Legislative Council

Hansard

Tuesday 11 March 2025

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt…]

Motion

Hydro-Electric Corporation Regulations 2024 - Disallowance

[6.33 p.m.]

Ms WEBB (Nelson) - Mr President, I am pleased to get up to speak to this disallowance motion brought by the member for Hobart. I thank her for bringing this to our attention and consideration. It is a fundamentally important matter for us to consider as a parliament when, through changes made to a regulation, we are seeking to remove some of the responsibilities that we have here as a parliament and as members of parliament to engage in scrutiny of the activities of an incredibly important GBE for our state and one that we all want to see succeed as thoroughly as possible.

I find it interesting to listen to the debate. For me, a really fundamental question when we are considering things in this place is, what is the problem we are trying to solve? It is somewhat elusive here in relation to this change in the regulations that is proposed. It seems quite straightforward when we were being provided with a briefing that the intent is to treat solar the same way that we treat wind in the relevant act that the regulations are attached to, and that is that we exempt it from parliamentary scrutiny in the same way that wind is currently exempted in the act. If it was as simple as that, then it could have been achieved very simply by an amendment to the act. I would say from the sound of it, we would all have been in furious agreement with that being a viable and sensible way forward.

Unlike the member for Pembroke, what I heard from three members discussing a successful solar operation on King Island was agreement that that operation was successful and that has come to pass in the current environment that we have under the act and the current regulations, so it did not require this change in regulations to be achieved as a successful operation there on King Island. All power to them, no pun intended. Perhaps it was intended, actually. If it was a simple straightforward proposition, that the problem we are trying to solve is that we treat solar - which we all welcome and want to see continue to develop on this island - then we could have done this in a pretty straightforward way through amendment. It did not happen that way. What is the problem we are trying to solve?

We then heard that, actually, the intent of the change in this regulation is to be technology-neutral. I always find it difficult, in a briefing, to hear something given to me as a rationale for what is being proposed and then in the very same briefing, a little later, be provided with quite a different rationale. That gives me pause immediately. If, in fact, the intent is that this change in regulation is intended to be technology-neutral and therefore could apply to technologies beyond solar, then that is a different proposition for us to consider in this place.

Removing our scrutiny role from projects of a certain size in technologies that are not necessarily solar, but maybe emerging technologies - emerging technologies were mentioned. Given that emerging technologies are not well known to us at this point in time, it would be extraordinary to think that we might contemplate removing our scrutiny responsibilities on behalf of the Tasmanian people, for a GBE that is incredibly important and valuable to the Tasmanian people. It would be extraordinary to think we would contemplate removing our scrutiny of projects relating to emerging technologies when we do not, at this point in time, have full information available to us about the full impact, the full costs, the full outcomes that might be gained, the full curly questions that might emerge from these emerging technologies.

Why would we think to take away our opportunity to ask questions on behalf of the Tasmanian people about significant projects that Hydro might engage in, in emerging technologies? Why would we think of taking away our ability to ask questions and to scrutinise, when we do not even know what they might be yet? That would be an extraordinary proposition, for us to choose to do that as a responsible Parliament and as responsible members of parliament.

The thing I find quite problematic here is any attempt to devolve this into a question of whether we are supportive or not supportive of renewable energy projects. It would certainly be extraordinary for someone to suggest that the way we might approach this vote on this disallowance motion would be an indication of whether we were in fact in support of or not in support of renewable energy projects.

I think we would have quite a significantly common level of commitment to seeing renewable energy projects come forward. There might be ways that we would approach these differently, with certain questions or certain propositions. Nobody is going to stand here and say they do not support us developing and exploring and looking at further renewable projects in this state. What has to be absolutely crystal clear, is that a vote in support of this disallowance motion is not a vote against renewable energy projects. In fact, it is a vote in complete confidence in those projects and our role in seeing them and shepherding them to development that we have here in this place as a parliament, as representatives of the people, and as representatives of ensuring public interest and public confidence are delivered. When those projects are attached to and in partnership with or even under the proponents of our Hydro GBE, then it is particularly important for us to be undertaking that role in relation to that entity.

It is funny, I am having a lot of conversations with Tasmanians out and about at the moment. A proposition that often comes up is when we are discussing the current political environment in this state, when I put the question to people: 'Do you think at this time we need more scrutiny of government and GBEs or less?' people have only one answer to that question, and it is a resounding, 'More, please, through our parliament'.

We have had some fairly stark examples in recent times of failures in decision-making and project management, of failures for there to be adequate scrutiny of decision-making processes. That is why I think if you ask Tasmanians, you will get absolute near unanimity from them on that question, 'Do you think there needs to be more scrutiny of government and of GBEs at this time or less?' That is what this disallowance motion is about. The regulations seek for there to be less scrutiny from this place, less scrutiny from us as the elected representatives of the Tasmanian people. I do not think that meets community expectation, not one bit, particularly not right now.

I find it interesting as well that there would be any whiff of suggestion from people in this place that the actions of parliament and scrutiny of parliament is a handbrake or is some

sort of regulatory impediment that we would seek to dispense with as readily as we can. That is not what parliamentary scrutiny is.

Making something disallowable does not mean it gets blocked, or it stops, or even that it is particularly held up in a timeline of progress coming to fruition through a development process. Making something disallowable means that we have agreed in this place that on behalf of the Tasmanian people we should potentially take a look at it as it comes before us. If necessary, we may have a debate about it and its merits. If a majority of views is achieved in that debate, we may bring it to a halt or slow it down for further work to be done. That is not a given outcome at all.

