

Mr Phil Clarke
Ombudsman
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Dear Mr Clarke

Airport Link Project – KWRA Complaint – Transcript of Initial Interview between Ombudsman, DIP and CNI

Thank you for supplying the transcript of the initial interview between your officers, DIP and CNI.

This transcript was relied upon quite heavily in drafting certain sections of the proposed report in relation to the above complaint. As stated in our response to the proposed report, we felt that any reliance on this transcript is inappropriate. CNI notes that the initial meeting dated 9 July was represented to CNI to be an introductory meeting and all questions were delivered without notice and CNI was not given a copy of the complaint or supporting material. It is noted that, following that meeting, DIP provided (with CNI assistance) a clear and unambiguous written response (dated 27 July 2010) which provided answers to each of the questions posed. In particular it is noted that the questions asked at the initial meeting related to past events where a significant amount of time had elapsed and at the time, CNI made it clear that a formal detailed written submission would be provided once the questions could be reviewed and the appropriate CNI staff could be consulted.

On review of the transcript, CNI is not satisfied that it accurately identifies who was speaking or providing answers and is unclear due to the significant sections that are marked "inaudible" or "(several people speaking at once)". In fact, CNI does not believe that many of the entries attributed to [REDACTED] were identified correctly.

We note in CNI's response to the proposed report, we made the comments about references to CNI taken from the transcript. Having had the opportunity to review the transcript, CNI confirms its position in its' response to the Ombudsman dated 14 February 2011. More particularly, we note:

1. At bullet-point 3 on page 73, CNI officers are quoted regarding the difficulty in advising people what is going to happen in various timeframes. This response was contextually quoted incorrectly.

The question stated in the proposed report was, "My officers asked those present whether the community was told it was not the intention to work 24/7 but that they could do so if it became necessary" (at page 73 of the proposed report, quoting line 869 of the transcript). CNI is quoted in response and the reference is to line 933 of the transcript. The transcript at line 933 contains a rough description of the community notification process required by the Coordinator-General's conditions which was supplied in response to comments about changes to design and the requirements to notify the community if you change works or change program. (see transcript lines 885-900 and 923-927).

CNI does not believe that the difficulty in reporting specific construction details and timeframes has anything to do with the possibility of night time works being notified to

the community as part of the EIS process. Please see our comments in our response to paragraph 6.4 of the proposed report contained in our letter of 14 February 2011.

2. The Proposed Report quotes CNI as advising that before 24/7 surface works take place at any site, TJH needs to satisfy CNI that they will be able to meet the Imposed Conditions set by the Coordinator-General.

The reference in the proposed report is to the transcript lines 1722-1734. The transcript shows that almost all of the discussion in those lines was by [REDACTED] [Ombudsman officer] and there is only one reference to CNI. That reference is in response to [REDACTED] [Ombudsman officer's] question, "So, how many times has that happened since?" and CNI apparently responded, "Ah, the other main one that I'm aware of is, ... some works, some 24/7 works on the vent station at Bowen Hills and that... went through that process." This quote does not support the statement made by the Ombudsman in the Proposed Report which is attributed to CNI.

CNI submits that there was considerable discussion on this issue and the Proposed Report does not accurately reflect CNI's position on this issue. In DIP's written response to the initial meeting, it stated (accurately), "There is no contractual requirement that requires BrisConnections to seek permission to do things in compliance with the Conditions. Submissions by BrisConnections regarding 24/7 works are presented to demonstrate that the works can be conducted in compliance with the imposed Conditions."

Noting the specific inconsistencies between the transcript and the statements made in the proposed report, CNI suggests that those comments and quotes be removed entirely as they are inaccurate.

The transcript clearly shows that:

- There are significant sections that are (inaudible);
- There are clearly issues where who said what was unclear and that attribution cannot be ascertained; and
- This document, due to the sections that are inaudible and/or overwritten as many voices discuss an issue, is erroneous.

It should not be relied upon as anything more than an introduction to issues. An unambiguous formal written response was provided (as discussed during the initial meeting) and it is that document that should be used as a reference for the issues raised.

If we can assist you further, please contact our [REDACTED] on [REDACTED].

Yours sincerely

David Lynch
Chief Executive Officer
CITY NORTH INFRASTRUCTURE PTY LTD
Delivering Airport Link, the Northern Busway (Windsor to Kedron) and the Airport Roundabout Upgrade

cc. [REDACTED]