Kokatha Aboriginal Corporation RNTBC
ABN: 17 649 502 722 23

1 June 2026

Select Committee on the Roxby Downs (Indenture Ratification)
Amendment of Indenture) Amendment Bill 2026
Parliament of South Australia

BY EMAIL: [redacted]

Dear Secretary,

ROXBY DOWNS (INDENTURE RATIFICATION) (AMENDMENT INDENTURE) AMENDMENT BILL 2026

As the Chairperson of the Board of the Kokatha Aboriginal Corporation RNTBC (**KAC**), I write on behalf of the Kokatha People to make a submission in relation to the Roxby Downs (Indenture Ratification) (Amendment Indenture) Amendment Bill 2026.

KAC represents the Kokatha People in relation to the Kokatha Native Title land. Olympic Dam mine is on Kokatha Country and we are the recognised Native Title holders of that land. Carrapateena mine and BHP's Oak Dam project are also on our Country.

The original Indenture Act is viewed by the Kokatha People as the authorisation of destruction of our land and a mechanism drive our people off country without the involvement or consent of Kokatha People. Despite protest by the Kokatha People including my father Andrew Thomas and clear evidence that sites that are significant us would be destroyed, the Government enacted the Indenture to allow the mine to be established.

In 2008 we were induced to enter into the Olympic Dam Agreement with BHP on the promise of compensation from an open cut mine that did not proceed. As a result of this agreement, we gave numerous consents to BHP including consents that would allow them to expand their mine, which they are currently doing, without further negotiation with us. That agreement was seriously flawed in that compensation was only payable to us if the open cut mine went ahead, but we were bound by the advance consents that we were required to give.

Our disadvantage was further compounded when we tried to reach a negotiated settlement of our native title in 2014. At that time, BHP inserted itself into our discussions with the State of South Australia and both the State and BHP required us to reconfirm our consents to all future Olympic Dam mine expansions and activities.

We were told if we did not sign that agreement, we would not get our native title recognised and we felt that we had no choice in the matter.

We are currently in negotiations with BHP about an amendment to the above agreements which is a positive step, but as with any negotiation there is no guarantee and we seek that the Bill be amended to acknowledge the impact on our land and Kokatha People.

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 it being tabled in Parliament.

We have a number of issues with respect to the proposed Indenture Bill and they were as follows:

1. Nowhere in the Bill is it recognised that Olympic Dam mine is on our land or are Kokatha People recognised as the Native Title holders. We ask that the Committee recommend an amendment to recognise us in the proposed Indenture.

2. 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 entrenches 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 that the mine will have for the next 80 years and beyond. 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. The Kokatha community invites the Committee to make a recommendation that the issue of compensation be discussed with the Kokatha People before the Bill is finalised.

3. In relation to clause 19 and the variation and expansion of the Special Mining Lease, we would ask that the Committee recommend that prior to any variation, extension or expansion of the SML, BHP be required to enter into a new agreement with the Kokatha People in relation to providing proper and fair compensation to the Kokatha People for our loss and damage.

4. We note that clause 53 allows the Minister to amend or vary any date referred to in the proposed Indenture. The variation of these dates can often affect the rights of Aboriginal groups under the Indenture. We would ask that the Committee recommend an amendment that if the Minister is considering any amendment that would impact on any Aboriginal group that he consults with and take into account the views of that group.

5. We note clause 12 of the proposed Indenture sets up an Industry and Workforce Development Group. We note that it is planned to be composed only of representatives from BHP and the State. Given that there appears to be some intent to provide advantages for Aboriginal People, we are of the opinion that Kokatha People should be involved in that group particularly because we are the Native Title holders. Further we note that this clause is limited by subclause 4 that does not require BHP to act "other than upon commercial considerations". We would ask the Committee to recommend that there be a positive commitment by BHP to provide employment and economic advancement for Kokatha People and businesses.

6. Where the proposed Indenture requires BHP to submit a plan or report to the Minister, we ask that the Committee recommend that the report and plan also be provided to us if it is likely to impact us and we have the opportunity to provide meaningful input into future plans on behalf of the Kokatha People. For example, reports and plans related environment, expansions, rehabilitation and closure.

7. We note clause 21(18) requires BHP to offer 15% of all new vacant allotments in the townsite to the State for the purpose of affordable housing on favourable terms. Given that the housing will be on Kokatha land and housing is a major issue for Kokatha people, we seek that the Committee make a recommendation that the proposed Indenture be amended to include that BHP required to offer 10% of all new vacant allotments to KAC for the purpose of constructing private housing for Kokatha People.

8. We note clause 7 provides wide powers to the Minister to provide project approvals, we would ask that the Committee make a recommendation that the proposed Indenture be amended to include that prior to providing any approval which may impact the Kokatha People, the Minister be required to consult with the Kokatha People and take into account our concerns.

Should the Committee wish, I would be more than happy to personally address the Committee on these issues.

Yours sincerely,



NYANINGU THOMAS
Chairperson
Kokatha Aboriginal Corporation RNTBC

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