

Procedure Office

From: [REDACTED]
Sent: [REDACTED]
To: Procedure Office
Cc: 'David Noonan'
Subject: To the Secretary, Select Committee on Roxby Bill and new Indenture
Attachments: David Noonan to the Min for Planning on Northern Water (2) 07Jan2026.pdf

To: The Chairperson and the Secretary

[Select Committee on the Roxby Downs \(Indenture Ratification\) \(Amendment of Indenture\) Amendment Bill 2026](#)

c/o the Secretary at [REDACTED]

cc Members of the Select Committee

Public input by David Noonan B.Sc., M.Env.St., Independent Environment Campaigner

RE: Community concern over Roxby Bill's rushed inadequate process, extended legal privileges to BHP interests, and continued threats to Mound Springs & GAB waters.

Dear Chairperson and Secretary

Please accept this initial public input to the Select Committee, consider my request to provide evidence on the Roxby Bill and proposed new Indenture in a Public Hearing, and make my input public in a timely way.

Clearly, the Select Committee should allow a proper period for Members to consider public input to the Committee before Reporting. This period and process should include opportunity for the Committee to take evidence on public input in Public Hearings.

Community are seriously concerned over this rushed and inadequate process regarding such a key public interest Bill and new Indenture, with legal and commercial privileges to be granted to BHP mining vested interests, for a stated period of up to 50 years, including unwarranted legal precedence over a new long list of SA Legislation. This is an outdated Indenture style override of contemporary laws, standards and due process in SA, compromising an array of public rights and interests.

The intended timeline of the Select Committee process is nonsensical, with the Bill and Committee process only out for effectively one working week of 'consultation' from Friday 22 May to input due on Monday 1st June, with the Minister (who is on the Committee) stating in Parliament the Committee is to Report on 2nd June the next day!

In public parlance this is a *farce* that should not be accepted by the Parliament and contravenes contemporary community expectations and integrity in public process.

Few stakeholders and interested parties knew this Roxby Bill and new Indenture were coming ten years ahead of expiry of the existing Roxby Indenture Act from 1982. Few were aware of - or were made aware of - the start of this Select Committee process, announced in [Parliamentary News](#) on 22 May.

Clearly, interested parties are not being provided with a realistic warranted opportunity to prepare input commensurate to the importance and complexity of the public interest and legal matters intended to be determined for the next 50 years by the Clauses of this Roxby Bill and new Indenture. Such matters warrant detailed public consideration rather than an apparent rush to avoid scrutiny, an effective secrecy over the consequences of the provisions of the Roxby Bill and new Indenture.

There is no real Explanatory Memo provided for the Bill, a one sentence style listing of Clauses and broad Topics in a Speech is not acceptable. The Minister said he doesn't need to provide an explanation as the Committee will consider this for the House of Assembly – what about a proper explanation 'for the public' ?

Are they considered to not have a right to know? Basic public explanation of Clauses is doubly necessary given the starkly narrow Select Committee period and process.

The Select Committee should recommend, and the House of Assembly require, a commensurate Public Inquiry with wide public interest Terms of Reference and Public Hearings into the Roxby Bill and proposed new Indenture, this could commence in June and should run for a reasonable period in the order of at least three months.

In the interim, I request your consideration to related public interest input and Recommendations (see p.11) on BHP Roxby mining issues that are equally at stake in this Roxby Bill and new Indenture, as set out in my public input (Dec 2024) to the Department's current "[SA Copper Strategy](#)", with some of my relevant background at p.12:

["SA's Copper Strategy lacks 'social license' and fails contemporary public interest expectations and environmental and legislative standards"](#)

(FYI - I avail of an FOEA website to facilitate public access to Briefing materials).

The Department of Energy and Mining did not provide engagement on public input to that Roxby process. Since then, the Department at Director of Strategy level, at the request of the Northern Water Project Team (I was a Member on their "Stakeholder Reference Group"), repeatedly agreed over Oct – Nov – Dec 2025 for Department officers to provide a response to my input, however none was forthcoming.

