children living in Wales. It is important if a child is placed outside Wales that we also have the right—which we believe that we will have through section 33 of the Government of Wales Act 1998—to comment on those services outside Wales. Much more work needs to be done, however, to clarify those cross-border issues. The Committee recognised that we need further

Mae'n gofyn i Ysgrifennydd Gwladol Cymru gyfleu cynigion y Cynulliad i Bwyllgor Cabinet y DU ar Areithiau'r Frenhines a Deddfwriaeth y Dyfodol. Yr ydym yn symud i'r cyfeiriad hwnnw. Yr wyf yn fodlon cefnogi'r gwelliant, ond hoffwn egluro rhai pwyntiau technegol, Kirsty. Mae eich gwelliant yn fynegiant o gefnogaeth i ddatganiad y Llywodraeth yn y cynnig hwn. Rhaid imi egluro nad yw'r Pwyllgor y cyfeiriwch chi ato yn bodoli mwyach yn ôl pob tebyg; mae wedi cyfuno â Phwyllgor Cabinet y DU ar Ddeddfwriaeth i ffurfio Pwyllgor y Rhaglen Ddeddfwriaethol, a adwaenir fel LP. Efallai y gwyddoch am hynny. Mae gan Bwyllgorau Cabinet eraill ddi-ddordeb yn ein cynigion hefyd. Deallaf yr ergyd y tu ôl i'ch gwelliant, Kirsty. Ei fwriad yw sicrhau bod rhannau perthnasol o beirianwaith Llywodraeth y DU yn ystyried ar fyrder yr angen i ymestyn cylch gwaith y comisiynydd. Felly, yr wyf yn hapus i'w gefnogi ar y sail honno. Mae'ch gwelliant yn dileu'r cyfeiriad at drafodaethau rhwng y Cabinet a Ysgrifennydd Gwladol Cymru, ond nid wyf yn meddwl mai dyna'ch bwriad. Rhaid inni ddal ati gyda'r trafodaethau hynny a dal i gynnwys y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol a'r Cyfarfod Llawn lle bo'n briodol. Gobeithio bod hynny'n egluro ein bod, mewn ysbryd, yn dweud yr un peth.

Mae gwelliant 4 yn gofyn i'r Cynulliad gadarnhau ei gred y dylai pwerau statudol y comisiynydd ymestyn dros bob maes perthnasol i blant yng Nghymru ac y dylai'r pwerau hynny gynnwys yr hawl i fynnu bod awdurdodau a chyrff cyhoeddus yn gweithredu. Mae'r Pwyllgor wedi ffurfio consensws cryf drwy ei adroddiad y byddai'n ddymunol er budd plant yng Nghymru i bwerau'r comisiynydd ymestyn i wasanaethau sydd heb eu datganoli a gwasanaethau a ddarperir y tu allan i Gymru i blant sydd yn byw yng Nghymru. Mae'n bwysig os lleolir plentyn y tu allan i Gymru fod gennym yr hawl o hyd—a chredwn y bydd gennym drwy adran 33 Deddf Llywodraeth Cymru 1998—i roi sylwadau ar y gwasanaethau hynny y tu allan i Gymru. Mae angen gwneud llawer mwy o waith, fodd bynnag, i eglurhau'r materion

exploration and negotiations with the UK Government on how we take this forward, in relation not only to non-devolved services and services outside Wales, but also enforcement powers, which is part of your amendment 4. What you have done, Kirsty, is help to draw attention to these powers that we need to explore with the UK Government. I hope, on the basis of my reassurances, that that will very much be part of the agenda and that you will consider withdrawing your amendment 4, so that we can move forward, endorsing the Committee report, but taking on board that the sort of powers that you mention must be part of the negotiations and exploration with the Government.

3:10 p.m.

Finally, we can be justifiably proud today, because the Assembly in the past year has come far in a short space of time. I was delighted when Catriona Williams, the Chief Executive of Children in Wales said this morning that the Assembly has done something, so we will be tested on how we deliver this. Our commitment to a children's commissioner for Wales must be more than a worthwhile ambition and aspiration. It will be the Assembly's single most powerful development: to allow children and young people to directly influence decisions that impact on their lives. I thank all the organisations and individuals who have taken part in the consultation process, and the Committees for their dedication and vision. I am sure that you will want to endorse the proposals in the Health and Social Services Committee's report, and resolve that we continue our discussions with the Secretary of State to move things forward on further powers.

**Helen Mary Jones:** I propose amendment 1.

At end of point 1, add:

*'and is grateful to all those who participated in the consultation process, particularly the children and young people.'*

trawsffiniol hyn. Cydnabu'r Pwyllgor fod arnom angen mwy o ymchwilio a negodi gyda Llywodraeth y DU ynghylch sut yr ydym am fynd â hyn ymlaen, mewn perthynas nid yn unig â gwasanaethau sydd heb eu datganoli a gwasanaethau y tu allan i Gymru, ond hefyd bwerau gorfodi, sydd yn rhan o'ch gwelliant 4. Yr hyn yr ydych wedi'i wneud, Kirsty, yw helpu i dynnu sylw at y pwerau hyn y mae eu hangen arnom i ymchwilio gyda Llywodraeth y DU. Gobeithiaf, ar sail y sicrwydd a roddaf, y bydd hynny yn rhan ddigamsyniol o'r agenda ac yr ystyriwch dynnu'ch gwelliant 4 yn ôl, fel y gallwn symud ymlaen, gan ategu adroddiad y Pwyllgor, ond rhaid i'r math o bwerau yr ydych chi'n sôn am eu harddel fod yn rhan o'r negodi a'r ymchwilio gyda Llywodraeth y DU.

Yn olaf, gallwn ymfalchïo gyda chyfiawnhad heddiw, am fod y Cynulliad yn y flwyddyn ddiwethaf wedi dod ymhell mewn cyfnod byr. Yr oeddwn wrth fy modd pan ddywedodd Catriona Williams, Prif Weithredwr Plant yng Nghymru, y bore yma fod y Cynulliad wedi gwneud rhywbeth, felly bydd y ffordd y sicrhawn hyn yn brawf arnom. Rhaid i'n hymrwymiad dros gomisiynydd plant i Gymru fod yn fwy nag uchelgais a dyhead teilwng. Dyma fydd datblygiad mwyaf grymus y Cynulliad i ganiatáu i blant a phobl ifanc ddylanwadu'n uniongyrchol ar benderfyniadau sydd yn effeithio ar eu bywydau. Diolch i'r holl gyrff a sefydliadau a gymerodd ran yn y broses ymgynghori, ac i'r Pwyllgorau am eu hymroddiad a'u gweledigaeth. Yr wyf yn siŵr y byddwch yn dymuno ategu'r cynigion yn adroddiad y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol, a phenderfynu y byddwn yn parhau'n trafodaethau gyda'r Ysgrifennydd Gwladol i symud pethau ymlaen o ran pwerau pellach.

**Helen Mary Jones:** Cynigiaf welliant 1.

Ar ddiwedd pwynt 1, ychwaneger:

*'ac mae'n ddiolchgar i'r holl bobl hynny a gymerodd ran yn y broses ymgynghori, yn enwedig y plant a'r bobl ifanc.'*

I will keep my comments as brief as possible. The Health and Social Services Committee members have had an opportunity to debate these issues at length and I am anxious to leave as much space as possible for Members who have not been involved in that process.

The Plaid Cymru—The Party of Wales group is, like Jane Hutt, proud of the proposals before the Assembly today and of the contribution that we have made to develop those proposals. The broad consensus that we have developed around the role of the children's commissioner has not been reached just by cosy chats between Members, but by strong, powerful debate, and, perhaps most importantly, by a wide consultation process. This process is an example of how I hoped, when I stood for election, that this Assembly would work, and I would like to see this kind of process happen more often.

The external consultation process was positive and innovative and the purpose of my amendment 1 is to draw attention to the contribution made by children and young people. I am sure that the whole Assembly will wish to thank the organisations, such as Voices from Care, the NSPCC and Children in Wales, who facilitated that participation. Above all, I am sure that we would want to thank the children and young people themselves. I found their contribution the most challenging, sometimes the most difficult, the most compelling and the most valuable of all. I learnt a great deal, and I believe that we all did. The children made clear to us that they wanted a commissioner to be a voice for them—a strong, independent voice that could speak out on all issues affecting their lives.

The proposal in the report before us today is a valuable step towards providing that voice, and we offer it warm support. We particularly welcome the progress on statutory powers, though we remain concerned that the powers currently proposed under the Care Standards Bill amendment do not cover children on the at-risk register. I realise that there are technical difficulties with that, but we would urge the Government

Cadwaf fy sylwadau mor gryno ag sydd yn bosibl. Mae aelodau'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol wedi cael cyfle i drafod y materion hyn yn drwyadl ac yr wyf yn awyddus i adael cymaint o le ag y gallaf i Aelodau na chafodd ran yn y broses honno.

Mae grŵp Plaid Cymru—The Party of Wales, fel Jane Hutt, yn falch o'r cynigion sydd ger bron y Cynulliad heddiw ac o'r cyfraniad a wnaethom i ddatblygu'r cynigion hynny. Ni chyrhaeddwyd y consensws eang yr ydym wedi'i ddatblygu oddeutu rôl y comisiynydd plant drwy sgysiau cyfforddus rhwng Aelodau, ond drwy ddadlau cryf, grymus ac, efallai'n bwysicach, drwy broses ymgynghori eang. Mae'r broses hon yn enghraifft o'r ffordd y gobeithiwn y byddai'r Cynulliad hwn yn gweithio pan sefais am etholiad, a hoffwn weld y math yma o broses yn digwydd yn amlach.

Yr oedd y broses ymgynghori allanol yn gadarnhaol ac arloesol, a phwrpas fy ngwelliant 1 yw tynnu sylw at y cyfraniad a wnaethpwyd gan blant a phobl ifanc. Yr wyf yn siŵr y bydd y Cynulliad cyfan yn dymuno diolch i'r cyrff, megis Voices from Care, yr NSPCC a Phlant yng Nghymru, a hwylusodd y cyfranogiad hwnnw. Uwchlaw popeth, yr wyf yn siŵr yr hoffem ddiolch i'r plant a'r bobl ifanc eu hunain. I mi, eu cyfraniad hwy oedd y mwyaf heriol, yr anoddaf weithiau, y mwyaf grymus a'r mwyaf gwerthfawr o'r cyfan. Dysgais lawer, a chredaf inni i gyd wneud. Mynegodd y plant yn glir i ni fod arnynt eisiau comisiynydd i fod yn llais drostynt hwy—yn llais cryf, annibynnol a allai siarad yn groyw ar bob mater a effeithiai ar eu bywydau.

Mae'r cynnig yn yr adroddiad sydd ger ein bron heddiw yn gam gwerthfawr tuag at ddarparu'r llais hwnnw, a chynigiwn gefnogaeth wresog iddo. Croesawn yn arbennig y camau ymlaen a gymerwyd ar bwerau statudol, er ein bod yn dal i bryderu nad yw'r pwerau a gynigir ar hyn o bryd dan y gwelliant i'r Mesur Safonau Gofal yn cynnwys plant ar y gofrestr mewn-perygl. Sylweddolaf fod anawsterau technegol gyda

of Wales to reconsider whether it is possible to extend the clause to cover that. We are delighted at the Government of Wales's commitment in this report to explore with the UK Government ways in which the commissioner can be granted effective powers regarding non-devolved matters and cross-border matters. These are important steps towards creating the broadest possible role for the commissioner.

Our group supports the principles behind Kirsty Williams's amendments 3 and 4. However, we hope that in the light of what Jane Hutt has said, she will feel able to withdraw her amendment 4, which we feel reiterates the report's content, which is perhaps unnecessary. We will, however, wait to hear what Kirsty Williams has to say about that before making our final view.

After much discussion we decided that we would abstain on David Melding's amendment 2. We strongly support the principle that loving families are the best place for children. However, sadly we also know that for a mercifully small minority of children, families can be the most terribly dangerous places, and are the places in which most abuse happens. The last thing that we would want is for the commissioner to go around responding to individual children's gripes about pocket money or bedtime. Even in the most serious situations, we would only see the commissioner coming in on an individual case as a point of last resort. However, we believe that the report makes this completely clear. We would not want the commissioner to be prevented from commenting—as Jane Hutt said—on, for example, the effect of domestic violence—which happens in families—on children. We would want the commissioner perhaps to have a view on the best way that we as a community can deal with those issues. While we feel unable, therefore, to support David Melding's amendment 2, we appreciate the spirit behind it, but feel that there may be unintended consequences from this amendment, and so we will abstain.

This is a piece of work of which the whole

hynny, ond hoffem annog Llywodraeth Cymru i ailystyried a ydyw'n bosibl ymestyn y cymal i gynnwys hynny. Yr ydym yn hynod falch o ymrwymiad Llywodraeth Cymru yn yr adroddiad hwn i ymchwilio gyda Llywodraeth y DU i ffyrdd y gellir rhoi pwerau effeithiol i'r comisiynydd parthed materion sydd heb eu datganoli a materion trawsffiniol. Dyma gamau pwysig tuag at greu'r rôl ehangaf bosibl i'r comisiynydd.

Mae ein grŵp yn cefnogi'r egwyddorion y tu ôl i welliannau 3 a 4 Kirsty Williams. Fodd bynnag, gobeithiwn yng ngoleuni'r hyn a ddywedodd Jane Hutt, y bydd hi'n teimlo y gall dynnu ei gwelliant 4 yn ôl, sydd yn ein tyb ni yn ailadrodd cynnwys yr adroddiad, sydd efallai'n ddiangen. Byddwn, fodd bynnag, yn aros i glywed beth sydd gan Kirsty Williams i'w ddweud am hynny cyn ffurfio barn derfynol.

Wedi llawer o drafod, penderfynasom y byddem yn atal pleidlais ar welliant 2 David Melding. Yr ydym yn cefnogi'n gryf yr egwyddor mai teuluoedd cariadus yw'r lle gorau i blant. Fodd bynnag, yn anffodus gwyddom hefyd y gall teuluoedd fod yn llefydd erchyll o beryglus i leiafrif bach, diolch byth, o blant, a'r llefydd lle y digwydd y rhan fwyaf o gam-drin. Y peth olaf a ddymunem fyddai i'r comisiynydd fynd o gwmpas yn ymateb i gwynion plant unigol am arian poced neu amser gwely. Hyd yn oed yn y sefyllfaoedd mwyaf difrifol, dim ond fel y cam olaf un y byddem am weld y comisiynydd yn dod i mewn ar achos unigol. Fodd bynnag, credwn fod yr adroddiad yn gwneud hyn yn berffaith glir. Ni fyddem yn dymuno gweld rhwystro'r comisiynydd rhag gwneud sylwadau—fel y dywedodd Jane Hutt—ar, er enghraifft, effaith trais yn y cartref—sydd yn digwydd mewn teuluoedd—ar blant. Byddem eisiau i'r comisiynydd efallai gael barn ar y ffordd orau y gallwn ni fel cymuned ddelio â'r materion hynny. Felly, er na allwn gefnogi gwelliant 2 David Melding, gwerthfawrogn yr ysbryd y tu ôl iddo, ond teimlwn y gallai canlyniadau na fwriadwyd ddeillio o'r gwelliant hwn, ac felly ataliwn ein pleidlais.

Mae hwn yn ddarn o waith y gall y Cynulliad

Assembly, so far as it has gone, can be proud. It is a unique piece of policy, developed through a powerful consultation process and reflecting consensus. It meets manifesto commitments, which is always nice, but much more importantly, it sets the needs of the children of Wales at the heart not only of the Assembly's deliberations, but also at the heart of the life of Wales.

I end, however, on two words of warning. First, to the Government of Wales. Unless the office of the commissioner is properly resourced, the whole purpose of the commissioner will fail. We are concerned that the long-term costs will be nearer £1 million a year than the figures in the report. We seek assurances today from the Government of Wales that there will be capacity for growth—if that growth proves necessary—in the budget. Secondly, and much more importantly, a word of warning to the UK Government. We appreciate Mr Murphy's sympathetic and urgent approach to this matter. However, I would say to him and his colleagues that if they fail to make time in the next legislative year—not the year after that, or the following year—to grant full statutory powers to the children's commissioner of Wales, they will be treating this Assembly and this nation with contempt. The people of Wales would not be prepared to put up with that contempt in the long term.

Finally, the Plaid Cymru—The Party of Wales group wholly commends this report to the Assembly, and we look forward to continuing to work to make its proposals a reality for children's lives as soon as possible.

**David Melding:** I propose amendment 2.

After point 1, insert the following point and renumber subsequent points:

*2. asserts the importance of the family in protecting and nurturing children and therefore believes that the remit of the Children's Commissioner should relate exclusively to children's services provided by public and other agencies*

cyfan, cyn belled ag y mae wedi mynd, fod yn falch ohono. Mae'n ddarn unigryw o bolisi, wedi'i ddatblygu drwy broses ymgynghori grymus ac yn adlewyrchu consensws. Mae'n cwrdd ag ymrwymadau maniffesto, sydd bob amser yn braf, ond yn llawer pwysicach, mae'n gosod anghenion plant Cymru nid yn unig wrth graidd trafodaethau'r Cynulliad ond hefyd wrth graidd bywyd Cymru.

Terfynaf, fodd bynnag, gyda dau air o rybudd. Yn gyntaf, i Lywodraeth Cymru. Oni chaiff swyddfa'r comisiynydd adnoddau priodol, bydd holl bwrpas y comisiynydd yn methu. Yr ydym yn bryderus y bydd y costau tymor-hir yn nes at £1 filiwn y flwyddyn na'r ffigurau yn yr adroddiad. Ceisiwn sicrwydd heddiw gan Lywodraeth Cymru y bydd lle i dwf—os gwelir bod angen y twf hwnnw—yn y gyllideb. Yn ail, ac yn llawer pwysicach, gair o rybudd i Lywodraeth y DU. Gwerthfawrogwn agwedd gydymdeimladol a pharod Mr Murphy at y mater hwn. Fodd bynnag, dywedwn wrtho ef a'i gyd-aelodau os methant sicrhau amser yn y flwyddyn ddeddfwriaethol nesaf—nid y flwyddyn wedyn, na'r un ar ôl honno—i roi pwerau statudol llawn i gomisiynydd plant Cymru, byddant yn trin y Cynulliad hwn a'r genedl hon gyda dirmyg. Ni fyddai pobl Cymru'n barod i ddioddef y dirmyg hwnnw yn y tymor hir.

Yn olaf, mae grŵp Plaid Cymru—The Party of Wales yn cymeradwyo'r adroddiad hwn yn frwd i'r Cynulliad, ac edrychwn ymlaen at barhau i weithio i droi ei gynigion yn realiti i fywydau plant cyn gynted ag y bo modd.

**David Melding:** Cynigiau welliant 2.

Ar ôl pwynt 1, ychwaneger y pwynt canlynol ac ailrifo'r pwyntiau dilynol:

*2. yn pwysleisio pwysigrwydd y teulu o ran diogelu a magu plant, ac felly'n credu y dylai cylch gwaith y Comisiynydd Plant ymwneud yn unig â'r gwasanaethau ar gyfer plant a ddarperir gan asiantaethau cyhoeddus ac eraill;*

The Conservative group welcomes the establishment of the children's commissioner, and we commend this report to you. I also want to praise the administration's approach. It is fair sometimes to say that a job has been well done, and this whole issue has been an instance of good cross-party work where the administration has taken issue seriously and used all the mechanisms at its disposal to advance the issue as quickly as possible. We are happy to support the amendment to the Care Standards Bill in the first instance as a way of really getting the commissioner going on a statutory basis.

It is appropriate that we seek an early legislative opportunity to extend the commissioner's role to all children's services. I am quite confident, given the track record to date, that the Assembly Secretary will not let us down, and I am sure that with her colleague, the Secretary of State for Health, we will find that that opportunity is given to us graciously and quickly. The Assembly has really made a difference in this area. We have all heard the questions—what do AMs do, what was the point of the Assembly? Sometimes you receive a strident answer from a Conservative on such a matter. However, on this issue, the Assembly has made a difference, and has done so quickly. It would not be possible to have a children's commissioner in Wales before the rest of the UK unless we had devolution. Somewhat reluctantly, I must concede that even devolution can have its benefits. I hope that, as the social policy aspect has been developed vigorously in Wales, the rest of the United Kingdom follows our example. That is not a trite point. Let us hope that they do. The Conservative group has no intention of breaking the all-party support for this motion and the recommendations of the report. We will vote in favour of the motion however it is amended. There is no question about that.

3:20 p.m.

I will speak to amendment 2 as it has attracted some comments. Amendment 2

Mae'r grŵp Ceidwadol yn croesawu sefydlu'r comisiynydd plant, a chymeradwywn yr adroddiad hwn i chi. Mae arnaf eisiau canmol y ffordd yr aeth y weinyddiaeth ati hefyd. Weithiau mae'n deg dweud fod gwaith wedi'i gyflawni'n dda, ac mae'r holl fater hwn wedi bod yn enghraifft o waith trawsbleidiol da lle mae'r weinyddiaeth wedi cymryd mater o ddifrif ac wedi defnyddio'r holl fecanweithiau sydd ar gael iddi i symud y mater ymlaen cyn gynted ag y bo modd. Yr ydym yn hapus i gefnogi'r gwelliant i'r Mesur Safonau Gofal yn y lle cyntaf fel ffordd i roi hwb cychwynnol gwirioneddol i'r comisiynydd ar sail statudol.

