

## LEGISLATIVE COUNCIL

### Question On Notice

**Tuesday, 12 February 2019**

**1841. Hon Robin Chappie to the Minister for Environment representing the Minister for Aboriginal Affairs**

I refer to the sub-lease agreement of the Lake Gregory Pastoral Lease between the Aboriginal Lands Trust (ALT) and Yougawalla Station, and I ask:

- (a) who in the ALT made the decision to sub-lease the Lake Gregory Pastoral Lease to Yougawalla Station;
- (b) who are the owners of Yougawalla Station;
- (c) when did the ALT make that decision;
- (d) when did the Minister sign off on the decision;
- (e) did the ALT consult the traditional owners about the decision;
- (f) if no to (e), why not;
- (g) if yes to (e), how and when did the ALT consult the traditional owners;
- (h) did the Minister consult the traditional owners on this decision;
- (i) if no to (h), why not;
- (j) were all the traditional owners provided an opportunity to make a decision based on free, prior and informed consent;
- (k) if no to (j) why not;
- (l) if yes to (j), who consulted the traditional owners and did the prescribed body corporate agree to the decision;
- (m) how many jobs has Yougawalla committed to providing the local Mulan community;
- (n) has the community been asked if they would like to take part in the training package in beef cattle production;
- (o) if no to (n), why not;
- (p) if yes to (n), how many people have expressed an interest in taking part in training in beef production;
- (q) how many cattle will be allowed to be run on the sub-lease;
- (r) what is the area of the sub-lease;
- (s) does the sub-lease cover the Paruku Indigenous Protected Area (IPA);
- (t) is the Minister aware that the Paruku IPA contains internationally significant environmental values;
- (u) did the ALT and the Minister review the environmental values of the sub-lease area prior to signing the sub-lease with Yougawalla Station;
- (v) how has the ALT ensured that the IPA will be protected through the sub-lease agreement;
- (w) is the Minister aware that the rare and threatened Night Parrot *Pezoporus occidentalis*, which is listed as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act) was reported in October 2017 at the Paruku IPA by the Paruku Indigenous rangers and that this is only the fifth confirmed location of the species in the past 100 years;
- (x) how will the Minister ensure that cattle will not impact on the Night Parrot and other threatened species such as the Greater Bilby which are known from the area;
- (y) is the Minister aware that Kimberley Land Council, Chief Executive Officer, Nolan Hunter said in relation to the Night Parrot find: "This discovery highlights the importance of

the Working on Country and Indigenous Protected Area (IPA) programs that enable rangers to undertake this threatened species work.”;

(z) is the Minister aware that cattle are a significant threat to the environment in this area;

(aa) given the nationally significant environmental values of the area, will the Minister refer the action to the Federal Minister for the Environment for assessment under the EPBC Act;

(bb) if no to (aa), why not;

(cc) the Minister’s statement says “Yougawalla will make payments over 20 years totalling \$6.5 million for the sublease.”, when will these payments be made; and

(dd) when will the land be divested to the prescribed body corporate?

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**Answer**

(a) The Aboriginal Lands Trust (ALT) made the decision as a statutory board convened under the Aboriginal Affairs Planning Authority Act 1972 to sublease Lake Gregory Pastoral Lease to Yougawalla Services Pty Ltd, owned by Shiying Yougawalla No. 1 Pty Ltd.

(b) Shiying Yougawalla No. 2 Pty Ltd.

(c) 7 December 2017

(d) 1 February 2018

(e) Yes

(f) Not applicable

(g) The ALT and the Department of Planning, Lands and Heritage (DPLH) consulted extensively with the Mulan community and the Tjurabalan native title holders. The former Department of Aboriginal Affairs (DAA) and the former Department of Agriculture and Food WA (DAFWA) also funded the establishment of the Lake Gregory Working Group, the members of which were nominated by the prescribed body corporate, following agreement at the Tjurabalan Native Title Lands Aboriginal Corporation (TNTLAC) Annual General Meeting in 2016. The Lake Gregory Working Group was the primary vehicle for consultation.

(h) No

(i) Under the *Aboriginal Affairs Planning Authority Act 1972*, this function is the responsibility of the ALT.

(j) Yes

(k) Not applicable

(l) DAA and DAFWA worked with the Lake Gregory Working Group and the selection panel for sublease included the working group, a representative of the Paruku Rangers and a member of the ALT board.

(m) In 2019, Yougawalla expects to employ a minimum of 9 people.

(n) Yes

(o) Not applicable

(p) Nineteen community members have either completed or are currently enrolled in training. Completion of training is a requirement of employment on the pastoral station.

(q) The current carrying capacity of the pastoral lease is approximately 6719 cattle units and under the terms of the sublease, Yougawalla must comply with the carrying capacity limits.

(r) 269,594 hectares

(s) The lease makes up only part of the area covered by the Indigenous Protected Area (IPA).

(t) Yes

(u) No

(v) The sublease and associated side benefits agreement require the sublessee to prevent environmental harm, to prevent stock degrading the land, and to work with and support the IPA rangers.

(w) No

(x) The Minister will ensure that the pastoral lease is managed in accordance with the LAA, whereby he may give directions to the Pastoral Lands Board (PLB) in regard to general or particular matters.

(y) Yes

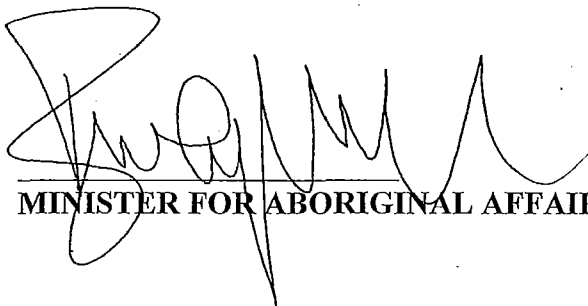
(z) No. Refer to the comments in part (x).

(aa) No

(bb) Lake Gregory is a pastoral lease administered under the LAA, held by the ALT for the use and benefit of Aboriginal people under the *Aboriginal Affairs Planning Authority Act 1972*. Given the sublease does not alter the existing tenure or the purpose of the land, referral of the sublease for assessment under the EPBC Act is not necessary.

(cc) Annually, in accordance with the payment schedule in the sublease agreement.

(dd) The ALT will consider the matter at its April 2019 meeting.



**MINISTER FOR ABORIGINAL AFFAIRS**