



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

**Y Pwyllgor Craffu ar Waith y Prif Weinidog
The Committee for the Scrutiny of the First Minister**

**Dydd Iau, 9 Hydref 2014
Thursday, 9 October 2014**

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Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting

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

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

**Aelodau'r pwyllgor yn bresennol
Committee members in attendance**

Paul Davies	Ceidwadwyr Cymreig Welsh Conservatives
David Melding	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)
Elin Jones	Plaid Cymru (yn dirprwyo ar ran Jocelyn Davies) The Party of Wales (substitute for Jocelyn Davies)
Eluned Parrott	Democratiaid Rhyddfrydol Liberal Democrats

Joyce Watson Llafur (yn dirprwyo ar ran Ann Jones)
Labour (substitute for Ann Jones)

**Eraill yn bresennol
Others in attendance**

Carys Evans Dirprwy Gyfarwyddwr, Materion Cyfansoddiadol a
Pherthnasau Rhynglywodraethol
Deputy Director, Constitutional Affairs and Inter-
Governmental Relations
Carwyn Jones Aelod Cynulliad, Llafur (Prif Weinidog Cymru)
Assembly Member, Labour (The First Minister of Wales)

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance**

Stephen George Clerc
Clerc
Gwyn Griffiths Uwch-gynghorydd Cyfreithiol
Senior Legal Adviser
Alys Thomas Y Gwasanaeth Ymchwil
Research Service
Kathryn Thomas Dirprwy Glerc
Deputy Clerk

*Cynhaliwyd y cyfarfod yng Nghanolfan Hywel Dda, Hendy-gwyn ar Daf.
The meeting was held in the Hywel Dda Centre, Whitland.*

*Dechreuodd y cyfarfod am 13:31.
The meeting began at 13:31.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions**

[1] **David Melding:** Prynhawn da. Good afternoon, everyone. Welcome to the sixth meeting of the Committee for the Scrutiny of the First Minister in this Assembly. A very warm welcome to Whitland to you all, particularly to the First Minister. We and I are particularly delighted to be in the Hywel Dda Centre. This is my second extended visit, and I could not think of a more appropriate place to come to discuss the constitution and enjoy this wonderful centre. Hywel Dda, around 945, was instrumental in bringing together the top lawyers and politicians of the day to discuss the codification of Welsh laws and produced one of the finest codifications of law of the early medieval period. I do think sometimes that we are not as proud of that as perhaps we should be. We should shout his name a bit more often. We are delighted, at least, to do that this afternoon and to encourage others to follow that lead.

[2] This meeting will be conducted bilingually. So, those of you, like me, who do not have a total command of Welsh will get a translation on channel 1, and if you need to amplify our proceedings, you will get that on channel 0. This meeting is being recorded, and there will be a transcript available and it will be streamed on Senedd.tv sometime probably tomorrow. I urge you all to switch off any mobile phones or other electronic devices. I am afraid that they will interfere with our recording equipment, so we need to make sure that you do that. In the event of a fire alarm, I believe that people exit by the exit just there. I have had apologies from Ann Jones and Jocelyn Davies, and I am delighted to welcome Joyce Watson and Elin Jones as substitutes this afternoon.

13:34

**Sesiwn Graffu ar Waith y Gweinidog
Ministerial Scrutiny Session**

[3] **David Melding:** Our session today is looking at the constitutional implications of the referendum in Scotland and the wider discussions that are now under way in terms of future constitutional developments. We will also have a session on some local issues. Occasionally, during the proceedings, I will be putting some questions that have been sent to us by e-mail and other forms of new technology. It is quite possible that some members of the public who are here today have contributed as well. I will take this opportunity to welcome two local schools—a secondary and primary school. We all enjoyed our lunch earlier and the chance to discuss some of the issues with you.

[4] I would like to welcome the First Minister. I do not know whether you want to introduce the official who is with you. I know that it is your practice to answer all the questions yourself usually, but you may introduce your official.

[5] **The First Minister (Carwyn Jones):** Carys Evans is sitting next to me, from the constitutional unit of the Welsh Government, Chair.

[6] **David Melding:** Thank you, First Minister. For the benefit of the audience, we have a range of questions in roughly four areas or sections. It is our practice to ask one member of the committee to lead; there will then be an opportunity for some supplementary questions. Occasionally, I even get the opportunity to ask a question. I will ask Joyce Watson to start our questioning, and immediately looking at the implications of the Scottish referendum.

[7] **Joyce Watson:** I would like to ask you, First Minister, whether any discussions have taken place with the Prime Minister and the UK Government subsequent to the Scottish referendum on 18 September.

[8] **The First Minister:** There have been some brief discussions by telephone; nothing in person. I have written to the Prime Minister suggesting that those discussions should begin very soon, and I am still awaiting a response.

[9] **Joyce Watson:** Thank you for that answer. I would also like to ask whether you have had any discussions with the leader of the UK opposition subsequent to 18 September.

[10] **The First Minister:** Yes, I have had discussions. Of course, those discussions have taken place on a leader-to-leader basis, if I can put it that way. They form part of the normal course of discussions that we have, and have had over the course of the last few months and years.

[11] **Joyce Watson:** Carrying on with the theme of discussions, have you had any discussions with the leaders of the other parties within the Assembly?

[12] **The First Minister:** There are discussions that take place on a regular basis between the party leaders, with a view to understanding where each party is in terms of its stance on the constitution. I expect those discussions to continue.

[13] **Joyce Watson:** Of course, we have to be mindful of the other devolved institutions and nations in the UK. Have you had any discussions with any of those?

[14] **The First Minister:** I have. I would hope to meet very soon with my colleagues in

Northern Ireland. I have extended an invitation to colleagues in Scotland, but because of the situation there at the moment with the election process of a new leader of the SNP, and therefore a new First Minister, it has not been possible to discuss the situation at length with him yet.

[15] **Joyce Watson:** You have talked, First Minister, about a constitutional convention for some time. Do you have a particular model of that constitutional convention in mind, and how would you expect Wales to be represented on it?

[16] **The First Minister:** Yes, I do. I think that, first of all, we must separate the structural devolution from powers. Powers can be looked at via a parallel process. I would not want a convention, for example, to obstruct the devolution of power suggested under the Silk commission. However, it does need to look at the structure of the UK's constitution, including, for example, the issue of where England sits in all of this. I would want to see an initial discussion between all four administrations. It has to be, as it were, the property of all four administrations, not Westminster-led in that regard; then, of course, a process put in place as to what the membership of the convention would be, how it would engage with the public, how it would make its recommendations, and then of course there would need to be an end process where all four administrations agreed on a structure for the UK in the future.

[17] **Joyce Watson:** Are you content that the constitutional convention proposed by Ed Miliband will begin in the autumn of 2015 should Labour win the next general election?

[18] **The First Minister:** If that is the case I fully expect the convention to begin, of course. I hope that the convention begins regardless of what happens in the general election. I think that there are issues here that transcend party politics and go to the stability of the UK in the future.

[19] **Joyce Watson:** This is the last question from me. What is your view of the party leaders' vow that guaranteed the retention of the Barnett formula for funding devolved administrations?

[20] **The First Minister:** That was a vow that was made to the people of Scotland. My position is that I want us to see Wales's underfunding addressed. There are suggestions that that can be done without a full reform of Barnett. As I have said before, I am not troubled by how it is done, as long as it is done. We are in a position where, at the last count, we are £300 million down in terms of funding every year, and that must be addressed. My view has always been that the people of Wales contributed to the economy of the UK through coal, steel, tinsplate and slate over the years, and it is not asking too much to ask for a fair share of the pot now.

[21] **Paul Davies:** Roeddech yn sôn am yr addewid a wnaeth arweinyddion y pleidiau dros y Deyrnas Unedig yn ystod ymgyrch y refferendwm yn yr Alban. Fe wnaethon nhw addewid i gadw fformiwla Barnett. A siaradodd Ed Miliband gyda chi cyn iddo arwyddo'r addewid hwnnw?
Paul Davies: You mentioned the vow that the leaders of the parties in the UK made during the referendum campaign in Scotland. They made a vow to retain the Barnett formula. Did Ed Miliband speak to you before he signed that pledge?

[22] **Y Prif Weinidog:** Do, ond ni siaradodd y Prif Weinidog na'r Dirprwy Brif Weinidog gyda mi.
The First Minister: He did, but neither the Prime Minister nor the Deputy Prime Minister talked to me at all.

[23] **Paul Davies:** Beth oedd cynnwys y trafodaethau hynny?
Paul Davies: What was the content of those discussions?

[24] **Y Prif Weinidog:** Roeddent ynglŷn â'r hyn a fyddai'n digwydd i Gymru. Wrth gwrs, mae ymrwymiad i sicrhau bod cyllideb Cymru yn cael ei hystyried.

The First Minister: It was a discussion on what would happen to Wales. Of course, the commitment is in place to ensure that Welsh funding is to be considered.

[25] **Paul Davies:** Felly, roeddech yn hapus bod Ed Miliband wedi arwyddo'r addewid hwnnw i gadw fformiwla Barnett.

Paul Davies: So, you were content that Ed Miliband had signed that pledge to retain the Barnett formula.

[26] **Y Prif Weinidog:** Rwy'n hapus am y ffaith bod Ed Miliband wedi ymrwymo i sicrhau ein bod yn ailystyried y ffordd y mae Cymru'n cael ei chyllido. Fy marn i yw bod addewid wedi cael ei roi i bobl yr Alban, ac mae'n rhaid cadw'r addewid hwnnw, ond nid wyf o blaid ystyried pleidleisiau Seisnig i gyfreithiau Seisnig fel rhywbeth hollol newydd sydd y tu fas i'r addewid. Mae'n rhaid i'r addewid gael ei gadw.

The First Minister: I am content that Ed Miliband signed up to reconsidering how Wales is funded. My own personal opinion is that a vow has been made to the people of Scotland and that must be kept, but I am not in favour of considering English votes for English laws as something entirely new outwith the vow. That vow has to be kept.

[27] **Paul Davies:** Ond, roeddech yn hapus ei fod wedi arwyddo'r addewid i gadw'r fformiwla.

Paul Davies: However, you were content that he had pledged to keep the formula.

[28] **Y Prif Weinidog:** Roeddwn hefyd yn hapus gyda'r addewid ei fod yn mynd i ystyried unwaith eto y ffordd y mae Cymru'n cael ei chyllido.

The First Minister: I was also content with the pledge that he would reconsider once again how Wales is funded.

[29] **Elin Jones:** Brif Weinidog, a fydddech yn licio ymhelaethu ynglŷn â'r adduned a'r cyd-destun o gadw Barnett ar gyfer yr Alban ond cael cyllido teg, a chynnwys hynny o ran yr adduned? Pa fath o ffyrdd a ydych chi'n credu y gallai sicrhau cyllido teg i Gymru yng nghyd-destun cadw fformiwla Barnett i'r Alban?

Elin Jones: First Minister, would you like to expand on the vow and the context of retaining Barnett for Scotland but having fair funding and including that in the vow? What kinds of way do you think could ensure fair funding for Wales in the context of retaining the Barnett formula for Scotland?

[30] **Y Prif Weinidog:** Byddai angen sicrhau bod Cymru yn cael arian drwy ffynhonnell arall; os yw hynny'n meddwl bod Cymru'n cael yr arian y tu fas i Barnett er mwyn sicrhau bod yr annhegwch yn cael ei ddatrys, yna mae hynny'n un ffordd i'w wneud.

The First Minister: We would need to ensure that Wales receives funding from another source; if that means that Wales is funded outwith Barnett in order to ensure that the unfair funding issue is resolved, then that is one way of doing it.

[31] **Elin Jones:** A gaf i ofyn cwestiwn arall, nid ar Barnett, ond ar y confensiwn cyfansoddiadol? Yn eich ateb, fe ddywedoch chi y bydddech yn disgwyl i'r pedair Llywodraeth fod yn rhan o hynny a'ch bod yn credu bod eisiau ymwneud â chymdeithas yn ehangach. Beth am rôl ar gyfer y senedd-dai—y pedwar senedd-dy? Clywsom Lywydd

Elin Jones: May I ask another question, not on Barnett, but on the constitutional convention? In your answer, you said that you would expect the four Governments to be part of that and that you believed that there should be engagement with wider society. What about the role of the parliaments—the four parliaments? We heard yesterday the

y Cynulliad ddoe, yn y milfed cyfarfod, yn rhoi barn ar ran y llywyddiaeth ac o ran y Cynulliad ynglŷn â rhai datblygiadau pellach yng nghyd-destun y Cynulliad Cenedlaethol, felly mae gan y Cynulliad hefyd safbwynt ar wahanol adegau ynglŷn â dyfodol datganoli. Felly, sut ydych yn meddwl y gellid cynnwys llais y senedd-dai yn y trafodaethau cyfansoddiadol hyn?

[32] **Y Prif Weinidog:** Mae'r llais hwnnw'n bwysig. Byddwn yn erfyn i'r Llywodraethau ddechrau'r broses, ond i'r senedd-dai fod yn rhan allweddol o'r broses honno. Wrth gwrs, rwy'n siŵr y byddai ambell i ddadl yn cymryd lle y tu mewn i'r Cynulliad a'r senedd-dai eraill er mwyn cefnogi beth bynnag sy'n cael ei gytuno gan y Llywodraethau. Mae'n bwysig dros ben, wrth gwrs, bod cytundeb eang a bod pob senedd a phob Llywodraeth yn gallu cytuno ar yr un modd ymlaen ynglŷn â'r cyfansoddiad.

[33] **Elin Jones:** A oes gennych unrhyw syniad o amserlen ar gyfer confensiwn cyfansoddiadol o'r math hwn? A fyddai'n gonfensiwn parhaol neu'n gonfensiwn sy'n gwneud darn o waith ac yna'n adrodd o fewn blwyddyn a dod i gasgliadau? Sut ydych yn gweld hynny'n datblygu?

[34] **Y Prif Weinidog:** Ni fydd yn un parhaol, oherwydd nod y confensiwn yw sicrhau bod hwn yn cael ei ddatrys i'r dyfodol ac nid yn rhywbeth sy'n parhau am flynyddoedd. Byddai hynny'n meddwl na fyddai'r confensiwn wedi gwneud y gwaith yn iawn. Rydym yn gweld y confensiwn yn parhau am gyfnod sydd wedi ei amserlenni. Ynglŷn â faint o amser y byddai hynny'n hala, mae'n anodd gwybod hynny yn awr, achos byddai'n rhaid diffinio beth y byddai'r confensiwn yn ei wneud, ond byddwn yn meddwl na fyddai'n ormod i unrhyw gonfensiwn wneud argymhellion o fewn blwyddyn. Gwnaeth comisiwn Silk hynny, rwy'n credu; gyda'r lefel o ymrwymiad y byddwn yn ei erfyn, nid wyf yn gweld bod hynny'n rhywbeth sy'n hollol annheg.