Mae'n briodol ein bod yn ceisio cyfle deddfwriaethol cynnar i ymestyn rôl y comisiynydd i holl wasanaethau plant. Yr wyf yn eithaf hyderus, o gofio'r hyn a gyflawnwyd hyd yma, na wnaiff yr Ysgrifennydd Cynulliad ein siomi, ac yr wyf yn siŵr y gwelwn, y bydd hi a'r Ysgrifennydd Gwladol dros Iechyd, yn rhoi'r cyfle inni'n raslon ac yn gyflym. Mae'r Cynulliad wedi gwneud gwahaniaeth go iawn yn y maes hwn. Yr ydym i gyd wedi clywed y cwestiynau—beth mae ACau'n ei wneud, beth oedd pwynt y Cynulliad? Weithiau cewch ateb croch gan Geidwadwr ar gwestiwn o'r fath. Fodd bynnag, ar y mater hwn, mae'r Cynulliad wedi gwneud gwahaniaeth, ac wedi gwneud hynny'n gyflym. Ni fuasai'n bosibl cael comisiynydd plant yng Nghymru cyn gweddill y DU heb ddatganoli. Braidd yn anfoddog, rhaid imi gyfaddef y gall fod manteision hyd yn oed i ddatganoli. Gobeithiaf, gan fod yr agwedd polisi cymdeithasol wedi'i datblygu'n egniol yng Nghymru, y bydd gweddill y Deyrnas Unedig yn dilyn ein hesiampl. Nid gwamalu yw hynny. Dewch inni obeithio y gwnânt. Nid oes gan y grŵp Ceidwadol unrhyw fwriad i dorri'r gefnogaeth holl-bleidiol i'r cynnig hwn ac argymhellion yr adroddiad. Byddwn yn pleidleisio o blaid y cynnig sut bynnag y caiff ei ddiwygio. Nid oes unrhyw gwestiwn ynghylch hynny.

Siaradaf ar welliant 2 gan ei fod wedi denu ambell sylw. Mae gwelliant 2 yn amlygu'r

makes explicit what is implicit in the recommendations of the Health and Social Services Committee's report. The children's commissioner will focus on services provided to children by public and other agencies. Children's services is not a protective term, and I did not say 'in social services' in particular. The wide remit is appropriate, because services for children cover health, issues related to pollution, the safety of transport to school and the safety of public highways. All of these issues impinge on the welfare of children. It was not my intention, therefore, to say designated social services in a specific sense, and it is not stated in the amendment. It is important that parents are confident and reassured that the children's commissioner will protect the interests of their children in performing this function. It is a vital partnership that will be welcomed by parents as much as by children and young people. That is the positive spirit in which amendment 2 was tabled.

The children's commissioner's role will not include issuing strictures on politically correct parenting, however conceived at a specific time. Although she will not support the amendment, I welcome the Secretary's remarks on the role of the family and the micro-interference that could be feared. That is not meant to be part of this agenda. Helen Mary also made remarks in that vein, which I welcome and consider important. The authority of the family is in itself an important protection for children and must be emphasised. Rod Richards made an important point about threatening environments in families. That cannot be dismissed because much abuse occurs within the family. Limiting the role of the commissioner to prevent investigation of families should not be part of our discussions. Other agencies, social services, the police and the courts are responsible for such investigation. If they are not effectively investigated, it would then become a matter for the children's commissioner. I accept the remark in the spirit that it was made, but I do not think that it affects my point about the family. However, it makes an important point

hyn sydd ymhlyg yn argymhellion adroddiad y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol. Bydd y comisiynydd plant yn canolbwyntio ar wasanaethau a ddarperir i blant gan asiantaethau cyhoeddus ac eraill. Nid term gwarchodol yw gwasanaethau plant, ac ni ddywedais 'yn y gwasanaethau cymdeithasol' yn arbennig. Mae'r cylch gwaith eang yn briodol, oherwydd mae gwasanaethau ar gyfer plant yn cynnwys iechyd, materion cysylltiedig â llygredd, diogelwch trafndiaeth i'r ysgol a diogelwch priffyrdd cyhoeddus. Mae'r holl faterion hyn yn effeithio ar les plant. Nid fy mwriad, felly, oedd dweud gwasanaethau cymdeithasol dynodedig mewn ystyr penodol, ac ni ddywedir hynny yn y gwelliant. Mae'n bwysig fod rhieni'n hyderus ac yn cael sicrwydd y bydd y comisiynydd plant yn gwarchod buddiannau eu plant wrth gyflawni'r swyddogaeth hon. Mae'n bartneriaeth allweddol a groesewir gan rieni gymaint â chan blant a phobl ifanc. Dyna'r ysbryd cadarnhaol y cyflwynwyd gwelliant 2 ynddo.

Ni fydd rôl y comisiynydd plant yn cynnwys pregethu ar y ffordd wleidyddol gywir i fagu plant, sut bynnag y gwelir hynny ar adeg benodol. Er nad yw hi'n cefnogi'r gwelliant, croesawaf sylwadau'r Ysgrifennydd ar rôl y teulu a'r micro-ymyrraeth y gellid ei ofni. Nid yw'n fwriad i hynny fod yn rhan o'r agenda yma. Gwnaeth Helen Mary sylwadau i'r perwyl hwnnw hefyd, ac yr wyf yn eu croesawu ac o'r farn eu bod yn bwysig. Mae awdurdod y teulu ynddo'i hun yn warchodaeth bwysig i blant a rhaid ei bwysleisio. Gwnaeth Rod Richards bwynt pwysig ynghylch amgylcheddau bygythiol o fewn teuluoedd. Ni ellir wfftio at hynny oherwydd ceir llawer o gam-drin o fewn y teulu. Ni ddylem fod yn trafod cyfyngu rôl y comisiynydd i rwystro ymchwilio i deuluoedd. Mae asiantaethau eraill, y gwasanaethau cymdeithasol, yr heddlu a'r llysoedd yn gyfrifol am ymchwiliadau o'r fath. Os nad ymchwilir i'r materion hyn yn effeithiol, byddai hynny wedyn yn fater i'r comisiynydd plant. Derbyniaf y sylw yn yr ysbryd y'i gwnaethpwyd, ond nid wyf yn meddwl ei fod yn effeithio ar fy mhwynt i ynglŷn â'r teulu. Fodd bynnag, y mae'n



that families are not always an idyllic unit. They are mostly a force for good, but not in all cases.

**Brian Gibbons:** What you have said has been partially helpful. I was concerned when you prefaced your remarks by politically correct versions of what constitutes a family. On seeing your amendment, I envisaged a right-wing politically correct version of what the family should be—a stereotypical situation of two parents and 2.5 children. I am grateful that you have clarified that you are not imposing a stereotypical view on what constitutes a good working family.

**David Melding:** I have not defined 'family' in a moralistic way according to one set of beliefs. The family is an extended unit and made up in different ways. I do not wish to say that a nuclear unit is the only definition of a family that I am seeking to advance. I am talking about families in the widest possible context and in an historical context, not one that is in itself a recent social construct.

The children's commissioner should not have routine involvement in private family issues. That is at the heart of amendment 2. The Assembly Secretary stated that clearly. I am pleased that it will now be on the record. It is implicit in the report. The mechanisms for direct involvement in cases of abuse or suspected abuse exist elsewhere. They must be used effectively. Many of our deliberations on the Waterhouse report meant examining cases when the mechanisms were not used effectively. The commissioner's role would not be inhibited in that area. It would be an important aspect of that person's duties.

I conclude by saying that it is important that the commissioner is completely independent. One of the things that will ensure independence is a single, lengthy term. A seven year, non-renewable term is recommended in the report. I hope that when

gwneud pwynt pwysig nad ydyw teuluoedd bob amser yn uned baradwysaidd. Maent yn rym er daioni ar y cyfan, ond nid ym mhob achos.

**Brian Gibbons:** Mae'r hyn a ddywedasoeh wedi bod o ryw gymorth. Yr oeddwn yn bryderus pan ddechreusoeh eich sylwadau drwy roi fersiynau gwleidyddol gywir o'r hyn ydyw teulu. Pan welais eich gwelliant, dychmygais fersiwn gwleidyddol gywir asgell-dde o'r hyn y dylai teulu fod—sefyllfa ystrydebol o ddau riant a 2.5 o blant. Yr wyf yn ddiolchgar eich bod wedi egluro nad ydych yn gwthio darlun ystrydebol ar yr hyn a ystyrir yn deulu gweithiol da.

**David Melding:** Nid wyf wedi diffinio 'teulu' mewn ffordd foesegol yn ôl un set o gredoau. Mae'r teulu'n uned estynedig ac wedi'i ffurfio mewn gwahanol ffyrdd. Nid wyf yn dymuno dweud mai uned niwclear yw'r unig ddiffiniad o deulu yr wyf yn ceisio'i hyrwyddo. Yr wyf yn sôn am deuluoedd yn y cyd-destun ehangaf bosibl ac mewn cyd-destun hanesyddol, nid un sydd ynddo'i hun yn ddyfais gymdeithasol ddiweddar.

Ni ddylai'r comisiynydd plant fod yn ymwneud yn rheolaidd â materion teulu preifat. Dyna sydd wrth galon gwelliant 2. Dywedwyd hynny'n glir gan yr Ysgrifennydd Cynulliad. Yr wyf yn falch y bydd wedi'i gofnodi bellach. Mae ymhlyg yn yr adroddiad. Mae'r peirianweithiau ar gyfer ymwneud yn uniongyrchol mewn achosion o gam-drin neu amheuaeth o gam-drin yn bodoli yn rhywle arall. Rhaid eu defnyddio'n effeithiol. Yr oedd llawer o'n trafodaethau ar adroddiad Waterhouse yn golygu archwilio achosion pryd na ddefnyddiwyd y peirianweithiau'n effeithiol. Ni fyddai llyffethair ar rôl y comisiynydd yn y maes hwnnw. Byddai'n agwedd bwysig ar ddyletswyddau'r person dan sylw.

Wrth gloi, dywedaf ei bod yn bwysig i'r comisiynydd fod yn gwbl annibynnol. Un o'r pethau a fydd yn sicrhau annibyniaeth fydd cael un tymor hir. Argymhellir tymor saith mlynedd, anadnewyddadwy yn yr adroddiad. Gobeithiaf pan wneir y penodiad yn y

the appointment is eventually made, it will be contracted on that basis. I commend the report to the Assembly and assure you that the Conservative group supports it fully and will vote accordingly this afternoon.

**Jenny Randerson:** I propose amendment 3 in the name of Kirsty Williams. Delete the wording of point 3 up to and including ‘*early legislative opportunity*’ and replace with

*‘formally requests that the Secretary of State for Wales conveys to the UK Cabinet Committee on the Queen’s Speech and Future Legislation at the earliest possible opportunity the Assembly’s proposals’*

At the end of point 3 delete ‘.’ and add ‘*as set out in the recommendations of the Committee’s report*’.

I also propose amendment 4 in the name of Kirsty Williams.

Add at the end of point 3:

*‘In particular the Assembly affirms its belief that the Children’s Commissioner for Wales should have statutory powers across all areas affecting all children in Wales, and that his/her powers should include:*

*Power to require inquiries  
Powers to order disclosure of information  
Powers to require action to be taken by public authorities and bodies, in accordance with their own duties.’*

The Liberal Democrats fully endorse the appointment of a children’s commissioner and fully support the report that is before us today. We have advocated it for some years and it was included in our manifesto—as in one or two of the other parties’ manifestos—for the Assembly elections. The expectations of this commissioner are high, particularly judging by the comments made at the NSPCC stall at the Eisteddfod last week. I noticed that the requirements of the commissioner included dealing with racism and bullying, and international peace was

diwedd, y caiff ei contractio ar y sail honno. Cymeradwyaf yr adroddiad i’r Cynulliad a rhoddaf sicrwydd ichi fod y grŵp Ceidwadol yn ei gefnogi’n llawn ac y bydd yn pleidleisio’n unol â hynny y prynhawn yma.

**Jenny Randerson:** Cynigaf welliant 3 yn enw Kirsty Williams. Dileer eiriad pwynt 3 hyd at a chan gynnwys ‘*cyfle deddfwriaethol cynnar*’ gan roi’r canlynol yn ei le

*‘yn gofyn yn ffurfiol, a hynny cyn gynted ag y bo modd, i Ysgrifennydd Gwladol Cymru hysbysu Pwyllgor Cabinet y DU ar Araith y Frenhines a Deddfwriaeth at y Dyfodol o gynigion y Cynulliad’*

Ar ddiwedd pwynt 3 dileer ‘.’ ac ychwaneger ‘*fel y’u nodir yn yr argymhellion yn adroddiad y Pwyllgor.*’

Cynigaf hefyd welliant 4 yn enw Kirsty Williams.

Ychwaneger ar ddiwedd pwynt 3:

*‘Yn benodol mae’r Cynulliad yn cadarnhau ei fod o’r farn y dylai’r Comisiynydd Plant i Gymru gael pwerau statudol ar draws pob maes sydd yn effeithio ar blant yng Nghymru, ac y dylai ei b/phwerau gynnwys y canlynol:*

*Pŵer i fynnu bod ymchwiliadau’n cael eu cynnal  
Pwerau i orchymyn bod gwybodaeth yn cael ei datgelu  
Pwerau i fynnu bod awdurdodau a chyrff cyhoeddus yn gweithredu, yn unol â’u dyletswyddau eu hunain’*

Mae’r Democratiaid Rhyddfrydol yn cymeradwyo’n llawn y bwriad i benodi comisiynydd plant ac yn cefnogi’n llwyr yr adroddiad sydd ger ein bron heddiw. Yr ydym wedi pledio hyn ers rhai blynnyddoedd ac yr oedd wedi’i gynnwys yn ein maniffesto—fel yr oedd ym maniffesto un neu ddwy o’r pleidiau eraill—ar gyfer etholiadau’r Cynulliad. Mae’r disgwyliadau ar gyfer y comisiynydd hwn yn uchel, yn enwedig â barnu wrth y sylwadau a wnaethpwyd yn stondin yr NSPCC yn yr Eisteddfod yr wythnos diwethaf. Sylwais fod

also prominent. When we talk about drawing wide boundaries for this person's role, we must remember that young people have wide expectations that are undoubtedly wider than we are able to fulfil in Wales alone.

We fully endorse the way in which the Health and Social Services Committee and the Pre-16 Committee have taken evidence and reached agreement on what the commissioner's role should be. The principle is fine. However, when you look at it in detail, there are complex issues to discuss. We had difficult decisions to make. Those decisions included not only how wide the commissioner's remit should be but other decisions such as should that remit only include social services or should it include education and go further than that? Should the commissioner be an investigator or an advocate or both at the same time? Will the commissioner need wider legislative powers? What cross-border powers will the commissioner have?

I am pleased that the committee overwhelmingly went for the wider definition on all these issues. One of the things that we discussed in the Pre-16 Education Committee was whether the commissioner should sign the Official Secrets Act. That should not be the case. There are models where people are able to undertake investigations without signing the Official Secrets Act. Once the commissioner signs that, he or she becomes an internal person aligned with the Government and not the independent arbitrator that we want.

By submitting amendments today, the Liberal Democrats are not in any way seeking to amend the report. We are drawing attention to certain points in the report. We are amending the motion, not the report. Amendment 3 seeks to strengthen the request in the report for suitable primary legislation to be brought forward to expand the commissioner's role beyond the scope that

y gofynion ar y comisiynydd yn cynnwys delio â hiliaeth a bwlio, ac roedd heddwch rhyngwladol yn amlwg hefyd. Pan soniwn am dynnu ffiniau eang i rôl y person hwn, rhaid inni gofio bod gan bobl ifanc ddisgwyliadau eang sydd heb os yn ehangach na'r hyn y gallwn ni ei gyflawni yng Nghymru'n unig.

Cymeradwywn yn llawn y ffordd y mae'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol a'r Pwyllgor Addysg Cyn-16 wedi cymryd tystiolaeth ac wedi dod i gytundeb ar yr hyn a ddylai fod yn rôl y comisiynydd. Mae'r egwyddor yn iawn. Fodd bynnag, pan edrychych arno'n fanwl, mae materion cymhleth i'w trafod. Yr oedd gennym benderfyniadau anodd i'w gwneud. Yr oedd y penderfyniadau hynny'n cynnwys nid yn unig pa mor eang y dylai cylch gwaith y comisiynydd fod ond penderfyniadau eraill fel a ddylai'r cylch gwaith hwnnw gynnwys y gwasanaethau cymdeithasol yn unig ynteu a ddylai gynnwys addysg a mynd ymhellach na hynny? A ddylai'r comisiynydd fod yn ymchwiliwr neu'n eiriolwr neu'r ddau ar yr un pryd? A fydd ar y comisiynydd angen pwerau deddfu cryfach? Pa bwerau trawsffiniol fydd gan y comisiynydd?

Yr wyf yn falch fod y pwyllgor drwy fwyafrif llethol wedi mynd am y diffiniad ehangach ar y cwestiynau hyn i gyd. Un o'r pethau a drafodwyd gennym yn y Pwyllgor Addysg Cyn-16 oedd a ddylai'r comisiynydd lofnodi'r Ddeddf Cyfrinachau Swyddogol. Ni ddylai. Mae enghreifftiau lle mae pobl yn gallu gwneud ymchwiliadau heb lofnodi'r Ddeddf Cyfrinachau Swyddogol. Unwaith y bydd y comisiynydd wedi lofnodi honno, bydd yn berson mewnol ar ochr y Llywodraeth ac nid y dyfarnwr annibynnol yr ydym ni ei eisiau.

Wrth gyflwyno gwelliannau heddiw, nid yw'r Democratiaid Rhyddfrydol yn ceisio diwygio'r adroddiad mewn unrhyw fodd. Tynnu sylw yr ydym at rai pwyntiau yn yr adroddiad. Diwygio'r cynnig yr ydym, nid yr adroddiad. Mae gwelliant 3 yn ceisio cryfhau'r cais yn yr adroddiad am gyflwyno deddfwriaeth sylfaenol addas i ehangu rôl y comisiynydd y tu hwnt i'r ystod a ddarperir

will be provided in the near future by the Care Standards Bill. As written, the existing motion merely talks about discussions. With all due respect, in our experience so far, discussions have not always produced the goods. We want to go forward quickly and put in the formal request. I am pleased that Jane outlined the fact that she is prepared to accept that.

3:30 p.m.

On 2 February, the Assembly approved a protocol between the Assembly and the Secretary of State. I quote:

‘The Assembly will normally submit to the Secretary of State its proposals for Bills....The Secretary of State undertakes to consider such proposals fully, and to convey them to his or her Ministerial colleagues as appropriate.’

It goes on to refer to the specific committee to which we refer in amendment 3. Jane has informed us that it has changed its name, but the protocol has not changed its context.

We want to move from simply discussing the issue to putting it on a formal footing and say to the UK Government that something needs to be done about this now. We endorse Helen Mary’s comments about the need for action at the first opportunity. This cannot be put on the back burner until after a general election.

Kirsty Williams’s amendment 4, which has already been discussed, seeks to draw out aspects that are vital to the role of the commissioner. We have used the same words as those in the amendment that we tabled on the debate on the Waterhouse report, on 15 March. I remind you that on that occasion the amendment was passed unanimously; all four parties voted for it. This amendment is not a criticism of the report, but an endorsement of it. It seeks to encapsulate the spirit of the report.

The Liberal Democrats want the commissioner to have the widest possible remit. We want more primary legislation that deals with this issue than the Care Standards Bill. We want that soon. We want an

yn y dyfodol agos gan y Mesur Safonau Gofal. Fel y mae wedi’i ysgrifennu, dim ond sôn am drafodaethau a wna’r cynnig presennol. Gyda phob dyledus barch, yn ein profiad ni hyd yn hyn, nid yw trafodaethau bob amser wedi dwyn ffrwyth. Mae arnom eisiau symud ymlaen yn gyflym a chyflwyno’r cais ffurfiol. Yr wyf yn falch i Jane ddatgan ei bod yn barod i dderbyn hyn.

Ar 2 Chwefror, cymeradwyodd y Cynulliad brotocol rhwng y Cynulliad a’r Ysgrifennydd Gwladol. Dyfynnaf:

‘Bydd y Cynulliad fel rheol yn cyflwyno i’r Ysgrifennydd Gwladol ei gynigion ar gyfer Mesurau....Mae’r Ysgrifennydd Gwladol yn ymgymryd i ystyried y cyfryw gynigion yn llawn, ac i’w cyfleu i’r Gweinidogion perthnasol fel y bo’n briodol.’

Eir ymlaen i sôn am y pwyllgor penodol y cyfeiriwn ato yng ngwelliant 3. Dywedodd Jane wrthym ei fod wedi newid ei enw, ond nid yw’r protocol wedi newid ei gyd-destun.

Mae arnom eisiau symud oddi wrth drafod y mater yn unig i’w roi ar sail ffurfiol a dweud wrth Lywodraeth y DU fod angen gwneud rhywbeth am hyn yn awr. Ategw’n sylwadau Helen Mary am yr angen i weithredu ar y cyfle cyntaf. Ni ellir rhoi hyn o’r neilltu tan ar ôl etholiad cyffredinol.

Mae gwelliant 4 Kirsty Williams, a drafodwyd eisoes, yn ceisio amlygu agweddau sydd yn allweddol i rôl y comisiynydd. Yr ydym wedi defnyddio’r un geiriau â’r rheini yn y gwelliant a gyflwynwyd gennym yn y ddadl ar adroddiad Waterhouse ar 15 Mawrth. Fe’ch atgoffaf y cafodd y gwelliant bryd hynny ei basio’n unfrydol; pleidleisiodd y pedair plaid i gyd drosto. Nid beirniadaeth o’r adroddiad yw’r gwelliant hwn, ond cymeradwyaeth iddo. Mae’n ceisio crisialu ysbryd yr adroddiad.

