



Cynulliad Cenedlaethol Cymru
(Y Cofnod Swyddogol)

The National Assembly for Wales
(The Official Record)

Dydd Mawrth 22 Mai 2001

Tuesday 22 May 2001

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

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

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

**Ethol i'r Pwyllgor Diwylliant
Election to the Culture Committee**

Prif Weinidog Cymru (Rhodri Morgan): Cynigiaf fod
The First Minister (Rhodri Morgan): I propose that

y Cynulliad Cenedlaethol, gan weithredu o dan adran 57(8) Deddf Llywodraeth Cymru 1998, yn ethol Dafydd Wigley (Plaid Cymru) ar ei Bwyllgor Diwylliant yn lle Gareth Jones (Plaid Cymru).
the National Assembly, acting under section 57(8) of the Government of Wales Act 1998, elects Dafydd Wigley (Plaid Cymru) to its Culture Committee in place of Gareth Jones (Plaid Cymru).

*Cynnig: O blaid 21, Ymatal 1, Yn erbyn 0
Motion: For 21, Abstain 1, Against 0*

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

Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Butler, Rosemary
Davies, David
Davies, Jocelyn
Graham, William
Griffiths, John
Hancock, Brian
Lloyd, David
Melding, David
Middlehurst, Tom
Morgan, Jonathan
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Richards, Rod
Ryder, Janet
Thomas, Owen John
Thomas, Rhodri Glyn

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

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Wigley, Dafydd

*Derbyniwyd y cynnig.
Motion adopted.*

Cwestiynau i Brif Weinidog Cymru Questions to the First Minister

Polisiau'r Cynulliad ar gyfer Partneriaeth â Byd Busnes The Assembly's Policies for Partnership with Business

Q1 John Griffiths: Will the First Minister give an update on the Assembly's policies for partnership with business? (OAQ11528)

The First Minister: We are committed to strengthening our relationships with the business community. Discussions are continuing with the main business organisations and Wales TUC with the aim of establishing a business partnership unit to assist the business community in engaging more effectively with the Assembly and other public agencies in Wales. It will enable the business community to provide better quality input into Assembly decision making. This unit will also help to support business involvement in the European structural fund programmes.

John Griffiths: Partnership with business is important for the future of Wales. The Corus experience demonstrated that we need progressive and constructive firms that engage with government, their workforces and trade unions. If we were to get up to speed with European best practice, do you agree that we could engage better with companies in the future and have a more effective partnership with business?

The First Minister: The matter to which you refer will come to a head shortly after the election because of various moves that are occurring in Europe. A summit meeting or an employment council will be held in July, or thereabouts, at which each nation will have a vote. It is not possible to predict the outcome now. Although these matters are not devolved, the issue for us in Britain is whether we have a British route. Stephen Byers started a consultation exercise in January on whether to go down the collective pan-European route as regards workers rights and consultation.

C1 John Griffiths: A wnaiff Prif Weinidog Cymru sôn am y sefyllfa ddiweddaraf ynghylch polisiau'r Cynulliad ar gyfer partneriaeth â byd busnes? (OAQ11528)

Prif Weinidog Cymru: Yr ydym yn ymrwymedig i gryfhau ein perthynas â'r gymuned fusnes. Mae trafodaethau â'r prif sefydliadau busnes a TUC Cymru yn parhau gyda'r nod o sefydlu uned partneriaeth busnes a fydd yn cynorthwyo'r gymuned fusnes i drafod yn fwy effeithiol â'r Cynulliad ac asiantaethau cyhoeddus eraill yng Nghymru. Bydd yn galluogi'r gymuned fusnes i ddarparu mewnbwn o ansawdd gwell i'r broses o wneud penderfyniadau yn y Cynulliad. Bydd yr uned hon hefyd yn helpu i gefnogi busnesau wrth gymryd rhan yn rhaglenni cronfa strwythurol Ewrop.

John Griffiths: Mae partneriaeth â busnes yn bwysig ar gyfer dyfodol Cymru. Dangosodd y profiad â Corus bod angen cwmnïau blaengar ac adeiladol arnom sydd yn cysylltu â'r llywodraeth, eu gweithluoedd ac undebau llafur. Pe baem yn cyrraedd safonau arfer gorau Ewrop, a gytunwch y gallem greu gwell cysylltiad â chwmnïau yn y dyfodol a chael partneriaeth fwy effeithiol â busnesau?

Prif Weinidog Cymru: Bydd y mater y cyfeirwch ato yn dod i ben yn fuan wedi'r etholiad oherwydd symudiadau amrywiol sydd yn digwydd yn Ewrop. Cynhelir uwchgyfarfod neu gyngor cyflogaeth ym mis Gorffennaf, neu tua'r adeg honno, lle y bydd pleidlais gan bob gwlad. Nid yw'n bosibl darogan y canlyniad ar hyn o bryd. Er nad yw'r materion hyn wedi eu datganoli, y cwestiwn i ni ym Mhrydain yw a oes gennym lwybr Prydeinig. Dechreuodd Stephen Byers ymarfer ymgynghori ym mis Ionawr ar a ddylid dilyn y llwybr pan-Ewropeaidd cyfunol ynglŷn â hawliau gweithwyr ac ymgynghori.

Dafydd Wigley: O glywed am y trafodaethau sydd yn cael eu cynnal, a allwch ddweud pryd y bydd y trafodaethau pwysig hyn yn dod i ben a pha bryd y bydd gennym ddyddiad ar gyfer gweithredu? Yr ydych yn ymwybodol o anffodlonrwydd rhai o aelodau'r sector busnes nad yw eu llais yn cael ei glywed yn ddigon effeithiol. Felly, mae'n bwysig bod hyn yn cael ei weithredu'n fuan. A allwch hefyd roi sicrwydd y bydd llais busnesau bach yn cael lle teilwng o fewn y strwythurau newydd?

Prif Weinidog Cymru: Cymeraf yn ganiataol, Dafydd, fod eich cwestiwn yn ymwneud â'r ateb a roddais i'r cwestiwn cyntaf ac nid i gwestiwn atodol John. Ar yr amod hwnnw, credaf ein bod yn bwrw ymlaen yn dda gyda'r ymgynghoriadau â'r sector busnes ynglŷn â sut i leihau'r baich o orfod darllen drwy bentwr o bapurau bob mis. Mae hynny bron yn amhosibl, yn enwedig i fusnesau bach. Dyna'r pwynt pwysig. Rhaid ceisio crynhoi er mwyn sicrhau bod y sector busnesau bach a chanolig yn gallu cymryd rhan a chyfrannu mewnbyn i allu cael arian o gronfeydd strwythurol Ewrop.

Alun Pugh: A key requirement of business is effective communication links. This week has seen the introduction of the new summer rail timetable. Are you aware that most rail journeys from north to south Wales now take longer in the morning? Will you draw the Strategic Rail Authority's attention to the strategic nature of north-south rail links?

The First Minister: I was not aware of that, apart from the fact that your press release referred to it. I saw that in the newspapers yesterday, as I always read your press releases, Alun. This is an important issue and I am not sure whether there are special factors this summer that make it difficult for the SRA to adhere to an already fairly slow timetable for north-south rail journeys. We have always expressed the aspiration to reduce the journey from north to south Wales by half an hour without undue gigantic investment that would strain the transport budget of either this Assembly or a combination of the Assembly and the

Dafydd Wigley: On hearing of the ongoing discussions, can you tell us when these discussions will come to an end and when a date will be set for implementation? You are aware of the dissatisfaction among members of the business sector that their voice is not heard clearly enough. Therefore, it is important that this is implemented. Can you also assure us that small businesses will be given a voice within these new structures?

The First Minister: I take it that your question, Dafydd, relates to my answer to the first question rather than John's supplementary. On that condition, I believe that we are proceeding well with the consultation with the business sector on how to lighten the load of having to read through a mound of papers every month. It is almost impossible, especially for small businesses. It is important that we try to be more concise so that the small and medium-sized enterprise sector can play its part and provide its input in order to obtain money from the European structural funds.

Alun Pugh: Un o ofynion allweddol busnes yw cysylltiadau cyfathrebu effeithiol. Yr wythnos hon, cyflwynwyd amserlen trenau newydd ar gyfer yr haf. A ydych yn ymwybodol y bydd y rhan fwyaf o deithiau trên o ogledd i dde Cymru yn awr yn cymryd mwy o amser yn y bore? A dynnwch sylw'r Awdurdod Rheilffyrdd Strategol at natur strategol y cysylltiadau rheilffordd rhwng y gogledd a'r de?

Prif Weinidog Cymru: Nid oeddwn yn ymwybodol o hynny, ar wahân i'r ffaith fod eich datganiad i'r wasg yn cyfeirio ato. Gwelais hynny yn y papurau newydd ddoe, gan y byddaf bob amser yn darllen eich datganiadau i'r wasg, Alun. Mae hwn yn fater pwysig ac nid wyf yn sicr a oes ffactorau arbennig yr haf hwn sydd yn ei gwneud yn anodd i'r Awdurdod Rheilffyrdd Strategol gadw at amserlen sydd eisoes yn araf ar gyfer teithiau trên o'r gogledd i'r de. Yr ydym bob amser wedi datgan ein dymuniad i gwtogi hanner awr oddi ar y daith o ogledd i dde Cymru heb fuddsoddiad anferth diangen a fyddai'n straen ar gyllideb

Department of the Environment, Transport and the Regions. We should look to reducing the time by half an hour. If trains are now five minutes slower that is, unfortunately, a step in the wrong direction. I will wish to discuss the matter with Sue Essex and the appropriate authorities in the DETR.

trafnidiaeth naill ai'r Cynulliad hwn neu gyfuniad o'r Cynulliad ac Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau. Dylem edrych ar gwtogi hanner awr oddi ar yr amser. Os yw trenau bellach bum munud yn arafach mae hynny, yn anffodus, yn gam i'r cyfeiriad anghywir. Byddaf am drafod y mater â Sue Essex a'r awdurdodau priodol yn Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau.

2:10 p.m.

The Leader of the Welsh Conservatives (Nick Bourne): I know that you are busy reading Alun Pugh's press releases, but I remind you that I wrote to you on 2 May about a meeting with Powys Rural Business Campaign. You responded positively in the Chamber when asked if you would meet the campaign. Could you sift through your in-tray and respond to my letter so that we can arrange a meeting? Could you also tell us when you expect to be able to announce additional assistance for businesses affected by the foot and mouth disease crisis? The sum of £12 million announced so far only skims the surface and many businesses are wondering from where their next crust will come.

Arweinydd Ceidwadwyr Cymru (Nick Bourne): Gwn eich bod yn brysur yn darllen datganiadau i'r wasg Alun Pugh, ond fe'ch atgoffaf imi ysgrifennu atoch ar 2 Mai ynglŷn â chylfarfod ag Ymgyrch Busnesau Gwledig Powys. Ymateboch yn gadarnhaol yn y Siambr pan ofynnwyd a fydddech yn cyfarfod â'r ymgyrch. A allech bori drwy'ch basged dderbyn ac ateb fy llythyr fel y gallwn drefnu cyfarfod? A allech hefyd ddweud wrthyf pryd y disgwyliwch allu gwneud datganiad ynglŷn â chymorth ychwanegol i fusnesau yr effeithiwyd arnynt gan argyfwng clwy'r traed a'r genau? Dim ond crafu'r wyneb a wna'r swm o £12 miliwn a gyhoeddwyd hyd yma ac mae nifer o fusnesau'n poeni o ble daw eu pryd nesaf.

The First Minister: I am happy to do that. The only issue is that, pending the eradication of foot and mouth disease, it is not easy to give a definitive answer to Powys Rural Business Campaign as to what sums of money are needed to rebuild small businesses in general, and tourism businesses in particular, in Powys. We are in the downward curve of the foot and mouth disease outbreak. However, until it is eradicated it is difficult to say what the final bill will be and for how much of that we can compensate small businesses. If a meeting is arranged early, then my answers may be interim ones. However, if we leave the meeting for a while, I could perhaps give definitive answers to the questions that I am sure that the campaign would want to put to me. However, I will arrange for my private office to contact your office about an early meeting.

Prif Weinidog Cymru: Yr wyf yn fodlon gwneud hynny. Yr unig fater yw, tra'n aros i glwy'r traed a'r genau gael ei ddileu, nid yw'n hawdd rhoi ateb pendant i Ymgyrch Busnesau Gwledig Powys ar y symiau o arian y bydd eu hangen i ailadeiladu busnesau bach yn gyffredinol, a busnesau twristiaeth yn benodol, ym Mhowys. Mae clwy'r traed a'r genau yn dechrau colli ei rym. Fodd bynnag, nes y caiff ei ddileu, mae'n anodd dweud beth fydd y bil terfynol ac i ba raddau y gallwn ddigolledu busnesau bach. Os trefnir cyfarfod yn fuan, efallai mai atebion dros dro fydd gennyf. Fodd bynnag, os gadawn y cyfarfod am ychydig, efallai y gallwn roi atebion pendant i'r cwestiynau yr wyf yn sicr y bydd yr ymgyrch am eu gofyn imi. Fodd bynnag, trefnaf i'm swyddfa breifat gysylltu â'ch swyddfa chi ynglŷn â chylfarfod buan.

Nick Bourne: I am grateful for that. The campaign does not just want to discuss compensation, but also marketing and other

Nick Bourne: Yr wyf yn ddiolchgar am hynny. Nid digolledu yn unig y mae'r ymgyrch am ei drafod, ond hefyd marchnata

longer-term issues. However, there is a serious issue here. Could you put on record, since there have been misleading media reports and some people are unaware of this, that the recent outbreak of foot and mouth disease at Glasbury-on-Wye has not affected the Hay Festival of Literature and the Arts? It will go ahead. I would be grateful if that could be put on record so that it is known that the festival will take place as usual. I also hope that those here will support it.

The First Minister: I expect to attend the festival on Saturday, as I have the honour of introducing the former President of the United States, Bill Clinton. He is one of the better-known and more-distinguished guests speaking at the festival, among many distinguished literary figures. He, however, will not be discussing literature so much as conflict resolution. Therefore, I hope to attend on Saturday. It would have been a disappointment to everyone if the festival had been cancelled.

Gwella Cydlynu yn ystod Argyfyngau Sifil Improving Co-ordination in Civil Emergencies

Q2 Pauline Jarman: What representations has the First Minister received from UK Government departments regarding new legislation to improve co-ordination between national, regional and local agencies during civil emergencies? (OAQ11529)

The First Minister: You will be as aware as I am that this is not a devolved matter. However, we have a legitimate interest in this and our officials have been working with the Home Office on this. The Home Office proposes to consult widely with all the stakeholders in England and Wales on what changes should take place, although the process is currently affected by the general election which freezes such matters for a month or so. I understand that it will consider, among other issues, the legislative basis of emergency planning and whether that matter should be devolved.

Pauline Jarman: In all civil emergencies there is a degree of confusion about the lines

a materion hirdymor eraill. Fodd bynnag, mae mater difrifol yma. A allech gofnodi, gan y bu adroddiadau camarweiniol yn y cyfryngau ac nad yw rhai pobl yn ymwybodol o hyn, nad yw clwy'r traed a'r genau a ddaeth i'r amlwg yn Y Clas ar Wy yn ddiweddar wedi effeithio ar Wyl Lenyddol a Chelfyddydol y Gelli? Bydd yn cael ei chynnal. Byddwn yn ddiolchgar pe gellid cofnodi hynny fel ei bod yn wybyddus y cynhelir yr ŵyl yn ôl ei harfer. Gobeithiaf hefyd y bydd y bobl sydd yma yn ei chefnogi.

Prif Weinidog Cymru: Gobeithiaf fynychu'r ŵyl ddydd Sadwrn, gan y caf y fraint o gyflwyno cyn-Arlywydd yr Unol Daleithiau, Bill Clinton. Ef yw un o'r gwesteion mwyaf adnabyddus a nodedig yn yr ŵyl, ymysg nifer o ffigyrau llenyddol nodedig. Fodd bynnag, trafod datrys gwrthdaro yn hytrach na llenyddiaeth y bydd ef. Felly gobeithiaf fod yn bresennol ddydd Sadwrn. Byddai wedi bod yn siom i bawb pe bai'r ŵyl wedi ei chanslo.

C2 Pauline Jarman: Pa sylwadau y mae Prif Weinidog Cymru wedi'u derbyn oddi wrth adrannau Llywodraeth y DU ynghylch deddfwriaeth newydd i wella'r cydlynu rhwng asiantaethau cenedlaethol, rhanbarthol a lleol yn ystod argyfyngau sifil? (OAQ11529)

Prif Weinidog Cymru: Byddwch yr un mor ymwybodol â minnau nad yw hwn yn fater datganoledig. Fodd bynnag, mae gennym ddiddordeb dilyn yn hyn a bu ein swyddogion yn cydweithio â'r Swyddfa Gartref ar hyn. Mae'r Swyddfa Gartref yn bwriadu ymgynghori'n eang â'r holl randdeiliaid yng Nghymru a Lloegr ar ba newidiadau a ddylai ddigwydd, er yr effeithir ar y broses gan yr etholiad cyffredinol ar hyn o bryd, sydd yn rhewi materion o'r fath am tua mis. Deallaf y bydd yn ystyried, ymysg materion eraill, y sail deddfwriaethol ar gyfer cynllunio ar gyfer argyfyngau ac a ddylid datganoli'r mater hwnnw.

Pauline Jarman: Ym mhob argyfwng sifil, mae elfen o ddryswch ynglŷn â

of responsibility. I understand that the 26-page consultation document, which is embargoed until after the general election, will be widely consulted upon and you have just confirmed that. Do you know how we can guarantee, in the event of a civil emergency of the scale witnessed in the foot and mouth disease outbreak, the fuel crisis and the flooding in Wales over the past year, that we have a full and active part in the plan? My understanding is that the intention is to call the legislation the 'Civil Protection Act' rather than the Civil Defence Act, which is the 1948 Act.

The First Minister: No doubt the Home Office will wish to return to these matters as soon as the general election is over on 7 June. Whoever is elected and becomes Secretary of State for the Home Department will, I am sure, want to take this forward. It is not an issue of cross-party controversy. It is a matter of modernising legislation that has been in place for some 50 years, as you have just said. The issue that perplexes us in Wales is that the direct relationship between the Home Office and local authorities in respect of fire and police services is slightly different from that which applies to other aspects of emergency planning that are made via the Assembly, such as health and ambulance services. We need to ensure that there is effective co-ordination, whether planning comes directly via the Home Office to local authorities in Wales or via the Assembly. Those two different routes must not cause any incapacity or lack of co-ordination when there is a civil emergency.

In my experience of the two civil emergencies of the fuel protests last September and October and the foot and mouth outbreak now, which required us to go so far as to set up an operations room at Cathays Park, the team pulled together remarkably well regardless of whether functions were devolved or reserved.

Mick Bates: I will concentrate on the emergency planning necessary for foot and mouth disease. We have seen the medieval methods that have been used to deal with foot and mouth disease. Will you ensure that our input to improve co-ordination will

chyfrifoldebau. Deallaf y bydd y ddogfen ymgynghori 26 tudalen, na chaiff ei chyhoeddi tan ar ôl yr etholiad cyffredinol, yn destun ymgynghoriad eang ac yr ydych newydd gadarnhau hynny. A wyddoch sut y gallwn warantu, pe bai argyfwng sifil ar yr un raddfa â chlwy'r traed a'r genau, yr argyfwng tanwydd a'r llifogydd yng Nghymru dros y flwyddyn ddiwethaf, bod gennym ran llawn a gweithredol yn y cynllun? Fy nealltwriaeth yw mai'r bwriad yw galw'r ddeddfwriaeth yn 'Ddeddf Diogelu Sifil' yn hytrach na'r Ddeddf Amddiffyn Sifil, sef Ddeddf 1948.

Prif Weinidog Cymru: Yn ddiamau, bydd y Swyddfa Gartref yn dymuno dychwelyd at y materion hyn cyn gynted ag y daw'r etholiad cyffredinol i ben ar 7 Mehefin. Yr wyf yn sicr y bydd pwy bynnag a etholir ac a ddaw yn Ysgrifennydd Gwladol dros yr Adran Gartref am gyflwyno hyn. Nid yw'n fater o ddadl traws-bleidiol. Mae'n fater o foderneiddio deddfwriaeth sydd wedi bodoli ers tua 50 mlynedd, fel y dywedasoeh yn awr. Y mater sydd yn benbleth i ni yng Nghymru yw fod y berthynas uniongyrchol rhwng y Swyddfa Gartref ac awdurdodau lleol mewn perthynas â'r gwasanaethau tân a'r heddlu ychydig yn wahanol i'r hyn sydd yn berthnasol i agweddau eraill ar gynllunio ar gyfer argyfwng a wneir drwy'r Cynulliad, megis y gwasanaethau iechyd ac ambiwlans. Mae angen inni sicrhau cydgysylltu effeithiol, pa un a ddaw hynny drwy'r Swyddfa Gartref i awdurdodau yng Nghymru ynteu drwy'r Cynulliad. Ni ddylai'r ddau lwybr hynny achosi unrhyw analluogrwydd na diffyg cydgysylltu pan fydd argyfwng sifil.

Yn ôl fy mhrofiad i o'r ddau argyfwng sifil, y gwrthdystiadau tanwydd ym Medi a Hydref y llynedd a chlwy'r traed a'r genau yn awr, lle bu gofyn inni fynd mor bell â sefydlu ystafell weithrediadau ym Mharc Cathays, cydweithiodd y tîm yn dda iawn waeth pa swyddogaethau a oedd wedi eu datganoli neu eu cadw.

Mick Bates: Canolbwyntiaf ar y cynllunio ar gyfer argyfwng sydd yn angenrheidiol ar gyfer clwy'r traed a'r genau. Gwelsom y dulliau canoloesol a ddefnyddiwyd i ymdrin â chlwy'r traed a'r genau. A wnewch chi sicrhau y bydd ein mewnbwn i wella'r

emphasise the best use of modern science and technology in any future outbreak of the disease?

The First Minister: I am not sure exactly what you mean by ‘medieval’. I was not around in medieval times to know what methods were used to get rid of foot and mouth disease, Black Death or anything else. I hope you are not referring to the issue of vaccination being better than slaughter.

The current foot and mouth disease outbreak largely occurred and spread among sheep rather than among cattle and pigs as in 1967. Given that, and given the length of time that it was spreading through the sheep population of England, Wales and Scotland before its detection in Essex in early February, you could not conclude that the methods used, whatever age they started in, could be regarded as a failure.

cydgysylltu yn pwysleisio'r defnydd gorau o wyddoniaeth a thechnoleg fodern pe bai achosion o'r clwyf yn y dyfodol?

Prif Weinidog Cymru: Nid wyf yn sicr beth a olygwch gyda'r gair ‘canoloesol’. Nid oeddwn yma yn yr oesoedd canol i wybod pa ddulliau a ddefnyddiwyd i gael gwared â chlwyf'r traed a'r genau, y Pla Du nac unrhyw beth arall. Gobeithiaf nad ydych yn cyfeirio at y mater bod brechu yn well na lladd.

Digwyddodd a lledaenodd yr achosion presennol o glwyf'r traed a'r genau ymysg defaid yn bennaf yn hytrach na gwartheg a moch fel yn 1967. O gofio hynny, a'r amser a gymerodd i ledaenu drwy ddefaid Cymru, Lloegr a'r Alban cyn cael ei ganfod yn Essex ddechrau mis Chwefror, ni allech ddod i'r casgliad fod y dulliau a ddefnyddiwyd, pa bynnag oes y cawsant eu dechrau, wedi bod yn fethiant.

Trafodaethau gydag Ysgrifennydd Gwladol Cymru Discussions with the Secretary of State for Wales

C3 Owen John Thomas: Pa drafodaethau y mae Prif Weinidog Cymru wedi'u cael gydag Ysgrifennydd Gwladol Cymru ynglŷn â cheisio sicrhau bod Llywodraeth San Steffan yn cymryd i ystyriaeth bolisiau'r Cynulliad Cenedlaethol wrth ymwneud â Chymru? (OAQ11516)

Prif Weinidog Cymru: Yr wyf yn cwrdd ag Ysgrifennydd Gwladol Cymru yn rheolaidd i drafod amrywiaeth eang o bynciau Cymreig a Phrydeinig. Mae Aelodau'r Cabinet yn cyfarfod ag Aelodau cyfatebol Cabinet San Steffan gydol y flwyddyn.

Owen John Thomas: Yn sgîl methiant y Cynulliad i ddylanwadu ar ddeddfwriaeth sylfaenol, a ydych—fel cefnogwr brwd i senedd ddeddfwriaethol—yn fodlon cytuno ar broses dryloyw gydag Ysgrifennydd Gwladol Cymru i alluogi'r Cynulliad i sefydlu rhaglen ddeddfwriaeth uchelgeisiol?

Prif Weinidog Cymru: Rhaid imi ofyn i Owen John pa fethiant y mae'n siarad amdano. Ni welaf fethiant. Gwelaf ein dylanwad ar draean o'r Mesurau a gyflwynwyd gerbron San Steffan yn ôl yn

Q3 Owen John Thomas: What discussions has the First Minister had with the Secretary of State for Wales about attempting to ensure that the Westminster Government takes the National Assembly for Wales's policies into consideration when dealing with Wales? (OAQ11516)

The First Minister: I meet regularly with the Secretary of State for Wales to discuss a wide range of Welsh and UK issues. Cabinet Members meet their counterparts in the Westminster Cabinet throughout the year.

Owen John Thomas: Following the Assembly's failure to influence primary legislation, are you willing—as a fervent supporter of a legislative parliament—to agree on a transparent process with the Secretary of State for Wales to enable the Assembly to establish an ambitious legislative programme?

The First Minister: I have to ask Owen John what failure he is talking about. I do not see any failure. I see our influence on a third of the Bills presented before Westminster back in November after the Queen's Speech.

Nhachwedd wedi Araith y Frenhines. Ymhlith y Mesurau a gymeradwywyd—yn enwedig y rhai a gymeradwywyd yn gyflym cyn galw'r etholiad cyffredinol—ni chollwyd unrhyw Fesurau lle'r oedd y Cynulliad wedi gwneud mewnbwn mawr. Felly, pe baech yn mesur ein dylanwad, fe welech ei fod yn uchel, ac yn cynyddu'n flynyddol.

Peter Black: I agree that the understanding between UK departments is much better. We now achieve much better results, though we obviously do not always get our own way, nor should we expect to do so. How can we improve that understanding between the Assembly and UK Government departments in an attempt to proactively influence future Queen's Speeches and future legislation in terms of secondary legislation?

The First Minister: The general election will take place on 7 June. It is the first post-devolution general election, and will be a unique test. The Queen's Speeches that follow after general elections, regardless of who is elected, have a unique character. First, they often cover an 18-month period and therefore long and complex measures, including measures of constitutional change, can be covered more easily in that time than in the usual 12 months. Secondly, measures that have had a prominent place in the winning party's manifesto tend to be high on the agenda. Therefore, the situation may be more difficult for us as a devolved assembly unless measures that have come from this Assembly are in the winning party's manifesto. Obviously, it is not for me to debate here which will be the winning party. You can probably guess my private views.

The Leader of the Opposition (Ieuan Wyn Jones): I am intrigued as to the role of the Secretary of State for Wales and others in your decision to consider a judicial inquiry into the role of the Welsh Joint Education Committee's recently published report. With whom did you discuss the proposal to hold a judicial inquiry? Was it the Secretary of State for Wales, 10 Downing Street, or the Office of the Counsel General here in Cardiff? What was considered to be the purpose of holding a judicial inquiry?

Among the Bills that were passed—especially those that were passed urgently before the general election was called—no Bill with a major input from the Assembly was lost. Therefore, if you were to measure our influence, you would find that it is great and increasing annually.

Peter Black: Cytunaf fod y ddealltwriaeth rhwng adrannau'r DU yn llawer gwell. Yr ydym bellach yn cael canlyniadau llawer gwell, er na chawn ein ffordd ein hunain bob amser, wrth gwrs, ac ni ddylem ddisgwyl hynny. Sut y gallwn wella'r ddealltwriaeth rhwng y Cynulliad ac adrannau o Lywodraeth y DU mewn ymgais i ddylanwadu'n ymarferol ar Areithiau'r Frenhines yn y dyfodol a deddfwriaeth yn y dyfodol yn nhermau is-ddeddfwriaeth?

Prif Weinidog Cymru: Cynhelir yr etholiad cyffredinol ar 7 Mehefin. Dyma'r etholiad cyffredinol cyntaf ar ôl datganoli, a bydd yn brawf unigryw. Mae nodweddion unigryw i Areithiau'r Frenhines ar ôl etholiadau cyffredinol, waeth pwy fydd wedi eu hethol. Yn gyntaf, byddant yn aml yn cwmpasu cyfnod o 18 mis ac felly gellir cynnwys mesurau hir a chymhleth, gan gynnwys mesurau o newidiadau cyfansoddiadol, yn rhwyddach yn y cyfnod hwnnw nag yn y 12 mis arferol. Yn ail, mae tuedd i fesurau a fu'n amlwg ym maniffesto'r blaid fuddugol fod yn uchel ar yr agenda. Felly, gall y sefyllfa fod yn anoddach i ni fel cynulliad datganoledig oni fydd mesurau a ddaeth o'r Cynulliad hwn yn rhan o faniffesto'r blaid ffuddugol. Yn amlwg, nid fy lle i yma yw dadlau pa blaid fydd yn fuddugol. Mae'n debyg y gallwch ddyfalu beth yw fy marn bersonol.

Arweinydd yr Wrthblaid (Ieuan Wyn Jones): Mae'n ddirgelwch i mi beth oedd rôl Ysgrifennydd Gwladol Cymru ac eraill yn eich penderfyniad i ystyried ymchwiliad barnwrol i rôl adroddiad Cyd Bwyllgor Addysg Cymru a gyhoeddwyd yn ddiweddar. Gyda phwy y trafodasoch y cynnig i gynnal ymchwiliad barnwrol? Ai gydag Ysgrifennydd Gwladol Cymru, 10 Stryd Downing, ynteu gyda Swyddfa'r Cwnsler Cyffredinol yma yng Nghaerdydd? Beth a ystyriwyd oedd pwrpas cynnal ymchwiliad barnwrol?

2:20 p.m.

The First Minister: A judicial inquiry was considered, but only briefly. It was not considered with Downing Street or the Secretary of State for Wales. Comments about whether it was considered with certain officials are not appropriate for this Assembly. However, I can say that even though it was right and proper to consider a judicial inquiry, it was only considered briefly, and then rejected.

Ieuan Wyn Jones: The question that you have to answer is, why did you consider holding a judicial inquiry? The notes from your own special adviser tell us why. The objective—according to the note—was the protection of the Liberal Democrats during the general election. Is that true?

The First Minister: When we were told by your party that you had a copy of the Labour special adviser's notebook, we assumed that you meant that you would hand it back to us. When my office said that someone would be sent down to collect it, the Plaid Cymru representative then said 'Oh no, hang on a second, you are not having it back'. I am not sure that that is a proper course of action for you to take.

David Davies: Answer the question.

The First Minister: I have no problem with answering the question, if you could just contain your impatience for a while, David. Try not to go all red faced, and keep that white foam from appearing on your lips for a second. Just a cotton-picking moment.

The only purpose of considering a judicial inquiry was to determine whether it was the right route to achieve independence in the discussion of the tide of allegations and innuendo surrounding matters pertaining to the WJEC and its European unit. It was considered briefly, and then rejected. Are you happy with that? I hope that you are. I will return to the matter in my statement.

Ieuan Wyn Jones: In view of the public

Prif Weinidog Cymru: Ystyriwyd ymchwiliad barnwrol, ond dim ond yn fras. Ni chafodd ei ystyried â Stryd Downing nac Ysgrifennydd Gwladol Cymru. Nid yw sylwadau ynglŷn ag a ystyriwyd ef â swyddogion penodol yn briodol ar gyfer y Cynulliad hwn. Fodd bynnag, gallaf ddweud, er ei bod yn iawn ac yn briodol ystyried ymchwiliad barnwrol, dim ond yn fras y cafodd ei ystyried, ac yna ei wrthod.

Ieuan Wyn Jones: Y cwestiwn y dylech ei ateb yw, pam y gwnaethoch ystyried cynnal ymchwiliad barnwrol? Mae'r nodiadau oddi wrth eich ymgynghorydd arbennig eich hun yn dweud wrthym pam. Y nod—yn ôl y nodyn—oedd diogelu'r Democratiaid Rhyddfrydol yn ystod yr etholiad cyffredinol. A yw hynny'n wir?

Prif Weinidog Cymru: Pan ddywedwyd wrthym gan eich plaid fod gennych gopi o lyfr nodiadau ymgynghorydd arbennig y Blaid Lafur, yr oeddem o dan yr argraff y byddech yn ei roi yn ôl inni. Pan ddywedodd fy swyddfa yr anfonid rhywun i'w gasglu, dywedodd cynrychiolydd Plaid Cymru 'O na, arhoswch eiliad, nid ydych yn ei gael yn ôl.' Nid wyf yn sicr ai dyna'r cam priodol i chi ei gymryd.

David Davies: Atebwch y cwestiwn.

Prif Weinidog Cymru: Nid yw ateb y cwestiwn yn broblem, os gallech ffrwyno'ch diffyg amynedd am ychydig, David. Ceisiwch beidio â chochi, a rhwystrwch yr ewyn gwyn yna rhag ymddangos ar eich gwefusau am eiliad. Dim ond am un ennyd fach.

Unig bwrpas ystyried ymchwiliad barnwrol oedd penderfynu ai hynny oedd y llwybr cywir i gael annibyniaeth yn y drafodaeth am y môr o honiadau ac ensyniadau a oedd yn gysylltiedig â materion a oedd yn ymwneud â CBAC a'i uned Ewropeaidd. Fe'i hystyriwyd yn fras, ac yna ei wrthod. A ydych yn fodlon ar hynny? Gobeithio eich bod. Dychwelaf at y mater yn fy natganiad.

Ieuan Wyn Jones: Er budd y cyhoedd,

interest, Presiding Officer, I would like to pursue this question.

The Presiding Officer: Order. I understand that there will be a statement on this matter immediately after questions to the First Minister, and you will undoubtedly try to catch my eye during that statement.

Lywydd, dymunaf fynd ar drywydd y cwestiwn hwn.

Y Llywydd: Trefn. Deallaf y gwneir datganiad ar y mater hwn yn syth ar ôl y cwestiynau i'r Prif Weinidog, ac yn ddiamau, byddwch yn ceisio dal fy llygad yn ystod y datganiad hwnnw.

Datganoli Pwerau Ewropeaidd Devolution of European Powers

Q4 Janet Davies: What discussions has the First Minister had with representatives of the European Commission to develop progressive devolution of European powers to the European regions? (OAQ11537)

The First Minister: These are not matters for discussion with the European Commission. They are matters for discussion between the regional tier of government—Wales is not a region, but we fit into the regional tier of government—at European level. We are therefore preparing for the intergovernmental conference in 2004. I know that two and three quarter years seems a long way away, but we have to prepare for that, as it is the avenue for the so-called charter of competencies, or the constitution for Europe. It will look at the principles of what should be determined at European level, what should be determined at nation-state level, and what should be determined at our level. We will need to discuss that with the United Kingdom Government to ensure that we have a strong input into the UK view, as that is how we will primarily be represented at the conference. We also need horizontal links with the regional tier of government elsewhere in Europe. That is why it came up in my discussions with President Pujol of Catalonia during his recent visit.

Janet Davies: You will be aware that this issue is under consideration by the European Commission, through meetings with various people throughout the European Union. Many other regions are vigorously pursuing new mechanisms of engagement and participation. In order for Wales to be in the leading group of European regions, have you taken any action to ensure that we obtain the

C4 Janet Davies: Pa drafodaethau y mae Prif Weinidog Cymru wedi'u cael â chynrychiolwyr y Comisiwn Ewropeaidd i ddatganoli pwerau Ewropeaidd yn gynyddol i ranbarthau Ewrop? (OAQ11537)

Prif Weinidog Cymru: Nid yw y rhain yn faterion i'w trafod â'r Comisiwn Ewropeaidd. Maent yn faterion i'w trafod rhwng yr haen ranbarthol o lywodraeth—nid yw Cymru yn rhanbarth ond yr ydym yn dod o fewn yr haen ranbarthol o lywodraeth—ar lefel Ewrop. Yr ydym felly yn paratoi ar gyfer y gynhadledd rynglywodraethol yn 2004. Gwn fod dwy flynedd a thri chwarter yn ymddangos yn bell i ffwrdd, ond mae angen inni baratoi ar gyfer hynny, gan mai dyma'r trywydd ar gyfer yr hyn a elwir yn siarter cymwyseddau, neu gyfansoddiad Ewrop. Bydd yn edrych ar egwyddorion yr hyn y dylid ei benderfynu ar lefel Ewrop, yr hyn y dylid ei benderfynu ar lefel cenedl-wladwriaeth, a'r hyn y dylid ei benderfynu ar ein lefel ni. Bydd angen inni drafod hynny â Llywodraeth y Deyrnas Unedig er mwyn sicrhau bod gennym fewnbwn cryf i safbwynt y DU gan mai dyna'n bennaf sut y cawn ein cynrychioli yn y gynhadledd. Hefyd mae angen cysylltiadau llorweddol arnom â'r haen ranbarthol o lywodraeth mewn lleoedd eraill yn Ewrop. Dyna pam y trafodwyd hyn yn fy nhrafodaethau ag Arlywydd Pujol o Gatalonia yn ystod ei ymweliad diweddar.

Janet Davies: Byddwch yn ymwybodol fod y mater hwn o dan ystyriaeth gan y Comisiwn Ewropeaidd, drwy gyfarfodydd â gwahanol bobl ledled yr Undeb Ewropeaidd. Mae nifer o ranbarthau eraill yn mynd ar drywydd dulliau newydd o gysylltu a chyfranogi yn frwd. Er mwyn i Gymru fod ym mhrif grŵp rhanbarthau Ewrop, a ydych wedi cymryd unrhyw gamau i sicrhau y

maximum benefit from this process?

The First Minister: That is what I tried to state in my previous answer. To state it in another way, no one would deny that President Pujol of Catalonia is one of the leading figures in one of the leading regions of Europe. He is a powerful advocate of an increased regional representation and voice in Europe in the run-up to the intergovernmental conference in 2004. That is why I discussed the matter with him. I agree, Janet, that we should be in the leading list of regions or small nations of Europe. I intend to ensure that we are in that leading list. However, we also need allies. They will come from places such as Catalunya and Baden Württemberg. The other ally that we must have is the UK Government understanding that we should have a strong regional voice in the preparation of the British position for the intergovernmental conference in just over two and a half years' time.

Kirsty Williams: When discussing strengthening the voice of regional governments with your European colleagues, will you ensure that you discuss how the democratic will of regional governments can be carried out to protect regions against the strength of multinational corporations, and the indifference, perhaps, of other Government bodies, and to protect organic farmers against genetically modified crops?

The First Minister: This issue has been of great interest during this past week, in which Carwyn Jones made a ministerial visit to Mr Cottle's farm. His is the remaining farm in Wales—though the boundary of his farm crosses over into England—where the planting, or rather the digging up of planted GM seeds before they flower, is taking place. This issue of how great a distance there should be between the nearest organic farm and a GM farm is now on the European agenda. At risk of sounding like the feng shui adviser in the furniture department of Leekes, it is important that Europe discusses what the appropriate distance should be. As a result of the Assembly's actions, that will now happen.

gallwn elwa'n llawn ar y broses hon?

Prif Weinidog Cymru: Dyna a geisiais ei ddatgan yn fy ateb blaenorol. I'w roi mewn ffordd arall, ni fyddai neb yn dadlau mai Arlywydd Pujol o Gatalonia yw un o'r arweinwyr amlycaf yn un o brif ranbarthau Ewrop. Mae'n eiriolydd grymus dros gynrychiolaeth ranbarthol gynyddol a llais yn Ewrop yn y cyfnod sydd yn arwain at y gynhadledd rynglywodraethol yn 2004. Dyna pam y trafodais y mater ag ef. Cytunaf, Janet, y dylem fod ar y brif restr o ranbarthau neu genhedloedd bychan Ewrop. Bwriadaf sicrhau y byddwn ar y brif restr honno. Fodd bynnag, mae angen cynghreiriaid arnom hefyd. Byddant yn dod o leoedd megis Catalonia a Baden Württemberg. Y cynghreiriad arall sydd ei angen arnom yw dealltwriaeth Llywodraeth y DU y dylem gael llais rhanbarthol cryf wrth baratoi sefyllfa Prydain ar gyfer y gynhadledd rynglywodraethol ymhen ychydig dros ddwy flynedd a hanner.

Kirsty Williams: Wrth drafod cryfhau llais y llywodraethau rhanbarthol gyda'ch cyd-Aelodau yn Ewrop, a wnewch chi sicrhau y trafodwch sut y gellir cynnal ewyllys democrataidd llywodraethau rhanbarth er mwyn diogelu rhanbarthau rhag grym corfforaethau amlwladol, ac efallai ddiffyg diddordeb cyrff eraill y Llywodraeth, ac i ddiogelu ffermwyr organig rhag cynydau a addaswyd yn enetig?

Prif Weinidog Cymru: Bu'r mater hwn o ddiddordeb mawr yn ystod yr wythnos diwethaf, pan fu Carwyn Jones ar ymweliad gweinidogol â fferm Mr Cottle. Ei fferm ef yw'r unig un ar ôl yng Nghymru—er bod ffin ei fferm yn croesi i Loegr—lle mae plannu, neu'n hytrach godi hadau a addaswyd yn enetig cyn iddynt flodeuo, yn digwydd. Mae faint o bellter y dylid ei gael rhwng y fferm organig agosaf a fferm cynydau a addaswyd yn enetig yn fater sydd bellach ar agenda Ewrop. Gan fentro swnio fel yr ymgynghorydd feng shui yn adran ddodrefn Leekes, mae'n bwysig fod Ewrop yn trafod beth ddylai'r pellter priodol fod. O ganlyniad i weithgareddau'r Cynulliad, bydd hynny bellach yn digwydd.

**Effaith y Polisiau Trawsbynciol
Impact of Cross-cutting Policies**

Q5 Christine Chapman: Will the First Minister make an assessment of the impact of the cross-cutting policies since devolution in Wales? (OAQ11524)

The First Minister: You will be pleased to learn that the Cabinet's sustainable development sub-committee met for the first time this week. That will enable the administration to continue with work on that cross-cutting issue. The Assembly's groundbreaking Communities First programme, as an anti-poverty programme intended to reduce social exclusion, is regarded as a model of good practice. We have a long way to go in terms of its implementation, but the programme attempts to measure and then get at the root causes of social exclusion, social disadvantage and unemployment in the most deprived areas of Wales.

Christine Chapman: Do you agree that, although the Assembly leads by example, we must strive to ensure that cross-cutting issues are considered by everyone in Wales? To increase prosperity in our most deprived areas we must address the link between inequality and social exclusion, to which you referred. Do you also agree that, if we are to succeed in this, we must have high aspirations for our private, public and voluntary partnerships to do likewise, and that the strong links that the Assembly has established with those partnerships, of which there is much evidence, will go a long way towards achieving this?

The First Minister: This must involve a two-pronged approach. You can increase the general prosperity of Wales, and you can reduce the general level of unemployment to the lowest it has been for 25 years, as it is now. Those can be combined, albeit rarely—although that is the situation at present with low mortgage rates—but there will still be communities that are left outside. As the tide comes in, somehow it still does not reach some poverty and unemployment black spots. Therefore, we must reach those communities

C5 Christine Chapman: A wnaiff Prif Weinidog Cymru asesu effaith y polisiau trawsbynciol ers datganoli yng Nghymru? (OAQ11524)

Prif Weinidog Cymru: Byddwch yn falch i wybod bod is-bwyllgor datblygu cynaliadwy'r Cynulliad wedi cwrdd am y tro cyntaf yr wythnos hon. Bydd hynny'n galluogi'r weinyddiaeth i barhau â'r gwaith ar y mater trawsbynciol hwnnw. Ystyrir bod rhaglen arloesol Rhoi Cymunedau'n Gyntaf y Cynulliad, fel rhaglen gwrthdlodi a fwriedir i leihau allgáu cymdeithasol, yn enghraifft o arfer da. Mae gennym gryn dipyn o ffordd i fynd o ran ei gweithredu, ond ceisia'r rhaglen fesur achosion allgáu cymdeithasol, anfantais gymdeithasol a diweithdra yn ardaloedd mwyaf difreintiedig Cymru a mynd i wraidd yr achosion hynny.

