

BHP granted mining rights to take water as Aboriginal groups input & concerns are ignored by the SA State Labor Government:

Brief by David Noonan B.Sc., M.Env.St., Independent Environment Campaigner (Oct 2026)

SA Labor gave precedence to BHP mining interests over Aboriginal interests in a draconian new **Roxby Downs (Indenture Ratification) Act** to govern copper - uranium mining at Olympic Dam for the next 50-yrs. The complex Bill was rushed through a farcical 6-working day 'consultation'.

In a travesty of mining interests over integrity, requests by affected Aboriginal Native Title groups to be heard in public Hearings were *denied* and their strong public input on the Bill was *ignored*.

The ABC "**Concerns new BHP agreement 'locks in' basin water extraction**" (15 June) reported the **Minister for Mining Tom Koutsantonis MP** said public input to the "[Roxby Downs Select Committee](#)" was considered but not included in the Final Report, as "*they weren't relevant*":

"The concerns that they were making, for example, about native title and agreements for Indigenous groups, weren't part of the indenture. Native title is assigned by the Commonwealth parliament, not by the state parliament."

The **Kokatha Aboriginal Corporation public input to the Committee** (Submission No.19) said:

"The proposed amendments to the Indenture have caused us great concern as it reminds us of the damage allowed in the first Indenture and the way we were treated in the two subsequent negotiations.

"We had been led to believe by BHP that we would have the opportunity to be consulted on this Indenture Act and consequently we were bitterly disappointed when we were given very short notice of its planned introduction to Parliament and no engagement from the Government. ...

"Both the ILUA and the Olympic Dam Agreement significantly disadvantage the Kokatha people and advantage the State and BHP. This Bill could have been used to balance this disadvantage but instead it has been used to entrench the disadvantage. ... The failure to address this issue is a serious flaw in the Bill and out of step with the expectations of the Australian community."

The SA State Labor Government has failed a key test on integrity in public office. Traditional owners have a fundamental right to be heard and to provide evidence on matters affecting their rights, interests, country and culture - this is **absolutely relevant** in a democratic state.

SA Labor decided to effectively ignore an array of critical public input and failed to respect Native Title groups rights & interest in favour of BHP copper – uranium mining vested interests.

Even a claimed 'benefit' in bringing BHP mining at Olympic Dam under the *Aboriginal Heritage Act 1988* was compromised by imposing a seven-year 'Transition period' to suit BHP. The A-G and **Minister for Aboriginal Affairs Kyam Maher MLC** explained this was because: "*BHP have existing arrangements*". BHP vested interests rank above Aboriginal Heritage protection in SA!

As Treasurer, Tom Koutsantonis MP has finally put monies in the SA Budget for '**Truth-Telling**', this draconian Roxby Downs Indenture Act 2026 means there is a lot more truth to tell...

The new Roxby Downs Indenture Act locks in long term adverse consequences for ground water dependent little gems of Australia's natural heritage: the unique and fragile Mound Springs of the Great Artesian Basin, a Federal EPBC Act listed "Endangered Ecological Community".

The **Arabana Aboriginal Corporation public input to the Committee** (AAC, Sub No.18) said:

“Although the Olympic Dam mine lies on Kokatha country, it draws its water from Arabana Country. The Arabana native title determination area includes Wellfield A in its entirety and part of Wellfield B, from which water has been taken for Olympic Dam mine for the past forty years.

“That water sustains the Kutha ngarrawa, the mound springs, that depend on the Great Artesian Basin and are very culturally significant to Arabana People. The extraction of water for Olympic Dam mine has had a devastating and irreversible impact on our land and caused damage to and loss of our Kutha ngarrawa. ... The bill therefore bears directly on the water, the Heritage and the Country of the Arabana People.

“The springs are places of great spiritual, cultural and environmental significance. They carry our Ularaka, the stories of the Arabana People. ... As the AAC said in its submission of 28 March 2021 to this Parliament, the mound springs are disappearing before the Arabana People’s eyes, the Arabana People are losing their stories and their heritage as surely as if they were had been blown up with dynamite. ...

“The Bill permits BHP to continue to use Wellfield A until 8 May 2036, with the possibility of extension under clause 53. The AAC is extremely concerned by both features. ... The impact on our springs is already severe, and we call for the immediate closure of Wellfield A. ...

“Continued drawdown from Wellfield B is reducing pressure in the Great Artesian Basin with detrimental consequences for the land, our springs, for delicate ecosystems including endemic invertebrates and fish species found only in those springs, and for places of profound cultural significance to the Arabana People.”

The **Dieri Aboriginal Corporation public input to the Committee** (Submission No.21) said:

“BHP’s Wellfield B is on Dieri country. As Dieri people we are very concerned about the water that is being abstracted from our country and its impact on the pressure of the Great Artesian Basin. Water is very important to us as Dieri People and the impact of the water taken from Wellfield B impacts the health of our Country. We have a deep spiritual connection to our land and are responsible for protecting it.

“On behalf of the Dieri people, we call on the Parliament to require BHP to cease taking water from Wellfield A & B and from the Great Artesian Basin as soon as possible and not allow BHP to expand or take further water from the Basin in the future.”

In contrast: new SA mining laws favour BHP with ‘rights’ to operate Wellfield A to 2036 and options to continue to extract fossil GAB waters from the far larger scale Wellfield B for decades.

It is now over to the public to realise protection for the unique and fragile Mound Springs and to respect the Aboriginal Native Title rights and interests at stake in BHP copper – uranium mining.

For further info: see “[Friends of Mound Springs \(FOMS\) | Far North of SA](https://www.friendsofmoundsprings.org.au/)” webpage
<https://www.friendsofmoundsprings.org.au/>

see “**Roxby Bill rides roughshod over environmental and Indigenous concerns**” by Conservation SA <https://www.conservation.sa.gov.au/protect-mound-springs>

see FOE on BHP copper-uranium mining, at: <https://nuclear.foe.org.au/olympic-dam/>

with an 8-page “**Summary of BHP’s new Roxby Indenture Act**” (David Noonan, 28 June)