

Ninox Law

Ninox Law Pty Ltd
Meanjin, Yugerra and Turrbal Country
Level 4, 260 Queen Street
Brisbane 4000 admin@ninoxlaw.au

Senator The Hon. Murray Watt, MP
Minister for the Environment and Water

Suite G04 Kay House
35 Scarborough Street
Southport, QLD, 4215

By Email

senator.watt@aph.gov.au

4 September 2025

Dear Minister Watt,

Re: Urgent Request for Ministerial Meeting and Intervention - Imminent Threats to Doongmabulla Springs from Adani Carmichael Mine - Enforcement and Reconsideration of EPBC Approval 2010/5736

We act for Nagana Yarrbayn Wangan and Jagalingou Cultural Custodians (the Custodians) (our client) and write to request an **urgent meeting** with you to address the escalating and imminent threats to the sacred Doongmabulla Springs from Adani's Carmichael Mine operations.

As the new Minister for the Environment and Water, you have a critical opportunity to address a matter where your predecessor failed to act despite compelling scientific evidence and repeated requests spanning over a year. The Custodians urgently need your direct engagement to prevent irreversible damage to springs that are both sacred under First Law and nationally significant under the Environment Protection and Biodiversity Conservation Act 1999 (**EPBC Act**).

We request this meeting as a matter of the highest priority because:

- **Immediate intervention is required** - mounting peer-reviewed scientific evidence indicates that Adani is breaching their federal approval, causing ongoing harm to 500,000-year-old springs
- **Federal enforcement action is overdue** - despite detailed evidence provided to Minister Plibersek in July and November 2024, the Department has taken no substantive action beyond stating it was "making enquiries"
- **Cultural obligations demand urgent protection** - the Springs are sacred to Mundagutta (Rainbow Serpent) dreaming, and continued damage violates the Custodians' human rights under Queensland law
- **Time is critical** - each day of delay increases the risk of complete and irreversible loss of these ancient springs

This meeting will address specific enforcement actions available to you under sections 142A, 144, and 145 of the EPBC Act, supported by comprehensive scientific evidence detailed below.

The Custodians also extend an invitation for you to visit them on Country at the Springs, which is essential for you to understand the full cultural and environmental significance of what is at stake.

The Custodians are the Wakelburra Jagalingou, a self-determined First Nations moiety group from Wangan and Jagalingou Country who speak for Country and seek to protect their lands and waters from extractive industries. Their families are the Traditional Knowledge Holders that have cultural authority that gives effect to their connection with, and obligations to, the Springs. The Springs are a significant sacred site of Wangan and Jagalingou ancestor dreaming, Mundagutta (the Rainbow Serpent).¹

The Queensland Department of Environment, Science, Tourism and Innovation (**DETSI**) accept the spiritual significance of the Springs and has acknowledged the custodians have obligations to protect the Springs under First Law.² Allowing Adani to continue its operations when it has failed to comply with its groundwater conditions poses a serious threat to their ability to maintain this vital connection and uphold their obligations.

Previous Correspondence

The Custodians raised these critical issues with your predecessor, the Hon. Tanya Plibersek MP, through formal correspondence dated:

- **8 July 2024** - Initial urgent request for enforcement and reconsideration³
- **26 November 2024** - Follow-up letter highlighting increased scientific evidence and requesting a meeting⁴

The first letter provided detailed scientific evidence of serious breaches of the **EPBC Act** approval.⁵ However, the response from the Department of Climate Change, Energy, Environment and Water (DCCEEW) dated 1 August 2024 was limited to stating that officers were "making enquiries."⁶ No substantive update or action has been provided since that time, representing a period of ministerial inaction spanning over a year.

¹<https://standing-our-ground.org/>

² [6. 231222 DES decision CTS 22512-23 A Rose.pdf](#)

³ [240708 NYCC Letter to Minister Plibersek with attachment](#)

⁴ [241126 Letter to Minister Plibersek re loss of Doongmabulla Springs](#)

⁵ [240708 NYCC Letter to Minister Plibersek with attachment](#) (See Appendix A)

The Sacred and Environmental Significance of the Springs

We are instructed that The Springs are a vital and ancient source of water, significant to the sustainability of their people and their ancestor dreaming in the arid Desert Uplands since time immemorial. Located on Jagalingou Country, the Springs are sacred to them and central to their cultural beliefs and spiritual practices. Their people have obligations to care for Country, including the Springs. Their practices derive authority from First Law—the laws and customs handed to them by their ancestors. Doongmabulla Springs are of particular significance to Nagana Yarrbayn Cultural Custodians, providing a sacred space to perform cultural ceremonies. This connection to Country, and the obligations it entails under the laws of Aboriginal peoples, has now been recognised and protected by the Queensland Parliament. Section 28(2) and (3) of the *Human Rights Act 2009* (Qld) (**HRA**) provide:

‘(2) Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community-

(a) to enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings; and

(b) to enjoy, maintain, control, protect, develop and use their language, including traditional cultural expressions; and

(c) to enjoy, maintain, control, protect and develop their kinship ties; and

(d) to maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom; and

(e) to conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.

