



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

**Cofnod y Trafodion
The Record of Proceedings**

**Dydd Mawrth, 3 Tachwedd 2009
Tuesday, 3 November 2009**

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Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynddi yn y Siambr. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg. Cyhoeddir fersiwn ddwyieithog ymhen pum diwrnod gwaith.

In the left-hand column, the proceedings are recorded in the language in which they were spoken in the Chamber. In addition, an English translation of Welsh speeches is included.
A bilingual version will be published within five working days.

*Cyfarfu'r Cynulliad am 1.30 p.m. gyda'r Llywydd (Dafydd Elis-Thomas) yn y Gadair.
The Assembly met at 1.30 p.m. with the Presiding Officer (Dafydd Elis-Thomas) in the Chair.*

Y Llywydd: Galwaf y Cynulliad i drefn.

The Presiding Officer: I call the Assembly to order.

Cwestiynau i'r Prif Weinidog Questions to the First Minister

Entrepreneurship

Q1 David Melding: Will the First Minister make a statement on the measures that are in place to promote entrepreneurship in Wales? OAQ(3)2343(FM)

The First Minister (Rhodri Morgan): Promoting entrepreneurship is best done early in life, we believe. We aim to embed enterprise in the five to 19 age group and in further and higher education. Through the Dynamo role model scheme, we are able to provide inspirational presentations to 50,000 young people across Wales every year.

David Melding: I commend all that work, but I recommend that you read the Schumpeter column in this week's *The Economist*, which looks at the key role that Government can play in providing venture capital. It particularly commends the Israeli model in its attempt to create tomorrow's jobs. It emphasises the need not to crowd out the private sector when the public sector takes these actions, but to have effective partnerships. That includes partnerships with indigenous small and medium-sized enterprises, which are usually after the venture capital, and international players coming in to take advantage of our markets and to develop products. It seems to me that there is much to learn from a small country such as Israel, which, in the 1990s, transformed a fair part of its economy through the use of these innovative schemes.

The First Minister: I am sorry, but I do not read the Schumpeter column in *The Economist*; in fact, I do not read *The Economist*, although I do read the *Financial Times*. The key point is that we all admire the

Entrepreneuriaeth

C1 David Melding: A wnaiff y Prif Weinidog ddatganiad am y mesurau sydd ar waith i hybu entrepreneuriaeth yng Nghymru? OAQ(3)2343(FM)

Y Prif Weinidog (Rhodri Morgan): Mae'n well hybu entrepreneuriaeth yn gynnar mewn oes, yn ein tyb ni. Ein nod yw gwreiddio menter yn y grŵp oedran pump i 19 ac mewn addysg bellach ac uwch. Trwy gynllun modelau rôl Dynamo, yr ydym yn gallu darparu cyflwyniadau ysbrydolgar i 50,000 o bobl ifanc ledled Cymru bob blwyddyn.

David Melding: Cymeradwyaf y gwaith hwnnw, ond argymhellaf eich bod yn darllen colofn Schumpeter yn *The Economist* yr wythnos hon, sy'n edrych ar y rôl allweddol y gall Llywodraeth ei chwarae o ran darparu cyfalaf menter. Mae'n cymeradwyo model Israel yn arbennig yn ei ymgais i greu swyddi'r dyfodol. Pwysleisia'r angen i beidio â gwthio'r sector preifat allan pan gymer y sector cyhoeddus y camau hyn, ond cael partneriaethau effeithiol. Mae hynny'n cynnwys partneriaethau â busnesau bach a chanolig cynhenid, sydd fel arfer a'u bryd ar y cyfalaf menter, a chwmnïau rhyngwladol sy'n dod i mewn i fanteisio ar ein marchnadoedd a datblygu cynnyrch. Mae'n ymddangos i mi fod llawer i'w ddysgu oddi wrth wlad fach fel Israel, a drawsnewidiodd gyfran helaeth o'i heconomi yn y 1990au drwy ddefnyddio'r cynlluniau arloesol hyn.

Y Prif Weinidog: Mae'n flin gennyf, ond nid wyf yn darllen colofn Schumpeter yn *The Economist*; a dweud y gwir, nid wyf yn darllen *The Economist*, er fy mod yn darllen y *Financial Times*. Y pwynt allweddol yw

work that has been done on changing the role of enterprise in the Israeli economy, which has been remarkably successful, as has the Singaporean economy and the US economy, especially that of the west coast. These areas have all been picked out by Michael Moritz, the Cardiff-born venture capitalist, who gave an inspirational address to the Cardiff Business Club a year ago, which many of us attended and enjoyed enormously.

Christine Chapman: First Minister, one argument noted in my Committee of the Regions opinion paper on the future of the Lisbon strategy is the need for greater recognition of the vital contribution of women in the workforce and women as entrepreneurs and innovators across Europe. There is evidence, such as that published by Goldman Sachs in 2007, which suggests that the greater involvement of women makes good economic sense, particularly during a recession. I am pleased that, tomorrow evening at the Assembly, we will be celebrating the significant contribution of women business leaders in Wales to the economy. What assurances can you give that the Welsh Assembly Government is committed not only to raising the profile of women entrepreneurs in Wales, but also to encouraging the participation of women in the workforce in response to the economic downturn?

The First Minister: Thank you for that question. I mentioned reading the *Financial Times* in my earlier response to David, and there is a good piece in today's edition, although I am not sure that you would agree with every aspect of it. It refers to the new generation of 'lipstick entrepreneurs' and mentions as one reason for being terribly positive about this that John Lewis has sold out of shoulder pads. You may think that I am making this up, but I assure you that I have read that in the past three or four hours in today's *Financial Times*.

ein bod i gyd yn edmygu'r gwaith sydd wedi'i wneud i newid rôl menter yn economi Israel, a fu'n hynod o lwyddiannus, fel y bu economi Singapôr ac economi'r Unol Daleithiau, yn enwedig ar yr arfordir gorllewinol. Enwyd yr ardaloedd hyn i gyd gan Michael Moritz, y cyfalafwr menter a anwyd yng Nghaerdydd, a roddodd anerchiad ysbrydoledig i Glwb Busnes Caerdydd flwyddyn yn ôl, a fwynhawyd yn fawr gan lawer ohonom a oedd yn bresennol.

Christine Chapman: Brif Weinidog, un ddadl a nodir yn y papur safbwynt a gyflwynais i Bwyllgor y Rhanbarthau ar ddyfodol strategaeth Lisbon yw'r angen am fwy o gydnabyddiaeth i gyfraniad hollbwysig menywod yn y gweithlu a menywod fel entrepreneuriaid ac arloeswyr ar draws Ewrop. Ceir tystiolaeth, fel honno a gyhoeddwyd gan Goldman Sachs yn 2007, sy'n awgrymu bod sicrhau mwy o gyfranogiad gan fenywod yn gwneud synnwyr economaidd da, yn enwedig yn ystod dirwasgiad. Yr wyf yn falch y byddwn, nos yfory yn y Cynulliad, yn dathlu cyfraniad sylweddol arweinwyr busnes benywaidd yng Nghymru i'r economi. Pa sicrwydd y gallwch ei roi inni fod Llywodraeth Cynulliad Cymru wedi ymrwymo nid yn unig i godi proffil entrepreneuriaid benywaidd yng Nghymru, ond hefyd i annog cyfranogiad menywod yn y gweithlu mewn ymateb i'r dirywiad economaidd?

Y Prif Weinidog: Diolch am y cwestiwn hwnnw. Soniais am ddarllen y *Financial Times* yn fy ymateb cynharach i David, ac mae darn da yn rhifyn heddiw, er nad wyf yn siŵr y cytunech chi â phob agwedd ohono. Mae'n cyfeirio at y to newydd o 'entrepreneuriaid minlliw', ac yn crybwyll mai un rheswm dros fod yn ofnadwy o bositif ynglŷn â hyn yw bod John Lewis wedi gwerthu allan o badiâu ysgwydd. Hwyrach y meddylwch mai cellwair yr ydwyf, ond fe'ch sicrhaf fy mod wedi darllen hynny lai na phedair awr yn ôl yn *Financial Times* heddiw.

Necessity is the mother of invention and

Angen yw mam pob dyfais ac mae peth

there is some evidence to show that the recession has created a generation, particularly of women, who have decided that self-employment, starting their own businesses, or working from home, using all the latest technology that enables them to do so without commitment to a workplace and all its associated overheads, is a way of ensuring that their families can be fed and of creating a long-term business prospect.

The Leader of the Opposition (Nick Bourne): Good afternoon, First Minister. I am sure that you would accept that small businesses are vital to the Welsh economy. What message would you give to the 40,000 small businesses faced with paying higher business rates as a result of the revaluation that was carried out in 2008?

The First Minister: This is a case of the glass being one third empty as opposed to two thirds full. With any revaluation—and we have no powers to defer it—you will find that the rental value of properties will have changed relative to one another during the period since the last one. Therefore, 64,000 businesses will pay less than would have been the case without the new revaluation, and 40,000 will pay more. That means that up-to-date rental values have overtaken out-of-date rental values. You may think that out-of-date rental values have something to commend them, but I do not think that they have, and 64,000 businesses will not agree with you either.

Nick Bourne: The First Minister will know that the rental reassessment was done in 2008 and is therefore out of date, because it was carried out at a time of relative prosperity when we were not in recession. I raised this last on 13 October, and you told me that I would get a response from Brian Gibbons as the relevant Minister, but I am still waiting for that response. When I pressed you on the discussions held in Cabinet about this, you said that you could not recall and you asked me to look at the Cabinet minutes. The last minutes available were, and still are, those for 13 July, and there is no evidence of any

tystiolaeth i ddangos bod y dirwasgiad wedi creu cenhedlaeth, yn enwedig o fenywod, sydd wedi penderfynu bod hunangyflogaeth, gan gychwyn eu busnesau eu hunain, neu weithio o'r tŷ, gan ddefnyddio'r holl dechnoleg ddiweddaraf sy'n eu galluogi i wneud hynny heb ymrwymiad i weithle a'r holl orbenion cysylltiedig â hynny, yn ffordd o sicrhau y gellir bwydo'u teuluoedd ac o greu rhagolwg busnes tymor hir.

Arweinydd yr Wrthblaid (Nick Bourne): Prynhawn da, Brif Weinidog. Yr wyf yn siŵr y derbyniech fod busnesau bach yn hanfodol i economi Cymru. Pa neges a roddech i'r 40,000 o fusnesau bach sy'n wynebu talu ardrethi busnes uwch o ganlyniad i'r ailbrisio a ddigwyddodd yn 2008?

Y Prif Weinidog: Achos yw hwn o weld y gwydr draean yn wag yn hytrach na dau draean yn llawn. Gydag unrhyw ailbrisio—ac nid oes gennym ddim pwerau i'w ohirio—fe welwch y bydd gwerth rhent adeiladau wedi newid mewn cymhariaeth â'i gilydd yn ystod y cyfnod ers yr ailbrisio diwethaf. Felly, bydd 64,000 o fusnesau'n talu llai nag a wnaethent heb yr ailbrisio newydd, a bydd 40,000 yn talu mwy. Mae hynny'n golygu bod y gwerthoedd rhent diweddaraf wedi goddiweddyd hen werthoedd rhent. Hwyrach y credwch chi fod rhyw werth i hen werthoedd rhent, ond nid wyf fi'n credu bod, a bydd 64,000 o fusnesau'n anghytuno â chi hefyd.

Nick Bourne: Bydd y Prif Weinidog yn gwybod y gwnaed yr ailasesiad rhenti yn 2008 a'i fod felly'n hen, oherwydd fe'i gwnaed ar adeg o ffyniant cymharol pan nad oeddem mewn dirwasgiad. Codais hyn ddiwethaf ar 31 Hydref, a dywedasoeh wrthyf y cawn ymateb gan Brian Gibbons, sef y Gweinidog perthnasol, ond yr wyf yn dal i aros am yr ymateb hwnnw. Pan bwysais arnoch ynglŷn â'r trafodaethau a gynhaliwyd yn y Senedd am hyn, dywedasoeh na allech gofio a gofynasoeh imi edrych ar gofnodion y Cabinet. Y cofnodion diwethaf a oedd, ac sydd, ar gael yw cofnodion 13 Gorffennaf, ac

discussion on the subject. What discussion has there been since that time—as I presume that there has been—and precisely what discussion has there been about the 40,000 businesses throughout Wales that are concerned about the impact of this on their rates bill next April?

The First Minister: We have no legislative power to affect the date of a revaluation, and when one occurs it produces valuations that are far more up to date than the previous ones. I understand your point about 2008 being a particular point in a property cycle that has since turned. Nevertheless, the valuations will still, relative to one another, be far more up to date than those following the previous revaluation. The same quantum of money will be raised from business rates, but of the 100,000 and more businesses in Wales, we understand that 40,000 will be ‘worse off’ and 64,000 will be ‘better off’ as a result of the revaluation. Therefore, you must accept that the total quantum of money remains the same, but businesses in areas where rents have grown less than the average will benefit from this, and there are 64,000 such businesses. Those businesses in areas where rental growth has been above the average will lose and not benefit. You can say how terrible it is that these 40,000 businesses will be worse off, but to give a balanced picture you should refer to the 64,000 businesses that will be better off.

Nick Bourne: As the First Minister will know, we are in the middle of a recession and, for many of these 40,000 businesses, it is the difference between life and death. I have visited many businesses and I have yet to find one that will be better off as a result of these changes. I do not know what will happen to the small business rate relief and whether the thresholds have changed as I am still waiting for the letter from the Minister that I was promised. He will know that Northern Ireland has postponed the impact of the revaluation. Are you having discussions with Westminster on doing the same here so that no business is worse off, because, as I said, this will be the difference between life

and death. What discussion has there been since that time—as I presume that there has been—and precisely what discussion has there been about the 40,000 businesses throughout Wales that are concerned about the impact of this on their rates bill next April?

Y Prif Weinidog: Nid oes gennym bŵer deddfwriaethol i effeithio ar ddyddiad ailbrisiad, a phan geir un bydd yn rhoi prisiadau sydd yn llawer mwy diweddar na'r rhai blaenorol. Deallaf eich pwynt fod 2008 yn bwynt arbennig mewn cylch eiddo sydd bellach wedi troi. Serch hynny, bydd y prisiadau, mewn perthynas â'i gilydd, yn dal yn llawer mwy diweddar na'r rhai yn sgîl yr ailbrisiad blaenorol. Codir yr un cwantwm o arian drwy'r ardrethi busnes, ond o'r 100,000 a mwy o fusnesau yng Nghymru, deallwn y bydd 40,000 yn 'waeth arnynt' ac y bydd 64,000 yn 'well eu byd' o ganlyniad i'r ailbrisiad. Felly, rhaid ichi dderbyn bod cyfanswm cwantwm yr arian yn aros yr un fath, ond y bydd busnesau mewn ardaloedd lle mae rhenti wedi tyfu llai na'r cyfartaledd yn elwa o hyn, ac mae 64,000 o fusnesau o'r fath. Bydd y busnesau sydd mewn ardaloedd lle bu twf rhenti'n fwy na'r cyfartaledd yn colli ac ni fyddant yn elwa. Gallwch ddweud mor ofnadwy ydyw y bydd y 40,000 hyn o fusnesau yn waeth eu byd, ond i roi darlun cytbwys dylech gyfeirio at y 64,000 o fusnesau a fydd yn well eu byd.

Nick Bourne: Fel y gŵyr y Prif Weinidog, yr ydym yng nghanol dirwasgiad ac, i lawer o'r 40,000 o fusnesau hynny, dyma'r gwahaniaeth rhwng byw a marw. Yr wyf wedi ymweld â llawer o fusnesau ac nid wyf eto wedi gweld un a fydd yn elwa o ganlyniad i'r newidiadau hyn. Ni wn beth a fydd yn digwydd i'r rhyddhad ardrethi i fusnesau bach ac a yw'r trothwyau wedi newid gan fy mod yn dal i ddisgwyl am y llythyr oddi wrth y Gweinidog a addawyd imi. Fe ŵyr fod Gogledd Iwerddon wedi gohirio effaith yr ailbrisiad. A ydych yn cynnal trafodaethau gyda San Steffan ynghylch gwneud yr un peth yma fel na fydd yr un busnes ar ei gollod, oherwydd, fel y

and death for many of those 40,000 businesses? Many have told me that they will not survive unless they get some abatement on the increases that are due next April. What are you and the Cabinet doing on this issue?

The First Minister: You must be visiting areas on a highly selective basis if you find yourself bumping into only those businesses from among the 40,000 that will be worse off without ever coming into contact with any of the 64,000 businesses that will be better off. You must have the side-stepping skills that the Welsh centres will require on Saturday when they play New Zealand, Nick. How is it possible to miss out on 64,000 businesses that will be better off?

On the threshold, you raise a genuine point rather than a fake one. Brian Gibbons is considering whether we should change the thresholds on small business rate relief, but he has not made his mind up on that yet, and he will no doubt write to you when he has finalised his decision.

Nick Bourne: The whole point of my question was that unless the small business rate relief is altered, 64,000 businesses will not be better off. The reassessment of many of those businesses has taken them above the small business rate relief threshold. Therefore, unless you alter that, the figures that you quote are wrong.

1.40 p.m.

The First Minister: You are now talking about the net picture after the rate relief. The impact of that means that we have to give consideration to the threshold, and Brian Gibbons is doing just that. The figure remains as I have mentioned. In the revaluation, 64,000 businesses are better off, and 40,000 are worse off. That some are better off and some worse off is the case in all revaluations, wherever in the world they take place. On Northern Ireland, I have

dywedais, dyma fydd y gwahaniaeth rhwng byw a marw i lawer o'r 40,000 busnes hynny? Mae llawer wedi dweud wrthyf na wnânt oroesi oni chânt ryw leihad ar y codiadau sydd i ddod fis Ebrill nesaf. Beth yr ydych chi a'r Cabinet yn ei wneud ynglŷn â'r mater hwn?

Y Prif Weinidog: Rhaid eich bod yn ymweld ag ardaloedd ar sail ddewisol iawn os ydych yn canfod nad ydych ond yn taro ar y busnesau hynny o blith y 40,000 a fydd yn waeth eu byd heb fyth ddod i gysylltiad â'r un o'r 64,000 a fydd ar eu hennill. Rhaid bod gennych y sgiliau ochrgamu y bydd ar ganolwyr Cymru eu hangen ddydd Sadwrn wrth chwarae Seland Newydd, Nick. Sut mae modd methu 64,000 o fusnesau a fydd ar eu hennill?

Ynglŷn â'r trothwy, codwch bwynt dilys yn hytrach nag un ffug. Mae Brian Gibbons yn ystyried a ddylem newid y trothwyau ar ryddhad ardrethi i fusnesau bach, ond nid yw wedi gwneud penderfyniad ar hynny eto, ac mae'n siŵr y gwnaiff ysgrifennu atoch pan fydd wedi penderfynu'n derfynol.

Nick Bourne: Holl bwynt fy nghwestiwn oedd hyn: oni chaiff y rhyddhad ardrethi i fusnesau bach ei newid, ni fydd 64,000 o fusnesau'n well eu byd. Mae ailasesiad llawer o'r busnesau hynny wedi mynd â hwy dros ben y trothwy ar gyfer rhyddhad ardrethi i fusnesau bach. Felly, oni bai eich bod yn newid hynny, mae'r ffigurau a ddyfynnwch yn anghywir.

Y Prif Weinidog: Yr ydych yn sôn yn awr am y darlun net ar ôl y rhyddhad ardrethi. Mae effaith hynny'n golygu bod yn rhaid inni roi ystyriaeth i'r trothwy, ac mae Brian Gibbons wrthi'n gwneud hynny'n union. Saif y ffigur fel yr wyf wedi'i grybwyll. Yn yr ailbrisiad, mae 64,000 o fusnesau'n well arnynt, ac mae 40,000 yn waeth eu byd. Bydd rhai'n well eu byd a rhai'n waeth eu byd ym mhob ailbrisiad, ble bynnag yn y byd y digwyddant. Ynglŷn â Gogledd Iwerddon, yr

already mentioned twice that we do not have the powers that Northern Ireland has to defer revaluation. Whether we would choose to use that power if we had it is, in any case, open to question, because revaluations—although I understand the point about 2008—bring enormous benefit to the more deprived parts of Wales, where rental growth has been below average. Those are areas such as Torfaen and Merthyr, and Wrexham, as it happens, which did not benefit from the rise in rental values in the period between the two valuations.

Mohammad Asghar: First Minister, I am sure that you are aware that the week beginning 16 November is Global Entrepreneurship Week. Events are being held across Wales, several of which are in the region that I represent. One such event is the bright ideas den, held by the University of Wales, Newport, at which young people will make a pitch for a £1,000 grant to go towards realising their idea, and support to translate ideas into functional businesses. Do you agree that that is an excellent way to foster enterprise among our young people? Do you also agree that a substantial entrepreneurship element in primary and secondary education would enhance entrepreneurship in Wales even further?

The First Minister: What the University of Wales, Newport is doing is similar to what most higher education establishments in Wales are doing. The figures that emerged from the British survey of higher education institutions indicate that graduates in Wales established 11 per cent of all United Kingdom graduate start-ups. Given that we have only 5 per cent of the student population, that is a remarkable figure. There is evidence that entrepreneurs in Wales tend to be in that younger 25 to 34 age group. The type of entrepreneur who leaves an established, solid career at the age of 40 plus tends to come from the Home Counties, and is equally successful. However, given the salary patterns in Wales, we tend to have fewer entrepreneurs from the older group,

wyf eisoes wedi sôn ddwy waith nad oes gennym y pwerau sydd gan Ogledd Iwerddon i ohirio'r ailbriso. Mae'n gwestiwn, beth bynnag, a ddewisem ddefnyddio'r pŵer hwnnw pe bai ar gael inni, oherwydd daw ailbrisiadau—er fy mod yn deall y pwynt am 2008—â budd aruthrol i rannau mwy difreintiedig Cymru, lle bu twf rhenti'n is na'r cyfartaledd. Ardaloedd yw'r rheiny fel Torfaen a Merthyr, a Wrecsam, fel y mae'n digwydd, nad elwodd o'r cynnydd yng ngwerthoedd rhenti yn y cyfnod rhwng y ddau brisiad.

Mohammad Asghar: Brif Weinidog, yr wyf yn siŵr eich bod yn ymwybodol fod yr wythnos sy'n dechrau ar 16 Tachwedd yn Wythnos Entrepreneuriaeth Fyd-eang. Mae digwyddiadau'n cael eu cynnal ar draws Cymru, llawer ohonynt yn y rhanbarth a gynrychiolaf fi. Un digwyddiad o'r fath yw'r ffau syniadau da, a gynhelir gan Brifysgol Cymru, Casnewydd, lle bydd pobl ifanc yn ceisio am grant o £1,000 i fynd tuag at wireddu eu syniad, a chefnogaeth i droi syniadau'n fusnesau gweithredol. A gytunwch fod hyn yn ffordd ragorol i feithrin menter ymhlith ein pobl ifanc? A gytunwch hefyd y byddai elfen sylweddol o entrepreneuriaeth mewn addysg gynradd ac uwchradd yn rhoi hwb pellach fyth i entrepreneuriaeth yng Nghymru?

Y Prif Weinidog: Mae'r hyn y mae Prifysgol Cymru, Casnewydd yn ei wneud yn debyg i'r hyn y mae'r rhan fwyaf o sefydliadau addysg uwch yng Nghymru'n ei wneud. Mae'r ffigurau a ddaeth allan o'r arolwg o sefydliadau addysg uwch Prydain yn dangos mai graddedigion yng Nghymru a sefydlodd 11 y cant o bob cwmni a gychwynwyd gan raddedigion yn y Deyrnas Unedig. Gan mai dim ond 5 y cant o'r boblogaeth myfyrwr sydd gennym, mae hynny'n ffigur hynod. Mae tystiolaeth fod entrepreneuriaid yng Nghymru'n tueddu i fod yn y grŵp iau 25 i 34 oed hwnnw. Mae'r math o entrepreneur sy'n gadael gyrfa gadarn, sefydlog yn 40 oed a throsodd yn tueddu i ddod o Siroedd Lloegr, ac mae'r un mor llwyddiannus. Fodd bynnag, oherwydd y patrymau cyflog yng

and far more graduate entrepreneurs.

Nghymru, tueddwn i gael llai o entrepreneuriaid o'r grŵp hŷn, a llawer mwy o raddedigion sy'n entrepreneuriaid.

Joyce Watson: When we talk about promoting entrepreneurship, we should be thinking about the businesses that these people go on to create. Often, these are the sort of small businesses on which local economies depend. Yesterday, I visited Pembrokeshire College and Coleg Sir Gâr to launch my new interactive website e-forum aimed at encouraging girls to consider a career in the construction industry, called Women in Construction. I have spoken to many of the girls and women about the courses, and many of them expressed a desire and intention to go on to set up their own businesses after having qualified. Will you join me in congratulating Pembrokeshire College, Coleg Sir Gâr and Carmarthenshire County Council on their genuine attempts to encourage and inspire women and girls to train and set up business in rural Wales in the construction industry, with genuine partnerships in place?

Joyce Watson: Pan soniwn am hybu entrepreneuriaeth, dylem fod yn meddwl am y busnesau yr aiff y bobl hyn ymlaen i'w creu. Yn aml, dyma'r math o fusnesau bach y mae economïau lleol yn dibynnu arnynt. Ddoe, ymwelais â Choleg Sir Benfro a Choleg Sir Gâr i lansio fy e-fforwm rhyngweithiol newydd ar y we, o'r enw Merched Mewn Adeiladu, sy'n ymgais i annog merched i ystyried gyrfâ yn y diwydiant adeiladu. Yr wyf wedi siarad â llawer o'r merched am y cyrsiau, a mynegodd llawer ohonynt awydd a bwriad i fynd ati i sefydlu eu busnesau eu hunain ar ôl ymgymhwyso. A wnewch chi ymuno â mi i longyfarch Coleg Sir Benfro, Coleg Sir Gâr a Chyngor Sir Gaerfyrddin ar eu hymdrechion gwirioneddol i annog ac ysbrydoli menywod a genethod i hyfforddi a sefydlu busnesau yng nghefn gwlad Cymru yn y diwydiant adeiladu, gyda phartneriaethau go iawn wedi'u sefydlu?

The First Minister: The construction industry is a particularly rich area for the setting up of new businesses. It is that kind of industry—it has a very high churn of businesses, with high levels of business life and death, as is the case with the retail and hospitality and catering industries. I commend what the further education sector in west Wales is doing on this front, in Coleg Sir Gâr and Pembrokeshire College. I mentioned graduates earlier, but I am sure that you could find the same picture in the further education sector in Wales.

Y Prif Weinidog: Mae'r diwydiant adeiladu'n faes arbennig o gyfoethog ar gyfer sefydlu busnesau newydd. Dyna'r math o ddiwydiant ydyw—mae ganddo drosiant busnesau uchel iawn, gyda lefelau uchel o fyw a marw i fusnesau, fel sydd yn wir am y diwydiannau manwerthu a lletygarwch ac arlwyo. Cymeradwyaf yr hyn y mae'r sector addysg bellach yn y gorllewin yn ei wneud yn y maes hwn, yng Ngholeg Sir Gâr a Choleg Sir Benfro. Soniais am raddedigion yn gynharach, ond yr wyf yn siŵr y gallech ganfod yr un darlun yn y sector addysg bellach yng Nghymru.

Economic Development

Datblygu Economaidd

Q2 Brynle Williams: Will the First Minister outline the Welsh Assembly Government's plans for economic development in north Wales? OAQ(3)2351(FM)

C2 Brynle Williams: A wnaiff y Prif Weinidog amlinellu cynlluniau Llywodraeth Cynulliad Cymru ar gyfer datblygu economaidd yn y gogledd? OAQ(3)2351(FM)

The First Minister: Among a range of

Y Prif Weinidog: Ymysg amrediad o

economic development measures, the single investment fund has made 157 offers worth £19 million to companies in north Wales since 1 April. That funding will support investment in excess of £330 million in north Wales.

Brynle Williams: Thank you for that answer, First Minister. The need for continuity in power generation in Anglesey was obvious six years ago, when I entered the Assembly and had the opportunity to visit Wylfa and to speak to staff and the manager. Hundreds of jobs have already been lost in Anglesey Aluminium Metal Ltd, which is reliant on electricity, so do you agree that securing Wylfa B power station will be the key to Anglesey's economic recovery, ending its status as the poorest region in the UK? Can you also provide assurance that your Government is doing everything possible to secure this project, and the hundreds of skilled jobs that would be created?

The First Minister: If only it were true that we could have provided continuity of generation, there is a fair chance that Anglesey Aluminium, as a smelter, would not have closed on 30 September. I do not think that the construction work on any new nuclear power station, however early it might get approval under the new system, which will come in on 1 April 2010, would start before 2013, so it would not start generating electricity before 2017. Therefore, there would be a five, six or seven-year gap between the ending of generation at Wylfa A and generation at any new nuclear power station that might be able to get over the hurdles. So, continuity of generation was never achievable between the end of Wylfa A and the beginning of Wylfa B. I think that your question is misconceived. I only wish it were true.

Lesley Griffiths: Ensuring that Wales is ready for the economic upturn and is best placed to encourage new industry and innovation is essential for our future prosperity. In planning terms, can you ensure that Government guidance lends itself to

fesurau datblygu economaidd, mae'r gronfa fuddsoddi sengl wedi gwneud 157 o gynigion gwerth £19 miliwn i gwmnïau yn y Gogledd ers 1 Ebrill. Bydd y cyllid hwnnw'n cefnogi buddsoddiad o fwy na £330 miliwn yn y Gogledd.

Brynle Williams: Diolch am yr ateb hwnnw, Brif Weinidog. Yr oedd yr angen am barhad mewn cynhyrchu ynni ym Môn yn amlwg chwe blynedd yn ôl, pan ddeuthum i mewn i'r Cynulliad a chael y cyfle i ymweld â'r Wylfa a siarad â'r staff a'r rheolwr. Mae cannoedd o swyddi wedi'u colli'n barod yn Alwminiwm Môn, sy'n ddibynol ar drydan, felly a gytunwch y bydd sicrhau atomfa Wylfa B yn allweddol i adferiad economaidd Ynys Môn, gan roi terfyn ar ei statws fel y rhanbarth tlotaf yn y Deyrnas Unedig? A allwch roi sicrwydd hefyd fod eich Llywodraeth yn gwneud popeth posibl i sicrhau'r prosiect hwn, a'r cannoedd o swyddi crefftus a gâi eu creu?

Y Prif Weinidog: Pe bai ond yn wir y gallasem ddarparu parhad cynhyrchu ynni, mae siawns deg na fuasai Alwminiwm Môn, fel gwaith toddi, ddim wedi cau ar 30 Medi. Nid wyf yn meddwl y byddai'r gwaith adeiladu ar unrhyw atomfa newydd, ni waeth pa mor gynnar y gallai gael cymeradwyaeth dan y drefn newydd a gyflwynir ar 1 Ebrill 2010, yn dechrau cyn 2013, felly ni fyddai'n dechrau cynhyrchu trydan cyn 2017. Felly, byddai bwch o bump, chwech neu saith mlynedd rhwng gorffen cynhyrchu yn Wylfa A a dechrau cynhyrchu mewn unrhyw atomfa newydd a allai fedru goresgyn y rhwystrau. Felly, nid oedd parhad cynhyrchu ynni byth yn rhywbeth y gellid ei gyflawni rhwng diwedd Wylfa A a dechrau Wylfa B. Yr wyf yn meddwl bod eich cwestiwn yn seiliedig ar gamdybiaeth. O na bai'n wir.

Lesley Griffiths: Mae sicrhau bod Cymru'n barod am y gwellhad economaidd ac yn y sefyllfa orau i annog diwydiant newydd ac arloesi'n hanfodol i'n ffyniant yn y dyfodol. Mewn termau cynllunio, a allwch sicrhau bod arweiniad y Llywodraeth yn cyfrannu at hybu

boosting economic development rather than hampering it, given the current circumstances? Will you also ensure that, from the Government's perspective, planning regulations actively assist growth in the next few years rather than make matters worse?

The First Minister: I agree that an upturn appears to have moved a little closer, although I do not know whether we are there yet. The mouth-wateringly good purchasing managers' index published world wide today include healthy figures for the UK—I am not aware of separate figures for Wales, I must admit. However, from all the figures from almost every continent, it looks as though world trade is about to recover from the effects of the recession. Fortunately, this includes Great Britain, which has a good figure for new orders. So, an upturn appears to be on the way, although it is not exactly there yet.

The question is: what do we need in order to take advantage of the upturn, about which I feel much more optimistic as of this morning? Skills are one part of the answer and planning is another. We have had a long-standing complaint from the Confederation of British Industry Cymru that the situation in several local authorities in north Wales is much stickier than in other parts of Wales and other parts of Britain. Local authorities need to be working closely with industry to ensure that they do not hamper economic recovery.

Gareth Jones: Yn ystod yr argyfwng economaidd presennol, mae'n hollbwysig parhau i roi sbardun ariannol i'r economi ac i fusnesau. A gytunwch fod penderfyniad Llywodraeth Cymru'n Un i ostwng lluosogydd trethi busnes i'w groesawu, yn enwedig mewn trefi fel Llandudno, lle y gwn fod gwerth trethadwy llawer o fusnesau wedi cynyddu'n afresymol ac yn peri pryder a bygythiad i hyfywedd sawl busnes? Mae'r penderfyniad hwn yn golygu na fydd rhai busnesau sy'n wynebu cynnydd o 20 y cant

datblygu economaidd yn hytrach na'i lesteirio, o ystyried yr amgylchiadau cyfredol? A wnewch chi sicrhau hefyd, o safbwynt y Llywodraeth, y bydd rheoliadau cynllunio'n mynd ati i gynorthwyo twf yn yr ychydig flynyddoedd nesaf yn hytrach na gwneud pethau'n waeth?

Y Prif Weinidog: Cytunaf ei bod yn ymddangos bod y gwellhad wedi symud ychydig yn nes, er na wn a ydym yno eto. Mae mynegai'r rheolwyr prynu a gyhoeddwyd yn fyd-eang heddiw—sydd mor dda nes tynnu dŵr o'r dannedd—yn cynnwys ffigurau iach i'r Deyrnas Unedig—nid wyf yn ymwybodol o ffigurau ar wahân ar gyfer Cymru, rhaid cyfaddef. Fodd bynnag, ar sail yr holl ffigurau o bron bob cyfandir, mae'n ymddangos bod masnach byd ar fin ymadfer yn dilyn effeithiau'r dirwasgiad. Yn ffodus, mae hyn yn cynnwys Prydain Fawr, sydd â ffigur da ar gyfer archebion newydd. Felly, mae'n ymddangos bod gwellhad ar ddod, er nad yw wedi cyrraedd yn hollol eto.

Y cwestiwn yw: beth sydd ei angen arnom er mwyn manteisio ar y gwellhad, yr wyf yn teimlo'n llawer mwy optimistaidd yn ei gylch ers y bore yma? Mae sgiliau'n un rhan o'r ateb a chynllunio'n un arall. Mae gennym gŵyn ers tro byd gan Gydffederasiwn Diwydiant Prydain yng Nghymru fod y sefyllfa mewn sawl awdurdod lleol yn y Gogledd yn llawer mwy dyrys nag mewn rhannau eraill o Gymru a rhannau eraill o Brydain. Mae angen i awdurdodau lleol gydweithio'n agos â diwydiant i sicrhau na fyddant yn rhwystro adferiad economaidd.

Gareth Jones: During the current economic crisis, it is vital to continue to give the economy and businesses financial stimulus. Do you agree that the One Wales Government's decision to decrease the business rates multiplier is to be welcomed, especially in towns like Llandudno, where I know that many businesses have had their rateable values unreasonably increased, which is causing concern and is threatening the viability of many businesses? This decision means that some businesses that face

yn eu gwerth trethadwy yn talu dim yn ychwanegol, sy'n newyddion da iawn. A wnewch hefyd geisio darbwyllo'r Llywodraeth yn San Steffan, sy'n gyfrifol am y broses o drethu busnesau, ynghylch maint y cynnydd a'i bod yn anodd iawn cyfiawnhau'r fath gynnydd ar adeg economaidd anodd tu hwnt?

Y Prif Weinidog: Mae gennym dri chynllun sy'n rhoi help i fusnesau sy'n wynebu treth fusnes sy'n broblem fawr iddynt o ran eu goroesiad neu o ran eu gallu i dyfu a chynyddu eu cyflogaeth ac yn y blaen. Yr ydym yn credu bod y tri chynllun hyn yn fwy effeithiol na'r cynllun sydd ar gael yn Lloegr. Mae ein hamgylchiadau ni yn wahanol i Loegr; yno maent yn trefnu eu bod yn cymryd cyfran o'r dreth incwm gan fusnesau mawr a'i roi i helpu busnesau bach. Ni allwn wneud hynny yng Nghymru oherwydd ni fyddai ein busnesau mawr yn gallu ymdopi â'r sioc. Felly, ni fel Llywodraeth sy'n talu amdano, yn hytrach na'r busnesau o'r trethi y maent yn gyfrifol amdanynt. Mae'r tri chynllun sydd gennym yn ceisio ymdrin â'r rhan fwyaf o fusnesau sydd mewn trafferthion oherwydd pwysau'r dreth fusnes.

1.50 p.m.

Youth Services

Q3 Eleanor Burnham: Will the First Minister make a statement on his priorities for youth services? OAQ(3)2347(FM)

The First Minister: Given its wonderful mountains and coastline, Wales provides a unique set of opportunities for the outdoor challenges that our youth services have excelled in for many years. Youth Work Week, which we are currently celebrating, is a showcase for the achievements of youth workers and our young people.

Eleanor Burnham: I am absolutely delighted that we are celebrating that. The

an increase of 20 per cent in their rateable value will not have to pay more, which is very good news. Will you also make representations to the Westminster Government, which is responsible for the process of business rates, about the scale of these increases, which seem difficult to justify in the current economic climate?

The First Minister: We have three schemes that assist businesses facing increases in business rates that may cause a problem for their survival or viability, the growth of employment and so on. We believe that these three schemes are more effective than the scheme available in England. There are circumstances here that are different to the circumstances that exist in England, where they take a slice of the income taxes paid by larger businesses in order to provide assistance to smaller businesses. We are unable to do that in Wales, because large businesses here could not take that strain. Therefore, the Government is paying for it, rather than the businesses through the rates that they pay. The three schemes that we have in place try to cover most of the businesses facing difficulties because of the pressures of business rates.

Gwasanaethau Ieuenctid

C3 Eleanor Burnham: A wnaiff y Prif Weinidog ddatganiad am ei flaenoriaethau ar gyfer gwasanaethau ieuenctid? OAQ(3)2347(FM)

Y Prif Weinidog: Oherwydd ei mynyddoedd a'i harfordir bendigedig, mae Cymru'n cynnig set unigryw o gyfleon ar gyfer yr heriau awyr-agored y mae ein gwasanaethau ieuenctid wedi arbenigo ynddynt ers blynnyddoedd lawer. Mae Wythnos Gwaith Ieuenctid, yr ydym yn ei dathlu ar hyn o bryd, yn gyfle i arddangos pethau y mae gweithwyr ieuenctid a'n pobl ifanc wedi'u cyflawni.

Eleanor Burnham: Yr wyf wrth fy modd ein bod yn dathlu hynny. Mae'r Pwyllgor

Communities and Culture Committee is now looking at the other end of the spectrum, namely those youths who have not been engaged in these wonderful activities, and who are in custody. It has been a salutary experience to revisit some of the youth custody facilities in which Welsh youth are kept. Do you agree with the testimony that we have heard that early identification, intervention and, perhaps, more engagement within youth services, which does not seem to exist universally at the moment, should exist to prevent many of our young people from going into custody?

The First Minister: We all know that this is the \$64 trillion question. It relates to the fact that there are those people who engage with youth workers, namely those who come to youth clubs, but there are also the disengaged, who are harder to reach, but who are not in difficulty with the law; then there are those who are in difficulty with the law but who are not in custody; and finally, there are the really difficult ones who got into the custodial system at that tender age of 16, 17, 18 or whatever it might be and who are in young offenders institutions and so on. Ensuring that those who are in custody remain out of custody, that those who are not in custody remain disengaged, and that the disengaged get engaged—that is, moving everyone up one notch—would be an enormous achievement.

What does youth work do in those circumstances? That is where the issue of the challenge comes up. Giving people what is known as intermediate treatment, that is, getting people who are on the verge of falling off the straight and narrow the challenge of coming to the Welsh mountains or to the coastline and doing challenging things, as a diversion from falling off the straight and narrow, going into the justice system, and, worse still, possibly into the custodial end of the justice system, is what we all have to aim at. Society would benefit so much from that.

Bethan Jenkins: Ar ddiwedd y mis byddaf

Cymunedau a Diwylliant yn edrych yn awr ar ben arall y sbectrwm, sef y bobl ifanc hynny sydd heb fod yn ymwneud â'r gweithgareddau gwych hyn, ac sydd yn y ddalfa. Bu'n brofiad sobreiddiol ailymweld â rhai o'r cyfleusterau cadw ieuencid lle cedwir pobl ifanc Cymru. A ydych yn cytuno â'r dystiolaeth yr ydym wedi'i chlywed y dylid cael adnabod cynnar, ymyrryd ac, efallai, mwy o ymgysylltu o fewn gwasanaethau ieuencid, nad yw fel pe bai'n bodoli ymhob man ar hyn o bryd, er mwyn atal llawer o'n pobl ifanc rhag mynd i'r ddalfa?

Y Prif Weinidog: Gwyddom i gyd mai dyma'r cwestiwn mawr. Mae'n ymwneud â'r ffaith fod yna bobl sy'n ymgysylltu â gweithwyr ieuencid, hynny yw, rhai sy'n dod i glybiau ieuencid, ond bod yna rai sydd wedi ymddieithrio hefyd, sydd yn anoddach eu cyrraedd, ond nad ydynt mewn helynt gyda'r gyfraith; wedyn ceir y rhai sydd mewn helynt gyda'r gyfraith ond nad ydynt yn y ddalfa; ac yn olaf, ceir y rhai gwirioneddol anodd a aeth i mewn i'r system gadw ar oedran ifanc 16, 17, 18 neu beth bynnag y bo, ac sydd mewn sefydliadau troseddwy'r ifanc ati. Byddai sicrhau bod y rhai sydd yn y ddalfa'n aros allan o'r ddalfa, bod y rhai nad ydynt yn y ddalfa'n parhau wedi ymddieithrio, a bod y rhai sydd wedi ymddieithrio'n ymgysylltu—hynny yw, symud pawb i fyny un hicyn—yn gamp aruthrol.

Beth mae gwaith ieuencid yn ei wneud yn yr amgylchiadau hynny? Dyna ble cyfyd cwestiwn yr her. Beth y mae'n rhaid inni i gyd anelu ato yw rhoi i bobl yr hyn a elwir yn driniaeth ganolraddol, hynny yw, rhoi i bobl sydd ar fin syrthio oddi ar y llwybr cul yr her o ddod i fynyddoedd Cymru neu i'r arfordir a gwneud pethau heriol, fel gwyriad oddi wrth syrthio oddi ar y llwybr cul, mynd i mewn i'r system gyfiawnder, a, gwaeth fyth, efallai i elfen garcharol y system gyfiawnder. Byddai cymdeithas yn elwa cymaint o hynny.

Bethan Jenkins: At the end of the month, I

yn cwrdd â'r Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau i drafod yr angen am fwy o wersi hunanhyder i bobl ifanc yn ein hysgolion. Bydd hwn yn gyfarfod ar ran y grŵp trawsbleidiol ar anhwylderau bwyta. A fydddech yn cefnogi'r alwad am gael gwersi o'r fath yn ein hysgolion ac ar ran ein gwasanaethau ieuencid? Mae mwy o bobl ifanc, boed yn ferched neu'n ddynion, yn dioddef o anhwylderau bwyta oherwydd diffyg hyder, ac mae angen i hynny fod yn rhan o'r system addysg ehangach yng Nghymru.

Y Prif Weinidog: Mae ein hysgolion, yn enwedig yr ysgolion hynny lle mae anawsterau yn y cymunedau y maent yn eu gwasanaethu, yn rhoi llawer mwy o bwyslais yn awr ar sut i ddatblygu personoliaethau pobl ac ar sicrhau eu bod yn gallu cwblhau'r trawsnewidiad anodd o fod yn blant i fod yn bobl yn eu harddegau, ac wedyn i fod yn oedolion. Maent yn ceisio gwneud hynny'n llai anodd lle mae diffyg hunanhyder a chefnogaeth yn y teulu ac yn y blaen. Mae'r ochr deuluol a chymdeithasol honno o addysg yn cael llawer mwy o bwyslais yn awr. Mae'r angen i ganolbwyntio ar broblem y bobl hynny sy'n cwmpo o'r system oherwydd diffyg hunanhyder yn cael llawer mwy o sylw yn awr.

William Graham: First Minister, you will be pleased to learn that many youth groups across south-east Wales have embraced the YouthWorkWales scheme, with many events showcasing projects from local arts groups, job workshops and the Duke of Edinburgh award scheme. Would you acknowledge the excellent work done by Duffryn Community Link in Newport, at which local firms work with staff on a number of community projects, such as taking children on educational day trips? Would you agree that the Government will look at how it could increase the number of schemes involving business leaders that provide positive role models for youngsters, and challenge the poverty of ambition that so often exists in Wales's poorer communities?

will have a meeting with the Minister for Children, Education, Lifelong Learning and Skills to discuss the need for more self-confidence classes for young people in our schools. I will be having this meeting on behalf of the cross-party group on eating disorders. Would you support the demand for more lessons of this kind in our schools and on behalf of our youth services? More and more young people—male and female—are suffering eating disorders because of a lack of confidence, which must be dealt with by way of the wider education system in Wales.

The First Minister: Our schools, especially those that serve communities where difficulties exist, place much greater emphasis nowadays on how to develop people's personalities and on ensuring that they complete the difficult transition from childhood into adolescence, and then on into adulthood. They try to ease that process in cases where there is a lack of self-confidence and family support and so on. There is much more emphasis these days on that family and social aspect of education. The need to focus on the problem of those people who fall through the net because of a lack of confidence is given much more emphasis.

William Graham: Brif Weinidog, byddwch yn falch o ddysgu bod llawer o grwpiau ieuencid ar draws y De-ddwyrain wedi croesawu cynllun Gwaith Ieuencid Cymru, gyda nifer o ddigwyddiadau'n arddangos prosiectau gan grwpiau celfyddydau lleol, gweithdai swyddi a chynllun gwobr Dug Caeredin. A wnaech chi gydnabod y gwaith rhagorol sydd wedi'i wneud gan Ddolen Gymunedol Dyffryn yng Nghasnewydd, lle mae cwmnïau lleol yn gweithio gyda staff ar nifer o brosiectau cymunedol, fel mynd â phlant ar dripiâu diwrnod addysgiadol? A gytunech y gwnaiff y Llywodraeth edrych ar sut y gallai gynyddu nifer y cynlluniau gydag arweinwyr busnes sy'n darparu modelau rôl cadarnhaol i bobl ifanc, a herio'r diffyg uchelgais sy'n bodoli mor aml yng nghymunedau tlotach Cymru?

The First Minister: I accept all of that. I will have to accept your words about the scheme in Duffryn, because I do not know it personally, as you obviously do. The question of trying to overcome the negative stereotypes that older generations have about young people. Secondly, expanding the ambitions of young people, that is, eradicating poverty of ambition as well as the lack of self confidence that Bethan Jenkins referred to a moment ago, is part of the process of engaging the disengaged as well as trying to retrieve those who have got into the youth justice system. It is possible that, had a bit of attention been paid to them a year or two earlier, we might have been able to stop them from becoming disengaged or youth who have had a brush with the law, let alone youth who have had a brush with the law that led to custody.

Fuel Poverty

Q4 Mark Isherwood: Will the First Minister make a statement on his policies to help those in fuel poverty? OAQ(3)2352(FM)

The First Minister: Indeed I can, because our new fuel poverty strategy will be published in draft form for consultation next week, we hope. We are investing £22.8 million per year in the home energy efficiency scheme and a further £26 million under the strategic capital investment fund over three years.

Mark Isherwood: Two weeks ago, I chaired the north Wales fuel poverty forum's meeting on fuel poverty and financial inclusion. Last week, I received an e-mail from a county councillor, who is disabled and who, since he began earning £12,000 as a county councillor, has lost many of his benefits and is living in fuel poverty. Tomorrow, Community Housing Cymru is launching its related 'Don't get bitten by loan sharks' campaign in the Assembly. Do you agree that

Y Prif Weinidog: Derbyniaf hynny i gyd. Bydd yn rhaid imi dderbyn eich geiriau am y cynllun yn y Dyffryn, am nad wyf yn gyfarwydd ag ef yn bersonol, fel yr ydych chi, yn amlwg. Mae'n gwestiwn o geisio goresgyn yr ystrydebau negyddol sydd gan genedlaethau hŷn am bobl ifanc. Yn ail, mae ehangu uchelgeisiau pobl ifanc, hynny yw, dileu tlodi uchelgais yn ogystal â'r diffyg hunanhyder y cyfeiriodd Bethan Jenkins ato foment yn ôl, yn rhan o broses sicrhau ymgysylltiad gan y rhai sydd wedi ymddieithrio yn ogystal â cheisio adfer y rhai sydd wedi mynd i mewn i'r system cyfiawnder ieuencid. Mae'n bosibl, pe buasent wedi cael ychydig o sylw flwyddyn neu ddwy ynghynt, y gallasem efallai eu hatal rhag ymddieithrio neu rhag troi'n bobl ifanc a fu mewn helynt gyda'r gyfraith, heb sôn am bobl ifanc a fu mewn helynt gyda'r gyfraith a arweiniodd at eu cadw yn y ddalfa.

Tlodi Tanwydd

C4 Mark Isherwood: A wnaiff y Prif Weinidog ddatganiad am ei bolisiau i helpu'r rheiny sydd mewn tlodi tanwydd? OAQ(3)2352(FM)

Y Prif Weinidog: Gallaf, yn wir, oherwydd cyhoeddir ein strategaeth newydd ar dlodi tanwydd yn ei ffurf ddrafft ar gyfer ymgynghori'r wythnos nesaf, gobeithio. Yr ydym yn buddsoddi £22.8 miliwn y flwyddyn yn y cynllun effeithlonrwydd ynni cartref a £26 miliwn ymhellach dan y gronfa buddsoddi cyfalaf strategol dros dair blynedd.

Mark Isherwood: Bythefnos yn ôl, cadeiriais gyfarfod fforwm tlodi tanwydd y Gogledd ar dlodi tanwydd a chynhwysiant ariannol. Yr wythnos diwethaf, cefais ebost oddi wrth gynghorydd sir, sydd yn anabl ac sydd, ers dechrau ennill £12,000 fel cynghorydd sir, wedi colli llawer o'i fudd-daliadau ac yn byw mewn tlodi tanwydd. Yfory, bydd Cartrefi Cymunedol Cymru'n lansio'i ymgyrch ynglŷn â hyn, 'Peidiwch â chael eich brathu gan siarcod bentyca', yn y

fuel poverty is primarily an issue of social justice, which cannot be tackled solely in the context of climate change and benefit entitlement, but must be addressed by looking at the more complex mix of social, economic, psychosocial and environmental factors at play?

The First Minister: I do not disagree with any of that. As you, and the Assembly, will be aware, there is a difficult balance to strike between home-energy-efficiency-type schemes being devoted mainly to the remediation of fuel poverty or mainly to the remediation of the climate change consequences of wasteful energy systems and the unnecessary emissions of carbon dioxide and other greenhouse gasses through inefficient heating systems, but perhaps not concentrating so much just on that problem where it is in a property occupied by the fuel poor. The document that will be published next week—I must not reveal too much of its content—will discuss this balance between the two, which is at the heart of the matter. Until now, it is the inefficiency of the use of fuel that has been the No. 1 concern, and fuel poverty has been at No. 2. Both are important and it is the question of rebalancing that a bit that is up for grabs in the document that will go out for consultation after it is published next week.

Val Lloyd: I would like to refer to an issue that you have touched upon and on which I have campaigned for some time. Some of my constituents whose existing heating boiler does not work properly cannot apply to the HEES scheme for assistance because the scheme applies only to boilers that cannot be repaired. This leaves some elderly people having to live in conditions that I know you will agree are not acceptable, such as having to boil a kettle in order to wash, and relying on relatives, if they have any nearby, for a bath. I fully understand that the home energy efficiency scheme has to target those most in need. However, do you agree that the situation needs to be looked at so that a

Cynulliad. A ydych yn cytuno bod tloidi tanwydd yn bennaf yn gwestiwn o gyflawnder cymdeithasol, na ellir delio ag ef yng nghyd-destun newid hinsawdd a hawl i fudd-daliadau'n unig, ond bod yn rhaid ei ateb drwy edrych ar y cymysgedd mwy cymhleth o ffactorau cymdeithasol, economaidd, seicogymdeithasol ac amgylcheddol sydd ar waith?

Y Prif Weinidog: Nid wyf yn anghytuno â dim o hynny. Fel y byddwch chi, a'r Cynulliad, yn ymwybodol, mae cydbwysedd anodd i'w daro rhwng canolbwyntio cynlluniau effeithlonrwydd ynni cartref yn bennaf ar wella tloidi tanwydd neu yn bennaf ar wella canlyniadau newid hinsawdd systemau ynni gwastraffus ac allyriadau diangen carbon deuocsid a nwyon tŷ gwydr eraill drwy systemau gwresogi aneffeithlon, ond efallai heb ganolbwyntio cymaint ar y broblem honno'n unig lle mae'n digwydd mewn eiddo sy'n gartref i dlodion tanwydd. Bydd y ddogfen a gyhoeddir yr wythnos nesaf—rhaid imi beidio â datgelu gormod am ei chynnwys—yn trafod y cydbwysedd hwn rhwng y ddau, sydd wrth galon y mater. Hyd yma, aneffeithlonrwydd defnyddio tanwydd fu'r flaenoriaeth gyntaf, a thloidi tanwydd yn rhif dau. Mae'r ddau'n bwysig a chwestiwn ailgydbwyso hynny rywfaint sydd yn cael ei godi yn y ddogfen a fydd yn mynd allan ar gyfer ymgynghori ar ôl ei chyhoeddi yr wythnos nesaf.

Val Lloyd: Hoffwn gyfeirio at fater yr ydych wedi cyffwrdd arno ac yr wyf finnau wedi ymgyrchu arno ers tro. Mae rhai o'm hetholwyr nad yw eu boeler gwresogi presennol yn gweithio'n iawn yn methu gwneud cais i'r cynllun effeithiolrwydd ynni cartref am gymorth am mai dim ond i foeleri na ellir eu trwsio y mae'r cynllun yn berthnasol. Mae hyn yn gadael rhai pobl oeddrannus yn gorfod byw mewn amodau y gwn y cytunwch nad ydynt yn dderbyniol, fel gorfod berwi tegell er mwyn ymolchi, a dibynnu ar berthnasau, os oes ganddynt rai'n agos, i gael baddon. Deallaf yn iawn fod yn rhaid i'r cynllun effeithiolrwydd ynni cartref dargedu'r rhai sydd fwyaf mewn angen. Fodd

section of elderly, vulnerable people in Wales are not left living in sub-standard conditions and in fuel poverty?

The First Minister: We all accept that this is not a boiler repair scheme, although it can involve replacing a boiler if it is beyond repair. However, it would be a great waste of resources and would cut across any kind of climate change and sustainability objectives if you were to take out boilers that could be repaired and put in new boilers. However, boilers cannot be repaired under the HEES scheme. If you are an elderly person living alone, and are not used to dealing with plumbers and central heating engineers, I realise that that can seem quite a mountain to climb. However, the objectives of the scheme have always been clear. It is not a scheme to secure boiler repairs for repairable boilers, but it can involve the replacement of a boiler that is beyond repair.

The Leader of the Welsh Liberal Democrats (Kirsty Williams): First Minister, in your response to the supplementary question from Mark Isherwood, you made the connection between fuel poverty and climate change. Do you agree with the latest scientific research that says that, if we are to limit rises in global temperature and take decisive action against the effects of climate change, industrial nations will need to cut their emissions by 40 per cent by 2020?

2.00 p.m.

The First Minister: I do not think that I have the figures to hand. I will write to you or I will ask Jane to write to you. In the run-up to the Copenhagen conference, it is clearly important that there is broad agreement on the scientific principles behind the estimates given for the world. You then have to make allowances for the fact that developing countries have to catch up and have to think about what that implies, given that global

bynag, a gytunwch fod angen edrych ar y sefyllfa fel na adewir carfan o bobl oedrannus, fregus yng Nghymru i fyw mewn amodau is-safonol ac mewn tlodi tanwydd?

Y Prif Weinidog: Yr ydym i gyd yn derbyn nad cynllun trwsio boeleri yw hwn, er y gall olygu gosod boeler newydd os yw'r hen un y tu hwnt i'w drwsio. Fodd bynnag, byddai'n wastraff adnoddau mawr ac yn mynd yn groes i unrhyw fath o amcanion cynaliadwyedd a newid hinsawdd pe baech yn cymryd boeleri y gellir eu trwsio allan ac yn rhoi boeleri newydd i mewn. Fodd bynnag, ni ellir trwsio boeleri dan y cynllun effeithiolrwydd ynni cartref. Os ydych yn berson oedrannus yn byw ar eich pen eich hun, a heb fod wedi arfer delio â phlymers a pheirianwyr gwres canolog, sylweddolaf y gall hynny ymddangos yn dipyn o fynydd i'w ddringo. Fodd bynnag, mae amcanion y cynllun wedi bod yn eglur erioed. Nid cynllun ydyw i sicrhau trwsio boeleri y gellir eu trwsio, ond gall olygu rhoi boeler newydd yn lle un sydd y tu hwnt i'w drwsio.

Arweinydd Democratiaid Rhyddfrydol Cymru (Kirsty Williams): Brif Weinidog, yn eich ymateb i'r cwestiwn atodol gan Mark Isherwood, gwnaethoch y cysylltiad rhwng tlodi tanwydd a newid yn yr hinsawdd. A ydych yn cytuno â'r ymchwil gwyddonol diweddaraf sy'n dweud, os ydym am gyfyngu codiadau tymheredd byd-eang a chymryd camau pendant yn erbyn effeithiau newid hinsawdd, y bydd angen i wledydd diwydiannol gwtogi 40 y cant ar eu hallyriadau erbyn 2020?

Y Prif Weinidog: Nid wyf yn meddwl bod y ffigurau gennyf wrth law. Fe ysgrifennaf atoch neu gofynnaf i Jane ysgrifennu atoch. Yn y cyfnod cyn cynhadledd Copenhagen, yn amlwg mae'n bwysig cael cytundeb bras ar yr egwyddorion gwyddonol y tu ôl i'r amcangyfrifon a roddir ar gyfer y byd. Wedyn rhaid gwneud lwfans am y ffaith fod yn rhaid i wledydd sy'n datblygu ennill tir a rhaid meddwl am beth sydd ymhlyg yn

warming is a quantum zero-sum game. If China and India grow more and emit more emissions, the developed world needs to emit less to achieve the zero-sum game target that you would be looking at. I am not sure whether the target is to cut emissions by 40 per cent by 2020 or another figure. I will give you the Welsh Assembly Government's latest estimates, but I had better do so in writing.

Kirsty Williams: The scientific evidence is quite clear and there is a consensus in the run-up to the Copenhagen conference that industrial nations will need to cut their emissions by 40 per cent by 2020. It is concerning that you are not able to give us a clear indication of what the Welsh Assembly Government's policy is on such an important issue. Could you outline the conversations and discussions that you have had with Gordon Brown and other members of the Westminster Cabinet? They will be at the forefront of arguing the British point of view and the British case at Copenhagen. What discussions have you had with them about their stance on adopting this target of cutting emissions by 40 per cent?

The First Minister: I am not sure that you are being completely fair. You may expect me to hold all this information in my head, but I am leery about confirming the figure, as it is easy to give the wrong figure when you have not had a chance to review the papers. What is more, I am not sure that you are right to make so direct a connection between the scientific evidence and what developing countries need to do. The scientific evidence may refer to what the world needs to do, but it is a matter of political debate between the developing nations, the middling nations, that is, the BRIC countries—Brazil, Russia, India and China—and the developed world as to how much family hold back there has to be on the part of the developed world to permit China and India to have the kind of share that they will expect. There is going to be an awful lot of very hard debate and an awful lot of work by the Sherpas in the run-up to the

hynny, o gofio bod cynhesu byd-eang yn gêm swm cwantwm sero. Os bydd Tsieina a'r India'n tyfu mwy ac yn gollwng mwy o allyriadau, bydd angen i'r byd datblygedig allyrru llai i gyflawni'r targed swm sero y byddech yn edrych arno. Nid wyf yn siŵr ai cwtogi 40 y cant ar allyriadau erbyn 2020 yw'r targed, ynteu ryw ffigur arall. Fe roddaf amcangyfrifon diweddaraf Llywodraeth Cynulliad Cymru ichi, ond byddai'n well imi wneud hynny ar bapur.

Kirsty Williams: Mae'r dystiolaeth wyddonol yn eithaf clir ac mae consensws wrth inni ddynesu at gynhadledd Copenhagen y bydd angen i wledydd diwydiannol gwtogi 40 y cant ar eu hallyriadau erbyn 2020. Mae'n achos pryder nad ydych yn gallu rhoi amcan clir inni o beth yw polisi Llywodraeth Cynulliad Cymru ar fater mor bwysig. A allech amlinellu'r sgysiau a'r trafodaethau yr ydych wedi'u cael gyda Gordon Brown ac aelodau eraill o Gabinet San Steffan? Byddant hwy ar flaen y gad o ran dadlau safbwynt Prydain ac achos Prydain yn Copenhagen. Pa drafodaethau yr ydych wedi'u cael gyda hwy ynglŷn â'u safbwynt ynghylch mabwysiadu'r targed hwn o gwtogi 40 y cant ar allyriadau?

Y Prif Weinidog: Nid wyf yn siŵr eich bod yn hollol deg. Hwyrach eich bod yn disgwyl imi ddal yr holl wybodaeth yma yn fy mhen, ond yr wyf yn gyndyn o gadarnhau'r ffigur, gan ei bod yn hawdd rhoi'r ffigur anghywir pan nad ydych wedi cael cyfle i adolygu'r papurau. Yn fwy na hynny, nid wyf yn siŵr eich bod yn iawn i wneud cysylltiad mor uniongyrchol rhwng y dystiolaeth wyddonol a'r hyn y mae angen i wledydd sy'n datblygu ei wneud. Efallai fod y dystiolaeth wyddonol yn cyfeirio at yr hyn y mae angen i'r byd ei wneud, ond mater o ddadl wleidyddol rhwng y gwledydd sy'n datblygu, y gwledydd canolig, hynny yw, gwledydd BRIC—Brasil, Rwsia, India a Tsieina—a'r byd datblygedig yw faint o ymatal teuluol y mae'n rhaid ei gael ar ran y byd datblygedig i ganiatáu i Tsieina ac India gael y math o gyfran y byddant yn ei disgwyl. Bydd llawer iawn o ddadlau caled iawn a llawer iawn o waith gan

Copenhagen conference and then in Copenhagen to get an agreement, and a lot of midnight oil will be burned in Copenhagen to achieve what is a political decision between developed, middling and developing countries about who takes what share to reduce the global burden of carbon dioxide emissions.

Kirsty Williams: I accept that the First Minister is unable to give us clarity on the position that the Welsh Assembly Government is taking on this this afternoon, but I will ask him the question again. First Minister, you talked about the large amount of sherpa work that will need to go on prior to the Copenhagen conference. What discussions have you had with Gordon Brown about the stance that the UK Government will take at that conference?

The First Minister: We have participated in a large number of meetings internationally, via the Network of Regional Governments for Sustainable Development, which Jane Davidson, the Minister for Environment, Sustainability and Housing, chairs or co-chairs. Within Westminster there has been a great deal of correspondence to devolved administrations recently on issues where there is a specific Welsh angle. The most significant relates to discussion of the particular role of Wales, given our distinctive heritage of having a much higher proportion of our economic wealth tied up in smokestack industries, which are probably covered by the trading arrangements rather than by the 3 per cent annual reduction for consumers and small businesses. Unlike Scotland, England and Northern Ireland, a significant proportion of our wealth is still tied up in that category of industry.

Kirsty Williams: It is disappointing that you have not been involved personally in negotiations at the highest level with the British Prime Minister on this fundamentally important issue in the run-up to Copenhagen,

y Sherpas yn y cyfnod cyn cynhadledd Copenhagen ac wedyn yn Copenhagen i gael cytundeb, a llosgir y gannwyll yn isel yn Copenhagen i sicrhau penderfyniad a fydd yn un gwleidyddol rhwng gwledydd datblygedig, canolig a datblygol ynghylch pwy sy'n cymryd pa gyfran i leihau baich byd-eang allyriadau carbon deuocsid.

Kirsty Williams: Derbyniat na all y Prif Weinidog roi darlun eglur inni o'r safbwynt y mae Llywodraeth Cynulliad Cymru yn ei gymryd ar hyn y prynhawn yma, ond gofynnaf y cwestiwn iddo eto. Brif Weinidog, soniasoch am y swm mawr o waith sherpa y bydd angen iddo ddiwydd cyn cynhadledd Copenhagen. Pa drafodaethau yr ydych wedi'u cael gyda Gordon Brown ynghylch y safiad y bydd Llywodraeth y Deyrnas Unedig yn ei gymryd yn y gynhadledd honno?

Y Prif Weinidog: Yr ydym wedi cymryd rhan mewn nifer fawr o gyfarfodydd yn rhyngwladol, drwy Rwydwaith y Llywodraethau Rhanbarthol dros Ddatblygu Cynaliadwy, y mae Jane Davidson, y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, yn gadeirydd neu'n gyd-gadeirydd arno. O fewn San Steffan cafwyd llawer iawn o ohebiaeth i weinyddiaethau datganoledig yn ddiweddar ar faterion lle mae agwedd Gymreig benodol. Mae a wnelo'r mwyaf arwyddocaol â thrafodaeth ar rôl arbennig Cymru, o ystyried ein hetifeddiaeth arbennig o fod â chyfrannedd llawer uwch o'n cyfoeth economaidd ynghlwm mewn diwydiannau simneiau mwg, y gofelir amdanynt yn ôl pob tebyg gan y trefniadau masnachu yn hytrach na chan y lleihad blynyddol o 3 y cant i ddefnyddwyr a busnesau bach. Yn wahanol i'r Alban, Lloegr a Gogledd Iwerddon, mae cyfran sylweddol o'n cyfoeth ni yn dal ynghlwm yn y categori diwydiant hwnnw.

Kirsty Williams: Mae'n siom nad ydych chi wedi bod yn ymwneud yn bersonol â negodi ar y lefel uchaf â Phrif Weinidog Prydain ar y mater sylfaenol bwysig hwn yn y cyfnod cyn Copenhagen, ac mae'n siom hefyd nad ydych

and it is also disappointing that you are unable to do what the Scottish First Minister has done in clearly committing his Government to that 40 per cent emissions cut by 2020 for industrial nations. However, as you say, we have our own role to play regionally, and in the past we have relied very heavily on smokestack industries and a carbon-heavy energy system. Your Government has set quite clear targets for renewable energy to be met by 2010. Could you confirm today that you will meet those commitments and targets?

The First Minister: Yes. To amplify some of the comments that I made earlier, there is a considerable amount of discussion at a European level about this issue, and the particular issue on which we have contributed has been carbon leakage. There would be no gain to the world economy if, for instance, there was a transfer of the smokestack kind of industries out of Wales, with its heavily regulated environment, to a less regulated environment elsewhere. It would make our carbon dioxide emissions figures look good, but it would be bad for the planet if that element of smokestack-related industrial production were carried out in a less regulated environment. That is what is known as carbon leakage. We are keen to ensure that carbon leakage does not take place by way of any agreements made in Copenhagen. With regard to the renewable energy targets, although we cannot compress the planning system—we cannot order the planning system to throw up the planning decisions that are needed to achieve an objective—at this moment in time, we do not see any reason for withdrawing or resiling from the previously published objectives.

Leanne Wood: I would like to return to the question of fuel poverty. Age Concern and Help the Aged has raised concerns with me about the ministerial review of the home energy efficiency scheme. The Minister has made it clear that HEES will focus on the most vulnerable—that is, people on means-

yn gallu gwneud yr hyn a wnaeth Prif Weinidog yr Alban wrth ymrwymo'i Lywodraeth yn ddiamwys i'r toriad 40 y cant hwnnw mewn allyriadau erbyn 2020 i wledydd diwydiannol. Fodd bynnag, fel y dywedwch, mae gennym ein rhan ein hunain i'w chwarae'n rhanbarthol, ac yn y gorffennol yr ydym wedi dibynnu'n drwm iawn ar ddiwydiannau simneiau mwg a system ynni sy'n drwm ar garbon. Mae eich Llywodraeth wedi gosod targedau eithaf clir ar gyfer ynni adnewyddadwy i'w cyrraedd erbyn 2010. A allech gadarnhau heddiw y cyflawnwch yr ymrwymadau a'r targedau hynny?

Y Prif Weinidog: Gallaf. I ymhelaethu ar rai o'r sylwadau a wneuthum yn gynharach, mae cryn dipyn o drafod ar lefel Ewropeaidd am yr mater hwn, a gollyngiadau carbon yw'r pwnc penodol yr ydym ni wedi cyfrannu arno. Ni fyddai dim elw i economi'r byd, er enghraifft, o drosglwyddo'r diwydiannau simneiau mwg allan o Gymru, â'i hamgylchedd rheoledig iawn, i amgylchedd llai rheoledig yn rhywle arall. Byddai'n gwneud i'n ffigurau allyriadau carbon deuocsid ni edrych yn dda, ond byddai'n ddrwg i'r blaned pe cyflawnid yr elfen honno o gynhyrchu diwydiannol cysylltiedig â simneiau mwg mewn amgylchedd llai rheoledig. Gollyngiad carbon yw'r term am hynny. Yr ydym yn awyddus i sicrhau na ddigwydd gollyngiad carbon trwy gyfrwng unrhyw gytundebau a wneir yn Copenhagen. Ynglŷn â'r targedau ynni adnewyddadwy, er na allwn gywasgu'r system gynllunio—ni allwn drefnu bod y system gynllunio'n rhoi inni'r penderfyniadau cynllunio sy'n angenrheidiol i gyflawni nod—ar hyn o bryd, ni welwn unrhyw reswm dros dynnu'n ôl neu ymgilio oddi wrth yr amcanion a gyhoeddwyd yn flaenorol.

Leanne Wood: Hoffwn ddychwelyd at gwestiwn tlodi tanwydd. Mae Age Concern a Help the Aged wedi codi pryderon gyda mi ynghylch adolygiad y Gweinidog o'r cynllun effeithlonrwydd ynni cartref. Mae'r Gweinidog wedi cyhoeddi'n glir y bydd y cynllun yn canolbwyntio ar y mwyaf

tested benefits in the most inefficient properties—in order to target those most likely to be in fuel poverty or vulnerable to it. As you know, First Minister, a high proportion of older people living in Wales who may receive occupational pensions, or who are just above the threshold for means-tested benefits that are required in these new proposals, are in fuel poverty. We also know of people with chronic illnesses who need extra support—people living with cancer, for example. Will you agree to meet Age Concern and Help the Aged to discuss its concerns about the proposals? Will you confirm that the proposals included in the national energy savings plan will include non-means-tested energy efficiency grants of up to 50 per cent of the cost of insulation?

The First Minister: The document will be published next week and, therefore, will be out for consultation. There will be ample opportunity for comments from the newly merged Age Concern and Help the Aged, as a body representing older people, including people who would not pass the present means tests or who would just miss out on passing the present means tests because of small occupational pensions, which can be a curse in means testing rather than a real benefit. We are well aware of that. You are quite right to point to the demographic factors in relation to Wales and you can almost apply the demographic factor of having more than the average number of pensioners in our total population, compared to Scotland, Northern Ireland or England, to the housing stock as well, in that we have more houses that were built between 1870 and 1914 as a proportion of the total housing stock. The curse of the 1870 to 1914 houses, wonderful though they are—I live in one myself—is that they have solid walls and therefore you cannot have cavity wall insulation because you do not have a cavity. The walls can be insulated, but it is not easy. A high proportion of our housing stock is in that category. If you have an older person in an older house, that poses particular problems. In the present document,

bregus—hynny yw, pobl ar fudd-daliadau prawf modd yn y tai mwyaf aneffeithlon—er mwyn targedu'r rhai sy'n fwyaf tebygol o fod mewn tlodi tanwydd neu'n agored iddo. Fel y gwyddoch, Brif Weinidog, mae cyfran uchel o bobl hŷn yng Nghymru a all fod yn derbyn pensiynau galwedigaethol, neu sydd fymryn dros y trothwy ar gyfer budd-daliadau prawf modd sy'n ofynnol yn y cynigion newydd hyn, mewn tlodi tanwydd. Gwyddom hefyd am bobl â salwch cronig sydd angen cymorth ychwanegol—pobl yn byw gyda chaner, er enghraifft. A wnewch chi gytuno i gyfarfod Age Concern a Help the Aged i drafod eu pryderon ynglŷn â'r cynigion? A wnewch chi gadarnhau y bydd y cynigion a gynhwysir yn y cynllun arbed ynni cenedlaethol yn cynnwys grantiau effeithlonrwydd ynni heb brawf modd am hyd at 50 y cant o gost inswleiddio?

Y Prif Weinidog: Cyhoeddir y ddogfen yr wythnos nesaf ac, felly, bydd allan ar gyfer ymgynghori. Ceir digon o gyfle am sylwadau gan Age Concern a Help the Aged, sydd newydd uno, fel corff sy'n cynrychioli pobl hŷn, yn cynnwys pobl na fuasent yn pasio'r profion modd presennol neu a fyddai'n methu pasio'r profion modd presennol o drwch blewyn oherwydd pensiynau galwedigaethol bach, a all fod yn felltith mewn profion modd yn hytrach nag yn fudd go iawn. Yr ydym yn ymwybodol iawn o hynny. Yr ydych yn berffaith iawn i bwyntio at y ffactorau demograffig perthynol i Gymru a bron y gallwch gymhwyso ffactor demograffig bod â mwy na'r nifer cyfartalog o bensiynwyr yn ein cyfanswm poblogaeth, o gymharu â'r Alban, Gogledd Iwerddon neu Loegr, i'r stoc dai hefyd, yn yr ystyr bod gennym fwy o dai a godwyd rhwng 1870 a 1914 fel cyfran o'r cyfanswm stoc dai. Melltith y tai a godwyd o 1870 i 1914, hyfryd er y bônt—yr wyf yn byw mewn un fy hun—yw bod ganddynt waliau solet ac na allwch felly gael inswleiddiad waliau ceudod am nad oes ceudod. Gellir inswleiddio'r waliau, ond nid yw'n hawdd. Mae cyfran uchel o'n stoc dai yn y categori hwnnw. Os oes gennych berson hŷn mewn tŷ hŷn, mae hynny'n codi problemau penodol. Yn y ddogfen bresennol,

that is what is given most attention, but in the new document that is to be issued for consultation, the question is raised about the balance between fuel poverty on the one hand and fuel inefficiency on the other and getting that balance right.

Tourism

Q5 Darren Millar: Will the First Minister make a statement on tourism in north Wales? OAQ(3)2344(FM)

The First Minister: Thirty-five percent of all tourism expenditure in Wales is in north Wales and to reflect that highest proportion, it gets the highest level of regional funding from the Assembly Government, including the £9 million that is to be invested in the cruise ship terminal at Holyhead, which will add significantly to the tourism market in the area.