Christine Chapman: A gytunwch, er bod y Cynulliad yn arwain drwy esiampl, y dylem ymdrechu i sicrhau bod pawb yn ystyried materion trawsbynciol yng Nghymru? Er mwyn gwella ffyniant yn ein hardaloedd mwyaf difreintiedig rhaid inni fynd i'r afael â'r cyswllt rhwng anghydraddoldeb ac allgáu cymdeithasol, sef yr hyn y cyfeiriasoch ato. A gytunwch hefyd, os ydym i lwyddo yn hyn o beth, y dylem gael dyheadau uchel y bydd ein partneriaethau preifat, cyhoeddus a gwirfoddol yn gwneud yr un peth, ac y bydd y cysylltiadau cadarn a sefydlodd y Cynulliad gyda'r partneriaethau hynny, y ceir llawer o dystiolaeth ohonynt, yn mynd gryn dipyn o'r ffordd tuag at gyflawni hyn?

Prif Weinidog Cymru: Rhaid i hyn gynnwys ymagwedd ddeublyg. Gallwch gynyddu ffyniant cyffredinol Cymru, a gallwch leihau lefel gyffredinol diweithdra i'r lefel isaf a fu ers 25 mlynedd, fel y mae ar hyn o bryd. Gellir cyfuno'r rheini, er yn anaml—er mai dyna'r sefyllfa ar hyn y bryd gyda chyfraddau morgais isel—ond bydd cymunedau yn cael eu gadael y tu allan o hyd. Wrth i'r llanw ddod i mewn, rhyw ffordd mae'n dal i fethu â chyrraedd rhai ardaloedd sydd â thlodi a diweithdra

and look at whether they can be helped and become empowered to raise themselves up by their bootstraps. That is what Communities First is intended to achieve.

Glyn Davies: You referred to sustainable development in your answer to the tabled question. Do you agree that, if sustainable development is to mean anything other than warm words—which is what has happened in the past—we must have a commitment to dealing with the difficult issues it encompasses, and not allow the Assembly Government to delay planning applications in the hope that the issues will disappear?

The First Minister: I am not sure to which planning applications you refer. If applications come to us on appeal or because they have been called in on the advice of officials or the Countryside Council for Wales for example, then they follow a specific route. I should not comment on that as it has a quasi-judicial character and is determined by a cross-party panel that receives special training, and of which I am not a member. The Cabinet's sustainable development sub-committee this week tried to get at the point you made in your preamble, namely, do we know what sustainable development really is in terms of difficult issues. What does it mean in terms of the price of petrol in rural Wales? What does it mean in terms of how much heavy industry we want, given that traditionally we have had many smokestack industries in Wales? What is our view on smokestack industries? Those are the difficult questions. What measurement and appraisal tools would you use? That is item 1, page 1 of the first meeting of the sustainable development sub-committee.

2:30 p.m.

Pecyn Cymorth i'r Ardaloedd y mae'r Diswyddiadau yn y Diwydiant Dur wedi Effeithio Arnynt

Support Package for Areas Affected by Job Losses in the Steel Industry

C6 Dafydd Wigley: Yn dilyn ei ddatganiad ar Corus yn y Cyfarfod Llawn ar 3 Mai, pa drafodaethau pellach y mae Prif Weinidog Cymru wedi'u cael gyda chynrychiolwyr

sylweddol. Felly, rhaid inni gyrraedd y cymunedau hynny ac edrych a ellir eu helpu a'u galluogi i godi eu hunain ar eu traed. Dyna'r hyn y bwriada Rhoi Cymunedau'n Gyntaf ei gyflawni.

Glyn Davies: Cyfeiriasoch at ddatblygu cynaliadwy yn eich ateb i'r cwestiwn a gyflwynwyd. A gytunwch, os yw datblygu cynaliadwy yn mynd i olygu mwy na geiriau cynnes yn unig—sef yr hyn a ddigwyddodd yn y gorffennol—y dylem fod yn ymrwymedig i ymdrin â'r materion anodd y mae'n ei gwmpasu, a pheidio â chaniatáu i Lywodraeth y Cynulliad oedi â cheisiadau cynllunio yn y gobaith y bydd y materion yn diflannu?

Prif Weinidog Cymru: Nid wyf yn siŵr at ba geisiadau cynllunio y cyfeiriwch. Os derbyniwn geisiadau ar apêl neu oherwydd iddynt gael eu galw i mewn ar gyngor swyddogion neu Gyngor Cefn Gwlad Cymru er enghraifft, yna dilynant drywydd penodol. Ni ddylwn wneud sylwadau ar hynny oherwydd bod ganddo natur lledgyfreithiol a chaiff ei bennu gan banel trawsbleidiol sydd yn derbyn hyfforddiant arbennig, ac nid wyf fi yn aelod ohono. Yr wythnos hon, ceisiodd is-bwyllgor datblygu cynaliadwy y Cabinet drafod y pwynt a wnaethoch yn eich rhagarweiniad, sef, a wyddom beth yw ystyr datblygu cynaliadwy mewn gwirionedd o ran materion anodd. Beth y mae'n ei olygu o ran pris tanwydd yng nghefn gwlad Cymru? Beth y mae'n ei olygu o ran y swm o ddiwydiant trwm sydd ei angen arnom, o ystyried, yn draddodiadol, inni gael llawer o ddiwydiannau simnai yng Nghymru? Beth yw ein barn am ddiwydiannau simnai? Dyna'r cwestiynau anodd. Pa fesuriadau ac offer arfarnu y byddech yn eu defnyddio? Dyna eitem 1, tudalen 1 o gyfarfod cyntaf yr is-bwyllgor datblygu cynaliadwy.

Llywodraeth y DU i drafod pecyn cymorth i'r ardaloedd hynny y mae'r diswyddiadau yn y diwydiant dur wedi effeithio arnynt? (OAQ11527)

Prif Weinidog Cymru: Ni fu trafodaethau pellach ar ôl 15 Mai, gan fod yr etholiad cyffredinol wedi cymryd drosodd ers hynny. Cyn gynted ag y bydd Gweinidogion ar gael i drafod y mater ymhellach ac yn fanylach ar ôl 7 Mehefin, gallwn ddychwelyd at y pwnc hwn i sicrhau ein bod yn bwrw ymlaen ag ail-greu'r cymunedau sydd yn dioddef fwyaf oherwydd colli swyddi o ganlyniad i benderfyniadau Corus.

Dafydd Wigley: O nodi nad ydych wedi cael unrhyw drafodaethau pellach am y rheswm dealladwy bod yr etholiad cyffredinol wedi ei alw, deallaf nad ydych wedi cael unrhyw drafodaethau ar y pecyn cymorth cyflogaeth a gyhoeddwyd gan y Comisiwn Ewropeaidd ar 10 Mai, a fwriedir yn arbennig ar gyfer y math hwn o sefyllfa. Os nad ydych wedi cael unrhyw fath o drafodaethau hyd yn hyn, a wnewch chi sicrhau bod hyn yn fater o frys, oherwydd mae angen pob help posibl ar yr ardaloedd sydd yn dioddef yn sgîl y diswyddiadau sydd yn yr arfaeth. Mae'r pecyn hwn o Ewrop yn uniongyrchol berthnasol i ardaloedd o'r fath.

Prif Weinidog Cymru: Er mwyn sicrhau nad oes unrhyw gamddealltwriaeth ynglŷn â beth yn union yw manylion y pecyn hwn y cyfeiriwch ato, a wnewch chi ysgrifennu ataf i mi allu gweld a ydym wedi delio â'r mater hwn eisoes, neu a ydyw'n rhywbeth y gallwn ddelio ag ef cyn gynted ag y bo modd os ydyw'n rhan o hawliau a dyletswyddau Gweinidogion y Llywodraeth Ganolog?

Eleanor Burnham: Bearing in mind the difficulties that Welsh manufacturers have faced due to the strength of the pound recently, and the importance of a full and open debate on Britain's membership of the euro, can you assure me, on behalf of Shotton workers, that you will play a full part in any Welsh euro referendum campaign, whenever the UK Government should choose to hold it?

The First Minister: We have had this discussion many times before. I say happily

discuss the package of support for those areas affected by the job losses in the steel industry? (OAQ11527)

The First Minister: There have been no further discussions after 15 May, as the general election has taken over since then. As soon as Ministers are available to discuss this matter further and in greater detail after 7 June, we can return to this issue to ensure that we press on with rebuilding the communities that are suffering most as a result of Corus's decision to shed jobs.

Dafydd Wigley: Noting that you have not had any further discussions for the understandable reason that the general election has been called, I understand that you have not had any discussions on the employment support package announced by the European Commission on 10 May, which is intended for just this kind of situation. If you have not had any sort of discussions as yet, will you ensure that you do so as a matter of urgency, because we need every help possible for the areas that are suffering as a result of the intended redundancies. This package from Europe is directly relevant to such areas.

The First Minister: To ensure that there is no misunderstanding regarding the exact details of this package to which you refer, will you write to me so that I can see whether we have dealt with this specific matter already, or whether it is something that we can deal with as soon as possible if it is a part of the rights and duties of Central Government Ministers?

Eleanor Burnham: O ystyried yr anawsterau y mae gweithgynhyrchwyr o Gymru wedi eu hwynebu o ganlyniad i gryfder y bunt yn ddiweddar, a phwysigrwydd dadl lawn ac agored ar aelodaeth Prydain o'r ewro, a allwch fy sicrhau, ar ran gweithwyr Shotton, y byddwch yn chwarae rhan lawn mewn unrhyw ymgyrch refferendwm ar yr ewro yng Nghymru, pryd bynnag y bydd Llywodraeth y DU yn dewis ei chynnal?

Prif Weinidog Cymru: Yr ydym wedi cael y drafodaeth hon sawl gwaith o'r blaen.

that any region or part of the United Kingdom that has an above average degree of dependence on manufacturing will be aware of the pressure on manufacturing that comes from having a high pound and a weak euro, which has been weak since its launch. In the west Midlands, the east Midlands, Yorkshire, Humberside and Wales, that pressure will be felt throughout the manufacturing sector. The rate at which we might enter into the euro, and the issue of the referendum, will be dealt with once the general election is over—it might be during the first year, it might be during the second year, I do not know. My view has always been fairly clear. The more dependent on manufacturing a part of the United Kingdom, such as Wales is, the more you stand to gain from the euro, provided we went in at the right rate. That is the message that I keep hearing from the manufacturing industry in Wales, with some exceptions.

William Graham: I am disappointed with your reply to Dafydd Wigley. Surely, you know that Corus has brought forward its plans for closure. People are anxious for new jobs, and they look to you and your Executive to provide those jobs. Can you not now redouble your efforts to ensure that your officials are at least in the field, talking to those people, and assuring them that their aspirations can be met?

The First Minister: I think that maybe something was lost in translation. In my reply to Dafydd Wigley, I merely asked whether I could have a written note of the announcement to which he referred so that I could know for sure whether we have already dealt with this matter, or whether it is something new that my officials have somehow missed. When Dafydd has supplied me with that information, and when I know whether it is already on the stocks and is being dealt with, I can give a firm and definitive answer. If you want, when I reply to Dafydd, I will ensure that you receive a copy.

Dywedaf yn hapus y bydd unrhyw ranbarth neu ran o'r Deyrnas Unedig sydd â dibyniaeth uwch na'r cyffredin ar weithgynhyrchu yn ymwybodol o'r pwysau ar weithgynhyrchu sydd yn deillio o gael punt gref ac ewro gwan, a fu'n wan ers ei lansio. Yng ngorllewin Canolbarth Lloegr, dwyrain Canolbarth Lloegr, Swydd Efrog, Humberside a Chymru, teimlir y pwysau hwnnw ar draws y sector gweithgynhyrchu. Ymdrinnir â pha mor gyflym y gallem ymuno â'r ewro, a mater y refferendwm, ar ôl yr etholiad cyffredinol—gallai fod yn ystod y flwyddyn gyntaf, gallai fod yn ystod yr ail flwyddyn, ni wn. Bu fy safbwynt i yn eithaf clir bob amser. Y mwyaf dibynnol ar weithgynhyrchu y mae rhan o'r Deyrnas Unedig, fel Cymru, y mwyaf y gallwch ei elwa o'r ewro, ar yr amod inni ymuno ar y gyfradd gywir. Dyna'r neges yr wyf yn ei chlywed o hyd gan y diwydiant gweithgynhyrchu yng Nghymru, gyda rhai eithriadau.

William Graham: Yr wyf yn siomedig â'ch ateb i Dafydd Wigley. Mae'n rhaid eich bod yn gwybod bod Corus wedi symud ei gynlluniau ar gyfer cau'r gweithfeydd ymlaen. Mae pobl yn awyddus i gael swyddi newydd, ac edrychant arnoch chi a'ch Gweinyddiaeth i ddarparu'r swyddi hynny. Oni allwch, yn awr, ymdrechu o'r newydd i sicrhau bod eich swyddogion o leiaf yn y maes, yn siarad â'r bobl hynny, ac yn eu sicrhau y gellir bodloni eu dyheadau?

Prif Weinidog Cymru: Credaf y collwyd rhywbeth yn y cyfieithiad, o bosibl. Yn fy ateb i Dafydd Wigley, y cyfan a wneuthum oedd gofyn a allwn gael nodyn ysgrifenedig o'r cyhoeddiad y cyfeiriodd ato er mwyn imi allu gwybod yn bendant a ydym eisoes wedi ymdrin â'r mater hwn, neu a yw'n rhywbeth newydd a gollwyd, rhywsut, gan fy swyddogion. Pan fydd Dafydd wedi rhoi'r wybodaeth honno imi, a phan fyddaf yn gwybod a ydym eisoes yn ymdrin â'r mater ai peidio, gallaf roi ateb cadarn a phendant ichi. Os dymunwch, pan fyddaf yn ateb Dafydd, fe sicrhaf y byddwch chi'n cael copi.

Mynd i'r Afael â Llygredd mewn Bywyd Cyhoeddus Tackling Corruption in Public Life

Q7 David Davies: What new policy initiatives has the First Minister discussed with the Secretary of State for Wales aimed at tackling corruption in public life in Wales? (OAQ11517)

The First Minister: I regularly meet with the Secretary of State for Wales. We agree that we want to see the highest standards observed in public life in Wales, and the Assembly is taking action in many respects to counter fraud and improve accountability.

David Davies: If that is the case, First Minister, I urge you to read the Audit Commission's report into Blaenau Gwent County Borough Council, which awarded a major contract to a senior member's wife. That decision was described in the report as

'perverse, inconsistent and quite possibly unlawful'.

Given the fact that the appalling council tax rises in Monmouth are a direct result of the antics of certain Labour authorities in the Valleys, do you not think that it is time to investigate thoroughly the local authority that has become known throughout the length and breadth of Britain as Blaenau Bent?

The First Minister: You asked this question last week, David, and your choice of language is, as always, colourful. You have developed an ability to synthesise anger about matters pertaining to an area outside your constituency, which I admire. However, if there are allegations about impropriety they should be referred to the police—I hope that you have done so, and not merely made use of them in this Chamber. It is all part of the knock-about. I do not knock you for making use of them in that way.

However, if matters need to be referred to the police and you do not believe that the District Audit Service is doing its job by not doing so, you are also entitled to go to the police. Alternatively, write to the District Audit Service and ask it whether it is involving the

C7 David Davies: Pa fentrau polisi newydd y mae Prif Weinidog Cymru wedi'u trafod ag Ysgrifennydd Gwladol Cymru i fynd i'r afael â llygredd mewn bywyd cyhoeddus yng Nghymru? (OAQ11517)

Prif Weindog Cymru: Yr wyf yn cyfarfod yn rheolaidd ag Ysgrifennydd Gwladol Cymru. Cytunwn ein bod am weld y safonau uchaf mewn bywyd cyhoeddus yng Nghymru, ac mae'r Cynulliad yn cymryd camau mewn sawl ffordd i oresgyn twyll a gwella atebolrwydd.

David Davies: Os felly, Brif Weinidog, fe'ch anogaf i ddarllen adroddiad y Comisiwn Archwilio ar Gyngor Bwrdeistref Sirol Blaenau Gwent, a ddyfarnodd contract mawr i wraig uwch aelod. Disgrifiwyd y penderfyniad hwnnw yn yr adroddiad fel

'gwrthnysig, anghyson ac o bosibl yn anghyfreithlon'.

O ystyried y ffaith bod y codiadau gwarthus mewn treth gyngor yn Nhrefynwy yn ganlyniad uniongyrchol i ymddygiad ambell awdurdod Llafur yn y Cymoedd, oni chredwch ei bod yn bryd cael ymchwiliad trylwyr i'r awdurdod lleol a ddaeth yn adnabyddus ledled Prydain fel Blaenau Bent?

Prif Weinidog Cymru: Gofynasoch y cwestiwn hwn yr wythnos diwethaf, David, ac mae eich dewis o iaith, fel arfer, yn lliwgar. Yr ydych wedi datblygu'r gallu i ennyn dicter ynglŷn â materion sydd yn ymwneud ag ardal y tu allan i'ch etholaeth. Edmygaf hynny. Fodd bynnag, os ceir honiadau o anwedduster, dylid eu cyfeirio at yr heddlu—gobeithiaf eich bod wedi gwneud hynny, yn hytrach na dim ond gwneud defnydd ohonynt yn y Siambr hon. Dyna sut y mae pethau. Nid wyf yn eich beirniadu am wneud defnydd ohonynt yn y ffordd honno.

Fodd bynnag, os oes angen cyfeirio materion at yr heddlu ac os nad ydych o'r farn bod Gwasanaeth yr Archwiliad Dosbarth yn cyflawni ei swydd drwy beidio â gwneud hynny, mae gennych chi hefyd yr hawl i fynd at yr heddlu. Neu, ysgrifennwch at

police. I would be interested to read the correspondence.

Peter Law: Will the First Minister agree with me in condemning rent-a-gob from Monmouth for what must be gross political capitalism and opportunism in coming here and criticising Blaenau Gwent County Borough Council? The council is in the throes of considering a report that is in the public interest. It has not yet had the opportunity to respond fully to the report publicly, which it will. It is unable to respond to the report today in this Chamber. That is always David Davies's sort of opportunism when there is no one to respond.

The Presiding Officer: Order. I suggest that Peter Law's description of David Davies was not in line with our protocol on courtesy. I would be grateful if you would reconsider.

Peter Law: I am pleased to withdraw it, but it was a compliment. I am sorry about that.

The First Minister: Subject to the amendment that you made after the Presiding Officer's suggestion, Peter, I do not think that I have a better way of putting it than the way that you did. I believe that this is a matter that makes a critical report, if the local authority District Audit Service is discussing it in the normal way. The local authority can then consider it and respond to it. If, as a result of that, matters go to the police, then so be it. The District Audit Service is there to do a job. If it did not do its job, I would be staggered, because the staff are hard people. They are not easy to please. They will do their jobs properly. They are not responsible to the Assembly; they are entirely separate from the Assembly; they do not report to me. However, if you feel that the District Audit Service is not being tough enough with these authorities, then I will have to consider that.

The Presiding Officer: Questions 8 and 9 are withdrawn.

Wasanaeth yr Archwiliad Dosbarth a gofynnwch iddo a yw'n cysylltu â'r heddlu. Byddai gennyf ddiddordeb mewn darllen yr ohebiaeth.

Peter Law: A wnaiff y Prif Weinidog gytuno â mi wrth gondemnio'r hen geg fawr o Sir Fynwy am yr hyn sydd yn sicr yn fanteisiaeth wleidyddol aruthrol drwy ddod yma a beirniadu Cyngor Bwrdeistref Sirol Blaenau Gwent? Mae'r cyngor ar ganol ystyried adroddiad sydd er budd y cyhoedd. Ni chafodd gyfle hyd yn hyn i ymateb yn llawn i'r adroddiad yn gyhoeddus. Bydd yn gwneud hynny. Ni all ymateb i'r adroddiad heddiw yn y Siambr hon. Dyna fanteisiaeth David Davies bob tro pan na fydd unrhyw un i ymateb.

Y Llywydd: Trefn. Awgrymaf nad oedd disgrifiad Peter Law o David Davies yn unol â'n protocol ar gwrteisi. Byddwn yn ddiolchgar pe baech yn ailystyried.

Peter Law: Mae'n bleser gennyf ei dynnu yn ôl, ond canmoliaeth ydoedd. Ymddiheuraf am hynny.

Prif Weinidog Cymru: Yn unol â'r diwygiad a wnaethoch ar ôl awgrym y Llywydd, Peter, ni chredaf fod gennyf i well ffordd o'i gyfleu na'r ffordd y gwnaethoch chi. Credaf fod hwn yn fater sydd yn gwneud adroddiad beirniadol, os yw Gwasanaeth yr Archwiliad Dosbarth yr awdurdod lleol yn ei drafod yn y ffordd arferol. Yna, gall yr awdurdod lleol ei ystyried ac ymateb iddo. Os caiff materion eu rhoi yn nwylo'r heddlu o ganlyniad i hynny, boed felly. Mae gan Wasanaeth yr Archwiliad Dosbarth waith i'w wneud. Pe na bai'n cyflawni ei waith, byddwn yn synnu'n fawr, am fod y staff yn bobl galed. Nid ydynt yn hawdd i'w plesio. Gwnânt eu swyddi'n briodol. Nid ydynt yn atebol i'r Cynulliad; maent yn gorff hollol ar wahân i'r Cynulliad; nid ydynt yn atebol i mi. Fodd bynnag, os ydych o'r farn nad yw Gwasanaeth yr Archwiliad Dosbarth yn ddigon caled gyda'r awdurdodau hyn, yna bydd yn rhaid imi ystyried hynny.

Y Llywydd: Tynnwyd cwestiynau 8 a 9 yn ôl.

Swyddogaethau Cabinet Cynulliad Cenedlaethol Cymru
Functions of the Cabinet of the National Assembly for Wales

Q10 Nick Bourne: Will the First Minister take steps to raise public awareness about the exercise of functions by the Cabinet of the National Assembly in Wales? (OAQ11521)

C10 Nick Bourne: A wnaiff Prif Weinidog Cymru gymryd camau i hybu ymwybyddiaeth y cyhoedd ynghylch arfer swyddogaethau Cabinet Cynulliad Cenedlaethol Cymru? (OAQ11521)

The First Minister: This raises the only issue that I can think of where you and I are inclined to agree, namely that the Assembly needs to develop into the classical model of Government and Opposition. The public should see us in a way that perhaps it does not yet. It should see the Cabinet as a government delivering. The Conservatives and Plaid Cymru should be seen as the Opposition trying to make it as hard as possible for us to govern, and exposing us when we do something wrong.

Prif Weinidog Cymru: Mae hwn yn codi'r unig fater y gallaf feddwl amdano lle yr ydych chi a fi yn tueddu i gytuno, sef bod angen i'r Cynulliad ddatblygu yn fodel delfrydol o Lywodraeth a Gwrthblaid. Dylai'r cyhoedd ein gweld mewn ffordd nad yw yn ei gwneud, o bosibl, eto. Dylai weld y Cabinet fel llywodraeth sydd yn cyflawni pethau. Dylid gweld y Ceidwadwyr a Phlaid Cymru fel y Gwrthbleidiau sydd yn ceisio ei gwneud mor anodd â phosibl inni lywodraethu, a'n dinoethi pan wnawn rywbeth o'i le.

The problem with that is that permanent power, or a monopoly of power can lead to temptations of arrogance. Permanent opposition can lead to the temptation of being irresponsible. The Conservatives have been in Opposition in Wales for approximately 130 to 140 years. I cannot help you regarding what you should do about that.

Y broblem o ran hynny yw'r ffaith y gall pŵer parhaus, neu fonopoli o bŵer arwain at fod yn drahaus. Gall gwrthwynebiad parhaus arwain at y temtasiwn o fod yn anghyfrifol. Bu'r Ceidwadwyr yn Wrthblaid yng Nghymru ers tua 130 i 140 blynedd. Ni allaf eich helpu ynglŷn â'r hyn y dylech fod yn ei wneud ynglŷn â hynny.

Nick Bourne: You have a short memory of when we were last in power, but I assure you that we will refresh your memory shortly.

Nick Bourne: Mae gennych gof gwael o'r adeg yr oeddem mewn pŵer ddiwethaf, ond fe'ch sicrhaf y byddwn yn eich atgoffa yn fuan.

I also agree that we disagree on almost everything. However, on the functions of the Cabinet, will you tell us about the Minister for Education and Lifelong Learning shelving her small schools policy? We were expecting that before the summer and the education executive have confirmed today that it is not tabled for any Committee meeting between now and the summer. The student hardship report, for the other side of the election, has also been shelved. Two important policies shelved. Why is that?

Cytunaf innau hefyd ein bod yn anghytuno ar bron popeth. Fodd bynnag, ynglŷn â swyddogaethau'r Cabinet, a ddywedwch wrthym am benderfyniad y Gweinidog dros Addysg a Dysgu Gydol Oes i ohirio ei pholisi ysgolion bach? Yr oeddem yn disgwyl hwnnw cyn yr haf ac mae'r weithrediaeth addysg wedi cadarnhau heddiw na chaiff ei gyflwyno ar gyfer unrhyw gyfarfod o'r Pwyllgor rhwng yn awr a'r haf. Yn ogystal, gohiriwyd yr adroddiad ar galedi myfyrwyr tan ar ôl yr etholiad. Gohirio dau bolisi pwysig. Pam hynny?

2:40 p.m.

The First Minister: I do not believe that either of those allegations is true. You should discuss the matter with Jane Davidson. You will receive a full explanation. Your allegations are absurd.

Jocelyn Davies: A motion was passed in Plenary recently, which noted the confusion that the frequent use of the term National Assembly causes. It can refer to the Government, or elected Members in committee or Plenary, or sometimes officials. It is urgent that this ambiguity is resolved. Will you tell me what you have done to action this resolution?

The First Minister: This matter should be discussed during the review of Assembly procedures, which is currently underway. Any new name for the Government would have to conform with the first line of Clause 1 of the Government of Wales Act 1998, in which we are described as a corporate body. It must be acceptable to all parties in the Assembly and our partners outside, whether we call ourselves a Government, an Executive, an administration—we use all three at present—which is not helpful. The review should make a recommendation. The review is independent; therefore, we will not be accused of some abuse of power or wanting the trappings of office, and so forth. I would prefer a suggestion that would be agreed by everyone, that would help the public to understand what we do. I agree with Jocelyn's point.

Rod Richards: On behalf of the fifth party, I congratulate the First Minister on finally burying the concept of inclusiveness in this Chamber and readopting the concept of Government and Opposition. Does he realise that those of us who are in opposition to the Government do not want to make it more difficult for the Government to govern? However we want the Government to adopt more realistic and beneficial policies for the people of Wales. For example, in education, we should copy what the Chancellor of the Exchequer has encouraged the UK Government to do, namely, give the money that is intended for schools directly to schools and not to the education authorities to spend

Prif Weinidog Cymru: Ni chredaf fod yr un o'r honiadau hynny yn wir. Dylech drafod y mater â Jane Davidson. Cewch eglurhad llawn. Mae eich honiadau yn wirion.

Jocelyn Davies: Pasiwyd cynnig yn y Cyfarfod Llawn yn ddiweddar, a oedd yn nodi'r dryswch y mae'r defnydd cyson o'r term Cynulliad Cenedlaethol yn ei achosi. Gall gyfeirio at y Llywodraeth, neu at Aelodau etholedig mewn pwyllgor neu mewn Cyfarfod Llawn, neu weithiau, at swyddogion. Mae'n bwysig datrys yr amwysedd hwn. A ddywedwch wrthyf beth a wnaethoch ynglŷn â hyn?

Prif Weinidog Cymru: Dylid trafod y mater hwn yn ystod yr adolygiad o weithdrefnau'r Cynulliad, sydd yn mynd rhagddo ar hyn o bryd. Byddai unrhyw enw newydd ar y Llywodraeth yn gorfod cydymffurfio â llinell gyntaf Cymal 1 Deddf Llywodraeth Cymru 1998, sydd yn ein disgrifio fel corff corfforaethol. Rhaid iddo fod yn dderbyniol i bob plaid yn y Cynulliad a'n partneriaid ar y tu allan, pa un a fyddwn yn galw ein hunain yn Llywodraeth, yn Weithrediaeth, yn weinyddiaeth—defnyddiwn y tri ohonynt ar hyn o bryd—ac nid yw hynny'n ddefnyddiol. Dylai'r adolygiad wneud argymhelliad. Mae'r adolygiad yn annibynnol; felly, ni chawn ein cyhuddo o gamddefnyddio pŵer neu ddeisyfu atyniadau'r swydd, ac yn y blaen. Byddai'n well gennyf awgrym y byddai pawb yn cytuno arno, a fyddai'n helpu'r cyhoedd i ddeall yr hyn a wnawn. Cytunaf â phwynt Jocelyn.

Rod Richards: Ar ran y bumed blaid, llongyfarchaf y Prif Weinidog am gladdu'r cysyniad o gynwysoldeb yn y Siambr hon o'r diwedd ac am ailfabwysiadu'r cysyniad o Lywodraeth a Gwrthblaid. A yw'n sylweddoli nad ydym ni sydd yn rhan o'r gwrthbleidiau am ei gwneud yn anos i'r Llywodraeth lywodraethu? Fodd bynnag, yr ydym am i'r Llywodraeth fabwysiadu polisiau mwy realistig a buddiol ar gyfer pobl Cymru. Er enghraifft, mewn addysg, dylem efelychu'r hyn yr anogodd Canghellor y Trysorlys Lywodraeth y DU i'w wneud, sef, rhoi'r arian a fwriedir i'r ysgolion yn uniongyrchol i'r ysgolion ac nid i'r awdurdodau addysg ei wario ar eu hoff

on their pet projects.

The First Minister: I am glad that Rod has put himself forward as the fifth party. I usually accept that the definition of a party is that its membership exceeds the number necessary to fill a telephone kiosk. However, if you wish to claim that you are a party, I am happy with that. The education issue to which you referred seems to undermine the concept of devolution. We could chose to do what you say, but we do not have to copy what is being done in England. You may say that that is what you would do if you were in Government. If you can eventually overcome the status of being in permanent minority in Wales since the introduction of the secret ballot, then that is fine and you will be able to do that. We consider that in a small country like Wales with a population of three million people, we should work closely with our partners in local government. We are working with them to improve the education service in Wales. That is how we have chosen to do it. We are responsible to the electorate for our choice. We will continue to work in this way because it is appropriate for a country of three million people.

brosiectau.

Prif Weinidog Cymru: Yr wyf yn falch bod Rod wedi cyflwyno ei hun fel y bumed blaid. Fel arfer, derbyniaf mai diffiniad o blaid yw bod ganddi fwy o aelodau na'r nifer sydd yn angenrheidiol i lenwi blwch ffôn. Fodd bynnag, os hoffech honni eich bod yn blaid, yr wyf yn fodlon ar hynny. Ymddengys fod y mater addysg y cyfeiriasoch ato yn tansilio'r cysyniad o ddatganoli. Gallem ddewis gwneud yr hyn a ddywedwch, ond nid oes yn rhaid inni efelychu'r hyn a wneir yn Lloegr. Gallech ddweud mai dyna'r hyn y byddech yn ei wneud pe baech yn llywodraethu. Os gallwch, yn y pen draw, oresgyn y statws o fod yn lleiafrif parhaus yng Nghymru ers cyflwyno'r bleidlais gudd, yna mae hynny'n iawn a gallwch wneud hynny. Ystyriwn, mewn gwlad fach fel Cymru sydd â phoblogaeth o dair miliwn, y dylem weithio'n agos gyda'n partneriaid mewn llywodraeth leol. Yr ydym yn cydweithio â hwy i wella'r gwasanaeth addysg yng Nghymru. Dyma sut y penderfynasom weithredu. Yr ydym yn atebol i'r etholwyr am ein dewis. Byddwn yn parhau i weithio yn y ffordd hon oherwydd ei bod yn briodol i wlad a chanddi dair miliwn o bobl.

Datblygu Strategaeth Gyflogaeth Employment Strategy

C11 Ieuan Wyn Jones: Yn rhinwedd ei swydd fel cydlynnydd polisi sut y mae Prif Weinidog Cymru yn ceisio sicrhau y caiff strategaeth gyflogaeth ei datblygu a fydd yn ateb anghenion cymdeithasol ac economaidd Cymru? (OAQ11532)

Q11 Ieuan Wyn Jones: In his capacity as policy co-ordinator how is the First Minister attempting to ensure the development of an employment strategy that meets the social and economic needs of Wales? (OAQ11532)

Prif Weinidog Cymru: Ceir rhai agweddau cyffredinol ar y mater hwn. Yr ydym yn parhau i bwysu am lefel ddiweithdra is. Yr wyf yn falch bod gennym y ffigurau diweithdra isaf ers chwarter canrif yng Nghymru. Mae pawb yma yn croesawu hynny. Ceir mater cyfeiriad hefyd. Er enghraifft, esiampl a gododd ddoe, cyhoeddassom fuddsoddiad newydd gan Yes Television, y mae ei swyddfeydd gyferbyn ag adeilad y Cynulliad, sydd yn arwain y byd o ran teledu rhyngweithiol. Bydd yn creu 200 o swyddi ychwanegol gan ddefnyddio technoleg uwch gyda chyflogau uchel. Dyna'r math o gwmni yr ydym yn awyddus

The First Minister: There are some general issues on this matter. We continue to press for lower unemployment. I am glad that we now have the lowest unemployment figures in Wales for a quarter of a century. Everyone here welcomes that. There is also the issue of direction. For instance, an example that arose yesterday, we announced a new investment by Yes Television, whose offices are opposite the Assembly building, which leads the world in the field of interactive television technology. It will create an additional 200 highly paid jobs using advanced technology. That is the kind of company we are eager to support more so than in the past because it is

i'w gefnogi yn fwy nag yn y gorffennol, oherwydd ei fod yn creu technoleg yma yng Nghymru. Nid buddsoddiad o du allan ydyw. Mae'r dechnoleg yn arwain at gyflogau uchel ac y mae'r sgiliau a ddatblygir yn arwain gweddill y byd. Mae'r cwmni yn gwerthu ei wasanaeth yn Canberra, Hong Kong, Gogledd America, ac yn y blaen. Hoffwn weld mwy o enghreifftiau o'r math hwnnw os ydym am leihau'r gagendor rhwng ein lefelau incwm ni a rhai Lloegr.

Ieuan Wyn Jones: Yn naturiol, croesawaf y buddsoddiad y mae Rhodri newydd gyfeirio ato, ond oni dderbynia fod Cymru wedi dioddef yn fwy nag unrhyw ran arall o'r Deyrnas Unedig yn y pedair blynedd diwethaf, gyda'r nifer o swyddi yn y diwydiannau gweithgynhyrchu yr ydym wedi'u colli? A yw'n derbyn, gan gynnwys diswyddiadau Corus, fod 20,000 o swyddi gweithgynhyrchu wedi'u colli yng Nghymru? Nid creu 20,000 o swyddi sydd ei angen, ond creu 20,000 o swyddi o'r un ansawdd. Pa bolisiau y bydd yn eu rhoi ar waith i sicrhau bod 20,000 o swyddi o'r un ansawdd â'r rhai a gollwyd yn cael eu creu yn y pedair blynedd nesaf?

Prif Weinidog Cymru: Ni ellid cael gosodiad mwy unochrog na'r gosodiad yr ydych newydd ei wneud, Ieuan. Nid oes rheswm gennyf i wadu'r ffigur o 20,000 o swyddi gweithgynhyrchu. Nid wyf yn sicr ei fod yn iawn, ond nid oes rheswm gennyf i'w wadu. Fodd bynnag, mae'n hollol afresymol o unochrog i ddweud hynny heb ddweud bod mwy nag 20,000 o swyddi wedi'u creu yn ychwanegol yn y sector gwasanaethau ar yr un pryd, ac felly bod diweithdra ar ei lefel isaf a chyflogaeth ar ei lefel uchaf ers chwarter canrif.

Ansawdd, tâl a thechnoleg yw'r materion pwysig. Mae hynny'n gallu digwydd yn y sector gwasanaethau a'r sector gweithgynhyrchu hefyd. Nid oes rheswm na sail y tu ôl i'ch cwestiwn a'ch gosodiad bod y swyddi newydd a grëwyd, am ryw reswm, yn swyddi o safon is. Os oes gennych dystiolaeth bod safon y swyddi newydd yn waeth na'r swyddi a ddiplannodd, mae'n osodiad teg. Fodd bynnag yr ydych yn cymryd yn ganiataol nad yw'r swyddi newydd gystal â'r rhai sydd wedi diflannu.

creating technology here in Wales. It is not an investment from outside. The technology leads to high wages and the skills lead the rest of the world. The company sells its service in Canberra, Hong Kong, North America, and so on. I would like to see more examples of that kind if we are to reduce the gulf between our income levels and those of England.

Ieuan Wyn Jones: Naturally I welcome the investment to which Rhodri has just referred, but does he not accept that Wales has suffered more than any other part of the United Kingdom in the last four years, with the number of jobs in manufacturing industries that we have lost? Does he accept that, including the Corus redundancies, 20,000 manufacturing jobs have been lost in Wales? We do not need to create 20,000 jobs, but 20,000 jobs of the same quality. What policies will he put in place to ensure that the 20,000 jobs that have been lost will be replaced over the next four years with jobs of the same quality?

The First Minister: It would not be possible to have a more one-sided statement than the statement that you have just made, Ieuan. I have no reason to deny the figure of 20,000 manufacturing jobs. I am not sure that it is correct, but I have no reason to deny it. However, it is completely and unreasonably one-sided to say that, without saying that more than 20,000 jobs have been created in the service sector at the same time, and therefore that unemployment is at its lowest level and employment at its highest level for a quarter of a century.

Quality, pay and technology are the important issues. That can happen in the service sector as well as in the manufacturing sector. There is no reason or basis behind your question and your statement that the new jobs that have been created are, for some reason, of a lesser standard. If you have evidence that the new jobs are worse than those that disappeared it is a fair statement. However, you are merely taking for granted that the new jobs are not as good as those that were lost. Where is the evidence? If you have

Ble mae'r dystiolaeth? Os oes gennych y dystiolaeth, dewch â hi ger fy mron. the evidence, bring it before me.

Rhyddhau Gwybodaeth ar Bolisiau sydd yn Effeithio ar Gymru
Release of Information on Policies Affecting Wales

Q12 Glyn Davies: Has the First Minister had discussions with the Secretary of State for Wales about the co-ordination of the release of information on policies affecting Wales? (OAQ11538)

The First Minister: I meet regularly with the Secretary of State for Wales to discuss all significant issues relating to Wales, including the co-ordination of the release of information on policies affecting Wales.

Glyn Davies: Have you discussed with the Secretary of State the fundamental differences between the information emanating from the Assembly Cabinet, from you and the Minister for Rural Affairs, supported by Michael Meacher, Minister of State in the Department of the Environment, Transport and the Regions, on growing genetically-modified crops in Wales, and the undermining of our position in Wales by Marjorie Mowlam, Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster? She is the minister responsible for genetic modification, and she wrote offering support and encouragement to all the farmers who are growing GM crops in Wales.

The First Minister: It is clear from Carwyn Jones's actions earlier this week that we are committed to implementing the Assembly's policy. We know that we have no legal powers to enforce that policy. That has always been clear. You can only act within your legislative powers. However, by personal persuasion we hoped—whether it will happen or not, it does not look likely at the moment—that Mr Cottle, Tom Middlehurst's constituent, would agree to get rid of that crop before it flowers.

Tom Middlehurst: Do you agree that we should continue our efforts to try to persuade John Cottle to reverse his decision to plant

C12 Glyn Davies: A gafodd Prif Weinidog Cymru drafodaethau gydag Ysgrifennydd Gwladol Cymru ynglŷn â chydlynu'r gwaith o ryddhau gwybodaeth ar bolisiau sydd yn effeithio ar Gymru? (OAQ11538)

Prif Weinidog Cymru: Yr wyf yn cwrdd yn rheolaidd ag Ysgrifennydd Gwladol Cymru er mwyn trafod yr holl faterion arwyddocaol sydd yn ymwneud â Chymru, yn cynnwys cydlynu'r gwaith o ryddhau gwybodaeth ar bolisiau sydd yn effeithio ar Gymru.

Glyn Davies: A ydych wedi trafod â'r Ysgrifennydd Gwladol y gwahaniaethau sylfaenol rhwng y wybodaeth sydd yn deillio o Gabinet y Cynulliad, gennych chi a'r Gweinidog dros Faterion Gwledig, gyda chefnogaeth Michael Meacher, Gweinidog Gwladol Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau, ar dyfu cnydau a addaswyd yn enetig yng Nghymru, a safbwyntiau Marjorie Mowlam, y Gweinidog dros Swyddfa'r Cabinet a Changhellor Dugiaeth Caerhirfryn sydd yn tanseilio ein sefyllfa yng Nghymru? Hi yw'r gweinidog sydd yn gyfrifol am addasu genetig, ac ysgrifennodd yn cynnig cymorth ac anogaeth i'r holl ffermwyr sydd yn tyfu cnydau a addaswyd yn enetig yng Nghymru.

Prif Weinidog Cymru: Mae'n amlwg o weithrediadau Carwyn Jones yn gynharach yr wythnos hon ein bod wedi ymrwymo i weithredu polisi'r Cynulliad. Gwyddom nad oes gennym bwerau cyfreithiol i orfodi'r polisi hwnnw. Bu hynny bob amser yn glir. Dim ond o fewn eich pwerau deddfwriaethol y gallwch weithredu. Fodd bynnag, drwy anogaeth bersonol yr oeddem wedi gobeithio—pa un a fydd yn digwydd ai peidio, nid yw'n edrych felly ar hyn o bryd—y byddai Mr Cottle, un o etholwyr Tom Middlehurst, yn cytuno i gael gwared ar y cnwd hwnnw cyn iddo flodeuo.

Tom Middlehurst: A gytunwch y dylem barhau gyda'n hymdrechion i geisio annog John Cottle i wyrdroi ei benderfyniad i

that crop? I thank Carwyn Jones for his efforts last week in trying to secure that commitment. However, our position was somewhat undermined by the comments of the Leader of the Welsh Conservatives, who gave positive encouragement to John Cottle. In John Cottle's words he is, at worst, ambivalent about the future of GM in Wales. Will you condemn that action, which undermined our efforts to try to secure John Cottle's commitment to abandon that trial?

The First Minister: I have heard that, but I have not seen it in writing, so I do not want to comment any further.

blannu'r cnwd hwnnw? Diolchaf i Carwyn Jones am ei ymdrechion yr wythnos diwethaf i geisio sicrhau'r ymrwymiad hwnnw. Fodd bynnag, tanseiliwyd ein sefyllfa rhywfaint gan sylwadau Arweinydd Ceidwadwyr Cymru, a roddodd anogaeth gadarnhaol i John Cottle. Yng ngeiriau John Cottle, mae, ar y gwaethaf, yn teimlo'n ansicr am ddyfodol cynydau a addaswyd yn enetig yng Nghymru. A wnewch chi gondemnio'r gweithrediad hwnnw, a danseiliodd ein hymdrechion i geisio sicrhau ymrwymiad John Cottle i roi'r gorau i'r treial hwnnw?

Prif Weinidog Cymru: Yr wyf wedi clywed hynny, ond nis gwelais yn ysgrifenedig, felly nid wyf am wneud rhagor o sylwadau.

Datganiad ar Adroddiad Bentley Jennison Statement on the Bentley Jennison Report

The First Minister: I wish to make a statement concerning the Welsh Joint Education Committee's announcement yesterday evening that it is going to refer papers arising from the Bentley Jennison report to the South Wales Police.

The WJEC has been engaged for some months in investigating the management of its European unit. Prior to yesterday's decision to refer papers to the police, a series of allegations have been placed in the public domain concerning a former employee of the WJEC who was head of the European unit from 1995-96, and who is now the Deputy First Minister of the Assembly. It would not be exaggerating to say that a tide—sometimes orchestrated, sometimes not—of innuendo, allegation and rumour has swirled around the person concerned, the WJEC and the Assembly in a way that could be construed as damaging to all three. To the extent that the decision to refer the relevant papers to the police can bring the innuendo, allegation and counter-allegation to an end, I welcome it, as does the Deputy First Minister.

2:50 p.m.

Now that the police are investigating the documents and dealing with them in the normal way when misconduct has been

Prif Weinidog Cymru: Hoffwn wneud datganiad am gyhoeddiad Cyd-bwyllgor Addysg Cymru neithiwr ei fod yn bwriadu rhoi'r papurau sydd yn deillio o adroddiad Bentley Jennison yn nwylo Heddlu De Cymru.

Bu CBAC yn ymchwilio i'r ffordd y rheolwyd ei uned Ewropeaidd ers rhai misoedd. Cyn y penderfyniad ddoe i roi'r papurau yn nwylo'r heddlu, gwnaethpwyd nifer o honiadau ar goedd ynglŷn â chyn-gyflogai CBAC a fu'n bennaeth ar yr uned Ewropeaidd o 1995-96, ac sydd erbyn hyn yn Ddirprwy Brif Weinidog y Cynulliad. Nid gormodiaith fyddai dweud y bu llif o ensyniadau, honiadau a sïon—weithiau'n llif bwriadus, weithiau heb fod yn fwriadus—yn troi o amgylch y person hwn, CBAC a'r Cynulliad mewn ffordd y gellid dehongli ei bod yn niweidiol i'r tri ohonynt. I'r graddau y gall y penderfyniad i gyfeirio'r papurau perthnasol i'r heddlu roi terfyn ar yr ensyniadau, yr honiadau a'r gwrth-honiadau, fe'i croesawaf, fel y gwna Dirprwy Brif Weinidog Cymru.

