



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

Y Pwyllgor Cymunedau, Cydraddoldeb a **Llywodraeth Leol** **The Communities, Equality and Local Government** **Committee**

Dydd Mercher, 21 Mehefin 2012
Wednesday, 21 June 2012

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mark Drakeford	Llafur (yn dirprwyo ar ran Mike Hedges) Labour (substitute for Mike Hedges)
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
Alun Ffred Jones	Plaid Cymru (yn dirprwyo ar ran Rhodri Glyn Thomas) The Party of Wales (substitute for Rhodri Glyn Thomas)
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Gwyn R. Price	Llafur Labour
Kenneth Skates	Llafur Labour
Joyce Watson	Llafur Labour
Kirsty Williams	Democratiaid Rhyddfrydol Cymru (yn dirprwyo ar ran Peter Black) Welsh Liberal Democrats (substitute for Peter Black)

Eraill yn bresennol
Others in attendance

Rhodri Glyn Thomas	Aelod Cynulliad, Plaid Cymru (Comisiynydd y Cynulliad) Assembly Member, The Party of Wales (Assembly Commissioner)
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Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Keith Bush	Cyfarwyddwr, Gwasanaethau Cyfreithiol Director of Legal Services
Leanne Hatcher	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 9.30 a.m.

The meeting began at 9.30 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions

[1] **Ann Jones:** Good morning and welcome to the Communities, Equality and Local Government Committee. I ask all Members to switch off their mobile phones and pagers, as they can interfere with the translation and broadcasting equipment. We have received a number of apologies. Alun Ffred Jones is substituting for Rhodri Glyn Thomas, although Rhodri Glyn is here as the Member in charge of the National Assembly for Wales (Official Languages) Bill. Kirsty Williams is subbing for Peter Black, who is an Assembly Commissioner, and Mark Drakeford is subbing for Mike Hedges, who is on other Assembly business. We thank you all for stepping in. I also welcome Rhodri Glyn, who is here to take us through the Bill's Stage 2 proceedings in his capacity as Assembly Commissioner and Member in charge. The Commissioner's legal adviser is also here. You are both welcome.

[2] I remind Members that if there is a fire alarm, it will be for a reason, as we are not expecting a test. In such a case, we will take our instructions from the ushers or make our way to the fire assembly point, which is by the Pierhead building. We do not have to touch the microphones, as we are in public session and they will come on automatically. I also remind you that you can speak in Welsh or English. Channel 1 on the headsets will provide a simultaneous translation from Welsh to English, and channel 0 will provide the floor language, if you are having any problems hearing in this rather big room. That completes my opening remarks, so, if everyone is ready, we will move on.

9.32 a.m.

Bil Cynulliad Cenedlaethol Cymru (Ieithoedd Swyddogol)—Cyfnod 2: Ystyried Gwelliannau National Assembly for Wales (Official Languages) Bill—Stage 2: Consideration of Amendments

[3] **Ann Jones:** For this item, Members should have with them a copy of the Bill, the marshalled list of amendments, and the groupings of amendments for debate. For this meeting, the order in which we consider the amendments will be section 1 to section 3. You will see from the groupings list that amendments have been grouped to allow debate, but the order in which they are called and moved for a decision is dictated by the marshalled list. There will be one debate on each group of amendments.

[4] Are Members content with how the process will work, or do you want me to run through it again?

[5] **Rhodri Glyn Thomas:** A gaf i godi pwynt am grŵp 3? Mae tua 12 gwelliant yn y grŵp hwnnw. Er fy mod yn ddigon parod i'w trafod fel un grŵp, credaf y gallai hynny fod braidd yn gymysglyd o ran pa welliant yn union y mae pobl yn cyfeirio ato. Credaf fod y grwpiau eraill yn weddol gyfyngedig ac yn ymwneud â'r un pynciau, ond mae ystod o bynciau a gwelliannau yng ngrŵp 3.

Rhodri Glyn Thomas: May I raise a point on group 3? There are some 12 amendments in that group. While I am perfectly willing to discuss them as a single group, it might be a little confusing as regards which amendment people are referring to. I believe that the other groups are relatively limited and relate to similar subjects, but group 3 covers a range of issues and amendments.

[6] **Ann Jones:** Thank you for that. We have had a short discussion about that, and I will try to be as flexible as possible. If Members want to speak, as I know they will, to most of the

amendments, perhaps they could tell us to which amendment they are speaking. If you are speaking to three amendments, you can say what it is that you want to say on amendment x, before going on to amendment y and then amendment z. If it starts to get unreal, we will see whether we can break the group down, but we have to take it as group, as I believe that that has been agreed with you, as Commissioner. We will try to manage it as best we can. I want people to be able to understand and follow the proceedings, so we will see how we go.

[7] For the record, only committee members can move amendments, and I will move the amendments in the name of the Commissioner, with his approval.

Grŵp 1: Cofnod o Drafodion y Cynulliad (Gwelliannau 1, 1A, 2 a 3)
Group 1: Record of Assembly Proceedings (Amendments 1, 1A, 2 and 3)

[8] **Ann Jones:** The lead amendment in this group is amendment 1. Commissioner, would you like amendment 1 in your name to be moved?

[9] **Rhodri Glyn Thomas:** Byddwn. **Rhodri Glyn Thomas:** Yes.

[10] **Ann Jones:** I move amendment 1 in the name of Rhodri Glyn Thomas and with the names of Bethan Jenkins and Aled Roberts in support, and call on the Commissioner to speak to amendment 1 and any other amendments in the group that he wishes to address.

[11] **Rhodri Glyn Thomas:** Diolch yn fawr, Gadeirydd. Rwyf am ddweud, ar y cychwyn fel hyn, fy mod yn dod ger eich bron fel y Comisiynydd sydd â chyfrifoldeb am ieithoedd swyddogol y Cynulliad, ond hefyd fel Aelod o'r Cynulliad sy'n defnyddio'r Gymraeg ym mhob agwedd ar fy ngwaith yma. Felly, y cwestiwn sylfaenol i mi yw beth sy'n hwyluso fy nefnydd i o'r Gymraeg yn y lle hwn a beth y gellir ei wneud i hwyluso defnydd y Gymraeg gan Aelodau eraill? Dyna'r egwyddor sylfaenol sy'n gyrru'r holl agenda yn y maes hwn, o ffrhan i ac o ran y Comisiwn.

Rhodri Glyn Thomas: Thank you very much, Chair. I want to say at the outset that I appear before you as the Commissioner responsible for the Assembly's official languages, but also as an Assembly Member who uses the Welsh language in all aspects of my work here. Therefore, the fundamental question for me is what would facilitate my use of the Welsh language in this place and what can be done to facilitate its use by other Members? That is the fundamental principle driving this whole agenda, from my point of view and also from the Commission's point of view.

[12] Mae'r prif welliant yn y grŵp, gwelliant 1, sydd hefyd yn cael cefnogaeth ffurfiol Bethan Jenkins, yn ymwneud â chwestiwn pwysig, yn ymarferol ac yn symbolaidd, sef trefniadau cyfieithu'r Cofnod. Mae fy ngwelliannau 2 a 3 yn gwneud newidiadau technegol a chanlyniadol yn sgîl gwelliant 1. Effaith gwelliant 1 fyddai ei gwneud yn ofynnol i'r Cofnod swyddogol, a gyhoeddir o dan adran 31 Deddf Llywodraeth Cymru 2006, fod yn hollol ddwyieithog o ran cyfarfodydd y Cynulliad ei hun—hynny yw, Cyfarfodydd Llawn. Byddai'r sefyllfa mewn perthynas â chyfarfodydd pwyllgorau ac is-bwyllgorau yn parhau fel ag y maent yn y Bil ar hyn o bryd, sef mai mater i'r cynllun ieithoedd swyddogol fyddai'r trefniadau ar gyfer

The lead amendment in the group, amendment 1, which is also formally supported by Bethan Jenkins, relates to an important question, both practically and symbolically, namely the arrangements for translating the Record. My amendments 2 and 3 are technical amendments consequential to amendment 1. The effect of amendment 1 would be to require the official Record, published under section 31 of the Government of Wales Act 2006, to be fully bilingual as far as the meetings of the Assembly itself—that is, in Plenary—are concerned. The situation in respect of committee and sub-committee proceedings would remain as it stands under the Bill, namely that those arrangements would be a matter for the official languages scheme. The

trafodion felly. Y dull technegol a ddefnyddir gan y gwelliant i gyflawni hynny yw drwy wahaniaethu, yn unol ag adran 5 Deddf Llywodraeth Cymru 2006, rhwng trafodion y Cynulliad—sef trafodion mewn Cyfarfodydd Llawn, term nad yw'n cael ei ddefnyddio yn y Ddeddf—a thrafodion pwyllgorau ac is-bwyllgorau.

technical means by which this amendment achieves that is by differentiating, in accordance with section 5 of the Government of Wales Act 2006, between Assembly proceedings—namely Plenary proceedings, a term that is not used in the Act—and committee and sub-committee proceedings.

[13] Effaith gwelliant 1A fyddai estyn y dyletswyddau i ddarparu Cofnod hollol ddwyieithog i gynnwys nid yn unig Cofnod o drafodion Cyfarfodydd Llawn ond hefyd pob cyfarfod pwyllgor neu is-bwyllgor. Rwyf am bwysleisio na fyddai gwelliant y Comisiwn yn newid yn ymarferol yr hyn y mae'r Comisiwn presennol wastad wedi bwriadu ei gyflawni.

The effect of amendment 1A would be to extend the duty to provide a fully bilingual Record not only to Plenary proceedings but to all committee or sub-committee proceedings. I want to emphasise that the Commission amendment would not change in practice what the current Commission has always intended to achieve.

[14] Yn y fan hon, Gadeirydd, a ydych am imi drafod gwelliant 1A, er nad yw wedi'i gynnig?

At this point, Chair, would you like me to discuss amendment 1A, even though it has not been moved?

[15] **Ann Jones:** Yes.

[16] **Rhodri Glyn Thomas:** Yr hyn a ddarperir ar hyn o bryd, a'r hyn y mae'r cynllun drafft yn ei addo, yw Cofnod hollol ddwyieithog o Gyfarfodydd Llawn, gyda Chofnod o bwyllgorau ac is-bwyllgorau wedi'i gyfieithu o'r Gymraeg i'r Saesneg ond nid o'r Saesneg i'r Gymraeg. Mae'r drefn honno hefyd yn adlewyrchu'r trefniadau a wnaed rhwng 1999 a 2009 ac ers hydref y llynedd. Mae hefyd yn gyson â'r cynllun iaith Gymraeg gwirfoddol a gymeradwywyd gan y Cynulliad yn 2007, gyda chefnogaeth Bwrdd yr Iaith Gymraeg. Serch hynny, mae'r Comisiwn wedi ystyried yn ofalus adroddiad y pwyllgor ar egwyddorion cyffredinol y Bil, a'r teimladau a fynegwyd yn y ddadl hynod fywiog a chalonogol a gafwyd ar yr egwyddorion hynny yn y Cyfarfod Llawn. Ar sail hynny, mae'r Comisiwn yn derbyn mai dymuniad y Cynulliad yn gyffredinol yw gweld Deddf Llywodraeth Cymru—sef cyfansoddiad y Gymru ddatganoledig—yn delio'n uniongyrchol â'r trefniadau hyn.