Darren Millar: One of the jewels in the tourism crown is Colwyn Bay, in my constituency. I have been delighted that one of the few decent decisions made by your Government was the establishment of a strategic regeneration area that includes Colwyn Bay. There is a great deal of praise for that decision in my constituency, and rightly so, because millions of pounds will be put into the town. However—[*Interruption.*]

2.10 p.m.

The Presiding Officer: Order. I want to hear all about Colwyn Bay.

Darren Millar: Thank you, Presiding Officer.

There is concern, however, about the dilapidated state of the pier in Colwyn Bay, as it is now becoming unsafe and posing a risk to health and safety. Also, a legal battle is ongoing between Conwy County Borough Council and the owners of the pier. What action is the Welsh Assembly Government

dyna sy'n cael y sylw mwyaf, ond yn y ddogfen newydd sydd i'w chyhoeddi ar gyfer ymgynghori, codir y cwestiwn ynglŷn â'r cydbwysedd rhwng tlodi tanwydd ar y naill law ac aneffeithlonrwydd tanwydd ar y llall, a'r angen i gael y cydbwysedd hwnnw'n iawn.

Twristiaeth

C5 Darren Millar: A wnaiff y Prif Weinidog ddatganiad am dwristiaeth yn y gogledd? OAQ(3)2344(FM)

Y Prif Weinidog: Mae 35 y cant o bob gwariant ar dwristiaeth yn digwydd yn y Gogledd, ac i adlewyrchu'r gyfran uchaf honno, caiff y lefel uchaf o gyllid rhanbarthol oddi wrth Lywodraeth y Cynulliad, yn cynnwys y £9 miliwn sydd i'w fuddsoddi yn y derfynfa llongau mordaith yng Nghaergybi, a fydd yn ychwanegu'n sylweddol at y farchnad dwristiaeth yn yr ardal.

Darren Millar: Un o'r tlysau yng nghoron twristiaeth yw Bae Colwyn, yn fy etholaeth i. Yr wyf wedi cael modd i fyw mai un o'r ychydig benderfyniadau da a wnaeth eich Llywodraeth oedd sefydlu ardal adfywio strategol sy'n cynnwys Bae Colwyn. Mae llawer iawn o ganmol i'r penderfyniad hwnnw yn fy etholaeth, ac iawn yw hynny, oherwydd bydd yn rhoi miliynau o bunnoedd i mewn i'r dref. Fodd bynnag—[*Torri ar draws.*]

Y Llywydd: Trefn. Mae arnaf eisiau clywed popeth am Fae Colwyn.

Darren Millar: Diolch, Lywydd.

Y mae pryder, fodd bynnag, ynghylch cyflwr adfeiliedig y pier ym Mae Colwyn, gan ei fod erbyn hyn yn mynd yn anniogel ac yn berygl i iechyd a diogelwch. Hefyd, mae brwydr gyfreithiol ar droed rhwng Cyngor Bwrdeistref Sirol Conwy a pherchnogion y pier. Pa gamau y mae Llywodraeth Cynulliad

taking to address that problem to bring it to a conclusion so that my constituents do not have to face this carbuncle on the promenade in future? Can they be assured that the matter will be addressed?

The First Minister: Do not run your constituency down like that. Every constituency should be referred to as the jewel in the crown of whichever region of Wales it is in, and you should not refer to 'carbuncles' in your constituency either, but to minor issues that just need a bit of sorting out and a lick of paint for them to be as right as rain.

On the matter of the pier, I visited it some six or seven years ago with your predecessor, and I met the owner. I am not aware of an application being in at this moment. One may be on the way, of course, and I am sure that it will be looked at, but the decisions will be taken according to the regional priorities for the best way to spend X sums of money to enable every constituency to be universally carbuncle free and jewels in the crown and nothing but the best.

Janet Ryder: Colwyn Bay is just one of the many attractions in north Wales that draw a large number of tourists every year. One issue, however, is what to do when it rains. We have some beautiful outdoor scenery and some lovely outdoor walks and many outdoor activities, but what we need to do is to encourage the development of more wet weather activities and more year-round activities. What is your Government doing to support the extension of the season beyond the traditional summertime to make for a year-round tourist market and to develop activities that will accommodate our sometimes not-too-sunny weather?

The First Minister: For those rare occasions when there is a break in the semi-perpetual sunshine that we in Wales benefit from, it is

Cymru'n eu cymryd i fynd i'r afael â'r broblem honno a dod â hi i ben fel na fydd raid i'm hetholwyr wynebu'r dolur llygad hwn ar y promenâd yn y dyfodol? A ellir rhoi sicrwydd iddynt y caiff y mater sylw?

Y Prif Weinidog: Peidiwch â lladd ar eich etholaeth fel yna. Dylid cyfeirio at bob etholaeth fel y tlws yng nghoron pa bynnag ranbarth o Gymru y mae yn ddo, ac ni ddylech gyfeirio at 'ddolur llygad' yn eich etholaeth ychwaith, ond at fân bethau nad oes arnynt angen dim ond mymryn o sylw a llyfiad o baent iddynt fod fel newydd eto.

Ar fater y pier, ymwelais ag ef ryw chwech neu saith blynedd yn ôl gyda'ch rhagflaenydd, a chwrddais â'r perchennog. Nid wyf yn ymwybodol fod cais i mewn ar hyn o bryd. Efallai fod un ar y ffordd, wrth gwrs, ac yr wyf yn siŵr yr edrychir arno, ond gwneir y penderfyniadau'n unol â'r blaenoriaethau rhanbarthol ar gyfer y ffordd orau i wario X swm o arian i alluogi pob etholaeth i fod yn gwbl ddi-ddolur llygad ac yn dlysau yn y goron ac yn ddim byd ond y gorau.

Janet Ryder: Dim ond un o'r atyniadau niferus yn y Gogledd sy'n denu nifer fawr o dwristiaid bob blwyddyn yw Bae Colwyn. Un broblem, fodd bynnag, yw beth i'w wneud pan fydd hi'n glawio. Mae gennym olygfeydd godidog yn yr awyr agored, a llwybrau cerdded hyfryd a llawer o weithgareddau awyr agored, ond yr hyn y mae angen inni ei wneud yw annog datblygu mwy o weithgareddau tywydd gwlyb a mwy o weithgareddau gydol y flwyddyn. Beth mae eich Llywodraeth yn ei wneud i gefnogi ymestyn y tymor y tu hwnt i'r haf traddodiadol i ddarparu ar gyfer marchnad dwristiaeth drwy gydol y flwyddyn ac i ddatblygu gweithgareddau a fydd yn addas ar gyfer ein tywydd nad yw bob amser yn orheulog?

Y Prif Weinidog: Ar gyfer yr achlysuron prin hynny pan geir toriad yn yr heulwen led barhaus a fwynhawn ni yng Nghymru, mae'n

important to have a spread of attractions, and it is also important that we promote the advantages that come with sunny weather when we get it. With the test match this year, we were lucky that the five days that it lasted took place in a five-day gap between two heavy Atlantic depressions, but, as far as the rest of the world's population is concerned, when their eyes were on Wales, we had sunshine for four of those five days. That is good, so let us not spoil it. Likewise, although you could say that July was pretty poor and that August was not great, September and mid-October were absolutely fantastic. I took what was probably my last swim of the year at Barry Island last Saturday, on 31 October, and the water was wonderfully warm. Since September 8, when an area of high pressure crossed Wales for the first time in four months, it has been absolutely fantastic to be able to treat this Indian summer as though it were the summer and to take advantage of it to enjoy all the things that you can do outdoors during a period of high pressure.

Brynle Williams: If I may, I will continue in this vein. My constituency, which covers Colwyn Bay, has been mentioned, and Janet Ryder has mentioned what can be done during wet weather. One of the prime things that is happening is signage.

The First Minister: Silage?

Brynle Williams: Signage. [*Laughter.*] I can help you out with silage as well, if you want.

Many times, I have asked in this Chamber for signage, and not just to divert everything going along the north Wales coast, as there are some wonderful attractions in the market towns all the way to Bala going south. We need adequate signage on roads coming from the border with England, particularly the A55.

The First Minister: We do. A good example relating to that, close to the English border, is the Pontcysyllte aqueduct at Froncysyllte. I

bwysig cael amrywiaeth o atyniadau, ac mae'n bwysig hefyd ein bod yn hyrwyddo'r manteision a ddaw gyda thywydd tesog pan gawn hwnnw. Gyda'r gêm brawf eleni, yr oeddem yn ffodus i'r pum diwrnod a barodd ddigwydd mewn bwlch pum diwrnod rhwng dau ddiwasgedd trwm o'r Iwerydd, ond, o safbwynt poblogaeth gweddill y byd, pan oedd eu llygaid ar Gymru, cawsom heulwen am bedwar o'r pum diwrnod hynny. Mae hynny'n dda, felly peidiwn â'i ddifetha. Yn yr un modd, er y gallech ddweud y bu Gorffennaf yn eithaf gwael ac na fu Awst yn wych, yr oedd Medi a chanol Hydref yn hollol ffantastig. Euthum i nofio am y tro olaf eleni, mae'n debyg, yn Ynys y Barri ddydd Sadwrn diwethaf, ar 31 Hydref, ac yr oedd y dŵr yn fendigedig o gynnes. Ers Medi 8, pan groesodd ardal o ddiwasgedd uchel Gymru am y tro cyntaf mewn pedwar mis, mae wedi bod yn hollol ffantastig gallu trin yr haf bach Mihangel hwn fel pe bai'n haf go iawn a manteisio arno i fwynhau'r holl bethau y gallwch eu gwneud yn yr awyr agored mewn cyfnod o ddiwasgedd uchel.

Brynle Williams: Os caf, mi barhaf yn y cywair hwn. Mae fy etholaeth, sy'n cynnwys Bae Colwyn, wedi cael ei chrybwyll, a soniodd Janet Ryder am beth y gellir ei wneud yn ystod tywydd gwlyb. Un o'r prif bethau sy'n digwydd yw o ran *signage*.

Y Prif Weinidog: Seilej?

Brynle Williams: Arwyddion. [*Chwerthin.*] Gallaf roi help llaw ichi gyda seilej hefyd, os hoffech.

Lawer gwaith, yr wyf wedi gofyn yn y Siambr hon am arwyddion, ac nid dim ond i ddargyfeirio popeth sy'n mynd ar hyd arfordir y Gogledd, gan fod atyniadau gwych yn y trefi marchnad yr holl ffordd i'r Bala tua'r de. Mae angen arwyddion digonol ar ffyrdd sy'n dod o'r ffin â Lloegr, yn enwedig yr A55.

Y Prif Weinidog: Oes wir. Enghraifft dda mewn perthynas â hynny, yn agos at y ffin â Lloegr, yw traphont ddŵr Pontcysyllte yn

hope that that will be adequately signed, as the 11 miles of the Llangollen canal and the amazing aqueduct now have world heritage status. Now that we have a site with world heritage status in that area, we have to persuade people to see what an engineering and environmental marvel it is. We should be trying to persuade everybody to see it before they journey onwards into north Wales.

Cynulliad Seneddol Prydeinig-Gwyddelig

Q6 David Lloyd: Sut mae Llywodraeth Cynulliad Cymru yn ymgysylltu â gwaith y Cynulliad Seneddol Prydeinig-Gwyddelig? OAQ(3)2356(FM)

Y Prif Weinidog: Nid yw Llywodraeth y Cynulliad yn ymgysylltu rhyw lawer iawn ag ef oherwydd mater i'r Cynulliad fel corff, ac nid i Lywodraeth y Cynulliad, yw ymgysylltu â chyrrff deddfwriaethol eraill yn Iwerddon a gwledydd eraill Prydain Fawr, ac yr ydym yn ei annog i wneud hynny. Fel Llywodraeth y Cynulliad, yr ydym yn aelod o'r Cyngor Prydeinig-Gwyddelig, sy'n gymdeithas o lywodraethau.

David Lloyd: Diolch yn fawr am yr ateb hwnnw, ac fel y gwnaethoch amlinellu, mae'r Cynulliad wedi bod yn aelod o'r Cynulliad Seneddol Prydeinig-Gwyddelig ers degawd, gyda phum Aelod o'r Cynulliad yn mynychu trafodaethau yn rheolaidd. Fel y bu ichi sôn, ar lefel Gweinidogion a Phrif Weinidogion, mae'r Cyngor Prydeinig-Gwyddelig yn cyfarfod. Y cwestiwn a gododd yng nghyfarfod diwethaf y Cynulliad Seneddol Prydeinig-Gwyddelig, a gyfarfu yn Abertawe tua phythefnos yn ôl, oedd a oes gobaith i aelodau'r Cynulliad Seneddol Prydeinig-Gwyddelig fod yn sylwedyddion yng nghyfarfodydd y Cyngor Prydeinig-Gwyddelig?

Y Prif Weinidog: Byddai'n eithaf cam pe byddech yn sefydlu llwybr ac ar ei ddiwedd y byddai'r Cynulliad Seneddol Prydeinig-Gwyddelig yn craffu ar y Cyngor Prydeinig-Gwyddelig. Ni chredaf fod y Cyngor

Froncysyllte. Gobeithio y caiff honno arwyddion digonol, gan fod gan yr 11 milltir o gamlas Llangollen a'r draphont ddŵr anhygoel statws treftadaeth byd bellach. Yn awr bod gennym safle â statws treftadaeth byd yn yr ardal honno, rhaid inni berswadio pobl i weld cymaint o ryfeddod peirianyddol ac amgylcheddol ydyw. Dylem fod yn ceisio perswadio pawb i'w weld cyn teithio ymlaen i mewn i ogledd Cymru.

British-Irish Parliamentary Assembly

Q6 David Lloyd: How does the Welsh Assembly Government engage with the work of the British Irish Parliamentary Assembly? OAQ(3)2356(FM)

The First Minister: The Assembly Government does not engage very much with it as engaging with other legislative bodies in Ireland and other countries in Great Britain is a matter for the Assembly as an institution, not the Assembly Government, and we encourage it to do so. As the Assembly Government, we are members of the British-Irish Council, which is an association of governments.

David Lloyd: Thank you for that answer, and as you have outlined, the Assembly has been a member of the British-Irish Parliamentary Assembly for a decade, with five Members of the Assembly attending discussions regularly. As you mentioned, the British-Irish Council meets at ministerial and Prime Minister level. The question that was raised at the last meeting of the British-Irish Parliamentary Assembly, which met in Swansea around two weeks ago, was whether there was any hope for members of the British-Irish Parliamentary Assembly to have observer status at meetings of the British-Irish Council?

The First Minister: It would be quite a step to embark on a route which would lead to the British-Irish Parliamentary Assembly scrutinising the British-Irish Council. I do not believe that the British-Irish Council has

Prydeinig-Gwyddelig wedi gwneud unrhyw benderfyniad a fyddai'n sefydlu'r corff yr ydych yn siarad amdano fel corff craffu. Credaf ei fod ar agenda cyfarfod nesaf y Cyngor Prydeinig-Gwyddelig, a fydd yn cael ei gynnal yr wythnos nesaf.

Nick Ramsay: Unlike Dai Lloyd, I am not one of the Assembly Members that has been involved with the British-Irish Parliamentary Assembly, but I have watched it with interest. Over the last 10 years, it has become clear that different aspects of devolution in the UK work in their own unique ways, and have an important part to play. Following on from the Good Friday agreement, the British-Irish Parliamentary Assembly has done a great deal to secure peace in a previously troubled part of the United Kingdom. Although your Government, as you said, does not have a direct role in this body, will you give an assurance that you will do what you can to ensure that this organisation continues to work as initially intended, and that the different devolved parts of the United Kingdom learn valuable experiences from each other so that we can progress together?

The First Minister: I am grateful for that final remark, because I endorse that strongly. There are two great values to Irish-British parliamentary or Government to Government bodies. For the purposes of comparison and learning best practice in the delivery of healthcare, education, and environmental improvements, we should remember that Ireland was the first parliament to ban smoking in public places and that there is valuable evidence on the banning of single-use plastic bags arising from the fact that Ireland has already done so, and we can follow. Secondly, when the Euro is high and the pound is low, we would anticipate a big increase in Irish tourists coming to Pembrokeshire, Anglesey, north Wales, and so forth. So, there is a huge area where we can learn from each other. A more direct connection with regard to the electricity connection between Northern Ireland,

made any decision to establish the body that you talk about as a scrutiny body. I think that it is on the agenda for the next meeting of the British-Irish Council, which will take place next week.

Nick Ramsay: Yn wahanol i Dai Lloyd, nid wyf fi'n un o'r Aelodau Cynulliad a fu'n ymwneud â'r Cynulliad Seneddol Prydeinig-Gwyddelig, ond yr wyf wedi ei wylio â diddordeb. Dros y 10 mlynedd diwethaf, mae wedi dod yn amlwg fod gwahanol agweddau ar ddatganoli yn y Deyrnas Unedig yn gweithio yn eu ffyrdd unigryw eu hunain, a bod ganddynt ran bwysig i'w chwarae. Yn dilyn ymlaen o gytundeb Gwener y Groglith, mae'r Cynulliad Seneddol Prydeinig-Gwyddelig wedi gwneud llawer iawn i sicrhau heddwch mewn rhan o'r Deyrnas Unedig a fu gynt yn helbulus. Er nad oes gan eich Llywodraeth, fel y dywedasoch, ran uniongyrchol yn y corff hwn, a wnewch chi roi sicrwydd y bydd y corff hwn yn parhau i weithio fel y bwriadwyd yn wreiddiol, a bod gwahanol rannau datganoledig y Deyrnas Unedig yn dysgu profiadau gwerthfawr oddi wrth ei gilydd fel y gallwn symud ymlaen gyda'n gilydd?

Y Prif Weinidog: Yr wyf yn ddiolchgar am y sylw olaf hwnnw, oherwydd ategaf hynny'n gryf. Mae dau werth mawr i gyrff seneddol Gwyddelig-Brydeinig neu gyrff Llywodraeth i Lywodraeth. I ddibenion cymharu a dysgu'r arferion gorau yng nghyflwyniad gofal iechyd, addysg, a gwelliannau amgylcheddol, dylem gofio mai Iwerddon oedd y senedd gyntaf i wahardd ysmygu mewn mannau cyhoeddus, a bod tystiolaeth werthfawr ynghylch gwahardd bagiau plastig untro yn codi o'r ffaith fod Iwerddon eisoes wedi gwneud hynny, a gallwn ni ddilyn. Yn ail, pan fo'r Ewro'n uchel a'r bunt yn isel, byddem yn rhagweld cynnydd mawr mewn twristiaid o Iwerddon yn dod i Sir Benfro, Ynys Môn, gogledd Cymru, ac ati. Felly, mae llawer iawn y gallwn ei ddysgu oddi wrth ein gilydd. Bydd cysylltiad mwy uniongyrchol o ran y cysylltiad trydan rhwng Gogledd Iwerddon, de Iwerddon, yr Alban,

southern Ireland, Scotland, the Irish republic and Wales will take place directly under the sea in at least two underwater strands. So, the Irish electricity grid will be linked into the national grid of England and Wales before long at two locations in north and south Wales.

Investment in School Buildings

Q7 Peter Black: Will the First Minister make a statement on the impact of the Welsh Assembly Government's draft budget on future investment in school buildings? OAQ(3)2349(FM)

The First Minister: Cumulatively, the Government's draft budget for 2010-11 demonstrates that nearly £800 million will have been invested in school buildings over the lifetime of this Assembly via Assembly decisions. Investments made by local authorities and the wider resources provided to them probably adds close to another £800 million.

Peter Black: Thank you for that answer, First Minister. They sound like impressive figures, but there is a 'One Wales' commitment to increase the amount of money spent on school building capital year on year over the lifetime of your Government, which appears to have been abandoned in your current budget. What is the latest estimate of the backlog of school maintenance in Wales? How much are you providing to meet those needs, and when do you expect that the school building stock will be fit for purpose?

The First Minister: The rise in spending on school maintenance and new buildings is clearly shown by the figures; £82 million a year was spent in 2002-03, the last year of the first Assembly, and that figure is now £200 million a year. In addition to our own spending, local authorities are contributing via the private finance initiative credit, money has recently been allocated under the strategic capital investment fund for the final financial year of this Assembly, and we have

gweriniaeth Iwerddon a Chymru'n digwydd yn union o dan y môr mewn o leiaf ddwy gainc danddwr. Felly, caiff grid trydan Iwerddon ei gysylltu â grid cenedlaethol Cymru a Lloegr cyn hir mewn dau leoliad yng ngogledd a de Cymru.

Buddsoddi mewn Adeiladau Ysgolion

C7 Peter Black: A wnaiff y Prif Weinidog ddatganiad am effaith cyllideb ddrafft Llywodraeth Cynulliad Cymru ar fuddsoddi mewn adeiladau ysgolion yn y dyfodol? OAQ(3)2349(FM)

Y Prif Weinidog: Yn ei chyfanrwydd, mae cyllideb ddrafft y Llywodraeth am 2010-11 yn dangos y bydd bron i £800 miliwn wedi'i fuddsoddi mewn adeiladau ysgolion yn ystod oes y Cynulliad hwn trwy benderfyniadau'r Cynulliad. Mae'n debyg fod buddsoddiadau a wnaed gan awdurdodau lleol a'r adnoddau ehangach a ddarparwyd iddynt yn ychwanegu'n agos at £800 miliwn arall.

Peter Black: Diolch am yr ateb hwnnw, Brif Weinidog. Maent yn swnio fel ffigurau trawiadol, ond y mae ymrwymiad yn 'Cymru'n Un' i gynyddu'r swm o arian a werir ar gyfalaf adeiladu ysgolion flwyddyn ar flwyddyn yn ystod oes eich Llywodraeth chi, sydd fel pe bai wedi'i roi o'r neilltu yn eich cyllideb gyfredol. Beth yw'r amcangyfrif diweddaraf o'r ôl-groniad mewn gwaith cynnal ysgolion yng Nghymru? Faint yr ydych yn ei ddarparu i ateb yr anghenion hynny, a pha bryd y disgwyliwch y bydd y stoc adeiladau ysgolion yn addas i'r pwrpas?

Y Prif Weinidog: Mae'r cynnydd mewn gwariant ar gynnal ysgolion ac adeiladau newydd i'w weld yn glir yn y ffigurau; gwariwyd £82 miliwn y flwyddyn yn 2002-03, blwyddyn olaf y Cynulliad cyntaf, ac mae'r ffigur hwnnw bellach yn £200 miliwn y flwyddyn. Yn ogystal â'n gwario ni'n hunain, mae awdurdodau lleol yn cyfrannu trwy'r credyd menter cyllid preifat, dyrannwyd arian yn ddiweddar dan y gronfa fuddsoddi cyfalaf strategol ar gyfer blwyddyn

seen the doubling of that from local-authority-owned resources. Therefore, the expenditure is running at about £400 million a year in total, we believe.

The maintenance backlog is difficult to make sense of until we have all the school reorganisation plans in. There is no point in compiling a maintenance backlog for a school that the local authority itself is not expecting to survive for very much longer. We need the school reorganisation plans and the asset management plans to be merged, so that we can assess the backlog for the schools that have a significant life in front of them.

Alun Davies: The context of your remarks is quite important. Investment in school buildings in 1997 was £54 million a year. Over £800 million has been spent since the establishment of this Assembly, so there has been a real commitment to education and to the development of the schools infrastructure in Wales. I hope that, in designing and proposing a budget for the coming years, this rate of increase and commitment to investment will continue. One of the Government's major policy approaches to the recession has been investment in education, particularly post-16 skills. That can only happen if we have the infrastructure in place to deliver on this, so I hope that you will be able to confirm this afternoon that we will continue to invest in an education infrastructure of the twenty-first century that will deliver world-class education and skills for people in Wales.

The First Minister: That is absolutely right. It has to be done strategically; patch and mend will not work. The key is that we have a problem with surplus school places, and if we do not do something about it, it will reach 20 per cent. There will always be surplus school places, but there should not ever be more than 10 per cent, so we need to take action to ensure that the problem is addressed. We probably need to see a reduction from 1,500 primary schools to 1,350, and we probably need to see a

ariannol olaf y Cynulliad hwn, ac yr ydym wedi gweld dyblu hynny allan o adnoddau sydd ym meddiant awdurdodau lleol. Felly, mae'r gwariant yn rhedeg ar oddeutu £400 miliwn y flwyddyn i gyd, fe gredwn.

Mae'n anodd gwneud synnwyr o'r ôl-groniad gwaith cynnal nes byddwn wedi cael pob un o'r cynlluniau ad-drefnu ysgolion i law. Nid oes pwynt rhestru ôl-groniad gwaith cynnal i ysgol os nad yw'r awdurdod lleol ei hun yn disgwyl iddi bara lawer yn hwy. Mae angen cyfuno'r cynlluniau ad-drefnu ysgolion a'r cynlluniau rheoli asedau, fel y gallwn asesu'r ôl-groniad i'r ysgolion sydd â bywyd sylweddol o'u blaen.

Alun Davies: Mae cyd-destun eich sylwadau'n eithaf pwysig. Yr oedd buddsoddiad mewn adeiladau ysgolion ym 1997 yn £54 miliwn y flwyddyn. Mae dros £800 miliwn wedi'i wario ers sefydlu'r Cynulliad hwn, felly bu ymrwymiad gwirioneddol i addysg ac i ddatblygu'r seilwaith ysgolion yng Nghymru. Gobeithio, wrth gynllunio a chynnig cyllideb ar gyfer y blynyddoedd sydd i ddod, y bydd y cynnydd hwn a'r ymrwymiad i fuddsoddi'n parhau. Un o brif agweddau polisi'r Llywodraeth at y dirwasgiad fu buddsoddi mewn addysg, yn enwedig sgiliau ôl-16. Ni all hynny ond digwydd os yw'r seilwaith wedi'i osod yn ei le gennym i gyflawni hyn, felly gobeithio y gallwch gadarnhau'r prynhawn yma y byddwn yn parhau i fuddsoddi mewn seilwaith addysg i'r unfed ganrif ar hugain a fydd yn darparu addysg a sgiliau o'r safon uchaf i bobl yng Nghymru.

Y Prif Weinidog: Mae hynny'n hollol gywir. Rhaid ei wneud yn strategol; ni fydd clytio a thrwsio'n gwneud y tro. Yr allwedd yw bod gennym broblem gyda lleoedd gwag mewn ysgolion, ac os na wnawn rywbeth yn ei chylch, bydd yn cyrraedd 20 y cant. Bydd wastad leoedd gwag mewn ysgolion, ond ni ddylai fyth fod yn fwy na 10 y cant, felly mae angen inni weithredu i sicrhau yr atebir y broblem. Mae'n debyg fod angen inni weld lleihad o 1,500 ysgol gynradd i 1,350, ac mae'n debyg fod angen inni weld lleihad o

reduction from 220 secondary schools to 200. We need to see, in some cases, a tertiary solution to the post-16 problem. That is the strategic approach; it is not a comment on any individual school, but that is roughly the strategic approach that will best deliver the curriculum and provide wider choice for learners.

Andrew R.T. Davies: One of the things that Members have often raised in this Chamber in relation to school buildings is the 'Lifting the lid on the nation's school toilets' report by the Children's Commissioner for Wales. Several speakers have mentioned this report in discussions about Jenny Randerson's Measure on healthy eating in schools and the statements that were issued about E. coli, although its subject was not a cause of the E. coli outbreak. Given the financial pressures that we face, and given the disappointment in various quarters that certain aspects of the children's commissioner's recommendations in that report have not been met, would you give an assurance that you are committed as a Government to meeting the aspirations of the first Children's Commissioner for Wales to improve sanitation and drinking water facilities in schools?

The First Minister: All of those things are essential if children are to have confidence that their school is a hygienic, sanitary and pleasant environment. I can give you a guarantee that school toilets in Wales are far better than those that I endured when I was in primary school, when they were situated at the end of the school yard. It is important that children and parents are reassured that school toilets are hygienic, that they have good hand-washing facilities, and are well maintained. Everyone needs to be aware that these facilities can harbour germs if they are not looked after.

'Cymru'n Un'

C8 Nerys Evans: A wnaiff y Prif Weinidog ddatganiad am gynnydd ymrwymiadau 'Cymru'n Un'? OAQ(3)2353(FM)

220 ysgol uwchradd i 200. Mae angen inni weld, mewn rhai achosion, ateb trydyddol i'r broblem ôl-16. Dyna'r ffordd strategol; nid yw'n sylw am unrhyw ysgol unigol, ond dyna'n fras y ffordd strategol a fydd yn cyflenwi'r cwricwlwm orau ac yn darparu mwy o ddewis i ddysgwyr.

Andrew R.T. Davies: Un o'r pethau y mae Aelodau wedi'u codi'n aml yn y Siambr hon mewn perthynas ag adeiladau ysgolion yw'r adroddiad 'Codi'r clawr ar doiledau ysgol y genedl' gan Gomisiynydd Plant Cymru. Mae sawl siaradwr wedi crybwyll yr adroddiad hwn mewn trafodaethau am Fesur Jenny Randerson ar fwyta'n iach mewn ysgolion a'r datganiadau a gyhoeddwyd am E.coli, er na chyfrannodd testun yr adroddiad at yr haint E.coli. Yn wyneb y pwysau ariannol sydd arnom, ac yn wyneb y siom mewn ambell le fod rhai agweddau o argymhellion y comisiynydd plant yn yr adroddiad hwn heb eu cyflawni, a roddech sicrwydd eich bod wedi ymrwymo fel Llywodraeth i gyflawni dyheadau Comisiynydd Plant cyntaf Cymru am wella glanweithdra a chyfleusterau dŵr yfed mewn ysgolion?

Y Prif Weinidog: Mae'r pethau hynny i gyd yn hanfodol os yw plant i gael hyder bod eu hysgol yn amgylchedd iach, glân a braf. Gallaf roi gwarant ichi fod toiledau ysgolion yng Nghymru'n llawer gwell na'r rhai y bu i mi eu goddef pan oeddwn yn yr ysgol gynradd, a hwythau bryd hynny wedi'u lleoli ym mhen pellaf buarth yr ysgol. Mae'n bwysig sicrhau plant a rhieni fod toiledau ysgolion yn lanwaith, bod ganddynt gyfleusterau ymolchi da, ac y cânt eu cynnal yn dda. Mae angen i bawb fod yn ymwybodol y gall y cyfleusterau hyn fod yn nyth i germau os na ofelir amdanynt.

'One Wales'

Q8 Nerys Evans: Will the First Minister make a statement on the progress made with regard to 'One Wales' commitments? OAQ(3)2353(FM)

Y Prif Weinidog: Yr ydym yn gwneud cynnydd sylweddol tuag at wireddu ymrwymadau ‘Cymru’n Un’ er mwyn gweld y rhaglen lywodraethol hon, a amlinellir yn y ddogfen, yn cael ei chyflawni gan ddod â grym yn nes at bobl Cymru ac a fydd o les i bobl ledled Cymru.

Nerys Evans: Un o ymrwymadau pwysig ‘Cymru’n Un’ yw sefydlu Confensiwn Cymru Gyfan i holi barn pobl Cymru ynghylch symud tuag at refferendwm ar adran 4 Deddf Llywodraeth Cymru 2006 ar bwerau. Edrychwn ymlaen yn fawr at adroddiad y confensiwn, a fydd yn adrodd yn ôl i chi ac i’r Dirprwy Brif Weinidog ar 18 Tachwedd. A allwch roi ymrwymiad inni y byddwn yn cael dadl gynnar ar adroddiad y confensiwn, yma yn y Cynulliad?

Y Prif Weinidog: Mater i’r gyfres nesaf o gwestiynau yw hynny. Yr hyn sy’n bwysig yw ein bod yn darllen ac yn pwysu a mesur argymhellion a chynnwys yr ymchwil a’r gwaith caled y mae’r confensiwn wedi’i gyflawni, a hynny o dan gadeiryddiaeth Syr Emyr Jones Parry. Unwaith y bydd y ddogfen wedi’i hargraffu, gallwn bwysu a mesur y cynnwys dros yr wythnosau canlynol, ac wedyn bydd y cwestiwn o gynnal dadl yn codi. Ni allaf ragweld unrhyw amgylchiadau lle na fyddai dadl ar gynnwys yr adroddiad a sefydlu ffordd ymlaen a fydd, gobeithio, yn gallu denu ac ennyn cefnogaeth o bob cornel o’r Cynulliad hwn a hefyd ymhlith y pleidiau gwleidyddol a’r gymdeithas ehangach.

Alun Cairns: There are a number of commitments in the ‘One Wales’ document that cover vast areas, such as a Welsh-language newspaper, laptops, tuition fees and, as we have just heard, a referendum. The progress on some of those may be questionable as regards the Welsh Assembly Government’s achievements, but that would not be strange because I could also name ‘A Better Wales’, ‘A Winning Wales: National Economic Development Strategy of the Welsh Assembly Government’ and all of

The First Minister: We are making significant progress on the ‘One Wales’ commitments in order to deliver this programme of Government, which is outlined in the document, and bringing power closer to the people of Wales, which will benefit people across Wales.

Nerys Evans: An important ‘One Wales’ commitment is to establish an All Wales Convention to ask people’s opinion on moving towards a referendum on section 4 of the Government of Wales Act 2006 on powers. We very much look forward to the conventions report, which is due to report back to you and the Deputy First Minister on 18 November. Can you give us a commitment that we will have an early debate on the convention’s report, here in the Assembly?

The First Minister: That is a matter for the next set of questions. It is important that we read and digest the recommendations and the contents of the research and hard work undertaken by the convention, chaired by Sir Emyr Jones Parry. Once the document is published, we will be able to digest the contents over the following weeks, and then the question will arise as to when we should have a debate. I cannot foresee any circumstances where there would not be a debate on the contents of the report to establish a way forward which will, hopefully, attract and gather support from all corners of this Assembly, from all political parties and from the wider community.

Alun Cairns: Mae nifer o ymrwymadau yn y ddogfen ‘Cymru’n Un’ sy’n ymdrin â meysydd eang, fel papur newydd Cymraeg, gliniaduron, ffioedd dysgu ac, fel yr ydym newydd glywed, refferendwm. Gall fod cwestiwn ynglŷn â’r cynnydd ar rai o’r rheiny o ran beth y mae Llywodraeth Cynulliad Cymru wedi’i gyflawni, ond ni fyddai hynny’n od oherwydd gallwn hefyd enwi ‘Gwell Cymru’, ‘Cymru’n Ennill: Strategaeth Datblygu Economaidd Genedlaethol Llywodraeth Cynulliad Cymru’ a’r holl

those other strategies that certainly were not delivered by your administrations. I wish to ask you about a specific commitment in 'One Wales' around waiting lists and waiting times, and the fact that no-one would wait more than 26 weeks by December of this year. Bearing in mind that you said, in an answer to Andrew R.T. Davies, that in August there were 103,000 people still waiting, are you realistically going to achieve that target or will it be yet another failed objective?

The First Minister: It is not 'yet another failed objective'. That is a little bit like Nick Bourne referring to the 40,000 businesses doing badly out of the revaluation and ignoring the 64,000 that will do well. That is just a Tory way of putting things, in which good news cannot possibly happen in Wales. You need to look at the outstanding record in the delivery of objectives during the past decade of devolution.

As regards the waiting lists, the advice that we are receiving is that although it will be very tight, by and large there will be an achievement pretty well across the board, with possibly some slippages in one or two sectors or specialities. That is the advice that we are currently receiving, with seven weeks to go.

Jenny Randerson: One of the commitments in 'One Wales' is to stimulate enterprise and business growth, and we all acknowledge that the economic scenario has changed dramatically since that commitment was given. I am sure that you would agree that one of the major problems for businesses has been access to credit, for example in order to expand and develop businesses in recent months. Your Government has had little success in getting the banks to address this problem effectively.

I recently suggested the idea of establishing a Welsh stock exchange; you will, of course, tell me that one used to exist and that you remember it. I have had a massive response

strategaethau eraill hynny na chafodd eu gweithredu, yn sicr, gan eich gweinyddiaethau. Mae arnaf eisiau eich holi am ymrwymiad penodol yn 'Cymru'n Un' ynghylch rhestri aros ac amserau aros, a'r ffaith na fyddai neb yn aros mwy na 26 wythnos erbyn Rhagfyr eleni. O gofio ichi ddweud, mewn ateb i Andrew R.T. Davies, fod 103,000 o bobl yn dal i aros ym mis Awst, a ydych yn realistig yn mynd i gyflawni'r targed hwnnw ynteu ai nod arall eto fyth y methwyd â'i daro fydd hynny?

Y Prif Weinidog: Nid yw'n 'nod arall eto fyth y methwyd â'i daro'. Mae hynny ychydig yn debyg i gyfeiriad Nick Bourne at y 40,000 o fusnesau sydd ar eu colled yn sgil yr ailbrisio gan anwybyddu'r 64,000 a fydd yn well eu byd. Dim ond ffordd Doriaidd o roi pethau yw hynny, lle nad oes modd i newyddion da ddigwydd yng Nghymru. Mae angen ichi edrych ar y record eithriadol o ran cyflawni amcanion yn ystod degawd diwethaf datganoli.

Ynglŷn â'r rhestri aros, y cyngor yr ydym yn ei gael yw er y bydd yn dynn iawn, ar y cyfan bydd cyflawniad fwy neu lai ar draws y bwrdd, gydag ambell lithriad o bosibl mewn un neu ddau sector neu arbenigedd. Dyna'r cyngor yr ydym yn ei gael ar hyn o bryd, gyda saith wythnos i fynd.

Jenny Randerson: Un o'r ymrwymadau yn 'Cymru'n Un' yw hybu twf menter a busnes, a chydabyddwn i gyd fod y senario economaidd wedi newid yn ddramatig ers rhoi'r ymrwymiad hwnnw. Yr wyf yn siŵr y cytunech mai un o'r prif broblemau i fusnesau oedd cael gafael ar greyd, er enghraifft er mwyn ehangu a datblygu busnesau yn y misoedd diweddar. Nid yw eich Llywodraeth wedi cael fawr o lwyddiant o ran cael y banciau i ymateb i'r broblem hon yn effeithiol.

Yn ddiweddar awgrymais y syniad o sefydlu cyfnewidfa stoc i Gymru; fe ddywedwch chi wrthyf, wrth gwrs, yr arferai un fodoli a'ch bod yn ei chofio. Yr wyf wedi cael ymateb

to this suggestion—most of it very positive—and I have been in touch with experts who tell me that this could be done for a cost of between £1 million and £3 million, and could be done very quickly. Will you commit your Government to investigate this proposal in a positive light, in order to give businesses another opportunity to access finance in order to develop?

The First Minister: Rather than asking a question, you made various statements, which I do not agree with, and posited them as though they were universally accepted. You said that we had had ‘little success’ in easing the supply of credit—that is your view. If you had asked me a question about it, which is what you are supposed to do, I would have said that, in setting up an expanding Finance Wales, we have provided a way of ensuring that businesses in Wales, unlike businesses elsewhere in the United Kingdom, can come to a state-owned institution that has access to European money and that can replace the ability, which has been lost, to get long-term credit from conventional sources, such as high-street banks and others. If you had asked the question, that would have been the answer. As you did not ask the question, I thought I should pretend that you had.

2.30 p.m.

On the question of whether we should have a nationalised stock exchange as well as a nationalised merchant bank, I am not sure because the next thing that we will be looking at is whether there should be, not another Finance Wales, but a people’s bank that would fill the gap between the credit unions and the high street banks. Following the recent announcements by Alistair Darling, there will be a huge change in the high street. Whether there should be a bank for the people of Wales would be a higher priority for us than the question of whether there should be a stock exchange. It is not that we have anything against the re-establishment of a stock exchange in Wales. I

aruthrol i’r awgrym hwn—y rhan fwyaf ohono’n gadarnhaol iawn—ac yr wyf wedi bod mewn cysylltiad ag arbenigwyr sy’n dweud wrthyf y gellid gwneud hyn am gost o rhwng £1 filiwn a £3 miliwn, ac y gellid ei wneud yn gyflym iawn. A wnewch chi ymrwymo eich Llywodraeth i ymchwilio i’r cynnig hwn mewn golau cadarnhaol, er mwyn rhoi cyfle arall i fusnesau gael cyllid er mwyn datblygu?

Y Prif Weinidog: Yn hytrach na gofyn cwestiwn, gwnaethoch amryfal ddatganiadau, nad wyf yn cytuno â hwy, a’u cyflwyno fel pe baent wedi’u derbyn gan bawb. Dywedasoch na chawsom ‘fawr o lwyddiant’ yn hwyluso’r ffordd i gael credyd—dyna’ch barn chi. Pe baech wedi gofyn cwestiwn imi amdano, sef yr hyn yr ydych i fod i’w wneud, buaswn wedi dweud ein bod, wrth sefydlu Cyllid Cymru, sy’n ehangu, wedi darparu modd i sicrhau y gall busnesau yng Nghymru, yn wahanol i fusnesau mewn rhannau eraill o’r Deyrnas Unedig, ddod at sefydliad sydd ym meddiant y wladwriaeth, sy’n gallu cael gafael ar arian Ewropeaidd ac a all gymryd lle’r gallu a gollwyd i gael credyd tymor hir o ffynonellau confensiynol, fel banciau’r stryd fawr ac eraill. Pe baech wedi gofyn y cwestiwn, dyna fuasai’r ateb. Gan na ofynasoch y cwestiwn, meddyliais y dylwn smalio eich bod wedi gwneud.

Ynglŷn â’r cwestiwn a ddylem gael cyfnewidfa stoc wladoleddig yn ogystal â banc masnachol gwladoleddig, nid wyf yn siŵr, oherwydd y peth nesaf y byddwn yn edrych arno yw a ddylid cael, nid Cyllid Cymru arall, ond banc y bobl a fyddai’n llenwi’r bwch rhwng yr undebau credyd a banciau’r stryd fawr. Yn dilyn y cyhoeddiadau diweddar gan Alistair Darling, bydd newid enfawr yn y stryd fawr. Byddai’r cwestiwn a ddylid cael banc i bobl Cymru’n flaenoriaeth uwch i ni na’r cwestiwn a ddylid cael cyfnewidfa stoc. Nid bod gennym ddim byd yn erbyn ailsefydlu cyfnewidfa stoc yng Nghymru. Cofiaf yr hen un yn cau ryw 30 mlynedd yn ôl, a oedd yn drist. Fel yna y mae

remember the previous one closing down some 30 years ago, which was sad. It was one of those things; it was a commercial decision at the time. Whether that is a matter for Government, I doubt.

Care for the Elderly

Q9 Irene James: Will the First Minister make a statement on what the Welsh Assembly Government is doing to improve care services for the elderly? OAQ(3)2339(FM)

The First Minister: Primary and community services in health and social care are being refocused in order to avoid the inappropriate admission to hospital of frail older people in particular who could be better cared for in their own homes. The cost is lower, but, more importantly, it is far better for the people concerned. Extra investment in telecare, community equipment, extra-care housing and support for carers played its part in this wider effort to avoid inappropriate hospitalisation.

Irene James: Thank you for your response, First Minister. Over the past two years, the Commissioner for Older People in Wales has proven to be a very effective advocate when it comes to speaking up for elderly care service users. It is crucial that the elderly, and particularly elderly mentally ill patients, have local advocates who can speak up for them once they are in a care setting. Rhodri, what more can we do to ensure that this happens?

The First Minister: Advocacy in this context is something that we have tended to pioneer in Wales. We are very keen that no-one should be left out of receiving services that they need simply because of the absence of the sort of family support that we would all like to have if we were ever in that position. There is the dignity agenda, in addition to the type of programme that I was talking about to do with avoiding inappropriate hospitalisation, which is a huge

hi; penderfyniad masnachol ydoedd ar y pryd. A yw hynny'n fater i Lywodraeth? Yr wyf yn amau hynny.

Gofal ar gyfer yr Henoed

C9 Irene James: A wnaiff y Prif Weinidog ddatganiad am yr hyn mae Llywodraeth Cynulliad Cymru yn ei wneud i wella gwasanaethau gofal ar gyfer yr henoed? OAQ(3)2339(FM)

Y Prif Weinidog: Mae gwasanaethau sylfaenol a chymunedol ym maes iechyd a gofal cymdeithasol yn cael eu hailffocysu er mwyn osgoi'r sefyllfa amhriodol o dderbyn pobl hŷn fregus, yn arbennig, i ysbyty, pan ellid rhoi gwell gofal iddynt yn eu cartrefi eu hunain. Mae'r gost yn is, ond, yn bwysicach, mae'n llawer gwell i'r bobl dan sylw. Mae buddsoddiad ychwanegol mewn teleofal, offer cymunedol, tai gofal ychwanegol a chefnogaeth i ofalwyr wedi chwarae ei ran yn yr ymdrech ehangach hon i osgoi gosod pobl mewn ysbytai'n amhriodol.

Irene James: Diolch am eich ymateb, Brif Weinidog. Dros y ddwy flynedd ddiwethaf, mae Comisiynydd Pobl Hŷn Cymru wedi profi'n lladmerydd effeithiol iawn wrth siarad dros ddefnyddwyr gwasanaethau gofal yr henoed. Mae'n hollbwysig i'r henoed, ac yn enwedig cleifion salwch meddwl oeddrannus, gael eiriolwyr lleol a all siarad drostynt unwaith y byddant mewn lleoliad gofal. Rhodri, beth yn fwy y gallwn ei wneud i sicrhau bod hyn yn digwydd?

Y Prif Weinidog: Mae eiriolaeth yn y cydestun hwn yn rhywbeth yr ydym wedi tueddi i arloesi ynddo yng Nghymru. Yr ydym yn awyddus iawn na ddylai neb golli'r cyfle i gael gwasanaethau y mae arnynt eu hangen dim ond am nad oes ganddynt y math o gefnogaeth deuluol yr hoffai pawb ohonom ei chael pe baem fyth yn y sefyllfa honno. Mae gennym yr agenda urddas, yn ogystal â'r math o raglen yr oeddwn yn sôn amdani ynglŷn ag osgoi gosod pobl mewn ysbyty'n

issue. Ruth Marks, the older people's commissioner, has addressed that agenda very strongly, and we commend her work in doing that. Advocacy is very much a part of that agenda, particularly if you have lost the ability to be your own advocate.

Jonathan Morgan: First Minister, there are some big challenges that we as a country are going to have to face. First, the experts, however they are defined, believe that half of the children born today will live until they are 100 years old. We know that, within the next 20 years, the number of retired people will outnumber those in work. We know from the UK Government that to provide the same level and type of services as we do today in 20 years' time will require an additional £6 billion. Your Government has a commitment to introduce not-for-profit care homes. Is this enough or does more need to be done?

The First Minister: It was never envisaged as being enough on its own. It was seen as another arrow in the quiver of the different kinds of services that all of us old people, as we get older and frailer and cease to be able to live in our own homes, would need to be able to access. You referred to the balance between the number of people in the working age group, as defined today, and the number of people expected to survive beyond the ages of 85 and 90, which will see a remarkable increase. That will be a characteristic of society in 20 years' time or so. All of those options are being looked at currently. They are all based on the co-payment model; they will not follow a national health service-type model. There are four or five different significant co-payment models, and trying to select the best model for the elderly people in Wales who need care is what we are about at the moment.

amhriodol, sydd yn bwnc enfawr. Mae Ruth Marks, y comisiynydd pobl hŷn, wedi delio'n gryf iawn â'r agenda hwnnw, a chymeradwywn ei gwaith yn gwneud hynny. Mae eiriolaeth yn rhan bwysig iawn o'r agenda hwnnw, yn enwedig os ydych wedi colli'r gallu i eiriol drosoch eich hunan.

Jonathan Morgan: Brif Weinidog, y mae ambell i her fawr yr ydym ni fel gwlad yn mynd i orfod eu hwynebu. Yn gyntaf, cred yr arbenigwyr, sut bynnag y'u diffinnir, y bydd hanner y plant a enir heddiw'n byw i fod yn 100 mlwydd oed. Gwyddom, o fewn yr 20 mlynedd nesaf, y bydd nifer y bobl wedi ymddeol yn fwy na'r nifer sydd mewn gwaith. Mae Llywodraeth y Deyrnas Unedig wedi rhoi gwybod inni y bydd darparu'r un lefel a'r un math o wasanaethau ag a wnawn heddiw ymhen 20 mlynedd yn costio £6 biliwn yn ychwanegol. Mae gan eich Llywodraeth ymrwymiad i gyflwyno cartrefi gofal dielw. A ydyw hyn yn ddigon ynteu a oes angen gwneud mwy?

Y Prif Weinidog: Ni ragwelwyd byth y byddai'n ddigon ar ei ben ei hun. Fe'i gwelwyd fel saeth arall yng nghawell y gwahanol fathau o wasanaethau y byddai angen i bawb ohonom ni hen bobl, wrth inni dyfu'n hŷn ac yn fwy bregus a methu parhau i fyw yn ein cartrefi ein hunain, allu cael mynediad atynt. Cyfeiriasoch at y cydbwysedd rhwng y nifer o bobl yn y grŵp oed gweithio, fel y'i diffinnir heddiw, a'r nifer o bobl y disgwylir iddynt fyw'n hŷn nag 85 a 90 oed, a fydd yn cynyddu'n aruthrol. Bydd hynny'n un o nodweddion cymdeithas ymhen rhyw 20 mlynedd. Mae'r opsiynau hynny i gyd yn cael sylw ar hyn o bryd. Maent i gyd yn seiliedig ar y model cyd-dalu; ni fyddant yn dilyn model fel y gwasanaeth ieuchyd gwladol. Mae pedwar neu bum gwahanol fodel cyd-dalu arwyddocaol, a cheisio dewis y model gorau ar gyfer y bobl oeddrannus yng Nghymru sydd angen gofal yw'r hyn yr ydym wrthi'n ei wneud ar hyn o bryd.

Public Service Delivery

Q10 Andrew R.T. Davies: What measures is the Welsh Assembly Government taking to improve public service delivery in South Wales Central? OAQ(3)2337(FM)

The First Minister: When we made our recent announcement of almost £120 million of capital investment from the strategic capital investment fund for 2010-11, we allocated £8 million of this to the second phase of the Children's Hospital for Wales, the total cost of which will be £54 million. This will be a major improvement in public service delivery in South Wales Central.

Andrew R.T. Davies: During the Finance Committee meeting a fortnight or so ago, the transformation of the NHS and the reorganisation on 1 October were highlighted, along with how the Government adopted a no-redundancy policy. While no-one would wish to see anyone out of work, the assimilation of 37 organisations into 10 poses the question of where the head count goes, particularly on a managerial level. The people who came to that committee were asked whether the individuals will be needed in the future. According to the evidence provided, all hands are required. Do you think that that is a fair assessment and a fair use of public resources, when you are looking to improve public sector delivery, to keep the number of staff in the reorganised organisations the same as that of the 37 organisations?

The First Minister: I understand your point; it is a good point except for the fact that the 37 different organisations did not all have a full complement of separate finance, personnel, or medical directors. Most had a separate chief executive, but they did not have the full panoply of executive directors underneath them; they shared those. It is not like going from 37 to seven organisations in the full sense and in the way that you are implying. The point that you make about having more chiefs meaning less salary cash availability to employ the Indians is one of

Cyflenwi Gwasanaethau Cyhoeddus

C10 Andrew R.T. Davies: Pa gamau mae Llywodraeth Cynulliad Cymru yn eu cymryd i wella cyflenwi gwasanaethau cyhoeddus yng Nghanol De Cymru? OAQ(3)2337(FM)

Y Prif Weinidog: Pan gyhoeddasom yn ddiweddar fuddsoddiad cyfalaf o bron £120 miliwn o'r gronfa buddsoddi cyfalaf strategol am 2010-11, dyranasom £8 miliwn o hyn i ail gam Ysbyty Plant Cymru, a fydd yn costio cyfanswm o £54 miliwn. Bydd hyn yn welliant mawr mewn cyflenwi gwasanaethau cyhoeddus yng Nghanol De Cymru.

Andrew R.T. Davies: Yn ystod cyfarfod y Pwyllgor Cyllid ryw bythefnos yn ôl, pwysleisiwyd trawsnewidiad y Gwasanaeth Iechyd Gwladol a'r ad-drefnu ar 1 Hydref, ynghyd â'r modd y mabwysiadodd y Llywodraeth bolisi dim diswyddo. Er na hoffai neb weld neb yn ddi-waith, mae cymathu 37 o sefydliadau i 10 yn codi'r cwestiwn i ble'r aiff y cyfrif pennau, yn enwedig ar lefel rheolwyr. Gofynnwyd i'r bobl a ddaeth i'r pwyllgor hwnnw a fydd angen yr unigolion yn y dyfodol. Yn ôl y dystiolaeth a roddwyd, bydd angen pawb. A ydych yn meddwl bod hynny'n asesiad teg ac yn ddefnydd teg o adnoddau cyhoeddus, a chithau a'ch bryd ar wella cyflenwad gwasanaethau cyhoeddus, y cedwir nifer y staff yn y sefydliadau wedi'r ad-drefnu yr un fath ag yr oedd yn y 37 sefydliad?

Y Prif Weinidog: Yr wyf yn deall eich pwynt; mae'n bwynt da ar wahân i'r ffaith nad oedd gan bob un o'r 37 corff gwahanol gyflenwad llawn o gyfarwyddwyr cyllid, personél na meddygol ar wahân. Yr oedd gan y rhan fwyaf eu prif weithredwr eu hunain, ond nid oedd ganddynt y dewis llawn o gyfarwyddwyr gweithredol oddi tanynt; yr oeddent yn rhannu'r rheiny. Nid yw fel mynd o 37 i saith corff yn yr ystyr llawn ac yn y ffordd yr ydych chi'n ei hawgrymu. Mae'r pwynt a wnewch fod cael mwy o benaethiaid yn golygu bod llai o arian cyflogau ar gael i

the issues related to school reorganisation. A quarter of all the primary schoolteachers in Gwynedd are headteachers, and having too many headteachers means that you have less money available to pay for teachers and teaching assistants. The same would apply in hospitals; you need to economise at the management level to make sure that you have people as front-line service deliverers. It is not as bad as you imply in going directly from 37 organisations as if they had the full complement of staff.

Chris Franks: Will you continue to robustly resist the suggestion that there are huge numbers of surplus managers in the health service? Many people clearly do not understand the fact that different tasks performed at different levels still need to be done. For instance, the former local health boards were charged with providing home nursing care and public health initiatives, which the trusts, by and large, did not undertake. This myth that some people are trying to create that there is a huge range of people sitting on their backsides doing nothing is nothing more than a myth.

The First Minister: There is a stereotype figure that is easy to use as a punch-bag, which is the person in suede shoes working in the county hall or local health board or trust headquarters doing nothing but moving paper around—this is often the accusation made about civil servants and so forth. It is usually unfair, but you will find examples of it here and there. It is important that there is a drive for efficiency but it should not be based on stereotypes or populist targets.

gyflogi'r gweithwyr yn un o'r cwestiynau perthnasol i ad-drefnu ysgolion. Mae chwarter o'r holl athrawon ysgolion cynradd yng Ngwynedd yn brifathrawon, ac mae cael gormod o brifathrawon yn golygu bod llai o arian ar gael gennych i dalu am athrawon a chynorthwywyr addysgu. Byddai'r un peth yn wir mewn ysbytai; mae angen gwneud arbedion ar lefel rheolaeth er mwyn gwneud yn siŵr bod gennych bobl yn gyflenwyr gwasanaethau rheng flaen. Nid yw cynddrwg ag yr awgrymwch wrth fynd yn uniongyrchol o 37 o gyrff â phetai ganddynt y cyflenwad llawn o staff.

Chris Franks: A wnewch chi ddal ati'n ddygn i wrthsefyll yr awgrym fod niferoedd anferth o reolwyr dros ben yn y gwasanaeth iechyd? Mae llawer o bobl yn amlwg yn methu deall y ffaith fod angen o hyd i gyflawni gwahanol orchwylion ar wahanol lefelau. Er enghraifft, yr oedd yr hen fyrddau iechyd lleol yn gyfrifol am ddarparu gofal nyrsio yn y cartref a mentrau iechyd cyhoeddus, pethau nad ymgwymerwyd â hwy, ar y cyfan, gan yr ymddiriedolaethau. Nid yw'r chwedl hon y mae rhai pobl yn ceisio'i chreu, fod llu mawr o bobl yn eistedd ar eu tinâu'n gwneud dim, yn ddim byd mwy na chwedl.

Y Prif Weinidog: Ceir unigolyn ystrydebol y mae'n hawdd ei ddefnyddio fel cocyn hitio, sef y person mewn esgidiau swêd sy'n gweithio yn neuadd y sir neu'r bwrdd iechyd lleol neu brif swyddfa'r ymddiriedolaeth leol yn gwneud dim byd ond symud papur o gwmpas—dyma'r cyhuddiad a wneir yn aml am weision sifil ac ati. Mae fel arfer yn annheg, ond fe gewch enghreifftiau o hynny yma ac acw. Mae'n bwysig cael ymgyrch o blaid effeithlonrwydd, ond ni ddylid ei seilio ar ystrydebau na thargedau poblogaidd.

Datganiad a Chyhoeddiad Busnes Business Statement and Announcement

The Counsel General and Leader of the House (Carwyn Jones): There are no changes to report to this week's planned Government business. Business for the next

Y Cwnsler Cyffredinol ac Arweinydd y Tŷ (Carwyn Jones): Nid oes dim newidiadau i'w hadrodd i fusnes arfaethedig y Llywodraeth ar gyfer yr wythnos hon. Mae

three weeks is as set out in the business statement and announcement, which can be found in the agenda papers that are available to Members electronically.

Andrew R.T. Davies: I seek three statements, Leader of the House, in the field of health, the first of which relates to the ability of patients who are diagnosed with lung cancer to receive treatment on the Welsh national health service. Regrettably, a report published yesterday showed that only one in 10 patients in Wales who are eligible or would benefit from surgical procedures to improve their chances of getting over lung cancer actually progress through a surgical procedure. The report leads to a whole host of questions that need to be answered on the treatment for cancer patients in Wales, particularly those with lung cancer. I would be grateful if the Minister for Health and Social Services could issue an oral or written statement to Members so that they may be informed of the Government's position on this important issue.

2.40 p.m.

Secondly, you heard me asking the First Minister about the assimilation of staff within the Welsh national health service. Evidence given to the Health, Wellbeing and Local Government Committee and to the Finance Committee was contradictory. While I support the notion that we need as many people as possible to support the delivery of services and to make those services effective, such evidence poses serious questions about the ability to maintain that structure. As I said, 37 organisations are now 10. In particular, it was asserted that if the Welsh Assembly Government were to make those staff redundant, there would be a cost of £20 million. People want as much money as possible to end up in front-line services, so I would be grateful if the Minister for Health and Social Services could make a statement in Plenary on how she and the health bodies are tackling the assimilation of staff so that we do not have waste in the NHS and so that

busnes y tair wythnos nesaf fel y'i hamlinellir yn y datganiad a chyhoeddiad busnes, a welir yn y papurau agenda sydd ar gael i Aelodau'n electronig.

Andrew R.T. Davies: Gofynnaf am dri datganiad, Arweinydd y Tŷ, ym maes iechyd, y cyntaf ohonynt yn ymwneud â gallu cleifion y canfyddir cancr yr ysgyfaint arnynt i gael triniaeth ar wasanaeth iechyd gwladol Cymru. Yn anffodus, dangosodd adroddiad a gyhoeddwyd ddoe mai dim ond un mewn 10 o gleifion yng Nghymru sy'n gymwys neu a fyddai'n elwa ar lawdriniaeth i wella'u siawns o wella o gancr yr ysgyfaint sydd mewn gwirionedd yn mynd drwy lawdriniaeth. Mae'r adroddiad yn arwain at lu o gwestiynau y mae angen eu hateb ynghylch y driniaeth i gleifion cancr yng Nghymru, yn enwedig rhai â chancr yr ysgyfaint. Byddwn yn ddiolchgar pe gallai'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol roi datganiad llafar neu ysgrifenedig i Aelodau fel y gallant gael gwybod am safbwynt y Llywodraeth ar y mater pwysig hwn.

Yn ail, clywsoch fi'n holi'r Prif Weinidog ynghylch cymathu staff o fewn gwasanaeth iechyd gwladol Cymru. Yr oedd tystiolaeth a roddwyd i'r Pwyllgor Iechyd, Lles a Llywodraeth Leol ac i'r Pwyllgor Cyllid yn gwrthddweud ei hun. Er y cefnogaf y syniad bod arnom angen cymaint o bobl ag sydd yn bosibl i gynnal cyflenwi gwasanaethau ac i wneud y gwasanaethau hynny'n effeithiol, mae tystiolaeth o'r fath yn codi cwestiynau difrifol am y gallu i gynnal yr adeiledd hwnnw. Fel y dywedais, mae 37 o gyrff bellach yn 10. Yn arbennig, haerwyd pe bai Llywodraeth Cynulliad Cymru am ddiswyddo'r staff hynny, y byddai'n costio £20 miliwn. Mae ar bobl eisiau i gymaint o arian ag sy'n bosibl gyrraedd gwasanaethau rheng flaen, felly byddwn yn ddiolchgar pe gallai'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol wneud datganiad yn y Cyfarfod Llawn ynghylch sut y mae hi a'r gyrff iechyd yn mynd i'r afael â

its budget can be spent most effectively? I would be grateful for these statements, if possible.

Carwyn Jones: The Minister for Health and Social Services will answer questions tomorrow, therefore you will have the opportunity to pursue these matters with her then. However, should the matter not arise tomorrow during question time, I am sure that the Minister will write to you with the information that you seek.

Alun Davies: You will have heard the news this morning that the Czech constitutional court has now paved the way for the Lisbon Treaty to become law. Most of us on this side of the Chamber will welcome this morning's announcement and will seek greater and deeper involvement with Europe and with the European Union. I know that the friends of some unseemly characters are in the Chamber this afternoon, but we will put them to one side, given that they have become irrelevant. However, would it be possible for us to have a debate on our relationship with Europe and on the opportunities presented to us by the Lisbon Treaty in order to enable this side of the Chamber at least to lead a Welsh response to the Lisbon Treaty?

I would also like to have a debate on how we operate as an Assembly and on our legislative processes. A number of us have had the opportunity to review the legal advice provided as a result of amendments made to the Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009. Many of us are disappointed by the amendments made by the two Governments to that proposed LCO and will make our views clear on that during this afternoon's debate. However, many of us also believe that it is now time to review how we legislate in this place. The processes in place are clearly inadequate. In committee, we are unable to review the changes made to the proposed LCO. We have been forced this afternoon—and in my case it is true—to vote for something that has not been scrutinised

chymathu staff fel na chawn wastraff yn y GIG ac fel y gellir gwario'i gyllideb yn fwyaf effeithiol? Byddwn yn ddiolchgar am y datganiadau hyn, os oes modd.

Carwyn Jones: Bydd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn ateb cwestiynau yfory, felly cewch y cyfle i fynd ar ôl y materion hyn gyda hi bryd hynny. Fodd bynnag, os na chyfyd y mater yfory yn ystod y cyfnod cwestiynau, yr wyf yn siŵr y gwnaiff y Gweinidog ysgrifennu atoch gyda'r wybodaeth a geisiwch.

Alun Davies: Byddwch wedi clywed y newyddion y bore yma fod llys cyfansoddiadol y Weriniaeth Siec bellach wedi agor y ffordd i Gytuniad Lisbon ddod yn gyfraith. Bydd y rhan fwyaf ohonom ar yr ochr hon i'r Siambr yn croesawu cyhoeddiad y bore yma ac yn ceisio mwy o ymwneud, ac ymwneud dyfnach, ag Ewrop ac â'r Undeb Ewropeaidd. Gwn fod cyfeillion rhai cymeriadau aflednais yma yn y Siambr y prynhawn yma, ond fe'u rhoddwn o'r neilltu, gan eu bod bellach yn amherthnasol. Fodd bynnag, a fyddai modd inni gael dadl ar ein perthynas ag Ewrop ac ar y cyfleon a gyflwynir inni gan Gytuniad Lisbon er mwyn galluogi ochr hon y Siambr o leiaf i arwain ymateb Cymru i Gytuniad Lisbon?

Hoffwn gael dadl hefyd ar y modd y gweithredwn fel Cynulliad ac ar ein prosesau deddfwriaethol. Mae nifer ohonom wedi cael y cyfle i adolygu'r cyngor cyfreithiol a ddarparwyd yn sgîl gwelliannau a wnaed i Orchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (y Gymraeg) 2009. Mae llawer ohonom yn siomedig gyda'r gwelliannau a wnaed gan y ddwy Lywodraeth i'r eLCO arfaethedig hwnnw ac fe wnawn ein sylwadau'n glir ar hynny yn ystod dadl y prynhawn yma. Fodd bynnag, cred llawer ohonom hefyd ei bod yn bryd bellach i adolygu'r modd y lluniwn ddeddfwriaeth yn y lle hwn. Mae'r prosesau sy'n bodoli'n amlwg yn annigonol. Yn y pwyllgor, yr ydym yn methu adolygu'r newidiadau a wnaed i'r eLCO arfaethedig. Yr

and for which we have little love or support.

Carwyn Jones: On the situation in Europe, you are right to say that some of us in the Chamber want the European Union to work, while others want it to fail. The Lisbon Treaty is designed to ensure that the EU works more effectively in the interest of the people of Europe. We know full well that the Conservative view is, 'Let us try to wreck the treaty and the European Union while we are at it.' We know what the Conservatives' underlying agenda is.

There is no difficulty with the LCO system; it is true that the system is complicated, but it works. I could give you examples of seven LCOs that have been passed, providing this Assembly with powers to legislate for the good of the people of Wales. It is important that we have done that. Some of us on this side of the Chamber want to ensure that devolution works; others will take every opportunity to try to sully the name of devolution, and we can see them on the other side.

Michael German: You might like to reflect, Presiding Officer, after I have asked my question, on what a 'side' in the Chamber is because, in my view, this Chamber is a circle—I know that it goes around and around. So, there have been two inappropriate references to 'sides' in the Chamber this afternoon.

Could the Leader of the House explain his policy for organising business for the Assembly on the process of consultation with the public? Does the Welsh Assembly Government and the National Assembly for Wales use a convention that states that when you consult with the public on any issue, you allow it roughly seven weeks in which to respond? If that is not your policy, perhaps you could indicate when you believe it

ydyd wedi cael ein gorfodi'r prynhawn yma—ac yn fy achos i mae'n wir—i bleidleisio dros rywbeth na chraffwyd arno ac nad oes gennym fawr o gariad na chefnogaeth tuag ato.

Carwyn Jones: Ynglŷn â'r sefyllfa yn Ewrop, yr ydych yn iawn i ddweud bod rhai ohonom yn y Siambr yn awyddus i'r Undeb Ewropeaidd weithio, tra bod eraill yn awyddus iddo fethu. Mae Cytuniad Lisbon wedi'i gynllunio i sicrhau bod yr Undeb Ewropeaidd yn gweithio'n fwy effeithiol er budd pobl Ewrop. Gwyddom yn iawn mai agwedd y ceidwadwyr yw, 'Gadewch inni geisio chwalu'r cytuniad a'r Undeb Ewropeaidd tra byddwn wrthi.' Gwyddom beth yw agenda gwaelodol y Ceidwadwyr.

Nid oes unrhyw anhawster gyda'r system eLCO; mae'n wir fod y system yn gymhleth, ond mae'n gweithio. Gallwn roi enghreifftiau ichi o saith eLCO sydd wedi'u pasio, gan ddarparu pwerau i'r Cynulliad hwn ddeddfu er lles pobl Cymru. Mae'n bwysig ein bod wedi gwneud hynny. Mae ar rai ohonom ar yr ochr hon i'r Siambr eisiau sicrhau bod datganoli'n gweithio; bydd eraill yn cymryd pob cyfle i geisio pardduo enw datganoli, a gallwn eu gweld ar yr ochr draw.

Michael German: Efallai yr hoffech fyfyrto, Lywydd, wedi imi ofyn fy nghwestiwn, ynghylch beth yw 'ochr' yn y Siambr oherwydd, yn fy ngolwg i, cylch yw'r Siambr—gwn ei fod yn troi mewn cylch. Felly, cafwyd dau gyfeiriad amhriodol at 'ochrau' yn y Siambr y prynhawn yma.

A allai Arweinydd y Tŷ egluro'i bolisi ar gyfer trefnu busnes i'r Cynulliad ar broses ymgynghori â'r cyhoedd? A ydyw Llywodraeth Cynulliad Cymru a Chynulliad Cenedlaethol Cymru'n defnyddio confensiwn sy'n datgan pan ymgynghorir â'r cyhoedd ar unrhyw fater, y caniateir iddo oddeutu saith wythnos i ymateb? Os nad dyna yw eich polisi, efallai y gallech nodi pa bryd y credwch y dylai fod yn wahanol.

should be different.

Carwyn Jones: I should not engage in geometric debate with Mike German, who sits on the other side of the semi-circle, if I can put it that way, rather than on the other side of the Chamber.

The period of consultation varies according to the complexity of the issue. Sometimes, the consultation lasts 12 weeks, and sometimes it is substantially shorter. Four weeks is an appropriate time for consultation on matters that are not complicated or controversial.

Chris Franks: It is feared that the Assembly will miss the 2010 biodiversity target. With the growing economic problems, there is a serious danger that enthusiasm for environmental issues and biodiversity will wane. However, there is clear scientific evidence that conservation measures have had a significant impact on the preservation of threatened species. Unfortunately, the number of bird species placed on the red list, which records the most serious declines in population, has increased this year. I request a debate on how the Government can enhance its environmental policies and review why the 2010 target may not be achieved. Further to that, I also ask for a statement from the Minister for Environment, Sustainability and Housing on flooding, following the publication of the recent Wales Audit Office report and the flooding that occurred in Aberdare, Treorchy and Tonymandy.

Carwyn Jones: We all saw the flooding that took place recently. Emergency plans were put in place to assist those who were affected, the flooding quickly abated and the Environment Agency downgraded its flood warnings. There is no imminent risk of further flooding in the area. With climate change, the experts tell us that we will see more flash flooding and heavy rainfall for a relatively short period. For some years, the Government has been making plans to deal with that, to ensure that we have practical

Carwyn Jones: Ni ddylwn fynd i ddadl geometrig gyda Mike German, sy'n eistedd ar ochr arall yr hanner cylch, os caf ei roi felly, yn hytrach nag ar ochr arall y Siambr.

Mae'r cyfnod ymgynghori'n amrywio yn ôl cymhlethdod y pwnc. Weithiau bydd yr ymgynghori'n para 12 wythnos, ac weithiau mae gryn dipyn yn fyrrach. Mae pedair wythnos yn amser priodol ar gyfer ymgynghori ar faterion nad ydynt yn gymhleth nac yn ddadleuol.

Chris Franks: Ofnir na fydd y Cynulliad yn cyrraedd targed bioamrywiaeth 2010. Gyda'r problemau economaidd cynyddol, mae perygl difrifol y bydd brwdfrydedd dros faterion amgylcheddol a bioamrywiaeth yn pylu. Fodd bynnag, mae tystiolaeth wyddonol glir fod mesurau cadwraeth wedi cael effaith sylweddol ar warchodaeth rhywogaethau sydd dan fygythiad. Yn anffodus, mae nifer y rhywogaethau adar sydd wedi'u gosod ar y rhestr goch, sy'n cofnodi'r dirywiadau poblogaeth mwyaf difrifol, wedi cynyddu eleni. Gofynnaf am ddadl ar sut y gall y Llywodraeth wella'i pholisiau amgylcheddol ac adolygu pam y mae perygl na chyflawnir targed 2010. At hynny, gofynnaf hefyd am ddatganiad gan y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai ar lifogydd, yn dilyn cyhoeddi adroddiad diweddar Swyddfa Archwilio Cymru a'r llifogydd a ddigwyddodd yn Aberdâr, Treorci a Thonymandy.

Carwyn Jones: Gwelsom i gyd y llifogydd a ddigwyddodd yn ddiweddar. Sefydlwyd cynlluniau argyfwng i gynorthwyo'r rhai yr effeithiwyd arnynt, gostegodd y llifogydd yn gyflym ac israddiodd Asiantaeth yr Amgylchedd ei rhybuddion llifogydd. Nid oes perygl agos o lifogydd pellach yn yr ardal. Gyda'r newid yn yr hinsawdd, dywed yr arbenigwyr wrthym y gwelwn fwy o lifogydd sydyn a glawiad trwm am gyfnod cymharol fyr. Ers rhai blynnyddoedd, mae'r Llywodraeth wedi bod yn gwneud cynlluniau

controls in place regarding flooding. For example, technical advice note 15 on flooding was roundly criticised by some in the Chamber when it was introduced, but it put a system in place to ensure that we did not build inappropriately on flood plains. That is now conventional wisdom, as it should be.

You made particular mention of the recent Royal Society for the Protection of Birds report. Much has been done over the years to improve the environment for birds and other wildlife, particularly through Tir Gofal, Tir Cynnal and their successor schemes. It is important, when dealing with environment, particularly farmers, that we do so in a way that is sympathetic to the environment. Many farmers have been doing that for some years through the schemes that the Welsh Assembly Government has implemented. There is clearly still work to be done, but I believe that we have a good record when it comes to working with our partners in the Countryside Council for Wales and through the rural development plans over the years on providing the appropriate habitats for many birds so that they can increase in number.

Mark Isherwood: Unusually, I endorse Alun Davies's calls in both respects. Britain's place is in Europe, not run by it, so we support that call. Equally, serious and substantive matters of constitutional implication have arisen regarding LCOs, which should be brought to the Chamber. However, I wish to raise two points. First, I would welcome a statement on the allocation of £120 million of strategic capital investment funding to local authorities. I have been approached by several different council leaders across north-east Wales, who are concerned that Conwy, Denbighshire, Flintshire and Wrexham did not receive a penny of that money. My second point is to call for a statement in response to today's blueprint for action from Homes for All Cymru, launched in the Assembly in an event hosted by Peter Black. It is a coalition of 16

i ddelio â hynny, i sicrhau bod gennym fesurau rheoli ymarferol ar gyfer llifogydd. Er enghraifft, cafodd nodyn cyngor technegol 15 ar lifogydd ei feirniadu'n hallt gan rai yn y Siambr pan y'i cyflwynwyd, ond fe sefydlodd system i sicrhau na fyddem yn adeiladu'n amhriodol ar orlifdiroedd. Callineb confensiynol yw hynny bellach, fel y dylai fod.

Gwnaethoch sylw arbennig am adroddiad diweddar y Gymdeithas Frenhinol er Gwarchod Adar. Mae llawer wedi'i wneud dros y blynyddoedd i wella'r amgylchedd i adar a chreaduriaid gwyllt eraill, yn enwedig drwy Tir Gofal, Tir Cynnal a'r cynlluniau a'u dilynodd. Mae'n bwysig, wrth ddelio â'r amgylchedd, yn enwedig ffermwyr, y gwnawn hynny mewn ffordd sy'n gydymdeimladol â'r amgylchedd. Mae llawer o ffermwyr wedi bod yn gwneud hynny ers rhai blynyddoedd trwy'r cynlluniau y mae Llywodraeth Cynulliad Cymru wedi'u rhoi ar waith. Mae'n amlwg fod gwaith i'w wneud o hyd, ond credaf fod gennym record dda o ran cydweithio â'n partneriaid yn y Cyngor Cefn Gwlad a thrwy'r cynlluniau datblygu gwledig ar hyd y blynyddoedd ar ddarparu cynefinoedd priodol i lawer o adar fel y gallant gynyddu eu niferoedd.

