

Building Tasmania

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Our Ref: MPR26/163/4

Hon Ruth Forrest MLC
Chair
Public Accounts Committee
E-mail: ruth.forrest@parliament.tas.gov.au

Dear Chair

In line with the commitment to provide the Public Accounts Committee with reports from the Independent Probity Adviser as set out in the *Macquarie Point Multipurpose Stadium – Governance, Oversight and Assurance Framework*, I am writing to provide you with the Probity Report on the approval of the Unanticipated Discovery Plan as submitted by the Macquarie Point Development Corporation (MPDC).

Condition AH5 of the *State Policies and Projects (Macquarie Point Precinct) Order 2025* requires the development of a plan to manage the unanticipated discovery of Aboriginal Heritage during construction of the project.

Having submitted a plan to the Minister for Aboriginal Affairs, the Minister has confirmed with MPDC the plan provided has been prepared to her satisfaction as per Condition AH5(2) of the Order.

The IPA provided me with a report on the decision-making process undertaken in relation to the Unanticipated Discovery Plan. This is attached for the Committee's information.

If you have any questions, please contact Andrew Johnson, Director – Office of the Secretary by email at: andrew.johnson@building.tas.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read "Shane Gregory".

Shane Gregory
A/Secretary

20 August 2026

encl: IPA Report – Unanticipated Discovery Plan

INDEPENDENT PROBITY ADVISOR – ADVICE NOTE

ORDER CONDITION AH5 – MINISTER’S APPROVAL OF PROPONENT’S UNANTICIPATED DISCOVERY PLAN FOR ABORIGINAL HERITAGE

To: A/Secretary, Building Tasmania

From: Independent Probity Advisor (IPA)

Subject: Probity and assurance advice – Minister’s approval of Unanticipated Discovery Plan for Aboriginal Heritage under Condition AH5

Date: 20 July 2026

BACKGROUND AND PURPOSE

This note provides independent probity and assurance advice to support the A/Secretary’s record of the decision-making process associated with Condition AH5 of the *State Policies and Projects (Macquarie Point Precinct) Order 2025*.

Condition AH5 required the Proponent to prepare an Unanticipated Discovery Plan for Aboriginal Heritage before works in respect of the Project commence, and for that plan to be prepared to the satisfaction of the Minister administering the *Aboriginal Heritage Act 1975*, in consultation with the department responsible for the administration of that Act.

DECISION-MAKING PROCESS

The documents reviewed indicate that the Proponent prepared a version of the Unanticipated Discovery Plan for Aboriginal Heritage, dated 3 July 2026, as the relevant plan for the purposes of Condition AH5. The plan records that it was prepared to satisfy Condition AH5, was reviewed by a suitably qualified heritage advisor, was endorsed by the Proponent’s Chief Executive Officer, and had been subject to review by Aboriginal Heritage Tasmania, with feedback considered and incorporated as applicable.

The Minister for Aboriginal Affairs subsequently confirmed, by correspondence dated 10 July 2026 to the Proponent, that the Unanticipated Discovery Plan dated 3 July 2026 had been submitted via the Department of Natural Resources and Environment Tasmania (DNRET). The Minister’s correspondence states that, as the Minister administering the *Aboriginal Heritage Act 1975*, and having received advice from the Department, she determined that she was satisfied with the Unanticipated Discovery Plan.

On that basis, the decision-making pathway evident from the reviewed material is that: the Proponent prepared and endorsed the AH5 plan; Aboriginal Heritage Tasmania reviewed versions of the plan and provided feedback; the Department provided advice to the Minister administering the *Aboriginal Heritage Act 1975*; and the Minister gave written notice advising satisfaction with the plan. This is consistent with the decision structure contemplated by Condition AH5, noting that AH5 does not require approval by the A/Secretary but does require the Minister’s satisfaction following consultation with the responsible department.

DOCUMENTATION REVIEWED

Documentation/Artefact	Purpose	Date
Unanticipated Discovery Plan for Aboriginal Heritage	Proponent's plan prepared for the purposes of Condition AH5	3 July 2026
Minister for Aboriginal Affairs correspondence to MPDC	Written confirmation that the Minister was satisfied with the Unanticipated Discovery Plan	10 July 2026
IPA Review of DNRET's Schedule 3 and Schedule 4 Process Plans and Checklist	Additional assurance that DNRET governance process plans and assessment checklist addressed IPA recommendations	6 July 2026

PROBITY OBSERVATIONS

From a probity and governance perspective, the process appears to provide a clear administrative record of the relevant decision chain. The Proponent prepared the Plan document, the responsible heritage authority was involved through review and advice, and the decision-maker identified by Condition AH5 provided written confirmation of satisfaction.

The reviewed material also distinguishes between the Proponent's internal approval of the plan and the separate statutory requirement for the Minister's satisfaction under Condition AH5.

The A/Secretary's role in this matter is therefore limited to maintaining the relevant governance and approval record under the Order, including recording the Minister's satisfaction decision and the information relied upon for that decision. The A/Secretary is not being asked to substitute a technical or heritage assessment for the Minister's decision.

As an additional layer of assurance, the Independent Probity Advisor was also asked by representatives of DNRET to comment on proposed Schedule 3 and Schedule 4 Process Plans and associated checklist material (Order Condition AH5 sits under Schedule 3). DNRET has advised all the IPA's recommended improvements had been implemented.

The IPA's follow-up review concluded that the revised Schedule 3 Process Plan, Schedule 4 Process Plan and associated assessment checklist had satisfactorily addressed the recommendations arising from the original IPA review

CONCLUSION AND SCOPE LIMITATION

Based on the documentation reviewed, the Independent Probity Advisor considers that the decision-making process for Condition AH5 is appropriately evidenced for the A/Secretary's governance record.

The process records that the Unanticipated Discovery Plan was prepared by the Proponent, reviewed through the relevant Aboriginal heritage administrative pathway, and accepted by the Minister administering the *Aboriginal Heritage Act 1975* as being satisfactory for the purposes of Condition AH5.

This advice is limited to the administrative decision-making process and governance compliance associated with Condition AH5.

It does not extend to technical assessment of Aboriginal heritage management procedures, archaeological methodology, field implementation arrangements, or the substantive adequacy of heritage controls within the Unanticipated Discovery Plan.



Andrew Harris
Director, **MODA Consulting**

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e: [REDACTED]

20 July 2026