Rhodri Glyn Thomas: What is provided at present, and what the draft scheme pledges, is a fully bilingual Record of all Plenary meetings, with a Record of committee and sub-committees translated from Welsh to English but not from English to Welsh. That approach reflects the arrangements made between 1999 and 2009 and since last autumn. It is also consistent with the voluntary Welsh language scheme approved by the Assembly in 2007, with the support of the Welsh Language Board. However, the Commission has carefully considered the committee's report on the general principles of the Bill, and the views expressed in the very lively and encouraging debate held in Plenary on those principles. On that basis, the Commission accepts that the general view of the Assembly is that the Government of Wales Act—the constitution of the devolved Wales—should deal directly with these arrangements.

[17] Felly, ni all y Comisiwn, o dan yr amgylchiadau presennol, gefnogi'r cam ychwanegol anferth o estyn darparu Cofnod hollol ddwyieithog am y tro cyntaf erioed i gynnwys trafodion pwyllgorau ac is-bwyllgorau. Nid cwestiwn syml o gost y

Therefore, the Commission, under current circumstances, cannot support the huge step of extending a fully bilingual Record for the first time ever to include all committee and sub-committee proceedings. It is not just a simple matter of the cost of this additional

ddarpariaeth ychwanegol yw hyn, sef rhywle rhwng £400,000 a £600,000 y flwyddyn. Yn wir, mae'r Comisiwn yn gwrthod y cysyniad bod darparu gwasanaethau dwyieithog effeithiol yn rhywbeth opsiynol y gellir ei hepgor am resymau ariannol.

[18] Ym marn y Comisiwn, mae'r trefniadau presennol o ran cyfieithu'r Cofnod yn darparu dwyieithrwydd effeithiol, a byddai mynd ymhellach ar hyn o bryd yn golygu dargyfeirio adnoddau oddi wrth y camau eraill y mae'r Comisiwn yn bwriadu eu cymryd o dan y cynllun er mwyn gwneud y Cynulliad yn sefydliad gwirioneddol ddwyieithog. Wrth gwrs, ni fyddai derbyn gwelliant 1 a gwrthod gwelliant 1A yn golygu na fedr camau gael eu cymryd yn y dyfodol i gyfeiriad cael Cofnod dwyieithog o drafodion pwyllgorau ac is-bwyllgorau, a gellir ystyried hynny o dro i dro fel mae'r cwestiwn yn codi.

[19] Mae datblygiadau technegol cyffrous ym myd cyfieithu eisoes yn cael eu defnyddio i ddarparu Cofnod hollol ddwyieithog o Gyfarfodydd Llawn. Mae'n hollol bosibl y bydd datblygiadau pellach yn y maes hwn yn gostwng cost cyfieithu ymhellach, a gall hynny ei gwneud yn bosibl ailymweld â'r drefn bresennol. Mae'r Comisiwn yn credu'n gydwobodol nad yw'r amser wedi dod eto i glymu ein hunain i gyfieithu popeth a ddywedir mewn cyfarfodydd pwyllgorau ac is-bwyllgorau o'r Saesneg i'r Gymraeg. Ar sail egwyddor, mae'n bwysig ein bod yn sylweddoli nad yw trin ieithoedd yn gyfartal yn golygu o reidrwydd eich bod chi'n gwneud yn union yr un peth yn y ddwy iaith. Yn sicr, nid wyf innau'n gweld bod cyfieithu i iaith yn gosod unrhyw statws arni. Gall fod yn weithred nawddoglyd a thocenistaidd os nad oes pwrpas a gwerth i hynny.

[20] Gofynnaf felly i'r pwyllgor gefnogi gwelliannau 1, 2 a 3 a gyflwynwyd yn fy enw i, ac i wrthod gwelliant 1A a fydd yn cael ei gyflwyno yn enw Suzy Davies.

[21] **Ann Jones:** Does any member of the committee wish to speak to group 1, on amendments 1, 1A, 2 or 3? I see that Mark and Bethan do. Mark can go first, and then Bethan.

[22] **Bethan Jenkins:** Given that I am formally supporting amendment 1, I think that I

provision, which would be somewhere between £400,000 and £600,000 per annum. Indeed, the Commission rejects the notion that effective bilingual service provision is an optional extra that can be put aside for financial reasons.

In the Commission's opinion, the current arrangements for the translation of the Record provide for effective bilingualism, and going further at present would lead to the diversion of resources from the other measures that the Commission intends to introduce under the scheme in order to make the Assembly a truly bilingual organisation. Of course, accepting amendment 1 and rejecting amendment 1A would not mean that steps could not be taken in future towards having a bilingual Record of committee and sub-committee proceedings, and we could consider that from time to time as the question arises.

Exciting technological advances in the field of translation are already being used to provide a fully bilingual Record of Plenary proceedings. It is entirely plausible that further advances in this area could reduce the cost of translation yet further, and that could make it possible to revisit the current arrangements. The Commission believes in all good conscience that the time has not yet come to bind ourselves to translating everything said in committees and sub-committees from English to Welsh. As a matter of principle, it is important for us to appreciate that treating languages equally does not necessarily mean that you do exactly the same thing in both languages. Certainly, I do not see that translating into a language gives it any particular status. It could be seen as a patronising and tokenistic act unless there is real purpose and value to that.

I ask the committee therefore to support amendments 1, 2 and 3 tabled in my name, and to reject amendment 1A, which will be moved in the name of Suzy Davies.

should speak first.

[23] **Ann Jones:** Sorry, I missed that part on my notes. Yes, Bethan first and then Mark.

[24] **Bethan Jenkins:** Diolch i'r Comisiynydd am yr hyn sydd wedi'i ddweud yn barod, yn enwedig o ran hwyluso'r broses i helpu Aelodau'r Cynulliad i siarad Cymraeg o ddydd i ddydd yn y Cynulliad. Rwy'n cydnabod bod y drafodaeth hon wedi denu cryn ddi-ddordeb cyhoeddus, ac mae'n bwysig ein bod ni'n dangos esiampl gref i bobl Cymru ein bod ni'n gryf o blaid datblygiad yr iaith.

Bethan Jenkins: I thank the Commissioner for his words this morning, particularly as regards facilitating matters to help Assembly Members to speak Welsh in the Assembly on a day-to-day basis. I acknowledge that this discussion has attracted a great deal of public interest, and it is important that we show a strong example to the people of Wales that we are strongly in favour of the development of the language.

[25] Rwy'n cydnabod bod gwelliant Rhodri Glyn Thomas yn ymrwymo'r Comisiwn i gyfieithu Cofnod dwyieithog llawn o'r hyn sy'n digwydd yn y Senedd. Rwy'n dadlau felly fod y gwelliant hwn yn cymryd pryderon y Comisiwn o ran y gost i ystyriaeth, gan sicrhau bod y Comisiwn yn pasio deddfwriaeth gref, yn wyneb y sialensiau cyfreithiol posibl iddi yn y dyfodol, gan fod achos Pepper v. Hart wedi gosod cysaill i ganiatáu barnwyr i archwilio datganiadau a thafodion pwyllgorau er mwyn clirio unrhyw amwysedd mewn deddfwriaeth.

I acknowledge that Rhodri Glyn Thomas's amendment commits the Commission to translating a fully bilingual Record of proceedings in the Senedd. I argue therefore that this amendment takes the Commission's concerns about cost into consideration, while ensuring that the Commission passes strong legislation in the face of the potential legal challenges to it in the future, because the Pepper v. Hart case has set a precedent allowing judges to examine statements and committee proceedings to clear up any ambiguity in legislation.

[26] Ar hyn o bryd, rwy'n ystyried cyflwyno gwelliant yn Nghyfnod 3, a hoffwn farn y Comisiynydd amdano. Mae'r gwelliant yn datgan y dylai unrhyw a phob ystyriaeth o ddeddfwriaeth, ac unrhyw a phob sesiwn graffu ar Weinidogion ar lefel pwyllgor gael eu cyfieithu'n llawn. Mae hyn yn cyfeirio at dystiolaeth a roddwyd i'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol gan Winston Roddick CF, a ddywedodd fod nifer o achosion barnwrol yn seiliedig ar ystyr geiriau, yn enwedig mewn deddfwriaeth. Mae cytundeb na ddylid dehongli ystyr ein deddfwriaeth yn y Saesneg na'r Gymraeg yn unig, ond yn y ddwy iaith ar y cyd. Dyna pam mae ein deddfwriaeth yn dangos yr ieithoedd ochr yn ochr. Mewn rhai achosion, bydd y llysoedd yn edrych ar yr hyn y mae'r Gweinidogion yn ei ddweud pan fydd y ddeddfwriaeth yn cael ei hystyried, i benderfynu ar ystyr geiriau penodol. Yn sicr, mae rheswm cyfreithiol ymarferol da dros gyfieithu trafodion y pwyllgor pan fydd Gweinidog yn cynnig deddfwriaeth. Byddai'n dda clywed barn y Comisiynydd.

I am currently considering tabling an amendment for Stage 3, and I would like the Commissioner's opinion on it. The amendment states that any and all consideration of legislation, and any and all ministerial scrutiny at committee level should be translated in full. This refers to evidence provided to the Constitutional and Legislative Affairs Committee by Winston Roddick QC, who said that many judicial review cases are based on the meaning of words, particularly in legislation. There is agreement that our legislation is not to be interpreted in English or in Welsh only, but in both languages working together. That is why our legislation displays both languages in columns side by side. In certain cases, the courts will look at what Ministers have said when legislation was being considered to try to ascertain the specific meaning of certain words. Certainly, there is a sound practical legal reason for translating committee proceedings when a Minister is introducing legislation. I would appreciate hearing the Commissioner's view on that.

9.45 a.m.

[27] Hoffwn ofyn i'r Comisiynydd hefyd egluro sut y bydd gwasanaethau'n cael eu darparu a beth fydd y broses atebolrwydd o fewn y Comisiwn yn y cyd-destun penodol hwn, oherwydd byddwn i o blaid cael adolygiad o'r gwasanaethau hyn yn aml, gyda'r amcan o gynyddu'r defnydd o'r Gymraeg. Eto, rwyf yn ystyried cyflwyno gwelliant yng Nghyfnod 3 a fyddai'n rhoi dyletswydd ar Gomisiynwyr yn awr a Chomisiynwyr y dyfodol i adolygu pob gwasanaeth ac ymdrechu i'w ddarparu yn ddwyieithog ac i gyhoeddi'r rhesymau os caiff gwasanaeth ei ddarparu mewn un o'r ieithoedd yn unig.

I would also like to ask the Commissioner to explain how services will be delivered and what the accountability process will be within the Commission in this particular context, because I would be in favour of having a frequent review of these services, with the aim of increasing the use of the Welsh language. Again, I am considering tabling an amendment in Stage 3 that would place a duty on present and future Commissioners to review all services and endeavour to provide them bilingually and publish the reasons why if a service is provided in only one of the official languages.

[28] Yn sgîl y rhesymau rwyf wedi'i rhoi yn barod a'r syniadau am welliannau newydd yng Nghyfnod 3, rydym angen meddwl yn galed am sut y gallwn gyflwyno'r mesurau mwyaf effeithiol er mwyn sicrhau twf mewn defnydd o'r Gymraeg. Mae ein ffocws ni fel plaid yn gadarn ar dargedu cyllidebau. Er mwyn cynyddu'r defnydd o'r iaith mae angen defnyddio'r gyllideb ar fesurau a fydd yn hybu'r defnydd o'r Gymraeg yn y sefydliad hwn. Felly, rwy'n credu bod ffurf o eiriau mwy effeithiol ar gyfer Cyfnod 3 na'r hyn sy'n cael ei gynnig yng ngwelliant 1A yn enw Suzy Davies.

