

MEETING OF THE PARLIAMENT

Wednesday 24 June 2009

Session 3

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CONTENTS

Wednesday 24 June 2009

Debates

	Col.
TIME FOR REFLECTION	18665
BUSINESS MOTIONS	18667
<i>Motions moved—[Bruce Crawford]—and agreed to.</i>	
CLIMATE CHANGE (SCOTLAND) BILL: STAGE 3	18668
CLIMATE CHANGE (SCOTLAND) BILL	18786
<i>Motion moved—[John Swinney].</i>	
The Cabinet Secretary for Finance and Sustainable Growth (John Swinney).....	18786
Sarah Boyack (Edinburgh Central) (Lab)	18789
Alex Johnstone (North East Scotland) (Con)	18792
Alison McInnes (North East Scotland) (LD).....	18794
Shirley-Anne Somerville (Lothians) (SNP)	18796
Cathy Peattie (Falkirk East) (Lab)	18798
Patrick Harvie (Glasgow) (Green)	18799
Rob Gibson (Highlands and Islands) (SNP)	18801
Patricia Ferguson (Glasgow Maryhill) (Lab)	18802
Malcolm Chisholm (Edinburgh North and Leith) (Lab)	18804
Liam McArthur (Orkney) (LD)	18805
Nanette Milne (North East Scotland) (Con).....	18808
Des McNulty (Clydebank and Milngavie) (Lab)	18810
The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson)	18812
BUSINESS MOTIONS	18815
<i>Motions moved—[Bruce Crawford]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTION	18817
<i>Motion moved—[Bruce Crawford].</i>	
DECISION TIME	18818
SUPPORTING SOCIAL WORK	18819
<i>Motion debated—[Christina McKelvie].</i>	
Christina McKelvie (Central Scotland) (SNP).....	18819
Karen Whitefield (Airdrie and Shotts) (Lab).....	18821
John Lamont (Roxburgh and Berwickshire) (Con)	18823
Nigel Don (North East Scotland) (SNP)	18824
Trish Godman (West Renfrewshire) (Lab)	18825
Hugh O'Donnell (Central Scotland) (LD).....	18827
Angela Constance (Livingston) (SNP).....	18828
Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab).....	18829
The Minister for Children and Early Years (Adam Ingram)	18831

Scottish Parliament

Wednesday 24 June 2009

[THE PRESIDING OFFICER *opened the meeting at 09:15*]

Time for Reflection

The Presiding Officer (Alex Fergusson): Good morning. When I led the parliamentary delegation to the United States during Scotland week, we were very warmly received in the Brick church in the city of New York. I am therefore delighted to introduce our time for reflection leader today: the Rev Michael Lindvall, who is the senior minister of the Brick Presbyterian church.

Rev Michael Lindvall (Brick Presbyterian Church, New York): There is a monument in Geneva in Switzerland that is named the reformation wall; it commemorates the Protestant reform movement in that city. It portrays four men, three of whom—including John Calvin—are French Swiss. The only non-Swiss is a Scot—John Knox.

The year 2009 marks the 500th anniversary of the birth of Calvin, a thinker who profoundly influenced not only John Knox, but the entire world. A recent issue of *Newsweek* magazine, a leading American weekly, named neo-Calvinism as one of the 10 most important emerging ideas in the world. More than most thinkers in history, Calvin has been misunderstood and maligned, but—love him or hate him—his thinking has mightily shaped both Scotland and America.

My intent in dredging up a figure as controversial as Calvin is not to make you into Calvinists; I count myself as one only in a derived sense. My purpose, just a week shy of Calvin's 500th birthday, is to recall the importance of some of his ideas, and one idea in particular that is important to you as law makers: how John Calvin understood the law. He offered some of the most sophisticated thinking in history about how the law works in people's day-to-day lives, and said that the law must be understood by its three uses.

Calvin said that the first use of the law is spiritual. To put it simply, moral and legal standards exist to show that none of us is perfect. Perfect obedience to anything is impossible, and only God is perfect. Calvin said that it is healthy to remember the distinction between us and the divine, and the law reminds us of that constantly.

Calvin's second use of the law was what he called the civil. He said that the law keeps order because people know that if they break it, they may indeed face consequences. With his third use

of the law, Calvin innovated. The third use is usually called the didactic. Calvin said that the law also exists to teach or guide even the most honest and well-intentioned of the human race. The truth, Calvin saw, is that when we are left to our own devices, even the most virtuous of us can manage to rationalise wrongdoing if we do not have the law to remind us what is right.

My plea is simple: do not entirely count Calvin out. Be you Calvinist or no, he is more than the dour straw man that his detractors have fashioned. On the 500th anniversary of his birth, Americans and Scots—two peoples who live in his shadow whether they like it or not—would do well to consider his way of thinking.

I ask you to join me in prayer.

Almighty God, who has given us fair lands as our heritage, we humbly beseech you that we might always be mindful of your grace and the gift of your law. Endue with the spirit of wisdom all who are entrusted with the authority of government. In times of prosperity, fill our hearts with thankfulness; and in the day of trouble, do not let our trust in you fail.

Amen.

Business Motions

09:20

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-4483, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme for this week.

Motion moved,

That the Parliament agrees—

(a) the following revision to the programme of business for Wednesday 24 June 2009—

delete

2.30 pm Continuation of Stage 3
 Proceedings: Climate Change
 (Scotland) Bill

and insert

1.45 pm Continuation of Stage 3
 Proceedings: Climate Change
 (Scotland) Bill

and (b) the following revision to the programme of business for Thursday 25 June 2009—

after

followed by Stage 1 Debate: Arbitration
 (Scotland) Bill

insert

followed by Legislative Consent Motion:
 Holocaust (Return of Cultural
 Objects) Bill – UK Legislation—
 [Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-4488, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Climate Change (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Climate Change (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, each time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the Stage in the morning and afternoon being called) or otherwise not in progress:

Groups 1 and 2: 45 minutes

Groups 3 to 6: 1 hour 40 minutes

Groups 7 to 11: 2 hours 30 minutes

Groups 12 to 16: 3 hours 10 minutes

Groups 17 to 19: 4 hours

Groups 20 to 24: 4 hours 50 minutes

Groups 25 to 28: 5 hours 30 minutes.—[Bruce
 Crawford.]

Motion agreed to.

Climate Change (Scotland) Bill: Stage 3

09:21

The Presiding Officer (Alex Fergusson): The next item of business is stage 3 proceedings on the Climate Change (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 17A. They should also have the marshalled list, which was revised yesterday—that is, SP bill 17A-ML revised—and the groupings, which I, as Presiding Officer, have agreed. The division bell will sound and proceedings will be suspended for five minutes for the first division this morning and the first division this afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate, and 30 seconds for all other divisions.

Section 1—The 2050 target

The Presiding Officer: We start with group 1. Amendment 6, in the name of Patrick Harvie, is the only amendment in the group.

Patrick Harvie (Glasgow) (Green): After working on the Climate Change (Scotland) Bill for so many months, I am gratified that, throughout the process, the debate has been characterised by an almost universal acceptance that our approach to climate change must be science led and based on an acceptance of the urgency of the task that is before us and its importance to the future of human civilisation on our planet.

At stage 2, a number of amendments were debated in committee that specified the trajectory of the emissions cuts that we seek to achieve. That implies a recognition that the end point is not enough, and that we need to think about how many greenhouse gases we emit in the period between now and any target dates; about the relationship between annual targets and long-term targets; and about the points at which those long-term targets should be set.

It is now clear that although we have broad agreement on the principles, we are basing our work on science that is already out of date. We are basing our work on the assumption—which the United Kingdom Government holds, and from which the Scottish Government has not demurred—that the global objective must be to limit climate change to 2° of warming throughout the world, as that is the generally accepted danger zone and the tipping point beyond which much more unstable change becomes very likely.

To give ourselves any chance of keeping warming to 2°, a debate is needed about the overall level of greenhouse gases in the atmosphere and the amount that we can emit over a period of time. It is clear that the scientific community has already moved beyond the report of the Intergovernmental Panel on Climate Change, which effectively informed the 80 per cent long-term target that the Scottish Government is proposing for 2050. If we are going to include specific targets in the bill, they should be the right targets rather than the wrong ones.

Those who have studied the subject in detail now understand that an 80 per cent target is already out of date and will need to be changed. I suggest, on the basis of evidence from the Tyndall centre, which is the UK's leading research centre on climate change, that 90 per cent is a more appropriate target at the current time. As the bill makes clear, it will still be necessary to continue to receive advice on the developing science from the UK Committee on Climate Change or from a successor body, and to revise that target as we go along. However, we could just say that in the bill. We could say that we will take whatever target the Committee on Climate Change suggests.

If we are to include a specific target for 2050, we should make it the right one. My suggestion is that a reduction of 90 per cent is a more appropriate target for 2050, and in the debates on future groups, I will argue for other aspects of that trajectory, including a 50 per cent interim target and a more ambitious annual target. If we all accept that the objective is to keep global warming within the 2° danger zone, we should include in the bill numbers that have a credible chance of achieving that objective.

I move amendment 6.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Like Patrick Harvie, I acknowledge a degree of satisfaction that there has been universal acceptance of the importance of the climate change agenda, of the need for urgency and of the need for science to lead us. There has also been acknowledgement of the overwhelming contribution that human effects have made to the issue, so it is clear that we open our consideration of this important part of the Climate Change (Scotland) Bill with a broad agreement on principle, as Patrick Harvie said. We do not diverge from the need to contain the rise in temperature to the range 2° to 2.4°, and it is important that we keep hold of that.

Amendment 6 would raise the 2050 target from a reduction in emissions of at least 80 per cent to one of at least 90 per cent. It is identical to an amendment that Robin Harper lodged at stage 2, which only Patrick Harvie supported. There is no

great division on the need for us to use expert advice. We need advice from the UK Committee on Climate Change that is specific to Scottish circumstances and which gives us targets that relate specifically to us. It is premature to deviate from the 80 per cent figure, which is founded on the Intergovernmental Panel on Climate Change's definitive and internationally recognised fourth assessment report. Similarly, the UK Committee on Climate Change has advised that the UK's 2050 target should be set at 80 per cent.

The 80 per cent target in the bill is, of course, a minimum requirement. The annual target for 2050 will not be set until 2036, which is 27 years from now. I am sure that we can all agree that our understanding of climate change has come a very long way over the past 27 years, and it will undoubtedly continue to grow over the next 27 years. We should not prejudge that future understanding. As it stands, the bill allows for an annual target of 80 per cent to be set for 2050. If we need to increase it, that is rightly a decision for our successors. I ask members not to support amendment 6.

Patrick Harvie: It is clear to me and, to be honest, it is probably clear to members across the political spectrum who have been greatly involved in considering the bill that there is a serious mismatch between the pace at which our scientific knowledge of the subject develops and the pace at which global or even domestic political consensus can move forward.

The minister sets great store by the IPCC's fourth assessment report. Even the majority of the people who contributed to that report have already acknowledged that its findings are out of date. Its findings were not wrong at the time, but the science and our understanding have moved on, and the task before us is more urgent than it was then understood to be. The minister also sets great store by seeking the advice of the UK Committee on Climate Change. I again express my surprise and disappointment that he has not yet formally sought its advice on any matter in the bill. Despite that, he seems quite happy to interpret its letters according to his own whim.

I will press amendment 6, not in expectation of a sudden conversion, but simply as a marker of the fact that our position is that the science has moved on, that an 80 per cent target is inadequate and that that will be shown to be the case over the coming months and years.

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

Members: No.

The Presiding Officer: There will be a division. As this is the first division, there will be a five-minute suspension.

09:30

Meeting suspended.

09:35

On resuming—

The Presiding Officer: We move now to the division on amendment 6.

FOR

Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Allan, Alasdair (Western Isles) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Gavin (Lothians) (Con)
Brown, Keith (Ochil) (SNP)
Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Butler, Bill (Glasgow Anniesland) (Lab)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Margaret (Glasgow Baillieston) (Lab)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
FitzPatrick, Joe (Dundee West) (SNP)
Foulkes, George (Lothians) (Lab)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marilyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Annabel (West of Scotland) (Con)
Gordon, Charlie (Glasgow Cathcart) (Lab)
Grahame, Christine (South of Scotland) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Harvie, Christopher (Mid Scotland and Fife) (SNP)
Henry, Hugh (Paisley South) (Lab)
Hepburn, Jamie (Central Scotland) (SNP)
Hume, Jim (South of Scotland) (LD)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Adam (South of Scotland) (SNP)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Johnstone, Alex (North East Scotland) (Con)
Kelly, James (Glasgow Rutherglen) (Lab)
Kerr, Andy (East Kilbride) (Lab)
Kidd, Bill (Glasgow) (SNP)
Lamont, Johann (Glasgow Pollok) (Lab)

Lamont, John (Roxburgh and Berwickshire) (Con)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
Marwick, Tricia (Central Fife) (SNP)
Mather, Jim (Argyll and Bute) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West of Scotland) (SNP)
McArthur, Liam (Orkney) (LD)
McConnell, Jack (Motherwell and Wishaw) (Lab)
McGrigor, Jamie (Highlands and Islands) (Con)
McInnes, Alison (North East Scotland) (LD)
McKee, Ian (Lothians) (SNP)
McKelvie, Christina (Central Scotland) (SNP)
McLaughlin, Anne (Glasgow) (SNP)
McLetchie, David (Edinburgh Pentlands) (Con)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McMillan, Stuart (West of Scotland) (SNP)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Morgan, Alasdair (South of Scotland) (SNP)
Mulligan, Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Neil, Alex (Central Scotland) (SNP)
O'Donnell, Hugh (Central Scotland) (LD)
Park, John (Mid Scotland and Fife) (Lab)
Paterson, Gil (West of Scotland) (SNP)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Pringle, Mike (Edinburgh South) (LD)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Robison, Shona (Dundee East) (SNP)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Salmond, Alex (Gordon) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Elizabeth (Mid Scotland and Fife) (Con)
Smith, Iain (North East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Somerville, Shirley-Anne (Lothians) (SNP)
Stephen, Nicol (Aberdeen South) (LD)
Stevenson, Stewart (Banff and Buchan) (SNP)
Stewart, David (Highlands and Islands) (Lab)
Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
Sturgeon, Nicola (Glasgow Govan) (SNP)
Swinney, John (North Tayside) (SNP)
Thompson, Dave (Highlands and Islands) (SNP)
Tolson, Jim (Dunfermline West) (LD)
Watt, Maureen (North East Scotland) (SNP)
Welsh, Andrew (Angus) (SNP)
White, Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Whitton, David (Strathkelvin and Bearsden) (Lab)
Wilson, Bill (West of Scotland) (SNP)
Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 2, Against 119, Abstentions 0.

Amendment 6 disagreed to.

Before section 2

The Presiding Officer: We move to group 2. Amendment 94, in the name of Sarah Boyack, is grouped with amendments 94A, 7, 8, 95 to 97, 9, 10, 98 to 101, 108, 114, 119, 120 and 143. I remind members that, if they wish to participate in a debate on a group of amendments, they should press their request-to-speak buttons when I call the grouping. I draw members' attention to the additional information in the groupings paper on pre-emptions in this group.

Sarah Boyack (Edinburgh Central) (Lab): A week is a long time in politics. Last Monday, John Swinney was adamant, in setting out the delivery plan for the bill's provisions to my colleague Iain Gray, that the Scottish Government could deliver a target of 34 per cent and no more for emissions reductions by 2020, without a Copenhagen agreement. However, Alex Salmond admitted to members in the chamber last Thursday that the figure was 36 per cent. At both stage 1 and stage 2, Labour members argued for earlier and tougher targets. We said then that we would lodge amendments at stage 3 because we wanted a more ambitious trajectory.

Our reading of the delivery plan is that it is still business as usual in many respects. However, the science says that we must be more ambitious. If we all believe that our bill should be more ambitious and world leading, that must be demonstrated in the bill's detail. The chief executive of the UK Committee on Climate Change made clear the position when he gave evidence on the bill to the Transport, Infrastructure and Climate Change Committee. He said:

"The preliminary assessment does not reflect specific circumstances in Scotland. That is something that we need to bottom out. We have said clearly in our report that the figure would not be an appropriate basis for target setting, because further work is needed to tailor it to the specific situation in Scotland."—[*Official Report, Transport, Infrastructure and Climate Change Committee*, 27 January 2009; c 1399.]

The guidance that the UK committee came up with was clearly an initial assessment and does not cover all areas of the Scottish economy, so more work needs to be carried out. The Minister for Transport, Infrastructure and Climate Change agreed with that point when Des McNulty put it to him at stage 2.

The figures cannot be a back-of-an-envelope job. In that respect, I call on the minister to publish the letter that he sent to the Committee on Climate Change only last Wednesday. I think that we are all intrigued about what questions he asked.

We have set out clear criteria in amendment 94, which is important.

Stewart Stevenson: I am entirely happy to publish the letter to which Sarah Boyack referred.

Sarah Boyack: It would have been good to have it before the debate, because we have seen all the other bits of the exchange.

We have said consistently that a tougher interim target will be challenging, but we need it now to drive the change that we need in the early, not later, years. We need the Committee on Climate Change to do a serious piece of work and the Scottish Government to report back to us in Parliament. The bill that we will pass today will provide a range of policy options—many more than were included in the bill as introduced. For example, the council tax provision has the potential to transform attitudes and to deliver carbon reductions. We need to send a clear and honest message to the Copenhagen conference.

When I set the first environment target in the early days of the Parliament, I was told by officials, in true "Yes Minister" style, that it was a bold target. We need to be ambitious today, but we must ensure that we follow through with the policies—that is the critical bit. There should not be a bidding war. I welcome the Government's shift from its position of last week, but it would be useful to get clarity from the minister on where he now stands, given the letter that he sent out yesterday to MSPs. He was adamant that the transport delivery plan was as much as the Government could do. Indeed, Alex Salmond said last week that the Government could not do more unless Scotland had complete independence. We think that that is an excuse, because we could do much more now with our devolved powers.

It is vital that the Government's commitment is not a heat-of-the-moment one just to get the Government through today's debate; it must be followed by radical action in the weeks and months following the passing of the bill. The Stop Climate Chaos Coalition has built up a huge coalition of support. Amendment 94 will help us to keep faith with that coalition. The amendment is ambitious, but, crucially, it provides a transparent and rigorous policy proposal that we would have to debate later in the Parliament. We would have to debate how much further we could go from the existing delivery plan to the 42 per cent figure. We cannot let down people outside the Parliament. We welcome and will support the Scottish National Party Government's amendment 94A.

I move amendment 94.

The Presiding Officer: I call the minister to move amendment 94A.

Stewart Stevenson: I have just been informed that we have already published the letter to which Sarah Boyack referred—it is on the Scottish Government website, with the response from the

Committee on Climate Change. [*Interruption.*] The First Minister is saying, "Instant action", which is what he wants from his ministers.

This is an important part of the debate. The implications of the choices that we make during the debate fall on the real world of our futures. The wrong choices will cripple our economy and will mean that we no longer have the financial resources to fight climate change. The debate is therefore not an arid, possibly point-scoring exercise about numbers. The decisions that we make here will shape the bill and the future of Scotland. That is why politicians' decisions on targets must be based on expert advice whereby scientists, economists and others examine the evidence and make recommendations to which we should have regard.

The UK Committee on Climate Change, our present adviser, is funded by all Governments in the UK, but it is our independent source. The committee has advised the UK Government that a 34 per cent reduction by 2020 is necessary and achievable. A 42 per cent reduction becomes achievable, with considerable difficulty, when—I strongly doubt that it is "if"—the European Union amends its efforts through the EU emission trading scheme to raise the 2020 target to 30 per cent.

For the UK and Scotland, that change is vital to our ambition. Nearly half of all CO₂ that will be booked to the Scottish and UK emissions accounts will come from the trading scheme. We changed the bill at stage 2 to incorporate the 42 per cent target, but we properly made that contingent on EU trading scheme change and provided 34 per cent as the target that we would absolutely commit to now.

Sarah Boyack's amendment 94 offers us the chance to promote 40 per cent as the target in the bill, with the power to revise that later if expert advice says that we should. We considered that approach at stage 2, but we thought that, in the circumstances, the UK Committee on Climate Change's 42 per cent figure remained one that we should make contingent.

In my amendment 94A, which I believe and hope the Labour Party will support, we recommend to Parliament that the UK Committee on Climate Change's 42 per cent figure be used. That is not about outbidding anyone, but about the integrity that comes from using only figures that are based on expert advice. Miss Boyack's amendment 94 would establish for the first time the ability, based on expert advice, to reduce a target in the bill. Such a power should be very carefully regulated and controlled. We have maintained that that can happen only if there is insufficient EU agreement to increase the level of effort that is required and capable of being put in place.

Miss Boyack said that a week is a long time in politics. Well, we are planning for the very long term. There is a challenge for us all in the period to 2050.

Let me therefore confirm now that this Government will not use any powers to vary the 2020 target by introducing a figure that is lower than expert advice; let me make the commitment now that this Government will not use those powers beyond a single occasion; and let me make the commitment now that this Government will not use the powers at all if the EU raises its 2020 target to at least 30 per cent. We are pleased that a broad if not universal consensus has emerged on this subject.

Finally, I should explain that amendments 9 and 10 seek simply to consolidate the 42 per cent figure and that amendments 97 to 99 seek to strengthen the Government's commitment. I also support amendment 101 in the name of Shirley-Anne Somerville.

I should also point out that although Patrick Harvie has committed to following expert advice, the 50 per cent figure that is set out in his amendment 7 deviates from that commitment. Similarly, amendment 8, in the name of Alison McInnes, seeks to apply the 42 per cent target at the outset and in advance of expert advice.

I move amendment 94A.

09:45

Patrick Harvie: A week is, indeed, a long time in politics; a few weeks are even longer. Sarah Boyack says that the Labour Party argued for tougher targets at stage 2; it is a shame that Labour members did not vote for them. If they had taken the opportunity at stage 2 to vote for the 42 per cent target, we would this morning be discussing a bill that had already been amended in that respect.

Labour members also had the opportunity to vote for a 42 per cent target, full stop, instead of a 42 per cent target with all the caveats, loopholes and get-out clauses that the Labour Party's amendment 94 would introduce. That is my real concern. The amendment would not only introduce the power to vary or reduce the target, but relegate science to one of nine criteria that should be considered, which include economic competitiveness. I do not think that the Government—this Government, anyway—needs very much encouragement to put the environment second to economic competitiveness.

Agreeing to amendment 94 would merely delay the key vote, which would no longer be on this amendment or on the bill, but on any proposal to reduce the target that ministers might put before

Parliament. I have no doubt that, even within the limits of the commitment that Stewart Stevenson has just made, the Government will be perfectly capable of beefing up its delivery plan just that wee bit with a list of policy measures that it could implement to achieve a 42 per cent reduction—if it had the powers to do so. The UK Committee on Climate Change will say, “Yes, those measures might achieve a 42 per cent reduction,” at which the SNP will turn the whole matter into an argument between London and Edinburgh. In speaking to amendment 94, Sarah Boyack acknowledged that she expects such an excuse to be used. My challenge, therefore, to the Labour Party is this. If the rest of us accept amendment 94 as the best that we will get, even though we need better, will the Labour Party make a commitment to block any attempt by the SNP Government—or a future Labour Government—to reduce the target on the basis that certain powers are not within Scotland’s remit? It is clear that we have the powers to implement various policy measures, including a radical approach to demand-management in transport, energy use and other areas, to achieve the radical cuts that we need. Will the Labour Party make that commitment?

Many of the other amendments in this group would amend sections 2 or 2A, and will become redundant if amendment 94, as amended, is agreed to. However, I draw the chamber’s attention to amendment 108 in my name, which would limit the Government’s opportunity to use international credits in the short term if, in future, the minister does as I fear he wishes and reduces the target to 34 per cent.

Alison McInnes (North East Scotland) (LD): I am afraid that I rise to speak with a slight sense of anticlimax, given that amendment 94 and the Government’s amendment 94A, which the Liberal Democrats will very shortly vote for, more or less gazump my amendment 8.

I make it very clear that the Liberal Democrats want the bill to be as strong as is realistically possible and, although I have no doubt that amendment 8 would be the best option in that respect, I can do the maths as well as anyone and I realise that we should get behind amendment 94.

I hope that, finally, we are all agreed that a 34 per cent reduction by 2020 is not enough. After all, the route that we take towards the 2050 target of an 80 per cent reduction on 1990 emissions levels is just as important as reaching that destination. To explain what I mean, I will link my comments to my later amendments on cumulative emissions. Although we can reach the same end via a 34 per cent or 42 per cent target—or indeed any number in between—our impact on the earth’s atmosphere depends very much on our chosen route. Such

point-in-time targets are not simply abstract numbers but represent real quantifiable amounts of emissions, and the greater the early action that we take, the better our chance of limiting the damage of climate change.

Early action is vital. A weaker interim target means not only more emissions between now and 2020, but more emissions in every year between 2020 and 2050. As a result, the target will affect not only the next 10 years but the next 40.

I am concerned about the framing of amendment 94. For example, I am by no means encouraged by its reference to 40 per cent as the target “for the time being”; I am not encouraged by its separation of the reference to “a higher figure” from the reference to

“a figure provided by the relevant body”,

in referring to any modification of the interim target—a caveat, I might add, that opens the door to lowering the target after today’s figure grabs the headlines; and I am not encouraged by yesterday’s letter from the UK Committee on Climate Change to the minister that suggests that its initial view is that an appropriate target might be “slightly below 34%”. That view appears to be based on limited information and on matters that have not been fully investigated. I trust that, given time, the Committee on Climate Change will come to realise that Scotland can do more. That Scotland must do more is by now, I hope, a given.

We will back the Government’s amendment 94A, which seeks to increase the “for the time being” target to 42 per cent, as that is the figure backed by the science and represents the cut that the evidence says is required. It will be difficult to reach that target, but we must make the effort to do so. I hope that, after today, sense will prevail and that an order weakening the target that we will agree to will not be made. I would oppose any such move, and I am certain that the rest of Scotland would too.

The bill is a signature piece of legislation for the Scottish Parliament. Given that the interim target is a key element of it, we should not be afraid to aim high. We certainly must not be so afraid of failure that we aim at nothing at all.

Shirley-Anne Somerville (Lothians) (SNP): The Scottish ministers have committed to seeking the UK Committee on Climate Change’s advice on the most appropriate level for the 2020 interim target, and amendment 101 would make that commitment a statutory requirement. Under its terms, ministers would also have to publish the advice that they receive to ensure that the decision-making process is open and transparent.

At stage 2, we on the Transport, Infrastructure and Climate Change Committee were advised that we should not

“pick a percentage for Scotland but that we should pose to the relevant advisory body the right question—what is the most that we can do to make the bill as strong as it can be? We should make the figure—” *[Interruption.]*

We should make that—*[Interruption.]*

George Foulkes (Lothians) (Lab): Can you not read your writing?

Members: Oh!

The Presiding Officer: Order.

Shirley-Anne Somerville: Thank you, George.

“We should make the figure that that body provides our target. ... The target is not a subject for political point scoring; our objective in the bill should be the highest level that is consistent with what is achievable.”—*[Official Report, Transport, Infrastructure and Climate Change Committee, 26 May 2009; c 1770-1.]*

I probably got the words mixed up, because they are not mine, but Des McNulty's. Perhaps his English is not as good as mine. Regardless of his use of punctuation and grammar, however, I support his point.

Amendment 101 sets out an appropriate way of ensuring that the 2020 interim target is as demanding as possible while still being based on the expert analysis of how it can realistically be delivered. After all, such targets must be challenging but credible.

The bill will lose credibility with the public and, more important, the policies that any future Administration will need to put in place to achieve these targets will struggle to carry their favour if people pick up nothing from the coverage of today's debate other than an argument over numbers. That is why I am pleased not only to speak to amendment 101 but to support the Government's amendment 94A, which seeks to ensure that the only numbers that appear in the bill are those that have been mentioned by the UK Committee on Climate Change.

Amendment 101 would complement the Government's approach and ensure that the UK Committee on Climate Change is given its rightful place in advising on the interim target. This is about the experts advising the politicians on what Scotland can achieve and the politicians listening to and acting on that advice.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): This is the most important debate on the bill; indeed, this has been the key issue throughout the whole process. We all know that cumulative emissions are what matter and that, as a result, early action is crucial.

It looks as if we can show that the Parliament is united around the key issue of the interim target. Of course, there are debates to come about whether it will be modified. I am on the side of the argument that is reluctant to change from 42 per cent. The 34 per cent target was always rather unambitious because the trajectory from 1990, if we had reduced at the rate that we have been reducing, would have led us to a 32 per cent reduction by 2020. We need to be far more ambitious than that. The whole point of a target is to stretch and change behaviour.

Of course we must listen to the expert advice, but the experts will be influenced by the policy options that we are prepared to bring forward. That is why the months that follow are crucial. We must think outside the box and be more ambitious in bringing forward policy changes that will make achievable a target that is far more ambitious than 34 per cent. Even the Government's delivery plan shows that far more than 34 per cent can be achieved, so let us concentrate our minds after today to ensure that we do not have to change the 42 per cent target in the bill, which we can all welcome today.

Alex Johnstone (North East Scotland) (Con):

I am one of those people who are instinctively opposed in a range of policy areas to the setting of targets. Consequently, it is more difficult for me to deal with a bill that is largely centred on the setting of targets, but I accept that the process is necessary.

The danger with the bill was always that, at one point or another, we would get involved in an unseemly bidding war. That happened at the outset when the Government plucked the 80 per cent figure out of the air. Some might have argued that that figure was chosen simply to compete with a lower figure in the south. However, time has moved on and we have all acquiesced around the figure—something we have consolidated through the decisions that we have already taken this morning.

In introducing her amendment, Sarah Boyack made it clear that she has been influenced by the lobbying that has taken place during the passage of the bill. I, too, have been influenced by lobbying. I have been most impressed by the work that the Stop Climate Chaos Coalition has done, but I have also been lobbied by a number of representative bodies that cover public authorities and business interests, who are concerned that we do not set an interim target that stretches too far and causes a negative impact on the Scottish economy at a time when we can ill afford it.

I have to be persuaded that the process that we are about to go through is the correct one. Having read amendment 94, and the amendment to it, amendment 94A, I believe that it can be argued

that taking the step today can be justified. However, I must warn that supporting or acquiescing to the process will consolidate my resolve to stick much more rigidly to the other targets in the bill as approved at stage 2.

Consequently, I will support the Government's amendment to the amendment and subsequently amendment 94 in the name of Sarah Boyack, but I do so understanding that I will have to continue to justify that course of action to a range of interests in Scotland who are concerned that we do not set an unachievable target for 2020.

Jack McConnell (Motherwell and Wishaw) (Lab): Like Malcolm Chisholm, I believe that the issue that we are discussing is the key one that we will consider today. I want to make a brief case for having the most ambitious targets possible. We should be guided by science and listen to expert advice, but expert advice can be contradictory. If we had listened to all the expert advice back in early 2002, in my first months as First Minister, we would not have set the high targets that were set for renewable energy. If we had not set those targets, we would not have met them and the Government that is in place today would not have had the opportunity to set even more ambitious targets for industry to meet and public authorities to comply with.

In the area of climate change, perhaps above all others, the setting of ambitious targets forces people in industry, public authorities and experts to consider how they can be met. As Malcolm Chisholm said, targets can shape behaviour and effect change. We are talking about a future that most of us in the Parliament will not be here to see, but which the Parliament will change fundamentally. We need to ensure that the future is not just cleaner, greener and safer, but more sustainable. By setting ambitious targets today, we will set out our stall as a Parliament. People throughout Scotland and elsewhere will follow us if we give that lead.

Expert opinion is important and scientific advice can guide us, but ultimately the political decisions that we make as a Parliament are far more important. Today, we should set a lead for Scotland.

10:00

Des McNulty (Clydebank and Milngavie) (Lab): The context in which we are debating the matter is the SNP's manifesto commitment to set a 3 per cent year-by-year target, which was abandoned. We should remember that. The other context is that, in considering the bill, we managed to bring forward the date of the interim target from 2030, which was the original date, to 2020, so we

have made significant progress in pegging back what was lost when the SNP shifted its position.

