



OFFICIAL REPORT
AITHISG OIFIGEIL

Environment, Climate Change and Land Reform Committee

Tuesday 18 June 2019

Session 5



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ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE
21st Meeting 2019, Session 5

CONVENER

*Gillian Martin (Aberdeenshire East) (SNP)

DEPUTY CONVENER

*John Scott (Ayr) (Con)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)
*Finlay Carson (Galloway and West Dumfries) (Con)
*Angus MacDonald (Falkirk East) (SNP)
*Mark Ruskell (Mid Scotland and Fife) (Green)
*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Alexander Burnett (Aberdeenshire West) (Con)
Roseanna Cunningham (Cabinet Secretary for Environment, Climate Change and Land Reform)
Maurice Golden (West Scotland) (Con)
Liam McArthur (Orkney Islands) (LD)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Environment, Climate Change and Land Reform Committee

Tuesday 18 June 2019

[The Convener opened the meeting at 09:31]

European Union (Withdrawal) Act 2018

Environment and Rural Affairs (Amendment) (EU Exit) Regulations 2019

The Convener (Gillian Martin): Welcome to the Environment, Climate Change and Land Reform Committee's 21st meeting in 2019.

Before we move to the first item on the agenda, I remind everyone to switch off mobile phones or put them in silent mode as they can affect the broadcasting system.

Item 1 is to consider a proposal by the Scottish Government to consent to the United Kingdom Government legislating, using the powers under the European Union (Withdrawal) Act 2018, through the Environment and Rural Affairs (Amendment) (EU Exit) Regulations 2019. Members have no comments on the instrument, so does the committee agree that it does not wish to make any recommendations on it?

Members *indicated agreement.*

Climate Change (Emissions Reduction Targets) (Scotland) Bill: Stage 2

09:32

The Convener: Item 2 is consideration of amendments to the Climate Change (Emissions Reduction Targets) (Scotland) Bill at stage 2.

I welcome members who are joining us today. We have Maurice Golden with us, and we will probably see Liam McArthur and Alexander Burnett at some point. Claudia Beamish will speak to David Stewart's amendments.

I also welcome Roseanna Cunningham, the Cabinet Secretary for Environment, Climate Change and Land Reform, and her officials. Tom Russon is the bill manager, Eleanor Stanley is the deputy bill manager, Heather Wortley is from the parliamentary counsel office, and Norman Munro is from the Scottish Government legal directorate.

We should note that officials are not allowed to speak on the record during the proceedings.

Members might find it helpful to have a reminder of the process. Everyone should have a copy of the bill as introduced, the marshalled list of amendments, which sets out the amendments in the order in which they will be disposed of, and the groupings. There will be one debate for each group of amendments.

I will call the member who lodged the first amendment in the group to speak to and move that amendment, and to speak to all the other amendments in the group. I will then call other members who have lodged amendments in the group to speak to their amendments and to others in the group, but not, at that time, to move their amendments.

Members who have not lodged amendments in the group but who wish to speak should indicate that to me or the clerk, and we will make sure that you are called. If the cabinet secretary has not already spoken on the group, I will invite her to contribute to the debate just before we move to the winding-up speech. There might be times when I allow a little more flexibility for members to come back on points, but members should be mindful of time, given the number of amendments. We want to get through everything, so I have already been in touch with members to suggest the duration of their speaking times.

The debate on each group will be concluded by me inviting the member who moved the first amendment in the group to wind up. Following the debate on the group, I will check whether the member who moved the first amendment in the

group wishes to press it to a vote, or to seek to withdraw it. If the member wishes to press it, I will put the question on the amendment. If the member wishes to withdraw it, I will ask whether any member objects to that. If any member objects, the amendment is not withdrawn and the committee must immediately move to a vote on it.

If any member does not wish to move their amendment when it is called, they should say, "Not moved"—and should do so audibly. Any other member who is present may move the amendment. However, if no one moves the amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote. Voting in divisions is by a show of hands. It is important that members keep their hands clearly raised until the clerks have recorded the vote.

The committee is required to indicate formally that it has considered and agreed to each section of the bill, so I will put a question on each section at the appropriate point.

I hope that that is all clear to everybody.

Before we start consideration of the bill, I advise that I intend to suspend the meeting for a comfort break, or perhaps two, at appropriate points—probably around 11 o'clock and then, because we are sitting until 2 o'clock, at 12.30.

Before we move to the first amendment, I should mention that, on the bill's introduction, the Presiding Officer determined that a financial resolution was not required. However, under rule 9.12.6C, the Presiding Officer has determined that the costs that would be associated with amendments 113 and 114 would exceed the current threshold for the bill to require a financial resolution. Therefore, amendments 113 and 114 may be debated during stage 2, but may not be agreed to, in the absence of a financial resolution.

I also want to say at the outset that, if we have tied votes on any amendments, I will, as convener, vote as I voted in the division. I will do that consistently throughout the process.

Before section 1

The Convener: Amendment 91, in the name of Claudia Beamish, is grouped with amendments 104, 93, 103 and 50.

Claudia Beamish (South Scotland) (Lab): I thank the convener at the start of a long and important process.

My amendments in the group are deeply significant in that they will ensure that Parliament produces an act that fully delivers on climate justice, and which holds Scotland to a standard that we can be proud of when we consider justice

for our workers and for our standing in the global community, and our responsibility to generations still to come. The amendments are strongly supported by Stop Climate Chaos Scotland. Climate justice is about recognising that climate change affects first and worst those who have done least to contribute to the problem.

Amendment 91 lists six principles, and gives further definition to the just transition principles. The principles come mainly from the work of the Mary Robinson Foundation – Climate Justice, which was set up by the former President of the Republic of Ireland and United Nations High Commissioner for Human Rights. Amendment 91 would create a new section setting out the climate justice principles, and would require the Scottish ministers and the relevant body—the United Kingdom Committee on Climate Change—to have regard to those principles as they carry out their functions under the act of setting targets and preparing a climate change plan.

Amendment 93 would add the principles to the target-setting criteria, and amendment 103 specifies that

"the Scottish Ministers must have regard to the ... principles"

when preparing the plan. The principles include protection of human rights, respect for international development goals when setting domestic policy, action being proportionate to historic emissions, equitable sharing of costs and benefits here and abroad, transparent democratic climate decision making, challenging of gender inequality, intergenerational justice and promotion of a just transition. The just transition element is further explained in terms of fair and sustainable jobs, protection of affected workers in communities, social justice, equitable sharing of costs and benefits, and engagement involving unions, workers and employers.

I do not believe that any politician in this modern Parliament should have difficulties with those principles. The Mary Robinson Foundation states that they are

"rooted in the frameworks of international and regional human rights law and do not require the breaking of any new ground on the part of those who ought, in the name of climate justice, to be willing to take them on."

Unabated or rampant climate change will create and exacerbate terrible inequality here and across the world. It is right that the bill seeks to set an ambitious and globally responsible net zero target, but the principles must be at the front of our minds in carrying out the bill's functions: the amendment would send an important signal, as Scotland's understanding of our moral obligation to act on climate change in a just and fair way develops.

I hope that members will agree to the amendments in order truly to mark Scotland out as a world leader in conscientious climate action. I also remind the committee that the principles of intergenerational justice were noted in its stage 1 report.

I move amendment 91.

Maurice Golden (West Scotland) (Con): The purpose of amendment 104 is to ensure that, in the interests of transparency, the bill sets out clear objectives with regard to the functions to be exercised under it. The four proposed subsections would, I think, help to do that. I think that the whole committee would agree with them. It would, therefore, be helpful if they were put in the bill.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Amendment 50, in my name, is perhaps the simplest amendment that we will consider today. Although it is being debated as part of the first group, it will be voted on at the very end of stage 2.

Amendment 50 would not actually change the bill's legal effect, but it would give a context that is important to the legislation and could influence interpretation of it in the courts. It also sets out something that I would like every other signatory to the Paris agreement to incorporate in their statutes—that we are not acting alone. It says that we will do our share of the heavy lifting that is demanded by the climate emergency, and it recognises that we have a duty to our successors and that we are repaying a debt that has been created by our predecessors.

I think that there are some difficulties with the drafting of amendment 91, which is in the name of Claudia Beamish but, for the sake of clarity, I should say that I have no difficulty with confirming my support for the principles that are articulated in it. First of all, proposed new section ZA1(2)(b) would constrain the actions of “the relevant body”. That body would be the United Kingdom Committee on Climate Change, which was established under part 2 of the UK Climate Change Act 2008; I am uncertain that we have the powers legally to direct that committee—that is probably ultra vires. In any event, the drafting would not limit the effect of the change to the Committee on Climate Change's advice to Scottish ministers, but is more broadly drawn and seems to cover advice that would be given to all Administrations.

Claudia Beamish: Will the member give way?

Stewart Stevenson: Let me say a little bit more, and then I will give way.

Claudia Beamish: It is just to clarify—

Stewart Stevenson: Just a tiny wee second. I just want to point out that section 41 of the 2008

act, which relates to the powers to give guidance, says:

“The national authorities”—

which would include us—

“may give the Committee guidance as to the matters it is to take into account”.

Does the member still wish to intervene?

Claudia Beamish: I would like clarification. Was the reference to the proposed new subsection a reference to

“ensuring domestic policies and strategies do not undermine international development goals”?

09:45

Stewart Stevenson: My position, which can be challenged, is a much more general one. It is that the Scottish Parliament simply does not have the power to mandate what the UK Committee on Climate Change should do. However, under the 2008 UK act, we have the power to give guidance to it. It is just the drafting of the amendment that I am taking issue with—not the policy principle.

There is also a difficulty with proposed new section ZA1(3)(b), to which Claudia Beamish has just referred. It does not make it clear which particular “international development goals” are being referred to. I think that it is referring to the Scottish Government's goals, but in my view, that needs to be a little bit clearer.

Moreover, with regard to proposed new section ZA1(3)(c), it is unclear how we would ensure that

“costs and benefits”

are

“shared equitably ... internationally”,

given that we have no power to determine what happens outside our borders. Again, the issues are with the drafting, not with the principle.

I encourage members to accept amendment 50 in my name—and, indeed, to remember that they are in favour of it when it is considered as the second-last vote in stage 2. I hope, too, that some account will be taken of my comments on the other amendments in the group.

Mark Ruskell (Mid Scotland and Fife) (Green): I want to make a few comments about the amendments in the group. It is important to realise that the bill is not only about reducing greenhouse gas emissions to the atmosphere: it is also about a climate mission to make our world a better place for people to live in. On that basis, the climate justice principles are very important in recognising that we, as a developed nation, have a debt to countries around the world, as well as a debt to future generations. The principles that are

outlined in amendment 91 are, therefore, important. I take on board Stewart Stevenson's comments on specificity in the principles, but as a generality, the amendment sets the context of the bill's mission, which I think is important.

On amendment 104 in the name of Maurice Golden, we took a lot of evidence on the bill's actual purpose. It is, as Stewart Stevenson's amendment 50 makes clear, about meeting the Paris agreement, but it is also about going beyond that and seeing how we can, as part of a global effort, pin global temperatures to a maximum increase of 1.5°C. It is important to state that in the bill and to make it explicit that, if the bill is passed, that is what we will be working towards. I think that that makes a lot of sense.

In closing, I have a question for Claudia Beamish about sustainable development. I know that amendments relating to sustainable development will be considered later, but I am curious as to why it does not form part of the principles—particularly given the current biodiversity crisis, as outlined in the recent report by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. How do we tackle the climate crisis and deliver the mission in a way that will restore the environment, which is so important for tackling climate change and delivering a viable planet?

The Convener: Claudia Beamish will be able to address those points when she winds up. I call the cabinet secretary.

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): I am sympathetic to Claudia Beamish's amendments in the group, and I acknowledge her consistently strong voice on the matter. The Scottish Government is supportive of the principles of climate justice; indeed, Scotland is already a world leader, as the first country in the world to champion the approach through our climate justice fund. We therefore recognise that effectively tackling climate change requires an approach that is based on human rights, and which acknowledges the real inequalities between and within countries, as well as the multifaceted dimensions and impacts of climate change.

My concerns with amendment 91, which seeks to place a set of climate justice principles at the start of the Climate Change (Scotland) Act 2009, are not with its sentiment but with how it would operate in practice, and particularly how a set of principles would interact with other elements of the framework in the amended act. That act already contains target-setting criteria, including a range of matters that are related to international and social justice, so there is a risk of creating legally unclear hierarchies of competing sets of criteria and principles.

As I set out in my letter of response to the committee's stage 1 report, the Government has lodged amendments that will put in the bill internationally recognised just transition principles as matters to which ministers must have regard when preparing climate change plans. The amendments feature in a later group. There is considerable overlap between the principles in my amendments and those in amendment 91.

A more technical and substantive concern is that it seems that amendment 91 would place duties directly on to the CCC. That approach would deviate from the approach under the 2009 act, in which duties are placed on ministers to request advice from the CCC on specified matters, so it would significantly alter the statutory nature of the relationship with the CCC.

I invite Claudia Beamish to seek to withdraw amendment 91 and not to move associated amendments 93 and 103, on the basis that I commit to working with her over the summer to explore how all the key elements and intentions of the proposed set of principles can be embedded in the act's framework in a way that is fully functional.

In the case of the just transition principles, I hope that the Government amendments that appear in a group that will be debated later provide an acceptable way to achieve that. However, I will be happy to explore with the member any differences in wording between what she has proposed and the Government's set of amendments.

On the international climate justice and intergenerational aspects of amendment 91, we can explore additions to the target-setting criteria and/or adjustments to the climate change planning duties. As the amendment stands, I cannot support it.

On Stewart Stevenson's amendment 50, which would add to the long title a reference to the Paris agreement, I understand that it is unusual to amend a bill's long title unless significant new material has been added that is not covered by the long title.

However, I am sympathetic to amendment 50. The Government has made it clear throughout the process that the bill is intended as a response to the Paris agreement. That is borne out in, for example, the provisions on the high level of ambition on the targets, in line with the CCC's advice on a Scottish contribution to the aims of the Paris agreement, and the provisions on regular review of the targets to ensure that they are always the highest achievable on a timescale that is aligned to the Paris stocktaking cycle.

Government amendments in a later group will seek to link directly the definition of the fair and safe emissions budget to the global temperature

aim of the Paris agreement. Although I am not sure that amendment 50 is strictly necessary, I will be happy to support it, as a further reflection of our commitment to the Paris agreement.

I cannot support amendment 104, in Maurice Golden's name, which would introduce a purpose clause to the 2009 act. That would result in a hierarchy of potentially competing duties being placed on ministers when exercising their functions, and the legal consequences of that are not clear. In particular, it is unclear how it is intended that the objectives that are set out in amendment 104 would interact with the target-setting criteria, which set out a range of issues that ministers and the CCC are to take into account in a balanced way, when considering what the targets should be.

It is also not clear what the legal consequences would be of a perceived failure to meet the objectives. Amendment 104 might have unintended consequences if, for example, there was a potential conflict between the CCC's advice to ministers and one of the objectives. Although the Scottish Government supports the objectives, the legal ambiguity that would result is such that I cannot support amendment 104. I urge members to reject what we think is a legally problematic amendment.

In general, there is a risk of overburdening legislation with good intentions and thereby inadvertently diminishing its effectiveness. I have no doubt that all the amendments in the group are well intentioned. However, they pose risks of that kind. I have, in responding to them, set out what I think is a fair and collegiate approach, in particular by offering to work with Claudia Beamish to ensure that climate justice is fully reflected in the most effective elements of the amended 2009 act.

Claudia Beamish: This has been a helpful debate, but I say to the cabinet secretary that this is not about good intentions; it is important that climate justice principles are underpinned in the bill. Having said that, I respect and value the offer of discussion on these important issues, so on that basis I will be pleased to arrange—somehow—discussions over the summer, perhaps with other members who have an interest in the matter. I will not press amendment 91 or move the other amendments.

Mark Ruskell asked why I left out sustainable development. After taking advice from a number of groups, I decided to adopt principles of climate justice that are already recognised internationally. In that context, I felt that simplicity and proven worth were appropriate, which is why I did not include sustainable development. However, we will come to amendments later that highlight that issue.

I am happy to support amendment 50. Stop Climate Chaos supports Maurice Golden's amendment 104, but the cabinet secretary has pointed out its potential legal consequences. It is a pity that she did not offer to meet Maurice Golden, but that is not for me to intervene on. Although there are important issues in amendment 104, I will abstain if there is a division on it.