In light of the reasons that I have already outlined and the ideas for new amendments at Stage 3, we need to think long and hard about how we can introduce the most effective measures to secure growth in the use of the Welsh language. Our focus as a party is firmly on targeting budgets. In order to increase the use of the language, we need to use the budget on measures that will promote the use of the Welsh language within this institution. Therefore, I believe that there is a more effective form of wording for Stage 3 than what is proposed in amendment 1A in the name of Suzy Davies.

[29] **Ann Jones:** Aled Roberts also supports amendment 1, so Kirsty will speak, and then I will come to Mark, Sorry, Mark, you will get to speak, I promise.

[30] **Kirsty Williams:** Thank you, Chair. The Welsh Liberal Democrats support amendment 1, and I have been greatly encouraged by what the Commissioner has said this morning in support of that amendment, which clearly states the Commissioner's intention in this regard, and recognises the importance, for legal reasons, as to why this amendment needs to be taken forward. I do not want to hold the committee up by rehearsing the arguments that have been made by both the Commissioner and Bethan Jenkins, but the Welsh Liberal Democrats are happy to support amendment 1.

[31] **Mark Isherwood:** Amendment 1A in the name of Suzy Davies sought to gain a clear understanding, on the record, of the Commissioner's decision to place Plenary proceedings on a higher platform than committee and sub-committee proceedings. We now believe that such an explanation has been placed clearly on the record today, therefore we are happy not to proceed with amendment 1A and to give our support to amendment 1.

[32] **Ann Jones:** I have a couple of other speakers: Janet Finch-Saunders and Alun Ffred Jones.

[33] **Janet Finch-Saunders:** I would like to support the non-moving of amendment 1A.

[34] **Alun Ffred Jones:** Rwyf i'n gefnogol o welliant y Comisiynydd, ac rwy'n nodi na fydd gwelliant 1A yn cael eu cynnig. Mae'r drafodaeth hon yn troi o gwmpas yr adroddiad *verbatim* o gyfarfodydd pwyllgorau'r Cynulliad. Pe baent yn gofnodion, yn nodi penderfyniadau pwyllgorau o'r naill gyfarfod i'r llall byddwn yn eu disgwyl yn Gymraeg. Yn y dyfodol, rwy'n disgwyl y bydd y cynllun yn nodi dylai briffys sy'n cael eu paratoi i Aelodau sy'n defnyddio'r Gymraeg, fel fi, fod ar gael yn y Gymraeg. Yr hyn nad ydw i'n awyddus ei weld yw cyfieithu oriau ac oriau o siarad, ar ôl iddo ddigwydd, pan nad oes fawr neb yn ei ddefnyddio ond i wirio beth mae rhywun wedi'i ddweud. Os ydw i eisiau gwybod beth mae rhywun wedi'i ddweud, byddwn i'n troi at yr iaith wreiddiol, boed honno'n Gymraeg neu'n Saesneg. Felly, rwy'n credu mai cam fyddai cyfieithu popeth, er y dylid edrych ar hynny wrth i ddatblygiadau technegol, fel yr ydych wedi nodi, ddod i'r amlwg a fydd yn hwyluso'r broses, efallai. Ar hyn o bryd, rwy'n hapus â gwelliant y Comisiynydd.

Alun Ffred Jones: I support the Commissioner's amendment, and I note that amendment 1A will not be moved. This discussion hinges on a verbatim record of Assembly committee meetings. If they were minutes, noting a committee's decisions from one meeting to the next, I would expect them in Welsh. In future, I would expect the scheme to state that briefs prepared for Members who use the Welsh language, such as me, should be available in Welsh. What I am not eager to see is the translation of hours and hours of discussion, after it has happened, when scarcely anybody uses it other than to check what somebody has said. If I want to know what someone has said, I would turn to the original language, whether Welsh or English. So, I believe that it would be wrong to translate everything, although that should be looked at that as technological developments, as you have noted, come forward that might facilitate the process. At present, I am content with the Commissioner's amendment.

[35] **Ann Jones:** Before I ask the Commissioner to reply, I would like to ask whether the Commission would consider publishing the costs and an explanation of how those costs were arrived at. You have said that the costs would be up to £600,000. Could you publish those costs, and how you have arrived at them, before the Stage 3 debate, so that all the information is in the public domain? I also ask you to respond to the rest of the debate.

[36] **Rhodri Glyn Thomas:** Diolch, Gadeirydd. Cefais gais gan Bethan Jenkins am esboniad a dadansoddiad o'r costau, ac fe wnes i hynny mewn llythyr a anfonais at Bethan. Gyda chaniatâd Bethan, rwy'n hapus i rannu'r llythyr hwnnw â'r pwyllgor, a gwnawn yn siŵr eich bod chi, Gadeirydd, yn cael copi o'r llythyr, os yw Bethan yn hapus â hynny.

Rhodri Glyn Thomas: Thank you, Chair. I received a request from Bethan Jenkins for an explanation and analysis of those costs, and I provided that in a letter that I sent to Bethan. With Bethan's permission, I am happy to share that letter with the committee, and we will ensure, Chair, that you receive a copy of that correspondence if Bethan is content.

[37] **Bethan Jenkins:** Rwy'n hapus iawn â hynny.

Bethan Jenkins: I am content with that.

[38] **Rhodri Glyn Thomas:** Diolch am y gefnogaeth. Rwy'n meddwl bod pwyntiau pwysig wedi cael eu codi. Roedd Bethan yn sôn am drin sesiynau lle mae pwyllgorau yn craffu ar Weinidogion a sesiynau lle mae deddfwriaeth yn cael ei thrafod yn wahanol. Rwy'n hapus iawn i edrych ar hynny, oherwydd rwy'n credu bod y sesiynau hynny yn bwysig.

Rhodri Glyn Thomas: Thank you for the support. I think that important points have been raised. Bethan mentioned treating sessions where Ministers are scrutinised by committees and sessions where legislation is discussed differently. I am more than happy to look at that point, because I believe that those sessions are important.

[39] Mae Alun Ffred wedi codi pwynt ynghylch dogfennau sy'n ddogfennau marw, i bob pwrpas, nid oes unrhyw un yn eu defnyddio, a dogfennau byw cyfredol, sy'n cael eu defnyddio. Credaf fod rhaid inni edrych ar hynny. Rwyf yn ymateb yn gadarnhaol, ac rwy'n mynd i fentro ymateb yn gadarnhaol ar ran fy nghyd-gomisiynwyr hefyd, i'r syniad y mae Bethan wedi ei godi ynghylch adolygu'n flynyddol yr hyn yr ydym yn ei gyfieithu a'r hyn nad ydym yn ei gyfieithu. Rydym yn gwneud hynny yn barod, ond nid ydym yn datgan ein rhesymau am gyfieithu rhai dogfennau a pheidio â chyfieithu rhai eraill. Rwy'n hapus iawn, felly, i ofyn i swyddogion y Comisiwn weithio gyda Bethan i weld a allwn gael ffurf o eiriau i'w gynnwys o fewn y Bil neu a ddylai hynny fod yn rhan o'r cynllun. Fodd bynnag, rwy'n tueddu i gytuno gyda Bethan y dylai hynny fod yn rhan o'r Bil, a byddwn yn ceisio cael ffurf o eiriau sy'n ymateb i'r cais hwnnw.

[40] Rwy'n ddiolchgar i Mark Isherwood a Janet Finch-Saunders am ddweud na fydd gwelliant 1A yn cael ei symud. Rwy'n credu y byddai'r geiriad wedi creu problemau i ni. Rwy'n ddiolchgar i'r pwyllgor am godi llawer iawn o'r gwelliannau hyn. Y broblem sydd gennym yw'r union eiriad a'r hyn y byddai hynny'n clymu'r Comisiwn i'w wneud ac i beidio ei wneud pe bai'r gwelliannau'n cael eu derbyn yn eu ffurf cyfredol. Byddaf yn estyn yr un cynnig i aelodau eraill o'r pwyllgor ag yr wyf wedi'i ymestyn i Bethan: os oes ganddynt pethau y maent yn meddwl eu codi yng Nghyfnod 3, gallwn geisio gweithio gyda hwy i sicrhau geiriad priodol. Yn amlwg, ni all swyddogion y Comisiwn gynnig cyngor i chi ynghylch cynnwys gwelliant, ond gallent helpu gyda'r geiriad i sicrhau ei fod yn adlewyrchu'n union yr hyn yr ydych yn ceisio ei gyflwyno. Gyda hynny o eiriau, rwy'n ddiolchgar iawn am eich cefnogaeth i welliannau 1, 2 a 3, ac yn ddiolchgar na fydd gwelliant 1A yn cael ei gynnig.

[41] **Ann Jones:** For the record, I have to ask Mark Isherwood to confirm that it is his intention not to move amendment 1A in the name of Suzy Davies.

[42] **Mark Isherwood:** Yes. It is.

Alun Ffred raised a point about documents that are, to all intents and purposes, dead documents, which nobody uses, and current, live documents, which are used. I believe that we need to look at that. I respond positively, and I will venture to respond positively on behalf of my fellow Commissioners also, to the idea that Bethan has raised in relation to reviewing on an annual basis what we do and do not translate. We already do that, but we do not state our reasons for translating certain documents and not translating others. I am content, therefore, to ask Commission officials to work with Bethan to see whether we can come up with a form of words that could be included in the Bill or whether that should be part of the scheme. However, I tend to agree with Bethan that that should be part of the Bill, and we will try to come up with a form of words that will respond to that request.

I am grateful to Mark Isherwood and Janet Finch Saunders for saying that amendment 1A will not be moved. I believe that the wording would have created problems for us. I am grateful to the committee for raising many of these amendments. The problem that we have is the exact wording of the amendments and what that would commit Commission to doing and to not doing were those amendments to be agreed as they are currently worded. I will extend the same invitation to other members of the committee as I have given to Bethan: if they have things that they wish to raise in Stage 3 proceedings, we can try to work with them to ensure an appropriate wording. Clearly, Commission officials cannot provide advice on the content of an amendment, but they can assist with the wording to ensure that it reflects exactly what you are endeavouring to introduce. With those words, I am very grateful for your support for amendments 1, 2 and 3, and am also grateful that amendment 1A will not be moved.

*Ni chynigiwyd gwelliant 1A.
Amendment 1A not moved.*

[43] **Ann Jones:** Commissioner, do you wish to proceed to a vote on amendment 1?

[44] **Rhodri Glyn Thomas:** Ydw. **Rhodri Glyn Thomas:** Yes.

[45] **Ann Jones:** The question is that amendment 1 be agreed to. Does any Member object? I see that there are no objections. In accordance with Standing Order No. 17.34, I therefore declare amendment 1 agreed.

*Derbyniwyd gwelliant 1.
Amendment 1 agreed.*

[46] Commissioner, would you like amendment 2 in your name to be moved?

[47] **Rhodri Glyn Thomas:** Hoffwn. **Rhodri Glyn Thomas:** Yes.

[48] **Ann Jones:** I move amendment 2 in the name of the Commissioner.

[49] The question is that amendment 2 be agreed to. Does any Member object? I see that there are no objections. In accordance with Standing Order No. 17.34, I therefore declare amendment 2 agreed.

*Derbyniwyd gwelliant 2.
Amendment 2 agreed.*

[50] Commissioner, would you like amendment 3 in your name to be moved?

[51] **Rhodri Glyn Thomas:** Hoffwn. [52] **Rhodri Glyn Thomas:** Yes.

[53] **Ann Jones:** I move amendment 3 in the name of the Commissioner.