I am pleased that the various parties, in making their contributions, have accepted the position that I put forward at stage 2, which is that it is difficult for us as politicians to select a particular number without having an up-to-date and focused consideration by an expert committee—in this case, the UK Committee on Climate Change. To me, it makes logical sense to go back to the UK committee and ask it not just for an assessment of the global conditions but for an assessment of Scotland's potential—what Scotland can do to take forward its climate change contribution—and the policies that we need to put in place to push the target up. We can boost the target only by taking policy actions to deliver it. What we say does not make a lot of difference. It is what we do, fundamentally, that makes a difference.

Patrick Harvie is right. When the Committee on Climate Change comes back, there will be a debate in the chamber about the figure that it puts forward, but there will also be a debate about the policies that are needed to take action forward. We must prepare for that debate. If the answer is that if we just do what we are doing we can achieve percentage X, I do not think that we will simply accept percentage X. We will have a debate about the policies and how we can take that argument forward.

I do not see the logic of the SNP's position. Having said that 34 per cent is the maximum that is possible, it is now putting forward a case for 42 per cent. To me, however, the important thing is that there is a scientific mechanism.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Let me explain the logic of the Government's position to Mr McNulty. What the Government is setting out is exactly what we set out at stage 2—that we can achieve 42 per cent if we get the necessary support that we all hope for from the EU discussions later this year. What we propose today, with Mr Stevenson's clarifying amendment 94A, is to put a scientific target of 42 per cent in the bill. That can be realised if the agreement that we all hope for at the EU level is delivered.

Des McNulty: I do not think that the issue is purely about what is delivered in the EU commitment. The issue is about what we can deliver here in Scotland. We believe that more than 34 per cent can be delivered and that referring to the UK Committee on Climate Change for a considered view on what can be achieved is the right approach. On the basis of the expert advice, we will come back to the chamber and decide how to go forward. I support Sarah Boyack's amendment 94.

Stewart Stevenson: Patrick Harvie said that he would open with the science, but he then appeared to ask us to disregard the science and the expert opinion on the 34 per cent and 42 per cent targets.

Of course we have to ask for the advice of the UK Committee on Climate Change in relation to Scotland's particular circumstances.

Alison McInnes said that the bill is the Parliament's signature piece of legislation. I am happy to agree with her and I suspect that there will be no dissent from that view.

Shirley-Anne Somerville must read Des McNulty's words more carefully.

Malcolm Chisholm made an important point. Of course we will be influenced by policy options that are presented, particularly on the subject of cumulative emissions. That is right and proper. It is also proper that the Government be challenged to bring forward policy options to address where the bill should take us after it has been enacted. However, we accept that, as Malcolm Chisholm pointed out, within our delivery programme we can go beyond 34 per cent, and the 36 per cent figure that has been used is an option. Further policy options will allow us to go forward.

Alex Johnstone made an important point about continuing engagement. This is not the end of the process; if it is anything, it is the end of the beginning.

Jack McConnell made good points. Given his involvement in the matter, I was surprised that he did not take the opportunity to say that part of what we are doing is making a moral case on behalf of nations that will be more adversely affected by climate change than Scotland will be, such as those in sub-Saharan Africa, in particular. There is a moral as well as a practical imperative to what we are doing.

Amendment 94A agreed to.

Amendment 94, as amended, agreed to.

Section 2—The interim target

Amendment 7 not moved.

Amendment 8 not moved.

Amendment 95 moved—[Sarah Boyack]—and agreed to.

Section 2A—Modifying the interim target

The Presiding Officer: I remind members that if amendment 96 is agreed to, amendments 97, 9, 10, 98 and 99 will be pre-empted.

Amendment 96 not moved.

Amendments 97, 9, 10, 98 and 99 moved—[Stewart Stevenson]—and agreed to.

Amendment 100 moved—[Sarah Boyack]—and agreed to.

After section 2A

Amendment 101 not moved.

Section 3—Annual targets

The Presiding Officer: Group 3 is on the setting of annual targets. Amendment 11, in the name of Alison McInnes, is grouped with amendments 12 to 18. I draw members' attention to the additional information on pre-emptions in the group, which is in the groupings paper.

Alison McInnes: I will speak to amendment 11 and to amendments 12 and 15, in the name of Patrick Harvie, because I would have lodged such amendments if he had not beaten me to it.

I have a question for members. When is 3 per cent not 3 per cent? Perhaps that is not the most challenging riddle. We all know the answer: when it is inconvenient for the SNP.

Mr Swinney said that the Government was

"committed to an 80 per cent reduction in our emissions by 2050. That target is equivalent to a reduction of 3 per cent each year."—[*Official Report*, 21 June 2007; c 1039.]

I hesitate to challenge the mathematics of Scotland's Cabinet Secretary for Finance and Sustainable Growth, but I must do so. An 80 per cent reduction by 2050 is equivalent to 3 per cent annual reductions if and only if the 80 per cent target is met by making annual reductions of 3 per cent.

I will explain, and I must again talk about cumulative emissions. Let us imagine two trajectories towards the 80 per cent target: in one, the interim target is 34 per cent, and 3 per cent annual reductions kick in after 2020; in the other, the interim target is 42 per cent and the 3 per cent annual reductions happen from the outset. Those trajectories are not equivalent. The start and end points are the same, but the bit in the middle—the important bit—is far from the same. On the first trajectory, we emit nearly 1,500 million tonnes of CO₂ equivalent. On the second, we emit just more than 1,300 million tonnes. The difference is about 142 million tonnes of CO₂ equivalent, or nearly three times the total emissions for Scotland in 2006. The two trajectories are not equivalent.

That is why it is vital that we take early action. We need 3 per cent annual reductions now. SNP members have just voted for a 42 per cent interim target. Now they have the chance to show us that that was not just political manoeuvring. Let them show us that they intend to achieve the target.

Annual emissions reductions of 3 per cent will enable us to reach the 42 per cent reduction target by 2020. If the SNP is serious about that goal, I am confident that amendment 11 will gain support. If the SNP is not serious about the goal, Scotland will soon know it.

I move amendment 11.

Patrick Harvie: Alison McInnes made a good job of explaining something that is easier to explain in a graph than in a speech. The question that we must ask ourselves is not simply about point-in-time targets. Such targets are part of the issue, but if we are to determine what impact we are having on the climate we must also think about the trajectory and overall greenhouse gas emissions over the course of that trajectory.

The question is then very clear. We have stiffened the task and steepened the trajectory by bringing the interim target forward from 2030 to 2020 and raising it—albeit that during the coming months we must wait to see whether the Government wants to reduce it again. If by passing the bill the Parliament is defining a more ambitious trajectory, the annual targets must automatically be made stronger.

On first reading, amendments 15 and 17, in my name, and amendment 11, in the name of Alison McInnes, might seem slightly confusing, if only because some of them follow on from amendments that we debated earlier. Members are presented with a series of options. We can consider the 3 per cent annual target, to which the SNP committed in its manifesto and in Government for a while—although not for long enough to include it in the bill. The Labour Party has criticised the SNP for dropping its commitment to 3 per cent annual reductions. Let us now commit to ensuring that such reductions are made, rather than simply accepting that the target has been dropped.

We have an opportunity to raise the annual target to 4.5 per cent. I have argued that that is necessary for a more ambitious trajectory. The Parliament rejected amendment 6, which would have set the 2050 target at 90 per cent, so it might well also reject a 4.5 per cent annual target.

We also have an opportunity to ensure that the 3 per cent target is brought forward, so that we do not have to wait until 2020 before it comes into effect. Members who are not convinced that we can achieve 3 per cent in the first couple of years can support amendment 12, which would remove section 3(2)(b).

We have supported a steeper and more ambitious trajectory. We will fail to achieve that trajectory unless we improve the annual targets. I urge members to be as bold as they can be.

Stewart Stevenson: The amendments in my name in group 3 are concerned with correcting drafting anomalies and inconsistencies that have crept into the bill as a result of amendments at stage 2. Section 18A introduced the concept of periods of individual net Scottish emissions accounts, rather than an overall net Scottish emissions account that would have covered the entire period from 2010 to 2030. The approach more accurately reflected the concepts that are enshrined in the bill.

Amendment 13 will amend section 3(2)(b) to refer to multiple net Scottish emissions accounts, rather than to a single account. Amendment 14 will extend the scope of an amendment that Des McNulty made at stage 2, so that the annual targets for 2011 to 2019 are set at amounts that are consistent with achieving the 2050 target as well as the interim target. Amendment 16 will apply to the annual targets for 2020 to 2050 requirements that are similar to those that section 3(2)(b) applies to the targets for 2011 to 2019.

Amendment 18 will delete section 4(3). I am not seeking to remove the important provision that the Scottish ministers “must ... have regard” to annual targets. The amendments that were agreed to at stage 2, and the amendments that have been lodged at stage 3 in relation to section 3(2) of the bill will require that annual targets be set at amounts that are consistent over time and which will allow the interim target and the 2050 target to be met.

10:15

The duty is now stronger than the duty that was in the bill as originally introduced. The requirement in section 4(3) is that, when setting annual targets, ministers “must ... have regard” to the interim target and the 2050 target. However, the duty in section 4(3) has now been superseded. The subsection is therefore unnecessary, and amendment 18 seeks to delete it.

I will now consider the group 3 amendments lodged by Alison McInnes and Patrick Harvie—which I note were not supported in the Transport, Infrastructure and Climate Change Committee.

The effect of Alison McInnes’s amendment 11 would be that the annual target for 2010 was “at least 3%” lower than the estimated emissions for 2009. In a similar way, Patrick Harvie’s amendment 17 would include the figure of “4.5%”.

As I explained to the Transport, Infrastructure and Climate Change Committee at stage 2, accelerating our annual reductions, from the current average of approximately 1.2 per cent to a figure of 3 per cent or more, is simply not immediately possible. I whole-heartedly agree that we have to build towards the level of annual

reductions suggested as soon as possible, but we cannot make it happen overnight.

I will welcome any and all reasonable suggestions as to how we can achieve the reductions in emissions as quickly as possible. We published our climate change delivery plan last week; I have yet to see the plans of the Scottish Green Party or the Liberal Democrats. We will continue to draw on the expert advice of the UK Committee on Climate Change, which will be valuable as we set our annual targets at challenging but realistic levels, designed to meet both the interim and the long-term targets that are set out in the bill.

I am sorry that I will be unable to support amendments 11, 12, 15 and 17.

Alison McInnes: I simply repeat that early and sustained action is the sensible way forward. The path that we choose in order to move towards the end point will be important. If we do not go for 3 per cent from the outset, we will face a much harder struggle further down the line.

When the Transport, Infrastructure and Climate Change Committee was taking evidence on the bill, many representations were made to us about giving a clear message to industry and to our partners in Scotland. Certainty is needed if investment is to flow. That investment, and the green jobs that would be created, would be of great benefit to Scotland at this time. I therefore hope that members will support amendment 11.

The Deputy Presiding Officer (Alasdair Morgan): The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)

McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 104, Abstentions 0.

Amendment 11 disagreed to.

The Deputy Presiding Officer: Amendment 12, in the name of Patrick Harvie, has already been debated with amendment 11. I remind members that if amendment 12 is agreed to, it will pre-empt amendments 13 and 14.

Amendment 12 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)

Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)

McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 103, Abstentions 0.

Amendment 12 disagreed to.

Amendments 13 and 14 moved—[Stewart Stevenson]—and agreed to.

Amendment 15 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)

McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 19, Against 103, Abstentions 0.

Amendment 15 disagreed to.

Amendment 16 moved—[Stewart Stevenson]—and agreed to.

Amendment 17 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)

Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 2, Against 120, Abstentions 0.

Amendment 17 disagreed to.

Section 4—Setting annual targets

Amendment 18 moved—[Stewart Stevenson].

The Deputy Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)

Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 79, Against 43, Abstentions 0.

Amendment 18 agreed to.

The Deputy Presiding Officer: Group 4 is on setting annual targets—criteria. Amendment 102, in the name of Shirley-Anne Somerville, is grouped with amendments 103 to 105 and 116.

Shirley-Anne Somerville: During the passage of the bill, we have heard a lot about the need to take early action to tackle climate change. We have already taken such action by agreeing to certain amendments this morning. However, we must also consider the total amount of greenhouse gas emissions that we will produce between now and 2050.

I very much welcomed the amendment that was lodged by Cathy Peattie at stage 2 to place a duty on ministers to report on cumulative emissions. As a result, the bill contained—for the first time—a duty on cumulative emissions. The amendment

picked up on a great deal of evidence that the committee heard on the need to take cumulative emissions into account.

I am keen for the bill to be even more ambitious, and I want to build on Cathy Peattie's good work. That is why I have lodged amendments 102, 105 and 116, which will oblige the Scottish ministers to request and consider advice from the UK Committee on Climate Change on what the cumulative amount of net Scottish emissions should be for Scotland for the duration of the effect of the bill. The Scottish ministers should be obliged to request such information each time they set annual targets, so that we can obtain advice at the earliest opportunity.

Of course, it will not be enough simply to request advice; ministers will have to act on it. The amendments cover that point too. Once available, that information will prove to be a significant factor in determining the level of future annual targets, and will focus the minds of future Administrations on their obligations for the years right up until 2050.

The amendments in the name of Alison McInnes are along the same lines and, indeed, take us a step further. They are a welcome addition to the amendments in my name, and I urge the chamber to support them as well.

I move amendment 102.

Alison McInnes: I will support the amendments in the name of Shirley-Anne Somerville. They are a good start, but I hope that the chamber will also agree to amendments 103 and 104, in my name, which further define and enhance the role that a cumulative emissions budget would play.

I reassure the chamber that the amendments are not overly prescriptive. They do not set an arbitrary budget. They call for the best scientific evidence that is available to direct the Government with regard to what an appropriate total would be. Already this morning, there has been much emphasis on the idea of using the best scientific evidence that is available. In doing so, we will strengthen the fundamental target-setting role of the bill and move from a basis of doing what we know that we can do to doing what we need to do.

Unfortunately, because of the way in which the groupings of amendments have worked out, I feel as though I am repeating myself when I address the chamber this morning. However, as I have already said, when we set targets, it is impossible to examine the interim target, the annual targets and the cumulative targets in isolation; they are all, ultimately, stepping stones and tools along the course to the 80 per cent target—we cannot have one without the others. That is especially the case when we consider the question of cumulative emissions. I cannot emphasise enough that, for

the bill to be truly effective, we cannot be totally reliant on point-in-time targets; we must ensure that we know how much damaging greenhouse gas it is safe for Scotland to emit. We already know the critical concentration of atmospheric greenhouse gases beyond which there will necessarily be significant and damaging climate change events. We also know how much more emissions there can be in total before we reach that figure, which means that we can calculate a fair share for Scotland. I welcome the fact that Shirley-Anne Somerville has come to that view as well.

I cannot put it more simply than this: if we do not calculate an overall emissions budget based entirely on science and not on the addition of point-in-time targets, we simply cannot know whether those targets are right and we cannot know whether our annual targets will have the desired impact.

Stewart Stevenson: The amendments in the names of Shirley-Anne Somerville and Alison McInnes are concerned with Scotland's cumulative emissions over the period from 2010 to 2050. I recognise the widespread desire for the bill to acknowledge the issue of Scotland's cumulative emissions. I believe that the amendments in the name of Shirley-Anne Somerville provide a way for cumulative emissions to be incorporated in the bill in a way that is sufficiently flexible not to interfere with the emissions reduction trajectory that will be published in line with the batches of annual targets that ministers must set. I am therefore content to accept amendments 102, 105 and 116.

We have considered the amendments in the name of Alison McInnes. Although, from a technical point of view, we would have preferred some aspects of the amendments to be drafted differently—there might be some small practical difficulties with them—they basically express policy positions that we wish to pursue, so we are happy to commend them to the chamber as well.

Shirley-Anne Somerville: This is an important section. It ensures that we approach our early action with an eye to 2050 in a way that ensures that we do not emit more than our fair share in the years to come. As Alison McInnes has said, the section ties the two parts of our efforts together. It ensures that, when we set our annual targets, we focus on our cumulative and total emissions up to 2050. I urge the chamber to support all the amendments in the group.

Amendment 102 agreed to.

Amendments 103 and 104 moved—[Alison McInnes]—and agreed to.

Section 5—Advice before setting annual targets

The Deputy Presiding Officer: Group 5 is on the role of the relevant body in relation to annual targets. Amendment 19, in the name of the minister, is grouped with amendments 20, 20A, 20AA, 21, 106, 29 and 30.

10:30

Stewart Stevenson: Amendments 19 to 21 and 29 are necessary as a consequence of the amendments that require annual targets to be set at amounts that are consistent with achieving the interim and 2050 targets. That is necessary as a result of changes that were made at stage 2—and, perhaps, at stage 3—to section 3(2).

Amendments 19 to 21 amend section 5 to require that the Scottish ministers ask the relevant body for appropriate advice in that respect and publish it after they receive it.

Amendment 29 has a similar effect, in that it places a corresponding duty on the advisory body to provide that advice, as opposed to the duty on the Scottish ministers to ask for it.

On amendment 30, at stage 2, Des McNulty inserted paragraph (ba) into section 22(3) of the bill. The effect of the new paragraph is to require the advisory body, when providing advice under section 22(1)(a), to express its view about the respective contributions towards meeting the annual targets that should be made by energy efficiency, energy generation, land use and transport.

At stage 2, I indicated that I was broadly content with the proposal, and that remains the case. There is, however, a risk that paragraphs (a), (b) and (ba) of section 22(3) could be read as limiting the total extent of the areas about which the advisory body can give advice. Clearly, that is not meant to be the case, so amendment 30 seeks to insert a paragraph after paragraph (ba) that makes it clear that the advisory body has the freedom to express its views on any area in which it considers that there are particular opportunities to reduce the emission of greenhouse gases.

The Scottish ministers are comfortable with the first three paragraphs that amendment 20A, in the name of Patrick Harvie, proposes, as they simply cover the same subject matter areas as section 22, which sets out the things on which the advisory body must express a view. However, we have a difficulty with the last three proposed paragraphs. Two of them would in effect require ministers to seek advice from the relevant body on an emissions performance standard for electricity generating stations in Scotland that could be

different from any equivalent standard in England and Wales.

As I explained to the Transport, Infrastructure and Climate Change Committee at stage 2, the Government has not ruled out the introduction of an emissions performance standard for new electricity generating stations. However, that would need to be done in line with the UK approach to the development of carbon capture and storage technology. The UK Government is currently consulting on a CCS levy, which could be used to fund the substantial investment that will be necessary from the public sector. That levy will require new UK legislation, but spending it will be a devolved process. The Scottish Parliament will have its opportunity to give its consent to that in the autumn, when there will be an opportunity to discuss the matter in detail.

I intend to say more on this subject when we debate amendment 54 in group 15 but, for the reasons that I have outlined, the two paragraphs on electricity generation in amendment 20A are unnecessary, given the on-going work on the emissions performance standard.

The language that is used in the paragraph about cumulative emissions budgets is inconsistent with the language that is used about cumulative emissions elsewhere in the bill, and we should exercise caution in that regard.

Amendment 20A is also flawed in that it places a duty on the Scottish ministers to ask the relevant body for advice on cumulative emissions but places no equivalent duty on the body to provide that advice.

As I stated at the outset, we have no difficulty with the first three proposed paragraphs of amendment 20A. Accordingly, I have lodged amendment 20AA, which will allow those paragraphs into the bill while excluding the ones that create difficulties. If members are willing to agree amendment 20AA, ministers will be happy to support amendment 20A. If not, we cannot do so.

Amendment 106, in the name of Patrick Harvie, imports the definition of trading schemes from section 44 of the UK Climate Change Act 2008 and applies it as a definition of the traded sector in amendment 20A. Similar provision is already included in section 22(5) of the bill, and it also appears in the equivalent advice provisions in the UK act. Therefore, the Government is content to accept amendment 106.

I move amendment 19.

Patrick Harvie: I am grateful that the minister accepts amendment 106, but I was rather hoping that he would accept the rest of amendment 20A. Amendment 20A has multiple purposes—it tries to

achieve three things. First, it deals with an issue of the language in provisions that originate from the Government and from a Labour amendment at stage 2, and which relate to advice on the respective contributions from energy efficiency, energy generation, land use and transport. There is a risk that those provisions would not come into play until a Scottish advisory body was established. The Stop Climate Chaos Coalition has argued that that part of amendment 20A is necessary to avoid a loophole, so I am glad that the minister accepts it.

The minister argues that the language in the final paragraph in amendment 20A, which is on cumulative emissions, is different from that in the rest of the bill. I welcome amendment 104, in the name of Alison McInnes, which has been agreed to and which uses the same language. The amendment in my name talks about stabilising

“greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”

I argue that that is complementary language and that that paragraph of amendment 20A is compatible with amendments that have already been agreed to.

On electricity generation and emissions performance, there is probably broad agreement that an emissions performance standard is required. I welcome the fact that work is happening on that at UK level. However, we should be able to contemplate agreeing to amendment 20A ahead of that work progressing. It certainly cannot be argued that the amendment is not competent or not within devolved powers, as it would simply mean that the Government would seek advice on

“the average greenhouse gas emissions per megawatt hour of electricity generated in Scotland that would be compatible with”

the targets that the Parliament will agree to in passing the bill.

Stewart Stevenson emphasised carbon capture and storage, but that should be put into context. The Government has a great reliance on and trust in the idea that carbon capture and storage will be developed and will be technically achievable and commercially viable. I hope that the Government is right about that, but I do not know that it is. The risk exists that new coal-fired power stations will be up and running before carbon capture and storage is operational, or in the absence of carbon capture and storage. In that context, I argue that that aspect of amendment 20A is desirable, as it would help to ensure that the Government focused its mind on the emissions per megawatt hour of electricity that is generated in Scotland. I ask members to support amendment 20A, but to resist amendment 20AA.

The Deputy Presiding Officer: I call the minister to wind up. Does the minister wish to wind up? It is not compulsory.

Stewart Stevenson: The minister was so enthralled by the debate that he was continuing to listen, in the expectation that Mr Harvie had more to say.

Everything has been said. I encourage members to support amendment 19 and, when we come to it, amendment 20AA.

Amendment 19 agreed to.

Amendment 20 moved—[Stewart Stevenson].

Amendment 20A moved—[Patrick Harvie].

Amendment 20AA moved—[Stewart Stevenson].

The Deputy Presiding Officer: The question is, that amendment 20AA be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)

Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Deputy Presiding Officer: The result of the division is: For 101, Against 18, Abstentions 0.

Amendment 20AA agreed to.

Amendment 20A, as amended, agreed to.

Amendment 20, as amended, agreed to.

Amendment 21 moved—[Stewart Stevenson]—and agreed to.

Amendment 105 not moved.

Amendment 106 moved—[Patrick Harvie]—and agreed to.

Section 7A—Achievement of annual targets: domestic effort target

The Deputy Presiding Officer: Group 6 is on the achievement of annual targets. Amendment 22, in the name of the minister, is grouped with amendments 23 to 27 and 90.

Stewart Stevenson: I will move amendment 22, but I intend later to seek permission to withdraw it, because we do not intend to proceed with it. I will move it only to allow the debate to proceed.

Amendments 22 to 24 and 90 relate to the domestic effort target that was added to the bill at stage 2 in section 7A. Ministers have gone on record many times to state that our preference is to reduce emissions from sources in Scotland rather than to purchase offset credits. Money that is spent on international credits is money that is not spent on investing in Scotland. However, as Sir Nicholas Stern emphasised in his report “The Economics of Climate Change”, global carbon markets are a key component of attempts to curb rising global emissions. Members will appreciate that the use of carbon units to offset excess emissions will be necessary, within statutory restrictions, at certain points up to 2050.

In response to a recommendation in the Transport, Infrastructure and Climate Change Committee's stage 1 report, the Government introduced amendments to the bill that set limits on the total amount of carbon units that ministers may credit to the net Scottish emissions account. However, those limits do not apply to carbon units that are derived from the European Union emission trading scheme, for good reasons, concerning how that scheme works. More than 40

per cent, or perhaps as much as half, of Scotland's emissions fall within the traded sector and therefore are affected by carbon markets such as that created by the EU scheme. The fundamental problem with the domestic effort target in section 7A is that it makes no distinction between carbon units that the Scottish ministers use and the units that Scottish companies use in the scheme.

Amendments 22 and 23 offer alternative ways of addressing the problem. The important point is that the 2050, interim and annual targets are achieved in the first place. Placing disproportionate emphasis on a flawed domestic effort target could risk those targets being missed.

The Government's preference is for amendment 23, which is the best way of fixing the issue. The carbon units that are surrendered by Scottish installations within the EU emission trading scheme would fall within the 20 per cent allowance that the domestic effort target gives the Scottish ministers for using carbon units. The challenge is that we do not use those units—individual installations such as power stations throughout Scotland do so. The Scottish ministers will simply carry out the accounting in relation to the EU ETS, ensuring that its operation in Scotland is not ignored when calculating progress towards the targets that are set in the bill. If Scottish installations bought a large number of units in one year—which is understandable practice, as there is a finite number of credits within the scheme as a whole—the domestic effort target would almost certainly be breached and the Scottish ministers simply could not do anything about it. It is therefore vital that the power companies ensure that they make a strong contribution to delivering on their obligations.

10:45

The importance of carbon reduction not interfering with the EU ETS is also recognised by the expert Committee on Climate Change. In its advice to the UK Government that was published last December, the committee recommended that any restriction on the use of carbon units should not extend to units generated within the EU.

We have already voted to raise the 2020 target to 42 per cent. In lobbying for that, WWF Scotland indicated that the purchasing of carbon units could cover any shortfall. As it stands, the domestic effort provision in section 7A means that it would be impossible for the Scottish Government to buy sufficient credits to cover the shortfall between the expected reduction and the interim target.

There will be times when buying carbon units is the most cost-effective way of ensuring that Scotland's climate change targets are achieved,

but forcing ministers to take unnecessarily expensive measures to tackle emissions would, in effect, be a new tax on the people of Scotland.

Amendment 23 will avoid that problem by removing EU ETS credits from the restriction on the use of carbon units inherent within the domestic effort target. The domestic effort target is intended to encourage ministers to focus on reducing emissions in Scotland. It would be perverse if it acted to prevent all the other targets in the bill from being met.

I should also highlight that section 7A contains a flaw, as it refers to the Scottish ministers “making an order”. The power is subject to the affirmative procedure, so advice should be sought before ministers lay a draft, rather than make an order. Amendment 24 will correct that drafting flaw by referring instead to the Scottish ministers

“laying a draft of a statutory instrument containing an order”.

As regards domestic effort, amendment 90 simply adds the term “domestic effort target” to those listed in section 65, “Interpretation”.

Amendments 25 and 26 are tidying-up amendments, which move section 18A(A1) into section 12A. Essentially, the distinction is that section 18A as a whole is about all limits on carbon units for multiyear periods, while section 18A(A1) is about capping at 20 per cent the amount of carbon units that may comprise the reductions in individual years. Section 12A, which was introduced by one of Des McNulty’s amendments at stage 2, does essentially the same thing as section 18A(A1), so it makes sense to move section 18A(A1) into section 12A.

When section 18A was amended at stage 2 to insert subsection (A1), Des McNulty also deleted section 18A(2)(b), which would have required the Scottish ministers to set a limit on the net amount of carbon units that may be credited to the net emissions account during the period 2013 to 2017. Mr McNulty might have thought that section 18A(2)(b) was unnecessary on the basis that new section 18A(A1) would define the total amount of carbon units permitted for that period anyway. However, in practice, that might not be true. For example, if the annual target in 2013 were missed, the amount of emissions reduction required to meet the annual target for 2014 would be greater than if the 2013 target had been met.

Under section 18A(A1), 20 per cent of the reduction required to meet the net Scottish emissions account for the target year may be achieved by crediting carbon units to that account. However, there is no absolute limit on the quantity of carbon units that may be used, as would be the case if section 18A(2)(b) had not been deleted.

That weakens the bill, which we do not think is what Mr McNulty intended.

In addition—I am coming to a conclusion, Presiding Officer—given that the years 2010 to 2012 are covered in section 18A, as are all the years from 2018 to 2050, it could be inconsistent and confusing for ministers not to set a limit on the total amount of carbon units that they may use in respect of the period 2013 to 2017. Amendment 27 seeks to correct that anomaly.

We will listen carefully to the debate on this complex and technical group of amendments and we will see where we get to.

I move amendment 22.

Des McNulty: As Mr Stevenson said, we introduced section 7A into the bill at stage 2. It is a significant section, because it sets out the framework within which the domestic effort target is established. We established clear parameters around what can and cannot be done through buying international credits. That was very much at the forefront of Stop Climate Chaos’s consideration and the consideration of groups that are particularly interested in international development issues, in which I have a long-standing involvement and interest.

It seems strangely paradoxical that in order to boost the targets here, we could end up boosting emissions in other countries, which is not where we want to be. I want to focus Scotland’s attention on reducing emissions here. We will have to use some international credits, but we should set clear limits on how and parameters within which that can be done.

I am content to accept the minister’s amendments 24 to 27 and 90, which are tidying-up amendments. I heard the minister say that he did not want to pursue amendment 22. Seeking to introduce the words “endeavour to” into section 7A(1) seems an obvious attempt to dilute what that section is trying to do. I hope that the minister accepts that the use of the word “must” is the right mechanism.

There is a debate to be had about how we deal with European carbon units, but we are not at the stage where we have to accept amendment 23. Stop Climate Chaos’s view is that amendment 23 would dilute significantly the intention and purpose of section 7A. I therefore ask members to reject amendment 23, but to accept the other amendments in the group that are going to be pursued.

Stewart Stevenson: We have to be careful about the use of the word “must”, because it limits the ability to do things on occasion. However, that is a drafting issue.

Amendment 23 remains vital. The power companies have engaged significantly in the debate, so we know that they are very much up for it. However, we have to be careful not to allow ourselves to be hostages to the traded sector, which in Scotland—and for that matter the UK—accounts for 40 to 50 per cent of total emissions. Amendment 23 is necessary at this stage. We cannot postpone the discussion, although we will have a discussion in the autumn on a legislative consent motion. That is the proper time to visit the matter in the context of what we know is happening. If we do not pass amendment 23, we will be unable to make amendments, except by primary legislation, in the light of what happens at UK level. This is one policy area where we can barely put a cigarette paper between UK and Scottish ambitions, although there is difference in the detail. Therefore, we will work closely with the UK Administration on this subject.

I have said all that I have to say. I seek Parliament's leave to withdraw amendment 22.

Amendment 22, by agreement, withdrawn.

Amendment 23 moved—[Stewart Stevenson].

The Deputy Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)

Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)

Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 60, Against 59, Abstentions 0.

Amendment 23 agreed to.

Amendment 24 moved—[Stewart Stevenson]—and agreed to.

Section 12—The net Scottish emissions account

The Deputy Presiding Officer: Group 7 is on the type of carbon units that may be purchased by the Scottish ministers. Amendment 107, in the name of Malcolm Chisholm, is grouped with amendment 113.

Malcolm Chisholm: As Des McNulty said in the debate on group 6, carbon credits should be used to meet the emissions reduction targets in the bill only as a last resort. Our first priority must be to reduce our own emissions and take our fair share of the global effort that is required to avoid dangerous climate change.

As was also said in the debate on the previous group, the Scottish Government cannot interfere with carbon credits that installations in Scotland purchase under the EU emission trading scheme, but it can ensure that any carbon units that it buys are truly additional and contribute to sustainable development in the countries where they arose.

Two major concerns have been levelled at the use of carbon credits under Kyoto mechanisms—whether the clean development mechanism or the joint implementation mechanism. The first concern is about additionality. Academic research from Stanford University has shown that between one third and two thirds of all clean development mechanism offsets represent not real emissions cuts but activities that would have taken place anyway.

The second concern relates to sustainable development. The Stern report goes into great detail on some of the problems in implementing

the clean development mechanism. It says that the mechanism is

“in its current form ... making only a small difference to investment in long-lived energy and transport infrastructure ... While a substantial international flow of funds is being generated through”

the clean development mechanism,

“it falls significantly short of the scale and nature of incentives required to reduce future emissions in developing countries.”

According to the World Bank, only 10 per cent of CDM projects by volume in the 15 months to March this year involved energy efficiency, fuel switch, biomass or other renewables activities, which Stern says are critical to the long-term reduction of greenhouse gas emissions.

I would like the Government to give a commitment to take on board those concerns. If the Government has doubts about the credits that it should buy, it can refer to the Gold Standard Foundation, which is an international non-profit organisation that operates a certification scheme for gold-standard carbon credits.

