

# Pwyllgor ar y Papur Gwyn – Trefn Lywodraethu Well i Gymru

## Cofnodion BGW(2) 10-05(mins)

Dyddiad y cyfarfod: Dydd Iau 1 Medi 2005

Amser y cyfarfod: 2.00 tan 4.30pm

Lleoliad y cyfarfod: Ystafell Bwyllgora 1, Cynulliad Cenedlaethol Cymru

## Aelodau'r Cynulliad yn Bresennol

Aelod Cynulliad	Etholaeth
Lorraine Barrett	De Caerdydd a Phenarth
Jocelyn Davies	Dwyrain De Cymru
Yr Arglwydd Elis-Thomas (Cadeirydd)	Meirionnydd Nant Conwy
Jane Hutt	Bro Morgannwg
David Melding	Canol De Cymru
Carl Sargeant	Alun a Glannau Dyfrdwy
Kirsty Williams	Brycheiniog a Sir Faesyfed

## Gwasanaeth y Pwyllgorau

Paul Silk	Clerc y Cynulliad a'r Pwyllgor
Sian Wilkins	Clerc y Pwyllgor

## Eitem 1: Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau

## Eitem 2: Y Papur Gwyn – Trefn Lywodraethu Well i Gymru

2.1 Bu'r Pwyllgor yn ystyried yr adroddiad drafft

2.2 Cytunwyd ar baragraffau 1-15

### **2.3 Paragraff 16: Cynigiwyd gwelliant gan Kirsty Williams**

Llinell 17 – Dileu popeth ar ôl "by legislation." ac ychwanegu

"we however recommend that the maximum number of Ministers and Deputy Ministers should be regulated by the Assembly's Standing Orders."

**Ar ôl trafod, cynhaliwyd pleidlais ar y gwelliant, fel a ganlyn:**

O blaid: Kirsty Williams, Jocelyn Davies (2)

Yn erbyn: Lorraine Barrett, Jane Hutt, David Melding, Carl Sargeant (4)

Ni chytunwyd ar y gwelliant a chytunwyd ar y paragraff fel y'i drafftwyd.

### **2.4 Paragraff 17: Cynigiwyd gwelliant gan David Melding**

Dileu brawddeg olaf paragraff 17 a rhoi yn ei lle

"We recognise the WAG's need for a Counsel General but reject the suggestion that the office holder may be a member of the WAG, unless he or she is an AM. Government ministers must be accountable to the legislature which, in regular British practice, requires ministers to be drawn from the Legislature."

**Ar ôl trafod, cynhaliwyd pleidlais ar y gwelliant, fel a ganlyn:**

O blaid: David Melding, Jocelyn Davies (2)

Yn erbyn: Lorraine Barrett, Jane Hutt, Carl Sargeant (3)

Ymatal: Kirsty Williams (1)

Ni chytunwyd ar y gwelliant a chytunwyd ar y paragraff fel y'i drafftwyd.

2.5 Cytunwyd ar baragraffau 18-19

### **2.6 Paragraff 20: Cynigiwyd gwelliant gan Kirsty Williams**

Llinell 24 – Dileu popeth ar ôl "its title itself."

**Ar ôl trafod, cynhaliwyd pleidlais ar y gwelliant, fel a ganlyn:**

O blaid: Kirsty Williams, Jocelyn Davies (2)

Yn erbyn: Lorraine Barrett, Jane Hutt, Carl Sargeant (3)

Ymatal: David Melding (1)

Ni chytunwyd ar y gwelliant a chytunwyd ar y paragraff fel y'i drafftwyd.

2.7 Cytunwyd ar baragraffau 21-47

## **2.8 Paragraff 48: Cynigiwyd gwelliant gan David Melding**

Dileu paragraff 48 i gyd o'r drydedd frawddeg (sy'n cychwyn "The Scottish formulation...") a rhoi yn ei le

"We recommend that the current provisions regarding party balance remain unchanged and protected in statute."

### **Ar ôl trafod, cynhaliwyd pleidlais ar y gwelliant fel a ganlyn:**

O blaid: David Melding, Jocelyn Davies (2)

Yn erbyn: Lorraine Barrett, Jane Hutt, Carl Sargeant (3)

Ymatal: Kirsty Williams (1)

Ni chytunwyd ar y gwelliant a chytunwyd ar y paragraff fel y'i drafftwyd.

2.9 Cytunwyd ar baragraffau 49-69

## **2.10 Paragraff 70: Cynigiwyd gwelliant gan David Melding**

Dileu pob paragraff o baragraff 70 hyd at a chan gynnwys paragraff 101 a rhoi paragraff 70 newydd yn eu lle

"We believe, after extended consideration of the evidence presented to this committee, that the Orders in Council proposals amount to concealed primary legislative powers. While we say nothing about the desirability or otherwise of primary powers, we believe that it is disingenuous to pretend that this development of the Assembly's powers does not amount to a change in the principle and scope of Welsh devolution. Such a change requires the endorsement of the people of Wales in a referendum. We therefore call for a referendum on the principle of the Assembly receiving primary law making powers."