[54] The question is that amendment 3 be agreed to. Does any Member object? I see that there are no objections. In accordance with Standing Order No. 17.34, I therefore declare amendment 3 agreed.

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

[55] **Ann Jones:** We have, therefore, disposed of all the amendments in group 1.

**Grŵp 2: Swyddog Cyfrifol (Gwelliant 11)
Group 2: Responsible Official (Amendment 11)**

[56] **Ann Jones:** The lead and only amendment is amendment 11. I call on Bethan Jenkins to move and speak to her amendment.

[57] **Bethan Jenkins:** Cynigiau welliant 11 yn fy enw i. **Bethan Jenkins:** I move amendment 11 in my name.

[58] Mae hwn yn welliant er mwyn creu swydd o fewn y Comisiwn a fyddai'n gyfrifol am weithredu'r mesurau sy'n cael eu cyflawni fel rhan o'r Bil. Ym mis Mai 2010, This is an amendment to create a post in the Commission with responsibility for implementing the measures introduced as part of the Bill. In May 2010, the independent

argymhellodd y panel adolygu annibynnol ar wasanaethau dwyieithog y dylid rhoi ystyriaeth i greu swydd lefel uchel i gydlynw'r gwaith pwysig hwn yn well o bersbectif yr iaith Gymraeg a dwyieithrwydd yn nhermau sgiliau staff ac wrth ddyrannu adnoddau. Daeth y gwelliant hwn ar ôl iddo ddod yn amlwg i mi fod llawer o gyrff cyhoeddus ledled Cymru wedi penodi swyddogion i rôl goruchwyllo'r gwasanaethau dwyieithog, a chydnyddiaeth y byddai'r rôl yn y Comisiwn yn wahanol ac yn cael ei rhannu ymhlith nifer o swyddogion yn y Comisiwn o dan oruchwyliaeth Non Gwilym, deallaf, sydd, â phob parch, â chyfrifoldebau pwysig eraill.

[59] Rhaid i'r Cynulliad gael ei weld yn arwain ar ddarparu gwasanaethau dwyieithog, a byddai swyddog ymroddedig yn tanlinellu ymrwymiad o'r fath. Mae'n berthnasol i hyn fod ar wyneb y Bil, gan ei fod yn benodiad. Os yw'n cael ei symud i fod o fewn y cynllun, gallai'r rôl gael ei rhannu ymhlith swyddogion eto yn y dyfodol ac, o ganlyniad, bydd yn colli ei ddiben priodol. Rwy'n credu bod greu rôl o'r fath yn gosod cysail bod rôl o'r fath yn angenrheidiol i sicrhau bod deddfwriaeth o'r fath yn gallu gweithio yn llwyddiannus yn y dyfodol.

[60] **Janet Finch-Saunders:** I fully appreciate the sentiment behind this. However, my concern is about the cost of appointing an official specifically for this role, and whether we have anyone already who would be able to fulfil that role, because it would concern me if we were looking to appoint someone new. Again, it would be voting for something without knowing what the actual cost may be.

[61] **Ann Jones:** I see that no-one else wishes to speak. Commissioner, do you wish to respond?

[62] **Rhodri Glyn Thomas:** Diolch i Bethan am godi'r gwelliant hwn. Mae'n welliant pwysig oherwydd ei fod yn dynodi maes lle mae'n amlwg bod Bethan ac eraill yn teimlo nad oes darpariaeth ddigonol ar ei gyfer ar hyn o bryd. Nid wyf yn gallu ymrwymo'r Comisiwn i greu swydd newydd. Mae goblygiadau ariannol i hynny nad yw yn y gyllideb yr ydych i gyd, a finnau, wedi pleidleisio o'i phlaid. Rwy'n addo trafod ymhellach â Bethan a'r Comisiwn i weld a oes modd i ni ddarganfod ffurf arall o eiriau, oherwydd mae gwelliant 4 yn cyfeirio at hyn, ond hwyrach nad yw'n ddigon clir yn y fan honno.

review panel on bilingual services recommended that consideration should be given to creating a high-level post to co-ordinate this important work more effectively from the perspective of the Welsh language and bilingualism in relation to staff skills and in allocating resources. This amendment came after it became apparent to me that many public bodies throughout Wales have appointed officers to oversee bilingual services, and recognition that the role in the Commission would be different and will be shared among a number of officials in the Commission under the supervision of Non Gwilym, I understand, who, with respect, has other important responsibilities.

The Assembly must be seen to lead on providing bilingual services, and a dedicated officer would underline such a commitment. It is relevant for this to be on the face of the Bill, as it is an appointment. If it is moved to be within the scheme, the role could be shared among officers again in the future, and, as a result, it will lose its proper purpose. I think that creating such a role sets a precedent that such a role is necessary to ensure that such legislation can work successfully in the future.

Rhodri Glyn Thomas: I thank Bethan for raising this amendment. It is an important amendment because it identifies an area where it is clear that Bethan and others feel that there is not adequate provision at the moment. I cannot commit the Commission to creating a new post. There are financial implications to that, which are not in the budget that all of you, and I, have voted for. I promise to hold further discussions with Bethan and the Commission to see whether we can find another form of wording, because amendment 4 refers to this, but perhaps it is not clear enough there.

[63] Rwy'n clywed y ddadl mai yn y Bil y dylai hyn fod, ond mae gennyf deimlad, os ydym yn sôn am swyddogaethau, byddai'n fwy priodol i hynny fod yn y cynllun, oherwydd bod y cynllun yn ddogfen fyw sydd yn newid, lle mae'r Bil, er y gellid, yn amlwg, ei ddiwygio, yn ddogfen sydd yn fwy sefydlog. Felly, ni allaf dderbyn yr union eiriad, a, phe bai'r gwelliant hwn yn cael ei wthio i bleidlais, byddai'n rhaid i mi ofyn i'r pwyllgor ei wrthod fel y mae ar hyn o bryd, ond, os caf yr argraff bod cefnogaeth gyffredinol i'r ddadl y mae Bethan wedi ei chyflwyno, neu rywfaint o gefnogaeth, rwy'n hapus i edrych arno ym mhellach, ac fe allwn wneud cyfieiriad at hyn yng Nghyfnod 3.

I hear the argument that this should be in the Bill, but I have a feeling, if we are talking about functions, that it would be more appropriate for that to be in the scheme, because the scheme is a living document that changes, whereas the Bill, although it could, obviously, be amended, is a more fixed document. So, I cannot accept the exact wording, and, if this amendment were pushed to a vote, I would have to ask the committee to reject it as it stands, but, if I get the impression that there is general support for the argument that Bethan has presented, or some support for it, I am happy to look at it further, and we could make a reference to this in Stage 3.

[64] **Bethan Jenkins:** Os oes cyfle i ni drafod yr hyn a allai ddigwydd yn ystod Cyfnod 3, byddwn yn hapus i beidio â gwthio hyn at bleidlais. Fy mhryder i yw ynghylch sefydlu egwyddor bod rôl o'r fath yn bwysig. Dyna pam y dywedais mai ar wyneb y Bil dylai'r penodiad hwn fod, oherwydd ei fod yn sefydlu egwyddor bwysig. Byddai'r cynllun wedyn yn gallu penderfynu pa fath o adnoddau fyddai'n mynd i'r swyddog penodol hynny a pha gefnogaeth y byddai'r swyddog penodol hynny yn ei chael. Fodd bynnag, os gallwn drafod hyn rhwng Cyfnod 2 a Chyfnod 3, rwy'n hapus i beidio â gwthio hyn at bleidlais heddiw.

Bethan Jenkins: If there is an opportunity for us to discuss what could happen during Stage 3, I would be happy not to push this to a vote. My concern is about establishing the principle that such a role is important. That is why I said that this appointment should be on the face of the Bill, because it establishes an important principle. The scheme would then be able to decide what kind of resources would go to that particular official and what support that particular official would have. However, if we can discuss this between Stage 2 and Stage 3, I am happy not to push this to a vote today.

[65] **Ann Jones:** I take it from that that you wish to withdraw amendment 11.

[66] **Bethan Jenkins:** Yes.

[67] **Ann Jones:** Does any Member object to amendment 11 being withdrawn? I see that there is no objection. Therefore, amendment 11 is withdrawn.

*Tynnwyd gwelliant 11 yn ôl drwy ganiatâd y pwyllgor.
Amendment 11 withdrawn by leave of the committee.*

10.00 a.m.

Grŵp 3: Darpariaeth y mae'n Rhaid ei Chynnwys yn y Cynllun (Gwelliannau 13, 16, 17, 18, 19, 20, 21, 4, 4A, 12 a 5)

Group 3: Provision that Must be Included in the Scheme (Amendments 13, 16, 17, 18, 19, 20, 21, 4, 4A, 12 and 5)

[68] **Ann Jones:** The third group of amendments considers provision that must be included in the scheme. The lead amendment in the group—and it is a large group—is amendment 13, so I call Mark Isherwood to move and speak to amendment 13 in the name of Suzy Davies, and to speak to any other amendments in that group.

[69] **Rhodri Glyn Thomas:** Gadeirydd, **Rhodri Glyn Thomas:** Chair, I thought that roeddwn i'n meddwl mai 4 a 5 oedd y 4 and 5 were the next amendments according to the order.

[70] **Ann Jones:** No, amendment 13 is the lead amendment in this group, so we call that and then 4 and 5 will be included in the discussion.

[71] **Rhodri Glyn Thomas:** Popeth yn **Rhodri Glyn Thomas:** Okay. iawn.

[72] **Mark Isherwood:** I move amendment 13 in the name of Suzy Davies.

[73] It highlights how we feel the legislation should deal with the provision of what must be included in the scheme. This amendment starts with the wording,

[74] 'In order to comply with its duties under sub-paragraph (3)',

[75] which will impose a minimum requirement on what the scheme must mention in order to meet the test of treatment on the basis of equality. We have made a series of broad inclusions in this amendment that we feel cover some of the areas that the scheme must include provision for, without being overly prescriptive. The scheme itself is likely to be reviewed far more regularly than the official languages Bill itself, so Welsh Conservatives believe that the scheme should enjoy flexibility without being overly confined by the scope of this legislation. The scheme should have the freedom to evolve, and we feel that our amendment will allow this while highlighting key themes that the scheme must include provision relating to. By empowering the scheme in this way, we can encourage stakeholders to engage with it closely, allowing it to develop so as to best carry out its important functions.

[76] **Ann Jones:** Does any other Member wish to speak on this very large group?

[77] **Kirsty Williams:** I would specifically like to speak to amendments 16, 17, 18, 19, 20 and 21, tabled in the name of Aled Roberts. The purpose of this series of amendments is to put on the face of the Bill certain requirements for the Assembly to follow in its Welsh language scheme, rather than leaving the scheme in its current form, which Welsh Liberal Democrats believe is rather vague.

[78] We are determined that the Commission's own Welsh language scheme be equally as stringent, if not more so, as the Welsh language schemes of other public bodies, which the Assembly has required them to produce as a result of the Welsh Language (Wales) Measure 2011. We believe it would send out the completely wrong message if that were not the case. As the Bill stands, the Assembly's Welsh language scheme gives only broad duties to the Assembly, and these duties are open to considerable interpretation.

[79] The duties are to provide simultaneous interpretation without specifying in which arena that will take place—that is, is it just for Plenary meetings, or does it include committees? As it stands, there is no compulsion for simultaneous interpretation to happen at all meetings, either; it could apply selectively to only certain meetings. Amendment 17 makes it clear that this is to apply to all forms of proceedings of the Assembly, and amendment 19 is designed to ensure that, under the Welsh language scheme, the Assembly has an obligation to provide the written Record of Plenary proceedings in Welsh and English, and that those are made available at the same time.

