



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

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

**Dydd Mawrth, 16 Tachwedd 2004**

**Tuesday, 16 November 2004**

**Cynnwys**  
**Contents**

- 4 Cwestiynau i'r Prif Weinidog  
Questions to the First Minister
- 28 Datganiad Busnes  
Business Statement
- 31 Datganiad ar Wahardd Ysmygu mewn Mannau Cyhoeddus  
Statement on Banning Smoking in Public Places
- 41 Pwynt o Drefn  
Point of Order
- 41 Cymeradwyo Rheoliadau Labelu Bwyd (Diwygio) (Rhif 2) (Cymru) 2004  
Approval of the Food Labelling (Amendment) (No. 2) Regulations 2004
- 55 Hysbysiad o Anfodlonrwydd â Chynnig y Gweinidog dros Addysg a Dysgu Gydol Oes  
i wneud Lwfans Cynhaliaeth Addysg—Cynllun Cymru  
Notice of Dissatisfaction with the Minister for Education and Lifelong Learning's  
Intention to make the Education Maintenance Allowance—Wales Scheme
- 73 Dadl Plaid Leiafrifol (Y Democratiaid Rhyddfrydol): Cyngor Celfyddydau Cymru  
Minority Party Debate (The Welsh Liberal Democrats): The Arts Council of Wales
- 101 Adroddiad Blynyddol Arolygiaeth Safonau Gofal Cymru  
The Annual Report of the Care Standards Inspectorate for Wales

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

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

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

## **Cwestiynau i'r Prif Weinidog Questions to the First Minister**

### **Datblygiad Seilwaith Trafnidiaeth Caerdydd The Development of Cardiff's Transport Infrastructure**

**Q1 Laura Anne Jones:** Will the First Minister make a statement on the development of Cardiff's transport infrastructure leading up to the opening of the Wales Millennium Centre on 26 November? (OAQ39332)

**The First Minister (Rhodri Morgan):** I can see that you have a concern about late buses and arriving on time. Cardiff County Council, as the local transport authority, is responsible for this and has made preparations. Alun Pugh, Minister for Culture, Welsh Language and Sport, has met representatives of the Wales Millennium Centre, Cardiff County Council and public transport operators. Andrew Davies, Minister for Economic Development and Transport, is funding improvements to Cardiff bay station, and some extra late evening rail services.

**Laura Anne Jones:** People will take away with them the whole experience of the evening; the opening weekend show may be fantastic, but if you are unable to get to the bay, or have to park miles away, you may not come again. It was a huge disappointment last week to hear our culture Minister shun responsibility for transport to the millennium centre, when we know that that will be vital to its success. Opposition parties have aired the problem of having a transport structure in place for the opening weekend for about two years. Why has it taken so long to sort anything out, and why were transport arrangements not considered two years ago?

**The First Minister:** He has been involved and has kept a close eye on progress. He has chaired two meetings with representatives of the millennium centre, public transport

**C1 Laura Anne Jones:** A wnaiff y Prif Weinidog ddatganiad ar ddatblygiad seilwaith trafndiaeth Caerdydd er mwyn paratoi ar gyfer agor Canolfan Mileniwm Cymru ar 26 Tachwedd? (OAQ39332)

**Y Prif Weinidog (Rhodri Morgan):** Gallaf weld eich bod yn pryderu am fysiau sy'n rhedeg yn hwyr a'r gallu i gyrraedd mewn pryd. Cyngor Sir Caerdydd, fel yr awdurdod trafndiaeth lleol, sy'n gyfrifol am hyn ac mae wedi gwneud paratoadau. Mae Alun Pugh, y Gweinidog dros Ddiwylliant, y Gymraeg a Chwaraeon, wedi cwrdd â chynrychiolwyr Canolfan Mileniwm Cymru, Cyngor Sir Caerdydd a chwmnïau trafndiaeth gyhoeddus. Mae Andrew Davies, y Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth, yn ariannu gwelliannau i orsaf bae Caerdydd ynghyd â rhai gwasanaethau trên ychwanegol yn hwyr y nos.

**Laura Anne Jones:** Bydd pobl yn cofio profiad y noson gyfan; mae'n ddigon posibl y bydd sioe'r penwythnos agoriadol yn un wych, ond os na allwch gyrraedd y bae neu os oes raid ichi barcio filltiroedd i ffwrdd, efallai na ddychwelwch. Siom aruthrol yr wythnos diwethaf oedd clywed ein Gweinidog diwylliant yn ymwrthod â chyfrifoldeb dros drafndiaeth i ganolfan y mileniwm, a ninnau'n gwybod y bydd hynny'n hollbwysig i'w llwyddiant. Mae'r gwrthbleidiau wedi gwyntyllu'r broblem o sefydlu seilwaith trafndiaeth ar gyfer y penwythnos agoriadol ers tua dwy flynedd. Pam y cymerodd mor hir i drefnu rhywbeth, a pham nad ystyriwyd trefniadau trafndiaeth ddwy flynedd yn ôl?

**Y Prif Weinidog:** Bu'n ymwneud â hyn a chadwodd lygad barcud ar y cynnydd a wnaed. Cadeiriodd ddau gyfarfod gyda chynrychiolwyr canolfan y mileniwm,

operators and Cardiff County Council. Our officials sit on the transport logistics group led by Cardiff council. As an example of the practical improvements that have emerged from those discussions, First Cymru has undertaken to direct its Swansea-Cardiff and return services via Cardiff bay to enable passengers to attend evening events at the millennium centre, and to get home afterwards.

**Jenny Randerson:** The Minister for Economic Development and Transport, in his paper on budget priorities, said that he wanted to place more emphasis on ambitions for a genuinely integrated transport system, particularly in the large urban conurbations. While I welcome the leaflet that I was handed on the way here, which shows that Arriva Trains Wales will run trains slightly later on the Wales Millennium Centre's opening weekend, it seems to contain no guarantees of a later service in the long term. How much money from next year's transport budget will be allocated to ensuring that the bay is served, especially in the evenings, with a more frequent and truly integrated public transport system?

**The First Minister:** I mentioned earlier the meetings that Alun Pugh has chaired with the public transport operators and Cardiff County Council. I also mentioned the redirection of the Swansea-Cardiff service via the bay, so that people will be able to get to performances and then get home on the Swansea-Cardiff route—including any stops in between. I have not had a chance—any more than you have—to read the full contents of the Arriva Trains Wales leaflet pushed into my hand, or to listen to the Mal Pope CD also pushed into my hand by the good man himself. I will, no doubt, study them in detail over the next few days.

**Owen John Thomas:** You will agree, I am sure, that the international image and perception of Wales, our National Assembly and the millennium centre, are closely linked. I was glad, like you, to receive the Arriva Trains Wales leaflet, stating that it will provide a train service every Saturday and

cwmnïau trafndiaeth gyhoeddus a Chyngor Sir Caerdydd. Mae ein swyddogion yn rhan o'r grŵp sy'n ystyried logisteg trafndiaeth dan arweiniad cyngor Caerdydd. Un enghraifft o'r gwelliannau ymarferol a ddaeth drwy'r trafodaethau hynny yw bod First Cymru wedi cytuno i gyfeirio ei wasanaethau o Abertawe i Gaerdydd ac yn ôl drwy fae Caerdydd i alluogi teithwyr i fynd i ddigwyddiadau gyda'r hwyr yng nghanolfan y mileniwm, ac i fynd adref wedyn.

**Jenny Randerson:** Dywedodd y Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth, yn ei bapur ar flaenoriaethau cyllidebol, ei fod yn dymuno rhoi mwy o bwyslais ar ddyheadau i gael system drafndiaeth wirioneddol integredig, yn enwedig yn y cytreffi mawr. Er fy mod yn croesawu'r daflen a roddwyd i mi ar y ffordd yma, a ddengys y bydd Trenau Arriva Cymru yn rhedeg trenau ychydig yn hwyrach ar benwythnos agoriadol Canolfan Mileniwm Cymru, nid oes ynddi unrhyw warant, hyd y gellir gweld, y bydd gwasanaeth hwyrach yn y tymor hir. Faint o gyllideb trafndiaeth y flwyddyn nesaf a ddyrennir i sicrhau y bydd y system drafndiaeth sy'n gwasanaethu'r bae yn wirioneddol integredig ac yn rhedeg yn amlach, yn enwedig gyda'r hwyr?

**Y Prif Weinidog:** Cyfeiriais yn gynharach at y cyfarfodydd y mae Alun Pugh wedi'u cadeirio gyda'r cwmnïau trafndiaeth gyhoeddus a Chyngor Sir Caerdydd. Gwneuthum hefyd grybwyll ailgyfeirio'r gwasanaeth o Abertawe i Gaerdydd drwy'r bae, fel y bydd pobl yn gallu dod i'r perfformiadau a chyrraedd adref wedyn ar y llwybr o Gaerdydd i Abertawe—gan gynnwys unrhyw arosfannau rhyngddynt. Ni chefais gyfle—yn fwy nag a gawsoch chi—i ddarllen holl gynnwys taflen Trenau Arriva Cymru a roddwyd yn fy llaw, neu i wrando ar CD Mal Pope a roddwyd yn fy llaw hefyd ganddo ef ei hun. Byddaf yn sicr o'u hastudio'n fanwl dros y dyddiau nesaf.

**Owen John Thomas:** Byddwch yn cytuno, yr wyf yn siŵr, fod cysylltiad agos rhwng delwedd ryngwladol Cymru a'r canfyddiad ohoni, ein Cynulliad Cenedlaethol a chanolfan y mileniwm. Yr oeddwn yn falch, fel chithau, o gael taflen Trenau Arriva Cymru, a nododd y bydd yn darparu

Sunday so that people can travel between the Valleys and the Wales Millennium Centre. Our £37 million investment, and our £2 million annual revenue, make it a matter of high priority that the temporary arrangements for the centre become part of a holistic transport plan. What is the Government's involvement in such plans, and when do you expect to be able to announce details of a long-term solution to this crucial matter?

**The First Minister:** A trial period means exactly that; we will have to wait for the results of the trial period funded by Andrew Davies, the Minister for Economic Development and Transport via Arriva Trains. If the trial period is successful, and does the job, the implication is that it will be continued. If, however, it does not work, and is not well patronised, alternative arrangements will have to be considered. That is what a trial period means.

**Owen John Thomas:** Rather late in the day.

**The Presiding Officer:** Order. I have ruled on a number of occasions that I do not approve of Members seeking to ask additional supplementary questions when sitting down.

gwasanaeth trên bob dydd Sadwrn a dydd Sul fel y gall pobl deithio rhwng y Cymoedd a Chanolfan Mileniwm Cymru. Gan ein bod yn buddsoddi £37 miliwn, a £2 filiwn o refeniw blynyddol, mae o'r pwys mwyaf y bydd y trefniadau dros dro ar gyfer y ganolfan yn dod yn rhan o gynllun trafniadaeth cyfannol. Pa ran y mae'r Llywodraeth yn ei chymryd mewn cynlluniau o'r fath, a pha bryd y disgwyliwch y gallwch cyhoeddi manylion am ateb tymor hir i'r mater hollbwysig hwn?

**Y Prif Weinidog:** Dyna union ystyr cyfnod prawf; bydd yn rhaid inni ddisgwyl canlyniadau'r cyfnod prawf a ariannwyd gan Andrew Davies, y Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth, drwy Trenau Arriva. Os bydd y cyfnod prawf yn llwyddiant, ac os aiff â'r maen i'r wal, mae hynny'n awgrymu y bydd yn parhau. Os na lwydda, fodd bynnag, ac os nas cefnogir, bydd yn rhaid ystyried trefniadau eraill. Dyna ystyr cyfnod prawf.

**Owen John Thomas:** Mae braidd yn hwyr.

**Y Llywydd:** Trefn. Yr wyf wedi dyfarnu ar sawl achlysur na chymeradwyaf ymdrechion Aelodau i ofyn cwestiynau atodol ychwanegol a hwythau ar eu heistedd.

### Ailbrisió'r Dreth Gyngor Council Tax Rebanding

**Q2 The Leader of the Welsh Liberal Democrat Group (Michael German):** Will the First Minister make a statement on council tax rebanding and its impact? (OAQ39319)

**The First Minister:** If everybody's council tax band had gone up in the same way, it would not make a whit of difference to council tax levels paid by individuals. It is whether your tax band—or revaluation, if the house has been sold in the meantime—is above or below average that makes the difference to the individual. There will be some authorities where it has gone up by more than the average and others where it has gone up by less than the average—they will be beneficiaries. Those in authorities where it has gone up by more than the average will be disadvantaged. It is also important that we

**C2 Arweinydd Grŵp Democratiaid Rhyddfrydol Cymru (Michael German):** A wnaiff y Prif Weinidog ddatganiad ar broses ailbrisió'r dreth gyngor a'i heffaith? (OAQ39319)

**Y Prif Weinidog:** Pe buasai band treth gyngor pawb wedi codi yn yr un modd, ni wnaethai'r un mymryn o wahaniaeth i'r lefelau a delid gan unigolion. Pa un a yw'ch band treth—neu'ch ailbrisiad, os gwerthwyd y tŷ yn y cyfamser—yn uwch neu'n is na'r cyfartaledd sy'n gwneud y gwahaniaeth i'r unigolyn. Bydd yn codi o fwy na'r cyfartaledd mewn rhai ardaloedd, ac yn codi o lai mewn eraill. Bydd yr olaf ar eu hennill, a'r rhai mewn ardaloedd lle y cododd o fwy na'r cyfartaledd fydd o dan anfantais. Mae hefyd yn bwysig inni gydnabod y camau a gymerodd yr Adran Gwaith a Phensiynau i

recognise the moves made by the Department for Work and Pensions to include far more pensioners in council tax benefit schemes. Something like 10 per cent of the population of Wales—300,000 pensioners—have been brought into the ambit of council tax benefit since the pension credit was introduced, although they still have to apply for it. We are looking at trying to shorten that process.

**Michael German:** I may come back on that point later. Last week, you told me that changes in rebanding were not as important as changes in other parts of the settlement for local government. Yet, now that we have the figures, we know that Cardiff will lose £6.5 million from revaluation alone, and that the standard spending assessment changes come nowhere near this figure. What message do you have for the 93 per cent of the people of Riverside, and the 86 per cent of the people of Canton, Cardiff whose houses have risen in value and who will be paying at least 10 per cent—maybe 20 per cent—more in council tax, simply because of the rebanding?

**The First Minister:** I am not sure if you are trying to pretend that there is some difference between what you have put to the Assembly and what I said in reply to you last week. I said last week that there were two major influences on the rate support grant changes for Cardiff. The less important of those was rebanding, and the more important was the change in the number of people assessed as having special needs from social services. My understanding is that it is roughly 60/40—rebanding, 40 per cent; change in the assessment of people dependent upon social services support, 60 per cent. If I am wrong about that, Sue Essex or I will write to you.

On the issue of individual wards in a local authority like Cardiff, if you are trying to say that there is no responsibility on the local authority to consider what its council tax bill ought to be next year, that is an absurd proposition. You are perfectly well aware of the legal position: it is not this body which sets council tax levels in Cardiff; it is Cardiff County Council. You should direct your message to the people you know well in the leadership of Cardiff County Council.

gynnwys mwy o lawer o bensiynwyr yng nghynlluniau budd-dal y dreth gyngor. Mae tua 10 y cant o boblogaeth Cymru—300,000 o bensiynwyr—wedi'u dwyn o fewn cwmpas budd-dal y dreth gyngor ers cyflwyno'r credyd pensiwn, er eu bod yn gorfod ymgeisio amdano o hyd. Yr ydym yn ystyried sut y gallwn fyrhau'r broses honno.

**Michael German:** Efallai y deuf yn ôl at y pwynt hwnnw'n ddiweddarach. Yr wythnos diwethaf, dywedasoeh wrthyf nad oedd newidiadau o ran ailfandio gyn bwysiced â newidiadau i rannau eraill o setliad llywodraeth leol. Ac eto, a'r ffigurau gennym bellach, gwyddom y bydd Caerdydd yn colli £6.5 miliwn drwy ailbrisiu'n unig, ac nad yw'r newidiadau i'r asesiad o wariant safonol yn dod yn agos i'r ffigur hwnnw. Pa neges sydd gennych i'r 93 y cant o bobl Riverside, a'r 86 y cant o bobl Treganna yng Nghaerdydd y mae gwerth eu tai wedi codi ac a fydd yn talu o leiaf 10 y cant—efallai 20 y cant—yn fwy o dreth gyngor, dim ond o ganlyniad i'r ailfandio?

**Y Prif Weinidog:** Nid wyf yn sicr a ydych yn ceisio honni bod rhyw wahaniaeth rhwng yr hyn a ddywedasoeh wrth y Cynulliad a'r hyn a ddywedais i wrth eich ateb yr wythnos diwethaf. Dywedais yr wythnos diwethaf fod dau ddylanwad mawr ar y newid i'r grant cynnal trethi ar gyfer Caerdydd. Y lleiaf pwysig o'r ddau oedd ailfandio, a'r pwysicaf oedd y newid yn nifer y rhai yr aseswyd bod ganddynt anghenion arbennig i'w bodloni gan wasanaethau cymdeithasol. Yr wyf yn deall ei bod tua 60/40—ailfandio, 40 y cant; newid yn yr asesiad o'r rhai sy'n dibynnu ar gymorth gwasanaethau cymdeithasol, 60 y cant. Os wyf yn camgymryd ar hynny, bydd Sue Essex neu fi'n ysgrifennu atoch.

Ynghylch mater wardiau penodol mewn awdurdod lleol fel Caerdydd, os ydych yn honni nad oes unrhyw gyfrifoldeb gan yr awdurdod lleol i ystyried faint y dylai ei godi drwy'r dreth gyngor y flwyddyn nesaf, mae hynny'n osodiad cwbl hurt. Yr ydych yn deall y sefyllfa gyfreithiol yn iawn: nid y corff hwn sy'n pennu lefelau'r dreth gyngor yng Nghaerdydd; Cyngor Sir Caerdydd sy'n gwneud hynny. Dylech gyfleu eich neges i'r rhai yr ydych yn eu hadnabod yn dda ymysg

arweinwyr Cyngor Sir Caerdydd.

**Michael German:** I find that answer shameful, because the facts are quite different. If you compare like with like this year and next year, nearly all the people of Riverside and Canton will be faced with a 10 to 20 per cent increase in council tax even if the council tax does not go up by a single penny in Cardiff. That is the effect of revaluation. What will you say to those people who will see their council tax go up by between 10 and 20 per cent? Nothing has been done about the issue that concerns them. They could be pensioners or people who are renting properties. They will be faced with this 10 to 20 per cent increase in a random way. It is shameful to suggest that it is the council's fault, because the council has not yet set its council tax. This is a 10 to 20 per cent increase on a like with like comparison. That is the result of revaluation and rebanding. What do you say to these people?

**Michael German:** Ystyriaif fod yr ateb hwnnw'n gywilyddus, gan fod y ffeithiau'n gwbl wahanol. Os cymharwch debyg â'i debyg eleni a'r flwyddyn nesaf, bydd bron bawb yn Riverside a Threganna'n wynebu 10 i 20 y cant o gynnydd yn y dreth gyngor hyd yn oed os na fydd y dreth gyngor yn codi yr un geiniog yng Nghaerdydd. Dyna effaith ailbrisio. Pa beth a ddywedwch wrth y bobl hynny a wêl gynnydd o rhwng 10 ac 20 y cant yn y dreth gyngor? Ni wnaed dim ynghylch y mater sy'n peri pryder iddynt. Gallent fod yn bensiynwyr neu'n rhai sy'n cymryd tai ar rent. Wynebant 10 i 20 y cant o gynnydd sydd wedi digwydd ar hap. Peth cywilyddus yw awgrymu mai'r cyngor sydd ar fai am hynny, gan nad yw'r cyngor wedi pennu ei dreth gyngor eto. Mae hwn yn 10 i 20 y cant o gynnydd wrth gymharu tebyg a'i debyg. Dyma yw canlyniad ailbrisio ac ailfandio. Pa beth a ddywedwch wrth y bobl hynny?

**The First Minister:** If the council has not yet set the council tax level, how can you assert what it will be next year, saying that it will be between 10 and 20 per cent higher than this year? You had better go back to your friends and former employees who now run Cardiff County Council and remind them, if they need any reminding that it is the body that sets council tax levels. There is no point in your trying in advance to absolve it of its responsibility for financial prudence in setting the council tax level for next year.

**Y Prif Weinidog:** Os nad yw'r cyngor wedi pennu lefel y dreth gyngor eto, sut y gallwch ddatgan beth fydd y flwyddyn nesaf, gan ddweud y bydd rhwng 10 ac 20 y cant yn uwch na'r flwyddyn hon? Gwell ichi fynd yn ôl at eich ffrindiau a'ch cyn-weithwyr sydd bellach yn rhedeg Cyngor Sir Caerdydd a'u hatgoffa, os oes angen gwneud hynny, mai ef yw'r corff sy'n pennu lefelau'r dreth gyngor. Nid oes diben ceisio'i ryddhau o flaen llaw oddi wrth ei gyfrifoldeb i drin arian yn bwyllog wrth bennu lefelau'r dreth gyngor ar gyfer y flwyddyn nesaf.

2.10 p.m.

As regards pensioners, again you did not pick up on my earlier point that 300,000 people, which is 10 per cent of the population of Wales, are now eligible for council tax benefit, because of the provision of the pension credit follow-on arrangements. We are trying to ensure an easier and quicker passported, follow-on from pension credit to council tax benefit. That is important. We want to get those eligible for council tax benefit, including this additional 10 per cent of the population of Wales, to get it quickly and easily without going through all the palaver of filling in additional forms.

Gyda golwg ar bensiynwyr, unwaith eto ni chyfeiriasoch at y pwynt a wneuthum yn gynharach, sef bod 300,000 o bobl, sef 10 y cant o boblogaeth Cymru, yn gymwys yn awr i gael budd-dal y dreth gyngor, gan fod trefniadau wedi'u gwneud sy'n dilyn y credyd pensiwn. Yr ydym yn ceisio sicrhau y bydd modd cael budd-dal y dreth gyngor yn rhwyddach ac yn gyflymach yn sgîl cael y credyd pensiwn. Mae hynny'n bwysig. Yr ydym am sicrhau y bydd y rhai sy'n gymwys i gael budd-dal y dreth gyngor, gan gynnwys y 10 y cant yn ychwanegol o boblogaeth Cymru, yn ei gael yn gyflym ac yn



ddidrafferth heb orfod llenwi ffurflenni ychwanegol.

**Michael German:** The sad reality, First Minister, is that fewer people are taking up council tax benefit. For Wales, the figures are that less than half of the people who are entitled to it are claiming it. I will return to this fundamental issue. If you were to take council tax this year—the council tax set by your colleague, Russell Goodway—the people of Riverside and Canton and two-thirds of the people of Cardiff will be paying 10 to 20 per cent more. It will be 10 per cent for the poorest, and 20 per cent for the richest. You cannot say that that is indiscriminate because it is. It is tackling the problem at the wrong end. How will you manage to operate a different system, or will we just be the guinea pigs for what happens in England next year, which will no doubt reject revaluation?

**The First Minister:** How can you say that something is indiscriminate when we have made 10 per cent of the population of Wales eligible for council tax benefit by virtue of them receiving pension credit. You have to persuade people who are the least well off to apply for what they are fully entitled to receive. You cannot call that an indiscriminate system. It assists the people who are least well off. I have made the point to you previously, which I think you are trying to quote back to me now, that the percentage of owner-occupiers who are eligible for council tax benefit who apply and get the benefit is about 40 per cent, which is a low figure. It is a little bit higher for pensioners, because so many more pensioners are eligible for council tax benefit; if you are not well off you should apply for council tax benefit. If you are on pension credit you will very likely get it. A proportion of 10 per cent of the population of Wales are now eligible for council tax benefit and we should concentrate our efforts on that, and not on trying to absolve council leaders of their responsibility to set prudent council tax increases for next year.

**Arweinydd yr Wrthblaid (Ieuan Wyn Jones):** Gadewch inni drafod bandio ymhellach, Brif Weinidog; a derbyn eich

**Michael German:** Y gwir trist, Brif Weinidog, yw bod llai yn manteisio ar fudd-dal y dreth gyngor. Yng Nghymru, llai na hanner y rhai sy'n gymwys i'w dderbyn sy'n ei hawlio. Af yn ôl at y mater sylfaenol hwn. Os cymerwch y dreth gyngor ar gyfer eleni—y dreth gyngor a bennwyd gan aelod o'ch plaid, Russell Goodway—bydd pobl Riverside a Threganna a dwy ran o dair o bobl Caerdydd yn talu 10 i 20 y cant yn fwy. Bydd yn 10 y cant ar gyfer y tlotaf, ac yn 20 y cant ar gyfer y cyfoethocaf. Ni allwch honni bod hynny'n anwahaniaethol, oherwydd dyna ydyw. Ymdrinnir â'r broblem yn y man anghywir. Sut y gallwch redeg system wahanol, neu a fyddwn yn ddim namyn testun arbrawf ar gyfer yr hyn a ddigwydd yn Lloegr y flwyddyn nesaf, gan y byddant yn sicr o wrthod ailbrisio yno?

**Y Prif Weinidog:** Sut y gallwch ddweud bod rhywbeth yn anwahaniaethol a ninnau wedi peri i 10 y cant o boblogaeth Cymru fod yn gymwys i gael budd-dal y dreth gyngor drwy dderbyn credyd pensiwn. Rhaid ichi ddarbwylllo'r rhai lleiaf cefnog i ymgeisio am yr hyn y mae ganddynt bob hawl i'w dderbyn. Ni allwch honni mai system anwahaniaethol yw honno. Mae'n helpu'r rhai lleiaf cefnog. Cyfleais y pwynt hwn i chi o'r blaen, a chredaf eich bod yn ceisio ei ddyfynnu imi eto'n awr, sef mai tua 40 y cant yw canran y perchen-feddianwyr sy'n gymwys i gael budd-dal y dreth gyngor ac yn ymgeisio amdano a'i dderbyn, ac mae hwnnw'n ffigur isel. Mae ychydig yn uwch ar gyfer pensiywyr, gan fod mwy o lawer o bensiwywyr yn gymwys i gael budd-dal y dreth gyngor; os nad ydych yn gefnog dylech ymgeisio am fudd-dal y dreth gyngor. Os ydych yn cael credyd pensiwn, mae'n debygol iawn y byddwch yn ei gael. Mae 10 y cant o boblogaeth Cymru'n gymwys i gael budd-dal y dreth gyngor yn awr a dylem droi'n sylw at hynny, yn hytrach na cheisio rhyddhau arweinwyr cyngor oddi wrth eu cyfrifoldeb i bennu codiadau doeth yn y dreth gyngor ar gyfer y flwyddyn nesaf.

**The Leader of the Opposition (Ieuan Wyn Jones):** Let us broaden the discussion on banding, First Minister; while taking your

pwynt am yr help a fydd yn cael ei roi i bensiynwyr, y realiti yw bod cyfartaledd y dreth gyngor o'i chymharu â'r pensiwn gwladol wedi codi'n sylweddol yn y cyfnod ers i Lafur ddod i rym. Yn 1996-97, 13.4 y cant o'r pensiwn oedd yn ddyladwy mewn treth gyngor; mae hynny wedi codi i 19 y cant. Bydd nifer o bensiynwyr sy'n derbyn pensiynau gwladol a phreifat bach yn gorfod talu'r codiadau hyn yn llawn. Oni dderbyniwch, Brif Weinidog, fod y dreth gyngor bellach yn anghyfartal wrth ystyried incwm pobl hŷn, a bod yn rhaid i'r Llywodraeth edrych arni o ddifrif?

**Y Prif Weinidog:** Dyna pam mae rhagor o bobl yn gallu derbyn budd-dal y dreth gyngor. Dyna pam yr oeddwn yn pwysleisio gymaint, ers cyflwyno'r system credyd pensiwn gael ei chyflwyno, fod 300,000 yn fwy o bobl yng Nghymru yn gymwys i dderbyn budd-dal y dreth gyngor. Er eu bod yn gorfod llenwi ffurflen ychwanegol erbyn hyn, yr ydym ni a'r Adran Gwaith a Phensiynau yn gweithio i fyrhau'r broses, fel nad oes rhaid iddynt fynd drwy broses anodd. Yr ydym yn sicrhau bod y 300,000 o bobl sy'n gymwys i gael budd-dal y dreth gyngor yn ceisio amdano.

**Ieuan Wyn Jones:** Dychwelaf at y pwynt a wnaethoch i Mike German, sef mai mater i lywodraeth leol yw gosod y dreth gyngor. Yr ydym oll yn derbyn hynny, ond gan fod mwyafrif llethol yr arian sy'n dod i lywodraeth leol yn dod o Lywodraeth y Cynulliad, mae'r swm y mae'r Llywodraeth yn ei roi i lywodraeth leol yn sicr o gael effaith ar lefel y dreth gyngor. Yr ydych chi a minnau yn gwybod hynny. Er enghraifft, gwyddoch yn iawn, er mai'r cyfartaledd i awdurdodau lleol eleni yw 5 y cant, y bydd cynghorau megis Ynys Môn yn cael llawer llai na hynny—3.8 y cant. Bydd 34 y cant o bobl yr ynys yn gorfod talu mwy o dreth gyngor oherwydd yr ailfandio. A sylweddolwch, Brif Weinidog, os yw cynghorau sy'n cael llai na'r cyfartaledd am gynnal eu gwasanaethau, fod rhaid iddynt godi'r dreth gyngor o leiaf 10 y cant? Mae Cyngor Sir Ddinbych yn dweud y bydd rhaid iddo godi'r dreth 18 y cant er mwyn gwneud hynny. A dderbyniwch felly bod rhaid i'r Llywodraeth edrych eto ar y setliad ariannol i gynghorau?

point on the help that will be available to pensioners, the reality is that council tax levels as a proportion of the state pension have risen dramatically during Labour term of office. In 1996-97, 13.4 per cent of pension was payable in council tax; that has now increased to 19 per cent. A number of pensioners on small private and state pensions will have to pay these increases in full. Do you not accept, First Minister, that council tax levels are now disproportionate to older people's incomes, and that the Government must give it serious consideration?

**The First Minister:** That is why more people are eligible for council tax benefit. That is why I placed so much emphasis on the fact that, since the pension credit system was introduced, an extra 300,000 people are now eligible for council tax benefit. They have to fill in an extra form, but we and the Department for Work and Pensions are working to curtail the process, so that they do not have to go through a process which they find difficult. We are ensuring that the 300,000 eligible for council tax benefit apply for it.

**Ieuan Wyn Jones:** I return to the point that you made earlier to Mike German, that it is a matter for local government to set its council tax levels. We all accept that, but since the vast majority of local government funding comes from the Assembly Government, the sum that the Government gives local government is bound to have an impact on the level of council tax. You and I both know that. For example, you know full well, although the average for local government this year is 5 per cent, that councils such as Anglesey will receive much less than that—3.8 per cent. Thirty four per cent of the population of the island will have to pay more council tax because of the rebanding. Do you realise, First Minister, that if councils that receive less than the average are to maintain their services, they must increase their council tax by at least 10 per cent? Denbighshire County Council is saying that it will have to increase its tax by 18 per cent to do so. Do you not accept therefore that the Government should look again at the local government settlement?

**Y Prif Weinidog:** Yr ydym wedi clustnodi £200 miliwn yn ychwanegol i lywodraeth leol yn y flwyddyn sy'n dechrau ar 1 Ebrill. Ni all unrhyw un gwyno am hynny. Ymhellach at hynny, yr ydym yn parhau i gynnal trafodaethau gyda llywodraeth leol ynglŷn â phwy fydd yn derbyn pa ran o'r £13 miliwn ychwanegol, ar ben fformiwla Barnett, a gafwyd gan Gordon Brown. Mae hynny'n ateb rhan olaf eich cwestiwn. Nid yw'r ateb yn gyflawn eto, gan fod Sue Essex yn parhau i ymgynghori gyda thrysorwyr ac arweinwyr llywodraeth leol.

**Ieuan Wyn Jones:** When one looks at the whole picture, is it not now clear that the burden of council tax upon people of moderate income is becoming intolerable? The opposition to council tax is increasing year-on-year—and little wonder, First Minister. An average band D council tax payer is now paying twice as much as they were when Labour came to power in 1997. It was £417 in Anglesey in 1997—this year, it is £843. It was £495 in Merthyr Tydfil—now it is £1,049. Such increases mean that people now believe that council tax is an unfair tax. Why do you not accept, First Minister, that this must change, and that local taxation should be linked to people's ability to pay? Do you not agree that it is time to look at that?

**The First Minister:** Council tax, because of council tax benefit, is linked with the ability to pay. You fail to recognise that. I was pleased that last week, on 11 November, with their winter fuel payments, people received a form urging them to claim council tax benefit. Millions of letters were dropped on doormats throughout the United Kingdom on 12 November. We must campaign for people who are eligible for council tax benefit to feel that there is no shame involved in applying for it. Benefit is automatic with winter fuel tax, but we must ensure that no stigma is attached to applying for council tax benefit. That answers your question. If people are on modest means and cannot afford these increases, council tax benefit is the answer. It is far more generously available now because of the pension credit system. An additional 300,000 people in Wales are now eligible for

**The First Minister:** We have allocated an additional £200 million to local government in the year beginning on 1 April. No-one can complain about that. In addition to that, we are continuing to hold discussions with local government with regard to who will receive what share of the additional £13 million, over and above the Barnett formula, that we received from Gordon Brown. Therefore, that answers the last part of your question. The answer is not yet complete because Sue Essex is still in consultation with local government treasurers and leaders.

**Ieuan Wyn Jones:** Os yw rhywun yn ystyried y darlun cyfan, onid yw'n amlwg bellach fod baich y dreth gyngor sydd ar ysgwyddau rhai ag incwm cymedrol yn mynd yn annioddefol? Mae'r gwrthwynebiad i'r dreth gyngor yn cynyddu o flwyddyn i flwyddyn—a pha ryfedd, Brif Weinidog. Mae talwyr y dreth gyngor ym mand D yn talu dwywaith yn fwy yn awr, ar gyfartaledd, nag yr oeddent pan ddaeth Llafur i rym yn 1997. Yr oedd yn £417 yn Ynys Môn yn 1997—eleni, mae'n £843. Yr oedd yn £495 ym Merthyr Tudful—mae bellach yn £1,049. Oherwydd codiadau o'r fath, mae pobl yn credu'n awr mai treth annheg yw'r dreth gyngor. Pam na dderbyniwch fod rhaid i hyn newid, Brif Weinidog, ac y dylid cysylltu trethiant lleol â gallu rhywun i dalu? Oni chytunwch ei bod yn bryd ystyried hynny?

**Y Prif Weinidog:** Mae'r dreth gyngor, oherwydd budd-dal y dreth gyngor, yn gysylltiedig â'r gallu i dalu. Yr ydych yn methu â chydabod hynny. Yr oeddwn yn falch bod pobl wedi cael ffurflen, gyda'u taliadau tanwydd gaeaf, ar 11 Tachwedd, yn eu hannog i hawlio budd-dal y dreth gyngor. Aeth miliynau o lythrau drwy ddrysau ledled y Deyrnas Unedig ar 12 Tachwedd. Rhaid inni ymgyrchu i beri i'r rhai sy'n gymwys i gael budd-dal y dreth gyngor deimlo nad oes unrhyw gywilydd ynglŷn ag ymgeisio amdano. Ceir budd-dal yn awtomatig yn achos taliadau tanwydd gaeaf, ond rhaid inni sicrhau na fydd unrhyw ymdeimlad o warth ynglŷn ag ymgeisio am fudd-dal y dreth gyngor. Mae hynny'n ateb i'ch cwestwn. Budd-dal y dreth gyngor yw'r ateb i bobl ar incwm cymedrol sy'n methu fforddio'r codiadau. Mae ar gael yn rhwyddach o lawer

it, which is 10 per cent of the population. We must persuade the maximum proportion of those 300,000 people to apply for it. It is their right and there is no shame or stigma attached to it.

**The Leader of the Welsh Conservatives (Nick Bourne):** In your usual 'not me, Guv' approach, we have already heard that the level of council tax is nothing to do with you. We know that the two chief factors that will affect the level of council taxes in this coming year will be the local government settlement, which your Government has delivered, and the council tax revaluation. It is all very well for you to say to council leaders that it is their responsibility, but councils of whatever political complexion can only work within the parameters that you have given them. We have heard, correctly, that council tax has doubled for an average property in Wales since you came to power. In some Cardiff wards, 60 houses have gone up in revaluation for every house that has come down. That is the situation that you have put us in, and that is why the system is not working. What will you say to hard-pressed, middle-income families and pensioners who will not be able to pay their bills next year?

**The First Minister:** I have said this before, and I will say it again. I am sorry that I must repeat it, as it can get boring, but since you keep repeating the wrong facts, I must keep putting you straight. The major change is in the personal social services formula; the revaluation is the minor part of the change which results in some local authorities fairing worse or better than others. That is why Monmouth has done well with a 7.1 per cent increase and Cardiff, Wrexham and some other authorities have a below-average increase of 3.5 per cent. The average increase is 5 per cent. That involves an additional £205 million going to local authorities, mostly in straight rate support grant. Around £50 million of that £205 million is in hypothecated funding.

yn awr oherwydd system y credyd pensiwn. Mae 300,000 yn fwy o bobl yng Nghymru yn gymwys i'w dderbyn yn awr, sef 10 y cant o'r boblogaeth. Rhaid inni ddwyn perswâd ar y nifer mwyaf posibl o'r 300,000 hynny i ymgeisio amdano. Dyna'u hawl ac nid oes unrhyw warth neu gywilydd ynghlwm wrth hynny.

**Arweinydd Ceidwadwyr Cymru (Nick Bourne):** Yn unol â'ch arfer o osgoi'r bai, yr ydym eisoes wedi clywed nad oes a wnelo lefel y dreth gyngor ddim â chi. Gwyddom mai'r ddau brif ffactor a fydd yn effeithio ar lefel trethi cyngor yn y flwyddyn sydd i ddod yw'r setliad llywodraeth leol, a gyflwynwyd gan eich Llywodraeth chi, a'r ailbrisiu ar gyfer y dreth gyngor. Mae'n ddigon hawdd ichi ddweud wrth arweinwyr cynghorau mai hwy sy'n gyfrifol am hyn ond, ni waeth beth yw lliw gwleidyddol y cynghorau, ni allant ond gweithio oddi mewn i'r paramedrau a roesoch iddynt. Clywsom ddweud, yn gywir, fod y dreth gyngor ar gyfer tŷ cyffredin yng Nghymru wedi dyblu ers i chi ddod i rym. Mewn rhai wardiau yng Nghaerdydd, mae 60 o dai wedi codi oherwydd ailbrisiu am bob un sydd wedi gostwng. Dyna'r sefyllfa yr ydych wedi ein rhoi ynddi, a dyna pam nad yw'r system yn gweithio. Pa beth a ddywedwch wrth deuluoedd ar incwm canolig a phensiynwyr sy'n ei chael yn anodd, na fyddant yn gallu talu eu biliau y flwyddyn nesaf?

**Y Prif Weinidog:** Yr wyf wedi dweud hyn o'r blaen, ac fe'i dywedaf eto. Mae'n ddrwg gennyf fod rhaid imi ei ailadrodd, gan y gall hynny fod yn ddiflas, ond gan eich bod yn dal i ailadrodd y ffeithiau anghywir, rhaid i mi ddal i'ch cywiro. Y newid mwyaf yw'r un a geir drwy'r fformiwla ar gyfer gwasanaethau cymdeithasol personol; yr ailbrisiu yw'r rhan leiaf o'r newid sy'n peri y bydd rhai awdurdodau lleol yn gwneud yn waeth neu'n well na'i gilydd. Dyna pam y gwnaeth sir Fynwy yn dda, drwy gael codiad o 7.1 y cant a pham y cafodd Caerdydd, Wrecsam a rhai awdurdodau eraill godiad is na'r cyfartaledd o 3.5 y cant. Y codiad cyfartalog yw 5 y cant. Mae hynny'n golygu y caiff awdurdodau lleol £205 miliwn yn ychwanegol, a hynny drwy grant cynnal y trethi'n unig gan mwyaf. Mae tua £50 miliwn o'r £205 miliwn hwnnw'n gyllid a glustnodwyd.

2.20 p.m.

There is no reason for any local authority to start casting round, blaming the Assembly, revaluation or the personal social services changes. Changes have to be made: if the figures show that you have been overpaid in the past, adjustments must be made. You do not claw back that money, but make the adjustment honestly. That is why some authorities do better than others. However, overall, there is a floor of 3.5 per cent in the revenue settlement grant and we will continue to discuss with local authority leaders what to do with the additional £13 million that Gordon Brown has given us over and above the Barnett formula to help with local authority funding problems in the new year.

**Nick Bourne:** You have to keep repeating it because, frankly, no-one believes it. Everyone is out of spend except for 'little Rhodri'. We know from constituents who come to surgeries and from the figures that people are worse-off in terms of council tax every year in which you have been in power because of the local government settlement, which is now compounded by this revaluation. You can stand there and spout figures, but they are meaningless in the face of what is happening to people, as we know from talking to constituents on their doorsteps. We know from pensioners who visit our surgeries that they are paying more in council tax for this coming year than they have done previously, and that is on top of increases made every year since your Government has been in power. What will you do about this? Will you answer my question?

**The First Minister:** They are far more likely to believe 'little Rhodri' than 'slick Nick'. We continue to discuss with local authorities what formula to apply to the £13 million additional funding over and above the Barnett formula. I repeat that, but you will not even accept that the £13 million figure exists. It is on the record; Sue Essex has referred to it. We are continuing to discuss it. Clearly, if you were ever in such a position, you would

Nid oes rheswm i unrhyw awdurdod lleol ddechrau chwilio am esgus, gan roi'r bai ar y Cynulliad, ar ailbrisiu neu ar y newidiadau a wnaed i wasanaethau cymdeithasol personol. Rhaid gwneud newidiadau: os yw'r ffigurau'n dangos bod gormod wedi'i dalu ichi yn y gorffennol, rhaid cymhwyso ar gyfer hynny. Ni chaiff yr arian ei adfachu, dim ond ei newid yn agored. Dyna pam y mae rhai awdurdodau'n gwneud yn well na'i gilydd. Fodd bynnag, yn gyffredinol, ceir terfyn isaf o 3.5 y cant yn y grant setliad refeniw a pharhawn i drafod gydag arweinwyr awdurdodau lleol yr hyn y gellir ei wneud â'r £13 miliwn ychwanegol a roddodd Gordon Brown i ni ar ben yr hyn a geir drwy fformiwla Barnett i helpu i ddatrys problemau sy'n ymwneud â chyllido awdurdodau lleol yn y flwyddyn newydd.

**Nick Bourne:** Rhaid ichi ddal i ailadrodd hynny gan nad oes neb yn ei gredu, a dweud y gwir. Mae pawb yn brin o arian heblaw 'Rhodri bach'. Gwyddom o'r hyn a ddywed etholwyr a ddaw i gymorthfeydd ac o'r ffigurau ei bod yn waeth ar bobl o ran y dreth gyngor bob blwyddyn y buoch mewn grym oherwydd y setliad llywodraeth leol, a bod hynny wedi'i waethgu gan yr ailbrisiu hwn. Gallwch sefyll yno a thraethu ffigurau, ond maent yn ddiystyr yn wyneb yr hyn sy'n digwydd i bobl, fel y gwyddom o siarad ag etholwyr ar eu carreg drws. Gwyddom o'r hyn a ddywed pensiynwyr sy'n dod i'n cymorthfeydd eu bod yn talu mwy o dreth gyngor ar gyfer y flwyddyn sydd i ddod nag a wnaethant o'r blaen, ac mae hynny ar ben codiadau a gafwyd bob blwyddyn ers i'ch Llywodraeth ddod i rym. Beth a wnewch am hyn? A wnewch ateb fy nghwestiwn?

**Y Prif Weinidog:** Maent yn llawer mwy tebygol o gredu 'Rhodri bach' na 'Nick slic'. Daliwn i drafod ag awdurdodau lleol y fformiwla y dylid ei chymhwyso at y £13 miliwn o gyllid ychwanegol a roddir ar ben yr hyn a geir drwy fformiwla Barnett. Dywedaf hynny eto, ond ni wnewch hyd yn oed dderbyn bod yr £13 miliwn ar gael. Mae ar ddu a gwyn; mae Sue Essex wedi cyfeirio ato. Yr ydym yn dal i'w drafod. Wrth gwrs,

ignore the £13 million, tell Gordon Brown to keep it and that Wales did not want it because we would rather have a big row about council tax every year as it does us good, politically. I am sorry, Nick, but that is too cynical. We are setting a floor—3.5 per cent—and are continuing to discuss how to apply that £13 million in the fairest way across Wales.

**Lorraine Barrett:** Do you agree that it is a funny old world given that, if you recall last year, the Liberal Democrats told Russell Goodway that he should not blame the Assembly for any increases in council tax and that it was firmly and absolutely his responsibility to set council tax in Cardiff?

**The First Minister:** I had forgotten that, but I can easily imagine that the circumstances would have been exactly as you describe.

pe byddech chi byth mewn sefyllfa o'r fath, anwybyddech y £13 miliwn, a dweud wrth Gordon Brown am ei gadw ac nad yw Cymru am ei gael gan y byddai'n well gennym gael ffræ fawr am y dreth gyngor bob blwyddyn am fod hynny o fantais wleidyddol i ni. Mae'n ddrwg gennyf, Nick, ond mae hynny'n rhy sinigaidd. Yr ydym yn gosod terfyn isaf—3.5 y cant—ac yr ydym yn dal i drafod sut i ddefnyddio'r £13 miliwn hwnnw yn y modd tecaf ledled Cymru.

**Lorraine Barrett:** A ydych yn cytuno mai hen fyd rhyfedd yw hwn oherwydd, os cofiwch y llynedd, dywedodd y Democratiaid Rhyddfrydol wrth Russell Goodway na ddylai roi'r bai ar y Cynulliad am unrhyw godiadau yn y dreth gyngor ac mai ei gyfrifoldeb ef a neb arall oedd gosod y dreth gyngor yng Nghaerdydd?

**Y Prif Weinidog:** Yr oeddwn wedi anghofio hynny, ond hawdd gennyf gredu y buasai'r amgylchiadau yn union fel y gwnaethoch eu disgrifio.

### Gollyngiadau Carbon Carbon Emissions

**Q3 Mick Bates:** What is the Assembly Government doing to reduce carbon emissions? (OAQ39320)

**The First Minister:** We shall fulfil the commitments in the sustainable development action plan, which the Assembly endorsed last month, and in 'Energy Saving Wales', which Andrew Davies has just launched.

**Mick Bates:** Those schemes cannot be doing too well because, as you know, carbon emissions in Wales continue to increase, which is hardly surprising, given that you do not encourage the small business sector, in particular. I recently heard of a small Welsh business wanting to build a turbine on its premises so that it could help to reduce carbon emissions. That business did not receive support from the Welsh Assembly Government. Is not this negative attitude unhelpful? Rather than preventing Wales from reducing carbon emissions, it will contribute to their increase.

**C3 Mick Bates:** Beth y mae Llywodraeth y Cynulliad yn ei wneud i leihau gollyngiadau carbon? (OAQ39320)

**Y Prif Weinidog:** Cyflawnwn yr ymrwmiadau yn y cynllun gweithredu datblygu cynaliadwy, a gadarnhawyd gan y Cynulliad y mis diwethaf, ac yn 'Arbed Ynni Cymru', y mae Andrew Davies newydd ei lansio.

**Mick Bates:** Go brin bod y cynlluniau hynny'n llwyddo oherwydd, fel y gwyddoch, mae maint y gollyngiadau carbon yng Nghymru'n dal i godi, a pha ryfedd, gan nad ydych yn cynnig anogaeth i'r sector busnesau bach, yn benodol. Clywais yn ddiweddar am fusnes bach yng Nghymru a oedd am adeiladu tyrbin ar ei dir fel y gallai helpu i leihau gollyngiadau carbon. Ni chafodd y busnes hwnnw gefnogaeth gan Lywodraeth Cynulliad Cymru. Onid yw'r ymagwedd negyddol hon yn ddi-fudd? Yn hytrach nag atal Cymru rhag lleihau gollyngiadau carbon, bydd yn peri iddynt gynyddu

**The First Minister:** I am not aware of that business or the turbine or whether it was dealt with by an Assembly Government department or by the Carbon Trust, therefore write to me or Andrew on that.

The Assembly's commitment to making energy efficiency the fifth fuel, ensuring that people see energy saving as a key part of reducing carbon dioxide emissions and helping them to change their production technologies so that they can do so, is a key issue for us. The increase of £3.5 million in the grant that Andrew Davies has given to the Carbon Trust is an example of our commitment to assisting people to make the changes in technology that they need to reduce their carbon and other greenhouse gases emissions.

**Alun Cairns:** It seems that the First Minister's only answer to reduce carbon emissions is to build more windmills, both on and off shore. This policy was pursued in Denmark, but has since been halted because of the intermittent nature of wind, which resulted in producing more carbon emissions. As a result, the traditional energy generating plants had to be on permanent standby mode, and therefore continued to contribute to the carbon emissions. What analysis has the Minister conducted of this?

**The First Minister:** It is simple. If the late Phil Williams were here, he would probably take the Member aside and explain that Denmark extended the wind generating capacity of its electricity generating system to 40 per cent of the total installed capacity. That is the absolute limit, given the intermittency of wind. We are nowhere near that limit. We are talking about somewhere in the range of 5 to 10 per cent. If you were to look up Phil Williams's speeches, both in the Economic Development and Transport Committee and in Plenary, he explained that clearly. Denmark went too far; we are nowhere near the level of Denmark's installed capacity of wind power. Therefore, your comparisons are utterly irrelevant to Wales and the UK.