Mae ar y Democratiaid Rhyddfrydol eisiau i’r comisiynydd gael y cylch gwaith lletaf posibl. Mae arnom eisiau mwy o ddeddfwriaeth sylfaenol na’r Mesur Gofal Safonol i ddelio â’r mater hwn. Mae arnom

effective commissioner with power and the ability to require inquiries and order the disclosure of information.

As a member of the Pre-16 Education Committee, I remember that we looked at the long-term rather than the short-term issue of the commissioner's immediate legislative powers. We looked at a vision of a commissioner who could deal with the education system, for example, and the rights of the child in the education system.

We will support Helen Mary Jones's amendment 1, but we will not support David Melding's amendment 2. As I have already stated, we believe that the commissioner should have wide-ranging powers covering all areas affecting children. In fact, our amendment 4 could be seen to be in direct contradiction to David Melding's amendment 2. Of course, families are of prime importance in protecting and nurturing children, and families come in all shapes and sizes. However, they are also of prime importance when they have failed to protect and nurture children.

The commissioner would not daily investigate or intervene in families. However, when a situation breaks down, families normally come into contact with social services. The role of the family could be considered essential in terms of the commissioner's role. Such exclusion in the commissioner's role would lessen the impact of the office of the commissioner.

In conclusion, I have one thought, which David has touched on already. The Assembly has received much criticism recently. I am sure that you have been asked the same question as I have, namely 'What has the Assembly done so far?' When people say that to me, the first thing I always say—and I have other things to say, as I am sure you all do—is that we are about to appoint a children's commissioner. I say this with great pride. I also say that in this we are ahead of the rest of the UK. We are different. We are setting our own agenda. It is important that in doing this and in fulfilling this promise, we

eisiau hynny'n fuan. Mae arnom eisiau comisiynydd effeithiol gyda grym a'r gallu i fynnu ymholiadau a mynnu datgelu gwybodaeth.

Fel aelod o'r Pwyllgor Addysg Cyn-16, yr wyf yn cofio inni edrych ar gwestiwn pwerau deddfwriaethol uniongyrchol y comisiynydd yn y tymor hir yn hytrach na'r tymor byr. Edrychasom ar ddelfryd o gomisiynydd a allai ddelio gyda'r system addysg, er enghraifft, a hawliau'r plentyn yn y system addysg.

Cefnogwn welliant 1 Helen Mary Jones, ond ni chefnogwn welliant 2 David Melding. Fel y dywedais eisoes, credwn y dylai'r comisiynydd gael pwerau eang dros bob maes sydd yn effeithio ar blant. Yn wir, gellid gweld ein gwelliant 4 ni fel un cwbl groes i welliant 2 David Melding. Wrth gwrs, mae teuluoedd yn bwysig dros ben ar gyfer gwarchod a meithrin plant a cheir teuluoedd o bob lliw a llun. Fodd bynnag, maent hefyd yn bwysig dros ben pan fyddant wedi methu gwarchod a meithrin plant.

Ni fyddai'r comisiynydd yn ymchwilio nac yn tarfu ar deuluoedd yn ddyddiol. Fodd bynnag, pan fydd sefyllfa'n chwalu, daw teuluoedd fel arfer i gysylltiad â'r gwasanaethau cymdeithasol. Gellid ystyried fod rôl y teulu'n hanfodol yn nhermau rôl y comisiynydd. Byddai cau rôl y comisiynydd allan fel hyn yn lleihau effaith swydd y comisiynydd.

I gloi, mae gennyf un sylw, y mae David wedi cyffwrdd arno'n barod. Mae'r Cynulliad wedi cael llawer o feirniadaeth yn ddiweddar. Yr wyf yn siŵr eich bod chi wedi cael yr un cwestiwn â mi, sef 'Beth mae'r Cynulliad wedi'i wneud hyd yn hyn?' Pan ofynna pobl hynny i mi, y peth cyntaf a ddywedaf bob tro—ac mae gennyf bethau eraill i'w dweud, a chithau i gyd, rwy'n siŵr—yw ein bod ar fin penodi comisiynydd i blant. Dywedaf hyn gyda balchder mawr. Dywedaf hefyd ein bod ar y blaen i weddill y DU yn hyn o beth. Yr ydym yn gosod ein hagenda ein hunain. Wrth wneud hyn ac wrth

do so effectively and efficiently and appoint a powerful commissioner. We must also make it clear that without the Assembly this would not have happened.

For once, let us ensure that we ask Westminster to fit in with our plans, rather than us fitting in with its plans. It is essential that this is at the top of their agenda as well as ours.

**Kirsty Williams:** This is one of the major pieces of work carried out by the Health and Social Services Committee. We began almost 12 months ago and it has exercised much of our time, effort and energy. It started with a large consultation process that was quite unique in its approach, as Jane said. Many organisations in Wales, on learning that we were about to consult on this important issue, were expecting a heavy document containing our ideas, already outlined—done, sealed and dusted—to land on their doorstep. Instead, receiving a letter asking them six questions about what they wanted was a surprise. It was also a challenge for some people who were used to dealing with the old ways of doing things. On behalf of the Health and Social Services Committee, I formally thank all of the 100 organisations and individuals who took the time and trouble to respond to that letter and to let us know what they thought the children's commissioner should be about. I also thank the organisations and individuals who gave oral submissions to the Assembly in a formal session of the Committee. We took an international approach and looked abroad at the various commissioners that are already established, mainly in Europe. We also got out and about and paid a useful visit to the Sandfields family centre in Port Talbot, and I thank them for their hospitality during our visit.

As has already been said, this was a great example of two Subject Committees working together. I am grateful for the efforts of Lorraine Barrett, who attended Health and Social Services Committee meetings

gyflawni'r addewid yma mae'n bwysig ein bod yn ei wneud yn effeithiol ac yn effeithlon a'n bod yn penodi comisiynydd grymus. Rhaid inni ei gwneud yn glir hefyd na fuasai hyn wedi digwydd heb y Cynulliad.

Am unwaith, gadewch inni sicrhau ein bod yn gofyn i San Steffan gyd-fynd â'n cynlluniau ni, yn hytrach na'n bod ni'n cydfynd â'u cynlluniau hwy. Mae'n hanfodol fod hyn ar ben eu hagenda hwy yn ogystal â'n hagenda ni.

**Kirsty Williams:** Dyma un o'r prif ddarnau o waith a gyflawnwyd gan y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol. Dechreuasom bron 12 mis yn ôl ac mae wedi cymryd llawer o amser, ymdrech ac egni ar ein rhan. Dechreuodd gyda phroses ymgynghori fawr a oedd yn gwbl unigryw yn y ffordd yr aed ati, fel y dywedodd Jane. Yr oedd llawer o gyrff yng Nghymru, pan glywsant ein bod ar fin ymgynghori ar y mater pwysig hwn, yn disgwyl dogfen swmpus yn cynnwys ein syniadau wedi'u hamlinellu'n barod—wedi'i llunio, ei selio a'i chaboli—i lanio ar eu stepen drws. Yn lle hynny, syrpreis oedd cael llythyr yn gofyn chwe chwestiwn iddynt hwy ynghylch beth yr oedd arnynt ei eisiau. Yr oedd hefyd yn her i rai pobl a oedd wedi arfer delio â'r hen ffyrdd o wneud pethau. Ar ran y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol, diolchaf yn ffurfiol i bob un o'r 100 corff ac unigolyn a drafferthodd i ymateb i'r llythyr hwnnw a gadael inni wybod beth ddylai'r comisiynydd plant fod ynglŷn ag ef yn eu barn hwy. Diolch hefyd i'r cyrff a'r unigolion a roddodd gyflwyniadau llafar i'r Cynulliad mewn sesiwn ffurfiol o'r Pwyllgor. Aethom ati mewn modd rhyngwladol ac edrych dramor ar yr amryfal gomisiynwyr sydd eisoes wedi'u sefydlu, yn Ewrop yn bennaf. Aethom allan i'r priffyrdd a'r caeau hefyd a thalu ymweliad buddiol â chanolfan deulu Sandfields ym Mhort Talbot, a diolchaf iddynt am eu croeso yn ystod ein hymweliad.

Fel a ddywedwyd eisoes, yr oedd hyn yn enghraifft wych o ddau Bwyllgor Pwnc yn cydweithio. Yr wyf yn ddiolchgar am ymdrechion Lorraine Barrett, a fynychodd gyfarfodydd y Pwyllgor Iechyd a

faithfully, often having to dash from one Committee room to another to ensure that the education views were represented on the Committee. I am also grateful to the entire Pre-16 Education Committee, who joined us in a formal joint Committee session. Without their work, the report would be a much lesser document than it is. I thank Rosemary and her colleagues on the Pre-16 Education Committee.

Unfortunately, the results of our consultation highlighted some severe shortcomings in services for children in Wales. These were often characterised by a lack of coherence and focus and fragmentation. There was little or no scope for children and young people to influence decisions. There was also a lack of support and advocacy for the most disadvantaged children and young people in our society. The Committee recognised early on the need for such an office, even before Sir Ronald Waterhouse made it a key recommendation in his 'Lost in Care' report.

Subsequently, the Committee's work has focused on the framework that defines the role of our children's champion. We welcomed the early opportunity to give the commissioner statutory powers via an amendment to the Care Standards Bill. However, the Committee is vitally aware that this is only a first step and that the powers afforded to the children's commissioner by this amendment are too limiting. The children's commissioner will not be able to look after the needs of all children in Wales—whoever they are, wherever they live, whoever cares for them and whether they are in a school, hospital, sports club or youth project—if we settle for this sole amendment. We recommend to all our Assembly colleagues that a further legislative opportunity needs to be secured as soon as possible, to ensure that this role is given teeth and powers to get things done for the children and young people of Wales.

The Committee was also anxious to ensure that, in the meantime, we use all the powers given to us by the Government of Wales Act 1998 to empower the post of commissioner.

Gwasanaethau Cymdeithasol yn ffyddlon, gan orfod rhuthro'n aml o'r naill ystafell Bwyllgor i'r llall i sicrhau bod barn addysg yn cael ei chynrychioli ar y Pwyllgor. Yr wyf yn ddiolchgar i'r Pwyllgor Addysg Cyn-16 cyfan, a ymunodd â ni mewn sesiwn cyd-Bwyllgor ffurfiol. Heb eu gwaith hwy, byddai'r adroddiad yn ddogfen lawer llai nag ydyw. Diolch i Rosemary a'i chyd-aelodau ar y Pwyllgor Addysg Cyn-16.

Yn anffodus, tanlinellwyd diffygion difrifol mewn gwasanaethau i blant yng Nghymru gan ganlyniadau'n hymgyngoriad. Nodweddid y rhain yn aml gan ddiffyg cydlynid a ffocws a thameidiogrwydd. Nid oedd nemor ddim cyfle i blant a phobl ifanc ddylanwadu ar benderfyniadau. Yr oedd hefyd ddiffyg cefnogaeth ac eiriolaeth i'r plant a'r bobl ifanc mwyaf difreintiedig yn ein cymdeithas. Gwelodd y Pwyllgor yr angen am swydd o'r fath yn gynnar, hyd yn oed cyn i Syr Ronald Waterhouse ei gwneud yn argymhelliad allweddol yn ei adroddiad 'Lost in Care'.

Wedi hynny, mae gwaith y Pwyllgor wedi canolbwyntio ar y fframwaith sydd yn diffinio rôl ein heiriolwr dros blant. Croesawom y cyfle cynnar i roi pwerau statudol i'r comisiynydd drwy gyfrwng gwelliant i'r Mesur Safonau Gofal. Fodd bynnag, mae'r Pwyllgor yn ymwybodol iawn mai cam cyntaf yn unig yw hwn a bod y pwerau a roddir i'r comisiynydd plant gan y gwelliant hwn yn rhy gyfyngol. Ni fydd y comisiynydd plant yn gallu gofalu am anghenion holl blant Cymru—pwy bynnag ydynt, ble bynnag y maent yn byw, pwy bynnag sydd yn gofalu amdanynt a boed hwy mewn ysgol, ysbyty, clwb chwaraeon neu brosiect ieuenctid—os bodlonwn ar y gwelliant yma'n unig. Argymhellwn i'n holl gyd-Aelodau yn y Cynulliad fod angen sicrhau cyfle pellach i ddeddfu cyn gynted ag y bo modd, er mwyn sicrhau y rhoddir dannedd a phwerau i'r rôl hon i gyflawni pethau dros blant a phobl ifanc Cymru.

Yr oedd y Pwyllgor yn awyddus hefyd i sicrhau y defnyddiwn yr holl bwerau a roddwyd inni gan Ddeddf Llywodraeth Cymru 1998 yn y cyfamser i roi grym i

This issue does not end here. We must continue to develop, with others, the role and functions of the commissioner. I am sure that the Health and Social Services Committee will scrutinise the Executive intently in these matters. I am also sure that the Executive will adopt a 'can do' approach to what we all know must be a joint approach with our colleagues in Westminster.

We now begin the difficult but exciting task of finding the special person who will be the first ever independent children's commissioner for Wales. Again, I urge the Assembly to endorse the Committee's proposals of a process of identifying that person, which will include children and young people. That is important. This person will hopefully be in post by the end of this year.

3:40 p.m.

A great deal of our time has been spent developing a consensus on the commissioner. That has been difficult at times, but through sheer determination, hard work and a willingness to sit down and talk it through when it became tough, we have been able to achieve that consensus. Sometimes, that has not been possible, and the issues of budgets and hard cash spring to mind. However, I am sure that the tough talking and negotiation will continue beyond today's debate. On behalf of the Health and Social Services Committee, I thank the Children and Families Division for its work and time spent in responding to requests for information from the Committee. The division has had to turn around papers within tight deadlines, and we are grateful for its efforts and hard work.

For me, the best thing about creating a National Assembly for Wales is the opportunity to do things differently in our country and to make a difference. We can identify Welsh problems and provide Welsh answers. This is one opportunity to do just that. The Assembly also gives us the opportunity to ensure that our policies are realistic and relevant to people in Wales. By

swydd y comisiynydd. Nid yw'r mater yn gorffen yn y fan hon. Rhaid inni barhau i ddatblygu, gydag eraill, rôl a swyddogaethau'r comisiynydd. Yr wyf yn siŵr y bydd y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol yn cadw llygad barcud ar y Weithrediaeth yn y materion hyn. Yr wyf yn sicr hefyd y bydd y Weithrediaeth yn mynd ati gyda brwdfrydedd mewn cydweithrediad angenrheidiol gyda'n cyd-aelodau yn San Steffan.

Yn awr dechreuwn ar y dasg anodd ond cyffrous o ddod o hyd i'r person arbennig i fod yn gomisiynydd plant annibynnol cyntaf erioed Cymru. Eto, anogaf y Cynulliad i gymeradwyo cynigion y Pwyllgor ar gyfer proses i ddewis y person hwnnw a fydd yn cynnwys plant a phobl ifanc. Mae hynny'n bwysig. Caiff y person hwn ei benodi, gobeithio, erbyn diwedd eleni.

Treuliwyd llawer iawn o'n hamser yn datblygu consensws ar fater y comisiynydd. Bu hyn yn anodd ar adegau, ond trwy rym penderfyniad, gwaith caled a pharodrwydd i eistedd a chyd-drafod pan wynebwyd anawsterau, llwyddasom i sicrhau'r consensws hwnnw. Weithiau, ni fu hynny'n bosibl, ac mae materion cyllidebau ac arian caled yn neidio i'r cof. Fodd bynnag, yr wyf yn siŵr y bydd y negodi a'r siarad caled yn parhau y tu hwnt i'r ddatl hon heddiw. Ar ran y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol, diolchaf i'r Adran Blant a Theuluoedd am ei gwaith a'i hamser a dreuliwyd yn ymateb i geisiadau am wybodaeth gan y Pwyllgor. Bu'n rhaid i'r adran gyflwyno papurau o fewn amserlenni tynn, ac yr ydym yn ddiolchgar am ei hymdrechion a'i gwaith caled.

I mi, y peth gorau ynglŷn â chreu Cynulliad Cenedlaethol i Gymru yw'r cyfle i wneud pethau'n wahanol yn ein gwlad ni ac i wneud gwahaniaeth. Gallwn nodi problemau Cymreig a darparu atebion Cymreig. Dyma un cyfle i wneud yr union beth hwnnw. Mae'r Cynulliad hefyd yn rhoi'r cyfle inni sicrhau bod ein polisiau'n realistig ac yn berthnasol i bobl yng Nghymru. Trwy edrych



looking outside ourselves, beyond this building and by truly engaging with people and partners on the outside, I hope that this has been achieved. I urge the Assembly and all Members to endorse the Health and Social Services Committee's report, to set us on our way to appointing this special person.

**Gareth Jones:** Diolch am y cyfle i gyfrannu at ddadl sydd o bwys mawr o ganlyniad i'r ymchwiliadau i gam-drin plant a digwyddiadau'r blynyddoedd diwethaf. Bydd pob plaid yn cefnogi'r cynnig, sydd, yn bennaf oll, yn ceisio rhoi swyddogaethau statudol i'r comisiynydd sydd yn ehangach na'r rheini a roddir iddo, neu iddi, yn y Mesur Safonau Gofal. Cefnogaf welliant 4 Kirsty Williams, sydd yn rhoi grym i gynnal ymchwiliadau a datgelu gwybodaeth. Mae hwn yn rym pwysig a allai fod yn rhan allweddol o'r frwydr i atal cam-drin plant.

Nid cyd-ddigwyddiad yw'r ffaith mai'r cyntaf o'r 72 o argymhellion yn adroddiad Waterhouse yw'r un sydd yn nodi:

'Dylid penodi Comisiynydd Plant annibynnol ar gyfer Gymru.'

Mae'r ail argymhelliad yn awgrymu beth ddylai fod yn ddyletswyddau i'r comisiynydd, gan bwysleisio y dylent:

'sichrau y perchir hawliau plant drwy fonitro a goruchwylio'r ffordd y caiff gweithdrefnau cwyno a datgelu cyfrinachau eu gweithredu a'r trefniadau ar gyfer eiriolaeth plant'.

Mae'r ddau brif ddyletswydd arall yn ymwneud â'r dull o ymdrin â chwynion. Er yn bwysig, nid ydynt cyn bwysiced â'r dyletswydd cyntaf. Y dyletswydd hwnnw—ond i'r comisiynydd gael y pwerau priodol—fydd yr arf pwysicaf i rwystro cam-drin plant. Mae'n bwysig bod y sylw pennaf yn cael ei roi i sefydlu parch tuag at hawliau plant a'r gweithdrefnau priodol a threfniadau addas ar gyfer eiriolaeth plant. Fel aelod o'r Pwyllgor Addysg Cyn-16, yr wyf yn sicr y gallwn, ar y cyd â'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol, sichrau bod y gofynion hynny

y tu allan inni'n hunain, y tu hwnt i'r adeilad hwn a thrwy ymwneud go-iawn â phobl a phartneriaid ar y tu allan, gobeithiaf ein bod wedi cyflawni hyn. Anogaf y Cynulliad a'r holl Aelodau i gymeradwyo adroddiad y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol, i'n rhoi ni ar ben y ffordd i benodi'r person arbennig hwn.

**Gareth Jones:** Thank you for the opportunity to contribute to a debate that is of great importance following the inquiries into child abuse and the events of recent years. Every party will support the motion, which mainly attempts to give the commissioner broader statutory functions than those given to him, or her, in the Care Standards Bill. I support Kirsty Williams's amendment 4, which gives the power to hold inquiries and reveal information. This is an important power that could be a vital part of the battle to prevent child abuse.

It is no coincidence that the first of the 72 recommendations made in the Waterhouse report is the one that notes that:

'An independent Children's Commissioner for Wales should be appointed.'

The second recommendation suggests what the commissioner's duties should be, and stresses that they should ensure:

'that children's rights are respected through the monitoring and oversight of the operation of complaints and whistle-blowing procedures and the arrangements for children's advocacy'.

The other two main duties relate to the method of dealing with complaints. Although important, they are not as important as the first duty. That duty—provided that the commissioner receives the appropriate powers—will be the most important weapon in preventing child abuse. It is important that the utmost attention is focused on establishing respect for children's rights and appropriate procedures and suitable arrangements for children's advocacy. As a member of the Pre-16 Education Committee, I am sure that we could, jointly with the

yn cael eu hymgorffori yn ein casgliadau a'n polisïau.

Health and Social Services Committee, ensure that those requirements are incorporated in our conclusions and policies.

Wrth ddarllen am yr achosion o gam-drin, trist yw gweld bod adroddiad Waterhouse yn nodi bod gweithdrefnau a systemau wedi eu sefydlu yn y cartrefi lle tybiwyd bod y plant yn derbyn gofal. Fodd bynnag, nid oedd monitro yn digwydd na defnydd priodol yn cael ei wneud o'r gweithdrefnau ac, fel y gwyddom heddiw, nid oedd neb yno i eiriol ar ran y plant nac i wrando eu cwyn. Dyna sydd yn drist am y sefyllfa hon.

In reading about the cases of abuse, it is sad to see that the Waterhouse report notes that procedures and systems were established in homes where it was assumed that the children were receiving care. However, monitoring did not take place and appropriate use of the procedures was not made and, as we know today, there was no one there to intercede on behalf of the children or to listen to their complaints. That is what is sad about this situation.

Ni chafwyd ymateb digon cadarnhaol i sawl adroddiad blaenorol nac i ofynion Deddf Plant 1989. Mae adroddiad Waterhouse yn nodi'n hollol glir y bydd angen arweiniad positif a chadarn gan Gynulliad Cenedlaethol Cymru os am warchod diogelwch plant mewn gofal yng Nghymru yn ddigonol a gwella ansawdd y gofal a ddarperir. Mae'r ffaith fod y mater dan sylw gennym y prynhawn yma yn arwydd o ymrwymiad y Cynulliad. Yr wyf yn falch o hynny.