Amendment 113 would delete section 18A(4), which allows ministers arbitrarily to designate some categories of credits as not counting against the limit on the Government purchase of credits. In effect, that would make the Government's power to purchase credits unlimited. We recognise and welcome the Government's stated intent to keep the purchase of credits to a minimum, but we call on it to accept that the bill must support that aim and not create loopholes that would allow future Governments to reject that commitment and indulge in the excessive purchasing of credits, at the cost of action in Scotland.

Section 18A(4) appears to be a giant loophole, but I look forward to any explanation that the minister has for it. In particular, I look for a commitment in relation to amendment 107.

I move amendment 107.

Des McNulty: I hoped to speak after the minister had given some of the assurances that Malcolm Chisholm has sought, but I will reinforce the points that he made. Section 18A(4) could be a large loophole. I am sure that the minister does not want that impression to continue, as he said that a cigarette paper should not be able to pass between the parties or between the Scottish Government and the UK Government on these issues.

I raised at stage 2 a similar issue to that which amendment 107 addresses. At that time, the minister gave assurances about how he would proceed. It would help if he repeated those assurances and went a bit further than he did at stage 2 to inform the Parliament about the

approach that the Scottish Government wishes to take.

11:00

Stewart Stevenson: I respect absolutely the principle that underpins amendment 107. Broadly, I think that members in the Parliament do not differ on the policy objectives that they wish to pursue. However, the amendment is unnecessary, because ministers can act at their own hand on the matter. Also, the amendment has a flaw that makes it impossible to agree to.

I will explain the flaw. Paragraph (a) in amendment 107 would mean that ministers could credit the net Scottish emissions account with carbon units that represented

“a reduction in greenhouse gas emissions (or a removal of greenhouse gas from the atmosphere) that would not otherwise have occurred”.

I appreciate that Malcolm Chisholm has sought to address issues that we identified at stage 2 when the Transport, Infrastructure and Climate Change Committee discussed an amendment from Des McNulty. However, amendment 107 would prevent the Scottish ministers from using one of the most fundamental carbon units that is available under the Kyoto mechanisms—the assigned amount unit.

Parties with commitments under the Kyoto protocol have accepted targets for limiting or reducing emissions. Those targets are expressed as levels of allowed emissions or assigned amounts. Allowed emissions are divided into assigned amount units. Emissions trading allows countries that have emission units to spare—emissions that were permitted but not made—to sell that excess capacity to countries that are over their targets. AAUs therefore represent an emissions allowance and not

“a reduction in greenhouse gas emissions (or a removal of greenhouse gas from the atmosphere) that would not otherwise have occurred”,

as required by paragraph (a) in amendment 107.

Paragraph (b) in amendment 107 would create a specific sustainability duty in relation to the origin of carbon units. However, such a duty is made unnecessary by the duty in section 61A, which was created by a combination of Labour, Liberal Democrat and Government amendments at stage 2. Section 61A says that, in exercising the functions that the bill confers on them, the Scottish ministers have a duty to

“take into account the need to do so in a way that contributes to the achievement of sustainable development.”

That will apply to the crediting of carbon units to the net Scottish emissions account.

I recognise absolutely that Malcolm Chisholm does not come lightly or early to the issue. His reference to the Gold Standard Foundation is important. That is a measure of what we should be looking at. I hope that he is reassured about sustainability and that he acknowledges the drafting problems that I described in amendment 107 that would affect ministers’ ability to use assigned amount units to credit the net Scottish emissions account. I hope that he is satisfied with my assurances and that he will seek leave to withdraw the amendment on that basis. If he says in closing that there were gaps in what I have said, I might be able to shed further light.

Amendment 113 would delete section 18A(4), which allows specified units to be excluded from counting towards any limit that the Scottish ministers are required to set on the quantity of carbon units that may be credited to the net Scottish emissions account in given periods. Having the ability to exclude some types of carbon units from counting towards the section 18A limits is extremely important. In practice, it is intended to prevent carbon units that are used by installations that participate in emission trading schemes such as the EU emission trading scheme from counting towards section 18A limits. Carbon trading is one way in which the international community expects to reduce emissions. The joint effort that has been put into the EU ETS and the joint commitment to it throughout Europe will lead to early reductions in the most polluting sectors throughout Europe. That is important.

The traded sector in Scotland accounts for more than 40 per cent of our emissions. Even though the Scottish ministers do not participate directly in the EU scheme, they cannot ignore it. We are simply the accountants to the scheme. Of course, our approach is entirely consistent with that of the UK Government in the carbon accounting regulations that it has made under the UK Climate Change Act 2008. In the advice to the UK Government that it published in December, the Committee on Climate Change recommended that any restriction should not extend to units such as those from the EU. If section 18A(4) were deleted, EU units would take up most of the carbon units that we would be allowed to credit to the account and in some years would even breach that amount. That would create very serious difficulties and, of course, run counter to the advice of the expert Committee on Climate Change. Given Parliament’s future scrutiny of the regulations and the problems that are inherent in amendment 113, I ask Malcolm Chisholm not to move it.

Malcolm Chisholm: The wording of amendment 107 refers to the Scottish ministers purchasing units rather than just accounting for them. The more substantive point relates to the assigned amount units to which the minister

referred. It was somewhat disingenuous of him to say that they are an allowance and not a reduction. The fact that they are made available results from a reduction somewhere else in the world. I understand his point, but he did not tell the whole story.

As I indicated in my opening speech, we are talking not only about assigned amount units but about emission reduction units under Kyoto joint implementation projects, certified emission reductions from the clean development mechanism, and renewable units under Kyoto on the basis of land use change and forestry. I am slightly reassured by the minister's remarks on sustainable development, but I am not totally persuaded by the case that he made.

The minister said that amendment 113 was a way of revisiting the last debate. Given that he won the vote by 60 to 59, it is worth testing the Parliament again, just in case any member happened to be having coffee or in the toilet at the time of the vote. I understand his reasoning, but not deleting section 18A(4) has the potential to create a dangerous loophole. I will press my amendments in the group.

The Deputy Presiding Officer: The question is, that amendment 107 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)

McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 60, Against 61, Abstentions 0.

Amendment 107 disagreed to.

Section 12A—Restriction on use in 2010-2012 of carbon units purchased by Scottish Ministers

Amendment 108 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 108 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 MacDonald, Margo (Lothians) (Ind)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)

Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 3, Against 118, Abstentions 0.

Amendment 108 disagreed to.

Amendment 25 moved—[Stewart Stevenson]—and agreed to.

Section 14—Scottish share of emissions from international aviation and international shipping

The Deputy Presiding Officer: Group 8 is on Scottish share of emissions from international aviation and international shipping. Amendment 109, in the name of Patrick Harvie, is grouped with amendments 110, 111, 146 and 112.

Patrick Harvie: During stage 1, the committee heard clear evidence—albeit that there was a range of views, there was broad agreement on the principle—that aviation and shipping emissions should be included in the bill. It was also agreed that aviation emissions have a disproportionate impact on climate change.

The inclusion of aviation and shipping emissions was one of the earliest demands that the non-governmental organisation community made in lobbying on the bill. Indeed, early in the process, the Government agreed with campaigners that that was an area for inclusion. The committee was pleased to welcome that. We also welcomed the assurance that aviation and shipping emissions would be included not only at some point in the system that we are putting in place, but at the outset.

However, as it stands, the drafting of the bill says that ministers “may ... make provision” to include aviation and shipping emissions. My

amendment 109 seeks to change the word “may” to “must”. It would ensure that ministers

“must make provision for emissions from international aviation and international shipping”.

It also seeks to ensure that ministers can take account of

“any gas added to the list of greenhouse gases”

some time down the line and that they cannot reverse their decision. In other words, amendment 109 would ensure that ministers cannot introduce a subsequent order to remove the counting of aviation and shipping emissions in climate change targets.

I turn to the additional impact of aviation emissions. It is clear that, although this is a developing area of science—just as the whole subject of climate change is—emissions at altitude have a disproportionate and substantial impact on the causes of climate change. It has been argued that a multiplier should therefore be applied before aviation emissions are counted for the purpose of the target.

Towards the end of amendment 109, I seek to require that the provision

“must include the use, for each greenhouse gas, of a multiplier which reflects the direct and indirect non-carbon dioxide climate change impacts of emissions at altitude from international aviation”

on climate change.

Amendment 112 raises the issue of a multiplier in respect of the advice that ministers must request from the advisory body—at present the UK Committee on Climate Change. That committee has expressed its view and the UK Government also has a view. Given that those views will develop over time, it is important that ministers are required to seek advice on the most appropriate multiplier that should apply.

At times, aviation can come in for a bit too much stick. I recognise that it is only one element of a much broader agenda. We need to reduce our dependence on aviation, just as we need to reduce our road traffic levels, energy demands and waste. In that context, aviation emissions should not be exempt on the basis that they represent only a small proportion of overall emissions. If aviation emissions are to be included in the bill, we should include all of their impact. If we do that, perhaps in coming years we will read fewer stories in the newspapers about the Scottish Government flying its advisers round the world to tell it how to reduce emissions.

I move amendment 109.

Des McNulty: Amendments 110 and 111 are probing amendments. I am interested in how ministers respond to the different problems that

are associated with measures on aviation emissions and shipping emissions.

When the committee considered the bill, it was recognised that there is a fairly well-established methodology for identifying aviation emissions, albeit that there are outstanding issues to do with the multiplier, but that there are much greater difficulties in quantifying shipping emissions. That is largely due to the fact that whereas aviation emissions can be based on fuelling—there is refuelling every time there is a flight—ships do not need to be fuelled for every voyage. It is therefore much harder to identify shipping emissions.

11:15

I want to ensure that the difficulties in bringing forward provisions on shipping emissions that result from those emissions not being easy to quantify do not delay the process of establishing aviation emissions. I am keen to ensure that if ministers have any doubt whatever about the possibility of treating emissions as a package that includes aviation and shipping emissions, we should separate them at this point so that aviation can at least be dealt with and a further year can be allowed for shipping if that should prove to be necessary. The purpose of my proposals is to ensure that ministers have identified the problems in dealing with what the bill requires and that they have set themselves an appropriate timetable that ensures that we can deal with aviation and shipping as quickly as possible.

Stewart Stevenson: Mr McNulty's amendments 110 and 111 are not necessary, but I would have no objection to his pressing them. There is certainly merit in what he says. A range of difficulties is associated with shipping compared with aviation. Indeed, there is a range of difficulties with shipping on a broad range of emissions, not simply greenhouse gas emissions. Shipping must still reduce the sulphur in its fuel, which has certain effects, and it must still do work on particulates, which are still being emitted from burning shipping fuel. Mr McNulty is therefore perfectly correct to give us the opportunity to consider the issue.

We must ensure that aviation plays a significant part. I was interested to hear Patrick Harvie say that we sometimes overfocus on aviation. That is true, but it is important that every sector shows that it is making progress. I do not think that aviation has so far taken the demonstrable steps forward that we might wish for. I assure members that the Government is absolutely committed to moving rapidly on aviation and that when we understand how to resolve some of the difficulties associated with shipping, we will move on them as well.

There is a drafting issue with respect to Des McNulty's amendment 111, which my amendment 146 seeks to correct. It would insert a reference to the other date of 1 June 2011, which it is important to do.

We are happy to agree to Patrick Harvie's amendments in the group. Amendment 109 seeks to include various criteria that the Scottish ministers must comply with when they make orders to specify the emissions from international aviation and international shipping that are to be attributable to Scotland for the purposes of the targets in the bill. The amendment simply puts on a statutory footing actions that the Scottish ministers intended to take anyway. On that basis, I am comfortable with amendment 109 and am willing to support it.

Amendment 112, which is linked to amendment 109, requires the Scottish ministers to request advice from the relevant body on the appropriate multiplier for each greenhouse gas prior to bringing forward an order to include Scotland's share of international aviation emissions within Scottish emissions. That relates to the matter of radiative forcing, which is of particular interest to Patrick Harvie and is of interest to me, too. We have committed to seeking advice on the multiplier, so the principle behind the amendment causes me no problems. I am therefore content to support it.

Des McNulty: I want to be clear about the minister's analysis. I have offered an opportunity through amendments 110 and 111 for the minister to guarantee that the current timetable in the bill will allow him to deal with aviation and shipping. If he is not confident that he can do that adequately, it would be better to agree to those amendments. That would give us the assurance that aviation at least could be dealt with within the timescale and that dealing with shipping could follow.

Stewart Stevenson: We are content that the current provisions give us sufficient time to make an initial judgment. Of course there will be changes as information emerges over the years, particularly about maritime transport—I think that there is a move from using a number of quite heavily contaminating fuels; I am thinking of M30, M40 and the less-contaminating M120—but we are in a position at which we can take initial steps. Indeed, it is important that we take early initial steps. That is a thread running through the bill.

Patrick Harvie: To save time, I say simply that I welcome the minister's comments in agreeing to support the amendments in my name in the group.

Amendment 109 agreed to.

Amendments 110, 111 and 146 not moved.

Amendment 112 moved—[Patrick Harvie]—and agreed to.

Section 18A—Limits on use of carbon units

Amendments 26 and 27 moved—[Stewart Stevenson]—and agreed to.

Amendment 113 moved—[Malcolm Chisholm].

The Deputy Presiding Officer (Trish Godman): The question is, that amendment 113 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)

Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
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 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 60, Against 60, Abstentions 0.

I use my casting vote against amendment 113.

Amendment 113 disagreed to.

Section 19—Meaning of advisory body

Amendment 114 moved—[Sarah Boyack]—and agreed to.

The Deputy Presiding Officer: Group 9 is on minor amendments and drafting changes. Amendment 28, in the name of the minister, is grouped with amendments 31, 34, 35 and 51.

Stewart Stevenson: All the amendments in the group are for minor drafting purposes. They are designed to tidy up a number of provisions that were amended at stage 2, and principally address matters of consistency of language and structure. Given their technical nature, I do not propose to say any more about them, unless any member wishes to intervene; I would be happy to provide further details if any member does so.

I move amendment 28.

Amendment 28 agreed to.

Section 22—Advice on annual targets etc

Amendments 29 and 30 moved—[Stewart Stevenson]—and agreed to.

Amendment 116 moved—[Shirley-Anne Somerville]—and agreed to.

Section 29—Reports on annual targets: content

Amendment 31 moved—[Stewart Stevenson]—and agreed to.

Section 30—Reports on proposals and policies for meeting annual targets

The Deputy Presiding Officer: Group 10 is on parliamentary consideration of reports. Amendment 32, in the name of the minister, is grouped with amendments 33, 36 and 37.

Stewart Stevenson: Amendment 32, which is the main amendment in the group, introduces a national planning framework format to some of the reporting that the bill requires. That is in line with the commitment that I made to Alison McInnes in the stage 1 debate.

At stage 2, Des McNulty raised concerns on going through an NPF-style scrutiny period each year for reporting under the bill. I agree that that would probably be unhelpful and cumbersome. That is why amendment 32 applies specifically to the report that ministers must make on proposals and policies to achieve annual targets. Unlike other reports that the Parliament requires, it is not simply a presentation of data, so a 60-day period for parliamentary scrutiny shall be of benefit.

Members will note that amendment 36 is consequential on amendment 32 and seeks to delete the reference in section 34 to proposals and policies for achieving annual targets. That is because section 34 is concerned with the scrutiny of reports after they have been laid in Parliament. Proposed new subsections (1E) and (1F) that amendment 32 would insert into section 30 contain provisions relating to the scrutiny of the final report on proposals and policies for meeting annual targets once that report is laid in Parliament. Because that provision is made in amendment 32, the post-laying scrutiny provision in section 34 is unnecessary in respect of the report on proposals and policies.

Amendment 33 adds a new requirement for the report on proposals and policies to report the respective contributions that energy efficiency, energy generation, land use and transport should make towards achieving the targets. That fulfils another commitment that I made to Alison McInnes at stage 2.

Amendment 37 seeks to clarify some ambiguity in the wording of section 34(4) surrounding reports, which are made by committees, and resolutions, which are made by the Parliament.

I move amendment 32.

Alison McInnes: I am pleased that the minister lodged amendment 33, which implements provisions that I first proposed at stage 2. I welcomed his commitment at stage 2 to come back with altered language on sectoral targets. As the minister knows, I believe passionately that, for the bill to encourage genuine behavioural shift, it is vital that we specify that emissions reductions must happen across all aspects of Scotland's economy. I am confident that, by putting the requirement into law, we will set the ball rolling on encouraging innovation across our economy.

I am pleased that the minister has introduced the NPF-style review process for reports on proposed policies that are aimed at meeting annual targets. As the minister acknowledged, Patrick Harvie and I proposed that approach in a slightly broader form at stage 2. I am a little disappointed that the process could not cover all the reporting duties, but I am pleased that it is being brought into section 30. I am sure not only that it will encourage members to develop an active interest and expertise in such matters, but that the requirement on the Government to take heed of representations that are made during the process will bring valuable input into policies on achieving targets. As the targets get harder as the years go on, the process will prove invaluable in helping to ensure that we achieve the targets that we have set.

Amendment 32 agreed to.

Amendment 33 moved—[Stewart Stevenson]—and agreed to.

After section 31A

The Deputy Presiding Officer: Group 11 is on energy generating stations—efficiency guidance. Amendment 147, in the name of Liam McArthur, is grouped with amendment 54.

11:30

Liam McArthur (Orkney) (LD): Every speaker in the debate so far has referred to the importance of addressing climate change and the challenge that we face. Therefore, it is not surprising that all parties in the Parliament agreed that the bill should be passed without undue delay. In the circumstances, that was the right decision, but it has created difficulties for the Parliament, particularly the lead committee—the Transport, Infrastructure and Climate Change Committee—although ministers and their officials have not escaped unscathed.

The amendments in this group provide ample evidence of those difficulties. At stage 2, I successfully moved an amendment that required the Scottish ministers to use their consenting powers under the Electricity Act 1989 to set emissions limits for new and extended electricity generating plants. Liberal Democrat colleagues at Westminster—notably Charles Kennedy—have taken a lead on that issue, with firm support from the Scottish National Party and other parties. There was some question at that stage about the legal competence of the measure that the committee supported and, despite subsequent efforts, no agreement could be reached that did not risk leaving the bill open to further scrutiny by the Privy Council, which all parties were keen to avoid.

Late in the day, concerns were also raised about the impact that section 49A might have on Longannet's chances of successfully bidding for the pilot carbon capture and storage competition that the UK Government is running. All parties in the Parliament want Longannet to win that competition, so I am happy to accept amendment 54 in the minister's name.

However, it is important that proper focus be brought to bear on the impact that emissions from electricity generation have. No one can dispute the significant contribution that they make to our overall emissions. Therefore, the more we can do to bring down emissions from generation, the greater the likelihood that we will achieve and possibly exceed the overall reduction targets that we set. Emissions performance standards will have a role to play in that.

Amendment 147 in my name brings proper focus to that and requires the Scottish ministers to lay before the Parliament annually a report that outlines the impact of their actions on net Scottish emissions resulting from electricity generation. It falls short of what might have been achievable had more time been available, but it provides a useful and important basis on which to keep the issue under review from 2010 onwards.

I am grateful to the Presiding Officer for allowing amendment 147 as a manuscript amendment.

I move amendment 147.

Stewart Stevenson: I thank Liam McArthur for his assistance in this regard. We never had a policy difference; we merely foresaw a difficulty with the drafting. I am glad that, in amendments 147 in his name and amendment 54 in mine, we have something in front of us that will take us forward and resolve the issue.

Under amendment 147, the Scottish ministers will have to report on the impact that the exercise of their electricity generation functions has on net Scottish emissions. Liam McArthur's amendment will give members a strong assurance of an enduring legislative requirement for ministers to justify their actions on electricity generation. Given our clear commitment to the decarbonisation of electricity generation by 2030, as set out in the climate change delivery plan, the Government will be more than happy to make such reports.

However, as Liam McArthur accepted, we have to delete section 49A from the bill. It is a serious matter when there is a risk that a bill will breach legislative competence. As Liam McArthur said, the Privy Council could come into play and significantly delay the bill. That would be embarrassing, risk undermining our reputation as leaders on climate change and take us into uncharted legal territory. That is not a risk worth taking, and Liam McArthur has been clear about that.

As I outlined to committee members at stage 2, the Government has not ruled out introducing an emissions performance standard for new electricity generating stations. As my colleague Jim Mather informed the Parliament last week in his answer to parliamentary question S3W-24912, we will consider, in line with the UK approach, the development of an emissions performance standard in line with the development of carbon capture and storage technology.

The key issue at present, as I said at stage 2, is timing. To decarbonise by 2030, CCS will need to be retrofitted in the 2020s and demonstrated in the 2010s, so the next decade will be crucial in making CCS a technical and commercial reality. That will require substantial investment from the public sector. That is why the UK Government is

currently consulting on a CCS levy—which will require new UK legislation—which will be spent by this Parliament. We will seek the Parliament's consent on the issue in the autumn, so the Scottish Parliament has a clear reassurance that it can revisit the subject later this year. Decarbonising electricity generation by 2030 must remain our overarching objective.

I have given some clear commitments to Parliament today. Under amendment 147, in the name of Liam McArthur, ministers will be subject to a new reporting duty. That should give clear assurance that emissions reduction from electricity generation will take place in keeping with the bill.

Alex Johnstone: At stage 2, I voted against the amendment that inserted section 49A largely because of the concerns that the minister has just set out. However, as Liam McArthur mentioned, section 49A includes a significant area of policy that enjoys a broad level of support in the south, in the House of Commons. Consequently, I was somewhat concerned to find myself required to oppose section 49A on grounds that were not policy related. Therefore, I am very pleased that Liam McArthur lodged amendment 147, which will ensure that the issue is included in the bill. That allows me to support both amendment 147 and amendment 54, which will delete section 49A from the bill.

Des McNulty: At stage 2, Labour members of the Transport, Infrastructure and Climate Change Committee supported—on policy grounds—the amendment that inserted section 49A. However, we understand the legislative competence issues that have led to the requirement for amendment 54, which will delete that section. We will support amendment 147, in the name of Liam McArthur, which will achieve some of what he intended to achieve through section 49A. We continue to believe that new fossil fuel stations should be introduced only on the basis that they incorporate carbon capture and storage, as would have been required under section 49A. Although amendment 147 perhaps falls short by comparison with section 49A, we hope that we will have the opportunity to discuss the issue further. On that basis, we will support amendment 147 and amendment 54.

Liam McArthur: I welcome the minister's comments on the importance of, and the potential future role for, emissions performance standards. We will certainly press him on that matter and continue to scrutinise developments up to 2020. I am also grateful for the supportive comments of Alex Johnstone and Des McNulty.

Amendment 147 agreed to.

Section 31B—Report on progress towards meeting the interim target

Amendments 34 and 35 moved—[Stewart Stevenson]—and agreed to.

Section 34—Reports: provision of further information to the Scottish Parliament

Amendments 36 and 37 moved—[Stewart Stevenson]—and agreed to.

Section 36—Duties of public bodies relating to climate change

The Deputy Presiding Officer: Group 12 is on public bodies—climate change duties. Amendment 38, in the name of the minister, is grouped with amendments 39 to 49, 52, 5, 5A, 91 and 92.

Stewart Stevenson: At stage 2, Cathy Peattie successfully proposed amendments that included within the bill a duty on public bodies

“to contribute to the delivery of the targets set in or under Part 1”.

Although I did not agree that such an approach was necessary, I accepted the general principle behind what is now section 36(A1) of the bill. However, while I accept the general principle, I believe that a number of amendments are needed to improve how section 36 works and to take proper account of the amendments that were made at stage 2.

In particular, section 36(A1) is not specific about what will be expected of public bodies to fulfil the duties that it places on them. As members will know from the briefing note that the Convention of Scottish Local Authorities has circulated, it has concerns about that aspect of the duties as they currently stand. Amendment 38 will place on public bodies a duty to reduce greenhouse gas emissions in so far as that is consistent with the exercise of the relevant public body's functions. The language that is proposed in amendment 38 seeks to make it much clearer what is expected from public bodies.

In the proposed new subsection (A2) that amendment 38 will insert into section 36, the sustainable development duty will apply only to public bodies' actions to reduce their emissions. That will ensure that the duty does not cut across other functions that such bodies might have and other sustainability duties to which they might be subject. That will help to avoid the confusion of conflicting and competing sustainability duties on public bodies.

Let me reassure members about duties that relate to adaptation to the effects of climate change. Although a wide spectrum of Scotland's public bodies can, and should, take action to reduce their emissions, taking action to adapt to

the effects of climate change tends to be more of a specialist activity. For that reason, it is felt that adaptation duties on public bodies are best suited to secondary legislation. That will allow a more targeted, and therefore more effective, approach to be taken. The Scottish Government intends to introduce carefully considered regulations and guidance, which will also allow the flexibility to improve directions as our approach to adapting to climate change continues to improve. I am content to confirm that I consider that it is important that an adaptation duty be introduced as swiftly as possible once the bill receives royal assent. We anticipate that that will be within about a year.

Another point to make is that, under the provision that was inserted by Cathy Peattie's stage 2 amendment, the climate change duties apply to all the persons and bodies that are listed in schedule 1 to the Freedom of Information (Scotland) Act 2002. Unfortunately, that is unnecessarily wide, as it refers to individuals as well as organisations. Therefore, I propose that we use a different reference source for the list of relevant public bodies: the list of devolved public bodies in schedule 3 to the Ethical Standards in Public Life etc (Scotland) Act 2000. I believe that that will cover all the significant public bodies that should be covered. That will be achieved by amendment 49, which will mean that local authorities will also be included in the definition of "relevant public body".

Amendments 39, 43 to 48, 91 and 92 are consequential on amendment 49.

A significant issue with section 36 as it stands is that it would require public bodies to comply with the new duties when exercising any functions and to do so in the most sustainable manner. That duty would not be restricted to duties under the bill but would apply to those bodies when they carry out any function, even those functions that have no obvious connection to climate change. That could have the effect of causing significant confusion because many public bodies—including the Scottish Environment Protection Agency, Scottish Natural Heritage and local authorities—already have sustainable development duties under other legislation. I do not believe that that was Ms Peattie's intention, which is why I propose to replace the current duties in sections 36(A1) and 36(A2) with better-defined duties. In fact, the proposed duties in amendment 38 could be said to go further than the duty that was inserted at stage 2 because they would require bodies to act

"in a manner which reduces the emissions of greenhouse gases"

rather than simply to

"contribute to the delivery of the targets"

that are placed on ministers under the bill.

Amendment 41 is consequential on amendment 38.

For the sake of completeness, amendments 40 and 42 will simply tidy up the drafting of section 36.

On amendment 5, in the name of Cathy Peattie, and my amendment 5A, I agree that the more focused list of public bodies that, if amendment 38 is agreed to, will be covered by section 36 should be subject to the equal opportunities duty in section 62. Given the wide range of bodies and persons that are covered by the Freedom of Information (Scotland) Act 2002, there is a difficulty with amendment 5 as lodged, which means that I cannot accept it. Amendment 5A, in my name, which is in a sense consequential on amendment 49, will have the effect of applying the section 62 duty to those relevant public bodies that will be covered by section 36 if amendment 49 is agreed to. If amendment 5A is agreed to, I will be happy to support amendment 5.

At stage 2, John Park lodged amendments on procurement but, after discussion, his principal amendment was not moved because of technical drafting problems that were identified. Amendment 52 deals with that issue and will impose a requirement that will apply when public bodies have to prepare a report on how they are complying with climate change duties. That report must contain information about how the procurement policies and procurement activities of public bodies

"have contributed to compliance with climate change duties."

I move amendment 38.

11:45

Cathy Peattie (Falkirk East) (Lab): I oppose amendments 38 and 43 to 49. Public bodies should have nothing to fear from the duty that was agreed to at stage 2. Many are already implementing a wide range of climate change measures, and I congratulate them on setting an example to which all public bodies should aspire; the duty exists to ensure that they do.

The current duty is not onerous. It incorporates reducing greenhouse gas emissions, adaptation and sustainable development. It specifies that public bodies must

"contribute to the delivery of the targets"

in the bill and must "help deliver" adaptation programmes. It also makes it clear that they can decide what is appropriate for their area.

The minister appeared to agree with that when he promised to work with whatever decision the

Transport, Infrastructure and Climate Change Committee made:

"I do not seek to make an argument that we should end up elsewhere, as I genuinely think that local councils are up for this."—[*Official Report, Transport, Infrastructure and Climate Change Committee*, 2 June 2009; c 1863.]

I, too, think that councils and other public bodies are up for this.

Why lodge amendment 38? It will weaken the public body duty that was agreed to at stage 2. It completely removes adaptations, requires public bodies merely to cut greenhouse gas emissions attributable to their activities, and links sustainable development only to weak greenhouse gas emissions cuts and not to overall functions.

Councils' stated fears about people taking cases to court are not borne out by similar legislative provisions, which have not led to a significant number of cases. I am sure that the Scottish legal system is robust enough to deal with them and, in any event, amendment 38 would not prevent anyone from trying. That being so, why diminish the perfectly good provisions that have been agreed to?

Amendment 43 is linked to other amendments, including amendment 49. The bill, as agreed to at stage 2, defines public bodies according to the Freedom of Information (Scotland) Act 2002. Amendment 49 limits the definition of public bodies to the definition in the Ethical Standards in Public Life etc (Scotland) Act 2000, which is not as wide as the FOI act and does not include the Scottish ministers. Crucially, the FOI act definition is likely to be broadened to cover, for example, private prisons and other organisations that deliver public services. Amendment 49 is minimalist in ambition. We need action, and we need it urgently.

Amendment 5 ensures that equal opportunities requirements in the bill apply to public bodies as well as to ministers and advisory bodies.

John Park (Mid Scotland and Fife) (Lab): I want to make a brief contribution on amendment 52. I appreciate that the minister took on board the spirit of my proposal at stage 2 and has tidied up the technical aspects.

It is important to recognise the role of the public sector not just in procurement policy but in procurement activity. The public sector plays an important role in driving behaviour—and, we hope, will provide an exemplar to the private sector. The bill provides an opportunity to promote and publicise the good work that is taking place throughout not only the public sector but the private sector. I hope that we will consider the key roles played by workers, particularly those who are involved in trade union workplace environmental activity. A key role is played by the trade unions in driving the behaviour of trade union members and

workers—not just in the workplace but the behaviour that they take back to their homes.

The environmental objectives that are being pursued by the trade union movement are a worthy contribution to the wider climate change challenge that we face. In the past, we have seen health and safety representatives make workplaces safer and learning representatives make workplaces smarter.

Stewart Stevenson: I agree with much of what Mr Park is saying, and we are working closely with the Scottish Trades Union Congress on many of those issues.

John Park: I thank the minister. I believe that environmental representatives in the workplace will make workplaces greener.

Alison McInnes: The Liberal Democrats will oppose the changes to what was agreed at stage 2. If we are to achieve the necessary cultural changes, everyone needs to be involved, and the whole of the public sector needs to contribute to achieving the targets that we spoke about earlier. We all need to set off from the starting line at the same time. As it stands, the net is cast as widely as possible. I suggest that we should resist amendments that narrow the definitions and, disappointingly, remove adaptations altogether.

Patrick Harvie: I support Cathy Peattie's position on the group of amendments and express some disappointment with COSLA's position in its briefing paper. If that position is based on fear that council decisions could be challenged on the assertion that an alternative approach could be made on the ground of reducing carbon emissions, it seems an implicit acceptance that many council decisions need to be challenged on the basis that alternative approaches should have been considered. I would have hoped that our local government sector would have been more up for this challenge than it appears to be according to the contents of its briefing.

As I said, I support Cathy Peattie's position on this group. Throughout the passage of the bill, she has consistently argued for clear and ambitious public sector duties. I urge her to move her amendments and I look forward to supporting them.

The Deputy Presiding Officer: Does the minister wish to respond?

Stewart Stevenson: I think that the debate has been put, Presiding Officer.

The Deputy Presiding Officer: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
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 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 60, Against 62, Abstentions 0.

Amendment 38 disagreed to.

Amendment 39 moved—[Stewart Stevenson]—and agreed to.

Amendments 40 to 48 not moved.

Amendment 49 moved—[Stewart Stevenson].

The Deputy Presiding Officer: The question is, that amendment 49 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)

Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 60, Against 62, Abstentions 0.

Amendment 49 disagreed to.

Section 38—Reporting on climate change duties

Amendments 51 and 52 moved—[Stewart Stevenson]—and agreed to.

Section 45D—Duty to produce a land use strategy

Amendment 119 moved—[Sarah Boyack]—and agreed to.