Amendment 91, by agreement, withdrawn.

Amendment 104 not moved.

Section 1—The net-zero emissions target

The Convener: Amendment 1 is grouped with amendments 1B, 2, 3, 105, 4 to 6, 92, 39, 7 to 13, 13B, 14 to 20, 40, 41, 21, 42, 22, 23, 43, 24, 44, 25, 26, 45, 27, 28, 28A, 29 to 38 and 88. I draw members' attention to the procedural information on the amendments in this group.

Roseanna Cunningham: Following the special report last year from the Intergovernmental Panel on Climate Change on the impact of global warming of 1.5°C above pre-industrial levels, the Scottish Government, along with other Governments in the UK, asked the Committee on Climate Change to provide further advice on target levels. The Committee on Climate Change's advice was published on 2 May and recommended that Scotland should set 2045 as the target year to reach net zero emissions. The Scottish Government has accepted the CCC's recommendation and has therefore lodged amendment 1 to set 2045 as the net zero emissions target year for Scotland. Members will note that amendment 1 also makes provision for modification of the target year by way of secondary legislation, which I will address later.

The CCC's advice is clear that a 2045 net zero target represents the "highest possible ambition" for Scotland, as called for by the Paris agreement. When he gave evidence to this committee on 14 May, Professor Forster of the CCC said:

"I think that we can say with confidence that the ... 2045 target ... for Scotland will be the most ambitious in the whole world".—[*Official Report, Environment, Climate Change and Land Reform Committee*, 14 May 2019; c 9.]

Such a target matches the committee's recommendation that the Government should act in line with the CCC's advice. The CCC's advice is clear that the delivery of net zero emissions in Scotland by 2045 depends on UK ambition increasing in line with net zero by 2050 and increased UK-wide action across policy areas that remain reserved. I am pleased that the UK Government last week accepted the CCC's advice and followed us in beginning a legislative process to change its target accordingly.

Mark Ruskell has lodged amendment 1B to set 2042 as the net zero target year. I urge members

not to support that, as it would mean going beyond what the CCC has advised is the “highest possible ambition”. The CCC does not “currently consider it credible” to aim to reach domestic net zero emissions any sooner than 2045.

I am aware that Mark Ruskell may seek to argue that that target reflects the CCC’s analysis, as set out in the 20 May letter to the committee, if known future changes to the greenhouse gas inventory are ignored. If members wish to consider legislating for a target on that basis, they need to be absolutely clear in two regards. First, it means discounting the independent expert advice of the CCC. The CCC’s recommendation is for 2045. During the meeting on 14 May, Chris Stark advised the committee:

“We have offered you the best assessment of what is achievable in Scotland.”

He went on to ask Parliament

“to take the advice that we offer in the report, which is very ambitious.”—[*Official Report, Environment, Climate Change and Land Reform Committee*, 14 May 2019; c 15.]

10:00

Secondly, setting a target now that ignores the inventory changes that we know are about to happen would mean that it would be necessary to modify the targets again very soon. In particular, it would mean that we would need to push the net zero date backwards in one to three years’ time. That would require a process of secondary legislation that would further occupy the time of the Government, the Parliament and the CCC when we would all be better focusing on delivering emissions reductions. That cannot be the right approach.

I am also aware of claims being made in this morning’s press by Friends of the Earth Scotland that the CCC has

“admitted you need to set the date at 2042 to really deliver in 2045.”

That is a straightforward misrepresentation of the CCC’s advice. The chief executive of the CCC confirmed—and I will quote exactly from his letter:

“we recommend that the net zero target date that should be legislated is 2045; and not 2042.”

Given the importance of the issue to today’s decision, I have sent the full text of Chris Stark’s letter to the committee.

The technical landscape around the on-going revisions to the GHG inventory, decisions on which are made at United Nations and UK level, is clearly very complex. In the face of that complexity, the right approach is to be guided by independent expert advice that is based on the full range of available evidence. The CCC has

provided that advice, and the Government has accepted it.

I have lodged amendment 6 to increase the 2030 target to a 70 per cent reduction, and amendment 7 to increase the 2040 target to a 90 per cent reduction. Those targets are also in line with the CCC’s advice of 2 May.

Claudia Beamish has lodged amendment 92, which is in direct opposition to amendment 6, seeking to change the 2030 target to 76 per cent. I understand that she might deploy similar arguments to those that I expect to hear from Mark Ruskell on the 2042 net zero date regarding technical matters to do with the GHG inventory. I strongly advise members against setting a 76 per cent target for 2030 for the same reasons that I have set out previously. The CCC has been clear, including in the evidence that it gave directly to the committee on 14 May, that it has provided the best possible assessment of the highest possible ambition for Scotland based on the full range of available advice and evidence. That advice is a 70 per cent target for 2030.

I recognise the particular importance of the 2030 target, as action in the next decade will be vital in light of the IPCC’s special report on the global climate emergency.

I emphasise to members that the 70 per cent target recommended by the CCC would be the most ambitious statutory goal for 2030 of any country in the world. It also more than meets what the IPCC’s special report says is needed globally over the next decade to prevent warming of more than 1.5°C. Meeting such a target will be very challenging and will require a step change in policy action here in Scotland. It will depend on the UK Government doing more, given the importance of reserved levers. The Scottish Government recognises the challenge and will rise to it.

I expect Claudia Beamish and Mark Ruskell to argue that the CCC’s recommended target is not ambitious. That is simply untrue, and it fails to recognise that the target builds on the already world-leading goals for 2030 that are set out in the bill and in the 2009 act.

I now turn to the other functions of the amendments. Amendment 1 also imposes tighter restrictions on the ability of the Scottish ministers to amend the date of the net zero emissions target year. Under section 1 as introduced, ministers may, by secondary legislation, propose to Parliament the modification of the net zero target year either to an earlier date or to a later year, subject to certain restrictions. The Scottish ministers may propose a later date only if such a change has been advised by the CCC. Those conditions were already strict to ensure that the net zero emissions target year could be pushed

back only if independent expert advice said that that should occur due to circumstances having changed.

When giving stage 1 evidence to the committee, environmental non-governmental organisations welcomed the safeguards. Nevertheless, the stage 1 report recommended a further tightening of the limitations placed on this and similar powers. Therefore, I have included provisions in amendment 1 that further restrict the power to push the net zero target date back, with the effect that the Scottish ministers can propose such a change to Parliament only if the CCC advises that that should occur specifically due to considerations of

“scientific knowledge about climate change or ... international carbon reporting practice”.

Amendment 12 imposes tighter restrictions on the power to modify the interim targets in the same way as described for the net zero target date through amendment 1.

As I hope that I have demonstrated through the many amendments that I have lodged, the Scottish Government has listened to and considered the committee’s recommendations and attempted to address committee concerns as far as possible. The tightening of the power to amend target levels and dates is just one example of that.

Finally, amendment 1 also introduces a duty on the Scottish ministers to have regard to the target-setting criteria, as well as the most up-to-date advice from the relevant body, when preparing draft regulations to modify the net zero target year. That has been brought forward to implement a recommendation of the Delegated Powers and Law Reform Committee that making that duty explicit would be more consistent with other provisions in the bill.

Amendment 4 removes the 2050 target from the bill and the 2009 act. I have proposed the change because, by way of amendment 1, a net zero emissions target date for a date earlier than 2050 will now be set in the bill. Under those circumstances, I have proposed that the clear end point for Scotland’s statutory framework should be the achieving of net zero emissions, rather than any particular fixed date.

Section 8 makes provisions to hold the Scottish ministers to account if they choose not to amend target levels in line with advice from the relevant body, which is the CCC. The bill as introduced includes a requirement for ministers to make a statement to Parliament 12 months following receipt of advice that targets should be changed if they do not act on that advice. In my response to the committee’s stage 1 report, I explained that the 12-month timeframe is intended to reflect the time that it would take to undertake policy consideration

of the advice as well as any public and stakeholder consultation that might be required. It would be difficult to envisage a situation in which Parliament was not well aware of the Government’s intention earlier in that period, even without a statutory duty requiring a formal statement of that intention.

However, I listened to the concerns of the committee on those matters and I have lodged amendment 17. In addition to the obligation for a statement after 12 months if advice that targets should be changed is not followed, the amendment requires ministers to publish a statement within three months of receiving such advice, setting out how they intend to respond to it.

Amendment 19 imposes the same obligation on ministers to publish a statement within three months of receiving advice from the CCC to the effect that the interim targets should be modified.

I have also lodged a set of technical amendments in relation to annual targets to ensure their sensible calculation following the setting of a net zero emission target year in the bill through amendment 1 and the removal of the 2050 target through amendment 4.

Although complicated to explain, the amendments will ensure that there continues to be a clear way to calculate annual targets and recalculate them if the interim targets are amended or if the net zero emissions target year is modified. The approach to calculating the annual target levels as a straight line between the two nearest headline target levels remains the same as in the bill as introduced.

I will summarise the more substantial amendments as briefly as I can. Amendment 21 creates a new “final annual target period”. Instead of 2041 to 2049, that period will be from 2041 until the year before the net zero emissions target year, which would be 2044 in the first instance. Amendment 20 amends the section heading of section 3 of the 2009 act as a consequence.

Amendments 24 and 25, taken together, set out how the annual targets in that period will be calculated. Amendment 24 inserts a reference to a “100%” reduction, which is equivalent to net zero emissions, instead of “the 2050 target”. Amendment 25 ensures that the annual targets are equally spaced over the relevant time period. Amendments 17 and 28, taken together, will ensure that annual targets continue to be calculated in the same way if the net zero emissions target year is modified.

Mark Ruskell’s amendments to section 9 in relation to annual targets follow on from his amendment to set a net zero emissions target year of 2042. The Government’s amendments are

designed to work with a net zero emissions target year of 2045, with a separate interim target for 2040. If the committee agrees to the Government's approach to the net zero target date and rejects Mark Ruskell's approach, I urge him not to move amendments 40 to 45 and 28A.

The remaining Government amendments in the grouping are consequential to amendments 1 and/or 4 or are otherwise purely technical. Amendments 5, 8 to 11, 14 to 16, 18, 33, 35 and 38 are consequential to the removal of the 2050 target through amendment 4. There are so many of them because the 2050 target appears so frequently across the current 2009 act framework.

Amendment 13 is consequential to the setting of a net zero emissions target in the bill. It will remove the reference to the enabling power for making regulations to specify a net zero emissions target year of 2050 or earlier and replace it with a reference to modifying the year to one that is earlier than 2045.

Amendments 22, 23, 26 and 29 to 31 are consequential to the setting of a net zero emissions target in the bill and the resulting removal of the 2050 target.

Amendments 32 and 34 are again consequential to the setting of a net zero emissions target in the bill. They amend the ministerial duties to publish information about the targets.

Amendment 36 is consequential to both amendment 1 and amendment 4. It amends the definition of "emissions reduction target" to mean an annual target, an interim target or the net zero emissions target.

Amendment 37 is consequential to the setting of a net zero emissions target in the bill. It updates a cross-reference to the section that sets the net zero target year.

Turning to the final amendment in the group, I cannot support amendment 105, in the name of Maurice Golden, as it is completely unnecessary. It would place a duty on ministers to make regulations under the affirmative procedure to specify a definition of the term "net-zero". The net zero emissions target is already clearly defined through the provisions of the bill. The committee raised the issue in its stage 1 report. In my response to the report, I clearly set out how the bill defines the term. For the benefit of any colleagues here who have not read my response to the report, I will reiterate the relevant points.

The net zero emissions target is defined in the bill to mean a 100 per cent reduction from baseline levels in net emissions of all greenhouse gases. The various elements of the definition are all further defined in the 2009 act. Section 13 of the

2009 act defines the concept of the net Scottish emissions account, which is the aggregate amount of net Scottish emissions, reduced by any credits purchased by ministers. Of course, the bill sets a default limit of zero on the extent of credit use for all future years, unless Parliament decides otherwise. In particular, sections 10 and 11 of the 2009 act set out the greenhouse gases that are included, which are all seven gases covered by the Kyoto protocol.

In summary, I urge members to support the Government amendments in this group, which will set world-leading targets in line with the independent expert advice of the CCC. That is the approach that the committee called for in its stage 1 report and has welcomed in its stage 2 report. I urge members to reject the amendments that would mean rejecting that independent advice and an evidence-based approach.

That was quite long, but this is of course the key group of amendments for the bill.

I move amendment 1.

The Convener: I call Mark Ruskell to move amendment 1B and to speak to all amendments in the group.

Mark Ruskell: Thanks. How long have I got? It is an emergency, isn't it?

The Convener: Five minutes.

Mark Ruskell: Great. I am sure that I will not need all that.

Amendment 1B is an amendment to amendment 1, in the name of the cabinet secretary. I accept the broad thrust of amendment 1, but amendment 1B would change the target date to 2042. I will briefly set out the reason for wanting to do that. It is about bringing absolute clarity to the bill and removing a glaring inconsistency in it. The amendment is not about changing the effort. The cabinet secretary made a number of comments about how we cannot go beyond what the Committee on Climate Change has advised on effort. Amendment 1B is not about changing the effort; it is about bringing consistency to the legislation. It forms a matching pair with amendment 92, in the name of Claudia Beamish, which would change the 2030 target on the same basis.

10:15

I will give a bit of background. In the evidence that it gave to the committee in May, the Committee on Climate Change outlined the assumptions that it made when it developed its advice on Scotland's net zero and interim targets. It became clear that its recommendations had been based on the assumption that there would be

a future inventory change that would include extra emissions from Scotland's peatlands. As it stands, the bill specifies that targets should be set on the basis of current reporting practice, which excludes peatlands, but it has mechanisms in place for targets to be revised at the point at which the inventories are updated.

The bill will not change the 2020 target, which will be set according to the current inventory. The cabinet secretary's amendments to set a net zero date of 2045 and interim targets for 2030 and 2040 are based on an anticipated future inventory, not the current inventory. There is a lack of coherence here, which could be confusing when the inventory eventually changes in one to three years' time. It will require the same effort to get to net zero in 2045—the target that is set out in the Government's amendment—under the future inventory as it will to reach it by 2042 under the current inventory. There is a risk that, when the inventory changes, a future Government will ignore the fact that the target has already been revised down and will do so again. That might be seen as a slight risk, but it is a risk, given the way in which the bill has been drafted. To avoid future confusion, I believe that the targets that are set in the bill should be based on the current inventory.

I note the cabinet secretary's comments about the letter—or, rather, the email exchange—that was forwarded to the committee at 11 o'clock last night. I read it when I was tucked up in bed. The main concern that I took from that is that it could give

"the appearance of loosening Scotland's ambition"—

to use Chris Stark's words—if, on the back of an inventory change, we have to push the net zero target date back to 2045. I see the politics in that, although it is not strictly an issue for the bill in terms of the technicality of setting the right target date. I am prepared to put on record now that, if the Government had to do that as a result of a technical inventory change, it would not be criticised by my party for doing so. The discussion that we had at stage 1 and the discussion that we are having at stage 2 would put such a future change on the basis of inventories into context. Therefore, I think that the political risks for the cabinet secretary, or a future cabinet secretary, would be very slight; the intention would be very clear. Amendment 1B is a technical amendment.

If my amendments are not agreed to, it would be interesting to hear how the Government could include in the bill safeguards against the lowering of future targets as a result of an inventory revision and whether the cabinet secretary would consider doing that at stage 3 to bring consistency to the bill.

I move amendment 1B.

Maurice Golden: The intention of amendment 105 was purely to provide increased clarity on the definition of "net-zero". However, having listened to what the cabinet secretary said, and recognising that it is 14 years since I graduated with a masters degree in environmental law, I will be happy not to move amendment 105. I agree with the position that has been outlined.

Claudia Beamish: I support amendment 1, which seeks to set a target of 2045 for reaching net zero, and the cabinet secretary's consequential amendments.

My amendment 92 seeks to set the 2030 interim target as a 76 per cent reduction in emissions from the baseline. That target is based on today's greenhouse gas inventory. My aim is to provide a consistent approach to baseline changes and to set the most reliable interim targets that are possible at a time when it is important that we also send a signal about rapid transformational change. As we have heard, changes to the inventory will soon be made as it seeks to take account of methane and emissions from degraded peatlands. It is possible that, in the coming years, there will be further inventory changes that cannot be foreseen today, which will be based on increased scientific understanding and improved methods of accounting for emissions.

