

Kalinga Wooloowin Residents' Association

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Forensic report proves 24/7 Airport Link work is unlawful

Airport Link builder Thiess John Holland's 24/7 construction work is unlawful, a damning new report shows.

Breaking Trust: A Community Investigation into Airport Link Project Breaches also slams the Queensland Coordinator-General and the State Government Airport Link project development arm, City North Infrastructure, for failing to rein in the tunnel builders.

The scathing report, which was delivered to the State Ombudsman this week, includes supporting independent legal advice from Peter Davis SC.

The Kalinga Wooloowin Residents' Association, which produced the 24-page report, says Brisbane's inner-northern residents have been treated with flagrant disregard.

"We have been subjected to relentless and unlawful construction noise outside of the hours set down by the project's conditions and the developers have not been held to account," KWRA president Brian Nally said.

"*The Breaking Trust Report* proves what we've been saying since TJH started working 24/7 in November 2009, that residents come last on the agenda over big business."

The KWRA believes the 24/7 work is part of a rush to complete the project early which would give bonuses to senior project executives, including \$975,000 to Ray Wilson, CEO of troubled tunnel operator Brisconnections.

"The Coordinator-General and City North Infrastructure were supposed to protect residents' interests, however, by their inaction, it appears they have colluded," Mr Nally said. "Meanwhile TJH get away with acting like cowboys."

"Residents are not against Airport Link but we never thought the developers would breach written conditions on the hours of work."

"This is a four-year project. Will residents endure four years of 24/7 hell? Especially when we have now proved that it is unlawful? What do we have to do to get some sleep?"

"Residents want the Coordinator-General and City North Infrastructure held to account, and for them to force TJH to play by the rules."

“TJH and CNI have relied on obfuscation and confusion.

“They didn’t bank on the community going to the trouble of cross-checking project deeds, environmental impact statements and community consultation correspondence and reading thousands of pages of fine print.”

The KWRA has chronicled numerous Airport Link condition breaches relating to noise limits, traffic management, noise mitigation, unsafe work practices, worker discontent, and CNI’s refusal to act on Information Commissioner directives to produce documents sought under Right to Information requests.

However, the KWRA’s substantive new report focuses solely on TJH’s unlawful 24/7 construction.

Report author Denise Keim said it should not have been up to the community to alert the Coordinator General and CNI to project breaches.

“The simple fact is that TJH is not permitted to work 24/7, and the Coordinator-General and CNI have seriously failed in their duty to oversee the project properly,” Mrs Keim said.

The Environmental Impact Statement unequivocally shows that, except for special circumstances, surface construction works were only ever intended to take place between 6.30am and 6.30pm, Monday to Saturday.

The Breaking Trust Report explains that although the successful BrisConnections tender contained some design and construction changes, there were no changes to the conditions of work.

“The Airport Link project contained all the protection you would expect from any big infrastructure project,” Mr Nally said.

“We relied on government promises that our interests would, at all times, be an important consideration in the way the construction works were managed.

“In retrospect, the community’s beliefs were naïve.

“Those who were obliged to protect the community’s interests simply abandoned us.”

Ends

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Fact sheet: Airport Link acronyms and organisations

KWRA — Kalinga Wooloowin Residents' Association. Formed in 2009 in response to the establishment of the previously unplanned Wooloowin Shaft on Rose Street. The Association comprises more than 400 local residents and represents the interests of people from the local area and nearby suburbs.
www.wooloowin.org

CG — Coordinator-General. The Queensland Government's Coordinator-General Colin Jensen coordinates and implements large-scale infrastructure projects. In addition to Airport Link, he oversees the Gateway Bridge upgrade, the South East Queensland Water Grid and the Clem Jones Tunnel. Mr Jensen this week announced his appointment as the new CEO of Brisbane City Council.
www.dip.qld.gov.au/coordinator-general/index.php

CNI — City North Infrastructure. The State Government's Special Purpose Vehicle project managing the \$5.6 billion Airport Link project. CNI is currently subject to an Office of the Information Commissioner order that they are subject to the RTI Act. CNI is appealing the decision in the Queensland Civil and Administrative Tribunal (QCAT). www.citynorthinfrastructure.com.au

TJH — Thiess John Holland. A joint venture of two building companies formed to build Airport Link. www.thiess.com.au www.johnholland.com.au

Brisconnections . The financially troubled ASX-listed unit trust that has rights to operate the tunnel. www.brisconnections.com.au

OIC — Office of the Information Commissioner. Established under the [Right to Information Act 2009](#) to promote access to government-held information; and protect personal information held by government under the [Information Privacy Act 2009](#). www.oic.qld.gov.au

RTI — Right to Information. The *Right to Information Act 2009* came into effect on 1 July 2009 and supersedes the Freedom of Information Act in Queensland.

Fact sheet: Wheels within wheels

The following people are key players in the Airport Link project. Some hold multiple roles. For example, four of the six CNI board members are senior Queensland public servants; three others are appointed by the State.

Colin Jensen, Queensland Coordinator-General. Holds two shares in CNI.

Shane McDowall, Queensland Deputy Coordinator-General, and CNI chairman. Mr McDowall is involved in the State Government's handover of residents' land to Airport Link's developers **before** the State Government actually owned it, and **before** residents could lodge complaints. This matter is being investigated by the Queensland Ombudsman.

David Lynch, CNI chief executive.

Wendy George, CNI Director, Media and Communications, and a former Beattie spin doctor.

Ray Wilson, CEO of BrisConnections. Due to receive \$975,000 bonus if Airport Link is delivered on time.

Trevor Rowe, Chairman, BrisConnections. Mr Rowe announced to BrisConnections shareholders in August 2009 that the Airport Link project was on time and on budget despite the fact that State Government files (discovered under RTI) show the project was three-and-a-half months behind in July 2009. <http://www.dip.qld.gov.au/resources/rTI/disc-log/016-airport-link.pdf> (p. 43, paragraph 2.)

Mark Cridland, the State Delegate to CNI, and a CNI board member. As State Delegate — representing the people of Queensland — with the power to direct CNI on what to do on a day-to-day basis, Mr Cridland is also a board member deciding how to best further CNI's interests. This puts him in a compromised position of making decisions on his own requests.

Andrew Fraser, Queensland Treasurer. Queensland Treasury Holdings owns two of six CNI shares. He authorised CNI's establishment as a Special Purpose Vehicle.

Anna Bligh, Queensland Premier; Minister for Infrastructure and Planning in 2006 when CNI was established as a Special Purpose Vehicle.

Paul Lucas, Deputy Premier and Minister for Infrastructure and Planning (13 September 2007 — 26 March 2009); Minister for Transport and Main Roads (12 February 2004 — 13 September 2007). In August 2006, he assured residents that work would not occur 24/7.

Stirling Hinchliffe, current Minister for Infrastructure and Planning.