Mark Isherwood: Yn anarferol, yr wyf yn ategu galwadau Alun Davies yn y ddau beth. Yn Ewrop y mae lle Prydain, nid dan ei rheolaeth, felly cefnogwn yr alwad honno. Yn yr un modd, mae materion difrifol a sylweddol o bwys cyfansoddiadol wedi codi ynglŷn ag eLCOs, y dylid dod â hwy i'r Siambr. Fodd bynnag, hoffwn godi dau bwynt. Yn gyntaf, fe groesawn ddatganiad ar ddyraniad £120 miliwn o arian buddsoddi cyfalaf strategol i awdurdodau lleol. Mae arweinwyr sawl cyngor gwahanol ar draws y gogledd-ddwyrain wedi dod ataf, yn pryderu na chafodd Conwy, Sir Ddinbych, Sir y Fflint a Wrecsam yr un ddimai goch o'r arian hwnnw. Fy ail bwynt yw galw am ddatganiad mewn ymateb i lasbrint gweithredu Cartrefi i Bawb Cymru, a lanswyd heddiw yn y Cynulliad mewn digwyddiad a gynhaliwyd gan Peter Black. Mae'n glymblaid o 16 o

organisations that says that we face a crisis in Wales today.

Carwyn Jones: On SCIF funding, it is correct to say that north-east Wales did not benefit on this occasion and, in future, it will be important to ensure that funding is spread out across Wales, as I am sure will be the case. It will be important to assure people in north-east Wales that all applications are considered fairly, as is the case. Although the applications were unsuccessful this time around, that is not because of a deliberate Government policy.

On the second point that you raised and the crisis that you made reference to, I look forward to reading the publication that was launched today. I am sure that the Deputy Minister for Housing will consider it in the future.

2.50 p.m.

Leanne Wood: Leader of the House, will you schedule a statement from the Deputy Minister for Social Services on the impact of the UK Government's Green Paper, 'Shaping the Future of Care Together'? I am aware that the Minister will be publishing a consultation paper here in Wales, and there will no doubt be plenty of debate on that. However, there are implications for Wales arising from what is essentially the English Green Paper, particularly the recommendation that the attendance allowance be administered through local councils. Will you agree to discuss with your ministerial colleagues how you intend to allow debate on the Welsh implications of the UK Green Paper, and not just the Welsh Government's consultation paper?

Carwyn Jones: I am sure that, at the appropriate time, the Deputy Minister for Social Services will bring forward a statement to the Assembly outlining her proposals and views on the future of social services provision in Wales. There will be an opportunity for Members to express their views on this matter to the Deputy Minister at

gyrff sy'n dweud ein bod yn wynebu argyfwng yng Nghymru heddiw.

Carwyn Jones: Ynglŷn ag arian o'r gronfa buddsoddi cyfalaf strategol, mae'n gywir dweud nad elwodd y gogledd-ddwyrain y tro hwn ac, yn y dyfodol, bydd yn bwysig sicrhau y taenir arian ar draws Cymru, fel y gwneir, yr wyf yn siŵr. Bydd yn bwysig sicrhau pobl yn y Gogledd-ddwyrain y caiff pob cais ystyriaeth deg, fel sy'n wir. Er y bu'r ceisiadau'n aflwyddiannus y tro hwn, nid oherwydd polisi bwriadol gan y Llywodraeth y bu hynny.

Ar yr ail bwynt a godasoch a'r argyfwng y cyfeiriasoch ato, edrychaf ymlaen at ddarllen y cyhoeddiad a lanswyd heddiw. Yr wyf yn siŵr y bydd y Dirprwy Weinidog dros Dai yn ei ystyried yn y dyfodol.

Leanne Wood: Arweinydd y Tŷ, a wnewch chi drefnu datganiad gan y Dirprwy Weinidog dros Wasanaethau Cymdeithasol ar effaith Papur Gwyrdd Llywodraeth y Deyrnas Unedig, 'Shaping the Future of Care Together'? Yr wyf yn ymwybodol y bydd y Gweinidog yn cyhoeddi papur ymgynghori yma yng Nghymru, ac yn ddi-os bydd digonedd o ddadlau ar hwnnw. Fodd bynnag, y mae goblygiadau i Gymru'n codi o'r hyn sydd i bob pwrpas yn Bapur Gwyrdd Lloegr, yn enwedig yr argymhelliad y dylid gweinyddu'r lwfans gweini drwy gynghorau lleol. A wnewch chi gytuno i drafod gyda'ch cyd-Weinidogion sut y bwriadwch ganiatáu dadl ar oblygiadau Papur Gwyrdd y Deyrnas Unedig i Gymru, ac nid dim ond papur ymgynghori Llywodraeth Cymru?

Carwyn Jones: Yr wyf yn siŵr, ar yr adeg briodol, y cyflwyno'r Dirprwy Weinidog dros Wasanaethau Cymdeithasol ddatganiad i'r Cynulliad yn amlinellu ei chynigion a'i sylwadau ar ddyfodol darpariaeth gwasanaethau cymdeithasol yng Nghymru. Bydd cyfle i Aelodau fynegi eu barn ar y mater hwn i'r Dirprwy Weinidog bryd hynny,

that time, and indeed beforehand, through correspondence or questions.

Mohammad Asghar: Leader of the House, I am sure that you have seen reports in this morning's *Western Mail* relating to a secret document that was accidentally published online by Gwent Police Authority. It relates to a shortlist of what appear to be 25 police stations in the Gwent force area that could be closed by 2012. Will you agree that we need an urgent statement from the Minister for Social Justice and Local Government on this issue, and on the implications of Westminster's savage cuts to front-line services in Wales, including front-line policing?

Carwyn Jones: This is not a devolved matter. The status of the documents that have been published is unclear, but it is a matter for the chief constable and the police authority to explain. I am sure that we would all look forward to receiving a fuller explanation over the next few days.

Nick Ramsay: I concur wholeheartedly with Mohammad Asghar's comments on that leaked document, although I appreciate fully that it is not a devolved issue.

I want to ask about the situation of the Forensic Science Service in Chepstow. I know that the decision in that regard has now been taken. I have raised this issue with you and the First Minister before. I am concerned that there is a perception that we are losing a certain type of jobs from the Welsh economy, namely high-tech jobs. When you combine the decision on the Forensic Science Service with the possible closure of a number of police stations, it looks as though we are also losing jobs in the area of social justice. I reiterate Mohammad Asghar's call for a debate or a statement from the Minister for Social Justice and Local Government, and perhaps the Deputy First Minister and Minister for the Economy and Transport on what the Assembly can do to alleviate this

ac yn wir ymlaen llaw, drwy ohebiaeth neu gwestiynau.

Mohammad Asghar: Arweinydd y Tŷ, mae'n siŵr eich bod wedi gweld adroddiadau yn y *Western Mail* y bore yma ynglŷn â dogfen gyfrinachol a gyhoeddwyd ar lein yn ddamweiniol gan Awdurdod Heddlu Gwent. Mae'n ymwneud â rhestr fer o 25 swyddfa heddlu, fe ymddengys, yn ardal heddlu Gwent a allai gael eu cau erbyn 2012. A wnewch chi gytuno bod arnom angen datganiad brys gan y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol ar y mater hwn, ac ar oblygiadau toriadau llym y Prif Weinidog ar wasanaethau rheng flaen yng Nghymru, yn cynnwys plismona rheng flaen?

Carwyn Jones: Nid mater datganoledig yw hwn. Mae statws y dogfennau sydd wedi'u cyhoeddi'n aneglur, ond mae'n fater i'r prif gwnstabl ac awdurdod yr heddlu ei egluro. Yr wyf yn siŵr y byddem i gyd yn edrych ymlaen at gael eglurhad llawnach yn yr ychydig ddyddiau nesaf.

Nick Ramsay: Yr wyf yn cyd-fynd yn llwyr â sylwadau Mohammad Asghar am y ddogfen honno a ollyngwyd, er fy mod yn sylweddoli'n llawn nad yw'n fater datganoledig.

Mae arnaf eisiau holi am sefyllfa'r Gwasanaeth Gwyddoniaeth Fforensig yng Nghas-gwent. Gwn fod y penderfyniad ynglŷn â hynny wedi'i wneud bellach. Yr wyf wedi codi'r mater hwn gyda chi a'r Prif Weinidog o'r blaen. Yr wyf yn bryderus bod canfyddiad ein bod yn colli math arbennig o swyddi o economi Cymru, sef swyddi uwch-dechnoleg. Pan gyfunwch y penderfyniad am y Gwasanaeth Gwyddoniaeth Fforensig â'r posibilrwydd o gau nifer o swyddfeydd heddlu, mae'n ymddangos ein bod yn colli swyddi ym maes cyfiawnder cymdeithasol hefyd. Ategaf alwad Mohammad Asghar am ddatl neu ddatganiad gan y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, ac efallai'r Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth

problem, to restore Wales to its position at the front end of technological jobs and social justice.

Carwyn Jones: We all regret the loss of jobs in Wales, particularly jobs such as these, which have been the mainstay of the incomes of many families for some years. As a Government, we are exploring the possibility of offering the services of ProAct to those affected to ensure that they get the support that they need if the laboratory closes. On 22 October, staff and trades unions were advised that the laboratories at Chepstow and Chorley were to be wound down and closed in the fourth quarter of the financial year 2010-2011, but we intend to put in place all the support that we can, as a Government, via ProAct, to help those who are affected.

ar beth y gall y Cynulliad ei wneud i liniaru'r broblem hon, i adfer Cymru i'w lle yn rheng flaen swyddi technolegol a chyfiawnder cymdeithasol.

Carwyn Jones: Mae colli swyddi yng Nghymru'n destun gofid inni i gyd, yn enwedig swyddi fel y rhain, sydd wedi bod yn brif gynheiliad incwm sawl teulu ers rhai blynnyddoedd. Fel Llywodraeth, yr ydym yn ymchwilio i bosibilrwydd cynnig gwasanaethau ProAct i'r rhai yr effeithir arnynt er mwyn sicrhau y cânt y gefnogaeth angenrheidiol os caeir y labordy. Ar 22 Hydref, dywedwyd wrth staff ac undebau llafur y byddai'r labordai yng Nghas-gwent a Chorley'n cael eu dirwyn i ben a'u cau yn chwarter olaf y flwyddyn ariannol 2010-2011, ond bwriadwn drefnu pob cefnogaeth a allwn, fel Llywodraeth, drwy ProAct, i helpu'r rhai yr effeithir arnynt.

Datganiad am Fagiau Siopa Untro Statement on Single-use Carrier Bags

The Minister for Environment, Sustainability and Housing (Jane Davidson): I am grateful for this opportunity to update Members on the developments regarding our proposals to charge for single-use carrier bags. We have long said that carrier bags represent a waste of resources, and they are an iconic symbol of the throwaway society in which we now seem to live. Back in February, during Plenary, I welcomed the Sustainability Committee's report on carrier bags, and I accepted the two recommendations of that report in principle. During that last debate on this topic, I said that the issues regarding charging for bags are complex, that whatever route taken should be firmly based on robust evidence, and that we should ensure that we take key stakeholders with us.

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai (Jane Davidson): Yr wyf yn ddiolchgar am y cyfle hwn i roi'r wybodaeth ddiweddaraf i Aelodau am ein cynigion i godi tâl am fagiau siopa untro. Yr ydym wedi dweud ers tro byd fod bagiau siopa'n wastraff adnoddau, a'u bod yn symbol eiconaid o'r gymdeithas ffwrdd-â-hi yr ydym fel petaem yn byw ynndi bellach. Yn ôl ym mis Chwefror, yn y Cyfarfod Llawn, croesewais adroddiad y Pwyllgor Cynaliadwyedd ar fagiau siopa, a derbyniais ddau argymhelliad yr adroddiad hwnnw mewn egwyddor. Yn ystod y ddadl ddiwethaf honno ar y pwnc hwn, dywedais fod y cwestiynau ynghylch codi tâl am fagiau'n gymhleth, y dylai pa bynnag drywydd a gymerir fod yn seiliedig yn gadarn ar dystiolaeth bendant, ac y dylem sicrhau ein bod yn cario rhanddeiliaid allweddol gyda ni.

Since I last spoke to you all on this issue, my officials and I have been busy on all these areas. In June 2009, we launched a formal three-month public consultation on our proposals. That consultation closed on 21

Er imi siarad ddiwethaf â chi i gyd ar y mater hwn, mae fy swyddogion a mi wedi bod yn brysur ar yr holl bethau hyn. Ym Mehefin 2009, lanswyd ymgynghoriad cyhoeddus tri mis ffurfiol gennym ar ein cynigion. Daeth yr

September and we received 211 written responses. I will be publishing a summary of that consultation exercise shortly. In addition, I have held a series of meetings with key stakeholders to help to inform the development of the proposals, and some focus group research has also been undertaken with consumers and small and medium-sized enterprises.

In May, the results of the latest voluntary agreement were published. The target for retailers of 50 per cent was narrowly missed in Wales, with retailers reaching a 49 per cent reduction. I commend retailers for their efforts in getting that far but, despite their best efforts, data from this year illustrate that the seven retailers signed up to the current voluntary agreement still gave away 27 million bags in Wales in the month of May alone this year. That still potentially adds up to 324 million bags a year.

This Government still holds the view that the voluntary agreement does not go far enough and we have to take more action now. We are behind the game when compared with what other countries have achieved with stronger action. Our views are backed by the recently published independent AEA report, an expert report commissioned to look into the implications of proposals to introduce a charge in Wales. The report has found that there is good evidence for progressing with further action to reduce bag use beyond the levels set by the existing voluntary agreement.

In simple terms, the evidence shows that introducing a charge works. Just look at what some retailers in the UK are already doing. Ikea and Marks and Spencer already charge for bags and have seen reductions of between 80 and 90 per cent. Stores such as Netto, Lidl, and Aldi have always charged for bags. I therefore propose to use a charge on carrier bags in Wales to reduce carrier bag use to a

ymgynghori hwnnw i ben ar 21 Medi a chawsom 211 o ymatebion ysgrifenedig. Byddaf yn cyhoeddi crynodeb o'r ymarfer ymgynghori hwnnw maes o law. Yn ogystal, yr wyf wedi cynnal cyfres o gyfarfodydd gyda rhanddeiliaid allweddol i helpu hysbysu datblygiad y cynigion, ac mae rhywfaint o ymchwil grwpiau ffocws wedi digwydd hefyd gyda defnyddwyr a busnesau bach a chanolig.

Ym mis Mai, cyhoeddwyd canlyniadau'r cytundeb gwirfoddol diweddaraf. Methwyd o fymryn â chyrraedd y targed i fanwerthwyr, sef 50 y cant, yng Nghymru, wrth i'r manwerthwyr gyrraedd gostyngiad o 49 y cant. Cymeradwyaf y manwerthwyr am eu hymdrechion yn mynd cyn belled â hynny, ond, er gwaethaf eu hymdrechion gorau, mae data eleni'n dangos fod y saith manwerthwr sy'n rhan o'r cytundeb gwirfoddol cyfredol yn dal wedi rhoi 27 miliwn o fagiau i bobl yng Nghymru ym mis Mai yn unig eleni. Gallai hynny ddal i roi cyfanswm o 324 miliwn o fagiau'r flwyddyn.

Mae'r Llywodraeth yn dal o'r farn nad yw'r cytundeb gwirfoddol yn mynd yn ddigon pell a bod rhaid inni weithredu ymhellach yn awr. Yr ydym ar ei hôl hi o gymharu â'r hyn y mae gwledydd eraill wedi'i gyflawni gyda chamau cryfach. Cefnogir y farn hon gan adroddiad annibynnol AEA a gyhoeddwyd yn ddiweddar, sef adroddiad arbenigol a gomisiynwyd i ymchwilio i oblygiadau cynigion i ddechrau codi tâl yng Nghymru. Mae'r adroddiad wedi canfod bod tystiolaeth dda dros fwrw ymlaen â chamau pellach i leihau'r defnydd o fagiau y tu hwnt i'r lefelau a osodwyd gan y cytundeb gwirfoddol presennol.

Mewn termau syml, mae'r dystiolaeth yn dangos bod codi tâl yn gweithio. Edrychwch ar beth y mae rhai manwerthwyr yn y Deyrnas Unedig yn ei wneud yn barod. Mae Ikea a Marks and Spencer eisoes yn codi tâl am fagiau ac maent wedi gweld gostyngiadau rhwng 80 a 90 y cant. Mae siopau fel Netto, Lidl ac Aldi wastad wedi codi tâl am fagiau. Felly cynigiau ddefnyddio codi tâl am fagiau

level that could not be attained by voluntary measures alone, to sensitise the public to waste reduction priorities, and to start to raise awareness about other environmental changes needed in consumer behaviour.

I am now working towards achieving the implementation of a mandatory charge on single-use carrier bags before the next election in 2011. The draft regulatory package, which will include draft regulations, an explanatory memorandum and a regulatory impact assessment, will be issued for consultation in spring 2010. The consultation will afford stakeholders a further opportunity to refine the proposals. During the preparation of the draft regulations, I want to set up a steering group with key stakeholders to help to advise on the content.

The recent consultation has raised a number of detailed issues that require further consideration, and I hope that such a steering group will provide valuable assistance in producing an overall policy that is fully workable. These issues include the types of bags to be included and definitions. There appears to be some confusion among the public on degradable, biodegradable and compostable bags, and I want to make it clearer that all types of single-use bags have an environmental cost. The Environment Agency is currently undertaking a life-cycle analysis of carrier bags, and the results, expected next month, will inform our future development of the proposals.

Views on the cost of the charge range between 5p and 15p or higher. Where charging currently exists, the level is set at around 5p and that has clearly been effective. There is also however, support for a higher charge.

I am clear that we need certain exemptions, such as primary packaging for meat and fish for hygiene reasons or primary bags used for

siopa yng Nghymru i leihau'r defnydd o fagiau siopa i lefel na ellid ei chyrraedd trwy gamau gwirfoddol yn unig, i sensiteiddio'r cyhoedd i flaenoriaethau lleihau gwastraff, ac i ddechrau codi ymwybyddiaeth am newidiadau amgylcheddol eraill sy'n angenrheidiol yn ymddygiad prynwyr.

Yr wyf yn gweithio'n awr tuag at sicrhau gweithredu gorfodaeth i godi tâl am fagiau siopa untro cyn yr etholiad nesaf yn 2011. Caiff y pecyn rheoleiddio drafft, a fydd yn cynnwys rheoliadau drafft, memorandwm esboniadol ac asesiad effaith reoleiddiol, ei gyhoeddi ar gyfer ymgynghori yng ngwanwyn 2010. Bydd yr ymgynghori'n rhoi cyfle pellach i randdeiliaid fireinio'r cynigion. Yn ystod gwaith paratoi'r rheoliadau drafft, mae arnaf eisiau sefydlu grŵp llywio gyda rhanddeiliaid allweddol i helpu cynghori am y cynnwys.

Mae'r ymgynghori diweddar wedi codi nifer o faterion manwl y mae angen rhoi ystyriaeth bellach iddynt, a gobeithio y bydd grŵp llywio o'r fath yn darparu cymorth gwerthfawr i gynhyrchu polisi cyffredinol sy'n gwbl ymarferol. Mae'r materion hyn yn cynnwys y mathau o fagiau i'w cynnwys a diffiniadau. Mae'n ymddangos bod rhywfaint o ddryswch ymysg y cyhoedd ynghylch bagiau diraddiadwy, bioddiraddiadwy a chompostiadwy, ac mae arnaf eisiau dangos yn eglurach fod cost amgylcheddol i bob math o fag untro. Mae Asiantaeth yr Amgylchedd wrthi ar hyn o bryd yn gwneud dadansoddiad cylch bywyd ar fagiau siopa, a bydd y canlyniadau, a ddisgwyllir y mis nesaf, yn sail i'r modd y datblygwn y cynigion yn y dyfodol.

Mae'r farn ynghylch pa dâl i'w godi'n amrywio rhwng 5c a 15c neu fwy. Lle codir tâl ar hyn o bryd, mae'r lefel wedi'i gosod o gwmpas 5c ac mae hynny'n amlwg wedi bod yn effeithiol. Y mae, fodd bynnag, gefnogaeth i godi tâl uwch hefyd.

Yr wyf yn glir bod arnom angen rhai eithriadau, fel pecynnu cynradd i gig a physgod am resymau glanweithdra neu

the sale or supply of medicines, and we will work with stakeholders to consider whether other exemptions are appropriate for inclusion.

Turning to the simplicity of administration, it is not my Government's intention to create an unnecessary additional burden for businesses, and I want to make the reporting and enforcement arrangements as simple as possible. However, there has to be an appropriate degree of accountability, particularly to ensure public acceptability of the charging scheme.

In parallel with the implementation of a charge, I want to work with large retailers to develop a voluntary agreement regarding the use to which the net receipts from a charge will be put. I will be meeting the retail industry shortly to outline my proposals. The voluntary agreement will need to achieve four main aims: a high rate of participation; good additionality; worthwhile projects focused on sustainable development; and robust accountability. Under the voluntary agreement, retailers will manage the collection of the money and its distribution, having accounted for their own administrative costs. Net receipts will then be passed directly to environmental and other projects from retailers and would not, therefore, be passed to the Assembly Government or a third-party body.

3.00 p.m.

This is a different approach to that recommended by the Sustainability Committee and I have decided not to proceed with its recommendation to direct proceeds through a third-party body at this point for several reasons. The voluntary approach requires retailers to pay over the net profit from the charge but maximises retailer discretion and choice about where the revenue goes, and it endorses the work of those retailers that are already ahead of the game on charging and that have well-

fagiau cynradd a ddefnyddir ar gyfer gwerthu neu gyflenwi meddyginiaethau, ac fe weithiwn gyda rhanddeiliaid i ystyried a oes eithriadau eraill y byddai'n briodol eu cynnwys.

A throi at symlrwydd gweinyddu, nid bwriad fy Llywodraeth yw creu baich ychwanegol diangen i fusnesau, ac mae arnaf eisiau sicrhau bod y trefniadau adrodd a gorfodi mor syml ag sy'n bosibl. Fodd bynnag, rhaid wrth radd briodol o atebolrwydd, yn enwedig i sicrhau bod y cynllun codi tâl yn dderbyniol gan y cyhoedd.

Ochr yn ochr â chodi tâl, mae arnaf eisiau gweithio gyda manwerthwyr mawr i ddatblygu cytundeb gwirfoddol ynglŷn â'r defnydd a wneir o'r derbyniadau net o godi tâl. Byddaf yn cyfarfod â'r diwydiant manwerthu cyn hir i amlinellu fy nghynigion. Bydd angen i'r cytundeb gwirfoddol gyflawni pedwar prif nod: cyfranogiad helaeth; ychwanegedd da; prosiectau gwerth chweil yn canolbwyntio ar ddatblygu cynaliadwy; ac atebolrwydd cadarn. Dan y cytundeb gwirfoddol, bydd manwerthwyr yn rheoli'r broses o gasglu a dosbarthu'r arian, wedi cymryd cyfrif am eu costau gweinyddol eu hunain. Wedyn caiff y derbyniadau net eu trosglwyddo'n uniongyrchol gan y manwerthwyr i brosiectau amgylcheddol ac eraill, ac felly ni chaent eu trosglwyddo i Lywodraeth y Cynulliad nac i gorff trydydd parti.

Mae hyn yn ddull gwahanol i'r un a argymhellwyd gan y Pwyllgor Cynaliadwyedd ac yr wyf wedi penderfynu peidio â bwrw ymlaen â'i argymhelliad i gyfeirio'r elw drwy gorff trydydd parti ar hyn o bryd am sawl rheswm. Mae'r dull gwirfoddol yn gofyn i fanwerthwyr dalu'r elw net o'r tâl ond yn rhoi'r disgrisiwn a'r dewis mwyaf i'r manwerthwr ynghylch ble'r aiff y refeniw, ac mae'n ategu gwaith y manwerthwyr hynny sydd eisoes ar y blaen o ran codi tâl ac sydd wedi sefydlu cysylltiadau

established funding links with good causes. Many retailers have chosen non-environmental charities to benefit, for example, Macmillan Cancer Support, and we would not want to cut across those arrangements. The voluntary approach will maximise the funds available for good causes. If the moneys were directed through one single body, arrangements would need to be in place to collect as well as distribute the moneys, and the set-up and administrative costs would be higher. The problem of burdens on small retailers would be alleviated. Our main focus for the voluntary agreement would be the major retailers that provide 90 per cent of the carrier bags. We will also work with umbrella organisations to ensure that there are opportunities for small retailers too. They could then, for example, use revenues to support neighbourhood schemes and local charities or schools.

To back up the voluntary agreement and provide reserved powers should the voluntary agreement not deliver sufficient results, legislative proposals to direct spend as proposed by the committee will be developed as part of the proposed Measure on the environment, which the First Minister announced in his legislative statement in July. I would hope that these reserved powers would be able to remain in reserve and that the partnership approach that we are proposing will deliver the outcomes that we all want: a charging scheme that benefits good causes, but one that we can all avoid by taking our own bags when we go shopping. I hope that you will all support me so that we can take forward these proposals to the next stage.

Angela Burns: I thank the Minister for her statement and for the opportunity to discuss this earlier today. I welcome that. As you are aware, Minister, the Welsh Conservatives have long called upon the Assembly Government to introduce new measures to cut the number of plastic bags. The Welsh Conservatives have previously supported a levy, but we believe that it is vital that the Welsh Assembly Government works with

da gydag achosion da. Mae llawer o fanwerthwyr wedi dewis rhoi i elusennau nad oes a wnelont â'r amgylchedd, er enghraifft, Cymorth Canser Macmillan, ac ni fyddem am dorri ar draws y trefniadau hynny. Bydd y dull gwirfoddol yn sicrhau'r arian gorau i achosion da. Pe câi arian ei gyfeirio drwy un corff, byddai angen sefydlu trefniadau i gasglu yn ogystal â dosbarthu'r arian, a byddai'r costau sefydlu a gweinyddu'n uwch. Câi problem y beichiau ar fanwerthwyr bach ei lliniaru. Ein prif ffocws ar gyfer y cytundeb gwirfoddol fyddai'r manwerthwyr mawr sy'n darparu 90 y cant o'r bagiau siopa. Byddwn yn gweithio hefyd gyda sefydliadau ymbarél i sicrhau bod cyfleon i fanwerthwyr bach hefyd. Wedyn gallent hwy, er enghraifft, ddefnyddio refeniw i gefnogi cynlluniau cymdogaeth ac elusennau neu ysgolion lleol.

I ategu'r cytundeb gwirfoddol a darparu pwerau wrth gefn rhag ofn i'r cytundeb gwirfoddol beidio â sicrhau canlyniadau digonol, datblygir cynigion deddfwriaethol i gyfarwyddo gwariant yn unol â chynnig y pwyllgor fel rhan o'r Mesur arfaethedig ar yr amgylchedd, a gyhoeddodd y Prif Weinidog yn ei ddatganiad deddfwriaethol ym mis Gorffennaf. Byddwn yn gobeithio y gellid cadw'r pwerau hyn wrth gefn ac y bydd y dull partneriaeth yr ydym yn ei gynnig yn sicrhau'r canlyniadau yr ydym i gyd yn eu deisyfu: cynllun codi tâl sy'n dod â budd i achosion da, ond un y gallwn i gyd ei osgoi drwy fynd â'n bagiau ein hunain pan awn i siopa. Gobeithio y gwnewch i gyd fy nghefnogi fel y gallwn fynd â'r cynigion hyn ymlaen i'r cam nesaf.

Angela Burns: Diolch i'r Gweinidog am ei datganiad ac am y cyfle i drafod hyn yn gynharach heddiw. Croesawaf hynny. Fel y gwyddoch, Weinidog, mae Ceidwadwyr Cymru wedi galw ers meitin ar i Lywodraeth y Cynulliad gyflwyno mesurau newydd i dorri nifer y bagiau plastig. Mae Ceidwadwyr Cymru wedi cefnogi codi tâl o'r blaen, ond credwn ei bod yn hanfodol fod Llywodraeth Cynulliad Cymru'n gweithio gyda

bag manufacturers, retailers and environmental groups to draw up a policy that is acceptable to all sides on how this levy will be applied. We welcome your views on that.

We believe that the amount of levy needs to be part of the consultation process, but we must remember that we are after results here. The Irish PlasTax levy came in at 13p per bag, and it reduced the use of single-use carrier bags by over 90 per cent. We would definitely encourage any consultation process to bring forward that kind of evidence to the people who might be reviewing this and responding to it.

While I understand the Minister's reluctance to impact upon any voluntary agreements whereby a retailer passes on its bag revenues to its adopted charities, I believe that we need to ensure that this levy helps to raise and inform the climate change debate. This is Government's opportunity to lead by example, to show that the climate debate is more than mere words, and this is an opportunity for all of us to help to shift the public perception in a constructive and cohesive manner. This is one small step and it may be about carrier bags, but it will make it an awful lot easier when talking to the public about other, larger changes that we will eventually have to make. I would expect this levy, ultimately, to go to environmental causes.

I welcome the consultation proposed, and I ask the Minister to bear in mind the various charges and levies that have been in operation throughout the world and which were identified in the AEA Consultancy report. When we go out to consultation, I would like to ensure that that kind of information is in the public domain. We mentioned this morning that many people may not be aware of what is going on here, and I would like to give everybody—the smaller retailers in particular—the opportunity to understand that this is a world-wide shift in attitude and that we all need to

gwneuthurwyr bagiau, manwerthwyr a grwpiau amgylcheddol i lunio polisi sy'n dderbyniol gan bob ochr ynglŷn â sut i godi'r tâl hwn. Croesawn eich sylwadau ar hynny.

Credwn fod angen i swm y tâl a godir fod yn rhan o'r broses ymgynghori, ond rhaid inni gofio ein bod yn mynd am ganlyniadau yn y fan yma. Y tâl a godwyd gan Dreth Blastig Iwerddon oedd 13c y bag, a llwyddodd i leihau defnydd bagiau siopa untro dros 90 y cant. Byddem yn bendant yn annog unrhyw broses ymgynghori i gyflwyno'r math hwnnw o dystiolaeth i'r bobl a allai fod yn adolygu hyn ac yn ymateb iddo.

Er fy mod yn deall amharodrwydd y Gweinidog i amharu ar unrhyw drefniadau gwirfoddol lle mae manwerthwr yn trosglwyddo'i refeniw o fapiau ymlaen i'w elusennau mabwysiedig, credaf fod angen inni sicrhau bod y codi tâl hwn yn helpu i godi a hysbysu'r ddadl ar newid hinsawdd. Dyma gyfle'r Llywodraeth i arwain drwy esiampl, i ddangos bod y ddadl ar yr hinsawdd yn fwy na geiriau'n unig, a dyma gyfle i bawb ohonom i helpu symud canfyddiad y cyhoedd mewn modd adeiladol a chydlynol. Un cam bach yw hwn ac efallai mai bagiau siopa yw'r testun, ond bydd yn ei gwneud yn llawer haws pan awn i siarad â'r cyhoedd am newidiadau eraill, mwy y bydd yn rhaid inni eu gwneud maes o law. Byddwn yn disgwyl i'r tâl hwn fynd, yn y pen draw, i achosion amgylcheddol.

Croesawaf yr ymgynghori a gynigir, a gofynnaf i'r Gweinidog gofio'r gwahanol daliadau ac ardollau sydd wedi bod yn weithredol dros y byd ac a enwyd yn adroddiad Ymgynghorwyr AEA. Pan awn allan i ymgynghori, hoffwn sicrhau bod y math hwnnw o wybodaeth yn wybodaeth gyhoeddus. Soniasom y bore yma fod llawer o bobl efallai'n anymwybodol o'r hyn sydd yn digwydd yma, a hoffwn roi cyfle i bawb—y manwerthwyr llai yn arbennig—ddeall mai symudiad byd-eang mewn agweddau yw hwn a bod angen inni i gyd edrych arno. Os gall gwledydd llai a gwledydd yr ystyriwn eu bod

look at it. If smaller countries and countries that we think of as third world or developing countries can make quite strong changes in their use of plastic bags, we as a developed nation should surely be able to do that. I just want to ensure that the consultation has everybody on board and that everybody has access to this information so that they can make informed responses and not just knee-jerk responses.

We believe that there should be as few exemptions as possible and there should be simplicity of administration, particularly with regard to smaller organisations.

My penultimate point is to refer to your comments that the main focus of the voluntary agreement would be the major retailers that provide 90 per cent of the carrier bags. However, smaller organisations still account for some 40 million single-use carrier bags in Wales. That is a significant number, Minister, as I am sure that you would agree. I ultimately look to you to address that portion of the plastic bag market as well.

Finally, I would like to see a timetable for this voluntary agreement. We are going to get to a point when we may have shifted an awful lot of people's views and we may have got an awful lot of the retailers on board, but there will be rump that will not move and so we will have to have a look at what we would do next. I would like to see how you intend to move that forward and that, although we will give people a chance to work with us, if it does not work, we could and would take that next step. Thank you for your statement; it was most welcome today.

Jane Davidson: Thank you, Angela. I will make a few of points in response. The charge will apply to all businesses, large and small. The voluntary agreement with the large retailers will be about the way in which they use the money. We want to make sure that in not placing additional burdens on small businesses we are able to work with umbrella organisations and others on delivery. It is our

yn wledydd trydydd byd neu wledydd sy'n datblygu wneud newidiadau eithaf cryf yn y modd y defnyddiant fagiau plastig, siawns na ddylem ni fel gwlad ddatblygedig allu gwneud hynny. Mae arnaf eisiau sicrhau bod yr ymgynghori'n cynnwys pawb ac y caiff pawb gyfle i weld y wybodaeth hon fel y gallant roi ymatebion gwybodus yn hytrach na dim ond ymatebion difeddwl.

Credwn ni y dylai fod cyn lleied o eithriadau ag sy'n bosibl ac y dylai'r gweinyddu fod yn syml, yn enwedig ar gyfer sefydliadau llai.

Y pwynt olaf ond un sydd gennyf yw cyfeirio at eich sylwadau mai prif ffocws y cytundeb gwirfoddol fyddai'r manwerthwyr mawr sy'n darparu 90 y cant o'r bagiau siopa. Fodd bynnag, mae cyrff llai'n dal i fod yn gyfrifol am ryw 40 miliwn o fagiau siopa untro yng Nghymru. Mae hynny'n nifer sylweddol, Weinidog, fel y cytunech, mae'n siŵr. Yn y pen draw, disgwyliaf ichi roi sylw i'r gyfran honno o'r farchnad bagiau plastig hefyd.

Yn olaf, hoffwn weld amserlen ar gyfer y cytundeb gwirfoddol hwn. Yr ydym yn mynd i gyrraedd pwynt lle byddwn efallai wedi symud barn llawer iawn o bobl ac efallai wedi cael llawer iawn o'r manwerthwyr drosodd i'n hochr ni, ond fe fydd gweddill na wnaiff symud ac felly bydd yn rhaid inni edrych ar beth a wnaem wedyn. Hoffwn weld sut y bwriadwch symud hynny yn ei flaen ac, er y rhoddwn gyfle i bobl weithio gyda ni, os nad yw'n gweithio, y gallem ac y byddem yn cymryd y cam nesaf hwnnw. Diolch am eich datganiad; yr oedd croeso mawr iddo heddiw.

Jane Davidson: Diolch, Angela. Fe wnaaf ambell bwynt mewn ymateb. Codir y tâl ar bob busnes, mawr a bach. Bydd y cytundeb gwirfoddol â'r manwerthwyr mawr yn ymwneud â'r modd y defnyddiant yr arian. Mae arnom eisiau gwneud yn siŵr, wrth inni osgoi gosod beichiau ychwanegol ar fusnesau bach, y gallwn weithio gyda chyrff ymbarél ac eraill ar y dosbarthiad. Ein bwriad yw

intention to use the Climate Change Act 2008 as a framework for accountability. We will require records to be published on gross or net proceeds of the charge and the uses to which the net proceeds of the charge have been put. We will be engaging everybody in that process.

You have talked previously about the politics of nudge and the point that you make is extremely important to the actions that we can take as individuals, as we move away from a throwaway society to conserving far more, reducing our usage, and reusing and recycling whatever we can. The point about the worldwide shift is also important. Quite clearly, in one sense, the UK has been behind the game, but the legislation in the Climate Change Act has afforded us not only a chance to be ahead of the game in the UK, but to learn from others across the world.

We absolutely agree with you about having as few exemptions as possible. In my discussions with the umbrella organisation for the major retailers, that is their intention as well. We all want it to be simple in its administration. On the size of the levy, some economic modelling work has been done that suggests that the cost to society through the side effects of production and consumption of single-use carrier bags could be valued at about 7p per bag and that, therefore, including value added tax at 17.5 per cent, the minimum charge could be recommended at 11p per bag. It has been estimated that demand for single-use carrier bags would fall, in the first year, by around 86 per cent with an 11p bag and 92 per cent with a 15p bag. So, there is some economic modelling that will be helpful as we go into the next stage of discussions.

In the context of your question about the timetable for the voluntary agreement, as I said in the formal Government statement, the voluntary agreement will last as long as the retailers work with the Assembly and the Assembly Government. Clearly, if there are

defnyddio Deddf Newid Hinsawdd 2008 fel fframwaith ar gyfer atebolrwydd. Byddwn yn gofyn am i gofnodion gael eu cyhoeddi ar elw gros neu net y tâl a'r defnydd a wnaed o elw net y tâl. Byddwn yn cynnwys pawb yn y broses honno.

Yr ydych wedi sôn o'r blaen am wleidyddiaeth perswâd ac mae'r pwynt a wnewch yn eithriadol o bwysig i'r camau y gallwn eu cymryd fel unigolion, wrth inni symud i ffwrdd oddi wrth gymdeithas wastraffus i gadw llawer mwy, lleihau ein defnydd, ac aildefnyddio ac ailgylchu'r hyn a allwn. Mae'r pwynt ynglŷn â'r symudiad byd-eang yn bwysig hefyd. Yn gwbl amlwg, mewn un ystyr, mae'r Deyrnas Unedig wedi bod ar ei hôl hi, ond mae'r ddeddfwriaeth yn y Ddeddf Newid Hinsawdd wedi rhoi inni gyfle nid yn unig i fod ar y blaen yn y Deyrnas Unedig, ond i ddysgu oddi wrth eraill dros y byd.

Cytunwn yn llwyr â chi ynglŷn â chael cyn lleied o eithriadau ag y gellir. Yn fy nhrefodaethau â chorff ymbarél y manwerthwyr mawr, dyna'u bwriad hwythau hefyd. Mae arnom oll eisiau iddo fod yn syml ei weinyddiad. Ynglŷn â maint y tâl a godir, gwnaethpwyd gwaith modelu economaidd sy'n awgrymu y gellid mesur y gost i gymdeithas drwy sgîl-ffeithiau cynhyrchu a defnyddio bagiau siopa untro ar oddeutu 7c y bag, ac, felly, gan gynnwys treth ar werth ar 17.5 y cant, y gellid argymell tâl isaf o 11c y bag. Amcangyfrifwyd y byddai'r galw am fagiau siopa untro'n disgyn, yn y flwyddyn gyntaf, ryw 86 y cant gyda bag 11c a 92 y cant gyda bag 15c. Felly, dyna ychydig o foddelu economaidd a fydd o gymorth wrth inni fynd i gam nesaf y trafodaethau.

Yng nghyd-destun eich cwestiwn am yr amserlen ar gyfer y cytundeb gwirfoddol, fel y dywedais yn natganiad ffurfiol y Llywodraeth, bydd y cytundeb gwirfoddol yn para am gyhyd ag y bydd y manwerthwyr yn cydweithio gyda'r Cynulliad a Llywodraeth y

perverse outcomes, a future Assembly or Assembly Government could choose to use the opportunity presented by the legislative competence to introduce a Measure to direct change. However, it is our intention, at this point, to make sure that we work with others on the delivery of this levy, because it is about the public good.

Joyce Watson: Minister, I welcome your proposals and I think that this is the sort of initiative that could nudge people towards good consumer habits for the longer term good of our environment. I would, however, ask you to clarify one aspect of the policy. As you know, I have raised concerns in the past about how this policy will apply to dispensing clinics and pharmacies. For obvious reasons of discretion and confidentiality, pharmacists and other dispensers need to use single-use carrier bags. Can you, therefore, guarantee that in no circumstances will free-prescription items have to be put into bags for which pharmacists or other prescribers or dispensers will be required to charge? Would you be able to agree with the wording requested by Community Pharmacy Wales that the charge for single-use carrier bags would not apply to the sale or supply of medicines, appliances and surgical items from registered pharmacy premises?

3.10 p.m.

Jane Davidson: We have been in discussion with Community Pharmacy Wales, as you know, and I am happy to broadly agree with that terminology covering bags used for the sale or supply of medicines, appliances and surgical items from registered pharmacy premises, but that is before letting the lawyers loose on it. Certainly, I am happy to accept the intention behind that terminology.

Michael German: I welcome your

Cynulliad. Yn amlwg, os ceir canlyniadau gwrthnysig, gallai Cynulliad neu Lywodraeth Cynulliad yn y dyfodol ddewis defnyddio'r cyfle a gyflwynir gan y cymhwysedd deddfwriaethol i gyflwyno Mesur i gyfeirio newid. Fodd bynnag, ein bwriad ar hyn o bryd yw gwneud yn siŵr ein bod yn cydweithio ag eraill ar gyflwyno'r codi tâl hwn, oherwydd y mae a wnelo hyn â'r lles cyhoeddus.

Joyce Watson: Weinidog, croesawaf eich cynigion ac yr wyf yn meddwl mai dyma'r math o gynllun a allai wthio pobl tuag at arferion da fel defnyddwyr er lles ein hamgylchedd yn y tymor hwy. Hoffwn, fodd bynnag, ofyn ichi egluro un agwedd ar y polisi. Fel y gwyddoch, yr wyf wedi codi pryderon yn y gorffennol am y modd y bydd y polisi hwn yn gweithredu gyda chlinigau rhannu moddion a fferyllfeydd. Am resymau amlwg yn ymwneud â disgresiwn a chyfrinachedd, mae angen i fferyllwyr a chyflenwyr moddion eraill ddefnyddio bagiau untro. A allwch, felly, warantu na fydd yn rhaid rhoi eitemau presgripsiwn di-dâl, dan unrhyw amgylchiadau, mewn bagiau y bydd yn rhaid i fferyllwyr neu gyflenwyr moddion eraill godi tâl amdanynt? A allech gytuno â'r geiriad y gofynnwyd amdano gan Fferylliaeth Gymunedol Cymru na fyddai'r tâl a godir am fagiau siopa untro'n berthnasol i werthu na chyflenwi moddion, cyfarpar ac eitemau llawfeddygol o adeiladau fferyllol cofrestredig?

Jane Davidson: Yr ydym wedi bod mewn trafodaeth â Fferylliaeth Gymunedol Cymru, fel y gwyddoch, ac yr wyf yn hapus i gytuno'n fras â'r derminoleg honno ynglŷn â bagiau a ddefnyddir wrth werthu neu gyflenwi moddion, cyfarpar ac eitemau llawfeddygol o adeiladau fferyllol cofrestredig, ond mae hynny cyn gadael y cyfreithwyr yn rhydd arno. Yn sicr, yr wyf yn hapus i dderbyn y bwriad y tu ôl i'r derminoleg honno.

Michael German: Croesawaf eich

statement, Minister. It is wonderful to see how the process of law-making in the National Assembly has progressed. I am sure that Members will recall that this issue started as a bid by the people of Wales, via the BBC, to us on the National Assembly's Petitions Committee, after which it went to the Sustainability Committee, which produced a report on it, and then on to you, Minister, to take this action. I welcome your statement on single-use carrier bags, taking the matter forward to its next logical step. In fact, as I drove here this morning, I observed flying from a tree, just outside the Assembly building, a WHSmith single-use carrier bag, and I thought, 'How appropriate that, today, we are discussing this matter, and we will not have to deal with these problems in the future'. There are several issues to do with the detail, which I am sure will come out in future consultation.

I will start by drawing a parallel with the smoking ban, which we in the Assembly implemented. It was the public's confidence in that measure that allowed it to be implemented effectively, because they largely chose to see it happen, and they would say, 'I don't like that; I want to see it stop', and they would report people, perhaps only in the most limited circumstances, for smoking in public places. That move has been a great success. In that example, the public have acted as volunteers to make the policy work.

The difficulty with your proposals in this matter is that it will not be possible for a customer in a small corner shop to ask the shopkeeper where the money charged for bags goes without there being adequate reporting or some firm means by which people can inspect the records. You have talked about a voluntary agreement that will invite people to declare their proceeds, but it would be interesting to know what the tax implications are for that, and what tax burden will be on the companies that participate. If we are to have a system that is transparent

datganiad, Weinidog. Mae'n wych gweld y modd y mae'r broses lunio deddfau yn y Cynulliad Cenedlaethol wedi symud ymlaen. Yr wyf yn siŵr y bydd Aelodau'n cofio y dechreuodd y mater hwn ar ffurf cais gan bobl Cymru, drwy'r BBC, i ni ar Bwyllgor Deisebau'r Cynulliad Cenedlaethol, cyn mynd ger bron y Pwyllgor Cynaliadwyedd, a luniodd adroddiad arno, ac yna ymlaen atoch chi, Weinidog, i gymryd y camau hyn. Croesawaf eich datganiad ar fagiau siopa untro, sy'n cario'r mater ymlaen i'w gam rhesymegol nesaf. Yn wir, wrth yrru yma'r bore yma, gwelais yn chwifio o goeden, y tu allan i adeilad y Cynulliad, fag siopa untro WH Smith, a meddyliais, 'Dyna briodol ein bod, heddiw, yn trafod y mater hwn, ac na fydd raid inni ddelio â'r problemau hyn yn y dyfodol'. Mae sawl mater yn ymwneud â'r manylion, a ddaw i'r fei, yr wyf yn siŵr, wrth ymgynghori yn y dyfodol.

Dechreuaf drwy ddangos cyffelybiaeth â'r gwaharddiad ar ysmegu, a weithredwyd gennym ni yn y Cynulliad. Hyder y cyhoedd yn y mesur a fu'n fodd i ganiatáu ei weithredu'n effeithiol, oherwydd, i raddau helaeth, eu dewis hwy oedd ei weld yn digwydd, ac fe ddywedent, 'Nid wyf yn hoffi hynny; hoffwn weld terfyn arno', a byddent yn achwyn am bobl, yn yr amgylchiadau mwyaf cyfyngedig yn unig efallai, am ysmegu mewn mannau cyhoeddus. Bu'r symudiad hwnnw'n llwyddiant mawr. Yn yr esiampl honno, mae'r cyhoedd wedi gweithredu fel gwirfoddolwyr i wneud i'r polisi weithio.

Yr anhawster gyda'ch cynigion yn y mater hwn yw na fydd yn bosibl i gwsmer mewn siop gornel fach ofyn i'r siopwr i ble'r aiff yr arian a godir am fagiau heb fod adroddiadau digonol neu ryw fodd cadarn i bobl gael archwilio'r cofnodion. Yr ydych wedi sôn am gytundeb gwirfoddol a fydd yn gwahodd pobl i ddatgan eu helw, ond byddai'n ddiddorol gwybod beth yw'r goblygiadau treth i hynny, a pha faich treth a roddir ar y cwmnïau sy'n cymryd rhan. Os ydym am gael system sy'n dryloyw ac yn wirfoddol, rhaid iddi fod yn agored i graffu gan y cyhoedd mewn rhyw

and voluntary, it must be open to scrutiny by the public in some way. We need to be mindful of that, and I would value your views on that point.

Another issue of concern for me is that of the impact of this policy on regulation as a whole. I know that you are conscious of that, and you mentioned in your statement the burden that this move might place on business. One wonders whether the administration costs of this policy will be drawn from the levy paid by customers—in other words, will some of the money that customers pay for their bags be used to administer the process? That is bound to be the case, I suspect. How much of the money coming in do you anticipate would be used to administer the policy?

My final question relates to—let us call them the ‘good causes’, because that is what the national lottery calls them. Whatever the good causes the trader, in a local context or in a regional context for the multiples, puts in to play, and the decisions on how that should be done, will you be able to convince the public that something is happening with which they will be satisfied, or will you leave it entirely to the traders to give the money to whom they wish and encourage, if you like, much more of a bidding process from local community activity? I suppose that you will answer that question following the deeper consultation, but can you give us some clues as to your thinking at the moment?

Jane Davidson: WHSmith is one of the bodies that charges a small amount, with proceeds going to the Woodlands Trust—it benefited from the bag that you saw on the way to the Assembly. However, it underlines the point that we are talking about a measure that is an environmental and social measure, which is able to tackle issues relating to both waste and litter. It is important that we take a view on this in the round in Wales. The analogy with the smoking ban is interesting, because even without Government action,

fodd. Mae angen inni gadw hynny mewn cof, ac fe werthfawrogwn eich sylwadau ar y pwynt hwnnw.

Mater arall sy'n peri pryder i mi yw effaith y polisi hwn ar reoleiddio yn gyffredinol. Gwn eich bod yn ymwybodol o hynny, a chrybwyllasoch yn eich datganiad y baich y gallai'r symudiad hwn ei osod ar fusnes. Mae dyn yn meddwl tybed a dynnir costau gweinyddu'r polisi hwn allan o'r tâl a delir gan gwsmeriaid—mewn geiriau eraill, a gaiff rhywfaint o'r arian y bydd cwsmeriaid yn ei dalu am eu bagiau ei ddefnyddio i weinyddu'r broses? Mae hynny'n rhwym o ddigwydd, yr wyf yn amau. Faint o'r arian a ddaw i mewn y disgwylwch iddo gael ei ddefnyddio i weinyddu'r polisi?

Mae a wnelo fy nghwestiwn olaf â—gadewch inni eu galw yr ‘achosion da’, gan mai dyna y mae'r loteri genedlaethol yn eu galw. Pa bynnag achosion da a gyflwynir gan y masnachwr, mewn cyd-destun lleol neu mewn cyd-destun rhanbarthol i'r busnesau cangen, a beth bynnag fo'r penderfyniadau ar sut y dylid gwneud hynny, a fyddwch yn gallu darbwylllo'r cyhoedd fod rhywbeth yn digwydd y byddant yn fodlon arno, ynteu a wnewch chi ei gadael yn gyfan gwbl i'r masnachwyr i roi'r arian i bwy y mynnant ac annog, os mynnwch, llawer mwy o broses bidio gan weithgarwch y gymuned leol? Mae'n debyg yr atebwch y cwestiwn hwnnw ar ôl yr ymgynghori dwysach, ond a allwch roi ambell awgrym inni am y ffordd yr ydych yn meddwl ar hyn o bryd?

Jane Davidson: Mae WH Smith yn un o'r cyrff sydd yn codi swm bach, gan roi'r elw i Coed Cadw—elwodd ar y bag a welsoch ar eich ffordd i'r Cynulliad. Fodd bynnag, mae'n tanlinellu'r pwynt ein bod yn sôn am fesur sy'n fesur amgylcheddol a chymdeithasol, a all fynd i'r afael â materion perthnasol i wastraff ac i sbwriel. Mae'n bwysig ein bod yn edrych ar hyn o bob agwedd yng Nghymru. Mae'r gymhariaeth â'r gwaharddiad ar ysmegu'n ddiddorol, oherwydd hyd yn oed heb weithredu gan y

seven of the major retailers have tried to achieve a 50 per cent reduction in the use of their bags. A substantial number of people take their own bags shopping, and that number is growing almost daily. We would want to support that good practice. From the retailers' perspective, 21 retailers initially signed up to the 25 per cent reduction target, and only seven signed up to the 50 per cent reduction target, which was not quite met. That is part of the reason why we determined, as a committee and as a Government, that a voluntary agreement to reduce the use of carrier bags was insufficient.

It is important to state that charging will be mandatory. As the committee recommended, there should be a mandatory charge with as few as possible exemptions on the use of single-use carrier bags in Wales, whatever their content. That is the proposal that we are taking forward, as the committee recommended. Where we have separated at this point is by saying that we will not be mandatorily directing the spending, which will be done by voluntary agreement. The focus will be on the large retailers, which account for 90 per cent of the bags, but, as Angela said in her contribution, that still leaves 40 million bags among the smaller retailers. They will charge for bags, but they may well want more informal arrangements on how they sort out local charitable contributions. It is important to state that we will require records to be published on the gross or net proceeds of the charge, and the uses to which the net proceeds of the charge have been put. So, that information will be in the public domain. The Climate Change Act 2008 also provides a clear framework for record-keeping and enforcement action.

I was pleased to have the opportunity to meet Mick Bates this morning, with other representatives from parties in the Assembly, to discuss this, and I have given a commitment to Mick as Chair of the committee and to other parties that we will continue those discussions as this policy develops.

Llywodraeth, mae saith o'r prif fanwerthwyr wedi ceisio sicrhau lleihad 50 y cant yn y defnydd o'u bagiau. Bydd nifer sylweddol o bobl yn mynd â'u bagiau eu hunain i siopa, ac mae'r nifer hwnnw'n tyfu bron yn ddyddiol. Byddem yn awyddus i gefnogi'r arferion da hynny. O safbwynt y manwerthwyr, derbyniodd 21 o fanwerthwyr ar y cychwyn y targed cwtogi 25 y cant, a dim ond saith a dderbyniodd y targed cwtogi 50 y cant, y methwyd ei gyrraedd o fymryn. Dyna ran o'r rheswm pam y penderfynasom, fel pwyllgor ac fel Llywodraeth, nad oedd cytundeb gwirfoddol i leihau'r defnydd o fagiau siopa'n ddigon.

Mae'n bwysig dweud y bydd yn orfodol codi tâl. Fel yr argymhellodd y pwyllgor, dylai fod tâl gorfodol gyda chyn lleied o eithriadau ag sy'n bosibl ar ddefnydd bagiau siopa untro yng Nghymru, beth bynnag fo'u cynnwys. Dyna'r cynnig yr ydym yn bwrw ymlaen ag ef, fel yr argymhellodd y pwyllgor. Lle'r ydym wedi gwahanu ar y pwynt hwn yw trwy ddweud na fyddwn yn cyfarwyddo'r gwariant yn orfodol, ac y gwneir hynny trwy gytundeb gwirfoddol. Canolbwyntir ar y manwerthwyr mawr sy'n gyfrifol am 90 y cant o'r bagiau, ond, fel y dywedodd Angela yn ei chyfraniad, mae hynny'n dal i adael 40 miliwn o fagiau ymhlieth y manwerthwyr llai. Byddant hwy'n codi tâl am fagiau, ond efallai y bydd arnynt eisiau trefniadau mwy anffurfiol ynghylch beth a wnânt gyda chyfraniadau elusennol lleol. Mae'n bwysig dweud y byddwn yn gofyn am gyhoeddi cofnodion ar elw gros neu net y tâl, a sut y defnyddiwyd elw net y tâl. Felly, bydd y wybodaeth honno ar gael i'r cyhoedd. Mae Deddf Newid Hinsawdd 2008 yn darparu fframwaith clir hefyd ar gyfer cadw cofnodion a chamau gorfodi.

Yr oeddwn yn falch o gael y cyfle i gyfarfod â Mick Bates y bore yma, ynghyd â chynrychiolwyr eraill o bleidiau yn y Cynulliad, i drafod hyn, ac yr wyf wedi rhoi ymrwymiad i Mick fel Cadeirydd y pwyllgor ac i bleidiau eraill y byddwn yn parhau'r trafodaethau hynny wrth i'r polisi hwn ddatblygu.

Leanne Wood: Many thanks for your statement, Minister. I am pleased to reaffirm Plaid Cymru's support for this initiative, which aims to radically reduce, if not ultimately eliminate, the use of single-use carrier bags. Many retailers already charge for single use bags on a voluntary basis and forward the proceeds to various charitable causes, which is to be welcomed. However, there are still retailers that are reluctant to do so. On this side of the Chamber we are of the view that they should be compelled to charge, so we support legislation to introduce a mandatory charge.

I have some specific questions about the levy and its impact. How will the process to come up with the charge be decided, and will the amount charged be reviewable? You mentioned the need to do market testing on this, but what will be the process by which Members will agree on the charge? If the charge is initially set at too high or too low a rate, what will be the mechanism for changing it? Finally, how much money do you expect to be raised by this initiative?

3.20 p.m.

Jane Davidson: Thank you for your party's support for this proposition. We are doing Environment Agency modelling on life-cycle analysis of single-use bags, which should be available next month and which will help us dramatically in looking at issues around charging, and where there are exemptions in the context of bags. In our initial consultation we asked about fully compostable bags—there is a definition laid down on a cross-European basis—that could be thrown out with domestic compost, and whether those should be exempt. The work that the EA is doing will help us on that.

The economic modelling work that has been undertaken will help us to look at the level of the charge. At this point, I can say that there may be one or more propositions about a

Leanne Wood: Diolch yn fawr am eich datganiad, Weinidog. Yr wyf yn falch o ailgadarnhau cefnogaeth Plaid Cymru i'r fenter hon, a'i nod o leihau'n sylweddol, os nad dileu'n gyfangwbl yn y pen draw, y defnydd o fagiau siopa untro. Mae llawer o fanwerthwyr eisoes yn codi tâl am fagiau untro ar sail wirfoddol ac yn trosglwyddo'r elw i amryfal achosion elusennol, sydd i'w groesawu. Fodd bynnag, y mae manwerthwyr o hyd sydd yn gyndyn o wneud hynny. Ar yr ochr hon i'r Siambr yr ydym o'r farn y dylid eu gorfodi i godi tâl, felly cefnogwn ddeddfwriaeth i gyflwyno tâl gorfodol.

Mae gennyf gwestiynau penodol am y tâl a'i effaith. Sut y penderfynir ar y broses i bennu'r tâl, ac a fydd modd adolygu'r swm a godir? Crybwyllasoch yr angen i brofi'r farchnad ynglŷn â hyn, ond trwy ba broses y bydd Aelodau'n cytuno ar y tâl? Os gosodir y tâl yn rhy uchel neu'n rhy isel ar y dechrau, beth fydd y peirianwaith ar gyfer ei newid? Yn olaf, faint o arian yr ydych yn disgwyl i'r fenter hon ei godi?

Jane Davidson: Diolch ichi am gefnogaeth eich plaid i'r cynnig hwn. Yr ydym yn defnyddio dulliau modelu Asiantaeth yr Amgylchedd i ddadansoddi cylch oes bagiau untro, a dylai'r canlyniadau fod ar gael y mis nesaf, a fydd yn gymorth dramatig inni wrth edrych ar faterion ynghylch codi tâl, a gweld ble mae eithriadau yng nghyd-destun bagiau. Yn ein hymgyngoriad cychwynnol holasom ynglŷn â bagiau hollol gompostiadwy—mae diffiniad wedi'i bennu ar sail draws-Ewropeaidd—y gellid eu taflu allan gyda chompost domestig, ac a ddylid eithrio'r rheiny. Bydd y gwaith y mae Asiantaeth yr Amgylchedd yn ei wneud yn ein helpu gyda hynny.

Bydd y gwaith modelu economaidd sydd wedi'i wneud yn ein helpu i edrych ar lefel y tâl. Ar hyn o bryd, gallaf ddweud efallai y bydd un neu ragor o gynigion ynglŷn â thâl,

charge, with the economic and life-cycle modelling attached, that will go into the consultation. When the regulations are in place, I will need to take guidance from lawyers about how this is reflected, but my assumption is that they would operate a level of mandatory charge, and that therefore there may need to be further regulations if such a charge were to be changed, as has happened in Ireland. I will be able to come back to Members with more detail about that now that we are announcing the starting pistol for the proper development of the regulations.

Andrew R.T. Davies: Thank you for your statement this afternoon. Along with Mike German, I was one of the members of the Petitions Committee who dealt with the petition that activated this process—I think that it was one of the first that we heard. It is pleasing to stand here today and listen to your statement and hear our Conservative spokesperson's endorsement for the action that you are taking; it seems that we have cross-party consensus on this.

However, two things trouble me. First, if we implement a tax to change people's mindsets, as is implied, I wonder about our ability to ensure the collection of that money, as Mike mentioned, and enforce the Measure, so that people can have confidence that everyone in the retail sector is playing to the same rules. Perhaps I missed something, but I did not hear any explanation of how you imagine that enforcement would be regulated. Would it be done by trading standards, for example, in the local authorities? We are talking about a significant sum of money, even at the lower level of charging. At the maximum level, it is substantial, so it is incumbent upon you to provide a system that people can have confidence in. People need confidence that businesses cannot circumvent these measures by ordering plastic bags on the internet, for example, and if there are shopkeepers from eastern Europe or Asia, they should not bring supplies of plastic bags in, as they would not be traceable in the way that taxable goods

ynghyd â'r modelu cylch oes ac economaidd cysylltiedig, yn mynd i mewn i'r ymgynghoriad. Pan fydd y rheoliadau wedi'u sefydlu, bydd angen imi gael arweiniad gan gyfreithwyr ynglŷn â'r modd yr adlewyrchir hyn, ond fy nisgwylid yw y byddent yn gweithredu lefel o dâl gorfodol, ac felly y gallai fod angen rheoliadau pellach pe baem am newid y cyfryw dâl, fel a ddigwyddodd yn Iwerddon. Byddaf yn gallu dod yn ôl at Aelodau gyda mwy o fanylion ynghylch hynny a ninnau bellach yn cyhoeddi'r man cychwyn ar gyfer datblygu'r rheoliadau'n iawn.

Andrew R.T. Davies: Diolch am eich datganiad y prynhawn yma. Ynghyd â Mike German, yr oeddwn innau'n un o aelodau'r Pwyllgor Deisebau a ddeliodd â'r ddeiseb a gychwynnodd y broses hon—credaf mai dyma un o'r cyntaf inni roi gwrandawriad iddi. Mae'n braf sefyll yma heddiw a gwrandao ar eich datganiad a chlywed cefnogaeth ein llefarydd Ceidwadol i'r camau yr ydych yn eu cymryd; mae'n ymddangos bod gennym gonsensws ar draws y pleidiau ar hyn.

Fodd bynnag, y mae dau beth yn peri pryder imi. Yn gyntaf, os sefydlwn dreth i newid meddyliau pobl, fel yr awgrymir, tybed beth fydd ein gallu i sicrhau y cesglir yr arian hwnnw, fel y soniodd Mike, a gorfodi'r Mesur, fel y gall pobl gael hyder fod pawb yn y sector manwerthu'n chwarae dan yr un rheolau? Efallai imi golli rhywbeth, ond ni chlywais unrhyw eglurhad am y modd y dychmygwch y câi'r broses orfodi ei rheoleiddio. A fyddai'n waith i safonau masnach, er enghraifft, yn yr awdurdodau lleol? Yr ydym yn sôn am swm arwyddocaol o arian, hyd yn oed ar y lefel is a godir. Ar y lefel uchaf, mae'n sylweddol, felly mae'n rheidrwydd arnoch i ddarparu system y gall pobl gael hyder ynddi. Mae angen i bobl gael hyder na all busnesau osgoi'r mesurau hyn drwy archebu bagiau plastig ar y rhyngwrwyd, er enghraifft, ac os oes siopwyr o ddwyrain Ewrop neu Asia, ni ddylent hwy ddod â chyflenwadau o fagiau plastig i mewn, gan na fyddai modd eu holrhain fel y gwneir gyda

are—you would not know whether duty had been paid on them. For many small shops and medium-sized supermarkets, it would not be unreasonable to think that in excess of 1,000 bags a week would be used, and if you look at the higher level, you are looking at a potential tax bill of anywhere between £5,000 and £10,000 for that business. There would therefore be an incentive for people to circumvent raising the duty, and we do not want that to happen. As you have identified, if you go for the big bang approach, you will, hopefully, get compliance from a high percentage of the population.

Could you therefore clarify, first, who will be responsible for the regulatory audit of this, and, secondly, what ideas you have for implementing this on the ground?

Jane Davidson: It is interesting that you are the only person to have called this a ‘tax’ or ‘duty’; that has not been our approach at all. It is not in any way a tax or duty. It is a requirement on retailers to charge for a particular item at a rate to be set by Government, and the only role that we have is in the setting of that charge—there is no money coming into Government under this approach, and there is no money going to local authorities in the context of any tax or duty. It is important that those words are not used, particularly since they have only been used by those who are opponents, to misrepresent what we are aiming to do on an all-party basis in this Assembly.

On enforcement, we are clear that local authorities are the most appropriate bodies to have the responsibility for monitoring and enforcing. That has proved to be relatively easy in the Irish experience, because the public bought into the scheme in a major way, and given the support across Wales to the action on carrier bags, I hope that the Welsh public will respond similarly.

As I said in response to other contributors to

nwyddau trethadwy—ni fyddech yn gwybod a dalwyd toll arnynt. I lawer o siopau bach ac uwchfarchnadoedd canolig eu maint, ni fyddai’n afresymol meddwl y defnyddid dros 1,000 o fagiau yr wythnos, ac os edrychwch ar y lefel uwch, yr ydych yn edrych ar fil treth posibl o rywle rhwng £5,000 a £10,000 i’r busnes hwnnw. Felly, byddai cymhelliad i bobl osgoi codi’r doll, ac nid oes arnom eisiau i hynny ddigwydd. Fel yr ydych wedi nodi, os ewch amdani go iawn, fe gewch chi ufudd-dod, gobeithio, gan ganran uchel o’r boblogaeth.

A allech egluro, felly, yn gyntaf, pwy fydd yn gyfrifol am archwilio hyn o safbwynt rheolaeth, ac, yn ail, pa syniadau sydd gennych ar gyfer gweithredu hyn ar y ddaear?

Jane Davidson: Mae’n ddiddorol mai chi yw’r unig berson sydd wedi galw hyn yn ‘dreth’ neu ‘doll’; nid dyna’r ffordd yr ydym wedi mynd o’i chwmpas hi o gwbl. Nid yw’n dreth nac yn doll mewn unrhyw fodd. Mae’n ofyniad ar i fanwerthwyr godi tâl am eitem benodol ar gyfradd a bennir gan y Llywodraeth, a’r unig rôl sydd gennym ni yw pennu’r tâl hwnnw—ni ddaw dim arian i ddwylo’r Llywodraeth dan y drefn hon, ac nid aiff unrhyw arian i awdurdodau lleol yng nghyswllt unrhyw dreth na tholl. Mae’n bwysig peidio â defnyddio’r geiriau hynny, yn enwedig gan mai dim ond gwrthwynebwyr sydd wedi’u defnyddio, i gamliwio’r hyn yr ydym yn ceisio’i wneud ar sail hollbleidiol yn y Cynulliad hwn.

Ynglŷn â gorfodi, yr ydym yn glir mai awdurdodau lleol yw’r cyrff mwyaf priodol i gael y cyfrifoldeb am fonitro a gorfodi. Mae hynny wedi profi’n gymharol hawdd ym mhrofiad Iwerddon, gan i’r cyhoedd groesawu’r cynllun yn fawr, ac o ystyried y gefnogaeth ar draws Cymru i’r camau ar fagiau plastig, yr wyf yn gobeithio y gwnaiff y cyhoedd yng Nghymru ymateb mewn modd tebyg.

Fel y dywedais mewn ymateb i gyfranwyr

this debate today, we can, as the Government, require records on the gross or net proceeds to be published. The net proceeds takes off a small administration charge, and the maximum level of such an administration charge will be fixed as a result of our dialogue with retailers. We will also require the publication of the uses to which the net proceeds of the charge have been put. As Leanne said in her contribution, the aim of the policy is to radically reduce, if not eliminate—I think that radical reduction is more likely—the number of single-use bags used in Wales. In a sense, how much money will be raised from this for charitable causes will depend on whether people continue to use single-use bags or not. It is not the aim of the Assembly Government or any of the other parties, I understand, for this to be a major revenue raiser. This policy is about working with the widest number of people to take individual action around climate change, waste and litter, and ensuring that we are able to use our regulatory functions to best effect, and also to make it a part of a wider communications campaign. One issue that I will discuss with retailers over the next few months is having an education and communication campaign that brings up the points that Angela raised earlier about tying it into the wider climate change agenda.

Lesley Griffiths: Thank you for your statement, Minister. I very much welcome the proposed levy on single-use carrier bags. Over the recent consultation period, I attended several schools to discuss the issues with children and young people. I was very pleased that they made written submissions to you during the process, and it was very pleasing to see how enthusiastically they engaged in the process. You also mentioned Marks & Spencer introducing a levy on bags in its food halls, and that those funds go to the company. Just last week, in my constituency, I visited a play area project that had been completely refurbished as a result of receiving money from the company through Groundwork.

eraill at y ddadl hon heddiw, gallwn, fel y Llywodraeth, fynnu y cyhoeddir cofnodion ar yr elw gros neu net. Bydd yr elw net yn tynnu swm bach am weinyddu, a chaiff lefel uchaf y tâl gweinyddu hwn ei osod o ganlyniad i'n deialog â manwerthwyr. Byddwn hefyd yn gofyn am gyhoeddi sut y defnyddiwyd elw net y tâl. Fel y dywedodd Leanne yn ei chyfraniad hi, nod y polisi yw lleihau'n ddirfawr, os nad dileu—yr wyf yn meddwl bod lleihau'n ddirfawr yn fwy tebygol—y nifer o fagiau untro a ddefnyddir yng Nghymru. Mewn ffordd, bydd faint o arian a godir yn sgîl hyn at achosion elusennol yn dibynnu ar a fydd pobl yn parhau i ddefnyddio bagiau untro ai peidio. Nid nod Llywodraeth y Cynulliad nac unrhyw un blaid arall, yn ôl a ddeallaf fi, yw i hyn godi referniw mawr. Amcan y polisi hwn yw cydweithio â'r nifer ehangaf o bobl i gymryd camau fel unigolion ynghylch y newid yn yr hinsawdd, gwastraff a sbwriel, a sicrhau y gallwn ddefnyddio ein swyddogaethau rheoleiddio yn y modd mwyaf effeithiol, a hefyd ei wneud yn rhan o ymgyrch gyfathrebu ehangach. Un mater y byddaf yn ei drafod gyda manwerthwyr yn yr ychydig fisoedd nesaf yw cael ymgyrch addysg a chyfathrebu sy'n codi'r pwyntiau a grybwyllodd Angela'n gynharach ynghylch cysylltu hyn â'r agenda ehangach ar newid hinsawdd.

Lesley Griffiths: Diolch am eich datganiad, Weinidog. Yr wyf yn croesawu'n fawr y bwriad i godi tâl am fagiau plastig untro. Dros y cyfnod ymgynghori diweddar, ymwelais â sawl ysgol i drafod y materion gyda phlant a phobl ifanc. Yr oeddwn yn falch iawn eu bod wedi anfon sylwadau ysgrifenedig atoch chi yn ystod y broses, ac yr oedd yn bleser gweld mor frwd yr oeddent dros ymwneud â'r broses. Soniasoch hefyd am Marks & Spencer yn codi tâl am fagiau yn eu siopau bwyd, a bod yr arian hwnnw'n mynd i'r cwmni. Yr wythnos ddiwethaf hon, yn fy etholaeth, ymwelais â phrosiect lle chwarae a oedd wedi'i ailwampio'n llwyr yn sgîl cael arian oddi wrth y cwmni trwy Groundwork.

I will focus on the issue of where the levy goes. Whether it goes to environmental causes or to other charities, it is crucial, in order to ensure that the public engages in the process, that the public knows where that money is going. Do you agree that the process needs to be very clearly explained to consumers, so that they are aware where that money is going, and that they do not think that it is going into Government coffers? That is what I overheard someone in Marks & Spencer asking about, and it was great that the shop assistant could explain very clearly where the levy was going.

Jane Davidson: I think that the intention of the committee, when it was looking to direct the proceeds from single-use bags, which have an environmental cost, into environmental benefit, was very positive. However, it is entirely legitimate for those stores that have chosen, for example, health charities, such as Macmillan Cancer Support, to do so. We are currently exploring whether or not there are opportunities—perhaps this may be more appropriate for smaller businesses rather than larger ones—for the donations to be gift-aided, so that contributions can go to the bodies in their entirety. I certainly would think that, just as the majority of retailers now have chosen to pass money onto environmental projects, that is the likely destination for the majority in the future.

3.30 p.m.

Trish Law: Contrary to everyone else, it seems, I am disappointed to hear this statement today, and I am sure that the management and workers at an Ebbw Vale factory that manufactures carrier bags will be similarly dismayed. I met the managing director of that company recently, and I have been satisfied that there has been a great deal of misinformation flying around for some time on this. For example, I am of the opinion that some of the figures quoted in the recent consultation may be inaccurate.

Canolbwyntiaf ar gwestiwn ble mae'r tâl yn mynd. P'run ai yr aiff i achosion amgylcheddol neu i elusennau eraill, mae'n hollbwysig, er mwyn sicrhau bod y cyhoedd yn ymgysylltu â'r broses, fod y cyhoedd yn gwybod i ble mae'r arian hwnnw'n mynd. A ydych yn cytuno bod angen egluro'r broses yn glir iawn i ddefnyddwyr, fel eu bod yn ymwybodol i ble mae'r arian hwnnw'n mynd, ac nad ydynt yn meddwl ei fod yn mynd i goffrau'r Llywodraeth? Dyna beth y clywais rywun yn Marks & Spencer yn holi yn ei gylch, ac yr oedd yn wych fod y cynorthwydd yn y siop yn gallu egluro'n glir iawn i ble'r oedd y tâl yn mynd.

Jane Davidson: Credaf fod bwriad y pwyllgor, wrth ystyried cyfeirio'r elw a ddeuai o fagiau untro, sydd â chost amgylcheddol, i rywbeth a fyddai o fudd i'r amgylchedd, yn gadarnhaol iawn. Fodd bynnag, mae'n berffaith gyfreithlon i'r siopau hynny sydd wedi dewis, er enghraifft, elusennau iechyd, fel Cymorth Cancr Macmillan, wneud hynny. Yr ydym wrthi ar hyn o bryd yn edrych a oes cyfleon ai peidio—efallai y byddai hyn yn fwy priodol i fusnesau bach yn hytrach na rhai mwy—i'r symiau a roddir gario cymorth rhodd, fel y gall cyfraniadau fynd i'r cyrff yn eu cyfanrwydd. Yn sicr, buaswn yn meddwl, yn union fel y mae'r mwyafrif o fanwerthwyr bellach wedi dewis trosglwyddo arian i brosiectau amgylcheddol, mai dyna i ble mae'r rhan fwyaf yn debygol o fynd yn y dyfodol.

Trish Law: Yn groes i bawb arall, mae'n ymddangos, yr wyf fi wedi fy siomi o glywed y datganiad hwn heddiw, ac yr wyf yn siŵr y bydd y rheolwyr a'r gweithwyr mewn ffatri yng Nglynebwy sy'n cynhyrchu bagiau siopa yr un mor siomedig. Cwrddais â rheolwr gyfarwyddwr y cwmni hwnnw'n ddiweddar, ac yr wyf wedi fy narbwylllo bod llawer iawn o wybodaeth gamarweiniol wedi cael ei lledaenu am hyn ers tro. Er enghraifft, yr wyf o'r farn fod rhai o'r ffigurau a ddyfynnwyd yn yr ymgynghoriad diweddar efallai'n

Figures quoted in 2007 by the Department for Environment, Food and Rural Affairs and the waste reduction body, Waste and Resources Action Programme, suggest that carrier bags represent nearer 0.26 per cent of litter and not 2.7 per cent as stated. Furthermore, since that time, by voluntary effort, Wales has reduced the number of carrier bags by half, which would result in a figure nearer to 0.13 per cent. According to the Scottish Executive's impact assessment, plastic bags account for just 0.065 per cent of litter pollution.

As I have said, the voluntary approach, with Government, retailers and consumers working together has already achieved a remarkable reduction in single-use carrier bags, and I believe that that is the approach we should be pursuing. One supermarket chain has just begun an initiative that offers customers discounts on selected purchases, provided they reuse carrier bags. Other supermarkets and stores are offering similar incentives to customers, and that is the route that we should be going down, encouraging more and more retailers to give their customers incentives for reusing bags.

