



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

**Cofnod y Trafodion  
The Record of Proceedings**

**Dydd Mawrth, 1 Rhagfyr 2009  
Tuesday, 1 December 2009**

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Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynddi 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 1.30 p.m. gyda'r Llywydd (Dafydd Elis-Thomas) yn y Gadair.  
The Assembly met at 1.30 p.m. with the Presiding Officer (Dafydd Elis-Thomas) in the Chair.*

**Y Llywydd:** Trefn ar gyfer cwestiynau i'r Prif Weinidog.

**The Presiding Officer:** Order for questions to the First Minister.

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

#### **Llywodraeth y DU**

#### **UK Government**

**C1 Gareth Jones:** A wnaiff y Prif Weinidog ddatganiad am y trafodaethau y mae wedi'u cael yn ddiweddar gyda Llywodraeth y DU? OAQ(3)2452(FM)

**Q1 Gareth Jones:** Will the First Minister make a statement on recent discussions he has held with the UK Government? OAQ(3)2452(FM)

**C3 Nerys Evans:** Pa drafodaethau mae'r Prif Weinidog wedi'u cael yn ddiweddar gyda Llywodraeth y DU? OAQ(3)2451(FM)

**Q3 Nerys Evans:** What recent discussions has the First Minister had with the UK Government? OAQ(3)2451(FM)

**Y Prif Weinidog (Rhodri Morgan):** Yr wyf wedi cael trafodaethau gyda'r Prif Weinidog, Canghellor y Trysorlys, ac Ysgrifennydd Gwladol Cymru er mwyn sicrhau bod ymateb Llywodraeth y Deyrnas Unedig i gomisiwn Calman yn yr Alban yn cael ei roi ynghyd â'r ymateb i adroddiad comisiwn Gerald Holtham yr wythnos diwethaf.

**The First Minister (Rhodri Morgan):** I have held discussions with the Prime Minister, the Chancellor of the Exchequer and the Secretary of State for Wales in order to ensure that the United Kingdom's response to the Calman commission in Scotland sits alongside the response to the report of the Gerald Holtham commission last week.

**Gareth Jones:** Mae'r cwestiwn atodol sydd gennyf yn mynd i gyfeiriad arall. Darllenais eich datganiad diweddar am adroddiad blynyddol cyntaf y Weinyddiaeth Amddiffyn a rhoi papur gorchymyn personél y fyddin ar waith. Cytunaf yn llwyr â'ch datganiad.

**Gareth Jones:** My supplementary question is in another vein entirely. I read your recent statement on the Ministry of Defence's first annual report on the implementation of the service personnel command paper. I agree entirely with your statement.

'Ceir cydnabyddiaeth gyffredinol bod gan gyn-aelodau'r Lluoedd Arfog anghenion penodol o ran iechyd a gofal cymdeithasol nad ydynt yn cael sylw llawn.'

'It is widely recognized that Armed Forces veterans may have particular health and social care needs which are not being fully addressed.'

Mae hyn yn adlewyrchu'n hollol yr hyn yr wyf yn ei deimlo, a chroesawaf y ffaith bod astudiaeth beilot yn cael ei chynnal yng Nghaerdydd. Wrth gyfeirio, fel y gwnaethoch, at draddodiad milwrol hir a balch Cymru, mae gofyn ychwanegu hefyd fod Cymru yn darparu mwy na'i siâr o bersonél milwrol i luoedd arfog y Deyrnas Unedig. A fydddech felly yn cytuno y dylai

That echoes my own sentiments entirely, and I welcome the fact that a pilot study is under way in Cardiff. In referring, as you did, to Wales's long and proud military tradition, it should be added that Wales provides more than its fair share of military personnel to the armed forces of the United Kingdom. Would you therefore agree that Wales ought to have a greater share of the necessary funding in

Cymru gael cyfran uwch o'r cyllid angenrheidiol yn ei le, fel y gallwn ddarparu'r lefel briodol o wasanaeth a gofal yng Nghymru y mae ein cyn-filwyr dewr, sydd wedi aberthu cymaint, yn ei haeddu? A yw Llywodraeth y Cynulliad wedi dadlau'r achos dros hynny gyda Llywodraeth San Steffan yn Llundain eto?

**Y Prif Weinidog:** O ran trafodaethau manwl, byddai'n well imi ofyn i Edwina Hart, y Gweinidog perthnasol, ymateb ichi, ond mae'r egwyddorion yn weddol glir. Mae rhai ysbytai penodol wedi'u sefydlu i ddelio â rhai o'r problemau sy'n fwy tebygol o ddigwydd i bobl sy'n dychwelyd gydag anafiadau corfforol neu niwed dyfnach, yn enwedig niwed meddyliol. Mae'r ysbytai hynny i gyd yn Lloegr, fel mae'n digwydd. Mae un yn Solihull ac un arall yn swydd Surrey sy'n delio â phroblemau eraill. Bydd baich yn cwmpo ar ein gwasanaeth iechyd a rhai gwasanaethau cymdeithasol yn yr ardaloedd hynny lle y mae pobl yn symud i fyw, neu yn dychwelyd i fyw ar ôl eu gwasanaeth yn y lluoedd arfog. Gofynnaf i Edwina Hart roi ateb penodol ichi am y straen y mae hynny'n ei roi ar y gwasanaethau.

**Nerys Evans:** Brif Weinidog, bu ichi gyfeirio yn eich ateb i Gareth at ymateb Llywodraeth San Steffan i adroddiad comisiwn Holtham yr wythnos diwethaf. Mae'r ymateb yn cydnabod anfanteision cydgyfeirio fformiwla Barnett yn unig, ond felly mae'n cydnabod bod diffygion yn y fformiwla. Mae hwnnw'n gam bach ymlaen i sicrhau tegwch ariannol i ni yng Nghymru. Nid yw ymateb yr Ysgrifennydd Gwladol yn dweud dim am sut y bydd Llywodraeth Llundain yn ymateb i'r pwyntiau eraill a geir yn adroddiad Holtham, megis y tanwariant o bron £8.5 biliwn dros y degawd nesaf, bod y fformiwla yn '*obsolete*', ac nad yw'n delio â phroblemau sylfaenol. Beth yw eich barn am ymateb Llywodraeth San Steffan i adroddiad Holtham, a beth fyddwch chi a'ch Llywodraeth yn ei wneud i sicrhau bod Llywodraeth Llundain yn ymateb i bob un o'r pwyntiau yn yr adroddiad?

place, so that we can deliver the appropriate level of service provision and care in Wales that our brave former servicemen and women, who have sacrificed so much, truly deserve? Has the Welsh Assembly Government yet made that case to the Westminster Government in London?

**The First Minister:** In terms of the detailed discussions, I should ask Edwina Hart, as the relevant Minister, to respond to you, but the principles are relatively clear. Some dedicated hospitals have been established to deal with some of the problems that people who return with physical injuries, or more complex injuries, particularly psychological damage, are likely to experience. All of these hospitals are in England, as it happens. There is one in Solihull and another in Surrey that deal with different problems. Our health and social services in those areas where servicemen and women resettle after their time in the armed forces will have to take on the responsibility of caring for them. I will ask Edwina Hart to respond to you about the pressure that this places on the services in question.

**Nerys Evans:** First Minister, you referred in your answer to Gareth to the Westminster Government's response to the Holtham commission report last week. The response acknowledges the disadvantages of Barnett formula convergence alone, but it therefore acknowledges that the formula has its weaknesses. That is a small step forward in securing financial fairness for Wales. The Secretary of State's response makes no reference to the way in which the London Government will respond to the other points in the Holtham report, such as the underspend of almost £8.5 billion over the next decade, the fact that the formula is obsolete, and the fact that it does not deal with fundamental problems. What is your view of the Westminster Government's response to the Holtham report, and how will you and your Government ensure that the London Government responds to all of the points in the report?

**Y Prif Weinidog:** Mae mathemateg adroddiad Holtham yn dangos, mewn nodiant mynegrif, y bu cwmp o 125 y pen, a oedd yn uwch na'r gwariant yn Lloegr ar ddechrau'r degawd diwethaf o ddatganoli, i 112 y pen, felly gwelwyd cwmp o 13 y pen drwy'r broses gydyfeirio. Mae hynny wedi llusgo lefel ein gwariant ni yn is na'r galw am y tro cyntaf erioed. Yn yr Alban, cwmp o 8 a welwyd, ac nid 13. Felly, gan fod poblogaeth yr Alban yn gostwng yn lle codi fel ein poblogaeth ni, ni fydd yn dioddef cymaint â Chymru oherwydd cydyfeirio.

**The First Minister:** The mathematics of the Holtham report show, in index notation, that there was a reduction of 125 per capita, which was higher than expenditure in England at the start of the last decade of devolution, to 112 per capita, therefore there was a reduction of 13 per capita through the convergence process. That has taken our expenditure level to a point that is lower than demand for the first time ever. Scotland saw a reduction of 8, and not 13. Therefore, given that the population of Scotland is decreasing rather than increasing like ours, it will not suffer to the same extent as Wales as a result of convergence.

O ran cynnwys adroddiad yr Ysgrifennydd Gwladol yr wythnos diwethaf, dywedodd fod y Trysorlys wedi derbyn yr egwyddor y dylem, ar ddechrau pob adolygiad o wariant cyhoeddus, asesu i weld a oes niwed i Gymru, a dywedodd fod angen gwneud mwy o waith ar sut i fesur a oes anfantais yn cwmpo'n annheg ar Gymru. Yr ydym yn meddwl bod Holtham wedi gwneud llawer o'r gwaith hwnnw. Os yw'r Trysorlys am wneud rhagor o waith arno, dylai ddweud sut y mae'n meddwl bod y gwaith y mae Gerry Holtham wedi'i wneud eisoes yn wallus. Fodd bynnag, mae'r Trysorlys wedi derbyn yr egwyddor bod mwy o waith i'w wneud ar sut i fesur yr anfantais yr ydym yn ei rhagweld yn deillio o'r broses o gydyfeirio a fydd yn digwydd yn ystod y degawd nesaf os na fyddwn yn gwneud rhywbeth yn ei chylch.

On the contents of the Secretary of State's report last week, he said that the Treasury had accepted the principle that we should, at the start of every public expenditure review, assess whether Wales loses out, and he said that more work needs to be done to measure whether any disadvantage falls unfairly to Wales. We believe that Holtham has already undertaken a great deal of that work. If the Government wants to pursue that work further, it should declare in what way it considers the work already undertaken by Gerry Holtham to be deficient. However, the Treasury has accepted the principle that more work needs to be done on how to measure the disadvantage that we anticipate will stem from the convergence process over the next decade if we do not take action to deal with it.

**The Leader of the Opposition (Nick Bourne):** Next week, the climate change conference gets under way in Copenhagen. Clearly, it is an important conference, and many people see it as perhaps the Bretton Woods of the climate change agenda. I am sure that we would all wish our Government success in pressing for a binding agreement. What discussions has the Welsh Assembly Government had with the UK Government about the stand there and about the contribution that Wales can make to that debate?

**Arweinydd yr Wrthblaid (Nick Bourne):** Yr wythnos nesaf, cynhelir y gynhadledd ar y newid yn yr hinsawdd yn Copenhagen. Yn amlwg, mae'n gynhadledd bwysig, ac i lawer o bobl efallai mai dyma Bretton Woods agenda'r newid yn yr hinsawdd. Yr wyf yn siŵr y byddai pawb ohonom yn dymuno llwyddiant i'n Llywodraeth wrth bwysu am gytundeb gorfodol. Pa drafodaethau y mae Llywodraeth Cynulliad Cymru wedi'u cael â Llywodraeth y Deyrnas Unedig ynglŷn â'r safbwynt a gymerir yno ac am y cyfraniad y gall Cymru ei wneud i'r ddadl honno?

**The First Minister:** There has been constant discussion between Jane Davidson and her team and Ed Miliband and his team about what the approach is going to be in Copenhagen. We do not have a vote in Copenhagen; that is a matter for the Ministers who will be attending. I do not know which UK Government Ministers apart from Ed Miliband will be attending, but it is quite possible that there will be a number of senior members of the Government attending, over and above Ed Miliband. As to who will do the negotiating there, and what account they will take of the views that we have put forward, I cannot tell you. In terms of the views that I am aware of that we have tried to specifically put forward as Wales, our particular function is to see how countries that have a higher than average dependence on smokestack industries, as Wales has, and England and Scotland do not, can make a contribution without seeing the pointless transfer of heavy industrial activity to less regulated environments through the carbon leakage process. That might make Britain's figures look good, but it would do harm rather than good to the global environment.

**Nick Bourne:** To pick up on that point about the contribution that Wales can make, and the Welsh Government's target to reduce greenhouse gases by 3 per cent, I encourage the First Minister, particularly as it dovetails with what he is saying, to look at ways that we can reduce emissions without the transfer of some of our heavy industry, such as the insulation of every home in Wales, and their cavity walls and lofts. That would deliver one third of the target that we have set ourselves, and which we as a party are wedded to. Are you looking at that, because that is a way of achieving it, and also it is labour intensive work, which would help with the unemployment problems that we face?

**The First Minister:** Undoubtedly, there is a win-win to be achieved in the faster installation of draught-proofing and insulation measures and in the replacement of boilers with more modern equipment, which

**Y Prif Weinidog:** Cafwyd trafod cyson rhwng Jane Davidson a'i thîm ac Ed Miliband a'i dîm ynglŷn â'r modd yr eir ati yn Copenhagen. Nid oes gennym bleidlais yn Copenhagen; mater i'r Gweinidogion a fydd yn bresennol yw hynny. Ni wn pa Weinidogion o Lywodraeth y Deyrnas Unedig ar wahân i Ed Miliband a fydd yn bresennol, ond mae'n dra phosibl y bydd nifer o aelodau uwch y Llywodraeth yn bresennol, yn ogystal ag Ed Miliband. O ran pwy fydd yn gwneud y negodi yno, a pha sylw a roddant i'r safbwyntiau yr ydym ni wedi'u cyflwyno, ni allaf ddweud wrthyich. O ran y safbwyntiau y gwn i amdanynt yr ydym wedi ceisio'u cyflwyno'n benodol ar ran Cymru, ein swyddogaeth benodol yw gweld sut y gall gwledydd sydd â dibyniaeth uwch na'r cyfartaledd ar ddiwydiannau simneiau mwg, fel sydd gan Gymru, yn wahanol i Loegr a'r Alban, wneud cyfraniad heb weld trosglwyddo gweithgaredd diwydiannol trwm yn ddibwrpas i amgylchiadau llai rheoledig drwy'r broses gollyngiadau carbon. Efallai y rhoddai hynny wedd dda ar ffigurau Prydain, ond byddai'n gwneud niwed yn hytrach na lles i'r amgylchedd byd-eang.

**Nick Bourne:** O ran y pwynt hwnnw ynglŷn â'r cyfraniad y gall Cymru ei wneud, a tharged Llywodraeth Cymru i leihau nwyon tŷ gwydr 3 y cant, yr wyf yn annog y Prif Weinidog, yn enwedig gan fod hyn yn cydfynd yn union â'r hyn y mae'n ei ddweud, i edrych ar ffyrdd y gallwn leihau allyriadau heb drosglwyddo peth o'n diwydiant trwm, megis inswleiddio pob cartref yng Nghymru, a'u waliau ceudod a'r atig. Byddai hynny'n cyflawni traean y targed yr ydym wedi'i osod i ni'n hunain, ac yr ydym ni fel plaid wedi ymrwymo iddo. A ydych yn edrych ar hynny, oherwydd y mae hynny'n ffordd o'i gyflawni, ac mae'n waith llafurddwys hefyd, a fyddai'n helpu gyda'r problemau diweithdra yr ydym yn eu hwynebu?

**Y Prif Weinidog:** Yn sicr, bydd pawb yn ennill os eir ati'n gynt i osod mesurau atal drafftiau ac inswleiddio ac i ddisodli hen foeleri ag offer mwy modern, a fydd yn arwain at arbedion mawr. Mae'n bwysig

will result in major savings. The bringing together of what the UK Government, through the office of energy regulation, has agreed with the energy supply companies will be done at a UK level, and what we are doing through the home energy efficiency scheme, and marrying those into a general policy for improving insulation levels and the energy efficiency of the older housing stock in Wales is very important. Again, there is a specific Welsh contribution to be made because we have a higher proportion of housing built between 1870 and 1914 than any other part of the UK. Those houses were built in the heady days before anyone thought of insulation or draught-proofing. The Arbed programme, which is a £350 million programme, seeks to combine what the energy suppliers are supposed to be doing under their obligations and what we are funding through the HEES programme.

**Nick Bourne:** Another area where Wales can make a massive contribution is in switching to renewable energy, and you have a commitment to be self-sufficient in renewable energy by 2028. Are you confident of achieving that particular goal by 2028, and do you totally rule out nuclear power? Clearly, there are differences of view within the administration and between the administration here and the Labour Government at Westminster.

1.40 p.m.

**The First Minister:** I always speak on behalf of the whole administration, Nick. It is quite clear that there is a huge amount of interest in Wales as a renewable hub. There is enormous scope for converting the raw potential that we have because of our unusual geographical position and the high amount of wind, tidal and current activity that exists around Wales. Seeking to exploit that means that we have not seen a need for nuclear power. We are extremely sympathetic to the issues arising in Anglesey due to the prospective closure of Wylfa and the closure of Anglesey Aluminium Metal Ltd, but there is a huge amount of energy potential in Anglesey, with

iawn dwyn ynghyd yr hyn a fydd yn cael ei wneud ar lefel y Deyrnas Unedig, drwy gytundeb rhwng Llywodraeth y Deyrnas Unedig a'r swyddfa rheoleiddio ynni, a'r hyn yr ydym ni'n ei wneud drwy'r cynllun effeithlonrwydd ynni cartref, a chyfuno'r rheini'n bolisi cyffredinol ar gyfer gwella lefelau inswleiddio ac effeithlonrwydd ynni'r stoc tai hŷn yng Nghymru. Eto, mae cyfraniad penodol i'w wneud gan Gymru gan fod gennym gyfran uwch o dai a godwyd rhwng 1870 a 1914 nag unrhyw ran arall o'r Deyrnas Unedig. Adeiladwyd y tai hynny yn y dyddiau gwyllt cyn i neb feddwl am inswleiddio nac atal drafftiau. Nod y rhaglen Arbed, sy'n rhaglen gwerth £350 miliwn, yw cyfuno'r hyn y mae cyflenwyr ynni i fod i'w wneud o dan eu rhwymedigaethau a'r hyn yr ydym ni'n ei ariannu drwy raglen y cynllun effeithlonrwydd ynni cartref.

**Nick Bourne:** Maes arall lle y gall Cymru wneud cyfraniad enfawr yw wrth droi at ynni adnewyddadwy, ac mae gennych ymrwymiad i fod yn hunangynhaliol mewn ynni adnewyddadwy erbyn 2028. A ydych yn hyderus y bydd y nod arbennig hwnnw'n cael ei gyrraedd erbyn 2028, ac a ydych yn diystyru ynni niwclear yn llwyr? Yn amlwg, mae gwahaniaethau barn o fewn y weinyddiaeth a rhwng y weinyddiaeth yma a'r Llywodraeth Lafur yn San Steffan.

**Y Prif Weinidog:** Byddaf bob amser yn siarad ar ran y weinyddiaeth gyfan, Nick. Mae'n gwbl glir bod diddordeb aruthrol yng Nghymru fel canolbwynt ynni adnewyddadwy. Mae posibiladau enfawr ar gyfer trosi'r potensial crai sydd gennym oherwydd ein sefyllfa ddaearyddol anarferol a'r holl wynt a gweithgaredd llanw a cherrynt sy'n bodoli o gwmpas Cymru. Mae ceisio manteisio ar hynny'n golygu nad ydym wedi gweld angen am bŵer niwclear. Yr ydym yn llawn cydymdeimlad â'r materion sy'n codi ym Môn oherwydd y gallai'r Wylfa gau a bod cwmni Alwminiwm Môn Cyf yn cau, ond mae peth wmbreidd o botensial o ran ynni

its marine currents across the north Wales coast towards Point of Ayr. The same is true of the south Wales coast, from Pembrokeshire through to the Severn barrage. All of those opportunities need to be considered so that we can achieve our objectives on renewable power.

**Eleanor Burnham:** You realise that responsibility for youth justice remains with Westminster, while responsibility for education and health lies with the Assembly. The Communities and Culture Committee is looking at how youth offenders are dealt with in England. Do you not agree, as we have seen in evidence, that a joined-up approach is essential? What discussions have you had with the UK Government regarding the possible devolution of youth justice to Wales?

**The First Minister:** We have not had recent discussions. You will recall that, seven or eight years ago, the Welsh Affairs Committee proposed the devolution of youth justice to Wales. The difficulty is what you join up with what. We all agree that an element of the youth justice system is closely allied to areas over which we have responsibility, but, on the other hand, it is clear that other parts of the youth justice system need to be joined up with the police, probation and courts services, which are not devolved. You will always have a break between what is devolved and non-devolved. I am not sure whether we could make the argument convincingly that the only element of being joined-up that we need for the future efficacy of the system is between what is devolved and the parts of the youth justice system that are not devolved. There would then be another break with what is left as matters reserved for the courts and probation systems.

**Andrew R.T. Davies:** In your discussions with the UK Government, one thing that was highlighted as a failure was the Red Dragon

ym Môn, gyda cherrynt y môr ar draws arfordir y gogledd tuag at y Parlwr Du. Mae'r un peth yn wir am arfordir y de, o sir Benfro hyd at forglawdd Hafren. Mae angen ystyried y cyfleoedd hynny i gyd er mwyn inni allu cyflawni ein hamcanion ar gyfer ynni adnewyddadwy.

**Eleanor Burnham:** Yr ydych yn sylweddoli bod cyfrifoldeb am gyfiawnder ieuencid yn parhau gyda San Steffan, tra bod y cyfrifoldeb am addysg ac iechyd yn nwylo'r Cynulliad. Mae'r Pwyllgor Cymunedau a Diwylliant yn edrych ar sut yr ymdrinnir â throseddwyr ifanc yn Lloegr. Oni chytunwch, fel yr ydym wedi gweld mewn tystiolaeth, fod dull cydlynol yn hanfodol? Pa drafodaethau yr ydych wedi'u cael gyda Llywodraeth y Deyrnas Unedig ynglŷn â'r posibilrwydd y bydd cyfiawnder ieuencid yn cael ei ddatganoli i Gymru?

**Y Prif Weinidog:** Nid ydym wedi cael trafodaethau'n ddiweddar. Fe gofiwch, ryw saith neu wyth mlynedd yn ôl, fod y Pwyllgor Materion Cymreig wedi cynnig y dylid datganoli cyfiawnder ieuencid i Gymru. Yr anhawster yw beth y dylid ei gydlynw â beth. Yr ydym i gyd yn cytuno bod cysylltiad clòs rhwng elfen o'r system cyfiawnder ieuencid a meysydd lle y mae gennym gyfrifoldeb, ond, ar y llaw arall, mae'n amlwg bod angen i rannau eraill o'r system cyfiawnder ieuencid fod wedi'u cydlynw â'r heddlu, y llysoedd a'r gwasanaeth prawf, nad ydynt wedi'u datganoli. Bydd gennych fwch bob amser rhwng yr hyn sydd wedi'i ddatganoli a'r hyn nad yw wedi'i ddatganoli. Nid wyf yn siŵr a allem ddadlau'n gryf mai'r unig elfen o gydlynw y mae arnom ei hangen er mwyn effeithiolrwydd y system yn y dyfodol yw rhwng yr hyn sydd wedi'i ddatganoli a'r rhannau o'r system cyfiawnder ieuencid nad ydynt eu datganoli. Byddai bwch arall wedyn rhwng hynny a'r hyn sy'n weddill fel materion a gedwir yn ôl i'r llysoedd a systemau prawf.

**Andrew R.T. Davies:** Yn eich trafodaethau â Llywodraeth y Deyrnas Unedig, un peth y dangoswyd yn glir ei fod yn fethiant oedd



project in St Athan. Sadly, yesterday, the final tranche of job losses was announced. In response to the Defence Aviation Repair Agency announcement some four or five years ago, the Welsh Assembly Government devised a Welsh aerospace park scheme. Have you had meaningful discussions with the UK Government on taking that forward, or is it an issue solely at the discretion of the Welsh Assembly Government? If so, does lack of progress on this development lie solely at the door of the Welsh Assembly Government?

**The First Minister:** Yes, we have had many discussions. I suppose that there is a difference between ‘meaningful’ and ‘fruitful’, in the sense that we have had meaningful discussions but they have not yet borne fruit, as you will have seen from the content of the letter issued yesterday by Quentin Davies, Parliamentary Under-Secretary of State at the Ministry of Defence. In that letter he said that he was issuing redundancies to 400 members of the workforce at St Athan, with 200 to go in 12 months’ time and the remaining 200 three years after that, at the end of 2013. It is terribly sad, because it is a highly skilled workforce, and it must not be dispersed to the four winds as though it could be easily replicated—you could not do that. We have been seeking to persuade the Ministry of Defence to relocate some of its prospective work on new aircraft to the aerospace business park at St Athan and to keep up the speed, having lost a year, on the defence training academy. Some of the present workforce there might want to retrain as instructors, but that work will not be available at St Athan for another three or four years.

### Public Services

**Q2 Leanne Wood:** Will the First Minister make a statement on whether the Welsh Assembly Government has plans to make cuts to public services? OAQ(3)2456(FM)

prosiect y Ddraig Goch yn Sain Tathan. Ysyaeth, ddoe, cyhoeddwyd y gyfran olaf o golli swyddi. Mewn ymateb i gyhoeddiad yr Asiantaeth Atgyweirio Awyrennau Amddiffyn ryw bedair neu bum mlynedd yn ôl, dyfeisiodd Llywodraeth Cynulliad Cymru gynllun parc awyrofod Cymru. A ydych wedi cael trafodaethau ystyrion â Llywodraeth y Deyrnas Unedig ynglŷn â bwrw ymlaen â hynny, ynteu ai mater i ddisgresiwn Llywodraeth Cynulliad Cymru yn unig ydyw? Os felly, ai Llywodraeth Cynulliad Cymru’n unig sy’n gyfrifol am y diffyg symud ymlaen ar y datblygiad hwn?

**Y Prif Weinidog:** Ydym, yr ydym wedi cael llawer o drafodaethau. Mae’n debyg bod gwahaniaeth rhwng ‘ystyrion’ a ‘ffrwythlon’, yn yr ystyr ein bod wedi cael trafodaethau ystyrion ond nad ydynt wedi dwyn ffrwyth eto, fel y gwelwch o gynnwys y llythyr a gyhoeddwyd ddoe gan Quentin Davies, Is-Ysgrifennydd Gwladol Seneddol yn y Weinyddiaeth Amddiffyn. Yn y llythyr hwnnw dywedodd ei fod yn dileu swyddi 400 o aelodau’r gweithlu yn Sain Tathan, gyda 200 i fynd ymhenn 12 mis a’r 200 sy’n weddill dair blynedd wedi hynny, ar ddiwedd 2013. Mae’n drist ofnadwy, oherwydd y mae’n weithlu medrus iawn, a rhaid peidio â’i wasgaru i’r pedwar gwynt fel pe byddai’n hawdd ei atgynhyrchu—ni ellid gwneud hynny. Yr ydym wedi bod yn ceisio perswadio’r Weinyddiaeth Amddiffyn i adleoli rhywfaint o’i gwaith arfaethedig ar awyrennau newydd i’r parc busnes awyrofod yn Sain Tathan ac i gadw’r olwyn i droi, wedi colli blwyddyn, ar yr academi hyfforddi amddiffyn. Efallai y byddai ar rai o’r gweithlu presennol yno eisiau ailhyfforddi fel hyfforddwyr, ond ni fydd y gwaith hwnnw ar gael yn Sain Tathan am dair neu bedair blynedd eto.

### Gwasanaethau Cyhoeddus

**C2 Leanne Wood:** A wnaiff y Prif Weinidog ddatganiad ynghylch a oes gan Lywodraeth Cynulliad Cymru gynlluniau i wneud toriadau i wasanaethau cyhoeddus? OAQ(3)2456(FM)

**The First Minister:** Ours is an innovation and efficiency agenda, not a cuts agenda. That means focusing on reducing costs and obtaining greater value for money from our investment, not reducing services. By identifying innovative and transformational reforms, and sharing good practice much faster than before, we can make the most of the Welsh pound.

**Leanne Wood:** I know that the Welsh Assembly Government has stated that it wants to do all that it can to protect front-line services, and that the worst of the public sector cuts have yet to come. All public bodies are being asked to make efficiency savings, but I am concerned to hear that some public organisations are planning to make hefty cuts in the next financial year because they know that they will be required to make bigger cuts in future years, especially if there is a change of Government at Westminster. What can you—or, perhaps more accurately, your successor—do to ensure that front-line services are protected and that public bodies do not cut their budgets prematurely? After all, the economy needs expenditure now, not cuts in anticipation of worse times to come.

**The First Minister:** You are right to point to the current need for a reflation of the economy because private sector final demand is still very weak. We will find out more about the Treasury's view of the recovery of private sector final demand on 9 December when Alistair Darling, the Chancellor, issues his pre-budget report. We are all waiting to hear what he thinks about recovery from the recession and the point at which the private sector can start shouldering some of the burden of expenditure, rather than the public sector. Public sector expenditure, in the form of construction projects for new schools, new hospitals, new further education and tertiary colleges and settings and so forth, is particularly important at this time because private sector demand for construction

**Y Prif Weinidog:** Agenda arloesi ac effeithlonrwydd yw ein hagenda ni, nid agenda toriadau. Mae hynny'n golygu canolbwyntio ar leihau costau a chael mwy o werth am arian o'n buddsoddiad, nid lleihau gwasanaethau. Drwy ganfod diwygiadau sy'n arloesol ac yn trawsnewid, a rhannu arferion da'n llawer cyflymach nag o'r blaen, gallwn elwa i'r eithaf o'r bunt Gymreig.

**Leanne Wood:** Gwn fod Llywodraeth Cynulliad Cymru wedi dweud bod arni eisiau gwneud popeth a all i warchod gwasanaethau rheng flaen, a bod y gwaethaf o'r toriadau yn y sector cyhoeddus eto i ddod. Gofynnir i bob corff cyhoeddus wneud arbedion effeithlonrwydd, ond yr wyf yn bryderus o glywed bod gan rai cyrff cyhoeddus gynlluniau i wneud toriadau mawr yn y flwyddyn ariannol nesaf oherwydd eu bod yn gwybod y bydd gofyn iddynt wneud toriadau mwy yn y dyfodol, yn enwedig os bydd newid Llywodraeth yn San Steffan. Beth y gallwch chi—neu, efallai'n gywirach, eich olynnydd—ei wneud i sicrhau bod gwasanaethau rheng flaen yn cael eu gwarchod ac na fydd cyrff cyhoeddus yn cwtogi eu cyllidebau'n gynamserol? Wedi'r cyfan, gwariant sydd ei angen ar yr economi'n awr, nid toriadau gan ragweld dyddiau gwaeth i ddod.

**Y Prif Weinidog:** Yr ydych yn llygad eich lle wrth dynnu sylw at yr angen ar hyn o bryd i atchwyddo'r economi oherwydd y mae galw terfynol y sector preifat yn wan iawn o hyd. Cawn wybod mwy am farn y Trysorlys ynghylch adfer galw terfynol y sector preifat ar 9 Rhagfyr pan fydd Alistair Darling, y Canghellor, yn cyhoeddi ei adroddiad rhaggyllidebol. Yr ydym i gyd yn aros i glywed beth yw ei farn ynghylch gwelliant yn yr economi wedi'r dirwasgiad a'r pwynt lle y gall y sector preifat ddechrau ysgwyddo peth o faich y gwariant, yn hytrach na'r sector cyhoeddus. Mae gwariant y sector cyhoeddus, ar ffurf prosiectau adeiladu ar gyfer ysgolion newydd, ysbytai newydd, colegau a lleoliadau addysg bellach a thrydyddol newydd ac yn y blaen, yn

projects is so weak, and there is a great deal of spare capacity in the building industry and the building supply chain. Therefore, such expenditure remains an urgent necessity. If we are to be more efficient in how we deliver public services, every administration, every part of the health service, and every local government unit will have to become a champion of delivering the same level of service for less money without cutting front-line services. That can be done by making ever-increasing improvements in their efficiency levels.

**The Leader of the Welsh Liberal Democrats (Kirsty Williams):** First Minister, I am sure that you would agree that the supply of prescription drugs is a vital public service, and yet drugs for conditions such as breast cancer, epilepsy and Parkinson's disease are reported to be in short supply at the moment. Indeed, up to 200 prescription drugs could be in short supply, including those that are deemed to be essential, such as drugs used for tackling cardiovascular disease, as well as one drug to prevent organ rejection. It seems that the shortage is down to drug companies getting a better price for these drugs overseas and so exporting the drugs destined for the British market to other countries. What discussions have you had with the wholesalers and manufacturers of these drugs to ensure that Welsh patients get the prescription drugs that they need?

**The First Minister:** It is a matter of great concern that drug companies seek to drive a hard bargain with the national health service by playing it off against different systems in other countries. Given that the bargaining may not be as centralised as it is in the United Kingdom, they think that they can get a better price from those other countries. Nevertheless, the British drugs market is colossal, and it would be a foolish drug company that thought that it could do without

arbennig o bwysig ar hyn o bryd oherwydd bod galw'r sector preifat am brosiectau adeiladu mor wan, ac mae llawer iawn o gapasiti dros ben yn y diwydiant adeiladu a'r gadwyn gyflenwi ym maes adeiladu. Felly, mae angen gwariant o'r fath ar frys o hyd. Os ydym am fod yn fwy effeithlon o ran sut yr ydym yn cyflenwi gwasanaethau cyhoeddus, bydd rhaid i bob gweinyddiaeth, pob rhan o'r gwasanaeth iechyd, a phob uned llywodraeth leol ddod yn bencampwr ar gyflwyno'r un lefel o wasanaeth am lai o arian heb dorri gwasanaethau rheng flaen. Mae modd gwneud hynny drwy wneud gwelliannau cynyddol yn eu lefelau effeithlonrwydd.

**Arweinydd Democratiaid Rhyddfrydol Cymru (Kirsty Williams):** Brif Weinidog, yr wyf yn siŵr y cytunech fod cyflenwi cyffuriau presgripsiwn yn wasanaeth cyhoeddus hollbwysig, ac eto dywedir bod cyffuriau ar gyfer cyflyrau fel canser y fron, epilepsi a chlefyd Parkinson yn brin ar hyn o bryd. Yn wir, gallai hyd at 200 o gyffuriau presgripsiwn fod yn brin, gan gynnwys rhai y bernir eu bod yn hanfodol, fel cyffuriau a ddefnyddir i fynd i'r afael â chlefydau cardiofasgwlaidd, ynghyd ag un cyffur i atal y corff rhag gwrthod organau. Mae'n debyg mai'r rheswm dros y prinder yw bod cwmnïau cyffuriau'n cael pris gwell am y cyffuriau hyn dramor ac felly eu bod yn allforio'r cyffuriau a oedd i fod ar gyfer marchnad Prydain i wledydd eraill. Pa drafodaethau yr ydych wedi'u cael â chyfanwerthwyr a gwneuthurwyr y cyffuriau hyn i sicrhau bod cleifion Cymru'n cael y cyffuriau presgripsiwn y mae arnynt eu hangen?

**Y Prif Weinidog:** Mae'n destun pryder mawr fod cwmnïau cyffuriau'n ceisio taro bargaen galed â'r gwasanaeth iechyd gwladol drwy ei osod yn erbyn systemau gwahanol mewn gwledydd eraill. Gan nad yw'r bargeinio efallai wedi'i ganoli i'r fath raddau ag y mae yn y Deyrnas Unedig, credant y gallant gael gwell pris gan y gwledydd eraill hynny. Serch hynny, mae'r farchnad gyffuriau Brydeinig yn anferthol, a chwmni cyffuriau ffôl fyddai'n credu y gallai wneud

the British national health service as a supply area. However, hardball bargaining negotiations are a feature of the contracts issued for the supply of drugs. I am concerned about what you have said, but I see that Edwina is present, and so she will reply to you on the specific points about any drugs that may be in short supply because of the delicate nature of the ongoing negotiations.

**Kirsty Williams:** In answer to a question asked by my colleague, Eleanor Burnham, in September, your Minister for Health and Social Services said that she was monitoring the situation and would be taking steps to address it. However, it seems that the situation is getting worse. There is still much anecdotal evidence to support this, and I am sure that many of us have received complaints from constituents who are struggling to get hold of prescription drugs. I must ask you again, given the importance of these drugs, what discussions has this Government had with manufacturers? Have you had any discussions with the UK Government so that, together, we can put pressure on these companies to make the drugs that Welsh patients need available to them?

1.50 p.m.

**The First Minister:** The advice that I am receiving is that we are having discussions at the UK level to ensure that the exploitation of the Welsh patient body by producing a shortage of drugs essential to the treatment of Parkinson's, epilepsy and so forth does not prejudice the interests of our patients. The negotiations with drugs companies are very difficult, because they want a high price and say that they can get a higher price elsewhere, but we do not know whether that is true. Therefore, they will take it right down to the wire. In turn, in our dealings with drugs companies, we want the best value for patients, and so we intend to drive the prices down, where there is a reasonable recoupment of the cost of research and

heb wasanaeth iechyd gwladol Prydain fel maes cyflenwi. Fodd bynnag, mae negodi a bargeinio caled yn nodwedd ar y contractau a roddir ar gyfer cyflenwi cyffuriau. Yr wyf yn bryderus am yr hyn a ddywedasoch, ond gwelaf fod Edwina'n bresennol, ac felly rhydd hi ateb ichi ynghylch y pwyntiau penodol am unrhyw gyffuriau a all fod yn brin oherwydd natur ddelicet y negodi sy'n mynd rhagddo.

**Kirsty Williams:** Mewn ateb i gwestiwn gan fy nghyd-Aelod, Eleanor Burnham, ym mis Medi, dywedodd eich Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ei bod yn monitro'r sefyllfa ac y byddai'n cymryd camau i ddelio â hi. Fodd bynnag, mae'n ymddangos bod y sefyllfa'n gwaethygu. Ceir llawer o dystiolaeth anecdotaidd o hyd i ategu hyn, ac yr wyf yn siŵr bod llawer ohonom wedi cael cwynion gan etholwyr sydd yn ei chael yn anodd cael gafael ar gyffuriau presgripsiwn. Rhaid imi ofyn ichi eto, oherwydd pwysigrwydd y cyffuriau hyn, pa drafodaethau y mae'r Llywodraeth hon wedi'u cael â gwneuthurwyr? A ydych wedi cael unrhyw drafodaethau â Llywodraeth y Deyrnas Unedig er mwyn inni, gyda'n gilydd, allu rhoi pwysau ar y cwmnïau hyn i sicrhau bod y cyffuriau y mae ar gleifion Cymru eu hangen ar gael iddynt?

**Y Prif Weinidog:** Y cyngor yr wyf fi'n ei gael yw ein bod yn cael trafodaethau ar lefel y Deyrnas Unedig i sicrhau na fydd ecsploetio corff cleifion Cymru drwy gynhyrchu prinder cyffuriau sy'n hanfodol ar gyfer trin clefyd Parkinson, epilepsi ac yn y blaen yn niweidio buddiannau ein cleifion. Mae'r negodi gyda chwmnïau cyffuriau'n anodd iawn, oherwydd y mae arnynt hwy eisiau pris uwch a dywedant y gallant gael pris uwch yn rhywle arall, ond ni wyddom a yw hynny'n wir. Felly, fe ânt â hi i'r pen eithaf. Yn ein tro, wrth i ni ddelio â chwmnïau cyffuriau, mae arnom eisiau'r gwerth gorau i gleifion, ac felly bwriadwn beri bod y prisiau'n gostwng, lle y ceir ad-daliad rhesymol o gost ymchwil a datblygu

development and encouragement for the development of further drugs. Therefore, we believe that we treat drug companies fairly by recompensing them for the costs of research and development expenditure while avoiding any profiteering.

**Kirsty Williams:** Thank you for the reassurance that your Government is discussing this issue with Westminster. Of particular concern is the drug Femara, which is used to treat breast cancer patients. There is some evidence to suggest that as few as 10 packets of the drug are now available in south Wales for those patients who need it. Government and drug supply companies have rules and guidelines, but it seems that they are being broken. Will you in Wales and, if necessary, with your colleagues in London instigate an urgent investigation into the practices of drug companies, because we do not want Welsh patients' health to be compromised by the fact that companies can sell drugs at a higher price in other countries?

**The First Minister:** I agree with what you have just said, but we do know of examples that go the other way. For instance, we know that the Government of New Zealand drove a hard bargain with some companies—a harder bargain than was driven in the UK. New Zealand also has a centralised bargaining system, which is not completely unlike the national health service, and so there will be examples of it working the other way around. However, I ask Edwina to look into your point about Femara and to respond to you directly.

**Alun Davies:** First Minister, in your answer to Leanne Wood, you talked about efficiency savings and the need to ensure that public services are working together more efficiently. Given that general approach to policy, I note that the invest-to-save fund recently announced its first tranche of new funding decisions. Can you update us on how you see the invest-to-save fund playing a part in ensuring that this Government continues to provide high-quality, world-class public

ac anogaeth i ddatblygu cyffuriau newydd. Felly, credwn ein bod yn trin cwmnïau cyffuriau'n deg drwy eu digolledu am gostau gwariant ymchwil a datblygu gan osgoi unrhyw orelwa.

**Kirsty Williams:** Diolch am y sicrwydd bod eich Llywodraeth yn trafod y mater hwn â San Steffan. Testun pryder arbennig yw'r cyffur Femara, a ddefnyddir i drin cleifion canser y fron. Ceir peth tystiolaeth sy'n awgrymu bod cyn lleied â 10 pecyn o'r cyffur ar gael bellach yn y de i'r cleifion hynny y mae arnynt ei angen. Mae gan y Llywodraeth a chwmnïau cyflenwi cyffuriau reolau a chanllawiau, ond mae'n ymddangos eu bod yn cael eu torri. A wnewch chi yng Nghymru ac, os bydd angen, gyda'ch cyd-Weinidogion yn Llundain, gychwyn ymchwiliad ar fyrder i arferion cwmnïau cyffuriau, oherwydd nid oes arnom eisiau i iechyd cleifion Cymru gael ei beryglu gan y ffaith bod cwmnïau'n gallu gwerthu cyffuriau am bris uwch mewn gwledydd eraill?

**Y Prif Weinidog:** Yr wyf yn cytuno â'r hyn yr ydych newydd ei ddweud, ond gwyddom am enghreifftiau sy'n mynd y ffordd arall. Er enghraifft, gwyddom fod Llywodraeth Seland Newydd wedi taro bargaen galed â rhai cwmnïau—bargaen galetach nag a drawyd yn y Deyrnas Unedig. Mae gan Seland Newydd system fargeinio ganolog hefyd, nad yw'n wahanol iawn i'r gwasanaeth iechyd gwladol, ac felly bydd enghreifftiau o hynny'n gweithio y ffordd arall. Fodd bynnag, gofynnaf i Edwina ymchwilio i'ch pwynt am Femara ac ymateb ichi'n uniongyrchol.

**Alun Davies:** Brif Weinidog, yn eich ateb i Leanne Wood, soniasoch am arbedion effeithlonrwydd a'r angen i sicrhau bod gwasanaethau cyhoeddus yn cydweithio'n fwy effeithlon. Gan mai dyna yw'r polisi'n gyffredinol, sylwaf fod y gronfa buddsoddi i arbed yn ddiweddar wedi cyhoeddi ei chyfran gyntaf o benderfyniadau ariannu newydd. A allwch roi'r wybodaeth ddiweddaraf inni ynghylch sut y gwelwch y gronfa buddsoddi i arbed yn chwarae rhan mewn sicrhau bod y

services now and in the future?

