

COMMITTEE REMITS

Introduction

1. The purpose of this paper is to update the Bureau on the Net Zero, Energy and Transport (NZET) Committee's request for a modification to its remit and seek a decision. The NZET Committee's 6 May letter to the Presiding Officer, which first formally raised concerns about the NZET remit, is attached at Annexe A.
2. The Bureau initially considered this issue on 24 May 2022 and agreed the NZET Committee's letter raised issues that should be considered further. Officials were asked to consider possible outcomes for future Bureau consideration. In September, Edward Mountain replaced Dean Lockhart as NZET Committee Convener. There have been two further developments since May:
 - There has been a clarification of responsibilities held by the Cabinet Secretary for Net Zero, Energy and Transport, the result of which is that some issues the NZET Committee raised are no longer live; and
 - In relation to other issues raised by the NZET Committee, the NZET and Rural Affairs, Islands and Natural Environment (RAINE) Committees have now reached agreement in principle on a transfer of some responsibilities from NZET to RAINE. The changes represent a compromise position compared with the more extensive changes being requested in the 6 May letter.
3. The formal request is that the following two scrutiny responsibilities are transferred from the NZET to the RAINE Committee:
 - Land use – for instance forestry and any land use policy concerning wild as well as domestic animals (for instance grouse moors, deer management or pest control);
 - Alongside this, wildlife crime and the welfare of wild as well as domestic animals (RAINE currently has scrutiny responsibility for the domestic but not wild animal welfare).
4. Conveners and Members of the NZET and RAINE Committees are content with the proposal, agreeing it fits better with the priorities and interests of both committees this session and experience gained so far. They now hope that this matter can be resolved satisfactorily, with the Bureau by motion proposing a modification of both committees' remits to the Parliament
5. The RAINE Committee also requests a name change, as discussed further below.

Background

6. The Parliament [agreed](#) the establishment of the Session 6 committees on 15 June 2021. NZET Committee's remit was "to consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport".

7. Over the following period, parliamentary officials and NZET Committee Members sought to clarify the full extent of the Cabinet Secretary NZET's remit. This led to a [letter](#) to the NZET Committee from the Cabinet Secretary, on 1 December 2021, the [annexe to which listed his full responsibilities, as well as of all ministers reporting to him.](#) As set out in the 6 May letter, the NZET Committee considered that it had been left with an over-wide remit that was practically unworkable.

Resolved matters

8. The NZET Committee's letter raised concerns about certain matters within the responsibilities of the following two Ministers being within its remit:
- Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights,
 - Minister for Green Skills, Circular Economy and Biodiversity
9. A follow-up [letter from the Cabinet Secretary NZET \(21 June 2022\) has since clarified that they do not report, after all, to him on these matters.](#) What this clarification means in terms of committee scrutiny responsibility is set out in Annexe B. **These matters are now considered resolved to the satisfaction of all four relevant committees and the Bureau is invited to note the clarifications provided.**

Legislative implications

10. The Minister for Parliamentary Business and his officials have been kept aware of developments since the Bureau last discussed the NZET Committee's remit. Both Conveners have discussed with the Minister the likely implications of the proposed modification on Scottish Government legislative planning.
11. The NZET Committee notes that, regardless of the outcome of current discussions on its remit, that it is likely to be lead committee on the Circular Economy Bill, expected in Spring 2023.
12. In relation to other Scottish Government legislation on the horizon, the Minister and Conveners agree that, were the requested remit changes to go through, it would be likely that:
- The Wildlife Management (Grouse Moor) Bill, proposed for introduction before summer recess, would be referred to the RAINE Committee, and
 - A Bill on land reform to be introduced later in this session would likely be referred to the NZET Committee.
13. The two committees and the Scottish Government would be content with this outcome.

Request from the RAINE Committee to change its name

14. When the RAINE Committee agreed to these proposed remit changes, it also agreed to seek a change to its name. Specifically, the Committee is asking for 'natural environment' to be removed from its name and to be called the Rural Affairs and Islands Committee.