The response to many previous reports and to the requirements of the Children Act 1989 was not sufficiently positive. The Waterhouse report states clearly that positive and firm leadership will be needed by the National Assembly for Wales if the safety of children in care is to be sufficiently safeguarded and the quality of the care provided improved. The fact that the issue is under discussion this afternoon is a sign of the Assembly's commitment. I am glad of that.

Mae'r amcanion yn rhai syml ond yn rhai hynod anodd i'w gwireddu. Gyda'r gweithdrefnau gorau yn y byd, mae'n dal yn anodd darganfod a yw plentyn yn cael ei gam-drin ai peidio. Dyna pam y bydd yn rhaid i'r comisiynydd, yn rhinwedd ei swydd, gael yr hawl i gyflwyno a mabwysiadu syniadau a dyfeisiadau o'r newydd. Rhaid iddo ef neu hi allu uniaethu â phlant yn gydymdeimladol, gallu dibynnu ar unigolion sydd yn deall anghenion plant, gallu cyfathrebu â phlant ym mha iaith bynnag sydd yn briodol a gallu eiriol ar eu rhan. Afraid dweud fy mod yn argyhoeddedig y dylai'r comisiynydd feddu ar briodoleddau arbennig; nid y lleiaf ohonynt fydd y gallu i siarad iaith y plentyn.

The objectives are simple but extremely difficult to realise. With the best procedures in the world, it is still difficult to ascertain whether a child is being abused or not. That is why the commissioner, as part of his role, must have the right to introduce and adopt new ideas and innovations. He or she must be able to identify with children sympathetically, be able to rely on individuals who understand the needs of children, be able to communicate with children in whichever language is appropriate and be an advocate on their behalf. Needless to say, I am convinced that the commissioner should possess special qualities, not least of which will be the ability to speak the child's language.

Dyna pam y bu i ni, yn y Pwyllgor Addysg Cyn-16, Ysgolion ac Addysg Gynnar, ofyn i'r panel penodi beidio â chyfyngu'n ormodol ar ddisgrifiad person y swydd. Croesawaf yn fawr y bwriad diffuant i sicrhau bod llais ein plant a'n pobl ifanc yn cael ei glywed yn y

That is why we, in the Pre-16 Education, Schools and Early Learning Committee, asked the appointments panel not to be too restrictive in the person specification for the post. I greatly welcome the sincere intention to ensure that the voice of our children and

broses o benodi'r comisiynydd, ac y bu ymgynghori gyda'r bobl ifanc yn y Cynulliad a hyd yn oed ar faes Eisteddfod yr Urdd ym Mro Conwy yr wythnos diwethaf.

Fel y soniodd Jenny, mae'r adborth o'r ymgynghori hwnnw—er enghraifft, pryderon ynghylch hiliaeth a bwlio—yn dweud y bydd yn rhaid i'r comisiynydd feddu ar yr hawl i reoli a dylanwadu ar bolisiau addysgol yn ogystal â pholisiau a gweithdrefnau adrannau gwasanaethau cymdeithasol ac awdurdodau iechyd. Heb y grym hwnnw i sicrhau cydweithio ar draws y meysydd, byddai'n amhosibl i'r comisiynydd gyflawni ei ddyletswyddau neu ei dyletswyddau'n effeithiol.

Dylai'r comisiynydd hefyd sicrhau bod gofynion addysgol plant mewn gofal yn cael sylw haeddiannol, a hefyd bod ein hysgolion yn gosod y disgwyliadau addysgol uchaf posibl ar blant mewn gofal. Mae hynny'n wir am bob plentyn. Rhaid iddo hefyd fod yn wir am blant mewn gofal.

Yr wyf yn cloi drwy gyfeirio at welliant 4 Kirsty Williams, sydd yn allweddol bwysig. Un rheswm inni aros cyhyd cyn derbyn adroddiad Waterhouse a pham y bu oedi cyn y gellid cymryd camau effeithiol i atal cam-drin plant, oedd y bygythiad o achosion cyfreithiol yn cael eu dwyn yn erbyn awdurdodau lleol ac unigolion pe bai'r adroddiadau yn ddi-sail.

Oherwydd hyn, fel y gwyddom, ni chyhoeddwyd sawl adroddiad mewnol, er enghraifft adroddiad Jillings, yr adroddiad ar Gartrefle ac eraill. Byddai datgelu cynnwys yr adroddiadau hynny wedi cynorthwyo i symud pethau ymlaen yn llawer cyflymach nag a wnaethpwyd. Mae hynny i gyd yn adroddiad Waterhouse. Er mor bwysig yw diogelu hawliau'r unigolyn mewn achosion o'r fath, nid yw'n iawn i dderbyn hynny fel rheswm dros wneud dim.

Bydd yn rhaid i'r comisiynydd gael yr hawl statudol i alw a gweld adroddiadau o'r fath a gweithredu arnynt yn ddiymdroi yn ôl y galw. Pe bai'r grym hwnnw wedi bod ar gael

young people is heard in the process of appointing the commissioner, and that there has been consultation with young people in the Assembly and even on the Urdd Eisteddfod field in Bro Conwy last week.

As Jenny mentioned, the feedback from that consultation—for example, concerns about racism and bullying—states that the commissioner will need to possess the right to control and influence educational policies as well as the policies and procedures of social services departments and health authorities. Without that power to ensure collaboration across these fields, it would be impossible for the commissioner to perform his or her duties effectively.

The commissioner should also ensure that the educational requirements of children in care are given due attention, and also that our schools set the highest possible educational expectations for children in care. That is true of every child. It must also be true of children in care.

I close by referring to Kirsty Williams's amendment 4, which is crucially important. One reason why we waited so long before receiving the Waterhouse report and why there was a delay before effective steps could be taken to prevent child abuse, was the threat of legal cases being brought against local authorities and individuals if the allegations were unfounded.

As a result, as we know, a number of internal reports were not published, for example the Jillings report, the report on Cartrefle and others. Revealing the content of those reports would have helped to move things forward far more swiftly than they did. That is all in the Waterhouse report. However important it is to safeguard the rights of the individual in such cases, it is not right to accept that as a reason for doing nothing.

The commissioner will need the statutory right to call and see such reports and to act promptly upon them as required. If that power had been available and had been used

ac wedi ei ddefnyddio flynyddoedd yn ôl, byddai sawl achos o gam-drin plant wedi ei atal. Mae'n rym o bwys—yn fygythiol i oedolion, yr wyf yn cydnabod—ond er tegwch i'r plentyn, dylai fod ar gael.

years ago, several cases of child abuse would have been prevented. It is an important power —threatening to adults, I acknowledge—but in fairness to the child, it should be available.

3:50 p.m.

Deallaf fod y Llywodraeth wedi edrych ar argymhellion 71 a 72, y ddau olaf yn adroddiad Waterhouse, sydd yn galw ar Gomisiwn y Gyfraith i edrych ar sut y sefydlir ymchwiliadau mewnol ac y'u cyhoeddir yn y dyfodol. Bydd hyn yn digwydd yn fuan. Croesawaf hynny a chydnabyddaf bwynt Jane mewn perthynas â'r gwelliant hwn. Os digwydd hyn yn ystod y flwyddyn nesaf, boed felly. Mae hynny i'w groesawu. Hoffwn feddwl y bydd yn digwydd neu byddwn yn ôl yn yr un sefyllfa ag o'r blaen.

I understand that the Government has looked at recommendations 71 and 72, the last two in the Waterhouse report, which call on the Law Commission to examine how internal inquiries are set up and how they will be published in future. This will happen soon. I welcome that and acknowledge Jane's point in relation to this amendment. If this happens in the next year, so be it. That is to be welcomed. I would like to think that that will happen or we will be back in the same situation as we were previously.

Yn y pen draw, nid mater i gwmnïau yswiriant yw penderfynu a ddylid cyhoeddi adroddiadau ai peidio ond i'r comisiynydd yn unol â'i swyddogaeth o gymryd camau angenrheidiol i ddiogelu hawliau'r plentyn. Drwy waith y comisiynydd, gadewch i ni yng Nghymru—cydnabyddaf ein bod yn arloesi—roi hawliau a buddiannau'r plentyn yn gyntaf a phob buddiant arall yn eilradd.

In the end, it is not a matter for insurance companies to decide whether or not reports are published but for the commissioner in accordance with his or her function of taking necessary steps to protect the child's rights. Through the work of the commissioner, let us in Wales—I acknowledge that we are pioneering—put the rights and interests of the child first and every other interest secondary to that.

**John Marek:** A certain amount of self-congratulation is in order this afternoon. It has taken us a long time to go through the process but we have discussed it at length and have left no stone unturned without due consideration. We should take pride in what we have done to achieve the imminent setting up of a children's commissioner later this year. I do not want to replicate what I have said in the Pre-16 Education Committee, of which I am a member. I am sure that other members have been exercising a voluntary code of abstinence on this, so I shall do the same.

**John Marek:** Mae lle inni longyfarch ein hunain rywfaint y prynhawn yma. Mae wedi cymryd amser maith inni fynd drwy'r broses ond yr ydym wedi ei thrafod yn hir ac wedi rhoi ystyriaeth ddyledus i bob manylyn. Dylem ymfalchïo yn yr hyn a wnaethom i sicrhau sefydlu comisiynydd i blant yn ddiweddarach eleni. Nid oes arnaf eisiau ailadrodd yr hyn a ddywedais yn y Pwyllgor Addysg Cyn-16, yr wyf yn aelod ohono. Yr wyf yn siŵr fod aelodau eraill wedi ymatal o'u gwirfodd ar hyn, felly gwnaf innau'r un modd.

I agree with all that has been said. However, I think that David Melding has got it wrong in his amendment and that that view is the general consensus in the Assembly. I agree that the commissioner should be accountable

Cytunaf â phopeth a ddywedwyd. Fodd bynnag, yr wyf yn meddwl fod David Melding wedi cyfeiliorni yn ei welliant ac mai dyna gonsensws cyffredinol barn y Cynulliad. Cytunaf y dylai'r comisiynydd fod

to the Assembly and that he or she should have one non-renewable term of seven years. I am particularly pleased that the recommendation is that the commissioner should not sign the Official Secrets Act. That works well in other legislatures. In the House of Commons, the Comptroller and Auditor General does not sign the Official Secrets Act but is a servant of the Public Accounts Committee and is allowed to see restricted and secret material and is trusted by the Government and the Executive of the day. I believe that the Comptroller and Auditor General performs that task well. I am sure that a children's commissioner can do the same as a servant of this Assembly.

The commissioner should have statutory powers and be independent and be seen to be independent. I hope that the appointment, when it is made, will allow a wide spectrum of applicants for this position. I do not wish to see it circumscribed by terms and conditions of appointment that would ensure that only two or three people in Wales could apply and satisfy all the conditions. We want a wide spectrum of applicants because we want a person of the highest calibre.

What I wish to say today does not concern any of that. I say it because I agree with it. We can congratulate ourselves but we have only taken the first steps. This depends on sympathetic and urgent consideration by the Westminster Government. I wonder whether this is an example of where the Assembly could tell the Westminster Government that this matter does not concern England—of course there are cross-border issues to be resolved—but concerns us in Wales. It does not concern England, Scotland or Northern Ireland. If we appoint a commissioner, he or she will be paid out of Wales's block budget and not out of England's, Scotland's or Northern Ireland's. Why do we have to wait and be at the mercy of the legislative timetable in Westminster in order to give the commissioner statutory powers? It is a perfectly reasonable question.

yn atebol i'r Cynulliad ac y dylai gael un tymor anadnewyddadwy o saith mlynedd. Yr wyf yn arbennig o falch yr argymhellir na ddylai'r comisiynydd lofnodi'r Ddeddf Gyfrinachau Swyddogol. Mae hynny'n gweithio'n dda mewn deddfwriaethau eraill. Yn Nhŷ'r Cyffredin, nid yw'r Rheolwr ac Archwiliwr Cyffredinol yn llofnodi'r Ddeddf Gyfrinachau Swyddogol ond mae'n was i'r Pwyllgor Cyfrifon Cyhoeddus gyda'r hawl i weld deunydd cyfyngedig a chyfrinachol, ac ymddiriedir ynddo gan Lywodraeth a Gweithrediaeth y dydd. Credaf fod y Rheolwr ac Archwiliwr Cyffredinol yn cyflawni'r dasg honno'n dda. Yr wyf yn sicr y gall comisiynydd plant wneud yr un modd fel gwas i'r Cynulliad hwn.

Dylai'r comisiynydd gael pwerau statudol a bod yn annibynnol a chael ei weld fel un annibynnol. Gobeithiaf y bydd y penodiad, pan y'i gwneir, yn caniatáu sbectrw m eang o ymgeiswyr am y swydd hon. Nid wyf yn dymuno gweld ei chyfyngu gan delerau ac amodau cyflogaeth a fyddai'n sicrhau mai dim ond dau neu dri o bobl yng Nghymru a allai ymgeisio a bodloni'r holl amodau. Mae arnom eisiau sbectrw m eang o ymgeiswyr oherwydd mae arnom eisiau person o'r radd flaenaf.

Nid oes a wnelo'r hyn yr wyf am ei ddweud heddiw ddim oll â hynny. Yr wyf yn ei ddweud am fy mod yn cytuno ag ef. Gallwn longyfarch ein hunain, ond dim ond y camau cyntaf yr ydym wedi'u cymryd. Mae hyn yn dibynnu ar ystyriaeth gydymdeimladol a di-oed gan Lywodraeth San Steffan. Tybed ai dyma enghraifft o sefyllfa lle gallai'r Cynulliad ddweud wrth Lywodraeth San Steffan nad oes a wnelo'r mater hwn â Lloegr—wrth gwrs bod materion trawsffiniol i'w datrys—ond ei fod yn fater pwysig i ni yng Nghymru. Nid oes a wnelo Lloegr, yr Alban na Gogledd Iwerddon ag ef. Os penodwn gomisiynydd, fe'i telir o gyllideb floc Cymru ac nid o gyllideb Lloegr, yr Alban na Gogledd Iwerddon. Pam y mae'n rhaid inni aros a bod wrth drugaredd yr amserlen ddeddfwriaethol yn San Steffan er mwyn rhoi pwerau statudol i'r comisiynydd? Mae'n gwestiwn perffaith resymol.

I will go on to address whether we should have more powers and I will detail some possibilities. I know that primary legislative powers were not a consideration of the referendum on establishing the Assembly. However, it is not easy to define a primary or secondary legislative power. In Westminster, a Government could easily detail matters that would normally be left to regulations as primary legislation. The Assembly has been in place for a year, but devolution has not yet reached the Department for the Environment, Transport and the Regions. It does not believe that such a thing exists in Wales. However, I would be straying too far from the subject if I were to voice my dissatisfaction with that department's actions so far.

We could request primary legislative powers in the long term and I know that other Members agree. We must, first, satisfy the people of Wales that we deserve those powers. We need them because we need to be able to avoid such difficulties as not being able to vote in favour of providing the Welsh children's commissioner with full statutory powers. I am sure that we would vote unanimously in favour of that if we were able to do so. However, instead, we must rely on the Westminster Government's sympathetic and urgent treatment.

**David Davies:** Following the drafting of the White Paper on devolution, people voted for an Assembly that only had secondary legislative powers. Does John Marek agree that it would be unfair to grant the Assembly further powers without giving the people of Wales an opportunity to air their voices?

**John Marek:** We will have to wait and see. I was at pains to try to explain that what you might consider a primary legislative power I would consider secondary or vice versa, depending on the power and the way Westminster parliamentary draftsmen write a primary legislative Bill.

I agree that we did not seek primary legislative powers in the referendum. I am not trying to urge the Assembly to demand

Af ymlaen i drafod a ddylem gael mwy o bwerau ac enwaf rai posibiliadau. Gwn nad oedd pwerau i wneud deddfwriaeth sylfaenol yn ystyriaeth yn y refferendwm ar sefydlu'r Cynulliad. Fodd bynnag, nid yw'n hawdd diffinio pŵer deddfu sylfaenol neu eilaidd. Yn San Steffan, gallai Llywodraeth yn hawdd ddiffinio materion a fyddai fel arfer yn cael eu gadael i reoliadau fel deddfwriaeth sylfaenol. Mae'r Cynulliad yn ei le ers blwyddyn, ond nid yw datganoli wedi cyrraedd Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau eto. Nid yw'n credu fod y fath beth yn bodoli yng Nghymru. Fodd bynnag, byddwn yn crwydro'n rhy bell oddi wrth fy nhestun pe bawn yn lleisio fy anfonlonrwydd â gweithredoedd yr adran honno hyd yma.

Gallem ofyn am bwerau deddfu sylfaenol yn y tymor hir a gwn fod Aelodau eraill yn cytuno. Rhaid inni yn gyntaf fodloni pobl Cymru ein bod yn haeddu'r pwerau hynny. Mae arnom eu hangen oherwydd mae angen inni allu osgoi anawsterau fel methu pleidleisio o blaid rhoi pwerau statudol llawn i gomisiynydd plant Cymru. Yr wyf yn siŵr y byddem yn pleidleisio'n unfrydol o blaid hynny pe gallem. Fodd bynnag, yn lle hynny mae'n rhaid inni ddibynnu ar driniaeth gydymdeimladol a di-oed gan Lywodraeth San Steffan.

**David Davies:** Ar ôl drafftio'r Papur Gwyn ar ddatganoli, pleidleisiodd pobl dros Gynulliad a fyddai â phwerau deddfu eilaidd yn unig. A yw John Marek yn cytuno mai annheg fyddai rhoi pwerau pellach i'r Cynulliad heb roi cyfle i bobl Cymru leisio'u barn?

**John Marek:** Bydd yn rhaid inni aros a gweld. Yr oeddwn yn mynd i drafferth i geisio egluro y gallai'r hyn a ystyriwch chi yn hawl deddfu sylfaenol gael ei ystyried yn hawl deddfu eilaidd gennyf fi, neu i'r gwrthwyneb, yn dibynnu ar y pŵer a'r modd y mae drafftwy'r seneddol San Steffan yn ysgrifennu Mesur deddfwriaeth sylfaenol.

Cytunaf na wnaethom geisio pwerau deddfu sylfaenol yn y refferendwm. Nid wyf yn ceisio annog y Cynulliad i'w mynnu yn awr,

them now, although I believe that it should have them. However, while I am not urging the Assembly to demand them, it is right to request procedures and processes that will enable us to act in the interests of the Welsh people without affecting the Treasury or England.

The children's commissioner is a case in point. The Government will introduce an amendment into a Westminster Bill later this month. However, it cannot introduce all the necessary amendments because the Bill's long title does not allow for those that would enable us to do what we want in Wales. Therefore, we are stuck and we must now wait until the next legislative session for the Westminster Government to state whether or not we can introduce a Welsh Bill giving full powers to a children's commissioner. That is unsatisfactory because we will be at the behest of a general election. I do not blame the Westminster Government for that because it is a fact of life, but the situation is unsatisfactory. I think that David Davies will agree that that is the case, whatever his feelings may be on that. If we had a perfect legislative world, we would have been able to make all the changes and appoint the children's commissioner with all the powers that we would wish him or her to have.

4:00 p.m.

er y credaf y dylai eu cael. Fodd bynnag, er nad wyf yn annog y Cynulliad i'w mynnu, y mae'n iawn gofyn am weithdrefnau a phrosesau a fydd yn ein galluogi i weithredu er budd pobl Cymru heb effeithio ar y Trysorlys nac ar Loegr.

Mae'r comisiynydd plant yn enghraifft o hyn. Bydd y Llywodraeth yn cyflwyno gwelliant i Fesur yn San Steffan yn ddiweddarach y mis hwn. Fodd bynnag, ni all gyflwyno'r holl welliannau angenrheidiol oherwydd nad yw teitl hir y Mesur yn caniatáu ar gyfer y rheini a fyddai'n ein galluogi ni i wneud yr hyn a fynnwn yng Nghymru. Felly, yr ydym wedi'n dal a rhaid inni yn awr aros tan y sesiwn deddfu nesaf i Lywodraeth San Steffan ddweud a gawn ni gyflwyno Mesur i Gymru yn rhoi pwerau llawn i gomisiynydd plant ai peidio. Mae hynny'n anfoddfaol oherwydd byddwn wrth drugaredd etholiad cyffredinol. Nid wyf yn beio Llywodraeth San Steffan am hynny oherwydd mae'n un o ffeithiau bywyd, ond mae'r sefyllfa'n anfoddfaol. Yr wyf yn meddwl y cytuna David Davies fod hynny'n wir, beth bynnag fo'i deimladau ar hynny. Pe bai gennym fyd deddfwriaethol perffaith, gallasem wneud y newidiadau i gyd a phenodi'r comisiynydd plant gyda'r holl bwerau y dymunem iddo neu iddi eu cael.

That is the problem. How can we avoid always having to go cap in hand to the Westminster Government? We could ask the Westminster Government—the Executive could request this when meeting with colleagues at Westminster—to always consider the Welsh issue before asking parliamentary draftsmen to draw up a Bill and to ensure that there is an enabling style of legislation for primary legislation on issues that have a strong Welsh interest. I hope that nobody misunderstands me. I am not asking for powers over taxation or matters that have not been devolved, such as Home Office powers. However, powers have been devolved in areas such as care and care standards. When the Government formulated the Care Standards Bill, it would have been right for it to have ensured in advance that the long title of the Bill was long enough to accommodate what we would want to do. It would have been right for the Government to ensure that the Bill was in an enabling form so that we in Wales could decide on all matters pertaining to Wales. That makes sense to me and I hope that it makes sense to other Members.