**The First Minister:** I am grateful for an opportunity to highlight what the invest-to-save fund can do. It is not for capital expenditure, but for more innovative revenue expenditure. It is easier to get the message across to the relevant public bodies in Wales—throughout the health service, local government and our own agencies—with an innovative capital investment scheme, because people understand closing two schools to replace them with one big and bright shiny new school, or closing two hospitals to replace them with one bright shiny new hospital. However, they do not understand a similar principle being applied to innovative revenue expenditure. Therefore, we are anxious for people to place more bids, because substantial amounts of the invest-to-save fund currently look as though they will be unused, which would be a tragedy at this point in time.

**Alun Cairns:** First Minister, in 1999, the administrative and estate staff in the national health service amounted to 11,275 full-time equivalent employees. The latest data available for 2008 show that that figure has ballooned by 42 per cent to 16,056. In contrast, over the same period, the number of medical and dental staff has increased by only 32 per cent. Does that not show that, during the good times, when funding was growing rapidly, you decided to increase the number of bureaucrats rather than clinicians and medics, but now that we are coming to the difficult times, it will be far more difficult to make them redundant than it was to recruit them?

**The First Minister:** You will find that what has happened over the past 10 years is that we have made some decisions to increase the supply of top-quality medical, dental and nursing staff. During the previous 18 years, there was no increase in the size of the medical schools in Wales, and we were short of doctors. Therefore, we have doubled the

Llywodraeth hon yn parhau i ddarparu gwasanaethau cyhoeddus o ansawdd uchel, o safon fyd-eang, yn awr ac yn y dyfodol?

**Y Prif Weinidog:** Yr wyf yn ddiolchgar am gyfle i bwysleisio'r hyn y gall y gronfa buddsoddi i arbed ei wneud. Nid yw ar gyfer gwariant cyfalaf, ond ar gyfer gwariant refeniw mwy arloesol. Mae'n haws cyfleu'r neges i'r cyrff cyhoeddus perthnasol yng Nghymru—drwy'r gwasanaeth iechyd, llywodraeth leol a'n hasiantaethau ni'n hunain—gyda chynllun buddsoddi cyfalaf arloesol, oherwydd y mae pobl yn deall cau dwy ysgol a chodi un ysgol fawr newydd sbon danlli yn eu lle, neu gau dau ysbyty a chodi un ysbyty newydd sbon danlli yn eu lle. Fodd bynnag, nid ydynt yn deall defnyddio egwyddor debyg ar gyfer gwariant refeniw arloesol. Felly, yr ydym yn awyddus i bobl gyflwyno rhagor o geisiadau, oherwydd y mae'n edrych yn debyg ar hyn o bryd na fydd symiau sylweddol o'r gronfa buddsoddi i arbed wedi'u defnyddio, a fyddai'n drychineb yn y cyfnod sydd ohoni.

**Alun Cairns:** Brif Weinidog, yn 1999, cyfanswm y staff gweinyddol ac ystadau yn y gwasanaeth iechyd gwladol oedd 11,275 o weithwyr cyfwerth ag amser llawn. Dengys y data diweddaraf sydd ar gael ar gyfer 2008 fod y ffigur hwnnw wedi chwyddo 42 y cant i 16,056. Yn groes i hynny, yn ystod yr un cyfnod, dim ond 32 y cant o gynnydd a fu yn nifer y staff meddygol a deintyddol. Onid yw hynny'n dangos ichi benderfynu, yn ystod y cyfnod ffyniannus, pan oedd cyllid yn tyfu'n gyflym, cynyddu nifer y biwrocrataid yn hytrach na chlinigwyr a meddygon, ond a ninnau bellach yn wynebu cyfnod anodd, y bydd yn llawer anos dileu eu swyddi nag a oedd i'w recriwtio?

**Y Prif Weinidog:** Fe welwch mai'r hyn sydd wedi digwydd yn ystod y 10 mlynedd diwethaf yw ein bod wedi gwneud rhai penderfyniadau i gynyddu'r cyflenwad o staff meddygol, deintyddol a nyrsio o'r radd flaenaf. Yn ystod y 18 mlynedd cyn hynny, ni chafwyd dim cynnydd ym maint yr ysgolion meddygol yng Nghymru, ac yr oeddem yn

intake into our medical schools from 200 to 400 per year. Politically, I will not see the benefit of that, because it will take six years for those students to emerge at the other end of the medical school pipeline, but it is the right thing to do, because the Conservatives did not do it. Likewise, the annual dentistry intake has increased, albeit not so dramatically, from 55 to 75. The nursing intake has increased by 30 per cent. All that is to increase the supply of nurses, dentists and doctors. It is the right thing to do and we will get the benefit of it in the next 10 years.

brin o feddygon. Felly, yr ydym wedi dyblu'r nifer sy'n mynd i'n hysgolion meddygol o 200 i 400 y flwyddyn. Yn wleidyddol, ni chaf fi weld manteision hynny, oherwydd cymer chwe blynedd i'r myfyrwyr hynny gwblhau eu tymor mewn ysgol feddygol, ond dyna'r peth iawn i'w wneud, oherwydd ni wnaeth y Ceidwadwyr hynny. Yn yr un modd, mae nifer myfyrwyr deintyddiaeth mewn blwyddyn wedi cynyddu, er nad mor ddramatig, o 55 i 75. Mae nifer myfyrwyr nyrsio wedi cynyddu 30 y cant. Mae hynny i gyd er mwyn cynyddu'r cyflenwad o nyrsys, deintyddion a meddygon. Dyna'r peth iawn i'w wneud a byddwn yn elwa o hynny yn y 10 mlynedd nesaf.

**Y Llywydd:** Cafodd cwestiwn 3 ei grwpio gyda chwestiwn 1.

**The Presiding Officer:** Question 3 was grouped with question 1.

#### **An All-Wales Postal Service**

#### **Gwasanaeth Post i Gymru Gyfan**

**Q4 Janet Ryder:** What discussions has the First Minister had regarding the tender for an all-Wales postal service? OAQ(3)2439(FM)

**C4 Janet Ryder:** Pa drafodaethau mae'r Prif Weinidog wedi'u cael ynghylch y tendr ar gyfer gwasanaeth post i Gymru gyfan? OAQ(3)2439(FM)

**The First Minister:** I have had no discussions on this subject, and a tender for an all-Wales postal service is not under way. The vast majority of organisations in Wales use the Royal Mail. A new Office of Government Commerce UK framework commences on 1 April 2010.

**Y Prif Weinidog:** Nid wyf wedi cael trafodaethau ar y pwnc hwn, ac nid oes tendr ar y gweill ar gyfer gwasanaeth post i Gymru gyfan. Mae'r mwyafrif helaeth o sefydliadau Cymru yn defnyddio'r Post Brenhinol. Bydd fframwaith newydd Swyddfa Masnach y Llywodraeth ar gyfer y DU yn cychwyn ar 1 Ebrill 2010.

**Janet Ryder:** Support for the Royal Mail is usually across the parties, and so, when I asked councils in north Wales which company they use to deliver their post, I was concerned to find that some were sending their second-class post by TNT, a private delivery service. Upon enquiring further with officers at the Assembly Government, I was told that an all-Wales tender did exist and that it was put out on behalf of public authorities. What involvement has your Government had in this? Is that not cherry-picking postal services?

**Janet Ryder:** Mae cefnogaeth i'r Post Brenhinol fel arfer yn drawsbleidiol, ac felly, pan ofynnais i gynghorau yn y gogledd pa gwmni a ddefnyddiant i ddanfôn eu post, yr oeddwn yn bryderus o ganfod bod rhai'n anfon eu post ail ddsbarth drwy TNT, gwasanaeth dosbarthu preifat. O ymholi ymhellach â swyddogion yn Llywodraeth y Cynulliad, dywedwyd wrthyf fod tendr Cymru gyfan yn bodoli a'i fod yn cael ei osod ar ran awdurdodau cyhoeddus. Pa ran y mae eich Llywodraeth wedi'i chael yn hyn? Onid dewis a dethol gwasanaethau post yw hynny?

**The First Minister:** We are seeking to enable the Royal Mail to deliver all public authority post effectively. Until March 31 2010, there is, in part, a joint contract with TNT, with the Royal Mail delivering the final mile and some of TNT's employees being used for some of the sorting. That arrangement will come to an end on 31 March 2010, there will be a re-tendering exercise, and that is why the Office of Government Commerce has issued a new framework. However, we have yet to see the outcome of the new framework agreement impacting on any new contracts to come into force on April 1 2010.

**Y Llywydd:** Tynnwyd cwestiynau 5, OAQ(3)2459(FM), a 6, OAQ(3)2444(FM), yn ôl.

#### Devolution

**Q7 Nick Bourne:** Will the First Minister make a statement on the future of devolution in Wales? OAQ(3)2457(FM)

**The First Minister:** This week sees two important legislative matters before the Assembly, both of which will make a real difference to the practical business of improving the future lives of families and individuals in a devolved Wales. The Draft National Assembly for Wales (Legislative Competence) (Environment) Order 2010 and the Proposed National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order are at different points in the process, but they both represent the maturing of this body as a legislature.

**Nick Bourne:** What calculation has the Government made of when in 2010 we should be passing a resolution in the Chamber to trigger a referendum on Part 4 of the Government of Wales Act 2006 next autumn?

**The First Minister:** Whoever my successor will be and I, along with our partners in

**Y Prif Weinidog:** Yr ydym yn ceisio galluogi'r Post Brenhinol i ddosbarthu holl bost yr awdurdodau cyhoeddus yn effeithiol. Tan 31 Mawrth 2010, yn rhannol ceir cyd-gontract â TNT, gyda'r Post Brenhinol yn cludo'r filltir olaf a rhai o weithwyr TNT yn gwneud rhywfaint o'r didoli. Daw'r trefniant hwnnw i ben ar 31 Mawrth 2010, bydd aildendro'n digwydd, a dyna pam y mae Swyddfa Masnach y Llywodraeth wedi cyhoeddi fframwaith newydd. Fodd bynnag, nid ydym eto wedi gweld canlyniad y cytundeb fframwaith newydd yn effeithio ar unrhyw gontractau newydd a ddaw i rym ar 1 Ebrill 2010.

**The Presiding Officer:** Questions 5, OAQ(3)2459(FM), and 6, OAQ(3)2444(FM), were withdrawn.

#### Datganoli

**C7 Nick Bourne:** A wnaiff y Prif Weinidog ddatganiad am ddyfodol datganoli yng Nghymru? OAQ(3)2457(FM)

**Y Prif Weinidog:** Yr wythnos hon daw dau fater deddfwriaethol pwysig gerbron y Cynulliad, dau a wnaiff wahaniaeth gwirioneddol i fusnes ymarferol gwella bywyd teuluoedd ac unigolion mewn Cymru ddatganoledig yn y dyfodol. Mae Gorchymyn Drafft Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Amgylchedd) 2010 a Gorchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Tai a Llywodraeth Leol) wedi cyrraedd manau gwahanol yn y broses, ond maent ill dau'n golygu bod y corff hwn yn aeddfedu fel deddfwrfa.

**Nick Bourne:** Yn ôl y Llywodraeth, pryd yn 2010 y dylem fod yn pasio penderfyniad yn y Siambr i sbarduno refferendwm ar Ran 4 Deddf Llywodraeth Cymru 2006 yr hydref nesaf?

**Y Prif Weinidog:** Bydd pwy bynnag fydd fy olynydd a minnau, ynghyd â'n partneriaid yn



Government, will give a great deal of thought to that. As for business management in the Assembly, I am sure that there will be four-party negotiations to discuss that topic before long, involving the four party leaders, including the new Labour leader, whoever that will be.

**Helen Mary Jones:** Yr oeddwn yn falch o'ch clywed yn dweud yr wythnos diwethaf eich bod yn edrych ymlaen at gymryd rhan yn yr ymgyrch 'Ie', pryd bynnag y bydd yn digwydd. Yr wyf yn siŵr bod llawer ohonom, ar draws y pleidiau i gyd, yn falch o glywed hynny. Efallai ei bod hi braidd yn gynnar i ofyn y cwestiwn hwn ichi, ond a fydddech yn fodlon ystyried cymryd rhan flaenllaw yn genedlaethol yn yr ymgyrch hon, yn ogystal â gweithio'n galed iawn yng Ngorllewin Caerdydd, fel y gwn y byddwch?

**Y Prif Weinidog:** Nid oes ots gennyf beth a wnaif o ran y broses ymgyrchu. Yr oeddwn yn ymgyrchu yn 1979 ac ym 1997, a byddaf yn ymgyrchu eto o blaid yr ymgyrch 'Ie' y tro nesaf. Nid oes syniad gennyf eto beth yn union y byddaf yn ei wneud, gan ei bod yn rhy gynnar i ystyried y mater.

2.00 p.m.

### The Lisbon Strategy

**Q8 Christine Chapman:** Will the First Minister make a statement on the Welsh Assembly Government's response to the consultation on the future of the Lisbon strategy? OAQ(3)2449(FM)

**The First Minister:** The Assembly Government is fully engaged in that debate on the Lisbon strategy, frequently confused with the Lisbon treaty. Coincidentally, the European Commission's 'Consultation on the future EU 2020 Strategy' was issued on 24 November, just a week ago. We will consider and respond accordingly, while concentrating on the issues of growth, innovation, technology and skills raised by the Lisbon strategy.

y Llywodraeth, yn ystyried hynny'n ofalus. O ran rheoli busnes yn y Cynulliad, yr wyf yn siŵr y bydd trafodaethau rhwng y pedair plaid ar y pwnc hwnnw cyn bo hir, a hynny'n cynnwys pedwar arweinydd y pleidiau, gan gynnwys arweinydd newydd Llafur, pwy bynnag fydd hwnnw neu honno.

**Helen Mary Jones:** I was pleased to hear you say last week that you were looking forward to taking part in the 'Yes' campaign, whenever that may be. I am sure that many of us, from across all the parties, were pleased to hear that. Perhaps it is rather premature of me to ask this question of you, but would you be willing to consider taking a leading role in that campaign nationally, in addition to working very hard in Cardiff West, as I know you will be?

**The First Minister:** I do not mind what I do as regards the campaigning process. I campaigned in 1979 and in 1997, and I will be campaigning again in support of the 'Yes' campaign next time. I have no idea yet what exactly I will be doing, as it is too early to consider the matter.

### Strategaeth Lisbon

**C8 Christine Chapman:** A wnaiff y Prif Weinidog ddatganiad am ymateb Llywodraeth Cynulliad Cymru i'r ymgynghoriad ar ddyfodol strategaeth Lisbon? OAQ(3)2449(FM)

**Y Prif Weinidog:** Mae Llywodraeth y Cynulliad yn ymwneud yn llawn â'r ddadl honno ar strategaeth Lisbon, y cymysgir rhyngddi'n aml a chytuniad Lisbon. Drwy gyd-ddigwyddiad, cyhoeddwyd y 'Consultation on the future EU 2020 Strategy' gan y Comisiwn Ewropeaidd ar 24 Tachwedd, wythnos yn ôl. Fe ystyriwn hynny, ac ymateb yn briodol, gan ganolbwyntio ar faterion twf, arloesi, technoleg a sgiliau a godir gan strategaeth Lisbon.

**Christine Chapman:** You will be aware, First Minister, that, as the Assembly's representative on the Committee of the Regions, I will this week be making the case for a new economic, social and environmental model for Europe, to replace the Lisbon strategy. I am optimistic that the Committee of the Regions will adopt my paper. I will argue that the new model must start from the premise that we live on a planet with finite resources, and that our economic activities must work within, and respect, these ecological constraints. I will also argue that the new strategy must promote social cohesion. What concerns me is that, even during periods when Europe was experiencing economic growth, it faced increasing levels of social exclusion and persistent problems with poverty. Do you agree that the new strategy must reflect this, and that, given the current economic and financial crisis, business as usual is no longer an option? Will you highlight the good work that has already been done in Wales in the Welsh Assembly Government's response?

**The First Minister:** I am grateful for your remarks on that issue, and I pay tribute to the work that you are doing in the Committee of the Regions in working on the opinion paper that is going to be presented for adoption later this week in Brussels on the future of the Lisbon strategy. On the particular points regarding what is different about the Lisbon strategy post the credit crunch and the global recession, I am sure that you are right to highlight how important green jobs are going to be, and how we must emphasise green-collar jobs as distinct from white-collar and blue-collar jobs.

The social cohesion factor is also important, as we know that, during the recession, poverty has clearly worsened. A great chunk

**Christine Chapman:** Byddwch yn ymwybodol, Brif Weinidog, y byddaf, fel cynrychiolydd y Cynulliad ar Bwyllgor y Rhanbarthau, yn dadlau'r achos yr wythnos hon dros fodel economaidd, cymdeithasol ac amgylcheddol newydd i Ewrop, i gymryd lle strategaeth Lisbon. Yr wyf yn obeithiol y gwnaiff Pwyllgor y Rhanbarthau fabwysiadu fy mhapur. Byddaf yn dadlau bod yn rhaid i'r model newydd ddechrau o'r rhagosodiad ein bod yn byw ar blaned sydd ag adnoddau cyfyngedig, a bod yn rhaid i'n gweithgareddau economaidd weithio oddi mewn i'r cyfyngiadau ecolegol hyn a'u parchu. Byddaf yn dadlau hefyd fod yn rhaid i'r strategaeth newydd hyrwyddo cydlyniant cymdeithasol. Yr hyn sy'n fy mhoeni yw, hyd yn oed yn ystod cyfnodau pan oedd Ewrop yn profi twf economaidd, ei bod yn wynebu lefelau cynyddol o allgáu cymdeithasol a phroblemau cyson gyda thlodi. A gytunwch fod yn rhaid i'r strategaeth newydd adlewyrchu hyn, ac yn wyneb yr argyfwng economaidd ac ariannol sydd ohoni, nad yw busnes fel arfer yn opsiwn mwyach? A wnewch danlinellu'r gwaith da sydd eisoes wedi'i wneud yng Nghymru yn ymateb Llywodraeth Cynulliad Cymru?

**Y Prif Weinidog:** Yr wyf yn ddiolchgar am eich sylwadau ar y mater hwnnw, ac yr wyf yn rhoi teyrnged i'r gwaith yr ydych yn ei wneud ym Mhwyllgor y Rhanbarthau wrth weithio ar y papur safbwynt a gyflwynir i'w fabwysiadu'n ddiweddarach yr wythnos hon ym Mrwsel ar ddyfodol strategaeth Lisbon. O ran y pwyntiau penodol ynghylch beth sy'n wahanol am strategaeth Lisbon wedi'r wasgfa gredyd a'r dirwasgiad byd-eang, yr wyf yn siŵr eich bod yn iawn wrth danlinellu mor bwysig y bydd swyddi gwyrdd, a'r modd y mae'n rhaid inni bwysleisio swyddi coler werdd yn hytrach na swyddi coler wen a cholerau las.

Mae'r ffactor yn ymwneud â chydlyniant cymdeithasol yn bwysig hefyd, gan ein bod yn gwybod bod tlodi yn amlwg wedi

of jobs at the lower end of the labour market, especially in manufacturing, has disappeared in the direction of east Asia, and is not going to come back. Therefore, we need to make sure that people are not excluded or left behind by that eastwards shift of jobs in basic manufacturing, or by the shift to India of basic office-based customer-contact work.

**David Melding:** I am glad that you referred to jobs in the latter part of your answer. Do you agree that any successor to the Lisbon strategy ought to have increasing employment levels at its heart? The Lisbon strategy has set an employment rate of 75 per cent, and, in fairness, your Government has set a target of 80 per cent. I realise that the economic recession has hit us off course—the rest of Europe is in the same boat—but things will settle down at some point, and growth will return. Increasing the number of jobs, especially in the more peripheral areas, is going to be at the heart of whatever succeeds the Lisbon strategy.

**The First Minister:** Clearly, the quantity of jobs is going to be important, but the quality of jobs also needs to fit in with any sensible long-term strategy that will allow us to identify where China and India are likely to dominate. There is no point in us trying to compete with China and India at a low-wage level, so we must consider how we can compete with them with our education, skills base, innovation, higher education sector, encouragement for enterprise, access to finance for small and medium-sized enterprises and new starts.

We should also consider how to encourage employers to adopt lean manufacturing practices. We know that growth is not going to come from the financial sector, because that has been blown away by the credit crunch, so growth is going to have to be on a much more technological basis. That is why I used the expression, the ‘Singaporean strategy’, when I referred to the new economic strategy that Ieuan Wyn Jones and

gwaethygu yn ystod y dirwasgiad. Mae talp mawr o swyddi ar ben isaf y farchnad lafur, yn enwedig mewn gweithgynhyrchu, wedi diflannu i gyfeiriad dwyrain Asia, ac ni ddaw’n ôl. Felly, mae angen inni wneud yn siŵr na chaiff pobl eu gadael allan na’u gadael ar ôl wrth i swyddi ym maes gweithgynhyrchu sylfaenol symud tua’r dwyrain, nac wrth i waith swyddfa cyswllt cwsmeriaid sylfaenol symud i India.

**David Melding:** Yr wyf yn falch ichi gyfeirio at swyddi yn rhan olaf eich ateb. A gytunwch y dylai cynyddu lefelau cyflogaeth fod yn ganolog i unrhyw olynnydd i strategaeth Lisbon? Mae strategaeth Lisbon wedi pennu cyfradd gyflogaeth o 75 y cant, ac, a bod yn deg, mae eich Llywodraeth wedi gosod targed o 80 y cant. Sylweddolaf fod y dirywiad economaidd wedi’n bwrw oddi ar ein hechel—mae gweddill Ewrop yn yr un cwch—ond bydd pethau’n setlo i lawr ryw dro, a daw twf yn ôl. Mae cynyddu nifer y swyddi, yn enwedig yn yr ardaloedd mwy mymyl, yn mynd i fod yn greiddiol i beth bynnag a ddaw i olynu strategaeth Lisbon.

**Y Prif Weinidog:** Yn amlwg, mae nifer y swyddi’n mynd i fod yn bwysig, ond mae angen i ansawdd y swyddi hefyd gydweddu ag unrhyw strategaeth hirdymor gall a wnaiff ganiatáu inni weld ymhle y mae Tsieina ac India’n debyg o dra-arglwyddiaethu. Nid oes diben inni geisio cystadlu â Tsieina ac India ar lefel cyflogau isel, felly rhaid inni ystyried sut y gallwn gystadlu â nhw gyda’n haddysg, ein sylfaen sgiliau, ein harloesi, ein sector addysg uwch, ein hanogaeth i fenter, ein cyllid i fentrau bach a chanolig a busnesau newydd.

Dylem ystyried hefyd sut i annog cyflogwyr i fabwysiadu arferion gweithgynhyrchu darbodus. Gwyddom na ddaw twf o’r sector ariannol, gan fod hwnnw wedi cael hergwdd gan y wasgfa greddydd, felly bydd yn rhaid i dwf fod ar sail lawer mwy technolegol. Dyna pam y defnyddiais yr ymadrodd ‘strategaeth Singapôr’ pan gyfeiriais at y strategaeth economaidd newydd y mae Ieuan Wyn Jones a phawb ohonom wedi bod yn gweithio arni,

all of us have been working on, and will continue to work on over the next few months.

**Rhodri Glyn Thomas:** Brif Weinidog, yr oeddech yn egluro yng nghyfarfod y Pwyllgor Materion Ewropeaidd ac Allanol y bore yma fod y strategaeth wedi ei gwneud ychydig yn fwy hyblyg yng nghyd-destun y dirwasgiad ariannol sy'n wynebu'r wlad hon, a gweddill Ewrop hefyd. Yr oedd David Melding yn sôn am yr angen i gynyddu cyflogaeth yng Nghymru. A oes tensiynau yn y fan honno, rhwng y strategaeth a'r hyn sydd angen ei wneud i ateb gofynion y dirwasgiad? Yr wyf yn ymwybodol eich bod yn eich wythnos olaf yn y swydd hon, felly a allwch gynnig unrhyw gyngor i'ch olynydd ynglŷn â sut y gall Cymru chwarae ei rhan i sicrhau bod prif egwyddorion strategaeth Lisbon yn cael eu gweithredu?

**Y Prif Weinidog:** Dros dro, mae pawb yn Ewrop—y gwledydd, y sefydliadau, y comisiwn, yr Undeb Ewropeaidd ac yn y blaen—wedi derbyn bod yn rhaid helpu cwmnïau i oroesi, a dim arall. Y peth pwysicaf oedd goroesi'r dirwasgiad. Unwaith bod y wasgfa drosodd a'ch bod yn dechrau gweld y golau, neu'r haul, yn codi dros y gorwel ar ôl i'r dirwasgiad leihau, gallwch ddechrau meddwl am y mathau o sgiliau, technoleg ac arloesedd a fydd o bwys yn y dyfodol. Credaf fod pawb yn derbyn yn awr y gallwch weld nad yn y sector ariannol y ceir y cynnydd mewn swyddi, ond yn hytrach yn y sector technolegol lle mae ein sgiliau ni yng Nghymru a'r pwyslais a roddwn ar brentisiaethau ac ati. Dyna'r lle y gwneir gwahaniaeth. Credaf ein bod bob amser wedi dweud na allwch roi gormod o ddibyniaeth ar y sector ariannol; erbyn hyn, mae pawb yn derbyn hynny. Felly, dyna'r dyfodol yn Ewrop a dyna'r dyfodol, yn sicr, yng Nghymru.

#### All Wales Convention

**Q9 Mohammad Asghar:** Will the First Minister make a statement on the report of the All Wales Convention?

ac y byddwn yn parhau i weithio arni yn ystod y misoedd nesaf.

**Rhodri Glyn Thomas:** First Minister, you explained at a meeting of the Committee on European and External Affairs this morning that the strategy has introduced more flexibility in the context of the recession facing this country and the rest of Europe. David Melding mentioned the need to increase employment in Wales. Are there tensions between the strategy and what needs to be done to meet the needs of the recession? I am aware that you are in your final week in this post, therefore can you offer any advice to your successor regarding how Wales can play its part in ensuring that the main principles of the Lisbon strategy are implemented?

**The First Minister:** Temporarily, everyone in Europe—the countries, the institutions, the commission, the European Union and so on—has accepted that they must help companies to survive, and nothing more. The important thing was to survive the recession. Once the slump is over and you start seeing the light, or the sun, rising over the horizon after the recession resides, you can start to think of the types of skills, technology and innovation that will be of importance in the future. I think that everyone accepts that it is obvious that the increase in jobs will not be in the financial sector, but in the technology sector, which is where our skills lie in Wales with the emphasis that we put on apprenticeships and so on. That is where we will make a difference. I think that we have always said that you cannot be overreliant on the financial sector; everyone accepts that now. Therefore, that is the future in Europe, and that is certainly the future in Wales.

#### Confensiwn Cymru Gyfan

**C9 Mohammad Asghar:** A wnaiff y Prif Weinidog ddatganiad am adroddiad Confensiwn Cymru Gyfan?

OAQ(3)2434(FM)

**The First Minister:** Sir Emyr Jones Parry's report is an extremely thorough investigation of the state of devolution today and the state of Welsh public opinion vis-à-vis devolution and the prospects of a move towards something approaching primary legislative powers. However, he makes clear that the decision about when to hold a referendum is one that has to be made by politicians in terms of setting the date, and then by the public in terms of approving it or not. We are committed to that referendum taking place and to mobilising support across the board, from all political parties and no political parties in Wales, in order to mount a successful 'yes' campaign.

**Mohammad Asghar:** Thank you for the statement, First Minister. Thank you, also, for swiftly clearing up the confusion that occurred on this matter last week. I was pleased to hear the Secretary of State for Wales address us last week and was particularly pleased that he asserted that he would not block any resolution by this Assembly that would trigger a referendum under the provisions of the Government of Wales Act 2006. Do you agree that it is vital that the Assembly votes on such a resolution as soon as possible in the new year so that the process is under way and that the 'One Wales' commitment can be realised?

**The First Minister:** That is probably a matter for my successor rather than me, and for intensive discussions between the four political parties and their business managers in terms of the timings of resolutions. The Government of Wales Act 2006, which makes the provision for the Assembly to kick-start the process and then for the Secretary of State for Wales to have up to 120 days to consider it, is totally silent on what is supposed to happen in a general election year, where you could have one Secretary of State beginning the 120 days' consideration and a different Secretary of

OAQ(3)2434(FM)

**Y Prif Weinidog:** Mae adroddiad Syr Emyr Jones Parry yn ymchwiliad hynod o drwyadl i gyflwr datganoli heddiw a chyflwr y farn gyhoeddus yng Nghymru ynglŷn â datganoli a'r rhagolygon o symud tuag at rywbeth sy'n agosáu at bwerau deddfu sylfaenol. Fodd bynnag, dywed yn glir fod y penderfyniad ynghylch pryd i gynnal refferendwm yn benderfyniad i wleidyddion o ran pennu'r dyddiad, ac wedyn i'r cyhoedd o ran ei gymeradwyo neu beidio. Yr ydym wedi ymrwymo i gynnal y refferendwm hwnnw ac i ennyn cefnogaeth gyffredinol, gan bob plaid wleidyddol a chan rai nad ydynt yn perthyn i ddim un blaid wleidyddol yng Nghymru, er mwyn cynnal ymgyrch 'ie' lwyddiannus.

**Mohammad Asghar:** Diolch am y datganiad, Brif Weinidog. Diolch, hefyd, am fynd ati'n ddiymdroi i ddatrys y dryswch a gafwyd ar y mater hwn yr wythnos diwethaf. Yr oeddwn yn falch o glywed Ysgrifennydd Gwladol Cymru'n ein hannerch yr wythnos diwethaf ac yn arbennig o falch iddo gadarnhau na fyddai'n rhwystro unrhyw benderfyniad gan y Cynulliad hwn a fyddai'n sbarduno refferendwm o dan ddarpariaethau Deddf Llywodraeth Cymru 2006. A gytunwch ei bod yn hollbwysig i'r Cynulliad bleidleisio ar benderfyniad o'r fath cyn gynted ag sy'n bosibl yn y flwyddyn newydd er mwyn rhoi cychwyn ar y broses ac er mwyn gallu gwireddu'r ymrwymiad yn 'Cymru'n Un'?

**Y Prif Weinidog:** Mae'n debyg mai mater i'm holynydd yn hytrach na fi yw hynny, ac i drafodaethau dwys rhwng y pedair plaid wleidyddol a'u rheolwyr busnes o ran amseriad penderfyniadau. Mae Deddf Llywodraeth Cymru 2006, sy'n gwneud y ddarpariaeth i'r Cynulliad roi cychwyn ar y broses ac wedyn i Ysgrifennydd Gwladol Cymru gael hyd at 120 o ddiwrnodau i'w hystyried, yn gwbl fud ynghylch yr hyn sydd i fod i ddigwydd mewn blwyddyn pan fydd etholiad cyffredinol, lle y gallech gael un Ysgrifennydd Gwladol yn dechrau'r 120 diwrnod o ystyriaeth ac Ysgrifennydd

State, regardless of the result of the election, ending it. It is one of those things; whenever you write legislation, what actually happens in real life is never the same as was anticipated when the legislation was written.

**Jenny Randerson:** I do not think that I share Mohammad Asghar's delight at listening to the Secretary of State last week. I did not feel that he gave us the most positive message. However, since then, we have had legal advice, which makes it clear that there is a 10-month lead-in time to any referendum; you have made reference to that just now. As you say, this will be in the hands of a new Government, and that, I am sure that even you might concede, could possibly be a Conservative Government. Do you recognise the importance of cross-party, four-party campaigning for a 'yes' vote? As a confirmed devolutionist, I very much hope that you share my view that we are much more likely to win a referendum and to gain that precious 'yes' vote if we campaign together, including those Conservatives who are in favour of devolution. Therefore, do you distance yourselves from the negative comments made by Peter Hain here last week?

2.10 p.m.

**The First Minister:** I am not quite sure what the point of the last remark was. To address the initial question—let us ignore the point scoring—I am utterly committed to seeing to what degree politicians of all four parties, as well as independents and people who have never engaged in politics before, can maximise support for the 'yes' campaign. Otherwise, it will not work. You can only do that on a cross-party basis. It was very difficult to do in 1997, because the Conservatives supported the 'no' campaign, with a few 'mavericks' on the 'yes' side. I am hoping that it will be different when the 'yes' campaign is formed this time, and I hope that it will be organised on a 'four-party

Gwladol gwahanol, beth bynnag fo canlyniad yr etholiad, ar derfyn y cyfnod hwnnw. Fel yna y mae; pryd bynnag yr ysgrifennwch ddeddfwriaeth, nid yw'r hyn sy'n digwydd mewn bywyd go iawn byth yr un fath ag a ragwelwyd pan ysgrifennwyd y ddeddfwriaeth.

**Jenny Randerson:** Ni chredaf fy mod yn gorfoleddu yr yn fath â Mohammad Asghar o wrando ar yr Ysgrifennydd Gwladol yr wythnos diwethaf. Ni theimlais iddo roi'r neges fwyaf positif inni. Fodd bynnag, ers hynny, yr ydym wedi cael cyngor cyfreithiol, sy'n ei gwneud yn glir fod cyfnod arweiniol o 10 mis i unrhyw refferendwm; yr ydych newydd gyfeirio at hynny. Fel y dywedwch, bydd hyn yn nwylo Llywodraeth newydd, ac yr wyf yn siŵr y byddech chi hyd yn oed yn addef y gallai honno fod yn Llywodraeth Geidwadol o bosibl. A ydych yn cydnabod pwysigrwydd ymgyrch drawsbleidiol, gan y pedair plaid, dros bleidlais 'ie'? Fel datganolwr pybyr, gobeithio'n fawr y byddwch yn cyd-fynd â mi ein bod yn llawer mwy tebyg o ennill refferendwm a chael y bleidlais 'ie' werthfawr honno os ymgyrchwn gyda'n gilydd, gan gynnwys y Ceidwadwyr hynny sydd o blaid datganoli. Felly, a ydych yn ymbellhau oddi wrth y sylwadau negyddol a wnaed gan Peter Hain yma yr wythnos diwethaf?

**Y Prif Weinidog:** Nid wyf yn hollol siŵr beth oedd pwynt y sylw diwethaf. A rhoi sylw i'r cwestiwn gwreiddiol—anwybyddwn y sgorio pwyntiau—yr wyf wedi ymrwymo'n llwyr i weld i ba raddau y gall gwleidyddion o bob un o'r pedair plaid, yn ogystal ag annibynwyr a phobl nad ydynt erioed wedi ymhel â gwleidyddiaeth o'r blaen, sicrhau'r gefnogaeth fwyaf i'r ymgyrch 'ie'. Fel arall, ni wnaiff weithio. Dim ond ar sail drawsbleidiol y gallwch wneud hynny. Yr oedd yn anodd iawn ei wneud yn 1997, oherwydd cefnogai'r Ceidwadwyr yr ymgyrch 'na', gydag ambell rebel ar ochr yr 'ie', ac yr wyf yn gobeithio y bydd yn wahanol pan ffurfir yr ymgyrch 'ie' y tro

plus no-party' basis, in all parts of Wales, including all walks of life, and that it will involve under 35s and over 35s.

**Y Llywydd:** Tynnwyd cwestiwn 10, OAQ(3)2453(FM), yn ôl.

### Microenergy Generation

**Q11 William Graham:** Will the First Minister make a statement on the Welsh Assembly Government's policies to promote water-powered microenergy generation? OAQ(3)2437(FM)

**The First Minister:** I am pleased to say that, last month, we received approval from the Welsh European Funding Office for our new community-scale renewable energy generation programme, which will provide specific advice and financial support for community renewable energy schemes, which includes hydro projects.

**William Graham:** Thank you for your most welcome answer, First Minister. You will know that water-powered microenergy generation fits into the Government's strategy, as outlined in the renewable energy route-map and the green jobs strategy. With regard to your announcement, do you know what sort of financial commitment you are able to make at this time?

**The First Minister:** I do not have the total figure, but over £15 million will be available to support community renewable energy projects. That is the box within which they will work. I commend the item on the BBC news today about a farmer in Abercraf who is running a remarkable hydroelectric scheme. Of course, we cannot all live on farms that happen to have fast-flowing streams coming down steep hillsides, but the farmer there had done a remarkable job of installing a generator in a shed on his farm, through which the stream passed; as a result he is paid quite handsomely every month for generating electricity. Where farms have that potential, we should be exploiting it as much as

hwn, a gobeithio y'i trefnir ar sail 'pedair plaid ynghyd â dim un blaid', ym mhob rhan o Gymru, gan gynnwys pob maes, ac y bydd yn cynnwys rhai o dan 35 a rhai dros 35.

**The Presiding Officer:** Question 10, OAQ(3)2453(FM), has been withdrawn.

### Microgynhyrchu Ynni

**C11 William Graham:** A wnaiff y Prif Weinidog ddatganiad am bolisiâu Llywodraeth Cynulliad Cymru i hybu microgynhyrchu ynni sy'n cael ei yrru gan ddŵr? OAQ(3)2437(FM)

**Y Prif Weinidog:** Mae'n dda gennyf ddweud inni gael cymeradwyaeth y mis diwethaf oddi wrth Swyddfa Cyllid Ewropeaidd Cymru i'n rhaglen cynhyrchu ynni adnewyddadwy ar raddfa gymunedol, a fydd yn darparu cyngor a chymorth ariannol penodol i gynlluniau ynni adnewyddadwy cymunedol, sy'n cynnwys prosiectau ynni dŵr.

**William Graham:** Diolch am eich ateb, Brif Weinidog, a groesewir yn fawr. Gwyddoch fod microgynhyrchu ynni sy'n cael ei yrru gan ddŵr yn cyd-fynd â strategaeth y Llywodraeth, fel y'i hamlinellir yn y trywydd ynni adnewyddadwy a'r strategaeth swyddi gwyrdd. Ynglŷn â'ch cyhoeddiad, a wyddoch pa fath o ymrwymiad ariannol y gallwch ei wneud ar hyn o bryd?

**Y Prif Weinidog:** Nid yw'r ffigur llawn gennyf, ond bydd dros £15 miliwn ar gael i gefnogi prosiectau ynni adnewyddadwy cymunedol. Dyna'r blwch y byddant yn gweithio o fewn iddo. Cymeradwyaf yr eitem ar newyddion y BBC heddiw am ffermwr yn Abercraf sy'n rhedeg cynllun trydan dŵr hynod. Wrth gwrs, ni allwn i gyd fyw ar ffermydd sy'n digwydd bod â nentydd byrlymus yn rhedeg i lawr llethrau serth, ond yr oedd y ffermwr yno wedi gwneud gwaith hynod yn gosod generadur mewn cwt ar ei fferm, a'r nant yn llifo drwyddo; o ganlyniad caiff dâl go sylweddol bob mis am gynhyrchu trydan. Lle y mae gan ffermydd y potensial hwnnw, dylem fod yn manteisio i'r eithaf

possible. I am sure that, if it can be done in Abercraf, it can be done in many other places, especially in mid Wales.

### Twristiaeth

**C12 Paul Davies:** Beth mae Llywodraeth Cynulliad Cymru yn ei wneud i hyrwyddo twristiaeth yn y gorllewin? OAQ(3)2441(FM)

**Y Prif Weinidog:** Yr ydym wedi dyrannu £670,000 i Bartneriaeth Twristiaeth De-orllewin Cymru ar gyfer ei hymgyrch eleni, i'w ddefnyddio i hyrwyddo a datblygu ei blaenoriaethau twristiaeth rhanbarthol, sy'n cyd-fynd â'n blaenoriaethau cenedlaethol o ran twristiaeth.

**Paul Davies:** Twristiaeth yw un o brif ddiwydiannau fy etholaeth i, ac mae'r sector yn cyfrannu'n helaeth at economi sir Benfro. Fel y gwyddoch, mae cynllun i ddatblygu marina yn Abergwaun, ac yr wyf yn hyderus y bydd yn denu twristiaid i ogledd sir Benfro. Bydd y cynllun yn siŵr o gyfrannu at wella'r economi ledled gorllewin Cymru, yn ystod y gwaith o adeiladu'r marina yn ogystal ag ar ôl iddo gael ei adeiladu. A yw'r Prif Weinidog yn cytuno bod cynllun o'r fath yn hanfodol i wella'r economi yn ardaloedd y gorllewin, ac a yw ef a'r Llywodraeth yn barod i gefnogi'r fath fenter yn gyhoeddus?

**Y Prif Weinidog:** Yr ydym, mewn egwyddor. Rhoddodd Andrew Davies gefnogaeth i'r marina newydd yn Abergwaun ryw saith neu wyth mlynedd yn ôl, pan symudodd Dewhurst ei ffatrioedd i Morocco, gan niweidio'r ardal wrth i swyddi gael eu colli yn Llanbedr Pont Steffan, Abergwaun, Aberteifi ac yn y blaen—mae'r ffatrioedd yn Morocco o hyd. Oherwydd colli'r swyddi yn Abergwaun, daeth y syniad o adeiladu marina ger y porthladd. Fodd bynnag, nid oes dim wedi digwydd hyd yn hyn, oherwydd prinder cyfalaf o'r sector preifat, fel yr wyf yn deall, neu oherwydd anghytundeb gyda pherchnogion y porthladd. Credaf fod rhai pethau wedi symud yn ddiweddar, sy'n eithaf

arno. Yr wyf yn siŵr, os gellir ei wneud yn Abercraf, y gellir ei wneud mewn sawl man arall, yn enwedig yn y canolbarth.

### Tourism

**Q12 Paul Davies:** What is the Welsh Assembly Government doing to promote tourism in west Wales? OAQ(3)2441(FM)

**The First Minister:** We have allocated £670,000 to the South West Wales Tourism Partnership this year for the promotion and development of its regional tourism priorities which are aligned to our national priorities.

**The First Minister:** Tourism is one of the main industries in my constituency, and the sector contributes substantially to the Pembrokeshire economy. As you are aware, there is a scheme to develop a marina in Fishguard, which I am confident will attract tourists to north Pembrokeshire. The scheme is certain to contribute to improving the economy across west Wales, during the construction of the marina and after it has been built. Does the First Minister agree that such a scheme is essential to improve the economy in areas of west Wales, and is he and the Government prepared to support such an enterprise publicly?

**The First Minister:** Yes, in principle. Andrew Davies gave his support to the new marina in Fishguard some seven or eight years ago when Dewhurst moved its factories to Morocco: the area suffered due to job losses in Lampeter, Fishguard, Cardigan and so on—the factories are still in Morocco. The idea to build a marina near the port came about as a result of job losses in Fishguard. However, nothing has happened to date because of a lack of private sector capital, as I understand, or due to a disagreement with the owners of the port. I think that things have moved on recently, which is quite encouraging, but it is important that we are careful to ensure that the marina adheres to



calonogol, ond mae'n bwysig ein bod yn ofalus i sicrhau bod y marina'n cyd-fynd â'r rheolau amgylcheddol a'r rheolau pysgota oherwydd ein bod wedi gweld faint o niwed sydd wedi cael ei wneud a faint o amser sydd wedi ei wastraffu o ran y marina rhwng Bangor a Biwmares. Felly, yr wyf am geisio sicrhau na fydd unrhyw beth o'r fath yn digwydd eto.