A more robust scientific basis is to be welcomed, although it causes some inconvenience in setting annual targets, as it can lead to fluctuations. As members will know, the picture is somewhat confused, with the UK Committee on Climate Change using an estimated future accounting system instead of—I stress—the current one. My amendment is based on the current inventory, which is in line with the bill's reference to "target-setting criteria" including "current international reporting practice" as defined in section 19 of the 2009 act and

"the most up-to-date international carbon reporting practice".

That clearly suggests that targets must be set on the basis of today's inventory.

Mechanisms have been built into the bill to adapt its provisions to apply for many years into the future. As the cabinet secretary confirmed in her recent statement on Scottish greenhouse gas emissions in 2017,

"Our new Climate Change (Emissions Reduction Targets) (Scotland) Bill includes changes to the target framework in order to improve transparency and allow for clearer scrutiny of progress. The bill proposes targets that are based on actual, rather than adjusted, emissions, and ... includes mechanisms to manage the year-to-year effects".—[*Official Report*, 12 June 2019; c 31.]

It seems clear that the mechanism to implement any necessary changes is in section 4, on page 2

of the bill, which introduces section 2A to the 2009 act and will be retained if amendment 1, in the name of the cabinet secretary, is agreed to.

Targets will need to be reviewed and revised downwards in the future, but—crucially—that will not affect the overall effort. Amendment 6, in the cabinet secretary's name, sets a target of 70 per cent, but the legislation does not clarify to which inventory—current or future—that refers. That approach would create some dangers. We must recognise that there will be a Scottish election between the targets being set and the possible inventory changes coming into effect, and we therefore cannot accept that legislation with caveats will be upheld in good faith. There are no guarantees in the bill around the inventory to which the Government is working, nor are there any safeguards against further revisions downwards that would weaken the effort. We must protect against the possibility that a lack of clarity now will have consequences for the future.

There is also a more positive angle. Updated advice from the CCC at the time of the inventory change may only shift the target back to 73 per cent, for example, and we should not work against that possibility. I can understand why Governments would be reluctant to be seen to be weakening targets when climate change is a growing public concern, but we must bind Scotland to the right numbers and simply explain the reasoning now, and again at that time. I want the issue to be clarified in legislation and legislative safeguards put in place, and I hope that the cabinet secretary will agree with the arguments that I have made.

Stewart Stevenson: It is probably important that I put something on the record right now as a matter of principle: we should simply not change dates or percentages when that puts us at odds with the UK Committee on Climate Change. We absolutely must not get into a position in which politicians choose the dates and associated targets. For me, it is science or nothing. If we do not trust our adviser—we could fall out with them at some point—we need to start a consultation process on who our new adviser should be and take advice in that regard. It is very simple. That is a principled point.

There has been confusion in this area. I have been confused, as others have—I accept that. However, the helpful letter from Chris Stark makes absolutely clear what is being recommended by the Committee on Climate Change. In particular, I latch on to the quote that I think the cabinet secretary used. The amendments lodged by Mark Ruskell and Claudia Beamish would result in Scotland facing a set of emissions reduction targets that went beyond the committee's advice.

Therefore, in the context of what I have said, I cannot support them.

In their contributions, they both made the important point that none of this would affect the effort. In a sense, therefore, this is “angels dancing on the head of a pin” time, because changing the dates would not have any practical effect. However, there is a real danger that, if we put in dates that we already know we would have to change because of changes to the way that the inventory is going to work, we would create a perverse incentive for future Governments of whatever complexion, whether north or south of the border, to resist inventory revision, and I do not think that that would be a helpful thing to do.

When I was the climate change minister, I found inventory revisions—which are a regular feature of this area of policy—most irritating, because, on more than one occasion, they caused us to miss numerical targets. That is why we should stick with what we know is going to happen. We know that there are going to be inventory changes—indeed, we support them in relation to peatlands, forestry and so on. We should incorporate in the bill the amendments that the cabinet secretary has lodged, which reflect the inventory changes that we know are going to be made. The optics of reducing numbers at a future date when today, in considering setting the numbers, we already know what the future looks like, are not good.

Mark Ruskell: Will the member take an intervention?

Stewart Stevenson: I will, if that is permitted.

The Convener: Mark Ruskell will have a chance to wind up, so I would like him to park his comments for now. Another member wants to speak to the amendments.

Mark Ruskell: I did not realise that I will have a chance to wind up.

The Convener: You will. Mr Stevenson, have you finished?

Stewart Stevenson: Yes.

The Convener: I call John Scott.

John Scott (Ayr) (Con): I wish to speak briefly. Before I do, I declare an interest.

I believe that the 2045 targets and the IPCC advice are sufficient, although the targets will be immensely difficult to achieve. I do not believe that we have the capability to go further at this time. As the cabinet secretary has said, we already have the most ambitious targets in the world, and I will not be able to support the amendments lodged by Claudia Beamish and Mark Ruskell.

Nevertheless, I share Mark Ruskell's and Claudia Beamish's concerns, and I ask the

Scottish Government to make certain that the inventory change changes are as elegantly expressed as possible before we come to stage 3. As Stewart Stevenson has said—and as, I think, the whole committee has felt—there is a huge amount of confusion over that. I would like the Government to be as certain as it can be that the changes are as well expressed as they can be.

At this stage, I will support the Government's position on the targets, but I want us to make certain that they are absolutely watertight and sensible for stage 3.

The Convener: Just to clarify, I note that Mark Ruskell will have a chance to wind up after the cabinet secretary has wound up.

Roseanna Cunningham: The key question for all of us is whether we trust the Committee on Climate Change. Either we trust it or we do not. If we do not trust it and we seek to go behind what it is saying, we will get ourselves into a terrible mess. The second-last paragraph in the email from Chris Stark, which committee members received last night, says quite explicitly,

"I would not wish to see the numbers in that letter"—

that is, the previous letter to the committee—

"misinterpreted to leave Scotland with legal targets that are not supported by CCC analysis."

That is a pretty fundamental statement.

It is known that substantial inventory revisions will happen in the next few years that will be associated with the incorporation of peatlands into the inventory and changes to the global warming potentials of certain gases, arising from the IPCC reports. The UK Government has committed to the UN to implementing the peatland changes within the next three years, and that may happen as early as next year's set of statistics. The CCC's advice on future targets therefore reflects those known future changes to the inventory. The technical landscape around on-going revisions to the GHG inventory, decisions on which are made at UN and UK levels, is clearly complex. In the face of that complexity, the right approach is to be guided by independent expert advice that is based on the full range of available evidence—we either trust that advice or we do not.

10:30

I have already set out clear statutory safeguards. Targets can be lowered only if the CCC advises that that should occur specifically as a result of scientific understanding. Again, we are back to the science and the fact that the CCC is our scientific advisor—and we either trust it or we do not.

The Convener: I call Mark Ruskell to wind up and to press or withdraw amendment 1B.

Mark Ruskell: As mine is not the lead amendment in the group, I did not think that I would have a chance to wind up, which is why I sought to intervene on Stewart Stevenson. However, the convener is giving me extra space, which is fine.

It is a little bit disappointing that we continue to conflate issues in this debate. It is not about changing the effort but bringing consistency into it. At the moment, the bill is inconsistent. In my opening comments, I said to the cabinet secretary that I wanted to hear from the Government about what safeguards it would put in place if it did not vote for these amendments, which are against the lowering of future targets due to inventory revisions.

Although I appreciate the email exchange with Chris Stark, I would have liked to see from the CCC an actual response to our second committee report, which detailed some of the issues that the CCC might have with changing targets, as is proposed in my amendments. However, we do not have that response and, unfortunately, we do not have a well-rounded debate, which is a real pity.

The issue is about the inventory change going forward. Obviously, there is a political risk in relation to how it will be perceived if the target date is pushed back to 2045. We need a bill that is legally competent and legally consistent; at the moment, it is not. I do not see any moves from the Government to ensure that the bill will become legally competent and legally consistent. Therefore, to bring about that consistency, I will press my amendment. If the Government finds a way to ensure that there is security around future inventory changes in the bill ahead of stage 3, I will be very interested to hear about it.

I press amendment 1B.

The Convener: The question is, that amendment 1B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)

MacDonald, Angus (Falkirk East) (SNP)

Martin, Gillian (Aberdeenshire East) (SNP)

Scott, John (Ayr) (Con)

Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Beamish, Claudia (South Scotland) (Lab)

The Convener: The result of the division is: For 1, Against 5, Abstentions 1.

Amendment 1B disagreed to.

The Convener: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Ruskell, Mark (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 6, Against 0, Abstentions 1.

Amendment 1 agreed to.

Amendments 2 and 3 moved—[Roseanna Cunningham]—and agreed to.

Amendment 105 not moved.

Section 1, as amended, agreed to.

Section 2—The 2050 target

Amendment 4 moved—[Roseanna Cunningham]—and agreed to.

Section 2, as amended, agreed to.

Section 3—The interim targets

Amendment 5 moved—[Roseanna Cunningham]—and agreed to.

Amendment 6 moved—[Roseanna Cunningham].

The Convener: I remind members that amendments 6 and 92 are direct alternatives.

The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Against

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 6 agreed to.

Amendment 92 moved—[Claudia Beamish].

The Convener: The question is, that amendment 92 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 92 disagreed to.

The Convener: I remind members that, if amendment 39 is agreed to, I will not be able to call amendment 7.

Amendment 39 not moved.

Amendment 7 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Ruskell, Mark (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 6, Against 0, Abstentions 1.

Amendment 7 agreed to.

Section 3, as amended, agreed to.

Section 4—Modification of the 2050 and interim targets

Amendments 8 to 12 moved—[Roseanna Cunningham]—and agreed to.

Amendment 13 moved—[Roseanna Cunningham].

Amendment 13B not moved.

Amendment 13 agreed to.

Amendment 14 moved—[Roseanna Cunningham]—and agreed to.

Section 4, as amended, agreed to.

Section 5—The target-setting criteria

Amendment 93 not moved.

The Convener: Amendment 107, in the name of Maurice Golden, is grouped with amendment 94.

Maurice Golden: The purpose of amendment 107 is to have a presumption against the overshoot scenario. The committee heard evidence regarding the implications of overshoot on climate change and the financial implications associated with overshoot. The amendment seeks to ensure that we guard against it.

Stewart Stevenson: I am in sympathy with what is being attempted, but let us be absolutely clear about the meaning of “ecosystem” as set out in the amendment. We extract gravel, and that is not renewed by the ecosystem in any meaningful timescale. I suspect that we are trying to deal with an ecosystem that is more restricted in its definition than the general term. Is that the member’s understanding?

Maurice Golden: Yes. I encourage committee members to support the amendment. If there are particular aspects of it that require clarity, I am happy to consider those and to take Parliament with us at stage 3. However, the intention of the amendment is as I have described.

I move amendment 107.

Claudia Beamish: Amendment 94 would amend the bill to request the UKCCC to have regard

“to the likely impact of the target on public health”

when providing regular advice to ministers, and to request ministers to do the same when setting targets. My fellow committee members will recall that that was among the committee’s recommendations in its stage 1 report. It was also recommended by WWF Scotland, Stop Climate Chaos Scotland and Unison Scotland.

Amendment 94 is another important amendment to ensure that the impacts of our climate change action are just. The bill could secure a number of health multibenefits and co-benefits. A number of stakeholders referenced such benefits in evidence, including air quality improvements, a reduction in fuel poverty and mental health benefits.

It was also noted that a better evidence base for the impact on public health is needed, and amendment 94 could help to deliver that. Although there are a number of potential positive outcomes for our health, it is right that the impact is monitored. I hope that members will vote for amendment 94.

Roseanna Cunningham: I am happy to support Claudia Beamish’s amendment 94, which adds public health to the target-setting criteria provided in section 5. Improving public health has been noted by those giving evidence on the bill as a major co-benefit of climate change action.

When we introduced the bill, our view was that improving public health was arguably covered by the social circumstances criteria, and that there was not a strong reason to add it as a separate criterion. However, I have taken on board the feedback from the committee in its stage 1 report and further representations from stakeholders, and I am happy to support the provision in amendment 94.

I see merit in Maurice Golden’s amendment 107, which seeks to add considerations of ecosystems and waste management to the criteria. The recent global assessment of biodiversity highlights the serious impacts of biodiversity loss, which is happening around the world. The report underlines the links between biodiversity loss and climate change, and members will have heard the First Minister say in response to a question from Claudia Beamish that biodiversity loss is as important as climate change.

10:45

However, the calculation of the capacity of Scotland’s ecosystems to regenerate what we consume is a complex and fluid one to undertake. I understand that many existing measures have shortcomings that might mean that they are not robust indicators for Scotland. I would like the opportunity to consider the technical aspects further with the member—and with the CCC, given that all such amendments have implications for the CCC’s advice. Although my officials have had an opportunity to gauge the CCC’s views on the public health addition to the criteria, there has not yet been time to do so in relation to the addition that we are talking about in amendment 107.

I urge Maurice Golden not to press amendment 107. I commit to working with him to explore options for lodging an amendment at stage 3 or taking the matter forward through the review of environmental monitoring to which we have committed as part of our recent environmental principles and governance consultation. I hope that Maurice Golden will be reassured by my offer, because I cannot express support for amendment 107 as it stands.

Amendment 107, by agreement, withdrawn.

Amendment 94 moved—[Claudia Beamish]—and agreed to.

The Convener: Amendment 108, in the name of Claudia Beamish, is grouped with amendments 127 to 129, 152, and 153.

Claudia Beamish: The amendments in this group are a set; they are designed to improve our approach to climate change in the context of international development. They are supported by the Scottish Catholic International Aid Fund, which helped to design them, and, more broadly, by Stop Climate Chaos Scotland.

Amendment 108 would add to the target-setting criteria international development, and in particular the ability of other nations to meet sustainable development goals. There is clearly value in such an approach, which would not be onerous to apply.

The Paris agreement is, of course, a global agreement, which successfully brought together developed and developing countries for action on climate change, and its implementation will require constant collaboration between developed and developing countries. Therefore, if the bill is truly to enshrine Paris, it is vital that it includes a requirement to consider the impacts on developing countries of targets that are set in future. We have an historic responsibility to consider the challenges that are faced by developing countries, which, it is recognised, did so much less to contribute to the climate change challenge. Given that context, I very much hope that members will support amendment 108.

Amendment 127 would add a reference to developing countries' efforts on climate reduction, in the context of the climate change plan's requirement to explain how it will compensate for excess emissions. It is important that we focus our minds on where the effects are likely to be experienced disproportionately. The 2009 act includes provision for Government support for climate change adaptation in Scotland, which is a vital part of addressing climate change, because holding global temperature increases even to 1.5°C will require adaptation. However, the 2009 act does not include commitments to support adaptation internationally or to help countries to develop low-carbon and net zero economies.

The Scottish Government provides climate finance, through its well-recognised climate justice fund. However, that is a Parliament-to-Parliament approach. Such an important contribution to global efforts to tackle climate change should be in legislation, to prevent a future Government from easily reneging on commitments. Amendments to the 2009 act are required to protect an important contribution to climate finance and ensure that money is spent appropriately.

Amendment 128 would include in the bill a commitment to supporting developing countries

with adaptation and mitigation through the transfer of "expertise and technology". Articles 10 and 11 of the Paris agreement set out the requirement for developed countries to support developing countries through the sharing of technology and expertise and through capacity building.

The bill was introduced to implement in Scottish law the Paris agreement, and amendment 128 seeks to enshrine in the bill a specific aspect of the agreement. At present, the 2009 act contains no provisions on how Scotland will support global efforts to challenge climate change, with the exception of the emissions reduction targets and the commitment that those are to be set in line with the "fair and safe" principles set out by the UN Framework Convention on Climate Change. Amendment 128 is needed to enshrine the whole of the Paris agreement in law and to formalise the requirement for developed countries to support developing countries with regard to climate change adaptation and mitigation.

For the world to achieve its ambitions of limiting warming to well below 2°C and to pursue efforts to reach 1.5°C, it is vital that all countries work together and collaborate. The Scottish Government has considerable expertise in and knowledge of climate change adaptation and mitigation, and Scotland has a world-renowned renewable energy sector. As a result, amendment 128 seeks to ensure that the Scottish Government would, over the years, commit to continuing to share its technology and expertise with developing countries to help them tackle the climate emergency.