If the Government cannot do that, we need a fast track for Welsh Bills. The Assembly cannot be held at the mercy of events in other legislatures, as other legislatures and Executives rightly have other considerations. I do not seek to take that away from them. When Bills do not affect or demand any more money from England or the central Exchequer, there should be a system where Welsh Bills could be fast tracked through Parliament—I will not go into details because that is not the issue—so that there would be a certainty that we would receive the primary powers fairly quickly unless there was a serious point of principle. That is not the case at present. I ask Rosemary Butler and Jane Hutt whether this should be taken up within the Cabinet and discussed with the Secretary of State for Wales, Paul Murphy. It is not good enough to go to Paul Murphy alone. I do not want to belittle him but the Welsh position in the British Cabinet is the most junior position, apart from perhaps the Chief Secretary to the Treasury. The Secretary of State for Wales has very little

Dyna'r broblem. Sut allwn ni osgoi gorfod mynd gap mewn llaw at Lywodraeth San Steffan o hyd? Gallem ofyn i Lywodraeth San Steffan—gallai'r Weithrediaeth ofyn hyn pan fyddent yn cyfarfod â chymheiriaid yn San Steffan—ystyried y cwestiwn Cymreig bob amser cyn gofyn i ddrafftsmyn seneddol lunio Mesur a sicrhau bod deddfwriaeth alluogol mewn deddfwriaeth sylfaenol ar faterion sydd yn berthnasol iawn i Gymru. Gobeithio nad oes neb yn fy nghamddeall. Nid wyf yn gofyn am bwerau dros drethiant neu faterion sydd heb eu datganoli, fel pwerau'r Swyddfa Gartref. Fodd bynnag, y mae pwerau wedi'u datganoli mewn meysydd fel gofal a safonau gofal. Pan luniodd y Llywodraeth y Mesur Safonau Gofal, buasai'n iawn iddo fod wedi sicrhau ymlaen llaw fod teitl hir y Mesur yn ddigon hir ar gyfer yr hyn y byddai arnom ni eisiau'i wneud. Buasai'n iawn i'r Llywodraeth sicrhau bod y Mesur ar ffurf alluogol fel y gallem ni yng Nghymru benderfynu ar faterion perthnasol i Gymru. Mae hynny'n gwneud synnwyr i mi a gobeithiaf ei fod yn gwneud synnwyr i Aelodau eraill.

Os na all y Llywodraeth wneud hynny, mae arnom angen dull carlam ar gyfer Mesurau Cymreig. Ni all y Cynulliad gael ei ddal ar drugaredd digwyddiadau mewn deddfwriaethau eraill, gan fod gan ddeddfwriaethau a Gweinyddiaethau eraill ystyriaethau eraill, yn ddigon priodol. Nid wyf yn ceisio cymryd hynny i ffwrdd oddi wrthynt. Pan nad yw Mesurau'n effeithio nac yn hawlio mwy o arian o Loegr na'r Trysorlys canolog, dylai fod system lle gallai Mesurau Cymreig gael eu carlamu drwy'r Senedd—nid af i fanylder oherwydd nid dyma'r cwestiwn—fel y ceid sicrwydd y byddem yn cael y pwerau sylfaenol yn weddol gyflym oni bai fod pwynt difrifol o egwyddor. Nid felly y mae hi ar y funud. Gofynnaf i Rosemary Butler a Jane Hutt a ddylid codi hyn yn y Cabinet a'i drafod gydag Ysgrifennydd Gwladol Cymru, Paul Murphy. Nid yw'n ddigon da mynd at Paul Murphy yn unig. Nid oes arnaf eisiau ei fychanu ond yng Nghabinet Prydain y swydd Gymreig yw'r swydd isaf un, ar wahân efallai i Brif Ysgrifennydd y Trysorlys.



pull or power unless we provide the backing. I believe that we can do something.

I will conclude because I have had my time. If you had your new clocks here, Dafydd, they would flash red by now. I support the children's commissioner, a post that we should and will be proud of in future.

**Gwenda Thomas:** Mae'n bleser cyfrannu i'r ddadl y prynhawn yma.

Does the Assembly think that children in need in Wales could benefit from the Assembly complementing the role of the children's commissioner? I would like to make the case for the National Assembly for Wales maintaining a discreet focus on services for children in need at the national level. The Children Act 1989 definition, which is interpreted with variations across Wales, encompasses a range of children and families who are on the margins of social exclusion. They represent a small but significant minority of the population who require active services from local authorities. Without specific focus on this minority in terms of target action and resources, children in need will become more, rather than less, marginalised. There have been recurring concerns over many years about the quality of provision in many areas for children and young people. They are the most socially excluded citizens in that they are looked after away from home in the public sector. Many have been taken into care to receive protection and help but have not been helped and protected. Many have been let down and not given the attention they needed. The whole system had failed.

Ychydig iawn o ddylanwad na grym sydd gan Ysgrifennydd Gwladol Cymru oni roddwn ni gefnogaeth iddo. Credaf y gallwn wneud rhywbeth.

Yr wyf am gloi yn awr gan fy mod wedi cael fy amser. Pe bai'ch clociau newydd gennych chi yma, Dafydd, byddent yn fflachio'n goch erbyn hyn. Cefnogaf y comisiynydd plant, swydd y dylem fod ac y byddwn yn falch ohoni yn y dyfodol.

**Gwenda Thomas:** It is a pleasure to contribute to the debate this afternoon.

A yw'r Cynulliad yn meddwl y gallai plant mewn angen yng Nghymru elwa wrth i'r Cynulliad gymryd rôl gyflenwol i rôl y comisiynydd plant? Hoffwn wneud yr achos dros i Gynulliad Cenedlaethol Cymru gadw golwg gynnil ar wasanaethau i blant mewn angen ar y lefel genedlaethol. Mae diffiniad Deddf Blant 1989, a ddehonglir gydag amrywiadau ar draws Cymru, yn cwmpasu amrediad o blant a theuluoedd sydd ar ymylon allgáu cymdeithasol. Cynrychiolant leiafrif bach ond arwyddocaol o'r boblogaeth sydd angen gwasanaethau gweithredol gan awdurdodau lleol. Heb ffocws penodol ar y lleiafrif hwn yn nhermau targedu gweithredu ac adnoddau, caiff plant mewn angen eu gwthio fwy, yn hytrach na llai, i'r ymylon. Cododd pryderon i'r wyneb dro ar ôl tro dros y blynyddoedd am ansawdd darpariaeth mewn sawl maes ar gyfer plant a phobl ifanc. Hwy yw'r dinasyddion a allgaeir fwyaf yn gymdeithasol oherwydd mai'r sector cyhoeddus sydd yn gofalu amdanynt oddi cartref. Mae llawer wedi'u cymryd i mewn i ofal i gael gwarchodaeth a chymorth ond heb gael cymorth a gwarchodaeth. Cafodd llawer eu gadael i lawr ac ni chawsant y sylw yr oedd amynt ei angen. Yr oedd y system gyfan wedi methu.

There are similar concerns about how robust the child protection systems are when a child who is already known to social services is seriously injured or killed. Communities are rightly unforgiving when we get it wrong. A specific focus on children in need at a national level, including children in need of protection and care, will help local agencies get it right. The Children First programme provides an opportunity for a positive spotlight to shine on services for children and young people in need and their families. The programme will be strategically led for the first time at a national level by elected representatives.

Part of the task in improving services and outcomes for children is professional and managerial. However, there is a significant political challenge to be won in acquiring the services and keeping them high on the social care agenda. A national children's committee will achieve this. The unprecedented letter to all members of local authorities by the past Secretary of State for Wales reinforcing their roles will help. Strategies and services must inevitably work through and alongside local authorities' structures. They will be required to have a lead officer with oversight for provision for children in need. Local political structures must also reflect—and we saw this in the Waterhouse report—the need to focus on children's services as a discrete remit. A national structure with a similar focus will enable partnership working at both levels of government. The task for all of us in the public sector—not least the Assembly—is to make a difference and improve the quality of outcomes for citizens. A long-term, resourced and discrete focus on services for children in need at a national level will help us all to make that difference along with the development of the role of the children's commissioner. It would make my day if the Assembly formally and publicly adopted the United Nations Convention on the Rights of the Child.

**Lorraine Barrett:** I did not intend to speak

Y mae pryderon tebyg ynghylch pa mor gadarn yw'r systemau amddiffyn plant pan gaiff plentyn sydd eisoes yn hysbys i'r gwasanaethau cymdeithasol ei anafu'n ddifrifol neu ei ladd. Mae cymunedau'n ddifaddau, a hynny'n gyfiawn, pan fethwn. Bydd ffocws penodol ar blant mewn angen ar lefel genedlaethol, yn cynnwys plant sydd angen gwarchodaeth a gofal, yn helpu asiantaethau lleol i wneud y peth iawn. Mae'r rhaglen Plant yn Gyntaf yn cynnig cyfle i olau positif ddisgleirio ar wasanaethau i blant a phobl ifanc mewn angen a'u teuluoedd. Caiff y rhaglen arweiniad strategol am y tro cyntaf ar lefel genedlaethol gan gynrychiolwyr etholedig.

Mae rhan o'r dasg o wella gwasanaethau a chanlyniadau i blant yn fater proffesiynol a rheolaethol. Fodd bynnag, mae her wleidyddol arwyddocaol i'w hennill o ran sicrhau'r gwasanaethau a'u cadw'n uchel ar agenda gofal cymdeithasol. Bydd pwyllgor plant cenedlaethol yn cyflawni hyn. Bydd y llythyr digynsail at holl aelodau awdurdodau lleol gan gyn Ysgrifennydd Gwladol Gymru, yn atgyfnerthu eu rolau, yn gymorth. Yn anochel, rhaid i strategaethau a gwasanaethau weithio trwy ac ochr yn ochr â strwythurau awdurdodau lleol. Bydd gofyn iddynt gael swyddog arweiniol i oruchwylio'r ddarpariaeth ar gyfer plant mewn angen. Rhaid i strwythurau gwleidyddol adlewyrchu hefyd—a gwelsom hyn yn adroddiad Waterhouse—yr angen i ganolbwyntio ar wasanaethau plant fel cylch gwaith ar-wahân. Bydd strwythur cenedlaethol gyda ffocws tebyg yn galluogi gweithio mewn partneriaeth ar y ddwy lefel o lywodraeth. Y dasg inni i gyd yn y sector cyhoeddus—y Cynulliad gymaint â neb—yw gwneud gwahaniaeth a gwella ansawdd y canlyniadau i ddinasyddion. Bydd ffocws tymor hir, ar wahân ar wasanaethau i blant mewn angen ar lefel genedlaethol, a hynny'n cynnwys adnoddau, yn ein helpu ni i gyd i wneud y gwahaniaeth hwnnw, ynghyd â datblygiad rôl y comisiynydd plant. Byddwn wrth fy modd pe bai'r Cynulliad yn mabwysiadu'n ffurfiol ac yn gyhoeddus Gytundeb y Cenhedloedd Unedig ar Hawliau'r Plentyn.

**Lorraine Barrett:** Nid oeddwn yn bwriadu

this afternoon because I thought that this debate should be an opportunity for Members who have not been involved in the discussions so far. However, as my name has been mentioned several times as the representative from the Pre-16 Education Committee, I will say a few words. First, I enjoyed visiting the Health and Social Services Committee and I thank Kirsty for welcoming me and involving me in its deliberations.

Secondly, I endorse the previous comments that welcomed this proposal. We all agree that it will be one of the most important issues with which the Assembly has dealt so far. I am sure that the appointment of the children's commissioner will be warmly welcomed throughout Wales. However, I have one small third point to make as a word of caution. The commissioner will not be the panacea for all the ills that beset children and young people in Wales. Various children's agencies and myself feel that the Assembly must ensure that expectations are not raised to an impossible level. Jenny Randerson made that point earlier. The commissioner might be seen as a failure in the future if those expectations are too high. I am sure that that will not be the case, but I wanted to bring that up this afternoon so that we are more careful in the way that we proceed with this appointment.

**Rosemary Butler:** It has been a privilege to listen to this debate this afternoon. It has been one of the best debates that we have had. People think about this subject more than any other. There has been much talk about consensus. I am pleased that the debate has followed the consensus that happened in Committee. It is good to have a consensus but someone needs to spearhead the Assembly's thoughts. Jane Hutt should be congratulated and complimented on her excellent efforts in pushing this forward, cajoling people and ensuring that the Assembly gets what it wants. I would like it formally recorded on behalf of the Assembly that her efforts have been exemplary.

4:10 p.m.

The office will help us listen to children and

siarad y prynhawn yma oherwydd yr oeddwn yn meddwl y dylai'r ddadl hon fod yn gyfle i Aelodau na chafodd ran yn y trafodaethau hyd yn hyn. Fodd bynnag, gan fod fy enw wedi'i grybwyll sawl gwaith fel cynrychiolydd y Pwyllgor Addysg Cyn-16, fe ddywedaf air neu ddau. Yn gyntaf, mwyneais ymweld â'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol a diolchaf i Kirsty am fy nghroesawu a chaniatáu imi gymryd rhan yn ei drafodaethau.

Yn ail, ategaf y sylwadau a wnaethpwyd eisoes yn croesawu'r cynnig. Yr ydym i gyd yn cytuno y bydd yn un o'r materion pwysicaf i'r Cynulliad ymwneud ag ef hyd yma. Yr wyf yn siŵr y bydd croeso cynnes drwy Gymru i benodiad y comisiynydd plant. Fodd bynnag, mae gennyf un trydydd pwynt bach i'w wneud, fel gair o rybudd. Ni fydd y comisiynydd yn ateb i'r holl broblemau sydd yn effeithio ar blant a phobl ifanc yng Nghymru. Mae amryfal asiantaethau plant a minnau'n teimlo bod yn rhaid i'r Cynulliad sicrhau na chodir disgwyliadau i lefel amhosibl. Gwnaeth Jenny Randerson y pwynt hwnnw'n gynharach. Fe ellid ystyried fod y comisiynydd yn fethiant yn y dyfodol os yw'r disgwyliadau hynny'n rhy uchel. Yr wyf yn siŵr na ddigwydd hynny, ond yr oedd arnaf eisiau codi hynny y prynhawn yma er mwyn inni fod yn fwy pwylllog yn y modd yr awn ati i wneud y penodiad hwn.

**Rosemary Butler:** Bu'n ffrainc gwranddo ar y ddadl hon y prynhawn yma. Bu'n un o'r dadleuon gorau inni eu cael. Mae pobl yn meddwl mwy am y pwnc hwn nag unrhyw bwnc arall. Bu llawer o siarad am gonsensws. Yr wyf yn falch fod y ddadl wedi dilyn y consensws a gafwyd yn y Pwyllgor. Mae'n dda cael consensws ond mae angen i rywun lywio meddyliau'r Cynulliad. Dylid llongyfarch a chymeradwyo Jane Hutt ar ei hymdrechion rhagorol i wthio hyn ymlaen, yn dwyn perswâd ar bobl ac yn sicrhau y caiff y Cynulliad yr hyn y mae arno'i eisiau. Hoffwn gael cofnodi'n ffurfiol ar ran y Cynulliad y bu ei hymdrechion yn glodwiw.

Bydd y swydd hon yn ein helpu i wrando ar

young people on the kind of Wales that they want to be part of. It will inform us so that we can design policies and services to meet their needs. The commissioner may sometimes be felt as a thorn in our sides: that should be welcomed. It will be a reflection of the commissioner's influence and power. The commissioner's role will be to promote and safeguard the rights and interests of all children in Wales by listening to their views and representing children directly. Wales will join an admirable band of countries in establishing a children's commissioner.

At the same time we will be unique in the UK in appointing a children's commissioner. I know that we are greatly applauded for our genuine and practical commitment to developing the commissioner's office. In establishing it, the Assembly exemplifies the benefit of diversity that devolution can bring to the people of Wales.

We have had an excellent debate this afternoon and I will comment on some of the contributions.

Helen Mary Jones thanked all our outside partners, as did a number of the speakers, and it was important to do so. She made the point that families can be loving but that they can also be dangerous. She also talked about proper resources: we are going into the budget round and it is up to both committees—the Health and Social Services Committee and the Pre-16 Education, Schools and Early Learning Committee—to ensure that they state the case for resources clearly to the Finance Secretary. Now we are setting up this office we must ensure that the resources are properly supplied.

Talking about the remit of the commissioner, Jane made the point that this, albeit a big step, is the first step. We will move on to ensure that the commissioner has as wide a role as possible.

David Melding made a good contribution, as he always does, and made the point that

yr hyn sydd gan blant a phobl ifanc i'w ddweud am y math o Gymru y maent hwy am fod yn rhan ohoni. Rhydd wybodaeth inni fel y gallwn ddylunio polisiau a gwasanaethau i ateb eu hanghenion. Efallai y byddwn yn teimlo weithiau fod y comisiynydd yn ddraenen yn ein hystlys: dylid croesawu hynny. Bydd yn adlewyrchiad o ddylanwad a grym y comisiynydd. Rôl y comisiynydd fydd hyrwyddo a diogelu hawliau a buddiannau holl blant Cymru drwy wrando arnynt a'u cynrychioli'n uniongyrchol. Bydd Cymru'n ymuno â chriw anrhydeddus o wledydd wrth sefydlu comisiynydd plant.

Ar yr un pryd byddwn yn unigryw yn y DU wrth benodi comisiynydd plant. Gwn fod cymeradwyaeth fawr inni am ein hymrwymiad didwyll ac ymarferol i ddatblygu swydd y comisiynydd. Wrth ei sefydlu, mae'r Cynulliad yn esiampl o'r budd a all ddeillio i bobl Cymru o'r amrywiaeth a ddaw yn sgîl datganoli.

Cawsom ddadl ardderchog y prynhawn yma a rhoddaf sylwadau ar rai o'r cyfraniadau.

Diolchodd Helen Mary Jones i'n partneriaid allanol i gyd, fel y gwnaeth nifer o'r siaradwyr, ac yr oedd yn bwysig gwneud hynny. Gwnaeth hi'r pwynt y gall teuluoedd fod yn gariadus ond y gallant hefyd fod yn beryglus. Soniodd hefyd am adnoddau priodol: yr ydym yn mynd i mewn i gylch y gyllideb ac mae'n fater i'r ddau bwyllgor—y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol a'r Pwyllgor Addysg Cyn-16, Ysgolion ac Addysg Gynnar—i sicrhau eu bod yn datgan yr achos dros adnoddau yn glir i'r Ysgrifennydd Cyllid. A ninnau'n sefydlu'r swydd hon yn awr, rhaid inni sicrhau y caiff yr adnoddau eu cyflenwi'n ddigonol.

A sôn am gylch gwaith y comisiynydd, gwnaeth Jane y pwynt mai'r cam cyntaf yw hwn, er yn gam mawr. Symudwn ymlaen i sicrhau y caiff y comisiynydd rôl mor eang ag sydd yn bosibl.

Gwnaeth David Melding gyfraniad da, fel y gwna bob amser, a gwnaeth y pwynt y dylai

parents should be assured that the commissioner is there to protect their children—

**Jocelyn Davies:** One of the points that Helen made forcefully was our reliance on Westminster for the primary legislation. Can we have your response about when you expect the UK Government to say when it will make time available for us to have that primary legislation?

**Rosemary Butler:** I was going to address that point later, Jocelyn, because other people made it, and Kirsty particularly made it forcibly. We need to ensure that we achieve that primary legislation as soon as possible. I cannot give an exact date today, but it will be as soon as possible. The Care Standards Bill is going through now and Jane has arranged meetings to ensure that we get that opportunity, after that Bill has gone through.

With regard to David's point about parents' fears that the commissioner will interfere in family life, the commission will be there to protect all children. I think you said that the commissioner should not have routine involvement in family life, but should be there as a back-up, if the family should fall apart.

Jenny Randerson made a good contribution and she has made excellent contributions in the Pre-16 Committee. She made the point that, as well as our expectations, young people also have wide expectations of this commissioner. She said that the amendments were meant to be helpful and they are. All the amendments were meant to be helpful, though sometimes the wording, particularly in David's, has not been as helpful as we would have liked. It is most important that we make sure that the child is protected when families break down. The child is the central issue this afternoon.

Kirsty should be complimented on her control of her Committee. I have watched it on television with great interest, on occasion.

rhieni gael sicrwydd fod y comisiynydd yno i ddiogelu eu plant—

**Jocelyn Davies:** Un o'r pwyntiau a bwysleisiwyd gan Helen oedd ein dibyniaeth ar San Steffan am y ddeddfwriaeth sylfaenol. A gawn ni eich ymateb ynghylch pa bryd y disgwyliwch i Lywodraeth y DU ddweud pa bryd y bydd yn darparu amser inni gael y ddeddfwriaeth sylfaenol honno?

**Rosemary Butler:** Yr oeddwn yn mynd i sôn am y pwynt hwnnw yn ddiweddarach, Jocelyn, oherwydd fe'i gwnaethpwyd gan bobl eraill, ac yn arbennig o gryf gan Kirsty. Mae angen inni sicrhau y cawn y ddeddfwriaeth sylfaenol honno cyn gynted ag y bo modd. Ni allaf roi union ddyddiad heddiw, ond bydd cyn gynted ag y bo modd. Mae'r Mesur Safonau Gofal yn mynd drwodd yn awr ac mae Jane wedi trefnu cyfarfodydd i sicrhau y cawn y cyfle hwnnw, wedi i'r Mesur fynd drwodd.

Parthed pwynt David ynglŷn ag ofnau rhieni y bydd y comisiynydd yn ymyrryd â bywyd teuluol, bydd y comisiwn yno i warchod pob plentyn. Credaf ichi ddweud na ddylai'r comisiynydd gael ymwneud yn rheolaidd a bywyd teuluol, ond y dylai fod yno wrth gefn, pe bai'r teulu'n chwalu.