### Protecting the Environment

**Q13 Darren Millar:** Will the First Minister make a statement on the action being taken by the Welsh Assembly Government to protect the environment? OAQ(3)2458(FM)

**The First Minister:** Among the actions available to the Assembly Government to protect the environment will be those that flow from the new powers in relation to flooding that are set to be devolved to the Assembly through the United Kingdom's Flood and Water Management Bill, which was confirmed in the Queen's Speech a week or so ago.

**Darren Millar:** Thank you for that answer, First Minister. Do you agree that the legislative competence Order system, which was designed to deliver further powers to the Assembly, is not working? Today, we will have a debate to approve the Draft National Assembly for Wales (Legislative Competence) (Environment) Order 2010, which was laid as the Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009 in the Assembly in June 2007. We were told that the process of delivering the powers would take six months. Two-and-a-half years down the line, you have gone on record as saying that the existing system works. Do you regret saying that, given that it has taken over two-and-a-half years to deliver this? Do you agree that we need a referendum in Wales, under Part 4 of the Government of Wales Act 2006, as soon as possible?

the environmental and fishing regulations because we have seen how much damage has been done and how much time has been wasted on the marina between Bangor and Beaumaris. Therefore, I want to ensure that nothing of this kind happens again.

### Gwarchod yr Amgylchedd

**C13 Darren Millar:** A wnaiff y Prif Weinidog ddatganiad am y camau a gymerir gan Lywodraeth Cynulliad Cymru i warchod yr amgylchedd? OAQ(3)2458(FM)

**Y Prif Weinidog:** Ymhlith y camau sydd ar gael i Lywodraeth y Cynulliad i warchod yr amgylchedd bydd y camau sy'n deillio o'r pwerau newydd ynglŷn â llifogydd sydd ar fin cael eu datganoli i'r Cynulliad drwy Fesur Rheoli Llifogydd a Dŵr y Deyrnas Unedig, a gadarnhawyd yn Araith y Frenhines ryw wythnos yn ôl.

**Darren Millar:** Diolch am yr ateb hwnnw, Brif Weinidog. A ydych yn cytuno nad yw system y Gorchmynion cymhwysedd deddfwriaethol, a gynlluniwyd i roi mwy o bwerau i'r Cynulliad, yn gweithio? Heddiw, byddwn yn cael dadl i gymeradwyo Gorchymyn Drafft Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Amgylchedd) 2010, a osodwyd fel Gorchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Amgylchedd) 2009 yn y Cynulliad ym mis Mehefin 2007. Dywedwyd wrthym y byddai'r broses o gyflwyno'r pwerau'n cymryd chwe mis. Ddwy flynedd a hanner yn ddiweddarach, yr ydych wedi dweud ar gof a chadw fod y system bresennol yn gweithio. A yw'n edifar gennych ichi ddweud hynny, a hithau wedi cymryd dros ddwy flynedd a hanner i gyflawni hyn? A gytunwch fod arnom angen refferendwm yng Nghymru, o dan Ran 4 Deddf Llywodraeth Cymru 2006, cyn gynted ag sy'n bosibl?

**The First Minister:** The LCO system is unique in the world and, therefore, it took a great deal of education in Whitehall to try to get it understood in every department. We said at the beginning of the LCO process, shortly after it became available to us on 1 April 2007, two-and-a-half years ago, that we would submit some LCOs to Whitehall that were quite narrowly defined and we would submit some others that were broad. That is what I refer to as our ‘Molly Malone strategy’. The broadest of the broad ones was the Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009. It has taken a long time to get agreement because it was the broadest that we had. We really did not know how long such a broad draft LCO would take to gain approval in Westminster. However, you should welcome the fact that the wide-ranging powers in that draft LCO are now coming back to the Assembly for approval later today. That is to be welcomed, not chipped at by someone who has a persuasion job to do with regard to his local Member of Parliament, who is a member of the same party as him, although you would sometimes not think that that was the case with regard to devolution.

**Y Llywydd:** Diolch yn fawr i'r Prif Weinidog am ei atebion.

**Y Prif Weinidog:** Mae system y Gorchmynion cymhwysedd deddfwriaethol yn unigryw yn y byd ac, felly, cymerodd lawer iawn o addysg yn Whitehall i geisio cael gan bob adran ei deall. Dywedasom ar ddechrau proses y Gorchmynion, ychydig wedi inni allu dechrau ei defnyddio ar 1 Ebrill 2007, ddwy flynedd a hanner yn ôl, y cyflwynem rai Gorchmynion i Whitehall a fyddai wedi'u diffinio'n eithaf cul ac y cyflwynem eraill a fyddai'n eang. Ein ‘strategaeth Molly Malone’ yr wyf yn galw hynny. Yr ehangaf o'r rhai eang oedd Gorchmynion Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Amgylchedd) 2009. Mae wedi cymryd amser maith i gael cytundeb am mai hwn oedd yr un ehangaf a oedd gennym. Ni wyddem faint o amser a gymerai i Orchymyn drafft mor eang gael cymeradwyaeth yn San Steffan. Fodd bynnag, dylech groesawu'r ffaith bod y pwerau eang yn y Gorchmynion drafft hwnnw bellach yn dod yn ôl i'r Cynulliad i'w cymeradwyo'n ddiweddarach heddiw. Mae hynny i'w groesawu, nid ei fychanu gan rywun sydd â gwaith perswadio i'w wneud ar ei Aelod Seneddol lleol, sy'n aelod o'r un blaid ag ef, er na feddylicch weithiau fod hynny'n wir o safbwynt datganoli.

**The Presiding Officer:** I thank the First Minister for his answers.

### **Datganiad a Chyhoeddiad Busnes Business Statement and Announcement**

**The Counsel General and Leader of the House (Carwyn Jones):** There are changes to this week's planned Government business. The statement on homelessness, which was scheduled to take place this afternoon, has been postponed until January. In its place, the Deputy Minister for Housing will make a legislative statement on the Proposed National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order 2010. Tomorrow, the Minister for Health and Social Services will make a statement on the rural health plan.

**Y Cwnsler Cyffredinol ac Arweinydd y Tŷ (Carwyn Jones):** Mae newidiadau ym musnes arfaethedig y Llywodraeth yr wythnos hon. Mae'r datganiad ar ddiartrefedd, a oedd i fod i ddigwydd y prynhawn yma, wedi'i ohirio tan fis Ionawr. Yn ei le, bydd y Dirprwy Weinidog dros Dai yn gwneud datganiad deddfwriaethol ar Orchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Tai a Llywodraeth Leol) 2010. Yfory, bydd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn gwneud

This will be followed by an updating statement on swine flu. Business for the next three weeks is as set out in the business statement and announcement, which can be found among the agenda papers that are available to Members electronically.

**Nick Bourne:** I thank the Leader of the House for that statement. As I confidently predicted last week, we will not get the oral statement that has long been awaited on business rate relief. Indeed, the Government has tabled an amendment to our debate tomorrow that refers to:

‘a possible raising of the thresholds in the small business rate relief scheme...alongside an assessment of existing budget pressures’.

I begin to wonder whether it will happen at all. Could this be addressed, because businesses up and down Wales that are close to the threshold do not know whether they will be paying more next year or not, and they really need to know. Businesses in England have known about this for some time, but businesses in Wales do not know about it. The Presiding Officer gave the Minister gentle encouragement to come forward with an oral statement, but that has not been heeded. Will the Minister come forward with that oral statement before the recess, so that businesses in Wales know where they stand? It is high time.

**Carwyn Jones:** First, you were written to on 26 November: a letter was sent to you by the First Minister explaining the present situation. Secondly, you have your own debate tomorrow, when I am sure that the Minister will make the position clear. You have pursued this matter for some weeks. What is true about the changes that have been proposed is that most businesses will be better off as a result.

2.20 p.m.

datganiad ar y cynllun iechyd gwledig. Dilynir hyn gan ddatganiad am y sefyllfa ddiweddaraf o ran ffliw moch. Mae'r busnes ar gyfer y tair wythnos nesaf fel y mae wedi'i nodi yn y datganiad a chyhoeddiad busnes, a welir ymysg papurau'r agenda sydd ar gael i'r Aelodau'n electronig.

**Nick Bourne:** Diolch i Arweinydd y Tŷ am y datganiad hwnnw. Fel y proffwydais yn hyderus yr wythnos diwethaf, ni chawn y datganiad llafar hirddisgwyliedig ynghylch rhyddhad ardrethi busnes. Yn wir, mae'r Llywodraeth wedi cyflwyno gwelliant i'n dadl yfory sy'n cyfeirio at:

‘o bosibl, gynyddu'r trothwyon yn y cynllun rhyddhad ardrethi busnesau bach...ochr yn ochr ag asesiad o'r pwysau ariannol ar hyn o bryd’.

Yr wyf yn dechrau amau a wnaiff ddigwydd o gwbl. A ellid rhoi sylw i hyn, oherwydd nid yw busnesau ar hyd a lled Cymru sy'n agos at y trothwy'n gwybod a fyddant yn talu mwy y flwyddyn nesaf ai peidio, ac mae arnynt wir angen gwybod. Mae busnesau yn Lloegr yn gwybod am hyn ers tro byd, ond nid yw busnesau yng Nghymru'n gwybod amdano. Rhoddodd y Llywydd hwb bach i'r Gweinidog gyflwyno datganiad llafar, ond ni chymerwyd sylw o honno. A wnaiff y Gweinidog gyflwyno'r datganiad llafar hwnnw cyn y gwyliau, er mwyn i fusnesau yng Nghymru wybod ymhle y maent yn sefyll? Mae'n hen bryd.

**Carwyn Jones:** Yn gyntaf, ysgrifennwyd atoch ar 26 Tachwedd: anfonwyd llythyr atoch gan y Prif Weinidog yn esbonio'r sefyllfa bresennol. Yn ail, mae gennych eich dadl eich hun yfory, pryd y bydd y Gweinidog yn egluro'r sefyllfa, yr wyf yn siŵr. Yr ydych wedi mynd ar drywydd y mater hwn ers rhai wythnosau. Yr hyn sy'n wir am y newidiadau sydd wedi'u cynnig yw y bydd y rhan fwyaf o fusnesau'n well eu byd o ganlyniad.

**Jeff Cuthbert:** I would like to ask you about the situation of engineering as a career. It was recently reported in 'Engineering UK 2009/10', which is the annual statement of Engineering UK—previously known as the Engineering and Technology Board—that the UK as a whole will need almost 600,000 more engineers between now and 2017. We, of course, will need our share of that figure. I ask for a statement from the Minister or a debate on the future of engineering as a career and how education and the engineering industry are addressing that in partnership with us.

**Carwyn Jones:** You raise an important issue. It is suggested that there will be 600,000 vacancies for engineers over the course of the next few years. It is pretty clear that, for many years, we have not produced enough engineers of all types in Wales or in the UK as a whole. I know that good work is being done through schemes such as the engineering education scheme in Wales, which does good work not just with secondary schools, but primary schools, in terms of engendering interest among young children and older students in a subject that will be of the utmost importance to us in the future. If we want to build a much stronger economy, we have to make sure that people are in place to ensure that we can manufacture and build what we need in a renewable way. If we do not have the engineers to do that, that will always act as a brake on the progress of the Welsh economy.

**Andrew R.T. Davies:** Leader of the House, could we have a statement from the Minister for Health and Social Services on last week's report into the tragic death of Father Paul Bennett and the implications of that report, which identified failings in several health bodies in the delivery of services that they are charged with delivering? I accept that some answers were given at the press conference that addressed the concerns raised by the inspectorate's inquiry into the failings of the various services provided to the family, most notably the bereavement services, as well as issues relating to the mental health services

**Jeff Cuthbert:** Hoffwn eich holi ynglŷn â sefyllfa peirianeg fel gyrfa. Adroddwyd yn ddiweddar yn 'Engineering UK 2009/10', sef datganiad blynyddol Engineering UK—a adwaenid gynt fel y Bwrdd Peirianeg a Thechnoleg—y bydd ar y Deyrnas Unedig yn gyffredinol angen bron 600,000 yn fwy o beirianwyr rhwng hyn a 2017. Bydd arnom ni, wrth reswm, angen ein cyfran o'r ffigur hwnnw. Gofynnaf am ddatganiad gan y Gweinidog neu ddadl ar ddyfodol peirianeg fel gyrfa a sut y mae addysg a'r diwydiant peirianeg yn ymdrin â hynny mewn partneriaeth â ni.

**Carwyn Jones:** Yr ydych yn codi mater pwysig. Awgrymir y bydd 600,000 o swyddi ar gael i beirianwyr yn ystod y blynyddoedd nesaf. Mae'n eithaf clir nad ydym, ers blynyddoedd lawer, wedi cynhyrchu digon o beirianwyr o bob math yng Nghymru nac yn y Deyrnas Unedig yn gyffredinol. Gwn fod gwaith da'n digwydd drwy gynlluniau fel y cynllun addysg peirianeg yng Nghymru, sy'n gwneud gwaith da nid yn unig gydag ysgolion uwchradd, ond gydag ysgolion cynradd, o ran ennyn diddordeb ymysg plant ifanc a myfyrwyr hŷn mewn pwnc a fydd o'r pwys mwyaf inni yn y dyfodol. Os oes arnom eisiau adeiladu economi lawer cryfach, rhaid inni wneud yn siŵr bod pobl ar gael i sicrhau y gallwn gynhyrchu ac adeiladu'r hyn y mae arnom ei angen mewn ffordd adnewyddadwy. Os na fydd gennym y peirianwyr i wneud hynny, bydd hynny bob amser yn llesteirio cynnydd economi Cymru.

**Andrew R.T. Davies:** Arweinydd y Tŷ, a gaem ddatganiad gan y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ar yr adroddiad yr wythnos diwethaf am farwolaeth drasig y Tad Paul Bennett a goblygiadau'r adroddiad hwnnw, a nododd ddiffygion mewn amryw o gyrff iechyd o ran darparu gwasanaethau y maent i fod i'w darparu? Derbyniaf fod rhai atebion wedi'u rhoi yn y gynhadledd i'r wasg a drafododd y pryderon a godwyd gan ymchwiliad yr arolygiaeth i ddiffygion yr amryfal wasanaethau a ddarparwyd i'r teulu, yn arbennig y gwasanaethau profedigaeth, yn

that were in contact with the perpetrator of the crime. However, there is a need for a statement to address the cross-sector issues that affect various bodies within the health portfolio.

Finally, I press for a statement from the Deputy First Minister and Minister for the Economy and Transport. The Leader of the House will be aware of the job losses at St Athan that were announced yesterday. These come on top of the loss of highly skilled, well-paid jobs at Bosch in the Vale of Glamorgan. Only last year, the Enterprise and Learning Committee undertook an inquiry into what support the Welsh Assembly Government was able to afford the Vale of Glamorgan. I believe that we need a written statement addressing the concerns raised by that inquiry, but, above all, the recent job losses, so that constituents in the Vale of Glamorgan can have a good understanding of the action that the Welsh Assembly Government is taking to address these serious structural issues in the Vale of Glamorgan's job market at the present moment.

**Carwyn Jones:** The tragic circumstances that surround the death of Father Paul Bennett shocked all of us, I am sure. As a Government, we are looking to see what can be done in terms of what can be learned from the circumstances surrounding that tragedy. It is right and proper that full consideration be given to the circumstances surrounding Father Paul Bennett's death, and the Minister for health plans to provide Members with a fuller explanation in a statement in the new year.

With regard to the situation at St Athan, it is undoubtedly a severe blow to the workforce and we are naturally disappointed that a viable solution has not been found to secure those jobs. We will continue to work closely with the Ministry of Defence in order to attract new aerospace investment to St Athan. We also have our own plans to develop an aerospace business park in St Athan itself, which has just recently received planning

ogystal â materion ynglŷn â'r gwasanaethau iechyd meddwl a oedd mewn cysylltiad â'r sawl a gyflawnodd y drosedd. Fodd bynnag, mae angen datganiad i drafod y materion traws-sector sy'n effeithio ar wahanol gyrff o fewn y portffolio iechyd.

Yn olaf, pwysaf am ddatganiad gan y Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth. Bydd Arweinydd y Tŷ'n ymwybodol o'r colli swyddi yn Sain Tathan a gyhoeddwyd ddoe. Daw hyn ar ben colli swyddi medrus iawn, ar gyflogau da, yn Bosch ym Mro Morgannwg. Cynhaliodd y Pwyllgor Menter a Dysgu ymchwiliad y llynedd i weld pa gefnogaeth y gallai Llywodraeth Cynulliad Cymru ei chynnig i Fro Morgannwg. Credaf fod angen datganiad ysgrifenedig i drafod y pryderon a godwyd gan yr ymchwiliad hwnnw, ond, yn anad dim, y colli swyddi'n ddiweddar, er mwyn i etholwyr ym Mro Morgannwg allu deall yn iawn y camau y mae Llywodraeth Cynulliad Cymru yn eu cymryd i ddelio â'r materion strwythurol difrifol hyn ym marchnad swyddi Bro Morgannwg ar hyn o bryd.

**Carwyn Jones:** Yr oedd yr amgylchiadau trasig ynghylch marwolaeth y Tad Paul Bennett yn sioc inni i gyd, yr wyf yn siŵr. Fel Llywodraeth, yr ydym yn ceisio gweld beth y gellir ei wneud o ran yr hyn y gellir ei ddysgu yn sgîl amgylchiadau'r trychineb hwnnw. Mae'n briodol ystyried yn llawn amgylchiadau marwolaeth y Tad Paul Bennett, ac mae'r Gweinidog dros iechyd yn bwriadu rhoi esboniad llawnach i'r Aelodau mewn datganiad yn y flwyddyn newydd.

Ynglŷn â'r sefyllfa yn Sain Tathan, heb os mae'n ergyd ddifrifol i'r gweithlu ac yn naturiol yr ydym yn siomedig nad oes ateb hyfyw wedi'i ganfod i sicrhau'r swyddi hynny. Byddwn yn parhau i weithio'n agos gyda'r Weinyddiaeth Amddiffyn er mwyn denu buddsoddiad newydd mewn awyrfod i Sain Tathan. Mae gennym ein cynlluniau ein hunain hefyd i ddatblygu parc busnes awyrfod yn Sain Tathan ei hun, sydd wedi

permission, as you will be aware. Significant new employment opportunities will arise out of that proposal. It is understandable that that will prove to be of little comfort to the workers who are there at the moment, but I can give you an assurance that we are doing all that we can to assist those affected by the announcement in terms of ensuring that they can find either alternative employment or further training opportunities.

**Nerys Evans:** Crybwyllais yr wythnos diwethaf yr angen am drafodaeth yn y fan hon ar adroddiad annibynnol Holtham ar gyllido Cymru. Gofynnais ichi am ddatganiad gan Lywodraeth Cymru ar y camau nesaf o ran yr adroddiad gan nad oedd Llywodraeth Llundain wedi ymateb. Bellach, mae Llywodraeth Llundain wedi ymateb, gyda datganiad i Dŷ'r Cyffredin ddydd Iau diwethaf. Fodd bynnag, dim ond i un elfen o adroddiad Holtham mae'r Llywodraeth yn Llundain wedi ymateb, sef cydgyfeirio fformiwla Barnett. Nid oedd sôn am danwariant hyd at £8.5 biliwn dros y ddegawd nesaf, na chyfeiriad at sylwadau Holtham fod y fformiwla yn *obsolete* ac yn methu â delio ag anghenion pobl Cymru. Nid oedd cyfeiriad at y posibilrwydd y bydd Cymru'n cael llai o arian na rhanbarthau Lloegr o'r flwyddyn nesaf ymlaen. Crybwyllais y materion hyn i'r Prif Weinidog yn ystod cwestiynau'r prynhawn yma a dywedodd fod angen edrych ar y pwyntiau eraill y mae Holtham yn eu codi. Gan fod Llywodraeth Llundain yn awr wedi ymateb—yn annigonol—i adroddiad Holtham, a oes modd cael ymateb a datganiad gan Lywodraeth Cymru ar y camau nesaf o ran yr adroddiad hwn?

**Carwyn Jones:** Rhaid cofio bod rhan arall i'r adroddiad, sef ei ail ran, a fydd yn dod ger ein bron yn ystod haf y flwyddyn nesaf. Honno yw'r rhan o'r adroddiad sy'n delio â'r pwerau i godi trethi. Mae'r adroddiad ar ei hanner hyd yn hyn.

Wrth gwrs, mae'n bryder i ni yn y Llywodraeth y bydd y sefyllfa bresennol o dan fformiwla Barnett yn arwain at sefyllfa

cael caniatâd cynllunio'n ddiweddar, fel y gwyddoch. Bydd cyfleon cyflogaeth newydd sylweddol yn deillio o'r cynnig hwnnw. Mae'n ddealladwy na fydd hynny'n fawr o gysur i'r gweithwyr sydd yno ar hyn o bryd, ond gallaf roi sicrwydd ichi ein bod yn gwneud popeth a allwn i gynorthwyo'r rhai yr effeithiwyd arnynt gan y cyhoeddiad o ran sicrhau y gallant ganfod naill ai cyflogaeth amgen neu gyfleon hyfforddi pellach.

**Nerys Evans:** I mentioned last week the need for a debate on the Holtham independent report on funding in Wales. I asked you for a statement from the Welsh Government on the next steps following the report as the Government in London had not responded. The Government in London has now responded in the form of a statement to the House of Commons last Thursday. However, the Government in London has only responded to one element of the Holtham report, namely the convergence of the Barnett formula. There was no mention of the underspend of up to £8.5 billion over the next ten years, nor was there a reference to Holtham's comments that the formula is obsolete and is unable to deal with the needs of the people of Wales. There was no reference to the possibility that Wales would receive less money than English regions from next year. I raised these issues during questions to the First Minister this afternoon and he said that the other points raised by Holtham need to be looked at. As the Government in London has now responded—albeit inadequately—to the Holtham report, would it be possible to get a response from the Welsh Government on the next steps in relation to this report?

**Carwyn Jones:** We must remember that there is another part to the report, the second part, which will come before us during the summer of next year. That is the part of the report that deals with tax raising powers. The report is only half finished at this stage.

Of course, we, as a Government, are concerned that the current situation under the Barnett formula will lead to a situation where

Ile bydd Cymru ar ei cholled yn ariannol. Dyna pam y cafodd y comisiwn ei sefydlu yn y lle cyntaf. Mae'n bwysig nodi ymateb Llywodraeth y Deyrnas Unedig ynglŷn â deall y problemau i'r Cynulliad dros y blynyddoedd nesaf pe bai'r sefyllfa bresennol yn parhau. Rhaid dweud hefyd nad yw datganiad Llywodraeth y Deyrnas Unedig ond yn mynd gam o'r ffordd o ran ymateb i Holtham. Fel Llywodraeth, byddwn yn sicrhau ein bod yn pwysu yn y dyfodol ynglŷn â'r materion na ddeliwyd â hwy hyd yn hyn, sef mynediad i gyllidebau cyfalaf, sicrhau bod gennym fwy o bwerau ynglŷn ag arian diwedd blwyddyn, a hefyd gwell eglurder o ran newid arian rhwng cyfalaf a chyllid. Mae nifer o bwyntiau na ddeliwyd â hwy gan Lywodraeth y Deyrnas Unedig hyd yn hyn, ond byddwn ni fel Llywodraeth yn sicrhau ein bod yn parhau i bwysu o ran y pwyntiau yr ydym yn eu hystyried yn bwysig yn adroddiad Holtham.

**Jonathan Morgan:** The Leader of the House might be aware that, last week, the BBC Wales programme, *Week In Week Out*, identified a number of potential weaknesses in the regulatory operation of the Care and Social Services Inspectorate Wales, namely that there were a number of flaws in how the body carried out monitoring process, and, in particular, in following up concerns and complaints relating to residential care homes. Some general concerns were also raised by its staff. Will the Government consider scheduling a debate some time in the new year so that Assembly Members can discuss how well our regulatory bodies perform and, in particular, whether CSSIW is fit for purpose?

**Carwyn Jones:** I am always reluctant to schedule debates on the back of television programmes, because all manner of issues can arise in those programmes that have to be examined more carefully. The Minister is aware of the programme's contents, and she will be examining the allegations made in it to see whether they carry any weight. If they

Wales will miss out financially. That is why the commission was established in the first place. It is important to note the UK Government's response in relation to understanding the Assembly's problems over the next few years should the current situation continue. I must also say that the UK Government's statement goes only part of the way in relation to responding to Holtham. As a Government, we will ensure that we bring pressure to bear in the future regarding matters that have not been addressed to date, namely accessing capital budgets, ensuring that we have more power in relation to end-of-year funding and better clarity regarding the exchange of money between capital and revenue. There are many issues that have not been resolved with the UK Government to date, but we as a Government will ensure that we continue to bring pressure to bear in relation to the points that we consider to be important in the Holtham report.

**Jonathan Morgan:** Efallai fod Arweinydd y Tŷ'n ymwybodol bod rhaglen BBC Wales, *Week In Week Out*, yr wythnos diwethaf, wedi nodi nifer o wendidau posibl o ran sut y mae rheoleiddio Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru'n cael ei weithredu, sef bod nifer o wallau yn y modd y mae'r corff yn cyflawni proses monitro, ac, yn arbennig, wrth ymateb i bryderon a chwynion ynglŷn â chartrefi gofal preswyl. Codwyd rhai pryderon cyffredinol hefyd gan ei staff. A wnaiff y Llywodraeth ystyried trefnu dadl ryw bryd yn y flwyddyn newydd er mwyn i Aelodau'r Cynulliad allu trafod pa mor dda y mae ein cyrff rheoleiddio'n perfformio ac, yn arbennig, a yw'r Arolygiaeth Gofal a Gwasanaethau Cymdeithasol yn addas i'w diben?

**Carwyn Jones:** Yr wyf bob amser yn gyndyn o drefnu dadleuon yn sgîl rhaglenni teledu, oherwydd gall pob math o faterion godi yn y rhaglenni hynny y mae angen eu harchwilio'n fanylach. Mae'r Gweinidog yn ymwybodol o gynnwys y rhaglen, a bydd yn archwilio'r honiadau a wnaed ynnddi i weld a ydynt yn rhai o bwys. Os ydynt, yr wyf yn

do, I am sure that she will give them further consideration.

**Lorraine Barrett:** Leader of the House, given that today is World AIDS Day, will you look at bringing forward a statement at some point so that we can discuss what the Welsh Assembly Government is doing to raise awareness of this disease in Wales and what is being done to deal with the increasing number of people contracting the disease?

**Carwyn Jones:** You raise an important point. Whereas in the developed world it is possible to have some degree of control over HIV infection and its subsequent development into full-blown AIDS, we know that this is becoming an immense problem in many parts of the world, particularly in sub-Saharan Africa, where AIDS is taking over from malaria, which for many years was the main difficulty in relation to illness. We know that many countries have great difficulty in accessing the drugs that they need to control the condition of people who are HIV positive.

We take our responsibilities to Africa seriously through the Wales for Africa programme. I will see what can be done and inform Members of what contribution we can make to dealing with what is rapidly becoming possibly the greatest human crisis ever seen in many parts of the world.

**Y Llywydd:** Diolch yn fawr i Arweinydd y Tŷ am ei atebion.

siŵr y rhydd hi ragor o ystyriaeth iddynt.

**Lorraine Barrett:** Arweinydd y Tŷ, gan fod heddiw'n Ddiwrnod AIDS y Byd, a wnewch ystyried cyflwyno datganiad ryw dro er mwyn inni allu trafod beth y mae Llywodraeth Cynulliad Cymru'n ei wneud i godi ymwybyddiaeth o'r clefyd hwn yng Nghymru a beth sy'n cael ei wneud i ddelio â'r nifer gynyddol o bobl sy'n dal y clefyd?

**Carwyn Jones:** Yr ydych yn codi pwynt pwysig. Er bod modd cael rhyw gymaint o reolaeth dros yr haint HIV a'i datblygiad wedyn nes ei bod yn AIDS llawn yn y byd datblygedig, gwyddom fod hyn yn tyfu'n broblem aruthrol mewn llawer rhan o'r byd, yn enwedig yn Affrica islaw'r Sahara, lle y mae AIDS yn disodli malaria, sef yr hyn a oedd yn brif anhawster o ran salwch am flynyddoedd lawer. Gwyddom fod llawer o wledydd yn cael anhawster mawr cael gafael ar y cyffuriau y mae arnynt eu hangen i reoli cyflwr pobl sydd yn HIV positif.

Yr ydym yn cymryd ein cyfrifoldebau at Affrica o ddifrif drwy raglen Cymru o blaid Affrica. Edrychaf i weld beth y gellir ei wneud a hysbysu'r Aelodau pa gyfraniad y gallwn ei wneud i ddelio â rhywbeth sydd yn prysur ddatblygu'n argyfwng dynol mwyaf erioed llawer rhan o'r byd o bosibl.

**The Presiding Officer:** I thank the Leader of the House for his answers.

**Datganiad Deddfwriaethol ar Orchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Tai a Llywodraeth Leol) 2010**  
**Legislative Statement on the Proposed National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order 2010**

**The Deputy Minister for Housing (Jocelyn Davies):** I am delighted to lay before the National Assembly a new proposed legislative competence Order in the areas of housing and local government. This proposed LCO is beginning its passage at a pivotal moment for housing policy in Wales. We

**Y Dirprwy Weinidog dros Dai (Jocelyn Davies):** Yr wyf wrth fy modd o osod gerbron y Cynulliad Cenedlaethol Orchymyn cymhwysedd deddfwriaethol arfaethedig newydd ym meysydd tai a llywodraeth leol. Mae'r Gorchymyn arfaethedig hwn yn dechrau ei daith ar adeg dyngedfennol i bolisi



have consulted widely upon the new housing strategy, 'Sustainable Homes', and we shall debate a final version of the strategy in Plenary in the new year.

Many statutory functions in relation to housing are devolved to the Welsh Ministers, but, as the Assembly does not currently have the legislative competence, the Government cannot propose legislation that would enable more coherent action to be taken. We have looked across the strategy to see where legislative competence for the Assembly will assist the most. We have concluded that we should seek competence in relation to two broad themes: social housing and meeting the accommodation needs of vulnerable people.

2.30 p.m.

I would like to provide some explanation of each of the eight matters in the proposed LCO. First of all, the numbering of the matters begins at 11.2 because matter 11.1 is within the LCO proposed by Ann Jones on domestic sprinklers, which is currently before Parliament.

Matters 11.2 and 11.3 in the proposed LCO would provide competence in relation to social housing providers and relevant social housing bodies. The competence proposed will encompass all bodies that provide social housing or that have functions relating to social housing. These matters would enable the Assembly to consider legislation relating to the regulation of social housing providers, or the allocation of social housing. The Government is working with partners in the housing sector to create a new regulatory framework, and the proposed LCO will enable us to consider options without being constrained only to powers set out in existing legislation.

Matter 11.4 would provide competence in relation to tenure. There are differences

tai yng Nghymru. Yr ydym wedi ymgynghori'n eang ynghylch y strategaeth dai newydd, 'Cartrefi Cynaliadwy', a chawn ddadl am fersiwn derfynol y strategaeth yn y Cyfarfod Llawn yn y flwyddyn newydd.

Mae llawer o swyddogaethau statudol ynglŷn â thai wedi'u datganoli i Weinidogion Cymru, ond, gan nad yw'r cymhwysedd deddfwriaethol gan y Cynulliad ar hyn o bryd, ni all y Llywodraeth gynnig deddfwriaeth a fyddai'n galluogi cymryd camau mwy cydlynol. Yr ydym wedi edrych ar draws y strategaeth i weld ymhle y bydd cymhwysedd deddfwriaethol i'r Cynulliad o fwyaf o gymorth. Daethom i'r casgliad y dylem geisio cymhwysedd yng nghyswllt dwy thema gyffredinol: tai cymdeithasol ac ateb anghenion llety pobl agored i niwed.

Hoffwn roi ychydig o esboniad am bob un o'r wyth mater yn y Gorchymyn arfaethedig. Yn gyntaf, mae'r materion wedi'u rhifo gan ddechrau o 11.2 gan fod mater 11.1 o fewn y Gorchymyn a gynigir gan Ann Jones ar systemau chwistrellu domestig, sydd gerbron y Senedd ar hyn o bryd.

Byddai materion 11.2 ac 11.3 yn y Gorchymyn arfaethedig yn darparu cymhwysedd yng nghyswllt darparwyr tai cymdeithasol a chyrrff tai cymdeithasol perthnasol. Bydd y cymhwysedd a gynigir yn cynnwys pob corff sy'n darparu tai cymdeithasol neu sydd â swyddogaethau'n ymwneud â thai cymdeithasol. Byddai'r materion hyn yn galluogi'r Cynulliad i ystyried deddfwriaeth yn ymwneud â rheoleiddio darparwyr tai cymdeithasol, neu ddyrannu tai cymdeithasol. Mae'r Llywodraeth yn gweithio gyda phartneriaid yn y sector tai i greu fframwaith rheoleiddio newydd, a bydd y Gorchymyn arfaethedig yn ein galluogi i ystyried opsiynau heb gael ein cyfyngu i bwerau a amlinellir yn y ddeddfwriaeth bresennol yn unig.

Byddai mater 11.4 yn darparu cymhwysedd mewn perthynas â deiliadaeth. Mae

between secure tenancies held by tenants of local authorities, and assured tenancies normally held by tenants of registered social landlords. The differences can be difficult to justify, especially to tenants asked to move from one type of tenancy to another during a stock transfer. Competence would allow the Assembly to consider legislating in this area, and could include the reform of secure and assured tenancies.

gwahaniaethau rhwng tenantiaethau diogel a ddelir gan denantiaid awdurdodau lleol, a thenantiaethau sicr a ddelir fel rheol gan denantiaid landlordiaid cymdeithasol cofrestredig. Gall y gwahaniaethau fod yn anodd eu cyfiawnhau, yn enwedig i denantiaid y gofynnir iddynt symud o un math o denantiaeth i un arall yn ystod trosglwyddo stoc. Byddai cymhwysedd yn caniatáu i'r Cynulliad ystyried deddfu yn y maes hwn, a gallai gynnwys diwygio tenantiaethau diogel a sicr.

Matter 11.4 also refers to other arrangements under which social housing is provided. This ensures that the Assembly will have competence to consider legislation regarding social housing arrangements, such as new schemes for low-cost home ownership.

Mae mater 11.4 yn cyfeirio hefyd at drefniadau eraill y darperir tai cymdeithasol oddi tanynt. Mae hyn yn sicrhau y bydd gan y Cynulliad gymhwysedd i ystyried deddfu ynghylch trefniadau tai cymdeithasol, fel cynlluniau newydd ar gyfer perchentyaeth cost isel.

Matter 11.5 relates to disposals of land, and would give the Assembly competence to legislate in relation to the right to buy, the right to acquire or the preserved right to buy and other disposals of land. Given the broad executive powers that Assembly Ministers have over disposals and over social housing more generally, we believe that the Assembly should be able to have a role in determining whether any changes are needed to current legislation for Wales. As a Government, we remain supportive of tenants' home ownership aspirations, but we also need to ensure that statutory rights in this area do not conflict with the needs of others for social housing.

Mae mater 11.5 yn ymwneud â gwaredu tir, a byddai'n rhoi cymhwysedd i'r Cynulliad ddeddfu mewn perthynas â'r hawl i brynu, yr hawl i gaffael neu'r hawl i brynu a gadwyd, a gwaredu tir mewn modd arall. Oherwydd y pwerau gweithredol eang sydd gan Weinidogion y Cynulliad dros waredu a thros dai cymdeithasol yn fwy cyffredinol, credwn y dylai'r Cynulliad allu cael rôl mewn penderfynu a oes angen unrhyw newidiadau mewn deddfwriaeth gyfredol i Gymru. Fel Llywodraeth, yr ydym yn parhau'n gefnogol i ddyheadau perchentyaeth tenantiaid, ond mae angen inni sicrhau hefyd nad yw hawliau statudol yn y maes hwn yn gwrthdaro ag anghenion eraill am dai cymdeithasol.

Matter 11.6 would enable the Assembly to consider legislating in respect of housing-related support. Many services of this type are currently provided through the Supporting People programmes—for example, supporting elderly people in sheltered accommodation, or assisting people with mental health difficulties to live independently. A future Measure could, for instance, provide greater consistency in delivery across Wales.

Byddai mater 11.6 yn galluogi'r Cynulliad i ystyried deddfu mewn perthynas â chefnogaeth gysylltiedig â thai. Darperir llawer o wasanaethau o'r math hwn ar hyn o bryd drwy'r rhaglenni Cefnogi Pobl—er enghraifft, cefnogi hen bobl mewn llety gwarchod, neu gynorthwyo pobl ag anawsterau iechyd meddwl i fyw'n annibynnol. Gallai Mesur yn y dyfodol, er enghraifft, ddarparu mwy o gysondeb o ran sut y mae'r gweithredu'n digwydd ledled Cymru.

Matter 11.7 would enable the Assembly to consider legislation relating to providing sites for Gypsies and Travellers. The Assembly Government is consulting on a new Gypsy and Traveller strategy, which sets out the proposed policy framework and incentives to aid local authorities to deliver appropriate sites. It is important, therefore, to take the opportunity to ensure that the Assembly has the ability to consider legislation relating to the provision of Gypsy and Traveller sites, should this be necessary.

Matter 11.8 would provide competence over homelessness. The 10-year action plan on homelessness commits us to review the statutory framework, in partnership with local government and others with an interest. The proposed LCO will ensure that, as we conduct that review, we will not be constrained in the options that we can consider by having to rely only on existing ministerial powers and ensure that the Assembly can play its full role as a legislature in this process.

Finally, the proposed LCO inserts a new matter, matter 12.18, into the local government field to enable legislation to be passed by the Assembly relating to council tax on homes that are not the main residence of an individual. The Welsh Ministers have wide powers in relation to council tax. For example, regulations currently give local authorities discretion as to whether discounts should be given for these properties. However, the Assembly has no powers in that regard, and we do not have the ability to give local authorities discretion to charge a higher council tax on these properties, should they so choose. In 'One Wales', the Government acknowledged that in some areas of Wales, high numbers of second homes are a factor in the affordability of housing. Legislation providing greater flexibility for local authorities could provide additional funding that might be used to provide new affordable housing. Similarly, the proposed LCO would allow the Assembly to consider legislation

Byddai mater 11.7 yn galluogi'r Cynulliad i ystyried deddfwriaeth mewn perthynas â darparu safleoedd i Sipsiwn a Theithwyr. Mae Llywodraeth y Cynulliad yn ymgynghori ynghylch strategaeth newydd ar gyfer Sipsiwn a Theithwyr, sy'n amlinellu'r fframwaith polisi a gynigir a chymhellion i gynorthwyo awdurdodau lleol i ddarparu safleoedd priodol. Mae'n bwysig, felly, achub y cyfle i sicrhau bod gan y Cynulliad y gallu i ystyried deddfu ynglŷn â darparu safleoedd Sipsiwn a Theithwyr, pe bai angen hyn.

Byddai mater 11.8 yn darparu cymhwysedd dros ddigartrefedd. Mae'r cynllun gweithredu 10 mlynedd ar ddigartrefedd yn ein rhwymo i adolygu'r fframwaith statudol, mewn partneriaeth â llywodraeth leol ac eraill sydd â diddordeb. Bydd y Gorchymyn arfaethedig yn sicrhau, wrth inni wneud yr adolygiad, na fydd cyfyngu ar yr opsiynau y gallwn eu hystyried am ein bod yn gorfod dibynnu ar bwerau gweinidogol sy'n bodoli'n barod yn unig, ac yn sicrhau y gall y Cynulliad chwarae ei rôl lawn fel deddfwrfa yn y broses hon.

Yn olaf, mae'r Gorchymyn arfaethedig yn cyflwyno mater newydd, mater 12.18, ym maes llywodraeth leol i alluogi'r Cynulliad i basio deddfwriaeth ynglŷn â'r dreth gyngor ar gartrefi nad ydynt yn brif breswylfan unigolyn. Mae gan Weinidogion Cymru bwerau eang mewn perthynas â'r dreth gyngor. Er enghraifft, mae rheoliadau ar hyn o bryd yn rhoi disgresiwn i awdurdodau lleol o ran a ddylid rhoi disgownt ar gyfer eiddo o'r fath. Fodd bynnag, nid oes gan y Cynulliad bwerau yn hynny o beth, ac nid oes gennym y gallu i roi disgresiwn i awdurdodau lleol godi treth gyngor uwch ar eiddo o'r fath, pe dewisent wneud hynny. Yn 'Cymru'n Un', cydnabu'r Llywodraeth fod niferoedd uchel ail gartrefi, mewn rhai rhannau o Gymru, yn ffactor yng ngallu pobl i fforddio tai. Gallai deddfwriaeth a roddai fwy o hyblygrwydd i awdurdodau lleol ddarparu cyllid ychwanegol y gellid ei ddefnyddio i ddarparu tai fforddiadwy newydd. Yn yr un modd, byddai'r

regarding the liability for council tax on long-term empty homes that are not the main residence of any particular individual. The detail of any such legislation is for the future, but this proposed LCO will give the Assembly a role and the flexibility to define appropriate arrangements for Wales.

In conclusion, I know that the proposed LCO will be welcomed by many who have been looking for an ambitious housing LCO. I am pleased that the UK Government has agreed the proposed LCO, having recognised the strong rationale for the Assembly to have the powers that we are now seeking. If approved, it will mean that the development of social housing policy will be on a new footing, with the Assembly being given a role in deciding the legislative arrangements that should apply to Wales. I look forward to taking Members' questions now and during the scrutiny process.

**Darren Millar:** First, I thank the Deputy Minister for her statement. We appreciate the fact that she has brought the statement forward today, and I am pleased to confirm the Welsh Conservatives' support, in principle, for the proposed LCO that is before us. There are some questions, inevitably, as there always are from us, as a responsible opposition, and I want to refer to a number of specific matters. I appreciate that we do not want to discuss the details of any Measures, but I know that the Deputy Minister intends to bring forward some Measures on the back of this legislation.

We are pleased that matter 11.4 is part of the proposed LCO. We think that it is important to bring forward tenure neutrality, particularly in terms of protecting those people who are tenants of councils that may be transferring their stock to housing associations or other registered social landlords. It is important to protect the rights and privileges that those people already have.

Gorchymyn arfaethedig yn caniatáu i'r Cynulliad ystyried deddfu ynglŷn â'r atebolrwydd am dreth gyngor ar dai gwag hirdymor nad ydynt yn brif breswylfan unrhyw unigolyn arbennig. Mater i'r dyfodol yw manylion unrhyw ddeddfwriaeth o'r fath, ond bydd y Gorchymyn arfaethedig hwn yn rhoi rôl i'r Cynulliad ynghyd â'r hyblygrwydd i ddiffinio trefniadau priodol i Gymru.

I gloi, gwn y croesewir y Gorchymyn arfaethedig gan lawer sydd wedi bod yn edrych am Orchymyn uchelgeisiol ar dai. Yr wyf yn falch bod Llywodraeth y Deyrnas Unedig wedi cytuno ar y Gorchymyn arfaethedig, wedi cydnabod y rhesymeg gref dros i'r Cynulliad gael y pwerau yr ydym yn eu ceisio'n awr. Os cymeradwyir ef, bydd yn golygu y bydd sylfaen newydd i ddatblygu polisi tai cymdeithasol newydd, ac y caiff y Cynulliad rôl mewn penderfynu ar y trefniadau deddfwriaethol a ddylai fod ar waith yng Nghymru. Edrychaf ymlaen at dderbyn cwestiynau Aelodau'n awr ac yn ystod y broses graffu.