**Brian Gibbons:** While wind is probably the only established technology at the moment,

**Y Prif Weinidog:** Ni wn am y busnes hwnnw nac am y tyrbîn nac a ddeliwyd â hynny gan adran o Lywodraeth y Cynulliad neu gan yr Ymddiriedolaeth Garbon, felly ysgrifennwch ataf fi neu at Andrew ynghylch hynny.

Mae ymrwymiad y Cynulliad i beri i effeithlonrwydd ynni fod yn bumed tanwydd, gan sicrhau bod pobl yn ystyried bod arbed ynni'n rhan annatod o'r gwaith o leihau gollyngiadau carbon a'u helpu i newid eu technolegau cynhyrchu fel y gallant wneud hynny, yn fater allweddol i ni. Mae'r cynnydd o £3.5 miliwn yn y grant a roddodd Andrew Davies i'r Ymddiriedolaeth Garbon yn enghraifft o'n hymrwymiad i helpu pobl i newid technoleg fel y gallant leihau gollyngiadau carbon a nwyon tŷ gwydr eraill.

**Alun Cairns:** Ymddengys mai'r unig ateb sydd gan y Prif Weinidog i'r galw am leihau gollyngiadau carbon yw codi mwy o felinau gwynt, ar y tir ac ar y môr. Dilynywyd polisi o'r fath yn Nenmarc, ond rhoddwyd y gorau iddo wedyn oherwydd ysbeidioldeb y gwynt, gan fod hynny wedi arwain at gynhyrchu mwy o ollyngiadau carbon. O ganlyniad, bu'n rhaid i'r gorsafoddd trydan traddodiadol fod yn barod i weithio drwy'r amser, ac yr oeddent yn parhau felly i gyfrannu at ollyngiadau carbon. Pa ddadansoddiad a wnaeth y Gweinidog o hynny?

**Y Prif Weinidog:** Mae'n syml. Pe byddai'r diweddar Phil Williams yma, mae'n debyg yr âi â'r Aelod o'r neilltu ac egluro bod Denmarc wedi cynyddu gallu ei system gynhyrchu trydan i ddefnyddio gwynt i 40 y cant o'r holl gapasiti a osodwyd. Dyna'r terfyn eithaf, o ystyried ysbeidioldeb y gwynt. Yr ydym ymhell oddi wrth y terfyn hwnnw. Yr ydym rywle rhwng 5 a 10 y cant. Pe byddech yn darllen areithiau Phil Williams, yn y Pwyllgor Datblygu Economaidd a Thrafnidiaeth ac yn y Cyfarfod Llawn, gwelech ei fod wedi egluro hynny. Aeth Denmarc yn rhy bell; yr ydym ymhell o gyrraedd lefel y capasiti ynni gwynt a osodwyd yn Nenmarc. Gan hynny, mae'ch cymariaethau'n gwbl amherthnasol i Gymru ac i'r DU.

**Brian Gibbons:** Er mai technoleg ynni gwynt yw'r unig un brofedig ar hyn o bryd,

on its own it will be inadequate to meet our renewable energy targets. Do you agree that it is an important priority for the Assembly Government to support business and research and development into alternative resources of renewable energy?

**The First Minister:** I agree, because there are stages, where for 10 years a technology is uneconomic—onshore wind was not economic 10 or 15 years ago, it was assisted to become economic, or virtually economic, by a great deal of pump priming in the old renewable energy scheme which Lord Moynihan, when he was still Colin Moynihan, helped to introduce when I was shadow energy spokesperson in the House of Commons. At that time, offshore wind was uneconomic, but now it is becoming economic because it has developed beyond the infant technology stage. Other technologies, such as tidal stream or biomass are uneconomic at present, but if they are given enough pump priming, they will also become economic.

mae'n debyg, ni fydd yn ddigon i gyrraedd ein targedau ar gyfer ynni adnewyddadwy ar ei ben ei hun. A ydych yn cytuno mai blaenoriaeth bwysig gan Lywodraeth y Cynulliad yw hybu busnes ac ymchwil a datblygu ynghylch adnoddau ynni adnewyddadwy eraill?

**Y Prif Weinidog:** Yr wyf yn cytuno, oherwydd bydd technoleg yn aneconomaidd weithiau am gyfnod o 10 mlynedd—nid oedd ynni gwynt ar y tir yn economaidd 10 neu 15 mlynedd yn ôl, cafodd gymorth i ddod yn economaidd, neu bron yn economaidd, drwy roi llawer o arian sefydlu o dan yr hen gynllun ynni adnewyddadwy yr helpodd yr Arglwydd Moynihan, neu Colin Moynihan fel yr oedd ar y pryd, i'w gyflwyno pan oeddwn yn llefarydd ar ynni dros yr wrthblaid yn Nhŷ'r Cyffredin. Bryd hynny, yr oedd ynni gwynt ar y môr yn aneconomaidd, ond mae'n dod yn economaidd bellach gan ei fod wedi datblygu y tu hwnt i'r cyfnod o fod yn egin-dechnoleg. Mae technolegau eraill, fel ynni llif y llanw a bio-màs, yn aneconomaidd ar hyn o bryd, ond os rhoddid digon o arian sefydlu iddynt ar y dechrau, byddant hwythau'n economaidd yn eu tro.

### **Bwrdd yr Iaith Gymraeg The Welsh Language Board**

**Q4 Glyn Davies:** When did the First Minister last discuss with the Welsh Language Board the impact on the Welsh language of the direct action by groups of campaigners? (OAQ39333)

**The First Minister:** I have had no such discussions with the Welsh Language Board. However, the right to protest is inalienable in any democracy. Vandalism against buildings or violence against people does not come into that category of a healthy manifestation of a democratic system. In any case, it is counterproductive to the protesters' cause.

**Glyn Davies:** I agree. While it is possible to support the overall objectives of groups taking direct action, such as expanding the use of the Welsh language or improving the affordability of housing, it is also possible to be deeply concerned about the negative impact of direct action. Do you agree that it is crucial that we retain the support of the

**C4 Glyn Davies:** Pryd y trafododd y Prif Weinidog effaith camau gweithredu uniongyrchol gan grwpiau o ymgyrchwyr ar yr iaith Gymraeg â Bwrdd yr Iaith Gymraeg ddiwethaf? (OAQ39333)

**Y Prif Weinidog:** Nid wyf wedi cael unrhyw drafodaethau o'r fath â Bwrdd yr Iaith Gymraeg. Fodd bynnag, mae hawl ddiymwad i brotestio ym mhob democratiaeth. Nid yw fandaleiddio adeiladau neu drais yn erbyn pobl yn rhan o'r agwedd iach honno o system ddemocrataidd. Beth bynnag, mae'n wrthgynhyrchiol i achos y protestwyr.

**Glyn Davies:** Yr wyf yn cytuno. Er bod modd cefnogi amcanion cyffredinol grwpiau sy'n cymryd camau gweithredu uniongyrchol, fel ehangu'r defnydd o'r Gymraeg neu beri i dai fod yn fwy fforddiadwy, gellir hefyd deimlo'n dra phryderus ynghylch yr effaith negyddol a gaiff camau gweithredu uniongyrchol. A



people who have moved into Wales, and that the future of the Welsh language and the economy that will support affordable housing—the jobs that will enable people to buy them—are dependent on retaining the support of the people who have moved into Wales?

**The First Minister:** I agree, because that is one of the reasons why we have increased the social housing grant by 62 per cent in the budget, it will rise from some £58 million to £96 million over the next three years. That is a massive increase in the social housing grant, and it must cover the whole of Wales, including areas where the lack of affordable houses in primarily Welsh-speaking areas is at the heart of the problem in defining social housing grant needs. It is up to local authorities in those areas to use the homebuy scheme, build council houses or to support registered social landlords in the way they choose. That 62 per cent increase is a response to the present problems of a lack of affordable houses.

**Helen Mary Jones:** A wnewch chi dderbyn bod dyfodol yr iaith Gymraeg yn chwedegau a saithdegau y ganrif ddiwethaf wedi ei amddiffyn gan weithgareddau Cymdeithas yr Iaith Gymraeg? Cred rhai ohonom na fydd y Gymraeg yn iaith fyw mewn rhai ardaloedd o Gymru heb weithredu uniongyrchol. A fyddech yn derbyn bod gwahaniaeth mawr, ar adegau, rhwng gweithredu uniongyrchol sy'n ymwneud ag eiddo a gweithredu yn erbyn pobl sy'n hollol wrthwynebus i unrhyw beth a wnaeth Cymdeithas yr Iaith Gymraeg erioed?

2.30 p.m.

**Y Llywydd:** Trefn. Hyd y gwelaf, nid oes gan y Prif Weinidog, fwy na minnau, gyfrifoldeb dros Gymdeithas yr Iaith Gymraeg.

ydych yn cytuno ei bod yn hollbwysig inni gadw cefnogaeth y rhai a symudodd i Gymru, a bod dyfodol y Gymraeg a'r economi a wnaiff gynnal tai fforddiadwy—y swyddi a fydd yn galluogi pobl i'w prynu—yn dibynnu ar y gallu i gadw cefnogaeth y rhai a symudodd i Gymru?

**Y Prif Weinidog:** Yr wyf yn cytuno, oherwydd dyna un o'r rhesymau yr ydym wedi cynyddu'r grant tai cymdeithasol o 62 y cant yn y gyllideb; bydd yn codi o £58 miliwn i £96 miliwn dros y tair blynedd nesaf. Dyna gynnydd aruthrol yn y grant tai cymdeithasol, a rhaid iddo ddarparu ar gyfer Cymru gyfan, gan gynnwys ardaloedd lle y mae prinder tai fforddiadwy mewn ardaloedd lle y siaredir y Gymraeg yn bennaf yn rhywbeth sydd wrth wraidd y broblem o ddiffinio anghenion am y grant tai cymdeithasol. Mater i awdurdodau lleol yn yr ardaloedd hynny yw defnyddio'r cynllun cymorth prynu, codi tai cyngor neu gynorthwyo landlordiaid cymdeithasol cofrestredig yn y modd a ddewisant. Mae'r cynnydd hwnnw o 62 y cant yn ymateb i'r problemau a geir ar hyn o bryd o ran prinder tai fforddiadwy.

**Helen Mary Jones:** Do you accept that, in the sixties and seventies of the last century, the future of the Welsh language was defended by the activities of the Welsh Language Society? Some of us are of the opinion that, without direct action, the Welsh language will cease to be a living language in some parts of Wales. Would you accept that there is a big difference, at times, between targeting direct action at property and targeting people who are totally opposed to anything the Welsh Language Society has ever done?

**The Presiding Officer:** Order. As far as I can see, the First Minister does not, no more than I do, have responsibility for the Welsh Language Society.

### **Cyfleusterau Chwaraeon yn y Gogledd Sporting Facilities in North Wales**

**Q5 Carl Sargeant:** Will the First Minister make a statement on sporting facilities in

**C5 Carl Sargeant:** A wnaiff y Prif Weinidog ddatganiad ar gyfleusterau chwaraeon yng

north Wales? (OAQ39329)

**The First Minister:** The Sports Council for Wales, which is one of our Assembly sponsored public bodies, is responsible for developing and improving sports facilities throughout Wales, including north Wales. I understand that, since 1999, over £10 million has been invested in over 80 capital-based projects that have focused on improving sporting facilities across north Wales.

**Carl Sargeant:** As you are aware, First Minister, sporting facilities are important to the people of north Wales and south Wales, and the *Evening Leader* petition presented to the Welsh Assembly Government last week was proof of this. Do you agree that the Racecourse ground is an important sporting facility in north Wales, and, given the victory over Leinster over the weekend, is an important facility for the Llanelli Scarlets as well? Can you assure me that the Government will do all that it can to ensure that the facility remains available for top-class sporting fixtures?

**The First Minister:** I am not sure that Llanelli fans will accept that the Racecourse in Wrexham is their lucky ground from here on, as they have won a game there in what is an unusually thin season for what is otherwise an extremely successful rugby team. The issue regarding Wrexham Football Club is highly sensitive this week. We understand that meetings are going on today involving the previous owner and the present owner, which may be successful, and further meetings are planned for Thursday involving the local authority, if nothing happens as a result of today's meetings. Beyond that, I am not in a position to comment on complex commercial negotiations.

**Janet Ryder:** I do not wish to ask you to comment on such complex financial negotiations. However, I am sure that you would find it totally unacceptable that, to fulfil its north Wales aims as a regional team, the Scarlets would have to play in Chester if the Racecourse ground was not available, as its coach reported during the match on Sunday. In Europe, many municipalities own

Ngogledd Cymru? (OAQ39329)

**Y Prif Weinidog:** Cyngor Chwaraeon Cymru, un o'r cyrff a noddir gan y Cynulliad, sy'n gyfrifol am ddatblygu a gwella cyfleusterau chwaraeon ledled Cymru, gan gynnwys y Gogledd. Deallaf fod mwy na £10 miliwn wedi'i fuddsoddi, er 1999, mewn mwy na 80 o brosiectau cyfalaf sydd â'r prif amcan o wella cyfleusterau chwaraeon ledled y Gogledd.

**Carl Sargeant:** Fel y gwyddoch, Brif Weinidog, mae cyfleusterau chwaraeon yn bwysig i bobl y Gogledd a'r De, ac yr oedd deiseb y *Evening Leader* a gyflwynwyd i Lywodraeth Cynulliad Cymru yr wythnos diwethaf yn brawf o hynny. A ydych yn cytuno bod y Cae Ras yn gyfleuster chwaraeon pwysig yn y Gogledd, ac, yng ngolwg y fuddugoliaeth yn erbyn Leinster dros y penwythnos, ei fod yn gyfleuster pwysig i'r Llanelli Scarlets hefyd? A allwch fy sicrhau y gwnaiff y Llywodraeth bopeth yn ei gallu i sicrhau y bydd y cyfleuster hwnnw'n dal i fod ar gael ar gyfer gornestau chwaraeon o'r radd flaenaf?

**Y Prif Weinidog:** Nid wyf yn sicr y bydd cefnogwyr Llanelli yn derbyn mai'r Cae Ras yn Wrecsam fydd y cae lwcus iddynt o hyn ymlaen, gan eu bod wedi ennill gêm yno yn yr hyn sy'n dymor anarferol o wael i dîm rygbi sy'n dra llwyddiannus fel arall. Mae'r mater sy'n ymwneud â Chlwb Pêl-droed Wrecsam yn dra sensitif yr wythnos hon. Deallwn fod cyfarfodydd yn mynd ymlaen heddiw sy'n cynnwys y perchennog blaenorol a'r un presennol, a allai brofi'n llwyddiannus, a bwriedir cynnal cyfarfodydd pellach ddydd Iau a fydd yn cynnwys yr awdurdod lleol, os na ddigwydd dim o ganlyniad i'r cyfarfodydd heddiw. Heblaw hynny, nid wyf mewn lle i wneud sylw am negodiadau masnachol cymhleth.

**Janet Ryder:** Ni ddymunaf ofyn ichi wneud sylw am negodiadau ariannol cymhleth o'r fath. Er hynny, yr wyf yn siŵr y'i caech yn gwbl annerbyniol pe byddai'r Scarlets, er mwyn cyflawni ei amcan fel tîm rhanbarthol yn y Gogledd, yn gorfod chwarae yng Nghaer os nad oedd y Cae Ras ar gael, fel y dywedodd ei hyfforddwr yn ystod y gêm ddydd Sul. Yn Ewrop, mae llawer o

the local sports ground and use it for several sports. Will you lend as much support as you can to the council to take control of the Racecourse ground, and to make it available for many different sporting events?

**The First Minister:** You are right. I believe that this is being done in Swansea. The temporarily named White Rock Stadium in Swansea is an example of that continental tradition, which is rare in Britain. It is almost universal on the continent for the council to own the facility and lease it out, sometimes to two football teams to play on—Inter Milan on one Sunday, AC Milan the following Sunday, and so on. I hope that the arrangement in Swansea between the Ospreys and Swansea City will be successful.

On Wrexham, as I mentioned to Carl, today's meeting—which may already have resulted in a conclusion, I do not know, I do not have any updates on that—which was referred to in news reports this morning, involving the present owner possibly selling to the previous owner of Wrexham AFC does not involve the council. If that does not work, I understand that a meeting is planned for Thursday, which involves the council, which might result in the outcome to which you referred as being desirable, but is relatively rare in Britain.

**Brynle Williams:** Like my two colleagues, I also hope that Wrexham Football Club will be safeguarded.

You will be aware, First Minister, that north Wales is in great need of a 50m swimming pool. Do you agree that if the pool was built in north Wales we could encourage national and international competitions to the region, as well as football?

**The First Minister:** You cannot play football in a 50m swimming pool—perhaps I misunderstood the last part of your question. I am pleased that discussions are proceeding, not on a 50m swimming pool, but on a 25m competition pool. You will be aware that it is

fwrdeistrefi'n berchen ar eu maes chwarae lleol ac yn ei ddefnyddio ar gyfer sawl math o chwaraeon. A rowch gymaint o gymorth ag y gallwch i'r cyngor gymryd rheolaeth dros y Cae Ras, a pheri iddo fod ar gael ar gyfer llawer o ddigwyddiadau chwaraeon gwahanol?

**Y Prif Weinidog:** Yr ydych yn iawn. Credaf mai hynny a wneir yn Abertawe. Mae'r hyn a elwir am y tro'n White Rock Stadium yn Abertawe yn enghraifft o'r traddodiad cyfandirol hwnnw, sy'n anghyffredin ym Mhrydain. Ym mron bob man ar y cyfandir, y cyngor sy'n berchen ar y cyfleuster ac yn ei osod ar brydles, fel y gall dau dîm pêl-droed chwarae arno mewn rhai achosion—Inter Milan ar un dydd Sul, AC Milan ar y dydd Sul wedyn, ac yn y blaen. Gobeithiaf y bydd y trefniant yn Abertawe rhwng y Gweilch a Dinas Abertawe yn un llwyddiannus.

Ynghylch Wrecsam, fel y dywedais wrth Carl, nid yw'r cyfarfod heddiw—a allai fod wedi arwain at ganlyniad eisoes, nid wyf yn gwybod, gan nad oes gennyf unrhyw adroddiadau am hynny—y cyfeiriwyd ato yn adroddiadau'r newyddion y bore yma, sy'n ymwneud â'r posibilrwydd o werthu Clwb Pêl-droed Wrecsam gan y perchennog presennol i'r un blaenorol, yn cynnwys y cyngor. Os na lwydda hynny, deallaf fod bwriad i gynnal cyfarfod ddydd Iau, a fydd yn cynnwys y cyngor, a allai arwain at y canlyniad y dywedasoeh ei fod yn ddymunol, ond sy'n gymharol anghyffredin ym Mhrydain.

**Brynle Williams:** Fel fy nau gyd-Aelod, yr wyf finnau'n gobeithio y diogelir Clwb Pêl-droed Wrecsam.

Byddwch yn gwybod, Brif Weinidog, fod ar y Gogledd fawr angen pwll nofio 50 medr. A ydych yn cytuno, os câr pwll ei adeiladu yn y Gogledd, y gallem ddenu cystadlaethau cenedlaethol a rhyngwladol i'r rhanbarth hwnnw, yn ogystal â phêl-droed?

**Y Prif Weinidog:** Ni allwch chwarae pêl-droed mewn pwll nofio 50m—efallai imi gamdeall y rhan olaf o'ch cwestiwn. Yr wyf yn falch bod trafodaethau'n mynd ymlaen, nid ynghylch pwll nofio 50m, ond ynghylch pwll 25m ar gyfer cystadlaethau. Gwyddoch

difficult to have 50m pools in several areas of Wales. I know that they have them in Australia—Sydney probably has 30 or 40—and they are frequently outdoors, whereas they have to be indoors in this country. Therefore, the Sports Council for Wales is discussing whether to have a competition-type 25m pool, with eight proper lanes, where you can have short-course championships. Although there is no Olympics short-course championship, there is a world short-course championship. Therefore, the 25m pool, provided that it is properly equipped, is regarded as a competition pool. The sports council is discussing having such a training and competition facility in north Wales.

**Eleanor Burnham:** As the Wrexham-born Assembly Member, I have a particular interest in continuing the Racecourse as a regionally important ground. I hope that you will do your best—[*Interruption.*]

**The Presiding Officer:** Order. I am not interested in who else was born in Wrexham. I want to hear the question.

**Eleanor Burnham:** I have a keen interest, obviously, in Wrexham's football ground. As it is a regional centre with the capacity to stage many different kinds of sports, as Janet Ryder alluded to, do you not think that its going into receivership will send the wrong signal to people in north Wales? They often challenge me on the north-south divide, which I robustly defend, but, quite frankly, next week sees the opening of the Wales Millennium Centre, and there is no money for Wrexham. Please tell us how you will help.

**The First Minister:** I did not hear the preamble to your question, and maybe I am glad that I did not, although I shall read it with macabre fascination in the Record tomorrow, when it becomes available. With regard to the principle of your remarks about the Wrexham Racecourse ground, it is a superbly located facility. There is no question about that—it has a railway station and the North East Wales Institute of Higher Education with all its sports facilities next to it, and the A55 junction is just 100 yards

ei bod yn anodd cael pyllau 50m mewn sawl rhan o Gymru. Gwn eu bod i'w cael yn Awstralia—mae'n debyg bod 30 neu 40 yn Sydney—ond rhai awyr agored ydynt yn aml, tra bo raid iddynt fod yn rhai dan do yn y wlad hon. Felly, mae Cyngor Chwaraeon Cymru yn trafod a ddylid cael pwll 25m o'r math a geir ar gyfer cystadlaethau, gydag wyth lôn briodol, lle y gellir cael pencampwriaethau cwrs byr. Er nad oes pencampwriaeth cwrs byr yn y gemau Olympaidd, ceir pencampwriaeth cwrs byr ryngwladol. Gan hynny, ystyrir bod pwll 25m yn un addas i gystadlaethau, os caiff ei gyfarparu'n briodol. Mae'r cyngor chwaraeon yn trafod y bwriad i gael cyfleuster hyfforddi a chystadlu o'r fath yn y Gogledd.

**Eleanor Burnham:** Fel yr Aelod o'r Cynulliad a aned yn Wrecsam, ymddiddoraf yn neilltuol ym mharhad y Cae Ras fel cae chwarae o bwys yn y rhanbarth. Gobeithiaf y gwnewch eich gorau—[*Torri ar draws.*]

**Y Llywydd:** Trefn. Nid oes arnaf eisiau cael gwybod pwy arall a aned yn Wrecsam. Yr wyf am gael clywed y cwestiwn.

**Eleanor Burnham:** Ymddiddoraf yn fawr, wrth gwrs, yng nghae pêl-droed Wrecsam. Gan ei fod yn ganolfan ranbarthol lle y gellir cynnal sawl gwahanol fath o chwaraeon, fel y nododd Janet Ryder, oni chredwch y bydd ei roi yn llaw'r derbynnydd yn cyfleu'r neges anghywir i bobl yn y Gogledd? Maent yn fy herio'n aml ynghylch y rhaniad rhwng y De a'r Gogledd, a safaf yn gadarn ar hynny, ond, a dweud y gwir, gwelir agor Canolfan Mileniwm Cymru yr wythnos nesaf, ac nid oes unrhyw arian i Wrecsam. Dywedwch wrthym sut y byddwch yn helpu, os gwelwch yn dda.

**Y Prif Weinidog:** Ni chlywais y rhagymadrodd i'ch cwestiwn, a gallwn fod yn falch na wneuthum, er y byddaf yn ei ddarllen gyda chryn ddiddordeb yn y Cofnod yfory, pan fydd ar gael. Gyda golwg ar egwyddor eich sylwadau am y Cae Ras yn Wrecsam, mae'n gyfleuster sydd mewn lleoliad gwyb. Nid oes unrhyw amheuaeth am hynny—mae gorsaf reilffordd ac Athrofa Addysg Uwch Gogledd Ddwyrain Cymru a'i holl gyfleusterau chwaraeon gerllaw, ac nid yw cyffordd yr A55 ond 100 llath i ffwrdd.

away. You cannot get a better located international ground. Ideally, it should be in a position to be developed, and not taken away.

With regard to administration, or another form of receivership, there is, of course, a strong discouragement to football clubs following that path in that they lose 10 league points by going into administration. The football league does not want clubs to see this as a soft option, like American Airlines filing under chapter 11. They can do it, but they will lose 10 points, and Wrexham would obviously be taking an awful gamble in trying to make good the 10 points that it would lose by going for the administration option. It is not a soft option.

Ni ellid cael gwell lleoliad i gae chwarae rhyngwladol. Yn ddelfrydol, dylai fod modd ei ddatblygu, yn hytrach na'i ddwyn ymaith.

Gyda golwg ar ei roi yn llaw'r gweinyddwr, neu ei roi yn llaw'r derbynnydd mewn rhyw fodd arall, mae gwrthanogaeth gryf, wrth gwrs, i glybiau pêl-droed ddilyn y llwybr hwnnw gan y collant 10 pwynt yn y gynghrair drwy fynd i law'r gweinyddwr. Nid yw'r gynghrair pêl-droed am i glybiau weld hynny'n ddewis hawdd, fel y gwnaeth American Airlines wrth wneud cais o dan bennod 11. Gallant wneud hynny, ond collant 10 pwynt, ac mae'n amlwg y byddai Wrecsam yn mentro'n ofnadwy wrth geisio gwneud iawn am y 10 pwynt a gollai drwy ddewis mynd i law'r gweinyddwr. Nid yw'n ddewis hawdd.

### **Setliad Llywodraeth Leol The Local Government Settlement**

**Q6 Nick Bourne:** Will the First Minister make a statement on the local government settlement? (OAQ39335)

**The First Minister:** I refer you to the written statement on the 2005-06 local government settlement provided by Sue Essex on the 2 November 2004. Also, I add the figure that I gave earlier, namely that local government will receive £3.26 billion through the settlement to fund its key services. That is an increase of 5 per cent on what authorities received last year, taking into account transfers, private funding initiatives and floor funding. In addition, they will receive £50 million through additional, non-hypothecated funding, the performance incentive grant and the deprivation grant, and we continue to discuss the £13 million that I mentioned earlier.

**Nick Bourne:** One reason why the figure has gone up is because of transfer of responsibilities, which is never factored into the equation. That, therefore, accounts for the fact that, with all these transfers of responsibilities and insufficient money to meet them, council tax has doubled on an average property in Wales since 1997. Will you now reconsider your earlier remarks about blaming council leaders and their councils for the level of council taxes when,

**C6 Nick Bourne:** A wnaiff y Prif Weinidog ddatganiad ar y setliad llywodraeth leol? (OAQ39335)

**Y Prif Weinidog:** Fe'ch cyfeirïaf at y datganiad ysgrifenedig ar setliad llywodraeth leol 2005-06 a roddodd Sue Essex ar 2 Tachwedd 2004. Hefyd, ychwanegaf y ffigur a roddais yn gynharach, sef y caiff llywodraeth leol £3.26 biliwn drwy'r setliad i gyllido ei gwasanaethau allweddol. Dyna gynnydd o 5 y cant ar yr hyn a gafodd awdurdodau y llynedd, gan ystyried trosglwyddo cyfrifon, mentrau cyllid preifat ac ariannu gwaelodol. Yn ogystal â hynny, byddant yn cael £50 miliwn drwy gyllid ychwanegol sydd heb ei glustnodi, y grant cymell perfformiad a'r grant amddifadedd, a pharhawn i drafod y £13 miliwn a grybwyllais yn gynharach.

**Nick Bourne:** Un rheswm y mae'r ffigur wedi codi yw trosglwyddo cyfrifoldebau, sy'n ffactor na chaiff byth ei ystyried. Hynny, felly, yng ngolwg trosglwyddo'r holl gyfrifoldebau hyn heb roi digon o arian ar eu cyfer, sy'n egluro pam y mae'r dreth gyngor ar dŷ cyffredin yng Nghymru wedi dyblu er 1997. A wnewch ailystyried yn awr y sylwadau a wnaethoch yn gynharach am roi'r bai ar arweinwyr cynghorau a'u cynghorau am lefel y dreth gyngor gan mai'r hyn sydd ar

largely, it is the fault of transferred responsibilities not being properly funded by the Labour Welsh Assembly Government?

**The First Minister:** I do not blame local authorities at all. I am merely saying that it is the local authorities' job to act prudently when they assess council tax. We have not capped those charges in Wales, and we do not intend to do so. It is always there as a reserve power, however. We want to see prudent council tax increases, and we believe that the increase of 5 per cent before taking account of the £50 million from the performance incentive grant and the deprivation grant, and before considering the £13 million that we have over and above the Barnett formula—which I still hope that, one of these days, you will welcome—is fair. We have yet to determine what the fairest formula for allocating that throughout Wales is.

fai am hynny, yn bennaf, yw na roddwyd cyllid priodol ar gyfer cyfrifoldebau a drosglwyddwyd gan Lywodraeth Lafur Cynulliad Cymru?

**Y Prif Weinidog:** Nid wyf yn beio awdurdodau lleol o gwbl. Nid wyf ond yn dweud mai gwaith yr awdurdodau lleol yw gweithredu'n ddoeth wrth asesu'r dreth gyngor. Nid ydym wedi capio'r taliadau hynny yng Nghymru, ac ni fwriadwn wneud hynny. Mae pŵer wrth gefn i wneud hynny bob amser, fodd bynnag. Yr ydym am weld codiadau synhwyrol yn y dreth gyngor, a chredwn fod y cynnydd o 5 y cant cyn ystyried y £50 miliwn o'r grant cymell perfformiad a'r grant amddifadedd, a chyn ystyried y £13 miliwn sydd gennym ar ben yr hyn a geir drwy fformiwla Barnett—yr wyf yn dal i obeithio y byddwch yn ei groesawu, ryw ddydd—yn un teg. Nid ydym wedi penderfynu eto beth yw'r fformiwla decaf ar gyfer ei ddyrannu ledled Cymru.

### **Cyfleoedd Economaidd yn y Gogledd Economic Opportunity in North Wales**

**Q7 Brynle Williams:** Will the First Minister make a statement on economic opportunity in north Wales? (OAQ39328)

**The First Minister:** We believe that the north Wales economy is performing very well indeed. 'A Winning Wales' and 'Wales: A Better Country' are steering the policies that are creating a business climate to encourage prosperity throughout Wales. The north-eastern corner of Wales is regarded by many employers as having full employment, and the figures tend to support that at about 1.5 per cent unemployment. Clearly, the further west you go, the less successful the economy has been. However, north Wales as a whole is performing well.

**Brynle Williams:** I am concerned that business and industry across the UK now take a long hard look when deciding whether to invest in north Wales. I am told that that is due to the unnecessary interference and red tape that the Welsh Assembly Government introduced. What plans do you have to improve the situation and to encourage more businesses to invest in north Wales?

**C7 Brynle Williams:** A wnaiff y Prif Weinidog ddatganiad ar gyfleoedd economaidd yng ngogledd Cymru? (OAQ39328)

**Y Prif Weinidog:** Credwn fod economi'r Gogledd yn perfformio'n rhagorol. 'Cymru'n Ennill' a 'Cymru: Gwlad Well' sy'n llywio'r polisiau sy'n creu hinsawdd i fusnes a wnaiff hybu ffyniant ledled Cymru. Mae llawer o gyflogwyr yn ystyried bod cyflogaeth lawn yng nghornel ogledd-ddwyreiniol Cymru, ac mae'r ffigurau'n tueddu i ategu hynny gan fod diweithdra tua 1.5 y cant. Wrth gwrs, po bellaf i'r gorllewin yr eir, lleiaf llwyddiannus y bu'r economi. Fodd bynnag, mae'r Gogledd yn perfformio'n dda at ei gilydd.

**Brynle Williams:** Yr wyf yn bryderus bod busnes a diwydiant ledled y DU bellach yn dwys ystyried wrth benderfynu a fyddant yn buddsoddi yn y Gogledd. Dywedir wrthyf mai'r rheswm am hynny yw'r ymyrraeth a'r fiwrocratiaeth ddiangen a gyflwynwyd gan Lywodraeth Cynulliad Cymru. Pa gynlluniau sydd gennych i wella'r sefyllfa a denu mwy o fusnesau i fuddsoddi yn y Gogledd?

2.40 p.m.

**The First Minister:** We do not find that there have been any inhibitions so far on business investing in north-east Wales. Even though the economy of north-east Wales operates at almost full employment, due to its transport advantages, it continues to attract new employers and expansion by existing employers. Further west, we continue to see some well led projects, frequently under Objective 1, which will result in new technology and knowledge-economy-based projects such as the Objective 1 funded schemes at St Asaph and the Centre for Advanced Software Technology, to develop and commercialise software skills, in Bangor. I have often mentioned the brilliant project of DeepStream Technologies in Parc Menai, Bangor, which adjoins the university. This, again, is a successful new technology and an exciting venture in the Bangor area.

**Y Prif Weinidog:** Ni chawsom fod unrhyw atalfa hyd yma ar fuddsoddi gan fusnes yn y Gogledd-ddwyrain. Er bod economi'r Gogledd-ddwyrain yn rhedeg ar gyflogaeth lawn bron, oherwydd ei manteision o ran trafniadaeth, mae'n dal i ddenu cyflogwyr newydd ac mae'r cyflogwyr presennol yn dal i ehangu. Ymhellach i'r gorllewin, daliwn i weld rhai prosiectau a arweinir yn dda, o dan Amcan 1 yn aml, a fydd yn arwain at sefydlu prosiectau sy'n seiliedig ar yr economi wybodaeth a thechnoleg newydd fel y cynlluniau a ariannwyd drwy Amcan 1 yn Llanelwy a'r Ganolfan Technoleg Meddalwedd Uwch, ar gyfer datblygu a masnacheiddio sgiliau meddalwedd, ym Mangor. Yr wyf wedi sôn yn aml am brosiect gwych DeepStream Technologies ym Mharc Menai, Bangor, gerllaw'r brifysgol. Technoleg newydd lwyddiannus a geir yno hefyd ac mae'n fenter gyffrous yn ardal Bangor.

#### **Gwasanaeth Meddygon Teulu y Tu Allan i Oriau General Practitioners' Out-of-hours Services**

**Q8 Lisa Francis:** Will the First Minister make a statement on the GP out-of-hours service in mid and west Wales? (OAQ39339)

**C8 Lisa Francis:** A wnaiff y Prif Weinidog ddatganiad ar y gwasanaeth meddygon teulu y tu allan i oriau yng nghanolbarth a gorllewin Cymru? (OAQ39339)

**The First Minister:** As part of the new general medical services contract, general practitioners have the right to opt out of the provision of out-of-hours services. In those circumstances, local health boards take on this role. In mid and west Wales, that has now happened, with all local health boards having implemented new services models. The arrangements have gone well and are characterised by close working between local health boards and other key partners such as local hospitals, NHS trusts and the ambulance service.

**Y Prif Weinidog:** Fel rhan o'r contract newydd am wasanaethau meddygol cyffredinol, mae gan ymarferwyr cyffredinol hawl i ddewis peidio â darparu gwasanaethau y tu allan i oriau arferol. O dan yr amgylchiadau hynny, byrddau iechyd lleol sy'n ymgymryd â'r rôl honno. Yn y Canolbarth a'r Gorllewin, mae hynny wedi digwydd eisoes, gan fod yr holl fyrddau iechyd lleol wedi rhoi modelau gwasanaeth newydd ar waith. Mae'r trefniadau wedi llwyddo ac fe'u nodweddir gan gydweithio agos rhwng byrddau iechyd lleol a phartneriaid allweddol eraill fel ysbytai lleol, ymddiriedolaethau GIG a'r gwasanaeth ambiwlans.

**Lisa Francis:** Some local health boards have provided their GPs and drivers with mobile telephones, computers and satellite navigation systems in respect of out-of-hours

**Lisa Francis:** Mae rhai byrddau iechyd lleol wedi darparu teleffonau symudol, cyfrifiaduron a systemau cyfarwyddo lloeren i'w meddygon teulu a'u gyrrwyr ar gyfer

services. On Saturday, I drove between Llanrwst and Carmarthen and lost mobile telephone contact no less than 15 times. Hitting mobile telephone black spots in mid and west Wales is something of an occupational hazard. What contingency plans do local health boards have in respect of providing that service? Please do not tell me that it is too early for them to have any contingency plans.

**The First Minister:** I did not have the slightest intention of doing so. I have had experience with one mobile telephone network provider during which there was a three-hour gap on a journey from Cemaes Bay to the Llanidloes area, as I remember, apart from some three seconds of service in the middle of the Menai bridge. Some networks have far better coverage of mid Wales than others. I will not name the companies as this is a commercial matter. However, it is a matter of ensuring that the network provider that you use has coverage in the area in which you expect to use your mobile telephone. There are huge variations in whether they have good coverage or not in rural Wales.

gwasanaethau a gynigir y tu allan i oriau arferol. Ddydd Sadwrn, gyrrais rhwng Llanrwst a Chaerfyrddin a chollais gysylltiad ar fy ffôn symudol 15 gwaith o leiaf. Mae'n rhan annatod o'm swydd fy mod yn dod ar draws mannau lle na ellir defnyddio teleffon symudol yn y Canolbarth a'r Gorllewin. Pa gynlluniau wrth gefn sydd gan fyrddau iechyd lleol mewn cysylltiad â darparu'r gwasanaeth hwnnw? Peidiwch â dweud wrthyf ei bod yn rhy fuan iddynt gael cynlluniau wrth gefn, da chi.

**Y Prif Weinidog:** Nid oedd gennyf unrhyw fwriad i wneud hynny. Cefais brofiad gydag un darparwr rhwydwaith teleffon symudol pan fu bwlch o dair awr ar daith o Gemais i ardal Llanidloes, os cofiaf yn iawn, ar wahân i ryw dair eiliad o wasanaeth ar ganol pont Menai. Mae gan rai rhwydweithiau ddarpariaeth well o lawer ar gyfer y Canolbarth nag sydd gan eraill. Nid enwaf y cwmnïau gan mai mater masnachol yw hwn. Fodd bynnag, mae'n fater o sicrhau bod y darparwr rhwydwaith a ddefnyddiwyd yn gwasanaethu'r ardal lle y disgwyliwyd ddefnyddio'ch teleffon symudol. Ceir amrywiaeth enfawr o ran eu darpariaeth ar gyfer Cymru wledig.

### Mesur Iechyd Meddwl The Mental Health Bill

**C9 Rhodri Glyn Thomas:** A wnaiff Prif Weinidog Cymru adroddiad cynnydd ar y Mesur Iechyd Meddwl? (OAQ39311)

**Q9 Rhodri Glyn Thomas:** Will the First Minister make a progress report on the Mental Health Bill? (OAQ39311)

**Y Prif Weinidog:** Mae'r Mesur Iechyd Meddwl drafft yn destun proses graffu cyn deddfu gan gyd-bwyllgor o aelodau Tŷ'r Arglwyddi a Thŷ'r Cyffredin. Mae gofyn i'r cyd-bwyllgor gyflwyno adroddiad i'r ddau dŷ erbyn diwedd mis Mawrth 2005.

**The First Minister:** The draft Mental Health Bill is currently subject to pre-legislative scrutiny by a joint committee of the Houses of Lords and Commons. This joint committee has to report to both Houses of Parliament by the end of March 2005.

**Rhodri Glyn Thomas:** A yw'r Prif Weinidog yn derbyn bod anghenion arbennig ynglŷn â Deddf iechyd meddwl o safbwynt Cymru, a'r ffaith bod yn rhaid ystyried gwasanaethau Cymraeg, a bod gennym anghenion arbennig o safbwynt cefn gwlad a'r ddarpariaeth yng nghefn gwlad? O dderbyn bod hynny, ac agweddau eraill ar fywyd yng Nghymru, yn galw am sylw arbennig, a yw'n credu y dylai Cynulliad

**Rhodri Glyn Thomas:** Does the First Minister accept that Wales has particular needs in relation to a mental health Act, for example, we have to consider Welsh-medium services, and we have particular needs in respect of rural areas and the provision in rural areas? Given that those aspects, together with other aspects of life in Wales, demand special attention, does he believe that the National Assembly for Wales should have the



Cenedlaethol Cymru gael y cyfle i ddefnyddio deddfwriaeth sylfaenol i ddwyn gerbron Ddeddf iechyd meddwl a fyddai'n berthnasol i anghenion Cymru? Yn ogystal, pa bwysau y mae'r Prif Weinidog wedi'i roi ar Lywodraeth San Steffan i ganiatáu inni wneud hynny?

**Y Prif Weinidog:** Yr ydych yn gywir ynglŷn â rhai o'r ffactorau, sef y ffactorau ieithyddol y cyfeiriasoch atynt. Mae yna gefn gwlad tebyg i gefn gwlad Cymru yn bodoli yn Lloegr hefyd. Caf ar ddeall fod Jane Hutt, y Gweinidog perthnasol, wedi ysgrifennu llythyr hir a chynhwysfawr ar 1 Tachwedd at glerc cyd-bwyllgor Tŷ'r Arglwyddi a Thŷ'r Cyffredin. Yr oedd yn llythyr o ryw bedair tudalen. Mae'n siŵr eich bod wedi cael copi am ei fod ar gael i'r cyhoedd ers i ni drafod natur y Mesur ei hun ac unrhyw agweddau sy'n unigryw i Gymru.

**Jonathan Morgan:** A survey published in the *Journal of Child Psychology and Psychiatry* has found that the prevalence of mental health problems, particularly depression, has increased quite dramatically among adolescents in the past 30 years. Will the Government consider reviewing this research as part of its ongoing work into mental health?

**The First Minister:** I heard the reference made to worsening depression problems, and other adolescent mental health problems being on a long-term trend in the wrong direction. It is a matter of considerable interest to Jane Hutt, as the Minister for Health and Social Services, in terms of the way that we are resourcing, guiding and providing guidelines to those responsible for adolescent mental health in the trust.

opportunity to use primary legislation to bring forward a mental health Act relevant to the needs of Wales? What pressure has the First Minister brought to bear on the Westminster Government to allow us to do that?

**The First Minister:** You are right about some of those factors, such as the linguistic factors to which you referred. There is countryside similar to the Welsh countryside in England also. I understand that Jane Hutt, the relevant Minister, wrote a lengthy and comprehensive letter on 1 November to the clerk of the joint committee of the House of Lords and House of Commons. I am sure that you have received a copy of the letter which was about four pages long, because it has been in the public domain since we discussed the nature of the Bill itself and any aspects unique to Wales.

**Jonathan Morgan:** Mae arolwg a gyhoeddwyd yn y *Journal of Child Psychology and Psychiatry* wedi canfod bod problemau iechyd meddwl, yn enwedig iselder, wedi cynyddu'n eithaf trawiadol ymysg y glasoed yn y 30 mlynedd diwethaf. A wnaiff y Llywodraeth ystyried adolygu'r ymchwil hwn fel rhan o'i gwaith cyfredol ar iechyd meddwl?

**Y Prif Weinidog:** Clywais gyfeirio at y ffaith bod problemau o ran iselder a phroblemau eraill sy'n ymwneud ag iechyd meddwl y glasoed yn gwaethygu yn y tymor hir. Mae hyn yn fater sydd o gryn ddiddordeb i Jane Hutt, y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, o ran y modd yr ydym yn ariannu, yn cyfarwyddo ac yn rhoi canllawiau i'r rhai sy'n gyfrifol am iechyd meddwl y glasoed yn yr ymddiriedolaeth.

### Cartrefi Gofal Care Homes

**Q10 Mark Isherwood:** Will the First Minister make a statement on care homes? (OAQ39321)

**The First Minister:** Most people would prefer, in principle, to be supported at home, but where this is not possible, the provision

**C10 Mark Isherwood:** A wnaiff y Prif Weinidog ddatganiad ar gartrefi gofal? (OAQ39321)

**Y Prif Weinidog:** Byddai'n well gan y rhan fwyaf o bobl gael cymorth yn eu cartrefi, mewn egwyddor, ond os nad yw hynny'n

of residential care is a vital contribution to the range of social care available to vulnerable people. Working alongside the Care Standards Inspectorate for Wales, which sets the standards, commissioners, and providers, the Assembly Government is taking steps to sustain and strengthen the provision of residential care and to raise standards.

**Mark Isherwood:** A total of 180 care homes have closed in Wales over the past two years, causing distress—and often worse—to many elderly and vulnerable people. Will you apologise to the dedicated care-home owners who were offended by your statement in the *Flintshire Evening Leader* on 27 October in which you blamed owners who may see it as the best commercial option to close and sell their homes during house-price booms? Many independent reports have stated that it is the unrealistic fees paid to keep elderly people in care in the independent sector, the disparity between fees in the public and independent sectors and the financial burdens that compliance of regulations have imposed that has forced the closure of many care homes, and continues to do so, under your Government.

**The First Minister:** The facts do not support that, Mark. While the number of care homes fell by 5 per cent, the number of care-home places fell by only 1 per cent during the past six months. That indicates that, occasionally, people will think, ‘Well, do I want to carry on? I can get a good price for the house to be converted back into a normal residential property’, and so on. However, others who are committed to their businesses indicate that they are expanding the number of places that they have. The number has only decreased by 1 per cent, even though the number of care homes has decreased by 5 per cent. That places the matter in a completely different light. What matters is the capacity to care for those who cannot be cared for at home. If there has only been a drop of 1 per cent, you can see that that places it in a completely different light to the somewhat panic-strewn figures that you gave.

bosibl, mae darparu gofal preswyl yn gyfraniad hollbwysig at yr amrediad o ofal cymdeithasol sydd ar gael i rai sy’n agored i niwed. Drwy gydweithio ag Arolygiaeth Safonau Gofal Cymru, sy’n gosod y safonau, y comisiynwyr, a’r darparwyr, mae Llywodraeth y Cynulliad yn cymryd camau i gynnal a gwella’r ddarpariaeth o ofal preswyl ac i godi safonau.

**Mark Isherwood:** At ei gilydd, mae 180 o gartrefi gofal wedi’u cau yng Nghymru dros y ddwy flynedd diwethaf, gan beri gofid—a gwaeth na hynny’n aml—i lawer o bobl sy’n oedranus ac yn agored i niwed. A wnewch ymddiheuro i berchnogion ymroddedig cartrefi gofal a dramgwyddwyd gan eich datganiad yn y *Flintshire Evening Leader* ar 27 Hydref lle y rhoesoch fai ar berchnogion a allai farnu mai’r dewis masnachol gorau yw cau a gwerthu eu cartrefi yn ystod cyfnod o gynnydd ym mhrisiau tai? Mae llawer o adroddiadau annibynnol wedi datgan mai’r ffioedd afrealistig a delir i gadw pobl oedranus mewn gofal yn y sector annibynnol, y gwahaniaeth rhwng ffioedd yn y sector cyhoeddus a’r sector annibynnol a’r beichiau ariannol oherwydd cydymffurfio â rheoliadau sydd wedi gorfodi llawer o gartrefi gofal i gau, ac yn dal i wneud hynny, o dan eich Llywodraeth.

**Y Prif Weinidog:** Nid yw’r ffeithiau’n ategu hynny, Mark. Er bod nifer y cartrefi gofal wedi gostwng o 5 y cant, nid yw nifer y lleoedd mewn cartrefi gofal ond wedi disgyn o 1 y cant yn ystod y chwe mis diwethaf. Dengys hynny y bydd pobl weithiau’n meddwl, ‘Wel, a wyf am ddal ati? Gallaf gael pris da am y tŷ i’w droi’n ôl yn dŷ preswyl cyffredin’, ac yn y blaen. Fodd bynnag, mae eraill sy’n ymroddedig i’w busnesau yn dweud eu bod yn cynnig mwy o leoedd. Nid yw’r nifer ond wedi gostwng o 1 y cant er bod nifer y cartrefi gofal wedi gostwng o 5 y cant. Mae hynny’n dangos y mater mewn goleuni cwbl wahanol. Yr hyn sy’n bwysig yw’r capasiti i ofalu am y rhai na ellir gofalu amdanynt gartref. Os bu gostyngiad o ddim ond 1 y cant, gallwch weld bod hynny’n ei ddangos mewn goleuni cwbl wahanol i’r ffigurau brawychus braidd a roesoch chi.

### Adran 13.2 o Adroddiad Comisiwn Richard

### Section 13.2 of the Richard Commission Report

**C11 Alun Ffred Jones:** Pa sylwadau y mae'r Prif Weinidog wedi'u cael yn ddiweddar ynghylch pa mor addas yw'r fframwaith arfaethedig ar gyfer deddfwriaeth y Cynulliad, gan adlewyrchu cynnwys adran 13.2 o adroddiad comisiwn Richard—13.2 a mwy? (OAQ39323)

**Y Prif Weinidog:** Ni dderbyniais unrhyw sylwadau ar y mater hwn yn ddiweddar, er i mi gael llawer o lythyrau ynghylch argymhellion adroddiad Richard. Fodd bynnag, fe allai ddod yn berthnasol o ran unrhyw Fesur i wahardd ysmegu mewn lleoedd cyhoeddus a ddaw yn sgîl cyhoeddi'r Papur Gwyn rhyw dair awr yn ôl.

**Alun Ffred Jones:** Byddwch yn cynnal trafodaethau cyson â Peter Hain. Beth yw ei farn ef a'r gweision sifil yn San Steffan ynghylch eich cynigion?