Gwnaeth Jenny Randerson gyfraniad da ac mae hi wedi gwneud cyfraniadau ardderchog yn y Pwyllgor Addysg Cyn-16. Gwnaeth y pwynt fod gan bobl ifanc ddisgwyliadau mawr o'r comisiynydd hwn, yn ogystal â'n disgwyliadau ni. Dywedodd y bwriadwyd i'r gwelliannau fod yn gymorth, ac y maent. Bwriad y gwelliannau i gyd oedd helpu, er weithiau nad yw'r geiriad, yn enwedig yn achos gwelliant David, wedi bod mor ddefnyddiol ag y buasem wedi'i ddymuno. Mae'n bwysig iawn inni wneud yn siŵr fod y plentyn wedi'i warchod pan fydd teuluoedd yn chwalu. Y plentyn sydd yn ganolog y prynhawn yma.

Dylid llongyfarch Kirsty ar ei rheolaeth dros ei Phwyllgor. Yr wyf wedi ei gwyllo ar y teledu gyda diddordeb mawr, ambell waith.

You have done an excellent job, Kirsty; you should be congratulated, with Jane, for making sure that the fast-tracking of this process has delivered. You made the point forcibly about the need for a commissioner and the fact that we in the Assembly highlighted that need before the Waterhouse report was published. That is a credit to the Assembly.

On Jocelyn's point, the matter does not end here today. We must ensure that we get a primary legislation slot quickly. You and others emphasised how special the commissioner must be. That will be crucial. You wanted assurance on continued pressure for negotiations for parliamentary time. I have known Jane Hutt for several years and I assure you that, when she gets her teeth into something, she does not let go. She has discussions at every opportunity with the people who matter in Westminster.

Gareth Jones made a good contribution on the Waterhouse inquiry. It was emotional because he was involved in reporting on some of the child abuse cases in north Wales. He feels passionately that any report on child abuse written in Wales should be made public. I believe that we all agree with that. Gareth wanted assurance that the Waterhouse recommendations on the commissioner will be incorporated in the Care Standards Bill. I give him that assurance.

Gareth also raised the issue of language and the ability to communicate in Welsh and English. That will be considered at the interview. However, it is not only Welsh and English that we must consider but the myriad of other languages spoken by children in Wales: Urdu, Gujarati and so on. We must ensure that facilities exist so that if children from those ethnic groups wish to use the commissioner's services, they can do so in their own language. Gareth said that children's interests must come first. That is important.

Yr ydych wedi gwneud gwaith rhagorol, Kirsty; dylid eich llongyfarch, gyda Jane, am wneud yn siŵr fod y dull carlam wedi gweithio gyda'r broses hon. Gwnaethoch y pwynt yn gryf am yr angen am gomisiynydd a'r ffaith ein bod ni yn y Cynulliad wedi amlygu'r angen hwnnw cyn i adroddiad Waterhouse gael ei gyhoeddi. Mae hynny'n glod i'r Cynulliad.

Ar bwynt Jocelyn, nid yw'r mater ar ben yma heddiw. Rhaid inni sicrhau ein bod yn cael slot deddfwriaeth sylfaenol yn fuan. Pwysleisiwyd gennych chi ac eraill mor arbennig y mae'n rhaid i'r comisiynydd fod. Bydd hynny'n allweddol. Yr oeddech eisiau sicrwydd y parheir i bwysu am negodi am amser seneddol. Yr wyf yn adnabod Jane Hutt ers sawl blwyddyn ac yr wyf yn eich sicrhau chi, unwaith y bydd hi wedi cydio yn rhywbeth, na fydd hi ddim yn gollwng. Mae hi'n manteisio ar bob cyfle i drafod gyda'r bobl sydd yn cyfrif yn San Steffan.

Gwnaeth Gareth Jones gyfraniad da ar ymchwiliad Waterhouse. Yr oedd yn emosynol oherwydd bu ef yn gyfrifol am adrodd ar rai o'r achosion cam-drin plant yn y gogledd. Mae'n teimlo'n gryf y dylai unrhyw adroddiad ar gam-drin plant a ysgrifennwyd yng Nghymru gael ei wneud yn gyhoeddus. Credaf ein bod ni i gyd yn cytuno â hynny. Yr oedd Gareth eisiau sicrwydd y caiff argymhellion Waterhouse ynglŷn â'r comisiynydd eu hymgorffori yn y Mesur Safonau Gofal. Rhoddaf y sicrwydd hwnnw iddo.

Cododd Gareth hefyd gwestiwn yr iaith a'r gallu i gyfathrebu yn y Gymraeg a'r Saesneg. Caiff hynny ei ystyried yn y cyfweliad. Fodd bynnag, nid dim ond Cymraeg a Saesneg y mae'n rhaid inni eu hystyried, ond y myrdd o ieithoedd eraill a siaredir gan blant yng Nghymru: Wrđw, Gwjarati ac ati. Rhaid inni sicrhau bod cyfleusterau ar gael fel y gall plant o'r grwpiau ethnig hynny sydd yn dymuno defnyddio gwasanaethau'r comisiynydd wneud hynny yn eu hiaith eu hunain. Dywedodd Gareth fod yn rhaid i fuddiannau'r plant ddod yn gyntaf. Mae hynny'n bwysig.

**Gareth Jones:** Hoffwn egluro'r pwynt hwnnw. Ni chyfeiriais at y Gymraeg na'r Saesneg. Dewisais fy ngeiriau yn ofalus. Cyfeiriais at iaith y plentyn.

**Rosemary Butler:** I am sorry, Gareth. You are right. However, I want to ensure that language will be considered during the interview process.

John Marek has made several contributions to the Pre-16 Education Committee. He has an agile mind with regard to regulations and points of order. He said that the commissioner must not only be independent but seen to be so. That is important and John made that point well. At another Pre-16 Education Committee meeting, we noted that the choice of commissioner must be wide. It must not be so narrow that few people will apply for the post. The job description must be as wide as possible to ensure a wide choice of candidates. John, you are in the ideal place in Parliament to ask questions about primary and secondary legislation. You must push it from that end. You have my assurance that we will push it from this end.

When the Care Standards Bill was introduced, neither the Assembly nor the Waterhouse report had made recommendations. Therefore, it is interesting that Jane Hutt secured an amendment within the full scope of the Bill. That was fast thinking on her part.

Gwenda's contribution was well thought out. Her experience in social services has given her knowledge about all aspects of dealing with children. However, the Assembly's response to Waterhouse provides what you ask for.

On Lorraine's point, the commissioner is not a panacea. We must not assume that because we will have a children's commissioner, we can sit back. We must ensure that we deliver policies and strategies that will protect children, and ensure that we win hearts and minds before the child is forced to go to the

**Gareth Jones:** I wish to explain that point. I did not refer to the Welsh or English languages. I chose my words carefully. I referred to the child's language.

**Rosemary Butler:** Mae'n ddrwg gennyf, Gareth. Yr ydych yn gywir. Fodd bynnag, yr wyf eisiau sicrhau yr ystyrir iaith yn ystod y broses gyfsweld.

Gwnaeth John Marek sawl cyfraniad i'r Pwyllgor Addysg Cyn-16. Mae ganddo feddwl ystwyth parthed rheoliadau a phwyntiau o drefn. Dywedodd y dylai'r comisiynydd nid yn unig fod yn annibynnol ond cael ei weld yn berson annibynnol. Mae hynny'n bwysig a gwnaeth John y pwynt hwnnw'n dda. Mewn cyfarfod arall o'r Pwyllgor Addysg Cyn-16 dywedasom fod yn rhaid i'r dewis o gomisiynydd fod yn eang. Rhaid iddo beidio â bod mor gul fel mai ychydig o bobl wnaiff ymgeisio am y swydd. Rhaid i'r disgrifiad swydd fod mor eang ag sydd yn bosibl er mwyn sicrhau dewis eang o ymgeiswyr. John, yr ydych yn y lle delfrydol yn y Senedd i ofyn cwestiynau am ddeddfwriaeth sylfaenol ac eilaidd. Rhaid ichi ei wthio o'r pen hwnnw. Fe'ch sicrhaf y gwnawn ninnau ei wthio o'r pen yma.

Pan gyflwynwyd y Mesur Safonau Gofal, nid oedd y Cynulliad nac adroddiad Waterhouse wedi gwneud argymhellion. Felly, mae'n ddiddorol fod Jane Hutt wedi sicrhau gwelliant o fewn ystod llawn y Mesur. Meddwl cyflym ar ei rhan hi oedd hynny.

Yr oedd cyfraniad Gwenda yn un meddylgar. Mae ei phrofiad hi ym maes gwasanaethau cymdeithasol wedi rhoi gwybodaeth iddi am holl agweddau delio â phlant. Fodd bynnag, mae ymateb y Cynulliad i adroddiad Waterhouse yn darparu'r hyn y gofynnwch amdano.

Ar bwynt Lorraine, nid ateb i'n holl broblemau yw'r comisiynydd. Rhaid inni beidio â meddwl, am fod gennym gomisiynydd plant, y gallwn eistedd yn ôl. Rhaid inni sicrhau ein bod yn cyflwyno polisïau a strategaethau a fydd yn diogelu plant, a sicrhau yr enillwn galonau a

commissioner. I hope that I have given Kirsty the reassurance that she wanted. I am convinced that if anybody can deliver, Jane Hutt can.

The main aim is to appoint a children's commissioner as soon as possible, hopefully by the end of this year or, if not, early next year. The timing will depend on the remaining stages of the Care Standards Bill. The general approach of the amendment to the Bill will be to enable as much detail as possible to be set out by the Assembly in secondary legislation, including the appointment procedures. The Health and Social Services Committee and the Pre-16 Education Committee will consider proposals for secondary legislation as soon as possible.

4:20 p.m.

At the same time, we will give the highest priority to continuing discussions with the Secretary of State for Wales about further primary legislative powers. I am sure that you all share the excitement that we feel today about this development. It has been hard work for all concerned but it has been extremely rewarding. The commitment to establishing a children's commissioner with wide-ranging functions is a landmark one. It is a significant step to improving the lives of all children and young people in Wales, enhancing their opportunities and preparing them for a full and successful adulthood. The commissioner will be a powerful, independent champion for all the children and young people of Wales. I urge you to support the motion.

**Kirsty Williams:** I will withdraw amendment 4.

**The Presiding Officer:** Because this vote is being taken at an earlier time, I have received requests from three Members to ring the bell as stated in Standing Order No. 6.21.

meddyliau cyn i'r plentyn orfod mynd at y comisiynydd. Gobeithiaf imi rhoi'r sicrwydd yr oedd ar Kirsty ei eisiau. Yr wyf yn argyhoeddedig os gall unrhyw un lwyddo yn hyn o beth, Jane Hutt yw honno.

Y prif nod yw penodi comisiynydd plant cyn gynted ag y bo modd, erbyn diwedd y flwyddyn gobeithio, neu os na, yn gynnar y flwyddyn nesaf. Bydd yr amseriad yn dibynnu ar y camau sydd yn weddill yn y Mesur Safonau Gofal. Y safbwynt cyffredinol ar y gwelliant i'r Mesur fydd galluogi i gymaint o fanylion ag y bo modd gael eu hamlinellu gan y Cynulliad mewn deddfwriaeth eilaidd, gan gynnwys y trefniadau penodi. Bydd y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol a'r Pwyllgor Addysg Cyn-16 yn ystyried cynigion ar gyfer deddfwriaeth eilaidd cyn gynted ag y bo modd.

Ar yr un pryd, rhoddwn y flaenoriaeth uchaf i barhau trafodaethau gydag Ysgrifennydd Gwladol Cymru ynghylch pwerau deddfwriaeth sylfaenol pellach. Yr wyf yn siŵr eich bod i gyd yn rhannu'r cyffro a deimlwn heddiw ynglŷn â'r datblygiad hwn. Bu'n waith caled i bawb ond mawr fu ein gwobr. Mae'r ymrwymiad i sefydlu comisiynydd plant gyda swyddogaethau eang yn garreg filltir. Mae'n gam arwyddocaol tuag at wella bywydau holl blant a phobl ifanc Cymru, rhoi mwy o gyfleoedd iddynt a'u paratoi ar gyfer bywyd llawn a llwyddiannus fel oedolion. Bydd y comisiynydd yn lladmerydd grymus, annibynnol dros holl blant a phobl ifanc Cymru. Fe'ch anogaf i gefnogi'r cynnig.

**Kirsty Williams:** Tynnaf welliant 4 yn ôl.

**Y Llywydd:** Am fod y bleidlais hon yn cael ei chymryd yn gynharach, cefais geisiadau gan dri Aelod i ganu'r gloch fel a nodir yn Rheol Sefydlog Rhif 6.21.

*Gwelliant 1: O blaid 52, Ymatal 0, Yn erbyn 0.  
Amendment 1: For 52, Abstain 0, Against 0.*



Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Barrett, Lorraine  
Bates, Mick  
Black, Peter  
Bourne, Nick  
Butler, Rosemary  
Cairns, Alun  
Chapman, Christine  
Dafis, Cynog  
Davies, David  
Davies, Glyn  
Davies, Janet  
Davies, Jocelyn  
Davies, Ron  
Edwards, Richard  
Essex, Sue  
Evans, Delyth  
German, Michael  
Gibbons, Brian  
Graham, William  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Halford, Alison  
Hancock, Brian  
Humphreys, Christine  
Hutt, Jane  
Jarman, Pauline  
Jones, Ann  
Jones, Carwyn  
Jones, Elin  
Jones, Gareth  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Law, Peter  
Lewis, Huw  
Lloyd, David  
Marek, John  
Melding, David  
Middlehurst, Tom  
Morgan, Jonathan  
Neagle, Lynne  
Pugh, Alun  
Randerson, Jenny  
Richards, Rod  
Rogers, Peter  
Ryder, Janet  
Sinclair, Karen  
Thomas, Gwenda  
Thomas, Owen John  
Thomas, Rhodri Glyn  
Williams, Kirsty  
Williams, Phil

*Derbyniwyd y gwelliant.  
Amendment adopted.*

*Gwelliant 2: O blaid 8, Ymatal 14, Yn erbyn 29.  
Amendment 2: For 8, Abstain 14, Against 29.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:  
The following Members voted against:

Bourne, Nick  
Cairns, Alun  
Davies, David  
Davies, Glyn  
Graham, William  
Melding, David  
Morgan, Jonathan  
Rogers, Peter

Barrett, Lorraine  
Bates, Mick  
Black, Peter  
Butler, Rosemary  
Chapman, Christine  
Davies, Ron  
Edwards, Richard  
Essex, Sue  
Evans, Delyth  
German, Michael  
Gibbons, Brian  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Halford, Alison  
Humphreys, Christine  
Hutt, Jane  
Jones, Ann  
Jones, Carwyn  
Law, Peter  
Lewis, Huw  
Marek, John  
Middlehurst, Tom  
Neagle, Lynne  
Pugh, Alun  
Randerson, Jenny  
Sinclair, Karen  
Thomas, Gwenda  
Williams, Kirsty

Ymataliodd yr Aelodau canlynol:  
The following Members abstained:

Dafis, Cynog  
Davies, Geraint  
Davies, Janet  
Davies, Jocelyn  
Hancock, Brian  
Jarman, Pauline  
Jones, Elin  
Jones, Gareth  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Lloyd, David  
Ryder, Janet  
Thomas, Rhodri Glyn  
Williams, Phil

*Gwrthodwyd y gwelliant.  
Amendment rejected.*

*Gwelliant 3: O blaid 53, Ymatal 0, Yn erbyn 0.  
Amendment 3: For 53, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Barrett, Lorraine  
Bates, Mick  
Black, Peter  
Bourne, Nick  
Butler, Rosemary  
Cairns, Alun  
Chapman, Christine

Dafis, Cynog  
 Davies, David  
 Davies, Geraint  
 Davies, Glyn  
 Davies, Janet  
 Davies, Jocelyn  
 Davies, Ron  
 Edwards, Richard  
 Essex, Sue  
 Evans, Delyth  
 German, Michael  
 Gibbons, Brian  
 Graham, William  
 Gregory, Janice  
 Griffiths, John  
 Gwyther, Christine  
 Halford, Alison  
 Hancock, Brian  
 Humphreys, Christine  
 Hutt, Jane  
 Jarman, Pauline  
 Jones, Ann  
 Jones, Carwyn  
 Jones, Elin  
 Jones, Gareth  
 Jones, Helen Mary  
 Jones, Ieuan Wyn  
 Law, Peter  
 Lewis, Huw  
 Lloyd, David  
 Marek, John  
 Melding, David  
 Middlehurst, Tom  
 Morgan, Jonathan  
 Neagle, Lynne  
 Pugh, Alun  
 Randerson, Jenny  
 Richards, Rod  
 Rogers, Peter  
 Ryder, Janet  
 Sinclair, Karen  
 Thomas, Gwenda  
 Thomas, Owen John  
 Thomas, Rhodri Glyn  
 Williams, Kirsty  
 Williams, Phil

*Derbyniwyd y gwelliant  
 .Amendment adopted.*

Amended motion:

*The National Assembly*

1. *acknowledges the contribution of the consultation process to the development of the proposals of the Health and Social Services and Pre-16 Education Schools and Early Learning Committees for the role, remit and functions of an independent Children's Commissioner for Wales and is grateful to all those who*

Y cynnig wedi'i ddiwygio:

*Mae'r Cynulliad Cenedlaethol:*

1. *yn cydnabod cyfraniad y broses ymgynghori i ddatblygiad cynigion y Pwyllgorau Iechyd a Gwasanaethau Cymdeithasol ac Addysg Cyn 16, Ysgolion ac Addysg Gynnar i rôl, cylch gwaith a swyddogaethau Comisiynydd annibynnol i Blant yng Nghymru ac mae'n ddiolchgar i'r*

*participated in the consultation process, particularly the children and young people .*

2. *endorses the recommendations in the report of the Health and Social Services Committee which was laid in Table Office on 31 May 2000; and*
3. *formally requests that the Secretary of State for Wales conveys to the UK Cabinet Committee on the Queen's Speech and Future Legislation at the earliest possible opportunity the Assembly's proposals to confer on the Commissioner wider statutory functions than those to be conferred under the Care Standards Bill as set out in the recommendations of the Committee's report.*

*holl bobl hynny a gymerodd ran yn y broses ymgynghori, yn enwedig y plant a'r bobl ifanc;*

2. *yn ategu'r argymhellion yn adroddiad y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol a gyflwynwyd i'r Swyddfa Gyflwyno ar 31 Mai 2000; ac*
3. *yn gofyn yn ffurfiol, a hynny cyn gynted ag y bo modd, i Ysgrifennydd Gwladol Cymru hysbysu Pwyllgor Cabinet y DU ar Araith y Frenhines a Deddfwriaeth at y Dyfodol o gynigion y Cynulliad i roi swyddogaethau statudol i'r Comisiynydd sydd yn ehangach na'r rheini a roddir iddo yn y Mesur Safonau Gofal fel y'u nodir yn yr argymhellion yn adroddiad y Pwyllgor.*

*Cynnig: O blaid 53, Ymatal 0, Yn erbyn 0.  
Motion: For 53, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:  
The following Members voted for:

Barrett, Lorraine  
Bates, Mick  
Black, Peter  
Bourne, Nick  
Butler, Rosemary  
Cairns, Alun  
Chapman, Christine  
Dafis, Cynog  
Davies, David  
Davies, Geraint  
Davies, Glyn  
Davies, Janet  
Davies, Jocelyn  
Davies, Ron  
Edwards, Richard  
Essex, Sue  
Evans, Delyth  
German, Michael  
Gibbons, Brian  
Graham, William  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Halford, Alison  
Hancock, Brian  
Humphreys, Christine  
Hutt, Jane  
Jarman, Pauline  
Jones, Ann  
Jones, Carwyn

Jones, Elin  
 Jones, Gareth  
 Jones, Helen Mary  
 Jones, Ieuan Wyn  
 Law, Peter  
 Lewis, Huw  
 Lloyd, David  
 Marek, John  
 Melding, David  
 Middlehurst, Tom  
 Morgan, Jonathan  
 Neagle, Lynne  
 Pugh, Alun  
 Randerson, Jenny  
 Richards, Rod  
 Rogers, Peter  
 Ryder, Janet  
 Sinclair, Karen  
 Thomas, Gwenda  
 Thomas, Owen John  
 Thomas, Rhodri Glyn  
 Williams, Kirsty  
 Williams, Phil

*Derbyniwyd y cynnig wedi'i ddiwygio.  
 Amended motion adopted.*

4:30 p.m.

## **Dadl Fer Short Debate**

### **Darpariaeth Ysbytai yn y Rhondda Hospital Provision in the Rhondda**

**Geraint Davies:** Following the usual protocol for short debates, I have agreed to allow Kirsty Williams and David Melding to make contributions after my speech.

The health of our community has been an important issue for Rhondda residents ever since the area developed following the advent of the coal industry in the nineteenth century. Mining communities went to considerable effort to improve their health facilities. Miners' pennies were spent on Ystradyfodwg Isolation Hospital, Treherbert Hospital, Pentwyn Hospital, Tyntyla Hospital, Porth Hospital and its annexe and Penrhys Isolation Hospital. Further down the valley, Pontypridd and District Cottage Hospital was built, and at the end of the nineteenth century, public services were established with Llwynypia Homes, a community hospital which quickly became a major hospital where the doctors and nurses had training links with Cardiff Royal

**Geraint Davies:** Yn unol â'r protocol arferol ar gyfer dadleuon byr, yr wyf wedi cytuno i ganiatáu i Kirsty Williams a David Melding wneud cyfraniadau ar ôl fy araith i.