**Darren Millar:** Yn gyntaf, diolch i'r Dirprwy Weinidog am ei datganiad. Yr ydym yn gwerthfawrogi'r ffaith ei bod wedi cyflwyno'r datganiad heddiw, ac mae'n dda gennyf gadarnhau cefnogaeth y Ceidwadwyr Cymreig, mewn egwyddor, i'r Gorchymyn arfaethedig sydd ger ein bron. Ceir rhai cwestiynau, yn anochel, fel y bydd bob amser gennym ni, fel gwrthblaid gyfrifol, a hoffwn gyfeirio at nifer o faterion penodol. Yr wyf yn sylweddoli nad oes arnom eisiau trafod manylion unrhyw Fesurau, ond gwn fod y Dirprwy Weinidog yn bwriadu cyflwyno rhai Mesurau yn sgîl y ddeddfwriaeth hon.

Yr ydym yn falch bod mater 11.4 yn rhan o'r Gorchymyn arfaethedig. Credwn ei bod yn bwysig cyflwyno niwtraliaeth deiliadaeth, yn enwedig o safbwynt amddiffyn pobl sydd yn denantiaid cynghorau a all fod yn trosglwyddo'u stoc i gymdeithasau tai neu landlordiaid cymdeithasol cofrestredig eraill. Mae'n bwysig gwarchod yr hawliau a'r breintiau sydd gan y bobl hynny'n barod.

However, we would like you to consider, Deputy Minister, taking any future Measures further and looking at flexible tenure to allow tenants to move between properties belonging to different social housing providers, and even to allow people to staircase their needs in the future while protecting their status.

In respect of matter 11.5, we have an issue as a party on right to buy, but, given the UK Government's proposals to review the housing revenue account regime, we must put dogma aside in this respect and focus on maximising the numbers of households that are housed rather than scrapping the right to buy for simply political reasons. We think that you ought to take on board the evidence that was given to the committee that looked at this issue, which shows that there is an issue with the policy that you wanted to bring forward. We think that you should also listen to the Centre for Social Justice, which has indicated that there are significant opportunities to provide larger numbers of affordable houses and homes in Wales if the proceeds from the sales under right to buy can be reinvested in affordable housing. We encourage you to look at that when you are developing Measures, if and when these powers come to the Assembly.

In respect of matter 11.6, we support the devolution of housing-related support. We have no problems with that at all, but we feel that you need to ensure that you listen to the third sector housing support providers because they are central to delivering strategies and policies that are right across Wales. We share some of their fears about the redistribution of Supporting People grants and local authorities' position on that too.

In respect of matter 11.7 and the Gypsy and Traveller community, we recognise the needs of Gypsy/Travellers and the need to ensure that they are catered for by local authorities, but we also feel that the voices of the static

Fodd bynnag, hoffem ichi ystyried, Ddirprwy Weinidog, mynd ag unrhyw Fesurau yn y dyfodol ymhellach ac edrych ar ddeiliadaeth hyblyg i ganiatáu i denantiaid symud rhwng eiddo sydd ym meddiant gwahanol ddarparwyr tai cymdeithasol, a hyd yn oed i ganiatáu i bobl flaenoriaethu eu hanghenion yn y dyfodol gan warchod eu statws ar yr un pryd.

Ynglŷn â mater 11.5, mae gennym broblem fel plaid ynghylch yr hawl i brynu, ond, o ystyried cynigion Llywodraeth y Deyrnas Unedig i adolygu trefn y cyfrif refeniw tai, rhaid inni roi dogma o'r neilltu yng nghyswllt hyn a chanolbwyntio ar gartrefu'r nifer mwyaf posibl o deuluoedd yn hytrach na diddymu'r hawl i brynu am resymau gwleidyddol yn unig. Credwn y dylech dderbyn y dystiolaeth a roddwyd i'r pwyllgor a edrychodd ar y mater hwn, sy'n dangos bod problem gyda'r polisi yr oeddech yn awyddus i'w gyflwyno. Credwn y dylech wrando hefyd ar y Ganolfan Cyfiawnder Cymdeithasol, sydd wedi nodi bod cyfleon sylweddol i ddarparu niferoedd mwy o dai a chartrefi fforddiadwy yng Nghymru os gellir sicrhau bod yr elw o'r gwerthiannau o dan yr hawl i brynu'n cael ei ailfuddsoddi mewn tai fforddiadwy. Yr ydym yn eich annog i edrych ar hynny pan fyddwch yn datblygu Mesurau, os a phan ddaw'r pwerau hyn i'r Cynulliad.

Ynglŷn â mater 11.6, yr ydym yn cefnogi datganoli cymorth tai. Nid yw hynny'n peri dim problemau o gwbl i ni, ond teimlwn fod angen ichi sicrhau eich bod yn gwranddo ar ddarparwyr cymorth tai'r trydydd sector oherwydd y maent hwy'n ganolog o ran gweithredu strategaethau a pholisïau sy'n iawn ar draws Cymru. Yr ydym ninnau'n pryderu fel y maent hwy ynglŷn ag aildosbarthu grantiau Cefnogi Pobl a safbwynt awdurdodau lleol ynglŷn â hynny hefyd.

Ynglŷn â mater 11.7, a'r gymuned Sipsiwn a Theithwyr, yr ydym yn cydnabod anghenion Sipsiwn a Theithwyr a'r angen i sicrhau bod awdurdodau lleol yn darparu ar eu cyfer, ond teimlwn hefyd na ddylid boddi nac

population in those local authority areas should not be drowned out or ignored. I would appreciate some feedback on how you will ensure that the needs of static communities are also reflected in any Measures that are brought forward.

Finally, I want to refer to the homelessness legislation in matter 11.8. I know that some concerns were raised by the WLGA regarding the affordability of your policy regarding the intentional homelessness of those under 25. Have you had any thoughts as to how you will address those particular concerns? I thank you once again for your statement. We look forward to working with you through the scrutiny process to look at this in some detail.

2.40 p.m.

**Jocelyn Davies:** Thank you, Darren. I welcome the Welsh Conservatives' support for the proposed legislative competence Order as it stands, as well as for the concept of having a sole social housing tenancy. There does not seem to be any justification for the differences that currently exist. I take your point about flexible tenure, and I am happy to take that on board, as we pursue a policy of tenure neutrality where we possibly can, so that people do not get hung up on whether they are a tenant or a homeowner. Perhaps there are other kinds of property-holding status that are just as desirable at different times of our lives.

On the issue of matter 11.5 and disposals, I am grateful for your comments on putting dogma to one side; I hope that you are also prepared to do that. Any legislation would be subject to full scrutiny and would be in the hands of Members here, since it could not pass without a majority of Members supporting it. Disposals would also be subject to a full impact assessment.

You mentioned the housing revenue account, and it is a complex area, but we are having

anwybyddu lleisiau'r boblogaeth sefydlog yn ardaloedd yr awdurdodau lleol hynny. Gwerthfawrogwn ryw adborth ynghylch sut y sicrhewch yr adlewyrchir anghenion cymunedau sefydlog hefyd yn unrhyw Fesurau a gyflwynir.

Yn olaf, hoffwn gyfeirio at y ddeddfwriaeth ar ddiartrefedd ym mater 11.8. Gwn fod rhai pryderon wedi'u codi gan Gymdeithas Llywodraeth Leol Cymru ynglŷn â fforddiadwyedd eich polisi ynglŷn â digartrefedd bwriadol pobl o dan 25 oed. A ydych wedi cael unrhyw syniadau ynghylch sut y deliwch â'r pryderon arbennig hynny? Diolch ichi unwaith eto am eich datganiad. Yr ydym yn edrych ymlaen at gydweithio â chi drwy'r broses graffu i edrych ar hyn yn bur fanwl.

**Jocelyn Davies:** Diolch, Darren. Yr wyf yn croesawu cefnogaeth y Ceidwadwyr Cymreig i'r Gorchymyn cymhwysedd deddfwriaethol fel y mae ar hyn o bryd, yn ogystal ag i'r cysyniad o gael un denantiaeth tai cymdeithasol. Nid yw'n ymddangos bod cyfiawnhad dros y gwahaniaethau sy'n bodoli ar hyn o bryd. Yr wyf yn deall eich pwynt ynghylch deiliadaeth hyblyg, ac yr wyf yn fodlon derbyn hynny, wrth inni ddilyn polisi o niwtraliaeth deiliadaeth lle bynnag y gallwn, fel nad aiff pobl i boeni ai tenant ynteu perchen tŷ ydynt. Efallai fod mathau eraill o statws dal eiddo sydd yr un mor ddymunol ar wahanol adegau o'n bywyd.

Ynglŷn â mater 11.5 a gwaredu, yr wyf yn ddiolchgar am eich sylwadau ynghylch rhoi dogma o'r neilltu; gobeithio eich bod chithau'n barod i wneud hynny hefyd. Byddai unrhyw ddeddfwriaeth yn amodol ar graffu llawn a byddai yn nwylo Aelodau yma, gan na allai basio heb i fwyafrif o Aelodau ei gefnogi. Byddai gwaredu'n amodol ar asesiad effaith llawn hefyd.

Soniasoch am y cyfrif refeniw tai, ac mae'n faes cymhleth, ond yr ydym yn cynnal ein

our own review of that in Wales, for which I have commissioned work. With regard to the Supporting People programme, I hope to announce a review soon.

You also mentioned the third sector and the WLGA, and I have asked both of them to come together to help us to draw up the terms of reference for that review. I imagine that it will have the full support of the third sector and local government in Wales. In relation to Gypsies and Travellers, this is a matter that currently lies with the Minister for Social Justice and Local Government, but I do not think that he would mind at all if I said that I hope that, in relation to this particular competence, we will never have to bring forward legislation based on the powers in question. However, the fact that the powers are held here is important, and I hope that you will be able to support that.

In relation to matter 11.8—that is, the section on homelessness—we promised a complete review of the statutory framework in our homelessness plan, and it is only right that we hold the competence that will allow us to do that without being constrained by the current legislation.

**Alun Davies:** Thank you for your statement, Minister. I think that it will receive a wide welcome on all sides of the Chamber. I was pleased to hear the opposition spokesperson welcoming the proposed LCO as well, and I hope that that signals that the Welsh Conservatives will not take the same destructive approach that they took to the previous affordable housing LCO.

As someone who was a victim of that whole process, sitting on the various committees, I very much welcome your statement this afternoon. In many ways, this is the sort of LCO that the committee wanted to see: a far more comprehensive and wide-ranging LCO, giving you the powers that you require to implement the policies that I assume you will

hadolygiad ein hunain o hynny yng Nghymru, yr wyf wedi comisiynu gwaith ar ei gyfer. Ynglŷn â'r rhaglen Cefnogi Pobl, yr wyf yn gobeithio cyhoeddi adolygiad yn fuan.

Soniasoch hefyd am y trydydd sector a Chymdeithas Llywodraeth Leol Cymru, ac yr wyf wedi gofyn iddynt ill dau ddod ynghyd i'n helpu i lunio cylch gorchwyl yr adolygiad hwnnw. Yr wyf yn tybio y caiff gefnogaeth lawn y trydydd sector a llywodraeth leol yng Nghymru. Ynglŷn â Sipsiwn a Theithwyr, mater yw hwn sydd dan ofal y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol ar hyn o bryd, ond nid wyf yn meddwl y byddai ots ganddo ef o gwbl pe dywedwn fy mod yn gobeithio, ynglŷn â'r cymhwysedd arbennig hwn, na fydd yn rhaid inni byth gyflwyno deddfwriaeth ar sail y pwerau dan sylw. Fodd bynnag, mae'r ffaith bod y pwerau hynny gennym yma'n bwysig, a gobeithio y byddwch yn gallu cefnogi hynny.

Ynglŷn â mater 11.8—hynny yw, yr adran am ddiartrefedd—addawsom adolygiad llawn o'r fframwaith statudol yn ein cynllun digartrefedd, ac mae'n iawn inni gael y cymhwysedd a fydd yn caniatáu inni wneud hynny heb gael ein cyfyngu gan y ddeddfwriaeth gyfredol.

**Alun Davies:** Diolch am eich datganiad, Weinidog. Credaf y caiff groeso cyffredinol ar bob ochr i'r Siambr. Yr oedd yn dda gennyf glywed llefarydd yr wrthblaid yn croesawu'r Gorchymyn arfaethedig hefyd, a gobeithio bod hynny'n arwydd na wnaiff y Ceidwadwyr Cymreig gymryd yr un agwedd ddiinstriol ag a gymerasant at y Gorchymyn blaenorol ar dai fforddiadwy.

Fel un a ddiodefodd yr holl broses honno, gan eistedd ar y gwahanol bwyllgorau, yr wyf yn croesawu'n fawr eich datganiad y prynhawn yma. Mewn llawer ffordd, dyma'r math o Orchymyn yr oedd ar y pwyllgor eisiau ei weld: Gorchymyn llawer mwy cynhwysfawr ac eang, yn rhoi'r pwerau angenrheidiol ichi i weithredu'r polisïau y

be publishing in the sustainable homes policy statement in the new year. I look forward to taking part in that debate.

I was pleased to hear you describe this proposed LCO as ambitious. One of the issues that unites the whole of the somewhat large Mid and West Wales region that I currently represent is that of affordable housing. It is as much of an emergency on the Llŷn peninsula as in Pembrokeshire and most of Powys. It is one of those issues where we simply cannot wait to move forward, and I welcome the way that you have approached this.

I wonder whether you could outline exactly how you see yourself using the legislative competence. For example, matter 11.2 refers simply to ‘social housing providers’. What are the parameters of competence there? To me, the proposed LCO reads like a list rather than a description of policy areas in which you will have legislative competence. You say that you seek to regulate social housing providers, and I welcome that, but I wonder where the competence is to enable you to do that.

You seem to have agreed and underlined that matter 11.5 does include the right to buy. That issue probably took on more of a totemic character during the passing—or not—of the previous proposed LCO than it should have done, and it probably took far more time than it needed to. It is important that it is included, as many people were hoping to see it there. I must disagree with the Conservative spokesman on this point. The evidence that those of us who were on the committee saw very much supported the Government’s approach, which we welcome.

Finally, Deputy Minister, I want to question you on your timetable for this proposed LCO. You state that it has already received

cymeraf y byddwch yn eu cyhoeddi yn y datganiad polisi ar dai cynaliadwy yn y flwyddyn newydd. Edrychaf ymlaen at gymryd rhan yn y ddadl honno.

Yr oeddwn yn falch o’ch clywed yn disgrifio’r Gorchymyn arfaethedig hwn fel un uchelgeisiol. Un o’r pethau sy’n uno’r cyfan o ranbarth mawr Canolbarth a Gorllewin Cymru, yr wyf yn ei gynrychioli ar hyn o bryd, yw tai fforddiadwy. Mae’n gymaint o argyfwng ym mhenrhyn Llŷn ag yn sir Benfro a’r rhan fwyaf o Bowys. Mae’n un o’r materion hynny lle na allwn aros i symud ymlaen, ac yr wyf yn croesawu’r ffordd yr ydych wedi ymdrin â hyn.

Tybed a allech amlinellu sut yn union y gwelwch eich hun yn defnyddio’r cymhwysedd deddfwriaethol? Er enghraifft, mae mater 11.2 yn cyfeirio at ‘ddarparwyr tai cymdeithasol’. Beth yw paramedrau’r cymhwysedd yn hynny o beth? I mi, mae’r Gorchymyn arfaethedig yn debycach i restr yn hytrach na disgrifiad o feysydd polisi lle y bydd gennych gymhwysedd deddfwriaethol. Dywedwch eich bod yn ceisio rheoleiddio darparwyr tai cymdeithasol, ac yr wyf yn croesawu hynny, ond tybed ymhle y mae’r cymhwysedd i’ch galluogi i wneud hynny?

Mae’n ymddangos eich bod wedi cytuno ac wedi tanlinellu bod mater 11.5 yn cynnwys yr hawl i brynu. Mae’n debyg bod y mater hwnnw wedi dod yn fwy totemaidd yn ystod y broses o basio—neu beidio â phasio—y Gorchymyn arfaethedig blaenorol nag a ddylasai, ac mae’n debyg iddo gymryd llawer mwy o amser nag yr oedd angen iddo ei gymryd. Mae’n bwysig ei gynnwys, gan fod llawer o bobl wedi gobeithio ei weld yno. Rhaid imi anghytuno â llefarydd y Ceidwadwyr ar y pwynt hwn. Yr oedd y dystiolaeth a welodd y rhai ohonom a oedd ar y pwyllgor yn gefnogol iawn i agwedd y Llywodraeth, ac yr ydym yn croesawu hynny.

Yn olaf, Ddirprwy Weinidog, mae arnaf eisiau eich holi ynglŷn â’ch amserlen ar gyfer y Gorchymyn arfaethedig hwn.



the support and ‘consent’—and I think that you used that word—of the UK Government. Can you outline what you mean by that and how you see it moving forward? I would like to see this proposed LCO put on the statute book before the general election. Perhaps I am still too much of an optimist after two and a half years here, but I certainly hope that we can move forward with minimal delay. The announcement this afternoon will be broadly welcomed across the Chamber, and many of us here wish you the best of luck in taking this forward.

**Jocelyn Davies:** I had not considered you as a victim before, Alun, but you say that you are a victim of the LCO process and perhaps we all are. You are right that the committee expressed concern, but I think that this proposed legislative competence Order addresses the concerns of the Assembly’s committee and the evidence that it took, both written and oral. It is underpinned by two and a half years of intensive policy working in relation to housing. You say that the proposed Order does not point towards policy intention and, in a way, I am pleased about that as it is not meant to. You asked about social housing providers, but there is a definition in the proposed Order:

“social housing provider” means—

- (a) a local authority, and
- (b) a person (other than a local authority) providing housing to people whose needs are not adequately served by the commercial housing market (whether or not it also provides housing to other people and whether or not it also has functions in addition to providing housing)’.

That is a very broad definition, and it will give us wide competence and a power over those who are providing housing to those whose needs are not met by the free market.

Dywedwch ei fod eisoes wedi cael cefnogaeth a ‘chydysyniad’—a chredaf ichi ddefnyddio’r gair hwnnw—Llywodraeth y Deyrnas Unedig. A allwch amlinellu beth yr ydych yn ei olygu wrth hynny a sut y gwelwch y peth yn symud ymlaen? Hoffwn weld rhoi’r Gorchymyn arfaethedig hwn ar y llyfr statud cyn yr etholiad cyffredinol. Efallai fy mod yn dal yn ormod o optimist wedi dwy flynedd a hanner yma, ond yn sicr gobeithio y gallwn symud ymlaen heb nemor ddim oedi. Croesewir y cyhoeddiad y prynhawn yma’n gyffredinol ar draws y Siambr, ac mae llawer ohonom yn dymuno pob hwyl ichi wrth fynd â hyn yn ei flaen.

**Jocelyn Davies:** Nid oeddwn wedi meddwl amdanoch fel dioddefwr o’r blaen, Alun, ond dywedwch eich bod wedi dioddef proses y Gorchymyn ac efallai ein bod i gyd yn ddiodyddwyr. Yr ydych yn iawn i’r pwyllgor fynegi pryder, ond credaf fod y Gorchymyn cymhwysedd deddfwriaethol arfaethedig hwn yn rhoi sylw i bryderon pwyllgor y Cynulliad a’r dystiolaeth a gymerodd, yn ysgrifenedig a llafar. Yn sail iddo mae dwy flynedd a hanner o waith polisi dwys mewn perthynas â thai. Dywedwch nad yw’r Gorchymyn arfaethedig yn pwyntio tuag at fwriad polisi ac, mewn ffordd, yr wyf yn falch ynglŷn â hynny hynny gan na fwriedid iddo wneud. Holasoch ynghylch darparwyr tai cymdeithasol, ond ceir diffiniad yn y Gorchymyn arfaethedig:

‘ystyr “darparydd tai cymdeithasol” yw—

- (a) awdurdod lleol, a
- (b) person (ac eithrio awdurdod lleol) sy’n darparu tai i bobl nad yw eu hanghenion yn cael eu diwallu’n ddigon da gan y farchnad dai fasnachol (p’un a yw hefyd yn darparu tai i bobl eraill ai peidio a ph’un a oes ganddo hefyd swyddogaethau sy’n ychwanegol at ddarparu tai)’.

Mae hynny’n ddiffiniad eang iawn, a bydd yn rhoi cymhwysedd a phŵer eang inni dros y rhai sy’n darparu tai i bobl nad yw’r farchnad rydd yn diwallu eu hanghenion.

Therefore, we take as broad a competence as possible, and then any Measures that fall from the Order when passed could define a social housing provider more narrowly in relation to that legislation. However, we were told that the competence would be as broad as this.

You asked which Measures might arise from this, and you also made reference to the right to buy. You are quite right that far too much attention was given to what we might choose to do with the powers, and so I am sure that you will forgive me if I do not go there today.

It is not for me to decide on the timetable. I understand that the proposed Order has now been sent to Legislation Committee No. 2, under the chairship of Val Lloyd. I do not think that her committee has been late with a single piece of work that it has been given. We set an ambitious timetable in the Business Committee today. It is not for me to predict what will happen in Parliament, but I can assure you that we have had the full co-operation of the Wales Office, and the UK Government is supportive of us having the competence. Who knows what will happen? I do not think that the UK Government is in control of its committees any more than we are in control of ours.

**Peter Black:** I also welcome this proposed LCO, and it is important that we get the powers set out in it. I do not want to sound curmudgeonly, but I must say that if we had had it in this format two years ago, we could well be doing some of the work involved in this now, producing Measures. However, we are where we are, and it is important that we take it forward as quickly as possible.

2.50 p.m.

One downside of having it so late is the time available for scrutiny, which the Deputy

Felly, yr ydym yn cymryd cymhwysedd mor eang ag sy'n bosibl, ac wedyn gallai unrhyw Fesurau a ddeillia o'r Gorchymyn pan gaiff ei basio ddiffinio darparrydd tai cymdeithasol yn gulach mewn perthynas â'r ddeddfwriaeth honno. Fodd bynnag, dywedwyd wrthym y byddai'r cymhwysedd mor eang â hyn.

Gofynasoch pa Fesurau a allai godi o hyn, a chyfeiriasoch hefyd at yr hawl i brynu. Yr ydych yn berffaith iawn bod llawer gormod o sylw wedi'i roi i'r hyn y gallem ddewis ei wneud â'r pwerau, ac felly yr wyf yn siŵr y maddeuwch imi os na wnaif ymdrin â hynny heddiw.

Nid mater i mi yw penderfynu'r amserlen. Deallaf fod y Gorchymyn arfaethedig bellach wedi'i anfon i Bwyllgor Deddfwriaeth Rhif 2, o dan gadeiryddiaeth Val Lloyd. Nid wyf yn meddwl bod ei phwyllgor hi wedi bod yn hwyr gydag unrhyw ddarn o waith a roddwyd iddo. Gosodasom amserlen uchelgeisiol yn y Pwyllgor Busnes heddiw. Nid mater i mi yw proffwydo beth a wnaiff ddigwydd yn y Senedd, ond gallaf eich sicrhau ein bod wedi cael cydweithrediad llawn Swyddfa Cymru, ac mae Llywodraeth y Deyrnas Unedig yn gefnogol inni gael y cymhwysedd. Pwy a ŵyr beth a ddigwydd? Ni chredaf fod gan Lywodraeth y Deyrnas Unedig damaid mwy o reolaeth dros ei phwyllgorau nag sydd gennym ni dros ein pwyllgorau ni.

**Peter Black:** Yr wyf finnau'n croesawu'r Gorchymyn arfaethedig hwn, ac mae'n bwysig inni gael y pwerau a amlinellir ynddo. Nid oes arnaf eisiau swnio'n grintachlyd, ond rhaid imi ddweud pe baem wedi ei gael yn y fformat hwn ddwy flynedd yn ôl, y gallem yn hawdd fod yn gwneud peth o'r gwaith sydd ynglŷn â hyn yn awr, ac yn llunio Mesurau. Fodd bynnag, yr ydym lle yr ydym, ac mae'n bwysig inni fwrw ymlaen ag ef cyn gynted ag sy'n bosibl.

Un anfantais o'i gael mor hwyr yw'r amser sydd ar gael i graffu, y mae'r Dirprwy

Minister has already referred to. I understand that the committee will have around three evidence-taking sessions to consider this. Given the scope of the proposed LCO, that may not be enough, but I hope that it will prove to be sufficient, because it is important that this goes on the statute book as soon as possible so that we can start bringing forward proposed Measures.

I particularly welcome the final part in relation to council tax and the ability to vary it. I am sure that the Deputy Minister will confirm that that will enable the Assembly Government to deliver what was discussed previously during the Welsh Liberal Democrat debate, namely reducing council tax for people who serve in the armed forces in Wales. I think that that is important.

I am also pleased that the Deputy Minister has taken on board an issue that I have raised as the Welsh Liberal Democrat housing spokesperson, namely the ability for councils to vary the council tax charged on empty properties. There are 26,000 private empty properties around Wales, many of which are a blight on our communities. It would be an important weapon in councils' armoury if they could say to people who had let those properties lie empty for many years that they should pay extra for that. That could also be used as a stick, as it were, to try to persuade them to bring properties back into use. I very much welcome the Deputy Minister's reference, in her statement, to the fact that she is considering that as the subject of a possible Measure arising from this legislative competence Order, when passed. It is extremely important that councils have additional tools with which to deal with those empty properties.

I very much welcome the ability of the Assembly Government to freeze the right to buy in areas of high housing demand. Alun Davies is absolutely right that the evidence received by the committee was overwhelmingly in favour of that power coming to the Assembly. That would be

Weinidog eisoes wedi cyfeirio ato. Deallaf y caiff y pwyllgor ryw dair sesiwn clywed tystiolaeth i ystyried hyn. O ystyried cwmpas y Gorchymyn arfaethedig, efallai na fydd hynny'n ddigon, ond gobeithio y bydd yn ddigon, oherwydd y mae'n bwysig cael hyn ar y llyfr statud cyn gynted ag sy'n bosibl er mwyn inni allu dechrau cyflwyno Mesurau arfaethedig.

Yr wyf yn croesawu'n arbennig y rhan olaf ynglŷn â'r dreth gyngor a'r gallu i'w hamrywio. Yr wyf yn siŵr y gwnaiff y Dirprwy Weinidog gadarnhau y bydd hynny'n galluogi Llywodraeth y Cynulliad i gyflwyno'r hyn a drafodwyd yn flaenorol yn ystod dadl Democratiaid Rhyddfrydol Cymru, sef gostwng y dreth gyngor i bobl sy'n gwasanaethu yn y lluoedd arfog yng Nghymru. Credaf fod hynny'n bwysig.

Yr wyf yn falch hefyd fod y Dirprwy Weinidog wedi derbyn mater yr wyf wedi'i godi fel llefarydd Democratiaid Rhyddfrydol Cymru ar dai, sef y gallu i gynghorau amrywio'r dreth gyngor a godir ar eiddo gwag. Ceir 26,000 eiddo preifat gwag o gwmpas Cymru, a llawer ohonynt yn difetha ein cymunedau. Byddai'n arf pwysig yn arfoegaeth cynghorau pe gallent ddweud wrth bobl sydd wedi gadael i eiddo o'r fath fod yn wag ers blynyddoedd lawer y dylent dalu'n ychwanegol am hynny. Gellid defnyddio hynny hefyd fel ffon, fel petai, i geisio'u perswadio i beri bod yr eiddo'n cael ei ddefnyddio eto. Yr wyf yn croesawu'n fawr gyfeiriad y Dirprwy Weinidog, yn ei datganiad, at y ffaith ei bod yn ystyried hynny'n destun Mesur posibl yn codi o'r Gorchymyn cymhwysedd deddfwriaethol hwn, pan gaiff ei basio. Mae'n eithriadol o bwysig i gynghorau gael arfau ychwanegol ar gyfer delio ag eiddo gwag o'r fath.

Yr wyf yn croesawu'n fawr allu Llywodraeth y Cynulliad i rewi'r hawl i brynu mewn ardaloedd lle y mae galw mawr am dai. Mae Alun Davies yn llygad ei le bod y dystiolaeth a gafodd y pwyllgor yn llethol o blaid dod â'r pŵer hwnnw i'r Cynulliad. Croesewid hynny. Rhaid inni gydnabod hefyd y dystiolaeth a

welcomed. We must also recognise the evidence given to the committee that that is not the most important power that we could have in relation to affordable housing, because many council properties have already been sold. However, it will help us to preserve the pool of properties in a particular area while more houses are being built.

In many ways, the other measures contained in this are more important for delivering affordable housing. The future upgrading of new council housing and the ability to create a single social tenure is particularly important because that is the one big objection that is made when housing stock transfer ballots are undertaken. That has been raised in Swansea and currently in Neath Port Talbot. We need to reassure people that, irrespective of who their social landlord is, they will still have the same rights as tenants. Therefore, I welcome this proposed LCO once more and wish it godspeed. I hope that the Deputy Minister can ensure that, irrespective of the Welsh Affairs Committee, there will be no delays at Whitehall at the very least.

**Jocelyn Davies:** It must be the season of goodwill because everyone has so far welcomed it—although we are not quite finished yet. Peter Black has wished me godspeed, so I think that I am nearly there.

Peter said that this was a long time coming, but over the last two and a half years, we have developed a new national housing strategy, a new Supporting People strategy and a new homelessness plan, as well as having the Essex review of housing associations. A great deal of policy work has been undertaken to underpin this request, and I would welcome the opportunity to go to the Welsh Affairs Committee and present that to them, as I am sure that they would be impressed. We had not carried out that policy work when we had the last proposed legislative competence Order, although I must say that that was well scrutinised, although it was based on manifesto

roddwyd i'r pwyllgor nad hwnnw yw'r pŵer pwysicaf y gallem ei gael mewn perthynas â thai fforddiadwy, oherwydd y mae llawer o dai cyngor wedi'u gwerthu'n barod. Fodd bynnag, bydd yn ein helpu i gadw'r gronfa o eiddo mewn ardal benodol tra codir ychwaneg o dai.

Mewn sawl ffordd, mae'r mesurau eraill a geir yn hyn yn bwysicach ar gyfer sicrhau tai fforddiadwy. Mae uwchraddio tai cyngor newydd yn y dyfodol a'r gallu i greu un ddeiliadaeth gymdeithasol yn arbennig o bwysig oherwydd dyna'r un gwrthwynebiad mawr a leisir pan gynhelir pleidleisiau ar drosglwyddo stoc tai. Mae hynny wedi'i godi yn Abertawe ac ar hyn o bryd yng Nghastell-nedd Port Talbot. Mae angen inni sicrhau pobl, pwy bynnag fo'u landlord cymdeithasol, y bydd ganddynt yr un hawliau fel tenantiaid. Felly, yr wyf yn croesawu'r Gorchymyn arfaethedig hwn unwaith eto a dymunaf rwydd hynt iddo. Gobeithio y gall y Dirprwy Weinidog sicrhau, beth bynnag am y Pwyllgor Materion Cymreig, na fydd dim oedi yn Whitehall, o leiaf.

**Jocelyn Davies:** Mae'n rhaid ei bod yn dymor ewyllys da oherwydd y mae pawb hyd yma wedi'i groesawu—er nad ydym wedi gorffen yn gyfan gwbl eto. Mae Peter Black wedi dymuno rhwydd hynt imi, felly yr wyf yn meddwl fy mod bron â chyrraedd y nod.

Dywedodd Peter fod hyn wedi cymryd amser maith, ond yn ystod y ddwy flynedd a hanner diwethaf, yr ydym wedi datblygu strategaeth dai genedlaethol newydd, strategaeth newydd Cefnogi Pobl a chynllun digartrefedd newydd, yn ogystal â chael adolygiad Essex ar gymdeithasau tai. Mae llawer iawn o waith polisi wedi'i gyflawni i fod yn sail i'r cais hwn, a chroesawn y cyfle i fynd i'r Pwyllgor Materion Cymreig a chyflwyno hynny iddynt, gan fy mod yn siŵr y gwnâi hynny argraff arnynt. Nid oeddem wedi cyflawni'r gwaith polisi hwnnw pan gawsom y Gorchymyn cymhwysedd deddfwriaethol arfaethedig diwethaf, er bod yn rhaid imi ddweud bod craffu da wedi bod ar hwnnw, er ei fod yn

commitments.

On council tax, there has been a call from councils for more flexibility on charges for second homes and on empty properties. You raised the point about the exemptions for armed forces personnel and that would be a matter for the proposed Measure. It is commonplace to have exemptions—and we have all seen them—and that is certainly a possibility in any Measures that follow. It could apply to empties, as long as they are not an individual's main residence. That is something to bear in mind.

We never said that the suspension of the right to buy for temporary periods was a magic bullet, but it could be a part of the menu of options that we intend to have in our strategic approach to housing. On the social housing tenancy, usually in stock transfers, the rights of any tenant are transferred over, but if you become a tenant of a housing association after a stock transfer, your rights are different from those of those who were already tenants. It is that difference that is very difficult to justify, given that people's rights are different depending on their landlord. I thank Peter for his support.

**David Lloyd:** I also welcome your statement, Deputy Minister, and thank you for bringing forward the Proposed National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order 2010 for consideration in a statement this afternoon. Housing is one of those pivotal policy areas, and affordable housing even more so, but I am especially pleased that you have brought this forward. As your statement says, many statutory functions in housing are devolved to the Welsh Ministers, but, as the Assembly does not currently have legislative competence in this field, the Government cannot propose legislation that would enable more coherent action to be taken. That ambition seems to be fulfilled with this proposed LCO. Before I go any further, I congratulate you, Deputy Minister, as this is the first time the National

seiliedig ar ymrwymiadau maniffesto.

Ynglŷn â'r dreth gyngor, cafwyd galwad gan gynghorau am fwy o hyblygrwydd ar godi treth ar ail gartrefi ac ar eiddo gwag. Codasoch y pwynt am yr eithriadau i bersonél y lluoedd arfog, a byddai hynny'n fater i'r Mesur arfaethedig. Mae'n gyffredin cael eithriadau—ac yr ydym i gyd wedi eu gweld—ac mae hynny'n sicr yn bosibilrwydd mewn unrhyw Fesurau sy'n dilyn. Gallai fod yn berthnasol i eiddo gwag, cyn belled nad dyna brif breswylfan unigolyn. Mae hynny'n rhywbeth i'w gofio.

Ni ddywedasom erioed fod atal yr hawl i brynu am gyfnodau dros dro'n datrys y broblem ar unwaith, ond gallai fod yn rhan o'r amrywiaeth o opsiynau y bwriadwn ei chael yn ein dull strategol o ymdrin â thai. O ran tenantiaeth tai cymdeithasol, fel arfer, wrth drosglwyddo stoc, trosglwyddir hawliau unrhyw denant, ond os dewch yn denant i gymdeithas dai ar ôl trosglwyddo stoc, mae eich hawliau'n wahanol i hawliau'r rhai a oedd yn denantiaid yn barod. Y gwahaniaeth hwnnw yw'r peth anodd ei gyfiawnhau, gan fod hawliau pobl yn wahanol, gan ddbynnu ar eu landlord. Diolch i Peter am ei gefnogaeth.

**David Lloyd:** Yr wyf finnau'n croesawu eich datganiad hefyd, Ddirprwy Weinidog, a diolch ichi am gyflwyno Gorchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Tai a Llywodraeth Leol) 2010 i'w ystyried mewn datganiad y prynhawn yma. Mae tai'n un o'r meysydd polisi allweddol hynny, a thai fforddiadwy'n fwy byth, ond yr wyf yn arbennig o falch eich bod wedi cyflwyno hyn. Fel y dywed eich datganiad, mae llawer o swyddogaethau statudol ym maes tai wedi'u datganoli i Weinidogion Cymru, ond, gan nad oes gan y Cynulliad gymhwysedd deddfwriaethol yn y maes hwn, ni all y Llywodraeth gynnig deddfwriaeth a fyddai'n galluogi gweithredu mwy cydlynol. Mae'n ymddangos bod y Gorchymyn arfaethedig hwn yn cyflawni'r uchelgais hwnnw. Cyn mynd dim pellach, yr wyf yn eich

Assembly for Wales will have any law-making powers in the field of housing. In many ways, today is an historic day. We sometimes over-use the word 'historic' in the Chamber, but that is no moot point in relation to this statement today.

A wide variety of issues is covered by this proposed LCO, but I do not want to re-write past history, as attempted by the Conservative spokesperson. You will have been involved in countless discussions on this. However, the question that arises from the broad spectrum of this proposed LCO is how the housing sector at large—and not just you as Deputy Minister for Housing, but local authorities, housing associations, the voluntary sector and numerous other providers—will react to it?

**Jocelyn Davies:** Thank you, Dai, and thank you for your support.

We have put it on the record that the Welsh Ministers have significant executive functions in relation to housing but, until the proposed Order is passed, the Assembly has no legislative powers. I think that people will be surprised by that.

You are right to say that the Assembly Government does not provide houses itself, as it relies on other people to do so. However, I think that the housing world in Wales, as you described it, will welcome this. All the evidence that was given to the committee, supporting the Assembly having the powers to suspend the right to buy, was all very well, but perhaps there was a need for more powers. I gave a commitment at the time that if we found the need for more powers, we would make another bid, and we have been able to do so. Therefore, I think that it will be welcomed, based on the previous evidence.

Having read the report of the task and finish

llongyfarch, Ddirprwy Weinidog, gan mai dyma'r tro cyntaf y bydd gan Gynulliad Cenedlaethol Cymru unrhyw bwerau deddfu ym maes tai. Mewn sawl ffordd, mae heddiw'n ddiwrnod hanesyddol. Weithiau yr ydym yn gordefnyddio'r gair 'hanesyddol' yn y Siambr, ond nid oes dadl am hynny ynglŷn â'r datganiad hwn heddiw.

Mae'r Gorchymyn arfaethedig hwn yn ymdrin ag amrywiaeth eang o faterion, ond nid oes arnaf eisiau ailysgrifennu hanes y gorffennol, fel y ceisiodd llefarydd y Ceidwadwyr wneud. Byddwch wedi bod mewn trafodaethau di-rif ynglŷn â hyn. Fodd bynnag, y cwestiwn sy'n codi o sbectwm eang y Gorchymyn arfaethedig hwn yw sut y bydd y sector tai yn gyffredinol—ac nid chi yn unig fel Dirprwy Weinidog dros Dai, ond awdurdodau lleol, cymdeithasau tai, y sector gwirfoddol ac amryfal ddarparwyr eraill—yn ymateb iddo.

**Jocelyn Davies:** Diolch, Dai, a diolch am eich cefnogaeth.

Yr ydym wedi rhoi ar gof a chadw fod gan Weinidogion Cymru swyddogaethau gweithredol sylweddol mewn perthynas â thai ond, hyd nes caiff y Gorchymyn arfaethedig ei basio, nid oes gan y Cynulliad bwerau deddfwriaethol. Credaf y bydd pobl yn synnu at hynny.

Yr ydych yn iawn wrth ddweud nad yw Llywodraeth y Cynulliad yn darparu tai ei hun, gan ei bod yn dibynnu ar bobl eraill i wneud hynny. Fodd bynnag, credaf y bydd y byd tai yng Nghymru, fel y'i disgrifiwyd gennyh, yn croesawu hyn. Yr oedd yr holl dystiolaeth a roddwyd i'r pwyllgor, a oedd yn cefnogi rhoi'r pŵer i'r Cynulliad atal yr hawl i brynu, yn iawn yn ei le, ond efallai fod angen rhagor o bwerau. Rhoddais ymrwymiad ar y pryd pe gwelem yr angen am ragor o bwerau, y gwnaem gais arall, ac yr ydym wedi gallu gwneud hynny. Felly, credaf y croesewir hyn, ar sail y dystiolaeth flaenorol.

Wedi darllen adroddiad y grŵp gorchwyl a

group under the Essex review of housing associations, I feel that one of the most important comments in it was that we should take a different approach to housing in Wales, and that we should treat our partners as partners—and equal partners at that. Therefore, our partners have joined us in developing the policies that underpin this request. They have been fully involved in developing a new regulatory regime and the strategies that I mentioned earlier. I am sure that they will be as ambitious as we are to ensure that a housing policy for Wales can be made here in the Assembly.

**The Presiding Officer:** Thank you, Deputy Minister, for your universally welcomed legislative statement.

gorffen o dan adolygiad Essex ar gymdeithasau tai, teimlaf mai un o'r sylwadau pwysicaf ynddo oedd y dylem gymryd agwedd wahanol at dai yng Nghymru, ac y dylem drin ein partneriaid fel partneriaid—a phartneriaid cyfartal yn ogystal. Felly, mae ein partneriaid wedi ymuno â ni i ddatblygu'r polisiau sy'n sail i'r cais hwn. Maent wedi cael rhan lawn mewn datblygu trefn reoleiddio newydd a'r strategaethau a grybwyllais yn gynharach. Yr wyf yn siŵr y byddant mor uchelgeisiol â ni i sicrhau y gellir llunio polisi tai i Gymru yma yn y Cynulliad.

**Y Llywydd:** Diolch, Ddirprwy Weinidog, am eich datganiad deddfwriaethol a groesawyd gan bawb.

*Daeth y Dirprwy Lywydd (Rosemary Butler) i'r Gadair am 2.59 p.m.  
The Deputy Presiding Officer (Rosemary Butler) took the Chair at 2.59 p.m.*

### **Dadl am Orchymyn Drafft Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Yr Amgylchedd) 2010 a'i Gymeradwyo, o dan Reol Sefydlog Rhif 22.34**

#### **Debate and Approval of the Draft National Assembly for Wales (Legislative Competence) (Environment) Order 2010 under Standing Order No. 22.34**

**The Deputy Presiding Officer:** I have selected amendments 1 and 2 in the name of Alun Cairns.

**Y Dirprwy Lywydd:** Yr wyf wedi dethol gwelliannau 1 a 2 yn enw Alun Cairns.

**The Minister for Environment, Sustainability and Housing (Jane Davidson):** I move that

**Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai (Jane Davidson):** Cynigiau fod

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

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

*approves the Draft National Assembly for Wales (Legislative Competence) (Environment) Order 2010. (NDM4335)*

*yn cymeradwyo Gorchymyn Drafft Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (yr Amgylchedd) 2010. (NDM4335)*

I am delighted, finally, to present the draft legislative competence Order on the environment for approval. Today represents a further step towards securing legislative powers for the Assembly in relation to the environment.

Yr wyf wrth fy modd o gyflwyno, o'r diwedd, y Gorchymyn cymhwysedd deddfwriaethol drafft ynghylch yr amgylchedd i'w gymeradwyo. Mae heddiw'n gam arall at sicrhau pwerau deddfu i'r Cynulliad yng nghyswllt yr amgylchedd.

3.00 p.m.

One of the key drivers behind this request for competence is to enable us to address some significant environmental challenges, such as reducing the size of Wales's ecological footprint and becoming more sustainable. Legislative competence will provide a further lever to help address these environmental challenges. It will also help us to build on the distinct policy agenda that we have in Wales.

It may be helpful if I briefly explain the background to the draft Order. I am sure that Members will recall that the proposal was published shortly after the last Assembly election, and was scrutinised by an Assembly LCO committee. I am grateful for the committee's work. We then engaged in further discussions with a number of UK Government departments on the legislation. These discussions helped to clarify the scope of competence.