Amendment 129 seeks to enshrine the principle of policy coherence with regard to sustainable development, because the application of the principle in the climate change plan will help ensure that Scotland responds to the climate crisis with other countries in mind. The bill is uniquely global, and the amendment attempts to reflect that. With its devolved powers, Scotland has been able to make a significant contribution to tackling the climate emergency beyond our borders, and the amendment reflects the important role that devolved Administrations can play in this global issue by ensuring that policies are written in line with UN commitments such as the sustainable development goals.

Amendment 152 refers specifically to the need for Scottish ministers to recognise Scotland's global responsibility

"in relation to ... international climate change adaptation in line with international best practice",

while amendment 153 highlights the need to

"have regard to ... the ability of other countries to achieve global commitments on climate change".

The approach serves as a marker and, indeed, a valuable tool for focusing attention on the implications of a range of our actions as a developed nation. The fact that many—though not all—of us are high consumers frequently has implications for where in the world we source materials and products and how we manufacture things.

Finally, amendment 153 sets an expectation on relevant persons in the exercise of functions in relation to

“the ability of other countries to achieve sustainable development”.

As members will no doubt know, there is a well-recognised definition of sustainable development in common usage that comes from the Brundtland commission report.

I believe that this set of amendments will indeed place Scotland at the forefront of excellent practice in international development and climate change action as we progress towards net zero emissions in a globally just way. The amendments will single us out and clearly signal to the world an important way in which developed nations can send a clear, straightforward and positive message to others of our like, and I hope that members will support them.

I move amendment 108.

Stewart Stevenson: I have listened with care to Claudia Beamish and broadly support what she has said. However, there are some drafting difficulties with what is before us.

With regard to amendment 127, Jack McConnell was very wise to take a slightly different approach to such issues by ensuring that our international efforts supported not “developing country parties” to the UNFCCC but projects in those countries. Such a difference might sound slightly academic, but the approach has been successful precisely because it has partly bypassed Governments in some countries that are pretty ineffective in ensuring that money reaches projects. I am therefore uncomfortable with the wording of amendment 127, but not at all resistant to the sentiment that Claudia Beamish is seeking to pursue.

Amendment 129 says that the proposals and policies should be

“aligned with global agreements under the United Nations Framework Convention on Climate Change”.

That is, again, broadly something that I can support. The difficulty is that not all such global agreements are current. For example, the Copenhagen agreement has been supplanted and overtaken by the Paris agreement. The wording of amendment 129 needs further attention.

I recognise that there is broad agreement around sustainable development, but I am not sure that it is expressed in our law in a way that is appropriate. In amendment 50, which refers to the Paris agreement, I refer to something that is published, invariant and accessible to anyone who requires to refer to it so that it is clear what is being pointed at. We should take that approach when we refer to external things. However, the simple way in which “sustainable development” is expressed in amendment 129 perhaps does not meet those tests.

By the same token, amendment 152 talks about “international best practice”, but that is unlikely to be a constant—it will evolve over time. We have to be clear about what we are saying. Again, I am not resisting in any sense the underlying attempt to align with international best practice; I am just not clear about the construction of the amendment.

Roseanna Cunningham: I am sympathetic to all the amendments that Claudia Beamish has lodged in this group. As I said in my remarks on the first group, the Scottish Government recognises the international dimensions of climate change. There is a global climate emergency, and internationally co-ordinated, just and sustainable action to tackle it is essential.

The Scottish Government’s commitment is reflected in the alignment of our national performance framework to the UN sustainable development goals, and our commitment to policy coherence for sustainable development in our international development strategy. I see climate action, including the bill, as being an important element of that approach.

I offer to work with Claudia Beamish on technical aspects of most of her amendments. In relation to amendment 108—this is similar to my proposal in relation to Maurice Golden’s amendment 107 in the previous group—I would like to have an opportunity to seek the CCC’s advice and views, given the impact that the amendment would have on its advisory functions.

In relation to amendments 127 to 129, which relate to adding links to international efforts to tackle climate change to Scotland’s domestic climate change plans, I would like the opportunity to explore exactly how that would best be done within the framework under the 2009 act.

In relation to amendment 153, which relates to section 92 of the 2009 act, I am again content in principle but would like to explore technical aspects of its implementation.

I invite Claudia Beamish not to press amendment 108 and the other amendments in the group at the present time in favour of my firm commitment to work with her to bring back her proposals at stage 3 in a form that respects her

intentions in full but is better technically aligned to the wider framework. If she presses the amendments, I cannot support them in their current form. The exception is amendment 152, on adding references to international matters to adaptation planning, which I am happy to support outright.

Claudia Beamish: I am conscious of the time and how much we have to get through, but I want to respond briefly to one or two of Stewart Stevenson's comments.

I respect Jack McConnell as someone who went to Johannesburg and was involved with environmental justice, rather than specifically climate justice. However, I do not agree that working to support countries excludes working with specific projects. The two are not mutually exclusive.

Stewart Stevenson: I was purely seeking to exclude any suggestion that we could do that only via Governments. I think that we are aligned.

Claudia Beamish: On amendment 129, if some areas of the UNFCCC are not current, we would not refer to them. I do not really understand that point.

11:00

I am delighted that the cabinet secretary is able to support amendment 152.

At some point over the summer, I would be pleased to work with the cabinet secretary and others on technical aspects of the other amendments. I take the point about UK Committee on Climate Change advice. It is not for me to tell it what to think, but I would be surprised if it did not think that, as a developed nation, we should take these issues into account in the current global climate crisis. I am pleased that the cabinet secretary and I are on the same page, and I look forward to that engagement.

Amendment 108, by agreement, withdrawn.

The Convener: We will move on to quickly dispose of amendment 51 in the next group and then have a break.

Amendment 51, in the name of the cabinet secretary, is grouped with amendments 53, 56, 68, 69, 71, 87, 89 and 90.

Roseanna Cunningham: The amendments in this group make minor technical amendments to the bill and to the Climate Change (Scotland) Act 2009, for consistency and alignment. I will briefly describe their technical operation.

Amendment 51 makes a small correction to the bill to ensure consistency with the terminology that

is used elsewhere in section 5. It has no effect in practice.

Amendment 53 inserts the words “of greenhouse gases” after the reference to “Scottish emissions” in proposed new section 2B(2) of the 2009 act, which is inserted by section 5 of the bill. Amendment 56 inserts the same words after the reference to “Scottish emissions” in proposed new section 2C(3)(c), of the 2009 act, which is inserted by section 6 of the bill. Amendments 68, 69 and 71 insert the same words after the references to “Scottish emissions” in section 34 of the 2009 Act, which is amended by section 17 of the bill. Amendment 87 amends paragraph 5 of the schedule to the bill to insert the same words after the reference to “Scottish emissions” in section 9(2)(d) of the 2009 act.

Amendment 89 is a minor typographical amendment to paragraph 17(b)(iii) of the schedule to the bill to reflect that the amendment that is made by that provision is a substitution of text—I hope that members all grasped that particular technical amendment.

Amendment 90 amends the schedule to the bill. It substitutes “30” for “27” in subsections (2) and (3) of section 100 of the 2009 act. That is required due to the repeal of sections 27 to 29 of the 2009 act under paragraph 11 of the schedule to the bill, and it ensures that there is a correct reference.

I move amendment 51.

Amendment 51 agreed to.

11:03

Meeting suspended.

11:16

On resuming—

The Convener: Welcome back. I welcome Liam McArthur, who has joined us.

Amendment 52, in the name of the cabinet secretary, is grouped with amendments 95, 54, 96, 55, 98, 99, 70 and 85. I remind members that amendment 95 pre-empts amendment 54.

Roseanna Cunningham: This group of amendments relates to the fair and safe Scottish emissions budget. Section 5 sets out the target-setting criteria that ministers must request the relevant body—that is, of course, the CCC—to have regard to when providing its advice on targets, and that ministers must take into account when modifying the net zero emissions target year or an interim target percentage figure. One of the criteria is:

“the objective of not exceeding the fair and safe Scottish emissions budget”.

The bill mirrors the definition of the fair and safe Scottish emissions budget found in the 2009 act. That definition is:

“the aggregate amount of net Scottish emissions for the period 2010-2050 recommended by the relevant body as being consistent with Scotland contributing appropriately to stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”

I have listened to calls from stakeholders and the committee to align that definition more closely with the Paris agreement. I have therefore lodged amendment 54, which directly links the definition of the budget to the Paris agreement global temperature aim, set out in article 2.1(a) of that agreement, of

“Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels”.

I have also lodged amendment 55, which would require ministers to seek regular updates—at least every five years—from the CCC on the appropriate level of the budget. The budget is not set at the discretion of ministers—it is determined solely by the independent expert advice of the CCC.

Amendment 70 would require annual reports on emissions reduction targets to include information on the current level of the fair and safe Scottish emissions budget, and to set out alongside that the cumulative level of net Scottish emissions since 2010.

Amendments 52 and 85 are consequential and would ensure that the new definition would be applied throughout the updated act.

Claudia Beamish has lodged amendments 95, 96, 98 and 99, which also relate to the fair and safe emissions budget. In particular, the first of those proposes an alternative redefinition of the budget; the remainder are largely parallel to the Government amendments in the group.

I recognise the well-meaning intent of her amendments. However, our respective amendments on the definition of the budget cannot both be agreed at this time. The essential difference between them is that my amendment 54 includes the full wording of the Paris agreement global temperature aim, whereas Claudia Beamish’s amendment 95 refers to that aim in a general sense and also makes references to certain UNFCCC principles in relation to how a Scottish share of the global budget should be determined.

There are also more technical, but not unsubstantial, differences between the two sets of amendments. For example, my amendment 55 specifically requires the CCC to be asked to set

out a new budget if the current one is no longer appropriate, whereas Claudia Beamish’s amendment 98 does not specify what should happen in that situation.

As I said in the debate on earlier groupings, I would be happy to work with Claudia Beamish towards achieving a sensible and effective way of reflecting considerations of climate justice and international development in the bill at stage 3. In particular, I would be happy for that work to find a suitable way to reflect the UNFCCC principles, as well as the wording of the Paris agreement temperature goal, in the definition of the fair and safe emissions budget.

On that basis, I urge Claudia Beamish not to press any of her amendments in the group and I ask members instead to support the Government’s amendments.

I move amendment 52.

Claudia Beamish: I seek clarification of the cabinet secretary’s remarks on my amendment 95 and her amendment 54, which have left me slightly confused. The amendments seem to be mutually exclusive, so I am not quite sure why she would offer to work with me on amendment 95 over the summer if I were to consider not moving it now.

Roseanna Cunningham: I am suggesting that the Government’s amendments be agreed to now, but that we have a conversation about the wording that might then be in the amended bill and whether a different amendment at stage 3 might make Ms Beamish a little happier about what is proposed.

Claudia Beamish: I thank the cabinet secretary for that clarification.

It is difficult for me to withdraw my amendment 95 at this stage, despite the offer of discussions over the summer, because it and amendment 54 mirror each other. With respect, I suggest that it might be more appropriate if amendment 54 were to be withdrawn as well, so that there could be a substantive conversation. However, I will highlight my amendment and I will take it from there.

The amendments in my name strengthen the commitment to a fair and safe Scottish emissions budget that was established by the 2009 act. That term was recognised by the committee and the Government at stage 1 as being important. My amendments are supported by Stop Climate Chaos Scotland.

Amendment 95 would improve the definition of the fair and safe emissions budget in the proposed section 2A of the 2009 act, so that it would read:

“the aggregate amount of net [zero] emissions for the period 2010 to 2050 as recommended by the relevant body as being consistent with Scotland’s share of the global emissions budget that accords with the United Nations

Framework Convention on Climate Change principles of equity, common but differentiated responsibility and respective capabilities, to limit global temperature rise to the agreed goals of the United Nations climate agreements.”

That better reflects the “fair” element, as the existing definition considers only the “safe” element, which prevents dangerous anthropogenic interference with the climate system.

Amendment 96 clarifies the meaning of “global emissions budget” as calculated by the respected IPCC.

Amendment 98 adds the fair and safe emissions budget to the factors that the relevant body—the CCC—should consider in its regular advice.

Amendment 99 is about ensuring that there is regular reporting, via the CCC, on how Scotland is doing against the fair and safe emissions budget.

I welcome the cabinet secretary’s amendment 70, which adds reference to reporting on emissions reductions. I also welcome her statement at stage 1 about being open to further discussion on the definition, and the Government’s more general statement that it is “absolutely central”.

Although amendment 54, with its mention of the target of 1.5°C, is an improvement on the current drafting, the cabinet secretary’s definition does not go far enough, as it does not enshrine a commitment to recognise and act in accordance with our historic contribution to climate change by acting more quickly than developing nations.

As I came in this morning, I had a very positive conversation with members of extinction rebellion—although I do not think that it is a formal, organised membership group. In the material that they handed to me, they highlighted that we—I use that word in the global sense—

“face floods, wildfires, extreme weather, crop failure, mass migration and the breakdown of society.”

I know, from what has been reported to me by SCIAF, ActionAid and other groups, that that is not an exaggeration in any sense. I saw in my news feed last week that a village in Wales will have to be moved away from the coast in the next 20 years, so such things are happening here. We may not define that as “mass migration”, as mentioned in the leaflet, but there will be migration with serious consequences not only in the global south but here in Scotland and in Trump’s United States, sadly.

I urge members to support my definition in amendment 95, which addresses our fair share of global emissions. I was going to say that I would vote for the cabinet secretary’s amendment 54 if mine falls, but I would welcome further discussion on a wide range of the amendments ahead of

stage 3 and I am interested to hear what members have to say before I make my final decision.

Roseanna Cunningham: Whatever happens today, I hope that we will be able to have a conversation about this issue further down the line. I reiterate that the committee has called for global temperature numbers to be in the bill; the Government’s amendment 54 does that but Claudia Beamish’s amendment 95 does not. The Government’s amendment fulfils the committee’s request in a way that is not done by her amendment. I ask committee members to be consistent with their requests earlier in the proceedings.

Amendment 52 agreed to.

Amendment 53 moved—[Roseanna Cunningham]—and agreed to.

Amendment 95 moved—[Claudia Beamish].

The Convener: I remind members that if amendment 95 is agreed to, I cannot call amendment 54. The question is, that amendment 95 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 95 disagreed to.

Amendment 54 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 54 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Beamish, Claudia (South Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 0, Abstentions 1.

Amendment 54 agreed to.

Amendment 96 not moved.

Section 5, as amended, agreed to.

Section 6—Duty to seek advice from the relevant body

Amendments 15, 55 and 56 moved—[Roseanna Cunningham]—and agreed to.

11:30

The Convener: Amendment 57, in the name of the cabinet secretary, is grouped with amendments 109, 72, 73, 73A, 74 and 77.

Roseanna Cunningham: I have lodged amendments 57, 72, 73, 73A, 74 and 77 in response to the committee's stage 1 report recommendation that a defined set of chapter headings for climate change plans, aligned to international emissions classifications, should be set out in the legislation.

Amendment 73 defines that set of chapter headings, based on the chapters of the national communications submitted biannually to the UN Framework Convention on Climate Change. The list is:

- “(a) energy supply,
- (b) transport (including international aviation and shipping),
- (c) business and industrial process,
- (d) residential and public (in relation to buildings in those sectors),
- (e) waste management,
- (f) land use, land use change and forestry,
- (g) agriculture.”

In essence, that list replaces the much simpler fourfold list of sectors that was set out in the 2009 act:

- “(A) energy efficiency;
- (B) energy generation;
- (C) land use;
- (D) transport.”

Amendment 77 allows ministers to modify the list of sectors introduced by amendment 73 by regulations under the affirmative procedure. That is so that, in the future, they can be updated to reflect any changes in the international emissions classifications.

To ensure that any such changes remain consistent with those classifications, a limitation is placed on the powers, such that any proposed modification

“must be consistent with international carbon reporting practice.”

That is the term that is used in the 2009 act and in the bill to refer to greenhouse gas inventories and emissions classifications.

Amendment 72 amends proposed new section 35(2)(b) of the 2009 act, which sets out that ministers should structure climate change plans around such chapters and topics as they consider appropriate. The amendment would ensure that substantive planned chapters must be included on each of the sectors set out in the list in amendment 73. Other chapters might be included on such other sectors and topics as ministers consider appropriate.