Section 47—Power to modify functions of Forestry Commissioners

Amendment 120 moved—[Sarah Boyack]—and agreed to.

The Deputy Presiding Officer: Group 13 is on application of biodiversity duty. Amendment 53, in the name of the minister, is the only amendment in the group.

Stewart Stevenson: Amendment 53, in my name, amends section 47(3A), as inserted at stage 2 by amendment 221, in the name of Jim Hume. On closer reading of subsection (3A), I believe that it goes further than Mr Hume intended. Applying the duty to individuals opens them to the risk of their being directly liable for breach of biodiversity duty rather than, or as well as, the joint venture company or trust itself. In deleting the reference to the “person appointed”, amendment 53 removes that risk while leaving intact, we believe, Mr Hume’s intention at stage 2.

I move amendment 53.

Jim Hume (South of Scotland) (LD): I am happy to accept that amendment to my stage 2 amendment, as it sharpens it up.

Amendment 53 agreed to.

Section 48—Duty of Scottish Ministers to promote energy efficiency

The Deputy Presiding Officer: Group 14 is on the contribution of planning and building regulations to reduction of emissions. Amendment 121, in the name of Sarah Boyack, is grouped with amendments 137, 137A, 137B, 138 and 138A.

Sarah Boyack: It is fair to say that we are all marked by our experience before we arrive in the Parliament. I own up to being a former town planner, which is a dangerous thing to admit in any public organisation, but it makes me determined to use our building and planning process to tackle the challenge of climate change effectively.

I am convinced that we are not currently taking many opportunities that we need to take. All the amendments in group 14 are about enabling the planning system to look to the future, plan intelligently and future proof our new buildings so that they take on the challenge of climate change, particularly in relation to reducing emissions.

We can all be proud of the fact that the Scottish Parliament has ratcheted up the standards that

are required for new buildings. The intention of Scottish planning policy 6, which was passed two years ago, was to incentivise all developers to build homes and buildings that were more efficient and more reliant on locally sourced heat and energy. We adapted the Merton rule for our purposes in Scotland, but we now need to do more to push ahead on that agenda.

All our new developments and buildings should incorporate low-carbon designs and technologies. Each building will bring its own opportunities, but also its own challenges. We can see from the way in which the code for sustainable buildings is beginning to transform the building industry in England that setting a level playing field and ensuring that there is clarity for developers does work.

Amendment 121 requires the Scottish Government’s energy efficiency plan to give details of how ministers intend to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of designs for specific building, through the installation and operation of low and zero-carbon generating technologies. New buildings will have to meet the building standards that are set by the Government of the day. If they do better than those standards, there is the incentive that they will not have to produce as many on-site renewables and zero-carbon technologies.

12:00

Amendment 121 would mean that new developments must take account of those issues. In committee, the minister objected to the terms of my stage 2 amendment. Now that I have re-examined the issue from first principles and considered the code for sustainable building that is employed in the rest of the UK, I want to push the point because it is entirely possible to predict buildings’ notional impact when they are built. That is no guarantee of how buildings are used. There is nothing to prevent people who have fantastically efficient boilers from putting them on full and leaving the windows open, but that does not mean to say that the builder installed the best technology. How we use our buildings must obviously be part of the agenda, but it is possible to predict their notional impact.

SPP 6 sought to deliver houses that were cheaper to heat and power in financial and carbon terms. Another key objective was to promote decentralised renewable energy networks. The Department of Trade and Industry estimated that between 30 and 40 per cent of locally sourced heat and power could come from such networks. We are nowhere near that yet, but SPP 6 is beginning to incentivise people to move in that

direction. Aberdeen is a good example of where that is beginning to happen. We must deliver on the potential that exists, and development plans are the key.

The Royal Town Planning Institute has signalled its commitment to play a part in reducing carbon emissions. It advocates that regional and local plans and policies should be climate change proofed to ensure that they are updated, and amendment 137 would ensure that all local plans are updated. The minister is unhappy about the fact that amendment 137A refers specifically to strategic development plans but, as a former strategic planner, I am afraid that I must debate the point with him. There might be a different way of phrasing it, but the principle needs to be in the structure plans. The structure plans set the framework for local planners to follow, and there is a role for them to play in regional community heat provision.

Amendment 138 is crucial as it provides for a review process. When SPP 6 was put in place, a criticism that was made was that neither local authorities nor the Government showed enough leadership or pushed it enough. We need to get the momentum going again.

I believe that, taken together, my amendments represent a good package that would ensure that, at least for new developments, we could be confident that a good process was in place that developers across the country could work with, that was clear to them and that met local circumstances. My amendments would allow ministers to review progress in the future and identify what more needs to be done. That is crucial given that we are discussing a moving target.

Finally, I thank the minister for his gracious lodging of amendment 138A, which probably makes amendment 138 competent and therefore—I hope—makes members more confident about voting for it.

I move amendment 121.

Stewart Stevenson: I am always happy to spread confidence around.

Amendment 121 would require the energy efficiency action plan to detail how the ministers intend to update planning and building regulations to ensure that all new buildings demonstrate how their projected greenhouse gas emissions could be reduced by the installation of low and zero-carbon-generating technologies.

I fully acknowledge the objectives that Ms Boyack seeks to achieve with amendments 137 and 138, which would enshrine a requirement in planning legislation rather than allow flexibility to be retained in development plan policy on a range

of options for on-site and off-site technologies. Planning legislation requires decisions to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. The amendments might have the effect of meaning that there will be circumstances in which departures from planning policy occur. Of course, that already happens.

We will continue to work with planning authorities to ensure that their development plans contribute to sustainable developments. As Sarah Boyack said, amendment 138A simply seeks to correct the wording of amendment 138 to ensure that the repeal provisions that it would put in place can properly be applied to section 3F of the Town and Country Planning (Scotland) Act 1997 as intended.

Amendments 137A and 137B seek to place detailed and technical requirements for low and zero-carbon-generating technologies on strategic development plans. I do not feel that that is unrealistic, because the Government expects strategic development plans to be concise and visionary and to set out clear parameters for subsequent local development plans rather than focus on detailed technical matters at the development management level. However, local development plans will provide complete coverage across Scotland, so it is unnecessary for the four strategic development plans, which apply to only 20 of the 32 council areas and do not apply to the national park areas, to duplicate them as amendment 137 would require. If 12 councils in the country can operate perfectly well without the requirements of the strategic plans, it is hard to see why those councils that are subject to them need additional requirements.

The detail of amendment 137 may be more appropriate for supplementary guidance, which in due course can form a statutory element of the development plan when ministers approve the first strategic plans and planning authorities adopt the first local development plans.

We accept all amendments in this group apart from amendments 137A and 137B, which we think are unnecessary and bureaucratic and, in any event, would not be universal in their cover over councils.

Sarah Boyack: It is helpful to get the minister's clarification of the Government's view. It is important that, even in a concise and visionary plan, we can indicate support for low-carbon technologies and strategic developments that relate to local provision. I welcome the fact that the minister will bring along supplementary guidance. I have been careful not to be specific in the bill about types of technologies because I do not think that would be appropriate. New zero-carbon technologies that none of us has heard of will probably be available in four years' time.

The issue is about a principle being established in plans and not detailed requirements on developers, who must be left to choose the right kind of zero or low-carbon technologies for their own developments—I very much agree with the minister in that respect. However, if we do not have the planning policies in place in every development plan, they will not happen. As an ex-planner, I know that guidance from central Government is crucial. I therefore hope that, if we agree to my amendments in this group, the Government will bring forward guidance.

One of the concerns that informed my lodging of the amendments is that the recasting of planning policy guidance, which in many ways is admirable, will potentially water down what was in SPP 6, which would be a great mistake. Local authorities such as the City of Edinburgh Council and Midlothian Council, which have already started down that track, have begun to make a difference to the standards of new buildings. I therefore hope that what I propose will go into statute and make a difference in all our new developments.

Amendment 121 agreed to.

The Deputy Presiding Officer: Group 15 is on definition of energy efficiency. Amendment 122, in the name of Des McNulty, is grouped with amendment 123.

Des McNulty: Section 48(8)(b) refers to

“materials the manufacture or use of which produces or involves lower emissions of greenhouse gases than other materials”.

It struck me that there might be a restriction in the use of the term “materials” that excludes or does not explicitly include equipment that could contribute to reducing emissions of greenhouse gases. It therefore seemed to me to be appropriate to seek to introduce the term “equipment” into section 48(8)(b), which would allow a broader use of technologies than those referred to in section 48(8)(a), which refers to

“technologies ... reliant on renewable sources of energy”.

There are other technologies that may not be reliant on particular sources of energy to deliver energy efficiency. For the sake of completeness, I therefore lodged amendments 122 and 123.

If the minister can satisfy me that “materials” is sufficient and includes equipment, I will not press amendment 122, but it seems to me that there is no harm in making explicit reference to equipment by including the phrase “and equipment” in section 48(8)(b).

I move amendment 122.

Stewart Stevenson: Amendments 122 and 123 simply seek to make explicit what we believe is

already implicit. They are not necessary but it will not cause any harm if they are agreed to.

Amendment 122 agreed to.

Amendment 123 moved—[Des McNulty]—and agreed to.

Section 49A—Energy generating stations: efficiency guidance

Amendment 54 moved—[Stewart Stevenson]—and agreed to.

Section 50—Non-domestic buildings: assessment of energy performance and emissions

The Deputy Presiding Officer: Group 16 is on assessment of energy performance of buildings. Amendment 55, in the name of the minister, is grouped with amendments 56 to 66.

Stewart Stevenson: The wording of sections 50 and 50A, which cover the energy performance of, respectively, non-domestic buildings and living accommodation, should mirror each other as clearly and closely as possible, and amendments 55 and 56 seek to amend section 50 to achieve that very aim.

On amendment 57, although at stage 2 I welcomed in principle amendment 226, in the name of Liam McArthur, I was unable to support it because of a technical drafting flaw. Amendment 57 seeks to correct that flaw and to place a duty on the Scottish ministers to publish 12 months after the day on which section 50 comes into force a report on measures to reduce non-domestic building emissions and the manner of and the timescales for introducing such measures.

Amendments 58 to 66 are technical amendments that seek to modify section 50 to make the provisions on energy efficiency for living accommodation equivalent to those for non-domestic buildings. I will be able to provide further explanation if members so require.

Taken together, the Government amendments in this group seek to ensure that powers to require improvements in energy performance and reductions in emissions are consistent across all buildings and to allow ministers, subject to proper parliamentary scrutiny, to recognise the differences in ownership and character between living accommodation and non-domestic buildings.

I move amendment 55.

Iain Smith (North East Fife) (LD): I welcome the amendments to section 50A, which was introduced as a result of a stage 2 amendment in my name, lodged on behalf of the Economy, Energy and Tourism Committee. The amendment was intended to ensure that provisions on the

assessment of energy performance of and emissions from buildings applied—or, at least, could apply—to living accommodation. Although regulations relating to living accommodation and non-domestic buildings need not be identical, at least the power to introduce them will exist.

The measure is absolutely vital, given that by 2050 85 per cent of Scotland's population will be living in buildings that exist at the moment and will therefore not be subject to any stronger building regulations that might be introduced in future. We need to take action to ensure that those buildings are taken into account and that we do all we can to improve the energy performance of all buildings, not just new ones.

The minister, rightly, says that this group of amendments seeks to bring section 50A into line with section 50. Given that my amendment at stage 2 reflected the wording of section 50 in the bill as introduced, I welcome the fact that the amendments will bring section 50 and section 50A into line following amendments made to section 50 at stage 2.

Liam McArthur: At stage 2, there was general cross-party agreement on the importance of tackling energy efficiency in non-domestic buildings. Indeed, in the Government's consultation, 80 per cent of respondents agreed that current policies and support would not deliver significant carbon emissions reductions.

At that stage, the minister took very welcome steps to introduce a power requiring building owners to make the energy improvements specified in energy performance certificates. In lodging amendments that sought to clarify the timetable for such action, I was seeking not least to deliver on our aspiration to create many thousands of green-collar jobs by providing transparency, clarity and a timetable to allow industry to build up the products, materials and skills needed to deliver the bill's measures.

In that light, I very much welcome amendment 57 and confirm that we accept all the amendments in the group.

Des McNulty: At stage 2, Labour supported the introduction of section 50A and the amendments that were lodged by Iain Smith and Liam McArthur. I pick up the minister's invitation and ask him for further explanation of two amendments about which we have specific concerns. On amendment 59, we wonder why the minister wishes to remove the word "improvement", and we are concerned that amendment 66 could exclude certain types of dwelling. If the minister can shed any light on the reason for those amendments, it would help members to understand them and decide whether they agree with the minister's approach.

12:15

Stewart Stevenson: Amendment 66 simply ensures that we have a definition of "living accommodation". There is a de minimis approach in relation to size, which is not likely to affect anything else. The amendment was drafted to cover tenements in particular, where there are specific difficulties, and other dwellings that have common areas. The definition is certainly not intended to exclude anything. It actually has the opposite effect and ensures that nothing that should be included is in fact excluded.

On amendment 59, improvement is a different issue that is dealt with elsewhere. The important thing at this stage is to make the assessment. Obviously, improvements require to be made once the assessment has been done. Amendment 59 simply ensures that we have things in the proper places.

Amendment 55 agreed to.

Amendments 56 to 57 moved—[Stewart Stevenson]—and agreed to.

Section 50A—Living accommodation: assessment of energy performance and emissions

Amendments 58 to 66 moved—[Stewart Stevenson]—and agreed to.

The Deputy Presiding Officer: I have no wish to move on to group 17 now as I do not wish to split the group between the morning and afternoon sessions. I therefore suspend the meeting until 1.45 pm.

12:17

Meeting suspended until 13:45.

13:45

On resuming—

The Presiding Officer (Alex Fergusson): Good afternoon. The first item of business this afternoon is the continuation of stage 3 proceedings on the Climate Change (Scotland) Bill. I remind members that they should have in front of them the bill as amended at stage 2; the marshalled list, which was revised yesterday; and the groupings, which I agreed.

As was the case this morning, the division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon, and the period of voting for that division will be 30 seconds. Thereafter, I will allow one minute for the first division after a debate. All other divisions will last 30 seconds.

After section 50A

The Presiding Officer: We continue where we left off. Group 17 is on council tax and non-domestic rates. Amendment 67, in the name of the minister, is grouped with amendments 67A to 67D, 67F, 67E, 125, 125A, 125B, 126, 68, 127 to 129, 69, 130, 70, 131, 132 and 93.

Stewart Stevenson: We accept amendments 67A to 67E, in the name of Lewis Macdonald. If amendments 125A and 125B, in my name, are agreed to, I will also be able to accept amendment 125, in his name. On non-domestic rates, I wish to accept amendment 132, in the name of Alex Johnstone.

I acknowledge the very valuable contribution of Sarah Boyack, whose determination placed a mechanism for incentivising energy efficiency and microgeneration in the text of the bill at stage 2. The Government amendments on council tax should be seen as largely complementary to that. They articulate, in robust and sound drafting, the principles that she has articulated.

We accept the principles of sections 50B and 50D, but a number of gaps and errors make them technically unworkable. I am happy to discuss those in detail during the debate on this group, if members require me to do so. Any remaining differences are only about how best to achieve the aims.

The Government's preferred approach is illustrated by amendment 67, combined with the changes that Mr Macdonald proposes. Overall, there are three issues where we can now reach consensus: a minimum level of council tax rebate; a mandatory element to the schemes; and arrangements for reporting on progress.

There are a number of other advantages to the Government's approach. It gives local authorities the flexibility to design energy efficiency discount schemes in a way that is best suited to the particular issues and challenges that affect their areas. The challenges that face a city council, such as the City of Edinburgh, might well be very different from those that face a council in a more rural area. Local authorities may begin to apply the measures on commencement; they do not have to wait for ministers to make regulations. By providing a broad definition of energy efficiency, new section 80A of the Local Government Finance Act 1992, which amendment 67 inserts, will allow future developments to be included in an energy efficiency discount scheme without the need for further legislation. For those reasons, I will move the amendments in my name and support those in the name of Mr Macdonald.

This is a difficult area of law, and action taken in one area can often have an unintentional, adverse impact elsewhere. That is the case with the

provisions that Sarah Boyack's amendments inserted in the bill at stage 2, and with her stage 3 amendments, a number of which also relate to non-domestic rates. I will give some examples. Section 50B reduces the amount of council tax that a person is liable to pay in the following financial year. A similar weakness arises in relation to non-domestic rates. I fear that, because of the time lag, home owners might be put off making home energy improvements if they are considering moving home. Our proposal would reduce council tax liability in the same year in which an improvement is made. That makes the incentive potentially more attractive, as the rebate is enjoyed immediately. More important, it should help to encourage the quicker implementation of energy efficiency measures, which can only be a good thing.

The Scottish Government envisages that the rebate will be funded through successful partnerships between local authorities and energy suppliers, as is the case in England and Wales. However, without the flexibility that amendment 67 offers, combined with Lewis Macdonald's amendments, unmanaged demand from people in well-insulated properties might conflict with other locally led schemes to promote the uptake of energy efficiency measures. That could have a knock-on effect on council tax revenue. In the current economic situation, we do not think that it would be right to add unduly to such pressures on local authorities.

Furthermore, many businesses would not see any benefit from amendment 131, on non-domestic rates—on which we have identified some technical issues—as they are already exempt from paying rates through the various rates relief schemes. Amendment 132, on the other hand, would give the Scottish ministers the power to make regulations in respect of reductions in non-domestic rates for properties that fall into different categories and bands on the basis of their energy efficiency and greenhouse gas emissions.

Let me summarise. I recommend that members agree to amendments 67, 67F and 68 to 70, which will remove sections 50B to 50D. I also commend to members amendments 67A to 67E and 125, in the name of Mr Macdonald, along with the Government's amendments 125A and 125B. Finally, I endorse amendment 132, in the name of Mr Johnstone, and I ask members to do likewise. In consequence, I must ask members to reject amendments 126 to 131, if they are moved, as they are unnecessary in the light of the other amendments in the group.

I move amendment 67.

Lewis Macdonald (Aberdeen Central) (Lab):

In the hierarchy of actions that we can take to reduce carbon emissions, action on energy

efficiency must always come first. Council tax discounts offer a significant incentive for householders to improve the energy efficiency of their homes.

As the minister has graciously acknowledged, we are discussing the amendments in group 17 as a direct result of Sarah Boyack's vision and persistence in pursuing the matter, and her success in building a broad coalition of support behind her member's bill proposals on energy efficiency and microgeneration, which is an important part of the same approach.

As the minister has acknowledged, the Transport, Infrastructure and Climate Change Committee approved that approach at stage 2. I welcome the fact that ministers have moved to support action on energy efficiency in the terms that we have heard. My amendments are designed to ensure that the scheme that the minister introduces achieves the desired results, and I welcome Mr Stevenson's support for them. Without such amendments, the minister's proposals would have allowed discount schemes that supported energy efficiency improvements, but they would not have guaranteed access to the benefits of such schemes across Scotland. If Parliament agrees to my amendments, that access will be guaranteed. Any householder who wishes to make energy efficiency improvements will enjoy access to a council tax discount. There will be no risk of a householder's council not having such a scheme, or of its not applying it to the local area or to the valuation band of the house in question.

The message that such discounts are available right across Scotland is a clear and positive one. Of course, a national approach implies a national commitment, and I am glad that ministers have endorsed such an approach throughout Scotland. It is true to say that the bill must provide a framework for the energy companies so that they can invest in improving the energy efficiency of Scottish housing through the carbon emissions reduction target scheme, and we would expect central and local government fully to endorse and support that approach.

Amendment 125 provides for a review of the effectiveness of discount schemes, and it does so on an all-Scotland basis, so that any changes that are made will be consistent in all 32 local authority areas. I am happy to accept the minister's amendments to amendment 125, as well as Alex Johnstone's amendment 132. I urge members to support those amendments.

I move amendment 67A.

Sarah Boyack: In my view, the amendments in this group are probably the most important practical policy provisions that we will discuss

today, from the point of view of their power to transform people's attitudes to energy and their capacity to start making a difference on the huge amount of energy and heat that is wasted in this country. Somebody said earlier that 80 per cent of the buildings that will exist in 2050 have already been built. Our challenge is to encourage householders to make their houses more energy efficient.

Energy efficiency measures are incredibly cost effective and are the cheapest and best way to start to tackle climate change. However, people do not routinely put such measures into their houses, because they think that it is a hassle, they do not know how to get advice on them, they do not know a supplier and they do not know where to start. Even simple measures such as loft insulation or cavity wall insulation need to be put in place. For example, we could install cavity wall insulation in about 700,000 houses in Scotland, but we are not doing so, because we cannot put the pressure on and do not have the mechanisms to let people get on with it.

Last year, the Energy Saving Trust published research in England and Wales and then in Scotland that demonstrated that a one-off council tax reduction is an incredibly effective way in which to draw people's attention and persuade them to act. Thousands of businesses have properties that could be changed. A reduction in council tax and business rates would mean that people could save on their bills—that is crucial, given that fuel prices for domestic properties have gone up by about 50 per cent over the past five years—and play their part in saving the planet. The message is really simple.

As colleagues have said, I have worked for five years now to bring these measures to the chamber. I thank everybody; I have previously thanked colleagues in the Parliament and the members of my steering group. I am delighted with where we have got to today. I would have loved it if the minister had sat down and talked to me about the measures months ago, but the Government had a they-shall-not-pass policy on council tax. However, I give the minister credit, because he has been incredibly helpful in the past week or so in ensuring that we have something in the bill that will work, which is my top priority. It is not the scheme that I wanted, but it is a good place to start. I listened to the minister's officials last week and I do not want to impose a scheme that they do not like and which they could not make work.

The proposed measures will bring in CERT money. A sum of £50 is a good start and is enough to catch the attention. The review mechanism will be included, if we vote for all Lewis Macdonald's amendments in the group.

Crucially, I want to ensure that the scheme cannot be a cherry-picking one that would mean that people could get money off their council tax only if they lived in particular local authority areas or certain streets. The scheme must be implemented across the country.

The minister has given a commitment that there will be guidance from the Scottish Government. That will be crucial in helping local authorities and in ensuring that they do not have too many burdens. In addition, with regard to the money for energy efficiency in the budget that we passed this year, I hope that the proposed provisions will allow us to draw in additional money from the private sector through CERT, which would make the £15 million that we supported earlier this year go much further. There will be another discussion about the issue next year, but I hope that the scheme gets up and running, that we begin to see a difference and that we can tackle not just climate change but fuel poverty, which afflicts almost 25 per cent of households in Scotland—that is a national disgrace and a national shame. The proposed measures will not fix that issue tonight or tomorrow, but they will put in place a mechanism that will let councils work with the power companies and individuals to make a difference.

I hope, too, that the Parliament will support the measures in Alex Johnstone's amendment 132, on non-domestic rates. The Tories have been supportive of my member's bill proposal throughout, for which I give them credit. It is probably appropriate that amendment 132 has fewer faults than my amendments in the group—that is the benefit of lodging a smaller amendment. I know that the business community is seized of the need to undertake energy efficiency measures. There is much support for the measures from big companies such as Tesco and groups such as the Scottish Property Federation.

I hope that we can all move forward today on the measures. The test will be next year, when we assess how far we have gone. I will not move my amendments in this group—amendments 126 to 131—but I will support the amendments in the group in the names of Lewis Macdonald, Alex Johnstone and Stewart Stevenson, which take us a lot further forward.

Alex Johnstone: I said earlier that I do not like the whole business of setting targets, because I have gone through that painful experience previously. It is far more practical to set out measures that will assist individuals, whether they are householders or business owners, to achieve the targets. That is why, in my view, chapter 3 contains some of the most significant provisions in the bill.

I pay tribute to Sarah Boyack for the work that she has done on promoting the energy efficiency

aspects of the bill. I was not sure how long that has taken, but I heard her say in her speech that she has been working on those provisions for five years. At an early stage in that process, I took the opportunity to support in principle what she was trying to achieve.

14:00

The issue became the subject of intense debate at stage 2, when various members presented a number of slightly different proposals to introduce into the bill council tax discounts for people who take energy efficiency measures. At that stage, we obtained the Government's agreement in principle to move forward on the issue and, pending the publication of Government amendments at stage 3, I decided to withdraw or not move my own amendments. I am therefore pleased to support not only amendment 67 but amendments 67A to 67F, in the names of Lewis Macdonald and the minister.

However, one issue that was not finalised at stage 2 was the inclusion of the non-domestic rateable sector in the broad provision. As a result, I have lodged amendment 132, which mirrors an amendment that I lodged but did not move at stage 2.

Once again, I commend Sarah Boyack for her work on this matter. However, I seek the Parliament's support for amendment 132, which I have attempted to keep as simple as possible and which seeks to allow the Government to introduce a scheme, the detail of which will be fleshed out under the affirmative procedure. I hope that we will agree to that measure later.

Liam McArthur: In recognising Sarah Boyack's contribution, the minister has set the tone for comments on this group of amendments. I certainly associate myself with his comments and with those made by Lewis Macdonald and Alex Johnstone. Although the manifestos of the various parties set out proposals in this area, the cross-party approach that was taken on the issue was very much a priority for Sarah Boyack, with expertise and support brought in from outwith the Parliament.

Earlier, I mentioned the pressures and difficulties created by the timetable for scrutiny of the bill. Given how long Sarah Boyack has been working on these proposals, it is perhaps unfortunate that even at stage 3 we are still trying to piece together a workable solution. However, as Lewis Macdonald and Alex Johnstone have pointed out, we have found a workable solution that covers both domestic and non-domestic incentive schemes.

In seeking to amend the Government's amendment, amendments 67A to 67E, in the

name of Lewis Macdonald, seek to enshrine in the bill a national dimension to the proposed programme, and I welcome the minister's support for the important approach that they set out.

Amendment 132, in the name of Alex Johnstone, certainly enjoys the benefits of brevity and simplicity. With the reporting requirements that amendment 125 seeks to introduce, the provisions will ensure that we are able to respond if, where and when necessary.

This part of the bill will have a very direct impact on the situation and as parliamentarians we will be able to support it with some confidence in our constituencies.

The Presiding Officer: I call the minister to wind up on amendment 67. You can have three minutes, minister.

Stewart Stevenson: Taking members' advice about brevity and simplicity and given the unanimity and shared sense of purpose in the chamber, which I have to say bodes well for the whole climate change agenda, I may not need all that time, Presiding Officer.

However, I wish to make a couple of remarks. First, I again acknowledge Sarah Boyack's efforts on this issue and thank her for reciprocating in her comments about the efforts that we have made in recent weeks. It is also worth revisiting her very important point that, although the proposal is part of the climate change agenda, it contributes to other policy areas, in particular our efforts to tackle fuel poverty. We have always recognised that improving the energy efficiency of people's houses and reducing people's energy bills plays to another agenda, and that is another important reason for moving in a direction that now appears to have secured unanimity in the chamber.

Lewis Macdonald: Likewise, I will be brief and simply acknowledge the chamber's strong—indeed, unanimous—view that we have reached this point as a result of Sarah Boyack's commitment and latterly the willingness of all parties to find a common route to ensure that progress was made in this area.

The critical question now is how the measure will be delivered and how we ensure that, in putting the schemes in place, local authorities have the full support not only of the private sector partners that deliver energy and have committed to improve energy efficiency but of every level of Government. On that basis, the Parliament has taken a significant step forward.

Amendment 67A agreed to.

Amendments 67B, 67C and 67D moved—[Lewis Macdonald]—and agreed to.

Amendment 67F moved—[Stewart

Stevenson]—and agreed to.

Amendment 67E moved—[Lewis Macdonald]—and agreed to.

Amendment 67, as amended, agreed to.

Amendment 125 moved—[Lewis Macdonald].

Amendments 125A and 125B moved—[Stewart Stevenson]—and agreed to.

Amendment 125, as amended, agreed to.

Section 50B—Council tax reductions to promote energy efficiency

Amendment 126 not moved.

Amendment 68 moved—[Stewart Stevenson]—and agreed to.

Section 50C—Amounts of reductions in council tax

Amendments 127 to 129 not moved.

Amendment 69 moved—[Stewart Stevenson]—and agreed to.

Section 50D—Review of provision made by virtue of or under sections 50C and (Amounts of reductions in non-domestic rates)

Amendment 130 not moved.

Amendment 70 moved—[Stewart Stevenson]—and agreed to.

After section 50D

Amendment 131 not moved.

Amendment 132 moved—[Alex Johnstone]—and agreed to.

The Presiding Officer: Group 18 is on district heating. Amendment 133, in the name of Lewis Macdonald, is the only amendment in the group.

Lewis Macdonald: Back in 2002, Aberdeen City Council established the Aberdeen Heat and Power Company Ltd to deliver the benefits of combined heat and power to people's homes. Three successful schemes have been established, including those at Seaton and Stockethill in my constituency, and they supply 850 homes in high-rise buildings, half of which are for sheltered housing. The direct benefits are better heated homes, locally sourced electricity and lower bills.

If CHP schemes are established more widely, the potential prize will be that we significantly reduce carbon emissions while also tackling fuel poverty. That is why Labour wants more CHP schemes to be established in more towns and cities to supply cheaper and more sustainable heat and power to more homes. Indeed, I suspect

that those objectives are shared by members throughout the chamber.

To achieve those ends, amendment 133 requires ministers to amend the relevant regulations to remove the burden of non-domestic rates from the distribution pipes and risers in combined heat and power schemes. The Mansfield judgment in England confirmed that business rates there should not be paid on the distribution element of residential CHP schemes. To deliver the same benefit in Scotland requires action by ministers, and that is what the amendment seeks.

The required change to the regulations will exempt distribution pipes from the point where they leave the plant to the hydraulic interface unit at which they enter individual homes. Where a scheme includes non-residential as well as residential properties, the exemption will apply from the point where distribution pipes that serve only homes leave the mains pipe that serves both categories. Such changes would bring a reduction in householders' bills. For pensioners and low-income households, a saving of £1 a week or even a fortnight can make a difference and help people to avoid fuel poverty.

The changes would not only help householders but reduce the capital costs of developing new or extending existing CHP schemes. That is the prize. If we want more widespread development of district heating schemes, much more will need to be done. However, if members agree to amendment 133, or if the minister makes the changes that I propose in another way, we will make a useful start.

I move amendment 133.

Stewart Stevenson: Our objective is to ensure that people throughout Scotland can share in the benefits that residents of Seaton and Stockethill in Aberdeen have enjoyed from combined heat and power. In the early 2000s the Labour-led Administration in Aberdeen took a lead, which is a shining example that should inform others.

The job of ministers and the Parliament is to dismantle barriers to the wider adoption of such measures. Lewis Macdonald said that a pensioner might save £1 per week; I prefer to think of that saving as £52 per year, which gives a sense of the significant sum that can be saved—as is the case with the winter fuel allowance, which comes in a lump sum. The approach that Lewis Macdonald proposed would be a significant intervention.

I have the power to introduce legislation to achieve the objective behind amendment 133. We intend to do so in any event, to ensure that we harmonise the valuation treatment of CHP plants north and south of the border. There are specific difficulties with amendment 133. We have residual

concerns about European state aid rules, but we think that we can overcome those difficulties through secondary legislation. The construction of amendment 133 is such that I have difficulty in supporting it, but I commit to using the powers that we have to address the problem of risers and connecting pipes in multistorey buildings, which has been the biggest issue. The objective is to end up in the position that exists south of the border and to ensure that the Aberdeen models can be adopted elsewhere.

Lewis Macdonald: I am pleased to hear that assurance. When does the minister anticipate introducing the secondary legislation to which he referred?

Stewart Stevenson: We have given preliminary thought to how we might do that. The member's question is reasonable, but I am not in a position to give him the absolute assurance that he seeks. However, I would be surprised if we were not able to do it within, perhaps, 12 to 18 months. I want to make rapid progress and ensure that we pick up the issue and run with it.

Lewis Macdonald: I am pleased by the minister's assurances about the substance of what he intends to do. I had hoped that he might be able to give an assurance in relation to the forthcoming financial year, but I take what he said to mean that he will make efforts to introduce secondary legislation as quickly as he can do.

Stewart Stevenson: I am happy to acknowledge that in the terms that the member used.

Lewis Macdonald: That is helpful. Given the minister's comment and what I took to be a back-stop assurance that the regulations will be changed within 18 months, thereby achieving the objective of amendment 133, I will not press the amendment.

