



**MACQUARIE
POINT**
DEVELOPMENT CORPORATION

Kathrine Morgan-Wicks PSM
Secretary, Department of Premier and Cabinet
Chair, Macquarie Point Urban Renewal Oversight Committee

Via: [REDACTED]

Dear Ms Morgan-Wicks,

I refer to your letter of 29 July regarding the Macquarie Point Multipurpose Stadium procurement – Webuild disclosure obligations.

In your letter you requested I provide confirmation as to whether the Corporation has reconsidered, or proposes to reconsider, its earlier advice in my letter to the Minister for Macquarie Point Urban Renewal dated 27 May 2026 about the compliance of Constructure Joint Venture's Expression of Interest (EOI) response with the relevant disclosure obligations.

The Corporation's advice is unchanged, that both tenderer's EOI submissions received in the EOI process were compliant and nothing has come to the attention of the Corporation that has changed this view. We have reviewed both tenderer's submissions and confirm the submissions complied with the requisite requirements, which was endorsed by our probity and legal advisors.

The proceedings referenced in your letter are untested allegations before the court on a different type of project located in another jurisdiction and are not a reason to exclude a suitably qualified tenderer from the process.

It is important to note the EOI process has concluded as the first phase of the procurement process for the main Stadium contractor. The live procurement process is ongoing however, with submissions received for Request for Tender Stage 1. The assessment of these submissions enables related matters to be considered, including any investigations that are identified as appropriate to undertake to inform the assessment, in accordance with the established evaluation criteria.

The 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. I note that this an area of community concern, however, the Request for Tender Stage 1 assessment process has been reviewed and already enables consideration of the matters where concerns have been raised.

MACPOINT.COM

8A EVANS STREET, HOBART, 7000 GPO BOX 251, HOBART 7001 +61 3 6166 4000 contact@macpoint.com

ABN: 52 657 409 841

In relation to your comments requiring the respondents to disclose whether *in the last 24 months they had been subject to any current proceedings in respect of a breach of an industrial instrument* as part of the Economic and Social Benefits (ESB) Statement returnable when responding to the EOI. 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 rather than workplace health and safety (WHS) related matters.

Based on our knowledge of the Snowy Hydro WHS related prosecutions, we are not aware of how any aspects of such WHS proceedings would be relevant to any answer of Webuild to these particular questions in the ESB Statement (regardless of when such proceedings commenced). The suggestion that this would deem a submission non-compliant does not reflect the laws and regulations that apply in Tasmania or the nature of the returnable schedules and declarations that were required to be made. I note, however, that safety is and remains a key part of the assessment of tenderers and the delivery of this project and the inclusion of appropriate safety requirements will form part of the contract with the successful tenderer.

Legal and probity advisors have informed and guided the entire procurement process, alongside other expert advice. This includes advice from technical experts. The process of receiving advice is and has been ongoing throughout the process. I have attached the summary from the report provided by the probity advisor at the conclusion of the Expression of Interest process for your information and note that the contents of this letter has been reviewed by our legal advisor.

I trust this information is of assistance and in my capacity as Chair, I reiterate and share your view of the importance of maintaining the integrity of the procurement process.

Sincerely



Kim Evans
Board Chair

6 August 2026



**O'Connor Marsden
& Associates Pty Limited**

ABN 94 135 783 792

Level 6, 111 Macquarie Street
Hobart TAS 7000

T: 1300 882 633

IDD: +61 2 9252 2565

www.ocm.net.au

Summary

This Probity Report covers the period from 10 January 2026 to the date of this report [18 March 2026], and finds that, with reference to our services scope, no material breaches of probity have been identified in the Expression of Interest process for a suitably qualified design and construction contractor to undertake the design development and construction of the Macquarie Point Multipurpose Stadium.

1. Key issues and outcomes relevant to our probity findings are:
 - a. There are no observed or reported outstanding probity issues,
 - b. The recommendations of the Evaluation Committee are considered defensible from a probity perspective
and align to our observations at the Committee meetings and based on relevant considerations,
 - c. There are no probity impediments to the delegated authority acting on the recommendations of the Committee for the appointment of the preferred contractor.
2. No proponents raised any probity concerns with the EOI process.