I am concerned about the effect that charging will have on lower-income groups, which are plentiful in Blaenau Gwent. We also have a healthy number of market days in Blaenau Gwent when local produce is sold loose. Presumably, this will have to be pre-packed in future, at an additional cost that will surely fall on the consumer. Our high street shops are slowly disappearing due to economic pressures at this time of recession. The introduction of a charge on carrier bags, along with the associated administrative obligations, will act as a huge disincentive to small traders in particular, possibly resulting in further closures. I do not always agree with the CBI, but I share industry's view that a voluntary approach, which has reduced carrier bag use in Wales by 49 per cent in just two years, proves that there is no need to pursue a levy.

anghywir. Mae ffigurau a ddyfynnwyd yn 2007 gan Adran yr Amgylchedd, Bwyd a Materion Gwledig a'r corff lleihau gwastraff, Rhaglen Weithredu'r Cynllun Gwastraff ac Adnoddau, yn awgrymu bod bagiau siopa'n agosach at 0.26 y cant o sbwriel ac nid 2.7 y cant fel y dywedwyd. Ar ben hynny, ers yr adeg honno, trwy ymdrech wirfoddol, mae Cymru wedi haneru nifer y bagiau siopa, a fyddai'n rhoi ffigur agosach at 0.13 y cant. Yn ôl asesiad effaith Gweithrediaeth yr Alban, mae bagiau plastig yn cyfrif am ddim ond 0.065 y cant o lygredd sbwriel.

Fel y dywedais, mae'r dull gwirfoddol, lle mae'r Llywodraeth, manwerthwyr a chwsmeriaid yn cydweithio, eisoes wedi sicrhau lleihad hynod mewn bagiau siopa untro, a chredaf mai dyna'r dull y dylem fod yn ei ddefnyddio. Mae un gadwyn uwchfarchnadoedd newydd gychwyn cynllun sy'n cynnig gostyngiadau i gwsmeriaid ar rai pryniannau penodol, ar yr amod eu bod yn aildefnyddio bagiau siopa. Mae uwchfarchnadoedd a siopau eraill yn cynnig cymhellion tebyg i'w cwsmeriaid, a dyna'r trywydd y dylem fod yn ei ddilyn, sef annog mwy a mwy o fanwerthwyr i roi cymhellion i'w cwsmeriaid am aildefnyddio bagiau.

Yr wyf yn poeni am yr effaith a gaiff codi tâl ar grwpiau incwm is, y mae digonedd ohonynt ym Mlaenau Gwent. Mae gennym hefyd nifer dda o ddyddiau marchnad ym Mlaenau Gwent pryd y gwerthir cynnyrch lleol yn rhydd. Gellir tybio y bydd yn rhaid rhagbecynnu hyn yn y dyfodol, ar gost ychwanegol a fydd yn sicr yn cael ei throsglwyddo i'r cwsmer. Mae ein siopau yn y stryd fawr yn graddol ddiiflannu oherwydd pwysau economaidd ar yr adeg hon o ddirwasgiad. Bydd cyflwyno tâl am fagiâu plastig, ynghyd â'r dyletswyddau gweinyddol cysylltiedig, yn gweithredu fel anghymhelliad anferth i fasnachwyr bychain yn enwedig, gan arwain o bosibl at gau mwy o siopau. Ni fyddaf bob amser yn cytuno â'r CBI, ond rhannaf farn diwydiant fod dull gwirfoddol, sydd wedi cwtdogi 49 y cant ar ddefnydd bagiau plastig yng Nghymru mewn cwta dwy flynedd, yn profi nad oes angen

gorfodi codi tâl.

The Scottish Executive found that a levy, similar to the one proposed here, would lead to a reduction of only 0.26 per cent in household waste while creating a significant burden for small and non-food retailers. As Scotland has abandoned plans to introduce a levy, those significant burdens will now fall only on Welsh retailers.

Canfu Gweithrediaeth yr Alban na fyddai codi tâl, tebyg i'r hyn a gynigir yma, ddim ond yn arwain at leihad o 0.26 y cant mewn gwastraff cartref tra'n creu baich sylweddol i fanwerthwyr bach a rhai mewn meysydd ar wahân i fwyd. Gan fod yr Alban wedi rhoi'r gorau i gynlluniau i gyflwyno codi tâl, bydd y beichiau sylweddol hynny bellach yn dod i ran manwerthwyr Cymru'n unig.

*Daeth y Dirprwy Lywydd (Rosemary Butler) i'r Gadair am 3.32 p.m.
The Deputy Presiding Officer (Rosemary Butler) took the Chair at 3.32 p.m.*

Jane Davidson: You will appreciate that not only have I met the people who have been briefing you in this context, but that we have explored a number of these issues through the consultation. It is probably important for you to have a look at the AEA report that was published in October, because it is now the most up-to-date report of any of the reports of any of the administrations in the UK. It recommended that we should go ahead with a levy.

Jane Davidson: Byddwch yn sylweddoli fy mod nid yn unig wedi cwrdd â'r bobl sydd wedi bod yn eich briffio chi yn y cyd-destun hwn, ond ein bod wedi archwilio nifer o'r materion hyn trwy'r ymgynghoriad. Mae'n debyg ei bod yn bwysig i chi gael golwg ar adroddiad AEA a gyhoeddwyd ym mis Hydref, oherwydd hwnnw bellach yw'r adroddiad mwyaf i'r-funud o holl adroddiadau pob un o'r gweinyddiaethau yn y Deyrnas Unedig. Argymhellodd y dylem fynd ymlaen â chodi tâl.

It is also important to say that there has not been a reduction of 50 per cent in carrier bag use in Wales, but of just under 50 per cent by the seven retailers who participated. In my answer to a previous point, I referred to the fact that there were originally 21 retailers participating in the 25 per cent reduction target, and only seven of those moved on to the 50 per cent reduction. Initially, the British Retail Consortium had suggested that it would then move to a 70 per cent reduction with a timetable, but it is no longer prepared either to move to that or agree to a timetable. I think that that demonstrates that, having taken all of the evidence into account, we need to make this move.

Mae'n bwysig dweud hefyd na fu lleihad o 50 y cant yn y defnydd o fagiâu siopa yng Nghymru, ond o ychydig dan 50 y cant gan y saith manwerthwr a gymerodd ran. Yn fy ateb i bwynt blaenorol, cyfeiriais at y ffaith fod 21 o fanwerthwyr yn wreiddiol yn cymryd rhan yn y targed lleihau 25 y cant, ac mai dim ond saith o'r rheiny a symudodd ymlaen i geisio lleihad 50 y cant. Ar y dechrau, yr oedd Consortiwm Manwerthu Prydain wedi awgrymu y symudai ymlaen wedyn at leihad 70 y cant gydag amserlen, ond nid yw mwyach yn barod i symud at hynny nac i gytuno ar amserlen. Credaf fod hynny'n dangos, wedi cymryd yr holl dystiolaeth i ystyriaeth, fod angen inni wneud y symudiad hwn.

On your point about burdens to the high street, I hope that, in the way that we are managing this, we have completely dealt with that point. Shops on the high street are already purchasing bags, and we are saying

Ynglŷn â'ch pwynt am feichiau i'r stryd fawr, yr wyf yn gobeithio, yn y modd yr ydym yn rheoli hyn, ein bod wedi delio â'r pwynt hwnnw'n gyfan gwbl. Mae siopau ar y stryd fawr eisoes yn prynu bagiau, ac yr

that they will be able to keep the proceeds from the sale of the bags under our scheme. We would hope that they would then contribute a proportion of that to good causes. Clearly, we would expect them to net off their purchase of the bags first, so we do not see this as negative in that context.

It is also true to say that a number of the retailers that already charge for bags serve low-income communities. One of the critical issues for us is to ensure that we have an appropriate education and communication campaign. I would also hope that, through our department for the economy, we will be able to work with those people who are either distributors or manufacturers who feel concerned about this to look at new business opportunities because that is critical. That is why we are making the announcement today that the earliest opportunity for the introduction of such a charge in Wales would not be until at least October 2010. Therefore, we can work together on this.

ydym yn dweud y byddant yn gallu cadw'r elw o werthu'r bagiau o dan ein cynllun ni. Byddem yn gobeithio y byddent wedyn yn cyfrannu cyfran o hynny at achosion da. Yn amlwg, byddem yn disgwyl iddynt netio eu pryniant o'r bagiau'n gyntaf, felly ni welwn hyn fel peth negyddol yn y cyd-destun hwnnw.

Mae'n wir dweud hefyd fod nifer o'r manwerthwyr sydd eisoes yn codi tâl am fagiau'n gwasanaethu cymunedau incwm isel. Un o'r materion hollbwysig i ni yw sicrhau bod gennym ymgyrch addysg a chyfathrebu priodol. Byddwn yn gobeithio hefyd y gallwn, drwy ein hadran dros yr economi, weithio gyda'r bobl hynny sydd naill ai'n ddosbarthwyr neu'n gynhyrchwyr ac sy'n teimlo'n bryderus ynglŷn â hyn i edrych ar gyfleon busnes newydd, oherwydd mae hynny'n allweddol. Dyna pam yr ydym yn gwneud y cyhoeddiad heddiw na ddeuai'r cyfle cyntaf i gyflwyno tâl o'r fath yng Nghymru tan o leiaf Hydref 2010. Felly, gallwn weithio gyda'n gilydd ar hyn.

Datganiad am Baratoi ar gyfer Copenhagen Statement on Preparation for Copenhagen

The Minister for Environment, Sustainability and Housing (Jane Davidson): The world's nations will meet at the fifteenth conference of the United Nations' framework convention on climate change, which will take place in Copenhagen from 7 to 18 December 2009. This conference is expected to achieve a global climate change agreement that would enter into force when the Kyoto protocol expires in 2012. Securing a global agreement is critical to tackling climate change and invoking rapid, substantive worldwide action on this most urgent of issues.

We believe that, as a small, industrialised nation, Wales has an important role to play in demonstrating leadership on this issue. Regional governments are key to implementing a global climate change deal. Wales is co-chair for Europe of the Network

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai (Jane Davidson): Bydd gwledydd y byd yn cwrdd ym mhymthegfed gynhadledd confensiwn fframwaith y Cenhedloedd Unedig ar newid yn yr hinsawdd, a gynhelir yn Copenhagen rhwng 7 a 18 Rhagfyr 2009. Disgwylir i'r gynhadledd hon gyflawni cytundeb byd-eang ar newid yn yr hinsawdd a fyddai'n dod i rym pan ddaw protocol Kyoto i ben yn 2012. Mae sicrhau cytundeb byd-eang yn hollbwysig i fynd i'r afael â newid yn yr hinsawdd ac ennyn gweithredu byd-eang cyflym a sylweddol ar y mater hwn sydd o'r pwys mwyaf.

Yr ydym yn credu, fel gwlad ddiwydiannol, fach, fod gan Gymru ran bwysig i'w chwarae drwy gymryd yr awenau ar y mater hwn. Mae llywodraethau rhanbarthol yn allweddol ar gyfer gweithredu cytundeb byd-eang ar newid yn yr hinsawdd. Mae Cymru yn

of Regional Governments for Sustainable Development, nrg4SD, which is a role that we took on in June. Wales is working closely with regional government network partners, UN and European bodies, and other organisations to increase international recognition for regional government action on climate change. I will participate in the conference and proceedings of the COP15 conference in Copenhagen in December, where my programme, so far, is as follows.

On Sunday, 13 December, I will speak at a large event organised by the European Environment Agency and the United Nations Environment Programme with key politicians and businesses focusing on climate communities and world leaders and scientists. On Monday 14 December I will chair an nrg4SD steering committee and side event, and attend a European Environment Agency event to launch a film, *Oceans Day*. On Tuesday 15 December I will speak at the Climate Group's summit and side event. Following this, I will speak at an event with the European Parliamentary delegation, the Global Network on Energy for Sustainable Development organised by the European Environment Agency, and a youth event organised by the Swedish presidency and the European Youth Forum. Dates for these latter events are still being confirmed. There will also be a number of opportunities to take part in other events and bilateral meetings which will occur during the main event.

I will be taking a number of messages to the Copenhagen conference. First, the Assembly Government has been participating in discussions on the negotiating text to be put forward to the UN secretariat for the Copenhagen conference. This text calls for greater recognition of the role that regions play in climate change activity as between 50 per cent and 80 per cent of mitigation and

gydgadeirydd Ewrop Rhwydwaith y Llywodraethau Rhanbarthol dros Ddatblygu Cynaliadwy, nrg4SD, sy'n swyddogaeth a gawsom ym mis Mehefin. Mae Cymru yn gweithio'n agos gyda phartneriaid rhwydwaith llywodraethau rhanbarthol, y Cenhedloedd Unedig a chyrrff Ewropeaidd a sefydliadau eraill i godi'r gydnabyddiaeth ryngwladol ar gyfer gweithredu llywodraethau rhanbarthol ar newid yn yr hinsawdd. Byddaf yn cymryd rhan yn y gynhadledd ac yn nhrafodion cynhadledd COP15 yn Copenhagen ym mis Rhagfyr. Dyma yw fy rhaglen hyd yn hyn.

Ddydd Sul, 13 Rhagfyr, byddaf yn siarad mewn digwyddiad mawr a drefnir gan Asiantaeth yr Amgylchedd Ewrop a Rhaglen Amgylchedd y Cenhedloedd Unedig gyda gwleidyddion allweddol a busnesau sy'n canolbwyntio ar gymunedau hinsawdd ac arweinwyr byd a gwyddonwyr. Ddydd Llun 14 Rhagfyr byddaf yn cadeirio pwyllgor llywio a digwyddiad ymylol nrg4SD, ac yn mynd i ddigwyddiad Asiantaeth yr Amgylchedd Ewrop i lansio ffilm, *Oceans Day*. Ddydd Mawrth 15 Rhagfyr byddaf yn siarad yn uwchgynhadledd a digwyddiad ymylol y Grŵp Hinsawdd. Yn dilyn hyn, byddaf yn siarad mewn digwyddiad gyda dirprwyaeth o Senedd Ewrop, y Rhwydwaith Byd Eang ar Ynni ar gyfer Datblygu Cynaliadwy a drefnir gan Asiantaeth yr Amgylchedd Ewrop, a digwyddiad i bobl ifanc a drefnir gan arlywyddiaeth Sweden a Fforwm Ieuencid Ewrop. Mae'r dyddiadau ar gyfer y digwyddiadau olaf hyn eto i gael eu cadarnhau. Ceir nifer o gyfleoedd hefyd i gymryd rhan mewn digwyddiadau eraill a chyfarfodydd dwyochrog a gynhelir yn ystod y prif ddigwyddiad.

Byddaf yn mynd â nifer o negeseuon i gynhadledd Copenhagen. Yn gyntaf, mae Llywodraeth y Cynulliad wedi bod yn cymryd rhan mewn trafodaethau ynghylch y testun negodi sydd i'w gyflwyno i ysgrifenyddiaeth y Cenhedloedd Unedig ar gyfer cynhadledd Copenhagen. Mae'r testun hwn yn galw am fwy o gydnabyddiaeth o'r swyddogaeth y mae rhanbarthau'n ei chwarae

adaptation actions needed to reach the ultimate goals of the UNFCCC will be implemented at sub-national and local levels. It is intended to be the basis for future regional involvement in the implementation stage following the Copenhagen conference deal.

The Climate Change Commission for Wales is central to our work to tackling the causes and consequences of climate change in Wales. The commission has developed a clear consensus on the outcomes that it wants to see from the Copenhagen conference, which is laid out in a statement that I will take with me. This statement has already been presented at a major energy and climate change event that formed part of the Smithsonian Folklife Festival in Washington.

At the commission meeting on 27 October, members provided an update of their preparations for Copenhagen. For example, the CBI has met to discuss commonalities for Copenhagen with business federations in countries such as Germany, China and Russia; the Centre for Alternative Technology will present its report, 'Zero Carbon Britain 2' at Copenhagen; Wales Environment Link's members, through the Stop Climate Chaos Coalition, are supporting the UK 'blue wave' demonstrations, and a blue dragon will represent Wales at Copenhagen.

We particularly wanted to take the views of young people: it is more important than ever that young people are involved with action on climate change. After all, it is they who will inherit the world that results from the decisions made in Copenhagen. We held an event for young people in Swansea in July, which gave delegates a chance to tell us their views. We are compiling a presentation of

mewn gweithgarwch newid yn yr hinsawdd oherwydd bydd rhwng 50 y cant a 80 y cant o'r camau gweithredu lliniaru ac addasu y mae eu hangen er mwyn cyflawni nodau'r Confensiwn Fframwaith y Cenedlaethol Unedig ar Newid yn yr Hinsawdd yn cael eu rhoi ar waith ar lefelau is-genedlaethol a lleol. Bwriedir iddo fod yn sylfaen ar gyfer cyfranogiad rhanbarthol yn y dyfodol yn y cam gweithredu yn dilyn cytundeb cynhadledd Copenhagen.

Mae Comisiwn Cymru ar y Newid yn yr Hinsawdd yn ganolog i'n gwaith i fynd i'r afael ag achosion a chanlyniadau newid yn yr hinsawdd yng Nghymru. Mae'r comisiwn wedi datblygu consensws clir ar y canlyniadau y mae arno eisiau eu gweld o gynhadledd Copenhagen, sydd wedi'i osod allan yn y datganiad yr af gyda mi. Mae'r datganiad hwn eisoes wedi cael ei gyflwyno mewn digwyddiad ynni a newid yn yr hinsawdd pwysig a oedd yn rhan o'r Wyl Bywyd Gwerin Smithsonian yn Washington.

Yng nghyfarfod y comisiwn ar 27 Hydref, rhoddodd yr aelodau'r wybodaeth ddiweddaraf am eu paratoadau ar gyfer Copenhagen. Er enghraifft, mae Cydffederasiwn Diwydiant Prydain wedi cwrdd i drafod elfennau cyffredin ar gyfer Copenhagen â ffederasiynau busnes mewn gwledydd megis yr Almaen, Tsieina a Rwsia; bydd y Ganolfan Dechnoleg Amgen yn cyflwyno ei hadroddiad 'Zero Carbon Britain 2' yn Copenhagen; mae aelodau Cyswllt Amgylchedd Cymru, drwy'r Glymblaid Atal Anrhefn Hinsawdd, yn cefnogi gwrthdystiadau 'blue wave' y DU a bydd draig las yn cynrychioli Cymru yn Copenhagen.

Yr oeddem yn arbennig o awyddus i fynd â safbwyntiau pobl ifanc gyda ni: mae'n bwysicach nag erioed o'r blaen bod pobl ifanc yn ymwneud â gweithredu ar newid yn yr hinsawdd. Wedi'r cyfan, nhw fydd yn etifeddu'r byd a fydd yn deillio o'r penderfyniadau a wneir yn Copenhagen. Yr oeddem wedi cynnal digwyddiad ar gyfer pobl ifanc yn Abertawe fis Gorffennaf, a

film from the video booths, which is uploaded on Facebook, comments from the graffiti walls, and feedback from other messages given to us, such as those from the Tick Tock campaign, and from sources such as WWF's Climate Witness campaign.

One of our climate change champions for Wales will come to Copenhagen, and will help convey these messages of the people of Wales. Besides meeting with other youth delegates to learn from other countries, he or she will engage young people in Wales with the negotiations, and the need to act on climate change. We anticipate considerable Welsh media interest in their activities.

3.40 p.m.

In the run-up to Copenhagen, we have participated in a number of high profile events. We took a big step forward at Poznań last December, with the subsequent agreement on the EU's climate and energy package. I attended the meeting of the Environment Council in Brussels on 2 March 2009, which was an important moment for EU action on climate change. Last Friday, the EU position on Copenhagen was announced. That position will allow the EU to play a constructive role in the negotiations, particularly on financing given that the EU is prepared to contribute its fair share of the funding needed to support an agreement.

At the end of May, I chaired a United Nations development programme side event on regional public-private partnerships at the world business summit on climate change in Copenhagen. I presented our Wales-based activity to tackle climate change and our involvement in the UN's development programme to support developing country regions, the territorial approach to climate change and our partnership with the Mbale

roddodd gyfle i'r rheiny a oedd yn bresennol rannu eu safbwyntiau â ni. Yr ydym yn llunio cyflwyniad a fydd yn cynnwys ffilm o'r blychau fideo, sydd wedi'i lwytho i fyny ar Facebook, sylwadau o'r waliau graffiti ac adborth o negeseuon eraill a roddwyd inni, megis y rheiny o'r ymgyrch Tick Tock, ac o ffynonellau megis ymgyrch Tystion Hinsawdd WWF.

Bydd un o'n hyrwyddwyr newid hinsawdd ar gyfer Cymru yn dod i Copenhagen ac yn helpu i gyfleu'r negeseuon hyn gan bobl Cymru. Yn ogystal â chwrrd â chynadledwyr ifanc eraill i ddysgu o wledydd eraill, bydd ef neu hi yn ymgysylltu pobl ifanc yng Nghymru â'r trafodaethau, a'r angen i weithredu ar newid yn yr hinsawdd. Yr ydym yn rhagweld y bydd gan gyfryngau Cymru gryn ddiddordeb yn eu gweithgareddau.

Yn ystod y cyfnod sy'n arwain at Copenhagen, yr ydym wedi cymryd rhan mewn nifer o ddigwyddiadau uchel eu proffil. Yr oeddem wedi cymryd cam mawr ymlaen yn Poznań fis Rhagfyr diwethaf, gyda'r cytundeb dilynol ar becyn hinsawdd ac ynni'r UE. Bûm yng nghyfarfod Cyngor yr Amgylchedd ym Mrwsel ar 2 Mawrth 2009, a oedd yn adeg bwysig i weithredu'r UE ar newid yn yr hinsawdd. Ddydd Gwener ddiwethaf, cyhoeddwyd safbwynt yr UE ar Copenhagen. Bydd y safbwynt hwnnw'n caniatáu i'r UE chwarae rhan adeiladol yn y trafodaethau, yn enwedig ar gyllid ac ystyried bod yr UE yn fodlon cyfrannu ei chyfran deg o'r cyllid y mae ei angen i gefnogi cytundeb.

Ddiwedd mis Mai, bûm yn cadeirio digwyddiad ymylol a gynhaliwyd gan raglen datblygu'r Cenhedloedd Unedig ar bartneriaethau cyhoeddus-preifat rhanbarthol yn yr uwchgynhadledd busnes byd ar newid yn yr hinsawdd yn Copenhagen. Cyflwynais y gweithgarwch a oedd yn mynd rhagddo yng Nghymru i fynd i'r afael â newid yn yr hinsawdd a'n rhan yn rhaglen datblygu'r Cenhedloedd Unedig i gefnogi rhanbarthau

region in Uganda.

I also spoke at the US Governors' Global Summit 2: On the Road to Copenhagen from 30 September to 2 October. That summit promoted official recognition by the UN for sub-national leadership and support in the lead-up to an agreement at Copenhagen. Tomorrow, I am travelling to the final UNFCCC negotiating event in Barcelona, where I will chair an nrg4SD side event and speak at an event organised by The Climate Group. Participating in the Copenhagen conference enables Wales to demonstrate, on a global stage, that we are among the most active and effective regional governments in the world in addressing sustainable development and climate change.

Angela Burns: I find your statement astonishing—so astonishing that I am not entirely sure that I can even thank you for it. Given the title, 'Preparation for Copenhagen', I had thought that you would be putting forward more detail on your key strategy to ensure that the voice of Wales was heard across a big table. Instead, you have given us a list of activities that have already been announced; you are merely rehearsing them.

We know that the Climate Change Commission for Wales has put together its wish list and that its statement is already in the public domain. Almost everything in your statement has been launched, stated or trialled before. As for the blow-by-blow account of your diary, you are the Minister for the Environment, Sustainability and Housing and therefore I would expect you to be busy at Copenhagen. This litany of activity is unnecessary—we need action. We need you to demonstrate that sustainability is a thread that underpins Government.

gwledydd sy'n datblygu, y dull gweithredu tiriogaethol at newid yn yr hinsawdd a'n partneriaeth â'r rhanbarth Mbale yn Uganda.

Bûm hefyd yn siarad yn Uwchgynhadledd Fyd-eang a Llywodraethwyr UDA: On the Road to Copenhagen rhwng 30 Medi a 2 Hydref. Yr oedd yr uwchgynhadledd honno'n hybu cydnabyddiaeth swyddogol gan y Cenhedloedd Unedig ar gyfer arweiniad a chefnogaeth is-genedlaethol yn y cyfnod hyd at gytundeb yn Copenhagen. Yfory, byddaf yn teithio i ddigwyddiad trafod olaf Confensiwn Fframwaith y Cenhedloedd Unedig ar Newid yn yr Hinsawdd yn Barcelona, lle byddaf yn cadeirio digwyddiad ymylol nrg4SD ac yn siarad mewn digwyddiad a drefnir gan y Grŵp Hinsawdd. Mae cymryd rhan yng nghynhadledd Copenhagen yn galluogi Cymru i ddangos, ar lwyfan byd-eang, ein bod ymysg y llywodraethau rhanbarthol mwyaf gweithredol ac effeithiol o ran mynd i'r afael â datblygu cynaliadwy a newid yn yr hinsawdd.

Angela Burns: Mae eich datganiad wedi fy rhyfeddu—i'r fath raddau nad wyf yn hollol siŵr a allaf hyd yn oed ddiolch ichi amdano. Ac ystyried y teitl, 'Paratoi ar gyfer Copenhagen', yr oeddwn wedi meddwl y byddwch yn cyflwyno mwy o fanylion am eich strategaeth allweddol i sicrhau bod llais Cymru yn cael ei chlywed ar draws fwrdd mawr. Yn lle hynny, yr ydych wedi rhestru gweithgareddau sydd eisoes wedi cael eu cyhoeddi; dim ond eu hailadrodd y'r ydych.

Yr ydym yn gwybod bod Comisiwn Cymru ar y Newid yn yr Hinsawdd wedi llunio ei restr o ddymuniadau a bod ei ddatganiad eisoes ar gael i'r cyhoedd. Mae bron i bopeth yn eich datganiad wedi cael ei lansio, ei gynnwys mewn datganiad neu ei dreialu o'r blaen. Ac yng nghyswllt eich adroddiad cam wrth gam o'ch dyddiadur, chi yw'r Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai a byddwn felly'n disgwyl ichi fod yn brysur yn Copenhagen. Mae'r litani hon o weithgareddau'n ddianghenraid—mae arnom angen

Therefore, what strategies will you promote as Welsh suggestions that other countries might wish to review? What clear actions and results do you hope to come back with? If consensus is not reached at Copenhagen, what results would you be prepared to take on either unilaterally or in a small country grouping? Do you already have a consensus of opinion with other countries, which you are taking forward, apart from the much-wanted sideshow that you have already mentioned—sorry, I have forgotten its name.

How many of you will go and what actions must you take? I know that you will take your climate change champion because you have already mentioned that in previous statements. Does everyone who is going have a clear set of goals and actions, even if they are only about forming a relationship with other countries with similar aspirations and with countries that are at the same point in their ability to implement such actions? I would also like to know how you are all getting there because my requests under the Freedom of Information Act 2000 are being ignored and all of this involves a great deal of travelling. I hope that we are doing this as sustainably as possible in order to show clear leadership.

I agree that Wales has an important role to play. We should be able to show clear and demonstrable leadership in key areas, but I heard no evidence in your statement on how you will implement our best practice and how you will impart it to these other countries. We seek actions, Minister. The time for talk has long gone. Our hope is that the Copenhagen conference will achieve results, but that hope hangs by a thread.

You are an extremely robust individual who is committed to climate change, but when

gweithredu. Mae arnom angen ichi ddangos bod cynaliadwyedd yn llinyn arian sy'n sail i Lywodraeth. Felly, pa strategaethau y byddwch yn eu hyrwyddo fel awgrymiadau Cymreig y gallai fod ar wledydd eraill eisiau eu hadolygu? Pa gamau gweithredu a chanlyniadau clir yr ydych yn gobeithio dod yn ôl gyda chi? Oni cheir consensws yn Copenhagen, pa ganlyniadau y byddech yn fodlon eu derbyn naill ai ar un ochr neu mewn grŵp o wledydd bach? A oes gennyh eisoes gonsensws barn gyda gwledydd eraill, yr ydych yn mynd â hwy rhagddynt, ac eithrio'r sioe ochr mawr ei hangen yr ydych eisoes wedi'i chrybwyll—mae'n ddrwg gennyf, yr wyf wedi anghofio ei henw.

Faint ohonoch fydd yn mynd a pha gamau y bydd yn rhaid ichi eu cymryd? Gwn y bydd eich hyrwyddwr newid hinsawdd yn mynd gyda chi oherwydd yr ydych eisoes wedi crybwyll hynny mewn datganiadau blaenorol. A oes gan bawb sy'n mynd set glir o nodau a champau gweithredu, hyd yn oed os yw'r rheiny ond yn golygu meithrin perthynas â gwledydd eraill sydd â dyheadau tebyg ac â gwledydd sydd ar yr un pwynt yn eu gallu i weithredu camau gweithredu o'r fath? Hoffwn hefyd wybod sut y byddwch i gyd yn cyrraedd oherwydd mae fy ngheisiadau dan Ddeddf Rhyddid Gwybodaeth 2000 yn cael eu hanwybyddu ac mae hyn i gyd yn golygu llawer iawn o deithio. Gobeithiaf eich bod yn gwneud hyn mor gynaliadwy ag sy'n bosibl er mwyn dangos arweiniad clir.

Yr wyf yn cytuno bod gan Gymru ran bwysig i'w chwarae. Dylem allu dangos arweiniad clir ac amlwg mewn meysydd allweddol, ond ni chlywais ddim tystiolaeth yn eich datganiad am sut y byddwch yn gweithredu ein harfer gorau a sut y byddwch yn ei rannu â'r gwledydd eraill hyn. Mae arnom eisiau gweld gweithredu, Weinidog. Mae'r amser i siarad wedi hen fynd. Ein gobaith yw y bydd cynhadledd Copenhagen yn cyflawni canlyniadau ond mae'r gobaith hwnnw yn y fantol.

Yr ydych yn unigolyn cadarn iawn sydd wedi ymrwymo i newid yn yr hinsawdd, ond pan

you talk about preparation for Copenhagen, rather than just outlining where you will go and to whom you will talk, I would like you to say that when you return from Copenhagen, you want this or that in your bag and if you do not have them, I also want you to say what you will be prepared to do about it. At the moment, we have no idea of how far you will be prepared to go or what you would accept as a good result or a poor result. All of that is still up in the air and, as you rightly say, Copenhagen is one of our last great chances.

Jane Davidson: I am surprised by your response because we are one of the few sub-member-state countries in the world that that is having the kind of access that I described, which demonstrates your complete lack of understanding of global relationships. I am happy to continue to promote our climate change strategy, which is partly the reason why I have been afforded the opportunity to speak to others. The UK, by having the first piece of climate change legislation in the world, is seen as a world leader, because it has made the commitment to cut emissions by 80 per cent.

Wales is the first part of the UK that had a fully formed climate change strategy, which has been out for consultation, demonstrating how we will meet our target of a 3 per cent reduction in greenhouse gas emissions from 2011 in the areas for which we are responsible. That document outlines a whole set of key activities and allocates spending to them. I thought that you had read that and were bringing it to the table today. Through today's statement, we wanted to demonstrate how, in the context of the work being undertaken by the Network of Regional Governments for Sustainable Development, through our partnership work with other networks, particularly European networks, and through the work that we are undertaking with United Nations development programme, which looks after the interests of developing countries, and with the United

fyddwch yn siarad am baratoi ar gyfer Copenhagen, yn hytrach na dim ond amlinellu lle byddwch yn mynd ac â phwy y byddwch yn siarad, hoffwn eich clywed yn dweud bod arnoch eisiau hyn neu'r llall yn eich bag pan fyddwch yn dychwelyd o Copenhagen, ac os na fydd y rheiny gennych, mae arnaf hefyd eisiau gwybod beth fyddwch yn fodlon ei wneud ynghylch hynny. Ar hyn o bryd, nid oes gennym syniad pa mor bell yr ydych yn fodlon mynd neu beth fydddech yn ei dderbyn fel canlyniad da neu ganlyniad gwael. Mae hyn i gyd yn yr awyr ac, fel y dywedwch yn gywir, Copenhagen yw un o'n cyfleoedd mawr olaf.

Jane Davidson: Mae eich ymateb wedi fy synnu oherwydd yr ydym yn un o'r ychydig iawn o wledydd is-aelod-wladwraeth yn y byd sy'n cael y math o fynediad a ddisgrifiais, sy'n dangos eich diffyg dealltwriaeth llwyr o gysylltiadau byd-eang. Yr wyf yn fodlon parhau i hyrwyddo ein strategaeth newid yn yr hinsawdd, sef y rheswm yn rhannol imi gael y cyfle i siarad ag eraill. Gwelir y DU, oherwydd iddi fod â'r darn cyntaf o ddeddfwriaeth newid yn yr hinsawdd yn y byd, fel arweinydd byd, oherwydd ei bod wedi ymrwymo i dorri allyriadau 80 y cant.

Cymru yw'r rhan gyntaf o'r DU i gael strategaeth newid yn yr hinsawdd lawn, yr ymgynghorwyd yn ei chylch, sy'n dangos sut y byddwn yn cyrraedd ein targed sef lleihau allyriadau nwyon tŷ gwydr 3 y cant o 2011 ymlaen yn y meysydd yr ydym yn gyfrifol amdanynt. Mae'r ddogfen honno'n amlinellu set gyfan o weithgareddau allweddol ac yn dyrannu gwariant ar eu cyfer. Yr oeddwn yn meddwl eich bod wedi darllen honno a'ch bod yn dod â hi i'r bwrdd heddiw. Drwy ddatganiad heddiw, yr oedd arnom eisiau dangos sut, yng nghyd-destun y gwaith sy'n cael ei wneud gan Rwydwaith y Llywodraethau Rhanbarthol dros Ddatblygu Cynaliadwy, drwy ein gwaith partneriaeth gyda rhwydweithiau eraill, yn enwedig rhwydweithiau Ewropeaidd, a drwy'r gwaith yr ydym yn ei wneud â rhaglen datblygu'r Cenhedloedd Unedig, sy'n gofalu am

Nations environmental programme, which looks after good environmental practice across the world, Wales has now become a key player. I am proud of the fact that Wales has become a key player and I was hoping that all parties in the Assembly would be proud that Wales was becoming a key player on such a stage.

The agreement will not be made by those of us at sub-member state level, but by the Ministers of the countries that are UN members. However, the critical agenda that we have been promoting has been that we should have legally binding agreements and that those legally binding agreements should affect all levels of Government. That is the only way that we will ensure the delivery of whatever comes out of Copenhagen, namely that we get that agreement at all levels of government, so that there are obligations on our Government and local authorities. This is an approach that is strongly supported by local authorities and others. Due to the work that we and others in our network have undertaken, for example, we have written in the EU council representations to Copenhagen from the environment Ministers that there will be legal obligations on all levels of government. That is what is called for in the framework. The critical issue for a Government at our level is to ensure that we have obligations that we then deliver. Otherwise, parties that are less committed will not deliver on climate change agreements for the benefit of the whole world.

Leanne Wood: Plaid Cymru supports the calls from the environment movement for wealthy industrialised countries to commit to a cut of at least 40 per cent in domestic emissions by 2020. This call is not just about getting the UK Government to agree to such a target, but about persuading other industrialised countries to agree that a 40 per cent cut in emissions is a fair and just

fuddiannau gwledydd sy'n datblygu, a gyda rhaglen amgylcheddol y Cenhedloedd Unedig, sy'n gofalu am arferion amgylcheddol da ym mhedwar ban byd, mae Cymru bellach yn chwarae rhan o bwys. Yr wyf yn falch o'r ffaith bod Cymru yn chwarae rhan o bwys ac yr oeddwn yn gobeithio y byddai pob plaid yn y Cynulliad yn falch bod Cymru yn chwarae rhan o bwys ar lwyfan o'r fath.

Nid y rheiny ohonom sydd ar lefel is-aelod-wladwriaeth fydd yn llunio'r cytundeb, ond Gweinidogion y gwledydd hynny sy'n aelodau o'r Cenhedloedd Unedig. Fodd bynnag, yr agenda hollbwysig yr ydym wedi bod yn ei hyrwyddo yw y dylem fod â chytundebau sy'n rhwymo'n gyfreithiol ac y dylai'r cytundebau hynny sy'n rhwymo'n gyfreithiol effeithio ar bob lefel o Lywodraeth. Dyna'r unig ffordd y byddwn yn sicrhau y cyflawnir beth bynnag a ddaw o Copenhagen, sef ein bod yn cael y cytundeb hwnnw ar bob lefel o lywodraeth, er mwyn cael dyletswyddau ar ein Llywodraeth ac ar awdurdodau lleol. Mae awdurdodau lleol ac eraill yn cefnogi'r dull gweithredu hwn yn gryf. Oherwydd y gwaith yr ydym ni ac eraill yn ein rhwydwaith wedi'i wneud, er enghraifft, yr ydym wedi ysgrifennu yn sylwadau cyngor yr UE i Copenhagen gan Weinidogion yr amgylchedd y bydd dyletswyddau cyfreithiol ar bob lefel o lywodraeth. Dyna'r hyn y gofynnir amdano yn y fframwaith. Y mater hollbwysig ar gyfer Llywodraeth ar ein lefel yw sicrhau bod gennym ddyletswyddau a'n bod wedyn yn cyflawni. Fel arall, ni fydd y partition nad dynt wedi ymrwymo cymaint, yn cyflawni ar gytundebau newid yn yr hinsawdd er budd y byd i gyd.

Leanne Wood: Mae Plaid Cymru yn cefnogi'r galwadau gan y mudiad amgylcheddol i wledydd diwydiannol cyfoethog ymrwymo i dorri o leiaf 40 y cant ar allyriadau domestig erbyn 2020. Nid yw'r alwad dim ond yn ymwneud â chael Llywodraeth y DU i gytuno ar darged o'r fath, ond mae'n ymwneud â dwyn perswâd ar wledydd diwydiannol eraill bod cytuno ar

approach for the sake of a global deal. If you agree with that call, Minister, there are clear implications for the One Wales Government and the commitment to cut our emissions by 3 per cent per year after 2011. I know that the climate change commission is looking at the feasibility of emission cuts of 3 per cent, 6 per cent and 9 per cent, so I would be grateful to hear whether you think that Wales can commit to cutting emissions by 40 per cent by 2020.

We also support calls for the rich industrialised countries—those of us who have grown relatively rich on the back of fantastically high emissions historically—to provide additional money for non-industrialised countries to grow in a way that does not cause more harm to our planet.

3.50 p.m.

We are all aware that climate change will bring more desertification, floods, droughts and famines. Some countries will need support to cope with the mass movements of people that are bound to arise as a result of that, as well as the finance to green their existing industries. Oxfam has called for an additional 0.7 per cent on top of existing aid commitments. I would be grateful to hear the Welsh Assembly Government's view on that.

We would also like to see action to reduce the use of large-scale biofuels, as well as action to halt the destruction of the world's forests. We recognise that we need to make adjustments to our own lifestyles, which help to promote the destruction of those forests. We should be making strong representations to the UK Government, which is the body that has the seat at the top table in Copenhagen. We in Wales should be prepared to make our own share of the cuts.

dorri 40 y cant ar allyriadau yn ffordd deg a chyfiawn er budd cytundeb byd-eang. Os ydych yn cytuno â'r alwad honno, Weinidog, ceir goblygiadau clir i Lywodraeth Cymru'n Un a'r ymrwymiad i dorri 3 y cant y flwyddyn ar ein hallyriadau ar ôl 2011. Gwn fod y comisiwn ar y newid yn yr hinsawdd yn edrych ar ddichonoldeb torri 3 y cant, 6 y cant a 9 y cant ar allyriadau, felly byddwn yn falch o gael clywed a ydych yn meddwl a all Cymru ymrwymo i dorri allyriadau 40 y cant erbyn 2020.

Yr ydym hefyd yn cefnogi'r galwadau ar y gwledydd diwydiannol cyfoethog—y rheiny ohonom sydd wedi tyfu'n gymharol gyfoethog ar draul allyriadau eithriadol o uchel yn hanesyddol—i ddarparu arian ychwanegol ar gyfer gwledydd nad ydynt yn ddiwydiannol er mwyn iddynt allu tyfu mewn ffordd nad yw'n achosi mwy o niwed i'n planed.

Yr ydym i gyd yn gwybod y bydd newid yn yr hinsawdd yn arwain at fwy o ddiffieithdir, llifogydd, sychder a newyn. Bydd angen cefnogaeth ar rai gwledydd i ymdopi â symud pobl ar raddfa enfawr sydd yn siŵr o godi o ganlyniad i hynny, yn ogystal â'r cyllid i wneud eu diwydiannau'n fwy gwyrdd. Mae Oxfam wedi galw am 0.7 y cant ychwanegol ar ben ymrwymadau cymorth sydd eisoes yn bodoli. Byddwn yn falch o gael clywed safbwynt Llywodraeth Cynulliad Cymru ar hynny.

Hoffem hefyd weld camau gweithredu i ddefnyddio llai ar fioldanwydd ar raddfa fawr, yn ogystal â chamau gweithredu i roi diwedd ar ddinistrio fforestydd y byd. Yr ydym yn cydnabod bod arnom angen addasu ein ffyrdd ein hunain o fyw, sy'n helpu i gyfrannu at ddinistrio'r fforestydd hynny. Dylem fod yn cyflwyno sylwadau cryf i Lywodraeth y DU, sef y corff sydd â sedd ar y prif fwrdd yn Copenhagen. Dylem yng Nghymru fod yn barod i wneud ein cyfran ein hunain o'r toriadau.

My final point is that Plaid Cymru is of the view that Wales should have direct representation in Copenhagen. We should have our own seat at that top table, and I would be grateful to hear whether the Minister agrees with that.

Jane Davidson: An awful lot of figures are bandied around in this debate. With regard to some of the early issues regarding the targets, the initial target in the Climate Change Act 2008 was to reduce carbon dioxide emissions by 34 per cent by 2020, against a 1990 baseline. There was then a call for a 40 per cent reduction by 2020, against a 1990 baseline. To look at our reductions against a 1990 baseline, greenhouse gas emissions are now 14.7 per cent lower, and carbon dioxide emissions are 9.5 per cent lower, as shown by the figures for 2007 that I announced in September.

The Climate Change Commission for Wales met with the independent Committee on Climate Change, which came to launch its report in Wales on the further action that needs to be taken, and when it should be taken, in the context of the UK Government meeting its 80 per cent target by 2050, it said clearly that our 3 per cent reduction target in relation to our devolved responsibilities was the most ambitious target in the UK; it is over and above the reductions that will come through the EU emissions trading scheme for example—for the large emitters—which will also improve reductions. Therefore, the figures are complex. We are determined to achieve a minimum of a 3 per cent reduction. Further work has been undertaken by the Tyndall Centre for Climate Change Research, which is probably the foremost climate change centre in the United Kingdom, in looking at reductions of 3 per cent, 6 per cent and 9 per cent a year, and what those would look like. That work is due to be published before Copenhagen, so we will have a chance to look at that as well.

The Government has always made it clear

Fy mhwynt olaf yw bod Plaid Cymru o'r farn y dylai Cymru gael cynrychiolaeth uniongyrchol yn Copenhagen. Dylem fod â'n sedd ein hunain ar y prif fwrdd hwnnw, a byddwn yn falch o gael clywed a yw'r Gweinidog yn cytuno â hynny ai peidio.

Jane Davidson: Mae llawer iawn o ffigurau'n cael eu taflu hwnt ac yma yn y ddaidl hon. Yng nghyswllt rhai o'r materion cynnar ynghylch y targedau, y targed gwreiddiol yn Neddf Newid yn yr Hinsawdd 2008 oedd lleihau allyriadau carbon deuocsid 34 y cant erbyn 2020, yn erbyn gwaelodlin 1990. Cafwyd wedyn galwad am ostyngiad o 40 y cant erbyn 2020, yn erbyn gwaelodlin 1990. Er mwyn edrych ar ein gostyngiadau yn erbyn gwaelodlin 1990, mae allyriadau nwyon tŷ gwydr bellach yn 14.7 y cant yn is, ac mae allyriadau carbon deuocsid 9.5 y cant yn is, fel y dangoswyd gan y ffigurau ar gyfer 2007 a gyhoeddais fis Medi.

Cyfarfu Comisiwn Cymru ar y Newid yn yr Hinsawdd â'r Pwyllgor annibynnol ar Newid yn yr Hinsawdd, a ddaeth i lansio ei adroddiad yng Nghymru ar y camau pellach y mae angen eu cymryd, a phryd y dylid eu cymryd, yng nghyd-destun Llywodraeth y DU yn cyrraedd ei tharged 80 y cant erbyn 2050, dywedodd yn glir mai ein targed i leihau 3 y cant yng nghyswllt ein cyfrifoldebau datganoledig oedd y targed mwyaf uchelgeisiol yn y DU; mae'n fwy na'r gostyngiadau a ddaw drwy gynllun masnachu allyriadau'r UE er enghraifft—ar gyfer yr allyrwyr mawr—a fydd hefyd yn helpu i wella gostyngiadau. Felly, mae'r ffigurau'n gymhleth. Yr ydym yn benderfynol ein bod am gyflawni gostyngiad o 3 y cant. Mae rhagor o waith wedi cael ei wneud gan Ganolfan Tyndall ar Ymchwil Newid yn yr Hinsawdd, mae'n debyg mai dyma'r ganolfan newid yn yr hinsawdd bwysicaf yn y Deyrnas Unedig, o ran edrych ar ostyngiadau o 3 y cant, 6 y cant a 9 y cant y flwyddyn, a beth fyddai'r rheiny'n ei olygu. Caiff y gwaith hwnnw ei gyhoeddi cyn Copenhagen, felly bydd gennym gyfle i edrych ar hynny hefyd.

Mae'r Llywodraeth bob tro wedi egluro bod

that the 3 per cent reduction target was a political target; science leads us in a further direction. If every country in the world achieved a 3 per cent reduction, we would not restrict global warming to a 2 per cent rise. Therefore, in a sense, there are major stakes for us all. I am looking at the maximum reductions that can be achieved in our final climate change strategy, which will come out in the early part of the new year.

I agree with you on the relationship with developing countries. One important element of the role that Wales has been given in the nrg4sd, and others, has been our commitment to sustainable development and the ecological footprint. The ecological footprint relates to bringing our share of the Earth's resources down to our fair share, in the same kind of timescale as in the context of climate change. We have already put more than £0.5 million into our Wales for Africa programme, some of which will contribute towards the territorial approach to climate change, whereby we are one of the 10 pilot regions in the world of the United Nations development programme, and we have a link with the Mbale region of Uganda. That gives us a real opportunity to work on that agenda.

Kirsty Williams: I begin by thanking the Minister for her statement this afternoon. What was, perhaps, conjecture a decade or two ago is now reality for too many of the world's people. While we sit here in the Chamber, for the indigenous Inuit people and tribes, climate change means the disappearing permafrost and Arctic ice. For those living in the shanty towns of Latin America and Asia, it is lethal flooding. Even closer to home in Europe, the effects of climate change are felt in the form of killer heat waves, forest fires and the melting of glaciers. Therefore, the Minister is right to say in her statement this afternoon that this is the most important of issues facing us. We cannot afford for the opportunities presented to the world at Copenhagen to be lost.

y targed gostyngiad o 3 y cant yn darged gwleidyddol; mae gwyddoniaeth yn ein harwain mewn cyfeiriad pellach. Petai pob gwlad yn y byd yn cyflawni gostyngiad o 3 y cant, ni fyddem yn cyfyngu cynhesu bydeang i gynnydd o 2 y cant. Felly, mewn ffordd, mae llawer iawn yn y fantol i bob un ohonom. Yr wyf yn edrych ar y gostyngiadau mwyaf y gellir eu cyflawni yn ein strategaeth newid yn yr hinsawdd derfynol, a gyhoeddir yn gynnar yn ystod y flwyddyn newydd.

Yr wyf yn cytuno â chi ar y berthynas â gwledydd sy'n datblygu. Un elfen bwysig o'r swyddogaeth y mae Cymru wedi'i chael yn yr nrg4SD, ac eraill, fu ein hymrwymiad i ddatblygu cynaliadwy a'r ôl troed ecolegol. Mae'r ôl troed ecolegol yn ymwneud â dod â'n cyfran o adnoddau'r Byd i lawr i'n cyfran deg, yn yr un math o amserlen ag yng nghydestun newid yn yr hinsawdd. Yr ydym eisoes wedi rhoi dros £0.5 miliwn yn ein rhaglen Cymru o Blaid Affrica, y bydd rhywfaint ohono'n cyfrannu at y dull gweithredu tiriogaethol at newid yn yr hinsawdd, drwy hwn yr ydym yn un o'r 10 rhanbarth peilot yn y byd o raglen datblygu'r Cenhedloedd Unedig, ac mae gennym gyswllt â rhanbarth Mbale Uganda. Mae hynny'n rhoi cyfle go iawn inni weithio ar yr agenda honno.

Kirsty Williams: Yr wyf am ddechrau drwy ddiolch i'r Gweinidog am ei datganiad y prynhawn yma. Mae'r hyn a oedd, efallai, yn rhywbeth dychmygol ddegawd neu ddau yn ôl bellach yn wirionedd i ormod o bobl y byd. Wrth inni eistedd yma yn y Siambr, ar gyfer y bobl a'r llwythi Inuit brodorol, mae newid yn yr hinsawdd yn golygu bod y rhew parhaol a rhew'r Arctig yn diflannu. Ar gyfer y rheiny sy'n byw yn nhrefi sianti America Ladin ac Asia, mae'n golygu llifogydd angheuol. Hyd yn oed yn nes gartref yn Ewrop, gwelir effeithiau newid yn yr hinsawdd ar ffurf tonnau gwres sy'n lladd, tanau fforest a rhewlifoedd yn toddi. Felly, mae'r Gweinidog yn iawn i ddweud yn ei datganiad y prynhawn yma mai dyma'r mater pwysicaf sy'n ein hwynebu. Ni allwn fforddio colli'r cyfleoedd a gaiff y byd yn

Copenhagen.

I was shocked this afternoon by the apparent failure to engage with this agenda by our own First Minister, who could give no commitments on the Welsh Assembly Government's policy. The First Minister had obviously not been engaged in any negotiations with the Prime Minister and the UK Cabinet about what the UK stance would be in Copenhagen and is not in charge of his brief with regard to this particular subject.

In contrast, the Minister for Environment, Sustainability and Housing could not be accused of not being in charge of her brief. I know that the Minister works extremely hard with all those who have an interest in this policy agenda in order to drive things forward. Therefore, I am grateful that she has been able to give a little bit more information in answer to questions about how the Government is taking this agenda forward than the First Minister could give earlier this afternoon.

As the Minister herself admitted, it is UK Government Ministers that will sit at the top table and their views will be crucial to what happens in Copenhagen. Therefore, I will ask the same question that I asked of the First Minister this afternoon. The science is clear, and those campaigning in this field are quite clear about the steps that industrial nations need to take to address this situation. I press you again on whether you and the Welsh Assembly Government support calls for industrial nations to cut emissions by 40 per cent. I appreciate that many figures are being bandied about, but if that is what campaigners are calling for—and that is what the official Government spokesman, and therefore your partners in Government, has called for—I am sure that you can give us a clear indication whether, in your negotiations with Westminster colleagues, you have been impressing upon them the need to accept the 40 per cent emissions cut target.

Cefais fy synnu'r prynhawn yma gan fethiant amlwg ein Prif Weinidog i ymgysylltu â'r agenda hon, gan na allai roi dim ymrwymadau ar bolisi Llywodraeth Cynulliad Cymru. Yn amlwg nid oedd y Prif Weinidog wedi cymryd unrhyw ran mewn trafodaethau â Phrif Weinidog a Chabinet y DU ynghylch beth fyddai safiad y DU yn Copenhagen ac nid oes ganddo afael ar ei friff yng nghyswllt y pwnc penodol hwn.

I'r gwrthwyneb, ni ellid cyhuddo'r Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai o beidio â bod a gafael ar ei briff. Gwn fod y Gweinidog yn gweithio'n hynod galed gyda phawb sydd â diddordeb yn yr agenda polisi hon er mwyn symud pethau ymlaen. Felly, yr wyf yn ddiolchgar ei bod wedi gallu rhoi ychydig mwy o wybodaeth wrth ateb cwestiynau ynghylch sut y mae'r Llywodraeth yn mynd â'r agenda hon rhagddi na allai'r Prif Weinidog yn gynharach y prynhawn yma.

Fel y mae'r Gweinidog ei hun wedi cyfaddef, Gweinidogion Llywodraeth y DU fydd yn eistedd ar y prif fwrdd a bydd eu safbwyntiau'n hollbwysig i'r hyn a fydd yn digwydd yn Copenhagen. Felly, gofynnaf yr un cwestiwn a ofynnais i'r Prif Weinidog y prynhawn yma. Mae'r wyddoniaeth yn glir, ac mae'r rheiny sy'n ymgyrchu yn y maes hwn yn eithaf clir ynghylch y camau y mae angen i wledydd diwydiannol eu cymryd i fynd i'r afael â'r sefyllfa hon. Yr wyf yn pwysu arnoch drachefn ynghylch a ydych chi a Llywodraeth Cynulliad Cymru yn cefnogi galwadau i wledydd diwydiannol dorri allyriadau 40 y cant. Yr wyf yn gwerthfawrogi bod nifer o ffigurau'n cael eu taflu hwnt ac yma, ond os dyna'r hyn y mae ymgyrchwyr yn galw amdano—a dyna'r hyn y mae llefarydd swyddogol y Llywodraeth, ac felly eich partneriaid mewn Llywodraeth, wedi galw amdano—yr wyf yn siŵr y gallwch roi arwydd clir inni a ydych, yn eich trafodaethau â chyd-Weinidogion yn San Steffan, wedi bod yn pwysu arnynt fod angen derbyn y targed i dorri allyriadau 40 y cant.

There is also the matter of when those cuts need to begin, by when emissions should begin to fall, what we need to do to cover aviation and shipping as part of this agreement, the limits that we need to place on global temperature rises, and the commitment that industrial nations must make to the developing world. It is simply inconceivable that, having got to where we are and having damaged the climate, we should then deny that opportunity to other countries that perhaps aspire to our levels of development and say that they cannot have it. We must do something to alleviate the concerns of those nations. Therefore, can you tell us what discussions you have had with the UK Government about taking that agenda to Copenhagen?

As you have said, in many aspects, Wales has a record that we can be proud of. There are examples of local action and individuals throughout the country that are making an impact. As a founder member and a chair of the nrg4sd, could you tell us what examples of good practice you will take from Wales to your discussions with that body to highlight the work that we have been doing in Wales? What do you hope Wales can demonstrate to other regional Governments as part of that discussion forum?

You have said that any deals that come out of Copenhagen must be legally binding, but you have not given us an idea of what you expect that deal to look like, nor of your expectations or those of the Welsh Assembly Government with regard to the deal. It will be interesting to hear your aspirations and expectations for a good result from the Copenhagen discussions.

4.00 p.m.

Could you also indicate your ongoing confidence in the targets that you have set yourself, as a Government? There are quite

Rhaid hefyd meddwl pryd y mae angen i'r toriadau hynny ddechrau, erbyn pryd y dylai allyriadau ddechrau disgyn, beth mae arnom angen ei wneud i gynnwys hedfan a morgludiant fel rhan o'r cytundeb hwn, y cyfyngiadau y mae arnom angen eu rhoi ar godiadau tymheredd byd-eang a'r ymrwymiad y mae'n rhaid i wledydd diwydiannol eu gwneud i'r byd sy'n datblygu. Ni ellir dirnad, a ninnau wedi cyrraedd lle'r ydym ac wedi difrodi'r hinsawdd, y dylem wedyn wrthod rhoi'r cyfle hwnnw i wledydd eraill sydd efallai'n dyheu am ein lefelau datblygu ni a dweud na allant eu cael. Rhaid inni wneud rhywbeth i liniaru pryderon y gwledydd hynny. Felly, a allwch ddweud wrthym pa drafodaethau yr ydych wedi'u cael â Llywodraeth y DU ynghylch mynd â'r agenda honno i Copenhagen?

Fel yr ydych wedi'i ddweud, mewn sawl ffordd, mae gan Gymru enw da y gallwn ymfalchïo ynddo. Ceir enghreifftiau o weithredu lleol ac unigolion ledled y wlad sy'n cael dylanwad. Fel un o sylfaenwyr a chadeirydd nrg4sd, a allech ddweud wrthym pa enghreifftiau o ymarfer da y byddwch yn mynd o Gymru i'ch trafodaethau gyda'r corff hwnnw i dynnu sylw at y gwaith yr ydym wedi bod yn ei wneud yng Nghymru? Beth ydych yn ei obeithio y gall Cymru ei ddangos i Lywodraethau rhanbarthol eraill fel rhan o'r fforwm trafod hwnnw?

Yr ydych wedi dweud ei bod yn rhaid i unrhyw gytundebau a ddaw o Copenhagen rwymo'n gyfreithiol, ond nid ydych wedi dweud wrthym sut gytundeb ydych yn ei ddisgwyl, nac am eich disgwyliadau chi na disgwyliadau Llywodraeth Cynulliad Cymru yng nghyswllt y cytundeb. Bydd yn ddiddorol clywed eich dyheadau a'ch disgwyliadau am ganlyniad da o drafodaethau Copenhagen.

A allech hefyd ddweud am eich hyder parhaus yn y targedau yr ydych wedi'u gosod i chi'ch hun, fel Llywodraeth? Ceir targedau

clear targets relating to renewable energy sources, which are due to be met next year. Can you confirm that you are confident that they will be met? Given the, in some ways, lamentable efforts of the UK Government as regards climate change—and energy consumption and emissions at a UK level are going up—and that the Labour Government in London is responsible for giving planning permission to new, dirty forms of energy production as well as for the Heathrow airport debacle, what confidence do you have that our UK representatives will truly stand up for the aspiration of many people in Wales, I believe, for a better and more sustainable way of living?

Jane Davidson: As you say, an awful lot of figures are being bandied about and there are a lot of propositions about what needs to happen. The work that the Tyndall centre is doing on the 3, 6 and 9 per cent reductions—and that will be available to the public later this month, I hope—will be important. It is easy to sign up to an amount without putting in the action to achieve delivery. Since we accepted the political challenge of the 3 per cent reduction, it is turning out to be quite hard to achieve. We have to demonstrate that we can deliver that, and we are ruling out any action on the 3 per cent reduction that would not allow us to ramp it up to lead to further action. Therefore, the Tyndall centre work will be really important for us to achieve the maximum reduction within the minimum time.

As I said in answer to Leanne, the figures are complicated because we are talking about an aspiration of 40 per cent, given that science tells us that that will be needed across the world. However, to do that, people will have to have strategies with actions attached for delivery, and that is the process that we are engaged in at present. I can assure you that the First Minister advocates a dramatic response to climate change, and you can see from the statement that I have made today the support that there is for Wales to take a major

either clear sy'n ymwneud â ffynonellau ynni adnewyddadwy, y dylid eu cyrraedd y flwyddyn nesaf. A allwch gadarnhau eich bod yn ffyddiog y cânt eu cyrraedd? Ac ystyried, mewn rhai ffyrdd, ymdrechion truenus Llywodraeth y DU yng nghyswllt newid yn yr hinsawdd—ac mae defnyddio ynni ac allyriadau ar lefel y DU ar gynnydd—a bod y Llywodraeth Lafur yn Llundain yn gyfrifol am roi caniatâd cynllunio ar gyfer mathau newydd, budur o gynhyrchu ynni yn ogystal â helynt maes awyr Heathrow, pa mor ffyddiog ydych chi y bydd ein cynrychiolwyr DU yn sefyll yn gadarn dros ddyhead nifer o bobl yng Nghymru, yr wyf yn credu, ar gyfer ffordd well a mwy cynaliadwy o fyw?

Jane Davidson: Fel y dywedwch, mae llawer iawn o ffigurau'n cael eu taflu hwnt ac yma a cheir llawer o gynigion ynghylch yr hyn y mae arno angen iddo ddigwydd. Bydd y gwaith y mae canolfan Tyndall yn ei wneud, ar y gostyngiadau 3, 6 a 9 y cant—a bydd hwnnw ar gael i'r cyhoedd yn nes ymlaen mis yma, gobeithiaf—yn bwysig. Mae'n hawdd cytuno ar swm heb weithredu i sicrhau y caiff ei gyflawni. Ers inni dderbyn sialens weidyddol y gostyngiad 3 y cant, mae'n dod yn amlwg ei fod yn eithaf anodd ei gyflawni. Rhaid inni ddangos ein bod yn gallu cyflawni hynny, a'n bod yn diystyru unrhyw weithredu ar y gostyngiad 3 y cant na fyddai'n caniatáu inni ei godi yn uwch i arwain at weithredu pellach. Felly, bydd gwaith y ganolfan Tyndall yn bwysig iawn inni gyflawni'r gostyngiad mwyaf yn y cyfnod lleiaf.

Fel y dywedais wrth ateb Leanne, mae'r ffigurau'n gymhleth oherwydd yr ydym yn sôn am ddyhead o 40 y cant, ac ystyried bod gwyddoniaeth yn dweud wrthym y bydd arnom angen hynny ar draws y byd. Fodd bynnag, er mwyn gwneud hynny, bydd yn rhaid i bobl gael strategaethau a champau gweithredu ynghlwm wrthynt er mwyn cyflawni, a dyna'r broses yr ydym yn ymwneud â hi ar hyn o bryd. Gallaf eich sicrhau bod y Prif Weinidog yn eirioli dros ymateb dramatig i newid yn yr hinsawdd, a

role in these agendas. Gordon Brown has allocated the responsibility to Ed Miliband and Hilary Benn. They are the people at all the meetings for these discussions. We are the Ministers who have the brief and the responsibilities to make presentations that will lead to agreement, we hope, between world leaders in Copenhagen. Most of us who are keen to ensure that we deliver our responsibilities as industrialised nations want a legal agreement, but whether we get that will depend on the world leaders.

You mentioned targets for Wales next year in the context of renewable energy, but 2010 is not a critical year for issues to change, in world terms; the middle of the next decade is: 2015-16. Therefore, the effort is in seeing whether we can all move towards setting our greenhouse gas emissions and carbon emissions on a downward trend by the middle of the decade. That is the critical agenda. Even if we do not meet our 2010 targets for renewable energy on the ground, there are far more applications for renewable energy in the planning system now than would be needed to generate enough to meet our targets. Therefore, it depends on whether such applications can come out of the system, and the speed—or lack of it—at which they are built. We are confident that any bids in the planning system now will be on the ground by 2015-16, which is critical given scientists' analysis of the point at which emissions have to come down.

You are absolutely right to talk about local action, and Wales has been very strong in that regard, given how our communities are taking action. You have asked which initiatives I am taking to Copenhagen, as it were, as part of our debate on this. In addition to the absolute actions in each department, as laid out in the climate change strategy, we will be looking at: new climate change development officers working for

gallwch weld o'r datganiad yr wyf wedi'i roi heddiw'r gefnogaeth a geir i Gymru chwarae rhan fawr yn yr agendâu hyn. Mae Gordon Brown wedi dyrannu'r cyfrifoldeb i Ed Miliband a Hilary Benn. Y rheiny yw'r bobl yn yr holl gyfarfodydd ar gyfer y trafodaethau hyn. Ni yw'r Gweinidogion sydd â'r briff a'r cyfrifoldebau i wneud cyflwyniadau a fydd yn arwain at gytundeb, gobeithiwn, rhwng arweinwyr y byd yn Copenhagen. Mae ar y rhan fwyaf ohonom sy'n awyddus i sicrhau ein bod yn cyflawni ein cyfrifoldebau fel gwledydd diwydiannol eisiau cytundeb cyfreithiol, ond bydd cyflawni hynny'n dibynnu ar arweinwyr y byd.

Soniasoch am dargedau ar gyfer Cymru'r flwyddyn nesaf yng nghyd-destun ynni adnewyddadwy, ond nid yw 2010 yn flwyddyn hollbwysig i faterion newid, mewn termau byd; canol y degawd nesaf yw hynny 2015-16. Felly, yr ymdrech yw gweld a allwn i gyd symud at osod ein hallyriadau nwyon tŷ gwydr a'n hallyriadau carbon am i lawr erbyn canol y degawd. Dyna'r agenda hollbwysig. Hyd yn oed os na fyddwn yn cyrraedd ein targedau 2010 ar gyfer ynni adnewyddadwy ar lawr gwlad, ceir llawer mwy o geisiadau am ynni adnewyddadwy yn y system gynllunio nawr nag y byddai eu hangen i gynhyrchu digon i gyrraedd ein targedau. Felly, mae'n dibynnu ar a all ceisiadau o'r fath ddod allan o'r system, a pha mor gyflym—neu araf—y cânt eu hadeiladu. Yr ydym yn ffyddiog y bydd unrhyw geisiadau yn y system gynllunio yn awr ar waith erbyn 2015-16, sy'n hollbwysig ac ystyried dadansoddiad gwyddonwyr o'r pwynt y mae'n rhaid i allyriadau ddod i lawr.

Yr ydych yn llygad eich lle wrth siarad am weithredu lleol, ac mae Cymru wedi bod yn gryf iawn i'r perwyl hwnnw, ac ystyried sut y mae ein cymunedau'n gweithredu. Yr ydych wedi gofyn pa gynlluniau yr wyf yn mynd â hwy i Copenhagen gyda ni, fel petai, fel rhan o'n dadl ar hyn. Yn ogystal â'r camau absoliwt ym mhob adran, fel y gosodir allan yn y strategaeth newid yn yr hinsawdd, byddwn yn edrych ar: swyddogion datblygu

Welsh communities so that we can really help to take that action forward; developing funding to support microgeneration for businesses and households; a new pilot scheme to lower the carbon footprint of cities; rolling out the Sustainable Travel Towns initiative; supporting green energy production; giving advice and support for businesses to go green; and building skills and research and development for a low-carbon economy. The work that we are doing on energy efficiency in housing in Jocelyn's part of the department, in regeneration in Leighton's part of the Department for the Economy and Transport, and in my department should lead to massive increases in energy efficiency in Wales over the next few years. Energy efficiency is the first target for us all in the context of this debate. It is about reducing the amount of energy that we use, reusing whatever we can, and recycling. In that sense, it is very similar to the waste debate.

The deal that we want is an 80 per cent reduction in emissions across the world by 2050. The Committee on Climate Change has a number of propositions for the part that the UK could play in that, depending on which deal is struck. At the moment, it is looking at a 34 per cent reduction by 2020, but if the deal that we want is struck, it would be a 42 per cent reduction by 2020 and we would very much play our part in achieving that. It is important to remember that the Committee on Climate Change has said that our targets are the most ambitious in the UK because we are not proposing any offsetting; we are just looking at the delivery of actions.

newid yn yr hinsawdd newydd yn gweithio i gymunedau Cymru er mwyn inni allu helpu i fynd â'r gweithredu hwnnw rhagddo o ddifrif; datblygu cyllid i gefnogi microgynhyrchu ar gyfer busnesau a chartrefi; cynllun peilot newydd i leihau ôl troed carbon dinasoedd; cyflwyno'r cynllun Trefi Teithio Cynaliadwy; cefnogi cynhyrchu ynni gwyrdd; rhoi cyngor a chefnogaeth i fusnesau droi'n wyrdd; a llunio sgiliau ac ymchwil a datblygu ar gyfer economi carbon isel. Dylai'r gwaith yr ydym yn ei wneud ar effeithlonrwydd ynni mewn tai yn rhan Jocelyn o'r adran, mewn adfywio yn rhan Leighton o Adran yr Economi a Thrafnidiaeth, ac yn fy adran i, arwain at gynnydd enfawr mewn effeithlonrwydd ynni yng Nghymru dros yr ychydig flynyddoedd nesaf. Effeithlonrwydd ynni yw'r targed cyntaf i bob un ohonom yng nghyd-destun y ddadl hon. Mae'n ymwneud â lleihau faint o ynni yr ydym yn ei ddefnyddio, aildefnyddio beth bynnag y gallwn ei aildefnyddio, ac ailgylchu. Yn hynny o beth, mae'n debyg iawn i'r ddadl gwastraff.

Y cytundeb yr ydym yn ei geisio yw gostyngiad o 80 y cant mewn allyriadau ar draws y byd erbyn 2050. Mae gan y Pwyllgor ar Newid yn yr Hinsawdd nifer o gynigion ar gyfer y rhan y gallai'r DU ei chwarae yn hynny, yn amodol ar y cytundeb a geir. Ar hyn o bryd, mae'n edrych ar ostyngiad o 34 y cant erbyn 2020, ond os cawn y cytundeb yr ydym yn ei geisio, byddai'n ostyngiad o 42 y cant erbyn 2020 a byddem yn chwarae ein rhan o ddifrif o ran cyflawni hynny. Mae'n bwysig cofio bod y Pwyllgor ar Newid yn yr Hinsawdd wedi dweud mai ein targedau yw'r mwyaf uchelgeisiol yn y DU oherwydd nad ydym yn cynnig dim gwrthbwysio, dim ond edrych ar gyflawni camau gweithredu yr ydym.

**Trafod a Chymeradwyo Gorchymyn Drafft Cynulliad Cenedlaethol Cymru
(Cymhwysedd Deddfwriaethol) (yr Iaith Gymraeg) 2009 o dan Reol Sefydlog Rhif
22.34**

**Debate and Approval of the Draft National Assembly for Wales (Legislative
Competence) (Welsh Language) Order 2009 under Standing Order No. 22.34**

The Deputy Presiding Officer: I have selected amendments 1 and 2 in the name of Peter Black.

Y Dirprwy Lywydd: Yr wyf wedi dethol gwelliannau 1 a 2 yn enw Peter Black.

Y Gweinidog dros Dreftadaeth (Alun Ffred Jones): Cynigaf fod

The Minister for Heritage (Alun Ffred Jones): I move that

Cynulliad Cenedlaethol Cymru, yn unol â Rheol Sefydlog Rhif 22.34:

the National Assembly for Wales in accordance with Standing Order No. 22.34:

yn cymeradwyo Gorchymyn Drafft Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (yr Iaith Gymraeg) 2009. (NDM4311)

approves the Draft National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009. (NDM4311)

Mae'n bleser ac yn anrhydedd cyflwyno drafft terfynol Gorchymyn Drafft Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (yr Iaith Gymraeg) 2009 ger eich bron heddiw. Mae'n llond pen o deitl ac nid yw'r talfyriad 'LCO' yn ychwanegu llawer at ei apêl, ond rhaid inni beidio â gadael i gymhlethdod yr enw ein dallu rhag rhinweddau ac arwyddocâd yr hyn sy'n cael ei gyflwyno.

It is a privilege and an honour to introduce the final draft of the Draft National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009 to you today. It is a real tongue-twister of a name and the epithet 'LCO' does little to sweeten the pill, but we must not allow the complexity of its name to draw a veil over the merits and significance of what is being introduced.

Bu'r Gorchymyn drafft yn bwnc llog ymysg gwleidyddion, y cyfryngau a'r cyhoedd—neu o leiaf ymysg y sawl sy'n ymboeni am bethau o'r fath—ac er bod anghytuno ar rai elfennau, mae'n bwysig ac yn galonogol gweld cytundeb ar draws y pleidiau ac yn y wlad yn gyffredinol ar yr egwyddorion craidd. Mae'r iaith yn rhan annatod o'n bywyd yng Nghymru ac o fudd i ni i gyd, pa un a ydym yn ei siarad ai peidio. Mae angen gwasanaethau cyson o ansawdd da yn y Gymraeg er mwyn gweld twf yn nefnydd yr iaith, ac mae gan deddfwriaeth rôl allweddol i'w chwarae wrth hybu a hyrwyddo'r Gymraeg. Nid oes neb yn honni y gall deddfwriaeth ddiogelu ei dyfodol ar ei phen ei hun, ond heb statws ac urddas swyddogol yn ei gwlad ei hun, mae unrhyw ymdrechion

The draft Order has been a hot topic among politicians, the media and the public—at least among those who concern themselves with these matters—and although there have been disagreements over some elements, it is important and encouraging to see support across the parties and the nation generally for its core principles. The language is an integral part of our life in Wales and is of benefit to us all, regardless of whether we speak it. Consistent, high-quality services in Welsh are needed if we are to see an increase in the use of the language, and legislation has a key role to play in promoting and furthering the language. No-one is claiming that legislation alone can safeguard its future, but without official status and standing in its own country, any attempts to promote it are sure

dros yr iaith yn debygol o fethu. Y Cynulliad Cenedlaethol yw'r lle priodol i ddeddfu am y Gymraeg, ac mae'n rhyfedd o fyd bod angen pwysleisio ffaith mor amlwg. Byddai'r Gorchymyn drafft yn ein galluogi i wireddu ymrwymadau 'Cymru'n Un' i gadarnhau statws swyddogol i'r Gymraeg a'r Saesneg, sefydlu hawliau ieithyddol o safbwynt darparu gwasanaethau, a sefydlu swydd comisinydd iaith.

Cyn troi at ddisgrifiad o'r Gorchymyn drafft, mae'n werth dweud y canlynol hefyd. Mae sefyllfa'r iaith Gymraeg yn fregus ond mae'r rhagolygon yn obeithiol. Mae dywediad Gramsci, '*Pessimism of the intellect, optimism of the will*', yn ddisgrifiad da o sut y dylem edrych ar sefyllfa'r iaith. Dylem weld y peryglon sy'n ei bygwth hi a defnyddio'r rheiny nid fel rheswm i wangalonni, ond fel symbyliad i wneud popeth y gallwn i sicrhau ei dyfodol.

4.10 p.m.

Un o'r ffeithiau mwyaf calonogol yw'r twf yn y galw am addysg cyfrwng Gymraeg o flwyddyn i flwyddyn. Mae'r twf yn nifer a maint yr ysgolion Gymraeg ers y dyddiau pan oeddwn i'n athro flynyddoedd yn ôl bron yn chwyldroadol. Mae hynny'n adlewyrchu'r duedd a welir mewn sawl arolwg barn, sef bod y cyhoedd yng Nghymru yn gwerthfawrogi'r iaith ac am weld mwy o wasanaethau yn cael eu darparu ynddi.

Er gwaethaf llwyddiant addysg Gymraeg, parhau mae'r frwydr oesol i gynyddu'r defnydd a wneir o'r iaith y tu allan i giatiau'r ysgol. Rhan o'r ymdrech honno yw'r ymrwymiad yn 'Cymru'n Un' i sefydlu hawliau ieithyddol o safbwynt gwasanaethau.

Fel y clywn yn aml, ni wneir digon o ddefnydd o'r gwasanaethau Gymraeg hynny sydd eisoes i'w cael. Mae'r Gorchymyn drafft yn cydnabod yr angen i wneud pethau'n gliriach, ac yn cwmpasu'r sectorau cyhoeddus, gwirfoddol a phreifat. Byddai'r Gorchymyn drafft yn galluogi'r Cynulliad i greu cysondeb ar draws gwasanaethau

to be frustrated. The National Assembly is the appropriate place in which to legislate on the Welsh language, and it is strange that such a self-evident fact needs to be emphasised. The draft Order would allow us to fulfil the 'One Wales' commitments to confirm official status for Welsh and English, to establish language rights in the provision of services, and to establish the post of language commissioner.

Before turning to the draft Order, it is worth saying the following, too. The language's situation is fragile but its outlook is positive. Gramsci's adage, 'Pessimism of the intellect, optimism of the will', is a fine description of how we should view the language. We should recognise the dangers that threaten it and use them not as an excuse to lose heart, but as an impetus to do everything within our power to safeguard its future.

Among the most encouraging facts is the growth in demand for Welsh-medium education year on year. The increase in the number and size of Welsh-medium schools since the days when I was a teacher all those years ago verges on the revolutionary. That reflects the trend seen in several opinion polls, namely that the public in Wales appreciate the language and wish to see more services available in Welsh.