**Y Prif Weinidog:** Maent yn parhau i drafod sut y byddai'n bosibl cyhoeddi Papur Gwyn yn syth ar ôl yr etholiad nesaf, neu'n fuan wedi hynny, ar yr amod y bydd Llafur yn fuddugol. Mae peth gwaith paratoadol y bydd yn rhaid ei wneud cyn yr etholiad—yr ydym yn rhannu'r gwaith hwnnw—i sicrhau y byddai'r Papur Gwyn ar gael yn fuan ar ôl yr etholiad.

**William Graham:** I welcome your comments on the White Paper. Do you not agree that it is vital that Bills for England must include Wales, particularly in terms of today's announcement regarding the ban on smoking, which is an England-only matter? It is vital that we are able to comment on matters at the earliest possible opportunity.

**The First Minister:** As I understand the White Paper—I have not received a copy in my hands to read through as yet—it is something of a hybrid measure. There are aspects of it that relate to advertising junk food and the watershed, which I assume are United Kingdom issues, there are issues that are England and Wales issues, and, finally, there are England-only issues, but with a provision that allows the Assembly to legislate on such issues as it chooses, as the body directly responsible to the people of

**Q11 Alun Ffred Jones:** What recent representations has the First Minister received regarding the suitability of his proposed framework for legislation for the Assembly, drawing on section 13.2 of the Richard commission report—13.2 plus? (OAQ39323)

**The First Minister:** I have not received any representations on this issue recently, although I received many letters relating to the Richard report recommendations. However, this could become relevant in terms of any Bill to ban smoking in public places that will follow the publication of the White Paper some three hours ago.

**Alun Ffred Jones:** You hold regular discussions with Peter Hain. What is his position, and that of civil servants in Westminster, on your recommendations?

**The First Minister:** They are still discussing the possibility of publishing a White Paper immediately after the next election, or soon after that, provided that Labour wins. Some preparatory work must be done before the election—we are jointly working on that—to ensure that the White Paper will be available very soon after the election.

**William Graham:** Croesawaf eich sylwadau am y Papur Gwyn. Oni chytunwch ei bod yn hollbwysig i Fesurau ar gyfer Lloegr gynnwys Cymru, yn enwedig yng nghydestun y cyhoeddiad heddiw am wahardd ysmegu, sy'n fater i Loegr yn unig? Mae'n hollbwysig inni allu gwneud sylwadau am faterion cyn gynted ag y bo modd.

**Y Prif Weinidog:** Yn ôl yr hyn a ddeallaf am y Papur Gwyn—nid wyf wedi cael copi i'w ddarllen eto—mae'n rhyw fath o fesur cymysgryw. Mae agweddau arno sy'n ymwneud â hysbysebu bwyd sothach a'r wahanfa amser, y cymeraf eu bod yn faterion ar gyfer y Deyrnas Unedig, ceir materion ar gyfer Cymru a Lloegr, ac, yn olaf, ceir materion i Loegr yn unig, ond gyda darpariaeth sy'n caniatáu i'r Cynulliad ddeddfu ar faterion o'r fath yn ôl ei ddewis, fel y corff sy'n uniongyrchol atebol i bobl

Wales.

Cymru.

2.50 p.m.

## **Datganiad Busnes Business Statement**

**The Business Minister (Karen Sinclair):** I have changes to report to this week's business. Today's statement on 'Planning: Delivering for Wales' has been withdrawn, and the Minister for Health and Social Services will make a statement on banning smoking in public places. Tomorrow's motion to delegate functions of the Public Audit (Wales) Act 2004 to the First Minister has been withdrawn and will be rescheduled for debate on Wednesday, 24 November. On the next three weeks' business, the draft business statement can be found on the Chamberweb under supporting documents. Further to this morning's deliberations in the Business Committee, it has been determined under Standing Order No. 24.6 that the following items of subordinate legislation need not be referred to a subject committee for extended consideration: the High Hedges (Appeals) (Wales) Regulations 2004, the High Hedges (Fees) (Wales) Regulations 2004, the Anti-social Behaviour Act 2003 (Commencement No. 3) (Wales) Order 2004, the Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004, the Genetically Modified Food (Wales) Regulations 2004, and the Genetically Modified Animal Feed (Wales) Regulations 2004.

**Y Llywydd:** A oes unrhyw wrthwynebiad i'r datganiad busnes? Gwelaf nad oes. A oes sylwadau byr?

**Rhodri Glyn Thomas:** Mae gennym rai pryderon am y datganiad. Weinidog, pam na chawsom rybudd ynglŷn â'r datganiad ar ysmegu mewn mannau cyhoeddus? Gwerthfawrogwn fod datganiad y prynhawn yma, ond ni chawsom wybod tan ganol dydd. Pam oedd rhaid cadw'r cyhoeddiad am y datganiad hwnnw oddi wrth Aelodau a grwpiau fyddai â diddordeb ynddo? Byddai

**Y Trefnydd (Karen Sinclair):** Mae gennyf newidiadau i'w hadrodd i fusnes yr wythnos hon. Mae'r datganiad ar gyfer heddiw ar 'Cynllunio: Cyflawni dros Gymru' wedi'i dynnu'n ôl, a bydd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn gwneud datganiad ar wahardd ysmegu mewn mannau cyhoeddus. Mae'r cynnig ar gyfer yfory i ddirprwyo swyddogaethau Deddf Archwilio Cyhoeddus (Cymru) 2004 i'r Prif Weinidog wedi'i dynnu'n ôl ac fe'i hailamserlennir ar gyfer dadl ar ddydd Mercher, 24 Tachwedd. Ynghylch busnes ar gyfer y tair wythnos nesaf, gellir gweld y datganiad busnes drafft ar we'r Siambr o dan ddogfennau ategol. Ymhellach i'r trafodion y bore yma yn y Pwyllgor Busnes, penderfynwyd o dan Reol Sefydlog Rhif 24.6 nad oes angen cyfeirio'r eitemau is-ddeddfwriaeth a ganlyn i bwyllgor pwnc i'w hystyried yn helaethach: Rheoliadau Gwrychoedd neu Berthi Uchel (Apelau) (Cymru) 2004, Rheoliadau Gwrychoedd neu Berthi Uchel (Ffioedd) (Cymru) 2004, Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Cychwyn Rhif 3) (Cymru) 2004, Rheoliadau Atal Dros Dro Ddarparwyr Gofal Dydd a Gwarchodwyr Plant (Cymru) 2004, Rheoliadau Bwyd a Addaswyd yn Enetig (Cymru) 2004, a Rheoliadau Bwyd Anifeiliaid a Addaswyd yn Enetig (Cymru) 2004.

**The Presiding Officer:** Are there any objections to the business statement? I see that there are none. Are there any brief comments?

**Rhodri Glyn Thomas:** We have some concerns about the statement. Minister, why were we not given any notice about the statement on smoking in public places? We welcome the fact that a statement is to be made this afternoon, but we did not know about it until midday. Why was it necessary to keep the announcement about that statement from Members and interest groups?

nifer ohonynt wedi dymuno bod yn y Siambr y prynhawn yma i glywed y datganiad, pe baent wedi cael rhybudd amdano. Hwyrach na fydd grwpiau a fu'n ymgyrchu ar y mater hwn yn gwybod y bydd y datganiad hwn yn cael ei wneud prynhawn yma.

Pa ddarpariaeth a wnewch am ddatganiad yn y Siambr ar yr hyn y cyfeiriodd Comisiynydd Plant Cymru ato fel 'argyfwng' o ran cyflogi gweithwyr cymdeithasol i weithio gyda phlant a phobl ifanc yng Nghymru? Clywn yn aml bod gan Lywodraeth Cymru edmygedd a pharch mawr at y comisiynydd plant, felly pan wna ddatganiad bod argyfwng, oni ddylech ymateb gyda datganiad neu ddadl yn y Siambr? Dylai ddigwydd yn y Siambr am ei fod yn fater i bawb, nid i aelodau'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol yn unig.

**David Melding:** I reiterate my calls for a statement on fox hunting and the likely effects on Wales of the legislation that is passing through Parliament this week. I hope that you will not say simply that it is a retained matter, as, of course, is smoking in public places—I am sure that we all welcome the fact that that statement will now be possible, as it is also a retained matter that has a direct impact on Wales. Fox hunting should figure in our deliberations, as one of the major changes to social liberty in the past 10 years.

We continue to worry about the situation at Wrexham Football Club. At the moment we will defer to your judgment, and to that of your colleague, on when would be the best time to make a statement, but events might mean that one will become necessary soon.

Finally, you will remember that I called for a debate on open government, a policy area that seems to have been closed by the First Minister at the moment. This should be subjected to some withering scrutiny, because he certainly needs it.

**Kirsty Williams:** The Welsh Liberal

Many of them would have wished to be present in the Chamber this afternoon to hear the statement, had they received prior warning. There may be some groups that have been campaigning on this issue that do not even know that this statement will be made this afternoon.

What provision will you make for a statement in the Chamber on what the Children's Commissioner for Wales has described as a 'crisis' in the recruitment of social workers to work with children and young people in Wales? We often hear that the Government of Wales admires and has great respect for the children's commissioner, therefore when he states that there is a crisis, should you not respond with a statement or a debate in the Chamber? It should take place in the Chamber because it is a matter for everyone, not only the members of the Health and Social Services Committee.

**David Melding:** Ailddatganaf fy ngalwadau am ddatganiad ar hela llwynogod a'r effeithiau y mae'r ddeddfwriaeth sy'n mynd drwy'r Senedd yr wythnos hon yn debygol o'u cael ar Gymru. Gobeithiaf na ddywedwch yn syml mai mater a gadwyd yw hwn, fel y mae ysmygu mewn mannau cyhoeddus, wrth gwrs—yr wyf yn siŵr ein bod ni i gyd yn croesawu'r ffaith y bydd modd gwneud y datganiad hwnnw'n awr, gan fod hwnnw hefyd yn fater a gadwyd a gaiff effaith uniongyrchol ar Gymru. Dylai hela llwynogod fod yn rhan o'n trafodion, gan mai hwn yw un o'r newidiadau mwyaf i ryddid cymdeithasol yn y 10 mlynedd diwethaf.

Daliwn i boeni ynghylch y sefyllfa yng Nghlwb Pêl-droed Wrecsam. Ar hyn o bryd, iildiwn i'ch barn, a barn eich cyd-Weinidog, ynghylch pa adeg a fyddai orau i wneud datganiad, ond mae'n bosibl y bydd digwyddiadau'n peri y bydd angen un cyn hir.

Yn olaf, byddwch yn cofio fy mod wedi galw am ddadl ar lywodraeth agored, sy'n faes polisi yr ymddengys fod y Prif Weinidog yn ei anwybyddu ar hyn o bryd. Dylid craffu'n feirniadol ar hyn, gan ei bod yn sicr bod arno angen hynny.

**Kirsty Williams:** Mae Democratiaid

Democrats welcome the statement that the Minister for Health and Social Services will make on smoking in public places this afternoon, and trust that this will be only one of a number of statements as we look to develop policy in this area.

On the comments made by the children's commissioner regarding social workers in Wales, the Welsh Liberal Democrats believe that it would be appropriate for time to be allocated in the Chamber for a debate on this issue. Time and again we have seen critical joint review and inspection reports regarding the social service functions of many of our local authorities, and personnel issues have been key to many of these reports. Therefore, it is time that we had a comprehensive debate on this subject so that we can learn how the Government intends to develop policy in this area.

**The Business Minister (Karen Sinclair):** I will first respond to Rhodri Glyn's points about the statement on banning smoking in public places. I know that Rhodri does not attend the Business Committee, but I received requests for this statement this morning, and I would have thought that he would have welcomed it, not balked at it.

On the recruitment and retention of social workers, I say to David and Kirsty that I do not have plans to schedule a debate on this because Members will have an opportunity to raise the subject during tomorrow's debate on the annual report of the Children's Commissioner for Wales.

On Wrexham Football Club, I assure David that the Minister for Culture, Welsh Language and Sport is well aware of the regional importance of the club, but there are no plans to raise this matter in Government time in Plenary.

I also say to David that time has been scheduled on 8 December to debate the revised Code of Practice on Public Access to Information, and we will look forward to his withering comments at that time.

Rhyddfrydol Cymru yn croesawu'r datganiad a wnaiff y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol y prynhawn yma ar ysmegu mewn mannau cyhoeddus, a hyderwn na fydd hwn ond yn un o blith nifer o ddatganiadau wrth inni geisio datblygu polisi yn y maes hwn.

Ynghylch y sylwadau a wnaeth y comisiynydd plant am weithwyr cymdeithasol yng Nghymru, mae Democratiaid Rhyddfrydol Cymru yn credu mai priodol fyddai neilltuo amser yn y Siambr ar gyfer dadl ar y mater hwn. Dro ar ôl tro gwelsom adolygiadau ar y cyd ac adroddiadau arolygu beirniadol ar swyddogaethau gwasanaethau cymdeithasol llawer o'n hawdurdodau lleol, a bu materion sy'n ymwneud â staff yn agwedd allweddol ar lawer o'r adroddiadau hyn. Gan hynny, mae'n bryd inni gael dadl gynhwysfawr ar y pwnc hwn fel y gallwn gael gwybod sut y mae'r Llywodraeth yn bwriadu datblygu polisi yn y maes hwn.

**Y Trefnydd (Karen Sinclair):** Ymatebaf yn gyntaf i'r pwyntiau a wnaeth Rhodri Glyn am y datganiad ar ysmegu mewn mannau cyhoeddus. Gwn nad yw Rhodri yn dod i'r Pwyllgor Busnes, ond cefais geisiadau am y datganiad hwn y bore yma, a thybiaswn y byddai'n ei groesawu yn hytrach na chilio rhagddo.

Ynghylch recriwtio a chadw gweithwyr cymdeithasol, dywedaf wrth David a Kirsty nad oes gennyf fwriad i amserlennu dadl ar hyn gan y caiff Aelodau gyfle i godi'r mater hwn yn ystod y ddadl yfory ar adroddiad blynyddol Comisiynydd Plant Cymru.

Ynghylch Clwb Pêl-droed Wrecsam, yr wyf yn sicrhau David bod y Gweinidog dros Ddiwylliant, y Gymraeg a Chwaraeon yn ymwybodol o bwysigrwydd y clwb i'r rhanbarth, ond nid oes bwriad i godi'r mater hwn yn amser y Llywodraeth yn y Cyfarfod Llawn.

Dywedaf hefyd wrth David fod amser wedi'i neilltuo ar 8 Rhagfyr i gael dadl ar y Cod Ymarfer ar Ganiatáu i'r Cyhoedd Weld Gwybodaeth diwygiedig, ac edrychwn ymlaen at glywed ei sylwadau deifiol bryd

hynny.

On hunting, I hate to disappoint David, but this is not a devolved matter. The Bill is going through the Houses of Parliament, and the Welsh Assembly Government does not intend to schedule time to debate the issue.

Ynghylch hela, mae'n gas gennyf siomi David, ond nid yw'r mater hwn wedi'i ddatganoli. Mae'r Mesur yn mynd drwy'r Senedd, ac nid yw Llywodraeth Cynulliad Cymru'n bwriadu amserlennu dadl ar y mater hwn.

*Derbyniwyd y datganiad busnes.  
Business statement adopted.*

### **Datganiad ar Wahardd Ysmygu mewn Mannau Cyhoeddus Statement on Banning Smoking in Public Places**

**The Minister for Health and Social Services (Jane Hutt):** I am grateful for this opportunity to make a brief statement, following the publication in Westminster this afternoon of the Department of Health White Paper on public health. We, of course, have our own extensive public health policy in Wales, and I will report to the Assembly further on the wider connections between what has been published today and our own agenda. However, I intend to concentrate on one issue only, that of smoking in public places.

As Members will be aware, it is almost two years since the Assembly made known its support for banning smoking in public places in Wales. In June this year, we established a special, cross-party, ad hoc committee with a remit to make practical recommendations about how such a ban might best be made to operate in Wales. Today's White Paper provides a crucial brick in the wall that we have been constructing, because it contains an explicit commitment to providing legislative opportunities for us to take forward our proposals at the same time as proposals for England are being made law. The relevant sentence from John Reid's preface to the White Paper says:

'We will work closely with colleagues in the devolved administrations...so that joint action can be taken where appropriate and legislative opportunities provided for the devolved administrations where new powers are created for England.'

This means that the work of the ad hoc

**Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol (Jane Hutt):** Yr wyf yn ddiolchgar am y cyfle hwn i wneud datganiad byr, yn dilyn cyhoeddi yn San Steffan y prynhawn yma Bapur Gwyn yr Adran Iechyd ar iechyd cyhoeddus. Wrth gwrs, mae gennym ein polisi helaeth ein hunain ar iechyd cyhoeddus yng Nghymru, ac adroddaf ymhellach i'r Cynulliad ar y cysylltiadau ehangach rhwng yr hyn a gyhoeddwyd heddiw a'n hagenda ni. Fodd bynnag, bwriadaf ganolbwyntio ar un mater yn unig, sef ysmygu mewn mannau cyhoeddus.

Fel y gŵyr Aelodau, aeth bron ddwy flynedd heibio ers i'r Cynulliad gyhoeddi ei gefnogaeth i wahardd ysmygu mewn mannau cyhoeddus yng Nghymru. Ym mis Mehefin eleni, sefydlasom bwyllgor trawsbleidiol arbennig i'r diben hwn a rhoi iddo'r cylch gorchwyl o wneud argymhellion ymarferol ynghylch y modd gorau o roi gwaharddiad o'r fath ar waith yng Nghymru. Mae'r Papur Gwyn a gyhoeddwyd heddiw'n rhan annatod o'r hyn y buom yn ei geisio, gan fod ymrwymiad pendant ynddo i roi cyfleoedd inni ddeddfu i hyrwyddo ein cynigion yr un pryd ag y gwneir y cynigion ar gyfer Lloegr yn Ddeddf. Mae'r frawddeg berthnasol yn rhagair John Reid i'r Papur Gwyn yn dweud:

Cydweithiwn yn agos â chymheiriaid yn y gweinyddiaethau datganoledig...fel y gellir cymryd camau ar y cyd os yw'n briodol a chynnig cyfleoedd i'r gweinyddiaethau datganoledig ddeddfu os creir pwerau newydd ar gyfer Lloegr.

Oherwydd hynny, gall y pwyllgor *ad hoc*

committee can now proceed, confident in the knowledge that we will have the tools to turn its recommendations into reality. It is, I know, already considering the experience of banning smoking in public places in Ireland. Scotland made its announcement last week, and that approach will need to be considered. The White Paper sets out in broad terms the way in which the issue is to be addressed in England, and the committee will want to add that model to those on which it will report.

At the end of the process, our aim must be to have a cross-party consensus on this issue for Wales. Today, the Welsh Consumer Council reports that research demonstrates that three quarters of people in Wales support a ban on smoking in public places. They, and we, are a good step nearer to making a reality of that ambition in Wales as a result of the commitment that we have been able to secure in the White Paper, and I am sure that its publication will be widely welcomed.

3.00 p.m.

**David Lloyd:** As a member of the ad hoc Committee on Smoking in Public Places, I welcome the Minister's statement. To remind Members of the background, the annual toll of smoking in Wales consists of 7,000 deaths directly attributable to tobacco smoking. In the context of this statement, passive smoking kills: it causes lung cancer and heart disease in non-smokers. Voluntary codes and ventilation, as we have heard in committee, do not work. The White Paper on public health, published by the Department of Health today, is welcome, but its coverage on smoking is far more limited than I would have liked. It talks of cutting down or banning smoking in bars that serve food, but that offers no protection to workers and others in pubs and bars that do not sell food. The medical evidence is clear. Passive smoking kills, whether you are in an establishment that sells food or not. Let us be consistent. That central tenet of the English public health White Paper makes no sense. Is not the health of people who work in bars that do not sell food just as important as the health of those who work in bars that do sell food? There is an inconsistency there, and it represents a sell-out to the powerful tobacco

barhau â'i waith yn awr, gan wybod yn sicr y cawn fodd i wireddu ei argymhellion. Gwn ei fod eisoes yn ystyried y profiad a gafwyd wrth wahardd ysmegu mewn mannau cyhoeddus yn Iwerddon. Gwnaeth yr Alban ei chyhoeddiad yr wythnos diwethaf, a bydd yn rhaid ystyried y dull gweithredu hwnnw. Mae'r Papur Gwyn yn nodi'n fras y modd yr ymdrinnir â'r mater hwn yn Lloegr, a bydd y pwyllgor am ychwanegu'r model hwnnw at y rhai y bydd yn adrodd arnynt.

Ar ddiwedd y broses, rhaid inni geisio cael consensws trawsbleidiol ar y mater hwn er mwyn Cymru. Heddiw, mae Cyngor Defnyddwyr Cymru yn adrodd y dengys ymchwil bod tri chwarter pobl Cymru o blaid gwahardd ysmegu mewn mannau cyhoeddus. Maent hwy, fel ninnau, gryn dipyn yn agosach at wireddu'r uchelgais hwnnw yng Nghymru o ganlyniad i'r ymrwymiad y gallasom ei sicrhau yn y Papur Gwyn, ac yr wyf yn siŵr y ceir croeso cyffredinol i'w gyhoeddi.

**David Lloyd:** A minnau'n aelod o'r Pwyllgor ar Ysmegu mewn Mannau Cyhoeddus *ad hoc*, croesawaf ddatganiad y Gweinidog. Er mwyn atgoffa Aelodau am y cyd-destun, y pris a delir am ysmegu yng Nghymru bob blwyddyn yw 7,000 o farwolaethau y gellir eu priodoli'n uniongyrchol i ysmegu tybaco. Yng nghydestun y datganiad hwn, mae ysmegu goddefol yn lladd: mae'n achosi canser yr ysgyfaint a chlefyd y galon ymysg rhai nad ydynt yn ysmegu. Fel y clywsom yn y pwyllgor, nid yw codau gwirfoddol na systemau awyru yn gweithio. Mae'r Papur Gwyn ar iechyd cyhoeddus, a gyhoeddwyd heddiw gan yr Adran Iechyd, i'w groesawu, ond mae'n rhoi llawer llai o sylw i ysmegu nag y dymunaswn. Mae'n sôn am leihau neu wahardd ysmegu mewn tafarnau sy'n arlwygo prydau bwyd, ond nid yw hynny'n cynnig unrhyw amddiffyniad i weithwyr ac eraill mewn tafarnau nad ydynt yn gwerthu bwyd. Mae'r dystiolaeth feddygol yn glir. Mae ysmegu goddefol yn lladd, pa un a ydych mewn man sy'n gwerthu bwyd ai peidio. Gadewch inni fod yn gyson. Nid oes synnwyr yn egwyddor ganolog Papur Gwyn Lloegr ar iechyd cyhoeddus. Onid yw iechyd y rhai



lobby.

sy'n gweithio mewn tafarnau nad ydynt yn gwerthu bwyd lawn gyn bwysiced ag iechyd y rhai sy'n gweithio mewn tafarnau sy'n ei werthu? Mae anghysondeb yn hyn o beth, ac mae'n arwydd o ildio i'r lobi tybaco bwerus.

The Minister said that the following words from John Reid's preface are relevant:

Dywedodd y Gweinidog fod y geiriau a ganlyn o ragair John Reid yn berthnasol:

'We will work closely with colleagues in devolved administrations...so that joint action can be taken where appropriate and legislative opportunities provided for the devolved administrations'.

Cydweithiwn yn agos â chymheiriaid yn y gweinyddiaethau datganoledig...fel y gellir cymryd camau ar y cyd os yw'n briodol a chynnig cyfleoedd i'r gweinyddiaethau datganoledig ddeddfu.

Can the Minister therefore confirm that the National Assembly for Wales can have the full powers to pursue a full ban on smoking in public buildings, as per our vote in January 2003, and as has happened in Ireland? We all salute Ireland's brave stand, and we also salute Scotland the brave, after last week's events. However, let us not forget that, had we had the powers back in January 2003, everybody would have been saluting brave Wales for leading the way, and that is why this argument about powers is so fundamentally important. Therefore, will the Minister give her full backing to such a move to enable the National Assembly to have the full powers to pursue a full ban, not the limited restriction that is being offered to England? That, after all, is the settled will of the National Assembly. Additional powers for the National Assembly have never been more appropriate than in this case. Think of the difference that we can make to the annual slaughter of our people. Each year, in Wales, 50 people are killed by the effects of environmental tobacco smoke; if any other drug killed 50 people, there would be a national outcry. We have a chance to make a difference in Wales, and we must grasp it and not risk being left behind. We must have those full powers.

A all y Gweinidog gadarnhau, felly, y caiff Cynulliad Cenedlaethol Cymru bwerau llawn i geisio gwaharddiad llwyr ar ysmegu mewn adeiladau cyhoeddus, yn unol â'n pleidlais ym mis Ionawr 2003, ac fel y digwyddodd yn Iwerddon? Yr ydym oll yn canmol safiad dewr Iwerddon, a chanmolwn yr Alban hefyd am ei dewrder, ar ôl digwyddiadau yr wythnos diwethaf. Fodd bynnag, na foed inni anghofio, pe buasai'r pwerau angenrheidiol gennym yn ôl yn Ionawr 2003, y buasai pawb yn canmol Cymru am ei dewrder wrth arwain y ffordd, a dyna pam y mae'r ddadl hon ynghylch pwerau mor hanfodol bwysig. Felly, a wnaiff y Gweinidog roi ei chefnogaeth lwyr i newid o'r fath er mwyn galluogi'r Cynulliad Cenedlaethol i gael pwerau llawn i geisio gwaharddiad llwyr, yn hytrach na'r cyfyngiad llai a gynnigir i Loegr? Hynny, wedi'r cwbl, yw dymuniad pendant y Cynulliad Cenedlaethol. Ni fu'r angen am bwerau ychwanegol i'r Cynulliad Cenedlaethol erioed mor berthnasol ag yn yr achos hwn. Meddyliwch am y gwahaniaeth y gallwn ei wneud o ran y nifer o'n pobl a leddir bob blwyddyn. Lleddir 50 o bobl y flwyddyn yng Nghymru gan effeithiau mwg tybaco yn yr amgylchedd; pe byddai unrhyw gyffur arall yn lladd 50 o bobl, byddai banllefau o brotest drwy'r wlad. Mae gennym gyfle i wneud gwahaniaeth yng Nghymru, a rhaid inni achub ar y cyfle hwnnw a pheidio â mentro cael ein gadael ar ôl. Rhaid inni gael y pwerau llawn hynny.

**Jane Hutt:** I thank you, Dai, for your consistent commitment and contribution to this debate to tackle the scourge of ill health as a result of smoking. Welsh Consumer Council research shows that a third of adults

**Jane Hutt:** Diolchaf i chi, Dai, am eich ymrwymiad a'ch cyfraniad cyson i'r ddadl hon i fynd i'r afael â mellthith y salwch a achosir gan ysmegu. Dengys ymchwil Cyngor Defnyddwyr Cymru fod un rhan o

in Wales smoke, compared with only a quarter in England, so we have a big challenge ahead of us.

The key point is that we now have the legislative opportunity to take forward our plans and proposals, which are emerging from the Committee on Smoking in Public Places, chaired by Val Lloyd, and of which you are a full member, Dai. I can give you that commitment that we will have the powers to take forward the committee's recommendations. You are working through the evidence, and will bring it back to the Assembly within the timescale set, although the committee might finish its evidence-taking earlier than we anticipated. I believe that we will have the powers as a result of this commitment. However, it was the UK Government that ensured that we had a ban on tobacco promotion and advertising in February 2000. That was key. It also introduced high taxation on tobacco products. Therefore, by working in partnership, we can deliver these powers to secure what we want in Wales.

**Jonathan Morgan:** I thank the Minister for her statement this afternoon. As one of the members of the Committee on Smoking in Public Places, I welcome today's proposals. However, there is some confusion, which is probably more to do with the lack of understanding in Whitehall about those matters that are devolved and those that are reserved. The White Paper and the proposals announced this morning, by and large, refer to public health. Public health is a devolved matter, but smoking in public places is a reserved matter. The confusion is further exposed when we consider what the Secretary of State for Wales outlined in his comments to the press. He said:

'Any Bill to introduce restrictions on smoking in England would contain clauses that apply in Wales'.

On first reading, that suggests that the Government would consider England and Wales legislation, so that whatever restrictions applied in England merely applied in Wales. However, your statement this afternoon refers to the foreword in John

dair o'r oedolion yng Nghymru'n ysmegu, o'i gymharu â dim ond chwarter yn Lloegr, felly yr ydym yn wynebu her fawr.

Y pwynt allweddol yw bod gennym gyfle i ddeddfu'n awr i hyrwyddo ein cynlluniau a'n cynigion, sy'n dod oddi wrth y Pwyllgor ar Ysmegu mewn Mannau Cyhoeddus, o dan gadeiryddiaeth Val Lloyd, yr ydych chi'n aelod llawn ohono, Dai. Gallaf roi ymrwymiad i chi y cawn bwerau i hyrwyddo argymhellion y pwyllgor. Yr ydych yn ystyried y dystiolaeth, a deuoch yn ôl at y Cynulliad o fewn y cyfnod a bennwyd, er y gallai'r pwyllgor orffen cymryd ei dystiolaeth yn gynt na'r disgwyl. Credaf y cawn y pwerau y mae eu hangen o ganlyniad i'r ymrwymiad hwn. Fodd bynnag, Llywodraeth y DU a sicrhodd waharddiad ar hyrwyddo a hysbysebu tybaco yn Chwefror 2000. Yr oedd hynny'n hollbwysig. Cyflwynodd hefyd drethu uwch ar gynhyrchion tybaco. Felly, drwy weithio ar y cyd, gallwn ennill y pwerau hyn i sicrhau ein dymuniad yng Nghymru.

**Jonathan Morgan:** Diolchaf i'r Gweinidog am ei datganiad y prynhawn yma. A minnau'n aelod o'r Pwyllgor ar Ysmegu mewn Mannau Cyhoeddus, croesawaf y cynigion heddiw. Er hynny, mae peth dryswch, sy'n ymwneud yn fwy mae'n debyg â'r diffyg dealltwriaeth yn Whitehall ynghylch pa faterion sydd wedi'u datganoli a pha rai sydd wedi'u cadw. Mae'r Papur Gwyn a'r cynigion a gyhoeddwyd y bore yma yn ymwneud, gan mwyaf, ag iechyd cyhoeddus. Mae iechyd cyhoeddus yn fater a ddatganolwyd, ond mae ysmegu mewn mannau cyhoeddus yn fater a gadwyd. Amlygir y dryswch ymhellach pan ystyriwn yr hyn a nododd Ysgrifennydd Gwladol Cymru yn ei sylwadau i'r wasg. Dywedodd:

Byddai unrhyw Fesur i gyflwyno cyfyngiadau ar ysmegu yn Lloegr yn cynnwys cymalau sy'n berthnasol i Gymru.

Ar yr olwg gyntaf, mae hynny'n awgrymu yr ystyriai'r Llywodraeth gyflwyno deddfwriaeth ar gyfer Cymru a Lloegr, fel y byddai pa bynnag gyfyngiadau a geir yn Lloegr yn berthnasol i Gymru. Er hynny, mae'ch datganiad y prynhawn yma'n cyfeirio

Reid's White Paper, stating that legislative opportunities will be provided for the devolved administrations, which then backs up what you are saying, which is that the Assembly will be able to do exactly as it pleases with regard to banning smoking in public places. As the debate continues, and as we reach the point of considering draft legislation, I hope that it will become clear that the clauses within the United Kingdom legislation will allow the Assembly to introduce whichever legislation and restrictions it deems necessary. Clearly, the Secretary of State, and Leader of the House of Commons, has not got the message when you consider his comments to the press this morning.

I will pursue two particular issues, which relate to the timescale for this. You said in your statement that this will give the Assembly the tools to implement the recommendations of the ad-hoc committee. There is, among many people who regard this as an important issue, a sense of urgency. People who have reported on this proposed legislation today have stated that it could take many years to be introduced. What will the timescale for this legislation be and how quickly will it lead to draft legislation? How quickly therefore could the Assembly introduce legislation as a result of the committee's recommendations?

I also pursue the issue of enforcement. Legislation will only be effective if it can be enforced. I doubt, knowing the geography of this nation, how this will be enforced in some of the more rural parts of Wales—in the smaller communities and the smaller pubs, where there is perhaps a stronger link between those visiting pubs on a regular basis and the landlords of those pubs. How will it be enforced and policed? Having the legislation is one thing—which is powerful in itself—but it will mean very little, if it cannot be enforced. I suspect that it will be easier to enforce in the more populated areas of Wales, but I have some doubts as to how effective the enforcement of this legislation would be in the more rural parts of Wales. Although we are at an early stage, I would be grateful to know your thoughts on those particular matters.

at y rhagair ym Mhapur Gwyn John Reid, sy'n nodi y cynigir cyfleoedd i'r gweinyddiaethau datganoledig gael deddfu, ac mae hynny wedyn yn ategu'r hyn a ddywedwch, sef y bydd y Cynulliad yn gallu gwneud yn union fel y mae'n dymuno o ran gwahardd ysmegu mewn mannau cyhoeddus. Wrth i'r ddadl barhau, ac wrth inni ddod yn agosach at ystyried deddfwriaeth ddrafft, gobeithiaf y daw'n glir y bydd cymalau yn neddfwriaeth y Deyrnas Unedig yn caniatáu i'r Cynulliad gyflwyno pa bynnag ddeddfwriaeth a chyfyngiadau y barno eu bod yn briodol. Mae'n amlwg nad yw'r Ysgrifennydd Gwladol, ac Arweinydd Tŷ'r Cyffredin, wedi deall hynny eto o ystyried ei sylwadau i'r wasg y bore yma.

Ymdriniaf â dau fater penodol, sy'n ymwneud â'r amserlen ar gyfer hyn. Dywedasoeh yn eich datganiad y bydd hyn yn galluogi'r Cynulliad i roi argymhellion y pwyllgor *ad hoc* ar waith. Mae ymdeimlad o frys ymysg llawer o'r rhai sy'n credu bod hyn yn fater pwysig. Mae rhai sydd wedi adrodd ar y ddeddfwriaeth arfaethedig hon heddiw wedi dweud y gallai gymryd blynyddoedd lawer i'w chyflwyno. Beth fydd yr amserlen ar gyfer y ddeddfwriaeth hon a pha mor gyflym y bydd yn arwain at ddeddfwriaeth ddrafft? Pa mor fuan, felly, y gallai'r Cynulliad gyflwyno deddfwriaeth o ganlyniad i argymhellion y pwyllgor?

Ymdriniaf hefyd â mater gorfodi. Ni fydd deddfwriaeth ond yn effeithiol os gellir ei gorfodi. Yr wyf yn meddwl tybed, o wybod am ddaearyddiaeth y wlad hon, sut y gorfodir hyn yn rhai o'r rhannau mwy gwledig o Gymru—yn y cymunedau llai a'r tafarnau llai, lle y ceir cysylltiad cryfach o bosibl rhwng y rhai sy'n mynychu tafarnau'n rheolaidd a landlordiaid y tafarnau hynny. Sut y caiff ei gorfodi a'i reoli gan yr heddlu? Un peth yw cael y ddeddfwriaeth—ac mae hynny'n beth pwerus ohono'i hun—ond ni olyga fawr ddim os na ellir ei gorfodi. Yr wyf yn amau y bydd yn haws ei gorfodi yn y rhannau mwy poblog o Gymru, ond mae gennyf rai amheon ynghylch pa mor effeithiol y gellid gorfodi'r ddeddfwriaeth hon yn y rhannau mwy gwledig o Gymru. Er ein bod mewn cyfnod cynnar, byddwn yn ddiolchgar o gael gwybod eich barn am y materion hynny'n benodol.

**Jane Hutt:** The key point goes back to John Reid's statement, which is about the legislative opportunities provided for the devolved administrations. That sums it up. It is about the enabling clauses that we would have as a result of that legislation. That is what we secured, and it is therefore a historical moment with regard to our intentions on the banning of smoking. We have secured this legislative opportunity as a result of the enabling clauses. Your points about the basis and context of the legislation are important, and it is early days at present to consider precisely the route of the legislative backing. You know that the reserved issues relate to employment and health and safety. Clearly, public health is not reserved, but if we are looking at banning smoking in work places, we must look at those reserved powers. That is an area that we must work upon, and our committee will help us do that. I believe that the committee will consider the evidence of how this is working in Ireland, as well as how Scotland is seeking to take this forward based upon a public health approach. I am glad that we have the vehicle in Wales to enable us to inform the Government, which you will do through the committee, on how we should take this forward so that we will be ready for that legislative opportunity with enabling clauses.

3.10 p.m.

On timescale, John Reid outlined the Department of Health's proposals today and we know that by the end of 2006, all Government departments and the NHS will be smoke-free. They will be paving the way for that, following consultation next year. We need to work with the Government in terms of securing the legislation as it rolls out its other intentions.

On enforcement, we asked questions of our colleagues in Ireland, particularly on rural areas. They found that the law was being enforced by the people themselves, who were adapting to it. I remember that that was the point of Dai Lloyd's discussion. In Ireland,

**Jane Hutt:** Mae'r prif bwynt a wnaethoch yn ymwneud â datganiad John Reid, sy'n sôn am y cyfleoedd a gynigir i'r gweinyddiaethau datganoledig gael deddfu. Mae hynny'n crynhoi'r cwbl. Mae'n ymwneud â'r cymalau galluogi a gaem o ganlyniad i'r ddeddfwriaeth honno. Yr ydym wedi sicrhau hynny, ac mae hon felly'n adeg hanesyddol gyda golwg ar ein bwriad i wahardd ysmegu. Yr ydym wedi sicrhau'r cyfle hwn i ddeddfu o ganlyniad i'r cymalau galluogi. Mae'r pwyntiau a wnaethoch am sail a chyd-destun y ddeddfwriaeth yn bwysig, ac mae'n rhy gynnar eto i ystyried sut yn union yr hyrwyddir y ddeddfwriaeth. Gwyddoch fod y materion a gadwyd yn ymwneud â chyflogaeth ac iechyd a diogelwch. Wrth gwrs, nid yw iechyd cyhoeddus yn fater a gadwyd, ond os ydym yn ystyried gwahardd ysmegu mewn gweithleoedd, rhaid inni edrych ar y pwerau a gadwyd. Rhaid inni weithio ar y maes hwnnw, a bydd ein pwyllgor yn ein helpu i wneud hynny. Credaf y bydd y pwyllgor yn ystyried tystiolaeth ynglŷn â sut y mae hyn yn gweithio yn Iwerddon, a hefyd sut y mae'r Alban yn ceisio hyrwyddo hyn ar sail iechyd cyhoeddus. Yr wyf yn falch bod gennym gyfrwng yng Nghymru fel y gallwn ddylanwadu ar farn y Llywodraeth, sef yr hyn a wnewch drwy'r pwyllgor, o ran y modd y dylem hyrwyddo hyn fel y byddwn yn barod ar gyfer y cyfle i ddeddfu a geir drwy gymalau galluogi.

Ynghylch yr amserlen, disgrifiodd John Reid gynigion yr Adran Iechyd heddiw a gwyddom y bydd holl adrannau'r Llywodraeth a'r GIG yn rhydd oddi wrth ysmegu erbyn diwedd 2006. Byddant yn paratoi'r ffordd ar gyfer hynny, ar ôl ymgynghori y flwyddyn nesaf. Rhaid inni weithio gyda'r Llywodraeth i sicrhau'r ddeddfwriaeth wrth iddi ddatgan ei bwriadau eraill.

Ynghylch gorfodi, gofynasom gwestiynau i'n cymheiriaid yn Iwerddon, yn enwedig ynghylch ardaloedd gwledig. Canfuont fod y gyfraith yn cael ei gorfodi gan y bobl eu hunain, a oedd yn ymaddasu iddi. Cofiaf mai hwnnw oedd y pwynt a wnaed yn

people adapted to the ban quickly and the enforcement was self-managing. I hope that the committee will help us to consider these issues.

**Kirsty Williams:** Your statement referred to the fact that the Assembly voted almost two years ago for a ban on smoking in public places. Do you therefore regret, as I do, that we have had to wait for England to catch up with Wales before giving us the opportunity to make this huge difference in terms of public health? Will you clarify, once again, that the way forward is that which has been outlined by Dr Reid, namely that there will be enabling legislation for Wales? Will you take this opportunity to say that Peter Hain is wrong, therefore, to suggest that the Bill will contain clauses that apply to Wales and that those clauses would have to be agreed in Westminster before the Government changed the law, bearing in mind that this is the same person who did not allow time for Baroness Ilora Finlay's Bill to proceed, which would have given us these same powers?

Do you agree that smoking still kills whether you are eating or not? Therefore, it is ludicrous for England to suggest that public health can be protected in the way that it proposes. It is simply illogical to suggest that smoking is dangerous where food is served, but that smoking and passive smoking is not dangerous where only crisps and nuts are served.

Do you agree that, once again, this proposal shows the flaws in Rhodri Morgan's dream of a 13.2, or a 13.2 plus plus system for Wales, because we will be faced over and over again with situations where we will have to wait for England to catch up with what Wales would like to do?

**Jane Hutt:** I had hoped, in good faith, that we would achieve cross-party consensus on the way forward. We certainly did when we voted on this almost two years ago. The ad-hoc committee is working in the responsible and mature way in which I hoped that the Assembly would take this forward, and I hoped that it would welcome the opportunity.

nhrafodaeth Dai Lloyd. Yn Iwerddon, gwnaeth pobl ymaddasu i'r gwaharddiad yn gyflym a'i fe'i gorfodwyd ganddynt hwy eu hunain. Gobeithiaf y bydd y pwyllgor yn ein helpu i ystyried y materion hynny.

**Kirsty Williams:** Cyfeiriwyd yn eich datganiad at y ffaith bod y Cynulliad wedi pleidleisio bron ddwy flynedd yn ôl o blaid gwahardd ysmygu mewn mannau cyhoeddus. A yw'n ofid i chi, felly, fel y mae i mi, ein bod wedi gorfod aros i Loegr oddiweddyd Cymru cyn rhoi cyfle inni wneud y gwahaniaeth aruthrol hwn o ran iechyd cyhoeddus? A wnewch egluro, unwaith eto, mai'r ffordd ymlaen yw'r un a ddisgrifiwyd gan Dr Reid, sef y bydd deddfwriaeth galluogi ar gyfer Cymru? A wnewch achub ar y cyfle hwn i ddweud bod Peter Hain yn camgymryd, felly, wrth awgrymu y bydd y Mesur yn cynnwys cymalau sy'n berthnasol i Gymru ac y byddai'n rhaid cytuno ar y cymalau hynny yn San Steffan cyn i'r Llywodraeth newid y gyfraith, gan gofio mai hwn yw'r un person na chaniataodd amser i Fesur y Farwnes Ilora Finlay fynd rhagddo, a fyddai wedi rhoi'r un pwerau i ni?

A ydych yn cytuno bod ysmygu'n lladd pa un a ydych yn bwyta ai peidio? Gan hynny, mae'n beth hurt i Loegr awgrymu y gellir diogelu iechyd cyhoeddus yn y modd y mae'n ei gynnig. Afresymegol yw awgrymu bod ysmygu'n beryglus lle yr arlwyir prydau bwyd, ond nad yw ysmygu ac ysmygu goddefol yn beryglus os mai dim ond creision a chnau a arlwyir.

A ydych yn cytuno bod y cynnig hwn yn dangos, unwaith eto, y diffygion a geir ym mreuddwyd Rhodri Morgan o gael system sy'n seiliedig ar 13.2, neu 13.2 a mwy ar gyfer Cymru, gan y byddwn yn wynebu sefyllfa dro ar ôl tro lle y byddwn yn gorfod aros i Loegr oddiweddyd Cymru o ran yr hyn y carai Cymru ei wneud?

**Jane Hutt:** Yr oeddwn wedi gobeithio'n ddifffuant y caem gonsensws trawsbleidiol ar y ffordd ymlaen. Yr oedd hynny gennym pan bleidleisiasom ar hyn bron ddwy flynedd yn ôl. Mae'r pwyllgor *ad hoc* yn gweithio yn y modd cyfrifol ac aeddfed yr oeddwn yn gobeithio y byddai'r Cynulliad yn hyrwyddo hyn, a gobeithiwn y byddai'n croesawu'r

cyfle.

We have been working along the lines of the 'Smoking Kills' White Paper of 1998 to try to help people in Wales to protect themselves through the smoking cessation service, the new national telephone helpline and by working with young people in schools. Ongoing work to prevent young people from taking up smoking and to help smokers quit is key to our ambitions to reduce the level of smokers in Wales. We cannot just ban smoking in public places, we must act on all fronts—such as our work on second-hand smoke, which involves midwives and health visitors. There are also hard-hitting television campaigns, showing smoke coming out of a baby's mouth. That has been done by the Welsh Assembly Government with Assembly backing to raise awareness of the danger of second-hand smoke. That is one part of a crucial campaign recognising that smoking kills and is the biggest cause of death in Wales.

Let us welcome this announcement. Of course, we have been working to secure this legislative opportunity—that is the process of Government. My statement today and John Reid's preface are consistent with what Peter Hain is saying; there are no contradictions. We now have the opportunity that will enable us, through enabling legislation, to take forward the Welsh Assembly Government and the National Assembly for Wales's considerations as a result of the ad-hoc committee. I hope you will be on board in a true spirit of cross-party consensus that has been adopted in relation to this issue.

**Val Lloyd:** As chair of the ad-hoc Committee on Smoking in Public Places I welcome this statement. It confirms that the Assembly will have a role in determining this issue in Wales, which is important. Would you agree that today's announcement will assist in the implementation of the report due to be produced by the ad-hoc committee next May, after it has completed its review of all relevant evidence, as asked by the Assembly last June?

Buom yn gweithio mewn modd sy'n debyg i'r hyn a gafwyd yn y Papur Gwyn 'Smoking Kills' yn 1998 i geisio helpu pobl yng Nghymru i'w diogelu eu hunain drwy'r gwasanaeth rhoi'r gorau i ysmegu, y llinell gymorth teleffon genedlaethol a thrwy weithio gyda phobl ifanc mewn ysgolion. Mae'r gwaith sy'n mynd rhagddo i atal pobl ifanc rhag dechrau ysmegu a helpu ysmygwyr i roi'r gorau iddo'n hollbwysig i'n huchelgais i leihau nifer yr ysmygwyr yng Nghymru. Ni allwn wahardd ysmegu mewn mannau cyhoeddus yn unig, rhaid inni gymryd camau ym mhob cyfeiriad—fel ein gwaith ar fwg ail law, sy'n cynnwys bydwagedd ac ymwelwyr iechyd. Ceir ymgyrchoedd diarbed ar y teledu hefyd, sy'n dangos mwg yn dod o geg baban. Gwnaed hynny gan Lywodraeth Cynulliad Cymru gyda chefnogaeth y Cynulliad i hybu ymwybyddiaeth o berygl mwg ail law. Mae hynny'n un rhan o ymgyrch hollbwysig sy'n dangos bod ysmegu'n lladd ac mai hwnnw sy'n achosi'r nifer mwyaf o farwolaethau yng Nghymru.

Gadewch inni groesawu'r cyhoeddiad hwn. Wrth gwrs, buom yn gweithio i sicrhau'r cyfle hwn i ddeddfu—dyna broses Llywodraeth. Mae'r datganiad a wneuthum heddiw a rhagair John Reid yn gyson â'r hyn a ddywed Peter Hain; nid oes unrhyw groes-ddweud. Bellach mae gennym gyfle a fydd yn ein galluogi, drwy ddeddfwriaeth alluogi, i hyrwyddo ystyriaethau Llywodraeth Cynulliad Cymru a Chynulliad Cenedlaethol Cymru o ganlyniad i drafodion y pwyllgor *ad hoc*. Gobeithiaf y byddwch yn rhan o'r consensws trawsbleidiol a fabwysiadwyd mewn cysylltiad â'r mater hwn.

**Val Lloyd:** A minnau'n gadeirydd ar y Pwyllgor ar Ysmegu mewn Mannau Cyhoeddus *ad hoc*, croesawaf y datganiad hwn. Mae'n cadarnhau y bydd rôl i'r Cynulliad wrth benderfynu ar y mater hwn yng Nghymru, ac mae hynny'n bwysig. A gytunwch y bydd y cyhoeddiad heddiw'n gymorth i weithredu'r adroddiad sydd i'w gynhyrchu gan y pwyllgor *ad hoc* fis Mai nesaf, wedi iddo gwblhau ei adolygiad o'r holl dystiolaeth berthnasol, fel y gofynnwyd iddo wneud gan y Cynulliad fis Mehefin

diwethaf?

**Jane Hutt:** I confirm that you are undertaking a review of the evidence, and it is being fed back to us. It is a matter of public debate, and the committee is helping to raise awareness and to pave the way, as its counterpart did in Ireland. We heard in the recent British-Irish Inter-Parliamentary Body session how much work was done to pave the way. With your leadership of the ad-hoc committee, and with cross-party consensus, we will be ready with the evidence and recommendations to take this issue forward through appropriate legislation.

**Rhodri Glyn Thomas:** How do you respond to Peter Hain's words that this is a golden opportunity for Wales to join England in developing legislation tailored to meet Welsh health needs?

**Jane Hutt:** That is unnecessary political opportunism to undermine what is—  
[*Interruption.*]

**The Presiding Officer:** Order. The Minister is answering the question, and I cannot quite hear her.

**Jane Hutt:** It is a historic moment when we can come together and show the people of Wales that we are united and that we have grasped this issue. We started down this road two years ago to reach the consensus that was achieved through this ban. Let us be positive about the fact that we have grasped this issue, we have a legislative opportunity and we will take forward the recommendations of the ad-hoc committee. We are consulting widely, and I know you accept that consultation is key to whether such bans are to be implemented well. In terms of the consultation, it is key that we do not rush this, so that the ad-hoc committee can go through the process. Wales is leading the way, and it did so before even Scotland decided that it needed to take forward this ban. I am sure that that will be reflected as a result of my statement.

