



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

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

Dydd Mercher, 8 Rhagfyr 2004

Wednesday, 8 December 2004

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

Cwestiynau i'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol Questions to the Minister for Health and Social Services

Buddsoddiad Cyfalaf yn y GIG yn y Gorllewin Capital Investment in the NHS in West Wales

Q1 Christine Gwyther: Will the Minister make a statement on capital investment in the NHS in west Wales? (OAQ40437)

The Minister for Health and Social Services (Jane Hutt): A rising line of capital investment from the Welsh Assembly Government in the NHS in mid and west Wales currently totals £91.4 million. Capital schemes include investment in Glangwili Hospital, new services in Pembroke Dock, mental health developments in Carmarthen and Pembrokeshire and the provision of new community hospital facilities at Tenby.

Christine Gwyther: In the list you did not mention a new accident and emergency unit for Glangwili Hospital, Carmarthen, which, as you know, local residents and myself have campaigned for. The trust's outline business case was approved in July and since then there has been a lag while it drafts its full business case. When is it likely to be approved and when will work begin?

Jane Hutt: I am pleased to say that the full business case is expected in February. This project is worth £4 million to replace and update accident and emergency services in Carmarthenshire.

Rhodri Glyn Thomas: Weinidog, a ydych wedi rhoi ystyriaeth i greu canolfan ranbarthol yn y De-orllewin, er mwyn sicrhau bod triniaeth ddewisol ar gael sydd wedi ei gwahanu yn gyfan gwbl oddi wrth driniaethau brys, fel y gellir mynd i'r afael ag amseroedd aros a rhestrau aros?

C1 Christine Gwyther: A wnaiff y Gweinidog ddatganiad ar fuddsoddiadau cyfalaf yn y GIG yn y Gorllewin? (OAQ40437)

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol (Jane Hutt): Mewn llinell gynyddol o fuddsoddiad cyfalaf gan Lywodraeth Cynulliad Cymru yn y GIG yn y Canolbarth a'r Gorllewin ceir cyfanswm o £91.4 miliwn ar hyn o bryd. Mae cynlluniau cyfalaf yn cynnwys buddsoddiad yn Ysbyty Glangwili, gwasanaethau newydd yn Noc Penfro, datblygiadau iechyd meddwl yng Nghaerfyrddin a sir Benfro a darparu cyfleusterau ysbyty cymuned newydd yn Ninbych-y-pysgod.

Christine Gwyther: Yn y rhestr ni fu ichi grybwyll uned damweiniau ac achosion brys newydd i Ysbyty Glangwili, Caerfyrddin, y mae trigolion lleol a minnau wedi bod yn ymgyrchu drosti, fel y gwyddoch. Cymeradwywyd achos busnes amlinellol yr ymddiriedolaeth ym mis Gorffennaf ac ers hynny bu oedi tra ei bod yn drafftio ei hachos busnes llawn. Pryd y mae'n debygol o gael ei gymeradwyo a phryd y bydd y gwaith yn dechrau?

Jane Hutt: Mae'n bleser gennyf ddweud y disgwylir i'r achos busnes llawn ddod i law ym mis Chwefror. Mae'r prosiect hwn yn werth £4 miliwn i ddisodli a diweddarau gwasanaethau damweiniau ac achosion brys yn sir Gaerfyrddin.

Rhodri Glyn Thomas: Minister, have you considered establishing a regional centre in south-west Wales, to ensure the availability of elective surgery which is totally separate from emergency surgery, so that waiting times and waiting lists can be tackled?

Jane Hutt: As part of the Wanless review, there was a strategic review of secondary care and acute services in mid and west Wales, chaired by Chris Martin, the chair of Pembrokeshire Local Health Board, and facilitated by the regional office. It will come forward for consultation in order that plans and proposals may be drafted.

The Leader of the Welsh Conservatives (Nick Bourne): The new community hospital in Tenby, which you mentioned, Minister, is taking shape. However, are you in a position to give us an update on what is happening on the provision of beds there?

Jane Hutt: You know that the new hospital is a new-build, single-site facility. There will be integrated day therapy care services, social services, out-patients and x-ray departments and a minor injury unit. The tendering process is under way for the provision of beds and I understand that discussions are now taking place in terms of a retendering exercise in January.

Nick Bourne: It is also my understanding that it is being put out to tender again, because of an unsatisfactory initial response. Could you give us any indication of when that process is likely to be completed and whether there are likely to be any problems with the gap in provision because of retendering?

Jane Hutt: I anticipate that this retendering exercise will be successful and that we should move early in the new year with the results, which I will bring to the Assembly.

Jane Hutt: Fel rhan o adolygiad Wanless, cynhaliwyd adolygiad strategol o ofal eilaidd a gwasanaethau aciwt yn y Canolbarth a'r Gorllewin, o dan gadeiryddiaeth Chris Martin, cadeirydd Bwrdd Iechyd Lleol Sir Benfro, wedi'i hwyluso gan y swyddfa ranbarthol. Caiff ei gyhoeddi ar gyfer ymgynghoriad fel y gellir drafftio cynlluniau a chynigion.

Arweinydd Ceidwadwyr Cymru (Nick Bourne): Mae'r cynlluniau ar gyfer ysbyty cymuned newydd yn Ninbych-y-pysgod, y bu ichi gyfeirio ato, Weinidog, yn mynd rhagddynt yn dda. Fodd bynnag, a ydych yn gallu rhoi'r diweddaraf inni ynglŷn â'r hyn sy'n digwydd o ran y ddarpariaeth o welyau yno?

Jane Hutt: Fe wyddoch mai adeilad newydd ar un safle yw'r ysbyty newydd. Bydd gwasanaethau gofal therapi dydd, gwasanaethau cymdeithasol, adran cleifion allanol ac adran pelydr-x integredig ynghyd ag uned mân-anafiadau. Mae'r broses dendro ar waith ar gyfer y ddarpariaeth o welyau a deallaf fod trafodaethau yn cael eu cynnal o ran ymarfer aildendro ym mis Ionawr.

Nick Bourne: Deallaf innau hefyd y cynhelir ymarfer tendro arall, am fod yr ymateb cychwynnol yn anfoddhaol. A allech roi amcan inni pryd y bydd y broses honno yn debygol o ddod i ben a pha un a yw'n debygol y bydd problemau o ran y bwlch mewn darpariaeth oherwydd aildendro?

Jane Hutt: Disgwyliaf y bydd yr ymarfer aildendro hwn yn llwyddiannus ac y dylem weithredu yn gynnar yn y flwyddyn newydd ar y canlyniadau, a gyflwynaf i'r Cynulliad.

Iechyd Meddwl Mental Health

Q2 Leanne Wood: Will the Minister make a statement on mental health in Wales? (OAQ40454)

Jane Hutt: Improving mental health is one of the Welsh Assembly Government's top priorities. Two strategies, one for adults, the other for children and adolescents, set the

C2 Leanne Wood: A wnaiff y Gweinidog ddatganiad ar iechyd meddwl yng Nghymru? (OAQ40454)

Jane Hutt: Mae gwella iechyd meddwl yn un o brif flaenoriaethau Llywodraeth Cynulliad Cymru. Gosodwyd yr agenda ar gyfer gwasanaethau iechyd meddwl yng

agenda for mental health services in Wales through to 2012. In addition, I recently announced the establishment of three new mental health networks for Wales.

Leanne Wood: You will be aware of the serious concerns expressed by the mental health voluntary sector and others in Wales regarding the draft Mental Health Bill. The measures are seen as draconian and punitive, completely at odds with the national service framework, which is a service-user, rights-based approach. There have been calls—and Plaid Cymru supports them—for a separate mental health Act for Wales, which would be driven less by the criminal justice agenda and more by health. Can you tell us whether you support the principle of a Welsh mental health Act? If so, what will you do to try to persuade the UK Government to enable us to introduce such legislation in Wales?

Jane Hutt: We have discussed this fully in the Health and Social Services Committee, and taken a wide range of evidence. Next week, I am giving evidence, as is the Chair of the committee, to the pre-legislative scrutiny committee. I have shared in full my views on the draft Mental Health Bill with the committee, and am prepared to share those views with the whole Assembly. The national service framework has to be our priority in terms of delivery. I will make that point in my evidence. We also need to ensure that we have the workforce to deliver on the national service framework, and that we take advantage of the opportunity to have a Welsh code of practice, whereby we can outline our approach and deliver the Mental Health Act, if it is forthcoming, according to our needs and objectives.

Christine Chapman: I recently met Friends R Us, a voluntary group that supports those with mental health problems in the Cynon Valley. The group has a real insight into the barriers faced by people with mental health problems. What assurances can you give the group that mental health will be a major policy issue for the Welsh Assembly

Nghymru hyd at 2012 gan ddwy strategaeth, un i oedolion, a'r llall i blant a'r glasoed. Yn ogystal, cyhoeddais yn ddiweddar fod tri rhwydwaith iechyd meddwl newydd i Gymru yn cael eu sefydlu.

Leanne Wood: Fe wyddoch am y pryderon mawr a fynegwyd gan y sector gwirfoddol iechyd meddwl ac eraill yng Nghymru o ran y Mesur Iechyd Meddwl drafft. Ystyrir bod y mesurau yn llym ac yn gosbedigaethol, yn hollol groes i'r fframwaith gwasanaeth cenedlaethol, sy'n seiliedig ar ddefnyddwyr y gwasanaeth a hawliau. Bu galwadau—ac mae Plaid Cymru yn eu cefnogi—am Ddeddf iechyd meddwl ar wahân i Gymru, a fyddai wedi'i llywio gan anghenion iechyd yn hytrach na'r agenda cyfiawnder troseddol. A allwch ddweud wrthym pa un a gefnogwch Ddeddf iechyd meddwl i Gymru mewn egwyddor? Os felly, beth a wnewch i geisio darbwylllo Llywodraeth y DU i'n galluogi i gyflwyno deddfwriaeth o'r fath yng Nghymru?

Jane Hutt: Yr ydym wedi trafod hyn yn llawn yn y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol, ac wedi cymryd amrywiaeth eang o dystiolaeth. Yr wythnos nesaf, yr wyf fi, yn ogystal â Chadeirydd y pwyllgor, yn rhoi dystiolaeth i'r pwyllgor craffu cyn y broses ddeddfu. Yr wyf wedi rhannu fy marn ar y Mesur Iechyd Meddwl drafft yn llawn gyda'r pwyllgor, ac yr wyf yn barod i rannu'r farn honno gyda'r Cynulliad cyfan. Rhaid mai'r fframwaith gwasanaeth cenedlaethol yw ein blaenoriaeth o ran cyflawni. Fe wnaif y pwynt hwnnw wrth roi dystiolaeth. Mae angen hefyd inni sicrhau bod gennym y gweithlu i gyflawni'r fframwaith gwasanaeth cenedlaethol, a'n bod yn achub ar y cyfle i gael cod ymarfer i Gymru, lle y gallwn nodi ein hymagwedd a rhoi'r Ddeddf Iechyd Meddwl ar waith, os daw ar glawr, yn ôl ein hanghenion a'n hamcanion ni.

Christine Chapman: Cyfarfûm â Friends R Us yn ddiweddar, sef grŵp gwirfoddol sy'n cefnogi dioddefwyr problemau iechyd meddwl yng Nghwm Cynon. Mae'r grŵp yn deall yn iawn y rhwystrau a wynebir gan bobl â phroblemau iechyd meddwl. Pa sicrwydd y gallwch ei roi i'r grŵp y bydd iechyd meddwl yn fater polisi o bwys i

Government, and that this will be reflected in the direction that it gives to the Welsh health service?

Jane Hutt: As I said, this is one of our three top priorities, alongside cardiac and cancer services. To strengthen provision, I am arranging for there to be three mental health networks across the three regions, in the same way as there are cardiac and cancer networks. We are also increasing the profile of this in our regional offices, to drive the commissioning and delivery of our mental health national service framework. We have also appointed a director of mental health services for the first time ever, Phil Chick, who is taking forward the review of the national service framework. We have just received the baseline assessment of mental health services from the Audit Commission, which will be issued within the next two months. This is a high priority for me as Minister. We have a Wales mental health in primary care network, and support for the voluntary sector is key. I am glad the Health and Social Services Committee is undertaking a review of user and carer involvement. I am sure that that review will include the organisation in your constituency, in terms of their needs.

Jonathan Morgan: The report published last week on the case of Paul Kahn—a mental health patient who travelled to north Wales and, sadly, murdered a pensioner—highlighted some of the gravest concerns and failures that have been experienced in this aspect of health service provision. The report is quite stark and pointed to several flaws in how the case was handled. At the time, it was suggested that there could be a further independent review into this case and the circumstances around it: are you considering this?

Jane Hutt: All our thoughts are with the families of those touched by this tragic event. All of the partners are responsible and engaged in terms of commissioning that report, and then in reporting on the early actions that have been taken. That is already in the public domain. In the coming weeks,

Lywodraeth Cynulliad Cymru, ac yr adlewyrchir hyn yn y cyfarwyddyd a rydd i wasanaeth iechyd Cymru?

Jane Hutt: Fel y dywedais, dyma un o'n tair prif flaenoriaeth, ynghyd â gwasanaethau'r galon a chanser. Er mwyn atgyfnerthu'r ddarpariaeth, yr wyf yn trefnu sefydlu tri rhwydwaith iechyd meddwl ar draws y tri rhanbarth, yn yr un modd ag y mae rhwydweithiau'r galon a chanser. Yr ydym hefyd yn codi proffil hyn yn ein swyddfeydd rhanbarthol, er mwyn bwrw ymlaen â'r broses o gomisiynu a chyflawni ein fframwaith gwasanaeth cenedlaethol iechyd meddwl. Yr ydym hefyd wedi penodi cyfarwyddwr gwasanaethau iechyd meddwl am y tro cyntaf erioed, Phil Chick, sy'n arwain yr adolygiad o'r fframwaith gwasanaeth cenedlaethol. Yr ydym newydd gael yr asesiad sylfaenol o wasanaethau iechyd meddwl gan y Comisiwn Archwilio, a gaiff ei gyhoeddi o fewn y ddau fis nesaf. Mae hyn yn flaenoriaeth uchel imi fel Gweinidog. Mae gennym rwydwaith iechyd meddwl mewn gofal sylfaenol i Gymru, ac mae cymorth i'r sector gwirfoddol yn allweddol. Yr wyf yn falch bod y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol yn cynnal adolygiad o gyfraniad defnyddwyr a gofalwyr. Yr wyf yn siŵr y bydd yr adolygiad hwnnw yn cynnwys y mudiad yn eich etholaeth, o ran eu hanghenion.

Jonathan Morgan: Yn yr adroddiad a gyhoeddwyd yr wythnos diwethaf ar achos Paul Kahn—claf iechyd meddwl a deithiodd i'r Gogledd ac, yn anffodus, a lofruddiodd bensiyntwr—amlygwyd rhai o'r pryderon a'r methiannau mwyaf a gafwyd yn yr agwedd hon ar ddarpariaeth gwasanaeth iechyd. Mae'r adroddiad yn eithaf llym a nododd sawl diffyg yn y ffordd yr ymdriniwyd â'r achos. Ar y pryd, awgrymwyd y byddai o bosibl adolygiad annibynnol arall o'r achos hwn a'r amgylchiadau yn ei gylch: a ydych yn ystyried hyn?

Jane Hutt: Yr ydym oll yn cydymdeimlo â'r teuluoedd sy'n gysylltiedig â'r digwyddiad trist hwn. Mae pob un o'r partneriaid yn gyfrifol ac yn chwarae rhan o ran comisiynu'r adroddiad hwnnw, ac yna o ran cyflwyno adroddiad ar y camau gweithredu cynnar a gymerwyd. Mae hynny eisoes yn

the Assembly Government will be working with those partners to draw their action plans into an overarching plan. We will consider the report in detail, and I will make a formal response towards the end of January. The issue of whether an independent inquiry is necessary will form part of my response.

Kirsty Williams: Minister, do you agree that a Welsh code of practice will do little to protect Welsh mental health patients from the draconian measures in the draft Mental Health Bill? Do you also accept that the national service framework will be undermined by the illiberal measures contained in the Bill? It will undermine the good work that is being done to implement the national service framework in Wales.

Jane Hutt: As I said earlier, I am determined to ensure that we protect and implement our national service framework. The draft Mental Health Bill attempts to outline a clear set of principles, and provides us with the opportunity to have a Welsh code of practice, which will set out the principles to which we will have regard in Wales, and which will provide guidance on good practice. We need to take advantage of this. I have set out my views on these issues, in relation to our needs in Wales, clearly to the pre-legislative scrutiny committee. I have also raised my concerns about the balance struck in this Bill, and how we can ensure, through our code of practice, that we recognise priorities in terms of delivering improved mental health services for the people of Wales.

2.10 p.m.

Jeff Cuthbert: Do you agree that one of the great difficulties facing those with mental health problems but who wish to return to work, is the prejudice that they face from employers? Do you also agree that it is important that Jobcentre Plus staff, in particular, are trained to provide proper coaching and advice to those with mental health problems who wish to return to work?

gyhoeddus. Yn yr wythnosau i ddod, bydd Llywodraeth y Cynulliad yn gweithio gyda'r partneriaid hynny i dynnu ynghyd eu cynlluniau gweithredu yn un cynllun cyffredin. Byddwn yn ystyried yr adroddiad yn fanwl, a byddaf yn ymateb yn ffurfiol tua diwedd mis Ionawr. Caiff yr angen am ymchwiliad annibynnol ai peidio ei drafod fel rhan o'm hymateb.

Kirsty Williams: Weinidog, a gytunwch na fydd cod ymarfer i Gymru yn gwneud fawr ddim i ddiogelu cleifion iechyd meddwl yng Nghymru rhag y mesurau llym yn y Mesur Iechyd Meddwl drafft? A dderbyniwch hefyd y caiff y fframwaith gwasanaeth cenedlaethol ei danseilio gan y mesurau adweithiol a geir yn y Mesur? Bydd yn tanseilio'r gwaith da a wneir i roi'r fframwaith gwasanaeth cenedlaethol ar waith yng Nghymru.

Jane Hutt: Fel y dywedais yn gynharach, yr wyf yn benderfynol o sicrhau ein bod yn diogelu ein fframwaith gwasanaeth cenedlaethol ac yn ei roi ar waith. Mae'r Mesur Iechyd Meddwl drafft yn ceisio nodi egwyddorion clir, a rhydd gyfle inni sefydlu cod ymarfer i Gymru, a fydd yn nodi'r egwyddorion y byddwn yn cadw atynt yng Nghymru, ac a fydd yn rhoi canllawiau ar arferion da. Mae angen inni fanteisio ar hyn. Yr wyf wedi nodi fy marn ar y materion hyn, o ran ein hanghenion yng Nghymru, yn glir i'r pwyllgor craffu cyn y broses ddeddfu. Yr wyf hefyd wedi codi fy mhryderon ynglŷn â'r cydbwysedd a gafwyd yn y Mesur hwn, a'r ffordd y gallwn sicrhau, drwy ein cod ymarfer, ein bod yn cydnabod blaenoriaethau o ran darparu gwasanaethau iechyd meddwl gwell ar gyfer pobl Cymru.

Jeff Cuthbert: A gytunwch mai un o'r anawsterau mawr a wynebwr gan y rhai â phroblemau iechyd meddwl ond sydd am ddychwelyd i'r gwaith, yw'r rhagfarn a wynebwr o du cyflogwyr? A gytunwch hefyd ei bod yn bwysig bod staff y Ganolfan Byd Gwaith, yn enwedig, yn cael hyfforddiant i roi cyngor priodol a hwb i'r rhai â phroblemau iechyd meddwl sydd am ddychwelyd i'r gwaith?

Jane Hutt: Absolutely. With regard to the New Deal and opportunities moving forward, we know that people with mental health problems need extra specialist support and advice from their personal advisers. We must tackle the stigma. I am pleased that the social exclusion unit in England has produced a valuable guide on how to tackle stigma and discrimination, with a 27 point action plan bringing together the work of a range of Government departments, including the Department for Work and Pensions. This is something that we must take forward across the Assembly. I know that the Health and Social Services Committee will give its backing to that.

Jane Hutt: Cytunaf yn llwyr. O ran y Fargen Newydd a chyfleoedd i symud ymlaen, gwyddom fod angen cymorth a chynghor arbenigol ychwanegol gan eu cynghorwyr personol ar bobl â phroblemau iechyd meddwl. Rhaid inni fynd i'r afael â'r stigma. Yr wyf yn falch bod yr uned allgáu cymdeithasol yn Lloegr wedi paratoi canllaw gwerthfawr ynghylch sut i fynd i'r afael â stigma a gwahaniaethu, gyda chynllun gweithredu ac iddo 27 o bwyntiau sy'n dwyn ynghyd waith nifer o adrannau'r Llywodraeth, gan gynnwys yr Adran Gwaith a Phensiynau. Mae hyn yn rhywbeth y mae'n rhaid inni weithredu arno ar draws y Cynulliad. Gwn y bydd y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol yn cefnogi hynny.

Fformiwla Townsend The Townsend Formula

Q3 Mark Isherwood: Will the Minister make a statement on the Townsend formula? (OAQ40473)

C3 Mark Isherwood: A wnaiff y Gweinidog ddatganiad ar fformiwla Townsend? (OAQ40473)

Jane Hutt: The Townsend formula, part of the targeting poor health actions, was overwhelmingly endorsed by the Assembly in March 2002. Since then, over £40 million has been allocated to progress implementation.

Jane Hutt: Cymeradwywyd fformiwla Townsend, sef rhan o'r gwaith o dargedu camau gweithredu afiechyd, gan fwyafrif llethol yn y Cynulliad ym mis Mawrth 2002. Ers hynny, mae dros £40 miliwn wedi'i ddyrannu ar gyfer cymryd y camau gweithredu.

Mark Isherwood: I understand that Professor Townsend's initial figures indicated that north Wales would lose out in terms of future NHS funding. What priority are you giving to ensuring that the final allocation—which has not yet been brought forward—will recognise that a higher proportion of people aged over 75 live in Conwy and Denbighshire than anywhere else in Wales?

Mark Isherwood: Deallaf fod ffigurau cychwynnol yr Athro Townsend wedi awgrymu y byddai'r Gogledd ar ei cholled o ran arian y GIG yn y dyfodol. Pa flaenoriaeth a rowch i sicrhau y bydd y dyraniad terfynol—nas cyflwynwyd eto—yn cydnabod bod cyfran uwch o bobl dros 75 oed yn byw yng Nghonwy a sir Ddinbych nag yn unman arall yng Nghymru?

Jane Hutt: The key point about the Townsend formula is that we are targeting poor health, based on the evidence of the Welsh health survey and census figures. That is about a redistribution based on growth, which was the motion placed before the Assembly, although I appreciate that that was before you became a Member. We operate on the basis of growth and allocation in order to ensure that the £40 million is

Jane Hutt: Y pwynt allweddol ynglŷn â fformiwla Townsend yw ein bod yn targedu afiechyd, ar sail tystiolaeth arolwg iechyd Cymru a ffigurau'r cyfrifiad. Mae a wnelo hynny ag aildosbarthu ar sail twf, sef y cynnig a roddwyd gerbron y Cynulliad, er y gwerthfawrogaf i hynny ddigwydd cyn ichi fod yn Aelod. Gweithredwn ar sail twf a dyraniad er mwyn sicrhau bod y £40 miliwn wedi'i neilltuo i ddiwallu anghenion y rhai

directed to meet the needs of those furthest from the target share. It is on that basis—as well as through our health inequalities programme—that health inequalities are being tackled.

Lynne Neagle: As you have previously stated, there are no losers under the Townsend formula. I welcomed your decision to allocate an extra £3.9 million for Torfaen earlier this year. However, it remains the case that Torfaen is some £7 million from its full Townsend allocation. As you know, Professor Townsend recommended that the formula be implemented in full on a timescale of three to five years. What assurances can you give to my constituents—in an area which Professor Townsend described as having serious unmet health needs—that you will move quickly to complete the allocation of this funding?

Jane Hutt: That funding is recurrent, so the £3.9 million is in this year's budget. In terms of future allocations, based on growth, I would be seeking to implement the Townsend formula, but we must act in line with our budgetary arrangements. We must also recognise that part of the Townsend formula is being met by the health inequalities fund, where 62 projects across Wales are specifically targeting areas with high levels of heart disease. That funding is also targeting poor health. The Townsend formula, in terms of distribution and other aspects, must be implemented over the coming years.

Mick Bates: Rurality remained an unresolved issue at the end of Townsend. There was an undertaking to revisit the funding generated by rurality. Will you revisit the issue of rurality, to ensure that authorities in Wales have parity with those in Scotland when it comes to sparsity and rurality?

Jane Hutt: These issues were taken into account in developing the formula and in the decision that the Assembly took two years ago to move forward on this matter. The direct needs formula was developed by an independent research team. It was

sydd bellaf oddi wrth y gyfran targed. Ar y sail honno—yn ogystal â thrwy ein rhaglen anghydraddoldebau iechyd—yr eir i'r afael ag anghydraddoldebau iechyd.

Lynne Neagle: Fel y nodwyd gennych o'r blaen, ni fydd neb ar ei golled o dan fformiwla Townsend. Croesewais eich penderfyniad i ddyrannu £3.9 miliwn yn ychwanegol i Dor-faen yn gynharach eleni. Fodd bynnag, mae Tor-faen yn dal i fod rhyw £7 miliwn yn brin o'i dyraniad llawn o dan fformiwla Townsend. Fel y gwyddoch, argymhellodd yr Athro Townsend y dylid rhoi'r fformiwla ar waith yn llawn o fewn tair i bum mlynedd. Pa sicrwydd y gallwch ei roi i'm hetholwyr—mewn ardal lle y mae anghenion iechyd mawr sydd heb eu diwallu yn ôl disgrifiad yr Athro Townsend—yr ewch ati'n ar unwaith i gwblhau'r broses o ddyrannu'r cyllid hwn?

Jane Hutt: Cyllid rheolaidd yw'r cyllid hwnnw, felly mae'r £3.9 miliwn yng nghyllideb y flwyddyn hon. O ran dyraniadau yn y dyfodol, ar sail twf, byddwn yn ceisio rhoi fformiwla Townsend ar waith, ond rhaid inni weithredu yn unol â'n trefniadau cyllidebol. Rhaid inni gydnabod hefyd y diwellir rhan o fformiwla Townsend drwy'r gronfa anghydraddoldebau iechyd, lle y mae 62 o brosiectau ledled Cymru yn targedu'n benodol ardaloedd lle y mae llawer o glefyd y galon. Mae'r cyllid hwnnw hefyd yn targedu afiechyd. Rhaid i fformiwla Townsend, o ran dosbarthu ac agweddau eraill, gael ei rhoi ar waith dros y blynyddoedd i ddod.

Mick Bates: Yr oedd gwledigrwydd yn fater heb ei ddatrys ar ddiwedd Townsend. Gwnaed ymrwymiad i edrych eto ar y cyllid a roddir oherwydd gwledigrwydd. A wnech chi edrych eto ar wledigrwydd, er mwyn sicrhau bod awdurdodau yng Nghymru yn cael eu trin yn yr un ffordd ag awdurdodau yn yr Alban, o ran teunurwydd poblogaeth a gwledigrwydd?

Jane Hutt: Ystyriwyd y materion hyn wrth ddatblygu'r fformiwla ac yn y penderfyniad a wnaed gan y Cynulliad ddwy flynedd yn ôl i weithredu ar y mater hwn. Datblygwyd y fformiwla ar sail anghenion uniongyrchol gan dîm ymchwil annibynnol. Cydnabuwyd

acknowledged that further research was needed not just on rural factors, but also on certain urban factors such as the needs of ethnic minority communities and high levels of homelessness. Those issues were also taken into account, and the research team has taken that work forward. On the distribution of the Wanless funding, the robustness of the issues, particularly in relation to the elderly sector of the population, shows that we have pretty much got this formula right, and that was confirmed in recent weeks.

bod angen rhagor o waith ymchwil, nid dim ond ar ffactorau gwledig, ond hefyd ar rai ffactorau trefol megis anghenion cymunedau lleiafrifoedd ethnig a lefelau uchel o ddigartrefedd. Ystyriwyd y materion hynny hefyd, ac mae'r tîm ymchwil wedi datblygu'r gwaith hwnnw. O ran dosbarthu arian Wanless, dengys cadernid y materion, yn enwedig o ran pobl oeddrannus y boblogaeth, ein bod wedi llwyddo, fwy neu lai, i gael y fformiwla hon yn iawn, a chadarnhawyd hynny yn ystod yr wythnosau diwethaf.

Darpariaeth TGCh mewn Gofal Sylfaenol ICT Provision in Primary Care

Q4 Brian Gibbons: Will the Minister provide an update on information and communications technology provision in primary care? (OAQ40464)

C4 Brian Gibbons: A wnaiff y Gweinidog roi'r wybodaeth ddiweddaraf am y ddarpariaeth o ran technoleg gwybodaeth a chyfathrebu ym maes gofal sylfaenol? (OAQ40464)

Jane Hutt: Significant investment in general medical practice ICT over the last three years has ensured that practices in Wales are well placed to implement the new general medical services contract.

Jane Hutt: Mae'r buddsoddiad sylweddol mewn TGCh i feddygfeydd dros y tair blynedd diwethaf wedi sicrhau bod meddygfeydd yng Nghymru yn gallu gweithredu'r contract gwasanaethau meddygol cyffredinol newydd.

Brian Gibbons: I certainly agree with that. Since the Assembly was established, changes to primary care information systems have meant that they have improved out of all recognition, not only in terms of patient care in the practice, but in terms of integration with secondary care. However, do you feel that there may be a need for secondary care to try to catch up with the standards that are being set in primary care? Do we need to integrate more thoroughly not only secondary care systems, but social care systems with the primary care IT network, in order to provide genuine joined-up care, bearing in mind the important confidentiality issues that might be involved?

Brian Gibbons: Yn sicr, cytunaf â hynny. Ers sefydlu'r Cynulliad, mae newidiadau i systemau gwybodaeth gofal sylfaenol wedi golygu eu bod wedi gwella'n rhyfeddol, nid yn unig o ran gofal cleifion yn y feddygfa, ond o ran integreiddio â gofal eilaidd. Fodd bynnag, a deimlwch fod angen yn y maes gofal eilaidd geisio cyrraedd yr un safonau ag a geir yn y maes gofal sylfaenol? A oes angen inni integreiddio'n well nid yn unig systemau gofal eilaidd, ond systemau gofal cymdeithasol â rhwydwaith TG gofal sylfaenol, er mwyn rhoi gofal gwirioneddol gydgyssylltiedig, o gofio'r materion pwysig o ran cyfrinachedd a allai godi?

Jane Hutt: Yes, indeed. That is the driving force behind 'Informing Healthcare'. Since the ICT foundation programme for primary care was established, we have embarked on that strategy. At the heart of that strategy, which links to secondary care, is the introduction of the single integrated electronic health record, which will provide that bridge. The £91 million identified

Jane Hutt: Cytunaf. Dyna'r hyn sydd wedi ysgogi 'Hysbysu Gofal Iechyd'. Ers sefydlu rhaglen sylfaen TGCh ar gyfer gofal sylfaenol, yr ydym wedi dechrau gweithredu'r strategaeth honno. Wrth wraidd y strategaeth honno, sy'n cysylltu â gofal eilaidd, yw'r broses o gyflwyno un cofnod iechyd electronig integredig, a fydd yn pontio yn y fath fodd. Bydd y £91 miliwn a

through 'Informing Healthcare' will ensure that that connectivity between primary and secondary care is delivered.

David Melding: As we try to emphasise the role of pharmacists in the primary care team, it is important that they are in the loop in terms of developing ICT. Will you ensure that this important group is not forgotten in the modernisation that is occurring?

Jane Hutt: It is certainly not forgotten, David. As you know, this issue also relates to the new pharmacy contract. We discussed the issue at a recent event that you and other Assembly Members attended. It is clear that primary care must include the pharmacy profession, and that will be part of delivering the 'Informing Healthcare' programme.

David Lloyd: Pryd yn union bydd cyfrifiaduron gwahanol ysbytai, meddygon teulu, fferyllwyr ac yn y blaen, yn gallu siarad gyda'i gilydd?

Jane Hutt: As soon as possible. We have what is called 'readiness work', which, as you probably know, is designed to ensure that systems and processes are able to support new electronic applications in the future. That has been initiated in all trusts, local health boards, and associated health bodies. That is a £6-million investment over three years, and we have already begun to rectify problems in records infrastructure, and introduced improvements in the electronic identification of patients across systems. That is the readiness work, and, under access to learning, it is also the training that will take us forward to deliver what you have outlined.

nodwyd drwy 'Hysbysu Gofal Iechyd' yn sicrhau bod cyswllt rhwng gofal sylfaenol a gofal eilaidd.

David Melding: Gan ein bod yn ceisio pwysleisio rôl fferyllwyr yn y tîm gofal sylfaenol, mae'n bwysig eu bod yn cael eu cynnwys o ran datblygu TGCh. A sicrhewch na chaiff y grŵp pwysig hwn ei anghofio yn ystod y broses foderneiddio sy'n mynd rhagddi?

Jane Hutt: Yn sicr, ni chaiff ei anghofio, David. Fel y gwyddoch, mae'r mater hwn yn ymwneud hefyd â'r contract newydd i fferyllwyr. Bu inni drafod y mater hwn mewn digwyddiad diweddar a fynychwyd gennych chi ac Aelodau eraill o'r Cynulliad. Mae'n amlwg bod yn rhaid i ofal sylfaenol gynnwys fferyllwyr, a bydd hynny yn rhan o'r broses o roi rhaglen 'Hysbysu Gofal Iechyd' ar waith.

David Lloyd: Exactly when will the computers of the various hospitals, general practitioners, pharmacists and so on, be able to talk to each other?

Jane Hutt: Cyn gynted â phosibl. Mae gennym yr hyn a elwir yn 'waith paroddrwydd', sydd wedi'i gynllunio, fel y gwyddoch yn ôl pob tebyg, i sicrhau bod systemau a phrosesau yn gallu cynnal y cymwysiaid electronig newydd yn y dyfodol. Dechreuwyd y gwaith hwnnw ym mhob ymddiriedolaeth, bwrdd iechyd lleol, a chorff iechyd cysylltiedig. Mae hynny gyfystyr â buddsoddiad gwerth £6 miliwn dros dair blynedd, ac yr ydym eisoes wedi dechrau unioni problemau o ran seilwaith cofnodion, ac wedi gwella'r ffordd o adnabod cleifion yn electronig ar draws systemau. Dyna'r gwaith paroddrwydd, ac, o dan fynediad i ddysgu, dyna'r hyfforddiant a fydd yn rhoi modd inni gyflawni'r hyn a amlinellwyd gennych.

Canlyniadau Dros Dro Arolwg Iechyd Cymru The Provisional Results of the Welsh Health Survey

Q5 Irene James: Will the Minister make a statement on the provisional results of the Welsh health survey? (OAQ40431)

C5 Irene James: A wnaiff y Gweinidog ddatganiad ar ganlyniadau dros dro Arolwg Iechyd Cymru? (OAQ40431)

Jane Hutt: Provisional results from the first

Jane Hutt: Cyhoeddwyd canlyniadau dros

six months of the new Welsh health survey were published on 18 November; key findings include that 30 per cent of adults reported meeting guidelines for physical activity during the past week, and 37 per cent of adults reported eating at least five portions of fruit and vegetables the previous day.

Irene James: Do you agree that the headline figures from the Welsh health survey highlight the importance of Welsh Assembly Government policies that encourage significant lifestyle changes? Historically, the highest levels of smoking, alcohol consumption, obesity, and limiting long-term illnesses, and the lowest levels of consumption of fruit and vegetables and rates of physical activity, are recorded across the south Wales Valleys, which ties deprivation with high levels of ill health. Do you further agree that lifestyle policies, working across the health and social justice portfolios, need to target the areas of highest deprivation?

2.20 p.m.

Jane Hutt: You have covered a whole range of initiatives that we are taking forward in terms of smoking cessation, our Welsh network of healthy schools and the development of food co-operatives across Wales. We are already looking to the development of 26 sustainable food co-operatives, particularly in deprived areas, and now have 497 fruit tuck shops. Smoking cessation is key to this issue, and I am glad that we now have the opportunity of the powers to take forward the recommendations of the cross-party Committee on Smoking in Public Places, chaired by Val Lloyd.

The Leader of the Opposition (Ieuan Wyn Jones): The people who cannot make these lifestyle choices are those who are currently waiting for treatment in hospital. When you were appointed Minister for Health and Social Services in 1999, 31,957 people in the area now covered by Cardiff and Vale NHS Trust were waiting for their first out-patient appointment; this year there are 49,128

dro o'r chwe mis cyntaf o'r arolwg newydd o iechyd Cymru ar 18 Tachwedd; ymhlith y canfyddiadau allweddol mae'r ffaith bod 30 y cant o oedolion wedi nodi eu bod wedi ymgymryd â lefel y gweithgarwch corfforol a nodir yn y canllawiau yn ystod yr wythnos diwethaf, a bod 37 y cant o oedolion wedi nodi iddynt fwyta o leiaf bum cyfran o ffrwythau a llysiau y diwrnod cynt.

Irene James: A gytunwch fod y prif ffigurau o arolwg iechyd Cymru yn tanlinellu pwysigrwydd polisiau Llywodraeth Cynulliad Cymru sy'n annog pobl i wneud newidiadau mawr i'w ffordd o fyw? Yn hanesyddol, cofnodir y lefelau uchaf o ysmegu, yfed alcohol, gordewdra, a salwch hirdymor cyfyngol, a'r lefelau isaf o fwyta ffrwythau a llysiau a'r cyfraddau isaf o weithgarwch corfforol, ar draws cymoedd y De, sy'n cysylltu amddifadedd â lefelau uchel o salwch. A gytunwch hefyd fod angen i bolisiau ffordd o fyw, sy'n rhychwantu portffolio iechyd a phortffolio cyfiawnder cymdeithasol, dargedu'r ardaloedd lle y ceir yr amddifadedd mwyaf?

Jane Hutt: Bu ichi grybwyll nifer fawr o fentrau yr ydym yn eu cynnal o ran annog pobl i roi'r gorau i ysmegu, ein rhwydwaith o ysgolion iach yng Nghymru a datblygu cwmnïau bwyd cydweithredol ledled Cymru. Yr ydym eisoes yn ystyried datblygu 26 o gwmnïau bwyd cydweithredol, yn enwedig mewn ardaloedd difreintiedig, ac erbyn hyn mae 497 o siopau ffrwythau mewn ysgolion. Mae annog pobl i roi'r gorau i ysmegu yn allweddol yn hyn o beth, ac yr wyf yn falch bod gennym y cyfle yn awr i gael y pwerau i weithredu ar argymhellion y Pwyllgor ar Ysmegu mewn Mannau Cyhoeddus, sef pwyllgor trawsbleidiol o dan gadeiryddiaeth Val Lloyd.

Arweinydd yr Wrthblaid (Ieuan Wyn Jones): Y rhai na allant wneud y dewisiadau hyn o ran ffordd o fyw yw'r bobl hynny sy'n aros am driniaeth yn yr ysbyty ar hyn o bryd. Pan gawsoch eich penodi'n Weinidog dros Iechyd a Gwasanaethau Cymdeithasol yn 1999, yr oedd 31,957 o bobl yn yr ardal a gwmpesir bellach gan Ymddiriedolaeth GIG Caerdydd a'r Fro yn aros am eu hapwyntiad

waiting. How embarrassing is it for you, as the Minister and the Assembly Member for that area, to see an increase of 17,000 over five years?

Jane Hutt: I am not at all embarrassed by the response that I receive from my constituents, who are heartily sick of the way in which the opposition tries to undermine the powerful twin-track approach that we are taking in Wales to improve health and tackle health inequalities, in very much the way in which the Welsh health survey shows that we have to do, and to improve the delivery of health and social care. I will repeat some of the figures that I gave yesterday on the reduction in waits of over 18 months for orthopaedic surgery: the numbers waiting over 18 months fell from 2,270 in July 2001 to nine in October 2004. I know that you do not like hearing about progress, but my constituents do. They particularly like the fact that I laid the first brick for the Cardiff and Vale orthopaedic centre on Monday, and the clinical director in orthopaedics—*[Interruption.]* I was congratulated on the way—*[Interruption.]*

The Presiding Officer: Order. The Minister is replying.

