

## **BHP has been granted 50-year copper-uranium mining rights over Olympic Dam and associated mining projects in a bad new Roxby Downs Act and Indenture:**

*Summary by David Noonan B.Sc., M.Env.St., Independent Environment Campaigner 28 June*

The SA State Labor Gov allowed only a 6-working day 'consultation' period on a complex Roxby Downs Bill and new Indenture. A Select Committee reported the morning after public input closed, with the 'Report' and glowing Speeches that day making no mention of strong critical public input provided by a range of parties.

The Bill passed SA Parliament on 17 June, requests by **Aboriginal Native Title groups** to be heard in Public Hearings were denied and their strong public input on the Bill was ignored.

Even a claimed 'benefit' in bringing BHP mining under the *Aboriginal Heritage Act 1988* has been seriously compromised by arbitrarily imposing a seven-year 'Transition period' to suit BHP, that the **Minister for Aboriginal Affairs Kyam Maher MLC** inexplicably 'explained' as due to BHP having "existing arrangements". BHP vested interests rank above Heritage protection.

The contents of the Bill and new Indenture and agreements between the State Labor Gov and BHP over 18 months of 'confidential negotiations' were not disclosed to three affected Aboriginal Native Title groups with BHP Olympic Dam mining infrastructure on their country.

SA's Labor Government decided to leave 'consultation' with Native Title groups up to BHP!

Expanded Indenture legal powers provide for BHP or third parties to mine existing tailings waste at Olympic Dam and to process ores including uranium ores from other mine sites.

### **Summary of Media coverage and of Law School, Native Title groups and Environment groups strong public input - critical of the Bill, the Indenture and a farcical process:**

**Media** – an ABC SA Ch.2 TV Feature, lead story on SA Radio and National News web story; two InDaily articles; two National Indigenous Times articles; and an AFR article:

**ABC Monday 15 June 2026:**

[Concerns new BHP agreement 'locks in' basin water extraction](#)

By **Kathryn Bermingham** and **Thomas Kelsall**.

Feature on ABC TV SA Ch.2 News 2.5 min.

#### **In short:**

The SA government has been accused of rushing through a new mining agreement with BHP that does not do enough to end water extraction from the Great Artesian Basin.

**Lead Story on SA ABC Radio 6 – 8 AM and ABC News website 15 June 2026.**

Environmentalists and First Nations groups say a new mining agreement with BHP does not do enough to end water extraction from the Great Artesian Basin.

#### **Extract ABC website story:**

Environmentalist **David Noonan** said he was concerned by the long-term implications of the bill. "It's locking in rights to BHP to extract water from the Great Artesian Basin, that's having impact on the unique and fragile mound springs," he said.

"Wellfield A ... it should be closed down as soon as possible, and the bill is allowing BHP to continue that water extraction for another decade.

"Even if South Australia does provide commercial water to BHP, BHP are still allowed to extract water from the far larger Wellfield B potentially for decades to come, and that would be locking in a long-term adverse impact on the survival of the springs."

**Arabana woman Janette Milera** said she was concerned about the bill's impact on the culturally significant mound springs.

"For us as Arabana people, they hold stories, they hold ancestors," she said.

"We are very concerned about what is happening with the water and country and where this [bill] might lead to with our mound springs." ...

"I think this committee's a bit of a sham to be honest," said **Greens MLC Melanie Selwood**, who was not a member of the committee. ...

**Mr Koutsantonis** said the submissions received by the committee were considered but not included in the final report because "**they weren't relevant**".

"We get to a point, in this saga of BHP, where there are some people who will not be satisfied until all mining ends," he said.

"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."

(see recent articles on BHP at ABC [Topic: Mining Environmental Issues](#) )

**InDaily** 15 June 2026:

[Outrage as days given to comment on new BHP deal with govt](#)

By [David Simmons](#).

An outspoken environmental campaigner has labelled the time period given to scrutinise updates to legislation governing BHP's Far North operations as a "farce", the Treasurer saying opponents want to "thwart this investment".

**Extract:**

In a **Friends of the Earth Adelaide** written submission to the Select Committee, the timeframe was described as "ridiculously short".

"There is considerable community concern about the ... rushed and inadequate process," the submission read.