[80] Amendments 18, 20 and 21 extend the scope of this section of the Bill substantially. They include a requirement to provide translation not just for formal Plenary and committee

meetings, but also to provide simultaneous interpretation at public events—as covered by amendment 18—and ensure that members of the public are able to interact with the Assembly in either Welsh or English—that is the substance of amendment 20—as well as to ensure that there is a programme to continually improve the internal use of the Welsh language at the Assembly. As I stated, Chair, we recognise that these three amendments in particular would extend the scope of the Bill substantially, and we have tabled them in an effort to tease out from the Commissioner his views on these aspects. I am happy to listen to what the Commissioner has to say at this stage before making a decision whether to move amendments 18, 20 and 21. I look forward to hearing the Commissioner's comments.

[81] **Alun Ffred Jones:** Rwy'n ansicr ynglŷn â geiriad y gwelliant yn enw Suzy Davies. Mae'n cynnwys geiriau nad wyf yn sicr o'u hystyr. Er enghraifft, mae'n sôn am: **Alun Ffred Jones:** I am uncertain about the meaning of the amendment in the name of Suzy Davies. I am not certain of the meaning of the wording. For example, it mentions:

[82] 'simultaneous interpretation from one official language to the other of words spoken in Assembly proceedings'.

[83] A yw hynny'n golygu y byddem yn cyfieithu o'r Saesneg i'r Gymraeg, ac o'r Gymraeg i'r Saesneg? Os ydym yn gwneud hynny, byddwn yn mynd lawr yr un llwybr y cyfeiriais ato ynghynt o wneud rhywbeth nad oes dim galw amdano. Nid dyna'r arfer yn unrhyw le, gan gynnwys y lleoedd sy'n defnyddio'r Gymraeg yn gyson, fel Cyngor Gwynedd, lle'r wyf wedi gweithio. Y broblem gyda geiriau pan fônt mewn Bil, wrth gwrs, yw eu bod yno hyd nes eich bod yn eu newid. Gallai hynny arwain nid yn unig at gostiau—nid hynny sy'n fy mhoeni—ond at wneud rhywbeth sy'n ddiangen ac yn ffôl. Byddwn yn codi'r un cwestiwn wedyn ynglŷn â gwelliant 20. Er fy mod, unwaith eto, yn deall ac yn cytuno â'r sentiment i gynnwys, Does that mean that we will be interpreting from English to Welsh, and also from Welsh to English? If we do that, we will be going down the same route that I referred to earlier of doing something that there is no call for it to be done. That is not the practice anywhere, including places where the Welsh language is used consistently, such as Gwynedd Council, where I have worked. The problem with words when they appear in a Bill, of course, is that they are there until they are changed. That could lead to not only costs—that is not what concerns me—but to doing something that is unnecessary and foolish. I would raise the same question in relation to amendment 20. Although I, once again, understand and agree with the sentiment of inserting,

[84] 'ensuring that members of the public can interact with the Assembly in their choice of either of the official languages'.

[85] Mewn egwyddor ac yn ymarferol, hoffwn weld hynny'n digwydd, ond a yw hynny'n golygu bod yn rhaid i bob aelod o staff y Cynulliad fod yn gwbl ddwyieithog, megis y staff sy'n ein croesawu a staff y caffe? Byddai hynny'n ddymunol iawn, ond nid wyf yn siŵr fod hynny'n ymarferol nac yn deg, hyd yn oed. Felly, dyna'r manylion sy'n fy mhoeni i os ydym yn cytuno i'r gwelliannau hynny, ond efallai fod gan y Comisiynydd oleuni i'w daflu ar hynny. In principle and practically, I would like to see that happening, but does that mean that every member of Assembly staff would have to be entirely bilingual, for example, the staff who welcome us and the staff in the cafe? That would be very desirable, but I am not sure that that is practical or even fair. So, those are the details that concern me if we agree to those amendments, but perhaps the Commissioner can shed some light on that.

[86] **Ann Jones:** Okay. Does anyone else want to speak to this group, which includes amendments 13, 16, 17, 18, 19, 20, 21, 4, 4A, 12 and 5? I call Bethan and then Mark.

[87] **Bethan Jenkins:** Rwy'n cefnogi gwelliant 16 yn enw Aled Roberts, sef i ddileu '*relating to*', oherwydd, fel mae'n sefyll, mae'n rhy amwys a phenagored. Yn fy marn i, mae hyn yn tynhau'r ffaith bod angen gweithredu clir o ran cyfieithu ar y pryd a chyhoeddi dogfennau.

Bethan Jenkins: I support amendment 16 in the name of Aled Roberts, to delete '*relating to*', because it is too ambiguous and open-ended as it currently stands. In my mind, this tightens up the fact that we need clear action in relation to simultaneous interpretation and the publication of documents.

[88] O ran gwelliant 4A yn fy enw i, yr hyn rwy'n ceisio gofyn yw i'r Comisiynydd esbonio beth fyddai'r eithriadau yn ei welliant 4 ef, a pha effaith y gallai eithriadau eu cael ar yr hyn a amlinellir yn y gwelliant. Unwaith y byddaf yn deall hynny, efallai y byddaf yn ystyried peidio â gwthio'r gwelliant hwnnw i bleidlais. Rwyf eisiau deall pam fod y gwelliant hwnnw wedi'i gynnwys.

In relation to amendment 4A in my name, I am trying to ask the Commissioner to explain what the exceptions in his own amendment 4 would be, and what sort of impact exceptions could have on what is outlined in the amendment. Once I have a full understanding of that, perhaps I will consider not pushing the amendment to a vote. I want to understand why that amendment has been tabled.

[89] O ran gwelliant 12, yn fy enw i, fel y crybwyllodd Alun Ffred Jones yn gynharach, os ydym i gynyddu'r defnydd o'r Gymraeg ar lefel pwyllgor, mae'n bwysig bod Aelodau Cynulliad yn gallu paratoi ar gyfer y pwyllgorau hynny yn y Gymraeg. Felly, mae'r gwelliant hwn i sicrhau bod dogfennau ymchwil yn ein cyrraedd, fel Aelodau sy'n siarad Cymraeg ar bwyllgorau, ar amser ac mewn da bryd, er mwyn inni allu sicrhau defnydd llawn ohonynt yn y dyfodol.

In terms of amendment 12 in my name, as Alun Ffred Jones mentioned earlier, if we are to increase the use of the Welsh language at committee level, it is important that Assembly Members can prepare for those committees through the medium of Welsh. So, this amendment aims to ensure that research documents reach us, as Assembly Members who speak Welsh in committees, in a timely manner, so that we can ensure that we can make full use of them in the future.

[90] Creodd welliant 5 lawer o drafodaeth yn y pwyllgor gyda nifer fawr o fudiadau a grwpiau pwyso, ac felly hoffwn ddweud ar y record fy mod yn croesawu'r ffaith bod y Comisiynydd wedi tynnu'r llinellau hynny allan. Mae'n gam pwysig ymlaen, gan fod hynny wedi creu amwysedd yn y Bil nad oedd ei angen yn fy marn i. Dyna'r hyn roeddwn am ei ddweud ynglŷn â'r gwelliannau yn y grŵp hwn.

Amendment 5 generated a lot of discussion in committee with a lot of organisations and pressure groups, so I want to state on the record that I welcome the fact that the Commissioner has taken out those lines. That is an important step forward, because that created some ambiguity in the Bill that did not need to be there in my opinion. That is all that I wanted to say on the amendments in this group.

[91] **Ann Jones:** Commissioner, do you want to speak to the group? Mark will then wind up the debate.

[92] **Rhodri Glyn Thomas:** Unwaith eto, rwy'n ddiolchgar am y gwelliannau hyn i gyd, er nad wyf yn gallu eu derbyn i gyd. Dim ond un rwy'n gallu ei dderbyn fel y mae, ond rwy'n gobeithio fy mod yn gallu cynnig ffordd ymlaen gyda rhai o'r lleill. Maen nhw'n bynciau eithriadol o bwysig. Af i drwyddyn nhw fel grŵp ac wedyn esbonio ein safiad ni fel Comisiwn ar bob un ohonynt.

Rhodri Glyn Thomas: Once again, I am grateful for all of these amendments, although I cannot accept them all. I can accept only one of them as they stand, but I hope that I can offer a way forward for some of the others. They are exceptionally important issues. I will go through them as a group and then explain our stance as a Commission on each of them.

[93] Testun y gwelliannau yn y grŵp hwn, gan gynnwys gwelliannau 4 a 5 yn fy enw i, yw'r gofynion am gynnwys y cynllun a fydd yn ymddangos ar wyneb y Bil. Mae gwelliannau 4 a 5 yn ymateb yn gadarnhaol i argymhellion y pwyllgor. Yn gyntaf, mae gwelliant 4 yn sicrhau y bydd yn rhaid i'r cynllun ddelio yn benodol â chwestiynau sydd yn ymwneud ag ymglymiad y cyhoedd â gwaith priodol y Cynulliad, sef ei drafodion.

The subject of the amendments in this group, including amendments 4 and 5 in my name, is the requirements about the contents of the scheme that will appear on the face of the Bill. Amendments 4 and 5 respond positively to the committee's recommendations. First, amendment 4 ensures that the scheme will have to deal specifically with questions relating to the public's engagement with the principal activity of the Assembly, namely its proceedings.

[94] Cyn i mi fynd ymlaen, hwyrach y byddai'n ddefnyddiol i'r pwyllgor pe bawn i'n gofyn i Keith esbonio'r gwahaniaeth rhwng trafodion y Cynulliad a thrafodion o'r Cynulliad. Hynny yw, mae dau beth sydd yn dechnegol wahanol yn y fan honno.

Before I go any further, perhaps it would be useful for the committee if I were to ask Keith to explain the difference between Assembly proceedings and the proceedings of the Assembly. That is, there are two technically different issues there.

[95] **Ann Jones:** I am being advised that your legal adviser is not allowed to speak. It is your Bill, sorry. So, as much as we like Keith—I would not want him to go away with a complex—apparently the rules are that it is your Bill.

[96] **Rhodri Glyn Thomas:** Rwyf wedi cyfeirio at hyn yn barod, ond os oes Aelodau o'r Cynulliad sydd eisiau esboniad pellach, byddwn yn hapus i'w gynnig.

Rhodri Glyn Thomas: I have already referred to this, but if Assembly Members want a further explanation, we are more than happy to provide it.

[97] Mae gweddill y gwelliant yn ymwneud â gosod targedau ac amserlenni, dosbarthu cyfrifoldebau, mesur llwyddiant y cynllun yn wrthrychol—mae hynny yn mynd â ni yn ôl at bwynt a gododd Bethan yn gynharach—a strategaeth sgiliau. A gaf i ddweud ar hynny ei bod yn galonogol iawn, ac rwy'n canmol y staff, fy mod yn cael fy nghyfarch yn y Gymraeg bob bore pan fyddaf yn cyrraedd y Cynulliad y dyddiau hyn? Mae'r staff diogelwch a staff y Comisiwn yn gyffredinol yn gwneud ymdrech i ddefnyddio'r Gymraeg ac mae hynny i'w groesawu'n fawr. Credaf fod y gwelliant hwn yn delio â'r materion hyn mewn ffordd glir a chynhwysfawr ac yn unol â dymuniad y pwyllgor.