Although Welsh-medium education has been successful, the age-old battle to increase the use of the language outside the school gates continues. The 'One Wales' commitment to establishing language rights in the provision of services is a part of that battle.

As we hear often, not enough use is made of those Welsh-medium services that are already available. The draft Order acknowledges the need to clarify matters, and it encompasses the public, voluntary and private sectors. The draft Order would enable the Assembly to ensure consistency across essential services so that there is fair play for

hanfodol fel bod chwarae teg i siaradwyr Cymraeg yn ogystal ag i siaradwyr Saesneg.

Welsh speakers as well as for English speakers.

Mae'n glir bod Deddf yr Iaith Gymraeg 1993 wedi cryfhau sefyllfa'r Gymraeg, ac iawn yw talu teyrnged, fel y gwneuthum eisoes, i ran yr Arglwydd Roberts wrth ei llunio. Mae hefyd yn glir bod gan ddeddfwriaeth rôl allweddol i'w chwarae o ran hybu defnydd o'r iaith, a'r Cynulliad Cenedlaethol yw'r lle priodol i ddeddfu o ran hynny. Dyna gasgliad y pwyllgor craffu, y rhan helaethaf o dystion y pwyllgor, a holl bleidiau'r Cynulliad.

The Welsh Language Act 1993 has clearly strengthened the position of the Welsh language, and it is only right to pay tribute, as I have in the past, to the role that Lord Roberts played in its formation. Legislation has a key role to play in promoting the use of the language, and the National Assembly is the appropriate place in which to legislate in that regard. That was the conclusion of the scrutiny committee, the vast majority of the witnesses to committee, and all Assembly parties.

Alun Cairns: Yr wyf yn diolch ichi am gymeradwyo'r Arglwydd Roberts am wthio Deddf 1993 drwyddo pan oedd yn Aelod Seneddol. A ydych yn awr yn siomedig o ran ac yn anghytuno â'ch cydweithwyr a oedd yn Aelodau Seneddol ar y pryd a bleidleisiodd yn erbyn Deddf 1993?

Alun Cairns: I thank you for commending Lord Roberts for pushing the 1993 Act through when he was a Member of Parliament. Are you now disappointed and in disagreement with your colleagues who were Members of Parliament at the time who voted against the 1993 Act?

Alun Ffred Jones: Teimlaf fod mynd yn ôl i 1993 i godi rhai materion braidd yn amherthnasol i drafodaeth heddiw. Gadewch inni symud ymlaen mewn ysbryd gydweithiol a chefnogol.

Alun Ffred Jones: I feel that going back to 1993 to raise certain matters is rather irrelevant to today's discussion. Let us move forwards in a spirit of collaboration and support.

Mae'r Gorchymyn drafft yn cydnabod bod gan gyrff cyhoeddus, preifat a gwirfoddol rôl bwysig i'w chwarae wrth ddarparu gwasanaethau i'r cyhoedd yng Nghymru. Er bod rhai o'r cyn gyfleustodau, megis y Post Brenhinol, yn dod o fewn cwmpas Deddf 1993, mae eraill y tu hwnt i'w chwmpas. Mae'r Gorchymyn drafft yn creu cysondeb o ran meysydd pwysig megis ynni, dŵr a charthffosiaeth, gwasanaethau post, addysg a hyfforddiant, y rheilffyrdd a'r bysiau. Dyna pam yr ydym yn cyflwyno'r Gorchymyn drafft. Yn ogystal, mae'n cydnabod bod gan gyrff a sefydlwyd o dan statud neu siart frenhinol sy'n cyflawni meini prawf penodol rôl allweddol ym mywyd dinasyddion Cymru. Mae'r Gorchymyn drafft yn cydnabod y rôl allweddol sydd gan dechnoleg, yn arbennig y gwasanaethau telathrebu o ran hybu a hyrwyddo'r defnydd o'r Gymraeg, yn enwedig ymysg pobl ifanc.

The draft Order recognises that public, private and voluntary sector bodies play an important role in providing services to the public in Wales. Although some of the former utilities, such as the Royal Mail, came within the scope of the 1993 Act, others are outside its scope. The draft Order therefore creates consistencies within important fields such as energy, water, sewerage, postal services, education and training, railway services and bus services. That is why we are introducing the draft Order. In addition, it recognises that bodies established by statute or by royal charter that fulfil specific criteria have an important role to play in the life of the citizens in Wales. The draft Order recognises the key role that technology plays, particularly telecommunications services, in promoting and facilitating the use of the Welsh language and particularly among young people. The scrutiny committees are in

Mae'r pwyllgorau craffu yn gytûn ar hyn.

agreement on that.

Fel Deddf 1993, mae'r Gorchymyn drafft yn cynnwys cyrff cyhoeddus, a chyrff sy'n darparu gwasanaethau o dan gytundeb â hwy. Am y tro cyntaf, bydd y Cynulliad yn gallu deddfu ynghylch gosod dyletswyddau ar gyrff y Goron. Mae gan y fath gyrff a'u hasiantaethau rôl bwysig yn ein bywydau.

Like the 1993 Act, the draft Order includes public authorities and bodies that provide services under agreements with them. For the first time, the Assembly can legislate in relation to imposing duties on Crown bodies. Such bodies and their agencies have an important part to play in our lives.

Mae'r Gorchymyn drafft yn cydnabod bod perthynas rhwng derbyn arian cyhoeddus a chymhwysedd. Os yw corff yn derbyn swm sylweddol o arian cyhoeddus, mae'n iawn ei fod o fewn cymhwysedd, a chymeradwywyd yr egwyddor honno gan y pwyllgorau craffu. Mae'r Gorchymyn drafft yn codi isafswm y trothwy i £400,000 fel bod llai o bosibilrwydd o gynnwys mudiadau bach yn y cymhwysedd, ond mae cyrff cenedlaethol, megis Gardd Fotaneg Genedlaethol Cymru a Chanolfan Mileniwm Cymru o fewn ei gwmpas.

The draft LCO recognises the relationship between receiving public money and its application. If a body is in receipt of a substantial amount of public money, it is right for it to come within its remit. That principle was approved by the scrutiny committees. The draft Order raises the minimum threshold to £400,000, reducing the possibility of bringing small organisations within its application but ensuring that national bodies such as the National Botanic Garden of Wales and the Wales Millennium Centre do.

Fel y soniais droeon yn ystod y broses graffu, nid oes gan Lywodraeth y Cynulliad fwiad i osod dyletswyddau ar bobl neu gwmnïau sy'n derbyn grant unwaith ac am byth. Ailddrafftwyd y Gorchymyn drafft i gynnwys cymal i wneud hynny'n glir. Mae'r cyfeiriadau at gynhyrchu a throsglwyddo trydan a nwy wedi'u dileu o'i gwmpas gan nad oes ganddynt lawer o rhyngwyneb â'r cyhoedd. Hefyd, mae Llywodraeth Cynulliad Cymru wedi'i gwneud yn glir y dylai egwyddorion rhesymoldeb a chymesuredd lywio'r gwaith o lunio dyletswyddau yn y dyfodol, a bydd y Gorchymyn terfynol yn adlewyrchu hyn. Yr oedd yn dda gweld CBI Cymru yn cymeradwyo'r LCO drafft mewn nodyn atom heddiw. Bydd modd i gyrff herio'r dyletswyddau fel ag y maent yn berthnasol iddynt, ar sail rhesymoldeb a chymesuredd, sydd eisoes mewn bodolaeth.

As I mentioned on several occasions during the scrutiny process, the Welsh Assembly Government has no intention of imposing duties on persons or bodies receiving one-off grants. The draft LCO was redrafted to include a clause to make that clear. The references to generating and transferring electricity and gas have been deleted from its scope as there was not much of an interface with the public. In addition, the Welsh Assembly Government has made it clear that the principles of reasonableness and proportionality should guide the work of formulating duties in the future, and the final Order will reflect that. It was good to see the CBI Wales applauding the draft LCO in a note to us today. Organisations will be able to challenge the duties, as they are relevant to them, on the basis of reasonableness and proportionality, which are already in force.

Hoffwn fanteisio ar y cyfle i ddiolch i aelodau'r pwyllgorau am eu gwaith trylwyr ac am gyflwyno adroddiad cynhwysfawr ac adeiladol. Yr wyf yn mawr obeithio fod aelodau'r pwyllgorau a phawb sydd wedi cyfrannu at y broses yn teimlo eu bod wedi

I would like to take this opportunity to thank members of the committees for their thorough work and for presenting such a comprehensive and constructive report. I very much hope that members of all committees along with stakeholders who have

chwarae rhan bwysig wrth archwilio yn fanwl i gwmpas y Gorchymyn drafft, ac wrth gynnig argymhellion. Y cam cyntaf yn y broses yw sicrhau cymhwysedd deddfwriaethol. Mater i Fesur a fyddai'n deillio o'r Gorchymyn fyddai creu'r strwythurau i gryfhau'r iaith ac i adeiladu ar y sail a osodwyd gan Ddeddf yr Iaith Gymraeg 1993.

I droi at y ddau welliant a gyflwynwyd yn enw Peter Black, mae'r cyntaf ohonynt yn gresynu at yr amser a gymerwyd i gyflwyno'r LCO drafft. Nid yw hynny'n ychwanegu dim at yr LCO drafft, ac yr ydym wedi dilyn y broses er mwyn sicrhau deddfwriaeth gadarn sydd yn cyflawni'r gwaith yr ydym wedi ei roi i ni'n hunain. Mae'r ail welliant yn gresynu nad yw'r Gorchymyn drafft yn fwy eang ei rychwant. Y ffaith amdani yw fod yr LCO drafft fel ag y mae yn cyflawni'r amcanion yr ydym wedi eu gosod yn 'Cymru'n Un'. Mewn byd delfrydol, byddem yn croesawu pwerau llawn dros yr holl faes—dyna pam fy mod yn aelod o Blaid Cymru—a brysied y dydd y bydd gan y Senedd bwerau deddfu llawn ar dir Cymru. Fodd bynnag, mae gennyf ddyletswydd i wneud y gorau o'r drefn yr wyf yn gweithio o'i mewn, a dyna yr ydym yn ei wneud fel Llywodraeth wrth gyflwyno'r LCO drafft. Felly, yr wyf yn argymhell gwrthod y ddau welliant.

Wrth derfynu, pwysleisiaf eto mai un darn yn y jig-so i hybu a hyrwyddo'r Gymraeg yw deddfwriaeth—mae lluo o ffactorau eraill, fel addysg, y cyfryngau, a'r angen i sicrhau gwaith a thai i bobl ifanc yn y cadarnleoedd Cymraeg. Fel y gwyddoch, mae Llywodraeth y Cynulliad wedi ymgynghori ar strategaeth addysg cyfrwng Cymraeg ac mae ymgynghoriad ar strategaeth iaith yn digwydd ar hyn o bryd. Ein bwriad yw dod â'r llinynnau hyn ynghyd. Ni allwn wneud gwyrthiau, ond mae'n ddyletswydd arnom i wneud popeth o fewn ein gallu i drosglwyddo'r trysor cenedlaethol hwn i'r oesoedd a ddél. Felly, gofynnaf i chi gymeradwyo'r Gorchymyn drafft a'i osod ar

contributed to the process feel that they have played an important part in examining in detail the scope of the draft Order and by proposing recommendations. Obtaining legislative competence is the first step in the process. It will be a matter for any Measure falling from the Order to create the structures to strengthen the language and build upon the foundations laid by the Welsh Language Act 1993.

Turning to the two amendments tabled in the name of Peter Black, the first regrets the time taken to bring forward the draft LCO. That adds nothing to the draft LCO, and we have followed the process laid out in order to secure strong legislation that will allow us to do what we set out for ourselves. The second amendment regrets the fact that the draft LCO 'is not more broad'. The fact of the matter is that the draft LCO, as it stands, achieves the objectives that we set out in 'One Wales'. In an ideal world, we would welcome full powers over the whole field—that is why I am a member of Plaid Cymru—and hasten the day that the Senedd has full powers to legislate in Wales. However, I have a duty to make the best of the system within which I work, and that is what we as a Government are doing in tabling this draft LCO. Therefore, I urge the rejection of both amendments.

In closing, I stress again that legislation is only part of the jigsaw to promote and facilitate the Welsh language—there are a number of other factors, such as education, the media, and the need to secure jobs and homes for young people in the Welsh heartlands. As you are aware, the Welsh Assembly Government has consulted on the Welsh-medium education strategy and a consultation on the Welsh language strategy is currently ongoing. It is our intention to bring these strands together. We cannot perform miracles, but it is our duty to pass on this national treasure to future generations. Therefore, I ask you to approve this draft LCO on to set it on its journey to

ei daith i San Steffan, er mwyn dod â chymhwysedd i ddeddfu ar yr iaith yma i'r Cynulliad.

Mark Isherwood: Yr wyf am ddechrau drwy ddiolch yn fawr i'r holl unigolion a sefydliadau a gyfrannodd dystiolaeth ysgrifenedig a llafar i'r pwyllgor.

More than 350 individuals and organisations submitted written evidence, the highest ever response to a committee consultation on legislation, and the committee agreed with the principle of the proposed Order, as it was at the time. However, it is disappointing that its scope has not been broadened, as recommended by us, to allow the Assembly a broad competence over an area that relates uniquely to the Welsh nation. It is also disappointing that the Governments have chosen to narrow the draft Order.

The provision that attracted most interest covered those providing a service to the public in receipt of £200,000 or more in public funding. We did not believe that any convincing rationale was given as to why it was set at this level. We recommended that no financial limit was included and that the organisations should be subject to duties in future Measures according to the nature of the services provided to the public, the size of the organisation and its legal status, rather than an arbitrary monetary threshold. Instead, the financial limit has been raised to a still fairly arbitrary figure of £400,000. I welcome the fact that this is less likely to cover smaller organisations and should not capture those in receipt of one-off payments, which were concerns raised in evidence.

We recommended a level playing field between all large financial institutions providing services to the public. The provision in the draft Order relating to financial institutions now only includes those

Westminster, in order to bring competence in relation to the language here to the National Assembly

Mark Isherwood: I begin by thanking all the individuals and organisations that contributed written and oral evidence to the committee.

Cyflwynodd dros 350 o unigolion a sefydliadau dystiolaeth ysgrifenedig, yr ymateb mwyaf erioed i ymgynghoriad pwyllgor ar ddeddfwriaeth, ac yr oedd y pwyllgor yn cytuno ag egwyddor y Gorchymyn arfaethedig, fel yr oedd ar y pryd. Fodd bynnag, mae'n siomedig na chafodd ei gwmpas ei ehangu, fel yr argymhellwyd gennym, er mwyn rhoi i'r Cynulliad gymhwysedd eang dros faes sy'n unigryw i Gymru. Mae'n siomedig hefyd bod y Llywodraethau wedi penderfynu cyfyngu'r Gorchymyn drafft.

Yr oedd y ddarpariaeth a ddenodd y mwyaf o ddiddordeb yn ymwneud â'r rheiny sy'n darparu gwasanaethau i'r cyhoedd ac sy'n cael £200,000 neu fwy o gyllid cyhoeddus. Nid oeddem o'r farn y rhoddwyd dim rhesymwaith a oedd yn argyhoeddi ynghylch pam yr oedd wedi cael ei osod ar y lefel hon. Yr oeddem wedi argymhell peidio â chynnwys dim terfyn ariannol ac y dylai'r sefydliadau fod yn rhwym wrth ddyletswyddau mewn Mesurau yn y dyfodol yn ôl natur y gwasanaethau a ddarperir i'r cyhoedd, maint y sefydliad a'i statws cyfreithiol, yn hytrach na throthwy ariannol mympwyol. Yn lle hynny, mae'r terfyn ariannol wedi cael ei godi i ffigur sydd yn dal yn weddol fympwyol sef £400,000. Yr wyf yn croesawu'r ffaith bod hyn yn llai tebygol o effeithio ar sefydliadau llai ac na ddylai effeithio ar y rheiny sy'n cael taliadau unwaith ac am byth, a oedd yn bryderon a godwyd mewn tystiolaeth.

Yr ydym yn argymhell tegwch rhwng pob sefydliad ariannol mawr sy'n darparu gwasanaethau i'r cyhoedd. Mae'r ddarpariaeth yn y Gorchymyn drafft sy'n ymwneud â sefydliadau ariannol bellach ond

engaged in central banking. However, given recent announcements, would some banks still be caught by the financial threshold, and does this result in a level playing field for banks? I am thinking of the Royal Bank of Scotland, Lloyds TSB and Northern Rock in particular.

yn cynnwys y rheiny sy'n ymwneud â bancio canolog. Fodd bynnag, ac ystyried cyhoeddiadau diweddar, a fyddai rhai banciau yn dal yn cael eu dal gan y trothwy ariannol, ac a yw hyn yn golygu tegwch ar gyfer banciau? Yr wyf yn meddwl am y Royal Bank of Scotland, Lloyds TSB a Northern Rock yn benodol.

4.20 p.m.

We recommend that a new category be inserted to specifically capture partnerships providing services to the public. The recommendation has not been taken up, so would the Minister comment on how this will be addressed?

Yr ydym yn argymhell mewnosod categori newydd yn benodol er mwyn cynnwys partneriaethau sy'n darparu gwasanaethau i'r cyhoedd. Ni dderbyniwyd yr argymhelliad, felly a fyddai'r Gweinidog yn dweud wrthym sut y rhoddir sylw i hyn?

The committee has not had the opportunity to formally consider the draft Order, so the following points are based on legal advice from Assembly lawyers. Our main concern is the provision in the draft Order that qualifies the legislative competence of the Assembly, so that the Assembly may not impose duties on persons unless they can challenge those duties on grounds of reasonableness and proportionality. No previous legislative competence Order has proposed this kind of qualification. What this seems to mean is that an Assembly Measure under Matter 20.1 will never, in effect, be capable of imposing an absolute duty. This could have potentially far-reaching implications.

Nid yw'r pwyllgor wedi cael y cyfle i ystyried y Gorchymyn drafft yn ffurfiol, felly mae'r pwyntiau canlynol yn seiliedig ar gyngor cyfreithiol gan gyfreithwyr y Cynulliad. Ein prif bryder yw'r ddarpariaeth yn y Gorchymyn drafft sy'n amodi cymhwysedd deddfwriaethol y Cynulliad, fel na chaiff y Cynulliad roi dyletswyddau ar bobl oni bai y gallant herio'r dyletswyddau hynny ar y sail eu bod yn rhesymol ac yn gymesur. Nid oes yr un Gorchymyn cymhwysedd deddfwriaethol blaenorol wedi cynnig y math hwn o beth. I bob golwg mae'n golygu na fydd Mesurau'r Cynulliad dan Fater 20.1 byth yn gallu rhoi dyletswydd absoliwt mewn gwirionedd. Gallai hyn o bosibl fod â goblygiadau pellgyrhaeddol.

Under the 1993 Act, the content of a Welsh language scheme is subject to the principles of appropriateness and reasonable practicability, but public bodies cannot challenge that duty to prepare a scheme if required by the Welsh Language Board. If, following the approval of this draft LCO, a future Measure on the Welsh language were to seek to impose the same duty on a public body that is not already listed in section 6 of the 1993 Act, then that body would have the right to challenge its inclusion in the list on the grounds that to require it to prepare a Welsh language scheme at all is unreasonable or disproportionate. Does this mean that,

Dan Ddeddf 1993, mae cynnwys cynllun iaith Gymraeg yn amodol ar egwyddorion bod yn briodol ac yn rhesymol ymarferol, ond ni chaiff cyrff cyhoeddus herio'r ddyletswydd honno i baratoi cynllun os yw Bwrdd yr Iaith Gymraeg yn mynnu hynny. Ar ôl cymeradwy'r LCO drafft hwn, petai Mesur yn y dyfodol ar yr iaith Gymraeg yn ceisio rhoi'r un ddyletswydd ar gorff cyhoeddus nad yw eisoes wedi'i restru yn adran 6 Deddf 1993, byddai gan y corff hwnnw'r hawl i herio ei gynnwys yn y rhestr ar y sail bod mynnu ei fod yn paratoi cynllun iaith Gymraeg o gwbl yn afresymol neu'n anghymesur. A yw hyn yn golygu, petai'r

should the Assembly seek to legislate to impose duties on persons not covered by the 1993 Act, or even to change or impose additional duties on persons who are already covered by the 1993 Act, any decision that it takes will be subject to challenge by those persons?

Does the new requirement mean that there will inevitably be a difference in treatment between 'new' bodies on which duties are imposed, and 'old' public bodies governed by the 1993 Act? On that basis, will the draft Order enable the Government to achieve its policy objective of addressing the shortcomings of the 1993 Act?

These questions underline the fundamental implications of the new provision. The intended qualification to the Assembly's legislative competence will govern the issue of whether a duty should apply at all. This provision is novel and unprecedented in the development of Schedule 5 to the Government of Wales Act 2006.

Mae'r ddarpariaeth hon yn un newydd a digynsail yn natblygiad pwerau'r Cynulliad.

The Assembly's chief legal adviser is of the view that the novelty of this provision could even lead some to question whether it is within the Assembly's powers to make legislative competence Orders. Having considered this carefully, he advises that if the draft Order is approved by the Assembly and by both Houses of Parliament, and provided that the requirement in question is rigorously observed in the drafting of future Measures, there would, in practice, be no risk of the effectiveness of future Measures being undermined by arguments relating to *ultra vires*. Nonetheless, it appears to set an uncomfortable and worrying constitutional precedent for the drafting of LCOs, where the Assembly is only granted powers on condition that a future Measure includes certain specified provisions. This clearly raises questions that merit further consideration outside this debate, and I will

Cynulliad yn ceisio deddfu i osod dyletswyddau ar bobl nad yw Deddf 1993 yn berthnasol iddynt, neu hyd yn oed newid neu osod dyletswyddau ychwanegol ar bobl y mae Deddf 1993 eisoes yn berthnasol iddynt, bydd unrhyw benderfyniad y bydd yn ei wneud yn agored i gael ei herio gan y bobl hynny?

A yw'r gofyniad newydd yn golygu, yn anochel, y bydd cyrff 'newydd' a gaiff ddyletswyddau newydd a 'hen' gyrff cyhoeddus a lywodraethir gan Ddeddf 1993 yn cael eu trin yn wahanol? Ar y sail honno, a fydd y Gorchymyn drafft yn galluogi'r Llywodraeth i gyflawni ei hamcan polisi o roi sylw i ddiffygion Deddf 1993?

Mae'r cwestiynau hyn yn tanlinellu goblygiadau sylfaenol y ddarpariaeth newydd. Bydd yr amodi a fwriedir i gymhwysedd deddfwriaethol y Cynulliad yn llywodraethu a ddylai dyletswydd fod yn berthnasol o gwbl. Mae'r ddarpariaeth hon yn un newydd a digynsail wrth ddatblygu Atodlen 5 Deddf Llywodraeth Cymru 2006.

This provision is novel and unprecedented in the development of the Assembly's powers.

Mae prif gynghorydd cyfreithiol y Cynulliad o'r farn y gallai newydd-deb y ddarpariaeth hon hyd yn oed arwain rhai i gwestiynu a yw llunio Gorchymynion cymhwysedd deddfwriaethol o fewn pwerau'r Cynulliad. Ar ôl ystyried hyn yn ofalus, dywed os caiff y Gorchymyn drafft ei gymeradwyo gan y Cynulliad a dau Dŷ'r Senedd, ac ar yr amod y caiff y gofyniad dan sylw ei ddilyn yn drwyadl wrth ddrafftio Mesurau yn y dyfodol, yn ymarferol, ni fyddai dim perygl i effeithiolrwydd Mesurau yn y dyfodol yn cael eu tanseilio gan ddadleuon sy'n ymwneud ag *ultra vires*. Serch hynny, i bob golwg mae'n gosod cysail cyfansoddiadol anghyfforddus a phryderus ar gyfer drafftio Gorchymynion cymhwysedd deddfwriaethol, lle caiff y Cynulliad ond bwerau ar yr amod bod Mesurau yn y dyfodol yn cynnwys darpariaethau penodol. Yn amlwg mae hyn yn codi cwestiynau sy'n galw am ragor o

be writing to the Subordinate Legislation Committee accordingly. This provision may address the Welsh Affairs Committee's call for 'greater clarity and precision', but it may also mean that there will be much that is unclear about any future Measure and its implementation.

I will also be writing to the Business Committee to request that it consider whether legislation committees should always have the opportunity to scrutinise a draft Order. At the moment, this is prevented because of the Welsh Government's control over publication and timing of debate on the draft Order. In Westminster, it will be considered further by committees before they are asked to approve it.

I wrote on behalf of the committee to the Secretary of State to question why this draft Order was the first to be referred to the Welsh Grand Committee. The Secretary of State explained that:

'if proposed LCOs are complex, or of considerable political interest, it may be necessary for the Welsh Grand Committee to be convened'.

However, I note that others, such as the National Assembly for Wales (Legislative Competence) (No.5) Order 2008 (Affordable Housing) and the Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009, have not been referred, despite the fact that they were also complex and politically sensitive.

The Deputy Presiding Officer: Order. Will you take an intervention?

Mark Isherwood: Yes.

Rhodri Glyn Thomas: I welcome your comments. Have you spoken to David Jones at all?

Mark Isherwood: No. [*Laughter.*]

ystyriaeth y tu hwnt i'r ddadl hon, a byddaf yn ysgrifennu at y Pwyllgor Is-ddeddfwriaeth yn unol â hynny. Efallai fod y ddarpariaeth hon yn rhoi sylw i alwad y Pwyllgor Materion Cymreig am 'ragor o eglurder a manylder', ond efallai ei fod hefyd yn golygu y bydd llawer iawn sy'n aneglur ynghylch unrhyw Fesur yn y dyfodol a'i weithredu.

Byddaf hefyd yn ysgrifennu at y Pwyllgor Busnes yn gofyn iddo ystyried a ddylai pwyllgorau deddfwriaethol bob tro gael y cyfle i graffu ar Orchymyn drafft. Ar hyn o bryd, caiff hyn ei atal oherwydd rheolaeth Llywodraeth y Cynulliad dros gyhoeddi ac amseru dadl ar y Gorchymyn drafft. Yn San Steffan, caiff ei ystyried ymhellach gan bwyllgorau cyn y gofynnir iddynt ei gymeradwyo.

Ar ran y pwyllgor, ysgrifennais at yr Ysgrifennydd Gwladol i holi pam mai'r Gorchymyn drafft hwn oedd y cyntaf i gael ei gyfeirio at yr Uwch-Bwyllgor Cymreig. Eglurodd yr Ysgrifennydd Gwladol:

os yw Gorchymynion cymhwysedd deddfwriaethol yn gymhleth, neu o gryn ddiddordeb gwleidyddol, efallai y bydd angen cynnull yr Uwch-Bwyllgor Cymreig.

Fodd bynnag, nodaf na chafodd rhai eraill megis Gorchymyn Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Rhif 5) 2008 (Tai Fforddiadwy) na Gorchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (yr Amgylchedd) 2009, mo'u cyfeirio, er gwaethaf y ffaith eu bod hefyd yn gymhleth ac yn wleidyddol sensitif.

Y Dirprwy Lywydd: Trefn. A wnewch gymryd ymyriad?

Mark Isherwood: Gwnaf.

Rhodri Glyn Thomas: Yr wyf yn croesawu eich sylwadau. A ydych wedi siarad â David Jones o gwbl?

Mark Isherwood: Nac ydw. [*Chwerthin.*]

I will close by stressing the concluding remarks in our report. The draft LCO

‘should provide the Assembly with the legislative competence to achieve the social objective which would allow the people of Wales to live their lives through the medium of either English or Welsh. We believe that this is best done through emphasis on cooperation and consensus building.’

I thank the Minister for the way in which he has co-operated with the committee, and for giving due consideration to our report.

Eleanor Burnham: Cynigiaf y gwelliannau canlynol yn enw Peter Black. Gwelliant 1: ychwanegu pwynt newydd ar ddiwedd y cynnig:

yn gresynu faint o amser a gymerwyd i gyflwyno'r Gorchymyn Cymhwysedd Deddfwriaethol hwn.

Gwelliant 2: ychwanegu pwynt newydd ar ddiwedd y cynnig:

yn gresynu nad yw'r Gorchymyn Cymhwysedd Deddfwriaethol drafft yn fwy eang ei gwmpas.

Diolch am y cyfle i siarad ar y mater allweddol hwn ynglŷn â dyfodol ein hiaith Gymraeg. Yr wyf yn siarad fel ein llefarydd ar yr iaith Gymraeg ac nid ar ran Mick Bates, a oedd yn aelod o'r pwyllgor.

Bydd Democratiaid Rhyddfrydol Cymru yn cefnogi'r LCO drafft hwn gan y credwn mai yma, yn y Cynulliad, y dylai materion ar yr iaith Gymraeg gael eu penderfynu. Bydd y Gorchymyn hwn yn gam—er yn gam bach—i'r cyfeiriad hwnnw. Gan gadw hynny mewn cof, cynigiaf y gwelliannau yn enw Peter Black. Er hynny, mae dau fater ynglŷn â'r LCO drafft hwn sy'n peri pryder i mi, sef ei gwmpas a'r broses o'i ddarparu.

Yr wyf am gloi drwy bwysleisio sylwadau clo ein hadroddiad. Dylai'r LCO drafft

‘drosglwyddo cymhwysedd deddfwriaethol i'r Cynulliad fel y gall fodloni'r amcan cymdeithasol a fyddai'n caniatáu i bobl Cymru fyw eu bywydau drwy gyfrwng y Gymraeg neu'r Saesneg. Credwn mai'r ffordd orau o wneud hyn yw drwy ganolbwyntio ar gydweithredu a sicrhau consensws.’

Yr wyf yn diolch i'r Gweinidog am y ffordd y mae wedi cydweithredu â'r pwyllgor, ac am ystyried ein hadroddiad yn ofalus.

Eleanor Burnham: I move the following amendments in the name of Peter Black. Amendment 1: add as a new point at the end of the motion:

regrets the length of time it has taken for this LCO to be introduced.

Amendment 2: add as a new point at the end of the motion:

regrets that the draft LCO is not more broad in scope.

Thank you for the opportunity to speak on this key issue for the future of our Welsh language. I am speaking as our spokesperson on the Welsh language, and not on behalf of Mick Bates, who was our member on the committee.

The Welsh Liberal Democrats will be supporting this draft LCO because we believe that matters about the Welsh language should be decided here, in this Assembly. This draft LCO will be a step—albeit a small step—in that direction. With this in mind, I move the amendments in the name of Peter Black. However, there are two matters that concern me about this draft LCO, namely its scope and the process for delivering it.

Credaf bod angen ar y Cynulliad hwn y pwerau ehangaf posibl i amddiffyn a meithrin yr iaith Gymraeg. Mae gennym ddyletswydd i ofalu bod y Gymraeg ar gael i genedlaethau'r dyfodol a'i bod yn iaith fyw a llewyrchus. Mae angen hefyd inni ofalu bod y bobl hynny sy'n dymuno defnyddio'r Gymraeg yn gallu arfer eu hawl i wneud hynny. Ni all Cymru ddibynnu ar gydweithrediad San Steffan bob tro yr ydym yn dymuno diweddarau deddfwriaeth. Dyna pam mae angen inni allu pasio Mesurau yma heb orfod datblygu LCO newydd bob tro. Os edrychwech ar adroddiad Pwyllgor Deddfwriaeth Rhif 5, mae wedi cymharu sefyllfa Cymru â'r sefyllfa mewn gwledydd eraill, ac wedi dod i'r casgliad y byddai pwerau ehangach yn ein galluogi i sefydlu polisi mwy egnïol ar gyfer yr iaith Gymraeg. Byddai'n well gennyf gael system heb gyfyngiadau nac ymyrraeth San Steffan.

Mae wedi cymryd dros ddwy flynedd i gyrraedd y fan hon, ac ni fyddwn yn dymuno ein gweld yn ceisio diweddarau'n deddfwriaeth ar gyfer y Gymraeg ymhen ychydig flynyddoedd a gorfod mynd â'n cap yn ein llaw at San Steffan unwaith eto. Yn anffodus, bydd yr etholiad cyffredinol mewn ychydig fisoedd yn ymyrryd ar y broses LCO. Os na fyddwn yn cefnogi hwn heddiw, bydd yn annhebygol y byddwn yn gallu cael pwerau ar yr iaith Gymraeg yn nhymor y Cynulliad hwn. Ni allwn ganiatáu i hynny ddigwydd. Dylai'r system LCO a Mesurau ganiatáu i ni gynllunio Mesurau yr ydym ni am eu gweld, yn hytrach na'r rhai sy'n rhan o gylch gwaith Pwyllgor Materion Cymreig San Steffan. Mae'n gwestiwn gennyf i, er enghraifft, a ddylid cynnwys y ddarpariaeth yn yr LCO ar gyfer apelio ar sail yr hyn sy'n rhesymol a chymesur, er y deallaf yn union pam y gwneir hynny.

Mae'r cyngor a dderbyniasom y bore yma yn feiriadol iawn o'r fetu hwn. Nid dyna yw rôl LCO, sef tansilio rhannau o Ddeddf yr Iaith Gymraeg. Bydd yn rhaid i'r Gweinidog fod yn ofnadwy o ofalus sut y mae'n deddfu yn y dyfodol, a gobeithiaf yn arw y bydd yn ystyried hyn wrth fynd ati i greu Mesur.

I believe that this Assembly needs the widest possible powers to protect and nurture the Welsh language. We have a duty to ensure that the Welsh language is available for future generations and is a strong and thriving language. We also have the need to ensure that those who wish to use Welsh can take advantage of their right to do so. Wales can not be reliant on the acquiescence of Westminster every time we wish to update legislation. That is why we need to be able to pass Measures here without developing a new LCO each time. If you look at the report by Legislation Committee No. 5, it concludes from international comparisons that a wider set of powers will allow a more vibrant policy for the Welsh language. I would much prefer that system with no restrictions or Westminster interference

It has taken over two years to get this far and I would not like to see us try to update our Welsh language legislation a few years from now and have to go cap-in-hand to Westminster again. Unfortunately, the upcoming general election will impact upon the LCO process. If we do not support this today, we are unlikely to pass an LCO before the end of this Assembly. We cannot allow that to happen. The LCO and Measure system should also allow us to design the Measures that we want, not those subject to the Welsh Affairs Committee. For example, I question whether the provision for an appeal on the grounds of reasonableness and proportionality should be included in the LCO, although I understand why that has been done.

The advice that was issued this morning is highly critical of the likely consequences of this veto. This is not the job of an LCO, to undermine parts of the Welsh Language Act. The Minister is going to have to be very careful how he legislates in future, and I hope that he remembers this as he goes about

Rhaid i mi ddweud hefyd nad rôl LCO yw i benderfynu sut yr ydym yn deddfu. Rôl y broses LCO, yn ôl fy nealltwriaeth i, yw i benderfynu os ydym am gael y pwerau neu beidio. Mae'r LCO sydd ger ein bron heddiw yn bell o fod yn berffaith, ond mae'n well na dim byd.

O ran y system, mae gennyf bryderon ynghylch y modd mae'r Gweinidog—ni feddyliais erioed y byddwn yn dweud hyn am Weinidog o Blaid Cymru—wedi derbyn argymhellion y Pwyllgor Materion Cymreig yn ddi-gwestiwn, heb wneud unrhyw ymdrech i bledio achos Cymru na Chynulliad Cenedlaethol Cymru. Enghreifftiau o hyn yw cynnwys trothwy uwch yn yr LCO ar gyfer sefydliadau sy'n derbyn arian cyhoeddus, y prawf rhesymol a chymesur neu eithrio sefydliadau cynhyrchu a thrawsyrnu ynni. Yn yr un modd, mae hyd y broses yn chwertthinlyd. Mae wedi cymryd dros ddwy flynedd, gan gynnwys oedi afresymol a dibwrpas yn y pen draw, drwy anfon yr LCO at yr Uwch-bwyllgor Cymreig, er gwaethaf protestiadau Peter Hain i'r gwrthwyneb. Nid Llywodraeth effeithiol mo hyn.

4.30 p.m.

Yr wyf wedi fy siomi na chafwyd cyfle gwirioneddol i'r Cynulliad gyflwyno gwelliannau i'r Gorchymyn drafft. Er bod y Siambr hon yn craffu ar Fesurau arfaethedig yn drwyadl, ni chafodd y Cynulliad lawer o gyfle i gyfrannu at y broses hon. Er bod adroddiad y pwyllgor deddfwriaeth trawsbleidiol yn un academaidd a thrylwyr, ni chafodd effaith o gwbl ar y Gorchymyn drafft.

The Deputy Presiding Officer: Order. Please wind up.

Eleanor Burnham: Cynulliad Cenedlaethol Cymru, ac nid swyddfa'r Gweinidog, ddylai weithredu fel deddfwrfa'r wlad hon. Byddwn yn cefnogi'r LCO drafft hwn, ond â chalon drom.

Paul Davies: Yr wyf yn falch o'r cyfle i

forming a Measure. I also have to say that it is not the role of the LCO process to decide how we legislate. The role of the LCO process, as I understand it, is to decide whether or not we are given the powers. This LCO, while still better than nothing, is far, far from perfect.

On the system itself, I have concerns about the way in which this Minister—I never expected this from a Plaid Cymru Minister—has accepted, without question, the recommendations of the Welsh Affairs Committee, without an attempt to stand up for Wales or for the National Assembly for Wales. The inclusion in the LCO of an increased threshold for organisations in receipt of public money, of the reasonableness and proportionality test or of the exemption of energy production and transmission are examples of this. Likewise, the length of this process is ridiculous. This has taken over two years, including an unreasonable and ultimately pointless delay by sending the LCO to the Welsh Grand Committee, despite Peter Hain's protestations otherwise. This is not effective Government.

I am disappointed that there has been no real opportunity for the Assembly to make amendments to the draft Order. Whereas the Chamber scrutinises proposed Measures thoroughly, the Assembly has had little opportunity to contribute to this process. Although the cross-party legislation committee's report on this was thorough and academic, it has had no impact on this draft Order.

Y Dirprwy Lywydd: Trefn. Tynnwch tua'r terfyn yn awr.

Eleanor Burnham: The National Assembly for Wales should be this country's legislature, not the Minister's office. We will support this draft LCO, but with a heavy heart.

Paul Davies: I am grateful for the

gyfrannu at y ddaol hon heddiw.

Fel y dywedwyd eisoes, dim ond cadarnhau trosglwyddo'r pŵer i ddeddfu dros y Gymraeg i'r Cynulliad y mae'r Gorchymyn drafft hwn. Fel yr wyf wedi dweud o'r blaen, yr ydym ni, fel yr wrthblaid swyddogol a'r grŵp Ceidwadol, yn cytuno â'r Gorchymyn drafft hwn yn unfrydol. Mae'n gwneud synnwyr llwyr inni ddeddfu dros yr iaith Gymraeg yn y sefydliad hwn. Mae'n hanfodol bod Cynulliad Cenedlaethol Cymru yn deddfu dros faterion yr iaith, ac mae'r ddau bwyllgor sydd wedi craffu ar y ddeddfwriaeth wedi gwneud hynny'n glir. Os oes gennym Gynulliad am unrhyw reswm, rhaid mai deddfu dros yr iaith yw un o'i brif ddibenion. Gobeithiaf yn fawr y bydd y ddeddfwriaeth newydd yn adeiladu ar y mesurau llwyddiannus a gyflwynwyd gan Lywodraethau Ceidwadol yn y 1980au a'r 1990au. Yn wir, yr wyf yn falch bod y memorandwm a gyhoeddwyd gan y Llywodraeth ar y cyd â'r Gorchymyn drafft yn cydnabod y llwyddiannau hynny, fel y mae'r Gweinidog ei hun.

Fel y dywedais o'r blaen, yn bersonol, byddai'n well gennyf wedi gweld y Gorchymyn drafft heb yr amodau sydd ar ei wyneb oherwydd dylai'r materion hyn gael eu trafod mewn Mesur neu Fesurau. Dyna paham y byddwn yn cefnogi gwelliannau'r Rhyddfrydwyr Democratiaid.

Bethan Jenkins: Yr wyf yn croesawu'r ffaith bod y Toriaid sydd yma yn y Cynulliad yn croesawu'r LCO drafft ond beth a ddywedwch am yr Aelodau Seneddol hynny sydd wedi gwneud eu gorau glas i'w danseilio yn San Steffan?

Paul Davies: Efallai y dylech siarad â llywydd anrhydeddus Plaid Cymru, a ddywedodd, mewn rali Cymdeithas yr Iaith Gymraeg yn ddiweddar, bod y llusgo traed a welwyd o ran y Gorchymyn drafft yn gwbl warthus, a'i bod yn gwbl warthus hefyd ei fod mor wan. Felly, dylech siarad â Dafydd Wigley am hynny.

opportunity to contribute to this debate today.

As has been stated already, this draft Order merely confirms the transfer of power to legislate on the Welsh language to the Assembly. As I have said previously, we as the official opposition and the Conservative group agree with this draft Order unanimously. It makes total sense to us for this institution to legislate on the Welsh language. It is vital that the National Assembly for Wales legislates on matters relating to the language, and the two committees that scrutinised this legislation made that clear. If we have an Assembly for any reason, legislating for the language must be one of its principal aims. I very much hope that this new legislation will build on the successful measures introduced by a Conservative Government in the 1980s and 1990s. Indeed, I am pleased that the memorandum published by the Government jointly with the draft Order acknowledges those successes, as does the Minister himself.

As I have said previously, personally, I would prefer to see the draft Order without the conditions on the face of it, because such matters as those should be dealt with by a Measure or Measures. That is why we will be supporting the Liberal Democrats' amendments.

Bethan Jenkins: I welcome the fact that the Tories here in the Assembly approve of the draft LCO but what do they have to say about those Members of Parliament who are doing their utmost to undermine it at Westminster?

Paul Davies: Perhaps you should be speaking to the honorary president of Plaid Cymru, who said in a recent Welsh Language Society rally recently that the dragging of feet seen in relation to the draft Order is deplorable, as is the fact that it is so weak. Therefore, you should speak to Dafydd Wigley about that.

Byddai wedi bod yn llawer mwy priodol i ymdrin â'r materion hyn mewn Mesurau. Serch hynny, yr ydym lle yr ydym. Edrychaf ymlaen yn fawr at y Mesurau penodol y bydd y Llywodraeth yn eu cynnig yn y maes hwn yn y dyfodol agos.

Yn ôl y Gorchymyn drafft, bydd y Llywodraeth yn edrych ar greu gwir gydraddoldeb rhwng y Gymraeg a'r Saesneg a sicrhau bod y ddwy iaith yn cael statws swyddogol. Bûm yn ymgyrchu dros hynny ers cyfnod maith. Yr oedd hynny'n ymrwymiad yn ein maniffesto ar gyfer etholiadau'r Cynulliad yn 2007. Yn ogystal â'i fod yn symbolaidd, bydd yn siŵr o gael effaith bositif ar y Gymraeg. Wrth roi statws swyddogol i'r ddwy iaith, a rhoi dewis i bobl, gobeithiaf y bydd yn sicrhau bod y Gymraeg yn iaith fyw yn ein cymunedau.

Rhodri Glyn Thomas: A wnewch ildio?

Paul Davies: Na wnaif. Yr wyf am symud ymlaen. Mae'n flin gennyf, Rhodri Glyn.

Paul Davies: O'r cynlluniau hyn, mae'n glir y bydd y Llywodraeth yn creu comisiynydd iaith. Croesawaf hyn yn fawr ond, ar hyn o bryd, ni wyddom beth fydd swyddogaeth y comisiynydd. Wrth gloi, efallai y gall y Gweinidog ddweud wrthym pa gyfrifoldebau fydd gan ddeiliad y swydd. Cymeraf yn ganiataol y bydd y swydd hon yn ymdrin â sefydliadau a mudiadau na fydd yn cydsynio ag ysbryd y ddeddfwriaeth newydd.

Caf ar ddeall na fydd unrhyw ddeddfwriaeth newydd yn cynnwys gosod dyletswyddau ar unrhyw berson os nad oes modd i'r person hwnnw herio sut mae'r dyletswyddau hynny yn gymwys iddo, a hynny ar sail rhesymoldeb a chymesuredd. Cymeraf yn ganiataol felly, er bod y Gorchymyn drafft yn cynnwys cwmnïau carthffosiaeth, na fydd cwmnïau bach yn dod o dan yr amod hwn gan fod rhai cwmnïau carthffosiaeth yn fach iawn—unigolion, hyd yn oed, sy'n mynd o amgylch yn clirio carthffosydd. Efallai y gallai'r Gweinidog gadarnhau hynny wrth gloi'r ddadl.

It would have been far more appropriate to deal with such matters in Measures. However, we are where we are. I look forward very much to seeing the specific Measures that the Government will propose in this field in the near future.

According to the draft Order, the Government will seek to create true equality between the Welsh and English languages and ensure that both are given official status. I have been campaigning for that for a long time. That was a commitment in our manifesto for the Assembly elections in 2007. In addition to being symbolic, it is sure to have a positive impact on the Welsh language. By giving both languages official status, and giving people the choice, I hope that it will ensure that the language is alive in our communities.

Rhodri Glyn Thomas: Will you give way?

Paul Davies: No, I will not. I want to move on. I am sorry, Rhodri Glyn.

Paul Davies: From these schemes, it is clear that the Government intends to create a language commissioner. I warmly welcome that but, at present, we do not know what the commissioner's function would be. In closing, perhaps the Minister could tell us which responsibilities the postholder would have. I take it as given that the post will deal with those organisations that do not act within the spirit of the new legislation.

I am given to understand that no new legislation will place duties on any individuals if a person is not able to challenge how those duties apply to him on the grounds of reasonableness and proportionality. I take it for granted therefore, that, although the draft Order includes sewerage companies, no small companies will come within that condition, given that some sewerage companies are very small—individuals, even, who go around clearing sewers. Perhaps the Minister could confirm that in closing the debate.

Yr wyf yn siŵr y byddai'r Gweinidog yn cytuno bod gorfodi cwmnïau neu fusnesau bach i ddarparu gwasanaethau drwy gyfrwng y Gymraeg yn drychinebus o ran yr ymgyrch i ehangu'r iaith ac i greu Cymru ddwyieithog. Caf ar ddeall bod y Llywodraeth wedi cytuno newid y trothwy i bersonau sy'n derbyn arian cyhoeddus o £200,000 i £400,000 i sicrhau nad yw'r gofynion o ran y Gymraeg yn cael eu gosod ar gwmnïau a sefydliadau bach.

Mae'n hanfodol i unrhyw ddeddfwriaeth newydd ystyried rhesymoldeb a chymesuredd. Serch hynny, mae'n debyg bod cwestiwn cyfreithiol yn codi o'r rhan hon o'r Gorchymyn drafft. Dychmygaf y bydd yn anodd mesur rhesymoldeb a chymesuredd. Efallai y gall y Gweinidog roi amcan inni o'r math o fecanwaith a gyflwynir i brofi rhesymoldeb a chymesuredd, a'r math o gyrff a fydd yn gyfrifol am hyn. Derbyniaf mai mater i Fesurau yn y dyfodol fydd hwn, ond efallai y bydd eglurhad o rai o'r materion hyn yn help i ni fel Cynulliad.

Byddwn ni, yr wrthblaid swyddogol, yn cefnogi'r Gorchymyn drafft a gobeithiwn y bydd y Mesurau y bydd y Llywodraeth yn eu cyflwyno yn y dyfodol agos yn creu Cymru wirioneddol ddwyieithog.

Lesley Griffiths: As a member of Legislation Committee No. 5, which examined the proposed Order, I agree with several of the points already raised by Members today. I, too, will support the Government this afternoon as, if this draft LCO on the Welsh language is not approved, it could be lost forever. I believe strongly that legislative competence for the Welsh language should lie with this Assembly.

The point that I would like to emphasise is one raised previously by Mark Isherwood, which is that there is no stage for a committee here to scrutinise a piece of amended legislation when it returns from Westminster or when amended by both

I am sure that the Minister would agree that compelling small companies and businesses to provide Welsh-medium services would be disastrous for the campaign to extend the language and create a bilingual Wales. I understand that the Government has agreed to change the threshold for individuals and companies that receive public funding from £200,000 to £400,000 to ensure that the Welsh language requirements are not imposed on small companies and institutions.

It is vital that any new legislation has regard for reasonableness and proportionality. However, a legal question arises from this part of the draft Order. I imagine that it would be very difficult to measure reasonableness and proportionality. Perhaps the Minister could give us some idea of the mechanism that will be introduced to test this and of the organisation that will be responsible for that. I accept that this will be a matter for Measures in future, but explaining some of these matters would be of assistance to us as an Assembly.

As the official opposition, we will support this draft Order and we hope that the Measures that the Government will introduce in the near future will create a truly bilingual Wales.

Lesley Griffiths: Fel aelod o Bwyllgor Deddfwriaethol Rhif 5, a oedd yn archwilio'r Gorchymyn arfaethedig, yr wyf yn cytuno â nifer o'r pwyntiau sydd eisoes wedi cael eu codi gan Aelodau heddiw. Byddaf innau hefyd yn cefnogi'r Llywodraeth y prynhawn yma oherwydd, oni chaiff yr LCO drafft hwn ar yr iaith Gymraeg ei gymeradwyo, gellid ei golli am byth. Yr wyf yn credu'n gryf y dylai cymhwysedd deddfwriaethol ar gyfer yr iaith Gymraeg fod yn y Cynulliad hwn.

Mae'r pwynt yr hoffwn ei bwysleisio eisoes wedi cael ei godi gan Mark Isherwood, sef nad oes dim cam i bwyllgor yma graffu ar ddarn o deddfwriaeth sydd wedi'i ddiwygio pan ddaw yn ôl o San Steffan neu pan gaiff ei ddiwygio gan y naill Lywodraeth a'r llall.

Governments. It is essential that we use what we have here, and, with that in mind, I believe that, at the very least, it would be appropriate for the Subordinate Legislation Committee to have the opportunity to undertake further scrutiny of LCOs where potentially far-reaching amendments have been made.

This draft Welsh language LCO passed through this place very smoothly, and Members took great care not to stray into Measure territory. Therefore, I am extremely disappointed that the draft LCO before us today does not reflect those discussions. It does not reflect the consultation responses. It does not reflect the committee's report, and it does not reflect our ambitions. This is a profoundly disappointing conclusion to this process.

Darren Millar: I am also grateful for the opportunity to contribute to this landmark debate on the language in Wales. Like others in the Chamber, I want the Welsh language to flourish, and I am proud of the wonderful achievements of Conservative Governments, historically, in respect of the Welsh language. You have to remember that it was the Conservative Party that introduced the Welsh Language Act 1993, the Conservative Party that created the Welsh Language Board, and, of course, we created S4C.

Nerys Evans: Will you take an intervention?

Darren Millar: I will take an intervention in a short while. It makes absolute sense that the National Assembly for Wales should have legislative competence over the Welsh language. I would go so far as to say that the National Assembly for Wales has the moral right to have legislative competence on this matter. In fact, it is pretty ridiculous that we do not have competence over the language already. After all, the Welsh language belongs to the people of Wales, and, as such, decisions regarding it should be made in their National Assembly, the only legislature in the United Kingdom in which every single

Mae'n hanfodol ein bod yn defnyddio'r hyn sydd gennym yma, a, chan gofio hynny, yr wyf yn credu y byddai'n briodol i'r Pwyllgor Is-ddeddfwriaeth, o leiaf, gael y cyfle i graffu rhagor ar Orchmynion cymhwysedd deddfwriaethol os gwnaethpwyd gwelliannau a allai fod yn bellgyrhaeddol.

Yr oedd yr LCO iaith Gymraeg hwn wedi pasio drwy fan hyn yn ddidrafferth, ac yr oedd Aelodau wedi bod yn ofalus iawn i beidio â chrwydro i diriogaeth Mesurau. Felly, yr wyf yn siomedig dros ben nad yw'r LCO drafft sydd ger ein bron heddiw'n adlewyrchu'r trafodaethau hynny. Nid yw'n adlewyrchu'r ymatebion i'r ymgynghoriad. Nid yw'n adlewyrchu adroddiad y pwyllgor, ac nid yw'n adlewyrchu ein dyheadau. Mae hwn yn gasgliad hynod siomedig i'r broses hon.

Darren Millar: Yr wyf hefyd yn ddiolchgar am y cyfle i gyfrannu at y ddatl bwysig hon ar yr iaith yng Nghymru. Fel eraill yn y Siambr, mae arnaf eisiau i'r iaith Gymraeg ffynnu, ac yr wyf yn falch o lwyddiannau gwych Llywodraethau Ceidwadol, yn hanesyddol, yng nghyswllt yr iaith Gymraeg. Rhaid ichi gofio mai'r Blaid Geidwadol a gyflwynodd Deddf yr Iaith Gymraeg 1993, y Blaid Geidwadol a greodd Bwrdd yr Iaith Gymraeg, ac, wrth gwrs, ni greodd S4C.

Nerys Evans: A wnewch gymryd ymyriad?

Darren Millar: Cymeraf ymyriad mewn munud. Mae'n gwneud synnwyr perffaith y dylai Cynulliad Cenedlaethol Cymru gael cymhwysedd deddfwriaethol dros yr iaith Gymraeg. Byddwn yn mynd mor bell â dweud mai Cynulliad Cenedlaethol Cymru sydd â'r hawl moesol i gael cymhwysedd deddfwriaethol ar y mater hwn. A dweud y gwir, mae'n eithaf gwrthun nad oes gennym gymhwysedd dros yr iaith yn barod. Wedi'r cyfan, mae'r iaith Gymraeg yn perthyn i bobl Cymru, ac, o'r herwydd, dylai penderfyniadau yn ei chylch gael eu gwneud yn eu Cynulliad Cenedlaethol, yr unig

Member has a direct interest in this matter. I am of the opinion that the National Assembly for Wales would make a better custodian of the Welsh language than any other legislature in our country.

However, I am by no means advocating a gung-ho approach, and I would urge the Minister to take a commonsense approach to achieving a truly bilingual Wales. The LCO process continues to frustrate everybody. What is particularly frustrating and disappointing is that Peter Hain appears to have paid little attention to the reports of either Legislation Committee No. 5 or the Welsh Affairs Select Committee. Without providing more ammunition for conspiracy theories, I cannot help but wonder why he seems intent on meddling and stalling the process.

I understand that, last week, he tried to defend his actions and the current system. Apparently, he said that it is much more straightforward than the legislative processes of the European Union, which, I am afraid, does not convince me of his competence or of the competence of the system that he invented.

Nerys Evans: You noted that you are proud of the Tories' achievements on the Welsh language. Are you also proud of Cheryl Gillan's actions in trying to delay the debate in Westminster? She also tried to have a debate on the contents of future Measures when discussing the proposed LCO, totally undermining the democratic process and devolution.

Darren Millar: I think that there are other places that you can look to for people who have let down the people of Wales as far as the Welsh language is concerned. For example, it is not only the Secretary of State for Wales who has let us down. In allowing the draft LCO to be butchered in the way that it has, the Minister here has also let us down.

ddeddfwrfa yn y Deyrnas Unedig lle mae gan bob un Aelod ddiddordeb uniongyrchol yn y mater hwn. Yr wyf o'r farn y byddai Cynulliad Cenedlaethol Cymru yn geidwad gwell i'r iaith Gymraeg nag unrhyw ddeddfwrfa arall yn ein gwlad.

Fodd bynnag, nid wyf o gwbl yn eirioli dros agwedd ffwrdd â hi, a byddwn yn annog y Gweinidog i arddel agwedd synnwyr cyffredin at gyflawni Cymru sy'n wirioneddol ddwyieithog. Mae'r broses LCO yn dal yn gwneud i bawb deimlo'n rhwystredig. Yr hyn sy'n arbennig o rwystredig a siomedig yw ei bod yn ymddangos nad yw Peter Hain wedi rhoi prin dim sylw i adroddiad Pwyllgor Deddfwriaethol Rhif 5 nac adroddiad y Pwyllgor Dethol ar Faterion Cymreig. Nid oes araf eisiau ychwanegu rhagor o dân at y damcaniaethau o gynllwyn, ond ni allaf beidio â phendroni pam ei fod i bob golwg a'i fryd ar ymyrryd ac arafu'r broses.

Caf ar ddeall iddo geisio amddiffyn ei weithredoedd a'r system bresennol yr wythnos diwethaf. Ymddengys iddo ddweud ei bod yn fwy syml o lawer na phrosesau deddfwriaethol yr Undeb Ewropeaidd. Yr wyf yn ofni nad yw hyn yn fy narbwyll o'i gymhwysedd ef nac o gymhwysedd y system a ddyfeisiwyd ganddo.

Nerys Evans: Dywedasoeh eich bod yn falch o lwyddiannau'r Toriaid yng nghyswllt yr iaith Gymraeg. A ydych hefyd yn falch o weithredoedd Cheryl Gillan i geisio gohirio'r ddadl yn San Steffan? Yr oedd hefyd wedi ceisio cael dadl am gynnwys Mesurau yn y dyfodol wrth drafod yr LCO arfaethedig, sydd yn tanseilio'r broses ddemocrataidd a datganoli yn llwyr.

Darren Millar: Yr wyf yn meddwl y gallwch chwilio mewn mannau eraill am bobl sydd wedi siomi pobl Cymru yng nghyswllt yr iaith Gymraeg. Er enghraifft, nid Ysgrifennydd Gwladol Cymru yw'r unig un sydd wedi ein siomi. Drwy ganiatáu i'r LCO drafft gael ei dynnu'n gareiau fel y digwyddodd, mae'r Gweinidog yma wedi ein

It is astonishing to see just how watered down he has let this draft LCO become. One thing is clear: Labour wears the trousers in the marriage of the Assembly's coalition Government.

4.40 p.m.

All that aside, at least we have a draft LCO before us today. However, we would have had one much sooner had the Minister and his backbenchers supported the proposal put forward by my colleague David Melding last year. A year ago, you rejected a proposal for a similar LCO for stupid, political reasons.

Rhodri Glyn Thomas: Could you tell me who wears the trousers in Clwyd West?

Darren Millar: I wear the trousers in my house, thank you very much.

This draft LCO is before us and I am keen to ensure that small businesses, post offices and third-sector organisations remain protected in any Measures that may arise from it. Committee members will recall that part of the reason for the success of the language legislation introduced in Catalonia was the financial support offered to such organisations in implementing change. I hope that, in responding to this debate, the Minister can assure us that proper financial assistance will be available to ensure that any Measures can be implemented without placing an undue burden on businesses and on small organisations, particularly in the third sector, or on post offices.

The draft LCO as it stands will still enable the delivery of the two key objectives that David Melding sought to secure when his proposal was rejected by the Assembly Government last year, namely official status for the Welsh language and the establishment of a language commissioner for Wales. Both are crucial to ensure that the rights of both Welsh and English speakers in Wales are protected so that there is no discrimination

siomi. Mae'n syndod gweld i ba raddau y caniatodd i'r LCO drafft hwn gael ei lastwreiddio. Mae un peth yn glir: Llafur sy'n gwisgo'r trowsus ym mhriodas Llywodraeth glymblaid y Cynulliad.

A rhoi hynny o'r neilltu, o leiaf mae gennym LCO drafft ger ein bron heddiw. Fodd bynnag, byddem wedi cael un yn gynt o lawer petai'r Gweinidog a'i feincwyr cefn wedi cefnogi'r cynnig a gyflwynwyd gan David Melding, fy nghyd-Aelod, y llynedd. Flwyddyn yn ôl, bu ichi wrthod cynnig am LCO tebyg am resymau gwleidyddol twp.

Rhodri Glyn Thomas: A allech ddweud wrthyf pwy sy'n gwisgo'r trowsus yng Ngorllewin Clwyd?

Darren Millar: Fi sy'n gwisgo'r trowsus yn fy nhŷ fy hun, diolch yn fawr iawn ichi.

Mae'r LCO drafft hwn ger ein bron ac yr wyf yn awyddus i sicrhau bod busnesau bach, swyddfeydd post a mudiadau'r trydydd sector yn cael eu hamddiffyn mewn unrhyw Fesurau a all ddeillio ohono. Bydd aelodau'r Pwyllgor yn cofio mai rhan o'r rheswm dros lwyddiant y ddeddfwriaeth iaith a gyflwynwyd yng Nghatalonia oedd y gefnogaeth ariannol a gynigwyd i sefydliadau o'r fath ar gyfer rhoi'r newid ar waith. Wrth ymateb i'r ddadl hon, gobeithiaf y gall y Gweinidog ein sicrhau y bydd cymorth ariannol iawn ar gael i sicrhau bod modd rhoi unrhyw Fesurau ar waith heb roi gormod o faich ar fusnesau ac ar sefydliadau bach, yn enwedig yn y trydydd sector, nac ar swyddfeydd post.

Fel y saif, bydd yr LCO drafft yn dal yn galluogi cyflawni dau amcan allweddol yr oedd David Melding wedi ceisio eu cyflawni pan wrthodwyd ei gynnig gan Lywodraeth y Cynulliad y llynedd, sef statws swyddogol ar gyfer yr iaith Gymraeg a sefydlu comisiynydd iaith ar gyfer Cymru. Mae'r naill beth a'r llall yn hanfodol i sicrhau bod hawliau siaradwyr Cymraeg a Saesneg yng Nghymru yn cael eu hamddiffyn er mwyn

against either language anywhere in the country. That is why, despite the fact that the draft LCO does not go far enough and is not broad enough, I will support it today.

Bethan Jenkins: Hoffwn ddiolch i'r Gweinidog, Alun Ffred Jones, am ei waith caled i sicrhau bod y Gorchymyn cymhwysedd deddfwriaethol drafft hwn yn dod yn realiti ac yn ddechreuad newydd i'r Gymraeg a'i defnydd yng Nghymru.

Mae'n wir dweud y bu'r broses yn un hir, ac, eto, mae'n profi bod Peter Hain a'i debyg yn anghywir—mae system yr LCOs yn gymhleth, hirwyntog ac anghynaliadwy. Dyna pam y mae Plaid Cymru yn chwyrn yn ein barn bod angen refferendwm ar senedd i Gymru yn awr.

Nid yw'n helpu bod Aelodau Seneddol yn ceisio arafu'r broses drwy gynnal trafodaethau dieffraith am y mater yn enw'r Uwch-bwyllgor Cymreig. Maent yn ddieffraith oherwydd yr oedd Llywodraeth San Steffan wedi cytuno ar yr LCO arfaethedig cyn y trafodaethau hynny. Ffordd arall, besimistaidd gan rai i danseilio'r broses oedd honno.

Yn syml, dylai pwerau dros yr iaith Gymraeg fod yng Nghymru. Mae hynny'n fwy pwysig byth oherwydd, yn y blynyddoedd diwethaf, mae dros 20 y cant o'r bobl yng Nghymru yn medru'r iaith, gan gynnwys 40.8 y cant o blant rhwng pump ac 15 oed. Fodd bynnag, mae angen gwneud mwy.

Cred Plaid Cymru fod angen cefnogi'r twf hwn drwy ddeddfwriaeth a datblygiad fframwaith polisi, ond beth am y pleidiau eraill? Mae ein barn am y Toriaid wedi'i chadarnhau gan y gwahaniaeth rhwng yr hyn a ddywedant yn San Steffan ac yn y Cynulliad. Dywedodd Paul Davies yn gynt fod yr LCO drafft yn wan, ond nid oedd cynnig David Melding yn cynnwys unrhyw gyfeiriad at y sector breifat.

sicrhau nad oes dim camwahaniaethu yn erbyn y naill iaith na'r llall unman yn y wlad. Dyna pam, er gwaethaf y ffaith nad yw'r LCO drafft yn mynd yn ddigon pell ac nad yw'n ddigon eang, y byddaf yn ei gefnogi heddiw.

Bethan Jenkins: I would like to thank the Minister, Alun Ffred Jones, for his hard work in ensure that this draft legislative competence Order has become a reality and a new start for the Welsh language and its use in Wales.

The process has been protracted, and, again, it proves that Peter Hain and his ilk are wrong—the LCO system is complex, lengthy and unsustainable. That is why Plaid Cymru is vehement in its view that we need a referendum on a parliament for Wales now.

It does not help that Members of Parliament are trying to slow down the process by holding meaningless debates on the issue in the name of the Welsh Grand Committee. They are meaningless because the Westminster Government had agreed the proposed LCO before those discussions. It was another pessimistic attempt by some to undermine the process.

Simply, powers over the Welsh language should lie in Wales. That is more important than ever as, in the last few years, over 20 per cent of people in Wales can speak Welsh, including 40.8 per cent of children aged between five and 15. However, more needs to be done.

Plaid Cymru believes that this growth needs to be supported through legislation and the development of a policy framework, but what of the other parties? Our opinions of the Tories have been confirmed by the difference between what they have said in Westminster and in the Assembly. Paul Davies said earlier that the draft LCO is weak, but the LCO proposed by David Melding made no reference to the private sector.

Paul Davies: A gytunwch gyda barn eich llywydd anrhydeddus chi fod yr LCO drafft yn wan?

Bethan Jenkins: Ni chytunaf ei fod yn wan. Credaf fod llawer yn y LCO drafft y gallwn weithio ag ef yng Nghymru. Am y tro cyntaf erioed, mae Plaid Cymru fel rhan o Lywodraeth yn gallu gwneud gwahaniaeth a dod â deddfwriaeth ar yr iaith Gymraeg i Gymru.

Nid oes angen sôn am y diffyg cefnogaeth i'r LCO drafft gan bobl fel David Davies sir Fynwy, sy'n codi ofn amhriodol ar bobl y bydd cwmnïau yn gadael Cymru os cânt eu cynnwys yng nghylch gwaith y ddeddfwriaeth. Fel y dywedodd Nerys Evans yn gynt, mae Cheryl Gillan wedi dangos gwir liwiau'r Torïaid drwy gynnig y dylai San Steffan, yng nghyd-destun yr iaith, benderfynu ar Fesurau'r Cynulliad. Mae hynny'n gwbl annerbyniol. Beth y mae San Steffan am ei wneud? A yw am graffu ar Fesurau neu benderfynu arnynt ar ran y Cynulliad? Penderfynwch ar eich polisiau chi ar yr iaith cyn dod at Blaid Cymru.

Mae gennyf broblem â'r ffaith fod gan y LCO drafft drothwy ariannol, fel y mae pywllgor y Cynulliad wedi'i ddatgan eisoes. Ni chredaf y dylai'r LCO drafft gynnwys unrhyw drothwy, oherwydd pa bris sydd i egwyddor yn yr hir dymor? Yr hyn sydd yn bwysig yw ein bod yn deddfu ar yr iaith yng Nghymru a sicrhau bod y Gweinidog yn gweithio gydag Aelodau Cynulliad eraill i sicrhau bod hawliau yn ymwneud â'r iaith yn dod i Gymru a bod comisiynydd iaith yn dod yn sgil y broses Mesurau. Fel eraill yn y Siambr, yr wyf yn gobeithio y bydd cefnogaeth i'r LCO drafft hwn. Am y tro cyntaf ers yr unfed ganrif ar bymtheg, mae gan Gymru bŵer dros ei hiaith ei hun ac i Blaid Cymru mewn Llywodraeth y mae'r diolch am hynny. Dywedaf eto fod angen cynnal refferendwm ar Senedd i Gymru i sicrhau nad oes rhaid inni fynd i San Steffan i ofyn am bwerau yn y dyfodol.

Paul Davies: Would you agree with the opinion of your own honorary president that this draft LCO is weak?

Bethan Jenkins: I do not agree that it is weak. I believe that the draft LCO contains a great deal that we can work with in Wales. For the first time ever, Plaid Cymru in Government is able to make a difference and bring forward legislation on the Welsh language for Wales.

We do not need to mention the lack of support for the draft LCO from people such as David Davies in Monmouthshire, which has led to inappropriate scaremongering that companies will leave Wales if they are included within the legislation's remit. As Nerys Evans said earlier, Cheryl Gillan has shown the true colours of the Tories by proposing that Westminster, in the context of the language, should make decisions on Assembly Measures. That is entirely unacceptable. What does Westminster want to do? Does it want to scrutinise Measures or decide on Measures on our behalf as an Assembly? You need to decide on your language policy before coming to attack Plaid Cymru.

I have a problem with the fact that the draft LCO contains a financial threshold, as the Assembly committee has already stated. I do not think that it should contain any threshold, because what price principle in the long term? It is important that we legislate on the language in Wales and ensure that Ministers work with other Assembly Members to ensure that rights relating to the language come to Wales and that a language commissioner is established as a result of the Measures process. Like others in the Chamber, I hope that this draft LCO will be supported. For the first time since the sixteenth century, Wales has the power over its own language, thanks to Plaid Cymru in Government. I emphasise again the need to hold a referendum on a Parliament for Wales to ensure that we do not have to go to Westminster to ask for powers in the future.

Alun Cairns: Yn y lle cyntaf, yr wyf yn croesawu'r LCO drafft hwn. Credaf yn wirioneddol fod dyfodol llewyrchus i'r iaith a bod hyn yn adeiladu ar y Ddeddf a basiwyd yn 1993 ac ar y mesurau a gyflwynodd y Ceidwadwyr yn yr 80au hyd at 1993. Diolch i'r Gweinidog am gymeradwyo'r Arglwydd Roberts a'r gwaith a wnaeth y Llywodraeth Geidwadol ddiwethaf dros yr iaith Gymraeg, a thanlinellu ein siom na chefnogodd Plaid Cymru, yn ogystal â Rhodri Morgan a'r blaid Lafur, y ddeddfwriaeth honno ar y pryd. Dim ond y Llywodraeth Geidwadol ddiwethaf fu'n gyfrifol am Ddeddf yr Iaith Gymraeg 1993, er gwaethaf pob ystryw a ddefnyddiodd y pleidiau eraill.

Dylai hwn fod yn uchafbwynt i Blaid Cymru. Dylai fod yn achos dathlu a sylweddoli bod cam mawr wedi ei gymryd. Nid felly y mae. Ein problem yw bod y Gweinidog a Phlaid Cymru wedi cyfaddawdu cymaint ar yr LCO drafft hwn fel ein bod mewn sefyllfa lle mae adroddiad gan swyddogion y Cynulliad yn dweud—fel y dywedodd Mark Isherwood yn gynharach fel Cadeirydd Pwyllgor Deddfwriaeth Rhif 5, ac sy'n cynrychioli pob aelod o'r pwyllgor hwnnw, nid dim ond y blaid Geidwadol—

'What this seems to mean is that an Assembly Measure under matter 20.1 will never, in effect, be capable of imposing an absolute duty. This could have potentially far-reaching implications.'

Fel y dywedais, dylai hwn fod yn uchafbwynt i Blaid Cymru ac yn achos dathlu iddi. Fodd bynnag, mae'n amlwg bod yr LCO drafft wedi cael ei ailddrafftio mewn ffordd mor wan, fel y dywedodd llywydd anrhydeddus Plaid Cymru yn San Steffan, fel nad oes sicrwydd yn ei gylch, gan ei fod yn codi cymaint o gwestiynau fel y nodwyd gan gyfreithwyr y Cynulliad.

Rhodri Glyn Thomas: Yr wyf yn falch o glywed eich sylwadau a'r ffaith eich bod mor benderfynol o gryfhau'r LCO drafft hwn. Pe bai'r blaid Geidwadol yn digwydd ennill yr

Alun Cairns: First, I welcome this draft LCO. I truly believe that the Welsh language has a bright future and that this builds on the Act passed in 1993 and on the measures presented by the Conservatives in the 80s leading up to 1993. I thank the Minister for commending Lord Roberts and the work undertaken by the last Conservative Government on the Welsh language, and emphasise our disappointment that neither Plaid Cymru nor Rhodri Morgan and the Labour party supported that legislation at the time. It was only the last Conservative Government that was responsible for the Welsh Language Act 1993, despite the stunts used by the other parties.

This should be a pinnacle for Plaid Cymru. It should be cause for celebration and a realisation that a big step has been taken. It is not so. Our problem is that the Minister and plaid Cymru has compromised so much on this draft LCO that we are now in a position where a report from Assembly officials says—as Mark Isherwood said earlier as Chair of Legislation Committee No. 5, representing all members of that committee and not just the Conservative party—

'Ymddengys fod hyn yn golygu na fydd Mesur y Cynulliad dan fater 20.1, yn ei hanfod, byth yn gallu pennu dyletswydd absoliwt. Gallai goblygiadau hyn fod yn bellgyrhaeddol.'

As I said, this should be a pinnacle for Plaid Cymru and a cause for celebration. However, it is obvious that the draft LCO has been redrafted in such a weak way that, as the Plaid Cymru honorary president said in Westminster, there is no certainty as it raises so many questions, as the Assembly lawyers have said.

Rhodri Glyn Thomas: I am pleased to hear your comments and the fact that you are so determined to strengthen this draft LCO. Should the Conservative party win the

etholiad ym mis Mai'r flwyddyn nesaf—gwae ar Gymru os digwydd hynny—a ydych yn dweud y byddai'r blaid Geidwadol yn San Steffan, David Cameron, Cheryl Gillan a David Jones, yn gweithio i gryfhau'r Gorchymyn cymhwysedd deddfwriaethol drafft hwn ac i sicrhau'r hyn yr ydych yn galw amdano'r prynhawn yma, sef sicrwydd y bydd y ddeddfwriaeth hon yn effeithio ar sefyllfa'r iaith Gymraeg?

Alun Cairns: Os ydych yn gofyn am y fath ddeddfwriaeth newydd, mae hynny'n tanlinellu gwendid y ddeddfwriaeth hon fel y mae wedi ei hysgrifennu a chryfder ein record ni ar yr iaith Gymraeg—[*Torri ar draws.*] Mae croeso i rywun ymyrryd neu ofyn cwestiwn. Oni bai am y Llywodraeth Geidwadol ddiwethaf, ni fyddai unrhyw Ddeddf ar yr iaith Gymraeg yn bodoli ar hyn o bryd.

Rhodri Glyn Thomas: Gan dy fod wedi gwahodd ymyrraeth, ymyrraf. Yr wyf yn barod iawn i gydnabod yr hyn a wnaethpwyd yn y gorffennol a'r gwaith gwych a wnaeth Wyn Roberts. Yr ydym i gyd yn cydnabod cyfraniad Wyn Roberts tuag at sefyllfa bresennol yr iaith Gymraeg. Yr wyf yn gofyn am y dyfodol ac am Lywodraeth Geidwadol yn y dyfodol. A wyt ti'n rhoi gwarant inni'r prynhawn yma y bydd Llywodraeth Geidwadol yn y dyfodol, dan David Cameron, yn cefnogi ymdrechion i sicrhau hawliau siaradwyr y Gymraeg yng Nghymru?

4.50 p.m.

Alun Cairns: Unwaith eto, mae hynny'n tanlinellu pa mor wael a pha mor wan yw'r LCO drafft hwn, oherwydd mae'n rhaid i Blaid Cymru edrych unwaith eto tuag at Blaid Geidwadol Cymru er mwyn eich arwain o'r llanast yr ydych ynddo ar hyn o bryd. Y gwirionedd yw bod y Gweinidog wedi cyfaddawdu cymaint a bod hwn yn LCO drafft mor wael nes bod cyfreithwyr y Cynulliad—nid cyfreithwyr y Llywodraeth—wedi dweud y byddai'n

'incapable of imposing an absolute duty'.

election in May next year—God help Wales if that should happens—are you saying that the Conservative party in Westminster, David Cameron, Cheryl Gillan and David Jones, would work to strengthen this draft legislative competence Order and to achieve what you are calling for this afternoon, namely an assurance that this legislation would have an impact on the position of the Welsh language?

Alun Cairns: If you are asking for new legislation, this emphasises the fact the weakness of this legislation as it is written and our strong record on the Welsh language—[*Interruption.*] Anyone is welcome to intervene or ask a question. If it was not for the last Conservative Government the current Welsh language Act would not exist.