Jane Hutt: Rhodri Glyn does not want to hear that I was congratulated on how I laid the brick. This banter in the Chamber is a bit of Christmas goodwill, I hope. However, my point was that the clinical director of orthopaedics at Llandough Hospital, who has now recruited four new orthopaedic surgeons, thanked me for ensuring that this £10 million, state-of-the-art orthopaedic centre is being built in that community, where we have some of the biggest pressures.

Ieuan Wyn Jones: We can probably, in the spirit of Christmas, congratulate you on your brick-laying skills, Minister, but perhaps not so much on your record as Minister for Health and Social Services. You regularly say that the only people criticising your health policy are opposition Members. I

cyntaf fel claf allanol; eleni mae 49,128 yn aros. Faint o embaras a deimlwch chi, fel y Gweinidog ac Aelod y Cynulliad dros yr ardal honno, o weld cynnydd o 170,000 dros bum mlynedd?

Jane Hutt: Nid yw ymateb fy etholwyr yn peri dim embaras imi. Maent wedi hen ddiffasu ar y ffordd y mae'r gwrthbleidiau yn ceisio tanseilio'r ffordd ddeuol rymus yr ydym yn ei defnyddio yng Nghymru i wella iechyd a mynd i'r afael ag anghydraddoldebau iechyd, fel y dengys arolwg iechyd Cymru y dylem ei wneud, a gwella'r ffordd y caiff iechyd a gofal cymdeithasol eu darparu. Ailadroddaf rai o'r ffigurau a roddais ddoe ar leihau amseroedd aros dros 18 mis ar gyfer llawdriniaeth orthopedig: lleihaodd y nifer sy'n aros dros 18 mis o 2,270 ym mis Gorffennaf 2001 i naw ym mis Hydref 2004. Gwn nad ydych yn hoffi clywed am gynnydd, ond mae fy etholwyr yn hoffi clywed amdano. Yn arbennig maent yn hoffi'r ffaith imi osod bricsen gyntaf canolfan orthopedig Caerdydd a'r Fro ddydd Llun, a bu'r cyfarwyddwr clinigol mewn orthopedeg—*[Torri ar draws.]* Fe'm llongyferchais ar y ffordd—*[Torri ar draws.]*

Y Llywydd: Trefn. Mae'r Gweinidog yn ateb cwestiwn.

Jane Hutt: Nid yw Rhodri Glyn am glywed imi gael fy llongyfarch ar y ffordd y gosodais y fricsen. Hwyl yr ŵyl yw'r cellwair hwn yn y Siambr, gobeithio. Fodd bynnag, fy mhwynt i oedd bod y cyfarwyddwr clinigol mewn orthopedeg yn Ysbyty Llandoche, sydd wedi recriwtio pedwar llawfeddyg orthopedig newydd erbyn hyn, wedi diolch imi am sicrhau bod y ganolfan orthopedig hon gwerth £10 miliwn, a fydd â'r offer diweddaraf, yn cael ei hadeiladu yn y gymuned honno, lle y mae rhywfaint o'r pwysau mwyaf.

Ieuan Wyn Jones: Gallwn, siŵr o fod, yn unol ag ysbryd y Nadolig, eich llongyfarch ar eich sgiliau gosod briciau, Weindog, ond nid o bosibl ar eich recrod fel y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol. Fe ddywedwch yn gyson mai Aelodau'r gwrthbleidiau yw'r unig bobl sy'n beirniadu

quote from the 2004 Audit Commission in Wales report:

‘In fact, both the North East of England...and the North West have similar patterns of apparent comparative poor health but have consistently delivered more healthcare at lower cost than Wales.’

Can you therefore explain why you have failed to deliver value for money in the health service since 1999?

Jane Hutt: It is disappointing that you are never prepared to address the question that is put to me, which, in this case, relates to the findings of the Welsh health survey, which gives a picture of our health in Wales. Are you interested in the levels of physical activity and healthy eating? Are you interested in the numbers who are overweight and in obesity, which is a time bomb? Are you interested in the discussions that we had yesterday—they were very good discussions—about sexual health issues, in the fact that a Labour Government in Westminster and in the Assembly will deliver powers to enable us to do something about smoking in public places, and in the fact that we must address health inequalities, in response to our Welsh health survey, through the Townsend formula and through the health inequalities projects?

eich polisi iechyd. Dyfynnaf o adroddiad 2004 y Comisiwn Archwilio yng Nghymru:

‘Mewn gwirionedd, mae gan Gogledd Ddwyrain Lloegr...a'r Gogledd Orllewin batrymau salwch cymharol ymddangosiadol debyg ond maent bob amser wedi darparu gofal iechyd am gost is na Chymru.’

Felly, a allwch esbonio pam ichi fethu â rhoi gwerth am arian yn y gwasanaeth iechyd ers 1999?

Jane Hutt: Mae'n siomedig nad ydych byth yn barod i ymdrin â'r cwestiwn a ofynnir imi, sydd, yn yr achos hwn, yn ymwneud â chanfyddiadau arolwg iechyd Cymru, sy'n rhoi darlun o'n hiechyd yng Nghymru. A oes diddordeb gennych yn y lefelau o weithgarwch corfforol a bwyta'n iach? A oes diddordeb gennych yn y niferoedd sydd dros bwysau ac mewn gordewdra, tueddiadau a fydd yn achosi problemau yn y dyfodol? A oes diddordeb gennych yn y trafodaethau a gawsom ddoe—trafodaethau da iawn oeddent—ynglŷn â materion iechyd rhywiol, yn y ffaith y bydd Llywodraeth Lafur yn San Steffan ac yn y Cynulliad yn rhoi pwerau i'n galluogi i wneud rhywbeth am ysmegu mewn mannau cyhoeddus, ac yn y ffaith bod yn rhaid inni fynd i'r afael ag anghydraddoldebau iechyd, mewn ymateb i'n harolwg o iechyd Cymru, drwy fformiwla Townsend a thrwy'r prosiectau anghydraddoldebau iechyd?

Rhaglen Ddeddfwriaethol Llywodraeth y DU The UK Government Legislative Programme

C6 Alun Ffred Jones: Pa flaenoriaethau ynghylch iechyd a nododd y Gweinidog ar gyfer rhaglen ddeddfwriaethol Llywodraeth y DU ar gyfer 2004-05? (OAQ40448)

Jane Hutt: Two health-related priorities were identified for the UK Government legislative programme—a Bill to ban smoking in public places and a Bill to establish a commissioner for older people. Progress has been made on both counts, and the draft Bill on an older people's commissioner was announced yesterday.

Alun Ffred Jones: Penderfynodd y Cynulliad ym mis Ionawr 2003 ar yr angen

Q6 Alun Ffred Jones: What priorities regarding health did the Minister identify for the UK Government legislative programme for 2004-05? (OAQ40448)

Jane Hutt: Nodwyd dwy flaenoriaeth yn ymwneud ag iechyd yn rhaglen ddeddfwriaethol Llywodraeth y DU—Mesur i wahardd ysmegu mewn mannau cyhoeddus a Mesur i sefydlu comisiynydd i bobl hŷn. Gwnaed cynnydd yn y ddau faes, a chyhoeddwyd y Mesur drafft ar gomisiynydd i bobl hŷn ddoe.

Alun Ffred Jones: In January 2003, the Assembly agreed that the power to prohibit

i'r gallu i wahardd pobl rhag ysmegu mewn adeiladau cyhoeddus gael ei ddatganoli. Ers hynny, mae Iwerddon wedi gweithredu gwaharddiad, mae'r Alban wedi gwneud y penderfyniad, ac mae John Reid wedi gwneud datganiad yn Lloegr. A gredwch mai'r ffaith bod gan yr Alban ac Iwerddon seneddau â hawliau deddfu sydd wedi'u galluogi i symud ymlaen mor gyflym?

Jane Hutt: I was delighted that the public health White Paper included a commitment to providing legislative opportunities for the devolved administrations

'where new powers are created for England'.

This means that Wales will have the means to implement action to restrict smoking in public places, which we have advocated, as you said, for nearly two years. The Assembly Committee on Smoking in Public Places can now proceed with its work, confident in the knowledge that the Assembly will have the tools to turn its recommendations into reality. That is delivering through devolution.

The Leader of the Welsh Liberal Democrat Group (Michael German): I would like clarification on the position in respect of the Bill on the banning of smoking in public places, with regard to the timing of the Bill, the timing of the powers for the National Assembly, and what those powers actually are. There seems to be a slight difference of view between you and Peter Hain with regard to this matter. Is it clear to you that the powers that you are expecting to receive will allow you, regardless of what happens in England, to move as far as the National Assembly wants? In other words, if England insists on only banning smoking in places where food is available, could you still ban smoking in all public places? Are you absolutely clear that that power will be granted to the National Assembly? Secondly, when do you expect to be granted those powers?

Jane Hutt: I am absolutely clear that we will have the powers to do what the Assembly wants to do in relation to the banning of smoking in public places.

smoking in public buildings should be devolved. Since then, Ireland has implemented a ban, Scotland has resolved to do so, and John Reid has made a statement in England. Do you believe that it is the fact that Scotland and Ireland have parliaments with legislative powers that has enabled them to move forward so quickly?

Jane Hutt: Yr oeddwn yn falch bod y Papur Gwyn ar iechyd y cyhoedd wedi cynnwys ymrwymiad i roi cyfleoedd deddfu i'r gweinyddiaethau datganoledig.

lle y creir pwerau newydd i Loegr.

Golyga hyn y bydd modd i Gymru gymryd camau i gyfyngu ar ysmegu mewn mannau cyhoeddus, y bu inni ddadlau dros hynny, fel y dywedaso, bron ddwy flynedd yn ôl. Gall Pwyllgor y Cynulliad ar Ysmegu mewn Mannau Cyhoeddus fwrw ymlaen â'i waith yn awr, gyda'r hyder y bydd gan y Cynulliad yr offer i wireddu ei argymhellion. Dyna ystyr cyflawni drwy ddatganoli.

Arweinydd Grŵp Democratiaid Rhyddfrydol Cymru (Michael German): Hoffwn gael eglurhad ynglŷn â'r sefyllfa mewn perthynas â'r Mesur ar wahardd ysmegu mewn mannau cyhoeddus, o ran amseriad y Mesur, amseriad y pwerau i'r Cynulliad Cenedlaethol, a beth fydd y pwerau hynny mewn gwirionedd. Ymddengys bod rhywfaint o wahaniaeth barn rhyngoch chi a Peter Hain yn hyn o beth. A ydych yn sicr y bydd y pwerau yr ydych yn disgwyl eu cael yn eich galluogi i symud mor bell ag a ddymuna'r Cynulliad Cenedlaethol, waeth beth sy'n digwydd yn Lloegr? Mewn geiriau eraill, os yw Lloegr yn mynnu gwahardd ysmegu mewn mannau lle y mae bwyd ar gael yn unig, a allech, er hynny, wahardd ysmegu ym mhob man cyhoeddus? A ydych yn hollol sicr y bydd y pŵer hwnnw yn cael ei roi i'r Cynulliad Cenedlaethol? Yn ail, pryd y disgwyliwch gael y pwerau hynny?

Jane Hutt: Yr wyf yn hollol sicr y byddwn yn cael y pwerau i wneud yr hyn y mae'r Cynulliad am ei wneud o ran gwahardd ysmegu mewn mannau cyhoeddus.

Michael German: There was a second part to my question.

Jane Hutt: Labour must win the next general election, which it will do, in the spring—[*Interruption.*] Or in the summer, autumn or winter. A UK Labour Government will deliver on those powers and the Labour Government in the Assembly will also deliver on them, with cross-party consensus, because the committee, which Val Lloyd chairs, is a cross-party committee. With that cross-party consensus, and the backing of the whole Assembly, we will deliver on the policies that Wales wants in relation to banning smoking in public places.

Michael German: I note that you did not want to give me a timetable as to when that might happen, and I know that the Labour Assembly Government's definition of the seasons makes it slightly difficult for you: we are promised things in the autumn or in the spring, and the spring becomes the summer. If the timetable proceeds as you expect it to, when do you expect those powers to be given to the National Assembly? Perhaps you would also like to tell us why it is that, when Wales was the first country in the United Kingdom to propose a ban on smoking in public places, it must be the last to act upon it.

Jane Hutt: You always try to turn good news into bad or insufficient news. Why can you not recognise, with Christmas goodwill—season's greetings and all that—that we are delivering in Wales? We will have the powers: they have been identified and secured. Our committee has not yet finished its work. It must finish its work and finalise its recommendations. However, what is important is that we can then turn its recommendations into reality when we have the legislative opportunity, which we have been guaranteed. Labour will win the election, and we will have that.

Michael German: Yr oedd ail ran i'm cwestiwn.

Jane Hutt: Rhaid i Lafur ennill yr etholiad cyffredinol nesaf, ac fe wnaiff hynny, yn y gwanwyn—[*Torri ar draws.*] Neu yn yr haf, yr hydref neu'r gaeaf. Bydd Llywodraeth Lafur y DU yn cyflawni o ran y pwerau hynny a bydd y Llywodraeth Lafur yn y Cynulliad hefyd yn cyflawni o ran hynny, gyda chytundeb trawsbleidiol, oherwydd pwyllgor trawsbleidiol yw'r pwyllgor, a gadeirir gan Val Lloyd. Gyda'r cytundeb trawsbleidiol hwnnw, a chefnogaeth y Cynulliad cyfan, byddwn yn cyflawni'r polisïau y mae Cymru am eu cael o ran gwahardd ysmygu mewn mannau cyhoeddus.

Michael German: Sylwaf nad oeddech am roi amserlen imi ynghylch pryd y gallai hynny ddigwydd, a gwn fod diffiniad Llywodraeth Cynulliad Cymru o'r tymhorau yn ei gwneud ychydig yn anodd ichi: caiff pethau eu haddo inni yn yr hydref neu yn y gwanwyn, ac mae'r gwanwyn yn troi'n haf. Os bydd yr amserlen yn mynd rhagddi fel y tybiwch, pryd y disgwyliwch i'r Cynulliad Cenedlaethol gael y pwerau hynny? Efallai yr hoffech ddweud wrthym hefyd pam mai Cymru fydd y wlad olaf yn y Deyrnas Unedig i weithredu gwaharddiad ar ysmygu mewn mannau cyhoeddus er mai hi oedd y gyntaf i gynnig gwaharddiad o'r fath.

Jane Hutt: Yr ydych bob amser yn ceisio troi newyddion da yn newyddion drwg neu'n newyddion annigonol. Pam na allwch gydnabod, gydag ewyllys da'r ŵyl—cyfarchion y tymor ac ati—ein bod yn cyflawni yng Nghymru? Bydd y pwerau gennym: maent wedi'u nodi a'u sicrhau. Nid yw ein pwyllgor wedi gorffen ei waith eto. Rhaid iddo orffen ei waith a rhoi ei argymhellion ar eu gwedd derfynol. Fodd bynnag, yr hyn sy'n bwysig yw y gallwn wedyn wireddu'r argymhellion pan fydd y cyfle deddfwriaethol gennym, a warantwyd inni. Bydd Llafur yn ennill yr etholiad, a byddwn yn cael y pwerau hynny.

Mynediad i Wasanaethau Damweiniau ac Achosion Brys Access to Accident and Emergency Services

Q7 Catherine Thomas: Will the Minister make a statement on what the Government is doing to support access to accident and emergency services in Wales? (OAQ40471)

Jane Hutt: Since 2000, the Welsh Assembly Government has increased accident and emergency sector capacity with capital investment, the introduction of assessment units, the development of new ways of working, and a new collaborative approach to emergency care.

2.30 p.m.

Catherine Thomas: Do you agree that the co-location of accident and emergency and GP out-of-hours services would make good sense for patients and ensure the best use of resources in terms of staff, buildings and equipment?

Jane Hutt: That is what is happening as a result of the new out-of-hours services, which I know are working well in the Prince Philip Hospital in Llanelli, in your constituency.

Laura Anne Jones: I was interested to learn that inebriated and injured Christmas partygoers in Swansea are to be treated by paramedics instead of inundating accident and emergency departments. Will that scheme be extended to cities across Wales, such as Cardiff and Newport?

Jane Hutt: I was delighted that this scheme received a reward from the NHS Confederation, and was covered by national news. We were proud of the fact that the Welsh Ambulance Services NHS Trust scheme had been developed in Swansea and I would like to see the scheme rolled out across Wales.

Helen Mary Jones: You made reference to accident and emergency services in Llanelli, which do not exclusively belong to Catherine Thomas, although she has special responsibility for them. You will be aware that the resource implication of running that service, using GPs is placing considerable

C7 Catherine Thomas: A wnaiff y Gweinidog ddatganiad ar yr hyn y mae ei llywodraeth yn ei wneud i sicrhau ei bod hi'n haws i bobl fanteisio ar wasanaethau damweiniau ac achosion brys yng Nghymru? (OAQ40471)

Jane Hutt: Ers 2000, mae Llywodraeth Cynulliad Cymru wedi cynyddu adnoddau'r sector damweiniau ac achosion brys gyda buddsoddiad cyfalaf, cyflwyno unedau asesu, datblygu ffyrdd newydd o weithio, ac ymagwedd gydweithredol newydd tuag at ofal brys.

Catherine Thomas: A gytunwch y byddai cyd-leoli gwasanaethau damweiniau ac achosion brys a gwasanaethau meddygon teulu y tu allan i oriau yn gwneud synnwyr i gleifion ac yn sicrhau'r defnydd gorau o adnoddau o ran staff, adeiladau ac offer?

Jane Hutt: Dyna beth sy'n digwydd o ganlyniad i'r gwasanaethau newydd y tu allan i oriau, sy'n gweithio'n dda yn Ysbyty'r Tywysog Philip yn Llanelli yn eich etholaeth chi, fe wn.

Laura Anne Jones: Yr oedd yn ddiddorol clywed y bwriedir trin partiŵyr meddw a phartiŵyr sydd wedi cael eu hanafu yn Abertawe dros y Nadolig gan bameddygon yn hytrach na llethu'r adrannau damweiniau ac achosion brys. A gaiff y cynllun hwnnw ei estyn i ddinasoedd ledled Cymru, megis Caerdydd a Chasnewydd?

Jane Hutt: Yr oeddwn yn falch i'r cynllun hwn gael ei wobrwyo gan Gydffederasiwn y GIG, ac iddo gael sylw yn y cyfryngau yn genedlaethol. Yr oeddem yn falch o'r ffaith bod cynllun Ymddiriedolaeth GIG Gwasanaethau Ambiwlans Cymru wedi'i ddatblygu yn Abertawe a hoffwn weld y cynllun yn cael ei gyflwyno ledled Cymru.

Helen Mary Jones: Bu ichi gyfeirio at y gwasanaethau damweiniau ac achosion brys yn Llanelli, nad ydynt yn perthyn i Catherine Thomas yn unig, er bod ganddi gyfrifoldeb arbennig drostynt. Fe wyddoch fod goblygiadau cynnal y gwasanaeth hwnnw, o ran adnoddau, gan ddefnyddio meddygon

strain on the local health board's budget. What discussions have you had with the local health board and the trust to ensure that what is a good and innovative service will be sustainable in the medium term?

Jane Hutt: That service is, as you say, excellent and innovative. It is at the sharp end of the change that we want to achieve through innovating emergency access. I will certainly ensure, along with Catherine, that the local health board bats for this all the way.

teulu yn rhoi cryn bwysau ar gyllideb y bwrdd iechyd lleol. Pa drafodaethau a gawsoch gyda'r bwrdd iechyd lleol a'r ymddiriedolaeth i sicrhau y bydd y gwasanaeth da ac arloesol hwn yn gynaliadwy yn y tymor canolig?

Jane Hutt: Mae'r gwasanaeth hwnnw, fel y dywedwch, yn un ardderchog ac arloesol. Mae ar y rheng flaen o ran y newid yr ydym am ei gyflawni drwy fynediad brys arloesol. Byddaf yn sicrhau, yn bendant, ynghyd â Catherine, fod y bwrdd iechyd lleol yn cefnogi hyn bob cam o'r ffordd.

Cwestiynau i'r Gweinidog dros Ddiwylliant, y Gymraeg a Chwaraeon Questions to the Minister for Culture, Welsh Language and Sport

Denu Menywod at Chwaraeon Attracting Women into Sport

Q1 Rosemary Butler: What is the Welsh Assembly Government doing to attract more women into sport? (OAQ40368)

The Minister for Culture, Welsh Language and Sport (Alun Pugh): 'Climbing Higher' aims to increase physical activity across all ages, gender and social groups. However, we recognise the relatively low participation by women. The Sports Council for Wales targets funding specifically to local and national organisations to create more opportunities for women and girls to participate in sport and physical activity because sport is good fun and, as Jane Hutt would say, it is also good for one's health.

Rosemary Butler: Will you join me in congratulating Tanni Grey-Thompson on winning the BBC Wales sports personality award for the third time? It is wonderful to have sporting role models, but I am sure that you agree that the number and quality of opportunities available to women vary across Wales, particularly for those with physical or mental disabilities.

There also appears to be the lack of a co-ordinated approach to encourage women

C1 Rosemary Butler: Beth y mae Llywodraeth Cynulliad Cymru'n ei wneud i ddenu mwy o fenywod at chwaraeon? (OAQ40368)

Y Gweinidog dros Ddiwylliant, y Gymraeg a Chwaraeon (Alun Pugh): Nod 'Dringo'n Uwch' yw cynyddu gweithgarwch corfforol ar draws pob oedran, rhyw a grŵp cymdeithasol. Fodd bynnag, cydnabyddwn y gweithgarwch cymharol fach ymhlith menywod. Mae Cyngor Chwaraeon Cymru yn targedu arian yn benodol at sefydliadau lleol a chenedlaethol i greu mwy o gyfleoedd i fenywod a merched gymryd rhan mewn chwaraeon a gweithgarwch corfforol oherwydd mae chwaraeon yn hwyl ac, fel y dywedai Jane Hutt, maent yn gwneud lles ichi.

Rosemary Butler: A ymunwch â mi i longyfarch Tanni Grey-Thompson ar ennill gwobr personoliaeth chwaraeon BBC Cymru am y trydydd tro? Mae'n beth gwych cael arwyr ym maes chwaraeon, ond fe gytunwch, mae'n siŵr, fod nifer y cyfleoedd ac ansawdd y cyfleoedd hynny sydd ar gael i fenywod yn amrywio ledled Cymru, yn enwedig i'r rhai ag anabledau corfforol neu anabledau meddwl.

Ymddengys hefyd nad oes ymagwedd gydlynus tuag at annog menywod o

from ethnic communities to participate in sport and physical activities. I am glad that you mentioned 'Climbing Higher' in your first response, but can you assure me that these issues are being addressed in 'Climbing Higher', importantly, along with the appropriate funding scheme?

Alun Pugh: You are right and we should all congratulate Tanni Grey-Thompson. If you look back at the history of the BBC Wales sports personality award over 50 years, in the early years the winners were overwhelmingly men, but it is good to see that being addressed because Nicole Cooke, for example, won it last year. We need to be sensitive to the special needs of women and ethnic minority communities. For example, our free swimming scheme has been enormously successful, but that needs to be tailored and, next week, I will consider how our special example of support for ethnic communities can be undertaken.

Jocelyn Davies: By the age of 18, about 40 per cent of girls have dropped out of sporting activities. Many tell me that they are not attracted to the traditional female sports of hockey and netball and hate wearing that dreaded PE skirt. Is it not time to remove this awful gender stereotyping from a modern Wales?

Alun Pugh: I entirely agree. Young girls should be able to take part in a traditional sport such as hockey or netball or wear a tracksuit and get involved in dance and aerobics. That does not matter one jot to me—it is physical activity that matters.

Laura Anne Jones: I am sure that you agree that it is essential that we attract men and women—women in this case—to sport at an early age. Will you therefore assure me that you are working closely with the Minister for Education and Lifelong Learning to ensure that pupils receive the recommended two-hours a week key sport time? Like Jocelyn Davies, can you also assure me that you are working with our schools to promote a wider

gymunedau ethnig i gymryd rhan mewn chwaraeon a gweithgareddau corfforol. Yr wyf yn falch ichi gyfeirio at 'Dringo'n Uwch' yn eich ymateb cyntaf, ond a allwch roi sicrwydd imi yr eir i'r afael â'r materion hyn yn 'Dringo'n Uwch', sy'n bwysig, ochr yn ochr â'r cynllun ariannu priodol?

Alun Pugh: Yr ydych yn llygad eich lle a dylem oll longyfarch Tanni Grey-Thompson. Os edrychwch yn ôl ar hanes gwobr personoliaeth chwaraeon BBC Cymru dros 50 mlynedd, yn ystod y blynyddoedd cynnar, dynion a enillodd y wobwr yn amlach na pheidio, ond mae'n braf gweld hynny yn cael ei unioni oherwydd enillodd Nicole Cooke, er enghraifft, y wobwr y llynedd. Mae angen inni fod yn ystyriol o anghenion arbennig menywod a chymunedau lleiafrifoedd ethnig. Er enghraifft, bu ein cynllun nofio am ddim yn hynod lwyddiannus, ond mae angen ei deilwra ac, yr wythnos nesaf, byddaf yn ystyried sut y gellir ymgymryd â'n henghraifft arbennig o gymorth i gymunedau ethnig.

Jocelyn Davies: Erbyn iddynt gyrraedd 18 oed, mae tua 40 y cant o ferched wedi rhoi'r gorau i weithgareddau chwaraeon. Dywed llawer wrthyf nad yw chwaraeon traddodiadol i ferched megis hoci a phêl-rwyd yn apelio atynt a'u bod yn casáu gwisgo'r sgert ymarfer corff fondigrybwyll. Onid yw'n bryd cael gwared ar y stereoteipio ofnadwy hwn ar sail rhyw yn y Gymru fodern?

Alun Pugh: Cytunaf yn llwyr. Dylai fod modd i ferched ifanc gymryd rhan mewn chwaraeon traddodiadol megis hoci neu bêl-droed neu wisgo tracwisg a chymryd rhan mewn dawns ac erobeg. Nid oes ots gennyf o gwbl—y gweithgarwch corfforol sy'n bwysig.

Laura Anne Jones: Mae'n siŵr y cytunwch ei bod yn hanfodol inni ddenu dynion a menywod—menywod yn yr achos hwn—at chwaraeon yn gynnar iawn mewn bywyd. Felly a rowch sicrwydd imi eich bod yn gweithio'n agos gyda'r Gweinidog dros Addysg a Dysgu Gydol Oes i sicrhau bod disgyblion yn cael y ddwy awr o amser chwaraeon allweddol bob wythnos a argymhellir? Fel Jocelyn Davies, a allwch roi

range of sport for women from an early age?

Alun Pugh: That is a fair point. The Dragon Sport initiative has been enormously successful in primary schools. There are a couple of primary schools that have not yet signed up to the scheme, but we are looking to extend it to cover all primary schools in Wales. The next stage is to consider how to mainstream the success of Dragon Sport into the crucial phase of secondary education.

sicrwydd i mi hefyd eich bod yn gweithio gyda'n hysgolion i hyrwyddo ystod ehangach o chwaraeon i ferched o oedran cynnar?

Alun Pugh: Mae hynny'n bwynt teg. Bu menter Campau'r Ddraig yn hynod lwyddiannus mewn ysgolion cynradd. Mae un neu ddwy o ysgolion cynradd sydd heb ymuno â'r cynllun eto, ond yr ydym yn ystyried ei estyn i bob ysgol gynradd yng Nghymru. Y cam nesaf yw ystyried sut y dylid prif ffrydio llwyddiant Campau'r Ddraig i mewn i gam allweddol addysg uwchradd.

Cymryd Rhan mewn Dramâu y Tu Allan i'r Ysgol Participation in Drama Outside of the School Environment

Q2 Denise Idris Jones: What action has the Welsh Assembly Government taken to encourage young people to participate in drama outside of the school environment? (OAQ40365)

Alun Pugh: Thousands of young people in Wales experience live drama through theatre-in-education companies. The work of these companies takes place mostly in schools, but vital links are established with theatres in Wales. The Assembly Government has increased revenue funding for theatre in education to more than £1,800,000 from 2003-04.

Denise Idris Jones: Will you join me in welcoming the work of the Kaleidoscope theatre group in Llandudno, which is run by volunteers working with young people interested in dramatic arts. It performed last week in your constituency, in Theatr Colwyn in Colwyn Bay. Would you also agree that the work that Welsh National Opera undertakes with young people throughout north Wales, allowing them to work with professionals and culminating in a live performance, is an excellent way of encouraging them into the world of drama and music?

Alun Pugh: You are right to say that the WNO's Max project has been enormously successful, and a great deal of work has been successfully undertaken with young theatre

C2 Denise Idris Jones: Pa gamau y mae Llywodraeth Cynulliad Cymru wedi'u cymryd i annog pobl ifanc i gymryd rhan mewn dramâu y tu allan i'r ysgol? (OAQ40365)

Alun Pugh: Mae miloedd o bobl ifanc yng Nghymru yn gweld drama fyw drwy gwmnïau theatr mewn addysg. Mae'r cwmnïau hyn yn gweithio mewn ysgolion yn bennaf, ond sefydlir cysylltiadau allweddol â theatrau yng Nghymru. Mae Llywodraeth y Cynulliad wedi cynyddu cyllid referniw i theatr mewn addysg i fwy na £1,800,000 o 2003-04.

Denise Idris Jones: A ymunwch â mi i groesawu gwaith grŵp theatr Kaleidoscope yn Llandudno, a gaiff ei redeg gan wirfoddolwyr yn gweithio gyda phobl ifanc sy'n ymddiddori yn y celfyddydau dramatig. Cynhaliodd berfformiad yr wythnos diwethaf yn eich etholaeth chi, yn Theatr Colwyn ym Mae Colwyn. A gytunech hefyd fod y gwaith y mae Opera Cenedlaethol Cymru yn ei wneud gyda phobl ifanc ar draws y Gogledd, yn rhoi cyfle iddynt weithio gyda gweithwyr proffesiynol a chymryd rhan mewn perfformiad byw i goroni'r cwbl, yn ffordd ardderchog o'u hannog i ymddiddori ym myd drama a cherddoriaeth?

Alun Pugh: Yr ydych yn iawn i ddweud bod prosiect Max y WNO wedi bod yn hynod lwyddiannus, a gwnaed cryn dipyn o waith gyda grwpiau theatr ifanc yng Nghymru a

groups in Wales. The Theatr Colwyn project, to which you referred, is a centre for developing amateur theatre groups across north Wales, and it has been greatly facilitated by additional Assembly Government investment in staffing.

Lisa Francis: Theatre education programmes play a significant role in combating social exclusion, as well as regenerating many communities. You will be aware of recent threats to cut funding for projects at Theatr Powys and Powys Dance. Will you give assurances that your Government will carefully monitor such funding in the future, to ensure that priorities for arts funding will not be concentrated on Cardiff only, but will look beyond to develop talent and involve the socially excluded?

Alun Pugh: There is life beyond Cardiff bay, but arts funding is not decreasing. Looking at last week's budget figures, I am proud of the fact that total expenditure on arts and culture will exceed £150 million in the financial year 2007-08.

Owen John Thomas: Gwelaf fod bron £7 miliwn yn ychwanegol yn y gronfa ddiwylliant. A fydddech yn cytuno bod cwmni Hijinx yn gwneud gwaith da drwy ddefnyddio drama fel cyfrwng i helpu plant gyda phroblemau dysgu? A fydddech yn fodlon edrych ar y gronfa honno o £7 miliwn, i ddod o hyd i'r £40,000 sydd ei angen ar gwmni Hijinx ar hyn o bryd?

Alun Pugh: Last week, you told me I should not be interfering at an operational level in the decisions of the Arts Council of Wales, and now you ask me to find £40,000. I wish you would make your mind up.

Y Llywydd: Trosglwyddwyd cwestiwn 3 (OAQ40346) i'w ateb yn ysgrifenedig gan y Gweinidog dros Addysg a Dysgu Gydol Oes. Tynnwyd cwestiwn 4 (OAQ40377) yn ôl.

hynny'n llwyddiannus. Mae prosiect Theatr Colwyn, y bu ichi gyfeirio ato, yn ganolfan ar gyfer datblygu grwpiau theatr amatur ar draws y Gogledd, ac fe'i hwyluswyd yn fawr iawn gan fuddsoddiad ychwanegol Llywodraeth y Cynulliad mewn staffio.

Lisa Francis: Mae rhaglenni addysg theatr yn chwarae rhan helaeth o ran mynd i'r afael ag allgáu cymdeithasol, yn ogystal ag adfywio llawer o gymunedau. Fe wyddoch am y bygythiadau diweddar i gwtogi cyllid ar gyfer prosiectau yn Theatr Powys a Dawns Powys. A rowch sicrwydd y bydd eich Llywodraeth yn monitro cyllid o'r fath yn ofalus yn y dyfodol er mwyn sicrhau na fydd blaenoriaethau ar gyfer ariannu'r celfyddydau yn canolbwyntio ar Gaerdydd yn unig, ond y byddant yn edrych y tu hwnt i ddatblygu talent a chynnwys pobl sydd wedi'u hallgáu'n gymdeithasol?

Alun Pugh: Mae bywyd y tu hwnt i fae Caerdydd, ond nid yw'r arian i'r celfyddydau yn gostwng. O edrych ar ffigurau'r gyllideb yr wythnos diwethaf, yr wyf yn falch o'r ffaith y bydd cyfanswm y gwariant ar y celfyddydau a diwylliant dros £150 miliwn yn y flwyddyn ariannol 2007-08.

Owen John Thomas: I see that the culture fund has increased by almost £7 million. Would you agree that Hijinx theatre company undertakes excellent work in using drama as a medium to help children with learning difficulties? Would you be willing to look at that fund of £7 million, and find the £40,000 that Hijinx theatre company currently needs?

Alun Pugh: Yr wythnos diwethaf, bu ichi ddweud wrthyf na ddylwn fod yn ymyrryd yn weithredol ym mhenderfyniadau Cyngor Celfyddydau Cymru, a heddiw yr ydych yn gofyn imi ddod o hyd i £40,000. Hoffwn pe baech yn penderfynu'r naill ffordd neu'r llall.

The Presiding Officer: Question 3 (OAQ40376) has been transferred for written answer by the Minister for Education and Lifelong Learning. Question 4 (OAQ40377) has been withdrawn.

Adeiladau Hanesyddol yn y Gogledd

Historic Buildings in North Wales

Q5 Mark Isherwood: Will the Minister make a statement on historic buildings in north Wales? (OAQ40396)

Alun Pugh: North Wales has a rich heritage in terms of architecture, accounting for almost 40 per cent of the listed buildings in Wales. The long list of excellent buildings contains the designated world heritage site of Edwardian castles and town walls in Gwynedd. Historic building conservation is important, as it has economic, environmental and educational benefits.

Mark Isherwood: In the answer you gave to my question about Gwrych castle near Abergele last January, you stated that

‘subject to a financial appraisal, further grant aid will be made available for an appropriate scheme of historic repair’.

What progress has been achieved since January?

Alun Pugh: I am familiar with Gwrych castle, as it is located in my Clwyd West constituency. It is a difficult situation, because the castle is owned by an absentee foreign landowner, who does not appear to show much interest in the building.

Sandy Mewies: As you said, historic buildings abound in north Wales, and many are in Holywell in my constituency of Delyn. They are being protected, preserved and renovated with Cadw, WDA and lottery funding. Over £5 million is being spent over the next five years. Do you agree that excellent planning and execution by Flintshire County Council has led to Holywell retaining its links with the past, as well as improving the area for the present and the future?

2.40 p.m.

Alun Pugh: Some Assembly Members use every opportunity to knock Flintshire

C5 Mark Isherwood: A wnaiff y Gweinidog ddatganiad ar adeiladau hanesyddol yn y Gogledd? (OAQ40396)

Alun Pugh: Ceir treftadaeth gyfoethog yn y Gogledd o ran pensaernïaeth, sy'n cyfrif am bron 40 y cant o'r adeiladau rhestredig yng Nghymru. Mae'r rhestr hir o adeiladau ardderchog yn cynnwys y cestyll Edwardaidd a'r muriau tref yng Ngwynedd sydd wedi'u dynodi'n safleoedd treftadaeth y byd. Mae cadwraeth adeiladau hanesyddol yn bwysig, gan fod iddi fanteision economaidd, amgylcheddol ac addysgol.

Mark Isherwood: Yn yr ateb a roddasoch i'm cwestiwn ynglŷn â chastell Gwrych ger Abergele fis Ionawr diwethaf, bu ichi nodi

‘y byddai cymorth grant pellach yn cael ei ddarparu ar gyfer cynllun priodol o waith atgyweirio hanesyddol, yn amodol ar werthusiad ariannol’.

Pa gynnydd a wnaed ers mis Ionawr?

Alun Pugh: Yr wyf yn gyfarwydd â chastell Gwrych, gan ei fod yn fy etholaeth i, Gorllewin Clwyd. Mae'n sefyllfa anodd, oherwydd mae'r castell yn perthyn i berchennog absennol o dramor, yr ymddengys nad yw'n dangos fawr o ddiddordeb yn yr adeilad.

Sandy Mewies: Fel y dywedasoch, mae toreth o adeiladau hanesyddol yn y Gogledd, ac mae llawer i'w cael yn Nhreffynnon yn fy etholaeth i, sef Delyn. Cânt eu gwarchod, eu diogelu a'u hadnewyddu drwy arian Cadw, y WDA a'r loteri. Mae dros £5 miliwn yn cael ei wario dros y pum mlynedd nesaf. A gytunwch fod gwaith cynllunio ardderchog gan Gyngor Sir y Fflint a'r ffordd y mae wedi mynd ati i'w gyflawni wedi helpu Treffynnon i gadw ei chysylltiadau â'r gorffennol, yn ogystal â gwella'r ardal ar gyfer y presennol a'r dyfodol?

Alun Pugh: Mae rhai Aelodau'r Cynulliad yn manteisio ar bob cyfle i feirniadu cyngor

council. However, Flintshire council does some excellent work, including in the historic environment.

Janet Ryder: Many historical buildings have living occupants and have a purpose. One of those buildings is the Stiwt theatre in Rhosllannerchrugog, yet it was not given the opportunity to apply for the £2 million that is being made available to develop the performing arts outside Cardiff. It made an application to Wrexham County Borough Council, and I believe, to you—I hope that you will look favourably on that. What will you do to support the Stiwt and ensure that the performing arts continue in that historic building?

Alun Pugh: That is a matter for the arts council—I believe that you are keen to ensure that it stays that way.

sir y Fflint. Fodd bynnag, mae cyngor sir y Fflint yn gwneud gwaith ardderchog, gan gynnwys yn yr amgylchedd hanesyddol.

Janet Ryder: Mewn llawer adeilad hanesyddol ceir deiliaid ac mae i'r adeiladau hynny ddiben. Un o'r adeiladau hynny yw theatr y Stiwt yn Rhosllannerchrugog, ond eto ni roddwyd cyfle iddi wneud cais am y £2 filiwn sydd ar gael i ddatblygu'r celfyddydau perfformio y tu allan i Gaerdydd. Gwnaeth gais i Gyngor Bwrdeistref Sirol Wrecsam, ac i chi, fe gredaf—gobeithiaf y byddwch yn ei ystyried yn ffafriol. Beth a wnewch chi i gefnogi'r Stiwt a sicrhau bod y celfyddydau perfformio yn parhau yn yr adeilad hanesyddol hwnnw?

Alun Pugh: Mater i gyngor y celfyddydau yw hynny—credaf eich bod yn awyddus i sicrhau bod hynny'n parhau.

Adnoddau Chwaraeon yn y De-ddwyrain Sports Facilities in South East Wales

Q6 Jocelyn Davies: Will the Minister make a statement on sports facilities in south-east Wales? (OAQ40333)

Alun Pugh: I know that you have a particular interest in mountain bike trails, which you have raised with me in the Members' tearoom. However, as well as those mountain bike trails, south-east Wales is extremely well served in terms of sports facilities. These include national facilities such as the Wales National Velodrome, Cwmbran stadium, and Newport stadium, which reflect well on the local authority administration in that part of Wales.