Amendment 133, by agreement, withdrawn.

14:15

The Presiding Officer: Group 19 is on energy efficiency. Amendment 134, in the name of Lewis Macdonald, is the only amendment in the group.

Lewis Macdonald: The purpose of amendment 134 is again to tackle energy inefficiency—specifically, in this case, the energy inefficiency of homes in the private rented sector—in order to cut carbon emissions and to address social inequality.

I will again begin with a local reference. I first considered energy efficiency issues in the private rented sector as part of work that I did for the energy agency SCARF—Save Cash Reduce Fuel—in Aberdeen in the mid-1980s. What I found then largely remains true today. The private rented

sector still has the worst levels of energy inefficiency of any form of housing tenure. According to the key findings of the Scottish house condition survey, a rented property in the private sector is four times as likely to be rated as poor for energy efficiency as the average home. Ten per cent of private sector tenants, whether in city-centre tenements or in homes in rural areas, live in severe fuel poverty, as compared with 4 per cent of tenants in the social rented sector. Amendment 134 seeks to press ministers to achieve the target of bringing the private rented sector up to the same standard that is achieved in other sectors.

The guidance that is issued by ministers on the energy efficiency of social rented housing—the Scottish housing quality standard—requires providers to achieve a national home energy rating of at least 5 out of 10 by 2015. Amendment 134 would extend that requirement to cover private landlords.

The minister said at stage 2 that consultation on these issues will take place as part of work on the proposed housing bill, and I welcome that. I hope that he can reaffirm that intention today. However, beyond that general commitment, I would specifically like to hear whether ministers will consult on the application of the Scottish housing quality standard to the private rented sector, on the same timetable as applies to the social rented sector. That is partly because I would like to find out about any difficulties that might arise, but also because I would like to hear an indication of the Government's intentions for overcoming any such difficulties.

As was the case with amendment 133, I would be interested in hearing when consultation will begin. Will it be accompanied by a regulatory impact assessment to consider the costs and benefits in terms of carbon as well as cash?

Finally, following our discussions at stage 2, I would welcome an assurance from the minister that his approach to consulting on energy efficiency measures as consequential improvements to existing buildings, of whatever size, will be the same as his approach to improvements in the private rented sector. Will the minister assure us that steps will be taken in the next few months?

I move amendment 134.

Stewart Stevenson: I will start by briefly reverting to our discussion on amendment 133. I knew that we had started work on combined heat and power; I am now told that we should be ready by 1 April 2010. For some reason, my notes did not say that, as they should have done, but I hope that I have now put some flesh on what I said to Lewis Macdonald earlier.

By making energy efficiency part of the repairing standard that private landlords are already required to meet, amendment 134 aims to ensure that private landlords take action to improve the energy efficiency of the houses that they let. We absolutely understand the intention behind Lewis Macdonald's proposal. As he said, he has engaged with these serious issues over an embarrassingly long period with SCARF—a body with which members from the north-east continue to engage in order to ensure that their constituents receive the benefits.

As with many other issues that have arisen at this stage of the bill's progress, further scrutiny and consultation would likely be required—especially in relation to scale, impact and cost. Lewis Macdonald referred to any regulatory impact assessment were the Government to consult, and I take what he said as an acknowledgement that we need to tackle these key issues.

Our consultation on minimum energy efficiency standards in the private rented sector will be launched in early autumn. Depending on the outcome, we plan to introduce measures in the proposed housing bill in 2010. We will consult on setting the minimum standard at the same level as the existing standard required for energy efficiency in the social rented sector. Thereafter, we will consider further enhancements to the standard.

The consultation will be accompanied by a partial regulatory impact assessment, which will examine the cost impact of the proposal, as well as examining potential carbon savings, potentially lower fuel bills, and the impact on the Government's fuel poverty targets.

I hope that that addresses the points that the member raised and convinces him of the seriousness with which we are treating his proposal and the eagerness with which we seek to pursue it.

Lewis Macdonald: I am encouraged by the assurances that the minister has given and by the timetable that he has set. I take it from his comments that that timetable would apply to the range of areas on which he gave assurances at stage 2.

Stewart Stevenson: That is correct.

Lewis Macdonald: I welcome that clarification, particularly with regard to consequential improvements.

Clearly, this is an important issue in terms of social justice as well as energy efficiency. The consultation will enable the necessary steps to be taken in short order to improve the energy efficiency of homes. On that basis, I seek leave to withdraw the amendment.

Amendment 134, by agreement, withdrawn.

The Presiding Officer: Amendment 135, in the name of Sarah Boyack, is in a group on its own.

Sarah Boyack: At stage 2, I moved an amendment that aimed to enable the best use to be made of our buildings and land assets in relation to climate change objectives. The minister agreed with the aims behind that amendment but politely suggested that it needed to be reworked. I am grateful to the committee clerks for their assistance in the drafting of amendment 135 and to the minister's officials for their advice about how to get the amendment right.

The climate change burden will be applicable under the Title Conditions (Scotland) Act 2003. It will enable public bodies, at their discretion, to add heightened mitigation or adaptation performance standards to the title deeds of built and land assets that they wish to sell and which could be developed in the future by a purchaser. Those standards will be applied in advance, before the land is put up for sale, so that developers will be able to take the burden into account when paying for the land in question.

The amendment seeks to introduce an enabling mechanism that a public body can use if it wishes to do so. That mechanism will be available to any public body or agency in Scotland, such as local authorities, the Scottish Environment Protection Agency and Scottish Water, and it will enable local authorities to exercise leadership and send a clear signal about expectations to people who want to develop land or buildings.

We are talking about a great deal of land. Public bodies have a keen interest in selling their land, and they often negotiate and set conditions when they do so. The provisions in amendment 135 will enable them to take an up-front approach in relation to climate change, and will mean that someone who is buying the land will know exactly what the burden is when they negotiate the price. Clearly, a local authority or public body will use this mechanism only when it fits its objectives.

The provision builds on the current legal framework in the Title Conditions (Scotland) Act 2003. It builds on those burdens, but it will be a new type of burden. The closest comparator is probably the economic development burden in section 45 of the 2003 act, which enables a burden to be established for the purpose of promoting economic development. The new burden will be wider than that in terms of who can exercise it, and it will be exercised in relation to climate change. I hope that colleagues will support the amendment.

I move amendment 135.

Stewart Stevenson: The amendment seeks to create a new type of real burden that relates to climate change. As I indicated at stage 2, we

support the general principle behind the amendment. Public bodies and others should be able to ensure that, when they sell property on for development, that development is taken forward in line with high environmental standards. Although, arguably, the planning system already guarantees minimum standards for new developments, and higher standards will, of course, impact on the price that public bodies receive for the sale, amendment 135 simply provides an additional option for public bodies and others to consider. I am, therefore, content to support it.

Amendment 135 agreed to.

Section 51A—Air source heat pumps and micro wind turbines in domestic properties: permitted development rights

The Presiding Officer: Group 21 is on permitted development rights. Amendment 71, in the name of the minister, is grouped with amendments 72 to 84, 144 and 145.

Stewart Stevenson: We will accept the amendments in Sarah Boyack's name in this group and, therefore, we hope that Parliament will accept all of ours as well.

The effect of amendments 144 and 145, in the name of Sarah Boyack, will be to require the Scottish ministers to introduce any further permitted development rights for microgeneration equipment in domestic property within six months of the bill receiving royal assent. Members will wish to note that research on the issue has recently been let to contractors, who will engage with a wide range of stakeholders during the summer and then report to officials on that. I believe that the first meeting on the subject will take place tomorrow. That research will assist in equipping the Scottish Government with a detailed understanding of the potential impacts of micro wind turbines and air source heat pumps in domestic properties.

In proposing amendments 71 to 77, which are in my name, I support the intention behind Ms Boyack's stage 2 amendment that introduced section 51A, but I seek to clarify the procedures by which the objectives should be brought forward and the domestic properties to which permitted development should apply. Amendment 71 will ensure that the wording of section 51A more clearly makes provision on specifying the circumstances for the introduction of permitted development rights under planning legislation. Amendment 72 seeks to achieve clarity about procedure and intention. Amendments 73, 74 and 76 are simply consequential amendments. Amendment 75 relates to an issue of drafting practice—convention says that we use the numeral "6" rather than the word "six". Amendment 77 strengthens the scope of consultation.

Amendment 78 is the first of a group of seven amendments to section 51B that relate to the issue of permitted development rights for microgeneration in non-domestic buildings. As I said, amendments 71 and 72 relate to the way in which the Scottish ministers will introduce any changes to permitted development rights for microgeneration in domestic properties, and it is important to ensure that the same procedures apply to non-domestic properties. Amendment 78 will ensure that the bill states that the Scottish ministers must exercise their functions, rather than their powers, under planning legislation. That will align section 51B with section 51A and secure Liam McArthur's intentions, which I support, in advancing the amendment that introduced section 51B at stage 2. Amendment 82 seeks to strengthen that provision to ensure that persons who are representative of the energy efficiency, renewables or microgeneration industries, and other persons, may be consulted.

I move amendment 71.

Sarah Boyack: The reason why the sections that now have the heading "Permitted development rights" were accepted at stage 2 was because of a general feeling in the committee that we need to get going on producing a credible statutory instrument to provide rules on permitted development rights. The Government produced a draft statutory instrument, but it was flawed in relation to mini wind turbines, as it included a bizarre condition that there could be permitted development only if a building was 100m away from the next property. That would have ruled out many wind turbines not only in urban Scotland but in rural Scotland, too.

I am glad that we are debating the issue. COSLA's briefing raises concerns about the potential adverse physical impact of microgeneration in buildings. It is appropriate that we address those concerns head on. Permitted development rights will not apply automatically to listed buildings or in conservation areas. We all expect that when a statutory instrument comes before us after due consultation, there will be a mechanism that will focus particularly on the noise issue. There is a requirement on the industry to ensure that its equipment is certified properly and that householders and their neighbours can rely on that certification to be absolutely accurate. However, we must get going on giving householders the opportunity to use the right form of equipment if it can help to provide energy for their houses and if it is appropriate—that must be their call.

Microgeneration is part of decarbonising our energy system and part of delivering a more decentralised energy supply network throughout Scotland. As a representative of a city that has

tremendous heritage, I think that the qualification that permitted development rights will not apply automatically to listed buildings or in conservation areas is important. In some areas, it would not be appropriate to have modern technology. However, that must be the call of the local authority and it must be done intelligently. We should be able to get to that point with the new statutory instrument.

14:30

The feed-in tariff that will be coming soon will help to promote these technologies, but there is unnecessary red tape. The amendments in my name are intended to ensure that the intention behind my stage 2 amendment is delivered in practice. When we read the bill as amended at stage 2, it appeared that the amendment might not have helped to speed up the minister. I hope that the amendments that I have lodged for stage 3 will do that and I am grateful to the minister for accepting them.

We are all keen to get going on this issue. It is not about requiring people to use these technologies; it is about ensuring that the technologies can be used where people think that they will make a difference to their property. That is the key point. It might not be the biggest change that we make in tackling climate change, but it is important nonetheless.

Liam McArthur: At stage 2, there were divisions on this issue between the political parties that are represented on the committee. Given what the minister has said, those divisions seem to have disappeared and we now have a consensus on the role that permitted developments can play in the domestic and non-domestic sectors.

The amendment at stage 2 addressed flaws in what was being proposed for the domestic sector. A stage 2 amendment in my name acted as a catalyst for pressing ahead with permitted development in the non-domestic sector. I accept what the minister said at that stage about having to treat certain aspects of the two sectors differently.

As Sarah Boyack said, the statutory instruments that will now follow will have to be considered further, because we have to allay fears that there will be a complete free-for-all. She identified the issue of noise; undoubtedly others will arise and they will have to be tackled.

On the Government's green jobs objectives, providing a degree of clarity about what is expected will allow companies in the sector to invest in the skills, equipment and expertise that will allow these devices to be rolled out throughout the country, where appropriate and where the desire for them exists.

I welcome the amendments in the name of the minister, which improve aspects of consultation and tighten up the wording that was approved as a result of amendments at stage 2.

The Presiding Officer: I call the minister to wind up.

Stewart Stevenson: I think that everything has been said, Presiding Officer.

Amendment 71 agreed to.

Amendments 72 to 77 moved—[Stewart Stevenson]—and agreed to.

Section 51B—Microgeneration in non-domestic buildings: permitted development rights

Amendments 78 to 84 moved—[Stewart Stevenson]—and agreed to.

After section 51B

Amendment 137 moved—[Sarah Boyack].

Amendments 137A and 137B not moved.

Amendment 137 agreed to.

Amendment 138 moved—[Sarah Boyack].

Amendment 138A moved—[Stewart Stevenson]—and agreed to.

Amendment 138, as amended, agreed to.

The Presiding Officer: Group 22 is on promotion of water conservation and water-use efficiency. Amendment 136, in the name of Des McNulty, is the only amendment in the group.

Des McNulty: If this were a climate change bill in practically any other country in the world, I am pretty sure that water conservation and water-use efficiency would be high up the agenda. It is perhaps testament to Scotland's rather damp climate—except for Clydebank, of course, where it never rains at all—that water conservation and water-use efficiency have not figured on our agenda so far. However, for a number of reasons, I believe that that is an oversight.

One reason is that Scottish Water is our biggest electricity consumer, so any improvements that it makes in water conservation or water-use efficiency will contribute significantly to overall energy efficiency. Individually, we are water consumers. If we can reduce our water consumption and eliminate wasteful water consumption or use non-treated water rather than treated water when appropriate, all of that will improve Scotland's energy performance.

We should examine more systematically what we can do to improve our water-use efficiency. That opens up an agenda that it might be

appropriate to consider in relation to another vehicle. If I had had time to think about the issue in advance, I would have produced a more elaborate amendment—I gave the minister a draft of one. However, I am content to have in the bill a duty that gives the Scottish ministers the right to encourage Scottish Water—in the politest possible way—to improve its performance on water conservation and water-use efficiency.

I hope that when regulations on energy efficiency or targets are made under the bill in due course, we will consider how to deal with wasteful water use or encourage more efficient use of water. In so doing, we will bring ourselves into line with what other countries seek to do. If one argument in favour of the bill is that it will produce green jobs, addressing our immediate needs and those of other people to improve how water is used could provide future employment for the country. We could also export our skills in that.

There are many arguments in favour of looking at water conservation and water-use efficiency. I am pleased to move the amendment and to highlight the issues in the bill.

I move amendment 136.

Stewart Stevenson: Amendment 136 will amend section 56(1) of the Water Industry (Scotland) Act 2002 to place a duty on the Scottish ministers to direct Scottish Water to promote water conservation and water-use efficiency. That is entirely consistent with the wider expectations that part 4 of the bill places on Scottish Water as a public body.

Members recognise that, as Des McNulty said, water conservation and water-use efficiency could contribute to the achievement of the targets that the bill sets. That is why we have directed Scottish Water to reduce leakage in its networks. Much is going on through the saving water in Scotland network.

Amendment 136 complements existing activities. Mr McNulty made his point politely and I will convey it in those polite terms to Scottish Water. I am happy to support the amendment.

Amendment 136 agreed to.

Section 51C—Energy performance of new buildings procured for the Scottish civil estate

The Presiding Officer: Group 23 is on the energy performance of the Scottish civil estate. Amendment 139, in the name of Cathy Peattie, is grouped with amendment 140.

Cathy Peattie: If the amendments are agreed to, older properties will not be automatically ignored and ministers will have to justify exceptions. Amendment 139 extends the requirement on the Government to procure

buildings that fall within the top quartile of energy performance to all buildings that become part of the Scottish civil estate, including buildings that are not newly built. At present, the bill requires no significant increase in standards over those that apply universally under building regulations. The amendment will provide a welcome boost to the non-domestic retrofit industry, which section 51C will not currently achieve.

A recent report found that emissions from Scottish Government buildings increased by 2.5 per cent last year. Amendment 139 will help us to rectify that problem and to show genuine leadership in reducing the 17 per cent of emissions that come from non-domestic buildings.

The accompanying amendment—amendment 140—will allow the Scottish Government to specify in regulations exemptions from the requirement to procure buildings that are in the top quartile of energy performance. That might apply when the Scottish Government had made a previous policy decision to relocate Government offices to a location where no building in the top quartile is available and where the cost of retrofitting would be unreasonable.

I move amendment 139.

Stewart Stevenson: I am content to support amendments 139 and 140. Amendment 139 extends the requirement for any building that the Scottish civil estate acquires to fall into the top quartile of energy performance to pre-existing buildings. Where it is not reasonably practicable to do that, there is the additional reporting duty under section 51B(2) to explain the reason for acquiring the building. One example would be the Scottish Government acquiring premises in a rural location where no building in the top quartile is available. Amendment 140 disapplies the section in respect of particular buildings or groups of buildings. I am happy to support the amendments.

Cathy Peattie: I am happy with the minister's response.

Amendment 139 agreed to.

Amendment 140 moved—[Cathy Peattie]—and agreed to.

Section 53—Information on waste

The Presiding Officer: Group 24 is on waste regulations. Amendment 85, in the name of the minister, is grouped with amendments 87, 88, 3, 4 and 89.

Stewart Stevenson: I thought that my speech notes on this group were missing, but I have found them, Deputy Presiding Officer—Presiding Officer—[*Interruption.*] It has been a long day.

The Presiding Officer: I quite understand, minister.

Stewart Stevenson: I appreciate the sentiment behind Mr McNulty's amendments, which would scale back the extent of super-affirmative procedure in chapter 4, part 5. I agree that that procedure is not appropriate for a number of the waste provisions in the bill; amendments 3 and 4 recognise that. The Scottish Government's amendments—87, 88 and 89—seek to remove most of the waste provisions from super-affirmative procedure, as do Mr McNulty's amendments. Affirmative procedure will remain the default.

I acknowledge readily the importance of the Parliament being able to consider thoroughly the significant provisions on deposit-and-return schemes and charging for carrier bags. It is clear that they have generated most of the debate. In recognition, we propose that the representation period be 90, not 60, days. Members will appreciate that that gives the Parliament an even greater opportunity to consider draft schemes, obtain evidence and craft proposals.

The Government amendments in the group differ from those of Mr McNulty in seeking to apply the super-affirmative procedure to only the first exercise of the powers under section 58 on deposit-and-return schemes and those under section 59 on charges for carrier bags. On its initial agreement to the use of those powers, the Parliament will have established the principle of using those schemes.

We do not propose any other substantive change to the amendment that the Rural Affairs and Environment Committee lodged at stage 2. In lodging the amendments in the group, we also took the opportunity to deal with some minor drafting problems. I do not propose to go into detail, but I am happy to answer questions on the subject.

I am grateful to Mr McNulty for his focus on these matters. However, in light of the reassurance that Scottish Government amendments 87 to 89 give—including that of addressing his intentions—I ask him not to move his amendments.

Amendment 85 aims to correct a drafting issue in section 53(4A). The matter is a simple one: an act cannot receive royal assent. The amendment is a simple and technical drafting correction.

I move amendment 85.

Des McNulty: Deputy Presiding Officer—I am sorry, Presiding Officer—I am following the same track of thought as Mr Stevenson—

The Presiding Officer: If you wait for just a few seconds, Mr McNulty, you will be right. The

Deputy Presiding Officer is taking over from me in the chair.

Des McNulty: Naturally I am pleased that the minister has taken on board the point that I raised at stage 2 about the need for the super-affirmative procedure to be protected in respect of sections 58 and 59. The fact that he has introduced a super-super-affirmative procedure with a period of 90 days is welcome, but that is perhaps testament to the fact that the sections that are referred to, particularly section 59, should not be in the bill. The fact that ministers are so embarrassed about the proposition that they want to have a procedural back-stop makes the fundamental issue clearer. I will return to that when we consider the next group of amendments.

As the minister said, amendments 87 to 89 do what I sought to do with amendments 3 and 4: they provide more of a back-stop. Therefore, I am happy not to press my amendments in favour of the minister's proposals.

The minister said that amendment 85 aims to correct a minor drafting error. It appears to us that a timetabling issue is involved, and as far as we can see no case has been made for the amendment. We are therefore inclined to oppose it unless the minister can make a case for it. Obviously, we will listen to what he has to say about it and about what he is trying to do. If he can make a decent case, we are open to persuasion.

14:45

Alex Johnstone: I will speak briefly to the amendments in the group and to section 58, which is on deposit-and-return schemes. At stage 2, I proposed that the section be removed from the bill, but I subsequently withdrew my amendment. I believe, of course, that deposit-and-return schemes have a great deal to contribute to waste reduction, but fears that people in the industry expressed to me—that such schemes may be counterproductive or have unforeseen effects—caused a great deal of lobbying and concern. I therefore welcome the amendments and the fact that the super-affirmative procedure will give Parliament the opportunity to ensure that any such scheme will be open to full public and parliamentary scrutiny. I hope that, as a result, we will avoid some of the pitfalls that the industry is concerned about.

Stewart Stevenson: I will address the point that Mr McNulty raised. Section 53(4A), which was introduced at stage 2, states:

“A draft of a statutory instrument containing the first regulations under subsection (1) must be laid before the Scottish Parliament no later than one year after this Act receives Royal Assent.”

In drafting terms there is no act, so that language cannot be used. That is simply what I seek to address.

Malcolm Chisholm: Why did the minister not lodge an amendment to replace “Act” with “Bill”? He has used the drafting error to introduce a completely new timescale. The section may come into force in goodness knows how many years' time; it depends on the Government.

Stewart Stevenson: I am entirely happy that we move forward with the subject at best speed and introduce the instrument a reasonable time after the section comes into force.

The Deputy Presiding Officer (Alasdair Morgan): The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. I suspend proceedings for five minutes.

14:48

Meeting suspended.

14:53

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 85.

For

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Allan, Alasdair (Western Isles) (SNP)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Gavin (Lothians) (Con)
Brown, Keith (Ochil) (SNP)
Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Finnie, Ross (West of Scotland) (LD)
FitzPatrick, Joe (Dundee West) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Goldie, Annabel (West of Scotland) (Con)
Grahame, Christine (South of Scotland) (SNP)
Harvie, Christopher (Mid Scotland and Fife) (SNP)
Hepburn, Jamie (Central Scotland) (SNP)
Hume, Jim (South of Scotland) (LD)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Adam (South of Scotland) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Kidd, Bill (Glasgow) (SNP)
Lamont, John (Roxburgh and Berwickshire) (Con)

Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)

Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Deputy Presiding Officer: The result of the division is: For 77, Against 45, Abstentions 0.

Amendment 85 agreed to.

Section 59—Charges for supply of carrier bags

The Deputy Presiding Officer: Group 25 is on charges for the supply of carrier bags. Amendment 2, in the name of Des McNulty, is the only amendment in the group.

Des McNulty: At stage 2, an amendment similar to amendment 2 was defeated on the casting vote of the committee convener. The argument against the inclusion of what is proposed in section 59 remains as strong as it was when the then Environment and Rural Development Committee unanimously rejected the Environmental Levy on Plastic Bags (Scotland) Bill, which Mike Pringle introduced in the previous parliamentary session.

The minister will perhaps argue that section 59 is an enabling measure that could apply not just to plastic bags but to all carrier bags, but he will be well aware—following his meeting with representatives of Scotland's highly successful packaging industry—that its practical impact would be to increase, by 35,000 tonnes, the annual weight of materials used for packaging. That will happen if single-use plastic bags are replaced by other forms of packaging, including paper bags and multiple-use plastic, or plasticised, bags. As well as that additional weight of materials contributing to increased CO₂ emissions, we should also take into account the 200,000m³ of additional waste per annum—a substantial increase in avoidable waste going to landfill or to other methods of waste disposal in Scotland—and the extra 600,000 pallet journeys that would result. Those extra journeys and additional pieces of material that would need to be produced and disposed of are significant carbon-using mechanisms, so it is incredibly difficult to see how

the measure would contribute to tackling climate change. In fact, the overwhelming evidence is that it would detract from tackling climate change.

As I said in the earlier discussion on the super-super-affirmative procedure, the fall-back position that the Government has adopted simply emphasises the fact that the proposal would adversely affect emissions by the amounts that I have been able to quantify. The proposal was previously tested and rejected by the Parliament.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): In the area that I represent, one town—Selkirk—is now a plastic-bag-free town and another is fast on the way because of the support of the community and of local retailers. Is the member saying that my constituents are wrong to move ahead in that direction?

Des McNulty: No, I am saying absolutely the reverse. When I was a councillor, I represented a ward that at that time included Glasgow's landfill centre, so my then constituents were very concerned about the amount of waste that was deposited needlessly. People do not want the amount of waste to increase as a result of a flawed measure that is introduced by the Scottish Parliament. The reality is that a charge on bags is the wrong way to reduce the use of plastic bags.

Over the past 18 months, huge success has been achieved by voluntary schemes—precisely of the kind that Mr Purvis mentioned—that have been introduced throughout Scotland. If we can reduce demand voluntarily, why do we need to introduce legislation that, in climate change terms, will make things worse and will not address the problems that people in Mr Purvis's town are presumably concerned about?

The way forward is to have a sensible, rational and science-driven approach. We should take account of the voluntary action that people are already taking. We should not impose an undue burden and a significant disadvantage on a successful Scottish industry. We should not contaminate a climate change bill with measures that will actually contribute to increased emissions.

I move amendment 2.

Mike Pringle (Edinburgh South) (LD): I listened to Des McNulty's speech with interest, but he simply repeated all the claims that the plastic bags industry has promulgated over the past few years since I introduced my bill. The truth of the matter is that the SNP should be congratulated on including section 59, which is an enabling provision. I agree with Des McNulty that huge advances have been made over the past 18 months or two years in reducing the number of plastic bags.

Karen Gillon (Clydesdale) (Lab): If the member feels so strongly about the issue, why did he not seek to reintroduce his bill after engaging in the further consultation that the then Environment and Rural Development Committee asked for?

15:00

Mike Pringle: The simple answer is that I was pragmatic. The fact was that, at that time, the Parliament would not have passed the bill. There seemed little point in reintroducing the bill when the Parliament did not think that the proposal was the right way forward. The right way forward, then and now, is to reduce the number of plastic bags—as has happened over the past 18 months.

Des McNulty is right: there has been a huge reduction in the number of plastic bags. However, if that reduction does not continue and section 59 remains, the SNP Government—or a future Government of Scotland—can say, "We haven't gone far enough; there hasn't been enough of a reduction." We need only consider the example of countries all over the world that have gone down the route of charging. Ireland is a good example. In Ireland, there was a massive reduction in plastic bags and a huge increase in recycling. That is one of the reasons why my bill would have been successful. I congratulate the SNP and urge the Parliament to keep section 59 in the bill.

Alex Johnstone: On the day the bill was published, I read through it and found much that I thought positive, which I have gone on to support and perhaps improve, but when I reached section 59 I thought, "That's cheeky," because something the Parliament had previously considered and rejected had been stuck in the Climate Change (Scotland) Bill. I have felt a degree of hostility towards it ever since.

Much of what has been said so far in this brief debate is positive, and I agree with much of Des McNulty's position. Since Mike Pringle introduced his bill and it was discussed in Parliament and the greater community, this is the one area in which ordinary individuals have been able to do the most to reduce the amount of waste the country produces.

Anyone who goes to a supermarket will see that many people are now using reusable bags, trying to reduce the number of bags they use and doing all they can to reduce packaging. Whatever the motivation for that, it is an example of how everyone is working voluntarily to try to reduce the amount of waste that society produces.

There is ample evidence that people in this country are already doing their bit and are working hard to ensure that we reduce waste. I believe that the carrot is always better than the stick. Evidence presented by none other than Jeremy Purvis tells

us that there are two towns in the Borders that are almost completely carrier bag free. That is an example of how the voluntary principle can work most effectively, and it is why section 59 is unnecessary.

Patrick Harvie: I spoke against an amendment to remove section 59 at stage 2 and I speak against one again now. At stage 2, and again today, some members have—accidentally or not—confused the proposal in the bill with the bill that was considered by Parliament. They are not the same. Mike Pringle's bill concerned plastic bags, but section 59 concerns a much broader approach, which is to carrier bags. Alex Johnstone commented a couple of moments ago about towns in the Borders that might be carrier bag free. I am sure that they are not carrier bag free. People still carry things in bags. Carrier bags include all forms of bag, not just plastic ones.

The mix-up between carrier bags and plastic bags is not the only area of confusion. There have been other confused arguments. Des McNulty seems to be unclear whether he is saying that this is the wrong objective or the wrong way of achieving the objective. His argument about the environmental impact of additional pallet journeys and the impact of other types of bags suggest that reducing the use of disposable or single-use bags is the wrong objective, but he went on to say that what he is really saying is that a charge is the wrong way of achieving the objective. We must argue one way or the other: either this is the right thing to do but it is being done in the wrong way, or it is the wrong thing to do and we should not be trying to reduce single-use bags at all. Des McNulty needs to be clearer about that.

Voluntary measures have been taken, although they have been patchy. Some people take the issue seriously, others do not.

Johann Lamont (Glasgow Pollok) (Lab): When Patrick Harvie talks about carrier bags, does he mean single-use bags? He seems to be arguing that there is a broader definition of carrier bag, but if that is the case the need to exclude the provision of carrier bags is not so pressing because it is not an issue about the environment.

Patrick Harvie: When I say carrier bags I mean all forms of carrier bag. Section 59 does not discuss excluding the provision of carrier bags; it gives the Government the opportunity to make proposals, which the Parliament will scrutinise in detail. Different approaches may be taken to different types of bag. It is a straightforward point that the Government has that opportunity.

There are some good arguments about the environmental impacts of different types of bag; some completely spurious arguments have also been advanced, such as the idea that reusing

bags will become some sort of public health menace because of their not being hygienic. The only way to quantify the impact of a proposal is to wait and see the detail of it. Deleting section 59, as Des McNulty proposes, would prohibit the Government from making detailed proposals, which the Parliament could examine on their merits, separating the good arguments from the spurious arguments and making a judgment. The Parliament should reject amendment 2 and retain section 59.

Stewart Stevenson: Amendment 2 aims to remove the proposed power for the Scottish ministers to require charges for carrier bags. A similar amendment was moved, and defeated, in committee.

Des McNulty's argument appears to have two elements. First, a similar proposal was debated in relation to Mike Pringle's Environmental Levy on Plastic Bags (Scotland) Bill, which was not supported by the Environment and Rural Development Committee. Secondly, a charge on plastic bags would have a negative effect on emissions because of substitution by paper bags etcetera. I direct Mr McNulty to section 59(2)(c), which states that ministers may specify

"the carrier bags to which the requirement applies".

There is flexibility to respond to circumstances were we to do what the Welsh Assembly Government is doing—the Labour minister, Jane Davidson, an excellent minister, albeit of another political persuasion, is moving to implement such a provision in Wales.

We are addressing the issue of carrier bags in general, not merely plastic bags. We rely on independent research from AEA Technology, which shows that a measure such as the one that we are proposing would save 5,000 tonnes of waste a year. That is not a huge saving, but it is a real saving and it relates to a waste stream that is a genuine problem, as any examination of rural fences, urban trees and motorway verges would undoubtedly demonstrate.

The Parliament's work has been examined by the UK Government, which included a power to require charges for single-use bags in its Climate Change Act 2008. The provision in our bill is more carbon-friendly even than the one in the UK act, as ours could require charges for fabric bags for life, as well as for paper and plastic bags. The power is there to be used for that purpose.

In the meantime, the Scottish supermarket summit last year pioneered an agreement that was later extended across the whole of the UK: that the use of bags by retailers would, as at the end of last month, be reduced by 50 per cent compared with the 2006 baseline. We expect the results next month, but the indications are—as Jeremy Purvis

and other members have mentioned—that there has been a considerable decrease in use. It is open to debate whether such an agreement would have been arrived at without the prospect of legislation, pour encourager les autres.

If voluntary work by retailers—which Alex Johnstone rightly praised in the stage 1 debate—delivers results, we will not need to use the powers in section 59. We need them, however, in case voluntary measures fail to achieve the results that we have agreed on with the retailers.

Given that we are not in fact repeating work that was done in session 2, but building on its conclusions, and given that the powers in section 59 could bring real improvements, I invite Mr McNulty to withdraw amendment 2.

Des McNulty: It is certainly not my intention that the Government should not introduce legislation on this matter. It is perfectly open to the Government to do so. In fact, it would have been much better if the Government had introduced a bill on carrier bags, on packaging or whatever, constructing a bill in whatever way it found to be appropriate. Then, we could have considered the evidence in detail and the Government would have had to advance a thoroughly well-worked-through proposition on which we could have consulted widely. The problem is that the measure was tacked on to a bill about climate change, and the Government has not addressed that.