Rhodri Glyn Thomas: As you have invited me to intervene, I will do so. I am quite prepared to acknowledge what has been done in the past and the excellent work undertaken by Wyn Roberts. We all acknowledge Wyn Roberts' contribution to the current position of the Welsh language. I am asking you about the future and about a future Conservative Government. Are you giving us a guarantee this afternoon that a future Conservative Government, under David Cameron, will support efforts to ensure the rights of Welsh speakers in Wales?

Alun Cairns: Once again, that emphasises how weak this draft LCO is, because Plaid Cymru has to look once again to the Welsh Conservatives in order to lead you out of the mess that you are in at the moment. The truth is that the Minister has compromised to such an extent that this draft LCO is so poor that Lawyers in the Assembly—not the Government's Lawyers—have said that it would be

'byth, mewn gwirionedd, yn gallu gosod

dyletswydd ddiamod.’

Ie, Wyn Roberts a'i arweiniodd o dan y Llywodraeth Geidwadol ddiwethaf, ond y blaid Geidwadol a'r Llywodraeth Geidwadol a sicrhodd fod deddfwriaeth gref a bod dyfodol llewyrchus i'r iaith. Yr LCO drafft hwn sy'n gwanhau'r sefyllfa o gymharu â sut yr oedd.

Alun Davies: That was quite a finale. As a Member of the legislation committee that considered the proposed Welsh language LCO, I have to say that this is not the proposed LCO that we considered. I will support the Government in this afternoon's vote, but I do so without any enthusiasm, and with a great deal of frustration and disappointment. I, like others, stood on a manifesto of delivering powers to legislate on language matters to Cardiff. The draft LCO does that, but in a limited, incomplete and imperfect way. The proposed LCO is narrow, it is minimalist, and it could, and should, have been very different.

When this process began in February, I remember the widespread reports of the difficulties that faced us. I read descriptions of the pain that we would face. The reports that I listened to were almost medieval in their descriptions of what we would face in scrutinising the draft LCO. None of that happened. To the great disappointment of the fourth estate and others, we met with the Welsh Affairs Committee and we agreed; across the political spectrum, at Westminster and at Cardiff bay, we agreed. We agreed that the language is a matter for which it is right, proper and appropriate that legislative competence rests here in Cardiff bay. It was simply a matter of how that was to be achieved. At the Assembly and at the Welsh Affairs Committee, we investigated and tested the Government's position. We questioned witnesses and called for written evidence. Predictably, an enormous volume duly arrived. Our report was published in the spring, and by the summer the Welsh Affairs

Yes, it is Wyn Roberts who led this under the last Conservative Government, but it is the Conservative Party and the Conservative Government that ensured robust legislation and a bright future for the language. It is this draft LCO that weakens the position compared with the way it was.

Alun Davies: Wel dyna inni glo. Fel Aelod o'r pwyllgor deddfwriaethol a ystyriodd yr LCO arfaethedig ynghylch yr iaith Gymraeg, rhaid imi ddweud nad dyma'r LCO arfaethedig yr oeddem wedi'i ystyried. Byddaf yn cefnogi'r Llywodraeth yn y bleidlais y prynhawn yma, ond yr wyf yn gwneud hynny heb ddim brwdfrydedd a gyda llawer iawn o rwystredigaeth a siom. Yr oeddwn, fel eraill, wedi sefyll ar fanifesto o drosglwyddo pwerau i ddeddfu ar faterion sy'n ymwneud â'r iaith i Gaerdydd. Mae'r LCO drafft yn gwneud hynny, ond mewn ffordd anghyflawn ac amherffraith. Mae'r LCO drafft yn gyfyngedig, mae'n finimalaidd, a gallai, a dylai, fod yn dra gwahanol.

Pan ddechreuodd y broses hon ym mis Chwefror, cofiaf adroddiadau lu am yr anawsterau a oedd yn ein hwynebu. Darllenaï ddisgrifiadau o'r boen y byddem yn ei hwynebu. Yr oedd yr adroddiadau y gwrandewais arnynt bron yn ganoloesol yn eu disgrifiadau o'r hyn y byddem yn ei wynebu wrth graffu ar yr LCO drafft. Ni ddigwyddodd hynny o gwbl. Er mawr siom i'r wasg ac i eraill, cyfarfuom a'r Pwyllgor Materion Cymreig ac yr oeddem yn cytuno; ar draws y sbectwm gwleidyddol, yn San Steffan ac ym mae Caerdydd, yr oeddem yn cytuno. Yr oeddem yn cytuno bod yr iaith yn fater y mae'n iawn ac yn briodol i'r cymhwysedd deddfwriaethol ar ei chyfer fod yma ym mae Caerdydd. Sut y byddid yn cyflawni hynny oedd yr unig broblem. Yn y Cynulliad ac yn y Pwyllgor Materion Cymreig, buom yn profi ac yn ymchwilio i safbwynt y Llywodraeth. Yr oeddem wedi holi tystion ac wedi gofyn am dystiolaeth ysgrifenedig. Yn ôl y disgwyl, cafwyd nifer

Committee had also published its report.

The draft LCO that has now been published takes some notice of both reports, but makes amendments that were demanded by neither. I will draw attention to two amendments in my contribution, which I believe are the most important. First, the raising of the arbitrary financial limit to £400,000, and secondly, the qualification that is inserted into matter 20.1. If we are serious about legislating on language matters, we should simply adopt the format that was outlined in the 'Better Governance for Wales' White Paper in 2005. We should simply transfer matters of legislative competence to the Assembly, and we should do so with the minimum of qualification and a minimum of exemptions. In this instance we have sought to find ways of qualifying legislative competence, and we have essentially tied ourselves up in knots. We have failed to deliver the legislative competence that we need.

The qualification to matter 20.1 is a matter of even greater concern. By inserting the grounds on which we are allowed to legislate, Parliament and Westminster seem to be not simply conferring legislative competence upon us, but also telling us how we can and cannot use that competence. That is a great departure from the 2006 legislation, and is a far departure from the White Paper and the policy debates in Parliament that we saw and read about.

Jenny Randerson: The issue of legislation on the Welsh language is of totemic significance in this regard, and I would agree with you wholeheartedly that it is totally inappropriate that the Government has caved in to the interference from Westminster with regard to the detail of the powers as we can use them. Do you agree that the fact that this caving-in has occurred on this particular and

enfawr. Cyhoeddwyd ein hadroddiad yn y gwanwyn, ac erbyn yr haf yr oedd y Pwyllgor Materion Cymreig hefyd wedi cyhoeddi ei adroddiad.

Mae'r ddau adroddiad wedi dylanwadu rhywfaint ar yr LCO drafft sydd bellach wedi cael ei gyhoeddi, ond mae'n gwneud gwelliannau nid oedd y naill na'r llall wedi gofyn amdanynt. Yr wyf am dynnu sylw at ddau welliant yn fy nghyfraniad, sef y pwysicaf yn fy marn i. Yn gyntaf, codi'r terfyn ariannol mympwyol i £400,000, ac yn ail, yr amod sydd wedi'i fewnosod ym mater 20.1. Os ydym o ddifrif am ddeddfu ar faterion sy'n ymwneud â'r iaith, dylem fabwysiadu'r fformat a oedd wedi'i amlinellu yn y Papur Gwyn 'Trefn Lywodraethu Well i Gymru' yn 2005. Yn syml, dylem drosglwyddo materion cymhwysedd deddfwriaethol i'r Cynulliad, a dylem wneud hynny gyda chyn lleied â phosibl o amodau ac eithriadau. Yn yr achos hwn yr ydym wedi ceisio dod o hyd i ffyrdd o amodi cymhwysedd deddfwriaethol, ac yn ei hanfod yr ydym wedi drysu ein hunain yn llwyr. Yr ydym wedi methu cyflawni'r cymhwysedd deddfwriaethol y mae ei angen arnom.

Mae'r amod ym mater 20.1 yn fater sy'n peri hyd yn oed mwy o bryder. Drwy fewnosod y seiliau sy'n caniatáu inni ddeddfu, ymddengys fod y Senedd a San Steffan yn gwneud mwy na dim ond trosglwyddo cymhwysedd deddfwriaethol inni, ond maent hefyd yn dweud wrthym sut y cawn a sut na chawn ddefnyddio'r cymhwysedd hwnnw. Mae hynny'n mynd yn groes i deddfwriaeth 2006, ac mae'n mynd yn groes i'r Papur Gwyn a'r dadleuon polisi yn y Senedd a welsom ac y darlennasom amdanynt.

Jenny Randerson: Mae deddfwriaeth ar yr iaith Gymraeg o'r pwys mwyaf yn y cyddestun hwn, a byddwn yn cytuno â chi i'r carn ei bod yn gwbl amhriodol bod y Llywodraeth wedi ildio i ymyrraeth gan San Steffan yng nghyswllt manylion y pwerau fel y cawn eu defnyddio. A ydych yn cytuno bod y ffaith i'r ildio hwn ddigwydd ar yr achlysur penodol a phwysig hwn yn gosod cysail

important occasion, sets a dangerous precedent for the future in all aspects of legislation and we will find that most of our LCOs will be interfered with in this way in future.

Alun Davies: I agree and I will address those issues.

As Jenny has said, it sets a precedent that I regret. By defining and prescribing legislation, we are moving far away from the process that many of us supported. This is a novel approach. No previous legislative competence Order has demanded this level of prescription. [*Interruption.*] I am sorry, I cannot give way again. The precedent that this sets means that we will not be able to legislate as we see fit where we have legislative competence. That is not what was meant in the 2006 legislation, it is not what was described in Parliament and to Parliament at that time, and it is not what the Welsh Affairs Committee agreed was the purpose of LCOs at that time.

Earlier this afternoon, the Leader of the House said that the LCO system works and that those who wish devolution well will do everything in their power to support and strengthen the process. He characterised those who question the process as undermining either devolution or the union itself. I have to say that I disagree. I supported the LCO process as it was first described and I recognise that it was a radical and inventive way of making the constitution work in our favour. It has certainly delivered a far greater range of powers to the Assembly than would have been possible under the process proposed by Ivor Richard. However, it now appears that this process works only where there is consensus; it does not work where there is controversy nor does it work where there are difficult issues to address.

The Deputy Presiding Officer: Could you

perylus ar gyfer y dyfodol ym mhob agwedd ar ddeddfwriaeth ac y byddwn yn gweld yr ymyrrir ar y rhan fwyaf o'n Gorchmynion cymhwysedd deddfwriaethol yn y modd hwn yn y dyfodol.

Alun Davies: Yr wyf yn cytuno a rhoddaf sylw i'r materion hynny.

Fel y dywedodd Jenny, mae'n gosod cynsail yr wyf yn gresynu wrtho. Drwy ddiffinio a rhagnodi deddfwriaeth, yr ydym yn symud yn bell oddi wrth y broses yr oedd nifer ohonom yn ei chefnogi. Mae hwn yn ddull gweithredu newydd. Nid oes Gorchymyn cymhwysedd deddfwriaethol blaenorol wedi galw am y lefel hon o ragnodi. [*Torri ar draws.*] Mae'n ddrwg gennyf, ni allaf ildio eto. Mae'r cynsail y mae hyn yn ei osod yn golygu na fyddwn yn gallu deddfu fel y gwelwn orau lle mae gennym gymhwysedd deddfwriaethol. Nid dyna'r hyn a fwriadwyd yn neddfwriaeth 2006, nid dyna a ddisgrifiwyd yn y Senedd ac i'r Senedd bryd hynny, ac nid dyna'r hyn yr oedd y Pwyllgor Materion Cymreig wedi cytuno oedd diben Gorchmynion cymhwysedd deddfwriaethol bryd hynny.

Yn gynharach y prynhawn yma, dywedodd Arweinydd y Tŷ fod y system LCO yn gweithio ac y bydd y rheiny sydd am weld datganoli yn llwyddo yn gwneud eu gorau glas i gefnogi ac i gryfhau'r broses. Dywedodd fod y rheiny sy'n cwestiynu'r broses yn tanseilio datganoli neu'r undeb ei hun. Rhaid imi ddweud fy mod yn anghytuno. Yr oeddwn yn cefnogi'r broses LCO fel y cafodd ei disgrifio'n wreiddiol ac yr wyf yn cydnabod ei bod yn ffordd radical a dyfeisgar o wneud i'r cyfansoddiad weithio o'n plaid. Yn sicr mae wedi darparu ystod fwy o lawer o bwerau i'r Cynulliad nag a fyddai'n bosibl dan y broses a gynigwyd gan Ivor Richard. Fodd bynnag, ymddengys yn awr mai dim ond pan geir consensws y mae'r broses hon yn gweithio; nid yw'n gweithio lle ceir pwnc llosg nid yw'n gweithio ychwaith lle ceir materion anodd y mae angen mynd i'r afael â hwy.

Y Dirprwy Lywydd: A allech dynnu tua'r

wind up please?

Alun Davies: It is time that we recognised this. It is time to move forward to a referendum and it is time for us to consider how the Assembly works, because devolution needs stability, clarity, and accountability in legislation.

The Deputy Presiding Officer: Will you wind up please?

Alun Davies: At the moment, the system provides none of those. We need a system that will work for Wales. We need a referendum to take this process forward.

Alun Ffred Jones: Yr wyf yn croesawu'r gefnogaeth cyffredinol i'r Gorchymyn drafft. Mae'n drueni bod rhai wedi ceisio gwneud ymgais blentynnaidd i geisio sgorio pwyntiau pleidiol. Gan fod y Torïaid wedi mynd ati mewn ffordd mor ymosodol, gofynnaf pwy sy'n gwisgo'r trowsus yn y blaid Dorïaidd?

Alun Cairns *a gododd—*

Alun Ffred Jones: Eistedda i lawr. Ai'r Torïaid yn y Cynulliad neu Cheryl Gillan, David Davies, neu David Jones, sydd wedi gwneud popeth o fewn eu gallu i lesteirio'r LCO drafft hwn?

Alun Cairns *a gododd—*

Alun Ffred Jones: Yr wyf wedi gwrandio digon arnoch chi'r prynhawn yma. Eisteddwch i lawr.

The Deputy Presiding Officer: Order. Alun Cairns, the Minister is not taking an intervention. Will you sit down, please?

Alun Ffred Jones: Os ydych yn dweud eich bod am ehangu cwmpas y Gorchymyn drafft hwn, pam mae'ch Aelodau yn San Steffan yn gwneud popeth i lesteirio'r Gorchymyn drafft hwn? [*Torri ar draws.*] Dyna ddigon ar y nonsens hwnnw.

terfyn yn awr?

Alun Davies: Mae'n hen bryd inni gydnabod hyn. Mae'n hen bryd inni symud ymlaen at refferendwm ac mae'n hen bryd inni ystyried sut y mae'r Cynulliad yn gweithio, oherwydd mae ar ddatganoli angen sefydlogrwydd, eglurder ac atebolrwydd mewn deddfwriaeth.

Y Dirprwy Lywydd: A wnewch gloi?

Alun Davies: Ar hyn o bryd, nid yw'r system yn rhoi dim un o'r rhain. Mae arnom angen system a fydd yn gweithio i Gymru. Mae arnom angen refferendwm i fynd â'r broses hon rhagddi.

Alun Ffred Jones: I welcome the general support to the draft Order. It is a shame that some have made a childish attempt to try to score party-political points. As the Tories have approached this so aggressively, I ask who wears the trousers in the Tory party?

Alun Cairns *rose—*

Alun Ffred Jones: Sit down. Is it the Tories in the Assembly or Cheryl Gillan, David Davies or David Jones, that have done everything within their power to hinder this draft LCO?

Alun Cairns *rose—*

Alun Ffred Jones: I have listened enough to you this afternoon. Sit down.

Y Dirprwy Lywydd: Trefn. Alun Cairns, nid yw'r Gweinidog yn ildio. A wnewch eistedd?

Alun Ffred Jones: If you say that you want to broaden the scope of this draft Order, why have your Members in Westminster done everything to hinder this draft Order? [*Interruption.*] That is enough of that nonsense.

Yr wyf yn falch iawn o'r gefnogaeth gyffredinol. Trof at bwyntiau Mark Isherwood.

I am very pleased with the general support. I now turn to Mark Isherwood's points.

Mark, you asked why we did not accept the issue about partnerships. We are satisfied that the types of partnership referred to by Legislation Committee No. 5, and by the Welsh Language Board in its evidence, would come within competence. For example, all of the partners of local service boards already come within competence of the draft LCO and could, therefore, be subject to Welsh language duties.

Mark, gofynasoch pam nad oeddem yn derbyn y mater ynghylch partneriaethau. Yr ydym yn fodlon y bydda'r mathau o bartneriaethau y cyfeirir atynt gan Bwyllgor Deddfwriaethol Rhif 5, a gan Fwrdd yr Iaith Gymraeg yn ei dystiolaeth, yn dod dan y cymhwysedd. Er enghraifft, mae holl bartneriaid byrddau gwasanaethau lleol eisoes yn dod dan gymhwysedd yr LCO drafft a gallent, felly, fod yn rhwym wrth ddyletswyddau iaith Gymraeg.

There is no problem regarding the clarity of future Measures. The draft LCO, as it stands, would enable the National Assembly for Wales to legislate to fulfil the Assembly Government's commitments in 'One Wales' to confirm the status of both Welsh and English, to secure linguistic rights in the provision of services, and to establish the post of Welsh language commissioner. Surely, the approach to the imposition of duties should be both reasonable and proportionate, and the LCO is drafted accordingly. It also carries on from the position of the Welsh Language Act 1993. The note that has been bandied about today makes a number of assumptions and these are not necessarily ones that the Assembly Government will follow in developing legislation under matter 20.1.

Nid oes dim problem ynghylch eglurder Mesurau yn y dyfodol. Fel y saif, byddai'r LCO drafft yn galluogi Cynulliad Cenedlaethol Cymru i ddeddfu i gyflawni ymrwymadau Llywodraeth y Cynulliad yn 'Cymru'n Un' i gadarnhau statws y Gymraeg a'r Saesneg, i sicrhau hawliau ieithyddol wrth ddarparu gwasanaethau, ac i sefydlu swydd comisiynydd iaith Gymraeg. Siawns y dylai'r dull gweithredu o ran trefn dyletswyddau fod yn rhesymol ac yn gymesur, ac mae'r LCO wedi cael ei ddrafftio felly. Mae hefyd yn symud ymlaen o sefyllfa Deddf yr Iaith Gymraeg 1993. Mae'r nodyn sydd wedi cael ei gyfnewid heddiw yn gwneud nifer o dybiaethau ac nid yw'r rhain o reidrwydd yn rhai y bydd Llywodraeth y Cynulliad yn eu dilyn wrth ddatblygu deddfwriaeth dan fater 20.1.

Yr wyf yn croesawu cefnogaeth Eleanor Burnham. Bu ichi ddweud y dylem drosglwyddo holl faes yr iaith Gymraeg o dan y Gorchymyn drafft hwn ond gwyddoch yn iawn fod Llywodraeth y Deyrnas Unedig wedi ei gwneud yn glir na chaniateir trosglwyddo meysydd yn eu crynswth o dan y broses LCO. Dyna yw'r sefyllfa ers y dechrau, ac felly mae'n rhaid inni gymryd ein bod wedi llunio'r LCO drafft hwn yn yr unig ffordd bosibl.

I welcome Eleanor Burnham's support. You said that we should transfer all responsibility for the Welsh language under this draft Order, but you know full well that the UK Government has made it clear that the transfer of entire fields is not permitted under the LCO process. That has been the position from the outset, therefore we have to assume that we have drafted this draft LCO in the only way possible.

5.00 p.m.

Bu ichi gyfeirio at system apêl, ac mae'r

You referred to the appeals system, and such

system honno'n bodoli yn barod o dan Ddeddf 1993. Mater i'r Mesur a fydd yn dilyn fydd y system apêl. Yr ydym wedi rhoi ystyriaeth deg i argymhellion y ddau bwyllgor.

O ran cyfraniad Paul Davies, anwybyddaf y rwtsh pleidiol. Mater i'r Mesur fydd diffinio pwy sydd yn dod o fewn ei sgôp. Cyfeiriodd Paul at un grŵp o gwmnïau, ond mae'r holl fater o gymesuredd a rhesymoldeb yn dod yn rhan o'r drafodaeth wedyn. Gofynnodd pwy fydd yn diffinio 'rhesymol' a 'cymesur'. Dyna sydd wedi bod yn y Ddeddf ers 1993, ac nid oes neb wedi herio'r diffiniad hyd yn hyn. Felly, nid oes rheswm inni gredu y bydd y sefyllfa honno'n newid i'r dyfodol.

Rhodri Glyn Thomas: Mae'r Ceidwadwyr wedi gwneud môr a mynydd o'r cyfraniad y gwnaethant yn ystod y 1990au, ac yr ydym i gyd wedi cydnabod cyfraniad Wyn Roberts, ond a wnewch chi gadarnhau mai'r rheswm yr ydym yn dod â'r Gorchymyn cymhwysedd deddfwriaethol drafft hwn gerbron yw bod Deddf 1993 yn sylfaenol annigonol? Nid yw'n diogelu hawliau siaradwyr y Gymraeg ac mae'n rhaid inni symud ymlaen. Hyd nes y cawn ateb oddi wrth y Blaid Geidwadol beth fydd Llywodraeth Geidwadol, os cawn ni un, yn ei wneud yn y dyfodol, ni allwn fod ag unrhyw hyder y cawn gefnogaeth oddi wrth y Blaid Geidwadol.

Alun Ffred Jones: Yn sicr, ac yr ydym wedi dod â'r Gorchymyn drafft hwn ymlaen am ein bod yn credu nid yn unig mai hwn yw'r lle priodol i ddeddfu, ond am fod angen deddfu ac ymestyn deddfwriaeth 1993.

Cydnabyddaf gyfraniad yr Arglwydd Roberts, ond ni ddaeth pethau fel S4C a'r Ddeddf ar yr iaith Gymraeg o wagle; fe ddaethant yn sgîl ymgyrchu cyson am flynyddoedd a blynyddoedd. Yr oeddwn i'n rhan o'r ymgyrchu hwnnw, ac ni sylwais fod llawer o Geidwadwyr Cymreig yn y rhengoedd hynny ar y pryd.

a system already exists under the 1993 Act. The appeals system will be a matter for the Measure that follows. We have given fair consideration to the recommendations put forward by both committees.

On Paul Davies's comments, I will ignore the party political nonsense. It will be a matter for the Measure to define who comes within its scope. Paul referred to one group of companies, but the whole issue of proportionality and reasonableness enters into the discussion at that point. He asked who will define 'reasonable' and 'proportional'. That is what has been included in the Act since 1993, and no-one has challenged those definitions to date. Therefore, there is no reason for us to believe that that situation will change in future.

Rhodri Glyn Thomas: The Conservatives have made great play of their contribution during the 1990s, and we have all recognised the contribution made by Wyn Roberts, but will you confirm that the reason why we are bringing this draft legislative competence Order before the Assembly is the fact that the 1993 Act is fundamentally inadequate? It does not safeguard the rights of Welsh speakers, and we must move forward. Until we get a response from the Conservative Party as to what a Conservative Government, should it be elected, would do in future, we can have no confidence that we will have the support of the Conservative Party.

Alun Ffred Jones: Certainly, and we have brought this draft Order forward because we not only believe that this is the appropriate place to legislate, but because legislation is required and that the 1993 Act needs to be expanded.

I recognise the contribution made by Lord Roberts, but things such as S4C and the Welsh Language Act 1993 did not happen in a vacuum; they followed lengthy campaigning over many years. I was part of that campaigning, but I did not see many Welsh Conservatives in our ranks at that time.

Ar sylwadau Lesley Griffiths—

Turning to the comments made by Lesley Griffiths—

Alun Cairns *rose*—

Alun Cairns *a gododd*—

The Deputy Presiding Officer: Order. Will you take an intervention?

Y Dirprwy Lywydd: Trefn. A wnewch dderbyn ymyriad?

Alun Ffred Jones: Na wnaif.

Alun Ffred Jones: No.

The Deputy Presiding Officer: Order. He is not taking an intervention, so sit down, Alun Cairns.

Y Dirprwy Lywydd: Trefn. Nid yw am dderbyn ymyriad, felly eisteddwch, Alun Cairns.

Alun Ffred Jones: Yr wyf yn ystyried y mater hwn yn fater difrifol. Serch hynny, nid wyf yn siŵr a yw'r Ceidwadwyr Cymreig yn gwneud dim ond defnyddio hwn fel rhyw gêm ar gyfer y prynhawn yma.

Alun Ffred Jones: I do see this as a very important issue. However, I am not sure that the Welsh Conservatives are doing anything but using it as a political game this afternoon.

Alun Cairns: Cywilyddus.

Alun Cairns: Shameful.

Alun Ffred Jones: O diar, Alun bach.

Alun Ffred Jones: Dear me, Alun.

Bu i Alun Davies a Lesley Griffiths sôn cryn dipyn am y broses. Mae'r broses hon wedi'i sefydlu gan y Blaid Lafur, a dyna'r broses y mae'n rhaid imi ei dilyn. Mae iddi wendidau ac mae'r Prif Weinidog wedi cydnabod ei bod yn gallu bod yn broses glogyrnaidd. Cydnabyddaf fod gwendidau yn y broses ei hun, ond mater i eraill yw hynny ac nid un i ni ymdrin ag ef y prynhawn yma. Fel y dywedais ar y cychwyn, byddwn yn hapusach o lawer pe bawn yn sefyll mewn senedd sydd yn gallu deddfu ar y materion hyn yn llawn.

Alun Davies and Lesley Griffiths said a great deal about the process. This process was put in place by the Labour Party, and this is the process that we have to follow. It has its weaknesses, and the First Minister has acknowledged that it can be a lengthy process. I recognise that there are deficiencies in the process, but that is a matter for others and not for me to deal with this afternoon. As I said at the outset, I would be much happier to be standing in a parliament that is able to legislate on these issues in their entirety.

Darren Millar—

Darren Millar—

The Deputy Presiding Officer: Order. You need to wind up.

Y Dirprwy Lywydd: Trefn. Mae arnoch angen dirwyn i ben.

Alun Ffred Jones: I will wind up. I am pleased that I am able to avoid saying anything about Darren Millar's contribution.

Alun Ffred Jones: Gwnaf hynny. Mae'n dda gennyf osgoi gorfod dweud dim am gyfraniad Darren Millar.

Yr wyf yn gobeithio y byddwch i gyd yn teimlo y gallwch gefnogi'r Gorchymyn drafft hwn y prynhawn yma. Mae'n agor pennod

I hope that you will all feel able to support this draft Order this afternoon. It opens a new chapter of legislation and, more importantly,

newydd o safbwynt deddfu ac, yn bwysicach na hynny, mae'n golygu y gallwn greu cyfres o Fesurau a fydd yn atgyfnerthu nid yn unig yr iaith Gymraeg, ond awydd pobl Cymru, boed hwy'n bobl ddi-Gymraeg neu'n siaradwyr Cymraeg, i gefnogi'r iaith a'i defnyddio.

The Deputy Presiding Officer: The proposal is that amendment 1 be agreed. Does any Member object? I see that they do. I will therefore defer all voting under this item until voting time.

*Gohiriwyd y pleidleisiau tan y cyfnod pleidleisio.
Votes deferred until voting time.*

*Daeth y Llywydd i'r Gadair am 5.04 p.m.
The Presiding Officer took the Chair at 5.04 p.m.*

Dadl Cyfnod 3 Rheol Sefydlog Rhif 23.58 ar y Mesur Arfaethedig ynghylch Addysg (Cymru)
Stage 3 Standing Order No. 23.58 Debate on the Proposed Education (Wales) Measure

Y Llywydd: Atgoffaf Aelodau y byddwn yn trafod y gwelliannau yn unol â'r rhestr grŵpio ond byddwn yn pleidleisio ar y gwelliannau yn unol â'r rhestr o welliannau wedi'u didoli.

Gwelliannau Technegol a Chanlyniadol (Gwelliannau 7, 28, 29, 8, 9, 10, 11, 12, 18, 19, 20, 21, 22, 23, 24, 25, 6, 26, 13, 14, 15, 16, 17 a 27)
Technical and Consequential Amendments (Amendments 7, 28, 29, 8, 9, 10, 11, 12, 18, 19, 20, 21, 22, 23, 24, 25, 6, 26, 13, 14, 15, 16, 17 and 27)

Y Llywydd: Mae'r grŵp cyntaf o welliannau yn ymwneud â gwelliannau technegol a chanlyniadol. Prif welliant y grŵp hwn yw gwelliant 7 sy'n ymddangos ar dudalen 1 o'r rhestr o welliannau wedi'u didoli. Galwaf ar y Gweinidog i gynnig gwelliant 7 a siarad am y gwelliannau eraill yn y grŵp.

The Minister for Children, Education, Lifelong Learning and Skills (Jane Hutt): I move amendment 7 in my name.

This group contains minor technical and

it means that we will be able to create a series of Measures that will reinforce not just the Welsh language, but the desire of the people of Wales, be they non-Welsh speakers or Welsh speakers, to support and use the language.

Y Dirprwy Lywydd: Y cynnig yw a ddylid cytuno gwelliant 1. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, caiff y pleidleisio ar y cynnig hwn eu gohirio tan y cyfnod pleidleisio.

The Presiding Officer: I remind Members that we will be discussing amendments in accordance with the groupings list but will vote on the amendments in accordance with the marshalled list.

The Presiding Officer: The first group of amendments deals with technical and consequential amendments. The lead amendment in this group is amendment 7, which appears on page 1 of the marshalled list. I call on the Minister to move amendment 7 and to speak to the other amendments in the group.

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau (Jane Hutt): Cynigïaf welliant 7 yn fy enw i.

Mae'r grŵp hwn yn cynnwys mân welliannau

consequential amendments, and I will address each of them briefly. Amendment 7 serves to clarify the affect of paragraph 11(2)(b) of Schedule 27 to the Education Act 1996. It makes it clear that there is a right to appeal the decision of a local education authority to cease to maintain a statement of special educational needs. Amendment 28 amends new section 332ZB of the proposed Measure by removing sub-section 1(b) that refers to appeals against the contents of a statement. The provision in sub-section 1(b) is considered unnecessary because LEAs are already obliged by sub-sections 1(g) and 1(h) to give notice of a right to appeal and serve documents in respect of the contents of a statement. That was amendment 28.

Amendment 29 ensures that where an LEA amends a child's statement, the LEA must give notice to the child as well as the parent and serve any documents on the child and the parent. The effect of this is to ensure a consistent and rational approach. Unless the child is aware of the amendments made to a statement, he or she will be unable to make an appeal meaningfully, if at all, against its new contents.

Amendments 8 and 9 make minor modifications to the text of the proposed Measure, solely to achieve greater clarity and precision. Amendment 10 is a further minor amendment that seeks to achieve greater precision in confirming that section 332B of the Education Act 1996 is amended by the provisions of section 5(2) of the proposed Measure. I will also address amendments 11 and 12 together as they both make minor modifications to the text of the proposed Measure to achieve greater consistency, clarity and precision.

Amendment 18 is a drafting amendment that removes unnecessary text from the proposed Measure. Amendments 19 and 20 make minor changes to the text, again for the sake of clarity and precision, confirming that section 28I is located within the Disability Discrimination Act 1995. Amendment 21 makes a similarly minor technical

technegol a chanlyniadol, a byddaf yn delio â phob un ohonynt yn gryno. Nod gwelliant 7 yw egluro effaith paragraff 11(2)(b) Atodlen 27 Deddf Addysg 1996. Mae'n egluro bod hawl i apelio yn erbyn penderfyniad awdurdod addysg lleol i roi'r gorau i gynnal datganiad anghenion addysgol arbennig. Mae gwelliant 28 yn diwygio adran newydd 332ZB y Mesur arfaethedig drwy ddileu is-adran 1(b) sy'n cyfeirio at apeliadau yn erbyn cynnwys datganiad. Ystyrir bod y ddarpariaeth yn is-adran 1(b) yn ddianghenraid oherwydd ei bod yn rhaid i AALLau eisoes roi hysbysiad hawl i apelio a chyflwyno dogfennau yng nghyswllt cynnwys datganiad dan is-adrannau 1(g) a 1(h). Gwelliant 28 oedd hwnnw.

Mae gwelliant 29 yn sicrhau pan fydd AALL yn diwygio datganiad plentyn, rhaid i'r AALLau roi hysbysiad i'r plentyn yn ogystal ag i'r rhiant a chyflwyno unrhyw ddogfennau i'r plentyn ac i'r rhiant. Effaith hyn yw sicrhau dull gweithredu cyson a rhesymol. Oni bai fod y plentyn yn ymwybodol o'r newidiadau a wneir i'r datganiad, ni fydd ef neu hi'n gallu apelio'n ystyrion, os o gwbl, yn erbyn ei gynnwys newydd.

Mae gwelliannau 8 a 9 yn gwneud mân addasiadau i destun y Mesur arfaethedig, dim ond er mwyn sicrhau gwell eglurder a manylder. Mae gwelliant 10 yn fân welliant arall sy'n ceisio sicrhau gwell manylder drwy gadarnhau bod adran 332B Deddf Addysg 1996 wedi'i diwygio gan ddarpariaethau adran 5(2) y Mesur arfaethedig. Byddaf hefyd yn delio â gwelliannau 11 a 12 gyda'i gilydd gan fod y ddau ohonynt yn gwneud mân addasiadau i destun y Mesur arfaethedig i sicrhau gwell cysondeb, eglurder a manylder.

Mae gwelliant 18 yn welliant drafftio sy'n cael gwared ar unrhyw destun dianghenraid o'r Mesur arfaethedig. Mae gwelliannau 19 a 20 yn gwneud mân newidiadau i'r testun, unwaith eto er mwyn bod yn glir ac yn fanwl, gan gadarnhau bod adran 28I yn Neddf Gwahaniaethu ar sail Anabledd 1995. Mae gwelliant 21 yn gwneud mân addasiad

modification to section 14(2) of the proposed Measure to remove further text from section 28J(1) of the Disability Discrimination Act 1995. Amendment 22 is a minor technical amendment that relates to amendment 21.

I will address amendments 23 and 24 in tandem as they both make minor technical modifications in the interests of greater precision. Amendment 25 is a technical amendment made in the interest of precision as it removes unnecessary text from section 28J(8)(a) of the Disability Discrimination Act 1995. Amendment 6 modifies section 15(3) of the proposed Measure so that the Welsh Ministers have a power of direction where the tribunal has made an order under section 28IA(4) of the Disability Discrimination Act rather than under section 28IA(3) of the same Act. Amendment 26 is another technical amendment, effectively replacing the existing provision in the proposed Measure for the sake of clarity and precision.

Amendment 14 amends section 326(4) of the Education Act 1996 to ensure that the tribunal can order a Welsh LEA to name a school in part 4 of a child's statement of special educational needs, if the child appellant has proposed a school. This may be so whether or not the parent and/or the LEA have also proposed the school. This amendment provides greater consistency to the appeal rights enjoyed by the child. Amendment 14 amends the provisions in the Education Act 1996 relating to parental appeal unopposed by local education authorities, by making it clear that these provisions apply to appeals against a decision of an LEA in England or Wales. The proposed Measure ensures that where a parent requests that the school named on a child's statement be substituted in certain conditions with another maintained school, and the LEA refuses that request, both the parent and the child have a right of appeal against that decision. Amendment 15 ensures that the provisions in the Education Act 1996 relating to unopposed appeals apply also to a

technegol tebyg i adran 14(2) y Mesur arfaethedig i gael gwared ar ragor o destun o adran 28J(1) Deddf Gwahaniaethu ar sail Anabledd 1995. Mae gwelliant 22 yn fân welliant technegol sy'n ymwneud â gwelliant 21.

Yr wyf am ddelio â gwelliannau 23 a 24 gyda'i gilydd gan fod y ddau ohonynt yn gwneud mân addasiadau technegol er mwyn bod yn fwy manwl. Mae gwelliant 25 yn welliant technegol a wneir er mwyn bod yn fanwl gan ei fod yn dileu testun dianghenraid o adran 28J(8)(a) Deddf Gwahaniaethu ar sail Anabledd 1995. Mae gwelliant 6 yn addasu adran 15(3) y Mesur arfaethedig er mwyn i Weinidogion Cymru gael pŵer cyfarwyddo pan fydd y tribiwnlys wedi gwneud gorchymyn dan adran 28IA(4) y Ddeddf Gwahaniaethu ar sail Anabledd yn hytrach na dan adran 28IA(3) yr un Ddeddf. Mae gwelliant 26 yn welliant technegol arall, i bob pwrpas mae'n disodli'r ddarpariaeth sydd eisoes yn bodoli yn y Mesur arfaethedig er mwyn bod yn glir ac yn fanwl.

Mae gwelliant 14 yn diwygio adran 326(4) Deddf Addysg 1996 i sicrhau y caiff y tribiwnlys orchymyn bod AALL yng Nghymru yn enwi ysgol yn rhan 4 datganiad anghenion addysgol arbennig plentyn, os yw'r plentyn sy'n apelio wedi cynnig ysgol. Gall hyn fod yn berthnasol pa un ai a yw'r rhiant a/neu'r AALL hefyd wedi cynnig yr ysgol ai peidio. Mae'r gwelliant hwn yn rhoi mwy o gysondeb i'r hawliau apelio sydd gan y plentyn. Mae gwelliant 14 yn diwygio'r darpariaethau yn Neddf Addysg 1996 sy'n ymwneud ag apêl rhieni nas gwrthwynebir gan awdurdodau addysg lleol, drwy ei gwneud yn glir bod y darpariaethau hyn yn berthnasol i apeliadau yn erbyn penderfyniad AALL yng Nghymru neu yn Lloegr. Mae'r Mesur arfaethedig yn sicrhau os bydd rhiant yn gwneud cais i'r ysgol a enwir ar ddatganiad plentyn gael ei newid am ysgol arall a gynhelir mewn rhai amgylchiadau, a bod yr AALL yn gwrthod y cais hwnnw, bod gan y rhiant a'r plentyn hawl i apelio yn erbyn y penderfyniad hwnnw. Mae gwelliant 15 yn sicrhau bod y darpariaethau yn Neddf

child who has appealed the LEA decision not to change the name of the school specified in a statement.

Addysg 1996 sy'n ymwneud ag apeliadau nas gwrthwynebir hefyd yn berthnasol i blentyn sydd wedi apelio yn erbyn penderfyniad yr AALL i beidio â newid enw'r ysgol a bennir mewn datganiad.

Amendment 16 makes minor technical amendments to ensure that provisions in section 27 of the Education Act 1996, which concerns the making and maintenance of statements, apply where an appeal is made by a parent and/or child. Finally, amendment 17 is a further technical amendment to modify paragraph 9(c) of the Schedule to the proposed Measure in order that the period within which a disability discrimination claim may be made to a tribunal may be extended in circumstances where the proceedings, or possible proceedings, are referred to dispute resolution services. It is, I am sure you will agree, an attractive proposition to take steps to resolve differences at an early and informal stage.

Mae gwelliant 16 yn gwneud mân welliannau technegol i sicrhau bod darpariaethau yn adran 27 Deddf Addysg 1996, sy'n ymwneud â gwneud a chynnal datganiadau, yn berthnasol pan fydd apêl yn cael ei wneud gan riant a/neu blentyn. Yn olaf, mae gwelliant 17 yn welliant technegol arall i addasu paragraff 9(c) yr Atodlen i'r Mesur arfaethedig er mwyn ymestyn y cyfnod lle ceir gwneud hawliad camwahaniaethu ar sail anabledd i dribiwnlys mewn amgylchiadau lle caiff yr achos, neu'r achos posibl, ei gyfeirio at wasanaethau datrys anghydfod. Yr wyf yn siŵr y byddwch yn cytuno bod cymryd camau i ddatrys unrhyw wahaniaethau ar gam cynnar ac anffurfiol yn gynig deniadol.

5.10 p.m.

Amendment 27 makes a technical amendment by inserting a reference to section 22A into the commencement provisions under section 23 of the proposed Measure. Section 22A deals with the procedure for Orders made under section 18, effectively the provisions that enable the Welsh Ministers to amend the Measure post pilot. The amendment will ensure that section 22A will come into force two months after the proposed Measure has been approved.

Mae gwelliant 27 yn gwneud gwelliant technegol drwy fewnosod cyfeiriad at adran 22A i ddechrau darpariaethau dan adran 23 y Mesur arfaethedig. Mae adran 22A yn delio â'r weithdrefn ar gyfer Gorchmynion a wneir dan adran 18, i bob pwrpas y darpariaethau sy'n galluogi Gweinidogion Cymru i ddiwygio'r Mesur ar ôl y peilot. Bydd y gwelliant hwn yn sicrhau y daw adran 22A i rym dau fis ar ôl i'r Mesur arfaethedig gael ei gymeradwyo.

Thank you for your patience and courtesy in listening to my explanation of this group of amendments, which chiefly make minor, technical or presentational changes to the proposed Measure. They were tabled in good faith and with the intention of improving the final document. I ask for your support in the interests of that objective.

Diolch ichi am eich amynedd a'ch cwrteisi wrth wrando ar fy esboniad o'r grŵp hwn o welliannau, sydd yn bennaf yn gwneud mân newidiadau technegol neu gyflwyniadol i'r Mesur arfaethedig. Cawsant eu cyflwyno'n ddidwyll a gyda'r bwriad o wella'r ddogfen derfynol. Yr wyf yn gofyn am eich cefnogaeth er budd yr amcan hwnnw.

The Presiding Officer: Thank you, Minister. Such good faith abounds here that there are no speakers on this particular group. I will therefore take it forward formally.

Y Llywydd: Diolch, Weinidog. Ceir cymaint o ddidwyllledd yma nad oes dim siaradwyr ar y grŵp penodol hwn. Yr wyf felly'n mynd ag ef ymlaen yn ffurfiol.

Y cwestiwn yw a ddylid derbyn gwelliant 7. Gwelaf nad oes gwrthwynebiad, ac felly, yn unol â Rheol Sefydlog Rhif 7.35, derbynir gwelliant 7.

*Derbyniwyd gwelliant 7.
Amendment 7 agreed.*

Ni fyddaf yn galw pleidlais ar weddill y grŵp—cewch bleidleisio ar y gwelliannau hynny ar yr adeg briodol yn y trafodion.

The question is that amendment 7 be agreed. I see that there is no objection, therefore, in accordance with Standing Order No. 7.35, amendment 7 is agreed.

I will not call for a vote on the rest of the amendments in the group—you will be able to vote on those amendments at the appropriate time during proceedings.

Awdurdodau Addysg Lleol (Gwelliannau 3, 4, 5, 1 a 2) Local Education Authorities (Amendments 3, 4, 5, 1 and 2)

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 7, down yn awr at grŵp 2 ynghylch awdurdodau addysg lleol. Prif welliant y grŵp hwn yw gwelliant 3, sy'n ymddangos ar dudalen 1 yn y rhestr o welliannau wedi'u didoli. Galwaf ar y Gweinidog i gynnig gwelliant 3 ac i siarad am y gwelliannau eraill yn y grŵp.

Jane Hutt: I move amendment 3 in my name.

This group of five Government amendments is to make technical modifications to the proposed Measure to take account of the Welsh Ministers' powers in the Education and Inspections Act 2006. Amendment 3 replaces the reference to 'local authorities' with 'local education authorities'. This amendment reflects current duties that are imposed on local education authorities by the Education Act 1996 to give notice to, or serve documents on, a parent when the authorities have made decisions against which appeals may be made.

Amendment 4 is another technical amendment, and it links to amendment 3. It reflects the duties imposed on local education authorities by the Education Act 1996 to give notice, or to serve documents, when the authorities have made decisions against which appeals may be made. This

The Presiding Officer: We have disposed of amendment 7, therefore we come to group 2 on local education authorities. The lead amendment in this group is amendment 3, which appears on page 1 of the marshalled list. I call on the Minister to propose amendment 3 and to speak to the other amendments in the group.

Jane Hutt: Cynigïaf welliant 3 yn fy enw i.

Nod y grŵp hwn o bum gwelliant gan y Llywodraeth yw gwneud addasiadau technegol i'r Mesur arfaethedig er mwyn ystyried pwerau Gweinidogion Cymru yn Neddf Addysg ac Arolygiadau 2006. Mae gwelliant 3 yn disodli'r cyfeiriad at 'awdurdodau lleol' gydag 'awdurdodau addysg lleol'. Mae'r gwelliant hwn yn adlewyrchu'r dyletswyddau presennol a roddir ar awdurdodau addysg lleol gan Ddeddf Addysg 1996 i roi hysbysiad, neu gyflwyno dogfennau, i riant pan fydd yr awdurdodau wedi gwneud penderfyniadau y ceir apelio yn eu herbyn.

Mae gwelliant 4 yn welliant technegol arall, ac mae'n cysylltu â gwelliant 3. Mae'n adlewyrchu'r dyletswyddau a roddir ar awdurdodau addysg lleol gan Ddeddf Addysg 1996 i roi hysbysiad, neu i gyflwyno dogfennau, pan fydd yr awdurdodau wedi gwneud penderfyniadau y ceir apelio yn eu

amendment, and amendment 3, will ensure that the Welsh Ministers' powers of direction under the Education Act 1996 apply to local education authorities in respect of their duty to serve notices and/or documents on a child.

Finally in this group of Government amendments, amendment 5 replaces the reference to 'local authority' with 'local education authority', making it clear that LEAs and the governing bodies of maintained schools are captured by the definition of 'authorities' in respect of the duties to make arrangements for the resolution of disputes.

Amendment 2 is a technical amendment in support of amendment 1. It will enable Orders made under the new section substituting 'authorities' for 'local education authorities' to be made once the proposed Measure has been approved in Privy Council and before the start of the pilot phase.

Section 162(5A) of the Education and Inspections Act 2006 provides the Welsh Ministers with an Order-making power to replace any references in an Assembly Measure to a 'local education authority' with a reference to a 'local authority'.

Amendment 1 makes a technical change giving the Welsh Ministers the power to make necessary consequential provision and to clarify that an Order made under section 162(5A) of the 2006 Act can include amendments to Measures, Acts of Parliament and any subordinate legislation made under them. I ask you to support the amendments in this group.

Y Llywydd: Nid oes neb am siarad am y grŵp hwn. Felly, y cwestiwn yw a ddylid derbyn gwelliant 3. Gwelaf nad oes gwrthwynebiad, ac felly, yn unol â Rheol Sefydlog Rhif 7.35, derbynir gwelliant 3.

herbyn. Bydd y gwelliant hwn a gwelliant 3, yn sicrhau bod pwerau cyfarwyddo Gweinidogion Cymru dan Ddeddf Addysg 1996 yn berthnasol i awdurdodau addysg lleol yng nghyswllt eu dyletswydd i gyflwyno hysbysiadau a/neu ddogfennau i blentyn.

Yn olaf yn y grŵp hwn o welliannau gan y Llywodraeth, mae gwelliant 5 yn disodli'r cyfeiriad at 'awdurdod lleol' gydag 'awdurdod addysg lleol', sy'n ei gwneud yn glir mai AALLau a chyrff llywodraethu ysgolion a gynhelir sy'n cael eu dal gan y diffiniad o 'awdurdodau' yng nghyswllt y dyletswyddau i wneud trefniadau ar gyfer datrys anghydfodau.

Mae gwelliant 2 yn welliant technegol sy'n cefnogi gwelliant 1. Bydd yn galluogi i Orchmynion a wneir dan yr adran newydd sy'n rhoi 'awdurdodau' yn lle 'awdurdodau addysg lleol' gael eu gwneud ar ôl i'r Cyfrin Gyngor gymeradwyo'r Mesur arfaethedig a chyn dechrau'r cam peilot.

Mae adran 162(5A) Deddf Addysg ac Arolygiadau 2006 yn rhoi i Weinidogion Cymru bŵer i wneud Gorchymyn i ddisodli unrhyw gyfeiriad ym Mesurau'r Cynulliad at 'awdurdod addysg lleol' â chyfeiriad at 'awdurdod lleol'.

Mae gwelliant 1 yn gwneud newid technegol sy'n rhoi i Weinidogion Cymru'r pŵer i wneud darpariaeth ganlyniadol angenrheidiol ac egluro y gall Gorchymyn a wneir dan adran 162(5A) Deddf 2006 gynnwys gwelliannau i Fesurau, i Ddeddfau Seneddol ac i unrhyw is-ddeddfwriaeth a wneir oddi tanynt. Yr wyf yn gofyn ichi gefnogi'r gwelliannau yn y grŵp hwn.

The Presiding Officer: No-one wishes to speak to this group of amendments. Therefore, the question is that amendment 3 be agreed. I see that there is no objection, therefore, in accordance with Standing Order No. 7.35, amendment 3 is agreed.

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

Ni chynhelir pleidlais ar welliannau 4, 5, 1 a 2 ar hyn o bryd. Byddwn yn pleidleisio arnynt ar yr adeg briodol yn y trafodion.

We will not move to a vote on amendments 4, 5, 1 and 2 at this stage. We will vote on those amendments at the appropriate time during our deliberations.

Trown yn awr i waredu gwelliant 28, a drafodwyd yn grŵp 1 ac sydd ar dudalen 2 yn y rhestr o welliannau wedi'u didoli. Weinidog, a wnewch chi gynnig y gwelliant yn ffurfiol?

We will now dispose of amendment 28, which was discussed as part of group 1 and which appears on page 2 of the marshalled list. Minister, will you formally move the amendment?

Jane Hutt: I move amendment 28 in my name.

Jane Hutt: Cynigiaf welliant 28 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 28. A oes gwrthwynebiad? Gwelaf nad oes, ac felly, yn unol â Rheol Sefydlog Rhif 7.35, derbynnir gwelliant 28.

The Presiding Officer: The question is that amendment 28 be agreed. Are there any objections? I see that there are none, therefore, in accordance with Standing Order No. 7.35, amendment 28 is agreed.

*Derbyniwyd gwelliant 28.
Amendment 28 agreed.*

Wedi gwaredu gwelliant 28, awn ymlaen at welliant 29, a drafodwyd fel rhan o grŵp 1 hefyd. Mae hwn hefyd i'w weld ar dudalen 2 yn y rhestr o welliannau wedi'u didoli. Weinidog, a wnewch chi gynnig y gwelliant yn ffurfiol?

As we have disposed of amendment 28, we will now move to amendment 29, which was discussed as part of group 1 and which appears on page 2 of the marshalled list. Minister, will you formally move the amendment?

Jane Hutt: I move amendment 29 in my name.

Jane Hutt: Cynigiaf welliant 29 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 29. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 29 ei dderbyn.

The Presiding Officer: The proposal is that amendment 29 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 29 is therefore agreed.

*Derbyniwyd gwelliant 29.
Amendment 29 agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau sydd wedi'u didoli, symudwn yn awr i waredu welliant gwelliant 4 a drafodwyd gyda grŵp 2, sy'n ymddangos ar dudalen 2 o'r rhestr o welliannau sydd wedi'u didoli. Weinidog, a hoffech gynnig y gwelliant?

The Presiding Officer: In accordance with the marshalled list of amendments, we now come to dispose of amendment 4, discussed with group 2, which appears on page 2 of the marshalled list. Minister, would you like to move the amendment?

Jane Hutt: I move amendment 4 in my name.

Jane Hutt: Cynigiaf welliant 4 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 4. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 4 ei dderbyn.

The Presiding Officer: The proposal is that amendment 4 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 4 is therefore agreed.

*Derbyniwyd gwelliant 4.
Amendment 4 agreed.*

Hysbysu a Chyflwyno Dogfennau (Gwelliannau 60, 61 a 62) Notice and Service of Documents (Amendments 60, 61 and 62)

Y Llywydd: Symudwn ymlaen at grŵp 3, sef gwelliannau 60, 61 a 62. Mae'r rhain yn ymwneud â hysbysu a chyflwyno dogfennau. Mae'r prif welliant, gwelliant 60, ar dudalen 2 o'r rhestr a welliannau sydd wedi'u didoli.

The Presiding Officer: We now move to group 3, comprising amendments 60, 61 and 62. These relate to the notice and service of documents. The lead amendment, amendment 60, is on page 2 of the marshalled list.

Paul Davies: I move amendment 60 tabled in my name and with the name of Peter Black in support.

Paul Davies: Cynigiaf welliant 60 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

It gives me great pleasure to speak to amendments 60, 61 and 62 tabled in my name and supported by Peter Black and the Liberal Democrats. These amendments have been tabled to ensure that any notices or documents that are served upon a child take the age of the child into consideration, and that the information is provided in a version that is appropriate to their needs and understanding. It is crucial to ensure that any information given to children is appropriate to their age so that they understand exactly what is going on. That is the principle of these amendments.

Mae'n bleser mawr gennyf siarad o blaid gwelliannau 60, 61 a 62 a gyflwynwyd yn fy enw i ac a gefnogir gan Peter Black a'r Democratiaid Rhyddfrydol. Mae'r gwelliannau hyn wedi cael eu cyflwyno i sicrhau bod unrhyw hysbysiadau neu ddogfennau a gyflwynir i blentyn yn ystyried oed y plentyn, a bod yr wybodaeth yn cael ei darparu mewn fersiwn sy'n briodol i anghenion a dealltwriaeth y plentyn. Mae'n hanfodol sicrhau bod unrhyw wybodaeth a roddir i blant yn briodol i'w hoed er mwyn iddynt allu deall beth sy'n digwydd yn iawn. Dyna egwyddor y gwelliannau hyn.

I appreciate that section 2 of the proposed Measure places a duty on local education authorities to give notice to the child or to serve a document on them as well as the parent. However, it does not place a duty on local education authorities to provide the information in a way that the child can understand. Surely that is common sense. What is the point of serving documents on a child if the child cannot understand the

Yr wyf yn gwerthfawrogi bod adran 2 y Mesur arfaethedig yn rhoi dyletswydd ar awdurdodau addysg lleol i roi hysbysiad i'r plentyn neu i gyflwyno dogfen iddo neu iddi yn ogystal ag i'r rhiant. Fodd bynnag, nid yw'n rhoi dyletswydd ar awdurdodau addysg lleol i ddarparu'r wybodaeth mewn ffordd y gall y plentyn ei deall. Dichon mai synnwyr cyffredin yw hynny. Beth yw diben cyflwyno dogfennau i blentyn os na all y plentyn ddeall

information that he or she is receiving?

yr wybodaeth a gaiff?

The practical delivery of section 2 of the proposed Measure raised concerns among witnesses at Stage 1. For example, the representative of the Special Educational Needs Tribunal for Wales stated the following.

Mae gweithredu adran 2 y Mesur arfaethedig yn ymarferol wedi codi pryderon ymysg tystion yng Ngham 1. Er enghraifft, dyma'r hyn a ddywedodd cynrychiolydd Tribiwnlys Anghenion Addysgol Arbennig Cymru.

'I would not look kindly on a child receiving the standard letter that the parent gets. We have to think outside the box on this. We could be dealing with very young children. We may have to look at using visual aids or other means of communication.'

Ni fyddwn yn fodlon bod plentyn yn cael y llythyr safonol a gaiff y rhiant. Rhaid inni feddwl am hyn o'r newydd. Gallem fod yn delio â phlant ifanc iawn. Efallai y bydd yn rhaid inni edrych ar ddefnyddio cymhorthion gweledol neu ddulliau cyfathrebu eraill.

The Children's Commissioner for Wales also shared those concerns, saying that

Yr oedd Comisiynydd Plant Cymru hefyd yn rhannu'r pryderon hynny, gan ddweud

'The issue about merely writing to the child—that is just not going to happen.'

Y mater ynghylch dim ond ysgrifennu at y plentyn—ni fydd hynny'n digwydd.

He went on to explain that

Aeth ymlaen i egluro

'We will have to have a range of communication and, with children, that means face to face communication that clearly informs the child of the opportunities to appeal and have their voice heard.'

Bydd yn rhaid inni gael ystod o ddulliau cyfathrebu a, gyda phlant, mae hynny'n golygu cyfathrebu wyneb yn wyneb sy'n rhoi gwybod yn glir i'r plentyn am y cyfleoedd i apelio a chael dweud ei ddweud neu ei dweud.

As a result of the various witnesses' evidence, Legislation Committee No. 3, which scrutinised the proposed Measure at Stage 1, made it clear that the notice and service of documents should be delivered in an appropriate format. In fact, in giving evidence, the Minister herself said that

O ganlyniad i dystiolaeth yr amryfal dystion, yr oedd Pwyllgor Deddfwriaethol Rhif 3 a fu'n craffu ar y Mesur arfaethedig yng Ngham 1, wedi egluro y dylai'r hysbysiad a chyflwyno'r dogfennau fod mewn fformat priodol. A dweud y gwir, wrth roi tystiolaeth, dywedodd y Gweinidog ei hun

'There may be a situation in which the child is unable to understand the information'.

Efallai y bydd sefyllfa lle na all y plentyn ddeall yr wybodaeth.

She acknowledges that there could be circumstances in which children will not understand the documents or notices served upon them. I know that the Minister argued at Stage 2 that it was not necessary to place a requirement on the face of the proposed Measure to ensure that documents sent to a child should take the age of the child and the circumstances into consideration. She argued

Mae'n cydnabod y gallai fod amgylchiadau lle na fydd plant yn deall y dogfennau neu'r hysbysiadau a gyflwynir iddynt. Gwn i'r Gweinidog ddadlau yng Ngham 2 nad oedd angen rhoi gofyniad ar wyneb y Mesur arfaethedig i sicrhau y dylai dogfennau a anfonir at blentyn ystyried oed ac amgylchiadau'r plentyn. Dadleuodd y dylid gwneud hynny mewn cyfarwyddyd. Yr wyf

that it should be done in guidance. I understand her argument, but if we are to write to the child as well as the parent, as stated in section 2, we must ensure that it is done appropriately and in a way that is suitable and understandable.

The purpose and aim of the proposed Measure is to extend the rights of the child. Therefore, we must ensure that these issues are placed on the face of the proposed Measure. There is a danger that leaving such issues to guidance could mean that they are watered down or even forgotten. Placing them on the face of the proposed Measure will ensure that they are clear and unequivocal. To ensure that information provided to children is delivered in a version that is suitable for children with varying degrees of understanding, I urge Members to support my amendments.

Jenny Randerson: I welcome the amendments in this group tabled by the Conservatives, and the Welsh Liberal Democrats will be supporting them. As Paul said, an important part of the proposed Measure is to ensure that children are actively involved in the process of supporting their educational needs wherever possible. We are potentially dealing with very young children and with those whose understanding may not be at the level that we might expect for their chronological age.

5.20 p.m.

The amendments make it clear that, for children to be actively involved in the process, they must be able to access information that is appropriate for their age and level of understanding. If the section remains unamended, I am sure that local authorities will make appropriate efforts to ensure that their communication with children is jargon-free, but the risk is that some local authorities respond with what amounts to a one-size-fits-all approach. We do not want to provide seven-year-olds with information that is too complex for them to understand; at the same time, we do not want

yn deall ei dadl, ond os ydym am ysgrifennu at y plentyn yn ogystal ag at y rhiant, fel y dywedir yn adran 2, rhaid inni sicrhau bod hynny'n cael ei wneud yn briodol ac mewn ffordd sy'n addas ac yn ddealladwy.

Diben a nod y Mesur arfaethedig yw ymestyn hawliau'r plentyn. Felly, rhaid inni sicrhau bod y materion hyn yn cael eu gosod ar wyneb y Mesur arfaethedig. Ceir perygl y gallai gadael materion o'r fath i gyfarwyddyd olygu eu bod yn cael eu glastwreiddio neu hyd yn oed eu hanghofio. Bydd eu rhoi ar wyneb y Mesur arfaethedig yn sicrhau eu bod yn glir ac yn ddigamsyniol. Er mwyn sicrhau bod yr wybodaeth a roddir i blant yn cael ei darparu mewn fersiwn sy'n addas i blant â lefelau dealltwriaeth gwahanol, yr wyf yn annog Aelodau i gefnogi fy ngwelliannau.

Jenny Randerson: Yr wyf yn croesawu'r gwelliannau yn y grŵp hwn a gyflwynwyd gan y Ceidwadwyr, a bydd Democratiaid Rhyddfrydol Cymru yn eu cefnogi. Fel y dywedodd Paul, rhan bwysig o'r Mesur arfaethedig yw sicrhau bod plant yn cymryd rhan weithredol yn y broses o gefnogi eu hanghenion addysgol pryd bynnag y bydd hynny'n bosibl. Yr ydym, o bosibl yn delio â phlant ifanc iawn a'r rheiny nad yw eu dealltwriaeth efallai ar y lefel y byddem yn ei disgwyl ar gyfer eu hoed cronolegol.

Mae'r gwelliannau'n dangos yn glir, er mwyn i blant gymryd rhan weithredol yn y broses, rhaid iddynt allu cael gafael ar wybodaeth sy'n briodol i'w hoed a lefel eu dealltwriaeth. Os na chaiff yr adran ei diwygio, yr wyf yn siŵr y bydd awdurdodau lleol yn ymdrechu'n briodol i sicrhau nad oes dim jargon yn eu cyfathrebu â phlant, ond y perygl yw y bydd rhai awdurdodau lleol yn ymateb â dull gweithredu 'yr un peth i bawb'. Nid oes arnom eisiau rhoi i blant saith mlwydd oed wybodaeth sy'n rhy gymhleth iddynt allu ei deall; ar yr un gwynt, nid oes arnom eisiau rhoi i bobl ifanc 15 oed

to provide 15-year-olds with information that is so simplistic that it patronises them.

Children must be encouraged to participate in the process wherever possible. By giving them access to case friends, we are giving them a certain amount of independence from their parents. That is not to say that parents will be totally cut out of the process, but if a child chooses to access a case friend, particularly an older child, it will give some independence from the parents. If the information provided is not accessible to the child, that choice is a false choice. If the information is given to the parents, and they can understand it but the child cannot, the child will remain reliant on the parents whether they wish to be or not. In essence, the proposed Measure is intended to be child focused, and of course we welcome that. Therefore, as Welsh Liberal Democrats, we welcome the Conservatives' amendments in this group.

Jane Hutt: Opposition amendments 60 to 62 are identical to those that were debated and rejected in the Stage 2 committee. In respect of amendment 60, I will reiterate for the benefit of Members that, before full roll-out across Wales, there will be a pilot and evaluation phase. The importance of that is to tease out the intricacies of important communication matters, and to develop and disseminate good practice. That would be through statutory guidance, taking into account the special educational needs code of practice for Wales. As Paul will know, Legislation Committee No. 3 recognised that benefit when taking evidence, and said in its report:

‘We also consider that the pilot and evaluation phase will be crucial in identifying effective means of communicating with and engaging children with the new rights available to them’.

That is why we have this phase: so that we can test the most appropriate means of

wybodaeth sy'n rhy syml ei bod yn nawddoglyd.

Rhaid annog plant i gymryd rhan yn y broses pryd bynnag y bydd hynny'n bosibl. Drwy ganiatáu iddynt ddefnyddio cyfeillion achos, yr ydym yn rhoi rhywfaint o annibyniaeth iddynt ar eu rhieni. Nid yw hynny'n dweud y caiff rhieni eu cau allan o'r broses yn gyfan gwbl, ond os bydd plentyn yn dewis defnyddio cyfaill achos, yn enwedig plentyn hŷn, bydd yn rhoi rhywfaint o annibyniaeth iddo neu iddi ar ei rieni neu ei rhieni. Os nad yw'r wybodaeth a ddarperir yn ddealladwy i'r plentyn, mae'r dewis hwnnw'n ddewis ffug. Os rhoddir yr wybodaeth i'r rheiny a'u bod yn gallu ei deall ond na all y plentyn ei deall, bydd y plentyn yn dal yn dibynnu ar y rhieni boed yn dymuno gwneud hynny ai peidio. Yn y bôn, bwriad y Mesur arfaethedig yw canolbwyntio ar y plentyn, ac wrth gwrs yr ydym yn croesawu hynny. Felly, fel Democratiaid Rhyddfrydol Cymru, yr ydym yn croesawu gwelliannau'r Ceidwadwyr yn y grŵp hwn.

Jane Hutt: Mae gwelliannau'r wrthblaid 60 i 62 union yr un fath â'r rheiny a drafodwyd ac a wrthodwyd yn y pwyllgor Cam 2. Yng nghyswllt gwelliant 60, er budd yr Aelodau, ailadroddaf y bydd cyfnod peilot a gwerthuso cyn cyflwyno'n llawn ledled Cymru. Pwysigrwyd hynny yw dod o hyd i unrhyw gymhlethdodau mewn materion cyfathrebu pwysig, a datblygu a rhannu arfer da. Byddai hynny drwy gyfarwyddyd statudol, gan ystyried cod ymarfer anghenion addysgol arbennig Cymru. Fel y gŵyr Paul, yr oedd Pwyllgor Deddfwriaethol Rhif 3 yn cydnabod y budd hwnnw wrth gael tystiolaeth, a dywedodd yn ei adroddiad:

‘Rydym hefyd yn credu y bydd y cyfnod treialu a gwerthuso yn hollbwysig o ran canfod dulliau effeithiol o gyfathrebu gyda phlant a'u hymgysylltu â'r hawliau newydd sydd ganddynt.’

Dyna pam mae'r cam hwn gennym: er mwyn inni allu profi'r ffyrdd mwyaf priodol o

providing guidance through a communication strategy. It is far better to retain the greater flexibility of regulations and guidance to respond appropriately to the pilot period, and report subsequently.

Jenny, the committee considered the issue of explaining the information and decisions under this section to children of different ages, different needs and different levels of understanding, which is an important point. It recommended—and I accepted this wholeheartedly—that guidance be developed so that notices and the serving of documents could be delivered in an appropriate format. That was rigorously debated in the legislation committee. That is the guidance, and it is unnecessary to place it on the face of the proposed Measure. It is important that communication strategies take a range of media into account, and not just written means. They must also take account of flexibilities in different circumstances and the age-appropriateness of the communication, which was your point about the age range. That is our position on amendments 61 and 62 as well.

I have stressed throughout the work on this pioneering legislation the importance of taking account of children and young people's particular needs, but it is unnecessary to include this provision on the face of the proposed Measure. Through piloting and evaluation, it is about how we can introduce and implement appropriate regulations, statutory guidance. As I said, it is not only the written advice that should be appropriate to a child's understanding, but the broad range of media and communications that may be employed more effectively with children and young people to ensure that they can understand and engage effectively. We will develop good practice as a result of the pilot scheme, and sign-post it with resultant statutory guidance. On that basis, I ask you again to resist amendments 61 and 62. I know that these amendments are well intended, but they reflect unnecessary and inappropriate changes on the face of the proposed Measure.

ddarparu arweiniad drwy strategaeth cyfathrebu. Mae'n well o lawer cadw hyblygrwydd gwell rheoliadau ac arweiniad i ymateb yn briodol i'r cyfnod peilot, ac adrodd yn dilyn hynny.

Jenny, yr oedd y pwyllgor wedi ystyried egluro'r wybodaeth a'r penderfyniadau dan yr adran hon i blant o oed gwahanol, anghenion gwahanol a lefelau gwahanol o ddealltwriaeth, sy'n bwynt pwysig. Argymhellir—ac yr oeddwn yn derbyn hyn yn llawn—bod arweiniad yn cael ei ddatblygu er mwyn i hysbysiadau a chyflwyno dogfennau fod mewn fformat priodol. Cafodd hynny ei drafod yn drwyadl yn y pwyllgor deddfwriaethol. Dyna'r arweiniad, ac nid oes angen ei roi ar wyneb y Mesur arfaethedig. Mae'n bwysig bod strategaethau cyfathrebu yn ystyried ystod o gyfryngau, ac nid dim ond y cyfrwng ysgrifenedig. Rhaid iddynt hefyd ystyried hyblygrwydd mewn amgylchiadau gwahanol a pha mor briodol yw'r cyfathrebu i'r oed, sef eich pwynt ynghylch yr ystod oed. Dyna ein safbwynt ar welliannau 61 a 62 hefyd.

Drwy gydol y gwaith ar y ddeddfwriaeth arloesol hon yr wyf wedi pwysleisio pwysigrwydd ystyried anghenion penodol plant a phobl ifanc, ond nid oes angen cynnwys y ddarpariaeth hon ar wyneb y Mesur arfaethedig. Drwy dreialu a gwerthuso, mae'n ymwneud â sut y gallwn gyflwyno a gweithredu rheoliadau priodol, arweiniad statudol. Fel y dywedais, nid dim ond y cyngor ysgrifenedig a ddylai fod yn briodol i ddealltwriaeth plentyn, ond yr ystod eang o gyfryngau a chyfathrebu y gellir eu defnyddio'n fwy effeithiol gyda phlant a phobl ifanc i sicrhau eu bod yn gallu deall ac ymgysylltu'n effeithiol. Byddwn yn datblygu arfer da o ganlyniad i'r cynllun peilot ac yn ei gyfeirio ag arweiniad statudol a fydd yn deillio o hynny. Ar y sail honno, yr wyf yn gofyn ichi eto wrthod gwelliannau 61 a 62. Gwn fod bwriad da i'r gwelliannau hyn, ond maent yn adlewyrchu newidiadau dianghenraid ac amhriodol ar wyneb y Mesur arfaethedig.

Paul Davies: I thank everyone who contributed to the debate on this group of amendments. I am extremely disappointed that the Minister and the Assembly Government feel that they are unable to support them. After all, they have been tabled to ensure that any notices or documents served on a child take the age of the child into consideration, and that the information is provided in a version that is appropriate to their needs and understanding. I would have thought that it was crucial to ensure that any information given to children is appropriate to their age so that they understand exactly what is going on. That is the principle of these amendments. Yes, section 2 of the proposed Measure places a duty on local education authorities to give notice to the child or serve a document on them as well as to the parent, but it does not place a duty to provide the information in a way that the child can understand. We must ensure that serving documents on a child is done appropriately. As we have heard, witnesses have raised concerns over how information is provided to a child and we must therefore take these concerns on board. I know that the Minister has reiterated that she wants to see these issues addressed in guidance, but surely to protect the child's rights, it should be done on the face of the proposed Measure, and we all agree in the Chamber that the purpose and aim of this is to extend the rights of the child. I therefore urge the Minister to reconsider her position, even at this very last minute, and I urge all other members to support this group of amendments.

Y Llywydd: A ydych yn dymuno symud i bleidlais ar welliant 60?

Paul Davies: Ydwyf.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 60. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

Paul Davies: Yr wyf yn diolch i bawb a gyfrannodd at y ddadl hon ar y grŵp hwn o welliannau. Yr wyf yn hynod siomedig bod y Gweinidog a Llywodraeth y Cynulliad yn teimlo na allant eu cefnogi. Wedi'i cyfan, cawsant eu cyflwyno i sicrhau bod unrhyw hysbysiadau neu ddogfennau a gyflwynir i blant yn ystyried oed y plentyn, a bod yr wybodaeth yn cael ei darparu mewn fersiwn sy'n briodol i anghenion ac i ddealltwriaeth y plentyn. Byddwn wedi meddwl ei bod yn hanfodol sicrhau bod unrhyw wybodaeth a roddir i blant yn briodol i'w hoed er mwyn iddynt ddeall yn iawn beth sy'n digwydd. Dyna egwyddor y gwelliannau hyn. Ydy, mae adran 2 y Mesur arfaethedig yn rhoi dyletswydd ar awdurdodau addysg lleol i roi hysbysiad i blentyn neu gyflwyno dogfen iddo neu iddi yn ogystal ag i'r rhiant, ond nid yw'n rhoi dyletswydd arnynt i ddarparu'r wybodaeth mewn ffordd y gall y plentyn ei deall. Rhaid inni sicrhau y caiff dogfennau eu cyflwyno i blant yn briodol. Fel yr ydym wedi clywed, mae tystion wedi codi pryderon ynghylch sut y caiff gwybodaeth ei darparu i blentyn ac felly rhaid inni ystyried y pryderon hyn. Gwn fod y Gweinidog wedi ailadrodd bod arni eisiau gweld y materion hyn yn cael eu trin mewn arweiniad, ond dichon er mwyn amddiffyn hawliau plentyn, y dylid ei wneud ar wyneb y Mesur arfaethedig, ac yr ydym i gyd yn cytuno yn y Siambr mai diben a nod hyn yw ymestyn hawliau'r plentyn. Yr wyf felly'n annog y Gweinidog i ailystyried ei safbwynt, hyd yn oed ar yr unfed awr ar ddeg hon, ac yr wyf yn annog yr holl Aelodau eraill i gefnogi'r grŵp hwn o welliannau.

The Presiding Officer: Do you wish to move to a vote on amendment 60?

Paul Davies: I do.

The Presiding Officer: The question is that amendment 60 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 60: O blaid 15, Ymatal 0, Yn erbyn 26.
Amendment 60: For 15, Abstain 0, Against 26.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Franks, Chris
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Watson, Joyce

*Gwrthodwyd gwelliant 60.
Amendment 60 not agreed.*

Y Llywydd: Byddwn yn pleidleisio ar weddill y gwelliannau yn y grŵp yn eu trefn.
The Presiding Officer: We will vote on the other amendments in the group as they arise.

**Cyfeillion Achos (Gwelliannau 63, 64, 58, 65, 68 a 59)
Case Friends (Amendments 63, 64, 58, 65, 68 and 59)**

Y Llywydd: Dyma'r pedwerydd grŵp o welliannau. Y prif welliant yn y grŵp hwn yw gwelliant 63, ar dudalen 2 o'r rhestr o welliannau wedi'u didoli. Galwaf ar Paul Davies i gynnig gwelliant 63 a siarad am y gwelliannau eraill yn y grŵp.

The Presiding Officer: This is the fourth group of amendments. The lead amendment in this group is amendment 63, on page 2 of the marshalled list. I call Paul Davies to move amendment 63 and to speak to the other amendments in the group.

Paul Davies: I move amendment 63 tabled in my name with the name of Peter Black in support.

Paul Davies: Cynigaf welliant 63 yn fy enw i gydag enw Peter Black yn cefnogi

It gives me great pleasure to speak to amendments 63, 64, 58, 65, 68 and 59 in this group, tabled in my name and supported by

Mae'n bleser mawr gennyf siarad o blaid gwelliannau 63, 64, 58, 65, a 59 yn y grŵp hwn, a gyflwynwyd yn fy enw i ac a gefnogir

Peter Black and the Welsh Liberal Democrats. This group of amendments is all about case friends and about the decision to appoint a case friend for a child being independent of the parent's relationship with that child. These amendments also provide for the child's views and the appointment and removal of case friends to be taken into consideration. They would also ensure that any case friends appointed have completed a recent Criminal Records Bureau check.

gan Peter Black a Democratiaid Rhyddfrydol Cymru. Mae'r grŵp hwn o welliannau i gyd yn ymwneud â chyfeillion achos a'r penderfyniad i benodi cyfaill achos ar gyfer plentyn sy'n annibynnol ar berthynas y rhiant â'r plentyn hwnnw. Mae'r gwelliannau hyn hefyd yn darparu ar gyfer ystyried safbwyntiau'r plentyn a phenodi a diswyddo cyfeillion achos. Byddent hefyd yn sicrhau bod unrhyw gyfeillion achos a benodir wedi cwblhau gwiriad diweddar gan y Swyddfa Cofnodion Troseddol.