Jocelyn Davies: It sounds as if I should learn to ride a bike. As you mentioned earlier, free swimming is a popular policy, but only if there is a pool that you can use. Young people in Merthyr complain to me that they have no pool; you will know that this is a deprived area. Does the Welsh Assembly Government intend to release any funds to local authorities so that more swimming facilities can be built?

C6 Jocelyn Davies: A wnaiff y Gweinidog ddatganiad ar gyfleusterau chwaraeon yn y De-ddwyrain? (OAQ40333)

Alun Pugh: Gwn fod gennych ddiddordeb arbennig mewn llwybrau beiciau mynydd, yr ydych wedi'u codi gyda mi yn ystafell de'r Aelodau. Fodd bynnag, yn ogystal â'r llwybrau beiciau mynydd hynny, mae llawer iawn o gyfleusterau chwaraeon yn y De-ddwyrain. Mae'r rhain yn cynnwys cyfleusterau cenedlaethol megis Felodrom Cenedlaethol Cymru, stadiwm Cwmbrân, a stadiwm Casnewydd, sy'n adlewyrchu'n dda ar weinyddiaeth yr awdurdod lleol yn y rhan honno o Gymru.

Jocelyn Davies: Mae'n debyg y dylwn ddysgu seiclo. Fel y bu ichi grybwyll yn gynharach, mae nofio am ddim yn bolisi poblogaidd, ond dim ond os oes pwll nofio y gallwch ei ddefnyddio. Mae pobl ifanc ym Merthyr yn cwyno wrthyf nad oes ganddynt bwl nofio; fe wyddoch mai ardal ddifreintiedig ydyw. A yw Llywodraeth Cynulliad Cymru yn bwriadu rhoi unrhyw arian i awdurdodau lleol fel y gellir adeiladu mwy o gyfleusterau nofio?

Alun Pugh: There is a huge investment in swimming by the Welsh Assembly Government. We are literally investing millions of pounds in the free swimming scheme. That money gets transferred to local authorities, and, as well as Sportlot funding that is available for building additional pools, all those millions of extra pounds are available to underpin the future capital investment programmes of our 22 local authorities.

Jeff Cuthbert: I am sure that you will agree, Minister, that part of the work of the all-party healthy living group is to promote the use of sports facilities in south-east Wales and elsewhere. Will you join me—and the First Minister, who did so yesterday—to declare support for our healthy living day on 2 February in the Assembly, which is designed to promote healthy living and the taking of moderate and sporting exercise?

Alun Pugh: I will. I would be interested in exploring with you how we can increase the level of activity on that day and how we can promote it widely in Wales. It is an excellent initiative.

David Davies: As you say, Minister, there are many excellent council-run sports facilities in south-east Wales. However, it is a shame that it is so difficult to use them. Why is it that if you wish to participate in sports such as parachuting or hang-gliding, you can sign a waiver to do so, but that, if you are a member of a gym in Monmouthshire and you want to visit a gym in Torfaen, you would not be able to do so unless you go through all sorts of procedures involving filling out forms and signing insurance forms. There must surely be a way to give people who regularly use sporting facilities the opportunity to visit any facilities, at any time that they feel like it.

Alun Pugh: Not all gyms are identical; there are different sets of kit in different gyms. It is important that users of gym equipment receive a health and safety briefing. I would hope that you would look at that as a positive experience—how you can get the most out of the equipment—rather than as a negative

Alun Pugh: Mae Llywodraeth Cynulliad Cymru yn gwneud buddsoddiad enfawr mewn nofio. Yr ydym yn llythrennol yn buddsoddi miliynau o bunnau yn y cynllun nofio am ddim. Trosglwyddir yr arian hwnnw i awdurdodau lleol, ac, yn ogystal ag arian Sportlot sydd ar gael ar gyfer adeiladu pyllau nofio ychwanegol, mae'r holl filiynau o bunnau ychwanegol hynny ar gael i ategu rhaglenni buddsoddiad cyfalaf ein 22 o awdurdodau lleol yn y dyfodol.

Jeff Cuthbert: Fe gytunwch, mae'n siŵr, Weinidog, mai rhan o waith y grŵp trawsbleidiol ar fyw'n iach yw hyrwyddo'r defnydd o gyfleusterau chwaraeon yn y De-ddwyrain ac mewn ardaloedd eraill. A ymunwch â mi—a'r Prif Weinidog, a wnaeth hynny ddoe—i gefnogi'n gyhoeddus ein diwrnod byw'n iach ar 2 Chwefror yn y Cynulliad, sydd â'r nod o hybu byw'n iach a gwneud ymarfer corff cymedrol, gan gynnwys chwaraeon?

Alun Pugh: Gwnaf. Hoffwn ystyried gyda chi sut y gallwn gynyddu gweithgarwch ar y diwrnod hwnnw a sut y gallwn ei hyrwyddo ledled Cymru. Mae'n fenter ardderchog.

David Davies: Fel y dywedwch, Weinidog, mae llawer o gyfleusterau chwaraeon ardderchog a gaiff eu rhedeg gan gynghorau yn y De-ddwyrain. Fodd bynnag, mae'n drueni ei bod mor anodd eu defnyddio. Pam y gallwch lofnodi ymwadiad os ydych am gymryd rhan mewn campau megis parasiwtio neu farcuta, ond os ydych yn aelod o gampfa yn sir Fynwy a'ch bod am fynd i gampfa yn Nhor-faen, ni allwch wneud hynny oni ddilynwch bob math o weithdrefnau yn ymwneud â llenwi ffurflenni a llofnodi ffurflenni yswiriant. Rhaid bod modd i roi cyfle i bobl sy'n defnyddio cyfleusterau chwaraeon yn rheolaidd i fynd i unrhyw gyfleusterau, pryd bynnag y mynnont.

Alun Pugh: Nid yw pob campfa yr un fath yn union; mae gwahanol fathau o offer mewn gwahanol gampfeydd. Mae'n bwysig bod defnyddwyr offer campfa yn cael cyngor iechyd a diogelwch. Gobeithiwn y byddech yn ystyried hynny yn brofiad cadarnhaol—sut y gallwch gael y gorau o'r offer—yn

one.

hytrach nag un negyddol.

Cyrff Cyhoeddus a Noddir gan y Cynulliad yn y Portffolio Diwylliant
Assembly Sponsored Public Bodies in the Culture Portfolio

Q7 Jocelyn Davies: Will the Minister make a statement on the future of the ASPBs in the culture portfolio? (OAQ40334)

C7 Jocelyn Davies: A wnaiff y gweinidog ddatganiad ar ddyfodol y cyrff cyhoeddus a noddir gan y Cynulliad o fewn y portffolio diwylliant? (OAQ40334)

Alun Pugh: The First Minister announced changes to the status and functions of several ASPBs, including the cultural ones, in his statement to the Assembly on 30 November.

Alun Pugh: Cyhoeddodd y Prif Weinidog newidiadau i statws a swyddogaethau sawl CCNC, gan gynnwys y rhai o fewn y portffolio diwylliant, yn ei ddatganiad i'r Cynulliad ar 30 Tachwedd.

Jocelyn Davies: For those ASPBs whose functions are coming wholly or partially in-house, will you commit to carrying out a proper consultation on the structures needed and the delivery of those functions from within the Welsh Assembly Government?

Jocelyn Davies: O ran y CCNC hynny y mae eu swyddogaethau yn dod yn rhannol neu'n gyfan gwbl o dan adain y Cynulliad, a wnewch chi ymrwymo i gynnal ymgynghoriad priodol ar y strwythurau sydd eu hangen a'r ffordd y caiff y swyddogaethau hynny eu cyflawni o fewn Llywodraeth Cynulliad Cymru?

Alun Pugh: Yes.

Alun Pugh: Gwnaf.

Leighton Andrews: Will you confirm today that you will, before any transfers of staff from any of the ASPBs to the Welsh Assembly Government are undertaken, consult with the trade unions? This is of great concern to many people, and, I am sure, to one of my constituents, who is in the public gallery today—Mrs Vi Pugh, your mum.

Leighton Andrews: A wnewch chi gadarnhau heddiw y byddwch yn ymgynghori â'r undebau llafur, cyn i aelodau staff o unrhyw un o'r CCNC gael eu trosglwyddo i Lywodraeth Cynulliad Cymru? Mae hyn yn achos pryder mawr i lawer o bobl, ac, mae'n siŵr, i un o'm hetholwyr, sydd yn yr oriel gyhoeddus heddiw—Mrs Vi Pugh, eich mam.

Alun Pugh: I am happy to offer you that assurance.

Alun Pugh: Yr wyf yn fwy na pharod i roi'r sicrwydd hwnnw.

Lisa Francis: Can you give examples of your Government's specialist expertise to give impartial and independent advice on Welsh language schemes? How does the Government propose to monitor and regulate its own Welsh language scheme?

Lisa Francis: A allwch roi enghreifftiau o arbenigedd eich Llywodraeth i roi cyngor diduedd ac annibynnol ar gynlluniau iaith Gymraeg? Sut y bwriada'r Llywodraeth fonitro a rheoleiddio ei chynllun iaith Gymraeg ei hun?

Alun Pugh: The purpose of regulation exercised us during preparatory work before the First Minister made his announcement. The task of external regulation, which includes regulation of some UK departments, is probably better vested in a *dyfarnydd* rather than internally within the Assembly

Alun Pugh: Bu inni drafod diben rheoleiddio yn ystod y gwaith paratoi cyn i'r Prif Weinidog wneud ei ddatganiad. Mae'n debyg ei bod yn well i reoleiddio allanol, sy'n cynnwys rheoleiddio rhai o adrannau'r DU, gael ei wneud gan ddyfarnydd yn hytrach na chael ei wneud o fewn

Government.

Llywodraeth y Cynulliad.

Jenny Randerson: The Arts Council of Wales appears on the schedule of bodies in the Government of Wales Act 1998 from which we are not allowed to remove powers. What advice have you had about the legal aspects of your intention to remove the arts council's powers to develop policy for the arts and your intention to take direct responsibility for the funding of bodies with an all-Wales remit? Specifically, do you believe that it will be necessary to seek changes in the arts council's Royal Charter?

Jenny Randerson: Ymddengys Cyngor Celfyddydau Cymru ar y rhestr o gyrff yn Neddf Llywodraeth Cymru 1998 na chaniateir inni dynnu pwerau oddi arnynt. Pa gyngor a gawsoch ynglŷn â'r agweddau cyfreithiol ar eich bwriad i dynnu ymaith bwerau cyngor y celfyddydau i ddatblygu polisi ar gyfer y celfyddydau a'ch bwriad i ymgymryd â chyfrifoldeb uniongyrchol dros ariannu gyrff a chanddynt gylch gwaith i Gymru gyfan? Yn benodol, a gredwch y bydd angen ceisio newid Siarter Frenhinol cyngor y celfyddydau?

Alun Pugh: No, we do not believe it necessary to embark on heavy engineering of the Royal Charter. The Assembly Government has adequate powers under the Government of Wales Act 1998, but, obviously, we took legal advice before making the statement last week.

Alun Pugh: Na, ni chredwn fod angen dechrau ailwampio'r Siarter Frenhinol. Mae gan Lywodraeth y Cynulliad ddigon o bwerau o dan Ddeddf Llywodraeth Cymru 1998, ond, yn amlwg, cawsom gyngor cyfreithiol cyn gwneud y datganiad yr wythnos diwethaf.

Dathliadau Dydd Gŵyl Dewi St David's Day Celebrations

C8 Ieuan Wyn Jones: A wnaiff y Gweinidog ddatganiad ar dathliadau Dydd Gŵyl Dewi? (OAQ40404)

Q8 Ieuan Wyn Jones: Will the Minister make a statement on St David's Day celebrations? (OAQ40404)

Alun Pugh: Yr wyf yn sicr y bydd Aelodau'r Cynulliad yn cefnogi nifer fawr o ddigwyddiadau ledled Cymru i ddathlu diwrnod cenedlaethol ein nawddsant ar 1 Mawrth. Yr wyf yn edrych ymlaen yn fawr at y gala operatig yng Nghanolfan Mileniwm Cymru.

Alun Pugh: I am sure that all Assembly Members will be supporting a wide range of events across Wales to mark our patron saint's day on 1 March. I am looking forward immensely to the operatic gala at the Wales Millennium Centre.

Ieuan Wyn Jones: Mae'n siŵr y bydd nifer o dathliadau boed yn ddiwylliannol, yn chwaraeon neu yn ddigwyddiadau eraill. A gytunwch mai'r dathliad mwyaf y gallem ei gael ar Ddydd Gŵyl Dewi 2005 fyddai pe bai Llywodraeth Cymru yn datgan ei bod o blaid pwerau deddfu llawn i'r Cynulliad?

Ieuan Wyn Jones: I am sure that there will be many celebrations be they cultural, sporting or otherwise. Do you agree that the greatest cause for celebration on St David's Day 2005 would be for the Government of Wales to express its support for full legislative powers for the Assembly?

Alun Pugh: We have been over these issues on many occasions and I have nothing to add to the First Minister's recent statement on the matter.

Alun Pugh: Yr ydym wedi trafod y materion hyn sawl gwaith ac nid oes gennyf ddim i'w ychwanegu at ddatganiad diweddar y Prif Weinidog ar y mater.

Ieuan Wyn Jones: I bwyso ymhellach arnoch, Weinidog, dywedodd Peter Hain wrth y Cynulliad ei fod o blaid pwerau

Ieuan Wyn Jones: To press you further, Minister, Peter Hain told the Assembly that he is in favour of primary legislative powers.

deddfu sylfaenol. Dywed y Prif Weinidog ei fod yntau o blaid pwerau Harri VIII. Ble yr ydych chi'n sefyll ar y mater?

Alun Pugh: You will know that responsibility for bank holidays was not transferred to the National Assembly, and, as Members know, in October 2002, the UK Government formally rejected our request to make St David's Day an additional bank holiday in Wales.

Nick Bourne: That reply was closer to being an answer to the question that I am about to ask than to the question just asked. However, with regard to the proposed St David's Day bank holiday, when I pressed the First Minister last week, he somewhat reluctantly said that it was still your policy to seek a public holiday. Could you update us as to what progress has been made in the light of that statement?

Alun Pugh: Our policy has not changed, but neither has the opinion of the UK Government.

Nick Bourne: In relation to that, you will have heard the Secretary of State for Wales suggest last week that the issue was very much still on the agenda, but that we needed to engage with the business community to secure its support. However, when I wrote to members of the business community, it was obvious that the Welsh Assembly Government had not contacted the Confederation of British Industry Wales or any other body on the business side to seek their support in gaining bank holiday status for St David's Day. Why is that, Minister?

Alun Pugh: I can only repeat what I said a minute ago. Our policy has not changed, but we came up against the immovable object of the UK Government's policy, and that will not change in the future.

Nick Bourne: With respect, the UK Government's policy clearly is not immovable because the Secretary of State for Wales indicated that, within the context of a review of bank holidays, there is a chance of achieving this. If he said this last week, why

The First Minister says that he favours Henry VIII powers. Where do you stand on this matter?

Alun Pugh: Fe wyddoch na throsglwyddwyd y cyfrifoldeb dros wyliau banc i'r Cynulliad Cenedlaethol, ac, fel y gŵyr Aelodau, ym mis Hydref 2002, gwrthododd Llywodraeth y DU yn ffurfiol ein cais i wneud Dydd Gŵyl Dewis yn ŵyl banc ychwanegol yng Nghymru.

Nick Bourne: Yr oedd yr ateb hwnnw yn nes at fod yn ateb i'r cwestiwn yr wyf ar fin ei ofyn yn hytrach nag yn ateb i'r cwestiwn sydd newydd gael ei ofyn. Fodd bynnag, o ran yr ŵyl banc arfaethedig ar Ddydd Gŵyl Dewi, pan bwysais ar y Prif Weinidog yr wythnos diwethaf, dywedodd o'i anfodd braidd ei bod yn dal i fod yn bolisi gennych i ofyn am ŵyl banc. A allech roi'r diweddaraf inni o ran y cynnydd a wnaed yng ngoleuni'r datganiad hwnnw?

Alun Pugh: Nid yw ein polisi ni wedi newid, na barn Llywodraeth y DU ychwaith.

Nick Bourne: O ran hynny, byddwch wedi clywed Ysgrifennydd Gwladol Cymru yn awgrymu yr wythnos diwethaf fod y mater yn sicr yn dal i fod ar yr agenda, ond bod angen inni ymgysylltu â'r gymuned fusnes i sicrhau ei chefnogaeth. Fodd bynnag, pan ysgrifennais at aelodau'r gymuned fusnes, yr oedd yn amlwg nad oedd Llywodraeth Cynulliad Cymru wedi cysylltu â Chyddfederasiwn Diwydiant Prydain yng Nghymru nac unrhyw gorff arall sy'n cynrychioli busnesau i ofyn am eu cefnogaeth i gael statws gŵyl banc i Ddydd Gŵyl Dewi. Pam felly, Weinidog?

Alun Pugh: Ni allaf ond ailadrodd yr hyn a ddywedais funud yn ôl. Nid yw ein polisi ni wedi newid, ond yr oedd polisi Llywodraeth y DU yn hollol bendant yn hyn o beth, ac ni fydd hwnnw yn newid yn y dyfodol.

Nick Bourne: Gyda phob parch, mae'n amlwg nad yw polisi Llywodraeth y DU yn hollol bendant oherwydd awgrymmodd Ysgrifennydd Gwladol Cymru, o fewn cyddestun adolygiad o wyliau banc, fod gobaith o gyflawni hyn. Os dywedodd hyn yr

are you not pressing from your side to ensure that our request is fulfilled when that door opens?

Alun Pugh: The First Minister has regular conversations with the Secretary of State and, no doubt, any changes will be a matter for those discussions.

wythnos diwethaf, pam nad ydych yn pwysu o'ch tu chi i sicrhau y caiff ein cais ei fodloni pan fo'r cyfle hwnnw yn codi?

Alun Pugh: Mae'r Prif Weinidog yn siarad yn rheolaidd â'r Ysgrifennydd Gwladol, ac yn ddi-au, caiff unrhyw newidiadau eu codi yn y trafodaethau hynny.

Cadw Adeiladau Hanesyddol y Cymoedd **The Preservation of Historic Buildings in the Valleys**

Q9 Irene James: Will the Minister make a statement about the preservation of historic buildings in the south Wales Valleys? (OAQ40367)

Alun Pugh: The south Wales Valleys have a particular place in the heritage of Wales, and it is important to protect their historic buildings. Those buildings provide a sense of place in our communities, and their conservation and possible reuse can lead to economic and social regeneration of local communities.

Irene James: Would you agree that the way in which Newbridge Memorial Hall, in the BBC's *Restoration* project, captured the hearts and minds of the people who campaigned and voted for its restoration is testament to its importance, and the importance of similar buildings, to the cultural heritage of Wales? Will you join me in congratulating the committee on its continued fundraising efforts? Do you also agree that miners' and working men's institutes are a cornerstone of the built environment of the south Wales Valleys and are vital to continued Valleys regeneration?

2.50 p.m.

Alun Pugh: As you say, the splendid miners' institutes have an important place in the hearts and minds of people who live in those communities. It is tough when a town is up against a city in a telephone vote. No matter how many times people vote—I could recommend people to vote early and often—in these circumstances, it is tough when you are up against a big city. There was a similar problem last year with Llanelly House, which was swamped by a big-city vote.

C9 Irene James: A wnaiff y Gweinidog ddatganiad ar y gwaith cadw a wneir ar adeiladau hanesyddol yng Nghymoedd y De? (OAQ40367)

Alun Pugh: Mae i Gyomoedd y De le penodol yn nhreftadaeth Cymru, ac mae'n bwysig diogelu eu hadeiladau hanesyddol. Mae'r adeiladau hynny yn rhoi ymdeimlad o le yn ein cymunedau, a gall gwaith cadw arnynt a'u hailddefnydd posibl arwain at adfywio economaidd a chymdeithasol cymunedau lleol.

Irene James: A gytunech fod y ffordd y llwyddodd Neuadd Goffa Trecelyn ym mhrosiect *Restoration* y BBC, i gydio yn nychymyg y bobl hynny a ymgyrchodd ac a bleidleisiodd o blaid ei hadnewyddu yn dyst i'w phwysigrwydd, a phwysigrwydd adeiladau tebyg, i dreftadaeth ddiwylliannol Cymru? A ymunwch â mi i longyfarch y pwyllgor ar barhau â'i ymdrechion i godi arian? A gytunwch hefyd fod institiwtâu glowyr a gweithwyr yn un o gonglfeini amgylchedd adeiledig Cymoedd y De a'u bod yn hollbwysig o ran parhau i adfywio'r Cymoedd?

Alun Pugh: Fel y dywedwch, mae i institiwtâu gwych y glowyr le pwysig yng nghalonau pobl sy'n byw yn y cymunedau hynny. Mae'n anodd pan fydd tref yn cystadlu â dinas mewn pleidlais dros y ffôn. Waeth faint o weithiau y mae pobl yn pleidleisio—gallwn argymhell bod pobl yn pleidleisio'n gynnar ac yn fynych—o dan yr amgylchiadau hyn, mae'n anodd pan fyddwch yn cystadlu â dinas fawr. Cafwyd problem debyg y llynedd gyda Thŷ Llanelly, a lethwyd gan bleidlais dinas fawr.

Owen John Thomas: Flwyddyn neu ddwy yn ôl, yr oedd bwriad i sefydlu amgueddfa hanes gweithwyr yng nghastell Cyfarthfa, Merthyr Tudful. Nid yw Huw Lewis yma ar hyn o bryd, ond mae'n cefnogi hynny. Pa gamau yr ydych wedi eu cymryd tuag at gefnogi bwriad o'r fath?

Alun Pugh: Huw Lewis has a great interest in this project—you are right in saying so, Owen John—which would require an important contribution, both in terms of capital and revenue. Clearly, many people would want to see the project going ahead, but, before it could do so, it would not only need building plans, but a stable financial model. Achieving stable financial models has proven to be a major challenge for similar museums all over the UK.

Alun Cairns: Does the Minister recognise that there are many historic buildings in decay, not only in Valleys communities, but throughout Wales? Will he recognise the need to increase the powers of local authorities to compel people to improve those buildings as well as to improve the funding to support those people who literally cannot afford it?

Alun Pugh: I would rather work in partnership with local government than deal with powers of compulsion. Quite often, the people best placed to make these decisions are those who are elected locally rather than those who issue diktats from behind the ministerial desk.

Owen John Thomas: A year or two ago, a proposal was made to establish a museum recording the history of workers at Cyfarthfa castle in Merthyr Tydfil. Huw Lewis is not present at the moment, but he supports that proposal. What action have you taken in support of this?

Alun Pugh: Mae gan Huw Lewis ddiddordeb mawr yn y prosiect hwn—yr ydych yn iawn i ddweud hynny, Owen John—y byddai angen iddo gael cyfraniad pwysig, o ran cyfalaf a refeniw. Yn amlwg, hoffai llawer o bobl weld y prosiect yn mynd rhagddo, ond cyn hynny, byddai angen nid yn unig gynlluniau adeiladu, ond model ariannol sefydlog. Bu sicrhau modelau ariannol sefydlog yn her fawr i amgueddfeydd tebyg ym mhob rhan o'r DU.

Alun Cairns: A yw'r Gweinidog yn cydnabod bod llawer o adeiladau hanesyddol y mae eu cyflwr yn dirywio, nid yn unig yng nghymunedau'r Cymoedd, ond ledled Cymru? A wnaiff gydnabod yr angen i gynyddu pwerau awdurdodau lleol i orfodi pobl i wella'r adeiladau hynny yn ogystal â gwella'r cyllid i gefnogi'r bobl hynny na allant yn llythrennol ei fforddio?

Alun Pugh: Byddai'n well gennyf weithio mewn partneriaeth â llywodraeth leol nag ymwneud â phwerau gorfodi. Yn eithaf aml, y bobl orau i wneud y penderfyniadau hyn yw'r rhai a etholir yn lleol yn hytrach na'r rhai sy'n rhoi gorchmynion o'r ddesg weinidogol.

Cynllun Gweithredu 'Iaith Pawb' The 'Iaith Pawb' Action Plan

C10 David Lloyd: A wnaiff y Gweinidog ddatganiad ar gynllun gweithredu 'Iaith Pawb'? (OAQ40399)

Alun Pugh: Mae gan Lywodraeth y Cynulliad weledigaeth glir ynglŷn â'r iaith Gymraeg. Yr ydym am greu cymdeithas ddwyieithog yng Nghymru yn y tymor hir. Dyna bwrpas 'Iaith Pawb'.

David Lloyd: Mae dros 70 o bwyntiau gweithredu yn 'Iaith Pawb', felly ble mae'r

Q10 David Lloyd: Will the Minister make a statement on the 'Iaith Pawb' action plan? (OAQ40399)

Alun Pugh: The Assembly Government has a clear vision for the future of the Welsh language. We want to create a bilingual society in Wales in the long term. That is the purpose of 'Iaith Pawb'.

David Lloyd: There are over 70 action points in 'Iaith Pawb', so where is the

blaenoriaethu, ac a fydd y cynllun gweithredu yn cywiro hyn?

Alun Pugh: You can see the prioritisation and the real results being delivered by 'Iaith Pawb' in the annual statement. We had a full debate on this in Plenary in the summer, and I was pleased that the Assembly voted to endorse the Assembly Government's vision and policies.

Glyn Davies: The objective of 'Iaith Pawb' is to promote and increase the use of the Welsh language. Will you join me in congratulating the organisers of last night's award ceremony—where the Presiding Officer was a recipient—and in encouraging next year's organisers to include an award, perhaps, for the person or politician who has done the most to promote the Welsh language during the previous year?

Alun Pugh: That seems to be a good suggestion.

prioritisation, and will the action plan correct that?

Alun Pugh: Gallwch weld y blaenoriaethu a'r canlyniadau gwirioneddol a gyflawnir gan 'Iaith Pawb' yn y datganiad blynyddol. Cawsom ddadl lawn ar hyn mewn Cyfarfod Llawn yn ystod yr haf, ac yr oeddwn yn falch i'r Cynulliad bleidleisio i gymeradwyo gweledigaeth a pholisïau Llywodraeth y Cynulliad.

Glyn Davies: Amcan 'Iaith Pawb' yw hyrwyddo a chynyddu'r defnydd o'r Gymraeg. A ymunwch â mi i longyfarch trefnwyr y seremoni wobrwyo neithiwr—lle y cafodd y Llywydd wobwr—ac i annog trefnwyr y flwyddyn nesaf i gynnwys gwobr, efallai, i'r unigolyn neu'r gwleidydd sydd wedi gwneud y mwyaf i hyrwyddo'r Gymraeg yn ystod y flwyddyn flaenorol?

Alun Pugh: Mae hynny i'w weld yn awgrym da.

Nofio am Ddim i Bobl Hŷn Free Swimming for Older People

Q11 Tamsin Dunwoody-Kneafsey: Could the Minister update the Assembly on the progress made on the Assembly Government's policy of free swimming for older people? (OAQ40350)

Alun Pugh: The First Minister and I launched the 60-plus free swimming scheme on 8 November 2004. It is a major component of Health Challenge Wales, which has been warmly welcomed by all 22 local authorities and older people's fora. Initial informal feedback suggests a good response from the public, and the take-up in your area has been good.

Tamsin Dunwoody-Kneafsey: It has been good, but some of my constituents face problems. In particular, the sessions allocated to the elderly are at times when there is no public transport access, so they are unable to take advantage of them. Our intention is to allow people to become as fit as possible, by using these facilities. How will you approach local authorities to ensure that they allow sessions to be held at the

C11 Tamsin Dunwoody-Kneafsey: A wnaiff y Gweinidog roi gwybod y diweddaraf i'r Cynulliad ynghylch hynt polisi Llywodraeth y Cynulliad i ddarparu nofio am ddim i bobl hyn? (OAQ40350)

Alun Pugh: Lanswyd y cynllun nofio am ddim i bobl dros 60 oed gan y Prif Weinidog a minnau ar 8 Tachwedd 2004. Mae'n elfen bwysig o Her Iechyd Cymru, a groesawyd yn frwd gan bob un o'r 22 o awdurdodau lleol a fforymau pobl hŷn. Awgryma'r adborth anffurfiol cychwynnol fod ymateb da oddi wrth y cyhoedd a bod nifer dda wedi manteisio ar y cynllun yn eich ardal chi.

Tamsin Dunwoody-Kneafsey: Mae nifer dda wedi manteisio ar y cynllun, ond mae rhai o'm hetholwyr yn wynebu problemau. Yn arbennig, mae'r sesiynau a neilltuir ar gyfer yr henoed ar adegau pan nad oes trafndiaeth gyhoeddus ar gael, felly ni allant eu mynychu. Ein bwriad yw rhoi cyfle i bobl fod mor heini â phosibl, drwy ddefnyddio'r cyfleusterau hyn. Sut y bwriadwch gysylltu ag awdurdodau lleol i sicrhau eu bod yn

most convenient time for the elderly?

trefnu sesiynau ar yr amser mwyaf cyfleus i'r henoed?

Alun Pugh: The scheme is still a pilot, although all 22 local authorities are involved. It has gone down well overall, it is successful and it has been popular with older people. However, as with any pilot scheme, there will be niggles—I know that there are niggles about specific opening slots and there are issues in Janice's local authority area regarding access throughout the year. Those sorts of problems will emerge in any pilot scheme and we will look to iron them out in due course.

Alun Pugh: Cynllun peilot ydyw o hyd, er bod pob un o'r 22 o awdurdodau lleol yn cymryd rhan. Mae wedi cael derbyniad da ar y cyfan, mae'n llwyddiannus a bu'n boblogaidd gyda phobl hŷn. Fodd bynnag, fel gydag unrhyw gynllun peilot, bydd mân gwynion—gwn fod mân gwynion ynglŷn ag amseroedd agor penodol a bod problemau yn ardal awdurdod lleol Janice o ran mynediad drwy gydol y flwyddyn. Bydd problemau o'r fath yn dod i'r golwg mewn unrhyw gynllun peilot a byddwn yn disgwyl eu hunioni maes o law.

Chwaraeon Llai Poblogaidd Minor Sports

Q12 Carl Sergeant: What action is the Government taking to promote minor sports in Wales? (OAQ40354)

C12 Carl Sergeant: Pa gamau y mae'r Llywodraeth yn eu cymryd i hyrwyddo chwaraeon llai poblogaidd yng Nghymru? (OAQ40354)

Alun Pugh: Governing bodies are ultimately responsible for raising the profile of their respective sports. An important element, of course, is the performance and achievements of individuals and teams on the world stage. Our strategic document, 'Climbing Higher', sets out a clear vision for sport and physical activity in Wales, and seeks to promote participation in all forms of such activity.

Alun Pugh: Cyrff llywodraethu sy'n gyfrifol yn y pen draw am godi proffil eu chwaraeon hwy. Un elfen bwysig, wrth gwrs, yw perfformiad a chyflawniadau unigolion a thimau yn rhyngwladol. Mae ein dogfen strategol 'Dringo'n Uwch', yn nodi gweledigaeth glir ar gyfer chwaraeon a gweithgarwch corfforol yng Nghymru, ac yn ceisio annog pobl i gymryd rhan ym mhob math o weithgareddau o'r fath.

Carl Sargeant: Do you agree that, while they may not be conventionally physically challenging, minor sports, such as darts, snooker and even pigeon racing, provide challenges and entertainment for thousands of people across Wales? With this in mind, do you see the Government's support for these popular competitive sports developing?

Carl Sargeant: A gytunwch fod chwaraeon llai poblogaidd, megis dartiau, snwcer a hyd yn oed rasio colomennod, yn rhoi heriau i filoedd o bobl ledled Cymru, a'u difyrru, er nad ydynt yn weithgareddau corfforol mewn ffordd gonfensiynol? Gyda hyn mewn cof, a welwch fod cefnogaeth y Llywodraeth i'r chwaraeon cystadleuol poblogaidd hyn yn datblygu?

Alun Pugh: I certainly accept that darts, snooker and pigeon racing are important social activities in many communities.

Alun Pugh: Yn sicr, derbyniaf fod dartiau, snwcer a rasio colomennod yn weithgareddau cymdeithasol pwysig mewn llawer o gymunedau.

Y Llywydd: Tynnwyd cwestiwn 13 (OAQ40378) yn ôl.

The Presiding Officer: Question 13 (OAQ40378) has been withdrawn.

Financial Support for the National Eisteddfod of Wales

Q14 Glyn Davies: Will the Minister make a statement on financial support for the National Eisteddfod of Wales? (OAQ40348)

Alun Pugh: I announced in October that, together with our colleagues at the Welsh Language Board, we will provide £160,000 to the Eisteddfod this year, in addition to the additional £40,000 that I announced previously. This means that the Eisteddfod will receive a total of £560,000 in support from the Assembly Government in the financial year 2004-05.

Glyn Davies: You are right to make this award this year. However, you and your fellow Ministers have often said in the Chamber that it is important that organisations have a long-term funding commitment. What guarantees can you give that funding approaching the same level will be available to the National Eisteddfod during the next five years so that it can plan properly for the future?

Alun Pugh: I meet regularly with the National Eisteddfod's senior management and I am greatly encouraged by some of the comments made, particularly the recognition of the need to modernise its organisation and to extend the Eisteddfod's appeal to people in Wales, whether or not they speak both national languages, and to people further afield. I can confirm that there will be a long-term financial commitment to the National Eisteddfod, but I cannot guarantee today that £560,000 will be provided every year.

C14 Glyn Davies: A wnaiff y Gweinidog ddatganiad ar y cymorth ariannol ar gyfer yr Eisteddfod Genedlaethol? (OAQ40348)

Alun Pugh: Cyhoeddais ym mis Hydref y byddwn ni, ynghyd â Bwrdd yr Iaith Gymraeg, yn darparu £160,000 i'r Eisteddfod eleni, a hynny ar ben y £40,000 ychwanegol a gyhoeddais o'r blaen. Golyga hyn y bydd Llywodraeth y Cynulliad yn rhoi cyfanswm o £560,000 i'r Eisteddfod yn ystod y flwyddyn ariannol 2004-05.

Glyn Davies: Yr ydych yn iawn i ddyfarnu'r swm hwn eleni. Fodd bynnag, yr ydych chi a'ch cyd-Weinidogion yn aml wedi dweud yn y Siambr ei bod yn bwysig bod gan sefydliadau ymrwymiad cyllid yn yr hirdymor. Pa sicrwydd y gallwch ei roi y bydd swm tebyg ar gael i'r Eisteddfod Genedlaethol yn ystod y pum mlynedd nesaf fel y gall gynllunio'n briodol ar gyfer y dyfodol?

Alun Pugh: Cyfarfyddaf yn rheolaidd ag uwch-reolwyr yr Eisteddfod Genedlaethol ac fe'm calonogir yn fawr gan rai o'r sylwadau a wnaed, yn enwedig y gydnabyddiaeth bod angen moderneiddio'r sefydliad a denu mwy o bobl yng Nghymru at yr Eisteddfod, pa un a ydynt yn siarad y ddwy iaith genedlaethol ai peidio, ac i ddenu pobl y tu hwnt i Gymru. Gallaf gadarnhau y bydd ymrwymiad ariannol hirdymor i'r Eisteddfod Genedlaethol, ond ni allaf warantu heddiw y caiff £560,000 ei ddarparu bob blwyddyn.

Cwestiynau i Bwyllgor y Tŷ Questions to the House Committee

Y Llywydd: Nid oes cwestiynau i Bwyllgor y Tŷ.

The Presiding Officer: There are no questions to the House Committee.

Cymeradwyo Rheoliadau Cynlluniau y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) 2004 Approval of the Common Agricultural Policy Schemes (Cross-compliance) (Wales) Regulations 2004

**Y Gweinidog dros yr Amgylchedd,
Cynllunio a Chefn Gwlad (Carwyn Jones):**
Cynigiad fod

**The Minister for Environment, Planning
and Countryside (Carwyn Jones):** I
propose that

Cynulliad Cenedlaethol Cymru yn ystyried egwyddor Rheoliadau Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) 2004 a osodwyd yn y Swyddfa Gyflwyno ac a anfonwyd drwy'r e-bost at Aelodau'r Cynulliad ar 1 Rhagfyr 2004. (NDM2223)

Cynigiad fod

Cynulliad Cenedlaethol Cymru yn cymeradwyo bod Rheoliadau Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) 2004 yn cael eu gwneud yn unol â'r fersiwn ddrafft a osodwyd yn y Swyddfa Gyflwyno ac a anfonwyd at Aelodau'r Cynulliad drwy'r e-bost ar 1 Rhagfyr 2004. (NDM2224)

Helen Mary Jones: The Plaid Cymru—The Party of Wales Assembly group will support these regulations. The Minister will be aware that there has been considerable support within the industry for what are perceived to be more reasonable arrangements and a lighter touch in Wales than will be the case for the cross-compliance arrangements that will be put in place in England. The Minister is to be congratulated on having brought forward a sensible regime. I have some questions that I hope the Minister will be able to answer today; if not, I hope that he will answer them when we next discuss the issue in committee. The timescale issue is important. The industry is anxious to know when the inspections will begin. In that context, how confident is the Minister that there are sufficient numbers of staff ready and fully trained to undertake this work?

3.00 p.m.

An issue has also been raised regarding the nature of the inspections. It is understood that the different elements of the cross-compliance arrangements will be inspected on farms on the same day, as far as is possible. Although that has been broadly welcomed, farmers of small family farms have raised concerns with me about their ability to deal with inspectors inspecting different issues on various parts of the farm. Minister, will you keep that system under

the National Assembly for Wales considers the principle of the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (Wales) Regulations 2004, a copy of which was laid in the Table Office and e-mailed to Assembly Members on 1 December 2004. (NDM2223)

I propose that

the National Assembly for Wales approves that the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (Wales) Regulations 2004 is made in accordance with the draft laid in the Table Office and e-mailed to Assembly Members on 1 December 2004. (NDM2224)

Helen Mary Jones: Bydd grŵp Cynulliad Plaid Cymru—The Party of Wales yn cefnogi'r rheoliadau hyn. Bydd y Gweinidog yn ymwybodol o'r gefnogaeth sylweddol yn y diwydiant i'r hyn yr ystyrir eu bod yn drefniadau mwy rhesymol ac ymagwedd lai caeth yng Nghymru na'r hyn a welir o ran y trefniadau trawsgydymffurfio a gaiff eu rhoi ar waith yn Lloegr. Dylid llongyfarch y Gweinidog ar gyflwyno system synhwyrol. Mae gennyf rai cwestiynau y gobeithiaf y bydd y Gweinidog yn gallu eu hateb heddiw; os na all wneud hynny, gobeithiaf y bydd yn eu hateb pan drafodwn y mater nesaf yn y pwyllgor. Mae'r amserlen yn bwysig. Mae'r diwydiant yn awyddus i wybod pryd y bydd yr arolygiadau yn dechrau. Yn y cyd-destun hwnnw, pa mor hyderus yw'r Gweinidog bod digon o aelodau o staff yn barod ac wedi'u hyfforddi'n llawn i ymgymryd â'r gwaith hwn?

Codwyd mater arall o ran natur yr arolygiadau. Deallir y caiff gwahanol elfennau'r trefniadau trawsgydymffurfio eu harolygu ar ffermydd ar yr un diwrnod, hyd y bo modd. Er i hynny gael ei groesawu'n gyffredinol, mae ffermwyr ffermydd teuluol bach wedi codi pryderon gyda mi o ran eu gallu i ymdrin ag arolygwyr a fydd yn arolygu gwahanol faterion ar amrywiol rannau o'r fferm. Weinidog, a fyddwch yn adolygu'r system honno yn rheolaidd, ac a

review, and might it be possible to train staff to undertake more than one aspect of the inspection, so that a farmer could have one person with him or her for two or three days, rather than three or four people for one day? If inspections are delayed through no fault of the farmer, will there be consequences in terms of when that farmer will receive his or her single farm payment? If the inspected farm fails to meet the necessary criteria, what are the implications for that farm and, potentially, the other farms that are awaiting payment? How much time will a farmer have, if a farm fails the initial inspection, to implement the required measures to come up to standard, and/or make an appeal? What appeals process is in place if a farmer does not agree with the inspectors' findings?