This Select Committee should seriously consider the position of Conservation SA as a relevant State Peak Body, conveyed as State Election Key Ask No.5 in a Letter to the Premier (dated 19 Dec 2025). This approach did not receive the courtesy of due engagement and response on the key public policy issues conveyed for SA Future (see Opinion "[Too little, too late: alarm as state pollies 'ignore' SA's environment](#)" 15 March 2026 by Conservation SA CEO Kirsty Bevan):

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

a. Recognition of the Mound Springs of the GAB as a high-value ecosystem requiring elevated protection.

b. Closure as soon as possible of BHP Wellfield A water extraction operations that have directly impacted the Springs.

c. Transition of industrial scale BHP Wellfield B water extraction operations toward alternative water sources, such as desalination or recycled water, to protect the Basin.

d. Transparent timely reporting of extraction volumes, groundwater pressures and spring health and monitoring information.

e. 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.

In contrast, this Roxby Bill and new Indenture and the Minister's Speech *claim* to recognise contemporary community expectations to protect the unique and fragile Mound Springs and the values and integrity of the GAB groundwater system - but in practise seriously and unacceptably fail to do so.

In any case: the adversely impacting BHP Olympic Dam Wellfield / Borefield A inappropriately located amidst the arc of Lake Eyre Mound Springs must close ASAP and must not - as intended in this Roxby Bill & new Indenture - be kept open for another decade toward expiry of BHP held Special Water License No.1 in 2036, with an arbitrary further option provided for either BHP or the SA State Gov to *extend* even that irresponsible timeline.

The far larger long-term impacting BHP Olympic Dam Wellfield / Borefield B must be phased out as a public interest priority and must not only be '*reduced*' and then kept in operations taking GAB waters for decades following expected State provision of Northern Water Project "commercial water" to BHP in / from the early 2030's.

A provision of extreme rights to BHP (referred to in the Minister's Speech) to expand an extend Wellfield B operations - potentially for decades, if the State does not provide "commercial water" to BHP in a timely way, is of serious concern to community given the precarious survival of the GAB Mound Springs as a Federal EPBC Act Listed "Endangered Ecological Community". **This provision may indicate a 'stepping away' from the Northern Water Project by the State Labor Gov?**

I have been a Conservation SA representative on the Northern Water Project "Stakeholder Reference Group" since its inception until this April. The Project has repeatedly been delayed, including contentious changes to the location of the de-sal facility site from a preferred Cape Hardy site to close to Whyalla. Assessment Requirements for an EIS have still not even been released - though the Project Team still says an EIS is expected to be released for consultation in Q3 this year.

The State Labor Government has already sought to encumber the public to pay an estimated \$5 billion capital cost for the Northern Water Project, to include an approx. one billion \$ cost to the public and for State debt to pay for a pipeline to supply desalinated sea water to BHP hundreds of kilometres from south of Whyalla up to Olympic Dam. Presumably, the world's largest mining company BHP should at least pay for its own core required water supply pipeline infrastructure?

Now this Roxby Bill and new Indenture place an *onus* on the State to provide "commercial water" to BHP. If the State doesn't deliver that water, the Roxby Bill and new Indenture provide for BHP Olympic Dam Wellfield / Borefield B to expand and extend operations for decades at an unacceptable environmental cost to the integrity of GAB water flows and the survival of the unique and fragile Mound Springs, little gems of our natural heritage and of ongoing fundamental cultural and spiritual importance to the Arabana People, the Native Title holders over the area. This is entirely unacceptable.

To provide context to these key public interest issues that are before this Select Committee on the integrity of GAB waters and for protection of the Mound Springs I provide a Letter to the Minister for Planning (attached dated 07 Jan 2026) for consideration by Members of the Committee.

I emphasise the position taken by then Deputy Leader and Minister for Environment and Water the Hon Susan Close MP (Letter to David Noonan, 18 July 2022).

"I agree with you that the real opportunity to achieve significant beneficial environmental and cultural outcomes is to replace, or at least significantly reduce, Olympic Dam's current extractions from the GAB with a new, sustainable water supply."

The Hon Susan Close MP showed the leadership to achieve significant beneficial environmental and cultural outcomes to *replace* Olympic Dam's current extractions from the GAB, it is now for this Select Committee and the HoA to recommend amendments to the Roxby Bill and new Indenture to finally deliver on this real opportunity.

While the SA Labor Gov has privately agreed on new arrangements with BHP over the last two years outside of the public realm, community has repeatedly sought engagement, transparency and public interest

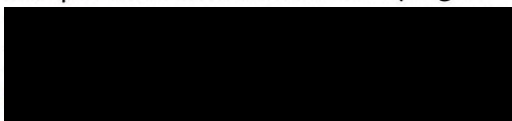
environmental and cultural heritage outcomes – which are still being denied in this Roxby Bill and proposed new Indenture.