Amendments 63 and 68 ensure that a parent's consent is not required before a case friend is appointed. That is to ensure that the rights of a child can be upheld, especially if a situation causing the need for a case friend relates to problems with the parent. The issue of parental consent being required to enable a child to appoint a case friend raised concern for a number of witnesses at the Stage 1 process. The representative of the Special Educational Needs Tribunal for Wales stated that

Mae gwelliannau 63 a 68 yn sicrhau nad oes yn rhaid cael cydsyniad rhiant cyn penodi cyfaill achos. Nod hynny yw sicrhau bod hawliau plentyn yn cael eu cynnal, yn enwedig os yw achos sy'n golygu bod angen cyfaill achos yn ymwneud â phroblemau â'r rhiant. Yr oedd y ffaith ei bod yn rhaid cael cydsyniad rhiant er mwyn galluogi plentyn i benodi cyfaill achos yn peri pryder i nifer o dystion yn y broses Cham 1. Dywedodd cynrychiolydd Tribiwnlys Anghenion Addysgol Arbennig Cymru

'If you are going to stick with parental consent, you are effectively vetoing the right of the child'.

Os ydych am lynu wrth gydsyniad rhiant, i bob pwrpas yr ydych yn rhoi fetó ar hawl y plentyn.

She went on to say that

Aeth ymlaen i ddweud

'No-one wants to drive a wedge between the child and its parents or ruin that relationship in any way, but the child must have an unfettered right to appeal.'

Nid oes ar neb eisiau creu bwlch rhwng y plentyn a'i rieni na difetha'r berthynas honno mewn unrhyw ffordd, ond rhaid i'r plentyn gael hawl dilyffethair i apelio.

5.30 p.m.

I note that, in her evidence, the Minister said:

Sylwaf i'r Gweinidog ddweud yn ei thystiolaeth:

'At the moment, we suggest that parental consent may be required, but when it reaches the point of regulations, we envisage a parental approval element, which may be a 'yes' or 'no'. Parental consent would be helpful, and we want to reduce the potential for conflict, so guidance and clarity on how a case friend can be appointed is critical.'

Ar hyn o bryd, yr ydym yn awgrymu y dylid cael cydsyniad rhiant, ond pan fydd yn cyrraedd y pwynt rheoliadau, yr ydym yn rhagweld elfen o gymeradwyaeth rhiant, a allai fod yn 'iawn' ynteu'n 'na'. Byddai cydsyniad rhiant yn ddefnyddiol, ac mae arnom eisiau lleihau'r potensial am wrthdaro, felly mae arweiniad ac eglurder ynghylch sut y gellir penodi cyfaill achos yn hollbwysig.

I take it from the Minister's answer that she is not quite sure how to proceed with this. I hope that she will clarify her position in her contribution to this debate. Surely, if the appointment of a case friend is dependent on parental consent and the parents refuse consent, this approach will undermine giving children the right to appeal and, therefore, undermine the principle of the proposed Measure.

The Stage 1 committee report makes it absolutely clear that parental consent to appoint a case friend should not be made a requirement through the proposed Measure. Perhaps, when she clarifies her position, the Minister will argue that this issue should not be dealt with on the face of the proposed Measure. However, there is a danger that leaving this sort of issue to guidance could lead to it being weakened in future or indeed removed by a future Minister. Therefore, it is imperative that it is included in the proposed Measure itself.

Amendments 64 and 65 are to do with ensuring that enhanced Criminal Records Bureau checks are required for case friends who have not been the subject of such checks recently. It is clear that, during the course of the case, the case friend will have repeated and close contact with the child, who may be particularly vulnerable due to their special educational needs. Surely, it makes absolute common sense that case friends have had a recent CRB check in order to safeguard the child's wellbeing. If this does not happen, a child's safety could well be put at risk. In her evidence to Legislation Committee No. 3, the Minister said that she intends to prescribe certain requirements in regulations. However, in order to protect the child's safety, this should appear on the face of the proposed Measure.

Amendments 58 and 59 refer to the needs of the child being taken into consideration when a case friend is appointed and removed.

Tybiaf o ateb y Gweinidog nad yw'n hollol siŵr sut y mae bwrw ymlaen â hyn. Yr wyf yn gobeithio y bydd yn egluro ei sefyllfa yn ei chyfraniad at y ddadl hon. Siawns, os yw penodi cyfaill achos yn dibynnu ar gydsyniad rhiant a bod y rhieni'n gwrthod rhoi cydsyniad, bydd y dull gweithredu hwn yn tansailio rhoi'r hawl i blentyn apelio ac, felly, yn tansailio egwyddor y Mesur arfaethedig.

Mae adroddiad pwyllgor Cam 1 yn datgan yn hollol glir na ddylid gwneud cydsyniad rhiant i benodi cyfaill achos yn ofyniad drwy'r Mesur arfaethedig. Efallai, pan fydd yn egluro ei sefyllfa, bydd y Gweinidog yn dadlau na ddylid delio â'r mater hwn ar wyneb y Mesur arfaethedig. Fodd bynnag, ceir perygl y byddai gadael y math hwn o fater i arweiniad yn gallu golygu ei fod yn wannach yn y dyfodol neu ei fod yn cael ei dynnu gan Weinidog yn y dyfodol. Felly, mae'n hanfodol bod hwn yn cael ei gynnwys yn y Mesur arfaethedig ei hun.

Mae gwelliannau 64 a 65 yn ymwneud â sicrhau bod gwiriadau manylach y Swyddfa Cofnodion Troseddol yn ofynnol ar gyfer cyfeillion achos nad ydynt wedi cael gwiriadau o'r fath yn ddiweddar. Mae'n amlwg, yn ystod yr achos, y bydd y cyfaill achos yn cael cyswllt rheolaidd ac agos â'r plentyn, a allai fod yn arbennig o agored i niwed oherwydd ei anghenion addysgol arbennig. Dichon mai synnwyr cyffredin llwyr yw sicrhau bod cyfeillion achos wedi cael gwiriad diweddar gan y Swyddfa Cofnodion Troseddol er mwyn diogelu lles y plentyn. Oni fydd hyn yn digwydd, gellir rhoi diogelwch plentyn mewn perygl. Yn ei thystiolaeth i Bwyllgor Deddfwriaethol Rhif 3, dywedodd y Gweinidog ei bod yn bwriadu rhagnodi gofynion penodol mewn rheoliadau. Fodd bynnag, er mwyn amddiffyn diogelwch y plentyn, dylai hyn ymddangos ar wyneb y Mesur arfaethedig.

Mae gwelliannau 58 a 59 yn cyfeirio at ystyried anghenion y plentyn wrth benodi ac wrth ddiswyddo cyfaill achos. Unwaith eto,

Again, this is common sense and in keeping with the principle of the proposed Measure to ensure that the rights of the child are safeguarded. I would urge Members to support my amendments in order to safeguard the principle of the proposed Measure.

Peter Black: I welcome and support the amendments in this group moved by Paul Davies. The Minister has stated that the issue of parental consent is one that is best addressed through the pilot scheme. However, when it comes to the way in which these schemes are devised, there are certain fundamental principles that need to be on the face of the proposed Measure, and we cannot trust that these will be in the guidance, simply because, as Paul Davies pointed out, guidance can be changed, often with very little reference to the Chamber. That, in itself, is a reasonable reason why this should not be left to the pilot scheme and guidance.

In education, the focus has to be on the child rather than the parents. We are all aware of cases in which children and their families have fallen out as a result of educational decisions. That tends to be a somewhat normal part of life, and it is almost a rite of passage in some cases. However, when we start talking about additional educational needs, we also need to take into account the vulnerability of those involved, as well as the heightened stress that may be felt by both child and parents. That is why making it clear in the proposed Measure that case friends do not require parental consent is important in ensuring that the child is the driving force behind educational choices, and not the parents.

I am sure that, in 99 per cent of cases, there will be agreement on who the case friend should be and that, most of the time, it will be a member of the family in any case. However, it is worth stating in the proposed Measure that, for the other 1 per cent of cases where there is a difference of opinion, the child essentially has the final say.

mae hyn yn synnwyr cyffredin ac yn glynu wrth egwyddor y Mesur arfaethedig i sicrhau bod hawliau'r plentyn yn cael eu diogelu. Byddwn yn annog Aelodau i gefnogi fy ngwelliannau i ddiogelu egwyddor y Mesur arfaethedig.

Peter Black: Yr wyf yn croesawu ac yn cefnogi'r gwelliannau yn y grŵp hwn a gynigir gan Paul Davies. Mae'r Gweinidog wedi dweud mai'r ffordd orau o ddelio â chydysyniad rhiant yw drwy'r cynllun peilot. Fodd bynnag, yng nghyswllt y ffordd y caiff y cynlluniau hyn eu llunio, ceir rhai egwyddorion sylfaenol y mae arnynt angen bod ar wyneb y Mesur arfaethedig, ac ni allwn fod yn ffyddiog y bydd y rhain yn yr arweiniad, oherwydd, fel y dywedodd Paul Davies, gellir newid arweiniad, yn aml gan gyfeirio prin dim at y Siambr. Mae hynny, ynddo'i hun, yn rheswm rhesymol pam na ddylid gadael hyn i'r cynllun peilot a'r arweiniad.

Mewn addysg, rhaid rhoi'r ffocws ar y plentyn yn hytrach nag ar y rhieni. Yr ydym i gyd yn ymwybodol o achosion lle mae plant a'u teuluoedd wedi ffraeo o ganlyniad i benderfyniadau addysgol. Mae hynny'n tueddu i fod yn rhan arferol o fywyd, ac mae bron yn ddefod newid byd mewn rhai achosion. Fodd bynnag, pan fyddwn yn dechrau siarad am anghenion addysgol ychwanegol, mae arnom angen hefyd ystyried pa mor agored yw'r rheiny dan sylw i niwed, yn ogystal â'r pwysau ychwanegol a allai fod ar y plentyn ac ar y rhieni. Dyna pam ei bod yn bwysig egluro yn y Mesur arfaethedig nad oes yn rhaid cael cydysyniad rhiant ar gyfer cyfaill achos i sicrhau mai'r plentyn sy'n gwneud y dewisiadau addysgol ac nid y rhieni.

Yr wyf yn ffyddiog, mewn 99 y cant o achosion, y ceir cytundeb ynghylch pwy ddylai fod yn gyfaill achos a, gan amlaf, aelod o'r teulu fydd hwnnw neu honno beth bynnag. Fodd bynnag, mae'n werth datgan yn y Mesur arfaethedig, ar gyfer yr 1 y cant arall o achosion lle ceir gwahaniaeth barn, mai'r plentyn sy'n penderfynu yn y pen draw.

On Criminal Records Bureau checks, like Paul, I think that it is important that we include on the face of the proposed Measure the requirement that whoever the case friend is has an up-to-date, enhanced Criminal Records Bureau check, done within the past three years. I know that there was some concern in the committee when we considered that. I have no doubt that the Minister will say that that is also a matter for guidance or to be considered as part of the pilot scheme, but I think that this is another important principle that needs to be set out in the proposed Measure so that all future guidance takes account of that.

The amendments that I am supporting, which will require that the child's feelings are taken into consideration, will have obvious benefits. This process must be child-centred and, where appropriate, it must be the child's views that drive forward this process, not necessarily the views of the parents.

Jane Hutt: Taking amendments 63 and 68 together, as they deal with parental consent for case friends in special educational needs and disability proceedings, is most helpful. The consent of a case friend—someone who has not been involved in this process and may bring an appeal or claim on behalf of a child—is novel in the tribunal world. The issue of parental consent for case friends has been widely and thoroughly considered. Useful evidence, as you have described, Paul, was given to committee in relation to this. I gave an assurance at committee that there would be no consent requirements on the face of the proposed Measure for parental permission to be required for someone to act as a case friend. Accordingly, there is, therefore, no such requirement in the proposed Measure, and I view it as unnecessary to stipulate the negative. I have been an exponent of the universal right of appeal and we have moved to create this novel proposition that a case friend may

O ran gwiriadau'r Swyddfa Cofnodion Troseddol, yn yr un modd â Paul, yr wyf yn meddwl ei bod yn bwysig ein bod yn cynnwys ar wyneb y Mesur arfaethedig y gofyniad bod gan y sawl sy'n gyfaill achos wiriad manylach cyfredol gan y Swyddfa Cofnodion Troseddol, a wnaethpwyd yn ystod y tair blynedd diwethaf. Gwn fod rhywfaint o bryder yn y pwyllgor pan yr oeddem yn ystyried hynny. Yr wyf yn siŵr y bydd y Gweinidog yn dweud bod hyn hefyd yn fater ar gyfer arweiniad neu'n fater sydd i'w ystyried fel rhan o'r cynllun peilot, ond yr wyf yn meddwl bod hon yn egwyddor bwysig arall y mae angen ei gosod allan yn y Mesur arfaethedig er mwyn i'r holl arweiniad yn y dyfodol ystyried hynny.

Bydd manteision amlwg yn perthyn i'r gwelliannau yr wyf yn eu cefnogi, a fydd yn mynnu bod teimladau'r plentyn yn cael eu hystyried. Rhaid i'r broses hon ganolbwyntio ar y plentyn a, phan fo'n briodol, rhaid i safbwyntiau'r plentyn yrru'r broses hon rhagddi, nid safbwyntiau'r rhieni o reidrwydd.

Jane Hutt: Mae'n ddefnyddiol iawn ystyried gwelliannau 63 a 68 gyda'i gilydd, gan eu bod yn delio â chydsyniad rhiant ar gyfer cyfeillion achos mewn achosion anghenion addysgol arbennig ac anabledd. Mae cydsyniad cyfaill achos—rhywun na fu'n rhan o'r broses hon ac a all gyflwyno apêl neu hawliad ar ran plentyn—yn newydd yn y byd tribiwnlysoedd. Mae mater cydsyniad rhiant ar gyfer cyfeillion achos wedi cael ei ystyried yn eang ac yn drwyadl. Cafodd y pwyllgor dystiolaeth ddefnyddiol ynghylch hyn, fel yr ydych wedi'i ddisgrifio, Paul. Rhoddais sicrwydd mewn pwyllgor na fyddai dim gofynion cydsyniad ar wyneb y Mesur arfaethedig ar gyfer cael caniatâd rhieni i rywun weithredu fel cyfaill achos. Yn unol â hynny, felly, nid oes gofyniad o'r fath yn y Mesur arfaethedig, ac nid wyf yn meddwl bod angen amodi'r negyddol. Yr wyf wedi bod o blaid yr hawl cyffredin i apelio ac yr ydym wedi symud i greu'r cynnig newydd hwn y caiff cyfaill achos apelio neu hawlio ar

appeal or claim on a child's behalf.

Again, let me make it clear that parental consent is not required in the proposed Measure. However, my officials are engaging with the pilot design group and the Special Educational Needs Tribunal for Wales on this issue. This goes back to the good reason why we are piloting the rights. We need to take on board the lessons of the pilot scheme, but we do not intend to set a consent requirement and it is not, therefore, on the face of the proposed Measure in the negative.

My comments stand in respect of opposition amendments 64 and 65 on the proposed enhanced CRB checks for all case friends. We have to be mindful of the need to safeguard our children and young people in this respect. The broad capacity to act as a case friend is a principle supported by the tribunal and other partners. It is not straightforward to specify that all potential case friends should be subject to CRB checks; for example, it has been mentioned in respect of relatives, but would it apply to a sibling or a parent who wishes to act as a case friend? In any event, the Safeguarding Vulnerable Groups Act 2006 already legislates on this matter excepting those who will have frequent contact with a child under arrangements made with family members or unpaid arrangements with trusted friends from being subject to registration under the Act, which would necessitate CRB checks. That legislation requires people who have contact with children more than once a month, either in a professional capacity or acting as a volunteer, to be registered with the Independent Safeguarding Authority and CRB checked. Once professionals, volunteers and family group members are taken out of the equation, it is unclear who else could act as a case friend who would not be covered by the existing legislation. Again, we will take a proactive role in considering this issue with our stakeholder groups and throughout and after the pilot scheme. However, we are content to adopt existing primary legislation in this area in relation to the Safeguarding

ran plentyn.

Unwaith eto, gadewch imi egluro nad oes yn rhaid cael cydsyniad rhiant yn y Mesur arfaethedig. Fodd bynnag, mae fy swyddogion yn gweithio gyda'r grŵp dylunio peilot a Thribiwnlys Anghenion Addysgol Arbennig Cymru ar y mater hwn. Mae hyn yn mynd yn ôl i'r rheswm da pam ein bod yn treialu'r hawliau. Mae arnom angen ystyried gwersi'r cynllun peilot, ond nid ydym yn bwriadu pennu gofyniad cydsyniad ac felly nid yw ar wyneb y Mesur arfaethedig ar ffurf negyddol.

Erys fy sylwadau ynghylch fy ngwrthwynebiad i welliannau 64 a 65 ynghylch y cynnig am wiriadau manylach y Swyddfa Cofnodion Troseddol ar gyfer pob cyfaill achos. Rhaid inni gofio am yr angen i ddiogelu'n plant a'n pobl ifanc i'r perwyl hwn. Mae'r gallu eang i weithredu fel cyfaill achos yn egwyddor a gefnogir gan y tribiwnlys a phartneriaid eraill. Nid yw'n syml pennu y dylai pob darpar gyfaill achos fynd drwy wiriad Swyddfa Cofnodion Troseddol; er enghraifft, soniwyd amdano yng nghyswllt perthnasau, ond a fyddai'n berthnasol i frawd neu chwaer neu riant sy'n dymuno gweithredu fel cyfaill achos? Beth bynnag, mae Deddf Diogelu Grwpiau Hyglwyf 2006 eisoes yn deddfu ar y mater hwn gan eithrio'r rheiny a fydd â chyswllt rheolaidd â phlentyn dan drefniadau a wneir gydag aelodau'r teulu neu drefniadau di-dâl â ffrindiau yr ymddiriedir ynddynt rhag gorfod cofrestru dan y Ddeddf, a fyddai'n golygu bod angen gwiriadau'r Swyddfa Cofnodion Troseddol. Mae'r ddeddfwriaeth honno'n mynnu bod pobl sydd â chyswllt â phlant mwy nag unwaith y mis, naill ai mewn rhinwedd broffesiynol neu wrth weithredu'n wirfoddol, yn cofrestru â'r Awdurdod Diogelu Annibynnol ac yn cael gwiriad gan y Swyddfa Cofnodion Troseddol. Ar ôl tynnu gweithwyr proffesiynol, gwirfoddolwyr ac aelodau o'r grŵp teuluol allan, mae'n aneglur pwy arall allai weithredu fel cyfaill achos na fyddent eisoes yn dod dan y ddeddfwriaeth bresennol. Unwaith eto, byddwn yn chwarae rhan ragweithiol wrth ystyried y mater hwn

Vulnerable Groups Act 2006. I therefore ask you to resist amendments 64 and 65.

gyda'n grwpiau rhanddeiliaid a drwy gydol y cynllun peilot ac wedi hynny. Fodd bynnag, yr ydym yn fodlon mabwysiadu'r ddeddfwriaeth sylfaenol yn y maes hwn yng nghyswllt Deddf Diogelu Grwpiau Hyglwyf 2006. Yr wyf felly'n gofyn ichi wrthwynebu gwelliannau 64 a 65.

Paul Davies: Again, I take this opportunity to thank everyone who contributed to the debate on this group of amendments. I am extremely disappointed that the Minister and the Assembly Government feel that they are unable to support these amendments, which were all about safeguarding the rights of the child. Surely, the principle of this proposed Measure will be undermined if the views of the child are not taken into consideration when appointing and removing a case friend. It will also be undermined if parental consent is required in appointing a case friend in the first place.

Paul Davies: Unwaith eto, yr wyf yn achub ar y cyfle hwn i ddiolch i bawb a gyfrannodd at y ddadl ar y grŵp hwn o welliannau. Yr wyf yn siomedig iawn bod y Gweinidog a Llywodraeth y Cynulliad yn teimlo na allant gefnogi'r gwelliannau hyn, a oedd i gyd yn ymwneud â diogelu hawliau'r plentyn. Siawns, y caiff egwyddor y Mesur arfaethedig hwn ei thanseilio os na chaiff safbwyntiau'r plentyn eu hystyried wrth benodi ac wrth ddiswyddo cyfaill achos. Caiff ei thanseilio hefyd os bydd angen cydsyniad rhiant wrth benodi cyfaill achos yn y lle cyntaf.

Ann Jones: Will you clarify something for me on amendment 58? You propose to insert,

Ann Jones: A wnewch egluro rhywbeth imi ynghylch gwelliant 58? Yr ydych yn cynnig mewnosod,

'including how the views of the child should be taken into consideration'.

gan gynnwys sut y dylid ystyried safbwyntiau'r plentyn.

How many times would you allow a child to say, 'I don't want that person to be my case friend'? I cannot get my head around why you need that to be included, because I think that that would lead to a lengthy process that is not necessary.

Sawl gwaith y byddech yn caniatáu i blentyn ddweud, 'Does arnaf i ddim eisiau i'r unigolyn hwnnw neu honno fod yn gyfaill achos imi'? Ni allaf ddeall pam mae arnoch eisiau cynnwys hwnnw, oherwydd yr wyf yn meddwl y byddai hynny'n arwain at broses hir sy'n ddianghenraid.

Paul Davies: This is all about giving rights to the child, so it is important that those rights are taken into consideration. That is the purpose of this particular amendment. This proposed Measure will clearly not expand the rights of a child, should parental consent be required in these matters. What is the point of trying to expand children's rights in this proposed Measure if they are restricted by the requirement of parental consent?

Paul Davies: Mae a wnelo hyn i gyd â rhoi hawliau i'r plentyn, felly mae'n bwysig bod yr hawliau hynny'n cael eu hystyried. Dyna ddiben y gwelliant penodol hwn. Yn amlwg ni fydd y Mesur arfaethedig hwn yn ymestyn hawliau plentyn, os bydd yn rhaid cael cydsyniad rhiant yn y materion hyn. Beth yw diben ceisio ymestyn hawliau plentyn yn y Mesur arfaethedig hwn os cânt eu cyfyngu gan y gofyniad i gael cydsyniad rhiant?

5.40 p.m.

I believe that it goes without saying that CRB checks should be undertaken on all case friends in order to protect the wellbeing of the child. I know that the Minister has reiterated her wish to see some of these issues addressed in guidance, but, surely, in order to protect the child's rights, this should be included on the face of the proposed Measure. We all agree that the purpose and aim of this proposed Measure is to expand the rights of the child, so I urge the Minister to reconsider her position and to support the amendments. I also urge all other Members to support this group of amendments.

Y Llywydd: Yr wyf yn cymryd eich bod am symud i bleidlais ar welliant 63. Y cwestiwn yw a ddylid derbyn gwelliant 63. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

Yr wyf yn credu mai afraid yw dweud y dylid cynnal gwiriadau'r Swyddfa Cofnodion Troseddol ar bob cyfaill achos er mwyn diogelu lles y plentyn. Gwn fod y Gweinidog wedi ailadrodd ei dymuniad i weld rhai o'r materion hyn yn cael eu trin yn yr arweiniad, ond, siawns, er mwyn amddiffyn hawliau'r plentyn, dylid cynnwys hyn ar wyneb y Mesur arfaethedig. Yr ydym i gyd yn cytuno mai diben a nod y Mesur arfaethedig hwn yw ymestyn hawliau'r plentyn, felly yr wyf yn annog y Gweinidog i ailystyried ei safbwynt a chefnogi'r gwelliannau. Yr wyf hefyd yn annog yr holl Aelodau eraill i gefnogi'r grŵp hwn o welliannau.

The Presiding Officer: I take it that you wish to move to a vote on amendment 63. The question is that amendment 63 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 63: O blaid 15, Ymatal 0, Yn erbyn 27.
Amendment 63: For 15, Abstain 0, Against 27.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Evans, Nerys
Franks, Chris
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Ann
Jones, Carwyn
Jones, Gareth
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Watson, Joyce

*Gwrthodwyd gwelliant 63.
Amendment 63 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 64. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 64.

Paul Davies: I move amendments 66 and 67 in my name and with the name of Peter Black in support—

Y Llywydd: Trefn. Yr ydym wedi symud ymlaen at welliant 64. Felly, a allwch gynnig y gwelliant hwnnw?

Paul Davies: Sorry. I move amendment 64 in my name and with the name of Peter Black in support.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 64. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: In accordance with the marshalled list, we now come to dispose to dispose of amendment 64. I invite Paul Davies to move amendment 64.

Paul Davies: Cynigiau welliannau 66 a 67 yn fy enw i a chydag enw Peter Black yn eu cefnogi—

The Presiding Officer: Order. We have moved on to amendment 64. Can you therefore move that amendment?

Paul Davies: Ymddiheuriadau. Cynigiau welliant 64 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

The Presiding Officer: The question is that amendment 64 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 64: O blaid 15, Ymatal 0, Yn erbyn 28.
Amendment 64: For 15, Abstain 0, Against 28.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Evans, Nerys
Franks, Chris
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet

Sargeant, Carl
Thomas, Gwenda
Watson, Joyce

*Gwrthodwyd gwelliant 64.
Amendment 64 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 64, yr ydym yn symud i waredu gwelliant 58. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 58.

The Presiding Officer: As we have disposed of amendment 64, we come to dispose of amendment 58. I invite Paul Davies to move amendment 58.

Paul Davies: Cynigiau welliant 58 yn fy enw i.

Paul Davies: I move amendment 58 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 58. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 58 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 58: O blaid 15, Ymatal 0, Yn erbyn 28.
Amendment 58: For 15, Abstain 0, Against 28.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Evans, Nerys
Franks, Chris
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Watson, Joyce

*Gwrthodwyd gwelliant 58.
Amendment 58 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 58, yr ydym yn symud i waredu gwelliannau 8 a 9. Cafodd gwelliannau 8 a 9 eu trafod gyda grŵp 1, ac maent yn ymddangos ar dudalen 3 o'r rhestr o welliannau wedi'u didoli. Yr wyf yn awgrymu fod y gwelliannau hyn, sy'n ymddangos yn olynol ar y rhestr o welliannau wedi'u didoli, yn cael eu gwaredu gyda'i gilydd, oni bai fod gwrthwynebiad. Gwelaf nad oes. Felly, yr wyf yn gwahodd y Gweinidog i gynnig gwelliannau 8 a 9 gyda'i gilydd.

Jane Hutt: I move amendments 8 and 9 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 8 a 9. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliannau 8 a 9 eu derbyn.

*Derbyniwyd gwelliannau 8 a 9.
Amendments 8 and 9 agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliannau 8 a 9, symudwn at waredu gwelliant 61. Cafodd gwelliant 61 ei drafod gyda grŵp 3, ac mae'n ymddangos ar dudalen 3 o'r rhestr o welliannau wedi'u didoli. Yr wyf yn gwahodd Paul Davies i gynnig y gwelliant.

Paul Davies: I move amendment 61 in my name and with the name of Peter Black in support.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 61. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: As we have disposed of amendment 58, we come to dispose of amendments 8 and 9. Amendments 8 and 9 were discussed with group 1, and they appear on page 3 of the marshalled list. I suggest that these amendments, which appear consecutively in the marshalled list, are disposed of together, provided that there is no objection. I see that there is not. Therefore, I invite the Minister to move amendments 8 and 9 together.

Jane Hutt: Cynigiau welliannau 8 a 9 yn fy enw i.

The Presiding Officer: The question is that amendments 8 and 9 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendments 8 and 9 are therefore agreed.

The Presiding Officer: As we have disposed of amendment 8 and 9, we now come to dispose of amendment 61. Amendment 61 was discussed with group 3, and appears on page 3 of the marshalled list. I invite Paul Davies to move the amendment.

Paul Davies: Cynigiau welliant 61 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

The Presiding Officer: The question is that amendment 61 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 61: O blaid 16, Ymatal 0, Yn erbyn 30.
Amendment 61: For 16, Abstain 0, Against 30.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Millar, Darren
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Watson, Joyce

*Gwrthodwyd gwelliant 61.
Amendment 61 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliannau 10, 11 a 12. Cafodd gwelliannau 10, 11 a 12 eu trafod gyda grŵp 1 ac maent yn ymddangos ar dudalen 4 o'r rhestr o welliannau wedi'u didoli. Eto, yr wyf yn cynnig fod y gwelliannau hyn yn cael eu gwaredu gyda'i gilydd, a hynny oherwydd eu natur. A oes unrhyw Aelod yn gwrthwynebu? Gwelaf nad oes. Felly, yr wyf yn gwahodd y Gweinidog i gynnig y gwelliannau.

Jane Hutt: I move amendments 10, 11 and 12 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 10, 11 a 12. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliannau 10, 11 a 12 eu derbyn.

*Derbyniwyd gwelliannau 10, 11 a 12.
Amendments 10, 11 and 12 agreed.*

The Presiding Officer: In accordance with the marshalled list, we now come to dispose of amendments 10, 11 and 12. Amendments 10, 11 and 12 were discussed with group 1 and they appear on page 4 of the marshalled list. Again, I propose that these amendments are disposed of together, given their nature. Does any Member object? I see that no-one does. Therefore, I invite the Minister to move the amendments.

Jane Hutt: Cynigaf welliannau 10, 11 a 12 yn fy enw i.

The Presiding Officer: The question is that amendments 10, 11 and 12 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendments 10, 11 and 12 are therefore agreed.

Datrys Anghydfodau (Gwelliannau 66 a 67) **The Resolution of Disputes (Amendment 66 and 67)**

Y Llywydd: Mae'r prif welliant yn y grŵp hwn, gwelliant 66, yn ymddangos ar dudalen 4 o'r rhestr gwelliannau wedi'u didoli. Galwaf ar Paul Davies i gynnig gwelliant 66 a siarad am y gwelliant arall yn y grŵp.

Paul Davies: I move amendment 66 in my name and with the name of Peter Black in support.

Amendments 66 and 67 centre on the resolution of disputes. Sections 5 and 12 of the proposed Measure relate to the resolution of disputes and both sections place a duty on local education authorities to make arrangements for partnership and disagreement resolution services and to inform children of their rights to access them. It was clear from witnesses who gave evidence at Stage 1 of the process that some were concerned as to who should provide disagreement resolution services and how. For example, the Welsh Local Government Association said:

'Given that SNAP is now the parents' service provider then the service for children may need to be commissioned from a new provider in order to secure confidence regarding independence, for all stakeholders.'

The WLGA is clearly stating that, in the dispute resolution process, the child and parents should be treated independently. That must be done to ensure that the rights of the child are upheld, especially where the dispute relates to the parent. There could be instances where the child and the parent may have differing views, and it is therefore imperative that the child is able to access independent resolution support services in those particular circumstances. Having the same organisation provide these resolution support services would create conflicts of interest and therefore it is essential that there are separate organisations. Ensuring that the child and the parents are treated independently in the

The Presiding Officer: The lead amendment in this group, amendment 66, appears on page 4 of the marshalled list. I call on Paul Davies to move amendment 66 and speak to the other amendment in the group.

Paul Davies: Cynigiau welliant 66 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

Mae gwelliannau 66 a 67 yn canolbwyntio ar ddatrys anghydfodau. Mae adrannau 5 a 12 y Mesur arfaethedig yn ymwneud â datrys anghydfodau ac mae'r naill adran a'r llall yn rhoi dyletswydd ar awdurdodau addysg lleol i lunio trefniadau ar gyfer gwasanaethau datrys anghytundebau a phartneriaeth a rhoi gwybod i blant am eu hawliau i'w defnyddio. Yr oedd yn glir o'r tystion a roddodd dystiolaeth yng Ngham 1 y broses bod rhai yn poeni ynghylch pwy a ddylai ddarparu gwasanaethau datrys anghytundebau a sut. Er enghraifft, dywedodd Cymdeithas Llywodraeth Leol Cymru:

Ac ystyried mai SNAP yw'r darparwr gwasanaeth ar gyfer rhieni yn awr, efallai y bydd angen comisiynu'r gwasanaeth ar gyfer plant gan ddarparwr newydd er mwyn sicrhau hyder ynghylch annibyniaeth, ar gyfer yr holl randdeiliaid.

Mae CLILC yn dweud yn amlwg y dylid trin y plentyn a'r rhieni'n annibynnol yn y broses datrys anghydfodau. Rhaid gwneud hynny i sicrhau y caiff hawliau'r plentyn eu cynnal, yn enwedig pan fydd yr anghydfod yn ymwneud â'r rhiant. Efallai y ceid enghreifftiau lle bydd y plentyn a'r rhiant yn anghytuno, ac felly mae'n hollbwysig bod y plentyn yn gallu cael gafael ar wasanaethau cefnogi datrys annibynnol yn yr amgylchiadau penodol hynny. Byddai cael yr un sefydliad yn darparu'r gwasanaethau cefnogi datrys hyn yn creu gwrthdaro rhwng buddiannau ac felly mae'n hanfodol eu bod yn sefydliadau ar wahân. Bydd sicrhau bod y plentyn a'r rhieni'n cael eu trin yn

dispute resolution process will ensure transparency in the system and, more importantly, it will uphold the rights of the child. The legislation committee's Stage 1 report supports the need for transparency. In its recommendation, it states

'we agree and recommend that there is a need to split the provision of resolution support services for parents and those provided for children. We are of the view that this would ensure that services provided to children are entirely independent particularly in instances where there is disagreement between the child and parent.'

The committee report goes on to say:

'We therefore recommend that the Minister gives consideration to bringing forward amendments to sections 5 and 12 of the proposed Measure that separate the provision of resolution support services for parents and those provided for children.'

That is clear, but the Minister failed to bring forward any amendments to that effect at Stage 2. My amendments will do the job that the legislation committee called for, namely to ensure that the child and parent are treated independently in the dispute resolution process. I therefore urge Members to support these amendments.

Peter Black: We are happy to support the amendments submitted by the Conservatives on dispute resolutions, as they add to the involvement of the child in the process by making a clear distinction between what the child requires and what the parent requires. The proposed Measure's strength lies in the way that it is child centric and identifies that the outcomes and services wanted by children and parents are not always the same. These two amendments will add to the independence of the services and ensure that all those involved are able to get the support that is most appropriate for them. For that reason, I am happy to support the inclusion of

annibynnol yn y broses datrys anghydfodau'n sicrhau tryloywder yn y system ac, yn anad dim arall, bydd yn cynnal hawliau'r plentyn. Mae adroddiad y pwyllgor deddfwriaethol Cam 1 yn cefnogi'r angen am dryloywder. Yn ei argymhelliad, dywed

'rydym yn cytuno ac yn argymhell bod angen gwahanu'r gwasanaethau cymorth datrys anghydfodau ar gyfer rhieni a'r rhai ar gyfer plant. Rydym o'r farn y byddai hyn yn sicrhau bod gwasanaethau ar gyfer plant yn gwbl annibynnol, yn enwedig mewn achosion lle mae'r plentyn a'r rhiant yn anghytuno.'

Mae adroddiad y pwyllgor yn mynd ymlaen i ddweud:

'Rydym felly'n argymhell y dylai'r Gweinidog ystyried cyflwyno diwygiadau i adrannau 5 a 12 o'r Mesur arfaethedig sy'n gwahanu darparu gwasanaethau cymorth datrys anghydfodau ar gyfer rhieni a'r rhai ar gyfer plant.'

Mae hynny'n glir, ond methodd y Gweinidog â chyflwyno dim gwelliannau i'r perwyl hwnnw yng Ngham 2. Bydd fy ngwelliannau'n gwneud y gwaith y gofynnodd y pwyllgor deddfwriaethol amdano, sef sicrhau bod y plentyn a'r rhiant yn cael eu trin yn annibynnol yn y broses datrys anghydfodau. Yr wyf felly'n annog Aelodau i gefnogi'r gwelliannau hyn

Peter Black: Yr ydym yn fodlon cefnogi'r gwelliannau a gyflwynwyd gan y Ceidwadwyr ar ddatrys anghydfodau, gan eu bod yn ychwanegu at gyfraniad y plentyn yn y broses drwy wahaniaethu'n glir rhwng yr hyn y mae ar y plentyn ei eisiau a'r hyn y mae ar y rhiant ei eisiau. Cryfder y Mesur arfaethedig yw'r ffordd y mae'n canolbwyntio ar y plentyn ac yn gweld na fydd y canlyniadau a'r gwasanaethau y mae ar blant ac y mae ar rieni eu heisiau bob amser yr un fath. Bydd y ddau welliant hyn yn ychwanegu at annibyniaeth y gwasanaethau ac yn sicrhau bod pawb dan sylw'n gallu cael y gefnogaeth sydd fwyaf

these amendments in the proposed Measure. Again, it is an important principle that needs to be put forward in that way.

Jane Hutt: I will address the amendments together. The proposed Measure places a duty on local education authorities to advise children of the arrangements that they have made for partnership and disagreement resolution services, which duties currently exist in respect of services for parents. Therefore, we are placing a duty on LEAs to advise children of those arrangements.

We recognise the advantages of early, informal settlement of disagreements. Disagreement resolution services can have a role in promoting mediated decisions. We feel that an amendment is unnecessary and premature, as it prejudices the practical experiences of the pilot schemes. In any event, the matter can be satisfactorily addressed in regulations and guidance. It should be tested during piloting and the pilot schemes and the report recommendations considered in developing regulations, guidance and minimum standards. We need to further test the efficacy of models that work or may work on a family basis against what would be a new model in which for children and their parents had distinct arrangements made for them. The emphasis should be on resolving disputes as promptly and as informally as possible. Many Members will be aware of family group conferences, which bring the parties together rather than creating an unnatural, and possibly unhelpful, distinction, and which are valuable in that mediated approach. We will also look at developing minimum standards for the commissioning and the delivery of the service in any case.

priodol iddynt. Am y rheswm hwnnw, yr wyf yn fodlon cefnogi cynnwys y gwelliannau hyn yn y Mesur arfaethedig. Unwaith eto, mae'n egwyddor bwysig y mae angen ei chyflwyno yn y ffordd honno.

Jane Hutt: Yr wyf am ddelio â'r gwelliannau gyda'i gilydd. Mae'r Mesur arfaethedig yn rhoi dyletswydd ar awdurdodau addysg lleol i roi gwybod i blant am y trefniadau y maent wedi'u gwneud ar gyfer gwasanaethau datrys anghytundebau a phartneriaeth, pa ddyletswyddau sydd eisoes yn bodoli yng nghyswllt gwasanaethau ar gyfer rhieni. Felly, yr ydym yn rhoi dyletswydd ar AALlau i roi gwybod i blant am y trefniadau hynny.

Yr ydym yn cydnabod manteision setlo anghytundebau yn gynnar ac yn anffurfiol. Gall gwasanaethau datrys anghytundebau chwarae rhan drwy hyrwyddo penderfyniadau wedi'u cyfryngu. Yr ydym yn teimlo nad oes angen gwelliant a'i fod yn gynamserol, gan ei fod yn rhagfarnu yn erbyn profiadau ymarferol y cynlluniau peilot. Beth bynnag, mae modd rhoi sylw boddhaol i'r mater mewn rheoliadau ac arweiniad. Dylid ei brofi drwy dreialu ac yn ystod y cynlluniau peilot a dylid ystyried argymhellion yr adroddiad wrth ddatblygu rheoliadau, arweiniad a safonau gofynnol. Mae arnom angen profi mwy ar effeithlonrwydd y modelau sy'n gweithio neu a allai weithio ar sail teulu yn erbyn yr hyn a fyddai'n fodel newydd lle byddai trefniadau gwahanol yn cael eu gwneud ar gyfer plant a'u rhieni. Dylid rhoi'r pwyslais ar ddatrys anghydfodau mor gyflym ac anffurfiol â phosibl. Bydd nifer o Aelodau yn gwybod am gynadleddau grŵp teulu, sy'n dod â'r partion ynghyd yn hytrach na chreu gwasanaeth annaturliol a allai fod yn niweidiol, ac maent yn werthfawr yn y dull gweithredu wedi'i gyfryngu hwnnw. Byddwn hefyd yn edrych ar ddatblygu safonau gofynnol ar gyfer comisiynu a darparu gwasanaethau beth bynnag.

5.50 p.m.

I ask you to resist amendments 66 and 67, and remind you that they are identical to those that were rejected in the Stage 2 committee.

Paul Davies: I am grateful to the Members who have contributed to the debate. Again, I am disappointed that the Minister has decided not to support amendments 66 and 67, especially as they were recommended by the Stage 1 committee. As I mentioned at the beginning of the debate, it was clear that some witnesses who gave evidence at Stage 1 were concerned as to who should provide dispute resolution services and how. Surely, when it comes to the dispute resolution process, the child and parent should be treated independently. That must be right in order to ensure that the rights of the child are upheld, especially if the dispute relates to the parent and where the child and the parent have differing views. It is imperative that the child can access independent resolution support services in those circumstances. Ensuring that the child and parent are treated independently in the dispute resolution process will ensure transparency in the system. My amendments 66 and 67 will therefore ensure that the child and parent are treated independently in the dispute resolution process. I urge all Members to support the amendments.

Y Llywydd: Yr wyf yn cymryd eich bod am symud i bleidlais ar welliant 66. Y cwestiwn yw a ddylid derbyn gwelliant 66. A oes gwrthwynebiad? Gwelaf fod, felly symudwn i bleidlais.

Yr wyf yn gofyn ichi wrthwynebu gwelliannau 66 a 67, ac yn eich atgoffa eu bod union yr un fath â'r rheiny a wrthodwyd yn y pwyllgor Cam 2.

Paul Davies: Yr wyf yn ddiolchgar i'r Aelodau sydd wedi cyfrannu at y ddadl. Unwaith eto, yr wyf yn siomedig bod y Gweinidog wedi penderfynu peidio â chefnogi gwelliannau 66 a 67, yn enwedig gan eu bod wedi cael eu hargymell gan y pwyllgor Cam 1. Fel y dywedais ar ddechrau'r ddadl, yr oedd yn glir bod rhai tystion a roddodd dystiolaeth yng Ngham 1 yn poeni ynghylch pwy ddylai ddarparu'r gwasanaethau datrys anghytundebau a sut. Siawns, wrth ystyried y broses datrys anghydfodau, dylid trin y plentyn a'r rhiant yn annibynnol. Rhaid i hynny fod yn iawn er mwyn sicrhau bod hawliau'r plentyn yn cael eu cynnal, yn enwedig os yw'r anghydfod yn ymwneud â'r rhiant a phan fydd y plentyn a'r rhiant yn anghytuno. Mae'n hanfodol bod y plentyn yn gallu cael gafael ar wasanaethau cefnogi datrys yn yr amgylchiadau hynny. Bydd sicrhau bod y plentyn a'r rhiant yn cael eu trin yn annibynnol yn y broses datrys anghydfodau yn sicrhau tryloywder yn y system. Bydd fy ngwelliannau 66 a 67 felly yn sicrhau bod y plentyn a'r rhiant yn cael eu trin yn annibynnol yn y broses datrys anghydfodau. Yr wyf yn annog pob Aelod i gefnogi'r gwelliannau.

The Presiding Officer: I take it that you wish to move to a vote on amendment 66. The question is that amendment 66 be agreed to. Are there any objections? I see that there are, therefore we shall move to a vote.

*Gwelliant 66: O blaid 16, Ymatal 0, Yn erbyn 29.
Amendment 66: For 16, Abstain 0, Against 29.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Davies, Jocelyn

German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Millar, Darren
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

Evans, Nerys
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jenkins, Bethan
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Gareth
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Watson, Joyce

*Gwrthodwyd gwelliant 66.
Amendment 66 not agreed.*

Y Llywydd: Ni fyddwn yn symud i bleidlais ar welliant 67 ar hyn o bryd; down at y gwelliant hwnnw ar yr adeg priodol.

The Presiding Officer: We will not move to a vote on amendment 67 at present; we will come to that amendment at the appropriate time.

Gan ein bod wedi gwaredu gwelliant 66, symudwn yn awr i waredu gwelliant 5. Mae'r gwelliant wedi cael ei drafod gyda grŵp 2, ac yn ymddangos ar dudalen 5 o'r rhestr o welliannau wedi'u didoli. Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 5.

As we have disposed of amendment 66, we now come to dispose of amendment 5. The amendment was discussed as part of group 2, and appears on page 5 of the marshalled list. I invite the Minister to move amendment 5.

Jane Hutt: I move amendment 5 in my name.

Jane Hutt: Cynigiaf welliant 5 yn fy enw i.

Y Llywydd: Y cwestiwn a ddylid derbyn gwelliant 5. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 5 ei dderbyn.

The Presiding Officer: The question is that amendment 5 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, amendment 5 is therefore agreed.

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

Ni fyddwn yn pleidleisio ar weddill y gwelliannau yn y grŵp ar hyn o bryd; byddwn yn pleidleisio ar y gwelliannau hynny ar yr adeg priodol yn y trafodion.

We will not vote on the remaining amendments in the group at present; we will vote on those amendments at the appropriate time in proceedings.

Gwasanaethau Eirioli Annibynnol (Gwelliannau 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 a 57)

Independent Advocacy Services (Amendments 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 57)

Y Llywydd: Y prif welliant yn y grŵp hwn yw gwelliant 30, sy'n ymddangos ar dudalen 5 o'r rhestr o welliannau wedi'u didoli. Galwaf ar Paul Davies i gynnig gwelliant 30 a siarad am y gwelliannau eraill yn y grŵp.

Paul Davies: I move amendment 30 in my name.

These amendments have been tabled in reference to independent advocacy services, and seek to ensure that these services are truly independent, and give a child fully impartial advice. Amendments 30, 38, 39, 40, 41, 42 and 53 amend the proposed Measure to ensure that arrangements for independent advocacy provision are made by the Welsh Minister, rather than by local education authorities. These amendments reflect the belief that Ministers are better placed than local education authorities to take an impartial approach towards advocacy services. They also seek to ensure that potential conflicts of interest do not occur, for example when the LEA is making arrangements to refer the child to independent advocacy services in relation to a case against the LEA itself. Again, we are seeking to protect the rights of a child requiring advocacy services; that is the principle of these amendments.

Similarly, amendments 32, 34, 35, 46 and 48 seek to amend the role of the Welsh Ministers with regard to independent advocacy provision. These amendments would require the Welsh Ministers to make arrangements for the referral of children across Wales. That is an important caveat to the proposed Measure, as it would look to ensure equity in the referral process, and places an onus on Ministers to provide leadership. Amendments 31, 33, 36, 37, 45, 47, 49, 50, 51, 52, 54, 55 and 56 are technical amendments that seek to clarify the wording of the proposed Measure based on the other amendments tabled in my name.

The Presiding Officer: The lead amendment in this group is amendment 30, which appears on page 5 of the marshalled list. I call on Paul Davies to move amendment 30 and to speak to the other amendments in the group.

Paul Davies: Cynigaf welliant 30 yn fy enw i.

Mae'r gwelliannau hyn wedi cael eu cyflwyno gan gyfeirio at wasanaethau eirioli annibynnol, ac maent yn ceisio sicrhau bod y gwasanaethau hyn yn wirioneddol annibynnol, a'u bod yn rhoi cyngor cwbl ddiuedd i blentyn. Mae gwelliannau 30, 38, 39, 40, 41, 42 a 53 yn diwygio'r Mesur arfaethedig i sicrhau bod trefniadau ar gyfer darpariaeth eiriolaeth annibynnol yn cael eu gwneud gan Weinidog Cymru, yn hytrach na gan awdurdodau addysg lleol. Mae'r gwelliannau hyn yn adlewyrchu'r gred bod Gweinidogion mewn sefyllfa well nag awdurdodau addysg lleol i arddel agwedd ddiuedd at wasanaethau eirioli. Maent hefyd yn ceisio sicrhau na cheir gwrthdaro posibl rhwng buddiannau, er enghraifft pan fydd yr AALL yn gwneud trefniadau i gyfeirio'r plentyn i wasanaethau eirioli annibynnol mewn achos yn erbyn yr AALL ei hun. Unwaith eto, yr ydym yn ceisio amddiffyn hawliau plentyn y mae eisiau gwasanaethau eirioli arno neu arni; dyna egwyddor y gwelliannau hyn.

Yn yr un modd, mae gwelliannau 32, 34, 35, 46, a 48 yn ceisio diwygio swyddogaeth Gweinidogion Cymru yng nghyswllt darpariaeth eiriolaeth annibynnol. Byddai'r gwelliannau hyn yn mynnu bod Gweinidogion Cymru yn gyfrifol am y trefniadau i gyfeirio plant ledled Cymru. Mae hynny'n gafeat pwysig i'r Mesur arfaethedig, gan y byddai'n sicrhau tegwch yn y broses cyfeirio, ac yn rhoi dyletswydd ar Weinidogion i arwain. Mae gwelliannau 31, 33, 36, 37, 45, 47, 49, 50, 51, 52, 54, 55 a 56 yn welliannau technegol sy'n ceisio egluro geiriad y Mesur arfaethedig ar sail y gwelliannau eraill a gyflwynwyd yn fy enw.

Finally, amendments 43, 44, 53 and 57 also seek to ensure that advocacy services are truly independent and impartial. These amendments are particularly pertinent in circumstances where advocacy services are required in a case relating to the actions of a child's local education authority. It makes logical sense that the arrangements for the provision of advocacy services should be made by the Welsh Ministers as they are more appropriately positioned to ensure that the process is impartial and equitable across Wales.

Like the other amendments tabled in my name, these amendments seek to protect children's rights and ensure that any advocacy services that they receive truly represent their best interests. Indeed, I would say that the principle of this proposed Measure will be undermined if we cannot guarantee that advocacy services provided to children are free of any potential bias. It is vital that there is clear separation between the responsibilities tasked to the Welsh Ministers and local education authorities. In seeking to amend the proposed Measure so that the Welsh Ministers are responsible for the provision of advocacy services, we will ensure that all advocacy provided to children is fully impartial. I therefore urge Members to support these amendments.

Alun Cairns: I should like to say at the outset that, having consulted the registrar of Assembly Members' interests, I do not believe that I have a direct financial interest in this, although I would like to draw Members' attention to the register.

These amendments have been tabled as a matter of principle, and as a matter of good practice and justice. Their effect would be to allow the Minister to ensure absolute independence in challenging local education authorities' decisions and possible tribunal proceedings. Without the amendments, and as the proposed Measure currently stands, it would be a matter for local authorities to commission advocacy to challenge their own

Yn olaf, mae gwelliannau 43, 44, 53 a 57 hefyd yn ceisio sicrhau bod gwasanaethau eirioli yn gwbl annibynnol a diduedd. Mae'r gwelliannau hyn yn arbennig o berthnasol mewn amgylchiadau pan fydd yn rhaid cael gwasanaethau eirioli mewn achos sy'n ymwneud â gweithredoedd awdurdod addysg lleol plentyn. Mae'n gwneud synnwyr rhesymegol bod y trefniadau darparu ar gyfer gwasanaethau eirioli yn cael eu gwneud gan Weinidogion Cymru gan eu bod mewn sefyllfa sy'n fwy priodol i sicrhau bod y broses yn ddiduedd ac yn deg ledled Cymru.

Yn yr un modd â'r gwelliannau eraill a gyflwynwyd yn fy enw, mae'r gwelliannau hyn yn ceisio amddiffyn hawliau plant a sicrhau bod unrhyw wasanaethau eirioli a gânt yn wirioneddol gynrychioli eu buddiannau gorau. A dweud y gwir, byddwn yn dweud y caiff egwyddor y Mesur arfaethedig hwn ei thanseilio os na allwn warantu bod gwasanaethau eirioli a ddarperir i blant yn rhydd rhag unrhyw duedd posibl. Mae'n hanfodol bod gwahaniaeth clir rhwng y cyfrifoldebau a roddir i Weinidogion Cymru ac i awdurdodau addysg lleol. Wrth geisio diwygio'r Mesur arfaethedig er mwyn i Weinidogion Cymru fod yn gyfrifol am ddarparu gwasanaethau eirioli, byddwn yn sicrhau bod yr holl eiriolaeth a roddir i blant yn gwbl ddiduedd. Yr wyf felly'n annog Aelodau i gefnogi'r gwelliannau hyn.

Alun Cairns: Hoffwn ddweud ar y cychwyn cyntaf, ar ôl ymgynghori â chofrestrydd buddiannau Aelodau'r Cynulliad, nid wyf yn credu bod gennyf fudd ariannol uniongyrchol yn hyn, er yr hoffwn dynnu sylw'r Aelodau at y gofrestr.

Mae'r gwelliannau hyn wedi cael eu cyflwyno fel mater o egwyddor, ac fel mater o arfer da a chyfiawnder. Eu heffaith fyddai caniatáu i'r Gweinidog sicrhau annibyniaeth absoliwt wrth herio penderfyniadau awdurdodau addysg lleol ac achosion tribiwnlys posibl. Heb y gwelliannau, ac fel y saif y Mesur arfaethedig ar hyn o bryd, byddai'n fater i awdurdodau lleol gomisiynu eiriolaeth i herio eu penderfyniadau eu hunain. Fel prif ddatganiad, ni fyddem byth

decisions. As a headline statement, we would never allow the police to commission defence lawyers. It would not be accepted, and rightly so, in order to preserve the integrity of the judicial process.

At first glance, no-one would think that a local authority would want to act inappropriately, but we need to consider the wider context. Many local authorities will go to the nth degree to prevent or block the statementing of a child. Some authorities even have a policy of simply not statementing, despite the law explicitly stating when a statement should be introduced. They regularly spend thousands of pounds on advocacy to back their case and have even recruited a leading London counsel to support their arguments against statementing a child or making the statement more specific. This should be considered in the context that there is no legal aid for tribunal hearings. This heavy-handed approach is regularly used against unrepresented parents or when charities depending on volunteers are making the best possible case. The odds are clearly stacked against the child.

We also need to note that advocacy services are patchy. I am aware of cases where a lack of expertise on the part of the advocate cost the tribunal and meant that the entire process had to be started again within the strict timescales of the tribunal service. However, despite such a heavy-handed approach by local authorities, they still lose 77 per cent of the tribunals. It is also worth adding that most cases are conceded by authorities, or are withdrawn by the parents because they have got what they wanted before they get to tribunal. However, that still does not stop a local authority from dragging it out for almost a few years in some instances.

I have no doubt that we have all been involved in special educational needs cases where we have had to battle against the might of local

yn caniatáu i'r heddlu gomisiynu cyfreithwyr amddiffyniad. Ni fyddai'n cael ei dderbyn, a hynny'n ddigon cywir, er mwyn amddiffyn cywirdeb y broses farnwrol.

Ar yr olwg gyntaf, ni fyddai neb yn meddwl y byddai ar awdurdod lleol eisiau gweithredu'n amhriodol, ond mae arnom angen ystyried y cyd-destun ehangach. Bydd nifer o awdurdodau yn gwneud eu gorau glas i atal neu i rwystro rhoi datganiad i blentyn. Mae gan rai awdurdodau hyd yn oed bolisi i beidio â rhoi datganiad, er gwaethaf y ffaith bod y gyfraith yn datgan yn glir pryd y dylid cyflwyno datganiad. Yn rheolaidd maent yn gwario miloedd ar eiriolaeth i gefnogi eu hachos ac maent hyd yn oed wedi recriwtio un o brif gwrselwyr Llundain i gefnogi eu dadleuon yn erbyn rhoi datganiad i blentyn neu wneud y datganiad yn fwy penodol. Dylid ystyried hyn yn y cyd-destun nad oes dim cymorth cyfreithiol ar gyfer gwrandawiaidau tribiwnlys. Caiff y dull gweithredu llaw drwm hwn ei ddefnyddio'n rheolaidd yn erbyn rhieni heb gynrychiolaeth neu pan fydd elusennau sy'n dibynnu ar wirfoddolwyr yn cyflwyno'r achos gorau posibl. Yn amlwg mae'n annhebyg iawn y byddant yn llwyddo.

Mae arnom hefyd angen nodi bod gwasanaethau eirioli yn fylchog. Yr wyf yn gwybod am achosion lle mae diffyg arbenigedd yr eiriolwr wedi arwain at golli'r tribiwnlys ac wedi golygu y bu'n rhaid dechrau'r broses o'r cychwyn cyntaf eto o fewn amserlenni caeth y gwasanaeth tribiwnlys. Fodd bynnag, er gwaethaf dull gweithredu mor llaw drwm gan awdurdodau lleol, maent yn dal yn colli 77 y cant o'r tribiwnlysoedd. Mae'n werth ychwanegu hefyd bod y rhan fwyaf o achosion yn cael eu hildio gan awdurdodau, neu cânt eu tynnu'n ôl gan y rhieni oherwydd eu bod wedi cael yr hyn yr oeddent yn ei geisio cyn cyrraedd y tribiwnlys. Fodd bynnag, nid yw hynny'n rhwystro awdurdod lleol rhag ei lusgo am bron i ychydig o flynyddoedd mewn rhai achosion.

Yr wyf yn siŵr ein bod i gyd wedi ymwneud ag achosion anghenion addysgol arbennig lle bu'n rhaid inni frwydro yn erbyn grym awdurdodau

authorities and their expertise. Why, then, are we allowing them to commission advocacy on behalf of the child? The amendments tabled would allow the Minister to commission advocacy. This could be done in house, or through an intermediary such as the Children and Family Court Advisory and Support Service, or whatever the Minister believes to be the most appropriate way of commissioning advocacy. Surely, a relevant distance from the local authority is the only sensible independent option.

6.00 p.m.

In the evidence to the legislation committee, the Welsh Committee of the Administrative Justice and Tribunals Council, chaired by Sir Adrian Webb, touched on this principle. It said that advocacy should be appropriately independent from the local education authority. It goes on to say that legal aid may be appropriate, but this contravenes the principle of this proposed Measure because such support is not available to a child. Legal aid is means-tested against the child's parents' income. Separately, the Welsh Committee of Administrative Justice and Tribunals Council is also considering admissions and exclusions appeals and how their being administered by the local authority may mean that they are not appropriately and independently administered, and it only organises the meetings. Therefore, why are we allowing this proposed Measure to go even further to allow the local authority to commission the advocates to challenge their own decisions? There is one local authority in Wales where the director of education and the director of social services is one and the same person. I am aware of an example where a social worker supported the case for a pupil at the tribunal but, when the social worker was called upon by the representatives of the child, the head of service responded on behalf of the social worker to say that it simply was not possible. That is a clear example of one department interfering in the running of the other.

lleol a'u harbenigedd. Pam, felly, ydym yn caniatáu iddynt gomisiynu eiriolaeth ar ran y plentyn? Byddai'r gwelliannau a gyflwynwyd yn caniatáu i'r Gweinidog gomisiynu eiriolaeth. Gellid gwneud hyn yn fewnol, neu drwy gyfryngwr megis y Gwasanaeth Cyngori a Chynorthwyo Llys i Blant a Theuluoedd, neu beth bynnag y bydd y Gweinidog yn credu yw'r ffordd fwyaf effeithiol o gomisiynu eiriolaeth. Siawns, mai pellter perthnasol o'r awdurdod lleol yw'r unig ddewis annibynnol call.

Yn y dystiolaeth ger bron y pwyllgor deddfwriaethol, yr oedd Pwyllgor Cymreig y Cyngor Cyfiawnder Gweinyddol a Thribiwnlysoedd, dan gadeiryddiaeth Syr Adrian Webb, wedi sôn am yr egwyddor hon. Dywedodd y dylai eiriolaeth fod yn ddigon annibynnol ar yr awdurdod addysg lleol. Â ymlaen i ddweud y gallai cymorth cyfreithiol fod yn briodol, ond mae hyn yn mynd yn groes i egwyddor y Mesur arfaethedig hwn, oherwydd nad oes cefnogaeth o'r fath ar gael i blentyn. Cynhelir prawf modd ar gyfer cymorth cyfreithiol yn ôl incwm rhieni'r plentyn. Ar wahân, mae Pwyllgor Cymreig y Cyngor Cyfiawnder Gweinyddol a Thribiwnlysoedd hefyd yn ystyried apeliadau derbyn a gwahardd a sut y gall y ffaith eu bod yn cael eu gweinyddu gan yr awdurdod lleol olygu nad ydynt yn cael eu gweinyddu'n briodol ac yn annibynnol, a dim ond trefnu'r cyfarfodydd a wna. Felly, pam ydym yn caniatáu i'r Mesur arfaethedig hwn fynd hyd yn oed yn bellach i ganiatáu i'r awdurdod lleol gomisiynu'r eiriolwyr i herio eu penderfyniadau eu hunain? Mewn un awdurdod lleol yng Nghymru mae'r cyfarwyddwr addysg a'r cyfarwyddwr gwasanaethau cymdeithasol yr un unigolyn. Yr wyf yn gwybod am enghraifft lle cefnogodd gweithiwr cymdeithasol yr achos dros ddisgybl yn y tribiwnlys ond, pan gafodd y gweithiwr cymdeithasol ei alw gan gynrychiolwyr y plentyn, ymatebodd pennaeth y gwasanaeth ar ran y gweithiwr cymdeithasol i ddweud nad oedd hynny'n bosibl. Mae honno'n enghraifft glir o un adran yn ymyrryd ar y ffordd y caiff adran arall ei rhedeg.

I can recall questions from Members of all parties in the past about Chinese walls in local authorities. We were assured that they existed and that they would maintain independence when there are challenges. Clearly, that is not the case in the local authority that I have mentioned, and I could quote countless other examples. That is why these amendments are crucial—to preserve the integrity of the representation and the perception and practice of the tribunal. If we are making laws and we want to make a real difference, let us at least do it properly. No Government would ever let it happen in criminal law, so why are we setting standards well below that, when this could be achieved at no additional cost? There is no cost to these amendments, and they would preserve absolute integrity in the interests of the child.

Jenny Randerson: We have a great deal of sympathy for the aim of the Conservatives' amendments, but I regret that we will be unable to support them. There are concerns that local authorities can be seen on occasion to be judge, jury and executioner in their own appeals, but I do not believe that the solution that the Conservatives are putting forward is the appropriate one—

Alun Cairns: Will you give way?

Jenny Randerson: I would like to develop my argument a little, Alun.

The Presiding Officer: Order. I am sure that Jenny will give way in due course.

Jenny Randerson: There are valid arguments for having an independent advocacy service, separate from the councils that provide the education service that is at the crux of all this. If we want to go down the route of having a national advocacy service and the proposed Measure would allow for that to be developed, I believe that it should be left entirely up to local authorities whether they wish to participate in that service. Many of them may choose to do so, because it could be less

Gallaf gofio cwestiynau gan Aelodau o bob plaid yn y gorffennol am waliau Tsieina mewn awdurdodau lleol. Cawsom ein sicrhau eu bod yn bodoli ac y byddent yn cynnal annibyniaeth pan geir sialensiau. Yn amlwg, nid yw hyn yn wir yn yr awdurdod lleol a grybwyllais, a gallwn sôn am enghreifftiau lu eraill. Dyna pam mae'r gwelliannau hyn yn hanfodol—er mwyn diogelu cywirdeb y gynrychiolaeth a chanfyddiad ac ymarfer y tribiwnlys. Os ydym yn llunio cyfreithiau ac mae arnom eisiau gwneud gwahaniaeth go iawn, gadewch inni wneud hynny'n iawn o leiaf. Ni fyddai'r un Llywodraeth byth yn caniatáu i hynny ddigwydd mewn cyfraith droseddol, felly pam ydym yn gosod y safonau cymaint yn is na hynny, pan fyddai modd cyflawni hyn am ddim cost ychwanegol? Nid oes dim cost ynghlwm wrth y gwelliannau hyn, a byddent yn diogelu cywirdeb absoliwt er budd y plentyn.

Jenny Randerson: Yr ydym yn cydymdeimlo'n fawr â nod gwelliannau'r Ceidwadwyr, ond yn anffodus ni fyddwn yn gallu eu cefnogi. Ceir pryderon y gellir gweld awdurdodau lleol, o bryd i'w gilydd, fel barnwr, rheithgor a dienyddiwr yn eu hapeliadau eu hunain, ond nid wyf yn credu mai'r ateb y mae'r Ceidwadwyr yn ei gyflwyno yw'r un briodol—

Alun Cairns: A wnewch ildio?

Jenny Randerson: Hoffwn ddatblygu fy nadd ychydig, Alun.

Y Llywydd: Trefn. Yr wyf yn siŵr y bydd Jenny yn ildio maes o law.

Jenny Randerson: Ceir dadleuon dilys dros gael gwasanaeth eirioli annibynnol, ar wahân i'r cynghorau sy'n darparu'r gwasanaeth addysg sydd wrth wraidd hyn i gyd. Os oes arnom eisiau dilyn trywydd cael gwasanaeth eirioli cenedlaethol a byddai'r Mesur arfaethedig yn caniatáu i hynny gael ei ddatblygu, yr wyf yn credu y dylid caniatáu i'r awdurdodau lleol benderfynu a ydynt yn dymuno cymryd rhan yn y gwasanaeth hwnnw ai peidio. Efallai y bydd nifer ohonynt yn dewis gwneud hynny,

expensive and a great deal less difficult for them, especially for the smaller authorities, to piggy-back onto a national service and buy into it.

I remind Alun that the proposed Measure states that local authorities must,

‘make arrangements for the provision of independent advocacy services in their area’.

Just because the current situation is inadequate, it does not mean that the Minister will not be issuing statutory guidance—and I look to her, as I hope that she will flesh this out later on—to ensure that the advocacy services and appeal process are more adequate in future than they have been in the past.

Alun is eloquent about the impact of lawyers on the appeals process. However, I would say that if you had a national service, there would be more lawyers involved rather than fewer. The tendency will be for a national service to become slicker and bigger. What really worries me is that the more divorced the front-line local authority staff are from the appeals, advocacy and tribunals process as a result of a national service, the less likely they are to learn from their mistakes and from the problems that arise as a result of their decisions. Alun, you have said that 77 per cent of local authority cases are lost at tribunals currently. I think that that puts the lie to your argument, if 77 per cent of cases are lost. I will give way.

Alun Cairns: The sad fact about that 77 per cent of cases is that, according to the analysis, it is the middle class parents who are managing to get representation at the tribunals. It is the people from deprived communities who cannot afford proper advocacy that we are talking about or children who may want to pursue it themselves. You have called it a ‘national advocacy service’, but that is not what the amendment would establish. The amendment

oherwydd gallai fod yn rhatach ac yn haws o lawer iddynt, yn enwedig ar gyfer yr awdurdodau llai, er mwyn neidio ar gwt gwasanaeth cenedlaethol a’i brynu.

Yr wyf yn atgoffa Alun, bod y Mesur arfaethedig yn dweud ei bod yn rhaid i awdurdodau lleol,

gwneud trefniadau ar gyfer darparu gwasanaethau eirioli annibynnol yn eu hardal.

Oherwydd bod y sefyllfa bresennol yn annigonol, nid yw’n golygu na fydd y Gweinidog yn cyhoeddi arweiniad statudol—ac yr wyf yn edrych arni, gan fy mod yn gobeithio y bydd yn rhoi rhagor o gig ar yr asgwrn maes o law—i sicrhau bod gwasanaethau eirioli a phrosesau apelio yn fwy digonol yn y dyfodol nag a welwyd yn y gorffennol.

Mae Alun yn huawdl iawn ynghylch effaith cyfreithwyr ar y broses apelio. Fodd bynnag, byddwn yn dweud petai gennyh wasanaeth cenedlaethol y byddai mwy, nid llai, o gyfreithwyr yn rhan o hyn. Y tueddiad yw i wasanaeth cenedlaethol dyfu o ran slicrwydd ac o ran maint. Yr hyn sy’n fy mhoeni yw po fwyaf yw’r gagendor rhwng staff rheng flaen yr awdurdod lleol a’r prosesau apelio, eirioli a thriwiwnlysoedd o ganlyniad i wasanaeth cenedlaethol, y lleiaf tebygol ydynt o ddysgu o’u camgymeriadau ac o’r problemau sy’n codi o ganlyniad i’w penderfyniadau. Alun, yr ydych wedi dweud bod 77 y cant o achosion awdurdodau lleol yn cael eu colli yn y triwiwnlysoedd ar hyn o bryd. Yr wyf yn meddwl bod hynny’n dangos bod eich dadl yn gelwydd, os caiff 77 y cant o achosion eu colli. Yr wyf yn fodlon ildio.

Alun Cairns: Y trueni am y 77 y cant hwnnw o achosion yw, yn ôl y dadansoddiad, y rhieni dosbarth canol sy’n llwyddo i gael cynrychiolaeth yn y triwiwnlysoedd. Y bobl o gymunedau o amddifadedd na allant fforddio eiriolaeth iawn yr ydym yn sôn amdanynt neu blant y gallai fod arnynt eisiau mynd ar drywydd hyn eu hunain. Yr ydych wedi’i alw yn ‘wasanaeth eirioli cenedlaethol’, ond nid dyna fyddai’r gwelliant yn ei sefydlu. Y cyfan y

simply places the responsibility on the Minister to organise the advocacy in whichever regional, local way she would like to do it, rather than having the local authorities themselves doing it on behalf of a child who is challenging their decision.

Jenny Randerson: I very much hope that the Minister will reassure me that strict guidance will be issued to local authorities about the way in which this is to be run. To go back to the point that I was making when Alun intervened, if local authorities are losing 77 per cent of cases, there is an indicator that whatever the current service is, however imperfect, it is largely working. I very much hope that there will be considerable improvement in future to ensure that there is a quality service throughout Wales.

Angela Burns: I am grateful to be able to speak in this debate today. I would like to support the amendments tabled in the name of Paul Davies for the Minister to retain the right and the ability to control the advocacy provision as she sees fit. Why do I believe that? It is simply because much of my view is informed by my work as a member of the Children and Young People's Committee.

As the Minister will know, the Children and Young People Committee conducted an inquiry into independent advocacy services for children. To prepare for the debate today, I went back and reread a lot of the evidence that came before that committee. In the light of the evidence that I have read, I am here today to ask you to seriously consider not the national advocacy service that the Children and Young People Committee recommended, but for you to retain the power in order to put forward an advocate of your choosing, as and when young people may need them.

Advocacy services for children are incredibly important. We talk about the rights of children and we are always talking about our commitment to the United Nations' convention on the rights of the child. I have heard people talking about rights this afternoon—Ann was asking how often we give people the right to

mae'r gwelliant yn ei wneud yw rhoi'r cyfrifoldeb ar y Gweinidog i drefnu'r eiriolaeth ym mha ffordd bynnag, yn rhanbarthol neu'n lleol, y byddai'n dymuno gwneud hynny, yn hytrach na bod yr awdurdodau lleol eu hunain yn ei wneud ar ran plentyn sy'n herio eu penderfyniad.

Jenny Randerson: Mawr obeithiaf y bydd y Gweinidog yn fy sicrhau y caiff arweiniad caeth ei gyhoeddi i awdurdodau lleol ynghylch y ffordd y caiff hyn ei redeg. A dychwelyd at y pwynt yr oeddwn yn ei wneud cyn ymyriad Alun, os yw awdurdodau lleol yn colli 77 y cant o'r achosion, mae hynny'n dangos beth bynnag yw'r gwasanaeth ar hyn o bryd, ni waeth pa mor amherffaith ydyw, ei fod yn dal i weithio i raddau helaeth. Mawr obeithiaf y bydd yn gwella'n sylweddol yn y dyfodol i sicrhau bod gwasanaeth o ansawdd ledled Cymru.

Angela Burns: Yr wyf yn ddiolchgar fy mod yn gallu siarad yn y ddadl hon heddiw. Hoffwn gefnogi'r gwelliannau a gyflwynwyd yn enw Paul Davies i'r Gweinidog gadw'r hawl a'u gallu i reoli'r ddarpariaeth eiriolaeth fel y gwêl orau. Pam fy mod yn credu hynny? Yn syml, oherwydd bod llawer o'm safbwynt yn seiliedig ar fy ngwaith fel aelod o'r Pwyllgor Plant a Phobl Ifanc.

Fel y gŵyr y Gweinidog, cynhaliodd y Pwyllgor Plant a Phobl Ifanc ymchwiliad i wasanaethau eirioli annibynnol i blant. Er mwyn paratoi ar gyfer y ddadl heddiw, euthum yn ôl ac ailddarllen llawer o'r dystiolaeth a gyflwynwyd gerbron y pwyllgor hwnnw. Yng ngoleuni'r dystiolaeth yr wyf wedi'i darllen, yr wyf yma heddiw i ofyn ichi ystyried o ddifrif nid y gwasanaeth eirioli cenedlaethol yr oedd y Pwyllgor Plant a Phobl Ifanc yn ei argymhell, ond i chi gadw'r pŵer er mwyn cyflwyno eiriolwyr o'ch dewis pan allai fod eu hangen ar bobl ifanc.

Mae gwasanaethau eirioli ar gyfer plant yn eithriadol o bwysig. Yr ydym yn siarad am hawliau plant ac yr ydym bob amser yn siarad am ein hymrwymiad i gonfensiwn y Cenhedloedd Unedig ar hawliau'r plentyn. Yr wyf wedi clywed pobl yn siarad am hawliau'r prynhawn yma—yr oedd Ann yn holi pa mor

say that they do not want that person to represent them, for example—however, if we are taking somebody’s rights seriously, we need to follow that up with action.

In the Children and Young People’s Committee, we considered that there was an inherent conflict of interest in any system whereby advocacy providers were paid and had contracts renewed or terminated by the same authorities that they were charged with challenging. I would like to bring something to your attention, Minister, but I know that you are aware of some of it already. Professor Andrew Pithouse from Cardiff University said that,

‘there are always issues and dangers about incorporating advocacy into the system, because it may then become neutered and part of the system’.

Surely the whole objective of this exercise is to ensure that these children’s rights are preserved and protected going forward.

I would like to talk to you about the patchy advocacy service, which worries me. Alun referred to it in his speech. Again, I have to refer to recommendation 3 of the Children and Young People Committee report that included provision for a training programme for advocates. Throughout Wales, there seems to be a postcode lottery on whether a child will have the opportunity to get hold of a good advocate through their local authority to take forward their case. I simply do not think that we can leave it to the local authorities to take that forward.

6.10 p.m.

I want to read a couple of dates to you. The 1997 report, ‘People Like Us’, said that children needed to have independent advocacy. In 2000, Sir Ronald Waterhouse published his report, ‘Lost in Care’. In 2002, we had ‘Too Serious a Thing’ by Lord Carlile. In 2003, we saw Lord Laming’s report on Victoria

aml y byddwn yn rhoi’r hawl i bobl ddweud nad oes arnynt eisiau i’r unigolyn hwnnw neu honno eu cynrychioli, er enghraifft—fodd bynnag, os ydym yn cymryd hawliau rhywun o ddifrif, mae arnom angen dilyn hynny â gweithredoedd.

Yn y Pwyllgor Plant a Phobl Ifanc, yr oeddem yn ystyried bod gwrthdaro cynhenid rhwng buddiannau mewn unrhyw system lle’r oedd darparwyr eiriolaeth yn cael eu talu a bod eu contractau’n cael eu hadnewyddu neu eu terfynu gan yr un awdurdodau yr oeddent yn gyfrifol am eu herio. Hoffwn dynnu eich sylw at rywbeth, Weinidog, ond gwn eich bod yn ymwybodol o rywfaint ohono’n barod. Dywedodd yr Athro Pithouse o Brifysgol Caerdydd,

ceir pob amser broblemau a pheryglon wrth ymgorffori eiriolaeth yn y system, oherwydd gellir wedyn ei gyweirio a gall ddod yn rhan o’r system.

Siawns mai amcan yr ymarfer hwn yw sicrhau bod hawliau’r plant hyn yn cael eu gwarchod a’u hamddiffyn wrth fynd ymlaen.

Hoffwn siarad â chi am y gwasanaeth eirioli bylchog, sy’n fy mhoeni. Cyfeiriodd Alun ato yn ei araith. Unwaith eto, rhaid imi gyfeirio at argymhelliad 3 adroddiad y Pwyllgor Plant a Phobl Ifanc a oedd yn cynnwys darpariaeth ar gyfer rhaglen hyfforddi i eiriolwyr. Ledled Cymru, ymddengys fod loteri cod post ynghylch a fydd plentyn yn cael y cyfle i gael gafael ar eiriolwr da drwy ei awdurdod lleol i fynd â’i achos rhagddo. Nid wyf yn meddwl y gallwn ei adael i awdurdodau lleol i fynd â hynny rhagddo.