The rest of the amendment relates to setting targets and timetables, delegating responsibilities, objectively assessing the success of the scheme—that takes us back to a point that Bethan raised earlier—and a skills strategy. May I say on that point that it is very encouraging, and I praise the staff, that I am greeted through the medium of Welsh every morning when I arrive at the Assembly these days? The security staff and Commission staff in general are making great efforts to use the Welsh language and that is to be warmly welcomed. I believe that this amendment deals with these issues in a clear and comprehensive manner and is in accordance with the committee's aspirations.

[98] Mae gwelliant 5 yn hepgor yr is-baragraff (6) presennol, a oedd yn annerbyniol i'r pwyllgor, sy'n delio yn benodol â'r cwestiwn o gyfieithu a chyfieithu ar y pryd o'r Gymraeg i Saesneg, ond ddim o Saesneg i'r Gymraeg. Felly, rwy'n credu ein bod yng ngwelliant 5 yn delio yn glir â'r pwynt a gododd Alun Ffred ac yn yr un modd y cwestiwn a gododd Kirsty Williams, sef

Amendment 5 deletes sub-paragraph (6) as it currently stands, which was not acceptable to the committee; it deals specifically with the issue of translation and simultaneous translation from Welsh to English, but not from English to Welsh. So, I think that, in amendment 5, we clearly deal with the point raised by Alun Ffred and, likewise, the question raised by Kirsty Williams, namely

bod cyfieithu ar y pryd yn digwydd yn holl weithgareddau swyddogol y Cynulliad. Rydym wedi ymestyn hynny'n awr ac os yw Aelodau yn cynnal gweithgareddau trawsbleidiol ar ystâd y Cynulliad, os ydynt yn dymuno, gallwn ddarparu cyfieithu ar y pryd yn y digwyddiadau hynny. Ychydig o Aelodau, hyd yn hyn, sydd wedi gwneud cais am hynny, ond mae'r gwasanaeth ar gael ac mae'r Comisiwn yn awyddus i ehangu'r defnydd o gyfieithu ar y pryd. Dyna'r elfen o gyfieithu sydd yn creu dwyieithrwydd naturiol ac yn galluogi pobl i ddefnyddio eu dewis iaith.

[99] Mae'r posibilrwydd o hepgor is-baragraff (6) yn gyfan gwbl wedi codi am fod gwelliant 1 yn awr wedi symud darpariaethau am y Cofnod o Gyfarfodydd Llawn allan o faes y cynllun ac i mewn i adran 1 ac yn delio yn benodol â manylion y dull o drin y ddwy iaith yng nghofnod y gwahanol fathau o drafodion. Felly, gofynnaf i chi gefnogi gwelliannau 4 a 5.

[100] A throi at y gwelliannau eraill, mae gwelliant 13 yn enw Suzy Davies yn eiriad angen o'r hyn y mae'r Comisiwn wedi ei gynnig yng ngwelliant 4. Bydd yn rhaid i'r pwyllgor ddewis rhwng y naill a'r llall. Ein barn ni yw bod geiriad gwelliant 4 yn rhagori mewn sawl ffordd ar eiriad gwelliant 13 ac yn adlewyrchu argymhellion y pwyllgor yn fwy cywir ac effeithiol. Ar sail hynny, gofynnaf i chi wrthod gwelliant 13.

[101] Gyda gwelliant 16 yn enw Aled Roberts, ein barn ni yw nad oes unrhyw wahaniaeth o sylwedd yn yr achos hwn rhwng effaith y gair '*for*' a'r geiriau '*in relation to*'. Ni fuasai'r naill na'r llall yn rhagfarnu cynnwys y cynllun, dim ond yn dynodi'r materion y buasai'n rhaid i'r cynllun ddelio â hwy. Ar y sail honno, ni fyddaf yn gwrthwynebu gwelliant 16.

10.15 a.m.

[102] Yn yr un modd, nid yw ychwanegu '*in all Assembly proceedings*' at y disgrifiad o rychwant y ddarpariaeth yn y cynllun o ran cyfieithu ar y pryd yn gwneud dim gwahaniaeth i'r hyn y mae'n rhaid i'r ddarpariaeth cyfieithu ar y pryd ei wneud

that simultaneous interpretation should be provided in all official Assembly activities. We have extended that now, and if Members sponsor cross-party events on the Assembly estate, if they wish, we can provide simultaneous interpretation facilities for those events. Few Members, to date, have made such requests, but that service is available and the Commission is eager for there to be greater use of simultaneous interpretation. That is the element of translation that creates a natural and living bilingualism and enables people to use their language of choice.

The possibility of omitting sub-paragraph (6) entirely has arisen because amendment 1 has now moved provisions on the Record of Proceedings in Plenary out of the scheme and into section 1 and deals specifically with the detail of our approach in dealing with both languages in the records of various types of proceedings. Therefore, I ask you to support amendments 4 and 5.

To turn to the other amendments, amendment 13 in the name of Suzy Davies is an alternative wording of what the Commission has proposed in amendment 4. The committee will have to choose one or the other. Our opinion is that the wording of amendment 4 is preferable, for a number of reasons, to the wording of amendment 13 and reflects the committee's recommendations more accurately and effectively. On that basis, I ask you to reject amendment 13.

On amendment 16 in the name of Aled Roberts, our opinion is that there is no substantive difference in this case between the effect of the word '*for*' and the words '*in relation to*'. One or the other would not prejudice the contents of the scheme, but would only indicate which matters the scheme would have to deal with. On that basis, I will not oppose amendment 16.

In the same way, adding '*in all Assembly proceedings*' to the description of the scope of provision in the scheme with regard to simultaneous interpretation makes no difference to what translation provision has to do in any case. So, I will not oppose

beth bynnag. Felly, ni fyddaf yn amendment 17.
gwrthwynebu gwelliant 17.

[103] Mae gwelliant 18 yn ceisio ychwanegu at y ddarpariaeth y bydd yn rhaid i'r cynllun ei chynnwys ar gyfer cyfieithu ar y pryd mewn cyfarfodydd cyhoeddus heblaw trafodion y Cynulliad. Mae'r cynllun draft eisoes yn cynnwys rhai darpariaethau yn y maes hwn. Nid yw'r Comisiwn yn gwrthwynebu egwyddor y gwelliant. Fel y dywedais, rydym wedi ymestyn y cynnig ar gyfer cyfieithu ar y pryd.

[104] Serch hynny, mae'n rhaid inni fod yn ofalus gyda'r geiriad yma. Er enghraifft, mae'r gwelliant yn sôn ar hyn o bryd am gyfarfodydd ar ystâd y Cynulliad yn unig, heb ystyried y gwahaniaethau a allai fod rhwng gwahanol fathau o gyfarfodydd cyhoeddus a lled gyhoeddus a gynhelir o bryd i'w gilydd ar ystâd y Cynulliad.

[105] Er mwyn gallu ymateb yn effeithiol i'r egwyddor y tu ôl i'r gwelliant heb wneud cymhlethdodau diangen, byddaf yn gofyn i'r cynigiwr dynnu gwelliant 18 yn ôl, gan addo y bydd swyddogion y Comisiwn yn gweithio gyda grŵp y Democratiaid Rhyddfrydol i ddod o hyd i eiriad ar gyfer gwelliant yng Nghyfnod 3 a fyddai'n derbyn cefnogaeth gyffredinol.

[106] Gellir dehongli gwelliant 19 fel cais i wahardd yr arfer presennol o gyhoeddi Cofnod brys o fewn 24 awr, sydd heb fod yn hollol ddwyieithog, gyda'r Cofnod llawn, swyddogol a hollol ddwyieithog yn dilyn o fewn pum diwrnod. Yn fy marn i, ni fyddai hynny'n foddhaol, ac ni fyddwn yn hapus gyda'r naill beth na'r llall. Byddai'n golygu naill ai bod angen gwario symiau sylweddol ychwanegol er mwyn darparu Cofnod hollol ddwyieithog dros nos neu orfodi'r cyhoedd i aros pum diwrnod cyn gallu darllen unrhyw gofnod o drafodion y Cynulliad. Gan na fyddai'r naill na'r llall yn ddymunol, rhaid i mi wrthwynebu'r gwelliant hwn.

[107] Mae ysbryd gwelliannau 20 ac 21 yn cyd-fynd â theimladau'r Comisiwn. Unwaith eto, hoffwn gael cyfle i drafod y materion hyn â grŵp y Democratiaid Rhyddfrydol i geisio ffurfio geiriad a fydd yn dderbyniol

Amendment 18 seeks to add to the provision that the scheme will be required to include for simultaneous interpretation in public meetings aside from Assembly proceedings. The draft scheme already includes some provisions in this regard. The Commission does not oppose the principle of the amendment. As I said, we have extended the offer of simultaneous interpretation services.

Nonetheless, we must be careful with the wording here. For example, the amendment currently mentions meetings on the Assembly estate only, without consideration of the possible differences between different types of public and semi-public meetings occasionally held on the Assembly estate.

In order to be able to respond effectively to the principle behind the amendment without introducing unnecessary complications, I will ask the proposer to withdraw amendment 18, with the promise that Commission officials will work with the Liberal Democrat group to find a form of wording for an amendment at Stage 3 that would attract general support.

Amendment 19 can be construed as an attempt to do away with the current arrangements for publishing within 24 hours a quick version of the Record, which is not completely bilingual, with the full, official and completely bilingual Record following within five days. In my opinion, that would not be satisfactory, and I would not be happy with it either way. It would necessitate expending significant additional sums to provide a completely bilingual Record overnight or delaying publication for five days before any record of Assembly proceedings could be read. As neither scenario is desirable, I must oppose this amendment.

The spirit of amendments 20 and 21 matches the feelings of the Commission. Once more, I would like an opportunity to discuss these issues with the Liberal Democrat group to seek a wording that everyone can accept.

gan bawb.

[108] Yn olaf, mae gwelliannau 4A a 12 yn enw Bethan Jenkins. Deallaf yn iawn y pwyntiau mae Bethan wedi'u codi, ac mae'n bwysig eu codi. Mae gennyf broblem gyda'r geiriad yma, oherwydd fy mod yn credu ei fod yn *prescriptive* iawn. Gallai glymu ein dwylo o ran yr hyn y gallwn ei wneud ac, o bosibl, yr hyn na allwn ei wneud i'r dyfodol.

Finally, we have amendments 4A and 12 in the name of Bethan Jenkins. I quite understand the points raised by Bethan, and it is important that they are raised. I have a problem with the wording here, as I believe it to be very prescriptive. It could tie our hands with regard to what we could do and, possibly, what we could not do in future.

[109] **Bethan Jenkins:** Ai gwelliant 12 yw hwnnw?

Bethan Jenkins: Is that amendment 12?

[110] **Rhodri Glyn Thomas:** Gwelliannau 4A a 12.

Rhodri Glyn Thomas: Amendments 4A and 12.

[111] **Bethan Jenkins:** Mae gwelliannau 4A a 12 yn rhy *prescriptive*.

Bethan Jenkins: Amendments 4A and 12 are too prescriptive.

[112] **Rhodri Glyn Thomas:** Ydynt. Ni allaf dderbyn y gwelliannau fel ag y maent. Er enghraifft, gyda thystiolaeth ysgrifenedig a gyflwynir i bwyllgor, yr hyn sy'n digwydd yn aml yw bod unigolion a chyrff, hyd yn oed, yn dod â thystiolaeth ar ddiwrnod y cyfarfod. Byddai'n ymarferol anodd cyfieithu'r dystiolaeth honno, ac felly byddech yn wynebu'r cwestiwn a ddylid derbyn y dystiolaeth neu'i gwrthod am nad yw'n llawn.