**Jane Hutt:** Cadarnhaf eich bod yn adolygu'r dystiolaeth, a'n bod yn cael ein hysbysu amdano. Mae'n bwnc trafod cyhoeddus, ac mae'r pwyllgor yn helpu i hybu ymwybyddiaeth a pharatoi'r ffordd, fel y gwnaeth y pwyllgor a oedd yn cyfateb iddo yn Iwerddon. Clywsom yn sesiwn diweddar y Corff Rhyngseneddol Prydeinig-Gwyddelig faint o waith a wnaed i baratoi'r ffordd. Gyda'ch arweiniad ar y pwyllgor *ad hoc*, ac o gael consensws trawsbleidiol, bydd y dystiolaeth a'r argymhellion gennym yn barod i hyrwyddo'r mater hwn drwy ddeddfwriaeth briodol.

**Rhodri Glyn Thomas:** Beth yw'ch ymateb i eiriau Peter Hain i'r perwyl bod hyn yn cynnig cyfle euraid i Gymru ymuno â Lloegr wrth ddatblygu deddfwriaeth sydd wedi'i haddasu i ddiwallu anghenion iechyd Cymru?

**Jane Hutt:** Manteisgarwch gwleidyddol diangen yw hynny sydd â'r bwriad o danseilio'r hyn sydd—[*Torri ar draws.*]

**Y Llywydd:** Trefn. Mae'r Gweinidog yn ateb y cwestiwn, a phrin y gallaf ei chlywed.

**Jane Hutt:** Eiliad hanesyddol yw hon pan allwn ddod at ein gilydd a dangos i bobl Cymru ein bod yn unedig a'n bod wedi mynd i'r afael â'r mater hwn. Cychwynasom ar hyd y ffordd hon ddwy flynedd yn ôl er mwyn sicrhau'r consensws a gafwyd drwy'r gwaharddiad hwn. Gadewch inni fod yn gadarnhaol ynghylch y ffaith ein bod wedi mynd i'r afael â'r mater hwn, bod gennym gyfle i ddeddfu ac y byddwn yn hyrwyddo argymhellion y pwyllgor *ad hoc*. Yr ydym yn ymgynghori'n eang, a gwn eich bod yn derbyn bod yn rhaid wrth ymgynghori os yw gwaharddiadau o'r fath i'w rhoi ar waith yn llwyddiannus. Gyda golwg ar yr ymgynghoriad, mae'n hollbwysig na fyddwn yn ei frysio, fel y gall y pwyllgor *ad hoc* ddilyn y broses. Mae Cymru'n arwain y ffordd, a gwnaeth hynny cyn i'r Alban benderfynu ei bod am hyrwyddo'r gwaharddiad hwn, hyd yn oed. Yr wyf yn siŵr yr adlewyrchir hynny o ganlyniad i'm datganiad.

**Brian Gibbons:** Would you agree that Rhodri Glyn Thomas's statement goes to show how narrow-minded Plaid Cymru can be on such an important issue? Would you also agree that it is important that we have the necessary range of options to allow us to develop Welsh solutions to a Welsh context, in particular giving attention to the issue of private members' clubs? I know it is early in the process to give definitive answers, but it would be of some concern that a definition of private members' clubs would include many social and working men's clubs across Wales. It would leave a large number of people exposed to second hand smoke and at high risk of consequential health risks.

**Jane Hutt:** You are referring to the recommendations, or the considerations, that the Department of Health mentioned in relation to smoke-free public places. The ad-hoc committee will decide whether or not they want to consider those recommendations and commitments from the Department of Health, or whether they want to follow the line of Ireland and Scotland in terms of banning smoking in public places. The committee will need to look at what the Department of Health has said, but in terms of issues such as private members' clubs and so on, I would presume and expect the committee to follow through its consideration as to how to implement a smoking ban in public places across Wales.

3.20 p.m.

**David Melding:** If I can use a smoking metaphor, Minister, it seems that your colleagues in London have gone from being a 40-a-day Government to just half a packet. The fact that they cut down that much surprised many of us when we heard the news—we were modestly encouraged. You are right to point to a great commitment in the Assembly, which is certainly shared by the Welsh Assembly Government. However, some skill will now be required to ensure that we can take this issue forward and develop and implement best practice. We want Welsh solutions, but, let us face it, smoking is no less dangerous in Wales than it is in Scotland or in Ireland. To quote your colleague, the Secretary of State for Health:

**Brian Gibbons:** A gytunwch fod datganiad Rhodri Glyn Thomas yn dangos mor gulfrydig y gall Plaid Cymru fod ar fater mor bwysig? A gytunwch hefyd ei bod yn bwysig inni gael yr amrediad o ddewisiadau y mae eu hangen fel y gallwn ddatblygu atebion Cymreig mewn cyd-destun Cymreig, gan roi sylw'n benodol i fater clybiau aelodau preifat? Gwn nad yw'r broses wedi mynd yn ddigon pell i allu rhoi atebion pendant, ond parai gryn bryder pe byddai diffiniad o glybiau aelodau preifat yn cynnwys llawer o glybiau gweithwyr a chlybiau cymdeithasol ledled Cymru. Byddai'n gadael i lawer o bobl fod yn agored i fwg ail law a byddai perygl mawr i'w hiechyd o ganlyniad i hynny.

**Jane Hutt:** Yr ydych yn cyfeirio at yr argymhellion, neu'r ystyriaethau, y cyfeiriodd yr Adran Iechyd atynt mewn cysylltiad â manau cyhoeddus di-fwg. Bydd y pwyllgor *ad hoc* yn ystyried a yw am ystyried yr argymhellion a'r ymrwymadau hynny gan yr Adran Iechyd ai peidio, neu a fydd am ddilyn safbwynt Iwerddon a'r Alban o ran gwahardd ysmegu mewn manau cyhoeddus. Bydd yn rhaid i'r pwyllgor ystyried yr hyn a ddywedodd yr Adran Iechyd, ond gyda golwg ar faterion fel clybiau aelodau preifat ac yn y blaen, byddwn yn cymryd ac yn disgwyl i'r pwyllgor gwblhau ei ystyriaeth o'r modd i weithredu gwaharddiad ar ysmegu mewn manau cyhoeddus ledled Cymru.

**David Melding:** Os caf ddefnyddio metaffor sy'n ymwneud ag ysmegu, Weinidog, ymddengys fod eich cymheiriaid yn Llundain wedi troi o fod yn Llywodraeth sy'n ysmegu 40 y diwrnod i fod yn un sy'n ysmegu hanner pecyn. Yr oedd y ffaith eu bod wedi cwtogi cymaint â hynny wedi peri syndod mawr i lawer ohonom pan glywsom y newyddion—cawsom ryw faint o galonid. Mae'n briodol ichi gyfeirio at yr ymrwymiad cadarn a geir yn y Cynulliad, a rennir yn sicr gan Lywodraeth Cynulliad Cymru. Er hynny, bydd yn rhaid bod yn eithaf deheuig yn awr i sicrhau y gallwn fwrw ymlaen â'r mater hwn a datblygu'r arferion gorau a'u rhoi ar waith. Yr ydym am gael atebion Cymreig, ond, gadewch inni wynebu'r ffaith, mae ysmegu yr un mor beryglus yng Nghymru ag ydyw



yn yr Alban neu yn Iwerddon. A dyfynnu geiriau'ch cyd-Weinidog, yr Ysgrifennydd Gwladol dros Iechyd:

'Legislation to follow today's Public Health White Paper will enable Wales to implement its own policies and laws for smoking bans and other matters'.

Bydd deddfwriaeth a ddilyn y Papur Gwyn ar Iechyd Cyhoeddus heddiw'n galluogi Cymru i roi ei pholisïau a'i deddfau ei hun ar waith ar gyfer gwahardd ysmygu a materion eraill.

If that means that the Ilora Finlay route will be adopted, whereby the power to legislate, in effect, by a secondary means, comes to the Assembly so that we can do what we want in a primary sense—alter it in future, and not have to be reliant on Westminster—that is the key, and that is what you must deliver.

Os yw hynny'n golygu y gellir dilyn y llwybr a gynigodd Ilora Finlay, fel y caiff y Cynulliad bŵer i ddeddfu, i bob pwrpas, drwy ddull eilaidd, fel y gallwn wneud fel y dymunwn mewn modd sylfaenol—ei newid yn y dyfodol, a pheidio â gorfod dibynnu ar San Steffan—dyna'r allwedd, a hynny y mae'n rhaid ichi ei sicrhau.

**Jane Hutt:** That is the challenge that I accept as Minister for Health and Social Services, and I backed the vote nearly two years ago in my position as Minister. It has taken effort and skill, I hope, to get where we are today. We are at the right point now. As you say, it must be about getting the evidence and using our skills collectively to ensure that we deliver this ban on smoking in public places, for the benefit of the people of Wales.

**Jane Hutt:** Dyna'r her a dderbyniaf fel Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, a chefnogais y bleidlais bron ddwy flynedd yn ôl yn rhinwedd fy swydd fel Gweinidog. Bu'n rhaid wrth ymdrech a medr, yr wyf yn gobeithio, i gyrraedd y fan yr ydym heddiw. Dyna'r fan yr ydym yn awr. Fel y dywedwch, rhaid casglu'r dystiolaeth ac arfer ein sgiliau ar y cyd i sicrhau'r gwaharddiad ar ysmygu mewn mannau cyhoeddus, er budd pobl Cymru.

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

**Rhodri Glyn Thomas:** Pwynt o drefn. Codaf bwynt o drefn ar gyfer y Cofnod. Nid fy natganiad i oedd yr un a oedd wedi cythruddo'r Gweinidog a Brian Gibbons gymaint, ond un Peter Hain.

**Rhodri Glyn Thomas:** Point of order. I raise a point of order for the Record. The statement that angered the Minister and Brian Gibbons so much was not my statement, but Peter Hain's.

**Y Llywydd:** Trefn. Nid yw hynny'n bwynt o drefn i mi. Yr wyf yn sicr bod Cofnod y Trafodion yn gwbl abl i wahaniaethu rhwng pwyntiau gan Rhodri Glyn Thomas a phwyntiau gan eraill.

**The Presiding Officer:** Order. That is not a point of order for me. I am certain that the Record of Proceedings is quite able to differentiate between points made by Rhodri Glyn Thomas and points made by others.

### **Cymeradwyo Rheoliadau Labelu Bwyd (Diwygio) (Rhif 2) (Cymru) 2004 Approval of the Food Labelling (Amendment) (No. 2) Regulations 2004**

**Y Llywydd:** Yr wyf wedi dethol gwelliannau 1 a 2 i NDM2168 yn enw David Melding a gwelliant 3 i NDM2168 yn enw Kirsty Williams.

**The Presiding Officer:** I have selected amendments 1 and 2 to NDM2168 in the name of David Melding and amendment 3 to NDM2168 in the name of Kirsty Williams.

**The Minister for Health and Social Services (Jane Hutt):** I propose that

*the National Assembly for Wales considers the principle of the Food Labelling (Amendment) (No. 2) (Wales) Regulations 2004, a copy of which was laid in the Table Office on 8 November 2004. (NDM2168)*

I propose that

*the National Assembly for Wales approves that the Food Labelling (Amendment) (No. 2) (Wales) Regulations 2004 is made in accordance with the draft laid in the Table Office on 8 November 2004. (NDM2169)*

The purpose of these regulations is to implement in Wales directive 2003/89/EC of the European Parliament and the Council, of November 2003, amending directive 2000/13/EC, as regards the indication of ingredients present in foodstuffs. The new regulations amend the Food Labelling Regulations 1996.

These regulations aim to ensure that consumers are properly informed about the nature and substance of the foods that they buy, and are protected from false or misleading descriptions. Currently, there is no requirement to declare ingredients to which some people may be allergic on food labels. The regulations establish a list of 12 food allergens that must be indicated by reference to the source allergen whenever they, or their derived ingredients, are used in pre-packed foods, including alcoholic drinks. The list includes cereals containing gluten, crustaceans, eggs, fish, peanuts, soybeans, milk, celery, mustard, sesame seed, and sulphur dioxide or sulphates at levels above 10mg per kilogram or 10mg per litre. The regulations also aim to provide industry with a clear regulatory framework that does not restrict product innovation or inhibit the free movement of goods within the European Union.

The new rules make it compulsory to list on the label the above specified allergens whenever they or ingredients originating

**Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol (Jane Hutt):** Cynigiaf fod

*Cynulliad Cenedlaethol Cymru yn ystyried egwyddor y Rheoliadau Labelu Bwyd (Diwygio) (Rhif 2) (Cymru) 2004, y gosodwyd copi ohonynt yn y Swyddfa Gyflwyno ar 8 Tachwedd 2004. (NDM2168)*

Cynigiaf fod

*Cynulliad Cenedlaethol Cymru yn cymeradwyo bod y Rheoliadau Labelu Bwyd (Diwygio) (Rhif 2) (Cymru) 2004 yn cael eu gwneud yn unol â'r drafft a osodwyd yn y Swyddfa Gyflwyno ar 8 Tachwedd 2004. (NDM2169)*

Pwrpas y rheoliadau hyn yw rhoi ar waith yng Nghymru gyfarwyddeb 2003/89/EC Senedd Ewrop a'r Cyngor, a wnaed yn Nhachwedd 2003, gan ddiwygio cyfarwyddeb 2000/13/EC, mewn cysylltiad â dangos y cynhwysion a geir mewn bwydydd. Mae'r rheoliadau newydd yn newid Rheoliadau Labelu Bwyd 1996.

Amcan y rheoliadau hyn yw sicrhau y caiff defnyddwyr eu hysbysu'n briodol am natur a deunydd y bwydydd a brynant, ac y cânt eu diogelu rhag disgrifiadau ffug neu gamarweiniol. Ar hyn o bryd, nid oes unrhyw ofyniad i ddatgan cynhwysion y gallai rhai fod yn alergaidd iddynt ar labeli bwyd. Mae'r rheoliadau'n pennu rhestr o 12 o alergenau bwyd y mae'n rhaid eu nodi drwy gyfeirio at yr alergen gwreiddiol pryd bynnag y defnyddir hwy, neu gynhwysion a geir ohonynt, mewn bwydydd sydd wedi'u pacio'n barod, ac mae hynny'n cynnwys diodydd alcoholaidd. Mae'r rhestr yn cynnwys ydau â glwten ynddynt, cramenogion, wyau, pysgod, pysgnau, ffa soia, llaeth, seleri, mwstard, hadau sesame, a sylffwr deuocsid neu sylffadau ar lefelau sy'n uwch na 10 mg y cilogram neu 10mg y litr. Mae'r rheoliadau hefyd yn ceisio rhoi fframwaith rheoliadol clir i ddiwydiant nad yw'n cyfyngu ar arloesi cynhyrchion neu'n atal symud nwyddau'n ddirwystr oddi mewn i'r Undeb Ewropeaidd.

Mae'r rheolau newydd yn mynnu rhestru'r alergenau penodol uchod ar y label pryd bynnag y cânt hwy neu gynhwysion sy'n

from them are used in foods, including alcoholic drinks, so that consumers can identify the ingredients that they may need or wish to avoid. The new rules also delete the 25 per cent compound ingredients listing exemption, and therefore make it compulsory to list all ingredients in a food, with the exception of a small number of particular cases. The new rules do not apply to food sold loose or pre-packed for direct sale.

The amending directive was published in the *Official Journal of the European Communities* on 25 November 2003, and is required to be transposed in all member states on or before 25 November 2004. I ask Members to support the motion.

**Brynle Williams:** I propose the following amendments to NDM2168 in the name of David Melding. Amendment 1: add a new point:

*calls for countries of origin to be marked on food labels.*

I propose amendment 2. Add a new point:

*calls for the salt and sugar content to be marked on food labels.*

Proper food labelling is an emotive issue at the moment, but one that has cross-party support in the National Assembly and at Westminster. Only yesterday, I read a report on the BBC's website on research into children and their obesity rates. The British Heart Foundation says that parents' apathy to couch-potato lifestyles could mean that today's young people become tomorrow's heart attack patients.

**Peter Law:** You have personal experience.

**The Presiding Officer:** Order. If you wish to intervene, Peter Law, then you must stand up in the usual way.

**Brynle Williams:** Diolch yn fawr, Lywydd.

deillio ohonynt eu defnyddio mewn bwydydd, gan gynnwys diodydd alcoholaidd, fel y gall defnyddwyr ganfod y cynhwysion y gallai fod arnynt angen neu awydd eu hosgoi. Mae'r rheolau newydd hefyd yn dileu'r esemptiad rhag rhestru cynhwysion cyfansawdd o lai na 25 y cant, ac felly'n mynnu rhestru'r holl gynhwysion mewn eitem fwyd, heblaw mewn nifer bach o achosion penodol. Nid yw'r rheolau newydd yn berthnasol i fwyd a werthir yn rhydd neu wedi'i bacio ymlaen llaw i'w werthu'n uniongyrchol.

Cyhoeddwyd y gyfarwyddeb ddiwygio yn yr *Official Journal of the European Communities* ar 25 Tachwedd 2003, a rhaid ei thrawsodod yn yr holl aelod wladwriaethau ar neu cyn 25 Tachwedd 2004. Gofynnaf i Aelodau gefnogi'r cynnig.

**Brynle Williams:** Cynigiaf y gwelliannau canlynol i NDM2168 yn enw David Melding. Gwelliant 1: ychwanegu pwynt newydd:

*yn galw ar i labeli bwyd nodi o ba wlad y mae'r bwyd yn tarddu.*

Cynigiaf welliant 2. Ychwanegu pwynt newydd:

*yn galw ar i labeli bwyd nodi'r halen a'r siwgr sydd wedi'i gynnwys.*

Mae labelu bwydydd yn briodol yn fater sy'n ennyn teimladau cryf, ond mae'n un y ceir cefnogaeth drawsbleidiol iddo yn y Cynulliad Cenedlaethol ac yn San Steffan. Ddoe ddiwethaf, darllenais adroddiad ar wefan y BBC ar ymchwil i blant a'r cyfraddau gordewdra yn eu mysg. Dywed Sefydliad Prydeinig y Galon y gallai difaterwch rhieni ynghylch ffyrdd o fyw disymud beri y bydd pobl ifanc heddiw'n rhai a fydd yn dioddef gan drawiad ar y galon yn y dyfodol.

**Peter Law:** Mae gennych brofiad personol.

**Y Llywydd:** Trefn. Os ydych yn dymuno ymyrryd, Peter Law, rhaid ichi godi ar eich traed yn y modd arferol.

**Brynle Williams:** Thank you, Presiding Officer.

Inasmuch as I appreciate the humour, this is a serious statement. These amendments are not intended to score political points—*[Interruption.]* Well, I am sorry that you feel like that, Miss Jones.

**Ann Jones:** I have been married for years.

**The Presiding Officer:** Order. How many times must I suggest to colleagues that we do not have observations from a sedentary position so that Members who are making speeches, in their own, inimitable way, feel obliged to accept interventions that have not been made? *[Laughter.]*

**Brynle Williams:** We are here to show constructive opposition to provide everyone who shops in Wales with detailed information about exactly what is being eaten. Believe it or not, I have conducted my own research in north Wales, and I can confirm that people do take notice of what is on the wrapper, and they often find that the information that they are seeking is well hidden in small print.

**Eleanor Burnham:** It is interesting how people take note of details. A lady rang me to ask whether I could do anything about meat labelling. She is a farmer's wife who was quite concerned that she was buying meat that was supposed to be from Wales or England but, actually, when she looked in detail—and I wrote to the Minister about this matter at the time, as I was fairly new to the Assembly—she found that it was actually from Ireland. It is commendable that you should be discussing these matters, Brynle.

**Brynle Williams:** We know that salt and sugar are killers. So many people eat processed foods simply to fit in with their busy lifestyles, but there is so much hidden salt and sugar in these types of foods. We, as a collective body, must put pressure on companies to cut back on the amount of salt and sugar used in products, and to use alternative methods of flavouring, such as fresh herbs or natural sweeteners. We need to develop a traffic-light system, using red for high salt and high sugar content, amber for medium content and, obviously, green for

Er fy mod yn gwerthfawrogi'r synnwyr digrifwch, datganiad difrif yw hwn. Nid yw'r gwelliannau hyn yn ymgais i gael mantais wleidyddol—*[Torri ar draws.]* Wel, mae'n ddrwg gennyf eich bod yn teimlo felly, Miss Jones.

**Ann Jones:** Bùm yn briod ers blynyddoedd.

**Y Llywydd:** Pa sawl gwaith y mae'n rhaid imi atgoffa cyd-Aelodau na chaniatawn wneud sylwadau gan rai sydd ar eu heistedd fel bod Aelodau sy'n gwneud araith, yn eu ffordd ddihafal eu hunain, yn teimlo eu bod yn gorfod derbyn ymyriadau nas gwnaed? *[Chwerthin.]*

**Brynle Williams:** Yr ydym yma i gynnig gwrthwynebiad adeiladol fel y caiff pawb sy'n siopa yng Nghymru wybodaeth fanwl am beth yn union a fwyteir. Credwch neu beidio, yr wyf wedi gwneud fy ymchwil fy hun yn y Gogledd, a gallaf gadarnhau bod pobl yn sylwi ar yr hyn sydd ar y papur lapio, a chânt yn aml fod y wybodaeth y maent yn ei cheisio wedi'i chuddio ar ffurf print mân.

**Eleanor Burnham:** Diddorol yw'r graddau y mae pobl yn sylwi ar fanylion. Cefais alwad ffôn gan fenyw a ofynnodd a allwn wneud rhywbeth ynghylch labelu cig. Gwraig i ffermwr ydyw a oedd yn eithaf pryderus gan ei bod wedi prynu cig y tybiai ei fod yn deillio o Gymru neu Loegr ond, mewn gwirionedd, pan edrychodd yn fanwl—ac ysgrifennais at y Gweinidog am y mater hwn ar y pryd, gan mai newydd ddod i'r Cynulliad yr oeddwn—gwelodd ei fod yn deillio o Iwerddon. Dylid eich canmol am drafod y materion hyn, Brynle.

**Brynle Williams:** Gwyddom fod halen a siwgr yn lladd. Mae llawer yn bwyta bwydydd wedi'u prosesu dim ond am fod hynny'n cyd-fynd â'u ffyrdd prysur o fyw, ond mae llawer iawn o halen a siwgr ynghudd mewn bwydydd o'r fath. Rhaid i ni, fel cyfangorff, roi pwysau ar gwmnïau i gwtogi ar faint yr halen a'r siwgr a ddefnyddir mewn cynhyrchion, ac i ddefnyddio dulliau eraill o roi blas, fel perlysiâu ffres neu felysyddion naturiol. Rhaid inni ddatblygu system goleuadau traffig, gan ddefnyddio coch i ddangos bod

low content. This is a straightforward and, I believe, positive suggestion to help food producers and consumers. We must promote, as the Assembly currently does, healthy, wholesome foods, and not junk foods. I support the 9 p.m. watershed for junk food advertisements. If these products are not forced down children's throats—pardon the pun—by large multi-national companies, then children will not crave them. In promoting healthy eating, the National Assembly and Westminster Governments must work together to promote and support this ban. Information is power, and we need to get the message across that a balanced diet is needed for young and old.

On my other amendment, we really need to look at clear, concise labelling with regard to countries of origin, as Eleanor alluded to. This must detail information relating to animal health and welfare, and must be about where the meat was reared, and not where it was processed or packed. If a pig is born in Wales, and then transported to France to be made into pork pies, the country of origin should clearly be marked as 'Wales'. The difficulty lies in when the product is mixed with meat and substitutes from many other countries.

3.30 p.m.

The consumer has a right to know all the risks involved when purchasing food. Many countries do not produce products to the same standards as UK producers and farmers. Certain countries still use growth promoters on red and white meat. We need to know the facts, as this food could be coming into the food chain in Wales.

Consumers need to be aware of the background issues. They need to know that some countries are still dipping cattle against ticks and mites in organophosphorus. They need to know all the risks, and that, in some countries, producers and farmers are not developed to the same standards as in the

lefel uchel o halen neu siwgr yn y cynhwysion, melyn i ddangos lefel ganolig ac, wrth gwrs, gwyrdd i ddangos lefel isel. Dyma awgrym syml a chadarnhaol, yn fy marn i, i helpu cynhyrchwyr bwyd a defnyddwyr. Rhaid inni hyrwyddo bwydydd iach a maethlon, fel y gwnaiff y Cynulliad yn awr, yn hytrach na bwydydd sothach. Yr wyf o blaid gwahardd hysbysebion bwydydd sothach cyn 9 p.m.. Os na wthir y cynhyrchion hyn i lawr corn gwddf plant—maddeuwch y chwarae ar eiriau—gan gwmnïau mawr rhyngwladol, ni fydd plant yn eu chwennych. Wrth hyrwyddo bwyta'n iach, rhaid i Lywodraethau'r Cynulliad Cenedlaethol a San Steffan gydweithio i hyrwyddo a chefnogi'r gwaharddiad hwn. Mewn gwybodaeth y mae nerth, a rhaid inni gyfleu'r neges bod angen deiet cytbwys ar gyfer yr hen a'r ifanc.

Ynghylch y gwelliant arall o'm heiddo, rhaid inni ystyried cael labelu clir a chryno i ddangos o ba wlad y mae bwydydd yn deillio, fel y nododd Eleanor. Rhaid nodi gwybodaeth am iechyd a lles anifeiliaid, a lle y magwyd yr anifail, ac nid ym mhle y cafodd y cig ei brosesu neu ei bacio. Os caiff mochyn ei eni yng Nghymru, a'i gludo wedyn i Ffrainc i'w droi'n basteiod porc, dylid nodi'n glir mai Cymru yw'r wlad y deilliodd ohoni. Mae anhawster yn codi pan gaiff y cynnyrch ei gymysgu â chig ac amnewidion o lawer o wledydd eraill.

Mae gan y defnyddiwr hawl i wybod am yr holl risgiau sy'n gysylltiedig wrth brynu bwyd. Ceir llawer o wledydd nad ydynt yn cynhyrchu cynhyrchion yn ôl yr un safonau â chynhyrchwyr a ffermwyr y DU. Mae rhai gwledydd yn dal i ddefnyddio hyrwyddwyr twf ar gyfer cig coch a gwyn. Rhaid inni gael gwybod y ffeithiau, gan ei bod yn bosibl bod y bwydydd hyn yn dod i'r gadwyn fwyd yng Nghymru.

Dylai defnyddwyr fod yn ymwybodol o'r materion cyd-destunol. Rhaid iddynt gael gwybod bod gwartheg mewn rhai gwledydd yn dal i gael eu trochi rhag trogod a gwiddon mewn organoffosfforws. Rhaid iddynt gael gwybod am yr holl risgiau ac nad yw cynhyrchwyr a ffermwyr mewn rhai

UK. This information must be relayed to the consumer.

It is of no use for manufacturers to tell us that labelling takes up space on packaging, or that it spoils presentation on the box. In conclusion, research states that more than 22 million children under five-years-old are obese or overweight. Obesity almost doubled between 1989 and 1999 from 5 to 9 per cent in children aged two to four. Obesity rates trebled from 5 to 16 per cent between 1990 and 2001 in children aged between six and 15. If current trends continue, experts believe that at least a third of adults will be obese by 2020.

In light of these comments, we owe it to the people of Wales to put in place safeguards to protect their long-term health. Please support my amendments.

**Mick Bates:** I propose amendment 3 to NDM2168 in the name of Kirsty Williams. Add a new point at the end of the motion:

*calls for more stringent and clearer labelling of GM-related products, in particular that meat and other products from animals fed on GM feed should be labelled and the threshold for GM contamination in non-GM produce should be reduced to 0.1 per cent.*

I thank Brynle for his important speech on amendments 1 and 2. I take this opportunity to expand on a point made by Brynle about the right for consumers to know exactly what they eat. This is the fundamental point of amendment 3, which I hope you will accept, Minister. Prior to this debate, your Government has always been extremely supportive of an anti-GM stance.

Today, we have a piece of legislation which requires a list of inclusions in food which excludes genetically modified material. As Minister for health, you will surely understand that there is currently no evidence to suggest that foods containing GM material do not cause allergies. We should apply the precautionary principle to this and allow

gwledydd wedi'u codi i'r un safonau â rhai yn y DU. Rhaid rhoi'r wybodaeth hon i'r defnyddiwr.

Ni thycia i weithgynhyrchwyr ddweud wrthym fod labelau'n cymryd gormod o le ar becynnau, neu eu bod yn difetha'r cyflwyniad ar y blwch. I derfynu, dengys ymchwil fod mwy na 22 filiwn o blant o dan bum mlwydd oed yn ordew neu dros eu pwysau. Mae gordewdra wedi dyblu bron rhwng 1989 a 1999 o 5 i 9 y cant ymysg plant dwy i bedair oed. Mae cyfraddau gordewdra wedi treblu o 5 i 16 y cant rhwng 1990 a 2001 ymysg plant rhwng chwech a 15 oed. Os pery'r tueddiadau presennol, mae arbenigwyr yn credu y bydd o leiaf un rhan o dair o oedolion yn ordew erbyn 2020.

Yng ngoleuni'r sylwadau hyn, rhaid inni gymryd camau er mwyn pobl Cymru i ddiogelu eu hiechyd yn y tymor hir. Cefnogwch fy ngwelliannau, os gwelwch yn dda.

**Mick Bates:** Cynigïaf welliant 3 i NDM2168 yn enw Kirsty Williams. Ychwanegu pwynt newydd ar ddiwedd y cynnig:

*yn galw am labelu cynnyrch sy'n gysylltiedig â GM yn fwy llym ac eglur, ac yn benodol, dylai cig a chynnyrch eraill o anifeiliaid a besgwyd ar borthiant GM gael eu labelu a dylid lleihau'r trothwy ar gyfer halogiad GM mewn cynnyrch nad yw'n gynnyrch GM i 0.1 y cant.*

Diolchaf i Brynle am ei araith bwysig ar welliannau 1 a 2. Achubaf ar y cyfle hwn i ymhelaethu ar bwynt a wnaeth Brynle am hawl defnyddwyr i gael gwybod beth yn union y maent yn ei fwyta. Dyma bwynt sylfaenol gwelliant 3, y gobeithiaf y byddwch yn ei dderbyn, Weinidog. Cyn y ddadl hon, bu'ch Llywodraeth yn dra chefnogol erioed i safiad yn erbyn addasu genynnol.

Heddiw, mae gennym eitem ddeddfwriaeth sy'n mynnu rhestru cynhwysion bwyd ond hynny heb gynnwys deunydd a addaswyd yn enynnol. Fel Gweinidog dros iechyd, byddwch yn sicr o ddeall nad oes unrhyw dystiolaeth ar hyn o bryd sy'n awgrymu nad yw bwydydd sy'n cynnwys deunydd GM yn achosi alergeddau. Dylem gymhwyso'r

consumers to know what are the ingredients of the food that they buy.

I draw attention to the work undertaken by Greenpeace, with which I am sure you are familiar, Minister, which reveals that despite a consumer backlash, GM material is slipping in through the back door via animal feeds and finding its way into our shopping trolleys.

Minister, this is a situation which you cannot support in the name of food safety. I refer you to a whole list of food products, from Allinson bread to Anytime Teacakes, that you can find on the Greenpeace list which show—and this is the reason given by companies such as Allied Bakeries Limited—that they cannot give assurances that these foods do not contain GM material because the animal feeds do not have a clear statement that they are not derived from GM material. Therefore, we do not know if the animal was fed on these products and the label for the consumer cannot clearly refer to GM material despite the fact that consumers do not want to buy genetically modified material.

**Brian Gibbons:** While I accept that there is a theoretical risk of food allergy from GM crops, which also exists in natural foods—therefore it is not intrinsic to GM material—and while I accept that there has been no randomised control study on this, do you accept that probably 1 billion people in the world have consumed GM-related foods and that there is no documented case of an allergy from GM foods, despite the fact that so many people have consumed them?

**Mick Bates:** I am surprised, as you are a doctor, that you can make such a complacent statement.

The history of food safety is littered with examples of food pollutants that, years following their introduction, have caused immense damage, despite the fact that many people pleaded for them to be studied more closely and for evidence to be taken on board that would suggest that they are completely safe. I accept that that requires a longer

egwyddor ragofalus at hyn a gadael i ddefnyddwyr wybod pa gynhyrchion sydd yn y bwyd a brynant.

Tynnaf sylw at y gwaith a wnaeth Greenpeace, yr wyf yn siŵr eich bod yn gyfarwydd ag ef, Weinidog, sy'n dangos, er gwaethaf gwrthwynebiad defnyddwyr, fod deunydd GM yn sleifio i mewn drwy'r drws cefn drwy borthiant anifeiliaid ac yn cael lle yn ein trolïau siopa.

Weinidog, dyma sefyllfa na allwch ei chyfiawnhau yn enw diogelwch bwyd. Fe'ch cyfeirïaf at restr hir o gynhyrchion bwyd, o fara Allinson i Anytime Teacakes, y gallwch eu gweld ar restr Greenpeace sy'n dangos—a dyma'r rheswm a roddir gan gwmnïau fel Allied Bakeries Cyfyngedig—na allant roi sicrwydd nad yw'r bwydydd hyn yn cynnwys deunydd GM gan na ddatgenir yn glir ar borthiant anifeiliaid nad yw'n deillio o ddeunydd GM. Felly, ni wyddom a besgwyd yr anifail â'r cynhyrchion hyn ac ni ellir cyfeirio'n glir ar y label i'r defnyddiwr at ddeunydd GM er nad yw defnyddwyr yn dymuno prynu deunydd a addaswyd yn enynnol.

**Brian Gibbons:** Er fy mod yn derbyn bod risg damcaniaethol o gael alergedd bwyd o gnydau GM, a geir hefyd yn achos bwydydd naturiol—felly nid yw'n perthyn i ddeunydd GM yn ei hanfod—ac er fy mod yn derbyn na chafwyd astudiaeth o hyn drwy gymharu hapsamplau, a ydych yn derbyn ei bod yn debygol bod 1 biliwn o bobl yn y byd wedi bwyta bwydydd sy'n gysylltiedig â deunydd GM ac na chofnodwyd unrhyw achos o gael alergedd o fwydydd GM, er bod cynifer wedi'u bwyta?

**Mick Bates:** Synnaf eich bod yn gallu gwneud datganiad mor ddifater, a chithau'n feddyg.

Mae hanes diogelwch bwyd yn frith o enghreifftiau o lygrwyr bwyd a barodd niwed difrifol, flynyddoedd ar ôl eu cyflwyno, er bod llawer o bobl wedi erfyn am eu hastudio'n fanylach ac am ystyried tystiolaeth a awgrymai eu bod yn gwbl ddiogel. Derbyniaf fod hynny'n gofyn mwy o amser. Mae gormod o bobl sydd â

period of time. Too many people with powerful commercial interests are dictating to your Government that these products should go on the market without the due research to show that they are completely safe.

**Brian Gibbons:** Could you give me a single reference to a single documented case in which a known allergic reaction to GM food took place? I only want one example.

**Mick Bates:** I have raised this issue on many occasions during all the inquiries into GM that the Assembly has held. I have asked where is the evidence to show that GM mace fed to animals, for example, is not transmitted into the human food chain and causes allergies that are not currently identified. That is research, Mr Gibbons, as you well know. It is not undertaken lightly. I am surprised that you take such a complacent attitude to public health in this debate.

**Jocelyn Davies:** Plaid Cymru—The Party of Wales welcomes these regulations, which will ensure that certain ingredients that are known to result in allergic reactions are highlighted on food packaging. That can only be good. We also support the amendments tabled by Kirsty Williams and David Melding, while acknowledging that they refer directly to food labelling. It is always interesting to know what is in the food that we eat, and I strongly recommend that you all read *Not on the Label* by Felicity Lawrence.

On amendment 2 tabled by David Melding on including salt and sugar content on labelling, it is of some concern to us that many food products are promoted as having health benefits when they have high levels of sugar and salt. Breakfast cereals are particularly bad, particularly in terms of salt content. All the packets of cereal in my cupboard that I checked last night had high salt content. Most had medium to high sugar content, and many people add more sugar to their cereal. Sugar Puffs has 49 per cent sugar content, but at least the manufacturer does not pretend that it improves your health and lifestyle. I am keen that the free breakfast

buddiannau masnachol helaeth yn dweud wrth eich Llywodraeth y dylid marchnata'r cynhyrchion hyn a hynny heb ymchwilio fel y dylid i ddangos eu bod yn gwbl ddiogel.

**Brian Gibbons:** A allwch fy nghyfeirio at un achos a gofnodwyd lle y bu adwaith alergol hysbys i fwyd GM? Dim ond am un enghraifft yr wyf yn gofyn.

**Mick Bates:** Codais y mater hwn lawer gwaith yn ystod yr holl ymchwiliadau i addasu genynnol a gynhaliodd y Cynulliad. Gofynnais am weld tystiolaeth i ddangos nad yw mës GM a roddwyd i anifeiliaid, er enghraifft, yn cael ei drosglwyddo i'r gadwyn fwyd ddynol ac yn achosi alergeddau nas canfuwyd eto. Peth felly yw ymchwilio, Mr Gibbons, fel y gwyddoch yn iawn. Nid ymgwymerir ag ef yn ddifeddwl. Synnaf fod eich agwedd at iechyd cyhoeddus yn y ddadl hon yn un mor ddifater.

**Jocelyn Davies:** Mae Plaid Cymru—The Party of Wales yn croesawu'r rheoliadau hyn, a fydd yn sicrhau y tynnir sylw at rai cynhwysion y gwyddys eu bod yn peri adweithiau alergol ar becynnau bwyd. Mae hynny'n sicr o fod yn beth da. Yr ydym hefyd yn cefnogi'r gwelliannau a gyflwynwyd gan Kirsty Williams a David Melding, gan gydnabod eu bod yn cyfeirio'n uniongyrchol at labelau bwyd. Mae bob amser yn ddiddorol cael gwybod beth sydd yn y bwyd a fwytawn, ac yr wyf yn taer gymell pob un ohonoch i ddarllen *Not on the Label* gan Felicity Lawrence.

Ynghylch gwelliant 2 a gyflwynwyd gan David Melding sy'n ymwneud â nodi'r cynnwys halen a siwgwr ar labelau, mae'n peri cryn bryder i ni fod llawer o gynhyrchion bwyd yn cael eu hyrwyddo fel rhai sydd o les i iechyd er bod ynddynt lefelau uchel o siwgwr a halen. Mae grawnfwydydd brecwast yn arbennig o wael, yn enwedig o ran yr halen y maent yn ei gynnwys. Yr oedd lefelau uchel o halen yn yr holl becynnau grawnfwyd yn fy nghwprdd yr edrychais arnynt neithiwr. Yr oedd y lefelau siwgwr yn y rhan fwyaf ohonynt yn ganolig neu'n uchel, ac mae llawer o bobl yn ychwanegu siwgwr at rawnfwyd. Siwgwr yw 49 y cant o



initiative will not be using cereals with too much salt and sugar in them.

Processed foods are commonplace, particularly processed chicken. Chicken is cheaper now than it was two decades ago. We are using much more of it, ironically, because of a desire to avoid red meat for health reasons. However, the salt content is often high in order to attempt to improve the taste and to enable the processed meat to hold in water. Some products have 30 per cent water content. The Food Standards Agency also found that processed chicken imported from Holland contained pork and beef protein to hold water in the meat. Food labelling does not currently give consumers all the information that they need. It must be difficult for farmers in Wales to compete, particularly in terms of producing chicken.

I would like the amount of salt and water that can be added to food to be limited and a complete ban of foreign proteins to be implemented. Too much salt is included in bread to assist with modern cooking techniques, which have completely eliminated the need for fermentation. So much salt is included in the average loaf that, by Government health standards, it is now a high-salt food. This concerns me because sliced white bread makes up a large proportion of many people's diet. Supermarkets often sell such bread cheaply and below the cost of production. Those on low incomes may be unaware that they are eating so much salt. If bread is included in the free breakfast initiative, we must ensure that loaves that are high in salt are not included. If the Government is serious about getting the nation to reduce its salt and sugar intake, it must ensure that it does not feed children high levels of salt and sugar every day.

3.40 p.m.

gynnwys Sugar Puffs, ond o leiaf nid yw'r cynhyrchwr yn crymryd arno ei fod yn gwella'ch iechyd a'ch ffordd o fyw. Yr wyf yn awyddus i sicrhau na fydd y fenter brechwastau am ddim yn defnyddio grawnfwydydd ac ynddynt ormod o halen a siwgwr.

Mae bwydydd sydd wedi'u prosesu yn gyffredin, yn enwedig cig cyw iâr sydd wedi'i brosesu. Mae cig cyw iâr yn rhatach yn awr nag yr oedd ddau ddegawd yn ôl. Defnyddiwn lawer mwy ohono, yn eironig, oherwydd ein hawydd i beidio â bwyta cig coch am resymau sy'n ymwneud ag iechyd. Fodd bynnag, rhoddir llawer o halen ynddo'n aml er mwyn ceisio gwella'r blas ac fel bod y cig a broseswyd yn gallu dal dŵr. Dŵr yw tua 30 y cant o rai cynhyrchion. Mae'r Asiantaeth Safonau Bwyd wedi canfod hefyd fod cig cyw iâr wedi'i brosesu a fewnforiwyd o'r Iseldiroedd yn cynnwys protein porc a chig eidion i ddal dŵr yn y cig. Ar hyn o bryd, nid yw'r labelau ar fwyd yn rhoi i ddefnyddwyr y wybodaeth y mae arnynt ei hangen. Mae'n sicr o fod yn anodd i ffermwyr yng Nghymru gystadlu, yn enwedig wrth gynhyrchu cig cyw iâr.

Carwn weld cyfyngu ar faint yr halen a'r dŵr y gellir eu hychwanegu at fwyd a gwaharddiad llwyr ar broteinau o wledydd tramor. Ceir gormod o halen mewn bara i hwyluso technegau pobi modern, sydd wedi llwyr ddileu'r angen i eplesu. Cymaint yw'r halen a geir yn y dorth gyffredin, yn ôl safonau iechyd y Llywodraeth, fel ei bod bellach yn fwyd â lefel uchel o halen. Mae hyn yn peri pryder i mi gan fod bara gwyn tafellog yn gyfran helaeth o ddeiet llawer o bobl. Mae archfarchnadoedd yn aml yn gwerthu bara o'r fath yn rhad ac am lai na'r gost o'i gynhyrchu. Mae'n bosibl bod rhai ar incwm isel na wyddant eu bod yn bwyta cymaint o halen. Os bydd bara'n rhan o'r fenter brechwastau am ddim, rhaid inni sicrhau na ddefnyddir bara sydd â lefelau uchel o halen. Os yw'r Llywodraeth o ddifrif ynghylch peri i'r genedl fwyta llai o halen a siwgwr, rhaid iddi sicrhau na fydd yn rhoi lefelau uchel o halen a siwgwr i blant bob diwrnod.

**William Graham:** In supporting the amendments and welcoming the measures proposed by the Government, we note that over 20 kitemark schemes are currently used in the United Kingdom, usually in the form of logos stamped on packaging, as has been discussed, and that more than 78,000 food producers subscribe to those kitemarks. People want to know how and where their food is produced, but are thoroughly confused by the plethora of logos and claims. The British farm standard red tractor mark is widely supported, as are freedom food—the Royal Society for the Prevention of Cruelty to Animals’ animal welfare label—assured chicken, farm assured British beef, and the red lion quality mark, which is so familiar on eggs. Many people, however, wrongly assume that the National Farmers Union’s red tractor logo on packs of meat—one of the best-known consumer labels in the United Kingdom—means that the product is British. It does not, as we have discussed this afternoon. It received the green light from the European Union authorities only after the NFU agreed that the logo could be used to identify food produced according to British standards, rather than food of British origin. Foreign food producers who meet the standards are eligible to use the red tractor logo if they feel that it would boost their sales in the United Kingdom. I appreciate that some companies find it difficult to track where all ingredients come from, but that does not prevent them from marking the country of origin for the prime product. Minimum standards for each scheme on areas such as consumer involvement, transparency, accreditation, inspection, and the use of logos should be more widely promoted by the Government. The food supply chain has become immensely complex, and labelling regulations such as these promote good practice, but we want to see more.

**The Minister for Health and Social Services (Jane Hutt):** Thank you Brynle, Mick and Jocelyn, but I cannot support the amendments because they all fall outside the scope of the regulations. In good faith, I considered the points that you raised in constructive opposition, Brynle, which are

**William Graham:** Wrth gefnogi'r gwelliannau a chroesawu'r mesurau a gynigir gan y Llywodraeth, nodwn fod mwy nag 20 o gynlluniau nod barcud ar waith ar hyn o bryd yn y Deyrnas Unedig, a hynny fel arfer ar ffurf logos a gaiff eu stampio ar becynnau, fel y trafodwyd, a bod mwy na 78,000 o gynhyrchwyr yn gwneud defnydd o'r nodau barcud hynny. Mae pobl am gael gwybod ym mhle ac ym mha fodd y cynhyrchir eu bwyd, ond cânt eu drysu'n llwyr gan y gormodedd o logos a honiadau. Ceir cefnogaeth eang i nod tractor coch y safon fferm Brydeinig, fel y ceir i freedom food—label lles anifeiliaid y Gymdeithas Frenhinol er Atal Creulondeb i Anifeiliaid—cig cyw iâr a warrantwyd, cig eidion o Brydain â gwarant fferm, a nod ansawdd y llew coch, yr ydym mor gyfarwydd â'i gweld ar wyau. Er hynny, mae llawer o bobl yn tybio ar gam fod logo tractor coch Undeb Cenedlaethol yr Amaethwyr ar becynnau cig—un o'r labelau sy'n fwyaf cyfarwydd i ddefnyddwyr yn y Deyrnas Unedig—yn golygu bod y cynnyrch o Brydain. Nid ydyw, fel y nodasom y prynhawn yma. Er mwyn iddo gael sêl bendith gan awdurdodau'r Undeb Ewropeaidd, bu'n rhaid i'r NFU gytuno y gellid defnyddio'r logo i ddynodi bwyd a gynhyrchwyd yn ôl safonau Prydeinig, yn hytrach na bwyd sy'n deillio o Brydain. Mae cynhyrchwyr bwyd tramor sy'n cyrraedd y safonau'n gymwys i ddefnyddio logo'r tractor coch os teimlant y rhoddai hwb i werthiant eu cynnyrch yn y Deyrnas Unedig. Sylweddolaf fod rhai cwmnïau'n ei chael yn anodd olrhain yr holl gynhwysion, ond nid yw hynny'n eu rhwystro rhag nodi o ba wlad y deilliodd y prif gynnyrch. Dylai'r Llywodraeth wneud mwy o waith i hyrwyddo safonau sylfaenol ar gyfer pob cynllun mewn meysydd fel y cysylltiad â defnyddwyr, tryloywder, achredu, archwilio, a'r defnydd o logos. Mae'r gadwyn gyflenwi bwyd wedi mynd yn dra chymhleth, ac mae rheoliadau ar labelu fel y rhain yn hyrwyddo arferion da, ond yr ydym am weld rhagor ohonynt.

**Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol (Jane Hutt):** Diolch i chi Brynle, Mick a Jocelyn, ond ni allaf gefnogi'r gwelliannau gan eu bod y tu allan i gwmpas y rheoliadau. Ystyriais y pwyntiau a wnaethoch wrth wrthwynebu'n adeiladol gyda phob ewyllys da, Brynle, ac maent yn agos at fy

close to my heart as health Minister. However, amendment 1 is outside the scope of the regulations, which are solely concerned with the labelling of allergens, and I know that you would appreciate that in terms of your support for these regulations. The Food Standards Agency is pressing for new EU rules requiring origin labelling on a wider range of foods, and for clearer rules on the use of terms such as 'produce of'. I am sure that Eleanor will be pleased to hear that.

On marking salt and sugar content on food labels, again, that is outside the scope of these regulations, but it is a fair point, particularly today with the publication of a White Paper that focuses on this issue. Under current rules, nutritional labelling is optional unless a claim is being made. The Food Standards Agency is pressing for EU rules requiring more comprehensive nutrition labelling on all foods, and a revised European nutrition labelling directive is expected from Brussels in 2005. As you will have noted, there is a commitment in today's White Paper to press forward with simplified nutrition labelling, including the development of proposals for signposting—I think that you talked about the traffic lights approach—and I would welcome the opportunity to discuss this matter further in the Assembly. It is not relevant to today's discussions, but it is a key plank of Health Challenge Wales. On Jocelyn's concern about free breakfasts, we had a nutritionist on the working party to ensure that our free breakfasts were nutritional.

Mick and Jocelyn, on GM-related products and labelling, again, amendment 3 is outside the scope of these regulations. I will not be drawn into this debate because new rules governing the labelling of GM food and feed are scheduled for debate on 30 November, with a view to the regulations coming into force in Wales on 17 December.

nghalon fel Gweinidog dros iechyd. Fodd bynnag, mae gwelliant 1 y tu allan i gwmpas y rheoliadau, sy'n ymwneud yn gyfan gwbl â labelu alergenau, a gwn y byddech yn gwerthfawrogi hynny yng ngolwg eich cefnogaeth i'r rheoliadau hyn. Mae'r Asiantaeth Safonau Bwyd yn pwysu dros gael rheolau newydd yn yr UE a fydd yn mynnu rhoi labelau sy'n dangos tarddiad ar amrediad ehangach o fwydydd, ac am gael rheolau cliriach ar ddefnyddio termau fel 'cynnyrch' y fan a'r fan. Yr wyf yn siŵr y bydd Eleanor yn falch o glywed hynny.