Amendment 74 means that climate change plans must set out the respective contributions made by the sectors in the list introduced by amendment 73. A further consequence of these amendments is that the associated sector-by-sector climate change plan monitoring reports will follow the same structure.

Amendment 57 is linked to new section 2C of the 2009 act, which sets out provisions in relation to seeking advice from “the relevant body”, which is the Committee on Climate Change. Again, as recommended by the committee, that duty is amended so that ministers must seek the CCC's views on the respective contributions that each of the sectors in the list introduced by amendment 73 make towards meeting targets. That will ensure that CCC advice is provided on a comparable structure to that used in climate change plans and their associated monitoring reports.

The approach of defining a set of planned chapter headings that are directly aligned to international emissions classification schemes is in response to the request of the committee. That is why I ask Liam McArthur not to move amendment 73A. Although I am sure that it is well intentioned, the proposed change would deviate from the UNFCCC national communication categories and create issues of consistency. If amendment 73A is moved, I urge the committee to reject it, as it is contrary to the committee's technical recommendations.

I also invite Maurice Golden not to move amendment 109. If it is moved, I urge the committee to reject it. Amendment 109 would allow sectors to be added to the current fourfold list by regulations. Such a power would be rendered unnecessary by the Government amendments in this group. The list of sectors in the legislation, as introduced by amendment 73, is comprehensive. It covers all currently reported Scottish emissions. Amendment 77 means that the list can be updated by regulations if needed. Under those circumstances, I do not see what the

provision in amendment 109 would add to the legislation.

I move amendment 57.

Maurice Golden: Amendment 109 is relatively minor and technical. Its purpose is to allow the Scottish ministers to add by regulation additional sectors to the bill for the purpose of seeking advice. The amendment was developed in response to the committee's stage 1 recommendations and ultimately provides, in a small way, a degree of flexibility going forward.

Liam McArthur (Orkney Islands) (LD): I listened with interest to the cabinet secretary's explanation of her amendments. Amendment 73A is an adjustment to her amendment setting out the list of sectors in broadly generic terms. The intention of my amendment would be to make certain that low-carbon heat is properly taken into account. Scottish Renewables quite rightly described renewable heat as

"the next frontier for emissions reduction and new industrial opportunities."

For any climate change plan to be credible, it will need to take proper account of the contribution of low-carbon heat, and that is what amendment 73A seeks to ensure happens. However, as I said, I have listened to what the cabinet secretary said and I am inclined to not move amendment 73A at this stage. Perhaps I can have further discussions with the cabinet secretary ahead of stage 3 about whether there will be any possible adjustments to the amendments that she is moving today.

Claudia Beamish: It is important that the list of chapters is included, as it is recognised more widely than in Scotland. I am pleased to see that the cabinet secretary has lodged an amendment to say that it can be added to.

Although I am completely aware that textiles are part of an industrial process, it would be in one of the categories that we focus on in the future, but we do not know what other discrete categories there might be in 20 years.

Roseanna Cunningham: I do not want to say too much more. I am always happy to have further conversations and I will be happy to speak to Liam McArthur about some specifics around amendment 73A. Maurice Golden is coming from the same place as we are; we are not a million miles apart. If he wants to have a conversation about it, I am also happy to do that.

However, what we have proposed is a pretty comprehensive update of the 2009 act. Claudia Beamish makes a good point about our not having a crystal ball and not being able to predict what some of the key issues might be in 10, 15 or 20 years.

Amendment 57 agreed to.

Amendment 109 not moved.

The Convener: Amendment 58, in the name of Liam McArthur, is grouped with amendment 59.

Liam McArthur: Amendments 58 and 59 would require ministers to seek regular advice from the UKCCC on the so-called aviation multiplier, which seeks to address the fact that fossil fuel emissions, especially non-CO₂ emissions, are known to have a greater impact when emitted at higher altitudes. That obviously has a bearing on emissions from aviation.

We need to ensure that the bill draws on the most up-to-date and leading-edge science when assessing how emissions contribute to global warming. Although the 2009 act already allows for an aviation multiplier, to date it has been set at one, although we know that aviation emissions have a greater impact at altitude than they do when they are closer to the earth's surface.

Scientific understanding of those issues is now such that ministers should have confidence in using the multiplier to reflect that fact. Amendment 58 would ensure that the level of the aviation multiplier is based on the most up-to-date independent expert advice, while amendment 59 would introduce a duty on the Scottish ministers to set an aviation multiplier that is based on that advice or to explain the reasons why they have opted not to do so. That is not an unreasonable proposition and it will allow decisions to be based on best evidence and science.

Stewart Stevenson: For clarification, when the member talks about advice on the multiplier, is that advice from the UK Committee on Climate Change?

Liam McArthur: Yes, it would be from the Committee on Climate Change.

Stewart Stevenson: So it "would be" from the CCC—it is not yet available.

Liam McArthur: Yes. I welcome that point from Stewart Stevenson. It is about future proofing as best we can. The provision on the multiplier was set in the 2009 act but, for understandable reasons, ministers have been reluctant to use that in the absence of the scientific advice that is needed to underpin it.

I thank WWF Scotland for the support that it has provided with the amendments, and I thank the cabinet secretary and her officials for their constructive engagement on the issue. I look forward to hearing comments from colleagues.

I move amendment 58.

Mark Ruskell: I support amendment 58. We took a little evidence on the issue and the

committee discussed how to incorporate the matter into our stage 1 report. The issue of the aviation multiplier is one of the great uncertainties in how we tackle transport emissions. The issue is concerning, but there is emerging science on it and the CCC is interested in it. We need the best scientific evidence to be factored into the way that we set targets and plan for the sector. I support amendment 58, as it would be remiss of us not to address such a critical issue in the bill.

Roseanna Cunningham: The inclusion in our targets of a fair share of emissions from international aviation and shipping is one of the reasons why Scotland has the toughest climate change target framework in the world. To date, the only other country that I am aware of as having joined us in doing so is Wales, although that was a recent announcement so the practicalities have not actually happened yet. I note that the UK Government's recent statutory instrument to set a net zero emissions target does not add such emissions to UK targets, in spite of the CCC advising that that be done.

Returning to Scotland, I am conscious that some stakeholders are keen to ensure that there is a regular review of the technical methods by which emissions from international aviation are calculated for the purpose of reporting progress to targets. I am therefore happy to support amendments 58 and 59, which will ensure that there is a strong evidence basis, based on regular independent expert advice from the CCC, for the way in which those calculations occur.

Liam McArthur: I am conscious of the pressures of time in the committee, so I simply thank Mark Ruskell, the cabinet secretary and Stewart Stevenson for their comments and confirm that I will press amendment 58.

Amendment 58 agreed to.

The Convener: Amendment 97, in the name of Angus MacDonald, is grouped with amendment 106.

Angus MacDonald (Falkirk East) (SNP): Amendment 97 seeks to ensure that the importance of the 1.5°C temperature target appears in the bill and that the bill backs up the statement in the committee's stage 1 report that

"The environmental and social impacts of the difference between 1.5°C and 2°C are very significant."

The report goes on to say:

"The Committee recommends the Bill include an explicit reference to the temperature the targets are seeking to achieve. The Committee recommends this should be 1.5°C".

Amendment 97 would help to highlight the importance of ensuring that warming does not exceed 1.5°C, which is in line with international

evidence. However, it is worth stressing that it is of particular relevance to our natural environment, where an overshoot scenario in which warming exceeded 1.5°C and temperatures then fell would create irreversible damage to biodiversity.

As I pointed out during the world environment day debate last week, we need to find solutions to the climate and nature crises. A recognition of the 1.5°C target in the bill will help with that, especially as environmental NGOs are extremely concerned about an overshoot scenario in which emissions surpass the target and then climb down. Such an overshoot will already have caused irreversible damage to our wildlife.

11:45

With your indulgence, convener, it is worth pointing out that WWF Scotland ran a petition in support of my amendment, which was signed by 2,165 people in a short space of time. It is clear that there is public support to put the 1.5°C target in the bill.

I move amendment 97.

The Convener: Would any other members like to speak to amendment 97?

Mark Ruskell: Just briefly—I do not want to reiterate all my earlier comments about the 1.5°C target. Angus MacDonald raises a hugely important point about the overshoot scenario. I think that I heard the cabinet secretary, in evidence at stage 1, rule out such a scenario. We are actively trying to avoid that scenario, and as such we should ensure that that is in the text of the bill.

Roseanna Cunningham: I am a little puzzled. Are we going to hear about amendment 106?

The Convener: Maurice Golden appears to have left the committee, so he has given up his chance to speak to amendment 106; the amendment has not yet been moved—I hope that he will come back and make a decision on whether he wants to move it.

I ask the cabinet secretary to speak only to amendment 97, in the name of Angus MacDonald.

Roseanna Cunningham: The Government's approach has been to link the bill's provisions to the Paris agreement temperature goal. I recognise that, since the publication of the IPCC's special report last year, there has quite rightly been a great focus on the element of that goal that relates to limiting global warming to a 1.5°C rise above pre-industrial levels. Amendment 97 would mean that ministers must ask for the views of the relevant body—the CCC—on the extent to which Scotland's targets are consistent with global

efforts to keep global average temperature changes to 1.5°C.

I understand Angus MacDonald's reasons for lodging the amendment, and I am content to support it in principle. I have some minor concerns about its drafting and how the request would sit in the current framework—for example, it uses somewhat different wording from the Paris agreement. I ask Angus MacDonald not to press amendment 97 in its current form today, but I would be happy to work with him on a slightly refined version at stage 3.

The Convener: Now that Maurice Golden has returned, I would like to give him the opportunity, because I am a very nice person—

Stewart Stevenson: Hear, hear.

The Convener: Thank you. I will give him the opportunity to speak to amendment 106.

Maurice Golden: I have always thought that you were a very nice person, convener.

The Convener: That was said through gritted teeth.

Maurice Golden: No, not at all.

Amendment 106 is another relatively minor technical amendment. It proposes that Scottish ministers must, by regulations, define the word “achievable”. That would provide clarity in the bill.

The Convener: Thank you. Would the cabinet secretary like to respond to amendment 106?

Roseanna Cunningham: I am interested in Maurice Golden's characterisation of the amendment as minor and technical. Nevertheless, I urge members to reject it, for similar reasons that apply to amendment 105, which was discussed earlier and also seeks to require ministers to legislate to define terms.

Amendment 106 seeks to require a definition of the term “achievable”. I consider the amendment to be potentially damaging to the function of the legislation, as well as unnecessary. I set out my reasons in my response to the committee's stage 1 report. I explained that the term “achievable” is used in the particular context of seeking independent expert advice with regard to a range of specified criteria. In particular, the relevant body—the CCC—is requested to make its independent expert assessment based on the earliest achievable date for net zero emissions, with regard to the list of statutory target-setting criteria. Any attempt to define that term further would unduly constrain the CCC's role as an independent adviser.

I strongly urge members not to support amendment 106 on the grounds that it is both

unnecessary and potentially detrimental to the CCC's independent advisory role.

Claudia Beamish: I understand the intention behind Maurice Golden's amendment 106, but I agree with the cabinet secretary. Given that the CCC worked to a clear definition of the term “achievable”, amendment 106 might cause some confusion. What is achievable tomorrow is not the same as what will be achievable in five years, and I am worried that the use of the term “achievable” in that way might risk limiting innovation.

Angus MacDonald: I came in this morning determined to press my amendment 97 no matter what happened. However, given the cabinet secretary's commitment to look at the wording in advance of stage 3, I am happy to not press amendment 97, in order to allow further work to be done. It remains imperative that the 1.5°C target be included in the bill.

Amendment 97, by agreement, withdrawn.

Amendments 98 and 99 not moved.

Amendment 16 moved—[Roseanna Cunningham]—and agreed to.

Amendment 106 not moved.

Section 6, as amended, agreed to.

Section 7 agreed to.

Section 8—Ministerial duties following request for advice

Amendments 17 to 19 moved—[Roseanna Cunningham]—and agreed to.

Amendment 59 moved—[Liam McArthur]—and agreed to.

Section 8, as amended, agreed to.

Section 9—Annual targets: 2021 to 2049

Amendment 20 moved—[Roseanna Cunningham]—and agreed to.

Amendments 40 and 41 not moved.

Amendment 21 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Ruskell, Mark (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 6, Against 0, Abstentions 1.

Amendment 21 agreed to.

Amendment 42 not moved.

Amendments 22 and 23 moved—[Roseanna Cunningham]—and agreed to.

Amendment 43 not moved.

Amendment 24 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Ruskell, Mark (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 6, Against 0, Abstentions 1.

Amendment 24 agreed to.

Amendment 44 not moved.

Amendment 25 moved—[Roseanna Cunningham].

The Convener: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Ruskell, Mark (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 6, Against 0, Abstentions 1.

Amendment 25 agreed to.

Amendment 26 moved—[Roseanna Cunningham]—and agreed to.

Amendment 45 not moved.

Amendment 27 moved—[Roseanna Cunningham]—and agreed to.

Amendment 28 moved—[Roseanna Cunningham].

Amendment 28A not moved.

The Convener: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Ruskell, Mark (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 6, Against 0, Abstentions 1.

Amendment 28 agreed to.

Amendments 29 to 31 moved—[Roseanna Cunningham]—and agreed to.

Section 9, as amended, agreed to.

Section 10—Annual targets: 2017, 2018 and 2019

The Convener: Amendment 60, in the name of the cabinet secretary, is grouped with amendments 61 to 63 and 66.

Roseanna Cunningham: Section 10 specifies annual targets for the purpose of reporting. The target that is set out for 2017 is a 52.4 per cent reduction; for 2018, it is a 54 per cent reduction; and, for 2019, it is a 55 per cent reduction. Those targets were included in the bill to allow the transition to the new target framework of percentage targets based on actual emissions to occur as soon as possible after the bill has been passed, and they include years that have already passed, due to the two-year lag in the availability of emissions statistics, upon which target outcomes are assessed. As such, they were only ever for the purposes of reporting. As members are aware, emissions statistics covering 2017 were published last week, and reporting on the annual target for that year occurred under the 2009 act arrangements. I made a statement to the Parliament on those matters last Wednesday.

12:00

Due to the extension of the bill's timetable since its introduction, it is now necessary to remove the updated percentage target for 2017 from the bill. If

that does not occur, a situation will arise whereby Parliament is asked to vote at stage 3 on the level of a target for which the outcome is already known. That would clearly be nonsensical. Amendments 60 and 61 remove the annual target for the purpose of reporting for 2017. The related amendments 62, 63 and 66 ensure consistency with that change in other areas of the bill. There is no change to the targets for the purposes of reporting for 2018 and 2019. I expect the more transparent reporting regime to be in place in time for reporting on the 2018 target next June.

I move amendment 60.

Amendment 60 agreed to.

Amendment 61 moved—[Roseanna Cunningham]—and agreed to.

Section 10, as amended, agreed to.

Section 11 agreed to.

After section 11

The Convener: Amendment 110, in the name of Mark Ruskell, is grouped with amendments 112, 120, 121 and 123 to 125.

Mark Ruskell: This is a critical area in relation to how we are going to meet climate targets in the future, how we analyse our budgeting and how we ensure that Government moves forward together and meets targets. We took a fair amount of evidence on the subject at stage 1, and, over the past couple of years, we have heard evidence on how important the budget is in relation to meeting our climate targets and how important it is that we do not lock in emissions for generations to come, particularly through inappropriate infrastructure spending.

I applaud the Government for agreeing in the most recent budget deal to increase the percentage of infrastructure investment that is directed to low-carbon infrastructure in the annual budgets for the current session of Parliament. That is a welcome move forward. Amendment 110, on a low-carbon infrastructure target, is an attempt to strengthen that commitment by placing it in legislation to ensure that future Governments follow that approach in making long-term changes to the direction of Scotland's infrastructure investment. Taken together with Claudia Beamish's amendment 124, amendment 110 would help to make low-carbon projects the priority for Government.

In 2015, Scotland's low-carbon infrastructure task force suggested that about 70 per cent of the Scottish infrastructure budget should be directed to low-carbon projects. That suggestion was based on international research findings. Amendment 110 requires ministers to set a target for low-carbon infrastructure investment. It does

not specify exactly what that target should be, but there is now a consensus, perhaps even in Government, that we need to move forward on the matter and work towards a target. Amendment 110 also asks ministers to devise a methodology for doing that. The current high-to-low carbon methodology, which the committee has discussed previously, is considered a bit too simplistic. My amendment would require Government to develop and adopt a more robust method.