### **Ar ôl trafod, cynhaliwyd pleidlais ar y gwelliant, fel a ganlyn:**

O blaid: David Melding, Jocelyn Davies (2)

Yn erbyn: Lorraine Barrett, Jane Hutt, Carl Sargeant, Kirsty Williams (4)

Ni chytunwyd ar y gwelliant a chytunwyd ar y paragraff fel y'i drafftwyd.

2.11 Cytunwyd ar baragraffau 71-75

## **2.12 Paragraff 76: Cynigiwyd gwelliant gan Lorraine Barrett, Jane Hutt a Carl Sargeant**

Y frawddeg olaf – ar ôl "that", dileu "special provision be made" a rhoi yn ei le "consideration be given to special provision"

### **Ar ôl trafod, cynhaliwyd pleidlais ar y gwelliant fel a ganlyn:**

O blaid: Lorraine Barrett, Jane Hutt, David Melding, Carl Sargeant (4)

Yn erbyn: Jocelyn Davies, Kirsty Williams (2)

Cytunwyd ar y gwelliant a chytunwyd ar y paragraff fel y'i diwygiwyd.

2.13 Cytunwyd ar baragraffau 77-89

## **2.14 ar ôl Paragraff 90: Cynigiwyd gwelliant gan David Melding**

Ychwanegu paragraff 91 newydd ac ailrifo'r paragraffau dilynol yn unol â hynny,

"We recommend that the Government sets out the criteria under which the Secretary of State may decline the Assembly's request for an Order in Council. We further recommend that refusal on the grounds of policy be explicitly excluded from such criteria under which the Secretary of State may decline a request for an Order in Council."

### **Ar ôl trafod, cynhaliwyd pleidlais ar y gwelliant fel a ganlyn:**

O blaid: Jocelyn Davies, David Melding, Kirsty Williams (3)

Yn erbyn: Lorraine Barrett, Jane Hutt, Carl Sargeant (3)

Defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Chanllawiau'r Llywydd ynghylch 'Cynigion a'r Modd yr Ymdrinnir â Busnes y Pwyllgorau' er mwyn gwrthod y gwelliant.

2.15 Cytunwyd ar baragraffau 91- 98

## **2.16 Paragraff 99: Cynigiwyd gwelliant gan Kirsty Williams**

llinell 5 – Dileu popeth ar ôl "Presiding Officer" ac ychwanegu

"The formal agreement of Assembly measures should be on a parity with the formal agreement of Parliamentary Bills."

### **Ar ôl trafod, cynhaliwyd pleidlais ar y gwelliant fel a ganlyn:**

O blaid: Jocelyn Davies, Kirsty Williams (2)

Yn erbyn: Lorraine Barrett, Jane Hutt, David Melding, Carl Sargeant (4)

Ni chytunwyd ar y gwelliant a chytunwyd ar y paragraff fel y'i drafftiwyd.

2.17 Cytunwyd ar baragraffau 100-112.

### **2.18 Paragraff 113: Cynigiwyd gwelliant gan Kirsty Williams**

Drafftiwyd y paragraff fel a ganlyn:

The Secretary of State for Wales must, under section 31 of the 1998 Act, consult with the Assembly about the United Kingdom Government's legislative programme. Part of this consultation must include participating in proceedings at least annually. Under section 76 of the 1998 Act, the Secretary of State may attend any Plenary proceedings, and is entitled to receive certain documents. There are no such provisions in the Scotland Act, and they would certainly be provisions which would be inappropriate at Stage 3. However, as the balance between Westminster and Cardiff is readjusted, it might be sensible for these provisions to be repealed in the forthcoming Wales Bill. This does not mean that there would be any fewer contacts between the Wales Office and the Welsh Assembly Government, and we would hope that the Secretary of State and other United Kingdom Ministers would be willing from time to time to give evidence to Assembly committees. We recommend that the Secretary of State's obligation to consult the Assembly on the United Kingdom Government's legislative programme be removed, and the right to attend Plenary proceedings be repealed also.

Cynigiwyd gwelliant: dileu popeth

### **Ar ôl trafod, cynhaliwyd pleidlais ar y gwelliant fel a ganlyn:**

O blaid: Lorraine Barrett, Jocelyn Davies, Jane Hutt, Carl Sargeant, Kirsty Williams, (5)

Yn erbyn: David Melding (1)

Cytunwyd ar y gwelliant a dilëwyd y paragraff.

2.19 Cytunwyd ar baragraffau 114 –143 (paragraffau 113 i 142 bellach) ac ar yr Atodiad.

2.20 Cytunwyd y dylid cyhoeddi'r Adroddiad ar 13 Medi 2005.

2.21 Wrth gloi'r cyfarfod, roedd y Cadeirydd am gofnodi diolchiadau'r Pwyllgor i'r holl swyddogion a fu'n cynorthwyo'r Pwyllgor â'i waith.

Gwasanaeth y Pwyllgorau

Medi 2005