Stewart Stevenson: Is the member equally uncomfortable that the UK Government's Climate Change Act 2008 contains provisions on carrier bags?

Des McNulty: Actually, I believe in devolution. If there are good arguments for taking a different approach in Scotland, we should do so. The arguments must be made in this Parliament. Many of them were tested during the passage of Mike Pringle's Environmental Levy on Plastic Bags (Scotland) Bill and found wanting. When it came to the vote, Mr Pringle's proposition did not even get the support of his own party colleagues. If we implement section 59, the risk is that a bill such as Mike Pringle's will come in through the back door, and without the support of adequate evidence.

Ministers consulted on waste issues relatively recently. Of seven propositions, the least popular with the public was the one to do with carrier bags. That is evidence. The figures that I gave about the increased emissions consequences of the proposal are evidence, too. Patrick Harvie is extremely fond of quoting numbers and science when it suits him and extremely reluctant to accept them when they do not. He cannot pick and choose. Tonnes of carbon emissions would be produced as a consequence of implementing

section 59. I see that I have annoyed Patrick Harvie.

Patrick Harvie: I would be grateful for a clear explanation. How on earth does Des McNulty expect us to accept that the impact of the proposal can be quantified in the way the industry suggests when we do not know the detail of what the charges will be, or of how, when or to what they will be applied?

Des McNulty: If we do not know what the proposal is, what it will do or how it will work, why should we vote it?

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Salmond, Alex (Gordon) (SNP)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)

Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 60, Against 62, Abstentions 0.

Amendment 2 disagreed to.

Before section 61A

The Deputy Presiding Officer: Group 26 is on public engagement. Amendment 86, in the name of Brian Adam, is the only amendment in the group.

Brian Adam (Aberdeen North) (SNP): Amendment 86 will create an obligation on the Scottish ministers to produce a new strategy on public engagement. I feel that it is extremely important to ensure that we fully engage people in the process of tackling climate change, in which we, as legislators, have had the opportunity to engage today and over the past few months.

The voluntary sector has made considerable efforts to persuade the Government and, indeed, all members to produce the bill that is likely to be passed at 5 o'clock. However, after 5 o'clock, it will be a question of delivery, which will be at the hands of not just ministers and public bodies but all of us. We must provide a mechanism whereby the public can engage in the strategy for delivering the bill's provisions. There is no doubt that the eco-congregation movement was extremely active in trying to persuade the Government and the rest of us to support a public engagement route. I was pleased to lodge an amendment on the subject at stage 2, and I am delighted to have lodged a stage 3 amendment that will allow public engagement to take place.

I know that communities of interest wish to be involved in helping to deliver the bill's provisions, but that will not happen just because we pass a law: it will happen because people will make it happen. A public engagement strategy must be part and parcel of that.

15:15

The public engagement measure will have to be kept up to date, which is why I have included a requirement to review it at least once every five years. If not just MSPs but all the people of Scotland work together, we can make a real difference in tackling climate change. We have heard that the bill is world-leading legislation, but it would be even better if the delivery were world leading, because there will be an impact not just

on us and our communities but well beyond Scotland's shores.

I commend amendment 86 to members. I hope that we can allow people such as those in the eco-congregation movement and other communities of interest to engage in delivering this important legislation.

I move amendment 86.

Des McNulty: I hope that I am more successful in supporting amendment 86 than I was in moving the previous amendment. However, I have taken the precaution of allying myself with the Government's chief whip, which no doubt will assist me greatly in the process.

The minister will be aware that public engagement has been a constant theme of my speeches on climate change from the first debate that we had on the issue following the election in 2007. I am delighted that it has now been accepted that a public engagement strategy will be part of the bill and an important aspect of how its measures will be delivered. Brian Adam is right: we can impose all the duties that we want on ministers and public bodies and we can create targets and so on, but it will be the people of Scotland who deliver differences in climate change emissions. Unless we engage effectively with them and help them to achieve their potential for contributing to the climate change agenda by collective and shared effort, we are unlikely to succeed, whatever target we set ourselves.

There have already been good examples of organisations and groups taking the climate change agenda forward: Brian Adam referred to eco-congregations in that regard. I was fortunate to host a members' business debate on eco-congregations last year and I have been fortunate to meet many eco-congregations across Scotland. Superb work is going on in church communities and excellent work is going on in schools throughout Scotland. Young people seem much more personally engaged in ecological activity and eco-awareness than do people of my age. Perhaps we must learn from our sons, daughters and grandchildren how to take that agenda forward. It really is the case that every little bit helps, but people acting together sensibly can do a lot. Many of the things that they can do are effective not just ecologically but economically, because they are ways of saving or avoiding wasting money.

Amendment 86 is important. I am pleased that there will be a public engagement strategy and that it will be regularly refreshed. I am also pleased about the Church of Scotland's role in bringing the strategy to the chamber. I warmly support amendment 86.

Stewart Stevenson: I am happy to support amendment 86. To achieve the targets that are set out in the bill, the Government will need to encourage everyone to contribute to reducing greenhouse gas emissions. We will achieve that only if people are fully engaged in tackling climate change and if they understand which of their own actions can contribute to reducing emissions. A public engagement strategy will help to raise awareness and engage people in taking direct action to reduce emissions.

In the past few weeks, I spent two and a half hours speaking on climate change to people of Buchan presbytery in my constituency, who are very much engaged in the eco-congregation initiative that the faith communities have introduced, and who impressed on me the importance of this amendment.

Robin Harper (Lothians) (Green): The minister will be aware that 90 per cent of Scotland's primary schools are now eco-schools and that more than half of them have got their green flag. However, progress has been rather slower in the secondary sector. Would the minister be amenable to considering whether extra resources could be found for that sector?

Stewart Stevenson: The member makes the very general point that we need to engage widely with communities. In the past six months or so, I spoke in this very chamber to an international gathering of senior school students, who had some terrific ideas, and I know of very good examples of initiatives in secondary schools throughout Scotland that complement the progress that is being made in primary schools. That is an example of the engagement that we need right across our communities. The eco-congregations have taken the lead on promoting this amendment, but its applicability stretches far beyond that community to the whole community of Scotland.

Brian Adam: I am very pleased with the general support for amendment 86. I know that groups outwith the chamber are waiting anxiously for the bill to be passed so that they can get involved in delivering its provisions.

Amendment 86 agreed to.

Section 62—Equal opportunities

Amendment 5 moved—[Cathy Peattie].

Amendment 5A not moved.

Amendment 5 agreed to.

After section 62

The Deputy Presiding Officer: Group 27 is on the Scottish Executive budget—impact on

greenhouse gases. Amendment 141, in the name of Patrick Harvie, is the only amendment in the group.

Patrick Harvie: In 2007, I proposed that the Cabinet Secretary for Finance and Sustainable Growth introduce a carbon assessment tool for the Scottish budget that would look at the direct and indirect impact of Scottish Government spending decisions on climate change, suggesting that such a move would recognise that the Scottish public sector in the broadest sense is a significant part of the economy and has a significant role in reducing climate change emissions.

The Scottish Government agreed to the suggestion and is now developing a carbon assessment tool; indeed, my colleagues on the Transport, Infrastructure and Climate Change Committee were grateful to receive an update on its progress. As I have recognised from the start, the concept is complex and innovative and we simply cannot take something off the shelf, set it up and get it running straightaway. However, the Scottish Government seems confident that the carbon assessment mechanism will be available for use in the 2010-11 budget.

As a result, during the passage of the Climate Change (Scotland) Bill and at other times over the past year when the cabinet secretary has appeared before our committee, I have asked whether the Government would be open to the idea of a legislative requirement for a carbon assessment of the budget. Such a measure might seem a bit technical and obscure beside the bill's headline measures on interim and annual targets, but I believe that making an effective and robust carbon assessment of the Scottish budget a requirement for every future Government could be every bit as significant as the emissions reduction targets.

Although the minister saw the principle behind my stage 2 amendment on this matter, he rejected some of the wording and terms that I used. I have attempted to take on board those comments in amendment 141, which seeks to require the Scottish Government, at the same time as laying a draft budget before Parliament, to lay before Parliament

"a document describing the direct and indirect impact on greenhouse gas emissions of the activities to be funded".

I hope that the ministers find the amendment acceptable. If not, I would be grateful to know what other mechanism they intend to use to lock in this requirement. Indeed, I hope that they agree that such a requirement should be locked in. Their work on a carbon assessment tool is valuable and welcome, but it will be worth very little if a future Government reverses the measure.

I move amendment 141.

George Foulkes: The minister and particularly the cabinet secretary will be aware that I have asked a number of questions about the travel arrangements of ministers. If we are to urge everyone else in the country not to create carbon emissions and to get out of their cars and walk—

Members: Do you?

George Foulkes: I have walked from my flat to the Parliament on many occasions. [*Interruption.*]

The Deputy Presiding Officer: Order.

George Foulkes: I have asked about the First Minister. He does not even walk from St Andrew's house to here. He takes the car every time. That is not setting an example. People say that he is busy and has lots to do, but we should set an example. How can we expect other people to change their habits and lifestyles if we do not set an example? That example should be set by the Scottish ministers, and principally the First Minister.

I compliment Stewart Stevenson on regularly using public transport.

Patrick Harvie: On a point of order, Presiding Officer. I ask for your guidance. Is the member required to make a speech that is relevant to the amendment that is under debate, or is an utterly irrelevant speech in order?

The Deputy Presiding Officer: It is my judgment that the member is in order in terms of addressing the amendment. Otherwise, I would have stopped him.

George Foulkes: I knew that, Presiding Officer. You are a very wise Presiding Officer.

The Deputy Presiding Officer: I would, however, urge the member not to stretch my patience too much.

George Foulkes: I will not. I think that I have made my point.

Stewart Stevenson: It is clear to all of us that every action that we take as human beings has an effect. The very exhalation of one breath of air has a carbon impact. Would that some members fell in with what has been an exceptionally positive and consensual approach to the bill. I am afraid that although I graciously accept Mr Foulkes's praise for the 400 miles that I have so far walked as a minister—it felt much further—we must return to the substance of amendment 141.

Patrick Harvie used a phrase with which I am happy to associate myself. He said that competence exists within the Government. Mr Foulkes might care to take tent of Patrick Harvie's phrase.

I am pleased to say to Patrick Harvie that, this time, we can accept the wording of his

amendment, so we will support it. The aim of the amendment is to require the Scottish ministers, when they lay the draft budget before the Parliament, also to lay a document that describes the direct and indirect effects of that expenditure on greenhouse gas emissions. The requirement will contribute to the policy appraisal process and to the actions on the ground that result from enacting our delivery plan. It will assist in plotting the path to driving down our emissions.

As Patrick Harvie said, the amendment might seem technical, but it is important that we green everything that we do in government. Climate change is an all-embracing agenda. I am delighted that Patrick Harvie said that the work on our carbon assessment tool is valued. The development of the tool has perhaps been a bigger challenge than we anticipated, but we are making good progress. We will be happy to support amendment 141.

15:30

Patrick Harvie: For the sake of clarity about what I was heard to say, I used the word “confidence”—not another word that could have been mistaken for “confidence”.

I welcome the minister’s acceptance of amendment 141, which will introduce an important measure and ensure that the Government’s work on a carbon assessment tool for the Scottish budget will not only apply in the short term but have an effect on every budget that future Governments introduce in the Parliament.

Amendment 141 agreed to.

The Deputy Presiding Officer: Group 28 is on judicial review. Amendment 142, in the name of Alison McInnes, is the only amendment in the group.

Alison McInnes: The Aarhus convention, which was developed under the auspices of the United Nations, sets out three strands: access to information, public participation and access to justice. Amendment 142 addresses the third strand.

The convention says that access to judicial review on environmental matters—such as will arise from the bill—should be available to the interested public. In Scotland there is uncertainty about the standing of environmental interests. That is not the case in England. Moreover, as far as I can see, in Scotland there is no established provision to limit the financial risks that are associated with pursuing a case, whereas the English courts have established the use of protective costs orders.

When I lodged a similar amendment at stage 2, the minister said that it was unnecessary, because

the issues were either covered by Scots law or under active consideration by the Lord President of the Court of Session. The minister said that clarity on the rules of standing was unnecessary. However, when similar circumstances arose regarding the Land Reform (Scotland) Bill, the Parliament, the courts, and the then Scottish Executive took the opposite view and chose actively to clarify rules of standing with respect to non-governmental organisations, in line with Aarhus. Clarity is needed regarding the Climate Change (Scotland) Bill, too.

I am aware that the Lord President is considering protective costs orders, with a view to determining whether changes to court rules are necessary. I did not press my amendment at stage 2, because I had secured a commitment from the minister that he would discuss the matter with the Lord President, so I will be interested to hear what the minister has to say.

I move amendment 142.

Stewart Stevenson: I had a conversation on the matter with the Lord President on Monday. He is reviewing the position on protective costs orders in general. Of course, changes to court rules would not just relate to the bill but would have much broader applicability. The Lord President wants to have the benefit of the report of Lord Gill’s review of civil justice before he makes a decision. I took it from my conversation with him that he understands the importance of the issue.

Lord Gill’s report is expected shortly. It would be wrong of us to pre-empt the Lord President’s consideration by legislating on protective costs orders at this stage. The Lord President’s engagement on the matter is an important indication that it is being taken seriously.

Amendment 142 is identical to an amendment that the member lodged at stage 2. Subsections (1) and (2) of the new section that amendment 142 would introduce deal with title and interest and would apply a test from the Aarhus convention. No evidence from past cases in the environmental field suggests that the Court of Session would not take a suitably wide approach to title and interest in cases that fell within the scope of the convention. Therefore, there is no need for those subsections.

Subsection (5) concerns the scope of judicial review proceedings. Again, we cannot see that it would usefully add to Scots law. Over a long period, the Court of Session has shown itself to be flexible in developing its judicial review jurisdiction and I am not aware of a reason why we need to innovate by statute in the field of judicial reviews that concern matters arising under the bill.

The outcome of Lord Gill’s review will be relevant in relation not just to subsections (3) and

(4) but to other provisions in amendment 142. Even if the Government accepted the need for the provisions—we do not—we would prefer not to legislate in a piecemeal fashion. I hope that Alison McInnes accepts that my conversation with the Lord President about amendment 142 shows that matters are in hand and that she agrees that the amendment is unnecessary. I urge her to seek to withdraw amendment 142.

Alison McInnes: I thank the minister for his full response to my query, and for his reassurances. I am heartened that the Lord President is actively considering the issue, and I therefore seek leave to withdraw amendment 142.

Amendment 142, by agreement, withdrawn.

Section 64—Subordinate legislation

Amendment 87 moved—[Stewart Stevenson]—and agreed to.

The Deputy Presiding Officer: I remind members that, if amendment 88 is agreed to, amendments 3 and 4 will be pre-empted.

Amendment 88 moved—[Stewart Stevenson]—and agreed to.

After section 64

Amendment 89 moved—[Stewart Stevenson]—and agreed to.

Section 65—Interpretation

Amendment 90 moved—[Stewart Stevenson]—and agreed to.

Amendment 143 moved—[Sarah Boyack]—and agreed to.

Amendment 91 not moved.

Section 67—Short title and commencement

Amendment 144 moved—[Sarah Boyack]—and agreed to.

Amendment 92 moved—[Stewart Stevenson]—and agreed to.

Amendment 145 moved—[Sarah Boyack]—and agreed to.

Long Title

Amendment 93 moved—[Stewart Stevenson]—and agreed to.

The Deputy Presiding Officer: That ends our consideration of amendments.

Climate Change (Scotland) Bill

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-4464, in the name of John Swinney, on the Climate Change (Scotland) Bill. Although we had thought that the debate would be oversubscribed, we now have more time than we had expected. Members will perhaps be able to add the odd minute to the length of time that they had intended to speak for. I call John Swinney to speak to and move the motion. Mr Swinney, you have seven minutes or thereby.

15:38

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): As I open this stage 3 debate on the Climate Change (Scotland) Bill, I want to reflect on where we have come from and on where our country will be going if the bill is supported and accepted, as I hope that it will be, at decision time.

First, however, I will take a moment to record the thanks of the Government to a variety of individuals who have contributed much to the development of the bill and to its passage through Parliament. I thank members of the Transport, Infrastructure and Climate Change Committee, and the members of the other committees that were involved in the scrutiny of the bill. Their scrutiny of such a technically challenging bill has been much valued by the Government. There has been tremendous commitment by parliamentary officials and members of the Scottish Parliament as they considered the issues. I extend our thanks to the committee clerks, who have given great co-operation to my officials as the bill has progressed through Parliament.

I also record my thanks to the officials in the Government's bill team, who put in an extraordinary amount of time and commitment. Much work had to be done to ensure that the bill was technically competent and could therefore be considered by Parliament, and to ensure that the bill was supported by a body of information and evidence that allowed us to be confident that the world-leading targets in the bill could be delivered. The bill has been put together in a very short time, and a great deal of research was required. I express my warmest thanks to our officials and the parliamentary legal teams, who have worked so hard to put the bill together.

As I open the debate that will bring to a close our consideration of the bill, it would be inappropriate for me not to make special mention of the fact that the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, has steered the bill through Parliament

in extraordinary detail, as was demonstrated today by his handling of the debate in the chamber.

I cannot reflect on where we have come from and the achievements that have been made in the consideration of the bill without talking of the body of opinion that has existed outwith the Parliament and the way in which Parliament has engaged with it in considering the issues that are at stake.

Many of the non-governmental organisations with whom we have been familiar over the 10 short years of this Parliament have worked together under the Stop Climate Chaos banner to send to Parliament and the people of this country a coherent and co-ordinated message that we should consider and, frankly, be inspired by. As a consequence of the commitment and the contribution that has been made by the individuals in those organisations, working hand in hand with members of the public in Scotland—some of whom have come to Parliament to witness a truly historic day, and whom Stewart Stevenson and I had the pleasure of meeting at lunch time—a tremendous range of opinions and ideas has been marshalled, with the result that we can rightly and justifiably claim that the Scottish Parliament will today pass world-leading legislation on climate change that can set an example to others. That partnership between the people and Parliament has worked to an extraordinarily successful extent.

For the purposes of rule 9.11 of the standing orders, I am required at the outset to advise the Parliament that, having been informed of the purport of the Climate Change (Scotland) Bill, Her Majesty has consented to place her prerogative and interests in so far as they are affected by the bill at the disposal of the Parliament for the purposes of the bill. Members might want to reflect on that issue in conversation with Her Majesty on Friday evening.

As has been correctly expressed throughout the debate, climate change affects all the peoples of our planet. None of us in the Parliament has suggested, at any stage in our consideration of the bill, that we in Scotland have nothing to contribute to the solution to the problem. Despite the fact that we are a relatively small contributor in the grand scheme of things, in terms of emissions, we have all accepted that we have a duty to make a contribution to that process at this stage.

At 5 o'clock today, we will approve the bill, which will set an example to others and give direction to the nations of the world that will meet in Copenhagen in December to negotiate a post-Kyoto protocol climate change agreement. Those discussions will be significant in setting the pace of tackling climate change through a new global agreement to accelerate emissions reductions across our planet.

We will have made a contribution to that debate by the manner in which we, as a country, have considered the issues, with our NGOs and members of the public informing and leading debate, and Parliament considering and reflecting on what we can do to deliver on those aspirations. Without a doubt, we must now focus on the contents of the delivery plan to achieve the targets on climate change that are implicit in the bill. That plan, which was published by the Government last week, sets out the transformational measures that are required to move Scotland on to the correct pathway to a low-carbon economy that will deliver our long-term emissions reduction targets.

Those measures include massive increases in green energy; the wholesale adoption of electric vehicles that are powered by green energy; major improvements in energy efficiency and reductions in demand; and significant increases in forestry cover. They will focus our thinking and deliver on the significant commitments that we have made today to an 80 per cent reduction in emissions by 2050 and a 42 per cent reduction by 2020, subject to agreements at European Union level. Those are the directions in which the Parliament now sets off to ensure that we deliver on our commitments to achieve the targets.

We will do that in a variety of ways. We will do it by taking the adaptation and transformational measures to which I referred. We will ensure that, when we make our financial choices and set out the budget provisions—which Patrick Harvie raised a few moments ago in his amendment on the budget—we set a range of priorities throughout Government that are utterly consistent with the achievement of the objectives in the bill. The bill cannot relate to only one area of Government policy; it must relate to every area of Government policy. Crucially, the debate is not only about Government and the actions over which we have direct control; it is about motivating, enthusing, encouraging and, at times, requiring other organisations to make a contribution.

In the debate so far, the Government has set out an approach that is designed to combine all those attributes and to ensure that we lead by example, that we set a clear agenda and that we motivate and encourage others to make their contribution. During the earlier debate in which Mr Adam and Mr McNulty were involved, the role of eco-congregations and the wider question of public engagement was raised. That is central to the achievement of all our ambitions. The Government cannot do everything on its own, although it will give the greatest priority to ensuring that we are successful. Today, Parliament sets an example to the people of Scotland on what we must all do in our lives to make our contribution to tackling climate change. As we embark on the Parliament's

10th anniversary celebrations, we can be justifiably proud of the achievement that the bill enshrines.

I move,

That the Parliament agrees that the Climate Change (Scotland) Bill be passed.

15:47

Sarah Boyack (Edinburgh Central) (Lab):

Almost every day, we hear reports of new scientific evidence that warns us of the potential negative impacts of unchecked climate change and, crucially, of the changes that are already taking place in our world. Climate change is no longer an issue that exclusively interests environmentalists; it has become a factor for businesses, the education system and government at every level. As was demonstrated at lunch time today, more and more of our constituents are concerned about the issue. The challenge is to move away from business as usual to a low-carbon society. Each debate on the issue that we have had in Parliament has set down a new marker on members' knowledge of and commitment to the issue. Over time, more and more members have been drawn into the debates and into the thinking that is needed to underpin the required policy development.

As John Swinney said, three committees took up the task of scrutinising the bill and engaging with the many witnesses and organisations who presented a range of evidence and views that we had to take into account. That involved a huge amount of work by members, witnesses, clerks and Scottish Government officials, all of whom should be thanked for their sterling work. In particular, we should thank the clerks and Government officials who helped us at stage 3. We are all aware that there was a lot of burning of midnight oil. Perhaps we will avoid that in the future, but it was completely necessary for the bill.

I associate myself with John Swinney's remarks about the handling of the process by his deputy minister Stewart Stevenson. I have been in charge of difficult bills and I realise that the present one was particularly difficult. I suspect that, as a minority Government, the Administration faced a new set of challenges in getting the bill through in one piece and in a way that is legislatively competent. Members can see the bits of the bill to which they contributed and, even more important, people outside the Parliament feel that they helped to construct it. As part of the democratic process, as we hit the Parliament's 10-year anniversary, that is a significant achievement. It sets the bar for future bills, as well as for implementation of this one.

Labour members have been particularly proud that the United Kingdom Government has

genuinely led the way in trying to get other countries to sign up to ever more radical measures to address climate change. EU countries have been crucial in leading the way across the globe. The election of Barack Obama signalled that the United States wanted to play a much more constructive part in tackling climate change globally and trying to ensure that we do not have a humanitarian disaster and economic catastrophe—which will come if we do not avert dangerous climate change. There is a mood around the world that we want to do more. We have debated the impact on developing countries if we fail, given that even minimal rises in sea level or increases in temperature could make parts of the world simply uninhabitable.

Although we produce a relatively small part of the emissions in our world, the debates that we have had on the bill have demonstrated our desire for Scotland to play its full part not just in reducing our emissions but in participating in the wider global debate. I agree with John Swinney that our bill has been strengthened immeasurably by the process of democratic debate and discussion, which is a good thing.

I am sure that we will hear lots of warm speeches today, but the challenge is what we do next to implement the bill, particularly considering the substantial amendments to which we agreed at stage 2 and stage 3. Labour members are committed to the bill. We do not think that the devolution settlement limits us in taking groundbreaking action; we see the bill as a big opportunity to go further. Our challenge is to develop action on climate change that goes with the grain of our principles of social justice and economic fairness. That is why we were so keen to see sustainable development built into the bill.

I hope that ministers will seize the day, having voted for our interim target—and having decided to go further. I noted John Swinney's comments when he intervened on Des McNulty. I very much hope that the 42 per cent target, which he said was seen as absolutely doable if we sign up to the deal at Copenhagen, can be realised. I hope that we can also consider carefully amendment 94, which we agreed to today. It is a fallback amendment; we will absolutely go to 42 per cent if a deal is reached at Copenhagen, but our amendment provides the opportunity to look at how much further we can go than our initial advice from the Committee on Climate Change suggested, should that not happen. We have all signed up to that now, so the challenge is where we go next.

We are in a recession and we have to build our way out of it using low-carbon technologies, redesigning our public services, looking at the carbon-counting commitment that John Swinney

will bring forward in next year's budget and looking at how we redesign our public services to avoid dangerous greenhouse gas emissions. The Royal Society of Edinburgh warned us that, given that we are in a recession, we should not assume that any decrease in emissions has happened as a result of the good things that we are doing in the Parliament; it might have happened because of the recession. Secondly, as we climb out of recession, there is a danger that the trends that we saw before the recession will pick up again. There is a real warning for us to look at the detail and to work harder on emission reductions.

There are many things in the bill of which Labour members in particular feel proud. They include earlier action targets; making the most of our employment opportunities and public procurement targets; looking hard at the contribution of domestic action, with clear limits on international carbon credits; duties for public bodies, which we have strengthened today; and a public engagement strategy, to which every member is signed up 110 per cent—let us see what we can do to take that further, given the emotion, energy and commitment around the bill. There were specific amendments on the land use strategy and sectoral work—on key sectors in which we have to do better, such as energy efficiency, production of energy, and transport.

The work that we have done on energy efficiency is something of which we can all be proud, although the real challenge is making it happen. We have all debated the promise, made in 2002, for the early action energy efficiency strategy. Now it is in the bill. It really must happen and we must all sign up to what comes from that.

Regulations on domestic renewables will come into force more quickly. I am delighted that we agreed to a commitment on planning, which will mean that with all new housing and buildings we will be able to seize the day by taking the opportunities that come from low-carbon buildings and technologies and looking at how we decentralise our energy networks and go for decarbonised energy.

The bill contains a huge amount that is fantastic. Every one of us is under a huge obligation. I have noticed that more members from across the parties have engaged in the debates. The challenge lies in ensuring that they remain engaged. The three committees that were involved and the colleagues who lodged stage 2 amendments must stay on track.

The Government has a key challenge of leadership. We have made a complex bill more complex—that was the clear will of Parliament. Stewart Stevenson's burden was to guide us through that. We need to consider a revised delivery plan, how the bill will work, the annual

targets that we have set and the parliamentary mechanisms—the accountability mechanisms—about which I remember John Swinney was enthusiastic when he introduced the bill at stage 1.

The bill contains a lot for everyone. The Parliament needs to assert its role in holding the Government to account and to do that constructively with ministers. Labour members will not just vote to pass the bill, but commit themselves to remaining enthusiastic about it and to working hard to ensure that its implementation is delivered.

15:56

Alex Johnstone (North East Scotland) (Con):

This is indeed a great day—it is always a great day when a bill completes its passage through Parliament. The bill has presented to the Government, to Parliament and to individuals in Parliament one of the biggest challenges that we have had to deal with.

I repeat the congratulations and thanks to all those who contributed to the process. I offer the most thanks to the committee clerks, some of whom worked extremely hard to assist in drafting amendments at late hours, which was above and beyond the call of duty. I am eternally grateful for that.

The nature of the bill will probably not dawn on us fully for many years. I am confident that we have produced a good piece of legislation, but its effects might not truly be felt until as late as 2050, when we will know whether we have achieved what we set out to do.

My objective during the passage of the bill has perhaps annoyed some people. Some in Parliament are keen to take up the lobbying and encouragement from a range of organisations, including our NGOs, but one of our greatest achievements in the Parliament has been managing to keep competing interests and diverse groups on side and in line with the bill's objectives. If one or two people—perhaps even those in the public gallery—are still disappointed at how I or others in the Parliament voted at stage 2 or 3, I say that that was largely to do with the fact that we must serve competing interests and keep them on board with the process. It would not have served us at all to have allowed anybody to become detached from the process. Every party—including the Conservatives—has been keen to keep the process together.

As I have said before, when I have come across people who might instinctively support my party and who have grave doubts about the nature of climate change or the requirement to deal with it, the position that I have taken has allowed me to argue the case for the bill and against such

arguments, rather than find myself incapable of so doing.

As a result, we have made good progress. We made unanimous progress on a range of issues and we found common ground on the handful of issues on which we could not agree distinctly at the outset.

The process has at times been entertaining and I have enjoyed elements of it. Late in the debate on amendments this afternoon, I almost thought that Stewart Stevenson would turn into one of the Proclaimers, because he claimed that he had walked 500 miles and that he would walk—

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Four hundred.

Alex Johnstone: Okay—400 miles. I presumed that he was to be the man who walked 1,000 miles to deliver the bill.

I apologise to anyone who was involved that, unfortunately, I could not attend the lobby event today that Stop Climate Chaos Scotland organised, but I will describe an entertaining moment at an earlier event on the lawns beside the Parliament. I managed to get myself photographed beside two people in fancy dress; one was dressed as a panda and the other as an orang-utan. Amazingly—although perhaps unsurprisingly—the photograph found its way into the *Holyrood* magazine caption competition. It is a measure of how far the Conservative party in Scotland has come that no one entered a caption in which the words “three rare species” appeared.

There has been a great deal of debate today on the nature and specifics of the bill. It is an ambitious bill and it is world-leading legislation. However, we started out on a controversial note in deciding to support the 42 per cent target for 2020, and not the 34 per cent target. For me, that was perhaps the most difficult point of the day. I accepted the figure, as did the Conservative party, in good faith and on the information that the Government brought forward to defend its original decision. We have done the right thing, but I will have to defend the decision in the weeks and months to come. If we proceed properly and appropriately, I believe that the figures are achievable. Indeed, much of what we did following that decision will serve the purpose of taking us towards that target.

Achievability must be what the bill is about. As I said this morning, I find target setting instinctively difficult—it is not an approach that I like to take—but it is inevitable in a bill of this nature that target setting is a key provision. The figures that we agreed on during stage 3 amendments give us the opportunity to make progress against the targets.

Another significant decision that we took today was to reinforce the practical measures in the bill to deliver the change that we want. I refer in particular to green council tax discounts. The Conservatives want our power companies, councils and the Scottish Government to work together to make Scotland greener. Until now, Scotland has been losing out on green council tax rebates that, south of the border, range between £50 and £125. An estimated 1.8 million Scottish homes could benefit from such a scheme. Power companies such as British Gas already contribute to the cost in England. We think that it is not fair that Scotland should lose out. We believe that these moves will encourage more households and businesses to go greener. That would mean lower bills for the consumer and help to cut greenhouse gas emissions. I am delighted that our amendment that was agreed to today will extend the possibility of green discounts to businesses across Scotland. In addition to making Scotland greener, once again the Scottish Conservatives have been shown to be a party with creative plans on how to reduce and reform the council tax.

People will look back on today as a milestone in the process of averting climate change. I hope that the decisions that we have made today will go down as the right ones in the long term.

16:03

Alison McInnes (North East Scotland) (LD): Although passing the bill has been a long process, all too often over the past few weeks it has also seemed like a hectic rush. That may be a typical experience—I do not know—as I said in the stage 1 debate, this is the first substantive bill that I have led on for our group since I was elected to the Parliament.

At this point, it is rightly traditional to pass on my thanks to those who helped me over the course of the bill. I thank whole-heartedly the committee clerks whose endless work and late nights made the complexity understandable and the process smooth. I must also thank the thousands of people who responded to the initial consultation last year and the many lobbyists who have contacted me since that time. Their thoughts, insights and arguments were an invaluable help.

Most important, I thank the hundreds of my constituents who wrote asking me to help make the bill a world beater. I say to them that I tried my hardest to strengthen the bill. Their letters, e-mails and telephone calls provided me with the encouragement of knowing that my position on the bill was the right one.