Amendment 112 is on reporting on emissions in Scottish public bodies' budgets. If we are to meet the targets in the bill, one of the main challenges that we are going to face lies in holding the public sector to account. The amendment seeks to ensure that non-departmental public bodies, executive agencies and the like move forward in investing in low-carbon infrastructure and, indeed, ensure that their revenue spending is in line with the bill's objectives. Those organisations clearly have a pivotal role to play. Their budgets require ministerial approval, and we need to know how budget decisions at a Scottish Government level affect our carbon emissions as per my amendment 120 and Claudia Beamish's amendment 123. We also need to apply the same logic to the organisations that are identified in amendment 112, which would help to support those Government objectives.

If we want a proper response to the climate emergency, no part of the public sector can be exempt. We heard interesting evidence in committee from public bodies, particularly the national health service, about how they are starting to move carbon accounting and thinking much more centre stage. There is, of course, also the opportunity to reduce cost, and the savings could be reinvested in front-line public services. Therefore, we would improve the quality of public services by cutting some of the waste. When I was a councillor at Stirling Council, I pushed very hard for investment in low-energy lighting infrastructure. That saved the council hundreds of thousands of pounds a year, and that money could be reinvested in front-line public services.

Amendment 120, on predicted net emissions in the Scottish budget, would add national requirements to the information presented in the carbon assessment that accompanies the annual budget. Under section 94 of the 2009 act, the Government is required to report annually on the indirect emissions from Government spending. At the time, those were considered to be "second-round" emissions such as the emissions that would arise from an increase in cars across a bridge or the savings from investment in insulation in housing stock. However, in practice, that meaning has been lost. My amendment would require that spending lines in the budget down to level 2 report on forecast emissions that would

arise in future financial years from spending in the financial year under consideration. We need to get to grips with that issue—it is important that we do not lock in emissions for generations to come.

Amendment 121 attempts to give us a better understanding of the carbon emissions associated with the budget and the split of emissions between capital and revenue spending. The carbon assessment that accompanies the budget document does not break down whether emissions arise from capital or revenue spending. Amendment 121 would require that, for each portfolio, the level of emissions from capital and revenue spending be reported. Amendment 121 also ties in with amendment 110, on low-carbon infrastructure. If we see that the bulk of the emissions arise from capital spending, we will know that changes need to be made to our infrastructure investment, which could facilitate the huge behavioural changes that we need if we are to meet the bill's objectives.

I move amendment 110.

Claudia Beamish: Amendment 123 is designed to allow Parliament to conduct better scrutiny of the Scottish Government's budget proposals and to require the Government to take more direct account of the carbon impact when preparing those budgets. The existing section 94 of the 2009 act is a looser requirement than the one that amendment 123 would place on the Scottish ministers, although the detailed tables that the Government publishes as part of the carbon assessment go beyond the requirements in that section.

Amendment 123 would make three changes. It would put on a statutory footing the requirement to set out the carbon impact of budget proposals down to level 2 detail; it would require ministers to show how each budget line had changed since the previous year—that information is not currently provided by the Government's carbon assessment; and it would require ministers to set out how those changes would help Scotland to meet or exceed the targets set elsewhere in the legislation. If we want to be a world leader in practice as well as in aspiration, we need to go beyond having the targets and have the mechanisms by which we can meet them and be seen to meet them. The use of financial resources in any one year will be hugely important in our emissions reduction progress. Amendment 123 would increase scrutiny of that process by any future Government and, in my view, would truly bring climate change out of the silo and into all portfolios.

Amendment 124 is designed to improve the scrutiny of infrastructure investment plans in relation to our climate change targets. It places a

duty on ministers to lay before Parliament a document

“setting out the direct and indirect impact on ... emissions”

from those infrastructure investments and how those investments are consistent with our climate change targets. I stress that that includes their indirect impact on emissions. Amendment 124 also adds the option for ministers, by regulation, to appoint a person who can carry out that assessment on their behalf, as some independence may be beneficial and sophisticated methodologies may be required. That is just a possible option.

Scotland's low-carbon infrastructure task force, which was convened by WWF in 2015, found that to be compatible with the global low-carbon investment scenario, which is aligned with the goal of keeping global warming below 2°C and would require a minimum of 72 per cent of public infrastructure investment to be directed into low-carbon projects. I stress that we are now looking to keep global warming below 1.5°C. In relation to the Scottish Government's direct infrastructure investments in its 2018-19 budget, the task force found that, although the proportion of spending on low-carbon infrastructure was increasing year on year—which is what the Government had committed to—low-carbon investment still accounted for only 29 per cent of the Scottish Government's total capital spend. Current levels of investment in low-carbon infrastructure fall short of meeting current climate change requirements, let alone the more exacting emissions reduction targets that will be set in the bill.

I raised those themes at stage 2 of the Planning (Scotland) Bill, and I was pleased to hear the minister for planning suggest the climate change bill as an alternative place for innovative ideas such as this one. Amendment 124 would mean that infrastructure projects would be properly scrutinised against our emissions reduction targets, focusing minds on infrastructure that would serve us well into a net-zero future. Scrutiny of the alignment of the Scottish Government's infrastructure plans with climate change targets needs to be improved, and I urge members to support amendment 124.

Amendment 125 continues that level of scrutiny in relation to the introduction of bills and the laying of Scottish statutory instruments. It would require

“an estimate of the ... emissions resulting from”

any bill in the first five years after royal assent or any SSI in the first five years after it came into force and each bill or SSI's

“contribution to meeting or exceeding the emission reduction targets”.

I support Mark Ruskell's amendments 110 and 112. I particularly want to focus on them because, in the previous parliamentary session, I represented the Rural Affairs, Climate Change and Environment Committee on the then public sector climate leaders forum. Public bodies make fundamental contributions in this area, and, although public sector duties are, as we know, already mandatory, the provisions in amendments 110 and 112 would clearly set out and give guidance on how the proposed use of resources would help or hinder the situation.

On amendment 121, I note that revenue is important, as well as capital spend.

Stewart Stevenson: I will not engage with the policy issues; rather, I will focus on how the amendments are constructed.

In Mark Ruskell's amendment 110, the phrase "low-carbon projects" is used in proposed section 8A(1)(a). I guess that I know what that means, but I am not sure that the legal system does. In other words, we would need a definition of "low-carbon projects". It may well be that there is a definition somewhere that I have not seen, but the amendment would not take us anywhere if the phrase is not defined.

I do not know what "international carbon reporting practice" means in proposed subsection (3)(1B) in amendment 120. It might be a sideways reference to the international inventories, which are clear, unambiguous and defined, but I am not sure that "international carbon reporting practice" is defined. In accounting, there are the international financial reporting standards, but I do not think that there is anything with the same degree of objectivity and certainty for this area, so I have a wee issue with that.

12:15

I have bigger issues with amendments 121 and 123, which make reference to the

"indirect impact on greenhouse gas emissions".

I simply do not know what that is supposed to mean. It seems to me that that is likely to carry with it a substantial risk of double counting, because it can only be saying that we should include in portfolio area A effects that arise as a result of action in portfolio area A that occur in portfolio area B, where they should properly be reported. Thus, they would be reported in portfolio areas A and B, unless I misunderstand what is implied by "indirect impact".

I can see the analogy with second and third-level effects in economic terms. For example, when the fishing fleet in the north-east of Scotland shrank, a third-level effect was that half of the butchers' shops closed.

On amendment 125, it is worth considering how many statutory instruments we progress. When I was a minister, I was responsible for 132 statutory instruments, some of which were very substantial while others were of breathtaking triviality. There is a great corpus of statutory instruments that have no effect whatsoever, and I think that the way in which amendment 125 is constructed means that the duty that it would impose would be unduly onerous. The amendment refers to statutory instruments, but I wonder whether the 11 other types of instruments should be included, such as acts of sederunt, which could have an impact in this context. Again, I am not sure about the definition.

John Scott: I will be brief. I support amendments 112 and 124 in principle. They advocate the principle that public bodies should assess how their use of resources contributes to meeting the emissions reduction targets. The amendments would not necessarily bind public bodies, but they would focus their attention on the use of resources, with a view to reducing emissions. There might be a more elegant way of delivering the same end. From what has been said, I am not entirely sure whether the language and the drafting are as they might be, but I think that the principle is worth supporting.

Roseanna Cunningham: I am sympathetic to Mark Ruskell's amendment 110 and Claudia Beamish's amendment 124, given the importance of infrastructure decisions in relation to tackling climate change, but there are limitations to the current methodologies for assessing the impact of infrastructure spend and decisions on emissions.

My concern about amendment 110 as it is currently drafted is that annual percentage of spend does not provide an accurate reflection of investment profile, does not capture the full range of low-carbon infrastructure investment and does not reflect the private sector investment that will be required.

The current methodology is a very blunt tool that categorises broad areas of spend as low, neutral or high from the point of view of carbon impact. Any investment in roads is categorised as "high" regardless of any detail, such as how well the road supports ultra-low-emission vehicles or how a new road could reduce journey length and thus emissions. Similarly, all investment in schools and hospitals is categorised as "neutral". Therefore, if we built an energy-efficient and low-carbon school or hospital that was carefully designed to use only renewable energy and to encourage and enable low-carbon behaviours, although that investment would be important for a net zero country, it would not be recognised as low-carbon infrastructure spend. I would be very concerned if the current approach was put into primary legislation, as that

would prevent us from developing a more sophisticated and more helpful methodology of the kind that is needed to address those shortcomings.

For the same reason, amendment 124 concerns me. Work is needed to develop a suitable methodology for assessing the impact of infrastructure spend and decisions on climate change, and it is important for the long-term outcomes that we are all trying to achieve that that can be done properly.

To be clear, I whole-heartedly agree that the links between infrastructure decisions and greenhouse gas emissions need to be carefully analysed and understood. I invite Mark Ruskell not to press amendment 110 and Claudia Beamish not to move amendment 124 at this time, and to work with the Government to bring an amendment at stage 3 that will more effectively deliver the sought outcomes.

On amendment 112, again, I am very sympathetic. Public bodies have a vital role to play in responding to the global climate emergency and I am content in principle with the proposal that ministers should be satisfied that public bodies are contributing to reduced emissions prior to their agreeing resources. I would like to take the opportunity to work with Mark Ruskell to refine the wording and to bring back an amendment at stage 3. My intention here is only to ensure that the final agreed wording is proportionate to the differing remits, needs and scales of our public bodies and, crucially, drives the delivery of the positive actions and outcomes that we expect from all our public bodies.

Amendments 120, 121 and 123 all seek to improve upon the requirements of section 94 of the current 2009 act. Again, I am sympathetic to the desire to improve that section. The carbon assessment of the budget is produced every year but, to the best of my understanding, is not used by the Parliament in its scrutiny process. The reason for that relates to amendments that were made to the bill in 2008 that were without a sufficient understanding of what information exists in relation to both budgets and emission projections—I guess that that is a cautionary tale. It is quite simply not possible to produce a carbon assessment of the budget that would achieve all the aims that are sought here, and the proposed amendments would not change that fact. Endeavouring to produce the documents that the amendments would require would pose a wholly disproportionate administrative burden on the Scottish Government, and it is extremely unlikely that the resulting documents would be of value. Therefore, I strongly urge Mark Ruskell and Claudia Beamish not to press the amendments.

Should that be agreeable to the committee, the Scottish Government would be willing to commit to working with the Parliament and stakeholders to review the current processes and outputs around budget information as it relates to climate change. Such a review would aim to identify feasible steps to deliver meaningful improvements in cross-portfolio processes and transparency. The review would also need to cover the role of the climate change plan monitoring reports. Should the committee wish to pursue that course, I would also ask that Mark Ruskell not press amendment 147 when it arises in a later group. To be clear, I am offering a review of the current processes and outputs, which has also been discussed with the finance minister.

Amendment 125, in the name of Claudia Beamish, would require ministers to assess the impact of any legislation on greenhouse gas emissions. In the context of a global climate emergency, that is exactly what we should be doing. However, a legislative requirement already exists. The Environmental Assessment (Scotland) Act 2005 requires that any policy or proposal that is likely to have a significant environmental impact should be subject to a strategic environmental assessment, and that those assessments, where relevant, include elements that are likely to impact on climate change.

It is right that only those policies that are likely to have a climate impact are subject to assessment. The aspect of amendment 125 that most concerns me is that every piece of legislation, including those that could not feasibly have any emissions impact, would require the additional piece of bureaucracy. I suspect that that was not Claudia Beamish's intention.

Instead of creating additional bureaucracy and overlapping legislative requirements, the Scottish Government offers to review the way in which environmental assessments address climate issues, in particular communication of the impacts, building on guidance that the Scottish Environment Protection Agency produced in 2010, which looked closely at climatic factors in strategic environmental assessments. Improving our existing processes and making existing statutory requirements work better would be a preferable way of ensuring that proper consideration is given to climate change across all of Government. I would be happy to work with Claudia Beamish on that.

The Convener: I invite Mark Ruskell to wind up and to press or withdraw his amendment.

Mark Ruskell: That was a very positive exchange all round. Everybody on the committee and the cabinet secretary agree that we should align the objectives of the bill with our financial

plans and spending. That is a really big step forward for this Parliament.

The questions are around the detail and the methodologies. In my opening comments, I acknowledged the issues around the current methodology of assessing carbon impact as high, neutral or low, which is why my amendment keeps it open to develop that methodology. Stewart Stevenson welcomed the minutiae of the analysis, and, as the member who put forward the 2009 bill, he will be aware that it has not really had its intended effect. The carbon assessment is much more focused on the upstream effect—the carbon impact of the supply chain through spending—rather than the downstream or second-round effect of usage, infrastructure and spending, as that comes through. We have to find a way to get better at forecasting the impact of our budget decisions. We do it all the time with environmental impact assessments of infrastructure projects, so we should be applying that approach to our budget much more.

On that basis, I am happy to continue the discussion over the summer to see where we get to. I appreciate Derek Mackay's engagement too. I still believe that this bill needs to fix what did not work in the 2009 act. I am interested in discussing approaches outside legislation that might be committed to, and I will take up the cabinet secretary's offer to enter into discussions—with Ms Beamish, I hope, too, if she is around over the summer.

The Convener: Gosh.

Amendment 110, by agreement, withdrawn.

The Convener: Amendment 111, in the name of Alexander Burnett, is in a group of its own.

Alexander Burnett (Aberdeenshire West) (Con): I ask members to note my entry in the register of members' interests regarding housing.

I have liaised with many organisations and constituents on the bill, and I am pleased to be here to speak to amendment 111, which seeks to improve housing emissions across Scotland.

Members will be aware that I have been working for many months to improve homes across Scotland to at least an energy performance certificate C by 2030. Stop Climate Chaos Scotland has long supported a 2030 target for improving the energy efficiency of all existing homes.

By increasing the scale and pace of Scotland's domestic energy efficiency programmes, the target would see climate emissions from homes cut more quickly and would give proper effect to the 2015 designation of energy efficiency as a national infrastructure project. The Scottish Government's "Energy Efficient Scotland" route map sets an all-

homes target of 2040, but we believe that there could be a more efficient timeline for our aim to reduce carbon emissions.

We have already managed to successfully introduce interim targets, before 2040, into the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill. The Scottish Government is currently consulting on an earlier target date, as the Parliament voted in favour of my amendment proposing a 2030 target date.

Emerging evidence from the Existing Homes Alliance suggests that an accelerated programme can be delivered in response to the climate emergency if firms in the supply chain are given a clear direction and support to expand their skills base.

Although the wording of my amendment does not immediately reflect the EPC C objective, I understand that an amendment of that nature would be technically out of the scope of the bill. Members should note that WWF Scotland, Unison Scotland, Stop Climate Chaos Scotland and the Existing Homes Alliance were among the organisations that, in their evidence at stage 1, called for an objective of supporting all homes to reach at least an EPC C.

I encourage MSPs to vote for my amendment and to require the Scottish Government to return at stage 3 with more appropriate wording to give a legislative basis to the energy efficient Scotland programme.

I move amendment 111.

Stewart Stevenson: I am in favour of sectoral plans, but I am strongly opposed to sectoral targets, because to make the fastest progress towards our overall targets, we must choose actions that give us the quickest and most effective returns on our efforts.