Will the Minister clarify how farms with cross-border issues will be affected by the different cross-compliance requirements in England and Wales? What discussions have you had, Minister, with your colleagues in the Department for Environment, Food and Rural Affairs to ensure that farmers with land straddling the border are not adversely affected?

Glyn Davies: We will also support these regulations. However, there are a number of questions, such as those that Helen Mary Jones asked, and I, too, would welcome the Minister's response to them. It is worth commenting that we entirely approve of the change in the support system. It is a huge change to agricultural support, and, essentially, it is a change away from the driving force being towards keeping too much stock, and towards being more responsive to the market. We have always approved of the general thrust.

There are severe, general problems that are not covered specifically in these regulations. In particular, there is a problem with the competitive position of deer farmers, and potato and vegetable growers, who will find that they will not receive a grant in Wales when similar farmers in England will receive a grant. As a result, there is a real problem with their competitive position, which will have to be addressed. There is also an issue concerning access to the national reserve, for

fyddai modd hyfforddi staff i ymgymryd â mwy nag un agwedd ar yr arolygiad, er mwyn i un person ymweld â'r ffermwr am ddau neu dri diwrnod, yn hytrach na thri neu bedwar person am un diwrnod? Os bydd oedi wrth gynnal arolygiadau, a hynny heb unrhyw fai ar y ffermwr, a fydd goblygiadau o ran pryd y bydd y ffermwr hwnnw yn cael ei daliad fferm sengl? Os bydd y fferm a arolygir yn methu â bodloni'r meini prawf angenrheidiol, beth yw'r goblygiadau i'r fferm hwnnw ac, o bosibl, y ffermydd eraill sy'n aros am daliad? Faint o amser fydd gan ffermwr, os bydd fferm yn methu'r arolygiad cychwynnol, i roi'r mesurau gofynnol ar waith er mwyn cyrraedd y safon, a/neu gyflwyno apêl? Pa broses apelio sydd ar waith os na fydd ffermwr yn cytuno â chanfyddiadau'r arolygwyr?

A wnaiff y Gweinidog egluro effaith y gofynion trawsgydymffurfio gwahanol yng Nghymru a Lloegr ar ffermydd â materion trawssffiniol? Pa drafodaethau a gynaliasoch, Weinidog, gyda'ch cyd-aelodau yn Adran yr Amgylchedd, Bwyd a Materion Gwledig i sicrhau na chaiff hyn effaith andwyol ar ffermwyr sydd â thir sy'n croesi'r ffin?

Glyn Davies: Cefnogwn ninnau hefyd y rheoliadau hyn. Fodd bynnag, mae nifer o gwestiynau, megis y rhai a ofynnodd Helen Mary Jones, a byddwn i, hefyd, yn croesawu ymateb y Gweinidog iddynt. Mae'n werth nodi ein bod yn cymeradwyo'r newid yn y system gymorth yn llwyr. Mae hwn yn newid cymorth amaethyddol yn sylweddol, ac, yn y bôn, mae'n newid o sefyllfa lle y mae'n fanteisiol cadw gormod o stoc, tuag at sefyllfa o fod yn fwy ymatebol i'r farchnad. Yr oeddem bob amser o blaid byrdwn cyffredinol y newid hwn.

Mae problemau cyffredinol, difrifol nas cwmpeisir yn benodol yn y rheoliadau hyn. Yn arbennig, mae problem gyda sefyllfa gystadleuol ffermwyr ceirw, a thyfwyr tatws a llyisiau, a fydd yn canfod na fyddant yn cael grant yng Nghymru ond y bydd ffermwyr tebyg yn Lloegr yn cael grant. O ganlyniad, cyfyd problem wirioneddol gyda'u sefyllfa gystadleuol, a bydd yn rhaid ymdrin â hi. Mae problem hefyd o ran mynediad i'r gronfa genedlaethol, y mae'n rhaid

which the rules must be implemented on a UK basis. The conditions in Wales and in England in future will be different. There will be a category of people in Wales who will need access to it, but that category does not exist in England. There are clearly a couple of problems there.

In general, the Government, with the support of all the opposition parties, has—and I agree with Helen Mary Jones on this—responded in a far more sensitive way than the Government in England has. We need to remember that. Whenever we are involved in discussions about devolution and how it should be developed, we should always remember—particularly during debates on health, when we in the opposition parties are forever criticising the Minister because she has not performed as well as the Government in England—that, as a result of devolution, some people in Wales, in this case farmers, have secured a much better outcome. The Government can claim credit for that, but, in this instance, it has had the full support of all parties. This would not have happened without devolution. In our discussions on this principle in the Chamber, we should remember that there are two sides to the debate.

Mick Bates: Is it not wonderful to be on that road to Damascus?

The previous speakers have said that there is cross-party support for these regulations. I have three main issues for the Minister to answer. First, would he, in the light of any changes in circumstances, review this legislation and change it, for example, if it was found that all the items in paragraphs 1 to 23 in regulation 1 needed to be changed? Secondly, everyone accepts that the Minister has exhibited a sympathetic approach, but in order for farmers to comply with these regulations, they need guidance and advice on what they have to do. At the minute, Minister, apart from on the good agricultural and environmental condition, we do not have robust advice on how to comply, and I will be glad when it is published and sent to all farmers.

The issue of whether the Environment

gweithredu'r rheolau ar ei chyfer ar sail y DU gyfan. Bydd yr amodau yng Nghymru ac yn Lloegr yn y dyfodol yn wahanol. Bydd categori o bobl yng Nghymru y bydd angen iddynt gael mynediad iddi, ond nid yw'r categori hwnnw yn bodoli yn Lloegr. Yn amlwg, mae rhai problemau yn hynny o beth.

Yn gyffredinol, ymatebodd y Llywodraeth, gyda chefnogaeth pob gwrthblaid—a chytunaf â Helen Mary Jones ar hyn—mewn ffordd lawer mwy sensitif na'r Llywodraeth yn Lloegr. Mae angen inni gofio hynny. Pryd bynnag y byddwn yn trafod datganoli a sut y dylid datblygu'r broses, dylem gofio bob amser—yn arbennig wrth drafod iechyd, lle yr ydym ni yn y gwrthbleidiau yn beirmiadu'r Gweinidog byth a beunydd am nad yw wedi perfformio cystal â'r Llywodraeth yn Lloegr—fod rhywrai yng Nghymru, ffermwyr yn yr achos hwn, wedi elwa ar ganlyniad llawer gwell o ganlyniad i ddatganoli. Gall y Llywodraeth gymryd y clod am hynny, ond, yn yr enghraifft hon, cafodd gefnogaeth lawn pob plaid. Ni fyddai hyn wedi digwydd heb ddatganoli. Wrth inni drafod yr egwyddor hon yn y Siambr, dylem gofio bod dwy ochr i'r ddatl.

Mick Bates: Onid yw'n braf bod ar y ffordd honno i Ddamascus?

Dywedodd y siaradwyr blaenorol fod cefnogaeth drawsbleidiol i'r rheoliadau hyn. Mae gennyf dri phrif fater i'r Gweinidog ymateb iddynt. Yn gyntaf, a fyddai, yn dilyn unrhyw newidiadau mewn amgylchiadau, yn adolygu'r ddeddfwriaeth hon ac yn ei newid, er enghraifft, pe canfuwyd fod angen newid yr holl eitemau ym mharagraffau 1 i 23 yn rheoliad 1? Yn ail, mae pawb yn derbyn bod y Gweinidog wedi gweithredu mewn ffordd gydymdeimladol, ond er mwyn i ffermwyr gydymffurfio â'r rheoliadau hyn, mae angen canllawiau a chyngor arnynt ar yr hyn y mae angen iddynt ei wneud. Ar hyn o bryd, Weinidog, ar wahân i gyngor ar gyflwr amaethyddol ac amgylcheddol da, nid oes gennym gyngor cadarn ar sut i gydymffurfio, a byddaf yn falch pan gaiff cyngor o'r fath ei gyhoeddi a'i anfon at bob ffermwr.

Codwyd y pwynt ynglŷn â pha un a oes gan

Agency and the Countryside Council for Wales have enough resources has been raised. Further to Helen's point on that, is it true that if some of the inspections find the farmer in a default position, all payments—that is, payments to every holding—will be held up until that farmer has complied and addressed whatever was found to be wrong in the inspection?

Finally, in terms of the control of weeds and so on, would a farmer be subject to an anti-social behaviour order if he were to allow weeds to go onto his neighbour's ground or his hedges to grow too high?

Lisa Francis: We welcome the decision to be more flexible in Wales than is the case in England towards the environmental and agricultural cross-compliance standards. I am sure that all farmers would agree that a light-touch approach will avoid unnecessary bureaucracy.

On the good agricultural and environmental condition component, while farmers throughout Wales will be grateful and relieved that a soil management plan was not adopted, there is instead a risk-management plan, and possible changes in farm management following decoupling and the increase in extreme weather events suggest that a more conscious approach to soil management is needed. While the risk-based approach is an attempt to make matters as easy as possible, the two-sided tick-box sheet that is sent to every farmer is not particularly user-friendly. Many farmers have told me that they would find it helpful if guidance notes were issued along with these forms, or, at least, information provided on the sorts of parameters that farmers need to work within. The difficulty is that a form which is not returned—and that could well be the case on a busy farm, if filling it in without help is complicated—could automatically result in the farm being in breach of cross-compliance standards.

The full process needs to encourage the farmer to review soil management, and to consider any risk areas, without excessive bureaucracy. I therefore ask you, Minister, to give your assurance that farmers will receive

Asiantaeth yr Amgylchedd a Chyngor Cefn Gwlad Cymru ddigon o adnoddau. Yn dilyn pwynt Helen ar hynny, a yw'n wir, os bydd rhai o'r arolygiadau yn canfod bod y ffermwr mewn sefyllfa ddiffygiol, y caiff pob taliad—hynny yw, taliadau i bob fferm—eu gohirio hyd nes y bydd y ffermwr hwnnw wedi cydymffurfio ac wedi ymdrin â'r diffyg a ganfuwyd yn yr arolygiad?

I gloi, o ran rheoli chwyn ac yn y blaen, a fyddai ffermwr yn wynebu gorchymyn ymddygiad gwrthgymdeithasol pe bai'n caniatáu i chwyn ledu i dir ei gymydog neu i'w wrychoedd neu berthi dyfu'n rhy uchel?

Lisa Francis: Croesawn y penderfyniad i fod yn fwy hyblyg yng Nghymru nac yn Lloegr wrth ymdrin â'r safonau trawsgydymffurfio amgylcheddol ac amaethyddol. Yr wyf yn siŵr y byddai pob ffermwr yn cytuno y bydd ymagwedd lai caeth yn osgoi biwrocratiaeth ddiangen.

O ran yr elfen ar gyflwr amaethyddol ac amgylcheddol da, er y bydd ffermwyr ledled Cymru yn ddiolchgar ac yn falch na fabwysiadwyd cynllun rheoli pridd, mae cynllun rheoli risg yn lle hynny, ac mae newidiadau posibl i ddulliau rheoli ffermydd yn dilyn datgysylltu a'r cynnydd yn y cyfnodau o dywydd garw yn awgrymu bod angen ymagwedd fwy cydwbybodol tuag at reoli pridd. Er mai ymgais i symleiddio'r broses yw'r defnydd o ymagwedd yn seiliedig ar risg, nid yw'r daflen ddwyochrog sy'n gofyn i bob ffermwr dicio blychau yn syml i'w defnyddio. Mae sawl ffermwr wedi sôn wrthyf y byddai'n ddefnyddiol pe câi canllawiau eu cyhoeddi gyda'r ffurflenni hyn, neu, o leiaf, pe câi gwybodaeth ei rhoi ar y mathau o ffiniau y mae angen i ffermwyr weithio o'u mewn. Y broblem yw y gallai peidio â dychwelyd ffurflen—ac mae'r sefyllfa honno'n debygol o godi ar fferm brysur, yn enwedig os yw ei llenwi heb help yn waith cymhleth—arwain yn awtomatig at ddyfarnu bod y fferm yn mynd yn groes i'r safonau trawsgydymffurfio.

Mae angen i'r broses gyfan annog y ffermwr i adolygu ei ddulliau rheoli pridd, ac ystyried unrhyw feysydd risg, heb fiwrocratiaeth ormodol. Gofynnaf felly ichi, Weinidog, roi sicrwydd y bydd ffermwyr yn cael cymaint o

as much guidance and help as possible on this issue.

David Davies: I join in the broad welcome for the policy of making payments in a slightly different way in Wales, based on what people have earned historically. However, I have two concerns about this. The first relates to those who grow crops that have previously been unsupported, in particular crops such as blackberries, because blackberry farmers will often rotate every 10 years or so, by growing crops for which support is provided. As I understand it, under the current regulations, those farmers will be at a huge disadvantage because they would not necessarily have been growing those crops in the last three years. They will discover that their colleagues across the border in England will be receiving support for growing crops for which they will not receive support, which will put them at a financial disadvantage.

Helen Mary raised the point about people who have land that straddles both sides of the England-Wales border. That is a big issue for people who live in Monmouthshire, Brecon, Radnorshire and right the way up the border of Wales—if you want to call it a border, of course; some people would prefer to refer to it as an administrative line in the sand.

Ieuan Wyn Jones: Will you give way?

David Davies: I am asking for trouble here, but I will give way to the leader of Plaid Cymru.

Ieuan Wyn Jones: Do you not remember your history lessons, David? Some of it is called Offa's Dyke.

David Davies: I accept that, but it was built by the ancient King of Mercia to keep the Welsh out, I think, rather than to keep the English in. However, I fear that we are diverging a little from the debate on cross-compliance.

I ask the Minister to be clear about the problems faced by farmers with land on both sides of Offa's Dyke. We must ensure that their questions about how to claim what is

ganllawiau a help â phosibl mewn perthynas â'r mater hwn.

David Davies: Yr wyf i hefyd yn gyffredinol yn croesawu'r polisi o wneud taliadau mewn ffordd ychydig yn wahanol yng Nghymru, drwy eu seilio ar yr hyn y mae pobl wedi'i ennill yn y gorffennol. Fodd bynnag, mae gennyf ddau bryder. Mae a wnelo'r cyntaf â'r rhai sy'n tyfu cnydau na roddwyd cymorth iddynt yn y gorffennol, yn arbennig cnydau fel mwyar duon, gan y bydd ffermwyr mwyar duon yn aml yn cylchdroi bob 10 mlynedd fwy neu lai, drwy dyfu cnydau y rhoddir cymorth ar eu cyfer. Fel y deallaf, o dan y rheoliadau presennol, bydd y ffermwyr hynny o dan anfantais fawr gan na fyddent o reidrwydd wedi bod yn tyfu'r cnydau hynny yn ystod y tair blynedd diwethaf. Byddant yn gweld bod eu cyd-ffermwyr dros y ffin yn Lloegr yn cael cymorth i dyfu cnydau na fyddant hwy yn cael cymorth ar eu cyfer, a fydd yn eu rhoi o dan anfantais ariannol.

Cododd Helen Mary y pwynt am bobl sydd â thir sy'n croesi'r ffin rhwng Cymru a Lloegr. Mae hynny'n broblem fawr i bobl sy'n byw yn sir Fynwy, sir Frycheiniog, sir Faesyfed ac ar hyd ffin gyfan Cymru—os ydych am ei galw'n ffin, wrth gwrs; byddai'n well gan rai gyfeirio ati fel llinell weinyddol yn y tywod.

Ieuan Wyn Jones: A ildiwch?

David Davies: Yr wyf yn gofyn am helynt, ond fe ildiaf i arweinydd plaid Cymru.

Ieuan Wyn Jones: Oni chofiwch eich gwersi hanes, David? Clawdd Offa yw'r enw ar ran ohoni.

David Davies: Derbyniaf hynny, ond fe'i hadeiladwyd gan Frenin hynafol Mersia i gadw'r Cymry allan, fe gredaf, yn hytrach nac i gadw'r Saeson i mewn. Fodd bynnag, ofnaf ein bod yn gwyro ychydig o'r ddadl ar drawsgydymffurfio.

Gofynnaf i'r Gweinidog fod yn glir ynghylch y problemau sy'n wynebu ffermwyr â thir o bob tu i Glawdd Offa. Rhaid inni sicrhau yr atebir eu cwestiynau o ran sut i hawlio'r hyn

rightfully theirs are fully answered. We do not want to see the sort of payment problems and delays that we have seen in the past.

3.10 p.m.

The Minister for Environment, Planning and Countryside (Carwyn Jones): I will respond to the points regarding cross-compliance, rather than the more general points. I refer Members to the farmers' guide to cross-compliance, which was sent to all farmers at the end of last week. Some may not have received it yet, but it is a comprehensive, and, I hope, user-friendly guide, which assists farmers in terms of the information that they will be required to provide and what the inspection regime will be. I refer Members to that guide to answer some of the more detailed questions that will, no doubt, also be asked in committee. I will address the two substantive points raised. First, on the penalty rates for farmers, the payment penalties range from between 1 per cent and 100 per cent, and they can be imposed depending on the extent and severity of the cross-compliance breach, and whether it was intentional or committed through negligence. There is therefore a tremendous amount of flexibility. The final decision is taken by the Common Agricultural Policy Management Division, as the paying agency.

On cross-border farms and cross-compliance, because cross-compliance inspections will be undertaken on a whole farm basis, where a farm straddles the border, a breach discovered either side of the border will result in the application of a penalty across the whole farm. We are currently discussing with DEFRA how we ensure a uniform approach between the Rural Payments Agency in England and ourselves in Wales, so that the approach is at least the same, even though the rules would be slightly different in any event. There are differences in the rules on either side of the border, but that does not mean that the approach must necessarily be different. Members have raised more detailed matters, and I will seek to investigate those matters and provide Members with information on them.

y mae ganddynt bob hawl iddynt. Nid ydym am weld y math o broblemau ac achosion o oedi wrth dalu a welsom yn y gorffennol.

Y Gweinidog dros yr Amgylchedd, Cynllunio a Chefn Gwlad (Carwyn Jones): Ymatebaf i'r pwyntiau ynghylch trawsgydymffurfio, yn hytrach na'r pwyntiau mwy cyffredinol. Cyfeiraf yr Aelodau at y canllaw trawsgydymffurfio i ffermwyr, a anfonwyd at bob ffermwr ddiwedd yr wythnos diwethaf. Efallai na fydd rhai ohonynt wedi'i dderbyn eto, ond mae'n ganllaw cynhwysfawr, ac yn un hawdd, gobeithio, i'w ddefnyddio. Fe fydd yn gymorth i ffermwyr o ran y wybodaeth y bydd angen iddynt ei rhoi a'r system arolygu. Cyfeiraf Aelodau at y canllaw hwnnw i ateb rhai o'r cwestiynau manylach a gaiff eu gofyn, yn ddi-au, yn y pwyllgor. Ymdriniaf â'r ddau brif bwynt a godwyd. Yn gyntaf, o ran cyfraddau'r cosbau i ffermwyr, mae'r cosbau talu yn amrywio o rhwng 1 y cant a 100 y cant, a gellir eu gorfodi, gan ddibynnu ar raddau a difrifoldeb yr achos o dorri'r trefniadau trawsgydymffurfio, a pha un a wnaed hynny yn fwiadol neu drwy esgeuluster. Felly, mae hyblygrwydd sylweddol yn y system. Is-adran Rheoli'r Polisi Amaethyddol Cyffredin, fel yr asiantaeth sy'n talu, fydd yn gwneud y penderfyniad terfynol.

O ran ffermydd trawsffiniol a thrawsgydymffurfio, gan mai ar sail fferm gyfan y cynhelir arolygiadau trawsgydymffurfio, lle y bydd fferm yn croesi'r ffin, bydd achos o fynd yn groes i'r trefniadau ar y naill ochr neu'r llall i'r ffin yn arwain at gosb i'r fferm gyfan. Yr ydym wrthi'n cynnal trafodaethau gyda DEFRA ar hyn o bryd o ran sut y gallwn sicrhau ymagwedd unffurf rhwng yr Asiantaeth Taliadau Gwledig yn Lloegr a'n hymagwedd ni yng Nghymru, er mwyn sicrhau o leiaf fod yr ymagwedd yr un peth, er y byddai'r rheolau ychydig yn wahanol. Mae'r rheolau'n wahanol o bob tu i'r ffin, ond nid yw hynny'n golygu bod yn rhaid i'r ymagwedd o reidrwydd fod yn wahanol. Cododd Aelodau faterion manylach, a cheisiaf ymchwilio i'r materion hynny a rhoi gwybodaeth iddynt amdanynt.

*Cynnig (NDM2223): O blaid 49, Ymatal 0, Yn erbyn 0.
Motion (NDM2223): For 49, Abstain 0, Against 0.*

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

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Francis, Lisa
German, Michael
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina
Hutt, Jane
Idris Jones, Denise
Isherwood, Mark
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Helen Mary
Jones, Ieuan Wyn
Jones, Laura Anne
Law, Peter
Lewis, Huw
Lloyd, David
Lloyd, Val
Melding, David
Mewies, Sandy
Morgan, Jonathan
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Sinclair, Karen
Thomas, Catherine
Thomas, Rhodri Glyn
Williams, Kirsty

*Derbyniwyd y cynnig.
Motion carried.*

*Cynnig (NDM2224): O blaid 49, Ymatal 0, Yn erbyn 0.
Motion (NDM2224): For 49, Abstain 0, Against 0.*

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

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Francis, Lisa
German, Michael
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina
Hutt, Jane
Idris Jones, Denise
Isherwood, Mark
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Helen Mary
Jones, Ieuan Wyn
Jones, Laura Anne
Law, Peter
Lewis, Huw
Lloyd, David
Lloyd, Val
Melding, David
Mewies, Sandy
Morgan, Jonathan
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Sinclair, Karen
Thomas, Catherine
Thomas, Rhodri Glyn
Williams, Kirsty

*Derbyniwyd y cynnig.
Motion carried.*

**Cymeradwyo Rheoliadau Gwrychoedd neu Berthi Uchel (Apelau) (Cymru) 2004,
Rheoliadau Gwrychoedd neu Berthi Uchel (Ffioedd) (Cymru) 2004 a
Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Cychwyn Rhif 3)
(Cymru) 2004 Approval of the High Hedges (Appeals) (Wales) Regulations
2004, the High Hedges (Fees) (Wales) Regulations 2004 and the Anti-social
Behaviour Act 2003 (Commencement No. 3) (Wales) Order 2004**

Y Llywydd: Cynigir trafod y tair eitem nesaf **The Presiding Officer:** It is proposed that
gyda'i gilydd, oni bai bod Aelod yn the next three items be debated together,

gwrthwynebu. Gwelaf nad oes unless any Member objects. I see that there are no objections.

The Minister for Environment, Planning and Countryside (Carwyn Jones): I propose that

Y Gweinidog dros yr Amgylchedd, Cynllunio a Chefn Gwlad (Carwyn Jones): Cynigiaf fod

the National Assembly for Wales considers the principle of the High Hedges (Appeals) (Wales) Regulations 2004, a copy of which was laid in the Table Office on 17 November 2004. (NDM2215)

Cynulliad Cenedlaethol Cymru yn ystyried egwyddor Rheoliadau Gwrychoedd neu Berthi Uchel (Apelau) (Cymru) 2004, y gosodwyd copi ohonynt yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004. (NDM2215)

I propose that

Cynigiaf fod

the National Assembly for Wales:

Cynulliad Cenedlaethol Cymru:

1. considers the report of the Legislation Committee laid in the Table Office on 23 November 2004 in relation to the draft regulations, the High Hedges (Appeals) (Wales) Regulations 2004, and

1. yn ystyried adroddiad y Pwyllgor Deddfau, a osodwyd yn y Swyddfa Gyflwyno ar 23 Tachwedd 2004 mewn perthynas â'r rheoliadau drafft Rheoliadau Gwrychoedd neu Berthi Uchel (Apelau) (Cymru) 2004, a

2. approves that the High Hedges (Appeals) (Wales) Regulations 2004 is made in accordance with:

2. yn cymeradwyo bod Rheoliadau Gwrychoedd neu Berthi Uchel (Apelau) (Cymru) 2004, yn cael eu gwneud yn unol ag:

a) the draft regulations laid in the Table Office on 17 November 2004,

a) y rheoliadau drafft a osodwyd yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004,

b) regulatory appraisal laid in the Table Office on 17 November 2004,

b) yr arfarniad rheoliadol a osodwyd yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004, ac

c) the memorandum of corrections laid in the Table Office on 23 November 2004. (NDM2216)

c) y memorandwm cywiriadau a osodwyd yn y Swyddfa Gyflwyno ar 23 Tachwedd 2004. (NDM2216)

I propose that

Cynigiaf fod

the National Assembly for Wales considers the principle of the High Hedges (Fees) (Wales) Regulations 2004, a copy of which was laid in the Table Office on 17 November 2004. (NDM2219)

Cynulliad Cenedlaethol Cymru yn ystyried egwyddor Rheoliadau Gwrychoedd neu Berthi Uchel (Ffioedd) (Cymru) 2004, y gosodwyd copi ohonynt yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004. (NDM2219)

I propose that

Cynigiaf fod

the National Assembly for Wales:

Cynulliad Cenedlaethol Cymru:

1. considers the report of the Legislation Committee laid in the Table Office on 23 November 2004 in relation to the draft

1. yn ystyried adroddiad y Pwyllgor Deddfau, a osodwyd yn y Swyddfa Gyflwyno ar 23 Tachwedd 2004, mewn perthynas â'r

regulations, the High Hedges (Fees) (Wales) Regulations 2004, and *rheoliadau drafft, Rheoliadau Gwrychoedd neu Berthi Uchel (Ffioedd) (Cymru) (2004), a*

2. approves that the High Hedges (Fees) (Wales) Regulations 2004 is made in accordance with: *2. yn cymeradwyo bod Rheoliadau Gwrychoedd neu Berthi Uchel (Ffioedd) (Cymru) 2004 yn cael eu gwneud yn unol ag:*

a) the draft regulations laid in the Table Office on 17 November 2004; *a) y rheoliadau drafft a osodwyd yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004:*

b) regulatory appraisal laid in the Table Office on 17 November 2004. (NDM2220) *b) yr arfarniad rheoliadol a osodwyd yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004. (NDM2220)*

I propose that

Cynigiaf fod

the National Assembly for Wales considers the principle of the Anti-social Behaviour Act 2003 (Commencement No. 3) (Wales) Order 2004, a copy of which was laid in the Table Office on 17 November 2004. (NDM2217) *Cynulliad Cenedlaethol Cymru yn ystyried egwyddor Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Cychwyn Rhif 3) (Cymru) 2004, y gosodwyd copi ohono yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004. (NDM2217)*

I propose that

Cynigiaf fod

the National Assembly for Wales:

Cynulliad Cenedlaethol Cymru:

1. considers the report of the Legislation Committee laid in the Table Office on 23 November 2004 in relation to the draft regulations, the Anti-social Behaviour Act 2003 (Commencement No. 3) (Wales) Order 2004, and *1. yn ystyried adroddiad y Pwyllgor Deddfau, a osodwyd yn y Swyddfa Gyflwyno ar 23 Tachwedd 2004, mewn perthynas â Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Cychwyn Rhif 3) (Cymru) 2004, a*

2. approves that the Anti-social Behaviour Act 2003 (Commencement No. 3) (Wales) Order 2004 is made in accordance with the draft regulations laid in the Table Office on 17 November 2004. (NDM2218) *2. b) yn cymeradwyo bod Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Cychwyn Rhif 3) (Cymru) 2004 yn cael ei wneud yn unol â'r rheoliadau drafft a osodwyd yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004. (NDM2218)*

I am delighted to be seeking the Assembly's agreement on the provisions of Part 8 of the Anti-social Behaviour Act 2003, which relates to the problems of high hedges, and on the making of regulations in this regard. No doubt most Members, as I have, have received a large number of representations from constituents who have had their lives blighted by nuisance hedges. The problem has been recognised for some years. The difficulty has been in finding parliamentary time to introduce a legal remedy. The statutory provisions were brought in by the

Mae'n bleser gennyf ofyn am gytundeb y Cynulliad ar ddarpariaethau Rhan 8 Deddf Ymddygiad Gwrthgymdeithasol 2003, sy'n ymwneud â phroblemau gwrychoedd neu berthi uchel, ac ar lunio rheoliadau yn hyn o beth. Yn ddi-au, bydd y rhan fwyaf o Aelodau, fel yr wyf i, wedi derbyn nifer fawr o sylwadau gan etholwyr y mae gwrychoedd neu berthi wedi achosi trafferthion mawr iddynt. Cydnabuwyd y broblem ers blynnyddoedd. Yr anhawster fu dod o hyd i amser seneddol i gyflwyno ateb cyfreithiol. Cyflwynwyd y darpariaethau statudol gan

UK Government as amendments to the Anti-social Behaviour Act 2003, and we now have the responsibility to put these provisions into practice and to agree the detailed arrangements. The complaints procedure introduced by this part of the Act is not to be confused with the procedure for making anti-social behaviour orders, of which we have heard so much lately. ASBOs result from actions in the courts, whereas what we are concerned with this afternoon is an administrative process.

Individuals will be able to make complaints to their local authority. The local authority will be able to charge a fee for investigating the complaint, and it will be able to take action against the owner of the nuisance hedge through the use of a remedial notice. Both the complainant and the owner or occupier of the land where the hedge is situated can appeal against the local authority's decision. The appeal is then passed on to the National Assembly and will be determined by the Planning Inspectorate.

The commencement Order will bring the provisions of Part 8 of the Act into force. The High Hedges (Appeals) (Wales) Regulations set out the process to be followed in an appeal to the National Assembly, and the High Hedges (Fees) (Wales) Regulations set out the maximum fee that local authorities may charge for handling a complaint.

We have consulted fully on these proposals. There was general acceptance of the detail of the appeals process, and we have not proposed changes to the proposals originally set out in the consultation document.

We consulted on the basis that local authorities could charge a fee for handling complaints, and that this should be on the basis of full cost recovery. We proposed that the maximum fee should be set at between £280 and £320. Following that consultation, no grounds were found to recommend a higher fee than the maximum on which we consulted, that is, £320. I emphasise that that

Lywodraeth y DU fel gwelliannau i Ddeddf Ymddygiad Gwrthgymdeithasol 2003, ac yn awr mae cyfrifoldeb arnom i roi'r darpariaethau hyn ar waith ac i gytuno ar y trefniadau manwl. Ni ddylid drysu rhwng y weithdrefn gwyno a gyflwynwyd gan y rhan hon o'r Ddeddf a'r weithdrefn ar gyfer llunio gorchmynion ymddygiad gwrthgymdeithasol, y clywsom gymaint amdani yn ddiweddar. Mae'r gorchmynion hyn yn deillio o achosion llys, ond proses weinyddol yw'r broses a drafodir gennym y prynhawn yma.

Bydd unigolion yn gallu cyflwyno cwynion i'w hawdurdod lleol. Bydd yr awdurdod lleol yn gallu codi ffi am ymchwilio i'r gŵyn, a bydd yn gallu cymryd camau yn erbyn perchennog y gwrych neu'r berth sy'n achosi'r broblem drwy ddefnyddio hysbysiad adferol. Gall yr achwynydd a pherchennog neu ddeiliad y tir lle y mae'r gwrych neu'r berth wedi'i lleoli apelio yn erbyn penderfyniad yr awdurdod lleol. Wedyn caiff yr apêl ei throsglwyddo i'r Cynulliad Cenedlaethol a bydd yr Arolygiaeth Gynllunio yn gwneud penderfyniad arni.

Bydd y Gorchymyn cychwyn yn dod â darpariaethau Rhan 8 y Ddeddf i rym. Mae Rheoliadau Gwrychoedd neu Berthi Uchel (Apelau) (Cymru) yn nodi'r broses i'w dilyn wrth gyflwyno apêl i'r Cynulliad Cenedlaethol, ac mae Rheoliadau Gwrychoedd neu Berthi Uchel (Ffioedd) (Cymru) yn nodi'r uchafswm ffi y gall awdurdodau lleol ei chodi am ymdrin â chŵyn.

Yr ydym wedi ymgynghori'n llawn ar y cynigion hyn. Derbyniwyd manylion y broses apelio yn gyffredinol, ac nid ydym wedi cynnig newidiadau i'r cynigion a nodwyd yn wreiddiol yn y ddogfen ymgynghori.

Cynhaliwyd yr ymgynghoriad ar y sail y gallai awdurdodau lleol godi ffi am ymdrin â chwynion, ac y dylai'r ffi hon fod yn seiliedig ar adennill costau llawn. Cynigiwyd gennym y dylid pennu'r uchafswm ffi ar lefel rhwng £280 a £320. Yn dilyn yr ymgynghoriad hwnnw, ni chanfuwyd unrhyw sail dros argymell ffi uwch na'r uchafswm yr ymgynghorwyd arno, sef £320.

is not a set fee; the fee that they charge is entirely a matter for local authorities, if they choose to charge a fee at all. It is also a matter for local authorities as to whether or not they have a scale of charges, depending on factors such as income. If they wish, they do not have to charge a fee at all.

This is an important piece of legislation that will be introduced with the Assembly's agreement today. It will improve the lives of many hundreds, if not thousands, of people in Wales whose lives have been blighted by an area of law that, previously, has not provided them with the protection that they have required. I am sure that, following the Assembly's agreement, this legislation will be widely welcomed throughout Wales.

William Graham: We greatly welcome this legislation. There can be no local authority councillor or elected Assembly Member who has not had to deal with at least one case of high hedges. The ingenuity with which hedges can be grown to annoy one's neighbour, if one is in the mood to do so, almost stretches human credulity. Prior to the Planning Act 1948, there were, in many parts of Wales and the UK, what were known as 'spite houses'—houses that were built to spoil someone's view. That is now the case with these hedges, and it goes against the spirit in which these hedges were originally bred: the intention was to create a quick-growing conifer hedge that could be easily controlled. Members will know that, on many occasions, these hedges have caused major problems for householders. Sadly, they have led to disputes, one of which ended in murder. Therefore, anything that can be done to prevent such problems is bound to be worth while.

In my view, this legislation is long overdue. It is also right that complaints should be made through the local authorities, which already have responsibility for determining the management of overgrown gardens for domestic purposes, and which will apply these criteria equably. These regulations outline the procedure for lodging complaints, which we welcome, and I pay tribute to the

Pwysleisiaf nad ffi benodedig mohoni; yr awdurdodau lleol fydd yn penderfynu pa ffi y byddant yn ei chodi, os dewisant godi ffi o gwbl. Dewis yr awdurdodau lleol hefyd fydd pa un a ddylid pennu graddfa taliadau, yn dibynnu ar ffactorau megis incwm. Os dymunant, nid oes yn rhaid iddynt godi ffi o gwbl.

Mae hwn yn ddarn pwysig o ddeddfwriaeth a gyflwynir gyda chytundeb y Cynulliad heddiw. Bydd yn gwella bywydau cannoedd, os nad miloedd, o bobl yng Nghymru y dinistriwyd eu bywydau gan faes o'r gyfraith nad oedd yn darparu'r diogelwch hwnnw yr oedd ei angen arnynt yn y gorffennol. Yr wyf yn siŵr, yn dilyn cytundeb y Cynulliad, y caiff y ddeddfwriaeth hon groeso cynnes ledled Cymru.

William Graham: Croesawn y ddeddfwriaeth hon yn fawr. Rhaid bod pob cynghorydd awdurdod lleol ac Aelod etholedig o'r Cynulliad wedi gorfod ymdrin ag o leiaf un achos yn ymwneud â gwrychoedd neu berthi uchel. Mae'r dyfeisgarwch y gellir ei ddefnyddio i dyfu gwrychoedd neu berthi i gythruddo eich cymydog, os ydych am wneud hynny, yn anodd ei gredu. Cyn Deddf Cynllunio 1948, mewn sawl rhan o Gymru a'r DU, gwelwyd achosion o 'dai sbeit'—tai a adeiladwyd i ddifetha golygfa rhywun. Dyma sy'n digwydd erbyn hyn gyda'r gwrychoedd neu'r perthi hyn, ac mae'n mynd yn groes i ysbryd gwreiddiol tyfu'r gwrychoedd hyn: y bwriad oedd creu gwrych neu berth coniffer a oedd yn tyfu'n gyflym y gellid ei rheoli'n hawdd. Gŵyr Aelodau fod y gwrychoedd neu'r perthi hyn wedi achosi problemau mawr i ddeiliaid tai ar sawl achlysur. Yn anffodus, maent wedi arwain at anghydfodau, ac arweiniodd un ohonynt at lofruddiaeth. Felly, mae unrhyw beth y gellir ei wneud i atal problemau o'r fath yn gam gwerthfawr.

Yn fy marn i, mae'n hen bryd cyflwyno'r ddeddfwriaeth hon. Mae hefyd yn briodol y dylid cyflwyno cwynion drwy'r awdurdodau lleol, sydd eisoes yn gyfrifol am benderfynu sut y dylid rheoli gerddi sydd wedi tyfu'n wyllt at ddibenion domestig, ac a fydd yn cymhwyso'r meini prawf hyn mewn ffordd deg. Mae'r rheoliadau hyn yn amlinellu'r weithdrefn ar gyfer cyflwyno cwynion, a

Minister for allowing local authorities to decide how to levy fees to control this matter. This has been a menace, but, hopefully, there will be no more high hedges in future, and hedges will be grown responsibly, with consideration for one's neighbour.

Sandy Mewies: I agree with William's comments. We are looking at the fees to be charged, and I understand that the upper limit is £320. I understand why local authorities have to charge for this, and I support the move, because we cannot ask them to take on extra burdens without funding. I also understand that the amount charged is at their discretion, as is whether or not that charge should be staggered. However, I hope that fees are not set at too high a level, because it will be a dreadful shame for those people who have waited a long time for this problem to be alleviated if they cannot afford to pay the charge because they are on low incomes. After all, if it is a problem, it is a problem whether or not you can pay for the complaint. Similarly, I hope that the Assembly will keep the charges for appeals as low as possible, so as not to deter appeals. I also hope that local authorities will be kept aware of the progress on this legislation. I know that the regulations come into force on 31 December, but I am not sure when they will be implemented by local authorities, because, presumably, they will have to draw up a scheme or procedure. I am sure that the Minister can clarify that for me. Also, when local authorities have such schemes in place, will they inform the National Assembly for Wales or not?

3.20 p.m.

Mick Bates: Along with other Members, we welcome the principle of removing anxiety and nervous breakdowns that are often caused by the nuisance of high hedges. William rightly pointed out that hedges are often used as a weapon in neighbour wars, and I hope that the regulations will serve to ease those problems.

groesewir gennym, a thalaf deyrnged i'r Gweinidog am ganiatáu i awdurdodau lleol benderfynu sut i godi ffioedd i reoli'r mater hwn. Bu'r mater hwn yn achosi problemau mawr, ond, gobeithio, na fydd rhagor o wrychoedd neu berthi uchel yn y dyfodol, ac y caiff gwrychoedd neu berthi eu tyfu mewn ffordd gyfrifol, gan ystyried y cymdogion.

Sandy Mewies: Cytunaf â sylwadau William. Yr ydym yn ystyried y ffioedd i'w codi, a deallaf mai £320 yw'r uchafswm. Deallaf pam mae'n rhaid i awdurdodau lleol godi am hyn, a chefnogaf y datblygiad, gan na allwn ofyn iddynt ymgymryd â beichiau ychwanegol heb gyllid. Deallaf hefyd eu bod yn pennu'r swm i'w godi yn ôl eu disgrisiwn, felly hefyd pa un a ddylid pennu graddfa ar gyfer y taliadau hynny. Fodd bynnag, gobeithiaf na chaiff ffioedd eu pennu ar lefel rhy uchel, gan y byddai'n drueni mawr i'r bobl hynny sydd wedi aros cyhyd i'r broblem hon gael ei datrys pe na allent fforddio talu'r ffi am eu bod ar incwm isel. Wedi'r cyfan, os yw'n broblem, mae'n broblem pa un a allwch dalu am y gŵyn ai peidio. Yn yr un modd, gobeithiaf y bydd y Cynulliad yn cadw'r taliadau ar gyfer apelau ar lefel mor isel â phosibl, er mwyn peidio ag atal pobl rhag apelio. Gobeithiaf hefyd y caiff awdurdodau lleol eu hysbysu'n rheolaidd am y cynnydd a wneir o ran y ddeddfwriaeth hon. Gwn y daw'r rheoliadau i rym ar 31 Rhagfyr, ond nid wyf yn siŵr pa bryd y cânt eu rhoi ar waith gan awdurdodau lleol, oherwydd, tybiaf, y bydd yn rhaid iddynt lunio cynllun neu weithdrefn. Yr wyf yn siŵr y gall y Gweinidog egluro hynny imi. Hefyd, pan fydd awdurdodau lleol wedi rhoi cynlluniau o'r fath ar waith, a fyddant yn hysbysu Cynulliad Cenedlaethol Cymru ai peidio?