Rhodri Glyn Thomas: Yes. I cannot accept the amendments as they stand. For example, in the case of written evidence presented to a committee, what often happens is that individuals and even organisations bring evidence on the day of the meeting. There would be practical difficulties in trying to translate that evidence, so you would face the question of whether to accept the evidence or reject it for being incomplete.

[113] Rydym ar hyn o bryd yn ei gwneud yn glir i gyrff cyhoeddus, yn enwedig y rhai sy'n atebol i Gomisiynydd y Gymraeg a'r safonau a osodwyd ganddi, fod disgwyl iddynt ddarparu tystiolaeth yn ddwyieithog. Fel y Comisiynydd sy'n gyfrifol am ieithoedd swyddogol y Cynulliad, credaf mai fy nghyfrifoldeb i, os yw cyrff yn atebol i'r comisiynydd iaith ac i'r safonau sy'n gofyn iddynt weithredu yn ddwyieithog yn y ffordd honno, fyddai cyfeirio'r materion hynny at y comisiynydd iaith. Am y rhesymau hynny, nid wyf yn credu y gallaf dderbyn gwelliannau 4A a 12, ond edrychaf eto yng Nghyfnod 3 i weld a oes angen inni gryfhau'r geiriad rydym yn ei ddefnyddio yn y Bil ar hyn o bryd.

We currently make it clear to public bodies, particularly those answerable to the Welsh Language Commissioner and the standards set by her, that they are expected to submit their evidence bilingually. As the Commissioner with responsibility for the Assembly's official languages, I believe that it is my responsibility, if organisations are answerable to the language commissioner and subject to the standards that require them to work bilingually in that way, to refer those matters to the language commissioner. For those reasons, I do not believe that I can accept amendments 4A and 12, but I will look again during Stage 3 to see if we need to strengthen the wording that we are currently using in the Bill.

[114] **Ann Jones:** With regard to the fact that I would not allow Keith to speak, the committee has received legal advice note No. 4 on Assembly proceedings and we have had a legal definition, which can be found in the committee's papers. I would not want you to think for one moment that I have been holding information back from the committee.

[115] **Rhodri Glyn Thomas:** Gadeirydd, a ydych am imi fynd drwy'r gwelliannau, oherwydd bod hyn braidd yn gymhleth? Gofynnaf am eich cefnogaeth i welliannau 4 a 5 yn fy enw i. Mae Bethan Jenkins eisoes wedi cefnogi gwelliant 5. Rwy'n gofyn ichi wrthod gwelliant 13 yn enw Suzy Davies. Rwy'n hapus i gefnogi gwelliant 16 yn enw Aled Roberts, ac rwyf hefyd yn hapus i gefnogi gwelliant 17. O ran gwelliant 18, gofynnaf i'r Democratiaid Rhyddfrydol a fyddent yn fodlon tynnu'r gwelliant yn ôl a chael trafodaeth bellach gyda'n swyddogion i weld a ellir cael geiriad derbynol. Mae'n rhaid imi wrthod gwelliant 19. O ran gwelliant 20, eto gofynnaf i'r gwelliant gael ei dynnu yn ôl os yn bosibl a chawn drafodaeth bellach i weld beth y gallwn ei wneud yng Nghyfnod 3, ac yn yr un modd, gwelliant 21. Mae'n rhaid i'r Comisiwn wrthod gwelliannau 4A a 12 gyda'r geiriad presennol, ond, yng ngoleuni'r hyn mae Bethan wedi ei ddweud, af yn ôl i edrych ar y mater hwn ymhellach a'i drafod ymhellach gyda'r Comisiwn.

Rhodri Glyn Thomas: Chair, do you want me to go through the amendments, as this is rather complicated? I seek your support for amendments 4 and 5 in my name. Bethan Jenkins has already supported amendment 5. I ask you to reject amendment 13 in the name of Suzy Davies. I am happy to support amendment 16 in the name of Aled Roberts, and I am also happy to support amendment 17. On amendment 18, I ask the Liberal Democrats whether they would be willing to withdraw the amendment and have further discussions with our officials to see if we can agree on the wording. I have to reject amendment 19. On amendment 20, once again, I ask for the amendment to be withdrawn if possible and we will have further discussions to see what we can do at Stage 3, and likewise, amendment 21. The Commission must reject amendments 4A and 12 with the current wording, but, in light of what Bethan has said, I will go back to look at this matter further and discuss it further with the Commission.

[116] **Ann Jones:** Mark, do you want to respond to the debate?

[117] **Mark Isherwood:** I would like to refer in particular to amendment 13. There appears to be some confusion over the intention of amendment 13. We have been advised that this is legal terminology that is the opposite of prescriptive, because it is felt that the current proposals for the scheme are, perhaps, overly prescriptive. The broader approach outlined in amendment 13 provides empowerment for the scheme, ensuring that the scheme has flexibility in its scope and the freedom to develop over time in the future. We feel that the current proposals are overly prescribed by the legislation. So, it is not to compel the Commission to deliver particular services now, rather to enable the scheme to have the flexibility to permit those services to be delivered in the future.

[118] **Rhodri Glyn Thomas:** A gaf i **Rhodri Glyn Thomas:** May I add ychwanegu rhywbeth? something?

[119] **Ann Jones:** If it will add to the debate, I am happy for you to do so.

[120] **Rhodri Glyn Thomas:** Dim ond i ddweud, yn y cyd-destun hwnnw, mai'r rheswm rydym yn gwrthwynebu gwelliant 13 yw ein bod yn credu bod gwelliant 4 yn fy enw i ar ran y Comisiwn yn rhagori arno. Mater i'r pwyllgor fydd dewis rhwng gwelliannau 4 a 13.

Rhodri Glyn Thomas: Only to say, in that context, that the reason that we oppose amendment 13 is that we believe that amendment 4 in my name on behalf of the Commission is preferable. It is a matter for the committee to decide between amendments 4 and 13.

[121] **Ann Jones:** Fine. I think that the committee can make a decision between amendments 4 and 13.

[122] We will move on to the voting, then. Mark, do you wish to proceed to a vote on

amendment 13?

[123] **Mark Isherwood:** Yes, please, Chair.

[124] **Ann Jones:** If amendment 13 is agreed to, amendments 16, 17, 18, 19, 20 21, 4, 4A and 12 will fall. The question is that amendment 13 be agreed to. Does any Member object? I see that there is objection. Therefore, I call for a vote.

*Gwelliant 13: O blaid 2, Ymatal 0, Yn erbyn 7.
Amendment 13: For 2, Abstain 0, Against 7.*

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

Finch-Saunders, Janet
Isherwood, Mark

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

Drakeford, Mark
Jenkins, Bethan
Jones, Alun Ffred
Price, Gwyn R.
Skates, Kenneth
Watson, Joyce
Williams, Kirsty

*Gwrthodwyd gwelliant 13.
Amendment 13 not agreed.*

[125] **Ann Jones:** Kirsty, would you like to move amendment 16 in the name of Aled Roberts?

[126] **Kirsty Williams:** I move amendment 16 in the name of Aled Roberts.

[127] **Ann Jones:** The question is that amendment 16 be agreed to. Does any Member object? I see that there is objection. Therefore, I call for a vote.

*Gwelliant 16: O blaid 7, Ymatal 0, Yn erbyn 2.
Amendment 16: For 7, Abstain 0, Against 2.*

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

Drakeford, Mark
Jenkins, Bethan
Jones, Alun Ffred
Price, Gwyn R.
Skates, Kenneth
Watson, Joyce
Williams, Kirsty

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

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 16.
Amendment 16 agreed.*

*Tynnwyd gwelliant 10 yn ôl.
Amendment 10 withdrawn.*

[128] **Ann Jones:** Kirsty, do you wish to move amendment 17?

[129] **Kirsty Williams:** I move amendment 17 in the name of Aled Roberts.

[130] **Ann Jones:** The question is that amendment 17 be agreed to. Does any Member object? I see that there is objection. I therefore call for a vote.

*Gwelliant 17: O blaid 7, Ymatal 0, Yn erbyn 2.
Amendment 17: For 7, Abstain 0, Against 2.*

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

Drakeford, Mark
Jenkins, Bethan
Jones, Alun Ffred
Price, Gwyn R.
Skates, Kenneth
Watson, Joyce
Williams, Kirsty

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

Finch-Saunders, Janet
Isherwood, Mark

*Derbyniwyd gwelliant 17.
Amendment 17 agreed.*

[131] **Ann Jones:** Kirsty, do you wish to move amendment 18?

[132] **Kirsty Williams:** Given the comments of the Commissioner, I do not wish to move amendment 18 in the name of Aled Roberts.

[133] **Ann Jones:** Does any other member of the committee wish to move that amendment?
I see that no-one does.

*Ni chynigiwyd gwelliant 18.
Amendment 18 not moved.*

[134] **Ann Jones:** Kirsty, do you wish to move amendment 19?

[135] **Kirsty Williams:** I move amendment 19 in the name of Aled Roberts.

[136] **Ann Jones:** The question is that amendment 19 be agreed to. Does any Member object? I see that there is objection, so we will move to a vote.

*Gwelliant 19: O blaid 3, Ymatal 0, Yn erbyn 6.
Amendment 19: For 3, Abstain 0, Against 6.*

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

Jenkins, Bethan
Jones, Alun Ffred
Williams, Kirsty

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

Drakeford, Mark
Finch-Saunders, Janet
Isherwood, Mark
Price, Gwyn R.
Skates, Kenneth
Watson, Joyce

*Gwrthodwyd gwelliant 19.
Amendment 19 not agreed.*

[137] **Ann Jones:** Kirsty, do you wish to move amendment 20?

[138] **Kirsty Williams:** Once again, given the commitments made by the Commissioner this morning, I do not wish to move amendment 20 in the name of Aled Roberts.

[139] **Ann Jones:** Does any other member of the committee wish to move amendment 20?

I see that no-one does.

*Ni chynigiwyd gwelliant 20.
Amendment 20 not moved.*

[140] **Ann Jones:** Kirsty, do you wish to move amendment 21 in the name of Aled Roberts?

[141] **Kirsty Williams:** Again, given the commitments made by the Commissioner, I do not wish to move amendment 21 in the name of Aled Roberts.

[142] **Ann Jones:** Does any other member of the committee wish to move amendment 21? I see that no-one does.

*Ni chynigiwyd gwelliant 21.
Amendment 21 not moved.*

[143] **Ann Jones:** We now move to dispose of amendments 4A and 4. Commissioner, would you like amendment 4 in your name to be moved?

[144] **Rhodri Glyn Thomas:** Hoffwn. **Rhodri Glyn Thomas:** Yes.

[145] **Ann Jones:** I move amendment 4 in the name of Rhodri Glyn Thomas. However, we will not vote on amendment 4 until we have disposed of amendment 4A, which is an amendment to amendment 4. Therefore, we have to take that one first. Bethan, do you wish to move amendment 4A?

[146] **Bethan Jenkins:** Na, rwyf yn hapus i beidio â chynnig y gwelliant hwn yn fy enw. **Bethan Jenkins:** No, I am happy not to move that amendment in my name.

*Ni chynigiwyd gwelliant 4A.
Amendment 4A not moved.*

[147] **Ann Jones:** We will therefore move to dispose of amendment 4.

[148] The question is that amendment 4 be agreed to. Does any Member object? I see that there are no objections. In accordance with Standing Order No. 17.34, I therefore declare amendment 4 agreed.

*Derbyniwyd gwelliant 4.
Amendment 4 agreed.*

[149] **Ann Jones:** I call on Bethan Jenkins to move amendment 12.