13:45

[35] **Elin Jones:** Ar hynny, y perygl gyda

Presiding Officer of the Assembly, in the thousandth meeting, giving a view on behalf of the presiding officers and the Assembly with regard to some further developments in the context of the National Assembly, therefore the Assembly also has a view at different times on the future of devolution. Therefore, how do you think that the voice of the parliaments could be included in these constitutional discussions?

The First Minister: That voice is important. I would expect the Governments to commence the process, but for the parliaments to play a key role in that process. Of course, I am sure that there will be some debates taking place in the Assembly and the other parliaments in order to support whatever is agreed by the Governments. It is very important, of course, that there should be wide agreement and that all parliaments and all Governments can agree on the way forward with regard to the constitution.

Elin Jones: Do you have any idea of the timescale for a constitutional convention of this kind? Will it be a permanent convention or a convention that undertakes a piece of work and then reports within a year and comes to its conclusions? How do you see that developing?

The First Minister: It will not be a permanent one, because the aim of the convention is to ensure that we resolve the problem for the future, and it is not something that we want to see continuing for a period of years. That would mean that the convention had not worked properly. We see the convention lasting for a set time, according to a timetable. In terms of how long that should take, it is difficult to know that now, because we would have to define what the convention was to do, but I would have thought that it would not be too onerous for any convention to bring forward recommendations within a year. The Silk commission did that, I believe; with the level of commitment I would expect, I do not think that that would be unfair at all.

Elin Jones: On that, the danger with creating

chreu confensiwn o'r math hwn yw y gallai fod yn ailadrodd gwaith sydd eisoes wedi digwydd yng Nghymru neu yn yr Alban, neu yng Ngogledd Iwerddon o ran hynny—er enghraifft, rhywfaint o'r gwaith sydd wedi ei wneud yng nghyd-destun Silk a Holtham. Sut mae diogelu rhag ailadrodd yng nghyd-destun y trafodaethau ehangach hynny?

[36] **Y Prif Weinidog:** Fel y dywedais i ar y dechrau, byddwn i'n erfyn i bwerau gael eu trin drwy un ffynhonnell a'r strwythur drwy ffynhonnell arall. Ni fyddwn i'n mo'yn gweld unrhyw gonfensiwn yn cael ei ddefnyddio fel esgus i beidio â symud ymlaen gydag argymhellion Silk. Nid wyf wedi bod o blaid cael yr un pwerau ym mhob rhan o'r Deyrnas Unedig; er enghraifft, yng Ngogledd Iwerddon, mae pwerau dros drwyddedu cerbydau ac yn y blaen. Fodd bynnag, rwy'n credu y dylai strwythur datganoli fod yr un peth dros y Deyrnas Unedig i gyd ac rwy'n credu y dylai Cymru a Gogledd Iwerddon gael yr un strwythur â'r Alban.

[37] **David Melding:** On the point of constitutional conventions, First Minister, are you prepared to be radical and go, perhaps, to a place that British politics rarely goes, and that is to crowd source some of this and to take some of these general discussions away from the political elite, a bit like they did in Ireland and in Iceland, or is the model Liberty Hall, Philadelphia, and just the great and the good meeting?

[38] **The First Minister:** No. What I would expect is that there would be, as it were, a standing executive of the convention, but its job would be to engage as widely as possible with the general public. Any new constitutional settlement for the UK has to have public buy-in. I do not say that there has to be a referendum on it, but there has to be wide public engagement, and then Governments need to agree, with the support of legislatures. However, I would not want to see a situation where the entire convention process contained only those who are active in politics.

[39] **David Melding:** I suspect that this will not be a difficult question for you to answer: would that type of outreach go as far as primary schools and secondary schools?

[40] **The First Minister:** Why not? We know that young people are our future. It is a cliché to say that, but we saw, of course, what happened in Scotland with the level of participation among young people, particularly those aged 16 and 17. It has always been a thorny issue for all of us around this table, in terms of how we ensure that more young people vote, for a start, which is just the tip of political involvement. Something has happened in Scotland to get young people organised and involved, and it is a lesson for all of us, not just in the rest of the UK, but around the world. So, it is absolutely crucial that young people feel that they are part of the process.

[41] **David Melding:** Finally, a question from a member of the public: in the light of the recent referendum in Scotland, would a similar vote in Wales be likely?

[42] **The First Minister:** No. I know that there are some around the table who will disagree, but I see no demand for independence in Wales. I see no demand even for a referendum on independence. I very much see growing confidence in ourselves as a nation to acquire more powers in a devolved context. I have used the phrase ‘home rule’; I have no doubt that I will be asked what that means, so I will try to explain it as I see it. It means, effectively, that sovereignty rests in the people of Wales. They decide who exercises it in certain circumstances and then share it, for example, in terms of defence, general taxation and immigration, with others, as part of the UK. Home rule, to me, certainly does not mean independence, in terms of full sovereignty as a state; clearly, it does not. However, it means that there needs to be recognition that powers rest in the people of Wales, and it is for them to decide how those powers should be organised: which powers should be kept in Wales and which should be shared with our fellow compatriots elsewhere in the UK.

[43] **David Melding:** Thank you, First Minister. I think that some of your answers in the first section have been fascinating, truly fascinating.

[44] **The First Minister:** That worries me, Chair. [*Laughter.*]

[45] **David Melding:** You should not be worried, but you may see that we pick up some of these things in our report.

[46] The second section that we wanted to look at—. I will just remind members of the public that there is a Wales Bill going through Parliament at the moment, which is extending devolution. There is also a report, often called Silk 2, which is the second report by Paul Silk and his commission, which looks even further into the future in terms of other areas of responsibility that the Assembly may acquire. So, now we want to look at these areas, and I am going to ask Eluned Parrott to take us through these questions.

[47] **Eluned Parrott:** First Minister, there is a tangle of different questions being asked at the moment about the constitutional settlement, and, obviously, there is the Wales Bill and there is the Silk process. I wonder if I might begin by referring back to the constitutional convention and how they sit alongside one another, because one of the timelines that has been promised is a timetable laid out by Gordon Brown for the delivery of new powers and responsibilities to Scotland. How does the constitutional convention that you propose sit alongside that timeline? Is there not a danger that the broader UK constitutional convention is actually being timetabled behind a constitutional settlement for Scotland?

[48] **The First Minister:** The issue in Scotland is with regard to powers rather than the structure of devolution. The weakness that we have at the moment is that these things are addressed, not by four administrations talking to each another, but by bilateral meetings between Westminster and the other three. In other words, instead of everybody being in one room discussing this, there are three different rooms where these discussions are taking place. That has to change. Taking aside the issue of powers, which I think can be taken forward as the Wales Bill is at the moment—although, I would have hoped to see the Wales Bill contain more of the Silk recommendations than it does, with issues in part 2 that will need to be taken forward—we still come back to the position of organising the UK’s constitution, which sits outside the issue of powers. For example, it cannot be right that Westminster retains what is, admittedly, a theoretical power to abolish the devolved legislatures without the consent of the people who live in the nations that those legislatures represent. That has to go, in my view. There has to be a constitutional guarantee of the legislatures of Wales, Scotland and Northern Ireland. It cannot be right, in my view, that the Secretary of State retains the power to veto Assembly Bills. That is not the attitude that we should have in the twenty-first century—that an elected chamber should be in a position to have its legislation vetoed by somebody in London. I think that that is wrong. That has to be dealt with.

[49] We know that the structure of devolution is different in Wales, Northern Ireland and Scotland. There should be the same approach for all three nations, regardless. Then, of course, we come down to the question of England—the question that is the most difficult to address, in many ways. What do you do in a state where one constituent part is vastly bigger than the others? The logical solution is an English parliament, but we know that there is little demand for that in England, and it creates problems of its own. Do you then roll out devolution to the different regions of England? We know that that has not historically proven popular. There is no easy answer to it, and the convention would need to address that point in terms of what you do to make sure that England has a voice, which I do not think is the case at the moment. We know that the UK Government has said that there need to be English votes on English laws, but I just do not think that that is possible, for a number of reasons. First of all, Parliament at Westminster is either a UK Parliament or it is not. It cannot sit in different modes at different times.

[50] The second question is: what is an English law? We know what a Welsh law looks like: it is a law that is passed through the Assembly. It is a Welsh law, and it is the same for Scotland and Northern Ireland. As England does not have a parliament, how do you identify an English law? The example that I have used before is that an incoming Government might say, ‘Right, we want to privatise parts of the NHS’. It is only in England that that would happen, and the structure of the NHS would change only in England, but if it meant that there was less money available for the Department of Health in England, it would mean less money available for Wales and Scotland. So, does that mean that it is an English law or not? It clearly has a knock-on effect. That is difficult. Who determines what an English law is? Is it the Government that does that, or is it the Speaker? There are all manner of difficulties here. It is superficially attractive, and it will no doubt gain support in England, and there are reasons for why that will happen, but practically, it is well-nigh impossible. It has to be done in a far more thought-through way than is proposed at the moment.

[51] **David Melding:** First Minister, I thought that that was very interesting, what you just said. We will actually focus on this question specifically at the end, but it was useful for you to set out your views like that. However, for this part of the meeting, we will concentrate on the implications for Wales of the Wales Bill and Silk 2. So, it is back with you, Eluned.

[52] **Eluned Parrott:** Thank you, Chair. That is interesting, but it is difficult, is it not, to unpick the question of process from the question of policy and content? You did it there yourself when you were talking about process—you had to illustrate it using an issue of policy content. Now, for the purposes of public engagement, it is going to be very difficult, is it not, to unpick process from power when it comes to putting together a constitutional convention, particularly if you are looking at the equality of the settlement between the nations? To all intents and purposes, when members of the public look at the level of the settlement, surely they are going to be looking at where the powers lie. Surely, the difference between a reserved-powers model and a conferred-powers model is actually about powers, not just about process.

[53] **The First Minister:** It is about where powers rest. The issue of Wales and its powers can, as I say, in my view, run along one track. The issue of what the UK looks like, in terms of its constitution in the future, runs along a parallel track—not unrelated, obviously, but I do not think that the two need to be taken together. For example, I would not expect the convention to say, ‘Scotland should have these powers, Wales should have these powers and Northern Ireland should have these powers’. Rather, I would expect the convention to look at fundamental issues as to what the UK constitution should look like, what the UK Parliament does, the question of England, the question of how powers are devolved, not what powers are devolved, and the issue of whether we move to a situation of pooled sovereignty, such as the Canadian model. These are fundamental constitutional issues that I think would be addressed by the convention, whereas the powers issue could be addressed by another way.

[54] **Eluned Parrott:** Okay, thank you. Do you anticipate that there will be a new Government of Wales Bill with this reserved-powers model after the UK general election, regardless of who wins?

[55] **The First Minister:** I would hope so, yes. I think that there is general agreement that the current model does not work, so whichever party wins I would hope to see that being taken forward in any event.

[56] **Eluned Parrott:** You have talked about your hope that there will be the implementation of Silk part 2 within that. Do you have a firm commitment from your party in Westminster that it would take forward Silk part 2 in full?

[57] **The First Minister:** Much of Silk part 2 is not controversial. I cannot speak for the other parties—you will all have your own views on it—but my view is that there is nothing in Silk part 2 that I would disagree with.

[58] **Eluned Parrott:** In terms of things that are in the current Wales Bill, one of the controversial things is the lockstep mechanism on tax-varying powers. Has the removal of that lockstep changed your view on whether or not you would wish to accept tax-varying powers as a Welsh Government?

[59] **The First Minister:** No. The lockstep is one obstacle that must be overcome, and if the lockstep is removed, that is useful. There needs to be a further debate, although it need not stop what is happening in the Wales Bill, in terms of whether the Wales Bill actually goes far enough. Across the UK, should we be looking at a solidarity tax that everybody pays, and that is the redistributive element of the tax system? Then, there is flexibility for each administration, in terms of what happens on top of that. I think that that goes beyond the scope of the Wales Bill, but it is something that we clearly need to discuss.

[60] It does, however, come back to the point of underfunding. To my mind, we could not accept income tax-varying powers while we are underfunded, for any number of reasons. First of all, it would lock in the underfunding, because I guarantee that, if that underfunding was raised as an issue, the response from Whitehall—I suspect that it would be the case whichever party was in control—would be ‘Raise your own money’, and that would leave the people of Wales potentially having to raise money through taxes while the people of Scotland did not have to raise money in the same way. So, that base has to be made certain first, because even with the powers proposed in the Wales Bill, some two thirds to three quarters of our funding would still come via the block grant. So, unless the block grant is made certain and addressed with fairness first, it is very difficult to see how income tax-varying powers could be devolved.

[61] If you are asking me whether I have a difficulty with it in principle, the answer is ‘No, I don’t have a difficulty with it in principle’, but practically there are some issues that, certainly to my mind, need to be resolved, so that I could say to the people of Wales ‘This might well be a good thing’. At the moment, all I can see is that it would lock in historic underfunding that needs to be resolved.

[62] **Eluned Parrott:** There are a couple of things on that. You say that you do not have a problem with it in principle; maybe I can turn that question around a little bit. If the barriers were removed, would it be a positive aspiration of yours for the Welsh Government to have tax-varying powers?

14:00

[63] **The First Minister:** I think that there is certainly an argument for saying that, if you raise more money yourselves, the public will feel that you are more accountable. I do not necessarily agree with that, but I can see the argument behind it. However, for me, there are two issues that would need to be resolved to reassure the people of Wales: the first is underfunding, which we have dealt with, and the second is redistribution. The current tax system redistributes money around the United Kingdom to where it is needed. It is not as we would want it, but it certainly does it, to an extent. Any changes that would mean that that redistributive element was lost or lessened would not be in the interests of the people of Wales.

[64] **Eluned Parrott:** However, incentivising the Welsh Government to boost growth by enabling you to keep tax that you have raised on an improved gross domestic product, for example, and the improved wealth of the people of Wales is surely a good thing.

[65] **The First Minister:** You would need more extensive powers than that, I suspect, if you were going to have an effect. The powers in the Wales Bill are limited. Let us not pretend that they give enormous fiscal control to the Welsh Government in terms of what happens to the Welsh economy. There is an element of it there, that is true, but there are limits to it. However, coming back to the point, as things currently stand, given our underfunding, if a future UK Government continued to cut the block grant to Wales, we would be in a position where we would have to say to the people of Wales, ‘If we want to keep this service, we have to increase tax’; whereas, the people of Scotland would not have to do that, because the underfunding was not there in Scotland. So, at the moment, we face this scenario where, if we had these powers, £300 million would have to be raised through the tax system, potentially, rather than through addressing the underfunding that should be addressed via the block grant.

[66] **Eluned Parrott:** So, essentially, you are talking about three barriers. The lockstep has gone. In terms of addressing the funding issues with the Barnett formula, we know where David Cameron stands on that issue now, thanks to his public statements on funding for Wales in this last week. We know where the Liberal Democrat policy is, in terms of providing additional funding to address the underfunding. What will the Labour Party’s position be on addressing this issue, to enable you to take on—

[67] **The First Minister:** We have been very clear that we want to see the issue of underfunding addressed. That has to be dealt with first. I could not say to the people of Wales that, under the current model that we have, these are powers that we should accept, because it would mean that the people of Wales would have to pay £300 million from their own pockets, rather than that £300 million being distributed according to need and in recognition of the contribution that the people of Wales have made to the prosperity of the UK over the last century and a half.