Mick Bates: Ynghyd ag Aelodau eraill, croesawn yr egwyddor o gael gwared ar y pryder a'r gwaeledd nerfol a achosir yn aml gan wrychoedd neu berthi uchel trafferthus. Nododd William, ac yntau'n llygad ei le, y caiff gwrychoedd neu berthi eu defnyddio'n aml fel arf mewn rhyfeloedd rhwng cymdogion, a gobeithiaf y bydd y rheoliadau yn llwyddo i liniaru'r problemau hyn.

However, in line with Sandy's comments and sentiments, I wish to question the Minister more on the detail of the charges. Despite the good intent of the legislation to alleviate people's suffering as a result of high hedges, the maximum charge of £320 may deter people from making a complaint. Will the Minister give more guidance to authorities on taking into account the circumstances of the complainant?

I was also a little disturbed by the cost in the regulatory appraisal of dealing with appeals. I think that we are talking about £30 to £40 per hour to deal with appeals. In some cases, if it were a simple matter of cutting the hedge, could not the local authority or the Minister simply issue to cut the hedge down? It seems to me that it does not meet the value-for-money criteria, and I would like to know whether the regulatory appraisal took that criteria into account.

Jeff Cuthbert: I do not wish to hedge around the issue. [*Laughter.*] This is not a light matter that we are discussing, because I, and, I am sure many of my colleagues, have received numerous complaints from constituents for whom the presence of these tall hedges has had a negative effect on their quality of life and quiet enjoyment of their property.

The presence of tall hedges is an aspect of anti-social behaviour, and it is appropriate to deal with it under this heading. It is welcome news, as the new year approaches, that a new mechanism for investigating and resolving a complaint fairly will be in place. The regulations will ensure that clear steps are taken, should informal arrangements and negotiations fail. It is vital that the complaints process is fair, quick, understandable and affordable. By and large, this has been achieved with these regulations.

However, it is still early days, and I appeal to local authorities to think carefully before placing barriers to accessing this badly needed complaints procedure process, especially for pensioners and those on low

Fodd bynnag, yn unol â sylwadau a theimpladau Sandy, dymunaf holi'r Gweinidog ymhellach ar fanylion y taliadau. Er gwaethaf bwriad da'r ddeddfwriaeth i liniaru dioddefaint pobl o ganlyniad i wrychoedd a pherthi uchel, gallai'r uchafswm tâl o £320 atal pobl rhwng cwyno. A rydd y Gweinidog fwy o ganllawiau i awdurdodau ar ystyried amgylchiadau'r achwynydd?

Cefais fy siomi ychydig hefyd gan gost ymdrin ag apelau yn yr arfarniad rheoliadol. Credaf ein bod yn sôn am tua £30 i £40 yr awr i ymdrin ag apelau. Mewn rhai achosion, pe bai'n fater syml o dorri'r gwrych neu'r berth, onid allai'r awdurdod lleol neu'r Gweinidog gyflwyno hysbysiad i dorri'r gwrych neu'r berth? Ymddengys nad yw'n bodloni'r meini prawf o ran gwerth am arian, a hoffwn wybod pa un a roddodd yr arfarniad rheoliadol ystyriaeth i'r meini prawf o ran gwerth am arian.

Jeff Cuthbert: Nid wyf am osgoi'r mater. [*Chwerthin.*] Nid mater dibwys a drafodir gennym, gan fy mod i, ac, yr wyf yn siŵr, sawl un o'm cyd-Aelodau, wedi derbyn sawl cwyn gan etholwyr lle mae presenoldeb y gwrychoedd neu'r perthi uchel hyn wedi cael effaith negyddol ar ansawdd eu bywydau a'u gallu i fwynhau eu heiddo mewn heddwch.

Mae presenoldeb gwrychoedd neu berthi uchel yn agwedd ar ymddygiad gwrthgymdeithasol, ac mae'n briodol y dylid ymdrin â hi o dan y pennawd hwn. Mae'n newyddion da, wrth i'r flwyddyn newydd ddynesu, y caiff system newydd ei rhoi ar waith ar gyfer ymchwilio i gŵyn a'i datrys mewn ffordd deg. Bydd y rheoliadau yn sicrhau y caiff camau clir eu cymryd, os bydd trefniadau a negodiadau anffurfiol yn methu. Mae'n hanfodol bod y broses gwyno yn deg, yn gyflym, yn ddealladwy ac yn fforddiadwy. Ar y cyfan, llwyddodd y rheoliadau hyn i gyflawni hyn.

Fodd bynnag, megis dechrau y mae'r broses, ac erfyniaf ar awdurdodau lleol i feddwl yn ofalus cyn creu rhwystrau i allu pobl i fanteisio ar y weithdrefn gwyno hon y mae ei hangen yn ddirfawr, yn arbennig y rheini ar

incomes. It will be for local authorities to determine the level of fees and the minutiae of the arrangements, but it is clear that a fee amounting to several hundred pounds will put us in danger of cutting off the complaints process from those on a limited income. This was not the intention when the regulations were first drawn up.

I am also concerned that it is the complainant who is liable to pay the fee. It might be an issue of natural justice. I understand that local authorities will be able to waive the fees in whole or in part. As this is new legislation, there is no case law to follow. However, I urge local authorities to be as flexible as possible, and to give due regard to the nuisance caused and the financial means of the complainant.

I welcome the regulations, as they put in place a formal mechanism for resolving disputes peacefully, and I hope that local authorities think carefully and consult widely when determining on the issue of fees.

Glyn Davies: We also agree with the regulations. We have heard some alarming stories from previous speakers, and it is even more important that we take these regulations forward than I previously thought.

It is an important issue, and there is a local connection for me, because I was rather proud of the arrival of the *Cupressocyparis leylandii*, which has a strong connection with the Leighton Hall farm estate in Welshpool. However, during recent years, because the *leylandii* has caused so much trouble, I have become rather ashamed of this weapon in battles across Britain. There is nothing to be said for the *leylandii*, except that it encourages people to use the top deck of double-decker buses. [*Laughter.*]

I always encourage people to plant, as I do in my own garden, *Thuja plicata* 'atrovirens', commonly known as the western red cedar. That is the equivalent that I use in my own garden. *Chamaecyparis lawsoniana* is also a good substitute. Before the *leylandii* came along, that was usually the one that was used

incwm isel a phensiynwyr. Cyfrifoldeb awdurdodau lleol fydd pennu lefel y ffioedd a manylion y trefniadau, ond mae'n amlwg y gallai ffi o sawl can punt olygu na fydd y rheini ar incwm isel yn gallu manteisio ar y broses gwyno. Nid dyma oedd y bwriad pan luniwyd y rheoliadau hyn yn wreiddiol.

Yr wyf yn pryderu hefyd mai'r achwynydd sy'n atebol i dalu'r ffi. Efallai mai mater cyfiawnder naturiol yw hynny. Deallaf y bydd awdurdodau lleol yn gallu diddymu'r ffioedd yn llwyr neu'n rhannol. Gan mai deddfwriaeth newydd ydyw, nid oes unrhyw gyfraith achosion i'w dilyn. Fodd bynnag, erfyniaf ar awdurdodau lleol i fod mor hyblyg â phosibl, ac i roi ystyriaeth briodol i'r niwsans a achosir a sefyllfa ariannol yr achwynydd.

Croesawaf y rheoliadau, gan eu bod yn sefydlu system ffurfiol ar gyfer datrys anghydfodau mewn ffordd heddychlon, a gobeithiaf y bydd awdurdodau lleol yn meddwl yn ofalus ac yn ymgynghori'n eang wrth ddod i benderfyniad ar ffioedd.

Glyn Davies: Yr ydym yn cytuno hefyd â'r rheoliadau. Clywsom straeon arswydus gan siaradwyr blaenorol, ac mae hyd yn oed yn bwysicach inni ddatblygu'r rheoliadau hyn nag yr oeddwn yn ei gredu cyn hyn.

Mae'n fater pwysig, ac mae gennyf gysylltiad lleol, gan imi ymfalchïo yn nyfodiad y *Cupressocyparis leylandii*, y mae cysylltiad cryf rhyngddo ag ystâd fferm Neuadd Leighton yn y Trallwng. Fodd bynnag, yn ystod y blynyddoedd diwethaf, gan fod y *leylandii* wedi achosi cymaint o drafferthion, mae'r defnydd a wneir o'r arf hwn mewn brwydrau ledled Prydain wedi codi cywilydd arnaf. Nid oes gennyf unrhyw sylw i'w wneud ar y *leylandii*, heblaw ei fod yn annog pobl i ddefnyddio llawr uchaf bysus deulawr. [*Chwerthin.*]

Yr wyf bob amser yn annog pobl i blannu, fel y gwnaf yn fy ngardd i, 'atrofirenau' *Thuja plicata*, a adwaenir yn gyffredinol fel y gedrwydden goch. Dyna a ddefnyddiaf yn fy ngardd i. Mae *Chamaecyparis lawsoniana* hefyd yn ddewis amgen da. Cyn dyfodiad y *leylandii*, dyna'r un a ddefnyddiwyd fel arfer

in these situations. Better still, and again I draw on my own experience, it is a good idea to put two hedges in the garden—one might be the leylandii for a quick effect, and behind it perhaps *Fagus sylvatica* ‘purpurea’, commonly known as the common beech or the red beech, or even perhaps the yew. That is the best way to do it.

The trouble with modern gardeners is that they always seem to be in such a rush to reach a climax. That is the wrong way to garden. I keep on telling people who seek advice—[*Interruption.*]

The Presiding Officer: Order. I advise the Assembly that everything that Glyn Davies is saying is in order.

Glyn Davies: Gardens are a reflection of life, and gardening is a timeless activity. Gardeners should remember that pleasure in the final product is increased if there is a gentle build up to it. Gardeners across Britain should remember that.

I have one further point. Brynle Williams is unable to be here today. However, in committee, and in private conversations, Brynle has pointed out that it is not just the height of these leylandii hedges that causes concern—it is the roots as well. We need to remember, perhaps in considering this legislation in future, that nuisance can be caused to people’s gardens, as well as to their vision.

Lorraine Barrett: It is rather unfair to ask me to follow Alan Titchmarsh.

I have two quick questions for the Minister. What exactly constitutes a hedge? Would one or two trees that are causing just as much nuisance to the enjoyment of someone’s garden constitute a hedge? I agree with Jeff Cuthbert’s comments. It is rather unfair that, under the anti-social behaviour regulations, someone who is making a complaint about someone else’s anti-social behaviour must pay a fee. You would not have to do it if you were complaining about the behaviour of youths in the street, for instance. I am not sure whether there is any sort of flexibility

yn y sefyllfaoedd hyn. Yn well byth, ac unwaith eto dywedaf hyn yn ôl fy mhrofiad personol, mae’n syniad da rhoi dau wrych neu berth yn yr ardd—gellid plannu’r leylandii er mwyn creu effaith gyflym, ac wedyn efallai ‘purpurea’ *Fagus sylvatica* y tu ôl iddo, a adwaenir yn gyffredinol fel y ffawydden gyffredin neu’r ffawydden goch, neu efallai hyd yn oed yr ywen. Dyna’r ffordd orau o fynd ati.

Y drafferth gyda garddwyr modern yw eu bod bob amser ar frys i gyrraedd uchafbwynt. Nid dyna’r ffordd i arddio. Dywedaf dro ar ôl tro wrth bobl sy’n gofyn am gyngor—[*Torri ar draws.*]

Y Llywydd: Trefn. Hysbysaf y Cynulliad fod popeth y mae Glyn Davies yn ei ddweud mewn trefn.

Glyn Davies: Mae gerddi yn adlewyrchu bywyd, ac mae garddio yn weithgaredd tragwyddol. Dylai garddwyr gofio y ceir mwy o bleser o’r cynnyrch terfynol o’i greu yn raddol. Dylai garddwyr ledled Prydain gofio hynny.

Mae gennyf un pwynt arall. Ni all Brynle Williams fod yn bresennol heddiw. Fodd bynnag, yn y pwyllgor, ac mewn sgorsiau preifat, nododd Brynle nad dim ond uchder y gwrychoedd neu’r perthi leylandii hyn sy’n achosi pryder—felly hefyd eu gwreiddiau. Mae angen inni gofio, efallai wrth ystyried y ddeddfwriaeth hon yn y dyfodol, y gallant achosi trafferth i erddi pobl, yn ogystal ag amharu ar eu golygfeydd.

Lorraine Barrett: Mae braidd yn annheg gofyn imi ddilyn Alan Titchmarsh.

Mae gennyf ddau gwestiwn cyflym i’r Gweinidog. Beth yn union yw gwrych neu berth? A fyddai un neu ddwy goeden sy’n atal rhywun llawn cymaint rhag mwynhau eu gardd yn cyfrif fel gwrych neu berth? Cytunaf â sylwadau Jeff Cuthbert. Mae braidd yn annheg, o dan y rheoliadau ymddygiad gwrthgymdeithasol, bod yn rhaid i rywun sy’n cwyno am ymddygiad gwrthgymdeithasol rhywun arall dalu ffi. Ni fyddai’n rhaid ichi wneud hynny pe byddech yn cwyno am ymddygiad ieuencid ar y stryd, er enghraifft. Nid wyf yn siŵr a oes

there.

John Griffiths: I share the concern expressed about fees; I have had several representations on that point. It would be invidious if people were, in effect, prevented from taking advantage of the legislation because of insufficient income. Therefore, I hope that Carwyn considers guidance to local authorities on that matter. It may be possible to monitor the situation and see whether there is a deterrent factor, and, if so, we could consider further guidance at that stage.

The Presiding Officer: I see that no further gardeners wish to comment, so I call the Minister to reply to the debate.

The Minister for Environment, Planning and Countryside (Carwyn Jones): A hedge is a line of two or more evergreens that is more than 2m tall. That is the definition that the legislation gives of hedges. On the fees structure, it is entirely in the hands of local authorities as to how flexible they wish to be. They could either decide to charge the maximum, to have a scale of charges, not to charge at all, or, perhaps, to have a refund system for those who are successful in their complaint. It is entirely in their hands. However, I would hope that, in considering what sort of response they make to the question of charging, local authorities bear in mind the principles of social justice, and, particularly, that we need to have a system that is as accessible as possible. There is little point in having a system that is seen as inaccessible and as serving only those who can afford access to that system. I hope that local authorities will take those two priorities into account. Should a hedge owner fail to comply with the notice, a local authority can access the land and carry out the steps indicated in the remedial notice and charge for that. That is how the remedial notice can be practically enforced in this regard.

3.30 p.m.

*Cynnig (NDM2215): O blaid 49, Ymatal 0, Yn erbyn 0.
Motion (NDM2215): For 49, Abstain 0, Against 0.*

unrhyw fath o hyblygrwydd yn hynny o beth.

John Griffiths: Rhannaf y pryder a fynegwyd o ran ffioedd; derbyniais sawl sylw ar y pwynt hwnnw. Byddai'n dramgwyddus pe byddai pobl, mewn gwirionedd, yn cael eu hatal rhag manteisio ar y ddeddfwriaeth am nad oedd ganddynt incwm digonol. Felly, gobeithiaf y gwnaiff Carwyn ystyried cyflwyno canllawiau i awdurdodau lleol ar y mater hwnnw. Efallai y gellir monitro'r sefyllfa a gweld pa un a oes ffactor ataliol, ac, os felly, gallem ystyried canllawiau pellach bryd hynny.

Y Llywydd: Gwelaf nad oes rhagor o arddwyr am gyflwyno sylwadau, felly galwaf ar y Gweinidog i ymateb i'r ddadl.

Y Gweinidog dros yr Amgylchedd, Cynllunio a Chefn Gwlad (Carwyn Jones): Ystyr gwrych neu berth yw llinell o ddwy goeden fytholwyrdd neu fwy sydd dros 2m o uchder. Dyna'r diffiniad a geir yn y ddeddfwriaeth ar gyfer gwrychoedd neu berthi. O ran y strwythur ffioedd, yr awdurdodau lleol fydd yn dewis pa mor hyblyg y maent am fod. Gallent benderfynu naill ai i godi'r uchafswm, i bennu graddfa taliadau, i beidio â chodi ffioedd o gwbl, neu, efallai, i sefydlu system ad-dalu i'r rheini y bydd eu cwyn yn llwyddiannus. Eu dewis hwy fydd hynny'n llwyr. Fodd bynnag, byddwn yn gobeithio, wrth ystyried sut y bwriadant ymateb i'r mater o daliadau, y bydd awdurdodau lleol yn ystyried egwyddorion cyfiawnder cymdeithasol, ac, yn arbennig, bod angen system sydd mor hygyrch â phosibl. Nid oes diben cael system yr ystyrir ei bod yn anhygyrch a'i bod ond yn agored i'r rheini a all fforddio manteisio ar y system honno. Gobeithiaf y bydd awdurdodau lleol yn ystyried y ddwy flaenoriaeth hynny. Os bydd perchennog gwrych neu berth yn methu â chydymffurfio â'r hysbysiad, gall awdurdod lleol gael mynediad i'r tir a chymryd y cyfryw gamau a nodir yn yr hysbysiad adferol a chodi tâl am hynny. Dyna sut y gellir gorfodi'r hysbysiad adferol yn ymarferol yn y cyd-destun hwn.

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

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Jocelyn
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Francis, Lisa
German, Michael
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina
Hutt, Jane
Idris Jones, Denise
Isherwood, Mark
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Ieuan Wyn
Jones, Laura Anne
Law, Peter
Lewis, Huw
Lloyd, David
Lloyd, Val
Melding, David
Morgan, Jonathan
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Sinclair, Karen
Thomas, Catherine
Thomas, Gwenda
Thomas, Rhodri Glyn
Williams, Kirsty

*Derbyniwyd y cynnig.
Motion carried.*

*Cynnig (NDM2216): O blaid 51, Ymatal 0, Yn erbyn 0.
Motion (NDM2216): For 51, Abstain 0, Against 0.*

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

Andrews, Leighton
Barrett, Lorraine

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Jocelyn
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Francis, Lisa
German, Michael
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina
Hutt, Jane
Idris Jones, Denise
Isherwood, Mark
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Ieuan Wyn
Jones, Laura Anne
Law, Peter
Lewis, Huw
Lloyd, Val
Melding, David
Mewies, Sandy
Morgan, Jonathan
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Sinclair, Karen
Thomas, Catherine
Thomas, Gwenda
Thomas, Rhodri Glyn
Williams, Kirsty
Wood, Leanne

*Derbyniwyd y cynnig.
Motion carried.*

*Cynnig (NDM2219): O blaid 53, Ymatal 0, Yn erbyn 0.
Motion (NDM2219): For 53, Abstain 0, Against 0.*

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

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun

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

*Derbyniwyd y cynnig.
Motion carried.*

*Cynnig (NDM2220): O blaid 53, Ymatal 0, Yn erbyn 0.
Motion (NDM2220): For 53, Abstain 0, Against 0.*

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

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

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

*Derbyniwyd y cynnig.
Motion carried.*

*Cynnig (NDM2217): O blaid 53, Ymatal 0, Yn erbyn 0.
Motion (NDM2217): For 53, Abstain 0, Against 0.*

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

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

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

*Derbyniwyd y cynnig.
Motion carried.*

*Cynnig (NDM2218): O blaid 53, Ymatal 0, Yn erbyn 0.
Motion (NDM2218): For 53, Abstain 0, Against 0.*

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

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Jocelyn
Dunwoody-Kneafsey, Tamsin
Essex, Sue

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

*Derbyniwyd y cynnig.
 Motion carried.*

**Cymeradwyo Rheoliadau Atal Dros Dro Ddarparwyr Gofal Dydd
 a Gwarchodwyr Plant (Cymru) 2004
 Approval of the Suspension of Day Care Providers and Child Minders (Wales)
 Regulations 2004**

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

the National Assembly for Wales considers the principle of the Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004, a copy of which was laid in the Table Office on 17 November 2004. (NDM2213)

I propose that

the National Assembly for Wales:

1. considers the report of the Legislation

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

Cynulliad Cenedlaethol Cymru yn ystyried egwyddor Rheoliadau Atal Dros Dro Ddarparwyr Gofal Dydd a Gwarchodwyr Plant (Cymru) 2004, y gosodwyd copi ohonynt yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004. (NDM2213)

Cynigiaf fod

Cynulliad Cenedlaethol Cymru:

1. yn ystyried adroddiad y Pwyllgor

Committee laid in the Table Office on 23 November 2004 in relation to the draft regulations, the Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004, and

2. approves that the Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004 is made in accordance with:

a) the draft regulations laid in the Table Office on 17 November 2004,

b) regulatory appraisal laid in the Table Office on 17 November 2004,

c) the memorandum of correction laid in the Table Office on 30 November 2004. (NDM2214)

Y Llywydd: Ymddengys nad oes unrhyw un am drafod y rheoliadau hyn; felly, awn yn syth i'r bleidlais.

Deddfau, a osodwyd yn y Swyddfa Gyflwyno ar 23 Tachwedd 2004, mewn perthynas â'r rheoliadau drafft Rheoliadau Atal Dros Dro Ddarparwyr Gofal Dydd a Gwarchodwyr Plant (Cymru) 2004, a

2. yn cymeradwyo bod Rheoliadau Atal Dros Dro Ddarparwyr Gofal Dydd a Gwarchodwyr Plant (Cymru) 2004 yn cael eu gwneud yn unol ag:

a) y rheoliadau drafft a osodwyd yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004,

b) yr arfarniad rheoliadol a osodwyd yn y Swyddfa Gyflwyno ar 17 Tachwedd 2004, ac

c) y memorandwm cywiriadau a osodwyd yn y Swyddfa Gyflwyno ar 30 Tachwedd 2004. (NDM2214)

The Presiding Officer: It appears that no-one wishes to debate these regulations; therefore, we will proceed to the vote.

Cynnig (NDM2213): O blaid 52, Ymatal 0, Yn erbyn 0.

Motion (NDM2213): For 52, Abstain 0, Against 0.

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

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Jocelyn
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Francis, Lisa
German, Michael
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina
Hutt, Jane
Idris Jones, Denise
Isherwood, Mark
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn

Jones, Ieuan Wyn
Jones, Laura Anne
Law, Peter
Lewis, Huw
Lloyd, David
Lloyd, Val
Melding, David
Mewies, Sandy
Morgan, Jonathan
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Sinclair, Karen
Thomas, Catherine
Thomas, Gwenda
Thomas, Owen John
Thomas, Rhodri Glyn
Williams, Kirsty
Wood, Leanne

*Derbyniwyd y cynnig.
Motion carried.*

*Cynnig (NDM2214): O blaid 52, Ymatal 0, Yn erbyn 0.
Motion (NDM2214): For 52, Abstain 0, Against 0.*

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

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Jocelyn
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Francis, Lisa
German, Michael
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina
Hutt, Jane
Idris Jones, Denise
Isherwood, Mark
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Ieuan Wyn
Jones, Laura Anne
Law, Peter
Lewis, Huw

Lloyd, David
 Lloyd, Val
 Melding, David
 Mewies, Sandy
 Morgan, Jonathan
 Morgan, Rhodri
 Neagle, Lynne
 Pugh, Alun
 Randerson, Jenny
 Ryder, Janet
 Sargeant, Carl
 Sinclair, Karen
 Thomas, Catherine
 Thomas, Gwenda
 Thomas, Owen John
 Thomas, Rhodri Glyn
 Williams, Kirsty
 Wood, Leanne

*Derbyniwyd y cynnig.
 Motion carried.*

**Mabwysiadu'r Cod Ymarfer Diwygiedig ar Ganiatáu i'r Cyhoedd Weld
 Gwybodaeth (Trydydd Argraffiad)
 Adoption of the Revised Code of Practice on Public Access to Information
 (Third Edition)**

Y Prif Weinidog (Rhodri Morgan): The First Minister (Rhodri Morgan): I
 Cynigial fod propose that

Cynulliad Cenedlaethol Cymru o dan Reol Sefydlog Rhif 19.2, yn mabwysiadu'r Cod Ymarfer ar Ganiatáu i'r Cyhoedd Weld Gwybodaeth—Trydydd Argraffiad (Rhagfyr 2004), a anfonwyd at yr Aelodau ar 1 Rhagfyr 2004. (NDM2222) *the National Assembly for Wales under Standing Order No. 19.2, adopts the Code of Practice on Public Access to Information—Third Edition (December 2004), which was e-mailed to Members on 1 December 2004. (NDM2222)*

Cyn imi drafod y newidiadau penodol yr ydym yn eu cynnig heddiw i'r Cod Ymarfer ar Ganiatáu i'r Cyhoedd Weld Gwybodaeth, mae'n bwysig ailadrodd pam y mae'r Llywodraeth yn dal ati gyda'i hymroddiad tuag at lywodraethu yn y goleuni ac mewn ysbryd agored.

Before I discuss the specific revisions which we propose today to the Code of Practice on Public Access to Information, it is important to rehearse the reasons why the Government is pursuing its commitment to open government.

Wrth greu corff democrataidd newydd sbon i Gymru sy'n uniongyrchol atebol i bobl Cymru, credaf fod pawb yma yn derbyn y rhesymeg bod y Llywodraeth yn gorfod bod yn nes at y bobl er mwyn i'r bobl fod yn nes at y Llywodraeth. Felly, mae'r Llywodraeth a'r bobl yn gorfod cydweithio mewn partneriaeth fel bod y bobl yn gweld sut y datblygir penderfyniadau a pholisïau.

In creating a new democratic body for Wales that is accountable to the people of Wales, I believe that everyone here accepts the rationale that the Government must be closer to the people so that the people can also be closer to Government. Therefore, the Government and the people must work in partnership so that the people can see how decisions are made and policies formulated.

Felly mae angen drych ar y cyhoedd i ddilyn hynt y newidiadau a'r datblygiadau o ran polisiau neu benderfyniadau. Dyna'r ffon

Therefore, the public needs to be able to track developments in policy or decision making. I believe that this is the yardstick

fesur y dylai pawb ei defnyddio i weld a ydyw'r cyhoedd bellach yn gallu gweld llawer yn well sut y datblygir eu polisiau a sut y gwneir ein penderfyniadau.

A ydyw'r cyfathrebu rhwng y Llywodraeth a'r cyhoedd yn llawer gwell na chynt? Os nad yw, nid yw ein democratiaeth wedi datblygu i'r graddau y dylai. Mae'r cod newydd hwn yn cysoni ein cod ymarfer gyda'r Ddeddf rhyddid gwybodaeth newydd a ddaw i rym ar 1 Ionawr 2005. Mae'n rhaid inni gysoni'r ddau, ond nid ydym yn gwanhau'r cod a oedd gennym, sydd yn gryfach mewn sawl ffordd na'r Ddeddf newydd.

Therefore, how do people in Wales track the changes in the development of policy, or the evolution of decision making? They do so through our code and they can see that through our decision reports, a unique device, which we developed in 2000 in order to turn freedom of information into a reality. Since 2000, over 2,500 decision reports have been published so that the public can see the evolution of policy and decision making.

Our existing code makes it clear that we intend to be at the forefront of open government and have established our framework for achieving that through eight principles. The nature of the Freedom of Information Act 2000 was taken into account in advance, although it would not be effective until 1 January 2005. However, it was based on the earlier Freedom of Information White Paper which did not become an Act of Parliament, namely David Clark's White Paper on Freedom of Information immediately after the 1997 election, which was based on the substantial harm test, as our code is, and as the Government's legislation is not.

Although we are republishing this code to synchronize it with the new legislation, we are not departing from the stronger principles of freedom of information on which we based our code, and which was, in turn, based on the earlier White Paper published by the then Secretary of State and Chancellor of the Duchy of Lancaster, David Clark,

that should be used to assess whether the public are now far better placed to follow how policies are developed and how our decisions are taken.

Is the communication between the Government and the public far better than was previously the case? If not, I do not believe that our democracy has developed to the extent that it should have done. This new code brings our code of practice in line with the new freedom of information Act, which will come into force on 1 January 2005. We must reconcile those, but we are not diluting the code that we already had, which is stronger in several respects than the new Act.

Felly, sut y mae pobl yng Nghymru yn cadw llygad ar y newidiadau yn y broses o ddatblygu polisiau, neu ar ddatblygiad y broses gwneud penderfyniadau? Gwnânt hynny drwy ein cod a gallant weld hynny drwy ein hadroddiadau ar benderfyniadau, dyfais unigryw, a ddatblygwyd yn 2000 gennym er mwyn troi rhyddid gwybodaeth yn realiti. Ers 2000, cyhoeddwyd dros 2,500 o adroddiadau ar benderfyniadau fel y gall y cyhoedd weld y broses o wneud polisiau a phenderfyniadau yn datblygu.

Mae ein cod presennol yn egluro ein bod yn bwriadu bod ar flaen y gad o ran llywodraeth agored a'n bod wedi sefydlu ein fframwaith ar gyfer cyflawni hynny drwy gyfrwng wyth egwyddor. Ystyriwyd natur Deddf Rhyddid Gwybodaeth 2000 ymlaen llaw, er na fyddai'n weithredol tan 1 Ionawr 2005. Fodd bynnag, fe'i seiliwyd ar y Papur Gwyn Rhyddid Gwybodaeth cynharach na ddaeth yn Ddeddf Seneddol, sef Papur Gwyn David Clark ar Ryddid Gwybodaeth yn union wedi etholiad 1997, a oedd yn seiliedig ar y prawf niwed sylweddol, fel y mae ein cod ni ac nid fel y mae deddfwriaeth y Llywodraeth

Er ein bod yn ailgyhoeddi'r cod hwn er mwyn iddo gyd-daro â'r ddeddfwriaeth newydd, nid ydym yn gwyro oddi wrth egwyddorion cryfach rhyddid gwybodaeth y seiliwyd ein cod arnynt, ac a oedd, yn eu tro, yn seiliedig ar y Papur Gwyn cynharach a gyhoeddwyd gan yr Ysgrifennydd Gwladol a Changhellor Dugiaeth Caerhirfryn ar y pryd,

shortly after the 1997 election.

I would never claim that we were the most open administration in western Europe. That is clearly not the case. Sweden is far more open than we are. In Sweden, journalists sit in the prime minister's office waiting for the letters to arrive in the morning post and see the prime minister's letters before he does. I think that that goes too far. There may be information which should be exempt, but because Sweden has had freedom of information for 300 years or more, it has become accustomed to it. I would find this as going too far, which I have told the Swedes. I thought that their system was too open. However, I believe that ours fits Welsh circumstances extremely well.

3.40 p.m.

The eighth principle set out in the existing code will remain, but it is desirable to synchronise our code with the new Act of Parliament. The code sets the framework within which we will handle all requests for information, including the exercising of powers delegated to Ministers within section 40 of the Government of Wales Act 1998. In revising the code, we have taken the opportunity to draw on the experience that we have gained over the past five years in terms of handling information requests to provide greater clarity throughout.

Against this background, I urge Members to view the revised code that we are considering today as a vehicle for building on the considerable progress that we have made thus far. This is, of course, the case in terms of how we communicate outwardly, in accordance with principles 2, 3 and 4, and how we handle requests to access information where the remaining principles come into play.

While this code is about promoting openness, it recognises that there are limits. It is important for us to recognise that some limits exist because there are good reasons for protecting information in certain circumstances. Exemptions must be used

David Clark, yn fuan wedi etholiad 1997.

Ni fyddwn byth yn haeru mai ni oedd y weinyddiaeth fwyaf agored yng ngorllewin Ewrop. Nid yw hynny'n wir o bell ffordd. Mae Sweden yn llawer mwy agored na ni. Yn Sweden, mae newyddiadurwyr yn eistedd yn swyddfa'r prif weinidog yn y bore yn aros i'r llythyrau gyrraedd yn y post ac maent yn gweld llythyrau'r prif weinidog cyn iddo ef eu gweld. Credaf fod hynny'n mynd yn rhy bell. Efallai fod peth gwybodaeth y dylid ei heithrio, ond am fod Sweden wedi cael 300 neu fwy o flynyddoedd o ryddid gwybodaeth, mae wedi arfer ag ef. Byddai hyn yn mynd yn rhy bell yn fy marn i, ac yr wyf wedi dweud hynny wrth bobl Sweden. Yn fy marn i, yr oedd eu system yn rhy agored. Fodd bynnag, credaf fod ein system ni yn cydweddu ag amgylchiadau Cymru yn eithriadol o dda.

Bydd yr wythfed egwyddor a nodir yn y cod presennol yn aros, ond mae'n ddymunol bod ein cod yn cyd-daro â'r Ddeddf Seneddol newydd. Mae'r cod yn nodi'r fframwaith y byddwn yn ymdrin â phob cais am wybodaeth oddi mewn iddo, gan gynnwys arfer y pwerau a ddirprwyir i Weinidogion yn adran 40 Deddf Llywodraeth Cymru 1998. Wrth ddiwygio'r cod, yr ydym wedi achub ar y cyfle i ddefnyddio'r profiad a enillwyd gennym dros y pum mlynedd diwethaf o ran ymdrin â cheisiadau am wybodaeth i roi mwy o eglurder drwy'r amser.

Yn erbyn y cefndir hwn, anogaf Aelodau i ystyried y cod diwygiedig yr ydym yn ei ystyried heddiw fel cyfrwng i adeiladu ar y cynnydd sylweddol a wnaethom hyd yma. Mae hyn, wrth gwrs, yn wir o ran y ffordd yr ydym yn cyfathrebu'n allanol, yn unol ag egwyddorion 2, 3 a 4, a'r ffordd yr ydym yn ymdrin â cheisiadau i ganiatáu i'r cyhoedd weld gwybodaeth lle y mae'r egwyddorion sy'n weddill yn berthnasol.

Er bod a wnelo'r cod hwn â hyrwyddo bod yn agored, mae'n cydnabod bod terfynau. Mae'n bwysig inni gydnabod bod rhai terfynau yn bodoli gan fod rhesymau da dros ddiogelu gwybodaeth o dan amgylchiadau penodol. Rhaid i eithriadau gael eu

sparingly, carefully and with justification, for example, to enable the Assembly to function effectively, to ensure that we do not break other laws and to prevent us from becoming a back-door route for information that Whitehall departments have shared with us but has been denied to those seeking that information in Whitehall. They cannot come to us via the back door for that because it would corrupt and corrode our relationship with those departments.

The revised code applies to all parts of the Assembly and to Assembly sponsored public bodies. All public authorities in Wales are required to comply with the Freedom of Information Act 2000. However, they and not us must ensure that compliance. I hope that other public authorities will embrace an approach such as ours. This applies to the much stronger process of freeing up environmental regulations, which will also be introduced, and there will be far more environmental information available to the public on 1 January.

We can be rightfully proud of the lead that we have taken on freedom of information within the different dispensations of the UK. We have done that in a practical way through our decision report, and through publishing Cabinet minutes and the facts and analysis behind ministerial decisions. The substantial amount of information that is released under our existing code on our website and in other ways is a visible example of the progress that has been made. The revised code has been developed in full consultation with all parts of the Assembly, including the administration and the parliamentary elements, and with the information commissioner. It sets out a positive and responsible approach for building on what we have already achieved in the important area of building public confidence in Wales's new democratic institution. I commend the code to the Assembly.

The Deputy Presiding Officer (John Marek): The First Minister did not mention, perhaps quite rightly, that this is a joint code put forward by the Welsh Assembly Government, for which the First Minister

defnyddio'n gynnil, yn ofalus a chyda chyfiawnhad, er enghraifft, i alluogi'r Cynulliad i weithredu'n effeithiol, er mwyn sicrhau nad ydym yn torri deddfau eraill, ac i'n hatal rhag dod yn ffordd drws cefn ar gyfer gwybodaeth y mae adrannau Whitehall wedi eu rhannu gyda ni ond sydd wedi cael ei gwrthod i'r rhai sy'n gofyn am y wybodaeth honno yn Whitehall. Ni allant ddod atom drwy'r drws cefn am hynny oherwydd byddai'n llygru ac yn difetha ein perthynas â'r adrannau hynny.

Mae'r cod diwygiedig yn gymwys i bob rhan o'r Cynulliad ac i gyrff cyhoeddus a noddir gan y Cynulliad. Mae'n ofynnol i bob awdurdod cyhoeddus yng Nghymru gydymffurfio â Deddf Rhyddid Gwybodaeth 2000. Fodd bynnag, rhaid iddynt hwy ac nid ni sicrhau'r gydymffurfiaeth honno. Gobeithiaf y bydd awdurdodau cyhoeddus eraill yn mabwysiadu ymagwedd fel ein hymagwedd ni. Mae hyn yn gymwys i'r broses gryfach o lawer o ryddhau rheoliadau amgylcheddol, a gyflwynir hefyd, a bydd llawer mwy o wybodaeth amgylcheddol ar gael i'r cyhoedd ar 1 Ionawr.

Gallwn ymfalchïo yn y ffaith ein bod ar y blaen o ran rhyddid gwybodaeth o fewn gweinyddiaethau gwahanol y DU, a hynny'n deg. Gwnaethom hynny mewn ffordd ymarferol drwy ein hadroddiadau ar benderfyniadau, a thrwy gyhoeddi cofnodion y Cabinet a'r ffeithiau a'r dadansoddiad sy'n sail i benderfyniadau gweinidogol. Mae'r swm sylweddol o wybodaeth a ryddheir o dan ein cod presennol ar ein gwefan ac mewn ffyrdd eraill yn enghraifft weledol o'r cynnydd a wnaed. Datblygwyd y cod diwygiedig drwy ymgynghori'n llawn â phob rhan o'r Cynulliad, gan gynnwys yr elfennau gweinyddol a seneddol, a chyda'r comisiynydd gwybodaeth. Mae'n nodi ffordd gadarnhaol a chyfrifol o adeiladu ar yr hyn yr ydym eisoes wedi ei gyflawni ym maes pwysig cynyddu hyder y cyhoedd yn sefydliad democrataidd newydd Cymru. Cymeradwyaf y cod i'r Cynulliad.

Y Dirprwy Lywydd (John Marek): Ni soniodd y Prif Weinidog, a hynny'n briodol efallai, mai cod ar y cyd yw hwn a gyflwynwyd gan Lywodraeth Cynulliad Cymru, y siaradodd y Prif Weinidog ar ei

spoke, and the House Committee and the Assembly Parliamentary Service, for which I am speaking. I am pleased to commend that this code be adopted. The House Committee considered the proposed revisions to the code in November and committee members were content with changes. The code draws a clear distinction between the Assembly Parliamentary Service and the Welsh Assembly Government. A joint code is necessary because we are a corporate body in law and having separate codes for the Welsh Assembly Government and for the Assembly Parliamentary Service and the House Committee causes difficulty. Both sides were able to come together to draw up a joint code and present it jointly. However, the Assembly Parliamentary Service and the Welsh Assembly Government will have separate procedures, which are not part of the code that is before us today, for handling requests for information. The House Committee considered the procedures in respect of the Assembly Parliamentary Service at the same time as the code and members were content. If an Assembly Member, a member of staff or a member of the public wishes to gain access to information that is held by the Assembly Parliamentary Service regarding a particular Member, that Member will be consulted every time without fail. They will be told that someone is seeking that information. I see that the Business Minister is shaking her head, but I am speaking purely for the Assembly Parliamentary Service. When any information held by us, in the parliamentary service, is requested about a Member, that Member will be made aware of that fact and consulted. A key difference between the Assembly Parliamentary Service and the Welsh Assembly Government in the code is the application of the substantial harm test to the release of information.

The Business Minister (Karen Sinclair): I was under the impression that there would be certain occasions when Members could not be told, for example, in the case of a police investigation.