Mae iechyd ein cymuned yn bwnc pwysig i drigolion y Rhondda byth ers i'r ardal ddatblygu yn dilyn dyfodiad y diwydiant glo yn y bedwaredd ganrif ar bymtheg. Aeth cymunedau glofaol i gryn drafferth i wella'u cyfleusterau iechyd. Gwariwyd ceiniogau'r glowyr ar Ysbyty Neilltuo Ystradyfodwg, Ysbyty Treherbert, Ysbyty Pentwyn, Ysbyty Tyntyla, Ysbyty'r Porth a'i anecs ac Ysbyty Neilltuo Penrhys. Ymhellach i lawr y cwm, adeiladwyd Ysbyty Bwthyn Pontypridd a'r Cylch, ac ar ddiwedd y bedwaredd ganrif ar bymtheg sefydlwyd gwasanaethau cyhoeddus gyda Chartrefi Llwynypia, ysbyty cymunedol a dyfodd yn brif ysbyty yn gyflym lle oedd y meddygon a'r nyrsys yn gysylltiedig o ran hyfforddiant ag Ysbyty Brenhinol Caerdydd. Yn ddiweddarach, ymunodd Ysbyty

Infirmiry. Later, Bridgend General Hospital joined this training pattern for the development of health services in south Wales. Community services were not neglected during this time, as clinics were established in strategic locations within our communities.

These major strides for healthcare came within 30 years. During this time, the public enjoyed a level of healthcare that was probably superior to that in many parts of the United Kingdom, which is surprising.

However, it was not to last, and this is ironic. With the establishment of the NHS in 1948, the emphasis on healthcare planning gradually shifted from the realm of community leaders and representatives into the hands of powerful medical staff. This was not entirely wrong—the NHS is a good thing—but the relationship became very different from the one where doctors would work cheek by jowl with the community. Doctors started working in the interests of doctors—apologies to Dai Lloyd and Brian Gibbons.

At one time, Llwynypia and Porth hospitals and several support hospitals were adequate for medical staff to work in, but suddenly these facilities became inferior and there was pressure for all activity to be focused in the district general hospital. It was ironic that doctors were decrying the facilities in Rhondda hospitals and not wishing to work in them, but were content to practice their medical skills in private hospital facilities that were no better and often less well equipped.

Change has come about quickly. Of the original six hospital facilities in Rhondda, only one remains open and we have one new hospital, Ysbyty George Thomas. This is the rub. During the last 20 years, we have had health plan after health plan from successive health authorities, which have all focused on what is needed to serve the public into the twenty-first century. We have had public consultations and even some conclusions, which did not necessarily support everything

Cyffredinol Pen-y-bont ar Ogwr â'r patrwm hyfforddi hwn ar gyfer datblygiad gwasanaethau iechyd yn ne Cymru. Nid esgeuluswyd gwasanaethau cymunedol yn ystod yr adeg hon, canys sefydlwyd clinigau mewn lleoliadau strategol o fewn ein cymunedau.

Daeth y camau mawr hyn ym maes gofal iechyd o fewn 30 mlynedd. Yn ystod yr amser hwn, mwynhaodd y cyhoedd lefel o ofal iechyd a oedd, mae'n debyg, yn well na'r gwasanaeth mewn sawl rhan o'r Deyrnas Unedig, sydd yn syndod.

Fodd bynnag, nid oedd i bara, ac mae hyn yn eironig. Gyda sefydlu'r Gwasanaeth Iechyd Gwladol yn 1948, symudodd y cyfrifoldeb ar gyfer gofal iechyd yn raddol o fyd arweinwyr a chynrychiolwyr y gymuned i ddwylo staff meddygol pwerus. Nid oedd hyn yn ddrwg i gyd—mae'r NHS yn beth da—ond aeth y berthynas yn wahanol iawn i'r un lle byddai meddygon yn gweithio ochr yn ochr â'r gymuned. Dechreuodd meddygon weithio er lles meddygon—ymddiheuriadau i Dai Lloyd a Brian Gibbons.

Ar un adeg, yr oedd Ysbytai Llwynypia a'r Porth a sawl ysbyty ategol yn ddigon da i staff meddygol weithio ynnddynt, ond yn sydyn aeth y cyfleusterau hyn yn eilradd a chafwyd pwysau dros ganoli pob gweithgaredd yn ysbyty cyffredinol yr ardal. Yr oedd yn eironig fod meddygon yn difrio'r cyfleusterau yn ysbytai'r Rhondda ac yn dweud nad oeddent am weithio ynnddynt, ond eto'n fodlon arfer eu doniau meddygol mewn cyfleusterau ysbytai preifat nad oedd ddim gwell ac a oedd yn aml heb gyfarpar cystal.

Daeth newid cyflym ar fyd. O'r chwe ysbyty gwreiddiol yn y Rhondda, dim ond un sydd yn dal yn agored ac mae gennym un ysbyty newydd, Ysbyty George Thomas. Dyma'r aflwydd. Yn ystod yr 20 mlynedd diwethaf, cawsom gynllun iechyd ar ôl cynllun iechyd gan awdurdodau iechyd olynol, i gyd yn canolbwyntio ar yr hyn sydd ei angen i wasanaethu'r cyhoedd i mewn i'r unfed ganrif ar hugain. Cawsom ymgynghori cyhoeddus a hyd yn oed ambell gasgliad, nad

that the public felt it needed, but were nevertheless an agreed way ahead.

What has happened? Nothing. The health, or rather the ill-health, of our communities remains the same. I am sorry that Rhondda is prominent in the health statistics for the wrong reasons. In 1998, mental and physical health was at its lowest level in Rhondda. Limiting long-term illness is most prevalent in areas such as Rhondda, which is one of the three local authority areas with the highest mortality rates in the country. Rhondda has the highest percentage of adults whose health limits their walking to 100 yards. Higher levels of sickness require higher levels of treatment. We need investment to make our lifestyles healthier. We need economic, educational and social investment but we also need to treat the sickness that we have.

However, it would appear that somewhere among the ranks of civil servants are those opposed to allowing the aspirations of the people to be met. Those who have been prepared to push for a £90 million hospital to add to the large numbers of large hospitals cluttering up the M4 corridor are the same people who have denied Rhondda residents the realisation of their healthcare needs today.

Over the years services have been withdrawn. The cardiac unit and the maternity department have closed. These were not given up without a fight. I mention my colleague and friend Alderman Glyn James who chained himself to Llwynypia Hospital's perimeter fence for several days to highlight this worthy cause. Equipment donated to Llwynypia Hospital was later found in the district general hospital. Over the years there has been a haemorrhage of services from the valley. In the last year, Llwynypia Hospital's services have been reduced and run down. The casualty department and the pathology services have been downgraded. The team of effective health personnel has been dispersed.

oedd o reidrwydd yn cefnogi popeth y teimlai'r cyhoedd yr oedd ei angen, ond a oedd serch hynny yn ffordd ymlaen yr oedd cytundeb arni.

Beth sydd wedi digwydd? Dim. Mae iechyd, neu'n hytrach afiechyd, ein cymunedau yn aros yr un fath. Mae'n chwith gennyf fod gan y Rhondda le blaenllaw yn yr ystadegau iechyd am y rhesymau anghywir. Yn 1998, yr oedd iechyd meddyliol a chorfforol ar ei lefel isaf yn y Rhondda. Mae salwch tymor-hir cyfyngol yn fwyaf cyffredin mewn ardaloedd fel y Rhondda, sydd ymhlith y tair ardal awdurdod lleol gyda'r cyfraddau marw uchaf yn y wlad. Yn y Rhondda y mae'r ganran uchaf o oedolion y mae eu hiechyd yn eu rhwystro rhag cerdded mwy na chanllath. Mae lefelau uwch o salwch yn gofyn am lefelau uwch o driniaeth. Mae angen buddsoddi i wneud ein ffyrdd o fyw'n fwy iach. Mae angen buddsoddiad economaidd, addysgol a chymdeithasol ond mae angen trin y salwch sydd gennym hefyd.

Fodd bynnag, y mae'n ymddangos fod yna rai ymhlith rhengoedd y gweision sifil sydd yn gwrthwynebu caniatáu cwrdd â dyheadau'r bobl. Y rheini a fu'n barod i wthio i gael ysbyty £90 miliwn i ychwanegu at y niferoedd mawr o ysbytai mawr sydd yn frith ar hyd coridor yr M4 yw'r un bobl a wrthododd i bobl y Rhondda gael ateb eu hanghenion gofal iechyd heddiw.

Dros y blynyddoedd cafodd gwasanaethau eu tynnu'n ôl. Mae uned y galon a'r adran famolaeth wedi cau. Nid ildwyd y rhain heb frwydr. Soniaf am fy nghydweithiwr a'm cyfaill yr Henadur Glyn James a rwymodd ei hun mewn cadwynau wrth ffens allanol Ysbyty Llwynypia am sawl diwrnod i dynnu sylw at yr achos teilwng hwn. Daethpwyd o hyd i offer a roddwyd i Ysbyty Llwynypia yn ddiweddarach yn yr ysbyty cyffredinol ardal. Dros y blynyddoedd bu gwaedlif o wasanaethau o'r cwm. Yn y flwyddyn ddiwethaf, cafodd gwasanaethau Ysbyty Llwynypia eu lleihau a'u dirwyn i lawr. Israddiwyd yr adran ddamweiniau a'r gwasanaethau patholeg. Gwasgarwyd y tîm o weithwyr iechyd effeithiol.

Our own network of community hospitals has been closed. Plans for the future had been agreed with the community and a package was offered for the closure of Treherbert and Porth hospitals in exchange for a replacement hospital at Llwynypia. The hospitals have closed but as yet we have not had a new hospital. The Pontypridd and Rhondda NHS Trust recognised the desperate need for a new hospital. The present site is unsuitable and impractical. An ambulance is needed to transfer patients from one part of the hospital to another. The antenatal department is situated at the top of a 200-yard steep hill. An ideal site has been identified on the valley's floor. It is a site that can be used not only for a hospital but also for primary care and the trust has plans for this. It is important that the trust is prepared to use its scarce capital resources to fund it. We are not asking for money because we have the money. The Secretary for Health and Social Services is blocking it.

As a pharmacist, I appreciate the complexities of the modern health service. I recognise that things may have to be done differently as medical technology advances. However, I do not accept a health service that is now in retreat in the Rhondda. We need a new hospital and apart from the Secretary for Health and Social Services everyone is in agreement about this: the health authority, the trust, the community health council and the local authority. I have a petition of 2,500 names which we collected in a short time calling for the establishment of a new hospital. We need good services and most importantly the application of new technology to our local service.

A new hospital should be able to offer tele-radiology. There is no need for radiologists to travel from the Royal Glamorgan Hospital to the valley when the technology exists for the digital x-ray to be examined elsewhere. It can be examined in Cardiff, Newport or even

Caewyd ein rhwydwaith ni'n hunain o ysbytai cymunedol. Yr oedd cynlluniau ar gyfer y dyfodol wedi'u cytuno gyda'r gymuned a chynigiwyd pecyn ar gyfer cau ysbytai Treherbert a'r Porth yn gyfnewid am ysbyty newydd yn Llwynypia. Fe gaewyd yr ysbytai ond hyd yn hyn ni chawsom ysbyty newydd. Cydnabu Ymddiriedolaeth NHS Pontypridd a'r Rhondda yr angen dirfawr am ysbyty newydd. Mae'r safle presennol yn anaddas ac yn anymarferol. Mae angen ambiwlans i drosglwyddo cleifion o un rhan o'r ysbyty i'r llall. Mae'r adran cyn geni ar ben rhiw serth dau ganllath o hyd. Mae safle delfrydol wedi'i ddynodi ar lawr y cwm. Mae'n safle y gellir ei ddefnyddio nid yn unig ar gyfer ysbyty ond hefyd ar gyfer gofal sylfaenol ac mae gan yr ymddiriedolaeth gynlluniau ar gyfer hyn. Mae'n bwysig fod yr ymddiriedolaeth yn barod i ddefnyddio'i hadnoddau cyfalaf prin i'w ariannu. Nid ydym yn gofyn am arian oherwydd mae'r arian gennym ni. Yr Ysgrifennydd Iechyd a Gwasanaethau Cymdeithasol sydd yn ei rwystro.

Fel fferylllydd, sylweddolaf beth yw cymhlethdodau'r gwasanaeth iechyd modern. Yr wyf yn cydnabod efallai fod yn rhaid gwneud pethau'n wahanol wrth i dechnoleg feddygol symud ymlaen. Fodd bynnag, nid wyf yn derbyn gwasanaeth iechyd sydd bellach ar drai yn y Rhondda. Mae arnom angen ysbyty newydd ac ar wahân i'r Ysgrifennydd Iechyd a Gwasanaethau Cymdeithasol mae pawb yn cytuno ynghylch hyn: yr awdurdod iechyd, yr ymddiriedolaeth, y cyngor iechyd cymuned a'r awdurdod lleol. Mae gennyf ddeiseb o 2,500 o enwau, a gasglwyd gennym mewn cyfnod byr, yn galw am sefydlu ysbyty newydd. Mae arnom angen gwasanaethau da ac yn bwysicaf oll mae arnom angen i dechnoleg newydd gael ei defnyddio yn ein gwasanaeth lleol.

Dylai ysbyty newydd allu cynnig tele-radiolog. Nid oes angen i radiolegwyr deithio o Ysbyty Brenhinol Morgannwg i'r cwm pan fo'r dechnoleg yn bodoli i'r pelydr-x digidol gael ei archwilio yn rhywle arall. Gellir ei archwilio yng Nghaerdydd, Casnewydd neu



New York. A new hospital could offer tele-dermatology and retinopathy and should be linked to our GP practices for the swift booking of appointments, fast reporting of results and a speedy delivery of discharge letters to GPs.

4:40 p.m.

Over £90 million has been spent on a new hospital, but nothing has been done to improve services locally. Rhondda residents feel let down. It seems to me that we have an Assembly Secretary who is out of touch with the needs of the valley. Rhondda residents, even today, suffer physically from the effects of the industrial age. As I said earlier, it has some of the worst health statistics in Britain.

We are witnessing a health service in retreat, led by the Assembly Secretary, rather than the health advancement that we were promised. I therefore call on Jane Hutt to honour Bro Taf Health Authority's pledge that a new hospital will be built at Llwynypia and to give permission for the site to be purchased for the NHS, so that that promise can be effected as soon as possible. This is about implementing an Assembly priority: to address the scandalous health divide in our country. Above all, Rhondda asks for justice, for the health service it so desperately needs.

**Kirsty Williams:** Thank you, Geraint, for highlighting an issue close to your heart and those of your constituents. The health statistics for Rhondda are frightening, with a general mortality rate in Rhondda Cynon Taff of 888 per 1,000 people per year, compared to 779 in the neighbouring local authority of Cardiff. If we consider respiratory diseases, the comparison between the health levels in the Rhondda and the neighbouring authority of Cardiff is even starker. In 1991, 21 per cent of the population of that local authority had a long-term limiting illness and that percentage has risen since.

hyd yn oed Efrog Newydd. Gallai ysbyty newydd gynnig teledermatoleg a retinopathi a dylid ei gysylltu â'n meddygfeydd cyffredinol er mwyn gwneud apwyntiadau yn gyflym, cyflwyno canlyniadau'n fuan a danfon llythyrau rhyddhau at feddygon teulu ar frys.

Gwariwyd dros £90 miliwn ar ysbyty newydd, ond ni wnaethpwyd dim i wella gwasanaethau yn lleol. Mae trigolion y Rhondda yn teimlo iddynt gael eu siomi. Mae'n ymddangos i mi fod gennym Ysgrifennydd Cynulliad sydd allan o gysylltiad ag anghenion y cwm. Mae trigolion y Rhondda, hyd yn oed heddiw, yn dioddef yn gorfforol o effeithiau'r oes ddiwydiannol. Fel y dywedais yn gynharach, mae gan y cwm rai o'r ystadegau iechyd gwaethaf ym Mhrydain.

Yr ydym yn dystion i wasanaeth iechyd ar drai, o dan arweiniad yr Ysgrifennydd Cynulliad, yn hytrach na'r cynnydd a addawyd inni ym maes iechyd. Galwaf felly ar Jane Hutt i anrhydeddu adduned Awdurdod Iechyd Bro Taf y codir ysbyty newydd yn Llwynypia ac i roi caniatâd i'r safle gael ei brynu i'r NHS, fel y gellir cyflawni'r addewid honno cyn gynted ag y bo modd. Mae a wnelo hyn â gweithredu un o flaenoriaethau'r Cynulliad: i roi sylw i'r rhaniad iechyd gwarthus yn ein gwlad. Uwchlaw popeth, mae'r Rhondda'n gofyn am gyfiawnder, am y gwasanaeth iechyd y mae arno ei angen mor daer.

**Kirsty Williams:** Diolch, Geraint, am dynnu sylw at fater sydd yn agos at eich calon ac at galonnau'ch etholwyr. Mae'r ystadegau iechyd ar gyfer y Rhondda'n frawychus, gyda chyfradd marwolaethau cyffredinol yn Rhondda Cynon Taf o 888 am bob 1,000 o bobl y flwyddyn, o gymharu â 779 yn awdurdod lleol Caerdydd sydd nesaf ati. Os ystyriwn glefydau'r ysgyfaint, mae'r gymhariaeth rhwng lefelau iechyd yn y Rhondda a Chaerdydd yn llymach fyth. Yn 1991, yr oedd gan 21 y cant o boblogaeth yr awdurdod lleol hwnnw salwch cyfyngol tymor hir ac mae'r ganran honno wedi codi ers hynny.

As someone who has spent much of my time trying to protect local services, in particular provision in a community setting, I know how difficult it has been to do that in recent years. Without doubt, we need to improve not only hospital care in Rhondda, but primary care settings. Some GPs have to work in very difficult conditions. We need to look carefully at targeting resources at one of the most deprived areas of Wales, to ensure the best possible care in both a primary and intermediate setting.

That brings us to the issue of capital, and the need in Wales to have a modern estate in which staff and patients can give and receive the best treatment. That must extend beyond Rhondda. We need radical investment in the capital programme so that we can deliver services in the best modern buildings, using the best equipment available. In that way, not only can staff work more effectively, but patients can receive better care. We will also be able to do this more cost-effectively than at present.

**David Melding:** I am pleased to offer a little moral support to Geraint on this issue. The way that he described all the matters of real interest to the people in Rhondda cannot be improved upon. I reflect upon the fact that my colleague, Jonathan Morgan, and I are probably the first Conservatives to represent Rhondda since the Ballot Act 1872. Plaid Cymru and the Conservative party represent Rhondda in the Assembly. The Labour party does not have that distinction. However, it would be inappropriate to dwell on such a partisan point in a short debate.

The point to remember when you close hospitals—and health authorities must bear this in mind—is that the replacement facility ought to be available. That should be part of the decision-making process and when we are consulting we should be clear and honest with local people about where the alternative facilities will be provided. Will they be drained away to a central location in Cardiff

Fel un sydd wedi treulio llawer o'm hamser yn ceisio gwarchod gwasanaethau lleol, yn enwedig ddarpariaeth yn y gymuned, gwn pa mor anodd fu gwneud hynny yn y blynyddoedd diweddar. Heb os nac onibai, mae angen gwella nid yn unig ofal ysbytai yn y Rhondda, ond lleoliadau gofal sylfaenol. Mae rhai meddygon teulu'n gorfod gweithio mewn amodau anodd iawn. Mae angen inni edrych yn ofalus ar dargedu adnoddau ar un o ardaloedd mwyaf difreintiedig Cymru, er mwyn sicrhau'r gofal gorau posibl mewn lleoliadau sylfaenol a chanolradd fel ei gilydd.

Daw hynny â ni at fater cyfalaf, a'r angen yng Nghymru i gael ystad fodern lle gall staff a chleifion roi a derbyn y driniaeth orau. Rhaid i hynny ymestyn y tu hwnt i'r Rhondda. Mae angen buddsoddi radical yn y rhaglen gyfalaf fel y gallwn ddarparu gwasanaethau yn yr adeiladau modern gorau, gan ddefnyddio'r offer gorau sydd ar gael. Yn y modd hwnnw, nid yn unig y gall staff weithio'n fwy effeithiol, ond gall cleifion gael gwell gofal. Byddwn hefyd yn gallu gwneud hyn yn fwy cost-effeithiol nag ar hyn o bryd.

**David Melding:** Yr wyf yn falch o allu cynnig ychydig o gefnogaeth foisol i Geraint ar y mater hwn. Ni ellir gwella'r modd y disgrifiodd yr holl faterion o wir ddiddordeb i bobl yn y Rhondda. Meddyliaf am y ffaith mai fy nghyd-aelod Jonathan Morgan a mi, mae'n debyg, yw'r Ceidwadwyr cyntaf i gynrychioli'r Rhondda ers Deddf Bleidleisio 1872. Plaid Cymru a'r Blaid Geidwadol sydd yn cynrychioli'r Rhondda yn y Cynulliad. Nid oes gan y blaid Lafur y fraint honno. Fodd bynnag, byddai'n amhriodol pwysleisio pwynt mor bleidiol mewn dadl fer.

Y pwynt i'w gofio wrth gau ysbytai—a rhaid i awdurdodau iechyd gofio hyn—yw y dylai'r cyfleuster sydd i gymryd eu lle fod ar gael. Dylai hynny fod yn rhan o'r broses o wneud penderfyniadau a phan fyddwn yn ymgynghori dylem fod yn eglur ac yn onest gyda phobl leol ynghylch lleoliad y cyfleusterau newydd a ddarperir. A gânt eu sugno i ffwrdd i leoliad canolog yng

or at the bottom of the Valleys or will they be retained locally? It is important that we are clear about that.

