

Simon Scott
Committee Secretary
Public Accounts Committee

By Email: simon.scott@parliament.tas.gov.au

Dear Mr Scott

Thank you for the letter dated 19 August from the Parliamentary Accounts Committee Chair, the Hon Ruth Forrest MLC. The letter outlined questions taken on notice, following the appearance of the Macquarie Point Development Corporation (**MPDC**) Chair, Mr Kim Evans and I at the Public Accounts Committee on 7 August 2026. I received a subsequent letter dated 24 August following the appearance of the Independent Probity Advisers at the public hearing held on Friday, 21 August 2026.

Responses are provided below to each of the questions and requests set out in the letters from the Chair. I have noted any information that is provided in confidence.

A number of the questions and requests relate to the procurement process for the Stadium contractor. To assist I would like to bring the following information to the attention of the Committee regarding the process:

- We are currently undertaking an active procurement process. As a general probity principle, information relating to ongoing procurement activities, including tender submissions and evaluation processes, is treated as confidential to protect the integrity of the process, preserve commercial confidentiality and support a fair and competitive environment that delivers value for money. Recognising the Committee's oversight role, we are providing the requested information on a strictly confidential basis.
- MPDC is responsible for undertaking the procurement process and are the decision maker within that process. Decisions regarding whether bids are compliant and evaluation recommendations at each stage of the process are made by the evaluation committees. The MPDC Board is responsible for approving the recommendations made by the evaluation committees after due consideration. The process is informed by legal and probity advisors, as well as relevant subject matter experts, however, these advisors do not hold any decision-making authority.
- Several questions have been raised as to whether the Expression of Interest (**EOI**) bids were compliant, in particular with regard to whether respondents were required to disclose whether in the last 24 months they had been subject to any current proceedings in

response to the Economic and Social Benefits (**ESB**) Statement returnable when responding to the EOI. The following matters should be noted in this context:

- our view is that the questions and responses listed in the ESB Statement relate to:
 - employment related laws and an industrial instrument regulated by the Commonwealth
 - Women's equality and safety and related penalties or notice from the Tasmanian Equal Opportunity and Human Rights Commission.
 - Investigations or proceedings in respect of a possible breach of the Tasmanian Anti-Discrimination Act 1998 (Tas) or notices of non-compliance or potential non-compliance with requirements under the Workplace Gender Equality Act 2012 (Cth)
 - Penalties or notices, or investigations or proceedings from any State or Commonwealth Opportunity Equal Opportunity and Human Rights Commission or possible breach of a State or Commonwealth Equal Opportunity Act relating to employment of people with disability
 - Penalties or notices from the Tasmanian (or any other State) Environmental Protection Authority or breaches of any environmental legislation or regulation, or investigations / proceedings in respect of a possible breach of any environmental legislation or regulation
 - The questions in the ESB Statement do not otherwise relate to workplace health and safety (WHS) related matters.
- The full questions in the EOI returnable should be read in their entirety, as these were the questions the respondents were required to respond to. Regarding EOI Volume 2, schedule QEC3, Part A(v), this is '*any other claims and disputes which are on foot and subject to litigation, arbitration or determination by an independent expert*'.
 - Compliance needs to consider the full requirements of the item, not individual parts in isolation. The response required the declaration of claims and disputes which are on foot **and** that are also subject to litigation, arbitration or determination by an independent expert.
- The EOI is the first phase of the procurement process. The live Request for Tender Stage 1 process includes a comprehensive evaluation process, which will rigorously assess aspects such as delivery methodology, capability and experience, understanding of project risks, value for money and economic and social benefits for Tasmania. This includes a section in the returnables on disclosure of any legal proceedings current or completed within the last five years and whether the tenderers have been subject to investigation or finding by a law enforcement or regulatory agency. The process also allows for any investigations that are identified as appropriate to undertake to inform the assessment, in accordance with the established tender evaluation criteria.

Responses to requests following my and the Board Chair's appearance at the public hearing held on Friday, 7 August 2026 are provided below. I have noted any information that is provided in confidence.

1. A copy of the site environmental management plan

The latest version of the Site Environmental Management Plan is available on the Reporting page of the Macquarie Point Development Corporation website (www.macpoint.com/reporting). It has been reviewed by an accredited environmental auditor and has been prepared to the satisfaction of the Director of the EPA. A direct link to the report is below.

https://962bcb30-93b4-4211-aa7e-115075899592.filesusr.com/ugd/f179b6_56db3cbd103c49d18c7cfdc3a2368d51.pdf