John Marek: The procedures on which we agreed in the House Committee said that whenever a member of the public seeks information, the Member will be told. I can

ghan, a Phwyllgor y Tŷ a Gwasanaeth Seneddol y Cynulliad, yr wyf innau'n siarad ar eu rhan. Mae'n bleser gennyf gymeradwyo mabwysiadu'r cod hwn. Ystyriodd Pwyllgor y Tŷ y diwygiadau arfaethedig i'r cod ym mis Tachwedd ac yr oedd aelodau'r pwyllgor yn fodlon ar y newidiadau. Mae'r cod yn gwahaniaethu'n glir rhwng Gwasanaeth Seneddol y Cynulliad a Llywodraeth Cynulliad Cymru. Mae angen cod ar y cyd am mai corff corfforaethol ydym o dan y gyfraith ac mae cael codau ar wahân ar gyfer Llywodraeth Cynulliad Cymru ac ar gyfer Gwasanaeth Seneddol y Cynulliad a Phwyllgor y Tŷ yn peri anhawster. Yr oedd y ddwy ochr wedi gallu dod at ei gilydd i lunio cod ar y cyd a'i gyflwyno ar y cyd. Fodd bynnag, bydd gan Wasanaeth Seneddol y Cynulliad a Llywodraeth Cynulliad Cymru weithdrefnau ar wahân, nad ydynt yn rhan o'r cod sydd ger ein bron heddiw, ar gyfer ymdrin â cheisiadau am wybodaeth. Ystyriodd Pwyllgor y Tŷ y gweithdrefnau o ran Gwasanaeth Seneddol y Cynulliad ar yr un pryd â'r cod ac yr oedd yr aelodau yn fodlon. Os bydd Aelod Cynulliad, aelod o staff neu aelod o'r cyhoedd am weld gwybodaeth a ddelir gan Wasanaeth Seneddol y Cynulliad mewn perthynas ag Aelod penodol, ymgynghorir â'r Aelod hwnnw bob tro yn ddi-ffael. Cânt eu hysbysu bod rhywun yn gofyn am y wybodaeth honno. Gwelaf fod y Trefnydd yn ysgwyd ei phen, ond yr wyf yn siarad ar ran Gwasanaeth Seneddol y Cynulliad yn unig. Pan ofynnir am unrhyw wybodaeth a ddelir gennym ni, yn y gwasanaeth seneddol, am Aelod, caiff yr Aelod hwnnw ei hysbysu am hynny ac ymgynghorir ag ef neu hi. Un gwahaniaeth allweddol rhwng Gwasanaeth Seneddol y Cynulliad a Llywodraeth Cynulliad Cymru yn y cod yw'r modd y cymhwysir y prawf niwed sylweddol i'r broses o ryddhau gwybodaeth.

Y Trefnydd (Karen Sinclair): Yr oeddwn o dan yr argraff na fyddai'n bosibl, ar adegau, i hysbysu Aelodau, er enghraifft, yn achos ymchwiliad gan yr heddlu.

John Marek: Yn ôl y gweithdrefnau y bu inni gytuno arnynt ym Mhwyllgor y Tŷ, pryd bynnag y bydd aelod o'r cyhoedd yn gofyn am wybodaeth, caiff yr Aelod ei hysbysu.

guess that, in certain cases, the police will have powers under other enactments that they can use, but not this enactment.

The key difference between the Assembly Parliamentary Service and the Welsh Assembly Government is the application of the substantial harm test, which will, of course, be applied by the Welsh Assembly Government. The Assembly Parliamentary Service does not believe that that stringent test should be applied to its services in every instance. An example where we believe that it should not be used is that, if a Member seeks information from the Members' Research Service for a piece of research—perhaps the Member wishes to scrutinise a Minister—it would be quite wrong, in my view, for that information to be made available to another Member, simply because he or she might be fishing for any information being sought by others. If we applied the substantial harm test, we would have to release that information, but if we limit the test to 'harm', we would not be able not to release that type of information to anyone inquiring about it. The Government, under section 35 of the Freedom of Information Act 2000, has exemptions as far as policy formulation is concerned; it is a fault of the Government of Wales Act 1998 that the Presiding Officer and the Assembly Parliamentary Service do not have those exemptions. However, we believe that we can get around them by derogating from the substantial harm test in those few areas where we need to, in order to be able to preserve the freedom of individual Members to use the parliamentary service to do their job.

It is important to remember that the principles in the code should be followed when any request for information is dealt with—whether it has been generated from inside or outside the Assembly. We do not want to get into a situation where members of the public are likely to get more information than Members of the Assembly. This will mean, of course, that there will have to be protocols between the Assembly Parliamentary Service and the Welsh

Tybiaf y bydd gan yr heddlu, mewn rhai achosion, bwerau o dan ddeddfiadau eraill y gallant eu defnyddio, ond nid y deddfiad hwn.

Y gwahaniaeth allweddol rhwng Gwasanaeth Seneddol y Cynulliad a Llywodraeth Cynulliad Cymru yw'r modd y cymhwysir y prawf niwed sylweddol, a gaiff ei gymhwyso, wrth gwrs, gan Lywodraeth Cynulliad Cymru. Nid yw Gwasanaeth Seneddol y Cynulliad yn credu y dylai'r prawf llym hwnnw gael ei gymhwyso i'w wasanaethau ym mhob achos. Un enghraifft o sefyllfa lle y credwn na ddylid ei ddefnyddio yw pan fydd Aelod yn gofyn am wybodaeth oddi wrth Wasanaeth Ymchwil yr Aelodau ar gyfer darn o ymchwil—efallai fod yr Aelod am graffu ar waith Gweinidog—byddai'n hollol anghywir, yn fy marn i, i'r wybodaeth honno gael ei rhyddhau i Aelod arall, dim ond am ei fod ef neu hi yn chwilota am unrhyw wybodaeth y mae eraill yn ceisio ei chael. Pe baem yn cymhwyso'r prawf niwed sylweddol, byddai'n rhaid inni ryddhau'r wybodaeth honno, ond pe baem yn cyfyngu'r prawf i 'niwed', ni fyddem yn gallu peidio â rhyddhau'r math hwnnw o wybodaeth i unrhyw un sy'n holi yn ei gylch. Mae'r Llywodraeth, o dan adran 35 Deddf Rhyddid Gwybodaeth 2000, wedi ei heithrio o ran llunio polisiau; bai Deddf Llywodraeth Cymru 1998 yw nad oes gan y Llywydd na Gwasanaeth Seneddol y Cynulliad yr eithriadau hynny. Fodd bynnag, credwn y gallwn ddod dros yr anhawster hwn drwy ymeithrio rhag y prawf niwed sylweddol yn yr ychydig feysydd hynny lle y mae angen inni wneud hynny, er mwyn gallu diogelu rhyddid Aelodau unigol i ddefnyddio'r gwasanaeth seneddol i ymgymryd â'u gwaith.

Mae'n bwysig cofio y dylid dilyn yr egwyddorion yn y cod pan ymdrinnir ag unrhyw gais am wybodaeth—pa un a'i gwnaed yn fewnol neu y tu allan i'r Cynulliad. Nid ydym am wynebu sefyllfa lle mae aelodau'r cyhoedd yn debygol o gael mwy o wybodaeth nag Aelodau'r Cynulliad. Bydd hyn yn golygu, wrth gwrs, y bydd yn rhaid cael protocolau rhwng Gwasanaeth Seneddol y Cynulliad a Llywodraeth Cynulliad Cymru, fel ein bod yn hollol siŵr

Assembly Government, so that we are absolutely sure that Members do not suffer and receive less information than members of the public. We must give prompt, comprehensive responses to exhibit principle 6, and, importantly, if we refuse to give information, it is important that we give the reason as to why we are withholding it. However, having said that, this code of practice is a good one. It is necessary for us, as an Assembly, to comply with the Act, and I commend it to Plenary.

Michael German: The Deputy Presiding Officer has raised some interesting matters, which require further investigation and probing, and if anyone from the House Committee speaks later, they might be able to reflect on those issues. In general, the code of conduct is broadly welcomed by the Welsh Liberal Democrats, and it is being introduced in readiness for the Freedom of Information Act 2000, which will come into force on 1 January. As was stated twice by the First Minister and the Chair of the House Committee, the Deputy Presiding Officer, openness and access to governmental information are intrinsic to democratic accountability. It is important to create a culture of openness and access to information. That requires of us a change of mindset from automatically trying to release as little information as possible to making as much information as possible available—in other words, openness, and not secrecy, should be the norm.

3.50 p.m.

The Assembly's code, as the First Minister said, is stronger than the Freedom of Information Act 2000, and I am grateful for that, but I worry somewhat that the code's exemptions in relation to the aspects that the Deputy Presiding Officer raised are not codified in quite as explicit a way as that which might allow the public to see how and why they happen. I understand why information obtained by a Member from the parliamentary service here should not be shared unless the Member wishes to do so, because it might be needed to scrutinise the Government. There may be a case here for reconsidering the wording to ensure that the

nad yw Aelodau yn dioddef ac yn cael llai o wybodaeth nag aelodau o'r cyhoedd. Rhaid inni roi atebion prydlon a chynhwysfawr i ddangos egwyddor 6, ac, yn hollbwysig, os gwrthodwn roi gwybodaeth, mae'n bwysig ein bod yn rhoi'r rheswm pam yr ydym yn gwrthod ei rhoi. Fodd bynnag, ar ôl dweud hynny, mae'r cod ymarfer hwn yn un da. Mae'n angenrheidiol inni, fel Cynulliad, gydymffurfio â'r Ddeddf, ac fe'i cymeradwyaf i'r Cyfarfod Llawn.

Michael German: Mae'r Dirprwy Lywydd wedi codi rhai materion diddorol, y mae angen ymchwilio iddynt ymhellach, ac os bydd unrhyw un o Bwyllgor y Tŷ yn siarad yn ddiweddarach, efallai y gallent ymdrin â'r materion hynny. Yn gyffredinol, croesewir y cod ymddygiad gan Ddemocratiaid Rhyddfrydol Cymru, ac mae'n cael ei gyflwyno yn barod at Ddeddf Rhyddid Gwybodaeth 2000, a ddaw i rym ar 1 Ionawr. Fel y nodwyd ddwywaith gan y Prif Weinidog a Chadeirydd Pwyllgor y Tŷ, y Dirprwy Lywydd, mae bod yn agored a chaniatáu i bobl weld gwybodaeth yn hanfodol i atebolrwydd democrataidd. Mae'n bwysig creu diwylliant o fod yn agored a chaniatáu i bobl weld gwybodaeth. Mae hynny'n golygu bod yn rhaid inni newid ein ffordd o feddwl ac yn lle ceisio rhyddhau cyn lleied o wybodaeth â phosibl yn awtomatig, dylem geisio rhyddhau cymaint o wybodaeth â phosibl—hynny yw, dylid anelu at fod yn agored, yn hytrach na pheidio â rhoi gwybodaeth, fel mater o reol.

Mae cod y Cynulliad, fel y dywedodd y Prif Weinidog, yn gryfach na Deddf Rhyddid Gwybodaeth 2000, ac yr wyf yn ddiolchgar am hynny, ond pryderaf ychydig nad yw eithriadau'r cod mewn perthynas â'r agweddau a godwyd gan y Dirprwy Lywydd wedi eu cyfundrefnu mewn ffordd mor amlwg â rhywbeth fyddai'n caniatáu i'r cyhoedd weld sut a pham y maent yn digwydd. Deallaf pam na ddylai gwybodaeth a geir gan Aelod oddi wrth y gwasanaseth seneddol gael ei rhannu oni fydd yr Aelod yn dymuno hynny, oherwydd efallai y byddai ei hangen i graffu ar waith y Llywodraeth. Efallai fod dadl yma dros ystyried y geiriad

parliamentary service is not out of line; England is behind Wales in this respect.

In terms of this code, we are well ahead of Westminster in terms of openness in general, but we lag behind Scotland, and if we had the powers that the Scottish Parliament has—and perhaps the First Minister, in responding, might say whether those powers should be sought from Westminster—we could probably forge ahead. I suspect that we might then even rival the Scottish Parliament or be ahead of it in terms of openness and access to information, but we are held back by our current devolution settlement, which acts as a brake on how far we can go. I welcome the First Minister's views on the fact that we should be as open as possible.

The exemptions in Scotland are more narrowly drawn and defined than those in Wales. For example, the exemption on information intended for future publication applies only in Scotland, where the information will be published not later than 12 weeks after the information request is made. In Wales, such a request would have to undergo a public-interest test and a substantial harm test.

Scotland also has its own information commissioner, whereas, in Wales, we come under the remit of the Westminster information commissioner. It is interesting that we have a code that is tougher than that at play in Westminster, yet the same commissioner manages both codes, which means that he has to apply different tests in different countries. There may be a strong case for having a Welsh information commissioner, who would, perhaps, be much more in touch with the way in which things are done here than an officer based in Westminster and Whitehall. If we are truly serious about a rigorous culture of openness and public access, as set out in our code, then we are taking a line that is tougher than the Act, and it is surely an anomaly that this will be enforced by someone operating in a less open atmosphere and culture.

eto er mwyn sicrhau bod y gwasanaeth seneddol yn gyson; mae Lloegr yn llusgo ar ôl Cymru yn hyn o beth.

O ran y cod hwn, yr ydym ymhell ar y blaen i San Steffan o ran bod yn agored yn gyffredinol, ond yr ydym yn llusgo ar ôl yr Alban, a phe bai'r pwerau sydd gan Senedd yr Alban gennym ni—ac efallai y gallai'r Prif Weinidog, wrth ymateb, ddweud a ddylid ceisio'r pwerau hynny oddi wrth San Steffan—efallai y gallem barhau i ddatblygu hyn. Tybiaf y byddem wedyn hyd yn oed yn cystadlu â Senedd yr Alban neu yn rhagori arni o ran bod yn agored a chaniatáu i'r cyhoedd weld gwybodaeth, ond cawn ein rhwystro gan ein setliad datganoli presennol, sy'n ein hatal o ran gweithredu ymhellach. Croesawaf farn y Prif Weinidog am y ffaith y dylem fod mor agored â phosibl.

Mae'r eithriadau yn yr Alban wedi eu llunio'n fanylach ac yn fwy pendant na'r rhai yng Nghymru. Er enghraifft, dim ond yn yr Alban y mae'r eithriad ar wybodaeth a fwriadwyd ar gyfer ei chyhoeddi yn y dyfodol yn gymwys, lle y caiff y wybodaeth ei chyhoeddi 12 wythnos fan bellaf ar ôl i'r cais am wybodaeth gael ei wneud. Yng Nghymru, byddai cais o'r fath yn destun prawf er budd y cyhoedd a phrawf niwed sylweddol.

Mae gan yr Alban ei chomisiynydd gwybodaeth ei hun, ond yng Nghymru, yr ydym yn rhan o gylch gwaith comisiynydd gwybodaeth San Steffan. Mae'n ddiddorol bod gennym god sy'n fwy llym na'r un sydd ar waith yn San Steffan, ac eto mae'r un comisiynydd yn rheoli'r ddau god, sy'n golygu ei fod yn gorfod cymhwyso profion gwahanol mewn gwledydd gwahanol. Efallai fod dadl gref dros gael comisiynydd gwybodaeth yng Nghymru, a fyddai, efallai, yn deall mwy am y ffordd y gwneir pethau yma na swyddog yn San Steffan a Whitehall. Os ydym wir o ddifrif ynglŷn â diwylliant llym o fod yn agored a chaniatáu i'r cyhoedd weld gwybodaeth, fel y nodwyd yn ein cod, yna yr ydym yn arddel safbwynt sy'n llymach na'r Ddeddf, ac mae'n rhaid ei bod yn anghyson y caiff hyn ei orfodi gan rywun sy'n gweithredu mewn awyrgylch a diwylliant llai agored.

The Scottish information commissioner has more power than the UK commissioner has. Under the Act, any Minister of the Crown or the Attorney-General can issue a certificate in relation to exempt information and can override the commissioner, but that is not so easy in Scotland. The Scottish Executive can only issue a certificate in relation to certain exemptions, and the information must be of 'exceptional sensitivity'. Only the Scottish First Minister, following consultation with the rest of the Scottish Executive, can issue a certificate of exemption to override the commissioner.

I would be grateful if the First Minister, in replying, could tell us whether he believes that there is a case for our moving forward to get more of these powers so that, given that the Welsh Assembly Government's ambition is to be a flag-bearer for openness, it might be possible to go the full course in this context.

Owen John Thomas: There is general acceptance of the principle of the right and access to, information. However, in reality, one will discover that, only too frequently, exceptions or other procedures exist that can be applied to a wide variety of circumstances to deny access to information on matters that should be open to scrutiny. Yesterday's written statement by the Minister for Economic Development and Transport on the Government's 15-year vision on transport, for example, was not intended to allow full and immediate scrutiny of this vital area, which involves a spend of £8 billion.

Members will also recall the education maintenance allowance scheme. It was introduced without an opportunity to scrutinise it or to table amendments. There was then a refusal to hold a debate on open government, and a refusal by the Minister for Health and Social Services to supply the MRSA figures. The Minister for Education and Lifelong Learning denied any involvement in the Pop Factory debacle, even though it later emerged that she had signed the contract. I also recall an incident when the *Western Mail* wanted to see a copy of the

Mae gan gomisiynydd gwybodaeth yr Alban fwy o bŵer na chomisiynydd y DU. O dan y Ddeddf, gall unrhyw un o Weinidogion y Goron neu'r Twrnai Cyffredinol gyhoeddi tystysgrif mewn perthynas â gwybodaeth sydd wedi'i heithrio a gall ddiystyru pŵer y comisiynydd, ond nid yw hynny mor hawdd yn yr Alban. Dim ond mewn perthynas â rhai eithriadau y gall Gweithrediaeth yr Alban gyhoeddi tystysgrif, a rhaid i'r wybodaeth fod yn eithriadol o sensitif. Dim ond Prif Weinidog yr Alban, ar ôl ymgynghori â gweddill Gweithrediaeth yr Alban, all gyhoeddi tystysgrif eithrio i ddiystyru pŵer y comisiynydd.

Byddwn yn ddiolchgar pe gallai'r Prif Weinidog, wrth ymateb, ddweud wrthym a yw'n credu bod dadl dros gymryd camau i gael mwy o'r pwerau hyn, fel y gallai fod yn bosibl inni gyflawni'r cyfan yn y cyd-destun hwn, o gofio uchelgais Llywodraeth Cynulliad Cymru i hyrwyddo diwylliant o fod yn agored.

Owen John Thomas: Derbynnir yn gyffredinol yr egwyddor ynglŷn â hawl unigolyn i weld gwybodaeth. Fodd bynnag, mewn gwirionedd, yn rhy aml gwelir bod eithriadau neu weithdrefnau eraill yn bodoli y gellir eu cymhwyso i amrywiaeth eang o amgylchiadau i wrthod hawl unigolyn i weld gwybodaeth am faterion a ddylai fod yn agored i broses graffu. Nid bwriad y datganiad ysgrifenedig ddoe gan y Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth ar weledigaeth 15 mlynedd y Llywodraeth ar drafndiaeth, er enghraifft, oedd ei gwneud yn bosibl i graffu'n llawn ac yn uniongyrchol ar y maes hollbwysig hwn, lle y gwerir £8 biliwn.

Bydd Aelodau yn cofio hefyd am y cynllun lwfans cynhaliaeth addysg. Fe'i cyflwynwyd heb gyfle i graffu arno nac i gyflwyno gwelliannau. Gwrthodwyd cynnal dadl wedyn ar lywodraeth agored a gwrthododd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ddarparu'r ffigurau ynglŷn â MRSA. Gwadodd y Gweinidog dros Addysg a Dysgu Gydol Oes ei bod wedi chwarae unrhyw ran yn y cawlach yn ymwneud â'r Ffatri Bop, er iddi ddod yn amlwg yn ddiweddarach ei bod wedi llofnodi'r contract. Cofiaf hefyd am ddiwyddiad pan

Welsh Assembly Government's letter to the BBC, complaining of the broadcaster's 'sexing up' of a report on structural funding. You may recall that a *Western Mail* reporter failed in his long and arduous attempts to get a copy of that letter, concerning a matter where clearly both freedom of the media and freedom of information were at stake.

Annex C of the access to information paper lists a total of 14 different exemption clauses forbidding access to information in public documents. This includes nine clauses forbidding access to the public and a further five merely forbidding inspection by Assembly Members. One of the prime purposes of establishing a code of practice on access to public information must be to instil in the general public a sense of trust in those directly concerned with public administration, and Government in particular.

Glyn Davies: You have listed a number of areas in which there are open government failures, and you are right. However, you have not mentioned what I consider to be the worst failure of all, which is the refusal to allow any debate in the Chamber on the Government's proposals to incorporate public bodies into the Assembly. It is the biggest change in governance that Wales has seen since devolution. It is a massive change, and there has not been one word of debate on it in the Chamber during Government time. It is an absolute disgrace.

The Presiding Officer: Order. We are not debating Government policy. We are debating the matter before us.

Owen John Thomas: I agree with you, Glyn. When one tries to access information, even as an Assembly Member, one can encounter obstruction. A clear signal is given that there is not a presumption in favour of access, but rather one of resistance to granting it. One can appreciate that exemptions may be applied to restrict access to information that may be of a personal nature, but only if the release of such information would be deemed unreasonable. When an Assembly Member is denied access to a document recording details of a process,

oedd y *Western Mail* am weld copi o lythyr Llywodraeth Cynulliad Cymru i'r BBC, yn cwyno bod y darlledwr wedi gorliwio adroddiad ar gronfeydd strwythurol. Efallai y cofiwch i ohebydd o'r *Western Mail* fethu yn ei ymdrechion hir a llafurus i gael copi o'r llythyr hwnnw, yn ymwneud â mater lle yr oedd rhyddid y cyfryngau a rhyddid gwybodaeth ill dau yn amlwg yn y fantol.

Rhestr Atodiad C i'r papur hawl i weld gwybodaeth gyfanswm o 14 o gymalau eithrio gwahanol yn gwrthod yr hawl i weld gwybodaeth mewn dogfennau cyhoeddus. Mae hyn yn cynnwys naw cymal yn gwrthod rhoi caniatâd i'r cyhoedd weld gwybodaeth a phump arall yn atal Aelodau'r Cynulliad rhag gweld gwybodaeth. Un o brif ddibenion sefydlu cod ymarfer ar ganiatáu i'r cyhoedd weld gwybodaeth yw cael y cyhoedd i ymddiried yn y rhai sy'n uniongyrchol gysylltiedig â gweinyddiaeth gyhoeddus, a Llywodraeth yn arbennig.

Glyn Davies: Yr ydych wedi rhestru nifer o feysydd lle nad oes llywodraeth agored, ac yr ydych yn iawn. Fodd bynnag, nid ydych wedi sôn am y methiant gwaethaf oll yn fy marn i, sef gwrthod gadael i unrhyw ddadl gael ei chynnal yn y Siambr ar gynigion y Llywodraeth i ymgorffori cyrff cyhoeddus yn y Cynulliad. Dyma'r newid mwyaf mewn llywodraethu y mae Cymru wedi ei weld ers datganoli. Mae'n newid enfawr, ac ni thorrwyd un gair mewn dadl arno yn y Siambr yn ystod amser y Llywodraeth. Mae'n hollol warthus.

Y Llywydd: Trefn. Nid ydym yn trafod polisi'r Llywodraeth. Yr ydym yn trafod y mater ger ein bron.

Owen John Thomas: Cytunaf â chi, Glyn. Pan fydd rhywun yn ceisio cael gafael ar wybodaeth, hyd yn oed fel Aelod Cynulliad, gall wynebu problemau. Rhoddir arwydd clir nad oes tybiaeth o blaid rhoi caniatâd i weld gwybodaeth, ond yn hytrach bod gwrthwynebiad i roi caniatâd. Gall rhywun werthfawrogi y gellir cymhwyso eithriadau i gyfyngu ar yr hawl i weld gwybodaeth a allai fod o natur bersonol, ond dim ond pe tybid y byddai rhyddhau gwybodaeth o'r fath yn afresymol. Pan wrthodir rhoi caniatâd i Aelod Cynulliad weld dogfen yn cofnodi

in which he or she has fully participated, the exemption begins to look like a device to defend the Government, and even more so when the purpose of viewing the document is for the Assembly Member to check that its details coincide with his or her record of the process. The Government can claim that it is concerned that the documents' contents may be publicised, but an Assembly Member can have sight of such documents if he or she signs a written statement that they will not pass on information or details of other individuals named therein. That should enable an Assembly Member to check the details of, for example, a public appointment process, with little fuss or delay. However, the reality is far from being a simple matter.

On 31 August, I made a request to check such documents regarding a public appointment where I was a panel member, only to be thwarted until 1 November, when I was granted sight of the said papers. At no time, during two full months of correspondence on the matter, was I informed that the documents could be viewed, but not borrowed. It was only my own perseverance, and guidance from the Assembly Parliamentary Service, that led to my being able to view the said documents. I would not wish other Assembly Members, members of the public, journalists or anyone else, to find accessing information so difficult. If this procedure is to reflect Nolan principles, such as appointment by merit, independent scrutiny, equal opportunities, probity and openness and transparency, it will take a Government with matching convictions to deliver the goods.

William Graham: The Welsh Conservatives support this measure, and, as has been said, the code is an advance upon the Act and is more strictly compliant than it. In terms of the eight principles, one of them, regarding the use of clear language, is a laudable aim. Although I have some reservations about publishing on the internet, in time, that will no doubt prove to be correct and will ensure wider ownership. I also hope that the Assembly Government will ensure adherence to the code, and those of us who represent constituency areas in which school buildings were to be built on reclaimed industrial land

manyllion proses, y mae wedi cyfranogi'n llawn ynddi, mae'r eithriad yn dechrau edrych fel dyfais i amddiffyn y Llywodraeth, a hyd yn oed yn fwy felly pan mai diben edrych ar y ddogfen yw er mwyn i'r Aelod Cynulliad wirio fod ei manyllion yn cyd-daro â'i gofnod ef neu â'i chofnod hi o'r broses. Gall y Llywodraeth haeru ei bod yn pryderu y daw cynnwys y dogfennau yn hysbys, ond gall Aelod Cynulliad weld dogfennau o'r fath os bydd yn llofnodi datganiad ysgrifenedig yn nodi na fydd yn trosglwyddo gwybodaeth neu fanyllion am unigolion eraill a enwir ynddynt. Dylai hynny alluogi Aelod Cynulliad i wirio manyllion, er enghraifft, proses penodiadau cyhoeddus, heb fawr ddim ffwdan neu oedi. Fodd bynnag, y gwir yw nad mater syml ydyw o bell ffordd.

Ar 31 Awst, gwneuthum gais i wirio dogfennau o'r fath o ran penodiad cyhoeddus lle yr oeddwn yn aelod o'r panel, ond cefais fy rhwystro tan 1 Tachwedd, pan ganiatawyd imi weld y papurau hynny. Ni chefais fy hysbysu ar unrhyw adeg yn ystod y ddau fis llawn o ohebu ar y mater y gallwn edrych ar y dogfennau ond nid eu benthyca. Dim ond drwy ddyfalbarhad, ac arweiniad gan Wasanaeth Seneddol y Cynulliad, y llwyddais i edrych ar y dogfennau hynny. Ni fyddwn yn dymuno i Aelodau Cynulliad eraill, aelodau o'r cyhoedd, newyddiadurwyr neu unrhyw un arall, gael cymaint o drafferth i gael gafael ar wybodaeth. Er mwyn i'r weithdrefn hon adlewyrchu egwyddorion Nolan, megis penodiad drwy deilyngod, proses graffu annibynnol, cyfle cyfartal, gonestrwydd a bod yn agored a thryloyw, rhaid cael Llywodraeth o argyhoeddiad tebyg er mwyn cyflawni hyn.

William Graham: Mae Ceidwadwyr Cymru yn cefnogi'r mesur hwn, ac, fel y dywedwyd, mae'r cod yn gam ymlaen ar y Ddeddf ac yn fwy cydsyniol o lawer na'r Ddeddf. O ran yr wyth egwyddor, mae un ohonynt, sef y defnydd o iaith glir, yn nod i'w ganmol. Er bod gennyf rai amheuan ynglŷn â chyhoeddi ar y rhyngwyd, ymhen amser, mae'n siŵr mai hynny fydd y peth iawn i'w wneud a bydd yn sicrhau perchenogaeth ehangach. Gobeithiaf hefyd y bydd Llywodraeth y Cynulliad yn sicrhau y glynir wrth y cod, a bod y rhai ohonom sy'n cynrychioli ardaloedd etholaethol lle yr adeiladwyd

will be fully aware of the campaign to gain information. Actions to restrict the availability of information for those campaigning against such developments were taken at a time when the Assembly had a specific Minister for open government.

4.00 p.m.

As has been said, David Clark's Bill went further than this current measure. There is some irony in the First Minister introducing this Bill, given that he was known by some commentators in the House of Commons for his dogged determination to introduce further freedom of information in relation to obstructing the Cardiff bay Bill. I also have some reservations about the amount of time that could be expended by our staff in answering what may well turn out to be spurious questions of a somewhat prurient nature.

On the document itself, I will comment on one or two items. Pages 16 and 17 include the tests relating to the exemption of information. Action 37 on page 17, which some Members may care to reflect upon, deals with communication with Her Majesty. Under the section entitled 'absolute or qualified', such communication is said to be 'qualified'. Again, on communication with Her Majesty, there are two affirmative answers under the 'public interest test' and the 'substantial harm test' sections respectively. I would like some clarification on that.

When this Act receives Royal Assent and we begin to comply with it, how much information will be provided? Will we be allowed access to information that touches on important events? Many of us will know from the lessons of history that when you consider a historical event, you often wonder why such an action was taken. Subsequently, when relevant information is published, we are provided with a good reason for the action taken because it was in the interest perhaps of this country's foreign or defence policies, or for the advantage of the Government at that time. Therefore, it would be interesting to see the evidence on weapons of mass destruction. Many of us have concerns about whether or not they existed

adeiladau ysgolion ar dir diwydiannol wedi ei adfer yn gwbl ymwybodol o'r ymgyrch i gael gwybodaeth. Cymerwyd camau i gyfyngu ar argaeledd gwybodaeth i'r rhai a oedd yn ymgyrchu yn erbyn datblygiadau o'r fath ar adeg pan oedd gan y Cynulliad Weinidog penodol dros lywodraeth agored.

Fel y dywedwyd, aeth Mesur David Clark ymhellach na'r mesur presennol hwn. Mae rhywfaint o eironi yn y ffaith mai'r Prif Weinidog a gyflwynodd y Mesur hwn, o gofio iddo fod yn enwog ymhlith rhai sylwebyddion yn Nhŷ'r Cyffredin am ei benderfyniad dyfal i gyflwyno rhyddid gwybodaeth ehangach mewn perthynas â rhwystro Mesur bae Caerdydd. Mae gennyf rai amheon hefyd ynglŷn â faint o amser y gallai ein staff ei dreulio yn ateb yr hyn a allai fod yn gwestiynau annilys o natur ychydig yn anllad.

O ran y ddogfen ei hun, cyfeiriaf at un neu ddwy o eitemau. Mae tudalennau 16 ac 17 yn cynnwys y profion sy'n gysylltiedig ag eithrio gwybodaeth. Mae cam 37 ar dudalen 17, yr hoffai rhai Aelodau ei ystyried efallai, yn ymdrin â chyfathrebiaeth â'i Mawrhydi. O dan yr adran o'r enw 'diamod neu amodol', dywedir bod cyfathrebiaeth o'r fath yn 'amodol'. Unwaith eto, o ran cyfathrebiaeth â'i Mawrhydi, mae dau ateb cadarnhaol o dan yr adrannau 'prawf lles y cyhoedd' a'r 'prawf niwed sylweddol' yn y drefn honno. Hoffwn gael rhywfaint o eglurhad ar hynny.

Pan gaiff y Ddeddf hon Gydsyniad Brenhinol a dechreuwn gydymffurfio â hi, faint o wybodaeth a ddarperir? A gawn ganiatâd i weld gwybodaeth sy'n ymdrin â digwyddiadau pwysig? Bydd llawer ohonom yn gwybod o'r gwersi hanes eich bod yn aml yn meddwl, wrth ystyried digwyddiad hanesyddol, pam y cymerwyd cam o'r fath. O ganlyniad, pan gyhoeddir gwybodaeth berthnasol, cawn reswm da dros y cam a gymerwyd am ei fod er budd polisïau tramor neu amddiffyn y wlad hon efallai, neu er budd y Llywodraeth ar y pryd. Felly, byddai'n ddiddorol gweld y dystiolaeth ar arfau dinistr. Mae gan lawer ohonom bryderon ynglŷn â pha un a oeddent yn bodoli ai peidio ac mae Prif Weinidog y DU

and the Prime Minister has often stated that the intelligence was clear, and I quote:

‘Saddam continues to believe that his weapons of mass destruction programme is essential and I have said throughout that I have no doubt that they will find the clearest possible evidence of Saddam’s weapons of mass destruction. I do not concede at all that the intelligence at that time was wrong. I have absolutely no doubt in my mind that the intelligence was genuine.’

When will we be able to see—

Leanne Wood: Given what you just said, do you support the campaign to impeach Tony Blair?

William Graham: There is certainly a case to be answered and I have great reservations about the information given to the House of Commons, which is why I welcome this Bill because, in time, we will be able to see what was presented to Ministers—the Prime Minister in particular—and why those actions were taken. At the moment, there is no evident benefit to this country in what happened.

The same applies to David Blunkett. When a Minister shows details of an application to his or her officials, and asks for advice, will that be recorded? That is important. I am inquiring about factual matters. Will they be recorded and will we be able to see what was said? That is what we want to know and was surely the purpose behind this Act—to prevent false information and to only have the facts upon which to judge matters that occur.

Eleanor Burnham: I welcome the retention of the important part of this code that includes a presumption against charging. That is vital for openness, transparency and ensuring that people are not put off. It is right that the preferred approach is to continue operating the existing charging policy across the National Assembly for Wales, namely that no charges will apply except in exceptional circumstances. I also welcome the revised code that will apply to the Environmental Information Regulations

yn aml wedi dweud bod y gudd-wybodaeth yn glir, ac fe'i dyfynnaf:

Mae Saddam yn parhau i gredu bod ei raglen arfau dinistr yn hanfodol ac yr wyf wedi dweud ar hyd yr amser nad oes amheuaeth gennyf y deuant o hyd i'r dystiolaeth gliriaf posibl o arfau dinistr Saddam. Ni dderbyniaf o gwbl fod y gudd-wybodaeth ar y pryd yn anghywir. Nid oes unrhyw amheuaeth gennyf fod y gudd-wybodaeth yn gywir.

Pryd y gallwn weld—

Leanne Wood: O gofio'r hyn yr ydych newydd ei ddweud, a gefnogwch yr ymgyrch i uchelgyhuddo Tony Blair?

William Graham: Yn sicr mae cyhuddiad i'w ateb ac mae gennyf amheuon mawr ynglŷn â'r wybodaeth a roddwyd i Dŷ'r Cyffredin, a dyna pam y croesawaf y Mesur hwn oherwydd, ymhen amser, gallwn weld beth a gyflwynwyd i'r Gweinidogion—Prif Weinidog y DU yn arbennig—a pham y cymerwyd y camau hynny. Ar hyn o bryd, nid oes unrhyw fudd amlwg i'r wlad hon yn sgîl yr hyn a ddigwyddodd.

Mae'r un peth yn wir am David Blunkett. Pan fo Gweinidog yn dangos manylion cais i'w swyddogion, ac yn gofyn am gyngor, a gaiff y cyngor hwnnw ei gofnodi? Mae hynny'n bwysig. Yr wyf yn holi am faterion ffeithiol. A gânt eu cofnodi ac a fyddwn yn gallu gweld yr hyn a ddywedwyd? Dyna'r hyn yr ydym am ei wybod a dyna oedd diben y Ddeddf hon, mae'n rhaid, sef atal gwybodaeth anghywir ac i gael y ffeithiau i ddod i gasgliad ynglŷn â materion sy'n codi a dim byd mwy.

Eleanor Burnham: Croesawaf y cam i gadw'r rhan bwysig o'r cod hwn sy'n cynnwys tybiaeth yn erbyn codi ffi. Mae hynny'n hollbwysig o ran bod yn agored a thryloyw a sicrhau na fydd pobl yn diflasu. Mae'n iawn mai'r ymagwedd a ffafrir yw parhau i weithredu'r polisi codi ffi presennol ar draws Cynulliad Cenedlaethol Cymru, sef na chodir unrhyw ffoedd heblaw o dan amgylchiadau eithriadol. Croesawaf hefyd y cod diwygiedig a fydd yn gymwys i Reoliadau Gwybodaeth Amgylcheddol 2004.

2004. It is a crucial part of democratic accountability that people can access information about the environment in which they live. For example, these regulations will enable the public to access information about emissions. The revised code is also an improvement in terms of making explicit applicability to the Welsh Assembly Government and the Assembly Parliamentary Service, and to Assembly sponsored public bodies.

Yn olaf, er bod y cod yn ymrwymo'r Cynulliad i gynhyrchu dogfennau dwyieithog yn y Gymraeg a'r Saesneg, credaf y dylid gwneud mwy o ddarpariaeth ar gyfer gwybodaeth mewn ieithoedd lleiafrifol ethnig.

Glyn Davies: We support the Freedom of Information Act 2000. For once, I agree with everything that the First Minister said. Two speakers opened the debate, and it was right for devolution in Wales for this to be heard. Information is power, and Governments that have wanted to be dictatorships or which have wanted to take control through the use of spin doctors have always recognised the importance of information. One way of resisting that abuse is by having a first rate Freedom of Information Act.

On their own, freedom of information provisions do not lead to open government. That requires, as well as the structure of the legislation that we work within, a will and a recognition of the importance of information and of not omitting to say things as a way of retaining information. For democracy to work, that must be part of the approach that Governments take to governing.

In 1997, we saw a major advance in the kind of information control and secrecy to which I have referred. New Labour raised that to incredibly new heights. William Graham talked in part about what happens now, but we have seen, certainly in Westminster—it is not so much the case in the Assembly—the politicisation of the civil service. There has been a massive increase in the number of spin doctors, which has resulted in the

Mae'n rhan hollbwysig o atebolrwydd democrataidd y gall pobl weld gwybodaeth am yr amgylchedd y maent yn byw ynddo. Er enghraifft, bydd y rheoliadau hyn yn galluogi'r cyhoedd i weld gwybodaeth am ollyngiadau. Mae'r cod diwygiedig hefyd yn welliant o ran egluro sut y mae'n gymwys i Lywodraeth Cynulliad Cymru a Gwasanaeth Seneddol y Cynulliad, ac i gyrff cyhoeddus a noddir gan y Cynulliad.

Finally, even though the code commits the Assembly to produce bilingual documents in English and Welsh, I believe more provision should be made for information to be available in ethnic minority languages.

Glyn Davies: Cefnogwn Ddeddf Rhyddid Gwybodaeth 2000. Am unwaith, cytunaf â phopeth a ddywedodd y Prif Weinidog. Agorodd dau siaradwr y ddadl, ac yr oedd yn iawn i hyn gael ei glywed er budd datganoli yng Nghymru. Mae gwybodaeth yn rhoi pŵer, ac mae Llywodraethau a oedd am fod yn unbenaethau neu a oedd am gymryd yr awenau drwy'r defnydd o feistri sbin wastad wedi cydnabod pwysigrwydd gwybodaeth. Un ffordd o ymwrthod â'r gamdriniaeth honno yw drwy gael Deddf Rhyddid Gwybodaeth o'r radd flaenaf.

Ar eu pennau eu hunain, nid yw darpariaethau rhyddid gwybodaeth yn arwain at lywodraeth agored. Mae hynny'n gofyn am ewyllys a chydnabyddiaeth o bwysigrwydd gwybodaeth a pheidio â methu â dweud pethau fel ffordd o gadw gwybodaeth, yn ogystal â fframwaith y ddeddfwriaeth y gweithiwn oddi fewn iddo. Er mwyn i ddemocratiaeth weithio, rhaid i hynny fod yn rhan o'r ymagwedd y mae Llywodraethau yn ei mabwysiadu tuag at lywodraethu.