Gan fod yr heddlu bellach yn archwilio'r dogfennau ac yn ymdrin â hwy yn y ffordd arferol ar ôl i honiad o gamymddwyn gael ei

alleged, trial-by-media, which has been so distasteful, can stop. I am aware of reports this morning that suggested that a judicial inquiry into these matters was being contemplated. That option was considered, but only briefly. The police route represents a far swifter and better vehicle for bringing these matters to a conclusion.

Despite attempts to persuade me to do so, I have been determined not to be drawn into reading reports in draft, private and confidential or otherwise, or any other documents that it would have been premature and inappropriate for me to see as First Minister. That is also the proper course of action that the Assembly should follow. The test that I have consistently applied every time that I have been asked about ministerial conduct still holds good. No Minister who is subject to speculative allegations should be required to stand aside on the basis of that speculation. If a complaint of any kind of criminal misconduct is made to the police against a Minister in my Cabinet, and documents supporting that complaint are supplied to the police, natural justice requires that the police are given time to investigate those documents and carry out any other actions that the police consider appropriate. If the police then conclude there to be a prima facie case for formal action against that Minister, that Minister would be required to stand aside until the investigation was concluded. Whatever happens in this case, it would be prejudicial of me, as First Minister, to comment on it. We all want an outcome achieved by due process. It is also my absolute conviction that it would be quite improper for the Assembly to comment further on the matter.

Three reasons have led me to that conclusion. First, our first concern as Assembly Members should be to have proper care for the reputation of the WJEC as Wales's premier examining body. As was said in this Chamber last week, thousands of young people in Wales are about to embark on examinations that will have an important impact on their futures. Nothing said here should have the effect of calling into

wneud, gall y prawf drwy'r cyfryngau, a fu mor aflednais, ddod i ben. Yr wyf yn ymwybodol o straeon y bore yma sydd yn awgrymu bod ymchwiliad barnwrol i'r materion hyn o dan ystyriaeth. Ystyriwyd yr opsiwn hwnnw, ond dim ond yn fras. Bydd yr heddlu yn ffordd llawer cynt a gwell o roi terfyn ar y materion hyn.

Bûm yn benderfynol o beidio â darllen adroddiadau ar ffurf drafft, preifat a chyfrinachol neu ar ffurf arall, neu unrhyw ddogfennau eraill y byddai'n gynamserol ac yn amhriodol imi eu gweld fel Prif Weinidog Cymru er gwaethaf yr ymgais i'm darbwyllio i wneud hynny. Dyna'r camau priodol y dylai'r Cynulliad eu cymryd hefyd. Mae'r prawf a gymhwyswyd gennyf bob tro imi gael fy holi am ymddygiad gweinidogol yn parhau'n ddilys. Ni ddylai'r Gweinidog y gwneir honiadau damcaniaethol yn ei gylch ymddiswyddo dros dro ar sail y damcaniaethau hynny. Os gwneir cynw i'r heddlu yn erbyn un o Weinidogion fy Nghabinet am unrhyw fath o ymddygiad troseddol, ac y rhoddir dogfennau sydd yn ategu'r gŵyn honno i'r heddlu, er cyfiawnder, dylai'r heddlu gael amser i archwilio'r dogfennau hynny a chymryd unrhyw gamau eraill y mae'r heddlu yn eu hystyried yn briodol. Yna os daw'r heddlu i'r casgliad bod achos golwg gyntaf dros gymryd camau ffurfiol yn erbyn y Gweinidog hwnnw, byddai'n ofynnol i'r Gweinidog hwnnw ymddiswyddo dros dro nes y bydd yr ymchwiliad ar ben. Waeth beth fydd yn digwydd yn yr achos hwn, byddai'n rhagfarn i mi, fel Prif Weinidog Cymru, wneud sylwadau arno. Yr ydym oll yn dymuno sicrhau canlyniad drwy'r broses briodol. Yr wyf hefyd yn gwbl argyhoeddedig y byddai'n hollol amhriodol i'r Cynulliad wneud sylwadau pellach ar y mater.

Deuthum i'r casgliad hwnnw am dri rheswm. Yn gyntaf, cymryd camau priodol i warchod enw da CBAC fel prif gorff arholi Cymru ddylai fod y prif bryder i ni fel Aelodau'r Cynulliad. Fel y dywedwyd yn y Siambr hon yr wythnos diwethaf, mae miloedd o bobl ifanc yng Nghymru ar fin sefyll arholiadau a gaiff effaith bwysig ar eu dyfodol. Ni ddylai dim byd a ddywedir yma fwrw amheon ar safonau proffesiynol y sefydliad sydd yn

question the professional standards of the organisation that is responsible for the conduct and award of those qualifications. The Minister for Education and Lifelong Learning, last week expressed the administration's confidence in the management and conduct of the WJEC. I reiterate that confidence now. I hope that nothing will be said here to undermine that conclusion.

Secondly, no Assembly Member should take it upon herself or himself to make comment here on documents that have not been placed in the public domain. Those documents will soon be or are now available to the police. The police—and only they—are in a position to take a properly informed view of them.

Thirdly, we should, in all conscience, have proper regard for the basic civil rights of one of our Members. The police will, as I have said, reach a conclusion as to whether or not the papers before them warrant any action. We should take our own course of action from whatever the police decide to do, and make no further comment on these matters. I hope that this matter can be determined finally and conclusively.

Ieuan Wyn Jones: You will recall my final question to you in our earlier exchange relating to a judicial inquiry and that its purpose would have been, according to the notebook, to protect the Liberal Democrats in the general election. You avoided answering that question originally; I want you to answer it now. Did you consider that with your officials?

One of the most astounding comments in your statement was that you have not read a report that makes serious allegations about your own Deputy First Minister. It seems that several AMs, the BBC and newspaper journalists have read the report. Do you seriously expect the people of Wales to accept that the First Minister should not read a report that contains serious allegations about his own deputy?

I will make another point. You say that these documents are not in the public domain. A copy was passed to me by Jeff Jones, in

gyfrifol am gynnal a dyfarnu'r cymwysterau hynny. Mynegodd y Gweinidog dros Addysg a Dysgu Gydol Oes, hyder yr weinyddiaeth yn rheolaeth ac ymddygiad CBAC yr wythnos diwethaf. Ategaf yr hyder hwnnw yn awr. Gobeithiaf na chaiff unrhyw beth ei ddweud yma a fydd yn tanseilio'r casgliad hwnnw.

Yn ail, ni ddylai'r un Aelod o'r Cynulliad fod mor hyf â gwneud sylwadau yma am ddogfennau nad ydynt yn eiddo cyhoeddus. Mae'r dogfennau hynny ar gael eisoes i'r heddlu neu byddant ar gael yn fuan. Yr heddlu—a'r heddlu yn unig—sydd mewn sefyllfa i lunio barn briodol arnynt.

Yn drydydd, dylem, yn enw pob rheswm, roi sylw priodol i hawliau sifil sylfaenol un o'n Haelodau. Daw'r heddlu i gasgliad, fel y dywedais, pa un a yw'r papurau ger eu bron yn galw am weithredu ai peidio. Dylem ninnau weithredu yn ein ffordd ein hunain waeth beth fydd yr heddlu yn penderfynu ei wneud, a pheidio â gwneud sylwadau pellach ar y materion hyn. Gobeithiaf y gellir cael penderfyniad ar y mater hwn unwaith ac am byth.

Ieuan Wyn Jones: Fe gofiwch fy nghwestiwn olaf ichi yn gynharach ynglŷn ag ymchwiliad barnwrol ac mai ei ddiben fyddai, yn ôl y llyfr nodiadau, diogelu'r Democratiaid Rhyddfrydol mewn etholiad cyffredinol. Nid atebasoch y cwestiwn hwnnw yn wreiddiol; yr wyf am ichi ei ateb yn awr. A fuoch yn ystyried hynny gyda'ch swyddogion?

Un o'r sylwadau mwyaf syfrdanol yn eich datganiad oedd nad ydych wedi darllen adroddiad sydd yn gwneud honiadau difrifol am eich Dirprwy Brif Weinidog. Ymddengys fod sawl AC, y BBC a newyddiadurwyr y wasg wedi darllen yr adroddiad. A ydych mewn difrif yn disgwyl i bobl Cymru dderbyn na ddylai Prif Weinidog Cymru ddarllen adroddiad sydd yn cynnwys honiadau difrifol am ei ddirprwy ei hun?

Gwnaf bwynt arall. Dywedwch nad yw'r dogfennau hyn yn eiddo cyhoeddus. Rhoddwyd copi imi gan Jeff Jones, yn lliw

brilliant Liberal Democrat colours. I suggest to you, Rhodri, that this document is now in the public domain. How can you suggest that the only body unable to discuss the contents of this report is the National Assembly? The Deputy First Minister is a member of this body. How can the BBC, *The Western Mail*, the *Daily Post* and everybody else consider this report, and not the National Assembly? I ask you to reconsider, and to agree that we should have a full debate on the contents of this report.

You say that these are speculative allegations against the Deputy First Minister—they are serious allegations. We have said time and again that we respect the civil liberties of the Deputy First Minister. It is right that he has an opportunity to answer these allegations. However, it is your responsibility as First Minister to ask him to step aside to answer them. Simply to say that the matter is in the hands of the police does not wash. There is considerable public concern at your failure, as First Minister, to tell us exactly where you stand on the propriety of certain allegations made against the Deputy First Minister in this report. It is your responsibility now to tell the people of Wales where you stand on these allegations.

The First Minister: First, I will deal with jottings in special advisers' notebooks. As a solicitor, Ieuan, you know perfectly well that you should not have had that notebook, and that you should not be quoting from it. I told you earlier that a judicial inquiry was considered briefly, and rejected. You should not have had the special adviser's notebook, and should have returned it as soon as you made the phone call to my office saying that you had it. We asked you for it back, so you should have returned it. To quote from documents that you should not have had is inappropriate, and is beneath your dignity as a lawyer and leader of the opposition. I have told you that a judicial inquiry was considered briefly, and rejected.

I turn to the question of whether or not this document is considered to be in the public

llachar y Democratiaid Rhyddfrydol. Awgrymaf ichi, Rhodri, fod y ddogfen hon erbyn hyn yn eiddo cyhoeddus. Sut y gallwch awgrymu mai'r unig gorff na all drafod cynnwys yr adroddiad hwn yw'r Cynulliad Cenedlaethol? Mae Dirprwy Brif Weinidog Cymru yn aelod o'r corff hwn. Sut y gall y BBC, *The Western Mail*, a *Daily Post* a phawb arall ystyried yr adroddiad hwn, ond nid y Cynulliad Cenedlaethol? Gofynnaf ichi ailystyried, a chytuno y dylem gynnal dadl lawn ar gynnwys yr adroddiad hwn.

Dywedwch mai honiadau damcaniaethol yn erbyn Dirprwy Brif Weinidog Cymru yw'r rhain—maent yn honiadau difrifol. Dywedwyd droeon ein bod yn parchu hawliau sifil y Dirprwy Brif Weinidog. Mae'n briodol iddo gael cyfle i ateb yr honiadau hyn. Fodd bynnag, eich cyfrifoldeb chi fel Prif Weinidog Cymru yw gofyn iddo ymddiswyddo dros dro i'w hateb. Nid yw'n dderbyniol dweud bod y mater yn nwylo'r heddlu. Mae cryn bryder ymhlith y cyhoedd ynglŷn â'ch methiant chi, fel Prif Weinidog, i ddweud wrthym beth yw eich barn yn union ar briodoldeb rhai honiadau a wnaethpwyd yn erbyn Dirprwy Brif Weinidog Cymru yn yr adroddiad hwn. Eich cyfrifoldeb chi bellach yw dweud wrth bobl Cymru beth yw eich barn chi ar yr honiadau hyn.

Prif Weinidog Cymru: Yn gyntaf, trafodaf nodiadau mewn llyfrau nodiadau cynghorwyr arbennig. Fel cyfreithiwr, Ieuan, gwyddoch yn iawn na ddylai'r llyfr nodiadau fod wedi bod yn eich meddiant, ac na ddylech ddyfynnu ohono. Dywedais wrthyh yn gynharach i ymchwiliad barnwrol gael ei ystyried yn fras a'i wrthod. Ni ddylai llyfr nodiadau'r cynghorwr arbennig fod wedi bod yn eich meddiant, a dylech fod wedi ei ddychwelyd i'm swyddfa gan ddweud iddo fod yn eich meddiant. Gofynnwyd ichi ei ddychwelyd, felly dylech fod wedi ei ddychwelyd. Mae'n amhriodol ac yn anurddasol ichi fel cyfreithiwr ac arweinydd yr wrthblaid ddyfynnu o ddogfennau na ddylent fod wedi bod yn eich meddiant. Dywedais wrthyh fod ymchwiliad barnwrol wedi ei ystyried yn fras, a'i wrthod.

Trof at y cwestiwn ynghylch pa un a ystyrir bod y ddogfen hon yn eiddo cyhoeddus ai

domain because the person to whom you referred has been distributing photocopies of it to all and sundry. I do not consider it to be in the public domain as far as this administration is concerned. The First Minister and the Minister for Education and Lifelong Learning cannot deal in hookey copies of documents that are passed around by journalists or councillors. Yes, I was sent a copy. I have not read it. I cannot read hookey copies of documents. Members of the opposition can read them. That is a matter for you. However, the First Minister cannot do so. It is marked 'private and confidential', and is referred to as a draft. It is not, therefore, a matter for the public domain. I understand that it is an express condition of that document that it should not be made public and should be regarded as private and confidential. The fact that you are able to wave a copy around—and that you have a right hand almost as strong as John Prescott's left hand—is not relevant to proving whether that document is properly considered to be in the public domain. It is a private and confidential document, and it has now been supplied to the police. That is where it will rest until the police decide what to do with it.

You ask why this Assembly should not debate this matter when several BBC programmes have been made about it, and when it has been in the *Daily Post* and *The Western Mail*. Again, you are a solicitor and understand the concept of prejudice. Do I need to go further? I do not think that I should take it further than that. As a lawyer-politician, you should be more aware than the rest of us of the concept of prejudice, and should be able to guide the rest of us on this matter. When a matter has been referred to the police, it is for the police to deal with it, and anything we say or do in debate is liable to lead to prejudice. I notice that you are not shaking your head at my untutored legal understanding of what you should understand in a professional capacity.

3:00 p.m.

Should the Deputy First Minister step down at this stage? I have dealt with that, but I will repeat what I said for your benefit, Ieuan.

peidio am fod y person y cyfeiriasoch ato wedi dosbarthu llungopiau ohono i'r byd a'r betws. O ran yr weinyddiaeth hon nid ystyria ei fod yn eiddo cyhoeddus. Ni all Prif Weinidog Cymru a'r Gweinidog dros Addysg a Dysgu Gydol Oes ymwneud â chopiau o ddogfennau amheus ac sydd yn mynd o law i law ymhlith newyddiadurwyr a chynghorwyr. Do, anfonwyd copi ataf. Ni ddarllenais ef. Ni allaf ddarllen copïau o ddogfennau amheus. Gall Aelodau'r gwrthbleidiau eu darllen. Mater i chi yw hynny. Fodd bynnag, ni all Prif Weinidog Cymru wneud hynny. Mae 'preifat a chyfrinachol' arno a chyfeirir ato fel drafft. Felly nid yw'n eiddo cyhoeddus. Deallaf fod y ddogfen yn dwyn amod benodol na ddylid ei rhyddhau i'r cyhoedd ac y dylid ei hystyried yn ddogfen breifat a chyfrinachol. Nid yw'r ffaith y gallwch chwifio copi yn eich llaw—a bod gennych law dde bron cyn gryfed â llaw chwith John Prescott—yn berthnasol o ran profi a ystyrir y ddogfen honno yn briodol fel eiddo cyhoeddus. Dogfen breifat a chyfrinachol ydyw ac erbyn hyn fe'i rhoddwyd i'r heddlu. Dyna lle y saif nes y bydd yr heddlu'n penderfynu beth y dylid ei wneud yn ei chylch.

Gofynnwch pam na ddylai'r Cynulliad hwn gynnal dadl ar y mater hwn ar ôl i'r BBC wneud sawl rhaglen amdano, ac ar ôl iddo ymddangos yn y *Daily Post* a *The Western Mail*. Unwaith eto, cyfreithiwr ydych. Deallwch gysyniad rhagfarn. A oes angen imi ymhelaethu? Ni chredaf y dylwn ymhelaethu ar hynny. Fel gwleidydd sydd yn gyfreithiwr, dylech fod yn fwy ymwybodol na'r gweddill ohonom ynglŷn â chysyniad rhagfarn, a dylech fod yn gallu rhoi arweiniad i'r gweddill ohonom ar y mater hwn. Ar ôl i fater gael ei roi yn nwylo'r heddlu, hwy sydd yn gyfrifol am ymdrin ag ef, a gall unrhyw beth a ddywedwn neu a wnawn mewn dadl fod yn debygol o arwain at ragfarn. Sylwaf nad ydych yn siglo'ch pen at fy nealltwriaeth gyfreithiol leyg o'r hyn y dylech ei ddeall fel cyfreithiwr.

A ddylai Dirprwy Brif Weinidog Cymru ymddiswyddo dros dro yn awr? Ymdriniais â hynny, ond ailadroddaf yr hyn a ddywedais er

These things sometimes benefit from repetition, if people do not want to understand what was previously said. If allegations are made against somebody and the matter reaches the stage where allegations of misconduct are made to the police, those allegations must be considered by them, who then decide whether there is a case to answer, and whether they want to start a formal investigation. The supply of documents to the police does not constitute grounds for asking somebody to step aside. If the police decide that there is a case to answer and start a formal investigation into the matter, then Mike German has said that he would step down and I would insist on that. That is perfectly clear. The same principle applies to Tony Blair and members of the British Government. It would also apply to any other Minister in my Cabinet.

You asked me for my view on the propriety of these actions. I ask myself what view I take on the conduct of one of my Cabinet Ministers. These allegations were made before the Partnership Government was established, and I took a view and I checked them in the way that one normally would. None of the wide variety of sources that I consulted, indicated any reasons as to why a person like Mike German would be unfit for public office. I will not discuss this matter further because now that it is in the hands of the police, anything that I say as First Minister could be construed as being prejudicial. However, it is important that we consider the basis on which I checked these matters out before we formed the coalition Government. I checked the allegations out and I reached my conclusion after consulting a wide variety of individuals who knew Mike and had worked with him. Those were normal checks that I completed given the element of controversy surrounding the matter, even back then. I had no reason to think that this person was unfit for public office. Now that the matter is in the hands of the police, it would be improper of me to make any further comments.

Alun Pugh: Tens of thousands of students are about to sit GCSEs and A levels set by the WJEC. When I was employed by the

eich mwyn chi, Ieuan. Weithiau mae'n werth ailadrodd y pethau hyn, os nad yw pobl am ddeall yr hyn a ddywedwyd ynghynt. Os caiff honiadau eu gwneud yn erbyn rhywun ac os cyfyd sefyllfa lle y caiff honiadau o gamymddygiad eu gwneud i'r heddlu, rhaid iddynt ystyried yr honiadau hynny, a hwy fydd yn penderfynu wedyn a oes achos i'w ateb ac a ydynt am gynnal ymchwiliad ffurfiol. Nid yw darparu dogfennau i'r heddlu yn sail dros ofyn i rywun ymddiswyddo dros dro. Os penderfyna'r heddlu fod achos i'w ateb a'i fod yn dechrau ymchwiliad ffurfiol i'r mater, yna mae Mike German wedi dweud y byddai'n ymddiswyddo dros dro a byddaf innau'n mynnu ei fod yn gwneud hynny. Mae hynny'n gwbl glir. Mae'r un egwyddor yn berthnasol i Tony Blair ac aelodau o'r Llywodraeth Brydeinig. Byddai hefyd yn berthnasol i unrhyw Weinidog arall yn fy Nghabinet.

Gofynasoch imi roi fy marn ar briodoldeb y camau hyn. Gofynnaf i mi fy hun beth yw fy marn ar ymddygiad un o Weinidogion fy Nghabinet. Gwnaethpwyd yr honiadau hyn cyn sefydlu'r Llywodraeth Bartneriaeth, a gwneuthum lunio barn ac ymchwilio iddynt yn y modd arferol. Nid oedd yr un ffynhonnell o blith y nifer fawr o ffynonellau a geisiais, yn nodi unrhyw resymau pam y byddai rhywun fel Mike German yn anaddas i swydd gyhoeddus. Ni thrafodaf y mater hwn ymhellach am ei fod erbyn hyn yn nwylo'r heddlu. Gellid dehongli unrhyw beth a ddywedaf fel Prif Weinidog Cymru fel rhagfarn. Fodd bynnag, mae'n bwysig inni ystyried ar ba sail y gwneuthum ymchwilio i'r materion hyn cyn inni ffurfio Llywodraeth glymblaid. Ymchwiliais i'r honiadau a deuthum i'm casgliad ar ôl ymgynghori ag ystod eang o unigolion a oedd yn adnabod Mike ac a oedd wedi gweithio gydag ef. Ymholiadau arferol oedd y rhain a wneuthum o ystyried bod rhywfaint o gynnen ynglŷn â'r mater, hyd yn oed bryd hynny. Nid oedd gennyf unrhyw reswm dros gredu bod y dyn hwn yn anaddas i ddal swydd gyhoeddus. Gan fod y mater bellach yn nwylo'r heddlu, byddai'n amhriodol imi wneud sylwadau pellach.

Alun Pugh: Mae degau o filoedd o fyfyrwyr ar fin sefyll eu harholiadau TGAU a Safon Uwch a gynhelir gan CBAC. Pan gefais fy

WJEC to mark scripts, I was always impressed by the professionalism of the staff and confident that the mark that I awarded would be properly recorded and translated into grades. Do you agree that students from all over Wales and beyond can have confidence in the WJEC's examination procedures?

The First Minister: I did not know that you had marked WJEC scripts, Alun. My mother did the same around 30 years ago when the body was not even called the WJEC; I think that it was still called the central Welsh board back then. Anybody who has had professional contact with the WJEC as an examining body would rate it highly. I am pleased to say that in that core function, its market share is expanding. People do not have to use it now; they can go to any examining body that they want. However, I am glad to say that its market share inside and outside Wales is expanding and long may that continue. Nothing that we say in this Chamber now or at any other time should affect the confidence of parents, children or future employers in the WJEC. No shadow should fall over the examination passes awarded to children taking WJEC exams this summer or in the future.

Nick Bourne: We have witnessed a remarkable transition today. Rhodri Morgan who built his reputation as a maverick backbencher on leaks from Government bodies now commands synthetic indignation about others who seek to do the same; it is less than convincing. If only we could see a complete transition whereby Rhodri Morgan, the former maverick backbencher, was willing to lead on a matter of public interest and importance to everybody in Wales. If it is true that you and the Minister for Education and Lifelong Learning do not know the contents of a report that has been widely reported in *The Western Mail*, the *Daily Post*, the *Welsh Mirror*—which, presumably, you look at occasionally—in the broadcast media and everywhere else, then you must be the only two people in Wales who do not know its content—[LABOUR ASSEMBLY MEMBERS: 'We do not.'] It seems that there are other ignoramuses. However, they all have a vested interest in doing nothing.

nghyflogi gan CBAC i farcio sgrïptiau, yr oedd proffesiynoldeb y staff bob amser yn gwneud argraff arnaf ac yr oeddwn yn ffyddiog y byddai'r marc a ddyfernais yn cael ei gofnodi a'i droi'n radd yn gywir. A gytunwch y gall myfyrwyr ledled Cymru a thu allan i Gymru ymddiried yng ngweithdrefnau arholi CBAC?

Prif Weinidog Cymru: Ni wyddwn eich bod wedi marcio sgrïptiau CBAC, Alun. Arferai fy mam wneud hynny tua 30 mlynedd yn ôl pan na elwid y corff yn CBAC; credaf mai bwrdd canolog Cymru oedd ei enw bryd hynny. Byddai gan unrhyw un sydd wedi cael cysylltiadau proffesiynol â CBAC fel corff arholi barch mawr tuag ato. Mae'n dda gennyf nodi bod ei gyfran o'r farchnad o ran y swyddogaeth graidd honno yn cynyddu. Nid oes rhaid i bobl ei ddefnyddio bellach; gallant fynd at unrhyw gorff arholi a fyynnont. Fodd bynnag, yr wyf yn falch o ddweud bod ei gyfran o'r farchnad yng Nghymru a'r tu allan i Gymru yn cynyddu a boed i hynny barhau. Ni ddylai unrhyw beth a ddywedwn yn y Siambr hon yn awr neu ar unrhyw adeg arall amharu ar hyder rhieni, plant neu ddarpar gyflogwyr yn CBAC. Ni ddylid taflu unrhyw gysgod dros y canlyniadau a ddyfernir i blant sydd yn sefyllfa arholiadau CBAC eleni neu yn y dyfodol.

Nick Bourne: Gwelsom drawsnewid syfrdanol heddiw. Mae Rhodri Morgan a enillodd fri fel aelod gwrthryfelgar ar y fainc gefn yn sgîl gwybodaeth a ollyngwyd o gyrff y Llywodraeth bellach yn ffug ddigio wrth bobl eraill sydd yn ceisio gwneud yr un peth; nid yw'n argyhoeddi neb. Oni allem weld trawsnewid llwyr lle y mae Rhodri Morgan, y cyn-aelod gwrthryfelgar o'r fainc gefn, yn fodlon arwain ar fater o ddiddordeb cyhoeddus a phwysigrwydd i bawb yng Nghymru. Os yw'n wir na wyddech chi na'r Gweinidog dros Addysg a Dysgu Gydol Oes am gynnwys adroddiad y bu cryn sôn amdano yn *The Western Mail*, y *Daily Post*, a'r *Welsh Mirror*—yr ydych, debyg iawn, yn ei ddarllen o bryd i'w gilydd—yn y cyfryngau darlledu a phobman arall, yna rhaid mai chi yw'r unig ddau berson yng Nghymru na wyddant am ei gynnwys—[AELODAU LLAFUR O'R CYNULLIAD: 'Ni wyddom.'] Ymddengys fod rhagor o anwybodusion. Fodd bynnag, mae'n

fanteisiol i bob un o'r rhain beidio â gwneud unrhyw beth.

The unanimous decision to refer these papers to the police by the WJEC makes it clear that this is not a political vendetta—there is a Liberal Democrat on the board of the WJEC, for heaven's sake. These are serious allegations and there have been counter-allegations by the Deputy First Minister about tampering with evidence. In such circumstances, is it not wise to ask him to step down? It is creating a cloud over the WJEC, though not over its professionalism in marking exams—that is a red herring from Alun Pugh and, as we all know, nicely lined up. It is also creating a cloud over your Government. We are not prejudging the matter, as you seemed to suggest earlier. We are asking him to stand down while the allegations are considered. You said that that is what happens in Tony Blair's Government. It was not the case with Peter Mandelson's resignation, either the first, or the second. He stood down without a police investigation, so let us not pretend that police investigations are the only reason for Ministers to stand down.

I turn to the suggestion of holding a judicial inquiry. You sought to dodge some rather serious; not once or twice but three times. What was the role of the Counsel General, who is a public servant, in considering whether a judicial inquiry should be held to get the Liberal Democrats—as we now know from this leak that you would rather had not happened, and we can understand that—off the hook for the rest of this general election campaign? That is a sticking plaster for a gaping wound. I ask you for the fifth time, because you will probably dodge the question a fourth time, what was the role of the Counsel General in the suggestion that a judicial inquiry should be held to get the Liberal Democrats off the hook? Why on earth was a public servant involved in questions to do with a general election with Assembly Ministers?

Mae penderfyniad unfrydol CBAC i roi'r papurau hyn yn nwylo'r heddlu yn ei gwneud yn amlwg nad ymosodiad gwleidyddol ydyw—mae un o aelodau bwrdd CBAC yn Ddemocrat Rhyddfrydol, er mwyn dyn. Mae'r rhain yn honiadau difrifol a gwnaethpwyd gwrth-honiadau gan Ddirprwy Brif Weinidog Cymru ynglŷn ag ymyrryd â thystiolaeth. O dan y fath amgylchiadau, onid yw'n ddoeth gofyn iddo ymddiswyddo dros dro? Mae'n taflu cysgod dros CBAC, ond nid dros ei broffesiynoldeb o ran marcio arholiadau—mae Alun Pugh yn ein camarwain yn hynny o beth a hynny'n hollol fwriadol, fel y gwyddom oll. Mae hefyd yn taflu cysgod dros eich Llywodraeth. Nid ydym yn rhagfarnu'r mater, fel yr ymddengys ichi awgrymu'n gynharach. Yr ydym yn gofyn iddo ymddiswyddo dros dro tra bod yr honiadau yn cael eu hystyried. Dywedasoeh mai dyna'r hyn sydd yn digwydd yn Llywodraeth Tony Blair. Nid oedd yn wir yn achos Peter Mandelson, ar adeg ei ymddiswyddiad cyntaf na'r ail dro. Ymddiswyddodd heb ymchwiliad gan yr heddlu felly ni ddylem gymryd arnom mai ymchwiliad gan yr heddlu yw'r unig reswm pam bod Gweinidogion yn ymddiswyddo.

Trof at yr awgrym y dylid cynnal ymchwiliad barnwrol. Yr ydych wedi ceisio osgoi rhai cwestiynau eithaf difrifol; nid unwaith neu ddwywaith ond teirgwaith. Beth oedd rôl y Cwnsler Cyffredinol, sydd yn was cyhoeddus, wrth ystyried a ddylid cynnal ymchwiliad barnwrol er mwyn achub croen y Democratiaid Rhyddfrydol—gan y gwyddom erbyn hyn yn sgîl y gollyngiad hwn y byddai'n well gennych pe na bai hynny'n digwydd, a gallwn ddeall hynny—am weddill ymgyrch yr etholiad cyffredinol hwn? Nid yw hynny fawr o feddyginiaeth at archoll fawr. Gofynnaf ichi am y pumed tro, gan y byddwch yn siwr o osgoi'r cwestiwn am y pedwerydd tro, beth oedd rôl y Cwnsler Cyffredinol o ran yr awgrym y dylid cynnal ymchwiliad barnwrol i achub croen y Democratiaid Rhyddfrydol? Pam ar y ddaear bod gwas cyhoeddus yn trafod cwestiynau ynglŷn ag etholiad cyffredinol â Gweinidogion y Cynulliad?

We have heard your statement today. It is more of the same from you, Rhodri, I am afraid. Here you are again in 'not me, guv' mode. We saw you in 'not me, guv' mode during the floods crisis. We saw that again during the fuel crisis and we see it every day as the foot and mouth disease crisis continues. Now we see it on a matter that involves the integrity of your administration. Is it not time that you gave a powerful lead and asked the Deputy First Minister, until this matter is dealt with, to step aside in the interests of the National Assembly, the governance of Wales and the WJEC? The WJEC has referred the audit report to the police and the European Anti-Fraud Office, OLAF, is involved. The only response from the First Minister seems to be clandestine meetings with the Counsel General to try to get the Liberal Democrats off the hook during the general election campaign. The problem with this statement, Rhodri, is that it is inaction as usual.

The First Minister: Thank you, Nick, for that series of questions coupled with the odd smear, slur and sneer as usual. Your definition of giving a powerful lead appears to be my doing exactly what you say. When I did my English language WJEC examination, that was following not leading. Perhaps you would be willing to give that some thought and come back to me.

The WJEC is a cross-party body and it has decided that it wants the police to consider these matters. That is the key issue. It has referred the package of papers, the Bentley Jennison review of the previous audits and so on, to the police. The WJEC is entirely within its rights to do that. Once the matter goes to the police, it involves the concept of prejudice. If the Assembly takes the matter further, it is a denial of natural justice to say that a person should step aside at that stage before the police have had a chance to read the documents and decide what action they warrant. Lawyers surround me today. Nick is a professor of law; Ieuan is a solicitor. Nick seems to lack the fundamental knowledge that he should have learned during his law studies and which I hope he passed on to his students. The concept of natural justice is important to politicians, as it is to people

Clywsom eich datganiad heddiw. Yr un hen gân ydyw, Rhodri, gwaetha'r modd. A chithau drachefn yn dweud 'nid fi sydd ar fai'. Clywsom hynny yn ystod argyfwng y llifogydd. Clywsom hynny drachefn yn ystod yr argyfwng tanwydd a chlywn hynny bob dydd tra bod argyfwng clwy'r traed a'r genau yn parhau. Yn awr clywn hyn ar fater sydd yn ymwneud â chywirdeb eich gweinyddiaeth. Onid yw'n bryd ichi roi arweiniad cryf a gofyn i'r Dirprwy Brif Weinidog ymddiswyddo dros dro er budd y Cynulliad Cenedlaethol, llywodraethu Cymru a CBAC nes yr ymdrinnir â'r mater? Rhoddodd CBAC adroddiad yr archwilyr yn nwylo'r heddlu ac mae'r Swyddfa Gwrth-Dwyll Ewropeaidd, OLAF, yn ymchwilio i'r mater. Unig ymateb y Prif Weinidog yn ôl pob golwg yw'r cyfarfodydd cudd gyda'r Cwnsler Cyffredinol er mwyn ceisio achub croen y Democratiaid Rhyddfrydol yn ystod ymgyrch yr etholiad cyffredinol. Y broblem o ran y datganiad hwn, Rhodri, yw bod diffyg gweithredu fel arfer.

Prif Weinidog Cymru: Diolch, Nick, am y gyfres honno o gwestiynau ynghyd ag ambell sen, sarhad a gwatwar yn ôl eich arfer. Ymddengys i mi mai eich diffiniad o roi arweiniad cryf yw gwneud yr union beth a ddywedwch chi. Pan sefais fy arholiad iaith Saesneg CBAC, ystyr hynny oedd dilyn nid arwain. Efallai yr hoffech ystyried hynny am ychydig a dychwelyd ataf.

Corff trawsbleidiol yw CBAC. Penderfynodd ei fod am i'r heddlu ystyried y materion hyn. Dyna'r mater allweddol. Rhoddodd y pecyn o bapurau, adolygiad Bentley Jennison o'r archwiliadau blaenorol ac ati, yn nwylo'r heddlu. Mae gan CBAC yr hawl i wneud hynny. Unwaith y bydd y mater yn nwylo'r heddlu, cyfyd y cysyniad o ragfarn. Os cymer y Cynulliad gamau pellach, mae'n groes i gyfiawnder naturiol, i ddweud y dylai person ymddiswyddo dros dro bryd hynny, cyn i'r heddlu gael cyfle i ddarllen y dogfennau a phenderfynu pa gamau y dylid eu cymryd. Mae cyfreithwyr o bob tu imi heddiw. Mae Nick yn athro yn y gyfraith; cyfreithiwr yw Ieuan. Ymddengys nad yw Nick yn meddu ar yr wybodaeth hanfodol y dylai fod wedi ei dysgu yn ystod ei astudiaethau cyfreithiol ac y dylai fod wedi ei throsglwyddo i'w fyfyrwyr, gobeithio. Mae'r cysyniad o

outside. If there is merit in the allegations and if the police decide to take action and follow a course of investigation against Mike German or any other individual involved, then any individual who is a Government Minister has to stand aside for the duration of those inquiries. That is a fundamental principle. You mentioned that that was not the case with Peter Mandelson's resignation. The issues relating to ministerial conduct in Tony Blair's Government may not have involved criminal conduct but they involved, as I remember, Peter Mandelson not telling Sir Michael Scholar what he was supposed to have done about the loan. That was a breach of the ministerial code of conduct. Likewise, whether Peter Mandelson had or had not met the Hinduja brothers and the information given to Chris Smith which involved Chris Smith saying something that was not strictly true to the House of Commons, were matters that the Prime Minister took into account. Allegations of criminal conduct were never involved, therefore the matter did not involve the same set of rules. The set of rules that I am talking about here, where somebody is alleging that a Minister may have been involved in dishonesty or fraud or some other form of misconduct, is quite a different issue. That is why the rules of natural justice are so important. I should not have to tell you that, Nick. Your legal studies should have taught you that from the day that you began them in Aberystwyth some years ago.

gyfiawnder naturiol yn bwysig i wleidyddion, fel y mae i bobl y tu allan i wleidyddiaeth. Os oes unrhyw sail i'r honiadau ac os penderfyna'r heddlu weithredu a chynnal ymchwiliad i Mike German neu unrhyw un arall dan sylw, yna rhaid i unrhyw unigolyn sydd yn Weinidog i'r Llywodraeth ymddiswyddo dros dro tra bod yr ymholiadau hynny'n parhau. Mae hon yn egwyddor sylfaenol. Soniasoch nad oedd hynny'n wir yn achos ymddiswyddiad Peter Mandelson. Efallai nad oedd y materion o ran ymddygiad gweinidogol yn Llywodraeth Tony Blair yn ymwneud ag ymddygiad troseddol ond yr oeddent, os cofiaf, yn ymwneud â'r ffaith nad oedd Peter Mandelson wedi dweud wrth Syr Michael Scholar yr hyn y dylai fod wedi ei wneud ynglŷn â'r benthyciad. Yr oedd hynny'n groes i god ymddygiad gweinidogion. Yn yr un modd, y materion a ystyriwyd gan y Prif Weinidog oedd pa un a oedd Peter Mandelson wedi cyfarfod â'r brodyr Hinduja ai peidio a'r wybodaeth a roddwyd i Chris Smith a'i arweiniodd i ddweud rhywbeth nad oedd yn hollol wir yn Nhŷ'r Cyffredin. Nid oedd unrhyw honiadau o dor-cyfraith, felly nid oedd yr un rheolau yn berthnasol yn y mater hwnnw. Mae'r rheolau sydd gennyf dan sylw yma, lle yr honna rhywun y gallai Gweinidog fod wedi ymddwyn yn anonest neu'n dwyllo drus neu wedi camymddwyn mewn rhyw ffordd arall yn fater hollol wahanol. Dyna pam bod rheolau cyfiawnder naturiol mor bwysig. Ni ddylwn orfod dweud hynny wrthoch, Nick. Dylech fod wedi dysgu hynny o'ch astudiaethau cyfreithiol o'r diwrnod cyntaf ichi ddechrau arnynt yn Aberystwyth rai blynyddoedd yn ôl.

3:10 p.m

To return to the issue of the judicial inquiry, I cannot refer here, again for reasons of legal privilege, which I think you will understand, as to whether the Office of the Counsel General was involved. The judicial inquiry question was a matter, which, as I have said, I considered briefly, and rejected. The fact that I say 'briefly' should incorporate all the answer that you need to know. I did not think that it was an appropriate course of conduct to follow. The police inquiry route, which is now being followed, will resolve these matters more quickly and conclusively.

I ddychwelyd at yr ymchwiliad barnwrol, ni allaf gyfeirio yma, unwaith eto oherwydd braint gyfreithiol, fe gredaf y deallwch hynny, pa un a oedd Swyddfa'r Cwnsler Cyffredinol yn ymwneud â'r mater. Yr oedd ymchwiliad barnwrol, fel y dywedais, yn fater a ystyriais yn fras a'i wrthod. Dylai'r ffaith imi ddweud 'yn fras' ymgorffori'r ateb y mae angen ichi ei wybod. Nid oeddwn yn credu bod gweithredu yn y fath fodd yn briodol. Bydd rhoi'r mater yn nwylo'r heddlu i ymchwilio iddo, sef yr hyn a wneir bellach, yn datrys y materion hyn yn gynt ac mewn

modd mwy terfynol.

Eleanor Burnham: The WJEC has referred matters to the police. For the first time since the saga began, the issue has been handed to an independent body that can bring it to a conclusion. Do you agree that a proper conclusion is needed for the sake of the people—not only Mike German—who have had allegations made against them, and for the sake of the WJEC, which has increasingly been brought into disrepute? The Plaid Cymru business manager is quoted as saying yesterday that the Government should play no part in stepping in to resolve what is a personal dispute between Mr German and his former employers. Do you agree? Furthermore, I would welcome your referring to the basic principles of civil liberties. Since this Assembly is constituted under the Human Rights Act 1998, do you agree that all Members have a responsibility to honour that Act, in this case as in any other? Finally, since the matter is with the authorities, can you confirm that you will make no further comment and that your full Cabinet will get on with the business of governing Wales?

The First Minister: Yes, indeed. The route that has been chosen by the WJEC is a route of due process involving the police investigation—the forensic route, if you like. That will cover not merely Mike German. It covers a much wider range of issues, about the management of the European unit of the WJEC, and all sorts of issues that are referred to, I understand, in the Bentley Jennison review. I hope that it comes to a swift conclusion, so that any damage done to the reputation of the WJEC or this Assembly or Mike German, can be resolved as quickly as possible. You are right to refer to the issue of civil liberties. I use the phrase ‘natural justice’ out of choice, but I suppose that it is the same issue. You referred to the European Convention on Human Rights and the legislation that now rests on this Assembly to abide by the principle of that convention. You are right about that. The Assembly must take that matter on board. We must comply at all times with the European Convention on Human Rights and its domestic version, which is now incorporated in our law. We must respect that at all times and be aware of

Eleanor Burnham: Rhoddodd CBAC y materion yn nwylo'r heddlu. Am y tro cyntaf ers dechrau'r helynt, trosglwyddwyd y mater i gorff annibynnol a all roi terfyn arno. A gytunwch fod angen rhoi terfyn arno mewn modd priodol er mwyn y bobl—nid yn unig Mike German—y gwnaethpwyd honiadau yn eu herbyn, ac er mwyn CBAC, y dygir mwy a mwy o anfri ar ei enw? Dyfynnir bod rheolwr busnes Plaid Cymru wedi dweud ddoe na ddylai'r Llywodraeth chwarae unrhyw ran wrth ddatrys yr hyn sydd yn anghydfod personol rhwng Mr German a'i gyn-gyflogwyr. A gytunwch? At hynny, byddwn yn croesawu'r ffaith ichi gyfeirio at egwyddorion sylfaenol hawliau sifil. Gan fod y Cynulliad hwn wedi ei sefydlu o dan Ddeddf Hawliau Dynol 1998, a gytunwch fod cyfrifoldeb ar bob Aelod i barchu'r Ddeddf honno, yn yr achos hwn cystal ag unrhyw achos arall? I gloi, gan fod y mater hwn yn nwylo'r awdurdodau erbyn hyn, a allwch gadarnhau na wnewch unrhyw sylwadau pellach ac y bydd eich Cabinet llawn yn bwrw ymlaen â'r gwaith o lywodraethu Cymru?

Prif Weinidog Cymru: Gallaf, yn wir. Mae'r llwybr y dewisodd CBAC yn unol â threfn briodol y gyfraith sydd yn golygu ymchwiliad gan yr heddlu—y llwybr ffforensig, os mynnwch. Nid Mike German yn unig a gwmpesir gan hynny. Mae'n cwmpasu ystod llawer ehangach o faterion, ynglŷn â rheoli uned Ewropeaidd CBAC, a phob math o faterion eraill y cyfeirir atynt, fe ddeallaf, yn adolygiad Bentley Jennison. Gobeithiaf y daw i ben yn fuan, fel y gall unrhyw niwed i enw da CBAC neu'r Cynulliad hwn neu Mike German, gael ei unioni cyn gynted â phosibl. Yr ydych yn llygad eich lle i gyfeirio at hawliau sifil. Dewisaf ddefnyddio yr ymadrodd ‘cyfiawnder naturiol’, ond yr un mater ydyw siwr o fod. Cyfeiriasoch at y Cytundeb Ewropeaidd ar Hawliau Dynol a'r cyfrifoldeb deddfwriaethol sydd ar y Cynulliad hwn i gadw at egwyddor y cytundeb hwnnw. Yr ydych yn llygad eich lle yn hynny o beth. Rhaid i'r Cynulliad ystyried y mater hwnnw. Rhaid inni gydymffurfio bob amser â'r Cytundeb Ewropeaidd ar Hawliau Dynol a fersiwn yr wladwriaeth hon ohono, sydd erbyn hyn wedi ei ymgorffori yng

it. Now that the issue is with the police, we need to give them the time and space to get on with the job and make no further comment on it.

Dafydd Wigley: Do you recall that in the House of Commons on 28 November 1991, you defended your right to criticise the actions of some employees of public bodies, such as the Welsh Development Agency, and said

‘If we come across examples of misspending of public money, it is the oldest public duty to draw attention to it. We should specify the acceptable and unacceptable ways of spending that public money’?

If that is the duty of MPs, is it not equally the duty of AMs in this Chamber? When you made that stand, the public respected you for it. Will you now equally apply the same values to your own Government?