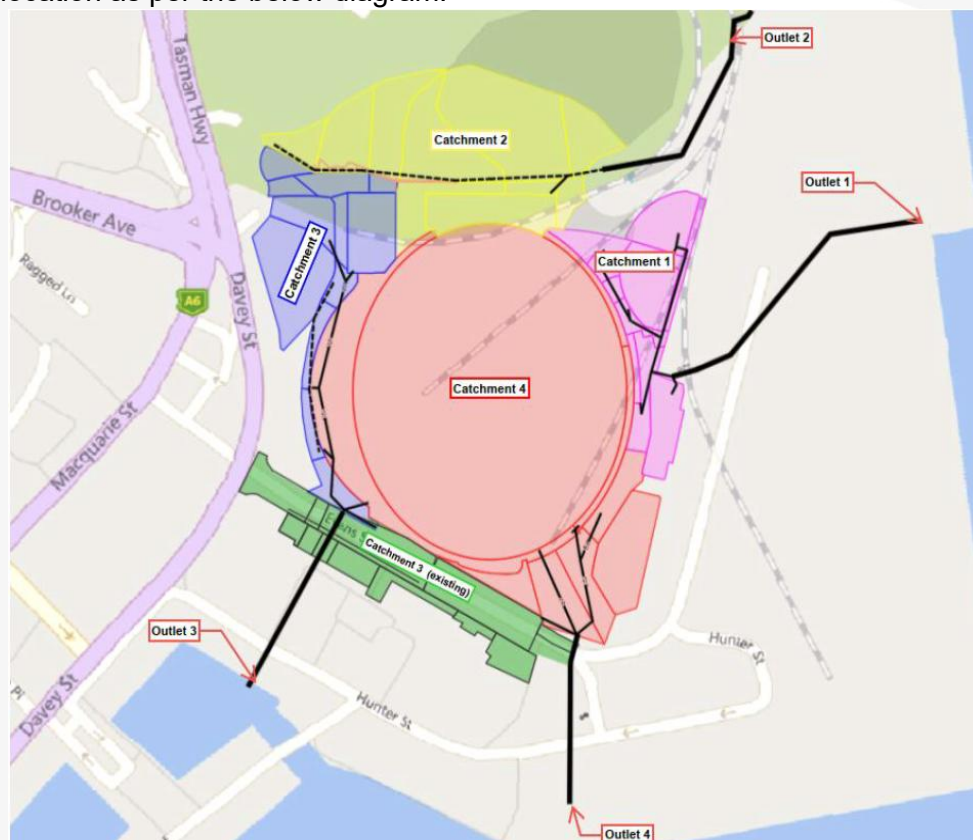
2. A copy of the risk matrix that informed the tender process, and for identified risks, which party carried the financial risk associated with those risks

A copy of the risk allocation that was included within the Expression of Interest materials provided to bidders is attached (Attachment 1), however, is provide strictly in confidence. It is inappropriate to disclose information related to the allocation of risk while the procurement process remains active. The allocation of risks and how risk apportioned is negotiated through the procurement process. To disclose such important details at this stage of the process presents significant probity risks.

The risk allocation covers proposed ownership of contractual responsibilities with associated risks under the contract between MPDC and the stadium contractor.

3. Details around the additional capacity to manage stormwater through the existing outlets (including volumes) and notes the volume expected to be drained under Evans Street

The proposed development has been separated into catchments and adjoining outlets for stormwater management based on finished surface levels, outlet capacities, and outlets location as per the below diagram.



There are currently three existing catchments and outlets across the site. As per design requirements, the proposed new stormwater system for catchment 4 has been design using a 10% AEP (Annual Exceedance Probability) design event for the pipe network. This is a standard design requirement.

Catchment 1 covers an area impervious of 8228 m² (Modelling determines that the flows produced from C1 can be directed to O1 without any spillage into TasPorts owned land during a peak 10% AEP storm with climate change and tailwater level of 1.687m AHD. A peak flow of 148 L/s will enter the existing DN450 system, with no overflow within the site to other catchments)

Catchment 2 covers an area impervious of 8405 m² (Modelling determines that the flows produced from C2 can be directed to O2 without spillage during a peak 10% AEP storm with climate change and tailwater level of 1.687m AHD. A peak flow of 257 L/s will enter the existing DN750 system, with the pipework having capacity)

Catchment 3 covers an area impervious of 6252 m² (DRAINS modelling shows that in the peak 10% AEP event with climate change and tailwater level of 1.687m AHD, C3 produces a peak flow of 120 L/s that is directed to the existing twin 300 pipes in Evans Street without spillage within the stadium site)

And the **proposed new catchment 4 will cover an area impervious of 50330 m²**. (DRAINS modelling shows that in the peak 10% AEP event with climate change and tailwater level of 1.687m AHD, C4 produces a peak flow of 929 L/s that is directed to Macquarie Wharf via the proposed pipework with no surcharge)

4. A list of the subject matter experts that MPDC have or can use

This information is set out in the evaluation plan provided in response to request number 1 received on 24 August (below). The information is available at page 13-16 of the plan. The same probity considerations regarding releasing this information applies as outlined in response to that request and the information is provided strictly in confidence.