[150] **Bethan Jenkins:** Rwyf yn hapus i beidio â chynnig gwelliant 12, ar y sail bod y Comisiynydd wedi cytuno i edrych ar ffurf o eiriau neu drafod hyn yng Nghyfnod 3 o ran briffiau i Aelodau Cynulliad; mae'n dal i fod yn fater pwysig iawn. **Bethan Jenkins:** I am happy not to move amendment 12, on the basis that the Commissioner has agreed to look at a form of words or to discuss this at Stage 3 in terms of briefings to Assembly Members; it remains a very important issue.

[151] **Ann Jones:** Does any other member of the committee wish to move amendment 12? I see that no-one does.

Ni chynigiwyd gwelliant 12.

Amendment 12 not moved.

[152] **Ann Jones:** Commissioner, do you wish for amendment 5 in your name to be moved?

[153] **Rhodri Glyn Thomas:** Byddwn. **Rhodri Glyn Thomas:** Yes.

[154] **Ann Jones:** I move amendment 5 in the name of Rhodri Glyn Thomas and with the name of Bethan Jenkins in support. I am glad that everyone is finding this difficult to keep up with. The question is that amendment 5 be agreed to. Does any Member object? I see that there are no objections. In accordance with Standing Order No. 17.34, I therefore declare amendment 5 agreed.

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

Grŵp 4: Trefniadau Cofnodi (Gwelliant 14) Group 4: Reporting Arrangements (Amendment 14)

[155] **Ann Jones:** The lead and only amendment in this group is amendment 14, so I call on Janet Finch-Saunders to move amendment 14 tabled in the name of Suzy Davies.

[156] **Janet Finch-Saunders:** I move amendment 14 in the name of Suzy Davies.

[157] We feel that this is a strengthening amendment that will ensure that the annual report laid by the Assembly Commission includes all points referred to in sub-paragraph (5). This will ensure that the annual report produced is robust and clearly includes reference to the key measures outlined in the legislation relating to which the scheme must include provision.

[158] If this amendment is agreed, it will ensure the Commission's adherence to this legislation and it will be more clearly outlined in the annual report, thereby making it more valuable for scrutiny purposes.

[159] **Ann Jones:** Does any other Member wish to speak in this debate? I see not. Commissioner, do you wish to speak in the debate?

[160] **Rhodri Glyn Thomas:** Rwy'n cydymdeimlo'n llwyr ag ysbryd y gwelliant. Fodd bynnag, mae gennyf broblem gyda'r geiriad, oherwydd mae'n sôn am **Rhodri Glyn Thomas:** I sympathise entirely with the spirit of the amendment. However, I have a problem with its wording, because it talks about

[161] 'measures required in subparagraph (5)'

10.30 a.m.

[162] Nid yw hynny'n cyd-fynd yn llwyr â'r ffordd y buaswn yn disgrifio natur cynnwys is-baragraff 5. Felly, os yw Janet Finch-Saunders yn hapus gyda hynny, buaswn yn hapus i gael trafodaeth bellach gyda hi i weld a allem gytuno ar eiriad a fyddai'n adlewyrchu'r hyn sydd y tu ôl i'r gwelliant. Ar y sail honno, gofynnaf iddi dynnu'r gwelliant yn ôl ar hyn o bryd i weld beth y gallem ei wneud yng Nghyfnod 3 ar y **That does not correspond entirely with how we would describe the nature of the content of sub-paragraph 5. Therefore, if Janet Finch-Saunders is content with that, I would be happy to have further discussion with her to see whether we can agree on a wording that would reflect what is behind the amendment. On that basis, I ask her to withdraw the amendment at the present time to see what we can do in Stage 3 on that matter.**

mater hwn.

[163] **Ann Jones:** Janet, do you want to respond to the debate?

[164] **Janet Finch-Saunders:** Yes. I will withdraw.

[165] **Ann Jones:** Janet wishes to withdraw amendment 14. Does any Member object to the withdrawal of amendment 14? I see that there are no objections.

*Tynnwyd gwelliant 14 yn ôl drwy ganiatâd y pwyllgor.
Amendment 14 withdrawn by leave of the committee.*

[166] **Ann Jones:** That was the only amendment in group 4.

**Grŵp 5: Adolygiad (Gwelliannau 6 a 7)
Group 5: Review (Amendments 6 and 7)**

[167] **Ann Jones:** Commissioner, would you like amendment 6 in your name to be moved?

[168] **Rhodri Glyn Thomas:** Hoffwn. **Rhodri Glyn Thomas:** Yes.

[169] **Ann Jones:** I move amendment 6 in the name of the Commissioner. I call on the Commissioner to speak to amendment 6 and the other amendment in the group if he wishes.

[170] **Rhodri Glyn Thomas:** Mae'r gwelliannau hyn yn fy enw i yn ymateb i argymhelliad y pwyllgor y dylai'r cynllun gael ei adolygu yn ystod pob Cynulliad. Fel mae'r Bil yn sefyll, bydd yn rhaid cael adolygiad bob pum mlynedd. Fel y gwyddoch, tymor arferol Cynulliad yw pedair blynedd. Dim ond ar gyfer y Cynulliad presennol, hyd yn hyn, y mae'r tymor wedi cael ei ymestyn i bum mlynedd. Petai hyd Cynullidau'r dyfodol yn mynd yn ôl at dymor o bedair blynedd, byddai'n bosibl, mewn egwyddor, i Gynulliad cyfan fynd heibio heb orfod adolygu'r cynllun.

Rhodri Glyn Thomas: These amendments in my name respond to the committee's recommendation that the scheme should be reviewed during every Assembly. As the Bill stands, there would have to be a review every five years. As you know, an Assembly term is usually four years. It is only for the current Assembly, thus far, that the term has been extended to five years. If the duration of future Assemblies were to return to a term of four years, it would be possible, in theory, for an entire Assembly to pass without having to review the scheme.

[171] Effaith gwelliannau 6 a 7 yw sicrhau y bydd y cynllun yn cael ei adolygu o leiaf unwaith yn ystod Cynulliad, beth bynnag fo'i hyd, a hynny mor gynnar ag sy'n rhesymol ar ôl pob etholiad cyffredinol.

The effect of amendments 6 and 7 is to ensure that the scheme will be reviewed at least once during an Assembly, whatever its duration, and for it to be done as early as is reasonably practicable after every general election.

[172] Mae'n rhaid i'r ddarpariaeth fod yn ddigon soffistigedig, wrth gwrs, i fedru delio â sefyllfa eithriadol o etholiad anghyffredin, hynny yw sefyllfa lle byddai'r Cynulliad yn cael ei ddiddymu cyn y dyddiad arferol. Effaith geiriad gwelliant 7 yw na fyddai hynny'n sbarduno adolygiad y cynllun oni bai bod yr etholiad hwnnw'n dod o fewn chwe mis i ddyddiad arferol etholiad

The provision must be sufficiently sophisticated, of course, to be able to deal with the exceptional circumstances of extraordinary election, which is when the Assembly will be dissolved before the usual date. The effect of the wording of amendment 7 is that that would not trigger a review of the scheme unless that election was to come within six months of the usual date of a

cyffredinol. Byddai hynny, felly, yn golygu na fyddai'r etholiad cyffredinol arferol yn cael ei gynnal. general election. That would, therefore, mean that the usual general election would not be held.

[173] Credaf fod y gwelliannau hynny'n mynd i'r afael â phroblemau ymarferol ac yn ymateb yn gadarnhaol i gais y pwyllgor. I believe that those amendments would address practical problems and respond positively to the committee's request.

[174] **Ann Jones:** Does any Member wish to speak on this? I see that no-one does. Therefore, Commissioner, there is no need to reply to the debate. Do you wish to proceed to a vote on amendment 6?

[175] **Rhodri Glyn Thomas:** Ydw. **Rhodri Glyn Thomas:** Yes.

[176] **Ann Jones:** The question is that amendment 6 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 17.34, I therefore declare amendment 6 agreed.

*Derbyniwyd gwelliant 6.
Amendment 6 agreed.*

[177] **Ann Jones:** Commissioner, would you like amendment 7 in your name to be moved?

[178] **Rhodri Glyn Thomas:** Hoffwn. **Rhodri Glyn Thomas:** Yes.

[179] **Ann Jones:** I move amendment 7 in the name of the Commissioner. The question is that amendment 7 be agreed to. I see that there are no objections. In accordance with Standing Order No. 17.34, I therefore declare amendment 7 agreed.

*Derbyniwyd gwelliant 7.
Amendment 7 agreed.*

[180] **Ann Jones:** We have disposed of all the amendments in group 5, so we will now move to what is, you will all be pleased to know, the final group.

Grŵp 6: Ymgynghoriad (Gwelliant 15) Group 6: Consultation (Amendment 15)

[181] **Ann Jones:** I call on Janet Finch-Saunders to move and speak to amendment 15 in the name of Suzy Davies.

[182] **Janet Finch-Saunders:** I move amendment 15 in the name of Suzy Davies.

[183] This amendment means that the Commission must consider whether it needs to consult with third parties on its draft of the scheme or any subsequent amendments. The Welsh Conservatives believe that the Assembly Commission is well placed to decide the level of consultation for the scheme. Casting the net of consultation too widely could prove overly bureaucratic and unnecessarily complex. Relatively simple changes like timescales may not need any far-reaching consultation, but others such as bilingualism among staff may need to be discussed with trade unions, of course. The Commission will select the appropriate stakeholders for consultation, while ensuring that the scheme and its amendments receive appropriate feedback from the relevant third parties.

[184] **Ann Jones:** Does anyone else wish to speak in the debate? I see that no-one does. Commissioner, would you like to respond?

[185] **Rhodri Glyn Thomas:** Eto, rwy'n derbyn ysbryd y gwelliant hwn, ac yn derbyn, hwyrach, fod angen inni wneud y ddyletswydd hon yn gliriach. Felly, os yw Janet yn hapus, eto, cawn drafodaeth bellach gyda hi i weld a allem gael geiriad ar gyfer Cyfnod 3 y Bil a fydd yn ateb y gofynion. Rwy'n siŵr y gallwn ddod i gytundeb ar hyn.

Rhodri Glyn Thomas: Again, I accept the spirit of this amendment, and accept that we perhaps need to make this duty clearer. So, if Janet is content, we will have a further discussion with her to see whether we can arrive at a wording for Stage 3 of the Bill that meets the requirements. I am sure that we can come to an agreement on this issue.

[186] **Ann Jones:** Janet, do you want to reply to the debate?

[187] **Janet Finch-Saunders:** Yes. I will withdraw.

[188] **Ann Jones:** Amendment 15 is to be withdrawn. Does any Member object to the withdrawal of amendment 15? I see that there are no objections.

*Tynnwyd gwelliant 15 yn ôl drwy ganiatâd y pwyllgor.
Amendment 15 withdrawn by leave of the committee.*

[189] **Ann Jones:** All the amendments have been disposed of, and, for the record, all sections of the Bill have been agreed by the committee. As we have disposed of all of the amendments, Stage 3 begins tomorrow. Members will be notified of the deadline for tabling amendments in due course. Do Members agree that the Assembly Commission should prepare a revised explanatory memorandum, as there have been some changes? I see that Members are agreed. That concludes Stage 2 proceedings of the National Assembly for Wales (Official Languages) Bill. I thank everybody for going through what is quite a tortuous procedure.

10.36 a.m.

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod**

**Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from
the Meeting**

[190] **Ann Jones:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42 (vi).

[191] I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10.36 a.m.
The public part of the meeting ended at 10.36 a.m.*