Yn 1997, bu datblygiad mawr yn y math o reoli gwybodaeth a chyfrinachedd y cyfeiriais ato. Cododd Llafur Newydd hynny i uchelfannau newydd anhygoel. Soniodd William Graham yn rhannol am yr hyn sy'n digwydd yn awr, ond yn sicr gwelsom yn San Steffan—nid yw'n digwydd gymaint yn y Cynulliad—wleidyddoli'r gwasanaeth sifil. Bu cynnydd enfawr yn nifer y meistri sbin, sydd wedi arwain at roi'r broses

democratic process being sidelined, and, in turn, Parliament being sidelined. To some extent, the same thing is happening in the Assembly.

Owen John Thomas raised a number of issues, and we are seeing an incredible reluctance on the part of the Government to bring forward real debates. We instead have statements, about which we can perhaps ask questions. In some cases, we have not had an opportunity to discuss issues until the decision has been taken and, therefore, there was no point in discussing them. That is a huge worry.

Another point, which relates specifically to the Freedom of Information Act 2000, is the way in which written questions are dealt with. How many Members have tabled a collection of written questions because we wanted the information in a form in which we could use it? What do we get but a bland collective answer, along the lines of 'I will reply to you and the letter will be in the Library'—and this when the information is available.

For example, I wanted to know about the impact of the new floor put into the revenue support grant. Had I contacted every local authority, I could have obtained that information and collated it myself. I got a reply from the Minister that could have been supplied the next day, but which was sent at least a week later, that said that the information would be put in the Library and that I would receive it eventually. That is too late for me to use it, and that is exactly the tactic used.

Today's short debate is another example. Alun Cairns will use the debate to raise an issue on which he has not been able to get satisfactory answers to what seem to me to be perfectly legitimate questions. This is in the hands of Labour Assembly Members. We have heard individual Members say on a number of occasions, 'There are now 30 of us; we are the masters'. Perhaps it was not put quite as bluntly as that, but not far short of it. If anyone wants to challenge me on that, I can come up with one or two quotations.

ddemocrataidd o'r neilltu, ac, yn ei thro, at roi'r Senedd o'r neilltu. I ryw raddau, mae'r un peth yn digwydd yn y Cynulliad.

Cododd Owen John Thomas nifer o faterion, a gwelwn amharodrwydd anhygoel ar ran y Llywodraeth i gyflwyno dadleuon gwirioneddol. Yn lle hynny, cawn ddatganiadau, y gallwn ofyn cwestiynau yn eu cylch efallai. Mewn rhai achosion, ni chawsom gyfle i drafod materion nes bod y penderfyniad wedi ei wneud ac, felly, nid oedd diben eu trafod. Mae hynny'n bryder mawr.

Pwynt arall, sy'n ymwneud yn benodol â Deddf Rhyddid Gwybodaeth 2000, yw'r ffordd yr ymdrinnir â chwestiynau ysgrifenedig. Sawl Aelod sydd wedi cyflwyno casgliad o gwestiynau ysgrifenedig am ein bod am gael y wybodaeth ar ffurf y gallem ei defnyddio? Beth a gawn ond ateb 'bland' cyffredinol, tebyg i 'Byddaf yn eich ateb a bydd y llythyr yn y Llyfrgell'—a hyn pan fydd y wybodaeth ar gael.

Er enghraifft, yr oeddwn am wybod am effaith y llawr newydd a oedd yn cael ei roi yn y grant cynnal refeniw. Pe bawn wedi cysylltu â phob awdurdod lleol, gallwn fod wedi cael y wybodaeth a'i choladu fy hun. Cefais ateb gan y Gweinidog y gellid bod wedi ei roi y diwrnod nesaf, ond a anfonwyd o leiaf wythnos yn ddiweddarach, a ddywedodd y byddai'r wybodaeth yn y Llyfrgell ac y byddwn yn ei chael yn y pen draw. Mae hynny'n rhy hwyr i mi ei defnyddio, a dyna'n union y dacteg a ddefnyddir.

Mae dadl fer heddiw yn enghraifft arall. Bydd Alun Cairns yn defnyddio'r ddadl i godi mater nad yw wedi llwyddo i gael atebion boddhaol yn ei gylch i gwestiynau sy'n ymddangos i mi yn rhai hollol ddilys. Mae hyn yn nwylo Aelodau Llafur y Cynulliad. Yr ydym wedi clywed Aelodau unigol yn dweud ar sawl achlysur, 'Mae 30 ohonom bellach; ni yw'r meistri'. Efallai na chafodd ei fynegi mor blaen â hynny, ond nid oedd yn bell ohoni. Os oes rhywun am fy herio ynglŷn â hynny, gallaf roi un neu ddau o ddyfyniadau.

If devolution is to be a success, I appeal to Labour Members to return in the new year, and recognise that their tactics so far are strangling devolution. They are making devolution a laughing stock, because we are not debating the issues that people want us to debate. The First Minister says that it is like watching paint dry—he is the painter.

The Presiding Officer: Order. I am not sure that we are currently debating the issue before us. Please bring your remarks to bear on the code of practice.

Glyn Davies: I sometimes get carried away when we are discussing issues that are so important to the success of this institution, which I know, Llywydd, is dear to your heart, as it is to mine.

I appeal to Labour Members to recognise the damage they are doing to the Assembly and to the whole concept of devolution. I ask them to return in the new year resolved to make devolution a success, with real debates and a genuine attempt at open government.

4.10 p.m.

David Melding: I welcome the code—it is an advance on the earlier code, and it would be churlish not to welcome it. However, as several Members commented, the procedures that are used in the Assembly can spike the use of effective information. Many of us feel bitter about what the Labour Party has done in Government by way of stymieing the level of scrutiny that is required, particularly when there is a Government that is composed of just one political party.

However, we live in a climate in which it is assumed that we have a right to information, unless there are grave grounds for that information to be withheld, or it is in the public interest to do so. That is an advance on the previous culture, which was secretive. I welcome that, and I acknowledge that much of that progress has been made under Labour Governments here and in Westminster, and that it is a good thing. However, we must ensure that it becomes effective in the way in

Er mwyn i ddatganoli fod yn llwyddiant, apeliaf ar Aelodau Llafur i ddychwelyd yn y flwyddyn newydd, a chydabod bod eu tactegau yn rhwystro datganoli. Gwnânt ddatganoli yn destun gwawd, oherwydd nid ydym yn trafod y materion y mae pobl am inni eu trafod. Dywed y Prif Weinidog ei bod yn debyg i wyllo paent yn sychu—ef yw'r paentiwr.

Y Llywydd: Trefn. Nid wyf yn siŵr a ydym yn trafod y mater sydd ger ein bron ar hyn o bryd. Gwnewch eich sylwadau yn berthnasol i'r cod ymarfer.

Glyn Davies: Weithiau byddaf yn colli arnaf fy hun wrth drafod materion sydd mor bwysig i lwyddiant y sefydliad hwn, sydd, fe wn, Lywydd, yn bwysig i chi, fel y mae i minnau.

Apeliaf ar Aelodau Llafur i gydnabod y drwg a wnant i'r Cynulliad ac i gysyniad datganoli. Gofynnaf iddynt ddychwelyd yn y flwyddyn newydd yn benderfynol o wneud datganoli yn llwyddiant, gyda dadleuon go iawn ac ymdrech wirioneddol i greu llywodraeth agored.

David Melding: Croesawaf y cod—mae'n welliant ar y cod cynharach, a byddwn yn anfoesgar pe na bawn yn ei groesawu. Fodd bynnag, fel y soniodd sawl Aelod, gall y gweithdrefnau a ddefnyddir yn y Cynulliad atal y defnydd o wybodaeth effeithiol. Teimla llawer ohonom yn chwerw ynglŷn â'r hyn y mae'r Blaid Lafur wedi ei wneud fel y Llywodraeth o ran rhwystro lefel y craffu sydd ei hangen, yn arbennig pan fo'r Llywodraeth yn cynnwys un blaid wleidyddol yn unig.

Fodd bynnag, yr ydym yn byw mewn hinsawdd lle y tybir bod gennym hawl i gael gwybodaeth, oni fydd rhesymau difrifol dros atal y wybodaeth honno, neu ei bod er budd y cyhoedd i'w hatal. Mae hynny'n welliant ar y diwylliant blaenorol, a oedd yn gyfrinachol ei natur. Croesawaf hynny, a chydabyddaf i lawer o'r cynnydd hwnnw gael ei wneud o dan Lywodraethau Llafur yma ac yn San Steffan, ac mae hynny'n beth da. Fodd bynnag, rhaid inni sicrhau y daw'n effeithiol

which we are governed and in how we scrutinise Government.

One point that has not been raised is that the best thing that we could do to make this code an active and lively code is to improve our website. It is nigh on impossible for some people outside to get to information. It is one thing for the information to be available, but to be able to find it is another thing altogether. I will steal an excellent quotation from Jenny Randerson here—I hope that I will not get into trouble for this. She said that it is one thing to be told that the book is in the library, but unless you are given some assistance and a reference, that is not helpful. That is a good illustration of the difficulties that people have in trying to navigate our website.

I return to the issue of a national archive. The principal documents of government should reside in Wales. It is a great shame that the First Minister has refused to seriously consider this issue. There is a question of cost, which he is hiding behind at the moment, in his rather dismissive way. I was approached by an academic following the First Minister's response to a supplementary question that I put to him yesterday about the need for an archive located in Wales. If I were to quote what this academic said to me about the veracity of the First Minister's response, I would get into the most dreadful trouble with you, Presiding Officer. Therefore, I will not go down that road. Suffice it to say that it was a very positive and vigorous refutation of the First Minister's claim that all information is now digitalised and available at the touch of a button. The person in question said that that was a crass and misleading analysis—I do not know whether that is true. However, the vast majority of documents that we have at the moment would take decades to digitalise, and that is to forget the archive that currently exists.

It is strange that anyone would not support a national archive, when we are trying to improve the status of Wales economically and trying to emphasise the role of devolution in national life. As we all know, many people, from all over the world, request

yn y ffordd y cawn ein llywodraethu a'r ffordd yr ydym yn craffu ar waith y Llywodraeth.

Un pwynt na chafodd ei godi yw mai'r peth gorau y gallem ei wneud i sicrhau bod y cod hwn yn un gweithredol a bywiog yw gwella ein gwefan. Mae bron yn amhosibl i rai pobl o'r tu allan i gael gwybodaeth. Mae'n iawn i'r wybodaeth fod ar gael, ond mae dod o hyd iddi yn fater arall. Defnyddiaf ddyfyniad gwych gan Jenny Randerson yma—gobeithiaf nad af i drafferth o ganlyniad i hyn. Dywedodd ei bod yn iawn cael gwybod bod y llyfr yn y llyfrgell ond oni bai eich bod yn cael rhywfaint o gymorth ynghyd â chyfeirnod, nid yw hynny'n ddefnyddiol. Mae hynny'n enghraifft dda o'r anawsterau a gaiff pobl wrth geisio dod o hyd i bethau ar ein gwefan.

Dychwelaf at y pwynt ynglŷn â chael archif genedlaethol. Dylai prif ddogfennau llywodraeth aros yng Nghymru. Mae'n drueni mawr bod y Prif Weinidog wedi gwrthod ystyried y mater hwn o ddiffrif. Mae mater o gost, y mae'n cuddio y tu ôl iddo ar hyn o bryd, yn ei ffordd ddiystyriol braidd. Cysylltodd academydd â fi yn dilyn ymateb y Prif Weinidog i gwestiwn atodol a ofynnais iddo ddoe ynglŷn â'r angen i gael archif yma yng Nghymru. Pe bawn yn dyfynnu'r hyn a ddywedodd yr academydd wrthyf ynglŷn â chywirdeb ymateb y Prif Weinidog, byddwn yn mynd i drafferth ofnadwy gyda chi, Lywydd. Felly, nid af ar hyd y trywydd hwnnw. Digon yw dweud iddo fod yn wrthbrawf cadarnhaol a llym iawn o honiad y Prif Weinidog bod yr holl wybodaeth wedi ei digidoli bellach a'i bod ar gael yn hawdd. Dywedodd y person dan sylw wrthyf fod hynny'n ddadansoddiad anneallus a charmarweiniol—ni wn a oedd hynny'n wir ai peidio. Fodd bynnag, byddai'r mwyafrif helaeth o'r dogfennau sydd gennym ar hyn o bryd yn cymryd degawdau i'w digidoli, heb sôn am yr archif bresennol.

Mae'n rhyfedd y byddai unrhyw un yn peidio â chefnogi archif genedlaethol, pan ydym yn ceisio gwella statws Cymru yn economaidd ac yn ceisio pwysleisio rôl datganoli yn ei bywyd cenedlaethol. Fel y gŵyr pob un ohonom, mae llawer o bobl, ledled y byd, yn

information from us. However, if they visit and want to do some research on Welsh devolution, they must go to Kew—the London Welsh would probably give them a warm welcome, but we would give them an even warmer welcome in Aberystwyth, or somewhere else appropriate. I am disappointed with the First Minister, frankly, for his lack of imagination and his dull response on this issue.

On scrutiny, the code, in describing what the principles mean in practice, helpfully states that:

‘We will publish the facts and factual analyses behind policy proposals and Ministerial decisions, unless they are exempt under this Code.’

I accept that. It goes on to state that

‘This will normally be when the policies and decisions are announced.’

That is helpful. However, during this term, I have tried to get a definition of a disabled person. This Government has a policy to make homecare free for disabled people. That is an expansive policy. There is an existing definition of a disabled person in British law, and I have been unable to find out whether the current legal advice is that it is this definition that stands.

The Minister for Health and Social Services amplified this decision in an announcement without giving us the definition of a disabled person. How can we scrutinise governmental decisions if we do not have something as basic as a definition of the group that will benefit from it? A restricted definition could render such a policy practically null and void by making it very narrow in its application, or it could be a dramatic advance that the people of Wales—and certainly disabled people as defined under the current definition—should know about. The Government must go away and think hard about this matter because, to its credit, it is taking on a code that has wide ramifications. However, governments are odd beasts

gofyn inni am wybodaeth. Fodd bynnag, os ydynt yn ymweld â ni ac am wneud rhywfaint o ymchwil ar ddatganoli yng Nghymru, rhaid iddynt fynd i Kew—byddai Cymry Llundain yn rhoi croeso cynnes iddynt mae’n siŵr, ond byddem ni yn rhoi croeso hyd yn oed yn gynhesach iddynt yn Aberystwyth, neu yn rhywle arall sy’n briodol. Yr wyf yn siomedig gyda’r Prif Weinidog, a dweud y gwir, am ei ddiffyg dychymyg a’i ymateb difflach ar y mater hwn.

O ran craffu, noda’r cod yn ddefnyddiol, wrth ddisgrifio ystyr yr egwyddorion yn ymarferol:

‘Byddwn yn cyhoeddi’r ffeithiau a’r dadansoddiadau ffeithiol sydd y tu ôl i gynigion polisi a phenderfyniadau’r Gweinidogion, oni bad bod y Cod hwn wedi eu heithrio.’

Derbyniaf hynny. Â yn ei flaen i ddweud:

‘Fel arfer, bydd hyn yn digwydd pan gyhoeddir y polisiau a’r penderfyniadau.’

Mae hynny’n ddefnyddiol. Fodd bynnag, yn ystod y tymor hwn, ceisiais gael diffiniad o berson anabl. Mae gan y Llywodraeth bolisi o roi gofal cartref am ddim i bobl anabl. Mae hynny’n bolisi eang. Mae diffiniad o berson anabl i’w gael yng nghyfraith Prydain, ac nid wyf wedi llwyddo i ganfod ai’r cyngor cyfreithiol presennol yw mai’r diffiniad hwn sydd mewn grym.

Ymhelaethodd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ar y penderfyniad hwn mewn cyhoeddiad heb roi’r diffiniad o berson anabl inni. Sut y gallwn graffu ar benderfyniadau’r Llywodraeth os nad oes gennym beth mor sylfaenol â diffiniad o’r grŵp a fydd yn elwa arno? Gallai diffiniad cyfyngedig wneud polisi o’r fath bron yn ddi-rym drwy ei wneud yn gul iawn o ran y modd y caiff ei gymhwyso, neu gallai fod yn ddatblygiad mawr y dylai pobl Cymru—ac yn sicr pobl anabl fel y’u diffinnir o dan y diffiniad presennol—wybod amdano. Rhaid i’r Llywodraeth drafod y mater hwn yn drwyadl oherwydd, er clod iddi, mae’n ymgymryd â chod ac iddo ganlyniadau eang. Fodd

whoever controls them, and executives, like princes in the past, play some strange games. I hope that you will respect the role of the public and of opposition Members in scrutinising your actions.

The First Minister: We have had a wide-ranging debate this afternoon—some of it relevant to the subject under discussion. I suppose that that is more excusable today, as we approach the end of a term, than it is at other times. I will have to write to Mike German about his detailed point on the comparison with Scotland. However, I will make a few observations about how we will synchronise the operation of our code and the Freedom of Information Act 2000 as I understand it. It is the information commissioner who would adjudicate on appeals relating to requests for information that are denied. When the Freedom of Information Act 2000 comes in, on 1 January, the information commissioner would rule on such matters. The power to issue a certificate overriding a decision by the information commissioner to grant an appeal by a requester will fall to me as First Minister, as it would fall to Jack McConnell as First Minister in Scotland. However, in our case, where the code is stronger than the Act, the Welsh Administrative Ombudsman, rather than the information commissioner, would make a ruling. He can make a finding of maladministration. That function will transfer to the new Public Services Ombudsman when that person is appointed following the Act of Parliament that we assume—because it is non-controversial—will proceed through both Houses in the tail end of this Parliament before the election.

There is an element of complexity there, but I do not think that any Member would want us to weaken the code in order to make it synchronise with the upper limits of what is available under the Freedom of Information Act 2000. However, it is the First Ministers in Scotland and Wales who would have the job of issuing a certificate, in consultation with the Cabinet colleagues holding the portfolio from which the information has been requested. The issuing of a certificate

bynnag, mae llywodraethau yn greaduriaid rhyfedd waeth pwy sy'n eu rheoli, ac mae gweithrediaethau, fel tywysogion gynt, yn chwarae gemau rhyfedd. Gobeithiaf y byddwch yn parchu rôl y cyhoedd ac Aelodau'r gwrthbleidiau wrth graffu ar eich gweithredoedd.

Y Prif Weinidog: Cawsom ddadl eang ei chwmpas y prynhawn yma—mae peth ohoni'n berthnasol i'r pwnc dan sylw. Tybiaf y gellir maddau hynny yn fwy heddiw, wrth inni ddod at ddiwedd tymor, nag ar adegau eraill. Bydd yn rhaid imi ysgrifennu at Mike German ynglŷn â'i bwynt manwl ar y gymhariaeth â'r Alban. Fodd bynnag, gwnaf ychydig o sylwadau ynglŷn â'r ffordd y byddwn yn cysoni gweithrediad ein cod â Deddf Rhyddid Gwybodaeth 2000 fel y'i deallaf. Y comisiynydd gwybodaeth a fyddai'n dyfarnu ar apeladau yn ymwneud â cheisiadau am wybodaeth a wrthodir. Pan ddaw Deddf Rhyddid Gwybodaeth 2000 i rym ar 1 Ionawr, y comisiynydd gwybodaeth fydd yn dyfarnu ar faterion o'r fath. Fy nghyfrifoldeb i fel Prif Weinidog fydd arfer y pŵer i gyhoeddi tystysgrif yn diystyru penderfyniad gan y comisiynydd gwybodaeth i ganiatáu apel gan rywun, fel y byddai'n gyfrifoldeb hefyd ar Jack McConnell fel Prif Weinidog yr Alban. Fodd bynnag yn ein hachos ni, lle mae'r cod yn gryfach na'r Ddeddf, Ombwdsmon Gweinyddol Cymru, yn hytrach na'r comisiynydd gwybodaeth, fyddai'n dyfarnu. Gall ddyfarnu fod achos o gamweinyddu. Bydd y swyddogaeth honno yn cael ei throsglwyddo i'r Ombwdsmon Gwasanaethau Cyhoeddus newydd pan benodir y person hwnnw yn dilyn y Ddeddf Seneddol y tybiwn—gan nad yw'n ddadleuol—a fydd yn mynd drwy'r ddau Dŷ ar ddiwedd y tymor hwn o'r Senedd cyn yr etholiad.

Ceir rhywfaint o gymhlethdod, ond ni chredaf y byddai unrhyw Aelod am inni wanhau'r cod er mwyn ei gysoni â therfynau uwch yr hyn sydd ar gael o dan Ddeddf Rhyddid Gwybodaeth 2000. Fodd bynnag, y Prif Weinidogion yn yr Alban a Chymru fyddai'n gyfrifol am gyhoeddi tystysgrif ar y cyd ag aelodau eraill y Cabinet sy'n dal y portffolio y gofynnwyd am y wybodaeth ohono. Fodd bynnag, dim ond mewn amgylchiadau eithriadol y byddai tystysgrif

would, however, only be in exceptional circumstances.

If a Government Minister in the Westminster dispensation uses this power to issue a certificate in a certain way—this is an England and Wales Act—that does not set a precedent for how I would use the certificate. I do not have to use the certificate in the same way. I have to set precedents for Wales, and I will set them in the spirit of the wider Act and the wider code and the substantial harm test basis of our code. That is what I intend to do, and it is an important principle with regard to how we would use the certificate. We are not obliged to use it in the same way as Westminster, and the reasons for that relate, in part, to our own commitment and the newness of the Assembly, but also to a point that William Graham raised. William is quite right to refer to controversial areas that have arisen in the past 12 months with regard to the war in Iraq and weapons of mass destruction. I do not want to comment on the points that he made, but it is important to note that we in the Assembly are fortunate in the sense that we do not deal with heavy-duty national and international security matters. The climate at Westminster is such that it guards itself against being forced to disclose information that might pose a threat to the country. We do not have that kind of information: we do not have secret service, or military, diplomatic or foreign policy issues to deal with. That is one reason why we can make a commitment to be far more open in Government than Westminster can, and it is perfectly reasonable that that should be the case. Westminster is bound to be tighter on releasing information because of the nature of the information that it holds, with its defence, security and secret service responsibilities.

4.20 p.m.

Owen John Thomas made comments about certain areas where he thought that we had fallen below standards that he had set—to be honest, I thought that it was pretty thin stuff—as regards the public appointment row that he was involved in. You would think that we would get a little credit for being the only

yn cael ei chyhoeddi.

Pe bai un o Weinidogion y Llywodraeth yn San Steffan yn defnyddio'r pŵer hwn i gyhoeddi tystysgrif mewn ffordd benodol—Deddf Cymru a Lloegr yw hon—nid yw hynny'n gosod cynsail ar gyfer y ffordd y byddwn yn defnyddio'r dystysgrif. Nid oes raid imi ddefnyddio'r dystysgrif yn yr un ffordd. Rhaid imi osod cynsail i Gymru, ac fe'i gosodaf yn ysbryd y Ddeddf ehangach a'r cod ehangach ac ar sail prawf niwed sylweddol ein cod. Dyna'r hyn y bwriadaf ei wneud, ac mae'n egwyddor bwysig o ran sut y byddem yn defnyddio'r dystysgrif. Nid oes reidrwydd arnom i'w defnyddio yr yn un ffordd â San Steffan, ac mae'r rhesymau dros hynny, yn rhannol, yn ymwneud â'n hymrwymiad ni a newydd-deb y Cynulliad, ond hefyd â phwynt a gododd William Graham. Mae William yn hollol iawn i gyfeirio at feysydd dadleuol sydd wedi codi dros y 12 mis diwethaf o ran y rhyfel yn Irac ac arfau dinistr. Nid wyf am wneud sylwadau ar y pwyntiau a gododd, ond mae'n bwysig nodi ein bod ni yn y Cynulliad yn ffodus yn yr ystyr nad oes yn rhaid inni ddelio â materion diogelwch cenedlaethol a rhyngwladol o bwys. Mae'r hinsawdd yn San Steffan yn golygu ei bod yn gwarchod ei hun rhag cael ei gorfodi i ddatgelu gwybodaeth a allai beryglu diogelwch y wlad. Nid oes gennym y math hwnnw o wybodaeth; nid oes gennym wasanaeth cudd, na materion milwrol, diplomataidd neu bolisiau tramor i ymdrin â hwy. Mae hynny'n un rheswm pam y gallwn wneud ymrwymiad i fod yn llawer mwy agored fel Llywodraeth na San Steffan, ac mae'n eithaf rhesymol mai felly y dylai fod. Mae San Steffan yn rhwym o fod yn fwy llym wrth ryddhau gwybodaeth oherwydd natur y wybodaeth a ddeil, gyda'i chyfrifoldebau o ran amddiffyn, diogelwch a'r gwasanaeth cudd.

Gwnaeth Owen John Thomas sylwadau am rai meysydd lle yr oedd o'r farn ein bod wedi methu â chyrraedd y safonau a osodwyd ganddo—a bod yn onest, yr oedd hynny braidd yn wan yn fy marn i—o ran y ffrae ynglŷn â phenodiad cyhoeddus yr oedd yn rhan ohoni. Byddech yn meddwl y byddem

part of the United Kingdom where opposition Members sit on public appointments committees. I think that you have to accept, Owen John, having had the privilege of sitting on a public appointments committee, that if there is a deadlock, and you want to appoint one person, and Alun Pugh wants to appoint another, the Minister, and not a Member of an opposition party, has to have the ability to break that deadlock. In other parts of the United Kingdom, a Member of the opposition party would not be on the appointments committee in the first place.

Owen John Thomas: Rhodri, are you familiar with the Cardiff saying, ‘it is all top show’?

The First Minister: Again, you refuse to give us any credit for opposition Members having the privilege—uniquely in Wales—of sitting in on public appointments. It is extremely rare, but, in the end, you must break a deadlock. Surely, you have to realise, although you totally refuse to give any cognisance to the fact, that the Minister must take the responsibility for making the appointment where there is a deadlock in the appointments committee.

David Melding: It is appropriate that you put that challenge to us. I have sat on a public appointments panel for five years, and the work that your Government has done in this area has been first class. When it is applied consistently, it is in the public interest. I am happy to give you that recognition.

The First Minister: I am grateful to you for that, and I think that you have been involved in some appointments where there have been disagreements with the Minister over the past five years. It is important that we preserve that function. It is unusual, but it is right for Wales that we continue with that system.

Points were raised about MRSA information: that information is on the website. The comparisons between the situation in Wales, in England and in Scotland are on the Assembly’s website. You cannot make

yn cael ein canmol ychydig gan mai ni yw’r unig ran o’r Deyrnas Unedig lle y gall Aelodau’r gwrthbleidiau fod yn aelodau o bwyllgorau penodiadau cyhoeddus. Credaf fod yn rhaid ichi dderbyn, Owen John, ar ôl cael y fraint o fod yn aelod o bwyllgor penodiadau cyhoeddus, os oes anghytundeb llwyr, ac yr ydych am benodi un person, ac mae Alun Pugh am benodi un arall, mai’r Gweinidog, ac nid Aelod o wrthblaid, sydd â’r gallu i ddatrys yr anghytundeb hwnnw. Mewn rhannau eraill o’r Deyrnas Unedig, ni fyddai Aelod o’r wrthblaid ar y pwyllgor penodiadau yn y lle cyntaf.

Owen John Thomas: Rhodri, a ydych yn gyfarwydd â’r dywediad yng Nghaerdydd, ‘it is all top show’?

Y Prif Weinidog: Unwaith eto, yr ydych yn gwrthod rhoi unrhyw glod inni am sicrhau bod gan Aelodau’r gwrthbleidiau y fraint—unigryw yng Nghymru—o fod yn rhan o’r broses o wneud penodiadau cyhoeddus. Prin iawn yw’r achosion hynny, ond yn y pen draw, rhaid ichi ddatrys anghytundeb. Rhaid ichi sylweddoli, er ichi wrthod yn llwyr amgyffred y ffaith, fod yn rhaid i’r Gweinidog fod yn gyfrifol am benodi os oes anghytundeb yn y pwyllgor penodiadau.

David Melding: Mae’n briodol ichi osod yr her honno inni. Bûm yn aelod o banel penodiadau cyhoeddus am bum mlynedd, ac mae’r gwaith a wnaeth eich Llywodraeth yn y maes hwn wedi bod o’r radd flaenaf. Pan gaiff ei gymhwyso’n gyson, mae er budd y cyhoedd. Yr wyf yn fodlon rhoi’r gydnabyddiaeth honno i chi.

Y Prif Weinidog: Yr wyf yn ddiolchgar ichi am hynny, a chredaf ichi fod yn rhan o’r broses o wneud rhai penodiadau lle bu anghytundeb gyda’r Gweinidog dros y pum mlynedd diwethaf. Mae’n bwysig inni gadw’r swyddogaeth honno. Mae’n anarferol, ond mae’n iawn i Gymru ein bod yn parhau â’r system honno.

Codwyd pwyntiau ynglŷn â gwybodaeth ar MRSA: mae’r wybodaeth honno ar y wefan. Mae’r cymariaethau rhwng y sefyllfa yng Nghymru, Lloegr a’r Alban ar wefan y Cynulliad. Ni allwch wneud gwybodaeth yn

information more public than to put it on the website. We have said that we will consider extending that information into a league table of hospitals, provided that it can be done on a like-for-like basis. Clearly, oncology departments cannot be compared with orthopaedic departments, and orthopaedic departments cannot be compared with open heart surgery departments. It is important that the standard statistical comparisons are genuinely like-for-like comparisons. One problem is that if there is an oncology department for which there is no other comparator in Wales, it has to be compared with oncology departments that do the same job in England. However, unfortunately, England does not collect the same amount of information as we do.

Therefore, we are always looking for good like-for-like comparisons. If we find them, then the information is suitable for publication. If you do not have a like-for-like comparison, nothing will be more misleading than to publish the information. This is not about the denial of information, but about trying to find a way of publishing information that will not mislead potential patients and family members as to which hospital that they should or should not attend.

William Graham also mentioned the controversy over the supply of information to those requesting information about schools to be built on brownfield sites. Again, masses of information were supplied. Civil servants spent months supplying mountains of information to those requesting information about that. However, it always led to a demand for even more information because people thought that there was a killer e-mail somewhere that had been denied to them, but there was not. However, people always believe that there is. There are conspiracy theorists out there who say, 'We know that if we ask for one more bit of information, it will prove our case'. Usually, that is not the case, but it does not mean that requestors using freedom of information provisions are not certain that it is out there somewhere, if only they could define it.

fwy cyhoeddus na'i rhoi ar y wefan. Yr ydym wedi dweud y byddwn yn ystyried estyn y wybodaeth honno i dabl cynghrair o ysbytai, ar yr amod y gellir gwneud hynny ar sail tebyg am debyg. Yn amlwg, ni ellir cymharu adrannau oncoleg ag adrannau orthopedig, ac ni ellir cymharu adrannau orthopedig ag adrannau llawdriniaeth ar y galon. Mae'n bwysig bod y cymariaethau ystadegol safonol yn gymariaethau tebyg am debyg gwirioneddol. Cyfyd un broblem o ran hyn, sef os oes adran oncoleg ac nid oes adran debyg iddi yng Nghymru, rhaid ei chymharu ag adrannau oncoleg sy'n gwneud yr un gwaith yn Lloegr. Fodd bynnag, yn anffodus, nid yw Lloegr yn casglu'r un faint o wybodaeth â ni.

Felly, yr ydym bob amser yn edrych am gymariaethau tebyg am debyg. Os deawn o hyd iddynt, yna bydd y wybodaeth yn addas i'w chyhoeddi. Os nad oes gennych gymhariaeth tebyg am debyg, ni fydd dim byd yn fwy camarweiniol na chyhoeddi'r wybodaeth. Nid oes a wnelo hyn â gwrthod rhoi gwybodaeth, ond â cheisio canfod ffordd o gyhoeddi gwybodaeth na fydd yn camarwain darpar gleifion ac aelodau teuluol o ran pa ysbyty y dylent fynd iddo neu na ddylent fynd iddo.

Soniodd William Graham hefyd am y ddadl ynglŷn â darparu gwybodaeth i'r rhai sy'n gofyn am wybodaeth am ysgolion y bwriedir eu hadeiladu ar safleoedd tir llwyd. Unwaith eto, rhoddwyd llawer iawn o wybodaeth. Treuliodd gweision sifil fisoedd yn rhoi llawer iawn o wybodaeth i'r rhai a ofynnodd am wybodaeth ynglŷn â hynny. Fodd bynnag, arweiniodd bob amser at alw am hyd yn oed fwy o wybodaeth gan fod pobl yn credu bod un neges e-bost bwysig yn rhywle nad oeddent wedi cael cyfle i'w gweld, ond nid oedd un yn bodoli. Fodd bynnag, mae pobl bob amser yn credu bod un ar gael. Mae damcaniaethwyr cynllwynio yn dweud, 'Gwyddom os gofynnwn am un darn bach arall o wybodaeth, y bydd yn ategu'r hyn yr ydym yn ei ddweud'. Fel arfer, nid yw hynny'n wir, ond nid yw'n golygu bod y rhai sy'n gofyn am wybodaeth ac sy'n defnyddio darpariaethau rhyddid gwybodaeth yn sicr ei fod yn bodoli yn rhywle, pe baent ond yn gallu ei ddiffinio.

We tell people what information is available within Government by publishing Cabinet minutes and our decision reports. As I said, we have published over 2,500 decision reports since we started the new system in 2000. I believe that that and the code are to be commended, as is Wales on the way that we are running ourselves, through having an open and democratic, accountable body.

Alun Cairns: Will the First Minister address the points made about written Assembly questions and the fact that the most bland, vague answers are provided here, but when identical questions are tabled in the House Commons, an answer-by-answer, detailed breakdown is given. It cannot be right that we are being treated differently here to how Members of Parliament are treated in the House of Commons, when you claim to be more open.

The First Minister: Bland, at least the way you pronounced it, is a new adjective to me, and I am not sure what it means. If you know how to write a good question, you will get a proper answer. I give you my assurance on that.

Dywedwn wrth bobl pa wybodaeth sydd ar gael o fewn Llywodraeth drwy gyhoeddi cofnodion y Cabinet a'n hadroddiadau ar benderfyniadau. Fel y dywedais, yr ydym wedi cyhoeddi dros 2,500 o adroddiadau ar benderfyniadau ers inni ddechrau'r system newydd yn 2000. Credaf y dylid cymeradwyo hynny a chymeradwyo'r cod, a Chymru am y ffordd yr ydym yn cynnal ein busnes, drwy gael corff agored, democrataidd ac atebol.

Alun Cairns: A wnaiff y Prif Weinidog ymdrin â'r pwyntiau a wnaed am gwestiynau ysgrifenedig y Cynulliad a'r ffaith mai yma y rhoddir yr atebion mwyaf 'bland' ac amwys, ond pan gyflwynir cwestiynau tebyg yn Nhŷ'r Cyffredin, y rhoddir dadansoddiad manwl, fesul ateb. Ni all fod yn iawn inni gael ein trin yn wahanol yma i'r ffordd y caiff Aelodau Seneddol eu trin yn Nhŷ'r Cyffredin, pan haerwch ein bod yn fwy agored yma.

Y Prif Weinidog: Mae'r gair 'bland', neu o leiaf fel y'i hynganwyd gennych chi, yn ansoddair newydd i mi, ac nid wyf yn siŵr beth y mae'n ei olygu. Os gwyddoch sut i ysgrifennu cwestiwn da, cewch ateb priodol. Hoffwn eich sicrhau o hynny.

*Cynnig (NDM2222): O blaid 51, Ymatal 0, Yn erbyn 0.
Motion (NDM2222): For 51, Abstain 0, Against 0.*

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

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Burnham, Eleanor
Cairns, Alun
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Davies, David
Davies, Glyn
Davies, Jocelyn
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Francis, Lisa
German, Michael
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John

Gwyther, Christine
 Hart, Edwina
 Hutt, Jane
 Idris Jones, Denise
 Isherwood, Mark
 James, Irene
 Jones, Ann
 Jones, Carwyn
 Jones, Elin
 Jones, Ieuan Wyn
 Law, Peter
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Melding, David
 Mewies, Sandy
 Morgan, Jonathan
 Morgan, Rhodri
 Neagle, Lynne
 Pugh, Alun
 Randerson, Jenny
 Ryder, Janet
 Sargeant, Carl
 Sinclair, Karen
 Thomas, Catherine
 Thomas, Gwenda
 Thomas, Owen John
 Thomas, Rhodri Glyn
 Williams, Kirsty
 Wood, Leanne

*Derbyniwyd y cynnig.
 Motion carried.*

*Daeth y Dirprwy Lywydd i'r Gadair am 4.26 p.m.
 The Deputy Presiding Officer took the Chair at 4.26 p.m.*

Dadl Fer Short Debate

Llywodraeth Agored, Nolan, y Gweinidog Datblygu Economaidd ac Awdurdod Datblygu Cymru Open Government, Nolan, the Economic Development Minister and the Welsh Development Agency

Alun Cairns: The title of the debate is 'Open Government, Nolan, the Economic Development Minister and the Welsh Development Agency', and it would not take a genius to calculate the point that I am seeking to make. I wish to draw the public's attention to the way in which the new chief executive officer of the WDA was appointed and how the process shows the arrogance and double standards of the Assembly Government's operations.

Before I highlight the way in which the principles of open government and Nolan have been abandoned for political purposes, I

Alun Cairns: Teitl y ddadl yw 'Llywodraeth Agored, Nolan, y Gweinidog Datblygu Economaidd ac Awdurdod Datblygu Cymru', ac nid oes rhaid bod yn athrylith i ddeall y pwynt y ceisiaf ei wneud. Hoffwn dynnu sylw'r cyhoedd at y ffordd y penodwyd prif weithredwr newydd y WDA a sut y dengys y broses drahauster a safonau dwbl ffordd Llywodraeth y Cynulliad o weithredu.

Cyn imi amlygu'r ffordd y mae egwyddorion llywodraeth agored a Nolan wedi'u diystyru at ddibenion gwleidyddol, atgoffaf yr

remind Members of the First Minister's previous standpoint on senior and public appointments. There is no doubt that all Members, in all parties, will recognise the important role that the First Minister played in influencing John Major to commission Lord Nolan to undertake a review of the public and senior appointments process. The First Minister was clearly an advocate of equal opportunities and earned considerable respect for his efforts, so much so that, when he was a Member of Parliament, he was elected chairman of the Select Committee on Public Administration. It is worth highlighting some of the comments that he made when the committee considered public and senior appointments in 1999. He stated:

'We want to shed some light into this murky corner of the democratic system that seems to remain forever free of the principles of fair play, external assessment and natural justice that apply to other appointments.'

He also stated:

'These are the last hold-outs of tradition, the ultimate bastion of the great and the good. They sustain this old-boys network that keeps out women and ethnic minorities from posts thought suitable only for white, Anglo-Saxon males',

and that

'The days of sending out the cabinet secretary down to the Reform Club to find someone who fits the bill should be over. These jobs should be advertised openly and monitored to ensure equal opportunities.'

I am sure that all Members would support and agree with those comments.

The First Minister also claims to have one of the most open governments in western Europe. In a previous debate—and many comments along these lines have been made today—he also said:

Aelodau o safbwynt blaenorol y Prif Weinidog ar uwch benodiadau a phenodiadau cyhoeddus. Yn ddi-au, bydd pob Aelod, ym mhob plaid, yn cydnabod y rhan bwysig a chwaraeodd y Prif Weinidog wrth ddylanwadu ar John Major i gomisiynu'r Arglwydd Nolan i gynnal adolygiad o'r broses o benodi pobl i swyddi cyhoeddus ac uwch swyddi. Yr oedd y Prif Weinidog yn amlwg yn cefnogi cyfle cyfartal a bu iddo ennyn cryn barch am ei ymdrechion, i'r graddau iddo gael ei ethol yn gadeirydd y Pwyllgor Dethol ar Weinyddiaeth Gyhoeddus, pan oedd yn Aelod Seneddol. Mae'n werth amlygu rhai o'r sylwadau a wnaeth pan oedd y pwyllgor yn ystyried penodiadau cyhoeddus ac uwch benodiadau yn 1999. Dywedodd:

Yr ydym am daflu rhywfaint o oleuni ar y rhan amheus hon o'r system ddemocrataidd yr ymddengys nad yw egwyddorion chwarae teg, asesu allanol a chyfiawnder naturiol sy'n gymwys i benodiadau eraill byth yn gymwys iddi.