Ynghylch nodi'r halen a'r siwgrw ar gynhwysir ar labelau bwyd, unwaith eto, mae hynny y tu allan i gwmpas y rheoliadau hyn, ond mae'n bwynt teg, yn enwedig heddiw gan fod Papur Gwyn wedi'i gyhoeddi sy'n canolbwyntio ar y mater hwn. O dan y rheolau cyfredol, mae labelu maethol yn ddewisol oni wneir honiad. Mae'r Asiantaeth Safonau Bwyd yn pwysu dros gael rheolau yn yr UE a fydd yn mynnu labelu maethol mwy cynhwysfawr ar bob bwyd, ac mae disgwyl y ceir cyfarwyddeb Ewropeaidd ddiwygiedig ar labelu maethol o Frwsel yn 2005. Fel y byddwch wedi nodi, mae ymrwymiad yn y Papur Gwyn heddiw i frwr ymlaen i gael labelu maethol symlach, gan gynnwys datblygu cynigion ar gyfer arwyddion—credaf ichi sôn am ddull y goleuadau traffig—a chroesawn y cyfle i drafod y mater hwn ymhellach yn y Cynulliad. Nid yw'n berthnasol i'r trafodaethau heddiw, ond mae'n elfen allweddol yn Her Iechyd Cymru. Ynghylch y pryder a fynegodd Jocelyn am frechwastau am ddim, yr oedd gennym faethegwr ar y gweithgor i sicrhau y byddai ein brechwastau am ddim yn rhai maethol.

Mick a Jocelyn, ynghylch cynhyrchion a labelu sy'n gysylltiedig ag addasu genynnol, unwaith eto, mae gwelliant 3 y tu allan i gwmpas y rheoliadau hyn. Ni chaf fy nhynnu i'r ddadl hon gan fod dadl ar reolau newydd ar labelu bwyd GM wedi'i hamserlennu ar gyfer 30 Tachwedd, gyda'r bwriad o roi'r rheoliadau ar waith yng Nghymru ar 17 Rhagfyr.

*Gwelliant 1: O blaid 26, Ymatal 0, Yn erbyn 29.  
Amendment 1: For 26, Abstain 0, Against 29.*

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

Bates, Mick  
Black, Peter  
Bourne, Nick  
Burnham, Eleanor  
Cairns, Alun  
Davies, David  
Davies, Glyn  
Davies, Janet  
Davies, Jocelyn  
Francis, Lisa  
German, Michael  
Graham, William  
Isherwood, Mark  
Jones, Alun Ffred  
Jones, Elin  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Jones, Laura Anne  
Lloyd, David  
Melding, David  
Randerson, Jenny  
Ryder, Janet  
Thomas, Owen John  
Thomas, Rhodri Glyn  
Williams, Brynle  
Williams, Kirsty

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

Andrews, Leighton  
Barrett, Lorraine  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Andrew  
Dunwoody-Kneafsey, Tamsin  
Essex, Sue  
Gibbons, Brian  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Hart, Edwina  
Hutt, Jane  
Idris Jones, Denise  
James, Irene  
Jones, Ann  
Jones, Carwyn  
Law, Peter  
Lewis, Huw  
Lloyd, Val  
Mewies, Sandy  
Morgan, Rhodri  
Neagle, Lynne  
Pugh, Alun  
Sargeant, Carl  
Sinclair, Karen  
Thomas, Catherine  
Thomas, Gwenda

*Gwrthodwyd y gwelliant.  
Amendment defeated.*

*Gwelliant 2: O blaid 26, Ymatal 0, Yn erbyn 29.  
Amendment 2: For 26, Abstain 0, Against 29.*

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

Bates, Mick  
Black, Peter  
Bourne, Nick  
Burnham, Eleanor  
Cairns, Alun  
Davies, David  
Davies, Glyn  
Davies, Janet  
Davies, Jocelyn  
Francis, Lisa  
German, Michael  
Graham, William  
Isherwood, Mark  
Jones, Alun Ffred  
Jones, Elin  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Jones, Laura Anne  
Lloyd, David  
Melding, David  
Randerson, Jenny  
Ryder, Janet  
Thomas, Owen John  
Thomas, Rhodri Glyn

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

Andrews, Leighton  
Barrett, Lorraine  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Andrew  
Dunwoody-Kneafsey, Tamsin  
Essex, Sue  
Gibbons, Brian  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Hart, Edwina  
Hutt, Jane  
Idris Jones, Denise  
James, Irene  
Jones, Ann  
Jones, Carwyn  
Law, Peter  
Lewis, Huw  
Lloyd, Val  
Mewies, Sandy  
Morgan, Rhodri  
Neagle, Lynne

Williams, Brynle  
Williams, Kirsty

Pugh, Alun  
Sargeant, Carl  
Sinclair, Karen  
Thomas, Catherine  
Thomas, Gwenda

*Gwrthodwyd y gwelliant.  
Amendment defeated.*

*Gwelliant 3: O blaid 26, Ymatal 0, Yn erbyn 29.  
Amendment 3: For 26, Abstain 0, Against 29.*

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

Bates, Mick  
Black, Peter  
Bourne, Nick  
Burnham, Eleanor  
Cairns, Alun  
Davies, David  
Davies, Glyn  
Davies, Janet  
Davies, Jocelyn  
Francis, Lisa  
German, Michael  
Graham, William  
Isherwood, Mark  
Jones, Alun Ffred  
Jones, Elin  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Jones, Laura Anne  
Lloyd, David  
Melding, David  
Randerson, Jenny  
Ryder, Janet  
Thomas, Owen John  
Thomas, Rhodri Glyn  
Williams, Brynle  
Williams, Kirsty

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

Andrews, Leighton  
Barrett, Lorraine  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Andrew  
Dunwoody-Kneafsey, Tamsin  
Essex, Sue  
Gibbons, Brian  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Hart, Edwina  
Hutt, Jane  
Idris Jones, Denise  
James, Irene  
Jones, Ann  
Jones, Carwyn  
Law, Peter  
Lewis, Huw  
Lloyd, Val  
Mewies, Sandy  
Morgan, Rhodri  
Neagle, Lynne  
Pugh, Alun  
Sargeant, Carl  
Sinclair, Karen  
Thomas, Catherine  
Thomas, Gwenda

*Gwrthodwyd y gwelliant.  
Amendment defeated.*

*Cynnig (NDM2168): O blaid 55, Ymatal 0, Yn erbyn 0.  
Motion (NDM2168): For 55, Abstain 0, Against 0.*

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

Andrews, Leighton  
Barrett, Lorraine  
Bates, Mick  
Black, Peter  
Bourne, Nick  
Burnham, Eleanor  
Cairns, Alun  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Andrew

Davies, David  
Davies, Glyn  
Davies, Janet  
Davies, Jocelyn  
Dunwoody-Kneafsey, Tamsin  
Essex, Sue  
Francis, Lisa  
German, Michael  
Gibbons, Brian  
Graham, William  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Hart, Edwina  
Hutt, Jane  
Idris Jones, Denise  
Isherwood, Mark  
James, Irene  
Jones, Alun Ffred  
Jones, Ann  
Jones, Carwyn  
Jones, Elin  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Jones, Laura Anne  
Law, Peter  
Lewis, Huw  
Lloyd, David  
Lloyd, Val  
Melding, David  
Mewies, Sandy  
Morgan, Rhodri  
Neagle, Lynne  
Pugh, Alun  
Randerson, Jenny  
Ryder, Janet  
Sargeant, Carl  
Sinclair, Karen  
Thomas, Catherine  
Thomas, Gwenda  
Thomas, Owen John  
Thomas, Rhodri Glyn  
Williams, Brynle  
Williams, Kirsty

*Derbyniwyd y cynnig.  
Motion carried.*

*Cynnig (NDM2169): O blaid 55, Ymatal 0, Yn erbyn 0.  
Motion (NDM2169): For 55, Abstain 0, Against 0.*

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

Andrews, Leighton  
Barrett, Lorraine  
Bates, Mick  
Black, Peter  
Bourne, Nick  
Burnham, Eleanor  
Cairns, Alun  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Andrew  
Davies, David

Davies, Glyn  
 Davies, Janet  
 Davies, Jocelyn  
 Dunwoody-Kneafsey, Tamsin  
 Essex, Sue  
 Francis, Lisa  
 German, Michael  
 Gibbons, Brian  
 Graham, William  
 Gregory, Janice  
 Griffiths, John  
 Gwyther, Christine  
 Hart, Edwina  
 Hutt, Jane  
 Idris Jones, Denise  
 Isherwood, Mark  
 James, Irene  
 Jones, Alun Ffred  
 Jones, Ann  
 Jones, Carwyn  
 Jones, Elin  
 Jones, Helen Mary  
 Jones, Ieuan Wyn  
 Jones, Laura Anne  
 Law, Peter  
 Lewis, Huw  
 Lloyd, David  
 Lloyd, Val  
 Melding, David  
 Mewies, Sandy  
 Morgan, Rhodri  
 Neagle, Lynne  
 Pugh, Alun  
 Randerson, Jenny  
 Ryder, Janet  
 Sargeant, Carl  
 Sinclair, Karen  
 Thomas, Catherine  
 Thomas, Gwenda  
 Thomas, Owen John  
 Thomas, Rhodri Glyn  
 Williams, Brynle  
 Williams, Kirsty

*Derbyniwyd y cynnig.  
 Motion carried.*

**Hysbysiad o Anfodlonrwydd â Chynnig y Gweinidog dros Addysg a Dysgu Gydol  
 Oes i wneud Lwfans Cynhaliaeth Addysg—Cynllun Cymru  
 Notice of Dissatisfaction with the Minister for Education and Lifelong Learning's  
 Intention to make the Education Maintenance Allowance—Wales Scheme**

**Janet Ryder:** I propose the following motion in my name and the names of Peter Black, Michael German, Ieuan Wyn Jones, Laura Anne Jones, Jenny Randerson, Leanne Wood, Jocelyn Davies, David Davies and David Melding:

*the National Assembly for Wales, acting under Standing Order No. 29.5:*

**Janet Ryder:** Cynigiaf y cynnig canlynol yn fy enw i ac enwau Peter Black, Michael German, Ieuan Wyn Jones, Laura Anne Jones, Jenny Randerson, Leanne Wood, Jocelyn Davies, David Davies, a David Melding:

*Cynulliad Cenedlaethol Cymru, gan weithredu o dan Reol Sefydlog Rhif 29.5:*

1. expresses its dissatisfaction with the Minister for Education and Lifelong Learning's proposal, e-mailed to Assembly Members on 27 October 2004, to make the Education Maintenance Allowance—Wales scheme; and

2. resolves that Standing Orders Nos. 24.6 to 24.25 shall apply to the making of this Order. (NDM2144)

This motion was tabled by the opposition parties to enable a debate in Plenary on this procedure and the issues that arise. It draws into question the use of Standing Order No. 29.3 with regard to the education maintenance allowances scheme. Standing Order No. 29.3 should be used when a matter is deemed so important and urgent that it must be actioned immediately without recourse to the normal channels, or is of a technical, trivial or local nature. The introduction of the education maintenance allowances is none of those things; it is a major piece of legislation and should have been allocated dedicated time in committee and then in Plenary. There has been no opportunity to debate, scrutinise or amend this legislation. That is a great pity, for opposition members do not often voice support for a piece of Government legislation, but we have been denied the opportunity to do so in this instance. The scheme appeared in the Minister's report to committee, where there is little, if any, time for proper debate. Yet this piece of legislation brings in a means-tested form of benefit, places an extra burden of administration on schools and local education authorities, and excludes those who are aged 17 this year from applying.

**Leighton Andrews:** Do you not agree that the best way to support this legislation would be not to propose the notice of dissatisfaction, as it will, if accepted, deprive thousands of young people in Wales of the benefits of this measure?

**Janet Ryder:** It is not the opposition parties that are hindering the democratic process; the Labour Government is denying us the opportunity to properly scrutinise measures.

1. yn mynegi ei anfodlonrwydd â chynnig y Gweinidog dros Addysg a Dysgu Gydol Oes, a anfonwyd drwy'r e-bost at Aelodau'r Cynulliad ar 27 Hydref 2004, i wneud 'Lwfans Cynhالياeth Addysg—Cynllun Cymru'; a

2. yn penderfynu y bydd Rheolau Sefydlog Rhifau 24.6 i 24.25 yn gymwys wrth wneud y Gorchymyn hwn. (NDM2144)

Cyflwynwyd y cynnig hwn gan y gwrthbleidiau fel y gellid cael dadl yn y Cyfarfod Llawn ar y weithdrefn hon a'r materion sy'n codi. Mae'n cwestiynu'r defnydd o Reol Sefydlog Rhif 29.3 mewn cysylltiad â chynllun y lwfans cynhالياeth addysg. Dylid defnyddio Rheol Sefydlog Rhif 29.3 pan fernir bod mater mor bwysig a bod cymaint o frys i'w drafod fel bod rhaid cymryd camau yn ei gylch ar unwaith heb ddefnyddio'r dulliau arferol, neu os ydyw o natur dechnegol, dibwys neu leol. Nid yw cyflwyno lwfansau cynhالياeth addysg yn rhywbeth felly; mae'n eitem ddeddfwriaeth o bwys a dylid bod wedi neilltuo amser i'w thrafod yn y pwyllgor ac wedyn yn y Cyfarfod Llawn. Ni chafwyd cyfle i drafod y ddeddfwriaeth hon, nac i graffu arni neu'i newid. Mae hynny'n drueni mawr, oherwydd nid yn aml y bydd Aelodau'r gwrthbleidiau'n mynegi cefnogaeth i eitem ddeddfwriaeth o eiddo'r Llywodraeth, ond gwrthodwyd cyfle inni wneud hynny yn yr achos hwn. Ymddangosodd y cynllun yn adroddiad y Gweinidog i'r pwyllgor, lle nad oes fawr ddim amser i gael dadl iawn. Ac eto, mae'r eitem ddeddfwriaeth hon yn cyflwyno budd-dal sy'n seiliedig ar brawf moddion, yn rhoi baich gweinyddol ychwanegol ar ysgolion ac awdurdodau addysg lleol, ac yn gwahardd y rhai sy'n 17 oed eleni rhag ymgeisio.

**Leighton Andrews:** Oni chytunwch mai'r modd gorau i gefnogi'r ddeddfwriaeth hon yw peidio â chynnig hysbysiad o anfodlonrwydd oherwydd, os caiff ei dderbyn, bydd yn amddifadu miloedd o bobl ifanc yng Nghymru o fanteision y mesur hwn?

**Janet Ryder:** Nid y gwrthbleidiau sy'n rhwystro'r broses ddemocrataidd; mae'r Llywodraeth Lafur yn gwrthod cyfle inni graffu'n iawn ar fesurau.



Plaid Cymru would like to see the Minister introduce a financial grant for this year to allow the excluded 17-year-olds to apply for support. As matters stand, this is the only age group excluded from applying for financial support and, while England may be happy to accept this situation, we have the opportunity in Wales to introduce a parallel scheme to support 17-year-olds for this year. That is what we could have debated had we been given the opportunity, but the method that the Minister has chosen has bypassed Plenary and any real form of debate in committee.

Carai Plaid Cymru weld y Gweinidog yn cyflwyno grant ariannol ar gyfer y flwyddyn hon fel y bydd y rhai 17 flwydd oed a gaewyd allan yn cael ymgeisio am gymorth. Fel y mae'n awr, dyma'r unig grŵp oedran sydd wedi'i wahardd rhag ymgeisio am gymorth ariannol ac, er y gallai Lloegr fod yn fodlon derbyn y sefyllfa hon, mae gennym gyfle yng Nghymru i gyflwyno cynllun cyfochrog i gynorthwyo rhai 17 flwydd oed ar gyfer eleni. Byddem wedi gallu cael dadl ar hynny pe cawsem gyfle, ond mae'r dull gweithredu a ddewisodd y Gweinidog wedi osgoi'r Cyfarfod Llawn ac unrhyw fath o ddadl ddilys yn y pwyllgor.

3.50 p.m.

To answer Leighton, the Minister has had since April to bring this matter to Plenary—plenty of time to allow proper debate of a major new education grant. The Government is responsible for any delay. This scheme has already been advertised in schools, before being approved by Assembly Members. The way in which this piece of legislation has been handled smacks of former Welsh-office days, when decisions were taken behind closed doors. Those days are supposed to have gone. Had Rip Van Winkle been a native of Wales and just awoken, he would be forgiven for thinking that nothing has changed in the last five years in terms of the way in which democracy has developed in Wales. The people of Wales deserve better from their education and from their Minister for Education and Lifelong Learning.

Er mwyn ateb Leighton, cafodd y Gweinidog ers mis Ebrill i ddwyn y mater hwn gerbron y Cyfarfod Llawn—digon o amser i ganiatáu dadl briodol ar grant addysg newydd o bwys. Y Llywodraeth sy'n gyfrifol am unrhyw oedi. Mae'r cynllun hwn wedi'i hysbysebu eisoes mewn ysgolion, cyn iddo gael ei gymeradwyo gan Aelodau'r Cynulliad. Mae'r modd y trafodwyd yr eitem ddeddfwriaeth hon yn dwyn i gof hen ddyddiau'r Swyddfa Gymreig, pan wneid penderfyniadau y tu ôl i ddrysau caeedig. Mae'r dyddiau hynny i fod ar ben. Pe buasai Rip Van Winkle yn Gymro, ac yntau newydd ddeffro, gellid maddau iddo am gredu nad oedd dim wedi newid yn y pum mlynedd diwethaf o ran y modd y datblygodd democratiaeth yng Nghymru. Mae pobl Cymru'n haeddu gwell o'u haddysg a chan eu Gweinidog dros Addysg a Dysgu Gydol Oes.

**Jeff Cuthbert:** I add my voice to the concerns about the opposition's actions regarding the education maintenance allowance. As this is not a motion about the merits of the EMA as such, I will limit my comments, in the main, to questions of Standing Orders and Assembly procedure.

**Jeff Cuthbert:** Ategef y pryderon a fynegwyd ynghylch y camau y mae'r gwrthbleidiau wedi'u cymryd mewn cysylltiad â'r lwfans cynhaliaeth addysg. Gan nad cynnig sy'n ymwneud â rhinweddau'r lwfans fel y cyfryw yw hwn, cyfyngaf fy sylwadau, yn bennaf, i gwestiynau sy'n ymwneud â Rheolau Sefydlog a gweithdrefn y Cynulliad.

As the Minister has said, this measure, in essence, deals with a financial package agreed on a UK level. It is a technical procedure, designed simply so that all EMA Wales scheme stakeholders know their role in

Fel y mae'r Gweinidog wedi dweud, mae'r mesur hwn yn ymwneud, yn y bôn, â phecyn ariannol a gytunwyd ar lefel y DU. Gweithdrefn dechnegol ydyw, ac iddi'r unig amcan o sicrhau bod yr holl randdeiliaid yn

delivering this financial package to students. Standing Order No. 29 is therefore a wholly appropriate legislative avenue to use in this instance. There have been extensive consultations throughout Wales, which have fed into these technical procedures, and Assembly Members' views will be welcomed by the Minister once this Order is made. It should also be noted that the powers to deliver the EMA are contained in sections 14 and 17 of the Education Act 2002, and there is no need for regulations. The use of Standing Order No. 29, therefore, has allowed all Assembly Members to be aware of this technical procedure and to express a view. It is a shame that the method of dialogue pursued by opposition AMs is a motion of dissatisfaction that is wasting valuable Assembly time. The procedure itself—

**Ieuan Wyn Jones:** You are defending the old pre-devolution system. Why do you think the Assembly was established? Are you suggesting that it was for this Government to steamroller matters through without consultation or discussion?

**Jeff Cuthbert:** I do not accept your comments.

The procedure is perfectly legitimate; what is not legitimate is what the opposition parties have done today, namely to play politics with young people's welfare. This motion of dissatisfaction, if successful, would risk delaying payments to EMA students across Wales. It is bringing uncertainty to the EMA process, and that is wrong, because such actions and behaviour put into question students' receiving up to £350 in EMA back payments.

**Mark Isherwood:** Does this not characterise a Minister who puts the cart before the horse—policy before procedure—time and again? In this case, she first rejected the policy, she then misrepresented the statistics of this policy in the Assembly, and then, when she launched it, she sent out the application forms three weeks late—

lwfans cynhaliaeth addysg—cynllun Cymru yn gwybod pa rôl sydd ganddynt wrth roi'r cymorth ariannol hwn i fyfyrwyr. Gan hynny, mae Rheol Sefydlog Rhif 29 yn ddull deddfwriaethol cwbl briodol i'w ddefnyddio yn yr achos hwn. Cafwyd ymgynoriadau helaeth ledled Cymru, a gyfrannodd i'r gweithdrefnau technegol hyn, a bydd y Gweinidog yn croesawu barn Aelodau'r Cynulliad ar ôl gwneud y Gorchymyn hwn. Dylid nodi hefyd fod y pwerau i gynnig y lwfans cynhaliaeth addysg i'w cael yn adrannau 14 a 17 Deddf Addysg 2002, ac nad oes angen rheoliadau. Drwy ddefnyddio Rheol Sefydlog Rhif 29, felly, mae holl Aelodau'r Cynulliad wedi cael gwybod am y weithdrefn dechnegol hon ac wedi cael mynegi barn. Mae'n drueni mai hysbysiad o anfonlonrwydd yw'r dull trafod a ddefnyddir gan ACau y gwrthbleidiau, gan ei fod yn gwastraffu amser prin y Cynulliad. Mae'r weithdrefn ei hun—

**Ieuan Wyn Jones:** Yr ydych yn amddiffyn yr hen system cyn datganoli. Pam y credwch y sefydlwyd y Cynulliad? A ydych yn awgrymu mai i alluogi'r Llywodraeth hon i wthio materion drwodd heb ymgynghori neu drafod y gwnaed hynny?

**Jeff Cuthbert:** Nid wyf yn derbyn eich sylwadau.

Mae'r weithdrefn yn gwbl ddilys; yr hyn nad yw'n ddilys yw'r hyn a wnaeth y gwrthbleidiau heddiw, sef chwarae gwleidyddiaeth â lles pobl ifanc. Os derbynnir y cynnig o anfonlonrwydd hwn, byddai perygl iddo atal taliadau lwfans cynhaliaeth addysg i fyfyrwyr ledled Cymru. Mae'n codi ansicrwydd ym mhroses y lwfans cynhaliaeth addysg, ac nid yw hynny'n beth iawn, gan fod camau gweithredu ac ymddygiad o'r fath yn peryglu gallu myfyrwyr i gael hyd at £350 drwy ôl-daliadau'r lwfans cynhaliaeth addysg.

**Mark Isherwood:** Onid yw hyn yn nodweddiadol o Weinidog sy'n rhoi'r drol o flaen y ceffyl—polisi o flaen gweithdrefn—dro ar ôl tro? Yn yr achos hwn, gwrthododd y polisi'n gyntaf, camliwiodd ystadegau'r polisi hwn wedyn yn y Cynulliad, ac wedyn, wedi iddi ei lansio, dosbarthodd y ffurflenni cais dair wythnos yn hwyr—

**The Presiding Officer:** Order. Whatever criticisms the opposition may make of the Minister, it is not in order for any Minister to be accused of misrepresentation.

**Mark Isherwood:** I withdraw that; I was not aware that it was un-parliamentary to make that remark.

**The Presiding Officer:** It has been established by convention that that is not a form of discourse that we use here. It is 'un-parliamentary' in our terms.

**Jeff Cuthbert:** The Minister made this announcement back in April, so I think that those comments are rich indeed.

A delay in students' receiving their EMA payments would be an awful Christmas present from the opposition parties—and for what? So that the opposition parties can grandstand over a technical procedure that, first, has been out to extensive consultation with schools and teachers and the further education sector. Secondly, it is based on a widely recognised UK-wide scheme, which the Minister announced on 22 April, when no objections were voiced. Thirdly, the information contained in the Order was sent out to schools and colleges before the summer break, and fourthly, students were sent leaflets about it over three months ago. The opposition parties should grow up and stop playing politics with young people's lives.

**David Davies:** The whole purpose of having an education committee is to ensure that items of legislation that relate to education can be properly scrutinised. Clearly, that has not happened in this case. If we allow the Minister to get away with using these procedures on this occasion, we will be setting a dangerous precedent that will allow her, and any other Minister who feels like it, to push through anything they want without the by-your-leave of the committees that have been set up to scrutinise their actions. We already know that the Labour Party has a profound dislike of that scrutiny process and we have seen the way in which it has reduced the number of occasions on which committees can meet, to make it harder for us

**Y Llywydd:** Trefn. Beth bynnag fo beirniadaeth y gwrthbleidiau ar y Gweinidog, nid yw mewn trefn cyhuddo unrhyw Weinidog o gamliwio.

**Mark Isherwood:** Tynnaf hynny'n ôl; ni wyddwn mai anseneddol oedd gwneud sylw o'r fath.

**Y Llywydd:** Cadarnhawyd drwy gonfensiwn nad yw hynny'n fath o ymgom a ddefnyddiwn yma. Mae'n 'anseneddol' yn ein cyd-destun ni.

**Jeff Cuthbert:** Gwnaeth y Gweinidog y cyhoeddiad hwn yn ôl ym mis Ebrill, felly credaf fod y sylwadau hynny'n annerbyniol.

Byddai atal myfyrwyr rhag derbyn eu taliadau lwfans cynhaliaeth addysg yn anrheg Nadolig ofnadwy gan y gwrthbleidiau—ac i beth? Fel y gall y gwrthbleidiau wneud môr a mynydd o weithdrefn dechnegol sy'n un, yn gyntaf, y bu ymgynghori helaeth yn ei chylch gydag ysgolion ac athrawon a'r sector addysg bellach. Yn ail, mae'n seiliedig ar gynllun adnabyddus ledled y DU, a gyhoeddodd y Gweinidog ar 22 Ebrill, pan na fynegwyd unrhyw wrthwynebiad. Yn drydydd, anfonwyd y wybodaeth a geir yn y Gorchymyn at ysgolion a cholegau cyn toriad yr haf, ac yn bedwerydd, anfonwyd tafenni yn ei gylch at fyfyrwyr fwy na thri mis yn ôl. Dylai'r gwrthbleidiau roi'r gorau i fod yn blentynnaidd a chwarae gwleidyddiaeth â bywydau pobl ifanc.

**David Davies:** Holl bwrpas cael pwyllgor addysg yw sicrhau bod modd craffu'n iawn ar eitemau deddfwriaeth sy'n ymwneud ag addysg. Mae'n amlwg na ddigwyddodd hynny yn yr achos hwn. Os gadawn i'r Gweinidog wneud fel y mynn wrth ddefnyddio'r gweithdrefnau hyn y tro hwn, byddwn yn gosod cysail peryglus a fydd yn gadael iddi hi, ac unrhyw Weinidog arall sy'n dymuno, gael gwthio drwodd unrhyw beth y mae'n ei ddymuno heb ofyn cennad y pwyllgorau a sefydlwyd i graffu ar eu camau gweithredu. Gwyddom eisoes fod y Blaid Lafur yn dra anhoff o'r broses graffu honno a gwelsom ei bod wedi lleihau nifer yr achlysuron y caiff pwyllgorau gwrdd, i'w gwneud yn anos inni ddarganfod beth y

to find out what it is doing. Now it is trying to circumnavigate us altogether and that is unacceptable. This piece of legislation could, and should, have been properly scrutinised in committee—we have known about it since April. The Minister managed to find time to visit New Zealand since then, and yet she has not brought this to committee. We are sick and tired of having a Minister who can go the extra 20,000 miles—we want a Minister who will go the extra mile for us and on behalf of students. It is high time that this Government—

**Lorraine Barrett:** Rather than being obsessed with processes, will the Tories, the Liberal Democrats and Plaid Cymru come to Willows Comprehensive School and Llanrumney High School, which are situated in two particularly poor areas in my constituency, and tell the young people why you will not allow them to have the money?

**David Davies:** I would be happy to tell them how sorry I am that this Government is preventing us from discussing legislation that could allow us to help them. One of the reasons why we wanted to discuss this was because mistakes were made in the initial legislation, which, fortunately, have been picked up. We do not know how many more mistakes have been made because we are not being allowed to scrutinise it. That is a great shame. It is not for us to apologise to the children—it is for the Minister to do so. Finally, the reason why we are talking about process today is because that is what this debate is all about. We are trying to stick to the remit of the debate. We want process, but we also want scrutiny. We want to see things done properly in the Assembly. That is not happening at present, and it is the Minister and your colleagues in the Labour Party who are responsible for that.

**Jenny Randerson:** I signed the motion of dissatisfaction in my role as chair of the Business Committee, and with regard to the role of that committee in relation to the proper carrying out of Standing Orders. This may be boring to some Labour Members, but process matters. You may not always be in Government and you will then understand that process matters as part of democracy, as

mae'n ei wneud. Yn awr, mae'n ceisio ein hosgoi'n gyfan gwbl ac mae hynny'n annerbyniol. Gellid a dylid bod wedi craffu'n iawn ar yr eitem ddeddfwriaeth hon yn y pwyllgor—gwyddom amdani ers mis Ebrill. Llwyddodd y Gweinidog i gael amser i ymweld â Seland Newydd ers hynny, ac eto nid yw wedi dwyn hyn gerbron y pwyllgor. Yr ydym wedi hen flino ar gael Gweinidog sy'n gallu mynd 20,000 o filltiroedd ymhellach—yr ydym am gael Gweinidog a aiff gam ymhellach er ein mwyn ni ac ar ran ein myfyrwyr. Mae'n hen bryd i'r Llywodraeth hon—

**Lorraine Barrett:** Yn hytrach nag ymboeni'n ormodol ynghylch prosesau, a ddaw'r Torïaid, y Democratiaid Rhyddfrydol a Phlaid Cymru i Ysgol Gyfun Willows ac Ysgol Uwchradd Llanrhymni, sydd mewn dwy ardal arbennig o dlawd yn fy etholaeth, a dweud wrth y bobl ifanc pam na adewch iddynt gael yr arian?

**David Davies:** Byddwn yn falch o ddweud wrthynt gymaint o ofid ydyw i mi fod y Llywodraeth hon yn ein hatal rhag trafod deddfwriaeth a ganiatâi i ni eu helpu. Un o'r rhesymau yr oeddem am drafod hyn oedd bod camgymeriadau wedi'u gwneud yn y ddeddfwriaeth wreiddiol, y sylwyd arnynt, yn ffodus. Ni wyddom pa sawl camgymeriad arall a wnaed gan na chaniateir inni graffu arni. Mae hynny'n drueni mawr. Nid ein lle ni yw ymddiheuro i'r plant—Ile'r Gweinidog yw gwneud hynny. Yn olaf, y rheswm yr ydym yn sôn am broses heddiw yw mai hynny yw testun y ddadl. Yr ydym yn ceisio dal at gwmpas y ddadl. Yr ydym am gael proses, ond yr ydym hefyd am gael craffu. Yr ydym am weld pethau'n cael eu gwneud yn iawn yn y Cynulliad. Nid yw hynny'n digwydd ar hyn o bryd, a'r Gweinidog a'ch cyd-Aelodau yn y Blaid Lafur sy'n gyfrifol am hynny.

**Jenny Randerson:** Llofnodais y cynnig o anfonlonrwydd yn rhinwedd fy rôl fel cadeirydd y Pwyllgor Busnes, a chyda golwg ar rôl y pwyllgor hwnnw mewn cysylltiad â gweithredu Rheolau Sefydlog yn gywir. Efallai fod hynny'n beth diflas yng ngolwg rhai Aelodau Llafur, ond mae proses yn bwysig. Efallai na fyddwch mewn Llywodraeth bob amser ac wedyn deallwch

well as part of the decision-making process. I am concerned at the apparent attempt to redefine Standing Order No. 29.3. It requires a Minister to consider,

‘having regard to the general importance, and character’

of the proposed legislation, whether it is appropriate for it to be considered by a Subject Committee, the Legislation Committee or Plenary, or whether none of those procedures should apply. Until now, it has always been taken to mean that minor legislation and technical matters which are non-controversial can be dealt with in that way. There has always been general agreement in the Business Committee and in Plenary that that should be the case. However, with the educational maintenance allowances, we seem to have a whole new definition of this Standing Order. The Minister appears to be saying that this legislation is so important and urgent that it must be introduced by this method. She has turned the definition on its head. Why is it so urgent? It has been hanging around for ages. As has already been mentioned, the Minister made a statement on this in April. Therefore, why has it been allowed to slip for so long that it is now urgent and must be introduced without being referred to Plenary?

There are other issues of concern and confusion in this legislation. First, the schedule that went to the Education and Lifelong Learning Committee gave December 2005 as the date for this legislation, therefore it is not surprising that the committee did not pick it up for scrutiny.

4.00 p.m.

Secondly, last week, the Minister said that this motion, if carried, would delay payment, but at the same time she said that this legislation did not have to be passed by the Assembly and that she could rely on the UK legislation. One or the other can be true, but not both. Thirdly, when the legislation came to Business Committee some weeks ago, it contained significant mistakes and had to be

fod proses yn bwysig fel rhan o ddemocratiaeth, a hefyd fel rhan o'r broses benderfynu. Pryderaf ynghylch yr ymgais ymddangosiadol i ailddiffinio Rheol Sefydlog Rhif 29.3. Mae'n mynnu y bydd Gweinidog yn ystyried,

‘gan roi sylw i bwysigrwydd cyffredinol...[a] natur’

y ddeddfwriaeth arfaethedig, a yw'n briodol iddi gael ei hystyried gan Bwyllgor Pwnc, y Pwyllgor Deddfau neu'r Cyfarfod Llawn, neu a ddylid peidio â chymhwyso'r un o'r gweithdrefnau hynny. Hyd yn hyn, cymerwyd bob amser ei fod yn golygu y gellir trafod mân ddeddfwriaeth a materion technegol sy'n annadleuol yn y modd hwnnw. Bu cytundeb unfrydol erioed yn y Pwyllgor Busnes ac yn y Cyfarfod Llawn mai felly y dylai fod. Fodd bynnag, yn achos y lwfansau cynhaliaeth addysg, ymddengys bod diffiniad cwbl newydd o'r Rheol Sefydlog hon. Ymddengys bod y Gweinidog yn dweud bod y ddeddfwriaeth hon mor bwysig a bod cymaint o frys i'w thrafod fel bod rhaid ei chyflwyno drwy'r dull hwn. Mae wedi troi'r diffiniad ar ei ben. Pam y mae cymaint o frys i'w thrafod? Mae'n disgwyl ers oesoedd. Fel y dywedwyd eisoes, gwnaeth y Gweinidog ddatganiad ar hyn ym mis Ebrill. Felly, pam y gadawyd iddi fynd yn angof mor hir fel ei bod bellach yn fater brys a bod rhaid ei chyflwyno heb ei chyfeirio i'r Cyfarfod Llawn?

Mae materion eraill sy'n peri pryder a dryswch ynghylch y ddeddfwriaeth hon. Yn gyntaf, yr oedd yr amserlen a roddwyd i'r Pwyllgor Addysg a Dysgu Gydol Oes yn nodi mai Rhagfyr 2005 oedd y dyddiad ar gyfer y ddeddfwriaeth hon, felly nid yw'n syndod nad oedd y pwyllgor wedi dewis craffu arni.

Yn ail, yr wythnos diwethaf, dywedodd y Gweinidog y byddai'r cynnig hwn, os câi ei dderbyn, yn atal taliadau, ond ar yr un pryd dywedodd nad oedd raid i'r ddeddfwriaeth hon gael ei derbyn gan y Cynulliad, ac y gallai ddibynnu ar ddeddfwriaeth y DU. Gall y naill neu'r llall fod yn wir, ond nid y ddau. Yn drydydd, pan ddaeth y ddeddfwriaeth hon gerbron y Pwyllgor Busnes rai wythnosau'n

redrafted. We were presented with the raw English legislation in committee, referring to the wrong organisations for Wales, and it was not gender-neutral, as all legislation in Wales must be.

I welcome the Presiding Officer's comments on this issue, which clarify that his interpretation of this Standing Order is that it should apply only to minor and technical legislation. As a result, the Business Committee will reconsider the Standing Order. In the meantime, it seems that the Minister has dilly-dallied over this legislation and now finds herself in a jam because I believe that she promised that these grants would be available from the beginning of this academic year. Our Executive operates within the powers that we devolve to it. We all agree and accept that that is the only way of operating efficiently. However, our role in Plenary and in subject committees in relation to such important pieces of legislation is an important safeguard of our democracy, and attempts to reinterpret the rules by the backdoor must be challenged.

**David Melding:** One of the Labour Members in this debate said that the opposition parties were just trying to 'do politics' in the Assembly. Well, yes, I think that that is just about the sum of it, because, after all, this is the political arena where large Government schemes are scrutinised.

This scheme will, I believe, cost in the order of £20 million and will probably achieve some major social good. However, what would happen if we allowed such a procedure to go forward today, allowing the Minister to circumvent the normal processes of scrutiny? It would encourage members of the Executive to be as slipshod as possible in the preparation of legislation and schemes because they could then play this dramatic card, saying that people will not get money because the opposition parties are insisting on the full scrutiny process. I thought that it was quite disgusting of Alun Pugh to bark 'What about the money, what about the money?' at one of the Plaid Cymru Members. What

ôl, yr oedd ynnddi gamgymeriadau sylweddol a bu'n rhaid ei hailddrafftio. Cyflwynwyd y ddeddfwriaeth wreiddiol ar gyfer Lloegr i ni yn y pwyllgor, a oedd yn cyfeirio at y cyrff anghywir ar gyfer Cymru, ac nid oedd yn niwtral o ran y rhywiau, fel y mae'n rhaid i'r holl ddeddfwriaeth yng Nghymru fod.

Croesawaf sylwadau'r Llywydd ar y pwnc hwn, sy'n egluro mai ei ddehongliad ef o'r Rheol Sefydlog hon yw na ddylid ond ei chymhwyso at fân ddeddfwriaeth a deddfwriaeth dechnegol. O ganlyniad, bydd y Pwyllgor Busnes yn ailystyried y Rheol Sefydlog. Yn y cyfamser, ymddengys fod y Gweinidog wedi anwladu ynghylch y ddeddfwriaeth hon a'i bod bellach mewn cyfyng-gyngor gan ei bod wedi addo, yr wyf yn credu, y bydd y grantiau hyn ar gael o ddechrau'r flwyddyn academaidd hon. Mae ein Gweithrediaeth yn gweithredu o fewn y pwerau a ddatganolwn iddi. Yr ydym oll yn cytuno ac yn derbyn mai hwnnw yw'r unig fodd i weithredu'n effeithlon. Er hynny, mae ein rôl yn y Cyfarfod Llawn ac mewn pwyllgorau pwnc o ran eitemau pwysig o ddeddfwriaeth o'r fath yn amddiffyniad pwysig i'n democratiaeth, a rhaid herio unrhyw ymgais i aildehongli'r rheolau drwy'r drws cefn.

**David Melding:** Dywedodd un o'r Aelodau Llafur yn y ddadl hon nad oedd y gwrthbleidiau ond yn ceisio 'gwleidydda' yn y Cynulliad. Wel, ie, credaf mai hynny ydyw yn y bôn, oherwydd, wedi'r cwbl, hon yw'r ddadleufa wleidyddol lle y creffir ar gynlluniau mawr o eiddo'r Llywodraeth.

Bydd y cynllun hwn yn costio tuag £20 miliwn, yr wyf yn credu, ac mae'n debyg y bydd o les mawr i gymdeithas. Fodd bynnag, beth a ddigwyddai pe caniatuem i weithdrefn o'r fath fynd yn ei blaen heddiw, gan adael i'r Gweinidog osgoi'r prosesau craffu arferol? Byddai'n cymell aelodau'r Weithrediaeth i fod mor ddiotal ag y bo modd wrth baratoi deddfwriaeth a chynlluniau gan y gallent gymryd y cam dramatig hwn wedyn, gan ddweud na chaiff pobl arian gan fod y gwrthbleidiau'n mynnu y dilynir y broses graffu lawn. Credais mai cwbl ffiadd ar ran Alun Pugh oedd arthio ar un o Aelodau Plaid Cymru gan ddweud 'beth am yr arian, beth am yr arian?' Beth am yr arian, Weinidog?

about the money, Minister? Had you done your job a bit better, we would not be in this pickle. I will take an intervention from Huw Lewis.

**Huw Lewis:** I was under the impression that you had finished your speech, David, you were so emphatic. Let me disgust you a little more in that case. Would you join me in a trip to a secondary school in my constituency, Pen y Dref, which serves the second most deprived ward in Wales, the Gurnos estate? I will tell the pupils that I wish, through my party, to help them financially to stay on at school while you debate with them the finer points of Standing Order No. 29.

**David Melding:** I can now hear Labour Members saying 'quite right'. Would any others like to join in the chorus? What is really pernicious about your argument is that you could apply it to every measure that goes through the Assembly that carries any financial commitment if the Minister and the Executive has not done its job properly and built into the process the time required for scrutiny. Why have a secondary legislative body if it is not allowed to do its job? It is as simple as that. If the Executive gets away with this now, there will be no check on it and that is the most dangerous political situation to be in because, one day, you will be on the opposition benches, trying to scrutinise the Executive, and you will have cocksure Ministers barking at you, 'Where is the money, what will happen?' and 'You tell the people who will suffer'.

If the Minister had acted appropriately on this scheme, we would have been able to scrutinise it, and even extend it and include more people in the measure. The Minister made a cheap and easy promise before she was in a position to do so. We ought to visit the school that Huw mentioned and tell those students that they should not have relied on what the Minister said at the time, as she had not done all the preparatory work required. She raised hopes prematurely when she could not guarantee to deliver on them. We are now being asked to pay the price, to swallow hard

Pe byddech wedi gwneud eich gwaith ychydig yn well, ni fyddem mewn picil fel hyn. Derbyniaf ymyriad gan Huw Lewis.

**Huw Lewis:** Yr oeddwn dan yr argraff eich bod wedi gorffen eich araith, David, gan eich bod yn siarad mor daer. Gadewch imi beri ichi ffieiddio ychydig yn fwy felly. A ddeuech gyda mi i ymweld ag ysgol uwchradd yn fy etholaeth, Pen y Dref, sy'n gwasanaethu'r ward sydd â'r lefel uchaf ond un o amddifadedd yng Nghymru, sef ystâd Gurnos? Dywedaf wrth y disgyblion fy mod yn dymuno rhoi cymorth ariannol iddynt, drwy fy mhlaidd, fel y gallant aros yn yr ysgol tra byddwch chi'n trafod manylion Rheol Sefydlog Rhif 29 gyda hwy.

**David Melding:** Gallaf glywed Aelodau Llafur yn dweud 'hollol gywir' yn awr. A oes eraill a garai ymuno yn y gytgan? Yr hyn sy'n wirioneddol niweidiol ynghylch eich dadl yw y gallech ei chymhwysu at bob mesur a aiff drwy'r Cynulliad sy'n dwyn unrhyw ymrwymiad ariannol os nad yw'r Gweinidog a'r Weithrediaeth wedi gwneud eu gwaith yn iawn ac wedi cynnwys amser yn y broses ar gyfer craffu. I beth y ceir corff deddfu eilaidd os na chaniateir iddo wneud ei waith? Mae mor syml â hynny. Os caiff y Weithrediaeth wneud fel y mynn â hyn yn awr, ni fydd atal arni a dyna'r sefyllfa wleidyddol fwyaf peryglus y gellir ei chael oherwydd, un diwrnod, byddwch chi ar feinciau'r gwrthbleidiau yn ceisio craffu ar waith y Weithrediaeth, a chewch Weinidogion hunandybus yn arthio arnoch, 'Ym mhle y mae'r arian, beth fydd yn digwydd?' a 'Dywedwch chi wrth y rhai a fydd yn dioddef'.

Pe byddai'r Gweinidog wedi ymdrin yn briodol â'r cynllun hwn, byddem wedi gallu craffu arno, a'i ymestyn hyd yn oed a chynnwys mwy o bobl yn y mesur. Gwnaeth y Gweinidog addewid rhwydd a rhad cyn bod mewn sefyllfa i wneud hynny. Dylem ymweld â'r ysgol y cyfeiriodd Huw Lewis ati a dweud wrth y myfyrwyr hynny na ddylent fod wedi dibynnu ar yr hyn a ddywedodd y Gweinidog ar y pryd, gan nad oedd wedi gwneud yr holl waith paratoi a oedd yn ofynnol. Cododd obeithion cyn pryd pan na allai warantu eu cyflawni. Gofynnir yn awr

and not scrutinise the measure. I will not add to Jenny Randerson's excellent speech, but I fully agree with her interpretation of Standing Order No. 29. The Minister for Education and Lifelong Learning ought to be ashamed of herself.

**Ieuan Wyn Jones:** I did not intend to speak in this debate, until I heard some Labour backbenchers' speeches about the role of the opposition. What has surprised me about the Assembly Government is the way in which Labour backbenchers take it for granted that everything the Executive does is always right, and the way in which they read speeches that are clearly designed to defend the indefensible in terms of this Executive. I heard such a speech today from Jeff Cuthbert. We must realise that the Assembly has a role to play in scrutinising the activities of the Executive.

Today is a perfect example of the way in which the opposition should act. This debate is a way of bringing the Government to account for how it has failed to bring forward proper legislation, attempting instead to introduce it through the back door, in an attempt to make up for its own mistakes and blaming the opposition for them. That is the disgraceful way in which the Government has attempted to treat the Assembly today.

When I heard Jeff Cuthbert talk about the role of opposition parties, it took me back to Westminster. This is what the Welsh Office used to do before devolution—it is the way in which legislation was passed under the old procedures. Listening to David Melding's contribution, it seemed to me that the Assembly, in the Executive's view, is now totally irrelevant. The Assembly Government must recognise that it cannot blame the opposition when it makes mistakes. It must go back and draft its legislation properly, and recognise that the opposition parties often try to improve the legislation that is being introduced. It is not always the case that we oppose legislation for the sake of it. We want to see this legislation widened to include more young people. That is why we feel that this Assembly Government has failed the people of Wales today, and that is why the opposition is playing its proper role in holding this debate.

inni dalu'r pris, i lyncu'n geiriau a pheidio â chraffu ar y mesur. Nid ychwanegaf ddim at araith ragorol Jenny Randerson, ond llwyr gytunaf â'i dehongliad o Reol Sefydlog Rhif 29. Dylai'r Gweinidog dros Addysg a Dysgu Gydol Oes deimlo cywilydd.

**Ieuan Wyn Jones:** Nid oeddwn wedi bwriadu siarad yn y ddadl hon, hyd nes imi glywed rhai o areithiau'r meincwyr cefn Llafur am rôl y gwrthbleidiau. Yr hyn a'm synnodd am Lywodraeth y Cynulliad yw'r modd y mae meincwyr cefn Llafur yn cymryd yn ganiataol bod popeth a wnaiff y Weithrediaeth wastad yn iawn, a'r modd y darllenant areithiau sydd â'r bwriad amlwg o gyfiawnhau'r hyn na ellir ei gyfiawnhau o ran y Weithrediaeth hon. Clywais araith o'r fath heddiw gan Jeff Cuthbert. Rhaid inni sylweddoli bod rôl i'r Cynulliad wrth graffu ar weithgareddau'r Weithrediaeth.

Mae heddiw'n cynnig enghraifft berffaith o sut y dylai'r gwrthbleidiau weithredu. Mae'r ddadl hon yn fodd i alw'r Llywodraeth i gyfrif am fethu â dwyn deddfwriaeth briodol gerbron, gan geisio'n hytrach ei chyflwyno drwy'r drws cefn, mewn ymgais i wneud iawn am ei chamgymeriadau ei hun a beio'r gwrthbleidiau amdanynt. Dyna'r modd gwarthus y ceisiodd y Llywodraeth drin y Cynulliad heddiw.

Pan glywais Jeff Cuthbert yn sôn am rôl y gwrthbleidiau, fe'm hatgoffwyd o'm dyddiau yn San Steffan. Dyma yr arferai'r Swyddfa Gymreig ei wneud cyn datganoli—felly y câi deddfwriaeth ei derbyn o dan yr hen weithdrefnau. Wrth wrando ar gyfraniad David Melding, yr oedd yn ymddangos i mi fod y Cynulliad, ym marn y Weithrediaeth, yn gwbl amherthnasol bellach. Rhaid i Lywodraeth y Cynulliad gydnabod na all feio'r gwrthbleidiau pan wnaiff gamgymeriadau. Rhaid iddi fynd yn ôl a drafftio ei deddfwriaeth yn iawn, a chydabod bod y gwrthbleidiau'n aml yn ceisio gwella'r deddfwriaeth a gyflwynir. Ni fyddwn bob amser yn gwrthwynebu deddfwriaeth er mwyn ei gwrthwynebu. Yr ydym am weld ehangu'r deddfwriaeth hon fel ei bod yn cynnwys mwy o bobl ifanc. Dyna pam y teimlwn fod y Llywodraeth Cynulliad hon wedi gwneud cam â phobl Cymru heddiw, a dyna pam y mae'r



gwrthbleidiau'n chwarae eu rôl briodol drwy gynnal y ddadl hon.

**The Minister for Education and Lifelong Learning (Jane Davidson):** I am interested in the number of interpretations of Standing Order No. 29 that have been offered to the Assembly this afternoon. I will read out Standing Order No. 29.

**Y Gweinidog dros Addysg a Dysgu Gydol Oes (Jane Davidson):** Ymddiddoraf yn nifer y dehongliadau o Reol Sefydlog Rhif 29 a gynigiwyd i'r Cynulliad y prynhawn yma. Darllenaf Reol Sefydlog Rhif 29.