The draft LCO under consideration today was considered over the summer by the Assembly's Legislation Committee No. 4, the Welsh Affairs Committee and the House of Lords' Constitution Committee. I thank all three committees, as their scrutiny has been very constructive and has helped inform this draft LCO. The committees, and the organisations that provided evidence to them, supported the request for legislative competence. The committees made a number of recommendations that were largely concerned with making the legislation easier to understand, providing clarity about what is within or outside the National Assembly's competence and avoiding unnecessary duplication. I have considered all of the recommendations carefully and a number of them are reflected within the draft LCO before us today. They are, essentially, technical or drafting changes. I would emphasise that there has been no effect on the

Un o'r rhesymau allweddol dros wneud y cais hwn am gymhwysedd yw er mwyn ein galluogi i fynd i'r afael â rhai heriau amgylcheddol sylweddol, megis lleihau maint ôl troed ecolegol Cymru a dod yn fwy cynaliadwy. Bydd cymhwysedd deddfwriaethol yn gyfrwng arall i'n cynorthwyo i fynd i'r afael â'r heriau amgylcheddol hyn. Bydd yn gymorth hefyd inni adeiladu ar sail yr agenda wahanol sydd gennym o ran polisiau yng Nghymru.

Efallai y bydd o gymorth os esboniaf yn gryno gefndir y Gorchymyn drafft. Yr wyf yn siŵr y bydd yr Aelodau'n cofio i'r cynnig gael ei gyhoeddi'n fuan ar ôl etholiad diwethaf y Cynulliad, ac i un o bwyllgorau Gorchymynion Cymhwysedd Deddfwriaethol y Cynulliad graffu arno. Yr wyf yn ddiolchgar am waith y pwyllgor. Yna, cafwyd rhagor o drafodaethau â nifer o adrannau Llywodraeth y Deyrnas Unedig ynglŷn â'r ddeddfwriaeth. Bu'r trafodaethau hyn yn gymorth i egluro cwmpas y cymhwysedd.

Yn ystod yr haf, ystyriwyd y Gorchymyn drafft sydd dan sylw heddiw gan Bwyllgor Deddfwriaeth Rhif 4 y Cynulliad, gan y Pwyllgor Materion Cymreig a chan Bwyllgor Cyfansoddiad Tŷ'r Arglwyddi. Diolch i bob un o'r tri phwyllgor, gan fod eu craffu wedi bod yn adeiladol iawn ac wedi bod o gymorth wrth lunio'r Gorchymyn drafft hwn. Cefnogwyd y cais am gymhwysedd deddfwriaethol gan y pwyllgorau, a'r sefydliadau a roddodd dystiolaeth iddynt. Gwnaeth y pwyllgorau nifer o argymhellion a oedd yn ymwneud yn bennaf â gwneud y ddeddfwriaeth yn haws ei deall, sicrhau bod yr hyn sy'n dod o fewn cymhwysedd y Cynulliad Cenedlaethol neu'r tu allan iddo'n glir ac osgoi dyblygu diangen. Yr wyf wedi ystyried pob argymhelliad yn ofalus ac adlewyrchir nifer ohonynt yn y Gorchymyn drafft sydd ger ein bron heddiw. Yn eu hanfod, newidiadau technegol neu newidiadau drafftio yw'r rhain. Byddwn yn



scope of the proposed competence to be conferred on the National Assembly, other than to narrow the scope of one of the exceptions. I will return to this later.

The first key change has been the restructuring of the original matter 6.1, which now deals with waste on land, and a new matter 6.2, which deals only with the disposal of waste in the sea, where that waste has been collected, managed or treated on land. The Assembly's legislation committee identified the existence of two definitions of Wales as a potential source of confusion. The draft LCO provides an alternative way of dealing with the issue, thus addressing the committee's concern.

Secondly, the overlap between the fixed exception and the floating exception relating to the generation of energy has been removed. I have removed the fixed exception, thereby removing the overlap. I also considered the appropriateness of the floating exception, but I concluded that, in this instance, it met our rationale for the use of floating exceptions.

Both the Assembly committee and the Welsh Affairs Committee recommended the removal of definitions that were not strictly necessary to define the scope of competence. Five definitions have subsequently been removed from the draft Order. A further definition has also been simplified in a minor way.

The previous exception relating to

'provision made by health and safety regulations'

has been amended and now applies to regulation concerning the control of major accident hazards involving dangerous substances. This fixed exception applies to all four matters in the draft LCO. This change seeks to clarify the meaning of this exception, the breadth of which has been reduced since

pwysleisio nad yw'r rhain wedi effeithio ar gwmpas y cymhwysedd arfaethedig a drosglwyddir i'r Cynulliad Cenedlaethol, heblaw cyfyngu ar gwmpas un o'r eithriadau. Dychwelaf at hyn yn ddiweddarach.

Y newid allweddol cyntaf oedd ailstrwythuro mater gwreiddiol 6.1, sydd bellach yn ymdrin â gwastraff ar dir, a mater newydd 6.2, nad yw ond yn ymdrin â gwaredu gwastraff yn y môr, lle bo'r gwastraff hwnnw wedi'i gasglu, wedi'i reoli neu wedi'i drin ar y tir. Yr oedd pwyllgor deddfwriaeth y Cynulliad yn meddwl y gallai'r ffaith bod dau ddiffiniad o Gymru beri dryswch. Mae'r Gorchymyn drafft yn cynnig ffordd arall o ymdrin â'r mater, ac felly'n mynd i'r afael â phryder y pwyllgor.

Yn ail, mae'r gorgyffwrdd rhwng yr eithriad penodol a'r eithriad cyffredinol sy'n ymwneud â chynhyrchu ynni wedi'i ddileu. Yr wyf wedi dileu'r eithriad penodol, ac felly wedi cael gwarded ar y gorgyffwrdd. Ystyriais hefyd pa mor briodol oedd yr eithriad cyffredinol, ond casglais ei fod, yn y cyswllt hwn, yn gyson â'n rhesymwaith dros ddefnyddio eithriadau cyffredinol.

Argymhelliad pwyllgor y Cynulliad a'r Pwyllgor Materion Cymreig oedd y dylid dileu diffiniadau nad oeddent yn hollol angenrheidiol er mwyn diffinio cwmpas cymhwysedd. Felly, mae pum diffiniad wedi'u dileu o'r Gorchymyn drafft. Mae mân newidiadau wedi'u gwneud mewn diffiniad arall hefyd er mwyn ei symleiddio.

Mae'r eithriad blaenorol a oedd yn ymwneud â

'darpariaeth a wnaed gan reoliadau iechyd a diogelwch'

wedi'i ddiwygio ac erbyn hyn, mae'n berthnasol i reoliad sy'n ymwneud â rheoli peryglon yn sgîl damweiniau mawr sy'n cynnwys sylweddau peryglus. Mae'r eithriad penodol hwn yn berthnasol i bob un o'r pedwar mater yn y Gorchymyn drafft. Nod y newid hwn yw egluro ystyr yr eithriad hwn,

the pre-legislative draft.

Two further changes have been made to the draft LCO. There has been a change in the way in which the exception relating to the decommissioning of offshore activities is presented. This ensures that the exception is listed once and applies to all four matters. There has also been a small change to the exception relating to carbon capture and storage. This amendment replaces the previous wording of 'capture, conveyance and disposal' with 'capture, conveyance or disposal'.

To provide further clarity, the explanatory memorandum provides more detail on the rationale and effect of each of the exceptions contained within the draft Order. I note the comments made during pre-legislative scrutiny on the need to ensure transparency and understanding of the Assembly's competence. I will, therefore, make available a short guide to the draft LCO, which will be published on the Assembly Government's website. We have also considered and noted all of the other committee recommendations.

I now turn to the two amendments. The first relates to the legislative boundaries of the National Assembly. As I have outlined, a number of changes have been made to the legislation to provide simplification and greater clarity relating to the competence. A more detailed explanation of the exceptions has also been provided in the explanatory memorandum, to clarify the boundaries of the competence and the effect on future Measures.

The second amendment relates to the use of carve-outs. Carve-outs are drafting devices that are used to narrow the scope of exceptions, and their relevance to this draft LCO is essentially in the context of floating exceptions. The effect of a carve-out to a floating exception is to ensure that the Assembly has competence over that topic to the extent that there is a matter that covers it. Carve-outs cannot confer competence; only

gan ei fod wedi'i gyfyngu ers y drafft cyn y broses ddeddfu.

Mae'r Gorchymyn drafft wedi'i newid mewn dwy ffordd arall. Newidiwyd y ffordd y cyflwynir yr eithriad sy'n ymwneud â datgomisiynu gweithgareddau ar y môr. Mae hyn yn sicrhau bod yr eithriad yn cael ei restru unwaith ac yn berthnasol i bob un o'r pedwar mater. Mae newid bach wedi bod hefyd yn yr eithriad sy'n ymwneud â dal a storio carbon. Mae'r newid hwn yn rhoi'r geiriau 'dal, cludo neu waredu' yn lle'r geiriad blaenorol 'dal, cludo a gwaredu'.

Er mwyn bod yn gliriach, mae'r memorandwm esboniadol yn cynnig mwy o fanylion am resymwaith ac effaith pob un o'r eithriadau sydd yn y Gorchymyn drafft. Nodaf y sylwadau a wnaethpwyd wrth graffu cyn deddfu fod angen sicrhau bod cymhwysedd y Cynulliad yn dryloyw ac yn ddealladwy. Felly, byddaf yn cyhoeddi canllaw byr i'r Gorchymyn drafft ar wefan Llywodraeth y Cynulliad. Yr ydym hefyd wedi ystyried ac wedi nodi holl argymhellion eraill y pwyllgor.

Trof yn awr at y ddau welliant. Mae a wnelo'r cyntaf â ffiniau deddfwriaethol y Cynulliad Cenedlaethol. Fel yr wyf wedi dweud, mae nifer o newidiadau wedi'u gwneud yn y ddeddfwriaeth er mwyn sicrhau bod y cymhwysedd yn symlach ac yn fwy eglur. Hefyd, darparwyd esboniad mwy manwl o'r eithriadau yn y memorandwm esboniadol, er mwyn egluro ffiniau'r cymhwysedd a'r effaith ar Fesurau yn y dyfodol.

Mae a wnelo'r ail welliant â defnyddio eithriadau i'r eithriadau. Dyfeisiau drafftio yw'r rhain a ddefnyddir i gyfyngu ar gwmpas eithriadau, ac, yn y bôn, maent yn berthnasol i'r Gorchymyn drafft hwn yng nghyd-destun eithriadau cyffredinol. Effaith eithriad i eithriad mewn eithriad cyffredinol yw sicrhau bod gan y Cynulliad gymhwysedd i ymdrin â'r pwnc hwnnw i'r graddau bod mater yn ei gynnwys. Ni all eithriadau i eithriadau

matters can do that. Carve-outs can protect the scope of existing or future matters that could potentially overlap with the scope of exceptions. The carve-outs that apply to this draft LCO all serve to legally clarify the extent of the proposed competence and are all appropriate in this instance. Therefore, I urge you to reject these amendments.

**Jonathan Morgan:** I am grateful to the Minister for giving way. If the Minister, after this debate, reads the Record of Proceedings to see what she has just said, she will see that what she has just said confirms why we used the term ‘complexity’ in the amendment.

**Jane Davidson:** I do not disagree with the use of the word ‘complexity’ in this context. This has been the first substantial draft LCO. However, I disagree that there is a lack of clarity to the legislation, because the carve-outs give legal clarity. The transfer of legislation is all about having that legal clarity.

To conclude, the conferral of legislative competence will enable the development of legislation in Wales in the three areas of waste, pollution and nuisances. These have been long-devolved to Welsh Ministers, and, as Jocelyn said in the context of the previous LCO bid on housing, because we have executive powers, this Government believes in ensuring that the Assembly also has legislative powers, as far as possible, to reflect that legislative competence. Therefore, it is wholly appropriate that legislation on environmental protection and waste management issues should be considered and started by the National Assembly.

Pre-legislative scrutiny has helped to refine the legislation. I hope that those who have seen the draft LCO in all its stages will agree

drosoglwyddo cymhwysedd; dim ond materion a all wneud hynny. Gall eithriadau i eithriadau warchod cwmpas materion a allai, yn y presennol neu yn y dyfodol, orgyffwrdd â chwmpas eithriadau. Mae'r eithriadau i eithriadau sy'n berthnasol i'r Gorchymyn drafft hwn i gyd yno er mwyn egluro'n gyfreithiol beth yw hyd a lled y cymhwysedd arfaethedig ac maent i gyd yn briodol yn y cyswllt hwn. Felly, pwysaf arnoch i wrthod y gwelliannau hyn.

**Jonathan Morgan:** Yr wyf yn ddiolchgar i'r Gweinidog am ildio. Os bydd y Gweinidog, ar ôl y ddadl hon, yn darllen Cofnod y Trafodion i weld yr hyn y mae newydd ei ddweud, bydd yn gweld bod yr hyn y mae newydd ei ddweud yn cadarnhau pam y defnyddiwyd y term ‘cymhlethdod’ gennym yn y gwelliant.

**Jane Davidson:** Nid wyf yn anghytuno â defnyddio'r gair ‘cymhlethdod’ yn y cyddestun hwn. Dyma'r Gorchymyn drafft sylweddol cyntaf. Serch hynny, yr wyf yn anghytuno nad yw'r deddfwriaeth yn glir, oherwydd y mae'r eithriadau i'r eithriadau'n sicrhau eglurder cyfreithiol. Yr eglurder cyfreithiol hwnnw yw hanfod trosglwyddo deddfwriaeth.

I gloi, drwy drosoglwyddo cymhwysedd deddfwriaethol, bydd modd datblygu deddfwriaeth yng Nghymru yn y tri maes, sef gwastraff, llygredd a niwsans. Mae'r rhain wedi'u datganoli i Weinidogion Cymru ers tro, ac fel y dywedodd Jocelyn yng nghydestun y cais blaenorol am Orchymyn ynghylch tai, oherwydd bod gennym bwerau gweithredol, cred y Llywodraeth hon y dylid sicrhau pwerau deddfu hefyd i'r Cynulliad, cyn belled ag y bo modd, er mwyn adlewyrchu'r cymhwysedd deddfwriaethol hwnnw. Felly, mae'n gwbl briodol i'r Cynulliad Cenedlaethol ystyried a chychwyn deddfwriaeth ynghylch diogelu'r amgylchedd a rheoli gwastraff.

Mae'r craffu cyn deddfu wedi bod o gymorth i fireinio'r deddfwriaeth. Gobeithio y bydd y rhai sydd wedi gweld y Gorchymyn drafft

that it has now been improved. To reiterate the point, the scope of the legislative competence to be conferred on the National Assembly has not changed since the pre-legislative scrutiny, and I hope that Members will continue to support the draft LCO and enable it to go forward to the next stage of approval by both Houses of Parliament.

**Michael German:** I am grateful for the opportunity to speak in this debate as Chair of Legislation Committee No. 4. This has probably been the most complex piece of legislation that the Assembly has had to consider; therefore, it might be helpful to Members if I gave some of the history of this legislation, and briefly explained the background to the draft Order before us today, explaining why this document, which is the committee report on this legislative competence Order, is so extensive.

Members will remember that the original proposed environment LCO was first laid before the National Assembly in June 2007. It was then referred to an ad hoc committee, the Proposed Environmental Protection and Waste Management LCO Committee, which was established especially to scrutinise it. That committee reported on 29 November 2007. It agreed with the general principles of the proposed Order but it made a number of recommendations aimed at improving the clarity of the legislative powers being conferred on the National Assembly. However, that proposed Order was not referred by the Secretary of State to the Welsh Affairs Committee in the House of Commons or to the Constitution Committee in the House of Lords until 27 April 2009. Therefore, there was an intervening period between November 2007 and April 2009. By this time, when it was introduced into Parliament, it had been extensively amended so that it was substantially more complex in nature: the exceptions to the powers being transferred now filled over four pages and, in crude terms, had expanded by a factor of 12.

yn ystod pob cyfnod yn cytuno ei fod yn well erbyn hyn. Ac ailadrodd y pwynt, nid yw cwmpas y cymhwysedd deddfwriaethol a drosglwyddir i'r Cynulliad Cenedlaethol wedi newid ers y craffu cyn deddfu, a gobeithio y bydd yr Aelodau'n dal i gefnogi'r Gorchymyn drafft ac yn ei alluogi i fynd rhagddo i'r cyfnod nesaf i'w gymeradwyo gan ddau Dŷ'r Senedd.

**Michael German:** Yr wyf yn ddiolchgar am y cyfle i siarad yn y ddafl hon a minnau'n Gadeirydd Pwyllgor Deddfwriaeth Rhif 4. Mae'n debyg mai dyma'r darn mwyaf cymhleth o ddeddfwriaeth y mae'r Cynulliad wedi gorfod ei ystyried. Felly, efallai y byddai'n gymorth i'r Aelodau petawn yn rhoi rhywfaint o hanes y ddeddfwriaeth, ac esbonio'n fras beth yw cefndir y Gorchymyn drafft sydd ger ein bron heddiw, gan esbonio pam mae'r ddogfen hon, sef adroddiad y pwyllgor ar y Gorchymyn cymhwysedd deddfwriaethol hwn, mor helaeth.

Bydd yr Aelodau'n cofio i'r Gorchymyn arfaethedig gwreiddiol ynghylch yr amgylchedd gael ei osod gerbron y Cynulliad Cenedlaethol ym mis Mehefin 2007. Yna, fe'i cyfeiriwyd at bwyllgor *ad hoc*, y Pwyllgor ar y Gorchymyn ynghylch Diogelu'r Amgylchedd a Rheoli Gwastraff, a sefydlwyd yn arbennig i graffu arno. Cyflwynodd y pwyllgor hwnnw adroddiad ar 29 Tachwedd 2007. Yr oedd yn cytuno ag egwyddorion cyffredinol y Gorchymyn arfaethedig ond gwnaeth nifer o argymhellion a oedd â'r nod o wneud y pwerau deddfu a drosglwyddid i'r Cynulliad Cenedlaethol yn fwy eglur. Fodd bynnag, ni chyfeiriodd yr Ysgrifennydd Gwladol y Gorchymyn arfaethedig hwnnw at Bwyllgor Materion Cymreig Tŷ'r Cyffredin nac at Bwyllgor Cyfansoddiad Tŷ'r Arglwyddi tan 27 Ebrill 2009. Felly, aeth cyfnod heibio rhwng mis Tachwedd 2007 a mis Ebrill 2009. Erbyn yr adeg honno, pan gyflwynwyd ef i'r Senedd, yr oedd wedi'i ddiwygio'n sylweddol ac yr oedd bellach yn llawer mwy cymhleth ei natur: yr oedd yr eithriadau i'r pwerau a drosglwyddid yn awr yn llenwi mwy na phedwar tudalen, ac yr oedd, a'i roi'n syml,

wedi cynyddu ddeuddeg gwaith.

Following referral of the revised proposed Order to Legislation Committee No. 4, we sought to examine how it had changed since its initial introduction in the Chamber when it was first debated by this National Assembly. We tried to understand the reasons for the changes and the implications of those changes. We received four written consultation responses and took oral evidence from the Minister. Unfortunately, an extremely tight timescale—only four weeks—within which we were required to report, meant that we were unable to take oral evidence from other stakeholders. We are grateful to all those who have provided written evidence to the committee at such short notice.

3.10 p.m.

Turning to the recommendations in the report, we were content with the principle and the broad nature of the law-making powers being conferred on the National Assembly for Wales by the proposed Order. However, we expressed reservations about how the powers were constrained by extensive fixed and floating exceptions. We therefore recommended that the Minister investigate ways in which the legislation could be simplified, and suggested several ways in which that could be achieved. For example, we call for the removal of unnecessary definitions. We pointed out that the proposed Order defined Wales differently from the way in which it is defined in the Government of Wales Act 2006. We recommended removing floating exceptions from fields 4, 10 and 19, because they did not appear to relate directly to the matters being added under the environment field. We queried whether the number of specific exceptions was justified, as Schedule 5 to the Government of Wales Act 2006 already ensures that individual Measures cannot modify functions of the UK Government without the consent of the Secretary of State.

Our concerns about the complexity of the

Ar ôl cyfeirio'r Gorchymyn arfaethedig diwygiedig at Bwyllgor Deddfwriaeth Rhif 4, aethom ati i weld sut yr oedd wedi newid ers ei gyflwyno yn y lle cyntaf yn y Siambr pan drafodwyd ef gyntaf gan y Cynulliad Cenedlaethol hwn. Ceisiwyd deall y rhesymau dros y newidiadau hyn a goblygiadau'r newidiadau hynny. Cawsom bedwar ymateb ysgrifenedig i'r ymgynghori a chafwyd tystiolaeth lafar gan y Gweinidog. Yn anffodus, oherwydd bod yr amserlen yn eithriadol o dynn ar gyfer cyflwyno adroddiad—dim ond pedair wythnos—ni allem gymryd tystiolaeth lafar gan randdeiliaid eraill. Yr ydym yn ddiolchgar i bawb sydd wedi rhoi tystiolaeth ysgrifenedig i'r pwyllgor gyda chyn lleied o rybudd.

A throi at argymhellion yr adroddiad, yr oeddem yn fodlon ar egwyddor a natur gyffredinol y pwerau deddfu a drosglwyddir i'r Cynulliad Cenedlaethol drwy'r Gorchymyn arfaethedig. Fodd bynnag, dywedasom ein bod yn poeni am y ffordd yr oedd y pwerau'n cael eu cyfyngu gan y lluo eithriadau penodol a chyffredinol. Felly, ein hargymhelliad oedd y dylai'r Gweinidog ystyried sut y gellid symleiddio'r ddeddfwriaeth, gan awgrymu sawl ffordd o wneud hynny. Er enghraifft, yr ydym yn galw am ddileu diffiniadau diangen. Tynnwyd sylw at y ffaith bod y Gorchymyn arfaethedig yn diffinio Cymru'n wahanol i'r ffordd y'i diffinnir yn Neddf Llywodraeth Cymru 2006. Ein hargymhelliad oedd y dylid dileu'r eithriadau cyffredinol o feysydd 4, 10 ac 19, am nad oeddent i bob golwg yn uniongyrchol berthnasol i'r materion a ychwanegid o dan faes yr amgylchedd. Holwyd a oedd modd cyfiawnhau nifer yr eithriadau penodol, gan fod Atodlen 5 i Ddeddf Llywodraeth Cymru 2006 eisoes yn sicrhau na all Mesurau unigol newid swyddogaethau Llywodraeth y Deyrnas Unedig heb ganiatâd yr Ysgrifennydd Gwladol

Yr oedd ein pryder am gymhlethdod y

proposed Order arose out of our general concerns at the developing complexity of Schedule 5 to the 2006 Act, which is, in a sense, our written constitution. Similar concerns about this complexity were also expressed in relation to the proposed Order by the Welsh Affairs Committee and the House of Lords' Constitution Committee. It is, therefore, disappointing that, although some changes have been made to the draft Order, it still remains incredibly complex. It is a mass of fixed exceptions, floating exceptions and carve-outs. For Members who want a definition of a carve-out, it is an exception to an exception.

That complexity will make it harder for stakeholders and relevant professionals—and, goodness knows, the general public—who work in the environment field, to understand the boundaries of the National Assembly's powers in this vital area of public policy. After all, the Welsh public does take an active interest in the environment; the recent press release and press reports about public attitudes to the environment in Wales and the views of Welsh families on climate change have demonstrated that.

The complexity of the draft Order also stands in stark contrast to the simplicity of the legislative competence contained in Schedule 7 to the 2006 Act, which the Assembly will gain after a referendum, assuming it is successful. I note that our recommendation to remove floating exceptions in relation to fields 4, 10 and 19, and to replace them with fixed exceptions, has not been accepted. Although the House of Lords' Constitution Committee considered the motive for including such floating exceptions to be understandable, given that environmental concerns are relevant to policy and legislation in many areas, it regarded this approach as complex, and, in its words, 'inelegant'. It stressed the obstacles to effective pre-legislative scrutiny that this approach causes, and reiterated that it should not become common practice.

Gorchymyn arfaethedig yn deillio o'n pryder cyffredinol ynglŷn â chymhlethdod cynyddol Atodlen 5 i Ddeddf 2006, sef, mewn ffordd, ein cyfansoddiad ysgrifenedig. Mynegwyd pryderon tebyg am y cymhlethdod hwn yng nghyswllt y Gorchymyn arfaethedig hefyd gan y Pwyllgor Materion Cymreig a Phwyllgor Cyfansoddiad Tŷ'r Arglwyddi. Felly, mae'n siomedig, er bod y Gorchymyn drafft wedi'i newid mewn rhai ffyrdd, ei fod yn dal yn anhygoel o gymhleth. Mae'n fôr o eithriadau penodol, eithriadau cyffredinol ac eithriadau i'r eithriadau.

Bydd y cymhlethdod hwnnwn ei gwneud yn anos i randdeiliaid a gweithwyr proffesiynol perthnasol—a, dyn a wŷr, i'r cyhoedd—sy'n gweithio ym maes yr amgylchedd, ddeall ffiniau pwerau'r Cynulliad Cenedlaethol yn y maes polisi cyhoeddus hollbwysig hwn. Wedi'r cyfan, mae'r cyhoedd yng Nghymru'n dangos diddordeb brwd yn yr amgylchedd; mae'r datganiad i'r wasg yn ddiweddar ac adroddiadau yn y wasg am agweddau'r cyhoedd at yr amgylchedd yng Nghymru a barn teuluoedd yng Nghymru ynglŷn â'r newid yn yr hinsawdd wedi dangos hynny.

Mae cymhlethdod y Gorchymyn drafft hefyd yn gwrthgyferbynnu'n amlwg â symlrwydd y cymhwysedd deddfwriaethol sydd yn Atodlen 7 i Ddeddf 2006, y bydd y Cynulliad yn ei gael ar ôl refferendwm, a thybio y bydd yn llwyddo. Nodaf nad yw ein hargymhelliad i ddileu eithriadau cyffredinol yng nghyswllt meysydd 4, 10 ac 19 a rhoi eithriadau penodol yn eu lle, wedi'i dderbyn. Er bod Pwyllgor Cyfansoddiad Tŷ'r Arglwyddi yn meddwl bod modd deall y cymhelliad dros gynnwys eithriadau cyffredinol o'r fath, gan fod ystyriaethau amgylcheddol yn berthnasol i bolisiau a deddfwriaeth mewn sawl maes, yr oedd yn gweld y dull hwn yn un cymhleth a thrwsgl. Pwysleisiodd fod y dull hwn yn rhwystro rhywun rhag craffu'n effeithiol cyn deddfu, a dywedodd eto na ddylai hyn ddod yn arfer cyffredin.

I do not believe that the Minister made a strong enough case for adopting such an approach in the case of this draft Order. I remain of the view that it would have been both practical and desirable to avoid including floating exceptions in the draft Order, and to redraft it using fixed exceptions, as recommended by the committee. It is needlessly confusing, and somewhat odd, to remove legislative competence from fields in which no matters have yet been inserted in Schedule 5 to the Government of Wales Act 2006.

I place on record my thanks to the Welsh Affairs Committee for the valuable informal meeting that we held to discuss the proposed Order. The outcome of that meeting was a joint letter sent from both committees to the Secretary of State for Wales about our reports' recommendations for the future presentation and scrutiny of legislative competence Orders. I sincerely hope that future proposed Orders and accompanying explanatory memoranda take account of our recommendations on the need for greater clarity in defining and explaining the boundaries of the National Assembly's powers. Such an approach is vital to the principles of openness, transparency and good governance.

I thank the Minister and her officials for cooperating so openly with our committee and for giving consideration to our report. I also thank the committee members for their hard work and all of those who assisted us in our work, including the clerks to the committee and the lawyers in the legislative team of the National Assembly for Wales, without whom we could not have made sense of this document. In the limited time available, the committee has made an important contribution to ensuring that the draft Order before the Assembly today has been subject to thorough and effective scrutiny.

Ni chredaf fod dadl y Gweinidog yn ddigon cryf i'n hargyhoeddi y dylid mabwysiadu dull o'r fath yng nghyswllt y Gorchymyn drafft hwn. Yr wyf yn dal i gredu y buasai'n ymarferol ac yn well osgoi cynnwys eithriadau cyffredinol yn y Gorchymyn drafft, a'i ailddrafftio gan ddefnyddio eithriadau penodol, yn unol ag argymhellid y pwyllgor. Mae dileu cymhwysedd deddfwriaethol o feysydd nad oes materion wedi'u cynnwys ynddynt eto yn Atodlen 5 i Ddeddf Llywodraethu Cymru 2006 yn rhyfedd braidd ac yn drysu pethau heb fod angen.

Yr wyf yn cofnodi fy niolch i'r Pwyllgor Materion Cymreig am y cyfarfod anffurfiol gwerthfawr a gawsom i drafod y Gorchymyn arfaethedig. Canlyniad y cyfarfod hwnnw oedd anfon llythyr ar y cyd gan y ddau bwyllgor at Ysgrifennydd Gwladol Cymru ynglŷn ag argymhellion ein hadroddiadau ar gyfer cyflwyno Gorchymynion cymhwysedd deddfwriaethol yn y dyfodol a chraffu arnynt. Yr wyf yn gobeithio'n wir y bydd y Gorchymynion arfaethedig yn y dyfodol a'r memoranda esboniadol sy'n cyd-fynd â hwy'n ystyried ein hargymhellion ynghylch bod angen mwy o eglurder wrth ddiffinio ac esbonio ffiniau pwerau'r Cynulliad Cenedlaethol. Mae hynny'n hollbwysig er mwyn cadw at egwyddorion llywodraethu da, agored a thryloyw .

Diolch i'r Gweinidog ac i'w swyddogion am gydweithredu mor agored â'n pwyllgor ac am ystyried ein hadroddiad. Diolch i aelodau'r pwyllgor hefyd am eu holl waith caled ac i bawb a fu'n ein cynorthwyo yn ein gwaith, gan gynnwys clerod y pwyllgor a'r cyfreithwyr yn nhîm deddfwriaethol Cynulliad Cenedlaethol Cymru. Hebddynt, ni fyddem wedi gallu deall y ddogfen hon. Yn yr amser prin a oedd ar gael, mae'r pwyllgor wedi gwneud cyfraniad pwysig at sicrhau bod y Gorchymyn drafft sydd gerbron y Cynulliad heddiw wed bod yn destun craffu trwyadl ac effeithiol.

**Angela Burns:** I move the following amendments in the name of Alun Cairns. Amendment 1: insert a new point at the end of the motion:

*regrets the lack of clarity as to where the boundaries of the National Assembly's legislative competence will lie.*

Amendment 2: insert a new point at the end of the motion:

*regrets the extensive use of carve-outs and notes that the carve-outs add complexity and a lack of clarity to the legislation.*

I am pleased to speak today in this debate on the Draft National Assembly for Wales (Legislative Competence) (Environment) Order 2010. In speaking, I will use the abbreviation 'LCO'—please forgive me—because it is such a mouthful otherwise.

As we have heard, this draft LCO has been in gestation since 2007. The proposed LCO was subject to detailed scrutiny and a report was tabled at the end of November 2007. The legislation then meandered through the Welsh Affairs Committee of the House of Commons and the Constitution Committee of the House of Lords, both of which contributed to a much-changed proposed LCO returning to the Assembly.

I was concerned that the Minister intended to rely on the previous scrutiny to take this forward. I am grateful that, in the end, the proposed LCO came back to be debated, because there is no doubt that what we have before us today is substantially different from the original legislation.

While I accept that much of the change is due to what might be seen as technical legislative issues, there are sufficient changes for us to ask Members to consider the amendments tabled by the Welsh Conservatives. Indeed,

**Angela Burns:** Cynigaf y gwelliannau canlynol yn enw Alun Cairns. Gwelliant 1: rhoi pwynt newydd ar ddiwedd y cynnig:

*yn gresynu wrth y diffyg eglurder ynghylch lle bydd ffiniau cymhwysedd deddfwriaethol y Cynulliad Cenedlaethol.*

Gwelliant 2: rhoi pwynt newydd ar ddiwedd y cynnig:

*yn gresynu wrth y defnydd eang o eithriadau i'r eithriadau ac yn nodi bod y rhain yn cyfrannu at gymhlethdod a diffyg eglurder y ddeddfwriaeth.*

Yr wyf yn falch o siarad yn y ddadl hon heddiw ynglŷn â Gorchymyn Drafft Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (yr Amgylchedd) 2010. Wrth siarad, byddaf yn defnyddio'r gair 'Gorchymyn'—maddeuwch imi—am ei fod yn gymaint o lond ceg fel arall.

Fel y clywsom, mae'r Gorchymyn drafft hwn wedi bod ar y gweill ers 2007. Craffwyd yn fanwl ar y Gorchymyn arfaethedig a chyflwynwyd adroddiad ddiwedd Tachwedd 2007. Yna, ymlwybrodd y ddeddfwriaeth ar ei thaith drwy Bwyllgor Materion Cymreig Tŷ'r Cyffredin a Phwyllgor Cyfansoddiad Tŷ'r Arglwyddi. Canlyniad y ddau gam hynny oedd bod y Gorchymyn a ddychwelodd i'r Cynulliad wedi newid cryn dipyn.

Yr oeddwn yn poeni bod y Gweinidog yn bwriadu dibynnu ar y craffu blaenorol er mwyn bwrw ymlaen â hyn. Yr wyf yn ddiolchgar bod y Gorchymyn arfaethedig, yn y diwedd, wedi dod yn ôl inni ei drafod, oherwydd nid oes amheuaeth nad yw'r hyn sydd ger ein bron yma heddiw'n sylweddol wahanol i'r ddeddfwriaeth wreiddiol.

Er fy mod yn derbyn bod llawer o'r newidiadau'n rhai y gellid eu hystyried yn faterion deddfwriaethol technegol, mae digon o newidiadau inni ofyn i'r Aelodau ystyried y gwelliannau a gyflwynwyd gan y



the chief legal adviser indicated that the exceptions to the competence to be transferred have expanded by a factor of 12. We believe that the National Assembly for Wales should note the extensive use of carve-outs and the fact that the carve-outs add complexity and a lack of clarity to the legislation. We should regret the lack of clarity with regard to where the boundaries of the National Assembly's legislative competence will lie.

Here, we have a situation where there are exceptions to the exceptions, also known as carve-outs. I am grateful to Legislation Committee No. 4, because, before I was aided by its succinct report, I was losing myself in the maze of this draft LCO. You hit the nail on the head. Indeed, I will quote from your committee's report, Mike:

'we do have some reservations that this clarity has subsequently been clouded by the extent and nature of some of the fixed and floating exceptions provided to these Matters'.

Minister, I accept your argument that some of these are necessary in order to dovetail precisely on the boundary between the executive functions currently devolved. However, we believe that the number and volume of these will make it difficult for the public and stakeholders to understand where competence lies with the Assembly. Therefore, Minister, I am interested to understand why you believe we need so many exceptions. I am not convinced that the rationale that you have put forward to date provides a comprehensive or comprehensible explanation of the purpose of and reasons for many of the exceptions.

Do you believe that, going forward, we need to simplify and rationalise the divisions between devolved and non-devolved functions as we gain legislative competence? I was delighted to hear that Legislation Committee No. 4 has said exactly that in writing. If the situation in relation to this

Ceidwadwyr Cymreig. Yn wir, awgrym y prif gynghorydd cyfreithiol oedd bod yr eithriadau i'r cymhwysedd sydd i'w drosglwyddo wedi cynyddu ddeuddeg gwaith. Credwn y dylai Cynulliad Cenedlaethol Cymru nodi'r defnydd helaeth o eithriadau i'r eithriadau a'r ffaith bod y rhain yn gwneud y ddeddfwriaeth yn fwy cymhleth ac yn llai eglur. Dylem resynu wrth y diffyg eglurder ynghylch ffiniau cymhwysedd deddfwriaethol y Cynulliad Cenedlaethol.

Yma, mae gennym sefyllfa lle y ceir eithriadau i'r eithriadau. Yr wyf yn ddiolchgar i Bwyllgor Deddfwriaeth Rhif 4, oherwydd, cyn i'w adroddiad cryno fy nghynorthwyo, yr oeddwn yn ymgolli yn nrysfa'r Gorchymyn drafft hwn. Dywedasoeh galon y gwir. Yn wir, dyfynnaf o adroddiad eich pwyllgor, Mike:

'mae gennym rai amheuan bod yr eglurder hwn wedi'i gymylu ers hynny gan natur a hyd a lled rhai o'r eithriadau penodol a chyffredinol i'r Materion hyn'.

Weinidog, derbynïaf eich dadl bod rhai o'r rhain yn angenrheidiol er mwyn cyd-fynd yn union â'r ffin rhwng y swyddogaethau gweithredol sydd wedi'u datganoli ar hyn o bryd. Fodd bynnag, credwn y bydd nifer a swmp y rhain yn ei gwneud yn anodd i'r cyhoedd ac i randdeiliaid ddeall beth yn union yw cymhwysedd y Cynulliad. Felly, Weinidog, byddai'n dda gennyf gael ar ddeall pam yr ydych yn credu bod angen cynifer o eithriadau arnom. Nid wyf wedi fy argyhoeddi bod y rhesymwaith yr ydych wedi'i gynnig hyd yn hyn yn rhoi esboniad cynhwysfawr nac ystyrlon o bwrrpas llawer o'r eithriadau a'r rhesymau drostynt.

A ydych yn credu, at y dyfodol, fod angen inni symleiddio a rhesymoli'r rhaniadau rhwng swyddogaethau sydd wedi'u datganoli a swyddogaethau nad ydynt wedi'u datganoli wrth inni gael cymhwysedd deddfwriaethol? Yr oeddwn wrth fy modd o glywed bod Pwyllgor Deddfwriaeth Rhif 4 wedi rhoi'r

draft LCO is complicated, I am sure that the situation will become even more complicated in relation to further LCOs in future.

Finally, it is my contention that it is unclear what the National Assembly can or cannot do with the powers that are to be transferred. Legislation Committee No. 4, the Constitution Committee of the House of Lords and the Welsh Affairs Committee were confused about this. That makes four of us foxed, Minister. I would therefore be grateful for an explanation.

The Welsh Conservatives will support this draft LCO, because we believe that it is only right and proper that the National Assembly for Wales has legislative competence where it already has Executive competence. However, we are concerned about the constraints being placed on this draft LCO, which is why we have tabled the amendments. We are concerned that the text changed substantially between the first and second sets of scrutiny, that there are lists of exceptions that are not necessary, that a great many of them appear to be covered under Part 2 of Schedule 5 to the 2006 Act and, therefore, that there is excessive duplication and a substantial lack of clarity as to where our legislative competence lies. We ask Members to consider our amendments.

3.20 p.m.

**Janet Ryder:** I had the privilege of substituting for another Member on the legislation committee and it just happened to be for the two meetings when it was looking at this piece of legislation. While Plaid Cymru has no problem at all with the substance of the draft LCO, as the Conservatives have said, it is the process that has caused a great deal of concern. The main point that I want to raise, as others have done, concerns the convoluted, tortuous and cumbersome nature of the LCO process. As

union sylw hwnnw ar glawr. Os yw'r sefyllfa yng nghyswllt y Gorchymyn drafft hwn yn gymhleth, yr wyf yn siŵr y daw'r sefyllfa'n fwy cymhleth byth yng nghyswllt Gorchymynion eraill yn y dyfodol.

Yn olaf, fy nabl i yw nad yw'n glir beth y gall y Cynulliad Cenedlaethol ei wneud na beth na all ei wneud gyda'r pwerau a drosglwyddir. Yr oedd dryswch ynglŷn â hyn ym Mhwyllgor Deddfwriaeth Rhif 4, ym Mhwyllgor Cyfansoddiad Tŷ'r Arglwyddi ac yn y Pwyllgor Materion Cymreig. Mae hynny'n golygu bod pedwar ohonom yn y niwl, Weinidog. Felly, byddwn yn ddiolchgar o gael esboniad.

Bydd y Ceidwadwyr Cymreig yn cefnogi'r Gorchymyn drafft hwn, oherwydd credwn ei bod yn hollol briodol i Gynulliad Cenedlaethol Cymru gael cymhwysedd deddfwriaethol yn y meysydd lle y mae ganddo eisoes gymhwysedd Gweithredol. Fodd bynnag, yr ydym yn poeni am y cyfyngiadau a roddir ar y Gorchymyn drafft hwn, a dyna pam yr ydym wedi cyflwyno'r gwelliannau. Yr ydym yn poeni i'r testun newid yn sylweddol rhwng y broses graffu gyntaf a'r ail, fod rhestrau o eithriadau nad oes eu hangen, fod llawer ohonynt, i bob golwg, yn cael eu cynnwys o dan Ran 2 Atodlen 5 i Ddeddf 2006 ac, felly, fod gormod o ddyblygu a diffyg eglurder sylweddol ynglŷn â ffiniau ein cymhwysedd deddfwriaethol. Gofynnwn i'r Aelodau ystyried ein gwelliannau.

**Janet Ryder:** Cefais y ffrainc o fod yn ddirprwy ar ran Aelod arall ar y pwyllgor deddfwriaeth ac fel y digwyddodd yr oedd hynny ar gyfer y ddau gyfarfod pan oedd yn edrych ar y darn hwn o ddeddfwriaeth. Er nad oes gan Blaid Cymru broblem o gwbl gyda sylwedd y Gorchymyn drafft, fel y mae'r Ceidwadwyr wedi dweud, y broses sydd wedi achosi cryn dipyn o bryder. Mae a wnelo'r prif bwynt yr wyf am ei godi, pwynt y mae pobl eraill wedi'i godi, â natur droellog, drofaus a thrwsogl proses y

others have pointed out, this draft LCO has taken two years and nine months, less two days, to get to this stage from the laying of the original proposed LCO and it still has to receive Royal Assent. Do we need any further proof that we need a referendum now? We should not have to go through this process.

**Alun Cairns:** Several Members have rightly criticised the current LCO process, but did you not vote in favour of it in the first instance?

**Janet Ryder:** I think that I will just ignore that question and treat it with the contempt that it deserves.

We have concerns about the short time given to Legislation Committee No. 4 to scrutinise this second proposed LCO. We also have concerns about the number of exceptions, both fixed and floating, that appear in this piece of legislation. I draw Plenary's attention to paragraph 34 of the committee's report in that regard. It was way back on 19 June 2007 that the Minister first laid the proposed Order. By her own admission, it was done with very little prior discussion and agreement with Westminster. It went to a committee chaired by Alun Ffred Jones, the Proposed Environmental Protection and Waste Management LCO Committee, and its report was laid on 27 November 2007. After that, nothing seemed to happen for about 20 months and it was not until 27 April 2009 that the Minister laid the proposed LCO in the form that we are looking at today. The proposed LCO that Peter Hain eventually took to Westminster was radically different from what was originally laid before the Assembly and debated by the Assembly. It was not until 19 May that the changed text was directed to a legislation committee to be looked at. The committee was given a deadline to report by 12 June. That was a very short time in which to look at what was, in effect, a new proposed LCO. There has to be a concern about the process and the way

Gorchmynion. Fel y mae eraill wedi dweud, mae dwy flynedd a naw mis namyn dau ddiwrnod wedi mynd heibio cyn i'r Gorchymyn drafft hwn gyrraedd y fan lle y mae erbyn hyn ers gosod y Gorchymyn arfaethedig gwreiddiol, ac mae angen iddo gael Cydsyniad Brenhinol eto. A oes angen rhagor o brawf arnom fod angen refferendwm arnom yn awr? Ni ddylem orfod mynd drwy'r broses hon.

**Alun Cairns:** Mae sawl Aelod wedi beirniadu proses y Gorchmynion, ac maent yn llygad eu lle, ond oni wnaethoch bleidleisio o'i phlaid yn y lle cyntaf?