15. The reason for this request is that, although the Parliament agreed the Committee's name should include 'natural environment', the Parliament also agreed the remit of the Committee should shadow that of the Cabinet Secretary for Rural Affairs and Islands. Environment policy sits within the net zero, energy and transport ministerial portfolio. As a result, the Committee has natural environment in its name, but does not have environment policy in its remit. This has caused some confusion, especially amongst stakeholders and the public. (This was also an issue mentioned in the NZET Committee's 6 May letter to the Presiding Officer.)
16. RAINE Members agreed the name Rural Affairs and Islands Committee would more accurately reflect its remit and reduce the ongoing risk of confusion.

Decision

- 17. The Bureau is invited to recommend to the Parliament the following motion in relation to the remit of the Net Zero, Environment and Transport Committee and the name and remit of the Rural Affairs, Islands and Natural Environment Committee:**

That the Parliament agrees to the following revisions to the remits of two committees and the name of a committee—

Name of Committee: Net Zero, Energy and Transport Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport, with the exception of matters relating to rural land use, wildlife crime and animal welfare.

Name of Committee: Rural Affairs, Islands and Natural Environment Committee

New name of Committee: Rural Affairs and Islands Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands; and on matters relating to rural land use, wildlife crime and animal welfare falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport.

ANNEXE A

**Net Zero, Energy and Transport
Committee**c/o Clerk to the Committee
The Scottish Parliament
Edinburgh
EH99 1SP***By email only***Alison Johnstone MSP
Presiding Officer
The Scottish Parliamentnetzero.committee@Parliament.Scot

6 May 2022

Dear Alison

Net Zero, Energy and Transport Committee

We write to seek your advice about a review of the NZET Committee's remit, and to request a meeting on this matter; so that it might in due course be reconsidered by the Parliamentary Bureau, after dialogue with all interested parties. This letter sets out the shared view of all Committee Members.

As well as writing to you in your capacity as Chair of the Bureau, which discusses and proposes committee remits, we are also writing to you in your overall role as the Parliament's senior figure. We know how important it is to you personally that the Parliament be an effective scrutineer of government policy in this session, and this is also our key consideration in writing to you.

As you will recall, in setting up committees for this session last June, the Bureau proposed by motion that the new NZET Committee have a remit mirroring that of the Cabinet Secretary for Net Zero, Energy and Transport, and this was agreed to. So, anything that is his ministerial responsibility is ours to keep track of.

All seven Committee Members joined it last June understanding its main role to be to monitor the progress of the Scottish Government and its agencies in making Scotland a net zero nation by 2045. When the Cabinet Secretary NZET made his first appearance before the Committee in September last year, he confirmed this as his own overall strategic role within government. Meeting the 2045 goal will be a massive challenge, requiring a "whole society" effort across every area of devolved policy, in relation to an end-goal that world leaders agreed in Glasgow last year was existentially important.

It is widely agreed that the 5-year term of this Parliamentary session will be a particularly crucial period, with a need for accelerated and carefully coordinated change if we are to have realistic prospects of meeting the 2045 goal, as well as the interim targets the Scottish Government has set for 2030.

NZET Committee Members also recognised that alongside this role, the Committee would have the more "everyday"- but still important - task of monitoring the general performance of the Scottish Government and its agencies in relation to transport and energy policy, as well as some aspects of environmental policy,

whether or not this directly relates to the net zero targets. This in itself is a significant responsibility.

In relation to environmental policy, it was our understanding from the outset that scrutiny in this area would be split between the NZET Committee and the new Rural Affairs, Islands and Natural Environment Committee, with the latter having, if anything, the greater role. This seems to have been a general understanding, with the Bureau proposing the inclusion of the words “Natural Environment” in the RAINE Committee’s title, which the Parliament went on to endorse unanimously.

However, after a period of post-election uncertainty, whilst Ministerial remits were still being determined, it emerged that the Cabinet Secretary NZET’s remit in relation to environmental matters was in fact very broad. This of course means that the Committee’s remit in this area is equally broad. The addition to the Government of two new Green Ministers in September, both reporting directly to Cabinet Secretary NZET, further extended our remit.

The Cabinet Secretary’s 1 December letter, in response to a request from us to clarify his role (attached) sets out very clearly the full range of his – and therefore our – responsibilities. The letter and its annexe speak for themselves and we will not attempt to summarise them, other than simply to note that the NZET Committee finds itself with a remit encompassing:

- The overall role of monitoring net zero progress across government;
- Practically all the remit of the former Environment, Climate Change and Land Reform Committee;
- Much of the remits of the former Rural Economy and Connectivity Committee and Economy, Energy and Fair Work Committee, and
- Even some elements of the former Local Government and Communities Committee.