5. The modelling used to predict how people move before and after an event

The Transport page of the Macquarie Point Development Corporation website provides an overview of modelling undertaken regarding movement before and after an event.
<https://www.macpoint.com/stadium/transport>

The Transport Study submitted as part of the Project of State Significance process includes three key elements:

- Origins Study – Examines where stadium visitors are likely to travel from and how they will travel, utilising the AFL Devils membership data.
- Traffic and Transport Model – Analyses current traffic and transport patterns and how stadium events will impact them based on where visitors travel from.
- Transport Plan – Assesses transport options and strategies to ensure safe and efficient movement of visitors to and from the stadium.

The Transport Study is linked from the Macquarie Point Development website page and can be found on the Tasmanian Planning Commission's website here:

https://www.planning.tas.gov.au/_data/assets/pdf_file/0007/907171/Appendix-N-Transport-Study-WSP-August-2024.PDF

6. A copy of the Tasmanian Industry Participation Plan, and the reporting requirements referred to in the hearing with respect to local participation protections contained in contractual works

As noted at the 7 August hearing, a Tasmanian Industry Participation Plan is included in the executed Contract and is created from a returnable from the tenderer during the procurement process, part of our assessment is receiving that advice from tenderers. The intent is for the Economic and Social Benefits Test to form the basis for the Tasmanian Industry Participation Plan for inclusion within the executed Contract at the conclusion of the RFT Phase. I have attached (Attachment 2) the returnable for RFT Stage 1 regarding QEC3 Economic and Social Benefits Statement, which forms 30% of the weighted Evaluation Criteria. This is provided strictly in confidence, as we are in a live procurement process and need to protect the integrity of the process.

Responses to requests following the appearance of the Independent Probity Advisors at the public hearing held on Friday, 21 August 2026 are below. I have noted any information that is provided in confidence.

1. A copy of the evaluation plan for the recent tender evaluation process

There are two Evaluation Plans related to the procurement process for the main Stadium Contractor, one for the Expression of Interest phase and one for the Request for Tender Stage 1 that is currently underway. We have taken this request to be referring to the second of these and the Evaluation Plan for the live Request for Tender Stage 1 process is provided strictly in confidence (Attachment 3).

The Evaluation Plan contains confidential and sensitive information including the names of the Committee members and subject matter experts as well as details of the evaluation process. Disclosure of this information could subject those named in the plan to lobbying and adversely impact the evaluation process.

2. A copy of the Evaluation Report

There will be two evaluation reports, one for the Expression of Interest process and one for the Request for Tender Stage 1 process. The Request for Tender Stage 1 evaluation is currently underway. The Evaluation Report will be an output from this process and so it not yet available. The Committee is provided with a copy of the Expression of Interest Evaluation Report (Attachment 4). This is provided in confidence to protect the confidentiality of the respondents and the integrity of the process. Disclosure of this information would compromise the procurement process.

3. Details of the Chair of the Evaluation Committee

The membership of the Evaluation Committee, Tender Review Committee and Procurement Review Committee was provided in confidence on 19 June in response a question on notice from the Committee.

We remain in a live procurement process, and it is an important element of the procurement framework that evaluation committee members are not disclosed. This protects the integrity of the process including by managing the risk of committee members being exposed to lobbying. For these reasons, the requested information is provided in confidence. The information is contained with the Evaluation Plan requested under request number 1, on page 13.

4. A copy of the Probity Plan

The Probity Plan for the procurement process is provided in strict confidence (Attachment 5). As previously stated, we are in a live procurement process and need to protect the integrity of the process.

5. A copy of the Probity Report

The Probity Report for the Expression of Interest process is provided in strict confidence (Attachment 6). As previously stated, we are in a live procurement process and need to protect the integrity of the process.

6. Membership of the Review Committee

The membership of the Evaluation Committee, Tender Review Committee and Procurement Review Committee was provided in confidence on 19 June in response a question on notice from the Committee.

We remain in a live procurement process and it is an important element of the procurement framework that evaluation committee members are not disclosed. This protects the integrity of the process including by managing the risk of committee members being exposed to lobbying. For these reasons, the requested information is provided strictly in confidence. The information requested is contained with the Evaluation Plan provided under request number 1, on page 17.

7. Membership of the Oversight Committee

The Macquarie Point Multipurpose Stadium Governance, Oversight and Assurance Framework was published in November 2025 and can be found here:

https://www.tas.gov.au/data/assets/pdf_file/0030/474258/Macquarie-Point-Multipurpose-Governance-Oversight-and-Assurance-Framework.pdf

The Framework set out the membership of the Macquarie Point Urban Renewal Oversight Committee. The membership is unchanged with exception of the Secretary of the Department of State Growth changed to the Secretary of Building Tasmania to reflect the machinery of government changes, and the advisory member an appropriately qualified and experienced legal advisor at the discretion of the Chair. The membership is as follows:

- Secretary, Department of Premier and Cabinet (Chair)

- Secretary, Department of Treasury and Finance (Deputy Chair)
- Secretary, Building Tasmania
- Appropriately qualified and experienced legal advisor at the discretion of the Chair (Advisory member)

Your Sincerely

A handwritten signature in black ink, appearing to read 'Anne Beach', enclosed within a thin black rectangular border.

Anne Beach
Chief Executive Officer

4 September 2026