**Janet Ryder:** Credaf yr anwybyddaf y cwestiwn hwnnw a'i drin â'r dirmyg y mae'n ei haeddu.

Yr ydym yn poeni bod Pwyllgor Deddfwriaeth Rhif 4 wedi cael cyn lleied o amser i graffu ar yr ail Orchymyn arfaethedig hwn. Yr ydym yn poeni hefyd am nifer yr eithriadau, y rhai penodol a'r rhai cyffredinol, sy'n ymddangos yn y darn hwn o ddeddfwriaeth. Tynnaf sylw'r Cyfarfod Llawn at baragraff 34 yn adroddiad y pwyllgor yn y cyswllt hwnnw. Yr oedd ymhell yn ôl ar 19 Mehefin 2007 pan osodwyd y Gorchymyn arfaethedig gan y Gweinidog yn y lle cyntaf. Cyfaddefodd ei hun i hynny gael ei wneud heb fawr o drafod na chytundeb ymlaen llaw â San Steffan. Aeth gerbron pwyllgor a gadeiriwyd gan Alun Ffred Jones, Pwyllgor ar y Gorchymyn Arfaethedig ynghylch Diogelu'r Amgylchedd a Rheoli Gwastraff, a gosodwyd ei adroddiad ar 27 Tachwedd 2007. Wedi hynny, i bob golwg, ni ddigwyddodd dim am ryw 20 mis ac ni osodwyd y Gorchymyn arfaethedig gan y Gweinidog yn y ffurf yr ydym yn edrych arni heddiw tan 27 Ebrill 2009. Yr oedd y Gorchymyn arfaethedig yr aeth Peter Hain ag ef i San Steffan yn y pen draw'n sylweddol wahanol i'r hyn a osodwyd gerbron y Cynulliad yn wreiddiol ac a drafodwyd gan y Cynulliad. Ni chyfeiriwyd y testun diwygiedig at bwyllgor deddfwriaeth iddo edrych arno tan 19 Mai. Dywedwyd wrth y pwyllgor y byddai'n rhaid iddo baratoi

that this has been managed in the Assembly. Also, it may be well into May next year before the draft LCO receives Royal Assent. The tortuous timetable graphically illustrates why we need to change this process.

In the case of this draft LCO, there were 29 months and five days, to be very specific about this, between the laying of the original proposed LCO and the laying of the new version. That is a very long time and the story is not yet finished. It still needs to receive Royal Assent and then proposed Measures have to be brought forward. I really hope that a Measure can be brought forward as a result of this before the end of the third Assembly in 2011.

I am pleased that some of the many definitions have been removed from the draft LCO. That does clarify. However, another area of concern, apart from the tortuous route this has taken, is the complexity of this draft Order and the use of fixed and floating exceptions. This process has been used twice in the drafting of proposed LCOs and the Subordinate Legislation Committee is going to hold a review into it, because it is a matter of concern. It is becoming very complex and difficult for people outside, looking at these pieces of legislation, to be able to see clearly what powers are being transferred, how they can interact with the process and what the draft LCO will deliver. We need to look at that. We will be supporting this, but nothing more graphically illustrates why the LCO process is not fit for purpose and is not working.

**Jonathan Morgan:** As a member of Legislation Committee No. 4, I was delighted to be able to participate in the scrutiny of this rather complicated draft legislative

adroddiad erbyn 12 Mehefin. Nid oedd fawr o amser o gwbl felly iddo edrych ar Orchymyn a oedd mewn gwirionedd yn Orchymyn arfaethedig newydd. Mae'n anorod bod rhywun yn poeni am y broses a'r ffordd y mae hyn wedi'i reoli yn y Cynulliad. Hefyd, gall fod yn fis Mai y flwyddyn nesaf o leiaf cyn i'r Gorchymyn drafft gael Cydsyniad Brenhinol. Mae'r amserlen drofaus yn dangos yn glir pam mae angen inni newid y broses hon.

O ran y Gorchymyn drafft hwn, yr oedd 29 mis a phum niwrnod, a bod yn benodol iawn ynglŷn â hyn, rhwng gosod y Gorchymyn arfaethedig gwreiddiol a gosod y fersiwn newydd. Mae hwnnw'n gyfnod hir iawn ac nid yw'r stori ar ben eto. Mae angen iddo gael Cydsyniad Brenhinol eto ac wedyn rhaid cyflwyno Mesurau arfaethedig. Yr wyf yn gobeithio'n wir y gellir cyflwyno Mesur yn sgîl hyn cyn diwedd y trydydd Cynulliad yn 2011.

Yr wyf yn falch bod rhai o'r lluo o ddiffiniadau wedi'u dileu o'r Gorchymyn drafft. Mae hynny'n gwneud pethau'n eglurach. Serch hynny, maes arall sy'n destun pryder, ar wahân i'r llwybr trofaus a ddilynwyd, yw cymhlethdod y Gorchymyn drafft hwn a defnyddio eithriadau penodol ac eithriadau cyffredinol. Mae'r broses hon wedi'i defnyddio ddwywaith wrth ddrafftio Gorchymynion arfaethedig ac mae'r Pwyllgor Is-ddeddfwriaeth yn bwriadu cynnal adolygiad arni, oherwydd ei fod yn fater sy'n destun pryder. Mae'n dod yn gymhleth ac yn anodd iawn i bobl y tu allan, sy'n edrych ar y darnau hyn o ddeddfwriaeth, allu gweld yn glir pa bwerau sy'n cael eu trosglwyddo, sut y gallant ymwneud â'r broses a beth y bydd y Gorchymyn drafft yn ei gyflawni. Mae angen inni edrych ar hynny. Byddwn yn cefnogi hyn, ond nid oes dim yn dangos yn eglurach pam nad yw proses y Gorchymynion yn addas i'r diben ac nad yw'n gweithio.

**Jonathan Morgan:** Fel aelod o Bwyllgor Deddfwriaeth Rhif 4, yr oeddwn wrth fy modd o allu cyfrannu at graffu ar y Gorchymyn cymhwysedd deddfwriaethol

competence Order. I place on record my thanks to Michael German for the way in which he handled what is clearly a rather tricky piece of legislation, when you compare this draft LCO to others that the Assembly has been able to examine. This draft Order is clearly not straightforward, and, as far as I am concerned, is not within the spirit of the Government of Wales Act 2006, which sets out the rationale and the process for using the legislative competence Order route. I will come back to that in a moment.

While we accept that the Minister has made some changes to the draft LCO after considering the work of the legislation committee, and we thank the Minister for that, the complexity of the Order and the way in which it has been drafted not only makes it difficult for us to understand, as elected Members of this institution, but makes the situation even more complicated for those people outside the Assembly who try to keep an eye on what we are doing within the field of legislation.

Trying to explain to someone the difference between a fixed exception, a floating exception and a carve-out—or as Michael German and Angela Burns called it, an exception to an exception—is a complicated process. It was certainly complicated when we considered the evidence from the Minister. What I find appalling is that we have gone from a process of legislative competence Orders, which are complicated enough in themselves, to a system that acts as a vehicle for Whitehall to tell the National Assembly for Wales that not only should there be exceptions within the fields and matters that are being considered in a particular proposed LCO, but there should be constraints and restrictions on the ability of the Assembly to legislate in certain fields in the future—fields in which we are not considering legislation or examining matters at the moment. It is a bizarre use of a legislative route in order for Whitehall ‘to put its foot down with a heavy hand’, as my old dad would say. We say to the Minister, to the

drafft eithaf cymhleth hwn. Yr wyf yn cofnodi fy niolch i Michael German am y ffordd yr ymdriniodd â darn o deddfwriaeth sy'n amlwg yn ddyrys iawn, o gymharu'r Gorchymyn drafft hwn â Gorchmynion eraill y mae'r Cynulliad wedi gallu eu harchwilio. Mae'n amlwg nad yw'r Gorchymyn drafft hwn yn syml, ac, o'm rhan i, nid yw'n unol ag ysbryd Deddf Llywodraeth Cymru 2006, sy'n esbonio'r rhesymwaith a'r broses ar gyfer defnyddio llwybr y Gorchymyn cymhwysedd deddfwriaethol. Dychwelaf at hynny mewn munud.

Er ein bod yn derbyn bod y Gweinidog wedi newid y Gorchymyn drafft ryw faint ar ôl ystyried gwaith y pwyllgor deddfwriaeth, a diolchwn i'r Gweinidog am hynny, mae cymhlethdod y Gorchymyn a'r ffordd y mae wedi'i ddrafftio nid yn unig yn ei wneud yn anodd i ni, Aelodau etholedig y sefydliad hwn ei ddeall, ond mae'n gwneud y sefyllfa'n fwy cymhleth byth i'r bobl hynny y tu allan i'r Cynulliad sy'n ceisio cadw golwg ar yr hyn yr ydym yn ei wneud ym maes deddfwriaeth.

Mae ceisio esbonio'r gwahaniaeth rhwng eithriad penodol, eithriad cyffredinol ac fel y galwodd Michael German ac Angela Burns y peth, eithriad i eithriad—yn broses gymhleth. Yr oedd yn sicr yn gymhleth pan ystyriasom y dystiolaeth gan y Gweinidog. Yr hyn yr wyf yn ei gael yn arswydus yw ein bod wedi symud o broses y Gorchmynion cymhwysedd deddfwriaethol sy'n ddigon cymhleth ynddynt eu hunain, at system sy'n gyfrwng i Whitehall ddweud wrth Gynulliad Cenedlaethol Cymru nid yn unig y dylid cael eithriadau o fewn y meysydd a'r materion sy'n cael eu hystyried mewn Gorchymyn arfaethedig penodol, ond y dylid cyfyngu a llyffetheirio gallu'r Cynulliad i ddeddfu mewn meysydd penodol yn y dyfodol—meysydd nad ydym yn ystyried deddfu ar eu cyfer nac yn archwilio materion ynddynt ar hyn o bryd. Mae'n ffordd ryfedd iawn o ddefnyddio llwybr deddfu er mwyn i Whitehall ‘roi ei droed i lawr â llaw gadarn’, fel y byddai fy nhad yn dweud. Yr ydym yn dweud wrth y Gweinidog, wrth Lywodraeth y

Assembly Government and to Members of the Assembly that while there should be exceptions in this Order, the use of carve-outs are a useful way of Whitehall saying: 'You should not have powers to do x, y and z in other fields and matters in the future that are completely unrelated to this particular Order'.

We have to take note of what the House of Lords Constitution Committee said in its report on the proposed LCO on carers. It said that:

'LCOs should avoid rolling up specific provision on a subject and "exceptions to matters" on a completely unrelated subject.'

It went on to say that

'we are concerned that "omnibus LCOs", covering a disparate range of subjects, are less easily scrutinised by Parliament, the National Assembly, and the public'.

Members of the Assembly ought to be concerned by that, because the Assembly ought to be in a position to adequately scrutinise why a proposed LCO has been drafted in the way that it has and what a proposed LCO seeks to do in the transfer of power. Members should not have to look at how a proposed LCO is seeking to restrict what the Assembly might do further down the road in relation to matters that are not related to that particular proposed LCO. That is not a good way of legislating, and I urge the Assembly Government, in the time that we have left between now and a referendum on Part 4, to ensure that LCOs are not used in this way in future. Let us use LCOs for the purpose for which they were intended, which is to devolve powers from Westminster to Wales to allow the Assembly to do more within its current settlement. Let us not see them used by Whitehall and by Ministers in Westminster as a way of constraining our competence in areas unrelated to the particular proposed legislative competence Order put forward. It is an important

Cynulliad ac wrth Aelodau'r Cynulliad, er y dylai fod eithriadau yn y Gorchymyn hwn, fod defnyddio eithriadau i'r eithriadau'n ffordd ddefnyddiol i Whitehall ddweud: 'Ni ddylech gael pwerau i wneud hyn a hyn mewn meysydd a materion eraill yn y dyfodol nad oes ganddynt gysylltiad o gwbl â'r Gorchymyn penodol hwn'.

Mae'n rhaid inni roi sylw i'r hyn a ddywedodd Pwyllgor Cyfansoddiad Tŷ'r Arglwyddi yn ei adroddiad ar y Gorchymyn arfaethedig ynghylch gofalwyr. Dywedodd:

Dylai Gorchymynion osgoi cyfuno darpariaeth benodol am bwnc ac "eithriadau i faterion" ar bwnc nad oes cysylltiad o gwbl ag ef.

Aeth rhagddo i ddweud

Yr ydym yn poeni bod "Gorchymynion omnibws", sy'n cynnwys amrywiaeth amryfal o bynciau, yn anos i'r Senedd, y Cynulliad Cenedlaethol, a'r cyhoedd graffu arnynt.

Dylai Aelodau'r Cynulliad boeni am hynny, oherwydd dylai'r Cynulliad fod mewn sefyllfa i graffu'n ddigonol er mwyn gweld pam mae Gorchymyn arfaethedig wedi'i ddrafftio fel y mae a'r hyn y mae Gorchymyn arfaethedig yn ceisio'i wneud wrth drosglwyddo pŵer. Ni ddylai'r Aelodau orfod edrych ar sut y mae Gorchymyn arfaethedig yn ceisio cyfyngu ar yr hyn y gallai'r Cynulliad ei wneud yn y dyfodol yng nghyswllt materion nad ydynt yn gysylltiedig â'r Gorchymyn arfaethedig penodol hwnnw. Nid yw hynny'n ffordd dda o ddeddfu, ac yr wyf yn pwysu ar Lywodraeth y Cynulliad, yn yr amser sydd gennym ar ôl rhwng hyn a refferendwm ar Ran 4, i sicrhau na ddefnyddir Gorchymynion yn y modd hwn yn y dyfodol. Gadewch inni ddefnyddio Gorchymynion at y diben y'u bwriadwyd, sef i ddatganoli pwerau o San Steffan i Gymru er mwyn i'r Cynulliad wneud mwy o fewn ei setliad presennol. Gadewch inni beidio â'u gweld yn cael eu defnyddio gan Whitehall a chan Weinidogion yn San Steffan fel ffordd o gyfyngu ar ein cymhwysedd mewn meysydd

principle, and I would hope, and expect, the Assembly Government to take this up with their colleagues in Westminster. It is unhelpful to us as an institution and it is extremely unhelpful to the Government if it wishes to legislate in the future. I urge the Assembly Government to consider that as something that needs to be addressed. I feel that the devolution of powers, as contained in this draft LCO—the general principles—are right for Wales; they give the Assembly Government the toolkit that it needs to legislate on environmental matters. I think that it is, potentially, an exciting area of legislation for us to be looking at—now and in the future—but I hope that the Government takes on board what I have said about fixed exceptions, floating exceptions, and certainly the exceptions to the exceptions.

3.30 p.m.

**The Minister for Environment, Sustainability and Housing (Jane Davidson):** I thank all of the Members for participating in the debate, and, more importantly, participating in the wide range of committees and discussions that we have had on this draft LCO over the last two and a half years. I am delighted that the outcome of this process on this particular draft LCO is that Members continue to support the proposed competence to be conferred on the National Assembly. Although I fully accept that the draft that we are looking at now is very different in its complexity to the version at the beginning of the process, we have all been on a learning curve in ensuring that the legislative competence is appropriately defined.

Members may find it useful if I send them a copy of the letter that the First Minister sent to the Chair of the Welsh Affairs Committee, Dr Hywel Francis MP, in relation to a

nad oes ganddynt gysylltiad â'r Gorchymyn cymhwysedd deddfwriaethol arfaethedig penodol a gyflwynir. Mae'n egwyddor bwysig, a byddwn yn gobeithio, ac yn disgwyl, i Lywodraeth y Cynulliad godi hyn gyda'u cyd-Weinidogion yn San Steffan. Nid yw'n gymorth i ni fel sefydliad, ac nid yw'n gymorth o gwbl i'r Llywodraeth os bydd yn dymuno deddfu yn y dyfodol. Yr wyf yn pwysu ar Lywodraeth y Cynulliad i ystyried hynny'n rhywbeth y mae angen mynd i'r afael ag ef. Teimlaf fod datganoli pwerau, fel y maent yn y Gorchymyn drafft hwn—yr egwyddorion cyffredinol—yn iawn i Gymru; maent yn rhoi'r pecyn arfau i Lywodraeth y Cynulliad y mae ei angen arni i ddeddfu ar faterion amgylcheddol. Yr wyf yn meddwl bod hynny, o bosibl, yn faes deddfu cyffrous inni fod yn edrych arno—yn awr ac yn y dyfodol—ond yr wyf yn gobeithio y bydd y Llywodraeth yn ystyried yr hyn yr wyf wedi'i ddweud am eithriadau penodol, eithriadau cyffredinol, ac yn sicr am yr eithriadau i'r eithriadau.

**Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai (Jane Davidson):** Diolch i'r Aelodau i gyd am gyfrannu at y ddadl, ac, yn anad dim, am gyfrannu at yr ystod eang o bwyllgorau a thrafodaethau yr ydym wedi'u cael ynglŷn â'r Gorchymyn drafft hwn yn ystod y ddwy flynedd a hanner diwethaf. Yr wyf wrth fy modd mai canlyniad y broses hon yng nghyswllt y Gorchymyn drafft penodol hwn yw bod yr Aelodau'n dal i gefnogi trosglwyddo'r cymhwysedd arfaethedig i'r Cynulliad Cenedlaethol. Er fy mod yn derbyn yn llwyr fod y drafft yr ydym yn edrych arno yn awr yn wahanol iawn o ran ei gymhlethdod i'r fersiwn ar ddechrau'r broses, yr ydym i gyd wedi dysgu llawer wrth sicrhau bod y cymhwysedd deddfwriaethol yn cael ei ddiffinio'n briodol.

Efallai y byddai'r Aelodau'n ei chael yn fuddiol petawn yn anfon copi atynt o'r llythyr a anfonodd y Prif Weinidog at Gadeirydd y Pwyllgor Materion Cymreig, Dr Hywel

number of areas that Members wanted to explore in more detail today, such as floating exceptions and the functions of the Minister of the Crown. None of us had ever heard of a floating exception when we started this process, and, as they started coming forward as a proposition, we needed to look at what kind of criteria would be operated to determine whether there should be a fixed exception or a floating exception, and what was appropriate in context. We have certainly been able to respond appropriately to the overlaps between fixed and floating exceptions, and I am grateful to our colleagues in Westminster and Whitehall for going back through the text to help us to do so.

We have now developed a sequence of considerations that needs to be followed before a floating exception is added to Schedule 5. These are in relation to a new matter or matters, which are proposed to be added to Schedule 5, that first create a need for a new exception. If the exception is then relevant to more than one matter—a fixed exception is used in the context of one matter—you would then need to use another fixed exception if you did not use a floating exception. If the exception applies across the board to all matters, because the exception in question describes something that remains the responsibility of the UK Government and Parliament in all circumstances, that is the sequence of events that is looked at in the context of developing floating exceptions.

**Michael German:** Thank you for taking this intervention because this is an important matter of principle. Could you clarify whether a floating exception would work if there were no matters in a field to which that exception could be applied? As you know, that is a criticism of this draft LCO, in that the floating exceptions apply to fields in which there are no matters. What you have just said is that where there is a matter in a field, you might consider it to be a floating

Francis AS, ynglŷn â nifer o feysydd yr oedd yr Aelodau am eu harchwilio'n fanylach heddiw, megis eithriadau cyffredinol a swyddogaethau Gweinidog y Goron. Nid oedd neb ohonom erioed wedi clywed am eithriad cyffredinol pan ddechreuasom y broses hon, ac, wrth iddynt ddechrau cael eu cynnig, yr oedd angen inni edrych ar pa fath o feini prawf a ddefnyddid er mwyn penderfynu a ddylid cael eithriad penodol ynteu eithriad cyffredinol, a'r hyn oedd yn briodol yn y cyd-destun. Yr ydym yn sicr wedi gallu ymateb yn briodol i'r gorgyffwrdd rhwng eithriadau penodol ac eithriadau cyffredinol, ac yr wyf yn ddiolchgar i'n cyd-Aelodau yn San Steffan ac yn Whitehall am fynd yn ôl drwy'r testun i'n cynorthwyo i wneud hynny.

Yr ydym bellach wedi datblygu cyfres o ystyriaethau y mae angen ei dilyn cyn ychwanegu eithriad cyffredinol at Atodlen 5. Mae a wnelo'r rhain â mater neu â materion newydd, y cynigir eu hychwanegu at Atodlen 5, sy'n creu'r angen am eithriad newydd am y tro cyntaf. Os bydd yr eithriad wedyn yn berthnasol i fwy nag un mater—defnyddir eithriad penodol yng nghyd-destun un mater—yna, byddai angen ichi ddefnyddio eithriad penodol arall oni fydddech yn defnyddio eithriad cyffredinol. Os yw'r eithriad yn berthnasol i bob mater yn gyffredinol, oherwydd bod yr eithriad dan sylw'n disgrifio rhywbeth sy'n dal yn gyfrifoldeb i Lywodraeth a Senedd y Deyrnas Unedig beth bynnag fo'r amgylchiadau, dyna'r gyfres o ddigwyddiadau yr edrychir arni yng nghyd-destun datblygu eithriadau cyffredinol.

**Michael German:** Diolch ichi am ganiatáu imi ymyrryd oherwydd y mae hwn yn fater pwysig o egwyddor. A allech egluro a fyddai eithriad cyffredinol yn gweithio pe na bai materion mewn maes y gallai'r eithriad hwnnw fod yn berthnasol iddo? Fel y gwyddoch, mae hynny'n feirniadaeth ar y Gorchymyn drafft hwn, sef bod yr eithriadau cyffredinol yn berthnasol i feysydd lle nad oes materion. Yr hyn yr ydych newydd ei ddweud yw lle y bo mater mewn maes, y



exception that applies across a range of fields. It is a crucial point: should you be applying floating exceptions to fields where there are no matters? Could you clarify that for us?

**Jane Davidson:** The critical element here is that if you want to have the clarity to ensure that an exception is applied, to avoid repeating it several times—thus avoiding the overcluttering of Schedule 5, and aiding clarity and transparency—the view was that a floating exception would operate better. One of the points that you and Jonathan made was that there were too many exceptions. You would have had more exceptions had floating exceptions not been used. We will write to you to answer the specific points raised in your question, because this is, quite clearly, a legal response, not a political response. In fact, most of the discussions that we have had today are about the legal interpretation of issues around matters.

It is also important to note that you raised the issue of Ministers of the Crown and their functions. When I appeared before the committee, I made it clear that the Assembly Government is concerned that, where there is duplication of an exception, as it were, that overlaps a function of a Minister of the Crown, it is already protected by the Government of Wales Act. However, the lawyers tell me that it is appropriate, by way of clarification, to note that the functions of a Minister of the Crown in relation to a topic are not necessarily the same as the topic itself, and the UK Government has therefore highlighted that the Minister of the Crown restriction was not always sufficient to reserve their interest on particular issues.

Now that we have been through the process with this draft LCO, as we have with other, more discrete LCOs in their various stages, as a learning experience, having our Subordinate Legislation Committee review

gallech ystyried ei fod yn eithriad cyffredinol sy'n berthnasol i ystod o feysydd. Mae'n bwynt hollbwysig: a ddylech fod yn defnyddio eithriadau cyffredinol ar gyfer meysydd lle nad oes materion? A allech egluro hynny inni?

**Jane Davidson:** Yr elfen hollbwysig yma yw, os ydych am gael yr eglurder i sicrhau bod eithriad yn cael ei roi ar waith, er mwyn osgoi ei ailadrodd droeon—a thrwy hynny osgoi gorlwytho Atodlen 5, a gwneud pethau'n fwy clir a thryloyw—y farn oedd y byddai eithriad cyffredinol yn gweithio'n well. Un o'r pwyntiau a wnaethoch chi a Jonathan oedd bod gormod o eithriadau. Buasai gennych fwy o eithriadau oni fyddai eithriadau cyffredinol wedi'u defnyddio. Ysgrifennwn atoch i ateb y pwyntiau penodol a godwyd yn eich cwestiwn, oherwydd y mae'n gwbl amlwg mai ymateb cyfreithiol yn hytrach nag ymateb gwleidyddol yw hyn. A dweud y gwir, mae'r rhan fwyaf o'r trafodaethau yr ydym wedi'u cael heddiw'n ymwneud â sut y dehonglir ystyriaethau sy'n ymwneud â materion o safbwynt cyfreithiol.

Mae'n bwysig nodi hefyd ichi godi mater Gweinidogion y Goron a'u swyddogaethau. Pan ymddangosais gerbron y pwyllgor, fe'i gwneuthum yn glir fod Llywodraeth y Cynulliad yn poeni, pan fydd eithriad yn cael ei ddyblygu, fel petai, sy'n gorgyffwrdd ag un o swyddogaethau un o Weinidogion y Goron, fod hynny eisoes yn cael ei ddiogelu gan Ddeddf Llywodraeth Cymru. Serch hynny, dywed y cyfreithwyr wrthyf ei bod yn briodol, er mwyn egluro, nodi nad yw swyddogaethau un o Weinidogion y Goron yng nghyswllt pwnc o anghenraid yr un fath â'r pwnc ei hun, ac felly mae Llywodraeth y Deyrnas Unedig wedi dweud nad oedd y cyfyngiad ar Weinidog y Goron bob tro'n ddigonol i warchod eu buddiant yng nghyswllt materion penodol.

A ninnau bellach wedi bod drwy'r broses gyda'r Gorchymyn drafft hwn, fel yr ydym wedi gwneud gyda Gorchymynion eraill, mwy arwahanol yn ystod eu gwahanol gyfnodau, byddai'n brofiad dysgu da i'n Pwyllgor Is-

how well these issues are working would be a very good use of its time. From our perspective now, passing this through today will lead to a timetable that we hope will lead to parliamentary approval in both Houses early in the new year and Royal Assent in Privy Council in April. That would then mean that we could get on with the Measure, and that is the crucial issue for our stakeholders. It is not a matter of whether the draft LCO is complicated because, provided the explanatory memorandum is simple enough—and we have listened carefully to everything that has been said about that—we can then move on to a proposed Measure.

**Janet Ryder:** As a matter of interest, are you working on the Measures that will come out of this draft LCO now, or will you wait until it receives Royal Assent? If the latter, what timescale are you looking at to bring those subsequent Measures before the Assembly?

**Jane Davidson:** We started working on a Measure when Rhodri Morgan announced to the Assembly that one would follow this draft LCO receiving assent, so we have been working on it for some time.

I am grateful to Members for supporting this. The lessons from each LCO will be important in looking at how we can further simplify the process. Every politician wants to simplify the process, while every lawyer, so far, wants to make the process more complex, as it were, in order to give legal clarity. We must be able to find a way of making these sets of interests work together. Importantly for us, as a result of this, the Assembly will acquire legislative competence to enable it to do great things in the context of the environment, starting with a proposal for a Measure that will tackle some of the committee's recommendations with regard to reserved powers over single use carrier bags.

ddeddfwriaeth adolygu i ba raddau y mae'r pethau hyn yn gweithio a byddai'n ffordd dda iawn iddo ddefnyddio'i amser. O'n safbwynt ni yn awr, bydd pasio hwn heddiw'n arwain at amserlen a fydd, gobeithio, yn golygu y ceir cymeradwyaeth seneddol yn y ddau Dŷ yn fuan yn y flwyddyn newydd a Chydsyniad Brenhinol yn y Cyfrin Gyngor ym mis Ebrill. Byddai hynny wedyn yn golygu y gallem fwrw ymlaen â'r Mesur, a dyna'r mater hollbwysig i'n rhanddeiliaid. Nid yr hyn sydd dan sylw yw cymhlethdod y Gorchymyn drafft, oherwydd, ar yr amod bod y memorandwm esboniadol yn ddigon syml—ac yr ydym wedi gwrando'n ofalus ar bopeth sydd wedi'i ddweud ynglŷn â hynny—gallwn wedyn symud ymlaen at Fesur arfaethedig.

**Janet Ryder:** O ran diddordeb, a ydych yn gweithio ar y Mesurau a fydd yn deillio o'r Gorchymyn drafft hwn yn awr, ynteu a wnewch ddisgwyl nes iddo gael Cydsyniad Brenhinol? Os disgwyl a wnewch, pa amserlen yr ydych yn ei hystyried ar gyfer dod â'r Mesurau dilynol hynny gerbron y Cynulliad?

**Jane Davidson:** Dechreuasom weithio ar Fesur pan gyhoeddodd Rhodri Morgan i'r Cynulliad y byddai un yn dilyn wedi i'r Gorchymyn drafft hwn gael cydsyniad, felly yr ydym wedi bod yn gweithio arno ers tipyn.

Yr wyf yn ddiolchgar i'r Aelodau am gefnogi hyn. Bydd y gwersi a ddysgir yn sgîl pob Gorchymyn yn bwysig er mwyn inni ystyried sut y gallwn symleiddio'r broses ymhellach. Mae pob gwleidydd am symleiddio'r broses, ac mae pob cyfreithiwr, hyd yn hyn, am wneud y broses yn fwy cymhleth, fel petai, er mwyn sicrhau eglurder cyfreithiol. Rhaid inni allu dod o hyd i ffordd o wneud i'r setiau hyn o fuddiannau gydweithio. Yn sgîl hyn, ac mae hyn yn bwysig i ni, bydd y Cynulliad yn cael cymhwysedd deddfwriaethol i'w alluogi i wneud pethau mawr yng nghyd-destun yr amgylchedd, gan ddechrau gyda chynnig ar gyfer Mesur a fydd yn mynd i'r afael â rhai o argymhellion y pwyllgor gyda golwg ar bwerau a gadwyd yn ôl dros fagiau siopa untro.

**The Deputy Presiding Officer:** The proposal is to agree amendment 1. Does any Member object? I see that there is objection, so I defer all voting on this item until voting time.

**Y Dirprwy Lywydd:** Y cynnig yw bod gwelliant 1 yn cael ei dderbyn. A oes unrhyw Aelod yn gwrthwynebu? Gwelaf fod gwrthwynebiad, felly gohiriaf yr holl bleidleisio ar yr eitem hon tan yr amser pleidleisio.

**Michael German:** Point of order. When this matter first came before the National Assembly, because of the complexity of the legal matters before us and how they are dealt with, the Presiding Officer suggested that they be referred to what is now called the Subordinate Legislation Committee, though it might change its name in weeks to come, so that it could discuss the legal implications for the constitution of the National Assembly. We have just heard the Minister give a legal definition that may be at odds with the legal definition and advice given to the National Assembly with regard to what is before us in the papers today and with regard to the papers given to us by our legal advisers in committee. Would you therefore concur, Deputy Presiding Officer, that these matters, which have been raised anew, about the way in which these matters should be raised, should be referred to the Subordinate Legislation Committee in accordance with the Presiding Officer's earlier recommendation?

**Michael German:** Pwynt o drefn. Pan ddaeth y mater hwn gerbron y Cynulliad Cenedlaethol gyntaf, oherwydd cymhlethdod y materion cyfreithiol a oedd ger ein bron a'r ffordd o ymdrin â hwy, awgrymodd y Llywydd y dylid eu cyfeirio at yr hyn a elwir yn awr yn Bwyllgor Is-ddeddfwriaeth, er y bydd o bosibl yn newid ei enw yn yr wythnosau nesaf, er mwyn iddo allu trafod y goblygiadau cyfreithiol ar gyfer cyfansoddiad y Cynulliad Cenedlaethol. Yr ydym newydd glywed y Gweinidog yn rhoi diffiniad cyfreithiol a allai fod yn groes i'r diffiniad a'r cyngor cyfreithiol a roddwyd i'r Cynulliad Cenedlaethol ynglŷn â'r hyn sydd o'n blaen yn y papurau heddiw ac ynglŷn â'r papurau a roddwyd inni gan ein cynghorwyr cyfreithiol yn y pwyllgor. A fydddech yn cytuno felly, Ddirprwy Lywydd, y dylid cyfeirio'r materion hyn, sydd wedi'u codi o'r newydd, ynglŷn â'r ffordd y dylid codi'r materion hyn, at y Pwyllgor Is-ddeddfwriaeth yn unol ag argymhelliad blaenorol y Llywydd?

**The Deputy Presiding Officer:** We will have to take advice on this matter and report back to the Assembly.

**Y Dirprwy Lywydd:** Bydd yn rhaid inni ofyn am gyngor ynglŷn â hyn ac adrodd yn ôl i'r Cynulliad.

*Gohiriwyd y pleidleisiau tan yr amser pleidleisio.  
Votes deferred until voting time.*

### **Adroddiad Blynyddol Comisiynydd Plant Cymru The Annual Review of the Children's Commissioner for Wales**

**The Deputy Presiding Officer:** I have selected amendment 1 in the name of Alun Cairns.

**Y Dirprwy Lywydd:** Yr wyf wedi dethol gwelliant 1 yn enw Alun Cairns.

**The Minister for Education, Children, Lifelong Learning and Skills (Jane Hutt):** I move that

*the National Assembly for Wales:*

*1. welcomes the 2008-09 annual review of the Children's Commissioner for Wales; and*

*2. notes that the Minister for Children, Education, Lifelong Learning and Skills will draw up a response from the Welsh Assembly Government and report to the National Assembly on this by 31 March 2010. (NDM4336)*

I am pleased to welcome this second report from the current commissioner, Keith Towler. It has been a busy year for the children's commissioner: four major reports have been issued by his office during the course of the year; a report on the United Nations Convention on the Rights of the Child and the reporting process of the UN Committee has been published; there is his work on child trafficking, 'Bordering on Concern'; and also the commissioner's work on disabled children's play, 'A Happy Talent'. At the same time, improvements have been made to the commissioner's website, the Ambassadors scheme and Backchat. These are all important and positive developments.

3.40 p.m.

Alongside all of this activity, I am pleased that the restructuring of the commissioner's office has now been completed and that the commissioner has a new management team in place.

The children's commissioner's annual report identifies some key challenges, which we must meet if we are to maintain the undoubted progress that we have made so far in pursuing the children and young people's agenda in Wales. The Government will provide a more specific response to the points raised by the commissioner in his report at a

**Y Gweinidog dros Addysg, Plant, Dysgu Gydol Oes a Sgiliau (Jane Hutt):** Cynigïaf fod

*Cynulliad Cenedlaethol Cymru:*

*1. yn croesawu adolygiad blynyddol Comisiynydd Plant Cymru ar gyfer 2008-09; a*

*2. yn nodi y bydd y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau yn llunio ymateb ar ran Llywodraeth Cynulliad Cymru ac y bydd yn cyflwyno adroddiad yn ei gylch i'r Cynulliad Cenedlaethol erbyn 31 Mawrth 2010. (NDM4336)*

Yr wyf yn falch o groesawu'r ail adroddiad hwn gan y comisiynydd presennol, Keith Towler. Mae wedi bod yn flwyddyn brysur i'r comisiynydd plant: mae pedwar adroddiad pwysig wedi'u cyhoeddi gan ei swyddfa yn ystod y flwyddyn; cyhoeddwyd adroddiad ar Gofensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a phroses adrodd Pwyllgor y Cenhedloedd Unedig; ceir ei waith ar fasnachu plant, 'Ffiniau Pryder'; a hefyd gwaith y comisiynydd ar chwarae i blant anabl, 'Dawn Ddedwydd'. Ar yr un pryd, mae gwefan y comisiynydd wedi'i gwella, a hefyd ceir cynllun y Llysgenhadon ac Ateb Nôl. Mae'r rhain i gyd yn ddatblygiadau pwysig a chadarnhaol.

Ochr yn ochr â'r holl weithgarwch hwn, yr wyf yn falch bod ailstrwythuro swyddfa'r comisiynydd wedi'i gwblhau bellach a bod gan y comisiynydd dîm rheoli newydd ar waith.

Mae adroddiad blynyddol y comisiynydd plant yn sôn am sawl her allweddol y mae'n rhaid inni ymateb iddynt er mwyn inni gynnal y cynnydd diamheuol yr ydym wedi'i wneud hyd yn hyn o ran mynd ar drywydd yr agenda ar gyfer plant a phobl ifanc yng Nghymru. Bydd y Llywodraeth yn ymateb yn fwy penodol i'r pwyntiau a godwyd gan y

later date. In the meantime, I want to draw attention to some of the positive actions that the Government has taken to address the broad themes raised by the commissioner's report.

You may be aware that we celebrated the twentieth anniversary of the United Nations Convention on the Rights of the Child on 20 November with an event in the Senedd, where I was pleased to launch our five-year UNCRC action plan, 'Getting it right 2009'. This outlines the 16 priorities agreed for Wales and the 90 actions that we intend to take in order to take forward the UNCRC in Wales. I am pleased to note that many of the priorities and actions within this plan will make a significant contribution to addressing the issues raised by the children's commissioner in his annual report. I was also pleased that the children's commissioner welcomed the report.

As the commissioner points out, we still need to bridge the gap between good policy and improving children and young people's wellbeing, and this is something that we are addressing with our national and local partners, and is a key feature of our action plan, 'Getting it right 2009', for children's rights. This commitment makes the proposed amendment to the motion unnecessary.

The delivery of national priorities is clear in the passing of the Proposed Children and Families (Wales) Measure on 10 November 2009. This Measure will require Welsh authorities and Welsh Ministers to prepare a strategy for continuing the eradication of child poverty in Wales and will build on the foundations laid by programmes such as Flying Start and Cymorth. We also know that to make faster progress on tackling child poverty, we need to galvanise and draw on the expertise and experience of a wide range of public bodies in Wales.

comisiynydd yn ei adroddiad yn ddiweddarach. Yn y cyfamser, yr wyf am dynnu sylw at rai o'r camau cadarnhaol y mae'r Llywodraeth wedi'u cymryd i fynd i'r afael â'r themâu cyffredinol a godir yn adroddiad y comisiynydd.

Efallai eich bod yn gwybod inni ddathlu ugeinfed pen-blwydd Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn ar 20 Tachwedd gyda digwyddiad yn y Senedd, lle yr oeddwn yn falch o lansio'n cynllun gweithredu pum mlynedd yng nghyswllt y confensiwn, sef 'Gwneud Pethau'n Iawn 2009'. Mae hyn yn rhestru'r 16 blaenoriaeth y cytunwyd arnynt ar gyfer Cymru a'r 90 cam y bwriadwn eu cymryd er mwyn bwrw ymlaen â gwaith y confensiwn yng Nghymru. Yr wyf yn falch o ddweud y bydd llawer o'r blaenoriaethau a'r camau yn y cynllun hwn yn gwneud cyfraniad sylweddol at fynd i'r afael â'r materion a godir gan y comisiynydd plant yn ei adroddiad blynyddol. Yr oeddwn yn falch hefyd i'r comisiynydd plant groesawu'r adroddiad.

Fel y dywed y comisiynydd, mae angen o hyd inni bontio'r bwlch rhwng polisiau da a gwella lles plant a phobl ifanc, ac mae hyn yn rhywbeth yr ydym yn mynd i'r afael ag ef gyda'n partneriaid cenedlaethol a lleol, ac mae'n un o nodweddion allweddol ein cynllun gweithredu, 'Gwneud Pethau'n Iawn 2009', ar gyfer hawliau plant. Mae'r ymrwymiad hwn yn golygu nad oes angen y gwelliant a gynigir i'r cynnig.

Mae pasio'r Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru) ar 10 Tachwedd 2009 yn ei gwneud yn glir y cyflawnir blaenoriaethau cenedlaethol. Bydd y Mesur hwn yn ei gwneud yn ofynnol i awdurdodau Cymru a Gweinidogion Cymru baratoi strategaeth ar gyfer parhau i ddileu tlodi plant yng Nghymru a bydd yn adeiladu ar y sylfeini a osodwyd gan raglenni megis Dechrau'n Deg a Cymorth. Gwyddom hefyd, er mwyn mynd i'r afael yn gyflymach â thlodi plant, fod angen inni gyfuno profiad ac arbenigedd ystod eang o gyrff cyhoeddus yng Nghymru a manteisio arnynt.

An independent joint review of services for children and young people with emotional and mental health needs was published on 24 November. This was undertaken by the Wales Audit Office and Healthcare Inspectorate Wales, supported by the Care and Social Services Inspectorate Wales and Estyn, the office of Her Majesty's Inspectorate for Education and Training in Wales. This review took place in response to concerns raised during related audit and inspection work, and addressed issues raised by a wide range of stakeholders. The review set out to establish whether services were adequately meeting the mental health needs of children and young people in Wales. The Minister for Health and Social Services published a written statement on 24 November in response to the joint report by the auditor general and Health Care Inspectorate Wales. We will consider the review's recommendations and what further work will need to be undertaken over the coming months in this important policy area.

On the issue of transport and the equality impact assessment of the national transport plan, an examination took place of the differential impacts of transport on children and young people. The equality impact assessment, which was carried out as a combination of desk-based research and workshops with people able to represent each child and young person, directly influenced the content of the draft national transport plan. To assist with consultation on the draft national transport plan, transport officials engaged with children and young people at Funky Dragon and through tailored sessions with the Wales youth forum for sustainable development.

As with learner travel and the single behaviour code, the Welsh Assembly Government believes that all children and young people's journey to school should be safe. We hope that the travel behaviour code

Cyhoeddwyd cydadolygiad annibynnol o wasanaethau i blant a phobl ifanc a chanddynt anghenion iechyd emosiynol a meddyliol ar 24 Tachwedd. Cynhaliwyd hyn gan Swyddfa Archwilio Cymru ac Arolygiaeth Gofal Iechyd Cymru, gyda'r Arolygiaeth Gwasanaethau Gofal a Chymdeithasol ac Estyn, swyddfa Arolygiaeth Addysg a Hyfforddiant Ei Mawrhydi yng Nghymru yn eu cynorthwyo. Cynhaliwyd yr arolwg hwn er mwyn ymateb i bryderon a godwyd yn ystod gwaith archwilio ac arolygu cysylltiedig, ac aethpwyd i'r afael â materion a godwyd gan ystod eang o randdeiliaid. Nod yr arolwg oedd gweld a oedd gwasanaethau'n diwallu'n ddigonol anghenion iechyd meddwl plant a phobl ifanc yng Nghymru. Cyhoeddodd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ddatganiad ysgrifenedig ar 24 Tachwedd gan ymateb i'r adroddiad ar y cyd gan yr archwilydd cyffredinol ac Arolygiaeth Gofal Iechyd Cymru. Byddwn yn ystyried argymhellion yr arolwg a pha waith arall y bydd angen ei wneud eto yn ystod y misoedd nesaf yn y maes polisi pwysig hwn.

O ran trafndiaeth ac asesu effaith y cynllun trafndiaeth cenedlaethol ar gydraddoldeb, archwiliwyd effeithiau gwahaniaethol trafndiaeth ar blant a phobl ifanc. Cafodd yr asesiad effaith ar gydraddoldeb, a oedd yn gyfuniad o ymchwil wrth ddesg a gweithdai gyda phobl a oedd yn gallu cynrychioli pob plentyn a pherson ifanc, ddylanwad uniongyrchol ar gynnwys y cynllun trafndiaeth cenedlaethol drafft. I gynorthwyo gyda'r ymgynghori ynglŷn â'r cynllun trafndiaeth cenedlaethol drafft, bu swyddogion trafndiaeth yn ymgysylltu â phlant a phobl ifanc yn y Ddraig Ffynici a thrwy sesiynau wedi'u teilwra gyda fforwm ieuencid Cymru ar gyfer datblygu cynaliadwy.

Fel sy'n wir am deithio i ddysgwyr a'r cod ymddygiad sengl, cred Llywodraeth y Cynulliad y dylai taith pob plentyn a pherson ifanc i'r ysgol fod yn daith ddiogel. Gobeithiwn y bydd y cod ymddygiad wrth

will improve behaviour and safety.

The Welsh Assembly Government believed that the concerns raised in the 'Lifting the Lid on the Nation's School Toilets' report were important, and that action was needed to address issues surrounding health, hygiene and safety in school toilets. Working with the Welsh Local Government Association, the Welsh Assembly Government has drafted the guidance on standards for school toilets which is aimed at school governing bodies, headteachers and local authorities. The aim of the guidance is to help to achieve a consistent level of hygiene, and contribute to improving the standard of provision in toilet facilities within schools across Wales. This guidance will be issued within the next three months by the health and social services department of the Welsh Assembly Government with my department's endorsement.