The First Minister: I could not agree more. I do not remember the occasion on which I made that speech, but it is true, and remains true. It is true that you should raise issues, which sometimes cannot be raised in any other way. That is why we have been given the remarkable privilege of having full privilege against defamation actions, as MPs do. Where matters cannot be considered in any other way, and where they are not being supplied, or where they are being blocked from being supplied, to the authorities, it is true that one should consider it. However, now that the matter has gone to the police, the whole basis of that statement that I made, and the whole basis for the right of privilege of MPs, AMs and MSPs, is if matters get blocked or if they are denied to the public, and they never reach the proper authorities, you can only use privilege. Members of Parliament do not normally have the wealth to withstand being sued by people such as Jimmy Goldsmith or Jonathan Aitken or whoever. It is only because you have parliamentary privilege that you can do that. Otherwise, you would be sued for every penny that you had and your family would be out on the street.

nghyfraith gwlad. Rhaid inni barchu hynny bob amser a bod yn ymwybodol ohono. Gan fod y mater bellach yn nwylo'r heddlu, rhaid inni roi amser a lle iddynt fynd ati a pheidio â gwneud unrhyw sylwadau pellach yn ei gylch.

Dafydd Wigley: A gofiwch yn Nhŷ'r Cyffredin ar 28 Tachwedd 1991, ichi amddiffyn eich hawl i feirniadu gweithrediadau rhai cyflogeion cyrff cyhoeddus, megis Awdurdod Datblygu Cymru, gan ddweud

Os mai hynny yw dyletswydd ASau, onid yw hefyd yn ddyletswydd ar ACau yn y Siambr hon? Pan wnaethoch y safiad hwnnw, yr oedd y cyhoedd yn eich parchu am wneud hynny. A wnewch chi yn awr arddel yr un gwerthoedd mewn perthynas â'ch Llywodraeth chi?

Prif Weinidog Cymru: Cytunaf â chi yn llwyr. Ni chofiaf yr achlysur pan wneuthum yr araith honno, ond mae'n wir, ac mae'n parhau i fod yn wir. Mae'n wir y dylech godi materion, na ellir eu codi weithiau mewn unrhyw ffordd arall. Dyna pam y cawsom y fraint nodedig o gael braint lawn rhag achosion o ddifenwi, fel sydd gan ASau. Lle na ellir ystyried materion mewn unrhyw fodd arall, a lle na chânt eu cyflwyno, neu lle y'u hatelir rhag cael eu cyflwyno i'r awdurdodau, mae'n wir y dylid ystyried hynny. Fodd bynnag, gan fod y mater bellach yn nwylo'r heddlu, yr hyn sydd yn sail i'r datganiad hwnnw a wneuthum, ac yn sail i hawl ASau ACau ac ASEau i fraint, yw os caiff materion eu celu neu os na chaiff y cyhoedd wybod amdanynt, ac os na fyddant byth yn cyrraedd yr awdurdodau priodol, ni ellir ond defnyddio braint. Fel arfer nid oes gan Aelodau Seneddol ddigon o gyfoeth i ymladd yn erbyn pobl megis Jimmy Goldsmith neu Jonathan Aitken neu pwy bynnag sydd am eu herlyn. Dim ond oherwydd bod gennych fraint seneddol y gallwch wneud hynny. Fel arall, byddech yn cael eich erlyn am bob ceiniog sydd gennych a byddai eich teulu yn ddigartref.

The concept of prejudice only comes in when the matter has gone to the police and is not being blocked. Indeed, far from being blocked, it is being leaked. Having been leaked, the WJEC board agreed to refer it to the police for investigation. I do not believe, Dafydd, that you will find any example of me prejudicing the right and proper purpose of forensic investigation, which could possibly lead to criminal investigation and a trial. That would be prejudicial. I do not believe that I have ever erred on the grounds of prejudicing anybody, who might have been subject to possible criminal action, during my period in the House of Commons, which came to an end—as did yours—a week or so ago.

Richard Edwards: Rhodri, at least some of us here believe that the concept of natural justice is paramount in a civilised society. We pride ourselves in Wales on possessing a sense of fair play, which is why we do not vote Conservative. Do you agree, Rhodri, that whatever our political prejudices in this Chamber, and whatever our personal antipathies, the fundamental principle that you are innocent until proven guilty must be upheld?

The First Minister: I agree. There are three stages. Somebody mentioned allegation. You cannot ask a Minister to stand aside because you have made an allegation. You then supply documents supporting your allegation to the police. You cannot ask a Minister to stand aside at that stage. However, if the police decide that there is a case to answer and will investigate that person, it is at that stage that you must ask a person to stand aside. That seems to accord with the principle of natural justice, and *chwarae teg*, fair play, it is the way that everybody the length and breadth of Wales would understand it.

Cynog Dafis: Brif Weinidog, dywedasochnad yw'r deunydd sydd wedi ei ddatgelu gan Jeff Jones yn eiddo cyhoeddus, ac felly y byddai'n amhriodol i chi i'w ddarllen. Fodd bynnag, ers ddoe, mae prif gasgliadau adroddiad Bentley Jennison yn eiddo cyhoeddus, gan i Gyd-bwyllgor Addysg Cymru ryddhau datganiad i'r wasg. Mae

Dim ond pan fydd y mater wedi ei roi yn nwylo'r heddlu ac nid yw'n cael ei gelu y cyfyd y cysyniad o ragfarn. Yn wir, cael ei ddatgelu a wnaeth yn hytrach na chael ei gelu. Ar ôl iddo gael ei ddatgelu, cytunodd bwrdd CBAC i'w roi yn nwylo'r heddlu i ymchwilio iddo. Ni chredaf, Dafydd, y byddwch yn dod o hyd i unrhyw enghraifft lle yr wyf yn rhagfarnu diben cywir a phriodol ymchwiliad fforensig, a allai o bosibl arwain at ymchwiliad troseddol a threal. Rhagfarn fyddai hynny. Ni chredaf imi byth gyfeiliorni a rhagfarnu unrhyw un, y gellid bod wedi dwyn achos troseddol yn ei erbyn, yn ystod fy nghyfnod yn Nhŷ'r Cyffredin, a ddaeth i ben—fel eich un chi—ryw wythnos yn ôl.

Richards Edwards: Rhodri, cred rhai ohonom yma o leiaf bod y cysyniad o gyfiawnder naturiol yn holl bwysig i gymdeithas waraidd. Yr ydym ni yng Nghymru yn ymfalchïo yn y ffaith ein bod yn credu mewn chwarae teg, sef y rheswm pam na phleidleisiwn dros y Ceidwadwyr. A gytunwch Rhodri, waeth beth fo ein rhagfarnau gwleidyddol yn y Siambr hon, ac waeth beth fo ein gelyniaeth bersonol, yr egwyddor sylfaenol yw eich bod yn ddieuog nes y'ch profir yn euog?

Prif Weinidog Cymru: Cytunaf. Mae tri cham. Soniodd rhywun am honiad. Ni allwch ofyn i Weinidog ymddiswyddo dros dro oherwydd eich bod wedi gwneud honiad. Yr ydych wedyn yn darparu dogfennau sydd yn ategu'ch honiad i'r heddlu. Ni allwch ofyn i Weinidog ymddiswyddo dros dro ar yr adeg honno. Fodd bynnag, os penderfyna'r heddlu fod achos i'w ateb ac y bydd yn ymchwilio i'r person hwnnw, ar yr adeg honno y mae'n rhaid ichi ofyn i'r person ymddiswyddo dros dro. Ymddengys bod hynny'n unol ag egwyddor cyfiawnder naturiol, a chwarae teg, dyna'r ffordd y byddai pawb ledled Cymru yn ei ddeall.

Cynog Dafis: First Minister, you stated that the material leaked by Jeff Jones is not in the public domain, and it would therefore not be appropriate for you to read it. However, since yesterday, the main conclusions of the Bentley Jennison report are in the public domain because the Welsh Joint Education Committee published a press release. The

sylwedd yr achos yn erbyn Michael German—cyn belled ag y mae'r uned Ewropeaidd a hawliadau treuliau yn y cwestiwn—yn eiddo cyhoeddus. Byddwn yn awgrymu'n gryf ei fod yn briodol i chi astudio nid yn unig y datganiad i'r wasg, ond hefyd y defnydd cefndirol sydd wedi arwain at y datganiad hwnnw i'r wasg.

A wnewch chi hefyd nodi'r ffaith fod Mike German, bythefnos neu fwy yn ôl, wedi rhyddhau neu wedi datgelu i'r wasg, ddogfen 32 tudalen o hyd, o gwestiynau a ofynnwyd iddo gan archwiliad Bentley Jennison, a'i atebion i'r cwestiynau hynny? Nid Jeff Jones yw'r unig berson sydd wedi bod yn datgelu dogfennau i'r wasg yn yr achos hwn, nag i unrhyw un arall.

Trof at fater arall. Mae Mike German wedi dweud ar goedd y byddai'n croesawu ymchwiliad gan yr heddlu, am y byddai hynny'n sicrhau gwrthrychedd am y tro cyntaf yn y broses. Yr oeddech yn cefnogi'r safbwynt hwn. A dderbyniwch fod gwaith Bentley Jennison—er yn anghyflawn—yn batrwm o wrthrychedd a dadansoddiad clinigol, manwl-gywir, gofalus? A ydych hefyd yn derbyn bod awgrymu yn wahanol yn sarhad difrifol ar gwmni parchus a chyfrifol, ac efallai yn adlewyrchu parodrwydd Mike German i feio pawb a phopeth ond efe ei hun? A ydych yn fodlon datgysylltu eich hunan oddi wrth y fath honiadau sydd ymhlyg yn y datganiadau a wnaethpwyd ganddo, ynglŷn â chywirdeb, priodoldeb a thrylwyrredd gwaith Bentley Jennison?

Prif Weinidog Cymru: Tybiaf, Cynog, bod diwedd eich cwestiwn yn rhy gymhleth i mi.

Cynog Dafis: Ceisiwch eich gorau.

Prif Weinidog Cymru: Ni ddarllenais y ddogfen ond y casgliadau, neu'r cyhoeddiad i'r wasg a wnaethpwyd gan CBAC ddoe. Cefais fy nrysu braidd ganddo, ond ni soniaf am hynny yn awr. Nid yw'n glir lle y mae CBAC yn sôn amdano'i hun fel sefydliad, a lle y mae'n ceisio cyfeirio at grynodedd o beth yn union oedd yn adroddiad Bentley Jennison. Ni fyddaf yn cwyno am safonau proffesiynol Bentley Jennison. Yn nhermau

substance of the case against Mike German—as far as the European unit and expenses claims are concerned—is in the public domain. I would strongly suggest that it is appropriate for you to study not only the press release, but also the background information that has led to that press release.

Will you also note the fact that Mike German, a fortnight or so ago, released or leaked to the press, a 32 page document of questions asked to him by the Bentley Jennison investigation, and his replies to those questions? Jeff Jones is not the only person who has been leaking documents to the press or to anybody else in this case.

I turn to another issue. Mike German has stated publicly that he would welcome a police inquiry, because that would ensure objectivity for the first time in the process. You have supported that viewpoint. Do you accept that Bentley Jennison's work—although incomplete—is an exemplar of objectivity and careful, detailed, clinical analysis? Do you also agree that suggesting otherwise would be a serious insult to a well-respected, responsible company, and perhaps reflects Mike German's readiness to blame everyone and everything except himself? Are you willing to disassociate yourself from the kind of allegations implied in the statements made by him, regarding the accuracy, probity and thoroughness of Bentley Jennison's work?

The First Minister: I think, Cynog, that the end of your question is too complicated for me.

Cynog Dafis: Do your best.

The First Minister: I have not read the document only the conclusions or the press release issued by the WJEC yesterday. I was slightly confused by it, but I will not discuss that now. It is not clear where the WJEC is referring to itself as an establishment, and where it is trying to refer to a synopsis of what exactly the Bentley Jennison report contained. I will not complain about Bentley Jennison's professional standards. As regards

rhagfarn, byddai'n annoeth i mi, fel Prif Weinidog Cymru, ddweud unrhyw beth o blaid neu yn erbyn unrhyw ochr yn yr achos hwn. Nid fy lle i yw cwyno am safonau proffesiynol awduron yr adroddiad. Adroddiad drafft ydyw ar hyn o bryd, sydd yn dwyn yr amod mai adroddiad preifat ydyw. Fodd bynnag, mae bellach yn eiddo cyhoeddus ac yn nwylo'r heddlu, a hwythau fydd yn delio ag ef yn awr, ynghyd â dogfennau eraill. Dywedodd Cynog fod Mike German wedi dweud y bydd y broses yn wrthrychol. Credaf mai 'annibynnol' fyddai'r ffordd orau i ddisgrifio'r broses erbyn hyn, gan mai'r heddlu fydd yn gyfrifol amdani. Ni fydd yr heddlu yn ochri gydag unrhyw un, a gobeithiaf y daw'r mater i gasgliad terfynol cyn bo hir.

3:20 p.m.

Alison Halford: Further to Richard Edwards's point, do you agree that we are going down the road of trial by Assembly? Whatever our political persuasion, that is something that I abhor. I was a police officer for 30 years, and it was my job to root out wrongdoing. However, that is not the Assembly's task. I plead for everybody to give this individual, whatever he has done, the right of being called innocent until he has been found properly guilty. This is not the medium by which it should be done. I gave up my remaining useful years of service and joined the Labour Party to help people and to be fair and just. We are not behaving fairly and justly by continuing with this harassment and witch-hunt. Do you agree that this must stop so that we do not demean ourselves as an Assembly?

The First Minister: Due to your considerable experience in the police, I cannot improve on your words. Trial by Assembly or trial by media does not serve any useful purpose.

The Presiding Officer: We have spent half an hour on this statement. I will allow two brief questions from the Government and opposition parties.

Gareth Jones: Hoffwn ddatgan buddiant gan

prejudice, it would be unwise for me, as Wales's First Minister, to say anything for or against any party involved in this case. It is not my place to complain about the professional standards of the report's authors. It is in draft form at present, and therefore it is a private report. However, it has now been placed in the public domain and is in the hands of the police, who will now deal with it, along with other documents. Cynog stated that Mike German had said that the process will be objective. I think that 'independent' is now a better way to describe the process, as it is the responsibility of the police. They will not take anyone's side, and I hope that the matter can be concluded shortly.

Alison Halford: Ymhellach i bwynt Richard Edwards, a gytunwch ein bod yn mynd ar drywydd treial drwy'r Cynulliad? Waeth beth fo ein daliadau gwleidyddol, mae hynny'n rhywbeth sydd yn wrthun imi. Bùm yn swyddog yr heddlu am 30 mlynedd, a chanfod camwri oedd fy ngwaith. Fodd bynnag nid dyna dasg y Cynulliad. Apeliâf ar bawb i roi'r hawl i'r unigolyn hwn, beth bynnag a wnaeth, gael ei alw'n ddieuog nes y'i profir yn euog mewn modd priodol. Nid drwy'r cyfrwng hwn y dylid gwneud hynny. Ildiais y blynyddoedd o wasanaeth defnyddiol a oedd yn weddill imi ac ymunais â'r Blaid Lafur er mwyn helpu pobl a gweithredu'n deg a chyfiawn. Nid ydym yn ymddwyn yn deg nac yn gyfiawn drwy barhau i boeni ac erlid yr unigolyn hwn. A gytunwch fod yn rhaid rhoi'r gorau i hynny fel nad ydym yn diraddio ein hunain fel Cynulliad?

Prif Weinidog Cymru: Oherwydd eich profiad helaeth yn yr heddlu, ni allaf ragori ar eich geiriau. Nid oes unrhyw ddiben i dreial drwy'r Cynulliad na threial drwy'r cyfryngau.

Y Llywydd: Yr ydym wedi treulio hanner awr ar y datganiad hwn. Caniatâf ddau gwestiwn byr arall gan y Llywodraeth a'r gwrthbleidiau.

Gareth Jones: I declare an interest as

y bûm innau hefyd yn marcio papurau arholiad ar ran CBAC. Ategaf y sylwadau a wnaethoch, Rhodri, ynglŷn â gwaith da a holl bwysig y corff hwnnw.

Yng nghanol y trafferthion presennol sydd, yn gam neu'n gymwys, yn tansilio gwaith ac enw da CBAC—ni allaf fi na chwithau reoli hynny—onid ydych yn teimlo y dylai'r Cynulliad Cenedlaethol sicrhau trafodaeth adeiladol gyda'i bartneriaid llywodraeth leol sydd yn rhedeg y Cyd-bwyllgor, i gael eglurhad trylwyr o'r hyn sydd yn digwydd, gyda'r bwriad o ddiogelu statws, enw da a dyfodol llewyrchus corff sydd o bwys allweddol i addysg yng Nghymru?

Prif Weinidog Cymru: Derbyniaf hynny. Bydd Jane Davidson yn gwneud datganiad ar ddyfodol Cyd-bwyllgor Addysg Cymru. Nid wyf yn ymwybodol o'r union ddyddiad, ond caiff y datganiad ei wneud cyn toriad yr haf.

Brian Gibbons: As someone who has not seen the document—to which Ieuan Wyn Jones believes that the dogs in the street have access—I do not think that it would be possible for us to have an informed debate on this subject until the WJEC puts the document in the public domain or confirms that the documents already in circulation are accurate. Do you have any concerns that, were such a debate to take place, it could prejudice a possible legal hearing? If anyone is guilty of criminal fraud in this instance, they should be brought to book before a court of law without any prejudice from the Assembly.

The First Minister: I agree. I do not see how a debate on the content of the draft, private and confidential Bentley Jennison report—or whatever it is that I and many others have not seen or read—could be held. If anyone has read the report, it is a breach of the terms by which it was drawn up. That makes it difficult for Members of the administration to get involved in this issue. I entirely agree with Brian; you could not hold a debate without risk of prejudice.

Alun Cairns: If my reading of the First

someone who also marked exam papers for the WJEC. I endorse your comments, Rhodri, about that organisation's valuable and important work.

In these troubled times that, rightly or wrongly, are undermining the good work and reputation of the WJEC—neither you nor I can control that—do you not feel that the National Assembly should ensure constructive discussion with its local government partners responsible for running the WJEC, in order to have a thorough explanation of what is happening, with the overall objective of safeguarding the status, reputation and prosperous future of a body of key importance to education in Wales?

The First Minister: I accept that. Jane Davidson will make a statement on the future of the Welsh Joint Education Committee. I am not sure of the exact date, but the statement will be made before the summer recess.

Brian Gibbons: Fel rhywun nad yw wedi gweld y ddogfen—y cred Ieuan Wyn Jones fod y byd a'r betws wedi ei gweld—ni chredaf y byddai modd inni gael dadl gall ar y pwnc hwn nes y bydd CBAC yn rhyddhau'r ddogfen hon i'r cyhoedd neu nes y bydd yn cadarnhau bod y dogfennau sydd eisoes yn cylchredeg yn gywir. A oes gennych unrhyw bryderon y gallai dadl o'r fath, pe bai'n digwydd, ragfarnu gwrandawriad cyfreithiol posibl? Os oes unrhyw un yn euog o dwyll troseddol yn yr achos hwn, dylai sefyll prawf gerbron llys barn heb unrhyw ragfarn gan y Cynulliad.

Prif Weinidog Cymru: Cytunaf. Ni welaf sut y gellid cynnal dadl ar gynnwys adroddiad drafft, preifat a chyfrinachol gan Bentley Jennison—neu beth bynnag yw'r hyn nad wyf fi na llawer o bobl eraill wedi ei weld na'i ddarllen. Os oes unrhyw un wedi darllen yr adroddiad, mae hynny'n groes i delerau llunio'r adroddiad. Mae hynny'n ei gwneud yn anodd i Aelodau'r weinyddiaeth ymwneud â'r mater hwn. Cytunaf yn llwyr â Brian; ni ellid cynnal dadl heb berygl o ragfarn.

Alun Cairns: Os deallaf ddatganiad Prif

Minister's statement is accurate, he claims that he cannot take action against the Deputy First Minister because it would prejudice the investigation into his previous actions. Does the First Minister agree that suspension does not imply guilt? If the First Minister continues to bury his head in the sand on this issue, as he has done in the past, he is abdicating the responsibilities placed upon him.

The First Minister: Perhaps the virtues of consistency have not occurred to Alun. As I have said before, when a Minister chooses people for a Cabinet and then, occasionally, has to terminate or, in this case, consider suspending their service, several factors must be considered. One factor is identifying the interplay between terminating or suspending service and the legal process. That is not my choice. It is the WJEC that has chosen the forensic, or the police route. In doing so, it has placed the matter in the hands of the police. The police must read and digest the documents, and decide what to do next. If they decide to start an investigation into Mike German, as a Minister in the Government, he has said that he would stand down. I have already stated that he would have to do so, regardless of his wishes. We both agree on that. It is at that stage that that would occur. There is no presumption of guilt, even at that stage—

Alun Cairns: Suspension does not imply guilt.

The Presiding Officer: Order. You have asked your question, Alun, and the First Minister is answering it.

The First Minister: However, as I have always said, the important issue is that you cannot contemplate asking someone to step down as a Minister when the documents have only just been supplied to the police, who have not even digested them, let alone decided whether there is merit in the allegations being made and whether to take action on them.

Weinidog Cymru yn gywir, haera na all gymryd camau yn erbyn y Dirprwy Brif Weinidog oherwydd y byddai'n rhagfarnu'r ymchwiliad i'w gamau blaenorol. A gytuna'r Prif Weinidog nad yw gwaharddiad yn awgrymu bod rhywun yn euog? Os yw'r Prif Weinidog yn parhau i anwybyddu'r mater hwn, fel y gwnaeth yn y gorffennol, mae'n ymwrthod â'r cyfrifoldebau a roddwyd iddo.

Prif Weinidog Cymru: Efallai nad yw'r rhinwedd o fod yn gyson wedi taro Alun. Fel y dywedais o'r blaen, pan fydd Gweinidog yn dewis pobl ar gyfer Cabinet ac yna, yn achlysurol, pan fydd yn rhaid iddo ddiswyddo rhywun neu, yn yr achos hwn, ystyried eu gwahardd o swydd, rhaid ystyried sawl ffactor. Un ffactor yw nodi'r cydgysylltiad rhwng diswyddo neu wahardd person o'i swydd a'r broses gyfreithiol. Nid fy newis i yw hynny. CBAC sydd wedi dewis y llwybr fforensig, neu'r heddlu. Wrth wneud hyn, mae wedi rhoi'r mater yn nwylo'r heddlu. Rhaid i'r heddlu ddarllen ac ystyried y dogfennau a phenderfynu beth i'w wneud nesaf. Os penderfynant gynnal ymchwiliad i Mike German, fel Gweinidog yn y Llywodraeth, dywedodd y byddai'n ymddiswyddo dros dro. Yr wyf eisoes wedi datgan y byddai'n gwneud hynny, waeth beth fo ei ddymuniadau ef. Mae'r ddau ohonom yn gytûn ar hynny. Bryd hynny y byddai'n digwydd. Nid oes unrhyw ragdybiaeth o euogrwydd, hyd yn oed yr adeg honno—

Alun Cairns: Nid yw gwaharddiad dros dro yn awgrymu euogrwydd.

Y Llywydd: Trefn. Yr ydych wedi gofyn eich cwestiwn, Alun, ac mae'r Prif Weinidog yn ei ateb.

Prif Weinidog Cymru: Fodd bynnag, fel yr wyf bob amser wedi dweud, y mater pwysig yw na ellir ystyried gofyn i rywun ymddiswyddo dros dro fel Gweinidog lle y mae'r dogfennau newydd gael eu rhoi i'r heddlu, nad ydynt hyd yn oed wedi cael cyfle i'w hystyried, heb sôn am benderfynu a oes unrhyw sail i'r honiadau a wneir ac a ddylid cymryd camau yn eu cylch.

Datganiad ar Geiswyr Lloches Statement on Asylum Seekers

The Minister for Finance, Local Government and Communities (Edwina Hart): I agreed to make a further statement on asylum seekers in response to the concerns raised in the Chamber following my last statement on asylum seekers being held in Cardiff prison. Since that debate, I have reported Members' concerns through several channels. I have spoken to Barbara Roche, the Minister of State responsible for immigration at the Home Office. I have also written to Mrs Roche and have asked for a meeting with her to discuss these issues.

Barbara Roche clarified that it is the Home Office's policy that only detainees who are at the end of their application for leave to remain should be detained at Cardiff prison. It is intended that this period of detention should therefore be secure and for a short period. Legal advisers working with detainees believe that those criteria are not always met. I have asked for specific information on detainees whose applications are not at that late stage of consideration. When I receive that information, I intend to provide it to Home Office Ministers.

Barbara Roche accepts that it is not ideal for detainees to be held in category B prisons such as Cardiff. She also agrees that it is not ideal for detainees to be held with remand prisoners. The Government intends to provide alternative, more appropriate accommodation. Therefore, we should not anticipate Cardiff prison being used for this purpose indefinitely and I would expect alternative accommodation to be available before the end of this year.

Since I last made a statement to the Assembly, I have met with members of the Cardiff and District Asylum Network and representatives of the Welsh Refugee Council. I also talked with the concerned people who attended the demonstration outside the prison last Saturday.

At the invitation of church representatives, I visited Cardiff prison yesterday and met with

Y Gweinidog dros Gyllid, Llywodraeth Leol a Chymunedau (Edwina Hart): Cytunais wneud datganiad pellach ar geiswyr lloches mewn ymateb i'r pryderon a godwyd yn y Siambr yn dilyn fy natganiad diwethaf ar geiswyr lloches a gedwir yng ngharchar Caerdydd. Ers y ddadl honno, yr wyf wedi cyfleu pryderon yr Aelodau drwy sawl sianel. Siaredais â Barbara Roche, y Gweinidog sydd yn gyfrifol am fewnfudo yn y Swyddfa Gartref. Ysgrifenis at Mrs Roche hefyd a gofyn i gyfarfod â hi er mwyn trafod y materion hyn.

Eglurodd Barbara Roche mai dim ond ceiswyr lloches y mae eu cais am ganiatâd i aros ar fin cael ei ddyfarnu ddylai gael eu cadw yng ngharchar Caerdydd yn ôl polisi'r Swyddfa Gartref. Dylai'r cyfnod cadw hwn fod yn ddiogel ac yn fyr. Cred cynghorwyr cyfreithiol sydd yn gweithio gyda cheiswyr lloches a gadwyd mewn carchar na fodlonir y meini prawf hynny bob amser. Gofynnais am wybodaeth benodol am geiswyr lloches nad yw eu ceisiadau wedi cyrraedd y cam terfynol hwnnw. Pan dderbyniaf yr wybodaeth honno, bwriadaf ei darparu i Weinidogion y Swyddfa Gartref.

Mae Barbara Roche yn derbyn nad yw'n ddelfrydol cadw ceiswyr lloches mewn carchardai categori B megis Caerdydd. Cytuna hefyd nad yw'n ddelfrydol cadw ceiswyr lloches gyda charcharorion remand. Bwriada'r Llywodraeth ddarparu llety amgen mwy addas. Felly, ni ddylem ragweld y bydd carchar Caerdydd yn cael ei ddefnyddio at y diben hwn am gyfnod amhenodol a disgwyliwn i lety amgen fod ar gael cyn diwedd y flwyddyn

Ers y tro diwethaf imi wneud datganiad i'r Cynulliad, cyfarfûm ag aelodau o Rwydwaith Lloches Caerdydd a'r Cylch a chynrychiolwyr o Gyngor Ffoaduriaid Cymru. Siaredais hefyd â'r bobl a gymerodd ran yn y gwrthdystiad y tu allan i'r carchar ddydd Sadwrn diwethaf.

Ar wahoddiad cynrychiolwyr eglwysi ymwelais â charchar Caerdydd ddoe a

detainees and remand prisoners, the prison chaplain, senior officers of the remand wing and the prison governor. As we were shown around the prison, staff repeatedly stressed that they were bound by Home Office guidance to treat the detainees as if they were remand prisoners. Incidents such as detainees being taken for hospital treatment in handcuffs, which received widespread press coverage, were as a result of prison staff having little or no discretion in implementing this Home Office guidance.

Whereas no blame can be placed on prison staff and officials for this kind of treatment, I made clear my belief that prison staff should not be forced into this most unacceptable position by the Home Office in the first place. Prisons are not the place for asylum seekers. Church leaders share this view. I place on record my thanks to church leaders for their help and assistance during the past few weeks in helping me to convene meetings and ensuring that the humanitarian approach agreed upon in the Assembly holds sway.

3:30 p.m.

From what I saw yesterday, there is no denying that the regime for remand prisoners is tough. In Cardiff prison, this is exacerbated by the conditions of a Victorian building, by on-going renovations that have resulted in the doubling-up of prisoners in already cramped cells, and by limited numbers of staff. No extra Home Office money has been made available to Cardiff prison for this additional task of detaining asylum seekers. The normal day for detainees on the remand wing includes one hour of exercise, two hours of association outside the cells and meal breaks. Prison staff accept that a minimum of 18 hours spent in cells is not appropriate.

I had the opportunity to talk with detainees during their association period on the corridors of the remand wing. In those brief conversations the detainees were more concerned to tell me of their experiences with the Immigration and Nationality Directorate

chyfarfŷm â cheiswyr lloches a charcharorion remand, caplan y carchar, uwch swyddogion yr adain remand a llywodraethwr y carchar. Wrth inni fynd ar daith o amgylch y carchar, pwysleisiodd y staff droeon eu bod yn rhwym i drin y ceiswyr lloches fel petaent yn garcharorion remand yn ôl canllawiau'r Swyddfa Gartref. Yr oedd digwyddiadau megis mynd â cheiswyr lloches i'r ysbyty i gael triniaeth mewn gefynnau, a gafodd sylw mawr yn y wasg, yn codi oherwydd nad oes gan staff y carchar unrhyw ddisgresiwn neu braidd dim disgresiwn o ran gweithredu canllawiau'r Swyddfa Gartref.

Er na ellir beio staff a swyddogion y carchar o gwbl am y fath driniaeth, eglurais fy mod yn credu na ddylai'r Swyddfa Gartref roi staff y carchar yn y sefyllfa hynod annerbyniol hon yn y lle cyntaf. Nid carchardai yw'r lle priodol ar gyfer ceiswyr lloches. Mae arweinwyr eglwysi yn cyd-fynd â hyn. Hoffwn gofnodi fy niolch i arweinwyr eglwysi am eu cymorth yn ystod yr wythnosau diwethaf wrth fy helpu i drefnu cyfarfodydd ac i sicrhau bod yr ymagwedd ddyngarol y cytunwyd arni yn y Cynulliad yn parhau.

O'r hyn a welais ddoe, rhaid dweud bod y drefn ar gyfer carcharorion remand yn llym. Yng ngharchar Caerdydd, mae'r sefyllfa yn waeth oherwydd amodau adeilad Fictoraidd, y gwaith adnewyddu sydd yn mynd rhagddo sydd wedi arwain at roi mwy o garcharorion mewn celloedd sydd eisoes yn llawn, a'r nifer cyfyngedig o staff. Ni roddodd y Swyddfa Gartref unrhyw arian ychwanegol i garchar Caerdydd am y dasg ychwanegol o gadw ceiswyr lloches. Mae diwrnod arferol i garcharorion yr adain remand yn cynnwys awr o ymarfer corff, dwy awr o gymdeithasu y tu allan i'r celloedd ac amser ar gyfer prydau bwyd. Mae staff y carchar yn derbyn nad yw treulio o leiaf 18 awr mewn celloedd yn addas.

Cefais gyfle i siarad â cheiswyr lloches yn ystod eu cyfnod cymdeithasu ar goridau'r adain remand. Yn y sgysiau byr hynny, yr oedd y ceiswyr lloches yn fwy awyddus i adrodd eu profiadau gyda'r Gyfarwyddiaeth Mewnffudo a Chenedligrwydd na'u profiadau

than of their experiences on the remand wing. It is now my intention as Minister to ask for a meeting with representatives of the Immigration and Nationality Directorate. I will report to Members the results of such a meeting.

Despite limited prison resources and no additional funding from the Home Office, I was assured by staff that every effort was made to meet the religious, dietary and health needs of the detainees while they were at the prison. I am aware that Jane Hutt, the Minister for Health and Social Services, has been dealing with the health issues raised previously in the Chamber.

Participation in a variety of religious services is available in a multi-faith room alongside the prison chapel. The Chaplain works with leaders of a variety of religions, including Islam and Sikhism. There is a choice of meals with menus in a variety of languages and there is an attempt made at Cardiff prison to respond to a variety of dietary needs. All meat conforms to Muslim requirements. There are also three language translation lines that have been made available on the remand wing, in the hospital and at reception. Efforts are made to provide detainees with access to phones and phonecards. All these measures are commendable but can in no way compensate for the loss of liberty.

During my visit, the possibility of local church groups and the Red Cross providing alternative clothing for the detainees, so those without any possessions do not have to wear standard prison-issue clothing was discussed. My view from yesterday's visit is that the prison staff are providing as good a service as possible in difficult circumstances. The Assembly's efforts should be directed to encouraging the Home Office to find better, more appropriate accommodation quickly.

I take this opportunity to update Members on the dispersal of asylum seekers to Wales. So far, Cardiff has received 172 adults and 14 children, most of whom are of primary school age. Eighty-four people are still residing at Adams Court, which is currently being used

yn yr adain remand. Bwriadaf yn awr fel Gweinidog ofyn am gyfarfod â chynrychiolwyr o'r Gyfarwyddiaeth Mewnfudo a Chenedligrwydd Rhoddaf adroddiad ar ganlyniad cyfarfod o'r fath i'r Aelodau.

Er gwaethaf yr adnoddau cyfyngedig yn y carchar a'r ffaith nad oedd unrhyw arian ychwanegol gan y Swyddfa Gartref, cefais sicrwydd gan y staff eu bod yn gwneud pob ymdrech i fodloni anghenion crefyddol, deiet ac iechyd ceiswyr lloches tra'u bod yn cael eu cadw yn y carchar. Yr wyf yn ymwybodol bod Jane Hutt, fel y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, wedi bod yn ymdrin â'r materion iechyd a godwyd eisoes yn y Siambr.

Mae'n bosibl cymryd rhan mewn amrywiaeth o wasanaethau crefyddol mewn ystafell aml-grefydd wrthymyl capel y carchar. Mae'r Caplan yn gweithio gydag arweinwyr o nifer o grefyddau, gan gynnwys Islam a Siciaeth. Ceir dewis o brydau bwyd ynghyd â bwydlenni mewn nifer o ieithoedd ac mae carchar Caerdydd yn gwneud ymgais i ymateb i anghenion deiet amrywiol. Mae'r cig a ddarperir yn cydymffurfio â gofynion Mwslemaidd. Mae tair llinell gyfieithu mewn tair iaith hefyd ar gael ar yr adain remand, yn yr ysbyty ac yn y dderbynfa. Gwneir ymdrechion i sicrhau bod ffonau a chardiau ffôn ar gael i geiswyr lloches. Mae'r mesurau hyn oll yn glodwiw ond ni allant wneud iawn am golli rhyddid.

Yn ystod fy ymweliad, trafodwyd a fyddai'n bosibl i grwpiau eglwys lleol a'r Groes Goch ddarparu dillad amgen i geiswyr lloches, fel na fydd yn rhaid i'r rhai sydd heb eiddo wisgo'r dillad safonol a ddarperir gan y carchar. Yn sgîl fy ymweliad ddod credaf fod staff y carchar yn darparu gwasanaeth cystal â phosibl o dan amgylchiadau anodd. Dylai'r Cynulliad ganolbwyntio ar annog y Swyddfa Gartref i ddod o hyd i lety mwy addas yn gyflym.

Manteisiaf ar y cyfle hwn i roi'r wybodaeth ddiweddaraf i'r Aelodau ar ddsbarthu ceiswyr lloches i Gymru. Hyd yma, cafodd Caerdydd 172 o oedolion a 14 o blant, y mae'r rhan fwyaf ohonynt o oedran ysgol gynradd. Mae 84 o bobl yn parhau i fyw yng

as a reception centre. It is hoped that the proper reception centre will be available within the next four weeks. Eighty-eight asylum seekers have so far been moved into their accommodation. A general practitioner is based at Adams Court and carries out initial health screening tests. The dispersal programme has so far run quite smoothly with only a few minor teething problems. I understand that the City and County of Cardiff Council is quite pleased with the arrangements that have been made and the running of the programme so far.

In terms of the all-Wales local authority consortium on asylum seekers, I understand that there have been further discussions with the National Asylum Support Service about the terms of the contract that have slightly delayed negotiations. The debate has been about the level of funding that NASS is willing to pay for void properties. That is an issue that both parties wish to resolve and further discussions will be held. However, this inevitably means that the earliest possible date for signing the contract has been put back some weeks. It is anticipated that the earliest start for a contract between NASS and the consortium may now be late summer although the negotiations are at an advanced stage.

There are a wide range of important issues concerning the detention and dispersal of asylum seekers in Wales. I will be suggesting to the Committee on Equality of Opportunity that it conduct an evidence gathering exercise, questioning the Home Office, the Immigration and Nationality Directorate and the National Asylum Support Service among others. I will continue to make statements on these matters to the Assembly as a Minister and as Chair of the Committee on Equality of Opportunity.

David Lloyd: Croesawaf ddatganiad Edwina a datganaf fuddiant fel meddyg teulu. Mae gennym hanes anrhydeddus yng Nghymru o groesawu ffoaduriaid a'r sawl sydd yn ceisio lloches oherwydd gormes yn eu gwledydd eu hunain. Mae ein cymunedau ers blynyddoedd wedi rhoi cartref i bobl o bob gwlad pan fo'r gwledydd hynny wedi methu yn eu dyletswydd i'w pobl eu hun. Credwn fel plaid fod carcharu ceiswyr lloches yn warthus.

Nghwrt Adams, a ddefnyddir ar hyn o bryd fel canolfan dderbyn. Gobeithir y bydd y ganolfan dderbyn briodol ar gael o fewn y pedair wythnos nesaf. Hyd yma symudwyd 88 o geiswyr lloches i'w llety. Lleolir meddyg teulu yng Nghwrt Adams ac mae'n cynnal profion sgrinio iechyd cychwynnol. Hyd yma mae'r rhaglen ddosbarthu wedi gweithio'n ddiffwdan gydag ychydig o fân broblemau cychwynnol yn unig. Deallaf fod Cyngor Dinas a Sir Caerdydd yn eithaf bodlon ar y trefniadau a wnaethpwyd a'r ffordd y gweithredir y rhaglen hyd yn hyn.

O ran consortiwm awdurdodau lleol Cymru gyfan ar geiswyr lloches, deallaf y cafwyd trafodaethau pellach gyda'r Gwasanaeth Cynnal Cenedlaethol i Geiswyr Lloches ynglŷn â thelerau'r contract sydd wedi peri ychydig o oedi yn y trafodaethau. Bu dadl ynglŷn â lefel yr arian y mae'r gwasanaeth yn fodlon ei dalu am eiddo gwag. Mae hynny'n broblem y mae'r naill barti a'r llall am ei datrys a chynhelir trafodaethau pellach. Fodd bynnag, yn anochel golyga hynny y gohiriwyd y dyddiad cynharaf posibl ar gyfer llofnodi'r contract am rai wythnosau. Rhagwelir mai ar ddiwedd yr haf fydd dyddiad cychwyn y contract rhwng y gwasanaeth a'r consortiwm erbyn hyn er bod y negodiadau bron wedi eu cwblhau.

Mae ystod eang o faterion pwysig sydd yn ymwneud â chadw a dosbarthu ceiswyr lloches yng Nghymru. Byddaf yn awgrymu i'r Pwyllgor Cyfle Cyfartal y dylai gynnal ymarfer casglu tystiolaeth, gan holi'r Swyddfa Gartref, y Gyfarwyddiaeth Mewnffudo a Chenedligrwydd a'r Gwasanaeth Cynnal Cenedlaethol i Geiswyr Lloches ymhlith eraill. Byddaf yn parhau i wneud datganiadau ar y materion hyn i'r Cynulliad fel Gweinidog a Chadeirydd y Pwyllgor Cyfle Cyfartal.

David Lloyd: I welcome Edwina's statement and I declare an interest as a general practitioner. We have an honourable history in Wales of welcoming refugees and those who seek asylum because of oppression in their own countries. Our communities have for years given a home to people of all countries when those countries have failed in their duty to their own people. We as a party believe that imprisoning asylum seekers is

Cawsom y drafodaeth hon eisioes, ond pa drafodaethau yn benodol a gawsoch gyda'r Llywodraeth yn Llundain ynglŷn â dod â'r sefyllfa anfodddhaol hwn i ben? Mae nifer o'r ceiswyr lloches wedi dioddef profiadau dychrynlyd o enbydus, sydd yn gallu esgor ar broblemau iechyd meddwl anodd megis anhwylder ôl-straen trawmatig ac iselder ysbryd dwys. Pa wasanaethau iechyd meddwl arbenigol sydd ar gael i'r ceiswyr lloches hyn? Yn olaf, gan fod y ceiswyr lloches wedi'u cloi mewn celloedd am oriau maith, pa hyfforddiant y mae swyddogion y carchar wedi ei dderbyn er mwyn adnabod arwyddion cynnar salwch meddwl?

Edwina Hart: I will deal with the mental health issues, Dai. In the first instance, prison officers experience language difficulties in dealing with asylum seekers. They are trained to look for signs of mental illness in remand and other prisoners. However, the language issue is a matter of grave concern because asylum seekers need to explain how they feel and describe their condition. We are trying to address that with the prison and the Home Office. On the second point, I know that Jane is dealing with what help and assistance is available for mental health sufferers in prison. Finally, I think that everyone in the Assembly agrees that prison is not an appropriate place for asylum seekers.

John Griffiths: I note that you stated that the asylum seekers were keen to talk about their experiences with immigration officials, and that you will meet with the immigration service. I have already written to you about concerns suggesting that immigration officials are placing improper pressure on asylum seekers and asking them, in the absence of their legal representatives, to sign documentation allowing their immediate deportation. Will you clarify whether that is happening? It is easy to understand how such pressure could be exerted under such circumstances, given that these people are locked up for a minimum of 18 hours on the remand wing of a Victorian prison. Officials need to be beyond reproach regarding such allegations, and be seen to be so.

Edwina Hart: That was among the issues

disgraceful. We have had this discussion already, but what discussions have you specifically had with the Government in London regarding bringing this unsatisfactory situation to an end? A number of asylum seekers have suffered terribly frightening experiences, some of which can bring about serious mental health problems such as post-traumatic stress disorder and severe depression. What access do these asylum seekers have to specialist mental health services? Finally, as asylum seekers are locked in cells for long periods, what training have prison officers received in recognising early signs of mental illness?

Edwina Hart: Ymdriniaf â'r materion iechyd meddwl, Dai. Yn y lle cyntaf, caiff swyddogion carchardai anawsterau o ran iaith wrth ymdrin â cheiswyr lloches. Cânt hyfforddiant i edrych am arwyddion o salwch meddwl mewn carcharorion remand a charcharorion eraill. Fodd bynnag, mae'r broblem iaith yn bryder mawr am fod angen i geiswyr lloches egluro sut y teimlant ac i ddisgrifio eu cyflwr. Yr ydym yn ceisio mynd i'r afael â hynny gyda'r carchar a'r Swyddfa Gartref. Ynglŷn â'r ail bwynt, gwn fod Jane yn trafod pa gymorth sydd ar gael i'r rhai sydd yn dioddef o broblemau iechyd meddwl yn y carchar. Yn olaf, credaf fod pawb yn y Cynulliad yn cytuno nad yw carchar yn fan priodol i geiswyr lloches.

John Griffiths: Nodaf ichi ddweud bod ceiswyr lloches yn awyddus i siarad am eu profiadau gyda swyddogion mewnfudo, ac y byddwch yn cyfarfod â'r gwasanaeth mewnfudo. Yr wyf eisioes wedi ysgrifennu atoch ynglŷn â phryderon sydd yn awgrymu bod swyddogion mewnfudo yn pwysu ar geiswyr lloches a hynny'n amhriodol a gofyn iddynt, pan na fydd eu cynrychiolwyr cyfreithiol yn bresennol, lofnodi dogfennaeth sydd yn caniatáu i'r gwasanaeth eu hanfon o'r wlad ar unwaith. A wnewch gadarnhau a yw hynny yn digwydd? Mae'n hawdd deall sut y gellid rhoi pwysau ar bobl o dan amgylchiadau o'r fath, o gofio bod y bobl hyn dan glo am o leiaf 18 awr yn yr adain remand mewn carchar Fictoriaidd. Rhaid i swyddogion fod yn gwbl ddi-fai o ran honiadau o'r fath, ac yn cael eu gweld felly.

Edwina Hart: Yr oedd hwnnw yn un o'r

raised yesterday. I was accompanied yesterday by church leaders and by lawyers who represent some of the detainees. It is important to recognise that we raised these points. It is up to me to raise that area of concern. I have also asked various groups to provide me with information about specific examples, because I need to be able to take those examples to the Home Office with details about the names of the people involved and the kind of pressures placed on them concerning repatriation. Were they aware of what they were asked to sign? These are all important human rights issues.