[68] **Eluned Parrott:** However, my question is what is your party’s solution to that underfunding problem? You say that it needs to be addressed. How?

[69] **The First Minister:** By providing extra money to Wales. ‘Barnett plus’ is the name that is sometimes given to this mechanism. It is not a million miles away from your own party’s position.

[70] **Eluned Parrott:** Is that something that you are confident will be implemented should there be a Labour UK Government after the next general election?

[71] **The First Minister:** I am being asked a lot of questions about what might happen after the general election, and there is an assumption that there will be a Labour victory, but I am sure that Paul Davies would think differently on this point. My party’s position is very clear on this, and that is that Wales’s underfunding will need to be addressed.

[72] **Eluned Parrott:** Thank you. Moving on a little, in terms of, as I say, the issue of powers and going back to Silk as opposed to the constitutional convention, there is, obviously, a big difference in terms of the powers that the different devolved institutions have, and Silk has looked at some of those. In terms of powers that you would welcome, we have talked about some of those. What powers from the Silk part 2 recommendations would you decline?

[73] **The First Minister:** None, in principle. What is important is that, where powers are offered, the financial settlement follows. There is a tendency in Whitehall to offer devolved powers, but then we do not see the full budget follow. We saw that, of course, with council tax benefits, where we had the powers imposed on us, in fact, but only 90% of the budget followed. So, we would not want to see a position where powers were devolved but the budget did not follow. If we look at policing and criminal justice for example, we will see there is no reason why policing cannot be devolved—it is devolved in Scotland and Northern Ireland. It does not create a situation where it breaks down co-operation across borders. That is not the way that it would work. So, for me, policing can be devolved. The financial settlement would have to follow, of course.

[74] With criminal justice, again, in principle, this is something that could be devolved. Practically, it would need a good bit of work. Policing is one thing, but, if you take on board the criminal justice system, first of all, you would have to create an entirely new department in Welsh Government, because we do not have that level of expertise in terms of dealing with prisons, sentencing policy and the probation service. That would have to be created, first and foremost. I was taking the view that, looking at the criminal justice system, you can separate out the police from other elements of it. Why? Because the police bring people to the door of the system. Once they go through that door, they are with the courts, the Crown Prosecution Service, sentencing policy, probation, the prison service, and you cannot separate those out from each other. They come as a package, to my mind. So, if criminal justice were to be devolved, there would need to be a significant period of lead-in, in order for the capacity to be built up in Wales and in the Welsh Government to be able to deal with it properly. It is not something that can be devolved very quickly.

[75] **Eluned Parrott:** How does youth justice fit against that backdrop?

[76] **The First Minister:** Youth justice, I think, can be devolved more quickly, particularly in terms of dealing with young offenders. That does not necessarily include the issue of sentencing policy, but the dealing with offenders. There are risks with that, of course. If you, for example, take a particular view of how young offenders should be dealt with, then, yes, you can deal with them once they have left the criminal justice system, but what you cannot do is control the flow through the criminal justice system. It is directly as a result of Government policy that there are more or fewer people in prison, for example. So, taking the issue of probation on its own would not work, because that depends on policy in terms of sentencing policy. You can take the police out, in my view, but you cannot break up the rest of it, because it all runs together as a whole. So, yes, it could be devolved in principle, but as I say, it would take a good bit of work to do that in an area that we have not, traditionally, covered as a Government, of course.

[77] **Eluned Parrott:** In terms of the practicalities of devolving different parts of the judiciary, has it hampered the development of the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill to not be able to carry through the policy objectives to policing, and actually to the criminal justice system beyond that?

[78] **The First Minister:** No, not with regard to that Bill. Bear in mind, of course, that the criminal law is partially devolved in the sense that we do have the power as an Assembly to

create criminal offences. There are limits to those powers: in the magistrates' courts in terms of some re-offences and in terms of either-way offences in the Crown Courts. We do have powers to do that already. Sometimes, it is felt that the criminal law is not devolved at all. In fact, it is, to an extent. It is the criminal justice system that is not devolved and the two are different things. So with regard to the Bill, no, I would not say that it has hampered the progress of the Bill, but there is no doubt, if we had wider powers with regard to the creation of new criminal offences—which is probably a negative thing to say—that that would give us more leeway. There is no particular reason why there should be an arbitrary limit on the powers that the Assembly has in terms of creating criminal offences, but it is there.

[79] **Eluned Parrott:** Thank you.

[80] **Elin Jones:** A gaf i fynd yn ôl at y mater ynglŷn â datganoli'r system gyfiawnder? Yn eich ateb chi, roeddech chi'n son am y '*lead-in time*' fyddai ei angen i greu y cyfundrefnau a'r capasiti yng Nghymru. Sut y bydddech chi'n gweld hynny'n digwydd yn ymarferol, achos mae'n rhaid i '*lead-in time*' ddechrau ar ryw bwynt a chi fel Prif Weinidog sy'n awdurdodi dechrau ar y broses o adeiladu'r capasiti? A ydych chi wedi gwneud rhyw feddwl neu waith fel Llywodraeth ar sut y bydddech chi, a phryd y bydddech chi yn gweld y broses '*lead-in*' yna yn cychwyn? Pa mor hir ydych chi'n rhagweld y byddai '*lead-in*'?

Elin Jones: May I go back to the issue of devolving the justice system? In your answer, you mentioned the lead-in time that would be needed to create the systems and the capacity in Wales. How would you envisage that happening on a practical level, because lead-in time has to start at some point and it is you, as First Minister, who authorises the beginning of that process of building the capacity? Have you given any consideration, or have you undertaken any work as a Government on how and when you would see that lead-in process starting? How long do you anticipate a lead-in time to be?

[81] **Y Prif Weinidog:** Byddwn yn erfyn i'r broses ddechrau unwaith y bydd y pleidiau gwleidyddol wedi dweud beth y maen nhw yn mo'yn ei wneud ynglŷn â rhan 2 o Silk, ac wedi hynny, ystyried rhyw fath o amserlen ynglŷn â'r system. Ni fyddwn eisiau ymrwymo adnoddau 'nawr tuag at adeiladu adran newydd heb wybod bod yr arian yn mynd i ddod. Ond, rwy'n meddwl bod yr amserlen sydd yno yn rhan 2 o Silk yn amserlen ymarferol yn fy marn i, ond beth sy'n bwysig yw bod digon o amser er mwyn adeiladu o'r dechrau. Rydyn ni'n siarad am ddechrau yn hollol o'r dechrau i gael system cyfiawnder troseddol sy'n mynd i fod yn effeithiol—a hefyd, y pwynt arall yw'r arian. Pa fath o setliad ariannol fyddai ar gael? Er enghraifft, gyda chymorth cyfreithiol, mae'r gyllideb wedi cael ei thorri i lawr i ddim. Mae'r system wedi cwmpo oddi wrth ei gilydd. Pe bai gyda ni reolaeth dros y cymorth cyfreithiol, byddai'n un peth i gael y rheolaeth ond byddai'n beth arall i ffeindio'r arian i sicrhau bod y system yn gweithio yn y ffordd y byddem eisiau. Felly, bydd rhaid ystyried pethau fel yna hefyd, ac nid dim ond y grym ei hunan. Faint o arian y byddai ei

The First Minister: I would expect this process to commence once the political parties have decided what they want to do on Silk 2, and then to consider some sort of timetable for the system. Now, I would not want to commit resources now to building a new department if I did not have an assurance that the money would follow. However, I think that the timetable in Silk 2 is a practical one, in my view, but what is important is that there is plenty of time to build from the bottom. We are talking here about starting a completely new criminal justice system that is to be effective—and the other point is the funding. What sort of financial settlement would be available? For example, with legal aid, the budget has been cut right down to virtually nothing, and the system has fallen apart. If we had control over legal aid, it would be one thing to have those powers but it would be another thing to find the funding to ensure that the system worked in the way that we would want. Therefore, we would have to consider those kinds of issues as well, not just the powers. How much money would be required to support legal aid to ensure that people could access representation in the

angen ar gymorth cyfreithiol er mwyn sicrhau bod pobl yn gallu cael cynrychiolaeth yn y llysoedd? Ar hyn o bryd, nid yw hynny'n digwydd.

[82] **Elin Jones:** Rwy'n deall y safbwynt ynglŷn â'r ffaith bod cymorth cyfreithiol wedi cael ei dorri yn ôl i'r fath raddau fel nad yw efallai yr hyn y byddwn i, nac ychwaith chi, eisiau ei weld ar hyn o bryd o ran yr hyn sy'n cael ei gyflawni. Ond, pe bai hynny'n cael ei ddatganoli, byddai'n dod gyda'r arian sy'n cael ei wario ar hyn o bryd o dan y gyfundrefn bresennol—pryd bynnag mae'r 'presennol' hynny—ond os yw'r gwariant yn cynyddu gyda rhyw lywodraeth arall, a'r system yn cynyddu o ran polisi yn San Steffan, yna, wrth gwrs, byddai trosglwyddiad ariannol yn dod i Gymru bryd hynny. Felly, nid oes rhaid aros tan fod y system yn gwbl berffaith, a'r gyllideb yn gwbl enfawr, i'r datganoli yna ddigwydd, nag oes?

[83] **Y Prif Weinidog:** Na, pwynt ymarferol ydyw. Nid oes rheswm pam na ddylai'r pŵer ddod, ond mae'n rhaid i ni wybod efallai y bydd rhwystrau i ni, ac ym mha ffordd y gallwn ni ddefnyddio'r pwerau hynny o achos y sefyllfa ariannol. Un pwynt arall y byddem yn gorfod delio ag ef yw beth fyddai'n digwydd gyda charchardai. Nid oes digon gyda ni yng Nghymru. Nid oes carchardy i fenywod gyda ni yng Nghymru. Felly, byddai rhyw fath o gytundeb yn gorfod cael ei wneud gyda charchardai yn Lloegr er mwyn sicrhau bod lle yna i garcharorion o Gymru. Wrth gwrs, mae hynny'n meddwl y byddem yn gorfod talu mwy na'r swm rydym yn gofyn amdano. Felly, mae'n rhaid ystyried hynny. Hefyd, nid oes carchardy gyda ni sy'n delio â'r rheini sydd fwyaf peryglus. Felly, byddai'n rhaid sicrhau bod hynny'n gweithio er mwyn sicrhau bod y setliad ariannol yn gweithio yn y ffordd yna hefyd.

[84] **Elin Jones:** Ond nid oes gwahaniaeth mewn egwyddor i'r NHS yng Nghymru orfod talu am driniaeth yn yr NHS yn Lloegr, ar gyfer pobl sy'n byw ar y ffin yn enwedig. Yr un egwyddor ydyw, onid e?

[85] **Y Prif Weinidog:** Mae hynny'n wir. Mae'r system honno yn ei lle, a byddai'n rhaid sicrhau bod system mewn lle ynglŷn â

courts? At present, that does not happen.

Elin Jones: I understand the point of view regarding legal aid and the fact that it has been cut back to such an extent that it is not what I, or you, would want to see at present in terms of what is being delivered. However, if that were to be devolved, it would come with the funding that is being spent at the moment under the current system—whenever that 'current' is—but if the spending were increased under another Government, and the system were increased in terms of policy at Westminster, then of course that funding transfer would come to Wales at that time. So, there is no need to wait until the system is completely perfect, and the budget is completely massive, until that devolution happens, is there?

The First Minister: No, it is a practical point. There is no reason why the power should not be devolved, but we need to know that there may be barriers for us, and in what way we can use those powers because of the financial situation. Another point that would have to be dealt with is what would happen with the prisons. We do not have enough capacity in Wales. We do not have a women's prison in Wales. So, some sort of agreement would have to be made with the prison system in England in order to ensure that there was capacity for prisoners from Wales. Of course, that would mean that we would have to pay more than what we were asking for. So, that must be considered. Also, we do not have a prison that deals with the most dangerous offenders. Therefore, we would need to ensure that that was in place to ensure that the financial settlement also worked in that way.

Elin Jones: But there is no difference in principle to the NHS in Wales having to pay for treatment in the NHS in England, for people who live on the border in particular. It is the same principle, is it not?

The First Minister: That is true. That system is in place, and we would need to ensure that a system was in place in terms of the prisons

charchardai hefyd.

[86] **Elin Jones:** Yn dilyn lan ar y ffaith eich bod wedi dweud yn ystod y cyfnod yma, ar ôl refferendwm yr Alban, eich bod chi'n credu y dylid cynnig yr un pwerau i Gymru ag sydd 'nawr yn mynd i gael eu cynnig i'r Alban, beth bynnag y bydd y rheini, ond mater i Gymru yw penderfynu a fydd yn cymryd y pwerau hynny ai peidio. Efallai y byddech yn leicio esbonio sut y bydd y broses honno'n digwydd. Os caf fod yn benodol, mae'n debygol iawn y bydd yr Alban yn cael cynnig pwerau y wladwriaeth les—*welfare*—ac mae hwnnw'n faes cymhleth iawn. Beth fyddai'ch safbwynt chi pe bai'r Alban yn cael cynnig pwerau'r wladwriaeth les yn eu cyfanrwydd neu yn rhannol?

[87] **Y Prif Weinidog:** Y broblem yw nad ydym yn gwybod beth fydd y cytundeb ar hyn o bryd. O ran egwyddor, nid oes rheswm pam y dylai'r Alban gael cynnig rhywbeth gwahanol i Gymru neu Ogledd Iwerddon. Rhywbeth i bobl Cymru fyddai derbyn y pwerau hynny neu beidio. Ond rwy'n dod yn ôl at y pwynt a wneuthum o'r blaen: y broblem sydd wedi bod gyda ni yw bod pethau'n cael eu rhoi dros y lle i gyd i wahanol Lywodraethau heb feddwl am yr hyn y mae hynny'n ei olygu i'r Llywodraethau eraill. Byddai'n well cael system lle byddai pwerau yn cael eu trosglwyddo o dan strwythur sydd yr un peth i bawb, er mwyn bod y penderfyniadau ynglŷn â'r pwerau hynny wedyn yn gallu cael eu gwneud gyda'r Llywodraethau yng Nghymru, yr Alban a Gogledd Iwerddon. Ond, mewn egwyddor, nid oes rheswm pam y dylai'r Alban gael cynnig rhywbeth gwahanol i Gymru.

[88] **Elin Jones:** Pan fyddwch chi'n—

[89] **David Melding:** You could follow some of these up in the next section if you wish, in terms of the consistency of the offer.

[90] **Elin Jones:** Un peth—pan fyddwch chi'n defnyddio'r term 'pan fydd pobl Cymru yn dymuno' beth ydych chi'n ei feddwl wrth hynny? A yw hynny'n gorfod meddwl refferendwm neu a yw'n gallu meddwl rhywbeth arall?

as well.