As you will be aware, the Children and Young People Committee has been reviewing children's budgeting, another theme in the children's commissioner's report. I have asked my officials to set up a task and finish group to begin working towards a better understanding of current progress and developments in children and young people's budgeting at a national level in Wales. I intend that this group will develop ideas and proposals for consideration by Ministers for improvements in budget forecasting and spending on children and young people, including greater transparency at a Welsh Assembly Government level. That is a key feature of 'Getting it right 2009'.

On the twentieth anniversary of the UNCRC, the First Minister highlighted the increasingly negative portrayal of children and young people in Wales. Recent research shows that misconceptions and negative views are damaging to young people and to social cohesion, and how, at the extremes, they can ostracise our children and young people. Ultimately, we risk forcing them to live up to a negative image that is based on the actions of a very small minority. This is a serious

deithio yn gwella ymddygiad a diogelwch.

Credai Llywodraeth y Cynulliad fod y pryderon a godwyd yn yr adroddiad 'Codi'r Clawr ar Doiledau Ysgol y Genedl' yn bwysig, a bod angen camau i fynd i'r afael â materion sy'n ymwneud ag iechyd, hylendid a diogelwch mewn toiledau mewn ysgolion. Gan weithio gyda Chymdeithas Llywodraeth Leol Cymru, mae Llywodraeth y Cynulliad wedi drafftio'r canllawiau ar safonau ar gyfer toiledau mewn ysgolion. Bwriedir y rhain ar gyfer cyrff llywodraethu ysgolion, penaethiaid ac awdurdodau lleol. Nod y canllawiau yw cynorthwyo i sicrhau lefel gyson o hylendid, a chyfrannu at wella safon cyfleusterau'r toiledau a ddarperir mewn ysgolion ledled Cymru. Cyhoeddir y canllawiau hyn o fewn y tri mis nesaf gan adran iechyd a gwasanaethau cymdeithasol Llywodraeth y Cynulliad gyda chefnogaeth fy adran.

Fel y gwyddoch, mae'r Pwyllgor Plant a Phobl Ifanc wedi bod yn adolygu cyllidebu ar gyfer plant, thema arall yn adroddiad y comisiynydd plant. Yr wyf wedi gofyn i'm swyddogion sefydlu grŵp gorchwyl a gorffen i ddechrau gweithio tuag at ddeall y cynnydd a'r datblygiadau presennol yn well ym maes cyllidebu ar gyfer plant a phobl ifanc ar lefel genedlaethol yng Nghymru. Yr wyf yn bwriadu i'r grŵp hwn ddatblygu syniadau a chynigion i'w hystyried gan Weinidogion ar gyfer gwella'r rhagolygon cyllidebu a gwario ar gyfer plant a phobl ifanc, gan gynnwys mwy o dryloywder ar lefel Llywodraeth y Cynulliad. Mae hynny'n un o nodweddion allweddol 'Gwneud Pethau'n Iawn 2009'.

Ar ugeinfed pen-blwydd y confensiwn, tynnodd y Prif Weinidog sylw at y ffordd fwyfwy negyddol y darlunnir plant a phobl ifanc yng Nghymru. Dengys ymchwil ddiweddar fod camsyniadau a safbwyntiau negyddol yn niweidiol i bobl ifanc ac i gydlyniant cymdeithasol. Mae'n dangos hefyd sut y gall hyn ar ei ffurf fwyaf eithafol wneud ein plant a'n pobl ifanc yn ysgymun. Yn y pen draw, ceir perygl inni eu gorfodi i fyw'n unol â delwedd negyddol a seilir ar

issue, not just in Wales but across the UK. Addressing these issues is a priority of our UNCRC action plan 'Getting it right 2009'.

In my role as Minister, I have the privilege of witnessing at first hand the positive achievements and contributions of children and young people in Wales, and I have also enjoyed celebrating such achievements with them. Unfortunately, many of those positive contributions go unmentioned and may be considered less newsworthy than the negative stories that grab the headlines. We need to show our young people that we value their achievements and enjoy recognising them and celebrating their successes.

The Assembly Government is facing major challenges in the tougher economic and fiscal environment in which we find ourselves. Nevertheless, we are absolutely determined to make significant and demonstrable progress towards ensuring that every child and young person in Wales knows about their rights and can benefit from accessing them.

**Paul Davies:** I move amendment 1 in the name of Alun Cairns. Insert new point after point 1:

*calls on the Welsh Assembly Government to ensure that national policies aimed at making children's rights a reality are fully implemented in a consistent and timely manner.*

I am delighted to have the opportunity to take part in this debate today. I begin by thanking Keith Towler and his team for their work on this report and for their ongoing efforts to improve the lives of children and young people in Wales. Ensuring that the rights of our children and young people are recognised and protected is fundamental. We must continue to work to ensure that every child in Wales has access to the education, healthcare,

weithredoedd lleiafrif bach iawn. Mae hyn yn fater difrifol iawn, nid dim ond yng Nghymru ond ledled y Deyrnas Unedig. Mae mynd i'r afael â'r materion hyn yn flaenoriaeth yn ein cynllun gweithredu ar y confensiwn 'Gwneud Pethau'n Iawn 2009'.

Yn fy rôl fel Gweinidog, caf y fraint o dystio'n uniongyrchol i gyflawniadau a chyfraniadau cadarnhaol plant a phobl ifanc yng Nghymru ac yr wyf hefyd wedi mwynhau dathlu cyflawniadau o'r fath gyda hwy. Yn anffodus, bydd llawer o'r cyfraniadau cadarnhaol hyn yn ddi-sôn-amdanynt ac fe'u hystyrir efallai'n llai teilwng o fod yn y newyddion na'r straeon negyddol sy'n cipio'r penawdau. Mae angen inni ddangos i'n pobl ifanc ein bod yn rhoi gwerth ar eu cyflawniadau ac yn mwynhau eu cydnabod a dathlu eu llwyddiannau.

Mae Llywodraeth y Cynulliad yn wynebu anawsterau mawr yn yr amgylchedd economaidd ac ariannol anos yr ydym ynddo erbyn hyn. Er hynny, yr ydym yn gwbl benderfynol o wneud cynnydd sylweddol ac amlwg tuag at sicrhau bod pob plentyn a pherson ifanc yng Nghymru'n gwybod am ei hawliau ac yn gallu cael budd drwy fynnu'r hawliau hynny.

**Paul Davies:** Cynigaf welliant 1 yn enw Alun Cairns. Cynnwys pwynt newydd ar ôl pwynt 1:

*yn galw ar Lywodraeth Cynulliad Cymru i sicrhau bod polisiau cenedlaethol sy'n anelu at wireddu hawliau plant yn cael eu rhoi ar waith yn llawn ac mewn dull cyson ac amserol.*

Yr wyf wrth fy modd o gael y cyfle i gyfrannu at y ddadl hon heddiw. Dechreuaf drwy ddiolch i Keith Towler a'i dîm am eu gwaith ar yr adroddiad hwn ac am eu hymdrechion parhaus i wella bywyd plant a phobl ifanc yng Nghymru. Mae'n hanfodol sicrhau bod hawliau ein plant a'n pobl ifanc yn cael eu cydnabod a'u gwarchod. Rhaid inni barhau i weithio i sicrhau bod pob plentyn yng Nghymru'n gallu cael gafael ar



protection and advocacy that they need and deserve.

To turn to the amendment tabled in the name of Alun Cairns, I am disappointed that the Minister thinks that it is unnecessary. In his report, the Children's Commissioner for Wales has highlighted the fact that limited financial resources may prevent the consistent implementation of Welsh Assembly Government policies by local authorities across Wales.

'I have seen a number of...decisions that are made in relation to children that are constrained by resource issues rather than the best interests of children being paramount.'

Our amendment calls on the Government to ensure that such policies are implemented consistently and in a timely manner to ensure that children are fully entitled to their rights and that those rights are protected. I hope that Members will support the amendment and that the Government will take measures to ensure policy implementation across Wales.

The commissioner also identified child poverty as possibly the single most important issue facing modern Wales. Particularly in these difficult economic times, we must ensure that more children are not slipping into poverty. Sadly, a significant number of children in Wales lives in poverty and, more poignantly, it is likely that many more will fall into poverty as a result of the recession. We must not allow the tough financial climate to be an excuse for children in Wales continuing to live in poverty. The commissioner has noted that it will take brave actions from the Assembly Government and its counterparts at Westminster to eradicate child poverty. I urge the Minister to do all that she can to tackle the problem.

3.50 p.m.

yr addysg, y gofal iechyd, y warchodaeth a'r eiriolaeth y mae eu hangen arno ac y mae'n eu haeddu.

A throi at y gwelliant a gyflwynwyd yn enw Alun Cairns, yr wyf yn siomedig nad yw'r Gweinidog yn meddwl bod ei angen. Yn ei adroddiad, mae Comisiynydd Plant Cymru wedi tynnu sylw at y ffaith y gall prinder adnoddau ariannol atal awdurdodau lleol ledled Cymru rhag rhoi polisïau Llywodraeth y Cynulliad ar waith mewn dull cyson.

'Rwyf wedi gweld nifer o...benderfyniadau a wneir mewn perthynas â phlant sy'n cael eu cyfyngu gan ystyriaethau adnoddau yn hytrach na bod lles pennaf plant yn brif flaenoriaeth.'

Mae ein gwelliant yn galw ar y Llywodraeth i sicrhau bod polisïau o'r fath yn cael eu rhoi ar waith yn gyson ac yn amserol er mwyn sicrhau bod gan blant hawl lawn i'w hawliau a bod yr hawliau hynny'n cael eu gwarchod. Yr wyf yn gobeithio y bydd yr Aelodau'n cefnogi'r gwelliant ac y bydd y Llywodraeth yn cymryd camau i sicrhau bod polisïau'n cael eu rhoi ar waith ledled Cymru.

Dyweddodd y comisiynydd hefyd mai tlodi plant, o bosibl, yw'r un mater pwysicaf sy'n wynebu'r Gymru gyfoes. Yn arbennig yn y cyfnod economaidd anodd hwn, rhaid inni sicrhau nad yw rhagor o blant yn llithro i dlodi. Yn anffodus, mae nifer sylweddol o blant yng Nghymru'n byw mewn tlodi, ac mae'n dristach byth ei bod yn debyg y bydd llawer mwy'n mynd yn dlawd yn sgîl y dirwasgiad. Rhaid inni beidio â chaniatáu i'r hinsawdd ariannol ddyrys fod yn esgus dros adael i blant yng Nghymru barhau i fyw mewn tlodi. Mae'r comisiynydd wedi dweud y bydd angen camau dewr gan Lywodraeth y Cynulliad a'i chymheiriaid yn San Steffan er mwyn dileu tlodi plant. Yr wyf yn pwysu ar y Gweinidog i wneud hynny a all i fynd i'r afael â'r broblem.

I now turn to some of the other specifics of the commissioner's report, particularly the commissioner's scrutiny of the implementation of the Assembly Government's policy agenda. The issue of school toilets has been raised on a number of occasions, and I am glad that the Minister also mentioned it today. The standard of cleanliness and the provision of school toilets in many schools are not acceptable. This issue goes hand in hand with the problem of children not drinking enough water during the school day because of the location of drinking water supplies, which are often in toilet areas. I tabled a number of amendments that the Government did not support to Jenny Randerson's Healthy Eating in Schools (Wales) Measure 2009, aimed at improving the provision of drinking water, and moving it away from toilet areas. The public inquiry into the E. coli outbreak in 2005 made its recommendations earlier this year, which highlighted the provision of adequate toilet facilities as a basic requirement in our schools. I share the commissioner's concerns that standards have not progressed significantly, and support is called for the development of national minimum standards for school toilets. I am glad that the Minister will now look at the situation once again.

I turn finally to the commissioner's comments on the school reorganisation proposals. He notes that this is a contentious issue and that he would be concerned if local authorities continue to fail to take account of the views of the children and young people affected. We, on this side of the Chamber, have made it clear that we would place an obligation on local authorities to conduct a community impact assessment when proposals to close a school are introduced. I encourage the Minister to consider this further.

We can all agree that recognising and protecting the rights of children crosses party lines. We must work together and collaborate with key stakeholders such as the children's commissioner to put children's rights at the heart of our policies. Finally, I reiterate my

Trof yn awr at rai o'r materion penodol eraill yn adroddiad y comisiynydd, yn enwedig y craffu gan y comisiynydd ar weithredu agenda bolisi Llywodraeth y Cynulliad. Mae mater toiledau mewn ysgolion wedi'i godi droeon, ac yr wyf yn falch i'r Gweinidog hefyd sôn amdano heddiw. Nid yw safon glendid a'r toiledau a ddarperir mewn llawer o ysgolion yn dderbyniol. Mae'r mater hwn yn mynd law yn llaw â'r broblem nad yw plant yn yfed digon o ddŵr yn ystod eu diwrnod yn yr ysgol oherwydd lleoliad y cyflenwadau dŵr yfed, sy'n aml yn ardaloedd y toiledau. Cyflwynais nifer o welliannau nas cefnogwyd gan y Llywodraeth i Fesur Bwyta'n Iach mewn Ysgolion (Cymru) 2009 Jenny Randerson, gyda'r nod o wella'r ddarpariaeth dŵr yfed, a'i symud oddi wrth ardaloedd y toiledau. Cafwyd argymhellion yr ymchwiliad cyhoeddus i'r achosion E.coli yn 2005 yn gynharach eleni. Dywedodd y dylai darparu cyfleusterau toiledau digonol fod yn un o'r gofynion sylfaenol yn ein hysgolion. Yr wyf finnau, fel y comisiynydd, yn poeni nad yw safonau wedi gwella digon, ac mae angen cefnogaeth er mwyn datblygu safonau cenedlaethol gofynnol ar gyfer toiledau mewn ysgolion. Yr wyf yn falch y bydd y Gweinidog yn edrych ar y sefyllfa unwaith eto yn awr.

Trof yn olaf at sylwadau'r comisiynydd am y cynigion i ad-drefnu ysgolion. Mae'n dweud bod hyn yn bwnc llosg ac y byddai'n poeni petai awdurdodau lleol yn parhau i fethu ystyried barn y plant a'r bobl ifanc yr effeithir arnynt. Ar yr ochr hon i'r Siambr, yr ydym wedi'i gwneud yn glir y byddem yn ei gwneud yn ddyletswydd ar awdurdodau lleol gynnal asesiad o'r effaith ar gymuned pan gyflwynir cynigion i gau ysgol. Pwysaf ar y Gweinidog i ystyried hyn eto.

Gallwn i gyd gytuno bod cydnabod a diogelu hawliau plant yn rhywbeth y mae'r pleidiau i gyd yn ei gefnogi. Rhaid inni weithio gyda'n gilydd a chydweithio gyda rhanddeiliaid allweddol megis y comisiynydd plant er mwyn gwneud hawliau plant yn elfen

thanks to Keith Towler and his team for this report, and I urge Members to support our amendment.

**Christine Chapman:** As a member of the Children and Young People Committee, I value the contribution of Keith Towler, the Children's Commissioner for Wales, who is rightly an independent, impartial ambassador for all children and young people in Wales. His report pulls no punches, and although he refers to the number of excellent strategies brought forward by this Government, his emphasis is rightly on their delivery and implementation.

The report picks up on a number of major issues affecting young people, but, today, I particularly want to talk about that of health. The current restructuring of the health service is an area the commissioner has touched upon. The statistics are worrying. Wales has a higher rate of teenage pregnancy than England, and most teenage pregnancies in Wales happen to girls from disadvantaged backgrounds. In fact, they are themselves more likely to have been born to teenage mothers. As I have said previously, rates of alcohol abuse in Wales continue to be high, and it is striking that the drinking culture seems to start at a younger age in more disadvantaged communities. I mentioned last week that Wales was found to have the highest number of 13-year-olds who say that they have been drunk at least twice—a worrying statistic.

These are just two examples of the mountain that I believe we still have to climb to ensure that all our children and young people have the chance to lead happy and fulfilling lives. That said, there are signs of change. The former local health board in Rhondda Cynon Taf has benefited from the expertise of its dedicated children and young people's forum,

ganolog yn ein polisïau. Yn olaf, diolchaf eto i Keith Towler a'i dîm am yr adroddiad hwn a phwysaf ar yr Aelodau i gefnogi'n gwelliant.

**Christine Chapman:** A minnau'n aelod o'r Pwyllgor Plant a Phobl Ifanc, yr wyf yn gwerthfawrogi cyfraniad Keith Towler, Comisiynydd Plant Cymru, sydd, a hynny'n gwbl briodol, yn llysgennad annibynnol, diduedd ar ran pob plentyn a pherson ifanc yng Nghymru. Mae ei adroddiad yn gwbl ddiflwyn-ar-dafod, ac, er ei fod yn cyfeirio at y nifer o strategaethau rhagorol a gyflwynwyd gan y Llywodraeth hon, mae yn llygad ei le'n rhoi'r pwyslais ar eu gwireddu a'u rhoi ar waith.

Mae'r adroddiad yn sôn am nifer o faterion o bwys sy'n effeithio ar bobl ifanc, ond, heddiw, yr wyf am sôn yn benodol am iechyd. Mae'r comisiynydd wedi crybwyll yr ad-drefnu presennol ar y gwasanaeth iechyd. Mae'r ystadegau'n poeni rhywun. Mae cyfradd y merched yn eu harddegau sy'n mynd yn feichiog yng Nghymru'n uwch na'r gyfradd yn Lloegr, ac mae'r rhan fwyaf o ferched yn eu harddegau sy'n mynd yn feichiog yng Nghymru'n dod o gefndir difreintiedig. A dweud y gwir, maent hwy eu hunain yn fwy tebyg o fod yn blant i famau a oedd hefyd yn eu harddegau pan anwyd hwy. Fel yr wyf wedi dweud o'r blaen, mae cyfraddau camddefnyddio alcohol yng Nghymru'n dal yn uchel, ac mae'n drawiadol bod y diwylliant yfed i bob golwg yn dechrau'n iau mewn cymunedau mwy difreintiedig. Soniais yr wythnos diwethaf mai yng Nghymru y mae'r nifer fwyaf o blant 13 oed sy'n dweud eu bod wedi meddwi o leiaf ddwywaith—ystadegyn sy'n poeni rhywun.

Dyma ddwy enghraifft yn unig o'r talcen caled yr ydym, yn fy marn i, yn gorfod ei wynebu o hyd er mwyn sicrhau bod gan ein plant a'n pobl ifanc i gyd y cyfle i fyw bywyd hapus a phleserus. Wedi dweud hynny, ceir arwyddion bod pethau'n newid. Mae'r cyn fwrdd iechyd lleol yn Rhondda Cynon Taf wedi elwa yn sgîl arbenigedd ei fforwm

on a whole range of health challenges. Similarly, I have been impressed with the work of the Cynon valley's junior diabetes support group, which is run by young people with that condition for young people with that condition. At the heart of this is the issue of young people participating, and the commissioner is right to point out the necessity and the benefits of that.

Finally, I was impressed with the First Minister's speech last week when he said that, if we are to improve children's health in future, we must address today's lifestyle choices of computer games, remote controls and junk food. It is important for the sake of future generations that we start improving health now.

The restructuring of the health service is positive for a range of reasons, but I make an appeal that children and young people must be at the heart of this, and that the new organisations must meet this challenge.

**Andrew R.T. Davies:** I also thank Keith Towler, the Children's Commissioner for Wales, and his team for the work that they do on behalf of young people in Wales. As a father of four young children, I never fail to be amazed at the opportunities available to them and at how they develop. We should always celebrate that fact. Sadly, there is no equality of opportunity across Wales, and I support the Conservatives' amendment. Time and again, we find inconsistencies in the aspirations of those in this building and of the Executive in delivering policy. The amendment tabled in the name of Alun Cairns seeks to address the anomalies that are often highlighted in national service framework agreements and in directives from Government to local government or health bodies, as Christine Chapman highlighted in relation to the reorganisation from 1 October. The children's commissioner identifies this as a particularly challenging time, given the

arbennig ar gyfer plant a phobl ifanc, a hynny yng nghyswllt amrywiaeth eang o heriau ym maes iechyd. Yn yr un modd, mae gwaith grŵp cymorth Cwm Cynon i bobl ifanc a chanddynt ddiabetes wedi creu argraff arnaf. Grŵp a gynhelir gan bobl ifanc a chanddynt ddiabetes i bobl ifanc y mae'r cyflwr hwnnw arnynt yw hwn. Cael gan bobl ifanc gymryd rhan sydd wrth wraidd hyn, ac mae'r comisiynydd yn llygad ei le'n tynnu sylw at fanteision hynny ac wrth ddweud bod hynny'n angenrheidiol.

Yn olaf, gwnaeth araith y Prif Weinidog yr wythnos diwethaf argraff arnaf pan ddywedodd, er mwyn inni wella iechyd plant yn y dyfodol, fod yn rhaid inni fynd i'r afael â'r ffordd o fyw y mae pobl ifanc yn ei dewis heddiw—gemau cyfrifiadurol, teclynnau rheoli o bell a bwyd sothach. Mae'n bwysig, er lles cenedlaethau'r dyfodol, inni ddechrau gwella iechyd yn awr.

Mae ad-drefnu'r gwasanaeth iechyd yn beth cadarnhaol am sawl rheswm, ond yr wyf yn erfyn arnoch sicrhau bod plant a phobl ifanc yn ganolog yn hyn, a bod yn rhaid i'r sefydliadau newydd ymateb i'r her hon.

**Andrew R.T. Davies:** Diolchaf finnau i Keith Towler, Comisiynydd Plant Cymru ac i'w dîm am y gwaith y maent yn ei wneud ar ran pobl ifanc yng Nghymru. A minnau'n dad i bedwar o blant ifanc, byddaf bob amser yn rhyfeddu at y cyfleoedd sydd ar gael iddynt a sut y maent yn datblygu. Dylem yn wastad ddatlu'r ffaith honno. Yn anffodus, nid oes cyfle cyfartal ledled Cymru, ac yr wyf yn cefnogi gwelliant y Ceidwadwyr. Dro ar ôl tro, gwelwn anghysonderau yn nyheadau'r rhai yn yr adeilad hwn ac yn y Weithrediaeth wrth iddynt roi polisïau ar waith. Nod y gwelliant a gyflwynwyd yn enw Alun Cairns yw ceisio mynd i'r afael â'r anghysonderau sydd i'w gweld yn aml yn y cytundebau fframwaith gwasanaeth cenedlaethol ac mewn cyfarwydddebau gan y Llywodraeth i lywodraeth leol neu i'r cyrff iechyd, fel y dywedodd Christine Chapman yng nghyswllt yr ad-drefnu o 1 Hydref ymlaen. Mae'r comisiynydd plant yn dweud bod hwn yn

reorganisation of the health service and the links between local authorities in the delivery of their services for young people.

I will touch on just two or three points contained in the children's commissioner's report as laid before the Assembly, because it would be impossible to address all the concerns that I have in the five minutes afforded to me. The Health, Wellbeing and Local Government Committee is currently undertaking an inquiry into access to wheelchair services, and the children's commissioner touches on that as an important piece of work, given how the inability to access such services can prevent young people from realising their full potential in life and can limit a family's involvement in a child's development as they move into adulthood. In responding to the debate today, I hope that the Minister can give us a taste of her engagement with her colleague, the Minister for Health and Social Services, who is charged with advancing this cause and with improving access to wheelchair services. We are still awaiting a review of this important issue. Given that the children's commissioner has identified it as a failing, the Government needs to work together across portfolios to provide support on that, and I hope that, as Minister for children, she can identify how she will address this, along with her colleague, the Minister for health.

Child and adolescent mental health services are a key field in which development work needs to be undertaken, as was identified last week by the various groups that came together to give a comprehensive overview of such provision in Wales. However, regrettably, the Minister for Health and Social Services, in her press statement on this, recoiled from embracing some of the concerns that had been identified. The children's commissioner has now identified it as a failing, particularly the support for children under five who have mental health issues, given that we are the only part of the

gyfnod arbennig o anodd, o gofio'r ad-drefnu ar y gwasanaeth iechyd a'r cysylltiadau rhwng awdurdodau lleol o ran darparu eu gwasanaethau i bobl ifanc.

Crybwyllaf ddau neu dri phwynt yn unig sydd yn adroddiad y comisiynydd plant fel y'i gosodwyd gerbron y Cynulliad, oherwydd byddai'n amhosibl mynd i'r afael â'r holl bethau sy'n fy mhoeni yn y pum munud sydd gennyf. Ar hyn o bryd, mae'r Pwyllgor Iechyd, Lles a Llywodraeth Leol yn cynnal ymchwiliad i fynediad at wasanaethau cadeiriau olwyn, ac mae'r comisiynydd plant yn sôn bod hwnnw'n ddarn pwysig o waith, o gofio sut y gall methu cael gafael ar wasanaethau o'r fath atal pobl ifanc rhag gwireddu eu potensial llawn mewn bywyd a chyfyngu ar ymwneud teulu â datblygiad plentyn wrth iddo symud i fyd oedolyn. Wrth ymateb i'r ddadl heddiw, yr wyf yn gobeithio y gall y Gweinidog roi blas inni ar ei thrafodaethau gyda'i chyd-Weinidog, y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, sy'n gyfrifol am fwrw ymlaen â hyn a gwella'r mynediad at wasanaethau cadeiriau olwyn. Yr ydym yn dal i ddisgwyl adolygiad o'r mater pwysig hwn. O gofio bod y comisiynydd plant wedi nodi bod hyn yn wendid, mae angen i'r Llywodraeth gydweithio ar draws portffolios er mwyn darparu cymorth ar gyfer hynny, ac yr wyf yn gobeithio, a hithau'n Weinidog dros blant, y gall ddweud sut yr aiff i'r afael â hyn, ar y cyd â'i chyd-Weinidog, y Gweinidog dros iechyd.

Mae gwasanaethau iechyd meddwl plant a'r glasoed yn faes allweddol lle y mae angen gwneud gwaith datblygu, fel y nodwyd yr wythnos diwethaf gan yr amrywiol grwpiau a ddaeth at ei gilydd i roi trosolwg cynhwysfawr ar ddarpariaeth o'r fath yng Nghymru. Fodd bynnag, yn anffodus, yn ei datganiad i'r wasg ynglŷn â hyn, osgôdd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ymateb i rai o'r pryderon a godwyd. Mae'r comisiynydd plant bellach wedi nodi bod hyn yn wendid, yn enwedig y cymorth i blant dan bump oed a chanddynt broblemau iechyd meddwl, o gofio mai ni

United Kingdom that does not have such provision, as well as the support for the transition from child to adult mental health services and for the 16 to 18 age range, which is an issue that I have come across in relation to adolescent care in hospices. Sadly, the Welsh Assembly Government and previous Welsh Assembly Governments have also failed to get to grips with that. The children's commissioner identifies that the issue of mental health has been flagged up time and again in every children's commissioner's annual report since 2001. Given that, along with the considerations and concerns raised last week, one must ask where the Welsh Assembly Government is going on this. I would be grateful if the Minister could assign some time in her summing up to address that grave concern, as highlighted in the report.

I was pleased to hear the Minister spend time talking about the recommendations of the previous children's commissioner, made in the 'Lifting the Lid on the Nation's School Toilets' report. The issue of the standard of school toilets has come to prominence on many occasions, including in the context of Jenny Randerson's Measure and the First Minister's statement on the E. coli outbreak. It has been flagged up that there have been fine aspirations in relation to this but little delivery on the ground. I accept that, in her opening remarks to this debate, the Minister indicated that the guidelines were now finally being sent out after having been drawn up in consultation with the Welsh Local Government Association. However, the timelines are critical to the delivery of this, because this recommendation by a previous children's commissioner has been on the books for quite some time. Sadly, some four to five years have lapsed since the publication of this report but we have seen very little action. In summing up, perhaps the Minister could address how she believes that the Welsh Assembly Government, along with the Welsh Local Government Association, will be working along timelines to deliver the

yw'r unig ran o'r Deyrnas Unedig nad oes ganddi ddarpariaeth o'r fath. Cyfeiriwyd hefyd at gymorth yn y cyfnod pontio rhwng gwasanaethau iechyd meddwl i blant a'r gwasanaethau i oedolion a'r ystod oedran 16 i 18. Mae hyn yn fater yr wyf wedi dod ar ei draws yng nghyswllt gofal i'r glasoed mewn hosbisau. Yn anffodus, mae Llywodraeth y Cynulliad a Llywodraethau blaenorol y Cynulliad hefyd wedi methu mynd i'r afael â hynny. Mae'r comisiynydd plant yn dweud bod mater iechyd meddwl wedi'i godi dro ar ôl tro ym mhob adroddiad blynyddol gan y comisiynydd plant ers 2001. O gofio hynny, ynghyd â'r ystyriaethau a'r pryderon a godwyd yr wythnos diwethaf, mae rhywun yn gorfod gofyn i ble y mae Llywodraeth y Cynulliad yn mynd yn y cyswllt hwn. Byddwn yn ddiolchgar pe gallai'r Gweinidog neilltuo rhywfaint o amser, wrth iddi grynhoi, i fynd i'r afael â'r pryder difrifol hwnnw, y tynnwyd sylw ato yn yr adroddiad.

Yr oeddwn yn falch o glywed y Gweinidog yn treulio amser yn sôn am argymhellion y comisiynydd plant blaenorol yn yr adroddiad 'Codi'r Clawr ar Doiledau Ysgol y Genedl'. Mae safon toiledau mewn ysgolion wedi dod i'r amlwg lawer gwaith, gan gynnwys yng nghyd-destun Mesur Jenny Randerson a datganiad y Prif Weinidog am yr achosion E. coli. Tynnwyd sylw at y dyheadau clodwiw sydd wedi bod yn y cyd-destun hwn ond mai ychydig iawn sydd wedi'i wneud ar lawr gwlad. Derbyniaf i'r Gweinidog, yn ei sylwadau agoriadol yn y ddadl hon, ddweud bod y canllawiau yn awr yn cael eu hanfon o'r diwedd ar ôl cael eu llunio drwy ymgynghori â Chymdeithas Llywodraeth Leol Cymru. Serch hynny, mae'r amserlen yn hollbwysig er mwyn gwireddu hyn, oherwydd y mae'r argymhelliad hwn gan gomisiynydd plant blaenorol wedi bod ar glawr ers cryn amser. Yn anffodus, mae rhyw bedair neu bum mlynedd wedi mynd heibio ers cyhoeddi'r adroddiad hwn, ond ychydig iawn sydd wedi digwydd. Wrth grynhoi, efallai y gallai'r Gweinidog ddweud sut mae'n credu yr aiff Llywodraeth y Cynulliad, ynghyd â Chymdeithas Llywodraeth Leol Cymru, ati ar sail amserlen i wireddu

recommendations of this report. I think that Members would benefit from having that information.

4.00 p.m.

**David Lloyd:** Diolch yn fawr am y cyfle i siarad yn y ddadl hon ar adroddiad blynyddol y comisiynydd plant. Hoffwn groesawu'r adroddiad a chymeradwyo gwaith y comisiynydd plant a'i swyddfa drwy gydol blwyddyn brysur arall.

Mae nifer o bynciau yn codi ac yr oeddwn am ganolbwyntio, yn yr amser prin sydd gennyf, ar dri maes penodol. Yn gyntaf, fel y crybwyllwyd gan Andrew R.T. Davies, mae gwasanaethau iechyd meddwl i blant a phobl ifanc wedi bod yn broblem hirdymor. Yr ydym wedi clywed beirniadaethau o'r blaen gan y comisiynydd plant ynglŷn â hyn, ond, yn bendant, mae gagendor rhwng strategaethau a pholisïau cenedlaethol a'r nifer a'r ddarpariaeth gwasanaethau sydd yn angenrheidiol ar lawr gwlad. Mae galw cyson am fwy o wasanaethau ond mae datblygiad y gwasanaethau hynny ar lawr gwlad yn araf. Mae angen llawer mwy o wasanaethau cynghori ac ati, ac nid ydym yn eu gweld yn y tymor byr, o leiaf.

Mae nifer o adroddiadau wedi dweud yr un math o bethau ag y mae'r adroddiad hwn heddiw yn ei ddweud. Mae'n amlwg bod angen datblygu llawer mwy o wasanaethau iechyd meddwl ar lawr gwlad i'n plant a'n pobl ifanc. Hefyd, o gofio adolygiad y Pwyllgor Cymunedau a Diwylliant yn ddiweddar o broblemau troseddwr ifanc, nid oes llawer o wasanaethau iechyd meddwl yn cael eu darparu ar eu cyfer hwy. Felly, mae hynny hefyd yn broblem enfawr mae angen ei hwynebu.

Yr ail bwynt yr hoffwn ganolbwyntio arno yw'r ddarpariaeth cadeiriau olwyn i blant a phobl ifanc. Bu hyn yn fater o gryn bryder ac, wrth gwrs, dyma destun arolwg diweddaraf Pwyllgor Iechyd, Lles a Llywodraeth Leol yn y Cynulliad. Yr wythnos diwethaf, cawsom dystiolaeth bwerus iawn gan deuluoedd â

argymhellion yr adroddiad hwn. Credaf y byddai'r Aelodau ar eu hennill o gael y wybodaeth honno.

**David Lloyd:** Thank you for the opportunity to speak in this debate on the children's commissioner's annual report. I would like to welcome the report and applaud the work of the children's commissioner and his office throughout another busy year.

A number of issues arise and I wanted to focus, in the limited time that I have, on three specific areas. First, as mentioned by Andrew R.T. Davies, mental health services for children and young people have long been a cause for concern. We have heard criticism before from the children's commissioner on this subject, but there is definitely a gap between national strategies and policies and the number and provision of services required on the ground. There is constant demand for more services, but the development of these services on the ground is slow. There is a need for a great deal more counselling services and so on, which we are not seeing in the short term, at least.

A number of reports have said the same sort of thing as is being said in this report today. It is clear that there is a need to develop many more mental health services on the ground for our children and young people. In addition, bearing in mind the recent Communities and Culture Committee review into the problems of young offenders, not many mental health services are provided for them. Therefore, that is also a huge problem that must be faced.

The second point on which I would like to focus is that of wheelchairs for children and young people. This has been the cause of some concern, and it is, of course, the subject of the latest Health, Wellbeing and Local Government Committee review. Last week, we heard some very powerful evidence from

phobl ifanc mewn cadair olwyn, a oedd yn sôn am restrau aros hir am gadair olwyn. Yn aml iawn bydd plentyn wedi tyfu'n rhy fawr i gadair olwyn ar ôl aros rhyw ddwy flynedd i'r gadair olwyn honno ymddangos yn y lle cyntaf. Mae'n amlwg bod y diffyg hwnnw yn annerbyniol. Mae diffygion hefyd yn safon y gadair olwyn a ddarperir, yn ogystal ag yn y ddarpariaeth cynnal a chadw cadair.

**Andrew R.T. Davies:** Thank you for taking an intervention, Dai. You mentioned the evidence that we received from families. Last week, we had the children's commissioner's representative before us. One of the pieces of evidence given, sadly, was that the children's commissioner had not been consulted over the wheelchair review. Does this not reinforce the need for good cross-governmental working to make sure that interested parties are involved in the reviewing and implementation policies?

**David Lloyd:** Diolch am hynny, Andrew. Yr oeddwn ar fin crybwyll y pwynt hwnnw. Mae adolygiad o ddarpariaeth cadeiriau olwyn y gwasanaethau angenrheidiol hynny yn nwylo'r Llywodraeth, ac felly y bu ers sawl mis bellach. Dywedodd y comisiynydd plant nad oedd wedi cael gwahoddiad i gyflwyno tystiolaeth i'r adolygiad hwnnw.

Yn olaf, sef y trydydd maes sydd gennyf o dan sylw o safbwynt yr adroddiad hwn, cyfeiriaf at faes gofalwyr ifanc, sydd eto yn bennawd yn yr adroddiad. Fel cyn is-gadeirydd Croesffyrdd—y mudiad sy'n cefnogi gofalwyr yn Abertawe a Chastell-nedd—yr wyf yn ymwybodol iawn o gyfraniad plant a phobl ifanc sydd hefyd yn ofalwyr. Mae'n amlwg bod eu cyfraniad yn allweddol i fuddiannau eu teuluoedd. Serch hynny, mae eu dyletswyddau gofalu yn aml yn brwydro yn erbyn eu datblygiad arferol fel person ifanc, ac yn enwedig, felly, mewn materion ymarferol, fel cyrraedd yr ysgol yn brydlon a chwblhau eu gwaith cartref. Mae eu dyletswyddau fel gofalwyr ifanc yn tanseilio'r agweddau arferol hynny ar eu bywydau, ac yn eu gorfodi, weithiau, i dyfu i

the families of children in wheelchairs, who talked of long waiting lists for wheelchairs. Children will often have outgrown their wheelchair if they have to wait some two years for the chair to materialise in the first place. That is clearly unacceptable. There are also problems with the quality of wheelchairs provided, as well as with the maintenance provision.

**Andrew R.T. Davies:** Diolch ichi am ganiatáu imi ymyrryd, Dai. Soniasoch am y dystiolaeth a gawsom gan deuluoedd. Yr wythnos diwethaf, daeth cynrychiolydd y comisiynydd plant ger ein bron. Un o'r darnau o dystiolaeth a roddwyd, yn anffodus, oedd nad oedd neb wedi ymgynghori â'r comisiynydd plant ynglŷn â'r adolygiad o gadeiriau olwyn. Onid yw hyn yn ategu bod angen gwaith trawslywodraethol da er mwyn sicrhau bod pawb dan sylw'n ymwneud â'r polisiau'n ymwneud ag adolygu a gweithredu?

**David Lloyd:** Thank you for that, Andrew. I was just about to mention that point. The review of wheelchair provision for those vital services is in the Government's hands, as has been the case for a number of months. The children's commissioner said that he had not been invited to present evidence to that review.

Finally, the third point that I want to raise on this report is in relation to young carers—another heading within this report. As a former vice-chair of Crossroads, the organisation that supports carers in Swansea and Neath, I am very aware of the contribution of children and young people who are also carers. It is clear that their contribution is key to the interests of their families. However, their caring duties often fight against their normal development as young people, especially so in practical issues such as getting to school on time and doing their homework. Their duties as young carers undermine those day to day aspects of their life, forcing them, sometimes, to grow up too early. It was noted in a recent review that these young carers often feel that they



fyny o flaen eu hamser. Nodwyd mewn adolygiad diweddar bod y gofawyr ifanc hyn yn aml yn teimlo na allant ymdopi â'r gofynion a'r pwysau sydd arnynt.

Pwysleisiaf hefyd bod nifer helaeth o ofalwyr ifanc i'w cael. Mewn un ysgol uwchradd yn Abertawe, darganfu arolwg diweddar bod 100 o'r 700 disgybl yn ofalwyr ifanc. Mae'r ffigur hwnnw o 100 o ofalwyr ifanc mewn un ysgol yn syfrdanol, felly nid mater ymylol o bell ffordd yw hwn. Mae angen llawer mwy o gefnogaeth arnynt, llawer mwy o ymwybyddiaeth o'u rôl, ac mae llawer mwy o waith i'w wneud i ateb eu gofynion. Gyda hynny o sylwadau, croesawaf yr adroddiad ac edrychaf ymlaen at ymateb y Gweinidog.

**Eleanor Burnham:** Last year's covering letter from the Children's Commissioner for Wales stated that, despite commendable aspirations at all levels of Government, there was evidence that some excellent policies were failing to make a real difference to the lives and experiences of children and young people in Wales. He went on to say that the challenge facing us all who have had a hand in developing and delivering children and young people's services is to focus on closing the gap between policy intent and practice.

Unfortunately, the commissioner details again this year his frustration at the lack of consistent implementation. He says that

'this is something that must be tackled immediately; no delay, no excuses'.

We all welcome the children's commissioner's second annual review, and I, as others have done, applaud the commissioner's honesty and tenacity. We support the Conservatives' amendment 1.

The 2002 report highlighted child poverty as a key issue, and the 2003 report highlighted children and adolescent mental health services as a key issue. In 2004, the key issue

cannot cope with the demands and pressures that they face.

I also stress that we have a high number of these young carers. In one secondary school in Swansea, a recent survey found that 100 of the 700 pupils were young carers. That figure of 100 young carers in one school is astonishing, so this is not in any way a peripheral issue. They need much more support, a much greater awareness of their role, and much more work needs to be done to deal with their requirements. With those comments, I welcome the report and look forward to the Minister's response.

**Eleanor Burnham:** Dywedodd llythyr eglurhaol Comisiynydd Plant Cymru y llynedd, er gwaetha'r dyheadau clodwiw ar bob lefel o'r Llywodraeth, fod tystiolaeth nad yw rhai polisïau rhagorol yn gwneud gwahaniaeth go iawn i fywyd a phrofiadau plant a phobl ifanc yng Nghymru. Aeth rhagddo i ddweud mai'r her sy'n wynebu pawb ohonom sydd wedi bod yn ymwneud â datblygu a darparu gwasanaethau i blant a phobl ifanc yw canolbwyntio ar gau'r bwlch rhwng bwriad polisïau a'u rhoi ar waith.

Yn anffodus, mae'r comisiynydd yn sôn eto eleni am ei rwystredigaeth a'r diffyg o ran rhoi polisïau ar waith mewn dull cyson. Dywed

mae hyn yn rhywbeth y mae'n rhaid mynd i'r afael ag ef ar unwaith; dim oedi, dim esgusion.

Yr ydym i gyd yn croesawu ail adolygiad blynyddol y comisiynydd plant ac yr wyf fi, fel y mae eraill wedi gwneud, yn cymeradwyo gonestrwydd a dyfalbarhad y comisiynydd. Yr ydym yn cefnogi gwelliant 1 y Ceidwadwyr.

Yr oedd adroddiad 2002 yn tynnu sylw at dlodi plant fel problem allweddol ac yr oedd adroddiad 2003 yn tynnu sylw at wasanaethau iechyd meddwl plant a'r

was child poverty and CAMHS again; in 2005 it was child poverty and CAMHS, and in 2008, again, it was child poverty and CAMHS. It is the same in 2009. I am sorry to be boring, but that tells you something about what is not being done by the Government for our children and young people who are living in poverty. Since the economic crisis that has befallen us because of the banks, we are in as much, if not more, poverty than we ever have been. That is absolutely shameful. The commissioner mentions the failings time and again, and, unfortunately, he mentions school lavatories, which, again, is shameful.

As I say, one main issue is mental health. I worry about that very much and I challenge the Minister as to what she and the Government will do about it. Assembly Government figures show that the number of young people aged 16 to 18 who are categorised as NEET—it is a terrible expression—that is, who are not in employment, education or training, has remained relatively consistent. Apparently, young people who are NEET are excluded from CAMHS. There is no shortage of evidence to support the fact that young people are suffering as a result of gaps in service provision. The ‘Somebody Else’s Business’ report and work by other organisations have repeatedly highlighted the unacceptable inadequacy of CAMHS, so, this is a huge challenge for us.