"This submission is very brief, because the time allowed for review and submission was ridiculously short from 22 May to 1 June 2026 on such matters that are intended to last 50 years. It almost appears like the committee are anti-democratic and don't really want to hear from the residents of South Australia on this topic." ...

Submissions also raised questions about the impact on the local Indigenous population – **the Kokatha people – and their rights**.

"The original Indenture Act is viewed by the Kokatha People as the authorisation of destruction of our land and a mechanism [to] drive our people off country without the involvement or consent of Kokatha People," the **Kokatha Aboriginal Corporation** submission reads. ...

Speaking to *InDaily*, **environmental campaigner David Noonan** described the process around the bill as a "farce".

"The 'Report' was tabled and the chairperson and members of committee all gave uncritical speeches on the bill on the 2nd of June – the very morning after public input had closed," Noonan said.

"This farce contradicts any claim to due process, to a fair hearing and to integrity in public consultation by our State Government.

"People have a right to be heard in SA. Aboriginal Native title representative bodies and individuals have sought to be heard on the Roxby Bill – including to give evidence in public hearings, as the bill affects their rights and interests and their country and culture.

"However, they have so far been denied that right and respect."

**Energy and Mining Minister Tom Koutsantonis** told *InDaily* that the Indenture was

"unanimously approved by a cross-party committee, including representatives from the Liberal Party and One Nation". ...

"There are some critics who do not want to see mining under any circumstances, and who will attempt to hijack this standard parliamentary process as a means to delay and eventually thwart this investment."

**National Indigenous Times** 16 June 2026:

[\*\*Traditional Owners concerned as new BHP deal at Olympic Dam looms\*\*](#)

By [David Prestipino](#).

South Australia's push to formalise a new long-term agreement with mining giant BHP has angered Traditional Owner groups.

**Key points:**

- *SA government set a six-working-day submission window*
- *Bill formalises indenture governing Olympic Dam for 50 years*
- *Kokatha Aboriginal Corporation and other TO groups raise concerns*

**Extract:**

Indigenous groups condemned a six-working-day review of legislation formalising BHP's Olympic Dam Indenture.

**Kokatha representatives and other Traditional Owner groups** criticised the consultation process on the legislation, set to shape the future of Olympic Dam for the next half century. While the State Government has positioned the agreement as a landmark economic development opportunity, Indigenous groups are flabbergasted at how Traditional Owners were engaged. ...

submissions to a parliamentary Select Committee highlighted concerns about the impact of the legislation on the **Kokatha people**, whose traditional lands include the Olympic Dam region.

"The original Indenture Act is viewed by the Kokatha People as the authorisation of destruction of our land and a mechanism [to] drive our people off country without the involvement or consent of Kokatha People," the **KAC submission** read. ...

**Dieri Aboriginal Corporation** said BHP's Wellfield B was on Dieri Country and TOs were concerned water abstracted would impact pressure on 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," the board's submission said.

"We have a deep spiritual connection to our land and are responsible for protecting it."

The **Arabana Aboriginal Corporation** raised similar concerns in its submission to the committee earlier this month.

"The AAC ... asks the Committee to make a number of recommendations about these important matters that affect the Arabana People and our land," it wrote.

"The damage to our springs and land; the closure of Wellfield A; ongoing water abstraction from Wellfield B; the absence of consultation with the AAC as the determined native title holders; the continued displacement of the Aboriginal Heritage Act 1988 (SA) for the Stuart's Shelf on Arabana Country; and how the development of the Bill can be reconciled with the state's own commitments to Aboriginal people." ...

Environmental campaigner **David Noonan** was damning of the process.

**InDaily** 17 June 2026:

[\*\*Controversial deal with mining giant approved as copper exports boom\*\*](#)

The SA government has seized a "generational opportunity" with a BHP deal bill approved, despite critics slamming a "rushed" negotiation process.

**Extract:**

Only two parliamentarians voted against the bill: **SA Greens MLCs Rob Simms and Melanie Selwood**. ... The legislation was endorsed by a cross-party parliamentary committee, despite submissions to the parliamentary inquiry raising concerns about the impact of the changes on the **Kokatha people and their rights as Traditional Owners**.

"The original Indenture Act is viewed by the Kokatha People as the authorisation of destruction of our land and a mechanism [to] drive our people off country without the involvement or consent of Kokatha People," the **Kokatha Aboriginal Corporation** submission reads.