William Graham: We are grateful for your statement and we know of your genuine concern for the plight of the asylum seekers in prison. Although we may differ politically on the solution, the moral and humane aspect of this case is one that has strong cross-party support in this Assembly. I will ask some questions about the National Asylum Support Service agreement, and it is regrettable that it is delayed further. Will there be a proper mechanism for vetting accommodation in Wales and is there a commitment not to charge council tax payers for the additional costs involved? We ask that these costs should be met by the Home Office budget.

We know that approximately 78 per cent of asylum seekers are likely to be deported. In agreeing to implement secure accommodation, do you not agree that, at the very least, category C detention centres should be used and that the use of a category B prison is wholly inappropriate? I know that you will join me in commending prison officers for working under difficult circumstances. It is not the prison service that we condemn, but the policy. We also welcome the involvement of the Assembly's Committee on Equality of Opportunity.

You enjoy the confidence and respect of this Assembly, Minister, and I know that, if you put your mind to it, you will present a robust case and you will tell the Home Office Ministers that this policy is not acceptable in Wales. I ask you to make that statement to them in the strongest possible terms. I know that you will report back to us on your

materion a godwyd ddoe. Bu arweinwyr eglwysi a chyfreithwyr sydd yn cynrychioli rhai o'r ceiswyr lloches ar yr ymweliad gyda mi ddoe. Mae'n bwysig cydnabod inni godi'r pwyntiau hyn. Fi fydd yn gyfrifol am godi'r pryder hwn. Gofynnais hefyd i wahanol grwpiau roi gwybod imi am enghreifftiau penodol, am fod angen imi gyflwyno'r enghreifftiau hynny i'r Swyddfa Gartref ynghyd â manylion am enwau pobl dan sylw a'r math o bwysau a roddwyd arnynt o ran dychwelyd adref. A oeddent yn ymwybodol o'r hyn y gofynnwyd iddynt ei lofnodi? Mae'r rhain oll yn faterion pwysig o ran hawliau dynol.

William Graham: Yr ydym yn ddiolchgar am eich datganiad a gwyddom eich bod yn wirioneddol bryderus am sefyllfa ceiswyr lloches mewn carchardai. Er nad ydym yn cytuno ar yr ateb o safbwynt gwleidyddol, caiff agwedd foesol a dyngarol yr achos hwn gefnogaeth drawsbleidiol yn y Cynulliad hwn. Gofynnaf rai cwestiynau am gytundeb y Gwasanaeth Cynnal Cenedlaethol i Geiswyr Lloches, ac mae'n anffodus bod oedi pellach. A fydd dull priodol o werthuso llety yng Nghymru ac a oes ymrwymiad i beidio â chodi tâl ar dalwyr y dreth gyngor am y costau ychwanegol dan sylw? Gofynnwn i'r costau hyn gael eu talu drwy gyllideb y Swyddfa Gartref.

Gwyddom fod tua 78 y cant o geiswyr lloches yn debygol o gael eu hanfon adref. Wrth gytuno ar sicrhau llety diogel, oni chytunwch y dylid defnyddio canolfannau cadw categori C ar y lleiaf, a bod defnyddio carchar categori B yn gwbl amhriodol? Gwn y byddwch yn ymuno â mi i ganmol swyddogion y carchar am weithio o dan amgylchiadau anodd. Nid y gwasanaeth carchardai a feirniadwn, ond y polisi. Yr ydym hefyd yn croesawu cyfranogiad Pwyllgor Cyfle Cyfartal y Cynulliad.

Yr ydych wedi ennyn hyder a pharch y Cynulliad hwn, Weinidog, a gwn, os rhowch eich meddwl ar waith, y byddwch yn cyflwyno achos cadarn ac yn dweud wrth Weinidogion y Swyddfa Gartref nad yw'r polisi hwn yn dderbyniol yng Nghymru. Gofynnaf ichi wneud y datganiad hwnnw iddynt yn y ffordd gryfaf bosibl. Gwn y

success.

Edwina Hart: I would be delighted to report back if I have any success. I suggested the involvement of the Committee on Equality of Opportunity as it has experience of cross-party work and has been able to get to grips with issues without the interference of politics in some discussions. It would be all grist to the mill if the Committee on Equality of Opportunity were to undertake an information-gathering exercise and take evidence. That would assist us in our discussions with the Home Office. I have already been robust in my dealings with the Home Office on this issue.

3:40 p.m.

On the National Asylum Support Service, an issue has been raised about the contract. There are concerns about the type of accommodation being used. I will take that issue forward. It will be useful when representatives of that organisation attend a Committee meeting—Brian Hartley leads the team in Wales—so that we can ask them questions.

The issue of costs for council tax payers is relevant. If the full tab is not being picked up by the Home Office, it is not only council tax payers who might end up having to pay; the Assembly and myself will have to consider resource implications. Jane has already made £1 million available in her budget to deal with the medical implications. If the Home Office wants this system, it should fund it properly.

On our visit to the prison, the prison staff were helpful even though they are in a difficult situation. We must recognise that they are undertaking their duty, however unpleasant that may be.

Alison Halford: I thank the Minister for giving up so much of her time. She has participated in a demonstration and looked carefully into this sensitive, contentious and unpalatable situation. The Minister is right. If

byddwch yn rhoi adroddiad inni ar eich llwyddiant.

Edwina Hart: Byddwn yn falch iawn o roi adroddiad os caf lwyddiant. Awgrymais gyfraniad y Pwyllgor Cyfle Cyfartal gan fod ganddo brofiad o weithio'n drawsbleidiol a'i fod wedi llwyddo i fynd i'r afael â materion heb i wleidyddiaeth ymyrryd mewn rhai trafodaethau. Byddai'n fanteisiol pe bai'r Pwyllgor ar Gyfle Cyfartal yn gallu ymgymryd ag ymarfer casglu gwybodaeth a chymryd tystiolaeth. Byddai hynny yn ein cynorthwyo yn ein trafodaethau gyda'r Swyddfa Gartref, gan fy mod eisoes wedi bod yn gadarn yn fy nhrafodaethau gyda'r Swyddfa Gartref ynglŷn â'r mater hwn.

O ran y Gwasanaeth Cynnal Cenedlaethol i Geiswyr Lloches, codwyd mater ynglŷn â'r contract. Mae pryderon am y math o lety a ddefnyddir. Byddaf yn mynd ar drywydd y mater hwnnw. Bydd yn ddefnyddiol pan fydd cynrychiolwyr o'r sefydliad hwnnw yn mynychu cyfarfod o'r Pwyllgor—Brian Hartley sydd yn arwain y tîm yng Nghymru—fel y gallwn ofyn cwestiynau iddynt.

Mae'r costau i dalwyr y dreth gyngor yn fater perthnasol. Os na fydd y Swyddfa Gartref yn talu pob cost, nid dim ond talwyr y dreth gyngor fydd yn gorfod eu talu yn y pen draw; bydd yn rhaid i'r Cynulliad a minnau ystyried y goblygiadau o ran adnoddau. Mae Jane eisoes wedi sicrhau bod £1 filiwn ar gael yn ei chyllideb i ymdrin â'r goblygiadau meddygol. Os yw'r Swyddfa Gartref yn awyddus i gael y system hon, dylai ei hariannu'n briodol.

Yn ystod ein hymweliad â'r carchar, yr oedd staff y carchar yn barod eu cymwynas er eu bod mewn sefyllfa anodd. Rhaid inni gydnabod eu bod yn ysgwyddo eu dyletswydd, pa mor annymunol bynnag y gallai fod.

Alison Halford: Diolchaf i'r Gweinidog am roi cymaint o'i hamser. Cymerodd ran mewn gwrthdystiad ac ystyriodd y sefyllfa sensitif, ddadleuol ac annymunol hon yn ofalus. Mae'r Gweinidog yn llygad ei lle. Os yw

Home Office policy is wrong, crass or clumsy—unfortunate as that is—then it is right for the Assembly to ask for an explanation.

I know people who participated in that demonstration. It was a dignified and well-attended affair. Through Edwina's intervention and actions, we will add to the Assembly's status.

Edwina Hart: Although this issue is difficult, it has been exceptionally useful. There is cross-party support for the humanitarian line that the National Assembly is taking. That almost takes the issue above politics. The most pleasing aspect of the demonstration that I attended—and I think that Owen John was also there—was the large number of contributions and the fact that no party political contributions were made. That was welcome.

Cynog Dafis: Ymunaf yn y diolchiadau i'r Gweinidog am ei rôl yn y mater hwn ac am ei datganiad cryf a gonest, er nad yw'n adlewyrchu'n ffafriol ar bolisi Llywodraeth y Deyrnas Unedig.

Mae rhai ceiswyr lloches yn cael anhawster wrth gael mynediad i gyngor gan gyfreithwyr. Nid oes gan gyfreithwyr yr hawl i ffonio ceiswyr lloches ac mae hynny'n cyfyngu'n llym ar eu gallu i gael cyngor o'r fath. A oes rhywbeth y gallwch ei wneud i bwysu am newid yn hyn o beth? A dderbyniwch fod rhai o'r mudiadau gwirfoddol, er enghraifft, Displaced People in Action Wales, Rhwydwaith Lloches Caerdydd a'r Cylch ac ati, mewn sefyllfa dda i roi cyngor i geiswyr lloches? Maent mewn sefyllfa well ar lawer ystyr na rhai o'r gwasanaethau statudol oherwydd bod ganddynt wybodaeth benodol ac arbenigol o broblemau ceiswyr lloches.

Edwina Hart: I concur with your last point. Such organisations can give expert advice to asylum seekers. Contact with lawyers is very much on our minds. We must ensure that asylum seekers have appropriate access to their legal representatives, especially when immigration officials turn up. I have asked for as much information as possible to be

polisi'r Swyddfa Gartref yn anghywir, yn amrwd neu'n drwsgl—er mor anffodus—yna mae'n briodol i'r Cynulliad ofyn am eglurhad.

Gwn am bobl a gymerodd ran yn y gwrthdystiad hwnnw. Yr oedd yn ddigwyddiad urddasol a fynychwyd gan nifer fawr o bobl. Drwy ymyrraeth a gweithrediadau Edwina, ychwanegwn at statws y Cynulliad.

Edwina Hart: Er bod y mater hwn yn anodd, bu'n hynod ddefnyddiol. Mae cefnogaeth drawsbleidiol i'r agwedd ddyngarol a fabwysiedir gan y Cynulliad Cenedlaethol. Golyga hynny fod y mater hwn bron yn goresgyn gwleidyddiaeth. Yr agwedd fwyaf dymunol ar y gwrthdystiad a fynychais—a chredaf fod Owen John yno hefyd—oedd y nifer fawr o gyfraniadau a'r ffaith na wnaethpwyd unrhyw gyfraniadau pleidiol. Croesawyd hynny.

Cynog Dafis: I join in the thanks to the Minister for her role in this matter and for her strong and honest statement, although it does not reflect favourably upon the United Kingdom Government's policy.

Some asylum seekers are having difficulty in gaining access to advice from solicitors. Solicitors do not have the right to telephone asylum seekers and that severely restricts their ability to obtain such advice. Is there anything that you can do to bring pressure to bear to change this? Do you accept that some voluntary bodies, for example, Displaced People in Action Wales, Cardiff and District Asylum Network and so on, are in a good position to give advice to asylum seekers? They are better suited in many respects than some of the statutory services because they have specific and expert knowledge of the problems of asylum seekers.

Edwina Hart: Cytunaf â'ch pwynt olaf. Gall sefydliadau o'r fath roi cyngor arbenigol i geiswyr lloches. Mae cyswllt â chyfreithwyr yn ein meddyliau ar hyn o bryd. Rhaid inni sicrhau bod gan geiswyr lloches fynediad priodol i'w cynrychiolwyr cyfreithiol, yn enwedig pan ddaw swyddogion mewn fudo i'w gweld. Gofynnais i gymaint o wybodaeth

collated about flaws in the system, so that we can change it.

Although asylum seekers are being held in the remand wing, they should be treated differently from remand prisoners held in prison. They should have the rights that we would expect if we were to seek asylum in another country, that is, access to a lawyer and the ability to talk to somebody in their own language.

Yesterday's visit was useful in that we made progress in terms of discussions about the organisations established to visit them and ensuring more contact. The prison service was helpful in indicating that, if a governor were contacted directly on any issue, he or she would be prepared to listen to the comments of lawyers and other representatives. That was positive.

We must recognise that this is not a devolved matter. However, we can intervene to an extent in terms of the humanitarian issues involved and we will take the points made in the Chamber today further.

Peter Black: I also welcome this good statement and the announcement that Edwina is seeking to have a Committee on Equality of Opportunity inquiry into this issue. Asking the bodies responsible at the UK level to give evidence to a Committee is a way of bringing out the points made in the Chamber today, and making known to them the strength of feeling of all four parties in the Assembly. My colleague Jenny Randerson visited Cardiff prison in early March; the prison and Adams Court are in her constituency, Cardiff Central. She has also written to Barbara Roche, but unfortunately has had no response to either of her letters. There is a problem with the flow of information from the Home Office on this matter. I hope, when you finally get a meeting with Barbara Roche, that you can convey that to her, or to her successor after the general election. I hope that you will also convey to her that feelings are running high on this matter. Two points in your statement were particularly important: that alternative accommodation should be made available at the earliest possible opportunity, and that the Home

â phosibl gael ei chasglu am ddiffygion y system, er mwyn inni ei newid.

Er y cedwir ceiswyr lloches yn yr adain remand, dylent gael eu trin yn wahanol i'r carcharorion remand a gedwir yn y carchar. Dylai fod ganddynt yr hawliau y byddem ni yn eu disgwyl pe baem yn ceisio lloches mewn gwlad arall, hynny yw, mynediad i gyfreithiwr a'r cyfle i siarad â rhywun yn eu hiaith eu hunain.

Yr oedd yr ymweliad ddoe yn ddefnyddiol o safbwynt y cynnydd a wnaethom yn y trafodaethau am y sefydliadau y pennwyd i ymweld â hwy a sicrhau mwy o gyswllt. Yr oedd yn ddefnyddiol bod y gwasanaeth carchardai wedi nodi y byddai llywodraethwr, pe cysylltwyd yn uniongyrchol ag ef neu hi, yn barod i wrando ar sylwadau cyfreithwyr a chynrychiolwyr eraill. Yr oedd hynny'n gadarnhaol.

Rhaid inni gydnabod nad mater datganoledig yw hyn. Fodd bynnag, gallwn ymyrryd i raddau o ran y materion dyngarol dan sylw a byddwn yn gweithredu ar y pwyntiau a wnaethpwyd yn y Siambr hon heddiw.

Peter Black: Croesawaf innau hefyd y datganiad da hwn a'r cyhoeddiad bod Edwina yn ceisio ymchwiliad gan y Pwyllgor Cyfle Cyfartal ar y mater hwn. Mae gofyn i'r cyrff sydd yn gyfrifol ar lefel y DU roi tystiolaeth i Bwyllgor yn fodd o godi'r pwyntiau a wnaethpwyd yn y Siambr hon heddiw, ac o roi gwybod iddynt pa mor gryf yw'r teimladau ymhlith pob un o'r pedair plaid yn y Cynulliad. Ymwelodd fy nghyd-Aelod Jenny Randerson â charchar Caerdydd ddechrau mis Mawrth; mae'r carchar a Chwrt Adams yn ei hetholaeth, Caerdydd Ganolog. Ysgrifennodd hithau at Barbara Roche, ond yn anffodus ni chafodd ateb i'w dau lythyr. Ceir problem o ran llif yr wybodaeth o'r Swyddfa Gartref ar y mater hwn. Gobeithiaf, pan fyddwch yn cyfarfod â Barbara Roche, y gallwch gyfleu hynny iddi neu i'w holynydd ar ôl yr etholiad cyffredinol. Gobeithiaf y byddwch hefyd yn cyfleu'r ffaith bod teimladau cryf ynghylch y mater hwn. Yr oedd dau bwynt yn eich datganiad yn arbennig o bwysig: y dylid sicrhau bod llety amgen ar gael ar y cyfle cyntaf posibl, ac y dylid newid canllawiau'r Swyddfa Gartref

Office guidance that leads to prisoners being shackled should be changed as soon as possible. The current practices lead to inhumane treatment and need to be changed.

Edwina Hart: I would be happy to take that up. I cannot answer for civil servants in the Home Office regarding Jenny Randerson's correspondence. Jenny was also present on Saturday and we saw a well-organised demonstration expressing how people felt about this issue. There are key areas where we must move in terms of how people are held, if they are to continue to be held in these centres. It was indicated during our visit yesterday that it was thought that after September asylum seekers would no longer be held in Cardiff prison. However, that raises the wider issue of detaining asylum seekers. It was encouraging to see, in the opinion poll in *The Guardian* yesterday, what people thought about asylum seekers and about them being able to stay in Britain.

sydd yn arwain at garcharorion yn cael eu hualu, cyn gynted â phosibl. Mae'r arferion presennol yn arwain at driniaeth annynol ac mae angen eu newid.

Edwina Hart: Byddwn yn fodlon codi hynny. Ni allaf ateb ar ran y gweision sifil yn y Swyddfa Gartref o ran gohebiaeth Jenny Randerson. Yr oedd Jenny yn bresennol ddydd Sadwrn hefyd a gwelsom wrthdystiad trefnus, a fynegodd deimladau pobl ar y mater hwn. Mae meysydd allweddol lle y mae'n rhaid inni weithredu o ran sut y caiff pobl eu cadw, os ydynt yn parhau i gael eu cadw yn y canolfannau hyn. Nodwyd yn ystod ein hymweliad ddoe, y credid na fyddai ceiswyr lloches yn cael eu cadw yng ngharchar Caerdydd ar ôl mis Medi. Fodd bynnag, cyfyd hynny y mater ehangach o gadw ceiswyr lloches. Yr oedd yn galonogol gweld yn yr arolwg barn yn *The Guardian* ddoe, beth oedd barn pobl ar geiswyr lloches a pha un a ddylent gael aros ym Mhrydain.

Datganiad Busnes Business Statement

The Minister for Assembly Business (Andrew Davies): The business for the next three weeks is as follows. The Assembly will be in recess from 28 May to 1 June. Business on 5 June will be as I reported last week. On 12 June, business will include motions to approve a number of items of legislation, and two special grant reports, as detailed on the Chamberweb. That will be followed by the main item of business, which is a statement on the carers Wales implementation plan, and falling from the implementation plan there will be motions to approve three items of subordinate legislation, which will include the Carers and Disabled Children Act 2000 (Commencement No. 1) (Wales) Order 2001 and the carers special grant report. On 14 June there will be a debate on the rural development plan, a motion to approve the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001, and a short debate. On 19 June there will be the first of two debates on the Local Government Act 2000, a motion to approve the Education (School Government) (Wales) (Amendment) Regulations 2001 and a short debate. On 21 June there will be an item on the Welsh

Y Trefnydd (Andrew Davies): Mae'r busnes ar gyfer y tair wythnos nesaf fel a ganlyn. Bydd y Cynulliad ar doriad o 28 Mai i 1 Mehefin. Bydd y busnes ar 5 Mehefin fel y nodais yr wythnos diwethaf. Ar 12 Mehefin, bydd y busnes yn cynnwys cynigion i gymeradwyo nifer o ddarnau o ddeddfwriaeth, a dau adroddiad grant arbennig, fel y nodir ar we'r Siambr. Dilynir hynny gan y prif fusnes, sef datganiad ar gynllun gweithredu Cymru i ofalwyr, ac yn sgîl y cynllun gweithredu, bydd cynigion i gymeradwyo tri darn o is-ddeddfwriaeth, a fydd yn cynnwys Gorchymyn Deddf Gofalwyr a Phlant Anabl 2000 (Cychwyn Rhif 1) (Cymru) 2001 a'r adroddiad grant arbennig ofalwyr. Ar 14 Mehefin, bydd dadl ar y cynllun datblygu gwledig, cynnig i gymeradwyo'r Rheoliadau Cig (Pwerau Gorfodi Ehangach) (Cymru) 2001, a dadl fer. Ar 19 Mehefin, cawn y cyntaf o ddwy ddadl ar Ddeddf Llywodraeth Leol 2000, cynnig i gymeradwyo'r Rheoliadau Addysg (Llywodraethu Ysgolion) (Cymru) (Diwygio) 2001 a dadl fer. Ar 21 Mehefin, bydd eitem am y Fagloriaeth Gymreig, yr ail o ddwy ddadl ar Ddeddf Llywodraeth Leol 2000, a

Baccalaureate, the second of the two debates on the Local Government Act 2000, and a short debate.

Finally, on the advice of the Business Committee this morning, the Deputy Presiding Officer has determined, in accordance with Standing Order No. 22.5, that the following 17 items of subordinate legislation need not be referred to Subject Committees: the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2001, the Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2001, the Local Authorities (Proposals for Executive Arrangements) (Wales) Order 2001, the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001, the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001, the Local Authorities (Proposals for Alternative Arrangements) (Wales) Regulations 2001, the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001, the Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001, the Conduct of Members (Principles) (Wales) Order 2001, the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, the Conduct of Members (Model Code of Conduct) (Wales) Order 2001, the Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001, the Standards Committees (Wales) Regulations 2001, the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, the Local Commissioner in Wales (Standards Investigations) Order 2001, the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 and finally the Commission for Local Administration in Wales and Local Commissioner in Wales (Functions and Expenses) Regulations 2001. As in previous weeks, arrangements will be made to post a copy of the business statement to both the intranet and the internet today.

3:50 p.m.

The Presiding Officer: Are there any **Y Llywydd:** A oes unrhyw wrthwynebiadau

dadl fer.

Yn olaf, ar gyngor y Pwyllgor Busnes y bore hwn, penderfynodd y Dirprwy Lywydd, yn unol â Rheol Sefydlog Rhif 22.5, nad oes angen cyfeirio'r 17 darn canlynol o is-ddeddfwriaeth at y Pwyllgorau Pwnc: Rheoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Swyddogaethau a Chyfrifoldebau) (Cymru) 2001, Rheoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Cyflawni Swyddogaethau) (Cymru) 2001, Gorchymyn Awdurdodau Lleol (Cynigion ar gyfer Trefniadau Gweithrediaeth) (Cymru) 2001, Rheoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Penderfyniadau, Dogfennau a Chyfarfodydd) (Cymru) 2001, Rheoliadau Awdurdodau Lleol (Refferenda) (Deisebau a Chyfarwyddiadau) (Cymru) 2001, Rheoliadau Awdurdodau Lleol (Cynigion ar gyfer Trefniadau Amgen) (Cymru) 2001, Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) 2001, Rheoliadau Cod Ymddygiad (Cyflogeion Anghymwys Llywodraeth Leol) (Cymru) 2001, Gorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001, Gorchymyn Cod Ymddygiad (Cyflogeion Cymwys Llywodraeth Leol) (Cymru) 2001, Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001, Rheoliadau Dyfarniadau gan Dribiwnlysoedd Achos a Thribiwnlysoedd Achos Interim (Cymru) 2001, Rheoliadau Pwyllgorau Safonau (Cymru) 2001, Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001, Gorchymyn Comisiynydd Lleol yng Nghymru (Ymchwiliadau Safonau) 2001, Rheoliadau Pwyllgor Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 ac yn olaf, Rheoliadau'r Comisiwn dros Weinyddu Lleol yng Nghymru a Chomisiynydd Lleol yng Nghymru (Swyddogaethau a Threuliau) 2001. Fel yn yr wythnosau diwethaf, trefnir i gopi o'r datganiad busnes gael ei roi ar y fewnrwyd a'r rhyngwyd heddiw.

objections to the business statement? I see that there are. Do at least 10 Members object? I see that they do. In that case, I call on the Minister for Assembly Business, under Standing Order No. 5.4, to formally propose that the statement be adopted.

Andrew Davies: I propose that

the Assembly adopts the business statement.

The Presiding Officer: I can now allow one Member from each political group to speak briefly in response to the motion.

Jocelyn Davies: I gave Andrew previous notice that we would be objecting to his business statement. We have made repeated requests, in the Business Committee and in Plenary, for a debate on the issues surrounding the activities of the WJEC and its European unit and their implications for the standing of the Deputy First Minister. A statement will not do. A debate with a resolution is required. We ask you to reconsider tabling a debate for our next Plenary session. On the matter of influence or prejudice on legal proceedings, we are subject to sub judice, under Standing Order No. 7.13, which means that we can debate matters right up to the point of court proceedings. There is nothing to prevent us from having a debate.

William Graham: I stress that the Welsh Conservative group greatly feels that a debate on this matter is necessary. The matter is of urgent public importance. It gets to the root of the authority of a Minister and the standing of the Assembly. We urge that an early debate be held.

The Presiding Officer: Since no other party group wishes to contribute, I will allow the Minister to reply before calling a vote.

Andrew Davies: The First Minister made our position abundantly clear in his measured statement in response to the referral of the Bentley Jennison report to South Wales Police. We agree as an administration that it would be wholly inappropriate to have a debate at this stage. We feel that the statement made by the First Minister is

i'r datganiad busnes? Gwelaf fod gwrthwynebiadau. A oes o leiaf 10 Aelod yn gwrthwynebu? Gwelaf eu bod. Yn yr achos hwnnw, galwaf ar y Trefnydd, o dan Reol Sefydlog Rhif 5.4, i gynnig yn ffurfiol y caiff y datganiad ei dderbyn.

Andrew Davies: Cynigïaf fod

y Cynulliad yn derbyn y datganiad busnes.

Y Llywydd: Gallaf bellach ganiatáu i un Aelod o bob grŵp gwleidyddol siarad yn gryno mewn ymateb i'r cynnig.

Jocelyn Davies: Rhoddais rybudd i Andrew ymlaen llaw y byddem yn gwrthwynebu ei ddatganiad busnes. Yr ydym wedi gwneud ceisiadau cyson, yn y Pwyllgor Busnes ac mewn Cyfarfodydd Llawn, am ddatl ar y materion sydd yn gysylltiedig â gweithgareddau CBAC a'i uned Ewropeaidd a'u goblygiadau i statws Dirprwy Brif Weinidog Cymru. Ni fydd datganiad yn ddigonol. Mae angen dadl â phenderfyniad. Gofynnwn ichi ailystyried cyflwyno dadl ar gyfer ein Cyfarfod Llawn nesaf. O ran dylanwad neu ragfarn ar achos cyfreithiol, yr ydym yn ddarostyngedig i *sub judice*, o dan Reol Sefydlog Rhif 7.13, sydd yn golygu y gallwn ddatlau materion hyd at ddechrau achos llys. Nid oes dim i'n hatal rhag cael dadl.

William Graham: Pwysleisiaf fod grŵp Ceidwadwyr Cymru yn credu'n gryf bod angen dadl ar y mater hwn. Mae'n fater o bwys mawr i'r cyhoedd. Mae'n mynd at wraidd awdurdod Gweinidog a statws y Cynulliad. Pwyswn arnoch i gynnal dadl yn fuan.

Y Llywydd: Gan nad oes grŵp unrhyw blaid arall yn dymuno gwneud cyfraniad, caniatâf i'r Gweinidog ateb cyn galw pleidlais.

Andrew Davies: Esboniwyd ein safbwynt yn berffaith glir gan Brif Weinidog Cymru yn ei ddatganiad pwylllog mewn ymateb i'r ffaith bod adroddiad Bentley Jennison wedi'i gyfeirio at Heddlu De Cymru. Cytunwn fel gweinyddiaeth y byddai'n gwbl amhriodol cael dadl ar hyn o bryd. Credwn fod y datganiad a wnaethpwyd gan y Prif Weinidog

appropriate and that a debate would run the risk of being prejudicial to the proceedings. Therefore we would oppose having a debate and I hope that Members reject that idea.

yn briodol ac y byddai dadl yn debygol o niweidio'r achos. Felly, byddwn yn gwrthwynebu cael dadl a gobeithiaf y bydd yr Aelodau yn gwrthod y syniad hwnnw.

Cynnig: O blaid 27, Ymatal 0, Yn erbyn 20

Motion: For 27, Abstain 0, Against 20

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

Barrett, Lorraine
Bates, Mick
Black, Peter
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Davidson, Jane
Davies, Andrew
Davies, Ron
Edwards, Richard
Essex, Sue
Evans, Delyth
Gibbons, Brian
Gregory, Janice
Griffiths, John
Halford, Alison
Hutt, Jane
Jones, Carwyn
Law, Peter
Lewis, Huw
Middlehurst, Tom
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Thomas, Gwenda
Williams, Kirsty

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

Bourne, Nick
Cairns, Alun
Dafis, Cynog
Davies, David
Davies, Glyn
Davies, Janet
Davies, Jocelyn
Graham, William
Hancock, Brian
Jones, Elin
Jones, Gareth
Lloyd, David
Melding, David
Morgan, Jonathan
Richards, Rod
Rogers, Peter
Ryder, Janet
Thomas, Owen John
Thomas, Rhodri Glyn
Wigley, Dafydd

*Derbyniwyd y cynnig.
Motion adopted.*

Pwyntiau o Drefn Points of Order

Ieuan Wyn Jones: Pwynt o drefn. Mae dau bwynt pwysig yn codi o'r drafodaeth ac yn arbennig o sylwadau'r Prif Weinidog. Fe'ch cyfeiriaf at Reol Sefydlog Rhif 7.13, Lywydd, sydd yn gosod y rheolau pan wneir cais am ddadl lle mae achos yn *sub judice*. Dyfynnaf o ddatganiad y Prif Weinidog:

'It is also my absolute conviction that it would be quite improper for this Assembly to comment further on the matter.'

Yr oeddwn o dan yr argraff mai chi, Lywydd, oedd yn penderfynu a oedd unrhyw beth yn

Ieuan Wyn Jones: Point of order. Two important points arise from the discussion and particularly the First Minister's comments. I refer you to Standing Order No. 7.13, Llywydd, which states the rules when a debate is requested on an issue that is *sub judice*. I quote from the First Minister's statement:

'Yr wyf hefyd yn gwbl argyhoeddedig y byddai'n hollol amhriodol i'r Cynulliad hwn wneud unrhyw sylwadau pellach ar y mater.'

I was under the impression that you, Presiding Officer, decided whether a matter

addas i gael ei drafod yn y Cynulliad. Gofynnaf i chi roi sylwadau ar Reol Sefydlog Rhif 7.13, ac i gadarnhau mai'r unig adeg y byddech yn ystyried ei bod yn amhriodol i'r Cynulliad drafod mater fyddai pe bai achos llys wedi dechrau.

Dywedodd y Prif Weinidog nad oedd yn briodol iddo ef gyfeirio at y ffaith fod y Cwnsler Cyffredinol wedi cael trafodaeth ynglŷn â'r bwriad i gael ymchwiliad barnwrol. Gofynnaf i chi, Lywydd, farnu ar hynny. A ydyw'n briodol i Aelodau'r Cynulliad gael gwybod os yw swyddog a gyflogir gan y Cynulliad wedi rhoi cyngor i'r glymblaid ar y mater hwnnw? Mae hwnnw'n fater difrifol. Mae gan Aelodau'r Cynulliad a phobl Cymru yr hawl i gael gwybod os yw un o swyddogion y Cynulliad wedi rhoi cyngor yn yr amgylchiadau hynny.

Prif Weinidog Cymru: Ymhellach i'r pwynt hwnnw o drefn, o ran rhagfarn yn yr achos hwn, ni ddywedais ei fod yn *sub judice*. Deallaf gystal ag unrhyw un beth yw ystyr *sub judice*, sef bod mater o flaen barnwr a llys barn. Nid dyna a ddywedais. Nid wyf erioed wedi defnyddio'r ymadrodd '*sub judice*'. Yr hyn a ddywedais oedd ei fod yn dod i mewn i'r cwestiwn o ragfarn, yn yr ystyr gyfreithiol. Mae perygl mawr yn hyn o beth. Derbyniaf mai mater i'r Llywydd yw penderfynu ar unrhyw fater o'r fath.

Ar gwestiwn Ieuan a Nick ynglŷn â phryd y rhoddwyd cyngor gan y Cwnsler Cyffredinol, yr wyf wastad wedi cymryd yn ganiataol na allwch fy holi ynglŷn â hynny oherwydd braint gyfreithiol.

Nick Bourne: Further to that point of order, on that last point, the issue relating to the Counsel General is that the leaked papers indicate that he was involved. The First Minister has as good as confirmed it. The issue here is not whether he has given advice, but whether he has given advice outside of his remit as a public servant in relation to Assembly business. It is not Assembly business to get the Liberals off the hook in the general election.

The Presiding Officer: First, on the matters relating to the Counsel General, any advice

is appropriate to be debated in the Assembly. I ask you to comment on Standing Order No. 7.13, and to confirm that the only time you would consider it inappropriate for the Assembly to discuss an issue would be if a court case had commenced.

The First Minister stated that it was inappropriate for him to refer to the fact that the Counsel General held discussions about the intention to hold a judicial inquiry. I ask you, Presiding Officer, to rule on this. Is it appropriate for Assembly Members to be told if an official who is employed by the Assembly has given advice to the coalition on this issue? That is a serious issue. Assembly Members and the people of Wales have the right to know if an Assembly official has given advice under those circumstances.

The First Minister: Further to that point of order, regarding prejudice in this case, I did not say that it was sub judice. I understand as well as the next man what sub judice means, namely that a matter is before a judge and a court. That is not what I said. I have never used the term 'sub judice'. What I said was that it came into the question of prejudice, in the legal sense. There is a great danger in this respect. I accept that it is for the Presiding Officer to decide on any such matter.

On Ieuan and Nick's question about when the Counsel General gave advice, I have always taken it for granted that you cannot ask me about this matter, because of legal privilege.

Nick Bourne: Ymhellach i'w pwynt hwnnw o drefn, ar y pwynt olaf hwnnw, y mater sydd yn ymwneud â'r Cwnsler Cyffredinol yw bod y papurau cyfrinachol a ddatgelwyd yn nodi ei fod yn rhan o'r mater hwn. Bu i Brif Weinidog Cymru cystal â chadarnhau hynny. Nid pa un a roddodd gyngor yw'r mater dan sylw, ond a roddodd gyngor y tu allan i'w gylch gwaith fel gwas cyhoeddus o ran busnes y Cynulliad. Nid busnes y Cynulliad yw achub croen y Democratiaid Rhyddfrydol yn yr etholiad cyffredinol.

Y Llywydd: Yn gyntaf, ar y materion yn ymwneud â'r Cwnsler Cyffredinol, nid mater

that the Counsel General, as a law officer, provides for the Executive and the First Minister is not a matter for me. If members of the Office of the Counsel General provide advice to Assembly Committees, that is a matter for me. I have my own legal adviser, and I have the advice of the Clerk.

Ar fater beth sydd yn *sub judice*, mae Rheol Sefydlog Rhif 7.13 yn gwbl glir. Dyna'r unig Reol Sefydlog sydd yn pennu yr hyn y gellir ei drafod yn y Cynulliad. Mater o farn yw beth fyddai'n rhagfarnu unrhyw unigolyn. Yn naturiol, mae'n briodol ein bod yn cadw at ein Rheolau Sefydlog bob amser. Mae hynny'n cynnwys ymddwyn yn gwrtais tuag at Aelodau. Fodd bynnag, mae'n gwbl glir yn ôl y Rheolau Sefydlog bod y mater hwn yn agored i drafodaeth hyd nes y bydd y cymal hwn o'n Rheolau Sefydlog yn dod i rym. Noda Rheol Sefydlog Rhif 7.13,

'Yn dibynnu ar hawl y Cynulliad i ddeddfu ar unrhyw fater o fewn ei allu, ni fydd Aelod yn codi unrhyw fater nac yn mynd ar drywydd unrhyw fater mewn unrhyw un o drafodion y Cynulliad pan fydd achos llys wedi'i gychwyn, neu pan fydd hysbysiad apêl wedi'i roi, tan yr adeg y bydd dyfarniad wedi'i roi'.

Jocelyn Davies: Point of order. I raise this under Standing Order No. 6.13. The First Minister has today made great play of the claim that I refused to return the notebook of the Government's special adviser. I must set the record straight. The notebook was offered to the Minister for Assembly Business, who told me that it did not belong to a Labour official, but he wanted it anyway. That is why it was not handed back, so there is little point in trying to grasp the moral high ground on this. Who here would not read the notebook of, say, Alastair Campbell, if they came across it? I asked Andrew to reconsider and, as soon as I was made aware that he had changed his mind and that it was the property of a Labour official, the notebook was made available to him.

4:00 p.m.

i mi yw unrhyw gyngor a rydd y Cwnsler Cyffredinol, fel swyddog y gyfraith, i'r Weithrediaeth a Phrif Weinidog Cymru. Os rhydd aelodau o Swyddfa'r Cwnsler Cyffredinol gyngor i Bwyllgorau'r Cynulliad, mater imi yw hwnnw. Mae gennyf fy nghynghorydd cyfreithiol fy hun, a chaf gyngor gan y Clerc.

On the matter of what is sub judice, Standing Order No. 7.13 is quite clear. That is the only Standing Order that states what can be discussed in the Assembly. It is a matter of opinion what would prejudice any individual. Naturally, it is appropriate that we keep to our Standing Orders at all times. That includes behaving courteously towards Members. However, it is quite clear according to Standing Orders that this matter is open for debate until this clause of our Standing Orders comes into force. Standing Order No. 7.13 notes,

'Subject to the right of the Assembly to legislate on any matter within its competence, a Member shall not raise or pursue in any proceedings of the Assembly any matter where court proceedings have been initiated, or where notice of appeal has been given, until the time when judgement has been given'.

Jocelyn Davies: Pwynt o drefn. Codaf y mater hwn o dan Reol Sefydlog Rhif 6.13. Mae'r Prif Weinidog wedi gwneud môr a mynydd heddiw o'r honiadau fy mod wedi gwrthod dychwelyd llyfr nodiadau cynghorydd arbennig y Llywodraeth. Rhaid imi gywiro hynny. Cynigiwyd y llyfr nodiadau i'r Trefnydd, a ddywedodd wrthyf nad oedd yn perthyn i swyddog y Blaid Lafur, ond yr oedd am ei gael beth bynnag. Dyna'r rheswm pam na chafodd ei ddychwelyd, ac felly nid oes llawer o werth ceisio bod yn hunangyfiawn yn hyn o beth. Pwy yma na fyddai'n darllen llyfr nodiadau Alastair Campbell, er enghraifft, pe deuai i'w golwg? Gofynnais i Andrew ailystyried, a chyn gynted ag y dywedwyd wrthyf ei fod wedi newid ei feddwl a bod y llyfr nodiadau yn perthyn i swyddog y Blaid Lafur, fe'i rhoddwyd iddo.

Andrew Davies: Further to that point of order, I have a record of the e-mails that went back and forth between myself and the Plaid Cymru business manager, and at no stage did I say that the notebook did not belong to one of our special advisers. I said that I did not know whose it was. However, Jocelyn stated in her e-mail that it clearly belonged to one of our special advisers. I said that on that basis, one of my officials would pick it up from the Plaid Cymru offices. Clearly, Jocelyn wanted to make political capital out of it because when we called her office to say that somebody would pick it up, we were told that she was not there and was doing a television interview.

The Presiding Officer: Order. I have no responsibility whatsoever for advisers' notebooks. Furthermore, I do not wish to read them or any other files that may be circulating.

Glyn Davies: I raise a point of order under Standing Order No. 22.29. Last week, I tabled a no-named day motion seeking to revoke Government legislation approved under the executive procedure, namely the Prescribed Waste (Wales) Regulations 2001. I tabled that motion within the 40 days required by Standing Order No. 22.29, but there was no reference in the business statement today as to when that motion would be debated. Will you give me an indication as to when that motion, which was properly tabled, will be debated?

Andrew Davies: I will discuss the matter with my colleagues, Carwyn Jones and Sue Essex, and we will decide on an appropriate date to bring this forward for debate.

The Presiding Officer: Standing Order No. 22.29 is clear. Any objection to an Order must be made within 40 working days. It is then for the Minister for Assembly Business to find an opportunity for the matter to be debated. As far as I understand it, there is no obligation under that Standing Order to allocate a specific time for the debate.

Andrew Davies: Ymhellach i'r pwynt hwnnw o drefn, mae cofnod gennyf o'r negeseuon e-bost a anfonwyd rhyngof a rheolwr busnes Plaid Cymru, ac ni ddywedais erioed nad oedd y llyfr nodiadau yn perthyn i un o'n cynghorwyr arbennig. Dywedais na wyddwn pwy oedd biau'r llyfr. Fodd bynnag, nododd Jocelyn yn ei neges e-bost ei bod yn bendant yn perthyn i un o'n cynghorwyr arbennig. Ar y sail honno, dywedais y byddai un o'm swyddogion yn ei gasglu o swyddfeydd Plaid Cymru. Mae'n amlwg bod Jocelyn am ennill mantais wleidyddol o hyn oherwydd, pan wnaethom ffonio ei swyddfa i ddweud y byddai rhywun yn ei gasglu, dywedwyd wrthym nad oedd yno a'i bod yn rhoi cyfweiliad teledu.

Y Llywydd: Trefn. Nid oes gennyf unrhyw gyfrifoldeb o gwbl dros lyfrau nodiadau cynghorwyr. Ar ben hynny, nid wyf am eu darllen nac unrhyw ffeiliau eraill a gaiff eu dosbarthu.

Glyn Davies: Codaf bwynt o drefn o dan Reol Sefydlog Rhif 22.29. Yr wythnos diwethaf, cyflwynais gynnig heb ddyddiad trafod yn ceisio diddymu deddfwriaeth y Llywodraeth a gymeradwywyd o dan y drefn weithredol, sef Rheoliadau Gwastraff Rhagnodedig (Cymru) 2001. Cyflwynais y cynnig hwnnw o fewn y 40 diwrnod sydd yn ofynnol yn ôl Rheol Sefydlog Rhif 22.29, ond ni chyfeiriwyd yn y datganiad busnes heddiw at ba pryd y byddem yn dadlau'r cynnig hwnnw. A ddywedwch wrthyf pryd y caiff y cynnig hwnnw, a gyflwynwyd yn y ffordd gywir, ei ddadlau?

Andrew Davies: Trafodaf y mater â'm cyd-Aelodau, Carwyn Jones a Sue Essex, a phenderfynwn ar ddyddiad priodol i gael dadl arno.

Y Llywydd: Mae Rheol Sefydlog Rhif 22.29 yn glir. Rhaid gwneud unrhyw wrthwynebiad i Orchymyn o fewn 40 diwrnod gwaith. Mater i'r Trefnydd wedyn yw dod o hyd i gyfle i gynnal dadl ar y mater. Cyhyd ag y deallaf, nid yw'n ofynnol o dan y Rheol Sefydlog honno i nodi amser penodol ar gyfer y ddadl.

*Daeth y Dirprwy Lywydd i'r Gadair am 3.33 p.m.
The Deputy Presiding Officer took the Chair at 3.33 p.m.*

Y System Apelio Annibynnol ar gyfer Ffermwyr The Independent Appeals Mechanism for Farmers

The Deputy Presiding Officer (John Marek): I have selected amendment 1 in the names of Peter Rogers and William Graham. I remind Members that the session is running late, so I appeal for brief speeches. I will call speakers to order immediately after five minutes, unless interventions have been taken.

The Minister for Rural Affairs (Carwyn Jones): I propose that

the National Assembly

1. welcomes the intention to establish an independent appeals mechanism for farmers in Wales regarding decisions taken on payment of agriculture subsidies.

2. calls on the Minister for Rural Affairs to ensure that the appeals mechanism is fully operational by 31 October 2001.

The independent appeals mechanism will introduce for the first time legal rights for farmers in Wales to seek a review of the decisions taken by officials on the main common agricultural policy subsidy schemes related to the integrated administration and control system, or IACS. The current IACS system was introduced in 1993 and is essentially an anti-fraud and expenditure control system that sets down rules with which subsidy applicants must comply. If it is perceived that a farmer has failed to comply with the rules, a penalty can be imposed on his or her subsidy claim that would result in the reduction of the subsidy payment or even the removal of entitlement to payment altogether.

The European Commission rules can be strict and leave little room for discretion. Cases often have to be referred to the Office of the Counsel General and the views of other

Y Dirprwy Lywydd (John Marek): Yr wyf wedi dethol gwelliant 1 yn enwau Peter Rogers a William Graham. Atgoffaf yr Aelodau bod y sesiwn wedi rhedeg dros ei hamser, felly gofynnaf am areithiau byr. Byddaf yn galw siaradwyr i drefn ar ôl pum munud, oni fyddant wedi caniatáu ymyriadau.

Y Gweinidog dros Faterion Gwledig (Carwyn Jones): Cynigiau fod

y Cynulliad Cenedlaethol

1. yn croesawu'r bwriad i sefydlu system apelio annibynnol ar gyfer ffermwyr yng Nghymru mewn perthynas â phenderfyniadau a wneir ynghylch talu cymorthdaliadau amaethyddol.

2. yn galw ar y Gweinidog dros Faterion Gwledig i sicrhau bod y system apelio yn gwbl weithredol erbyn 31 Hydref 2001.