**Ieuan Wyn Jones:** Will you give way on that point?

**Ieuan Wyn Jones:** A wnewch ildio ar y pwynt hwnnw?

**Jane Davidson:** No, I will not, because I am going to read the Standing Order.

**Jane Davidson:** Na wnafl, gan fy mod am ddarllen y Rheol Sefydlog.

**Ieuan Wyn Jones:** I have read the Standing Order as well and—

**Ieuan Wyn Jones:** Yr wyf finnau wedi darllen y Rheol Sefydlog ac—

**Jane Davidson:** I will not give way on this point because I am going to read the Standing Order to the Assembly.

**Jane Davidson:** Nid ildiaf ar y pwynt hwn gan fy mod am ddarllen y Rheol Sefydlog i'r Cynulliad.

'This Standing Order applies to Assembly subordinate legislation which is not required to be made by statutory instrument and which is not subject to parliamentary procedure.

'Mae'r Rheol Sefydlog hon yn gymwys i is-ddeddfwriaeth y Cynulliad nad oes angen ei gwneud drwy offeryn statudol ac nad yw'n amodol ar weithdrefn Seneddol.

When a Minister proposes that a subordinate legislation should be made under this Standing Order, it shall be prepared in the form of a draft. The draft shall be prepared in English and Welsh unless the Minister considers that it would be inappropriate in the circumstances or not reasonably practicable.

Pan fydd Gweinidog yn cynnig y dylai is-ddeddfwriaeth gael ei gwneud o dan y Rheol Sefydlog hon, rhaid ei pharatoi ar ffurf drafft. Rhaid i'r drafft gael ei baratoi yn Gymraeg ac yn Saesneg oni bai bod y Gweinidog yn credu y byddai hynny'n amhriodol o dan yr amgylchiadau neu heb fod yn rhesymol ymarferol.

The Minister shall consider, having regard to the general importance, and the character of the draft, whether it is appropriate that—

Rhaid i'r Gweinidog bwysu a mesur a yw'r canlynol yn briodol, gan roi sylw i bwysigrwydd cyffredinol y drafft, a'i natur—

and then there are four choices for the Minister—

ac wedyn mae pedwar dewis i'r Gweinidog—

'it should be considered by a Subject Committee...it should be considered by the Legislation Committee...it should be debated by the Assembly...none of those procedures should apply...

'bod y drafft yn cael ei ystyried gan Bwyllgor Pwnc...bod y drafft yn cael ei ystyried gan y Pwyllgor Deddfau...bod y drafft yn cael ei drafod gan y Cynulliad...na ddylid defnyddio'r un o'r gweithdrefnau hyn...

Where the Minister considers, in accordance with Standing Order 29.3(iv), that none of the procedures in Standing Order 29.3(i)-(iii) should apply, he or she shall, unless

Pan fydd y Gweinidog yn credu, yn unol â Rheol Sefydlog 29.3(iv), na ddylai'r un o'r gweithdrefnau yn Rheol Sefydlog 29.3(i)-(iii) gael ei defnyddio, rhaid iddo ef neu iddi hi,

considering it not reasonably practicable to do so, give to the Assembly at least ten working days' notice of the intention to make the subordinate legislation'.

oni bai ei fod ef neu ei bod hi yn credu nad yw'n rhesymol ymarferol i wneud hynny, roi i'r Cynulliad o leiaf deg diwrnod gwaith o rybudd ynghylch y bwriad i wneud yr is-ddeddfwriaeth'.

4.10 p.m.

I submit to the Assembly that the Government fully complied with Standing Order No. 29. I would make the point, in response to Janet Ryder's statements that the legislation can only be used for important and urgent items, that is not what the Standing Order says. I have read out the Standing Order. Janet Ryder stated that there was no opportunity to have a debate with me on—

Awgrymaf i'r Cynulliad fod y Llywodraeth wedi llwyr gydymffurfio â Rheol Sefydlog Rhif 29. Dywedaf mewn ymateb i ddatganiadau gan Janet Ryder i'r perwyl na ellir ond defnyddio'r ddeddfwriaeth ar gyfer eitemau pwysig a brys, nad hynny a ddywed y Rheol Sefydlog. Yr wyf wedi darllen y Rheol Sefydlog. Dywedodd Janet Ryder nad oedd unrhyw gyfle i gael dadl gyda mi ar—

**Ieuan Wyn Jones:** Point of order. The Minister has virtually made a statement that she is the guardian of the Assembly's Standing Orders. Will you remind the Assembly, Presiding Officer, that the role of guardian of Standing Orders lies in the Presiding Office?

**Ieuan Wyn Jones:** Pwynt o drefn. Mae'r Gweinidog wedi datgan i bob pwrpas mai hi yw gwarcheidwad Rheolau Sefydlog y Cynulliad. A wnewch atgoffa'r Cynulliad, Lywydd, mai rôl Swyddfa'r Llywydd yw gwarchod Rheolau Sefydlog?

**The Presiding Officer:** The leader of the opposition has asked who is responsible for interpreting Standing Orders. That is quite clear—Standing Order No. 1.9 gives me that responsibility. I have done so in response to a point of order on this matter in the Chamber and also at far greater length in a letter that was available to the Business Committee this morning. In consequence of the statements made in this debate, I will publish that letter and I will link to it a press statement explaining quite clearly what is the definitive interpretation of that Standing Order.

**Y Llywydd:** Mae arweinydd yr wrthblaid wedi gofyn pwy sy'n gyfrifol am ddehongli Rheolau Sefydlog. Mae hynny'n berffaith glir—mae Rheol Sefydlog Rhif 1.9 yn rhoi'r cyfrifoldeb hwnnw i mi. Gwneuthum hynny mewn ymateb i bwynt o drefn ar y mater hwn yn y Siambr a hefyd yn fwy hirfaith o lawer mewn llythyr a oedd ar gael i'r Pwyllgor Busnes y bore yma. O ganlyniad i'r datganiadau a wnaed yn y dadl hon, cyhoeddaf y llythyr hwnnw ac fe'i cysylltaf â datganiad i'r wasg a fydd yn egluro'r dehongliad swyddogol o'r Rheol Sefydlog honno.

**Jane Davidson:** I am grateful to you, Presiding Officer. As I stated to the Assembly, we have complied with the terms of the Standing Order. The Office of the Counsel General recommended that this was the only route in terms of taking forward this legislation, and I stand by its recommendation.

**Jane Davidson:** Yr wyf yn ddiolchgar i chi, Lywydd. Fel y dywedais wrth y Cynulliad, yr ydym wedi cydymffurfio ag amodau'r Rheol Sefydlog. Argymhellodd Swyddfa'r Cwnsler Cyffredinol mai hwn oedd yr unig lwybr y gellid ei ddilyn wrth hyrwyddo'r ddeddfwriaeth hon, a daliaf at ei hargymhelliad.

**Jenny Randerson:** Point of order. The Minister has said that the Government has complied with the Standing Order. Will you refresh our memories, Presiding Officer, about the point of the 10-day notice period,

**Jenny Randerson:** Pwynt o drefn. Mae'r Gweinidog wedi dweud bod y Llywodraeth wedi cydymffurfio â'r Rheol Sefydlog. A wnewch ein hatgoffa, Lywydd, am ddiben y cyfnod rhybudd o 10 niwrnod, a

written in the Standing Order, so that we have full information as to the purpose of that 10-day notice period?

**The Presiding Officer:** I do not wish to conduct a debate with the Minister. She has chosen to speak on this ground, and I regret it. However, the letter that I wrote to your committee, which you received yesterday, was available to the Business Minister. I assume that she discussed it with the Minister for Education and Lifelong Learning, and I assume that the Government is aware of my interpretation. It is not for the Office of the Counsel General to determine the interpretation of Standing Orders in this place—it never has been, and it never will be.

**Jane Davidson:** I am grateful, Presiding Officer. I did not say that the Office of the Counsel General was interpreting Standing Orders. That is the job of the Presiding Office—it always has been, and it always properly should be. What I said to Members is that the Office of the Counsel General recommended to my office that Standing Order No. 29 was the appropriate Standing Order under which to make the technical scheme for the education maintenance allowances.

What I have said on many occasions to committee, in Plenary, in answer to written questions, and in answer to oral questions, is that the education maintenance allowance scheme operates in the same way as it does across the United Kingdom. On the basis that it operates in a similar way across the entire United Kingdom—and the Labour Party in the Assembly welcomes the provisions of the scheme—additional money outside, and over and above, the Assembly budget is given to us to implement the scheme. That has been reported to the Assembly previously in written answers, oral answers, in my written statement and in committee.

Janet Ryder says that there has been no opportunity to debate this in committee. However, it was, I believe, item 1 in my report to the committee in October, which means that, had the committee wanted to spend 45 minutes debating this issue, it could have done so. David Davies mentioned Ministers getting away with procedures. The

ysgrifennwyd yn y Rheol Sefydlog, fel y cawn yr holl wybodaeth am ddiben y cyfnod rhybudd hwnnw o 10 niwrnod?

**Y Llywydd:** Ni ddymunaf gynnal dadl â'r Gweinidog. Mae wedi dewis siarad ar y sail hon, ac mae hynny'n ofid i mi. Fodd bynnag, yr oedd y llythyr a ysgrifennais at eich pwyllgor, a gawsoch ddoe, ar gael i'r Trefnydd. Cymeraf ei bod wedi'i drafod gyda'r Gweinidog dros Addysg a Dysgu Gydol Oes, a chymeraf fod y Llywodraeth yn gwybod am fy nehongliad. Nid lle Swyddfa'r Cwnsler Cyffredinol yw pennu'r dehongliad o Reolau Sefydlog yn y lle hwn—ni fu erioed, ac ni fydd byth.

**Jane Davidson:** Yr wyf yn ddiolchgar, Lywydd. Ni ddywedais fod Swyddfa'r Cwnsler Cyffredinol yn dehongli Rheolau Sefydlog. Gwaith Swyddfa'r Llywydd yw hynny—felly y bu erioed, ac felly y dylai fod. Yr hyn a ddywedais wrth Aelodau oedd y bu i Swyddfa'r Cwnsler Cyffredinol argymhell i'm swyddfa mai Rheol Sefydlog Rhif 29 oedd y Rheol Sefydlog briodol ar gyfer llunio'r cynllun technegol ar gyfer y lwfansau cynhaliaeth addysg.

Yr hyn a ddywedais ar lawer achlysur yn y pwyllgor, yn y Cyfarfod Llawn, mewn ateb i gwestiynau ysgrifenedig, ac mewn ateb i gwestiynau llafar, yw bod y cynllun lwfans cynhaliaeth addysg yn gweithredu yn yr un modd ag a wnaiff ledled y Deyrnas Unedig. Ar yr amod y bydd yn gweithredu'n debyg ledled y Deyrnas Unedig—ac mae'r Blaid Lafur yn y Cynulliad yn croesawu darpariaethau'r cynllun—rhoddir arian ychwanegol i ni ar ben cyllideb y Cynulliad i roi'r cynllun ar waith. Mae hynny wedi'i adrodd i'r Cynulliad o'r blaen mewn atebion ysgrifenedig, atebion llafar, yn fy natganiad ysgrifenedig ac yn y pwyllgor.

Dywed Janet Ryder na chafwyd cyfle i drafod hyn yn y pwyllgor. Fodd bynnag, hon oedd yr eitem gyntaf, yr wyf yn credu, yn fy adroddiad i'r pwyllgor ym mis Hydref, felly, pe buasai'r pwyllgor yn dymuno treulio 45 munud yn trafod y mater hwn, gallasai wneud hynny. Dywedodd David Davies fod Gweinidogion yn gwneud fel y mynnant â

only reason that we used the mechanism that we did in making this scheme is that we did not have the information about the amount of money coming to the Assembly under the EMA scheme until we had the Chancellor's pre-budget statement in September. I reported to committee about how we were developing the policy in October.

There was a meeting between the stakeholders of the scheme to consider what was needed in the scheme and in the guidance in October, and once that was agreed, we made the scheme under Standing Order No. 29.

I would have liked more time, but we did not have it as we had to make the scheme once we were confident of the additional funding coming to the Assembly. The only time that we had, therefore, was after the announcement of the additional funding coming to the Assembly in September—we had it in my report in October, the meetings between the stakeholders were held in October, and we then put the scheme down under Standing Order No. 29 in October. Standing Order No. 29 also requires the Minister to report periodically to relevant subject committees on the subordinate legislation made under the Standing Order, and it was, therefore, my intention to make that report in the papers for the next committee meeting.

The important point today is that the opposition parties had several mechanisms available to them if all they wanted to do was to pick up some of the issues of process in the making of this.

**Nick Bourne:** Point of order. Llywydd, you referred to the letter setting out the correct procedure that we should be following. Most Assembly Members are unaware of the contents of this letter, but it seems to me, in view of the fact that the position set out in that letter is at odds with the Minister's remarks, that this issue needs to be revisited when we have seen that letter. At the moment, we are in the dark as to what the correct procedure is, but it is not as set out by the Minister.

gweithdrefnau. Yr unig reswm y defnyddiasom y dull hwn i lunio'r cynllun hwn yw na chawsom wybod faint o arian a ddeuai i'r Cynulliad o dan gynllun y lwfans cynhaliath addysg hyd nes y cawsom ddatganiad rhag-gyllidebol y Canghellor ym mis Medi. Adroddais i'r pwyllgor ynghylch sut yr oeddem yn datblygu'r polisi ym mis Hydref.

Cafwyd cyfarfod o randdeiliaid y cynllun i ystyried yr hyn yr oedd angen ei gynnwys yn y cynllun ac yn y canllawiau ym mis Hydref, ac ar ôl cytuno ar hynny, lluniasom y cynllun o dan Reol Sefydlog Rhif 29.

Byddwn wedi hoffi cael mwy o amser, ond nid oedd ar gael i ni gan y bu'n rhaid inni lunio'r cynllun ar ôl cael sicrwydd o'r cyllid ychwanegol a gâi'r Cynulliad. Yr unig amser a oedd ar gael i ni, felly, oedd y cyfnod ar ôl y cyhoeddiad am y cyllid ychwanegol a gâi'r Cynulliad ym mis Medi—yr oedd yn fy adroddiad ym mis Hydref, cynhaliwyd cyfarfodydd y rhanddeiliaid ym mis Hydref, ac wedyn lluniasom y cynllun o dan Reol Sefydlog Rhif 29 ym mis Hydref. Mae Rheol Sefydlog Rhif 29 yn mynnu hefyd y bydd y Gweinidog yn adrodd o bryd i'w gilydd i'r pwyllgor pwnc perthnasol ar yr is-ddeddfwriaeth a wneir o dan y Rheol Sefydlog honno, ac yr oedd yn fwriad gennyf, felly, gynnwys yr adroddiad hwnnw yn y papurau ar gyfer cyfarfod nesaf y pwyllgor.

Y pwynt pwysicaf i'w nodi heddiw yw bod sawl dull gweithredu ar gael i'r gwrthbleidiau os mai'r cwbl yr oeddent am ei wneud oedd ymdrin â rhai o'r materion a oedd yn ymwneud â'r broses o wneud hyn.

**Nick Bourne:** Pwynt o drefn. Lywydd, cyfeiriasoch at y llythyr sy'n nodi'r weithdrefn y dylem ei dilyn. Nid yw cynnwys y llythyr hwnnw'n hysbys i'r rhan fwyaf o Aelodau'r Cynulliad, ond ymddengys i mi, yn ngolwg y ffaith bod y safbwynt a nodir yn y llythyr hwnnw'n groes i sylwadau'r Gweinidog, fod angen ailystyried y mater hwn wedi inni weld y llythyr hwnnw. Ar hyn o bryd, yr ydym yn y niwl o ran beth yw'r weithdrefn gywir, ond nid yw fel y nododd y Gweinidog.

**Jane Davidson:** I am afraid that—

**The Presiding Officer:** Order. Minister, it is not for you to reply to a point of order for me. For heaven's sake, let us have some order and sense in this debate.

We must always abide by our procedures. The leader of the Welsh Conservatives has followed the leader of the opposition in raising points of order. I am, therefore, asking my office to e-mail this correspondence directly to Members in the Chamber as soon as that is possible, for the avoidance of any doubt. I have reflected on what I said earlier, and the letter has been quoted to Members by the Chair of the Business Committee. Therefore, it is appropriate that it should be made available because it represents the safe, sure and final interpretation, according to our Standing Orders, of the relevant part of the Standing Orders.

**Jane Davidson:** Thank you, Presiding Officer. I look forward to reading the letter, as I have not had sight of it to date.

I continue to make the point, however, that it is the opposition Members, by bringing forward this procedure, who will cause any delay in the delivery of payments to the young people of Wales. There is no other interpretation. If you succeed with your notice of dissatisfaction, the Assembly Government will then be required to go through the legislative timetable, which, at an absolute minimum, would mean payments being delayed until February, and, on the normal timeline, payments would be delayed until at least April. That would mean that young people in Wales who are expecting payments in December, will not receive them. These young people, who are expecting the reward of £100 for staying on in education at the beginning of January in addition to their weekly payments, will not receive it. I tell you clearly that this motion of a notice of dissatisfaction is absolutely proper under Standing Orders—and I am always guided by the Presiding Officer under Standing Orders—but the Assembly needs to be responsible with regard to the effects of our actions in the Chamber on the people of Wales. I urge you not to vote for a motion of

**Jane Davidson:** Mae arnaf ofn bod—

**Y Llywydd:** Trefn. Weinidog, nid eich lle chi yw ymateb i bwynt o drefn i mi. Er mwyn popeth, gadewch inni gael rhywfaint o drefn ac o synnwyr yn y ddadl hon.

Rhaid inni lynu wrth ein gweithdrefnau bob amser. Mae arweinydd Ceidwadwyr Cymru wedi dilyn arweinydd yr wrthblaid wrth godi pwyntiau o drefn. Gan hynny, yr wyf yn gofyn i'm swyddfa e-bostio'r llythyr hwn yn syth at Aelodau yn y Siambr cyn gynted ag y gellir gwneud hynny, fel na fydd unrhyw amheuaeth. Myfyriais ynghylch yr hyn a ddywedais yn gynharach, ac mae Cadeirydd y Pwyllgor Busnes wedi dyfynnu o'r llythyr i Aelodau. Felly, mae'n briodol iddo fod ar gael gan ei fod yn ddehongliad sicr, diogel a therfynol, yn unol â'n Rheolau Sefydlog, o'r rhan berthnasol yn y Rheolau Sefydlog.

**Jane Davidson:** Diolch i chi, Lywydd. Edrychaf ymlaen at ddarllen y llythyr, gan nad wyf wedi'i weld eto.

Daliaf i wneud y pwynt, er hynny, mai Aelodau'r gwrthbleidiau, drwy ddefnyddio'r weithdrefn hon, a wnaiff beri unrhyw oedi wrth wneud taliadau i bobl ifanc Cymru. Ni ellir ei ddehongli fel arall. Os llwyddwch â'ch hysbysiad o anfonlonrwydd, bydd yn ofynnol wedyn i Lywodraeth y Cynulliad ddilyn yr amserlen ddeddfu, a olygai ohirio taliadau tan fis Chwefror, a dim cynt, ac, yn ôl yr amserlen arferol, câi taliadau eu gohirio tan fis Ebrill yn y fan gyntaf. Oherwydd hynny, ni fyddai pobl ifanc yng Nghymru sy'n disgwyl cael taliadau ym mis Rhagfyr yn eu derbyn. Ni fydd y bobl ifanc hyn, sy'n disgwyl cael gwobr o £100 am aros mewn addysg ar ddechrau Ionawr ar ben eu taliadau wythnosol, yn ei derbyn. Dywedaf wrthyfch fod y cynnig hwn o hysbysiad o anfonlonrwydd yn gwbl briodol o dan Reolau Sefydlog—ac fe'm cyfarwyddir gan y Llywydd bob amser o dan Reolau Sefydlog—ond rhaid i'r Cynulliad ymddwyn yn gyfrifol gyda golwg ar effaith ein gweithredoedd yn y Siambr ar bobl Cymru. Fe'ch anogaf i beidio â phleidleisio o blaid cynnig o anfonlonrwydd a fydd yn amddifadu'r bobl ifanc hynny o'r arian hwnnw ym mis

dissatisfaction that will take that money away from those young people in December. Rhagfyr.

**Ieuan Wyn Jones:** Point of order. I ask that the vote on this motion be deferred until all Members have had an opportunity to read the contents of that letter. It strikes me that all Assembly Members should be fully aware of the correct position with regard to Standing Orders before a vote is taken.

**The Presiding Officer:** If a Member wishes to propose a procedural motion, I will consider it.

4.20 p.m.

**Peter Black:** The letter has just arrived on my computer, Presiding Officer. I should make it clear that we have not tabled this notice of dissatisfaction lightly. We have done so because of genuine concerns that Standing Order No. 29 is being abused in this case. I think that there is general consensus on the opposition side that Standing Order No. 29.3 is in place in order to allow an unimportant piece of subordinate legislation, which is not required to be made by statutory instrument, to progress without a need to follow the various alternative legislative procedures. It should not be used as an executive procedure or to short-circuit the process of scrutiny because the Minister has failed to allow time for that in setting her timetable.

It is not the opposition that is holding up this scheme, but a tardy Minister who, despite having seven months to prepare the scheme, failed to do so in time for it to be properly scrutinised by the Education and Lifelong Learning Committee or Plenary. Nothing that we do today will stop youngsters from getting the money, as the application forms were issued before the scheme was even laid. A delay has already occurred because of the Minister's failures to put the scheme in place in good time. Her haste has rebounded on her because since she first published the scheme, she has had to have it redrafted. As Jenny Randerson has said, the scheme first offered was not gender neutral in its language nor did it refer to the correct organisations. It was, in effect, the English scheme. We have now been told by the Minister that it was designed

**Ieuan Wyn Jones:** Pwynt o drefn. Gofynnaf am ohirio'r bleidlais ar y cynnig hwn hyd nes y caiff pob Aelod gyfle i ddarllen cynnwys y llythyr hwnnw. Ymddengys i mi y dylai holl Aelodau'r Cynulliad fod yn gwbl ymwymodol o'r safbwynt cywir o ran y Rheolau Sefydlog cyn cymryd pleidlais.

**Y Llywydd:** Os yw Aelod yn dymuno cynnig cynnig trefniadol, fe'i hystyriaf.

**Peter Black:** Mae'r llythyr newydd gyrraedd fy nghyfrifiadur, Lywydd. Dylwn egluro nad ydym wedi cyflwyno'r hysbysiad o anfonlonrwydd hwn yn ddifeddwl. Gwnaethom hynny oherwydd pryderon dilys bod Rheol Sefydlog Rhif 29 yn cael ei chamddefnyddio yn yr achos hwn. Credaf fod consensws cyffredinol ar ochr y gwrthbleidiau mai pwrpas Rheol Sefydlog Rhif 29.3 yw caniatáu i eitem ddibwys o is-ddeddfwriaeth, nad oes angen ei gwneud drwy offeryn statudol, gael mynd yn ei blaen heb orfod dilyn y gwahanol weithdrefnau deddfu eraill. Ni ddylid ei defnyddio fel gweithdrefn weithredol neu i osgoi'r broses craffu gan fod y Gweinidog wedi methu â chaniatáu amser ar gyfer hynny wrth bennu ei hamserlen.

Nid y gwrthbleidiau sy'n atal y cynllun hwn, ond Gweinidog hwyrfrydig a fethodd â pharatoi'r cynllun mewn pryd i'r Pwyllgor Addysg a Dysgu Gydol Oes neu'r Cyfarfod Llawn gael craffu'n iawn arno, er iddi gael saith mis i wneud hynny. Nid oes dim a wnawn heddiw a fydd yn atal pobl ifanc rhag cael yr arian, gan fod y ffurflenni cais wedi'u dosbarthu cyn i'r cynllun gael ei gyflwyno hyd yn oed. Cafwyd oedi oherwydd methiant y Gweinidog i roi'r cynllun ar waith mewn da bryd. Mae ei brys wedi bod yn rhwystr iddi oherwydd ers iddi gyhoeddi'r cynllun gyntaf, mae wedi gorfod cael ei ailddrafftio. Fel y dywedodd Jenny Randerson, nid oedd geiriau'r cynllun a gynigiwyd gyntaf yn niwtral o ran y rhywiau ac nid oedd yn cyfeirio at y cyrff cywir. Y cynllun ar gyfer Lloegr ydoedd, i bob pwrpas. Mae'r

that way as it was a condition of our getting the money. Westminster money is now dictating how we draft our legislation: that is not what devolution is about.

These are matters which are normally picked up through scrutiny. In this case, the Minister was lucky that they were noticed at all or she would have had to come back to us a second time. Who would have held up the money then? This is not just a technical matter either, despite the protestations of some Labour Members. This is an important scheme that determines how £20 million of public money is to be spent each year. There are provisions regarding means-testing and eligibility. I and other Members have received representations about the exclusion of 17-year-olds. In some parts of England, 17-year-olds are receiving these allowances, which will not be the case in Wales. As the scheme has not been put before the committee or Plenary, we have been denied the right to table amendments or to raise questions on the operation of the scheme and possibly to widen it to that age group.

If I were to go to Huw Lewis's school, I would tell the 17-year-olds that, because we have not had the process and the proper opportunity to scrutinise this, they have been denied the opportunity for us to give them some money.

This Assembly was created to improve transparency and accountability—

**Huw Lewis:** I recognise your sincerity Peter, but this is the logic of the madhouse. Many comments have been made here today about the servility of Labour backbenchers in terms of supporting the Minister. The only reason that young people in Wales can look forward to receiving their education maintenance allowances in the next few months is because there are enough Labour backbenchers to face down this nonsense and be the guardians of those payments. [ASSEMBLY MEMBERS: 'Oh.']

**Peter Black:** If this has become a madhouse, Huw Lewis, it is due to the actions of the

Gweinidog wedi dweud wrthym bellach ei fod wedi'i ddyfeisio felly gan fod hynny'n amod ar roi'r arian i ni. Mae arian San Steffan bellach yn llywio'r modd y drafftiwn ein deddfwriaeth: nid peth felly yw datganoli i fod.

Fel arfer, sylwir ar faterion o'r fath drwy graffu. Yn yr achos hwn, yr oedd yn ffodus i'r Gweinidog eu bod wedi'u canfod o gwbl neu byddai wedi gorfod dod yn ôl atom yr eildro. Pwy fyddai wedi bod yn gyfrifol am atal yr arian wedyn? Nid mater technegol yn unig yw hwn ychwaith, er gwaethaf protestiadau rhai Aelodau Llafur. Mae hwn yn gynllun pwysig sy'n pennu'r modd y gwarir £20 miliwn o arian cyhoeddus y flwyddyn. Mae darpariaethau ar gyfer prawf moddion a chymhwyster. Mae pobl wedi cysylltu â mi ac Aelodau eraill ynghylch cau allan rhai 17 oed. Mewn rhai rhannau o Loegr, mae rhai 17 oed yn cael y lwfansau hyn, ond nid felly y bydd yng Nghymru. Gan na roddwyd y cynllun gerbron y pwyllgor neu'r Cyfarfod Llawn, gwadwyd yr hawl inni gyflwyno gwelliannau neu godi cwestiynau ynghylch gweithrediad y cynllun a'r posibilrwydd o'i ehangu i gynnwys y grŵp oedran hwnnw.

Pe awn i'r ysgol y cyfeiriodd Huw Lewis ati, dywedwn wrth y rhai 17 oed na chawsom gyfle i roi ychydig o arian iddynt gan na ddilynwyd y broses ac am na chawsom gyfle priodol i graffu ar hyn.

Crëwyd y Cynulliad hwn i wella tryloywder ac atebolrwydd—

**Huw Lewis:** Derbyniaf eich bod yn ddiffuant Peter, ond rhesymeg y gwallgofdy yw hon. Gwnaed llawer o sylwadau yma heddiw am waseidd-dra meincwyr cefn Llafur o ran cefnogi'r Gweinidog. Yr unig reswm y gall pobl ifanc yng Nghymru edrych ymlaen at gael eu lwfans cynhaliaeth addysg yn y misoedd nesaf yw bod digon o feincwyr cefn Llafur i herio'r nonsens hwn a gwarchod y taliadau hynny. [AELODAU'R CYNULLIAD: 'O.']

**Peter Black:** Os aeth y fan hon yn wallgofdy, Huw Lewis, mae hynny oherwydd

Minister in not following Standing Orders. We are in danger of becoming a madhouse—

**The Presiding Officer:** Order. This is not and never will be a madhouse. This is the National Assembly for Wales. Terms such as ‘madhouse’ are not appropriate. They are also potentially discriminatory against those who suffer from serious mental illness. I would be grateful if such terms were not used.

**Peter Black:** It was not my intention to imply that this was a madhouse. I was merely replying to Huw Lewis’s allegation that we were conducting the politics of a madhouse. This is not a madhouse, because we have proper procedures in place and a parliamentary scrutiny process. It is because we have such a process that we are able to deal with matters properly. The Labour Government is trying to create a madhouse situation by short-circuiting those procedures.

**David Melding:** Does the Member think that there is any 17-year-old in Wales—if we go to each school—who will support the Labour Party’s seventeenth-century practices in allowing the Executive to have untrammelled rights and to run down this democratic institution?

**Peter Black:** Politics is still taught in schools and when pupils of 16 and 17 years of age are taught politics at A-level they are taught the importance of the constitution. I would have difficulty in justifying this process to those pupils.

This Assembly was created to improve transparency and accountability in the Welsh political process. We are here to scrutinise and to debate legislation, regulations and schemes such as these. We are here to offer a distinctive Welsh agenda and not to parrot the Secretary of State for Education and Skills. That means giving us the opportunity to change proposals. Instead, we have a Minister seeking to use procedures inappropriately so as to short-circuit discussion. That cannot be right. I therefore ask Members to support this motion of dissatisfaction in order to reassert this

y camau a gymerodd y Gweinidog wrth beidio â dilyn Rheolau Sefydlog. Mae perygl i’r fan hon droi’n wallgofdy—

**Y Llywydd:** Trefn. Nid gwallgofdy yw hwn ac ni fydd byth. Cynulliad Cenedlaethol Cymru yw hwn. Nid yw geiriau fel ‘gwallgofdy’ yn briodol. Gallent hefyd wahaniaethu yn erbyn y rhai sy’n dioddef gan salwch meddwl difrifol. Byddwn yn ddiolchgar pe na defnyddid geiriau o’r fath.

**Peter Black:** Nid oedd yn fwriad gennyf awgrymu mai gwallgofdy yw hwn. Y cwbl yr oeddwn yn ei wneud oedd ateb honiad Huw Lewis ein bod yn trin gwleidyddiaeth fel pe baem mewn gwallgofdy. Nid gwallgofdy yw hwn, gan fod gennym weithdrefnau priodol a phroses graffu seneddol. Am fod gennym broses o’r fath y gallwn ddelio â materion yn briodol. Mae’r Llywodraeth Lafur yn ceisio creu sefyllfa debyg i wallgofdy drwy osgoi’r gweithdrefnau hynny.

**David Melding:** A yw’r Aelod yn credu y byddai unrhyw un 17 oed yng Nghymru—pe baem yn ymweld â phob ysgol—yn cefnogi’r arferion o’r ail ganrif ar bymtheg y mae’r Blaid Lafur yn eu dilyn wrth ganiatáu hawliau dirwystyr i’r Weithrediaeth a gwanhau’r sefydliad democrataidd hwn?

**Peter Black:** Mae gwleidyddiaeth yn cael ei dysgu o hyd mewn ysgolion a phan ddysgir gwleidyddiaeth i ddisgyblion 16 ac 17 oed yn y Safon Uwch fe’u dysgir am bwysigrwydd y cyfansoddiad. Fe’i cawn yn anodd cyfiawnhau’r broses hon i’r disgyblion hynny.

Crëwyd y Cynulliad hwn i wella tryloywder ac atebolrwydd yn y broses wleidyddol yng Nghymru. Yr ydym yma i graffu ac i drafod deddfwriaeth, rheoliadau a chynlluniau fel y rhain. Yr ydym yma i gynnig agenda Gymreig benodol ac nid i ddynwared yr Ysgrifennydd Gwladol dros Addysg a Sgiliau. Golyga hynny roi cyfle inni newid cynigion. Yn lle hynny, mae gennym Weinidog sy’n ceisio defnyddio gweithdrefnau mewn modd amhriodol er mwyn osgoi trafodaeth. Ni all hynny fod yn iawn. Gan hynny, gofynnaf i Aelodau gefnogi’r cynnig hwn o anfonlonrwydd er



Assembly's rights with regards to legislation.

mwyn ailddatgan hawliau'r Cynulliad mewn cysylltiad â deddfwriaeth.

**David Melding:** I request that the division bell be rung.

**David Melding:** Galwaf am i'r gloch gael ei chanu.

**The Presiding Officer:** Under Standing Order No. 6.24, at least three Members must request that the bell be rung. Do three Members support the request? I see that they do. Clerk, please ring the bell.

**Y Llywydd:** O dan Reol Sefydlog Rhif 6.24, rhaid i o leiaf dri Aelod ofyn am i'r gloch gael ei chanu. A oes tri Aelod sy'n cefnogi'r cais? Gwelaf fod. Glerc, canwch y gloch, os gwelwch yn dda.

*Cynnig (NDM2144): O blaid 28, Ymatal 0, Yn erbyn 29.*

*Motion (NDM2144): For 28, Abstain 0, Against 29.*

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

Bates, Mick  
Black, Peter  
Bourne, Nick  
Burnham, Eleanor  
Cairns, Alun  
Davies, David  
Davies, Glyn  
Davies, Janet  
Davies, Jocelyn  
Francis, Lisa  
German, Michael  
Graham, William  
Isherwood, Mark  
Jones, Alun Ffred  
Jones, Elin  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Jones, Laura Anne  
Lloyd, David  
Marek, John  
Melding, David  
Morgan, Jonathan  
Randerson, Jenny  
Ryder, Janet  
Thomas, Owen John  
Thomas, Rhodri Glyn  
Williams, Brynle  
Williams, Kirsty

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

Andrews, Leighton  
Barrett, Lorraine  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Andrew  
Dunwoody-Kneafsey, Tamsin  
Essex, Sue  
Gibbons, Brian  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Hart, Edwina  
Hutt, Jane  
Idris Jones, Denise  
James, Irene  
Jones, Ann  
Jones, Carwyn  
Law, Peter  
Lewis, Huw  
Lloyd, Val  
Mewies, Sandy  
Morgan, Rhodri  
Neagle, Lynne  
Pugh, Alun  
Sargeant, Carl  
Sinclair, Karen  
Thomas, Catherine  
Thomas, Gwenda

*Gwrthodwyd y cynnig.  
Motion defeated.*

### **Dadl Plaid Leiafrifol (Y Democratiaid Rhyddfrydol) Minority Party Debate (The Welsh Liberal Democrats)**

#### **Cyngor Celfyddydau Cymru The Arts Council of Wales**

**Y Llywydd:** Yr wyf wedi dethol gwelliant 1 yn enw Kirsty Williams a gwelliant 2 yn enw Karen Sinclair.

**The Presiding Officer:** I have selected amendment 1 in the name of Kirsty Williams and amendment 2 in the name of Karen Sinclair.

**Eleanor Burnham:** I propose that

*the National Assembly for Wales believes that the functions of the Arts Council of Wales should not be taken into the direct control of the Welsh Assembly Government.*  
(NDM2167)

I propose amendment 1 in the name of Kirsty Williams. Delete all and replace with:

*the National Assembly for Wales believes that the Welsh Assembly Government should not take the Arts Council of Wales under its direct control.*

On 14 July, the First Minister lit the so-called bonfire of the quangos, not with a match, but with a stick of dynamite, and ‘boom’, the fate of the Welsh Development Agency, the Wales Tourist Board and Education and Learning Wales was sealed. However, the rest of Wales’s quangos escaped the flames for the time being. The dynamite under the big three went off as soon as it was primed. As for the rest, Rhodri settled for a ticking time bomb with a detonation time that is unknown, except, perhaps, to Rhodri Morgan and the Cabinet, who are not telling. The announcement of a policy that did not appear in Labour’s election manifesto, but was held as the centrepiece of the second term, has been handled appallingly, leaving thousands of employees to spend the summer concerned about the future of their organisations and their jobs.

4.30 p.m.

In terms of the three quangos whose fate has been determined, there is an argument that Wales will be governed more efficiently, that a single body for economic development and tourism will be more efficient than three, that the overlaps between quangos and the Government will be removed and money better spent, and that the change will genuinely create a one-stop-shop. However, there are also many unanswered questions, not least those regarding how democratic scrutiny will be improved. Although the Labour Assembly Government has not deemed it appropriate to consult with the people of Wales on the future of the quangos

**Eleanor Burnham:** Cynigiad fod

*Cynulliad Cenedlaethol Cymru yn credu na ddylai swyddogaethau Cyngor Celfyddydau Cymru gael eu rhoi dan reolaeth uniongyrchol Llywodraeth Cynulliad Cymru.*  
(NDM2167)

Cynigiad welliant 1 yn enw Kirsty Williams. Dileu'r cyfan ac yn ei le rhoi:

*mae Cynulliad Cenedlaethol Cymru yn credu na ddylai Llywodraeth Cynulliad Cymru gymryd rheolaeth uniongyrchol dros Gyngor Celfyddydau Cymru.*

Ar 14 Gorffennaf, taniodd y Prif Weinidog goelcerth y cwangos, fel y'i gelwir, nid â matsien, ond â darn o ddeinameit, a 'bwm', seliwyd tynged Awdurdod Datblygu Cymru, Bwrdd Croeso Cymru a Dysgu ac Addysgu Cymru. Fodd bynnag, arbedwyd gweddill cwangos Cymru rhag y fflamau am y tro. Ffrwydrodd y deinameit o dan y tri mawr cyn gynted ag y'i paratowyd. Am y gweddill, bodlonodd Rhodri ar osod bom amser na wŷr neb pa bryd y bydd yn ffrwydro, heblaw, efallai, am Rhodri Morgan a'r Cabinet, nad ydynt yn dweud dim. Yr oedd y dull o gyhoeddi polisi nad oedd ym manifesto etholiad Llafur, ond a gyflwynwyd fel y brif eitem ar gyfer yr ail dymor, yn ofnadwy, gan ei fod wedi gadael miloedd o weithwyr i dreulio'r haf yn poeni am ddyfodol eu swyddi a'r cyrff y maent yn gweithio iddynt.

O ran y tri chwango y pennwyd eu tynged, dadleuir y caiff Cymru ei rheoli'n fwy effeithlon, y bydd un corff ar gyfer datblygu economaidd a thwristiaeth yn fwy effeithlon na thri, y dileir y gorgyffwrdd rhwng cwangos a'r Llywodraeth ac y caiff arian ei wario'n well, ac y bydd y newid yn sicr o greu siop un stop. Er hynny, mae llawer o gwestiynau heb eu hateb hefyd, yn enwedig y rhai am y modd y caiff craffu democrataidd ei wella. Er nad yw Llywodraeth Lafur y Cynulliad wedi barnu mai priodol fyddai ymgynghori â phobl Cymru ar ddyfodol y cwangos neu amserlennu dadl yn y Cynulliad, nid â'r pwnc hwnnw y mae a

or to schedule an Assembly debate, this is not a debate on that issue; this is about the future of the Arts Council of Wales. There are issues relating to the way in which the arts council works that favour its retention, but, beyond the flaws in terms of efficiency and processes within the council, there is a central underpinning principle at stake.

A ddylai'r corff sy'n gyfrifol am ariannu gwahanol brosiectau celf fod o dan reolaeth ddyddiol ac uniongyrchol y Llywodraeth, yn enwedig os bydd un blaid mewn Llywodraeth am flynyddoedd?

That crucial question sets the arts council apart and makes it the subject of our debate today. The Welsh Liberal Democrats are not in favour of keeping all the quangos; far from it. We have argued for reform and fully support the idea of democratic accountability. That is why we have long argued in favour of a parliament for Wales.

Fodd bynnag, mae'r celfyddydau yn wahanol i feysydd eraill o wariant cyhoeddus. Ar eu gorau, mae'r celfyddydau yn ein hysbrydoli ac yn cyfoethogi ein bywydau. Maent yn ein galluogi i fynegi ein hunain a'n hunigoliaeth.

The arts challenge us, move us, and create a space for reflection in a world that seldom allows us time to be full of care, much less to stand and stare. This is an issue of freedom of expression—something on which we Liberal Democrats place high value and feel strongly moved to protect. Freedom of expression is central to an open and democratic society—it is what allows human beings to express their individuality.

**Peter Law:** Will you give way?

**Eleanor Burnham:** No, not at the moment. Freedom of expression is also about opinions, sometimes political opinions, and any attempts to control such opinions, through funding or other methods, should be an anathema to all democrats. The arts community exists to express what each of us feels deeply, or are capable of feeling, therefore there is little surprise that it has expressed its thoughts clearly on this issue,

wnele'r ddadl hon: mae'n ymwneud â dyfodol Cyngor Celfyddydau Cymru. Mae materion sy'n ymwneud â dull gweithio cyngor y celfyddydau sy'n cynnig rheswm dros ei gadw, ond, heb ystyried y diffygion o ran effeithlonrwydd a phrosesau yn y cyngor, mae egwyddor sylfaenol hollbwysig yn y fantol.

Should a body responsible for funding various art projects be under the daily and direct management of the Government, particularly if one party stays in Government for years?

Dyna'r cwestiwn hollbwysig sy'n peri bod cyngor y celfyddydau'n wahanol ac mai ef yw testun ein dadl heddiw. Nid yw Democratiaid Rhyddfrydol Cymru o blaid cadw'r holl gwangos; i'r gwrthwyneb. Yr ydym wedi dadlau dros ddiwygio ac yr ydym yn llwyr o blaid y syniad o atebolrwydd democrataidd. Dyna pam yr ydym wedi dadlau'n hir o blaid cael senedd i Gymru.

However, the arts are not like other areas of public expenditure. At their best, the arts inspire us and enrich our lives. They enable us to express ourselves and our individuality.

Mae'r celfyddydau'n ein herio, yn ein cyffroi, ac yn cynnig cyfle inni fyfyrion mewn byd lle mae'r amser a gawn i ddwys ystyried, heb sôn am aros a gwyllo, yn brin. Mae hyn yn fater o ryddid mynegiant—sy'n rhywbeth yr ydym ni'r Democratiaid Rhyddfrydol yn ei drysori'n fawr ac yn teimlo cymhelliad cryf i'w warchod. Mae rhyddid mynegiant yn elfen ganolog mewn cymdeithas agored a democrataidd—hynny sy'n caniatáu i bobl fynegi eu hunigoliaeth.

**Peter Law:** A wnewch ildio?

**Eleanor Burnham:** Na wnaif, nid ar hyn o bryd. Mae rhyddid mynegiant yn ymwneud hefyd â barn, a barn wleidyddol weithiau, a dylai unrhyw ymgais i reoli barn o'r fath, drwy ariannu neu ddulliau eraill, fod yn wrthun gan bob democrat. Pwrpas cymuned y celfyddydau yw mynegi'r hyn y mae pob un ohonom yn ei deimlo'n ddwys, neu'n gallu ei deimlo, felly nid yw'n fawr o syndod ei bod wedi mynegi ei barn yn groyw am y mater

not least in the open letters sent by Eve Ropek on behalf of the visual arts galleries, Christopher Ryde on behalf of the Wales Association for the Performing Arts and its members, and Richard Hogger, director of Creu Cymru, which were published in the *Western Mail* on Friday. The thread that runs through them is that it is not the place of government to make decisions about individual arts projects.

Swyddogaeth y Llywodraeth yw hybu'r celfyddydau a'r artistiaid, a chynnal cymdeithas sy'n gwerthfawrogi'r artistiaid hynny.

Government can, and should, provide policy and strategic direction, as it does now, but it should not make daily decisions on arts funding, and there should not be full politicisation of the arts. We know that the value of art cannot be measured exclusively in terms of gross domestic product, which is a crude measure that looks at the dollar rather than the *douleur*, and the euro rather than *euphoria*. However, we must not forget that the arts can make a significant contribution to the economic prosperity of Wales, and we trust that the Government's curiously delayed creative industries strategy will provide the tools for that to happen, but that is a debate for another day.

While there is a strong case for keeping meddling Ministers out of the arts, there is an equally strong case for keeping the arts away from meddling Ministers. Keeping the arts council out of the Government is as much about protecting the Minister from the inevitable daily demands of deciding whether to fund particular projects as it is about protecting the arts from the Government. Politics may well be the art of the possible, but the Minister's job would soon become impossible under the weight of the arts.

The arts provide a prominent example of a field where there needs to be a separation between the determination of policy and the implementation of that policy. Do not take my word for it, listen to the arts council itself, which says that governments often relish the

hwn, a hynny'n bennaf yn y llythyrau a anfonwyd gan Eve Ropek ar ran orielau'r celfyddydau gweledol, gan Christopher Ryde ar ran Cymdeithas Celfyddydau Perfformio Cymru a'i haelodau, a chan Richard Hogger, cyfarwyddwr Creu Cymru, a gyhoeddwyd yn y *Western Mail* ddydd Gwener. Y thema sy'n gyffredin iddynt yw nad lle llywodraeth yw penderfynu ynghylch prosiectau penodol yn y celfyddydau.

The Government's function is to promote the arts and artists, and to sustain a society that appreciates those artists.

Gall llywodraeth ddarparu polisi a chynnig cyfeiriad strategol, a dylai wneud hynny, fel y gwnaiff yn awr, ond ni ddylai wneud penderfyniadau o ddydd i ddydd ar ariannu'r celfyddydau, ac ni ddylai'r celfyddydau gael eu llwyr wleidyddoli. Gwyddom na ellir mesur gwerth celfyddyd ar ffurf cynnyrch mewnwladol crynswth yn unig, gan mai ffon fesur fras yw honno sy'n ystyried y ddoler yn hytrach na'r dolur, a'r ewro yn hytrach nag ewfforia. Fodd bynnag, ni ddylem anghofio y gall y celfyddydau gyfrannu'n sylweddol at ffyniant economaidd Cymru, a hyderwn y bydd strategaeth y Llywodraeth ar gyfer diwydiannau creadigol, sydd wedi'i gohirio am ryw reswm rhyfedd, yn cynnig modd i hynny ddiwydd, ond dadl ar gyfer diwrnod arall yw honno.

Er bod dadl gryf dros gadw Gweinidogion busneslyd allan o'r celfyddydau, mae dadl yr un mor gryf dros gadw'r celfyddydau oddi wrth Weiniogion busneslyd. Mae cadw cyngor y celfyddydau allan o'r Llywodraeth yn ymwneud i'r un graddau ag amddiffyn y Gweinidog rhag y gofynion beunyddiol anochel o benderfynu a ddylid ariannu prosiectau penodol ag y mae ag amddiffyn y celfyddydau rhag y Llywodraeth. Efallai mai gwyddor y posibl yw gwleidyddiaeth, ond buan iawn y byddai gwaith y Gweinidog yn mynd yn amhosibl o dan faich y celfyddydau.

Mae'r celfyddydau'n enghraifft amlwg o faes lle dylid gwahanu'r gwaith o bennu polisi oddi wrth y gwaith o weithredu'r polisi hwnnw. Peidiwch â derbyn fy ngair i am hynny, gwrandewch ar gyngor y celfyddydau ei hun, a ddywed fod llywodraethau'n aml yn

success of the arts, but art often poses problems for them. Art involves risks, and it is not all about consumption by an audience; it is also about creation and expression by individuals. The previous chair of the arts council, Sybil Crouch, says that what is particularly worrying about the proposals to absorb the arts council and other cultural bodies into the civil service is that, to date, no reason has been given as to why this would be a good thing. Those are the views of the experts. The arts council's submission, in response to the Government, makes a powerful case for its independence. Perhaps the most powerful is paragraph 23, which explains why the arts council meets two of the three exemption criteria in the Permanent Secretary's letter of 2 August: it is a body that takes decisions that are better kept at arm's length from the Government.

**Peter Law:** Will you give way?

**Eleanor Burnham:** Not at the moment, thank you, Peter. The arts council is also a body that undertakes or exercises functions that are clearly non-governmental in character. The First Minister's announcement on 14 July admitted that there might be a case for keeping exceptional organisations at arm's length, and that is exactly the kind of organisation that we are talking about. I do not mean that it is 'exceptional' in the sense of being outstandingly good—none of us in the Chamber will have forgotten that the arts council has been criticised in the recent past by Assembly Members of all parties—but we must keep in mind that this debate is about the principle, not the institution itself.

You do not have to support how the arts council is run to support the principle of separation of arts and Government. We are not arguing for the current council to be preserved in formaldehyde, like a grotesque Damien Hirst piece; reform of the institution will be necessary to ensure that it remains responsive to the needs of Wales and its culture. Our arguments are not about maintaining the status quo or about particular institutions, but they are born from a desire to ensure that the arts have the best possible

ymhyfrydu yn llwyddiant y celfyddydau, ond bod celfyddyd yn peri problemau iddynt yn aml. Mae celfyddyd yn golygu mentro, ac nid yw'n ymwneud â'r derbyniad a gaiff gan gynulleidfa'n unig; mae hefyd yn ymwneud â chreu a mynegiant unigolion. Dywed cyn-gadeirydd cyngor y celfyddydau, Sybil Crouch, mai'r hyn sy'n peri pryder penodol ynghylch y cynigion i gynnwys cyngor y celfyddydau a chyrrff diwylliannol eraill yn y gwasanaeth sifil yw na roddwyd unrhyw reswm, hyd yn hyn, dros gredu y byddai hynny'n beth da. Dyna farn yr arbenigwyr. Mae'r sylwadau a gyflwynodd cyngor y celfyddydau, mewn ymateb i'r Llywodraeth, yn cynnig dadl gryf dros ei annibyniaeth. Gall mai paragraff 23 yw'r un cryfaf, gan ei fod yn egluro bod cyngor y celfyddydau yn bodloni dau o'r tri maen prawf ar gyfer eithrio yn llythyr yr Ysgrifennydd Parhaol sy'n ddyddiedig 2 Awst: mae'n gorff sy'n gwneud penderfyniadau y mae'n well eu cadw ar hyd braich oddi wrth y Llywodraeth.