**Friends of the Earth Adelaide** also criticised the consultation process, describing it as "rushed and inadequate".

**National Indigenous Times** 17 June 2026:

**[Future certain for Olympic Dam but not Traditional Owners](#)**

By [David Prestipino](#).

A landmark update of a decades-old Indenture agreement guiding development at Olympic Dam and copper-rich Gawler Craton was ratified by the South Parliament on Tuesday despite serious concerns from affected Traditional Owner groups.

**Key Points**

- Three Traditional Owner groups left out of landmark deal
- Concerns at impact of 50 years of mining on Country
- New Indenture fast-tracks BHP's Olympic Dam expansion plans

**Extract:**

Native Title bodies told a government-chosen Select Committee they had serious concerns at ongoing impacts another 50 years of BHP mining operations would have on their Country.

**'Destruction' of Country.**

**Kokatha Aboriginal Corporation**, whose Traditional lands include the Olympic Dam region, told the Committee the previous Indenture Act - in place for more than 40 years - was insufficient already.

"The original Indenture is viewed by the Kokatha People as the authorisation of destruction of our land and a mechanism to drive our people off Country, without the involvement or consent of Kokatha People," KAC wrote in its submission earlier this month.

**Arabana Aboriginal Corporation** urged the Committee to make recommendations on important matters that affected Arabana People and their land, outlining them in its submission.

"The damage to our springs and land, the closure of Wellfield A, ongoing water abstraction from Wellfield B, the absence of consultation with the AAC," it wrote.

"The continued displacement of the Aboriginal Heritage Act for the Stuart's Shelf on Arabana Country and how development of the bill can be reconciled with the state's own commitments to Aboriginal people." ...

The company BHP was confident new agreement-making processes with Traditional Owners would investigate their specific issues, some of which were already being addressed.

**Australian Financial Review** 17 & 18 June:

**[New laws point to \\$5.6b BHP copper spend despite Indigenous opposition](#)**

AFR 18 June in Paper: "**Law backs \$5.6b BHP copper plan**"

By **Peter Ker**.

**Extract:**

... Olympic Dam, Carrapateena and the undeveloped Oak Dam prospect are on the ancestral lands of the Kokatha people who were awarded native title in 2014. That award of native title created a headache for BHP, which had previously split Olympic Dam's wealth between the Kokatha and two other Indigenous groups in the region, the Kuyani and Barngarla. ...

BHP and the Kokatha have been negotiating a new deal ever since, but have yet to reach an agreement acknowledging exclusive native title.

In a submission to parliament, **Kokatha chairman Nyani Thomas** said his group was "bitterly disappointed" that they were not consulted on the legislative update before it was introduced to parliament in late May.

The updated laws provide BHP with a larger mining lease, change conditions around water use, and encourage the miner to investigate the potential to refine rare earths and other critical minerals from the waste left behind in the production of copper, gold, silver and uranium.

"The failure to appropriately address this issue is a serious flaw in the bill and out of step with the expectations of the Australian community" **Thomas** wrote in the submission, adding that the changes should not be finalised until BHP had provided "proper and fair compensation".

## **Adelaide University Law School public Submissions by two Professors of Law:**

[“Submission in relation to the Roxby Downs \(Indenture Ratification\) \(Amendment of Indenture\) Amendment Bill 2026”](#) (Submission No.20)

By **Assoc Prof Alex Wawryk** (29 May 2026)

**Director, Environmental and Natural Resources Research Unit**

Adelaide Law School | College of Business and Law

Adelaide University

### **Extract:**

The Select Committee is due to report on 2 of June, the day after public consultation close. This makes an absolute farce of the process for public participation.

[“Roxby Downs Indenture Ratification Amendment of Ratification Amendment Bill – ongoing threat to Mound springs and GAB waters”](#) (Submission No.12)

By **Distinguished Professor Irene Watson** (01 June 2026)

Research Professor, College of Business and Law,

Adelaide University

### **Extract:**

First Nations have the right to free, prior and informed consent, and not some manufactured consent that fails international law standards.