If we set sectoral targets that prioritise one sector over another and if we legislate to say that action must be taken on housing, the risk is that the opportunity that is before us at a particular time to deliver a much bigger benefit for the same expenditure and effort is in another sector, such as transport. That is why targets by sector make things worse, not better. However, plans are needed.

12:30

I absolutely support what amendment 111 is trying to achieve, because there is significant potential to reduce greenhouse gas emissions from housing and buildings more generally. However, the EPC banding system is poor, particularly for many rural dwellings, where putting in some things on the tick list that requires to be completed to achieve band C is impossible. The

house in which I live has walls that are a couple of feet thick, which provide the most ferociously effective insulation from the outside weather and prevent the loss of heat from the house but do not meet the tick list for band C, so we will never achieve that band. We need something that measures the actual efficiency of houses rather than relying on a tick-box list, but that is a broader issue that we are not solving in the bill.

My key point is yes to strong resourced plans but no to targets by sector.

The Convener: I call Claudia Beamish.

Claudia Beamish: Thank you—I did not realise that I would get a chance to speak again.

The Convener: We are on amendment 111.

Claudia Beamish: I was hoping to respond to points about my previous amendments; I do not know whether I will have that opportunity.

The Convener: Those amendments are not being discussed at the moment. Do you want to speak to amendment 111?

Claudia Beamish: No, thank you.

Roseanna Cunningham: I assure Alexander Burnett that the Scottish Government is taking forward plans to set ambitious and realistic targets to improve the energy efficiency of all Scottish buildings and to tackle fuel poverty. Through the “Energy Efficient Scotland” route map, we have set out a clear framework of standards. By 2040, the energy efficient Scotland programme will have transformed our buildings so that they are warmer, greener and more efficient.

However, I cannot support amendment 111, from Alexander Burnett, and I urge the committee to reject it. As part of its response to the committee’s stage 1 report, the Scottish Government set out in detail the reasons why setting sector-specific emissions targets is not desirable. I will summarise those reasons.

The existing statutory framework of economy-wide emissions reduction targets provides the necessary flexibility to respond to changing circumstances, particularly as new technologies develop. As we cannot predict accurately the costs, advances or timescales for all the technologies that might be involved, sectoral targets could result in the cost of reaching climate change targets being greater than it might be if there were more flexibility about each sector’s contribution.

It is therefore important to keep the balance of sectoral effort under regular review. The packages of policies and proposals across all sectors, including housing, that will be set out at least every five years through statutory climate change plans will provide the right place to do that. As the

committee noted in its report, the bill adds a sector-by-sector approach to annual monitoring of the delivery of climate change plans. I have committed to updating the current climate change plan within six months of the bill receiving royal assent, and we are looking across our range of responsibilities to ensure that we continue with the policies that are working and that we increase action where that is necessary.

Setting sector-specific emissions targets would necessarily pose challenges in how effort and emissions reductions were classified between sectors. Many measures cut across sectors—for example, energy-efficiency measures contribute to reducing emissions from the energy supply and from residential and public sector buildings. There are multiple interconnections between sectors, and we are concerned that sectoral targets could make those substantially more difficult to factor in, to the potential detriment of overall success. What is most important is that all of Scotland pulls together to tackle this crucial global issue.

I also note that the present amendment 111 proposes an emissions target only for the housing sector, which amounts to singling out one sector for additional duties. It is not clear why that should be done. Buildings represent a significant source of emissions in Scotland but not the largest source. I also note that the Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill has passed stage 3, setting a target date of 2040 to eradicate fuel poverty. Amendment 111 carries the risk of leading to potentially contradictory statutory targets across the two pieces of legislation. For all those reasons, I urge the committee to reject amendment 111.

Alexander Burnett: I thank the Labour Party and the Green Party for their previous support for similar amendments around the EPCs and similar amendments in the Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill. I welcome the support of the cabinet secretary and Stewart Stevenson for planning in general and their recognition of the importance of the sector. Although it is not part of this amendment, I also acknowledge Stewart Stevenson’s criticism of the EPC. However, I hope that everybody will see that amendment 111 is a minimum for improvements and not a cap.

I press amendment 111.

The Convener: The question is, that amendment 111 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, John (Ayr) (Con)

Against

Beamish, Claudia (South Scotland) (Lab)
 MacDonald, Angus (Falkirk East) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 111 disagreed to.

Section 12—Publication of targets

*Amendments 32, 33, 62 and 34 moved—
 [Roseanna Cunningham]—and agreed to.*

Section 12, as amended, agreed to.

12:37

Meeting suspended.

12:53

On resuming—

After section 12

Amendment 112 not moved.

Section 13—Net Scottish emissions account: restriction on use of carbon units

Amendment 63 moved—[Roseanna Cunningham]—and agreed to.

Section 13, as amended, agreed to.

Section 14—Permitted use of carbon units purchased by the Scottish Ministers

The Convener: Amendment 64, in the name of Angus MacDonald, is grouped with amendment 65.

Angus MacDonald: I lodged amendments 64 and 65 in order to meet the recommendations in our committee's stage 1 report that any future regulations seeking Parliament's agreement to use of carbon credits as a way of meeting climate change targets should be subject to an enhanced affirmative procedure. At this point, I thank the Government for its assistance in preparing the amendments.

Section 14 will introduce a new section 13A to the 2009 act, setting a limit of zero for use of carbon units but allowing regulations to raise that limit. As committee colleagues are aware, the cabinet secretary has stated that the Government's policy is not to use carbon credits.

Section 97 of the 2009 act sets out an enhanced pre-laying procedure for certain regulation-making powers under that act—for example, in relation to a deposit return scheme. Amendment 65 ensures that the regulation-making power in proposed new section 13A of the 2009 act, which relates to carbon credits, will come under the same enhanced procedure.

That means that the following requirements will apply. An initial draft set of regulations must be laid in Parliament and consulted upon over a representation period of at least 90 days, including at least 30 sitting days. Ministers will have to have regard to any representations that are made to them during the representation period, including any parliamentary resolution or report and, when the draft regulations are subsequently laid in Parliament, ministers must lay a statement setting out details of any representations, resolutions or reports and any changes that have been made in response.

My amendments 64 and 65 retain from the provisions that are set out in the bill an additional safeguard to ensure that it will be made clear whether the proposals in any such regulations are consistent with up-to-date advice from the Committee on Climate Change.

Amendment 64 is consequential to amendment 65 and will remove subsection (5) from proposed new section 13A of the 2009 act, as inserted by section 14 of the bill. That provision would have required ministers to publish a statement alongside the regulations. Such a provision will now be made under the amended section 97 of the 2009 act.

The amendments will ensure a very strong level of scrutiny, as was called for by the committee, should any future Government seek to raise the permitted level for use of carbon credits from the default position of zero.

I move amendment 64.

Roseanna Cunningham: As the committee is aware, the Government's policy is that Scotland's emissions reduction targets should be met through domestic effort alone, without use of carbon credits. We have been absolutely clear on that. The bill establishes a statutory default limit of zero on use of credits for all future target years. Nonetheless, the advice from the Committee on Climate Change has been that we should retain a limited ability to use credits in the future, should circumstances change, so we have allowed for that possibility in the bill, subject to the CCC so advising and Parliament agreeing to regulations under affirmative procedure. That means that Parliament's explicit approval will be needed for any proposed increase in the limit from zero.

The Environment, Climate Change and Land Reform Committee has asked for even higher scrutiny for any such regulations. As I said in my letter last week, I am content to support Angus MacDonald's amendments 64 and 65. They require any such regulations to be subject to an enhanced pre-laying procedure, which is already defined in the 2009 act. I hope that that provides the committee with full assurance that any change in Scotland's approach to meeting its climate targets under a future Government will be carefully scrutinised.

Amendment 64 agreed to.

Amendment 65 moved—[Angus MacDonald]—and agreed to.

Section 14, as amended, agreed to.

Section 15 agreed to.

After section 15

The Convener: Amendment 113, in the name of Claudia Beamish, is grouped with amendments 113A, 114, 115, 141, 75, 143 to 146, 150, 151, 83, 86 and 154. I remind members that, in the light of the Presiding Officer's determination on the costs associated with amendments 113 and 114, the amendments can be moved and debated, but the questions on them cannot be put.

Claudia Beamish has had to step out, so Mark Ruskell has agreed to step into her shoes, briefly.

Mark Ruskell: Amendments in the group, including amendments in my name, concern the establishment of a just transition commission, so I will get started on that.

Amendments 113 and 114 would establish in statute a just transition commission, and would put in place a range of planning, reporting and consulting processes. They are aimed at integrating the just transition with the bill's existing processes.

13:00

The commission would, in addition, have the power to

"publish ... reports, as it considers appropriate",

in relation to its functions and the just transition principles, and it would also publish an annual report.

As committee members know, we believe strongly that a just transition is an imperative in every response to climate change, and should be at the core of all actions. The bill was introduced as a direct response to the Paris agreement; of course, the Paris agreement requires parties to increase action to reduce emissions while

"Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs".

The vital importance of the just transition approach to realising the transformation to a low-carbon economy and net zero emissions has been recognised in the establishment of the current just transition commission. I welcome its work and I congratulate the Scottish Government on setting it up. However, its two-year term is not sufficient to enable it to contribute adequately to assisting ministers to deliver on the targets in the bill, or to respond properly to the climate emergency. We all know that there is a need for urgent action in the coming decade, and then for further action continuing onwards to 2045.

I want the bill to enshrine just transition processes in a meaningful and long-term way. Doing so will also help with regard to generating and maintaining public support for the action that will be required in order to meet the targets. Workers across a range of sectors who are worried about their jobs, communities that will be affected, and the young people who are striking for their future all want to know that we recognise their fears and concerns, and that we will ensure that the transition is fair for all. A statutory long-term commission for the duration of the target periods in the bill would be a practical and, in our view, absolutely necessary demonstration of commitment to the just transition.

Advice from an independent body on implementing the transition is something that we have all welcomed. Trade unions—through the Scottish Trades Union Congress—and environment groups, working together through the JTC partnership have argued for a statutory just transition commission, which is what amendments in the group seek to establish. Stop Climate Chaos supports the proposal, and I know that many people across the country are watching today to see whether the committee supports the amendments.

If we are to create fair and high-value work, and deliver socially and environmentally sustainable jobs while meeting our targets, planning will be key, and expert advice on how to do that, delivered in an on-going robust and helpful way, will be fundamental, regardless of who is in Government.

The Scottish Government suggests that putting the transition reporting in the climate plan will be sufficient for the longer-term action, but we disagree, and see a clear need to build on the work of the existing commission. However, the amendments would not affect the work of Professor Jim Skea and his colleagues. It will be feasible to transition from the existing commission, when it reports at the end of the two years, to the

new statutory commission. We have the example of the poverty and inequality commission in that regard, with the Public Services Reform (Poverty and Inequality Commission) (Scotland) Order 2018 that will come into effect on 1 July this year. The Scottish Land Commission—the appointment of whose members this committee approved, so you will be aware of what I am saying—also sets a confidence-building precedent.

The JTC would have to have regard to the principles that are listed in amendments on climate justice and the just transition, with regard to creating quality jobs, protecting the rights of the workforce in affected communities, enhancing social justice while sharing the costs and rewards fairly, and engaging workers, their unions and employers with the plans that are needed for a just transition. I commend those principles to the committee. The functions seek to ensure that the commission would be enabled to deliver on those principles by providing crucial advice to ministers, by having important reporting duties and powers to ensure the best possible advice for a just transition in which the costs and rewards are shared fairly, and by reporting on measures that are put in place to ensure that the livelihoods of workers and communities are protected and social equity is enhanced.

Would Claudia Beamish like to speak to the other amendments?

Claudia Beamish: Perhaps I can deal with the ones at the bottom of the page, with the convener's agreement. I apologise for having to go, but I had a—

The Convener: You will have the opportunity to wind up, so perhaps you can pick up on those issues then.

I ask Mark Ruskell to move—

Claudia Beamish: I am sorry, convener—there is more to say.

The Convener: Oh, is there? Okay.

Claudia Beamish: That is what I was saying. When Mark Ruskell gets to the bottom of this page of notes, with your agreement, I will continue to speak to the amendments.

The Convener: I see. At an appropriate point, Mark Ruskell can hand over to Claudia Beamish, and she can finish off.

Mark Ruskell: Okay; it is a double act today.

A just transition commission could assist the Scottish Government in overcoming barriers to change, and in engaging workers, trade unions, businesses, the public sector and wider civic society in active participation. It would also be important that the commission be able, with relevant organisations, to conduct research and to

advocate for the adoption of measures to support the just transition.

We have included provisions on procurement, which would be extremely helpful in preventing the kind of betrayal that happened to the Burntisland Fabrications workforce. Those provisions would support our renewables industry and ensure that quality jobs were created in Scotland, thereby helping to ensure that individuals and communities would not be left behind. Fife is ready for renewal, and we must ensure that Scotland as a whole is ready, too. We must respond today to the demands of the workers, the communities and trade unions and environment groups who come together to demand a just transition for the benefit of everyone.

Claudia Beamish: I extend my thanks to Mark Ruskell. This is a double act, and perhaps rightly so. Amendments 113 and 114 happen to be in my name, but we are both—our parties and us as individuals—committed to the just transition.

Late last year, when the cabinet secretary announced the appointment of Professor Jim Skea as chair of the current commission, she said that it was important that

“no-one gets left behind as the employment landscape shifts.”

Putting the commission on a statutory footing is a major building block in our delivering on that commitment.

I will highlight the financial issues. Members will know that the Presiding Officer has ruled that amendments 113 and 114, which would establish the commission, would go beyond the costing of the bill and would, it is estimated, cost more than £700,000 in the longer term. The Scottish Government voted to “give consideration” to a statutory commission, so it is disappointing that the cost rules that out today, although I respect that that is where we are because there is not a financial resolution. I strongly request that the Scottish Government and the cabinet secretary commit today to publishing a financial resolution to the bill ahead of stage 3, which there is, fortunately, ample time to do.

We know that the cost of inaction far outweighs the cost of action on the issue of fairness, and the estimated cost would not be excessive for the kind of commission that is required. I would appreciate the cabinet secretary reviewing her approach on a long-term statutory commission in that context. The commission is very much needed to ensure that we deal with the climate emergency in a fair way. In my view, it would be money well spent.

Amendment 114 makes further provision for the commission. On membership, it would require that one member should

“be a nominee of the trade union movement”.

That is the case with the existing commission. It makes sense to continue the provision, given the important role that trade unions play in making the case for a just transition internationally, as they have done for many years, and given the importance of involving workers in plans for the just transition in Scotland specifically.

Amendment 114 also asks that one member

“be a representative with experience ... of ecological and environmental matters.”

Again, that is the case with the existing commission. The commission as a whole should, as one would expect, have

“experience in or knowledge of ... the formulation, implementation and evaluation of policies relating to the environment and climate change”

and

“to the economy, industrial transition and social inclusion.”

Amendment 113 would establish the commission, and amendment 114 would make further provision for it in schedule 3. The other amendments in the group speak to the invaluable advice and monitoring that the commission would be in a position to provide over the longer term.

Taken together, the amendments would ensure a robust process whereby ministers must consult the commission in relation to emissions target reports, climate plans and annual progress reports. They specify how accordance with the just transition principles should be integral to climate planning and annual progress reports, and how those reports should include the views of the commission.

Amendment 151 would ensure that the Scottish ministers consult the commission when they prepare a climate change annual report. Amendment 115 would require that

“Ministers must consult the Commission”

in preparing a report on emissions reduction targets.

Amendment 141 states:

“The plan must also set out ... with reference to the climate justice principles ... how the proposals and policies ... in the plan are expected to affect different sectors of the ... economy and”

—importantly—

“different regions, including any effect on employment”.

The plan should also set out

“the measures that will be put in place to support the transition of the workforce and related communities”

in affected sectors and regions, as well as

“the investment needed to implement the proposals and policies set out in the plan and the anticipated sources of the investment.”

Amendment 143 would ensure that ministers must consult the proposed commission before preparing a climate change plan. Its advice would be crucial to integrating the just transition into all that we do to meet the targets.

We would need ministers to take account of the proposed commission’s advice: amendment 144 would ensure that ministers do so and that the statement that lays the plan before the Scottish Parliament would set out details of the views of the commission and changes, if any, that have been made as a response and the reasons for such changes.

Amendment 150 would ensure that the annual progress reports that cover each substantive chapter of the most recent climate change plan must include the views of the commission. Those are all crucial parts of monitoring progress justly.