**Peter Law:** A wnewch ildio?

**Eleanor Burnham:** Nid ar hyn o bryd, diolch i chi, Peter. Mae cyngor y celfyddydau'n gorff sydd hefyd yn cyflawni neu'n arfer swyddogaethau sy'n amlwg o natur anllywodraethol. Yng nghyhoeddiad y Prif Weinidog ar 14 Gorffennaf, cyfaddefwyd ei bod yn bosibl bod dadl dros gadw cyrrff eithriadol ar hyd braich, a dyna'r union fath o gorff yr ydym yn ei drafod. Nid wyf yn golygu ei fod yn 'eithriadol' yn yr ystyr o fod yn neilltuol o dda—ni fydd neb yn y Siambr wedi anghofio bod cyngor y celfyddydau wedi'i feirniadu'n ddiweddar gan Aelodau Cynulliad o bob plaid—ond rhaid inni ddal mewn cof mai dadl am yr egwyddor yw hon, nid am y sefydliad ei hun.

Nid oes raid ichi gefnogi'r dull o redeg cyngor y celfyddydau i allu cefnogi'r egwyddor o wahanu celfyddydau oddi wrth Lywodraeth. Nid ydym yn dadlau o blaid cadw'r cyngor presennol mewn fformaldehyd, fel rhyw waith grotésg gan Damien Hirst; bydd angen diwygio'r sefydliad i sicrhau y bydd yn dal i ymateb i anghenion Cymru a'i diwylliant. Nid yw ein dadleuon yn ymwneud â chadw'r sefyllfa fel y mae nac yn ymwneud â sefydliadau penodol, ond maent yn codi o awydd i

chance of success in the future.

sicrhau y caiff y celfyddydau y cyfle gorau i ffynnu yn y dyfodol.

4.40 p.m.

With the opening of the Wales Millennium Centre next week, Wales will have a major arts venue and a glittering landmark building at the heart of the capital city. Seven funded organisations will be calling the centre their home. Alongside this development, good work is being carried out across Wales, for example, by Clwyd Theatr Cymru, Theatr Genedlaethol Cymru, Theatr Gwynedd and Diversions dance company, to name but a few.

Drwy agor Canolfan Mileniwm Cymru yr wythnos nesaf, bydd gan Gymru ganolfan o bwys i'r celfyddydau ac adeilad disglair hynod yng nghanol y brifddinas. Bydd y ganolfan yn gartref i saith corff nodedig. Ochr yn ochr â'r datblygiad hwn, gwneir gwaith da ledled Cymru, er enghraifft, gan Clwyd Theatr Cymru, Theatr Genedlaethol Cymru, Theatr Gwynedd a chwmmi dawn Diversions, ac enwi dim ond rhai.

Mae dyfodol agos y celfyddydau yng Nghymru'n edrych yn dda, ond ymddangosodd cwmwl mawr du ar y gorwel wrth i'r Prif Weinidog danio coelcerth y cwangos.

The immediate future of the arts in Wales seems to be bright, but a big, dark cloud appeared on the horizon when the First Minister lit the bonfire of the quangos.

I urge fellow AMs to listen to my colleagues, to the artists who have spoken out, and to the arts council in its submission. The case for keeping the arts council at arm's length is not just compelling, it is overwhelming. The Government makes decisions every day with which we do not agree, and it makes many more that we broadly support, but this decision is crucial to the future of Wales's cultural life. It is a life that, here, more than in many other countries, defines a unique nation. This is why we urge all AMs to support the cause to keep the arts council at arm's length. The arts are an exception to the debate on the quango state and, if we want arts in Wales to be exceptional, we must ensure that artists are free to express themselves.

Anogaf gyd-Aelodau i wrando ar fy nghydweithwyr, ar yr artistiaid a gododd eu llais, ac ar y sylwadau a gyflwynwyd gan gyngor y celfyddydau. Nid yn unig y mae'r ddadl dros gadw cyngor y celfyddydau ar hyd braich yn gryf, mae hefyd yn ddiymwad. Gwnaiff y Llywodraeth benderfyniadau bob diwrnod na chytunwn â hwy, a gwnaiff lawer rhagor yr ydym yn eu cefnogi'n gyffredinol, ond mae'r penderfyniad hwn yn hollbwysig i fywyd diwylliannol Cymru yn y dyfodol. Mae'r bywyd hwnnw, yn fwy nag mewn llawer gwlad arall, yn diffinio cenedl unigryw. Dyna pam yr anogwn yr holl ACau i gefnogi'r ddadl dros gadw cyngor y celfyddydau ar hyd braich. Mae'r celfyddydau'n eithriad yn y ddadl ar y wladwriaeth gwango ac, os ydym am i gelfyddydau yng Nghymru fod yn eithriadol, rhaid inni sicrhau y bydd artistiaid yn rhydd i'w mynegi eu hunain.

**The First Minister:** I propose amendment 2 in the name of Karen Sinclair. Delete all after 'Arts Council of Wales' and replace with:

**Y Prif Weinidog:** Cynigïaf welliant 2 yn enw Karen Sinclair. Dileu popeth ar ôl 'credu' ac ychwanegu:

*should be considered in the context of the forthcoming statement, which the First Minister has undertaken to make on the review of Assembly sponsored public bodies.*

*y dylai swyddogaethau Cyngor Celfyddydau Cymru gael eu hystyried yng nghyd-destun y datganiad y mae'r Prif Weinidog yn bwriadu ei wneud ar yr adolygiad o gyrff cyhoeddus a noddir gan y Cynulliad.*

**Leighton Andrews:** I declare an interest as my wife is chair of Sgript Cymru, the theatre company that promotes new writing in Wales and is supported by the arts council. However, I do not consider that this prevents me from voting.

I am deeply sceptical about the idea that public interest in the arts would be better served by assimilating the arts council into the Welsh Assembly Government. I am not necessarily opposed to every function performed by the arts council being taken over by Government, which is why I oppose the Liberal Democrat motion. However, I do not believe that grant support or strategy development for particular art forms should be taken over by Government.

My concerns are based on three key factors: principle, pragmatism and politics. To start with principle, there are good reasons why, historically, since 1944, there has been an intermediary structure for the awarding of grants to arts organisations, not least to ensure a degree of independence to allow free artistic expression. The Culture, Welsh Language and Sport Committee agreed with this view at its meeting on 20 October. I do not believe that the Minister for Culture, Welsh Language and Sport would in any way be partisan. However, let me take you to a parallel universe where the Tories rule Wales—it would have to be a parallel universe. Suppose that they had a culture minister who was extraordinarily right-wing, who might be opposed to abortion, might be critical of multiculturalism, and might want Victorian values taught in schools. Suppose that this Tory culture minister learned that Spectacle Theatre, for example, was to stage a play in which a son killed his dad and slept with his mum—an everyday event in Cwmderi, if you watch *Pobol y Cwm*. You can almost see this Tory culture minister, fulminating in his or her office, thinking ‘I am not having this. I do not care who this Sophocles bloke is, we cannot have these damn people coming over here and corrupting our morals’. The grant to Spectacle Theatre would be slashed. A bit far-fetched you might say, but it is the extreme cases that test the principles. If you

**Leighton Andrews:** Datganaf fuddiant gan fod fy ngwraig yn gadeirydd ar Sgript Cymru, y cwmni theatr sy'n hybu'r gwaith o ysgrifennu gweithiau newydd yng Nghymru a chaiff gymorth gan gyngor y celfyddydau. Er hynny, ni chredaf fod hynny'n golygu na ddylwn bleidleisio.

Yr wyf yn dra amheus o'r syniad mai gwell er budd y cyhoedd yn y celfyddydau fyddai cynnwys cyngor y celfyddydau yn Llywodraeth Cynulliad Cymru. Nid wyf o reidrwydd yn gwrthwynebu gweld cymryd pob swyddogaeth a gyflawnir gan gyngor y celfyddydau gan Lywodraeth, a dyna pam y gwrthwynebam gynnig y Democratiaid Rhyddfrydol. Er hynny, ni chredaf y dylai Llywodraeth gymryd drosodd y gwaith o roi cymorth grant neu ddatblygu strategaethau ar gyfer mathau penodol o gelfyddyd.

Mae'r pryderon sydd gennyf yn seiliedig ar dri ffactor allweddol: egwyddor, pragmatiaeth a gwleidyddiaeth. Gan ddechrau ag egwyddor, mae rhesymau da pam y cafwyd trefniadaeth ryngol, yn hanesyddol, er 1944, ar gyfer rhoi grantiau i gyrff celfyddydol, gyda'r angen i sicrhau rhywfaint o annibyniaeth i ganiatáu mynegiant celfyddydol dirwystr yn uchel yn eu plith. Cytunodd Pwyllgor Diwylliant, y Gymraeg a Chwaraeon ar y safbwynt hwn yn ei gyfarfod ar 20 Hydref. Ni chredaf y byddai'r Gweinidog dros Ddiwylliant, y Gymraeg a Chwaraeon yn bleidgar mewn unrhyw fodd. Fodd bynnag, gadewch imi fynd â chi i fydsawd cyfochrog lle y mae'r Toriaid yn rheoli Cymru—byddai'n rhaid iddo fod yn fydsawd cyfochrog. Cymerwch fod ganddynt weinidog dros ddiwylliant a oedd yn eithriadol o bleidiol i'r asgell dde, a allai fod yn wrthwynebydd i erthylu, a allai fod yn feiriadol o amllddiwylliannaeth, a allai fod o blaid dysgu gwerthoedd Fictoriaidd mewn ysgolion. Cymerwch fod y gweinidog dros ddiwylliant o Dori hwn yn cael gwybod bod Spectacle Theatre, er enghraifft, yn bwriadu llwyfannu drama lle yr oedd mab yn lladd ei dad ac yn cysgu â'i fam—digwyddiad pob dydd yng Nghwmderi, fel y gwyddoch, os byddwch yn gwyllo *Pobol y Cwm*. Bron y gallwch weld y gweinidog dros ddiwylliant o Dori hwn, yn gwylltio yn ei swyddfa, ac yn meddwl 'Ni wnaif oddef hyn. Nid oes ots gennyf pwy yw'r Soffocles hwn, ni allwn

can give the powers to a Labour culture minister, you cannot argue if the same powers rest with a Tory culture minister.

**Glyn Davies:** Will you give way?

**Leighton Andrews:** No.

The second point is the pragmatic question. Do we want Ministers to be answerable for every grant bid in every art form in Wales? It is already bad enough in committee, because if I have to listen to Eleanor Burnham ask the Minister once again for a grant for a local jazz festival, I probably will tear out the rest of my hair. If the Minister is responsible for making the judgments about art forms—for example, about how theatre strategy is delivered—the Minister will be deciding which theatres survive and which go under. Do Ministers really want responsibility for determining which theatres close?

The third area is politics. In the arts, it is not only important to be independent, but to be seen to be independent. There is a serious danger that taking the arts council into Government will be seen as representing one-partyism and control-freakery, and certainly as the opposite of pluralism. It seems that arts organisations in Wales are supportive of the arts council structure and believe that it has turned the corner as an organisation in the last couple of years.

Finally, I question whether this is Welsh Labour policy. It is certainly not the policy that we put before the people of Wales in the referendum in 1997, which was followed through in the Government of Wales Act 1998. It was not the policy of the White Paper.

Labour has always supported the arm's-length relationship. Jennie Lee, the first ever arts Minister, appointed in 1964 by Harold

adael i'r diawliaid hyn ddod yma a thanseilio ein moesau'. Byddai'r grant i Spectacle Theatre yn cael ei dorri. Gallech ddweud bod hynny'n swnio braidd yn annhebygol, ond yr achosion eithafol sy'n rhoi prawf ar yr egwyddorion. Os gallwch roi'r pwerau i weinidog Llafur dros ddiwylliant, ni allwch ddadlau os yw'r un pwerau yn cael eu rhoi i weinidog diwylliant Torïaidd.

**Glyn Davies:** A wnewch ildio?

**Leighton Andrews:** Na wnaif.

Yr ail bwynt yw'r cwestiwn pragmatig. A ydym am i Weinidogion fod yn atebol dros bob cais am grant ar gyfer pob math o gelfyddyd yng Nghymru? Mae'n ddigon drwg yn y pwyllgor eisoes, oherwydd os bydd yn rhaid imi wrando un waith eto ar Eleanor Burnham yn gofyn i'r Gweinidog am grant ar gyfer gŵyl jazz leol, mae'n debyg y byddaf yn tynnu gweddill gwallt fy mhen. Os bydd y Gweinidog yn gyfrifol am benderfynu ar fathau o gelfyddyd—er enghraifft, y dull o gyflawni strategaeth theatrau—bydd yn penderfynu pa theatrau a gaiff barhau a pha rai a fydd yn cau. A oes ar Weinidogion wir eisiau cyfrifoldeb dros benderfynu pa theatrau a wnaiff gau?

Y trydydd maes yw gwleidyddiaeth. Yn y celfyddydau, mae'n bwysig bod yn annibynnol, a hefyd yn bwysig cael eich gweld yn annibynnol. Mae perygl mawr y byddai cynnwys cyngor y celfyddydau yn y Llywodraeth yn cael ei weld yn arwydd o unbleidiaeth a rheoli gormodol, a'r gwrthwyneb i luosrywiaeth, yn sicr. Ymddengys fod cyrff y celfyddydau yng Nghymru'n gefnogol i drefn cyngor y celfyddydau a chredaf ei fod wedi newid er gwell fel corff yn y blynyddoedd diwethaf.

Yn olaf, yr wyf yn amau a yw hyn yn bolisi gan Lafur Cymru. Yn sicr, nid hwn yw'r polisi a roddasom gerbron pobl Cymru yn y refferendwm yn 1997, a ddilynwyd yn Neddf Llywodraeth Cymru 1998. Nid hwn oedd y polisi a oedd yn y Papur Gwyn.

Bu Llafur yn gefnogol erioed i'r berthynas hyd braich. Yr oedd Jennie Lee, y Gweinidog cyntaf erioed dros y celfyddydau, a



Wilson, clearly believed in the arm's-length relationship. She said about theatre, for example:

'Political control is a short cut to a boring, stagnant theatre—there must be freedom to experiment, to make mistakes, to fail, to shock or there can be no new beginnings. It is hard for any Government to accept this.'

She also said:

'My function is simply a permissive one...I want simply to make living room for artists to work in. I must get people used to the idea of accepting a political Minister for the Arts without that implying political control of the arts.'

I ask the Government for an assurance today that, should it propose taking the arts council's functions in-house, there will be a specific motion brought before the Assembly in Plenary, in Government time.

I urge the Government to stick with the current structure. The Minister has the culture fund, a role in drawing up the remit letter and a role in appointments. He can set the broad strategic framework, for example, to encourage access and participation or more intervention in support of Communities First areas. He can intervene on major national projects such as the Wales Millennium Centre and can influence national decisions such as free entry. That that allows Ministers to give a clear strategic direction to cultural policy in Wales.

Those who want to change the current arrangements must make their case.

**Jenny Randerson:** Members will understand that this motion has been tabled for procedural reasons.

Eleanor Burnham has already laid out the reasons why—and Leighton Andrews amplified them—in principle, the arts council should be kept at arm's length. However, I will illustrate other problems.

First, there is a process. By making one big-

benodwyd yn 1964 gan Harold Wilson, yn amlwg yn credu yn y berthynas hyd braich. Dywedodd am theatr, er enghraifft:

Mae rheolaeth wleidyddol yn sicr o arwain at theatr ddiflas a marwaidd—rhaid cael rhyddid i arbrofi, i wneud camgymeriadau, i fethu, i ddigio neu ni cheir arloesi. Mae'n anodd i unrhyw Lywodraeth dderbyn hynny.

Dywedodd hefyd:

Un oddefol yw fy swyddogaeth i...nid wyf ond am gynnig lle i fyw i artistiaid gael gweithio. Rhaid imi beri i bobl ddod i arfer â'r syniad o gael Gweinidog dros y Celfyddydau gwleidyddol heb i hynny olygu arfer rheolaeth wleidyddol dros y celfyddydau.

Gofynnaf am sicrwydd gan y Llywodraeth heddiw, os bydd yn cynnig ymgorffori swyddogaethau cyngor y celfyddydau, y dygir cynnig penodol gerbron y Cynulliad yn y Cyfarfod Llawn, yn amser y Llywodraeth.

Anogaf y Llywodraeth i ddal at y drefn bresennol. Mae'r gronfa ddiwylliant gan y Gweinidog ac mae ganddo rôl wrth baratoi'r llythyr cylch gwaith ac wrth benodi. Gall bennu'r strategaeth fras, er enghraifft, i hyrwyddo mynediad a chyfranogi neu fwy o ymyrraeth i helpu ardaloedd Cymunedau yn Gyntaf. Gall ymyrryd mewn prosiectau cenedlaethol pwysig fel Canolfan Mileniwm Cymru a gall ddylanwadu ar benderfyniadau cenedlaethol fel yr un ar gynnig mynediad am ddim. Mae hynny'n caniatáu i Weinidogion bennu cyfeiriad strategol polisi diwylliannol yng Nghymru.

Rhaid i'r rhai sydd am newid y trefniadau presennol gyflwyno eu dadl.

**Jenny Randerson:** Bydd Aelodau'n deall bod y cynnig hwn wedi'i gyflwyno am resymau trefniadol.

Mae Eleanor Burnham eisoes wedi egluro'r rhesymau y dylid cadw cyngor y celfyddydau ar hyd braich, o ran egwyddor, ac mae Leighton Andrews wedi ymhelaethu arnynt. Fodd bynnag, gwnaf egluro problemau eraill.

Yn gyntaf, dyna'r broses. Drwy wneud un

bang announcement, abolishing three quangos on the last day of the last Assembly term, without any consultation and by then allowing a four-and-a-half-month period of consultation without any guidance on Government thinking, the First Minister created instability, when his professed objective was to limit uncertainty. The right way forward—

**Glyn Davies:** On your point, and on Leighton Andrews's excellent contribution to this debate, do you agree that the way in which the First Minister made his previous announcement about quangos and the way in which he has made this one is stopping anybody contributing to a debate that could influence him, that the way in which he is behaving is an insult to any concept of open government, and that he has made his Government look like just about the most closed Government in the western world?

**Jenny Randerson:** Without putting it quite in those terms, I believe that the right way forward would have been a White Paper for consultation, with all the quangos clearly setting out a timetable, criteria and so on, and with public contribution. I regret that this has been the only opportunity for debate, other than the debate that has taken place in the pages of the *Western Mail*. At the end of the period of consultation, there would ideally be an Assembly debate. I join Leighton in his plea, but, unfortunately, I do not have much confidence in it, because the Business Minister's amendment 2 clearly states that there will be a statement. That amendment is patronising, because Members on all sides, such as Leighton, have strongly held views, and we should have the opportunity to make up our minds after a debate. We should not have to keep quiet while the Government decides. One is forced to ask sometimes, especially after the previous debate, what the Assembly is for. Why do we not go back to government by decree? That is the way in which we are moving.

This is a period of uncertainty for all quangos, particularly those whose fate was not announced on 14 July. The First Minister derided the idea in First Minister's questions that there would be any job losses, and then, only about two days later, told the BBC that

cyhoeddiad ysgytwol, gan ddiddymu tri chwango ar ddiwrnod olaf tymor diwethaf y Cynulliad, heb unrhyw ymgynghori ac wedyn drwy ganiatáu cyfnod ymgynghori o bedwar mis a hanner heb roi unrhyw gyfarwyddyd am fam y Llywodraeth, mae'r Prif Weinidog wedi creu ansefydlogrwydd, tra honnai mai ei amcan oedd cyfyngu ar ansefydlogrwydd. Y llwybr priodol i'w ddilyn—

**Glyn Davies:** Ynghylch y pwynt a wnaethoch chi a'r cyfraniad rhagorol a wnaeth Leighton Andrews i'r ddadl hon, a ydych yn cytuno bod y modd y gwnaeth y Prif Weinidog ei gyhoeddiad blaenorol am gwangos a'r modd y gwnaeth yr un hwn yn rhwystro unrhyw gyfraniad i ddadl a allai ddylanwadu arno, bod ei ymddygiad yn groes i unrhyw syniad o lywodraeth agored, a'i fod wedi peri i'w Lywodraeth ymddangos fel yr un fwyaf caeedig bron yn y byd gorllewinol?

**Jenny Randerson:** Heb ddefnyddio'r union eiriau hynny, credaf mai'r llwybr y dylasid ei ddilyn oedd cyhoeddi Papur Gwyn ar gyfer ymgynghori, gyda'r holl gwangos yn nodi amserlen fanwl, meini prawf ac yn y blaen, gyda chyfraniad gan y cyhoedd. Mae'n ofid i mi mai hwn yw'r unig gyfle a gafwyd i gael dadl, heblaw'r ddadl a fu ar dudalennau'r *Western Mail*. Ar ddiwedd y cyfnod ymgynghori, y peth delfrydol fyddai cael dadl yn y Cynulliad. Ategef apêl Leighton, ond, gwaetha'r modd, ni welaf lawer o obaith iddi, gan fod gwelliant 2 y Trefnydd yn datgan yn glir y ceir datganiad. Mae'r gwelliant hwnnw'n un nawddoglyd, gan fod barn bendant gan Aelodau ar bob ochr, fel Leighton, a dylem gael cyfle i benderfynu ar ôl cael dadl. Ni ddylem orfod cadw'n ddistaw tra penderfyna'r Llywodraeth. Mae rhywun yn gorfod gofyn weithiau, yn enwedig ar ôl y ddadl flaenorol, beth yw diben y Cynulliad. Pam nad awn yn ôl at lywodraeth drwy ordinad? I'r cyfeiriad hwnnw yr ydym yn mynd.

Mae hwn yn gyfnod o ansicrwydd i'r holl gwangos, yn enwedig y rhai na chyhoeddwyd eu tynged ar 14 Gorffennaf. Gwnaeth y Prif Weinidog wfftio'r syniad yn y cwestiynau i'r Prif Weinidog y collid unrhyw swyddi, ac wedyn, dim ond dau ddiwrnod yn

there would be. Once again, and in a way that is becoming a hallmark of this administration, decisions that should have commanded widespread support on many quangos, across Wales, across politics and across civil society, are running into opposition because of the way in which they are handled.

4.50 p.m.

In the arts council's case, there are strong grounds for opposition and for fundamental concern. It provides funding on behalf of the Assembly Government and as a lottery distributor. As such, it acts as a one-stop-shop for arts funding, so prospective recipients do not have to shop around. In the *Western Mail* on 17 July, the Minister for Economic Development and Transport said of the decision on the Welsh Development Agency that 'changes would create powerful and dedicated one-stop-shop departments. This clearly gives a reason for bringing the WDA in-house, but that is an equally good reason for keeping the arts council out because it currently is a one-stop-shop. When I was Minister for Culture, we created that one-stop-shop, and we have seen the fruits of that in, for example, the new Newport Theatre. It received funding from the lottery for the building and core funding from the arts council for the year-on-year revenue. The same thing applies to Oriel Mostyn and Oriel Davies. The impact of integrating the arts council with the Government civil service would create a two-stop-shop rather than a one-stop-shop, as a result of the arts council's twin role as the Government's arts funding agency and a lottery distributor. Lottery requires charitable status and, as such, that could not be taken on by Government. We need some ideas about how that lottery function could be dealt with. Could it be put in with the big lottery fund? That runs to central Government's tune, not to the tune of the Assembly.

I am aware that the arts council is not always a comfortable organisation to work with, but that is no reason for taking it in-house. The

ddiweddarach, dywedodd wrth y BBC y collid rhai. Unwaith eto, ac mewn modd sy'n dechrau nodweddu'r weinyddiaeth hon, mae gwrthwynebiad yn codi i benderfyniadau a ddylai fod wedi ennill cefnogaeth gyffredinol mewn sawl cwango, ledled Cymru, ymysg pawb o bob lliw gwleidyddol ac ym mhob rhan o gymdeithas ddinesig oherwydd y modd y'u trafodir.

Yn achos cyngor y celfyddydau, mae sail dda i wrthwynebiad ac i bryder sylfaenol. Mae'n darparu cyllid ar ran Llywodraeth y Cynulliad ac fel dosbarthwr dros y loteri. Yn hynny o beth, mae'n gweithredu fel siop un stop ar gyfer cyllid i'r celfyddydau, fel nad oes raid i ddarpar dderbynwyr fynd i chwilio. Yn y *Western Mail* ar 17 Gorffennaf, dywedodd y Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth am y penderfyniad ar Awdurdod Datblygu Cymru y byddai 'newidiadau'n creu adrannau siop un stop pwrpasol a phwerus'. Mae hynny'n amlwg yn rheswm dros ymgorffori'r WDA, ond mae'n rheswm yr un mor dda dros gadw cyngor y celfyddydau y tu allan gan mai siop un stop ydyw ar hyn o bryd. Pan oeddwn yn Weinidog dros Ddiwylliant, creasom y siop un stop honno, a gwelsom ganlyniadau hynny, er enghraifft, ar ffurf y Theatr Casnewydd newydd. Cafodd gyllid gan y loteri ar gyfer yr adeilad a chyllid craidd gan gyngor y celfyddydau ar gyfer refeniw o'r naill flwyddyn i'r llall. Mae'r un peth yn wir am Oriel Mostyn ac Oriel Davies. Effaith integreiddio cyngor y celfyddydau â gwasanaeth sifil y Llywodraeth fyddai creu siop dau stop yn lle siop un stop, oherwydd rôl ddeuol cyngor y celfyddydau fel asiantaeth ariannu'r Llywodraeth ar gyfer y celfyddydau ac fel dosbarthwr i'r loteri. Mae'r loteri'n mynnu statws elusennol ac, oherwydd hynny, ni allai'r Llywodraeth ymgymryd â hynny. Mae arnom angen syniadau am y modd y gellid delio â'r swyddogaeth sy'n ymwneud â'r loteri. A ellid ei chynnwys gyda'r gronfa loteri fawr? Mae honno'n dilyn tiwn y Llywodraeth ganolog, nid tiwn y Cynulliad.

Gwn nad yw bob amser yn hawdd cyd-dynnu â chyngor y celfyddydau, ond nid yw hynny'n rheswm dros ei ymgorffori. Yr oedd

Wallace report recommended keeping the arts council, and I developed a clear time strategy in 'Creative Future: Cymru Greadigol', which works well. The Minister can tighten it up through his remit letter. He has the flexibility of the culture fund, to which he can add. He has every additional flexibility that he needs, but the arts are a risky business. You cannot work by the numbers game as you can with economic development, or with sport even. You do not measure the arts on numbers. You do not, Minister, for pragmatic reasons, want to be making decisions on whether £10,000 should be spent on a theatre group in Llanelli versus £10,000 spent on the visual arts in Conwy. It would be a nightmare, and we will get bogged down by it. However it is organised, we face the politicisation of the arts. One thing that I learnt in my role as Minister is that you can only cope if you bring the parties and civil society together in the arts to accept the idea of arts funding and to accept that sometimes risky, unpopular or slightly strange decisions are made. However, in general, what you are doing is fostering our cultural future and strengthening our cultural identity through the existence of the arts council.

**Lorraine Barrett:** I welcome the opportunity to discuss this issue today, but I will not support the Liberal Democrats' posturing and grandstanding. It is not right to single out just one of the Assembly sponsored public bodies. The Liberal Democrats have made cheap attempts to portray themselves as the party concerned about moves to bring the arts council within the Welsh Assembly Government, and it does them little credit, particularly after reading Peter Black's comments recently. He said:

'There is no evidence that the administration of arts spending by a department of the Assembly will squash creativity or even bring artists under Government control'.

I wonder how Peter will be voting today. I

adroddiad Wallace yn argymhell cadw cyngor y celfyddydau, a datblygais strategaeth amser bendant yn 'Creative Future: Cymru Greadigol', sy'n gweithio'n dda. Gall y Gweinidog ei thynhau drwy ei lythyr cylch gwaith. Mae hyblygrwydd y gronfa ddiwylliant ar gael iddo, a gall ychwanegu ati. Mae ganddo bob hyblygrwydd ychwanegol y mae arno'i angen, ond busnes peryglus yw'r celfyddydau. Ni allwch weithio yn ôl ffigurau fel y gallwch wneud yn achos datblygu economaidd, neu chwaraeon hyd yn oed. Nid yn ôl ffigurau y mesurir y celfyddydau. Weinidog, nid ydych, am resymau pragmatig, am wneud penderfyniadau ynghylch a ddylid gwario £10,000 ar grŵp theatr yn Llanelli yn hytrach na gwario £10,000 ar y celfyddydau gweledol yng Nghonwy. Byddai'n beth hunllefus, a chaem ein llethu ganddo. Ym mha fodd bynnag y'i trefnir, yr ydym yn wynebu gwleidyddoli ar y celfyddydau. Un peth a ddysgais yn fy rôl fel Gweinidog yw na allwch ond ymdopi os deuwch â'r pleidiau a chymdeithas ddinesig at ei gilydd yn y celfyddydau i dderbyn y syniad o ariannu'r celfyddydau ac i dderbyn y gwneir penderfyniadau sydd weithiau'n fentrus, yn amhoblogaidd neu braidd yn rhyfedd. Serch hynny, yn gyffredinol, yr hyn a wneir yw meithrin ein dyfodol diwylliannol a chryfhau ein hunaniaeth ddiwylliannol drwy fodolaeth cyngor y celfyddydau.

**Lorraine Barrett:** Croesawaf y cyfle i drafod y mater hwn heddiw, ond ni chefnogaf ymagweddu ac ymorchestu'r Democratiaid Rhyddfrydol. Nid yw'n iawn dewis dim ond un o'r cyrff cyhoeddus a noddir gan y Cynulliad. Mae'r Democratiaid Rhyddfrydol wedi gwneud ymdrechion salw i'w portreadu eu hunain fel y blaid sy'n poeni am gamau i ymgorffori cyngor y celfyddydau yn Llywodraeth Cynulliad Cymru, ac nid yw hynny'n fawr o glod iddynt, yn enwedig ar ôl darllen sylwadau diweddar gan Peter Black. Dywedodd:

Nid oes unrhyw dystiolaeth i ddangos y bydd gweinyddu gwariant ar y celfyddydau gan adran o'r Cynulliad yn mygu dawn greadigol neu hyd yn oed yn dod ag artistiaid o dan reolaeth y Llywodraeth.

Yr wyf yn meddwl tybed sut y bydd Peter yn

am also interested to see how Plaid Cymru will vote in this—

**Peter Black:** Talking of grandstanding, Lorraine, you have quoted me out of context. You did not quote the entire passage on the blog. I made it quite clear that there was a case to keep the arts council independent of government, and I also made clear that there were other ways in which the arts council could be reformed to make it more accountable. I am therefore happy to support the motion laid down by the Liberal Democrat group.

**Lorraine Barrett:** I though you would be, but those were your words and they are on record. I am also interested to see how Plaid Cymru will vote today, especially given the fact that Ieuan Wyn Jones told the Assembly in July that he hoped that by the end of 2008 or 2010, there would not be a single quango left in Wales. I have said publicly in the Culture, Welsh Language and Sport Committee, and I will repeat it today, that I have reservations about moves to incorporate the arts council into the Welsh Assembly Government. Of all the ASPBs, the arts council is unique. Under the leadership of Geraint Talfan Davies and Peter Tindall, it has made enormous progress in terms of delivering for the public, the arts sector and for the Welsh Assembly Government, the breadth and depth of service that is expected of it. An expert, independent, accountable intermediary body between the source of public money and arts organisations—the arm's-length principle of public funding of the arts—has served the arts well in Wales.

It is difficult to reconceive the conceptual basis of public funding of the arts in Wales by bringing that independent role of the arts council to an end. The Welsh Assembly Government has an admirable track record of interest in and support for culture, not least through its record levels of funding under Labour. With the Welsh Assembly Government's direction, as Leighton outlined earlier, the arts council has changed out of all recognition and that arm's-length financing

pleidleisio heddiw. Bydd hefyd o ddiddordeb imi weld sut y bydd Plaid Cymru yn pleidleisio ar hyn—

**Peter Black:** A sôn am ymorchestu, Lorraine, yr ydych wedi dyfynnu fy ngeiriau allan o'r cyd-destun. Ni wnaethoch ddarllen y darn yn ei gyfanrwydd. Fe'i gwneuthum yn berffaith glir bod dadl dros gadw cyngor y celfyddydau'n annibynnol ar Lywodraeth, ac eglurais hefyd fod dulliau posibl eraill o ddiwygio cyngor y celfyddydau i beri iddo fod yn fwy atebol. Yr wyf felly'n fodlon cefnogi'r cynnig a gyflwynwyd gan grŵp y Democratiaid Rhyddfrydol.

**Lorraine Barrett:** Yr oeddwn yn amau y byddech, ond eich geiriau chi oedd y rhain ac maent ar ddu a gwyn. Bydd hefyd o ddiddordeb imi weld sut y bydd Plaid Cymru yn pleidleisio heddiw, yn enwedig yng ngolwg y ffaith bod Ieuan Wyn Jones wedi dweud wrth y Cynulliad ym mis Gorffennaf y gobeithiai na fyddai'r un cwango ar ôl yng Nghymru erbyn diwedd 2008 neu 2010. Yr wyf wedi dweud ar goedd ym Mhwyllgor Diwylliant, y Gymraeg a Chwaraeon, ac fe'i hailadroddaf heddiw, fod gennyf amheuo ynghylch camau i ymgorffori cyngor y celfyddydau yn Llywodraeth Cynulliad Cymru. O'r holl CCNC, mae cyngor y celfyddydau'n unigryw. O dan arweiniad Geraint Talfan Davies a Peter Tindall, gwnaeth gynnydd aruthrol o ran cynnig y gwasanaeth trylwyr a chynhwysfawr y mae'r cyhoedd, sector y celfyddydau a Llywodraeth Cynulliad Cymru yn ei ddisgwyl ganddo. Mae corff rhyngol atebol, annibynnol ac arbenigol rhwng ffynhonnell arian cyhoeddus a chyrff y celfyddydau—yr egwyddor o ariannu'r celfyddydau gan y cyhoedd o hyd braich—wedi bod o les i'r celfyddydau yng Nghymru.

Anodd fydd ail-greu'r sail syniadol ar gyfer ariannu'r celfyddydau yng Nghymru gan y cyhoedd os rhoddir terfyn ar rôl annibynnol cyngor y celfyddydau yn hynny o beth. Mae gan Lywodraeth Cynulliad Cymru hanes clodwiw o ddiddordeb mewn diwylliant, a chefnogaeth iddo, a hynny'n anad dim drwy'r lefelau ariannu uchaf erioed a gafwyd o dan Lafur. Fel y nododd Leighton yn gynharach, dan gyfarwyddyd Llywodraeth Cynulliad Cymru mae cyngor y celfyddydau wedi

allows Government to concentrate on the overall policy rather than day-to-day operations. Leighton also covered this point, but while we have a good arts Minister, I shudder at the thought of certain individuals who could be arts Ministers in a parallel universe. That could be quite scary.

Therefore, I urge the Minister and the First Minister to consider carefully the position of the arts council over the next few weeks. However, what I have been told by many artistic groups and organisations and artists in Wales is that whatever the decision, they will work within that structure, whether inside or outside Government. However, I say to the Minister for Culture, Welsh Language and Sport and the First Minister to seriously take on board my concerns and those of Leighton Andrews and Rosemary Butler, as Chair of the Committee.

**Mick Bates:** Today is one of those rare occasions when I feel totally engaged with a community and body of people outside the Assembly who see the danger in a Government policy that threatens the artistic and cultural values that they hold so dear. That point was strongly made in Eleanor's opening speech and I am particularly grateful for Jenny's important emphasis on the cultural identity that is retained. I will make three clear points borne out by the correspondence that I have received when the arts community realised that we had tabled this minority party debate today.

Essentially, we must ensure that we clearly retain an independent body which can also act as an advocate for the arts community. This was borne out by a recent experience of Powys County Council, when it decided that because of the stringencies of the local government settlement, it would have to cut Theatre Powys and Dance Powys. Those are two vital organisations that offer a great deal to a great many people. However, on the intervention of the chair of the arts council, Powys council changed its mind.

newid y tu hwnt i adnabyddiaeth ac mae'r ariannu hyd braich hwnnw yn caniatáu i'r Llywodraeth ganolbwyntio ar y polisi cyffredinol yn hytrach nag ar weithrediadau beunyddiol. Ymdriniodd Leighton â'r pwynt hwn hefyd, ond er bod gennym Weinidog da dros y celfyddydau, mae'n gas gennyf feddwl am rai unigolion a allai fod yn Weinidogion dros y celfyddydau mewn bydysawd cyfochrog. Gallai hynny fod yn eithaf arswydus.

Gan hynny, anogaf y Gweinidog a'r Prif Weinidog i ystyried sefyllfa cyngor y celfyddydau'n ofalus dros yr wythnosau nesaf. Er hynny, mae llawer o grwpiau a chyrff artistig ac artistiaid yng Nghymru wedi dweud wrthyf y byddant yn gweithio o dan ba bynnag drefn a benderfynir, boed y tu mewn neu'r tu allan i Lywodraeth. Fodd bynnag, dywedaf wrth y Gweinidog dros Ddiwylliant, y Gymraeg a Chwaraeon a'r Prif Weinidog y dylent ystyried o ddifrif y pryderon a fynegwyd gennyf fi a Leighton Andrews a Rosemary Butler, fel Cadeirydd y Pwyllgor.

**Mick Bates:** Heddiw yw un o'r adegau prin hynny y teimlaf yn gwbl gytún â chymuned a chorff o bobl y tu allan i'r Cynulliad a wêl berygl mewn polisi o eiddo Llywodraeth sy'n bygwth y gwerthoedd artistig a diwylliannol sydd mor annwyl ganddynt. Gwnaed y pwynt hwnnw'n gryf yn araith agoriadol Eleanor ac yr wyf yn arbennig o ddiolchgar am y pwys a roddodd Jenny ar gadw hunaniaeth ddiwylliannol. Gwnaf dri phwynt amlwg a ategir gan y llythyrau a gefais pan sylweddolodd cymuned y celfyddydau ein bod wedi cyflwyno'r ddadl plaid leiafrifol hon heddiw.

Yn syml, rhaid inni sicrhau y cadwn gorff annibynnol a all hefyd bledio achos cymuned y celfyddydau. Gwelwyd hynny drwy brofiad a ddaeth i ran Cyngor Sir Powys yn ddiweddar, pan benderfynodd, oherwydd cyfyngiadau'r setliad llywodraeth leol, y byddai'n gorfod torri Theatr Powys a Dawns Powys. Mae'r ddau'n gyrff hollbwysig sy'n cynnig llawer iawn i lawer iawn o bobl. Fodd bynnag, wedi i gadeirydd cyngor y celfyddydau ymyrryd, newidiodd cyngor Powys ei feddwl.

I ask Members to consider whether a Government, with possibly the same political colours as the county council, would be so bold as to act as an advocate for arts groups that a council of the same political colour was about to cut. We all need to think about the independence and ability to give clear guidance to local government as well as national Government because this issue extends beyond that.

5.00 p.m.

Secondly, there is the question of public confidence in how a Government deals with art, the culture and the artist himself or herself. If a Government is to take control, we will lose public confidence that the arts are truly a place of free expression. I quote one of my neighbours, Shani Rhys James who as you know, has a lot to say about abolishing the arts council. Some of you will not need reminding of Shani's position in the painting world after she won the Jerwood Prize for Painting. She said that if the National Assembly took control, we would go back to dragons, leeks and choirs, and that it is quite dangerous to involve politicians. It is not like the health service, or the railways. Free expression is vital in a democratic society. You need distance, not government interference, because it is always taken the wrong way. She said that it would be a momentous change and devastating to the arts. It would set the arts scene back 60 years, because the Government does not have the expertise.

The current regime has by no means delivered everything in a perfect world. I am grateful to Mike Nixon, who has written to the Minister regarding this issue. He fully admits that, in previous years, the arts council was not perfect and needed reform. Along with him, I pay tribute to the new regime chaired by Geraint Talfan Davies, who has reinvigorated the Arts Council of Wales, and who has begun to bring art back into the arts council. There was necessary change, and that has been provided internally.

**Peter Law:** Democracy and the will of the

Gofynnaf i Aelodau ystyried a fyddai Llywodraeth, a honno o'r un lliw gwleidyddol â'r cyngor sir o bosibl, mor barod i bledio achos grwpiau celfyddydol yr oedd cyngor o'r un lliw gwleidyddol ar fin eu torri. Rhaid i ni i gyd ystyried annibyniaeth a'r gallu i roi cyfarwyddyd clir i lywodraeth leol yn ogystal â Llywodraeth genedlaethol gan fod y mater hwn yn un ehangach na hynny.

Yn ail, dyna gwestiwn ymddiriedaeth y cyhoedd yn y modd y mae Llywodraeth yn ymdrin â chelfyddyd, y diwylliant a'r artist ei hun. Os yw Llywodraeth i gymryd y llyw, ni fydd y cyhoedd yn teimlo'n sicr bod mynegiant dirwystr yn y celfyddydau. Dyfynnaf eiriau un o'm cymdogion, Shani Rhys James, y mae ganddi lawer i'w ddweud, fel y gwyddoch, am ddiddymu cyngor y celfyddydau. Mae rhai ohonoch na fydd angen eich atgoffa am statws Shani ym myd peintio wedi iddi ennill Gwobr Jerwood am Beintio. Dywedodd, os byddai'r Cynulliad Cenedlaethol yn cymryd y llyw, yr aem yn ôl at gael dreigiau, cennin a chorau, ac mai eithaf peryglus yw cynnwys gwleidyddion yn hyn. Nid yw'n debyg i'r gwasanaeth iechyd, neu'r rheilffyrdd. Mae mynegiant dirwystr yn hollbwysig mewn cymdeithas ddemocrataidd. Rhaid wrth bellter, yn hytrach nag ymyrraeth gan lywodraeth, oherwydd cymerir hynny o chwith bob amser. Dywedodd y byddai'n newid aruthrol ac yn peri niwed mawr i'r celfyddydau. Byddai'n bwrw byd y celfyddydau yn ôl 60 mlynedd, gan nad yw'r Llywodraeth yn meddu ar arbenigedd ynddo.

Nid yw'r drefn bresennol wedi gweithio'n berffaith o bell ffordd. Yr wyf yn ddiolchgar i Mike Nixon, a ysgrifennodd at y Gweinidog ynghylch y mater hwn. Mae'n derbyn yn llwyr nad oedd cyngor y celfyddydau'n berffaith, mewn blynyddoedd a fu, a bod angen ei ddiwygio. Talaf deyrnged iddo ef ac i'r drefn newydd o dan gadeiryddiaeth Geraint Talfan Davies, sydd wedi ailfywiogi Cyngor Celfyddydau Cymru, ac wedi dechrau adfer celfyddyd yng nghyngor y celfyddydau. Bu'n rhaid cael newid, a gwnaed hynny'n fewnol.

**Peter Law:** Democratiaeth ac ewylllys y bobl

people is the ultimate as far as I am concerned; I would have thought that the Liberal Democrats would agree. Do you think that this is what Lord Livsey had in mind when he worked so hard to obtain a 'yes' vote from your party? Do you really believe that you can support this issue, against a mandate from the people in 1999 to burn and reduce the quangos, which we have, admittedly, been slow at doing?

**Mick Bates:** Thank you for that wise comment, from someone who has often opposed any artistic merit in this nation. I would be quite insulted if you were to understand what we are attempting to present in this debate. Your opposition to what will be a focus for Wales is well known. When you stand outside with your placard opposing free expression in a democratic society, people will toss you the programme so that you can find out exactly what some people really want to see from government.

In conclusion, if you do not vote in support of retaining the arts council, I urge you to talk to the arts community in your constituencies, and to the people who value our cultural heritage, and the essence of democracy, which is, after all, free expression.

**Owen John Thomas:** Mae Cyngor Celfyddydau Cymru newydd ymgartrefu ar ôl cyfnod hir o ad-drefnu a llwyddo i adennill cefnogaeth y sector celfyddydol. Nid yw'r sector am ddiodeff newid enfawr arall, yn arbennig un sy'n trosglwyddo'r pwerau i wneud penderfyniadau oddi wrth arbenigwyr yn y maes at weision sifil sydd yn aml yn rhy ofalus, rhy fiwrocraataidd ac weithiau yn orostyngedig i'r Gweinidog.

Mae'r egwyddor hyd braich yn hanfodol os yw hyrwyddo a chyllido'r celfyddydau i gael eu hystyried fel proses agored a thryloyw. Felly, mae angen cyfnod pellach heb ystyried gwneud unrhyw newidiadau eraill i gyfundrefn weddol newydd sy'n gweithio'n effeithiol gyda'r Cynulliad Cenedlaethol.

Pan ddaw barn wleidyddol ynghyd â phŵer cyllido yn rhy agos at waith celfyddydwyr, mae perygl y cyfyngir ar ryddid celfyddydol, ac i awyrgylch o nawdd unochrog a

yw'r peth pwysicaf yn fy ngolwg i; byddwn yn tybio y cytunai'r Democratiaid Rhyddfrydol â hynny. A ydych yn credu mai hyn a oedd dan sylw gan yr Arglwydd Livsey pan weithiodd mor galed i gael pleidlais 'ie' gan eich plaid? A ydych yn credu o ddifrif y gallwch gefnogi'r achos hwn, yn groes i fandad gan y bobl yn 1999 i losgi a lleihau nifer y cwangos, y buom yn araf wrth ei wneud, rhaid cyfaddef?

**Mick Bates:** Diolch i chi am y sylw doeth hwnnw, gan rywun sy'n aml wedi gwrthwynebu unrhyw beth o werth artistig yn y wlad hon. Byddai'n chwith iawn gennyf feddwl eich bod yn deall yr hyn yr ydym yn ceisio'i gyflwyno yn y ddadl hon. Mae'ch gwrthwynebiad i'r hyn a fydd yn ganolbwynt i Gymru yn hysbys iawn. Pan safwch y tu allan â'ch placard yn gwrthwynebu mynegiant dirwysr mewn cymdeithas ddemocrataidd, bydd pobl yn taflu'r rhaglen atoch fel y gallwch weld beth yn union y mae rhai pobl am ei gael gan lywodraeth.

I derfynu, os na phleidleisiwch o blaid cadw cyngor y celfyddydau, pwysaf arnoch i siarad ag artistiaid yn eich etholaethau, a'r rhai sy'n trysori ein treftadaeth ddiwylliannol, a hanfod democratiaeth, sef, wedi'r cwbl, mynegiant dirwysr.

**Owen John Thomas:** The Arts Council of Wales is just hitting its stride after a lengthy period of reorganisation and has successfully regained the support of the arts sector. The sector does not want to go through another massive change, especially a change which would transfer decision-making powers from the experts in the field to civil servants who are often too cautious, too bureaucratic and at times overly submissive to the Minister.

The arm's-length principle is essential if the process of promoting and financing the arts is to be perceived as open and transparent. Therefore, a further period is needed before any other changes are made to a comparatively new regime which works effectively with the National Assembly.

When political opinion and financial power are too closely linked to the work of artists, there is a danger of limiting artistic freedom, and for an atmosphere of narrow-minded



sensoriaeth fyglyd lenwi'r llwyfan.

Mae Cyngor Celfyddydau Cymru yn ddosbarthwr arian loteri ac yn derbyn traean o'i holl arian oddi wrth yr Adran Diwylliant, Cyfryngau a Chwaraeon yn Llundain. Gan fod y cyngor yn dosbarthu'r arian hwn, ynghyd ag arian cymorth gan y Cynulliad, mae un swyddog yn gallu ymdrin â'r holl ariannu sy'n ymwneud â sawl agwedd ar brosiect. Mae hyn yn haws, rhatach ac yn fwy effeithiol i'w weithredu na fyddai pe trosglwyddid pwerau'r cyngor i'r Cynulliad. Yn amlwg, dan reolaeth y Llywodraeth, pe bai'r dosbarthwr loteri newydd yn cael ei leoli ar wahân i'r gweision sifil, byddai costau adeiladau, rheolaeth a phersonél yn uwch o lawer.

Hefyd, mae gan Gyngor Celfyddydau Cymru statws elusennol sy'n ei alluogi i godi benthyciadau megis y £0.5 miliwn a ddefnyddir i gyllido'r Cynllun Casglu, sy'n hyrwyddo gwerthiant artistiaid yng Nghymru drwy drefnu amodau ffafriol i helpu pobl nad dynt yn gefnog i brynu darnau o gelf.

I cannot see any worthwhile advantage in the Welsh Assembly Government absorbing the Arts Council of Wales, and I hope that you will follow the culture committee's example and support the continuation of the existing relationship between the Assembly and the arts council. When this matter was discussed recently by the culture committee, it was agreed, without dissension, by a fully representative meeting, that the arts council should remain at arm's length from the direct government processes.

Many Labour Members who support the motion in principle may have difficulty in doing so today as their group has not yet publicly expressed an official view on the matter. On the one hand, the Liberal Democrats' motion seeks to retain the arts council's existing status, while on the other, the Government's amendment states that the matter should be considered in the context of a statement by the First Minister on his review of the ASPBs. As it stands, the Government's amendment offers nothing to those in all parties who wish to debate this matter.

patronage and stifling sensorship to fill the stage.

