



Our ref: DGC11/464

Your ref: 2010/08494

Mr Phil Clarke  
Queensland Ombudsman  
GPO Box 3314  
Brisbane QLD 4000

Dear Mr Clarke

I refer to the letter of 30 March 2011 from the Assistant Ombudsman, [REDACTED], about Proposed Opinion 40 in the Ombudsman's Proposed Report titled *Brisbane Airport Link Report: An investigation into complaints about night-time surface work* (Proposed Report).

[REDACTED] letter refers to my submission made in response to Proposed Opinion 40. This aspect of my submission responded to two suggestions – that there had been a failure to keep the Coordinator-General informed and that there had been a failure to give instructions to the former Department of Infrastructure and Planning (DIP)'s Compliance Unit and to the Department of Environment and Resource Management (DERM). [REDACTED] has stated in his letter that it is not clear how the information in my submission amounts, singularly or collectively, to detailed instructions given to the former DIP Compliance Unit or DERM. [REDACTED] has invited me to provide further information, including particulars of any detailed instructions given by any Coordinator-General from time to time occupying the position during the Airport Link project to the DIP Compliance Unit or DERM about the coordination of the regulation of noise from night-time surface work on the Airport Link project.

Proposed Opinion 40 in the Proposed Report is as follows:

*DIP's failure to keep the CG informed; and to give instructions to the DIP Compliance Unit (as the Unit assisting the CG in his coordination role) or DERM, about environmental coordination issues arising from the Project is unreasonable in light of the CG's environmental coordination role. This constitutes administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.*

I intend to provide further information about Proposed Opinion 40. However, before I can do so, I need you to clarify the following matters:

1. It is not clear from the opening words of Proposed Opinion 40 whether your opinion is that the Coordinator-General failed to give instructions to the DIP Compliance Unit and DERM, or that DIP failed to give instructions to the DIP Compliance Unit and DERM. [REDACTED] letter has requested information about instructions given by the Coordinator-General. I understand from this that your proposed opinion is that the Coordinator-General failed to give the instructions. Can you please confirm that my understanding is correct.
2. Proposed Opinion 40 refers to the failure to give instructions to the DIP Compliance Unit and DERM about "environmental coordination issues arising from the Project". [REDACTED] letter has invited me to provide further information about "the coordination of the regulation of noise from night-time surface work on the Airport Link project". In his letter dated 23 August 2010 to Mr Geoff Dickie,<sup>1</sup> the former Ombudsman, Mr David Bevan, said the investigation was about noise from night-time surface works. It is therefore appropriate that your proposed opinion should be restricted to instructions about the regulation of noise from night time surface works. Please confirm this is now the case.
3. In his letter dated 23 August 2010, Mr Bevan requested the Coordinator-General and DIP to provide a range of information in relation to the Airport Link project covering the period 1 August 2009 to 31 July 2010. Mr Colin Jensen was the Coordinator-General for this entire period. [REDACTED] letter has now invited me to provide information about instructions given by "any Coordinator-General from time to time occupying the position during the Project". I assume that Proposed Opinion 40 is restricted to the period 1 July 2009 to 31 July 2010 and I should only provide information relating to this date range.

I look forward to your clarification.

If you require any further information, please contact [REDACTED] Director, Infrastructure Projects, Infrastructure and Land Group, Department of Employment, Economic Development and Innovation, on [REDACTED] who will be pleased to assist.

Yours sincerely



Keith Davies  
**Coordinator-General**

---

<sup>1</sup> Following the departure of Mr Colin Jensen as Coordinator-General, Mr Geoff Dickie was appointed Coordinator-General from 9 August 2010 until the commencement of Mr Graeme Newton as Coordinator-General on 30 August 2010.