Amendment 154 would add the establishment of the just transition commission to the long title of the bill.

Let us all consider support—not today but leading to stage 3—for net zero emissions in Scotland being underpinned by the thrust of the amendments, which are supported by the just transition partnership including a range of unions and non-governmental organisations, Stop Climate Chaos Scotland, the STUC and many more people across Scotland.

I move amendment 113.

Mark Ruskell: Amendment 113A is part of a set of amendments for which the framework has already been introduced. It establishes a citizens assembly, for which many hundreds of people outside Parliament today are calling, as members are aware. It is about the heart of democracy and ensuring that we will take people with us on the very difficult journey that we will have to make, with massive behavioural change and controversial decisions to be made about our society.

Excellent work has been done in Scotland to engage with the wider population. This committee engaged with recent citizens jury work, which has been very positive—I am sure that it will report in due course. A citizens assembly will be extremely important, by taking some of the harder choices that we will have to make out to ordinary people, so that they can consider the options and think about how to make the changes.

We do not want a response to climate crisis that will result in a gilets jaunes-type movement. We have to take people with us—workers, communities and citizens more widely. The

concept of a citizens assembly is good; the First Minister has reflected on it with regard to our future constitutional decisions in Scotland and it is being used in many other global contexts. For the climate crisis, we need to understand the views of citizens and how they may react to some of the hard choices that will be required.

Amendments 145 and 146 are to ensure that the climate plan covers the just transition issue, so that it would be integral to the way in which we plan and report on our progress on tackling the climate emergency.

I move amendment 113A.

Roseanna Cunningham: I will begin by describing the Government's amendments to place internationally recognised just transition principles in the bill. Scotland's transition to net zero must be just and fair to everyone. To ensure that the concept of just transition will be at the heart of future climate change plans, I have lodged amendments 75, 83 and 86.

Amendment 83 sets out the just transition principles. Although there is not a universally accepted single definition of "just transition", the principles that are contained in the amendment are an accurate reflection of International Labour Organization principles as they apply in the Scottish context. Such principles were, of course, agreed by the Parliament as the right ones for Scotland following January's debate on just transition.

13:15

Ministers may modify the principles by secondary legislation as provided for in amendment 83. The regulations will be subject to the affirmative procedure, so Parliament will have to explicitly agree any changes.

It is important that the just transition principles have a clear application in practice. Amendment 75 therefore requires ministers to have regard to the principles in preparing climate change plans. It also imposes a duty on ministers to set out how the just transition principles were taken into account in preparing the plan.

Finally, amendment 86 is a minor amendment to insert the definition of principles into the interpretation section of the 2009 act.

I now turn to Claudia Beamish's suite of amendments to establish a statutory just transition commission. At the outset, I emphasise that there is already an active non-statutory commission, to which others have referred, undertaking this important work in Scotland. The commission will be providing practical advice by early 2021.

The Government has been carefully considering the establishment of a just transition commission on a statutory footing, and exploring ideas with stakeholders. However, it remains unclear what additional value would be gained by establishing a body on a statutory basis.

Although the committee will not be voting on amendments 113 and 114 today, I thought that it would be worth setting out my position on the set of proposals for a statutory commission. First, I am not persuaded that a commission would need body corporate status to be effective. I further note that such an approach has likely been a factor in the significant cost estimates that the Parliament has arrived at.

The Parliament's estimates and our estimates are not exactly the same, but I need to make members understand that those are annual costs. The cost is not for a one-off set-up; it is the annual cost for running a statutorily-based just transition commission. The estimated annual cost is significantly greater than the current Scottish Government contribution to the CCC's costs.

Secondly, I am not sure that I see the value of adding a specific duty for the commission to consult a citizens assembly. The current commission is already working across the country, engaging with those who are likely to affect and be affected by the transition. We have ensured that dialogue and engagement are crucial to the current commission's remit. Amendment 113 would provide for an extremely broad role for the proposed commission, including functions that are already delivered by the CCC and others that are delivered by the Government or the Parliament.

I hope that Claudia Beamish will not move the other amendments in the group that are directly associated with the establishment of the proposed commission, given that it cannot be voted on today.

I see merit in amendment 141, in the name of Claudia Beamish, to require climate change plans to include assessments of how the policies and proposals to reduce emissions will affect matters relating to a just transition. There is a degree of overlap between it and amendment 75. I have some concerns about aspects of amendment 141 as drafted, but I appreciate the desire for more specific reporting requirements in this space. If Claudia Beamish would be content not to move amendment 141, I would be pleased to work with her over the summer to bring back some elements of it in a revised form for stage 3. However, I could not support the amendment if she moved it now.

Similarly, I see merit in amendments 145 and 146, in the name of Mark Ruskell, to require climate change plan monitoring reports to include an assessment of progress towards a just

transition, as defined by a set of just transition principles. My only substantial difficulty with those amendments is that there are, of course, now multiple sets of principles being discussed around the various amendments. I therefore also invite Mark Ruskell not to move the amendments at this time, on the understanding that the Government will support amendments with the same intention at stage 3.

There is no doubt about the importance of ensuring that Scotland's journey to net zero emissions is a just one. My amendments place these matters squarely in the bill and will ensure that they are embedded in policies developed through climate change plans. I am open to working with members to further refine these approaches in advance of stage 3.

Stewart Stevenson: It is worth saying that there are more words in the amendments than those said when we discussed the just transition commission at stage 1. I come from the viewpoint that, if we required something of this scale and complexity to establish the just transition commission, it should have a bill of its own with a proper consultation to come up with a result. However, that is for another day.

My calculation of the cost is between £3 million and £5 million per annum, because around 50 civil servants will be required to deliver the workload. I have run groups with fewer responsibilities, so I am using personal experience to come up with that. However, that is only a guess and it is nothing like the final word on it.

Turning to the detail of the amendments in front of us, I note that paragraph 2 of proposed schedule 3 in amendment 114 says:

"In performing its functions, the Commission is not subject to the direction or control of any member of the Scottish Government."

That seems to run against the Scottish Government being able to ask for advice, because that is a form of direction or control. I am not terribly clear how paragraph 2 works in relation to other parts of the proposed schedule.

Paragraph 4, under the "Resources" heading, states:

"The Scottish Ministers are to provide the Commission with such staff and other resources as it requires to carry out its functions."

That seems to suggest that the commission itself would be in control of staff and resources, which represents a blank cheque. We might find that the commission required 100 civil servants, rather than 50, yet the legislation would require the Government to provide them.

In paragraph 3(2), under the "Membership" heading, I do not in any sense object to representation by

"a nominee of the trade union movement",

but I am not entirely clear why there is not a nominee from, for example, farming, academia, young people or business. I have no objection whatsoever to the trade unions being represented on the commission, as they are in the present commission. Incidentally, the convener and I had lunch yesterday with a young member of the existing commission—I am sure that she is making an excellent contribution.

Claudia Beamish: I appreciate that amendment 113 will not be voted on today and paragraph 3(2), under "Membership", could be developed if there was a will to take it forward. I particularly wanted to include

"a nominee of the trade union movement"

and

"a representative with experience and knowledge of ecological and environmental matters",

because those are the groups that have pushed this forward and are at the heart of where we are going. Sometimes the trade unions, in particular, are left out, so I wanted to ensure that they were included.

Stewart Stevenson: I will briefly pick up on that. When I was the Minister for Transport, Infrastructure and Climate Change, the first group that I went to speak to in 2007 was the Confederation of British Industry, which, with 80 people in the room, was very enthusiastic. Members should not imagine that other parts of Scotland are not deeply interested in this subject.

Claudia Beamish: I am talking about who I worked with.

Stewart Stevenson: We are not disagreeing on the subject or, at least, I am not seeking to disagree.

I am quite content about the list of people who would be disqualified from being on the commission, except for the significant omission of members of the House of Lords. Much as George Foulkes would be welcomed back to decision making in Scotland, he and other members of the House of Lords are lawmakers and their role as such would conflict with their being on the commission.

The way in which insolvency and company director or charity trustee disqualification is dealt with in amendment 114 is unfortunate, because it says

"is or has been insolvent"

and

“is or has been disqualified”.

Therefore, even if someone’s insolvency was discharged or their disqualification as a company director had been dealt with, they would still be barred.

More fundamentally, paragraph 6(2)(c) includes those who have

“been disqualified ... anywhere in the world”,

but I am extremely uncertain how it would be possible to know about that with any reliability. A similar issue exists with the appearance of the phrase “anywhere in the world” elsewhere in the amendment.

Amendment 114 states that members of the commission can resign to the Presiding Officer of the Scottish Parliament, even though the Presiding Officer has no role in appointing members, which I found baffling. I am only dipping into my wide range of concerns about the way in which it is drafted. I am not seeking to engage the broad principle, because I strongly support a just transition commission. However, I am certain that what is in front of us is not the way to do it.

John Scott: Although I support the work of the just transition commission, I believe that it should not be on a statutory basis. I welcome the Scottish Government’s offer to look further at that at stage 3. I hope that the Government will look at putting it on a voluntary basis. I support most of what Stewart Stevenson said, although I am not sure what he said about his friend and mine George Foulkes.

Claudia Beamish: I will comment on what Stewart Stevenson has said, although not on the detail. Setting up the new commission is a complex matter. I think that this bill is the place to do it. If a financial resolution is published over the summer, with the agreement of the Scottish Government, the issues that have been raised can be refined.

I turn to amendment 113A, in the name of Mark Ruskell. I hope that none of the consequential amendments to amendment 113 will be pressed to a vote today, because, if we go forward with it, it would be helpful if the issues to do with how a just transition commission is crafted could be looked at together by all those who have shown a strong interest and support for it, such as Mark Ruskell.

I have one concern about extinction rebellion’s declaration and request, but extinction rebellion is not the only group that is asking for a citizens assembly on climate change. The concern is that one of the group’s aims is that politicians should be led by a citizens assembly but, in a parliamentary democracy, we should be inspired, informed, and encouraged but not led by the citizens. At the moment, some clarification is

needed on that. I am not against the idea and I am keenly aware that, whether or not, under the auspices of the Scottish Government, the commission proceeds as a wider issue, there is to be public engagement by the Scottish Government over the summer. Therefore, it might be appropriate for the Scottish Government and the cabinet secretary to consider more detachment from the Scottish Government in that process, such as happened with the citizens jury of 12 people, which was connected with our committee and which I found interesting and important. One of the most important aspects of it, which I have not highlighted in my remarks, is behaviour change across not only affected workers and communities but society.

I support the cabinet secretary’s principles for a just transition. If the amendments are moved, I will support them today but I am wary that they will become an alternative that is not good enough, and that, as we drive forward one of the most challenging issues of our day, if not the most challenging global and Scotland-wide issue, that this approach will replace the commission rather than run in parallel with it. I am wary of doing it but I will support the principles because I believe in them.

When it comes to the reporting requirements, I am pleased to have the offer from the cabinet secretary to discuss the issues in relation to amendment 141 over the summer.

I have written a note about the House of Lords. I started off with Stewart Stevenson’s comments. Despite my respect for George Foulkes, I had no intention that members of the House of Lords should be part of this.

13:30

The Convener: I invite Mark Ruskell to wind up and to press or withdraw amendment 113A.

Mark Ruskell: I do not have much more to say. I agree with what Claudia Beamish said about how a citizens assembly would work. I think that we in this Parliament have a clear role as decision makers, and there will be some extremely tough decisions for us and our successors to make in the decades to come. However, that process must be informed by the lived experiences of people out there. That is the critical lesson from the gilets jaunes movement in France, where the Government did not listen to what the people had to say about the impact on them.

It is hugely important that we reach beyond the individuals in this room and that we go beyond conventional forms of consulting people, such as through the use of email and so on. We need to go to affected communities, bring back information on people’s lived experiences and use it to inform the

decisions that we take as elected politicians. I think that that is the right way round to do it, which differs from what the extinction rebellion movement is calling for. It is critical that we involve the citizenry in the decisions that we take.

I have one last point. Whatever the Government decides to do—it looks as though it is minded not to put the just transition commission on a statutory basis—we must learn the history of what has happened to similar commissions, particularly at Westminster, where the coalition Government abolished the Sustainable Development Commission. The Sustainable Development Commission could have been extremely useful in providing advice on the bill and looking at the biodiversity crisis. That Government decision resulted in the loss of a hugely important part of our advisory infrastructure, and I do not want the same thing to happen to the just transition commission. I suspect that that would not happen under the present Scottish Government, but I worry about a future Government coming in and just wiping away the commission.

Amendment 113A, by agreement, withdrawn.

The Convener: I remind members that I cannot put the question on amendment 113, for the reasons that I have already given.

I invite Claudia Beamish to move or not move amendment 114.

Claudia Beamish: Am I allowed to move it? I do not understand.

The Convener: Yes, you can move it, but we are not voting on it.

Claudia Beamish: In that case, I will move amendment 114.

The Convener: Are members—

Claudia Beamish: I am sorry—I will not move it, because of the comments that have been made by some members. I am very committed to the just transition commission being put on a statutory basis, but I do not want to move amendment 114 at this stage.

Amendment 114 not moved.

Section 16—Reports on emissions reduction targets

Amendment 66 moved—[Roseanna Cunningham]—and agreed to.

The Convener: Amendment 67, in the name of Stewart Stevenson, is in a group on its own.

Stewart Stevenson: I lodged amendment 67 to remove the wording

“in so far as reasonably practicable”

from section 33(3)(a) of the 2009 act, as substituted by section 16 of the bill. The section in question relates to the methods that the Scottish ministers must use when they report targets, which must be in line with

“target-relevant international carbon reporting practice”.

In other words, it relates to the technical implementation of the inventory freeze calculation that was recommended by the Committee on Climate Change in December 2017.

One of the provisions in the bill as introduced was that such calculations should be done

“in a manner as would be, in so far as reasonably practicable, consistent with the most up-to-date advice provided by the relevant body”—

in other words, the Committee on Climate Change. In our stage 1 report, we noted the concern that the Government might not use the calculation method that was specified by the CCC.

The cabinet secretary stated in her response to our stage 1 report that the Government’s intention was always to follow the method recommended by the Committee on Climate Change and that the bill provision represented “a standard failsafe”. However, my amendment will put that beyond doubt by removing the wording

“in so far as reasonably practicable”,

which will have the effect that the Scottish ministers must follow the calculation method set out by independent expert advisers fully and exactly. That is consistent with my comments on group 2 on taking the Committee on Climate Change’s advice. That provides assurance that this important but relatively complex aspect of the bill target framework is entirely objective in its implementation.

I move amendment 67.

Roseanna Cunningham: I am happy to support amendment 67, which relates to the technical calculation methods that are used for the purpose of reporting target outcomes under the inventory freeze method advised by the CCC in its December 2017 report. I thought that it would be helpful if I briefly set out the Government’s position, although that might mean that I cover some of the ground already covered by Stewart Stevenson.

In its stage 1 report, the committee raised concerns about section 16 that suggested that the Government might choose to follow an alternative calculation methodology for applying the inventory freeze method from the one advised by the relevant body, the CCC. Our intention was always to use the calculation methodology that has been advised by the CCC for these matters.

The inclusion of the reference to doing so
“in so far as reasonably practicable”

in new section 33(3)(a) of the 2009 act was intended as a safeguard in the very unlikely event that the CCC recommended in future an alternative method that was technically impossible to deliver, for example due to data availability considerations. However, given the very low magnitude of that risk and the committee’s desire for assurance on these matters, I am content to support amendment 67. That will mean that the calculation methodology used will always be exactly as recommended by the CCC. Until such time as the CCC may update its advice on the method, it will be the one that was set out in the CCC’s December 2017 report, a worked example of which was provided to the committee in my response to the stage 1 report.

Nothing that I have said leads in any way to my agreeing with the pronunciation of “inventory” suggested by Stewart Stevenson.

The Convener: That is noted.

Amendment 67 agreed to.

Amendment 115 not moved.

Section 16, as amended, agreed to.

Section 17—Reports on emissions reduction targets: further content

Amendments 68 to 71 moved—Roseanna Cunningham]—and agreed to.

Section 17, as amended, agreed to.

The Convener: Thank you, everyone. That concludes the committee’s business for today. At our next meeting on 25 June, the committee will continue its consideration of amendments to the Climate Change (Emissions Reduction Targets) (Scotland) Bill at stage 2.

Meeting closed at 13:38.

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