## **Public input by Aboriginal Native Title groups with BHP mining infrastructure on country:**

### **Arabana Aboriginal Corporation:**

By **Bronwyn Dodd, Chairperson, and Daniel Jackson, Deputy Chairperson. For and on behalf of the Arabana Aboriginal Corporation RNTBC**

[Submission No.18](#) (01 June 2026)

### **Extract:**

... 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 AAC makes this submission and asks the Committee to make a number of recommendations about these important matters that affect the Arabana People and our land. The damage to our springs and land; the closure of Wellfield A; ongoing water abstraction from Wellfield B; the absence of consultation with the AAC as determined native title holders; the continued displacement of the Aboriginal Heritage Act 1988 for the Stuart's Shelf on Arabana Country; and how the development of the bill can be reconciled with the State's own commitments to Aboriginal people. ...

### **1. About this submission ...**

Our Kutha ngarrawa (mound springs) which are very culturally significant to Arabana People depend on the Great Artesian Basin and have been irreversibly damaged by the water abstraction from Wellfield A and B. ...

### **2. Summary of the AAC Board's recommendations**

The AAC Board asks the Committee to recommend that: ...

(b) The Bill be amended to require BHP to not increase and to cease extraction from Wellfield A immediately or at least by no later than 2030, consistent with BHP's own public commitment to the Arabana People; ...

(d) The Bill be amended to impose a binding cap on extraction from Wellfield B, with a scheduled reduction over a defined period, and to prohibit any renewal of expansion of Wellfield B extraction;

(e) The Bill be amended to require the immediate application of the *Aboriginal Heritage Act 1988* (SA), to all BHP operations within the Indenture Area, without the seven-year delay currently proposed; ...

(g) The Committee invite the AAC Board to give oral evidence in support of this submission. ...

### **3. The springs, and what they mean ...**

The springs are places of great spiritual, cultural and environmental significance. They carry our Ularaka, the stories of the Arabana People.

The significance of these places is difficult to explain to those who have not grown up with them, but a comparison may help: these places are as important to the Arabana people as a church is to those who worship in one. ...

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. ...

### **4. Water: Wellfield A ...**

The Bill, as the AAC board understands it, 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.

BHP has publicly and repeatedly committed, over many years and including to the Arabana People directly, to cease extraction from Wellfield A by 2030. ... The impact on our springs is already severe, and we call for the immediate closure of Wellfield A. ...

### **5. Water: Wellfield B**

The AAC Board is also concerned by the Bill's treatment of Wellfield B which is in part on Arabana Country. ... 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 AAC Board is concerned that the Indenture and the Amendment Bill provides that the Indenture prevails over inconsistent State law.

The effect is that, for BHP's operations, protections in State law can be overridden wherever they are inconsistent with the Indenture, and this is being done by ratifying a Variation Deed whose water provisions have not been made public. The AAC Board asks the Committee to examine what protections for the springs and for Arabana water interests are being subordinated by the Bill. ...

### **7. A framework for decades to come ...**

The AAC Board notes that the Premier of SA has publicly described the Bill as establishing a clearer pathway for negotiating further expansions of BHP's Copper SA province. The amendments before the Committee ... are about the framework, within which decisions about water, heritage and Country will be made for decades to come without the engagement of Arabana People.

### **Kokatha Aboriginal Corporation:**

By **NYANINGU THOMAS, Chairperson, Kokatha Aboriginal Corporation RNTBC**

[Submission No.19](#) (01 June 2026)

#### **Extract:**

... 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 and not provided with a copy of the proposed Bill prior to its being tabled in Parliament.

We have a number of issues with respect to the proposed Indenture Bill ...

2. Both the ILIA 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 in clause 28. Rather than try to reinforce the disadvantage, the Bill should have recognised that and provided a reasonable alternative to compensate the Kokatha people for the loss and damage over the last 40 years and the impact the mine will have for the next 80 years and beyond. 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 Kokatha people invite the Committee to make a recommendation that the issue of compensation be discussed with the Kokatha people before the Bill is finalised.

**Dieri Aboriginal Corporation:**

By **Debbie Bates, Chairperson, on behalf of TDAC Board of Directors, The Dieri Aboriginal Corporation RNTBC**

[Submission No.21](#) (01 June 2026)

**Extract:**

TDAC represents Dieri people in relation to the Dieri native title determined lands.

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.