If the Executive force this Bill through the HoA in June, on the back of such an inadequate Select Committee process, then it will be up to the Legislative Council to represent Parliamentary integrity on such important matters of due process, contemporary community expectations, and public interest policy and legislation.

Please feel free for the Secretary, Chairperson (who has not been publicly identified?) and Members of the Committee & staff to contact regarding these matters.

Yours sincerely

David Noonan B.Sc., M.Env.St.
Independent Environment Campaigner



To: Nick Champion MP, the Minister for Planning

cc Lucy Hood MP, the Minister for Climate, Environment and Water

07 January 2026

RE: Ministerial discretion for a new Plan SA EIS process to assess and consult on needed protection for the Mound Springs consequent to Northern Water Project water policy and allocations.

Dear Nick

I write to you on the opportunity to realise significant beneficial environmental and cultural outcomes presented by your consideration of the Northern Water Project as a new application for a Plan SA EIS process, to set new Assessment Requirements and to consult on key public interests.

SA civil society and Traditional Owners have long sought protection for the unique and fragile Mound Springs of the Great Artesian Basin, as little gems of SA's natural and Indigenous cultural heritage.

The long-term fate of the Springs depends on water policy and allocation decisions consequent to the Northern Water Project's capacity to provide an alternative water supply to mining in north SA.

As Planning Minister, you have formal responsibilities to, and important Ministerial discretion over, public interest matters subject to assessment and consultations in this new Plan SA EIS process.

Then **Minister for Environment and Water the Hon Susan Close MP** has stated a position to guide the outcomes of Northern Water (Letter to Mr David Noonan, Ref: CEW22/00053, 18/07/2022):

"... I agree with you that the real opportunity to achieve significant beneficial environmental and cultural outcomes is to replace, or at least significantly reduce, Olympic Dam's current extractions from the GAB with a new, sustainable water supply. ... Obviously this proposal will only proceed if it is able to pass the rigorous environmental and cultural assessments that will need to be undertaken as part of the overall assessment process. ...

Subject to the outcome of the required assessments, it is my view that this project represents the most effective approach to achieving the environmental outcomes that we both desire."

I request you avail of your responsibilities and discretion for Plan SA EIS level assessment and consultations on Northern Water to contribute to these outcomes: to protect the unique and fragile Mound Springs and the GAB flows on which these little gems depend by assessing proposed benefits of Northern Water *replacing* BHP Olympic Dam's current Wellfield extractions from the GAB.

Please consider that it is *untenable* for SA to invest and expend billions of public dollars on this water infrastructure and supply without realising full protection for the Mound Springs as a key outcome.

Protection for the Springs by Northern Water supply replacing Olympic Dam extractions from the GAB is a key *pre-requisite* to public support and *social licence* for the project and its vast expenditure and is considered a *pre-condition* to further significant Federal co-funding of this key project.

In that regard, it is disappointing the Mound Springs (a Matter of National Environmental Significance as a listed "*Endangered Ecological Community*" that is subject to "*indirect impacts*" by Northern Water) has been *excluded* from the project's new [EPBC Act Referral 2025/10397](#). However, Plan SA is not in any way constrained by a legalistic exclusion of the Springs from an EPBC Act Referral.

As a member of the Northern Water "Stakeholder Reference Group", representing Conservation SA throughout the Project, it has been frustrating that the Team's good will insight to Mound Spring issues has not been reflected in the proponent's senior level decisions taken in 2022-23, and again now, to try to *exclude* the Springs from its application to Plan SA for a new EIS project assessment.

The "[Summary Business Case, Northern Water](#)" (Feb 2024) recognised ongoing risks to Springs:

2.2.1 ENVIRONMENTAL *Currently, mining and other industry in the region are reliant upon extracting water from the River Murray, Great Artesian Basin and other deep saline groundwater resources. ... Reliance on these unsustainable water sources will result in ongoing environmental degradation. ... The NW will provide a sustainable source of water and reduce the need for supplies to be taken from either the Great Artesian Basin or the River Murray. ...*

2.2.2 CULTURAL *The 2021 Juukan Gorge Inquiry made the following observations: "These springs (Mound Springs) are of great significance to the Arabana people and they are an important part of their cultural heritage. There are fears that continued extraction from the Great Artesian Basin will result in a significant reduction to the 'vitality and the ecological viability of the springs', and that there is a high likelihood that more springs will go extinct."*

The Northern Water Project will play a significant role in reducing reliance on the use of water supplies that hold significant cultural importance to Traditional Owners. Providing the opportunity for reduced water withdrawals from the Great Artesian Basin may play a role in preserving mound springs. As virtual oases in the desert, the springs were, and still are, of vital importance to Indigenous people. (my emphasis in bold)

It is contrary to the public interest in SA for such important potential benefits of the Northern Water Project to continue to be excluded from its EIS level Assessment Requirements and consultations.