Another stage 3 tradition dictates that I welcome the constructive nature of the proceedings, the excellence of the bill that we are passing and the

positive impact that it will have. I hope that members will forgive me for saying that I cannot be quite as fulsome in that regard as I may have wished to be. Two months ago, I told members that it was a privilege to have the opportunity to work on the bill—and it was. I also said that I wanted to be proud of the bill. I am proud of many parts of it. Parts of it will make good things happen and stand us in good stead for the future. We have agreed on the inclusion of a cumulative emissions budget, which is a huge step in ensuring that our emissions reduction targets are properly based on the science of what is needed; that will truly make a difference. After much campaigning, sectoral targets have been included. They will help to ensure that every part of Scotland's economy will play its role in reducing emissions. We have committed to including emissions from aviation and shipping in the emissions accounts from the outset. That truly sets an example for the world to follow. The Government has also adopted our proposal to introduce an iterative process for analysing, questioning and working to improve the proposals that it will put forward on policies that will, I hope, meet the targets that have been set. I will always be proud of having played a part in making those things law.

I am not, sadly, totally satisfied with everything that we will agree to today. We have all echoed the same words from the start. We have said that the bill is the most important bill that the Parliament will pass and that we must show real ambition. So far, we have heard quite a lot of self-congratulation; I fear that I am about to dampen down the celebrations a little. *[Interruption.]* I hear the groans.

Party lines should have been set aside in considering the bill. We should have united in pushing for far-reaching targets and worked for consensus right from the start. I have been genuinely disappointed that that has not happened. A little analysis of what we got on the journey is necessary. We got broken manifesto commitments from the Scottish National Party. We then got its ambition not to set the world an example, but to imitate what had already been done at Westminster. Finally, when the SNP was in danger of being left behind, there was a belated understanding that there was a true desire in Scotland for us to take action that will make a difference.

I am sorry that Labour prevaricated a lot. That was followed by what seemed to be a sudden rush to get in on the act. It seems that the ambition was to get headlines, not to get early action. There was a desperate late scramble to try to make up for missed opportunities at stage 2.

The word “disinterested” probably best describes the Tories’ approach. There was not

much sign of David Cameron’s vote blue, go green delusions. I am sorry; I meant to say aspirations.

Despite the strengthening of annual targets that our agreement to introduce a cumulative budget will bring, I remain sceptical about the showpiece amendment that we agreed to earlier, which will put the interim target at 42 per cent with strings attached. I want it to stay at 42 per cent, but I fear that it might not do so much past the end of the year. Over the next six months, it is our responsibility to make the case that Scotland can achieve that target—that our emissions can be 42 per cent lower than the baseline by 2020. We must aim high.

As Sarah Boyack said, the bill is not the solution; rather, it is an opportunity for us to take the initiative and show that Scotland can lead the way. We can make it work and we can make a difference.

16:08

Shirley-Anne Somerville (Lothians) (SNP):

This is a definitive moment for the Scottish Parliament. This is the day on which we set Scotland on a path to create a greener, more sustainable economy for the future. The danger of climate change has taken political centre stage today and, given the number of reporting requirements in the bill, it will rightly continue to do so. Indeed, those reporting requirements will mean that the minister and the Transport, Infrastructure and Climate Change Committee will see quite a lot of each other over the coming years.

Climate change is not only an environmental issue; it raises an important moral question that cuts to the heart of every political decision that we make. Should we blindly continue to support unsustainable lifestyles, regardless of their impact on the poorest people on our planet, or should we take action to create a more just and fair society, recognising our global responsibilities? The bill signals the strong intention of the Scottish Government—and, more important, that of the Scottish Parliament—to ensure that we take the latter path.

Des McNulty (Clydebank and Milngavie)

(Lab): What the member says is important, but the substantive difference between Labour and the SNP is that the SNP lodged amendments to water down domestic efforts and make it easier to push our responsibilities on to the international community. We need to work together on that in a constructive way to ensure that what the member says is what we do.

Shirley-Anne Somerville: I fully agree that we need to work together. I am therefore disappointed that a Labour amendment to give ministers power to decrease a target, rather than continuously

upgrade it, was considered today for the first time. I am pleased that the amendment was agreed to as amended, which puts the matter back in the hands of the experts.

The bill, if passed, will put Scotland at the forefront of the global effort to tackle the clear and present danger of climate change. It will commit successive Scottish Governments to reducing emissions by 80 per cent over 40 years. It will also require annual targets, beginning next year, and robust annual reporting to ensure that every Scottish Government, regardless of its colour, is far more accountable for its actions.

It is not only the end point, but how we get there that is important. That is why I am very pleased that members agreed to the amendments that I moved today to ensure that cumulative emissions are taken into account. I am also pleased that another of my amendments was accepted at stage 2, to report on the emissions from consumption. The bill is believed to be the first in the world to include a measure of the effects of importing consumer goods that are produced in other countries. That measure will ensure that we are aware of Scotland's true carbon footprint and take responsibility for emissions that are produced abroad as well as those that are a result of our actions at home. I pay tribute to WWF Scotland for its assistance in drafting that amendment.

The Climate Change (Scotland) Bill as it now stands has come a long way since its promising beginnings. I welcome the tireless efforts of everyone involved, particularly the NGOs, led by the Stop Climate Chaos Coalition, and the many concerned individuals who wrote or spoke to me over the past few months and at lunch time today—they kept up their lobbying right until the last minute. All that input undoubtedly helped to make the bill as strong as it can be.

All of us who have been interested in the bill realise that its passage is not the end of the process, but the beginning. Politicians, the NGOs and their members must now get out to sell the bill and, more important, the policies that are required to achieve its targets, to the Scottish public. We must remember, as other members have already said, that the bill itself does not tackle climate change. What we do with it is what counts and I am afraid that, if we take the tack that Alison McInnes has done, we will not sell the bill, will fail in the policies and will lose the people.

The bill fulfils one other important function: it shows that Scotland and its Parliament can pass world-leading legislation. For the sake of people in Scotland and, more important, further afield, let us hope that when the rest of the world meets in Copenhagen at the end of the year it is listening to the debate and examining the efforts that we have made today.

16:12

Cathy Peattie (Falkirk East) (Lab): There can be no doubt that the bill is one of the most important pieces of legislation that the Scottish Parliament will ever pass. Not only does it define what Scotland can do to address the challenge of climate change—reduce emissions, build a green economy and adapt to change—it contributes to global action against climate change and allows us to set an example and raise the bar for climate change legislation. We have worked hard to incorporate many strands of policy and action into the bill to ensure that we encourage the best use of technology, the best practice in our public bodies and the best development of working practices and to ensure that we promote sustainable travel for work and leisure, public participation and awareness raising.

Scotland can be proud of the bill. I thank the clerks for their hard work. They must have used candles to stay up late at night to make sense of our amendments. I congratulate all those who have campaigned and lobbied for a strong Climate Change (Scotland) Bill. The Stop Climate Chaos Coalition has been fantastic. I also thank everyone who is present at the debate, everyone who has written, everyone who is working to change the way that we live and everyone who is doing what they can to contribute to a more sustainable use of our planet.

I am proud to have played a part in the bill, but the process does not end here; it is only the beginning of a new stage in our work to address climate change. The Copenhagen protocol has been published ahead of the forthcoming climate change talks. Reducing emissions will require a transition to an economy that is based on more sustainable production and consumption and the promotion of sustainable lifestyles. That must be underpinned by a just transition for the workforce, which is central to achieving an agreement that is based on the active participation of all stakeholders. Anything else would simply repeat the mistakes of the past. Economic reconstruction should not neglect industries and communities. I hope that the United Kingdom negotiators will reflect the widespread support among trade unions and other civic organisations for a just transition clause.

Of course, it is easy to be cynical about what people are trying to do to tackle climate change. People say to me, "Well, actually, it's not a problem, so you're talking nonsense." Others choose not to think about the implication of not tackling climate change. Some people think, "Well, it's just too big, so we can do absolutely nothing." We have a real job to do to win hearts and minds in communities across Scotland and, indeed, across the world.

The idea that 2050 is too far into the future to think about is nonsense. Forty years is not a long time, looking back. This is my ruby wedding anniversary—I do not want presents or drinks. On this day, 40 years ago, I married as a teenager. I had no idea then what would happen in 2009. Indeed, apart from nuclear weapons, I was not interested in the possibility that anything might destroy our world. I might not be here in 2049, but I hope that my children and grandchildren—I am getting emotional now—will be, and I care about the world that they will inherit.

Let us pass the bill so that we can get on with the task of making this world a better place, both now and in the future.

16:16

Patrick Harvie (Glasgow) (Green): What can I say to Cathy Peattie, other than “Congratulations”?

John Swinney began his remarks by offering thanks to those who have well earned them, and it would be wrong for me to begin in any other way. I thank my fellow members of the Transport, Infrastructure and Climate Change Committee as well as other members from outwith the committee who have engaged constructively throughout the process. I thank our witnesses and our colleagues in the Scottish Parliament information centre. In particular, I thank our team of clerks, who have, perhaps more than any of us, earned a fabulous summer recess after the work that they have put in.

I also thank the NGO community, especially the Stop Climate Chaos Coalition—which was misreported today as the “Save Climate Change Coalition” by a newspaper sub-editor who does not seem to get it—for the wider pressure that has been applied. That pressure has come not just from campaign groups and activists but from people in the private sector—for example, Scottish and Southern Energy’s chief executive, Ian Marchant—and from others in faith organisations. Without that overwhelming pressure from outside Parliament, we would not have made the progress that has been made during the bill’s passage over the past few months.

Alex Johnstone spoke of those who might have grave doubts about the nature of climate change, but another criticism that might be made, which I do not direct at any particular party, is that many people out there might have even graver doubts about the nature of party politics. Despite the progress that has been made with the bill, the victory belongs to the outside campaigners. Perhaps the degree of posturing that has taken place—on all sides—is understandable and is a natural shortcoming of party politics, but we should

think carefully about how, and whether, we might avoid that in future.

Despite those shortcomings, Scotland has shown itself, in passing the bill, to be not just environmentalist but rationalist and internationalist. We have recognised our responsibility for the unequal impact of the choices that we make not only on people here at home—as Cathy Peattie argued, we need a just transition—but also on people around the world. Des McNulty was right to remind us that we could, and should, have done better in that regard.

Sarah Boyack asked where we go from here. Again, my message is primarily to the campaigners and activists. Their work will continue to be vital if we are to turn the commitments that we have made into a reality. As I said to Des McNulty earlier, the headline target in the bill—the 42 per cent interim target—is a vote delayed rather than a vote that we have taken today. Some of the language used in the climate change delivery plan, in ministerial correspondence in recent days and in speeches today makes me fear that we will end up debating which powers are reserved and which are devolved, and arguing that we need reserved powers in order to reach the 42 per cent target. That is an argument that I do not intend to try to settle in this debate, but it will be settled in Parliament. To every one of the tens of thousands of people in Scotland who have lobbied us, who have argued with us and who have pressured us to do better, I say, “Keep going,” because if party politics shows itself to be wanting, we will have achieved very little by passing the bill.

Targets alone are not enough. They are necessary, but not sufficient. They will not be achieved without a radical shift in policy on transport, housing, land use, food and energy. An energy issue that has not come up in today’s debate is infrastructure. Pretty much every member who gets it on climate change recognises the need, for example, for upgrades to the grid, such as the controversial Beaulieu to Denny transmission line. Yet where is the leadership when people raise aesthetic objections? It is clear that the renewables demanded by the delivery plan will not be connected to the grid without that kind of upgrade. As we await the result of the public local inquiry on the Beaulieu to Denny line, all of us who argue for radical targets in the bill should be showing leadership on that issue.

We do not yet know the detail of all of the policy shifts that will be required over the next 40 years. It is as though people in the late 1960s drafted a bill setting targets for delivery today. They could not have anticipated the social, technological and economic changes that have taken place, and nor can we anticipate all the changes that will take

place, although we know that they will be more radical than any Government can imagine.

If party politics is found wanting at any stage in the coming decades, it is possible that only more radical approaches, such as those being prepared by people who are getting ready to take direct action on some of the most polluting activities—coal extraction, new coal-fired power stations and new road building—will prompt future politicians to take the radical steps that will be necessary to turn the targets in the bill from numbers on a page into reality.

16:23

Rob Gibson (Highlands and Islands) (SNP): The Climate Change (Scotland) Bill is a victory for the people of Scotland and the wider world. In the many and varied ways that we have agreed through the bill process, it will curb greenhouse gases and mitigate the effects of and help us adapt to climate change.

Unlike Patrick Harvie, I believe that the political parties in the Parliament have grown in stature as the bill has developed. He could not be believed by any of us when he said on Monday:

"This week will be crucial to Scotland's future reputation, and if the SNP has to be dragged kicking and screaming to 40%, then so be it."

Such intemperate language sounds like it comes from someone who is speaking from the outside, looking in. It is those of us who are inside who took the decisions today.

Patrick Harvie: Will Rob Gibson take an intervention?

Rob Gibson: We have heard from the member already.

The mainstream of climate change beliefs will be dealt with in the committee to which I belong and that Patrick Harvie convenes. Weekly—I suggest—for the months and years ahead, we will consider the secondary legislation to create the delivery of the ambitious climate change plans that we have agreed to today.

Some of the intemperate language was not needed, but it spurred us on to ensure that we have a stronger bill. It was due to the negotiations between the parties over the issues concerned that we have achieved the bill.

I have played my own part in helping to strengthen our adaptation rules and laws and to provide for specific Scottish scientific advice on our peat bogs and native pine woods, for example, which is part of the process of examining the impact of climate change. I am delighted that the Royal Society for the Protection of Birds has helped us to work towards that possibility.

I have taken a considerable interest in ensuring that there is a firm foundation for the HEET plan—on home energy efficiency targets—which is one of the most ambitious areas of delivery. The target of reaching 11 per cent of our renewable heat needs by 2020 marks a huge leap from where we are at present, and I believe that, thanks to the work done by Scottish Renewables and others, there is now a feeling that the industry is set to invest in Scotland and take up the challenges of creating renewable heat, using machinery such as boilers, and that the sort of green jobs that should flow from our statement of commitment today will be created.

Scotland has a huge potential in this context. We can meet our needs for renewable energy from the tides, the waves and the wind. The UK targets for climate change rely on our delivering that energy, and the same applies to our commitment and contribution for Europe. The scope of the discussions that we have had today and the opportunities that we have grasped in the Parliament, mainly by a consensual approach and in debates that have by and large strengthened the bill enormously, have allowed us to deliver within a short time one of the best bills on climate change that has been passed in the world. There were doubters that we could complete the bill by the summer; those doubts have been allayed. I do not believe that the bill is "staggeringly weak"; I believe that it will be one of the best pieces of legislation that this Parliament passes.

16:27

Patricia Ferguson (Glasgow Maryhill) (Lab): It is a privilege to speak in this debate. Like others, I am delighted that Scotland will have robust climate change legislation following today's deliberations.

Not being a member of the lead committee can make it difficult for someone with an interest in a bill to follow its progress closely. On this occasion, I am particularly indebted to my colleagues on the Transport, Infrastructure and Climate Change Committee for keeping me and other members informed. I am also indebted to the many constituents of mine who have kept in touch with me along the way and who have ensured that I have known exactly what has been happening with the bill.

None of us is immune from the effects of climate change, and I am sure that we have all encountered problems in our own constituencies that have been caused wholly or in part by climate change. The bill seems to strike just about the right balance between carrot and stick measures. It will require us to continue to monitor and debate the situation as we go forward with secondary legislation. I am pleased that the bill contains such a rigorous measure of reporting.

On emissions, the bill allows us to say to those who are meeting later in the year in Copenhagen to discuss climate change that they should be ambitious, particularly as technology is changing constantly. If they are not ambitious, they will fall behind.

I was very much struck by a discussion between the minister and my colleague Sarah Boyack about how the climate change agenda feeds into so many others. I have an example of that from my constituency. Allied Vehicles constructs and makes electric cars. To me, those cars are for the future, yet they are also for today, as the company employs 300 people in construction work in an area of relatively high unemployment. The agenda is important and meets with many of our other objectives.

The Malawians call it chilala—warming earth. No matter what we call it, the effects of climate change are felt most by people in the developing world, by those who are most vulnerable and by those who are least able to recover from them. In this country, we each produce on average about 9.4 tonnes of emissions per annum. The average Malawian produces only about 0.1 tonnes per annum. Yet it is our friends in Malawi who feel the effects of our actions first and most deeply.

Those of us who have visited Malawi will have sampled chambo, the country's most popular fish dish. Because the watercourses are drying up, catches of chambo reduced from 2,000 metric tonnes in 1993 to 200 metric tonnes in 2003. At the same time, it is generally accepted that the yearly pattern of wind and rain in Malawi is changing. Most crucially, it is no longer consistent, which means that planting times cannot be synchronised with the weather. It is no wonder that Malawians think that the weather is muddled. They are right—it is.

In Yemen, where there is no permanent river system, the Government is considering moving the capital city, because it foresees that it will not be able to sustain the population's water supply in a few years' time. In Burkina Faso, rainfall has fallen to between 400mm and 500mm a year, which represents a decline of almost 20 per cent. In many other parts of the world, local communities are taking action to adapt their lives and their communities to meet the challenges of climate change. Villagers in Bangladesh are moving their buildings—they are building up the height of the local schools so that they can survive heavier rainfall and provide shelter for entire villages if homes are lost to flooding.

We must not lose sight of the fact that such activity is necessary because of our actions. I am interested to know how the Government plans to assist in that regard. In my opinion, that should not be done at the expense of other international

development work. We could end up in the same situation as those countries if we are not vigilant; we must use the situation that they are in as a warning to us.

When the Parliament was created, Donald Dewar said that devolution was not an event but a means to an end, and that end was social justice. For that reason, because climate change is a social justice issue, I am delighted to support the bill.

16:32

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I am sure that, when they got up this morning, many of the people who have been involved with the bill for several months—if not, in some cases, years—were tempted to think that it was the beginning of the end, but of course we all know that it is merely the end of the beginning. Recognition of that fact is more crucial to our work on climate change than it is to our work on any other issue that faces us. Tomorrow we must recommit ourselves to delivering on the targets that we have included in the bill during today's historic proceedings, but perhaps for one evening we can take some satisfaction from delivering what is certainly the most important bill of the parliamentary session.

Like others, I want to thank a number of people. I thank my constituents, hundreds of whom have shown how important an issue climate change is to them by writing to or contacting me about the bill. I also thank the Stop Climate Chaos Coalition, whose members have not only serviced the cross-party group in the Scottish Parliament on climate change—of which Shirley-Anne Somerville and I are co-conveners—but more importantly driven many of the developments in the bill through their energetic and unceasing engagement with MSPs on the big issues that we have discussed today. I know that they are slightly disappointed that some of the amendments that they supported have not been agreed to, but I am sure that they will take some satisfaction from the fact that, in many ways, the bill is stronger as a result of their efforts.

We must also give credit to two other extremely important groups. Credit is due to the Government, which we should remember was the first Government in the world to go for an 80 per cent target, which was the ideal starting point for debates on the bill. In addition—without being too self-congratulatory—we must give credit to the Parliament. It is invidious to mention too many people, but I would like to single out Des McNulty, who managed to get the domestic effort target into the bill. When it was first introduced, the bill did not contain such a target. We should also thank many people for the development of the interim target, including Sarah Boyack, who lodged an

amendment on the subject. Clearly, individuals in other parties, too, were instrumental in bringing about those developments.

The big debates today have been around domestic effort and the interim target. It struck me during the debate and previously that both targets are heavily influenced by emissions trading and that debates on both have been heavily influenced by our understanding of that trading. It was slightly disappointing that there was not more about that crucial issue in the documents that accompany the bill. Perhaps we still have to address that deficiency, because debate on the interim target will clearly continue.

The headline today is that we are united on the 42 per cent interim target—and we should take some satisfaction from that—but the focus tomorrow will be on delivery. We know from the delivery plan that reductions of 36 to 37 per cent are in train, but we must look for more because the point of a target is to stretch and change behaviour. I have just looked at the crucial table in the climate change delivery plan that shows what the targets will mean sector by sector. It struck me that the difference between 34 per cent and 42 per cent in the heat sector is the difference between a reduction of 42 per cent and one of 46 per cent by 2020, which is not an enormous or unachievable difference. In transport, the table shows that the difference is between 24 per cent and 33 per cent, which is a bigger difference but, again, not unachievable.

Somebody at a lobby in Parliament today said to me that he welcomed the announcement by the Minister for Transport, Infrastructure and Climate Change of the target of 10 per cent of all journeys to be made by bicycle by 2020 but that it had not been included in the delivery plan. Perhaps the minister can comment on that. We can do more, which is the message that we need to focus on in the weeks and months ahead.

I am delighted, as I think is everyone in the Parliament, about the amendment on public engagement—amendment 86—being passed. The Government and Parliament alone cannot achieve what the bill seeks, although we must continue to show leadership. Communities and individuals throughout Scotland will do the work in partnership with us. Let us therefore go forward together across the party divides and in partnership with the people.

16:37

Liam McArthur (Orkney) (LD): I raise a glass of bubbly in honour of Cathy Peattie's ruby anniversary—well done.

At times like these, there is a risk that we lapse into hyperbole in a bid to capture the significance

of the task that we are undertaking. Nevertheless, I believe that, in the challenge that we face in addressing climate change and bringing into a more sustainable balance the use to which we put the world's resources, it is difficult to overstate the bill's importance and what we seek to achieve through the measures that we are putting in place.

I warmly congratulate Stewart Stevenson on how he has piloted this signature bill through Parliament. I acknowledge the remarks by the Cabinet Secretary for Finance and Sustainable Growth about the bill's scale and complexity. As I highlighted earlier today, difficulties arose because of the pace with which we elected to consider the bill but, given the imperative for radical early action, that approach was entirely justified.

The speed of the bill's passage perhaps caught some members by surprise. After what I thought was an entertaining contribution to the debate this afternoon, we clearly could have benefited from hearing more from Alex Johnstone. Sadly, his monastic silence for long periods contrasted with the example of Shirley-Anne Somerville and Rob Gibson, who seemed more seized of the need to improve and strengthen their own Government's bill.

The bill has been improved and strengthened in many important areas. Like Alison McInnes, I am proud of the role that Liberal Democrats have played in that, but I fully acknowledge that it has very much been a cross-party endeavour, including Alex Johnstone, but one that drew heavily on the expertise of external campaigning organisations and, indeed, the prompting of our constituents. Many members have rightly pointed to the importance of the public's engagement with the debate that we have had. Parliamentary and committee staff, too, rose superbly to the challenge.

At the risk of eliciting groans from the cabinet secretary, I remain concerned that the bill remains a missed opportunity.

John Swinney: No.

Liam McArthur: There we go—no disappointment there.

For all the rhetoric about the bill being world leading, it can still be found wanting in a number of key respects. The lack of scientifically credible interim annual and sectoral targets means that, while the bill will make some improvements to the current situation, it ultimately risks falling short of fulfilling its potential. The Government is correct to set the target of 80 per cent for 2050—I acknowledge the comments that Malcolm Chisholm made in that regard—even though it is difficult to sustain the assertion that the target is now world leading, because it mirrors the figure set at UK level.

John Swinney: Liam McArthur is in danger of being contaminated by the Liberal Democrats' doom and gloom. Perhaps if he casts his mind back he will remember that this Government's proposal for an 80 per cent emissions reduction target was ridiculed by some. Now the UK Government has increased its own target to match an ambition that this Administration has had from day one.

Liam McArthur: I certainly echo the sentiments of Malcolm Chisholm, who conceded that very point in a non-partisan way, but the cabinet secretary's comments illustrate the point that setting a simple 42 per cent target would provide a more unambiguous benchmark than what has been agreed today.

During the stage 1 debate, I welcomed ministers' announcement that they were bringing forward the date of the interim target from 2030 to 2020. Stewart Stevenson triumphantly flourished the rabbit that he had just produced from his top hat, but the suspicion remained that all was not what it seemed. So it transpired: although the new interim date was ambitious, the emissions reduction target of 34 per cent was not.

Since that debate, there has been ample opportunity to put some backbone into the bill. For example, the Liberal Democrats have made strenuous efforts to get Parliament to commit to a scientifically credible interim target of 42 per cent. Unfortunately, the Government, supported by both Labour and the Tories, opposed such a move; indeed, in an attempt to outmanoeuvre the Government, Labour simply succeeded in priming the trapdoor through which ministers have gleefully escaped.

In his letter to all party leaders, Scottish and Southern Energy chief executive Ian Marchant said:

"If the 2050 target is 80% cut from the 1990 baseline, then by the halfway point, 2020, the cuts must be more than half way. That means at least 40% with no ifs or buts or politically-motivated caveats".

He went on to add:

"With its rich natural resources, Scotland shouldn't just be waiting for the pack, but leading it."

Ambition has also been lacking in year-on-year targets, with the explicit commitment in the SNP manifesto dumped. The Stop Climate Chaos Coalition has urged the First Minister to honour his commitment to a 3 per cent annual target, while the World Development Movement criticised the decision not to do so as "incredibly disappointing".

Such shortcomings are not insignificant, but the bill will still achieve much if we can ensure that it is implemented effectively. For example, it will lead to real improvements in the energy efficiency of

domestic and non-domestic buildings and put in place important provisions on local and business tax incentives and permitted development rights. I am proud of the role that I have played in these areas and put on record my thanks to the Association for the Conservation of Energy, Friends of the Earth Scotland and the Stop Climate Chaos Coalition. Finally, I should add that the bill's provisions on cumulative emissions have been greatly improved by the amendments that have been agreed to, due in no small part to my colleague Alison McInnes.

This is a signature bill for the Parliament; it is the most important that it will pass in this session—and perhaps the most important that it has passed so far. It falls short of what it might have been, but it will nevertheless have a significant impact in helping Scotland to play its part in tackling the challenge of climate change not just for us but, as Patricia Ferguson rightly said, for the many people in developing countries who will bear the brunt of climate change in the first instance. In passing, I note that, according to recent evidence, my own constituency might be in the front line in this country.

I thank everyone who has contributed to the scrutiny process and, again, I congratulate the minister on securing the bill's successful passage. Notwithstanding our reservations, I commit the Liberal Democrats to ensuring that the legislation delivers in the weeks, months and years ahead.

16:43

Nanette Milne (North East Scotland) (Con):

Today's long and well-fought battle will, at decision time, result in the passing of an extremely important piece of legislation that, following on from the UK Climate Change Act 2008, should ensure that our small island punches well above its weight in the battle against the global warming that threatens our planet's future, and should set an example for others to follow.

We face an unprecedented environmental challenge and, although we in Scotland might get off relatively lightly, other countries, particularly in the poorest and most heavily populated parts of the world, face devastation unless we can achieve a significant and early reduction in the volume of greenhouse gases emitted from our terrestrial activities.

I have not been involved in the bill's committee stages, so as an onlooker I feel well placed to acknowledge and pay tribute to the very hard work of the many people inside and outwith the Parliament who in a relatively short time have put in a tremendous amount of effort to ensure that the Climate Change (Scotland) Bill is as robust as possible, with challenging targets and duties

placed on ministers and others to ensure that every effort is put into achieving them.

It is a complex and technical bill, and it has been dealt with with commendable thoroughness and competence by all concerned. However, although I fully understand the need to have the legislation in place as early as possible, to my mind three weeks was not long enough for stages 2 and 3 of such a complex and far-reaching bill. The flurry of stage 3 amendments at the last minute made the final stages of the parliamentary process considerably more stressful for members and staff than they might have been.

The stakes are high and the challenges are awesome. If they are to be met, all of us, in every community, institution and business and in our homes, will have to make a determined effort to reduce our individual contributions to atmospheric pollution by carbon dioxide and other greenhouse gases. John Swinney and Brian Adam were right to highlight the need for public engagement in the delivery of the bill's objectives, and I am glad that the Parliament has acknowledged that.

I am sure that significant efforts will be made in Scotland and the rest of the United Kingdom to meet the targets that are set for us, but I worry about some of the bigger players in the world whose impact on climate change is on a much bigger scale than ours but whose efforts to offset it are smaller. At least we are setting an example and beginning to move in the right direction.

Much of the focus in recent days has been on part 1 of the bill and the emissions reduction targets within it. We have been happy all along to support the target to reduce emissions by 80 per cent by 2050 and the recently amended interim target of 42 per cent by 2020. That is an ambitious target but, as Scottish and Southern Energy stated in its stage 3 briefing to us, it demonstrates the leadership to which Scotland rightly aspires. It should deliver greater competitive advantage for investment and economic opportunities in a low-carbon economy, with the jobs that that will create. It should also help Scotland to lead the way in securing the necessary policy actions elsewhere in the UK and the European Union.

With ambitious targets in place, it is clear that progress towards achieving them must be carefully monitored. We fully support the duties to be placed on ministers to make regular reports to the Parliament. That will give members the opportunity to question them effectively and openly and to hold them to account for meeting the targets. Although we prefer carrots rather than sticks to encourage businesses, public sector bodies and individuals to make the necessary changes to their behaviour in the interests of climate change mitigation, we accept that public

bodies should have regard to the guidance that they will receive from ministers.

Finally, I will deal with a couple of aspects of part 5 of the bill that concerned my party. Following the Government's decision to drop the forestry leasing proposals, we are pleased that the bill now requires ministers to lay a land use strategy before the Parliament by March 2011. Given the desire for significantly more woodland in Scotland and other competing land uses such as the food production that is so important for our food security, the increasing need for sustainable flood risk management and the need for land for industrial and housing development, it is extremely important that Scotland has a proper plan to use its land in the most appropriate and sustainable way.

On the Conservative benches, we are keen to encourage and improve energy efficiency, so we are pleased that the Parliament has approved the various amendments that will allow energy efficient improvements to dwellings and non-domestic properties. I join other members in commending Sarah Boyack for her immense contribution in that regard over the years. As a north-east MSP, I am also extremely pleased with the minister's stated commitment to extend the combined heat and power schemes that a number of Aberdeen residents enjoy and his intention that that will be done from April next year.

I could say a great deal more about the detail of this groundbreaking legislation, but I conclude by welcoming the many measures that will help us to make progress in the battle to reduce and mitigate the effects of climate change. There are those who will not be happy with the progress that we have made, but the bill is a major step in the right direction and we will be happy to support it at decision time.

16:49

Des McNulty (Clydebank and Milngavie)
(Lab): Like other members, I begin by expressing my particular thanks to the clerks. I probably caused them more late nights and problems than anyone else did at stages 1 and 2, although I probably did not quite do so at stage 3. I am conscious that giving the clerks more work had consequences not only for my fellow committee members but for members of the bill team, so I apologise to them for all the work that I caused them.

Collectively, we have substantially improved the bill. It will be interesting to compare the amended bill that we pass with the bill that was introduced, because that will provide a measure of how far we have come and how much we have added to and

adapted the bill, thereby substantially improving it, as I think members of all parties accept.

Our collective improvement of the bill is a great tribute to the Parliament's committee system and how it differs from the Westminster system. Bills in the Scottish Parliament go to a specialist committee, whose members have a background and an interest in the committee's work and build up an area of expertise. I am not saying that we are all experts, but in the context that I have described ministers cannot bring committees information and not expect to be asked difficult questions from time to time—and very difficult questions a fair part of the time.

The collective approach to improving the bill is also a tribute to the Government, given that the make-up of the Transport, Infrastructure and Climate Change Committee is such that the Government party is numerically weak. There are more Labour than SNP members on the committee. That not only presented the Government with problems, which Mr Stevenson and his SNP colleagues dealt with well, but placed a responsibility on Labour members, to which I hope that we responded by being constructive.

The process that the committee went through was all about persuasion. I say to Liam McArthur and Alison McInnes that to some extent their problem was that they did not successfully persuade us about matters that they chose to pursue. They might need to reflect on that. We all need to focus on our ability to persuade people on issues that we want to pursue. I did not persuade people to agree to all the changes that I or my party colleagues wanted to make to the bill, but we made significant changes, not by saying, "We are right and you are wrong," but by saying, "How can we take this forward in a way that improves the bill?"

It is not just about improving the bill. As Malcolm Chisholm said, passing the bill is not the end of the process but the beginning of implementation. The setting of a target is meaningful only if we also set policy priorities that are consistent with the objectives in the bill. I thought that Mr Swinney's comments jarred a bit in one area. He seems to regard the 42 per cent target as "34 per cent if the Europeans give in". I do not think that that is where we have got to. The Parliament is not asking the Government to say that 34 per cent is as far as we can go. What Parliament is asking—and what Scotland wants—is for the Government to consider what additional, cost-effective measures can be brought in and what policy proposals must be reviewed so that we can move towards a higher target.

