



# Inquiry into the procurement and delivery of MyWay+

## Answer to question taken on notice

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Asked by: Ms Fiona Carrick MLA

Addressed to: Chris Steel MLA, Minister for Transport

In relation to: NEC Contract

Hearing: **03/07/2025**

Uncorrected Proof Transcript **UPT 03/07/2025**, pp 9-10

Transcript provided: **10/07/2025**

Answer Due: **17/07/2025**

### **Chris Steel MLA, Minister for Transport took on notice the following question:**

The contract variation was signed by TCCS in December 2023, and signed by NEC in July 2024. Can a response be provided (by NEC) to outline how NEC and TCCS worked collaboratively towards the variations, and provide a technical reason for why it took 7 months to be signed, as well as why TCCS allowed the scope of the project to change without a contract in place.

**MS CARRICK:** So I have here the amended contract. I have a couple of questions about this, but the first one is you or the ACT government signed it in December 23. NEC did not sign it until July 24, seven months later. Why did you guys sign a contract amending contract in December 23 and NEC did not sign it for seven months, given time is critical.

**Mr McHugh:** That does not sound correct in how we would manage—if that is a contract variation or if that was the original contract but—

**MS CARRICK:** It is not the original; it is the variation. It is the variation. It took seven months for NEC to sign it. Like, were they like not sure about it or something?

**Mr White:** I do not know. I think we did ask them to respond to that. I cannot speak on behalf of NEC.

**MS CARRICK:** Yes, but like surely, what following up did you do when you had signed it in December 23, and time is critical with this whole project and how it is to be delivered because this changes the delivery from the multiphase to the single phase, so it is very critical about the delivery and the milestones.

**Mr White:** I could not agree more. Yes, Ms Carrick—

**MS CARRICK:** What following up did you do to say, “Hey, this is critical to get on with this”.

**Mr White:** Yes, happy to answer that question. The follow up was actually on an almost daily and weekly basis of engaging with NEC, and also working with their various people who are responsible for contract executions. I do not recall this specific example, but I can give you an example of how we actually work together, is that NEC actually had a very positive attitude towards this and worked in principle to what was being varied.

So it is not as if they then stuck to their path and continued on the plan that was the multiphased delivery approach. They immediately had swung into action as early as, I believe, October and actually had changed their approach to the single phase delivery approach, to not lose time and not lose traction.

**MS CARRICK:** So interestingly, you changed the scope of the project without a contract in place for the change of scope?

**Mr White:** As you saw, we put forward a variation at the time. Now, the fact that it was not closed or executed at the time, I am sorry I am going to have to ask NEC why they took so long to actually close it off.

**MS CARRICK:** It is interesting to change scope without having a signed contract in place.

**Mr White:** But I think if both parties recognise that the path that they were on was not a successful one or a path towards success, one would expect that, like I said, working in principle towards a path of success, so they changed their approach to the single phase delivery approach.

**Mr McHugh:** I think a way to answer your question, Ms Carrick, might be for us to ask NEC to provide in writing a response to support Mark's answers around working collaboratively towards the variations, and if they have a technical reason on why the date was the date, we can share that, and take that on notice.

**MS CARRICK:** Thanks, because I would be interested in why they did not sign it for so long but I am also interested in why you allowed the scope of the project to change without a contract in place.

**Mr McHugh:** We can answer that in the same question taken on notice

**Chris Steel MLA, Minister for Transport: The answer to the Member's question is as follows:**

Contract Variation 005 (VP-005), which relates to the change in delivery methodology and not scope, was issued to NEC Australia, signed by the authorised Territory representative on 12 December 2023. The duly executed variation was returned to the Territory in July 2024.

NEC have advised this delay was due to numerous factors, including project leadership absences, organisational changes and access to their authorised officers, as well as the agreement to proceed in principle with work as described in the variation. Transport Canberra accepted the intent and good will of their contractor in performing to the variation prior to signature, but acknowledges that the delay in signature was regrettable.

OFFICIAL

Approved for circulation to the Standing Committee on Environment, Planning, Transport and City Services.

Signature:



Date:

17/7/25

By Chris Steel MLA, Minister for Transport