

Mr Phil Clarke
Queensland Ombudsman
GPO Box 3314
Brisbane QLD 4001

Via email – ombudsman@ombudsman.qld.gov.au

Your ref: 2010/08494

14 February 2011

**RE: Notice of Proposed Adverse Comment
Section 55 Ombudsman Act 2001**

Dear Mr Clarke

I refer to the Acting Ombudsman's letter (unsigned) of 6 January 2011 regarding the above. You subsequently agreed to an extension of time to reply given Brisbane was dealing with a very significant flood disaster at this time. Given the extensive nature of the flood, my current role in leading the Council's and City's response and recovery, and the limited time you have provided me to respond, I have kept my submission to a few key points.

I am extremely concerned that your office has chosen to make adverse comments about me based on what is clearly a misunderstanding of the processes surrounding the Airport Link Project and my involvement in it as a former Coordinator-General.

Firstly, your complaint (to the extent that you have provided me an extract of your draft report) appears to be centred around the correctness or otherwise of the noise condition. I wish to make it clear that the noise condition that you refer to (including such matters as the definitions of 'excessive noise', 'temporary' and 'long term') was not set by me as I was not the Coordinator-General at the time it was imposed. Any issues concerning that condition should be referred to Mr Ken Smith who was the Coordinator-General at the time of its imposition. At no time did I amend or change that condition, nor was it in my power to do so. I did provide some clarification about that condition but that in no way altered its import or effect.

Secondly, I am surprised that you would form the opinion that the noise condition was significantly deficient based on expert advice that appears to rely on policies and standards that were not in place at the time of the condition's drafting. Any condition imposed has to comply with the standards and policies (if any) that applied at the time of writing of the condition. That is the yard stick that should be used to measure the appropriateness of any such condition. Further, your report makes much of reliance on expert advice provided either to you or effected residents, without apparently similarly considering the expert advice provided to the various agencies involved in the assessment of the project.

I have not responded to the various assertions made in your report around technical matters as that should be for the Coordinator-General. Further, I am not in a position to do so, as it appears you have not provided me access to all the relevant sections of your draft report and neither do I have access to the information held by the office of the Coordinator-General.

Yours sincerely

A handwritten signature in black ink, appearing to be 'C. Jensen', written in a cursive style.

Colin Jensen