Elin Jones: Just to follow on from the fact that you have said that, during this time, following the referendum in Scotland, you think that there should be an offer of the same powers to Wales that are now going to be offered to Scotland, whatever those will be, but that it is a matter for Wales to decide whether or not to take up those powers. Perhaps you would like to explain how that process would happen. If I may be specific, it is likely that Scotland will be offered powers over the welfare state, and that is a highly complex area. What would be your views if Scotland were offered powers over the welfare state, whether wholly or partly?

The First Minister: The problem is that we do not know what any agreement will be at present. But, in principle, there is no reason why Scotland should be offered something that is different from what the people of Wales and the people of Northern Ireland are offered. It would be for the people of Wales to accept those powers or not. But I go back to the point that I made before; the problem that we have had is that things are given all over the place to different Governments without actually considering the impact that that will have on other Governments. It would be more appropriate to have a system whereby powers were transferred under a structure that is the same for everybody, so that decisions on those powers can then be taken together with Governments in Wales, Scotland and Northern Ireland. But, in principle, there is no reason why Scotland should be offered anything different to Wales.

Elin Jones: When you use—

Elin Jones: One thing—when you use the phrase 'when the people of Wales wish', what do you mean by that? Does it have to mean a referendum, or could it mean something else?

[91] **Y Prif Weinidog:** Na, mae pobl Cymru yn gallu mynegi barn drwy etholiad. Felly, byddai'n dibynnu ar beth fyddai mewn maniffesto plaid wleidyddol, a hefyd ar farn Cymru ynglŷn â phwy ddylai fod yn y Llywodraeth. Rwy'n credu ei bod yn wir dweud ein bod wedi cael mwy o refferenda dros yr hanner canrif diwethaf nag unrhyw le arall yn Ewrop, os cofiwch chi'r—

The First Minister: No, the people of Wales can express their views through an election. So, it would depend on what was contained within the political party manifestos, and also on the views of the people of Wales on who should form a Government. I think that it is true to say that we have had more referenda over the past 50 years than anywhere else in Europe, if you remember the—

[92] **Elin Jones:** Ar wahân i'r Swistir, efallai.

Elin Jones: Apart from Switzerland, perhaps.

14:15

[93] **Y Prif Weinidog:** Rydym wedi cael sawl refferendwm ynglŷn â chau tafarndai ar y Sul, wrth gwrs, ym mhob rhan o Gymru. Felly, mae gennym brofiad mawr—profiad gormodol, efallai—ynglŷn â hynny. Nid wyf yn credu y dylem ni yng Nghymru gael refferendwm bob tro y mae rhywbeth bach yn newid, neu hyd yn oed gyda rhywbeth mwy sylweddol. Beth sy'n bwysig yw bod pobl Cymru yn gallu mynegi eu barn drwy etholiad.

The First Minister: We have had a number of referenda on closing pubs on a Sunday, of course, in all parts of Wales. So, we have huge experience—too much experience, perhaps—in that regard. I do not think that we in Wales should have a referendum every time there is any minor change or even with something major. What is important is that the people of Wales can express their views through elections.

[94] **Joyce Watson:** Just on the issue of taxation and the issue also about fairness and equity right across the nations, if we had devolution, for example, of corporation tax, stamp duty and airport tax, how do you see us managing—and let us take the corporation tax, for example, because I think that that is a good example to take—to not end up in a race to the bottom?

[95] **The First Minister:** The devolution of corporation tax is seductive but, practically, I think that there are enormous difficulties with it. My view has been that if it is going to be on offer generally, we would need to have it. There are limits in terms of the way we can use it. If each part of the UK decided to reduce corporation tax, as indeed all of us probably would, we would end up in a race down to the lowest level. My fear is that we would end up in a situation where the corporation tax rate would be very low, but at the same level in each of the UK nations, with an enormous hole in public finances that cannot be filled in that time. If you take the decision to cut corporation tax you accept that you are going to see a reduction in your income for some years. I think that I am right in saying that, in Northern Ireland, some of the modelling suggested 20 years. If there is no way that you can recoup that money, because everyone has raced after you and brought tax down to the same level, there are difficulties and great dangers there.

[96] In terms of air passenger duty, it is far less difficult. The Silk commission's recommendation was to devolve long-haul APD. My preference would have been for all APD. Long-haul APD is worth—and I think that I am right in saying this—less than £1 million a year in terms of what is raised in Wales. We could easily reduce significantly the rate of APD on long-haul without there being an enormous hole in public finances in Wales, whereas with the corporation tax things are quite different. For example, if we were to reduce APD in Wales, I do not think that, for example, England would then reduce the APD at the same time because it only affects in Wales one airport, or possibly two with Anglesey, if we changed the system of APD. However, corporation tax affects all of Wales, and potentially all

of England. I think that the pressure to reduce corporation tax would be much greater than pressures to reduce APD.

[97] **David Melding:** May I just clarify the issue of acquiring income tax powers having to be contingent on reforming the Barnett formula? That is a political point, is it not: that you fear that Wales would lose political leverage if we acquired those powers before Barnett was reformed? Technically, there would be no problem with adjusting the solidarity grant, which I think that you call it, but often they are called equalisation grants. Equalisation grants in federal systems are quite separate in their function to the ability to raise taxes. In fact, they are related to your tax yield, basically. These are political issues. Obviously, you do not trust a UK Government to sort out Barnett before Wales acquires income tax powers. It is actually technically quite possible to do it afterwards. Do you fear that you would not have the leverage?

[98] **The First Minister:** I do not think that that would happen. If we were to acquire those income tax varying powers before an agreement to ensure that that £300 million shortfall is dealt with, as you rightly say, we would have no leverage; it has gone. The inevitable response from Whitehall will be, 'Don't ask us for more money. You can raise it yourselves'. To me, to all intents and purposes, that would simply lock in the underfunding. The issue would be removed because the answer would always be, 'Well, raise your own money, if you're not happy'.

[99] **David Melding:** Technically, it should not lock it in, though. You accept that, because if it were to lock it in, the solidarity grant would not be very—

[100] **The First Minister:** If we lived in a world of universal goodwill, then that would be true.

[101] **David Melding:** We now want to touch on some of the wider issues for the British constitution, which are now related to the changes that are likely to occur, or the ramifications of the Scottish referendum. I would ask that redoubtable defender of the union, Elin Jones, to take us through this section. [*Laughter.*]

[102] **Elin Jones:** Rydych wedi ateb rhai o'r materion roeddwn i'n mynd i'w codi yn rhywfaint o'r ymatebion rydych wedi eu rhoi yn barod. Fodd bynnag, hoffwn fynd â chi at Dŷ'r Arglwyddi, a dyfodol Tŷ'r Arglwyddi. Mae Gordon Brown, er enghraifft, wedi gwneud sylwadau ynglŷn ag a ddylid diwygio Tŷ'r Arglwyddi, fel bod yr ail dŷ yn San Steffan yn adlewyrchu ac yn cynnwys rhanbarthau a gwledydd y Deyrnas Gyfunol, a'n bod yn symud tuag at ryw fath o fodel mwy ffederal, o bosibl, drwy wneud hynny. A oes gyda chi unrhyw sylwadau ar ei syniadau ef, ac ar rôl Tŷ'r Arglwyddi, gan gofio, wrth gwrs, y bydd ei aelodau, yr wythnos nesaf, yn trafod dyfodol datganoli, gan fod Mesur Cymru o'u blaenau nhw, a'u bod yn gwneud hynny fel aelodau anetholedig?

Elin Jones: You have answered some of the issues that I was going to raise in some of the responses that you have provided already. However, I would like to take you to the House of Lords, and the future of the House of Lords. Gordon Brown, for example, has made comments regarding whether there is a need for House of Lords reform, so that the second Westminster chamber reflects and includes the regions and nations of the United Kingdom, and that we move towards a more federal model, possibly, in doing so. Do you have any comments on his ideas, and on the role of the House of Lords, given, of course, that, next week, its members will be discussing the future of devolution, as the Wales Bill is in front of them, and that they are doing so as unelected members?

[103] **Y Prif Weinidog:** Wel, rwy'n wastad wedi bod o blaid cael uwch-dŷ

The First Minister: Well, I have always been in favour of an elected second chamber.

etholedig. Fodd bynnag, ta beth yw'r dyfodol o ran Tŷ'r Arglwyddi, yr hyn sy'n bwysig yw bod mwy o gydbwysedd o ran cynrychiolaeth o'r pedair gwlad. Rwyf wedi dweud o'r blaen y dylid cael cynrychiolaeth gyfartal rhwng Cymru, yr Alban, Lloegr a Gogledd Iwerddon, o gofio'r ffaith bod Senedd America—er nad yw yn union yr un peth—yn ystyried daearyddiaeth, ac nid poblogaeth. Rwy'n credu y byddai'n helpu i sicrhau bod mwy o gydbwysedd, o gofio maint Lloegr. Felly, nid wyf yn credu y gall Tŷ'r Arglwyddi aros fel ag y mae; rwy'n credu y dylem symud at system lle mae mwy o gydbwysedd o ran cynrychiolaeth o bob gwlad yn y Deyrnas Unedig.

[104] **Elin Jones:** Sut ydych chi'n credu, yn ymarferol, y gellid symud tuag at hynny, heb ddiwygiad llawn o'r ail dŷ? A ydych yn credu bod rhyw fath o fodel lle mae senedd Cymru, neu Lywodraeth Cymru, a Gogledd Iwerddon, Yr Alban—nid wyf yn siŵr beth fyddai'n digwydd yn Lloegr—yn cyflwyno cynrychiolwyr i'r tŷ hwnnw, hyd yn oed yn ei ffurf bresennol, fel y byddai gennych chi hawl, bob pum mlynedd, i gynnig 10 aelod o Dŷ'r Arglwyddi?

[105] **Y Prif Weinidog:** Rwy'n credu ei bod yn bwysig bod ffordd i enwebu i Dŷ'r Arglwyddi o Gymru. Ym mha ffordd y byddai hyn yn gweithio? Ni fyddwn yn dweud mai dim ond y Llywodraeth ddylai ei wneud, ac efallai nid dim ond y Cynulliad, ond rhyw fath o gomisiwn, lle byddai'r Llywodraeth a'r Senedd yn rhan o hynny, yn ogystal â chynrychiolaeth o San Steffan, er mwyn sicrhau bod Aelodau Seneddol o Gymru yn San Steffan yn rhan o hynny hefyd. Fodd bynnag, byddai'n rhaid cadw nifer o Arglwyddi i Gymru, gan sicrhau bod gennym broses agored er mwyn llanw'r lleoedd hynny yn Nhŷ'r Arglwyddi.

[106] **Elin Jones:** Iawn. Rwy'n credu eich bod wedi sôn ynghynt eich bod yn credu y dylid, drwy ryw fath o ddeddfwriaeth, neu gyfansoddiad, osod lawr yr hawl i'r Cynulliad, i Senedd yr Alban ac yn y blaen i fod yn barhaol, yn hytrach na bod yr hawl gan Senedd San Steffan i ddiddymu'r Cynulliad, os yw'n dymuno gwneud hynny ar unrhyw bwynt. Dyna'ch barn chi. Beth

However, whatever the future in terms of the House of Lords, what is important is that there should be greater balance in terms of the representation of the four nations. I have said in the past that there should be equal representation between Wales, Scotland, England, and Northern Ireland, bearing in mind that the American Senate—although it is not quite the same—is built on a geographical rather than a population basis. I think that it would help to ensure that there is greater balance, bearing in mind the size of England. So, I do not think that the House of Lords can exist without reform; I think that we need to move to a system where there is greater balance in terms of the representation of all of the nations within the UK.

Elin Jones: How do you think, on a practical level, that we could move towards that, without a full reform of the second chamber? Do you think that there is some sort of model where the Wales parliament, or the Welsh Government, and Northern Ireland, Scotland—I am not sure what would happen in England—would present representatives to that house, even in its current form, so that you would have a right, every five years, to propose 10 members of the House of Lords?

The First Minister: I think that it is important that there should be a means to nominate members to the House of Lords from Wales. How would that work? I would not say that only the Government should do it, and perhaps not only the Assembly, but some sort of commission, where the Government and the Parliament would participate, as well as representation from Westminster, to ensure that Welsh Members of Parliament in Westminster are also a part of that. However, we would need to keep a number of Lords from Wales and ensure that we had an open process in order to fill those places in the House of Lords.

Elin Jones: Okay. I think that you mentioned earlier that you believe that there should be, through some sort of legislation or constitution, the right set down for the Assembly, the Scottish Parliament and so on to be permanent, rather than the Westminster Parliament having the right to dissolve the Assembly, should it wish to do so at any time. That is your view. What would be the

fyddai'r broses o wneud hynny?

process of doing that?

[107] **Y Prif Weinidog:** Wel, i sicrhau ei fod yn rhywbeth cyfansoddiadol ac yn barhaol, byddai'n rhaid, wrth gwrs, cael gwared â sofraniaeth Senedd San Steffan. Mae'n un peth i Senedd San Steffan ddweud, 'Wel, bydden ni byth yn ei wneud e', ond, o dan y setliad presennol, mae'n gallu gwneud beth bynnag y mae'n mo'yn. Byddai'n rhaid mynd i graidd y cyfansoddiad, a dweud, 'Wel, nid felly y bydd pethau yn y dyfodol'. Yn lle cael un lle fel ffynhonnell popeth arall, byddai'n rhaid sicrhau system lle mae sawl lle, a sawl senedd, â sofraniaeth. Fodd bynnag, y ffordd i sicrhau na fydd brwydro rhyngom yw drwy sicrhau bod pawb yn gwybod yn gwmws beth y maen nhw'n gallu ei wneud. Mae hwn yn rhywbeth hollol radical ynglŷn â'r cyfansoddiad. Ond, yn wir, yr unig ffordd i sicrhau bod y Cynulliad a Senedd yr Alban yn barhaol yw cael rhyw fath o gyfansoddiad ysgrifenedig sy'n tynnu pwerau o San Steffan. Dyna'r unig ffordd i wneud hynny.

The First Minister: Well, to ensure that it was constitutionally sound and permanent, you would, of course, have to abolish the sovereignty of the Westminster Parliament. It is one thing for the Westminster Parliament to say, 'Well, we would never do it', but under the current settlement, it can do whatever it chooses to do. We would have to get to the very heart of the constitution, and say, 'Well, things will be different in future'. Rather than having sovereignty resting in one single place, you would need to ensure a system where sovereignty lies in a number of different places, and parliaments. However, the way of ensuring that there should be no conflict is that everyone should understand exactly what their powers are and what they can do. This is entirely radical in terms of the constitution, but, indeed, the only way to ensure that the Assembly and the Scottish Parliament are permanent is to have some sort of written constitution that draws power away from Westminster. That is the only way of doing it.

[108] **Elin Jones:** Rwy'n meddwl am yr ateb. Wrth gwrs, mae cryfderau a gwendidau mewn cyfansoddiad ysgrifenedig. A allwch chi ragweld unrhyw wendidau o symud i lawr y trywydd hwnnw, a chi fel Prif Weinidog yn hyrwyddo trywydd cyfansoddiad ysgrifenedig?

Elin Jones: I am thinking about that answer. Of course, there are strengths and weaknesses in a written constitution. Can you foresee any weaknesses in going down that route, and you as First Minister promoting the route of a written constitution?

