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Your Ref: 658-06

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
Cnr Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 25 May 2006 to my predecessor, the Honourable Desley Boyle MP, the then Minister for Environment, concerning a petition received by the House on 24 May 2006 regarding the Cairns Yacht Club. Due to an administrative error, the prepared response was not forwarded to you, and I apologise for this.

The Queensland Heritage Council (QHC) is a statutory authority independent of government and is responsible for deciding whether or not to enter a place in the Heritage Register. It must operate within the framework of the *Queensland Heritage Act 1992*, which outlines the criteria that determine whether the QHC may enter a place in the Register. The Government has no direct role in these decisions. A decision to enter a place can be challenged in the Planning and Environment Court, and the QHC must be confident that a place meets the threshold for entry in the State Register.

I advise that, after the QHC's March 2003 decision to provisionally enter the Cairns Yacht Club in the Queensland Heritage Register was met with objections, the QHC was legally required to appoint an independent assessor to report on the objections. At its 12 December 2003 meeting, the QHC considered the assessor's report and, with the Chairman's casting vote, decided not to enter the Cairns Yacht Club in the Register.

While deciding that the nomination did not meet the threshold for entry in the Queensland Heritage Register, it recognised that the place had considerable heritage values for the Cairns community.

Following that decision, the owner applied for a Certificate of Immunity, the effect of which is to prevent a place being entered in the Register for five years. The QHC is not able to refuse an application for a Certificate of Immunity having decided that a place does not satisfy criteria for entry in the Register unless the application appears to be frivolous or vexatious. A Certificate of Immunity was issued for the Cairns Yacht Club on 27 August 2004 and is valid until 27 August 2009.

Could you please ensure this response is tabled as a matter of urgency.

Yours sincerely

Lindy Nelson-Carr MP
Minister for Environment and Multiculturalism