Bydd y system apelio annibynnol yn cyflwyno hawliau cyfreithiol am y tro cyntaf i ffermwyr yng Nghymru i geisio cael adolygiad o'r penderfyniadau a wnaethpwyd gan swyddogion ar brif gynlluniau cymhorthdal polisi amaethyddol cyffredin sydd yn gysylltiedig â'r system weinyddu a rheoli a integreiddiwyd, neu IACS. Cyflwynwyd y system IACS bresennol yn 1993 ac mae, yn ei hanfod, yn system gwrth-dwyll a rheoli gwariant sydd yn gosod rheolau y mae'n rhaid i ymgeiswyr cymhorthdal gydymffurfio â hwy. Os canfyddir fod ffermwr wedi methu â chydymffurfio â'r rheolau, gellir gosod cosb ar ei gais neu ei chais am gymhorthdal a fyddai'n arwain at leihau'r taliad cymhorthdal neu hyd yn oed yn dileu'r hawl i gael taliad yn gyfan gwbl.

Gall rheolau'r Comisiwn Ewropeaidd fod yn llym ac nid ydynt yn gadael llawer o le i ddisgresiwn. Yn aml rhaid cyfeirio achosion i Swyddfa'r Cwnsler Cyffredinol a cheisio

agriculture departments across the UK have to be sought because the UK must be seen to interpret and apply the EC rules consistently as a single member state or face non-reimbursement of funding, in other words, disallowance.

The industry has been concerned for some time that Assembly officials seem to act as judge and jury when considering appeals against penalties imposed on farmers. I am, therefore, committed to establishing an appeals mechanism that will include scrutiny of cases by an independent advisory panel making recommendations to me. The Agriculture and Rural Development Committee has demonstrated its commitment to this process, which is a partnership agreement initiative.

The proposed mechanism will enhance the existing appeals process. It will be more transparent and will be seen to be independent. The process began last October when a consultation paper was issued to the Welsh farming industry setting out our proposals to establish an independent appeals mechanism for farmers in Wales. I am pleased that the proposals were generally welcomed by the industry. At that time, the consultation document proposed a four-stage system, which has since been reduced to three stages to take account of the views expressed by consultees.

The three stages are as follows. In the first stage, applications are made to the divisional executive officer at the local divisional office for a review of the initial decision. Stage two is initiated if the appellant is dissatisfied with the decision taken at stage one. An application should then be made to the head of the Assembly's common agricultural policy management division seeking a review of the stage one decision by the National Assembly Agriculture Department's appeals unit. Stage three is for an appellant who is dissatisfied with the decision at stage two. An application can then be made to the Assembly's appeals secretariat for a final review by the independent advisory panel.

barn adrannau amaethyddol eraill ledled y DU oherwydd bod yn rhaid i'r DU gael ei gweld fel ei bod yn dehongli ac yn cymhwyso rheolau'r Gymdeithas Ewropeaidd yn gyson fel aelod-wladwriaeth unigol, neu wynebu'r ffaith na chaiff yr arian ei ad-dalu, sef, mewn geiriau eraill, gwrthodiad.

Bu'r diwydiant yn pryderu ers peth amser yr ymddengys bod swyddogion y Cynulliad yn gweithredu fel barnwr a rheithgor wrth ystyried apeliadau yn erbyn cosbau a roddir ar ffermwyr. Yr wyf, felly, yn ymrwymedig i sefydlu system apeliadau a fydd yn cynnwys panel ymgynghorol annibynnol a fydd yn rhoi argymhellion imi drwy graffu ar achosion. Mae'r Pwyllgor Amaethyddiaeth a Datblygu Gwledig wedi dangos ei ymrwymiad i'r broses hon, sydd yn fenter cytundeb partneriaeth.

Bydd y dull arfaethedig yn gwella'r broses apeliadau bresennol. Bydd yn fwy tryloyw ac yn cael ei ystyried fel dull mwy annibynnol. Dechreuodd y broses fis Hydref diwethaf pan ddosbarthwyd papur ymgynghorol i'r diwydiant ffermio yng Nghymru yn nodi ein cynigion i sefydlu dull apelio annibynnol ar gyfer ffermwyr yng Nghymru. Yr wyf yn falch bod y diwydiant wedi croesawu'r cynigion yn gyffredinol. Ar y pryd, yr oedd y ddogfen ymgynghorol yn cynnig system pedwar cam, a gafodd ei lleihau i dri cham ers hynny er mwyn ystyried y farn a fynegwyd gan y rhai yr ymgynghorwyd â hwy.

Mae'r tri cham fel a ganlyn. Yn ystod y cam cyntaf, gwneir ceisiadau i'r swyddog gweithredol rhanbarthol yn y swyddfa ranbarthol leol am adolygiad o'r penderfyniad cyntaf. Caiff cam dau ei gychwyn os na fydd yr apelydd yn fodlon â'r penderfyniad a wnaethpwyd yng ngham un. Yna dylid gwneud cais i bennaeth is-adran rheoli polisi amaethyddol cyffredinol y Cynulliad yn gofyn am adolygiad o'r penderfyniad uned apeliadau Adran Amaethyddiaeth y Cynulliad Cenedlaethol yng ngham un. Mae cam tri ar gyfer apelydd nad yw'n fodlon â'r penderfyniad yng ngham dau. Yna gellir gwneud cais i ysgrifenyddiaeth apeliadau'r Cynulliad am adolygiad terfynol gan y panel ymgynghori

annibynnol.

The first two stages of the appeals mechanism should be in place by next month. I have several points of clarification that I am sure Members will want to hear about. First, the reasoning behind officials' decisions will be set out clearly in standard pro formas. The new appeals mechanism will culminate in a review by an independent panel of three individuals drawn from a number of people and appointed by the Assembly specifically for that task. The panel stage will be available to farmers to consider decisions taken on cases from the 2001 scheme year. We expect that stage to be fully operational by 31 October.

Dylai dau gam cyntaf y broses apelio fod yn eu lle erbyn y mis nesaf. Mae gennyf sawl pwynt o eglurhad yr wyf yn siŵr y bydd yr Aelodau am eu clywed. Yn gyntaf, caiff y rhesymeg y tu ôl i benderfyniadau'r swyddogion eu nodi'n glir mewn *pro formas* safonol. Bydd y dull apelio newydd yn diweddu gydag adolygiad gan banel annibynnol o dri unigolyn a dynnwyd o nifer o bobl ac a benodwyd gan y Cynulliad yn benodol ar gyfer y dasg honno. Bydd cam y panel ar gael i ffermwyr ystyried penderfyniadau a wneir ar achosion o flwyddyn 2001 y cynllun. Disgwylwn y bydd y cam hwnnw'n hollol weithredol erbyn 31 Hydref.

The process to appoint panel members is well underway. I am pleased that the industry has responded positively to our invitation to nominate suitable candidates. By the end of July I expect to have appointed about 15 individuals for all parts of Wales to constitute the panel. An announcement will be made when the appointments process is complete. The people appointed to the panel will have a wide range of knowledge. In particular, a proportion of the people on the panel will have knowledge of farming and the problems that farmers face. It is intended that panels will be held at different locations around Wales to ensure easier access for all farmers.

Mae'r broses o benodi aelodau'r panel ar waith ers tro. Yr wyf yn falch bod y diwydiant wedi ymateb yn gadarnhaol i'n gwahoddiad i enwebu ymgeiswyr addas. Erbyn diwedd Gorffennaf disgwyliaf y byddwn wedi penodi tua 15 o unigolion ar gyfer pob rhan o Gymru i greu'r panel. Gwneir cyhoeddiad pan fydd y broses benodi wedi'i chwblhau. Bydd gan y bobl a benodir i'r panel ystod eang o wybodaeth. Yn benodol, bydd gan gyfran o'r bobl ar y panel wybodaeth am ffermio a'r problemau y mae ffermwyr yn eu hwynebu. Bwriedir cynnal paneli mewn nifer o leoliadau ledled Cymru i sicrhau mynediad haws i bob ffermwr.

Finally, I intend to charge a nominal fee of £50 for a written hearing, and £100 for an oral hearing at the panel stage, to discourage frivolous appeals. The money will be refunded to farmers that are wholly successful in their appeal. Refunds to farmers who are partially successful in their appeal will be at the discretion of the panel. New secondary legislation will be required to support the appeals mechanism. That legislation is expected to be in place by the beginning of August and will, of course, be subject to a separate Plenary debate this July.

Yn olaf, bwriadaf godi ffi ansylweddol o £50 am wrandawriad ysgrifenedig, a £100 am wrandawriad llafar yn ystod cam y panel, i annog pobl i beidio â gwneud apeliadau disylwedd. Caiff yr arian ei ad-dalu i ffermwyr sydd yn llwyddo'n gyfan gwbl yn eu hapeliadau. Rhoddir ad-daliadau i ffermwyr sydd yn llwyddo'n rhannol yn eu hapeliadau yn ôl disgrisiwn y panel. Bydd angen is-ddeddfwriaeth i gefnogi'r dull apelio. Disgwylir y bydd y ddeddfwriaeth honno mewn grym erbyn dechrau mis Awst ac, wrth gwrs, bydd yn ddibynnol ar ddadl ar wahân mewn Cyfarfod Llawn yng Ngorffennaf.

By establishing the appeals mechanism for farmers in Wales, the Assembly will be honouring its commitment to provide independent scrutiny of decisions that affect

Drwy sefydlu'r dull apelio ar gyfer ffermwyr yng Nghymru, bydd y Cynulliad yn anrhydeddu ei ymrwymiad i graffu yn annibynnol ar benderfyniadau sydd yn

farmers' subsidy payments. I invite Assembly Members to support the motion to establish a fully operational independent appeals mechanism for farmers in Wales by 31 October.

Peter Rogers: I propose amendment 1 in my name and that of William Graham. Add at the end of the motion

3. calls on the Minister to conduct a review of the operational efficiency of his department and divisional offices in processing applications, so as to reduce the number of potential cases being referred to appeal.

This is an important issue. Naturally, we fully support an independent appeals mechanism. There was broad agreement when we discussed this issue in the Agriculture and Rural Development Committee in January. One main reason why I support an appeals mechanism is that I recognise the need for an efficient and speedy procedure to investigate and resolve these disputes. Since I was elected to the Assembly I have seen many cases where farmers have had a raw deal. I have had some success in fighting on behalf of some of those constituents. I have had to fight hard to win cases against the Minister and his Department, cases that have secured the payout of many thousands of pounds' worth of subsidies to those people. Were Members not to take up the battle on behalf of their constituents, these claims would become lost in the bureaucratic machine. Even worse is that claims would be denied for the wrong reasons.

4:10 p.m.

I say this because, in the past, I have received inaccurate and misleading information from the Minister. Had I not challenged that information, it would have meant that my constituents would have lost money to which they are entitled. Some of these issues are complicated and Members from non-farming backgrounds could be put off from challenging the Minister's advice. However, it is important that it is challenged because it is all too often the wrong advice, which causes the industry to lose money to which it is entitled. This is unacceptable and the mark

effeithio ar daliadau cymhorthdal i ffermwyr. Estynnaf wahoddiad i Aelodau'r Cynulliad gefnogi'r cynnig i sefydlu proses apelio annibynnol ar gyfer ffermwyr yng Nghymru a fydd yn llwyr weithredol erbyn 31 Hydref.

Peter Rogers: Cynigiau welliant 1 yn fy enw i a William Graham. Ychwaneger ar ddiwedd y cynnig

3. yn galw ar y Gweinidog i gynnal adolygiad o effeithlonrwydd gweithredol ei adran a'i swyddfeydd rhanbarthol o ran prosesu ceisiadau, er mwyn lleihau nifer yr achosion posibl sy'n cael eu cyfeirio at y broses apelio

Mae hwn yn fater pwysig. Yn naturiol, yr ydym yn cefnogi dull apelio annibynnol yn llawn. Cafwyd cytundeb cyffredinol pan drafodwyd y mater hwn yn y Pwyllgor Amaethyddiaeth a Datblygu Gwledig fis Ionawr. Un prif reswm pam fy mod yn cefnogi proses apelio yw fy mod yn cydnabod yr angen am broses effeithlon a chyflym i ymchwilio i'r anghydfodau hyn a'u datrys. Ers imi gael fy ethol i'r Cynulliad yr wyf wedi gweld sawl achos lle y mae ffermwyr wedi cael bargaen wael. Cefais beth llwyddiant wrth frwydro ar ran rhai o'r etholwyr hynny. Yr wyf wedi gorfod brwydro'n galed i ennill achosion yn erbyn y Gweinidog a'i Adran, achosion sydd wedi sicrhau talu gwerth miloedd lawer o bunnoedd o gymorthdaliadau i'r bobl hynny. Pe na bai'r Aelodau yn brwydro ar ran eu hetholwyr, byddai'r ceisiadau hyn yn cael eu colli yn y peiriant biwrocraidd. Byddai hyd yn oed yn waeth pe bai'r ceisiadau'n cael eu gwrthod am y rhesymau anghywir.

Dywedaf hyn oherwydd, yn y gorffennol, yr wyf wedi derbyn gwybodaeth anghywir a chamarweiniol gan y Gweinidog. Pe na bawn wedi herio'r wybodaeth honno, byddai wedi golygu y byddai fy etholwyr wedi colli arian y mae ganddynt hawl iddo. Mae rhai o'r materion hyn yn gymhleth a gallai Aelodau nad ydynt o gefndir ffermio benderfynu peidio â herio cyngor y Gweinidog. Fodd bynnag, mae'n bwysig y caiff ei herio oherwydd, yn rhy aml, mae'r cyngor yn anghywir, sydd yn peri i'r diwydiant golli arian y mae ganddo hawl i'w gael. Mae hyn

of a poor administration.

It is clear that an independent appeals mechanism is desperately needed. It should be a priority for the Minister to ensure that as few cases as possible enter the appeals system. The mark of a good administration and a successful appeals mechanism is claims being processed accurately and fairly in the first instance. I am not satisfied that that is being done at present. That is important, because what happens at this level affects what happens further down the line. We must review the way in which things are done. For example, we must ensure that application forms are more user-friendly, making errors less likely so that claims are not delayed. An example of this was the use of the term 'group producers' on the sheep annual premium scheme forms. 'Group producers' were considered to be a number of producers, such as those on large hill farms in Scotland, when, in fact, the term meant a partnership, which could have been two brothers or a husband and wife. At that time, it caused the processing of many thousands of SAPS forms to be delayed. There are many lessons to be learnt. An example of a problem this year with a form was the use of the words 'combinable crops', which, in the UK, did not take hemp into account. That was not the case in Europe, where claims were, therefore, processed and farmers paid. Arable aid and integrated administration and control system forms are completed by May and payments are made in January. Some farmers discovered in January that they would not be paid as a result of confusion over 'combinable crops'. We should have identified that problem between May and Christmas last year, so that it could have been solved and, therefore, we would not have had bank managers waiting for money.

We must also ensure that we respond quicker to farmers' correspondence when there are problems with claims and loss of money. One delayed claim means the delay of future claims as the initial problem is dealt with. We must prevent problems from reaching the appeals panel, which should only be used as the final option.

yn annerbyniol ac yn arwydd o weinyddiaeth wael.

Mae'n amlwg bod angen dirfawr am ddull apelio annibynnol. Dylai fod yn flaenoriaeth i'r Gweinidog sicrhau bod cyn lleied o achosion â phosibl yn mynd i'r system apelio. Nod gweinyddiaeth dda a dull apelio llwyddiannus yw bod ceisiadau'n cael eu prosesu'n gywir a theg yn y lle cyntaf. Nid wyf yn fodlon bod hyn yn cael ei wneud ar hyn o bryd. Mae hynny'n bwysig, oherwydd bydd beth bynnag sydd yn digwydd ar y lefel hon yn effeithio ar yr hyn sydd yn digwydd ymhellach ymlaen. Rhaid inni adolygu'r ffordd o wneud pethau. Er enghraifft, rhaid inni sicrhau bod ffurflenni cais yn fwy ystyriol o'r defnyddiwr, gan sicrhau ei bod yn llai tebygol y caiff camgymeriadau eu gwneud fel na fydd oedi gyda cheisiadau. Enghraifft o hyn oedd y defnydd o'r term 'cynhyrchwyr grŵp' ar y ffurflenni cynllun premiwm blynyddol defaid. Ystyriwyd bod 'cynhyrchwyr grŵp' yn nifer o gynhyrchwyr, fel y rhai hynny ar ffermydd mynydd mawr yn yr Alban, ond, mewn gwirionedd, yr oedd y term yn golygu partneriaeth, a allai fod yn ddau frawd neu'n ŵr a gwraig. Bryd hynny, achosodd oedi wrth brosesu miloedd lawer o ffurflenni'r cynllun hwnnw. Mae sawl gwers i'w dysgu. Enghraifft o broblem eleni gyda ffurflen oedd y defnydd o'r geiriau 'cnydau cyfunadwy', nad oedd, yn y DU, yn cwmpasu cywarch. Nid oedd hynny'n wir yn Ewrop, lle cafodd ceisiadau eu prosesu a lle cafodd ffermwyr eu talu. Caiff cymorth tir â'r ffurflenni IACS eu cwblhau erbyn mis Mai a chaiff taliadau eu gwneud ym mis Ionawr. Darganfu rhai ffermwyr ym mis Ionawr na fyddent yn cael eu talu o ganlyniad i ddryswch ynghylch 'cnydau cyfunadwy'. Dylem fod wedi nodi'r broblem honno rhwng mis Mai a'r Nadolig y llynedd, fel y gellid bod wedi ei datrys, ac ni fyddai rheolwyr banc wedi bod yn aros am arian o ganlyniad i hynny.

Rhaid inni hefyd sicrhau ein bod yn ymateb yn gyflymach i ohebiaeth gan ffermwyr pan geir problemau â cheisiadau a cholli arian. Mae oedi gydag un cais yn golygu y bydd oedi gyda cheisiadau yn y dyfodol wrth i'r broblem wreiddiol gael ei datrys. Rhaid inni atal problemau rhag cyrraedd y panel apeladau. Dim ond fel yr opsiwn terfynol y

dylid defnyddio hwnnw.

The Deputy Presiding Officer: Order. Your five minutes have come to an end.

Y Dirprwy Lywydd: Trefn. Mae eich pum munud wedi dod i ben.

Peter Rogers: I will conclude. This is why I have tabled amendment 1, to ask the Minister to supplement his proposals for an appeals mechanism by reviewing the operational efficiency of the work being undertaken by his department. I ask Members to support the amendment, because a review, in conjunction with the new appeals mechanism, would be a true sign of joined-up government.

Peter Rogers: Yr wyf ar fin gorffen. Dyna pam yr wyf wedi cyflwyno gwelliant 1, i ofyn i'r Gweinidog atodi ei gynigion ar gyfer dull apelio drwy gynnal adolygiad o effeithlonrwydd gweithredol y gwaith a wneir yn ei adran. Gofynnaf i'r Aelodau gefnogi'r gwelliant, oherwydd byddai adolygiad, mewn cydweithrediad â'r dull apelio newydd, yn arwydd gwirioneddol o lywodraeth gydgysylltiedig.

Mick Bates: In the Assembly elections in 1999, the manifesto of one party stated that it would

Mick Bates: Yn etholiadau'r Cynulliad yn 1999, nododd maniffesto un blaid y byddai'n

'Press for the creation of an 'Independent Appeals Panel' for Wales to adjudicate in disputes between government and farmers involving the processing of grant support applications and their payment'.

As you might expect, that party was the Liberal Democrats. Since the early days of the Assembly, I have lobbied for the establishment of this panel, along with free school milk, Farming Connect and biomass and renewable energy strategies. It is because of the partnership's great hybrid vigour that we are, at last, debating this motion today. The Liberal Democrats wholeheartedly welcome it.

Fel y gallech ddisgwyl, y Democratiaid Rhyddfrydol oedd y blaid honno. Ers dyddiau cynnar y Cynulliad, yr wyf wedi lobio dros sefydlu'r panel hwn, ynghyd â llaeth am ddim mewn ysgolion, Cyswllt Ffermio a strategaethau bio-màs ac ynni adnewyddadwy. Yr ydym o'r diwedd, oherwydd egni hybrid mawr y bartneriaeth ni, yn trafod y cynnig hwn heddiw. Mae'r Democratiaid Rhyddfrydol yn ei groesawu'n frwdfrydig.

We cannot support the amendment. The department has great grounds for saying that it has become more effective and efficient. It has undertaken many reviews under the joint initiative for Government services across Wales—JIGSAW—programme and has also implemented information technology to ensure that the process works well. However, I have no doubt that there is room for learning, as Peter said. I am sure that that message has been taken on board and that the system will improve. There has been a great need to bring more fairness and justice to how mistakes are dealt with in the department—

Ni allwn gefnogi'r gwelliant. Mae gan yr adran sail wych dros ddweud ei bod wedi dod yn fwy effeithiol ac effeithlon. Mae wedi cynnal sawl adolygiad o dan y fenter ar y cyd ar gyfer rhaglen gwasanaethau'r Llywodraeth ledled Cymru, sef JIGSAW, ac mae hefyd wedi rhoi technoleg gwybodaeth ar waith i sicrhau bod y broses yn gweithio'n dda. Fodd bynnag, yn ddiamau, mae lle i ddysgu, fel y dywedodd Peter. Yr wyf yn siŵr bod y neges honno wedi'i hystyried ac y bydd y system yn gwella. Bu angen mawr i ymdrin â chamgymeriadau o fewn yr adran yn fwy teg a chyfiawn—

Glyn Davies: Mick claims such credit for the motion. However, I have heard him repeat, almost exactly, the words in the amendment.

Glyn Davies: Mae Mick yn hawlio cymaint o glod am y cynnig. Fodd bynnag, clywais ef yn ailadrodd, bron yn union, y geiriau yn y

He now states that he does not support the amendment. That seems illogical to me.

Mick Bates: What I am saying is entirely logical. I cannot believe that you are saying that there have not been systems to improve the effectiveness of how grant claims are dealt with. As farmers, Glyn and I both know—and I should declare an interest as a farmer—that there has been a tremendous improvement in how matters are dealt with. The reason why we need an independent appeals panel is to ensure that the officials are not judge and jury. That is why this motion has been tabled. The amendment is disappointing, as it breaks down the confidence and co-operation that has been built between the administration and the people who deal with the claims.

This process will improve farmers' confidence when mistakes are made. All too often, mistakes are made which incur tremendous penalties. Farmers feel helpless in the face of bureaucracy. This panel will give them greater confidence to ensure that their claims are dealt with effectively.

In the process of making the examination of forms more efficient, I would like to hear from the Minister what progress has been made in giving greater access to IT to all farmers. That will speed up payment greatly and ensure that farmers who have IT facilities can e-mail their forms and be paid almost immediately. I am sure that that is where we want to end up.

This is an example of partnership working in Wales. Whatever anyone wants to say about this, I feel that, within rural development, we have made great strides to implement those things that are necessary to assist agriculture and to ensure that we have a healthy rural economy.

Rhodri Glyn Thomas: Croesawa grŵp Plaid Cymru y symudiad hwn yn fawr. Pan oeddwn yn cadeirio'r Pwyllgor

gwelliant. Yn awr mae'n nodi nad yw'n cefnogi'r gwelliant. Mae hynny'n ymddangos yn afresymegol i mi.

Mick Bates: Mae'r hyn a ddywedaf yn hollol resymegol. Ni allaf gredu eich bod yn dweud na chafwyd systemau i wella effeithiolrwydd y modd yr ymdrinnir â cheisiadau. Fel ffermwyr, mae Glyn a minnau'n gwybod—a dylwn ddatgan buddiant fel ffermwr—y cafwyd gwelliant aruthrol yn y modd yr ymdrinnir â materion. Y rheswm pam fod angen panel apeliadau annibynnol arnom yw i sicrhau nad y swyddogion sydd yn gwneud yr holl benderfyniadau. Dyna pam y cyflwynwyd y cynnig hwn. Mae'r gwelliant yn siomedig, gan ei fod yn dileu'r hyder a'r cydweithio a feithrinwyd rhwng y weinyddiaeth â'r bobl sydd yn ymdrin â'r ceisiadau.

Bydd y broses hon yn gwella hyder ffermwyr pan wneir camgymeriadau. Yn rhy aml, gwneir camgymeriadau sydd yn arwain at gosbau anferth. Mae ffermwyr yn teimlo na allant wneud dim yn wyneb biwrocraiaeth. Bydd y panel hwn yn rhoi mwy o hyder iddynt sicrhau yr ymdrinnir â'u ceisiadau yn effeithiol.

Yn y broses o wneud y gwaith o archwilio'r ffurflenni'n fwy effeithlon, hoffwn glywed gan y Gweinidog faint o gynnydd a wnaethpwyd wrth roi gwell mynediad i TG i bob ffermwr. Bydd hynny'n cyflymu'r broses o dalu yn fawr ac yn sicrhau y gall ffermwyr sydd â chyfleusterau TG anfon eu ffurflenni dros yr e-bost a chael eu talu ar unwaith bron. Yr wyf yn siŵr mai at hynny yr hoffem anelu.

Mae hyn yn enghraifft o weithio mewn partneriaeth yng Nghymru. Beth bynnag yr hoffai unrhyw un ei ddweud ynghylch hyn, teimlaf, o fewn datblygu gwledig, ein bod wedi gwneud cynnydd mawr wrth weithredu'r pethau hynny sydd yn angenrheidiol i gynorthwyo amaethyddiaeth ac i sicrhau bod gennym economi wledig iach.

Rhodri Glyn Thomas: The Plaid Cymru group warmly welcomes this move. When I was Chair of the Agriculture and Rural

Amaethyddiaeth a Datblygu Gwledig, yr oedd consensws trawsbleidiol ynglŷn â'r angen am y system apeliadau hon. Yr oeddwn wedi bwriadu talu teyrnged arbennig i Mick Bates, gan gydnabod ei waith caled yn hyrwyddo'r achos hwn. Efallai y byddai wedi bod yn well i Mick aros i mi dalu teyrnged iddo, yn hytrach na cheisio cymryd y clod i gyd ei hunan. Er iddo wneud cyfraniad pwysig, yr oedd consensws ymysg holl aelodau'r Pwyllgor a chydweithredu er mwyn sicrhau bod hyn yn cael ei weithredu. Felly mae'r bartneriaeth ychydig yn ehangach nag y mae Mick am gydnabod.

Mick Bates: I humbly apologise if it sounded as if I was trying to take credit for something that I did not achieve. I paid credit to how the process of partnership has brought this before the Assembly.

Rhodri Glyn Thomas: Humility suits you well, Mick. You should practice it a bit more.

Cyfeiriaf at yr hyn a ddywedodd Carwyn ynglŷn â'r sefyllfa hynod gymhleth yr ydym yn delio â hi. Gall y rheolau Ewropeaidd fod yn gymhleth ac yn llym. Mae cyfrifoldeb ar y swyddfeydd rhanbarthol i weinyddu'n gywir. Gallai'r Aelodau a fanteisiodd ar y cyfle a roddwyd iddynt gan y Pwyllgor i ymweld ag un o'r swyddfeydd mwyaf, Llandrindod, weld y problemau ymarferol a wynebai'r staff yn yr adrannau a'u parodwydd a'u brwdfrydedd dros geisio gweinyddu mor ystwyth â phosibl o fewn y rheolau. Fodd bynnag, cyfyd sefyllfaoedd o wrthdaro o reidrwydd. Bydd y system apelio hwn yn sicrhau bod gan ffermwyr gyfle i fynd at banel gwrthrychol i gael barn. Am y rhesymau hynny, bydd grŵp Plaid Cymru, yn gwrthwynebu'r gwelliant a gyflwynwyd gan y Blaid Geidwadol.

4:20 p.m.

Mae'n fater o dristwch imi fod y gwelliant hwn wedi'i eirio fel ag y mae ar yr adeg arbennig hon. Credaf ei fod yn ansensitif ar adeg pan fo swyddogion yr adrannau a'r swyddfeydd rhanbarthol wedi bod yn gweithio oriau mor hir, a swyddogion yr Adran Amaethyddiaeth wedi bod yn gweithio'n eithriadol o galed i ddelio ag

Development Committee, there was cross-party consensus as to the need for this appeals system. I had intended to pay special tribute to Mick Bates, acknowledging his hard work in promoting this cause. Perhaps it would have been better for Mick to wait for me to pay tribute to him, rather than to take all the credit himself. Although he made an important contribution, there was consensus between all Committee members and co-operation to ensure that this was implemented. Therefore, the partnership is somewhat broader than Mick wants to acknowledge.

Mick Bates: Ymddiheuraf yn wylaidd os oedd yn swnio fel petawn yn ceisio cymryd y clod am rywbeth na chyflawnais. Talais deyrnged i sut y mae'r broses bartneriaeth wedi dod â hyn gerbron y Cynulliad.

Rhodri Glyn Thomas: Mae gwyleidd-dra'n gweddu i'r dim ichi, Mick. Dylech ei arfer yn amlach.

I refer to Carwyn's comments on the extremely complex situation with which we are dealing. The European rules can be complex and stringent. The regional offices have a responsibility to administrate correctly. The Members who took advantage of the opportunity given to them by the Committee to visit one of the largest offices, Llandrindod Wells, could see the practical problems that faced staff in the departments and their readiness and enthusiasm in attempting to administrate as flexibly as possible within the regulations. However, confrontational situations are inevitable. This appeals system will ensure that farmers have an opportunity to approach an objective panel for their opinion. For those reasons, the Plaid Cymru group will oppose the amendment tabled by the Conservative Party.

It saddens me greatly that this amendment has been worded in this way at this particular time. I believe it is insensitive at a time when departmental and regional officials have been working such long hours, and Agriculture Department officials have been working extremely hard to deal with the foot and mouth disease crisis. We know that

argyfwng clwy'r traed a'r genau. Gwyddom y ceid anawsterau. Mae Aelodau eraill a mi wedi gorfod delio â hynny. Fodd bynnag, mae'r swyddogion hyn wedi gweithredu mewn modd cydwybodol. Mae'r gwelliant hwn yn awgrymu beirniadaeth ohonynt ar adeg pan y dylem fod yn eu cynnal a'u cefnogi ac yn gwerthfawrogi eu gweithgaredd. Mae'r system o adolygu yn mynd yn ei flaen o hyd, ac nid oes angen y gwelliant hwn.

Croesawn y cynnig. Gresynaf ei fod wedi cymryd cymaint o amser. Hyderaf y bydd yn weithredol erbyn diwedd mis Hydref. Byddwn wedi dymuno gweld hynny'n digwydd yn gynt. Gofynnaf i Carwyn sicrhau ei fod yn cadw golwg barcud ar y costau. Derbyniwn ei resymau am osod tâl ond a wnaiff ein sicrhau y bydd yn cadw golwg ar hynny i wneud yn siŵr na fydd unrhyw ffermwr yn teimlo bod y tâl hwn yn ei atal rhag cyflwyno apêl?

David Davies: I welcome these proposals, as it is high time that they were brought in. Since I became an Assembly Member around two years ago, one of the most difficult aspects to deal with has been seeing people in my surgery who, through no fault of their own, have been harshly penalised by the current structure. One example, for which I make no apologies for mentioning once again, is that of Mr and Mrs Moulton from Mitchel Troy in Monmouth. I have mentioned this case before. Mr Moulton suffered a stroke while trying to feed his cattle. His wife, who had fractured her ankle, was forced to sell six of the cattle on 10 April. They applied under *force majeure* to ensure that their claim was accepted, however, they did not do so within the 10 working days that was specified. They did it just a week or so after—

The Deputy Presiding Officer: Order. Point of order.

Rhodri Glyn Thomas: Point of order. I ask for your ruling on this, Deputy Presiding Officer. Is it in order to refer to individual cases when discussing this appeal mechanism?

The Deputy Presiding Officer: Where an

difficulties have arisen. Other Members and I have had to deal with those. However, these officials have worked conscientiously. This amendment suggests criticism of those officials at a time when we should be supporting them and appreciating their activities. The review system is still proceeding and this amendment is unnecessary.

We welcome the motion. I regret that it has taken so long. I hope that it will be in place by the end of October. I would have liked to see it happening sooner. I ask Carwyn to ensure that he keeps an eagle eye on the costs. We accept his reasons for charging a fee but will he assure us that he will keep an eye on that to ensure that no farmer feels that this fee prevents him or her from making an appeal?

David Davies: Croesawaf y cynigion hyn, gan ei bod yn hen bryd iddynt gael eu cyflwyno. Ers imi ddod yn Aelod o'r Cynulliad tua dwy flynedd yn ôl, un o'r agweddau anoddaf i fynd i'r afael â hi oedd gweld pobl yn fy nghynghorfa y'u cosbwyd yn llym gan y strwythur presennol, heb fai o gwbl arnynt hwy. Un enghraifft, nad ymddiheuraf am sôn amdano unwaith eto, yw Mr a Mrs Moulton o Mitchel Troy yn Sir Fynwy. Yr wyf wedi sôn am yr achos hwn o'r blaen. Cafodd Mr Moulton strôc tra'n ceisio bwydo ei wartheg. Gorfodwyd ei wraig, a oedd wedi torri ei ffêr, i werthu chwech o'r gwartheg ar 10 Ebrill. Gwnaethant gais o dan *force majeure* i sicrhau y derbyniwyd eu cais, fodd bynnag, ni wnaethant hynny o fewn y 10 diwrnod gwaith a nodwyd. Gwnaethant hynny tuag wythnos wedi hynny—

Y Dirprwy Lywydd: Trefn. Pwynt o drefn.

Rhodri Glyn Thomas: Pwynt o drefn. Gofynnaf am eich dyfarniad ar hyn, Ddirprwy Lywydd. A yw mewn trefn i gyfeirio at achosion unigol wrth drafod y dull apelio hwn?

Y Dirprwy Lywydd: Pan fydd achos unigol

individual case exemplifies the mechanism, it is in order.

David Davies: I reassure you that I have the permission of those involved to discuss these cases. We must realise why it is important to have this appeal mechanism. The Moultons were penalised. I met the Minister to discuss this and was told that there was not much he could do, although I welcome the fact that he was prepared to meet and discuss it.

I have mentioned the case of Mr and Mrs Davies before. Their farm was flooded but they filled in their application form incorrectly and in such a way that they could not benefit. They had not noted the correct number of animals they owned on the form. Due to that, they lost around £10,000. There is no question of fraud. They discovered the mistake a little too late. Again the Minister was kind enough to meet me to discuss this. I would like to think that he did everything that he could, I have no reason to think otherwise. However, he told me that his hands were tied because of European regulations and that the rules had to be interpreted in this way.

Therefore, I took matters further. I used my free trip to go to Brussels and I met with seven or eight agriculture officials. They gave me a slightly different story. They told me that officials here are zealous in how they interpret regulations and that cases like this would not happen in other western European countries. Where does that leave me? What do I know about this? The Minister tells me that it is not his fault and that the EU and its regulations are to blame. However, I then meet with EC representatives responsible for this matter and they tell me that it is all down to Assembly officials. I do not know who is to blame, but I do know that none of us should be sleeping too easily in our beds while cases like this continue to dog the system. That is why I support this motion and the amendment, which calls for greater efficiency. I would have thought that anyone who cared about such cases would also be willing to support that perfectly legitimate amendment although I expect that members of the once-independent Liberal Democrat Party have received their orders from above.

yn rhoi enghraifft o'r dull, mae mewn trefn.

David Davies: Fe'ch sicrhaf imi gael caniatâd y rhai hynny dan sylw i drafod yr achosion hyn. Rhaid inni sylweddoli pam ei bod yn bwysig cael y dull apelio hwn. Cosbwyd y Moultons. Cyfarfûm â'r Gweinidog i drafod hyn a dywedwyd wrthyf nad oedd llawer y gallai ei wneud, er fy mod yn croesawu'r ffaith ei fod yn barod i gwrdd a thrafod y mater.

Soniais am achos Mr a Mrs Davies o'r blaen. Cawsant lifogydd ar eu fferm ond llenwasant eu ffurflen gais yn anghywir ac mewn modd na allent elwa arno. Nid oeddent wedi nodi nifer cywir yr anifeiliaid yr oeddent yn berchen arnynt ar y ffurflen. Oherwydd hynny, collasant tua £10,000. Nid oes cwestiwn o dwyll. Darganfuwyd y camgymeriad ychydig yn rhy hwyr. Eto bu'r Gweinidog yn ddigon caredig i gwrdd â mi i drafod hyn. Hoffwn feddwl iddo wneud popeth o fewn ei allu, nid oes gennyf reswm i feddwl yn wahanol. Fodd bynnag, dywedodd wrthyf na allai wneud dim oherwydd rheoliadau Ewropeaidd a bod rhaid dehongli'r rheolau fel hyn.

Felly, gweithredais ymhellach. Defnyddiais fy nhaith am ddim i fynd i Frwsel a chyfarfûm â thua saith neu wyth swyddog amaethyddiaeth. Cefais stori ychydig yn wahanol ganddynt hwy. Dywedasant wrthyf bod swyddogion yma yn frwdfrydig yn y ffordd y maent yn dehongli rheoliadau ac na fyddai achosion fel hyn yn digwydd yng ngwledydd eraill gorllewin Ewrop. Beth mae hynny'n ei olygu i mi? Beth wn i am hyn? Dywed y Gweinidog wrthyf nad ef sydd ar fai ond yr UE a'i reoliadau. Fodd bynnag, cyfarfûm wedyn â chynrychiolwyr y UE sydd yn gyfrifol am y mater hwn a dywedant wrthyf mai swyddogion y Cynulliad sydd ar fai. Ni wn i pwy sydd ar fai, ond gwn na ddylai yr un ohonom fod yn cysgu'n rhy esmwyth tra bod achosion fel hyn yn parhau i ymddangos yn y system. Dyna pam y cefnogaf y cynnig hwn a'r gwelliant hwn, sydd yn galw am well effeithlonrwydd. Byddwn yn meddwl y byddai unrhyw un sydd yn pryderu am achosion o'r fath hefyd yn barod i gefnogi'r gwelliant hollol ddilys hwnnw er mae'n siŵr bod aelodau Plaid y

Democratiaid Rhyddfrydol a oedd unwaith yn annibynnol wedi cael gorchmynion oddi fry.

It is not good enough for bureaucrats in Brussels to implement a system that is then imposed on hardworking farmers by civil servants in Wales. If this mechanism has the effect of making matters a little fairer, then clearly we should all support it. Frankly, it is too little, too late, but it is better than nothing, so I will support the motion and call on the Liberal Democrat Party for Wales—our whatever it is now called—to consider supporting our amendment 1.

The Minister for Rural Affairs (Carwyn Jones): I am always concerned when I hear about people who have spoken to other people who say that we can do something different. As someone with experience of the courts, I know that you can find experts on anything who rarely agree with each other.

My staff seek to interpret fairly all the rules that are implemented through the IACS mechanism. Many of those who work in the divisional offices are part-time farmers and their sympathies lie with farmers and not with any Government machine, if I can put it that way. That was the case when I visited Welsh divisional offices in Caernarfon, Llandrindod Wells and Carmarthen. Staff will go out of their way to assist farmers. You need only consider what happened during the foot and mouth disease crisis. When that was at its peak, people were working seven days per week in those offices trying hard and using their professional expertise to assist farmers on the ground.

Saying that an office is inefficient is not the same as saying that it is not interpreting the rules properly. That is not a matter of efficiency, but of interpretation of set rules. I do not accept that the offices are inefficient. Only last year we established the JIGSAW programme. A main element of that is to review the CAP management division's processes. The divisional offices are doing so

Nid yw'n ddigon i fiwrocratiaid ym Mrwsel weithredu system gaiff ei gorfodi wedyn ar ffermwyr diwyd gan weision sifil yng Nghymru. Os mai effaith y dull hwn fydd gwneud pethau ychydig yn fwy teg, yna mae'n amlwg y dylai pawb ohonom ei gefnogi. Yn wir, nid yw'n ddigon a daw'n rhy hwyr, ond mae'n well na dim, felly cefnogaf y cynnig a galwaf ar Blaid Democratiaid Rhyddfrydol Cymru—neu beth bynnag yw ei henw bellach—i ystyried cefnogi ein gwelliant 1.

Y Gweinidog dros Faterion Gwledig (Carwyn Jones): Yr wyf bob amser yn bryderus pan glywaf am bobl sydd wedi siarad â phobl eraill sydd yn dweud y gallwn wneud rhywbeth gwahanol. Fel rhywun gyda phrofiad o'r llysoedd, gwn y gallwch ddod o hyd i arbenigwyr ar unrhyw beth nad ydynt yn cytuno â'i gilydd yn aml.

Mae fy staff yn ceisio dehongli'r holl reolau a weithredir drwy broses IACS yn deg. Mae llawer o'r rhai sydd yn gweithio yn y swyddfeydd rhanbarthol yn ffermwyr rhan amser a chyda'r ffermwyr y maent yn cydymdeimlo ac nid gydag unrhyw beiriant Llywodraethol, os gallaf ei roi fel hynny. Dyna oedd yr achos pan ymwelais â swyddfeydd rhanbarthol Cymru yng Nghaernarfon, Llandrindod a Chaerfyrddin. Bydd y staff yn gwneud ymdrech fawr i gynorthwyo ffermwyr. Nid oes ond rhaid i chi ystyried beth a ddigwyddodd yn ystod argyfwng clwy'r traed a'r genau. Pan oedd hynny yn ei anterth, yr oedd pobl yn gweithio saith diwrnod yr wythnos yn y swyddfeydd hynny yn ymdrechu'n galed ac yn defnyddio eu harbenigedd proffesiynol i gynorthwyo ffermwyr ar lawr gwlad.

Nid yw dweud bod swyddfa'n aneffeithlon yr un peth â dweud nad yw'n dehongli'r rheolau'n briodol. Nid mater o effeithlonrwydd yw hynny, ond mater o ddehongli rheolau sefydlog. Ni dderbyniaf fod y swyddfeydd yn aneffeithlon. Dim ond y llynedd y sefydlwyd rhaglen JIGSAW. Un o brif elfennau hynny yw cynnal adolygiad o brosesau is-adran rheoli CAP. Mae'r

now, and mutli-skilled teams are being set up to answer all questions from farmers so that people are not shoved from pillar to post on the telephone line because they have to ask different questions of different people. The same people are being trained to answer any number of questions. A new information technology system is being put in place to deliver consistent processing of applications across Wales. Finally and excitingly, we have the digitised land-based record system—the GIS system. I have seen examples of that and it will make it much easier for claims to be processed and for queries to be answered. Things are being done to improve methods of processing claims. I cannot accept that there is inefficiency, which is what the amendment implies, or that there needs to be a review over and above what is currently being undertaken.

On the number of cases that we expect the tribunal to deal with, around 60,000 claims are submitted each year to the divisional offices. Of those 60,000 around 200 come to me for determination. Those 200 will go through the three-staged procedure that I have already outlined. The Scottish mechanism has dealt with three appeal cases since it came into force in November. Therefore, the fact that a three-staged system is in place will mean that the number of people who feel that they must appeal will be reduced as they go through the system, and as they achieve what we hope is satisfaction. The independent appeals mechanism is a landmark for farming in Wales. Mick Bates said that it was a Liberal Democrat policy. It was a cross-party one delivered by a Labour Minister. However, I do not want to bring the outside world into the Chamber at this stage.

4:30 p.m.

As far as IT is concerned, this is all part of JIGSAW, which enables people to deal with divisional offices via information technology. It is also important that people realise that we are trying to speed up payments, in that we are trying to encourage people to accept payments through the bank automated clearing system, so that they are paid quicker without any need for them to physically

swyddfeydd rhanbarthol yn gwneud hynny yn awr, a chaiff timau aml-fedrus eu sefydlu i ateb yr holl gwestiynau gan ffermwyr fel na chaiff pobl eu trosglwyddo o bant i bentan ar y llinell ffôn oherwydd bod rhaid iddynt ofyn cwestiynau gwahanol i wahanol bobl. Caiff yr un bobl eu hyfforddi i ateb unrhyw nifer o gwestiynau. Caiff system technoleg gwybodaeth newydd ei sefydlu i gyflenwi prosesau cyson o geisiadau ledled Cymru. Yn olaf ac yn gyffrous, mae gennym y system gofnodi ddigidol wedi'i lleoli ar y tir—system GIS. Gwelais enghreifftiau o hynny a bydd yn llawer haws i'r ceisiadau gael eu prosesu ac i'r ymholiadau gael eu hateb. Caiff pethau eu gwneud i wella dulliau o brosesu ceisiadau. Ni allaf dderbyn bod aneffeithlonrwydd, sef yr hyn y mae'r gwelliant yn ei awgrymu, na bod angen cynnal adolygiad yn fwy na'r hyn a gaiff ei wneud ar hyn o bryd.