If David Kennedy is asked whether the bill's 2020 target is inappropriate, as he was asked last week, he is likely to reply, "Well, 34 per cent is

fine." However, if we ask him what additional action we can take to drive up that target, I think that we will get a different answer. The onus is on the Government to come up with policy proposals that can drive up Scotland's potential to achieve emissions reductions. The question that we want the UK Committee on Climate Change to answer is, "What is Scotland's potential and how do we achieve it?"

The bill is a good one. It might not be as good as it could be and some aspects of it might have been improved, but it will provide a solid foundation. We must drive the process forward in real terms, by engaging people and acting in a way that will deliver the objectives that we have set out.

16:54

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I thank John Swinney for the name check in his opening remarks in the debate. I also thank members around the chamber for their warm words. The contributions of a large number of parliamentarians can be seen in the bill, and those parliamentarians have been informed by widespread action and lobbying from outside the chamber.

The bill is complex, and I quite enjoy engaging with complex bills. Quite early in my business career, I was told that when a person did a job well, their reward was that they got to do it again; but I hope that the cabinet secretary does not have anything immediately in mind in that regard. We shall see.

Alex Johnstone congratulated the clerks to the Transport, Infrastructure and Climate Change Committee, and I would like to congratulate the bill team, whose efforts on occasions could only be described as heroic. The team responded to ministers but, in addition, and through the process of engagement that we have sought to create, they responded to members of other political parties, and tried to support them. The process has been a model for how the Parliament can work. It is very much how we, as a minority Government, would wish to go about our business, now and in the future.

We ended up with a substantial area of common ground, and we now have a substantial set of proposals to which we can compare our views with satisfaction. Alex Johnstone tried to compare himself with an orang-utan; I have agreed with his wife that I will ensure that, at least in circumference, that comparison will not be true.

Cathy Peattie made a particular contribution by being here on her ruby wedding anniversary. I am only three weeks—no, four weeks, no, five

weeks—away from mine. [*Laughter.*] But with Gavin Brown, I am waiting to see whether the most important delivery of the day has happened. He has been on tenterhooks, waiting to find out whether his next child has been delivered today. We have drawn people in from aa the airts; we have created a priority for this bill, and people have respected that.

Patrick Harvie raised questions in relation to devolved and reserved matters. However, on this particular subject, there is common purpose between the United Kingdom Administration and ourselves. That is not least because we have to be part of the UK's efforts. Our success will be part of its success.

Patrick Harvie also talked about direct action. I counsel him, very severely, that we have to behave responsibly, and that we have to take the people of Scotland with us. We must turn this legislation—[*Interruption.*]

The Presiding Officer (Alex Fergusson): Order. There is an awful lot of background noise and I would prefer less of it.

Stewart Stevenson: We must turn this legislation into real action.

Patricia Ferguson referred to Allied Vehicles in her constituency. Within the past week, I was delighted to drive one of its electric vehicles. It is interesting to note that battery technology is probably the technology that is not yet up to the mark. A lot of work will be done on that. In Scotland, we have biotech industries and some electrical engineers, and that will probably help. Patricia Ferguson also mentioned Malawi—a topic that brings home the whole idea of social justice that is at the heart of what we are trying to do.

Today has largely been a day in which we have looked inwards. However, we must now look outwards towards Scotland's comity, to countries around the world, and to the United Nations conference in Copenhagen in December. Most of all, we must look outwards to the poor and disadvantaged in Africa, India, China, Brazil and other countries all round the world.

The bill is not an economic bill, although it will have economic effects. It is not legislation to gather dust on the shelves of hundreds of lawyers; it is a moral step we take that will be important for the world.

When I had dinner with Ian Marchant a couple of weeks ago at the business delivery group, he gave me a copy of Douglas Adams's "The Hitchhiker's Guide to the Galaxy". Ford Prefect had come from another world to look at the earth, and he was working on an entry in the guide that said that the earth was "harmless". After vigorous research, he converted that assessment to "mostly harmless".

Through this bill, let us turn the earth and humans' efforts on earth into something that is mostly harmless. Let us also remember that the answer to everything in the hitchhiker's guide to the galaxy is one that is relevant to today. The answer was 42.

Business Motions

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-4484, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 2 September 2009

9.30 am Time for Reflection
followed by Parliamentary Bureau Motions
followed by Scottish Government Business
 2.30 pm Scottish Government Business
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 3 September 2009

9.15 am Parliamentary Bureau Motions
followed by Scottish Government Business
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time
 Justice and Law Officers;
 Rural Affairs and the Environment
 2.55 pm Scottish Government Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Wednesday 9 September 2009

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Scottish Government Business
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 10 September 2009

9.15 am Parliamentary Bureau Motions
followed by Scottish Government Business
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time
 Finance and Sustainable Growth

2.55 pm

Scottish Government Business

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by
Crawford.]

Members'

Business—[Bruce

Motion agreed to.

The Presiding Officer: The next item of business is consideration of a further business motion, S3M-4485, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 1 of the Interpretation and Legislative Reform (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Interpretation and Legislative Reform (Scotland) Bill at Stage 1 be completed by 16 January 2010.—[Bruce Crawford.]

Motion agreed to.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of a Parliamentary Bureau motion. I ask Bruce Crawford to move motion S3M-4486, on the approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the draft Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2009 be approved.—[*Bruce Crawford.*]

Decision Time

17:01

The Presiding Officer (Alex Fergusson): The first question is, that motion S3M-4464, in the name of John Swinney, on the Climate Change (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Climate Change (Scotland) Bill be passed.

The Presiding Officer: The second question is, that motion S3M-4486, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the draft Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2009 be approved.

Supporting Social Work

The Deputy Presiding Officer (Alasdair Morgan): The final item of business today is a members' business debate on motion S3M-3893, in the name of Christina McKelvie, on supporting social work. The debate will be concluded without any question being put.

Motion debated,

That the Parliament supports the awareness raising campaign, Social Work Changes Lives, which was launched by the Association of Directors of Social Work, the Scottish Social Services Council and the Association of Social Care Communicators on 1 April 2009; recognises the burdens that social workers carry; agrees that it is important to promote a positive image of social work acknowledging the huge variety of tasks that social work and social care staff undertake to support vulnerable people in central Scotland region and right across the country; believes that most people will come into contact with social work services at some point in their lives, whether they are receiving a service or are involved in arranging a service for others, and therefore believes that it is vitally important that social work services are well understood and valued by society.

17:03

Christina McKelvie (Central Scotland) (SNP): I thank everyone who signed the motion, thereby allowing this debate to happen.

I have to declare an interest, of sorts, as I was recently privileged enough to be named as a social work champion, and my employment before I was elected was in training and assessing social care workers.

Yesterday saw the publication of a report by Her Majesty's Inspectorate of Education on child protection services in Dundee. It did not make pleasant reading. It is quite clear that the services in Dundee are in need of major improvement. I was pleased to note that Fiona Hyslop and Adam Ingram had already set the ball rolling on that, having met people from the child protection services in Dundee last week. We should note that four additional social workers have been employed by Dundee City Council since the report was written, in February and March, which is good news for those who rely on those services. I am confident that there will be improvements in the system in Dundee, with the ministers' intervention and the commitment of the professionals in the city.

We heard today that the follow-through report for Aberdeen is positive. It is not a glowing report, but it is definitely a step in the right direction. I am sure that we will be hearing more from Dundee in the near future.

As well as indicating the problems, the Dundee report demonstrates the massive pressure under

which social workers are operating. No one wants to fail children or the vulnerable in our society, and no one wants to turn a blind eye. No social worker wants to leave a child in a situation until it approaches crisis point, and no social carer wants to have to act in an emergency rather than earlier.

No system is perfect, and no group of workers is perfect. There are problems and challenges in every walk of life. Social workers and social carers are people whose employment sends them into some of the most challenging situations in domestic life. They are people who see and seek to mend some of the damaged lives in our society. They are people who seek to improve other people's lives. I do not claim beatification for them or set them apart from the rest of society—they are people with flaws, vices and virtues and, in my experience, compassion. However, their jobs are difficult and stressful, and they should not be asked to carry the additional burdens of accusation and finger pointing.

There is no benefit from or upside to an accusatory national inquiry. Social work services, particularly child protection services, are regulated and inspected under a strong and robust system. That is why recent reports have recommended improvements in the services of three councils, although not because the councils were failing to meet their duty of care or because social workers were found wanting; improvements were recommended because the inspections found room for them.

The social workers, social carers and other staff who are involved in delivering social work services will rise to the challenge of making those changes and they will improve their services. They are the professionals who are there when society needs a safety net for some of the most vulnerable. They are the workers who are there when no one else is. There will be times when they make mistakes—as we all do—and times when the judgment call is wrong. However, we should never forget that, when evil acts are perpetrated, the blame lies with the evil men and women who perpetrate them, not with those who try to prevent them. We have a responsibility to protect the weakest. Laws alone will not do that, and nor will national inquiries. What does not and cannot help, and what takes away rather than adds, is the blame culture in which a scapegoat is sought rather than a problem solved. We should not add that burden to our social work professionals.

Social capital is the glue of society and is enhanced by the proper treatment of the most vulnerable members of society. We can judge the health of a society by the manner in which it protects its weakest. Our social workers and social carers are our improvement corps. Our social work services are the mechanism by which the firmness

of the foundation of our society is maintained. It is our duty and responsibility as politicians and as the current custodians of our society to protect and nurture that foundation and to pass it on, improved and enhanced. The best way forward is to give praise where praise is due and constructive criticism where it will help. Step by step, we can help to improve our country and, day by day, we can make it stronger.

We need to applaud and congratulate those who stand guard over our vulnerable. We need to reward their efforts with our thanks. Social workers and social carers improve lives throughout the country and they enhance our communities and empower people to improve their own lives. They are not magicians, they do not work miracles and they are not angels or saints. By and large, they are dedicated, compassionate and hard-working individuals who make improvements bit by bit and day by day. Because much of what we value in society depends on the egalitarian treatment of our vulnerable, we must value our social workers. Because many of us will need help for ourselves or our families at some point in our lives, we need to value our social workers. Because society demands so much from those professionals, we should let them know that we value their contribution.

I am proud to be a social work champion and to praise the work that is done and the service that is provided. I am proud to support the social work changes lives campaign, and I am proud to salute our social workers and social carers.

17:08

Karen Whitefield (Airdrie and Shotts) (Lab): I congratulate Christina McKelvie on securing the debate. There is no doubt that social workers and social work staff perform a vital job in our society. Social work services, from the provision of care in the community to criminal justice and child protection services, aim to protect the most vulnerable and marginalised in our society and to enhance the lives of those who require support and assistance.

Social work provides a broad range of services in our society. Although, as recent events have proved, child protection services often make the news, social workers and social work staff deliver services that enable many people to live in the community rather than in residential institutions. Whether social work staff provide support to those with mental health problems or to those with physical or learning difficulties, they work hard to enable people to live as normal a life as possible in our communities.

We must recognise that the provision of all social services requires strong interagency work.

We have to ensure—and the public have to recognise—that social workers, education departments, the police, the national health service and voluntary agencies all work together, because they all have a role in providing social care.

It is important that professionals in social work services take a proactive stance in promoting the vast array of positive examples of good practice. Such examples might not always get into the national news headlines, but local news coverage and council and NHS publications are always good ways of reminding people that the vast majority of social work staff provide a service of the highest quality, of which we can be proud. Many people will be able to relate to that easily, whether through personal experience or as a result of social work involvement with a friend or family member.

It is important that we celebrate success. Recently, I met Scott Hunter, the house manager of Leslie Street children's house in Motherwell, who was the residential care worker of the year, because of his dedication in working with looked-after children and young people. He started as a sessional worker and, through the support of North Lanarkshire Council, he has moved on to become an outstanding manager of a children's home. His efforts and the efforts of the staff whom he works alongside help to ensure that some of our most vulnerable children and young people in North Lanarkshire receive much-needed support during what must be the very traumatic experience of being taken into care. I welcome the initiative of the Association of Directors of Social Work to highlight such examples of good practice and to show the vast range of services that are offered by social work staff.

However, that is not to say that there can ever be an abdication of responsibility when problems arise. Where there are serious challenges, we all have a duty to face up to them. We in the Parliament have a responsibility to deliver social care legislation that is fit for purpose and, sometimes, to provide direction to our local authorities. The Scottish Government has a responsibility to provide proper funding, to monitor the impact of legislation and policy, and to take action when they are failing. That is why Iain Gray called on the Government yesterday to establish a national inquiry into child protection in Scotland, not because all local authorities are failing, but because there is much that we can do to improve and enhance the good practice in many of our local authorities and to learn from the local authorities that have faced challenges in recent times. We must do something about that. Senior social work management have a responsibility to implement effectively legislation and policy that the Government brings forward. Failures at any of

those levels must remain open to examination. There must be accountability.

I am pleased to congratulate Christina McKelvie on lodging the motion and to support the message that social work staff throughout Scotland do indeed do a good job.

17:13

John Lamont (Roxburgh and Berwickshire) (Con): I congratulate Christina McKelvie on securing the debate.

The social work changes lives campaign is to be praised for its important work in helping to create a more positive public perception of the valuable work that social workers and social care staff carry out. Social workers throughout Scotland provide much-needed care to the more vulnerable members of our society. They are the people working day in, day out with the elderly, dysfunctional families, substance misusers, vulnerable children and others who are in need of professional support. Statistics show that one in eight people have used social work services, which proves that social work affects many more lives than is often assumed. Nevertheless, the public image and perception of social workers often fails to reflect the importance of their role. I am therefore pleased that more is being done to address that important issue.

Media coverage of tragedies in recent years, such as the cases of Baby P or, in my area of the Borders, Miss X, has created an atmosphere of terror among many social workers. It has instilled a fear that they might be wrongly blamed when something bad happens. Media speculation and inaccuracies—even storylines in television programmes—generate myths about the profession. The increasing blame that is placed at the door of social workers reduces morale and the number of people who apply for jobs in this very necessary field. We heard today that 7 per cent of social work posts in Scotland are vacant.

Of course, when a tragedy occurs, it is only right to hold an inquiry into what went wrong, so that we can learn from the mistakes and make the appropriate changes. However, social workers do not stand and operate alone; they co-operate daily with the police, health services and local authorities, so responsibility for cases that go wrong must be shared.

Occasionally, we hear a hero story about the police, doctors, nurses or teachers, amid negative coverage. Social workers seem to feature in the news only when things go wrong. Incidents are reported with such ferocity that the whole profession is tarred. However, for every one bad news story, social workers ensure that thousands of children are helped, thousands of families are

supported and thousands of lives are improved. The social work changes lives campaign highlights the unsung heroes in our society who work constantly and quietly for our benefit, to make Scotland safer, healthier and better. The campaign challenges a deep-rooted attitude that will take some time to shift.

The social welfare system in Scotland is among the best in the world. The Social Work (Scotland) Act 1968 and the decision in 2002 to give free personal care to older people are examples of that. However, it is time that we recognised the social work profession and changed the negative attitudes that surround it. I congratulate Christina McKelvie again on securing this important debate. I look forward to hearing other members' views on this important issue.

17:16

Nigel Don (North East Scotland) (SNP): I echo the congratulations to Christina McKelvie on bringing this timely and important discussion to the chamber.

I am looking at a document entitled "A Career In Social Services [A Job Like No Other]", but that description is not quite true. We do a job that is remarkably like social work. By and large, we do not receive much praise and we are jumped on when something goes wrong. The document lists the attributes of social workers. I will leave out a couple, but some of them are to

"be committed to working with people and helping them to solve their problems ... be able to make difficult decisions ... be non-judgemental and not tolerate prejudices in others ... have excellent listening skills ... be supportive and considerate ... have good negotiating skills ... be able to work well with colleagues and other professionals ... be able to prioritise their workload ... be able to build relationships ... be able to act quickly and calmly in difficult situations"

and

"be able to work under pressure and to timescales".

That list simply reminds us what a constantly difficult job social workers are asked to do.

I agree with Karen Whitefield that the recorded information tells us that the vast majority of social work is done well by dedicated people. We must be careful to correct perceptions about that. We talk in the chamber about the problem of young people being stereotyped by the press and about their being given a bad press. MSPs and social workers face exactly the same problem and we must do something to counter it.

It is easy to criticise somebody who has made a judgment and got it wrong. We make judgments every day of the week, but social workers make them every hour of the week. Nothing is risk free. Any judgment involves the risk of being wrong.

People are wrong every now and again. I wish that the press understood and recognised that sometimes. As normal human beings, most of us understand that we get it wrong.

Do we need a national inquiry? I confess that I doubt it. In recent years, Government inspections of education departments, health services, social work departments and other organisations have monitored the situation. The statistics tend to confirm that much is done well. Inspections quickly point out local authorities and care homes that are not up to standard. Ministers have robust responses to that, which help to sort issues out quickly. I am not at all convinced that we must have a national reassessment of that.

I have observed that problems with local authority social work departments seem to coincide with indecisive political leadership. Although it is undoubtedly right to criticise the professionals, it is also worth bearing in mind that problems are likely to arise if councillors and Administrations do not lead, guide or monitor them.

The job that we ask our social work folk to do is difficult. They are always being asked to balance resources—which, of course, are always limited—and make judgments on interventions, not all of which they will get right. Clearly, we need to have experienced professionals and to encourage folk into the profession. I am pleased that the profession has taken the opportunity to represent itself in a positive way. I endorse that.

17:20

Trish Godman (West Renfrewshire) (Lab): I, too, congratulate Christina McKelvie on bringing the motion to the Parliament.

As John Lamont rightly said, one of the most important pieces of social work legislation was the Social Work (Scotland) Act 1968, the thrust of which was to promote social welfare. Until that time, local authority departments, voluntary organisations and other agencies worked largely on their own and there was little or no communication between them. Overnight, welfare departments, as they were then called, the probation service and children's departments were combined and links were made with housing departments.

A second important piece of legislation was passed by the Scottish Parliament. I refer to the Community Care and Health (Scotland) Act 2002, under which free personal care was introduced. The provision was aimed at encouraging older people to remain in their homes. The success of the legislation is enshrined in community planning. We now have the campaign: social work changes lives.

As other members have said, social work remains a much-maligned service. Morale is low and media coverage is rarely good—indeed, stories are usually negative—and yet those who criticise would not do the job. Nigel Don compared social workers to politicians. Those of us who have been social workers and politicians can be said to have a personality disorder—it is really quite bizarre that anyone should want to do both jobs.

We must address the lack of trust and confidence in social work, which is deep-rooted, and take time to fix it. The social work changes lives campaign hopes to identify human interest stories and communicate them in a compelling way to reflect the diversity of social work. We also need to highlight social work champions, of whom Christina McKelvie is one, and identify ex-users of the service who have good stories to share. After all, it is always helpful to have good public relations. Celebrating social work success is a good idea.

Often, those who criticise social work do not use the service; they apportion blame with little or no evidence to support what they say and have little understanding of the issues. It is interesting that non-users cite child protection as the aspect of social work about which they are most aware, whereas users cite services for older people. In my experience, referrals rarely come singly; it is usual for a child or an older person referral to involve the whole family.

Social work is not a stand-alone service—it has to involve other agencies—but it usually gets the blame when things fail. Social work is fundamental to the delivery of the social justice and anti-poverty strategies of this Parliament. Social workers not only work with children, women, older people and those who are mentally ill in our communities, but fight for their rights. Because they work with and support those in the community who suffer injustice, social workers alert us to those injustices, but we hear little of that part of the work.

As Nigel Don said, elected members and senior council officials must ensure that they are kept up to date with problems in social work services. All sectors must talk and listen to each other. Voluntary organisations, the police and the national health service must share information where appropriate. All have responsibility for protecting vulnerable children. It is not acceptable for someone to say, "No one told me."

Those who do not have social work experience cannot imagine what it is like to come into work on a Monday morning and be referred a family, the adult members of which have been using drugs and alcohol and fighting over the weekend. You are told that the mother is in hospital because she was battered and that the children have not turned up at school. What do you do? Where do you

start? What will you find when you knock on the door, making a cold call on the family? You do not know what lies behind the door.

Things have got better since I practised as a social worker—after all, it was a while ago. These days, there is more co-operative working. No longer would a decision be taken that twins who were going into foster care would be put one to the Western Isles and one to the Borders. That happened in my time, no matter how hard I argued or put forward my case. Neither twin knew about the existence of the other. I also recollect a wee boy I had to take into care from a housing estate in Glasgow and place in a foster care in Largs. When he got out of the car in Largs, he said, “Is this still Scotland?” He had never seen the seaside before.

We would all do well to read Edwin Morgan’s poem “Brothers and Keepers”, which contains the lines:

“There will never be a paradise with people like angels
Walking and singing through forests of music,
But let us have the decency of a society
That helps those who cannot help themselves.
It can be done; it must be done; so do it.”

17:25

Hugh O’Donnell (Central Scotland) (LD): It is difficult to say anything original in the debate, as I am late in the batting order. I congratulate Christina McKelvie on securing it and declare an interest: I was a social carer with a voluntary sector organisation for a number of years.

I guess that the historical roots of social work are in the abdication of individual responsibility to professionalism. We have been very successful, as the 1968 act consolidated things, but we have always faced a challenge. Social workers and, to a lesser extent, social carers are damned if they do and damned if they do not. If they take a child into care, they will be wrong for breaking up the family. If they keep a family together, the consequences of doing so will be asked about. It is almost impossible to get things right and satisfy our demands, which put them in the positions that they are in. We must be much more willing to understand the range of activities that they are engaged in.

Much of the focus of the debate has been on child protection issues, but I would like to move a little bit away from them and think about the thousands of people with learning disabilities who have in the past 15 to 20 years ceased to be locked in institutions and become members of wider society. That has largely been the result of the efforts of social workers and social carers. Those people come together with other professionals and, if they are doing things right, service users to provide an environment in which opportunities are opened up for people with

learning disabilities who have known only places such as Lennox Castle hospital, Woodilee hospital and Kirklands hospital—we can go through the list. Sadly, having given social workers and social carers that delegated responsibility, we are too quick to point a finger at them when things go wrong.

The social work changes lives campaign is merited. I received a phone call from a young person who was carrying out research relating to it—I do not know whether that was a coincidence. They were quite surprised. They said, “You know an awful lot about this, and it’s not all the stuff you see in the newspapers.” We need to put the success stories at the forefront more.

Nigel Don drew an interesting parallel between our careers in the Parliament and those of social workers and social carers. Given the reputation that many politicians currently have, I hope that we and social work practitioners are successful in restoring our reputations and that the campaign will be successful in maintaining and enhancing the reputations of social workers and social carers.

17:29

Angela Constance (Livingston) (SNP): I congratulate Christina McKelvie on securing the debate. She is indeed a champion of the good work that social workers undertake throughout Scotland.

Historically, the social work profession has not explained itself well or articulated the daily balancing act that must take place in dealing with competing rights and demands. Working with people and families is complex; it requires fine judgments that are based on the most robust information available at the time. The good work is often overshadowed by the headlines when things go wrong. Work with people is never risk free. Nonetheless, as a profession, we are not flawless and must be accountable for the decisions that we make. The quid pro quo is that politicians must be accountable for resourcing, policy and legislation.

I was proud to be a social worker. Like Trish Godman, I am a former mental health officer and have speculated with her—privately, of course—about who in the Parliament may be liable to detention. There were times in my career when I advocated vigorously for the rights of prisoners or detained patients to receive appropriate, humane care and treatment. However, there were equally times when I pursued a course of action that infringed on the liberty, privacy and rights of my clients. That, of course, was unpopular with clients and, at times, with other professionals, whether in the Scottish Prison Service or the health service, but social workers—like politicians—have to make unpopular and hard decisions. I was always

fortunate enough to have some very good and supportive managers. I make a special mention of Mr Ed Finlayson, who is currently the team manager at the state hospital at Carstairs. He had a lot to put up with in managing me.

There were many highs and lows in my career and a low point that I will never forget was the first time that I had to make an application to detain a young mother under mental health legislation. Some months later, she went on to commit suicide. We always wonder whether we could have done things differently or better but, for some people—as Trish Godman will know—mental illness is terminal.

I also have many positive memories and achievements. One is that a young offender whom I supervised on a probation order used to say to me in all earnestness that he would rather have spent six months in Saughton than see me every week. That is a good example of effective community sentencing.

I never worked in a social work team that was fully resourced; there were always vacancies. I hope that, when people criticise social workers, they remember the serious workload and resource issues. However, I was somewhat heartened last night when I attended a school awards ceremony for a primary 7 class and, among all the boys who wanted to be footballers and jet pilots and the surprising number of girls who wanted to be beauticians and hairdressers, there was one pupil who wanted to be a social worker and another who wanted to be a social care worker. So perhaps there is hope for the future.

I add my support to the many social workers who, unlike me, continue to practise and to make daily the best, albeit hard decisions.

17:33

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I, too, congratulate Christina McKelvie on securing the debate. I confess that, like Trish Godman and Angela Constance, I suffer from the personality disorder of having been a social worker prior to becoming a politician.

A few months ago, I was walking through a street in Kilmarnock, my home town, when a young woman approached me and started chatting to me. After a couple of minutes, she said, “You have no idea who I am, do you?” and I had to confess that I did not. She told me a bit about herself—she had four kids, was now running her own business and stayed in a fairly nice part of the town. Then she told me her name and it immediately struck me that I had been her social worker when she was a teenager. I would never have recognised her and, indeed, had not heard from the family for a number of years.

A number of speakers have said that we do not recognise when things go well in social work. That young woman said to me, “There are times when, if you hadn’t been there, I don’t know what our family would have done.” I do not say that to make myself sound any different from any other social worker who goes out there on a day and daily basis, but it is the story that does not get told. Social workers have to be there when nobody else is prepared to take on the challenges.

The things that I had to do while working with that family included literally going in with the rubber gloves on and the black bin bags, telling the mother that the house was a tip and that that was not acceptable and getting stuck in to help her clean it up. I had to provide the alcohol counselling for her when she needed it; I took the young kids in the family away on weekends to Arran and other places because they did not get the opportunity to do that sort of thing; and I ran group work programmes to encourage them to get involved. Eventually the mother in that situation became a volunteer in a local play scheme, so I had to be available at weekends and out of hours to do that type of work.

Again, I do not say that to make me sound any different from any other social worker. That was the job that we did, because the emphasis was very much on ensuring that we worked with the family. Interestingly, much of that work was non-statutory, and I suspect that the social workers who are currently under pressure to meet the legal requirements find that they do not have the luxury to do such work and have to rely instead on trying to find others to do it. It is a sorry state of affairs that social workers say that they cannot do that work any longer.

There has been much talk in the chamber this evening about the links between social work and politics. For me, those links are about the point at which people’s private troubles become public issues; I remember those phrases well from the time that I spent studying social work at the University of Glasgow. There is the whole issue about the point at which you decide that it is not simply that an individual needs social work support, but that the system needs to be changed in order to allow people to have a better quality of life. That links in with what Hugh O’Donnell was talking about.

We do not talk enough about what social workers actually do and the difference that they can make to people’s lives, and to families and communities. As we have heard, we all too often only hear about things when they go wrong. Christina McKelvie said that we do not want to scapegoat social workers, and that is true. Equally, however, we need to be honest about where there are systemic failures. As a profession

that is built on arguing for change, social work is well able constantly to review its practices and consider change for the future.

I welcome tonight's debate, and the opportunity to highlight the positive work that is done. I hope that we get more opportunities to highlight the range of things that social workers are involved in doing, and that we do not focus only on the difficult decisions that have to be made—and that are made—every day.

Even at the height of all the difficulties that I faced when I was a Government minister—members will recall that there were a few scary moments—I never found them as terrifying as the decisions that I had to make as a basic grade or a senior social worker, when I went into a situation in which we had to decide whether children came into care, because I was so conscious of the impact that that would have on people's lives. I hope that each and every one of us, as we go about making the hard decisions that we have to make on a day and daily basis, spare a thought for the people who are out there making such decisions on our behalf. They are doing it on behalf of society, not just the local authorities for which they work.

17:39

The Minister for Children and Early Years (Adam Ingram): I thank Christina McKelvie for bringing the debate to the chamber, and for her excellent speech.

Scotland's social work and social care services contribute significantly to the Government's overall purpose: the creation of a more successful country with opportunities for all of Scotland—including the most disadvantaged and vulnerable in our society—to flourish through sustainable economic growth.

A fundamental resource in that often complex and difficult area is the workforce, so, along with developing the capacity to deliver personalised services, the key issue that we have been pursuing through "Changing Lives: Report of the 21st Century Social Work Review" is to ensure that we have a confident, competent and valued workforce.

Recruitment and retention trends in social work services continue to improve. Official statistics released today show that in Scottish local authorities, nearly 57,000 posts are filled with full and part-time staff employed in social work services, which equates to just over 44,200 whole-time equivalent staff. Vacancies among social workers, which reached a high of 13 per cent in 2003, are down to 7 per cent. The number of whole-time equivalent social workers has increased by 31 per cent from 2001, to just under

5,100, and the number of social work students is on the increase. The number of undergraduates should rise by around 40 per cent over the next three years, to about 500.

I am pleased to say that the numbers are healthy, but what about the quality of provision? Clearly, staff who deliver services must have the knowledge, skills and values to allow them to improve the quality of outcomes for service users. Regulation of the workforce through registration places a condition that staff will have the appropriate qualifications for the job that they undertake. However, that is only the beginning. All will be subject to post-registration training and learning requirements, as set by the Scottish Social Services Council, to ensure that they not only maintain but update their skills and knowledge.

Other measures have been put in place to support and encourage learning in the workplace. In December 2008, I launched the continuous learning framework, which will support all social service workers and employers to improve approaches to learning and development, career pathways and standards of practice. It will help employers to identify which staff need to do their jobs well not only now but in future.

The recognition of prior informal learning will enable staff to have their experience recognised, which will help them to gain credit towards qualifications. We fund six centres of excellence, which deliver specialist training in areas such as drug and alcohol misuse and residential child care.

Students of the social work degree now undertake 200 days of practice learning in the course of their degree, which must include actual practice on child protection cases. The sector is recognised for the work that it is doing to upskill its workforce, and we must support and encourage that approach.

Skills and leadership are needed at all levels. Nigel Don and Trish Godman made good points about that. Staff need to experience strong leadership and support, with a clarity of vision for services and support that can drive and sustain improved performance. High morale and confidence flow from that, and staff at all levels will benefit from effective management from skilled leaders.

As MSPs, we need to speak up to support front-line workers. I congratulate Christina McKelvie and all the other speakers for the tone of the debate, which has been enhanced by valuable contributions from the former social workers in our midst.

The wider public do not often see the work that is done on their behalf or appreciate the difficulties that are faced, nor do they hear of the successes

and happy endings. For every bad news story, there are a thousand good news stories—of children helped, families supported and lives improved, through the commitment and professionalism of front-line workers throughout Scotland. That is why we welcomed the decision by the Association of Directors of Social Work and the Scottish Social Services Council to develop a public relations strategy to raise a constructive profile of social work services. Like Christina McKelvie, I attended the launch in April.

While we should be quick to recognise the important contribution that the workforce makes, we should not be afraid to challenge where there are problems. We must face up to it when things go wrong, fix things that have not worked and learn for the future. The unacceptable shortcomings in services to protect children that were highlighted in the HMIE report on Dundee that was published yesterday are a case in point. I have sought and obtained urgent assurances from senior Dundee officials that immediate and significant remedial action is under way. As has been highlighted, multi-agency collaboration and co-operation across the sector is crucial. We will continue to work positively with Dundee City Council, Tayside Police and NHS Tayside so as to be assured that progress is sustained. HMIE has been asked to revisit Dundee within six months to report on progress.

I remind members that Scotland's child protection inspection system is the most robust in the United Kingdom. Previous critical HMIE reports have led to significant, measurable improvements in services to protect children. Today's publication of the interim follow-through report on Aberdeen is a good example of that, and it shows promising early progress in the six months since the initial inspection. I have challenged poor practice in the past and I will continue to do so. I encourage those who work in services, at whatever level, to do the same.

Changing lives tools such as the continuous learning framework and the evolving leadership framework will help. The self-evaluation guide from the Social Work Inspection Agency, the recent guidance on the role of the chief social work officer and the developing practice governance framework will also support workforce development and sustainable change and improvement. However, there is more to be done, and we all have a part to play.

I thank all the members who have participated in this evening's debate.

Meeting closed at 17:46.

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