

**LEGISLATIVE COUNCIL**  
**Question Without Notice**

**C1006**

**Tuesday, 17 September 2019**

**Hon Robin Chapple to the Leader of the House representing the Minister for Local Government**

I refer to the operations of the Port Hedland Council under the Commissioner and CEO David Pentz and the Late Item - Ordinary Meeting of Council - Agenda 28 14.3 Closure of Port Hedland Cemetery (File No. 05/08/0011) August 2019 and the letter (Attachment 1 to item 14.3) dated 19 August 2019 from the Commissioner to CEO David Pentz.

- (1) Why is the Commissioner revoking the valid unanimous decisions of the former councillors?
- (2) Why did the Commissioner write the letter of the 19/08/2019 to the CEO seeking closure of the cemetery prior to receiving the report identified in Agenda 28 14.3 Closure of Port Hedland Cemetery?
- (3) Is the Minister aware that the Port Hedland Pioneer Cemetery is a heritage site (1013) that has yet to be assessed by the Aboriginal Cultural Materials Committee?
- (4) Will a section 18 application under the AHA be sought by any party that seeks to change the cemetery's current status, if not why?
- (5) Should the Port Hedland Cemetery be closed for active burial, would the sites remain available for special burial at the discretion of the Minister?
- (6) Should the Port Hedland Cemetery be closed for active burial, would the sites remain as a historic graveyard under the management of the Port Hedland Town Council?

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**Answer**

I thank the honourable member for some notice of the question.

(1-2) This is a matter for the Town of Port Hedland.

(3-4) This is a matter for the Minister for Aboriginal Affairs.

(5) The Minister is able to approve a burial under section 12 of the Cemeteries Act 1986.

(6) If the cemetery is closed (under section 4 of the Cemeteries Act 1986), the care, control and management of the closed cemetery will generally be vested (under section 43) in the body responsible for its management prior to its closure.