We are extremely concerned that the Roxby Downs (Indenture Ratification) (Amendment of Ratification) Amendment Bill 2026 allows BHP to continue to take water from Dieri land for many decades into the future if there is no alternative water source, and allows BHP to explore for the further abstraction of water from Dieri country into the future.

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.

**Conservation SA's Key Ask to Premier Peter Malinauskas MP "Protect the Mound Springs":**

In Dec 2025, Conservation Council SA CEO Kirsty Bevan wrote to the SA Premier seeking the long-term protection of the Mound Springs (extract below):

**Protect the Mound Springs and End Unsustainable Water Extraction from the Great Artesian Basin:**

Mound Springs are globally significant cultural, ecological and geological features, and are a listed EPBC Act "Endangered Ecological Community". These unique and fragile little gems support rare species, deep cultural heritage and landscapes central to the identity of Traditional Owners. Community concern has escalated regarding BHP's use of Great Artesian Basin water for mining and the cumulative impact on Springs.

**We call for:**

1. Recognition of the Mound Springs of the GAB as a high-value ecosystem requiring elevated protection.
2. Closure as soon as possible of BHP Wellfield A water extraction operations that have directly impacted the Springs.
3. Transition of industrial scale BHP Wellfield B water extraction operations toward alternative water sources, such as desalination or recycled water, to protect the Basin.

4. Transparent timely reporting of extraction volumes, groundwater pressures and spring health and monitoring information.
5. Co-governance with Traditional Owners, with investment in cultural heritage protection and Indigenous Rangers on country.

**Outcome Sought:**

Long-term water security for communities, ecosystems of Great Artesian Basin—and a clear safeguard against irreversible damage.

see **“Roxby Bill rides roughshod over environmental and Indigenous concerns”**

[https://www.conservation.sa.gov.au/protect\\_mound\\_springs](https://www.conservation.sa.gov.au/protect_mound_springs)

**Note:** Conservation SA’s Key Ask to the SA Premier to “Protect the Mound Springs” was conveyed to the Roxby Downs Select Committee in public input by [David Noonan](#) and supported in public [input by Friends of Mound Springs](#).

**Opinion by David Noonan** B.Sc., M.Env.St., Independent Environment Campaigner  
(12 June 2026)

**“BHP seek 50-year mining rights to expand Olympic Dam, as SA Labor Ministers indulge a farcical process and ignore public input”**

<https://nuclear.foe.org.au/wp-content/uploads/Noonan-BHP-bad-Roxby-Bill-as-Ministers-ignore-public-input-2026.pdf>

SA State Labor Government Media Release (19 May 2026):

**“South Australia’s copper potential is set to expand following a landmark agreement between the Malinauskas Government and BHP”**

[State Government receives record royalty payment for copper | Premier of South Australia](#)

Attributable to **Premier Peter Malinauskas MP:**

*“The time to seize this opportunity is now. ... These changes to the Indenture will enable better integration of the existing copper production from the three operating mines, while establishing a clearer pathway for negotiating further expansions that can underpin the state’s economic growth for generations to come.”*

Attributable to the **Minister for Energy and Mining Tom Koutsantonis MP:**

*“The Malinauskas Government and BHP have long shared a vision to develop an internationally recognised copper province.*

*This agreement provides the long-term certainty and assurances needed by both sides to achieve our ambition for South Australians.”*

**Roxby Downs Select Committee:**

The 22 x public Submissions to the Roxby Downs Select Committee, the flawed ‘[Report](#)’ (Tables 02 June) and Transcripts of two non-public Hearings (held 21<sup>st</sup> & 26<sup>th</sup> May) were only belatedly released after a set of glowing Second Reading Speeches supporting the Bill had failed to even acknowledge or respect the array of critical public input and requests by Native Title groups to give Evidence as Witnesses in public Hearings, see at:

[SA Parliament Committees List](#) and scroll down to:

*Roxby Downs (Indenture Ratification) (Amendment of Ratification) Amendment Bill SELECT,*

- at next Committee Details page see the Committee Files section at end.

**Further Information:**

- see Friends of Mound Springs at [Friends of Mound Springs \(FOMS\) | Far North of South Australia](#)
- see Friends of the Earth Australia on BHP Olympic Dam copper-uranium mining at <https://nuclear.foe.org.au/olympic-dam/>