It is really hard to get a disallowance motion up in this place. We may see an illustration of that here today. I have tried a number of them. I have only been successful once. It is really hard. Making something disallowable is absolutely, categorically not putting a blockage in front of it. It is putting public accountability around it. That is appropriate. That is literally what we are here to do in representation of our communities.

As the member for Hobart pointed out, in terms of construction of major power facilities under section 8(2) of the act for a proposal that is coming through this place and can be disallowable, what is required here are very straightforward details of a project that we would expect to be readily able to be provided in a public way, in a defensible way, and in a very reasonable way to decision-makers who are contemplating that proposal. These things include the nature of the major power facility, the capacity to generate electricity, where it will be situated, the estimated cost of constructing it, the extent to which the cost will be met by the corporation or through loans, et cetera. To my mind, they are all incredibly reasonable things to be on the public record when Hydro, our valuable GBE, is going to be partnering in or the proponent of a project. Remember that is what we are talking about here - projects that Hydro will be partnering in or the proponent of.

The Tasmanian people own Hydro. We as their representatives would expect to see those sorts of details provided on projects that it was either the proponent of or a partner in. I would assume that any corporate entity or other entity who is wanting to come to partner with Hydro to do projects would be entirely capable and in fact keen to put that level of detail into the public domain as the project came through this place. In fact, if there were a corporate proponent who wanted to partner with Hydro and was reluctant to put that level of detail into the public domain and the parliamentary domain for consideration through this place, we would well be suspicious of that corporate entity.

We would be suspicious of why would that corporate entity - with all good confidence in its project and its proposal that it is looking to partner with our valuable Hydro on - why would they not have the confidence to put forward this level of detail and be able to defend it readily through scrutiny of this place, if necessary?

It is an extraordinary proposition to think that corporate entities might be so scared to present basic project information for public scrutiny when they want to partner with a public entity, a GBE that is owned by the Tasmanian people. If they are put off by having to make their case, provide information about their project and be able to defend it within a parliamentary context, we should not be partnering with them.

I am quite concerned about the fact that this regulation has been brought in this way to this place. It certainly does not seem like the most open and honest and transparent way to bring about changes to the way we treat these power generating projects. Certainly, if we did simply want to facilitate more solar projects that the Hydro was to be involved with, we could

readily have done it through an amendment to the act, which would surely have been fairly straightforward. We know now that this is intended to be broader than that; broader than solar for emerging technologies. It is technology-neutral, we are told.

Ms O'Connor - It could include gas.

Ms WEBB - It could look backwards; it could look forwards. It could apply to any form of generating. I think it is a shame that this was done through regulations. We know there was no regulatory impact statement done, as a part of it, because it was seen as lifting a constraint. It was not seen in the way that we would contemplate this as removing the power of parliament on behalf of the Tasmanian people to properly scrutinise. That is a shame. I know that the subordinate legislation committee, which we have heard already from other member's contributions, has paused contemplation of these regulations while this disallowance motion is considered here in this place. It has not had an opportunity to fully perhaps exercise its role when it comes to scrutinising subordinate legislation on behalf of the parliament.

It does feel like it is being slipped in under the wire to some extent and that is a shame to feel that way about it. If this was truly needed to solve a clear and present problem and was defensible, it should have been done as openly and transparently as possible through legislation. That is what I think.

What happens if we were to disallow these regulations? Others have posed and answered that question and that we stay with the current arrangements. We know there have been excellent solar projects that have been progressing in private enterprise in a range of ways and there has been no impediment to that happening. We know the government could come back at any stage and make an amendment to the act, specifically relating to solar and bobs your uncle, we would have an agreed arrangement to treat solar in the same way that we treat wind already. That would be no problem.

We could then turn our mind to how we might treat emerging technologies. If, in fact, it is emerging technologies that we want to provide a broader avenue of development to and remove some element of scrutiny from, we could have a really specific and clear contemplation and debate on that.

We could talk about what is needed now given what we know about current emerging technologies. Then, what also do we need to do to maintain our responsibility to the Tasmanian people in this place and put as a constraint on scrutiny or approval by this place? That is exactly what was done in 1995 when the act came through and this place, at that time, as we heard, put in the constraint for there to be a disallowable opportunity in this place for generating projects of a certain size. This place did that work then and looked ahead and thought about that and we could do that now. We could do that work now. We could do it in partnership with the government in this place and come to something that balanced those things, balanced the way forward for emerging technologies with the appropriate oversight for the Tasmanian people when we are talking about Hydro's involvement with those projects. Remember that the whole thing here relies on the involvement of Hydro, our publicly owned GBE, our valuable state-owned GBE.

That is a more long-winded contribution than I had thought I might on this motion. I appreciate us discussing it. We should always discuss matters that relate to the way we exercise our responsibilities in this place on behalf of the Tasmanian people. Let us be clear that this is not a question of who does or does not support renewable energy generation. This is not a question about the need to continue to develop those sorts of generating projects in this state. This is specifically a question about us exercising our responsibilities here in parliament on

behalf of the Tasmanian people. This is about that very fundamental question that I have been putting to people very frequently recently out on the streets and at the doors: 'Do you think in this state right now, that government and GBEs need more scrutiny or less?' I can tell you the answer 100 per cent so far is more.

Let us meet community expectations here, and defend our responsibility as a parliament and support this disallowance motion, knowing that there are options before the government to come back and address at least some of the issues that have been raised in relation to making these changes to the regulation. I support the motion.