[109] **Y Prif Weinidog:** Mae'n wir bod y system bresennol yn system sydd wedi gallu plygu. Mae hynny wedi digwydd. Mae'n wir na fyddwn am weld system fel sydd ganddynt yn Sbaen, lle mae popeth yn gadarn ac nid oes modd plygu mewn unrhyw ffordd o gwbl. Ond, rhaid ffeindio rhyw ffordd—mae cyfansoddiad ysgrifenedig yn un ffordd i'w wneud, ond nid yw'n berffaith—i sicrhau na fydd y system sydd gennym ar hyn o bryd, lle mae San Steffan yn gallu gwneud popeth, yn parhau yn y dyfodol. Dyna'r unig ffordd i sicrhau mwy o gyfartaledd rhwng y gwledydd sydd gennym yn y Deyrnas Unedig.

The First Minister: It is true that the current system has been flexible. That has been the case. It is also true that we would not want to see a system similar to the Spanish system whereby everything is entirely rigid and there is no wriggle room at all. However, we have to find some middle ground—a written constitution is one way of doing that, but it is not perfect—as a means of ensuring that the system we have at present, where Westminster retains all power, should not continue for the future. That is the only way of ensuring greater equality between the nations of the United Kingdom.

[110] **Paul Davies:** I ddod yn ôl at eich sylwadau yn gynharach ynglŷn â Thŷ'r Arglwyddi etholedig, i gael eglurhad gennyh, a fydddech yn gweld Tŷ'r Arglwyddi

Paul Davies: To bring you back to your earlier comments regarding an elected House of Lords, in order to have an explanation from you, would you see the House of Lords

felly yn gweithredu fel ail siambr sy'n craffu ar draws y Deyrnas Unedig, yn craffu deddfwriaeth seneddau ar draws y Deyrnas Unedig? Ai dyna eich dymuniad o ran Tŷ'r Arglwyddi etholedig?

therefore operating as a sort of second chamber that scrutinises across the United Kingdom, and scrutinises legislation of parliaments across the United Kingdom? Is that your wish regarding an elected House of Lords?

[111] **Y Prif Weinidog:** Na, ni fyddwn am dynnu pwerau o Gymru a'u rhoi yn ôl i Lundain. Rhaid inni gofio taw Senedd y Deyrnas Unedig ydyw, felly byddai gan Dŷ'r Arglwyddi rôl i ddiwygio deddfwriaeth o'r Deyrnas Unedig. Rydym yn dod yn ôl i'r broblem o bleidleisiau Seisnig i gyfreithiau Seisnig, a byddai'n rhaid datrys hynny. Ond, na, ni fyddwn yn gweld system lle byddai cyfreithiau'n mynd drwy'r Cynulliad ac yna'n mynd lan i Lundain eto. Na, ni fyddai hynny'n berthnasol.

The First Minister: No, I would not want to take powers from Wales and repatriate them to London. We must bear in mind that it is the UK Parliament, therefore, the House of Lords would have a role in amending UK legislation. We come back to this issue of English votes for English laws, and that problem would have to be resolved. However, no, I would not anticipate a system where laws would be passed in the Assembly and then be passed back to London. That would be not appropriate.

[112] **Paul Davies:** Er eich bod o blaid rhannu'r sofraniaeth, ni fydddech yn gweld bod angen rhyw fath o ail siambr i graffu ar deddfwriaeth ar draws y Deyrnas Unedig.

Paul Davies: Even though you are in favour of sharing sovereignty, you do not see that there is a need for a second chamber to scrutinise legislation across the UK.

[113] **Y Prif Weinidog:** Na, rydych yn siarad wedyn am ail siambr ym mhob cenedl, fel yr oedd yng Ngogledd Iwerddon, ac nid am gael un siambr yn Llundain. Rwy'n gweld y pwynt o gael Uchel Lys yn Llundain sy'n delio â phethau Prydeinig, ond, ynglŷn â chraffu ar deddfwriaeth, os oes raid cael system *bicameral*—ac nid wyf o blaid hyn, mae'n rhaid imi ddweud—byddai'n rhaid cael rhyw fath o ail siambr yng Nghymru, neu byddem yn ôl yn yr un sefyllfa o orfod sefyll mewn ciw yn San Steffan i weld deddfwriaeth o Gymru yn mynd drwyddo.

The First Minister: No, you are talking then about having a second chamber in all nations, as was the case in Northern Ireland, and to not have simply one chamber in London. I see the point of having a Supreme Court in London that deals with British or UK issues, but, in terms of scrutinising legislation, if you do need some sort of bicameral system—and I am not in favour of it—you would need some sort of second chamber in Wales, or we would be back in the situation of having to stand in a queue in Westminster in order to see legislation from Wales being passed.

[114] **Paul Davies:** Nid ydych o blaid gweld ail siambr yng Nghymru nac yn yr Alban.

Paul Davies: You are not in favour of seeing a second chamber in Wales or Scotland.

[115] **Prif Weinidog Cymru:** Nid wyf yn gweld bod eisiau un ar hyn o bryd. Byddai costau yn rhan o hynny hefyd. Byddai'n rhaid ystyried beth fyddai'r gost o wneud hynny. Hyd yn oed petai'n cael ei wneud yn yr un ffordd â Thŷ'r Arglwyddi, byddai'n dal i olygu costau. Nid wy'n credu, ar hyn o bryd, y byddai pobl Cymru yn mo'yn gweld hynny.

The First Minister: I do not think that that is necessary at present. There are costs attached to that. We would have to consider those costs. Even if it is done along the same model as the House of Lords, it would still entail costs. I do not think that the people of Wales would want to see that now.

[116] **David Melding:** It is now time for the second question from a member of the public, which reflects on the experience in Scotland. Is it now time to allow 16-year-olds to vote in Wales?

[117] **The First Minister:** I agree with that, I must say. What happened in Scotland was very successful. There is no reason now why that cannot happen in every election across the UK.

[118] **David Melding:** A very clear answer. We said that we would return to this issue of the position of England, which also fundamentally means the position of the UK Parliament as well, often called 'English votes for English laws'. I will ask Paul Davies to take us through this section.

14:30

[119] **Paul Davies:** Diolch, Gadeirydd. Ni fydd yn gyfrinach i chi fy mod i wedi bod yn hyrwyddo setliad cyfansoddiadol llawer mwy cytbwys, lle mae anghenion pob un o'r pedair gwlad yn cael eu hystyried. Rwy'n credu, o'ch atebion chi heddiw, eich bod yn erbyn Prydain ffederal. Rwy'n credu mai dyna rydych chi wedi ei ddweud heddiw. Fodd bynnag, nid wyf yn glir ar eich safbwynt chi, oherwydd rydych chi wedi dweud heddiw, a chyn heddiw, os bydd yr Alban yn cael cynnig pwerau, y dylai Cymru gael cynnig yr un pwerau. Felly, rydych chi eisiau gweld cydbwysedd rhwng Cymru a'r Alban ac felly nid ydych eisiau gweld Prydain ffederal— oherwydd dyna yw'r *logic* i hynny.

Paul Davies: Thank you, Chair. It will be no secret to you that I have been promoting a constitutional settlement that is much more balanced, where the needs of each of the four nations are considered. I think, from your responses today, that you are against a federal Britain. I think that is what you have said today. However, I am not clear on your point of view, because you have stated today, and before today, that, if Scotland is offered powers, Wales should be offered the same powers. So, you want to see a balance between Wales and Scotland and therefore you do not want to see a federal Britain— because that is the logic to that.

[120] **Y Prif Weinidog:** Na, ddim o gwbl. System ffederal yw'r ffordd rwyddaf ymlaen. Y broblem yn ymarferol yw'r hyn sy'n digwydd yn Lloegr. O ran egwyddor, dyna yw'r ateb, ond beth fydd hynny yn ei feddwl i Loegr? A ydych chi'n siarad am senedd i Loegr neu seneddau gwahanol ym mhob rhan o Loegr? Mae hynny yn un o'r pethau, wrth gwrs, y byddai'n rhaid i'r confensiwn ei ystyried er mwyn gweld beth yw'r ffordd ymlaen i Loegr. Nid wyf yn erbyn rhyw fath o setliad ffederal, ond, yn ymarferol, mae'n rhaid edrych ar beth fydd hynny yn ei feddwl i Loegr.

The First Minister: No, not at all. The federal system is the simplest way forward. The practical problem is what happens in England. As a point of principle, that is the solution, but what does that mean for England? Are you talking about having an English parliament or parliaments in all the English regions? That is one of the things, of course, that the convention would need to consider in terms of the way forward for England. I am not against a federal settlement, but, on a practical level, you would have to look at what that means for England.

[121] **Paul Davies:** Felly, os oedd y confensiwn yn cynnig y dylai fod senedd i Loegr, a fydddech chi wedyn yn cefnogi hynny?

Paul Davies: Therefore, if the convention proposed that there should be an English parliament, would you then support that?

[122] **Y Prif Weinidog:** Nid wyf yn gweld dim byd yn bod ar hynny. Os oes senedd i Gymru a senedd i'r Alban, gall neb ddadlau yn erbyn Senedd i Loegr. Byddai'n rhaid sicrhau beth fyddai hynny'n meddwl i San Steffan a sut byddai hynny'n gweithio, wrth

The First Minister: I see nothing wrong with that sort of approach. If there is a parliament for Scotland and a parliament for Wales, nobody could argue against the principle of an English parliament. We would have to ensure that we know exactly what

gofio bod Lloegr yn rhan mor fawr o'r Deyrnas Unedig. Fodd bynnag, o ran egwyddor, nid wyf yn credu y gall neb ddadlau yn erbyn hynny. Byddai rhai yn Lloegr yn dweud bod yn rhaid cael datganoli o dan y lefel genedlaethol yn Lloegr, ond, unwaith eto, mae hynny yn rhywbeth y byddai'n rhaid i'r confensiwn ei ystyried.

[123] **Paul Davies:** Felly, i fod yn glir, rydych chi o blaid Prydain ffederal os yw Lloegr eisiau ei senedd ei hun.

[124] **Y Prif Weinidog:** Byddwn o blaid Prydain ffederal unwaith y bydd cwestiwn Lloegr wedi cael ei setlo. Dyna sydd eisiau ei wneud. Os yw hynny'n cael ei setlo mewn ffordd sy'n briodol, nid wyf yn gweld problem cael system ffederal wedyn.

[125] **Paul Davies:** Ond rydych chi'n meddwl y byddai problem gweld senedd i Loegr; rwy'n credu mai dyna rydych chi'n ceisio ei ddweud. Pa broblemau ydych chi'n eu rhagweld felly?

[126] **Y Prif Weinidog:** I ni yng Nghymru, byddai'n rhaid i ni sicrhau nad yw senedd Lloegr yn cael gormod o ddylanwad ar Senedd y Deyrnas Unedig. Byddai hynny'n gorfod digwydd a byddai'n rhaid creu rhyw fath o system er mwyn sicrhau nad yw hynny'n digwydd, ond, mewn egwyddor, mae'n anodd i ddweud y dylai Cymru gael senedd ond nid Lloegr, yn amlwg. Mae'n rhywbeth i bobl Lloegr ei ystyried ac i ni ei ystyried hefyd ai dyna yw'r ffordd ymlaen i Loegr neu a oes modd arall i wneud hynny, sef, er enghraifft, cael datganoli y tu mewn i Loegr. Nid wyf yn credu bod ateb clir ynglŷn â hyn. Un ateb yw senedd i Loegr ac mae atebion eraill hefyd. Nid oes modd datrys hyn dros nos, a dyna pam mae'n rhaid cael rhyw fath o system eang er mwyn sicrhau bod pob posibilrwydd yn cael ei ystyried.

[127] **Paul Davies:** A gaf i ddod yn ôl at y mater o ariannu teg i Gymru? Rydych chi wedi ei gwneud yn eithaf clir heddiw bod yn rhaid mynd i'r afael â'r mater hwnnw. A ydych chi, felly, yn credu bod angen refferendwm ar dreth incwm, o ystyried y datblygiadau sydd wedi digwydd yn yr Alban?

that would mean for Westminster and how that would work, bearing in mind that England is such a large part of the UK. However, in principle, I do not think that anyone could argue against that case. Some in England would say that you would need devolution to a sub-national level in England, but, once again, that is something that the convention would need to consider.

Paul Davies: So, to be clear, you are in favour of a federal Britain if England wants its own parliament.

The First Minister: I would be in favour of a federal Britain once the English question is settled. That is what needs to be done. If that is settled in an appropriate way, I do not see a problem in moving towards a federal model.

Paul Davies: But you think that there would be a problem in having an English parliament; I think that is what you are trying to say. What problems do you foresee?

The First Minister: For us in Wales, we would have to ensure that an English parliament does not have too much influence on the UK Parliament. Some sort of system would have to be created to safeguard against that, but, in principle, it is difficult to say that Wales should have a parliament but that England should not. That is something for the people of England to consider and for us to consider as to whether that is the best way forward for England or whether there is another way of doing it, namely, for example, having devolution within England. I do not know what the solution is. One solution is an English parliament and there are other solutions. These issues cannot be resolved overnight, which is why we need some sort of system to ensure that all possibilities are considered.

Paul Davies: Could I come back to the issue of fair funding for Wales? You have made it quite clear today that this needs to be addressed. Do you, therefore, believe that there is a need for a referendum on income tax, considering the developments that have happened in Scotland?

[128] **Y Prif Weinidog:** Rhaid i mi ddweud bod *precedent* yn yr Alban. Mae'r Alban wedi cael refferendwm—ar bwerau sy'n hollol wahanol i'r bwerau sy'n cael eu cynnig yn awr, mae'n wir. Rwy'n credu y byddai pobl yn erfyn refferendwm. Yn fy marn i, nid oes raid cael refferendwm, oherwydd rwy'n credu ei bod yn hollol bosibl cael system lle byddai rhyw fath o *super majority* yn gallu cael ei greu yn y Cynulliad er mwyn sicrhau bod y Cynulliad eisiau cymryd y bwerau hynny. Ni fyddwn o blaid bwerau yn cael eu rhoi i Gymru heb ganiatâd.

[129] **Paul Davies:** A allwch chi egluro '*super majority*'?

[130] **Y Prif Weinidog:** Byddwn i'n dweud mai 40 allan o 60 o Aelodau'r Cynulliad yw, sef dau draean. Dyna sydd wedi digwydd yn hanesyddol, rwy'n credu, gyda rhywbeth fel hynny. Mae'r un peth yn wir, er enghraifft, am drefniadau ynglŷn ag etholiadau; yn fy marn i, y Cynulliad ddylai wneud hynny a'r Cynulliad ddylai gael rheolaeth dros hynny. Fodd bynnag, ni fyddwn o blaid, er enghraifft, newid system ethol Aelodau'r Cynulliad gydag un bleidlais. Rwy'n credu bod yn rhaid cael mwy o gefnogaeth drawsbleidiol cyn gwneud hynny. Rwy'n credu bod yr un peth yn wir ynglŷn â chael treth incwm. Yn fy marn i, byddai pobl yn erfyn refferendwm, achos dyna'r hyn a ddigwyddodd yn yr Alban—mae'r *precedent* yno—ond nid wyf o blaid cael refferendwm ar bopeth. Fodd bynnag, rwy'n credu byddai'n rhaid dangos bod achos cryf i beidio â chael refferendwm wrth gofio'r hyn a ddigwyddodd yn yr Alban.

