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Your Ref: 488-05

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 14 June 2005 providing a copy of a petition received by the House on 10 June 2005 concerning the removal of the Shingle Inn from the Queensland Heritage Register.

The Shingle Inn was provisionally entered in the Queensland Heritage Register in 1996, and the owners objected to the entry in the Register. The Queensland Heritage Council entered into negotiations with the owners and, in 1999, following a proposal to redevelop the site as part of a major retail development, the Queensland Heritage Council approved recording, dismantling and storing the interior of the café to be reassembled on site once the construction of the new building was completed.

The building was then sold with this approval in place, and the Heritage Council negotiated with the new owners to incorporate the interior and shop front of the Shingle Inn in the new development.

Because the original objection remained current, the Heritage Council was obliged to appoint an independent assessor to enquire into the objection, and report back to the Heritage Council as required by the *Queensland Heritage Act 1992*.

When the assessor's report was submitted, it raised issues about the significance of the Shingle Inn interior now it was no longer part of the original site. After obtaining legal advice the Heritage Council came to the view that the interior fittings and chattels of the Shingle Inn did not meet the legal requirements for protection under the Act because they could no longer be called a 'place', and it was no longer possible under the current legislation for the Heritage Council to protect them.

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As a consequence, the Heritage Council was not able to permanently enter the place in the Register. The Heritage Council was most unhappy with this outcome as it went against the spirit of its original development approval decision. However, there were no lawful alternatives available that would reflect that original agreement.

I understand that the interior remains in storage, intact and ready to be assembled, and it could be re-erected if the present owner was willing. However, there is no mechanism under the *Queensland Heritage Act 1992* to require that this occur, and therefore, neither myself as Minister nor the Heritage Council has the power to insist that the Shingle Inn interior is incorporated into a new development in the central business district.

Thank you for bringing this matter to my attention.

Yours sincerely

Desley Boyle MP
Minister for Environment
Minister for Local Government and Planning
Minister for Women