Dr Dai Lloyd mentioned wheelchair provision, and I asked a question on that recently. We know that Dai is clued up on these things, because his other work is as a GP, and he is clued up on the issue of wheelchair provision. As he rightly said, if a child or young person is waiting for a wheelchair, they grow out of the specifications of their original request, which

glasod fel problem allweddol. Yn 2004, y gwasanaethau hyn a thlodi plant oedd y pwnc allweddol unwaith eto; yn 2005, tlodi plant a gwasanaethau iechyd meddwl plant a’r glasod oedd dan sylw, ac yn 2008, unwaith eto, tlodi plant a gwasanaethau iechyd meddwl plant a’r glasod. A’r un peth sy’n wir yn 2009. Mae’n ddrwg gennyf eich diflasu, ond mae hynny’n dweud rhywbeth wrthy ch am yr hyn nad yw’r Llywodraeth yn ei wneud dros ein plant a’n pobl ifanc sy’n byw mewn tlodi. Ers yr argyfwng economaidd sydd wedi dod i’n rhan oherwydd y banciau, yr ydym yr un mor dlawd, os nad yn dlotach, nag y buom erioed. Mae hynny’n gwbl gywilyddus. Mae’r comisiynydd yn sôn am y methiannau dro ar ôl tro, ac yn anffodus, mae’n sôn am doiledau mewn ysgolion, sydd, unwaith eto’n gywilyddus.

Fel y dywedaf, un o’r prif broblemau yw iechyd meddwl. Yr wyf yn poeni’n fawr am hynny, ac yr wyf yn herio’r Gweinidog i ddweud beth a wnaiff hi a’r Llywodraeth yn ei gylch. Dengys ffigurau Llywodraeth y Cynulliad fod nifer y bobl rhwng 16 ac 18 oed sy’n cael eu categoreiddio’n NEET—mae’n ymadrodd ofnadwy—hynny yw, y rhai nad ydynt mewn addysg, cyflogaeth na hyfforddiant, wedi aros yn gymharol gyson. I bob golwg, nid yw’r bobl ifanc hyn yn cael gwasanaethau iechyd meddwl i blant a’r glasod. Nid oes prinder tystiolaeth i gefnogi’r ffaith bod pobl ifanc yn dioddef yn sgîl bylchau yn y gwasanaethau a ddarperir. Mae’r adroddiad ‘Busnes Rhywun Arall’ a gwaith gan sefydliadau eraill wedi dweud dro ar ôl tro mor annigonol yw’r gwasanaethau iechyd meddwl i blant a’r glasod, felly, mae hyn yn her anferth inni.

Crybwyllwyd y ddarpariaeth cadeiriau olwyn gan Dr Dai Lloyd, a gofynnais gwestiwn am hynny’n ddiweddar. Gwyddom fod Dai’n gyfarwydd â’r maes hwn, am ei fod yn feddyg teulu yn ei swydd arall, ac mae’n gyfarwydd â mater darparu cadeiriau olwyn. Yr oedd yn llygad ei le’n dweud os bydd plentyn neu berson ifanc yn disgwyl am gadair olwyn, eu bod yn tyfu’n rhy fawr i’r

is a complete waste of everyone's time and effort.

Child poverty is the biggest issue, and I am not sure what we will do, given that we do not have sufficient money as a result of the Barnett formula and so on. We tried to ask the Secretary of State for Wales about that last week, and I understand that there will be some top-up. We need more money so that we can tackle all these problems, as it is obvious to me that, with the existing budgets, you cannot do everything. Therefore, Minister, I hope that you are pressing Mr Hain to try to do his best so that we can get more money, because we are told time and again that the issues in this area relate to funding, and they are serious issues.

I commend the report; the children's commissioner is a dedicated person who deserves our support, and that of the Government. He deserves to be heard, so that we do not come back next year to discuss the issue of child poverty, CAMHS and wheelchairs—not to mention school lavatories, which are an absolute disgrace. I challenge the Government. It is now up to you to try to rise to the challenge, otherwise it is just talk. It is a serious matter.

4.10 p.m.

**Jonathan Morgan:** I will start by congratulating the children's commissioner for the huge amount of work that he does, for the professionalism of his office and for the quality of the reports. What is worrying about these reports is that, as Andrew R.T. Davies pointed out earlier, year on year since 2001, issues have been raised in the report about child and adolescent mental health services. It cannot be good enough for the Assembly Government to be criticised year on year for a lack of progress in delivering what should be highly specialised, ambitious and targeted services to such an extent that it merely sits back year on year and does nothing about it.

gadair y maent wedi ei harchebu'n wreiddiol, ac mae hynny'n wastraff llwyr ar amser ac ymdrech i bawb.

Tlodi plant yw'r broblem fwyaf, ac nid wyf yn siŵr beth a wnawn, gan nad oes gennym ddigon o arian yn sgîl fformiwla Barnett ac yn y blaen. Ceisiasom ofyn i'r Ysgrifennydd Gwladol am hynny yr wythnos diwethaf, a deallaf y bydd rhywfaint o arian ychwanegol. Mae angen rhagor o arian arnom er mwyn inni fynd i'r afael â'r problemau hyn i gyd, oherwydd ei bod yn amlwg i mi, o fewn y cyllidebau presennol, na allwch wneud popeth. Felly, Weinidog, gobeithio eich bod yn rhoi pwysau ar Mr Hain i geisio gwneud ei orau er mwyn inni gael rhagor o arian, oherwydd dywedir wrthym dro ar ôl tro fod a wnelo'r problemau yn y maes hwn ag ariannu, ac maent yn broblemau difrifol.

Yr wyf yn cymeradwyo'r adroddiad; mae'r comisiynydd plant yn ŵr ymroddedig sy'n haeddu'n cefnogaeth, a chefnogaeth y Llywodraeth. Mae'n haeddu cael ei glywed, fel nad ydym yn dod yn ôl y flwyddyn nesaf i drafod problem tlodi plant, gwasanaethau iechyd meddwl i blant a'r glasoed a chadeiriau olwyn—heb sôn am doiledau mewn ysgolion, sy'n gywilydd go iawn. Heriaf y Llywodraeth. Eich gwaith chi yn awr yw ceisio ymateb i'r her, neu fel arall, siarad gwag yw'r cyfan. Mae'n fater difrifol.

**Jonathan Morgan:** Dechreuaf drwy longyfarch y comisiynydd plant am y gwaith enfawr y mae'n ei wneud, am broffesiynoldeb ei swyddfa ac am ansawdd yr adroddiadau. Yr hyn sy'n poeni rhywun am yr adroddiadau hyn, fel y dywedodd Andrew R.T. Davies yn gynharach, yw bod materion wedi'u codi yn yr adroddiad am wasanaethau iechyd meddwl i blant a'r glasoed flwyddyn ar ôl blwyddyn ers 2001. Ni all fod yn ddigon da i Lywodraeth y Cynulliad gael ei beirniadu flwyddyn ar ôl blwyddyn am ddiffyg cynnydd o ran gwireddu'r hyn a ddylai fod yn wasanaethau arbenigol iawn, ac yn wasanaethau uchelgeisiol sydd wedi'u

targeddu, i'r fath raddau nes nad yw'n gwneud dim ond eistedd yn ôl flwyddyn ar ôl blwyddyn heb wneud dim yn ei gylch.

I find the fact that the Assembly Government now says that the joint report published by the Auditor General for Wales, Healthcare Inspectorate Wales, the Care and Social Services Inspectorate Wales and Estyn into child and adolescent mental health services is somehow out of date—although the work was done in August 2009—completely incomprehensible. The Assembly Government needs to act urgently to reform services in the field of mental health for children and adolescents. It cannot be any sort of comfort that, year on year, the office of the children's commissioner publishes reports highlighting these concerns over and over again. I remember, when the late Peter Clarke was the children's commissioner, the criticism in one of his reports of the Government's approach to CAMHS. He said something along the lines that the Government should either fund the service properly, or simply give up the pretence of supporting it. I do not see how we have seen much in the way of improvement since Peter Clarke published that extremely important commissioner's report all those years ago.

We have seen a considerable rise in mental illness among young people. I do not know whether that is a rise in cases of mental illness or a rise in identification, but, either way, the numbers are increasing. We are seeing a worrying increase in the level of depression among young adolescents in particular, and those data are available in the British Medical Journal and others. There is a wealth of evidence to show a higher level of detection of mental illness and ill health among young people in Wales. We are not doing enough to provide services that they can access urgently in order to help them to resolve those problems.

I mi, mae'n gwbl annealladwy bod Llywodraeth y Cynulliad yn dweud yn awr bod yr adroddiad ar y cyd a gyhoeddwyd gan Archwilydd Cyffredinol Cymru, Arolygiaeth Gofal Iechyd Cymru, Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru ac Estyn am wasanaethau iechyd meddwl i blant a'r glasoed rywsut ar ei hôl hi—er i'r gwaith gael ei wneud ym mis Awst 2009. Mae angen i Lywodraeth y Cynulliad weithredu ar frys i ddiwygio gwasanaethau ym maes iechyd meddwl i blant a'r glasoed. Ni all fod yn gysur o fath yn y byd bod swyddfa'r comisiynydd plant yn cyhoeddi flwyddyn ar ôl blwyddyn adroddiadau sy'n tynnu sylw at y pryderon hyn dro ar ôl tro. Cofiaf, pan oedd y diweddar Peter Clarke yn gomisiynydd plant, feirniadaeth yn un o'i adroddiadau ar agwedd y Llywodraeth at wasanaethau iechyd meddwl i blant a'r glasoed. Dywedodd rywbeth i'r perwyl y dylai'r Llywodraeth naill ai ariannu'r gwasanaeth yn iawn neu roi'r gorau i esgus ei gefnogi. Ni welaf fod fawr o ddim wedi gwella ers i Peter Clarke gyhoeddi'r adroddiad eithriadol o bwysig hwnnw gan y comisiynydd flynyddoedd lawer yn ôl.

Yr ydym wedi gweld cynnydd sylweddol mewn afiechyd meddwl ymhlith pobl ifanc. Ni wn ai cynnydd yn nifer yr achosion o afiechyd meddwl ynteu cynnydd yn y nifer sy'n cael eu canfod yw hyn, ond, pa un bynnag ydyw, mae'r niferoedd yn cynyddu. Yr ydym yn gweld cynnydd sy'n gwneud i rywun boeni am lefel yr iselder ymhlith pobl ifanc yn eu glasoed yn benodol, ac mae'r data hynny ar gael yn y British Medical Journal ac mewn manau eraill. Mae toreth o dystiolaeth ar gael i ddangos bod lefel uwch o ganfod afiechyd meddwl ac afiechyd ymhlith pobl ifanc yng Nghymru. Nid ydym yn gwneud digon i ddarparu gwasanaethau y maent yn gallu cael gafael arnynt ar frys er mwyn eu cynorthwyo i ddatrys y problemau hynny.

This week, I visited a family in the constituency next to mine, the First Minister's constituency, whose young son had developed schizophrenia. He had gone through a particularly dreadful crisis in his life—he had lost his father. The story that the family told me about their ability to access good local community facilities was shocking. The community mental health team provides a Monday to Friday service, working from 9 a.m. to 5 p.m.. It is almost as if we do not expect mental illness to occur outside that time slot. They also told me that access to GP services was pretty poor. The GP's original diagnosis was that it was merely due to adolescence and down to the problems that adolescents go through. This young lad had been left undiagnosed for a significant period of time, had not been able to access the services that he needed and, I suspect that he is now in a worse position because of that lack of early intervention. We need to ensure the early provision of services, access to good-quality GP services and good-quality community services right from the start.

I know, because other Members—such as Bethan Jenkins—have raised it in the Chamber time and again, the problems relating to services for those with eating disorders. It cannot be right that a young person in Wales today who has developed an eating disorder, who may have developed anorexia nervosa, has to travel to somewhere in England in order to identify and access a specialist eating disorder clinic. We have no services in Wales, except community-based cognitive behavioural therapy or the odd bit of access to a psychiatrist or psychologist when they are free. There is nothing in Wales at all unless you get someone to refer you to a hospital or a unit in England. That is not right. I firmly believe that the Assembly Government, as a matter of urgency, needs to see how these services can be provided in Wales. For families going through the most

Yr wythnos hon, ymwelais â theulu yn yr etholaeth agosaf at fy un i, etholaeth y Prif Weinidog. Yr oedd sgitsoffrenia ar fab ifanc y teulu. Yr oedd wedi wynebu argyfwng arbennig o erchyll yn ei fywyd—yr oedd wedi colli ei dad. Yr oedd yr hanes a glywais gan y teulu am ei allu i gael gafael ar gyfleusterau da yn ei gymuned leol yn syfrdanol. Mae'r tîm iechyd meddwl yn y gymuned yn darparu gwasanaeth rhwng dydd Llun a dydd Gwener, gan weithio rhwng 9 a.m. a 5 p.m. Mae bron fel pe na baem yn disgwyl i salwch meddwl ddigwydd y tu allan i'r adegau hynny. Dywedasant wrthyf hefyd fod mynediad at wasanaethau meddyg teulu'n eithaf gwael. Diagnosis gwreiddiol y meddyg teulu oedd mai'r rheswm dros yr anhwylder oedd mai glaslanc oedd y bachgen a'i fod yn cael y problemau y bydd pobl ifanc yn eu hwynebu. Ni chafodd y bachgen ifanc hwn ddiagnosis am gryn gyfnod, nid oedd wedi gallu cael y gwasanaethau yr oedd eu hangen arno, ac, yr wyf yn amau ei fod yn awr mewn gwaeth sefyllfa oherwydd na chafodd gymorth mewn da bryd. Mae angen inni sicrhau bod gwasanaethau'n cael eu darparu'n fuan, fod modd i bobl gael gwasanaethau meddyg teulu o safon a gwasanaethau o safon yn y gymuned o'r cychwyn un.

Gwn, oherwydd bod Aelodau eraill—megis Bethan Jenkins—wedi'i godi yn y Siambr dro ar ôl tro, am y problemau sy'n gysylltiedig â gwasanaethau ir rhai a chanddynt anhwylderau bwyta. Ni all fod yn iawn bod rhywun ifanc yng Nghymru heddiw a chanddo anhwylder bwyta, a hwnnw wedi troi'n anorexia nervosa efallai, yn gorfod teithio i rywle yn Lloegr er mwyn dod o hyd i glinig anhwylder bwyta arbenigol a chael gafael ar wasanaeth. Nid oes gennym wasanaethau yng Nghymru, ac eithrio therapi ymddygiad gwybyddol yn y gymuned neu wasanaeth seiciatrydd neu seicolegydd yma a thraw pan fyddant ar gael. Nid oes dim yng Nghymru o gwbl oni chewch rywun i'ch atgyfeirio at ysbyty neu uned yn Lloegr. Nid yw hynny'n iawn. Yr wyf yn credu'n gryf fod angen i Lywodraeth y Cynulliad weld ar frys sut y gellir darparu'r gwasanaethau hyn

dreadful time, it cannot be right that we expect them to travel two hours down the M4 to a clinic or a unit in England that could easily be provided in Wales. We have a long way to go, Minister, to provide better mental health services for children and young people. We want to see something from you today that will give us hope that that will be achieved.

**The Minister for Children, Education, Lifelong Learning and Skills (Jane Hutt):** I thank the Members who have contributed to this debate. I welcome the debate and the contributions will help to inform my final, more detailed, response to the report of the children's commissioner.

On the particular issues that have been raised in this debate, Paul, Eleanor and Andrew referred to child poverty. As I said in my opening remarks, it is important that we recognise the achievements that have been made and I believe that the Proposed Children and Families (Wales) Measure will make the difference that we want to see in terms of the eradication of child poverty. It will build on the foundations laid by programmes such as Flying Start. We know that in order to make faster progress on child poverty, we have to galvanise matters and draw on the expertise and experience of a wide range of public bodies. Mapping the evaluation results of existing Government child poverty programmes will enable us to take forward the analysis to ensure that our new child poverty strategy for Wales, which, of course, is informed by the evidence of such bodies as the Joseph Rowntree Foundation and the Bevan Foundation, will help to take forward our ambition to end child poverty by 2020. The strategy has to be based around the 13 broad aims outlined in the Proposed Children and Families (Wales) Measure to tackle the causes and effects of income poverty through a range of cross-cutting policies and programmes. The new child poverty strategy will also reflect a dual policy approach to meeting UK Government

yng Nghymru. I deuluoedd sy'n wynebu'r amser gwaethaf, ni all fod yn iawn inni ddisgwyl iddynt deithio ddwyawr ar hyd yr M4 i glinig neu i uned yn Lloegr pan fyddai'n rhwydd darparu'r gwasanaethau hynny yng Nghymru. Mae gennym gryn dasg o'n blaenau, Weinidog, i ddarparu gwell gwasanaethau iechyd meddwl i blant a phobl ifanc. Yr ydym am weld rhywbeth gennyh heddiw a fydd yn rhoi gobaith inni y cyflawnir hynny.

**Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau (Jane Hutt):** Diolch i'r Aelodau sydd wedi cyfrannu at y ddadl hon. Yr wyf yn croesawu'r ddadl a bydd y cyfraniadau'n gymorth wrth imi lunio fy ymateb terfynol, manylach, i adroddiad y comisiynydd plant.

O ran y materion penodol sydd wedi'u codi yn y ddadl hon, cyfeiriodd Paul, Eleanor ac Andrew at dlodi plant. Fel y dywedais yn fy sylwadau agoriadol, mae'n bwysig inni gydnabod yr hyn sydd wedi'i gyflawni, a chredaf y bydd y Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru) yn gwneud y gwahaniaeth yr ydym am ei weld o ran dileu tlodi plant. Bydd yn adeiladu ar y sylfeini a osodwyd gan raglenni megis Dechrau'n Deg. Gwyddom, er mwyn gwella pethau'n gyflymach ym maes tlodi plant, fod yn rhaid inni ddwyn pethau at ei gilydd a manteisio ar arbenigedd a phrofiad ystod eang o gyrff cyhoeddus. Drwy fanylu ar ganlyniadau gwerthuso'r rhaglenni tlodi plant sydd gan y Llywodraeth eisoes, byddwn yn gallu bwrw ymlaen â'r dadansoddiad er mwyn sicrhau bod ein strategaeth newydd ynghylch tlodi plant i Gymru, sydd wrth gwrs wedi'i seilio ar dystiolaeth cyrff megis Sefydliad Joseph Rowntree a Sefydliad Bevan, yn gymorth inni wireddu'n huchelgais i roi terfyn ar dlodi plant erbyn 2020. Rhaid seilio'r strategaeth hon ar y 13 amcan eang a restrir yn y Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru) er mwyn mynd i'r afael ag achosion ac effeithiau tlodi o ran incwm drwy gyfrwng ystod o bolisiau a rhaglenni trawsbynciol. Bydd y strategaeth newydd ynghylch tlodi plant yn adlewyrchu

child poverty targets. It is anticipated that the new child poverty strategy will be taken forward to consultation in the spring. It is that duty on public authorities that will make all the difference in tackling child poverty.

There is an issue with school toilets. I responded immediately to 'Lifting the Lid on the Nation's School Toilets' in terms of work with the Welsh Local Government Association. I want to say something about capital investment. Currently, funding for school buildings, including school toilets, is available through our school building improvement grant and we are moving to our twenty-first century schools capital programme. We brought forward £5 million from 2010-11 for small capital works in the school programme. Local authorities took action to undertake improvement works to school toilets. In fact, I was pleased to visit Ysgol Gynradd Gymraeg Evan James's toilet refurbishment, where the children and young people had helped to design the new toilets. We have seen many other developments, including those in Newton Primary School in Bridgend, Croesyceiliog Comprehensive School in Torfaen, and in Wrexham, Gwynedd, Conwy and Merthyr Tydfil. They are all now investing in school toilets. The guidance that the Department for Health and Social Services is producing in conjunction with DCELLS will be vital to addressing this issue.

The point that you made, Paul, about school reorganisation is being addressed. Local authorities are expected to consult those likely to be affected by any school reorganisation and you will know that new guidance on school reorganisation proposals was issued in September. It will apply to all proposals published after 1 January 2010. That guidance indicates that Ministers will be taking the views of children and young

dull deublyg o ran polisiau o fynd ati i gyflawni targedau tlodi plant Llywodraeth y Deyrnas Unedig. Rhagwelir yr ymgynghorir ynglŷn â'r strategaeth newydd ynghylch tlodi plant yn y gwanwyn. Y ddyletswydd honno ar awdurdodau lleol a fydd yn gwneud y gwahaniaeth mawr o ran mynd i'r afael â thlodi plant.

Mae toiledau mewn ysgolion yn broblem. Ymatebais ar unwaith i adroddiad 'Codi'r Clawr ar Doiledau Ysgol y Genedl' drwy weithio gyda Chymdeithas Llywodraeth Leol Cymru. Yr wyf am ddweud rhywbeth am fuddsoddi cyfalaf. Ar hyn o bryd, mae'r arian ar gyfer adeiladau ysgolion, gan gynnwys toiledau mewn ysgolion, ar gael drwy ein grant gwella adeiladau ysgolion ac yr ydym yn symud i'n rhaglen cyfalaf ar gyfer ysgolion yr unfed ganrif ar hugain. Dygwyd £5 miliwn ymlaen o 2010-11 ar gyfer mân waith cyfalaf yn y rhaglen ysgolion. Cymerodd awdurdodau lleol gamau er mwyn gwneud gwaith gwella ar doiledau mewn ysgolion. A dweud y gwir, yr oeddwn yn falch o ymweld ag Ysgol Gynradd Gymraeg Evan James lle y mae'r toiledau wedi cael eu hadnewyddu, a lle yr oedd y plant a'r bobl ifanc wedi cynorthwyo i gynllunio'r toiledau newydd. Yr ydym wedi gweld llawer o ddatblygiadau eraill, gan gynnwys y rhai yn Ysgol Gynradd Newton ym Mhen-y-bont ar Ogwr, Ysgol Gyfun Croesyceiliog yn Nhorfaen ac yn Wrecsam, Gwynedd, Conwy a Merthyr Tudful. Bydd y canllawiau y mae'r Adran Iechyd a Gwasanaethau Cymdeithasol yn eu cynhyrchu ar y cyd â'r Adran Plant, Addysg, Dysgu Gydol Oes a Sgiliau yn hollbwysig er mwyn mynd i'r afael â'r mater hwn.

Mae'r pwynt a wnaethoch, Paul, ynglŷn ag ad-drefnu ysgolion yn cael sylw. Disgwylir i awdurdodau lleol ymgynghori â'r rhai y mae unrhyw ad-drefnu ar ysgolion yn debyg o effeithio arnynt a gwyddoch fod canllawiau newydd ynglŷn â chynigion i ad-drefnu ysgolion wedi'u cyhoeddi ym mis Medi. Bydd yn berthnasol i bob cynnig a gyhoeddir ar ôl 1 Ionawr 2010. Mae'r canllawiau hynny'n dweud y bydd Gweinidogion yn

people into account when considering proposals. That came about as a result of contributions by backbenchers and work by the Children and Young People Committee on how we should take this forward.

Chris Chapman talked about health issues from the perspective of not just improving health and wellbeing, but looking at the opportunities that we have. In terms of NHS reorganisation, you will know that the Welsh Assembly Government has written to the new local health bodies to remind them of their duties in relation to children, including safeguarding, and drawn their attention to the shortcomings that are known to exist and need urgent action. Each body, importantly, will have a nominated lead for children's services to ensure that responsibilities are fully understood and good practice shared.

4.20 p.m.

An important point that has not come out of the debate relates to the areas of policy in which the children's commissioner has acknowledged that the Welsh Assembly Government has made progress, for example, school counselling in the community. That is a major step forward recognised by the children's commissioner. He welcomed the publication of our strategy on school-based counselling. That is unique in the UK and in terms of responsibilities for independent school counselling, which will be clear in the delivery.

Andrew, Dai and Eleanor all raised points on wheelchair services and CAMHS strategies and the current review of wheelchair services. In looking at the provision of wheelchairs, it is important to state that the Minister for Health and Social Services is herself concerned about the length of time that some patients have to wait for assessments and to receive their wheelchairs. The provision of wheelchair services is primarily made by the Artificial Limb and Appliance Service, which is not an all-Wales

ystyried barn plant a phobl ifanc wrth ystyried cynigion. Digwyddodd hynny yn sgîl cyfraniadau gan feincwyr cefn a gwaith gan y Pwyllgor Plant a Phobl Ifanc ynglŷn â sut y dylem fwrw ymlaen â hyn.

Soniodd Chris Chapman am faterion sy'n ymwneud ag iechyd, nid dim ond o safbwynt gwella iechyd a lles, ond gan edrych ar y cyfleoedd sydd gennym. O ran ad-drefnu'r GIG, gwyddoch fod Llywodraeth y Cynulliad wedi ysgrifennu at y cyrff iechyd lleol newydd i'w hatgoffa am eu dyletswyddau yng nghyswllt plant, gan gynnwys diogelu. Tynnwyd eu sylw at y gwendidau y gwyddys amdanynt ac y mae angen gweithredu ar frys yn eu cylch. Bydd gan bob corff, ac mae hyn yn bwysig, arweinydd enwebedig ar gyfer gwasanaethau plant, er mwyn sicrhau bod pawb yn deall y cyfrifoldebau'n llawn a'u bod yn rhannu arferion da.

Pwynt pwysig nad yw wedi codi yn y ddadl yw hwnnw sy'n ymwneud â'r meysydd polisi hynny y mae'r comisiynydd plant wedi cydnabod i Lywodraeth y Cynulliad wneud cynnydd ynddynt, er enghraifft cwnsela mewn ysgolion yn y gymuned. Mae hwnnw'n gam mawr ymlaen sy'n cael ei gydnabod gan y comisiynydd plant. Yr oedd yn croesawu cyhoeddi ein strategaeth ar gyfer cwnsela seiliedig ar ysgolion. Mae hynny'n unigryw yn y Deyrnas Unedig ac o ran cyfrifoldebau am gwnsela annibynnol mewn ysgolion, a daw hyn yn glir pan roddir y strategaeth ar waith.

Codwyd pwyntiau gan Andrew, Dai ac Eleanor ynglŷn â gwasanaethau cadeiriau olwyn a strategaethau ar gyfer iechyd meddwl plant a'r glasoed a'r adolygiad sydd ar y gweill o wasanaethau cadeiriau olwyn. Wrth edrych ar y ddarpariaeth cadeiriau olwyn, mae'n bwysig dweud bod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ei hun yn poeni ynghylch am ba hyd y mae'n rhaid i rai cleifion aros am asesiad ac i gael eu cadeiriau olwyn. Y Gwasanaeth Aelodau Artiffisial a Chyfarpar



service. It is based in two centres: one in Cardiff and the other in Wrexham. The review of wheelchair services across Wales is important. In fact, the Every Disabled Child Matters campaign—

**Andrew R.T. Davies:** You touched on the emotive subject of wheelchair services, which Dai and I raised, and on the importance of the review. However, that review was meant to announce its first findings in March, but it still has not reported. So, when you are looking at developing services, is that an acceptable delay in addressing the concerns raised by many, including the children's commissioner?

**Jane Hutt:** We have to get the review right. The assessment in the first phase of the review was about looking at the current pathway provision of wheelchairs. The specific key findings and recommendations are now being considered. The point that I wanted to make was that I have been working closely with the Every Disabled Child Matters campaign, which has a representative on the review group to ensure that the user's voice is clearly heard.

I wish to finish on CAMHS and draw your attention to the written statement that the Minister published last week, on 24 November. That statement clearly maps the progress made on the approval for grant funding to support prevention training to ensure that local health boards also deliver specialist forensic CAMHS in Wales and that they develop plans to ensure that all 16 and 17-year-olds who require specialist CAMHS can receive those services by March 2012. All of the progress made on investment is there.

sy'n darparu gwasanaethau cadeiriau olwyn yn bennaf. Nid gwasanaeth i Gymru gyfan yw hwnnw. Fe'i darperir mewn dwy ganolfan: un yng Nghaerdydd a'r llall yn Wrexham. Mae'r adolygiad o wasanaethau cadeiriau olwyn ledled Cymru'n bwysig. A dweud y gwir, mae'r ymgyrch Mae Pob Plentyn Anabl yn Cyfrif—

**Andrew R.T. Davies:** Soniasoch am bwnc emosiynol gwasanaethau cadeiriau olwyn, pwynt a godwyd gan Dai a minnau, a phwysigrwydd yr adolygiad. Serch hynny, yr oedd yr adolygiad hwnnw i fod i gyhoeddi ei ganfyddiadau cyntaf ym mis Mawrth, ond nid yw wedi cyflwyno adroddiad byth. Felly, a chithau'n ystyried datblygu gwasanaethau, a yw'r oedi hwnnw'n dderbyniol o ran mynd i'r afael â'r pryderon a godwyd gan lawer, gan gynnwys y comisiynydd plant?

**Jane Hutt:** Rhaid inni sicrhau bod yr adolygiad yn iawn. Yr oedd a wnelo'r asesiad yng ngham cyntaf yr adolygiad ag edrych ar y llwybr a ddefnyddir ar hyn o bryd i ddarparu cadeiriau olwyn. Mae'r canfyddiadau a'r argymhellion allweddol penodol wrthi'n cael eu hystyried yn awr. Y pwynt yr oeddwn am ei wneud oedd fy mod wedi bod yn gweithio'n agos gyda'r ymgyrch Mae Pob Plentyn Anabl yn Cyfrif. Mae gan hwnnw gynrychiolydd ar y grŵp adolygu er mwyn sicrhau bod llais y defnyddiwr yn cael ei glywed yn glir.

Yr wyf am orffen gyda gwasanaethau iechyd meddwl i blant a'r glasod a thynnu eich sylw at y datganiad ysgrifenedig a gyhoeddwyd gan y Gweinidog yr wythnos diwethaf ar 24 Tachwedd. Mae'r datganiad hwnnw'n disgrifio'n glir y cynnydd a wnaethpwyd o ran cymeradwyo arian grant i gynorthwyo i dalu am hyfforddiant atal er mwyn sicrhau bod byrddau iechyd lleol hefyd yn darparu gwasanaethau iechyd meddwl ffensiog arbenigol i blant a'r glasod yng Nghymru a'u bod yn datblygu cynlluniau i sicrhau bod pawb sy'n 16 ac yn 17 oed yn gallu cael y gwasanaethau hynny erbyn mis Mawrth 2012. Mae'r holl gynnydd sydd wedi'i wneud o ran buddsoddi i'w weld yn

hynny o beth.

**Peter Black:** Thank you for drawing our attention to that statement, but do you accept that if we are to continue to develop CAMHS, we need to invest in them? Given the forthcoming abolition of the joint working grant, a lot of money that is currently being put into children and adolescent mental health services will be lost, and yet your Government does not propose to replace that money.

**Jane Hutt:** We are taking forward the evidence gained from the joint working grant. It was always meant to pave the way for improved investment and improved practice. That is what it delivered. There is improved investment in the CAMHS strategy. We will respond to those reports in due course.

In conclusion, I welcome the progress outlined by the children's commissioner. Most importantly, I recognise that he is helping us to move forward. We respect his independence, credibility and evidence. However, it is then a matter of us responding, as I believe that we are doing, in partnership to ensure that the rights of children and young people are not only respected, but enhanced.

**The Deputy Presiding Officer:** The proposal is to agree amendment 1. Are there any objections? I see that there are, so I defer all votes on this item until voting time. I now propose to proceed to voting time. Does anybody wish the bell to be rung? I see that no-one does.

*Gohiriwyd y pleidleisiau tan y cyfnod pleidleisio.  
Votes deferred until voting time.*

**Peter Black:** Diolch am dynnu ein sylw at y datganiad hwnnw, ond a ydych yn derbyn, er mwyn inni barhau i ddatblygu gwasanaethau iechyd meddwl i blant a'r glasoed, fod angen inni fuddsoddi ynddynt? O gofio bod y grant cydweithio ar fin cael ei ddileu, collir llawer o arian sydd ar hyn o bryd yn mynd at wasanaethau iechyd meddwl i blant a'r glasoed, ac eto nid yw eich Llywodraeth yn bwriadu rhoi arian yn lle'r arian hwnnw.

**Jane Hutt:** Yr ydym yn bwrw ymlaen â'r dystiolaeth a gafwyd yn sgîl y grant cydweithio. Y bwriad o'r cychwyn oedd paratoi'r ffordd ar gyfer gwell buddsoddi a gwell arferion. Mae hynny wedi'i wireddu. Mae gwell buddsoddi yn y strategaeth gwasanaethau iechyd meddwl ar gyfer plant a'r glasoed. Byddwn yn ymateb i'r adroddiadau hynny maes o law.

I gloi, yr wyf yn croesawu'r cynnydd y soniwyd amdano gan y comisiynydd plant. Yn anad dim, yr wyf yn cydnabod ei fod yn ein cynorthwyo i symud ymlaen. Yr ydym yn parchu ei annibyniaeth, ei hygredded a'i dystiolaeth. Fodd bynnag, ein gwaith ni wedyn yw ymateb, fel yr ydym yn gwneud, fe gredaf, mewn partneriaeth i sicrhau bod hawliau plant a phobl ifanc nid yn unig yn cael eu parchu, ond yn cael eu cryfhau.

**Y Dirprwy Lywydd:** Y cynnig yw ein bod yn derbyn gwelliant 1. A oes unrhyw wrthwynebiad? Gwelaf fod, felly gohiriaf bob pleidlais ar yr eitem hon tan y cyfnod pleidleisio. Bwriadaf symud i'r cyfnod pleidleisio. A oes unrhyw un am i'r gloch gael ei chanu? Gwelaf nad oes.

### **Cyfnod Pleidleisio Voting Time**

*Gwelliant 1 i NDM4335: O blaid 14, Ymatal 0, Yn erbyn 35.  
Amendment 1 to NDM4335: For 14, Abstain 0, Against 35.*

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

Bates, Mick  
Black, Peter  
Burnham, Eleanor  
Burns, Angela  
Cairns, Alun  
Davies, Andrew R.T.  
Davies, Paul  
German, Michael  
Graham, William  
Melding, David  
Millar, Darren  
Morgan, Jonathan  
Randerson, Jenny  
Williams, Kirsty

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

Andrews, Leighton  
Asghar, Mohammad  
Barrett, Lorraine  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Alun  
Davies, Andrew  
Davies, Jocelyn  
Evans, Nerys  
Franks, Chris  
Gibbons, Brian  
Gregory, Janice  
Griffiths, John  
Griffiths, Lesley  
Hart, Edwina  
Hutt, Jane  
James, Irene  
Jenkins, Bethan  
Jones, Alun Ffred  
Jones, Ann  
Jones, Carwyn  
Jones, Elin  
Jones, Gareth  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Lloyd, David  
Lloyd, Val  
Morgan, Rhodri  
Ryder, Janet  
Sargeant, Carl  
Thomas, Gwenda  
Thomas, Rhodri Glyn  
Watson, Joyce  
Wood, Leanne

*Gwrthodwyd y gwelliant.  
Amendment not agreed.*

*Gwelliant 2 i NDM4335: O blaid 14, Ymatal 0, Yn erbyn 35.  
Amendment 2 to NDM4335: For 14, Abstain 0, Against 35.*

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

Bates, Mick  
Black, Peter  
Burnham, Eleanor  
Burns, Angela  
Cairns, Alun  
Davies, Andrew R.T.  
Davies, Paul  
German, Michael  
Graham, William  
Melding, David  
Millar, Darren  
Morgan, Jonathan

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

Andrews, Leighton  
Asghar, Mohammad  
Barrett, Lorraine  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Alun  
Davies, Andrew  
Davies, Jocelyn  
Evans, Nerys  
Franks, Chris  
Gibbons, Brian

Randerson, Jenny  
Williams, Kirsty

Gregory, Janice  
Griffiths, John  
Griffiths, Lesley  
Hart, Edwina  
Hutt, Jane  
James, Irene  
Jenkins, Bethan  
Jones, Alun Ffred  
Jones, Ann  
Jones, Carwyn  
Jones, Elin  
Jones, Gareth  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Lloyd, David  
Lloyd, Val  
Morgan, Rhodri  
Ryder, Janet  
Sargeant, Carl  
Thomas, Gwenda  
Thomas, Rhodri Glyn  
Watson, Joyce  
Wood, Leanne

*Gwrthodwyd y gwelliant.  
Amendment not agreed.*

*Cynnig NDM4335: O blaid 49, Ymatal 0, Yn erbyn 0.  
Motion NDM4335: For 49, Abstain 0, Against 0.*

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

Andrews, Leighton  
Asghar, Mohammad  
Barrett, Lorraine  
Bates, Mick  
Black, Peter  
Burnham, Eleanor  
Burns, Angela  
Cairns, Alun  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Alun  
Davies, Andrew  
Davies, Andrew R.T.  
Davies, Jocelyn  
Davies, Paul  
Evans, Nerys  
Franks, Chris  
German, Michael  
Gibbons, Brian  
Graham, William  
Gregory, Janice  
Griffiths, John  
Griffiths, Lesley  
Hart, Edwina  
Hutt, Jane  
James, Irene  
Jenkins, Bethan

Jones, Alun Ffred  
Jones, Ann  
Jones, Carwyn  
Jones, Elin  
Jones, Gareth  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Lloyd, David  
Lloyd, Val  
Melding, David  
Millar, Darren  
Morgan, Jonathan  
Morgan, Rhodri  
Randerson, Jenny  
Ryder, Janet  
Sargeant, Carl  
Thomas, Gwenda  
Thomas, Rhodri Glyn  
Watson, Joyce  
Williams, Kirsty  
Wood, Leanne

*Derbyniwyd y cynnig.  
Motion agreed.*

*Gwelliant 1 i NDM4336: O blaid 14, Ymatal 0, Yn erbyn 36.  
Amendment 1 to NDM4336: For 14, Abstain 0, Against 36.*

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

Bates, Mick  
Black, Peter  
Burnham, Eleanor  
Burns, Angela  
Cairns, Alun  
Davies, Andrew R.T.  
Davies, Paul  
German, Michael  
Graham, William  
Melding, David  
Millar, Darren  
Morgan, Jonathan  
Randerson, Jenny  
Williams, Kirsty

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

Andrews, Leighton  
Asghar, Mohammad  
Barrett, Lorraine  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Alun  
Davies, Andrew  
Davies, Jocelyn  
Evans, Nerys  
Franks, Chris  
Gibbons, Brian  
Gregory, Janice  
Griffiths, John  
Griffiths, Lesley  
Hart, Edwina  
Hutt, Jane  
James, Irene  
Jenkins, Bethan  
Jones, Alun Ffred  
Jones, Ann  
Jones, Carwyn  
Jones, Elin  
Jones, Gareth  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Lloyd, David  
Lloyd, Val  
Mewies, Sandy  
Morgan, Rhodri

Ryder, Janet  
Sargeant, Carl  
Thomas, Gwenda  
Thomas, Rhodri Glyn  
Watson, Joyce  
Wood, Leanne

*Gwrthodwyd y gwelliant.*  
*Amendment not agreed.*

*Cynnig NDM4336: O blaid 47, Ymatal 0, Yn erbyn 0.*  
*Motion NDM4336: For 47, Abstain 0, Against 0.*

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

Andrews, Leighton  
Asghar, Mohammad  
Bates, Mick  
Black, Peter  
Burns, Angela  
Cairns, Alun  
Chapman, Christine  
Cuthbert, Jeff  
Davidson, Jane  
Davies, Alun  
Davies, Andrew  
Davies, Andrew R.T.  
Davies, Jocelyn  
Davies, Paul  
Evans, Nerys  
Franks, Chris  
German, Michael  
Gibbons, Brian  
Graham, William  
Gregory, Janice  
Griffiths, John  
Griffiths, Lesley  
Hart, Edwina  
Hutt, Jane  
James, Irene  
Jenkins, Bethan  
Jones, Alun Ffred  
Jones, Ann  
Jones, Carwyn  
Jones, Elin  
Jones, Gareth  
Jones, Helen Mary  
Jones, Ieuan Wyn  
Lloyd, David  
Lloyd, Val  
Melding, David  
Mewies, Sandy  
Millar, Darren  
Morgan, Jonathan  
Randerson, Jenny  
Ryder, Janet  
Sargeant, Carl  
Thomas, Gwenda  
Thomas, Rhodri Glyn  
Watson, Joyce

Williams, Kirsty  
Wood, Leanne

*Derbyniwyd y cynnig.  
Motion agreed.*

**The Deputy Presiding Officer:** That brings **Y Dirprwy Lywydd:** Daw hynny â  
today's business to a close. chyfarfod heddiw i ben.

*Daeth y cyfarfod i ben am 4.26 p.m.  
The meeting ended at 4.26 p.m.*

**Aelodau a'u Pleidiau  
Members and their Parties**

Andrews, Leighton (Llafur – Labour)  
Asghar, Mohammad (Plaid Cymru – The Party of Wales)  
Barrett, Lorraine (Llafur – Labour)  
Bates, Mick (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
Black, Peter (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
Bourne, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)  
Burnham, Eleanor (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
Burns, Angela (Ceidwadwyr Cymreig – Welsh Conservatives)  
Butler, Rosemary (Llafur – Labour)  
Cairns, Alun (Ceidwadwyr Cymreig – Welsh Conservatives)  
Chapman, Christine (Llafur – Labour)  
Cuthbert, Jeff (Llafur – Labour)  
Davidson, Jane (Llafur – Labour)  
Davies, Alun (Llafur – Labour)  
Davies, Andrew (Llafur – Labour)  
Davies, Andrew R.T. (Ceidwadwyr Cymreig – Welsh Conservatives)  
Davies, Jocelyn (Plaid Cymru – The Party of Wales)  
Davies, Paul (Ceidwadwyr Cymreig – Welsh Conservatives)  
Elis-Thomas, Dafydd (Plaid Cymru – The Party of Wales)  
Evans, Nerys (Plaid Cymru – The Party of Wales)  
Franks, Chris (Plaid Cymru – The Party of Wales)  
German, Michael (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
Graham, William (Ceidwadwyr Cymreig – Welsh Conservatives)  
Gregory, Janice (Llafur – Labour)  
Griffiths, John (Llafur – Labour)  
Griffiths, Lesley (Llafur – Labour)  
Gibbons, Brian (Llafur – Labour)  
Hart, Edwina (Llafur – Labour)  
Hutt, Jane (Llafur – Labour)  
Isherwood, Mark (Ceidwadwyr Cymreig – Welsh Conservatives)  
James, Irene (Llafur – Labour)  
Jenkins, Bethan (Plaid Cymru – The Party of Wales)  
Jones, Alun Ffred (Plaid Cymru – The Party of Wales)  
Jones, Ann (Llafur – Labour)  
Jones, Carwyn (Llafur – Labour)  
Jones, Elin (Plaid Cymru – The Party of Wales)  
Jones, Gareth (Plaid Cymru – The Party of Wales)  
Jones, Helen Mary (Plaid Cymru – The Party of Wales)  
Jones, Ieuan Wyn (Plaid Cymru – The Party of Wales)  
Law, Trish (Annibynnol – Independent)  
Lewis, Huw (Llafur – Labour)  
Lloyd, David (Plaid Cymru – The Party of Wales)  
Lloyd, Val (Llafur – Labour)  
Melding, David (Ceidwadwyr Cymreig – Welsh Conservatives)  
Mewies, Sandy (Llafur – Labour)

Millar, Darren (Ceidwadwyr Cymreig – Welsh Conservatives)  
Morgan, Jonathan (Ceidwadwyr Cymreig – Welsh Conservatives)  
Morgan, Rhodri (Llafur – Labour)  
Neagle, Lynne (Llafur – Labour)  
Ramsay, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)  
Randerson, Jenny (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
Ryder, Janet (Plaid Cymru – The Party of Wales)  
Sargeant, Carl (Llafur – Labour)  
Sinclair, Karen (Llafur – Labour)  
Thomas, Gwenda (Llafur – Labour)  
Thomas, Rhodri Glyn (Plaid Cymru – The Party of Wales)  
Watson, Joyce (Llafur – Labour)  
Williams, Brynle (Ceidwadwyr Cymreig – Welsh Conservatives)  
Williams, Kirsty (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)  
Wood, Leanne (Plaid Cymru – The Party of