[131] **David Melding:** Thank you, First Minister. May I touch, finally, on the issue of the size of the Assembly? We are now practising primary powers and that has been a big change in terms of the scrutiny work of the Assembly. Inevitably, we are going to have further responsibilities; I do not think that any of us can see any form of reform that will not leave the Assembly and the Welsh Government with more powers. How pressing do you think the issue of scrutiny and capacity in the Assembly is? Do you think that this is an issue that needs to be addressed quickly, or do we have time to come back, at our leisure, to determine the optimum size for an Assembly? We are, by far, the smallest legislature, obviously, in the UK at the moment in terms of numbers.

[132] **The First Minister:** I think that there are two points here, Chair. First of all, I think it is fair to say that there is a general reluctance among the population at the moment to have what they would see as more politicians. That would have to be overcome. It is a major issue. People would start from the standpoint of saying, 'Well, no; 60 is enough', but, practically, I

The First Minister: I have to say that there is a precedent in Scotland. Scotland has had a referendum—on powers that are entirely different from those that have been proposed now, it is true. I think that people would expect a referendum. My view is that it is not entirely necessary, because it would be entirely possible to have a system whereby some sort of super majority could be created in the Assembly to demonstrate that the Assembly was in favour of the devolution of those powers. I would not want those powers passed without permission.

Paul Davies: Can you explain 'super majority'?

The First Minister: I would say that it is 40 out of the 60 Assembly Members, which is two thirds. That is what has happened historically, I think, with something like that. The same is true, for example, of electoral arrangements; my view is that the Assembly should make those decisions and that the Assembly should have the powers over those issues. However, I would not be in favour of, for example, changing the system of elections to the Assembly on the back of a single vote. I think that you would need more cross-party support for that. I think the same would be true of the devolution of income tax. My view is that people would expect a referendum, because that is what happened in Scotland—there is precedent there—but I am not in favour of having a referendum on everything. However, I think we would have to demonstrate that there was a strong case for not having a referendum, bearing in mind what happened in Scotland.

fully understand that we are smaller than a number of councils in Wales. I think there are some real issues in terms of scrutiny. It may seem odd for a member of the Government to say that, but, as somebody who is a democrat, I know that, looking at my backbench colleagues in my own party, they are torn hither and thither in terms of covering committees; much more so than in Westminster. If Members are not able to do the research that they need to do to ask the questions that they need to ask, then that is a problem for the democratic system as a whole. So, if you want my straight answer, it is quite simply that, yes, I do think that 60 is too few, but I also recognise that much work would need to be done to convince the public that that is the case.

[133] **David Melding:** Thank you, First Minister. I am sure I express the view of all committee members that that was a fascinating session. I thought we had some very candid direct answers, which demonstrate a lot of reflection and some innovative thought as well. Quite where it will take us, I suppose that that is now for the whole of the UK to determine, at least for some of the issues that we have been discussing.

[134] We can now focus on the work that we do day to day in terms of policies and their impact on particular areas. So, we are delighted to be here in Whitland and in west Wales and now is the opportunity for Members—three of whom represent west Wales regions or constituencies—to focus on issues of more local concern. There is no formal structure to this part, so, if Members attract my eye and wish to pursue points, that is the way that we will handle the next session. I call Joyce.

[135] **Joyce Watson:** Thank you, Chair. I do not think that you could come to Pembrokeshire without asking a question on health. First Minister, we have seen some reconfiguration of health services locally and we have had the reasons for the reconfigurations of delivering the services given. Numerous times in the Assembly, I have asked questions and I do not think that—except, maybe, for Eluned—anybody else sitting alongside me has not asked a question on Hywel Dda Local Health Board about some service or other. So, my question to you is: we are going through a process of change, and, alongside that investment, how confident are you, First Minister, that the process of change that we are going through will, ultimately, deliver better healthcare for the people in this area?

[136] **The First Minister:** I think we are on the other side of Pengawse Hill, are we not? The people of Pengawse Hill live in Carmarthenshire—

[137] **David Melding:** We are close to the border, but we are in Carmarthenshire—

[138] **The First Minister:** So, we are in Carmarthenshire now—we have not quite gone up the hill towards Llanddewi Velfrey yet—but, I take the point, of course. It was a serious point that was made. The sole goal of any changes in the health service has to be patient safety. That is it. That means that, from time to time, services have to change. For example, the more specialised a service is, the more it has to be centralised, because, in order for there to be the throughput of cases that provide the medics with the experience that they need, quite often, you have to draw from a much wider area. In order to create the medical teams that you want to exercise that specialisation, you need to put them in one place. If they are all over the place, then they are not anything like as effective. We know, increasingly, that doctors, for example, want to work in bigger and bigger teams, and that is a challenge in terms of attracting people outside of the major urban centres. However, I know that a major change is being phased in, for example, with Witybush hospital and neonatal care, and that change has progressed, to my mind, without any problem thus far.

[139] **Joyce Watson:** Okay. May I just follow up on that? I thank you for your answer, and that is the medical side, but there is the other side to healthcare, and that is to do with access to healthcare and the transport issues, which, again, have been raised numerous times. Also,

there is the upscaling of existing staff, which I know is happening—certainly in terms of maternity-led units in both Wthybush and Glangwili hospitals—and, as somebody who represents all of Mid and West Wales, I have to ask the question in that regard.

[140] **The First Minister:** Access is important, but access to a sub-standard service we could never allow. The maxim has to be that healthcare should be delivered as locally as possible, and I think that that is important. That means, for example, ensuring that people are not in hospital when they could be seen by a GP, or with community care around them. It also means, of course, that, where it is possible to provide a safe service to people in local district general hospitals, that should be done—there is no question about that—but there will also be changes that will have to be made in order to provide a better and safer service by centralising some services, and this has been the case throughout the history of the NHS. For example, if you wish to have treatment for leukaemia, the centre is the University Hospital of Wales in Cardiff; it has always been that way, because that is where the expertise is. If you dissipate that expertise, then they do not see the throughput of cases that they need in order to improve their understanding of the disease and their ability to treat it. So, there will always be some conditions that will need to be treated by specialists in a specialist centre, but that is as far as it goes, to my mind. Where people can be treated in DGHs or in other situations closer to their homes, then that should be done, bearing in mind, of course, the need to attract medical staff as well, and that is always a difficulty—it has been a historic difficulty for many, many years outside of the urban centres—but I come back to the point that healthcare should be delivered as close to home as possible.

[141] **Joyce Watson:** I have one final question. As I have started on health, I would like to ask another question again about this area, because it is another critical area of care, and there has been a lot of speculation, and I did ask the question last week, I think, in the Assembly. My question is, again, about giving reassurances to the people, to the patients, to the people who work on ward 10, the cancer care unit in Wthybush hospital, that—. You said that you would keep an eye on all that is happening. We know that it is linked to issues about recruitment of oncologists and specialists. Would you be happy to reiterate, here, in the area that it serves, that the Assembly is keeping a watching brief on developments, and can give that assurance to those patients accessing cancer care treatment at the moment that they will be able to access it in the future?

14:45

[142] **The First Minister:** Yes, I can. Of course, you raised this last week in the Assembly itself, and my answer is still the same: we want to see the service continue. It is a matter for the health board at the end of the day, but there are certainly no plans to change that service. I come back to the answer I gave last week and give that assurance.

[143] **David Melding:** I now invite Eluned to put questions that she feels are relevant to the First Minister.

[144] **Eluned Parrott:** Thank you. I just wanted to pick up something that is not unrelated to what Joyce has just been talking about in terms of transport, because, while we recognise the medical case for the centralisation of specialist care, clearly one of the things that frightens people is the length of time it will take them to be able to access critical care in particular, such as maternity units and accident and emergency units, if they have to attend themselves. So, I wanted to ask about transport investment in west Wales. Clearly, when it comes to transport, it is not just about the health system, it is about making sure that young people can get to their apprenticeship, their school or their college, that people can access work and that people have an opportunity to access the public services that they depend upon. However, there are things like the fact that, for example, the electrification of the Great Western main line will end at Swansea and that there are no plans at present to go beyond

that. If we look at expenditure on road schemes in Wales, the Minister for transport, in a note provided to the Enterprise and Business Committee this week, notes that the expenditure per head of population between 2011 and the end of the current committed expenditure for road building for south-west Wales is going to be a third of the national average. What is the Welsh Government doing to improve connectivity and transport links in south-west Wales?

[145] **The First Minister:** Well, let us look first of all at the improvement of the service between Clarbeston Road, or probably from Swansea really, and Fishguard harbour and the opening of the Fishguard and Goodwick station and the extension of the service beyond the connection with the ferry. That is going really well and the plan, of course, is to extend that in the future. Connectivity on the public transport network, particularly the railways, I believe has improved over the years, particularly on the Pembroke Dock branch and the Milford Haven branch. It is true to say, of course, that the 125s do not go to Milford any more as they used to, but, at one time, I know there was a proposal that would have effectively created a self-contained railway system in Pembrokeshire. That did not happen, and I am glad that that is the case.

[146] In terms of the road network—well, we are not very far away from the Llanddowror bypass—there was a significant element of investment to remove that difficult traffic area with Llanddowror and Red Roses, ensuring better accessibility down towards Pembroke Dock itself and towns such as Tenby. So, we have some examples of the way that the public transport system has been improved and one major road investment as well. On top of that, of course, we saw the Robeston Wathen bypass. Again, a significant traffic problem existed there as well.

[147] **Eluned Parrott:** I want to return to looking to the future. In terms of those road schemes, looking to the future in south-west Wales, you are planning to spend £89 per head of population in south-west Wales, as opposed to £815 per head of population in south-east Wales, or £576 per head of population in north Wales. So, there is a disparity that people in south-west Wales will feel aggrieved about, I imagine, when they consider the journey times they experience in terms of getting to public services.

[148] **The First Minister:** I do not think we can take roads in isolation. I have already mentioned the rail system and, of course, the bus service, which inevitably is subsidised in many cases. We have to look transport as a whole, not just the roads. That said, of course, we know that the major traffic problems that exist on our road network tend to exist in our more urban areas and they need to be resolved. The Heads of the Valleys is one example. The M4 and the Brynglas tunnels is another example, and regardless of what views there might be in terms of how that should be dealt with, it is a problem that is not going to go away and there are enormous traffic jams that build up there on a regular basis. Port Talbot is an issue. The motorway around Port Talbot was designed to a far lower standard than would be the case now and the slip roads are problematic. We know, of course, of the debate there has been over the closure of at least one of those slip roads. So, to some extent, it is inevitable that the money follows where the problems are. That is not to say that there are no problems on the A40, do not get me wrong on that, or the A477. The bypass has gone in at Llanddowror and, of course, there will need to be an examination in the future as to how we improve the road between St Clears and Haverfordwest and beyond.

[149] **Eluned Parrott:** Up until very recently, we had regional transport consortia leading the kind of connectivity issues for Wales, and obviously south-west Wales had its own transport consortium, but now that funding has been distributed to local authorities. What evidence do you have that that has led to an improvement in service provision across more rural parts of Wales?

[150] **The First Minister:** Local authorities are more able to look at services such as bus

services. We look at Bwcabus in Carmarthenshire, which has been a very successful scheme that is being rolled out across the rest of Wales, providing bus services to communities that have not had a regular bus service for some time. If you look, for example, not so much in the west, but in Powys, you will see that one community there, Llanbadarn Fynydd, now gets a bus service for the first time in 44 years. So, there are ways in which improvements can be made to the public transport network, and we are seeing, I think, more connectivity, particularly in Pembrokeshire and further east into Carmarthenshire, than was previously the case.

[151] **Eluned Parrott:** Indeed, but of course bus services, just like people, travel across boundaries. We are very close to the boundary between Carmarthenshire and Pembrokeshire here, and the Bwcabus system was introduced at a time when we had the regional transport consortium. So, how can we expect our local authorities to be improving connectivity between each of their areas if there is a lack of such regional collaboration?

[152] **The First Minister:** Of course, there are still boundaries with regional collaboration. The alternative to local authorities having the money and the responsibility is not regional consortia, but the Welsh Government doing it, because then, of course, the issue of cross-boundary working completely disappears. However, as with everything, a balance has to be struck between the local and the national.

[153] **David Melding:** We discussed transport quite a bit there, and we did have a question from a member of the public, presumably a young person, regarding why free travel should not be extended to people under 18. I suppose that, in an area like this, and with the distances involved, it would bring great benefit. We seem, not just in Wales, but the rest of Britain, to focus very much on the over-60s for additional benefits, and there are good arguments for that, but the young are now often without an income and in need of public services like public transport. What is your view on that, First Minister?

[154] **The First Minister:** As you will be aware, as part of the budget agreement between the Government and the Liberal Democrats, the piloting of a concessionary fare scheme was part of that agreement. We look forward to rolling that out—I think it will be September of next year—and, if that works, to see how that can be rolled out across Wales.

[155] **Paul Davies:** Ni fyddwch yn synnu fy mod hefyd eisiau canolbwyntio yn fy nghwestiynau i ar wasanaethau iechyd lleol, o ystyried ei fod yn un o brif bryderon fy etholwyr. Rwy'n credu ei fod yn briodol iawn ein bod yn trafod Bwrdd Iechyd Lleol Hywel Dda tra ein bod yn eistedd yng Nghanolfan Hywel Dda. Ond, cyn i mi wneud hynny, mae canfyddiad ymhlith fy etholwyr fod unrhyw beth a phopeth a'r bobl sy'n byw i'r gorllewin o Gaerfyrddin yn cael eu hanwybyddu'n llwyr gan Lywodraeth Cymru. Beth yw eich neges chi i'r bobl hynny sy'n teimlo fel hynny?

Paul Davies: You will not be surprised that I also want to concentrate in my questions on local health services, given that it is one of the main concerns of my constituents. I think that it is very appropriate that we are discussing Hywel Dda Local Health Board as we are sitting in the Hywel Dda Centre. However, before I do so, there is a perception among my constituents that anything and everything and the people who live to the west of Carmarthen are totally ignored by the Welsh Government. What would your message be to those people who feel like that?

[156] **Y Prif Weinidog:** Mae'n anodd iawn i roi ateb, wrth gwrs, heb wybod pa dystiolaeth sydd ganddynt sy'n golygu eu bod yn teimlo fel hynny. Nid Llywodraeth Cymru sy'n rhedeg y gwasanaeth iechyd o ddydd i ddydd; mae hynny'n rhywbeth i

The First Minister: It is very difficult to give an answer, of course, without knowing what evidence they have to support those feelings. It is not the Welsh Government that runs the health service on a day-to-day basis; that is a matter for the Hywel Dda health

fwydd iechyd Hywel Dda. Ond, mae buddsoddiad wedi cael ei roi i mewn i Ysbyty Cyffredinol Llwynhelyg, er enghraifft, ac rydym i gyd yn deall pa mor bwysig yw ysbyty Llwynhelyg i'r ardal. Wrth ddweud hynny, wrth gwrs, mae rhai gwasanaethau sy'n gorfod symud er mwyn sicrhau bod trigolion yr ardal yn gallu cael gwasanaeth sy'n saff a gwasanaeth gwell.

