

Demolition by Neglect — and a bit more . . .

The former Herries Private Hospital in Cairns is permanently entered in the Queensland Heritage Register. But does this mean that it is protected?

Why is this two-storeyed wooden building thought to be significant? It was moved from Cooktown to Cairns in 1920. It was once common in North Queensland to re-locate useful buildings from towns that were declining, particularly because of associated early mining fields ceasing to operate. It was owned and managed by Matron Herries as a private hospital from 1921 to 1938.



Private hospitals were common in North Queensland up until after World War II. They catered for cases that were not severe enough for a public hospital, but their major function was for maternity cases. Matron Herries was much respected as a midwife and mothers-to-be would travel from places such as Mt Garnett and all over the Atherton Tablelands to have their babies in the Herries Hospital.

The building thus has historic and social significance as it represents a very important aspect of women's health care in once remote areas, and is still remembered with great affection by older people in the Cairns region.

Although the hospital closed down after the war, Matron Herries continued to live there until her death in 1958. Her son, Charles, who was a chemist, lived with her and continued in the house until his death in 1996.

The building, which is surrounded by holiday apartments was purchased, ostensibly as a development site, and the decline of the building accelerated through neglect.

Just before Christmas 2005, demolition proper was commenced, resulting in the removal of much external cladding. This action has sparked several responses. One is that some Cairns residents are moved to write to the paper to say how pleased they are that this 'eyesore' is to be removed, and that 'those heritage people' should 'back off'.

The National Trust has, however, sought to investigate how this can happen to a registered place. The Herries Private Hospital might be lost, but what processes, or lack of processes, occurred? Firstly, we are concerned that the Environmental Protection Agency (EPA) had to initiate a Stop Order under the terms of the *Queensland Heritage Act 1992*. Our first question was why didn't the EPA or the Queensland Heritage Council initiate action under the offences in the Heritage Act? The answer is that offences now lie in the *Integrated Planning Act 1997*. Thus, it appears that to remove offences from the primary Act at best is not supported by appropriate linkages, or at worst, profoundly weakens the protection of registered places. The Trust is seeking a legal opinion on the matter, including the appropriateness of the interaction between the Heritage Act and the Planning Act.

A second major issue is that Stop Orders are issued if the relevant Minister 'deems it necessary'. The National Trust understands that issuing a Stop Order as emergency action for a place of potential significance requires Ministerial discretion. However, it does not seem appropriate for such discretion to also apply to a registered place. Indeed, if the only action that can be taken to stop demolition of a registered place, is a discretionary Stop Order, then does Queensland really have 'protective heritage legislation'?

In the case of the former Herries Private Hospital, all we know is that after eight working days from the Stop Order request, nothing appears to have happened.

It is time to find out.

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