



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 24 Chwefror 2015
Tabled on 24 February 2015

Bil Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol
(Cymru)

Violence against Women, Domestic Abuse and Sexual Violence
(Wales) Bill

Leighton Andrews

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Section 14, page 7, line 13, after 'by', insert 'designating a member of staff for that purpose or'.

Adran 14, tudalen 7, llinell 13, ar ôl 'enghraifft', mewnosoder 'drwy ddynodi aelod o staff at y diben hwnnw neu'.

Julie Morgan

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Gyda chefnogaeth / Supported by: Lindsay Whittle, Jocelyn Davies, Aled Roberts, Christine Chapman

To insert a new section –

'Amendment to the Children Act 2004

[] **Removal of reasonable punishment defence**

(1) Section 58 of the Children Act 2004 is amended as follows.

(2) In subsection (2) –

(a) at the end of paragraph (c) for “.” substitute “;”;

(b) after paragraph (c) insert –

- “(d) an offence under section 39 of the Criminal Justice Act 1988 (common assault and battery) if the offence took place in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (3) For subsection (3) substitute –
- “(3) Battery of a child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment if –
 - (a) the battery took place in England and caused actual bodily harm, or
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm).”.

I fewnosod adran newydd –

‘Diwygio Deddf Plant 2004

[] Dileu’r amddiffyniad cosb resymol

- (1) Diwygir adran 58 o Ddeddf Plant 2004 fel a ganlyn.
- (2) Yn is-adran (2) –
 - (a) ar ddiwedd paragraff (c) yn lle “.” rhodder “;”;
 - (b) ar ôl paragraff (c) mewnosoder –
 - “(d) an offence under section 39 of the Criminal Justice Act 1988 (common assault and battery) if the offence took place in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (3) Yn lle is-adran (3) mewnosoder –
 - “(3) Battery of a child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment if –
 - (a) the battery took place in England and caused actual bodily harm, or
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm).”.

Jocelyn Davies

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Section 14, page 7, line 10, leave out –

- ‘may, amongst other things, address –
- (a) steps an authority may take to increase awareness of, or change attitudes in relation to, gender-based violence, domestic abuse and sexual violence (for example, by undertaking or assisting with a programme of public education);

- (b) the commissioning by relevant authorities of specialist advice or other assistance relating to gender-based violence, domestic abuse or sexual violence;
- (c) the circumstances in which it is appropriate for persons acting on behalf of a relevant authority to ask a person if he or she is suffering or at risk of gender-based violence, domestic abuse and sexual violence;
- (d) the action that is appropriate where a person acting on behalf of a relevant authority has reason to suspect that a person is suffering or at risk of gender-based violence, domestic abuse and sexual violence;
- (e) workplace policies to promote the well-being of employees of relevant authorities who may be affected by gender-based violence, domestic abuse and sexual violence;
- (f) training for the members and staff of a relevant authority;
- (g) the sharing of information between relevant authorities or by a relevant authority with another person;
- (h) co-operation between relevant authorities or between a relevant authority and other persons.’.

And insert—

‘must, amongst other things, address—

- (a) the action that is appropriate where a person acting on behalf of a relevant authority has reason to suspect that a person is suffering or at risk of gender-based violence, domestic abuse and sexual violence;
 - (b) workplace policies to promote the well-being of employees of relevant authorities who may be affected by gender-based violence, domestic abuse and sexual violence;
 - (c) training for the members and staff of a relevant authority;
 - (d) the sharing of information between relevant authorities or by a relevant authority with another person;
 - (e) co-operation between relevant authorities or between a relevant authority and other persons;
 - (f) steps a relevant authority must take to promote an understanding of healthy relationships by children in its area.
- () The statutory guidance may also, amongst other things, address—
- (a) steps a relevant authority may take to increase awareness of, or change attitudes in relation to, gender-based violence, domestic abuse and sexual violence (for example, by undertaking or assisting with a programme of public education);
 - (b) the commissioning by relevant authorities of specialist advice or other assistance relating to gender-based violence, domestic abuse or sexual violence;
 - (c) the circumstances in which it is appropriate for a person acting on behalf of a relevant authority to ask a person if he or she is suffering or at risk of gender-based violence, domestic abuse and sexual violence.’.

Adran 14, tudalen 7, llinell 10, hepgorer is-adran (2) a mewnosoder –

- () Rhaid i'r canllawiau statudol, ymysg pethau eraill, ymdrin â'r canlynol –
- (a) y camau sy'n briodol pan fo gan berson sy'n gweithredu ar ran awdurdod perthnasol reswm i amau bod person yn dioddef trais ar sail rhywedd, cam-drin domestig a thrais rhywiol, neu mewn perygl o'u dioddef;
 - (b) polisïau'r gweithle i hybu lles cyflogeion awdurdodau perthnasol y gallai trais ar sail rhywedd, cam-drin domestig a thrais rhywiol effeithio arnynt;
 - (c) hyfforddiant i aelodau a staff awdurdod perthnasol;
 - (d) rhannu gwybodaeth rhwng awdurdodau perthnasol neu gan awdurdod perthnasol â pherson arall;
 - (e) cydweithredu rhwng awdurdodau perthnasol neu rhwng awdurdod perthnasol a phersonau eraill;
 - (f) y camau y mae'n rhaid i awdurdod perthnasol eu cymryd i hyrwyddo dealltwriaeth o berthnasoedd iach ymysg plant yn ei ardal.
- () Gallai'r canllawiau statudol hefyd, ymysg pethau eraill, ymdrin â'r canlynol –
- (a) y camau y caiff awdurdod perthnasol eu cymryd i gynyddu ymwybyddiaeth o drais ar sail rhywedd, cam-drin domestig a thrais rhywiol, neu newid agweddau mewn perthynas â hwy (er enghraifft, drwy ymgymryd â rhaglen addysg gyhoeddus neu gynorthwyo â rhaglen o'r fath);
 - (b) comisiynu cyngor arbenigol neu gymorth arall yn ymwneud â thrais ar sail rhywedd, cam-drin domestig a thrais rhywiol gan awdurdodau perthnasol;
 - (c) yr amgylchiadau pan fo'n briodol i berson sy'n gweithredu ar ran awdurdod perthnasol holi person a yw'n dioddef trais ar sail rhywedd, cam-drin domestig a thrais rhywiol, neu mewn perygl o'u dioddef.'.