[157] **Paul Davies:** Nid wyf yn glir o ran eich rhesymeg chi o ran canoli gwasanaethau iechyd, oherwydd yn gynharach yn eich sylwadau fe ddywedoch chi eich bod eisiau gweithredu a gwneud yn siŵr bod gwasanaethau iechyd mor agos i gartrefi ag sy'n bosibl. Ond, wrth gwrs, mae eich Llywodraeth chi wedi cau'r uned gofal arbennig i fabanod yn ysbyty Llwynhelyg, a bydd yr adran bediatrig 'nawr yn cael ei hisraddio. Sut y mae hynny felly yn adlewyrchu beth ddywedoch chi gynnau, sef eich bod eisiau gweld mwy o wasanaethau iechyd yn cael eu delifro yn agosach at gartrefi?

[158] **Y Prif Weinidog:** Mae er mwyn creu gwasanaeth sy'n well ac yn ddiogel. Mae'n wir i ddweud, gyda'r newidiadau, y bydd rhai mamau yn gorfod teithio o Hwlfordd, neu o sir Benfro, i ysbyty Glangwili—mae hynny'n wir—ond bydd llai ohonynt yn gorfod teithio i Abertawe. Ar hyn o bryd, mae mamau yn gorfod teithio i Abertawe ond, yn y dyfodol, byddant yn mynd i Gaerfyrddin. Yr hyn sy'n bwysig yw bod tîm o feddygon a nyrsys sydd â phrofiad a bod digon o bobl yn mynd drwy'r ysbyty er mwyn sicrhau bod yr ysbyty yn wir yn arbenigol. Nid ni, wrth gwrs, sy'n gwneud y penderfyniad hwnnw, ond y *deanery* sy'n ystyried hyn, ac mae'n rhaid iddo ddweud a yw gwasanaeth yn saff neu beidio. Un o'r problemau yw sicrhau bod digon o bobl yn dod drwy unrhyw wasanaeth er mwyn bod y tîm meddygol yn gallu cael digon o ymarfer i ddelio â phethau sydd yn arbenigol iawn.

[159] **Paul Davies:** Rydych chi newydd ddweud y bydd yn rhaid i fwy o bobl drafailio ymhellach. A allwch chi ddweud wrthym ni pa ystyriaethau daearyddol sydd wedi cael eu cymryd i ystyriaeth pan fod y penderfyniadau hyn wedi cael eu gwneud?

board. However, there has been investment into Withybush General Hospital, for example, and we all understand how important Withybush hospital is to the area. Having said that, of course, there are some services that have had to be moved in order to ensure that residents in the area have a safe and improved service.

Paul Davies: I am not clear regarding your logic about centralising health services, because earlier in your comments you said that you wanted to act to ensure that health services are as close to homes as possible. But, of course, your Government has closed the special care baby unit in Withybush hospital, and the paediatric unit is now going to be downgraded. How is that therefore reflecting what you said earlier, that you want to see more health services being delivered closer to people's homes?

The First Minister: We want to create a service that is improved and is safe. It is true to say that, given those changes, some mothers will have to travel from Haverfordwest, or Pembrokeshire, to Glangwili, but fewer would have to travel to Swansea. At the moment, mothers have to travel to Swansea, where, in future, they will go to Carmarthen. What is important is that there is a team of doctors and nurses who are experienced and that enough people are going through the hospital in order to ensure that the hospital is truly a specialist hospital. It is not us, of course, that makes that decision, but the deanery, and it has to make decisions as to whether services are safe or not. One of the problems is ensuring that there is an adequate number of patients coming through any service so that the medical team has enough experience to deal with very specialist areas of medicine.

Paul Davies: You have just said that more people will have to travel further. Can you tell us what geographical considerations have been taken into account when these decisions were made?

[160] **Y Prif Weinidog:** Maen nhw yn wastad yn cael eu hystyried, ond yr hyn sy'n bwysig yw sicrhau bod y gwasanaeth ar gael a'i fod yn wasanaeth saff i bobl. Fel y dywedais i, y peth gwaethaf y gall unrhyw Lywodraeth ei wneud yw parhau â gwasanaeth nad yw'n ddigonol o achos gorystyriaeth o ddaearyddiaeth. Mae'r un peth yn fy ardal i, ym Mhen-y-bont, pe bai rhywun yn cael eu llosgi, byddent yn mynd i Dreforys. Nid oes neb yn dweud bod yn rhaid iddyn nhw gael eu trin yn ysbyty Pen-y-bont. Mae'r un peth yn digwydd gydag anafiadau i'r pen—maen nhw'n mynd i Gaerdydd ac fel hynny mae yn wastad wedi bod. Weithiau, mae'n bwysig iawn sicrhau, gyda gwasanaethau arbenigol iawn, fod y driniaeth yn cael ei rhoi mewn unedau sydd â'r arbenigedd i roi'r driniaeth honno. Dyna nod unrhyw Lywodraeth ac unrhyw wasanaeth iechyd, yn fy marn i.

[161] **Paul Davies:** Rwy'n credu bod y bobl rwy'n eu cynrychioli yn derbyn bod yn rhaid iddyn nhw drafeilio ymhellach am wasanaethau arbenigol, ond yr hyn nad ydynt yn derbyn a'r hyn nad wyf i'n derbyn, wrth gwrs, yw bod yn rhaid trafeilio ymhellach am wasanaethau gofal brys. Dyna'r pwynt, rwy'n credu. Felly, a allwch chi ddweud wrthym, ers cau'r uned gofal arbennig i fabanod, pa welliant sydd wedi bod yn y system drafnidiaeth i ystyried bod y gwasanaeth hwnnw wedi cau yn Hwlfordd?

[162] **Y Prif Weinidog:** Mae'n rhaid sylweddoli taw bach iawn yw'r niferoedd sydd wedi cael eu heffeithio. Rwy'n gwybod bod pobl leol yn cefnogi'r uned newydd sydd yn Llwynhelyg. Roedd rhai'n dweud pe bai'r newidiadau hyn yn digwydd y byddai problemau a byddai pobl yn marw. Nid yw hynny wedi digwydd lan i 'nawr. Gobeithio, wrth gwrs, na fydd yn digwydd yn y dyfodol. Un o'r pethau mae'n rhaid gwneud yn glir yw bod sôn ar un adeg, a chafodd unigolyn ei roi fel enghraifft o hyn, y byddai Llwynhelyg yn ffael delio ag achosion brys ynglŷn â babanod. Nid yw hynny'n iawn. Mae yn wastad yn mynd i fod yn iawn fod yr adran brys ac argyfwng yn gallu delio â'r achosion hyn, ond wedyn mae'r penderfyniad yn gorfod cael ei wneud ynglŷn â lle maen nhw'n mynd o'r fan honno. Felly, ni fyddai'n iawn i ddweud mai'r unig opsiwn yw, os oes

The First Minister: They are always taken into account, but what is important is to ensure that there is a safe service available to people. As I said, the worst thing that any Government could do is to maintain a service that is inadequate because it has taken too much account of geography. The same is true in my area of Bridgend, where if someone suffers burns, they go to Morrision. Nobody says that they have to be treated at the hospital in Bridgend. The same is true with head injuries—they go to Cardiff and that has always been the case. On occasion, it is very important to ensure, with very specialist services, that the treatment is provided in units that have the expertise to provide that treatment. That is the aim of any Government and any health service, in my view.

Paul Davies: I think that the people whom I represent accept that they have to travel further for specialist services, but what they do not accept and what I do not accept, of course, is that they have to travel further for emergency services. That is the point, I think. So, can you tell us, since closing the baby special care unit, what improvement there has been in the transport system, given that that service has closed in Haverfordwest?

The First Minister: It must be recognised that the number affected is very small. I know that there is support among local people for the new unit at Witybush. Some said that if these changes happened there would be problems and there would be deaths. That has not happened up to now, and we hope, of course, that that will not happen in the future either. One of the things that I must make clear is that there was talk at one point, and one individual was given as an example of this, that Witybush would be unable to cope with emergency cases involving babies. That is not the case. It will always be the case that the accident and emergency department can deal with these cases, but then the decision has to be made as to where they go from there. So, it would not be true to say that the only option, if there is an emergency involving maternity issues, is

unrhyw achos brys ynglŷn â mamolaeth, bod yn rhaid iddyn nhw fynd i Gaerfyrddin. Mae opsiwn i edrych ar bobl yn Llwynhelyg i ddechrau.

that they would have to go to Carmarthen. There is an option to assess people at Withybush first.

[163] **Paul Davies:** A ydych chi'n derbyn, fel Llywodraeth, fod darparu gwasanaethau iechyd mewn ardaloedd gwledig yn hollol wahanol i ddarparu gwasanaethau mewn ardaloedd trefol? Os felly, gan ystyried y gall hyn fod yn fwy o her, a ydych chi'n credu y dylai rhyw fath o bremiwm gwledig fod ynghlwm wrth ddarparu gwasanaethau mewn ardaloedd gwledig fel yr ardal hon?

Paul Davies: Do you accept, as a Government, that providing health services in rural areas is completely different to providing services in urban areas? If so, given that this can be more of a challenge, do you think that there should be some sort of rural premium associated with providing services in rural areas such as this one?

[164] **Y Prif Weinidog:** Yr ofn byddai gen i yw byddai hynny'n rhoi cyfle i bobl ddweud y dylai pobl sy'n byw yn y de gael gwell gwasanaeth achos eu bod yn byw yn y de, a bod pobl sy'n byw mewn ardal wledig ddim yn erfyn cael gwasanaeth sydd cweit mor dda â rhywun yn rhannau eraill o Gymru. Ni fyddwn i byth yn derbyn hynny. Os ydym ni'n siarad am bremiwm yn y ffordd honno, byddwn i'n dweud bod perygl, onid oes e? Byddai hynny'n meddwl y byddai pobl yn cael gwasanaeth sydd yn waeth achos eu bod nhw'n byw mewn ardal wledig ac ni fyddwn i byth yn derbyn hynny.

The First Minister: My fear would be that that would give people an opportunity to say that people living in south Wales should have a better service because they live in south Wales, and that people who live in rural areas should not expect a service that is quite as good as it would be in other parts of Wales. I would never accept that. If we are talking about a rural premium in that sense, I would say that there is a risk attached to that, is there not? That would mean that people would have an inferior service because they happen to live in a rural area, and I would not accept that.

[165] **Paul Davies:** Ond, rydych chi'n derbyn ei fod yn fwy o her i ddarparu gwasanaethau iechyd mewn ardaloedd mwy gwledig.

Paul Davies: But, you do accept that it is more of a challenge to provide health services in more rural areas.

[166] **Y Prif Weinidog:** Mae'n gallu bod, gan ddibynnu pa fath o wasanaeth rydych chi'n siarad amdano, ond mae'n rhwyddach fel rheol, wrth gwrs, i drefnu gwasanaeth iechyd mewn ardal drefol nac ardal wledig. Mae hynny'n iawn, ond, wrth ddweud hynny, rwy'n dod nôl i'r pwynt a wnes i o'r blaen: byddwn i byth yn derbyn bod hynny'n meddwl, felly, y dylai pobl sy'n byw mewn ardaloedd gwledig gael llai o wasanaeth na phobl sy'n byw mewn ardaloedd trefol.

The First Minister: It can be; it depends what kind of service you are talking about. But, as a general rule, it is easier to arrange health services in urban areas than is the case in rural areas. That is true, but in saying that, I return to the point that I made earlier: I would never accept that that should mean, therefore, that people living in rural areas should have an inferior service as compared with those living in urban areas.

15:00

[167] **Paul Davies:** Mae gennyf un cwestiwn olaf, Gadeirydd, ond nid ar y gwasanaeth iechyd. A allwch chi ddweud wrthym pa brosiectau seilwaith penodol rydych chi fel Llywodraeth wedi eu cefnogi sydd wedi trawsnewid y gorllewin?

Paul Davies: I have one final question, Chair, but not on the health service. Can you tell us what specific infrastructure projects that you as a Government have supported that have transformed west Wales?

[168] **Y Prif Weinidog:** Byddwn yn sôn, wrth gwrs, am Llanddowror, a byddwn yn sôn am y system reilffyrdd i Abergwaun. Byddwn yn sôn am y gwaith rydym wedi ei wneud er mwyn cadw Murco ar agor. Rydym wedi gweithio'n agos iawn gyda Llywodraeth y Deyrnas Unedig er mwyn sicrhau bod dyfodol i Murco—mae pethau wedi mynd yn dda lan i 'nawr—achos rydym yn gwybod pa mor bwysig yw'r burfa honno i ddyfodol sir Benfro.

[169] **Paul Davies:** Felly, nid oes prosiect penodol mewn golwg sydd wedi trawsnewid yr ardal hon o gwbl?

[170] **Y Prif Weinidog:** Pe bai wedi trawsnewid yr ardal byddai—[*Torri ar draws.*] Er enghraifft, mae'r parth menter yn Aberdaugleddau yn gwneud hynny; mae wedi cael ei gadeirio yn hanesyddol gan Nick Bourne. Byddwn yn dweud bod y ffaith bod Murco yn dal i fod yno yn rhywbeth hollbwysig i'r ardal, a'r ffaith bod gennym y ddau LNG. Mae swyddi 4,000 o bobl yn dibynnu ar hynny yn Aberdaugleddau. Mae'r system gludiant wedi newid er gwell, yn fy marn i. Felly, mae sawl peth wedi digwydd o ran helpu'r ardal hon.

[171] **Elin Jones:** Os caf fynd yn ôl at drafnidiaeth, a rheilffyrdd yn benodol, pa mor uchelgeisiol ydych chi fel Prif Weinidog yn y tymor canol i weld uwchraddio rheilffyrdd yn y gorllewin yn sylweddol iawn? Rydym yn Hendy-gwyn ar Daf, ond pe byddwn eisiau mynd i Aberystwyth ar drên, byddai'n rhaid i mi fynd drwy Amwythig. Mae un linc penodol iawn ar y rheilffordd rhwng Caerfyrddin ac Aberystwyth wedi ei gau yn y 1960au. Nid wyf yn meddwl am y tymor byr, ond y tymor canol. A ydych yn rhannu fy uchelgais i weld rhyw fath o fuddsoddiad ac adfywiad yn y rheilffordd honno? Yn benodol, ar hyn o bryd mae Llywodraeth San Steffan yn edrych ar fuddsoddiad enfawr mewn trenau, ar HS2 yn benodol, ac nid oes *consequential* ar hyn o bryd yn cael ei amlinellu yn y fan honno fel bod cyfran o'r arian yn dod i Gymru. A ydych yn credu ei bod yn rhesymol i rai pobl, fel fi ac eraill, fod yn uchelgeisiol y gellid, rhyw ddiwrnod, ailagor rheilffordd o'r fath?