O ran nifer yr achosion y disgwyliwn i'r tribiwnlys ymdrin â hwy, caiff tua 60,000 o geisiadau eu cyflwyno bob blwyddyn i'r swyddfeydd rhanbarthol. O'r 60,000 hynny, bydd tua 200 yn dod ataf fi i benderfynu arnynt. Bydd y 200 hynny'n mynd drwy'r weithdrefn tri cham a amlinellais eisoes. Mae dull yr Alban wedi ymdrin â thri achos apêl ers iddo ddod i rym ym mis Tachwedd. Felly, bydd y ffaith bod system tri cham mewn grym yn golygu y bydd nifer y bobl sydd yn teimlo bod yn rhaid iddynt apelio yn lleihau wrth iddynt fynd drwy'r system, ac wrth iddynt gyflawni'r hyn y gobeithiwn sydd yn foddhad. Mae'r dull apeliadau annibynnol yn garreg filltir ar gyfer ffermio yng Nghymru. Dywedodd Mick Bates mai polisi'r Democratiaid Rhyddfrydol ydoedd. Yr oedd yn bolisi trawsbleidiol a gyflwynwyd gan Weinidog Llafur. Fodd bynnag, nid wyf am ddod â'r byd allanol i'r Siambr ar hyn o bryd.

O ran TG, mae hyn i gyd yn rhan o JIGSAW, sydd yn galluogi pobl i ymdrin â swyddfeydd rhanbarthol drwy dechnoleg gwybodaeth. Mae hefyd yn bwysig bod pobl yn sylweddoli ein bod yn ceisio cyflymu taliadau, drwy geisio annog pobl i dderbyn taliadau drwy system glirio awtomataidd y banc, fel y cânt eu talu'n gyflymach heb fod angen iddynt dalu siec i mewn i'r banc ac aros, hyd at dri

deposit a cheque in the bank and wait, possibly up to three days, for it to clear.

Ynglŷn â phwynt Rhodri Glyn Thomas, cefnogaf yr hyn a ddywedodd am staff y swyddfeydd rhanbarthol a'u gwaith yn ystod argyfwng clwy'r traed a'r genau. Mae'r gost ariannol o ddwyn cais gerbron y panel apeliadau yn deg ac yn llai na'r hyn y byddai'n rhaid ei dalu mewn tribiwnlys swyddogol. Mae'n deg dweud y bydd unrhyw un sydd yn gwneud apêl lwyddiannus yn cael yr arian hwnnw yn ôl.

We should be careful about saying that the common agricultural policy is imposed by Brussels, as it is a Europe-wide and generous system. From our point of view, we will always seek to ensure that the system works evermore efficiently and smoothly, and that people feel that they have a fair crack of the whip, which is what this motion is intended to achieve.

diwrnod o bosibl, iddi glirio.

On Rhodri Glyn Thomas's point, I support what he said about the divisional offices' staff and their work during the foot and mouth disease crisis. The cost of taking a claim to the appeals panel is fair, and is less than the fee for an official tribunal. It is fair to say that the fee will be refunded to successful appellants.

Dylem fod yn ofalus wrth ddweud y caiff y polisi amaethyddol cyffredinol ei weithredu gan Frwsel, gan ei bod yn system a weithredir ledled Ewrop a'i bod yn system hael. Yn ein barn ni, byddwn o hyd yn ceisio sicrhau bod y system yn gweithio'n fwyfwy effeithlon ac esmwyth, a bod bobl yn teimlo eu bod yn cael cyfle teg, sef yr hyn mae'r cynnig hwn yn bwriadu ei gyflawni.

Gwelliant 1: O blaid 8, Ymatal 0, Yn erbyn 34
Amendment 1: For 8, Abstain 0, Against 34

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

Bourne, Nick
Davies, David
Davies, Glyn
Graham, William
Melding, David
Morgan, Jonathan
Richards, Rod
Rogers, Peter

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

Barrett, Lorraine
Bates, Mick
Black, Peter
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Dafis, Cynog
Davidson, Jane
Davies, Andrew
Davies, Jocelyn
Edwards, Richard
Essex, Sue
Evans, Delyth
Gibbons, Brian
Gregory, Janice
Griffiths, John
Halford, Alison
Hancock, Brian
Hutt, Jane
Jones, Carwyn
Jones, Elin
Jones, Gareth
Lloyd, David
Law, Peter
Lewis, Huw
Middlehurst, Tom
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Ryder, Janet
Thomas, Gwenda

Thomas, Owen John
Thomas, Rhodri Glyn
Williams, Kirsty

*Gwrthodwyd y gwelliant.
Amendment rejected.*

*Cynnig: O blaid 42, Ymatal 0, Yn erbyn 0.
Motion: For 42, Abstain 0, Against 0.*

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

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

Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Dafis, Cynog
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Jocelyn
Edwards, Richard
Essex, Sue
Evans, Delyth
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John
Halford, Alison
Hancock, Brian
Hutt, Jane
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Peter
Lewis, Huw
Lloyd, David
Melding, David
Middlehurst, Tom
Morgan, Jonathan
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Richards, Rod
Rogers, Peter
Ryder, Janet
Thomas, Gwenda
Thomas, Owen John
Thomas, Rhodri Glyn
Williams, Kirsty

*Derbyniwyd y cynnig.
Motion adopted.*

**Adroddiad y Prif Arolygydd ar Hyfforddiant a Datblygiad (Adroddiad Estyn)
Debate on the Chief Inspector's Report on Training and Development (Estyn
Report)**

The Deputy Presiding Officer: I have selected amendments 1, 2, 3, 4 and 5 in the name of Jocelyn Davies.

Y Dirprwy Lywydd: Yr wyf wedi dethol gwelliannau 1, 2, 3, 4 a 5 yn enw Jocelyn Davies.

The Minister for Education and Lifelong Learning (Jane Davidson): I propose that

Y Gweinidog dros Addysg a Dysgu Gydol Oes (Jane Davidson): Cynigiau fod

the National Assembly notes the 1999-2000 Annual Report of Her Majesty's Chief Inspector of Education and Training in Wales which was laid in the Table Office on 14 May 2001 and recognises that the key issues are taken on board in Estyn's remit from the National Assembly for 2001-02 which was laid in Table Office 10 April 2001.

y Cynulliad Cenedlaethol yn nodi Adroddiad Blynyddol 1999-2000 Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru a osodwyd yn y Swyddfa Gyflwyno ar 14 Mai 2001 ac yn cydnabod bod y materion allweddol yn cael eu cynnwys yng nghylch gwaith Estyn o'r Cynulliad Cenedlaethol ar gyfer 2001-02 a osodwyd yn y Swyddfa Gyflwyno ar 10 Ebrill 2001.

I draw Members' attention to the 1999-2000 Annual Report of Her Majesty's Chief Inspector of Education and Training in Wales, published on 16 February. I welcome its publication as an important addition to the body of evidence about education standards and as a basis for informing the way ahead. I am delighted to note that the broad findings of the report show that overall standards of achievement in education and training at all levels have risen again. Schools, colleges and other organisations are on course to meet many of the challenging targets that we have set, including the target that, by 2002, standards in over 95 per cent of classes in primary and secondary schools should be at least satisfactory, and good or better in over 50 per cent of classes.

Tynnaf sylw'r Aelodau at Adroddiad Blynyddol 1999-2000 Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, a gyhoeddwyd ar 16 Chwefror. Croesawaf y cyhoeddiad hwn fel ychwanegiad pwysig at y dystiolaeth am safonau addysg ac fel sail i lywio'r ffordd ymlaen. Mae'n bleser gennyf nodi y dengys canfyddiadau cyffredinol yr adroddiad bod safonau cyflawniad cyffredinol mewn addysg a hyfforddiant wedi codi eto ar bob lefel. Mae ysgolion, colegau a sefydliadau eraill ar y trywydd cywir i fodloni llawer o'r targedau heriol a osodwyd gennym sef, erbyn 2002, y dylai safonau mewn mwy na 95 y cant o'r dosbarthiadau mewn ysgolion cynradd ac uwchradd fod o leiaf yn foddhaol, ac yn dda neu'n well mewn mwy na 50 y cant o'r dosbarthiadau.

This rise confirms that our policies and strategies are effective in raising education standards and the quality of teaching and learning. However, I recognise that we could not have made these gains without the goodwill and effort of learners and their teachers. I take this opportunity to once again pay a warm tribute to teachers and lecturers in all our learning institutions, for their professionalism and dedication.

Mae'r cynnydd hwn yn cadarnhau bod ein polisiau a'n strategaethau yn effeithiol o ran codi safonau addysg ac ansawdd yr addysgu a'r dysgu. Fodd bynnag, cydnabyddaf na allem fod wedi gwneud y gwelliannau hyn heb ewylllys dda ac ymdrech y dysgwyr a'u hathrawon. Cymeraf y cyfle hwn i dalu teyrnged unwaith eto i'r athrawon a'r darlithwyr ym mhob un o'n sefydliadau dysgu, am eu hagwedd broffesiynol a'u hymroddiad.

I understand the sentiment that underlies the

Deallaf y teimladau sydd wrth wraidd y

amendments in the name of Jocelyn Davies. It is important for the weaknesses identified by Estyn, whether in the annual report or in its regular survey reports, to be acted upon. The Assembly has mechanisms in place to help achieve this. The weaknesses highlighted in the 1998-99 annual report were addressed in the 1999-2000 remit and, where appropriate, in the 2000-01 remit. The chief inspector has produced an annual plan, which sets out the broad activities for the coming year. We hope that the style and coverage of this plan will develop over time, and officials will be in regular discussion with the chief inspector. In addition there will be regular meetings with the chief inspector to discuss progress on the remit throughout the year.

Estyn's findings are also crucial in informing the development of the grants for education support and training programme year on year, and the priorities for action set in the context of the annual education budget. The Education and Lifelong Learning Committee will have an opportunity to consider both during the course of the year.

For these reasons I cannot support Jocelyn's amendment 1. It is important that the evidence in Estyn's reports is reflected in the remit that the Assembly gives to the inspectorate each year. This amendment does not acknowledge the fact that the 2001 remit recognises the key issues identified in the 1999-2000 annual report, and asks Estyn to address them. While I accept that weaknesses identified by Estyn need to be addressed, it is also important to remember that, in many cases, the action lies with schools or individual subject departments, and for that reason I cannot support Jocelyn's amendment 2.

However, although I am not totally happy, I will support amendment 3, given that the report draws attention to a lack of opportunity for students and trainees to receive a bilingual or Welsh-medium training post-16. We will examine that closely in the Committee's review of Welsh-language provision. However, I also acknowledge the considerable achievements that have occurred. Estyn's report is clear that:

gwelliannau yn enw Jocelyn Davies. Mae'n bwysig y cymerir camau i ymdrin â'r gwendidau a nodir gan Estyn yn yr adroddiad blynyddol neu yn ei adroddiadau arolwg rheolaidd. Mae gan y Cynulliad ddulliau o helpu i gyflawni hyn. Ymdriniwyd â'r gwendidau a amlygwyd yn yr adroddiad blynyddol 1998-99 yng nghylch gwaith 1999-2000 a, lle y bo'n briodol, yng nghylch gwaith 2000-01. Mae'r prif arolygydd wedi llunio cynllun blynyddol, sydd yn nodi'r gweithgareddau bras ar gyfer y flwyddyn i ddod. Gobeithiwn y bydd arddull a chynnwys y cynllun hwn yn datblygu dros amser, ac y caiff swyddogion drafodaethau rheolaidd â'r prif arolygydd. Yn ogystal, caiff cyfarfodydd rheolaidd eu cynnal â'r prif arolygydd i drafod y cynnydd a wnaethpwyd o ran y cylch gwaith drwy gydol y flwyddyn.

Mae canfyddiadau Estyn hefyd yn hanfodol wrth lywio'r broses o ddatblygu'r rhaglen grantiau cynnal addysg a hyfforddiant yn flynyddol, a'r blaenoriaethau i weithredu arnynt a bennwyd yng nghyd-destun y gyllideb addysg flynyddol. Caiff y Pwyllgor Addysg a Dysgu Gydol Oes gyfle i ystyried y ddau fater hyn yn ystod y flwyddyn.

Oherwydd y rhesymau hyn, ni allaf gefnogi gwelliant 1 Jocelyn. Mae'n bwysig y caiff y dystiolaeth yn adroddiadau Estyn ei hadlewyrchu yn y cylch gwaith a roddir i'r arolygiaeth gan y Cynulliad bob blwyddyn. Nid yw'r gwelliant hwn yn cydnabod y ffaith bod cylch gwaith 2001 yn cydnabod y materion allweddol a nodwyd yn adroddiad blynyddol 1999-2000, ac yn gofyn i Estyn fynd i'r afael â hwy. Er y derbynias fod angen ymdrin â'r gwendidau a nodir gan Estyn, mae'n bwysig cofio hefyd bod yn rhaid i ysgolion neu adrannau pynciau unigol, mewn llawer o achosion, gymryd camau priodol ac felly ni allaf gefnogi gwelliant 2 Jocelyn.

Fodd bynnag, er nad wyf yn gwbl fodlon ag ef, cefnogaf welliant 3, o ystyried bod yr adroddiad yn rhoi sylw i'r diffyg cyfle i fyfyrwyr a hyfforddeion gael hyfforddiant ôl-16 yn ddwyieithog neu yn y Gymraeg. Byddwn yn archwilio hynny'n fanwl yn adolygiad y Pwyllgor o ddarpariaeth Gymraeg. Fodd bynnag, cydnabyddaf hefyd y llwyddiannau sylweddol. Mae adroddiad Estyn yn nodi'n glir:

'In all key stages in Welsh-medium and bilingual schools, pupils achieve largely satisfactory or better standards across the subjects of the National Curriculum, with a great deal of good work. There is very little unsatisfactory work.'

It is also true that, despite additional funding of 40 per cent premium, the level of demand for the establishment of Welsh-medium courses has not been stimulated. ELWa will address that issue in developing its strategies. In the meantime, we will make funding available for translating and disseminating learning materials, free of charge, via the Wales Digital College's website.

With regard to amendment 4, I have acknowledged many times that performance at key stage 3 is disappointing. I highlighted this as a priority in Estyn's remit for 2001-02, where I placed a particular focus on literacy and numeracy and the extension into secondary schools of the successful strategies adopted in the primary sector. The GEST programme also provides £6.2 million through the 'Planning for Success' fund that has a particular focus on the transition between key stages 2 and 3. As you know I also made £26 million available to local education authorities, part of which supports initiatives that are designed to improve standards at key stage 3. For these reasons I can agree with the sentiment behind the amendment.

Amendment 5 is unnecessary, and should be rejected because we already have an advisory group in place, which was established some time ago and mentioned in committee, and which is looking at reducing bureaucratic burdens on schools. Estyn has an active and key role on that group and it was instrumental in drawing up an action plan that includes short and longer-term actions aimed at reducing the administrative burden on schools during inspections. The draft report will be presented to the Education and Lifelong Learning Committee on 13 June, and is scheduled for debate in Plenary on 10 July. The action plan will be monitored and evaluated to see how much the administrative burden has been reduced.

'Ymhob cyfnod allweddol, mewn ysgolion Cymraeg a dwyieithog, mae'r disgyblion yn cyflawni safonau boddhaol neu well, at ei gilydd, ymhob un o bynciau'r Cwricwlwm Cenedlaethol. Mae cyfran sylweddol o waith da. Prin iawn yw'r gwaith anfodhaol.'

Mae'n wir hefyd, er gwaethaf arian ychwanegol premiwm 40 y cant, na ysgogwyd lefel y galw am sefydlu cyrsiau drwy'r Gymraeg. Bydd ELWa yn ymdrin â'r mater hwnnw wrth ddatblygu ei strategaethau. Yn y cyfamser, byddwn yn sicrhau bod arian ar gael i gyfieithu a dosbarthu deunyddiau dysgu, am ddim, drwy wefan Coleg Digidol Cymru.

Ynglŷn â gwelliant 4, yr wyf wedi cydnabod droeon bod perfformiad yng nghyfnod allweddol 3 yn siomedig. Pennais y mater hwn yn flaenoriaeth yng nghylch gwaith Estyn ar gyfer 2001-02, lle y canolbwyntiais yn benodol ar lythrennedd a rhifedd ac ehangu'r strategaethau llwyddiannus a fabwysiadwyd gan y sector cynradd i ysgolion uwchradd. Rhydd y rhaglen GEST £6.2 miliwn hefyd drwy'r gronfa 'Cynllunio ar gyfer Llwyddiant' sydd yn canolbwyntio'n benodol ar y broses drosiannol rhwng cyfnodau allweddol 2 a 3. Fel y gwyddoch, rhoddais £26 miliwn hefyd i awdurdodau addysg lleol, gyda rhan ohono yn cefnogi mentrau sydd wedi eu bwriadu i wella safonau yng nghyfnod allweddol 3. Am y rhesymau hyn, gallaf gytuno â'r teimladau y tu ôl i'r gwelliant.

Nid oes angen Gwelliant 5, a dylid ei wrthod gan fod gennym eisoes grŵp ymgynghorol, a sefydlwyd ers peth amser ac a grybwyllwyd yng nghyfarfod y pwyllgor, sydd yn ystyried lleihau'r beichiau biwrocraidd ar ysgolion. Mae gan Estyn rôl weithgar ac allweddol yn y grŵp hwn a chymerodd ran allweddol wrth lunio cynllun gweithredu sydd yn cynnwys camau byrdymor a hirdymor sydd â'r nod o leihau'r baich gweinyddol ar ysgolion yn ystod arolygiadau. Caiff yr adroddiad drafft ei gyflwyno i'r Pwyllgor Addysg a Dysgu Gydol Oes ar 13 Mehefin, a bwriedir cynnal dadl arno yn y Cyfarfod Llawn ar 10 Gorffennaf. Caiff y cynllun gweithredu ei fonitro a'i werthuso i weld i ba raddau mae'r baich gweinyddol wedi'i leihau.

In conclusion, there is much to celebrate. Standards continue to improve, but there is still much to do. The main task now is to build on the progress of recent years and to develop learning strategies to address weaknesses identified in the report. I believe that Estyn's remit from the National Assembly for 2001-02 takes on board the key issues, and alongside our commitment to work in partnership with all who are involved in education, we will ensure that every child and learner in Wales continues to benefit from the best possible education system. This is evidence-based policy in action.

I gloi, mae llawer i'w ddathlu. Mae safonau yn parhau i wella, ond erys llawer i'w wneud. Y brif dasg bellach yw datblygu'r cynnydd a wnaethpwyd yn ystod y blynyddoedd diwethaf a datblygu strategaethau dysgu i ymdrin â'r gwendidau a nodwyd yn yr adroddiad. Credaf fod cylch gwaith Estyn o'r Cynulliad Cenedlaethol ar gyfer 2001-02 yn cynnwys y materion allweddol, ac ar y cyd â'n hymrwymiad i weithio mewn partneriaeth â phawb sydd yn ymwneud ag addysg, sicrhawn fod pob plentyn a dysgwr yng Nghymru yn parhau i elwa ar y system addysg orau bosibl. Dyma bolisi wedi ei seilio ar dystiolaeth ar waith.

I commend the chief inspector's annual report to the Assembly, and look forward to hearing Members' comments.

Cymeradwyaf adroddiad blynyddol y prif arolygydd i'r Cynulliad, ac edrychaf ymlaen at glywed sylwadau'r Aelodau.

4:40 p.m.

Gareth Jones: Cyflwynaf y gwelliannau canlynol yn enw Jocelyn Davies. Gwelliant 1: yn llinell 2, dileer popeth ar ôl '2001' a gosod y canlynol yn ei le:

Gareth Jones: I propose the following amendments in the name of Jocelyn Davies. Amendment 1: in line 2, delete everything after '2001' and replace with:

ac yn nodi llythyr cylch gwaith Estyn ar gyfer 2001-02, a osodwyd yn y Swyddfa Gyflwyno ar 10 Ebrill 2001.

and notes the Estyn remit letter for 2001-02, laid in the Table Office on 10 April 2001

Cynigiau welliant 2. Ychwanegu ar ddiwedd y cynnig:

I propose amendment 2. Add at the end of the motion:

Mae'r Cynulliad Cenedlaethol yn galw ar y Gweinidog dros Addysg a Dysgu Gydol Oes i:

The National Assembly calls upon the Minister for Education and Lifelong Learning to:

werthuso'r ffyrdd yr aethpwyd i'r afael â'r gwendidau a grybwyllwyd yn adroddiad blynyddol y llynedd;

evaluate the ways in which weaknesses addressed in last year's annual report were addressed;

cyflwyno cynllun gweithredu sy'n nodi sut y bydd yn mynd i'r afael â'r prif faterion yn adroddiad presennol Estyn.

present an action plan detailing how those main issues in the current Estyn report are to be addressed.

Cynigiau welliant 3. Ychwanegu ar ddiwedd y cynnig:

I propose amendment 3. Add at the end of the motion:

Mae'r Cynulliad Cenedlaethol yn galw ar y Gweinidog dros Addysg a Dysgu Gydol Oes i:

The National Assembly calls upon the Minister for Education and Lifelong Learning to:

fynd i'r afael â'r diffygion yn y ddarpariaeth

ensure that the deficiencies in the provision

addysg a hyfforddiant cyfrwng-Cymraeg, fel yr amlinellir yn yr adroddiad.

of Welsh-medium education and training, as outlined in the report, are addressed.

Cynigiaf welliant 4. Ychwanegu ar ddiwedd y cynnig:

I propose amendment 4. Add at the end of the motion:

Mae'r Cynulliad Cenedlaethol yn galw ar y Gweinidog dros Addysg a Dysgu Gydol Oes i:

The National Assembly calls upon the Minister for Education and Lifelong Learning to:

fynegi pryder ynglŷn â'r cynnydd gwael a wneir gan ddisgyblion yng Nghymru wrth iddynt symud o'r ysgol gynradd i'r ysgol uwchradd, fel a grybwyllir yn yr adroddiad.

express concern at the poor progress made by pupils in Wales when they move from primary to secondary school, as mentioned in the report.

Cynigiaf welliant 5. Ychwanegu ar ddiwedd y cynnig:

I propose amendment 5. Add at the end of the motion:

Mae'r Cynulliad Cenedlaethol yn galw ar y Gweinidog dros Addysg a Dysgu Gydol Oes i:

The National Assembly calls upon the Minister for Education and Lifelong Learning to:

gynnal ymchwiliad i ffyrdd o leihau'r baich gweinyddol ar ysgolion yn ystod arolygiadau.

conduct an investigation into ways of reducing the administrative burden on schools during inspections.

Yr wyf yn falch o'r cyfle i gymryd rhan yn y ddadl hon ar adroddiad blynyddol Prif Arolygydd ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru. Hon, o bosibl, yw'r ddogfen flynyddol bwysicaf sydd yn dod gerbron y Cynulliad.

I am pleased to be afforded an opportunity to participate in this debate on the annual report of Her Majesty's Chief Inspector of Education and Training in Wales. This is possibly the most important annual document that comes before the Assembly.

Ar ran Plaid Cymru—The Party of Wales, diolchaf i'r prif arolygydd am adroddiad graenus a chynhwysfawr. Mae'n arfarniad cytbwys ac agored o'r hyn sydd orau a'r hyn sydd angen sylw yn ein gwasanaeth addysg a hyfforddiant. Mae'n ddogfen ddiuedd a phroffesiynol, yn ôl y disgwyl, a llongyfarchaf y tîm arolygol am waith dadlennol a phwysig, beth bynnag fo'n barn am y gyfundrefn arolygu bresennol.

On behalf of Plaid Cymru—The Party of Wales, I thank the chief inspector for a polished and comprehensive report. It is a balanced and open evaluation of what is best and what needs attention in our education and training system. It is an unbiased and professional document, as expected, and I congratulate the inspection team for its revealing and important work, whatever our opinion on the present inspection system.

Mae'n adroddiad ar y flwyddyn academaidd olaf mewn canrif pan fu datblygiadau mawr mewn addysg a hyfforddiant. Fel y'n hatgoffir, digwyddodd llawer o'r newidiadau hynny yn ystod y 10 i 15 mlynedd diwethaf.

It is a report on the last academic year in a century that saw great developments in education and training. As we are reminded, many of those changes occurred during the last 10 to 15 years.

Yn ôl yr adroddiad, mae llawer i'w ddathlu gan fod safonau addysg yn dal i godi bob blwyddyn. Cytunaf â'r Gweinidog a'r prif arolygydd na allai'r sefydliadau a arolygwyd fod wedi llwyddo heb waith caled y dysgwyr,

According to the report, there is much to celebrate as educational standards continue to rise year on year. I agree with the Minister and the chief inspector that the institutions inspected could not have succeeded without

cefnogaeth eu teuluoedd ac ymroddiad eu hathrawon, llywodraethwyr ac eraill.

the hard work of the learners, the support of their families and the commitment of their teachers, governors and others.

Serch hynny, mae'r adroddiad yn cyfeirio at wendidau amlwg yn ein gwasanaeth addysg. Mae arnynt angen sylw ar fyrder a dylid eu trafod yn drylwyr â'r arolygiaeth i sicrhau cyd-ddealltwriaeth ar y ffordd ymlaen ac ar y cynlluniau gweithredu y dylid eu mabwysiadu er mwyn goresgyn y gwendidau hynny.

However, the report refers to obvious weaknesses in our education service. They need urgent attention and should be thoroughly discussed with the inspectorate to ensure mutual understanding on the way forward and on the action plans that should be adopted to overcome those weaknesses.

Yr wyf yn siomedig bod y Gweinidog yn ymwrthod â gwelliannau 1 a 2. Ceisiaf egluro pam yr ydym yn cynnig y gwelliannau hynny. Fel plaid, credwn yn gryf y dylai aelodau'r Pwyllgor Addysg a Dysgu Gydol Oes fod wedi cael cyfranogi yn effeithiol yn y drafodaeth rhwng y Gweinidog a'r arolygiaeth er mwyn dylanwadu ar gynnwys y rhaglen a'r modd y dylid ei gweithredu. Byddai hynny'n cyd-fynd ag egwyddor cynhwysol y Cynulliad. Cyflwynasom welliant 1 am ein bod yn amharod i gydnabod cylch gorchwyl Estyn fel cylch gorchwyl y Cynulliad Cenedlaethol, gan na chafwyd cyfle penodol i'w drafod.

I am disappointed that the Minister rejects amendments 1 and 2. I will try to explain why we propose those amendments. As a party, we strongly believe that members of the Education and Lifelong Learning Committee should have been allowed to participate effectively in the discussion between the Minister and the inspectorate in order to influence the content of the programme and its implementation. That would tie in with the Assembly's inclusive principle. We tabled amendment 1 because we are not prepared to acknowledge Estyn's remit as that of the National Assembly, as we were not afforded a specific opportunity to discuss it.

Mae hynny'n ein gorfodi i gynnig gwelliant 2, sydd yn erfyn ar y Gweinidog i egluro sut y bydd y gwendidau a nodir yn adroddiad Estyn yn cael eu datrys neu pa ddulliau a fabwysiedir i fynd i'r afael â hwy. Gan fod yr arolygiaeth yn cyflawni ei gwaith yn broffesiynol, yn unol â chyfarwyddiadau'r Llywodraeth, onid yw'n ddyletswydd ar y Gweinidog dros Addysg a Dysgu Gydol Oes i sicrhau bod y gwendidau sydd yn ymddangos flwyddyn ar ôl blwyddyn yn derbyn sylw buan? Mae'r gwendidau hynny bron yn endemig i'r gwasanaeth addysg a'n hysgolion, ac yn tansilio llwyddiannau ac effeithiolrwydd y gwasanaeth hwnnw. Rhaid buddsoddi er mwyn sicrhau y gallwn oresgyn a datrys y problemau hynny.

That compels us to propose amendment 2, which implores the Minister to explain how the weaknesses noted in Estyn's report will be addressed or what methods will be adopted to tackle them. As the inspectorate undertakes its work professionally, in accordance with Government guidelines, is there not a duty on the Minister for Education and Lifelong Learning to ensure that the weaknesses that appear year after year receive urgent attention? Those weaknesses are almost endemic to the education service and our schools, and undermine the successes and effectiveness of that service. We must invest to ensure that we can overcome and solve those problems.

Mae gwelliannau 3 a 4 yn ymdrin ag enghreifftiau penodol o wendidau blynyddol. Croesawaf gefnogaeth y Gweinidog i'r gwelliannau hynny a'i sylwadau, yn enwedig ynghylch ELWa a'r her sydd o'n blaenau ynglŷn â hynny.

Amendments 3 and 4 relate to specific examples of annual weaknesses. I welcome the Minister's support for those amendments and her comments, particularly on ELWa and the challenge that we face in that regard.

Beth yw diben gwaith da Estyn os nad ydym yn mynnu gosod cyfarwyddiadau pendant ar gynlluniau gweithredu effeithiol a fyddai'n datrys y problemau endemig unwaith ac am byth? Ar hyn o bryd, nid yw Plaid Cymru yn teimlo ein bod yn cael digon o amser i drafod y gwendidau sylfaenol ac ni chawn ddylanwadu yn ddigonol ar y ffordd orau o'u datrys. Ceir gwendidau difrifol—ac mae eraill—ac mae'n amlwg na fyddant yn debygol o gael eu datrys yn y dyfodol agos. Mae hynny'n fater o bryder.

Mae llawer mwy i welliant 5 nag a ymddengys ar y darlleniad cyntaf. Mae'n cwestiynu proses fiwrocraidd y gyfundrefn arolygu bresennol. Mae cylch gorchwyl Estyn yn frawychus o ran ei faint. A oes ganddo'r adnoddau i ymateb yn bositif i'r holl ofynion? Yr wyf yn amau hynny. Pe bai ganddo'r adnoddau, oni fyddai bwrw ymlaen â'r rhaglen heriol o drwmlywthog hon yn rhoi pwysau aruthrol ychwanegol ar ein hysgolion, athrawon a llywodraethwyr? Oni fydd yn arwain at gynnydd sylweddol mewn biwrocraatiaeth ac oni ddylem geisio lleihau biwrocraatiaeth a rhyddhau mwy o amser dysgu i'n hathrawon?

The Deputy Presiding Officer: Order. You have 20 seconds in which to finish your speech.

Gareth Jones: A all y Gweinidog ail-lunio'r broses bresennol a chreu cyfundrefn arolygiaeth Gymreig, un a fyddai'n llawer mwy llyfn, yn gynhaliol ac yn feirniadol ond yn llawer llai trwsogl, biwrocraidd a Thatcheriaid ei naws na'r un bresennol?

Eleanor Burnham: I worked at a school where Estyn undertook an inspection and it was an agreeable and positive experience. The Liberal Democrats note many issues that will be discussed. There are positive points. Standards are rising gradually, and teachers throughout Wales should be congratulated on that. There has been a large increase in the number of young people going on to further education—a sign that the skills battle is being won. The key role of local education authorities is obvious, and they provide a wide range of important statistics.

What is the purpose of Estyn's good work if we do not insist on setting firm guidelines on effective action plans that would solve the endemic problems once and for all? At present, Plaid Cymru does not feel that we are given enough time to discuss the fundamental weaknesses and we are not allowed to sufficiently influence the best way of resolving them. There are serious weaknesses—and there are others—and it is evident that they are not likely to be solved in the near future. That is a matter of concern.

There is far more to amendment 5 than is obvious on the first reading. It questions the bureaucratic process of the present inspection system. Estyn's remit is frightening in terms of size. Does it have the resources to respond positively to all the requirements? I doubt that. If it had the resources, would it not place great additional pressure on our schools, teachers and governors to press ahead with this challengingly burdensome programme? Will it not lead to a substantial increase in bureaucracy and should we not attempt to reduce bureaucracy and release more teaching time for our teachers?

Y Dirprwy Lywydd: Trefn. Mae 20 eiliad gennyh i orffen eich araith.

Gareth Jones: Can the Minister re-visit the current process and create a Welsh inspection regime, one that would be far more smoothly run, would be supportive and critical, but far less cumbersome, bureaucratic and Thatcherite than the one that we have at present?

Eleanor Burnham: Gweithiais mewn ysgol lle y cynhaliwyd arolygiad gan Estyn ac yr oedd yn brofiad dymunol a chadarnhaol. Noda'r Democratiaid Rhyddfrydol lawer o faterion a gaiff eu trafod. Ceir pwyntiau cadarnhaol. Mae safonau yn codi'n raddol a dylid llongyfarch athrawon ledled Cymru o'i herwydd. Bu cynnydd mawr yn nifer y bobl ifanc sydd yn mynd ymlaen i addysg bellach—arwydd y caiff y frwydr sgiliau ei hennill. Mae rôl allweddol awdurdodau addysg lleol yn amlwg, a darparant amrywiaeth eang o ystadegau pwysig.

However, many issues still cause concern to the Liberal Democrats. One is the dip in standards when pupils move from primary to secondary education. We need much more research into why that happens. We must also concentrate more resources on preventing it from happening. Schools also have problems with standards in key stages 2 and 3 and with levels of literacy and numeracy.

Another problem in schools is the deficit in information and communications technology provision and training for children. There is also a deficit in teachers' knowledge of the subject. Often, ICT knowledge and equipment is not in line with technology used in the workplace. We must ensure that every school uses and encourages the use of modern technology and keeps up with the technology that is being used in the workplace.

There are not only problems with basic skills. For example, evidence shows that primary school pupils have a lively interest in cultural and artistic subjects. However, this interest is not encouraged in the same way when they proceed into secondary education. We need greater emphasis on the links between primary and secondary schools, further education institutions and the workplace. This highlights the need for a joined-up approach by educational institutions. That approach has already had a great effect in post-16 education, with effective partnerships developing between schools and further education colleges. That is the spirit behind Education and Learning Wales. The Welsh Liberal Democrats are happy to see an end to the competitive environment introduced by the Tories.

The continuing evidence that too many schools have leaking roofs, peeling paintwork and drab classrooms is worrying. I have already visited several schools in north-east Wales and it is evident that those problems still exist. Estyn refers to the unsuitable environment in which many children work. The Liberal Democrats welcome the

Fodd bynnag, parha llawer o faterion i beri pryder i'r Democratiaid Rhyddfrydol. Un o'r materion hyn yw'r gostyngiad mewn safonau pan fydd disgyblion yn symud o addysg gynradd i addysg uwchradd. Mae angen llawer mwy o ymchwil i weld pam y digwydd hynny. Rhaid inni hefyd ganolbwyntio mwy o adnoddau ar atal hynny rhag digwydd. Mae gan ysgolion broblemau hefyd o ran safonau yng nghyfnodau allweddol 2 a 3 ac o ran lefelau llythrennedd a rhifedd.

Problem arall mewn ysgolion yw'r diffyg o ran darpariaeth a hyfforddiant technoleg gwybodaeth a chyfathrebu i blant. Mae gwybodaeth athrawon o'r pwnc yn ddiffygiol hefyd. Yn aml, nid yw'r wybodaeth a'r offer TGCh yn cydymffurfio â'r dechnoleg a ddefnyddir yn y gweithle. Rhaid inni sicrhau bod pob ysgol yn defnyddio ac yn annog y defnydd o dechnoleg fodern ac yn dilyn y dechnoleg a ddefnyddir yn y gweithle.

Nid dim ond problemau gyda'r sgiliau sylfaenol a geir. Er enghraifft, dengys tystiolaeth fod gan ddisgyblion ysgolion cynradd ddiddordeb brwd mewn pynciau diwylliannol a chelfyddydol. Fodd bynnag, nid anogir y diddordeb hwn yn yr un modd pan ânt ymlaen i addysg uwchradd. Mae angen inni roi mwy o bwyslais ar y cysylltiadau rhwng ysgolion cynradd ac uwchradd, sefydliadau addysg bellach a'r gweithle. Amlyga hyn yr angen am ymagwedd gydgysylltiedig gan sefydliadau addysgol. Mae'r ymagwedd honno eisoes wedi cael effaith fawr ar addysg ôl-16, gan ddatblygu partneriaethau effeithiol rhwng ysgolion a cholegau addysg bellach, Dyna'r meddylfryd y tu ôl i Ddysgu ac Addysgu Cymru. Mae Democratiaid Rhyddfrydol Cymru yn falch o weld diwedd i'r amgylchedd cystadleuol a gyflwynwyd gan y Toriaid.

Mae'r dystiolaeth barhaus bod gan ormod o ysgolion doeon sydd yn gollwng dŵr, paent sydd yn plicio ac ystafelloedd dosbarth diflas yn achos pryder. Yr wyf eisoes wedi ymweld â nifer o ysgolion yng ngogledd-ddwyrain Cymru ac mae'n amlwg bod y problemau hynny yn parhau. Cyfeiria Estyn at yr amgylchedd anaddas lle y gweithia llawer o

additional money for school buildings specified in the partnership agreement. However, we must do more to ensure that all schools are in an acceptable condition.

There are many further issues of concern. Not all teachers are specialists in the subjects that they teach. Subjects lacking specialist teachers include languages, ICT and religion. The levels of religious education vary. However, other cultural ways of worship are often not highlighted, for example, in school assemblies. Many teachers do not use the results of the inspector's report to review how they teach. Classrooms are bare in many schools and students' work is not displayed. The gap between the achievement of boys and girls is not closing fast enough for us to reach our 2002 target. More resources are needed to achieve that. Teachers need additional training in the implications of the Waterhouse report for the profession. It is also important for schools to promote bilingual skills by concentrating on improving the take-up and effectiveness of modern foreign languages.

Attendance at some secondary schools in particular is poor. A huge effort must be made to hold or re-engage the interest of pupils and to re-motivate them. That is the kind of work that I did before becoming an Assembly Member. Many young people are in danger of dropping out of education altogether.

The Liberal Democrats particularly welcome the reference in the Minister's remit letter to Estyn to the development of the Welsh baccalaureate. That is the modern type of qualification that the Liberal Democrats strongly supported in our Assembly manifesto. It is also part of the partnership agreement.

Another issue of concern for the Liberal Democrats is the standard of physical education and sports in schools. We eagerly await the publication of the report

blant. Croesawa'r Democratiaid Rhyddfrydol yr arian ychwanegol ar gyfer adeiladau ysgolion a nodwyd yn y cytundeb partneriaeth. Fodd bynnag, rhaid inni wneud mwy er mwyn sicrhau bod pob ysgol mewn cyflwr derbyniol.

Mae llawer o faterion eraill sydd yn peri pryder. Nid yw pob athro yn arbenigwr yn y pynciau a ddysgir ganddynt. Ymhlith y pynciau lle nad oes athrawon arbenigol mae ieithoedd, TGCh a chrefydd. Mae lefelau addysg grefyddol yn amrywio. Fodd bynnag, yn aml nid amlygir ffyrdd diwylliannol eraill o addoli, er enghraifft, mewn gwasanaethau ysgol. Ni ddefnyddir canlyniadau adroddiad yr arolygydd gan lawer o athrawon i adolygu sut maent yn addysgu. Mae'r ystafelloedd dosbarth yn foel mewn llawer o ysgolion ac nid arddangosir gwaith y myfyrwyr. Nid yw'r bwllch rhwng cyflawniad bechgyn a merched yn cau'n ddigon cyflym fel y gallwn gyrraedd ein targed ar gyfer 2002. Mae angen rhagor o adnoddau i gyflawni hynny. Mae angen hyfforddiant ychwanegol ar athrawon ar oblygiadau adroddiad Waterhouse i'r proffesiwn. Mae'n bwysig hefyd i ysgolion hyrwyddo sgiliau dwyieithog drwy ganolbwyntio ar gynyddu nifer y myfyrwyr sydd yn astudio ieithoedd tramor modern a thrwy wella eu heffeithiolrwydd.

Ceir presenoldeb gwael mewn rhai ysgolion uwchradd yn arbennig. Rhaid gwneud ymdrech enfawr i gadw neu i ailennyn diddordeb disgyblion ac i'w hailysgogi. Dyna'r math o waith yr oeddwn yn ei wneud cyn imi ddod yn Aelod o'r Cynulliad. Mae llawer o bobl ifanc mewn perygl o adael addysg yn gyfan gwbl.

Croesawa'r Democratiaid Rhyddfrydol yn benodol y ffaith bod llythyr cylch gwaith y Gweinidog i Estyn yn cyfeirio at ddatblygu'r fagloriaeth Gymreig. Dyna'r math o gymhwyster modern a gefnogwyd yn gryf gan y Democratiaid Rhyddfrydol yn ein maniffesto i'r Cynulliad. Mae'n rhan o'r cytundeb partneriaeth hefyd.

Mater arall sydd yn peri pryder i'r Democratiaid Rhyddfrydol yw safon addysg gorfforol a chwaraeon mewn ysgolion. Arhoswn yn awyddus am gyhoeddiad yr

commissioned by Rosemary Butler as the former Secretary for Education and Children. We need an integrated approach to improve standards of teaching and the facilities in schools that can be used by the community.

4:50 p.m.

Jonathan Morgan: First, I say how much we welcome this report. On behalf of the Welsh Conservative Party, I congratulate the Estyn team, led by Susan Lewis, for an excellent report into the state of the education system in Wales. We are all fully aware that a successful education system needs a well-structured, effective inspection system. If we are to raise standards we need to know how schools are doing, how the curriculum is taught, we need to know about the state of buildings and about a wide range of issues that must be considered when the Assembly plans its education policies.

I will raise several points. First, it is noticeable that, overall, there have been improvements with regard to curriculum and achievement in primary and secondary schools. However, there is some concern about the advancements made through the teaching of Information and Communications Technology to students in primary and secondary schools. We assume that in years ahead that will be rectified with the advent of the Education and Lifelong Learning Committee's ICT review, and its implications for education in Wales.

Modern foreign languages have been a huge concern of mine, and of other colleagues on the Education and Lifelong Learning Committee. Wales is lagging behind England and the rest of the UK in the teaching and take-up of modern foreign languages. The report stresses concern over the numbers of students entered for A-level modern foreign languages in 2000 as being, I think, the lowest for at least six years, and, therefore, fewer students are pursuing modern foreign languages degrees. We must ask why that is the case and how we can improve this depressing situation. If Wales is to play its part as a modern, European nation we should

adroddiad a gomisiynwyd gan Rosemary Butler, fel y cyn-Ysgrifennydd Addysg a Phlant. Mae angen ymagwedd integredig arnom i wella safonau addysgu a'r cyfleusterau mewn ysgolion y gall y gymuned eu defnyddio.

Jonathan Morgan: Yn gyntaf, dywedaf gymaint y croesawn yr adroddiad hwn. Ar ran Plaid Geidwadol Cymru, llongyfarchaf tîm Estyn, o dan arweiniad Susan Lewis, am adroddiad ardderchog ar gyflwr y system addysg yng Nghymru. Mae pob un ohonom yn llwyr ymwybodol bod angen system arolygu effeithiol a strwythurir yn dda er mwyn cael system addysg lwyddiannus. Os ydym am godi safonau, mae angen inni wybod pa gynnydd a wneir gan ysgolion, sut yr addysgir y cwricwlwm, mae angen inni fod yn ymwybodol o gyflwr adeiladau ac amrywiaeth eang o faterion y mae'n rhaid eu hystyried wrth i'r Cynulliad gynllunio ei bolisiau addysg.

Codaf nifer o bwyntiau. Yn gyntaf, mae'n amlwg y bu gwelliannau, yn gyffredinol, o ran y cwricwlwm a chyflawniad mewn ysgolion cynradd ac uwchradd. Fodd bynnag, ceir pryder am y gwelliannau a wnaethpwyd drwy addysgu Technoleg Gwybodaeth a Chyfathrebu i fyfyrwyr mewn ysgolion cynradd ac uwchradd. Tybiwn y caiff hynny ei unioni yn y blynyddoedd i ddod yn sgîl adolygiad TGCh y Pwyllgor Addysg a Dysgu Gydol Oes, a'i oblygiadau ar gyfer addysg yng Nghymru.

Bu ieithoedd tramor modern yn achos pryder mawr i mi, ac i gyd-Aelodau ar y Pwyllgor Addysg a Dysgu Gydol Oes. Mae Cymru y tu ôl i Loegr a gweddill y DU o ran addysgu ieithoedd tramor modern a nifer y myfyrwyr sydd yn eu hastudio. Pwysleisia'r adroddiad bryder ynghylch nifer y myfyrwyr a gofrestrwyd ar gyfer arholiadau Safon Uwch mewn ieithoedd tramor modern yn 2000, sydd, fe gredaf, y nifer isaf ers o leiaf chwe blynedd ac, felly, bod llai o fyfyrwyr yn dilyn gradd mewn ieithoedd tramor modern. Rhaid inni ofyn pam bod hynny'n wir a sut y gallwn wella'r sefyllfa drist hon. Os yw Cymru am chwarae ei rhan fel cenedl Ewropeaidd

have a better record in teaching and learning modern foreign languages.

On special educational needs, it is clear that provision has improved. I congratulate teachers who work in the field, in what are sometimes challenging circumstances. I have two grave concerns regarding special educational needs in Wales. First, in many cases, if the family of a statemented child moves from one local education authority area to another, it has often been the case that the statement has not followed the child. That is a real concern. Leading on from that, patchy provision exists in Wales. That is the case when you consider each LEA—some LEAs are better than others. This becomes even more difficult when one regards circumstances such as severe autism. Provision for that also needs to be addressed as quickly as possible, particularly in Cardiff county, which I represent.