We also need a guide on our direction in the new age of intermediate hospitals. It is probably the case that a wide range of facilities can now be provided in an intermediate setting. That would be of great benefit, in that people can receive care closer to where they live. That undoubtedly improves quality of life for those people and for those who want to visit them.

I am sure that the Secretary will want to respond to some of those points. However, when it comes to health services and the indicators of health, people in Rhondda and the Valleys areas have not had as good a deal as they deserve.

**The Secretary for Health and Social Services (Jane Hutt):** I am not sure that I will thank Geraint, because it is vital to be constructive in politics. Our previous debate demonstrated that we can be constructive. This should not be about scoring points, but ensuring—and rightly in terms of your role in trying to improve policy as well as scrutinising my role—that we are constructive in what we do. It was unhelpful to introduce the debate in the way that you did. You know very well, Geraint, how committed and dedicated I am to improving NHS services in Rhondda.

The issue that we must begin with is improving the health and wellbeing of people in Rhondda. I reflect on why people are so ill and poor in Rhondda and the south Wales valleys. The destruction of the coalfields is one main reason why that poverty and ill-health exists and why we must look beyond the health service to how we can improve the economic development of the Valleys, as well as housing and educational opportunities. Geraint, you speak powerfully about the importance of health improvement and linking that to those other policy agendas. I hope that we can move forward together in addressing these issues.

Nghaerdydd neu i waelod y Cymoedd ynteu a gânt eu cadw'n lleol? Mae'n bwysig inni fod yn eglur ar hynny.

Mae arnom angen arweiniad hefyd yn ein cyfeiriad yn oes newydd yr ysbytai canolraddol. Mae'n debyg ei bod yn wir y gellir bellach ddarparu amrediad eang o gyfleusterau mewn lleoliad canolraddol. Byddai hynny o fudd mawr, gan y gall pobl gael gofal yn nes at eu cartref. Mae hynny heb os yn gwella ansawdd bywyd i'r bobl hynny ac i'r rhai sydd eisiau ymweld â hwy.

Yr wyf yn siŵr y bydd ar yr Ysgrifennydd eisiau ymateb i rai o'r pwyntiau hynny. Fodd bynnag, ar fater gwasanaethau iechyd a mynegyddion iechyd, nid yw pobl yn ardaloedd y Rhondda a'r Cymoedd wedi cael bargaen gystal ag yr haeddant.

**Yr Ysgrifennydd Iechyd a Gwasanaethau Cymdeithasol (Jane Hutt):** Nid wyf yn siŵr a ydwyf am ddiolch i Geraint, oherwydd mae'n holl bwysig bod yn adeiladol mewn gwleidyddiaeth. Dangosodd ein dadl flaenorol y gallwn fod yn adeiladol. Nid mater o sgorio pwyntiau ddylai hyn fod, ond sicrhau—a hynny'n berffaith gywir yn nhermau'ch rôl chi o geisio gwella polisi yn ogystal ag arolygu fy rôl i—ein bod yn adeiladol yn yr hyn a wnawn. Nid oedd yn ddefnyddiol iawn cyflwyno'r ddadl yn y modd y gwnaethoch. Gwyddoch yn burion, Geraint, mor ymroddedig a brwd yr wyf fi dros wella gwasanaethau'r NHS yn y Rhondda.

Y mater y mae'n rhaid inni ei ystyried yn flaenaf yw gwella iechyd a lles pobl yn y Rhondda. Ystyriaf pam y mae pobl mor sâl a thlawd yn y Rhondda a chymoedd de Cymru. Mae dinistrio'r meysydd glo yn un rheswm pwysig pam y mae'r tlodi a'r afiechyd hwnnw'n bodoli a pham y mae'n rhaid inni edrych y tu hwnt i'r gwasanaeth iechyd i weld sut y gallwn wella datblygiad economaidd y Cymoedd, yn ogystal â chyfleoedd am dai ac addysg. Geraint, siaradoch yn rymus am bwysigrwydd gwelliannau iechyd a chysylltu hynny â'r agendâu polisi eraill hynny. Gobeithiaf y gallwn symud ymlaen gyda'n gilydd i ddelio

â'r materion hyn.

Let us turn to the important concerns about health services in Rhondda—health and social services, I would say, because this is about both. They have been developed for many years in Rhondda. An important step was the opening of Ysbyty George Thomas in 1991. In September 1997 Bro Taf Health Authority consulted upon the provision of a second new community hospital, which would allow the ageing Llwynypia hospital to be closed. That was a document on the health services of the people of Taff-Ely and Rhondda. People in Taff-Ely and Rhondda want to see the results of that consultation and to know where those services that they were consulted upon are.

The consultation document recommended that the second Rhondda hospital be built upon the currently vacant site earmarked by the local authority. The document also indicated the health authority's willingness to consider other feasible sites. That consultation concluded in September 1998. As you say, it secured the agreement of the community health councils and the local population. We must take this seriously, but it is for the health authority and the trust to move it forward. That consultation was relatively recent, but major changes have occurred since then. Primary care was mentioned, and you, Geraint, mentioned mental health. We must consider the ageing population in Rhondda Cynon Taff and how we will address that. Bro Taf Health Authority and the trusts are doing that. We must consider the interdependence of primary, secondary, intermediate and acute care. We must consider voluntary sector provision and integrating health and social services.

We now have the opportunity to consider what the health and social needs of this community are and what the best health provision for them is. Future proposals for services in Rhondda may differ from what

Gadewch inni droi at y pryderon pwysig ynghylch gwasanaethau iechyd yn y Rhondda—iechyd a gwasanaethau cymdeithasol, ddywedwn i, oherwydd mae a wnelo hyn â'r ddeubeth. Fe'u datblygwyd dros flynyddoedd lawer yn y Rhondda. Cam pwysig oedd agor Ysbyty George Thomas yn 1991. Ym mis Medi 1997 ymgynghorodd Awdurdod Iechyd Bro Taf ynghylch darparu ail ysbyty cymuned newydd, a fyddai'n caniatáu cau ysbyty Llwynypia, a oedd yn heneiddio. Dogfen oedd honno ar wasanaethau iechyd pobl Taf-Elái a'r Rhondda. Mae pobl yn Nhaf-Elái a'r Rhondda eisiau gweld canlyniadau'r ymgynghoriad hwnnw a chael gwybod ym mhle mae'r gwasanaethau hynny yr ymgynghorwyd â hwy yn eu cylch.

Argymhellodd y ddogfen ymgynghori y dylai'r ail ysbyty i'r Rhondda gael ei adeiladu ar y safle gwag presennol a glustnodwyd gan yr awdurdod lleol. Soniodd y ddogfen hefyd am barodrwydd yr awdurdod iechyd i ystyried safleoedd posibl eraill. Daeth yr ymgynghori hwnnw i ben ym Medi 1998. Fel y dywedwch, sicrhawyd cytundeb y cynghorau iechyd cymunedol a'r boblogaeth leol. Rhaid inni fod o ddifrif ynglŷn â hyn, ond mater i'r awdurdod iechyd a'r ymddiriedolaeth yw symud y peth yn ei flaen. Digwyddodd yr ymgynghori hwnnw'n gymharol ddiweddar, ond digwyddodd newidiadau mawr ers hynny. Soniwyd am ofal sylfaenol, a soniasoch chi, Geraint, am iechyd meddwl. Rhaid inni ystyried y boblogaeth oedrannus yn Rhondda Cynon Taf a'r modd y deliwn â hynny. Mae Awdurdod Iechyd Bro Taf a'r ymddiriedolaethau'n gwneud hynny. Rhaid inni ystyried cyd-ddibyniaeth gofal sylfaenol, eilaidd, canolraddol ac aciwt. Rhaid inni ystyried darpariaeth y sector gwirfoddol ac integreiddio iechyd a gwasanaethau cymdeithasol.

Mae cyfle gennym bellach i ystyried beth yw anghenion iechyd a chymdeithasol y gymuned hon a beth yw'r ddarpariaeth iechyd orau ar eu cyfer. Gall cynigion y dyfodol ar gyfer gwasanaethau yn y Rhondda

the consultation document originally envisaged. We must consider whether this is the right site and whether there are alternative sites. We may need a new formal public consultation. We must ensure that everyone can express his or her views.

4:50 p.m.

However, I am assured that Bro Taf Health Authority is developing a revised case for the services needed in Rhondda. It recently asked us if the trust could buy the former Bramber factory site in Llwynypia to develop the new services. We are discussing that site. It is currently owned by Rhondda Cynon Taff County Borough Council. I understand that Bro Taf Health Authority and the trust are working hard to bring together their proposals for new services, but there is still some uncertainty about the sort of facilities needed. We must be assured about the viability of new projects and proposals. I am happy to consider furthering the issue of land purchase. I never said that I would not do so, Geraint. I will meet you soon and receive your petition. We must continue to discuss this with the relevant parties.

**Lorraine Barrett:** As a Rhondda girl, born and bred, I welcome your reassurances. I was educated in the Rhondda and nursed at Llwynypia hospital. My father was an examiner with pneumoconiosis and my mother has had two mastectomy operations at Rhondda hospitals. Therefore, I am well aware of the lack, or the failings, of the hospital provisions, particularly the facilities at Llwynypia. They are not perfect. I hope that Geraint will accept the spirit in which I say this, as the only member of my family who has left the Rhondda. I thank you, Jane, for your reassurances.

**Jane Hutt:** I intend to try to turn this debate around from its rather negative start by saying that we have an opportunity here, Geraint, to obtain what the people of the Rhondda need. Bureaucracy is involved. We

fod yn wahanol i'r hyn a ragwelwyd yn wreiddiol yn y ddogfen ymgynghori. Rhaid inni ystyried ai dyma'r safle iawn ac a oes safleoedd eraill y gallem ddewis yn lle. Efallai y bydd angen ymgynghoriad cyhoeddus ffurfiol newydd. Rhaid inni sicrhau y gall pawb fynegi'u barn.

Fodd bynnag, yr wyf wedi cael sicrwydd fod Awdurdod Iechyd Bro Taf yn datblygu achos diwygiedig dros y gwasanaethau sydd eu hangen yn y Rhondda. Gofynnodd inni'n ddiweddar a allai'r ymddiriedolaeth brynu safle hen ffatri Bramber yn Llwynypia i ddatblygu'r gwasanaethau newydd. Yr ydym yn trafod y safle hwnnw. Mae ar hyn o bryd ym meddiant Cyngor Bwrdeistref Sirol Rhondda Cynon Taf. Deallaf fod Awdurdod Iechyd Bro Taf a'r ymddiriedolaeth yn gweithio'n galed i ddwyn ynghyd eu cynigion ar gyfer gwasanaethau newydd, ond bod rhywfaint o ansicrwydd o hyd ynghylch y math o gyfleusterau sydd eu hangen. Rhaid inni gael sicrwydd fod prosiectau a chynigion newydd yn hyfyw. Yr wyf yn hapus i ystyried ymhellach y mater o brynu tir. Ni ddywedais erioed na fuaswn yn gwneud hynny, Geraint. Fe wnaif gwrrd â chi'n fuan a derbyn eich deiseb. Rhaid inni barhau i drafod hyn gyda'r partion perthnasol.

**Lorraine Barrett:** Fel merch a anwyd ac a fagwyd yn y Rhondda, croesawaf eich sicrwydd. Fe'm haddysgwyd yn y Rhondda a chefais fy nyrso yn ysbyty Llwynypia. Yr oedd fy nhad yn gyn-löwr a chlefyd y llwch arno a chafodd fy mam ddwy lawdriniaeth i dynnu bron yn ysbytai'r Rhondda. Felly, yr wyf yn ymwybodol iawn o ddiffyg, neu ffaelecteddau'r darpariaethau ysbyty, yn enwedig y cyfleusterau yn Llwynypia. Nid ydynt yn berffaith. Gobeithio y gwnaiff Geraint dderbyn yr ysbyrd y dywedaf hyn ynddo, fel yr unig aelod o'm teulu sydd wedi gadael y Rhondda. Diolch ichi, Jane, am y sicrwydd a roesoich.

**Jane Hutt:** Bwriadaf geisio wyrddroi'r ddadl hon o'i dechreuad negyddol braidd drwy ddweud fod gennym gyfle yma, Geraint, i gael yr hyn sydd ei angen ar bobl y Rhondda. Mae biwrocratiaeth yn rhan o hyn. Yr ydym

have carried out consultations and considered different proposals. However, we must ensure that, with all we have learnt over the last year, the Assembly gets right what will be provided for the people of the Rhondda. There are some exciting possibilities, which link primary, community and mental health services. As you know, Geraint, the Rhondda GP Co-operative is looking to relocate to a permanent site. It is one of the best GP co-operatives working in Wales—perhaps I should not say that. It is vital and dynamic. It is committed to the people of the Rhondda and wants to have a new, permanent site. We must consider whether or not this is an appropriate part of the new services.

**Pauline Jarman:** I am puzzled. The wish of the Rhondda community, in close consultation with the trust, the health authority and the local authority, is that Llwynypia is the preferred site. Which sites does the Assembly prefer?

**Jane Hutt:** It is inappropriate for the Assembly to have a preferred site. The Assembly must be assured—in terms of the whole of Wales and in exercising its role—that the plans provided are robust, meet the needs of the local community and are viable. It must also be assured that the health authority and the trust, wherever their location, have the resources and the right plans to deliver. It is not for the Assembly to decide on the site. It is for the trust and the health authority to come to us and say ‘We have these plans. We have these proposals. They are robust. They are viable. They will be sustainable’. We do not want something that will not be sustainable. We want a permanent site that will provide the relevant service for the Rhondda. It is not for the Assembly to decide on preferred sites. It is for us to ensure that we have the right plans before us, so that we can give them our backing. I have given you a commitment to give that backing. I have also given you a commitment regarding future meetings, the partnership and trying to speed up discussions with the health authority and the trust.

wedi ymgynghori ac wedi ystyried gwahanol gynigion. Fodd bynnag, rhaid inni sicrhau, gyda phopeth yr ydym wedi'i ddysgu dros y flwyddyn ddiwethaf, fod y Cynulliad yn darparu'n gywir ar gyfer pobl y Rhondda. Mae rhai posibiliadau cyffrous, sydd yn cysylltu gwasanaethau sylfaenol, cymunedol a iechyd meddwl. Fel y gwyddoch, Geraint, mae cwmni cydweithredol meddygon teulu'r Rhondda'n edrych i ailymsefydlu ar safle parhaol. Dyma un o'r cyrff gorau o'i fath sydd yn gweithio yng Nghymru—efallai na ddylwn ddweud hynny. Mae'n fywiog ac yn ddeinamig. Mae'n ymroddedig i bobl y Rhondda ac mae eisiau cael safle newydd parhaol. Rhaid inni ystyried a yw hyn yn rhan briodol o'r gwasanaethau newydd ai peidio.

**Pauline Jarman:** Yr wyf wedi drysu. Dymuniad cymuned y Rhondda, mewn ymgynghoriad agos â'r ymddiriedolaeth, yr awdurdod iechyd a'r awdurdod lleol, yw mai Llwynypia fydd yr hoff safle. Pa safleoedd y mae'r Cynulliad yn eu ffafrio?

**Jane Hutt:** Mae'n amhriodol i'r Cynulliad gael hoff safle. Rhaid i'r Cynulliad gael sicrwydd—yn nhermau Cymru gyfan ac yng ngweithrediad ei rôl—fod y cynlluniau a ddarperir yn rhai cryf sydd yn cwrdd ag anghenion y gymuned leol ac yn hyfyw. Rhaid iddo gael sicrwydd hefyd fod yr awdurdod iechyd a'r ymddiriedolaeth, lle bynnag y bo'u lleoliad, yn meddu ar yr adnoddau a'r cynlluniau iawn i lwyddo. Nid mater i'r Cynulliad yw penderfynu ar y safle. Mater i'r ymddiriedolaeth a'r awdurdod iechyd yw dod atom ni a dweud ‘Mae gennym y cynlluniau hyn. Mae gennym y cynigion hyn. Maent yn gryf. Maent yn hyfyw. Byddant yn gynaliadwy’. Nid oes arnom eisiau rhywbeth na fydd yn gynaliadwy. Mae arnom eisiau safle parhaol a fydd yn darparu'r gwasanaeth perthnasol i'r Rhondda. Nid mater i'r Cynulliad yw penderfynu ar hoff safleoedd. Mater ydyw o sicrhau bod gennym y cynlluniau iawn o'n blaenau, fel y gallwn roi'n cefnogaeth iddynt. Yr wyf wedi rhoi ymrwymiad i chi y rhoddaf y gefnogaeth honno. Yr wyf hefyd wedi rhoi ymrwymiad i chi ynglŷn â chyfarfodydd yn y dyfodol, y bartneriaeth a cheisio cyflymu

trafodaethau gyda'r awdurdod iechyd a'r ymddiriedolaeth.

Geraint talked about mental health. It is possible that we could consider mental health resource centres in relation to the service needs of the community. They could be located on a community hospital site as part of a new pattern of health services. It is important to recognise that this must be done in the context of the health improvement programme for Rhondda. You know, Geraint, that the health improvement programme must be linked to tackling health inequalities.

Soniodd Geraint am iechyd meddwl. Mae'n bosibl y gallem ystyried canolfannau adnoddau iechyd meddwl mewn perthynas ag anghenion gwasanaeth y gymuned. Gellid eu lleoli ar safle ysbyty cymunedol fel rhan o batrwm newydd o wasanaethau iechyd. Mae'n bwysig sylweddoli fod yn rhaid gwneud hyn yng nghyd-destun y rhaglen wella iechyd i'r Rhondda. Gwyddoch, Geraint, fod yn rhaid i'r rhaglen wella iechyd gael ei chysylltu â datrys anghydraddoldebau iechyd.

We have everything going for us in a way, because we have this new money, and we have everything going for the people of the Rhondda in terms of their future health and social services. That does not happen overnight, however, and we must work together to achieve it. It means working with the health authority, with the trust, having consultations and meetings. I have said that I would meet with you, Geraint, to ensure that we get the right solution for the Rhondda, not a solution that might have been right 10 years ago. I have given you that commitment.

Mae gennym bopeth o'n plaid mewn ffordd, oherwydd mae'r arian newydd yma gennym ni, ac mae gennym bopeth o blaid pobl y Rhondda yn nhermau eu gwasanaethau iechyd a chymdeithasol i'r dyfodol. Nid yw hynny'n digwydd dros nos, fodd bynnag, a rhaid inni weithio gyda'n gilydd i'w sicrhau. Mae'n golygu gweithio gyda'r awdurdod iechyd, gyda'r ymddiriedolaeth, ymgynghori a chynnal cyfarfodydd. Dywedais y buaswn yn cwrdd â chi, Geraint, i sicrhau y cawn yr ateb iawn i'r Rhondda, nid ateb a allai fod wedi bod yn iawn 10 mlynedd yn ôl. Yr wyf wedi rhoi'r ymrwymiad hwnnw ichi.

Let us face it, a year ago we did not have this extra allocation of money. We did not the opportunity to tackle health inequalities in the way that I am describing today. We did not have the opportunity to scrutinise as well as working together on building health services in the Valleys and in communities such as the Rhondda. This should be a positive debate on the future health needs of the people of the Rhondda.

Gadewch inni wynebu'r ffaith nad oedd gennym y dyraniad ychwanegol hwn o arian flwyddyn yn ôl. Nid oedd gennym y cyfle i fynd i'r afael ag anghydraddoldebau iechyd yn y modd a ddisgrifiaf heddiw. Ni chawsom y cyfle i archwilio yn ogystal â chydweithio ar adeiladu gwasanaethau iechyd yn y Cymoedd ac mewn cymunedau fel y Rhondda. Dylai hon fod yn ddadl gadarnhaol ar anghenion iechyd pobl y Rhondda yn y dyfodol.

### **Pwynt o Drefn Point of Order**

**Brian Gibbons:** Point of order. I raise this under Standing Order No. 4.6. I did not realise until I heard Jane's response to the short debate that the property about which Geraint was speaking was in the ownership of the local authority. Both Geraint and Pauline intervened on that issue. Perhaps

**Brian Gibbons:** Pwynt o drefn. Codaf hwn o dan Reol Sefydlog Rhif 4.6. Ni sylweddolais tan imi glywed ymateb Jane i'r ddadl fer fod yr eiddo yr oedd Geraint yn siarad amdano yn eiddo i'r awdurdod lleol. Siaradodd Geraint a Pauline ar y mater hwnnw. Efallai y dylent ddatgan eu buddiant, oherwydd y

they need to develop their interest, because it could compromise future developments and decisions if people speak and take a certain line without doing so.

**The Presiding Officer:** I ask for a declaration of interest from both Members.

**Pauline Jarman:** I declare an interest as a member of Rhondda Cynon Taff County Borough Council.

**Geraint Davies:** I also declare an interest as a member of Rhondda Cynon Taff County Borough Council.

**The Presiding Officer:** Thank you for your help, Brian, in keeping us in order.

Dyna ddiwedd trafodaethau heddiw. Diolch i chi i gyd.

gallai gyfaddawdu datblygiadau a phenderfyniadau yn y dyfodol pe siaradai pobl a mynegi barn arbennig heb wneud hynny.

**Y Llywydd:** Gofynnaf am ddatganiad buddiant gan y ddau Aelod.

**Pauline Jarman:** Datganaf fuddiant fel aelod o Gyngor Bwrdeistref Sirol Rhondda Cynon Taf.

**Geraint Davies:** Yr wyf finnow hefyd yn datgan buddiant fel aelod o Gyngor Bwrdeistref Sirol Rhondda Cynon Taf.

**Y Llywydd:** Diolch am eich cymorth, Brian, i'n cadw mewn trefn.

That brings today's proceedings to a close. I thank you all.

*Daeth y cyfarfod i ben am 4.58 p.m.  
The session ended at 4.58 p.m.*