After due consideration, NZET Committee Members have reluctantly come to the view that this extended remit is unworkable, will detract from our focus on the over-arching priority of net zero and should therefore be reviewed.

If it remains unchanged, we consider there to be a real risk of important scrutiny in some policy areas going neglected this session as the Committee focusses on what Members unanimously agree must be our key priority: monitoring progress in meeting the 2030 and 2045 goals.

In coming to this conclusion, the Committee is not expressing a collective view on the Scottish Government’s configuration of Ministerial responsibilities in this area. The First Minister may organise the Scottish Government as she sees fit. It is relevant to note, however, that – recognising the breadth of the Cabinet Secretary NZET’s responsibilities, and the exceptionally wide range of policy areas they cover – she assigned four ministers to report directly to him. The NZET Committee has no capacity to stretch its resources or capacity in a similar manner. We have no more resources and, crucially, no more time available to us than any other committee.

You will appreciate that, before we agreed to write to you, the Committee did first seek to explore whether there were any informal arrangements or understandings that might mitigate our concerns or resolve the uncertainty over remit. We were not, in the end, satisfied that this would provide satisfactory resolution. We should

also acknowledge that there have been occasions where another committee has taken on work that might otherwise have been assigned to the NZET Committee. This has been helpful, but such *ad hoc* arrangements do not address our wider concerns.

If you are agreeable to our request for a meeting, we would be happy to discuss this in more detail. We would also take the opportunity to raise those areas currently within our remit where we would welcome change so that we may focus on our main scrutiny role. For early reference, these include:

- Land use – for instance forestry and any land use policy concerning wild as well as domestic animals (for instance grouse moors, deer management or pest control);
- Alongside this, wildlife crime and the welfare of wild as well as domestic animals;
- Plant health – we would welcome it being placed beyond doubt that this is not a matter for the NZET Committee (further communication since the Cabinet Secretary NZET’s 1 December letter has left some doubt as to where this sits);
- Land ownership and land reform, including the Register of Persons Holding an Interest in Land;
- Marine planning (unless the issue under advisement primarily concerns marine biodiversity);
- The “new deal for tenants”;
- Building standards;
- International climate justice.

All of these are important issues that deserve to be properly monitored over the lifetime of this session.

We accept that a discussion of the sort we propose cannot take place without consideration of the potential impact across the Parliament, including on other committees, and can confirm that conversations have been ongoing, both between relevant Members and at official level. In some cases, a re-assignment of responsibilities may amount in practice to little more than a tidying-up exercise, to mutual benefit. In other cases, we accept, it will be less straightforward. We would be happy to discuss our views on this with you and any other interested parties.

Finally, we take the opportunity to underline that our overriding concern is to ensure that the NZET Committee has the capacity and space during this session to maintain a laser-like focus on Scotland’s net zero goals.

On behalf of all Committee Members, we hope you will be agreeable to this request for an opening discussion on this matter, recognising that other colleagues will also wish to be part of this conversation in due course.

Yours sincerely

Dean Lockhart MSP
Convener

Fiona Hyslop MSP
Deput Convener

ANNEXE B: Reporting lines of two Green Ministers: implications for committee scrutiny

In his 21 June 2022 letter to the NZET Committee, the Cabinet Secretary clarified that the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights and the Minister for Green Skills, Circular Economy and Biodiversity do not, after all, report to him on every matter within their remits. There are five matters where they report to other Cabinet Secretaries.

The table below sets out the reporting lines in relation to these matters:

<i>Policy area</i>	<i>Minister</i>	<i>Reports to</i>	<i>Relevant Committee</i>
Building standards	Mr Harvie	Cabinet Secretary SJHLG	Local Government Housing and Planning
New deal for tenants	Hr Harvie	Cabinet Secretary SJHLG	Local Government Housing and Planning
Green industrial strategy	Ms Slater	Cabinet Secretary FE	Economy and Fair Work
Green skills	Ms Slater	Cabinet Secretary FE	Economy and Fair Work
Plant Health	Ms Slater	Cabinet Secretary RAI	Rural Affairs, Islands and Natural Environment