The Project Team wrote to me with cc to Kirsty Bevan CEO at CCSA on 23/12/2025 stating the Mound Springs or the GAB are "*unlikely to inform the Assessment Requirements which the EIS will respond to*". Such exclusions belie the trust the public may place in political 'rationalisations' for this project.

"However, our team will recognise and document the importance of the Mound Springs and GAB raised through our engagement and consultation with key stakeholders.

The Minister may also undertake or require any other consultation in relation to the EIS as the Minister sees fit, in accordance with the Commission's Community Engagement Charter. The purpose of this process is to enable the public to express their views on the proposal. All comments received during this period are considered in the assessment process."

Your Ministerial discretion to undertake or require consultations on the Mound Springs and on GAB waters is necessary to properly enable the public to express their views on this key project.

Protection for the Mound Springs is an important public interest issue, see [Calls to end water extraction from Great Artesian Basin before culturally significant springs are lost - ABC News](#) (Interviews, an Arabana Ranger & an Environmentalist on Ch.2 News 24th Nov), and [Water is under pressure in the Great Artesian Basin - ABC News](#) (Arabana Elders on a Ch.2 News Feature Sun 23rd).

BHP and DEM have had the last 20 years to realise protection for the Mound Springs and integrity of GAB flows impacted by Olympic Dam extractions. BHP Wellfield A should close '*as soon as possible*'.

The company 'offer' to close the smaller Wellfield A by mid-2030's - once Northern Water provides a sustainable water supply, is belated, inadequate and effectively seeks to retain *unsustainable* water extractions for another decade. Wellfield A used to pump 15 MI/day annually but is now limited by agreement to extract a maximum of 5 MI/day – given ongoing impacts & risks to the Mound Springs.

BHP wants to retain the larger scale Wellfield B operations extracting 28-30 MI/day, in part as these public water resources are taken 'free of charge' by BHP under "Special Water Licenses" from the outdated 1982 era *Roxby Downs Indenture Ratification Act*. This is an ongoing long-term threat to the viability of the Springs. BHP can be directed or 'incentivised' to accept closure of both Wellfields.

Labor has had 20 of the last 24 years in State office in SA and must now accept responsibility to protect the Springs. The Labor Government must not leave the fate of these Springs to final water pricing negotiations with BHP, to be conducted *after* the public EIS process concludes in late 2026.

Further, the EIS Assessment Requirements should appraise the rationale, economic affects and opportunity costs in the Premier's plan for the public to pay toward a billion dollars in 400 km pipeline costs, within est. total capital costs at \$5 bil (far more than the new Children's Hospital).

As the world's largest mining company BHP should be required to pay the capital cost for this core water supply mining infrastructure to take marine desalinated water from Mullaquana sth of Whyalla up to BHP Olympic Dam & Carrapateena mining projects in north SA. BHP can pay their own way.

The public should not be sent further into debt with the full capital costs of Northern Water pipeline & interest on that debt, while only slowly recouping some income from BHP through water pricing.

If the Premier still considers there are SA public funds available to pay for the Northern Water pipeline, the EIS should appraise the opportunity costs in foregone public interest initiatives.

For instance, the Nature Conservatory Australia proposes a '[Beating the Blown](#)' project to invest in nature, to commit to large-scale reef restoration and build back and restore our lost shellfish reefs:

"The Price of Protection: ... An investment of at least \$500 million over the next decade in South Australia, would allow reefs to be restored across much of their historic range, reviving our natural filtration systems and allowing our oceans to recover. The return on investment is clear: cleaner water, thriving ecosystems, a stronger economy and more resilient oceans and coastlines - and all for a fraction of what we spend on other infrastructure like roads..."

Protection for Mound Springs and scrutiny on Northern Water should feature in the State Election.

Northern Water could either save or condemn the Mound Springs, surely that must be assessed?

I request opportunity to discuss these public interest matters with an Adviser.

Yours sincerely,

David Noonan B.Sc., M.Env.St.

Independent Environment Campaigner

Conservation SA representative on the Northern Water Project "Stakeholder Reference Group"

Seaview Downs SA