Mae arnaf eisiau darllen ychydig o ddyddiadau ichi. Dywedodd adroddiad 1997 ‘People Like Us’, bod ar blant angen cael eiriolaeth annibynnol. Yn 2000, cyhoeddodd Syr Ronald Waterhouse ei adroddiad ‘Ar Goll mewn Gofal’. Yn 2002, cawsom ‘Peth Rhy Ddifrifol’ gan yr Arglwydd Carlile. Yn 2003, gwelsom

Climbié, about keeping children safe. Also in 2003, the Children's Commissioner for Wales issued his report, 'Telling Concerns'. All these reports said that children need to have independent, strong advocacy. I do not agree with Jenny Randerson, as I do not think that you can tell a poacher that he can be a gamekeeper, or vice versa. That is effectively what this proposed Measure is allowing local authorities to do—they can provide the advocacy, and then they can control how children challenge what is going on. I think that that is simply wrong. Minister, I believe that you need to retain that control and function, as all the evidence points to that.

Jenny Randerson: Are you aware of how the appeals process in such places as schools works? If you look at how those far less independently set up organisations work, you will see the vast number of times each year that they make decisions that annoy local authorities by cutting across their policies and so on. You will see that they work with great independence. It can be done, as long as the guidelines are in place. I ask the Minister again to clarify for us whether guidance will be issued as part of the statutory guidance procedures.

Angela Burns: Jenny, I cannot honestly say that I know about the annoyance of local authorities, but I do know that I am the Assembly Member for Carmarthen West and South Pembrokeshire, and this is not my specialist subject. I will tell you whose specialist subject it is however; all those experts that I have just quoted. They know what it takes to provide independent, strong advocacy for children. Every single one of them says the same thing—they cannot all be wrong.

Alun Cairns: Perhaps I can provide an example. Jenny rightly highlighted the admissions and exclusions process, which local authorities administer. I referred in the

adroddiad yr Arglwydd Laming ar Victoria Cimbié, ynghylch cadw plant yn ddiogel. Hefyd yn 2003, cyhoeddodd Comisiynydd Plant Cymru ei adroddiad 'Datgan Pryderon'. Dywedodd yr adroddiadau hyn i gyd bod ar blant angen eiriolaeth annibynnol a chryf. Nid wyf yn cytuno â Jenny Randerson, gan nad wyf yn meddwl y gallwch ddweud wrth y potsiwr y caiff fod yn gipar, nac i'r gwrthwyneb. Yn ei hanfod, dyna'r hyn y mae'r Mesur arfaethedig yn caniatáu i awdurdodau lleol ei wneud—gallant ddarparu'r eiriolaeth, ac wedyn gallant reoli sut y mae'r plant yn herio'r hyn sy'n digwydd. Yr wyf yn meddwl bod hynny'n anghywir. Weinidog, yr wyf yn credu bod arnoch angen cadw'r rheolaeth honno a'r swyddogaeth honno, gan fod yr holl dystiolaeth yn dangos hynny.

Jenny Randerson: A ydych yn gwybod sut y mae'r broses apelio mewn mannau fel ysgolion yn gweithio? Os edrychwch ar sut y mae'r sefydliadau hynny, sy'n llai annibynnol o lawer, yn gweithio, gwelwch yr adegau lu y maent yn gwneud penderfyniadau bob blwyddyn sy'n gwylltio awdurdodau lleol drwy dorri ar draws eu polisiau ac yn y blaen. Byddwch yn gweld eu bod yn gweithio â chryn annibyniaeth. Gellir ei gyflawni, ar yr amod bod y canllawiau ar waith. Yr wyf yn gofyn drachefn i'r Gweinidog egluro a fydd arweiniad yn cael ei gyhoeddi fel rhan o'r gweithdrefnau arweiniad statudol.

Angela Burns: Jenny, gallaf ddweud â'm llaw ar fy nghalon fy mod yn gwybod am anfodlonrwydd awdurdodau lleol, ond yr wyf yn gwybod mai fi yw Aelod y Cynulliad dros Orllewin Caerfyrddin a De Sir Benfro, ac nid dyma fy mhwnic arbenigol. Dywedaf wrthyfych pwy y mae hwn yn bwnc arbenigol iddynt fodd bynnag; yr holl arbenigwyr hynny yr wyf newydd eu dyfynnu. Maent yn gwybod beth sydd ynghlwm wrth ddarparu eiriolaeth gryf ac annibynnol i blant. Mae pob un ohonynt yn dweud yr un peth—ni allant i gyd fod yn anghywir.

Alun Cairns: Efallai y gallaf roi enghraifft. Yr oedd Jenny yn llygad ei lle i dynnu sylw at y broses derbyn a gwahardd, a weinyddir gan awdurdodau lleol. Cyfeiriais yn yr araith at y

speech to the fact that the Welsh Committee of Administrative Justice and Tribunals Council has expressed concern about the way in which that process is administered, simply because it is organised by a local authority, let alone any advocacy that is commissioned by the local authority. This proposal takes it to a new and different level of injustice, which some seem happy to support.

Angela Burns: According to the Government's definition,

'Advocacy is about speaking up for children and young people. Advocacy is about empowering children and young people to make sure that their rights are respected and their views and wishes heard at all times.'

Looking at the ministerial bench, I can think of at least three Ministers' portfolios to which I have brought case work, as an Assembly Member, in which children are not being treated well by the local authorities, their rights are being ridden over roughshod, and they are not getting the advocacy they need. With all my heart and soul, I do not believe that it can be good to tell local authorities, 'You can be in charge of this; you are poacher and gamekeeper, now get on with it'. The Children and Young People Committee said that it was not good, as did all the experts. Minister, I ask you to reconsider this proposal, and I ask the Members to vote in favour of these amendments.

Peter Black: We had this discussion in committee, where I took the same view that Jenny Randerson has expressed with regard to this particular set of amendment. You cannot devise an advocacy service by amending statute in this way. You have to make provision for the service in an administrative way. The solution being proposed in these amendments is quite cumbersome, in that it suggests that every time you have a tribunal or dispute at local authority level, the Minister will have to intervene personally to appoint a particular advocate. That is why I felt that these amendments are not appropriate, as they cannot be delivered in the way envisaged by

fffaith bod Pwyllgor Cymreig y Cyngor Cyfiawnder Gweinyddol a Thribiwnlysoedd wedi mynegi pryder ynghylch y ffordd y caiff y broses ei gweinyddu, oherwydd y caiff ei threfnu gan awdurdod lleol, heb sôn am unrhyw eiriolaeth a gomisiynir gan yr awdurdod lleol. Mae'r cynnig hwn yn mynd ag ef i lefel newydd a gwahanol o anghyfiawnder, y mae rhai yn fodlon ei chefnogi i bob golwg.

Angela Burns: Yn ôl diffiniad y Llywodraeth,

'Mae eiriolaeth yn ymwneud â siarad dros blant a phobl ifanc. Mae eiriolaeth yn ymwneud â grymuso plant a phobl ifanc i sicrhau bod eu hawliau yn cael eu parhau a'u barnau a'u dymuniadau'n cael eu clywed bob amser.'

Wrth edrych ar y fainc y Gweinidogion, gallaf feddwl am o leiaf dri phortffolio Gweinidog yr wyf wedi dod â gwaith achos iddynt, fel Aelod Cynulliad, lle na chaiff plant eu trin yn dda gan yr awdurdodau lleol, lle caiff eu hawliau eu hanwybyddu'n llwyr, a lle nad ydynt yn cael yr eiriolaeth y mae ei hangen arnynt. Â'm llaw ar fy nghalon, nid wyf yn credu y gallwch ddweud wrth awdurdodau lleol, 'Cewch fod yn gyfrifol am hyn; chi yw'r potsiar a'r cipar, nawr ffwrdd â chi'. Dywedodd y Pwyllgor Plant a Phobl Ifanc nad oedd yn dda, fel y dywedodd yr holl arbenigwyr. Weinidog, yr wyf yn gofyn ichi ailystyried y cynnig hwn, ac yr wyf yn gofyn i'r Aelodau bleidleisio o blaid y gwelliannau hyn.

Peter Black: Cawsom y drafodaeth hon yn y pwyllgor, ac yr oeddwn o'r un farn â'r farn y mae Jenny Randerson wedi'i mynegi yng nghyswllt y set benodol hon o welliannau. Ni allwch lunio gwasanaeth eirioli drwy ddiwygio statud yn y modd hwn. Rhaid ichi ddarparu ar gyfer y gwasanaeth mewn ffordd weinyddol. Mae'r ateb a gynigir yn y gwelliannau hyn yn eithaf beichus, oherwydd ei fod yn awgrymu bob tro y byddwch yn cael tribiwnlys neu anghydfod ar lefel awdurdod lleol, bydd yn rhaid i'r Gweinidog gamu i mewn yn bersonol i benodi eiriolwr penodol. Dyna pam yr oeddwn o'r farn nad yw'r gwelliannau hyn yn briodol, gan nad oes modd eu darparu yn y ffordd a

the Conservative Party.

Alun, do you want to intervene?

Alun Cairns: I do, because that is not our intention. The amendment simply means that the Minister retains the responsibility. The Minister could decide how to exercise that responsibility in whichever way she wanted. As I highlighted, CAFCASS could be an agency, but there could be any number of agencies, so long as it is not the local authority that is doing it. If it is the local authority, it will have a vested interest in who, how, why and when it is commissioning. It is completely unfair on the pupil who depends on the local authority to challenge the decision.

Peter Black: We must resort to the text of the proposed Measure, because it says that local authorities must make arrangements for the provision of independent advocacy services. It does not say that local authorities should provide those services, nor does it make provision for—*[Interruption.]*

The Presiding Officer: Order. This is Stage 3 of the debate. You can intervene again if you wish, so there is no need to shout.

Peter Black: It does not say that the local authority should provide those services or that it should commission them. The other point, which reflects on Angela's contribution, is that I totally support the idea of an independent advocacy service, and we have supported it down the line. However, the point is that that debate has been held over a number of years. The Minister has come forward with a solution that I am not necessarily happy with, and I know that some members of Plaid Cymru are not happy with it, but they are not here so they cannot speak for themselves. However, that outcome has been reached. You cannot use the amendments to the proposed Measure to reopen the debate to impose a solution on the Minister that she has no intention or ability to accept, because all you are doing is transferring responsibility for the commissioning from one person to another

ragwelir gan y Plaid Geidwadol.

Alun, a oes arnoch eisiau ymyrryd?

Alun Cairns: Oes, oherwydd nid dyna ein bwriad. Y cyfan y mae'r gwelliant yn ei olygu yw bod y Gweinidog yn cadw'r cyfrifoldeb. Gallai'r Gweinidog benderfynu sut y mae ymarfer y cyfrifoldeb hwnnw fel y gwêl orau. Fel y dywedais, gallai CAFCASS fod yn asiantaeth, ond gellid cael unrhyw nifer o asiantaethau, ar yr amod nad yr awdurdod lleol a oedd yn ei wneud. Petai'r awdurdod lleol yn ei wneud, byddai ganddo ddiddordeb yn pwyl, sut, pam a beth y mae'n ei gomisiynu. Mae'n gwbl annheg ar y disgybl sy'n dibynnu ar yr awdurdod lleol i herio'r penderfyniad.

Peter Black: Rhaid inni ddychwelyd at destun y Mesur arfaethedig, oherwydd mae'n dweud ei bod yn rhaid i awdurdodau lleol wneud trefniadau ar gyfer darparu gwasanaethau eirioli annibynnol. Nid yw'n dweud y dylai awdurdodau lleol ddarparu'r gwasanaethau hynny, nid yw ychwaith yn gwneud darpariaeth ar gyfer—*[Torri ar draws.]*

Y Llywydd: Trefn. Cam 3 y ddadl yw hwn. Cewch ymyrryd unwaith eto os ydych yn dymuno, felly nid oes angen gweiddi.

Peter Black: Nid yw'n dweud y dylai'r awdurdod lleol ddarparu'r gwasanaethau hynny nac y dylai eu comisiynu. Y pwynt arall, sy'n ystyried cyfraniad Angela, yw fy mod yn cefnogi'r syniad o wasanaeth eirioli annibynnol i'r carn, ac yr ydym wedi ei gefnogi o'r cychwyn cyntaf. Fodd bynnag, y pwynt yw bod y ddadl honno wedi cael ei chynnal dros nifer o flynyddoedd. Mae'r Gweinidog wedi dod ymlaen ag ateb nad wyf o reidrwydd yn fodlon ag ef, a gwn nad yw rhai o aelodau Plaid Cymru yn fodlon ag ef, ond nid ydynt yma ac felly ni allant siarad drostynt eu hunain. Fodd bynnag, mae'r canlyniad hwnnw wedi'i gyrraedd. Chewch chi ddim defnyddio'r gwelliannau i Fesur arfaethedig i ailagor y ddadl i orfodi ateb ar y Gweinidog nad oes ganddi ddim bwriad na gallu i'w dderbyn, oherwydd y cyfan yr ydych yn ei wneud yw trosglwyddo cyfrifoldeb dros y comisiynu o un unigolyn i'r llall heb effeithio ar

without affecting who will be commissioned.

bwy a gomisiynir.

Mark Isherwood: One of my children is now a very successful teenager in a mainstream school because he was statemented 10 years ago. To get the support that he needed, he had to receive the statement. We had to battle for that, and we were fortunate that we were relatively well educated and had the means to do so, and we had a brilliant headteacher fighting for us. However, if we had not been in that position, my son would not have received the statement and the support that he needed, and he would not be doing as well in high school. For that reason, I strongly support what has been said, on behalf of other young people who did not have the fortunate support that my son had, not on the basis of subjective opinion, but because of what is happening out there to too many children in Wales.

Mark Isherwood: Mae un o'm plant bellach yn ei ardegau ac unigolyn ifanc llwyddiannus iawn mewn ysgol prif ffrwd oherwydd iddo gael datganiad 10 mlynedd yn ôl. Er mwyn cael y gefnogaeth yr oedd ei hangen arno, bu'n rhaid iddo gael y datganiad. Yr oedd yn rhaid inni frwydro dros hynny, ac yr oeddem yn ffodus ein bod wedi cael addysg gymharol dda a bod y modd gennym i wneud hynny, ac yr oedd gennym bennaeth gwych yn brwydro ar ein rhan. Fodd bynnag, pe na bawn wedi bod yn y sefyllfa honno, ni fyddai fy mab wedi cael y datganiad na'r gefnogaeth yr oedd ei hangen arno, ac, ni fyddai'n gwneud cystal mewn ysgol uwchradd. Am y rheswm hwnnw, yr wyf yn cefnogi'r hyn sydd wedi cael ei ddweud yn gryf, ar ran pobl ifanc eraill nad oedd ganddynt y gefnogaeth ffodus a gafodd fy mab, nid ar sail barn wrthrychol, ond oherwydd yr hyn sy'n digwydd i ormod o blant yng Nghymru.

Peter Black: I am sorry, Mark, but you are creating problems that you think your amendments will solve, but they will not. If you have an independent advocacy service, whether it is commissioned by the Minister or the Government, that person will advocate for that child because he or she is a professional who is paid to advocate for that child and will do his or her best by that child.

Peter Black: Mae'n ddrwg gennyf, Mark, ond yr ydych yn creu problemau yr ydych yn meddwl y bydd eich gwelliannau'n eu datrys, ond ni fyddant yn gwneud hynny. Os oes gennyh wasanaeth eirioli annibynnol, boed hwnnw'n cael ei gomisiynu gan y Gweinidog ynteu'r Llywodraeth, bydd yr unigolyn hwnnw'n eirioli dros y plentyn hwnnw oherwydd ei fod ef neu hi yn weithiwr proffesiynol sy'n cael tâl am eirioli dros y plentyn hwnnw a bydd yn gwneud ei orau neu ei gorau glas dros y plentyn hwnnw.

Angela Burns *rose*—

Angela Burns *a gododd*—

Peter Black: Let me finish, Angela. The outcomes of that advocacy are dependent on the tribunal and the strength of the case that is brought forward. Alun gave an example of a case in Powys where two local authority officials found that they had a conflict of interest. They were employed by the council, but an independent advocate may have helped in that particular instance.

Peter Black: Gadewch imi orffen, Angela. Mae canlyniadau'r eiriolaeth honno'n dibynnu ar y tribiwnlys a chryfder yr achos a fydd yn cael ei gyflwyno. Rhoddodd Alun enghraifft o achos ym Mhowys lle canfu dau swyddog awdurdod lleol bod eu buddiannau'n gwrthdaro. Yr oeddent yn cael eu cyflogi gan y cyngor, ond gallai eiriolwr annibynnol fod wedi helpu yn yr achos penodol hwnnw.

Alun Cairns *rose*—

Alun Cairns *a gododd*—

Peter Black: I am not giving way. It seems

Peter Black: Nid wyf yn ildio. Ymddengys

that you are talking about whether or not people can afford advocacy and that middle-class parents can afford the advocacy that people of a working-class background cannot. However, the proposed Measure gives parents a right, provided for by local councils, to have an advocate where this could not be afforded before. We are arguing about who commissions the service, and not whether the service should exist. That process must be delivered in an efficient and effective manner, and in a manner that is affordable and independent. Regardless of who commissions it, be that the Minister or the local authority, it will be independent because it says in the proposed Measure that it should be an independent advocacy service. For that reason, the amendments that you have proposed are inappropriate, because you are trying to design a service by amendment, rather than delivering it as you would if you were a Minister.

The Presiding Officer: Order. This is a Stage 3 debate, and unless there are severe objections—and I do not want to prolong things unnecessarily—I am happy to call people who wish to respond, without their having to stand up and say, ‘By leave of the House’, to speak twice on this particular section because it is clearly of interest. I cannot see massive objection.

6.20 p.m.

Alun Cairns: I am grateful for the opportunity to respond. Peter Black rightly returned to the words on the face of the proposed Measure about the responsibility of local authorities in commissioning the advocacy service. The fact that local authorities have an ongoing relationship with advocates representing children obviously compromises the situation. We would never allow the police to commission advocates on behalf of defendants—it simply would not happen. However, the principle is the same. [*Interruption.*] I will give way if you want to make an intervention, Peter.

That situation would not arise because there is

eich bod yn siarad am all pobl fforddio eiriolaeth a bod rhieni dosbarth canol yn gallu fforddio'r eiriolaeth na all pobl o gefndir dosbarth gweithio mo'i fforddio. Fodd bynnag, mae'r Mesur arfaethedig yn rhoi hawl i rieni, y darperir ar ei chyfer gan gynghorau lleol, i gael eiriolwr pan nad oedd modd fforddio hyn o'r blaen. Yr ydym yn dadlau ynghylch pwy sy'n comisiynu'r gwasanaeth, ac nid a ddylai'r gwasanaeth fodoli ai peidio. Rhaid cyflwyno'r broses honno mewn ffordd effeithlon ac effeithiol, ac mewn ffordd fforddiadwy ac annibynnol. Ni waeth pwy sy'n ei gomisiynu, boed hynny'n Weinidog neu'r awdurdod lleol, bydd yn annibynnol oherwydd ei fod yn dweud yn y Mesur arfaethedig y dylai fod yn wasanaeth eirioli annibynnol. Am y rheswm hwnnw, mae'r gwelliannau yr ydych wedi'u cynnig yn amhriodol, oherwydd eich bod yn ceisio dylunio gwasanaeth drwy welliannau yn hytrach na'i gyflwyno fel y byddech yn ei wneud petaech yn Weinidog.

Y Llywydd: Trefn. Dadl Cam 3 yw hon, ac oni bai fod gwrthwynebiadau difrifol—ac nid oes arnaf eisiau ymestyn pethau'n ddianghenraid—yr wyf yn fodlon galw pobl sy'n dymuno ymateb, heb iddynt orfod sefyll a dweud, ‘Gyda chaniatâd y Tŷ’, i siarad ddwywaith ar yr adran benodol hon oherwydd ei bod yn amlwg o ddiddordeb. Ni allaf weld gwrthwynebiad enfawr.

Alun Cairns: Yr wyf yn ddiolchgar am y cyfle i ymateb. Yr oedd Peter Black wedi dychwelyd yn iawn at y geiriau ar wyneb y Mesur arfaethedig ynghylch cyfrifoldeb awdurdodau lleol i gomisiynu'r gwasanaeth eirioli. Mae'r ffaith bod gan awdurdodau lleol berthynas barhaus ag eiriolwyr sy'n cynrychioli plant yn amlwg yn rhoi'r sefyllfa yn y fantol. Ni fyddem byth yn caniatáu i'r heddlu gomisiynu eiriolwyr ar ran diffynydion—ni fyddai'n digwydd. Fodd bynnag, yr un yw'r egwyddor. [*Torri ar draws.*] Yr wyf yn fodlon ildio os oes arnoch eisiau ymyrryd, Peter.

Ni fyddai'r sefyllfa honno'n codi oherwydd bod

a separate duty solicitors list, and the police do not control the membership of that list. You are talking about a situation where a local authority will have complete control as to who is on the approved advocacy list. Therefore, as a result, it is in the advocate's interest to get on with the local authority and not to cause too many problems in challenging it. That is what happens regularly at the moment.

Peter Black: Others here know more about the court system than you or I do, Alun, but I think that you will find that the duty solicitors list is put together by the state, which is also the prosecuting authority. Therefore, it is a similar process. You have a list of independent advocates, you have a list of duty solicitors, and that person comes along and advocates for their client in an independent way.

Alun Cairns: However, that list is not put together by the prosecutors, which is the approach that you are suggesting we allow. The people making the case often make it as difficult as possible, and we all know of cases that have dragged on for years and where statutory assessments and the statementing process have been refused. The authorities drag their feet in spite of the statutory timelines that are in place. I could quote several such cases that have been aired in the Chamber in the past, and yet you suggest that we allow those responsible for dragging their feet to decide who should be allowed to challenge them through the tribunal service. That is not justice. That is not fair. If we are making laws, let us ensure that advocates are wholly independent, and are sufficiently removed from the authority. The only defence that we have had so far is that the local authority would be commissioning this. I suggest that the advocate's position is therefore compromised. The other excuse that we have heard is that local authorities administer admission and exclusion appeals. As I have already said, the administrative justice and tribunals council has concerns about that, and has reported on that already.

rhestr ar wahân o dwrneiod ar ddyletswydd, ac nid yw'r heddlu'n rheoli pwy sydd ar y rhestr honno. Yr ydych yn sôn am sefyllfa a fydd yn golygu mai'r awdurdod lleol sydd i benderfynu pwy sydd ar y rhestr o eiriolwyr cymeradwy. Felly, o ganlyniad, mae gyrru ymlaen â'r awdurdod lleol a pheidio ag achosi gormod o broblemau drwy ei herio o fantais i'r eiriolwyr. Dyna'r hyn sy'n digwydd yn rheolaidd ar hyn o bryd.

Peter Black: Mae pobl eraill sydd yma'n gwybod mwy am system y llys na'r ddaud ohonom, Alun, ond yr wyf yn meddwl y gwelwch fod y rhestr twrneiod ar ddyletswydd yn cael ei llunio gan y wladwriaeth, sef yr awdurdod erlyn hefyd. Felly, mae'n broses debyg. Mae gennych restr o eiriolwyr annibynnol, mae gennych restr o dwrneiod ar ddyletswydd, a daw'r unigolyn hwnnw ac eirioli dros ei gleient mewn ffordd annibynnol.

Alun Cairns: Fodd bynnag, ni chaiff y rhestr honno ei llunio gan yr erlynwyr, sef y dull gweithredu yr ydych yn awgrymu y dylem ei ganiatáu. Mae'r bobl sy'n cyflwyno'r achos yn aml yn ei gwneud mor anodd ag sy'n bosibl, ac yr ydym i gyd yn gwybod am achosion sydd wedi rhygnu ymlaen am flynyddoedd lawer a lle gwrthodwyd asesiadau statudol a'r broses rhoi datganiad. Mae'r awdurdodau'n llusgo eu traed er gwaethaf yr amserlenni statudol sydd ar waith. Gallwn ddyfynnu nifer o achosion o'r fath sydd wedi cael eu codi yn y Siambr o'r blaen, ac eto yr ydych yn awgrymu ein bod yn caniatáu i'r rheiny sy'n gyfrifol am lusgo eu traed benderfynu pwy a ddylai gael eu herio drwy'r gwasanaeth tribiwnlys. Nid yw hynny'n gyfiawn. Nid yw hynny'n deg. Os ydym yn llunio cyfreithiau, gadewch inni sicrhau bod eiriolwyr yn gwbl annibynnol, a'u bod yn ddigon pell oddi wrth yr awdurdod. Yr unig amddiffyniad yr ydym wedi'i glywed hyd yn hyn yw mai'r awdurdod lleol fyddai'n comisiynu hyn. Yr wyf yn awgrymu felly bod sefyllfa'r eiriolwr mewn perygl. Yr esgus arall yr ydym wedi'i glywed yw bod awdurdodau lleol yn gweinyddu apeliadau derbyn a gwahardd. Fel yr wyf eisoes wedi'i ddweud, mae gan y cyngor cyfiawnder gweinyddol a thribiwnlysoedd bryderon ynghylch hynny, ac

mae wedi adrodd ar hynny'n barod.

Angela Burns: I am not trying to reopen a debate; the Minister and I have already discussed independent advocacy services for children at great length. I want to support Paul's amendments, because I believe that we have an opportunity to place this important responsibility with the Government, and with the Minister, rather than with local authorities. Peter, you argued—and I do not think that I am misrepresenting you—that advocacy services would be independent because the advocates are professionals, but I have case evidence from people who have visited my surgery who are not finding that. They are going to the local authority to try to get advocacy, but, having dealt with the child, their advocate is walking out of the door and talking to the social worker or the education officer about that child. They do not always act as a proper advocate, and surely this is about protecting the rights of the child. We keep banging on about the rights of the child, but if we are really to secure those rights, where is the harm in telling the Minister that we trust her and that we do not want this responsibility given to the local authority? If the Minister is responsible then the child has a recourse, because advocacy does not always happen in the way we would want. Too often, according to these experts, and the awful cases that we have heard about, it does not happen, and the people who suffer are the children.

The Presiding Officer: Order. It is now time that I called the Minister.

Jane Hutt: I ask Members to resist amendments 30 to 57, which essentially seek to transfer new duties from the local education authorities to the Welsh Ministers. Members will recall that the Welsh Assembly Government undertook an extensive and productive process of consultation, debate and scrutiny. I remember coming before the committee on 31 March, and important

Angela Burns: Nid wyf yn ceisio ailagor dadl; mae'r Gweinidog a minnau eisoes wedi trafod gwasanaethau eirioli annibynnol ar gyfer plant yn fanwl. Mae arnaf eisiau cefnogi gwelliannau Paul, oherwydd yr wyf yn credu bod gennym gyfle i osod y cyfrifoldeb pwysig hwn ar ysgwyddau'r Llywodraeth, ac ar ysgwyddau'r Gweinidog, yn hytrach na'i roi i awdurdodau lleol. Peter, yr oeddech wedi dadlau—ac nid wyf yn meddwl fy mod yn eich camddechongli—y byddai gwasanaethau eirioli yn annibynnol oherwydd bod yr eiriolwyr yn broffesiynol, ond mae gennyf dystiolaeth achos gan bobl sydd wedi ymweld â'm cymhorthfa ac nid dyna yw eu profiad. Maent yn mynd i'r awdurdod lleol i geisio cael eiriolaeth, ond, wedi delio â'r plentyn, mae'r eiriolwr yn cerdded allan o'r drws ac yn siarad â'r gweithiwr cymdeithasol neu'r swyddog addysg am y plentyn hwnnw neu honno. Nid ydynt bob amser yn gweithredu fel eiriolwr go iawn, a dichon fod hyn yn ymwneud ag amddiffyn hawliau'r plentyn. Yr ydym yn rhygnu ymlaen am hawliau'r plentyn, ond os ydym o ddifrif am ddiogelu'r hawliau hynny, beth yw'r niwed drwy ddweud wrth y Gweinidog ein bod yn ymddiried ynddi ac nad oes arnom eisiau gweld y cyfrifoldeb hwn yn cael ei roi i awdurdodau lleol? Os bydd y Gweinidog yn gyfrifol, bydd gan y plentyn rywun i droi atynt am gymorth, oherwydd nid yw eiriolaeth bob amser yn digwydd mewn ffordd y byddai arnom ei heisiau. Yn rhy aml, yn ôl yr arbenigwyr hyn, a'r achosion erchyll yr ydym wedi clywed amdanynt, nid yw'n digwydd, a phlant yw'r bobl sy'n dioddef.

Y Llywydd: Trefn. Mae'n amser imi alw ar y Gweinidog yn awr.

Jane Hutt: Yr wyf yn gofyn i Aelodau wrthod gwelliannau 30 i 57, sydd yn eu hanfod yn ceisio trosglwyddo dyletswyddau newydd oddi wrth awdurdodau addysg lleol i Weinidogion Cymru. Bydd Aelodau'n cofio i Lywodraeth Cynulliad Cymru gynnal proses ymgynghori, trafod a chraffu helaeth a chynhyrchiol. Cofiaf ddod gerbron y pwyllgor ar 31 Mawrth, a chodwyd cwestiynau a materion pwysig yn

questions and issues were raised during that discussion about our ambitious national framework for the delivery of independent advocacy services, which we are now implementing. I draw your attention to the written statement I made on 19 March, which clearly laid out the direction of travel for the development of this ambitious national framework for advocacy. These proposed amendments seem to pay no regard to that model, and indeed would appear to run counter to it, as Peter has said. Progress on delivering the national model is already well advanced, and the National Independent Advocacy Board, which comprises young people appointed to it through the public appointments process—and I expect that some of them are listening to this debate—will hold its third meeting shortly. That board is part of the new framework in the delivery of the new arrangements for national advocacy and advice. In fact, a national advocacy and advice pilot service will be launched shortly. We are working on training materials for advocates who work with children and young people, and that is already well advanced.

I thank Jenny and Peter for their contributions. What they say makes sense given the work that we are undertaking on the pilot design for the proposed Measure. Let us focus on the proposed Measure, because this is about independent advocacy to deliver for those children who will now have an appellant right. The work on the pilot design is being undertaken by Children in Wales, with three advocacy service providers. Children in Wales facilitates the All Wales Children and Young People's Advocacy Providers Group, and I assure you, Jenny, that we will revisit the national minimum standards for advocacy to ensure that they are focused on outcomes and address quality, training and independence. That is the point, Angela: we are seeking the delivery of independence through this national advocacy framework.

ystod y drafodaeth honno am ein fframwaith cenedlaethol uchelgeisiol ar gyfer darparu gwasanaethau eirioli annibynnol, yr ydym bellach yn eu gweithredu. Tynnaf eich sylw at y datganiad ysgrifenedig y gwneuthum ar 19 Mawrth, a oedd yn gosod allan yn glir y trywydd ar gyfer datblygu'r fframwaith cenedlaethol uchelgeisiol hwn dros eiriolaeth. I bob golwg nid yw'r gwelliannau hyn yn ystyried y model hwnnw o gwbl, a dweud y gwir ymddengys eu bod yn mynd yn groes iddo, fel y mae Peter wedi'i ddweud. Mae cynnydd o ran darparu'r model cenedlaethol eisoes wedi symud ymlaen yn dda, ac mae'r Bwrdd Eiriolaeth Annibynnol Cenedlaethol, sy'n cynnwys pobl ifanc a benodwyd iddo drwy'r broses penodiadau cyhoeddus—ac yr wyf yn disgwyl bod rhai ohonynt yn gwrandao ar y ddatl hon—yn cynnal ei drydydd cyfarfod cyn bo hir. Mae'r bwrdd hwnnw'n rhan o'r fframwaith newydd i ddarparu'r trefniadau newydd ar gyfer eiriolaeth a chyngor cenedlaethol. A dweud y gwir, bydd gwasanaeth cyngor ac eiriolaeth peilot yn cael ei lansio cyn bo hir. Yr ydym yn gweithio ar ddeunyddiau hyfforddi ar gyfer eiriolwyr sy'n gweithio gyda phlant a phobl ifanc, ac mae hynny eisoes wedi mynd rhagddo'n dda.

Yr wyf yn diolch i Jenny ac i Peter am eu cyfraniadau. Mae'r hyn a ddywedant yn gwneud synnwyr ac ystyried bod y gwaith yr ydym yn ei wneud ar y dyluniad peilot ar gyfer y Mesur arfaethedig. Gadewch inni ganolbwyntio ar y Mesur arfaethedig, oherwydd mae a wnelo hyn ag eiriolaeth annibynnol i ddarparu ar gyfer y plant hynny y bydd yn awr ganddynt hawl i apelio. Caiff y gwaith ar y dyluniad peilot ei wneud gan Plant yng Nghymru, gyda thri darparwr gwasanaeth eirioli. Mae Plant yng Nghymru'n hwyluso Grŵp Darparwyr Eiriolaeth Plant a Phobl Ifanc, a gallaf eich sicrhau, Jenny, y byddwn yn ailedrych ar y safonau gofynnol cenedlaethol ar gyfer eiriolaeth i sicrhau eu bod yn canolbwyntio ar ganlyniadau ac yn rhoi sylw i ansawdd, i hyfforddiant ac i annibyniaeth. Dyna'r pwynt, Angela: yr ydym yn ceisio darparu annibyniaeth drwy'r fframwaith eiriolaeth genedlaethol hon.

Alun, I would like to put the record straight on the issue of legal representation that you, and Jenny, talked quite a bit about. At present, most parties, be they parents or local education authorities, are not legally represented, and, over the past six years, just under 13 per cent of parents have been legally represented at hearings, whereas the reported rate of successful appeals at hearings over the same period has been 79.4 per cent. There is no correlation between success at hearings and legal representation. The important point that I must make is that we are investing in a new national framework for the delivery of independent advocacy, but, on Peter's point about the Welsh Ministers, we cannot do that directly—we must engage others to commission advocacy. If Ministers were to do that, it would be impractical and bureaucratic and would delay the provision of advocacy services.

However, the most important point about giving this role to the Welsh Ministers is that they already have powers of complaint investigation and direction in respect of local education authorities' and schools' performance of duties. You cannot then confuse the issue. If the Welsh Ministers have these powers of complaint investigation and direction, and powers to consider the non-implementation of tribunal decisions and orders, we must maintain that clean-hands approach to the tribunal and not become involved in the mechanics of first appeals or claims processes. An appointment role could be seen as confusing and conflicting with the other roles of the Welsh Ministers. Therefore, the opposition amendments would create a less coherent picture and a deviation from our intended path of travel towards the new model and to the coherent delivery of this proposed Measure. This proposed Measure will provide the right for children and young people to make special educational needs appeals and claims of disability discrimination to the SEN tribunal for Wales and will provide the right to independent advocacy.

Alun, hoffwn gywiro'r gwall ynghylch cynrychiolaeth gyfreithiol yr oeddech chi a Jenny wedi siarad eithaf dipyn yn ei gylch. Ar hyn o bryd, ni chaiff y rhan fwyaf o bartïon, yn rhieni neu'n awdurdodau addysg lleol, gynrychiolaeth gyfreithiol, a, dros y chwe blynedd diwethaf, dim ond dan 13 y cant o rieni sydd wedi cael cynrychiolaeth gyfreithiol mewn gwrandawiaidau, ond mae cyfradd yr apeliadau a lwyddodd mewn gwrandawiaidau dros yr un cyfnod wedi bod yn 79.4 y cant. Nid oes dim perthynas rhwng llwyddiant mewn gwrandawiaidau a chynrychiolaeth gyfreithiol. Y pwynt pwysig y mae'n rhaid imi ei wneud yw ein bod yn buddsoddi mewn fframwaith cenedlaethol newydd ar gyfer darparu eiriolaeth annibynnol, ond, ar bwynt Peter ynghylch Gweinidogion Cymru, ni allwn wneud hynny'n uniongyrchol—rhaid inni ymgysylltu ag eraill i gomisiynu eiriolaeth. Petai Gweinidogion yn gwneud hynny, byddai'n anymarferol ac yn fiwrocataidd a byddai'n arafu darparu gwasanaethau eirioli.

Fodd bynnag, y pwynt pwysicaf ynghylch rhoi'r swyddogaeth hon i Weinidogion Cymru yw bod ganddynt eisoes bwerau i ymchwilio i gwynion ai gyfarwyddo yng nghyswllt perfformiad dyletswyddau awdurdodau addysg lleol ac ysgolion. Ni allwch wedyn ddrysu'r mater. Os oes gan Weinidogion Cymru'r pwerau hyn i ymchwilio i gwynion ac i gyfarwyddo, ynghyd â phwerau i ystyried peidio â gweithredu penderfyniadau a gorchmynion tribiwnlysoedd, rhaid inni lynu wrth y dull gweithredu dwylo glân hwnnw yng nghyswllt y tribiwnlys a pheidio â chymryd rhan ym mecanwaith apeliadau cyntaf neu brosesau hawlio. Gellid gweld swyddogaeth penodi fel rhywbeth sy'n drysu ac yn gwrthdaro â swyddogaethau eraill Gweinidogion Cymru. Felly, byddai gwelliannau'r wrthblaid yn creu darlun nad yw mor glir a byddai'n gwyro oddi wrth y llwybr yr ydym yn ceisio ei ddilyn at y model newydd ac at ddarparu'r Mesur arfaethedig hwn yn gydlynol. Bydd y Mesur arfaethedig hwn yn rhoi'r hawl i blant ac i bobl ifanc wneud apeliadau anghenion addysgol arbennig a hawliadau o gamwahaniaethu ar sail anabledd i'r tribiwnlys anghenion addysgol arbennig ar gyfer Cymru a bydd yn rhoi'r hawl

am eiriolaeth annibynnol.

Paul Davies: I thank everyone who contributed to this passionate debate on this group of amendments. I am extremely disappointed that the Minister and the Assembly Government feel that they are unable to support these amendments, which have been tabled to ensure that any advocacy services that are provided to children are totally impartial and independent. It is vital to ensure that children receive advocacy that is not compromised by any conflict of interest, but there is potential for this in the proposed Measure's current form.

Many Members raised a number of important concerns, but Alun Cairns raised a very important point. He is right to say that in no other field would the same people be able to subsequently commission services for a complainant to challenge a decision that they had made in the first place. Surely it is not acceptable for local education authorities to be responsible for the arrangement of the provision of advocacy services when there could be a conflict of interest. As I said, that is the principle of these amendments, and I therefore urge the Minister to reconsider her position, even at this very last minute. I urge all Members to support the amendments in this group.

6.30 p.m.

Y Llywydd: Deallaf eich bod am symud i bleidlais ar welliant 30. Y cwestiwn yw a ddylid derbyn gwelliant 30. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

Paul Davies: Yr wyf yn diolch i bawb a gyfrannodd at y ddadl danbaid hon ar y grŵp hwn o welliannau. Yr wyf yn hynod siomedig bod y Gweinidog a Llywodraeth y Cynulliad yn teimlo na allant gefnogi'r gwelliannau hyn, sydd wedi cael eu cyflwyno i sicrhau bod unrhyw wasanaethau eirioli sy'n cael eu darparu i blant yn gwbl ddiuedd ac annibynnol. Mae'n hanfodol sicrhau bod plant yn cael eiriolaeth na chaiff ei roi yn y fantol oherwydd unrhyw wrthdaro rhwng buddiannau, ond ceir potensial am hyn yn y Mesur arfaethedig ar ei ffurf bresennol.

Yr oedd nifer o Aelodau wedi codi nifer o bryderon pwysig, ond cododd Alun Cairns bwynt pwysig dros ben. Mae'n llygad ei le i ddweud na fyddai'r un bobl yn cael comisiynu gwasanaethau ar gyfer cwyn i herio penderfyniad yr oeddent wedi'i wneud yn y lle cyntaf mewn unrhyw faes arall. Dichon nad yw'n dderbyniol i awdurdodau addysg lleol fod yn gyfrifol am drefnu darparu gwasanaethau eirioli lle gellid cael gwrthdaro rhwng buddiannau. Fel y dywedais, dyna egwyddor y gwelliannau hyn, ac yr wyf felly'n annog y Gweinidog i ailystyried ei safbwynt, hyd yn oed ar yr unfed awr ar ddeg hon. Yr wyf yn annog pob Aelod i gefnogi'r gwelliannau yn y grŵp hwn.

The Presiding Officer: I understand that you wish to move to a vote on amendment 30. The question is that amendment 30 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

Gwelliant 30: O blaid 9, Ymatal 0, Yn erbyn 36.

Amendment 30: For 9, Abstain 0, Against 36.

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

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor

Isherwood, Mark
Law, Trish
Melding, David
Williams, Brynle

Chapman, Christine
Cuthbert, Jeff
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 30.
Amendment 30 not agreed.*

Y Llywydd: Gan fod gwelliant 30 wedi'i wrthod, mae gwelliannau 39 a 43 yn methu.

The Presiding Officer: As amendment 30 has been rejected, amendments 39 and 43 fall.

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliannau 31, 32, 33, 34 a 35. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 31.

The Presiding Officer: In accordance with the marshalled list, we come to dispose of amendments 31, 32, 33, 34 and 35. I invite Paul Davies to move amendment 31.

Paul Davies: Cynigaf welliant 31 yn fy enw i.

Paul Davies: I move amendment 31 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 31. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 31 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 31: O blaid 8, Ymatal 0, Yn erbyn 36.
Amendment 31: For 8, Abstain 0, Against 36.*

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

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

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 31.
Amendment 31 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 32. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 32.

Paul Davies: Cynigiau welliant 32 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 32. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: In accordance with the marshalled list, we come to dispose of amendment 32. I invite Paul Davies to move amendment 32.

Paul Davies: I move amendment 32 in my name.

The Presiding Officer: The question is that amendment 32 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 32: O blaid 8, Ymatal 0, Yn erbyn 37.
Amendment 32: For 8, Abstain 0, Against 37.*

Pleidleisiodd yr Aelodau canlynol o blaid:

Pleidleisiodd yr Aelodau canlynol yn erbyn:

The following Members voted for:

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 32.
Amendment 32 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 33. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 33.

Paul Davies: Cynigiau welliant 33 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 33. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: In accordance with the marshalled list, we come to dispose of amendment 33. I invite Paul Davies to move amendment 33.

Paul Davies: I move amendment 33 in my name.

The Presiding Officer: The question is that amendment 33 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 33: O blaid 8, Ymatal 0, Yn erbyn 37.
Amendment 33: For 8, Abstain 0, Against 37.*

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

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 33.
Amendment 33 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 34. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 34.

Paul Davies: Cynigiau welliant 34 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 34. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: In accordance with the marshalled list, we come to dispose of amendment 34. I invite Paul Davies to move amendment 34.

Paul Davies: I move amendment 34 in my name.

The Presiding Officer: The question is that amendment 34 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 34: O blaid 8, Ymatal 0, Yn erbyn 37.
Amendment 34: For 8, Abstain 0, Against 37.*

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

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 34.
Amendment 34 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 35. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 35.

Paul Davies: Cynigaf welliant 35 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 35. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly,

The Presiding Officer: In accordance with the marshalled list, we come to dispose of amendment 35. I invite Paul Davies to move amendment 35.

Paul Davies: I move amendment 35 in my name.

The Presiding Officer: The question is that amendment 35 be agreed to. Are there any objections? I see that there are. Therefore, we

symudwn i bleidlais.

will move to a vote.

*Gwelliant 35: O blaid 8, Ymatal 0, Yn erbyn 37.
Amendment 35: For 8, Abstain 0, Against 37.*

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

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 35.
Amendment 35 not agreed.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 36. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 36.

Paul Davies: Cynigiau welliant 36 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn

The Presiding Officer: In accordance with the marshalled list, we come to dispose of amendment 36. I invite Paul Davies to move amendment 36.

Paul Davies: I move amendment 36 in my name.

The Presiding Officer: The question is that

gwelliant 36. A oes unrhyw amendment 36 be agreed to. Are there any wrthwynebiadau? Gwelaf fod. Felly, objections? I see that there are. Therefore, we symudwn i bleidlais. will move to a vote.

*Gwelliant 36: O blaid 8, Ymatal 0, Yn erbyn 37.
Amendment 36: For 8, Abstain 0, Against 37.*

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

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 36.
Amendment 36 not agreed.*

Y Llywydd: Gan fod gwelliant 36 wedi'i wrthod, mae gwelliannau 37 a 38 yn methu.

The Presiding Officer: As amendment 30 has been rejected, amendments 37 and 38 fall.

*Methodd gwelliannau 37 a 38.
Amendments 37 and 38 fell.*

*Methodd gwelliant 39.
Amendment 39 fell.*

Y Llywydd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliannau 40, 41 a 42. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 40.

Paul Davies: Cynigiau welliant 40 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 40. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: In accordance with the marshalled list, we now move to dispose of amendments 40, 41 and 42. I invite Paul Davies to move amendment 40.

Paul Davies: I move amendment 40 in my name.

The Presiding Officer: The question is that amendment 40 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 40: O blaid 8, Ymatal 0, Yn erbyn 37.
Amendment 40: For 8, Abstain 0, Against 37.*

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

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

Williams, Kirsty

*Gwrthodwyd gwelliant 40.
Amendment 40 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 40, symudwn i waredu gwelliant 41. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 41.

Paul Davies: Cynigaf welliant 41 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 41. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: Given that we have disposed of amendment 40, we come to dispose of amendment 41. I invite Paul Davies to move amendment 41.

Paul Davies: I move amendment 41 in my name.

The Presiding Officer: The question is that amendment 41 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 41: O blaid 8, Ymatal 0, Yn erbyn 37.
Amendment 41: For 8, Abstain 0, Against 37.*

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

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda

Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 41.
Amendment 41 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 41, symudwn i waredu gwelliant 42. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 42.

Paul Davies: Cynigiau welliant 42 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 42. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: Given that we have disposed of amendment 41, we come to dispose of amendment 42. I invite Paul Davies to move amendment 42.

Paul Davies: I move amendment 42 in my name.

The Presiding Officer: The question is that amendment 42 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 42: O blaid 8, Ymatal 0, Yn erbyn 37.
Amendment 42: For 8, Abstain 0, Against 37.*

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

Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet

Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 42.
Amendment 42 not agreed.*

*Methodd gwelliant 43.
Amendment 43 fell.*

Y Llywydd: Cynhelir pleidlais ar weddill y gwelliannau yng ngrŵp 6 yn ddiweddarach yn y trafodion yn unol â'r rhestr o welliannau wedi'u didoli.

The Presiding Officer: The remaining amendments in group 6 will be voted on later in proceedings in accordance with the marshalled list.

Cafodd gwelliannau 18, 19 a 20 eu trafod gyda grŵp 1 ac maent yn ymddangos ar dudalen 7 o'r rhestr o welliannau wedi'u didoli. Cynigiai fod y gwelliannau hyn, sy'n ymddangos yn olynol ar y rhestr, yn cael eu gwaredu gyda'i gilydd, a hynny oherwydd eu natur. A oes unrhyw wrthwynebiad i hynny? Gan nad oes, hoffwn wahodd y Gweinidog i gynnig gwelliannau 18, 19 a 20.

Amendments 18, 19 and 20 were discussed with group 1 and they appear on page 7 of the marshalled list of amendments. I propose that these amendments, which appear consecutively on that list, be disposed of together given their nature. Are there any objections to that? As there are none, I invite the Minister to move amendments 18, 19 and 20.

Jane Hutt: I move amendments 18, 19 and 20 in my name.

Jane Hutt: Cynigiai welliannau 18, 19, ac 20 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 18, 19 a 20. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, derbynir gwelliannau 18, 19 a 20.

The Presiding Officer: The question is that amendments 18, 19 and 20 be agreed to. Are there any objections? I see that there are not. Therefore, amendments 18, 19 and 20 are agreed.

*Derbyniwyd gwelliannau 18, 19 a 20.
Amendments 18, 19 and 20 agreed.*

Y Llywydd: Symudwn yn awr i waredu gwelliant 65. Cafodd gwelliant 65 ei drafod gyda grŵp 4 ac mae'n ymddangos ar dudalen 7 o'r rhestr o welliannau wedi'u didoli. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 65.

The Presiding Officer: We now move to dispose of amendment 65. Amendment 65 was debated with group 4 and appears on page 7 of the marshalled list of amendments. I invite Paul Davies to move amendment 65.

Paul Davies: Cynigiai welliant 65 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

Paul Davies: I move amendment 65 in my name with the name of Peter Black in support.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 65. A oes unrhyw

The Presiding Officer: The question is that amendment 65 be agreed to. Are there any

wrthwynebiadau? Gwelaf fod. Felly, objections? I see that there are. Therefore, we
symudwn i bleidlais. will move to a vote.

Gwelliant 65: O blaid 12, Ymatal 0, Yn erbyn 34.

Amendment 65: For 12, Abstain 0, Against 34.

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

Black, Peter
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 65.
Amendment 65 not agreed.*

Y Llywydd: Symudwn i waredu gwelliant 68. Cafodd gwelliant 68 ei drafod gyda grŵp 4 ac mae'n ymddangos ar dudalen 8 o'r rhestr o welliannau wedi'u didoli. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 68.

Paul Davies: Cynigiau welliant 68 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn

The Presiding Officer: We now move to dispose of amendment 68. Amendment 68 was debated in group 4 and appears on page 8 of the marshalled list of amendments. I invite Paul Davies to move amendment 68.

Paul Davies: I move amendment 68 in my name with the name of Peter Black in support.

The Presiding Officer: The question is that

gwelliant 68. A oes unrhyw
wrthwynebiadau? Gwelaf fod. Felly,
symudwn i bleidlais.

amendment 68 be agreed to. Are there any
objections? I see that there are. Therefore, we
will move to a vote.

*Gwelliant 68: O blaid 14, Ymatal 0, Yn erbyn 32.
Amendment 68: For 14, Abstain 0, Against 32.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 68.
Amendment 68 not agreed.*

Y Llywydd: Symudwn i waredu gwelliant
59. Cafodd gwelliant 59 ei drafod gyda grŵp
4 ac mae'n ymddangos ar dudalen 8 o'r rhestr
o welliannau wedi'u didoli. Yr wyf yn
gwahodd Paul Davies i gynnig gwelliant 59.

The Presiding Officer: We now move to
dispose of amendment 59. Amendment 59
was debated in group 4 and appears on page
8 of the marshalled list of amendments. I
invite Paul Davies to move amendment 59.

Paul Davies: Cynigiau welliant 59 yn fy enw
i a chydag enw Peter Black yn ei gefnogi.

Paul Davies: I move amendment 59 in my
name with the name of Peter Black in
support.

Y Llywydd: Y cwestiwn yw a ddylid derbyn

The Presiding Officer: The question is that

gwelliant 59. A oes unrhyw
wrthwynebiadau? Gwelaf fod. Felly,
symudwn i bleidlais.

amendment 59 be agreed to. Are there any
objections? I see that there are. Therefore, we
will move to a vote.

*Gwelliant 59: O blaid 14, Ymatal 0, Yn erbyn 31.
Amendment 59: For 14, Abstain 0, Against 31.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 59.
Amendment 59 not agreed.*

Y Llywydd: Symudwn i waredu gwelliant
62. Cafodd gwelliant 62 ei drafod gyda grŵp
3 ac mae'n ymddangos ar dudalen 8 o'r rhestr
o welliannau wedi'u didoli. Yr wyf yn
gwahodd Paul Davies i gynnig gwelliant 62.

The Presiding Officer: We now move to
dispose of amendment 62. Amendment 62
was debated with group 3 and appears on
page 8 of the marshalled list of amendments.
I invite Paul Davies to move amendment 62.

Paul Davies: Cynigiaf welliant 62 yn fy enw
i a chydag enw Peter Black yn ei gefnogi.

Paul Davies: I move amendment 62 in my
name with the name of Peter Black in
support.

Y Llywydd: Y cwestiwn yw a ddylid derbyn
gwelliant 62. A oes unrhyw

The Presiding Officer: The question is that
amendment 62 be agreed to. Are there any

wrthwynebiadau? Gwelaf fod. Felly, objections? I see that there are. Therefore, we symudwn i bleidlais. will move to a vote.

Gwelliant 62: O blaid 14, Ymatal 0, Yn erbyn 32.

Amendment 62: For 14, Abstain 0, Against 32.

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 62.
Amendment 62 not agreed.*

6.40 p.m.

Y Llywydd: Symudwn i waredu gwelliant 67. Cafodd gwelliant 67 ei drafod gyda grŵp 5 ac mae'n ymddangos ar dudalen 8 o'r rhestr o welliannau wedi'u didoli.

Paul Davies: Cynigiaf welliant 67 yn fy enw i a chydag enw Peter Black yn ei gefnogi.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 67. A oes unrhyw wrthwynebiad?

The Presiding Officer: We now move to dispose of amendment 67. Amendment 67 was discussed with group 5 and appears on page 8 of the marshalled list of amendments.

Paul Davies: I move amendment 67 in my name with the name of Peter Black in support.

The Presiding Officer: The question is that amendment 67 be agreed to. Are there any

Gwelaf fod. Felly, symudwn i bleidlais.

objections? I see that there are. We will therefore move to a vote.

Gwelliant 67: O blaid 14, Ymatal 0, Yn erbyn 32.

Amendment 67: For 14, Abstain 0, Against 32.

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd gwelliant 67.
Amendment 67 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 67, symudwn i waredu gwelliannau 44 i 57. Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 44.

Paul Davies: Cynigaf welliant 44 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 44. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: Given that we have disposed of amendment 67, we move to dispose of amendments 44 to 57. I invite Paul Davies to move amendment 44.

Paul Davies: I move amendment 44 in my name.

The Presiding Officer: The question is that amendment 44 be agreed to. Are there any objections? I see that there are. We will therefore move to a vote.

*Gwelliant 44: O blaid 9, Ymatal 0, Yn erbyn 37.
Amendment 44: For 9, Abstain 0, Against 37.*

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 44.
Amendment 44 not agreed.*

Y Llywydd: Gan fod gwelliant 44 wedi'i wrthod, mae gwelliannau 53 a 57 yn methu.

The Presiding Officer: As amendment 44 has been rejected, amendments 53 and 57 fall.

Symudwn yn awr i waredu gwelliant 45.

We now move to dispose of amendment 45.

Paul Davies: Cynigïaf welliant 45 yn fy enw i.

Paul Davies: I move amendment 45 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn

The Presiding Officer: The question is that

gwelliant 45. A oes unrhyw
wrthwynebiadau? Gwelaf fod. Felly,
symudwn i bleidlais.

amendment 45 be agreed to. Are there any
objections? I see that there are. Therefore, we
will move to a vote.

*Gwelliant 45: O blaid 9, Ymatal 0, Yn erbyn 37.
Amendment 45: For 9, Abstain 0, Against 37.*

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 45.
Amendment 45 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu
gwelliant 45, symudwn i waredu gwelliant
46.

The Presiding Officer: Given that we have
disposed of amendment 45, we move to
dispose of amendment 46.

Paul Davies: Cynigiau welliant 46 yn fy enw
i.

Paul Davies: I move amendment 46 in my
name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 46. A oes unrhyw wrthwynebiadau? Gwelaf fod Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 46 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

Gwelliant 46: O blaid 9, Ymatal 0, Yn erbyn 37.

Amendment 46: For 9, Abstain 0, Against 37.

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 46.
Amendment 46 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 46, symudwn i waredu gwelliant 47.

The Presiding Officer: Given that we have disposed of amendment 46, we move to dispose of amendment 47.

Paul Davies: Cynigaf welliant 47 yn fy enw i.

Paul Davies: I move amendment 47 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 47. A oes unrhyw wrthwynebiadau? Gwelaf fod Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 47 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 47: O blaid 9, Ymatal 0, Yn erbyn 36.
Amendment 47: For 9, Abstain 0, Against 36.*

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 47.
Amendment 47 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 47, symudwn i waredu gwelliant 48.

The Presiding Officer: Given that we have disposed of amendment 47, we move to dispose of amendment 48.

Paul Davies: Cynigaf welliant 48 yn fy enw i.

Paul Davies: I move amendment 48 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 48. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 48 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 48: O blaid 9, Ymatal 0, Yn erbyn 36.
Amendment 48: For 9, Abstain 0, Against 36.*

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 48.
Amendment 48 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 48, symudwn i waredu gwelliant 49.

The Presiding Officer: Given that we have disposed of amendment 48, we move to dispose of amendment 49.

Paul Davies: Cynigaf welliant 49 yn fy enw i.

Paul Davies: I move amendment 49 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 49. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 49 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 49: O blaid 9, Ymatal 0, Yn erbyn 36.
Amendment 49: For 9, Abstain 0, Against 36.*

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 49.
Amendment 49 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 49, symudwn i waredu gwelliant 50.

The Presiding Officer: Given that we have disposed of amendment 49, we move to dispose of amendment 50.

Paul Davies: Cynigaf welliant 50 yn fy enw i.

Paul Davies: I move amendment 50 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 50. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 50 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 50: O blaid 9, Ymatal 0, Yn erbyn 36.
Amendment 50: For 9, Abstain 0, Against 36.*

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 50.
Amendment 50 not agreed.*

Y Llywydd: Gan fod gwelliant 50 wedi'i wrthod, mae gwelliannau 51 a 52 yn methu.

The Presiding Officer: As amendment 50 has been rejected, amendments 51 and 52 fall.

*Methodd gwelliannau 51 a 52.
Amendments 51 and 52 fell.*

*Methodd gwelliant 53.
Amendment 53 fell.*

Y Llywydd: Symudwn i welliannau 54, 55 a 56. Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 54.

Paul Davies: Cynigiaf welliant 54 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 54. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: We now move to amendments 54, 55 and 56. In accordance with the marshalled list, we move to dispose of amendment 54.

Paul Davies: I move amendment 54 in my name.

The Presiding Officer: The question is that amendment 54 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 54: O blaid 9, Ymatal 0, Yn erbyn 37.
Amendment 54: For 9, Abstain 0, Against 37.*

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn

Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 54.
Amendment 54 not agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 54, symudwn i waredu gwelliant 55.

Paul Davies: Cynigiau welliant 55 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 55. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: Given that we have disposed of amendment 54, we move to dispose of amendment 55.

Paul Davies: I move amendment 55 in my name.

The Presiding Officer: The question is that amendment 55 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 55: O blaid 9, Ymatal 0, Yn erbyn 37.
Amendment 55: For 9, Abstain 0, Against 37.*

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda

Thomas, Rhodri Glyn
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 55.
Amendment 55 not agreed.*

Y Llywydd: Yr wyf yn gwahodd Paul Davies i gynnig gwelliant 56.

The Presiding Officer: I invite Paul Davies to move amendment 56.

Paul Davies: Cynigiau welliant 56 yn fy enw i.

Paul Davies: I move amendment 56 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 56. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 56 be agreed to. Are there any objections. I see that there are. Therefore, we will move to a vote.

*Gwelliant 56: O blaid 9, Ymatal 0, Yn erbyn 37.
Amendment 56: For 9, Abstain 0, Against 37.*

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

Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
Graham, William
Isherwood, Mark
Melding, David
Williams, Brynle

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Black, Peter
Burnham, Eleanor
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
German, Michael
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Randerson, Jenny
Ryder, Janet
Thomas, Gwenda
Thomas, Rhodri Glyn

Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 56.
Amendment 56 not agreed.*

*Methodd gwelliant 57.
Amendment 57 fell.*

Y Llywydd: Oherwydd gwrthod gwelliant 44, methodd gwelliant 57, felly yr ydym yn symud at waredu gwelliannau 21 i 25. Cafodd y rhain eu trafod gyda grŵp 1 beth amser yn ôl ac maent yn ymddangos ar dudalen 11 o'r rhestr o welliannau wedi'u didoli. Yr wyf yn awgrymu fod y gwelliannau hyn, sydd yn olynol ar y rhestr o welliannau wedi'u didoli, yn cael eu gwaredu gyda'i gilydd. A oes gwrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn gwahodd y Gweinidog i gynnig gwelliannau 21, 22, 23, 24 a 25 *en bloc*.

Jane Hutt: I move amendments 21, 22, 23, 24 and 25 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 21, 22, 23, 24 a 25. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, bod gwelliannau 21, 22, 23, 24 a 25 wedi eu derbyn.

*Derbyniwyd gwelliannau 21, 22, 23, 24, a 25.
Amendments 21, 22, 23, 24, and 25 agreed.*

Y Llywydd: Gan fod y gwelliannau hynny wedi'u gwaredu, symudwn i waredu gwelliant 6, a gafodd ei drafod gyda grŵp 1. Mae'n ymddangos ar dudalen 11 o'r rhestr o welliannau wedi'u didoli. Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 6.

Jane Hutt: Cynigiau welliant 6 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 6. A oes gwrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, bod gwelliant 6 wedi ei dderbyn.

The Presiding Officer: As amendment 44 was not agreed, amendment 57 fell, therefore we come to dispose of amendments 21 to 25. There were discussed with group 1 some time ago and they appear on page 11 of the marshalled list. I suggest that these amendments, which appear consecutively on the marshalled list, are disposed of together. Are there any objections? I see that there are none. Therefore, I invite the Minister to move amendments 21, 22, 23, 24 and 25 *en bloc*.

Jane Hutt: Cynigiau welliannau 21, 22, 23, 24 a 25 yn fy enw i.

The Presiding Officer: The question is that amendments 21, 22, 23, 24 and 25 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendments 21, 22, 23, 24 and 25 are agreed.

The Presiding Officer: As those amendments have been disposed of, we come to dispose of amendment 6, which was discussed with group 1. It appears on page 11 of the marshalled list. I invite the Minister to move amendment 6.

Jane Hutt: I move amendment 6 in my name.

The Presiding Officer: The question is that amendment 6 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 6 is

agreed.

*Derbyniwyd gwelliant 6.
Amendment 6 agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 6, gallwn felly symud ymlaen i waredu gwelliant 26 a gafodd ei drafod gyda grŵp 1 ac sy'n ymddangos ar dudalen 12 o'r rhestr o welliannau wedi'u didoli. Yr wyf yn gwahodd y Gweinidog i gynnig gwelliant 26.

Jane Hutt: Cynigiau welliant 26 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 26. A oes gwrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, bod gwelliant 26 wedi ei dderbyn.

*Derbyniwyd gwelliant 26.
Amendment 26 agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 26, symudwn i waredu gwelliannau 13, 14, 15, 16 ac 17. Cafodd y gwelliannau hyn eu trafod gyda grŵp 1, ac maent yn ymddangos ar dudalennau 12 i 13 o'r rhestr o welliannau wedi'u didoli. Gan fod y gwelliannau hyn yn olynol ac oherwydd eu natur, cynigiau fod y gwelliannau hyn yn cael eu gwaredu gyda'i gilydd. A oes gwrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn gwahodd y Gweinidog i gynnig gwelliannau 13 i 17 *en bloc*, i chi gael tipyn o Ffrangeg eto.

Jane Hutt: Cynigiau welliannau 13, 14, 15, 16 ac 17 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliannau 13 i 17. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, bod gwelliannau 13 i 17 wedi eu derbyn.

*Derbyniwyd gwelliannau 13, 14, 15, 16 ac 17.
Amendments 13, 14, 15, 16 and 17 agreed.*

The Presiding Officer: As we have disposed of amendment 6, we can now come to dispose of amendment 26, which was discussed with group 1 and which appears on page 12 of the marshalled list. I invite the Minister to move amendment 26.

Jane Hutt: I move amendment 26 in my name.

The Presiding Officer: The question is that amendment 26 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 26 is agreed.

The Presiding Officer: As we have disposed of amendment 26, we come to dispose of amendments 13, 14, 15, 16 and 17. These amendments were discussed with group 1, and they appear on pages 12 to 13 of the marshalled list. Given the nature of these amendments and that they are consecutive, I propose that they are disposed of together. Are there any objections? I see that there are none. Therefore, I invite the Minister to move amendments 13 to 17 en bloc, to use a little French once again.

Jane Hutt: I move amendments 13, 14, 15, 16 and 17 in my name.

The Presiding Officer: The question is that amendments 13 to 17 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendments 13 to 17 are agreed.

Y Llywydd: Ar ôl gwaredu gwelliannau 13 i 17, yr ydym yn gallu symud, yn ôl y rhestr o welliannau wedi'u didoli, i waredu gwelliant 1. Cafodd gwelliant 1 ei drafod gyda grŵp 2 ac mae'n ymddangos ar dudalen 14 o'r rhestr o welliannau wedi'u didoli. Weinidog, a newch chi gynnig gwelliant 1 yn ffurfiol?

Jane Hutt: Cynigiau welliant 1 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 1. A oes gwrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, bod gwelliant 1 wedi ei dderbyn.

*Derbyniwyd gwelliant 1.
Amendment 1 agreed.*

Y Llywydd: Symudwn ymlaen i waredu gwelliant 27 a gafodd ei drafod gyda grŵp 1. Mae'n ymddangos ar dudalen 15 o'r rhestr o welliannau wedi'u didoli. Weinidog, a newch chi gynnig gwelliant 27 yn ffurfiol?

Jane Hutt: Cynigiau welliant 27 yn fy enw i.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 27. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, bod gwelliant 27 wedi ei dderbyn.

*Derbyniwyd gwelliant 27.
Amendment 27 agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 27, yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud i waredu gwelliant 2 a gafodd ei drafod gyda grŵp 2. Mae'n ymddangos ar dudalen 15 o'r rhestr o welliannau wedi'u didoli. Weinidog, a newch chi gynnig gwelliant 2?

Jane Hutt: Cynigiau welliant 2 yn fy enw i.

The Presiding Officer: As we have disposed of amendments 13 to 17, we can move, in line with the marshalled list of amendments, to dispose of amendment 1. Amendment 1 was discussed with group 2, and it appears on page 14 of the marshalled list. Minister, will you formally move amendment 1?

Jane Hutt: I move amendment 1 in my name.

The Presiding Officer: The question is that amendment 1 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 1 is agreed.

The Presiding Officer: We will move on to dispose of amendment 27, which was discussed with group 1. It appears on page 15 of the marshalled list. Minister, will you formally move amendment 27?

Jane Hutt: I move amendment 27 in my name.

The Presiding Officer: The question is that amendment 27 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 27 is agreed.

The Presiding Officer: As we have disposed of amendment 27, in line with the marshalled list, we come to dispose of amendment 2, which was discussed with group 2. It appears on page 15 of the marshalled list. Minister, will you move amendment 2?

Jane Hutt: I move amendment 2 in my name.

Y Llywydd: Y cwestiwn yw a ddylid derbyn gwelliant 2. A oes unrhyw wrthwynebiad? Gwelaf nad oes. Felly, yr wyf yn datgan, yn unol â Rheol Sefydlog Rhif 7.35, y derbynir gwelliant 2.

The Presiding Officer: The question is that amendment 2 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 2 is agreed.

*Derbyniwyd gwelliant 2.
Amendment 2 agreed.*

Y Llywydd: Gan ein bod wedi gwaredu gwelliant 2, yr ydym wedi dod at ddiwedd ystyriaeth Cyfnod 3 i'r Mesur Arfaethedig ynghylch Addysg (Cymru). Yn unol â Rheolau Sefydlog Rhifau 23.55 a 23.56, yr wyf yn datgan y bernir bod pob adran a'r Atodlen i'r Mesur arfaethedig wedi ei dderbyn. Dyna ddiwedd trafodion Cyfnod 3.

The Presiding Officer: As we have disposed of amendment 2, we have come to the end of the Stage 3 deliberations of the Proposed Education (Wales) Measure. In line with Standing Order Nos. 23.55 and 23.56, I declare that all sections and the Schedule to the proposed Measure are deemed agreed. That concludes Stage 3 deliberations.

Dadl Cyfnod 4 Rheol Sefydlog Rhif 23.58 ar y Mesur Arfaethedig ynghylch Addysg (Cymru)
Stage 4 Standing Order No. 23.58 Debate on the Proposed Education (Wales) Measure

The Minister for Children, Education, Lifelong Learning and Skills (Jane Hutt): I move that

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau (Jane Hutt): Cynigiad fod

the National Assembly for Wales, in accordance with Standing Order No. 23.58, approves the Proposed Education (Wales) Measure.

Cynulliad Cenedlaethol Cymru, yn unol â Rheol Sefydlog Rhif 23.58, yn cymeradwyo'r Mesur Arfaethedig ynghylch Addysg (Cymru).

6.50 p.m.

I again propose that this landmark Measure is approved. I want to sincerely thank all those Assembly Members, consultees, witnesses and officials, who have contributed to the development of the proposed Measure. It will give our young people the entitlements that they deserve as individuals, and we are fulfilling our obligations under the United Nations Convention on the Rights of the Child. It is a landmark day for Wales, because, once again, we have put children's rights and needs at the heart of Welsh Assembly Government policy.

Unwaith eto yr wyf yn cynnig bod y Mesur hwn sy'n garreg filltir yn cael ei gymeradwyo. Mae arnaf eisiau diolch o waelod calon i'r holl Aelodau Cynulliad, ymgynghorion, tystion a swyddogion, sydd wedi cyfrannu at ddatblygu'r Mesur arfaethedig. Bydd yn rhoi i'n pobl ifanc yr hawliau y maent yn eu haeddu fel unigolion, ac yr ydym yn cyflawni ein dyletswyddau dan Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn. Mae'n ddiwrnod pwysig iawn i Gymru, oherwydd, unwaith eto, yr ydym wedi rhoi hawliau ac anghenion plant wrth galon polisi Llywodraeth Cynulliad

Cymru.

Paul Davies: Even though the Assembly Government decided to reject all my amendments, the proposed Measure, in its current form, will still go some way towards extending children's rights. It is absolutely crucial that we protect against those few circumstances where parents are unable to act in their children's best interests. For that reason, the Welsh Conservatives support the proposed Measure at Stage 4.

Y Llywydd: Y cwestiwn yw a ddylid cymeradwyo'r Mesur Arfaethedig ynghylch Addysg (Cymru). A oes gwrthwynebiad? Gwelaf nad oes, felly, yn unol â Rheol Sefydlog Rhif 7.35, fod y Mesur wedi ei gymeradwyo.

*Derbyniwyd y cynnig.
Motion agreed.*

Paul Davies: Er bod Llywodraeth y Cynulliad wedi penderfynu gwrthod fy holl welliannau, bydd y Mesur arfaethedig, ar ei ffurf bresennol, yn dal yn gam ymlaen at ymestyn hawliau plant. Mae'n gwbl hanfodol ein bod yn diogelu yn erbyn yr amgylchiadau prin hynny lle na all rhieni weithredu er budd gorau eu plant. Am y rheswm hwnnw, mae'r Ceidwadwyr Cymreig yn cefnogi'r Mesur arfaethedig yng Ngham 4.

The Presiding Officer: The question is that the Proposed Education (Wales) Measure be approved. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that the Measure has been approved.

Cyfnod Pleidleisio Voting Time

Y Llywydd: A oes gwrthwynebiad i welliant 1 i NDM4311 yn enw Peter Black? Gwelaf fod, felly symudwn i bleidlais.

The Presiding Officer: Are there any objections to amendment 1 to NDM4311 in the name of Peter Black? I see that there are, so we will move to a vote.

*Gwelliant 1 i NDM4311: O blaid 15, Ymatal 0, Yn erbyn 33.
Amendment 1 to NDM4311: For 15, Abstain 0, Against 33.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Randerson, Jenny
Williams, Brynle
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene

Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd y gwelliant.
Amendment not agreed.*

Y Llywydd: Symudwn i waredu gwelliant 2 yn enw Peter Black. A oes gwrthwynebiad? Gwelaf fod, felly symudwn i bleidlais.

The Presiding Officer: We now come to dispose of amendment 2 in the name of Peter Black. Are there any objections? I see that there are, therefore I call for a vote.

*Gwelliant 2 i NDM4311: O blaid 14, Ymatal 0, Yn erbyn 33.
Amendment 2 to NDM4311: For 14, Abstain 0, Against 33.*

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

Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Davies, Paul
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Millar, Darren
Randerson, Jenny
Williams, Kirsty

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

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet

Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd y gwelliant.
Amendment not agreed.*

Y Llywydd: Y cwestiwn yw a ddylid cytuno cynnig NDM4311. A oes gwrthwynebiad? Gwelaf nad oes. Felly, yn unol â Rheol Sefydlog 7.35, caiff y cynnig ei dderbyn.

The Presiding Officer: The question is that motion NDM4311 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, the motion is agreed.

*Derbyniwyd y cynnig.
Motion agreed.*

Y Llywydd: Dyna ddiwedd ein trafodion am heddiw.

The Presiding Officer: That brings today's proceedings to a close.

*Daeth y cyfarfod i ben am 6.52 p.m.
The meeting ended at 6.52 p.m.*

Aelodau a'u Pleidiau Members and their Parties

Andrews, Leighton (Llafur – Labour)
Asghar, Mohammad (Plaid Cymru – The Party of Wales)
Barrett, Lorraine (Llafur – Labour)
Bates, Mick (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Black, Peter (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Bourne, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)
Burnham, Eleanor (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Burns, Angela (Ceidwadwyr Cymreig – Welsh Conservatives)
Butler, Rosemary (Llafur – Labour)
Cairns, Alun (Ceidwadwyr Cymreig – Welsh Conservatives)
Chapman, Christine (Llafur – Labour)
Cuthbert, Jeff (Llafur – Labour)
Davidson, Jane (Llafur – Labour)
Davies, Alun (Llafur – Labour)
Davies, Andrew (Llafur – Labour)
Davies, Andrew R.T. (Ceidwadwyr Cymreig – Welsh Conservatives)
Davies, Jocelyn (Plaid Cymru – The Party of Wales)
Davies, Paul (Ceidwadwyr Cymreig – Welsh Conservatives)
Elis-Thomas, Dafydd (Plaid Cymru – The Party of Wales)
Evans, Nerys (Plaid Cymru – The Party of Wales)
Franks, Chris (Plaid Cymru – The Party of Wales)
German, Michael (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Graham, William (Ceidwadwyr Cymreig – Welsh Conservatives)
Gregory, Janice (Llafur – Labour)
Griffiths, John (Llafur – Labour)
Griffiths, Lesley (Llafur – Labour)
Gibbons, Brian (Llafur – Labour)
Hart, Edwina (Llafur – Labour)
Hutt, Jane (Llafur – Labour)
Isherwood, Mark (Ceidwadwyr Cymreig – Welsh Conservatives)
James, Irene (Llafur – Labour)
Jenkins, Bethan (Plaid Cymru – The Party of Wales)

Jones, Alun Ffred (Plaid Cymru – The Party of Wales)
Jones, Ann (Llafur – Labour)
Jones, Carwyn (Llafur – Labour)
Jones, Elin (Plaid Cymru – The Party of Wales)
Jones, Gareth (Plaid Cymru – The Party of Wales)
Jones, Helen Mary (Plaid Cymru – The Party of Wales)
Jones, Ieuan Wyn (Plaid Cymru – The Party of Wales)
Law, Trish (Annibynnol – Independent)
Lewis, Huw (Llafur – Labour)
Lloyd, David (Plaid Cymru – The Party of Wales)
Lloyd, Val (Llafur – Labour)
Melding, David (Ceidwadwyr Cymreig – Welsh Conservatives)
Mewies, Sandy (Llafur – Labour)
Millar, Darren (Ceidwadwyr Cymreig – Welsh Conservatives)
Morgan, Jonathan (Ceidwadwyr Cymreig – Welsh Conservatives)
Morgan, Rhodri (Llafur – Labour)
Neagle, Lynne (Llafur – Labour)
Ramsay, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)
Randerson, Jenny (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Ryder, Janet (Plaid Cymru – The Party of Wales)
Sargeant, Carl (Llafur – Labour)
Sinclair, Karen (Llafur – Labour)
Thomas, Gwenda (Llafur – Labour)
Thomas, Rhodri Glyn (Plaid Cymru – The Party of Wales)
Watson, Joyce (Llafur – Labour)
Williams, Brynle (Ceidwadwyr Cymreig – Welsh Conservatives)
Williams, Kirsty (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Wood, Leanne (Plaid Cymru – The Party of Wales)