Janet Finch-Saunders

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Section 11, page 6, after line 8, insert –

- (c) of the resources (financial or other) which they have made available to achieve the purpose of this Act, including –
- (i) the name of any person or body to which they have made resources available and the value in each case;
 - (ii) the specific purposes for which resources have been used or are intended to be used in each case, including resources used or intended to be used directly by the Welsh Ministers themselves;
- (d) of any increase or decrease, resulting from compliance with the duties imposed by sections 4, 8, 16 or 18 of this Act, in the demand for services provided by, or on behalf of, a relevant authority, and the cost of any such increase (or the financial saving produced by any such decrease).'

Adran 11, tudalen 6, ar ôl llinell 11, mewnosoder –

- (c) yr adnoddau (ariannol neu o fath arall) y maent wedi sicrhau eu bod ar gael i

gyflawni diben y Ddeddf hon, gan gynnwys—

- (i) enw unrhyw berson neu gorff y maent wedi trefnu bod adnoddau ar gael iddynt a gwerth yr adnoddau sydd ar gael ym mhob achos;
 - (ii) y dibenion penodol y mae adnoddau wedi cael eu defnyddio mewn perthynas â hwy, neu y bwriedir eu defnyddio mewn perthynas â hwy ym mhob achos, gan gynnwys adnoddau a ddefnyddir, neu y bwriedir eu defnyddio, yn uniongyrchol gan Weinidogion Cymru eu hunain;
- (d) unrhyw gynnydd neu ostyngiad, o ganlyniad i gydymffurfio â'r dyletswyddau a osodir gan adrannau 4, 8, 16 neu 18 o'r Ddeddf hon, yn y galw am wasanaethau a ddarperir gan, neu ar ran, awdurdod perthnasol, a chost unrhyw gynnydd o'r fath (neu'r arbediad ariannol sy'n deillio o unrhyw ostyngiad o'r fath).'

Mark Isherwood

69

Section 3, page 2, after line 10, insert—

'(d) meets the gender-specific needs of women and men.'

Adran 3, tudalen 2, ar ôl llinell 10, mewnosoder—

'(d) diwallu anghenion rhywedd-benodol menywod a dynion.'

Mark Isherwood

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Section 3, page 2, after line 11, insert—

- '() The national strategy must include the provision of at least one programme (“perpetrator programmes”) designed to assist and educate perpetrators which must be reasonably available to perpetrators throughout Wales.
- () In devising perpetrator programmes the Welsh Ministers must consult with—
 - (a) each relevant authority in Wales, and
 - (b) with the third sector in Wales.'

Adran 3, tudalen 2, ar ôl llinell 12, mewnosoder—

- '() Rhaid i'r strategaeth genedlaethol gynnwys darparu o leiaf un rhaglen (“rhaglenni i dramgwyddwyr”) sydd wedi'i chynllunio i gynorthwyo ac addysgu tramgwyddwyr a rhaid iddi fod ar gael yn rhesymol i dramgwyddwyr ledled Cymru.
- () Wrth gynllunio rhaglenni i dramgwyddwyr, rhaid i Weinidogion Cymru ymgynghori â'r canlynol—
 - (a) pob awdurdod perthnasol yng Nghymru, a
 - (b) y trydydd sector yng Nghymru.'

Mark Isherwood

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Section 3, page 2, after line 25, insert—

- '(9) In this section “perpetrator” means a person who has engaged in violence against women, domestic abuse or sexual violence.

- (10) In this section “third sector” means organisations that exist wholly or mainly to provide benefits for society or the environment.’.

Adran 3, tudalen 2, ar ôl llinell 29, mewnosoder –

- ‘(9) Yn yr adran hon, ystyr “tramgwyddwr” yw person sydd wedi cyflawni trais yn erbyn menywod, cam-drin domestig neu drais rhywiol.
- (10) Yn yr adran hon, ystyr “trydydd sector” yw sefydliadau sy’n bodoli’n gyfan gwbl neu’n bennaf i ddarparu buddion i’r gymdeithas neu’r amgylchedd.’.

Mark Isherwood

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Section 5, page 3, after line 7, insert –

- ‘(d) meets the gender-specific needs of women and men.’.

Adran 5, tudalen 3, ar ôl llinell 7, mewnosoder –

- ‘(d) diwallu anghenion rhywedd-benodol menywod a dynion.’.