The First Minister: Of course, I would mention Llanddowror, and I would mention the railway system to Fishguard. I would mention the work that we have done in order to keep Murco open. We have worked very closely with the UK Government to ensure that there is a future for Murco—things have gone well to date—because we know how important that refinery is to the future of Pembrokeshire.

Paul Davies: Therefore, there is no specific project that you have in mind that has transformed this area at all?

The First Minister: If it had transformed the area—[*Interruption.*] For instance, the enterprise zone at Milford Haven has done that; it has been historically chaired by Nick Bourne. I would say that the fact that Murco is still in existence is crucially important for the area, and the fact that we have the two LNGs. There are 4,000 people reliant for their employment on those plants in Milford Haven. The transport system has changed for the better, in my opinion. So, a number of things have happened to assist this area.

Elin Jones: If I could go back to transport, railways specifically, how ambitious are you as First Minister in the medium-term to see the substantial upgrading of railways in west Wales? We are in Whitland here, but if I wanted to go to Aberystwyth by train, I would have to go via Shrewsbury. One specific link on the railway between Carmarthen and Aberystwyth was closed in the 1960s. I am not thinking about the short-term now, but the medium-term. Do you share my ambition to see some sort of investment and regeneration in that railway? Specifically, the Westminster Government is currently looking at a huge investment in trains, specifically HS2, and there is no consequential currently being outlined that would see a proportion of the funding coming to Wales. Do you think that it is reasonable for people like me and others to be ambitious to think that, someday, we could see the reopening of that kind of railway?

[172] **Y Prif Weinidog:** Rwy'n cytuno. Y peth cyntaf mae'n rhaid ei ddatrys yw'r ffaith nad yw rheilfyrdd wedi cael eu datganoli; dyna pam nad oes *consequential*. Nid yw strwythur y rheilfyrdd yn rhywbeth sydd o dan reolaeth Llywodraeth Cymru, er ei bod yn bosibl inni dalu am wasanaethau newydd. Felly, mae angen i hynny gael ei ddatrys. Yn fy marn i, dylai gael ei ddatganoli—mae wedi yn yr Alban—a dylai'r arian ddilyn. Byddai hynny wedyn yn golygu *consequential* o HS2.

[173] Ynglŷn â'r linell o Gaerfyrddin i Aberystwyth, roedd y rhan fwyaf o'r trac yno hyd at 1975. Caeodd y rheilffordd i'r gogledd o Lanilar i ddechrau, o achos llifogydd—ac nid wyf yn dweud hyn achos fy mod yn ei gofio, ond rwy'n deall hanes yr ardal. Ar ôl hynny, stopiodd y gwasanaeth yn gyfan gwbl. Roedd trenau llaeth yn defnyddio'r rheilffordd rhwng Green Grove yn Aberaeron a Chastell Newydd Emlyn o hufenfa Dansco hyd at 1973—rwy'n cofio'r trêen yn rhedeg drwy Ben-y-bont ar Ogwr. Wedyn yn 1975, cafodd y penderfyniad twp ei wneud i dynnu'r traciau lan.

[174] Mewn egwyddor, byddwn yn gefnogol i ystyried a fyddai'n bosibl ailagor y rheilffordd honno. Mae sawl problem. Er enghraifft, mae'r *permanent way*, fel mae'n cael ei alw, wedi mynd i'r gogledd o Gaerfyrddin; mae hewl yno'n awr. Mae rhai rhannau o'r trac yno—mae rheilffordd Gwili, er enghraifft, ar ran o'r trac—ac mae rhannau eraill lle mae'r trac wedi mynd yn gyfan gwbl. I'r de o Lanbedr Pont Steffan mae un bont wedi mynd, er enghraifft. Felly, ni fyddai'n rhywbeth rhad i'w wneud. Ond, i fod yn uchelgeisiol rwy'n credu y byddai hwn yn rhywbeth a fyddai o les i'r ardal yn yr hirdymor. Rwy'n gwybod bod sawl cymuned a fyddai'n gweld lles o ailagor y rheilffordd. Y trueni mawr yw ei fod wedi cael ei dynnu lan yn 1975.

[175] **Elin Jones:** Rydych yn dangos gwybodaeth fanwl iawn o'r rheilffordd honno ac mae'n hyfryd clywed yr hanes. Rydych wedi rhoi'r union ateb roeddwn i'n mo'yn. Rydych yn rhannu fy uchelgais; nid yw'n rhywbeth i'w wireddu o fewn tymor y Cynulliad hwn a'ch tymor chi fel Prif Weinidog, ond mae eich clywed yn dweud, o

The First Minister: I agree. The first thing that we would need to resolve is the fact that the railways are not devolved; that is why there is no consequential. The structure of the railways is not under the control of the Welsh Government, although we can pay for new services. So, that has to be resolved. In my view, it should be devolved—it has been to Scotland—and the funding should follow. That would then mean a consequential from HS2.

In terms of the line from Carmarthen to Aberystwyth, most of the track was in place until 1975. The railway closed to the north of Llanilar first of all, because of flooding—I am not saying this because I remember it, but I am aware of the area's history. After that, the service ceased entirely. Milk trains used the line between Green Grove in Aberaeron and Newcastle Emlyn from the Dansco dairy until 1973—I remember that train running through Bridgend. Then in 1975, the foolish decision was taken to tear up the tracks.

In principle, I would be supportive of looking at the possibility of reopening that line. There are a number of problems. For example, the so-called permanent way is no longer there to the north of Carmarthen; there is a road there now. Certain sections of the track are there—Gwili railway, for instance, is on part of the track—and there are other sections of the track that have totally gone. A bridge has disappeared to the south of Lampeter, for instance. So, it would not be a cheap option. However, to be ambitious I do think that this is something that would benefit the area in the long term. I know that a number of communities would benefit from the reopening of that line. The great shame is that the track was removed in 1975.

Elin Jones: You demonstrate very detailed information of that railway and it is great to hear the history. You have given the exact answer that I wanted. You share my ambition; it is not something to be realised within the term of this Assembly and your term as First Minister, but hearing you say that, in principle, you believe that it is

ran egwyddor, eich bod yn credu ei fod yn rhywbeth y gellid anelu ato yn rhywbeth pwysig iawn i'r gorllewin.

something that could be aimed for is very important for west Wales.

[176] **Y Prif Weinidog:** Rwyf wedi dweud hyn o'r blaen, ond rhaid sicrhau bod strwythur y rheilffyrdd yn cael ei ddatganoli a bod yr arian yn dilyn cyn ystyried ailagor y rheilffordd. Rwy'n gwybod bod Llywodraeth yr Alban wedi gwneud hyn gyda'r rheilffordd o Waverley yng Nghaeredin lawr i Gaerliwelydd. Nid yw'n mynd mor bell â hynny yn awr; mae'n mynd lawr i Galashiels. Ond, mae gan yr Alban bwerau a chyllideb i ailsefydlu rheilffyrdd. Petai hynny gennym ni yng Nghymru, nid wyf yn dweud y byddai'n bosibl i wneud hynny dros nos, ond byddai'n gam ymlaen o ran ystyried y peth.

The First Minister: I have made these points before, but we must ensure that the structure of the railways is devolved and that the money follows before we consider reopening the railway. I know that the Scottish Government has done that with the line from Waverley in Edinburgh down to Carlisle. It does not go as far as that now; it goes down to Galashiels. However, Scotland has powers and a budget for reopening railways. If we had that in Wales, I am not saying that it could be done overnight, but it would be a step forward in terms of considering the issue.

[177] **Paul Davies:** Rydych wedi ei gwneud yn glir, ac wedi rhannu'ch uchelgais gyda Elin Jones—

Paul Davies: You have made it clear, and have shared your ambition with Elin Jones—

[178] **Elin Jones:** Ti'n mo'yn rhywbeth yn awr, wyt ti? [*Chwerthin.*]

Elin Jones: You want something now, do you? [*Laughter.*]

[179] **Paul Davies:** —ynglŷn ag ailagor y rheilffordd rhwng Caerfyrddin ag Aberystwyth. A ydych yn rhannu fy uchelgais i i droi'r A40 yn sir Benfro yn ffordd ddeuol?

Paul Davies: —for reopening the railway between Carmarthen and Aberystwyth. Do you share my ambition to turn the A40 in Pembrokeshire into a dual carriageway?

[180] **Y Prif Weinidog:** Rwy'n credu, mewn amser, bod hynny'n rhywbeth rhesymol. Byddai rhaid ystyried y sefyllfa ariannol ac amgylcheddol, wrth gwrs. Ond rwy'n deall bod teimlad cryf yn sir Benfro i sicrhau bod yr hewl honno'n cael ei hehangu. Mae hynny'n rhywbeth sydd wastad o dan ystyriaeth, ond rhaid ystyried hefyd y sefyllfa ariannol i weld a yw hynny'n bosibl yn y tymor byr.

The First Minister: I believe that, in time, that would be reasonable. We would have to consider the financial and environmental position, of course. However, I understand that there is strong feeling in Pembrokeshire in terms of ensuring that that road is developed. That is something that is always under consideration, but we must also look at the financial position to see whether that is possible in the short term.

[181] **Paul Davies:** Ni fyddech yn erbyn ei throï yn ffordd ddeuol.

Paul Davies: You would not be against turning it into a dual carriageway.

[182] **Y Prif Weinidog:** Mewn egwyddor, na. Ond diwedd y gân yw'r geiniog a'r geiniog yw diwedd y gân—yn ôl Dafydd Iwan.

The First Minister: In principle, no. However, it all comes down to money, and *diwedd y gân yw'r geiniog*—according to Dafydd Iwan.

[183] **Elin Jones:** Mae Dafydd Iwan wastad yn iawn. [*Chwerthin.*]

Elin Jones: Dafydd Iwan is always right. [*Laughter.*]

[184] **David Melding:** Did you want to ask a question, Joyce? I have a couple that I need to

put as well, but I will come to you quickly, Joyce.

[185] **Joyce Watson:** My question is on broadband; I do not know whether it is one of your questions, Chair. Broadband is now the lifeblood of business, just like the roads, and sometimes more importantly. There are problems in rural areas in terms of access and the speed of broadband—in this area where we are sitting today, probably. The question that we get asked frequently is: when can people expect a better service and what would that look like?

[186] **The First Minister:** People can expect a service across 96% of premises by the end of 2016. That is money that we have committed to make sure that broadband is rolled out across Wales. We know that if that money was not there, it just would not happen. The service providers would simply look at areas where they are going to make money, and that means the urban areas. However, Superfast Cymru, as a scheme, is designed to make sure that 96% get access by 2016.

[187] **David Melding:** The final question from a member of the public relates to concern about the closure of Welsh language primary schools in Carmarthenshire. Perhaps you could set your answer against the wider objectives to support the Welsh language that the Government has for west Wales. This, of course, is at a time when the 2011 census recorded for the first time in this county's history fewer than 50% of the population being able to speak Welsh.

[188] **The First Minister:** I think that what the questioner is asking is whether it is right to shut smaller schools that happen to be category A schools. I think that a school has to have sufficient capacity to deliver a broad education. They get to a point where they cannot. If you have one or two members of staff, there are difficulties in terms of who is the special educational needs co-ordinator, as they were called, who is the technology specialist and so on. There are issues there that make it quite difficult sometimes for schools to provide a rounded education. This was an issue in Ceredigion where a number of schools were closed, and new schools have been opened. In the main, that has been welcomed. Ysgol T. Llew Jones in Brynhoffnant, and Ysgol Bro Siôn Cwilt in Synod Inn, both replaced, I think, three schools that were closed, and these brand-new schools—Welsh-medium schools—were put in their place. I understand that people are very attached to schools that have been in their community for a long time, but we do have to consider whether they can continue to deliver the sort of rounded education that we would want, while not, of course, losing the emphasis that is needed on the language.

[189] I think that we in south Wales could learn much from what has happened in north Wales, and what is now happening in Ceredigion.

[190] **Elin Jones:** Ceredigion is not in north Wales.

[191] **David Melding:** No, no, his grammar is okay. He did not put Ceredigion in the north. I must defend him.

[192] **The First Minister:** I know full well that you have to go past Dyfi Furnace before you even claim that.

[193] **Elin Jones:** Okay.

[194] **The First Minister:** Just to emphasise again what I said: I think that we in south Wales can take lessons from what has happened in north Wales, and from what is now happening in Ceredigion. That is what I said.

[195] **Elin Jones:** Sorry; I missed that bit.

[196] **The First Minister:** I do understand that, as soon you go past the Cwmanne Tavern, you have not suddenly emerged in the north.

[197] However, I think that Ceredigion has adopted much of what Gwynedd has done—‘*y system drochi*’, as they describe it. I think that that has been an effective system in Gwynedd, particularly, and I think that it can be an effective system in Ceredigion. I think that Carmarthenshire needs to examine the system that has existed here, because it has not delivered the kinds of results that we would have wanted. In fairness to Carmarthenshire, it has its commission that it has set up, and there are recommendations that have been taken forward. I think that it is fair to say that there have been conflicts over the language in Carmarthenshire over the years—I am not saying that my party is entirely saintly in this regard, in years gone by, but things have changed. I think that there is a general view now that more needs to be done to support the language in Carmarthenshire, and particularly through the education system. If it can work in one part of Wales, there is no reason, in principle, why it cannot work in other parts of Wales as well.

[198] **David Melding:** Thank you, First Minister.

[199] **The First Minister:** I understand that Ceredigion is not in north Wales.

[200] **Elin Jones:** Just for the record.

[201] **David Melding:** Thank you, First Minister. I think that we have had a particularly productive meeting this afternoon, on both areas of questioning, and we are very grateful to you. I am sure that you, like us, welcome the fact that we are able to get outside the Cardiff bubble, and meet here in Whitland, in Carmarthenshire.

[202] On that point, I reiterate our thanks to the staff at the Hywel Dda Centre for their hospitality, particularly Ken Rees, who is in the audience. I know that our clerking team has been greatly assisted in making all the arrangements, and I think that I speak for everyone when I say that we have had a most comfortable afternoon in this wonderful hall, and a very pleasant lunch. We are grateful also to members of the public, and particularly the school pupils and students, who were able to attend—I hope that you found it instructive and, in some respects, enjoyable as well.

[203] We have a very brief bit of other public business to do.

15:13

Papurau i’w Nodi Papers to Note

[204] **David Melding:** There is a letter from the Minister for Economy, Science and Transport, just implementing one of our recommendations, about annual statements from private sector-led advisory boards. So, I am sure that we are pleased to note that.

[205] Then, there is my letter, following the last meeting of this committee, to the First Minister. We have not had a reply yet, but that letter was only sent—

[206] **The First Minister:** In due course, Chair.

[207] **David Melding:** No, no, it is not late. I must emphasise that. It was only sent in

September.

15:14

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod**
**Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Meeting**

[208] **David Melding:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).

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

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 15:14.
The public part of the meeting ended at 15:14.*