Dywedodd hefyd:

Dyma'r hyn sydd ar ôl o ran traddodiad, cadarnle olaf mawrion y genedl. Mae'n cynnal y rhwydwaith hwn o gyn-ddisgyblion sy'n golygu na chaiff merched a lleiafrifoedd ethnig swyddi y credir eu bod yn addas i ddynion gwyn, Eingl-Sacsonaidd yn unig,

A

Dylai'r dyddiau pan oedd ysgrifennydd y cabinet yn cael ei anfon i'r Reform Club i ddod o hyd i rywun a oedd yn addas ar gyfer swydd fod ar ben. Dylid hysbysebu'r swyddi hyn yn agored a dylid eu monitro i sicrhau cyfle cyfartal.

Yr wyf yn siŵr y byddai pob Aelod yn cefnogi'r sylwadau hynny ac yn cytuno â hwy.

Mae'r Prif Weinidog hefyd yn honni bod ganddo un o'r llywodraethau mwyaf agored yng ngorllewin Ewrop. Mewn dadl flaenorol—ac mae llawer o sylwadau ar hyd y llinellau hyn wedi'u gwneud heddiw—dywedodd hefyd:

'Breaking down the culture of secrecy and bringing openness, inclusiveness and accountability to public life in Wales will be the hallmark of my leadership of the Assembly.'

We know where the First Minister stands on that. Given those points, I was extremely surprised and disappointed to receive a call from a WDA board member who said that he had received representations from the Minister for Economic Development and Transport's office asking him to support the appointment of Gareth Hall as chief executive. Naturally, I tabled a number of written questions in order to clarify the situation. They were accepted by the Table Office as being in order and as being the responsibility of the Minister for Economic Development and Transport. If they were not, there is no doubt that they would have been rejected immediately, and rightly so. The Minister, however, felt otherwise and passed the buck to the chairman of the WDA to answer the questions. Despite listing nine specific and detailed questions, the responses that I received from Roger Jones were vague and bland, to say the least. They clearly avoided key elements of the questioning.

4.30 p.m.

The Minister refused to offer any further information when questioned in the Economic Development and Transport Committee. The key issue for him is to list details of the communication between his office and the Welsh Development Agency in relation to the chief executive's appointment. That is a matter for the Minister, not the Welsh Development Agency. The Minister refused to answer in committee, therefore the Chair requested a paper for the following meeting. No paper was offered and, having since pursued the matter through the clerk, I understand that, even today, the Minister is using the principles of the Freedom of Information Act 2000 to avoid giving that information. Further investigations with the relevant departments have shown that, if this were the case, the details should have been published 15 working days after the questions were tabled—a deadline that passed some weeks

Bydd dileu'r diwylliant cyfrinachgar a sicrhau natur agored, cynwysoldeb ac atebolrwydd mewn bywyd cyhoeddus yng Nghymru yn nodwedd amlwg o'm harweinyddiaeth yn y Cynulliad.

Gwyddom safbwynt y Prif Weinidog ar hynny. O gofio'r pwyntiau hynny, cefais fy synnu'n fawr ac yr oeddwn yn siomedig iawn i gael galwad gan aelod o fwrdd y WDA a ddywedodd ei fod wedi cael sylwadau gan swyddfa'r Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth yn gofyn iddo gefnogi penodiad Gareth Hall yn brif weithredwr. Yn naturiol, cyflwynais nifer o gwestiynau ysgrifenedig er mwyn cael eglurhad o'r sefyllfa. Derbyniodd y Swyddfa Gyflwyno eu bod mewn trefn ac mai cyfrifoldeb y Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth oeddent. Pe na bai hynny'n wir, yn ddiaw, byddent wedi'u gwrthod ar unwaith, a hynny'n briodol. Fodd bynnag, nid oedd y Gweinidog yn cytuno a throsglwyddodd y cyfrifoldeb dros ateb y cwestiynau i gadeirydd y WDA. Er gwaethaf rhestru naw cwestiwn penodol a manwl, yr oedd yr ymatebion a gefais gan Roger Jones yn amwys ac yn ddisylwedd, i ddweud y lleiaf. Yr oeddent yn amlwg yn osgoi elfennau allweddol o'r cwestiynau.

Gwrthododd y Gweinidog gynnig unrhyw wybodaeth bellach pan gafodd ei holi yn y Pwyllgor Datblygu Economaidd a Thrafnidiaeth. Y mater allweddol iddo yw nodi manylion yr ohebiaeth rhwng ei swyddfa ac Awdurdod Datblygu Cymru mewn perthynas â phenodi'r prif weithredwr. Mater i'r Gweinidog yw hynny, nid Awdurdod Datblygu Cymru. Gwrthododd y Gweinidog roi ateb yn y pwyllgor, felly gofynnodd y Cadeirydd am bapur ar gyfer y cyfarfod dilynol. Ni chynigiwyd papur ac, ar ôl mynd ar drywydd y mater drwy'r clerc ers hynny, deallaf, hyd yn oed heddiw, fod y Gweinidog yn defnyddio egwyddorion Deddf Rhyddid Gwybodaeth 2000 i osgoi rhoi'r wybodaeth honno. Mae ymchwiliadau pellach gyda'r adrannau perthnasol wedi dangos, pe bai hyn yn wir, y dylid bod wedi cyhoeddi'r manylion 15 diwrnod gwaith ar ôl i'r cwestiynau gael eu cyflwyno—terfyn amser a ddaeth i ben sawl wythnos yn ôl. Os

ago. If they are still refusing to publish the data, I ask on what grounds are they refusing, so that we can challenge them through the information commissioner.

As a result of the vagaries, the committee invited the agency's chairman, Roger Jones, to give evidence. The information blocked by the Minister would have been key to the questioning of Mr Jones, but the Minister's silence spoke volumes. In his opening statement, Mr Jones claimed that, in view of Graham Hawker's sudden resignation, open recruitment would have taken eight months and left the agency leaderless for that period. This does not make sense on two counts: Mr Hawker, in his resignation speech, indicated that he wanted to work his six months' notice, and, secondly, Mr Jones had previously advised me, in response to the written questions, that it had taken merely three or four months from the appointment of recruitment consultants to the appointment of Mr Hawker. Mr Jones stated that Mr Hawker was unemployed at the time of his appointment, which meant that there was no requirement for him to work a notice period. Again, this does not add up. I have never heard of the Nolan principles and equal opportunities being abandoned because of the notice period that someone would have to work to take up an advertised appointment.

There may well have been another unemployed individual who was ready to take the post, or even a self-employed individual who was not tied to an organisation that would require a notice period. There may well have been a businessperson, the chief executive of an organisation, who would have left his or her own company readily to take up the post. However, the appointment process that was followed with the Minister's support means that we will never know. In the unlikely event that the post would not have been filled in six months, the obvious action, which is taken by every private and public sector agency, would have been to appoint an acting chief executive for the remainder of the period. The First Minister's statement to the Public Administration Select Committee did

dynt yn parhau i wrthod cyhoeddi'r data, gofynnaf ar ba sail y maent yn gwrthod, er mwyn inni allu eu herio drwy'r comisiynydd gwybodaeth.

O ganlyniad i'r mympwyon, estynnodd y pwyllgor wahoddiad i gadeirydd yr awdurdod, Roger Jones, roi tystiolaeth. Byddai'r wybodaeth y gwrthododd y Gweinidog ei rhoi wedi bod yn allweddol i'r broses o holi Mr Jones, ond yr oedd tawelwch y Gweinidog yn dweud cyfrolau. Yn ei ddatganiad agoriadol, honnodd Mr Jones, yng ngoleuni ymddiswyddiad sydyn Graham Hawker, y byddai recriwtio agored wedi cymryd wyth mis ac y byddai'r awdurdod wedi bod heb arweinydd am y cyfnod hwnnw. Nid yw hynny'n gwneud synnwyr am ddau reswm: nododd Mr Hawker, yn ei araith ymddiswyddo, ei fod am weithio cyfnod o chwe mis o rybudd, ac, yn ail, yr oedd Mr Jones wedi fy hysbysu o'r blaen, mewn ymateb i'r cwestiynau ysgrifenedig, nad oedd ond wedi cymryd tri neu bedwar mis ar ôl penodi ymgynghorwyr recriwtio i benodi Mr Hawker. Nododd Mr Jones fod Mr Hawker yn ddi-waith pan gafodd ei benodi, a oedd yn golygu nad oedd yn ofynnol iddo weithio cyfnod o rybudd. Unwaith eto, nid yw hynny'n gwneud synnwyr. Nid wyf erioed wedi clywed am rywun yn diystyru egwyddorion Nolan a chyfle cyfartal oherwydd y cyfnod o rybudd y byddai'n rhaid i rywun weithio cyn dechrau ar swydd a hysbysebwyd.

Efallai fod unigolyn di-waith arall a oedd yn barod i dderbyn y swydd, neu hyd yn oed unigolyn hunan-gyflogedig nad oedd ynghlwm wrth sefydliad a fyddai'n gofyn iddo weithio cyfnod o rybudd. Efallai fod gŵr neu wraig busnes, prif weithredwr sefydliad, a fyddai wedi bod yn barod i adael ei gwmni neu ei chwmini i dderbyn y swydd. Fodd bynnag, mae'r broses benodi a ddilynwyd gyda chefnogaeth y Gweinidog yn golygu na fyddwn byth yn gwybod hynny. Pe na bai'r swydd wedi'i llenwi o fewn chwe mis, a fyddai'n annhebygol, y cam amlwg i'w gymryd, a gymerir gan bob asiantaeth yn y sector preifat a'r sector cyhoeddus, fyddai penodi prif weithredwr dros dro am weddill y cyfnod. Nid oedd datganiad y Prif Weithredwr i'r Pwyllgor Dethol ar Weinyddiaeth Gyhoeddus yn cynnwys

not contain a footnote that said that the Nolan principles and equal opportunities would only apply if the person to be appointed did not have to work a notice period.

On what basis was Mr Hall appointed? According to Roger Jones, interviews had already taken place as part of an internal restructuring programme. The interviews were for different roles that required different skills and competencies, yet it was felt that the panel was sufficiently equipped to appoint a candidate from among those that it had interviewed for other jobs. Again, this does not make any sense because the appointment was not even advertised internally, therefore there may well be other directors in the agency who would have liked to have applied for the job and may well have been more appropriate candidates. Nic Neal, a former chief executive, Hilary Hendy, Zoe Harcombe, Gareth John, Siân Lloyd Jones, David Childs, Chris Farrow, Geraint Davies, Mike King and Karen Thomas were all dismissed—they were not even asked whether they wanted to apply for the job or if they felt that they were suitable. What sort of message does this send to the senior management of the Welsh Development Agency, which will face an extremely turbulent time in the coming months? None of these people would have had to work a notice period either, and I am sure that they would have been released in order to take up a promotion to the ultimate leadership role within the agency.

I will summarise what happened. Mr Hawker resigned on 15 July, and Mr Hall's appointment procedure was completed just eight days later. A board member claimed that he was pressurised to accept Gareth Hall as chief executive. Mr Jones would not answer whether the board was united on Mr Hall's appointment. The principles of equal opportunities and the Nolan review were abandoned on the basis that it would take eight months to re-appoint, although previous individuals had been appointed within three months, and the outgoing chief executive was prepared to work the six months' notice period. The appointment was made on the basis of interviews for other jobs, in spite of the different skills and competencies required

troednodyn yn dweud mai dim ond os nad oedd yn rhaid i'r unigolyn a benodwyd weithio cyfnod o rybudd y byddai egwyddorion Nolan a chyfle cyfartal yn gymwys.

Ar ba sail y penodwyd Mr Hall? Yn ôl Roger Jones, yr oedd cyfweiliadau eisoes wedi'u cynnal fel rhan o raglen ailstrwythuro fewnol. Yr oedd y cyfweiliadau ar gyfer rolau gwahanol yr oedd angen sgiliau a chymwyseddau gwahanol ar eu cyfer, ond teimlwyd bod y panel yn ddigon medrus i benodi ymgeisydd o blith y rhai yr oedd wedi cyfweled â hwy am swyddi eraill. Unwaith eto, nid yw hyn yn gwneud unrhyw synnwyr oherwydd ni hysbysebwyd y penodiad yn fewnol hyd yn oed, ac efallai fod cyfarwyddwyr eraill yn yr awdurdod a fyddai wedi dymuno ymgeisio am y swydd ac efallai y byddent wedi bod yn ymgeiswyr mwy priodol. Cafodd Nic Neal, cyn-brif weithredwr, Hilary Hendy, Zoe Harcombe, Gareth John, Siân Lloyd Jones, David Childs, Chris Farrow, Geraint Davies, Mike King a Karen Thomas oll eu diystyru—ni ofynnwyd iddynt a oeddent am wneud cais am y swydd neu a oeddent o'r farn eu bod yn addas hyd yn oed. Pa fath o neges y mae hyn yn ei chyfleu i uwch reolwyr Awdurdod Datblygu Cymru, a fydd yn wynebu cyfnod cythryblus iawn yn y misoedd i ddod? Ni fyddai'n rhaid i unrhyw un o'r rhain weithio cyfnod o rybudd ychwaith, ac yr wyf yn siŵr y byddent wedi cael eu rhyddhau er mwyn cael dyrchafiad i'r brif rôl arwain yn yr awdurdod.

Cryrhoaf yr hyn a ddigwyddodd. Ymddiswyddodd Mr Hawker ar 15 Gorffennaf, a chwblhawyd gweithdrefn benodi Mr Hall gwta wyth diwrnod yn ddiweddarach. Honnodd aelod o'r bwrdd ei fod wedi'i roi o dan bwysau i dderbyn Gareth Hall fel prif weithredwr. Gwrthododd Mr Jones ag ateb y cwestiwn ynghylch a oedd y bwrdd yn gwbl gytûn ar benodiad Mr Hall. Diystyrwyd egwyddorion cyfle cyfartal ac adolygiad Nolan ar y sail y byddai'n cymryd wyth mis i ailbenodi, er bod unigolion wedi'u penodi o fewn tri mis yn y gorffennol, a bod y prif weithredwr a oedd yn ymadael yn fodlon gweithio'r cyfnod o chwe mis o rybudd. Gwnaed y penodiad ar sail cyfweiliadau ar gyfer swyddi eraill, er

for those roles. No-one, other than Mr Hall, was invited to apply, and the Minister refuses to make available information on the communications between his office and the Welsh Development Agency in relation to the appointment.

It is clear: the Minister wanted Mr Hawker out and Mr Hall—someone whom he felt would bow to his political interference and political meddling—in. That is the reality of what they wanted. The principles of the Nolan review and open government, once advocated so strongly by the First Minister, do not apply because they are inconvenient. Equal opportunities do not apply either, and Roger Jones is left to carry the can and make questionable statements to save the Minister's skin. I was extremely concerned about Mr Jones last week because it was obvious that he was answering questions that should have been answered by the Minister, and had to make statements, which I believe that he would rather not have made, in order to save the Minister's skin. Of course, we all know the truth.

The Minister has been keen to highlight that he did not speak to the WDA—he has said as much in the Chamber, and it is on record—but what about his officials? Roger Jones has denied an influence for your sake, Minister, but will you state whether your officials called the agency seeking to influence the appointment of the chief executive officer? Yes or no? You know the consequences of lying, Minister.

To paraphrase the First Minister, the Welsh Assembly Government and the Welsh Development Agency are the ultimate bastion of the great and the good. They sustain the old-boys' network that keeps women and ethnic minorities from posts that are thought to be suitable for white, Anglo-Saxon males only. It seems that the days of sending the cabinet secretary down to the Reform Club have changed to sending the head of the economic development unit out to the Hilton hotel to meet the chairman and

gwaethaf y sgiliau a'r cymwyseddau gwahanol yr oedd eu hangen ar gyfer y rolau hynny. Ni wahoddwyd neb i wneud cais, ac eithrio Mr Hall, ac mae'r Gweinidog yn gwrthod rhyddhau gwybodaeth am yr ohebiaeth rhwng ei swyddfa ac Awdurdod Datblygu Cymru mewn perthynas â'r penodiad.

Mae'n amlwg: yr oedd y Gweinidog am gael gwared ar Mr Hawker ac am i Mr Hall—rhywun y credai y byddai'n barod i blygu i'w ymyrraeth wleidyddol—gael y swydd. Dyna'r hyn yr oeddent am ei gael mewn gwirionedd. Nid yw egwyddorion adolygiad Nolan a llywodraeth agored, a gefnogwyd mor frwd gan y Prif Weinidog yn y gorffennol, yn gymwys am eu bod yn anghyfleus. Nid yw cyfle cyfartal yn gymwys ychwaith, a Roger Jones sy'n gorfod ysgwyddo'r bai a gwneud datganiadau amheus i achub croen y Gweinidog. Yr oeddwn yn bryderus iawn ynghylch Mr Jones yr wythnos diwethaf am ei bod yn amlwg ei fod yn ateb cwestiynau y dylai'r Gweinidog fod wedi'u hateb, a bod yn rhaid iddo wneud datganiadau, y credaf y byddai wedi bod yn well ganddo beidio â'u gwneud, er mwyn achub croen y Gweinidog. Wrth gwrs, gŵyr pob un ohonom y gwirionedd.

Bu'r Gweinidog yn awyddus i bwysleisio na siaradodd â'r WDA—mae wedi dweud hynny yn y Siambr, ac mae wedi'i gofnodi—ond beth am ei swyddogion? Mae Roger Jones wedi gwadu dylanwad er eich mwyn chi, Weinidog, ond a nodwch pa un a ffoniodd eich swyddogion yr awdurdod i geisio dylanwadu ar benodiad y prif swyddog gweithredol? Do ynteu naddo? Gwyddoch beth yw canlyniadau dweud celwydd, Weinidog.

I aralleirio'r Prif Weinidog, Llywodraeth Cynulliad Cymru ac Awdurdod Datblygu Cymru yw cadarnle olaf mawrion y genedl. Mae'n cynnal rhwydwaith y cyn-ddisgyblion sy'n golygu na chaiff merched a lleiafrifoedd ethnig swyddi y credir eu bod yn addas i ddynion gwyn, Eingl-Sacsonaidd yn unig. Ymddengys bod y dyddiau pan anfonwyd ysgrifennydd y cabinet i'r Clwb Diwygio wedi mynd heibio ac yn awr anfonir pennaeth yr uned datblygu economaidd i westy'r Hilton i gyfarfod â chadeirydd a

directors of the Welsh Development Agency. The First Minister has claimed in statements that breaking down the culture of secrecy and bringing openness, inclusiveness and accountability to public life in Wales will be the hallmark of his leadership. However, these principles clearly do not apply to the Minister for Economic Development and Transport because they are uncomfortable and will show an uncomfortable truth.

I have agreed to give a minute to Jenny Randerson to contribute to the debate.

Jenny Randerson: We have come a long way from the days when the Conservatives used to appoint their buddies—

Glyn Davies: I was no buddy.

Jenny Randerson: They used to appoint their buddies and Glyn Davies to the various quangos, and I believe that we all applaud the fact that we have come a long way from that. It is, however, ironic that Alun has found enough information to give his argument force on the afternoon when we have debated public access to information. This issue should prevent us from being complacent, now that we are, inevitably, on a road towards more freedom of information.

The Minister will undoubtedly say—as he has said it several times before—that there are more important things to worry about in economic development, and I would agree. For a start, there is the 15 per cent fall in self-employment in Wales, which we need to worry about far more than this, but Governments need to worry about trust, and, it is time that the Minister defused this situation. He has it in his power to do so by publishing all the relevant information that has been requested, in a way—if necessary, Alun—that would protect confidentiality, because that is possible. If not, we would be right in fearing that we are on a downward slope towards a situation where the Labour Government here appoints people on the basis of who it knows, rather than on the

chymarwyddwyr Awdurdod Datblygu Cymru. Mae'r Prif Weinidog wedi honni mewn datganiadau y bydd dileu'r diwylliant cyfrinachgar a sicrhau natur agored, cynwysoldeb ac atebolrwydd mewn bywyd cyhoeddus yng Nghymru yn nodwedd amlwg ar ei arweinyddiaeth. Fodd bynnag, mae'n amlwg nad yw'r egwyddorion hyn yn gymwys i'r Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth am eu bod yn annifyr a byddant yn amlygu gwirionedd annifyr.

Yr wyf wedi cytuno i roi munud i Jenny Randerson gyfrannu i'r ddadl.

Jenny Randerson: Mae pethau wedi gwella llawer ers y dyddiau pan oedd y Ceidwadwyr yn penodi eu ffrindiau—

Glyn Davies: Nid yw hynny'n wir amdanaf fi.

Jenny Randerson: Yr oeddent yn arfer penodi eu ffrindiau a Glyn Davies i'r cwangos gwahanol, a chredaf fod pob un ohonom yn cymeradwyo'r ffaith bod pethau wedi gwella llawer ers hynny. Fodd bynnag, mae'n eironig bod Alun wedi dod o hyd i ddigon o wybodaeth i roi grym i'w ddadl ar y prynhawn pan gynhaliwyd dadl ar ganiatáu i'r cyhoedd weld gwybodaeth. Dylai'r mater hwn ein rhwystro rhag bod yn hunanfodlon, gan ein bod, yn anochel, yn mynd i gyfeiriad a fydd yn golygu mwy o ryddid o ran gwybodaeth.

Yn ddiau bydd y Gweinidog yn dweud—fel y dywedodd droeon—fod pethau pwysicach i bryderu amdanynt yn y maes datblygu economaidd, a byddwn yn cytuno. I ddechrau, mae gostyngiad o 15 y cant mewn hunan-gyflogaeth yng Nghymru, y bydd angen inni bryderu amdano yn llawer mwy na hyn, ond mae angen i Lywodraethau bryderu am ymddiriedaeth, ac mae'n hen bryd i'r Gweinidog ddatrys y sefyllfa hon. Mae ganddo'r pŵer i wneud hynny drwy gyhoeddi'r holl wybodaeth berthnasol y gofynnwyd amdani, mewn ffordd—os bydd angen, Alun—a fyddai'n diogelu cyfrinachedd, oherwydd mae hynny'n bosibl. Os na wneir hynny, byddai'n briodol inni ofni ein bod yn mynd i'r cyfeiriad lle y mae'r Llywodraeth Lafur yma yn penodi pobl ar

basis of ensuring that there is fairness and equality for all who might be interested in a job. I say this—

sail pwy y mae'n ei adnabod, yn hytrach nag er mwyn sicrhau tegwch a chydarddoldeb i bawb a allai fod â diddordeb mewn swydd. Dywedaf hyn—

4.40 p.m.

The Deputy Presiding Officer: Order. You have had two and a quarter minutes; I have given you a good run.

Y Dirprwy Lywydd: Trefn. Cawsoch ddwy funud a chwarter; yr wyf wedi rhoi digon o amser ichi.

The Minister for Economic Development and Transport (Andrew Davies): The Government has demonstrated its commitment to the application of Nolan principles, and we will not take any lessons from the party of sleaze, or, as the former chair of your party said, the 'nasty party'.

Y Gweinidog dros Ddatblygu Economaidd a Thrafnidiaeth (Andrew Davies): Mae'r Llywodraeth wedi dangos ei hymrwymiad i gymhwyso egwyddorion Nolan, ac ni fyddwn yn derbyn unrhyw wersi gan blaid llygredd, na chan y blaid gas, fel y dywedodd cyn-gadeirydd eich plaid.

The details of Gareth Hall's appointment as chief executive of the Welsh Development Agency have been discussed in the Chamber and in the Economic Development and Transport Committee, and they are a matter of public record. I have also answered written Assembly questions on this issue and dealt with direct requests for information at the two most recent Economic Development and Transport Committee meetings. As one of the few accurate parts in Alun's address stated, the last of those meetings was attended by Roger Jones, the chair of the WDA, who was typically open, direct and, although I know that Alun did not like it, robust in his response about this appointment and his role when he was questioned by Alun and other members of the committee.

Trafodwyd manylion penodiad Gareth Hall fel prif weithredwr Awdurdod Datblygu Cymru yn y Siambr ac yn y Pwyllgor Datblygu Economaidd a Thrafnidiaeth, ac mae cofnod cyhoeddus ohonynt. Yr wyf hefyd wedi ateb cwestiynau ysgrifenedig y Cynulliad ar y mater hwn ac yr wyf wedi ymdrin â cheisiadau uniongyrchol am wybodaeth yn ystod dau gyfarfod diwethaf y Pwyllgor Datblygu Economaidd a Thrafnidiaeth. Fel y nododd un o'r ychydig rannau cywir o anerchiad Alun, bu Roger Jones, cadeirydd y WDA, yn bresennol yn yr olaf o'r ddau gyfarfod hynny, ac yr oedd yn agored ac yn uniongyrchol, yn ôl ei arfer, ac, er fy mod yn gwybod nad oedd Alun yn hoffi hynny, rhoddodd ymateb cadarn ynghylch y penodiad hwn a'i rôl pan y'i cwestiynwyd gan Alun ac aelodau eraill o'r pwyllgor.

It should have sunk in by now, Alun, that Nolan allows for flexibility in exceptional circumstances. I believe, and most other members of the Economic Development and Transport Committee agree, that the recent appointment of Gareth Hall, as chief executive of the WDA, following Graham Hawker's resignation announcement, falls into that exceptional category. For the record—although I am sure that most Members will be aware of this—the former chief executive, Graham Hawker, had resigned on the basis that he was not happy about the First Minister's announcement on the mergers of the WDA, the Wales Tourist Board and Education and Learning Wales,

Dylech fod wedi deall erbyn hyn, Alun, bod Nolan yn caniatáu hyblygrwydd mewn amgylchiadau eithriadol. Credaf, ac mae'r rhan fwyaf o aelodau eraill y Pwyllgor Datblygu Economaidd a Thrafnidiaeth yn cytuno, fod penodi Gareth Hall yn ddiweddar, fel prif weithredwr y WDA, yn dilyn ymddiswyddiad Graham Hawker, yn y categori eithriadol hwnnw. Er gwybodaeth—er y bydd y rhan fwyaf o Aelodau yn ymwybodol o hyn, mae'n siŵr—yr oedd y cyn-brif weithredwr, Graham Hawker, wedi ymddiswyddo ar y sail nad oedd yn fodlon ar gyhoeddiad y Prif Weinidog ynghylch uno'r WDA, Bwrdd Croeso Cymru a Dysgu ac Addysgu Cymru â'r Cynulliad, ac yr oedd o'r

and he felt that he was incapable or unwilling to take that merger process forward.

Alun Cairns: Will you give way?

Andrew Davies: No. [*Interruption.*] I will take an intervention when I have finished my point.

There was a clear timetable by which the merger would be completed, and it would be done by April 2006. We would be appointing, whether Graham Hawker had served the full six months or not, a chief executive for less than two years. These were wholly exceptional circumstances. A chief executive of one of the major agencies in Wales had resigned, and, by anyone's definition—even Alun's on a bad day—these were exceptional circumstances. Under those circumstances, the agency acted proportionately and appropriately, and it did so with my prior agreement and with that of the Permanent Secretary, who discussed the matter with Roger Jones. In doing so, Sir Jon Shortridge and I both emphasised that the choice of candidate was one for the WDA board.

I would have been in dereliction of my duty and responsibilities as a Minister if I had not spoken to the chair. If I had not, no doubt Alun would have been asking why I did not. Sir Jon Shortridge, the Permanent Secretary, as the accounting officer, quite rightly had conversations with the chair of the WDA. He would have been in dereliction of his duty had he not spoken to the accounting officer of the WDA in these exceptional circumstances.

Alun Cairns: Why then did this director receive representation from your office to accept Gareth Hall's appointment against his resistance? On appointing a person for less than two years, the chair of the Welsh Language Board was appointed on the same basis this summer. Does that mean that you would have abandoned the Nolan principles on that basis, or is that example different because it does not quite fit your argument?

farn nad oedd yn gallu neu nad oedd yn fodlon rhoi'r broses uno honno ar waith.

Alun Cairns: A ildiwch?

Andrew Davies: Na wnaf. [*Torri ar draws.*] Byddaf yn derbyn ymyriad pan fyddaf wedi gorffen gwneud fy mhwynt.

Yr oedd amserlen glir ar gyfer cwblhau'r broses uno, a byddai popeth wedi'i gyflawni erbyn mis Ebrill 2006. Byddem yn penodi prif weithredwr am lai na dwy flynedd, pa un a fyddai Graham Hawker wedi gweithio'r cyfnod chwe mis llawn ai peidio. Amgylchiadau hollol eithriadol oedd y rhain. Yr oedd prif weithredwr un o'r prif awdurdodau yng Nghymru wedi ymddiswyddo, ac amgylchiadau eithriadol oedd yn y rhain, fel y byddai unrhyw un yn cytuno—hyd yn oed Alun ar ddiwrnod gwael. O dan yr amgylchiadau hynny, gweithredodd yr awdurdod mewn ffordd gymesur a phriodol, a gwnaeth hynny gyda'm cytundeb ymlaen llaw a chyda chytundeb yr Ysgrifennydd Parhaol, a drafododd y mater gyda Roger Jones. Wrth wneud hynny, pwysleisiodd Syr Jon Shortridge a minnau mai bwrdd y WDA a ddylai benderfynu ar yr ymgeisydd a ddewisid.

Byddwn wedi esgeuluso fy nyletswydd a'm cyfrifoldebau fel Gweinidog pe na bawn wedi siarad â'r cadeirydd. Pe na bawn wedi gwneud hynny, yn ddiau byddai Alun wedi bod yn gofyn pam na wneuthum hynny. Siaradodd Syr Jon Shortridge, yr Ysgrifennydd Parhaol, fel y swyddog cyfrifo, â chadeirydd y WDA, a hynny'n briodol. Byddai wedi esgeuluso ei ddyletswydd pe na bai wedi siarad â swyddog cyfrifo'r WDA o dan yr amgylchiadau eithriadol hyn.

Alun Cairns: Pam felly y cafodd y cyfarwyddwr hwn sylwadau gan eich swyddfa i dderbyn penodiad Gareth Hall yn groes i'w wrthwynebiad? O ran penodi unigolyn am lai na dwy flynedd, penodwyd cadeirydd Bwrdd yr Iaith Gymraeg am yr un cyfnod yn ystod yr haf. A yw hynny'n golygu y byddech wedi diystyru egwyddorion Nolan yn yr achos hwnnw, neu a yw'r enghraifft honno yn wahanol gan nad yw'n addas iawn i'ch dadl?

Andrew Davies: Please note that Alun Cairns keeps moving the goalposts. He first alleged in Plenary that I had tried to persuade board members. I said at the time that I spoke to the chair. I also said in committee, which the Chair will confirm, that I had spoken to the chair of the WDA. I would have been in dereliction of my duty as a Minister if I had not done that.

I also confirmed that communications between me, my officials and the WDA's board were confined to matters of process and advice. The Welsh Assembly Government did not instruct the WDA to appoint a specific individual as its chief executive. Anyone who is aware of the stature of the WDA's chair knows that he is a robust character, as are most members of the WDA's board. The idea that I, or anyone else, could instruct them to appoint someone is fantasy and Alun knows that. Alun does not like it, but I think that everyone who was at the meeting, apart from himself, would recognise that the chair dealt extremely robustly with the matter. I have to say that in that confrontation and exchange, Alun, you were decidedly the one who came off worst. Even if I had done as Alun alleges, anyone who knows Roger Jones would be clear that someone of his experience, seniority and strength of character would not take well to any instruction either from me or anyone else. You may not like to be reminded of this, Alun, but as Roger Jones told you in committee last week, he has taken part, as chair and as a senior member of the business community, in the appointment of several chief executives in Wales and elsewhere. This is a man of great probity and business experience. Therefore, continuing to make such implications does nothing but undermine the agency, its chair and its new chief executive. I know that the Chair of the committee feels strongly about your attempts to smear and undermine the agency and the chief executive.

The choice of debate is typical of Alun and his party. In a week when we heard the excellent news for Wales on transport, they

Andrew Davies: Nodwch fod Alun Cairns yn troi'r stori drwy'r amser. Yn gyntaf, honnodd mewn Cyfarfod Llawn fy mod wedi ceisio darbwylllo aelodau'r bwrdd. Dywedais ar y pryd imi siarad â'r cadeirydd. Dywedais hefyd yn y pwyllgor, a bydd y Cadeirydd yn cadarnhau hyn, fy mod wedi siarad â chadeirydd y WDA. Byddwn wedi esgeuluso fy nyletswydd fel Gweinidog pe na bawn wedi gwneud hynny.

Cadarnheais hefyd fod yr ohebiaeth rhyngof fi, fy swyddogion a bwrdd y WDA yn ymwneud â phroses a chyngor yn unig. Ni ddywedodd Llywodraeth Cynulliad Cymru wrth y WDA am benodi unigolyn penodol fel ei brif weithredwr. Bydd unrhyw un sy'n ymwybodol o statws cadeirydd y WDA yn gwybod ei fod o gymeriad cadarn, fel y rhan fwyaf o aelodau o fwrdd y WDA. Mae'r syniad y gallwn i, neu unrhyw un arall, ddweud wrthynt am benodi rhywun yn ffantasi a gŵyr Alun hynny. Nid yw Alun yn hoffi hynny, ond credaf y byddai pawb a oedd yn y cyfarfod, ar wahân iddo ef, yn cydnabod i'r cadeirydd ymdrin â'r mater mewn ffordd gadarn iawn. Yn y gwrthdaro a'r geiriau a ffeiriwyd, Alun, rhaid imi ddweud mai chi, yn ddiau, a gollodd y ddadl. Hyd yn oed pe bawn wedi gwneud yr hyn y mae Alun yn ei honni, byddai unrhyw un sy'n adnabod Roger Jones yn gwybod na fyddai rhywun o'i brofiad a'i statws ef ac sy'n meddu ar gymeriad cryf yn fodlon iawn cael unrhyw gyfarwyddyd gennyf fi neu gan unrhyw un arall. Efallai nad ydych am gael eich atgoffa o hyn, Alun, ond fel y dywedodd Roger Jones wrthynt yn y pwyllgor yr wythnos diwethaf, mae wedi cymryd rhan, fel cadeirydd ac fel uwch aelod o'r gymuned fusnes, yn y broses o benodi sawl prif weithredwr yng Nghymru ac mewn mannau eraill. Dyma ddyn gonest iawn sydd â phrofiad yn y byd busnes. Felly, drwy barhau i wneud awgrymiadau o'r fath, y cyfan a wneuch yw tansilio'r awdurdod, ei gadeirydd a'i brif weithredwr newydd. Gwn fod Cadeirydd y pwyllgor yn teimlo'n gryf ynghylch eich ymgais i bardduo a thanseilio'r awdurdod a'r prif weithredwr.

Mae'r ddadl a ddewiswyd yn nodweddiadol o Alun a'i blaid. Mewn wythnos pan glywsom y newyddion gwych i Gymru o ran

tried to distract us with a trumped-up sideshow and, as was eloquently put by Huw Lewis, this half-baked conspiracy theory by Alun Cairns. In the context of the democratisation of Wales's biggest quangos, they only want to discuss the minutiae of process—not surprisingly, because the Tories are the quangos' best friend. After all, they ran Wales for years through the quangos with their mates on the boards. Therefore, it is not surprising that they are so interested in process—they have got nothing to say on policy or on addressing some of the issues relating to economic development and transport in Wales.

Alun, carry on hawking your unfounded allegations in the Chamber, in committee, among the media and around the lobby. The Labour Government will continue to concentrate on delivering for the people of Wales and for the business community in Wales.

The Deputy Presiding Officer: That concludes business for this afternoon.

trafnidiaeth, bu iddynt geisio tynnu ein sylw at fater eilaidd ffug ac, fel y dywedodd Huw Lewis mewn ffordd mor huawdl, y ddamcaniaeth gynllwyn hanner pan hon gan Alun Cairns. Yng nghyd-destun democrateiddio cwangos mwyaf Cymru, dim ond manylion y broses y maent am eu trafod—nid yw hynny'n peri syndod, am mai'r Torïaid yw cyfaill gorau'r cwangos. Wedi'r cyfan, bu iddynt redeg Cymru am flynyddoedd drwy'r cwangos gyda'u ffrindiau ar y byrddau. Felly, nid yw'n syndod bod cymaint o ddiddordeb ganddynt yn y broses—nid oes ganddynt ddim i'w ddweud ynghylch polisi neu ynghylch ymdrin â rhai o'r materion sy'n ymwneud â datblygu economaidd a thrafnidiaeth yng Nghymru.

Alun, parhewch i bedlera eich honiadau di-sail yn y Siambr, yn y pwyllgor, yn y cyfryngau ac ymhlith lobïwyr. Bydd y Llywodraeth Lafur yn parhau i ganolbwyntio ar gyflawni dros bobl Cymru a thros y gymuned fusnes yng Nghymru.

Y Dirprwy Lywydd: Daw hynny â chyfarfod heddiw i ben.

*Daeth y cyfarfod i ben am 4.48 p.m.
The meeting ended at 4.48 p.m.*

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

Andrews, Leighton (Llafur – Labour)
Barrett, Lorraine (Llafur – Labour)
Bates, Mick (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Black, Peter (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Bourne, Nick (Ceidwadwyr Cymru – Welsh Conservatives)
Burnham, Eleanor (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Butler, Rosemary (Llafur – Labour)
Cairns, Alun (Ceidwadwyr Cymru – Welsh Conservatives)
Chapman, Christine (Llafur – Labour)
Cuthbert, Jeff (Llafur – Labour)
Davidson, Jane (Llafur – Labour)
Davies, Andrew (Llafur – Labour)
Davies, David (Ceidwadwyr Cymru – Welsh Conservatives)
Davies, Glyn (Ceidwadwyr Cymru – Welsh Conservatives)
Davies, Janet (Plaid Cymru – The Party of Wales)
Davies, Jocelyn (Plaid Cymru – The Party of Wales)
Dunwoody-Kneafsey, Tamsin (Llafur - Labour)
Elis-Thomas, Dafydd (Plaid Cymru – The Party of Wales)
Essex, Sue (Llafur – Labour)
Francis, Lisa (Ceidwadwyr Cymru – Welsh Conservatives)
German, Michael (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Graham, William (Ceidwadwyr Cymru – Welsh Conservatives)
Gregory, Janice (Llafur – Labour)
Griffiths, John (Llafur – Labour)
Gibbons, Brian (Llafur – Labour)
Gwyther, Christine (Llafur – Labour)
Hart, Edwina (Llafur – Labour)
Hutt, Jane (Llafur – Labour)
Idris Jones, Denise (Llafur – Labour)

Isherwood, Mark (Ceidwadwyr Cymru – Welsh Conservatives)
James, Irene (Llafur – Labour)
Jones, Alun Ffred (Plaid Cymru – The Party of Wales)
Jones, Ann (Llafur – Labour)
Jones, Carwyn (Llafur – Labour)
Jones, Elin (Plaid Cymru – The Party of Wales)
Jones, Helen Mary (Plaid Cymru – The Party of Wales)
Jones, Ieuan Wyn (Plaid Cymru – The Party of Wales)
Jones, Laura Anne (Ceidwadwyr Cymru – Welsh Conservatives)
Law, Peter (Llafur – Labour)
Lewis, Huw (Llafur – Labour)
Lloyd, David (Plaid Cymru – The Party of Wales)
Lloyd, Val (Llafur – Labour)
Marek, John (Annibynnol – Independent)
Melding, David (Ceidwadwyr Cymru – Welsh Conservatives)
Mewies, Sandy (Llafur – Labour)
Morgan, Jonathan (Ceidwadwyr Cymru – Welsh Conservatives)
Morgan, Rhodri (Llafur – Labour)
Neagle, Lynne (Llafur – Labour)
Pugh, Alun (Llafur – Labour)
Randerson, Jenny (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Ryder, Janet (Plaid Cymru – The Party of Wales)
Sargeant, Carl (Llafur – Labour)
Sinclair, Karen (Llafur – Labour)
Thomas, Catherine (Llafur – Labour)
Thomas, Gwenda (Llafur – Labour)
Thomas, Owen John (Plaid Cymru – The Party of Wales)
Thomas, Rhodri Glyn (Plaid Cymru – The Party of Wales)
Williams, Brynle (Ceidwadwyr Cymru – Welsh Conservatives)
Williams, Kirsty (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Wood, Leanne (Plaid Cymru – The Party of Wales)