The Arts Council of Wales is a lottery money distributor and receives a third of its total budget from the Department for Culture, Media and Sport in London. As the council distributes this funding, as well as grant aid from the Assembly, a single officer is able to deal with all the funding associated with many aspects of a project. This is easier, cheaper and more effective to operate than it would be were the council's powers transferred to the Assembly. Obviously, under the Government's control, were the new lottery distributor to be located separately from the civil servants, buildings, management and personnel costs would be far higher.

Also, the Arts Council of Wales has charitable status that enables it to raise loans such as the £0.5 million that is used to fund the Collectorplan, which funds the sale of artists' work in Wales by arranging favourable rates to help people who are not rich to buy works of art.

Ni allaf weld unrhyw fantais werth ei chael o gynnwys Cyngor Celfyddydau Cymru yn Llywodraeth Cynulliad Cymru, a gobeithiaf y byddwch yn dilyn esiampl y pwyllgor diwylliant ac yn ffafrio parhad y berthynas bresennol rhwng y Cynulliad a chyngor y celfyddydau. Pan drafodwyd y mater hwn yn ddiweddar gan y pwyllgor diwylliant, cytunwyd yn unfrydol, mewn cyfarfod cwbl gynrychioladol, y dylai cyngor y celfyddydau aros ar hyd braich o brosesau llywodraeth uniongyrchol.

Mae'n bosibl y bydd sawl Aelod Llafur sy'n cefnogi'r cynnig mewn egwyddor ond yn ei chael yn anodd gwneud hynny heddiw gan nad yw ei grŵp wedi mynegi barn swyddogol yn gyhoeddus eto ar y mater hwn. Ar y naill law, mae cynnig y Democratiaid Rhyddfrydol yn ceisio cadw statws presennol cyngor y celfyddydau, ac ar y llaw arall, mae gwelliant y Llywodraeth yn datgan y dylid ystyried y mater hwn yng nghyd-destun datganiad gan y Prif Weinidog ar ei adolygiad o'r CCNC. Fel y mae, nid yw gwelliant y Llywodraeth yn cynnig dim i'r rhai ym mhob plaid sydd am drafod y mater hwn.

I am aware that the decision on the future control of the arts council lies in the hands of the Assembly Government. If today's motion falls, I ask the First Minister to bring his proposals for the future funding of the arts in Wales to the Assembly at an appropriate time for wider consideration within a full debate, where all Assembly Members would be given a free vote. I stress again that the culture committee, with cross-party support, has given a clear lead in this matter. It would be fitting, therefore, if the First Minister were to reflect on that rare but refreshing act of pan-party unity by allowing us a full and free debate on the future of the arts council. Jane Hutt in an earlier debate referred to a historic occasion of coming together—here is another opportunity to do that, Jane. That, of course, would not be necessary were the Assembly Government to agree, now or later, that the Arts Council of Wales should remain at arm's length from direct government processes.

**Lisa Francis:** So far, this administration has not fully or properly explained the reasons for bringing the Arts Council of Wales in-house. Let us face it—it still has much explaining to do about its interpretation of a bonfire of the quangos. The only thing that this administration has given the arts council to respond to in being brought in-house concerns how it would be absorbed into the civil service.

Currently, the two funding sources of lottery capital and project funding, along with Assembly revenue funding, are being used complementarily to generate a bigger return for the public, the arts, and government than would be possible if they were treated separately. If these two functions were to be separated, I fear that the overall strategic vision would be lost. Should this happen, will the well-motivated and effective staff team built up since the Arts Council of Wales restructured in 2002 also need to be divided? Since they each have roles in respect of lottery and grant in aid, this would mean another complete restructuring. Crucially, it could also mean that expertise in key areas would be unavailable, either to this

Gwn mai Llywodraeth y Cynulliad biau'r penderfyniad ar y dull o reoli cyngor y celfyddydau yn y dyfodol. Os bydd cynnig heddiw'n methu, gofynnaf i'r Prif Weinidog ddwyn ei gynigion ar gyfer ariannu'r celfyddydau yng Nghymru yn y dyfodol gerbron y Cynulliad ar adeg briodol fel y gellir eu hystyried yn helaethach mewn dadl lawn, lle y rhoddid pleidlais rydd i holl Aelodau'r Cynulliad. Pwysleisiaf eto fod y pwyllgor diwylliant, gyda chefnogaeth yr holl bleidiau, wedi rhoi arweiniad pendant yn y mater hwn. Byddai'n weddus, felly, pe byddai'r Prif Weinidog yn myfyrio ynghylch y cytundeb prin ond amheuthun hwn rhwng yr holl bleidiau ac yn gadael inni gael dadl lawn a rhydd ar ddyfodol cyngor y celfyddydau. Cyfeiriodd Jane Hutt mewn dadl gynharach at gytundeb hanesyddol—dyma gyfle arall i wneud hynny, Jane. Wrth gwrs, ni fyddai angen hynny pe cytunai Llywodraeth y Cynulliad, yn awr neu'n ddiweddarach, y dylai Cyngor Celfyddydau Cymru aros o hyd braich i brosesau llywodraeth uniongyrchol.

**Lisa Francis:** Hyd yma, nid yw'r weinyddiaeth hon wedi egluro'n llawn neu'n briodol y rhesymau dros ymgorffori Cyngor Celfyddydau Cymru. Gadewch inni wynebu'r peth—mae ganddi lawer o waith egluro o hyd am ei dehongliad o goelcerth y cwangos. Mae'r unig beth a roddodd y weinyddiaeth hon i gyngor y celfyddydau gael ymateb iddo o ran ei ymgorffori yn ymwneud â'r modd y câi ei gynnwys yn y gwasanaeth sifil.

Ar hyn o bryd, mae'r ddwy ffynhonnell ariannu, sef cyllid cyfalaf y loteri a chyllid ar gyfer prosiectau, ynghyd â chyllid referniw'r Cynulliad, yn cael eu defnyddio ar y cyd i greu mwy ar gyfer y cyhoedd, y celfyddydau, a llywodraeth nag a fyddai'n bosibl pe caent eu trin ar wahân. Os gwahenid y ddwy swyddogaeth hyn, ofnaf y collid y weledigaeth strategol gyffredinol. Os digwydd hynny, a fydd hefyd angen gwahanu'r tîm staff brwdfrydig ac effeithiol a ddatblygwyd ers aildrefnu Cyngor Celfyddydau Cymru yn 2002? Gan fod rôl gan bob un ohonynt mewn cysylltiad â chymorth gan y loteri a chymorth grant, byddai hynny'n arwain at ad-drefnu llwyr eto. Yn hollbwysig, gallai hefyd olygu na

Government or to the successor lottery distributor. There has been no real indication from the Assembly of any potential benefit to the development of the arts and cultural industries of such major revision to this funding base.

In 2001, the Wallace and Twine report was charged with looking at developing the work carried out by the arts council in a more integrated way. Its findings were then supported by Welsh Labour, so why this u-turn? Recently, much time, effort and money has been spent in reforming different aspects of the arts council's operation. After an almost continual period of change, most arts organisations believe that the Arts Council of Wales now needs stability. Where would arts expertise come from if the arts council were to cease to exist?

5.10 p.m.

I concur with Leighton Andrews: the distribution of grants to arts and artists should not be subject to political interference. This principle is important to the public, for the arts and for proper government, too. I am old enough to remember, as are many other Members, what happened in eastern bloc countries when the arts were politicised. By their nature, the arts are not an instrument of government, but rather the expression of creativity. They are non-governmental, and, if the *Western Mail* of 5 October is to be believed, the First Minister thinks that as well. Art is about risk, and it must be allowed to be unpopular and even awkward. Art is about the artist having the freedom to express truth as he or she sees it. Art adds to the health of society, sometimes by exposing underlying malaise. Perhaps that is what this timid administration is really afraid of.

**The First Minister:** As usual, this afternoon, the Liberal Democrats are all over the shop. They tabled an amendment to their own

fyddai arbenigedd mewn meysydd allweddol ar gael i'r Llywodraeth hon neu i'r corff olynol a fydd yn dosbarthu arian y loteri. Ni chafwyd unrhyw awgrym gan y Cynulliad o unrhyw fudd a ddeuai o ran datblygu'r celfyddydau a'r diwydiannau diwylliannol yn sgîl ad-drefn mor helaeth ar y sylfaen ariannu hon.

Yn 2001, gofynnwyd i Wallace a Twine wneud adroddiad ar y modd i integreiddio gwaith cyngor y celfyddydau'n well. Cefnogwyd y canfyddiadau a oedd ynddo gan Lafur Cymru, felly pam y cafwyd y tro pedol hwn? Yn ddiweddar, mae llawer o amser, ymdrech ac arian wedi mynd tuag at ddiwygio gwahanol agweddau ar weithrediad cyngor y celfyddydau. Ar ôl cyfnod o newid parhaus bron, mae'r rhan fwyaf o gyrff y celfyddydau'n credu bod ar Gyngor Celfyddydau Cymru angen sefydlogrwydd bellach. Ym mhle y ceid arbenigedd yn y celfyddydau os deuai cyngor y celfyddydau i ben?

Cytunaf â Leighton Andrews: ni ddylid cael ymyrraeth wleidyddol yn y gwaith o ddosbarthu grantiau ar gyfer celfyddydau ac artistiaid. Mae'r egwyddor hon yn bwysig i'r cyhoedd, i'r celfyddydau ac ar gyfer llywodraeth briodol, hefyd. Yr wyf yn ddigon hen i gofio, fel y mae sawl Aelod arall, yr hyn a ddigwyddodd yng ngwledydd y bloc dwyreiniol pan wleidyddolwyd y celfyddydau. Yn eu hanfod, nid offeryn i lywodraeth yw'r celfyddydau, ond mynegiant o ddawn greadigol. Maent yn anllywodraethol, ac, os yw'r *Western Mail* ar 5 Hydref i'w gredu, mae'r Prif Weinidog yn credu hynny hefyd. Mae celfyddyd yn ymwneud â mentro, a rhaid caniatáu iddi fod yn amhoblogaidd a hyd yn oed yn annymunol. Mae celfyddyd yn golygu bod rhyddid gan yr artist i fynegi'r gwir fel y mae'n ei weld. Mae celfyddyd yn hybu iechyd cymdeithas, weithiau drwy ddatgelu ymdeimlad o annifyrrwch sylfaenol. Efallai mai hynny y mae'r weinyddiaeth ddihyder hon yn ei ofni mewn gwirionedd.

**Y Prif Weinidog:** Yn ôl eu harfer, y prynhawn yma, mae'r Democratiaid Rhyddfrydol yn gwbl ddi-drefn.

motion, so I suppose that we are debating a Liberal motion with a Democrat amendment to it, for which Jenny has already apologised and has said is pretty well meaningless. Actually, we have to take account of it. The motion says that we must not take over the functions of the arts council, and then the amendment implies that it does not matter whether we take over those functions, but that we must keep it there as a shell. That is totally absurd. The Liberal Democrats really must sort themselves out as to what their policy is. Eleanor Burnham's wonderfully explosive initial opening shot setting out the motion was simply a series of—a daisy chain, if you will—interlinked Aunt Sallies. She said that I had never given any indication about the timing of determination of what would happen to the other ASPBs, but I have always done so. I said that it would be by the end of autumn, and it will be. We are expecting it to be on 30 November—a fortnight from today.

She also mentioned job worries among the staff of ASPBs. The job worries are an entirely artificial creation by Mike German. He has been doing his best to try to stir them up, so if anybody has created job worries, the leader of the Welsh Liberal Democrats has. Eleanor also said that there would be no guidance to the ASPBs as to what our attitude would be. The guidance has been given carefully and in detail by the Permanent Secretary. I have repeated it in Plenary as to whether the functions are governmental, regulatory, quasi-judicial or whether they should be kept at arm's length, what promises were given by Ministers in the passage of the Government of Wales Act 1998, and how that is set out, including Royal Charters, Privy Council, and issues of that kind. It is all there, so the idea of there being no guidance is a complete nonsense.

Finally, the biggest Aunt Sallies of all have been referred to this afternoon. I was just beginning to laugh when Lisa Francis stopped speaking about eastern bloc countries and that kind of politicisation of the arts. That

Cyflwynasant welliant i'w cynnig eu hunain, felly yr wyf yn cymryd ein bod yn trafod cynnig Rhyddfrydol ac iddo welliant Democratiaidd, y mae Jenny eisoes wedi ymddiheuro amdano a dweud ei fod yn ddiystyr i bob pwrpas. Mewn gwirionedd, mae'n rhaid inni ei ystyried. Dywed y cynnig na ddylem gymryd drosodd swyddogaethau cyngor y celfyddydau, ac wedyn mae'r gwelliant yn awgrymu nad yw o bwys a fyddwn yn cymryd drosodd y swyddogaethau hynny, ond bod rhaid inni ei gadw fel cragen wag. Mae hynny'n hollol hurt. Rhaid i'r Democratiaid Rhyddfrydol roi trefn ar eu polisi. Nid oedd yr ergyd agoriadol ffrwydrol wych gan Eleanor Burnham wrth egluro'r cynnig yn ddim amgen na chyfres—neu gadwyn flodau, os caf ei roi felly—o gocynnau hitio. Dywedodd nad oeddwn erioed wedi dweud pa bryd y pennid yr hyn a ddigwyddai i'r CCNC eraill, ond yr wyf wedi gwneud hynny. Dywedais y gwneid hynny erbyn diwedd yr hydref, ac fe'i gwneir. Yr ydym yn disgwyl mai ar 30 Tachwedd y bydd hynny—bythefnos i heddiw.

Cyfeiriodd hefyd at bryderon am swyddi ymysg staff CCNC. Mae'r pryderon am swyddi wedi'u creu'n gwbl artiffisial gan Mike German. Gwnaeth ei orau i'w codi, felly os oes rhywun a greodd bryderon ynghylch swyddi, arweinydd Democratiaid Rhyddfrydol Cymru yw hwnnw. Dywedodd Eleanor hefyd na fyddai unrhyw gyfarwyddyd i'r CCNC am ein safbwynt. Mae'r cyfarwyddyd wedi'i roi'n ofalus ac yn fanwl gan yr Ysgrifennydd Parhaol. Yr wyf wedi'i ailadrodd yn y Cyfarfod Llawn ac mae'n ymwneud â pha un a yw'r swyddogaethau'n llywodraethol, yn rheoliadol, yn lled-farnwrol neu a ddylid eu cadw ar hyd braich, pa addewidion a roddwyd gan Weinidogion yn ystod hynt Deddf Llywodraeth Cymru 1998 drwy'r Senedd, a sut y'u nodwyd, gan gynnwys Siarteri Brenhinol, y Cyfrin Gyngor, a materion o'r fath. Mae'r cwbl yno, felly nonsens llwyr yw tybio nad oes cyfarwyddyd.

Yn olaf, cyfeiriwyd at y cocynnau hitio mwyaf o'r cwbl y prynhawn yma. Yr oeddwn wedi dechrau chwerthin pan orffennodd Lisa Francis sôn am wledydd y bloc dwyreiniol a'r math hwnnw o wleidyddoli ar y

is the biggest Aunt Sally of all. The arts council itself has made that mistake, too. Nobody is a greater advocate than I of the freedom of individual artists or the generation of free artistic expression by artistic projects. They have the right to be experimental and controversial, and there can be no question of Government censorship in Wales. I take the points that Leighton Andrews and Lorraine Barrett made earlier about some parallel universe in which other governments of different shades could come in at some time long in the future, and that they might take a different view of artistic freedom than that of Alun Pugh, other members of Cabinet and me. However, I am not sure that the current arrangement would be an adequate protection anyway, because those governments could find other ways of imposing their will on the artistic community. In answer to Leighton Andrews and Lorraine Barrett's points, we are giving serious consideration to the matter of how we deal with the arts council, including the issue of the protection of artistic expression, integrity, and the right to fail, experiment and keep their artistic integrity. There is no question of totalitarian control over the arts in Wales in the foreseeable future under any measure that we might take. It is an open question on what we will do as we continue the work under consultation. To answer the specific point made by Leighton Andrews, if there was any significant change in the status or function of the Arts Council of Wales, it would be a matter for a motion in Government time, which could be amended and voted upon. I can give him that assurance.

**Lisa Francis and Elin Jones** *rose*—

**The Presiding Officer:** Order. I cannot keep having people standing up randomly. The First Minister indicated that he will give way to the leader of the Welsh Conservatives.

**Nick Bourne:** I am grateful to the First Minister for giving way. It is how you have handled this issue that gives rise to concerns in the first instance because this was sprung on Assembly Members when there had been no consultation. Do you accept, specifically in relation to the Arts Council of Wales, that

celfyddydau. Dyna'r cocyn hitio mwyaf o'r cwbl. Mae cyngor y celfyddydau wedi gwneud y camgymeriad hwnnw ei hun, hefyd. Nid oes unrhyw un yn fwy pleidiol na mi i ryddid artistiaid fel unigolion neu i greu mynegiant artistig dirwysr drwy brosiectau celfyddydol. Mae ganddynt hawl i fod yn arbrofol ac yn ddadleuol, ac nid oes unrhyw bosibilrwydd y ceir sensoriaeth gan Lywodraeth yng Nghymru. Derbynaf y pwyntiau a wnaeth Leighton Andrews a Lorraine Barrett yn gynharach am ryw fydsawd cyfochrog lle y gallai llywodraethau eraill o liw gwleidyddol gwahanol ddod i rym rywbyrd yn bell i'r dyfodol, ac y gallent fod â barn wahanol am ryddid artistig i'r un sydd gan Alun Pugh, aelodau eraill o'r Cabinet a mi. Fodd bynnag, nid wyf yn sicr y byddai'r trefniant presennol yn ddigon o amddiffyniad beth bynnag, gan y gallai'r llywodraethau hynny ganfod dulliau eraill i orfodi eu hewyllys ar artistiaid. Mewn ateb i'r pwyntiau a wnaeth Leighton Andrews a Lorraine Barrett, yr ydym yn ystyried o ddifrif y modd yr ydym yn delio â chyngor y celfyddydau, gan gynnwys y mater o amddiffyn mynegiant artistig, uniondeb, a'r hawl i fethu, arbrofi a chadw eu hunplygrwydd fel artistiaid. Nid oes bosibl y ceir rheolaeth unbenaethol ar y celfyddydau yng Nghymru hyd y gellir gweld o dan unrhyw fesur y gallem ei wneud. Ni phenderfynwyd eto ar yr hyn a wnawn gan ein bod yn dal i ymgynghori ar y gwaith hwn. Er mwyn ateb y pwynt penodol a wnaeth Leighton Andrews, os byddai unrhyw newid o bwys i statws neu swyddogaeth Cyngor Celfyddydau Cymru, byddai'n fater i gynnig yn amser y Llywodraeth, y gellir ei ddiwygio a phleidleisio arno. Gallaf ei sicrhau o hynny.

**Lisa Francis ac Elin Jones** *a gododd*—

**Y Llywydd:** Trefn. Ni allaf adael i bobl godi ar eu traed hwnt ac yma o hyd. Mae'r Prif Weinidog wedi nodi y gwnaiff ildio i arweinydd Ceidwadwyr Cymru.

**Nick Bourne:** Yr wyf yn ddiolchgar i'r Prif Weinidog am ildio. Y modd yr ydych wedi trafod y mater hwn sy'n peri pryder yn y lle cyntaf gan ei fod wedi'i ollwng ar y Cynulliad yn annisgwyl heb unrhyw ymgynghori. A ydych yn derbyn, mewn cysylltiad â Chyngor Celfyddydau Cymru yn

it will raise concerns about politicisation if you take it in-house? You seemed to suggest at one stage that Labour politicisation is alright but that of other parties is not. It is all wrong and it is a quality of totalitarian regimes that the arts are politicised. There is no doubt about that. If it is kept at arm's length, politicisation cannot happen. Genuine concerns are raised across all parties and you have not really addressed them, but have simply assured us that all will be alright eventually. That is all that you have said.

**The First Minister:** We have made an absolute commitment that there would be firewalls and panels. If a decision is made to change the status of the Arts Council of Wales, the firewall against a Minister making a decision on a project—

**Elin Jones** *rose*—

**Y Prif Weinidog:** Mae'n flin gennyf, Elin. Mae gennyf lai na munud bellach.

To be clear, the real fault with the Liberal Democrat motion is that where it refers to functions, those functions are currently held in parallel by Ministers who fund artistic projects and make these kinds of decisions. This has not stifled creativity. It is held in parallel by the Arts Council of Wales and the Welsh Assembly Government. We have funded directly the Artes Mundi prize and other successful interventions include Clwyd Theatr Cymru mobile theatre, the Chamber Orchestra scheme and Shakespeare in schools. Local government also provides funding. It is not a one-stop-shop; you are creating a myth. We must continue the work. This has been left an open question and we will return to this issue in a fortnight when the consultations are complete. We are aware of the consultations and that they are being presented by the artistic community. I accept that the majority are against any change but I believe that some have been stirred up to ridiculous lengths. Some have said that we should make the change, but the majority have said that we should not. We continue to consult which is why we oppose the motion and the amendments.

benodol, y bydd pryderon yn codi ynghylch gwleidyddoli os byddwch yn ei ymgorffori? Ymddangosai eich bod yn awgrymu ar un adeg fod gwleidyddoli gan Lafur yn iawn ond nid gan bleidiau eraill. Mae'n anghywir ar bob cyfrif ac un o nodweddion llywodraethau unbenaethol yw gwleidyddoli'r celfyddydau. Nid oes amheuaeth am hynny. Os cedwir ef o hyd braich, ni ellir cael gwleidyddoli. Mynegwyd pryderon dilys yn yr holl bleidiau ac nid ydych wedi cyfeirio atynt mewn gwirionedd, dim ond dweud y gallwch roi sicrwydd i ni y bydd popeth yn iawn yn y diwedd. Dyna'r cwbl a ddywedasoeh.

**Y Prif Weinidog:** Gwnaethom ymrwymiad pendant y byddai atalfeydd a phaneli. Os penderfynir newid statws Cyngor Celfyddydau Cymru, bydd yr atalfa i rwystro Gweinidog rhag penderfynu ar brosiect—

**Elin Jones** *a gododd*—

**The First Minister:** I am sorry, Elin. I have less than a minute remaining.

Er mwyn i bawb gael deall, y gwir ddiffyg yng nghynnig y Democratiaid Rhyddfrydol yw bod y swyddogaethau y cyfeiria atynt yn cael eu dal yn gyfochrog ar hyn o bryd gan Weinidogion sy'n ariannu prosiectau celfyddydol ac yn gwneud penderfyniadau o'r fath. Nid yw hynny wedi mygu dawn greadigol. Fe'u delir yn gyfochrog gan Gyngor Celfyddydau Cymru a Llywodraeth Cynulliad Cymru. Yr ydym wedi noddi gwobr Artes Mundi yn uniongyrchol ac ymysg yr ymyriadau llwyddiannus eraill y mae theatr symudol Clwyd Theatr Cymru, cynllun y Gerddorfa Siambr a Shakespeare mewn ysgolion. Mae llywodraeth leol yn darparu cyllid hefyd. Nid yw'n siop un stop; nid oes sail i'r hyn a ddywedwch. Rhaid inni barhau â'r gwaith. Ni phenderfynwyd ar hyn eto a deawn yn ôl at y mater hwn ymhen pythefnos ar ôl cwblhau'r ymgynghoriadau. Gwyddom am yr ymgynghoriadau a'u bod yn cael eu cyflwyno gan artistiaid. Yr wyf yn derbyn bod y mwyaf yn erbyn newid ond credaf fod rhai wedi'u cynhyrfu'n ormodol. Mae rhai wedi dweud y dylem gyflawni'r newid, ond mae'r rhan fwyaf wedi dweud na ddylem. Daliwn i ymgynghori a dyna pam y gwrthwynebwn y cynnig a'r gwelliannau.

**Michael German:** From the perspective of the Liberal Democrats, we are not opposed to the abolition of quangos, and we do not oppose the change within the structures between the quangos and changing the relationships. In this particular case, it is the Arts Council of Wales itself which suggests how the relationship can alter and should be altered for the future.

I welcome the fact that the First Minister has given us a date for a statement. It is a pity that he did not tell the Business Minister because earlier, she moved the business statement for 30 November and there was no mention of a statement on the other quangos. At least that is a move forward.

I make three substantive points, the first of which has emerged from this debate, and I thank the people who took out 'the political back and forth', which is often found in these debates. Labour Members and Members of the opposition have raised the point of how this debate should be taken forward. The arts community in Wales at present has only heard what the First Minister said in his statement earlier, that the Government would reach a decision by 30 November. Surely that is not the way to engage with the arts community. That is not the way to hear what people feel. It is the way in which the Welsh Assembly Government operates which is at fault. The way in which the Government makes these announcements creates problems where they might not have existed. There are some big questions still remaining about the other quangos, which is about the nature of the public service contract where people will be moved into the public sector, and also the nature of scrutiny and the Chamber.

5.20 p.m.

What we have experienced today during the earlier debate on the notice of dissatisfaction and in terms of being told that the business statement that we approved was inaccurate does not give me any strength of feeling that we are moving in that direction.

I am sure that the First Minister did not really mean it when he said that he did not

**Michael German:** Safbwynt y Democratiaid Rhyddfrydol yw nad ydym yn gwrthwynebu diddymu cwangos, ac nad ydym yn gwrthwynebu newid i'r trefniadau rhwng y cwangos a newid y cydberthynasau. Yn yr achos hwn, Cyngor Celfyddydau Cymru ei hun sy'n awgrymu sut y gellid ac y dylid newid y berthynas ar gyfer y dyfodol.

Croesawaf y ffaith bod y Prif Weinidog wedi nodi ar ba ddyddiad y ceir datganiad. Mae'n drueni na ddywedodd wrth y Trefnydd oherwydd, yn gynharach, cynigiodd y datganiad busnes ar gyfer 30 Tachwedd ac nid oedd sôn ynddo am ddatganiad ar y cwangos eraill. Dyna un cam ymlaen, o leiaf.

Gwnaf dri phwynt pwysig, y daeth y cyntaf ohonynt i'r amlwg yn y ddadl hon, a diolchaf i'r rhai a hepgorodd y ffeirio geiriau rhwng y pleidiau a geir mor aml yn y dadleuon hyn. Mae Aelodau Llafur ac Aelodau'r gwrthbleidiau wedi nodi sut y dylid parhau â'r ddadl hon. Hyd yn hyn, nid yw artistiaid yng Nghymru ond wedi clywed yr hyn a ddywedodd y Prif Weinidog yn ei ddatganiad yn gynharach, sef y penderfynai'r Llywodraeth erbyn 30 Tachwedd. Yn sicr, nid felly y dylid ymwneud ag artistiaid. Nid felly y dylid gwrando ar farn pobl. Dull gweithredu Llywodraeth Cynulliad Cymru sydd ar fai. Mae dull y Llywodraeth o wneud y cyhoeddiadau hyn yn creu problemau nad oeddent yn bod o'r blaen o bosibl. Mae rhai cwestiynau pwysig i'w hateb o hyd ynghylch y cwangos eraill, a'r rheini'n ymwneud â natur y contract gwasanaeth cyhoeddus os caiff rhai eu symud i'r sector cyhoeddus, a hefyd â natur y craffu a'r Siambr.

Nid yw'r hyn a glywsom heddiw yn ystod y ddadl yn gynharach ar yr hysbysiad o anfodlonrwydd a'r ffaith inni gael ein hysbysu bod y datganiad busnes a gymeradwyasom yn anghywir yn rhoi unrhyw le imi gredu ein bod yn symud i'r cyfeiriad hwnnw.

Yr wyf yn siŵr nad oedd y Prif Weinidog o ddifrif wrth ddweud na ddeallai pam yr ydym

understand why we have tabled an amendment to our motion. He knows perfectly well that in the Assembly—other institutions may not have this process—we can delete everything after the first word of a motion. It used to happen at my students union; you could delete all after the word ‘the’ and insert something else instead. Assembly Members have not been able to vote on the meaning and the spirit of their own motions in the past. However, this helps Leighton in that respect, because the amendment that we have tabled, which would become the substantive motion were it to be passed, does not mention the word ‘functions’. If you want to vote to ensure the retention of the Arts Council of Wales, all you must do is vote for the amendment.

**Leighton Andrews:** Your amendment is more deficient than your motion. It is naïve, because, it would be possible to leave in place an arts council of Wales with lottery-funding powers but with no grant-giving powers. Therefore, your amendment does not do the job that you think it does. In reality, you do not know what you are doing.

**Michael German:** If people outside the Assembly in the arts community were to listen to you—I am not sure that a great number of them do—they would say that you were mincing your words because you do not want to put your name to anything that is not driven by the Labour Party. I understand that it is somewhat complicated when you are trying to make it to the fifth floor.

My second point is about whether the arts function should be directly funded by Government and, therefore, decisions taken by the Minister. Should the Minister be subject to diverse lobbying interests that the arts organisations inspire? As many Members have said, we need to protect the arts community from the Minister, and the Minister from the arts community in many cases. There will be opportunities for the Minister to express views and opinions and to help direct that further forward. The proposal has been described by one Assembly Member, who is not present today, as being of Stalinist proportions—it was a Labour Member who said it. I ask Assembly

wedi cyflwyno gwelliant i’n cynnig. Gŵyr yn iawn ein bod ni yn y Cynulliad—efallai na cheir y broses hon mewn sefydliadau eraill—yn cael dileu popeth ar ôl gair cyntaf cynnig. Arferai hynny ddigwydd yn undeb y myfyrwyr pan oeddwn yno; gallech ddileu popeth ar ôl y gair ‘y’ a rhoi rhywbeth arall i mewn yn ei le. Nid yw Aelodau’r Cynulliad wedi gallu pleidleisio ar ysbryd ac ystyr eu cynigion eu hunain yn y gorffennol. Fodd bynnag, mae hynny o gymorth i Leighton, oherwydd nid yw’r gwelliant a gyflwynasom, a fyddai’n brif sylwedd y cynnig os câi ei dderbyn, yn cynnwys y gair ‘swyddogaethau’. Os ydych am bleidleisio i sicrhau y cedwir Cyngor Celfyddydau Cymru, nid oes ond raid ichi bleidleisio o blaid y gwelliant.

**Leighton Andrews:** Mae’ch gwelliant yn fwy diffygiol na’ch cynnig. Mae’n naïf, oherwydd gellid gadael i gyngor celfyddydau i Gymru barhau a chanddo bwerau i ddosbarthu arian y loteri ond heb bwerau i roi grantiau. Felly, nid yw’ch gwelliant yn cyflawni’r hyn a gredwch. Mewn gwirionedd, ni wyddoch beth yr ydych yn ei wneud.

**Michael German:** Os oes rhai y tu allan i’r Cynulliad yng nghymuned y celfyddydau yn gwrandao arnoch—ni chredaf fod llawer ohonynt yn gwneud—dywedent eich bod yn siarad yn fursennaidd gan nad ydych am ymgysylltu ag unrhyw beth na chynigir gan y Blaid Lafur. Deallaf fod hynny’n peri anhawster a chithau’n ceisio cyrraedd y pumed llawr.

Yr ail bwynt sydd gennyf yw a ddylai swyddogaeth y celfyddydau gael ei hariannu’n uniongyrchol gan Lywodraeth ac, felly, ai’r Gweinidog a ddylai benderfynu. A ddylai’r Gweinidog gael ei lobïo gan rai sydd â gwahanol fuddiannau yng nghyrff y celfyddydau? Fel y mae sawl Aelod wedi dweud, rhaid inni amddiffyn artistiaid rhag y Gweinidog, a’r Gweinidog rhag artistiaid mewn sawl achos. Bydd cyfleoedd i’r Gweinidog fynegi barn a helpu i gyfeirio hynny ymhellach. Mae un Aelod o’r Cynulliad, nad yw’n bresennol heddiw, wedi dweud bod y bwriad hwn yn un Staliniaidd—Aelod Llafur a ddywedodd hynny. Gofynnaf i Aelodau’r Cynulliad fyfyrion ynghylch



Members to reflect upon the life of the composer, Dmitri Shostakovich, who, in a Stalinist world, found himself in enormous difficulty because he was not able to compose as he wished. The fact that he was able to compose the Leningrad symphony in that city and for its people when it was under such pressure demonstrates that it was art for the people. However, he suffered throughout his life because he was unable to work as a result of the nature of political control.

**The First Minister:** You still have not answered Leighton Andrews's question. You have not dealt with the issue regarding the functions. Do you or do you not understand that we already have those functions at the same time as the arts council? That is why I listed the areas that are already being dealt with directly, such as the Artes Mundi prize, Shakespeare in schools and Clwyd Theatr Cymru. Do you understand, therefore, that those are currently parallel functions of the Government and the arts council?

**Michael German:** Yes, but the motion refers to the functions of the arts council, not those of the Government. It is simple; you can mince the words around as much as you like. If people wish to share the issues between the Government and the arts council, that is a proper debate to have. If the First Minister is now beginning to have that debate, which the arts community and the people of Wales could hear, that would be welcome. Instead, we will be offered a statement on 30 November, as we have now been informed, in which we will be told what the Government will do. The debate will then be over because, when you have made your decision, you will want to stick to it.

**Peter Law:** You are a democrat who is concerned about the arts community. Should you not be more concerned about the people of Wales who have voted through devolution for this Government to rid itself of so many of these bodies and who seek transparency through the Minister getting these powers so that he is more get-at-able instead of people such as myself having to refer matters to the magic circle in the arts council? Is that not

bywyd y cyfansoddwr, Dmitri Shostakovich, a'i cafodd ei hun mewn trafferthion mawr, yn y byd Stalinaidd, am na allai gyfansoddi fel y dymunai. Mae'r ffaith y gallodd gyfansoddi symffoni Leningrad yn y ddinas honno ac ar gyfer ei phobl pan oedd dan y fath bwysau yn dangos mai celfyddyd i'r bobl ydoedd. Fodd bynnag, dioddefodd ar hyd ei oes am na allai weithio o ganlyniad i natur y rheolaeth wleidyddol.

**Y Prif Weinidog:** Yr ydych yn dal i fod heb ateb y cwestiwn a ofynnodd Leighton Andrews. Nid ydych wedi delio â'r mater sy'n ymwneud â'r swyddogaethau. A ydych yn deall ein bod eisoes yn meddu ar y swyddogaethau hynny ochr yn ochr â chyngor y celfyddydau? Dyna pam y rhestrais y meysydd a drafodir yn uniongyrchol eisoes, fel gwobr Artes Mundi, Shakespeare mewn ysgolion a Clwyd Theatr Cymru. A ydych yn deall, felly, mai swyddogaethau cyfochrog yw'r rhain ar hyn o bryd sydd yn nwylo'r Llywodraeth a chyngor y celfyddydau?

**Michael German:** Ydwyf, ond mae'r cynnig yn cyfeirio at swyddogaethau cyngor y celfyddydau, nid at rai'r Llywodraeth. Mae'n syml; cewch hel dail yn ei gylch faint a fynnoch. Os oes dymuniad i rannu'r materion cyd-rhwng y Llywodraeth a chyngor y celfyddydau, mae hynny'n destun dadl priodol. Os yw'r Prif Weinidog yn dechrau cynnal y ddadl honno'n awr, y gallai'r rhai ym myd y celfyddydau a phobl Cymru wrando arni, byddai hynny i'w groesawu. Yn lle hynny, cynigir datganiad inni ar 30 Tachwedd, fel y cawsom ein hysbysu bellach, pan ddywedir wrthym beth a wnaiff y Llywodraeth. Bydd y ddadl ar ben wedyn oherwydd, wedi ichi wneud eich penderfyniad, byddwch am ddal ato.

**Peter Law:** Democrat ydych sy'n pryderu ynghylch artistiaid. Oni ddylech bryderu'n fwy ynghylch pobl Cymru a bleidleisiodd o blaid datganoli fel y gallai'r Llywodraeth hon gael gwared ar lawer o'r cyrff hyn, ac sy'n ceisio tryloywder drwy roi'r pwerau hyn i'r Gweinidog fel y bydd yn haws mynd ato yn lle bod rhai fel fi'n gorfod cyfeirio materion i'r cylchoedd cyfrin yng nghyngor y celfyddydau? Onid hynny yw pwrpas

what democracy is about and what the people have asked for?

**Michael German:** Funnily enough, I examined your manifesto carefully and I did not find any mention of it. Therefore, do not tell me that the Labour Party told the people of Wales that it would do this. You may be telling them now, but you certainly did not during the elections. A renegade said it, who is no longer with us, as you know.

We have had the principle and the process problem, let us now look at efficiency: how far should you separate lottery funding from the National Assembly? We almost have a one-stop-shop in Wales, and to split it up would mean that we were offering power over the lottery back to London, which would be a denial of devolution. Lorraine, I understand the position that you are taking. Groups of artists in Wales will work with the new structure—whatever is proposed—because they want the money, but that does not mean that they accept the principle of the proposal or would even welcome what comes from it.

In conclusion, if people want to ensure the continuation of the arts council and its functions, they should not worry too much about firewalls, fire panels or anything else that you may mention, but simply vote for the original motion or amendment 1, and defeat amendment 2. We should then have a proper debate, and I hope that that debate would mean that Members who expressed careful and powerful views today would then ensure that they voted according to the opinions that they expressed. We should not deny the majority of people in the Assembly what they have asked for. There is a majority for this to happen, let us ensure that it does. We could do that this afternoon.

**Y Llywydd:** Os yw gwelliant 1 yn cael ei dderbyn, bydd gwelliant 2 yn methu.

*Gwelliant 1: O blaid 28, Ymatal 0, Yn erbyn 29.  
Amendment 1: For 28, Abstain 0, Against 29.*

Pleidleisiodd yr Aelodau canlynol o blaid:

democratiaeth a'r hyn y mae'r bobl wedi gofyn amdano?

**Michael German:** Yn ddigon rhyfedd, darllenais eich maniffesto'n fanwl ac ni welais unrhyw sôn am hynny. Felly, peidiwch â dweud wrthyf fod y Blaid Lafur wedi dweud wrth bobl Cymru ei bod am wneud hyn. Efallai'ch bod yn dweud hynny wrthynt yn awr, ond ni wnaethoch hynny yn ystod yr etholiadau, yn sicr. Dywedodd gwrthgiliwr hynny, nad yw gyda ni bellach, fel y gwyddoch.

Yr ydym wedi ystyried problem yr egwyddor a'r broses, felly gadewch inni ystyried effeithlonrwydd yn awr: i ba raddau y dylid gwahanu cyllid y loteri oddi wrth y Cynulliad Cenedlaethol? Mae gennym siop un stop, bron iawn, yng Nghymru, a byddai ei rhannu'n golygu cynnig pŵer dros y loteri yn ôl i Lundain, a byddai hynny'n gyfystyr â gwrthod datganoli. Lorraine, yr wyf yn deall eich safbwynt. Bydd grwpiau artistiaid yng Nghymru'n cyd-dynnu â'r drefn newydd—beth bynnag a gynigir—am fod arnynt angen yr arian, ond nid yw hynny'n golygu eu bod yn derbyn egwyddor y cynnig neu y byddent hyd yn oed yn croesawu'r hyn a geid yn ei sgîl.

I derfynu, os yw rhai am sicrhau parhad cyngor y celfyddydau a'i swyddogaethau, ni ddylent boeni'n ormodol am atalfeydd, paneli neu unrhyw beth arall y gallwch ei grybwyll, dim ond pleidleisio o blaid y cynnig gwreiddiol neu welliant 1, a gwrthod gwelliant 2. Wedyn dylem gael dadl iawn, a gobeithiaf y bydd Aelodau a fynegodd farn bwyllog a chryf heddiw yn gofalu eu bod yn pleidleisio yn y ddadl honno yn unol â'r farn a fynegasant. Ni ddylem wrthod i'r mwyafrif yn y Cynulliad yr hyn y gofynasant amdano. Mae mwyafrif am weld hyn yn digwydd, felly gadewch inni sicrhau hynny. Gallem wneud hynny y prynhawn yma.

**The Presiding Officer:** If amendment 1 is carried, amendment 2 will fall.

Pleidleisiodd yr Aelodau canlynol yn erbyn:

The following Members voted for:

Bates, Mick  
 Black, Peter  
 Bourne, Nick  
 Burnham, Eleanor  
 Cairns, Alun  
 Davies, David  
 Davies, Glyn  
 Davies, Janet  
 Davies, Jocelyn  
 Francis, Lisa  
 German, Michael  
 Graham, William  
 Isherwood, Mark  
 Jones, Alun Ffred  
 Jones, Elin  
 Jones, Helen Mary  
 Jones, Ieuan Wyn  
 Jones, Laura Anne  
 Lloyd, David  
 Marek, John  
 Melding, David  
 Morgan, Jonathan  
 Randerson, Jenny  
 Ryder, Janet  
 Thomas, Owen John  
 Thomas, Rhodri Glyn  
 Williams, Brynle  
 Williams, Kirsty

The following Members voted against:

Andrews, Leighton  
 Barrett, Lorraine  
 Chapman, Christine  
 Cuthbert, Jeff  
 Davidson, Jane  
 Davies, Andrew  
 Dunwoody-Kneafsey, Tamsin  
 Essex, Sue  
 Gibbons, Brian  
 Gregory, Janice  
 Griffiths, John  
 Gwyther, Christine  
 Hart, Edwina  
 Hutt, Jane  
 Idris Jones, Denise  
 James, Irene  
 Jones, Ann  
 Jones, Carwyn  
 Law, Peter  
 Lewis, Huw  
 Lloyd, Val  
 Mewies, Sandy  
 Morgan, Rhodri  
 Neagle, Lynne  
 Pugh, Alun  
 Sargeant, Carl  
 Sinclair, Karen  
 Thomas, Catherine  
 Thomas, Gwenda

*Gwrthodwyd y gwelliant.  
 Amendment defeated.*

*Gwelliant 2: O blaid 29, Ymatal 0, Yn erbyn 28.  
 Amendment 2: For 29, Abstain 0, Against 28.*

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

Andrews, Leighton  
 Barrett, Lorraine  
 Chapman, Christine  
 Cuthbert, Jeff  
 Davidson, Jane  
 Davies, Andrew  
 Dunwoody-Kneafsey, Tamsin  
 Essex, Sue  
 Gibbons, Brian  
 Gregory, Janice  
 Griffiths, John  
 Gwyther, Christine  
 Hart, Edwina  
 Hutt, Jane  
 Idris Jones, Denise  
 James, Irene  
 Jones, Ann  
 Jones, Carwyn  
 Law, Peter  
 Lewis, Huw  
 Lloyd, Val  
 Mewies, Sandy  
 Morgan, Rhodri  
 Neagle, Lynne  
 Pugh, Alun

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

Bates, Mick  
 Black, Peter  
 Bourne, Nick  
 Burnham, Eleanor  
 Cairns, Alun  
 Davies, David  
 Davies, Glyn  
 Davies, Janet  
 Davies, Jocelyn  
 Francis, Lisa  
 German, Michael  
 Graham, William  
 Isherwood, Mark  
 Jones, Alun Ffred  
 Jones, Elin  
 Jones, Helen Mary  
 Jones, Ieuan Wyn  
 Jones, Laura Anne  
 Lloyd, David  
 Marek, John  
 Melding, David  
 Morgan, Jonathan  
 Randerson, Jenny  
 Ryder, Janet  
 Thomas, Owen John

Sargeant, Carl  
Sinclair, Karen  
Thomas, Catherine  
Thomas, Gwenda

Thomas, Rhodri Glyn  
Williams, Brynle  
Williams, Kirsty

*Debyniwyd y gwlliant.  
Amendment carried.*

Motion NDM2167 as amended:

*the National Assembly for Wales believes that the functions of the Arts Council of Wales should be considered in the context of the forthcoming statement, which the First Minister has undertaken to make on the review of Assembly sponsored public bodies.*

Cynnig NDM2167 fel y'i diwygiwyd:

*Cynulliad Cenedlaethol Cymru yn credu y dylai swyddogaethau Cyngor Celfyddydau Cymru gael eu hystyried yng nghyd-destun y datganiad y mae'r Prif Weinidog yn bwriadu ei wneud ar yr adolygiad o gyrff cyhoeddus a noddir gan y Cynulliad*

*Cynnig wedi'i ddiwygio: O blaid 29, Ymatal 0, Yn erbyn 28.  
Amended motion: For 29, Abstain 0, Against 28.*

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

Andrews, Leighton  
Barrett, Lorraine  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Andrew  
Dunwoody-Kneafsey, Tamsin  
Essex, Sue  
Gibbons, Brian  
Gregory, Janice  
Griffiths, John  
Gwyther, Christine  
Hart, Edwina  
Hutt, Jane  
Idris Jones, Denise  
James, Irene  
Jones, Ann  
Jones, Carwyn  
Law, Peter  
Lewis, Huw  
Lloyd, Val  
Mewies, Sandy  
Morgan, Rhodri  
Neagle, Lynne  
Pugh, Alun  
Sargeant, Carl  
Sinclair, Karen  
Thomas, Catherine  
Thomas, Gwenda

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

Bates, Mick  
Black, Peter  
Bourne, Nick  
Burnham, Eleanor  
Cairns, Alun  
Davies, David  
Davies, Glyn  
Davies, Janet  
Davies, Jocelyn  
Francis, Lisa  
German, Michael  
Graham, William  
Isherwood, Mark  
Jones, Alun Ffred  
Jones, Elin  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Jones, Laura Anne  
Lloyd, David  
Marek, John  
Melding, David  
Morgan, Jonathan  
Randerson, Jenny  
Ryder, Janet  
Thomas, Owen John  
Thomas, Rhodri Glyn  
Williams, Brynle  
Williams, Kirsty

*Derbyniwyd y cynnig.  
Motion carried.*

**Adroddiad Blynyddol Arolygiaeth Safonau Gofal Cymru**  
**The Annual Report of the Care Standards Inspectorate for Wales**

**The Business Minister (Karen Sinclair):** In view of the time, the motion will not be proposed.

**Y Trefnydd (Karen Sinclair):** Yng ngolwg yr amser, ni chynigir y cynnig.

**Y Llywydd:** Ni chyflwynir y cynnig, felly daw hynny â chyfarfod heddiw i ben.

**The Presiding Officer:** The motion will not be proposed, therefore that brings today's proceedings to a close.

*Daeth y cyfarfod i ben am 5.29 p.m.*  
*The meeting ended at 5.29 p.m.*

**Aelodau a'u Pleidiau**  
**Members and their Parties**

Andrews, Leighton (Llafur – Labour)  
 Barrett, Lorraine (Llafur – Labour)  
 Bates, Mick (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
 Black, Peter (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
 Bourne, Nick (Ceidwadwyr Cymru – Welsh Conservatives)  
 Burnham, Eleanor (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
 Butler, Rosemary (Llafur – Labour)  
 Cairns, Alun (Ceidwadwyr Cymru – Welsh Conservatives)  
 Chapman, Christine (Llafur – Labour)  
 Cuthbert, Jeff (Llafur – Labour)  
 Davidson, Jane (Llafur – Labour)  
 Davies, Andrew (Llafur – Labour)  
 Davies, David (Ceidwadwyr Cymru – Welsh Conservatives)  
 Davies, Glyn (Ceidwadwyr Cymru – Welsh Conservatives)  
 Davies, Janet (Plaid Cymru – The Party of Wales)  
 Davies, Jocelyn (Plaid Cymru – The Party of Wales)  
 Dunwoody-Kneafsey, Tamsin (Llafur - Labour)  
 Elis-Thomas, Dafydd (Plaid Cymru – The Party of Wales)  
 Essex, Sue (Llafur – Labour)  
 Francis, Lisa (Ceidwadwyr Cymru – Welsh Conservatives)  
 German, Michael (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
 Graham, William (Ceidwadwyr Cymru – Welsh Conservatives)  
 Gregory, Janice (Llafur – Labour)  
 Griffiths, John (Llafur – Labour)  
 Gibbons, Brian (Llafur – Labour)  
 Gwyther, Christine (Llafur – Labour)  
 Hart, Edwina (Llafur – Labour)  
 Hutt, Jane (Llafur – Labour)  
 Idris Jones, Denise (Llafur – Labour)  
 Isherwood, Mark (Ceidwadwyr Cymru – Welsh Conservatives)  
 James, Irene (Llafur – Labour)  
 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, Helen Mary (Plaid Cymru – The Party of Wales)  
 Jones, Ieuan Wyn (Plaid Cymru – The Party of Wales)  
 Jones, Laura Anne (Ceidwadwyr Cymru – Welsh Conservatives)  
 Law, Peter (Llafur – Labour)  
 Lewis, Huw (Llafur – Labour)  
 Lloyd, David (Plaid Cymru – The Party of Wales)  
 Lloyd, Val (Llafur – Labour)  
 Marek, John (Annibynnol – Independent)  
 Melding, David (Ceidwadwyr Cymru – Welsh Conservatives)  
 Mewies, Sandy (Llafur – Labour)  
 Morgan, Jonathan (Ceidwadwyr Cymru – Welsh Conservatives)

Morgan, Rhodri (Llafur – Labour)  
Neagle, Lynne (Llafur – Labour)  
Pugh, Alun (Llafur – Labour)  
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, Catherine (Llafur – Labour)  
Thomas, Gwenda (Llafur – Labour)  
Thomas, Owen John (Plaid Cymru – The Party of Wales)  
Thomas, Rhodri Glyn (Plaid Cymru – The Party of Wales)  
Williams, Brynle (Ceidwadwyr Cymru – Welsh Conservatives)  
Williams, Kirsty (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
Wood, Leanne (Plaid Cymru – The Party of Wales)