Thirdly, I turn to attendance and behaviour. When you consider secondary schools—I believe that Eleanor alluded to this earlier—32 per cent of them had unsatisfactory attendance. Eleanor referred to engaging with young people. We should do more than that. We should engage with parents, because they ought to be involved in ensuring that their children go to school. It is not enough to say that it is up to the school to sort the problem out. If a problem exists, it probably exists at home. I refer Members to page 69 of the report, which states

‘Some schools spend a great deal of time...trying to improve the attendance of a small number of pupils...Too often, these pupils cause disruption in classes when they return to school.’

We must ask what effect this has not only on teacher morale, but also on the ability of other pupils, who are not disruptive, to learn in the classroom environment. I say to the Government, if there is one thing that contributes to these difficulties, it is the barmy exclusion targets that this Government intends to keep. We ought to do away with these targets, and allow headteachers to exclude pupils where necessary if these pupils continue to be disruptive.

fodern, dylai fod gennym well hanes o ran addysgu a dysgu ieithoedd modern tramor.

Ynglŷn ag anghenion addysgol arbennig, mae'n amlwg bod y ddarpariaeth wedi gwella. Llongyfarchaf yr athrawon sydd yn gweithio yn y maes, mewn amgylchiadau heriol ar adegau. Mae gennyf ddau bryder difrifol o ran anghenion addysgol arbennig yng Nghymru. Yn gyntaf, mewn sawl achos, os bydd teulu plentyn â datganiad yn symud o un awdurdod addysg lleol i awdurdod arall, yn aml nid âi'r datganiad gyda'r plentyn. Mae hynny'n bryder gwirioneddol. Yn dilyn hynny, ceir darpariaeth anghyson yng Nghymru. Mae hynny'n wir pan ystyriwch bob AAL—mae rhai AAL yn well nag eraill. Daw'r sefyllfa hon yn anos byth pan ystyrir amgylchiadau fel awtistiaeth ddifrifol. Mae angen mynd i'r afael â'r ddarpariaeth honno hefyd cyn gynted â phosibl, yn enwedig yn sir Caerdydd, a gynrychiolaf.

Yn drydydd, trof at bresenoldeb ac ymddygiad. Pan ystyriwch ysgolion uwchradd—credaf i Eleanor grybwyll hyn yn gynharach—yr oedd presenoldeb anfodddhaol gan 32 y cant ohonynt. Cyfeiriodd Eleanor at ennyn diddordeb pobl ifanc. Dylem wneud mwy na hynny. Dylem ennyn diddordeb y rhieni, oherwydd dylent fod yn rhan o'r broses o sicrhau bod eu plant yn mynychu'r ysgol. Nid yw'n ddigon dweud mai'r ysgol sydd yn gyfrifol am ddatrys y broblem. Os oes yna broblem, mae'n debygol o fodoli yn y cartref. Cyfeiriai yr Aelodau at dudalen 69 o'r adroddiad, sydd yn nodi

‘Mae rhai ysgolion yn treulio cryn amser . . . yn ceisio gwella presenoldeb nifer fach o ddisgyblion. . . Yn rhy aml, mae'r disgyblion hyn yn tarfu ar y dosbarth ar ôl dychwelyd i'r ysgol.’

Rhaid inni ofyn pa effaith a gaiff hyn nid yn unig ar forâl yr athrawon, ond hefyd ar allu disgyblion eraill, nad ydynt yn aflonyddgar, i ddysgu yn amgylchedd yr ystafell ddosbarth. Dywedaf wrth y Llywodraeth os oes un peth sydd yn cyfrannu at yr anawsterau hyn yn ddi-os y targedau gwahardd hurt y mae'r Llywodraeth hon yn bwriadu eu cadw ydy hwnnw. Dylem gael gwared â'r targedau hyn, a chaniatáu i athrawon wahardd disgyblion lle y bo angen os parha'r disgyblion hyn i fod

yn aflonyddgar.

I turn to the issue of buildings, to which other Members have also referred. Page 28, I believe, of the report notes that almost half of primary school buildings do not have a positive effect on the quality of education and the standards of achievement. The inference is that pupils experience a negative effect as a result of poor quality buildings. We need to look at this as a matter of urgency. The Government has attempted to target resources in this area, but much more work needs to be done to ensure that children have the right learning environment in which to succeed. You cannot expect teachers to teach and children to learn if we do not have suitable buildings for them to be taught in.

I refer to the Plaid Cymru amendments. We will support the five amendments, regardless of the reference to a former Prime Minister by Plaid Cymru's education spokesman. We will support amendment 5, with the following caveat. Inspection has an important role, but its aim is to support teachers and schools not to undermine them. It is there to ensure that standards are raised. We will do everything possible to ensure that the inspection system in Wales improves to achieve that.

Cynog Dafis: Siaradaf fel aelod o grŵp Plaid Cymru ac nid fel Cadeirydd y Pwyllgor Addysg a Dysgu Gydol Oes. Hoffwn wneud rhai sylwadau, yn berthnasol i welliant 5, ar y broses arolygu ysgolion yn gyffredinol.

Bûm yn athro ysgol am 27 mlynedd cyn i arolygydd ysgolion ymweld am y tro cyntaf â'r ysgol lle yr oeddwn yn gweithio. Yr oedd hynny'n beth da imi, ond yr oedd yn dangos gwendid difrifol yr hen system o arolygu ysgolion. Yr oedd angen mawr i'w diwygio.

Gwaetha'r modd, mae gwendidau difrifol yn y system newydd hefyd, er ein bod ni, drwy ddylanwad Roy James fel cyn brif arolygydd ysgolion yng Nghymru, wedi osgoi eithafion gwaethaf Mr Woodhead. Aflwydd sylfaenol, creiddiol y system sydd gennym yw mai hyrwyddo'r farchnad gystadleuol yw ei phwrpas, rhoi ffon fesur ar waith ysgolion er mwyn galluogi rhieni i ddewis i ba ysgol i anfon eu plant. Mae'n rhan o'r un system

Trof at fater adeiladau, y mae Aelodau eraill wedi cyfeirio ato hefyd. Credaf mai tudalen 28 o'r adroddiad sydd yn nodi na chaiff bron hanner adeiladau ysgolion cynradd effaith gadarnhaol ar ansawdd addysg a safonau cyflawniad. Yr awgrym yw y caiff adeiladau o ansawdd gwael effaith negyddol ar ddisgyblion. Mae angen inni ystyried y mater hwn ar fyrder. Mae'r Llywodraeth wedi ceisio targedu adnoddau yn y maes hwn, ond mae angen gwneud llawer mwy o waith i sicrhau y caiff plant yr amgylchedd dysgu cywir lle y gallant lwyddo. Ni ellir disgwyl i athrawon addysgu ac ni ellir disgwyl i blant ddysgu os nad oes adeiladau addas gennym iddynt gael eu haddysgu ynddynt.

Cyfeiriaf at welliannau Plaid Cymru. Cefnogwn y pum gwelliant, er gwaethaf y ffaith bod llefarydd addysg Plaid Cymru wedi cyfeirio at gyn Brif Weinidog. Cefnogwn welliant 5, gyda'r cafeat canlynol. Mae rôl bwysig gan arolygu, ond ei nod yw cynnal athrawon ac ysgolion nid eu tanseilio. Diben arolygu yw sicrhau bod safonau yn codi. Gwnawn bopeth sydd yn bosibl i sicrhau bod y system arolygu yng Nghymru yn gwella er mwyn cyflawni hynny.

Cynog Dafis: I speak as a member of the Plaid Cymru—The Party of Wales group and not as Chair of the Education and Lifelong Learning Committee. I would like to make some comments, relevant to amendment 5, on the inspection process in general.

I was a schoolteacher for 27 years before a schools inspector visited the school where I worked for the first time. That was good for me, but it showed the serious weakness of the old system of school inspections. There is a great need for it to be revised.

Unfortunately, there are serious weaknesses in the new system also, although we have, through the influence of Roy James as the former chief inspector of schools in Wales, avoided the worst excesses of Mr Woodhead. The fundamental deficiency of the system that we have is that its purpose is to promote the competitive market, to evaluate the work of schools to assist parents in deciding to which school to send their children. It is part

sydd yn gwobrwyo ysgolion yn ariannol am recriwtio disgyblion y tu allan i'w dalgylchoedd ac yn eu cosbi yn ariannol os methant â gwneud hynny. Mae'n system y mae Llafur Newydd wedi ei chadw yn ddigyfnewid ers dyddiau Mrs Thatcher.

Y cam cyntaf, felly, at gael system arolygu gallach yw sefydlu partneriaethau rhwng ysgolion yn lle cystadleuaeth fasnachol. Yr ail gam fyddai dileu agwedd arall ar y farchnad gystadleuol, sef y system o gontractio'r arolygiadau i gwmnïau preifat. Mae'r broses honno yn arwain at nifer o ddiffygion: pwyslais ar wasgu costau i lawr yn hytrach na diogelu ansawdd; gormod o arolygwyr rhan-amser, lled amaturaid; ychydig o athrawon wrth eu gwaith sydd yn y timau arolygu; a'r rheidrwydd—mae'r arolygydd presennol yn cadarnhau hyn—i roi blwyddyn o rybudd i ysgolion cyn yr arolwg, sydd yn rhoi pwysau aruthrol ar athrawon ac yn ystumio'r holl broses.

Y farchnad gystadleuol sydd yn gorfodi'r arolygwyr i seilio'u sylwadau, yn beiriannol braidd, ar normau cenedlaethol yn hytrach nag ar realiti ysgolion penodol a'u hamgylchiadau cymdeithasol-economaidd a diwylliannol. Daw atgof diflas i'm cof o'r banciau sylwadau erchyll hynny a chwydwyd allan o'r cyfrifiadur ar un adeg pan oeddwn yn athro tan iddynt gael eu diddymu.

Dylai bodolaeth y Cynulliad Cenedlaethol ein galluogi i saernio system arolygu sydd yn addas i anghenion a blaenoriaethau Cymru. Sawl gwaith yr wyf wedi defnyddio'r geiriau hynny? Awgrymais eisoes rai o'r newidiadau y carwn eu gweld. Nodaf un egwyddor sylfaenol arall, sef yr angen am gysylltiad agos a bywiol rhwng arolygu ar y naill law a'r gwasanaeth ymgynghorol a hyfforddiant mewn swydd ar y llaw arall. Mae'r naill yn dda i ddim heb y llall. Ar hyn o bryd mae'r naill yn cael ei ddyrchafu ar draul y llall.

Un o'r materion y mae angen cyngor a chymorth arnynt yw sut i greu prosesau o hunan-werthuso gan ysgolion ac athrawon, i fod mewn cysylltiad â'r gwerthuso allanol sydd yn dod, yn hollol briodol, drwy'r arolygiaeth. Mawr obeithiaf na fydd gormod

of the same system that rewards schools financially for recruiting pupils from outside their catchment area and punishes them financially if they do not do so. It is a system that New Labour has kept unchanged since the days of Mrs Thatcher.

The first step, therefore, towards having a more sensible inspection system is to establish partnerships between schools instead of commercial competition. The second step would be to abolish another aspect of the competitive market, namely the system of contracting inspections out to private companies. That process leads to a number of deficiencies: an emphasis on reducing costs rather than safeguarding quality; too many part-time, rather amateurish inspectors; very few practising teachers in the inspection teams; and the requirement—the current inspector confirms this—to give a year's notice to schools before the inspection, which places enormous pressure on teachers and distorts the whole process.

The competitive market compels inspectors to base their comments, rather mechanically, on national norms rather than on the reality of specific schools and their socio-economic and cultural circumstances. A depressing memory comes to my mind of the dreadful comment banks that were churned out of computers at one time when I was a teacher until they were abolished.

The National Assembly's existence should allow us to formulate an inspection system that is appropriate to the needs and priorities of Wales. How many times have I used those words? I have already suggested some of the changes that I would like to see. I note one other basic principle, the need for a close and active contact between inspection on the one hand and the advisory service and in-service training on the other. Neither is any use without the other. At the moment, one is promoted at the expense of the other.

One of the matters upon which advice and assistance is needed is how to create processes of self-evaluation by schools and teachers, which links into external evaluation that comes, totally appropriately, through the inspectorate. I greatly hope that before too

o amser yn mynd heibio cyn i weinyddiaeth y Cynulliad Cenedlaethol greu system arolygu yng Nghymru a fydd yn ennyn parch yn ogystal â dychryn ac yn cyfrannu at wella ansawdd profiadau plant a phobl ifanc yn ein hysgolion.

David Melding: I declare an interest as chair of the governing body of Meadowbank special school, a school for children with language learning difficulties. I will address my remarks to special needs education. I was pleased to see in the Estyn report the increase in the quality of teaching in special schools. Over half of the special schools in Wales are rated good and, in the rather measured way that praise is given by Estyn, that is the second highest category. That should be recorded as an achievement.

5:00 p.m.

I was also pleased to see that there is much more support for children with special educational needs in mainstream schools. I will make two observations. First, we are seeing that children with special educational needs can often be educated in a mainstream school, which is a productive advance. Secondly, we are becoming better at identifying the extent of special educational needs in the general school population, so that we are now able to offer assistance to more pupils. However, there is still an obvious need for special schools as a centre of excellence, linked to mainstream schools, wherever possible, to develop outreach work. Special schools should also provide a degree of core provision for pupils who need it on a permanent or temporary basis. Allowing teachers from mainstream schools to receive training and experience in special educational needs, and improving the skills bank of the teaching profession as a whole has been a beneficial development.

The importance of individual education plans is crucial. Targets agreed in these plans must be monitored and effectively delivered. Parents are a crucial part of that process, and I was glad that the report refers to that. I often find that the greatest frustration of people involved in special educational needs provision is the links that mainstream schools have with other agencies, especially health

long the National Assembly's administration creates an inspection system in Wales that will earn respect as well as fear and that will contribute to improving the quality of children and young people's experiences in our schools.

David Melding: Datganaf fuddiant fel cadeirydd corff llywodraethol ysgol arbennig Meadowbank, ysgol i blant ag anawsterau dysgu iaith. Bydd fy sylwadau yn trafod addysg anghenion arbennig. Yr oeddwn yn falch o weld yn adroddiad Estyn y cynnydd yn ansawdd yr addysgu mewn ysgolion arbennig. Dyfernir bod mwy na hanner yr ysgolion arbennig yng Nghymru yn dda ac, yn y ffordd braidd yn gynnil y mae Estyn yn rhoi canmoliaeth, dyna'r categori uchaf ond un. Dylid cofnodi hynny fel camp.

Yr oeddwn yn falch hefyd o weld bod llawer mwy o gymorth i blant ag anghenion addysgol arbennig mewn ysgolion prif ffrwd. Gwnaf ddau sylw. Yn gyntaf, gwelwn y gall plant ag anghenion addysgol arbennig gael eu haddysgu'n aml mewn ysgol brif ffrwd, sydd yn ddatblygiad cynhyrchiol. Yn ail, yr ydym yn gwella o ran nodi graddau anghenion addysgol arbennig ym mhoblogaeth gyffredinol ysgolion, fel y gallwn bellach gynnig cymorth i fwy o ddisgyblion. Fodd bynnag, mae'n amlwg bod angen o hyd i ysgolion arbennig fel canolfan ragoriaeth, wedi'u cysylltu ag ysgolion prif ffrwd, lle bynnag y bo'n bosibl, ddatblygu gwaith ymestyn. Dylai ysgolion arbennig hefyd roi rhywfaint o ddarpariaeth graidd ar gyfer disgyblion sydd ei hangen yn barhaol neu dros dro. Bu caniatáu i athrawon ysgolion prif ffrwd gael hyfforddiant a phrofiad mewn anghenion addysgol arbennig, a gwella cronfa sgiliau'r proffesiwn addysgu yn gyffredinol yn ddatblygiad buddiol.

Mae pwysigrwydd cynlluniau addysg unigol yn hanfodol. Rhaid monitro a chyflwyno'r targedau y cytunwyd arnynt yn y cynlluniau hyn yn effeithiol. Mae rhieni yn rhan hanfodol o'r broses honno, ac yr oeddwn yn falch bod yr adroddiad yn cyfeirio at hynny. Gwelaf yn aml mai rhwystredigaeth fwyaf pobl sydd yn ymwneud â darpariaeth anghenion addysgol arbennig yw'r

authorities. Education delivery is the responsibility of schools and local education authorities. However, it is not generally understood that therapy is the responsibility of the local health authority. The school with which I am involved has experienced difficulties in trying to fill speech therapy posts, which is the responsibility of the health authority. Places are often provided for children who have received statements, but they are not then given the adequate speech therapy provision that they have been evaluated as requiring. That is frustrating in a school designed to deliver that specialist provision.

It is important to encourage special schools in developing a range of measures to record learning and achievement. Staff, governors and parents in particular are frustrated by the fact that the information from standard assessment task statistics does not have any bearing on many special schools. However, we need measures in place to record improvement in standards, the achievement of individual pupils and the success of special schools. All special needs education requires early intervention and effective statementing. We must reverse the frustration of parents who receive a statement that is not acted upon for many months and sometimes even for several years.

Lorraine Barrett: I declare an interest as a school governor. In response to the comments about the condition of school buildings, I congratulate Jane Davidson as the Minister responsible for education in the Labour-led administration, for setting aside £300 million to improve school buildings. The UK Labour Government and Gordon Brown made that possible.

I welcome the report and am pleased to see that Estyn will carry out inspections of local authority youth services, the provision of which, as we would all agree, is ad hoc across all local authorities in Wales. I presume that that will include partnership projects. I declare an interest as a non-remunerated director of Penarth Information Shop, which provides alternative education for pupils who, as Jonathan mentioned, for

cysylltiadau sydd gan ysgolion prif ffrwd ag asiantaethau eraill, yn enwedig awdurdodau iechyd. Ysgolion ac awdurdodau addysg lleol sydd yn gyfrifol am gyflwyno addysg. Fodd bynnag, ni ddeallir yn gyffredinol mai'r awdurdod iechyd lleol sydd yn gyfrifol am therapi. Mae'r ysgol yr wyf yn ymwneud â hi wedi cael anawsterau wrth geisio llenwi swyddi therapi lleferydd, sydd yn gyfrifoldeb yr awdurdod iechyd. Darperir lleoedd yn aml ar gyfer plant sydd wedi cael datganiadau, ond wedyn ni roddir y ddarpariaeth therapi lleferydd ddigonol iddynt y gwerthuswyd bod ei hangen arnynt. Mae hynny'n rhwystredig mewn ysgol sydd â'r nod o gyflwyno'r ddarpariaeth arbenigol honno.

Mae'n bwysig annog ysgolion arbennig wrth iddynt ddatblygu amrywiaeth o fesurau i gofnodi dysgu a chyflawniad. Caiff staff, llywodraethwyr a rhieni yn arbennig eu rhwystro gan y ffaith na chaiff yr wybodaeth a geir o ystadegau tasgau asesu safonol unrhyw effaith ar lawer o ysgolion arbennig. Fodd bynnag, mae angen sefydlu mesurau i gofnodi gwelliannau mewn safonau, cyflawniad disgyblion unigol a llwyddiant ysgolion arbennig. Ym mhob achos o addysg anghenion arbennig, mae angen ymyrryd yn gynnar a llunio datganiadau effeithiol. Rhaid inni wrthdroi rhwystredigaeth rhieni a gaiff ddatganiad na weithredir arno am fisoedd lawer ac weithiau am flynyddoedd lawer hyd yn oed.

Lorraine Barrett: Datganaf fuddiant fel llywodraethwr ysgol. Mewn ymateb i'r sylwadau am gyflwr adeiladau ysgolion, llongyfarchaf Jane Davidson fel y Gweinidog sydd yn gyfrifol am addysg yn y weinyddiaeth a arweinir gan y blaid Lafur, am neilltuo £300 miliwn i wella adeiladau ysgolion. Gwnaethpwyd hynny'n bosibl gan Lywodraeth Lafur y DU a Gordon Brown.

Croesawaf yr adroddiad ac yr wyf yn falch o weld y bydd Estyn yn arolygu gwasanaethau ieuencid awdurdodau lleol. Byddai pob un ohonom yn cytuno bod y ddarpariaeth yn ad hoc ar draws pob awdurdod lleol yng Nghymru. Tybiaf y bydd y gwaith hwnnw yn cynnwys prosiectau partneriaeth. Datganaf fuddiant fel cyfarwyddwr di-dâl Siop Wybodaeth Penarth, sydd yn darparu addysg amgen i ddisgyblion, fel y crybwyllodd

one reason or another do not fit into the ordinary classroom system. I hope that we will be able to develop more projects similar to the one in Penarth, and I am aware of the good work being done throughout Wales. However, unless we provide an alternative for excluded young people, they will be lost forever. They will become part of a vicious circle and end up on the street and, possibly, as they get older, cause problems or become involved in criminal activity. I would appreciate comments, therefore, on alternative education and the inspection of partnership projects across Wales.

The Minister for Education and Lifelong Learning (Jane Davidson): I thank Members for their contributions to this interesting and lively debate. It has shown the importance of good quality evidence if the Assembly is to develop policy for the future. This is an objective report. It is an evidence base that will help the Assembly and other organisations to develop policy. Contrary to Gareth's initial contribution, this is not about how we direct Estyn. This involves how Estyn directs the Assembly, schools and a range of other organisations on how to improve the quality of education, training, careers and youth work provision across Wales.

We give substantial resources to Estyn and I reassure Gareth that the remit letter is an important part of that process. That is why we will not support amendment 1, which reduces it. The remit letter is discussed over four or five months with the chief inspector to ensure that there are sufficient resources in the system for her and her staff to carry out the responsibilities set out in it. I join Gareth in giving my personal thanks to the chief inspector and her professional team for how this report has been put together and, as members of the Education and Lifelong Learning Committee would agree, the open and productive way in which she answered questions when giving evidence to the Committee. Committee members had an opportunity to consider the annual report, the annual plan and the remit letter. If that process can be improved in future, I would be

Jonathan, nad yw'r system ystafell ddosbarth gyffredin, am ryw reswm neu'i gilydd, yn addas iddynt. Gobeithiaf y gallwn ddatblygu rhagor o brosiectau sydd yn debyg i'r un ym Mhenarth, ac yr wyf yn ymwybodol o'r gwaith da a wneir ledled Cymru. Fodd bynnag, oni ddarparwn ddewis amgen i bobl ifanc sydd wedi'u gwahardd, byddwn yn eu colli am byth. Byddant yn dod yn rhan o gylch dieflig gan gerdded y strydoedd ac, o bosibl, wrth iddynt fynd yn hŷn, achosi problemau neu gyflawni troseddau. Byddwn yn gwerthfawrogi sylwadau, felly, ar addysg amgen a'r gwaith o arolygu prosiectau partneriaeth ledled Cymru.

Y Gweinidog dros Addysg a Dysgu Gydol Oes (Jane Davidson): Diolchaf i'r Aelodau am eu cyfraniadau at y ddatl ddi-ddorol a bywiog hon. Mae wedi dangos pwysigrwydd tystiolaeth o ansawdd da os bwriada'r Cynulliad ddatblygu polisi ar gyfer y dyfodol. Mae hwn yn adroddiad gwrthrychol. Mae'n sail tystiolaeth a fydd yn helpu'r Cynulliad a sefydliadau eraill i ddatblygu polisiau. Yn groes i gyfraniad cychwynnol Gareth, nid yw hyn yn ymwneud â'r ffordd yr ydym yn rhoi cyfarwyddyd i Estyn. Mae'n ymwneud â'r ffordd y mae Estyn yn rhoi cyfarwyddyd i'r Cynulliad, ysgolion ac amrywiaeth o sefydliadau eraill ynglŷn â sut i wella ansawdd darpariaeth addysg, hyfforddiant, gyrfaedd a gwaith ieuentid ledled Cymru.

Rhodddwn adnoddau sylweddol i Estyn a rhoddaf sicrwydd i Gareth fod y llythyr cylch gwaith yn rhan bwysig o'r broses honno. Dyna pam na chefnogwn welliant 1, sydd yn ei leihau. Trafodir y llythyr cylch gwaith dros gyfnod o bedwar neu bum mis gyda'r prif arolygydd i sicrhau bod adnoddau digonol yn y system er mwyn iddi hi a'i staff gyflawni'r cyfrifoldebau a nodir ynddo. Ymunaf â Gareth wrth ddiolch yn bersonol i'r prif arolygydd a'i thîm proffesiynol am y ffordd y lluniwyd yr adroddiad ac, fel y byddai'r aelodau o'r Pwyllgor Addysg a Dysgu Gydol Oes yn cytuno, am y ffordd agored a chynhyrchiol yr atebodd gwestiynau wrth roi tystiolaeth i'r Pwyllgor. Cafodd aelodau'r Pwyllgor gyfle i ystyried yr adroddiad blynyddol, y cynllun blynyddol a'r llythyr cylch gwaith. Os gellir gwella ar y broses honno yn y dyfodol, byddem yn falch o

happy to discuss how it should be done. I have always pledged to engage the Committee in the process.

We must not forget that the purpose of inspection is to identify strengths and weakness to help bring about improvements in education and training for the primary benefit of the learner, not just the providers. That is extremely important when we consider our new agenda on post-16 education and training. It is also important that inspections are seen to be independent.

I was pleased to hear Eleanor mention her recent constructive experience of inspection. Interestingly, seven schools in my constituency have been inspected recently. All have done well and have reported positively on the experience. When we had the first inspection regime under this legislation about six years ago, there was a culture of fear. People did not know what the regime meant. Now, people appreciate Estyn's supportive partnership work. I appreciate that the Office for Standards in Education is now moving towards the kind of regime that we have in Wales, that is, a much more supportive regime that helps schools. The culture is about the benefit gained from the inspection process and the post-inspection feedback.

We must also remember that advance notice of inspections is not aimed at creating a culture of fear and stress in the bodies concerned. It is about geography, language, quality assurance and ensuring that the inspection team that goes into a school or other institutions covered by the legislation is fit and right for the job. That is why we have an effective inspection system in Wales.

As I have already told the Committee, Estyn will shortly consult on working towards a common inspection framework and harmonising all inspection cycles by 2004. I am confident that that dialogue with Estyn—in which the Committee will be fully involved—will address many outstanding concerns about the inspection process.

drafod sut y dylid gwneud hynny. Yr wyf bob amser wedi addo cynnwys y Pwyllgor yn y broses.

Ni ddylem anghofio mai diben arolygu yw nodi cryfderau a gwendidau i helpu i wella addysg a hyfforddiant er lles dysgwyr yn bennaf, nid y darparwyr yn unig. Mae hynny'n bwysig dros ben wrth inni ystyried ein hagenda newydd ar addysg a hyfforddiant ôl-16. Mae hefyd yn bwysig yr ystyrir bod arolygiadau yn annibynnol.

Yr oeddwn yn falch o glywed Eleanor yn crybwyll ei phrofiad adeiladol o arolygiad a gafodd yn ddiweddar. Mae'n ddiddorol bod saith ysgol yn fy etholaeth wedi'u harolygu yn ddiweddar. Mae pob un ohonynt wedi gwneud yn dda ac wedi nodi pwyntiau cadarnhaol am y profiad. Pan oedd gennym y gyfundrefn arolygu gyntaf o dan y ddeddfwriaeth hon tua chwe mlynedd yn ôl, yr oedd diwylliant o ofn yn bodoli. Nid oedd pobl yn gwybod beth oedd y gyfundrefn yn ei olygu. Erbyn hyn, gwerthfawrogir gwaith partneriaeth cefnogol Estyn. Gwerthfawrogef fod y Swyddfa Safonau mewn Addysg bellach yn symud tuag at y math o gyfundrefn sydd gennym yng Nghymru, sef cyfundrefn lawer mwy cefnogol sydd yn helpu ysgolion. Mae'r diwylliant yn ymwneud â'r budd a ddaw yn sgîl y broses arolygu a'r adborth ôl-arolygiad.

Rhaid inni gofio hefyd nad creu diwylliant o ofn a phwysau yn y cyrff perthnasol yw nod rhoi rhybudd ymlaen llaw o arolygiad. Mae'n ymwneud â daearyddiaeth, iaith, sicrwydd ansawdd a sicrhau bod y tîm arolygu a aiff i ysgol neu sefydliadau eraill a gwmpesir gan y ddeddfwriaeth yn addas ac yn briodol i ymgymryd â'r gwaith. Dyna pam bod system arolygu effeithiol gennym yng Nghymru.

Fel y dywedais eisoes wrth y Pwyllgor, bydd Estyn yn fuan yn ymgynghori ar weithio tuag at fframwaith arolygu cyffredin a chysoni pob cylch arolygu erbyn 2004. Hyderaf y bydd trafodaethau gydag Estyn—y bydd y Pwyllgor yn cymryd rhan lawn ynddynt—yn mynd i'r afael â llawer o'r pryderon am y broses arolygu nad ymdriniwyd â hwy hyd yma.

The suggestion made in amendment 5 is for Estyn to do objectively, not for us to do politically. That is partly why I do not support the amendment. Estyn has already indicated that it will conduct the investigation and that has been placed on record.

As stated in the report, there is much to celebrate in education. However, there is also much that remains to do. Estyn's remit from the Assembly for 2001-02 takes on board the key issues raised by the chief inspector's annual report. Many comments made during the debate are either issues that have been identified as weaknesses or—equally important, in many ways—areas that the Assembly has prioritised. These include issues around culture in schools, prioritising the 'A Culture in Common' report in the Estyn remit for this year. Issues around special educational needs are also crucially important, and I believe, David, that one unintended consequence of local government reorganisation was that it destroyed several good services in SEN. I am pledged as Minister, with the support of the Committee, to reintroduce means of ensuring that we have centres of excellence in all areas addressing special educational needs.

5:10 p.m.

Issues relating to narrowing the gender gap with regard to achievement, and issues relating to school buildings, are all included in our programmes as a result of being identified either in Assembly policy areas or in Estyn's report. We are currently consulting on a strategy for modern foreign languages. We are also consulting on an alternative curriculum for 14 to 19-year-olds because of concerns raised by Assembly Members. Youth services will be subject to proper inspection regimes because they will play a full part in the informal education agenda. Much additional money has gone into grants for education, support and training to combat disaffection. We use many mechanisms within the education agenda, in terms of taking this forward.

Yr awgrym a wneir yng ngwelliant 5 yw y dylai Estyn gyflawni'n wrthrychol; ni ddylem ni wneud hynny yn wleidyddol. Dyna un o'r rhesymau pam na chefnogaf y gwelliant. Mae Estyn eisoes wedi nodi y bydd yn cynnal yr ymchwiliad a chofnodwyd hynny.

Fel y nodwyd yn yr adroddiad, mae llawer i'w ddathlu ym maes addysg. Fodd bynnag, erys llawer i'w wneud hefyd. Mae cylch gwaith Estyn gan y Cynulliad ar gyfer 2001-02 yn ystyried y materion allweddol a godwyd gan adroddiad blynyddol y prif arolygydd. Materion a nodwyd fel gwendidau neu—yr un mor bwysig, mewn llawer o ffyrdd—feysydd y mae'r Cynulliad wedi'u blaenoriaethu, yw llawer o'r sylwadau a wnaethpwyd yn ystod y ddadl. Mae'r rhain yn cynnwys materion yn ymwneud â diwylliant mewn ysgolion, gan flaenoriaethu'r adroddiad 'Diwylliant Cytûn' yn nghylch gwaith Estyn ar gyfer eleni. Mae materion yn ymwneud ag anghenion addysgol arbennig yn hollbwysig hefyd, a chredaf, David, mai un o ganlyniadau anfwriadol ad-drefnu llywodraeth leol oedd y cafodd nifer o wasanaethau AAA da eu diddymu. Yr wyf wedi addo fel Gweinidog, gyda chefnogaeth y Pwyllgor, ailgyflwyno ffyrdd o sicrhau bod gennym ganolfannau rhagoriaeth ym mhob maes sydd yn ymwneud ag anghenion addysgol arbennig.

Caiff materion yn ymwneud â lleihau'r bwlch cyflawniad rhwng bechgyn a merched, a materion yn ymwneud ag adeiladau ysgolion, oll eu cynnwys yn ein rhaglenni o ganlyniad i gael eu nodi ym meysydd polisi'r Cynulliad neu yn adroddiad Estyn. Ymgynghorwn ar hyn o bryd ar strategaeth ar gyfer ieithoedd tramor modern. Ymgynghorwn hefyd ar gwricwlwm amgen ar gyfer pobl ifanc 14 i 19 mlwydd oed oherwydd pryderon a godwyd gan Aelodau'r Cynulliad. Bydd gwasanaethau ieuencid yn destun cyfundrefnau arolygu priodol oherwydd y byddant yn chwarae rhan lawn yn yr agenda addysg anffurfiol. Gwariwyd llawer o arian ychwanegol ar grantiau ar gyfer addysg, cymorth a hyfforddiant i wrthsefyll ymddieithrio. Defnyddiwn llawer o feganweithiau o fewn yr agenda addysg, er

mwyn datblygu hyn.

In closing, I would like to thank the chief inspector for Estyn's continued support and independent professional advice given to the National Assembly, which I value very much.

Gareth Jones: Diolch yn fawr am adael i mi ymyrryd. Cytunaf â'r holl wendidau y cyfeiriasoch atynt, ac yr wyf yn sicr bod yr ewylllys gennym i fynd ati i geisio datrys a goresgyn y gwendidau hynny.

A ydych yn rhagweld unrhyw newidiadau ym mhroses arolygu ysgolion Cymru? A ydych yn fodlon gyda'r broses fel ag y mae? Gwyddom beth yw'r broses. Mae gennym dimau arolygwyr Ei Mawrhydi yn dod i mewn i ysgolion. A ydych yn rhagweld unrhyw newid yn y broses honno yn y dyfodol agos? A ydym yn fodlon ac yn hapus i ddilyn yr un trywydd, a chael yr un gyfundrefn arolygu yng Nghymru ag yn Lloegr? A yw hynny'n dderbyniol i chi, fel y Gweinidog sydd â chyfrifoldeb dros addysg yng Nghymru?

Jane Davidson: There are two fundamental problems with what you have just said. First, we did not have the same system as England. It was much more supported. We have continued to carry that agenda forward.

Secondly, I stated in Committee last week, and again today, that Estyn will shortly be consulting on issues around developing a common inspection framework and harmonising inspection cycles. That affords us the right opportunity to consider the inspection framework in Wales. We will be consulting with the chief inspector in terms of how we pursue this. I believe that it is absolutely correct to get the inspection system right for Wales. I also believe, as Minister for Education and Lifelong Learning, that we operate to the highest possible standards of quality assurance. We must ensure that we have those standards, and a system that people feel is productive in the inspection experience. I am happy to have a system that is right for us, but we need to have the proper dialogue with the inspectors in terms of carrying out their legal

I gloi, hoffwn ddiolch i'r prif arolygydd am y cymorth a'r cyngor proffesiynol annibynnol parhaus a roddir gan Estyn i'r Cynulliad Cenedlaethol. Fe'i gwerthfawrogaf yn fawr.

Gareth Jones: Thank you for allowing me to intervene. I agree with you on all of the deficiencies to which you referred, and I am certain that we have the will to ensure that we try to resolve and overcome those deficiencies.

Do you foresee any changes in the inspection process for Welsh schools? Are you satisfied with the process as it is? We know what the process is. You have teams of Her Majesty's inspectors coming into schools. Do you foresee any change in that process in the near future? Are we satisfied and happy to follow the same path, and have the same inspection system in Wales as in England? Is that acceptable to you, as the Minister responsible for education in Wales?

Jane Davidson: Mae dwy broblem hanfodol yn yr hyn yr ydych newydd ei ddweud. Yn gyntaf, nid oedd gennym yr un gyfundrefn â Lloegr. Cafodd lawer mwy o gefnogaeth. Yr ydym wedi parhau i ddatblygu'r agenda honno.

Yn ail, nodais yng nghyfarfod y Pwyllgor yr wythnos diwethaf, ac eto heddiw, y bydd Estyn cyn bo hir yn ymgynghori ar faterion yn ymwneud â datblygu fframwaith arolygu cyffredin a chysoni cylchoedd arolygu. Rhydd hynny y cyfle priodol inni ystyried y fframwaith arolygu yng Nghymru. Ymgynghorwn â'r prif arolygydd o ran sut y gallwn fynd ar drywydd hyn. Credaf ei bod yn hollol gywir cael y system arolygu gywir i Gymru. Credaf hefyd, fel y Gweinidog dros Addysg a Dysgu Gydol Oes, y dylem weithredu i'r safonau sicrwydd ansawdd uchaf posibl. Rhaid inni sicrhau bod gennym y safonau hynny, a system y credir ei bod yn gynhyrchiol yn y profiad arolygu. Yr wyf yn fodlon cael system sydd yn briodol i ni, ond mae angen inni gael trafodaethau priodol â'r arolygwyr o ran cyflawni eu rhwymedigaethau cyfreithiol a sicrhau bod

obligations and ensuring that we have the right quality assurance in Wales.

gennym y broses sicrwydd ansawdd gywir yng Nghymru.

I look forward to a fruitful collaboration in the coming year with the chief inspector and her team, and with the Education and Lifelong Learning Committee on how to raise standards. These are important issues for everybody in Wales, if we are to make Wales a learning country.

Edrychaf ymlaen at gydweithio'n gynhyrchiol yn y flwyddyn i ddod â'r prif arolygydd a'i thîm, ac â'r Pwyllgor Addysg a Dysgu Gydol Oes ar sut i godi safonau. Mae'r rhain yn faterion pwysig i bawb yng Nghymru, os bwriadwn i Gymru fod yn wlad dysg.

4:45 p.m.

The Deputy Presiding Officer: I call for a vote on the first amendment.

Y Dirprwy Lywydd: Galwaf am bleidlais ar y gwelliant cyntaf.

*Gwelliant 1: O blaid 17, Ymatal 0, Yn erbyn 27
Amendment 1: For 17, Abstain 0, Against 27*

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

Bourne, Nick
Dafis, Cynog
Davies, David
Davies, Glyn
Davies, Janet
Davies, Jocelyn
Hancock, Brian
Jones, Elin
Jones, Gareth
Lloyd, David
Melding, David
Morgan, Jonathan
Richards, Rod
Rogers, Peter
Ryder, Janet
Thomas, Owen John
Thomas, Rhodri Glyn

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

Barrett, Lorraine
Bates, Mick
Black, Peter
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Davidson, Jane
Davies, Andrew
Davies, Ron
Edwards, Richard
Essex, Sue
Evans, Delyth
Gibbons, Brian
Gregory, Janice
Griffiths, John
Halford, Alison
Hutt, Jane
Jones, Carwyn
Law, Peter
Lewis, Huw
Middlehurst, Tom
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Thomas, Gwenda
Williams, Kirsty

*Gwrthodwyd y gwelliant
Amendment rejected.*

*Gwelliant 2: O blaid 17, Ymatal 0, Yn erbyn 27
Amendment 2: For 17, Abstain 0, Against 27*

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

Bourne, Nick
Dafis, Cynog
Davies, David

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

Barrett, Lorraine
Bates, Mick
Black, Peter

Davies, Glyn
Davies, Janet
Davies, Jocelyn
Hancock, Brian
Jones, Elin
Jones, Gareth
Lloyd, David
Melding, David
Morgan, Jonathan
Richards, Rod
Rogers, Peter
Ryder, Janet
Thomas, Owen John
Thomas, Rhodri Glyn

Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Davidson, Jane
Davies, Andrew
Davies, Ron
Edwards, Richard
Essex, Sue
Evans, Delyth
Gibbons, Brian
Gregory, Janice
Griffiths, John
Halford, Alison
Hutt, Jane
Jones, Carwyn
Law, Peter
Lewis, Huw
Middlehurst, Tom
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Thomas, Gwenda
Williams, Kirsty

*Gwrthodwyd y gwelliant
Amendment rejected.*

*Gwelliant 3: O blaid 44, Ymatal 0, Yn erbyn 0
Amendment 3: For 44, Abstain 0, Against 0*

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

Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Dafis, Cynog
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Janet
Davies, Jocelyn
Davies, Ron
Edwards, Richard
Essex, Sue
Evans, Delyth
Gibbons, Brian
Gregory, Janice
Griffiths, John
Halford, Alison
Hancock, Brian
Hutt, Jane
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Peter
Lewis, Huw
Lloyd, David
Melding, David
Middlehurst, Tom

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

Morgan, Jonathan
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Richards, Rod
Rogers, Peter
Ryder, Janet
Thomas, Gwenda
Thomas, Owen John
Thomas, Rhodri Glyn
Williams, Kirsty

*Derbyniwyd y gwelliant
Amendment adopted.*

*Gwelliant 4: O blaid 44, Ymatal 0, Yn erbyn 0
Amendment 4: For 44, Abstain 0, Against 0*

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

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

Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Dafis, Cynog
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Janet
Davies, Jocelyn
Davies, Ron
Edwards, Richard
Essex, Sue
Evans, Delyth
Gibbons, Brian
Gregory, Janice
Griffiths, John
Halford, Alison
Hancock, Brian
Hutt, Jane
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Peter
Lewis, Huw
Lloyd, David
Melding, David
Middlehurst, Tom
Morgan, Jonathan
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Richards, Rod
Rogers, Peter
Ryder, Janet
Thomas, Gwenda
Thomas, Owen John
Thomas, Rhodri Glyn
Williams, Kirsty

*Derbyniwyd y gwelliant
Amendment adopted.*

*Gwelliant 5: O blaid 17, Ymatal 0, Yn erbyn 26
Amendment 5: For 17, Abstain 0, Against 26*

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

Bourne, Nick
Dafis, Cynog
Davies, David
Davies, Glyn
Davies, Janet
Davies, Ron
Hancock, Brian
Jones, Elin
Jones, Gareth
Lloyd, David
Melding, David
Morgan, Jonathan
Richards, Rod
Rogers, Peter
Ryder, Janet
Thomas, Owen John
Thomas, Rhodri Glyn

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

Barrett, Lorraine
Bates, Mick
Black, Peter
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Davidson, Jane
Davies, Andrew
Edwards, Richard
Essex, Sue
Evans, Delyth
Gibbons, Brian
Gregory, Janice
Griffiths, John
Halford, Alison
Hutt, Jane
Jones, Carwyn
Law, Peter
Lewis, Huw
Middlehurst, Tom
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Thomas, Gwenda
Williams, Kirsty

*Gwrthodwyd y gwelliant
Amendment rejected.*

Amended motion:

the National Assembly

notes the 1999-2000 Annual Report of Her Majesty's Chief Inspector of Education and Training in Wales which was laid in the Table Office on 14 May 2001 and recognises that the key issues are taken on board in Estyn's remit from the National Assembly for 2001-02 which was laid in Table Office 10 April 2001;

calls upon the Minister for Education and Lifelong Learning to:

ensure that the deficiencies in the provision of Welsh-medium education and training, as outlined in the report, are addressed; and

Cynnig wedi'i ddiwygio:

y Cynulliad Cenedlaethol

yn nodi Adroddiad Blynyddol 1999-2000 Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru a osodwyd yn y Swyddfa Gyflwyno ar 14 Mai 2001 ac yn cydnabod bod y materion allweddol yn cael eu cynnwys yng nghylch gwaith Estyn o'r Cynulliad Cenedlaethol ar gyfer 2001-02 a osodwyd yn y Swyddfa Gyflwyno ar 10 Ebrill 2001.

yn galw ar y Gweinidog dros Addysg a Dysgu Gydol Oes i:

fynd i'r afael â'r diffygion yn y ddarpariaeth addysg a hyfforddiant cyfrwng-Cymraeg, fel yr amlinellir yn yr adroddiad; ac

calls upon the Minister for Education and Lifelong Learning to: *yn galw ar y Gweinidog dros Addysg a Dysgu Gydol Oes i:*

express concern at the poor progress made by pupils in Wales when they move from primary to secondary school, as mentioned in the report. *fynegi pryder ynglŷn â'r cynnydd gwael a wneir gan ddisgyblion yng Nghymru wrth iddynt symud o'r ysgol gynradd i'r ysgol uwchradd, fel a grybwyllir yn yr adroddiad.*

Cynnig wedi'i ddiwygio: O blaid 44, Ymatal 0, Yn erbyn 0
Amended motion: For 44, Abstain 0, Against 0

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

Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Dafis, Cynog
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Janet
Davies, Jocelyn
Davies, Ron
Edwards, Richard
Essex, Sue
Evans, Delyth
Gibbons, Brian
Gregory, Janice
Griffiths, John
Halford, Alison
Hancock, Brian
Hutt, Jane
Jones, Carwyn
Jones, Elin
Jones, Gareth
Law, Peter
Lewis, Huw
Lloyd, David
Melding, David
Middlehurst, Tom
Morgan, Jonathan
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Richards, Rod
Rogers, Peter
Ryder, Janet
Thomas, Gwenda
Thomas, Owen John
Thomas, Rhodri Glyn
Williams, Kirsty

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

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

The Deputy Presiding Officer: That brings today's proceedings to a close.
Y Dirprwy Lywydd: Daw hynny â thrafodaethau heddiw i ben.

Daeth y cyfarfod i ben am 5.15 p.m.
The session ended at 5.15 p.m.