(3) Aboriginal peoples and Torres Strait Islander peoples have the right not to be subjected to forced assimilation or destruction of their culture.’⁶

The ongoing destruction of the Springs by the Adani mine is infringing upon rights under First Law and the HRA to enjoy, maintain, control, protect and develop their identity and cultural heritage.

We wish to highlight s48(1) of the HRA that “all statutory provisions must, to the extent possible that is consistent with their purpose, be interpreted in a way that is compatible with human rights,”⁷ and that it is unlawful under s58(1)(a) of the HRA “to act or make a decision in a way that is not compatible with human rights.”⁸ These sections should be carefully considered in discharging enforcement functions under the EPBC Act to review the EPBC approval decision 2010/5736.

The Springs are also mapped as a nationally important wetland and support a "community of native species dependent on natural discharge of groundwater from the Great Artesian Basin" (GAB spring wetlands) which is

⁶*Human Rights Act 2019* (Qld) s28.

⁷ *Human Rights Act 2019* (Qld) s48.

⁸ *Human Rights Act 2019* (Qld) s58.

listed as an endangered Threatened Ecological Community (TEC) under the EPBC Act.⁹ The Springs are therefore a Matter of National Environmental Significance (MNES).¹⁰ DETSI has accepted the exceptional ecological value of the Springs and has committed to ensuring the highest protection is afforded to the spring.¹¹

Scientific Indication of Breaches of EPBC Approval

In 2015, your predecessor Minister Hunt issued approval EPBC 2010/5736 to Adani, based on evidence provided by Adani that the Springs would not be impacted by mining activities.¹² However, best available scientific evidence now demonstrates that current mining operations are impacting the ecological and cultural character of the Springs in breach of the of that approval.¹³

The alleged breaches include, as outlined with evidence in our letter of 8 July 2024:

1. **Inadequate baseline surveys** prior to mining activities that were not sufficient to monitor potential impacts on the Springs (contrary to condition 3(a)-(b))
2. **Regular exceedance of trigger thresholds** - the early warning trigger threshold of 0.2m at the Springs is being regularly exceeded (contrary to condition 3(d))
3. **Inadequate groundwater modelling** - Adani's groundwater modelling is not fit for purpose to explain or predict impacts on the Springs (contrary to condition 23)¹⁴

Since initial correspondence with Minister Plibersek, further peer-reviewed scientific evidence has emerged that confirms and amplifies the Custodians concerns:

Campbell et al. (2024) Study: The internationally published, peer-reviewed research "Multiple isotope tracers reveal the sources of water sustaining ecologically and culturally significant springs, and their vulnerability to mining development" (Journal of Hydrology) has demonstrated that:

- Some water in the Doongmabulla Springs is over 500,000 years old
- The Springs are fed by "multiple groundwater sources"
- Dewatering is "likely to divert flow away from these springs and reduce discharge"
- The Springs are connected to aquifers that are being and will be further impacted by open-cut mining¹⁵

The article highlights that Adani was given approval before a high level of understanding about the significant spring systems and groundwater dependent ecosystems had been established, "uncertainties regarding the source(s) of water to the springs have so far prevented a clear understanding of how mining will affect their long-term health and hydrology."¹⁶

⁹ <https://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=26>

¹⁰ https://www.des.qld.gov.au/policies?a=272936:policy_registry/eis-tm-mnes-information-guide.pdf

< <https://www.statedevelopment.qld.gov.au/coordinator-general/assessments-and-approvals/coordinated-projects/completed-projects/carmichael-coal-mine-and-rail-project/eis-documents> >

¹¹ <https://environment.qld.gov.au/management/monitoring/locations-of-interest/adani-carmichael>

¹² Complete EIS of Adani

<<https://www.statedevelopment.qld.gov.au/coordinator-general/assessments-and-approvals/coordinated-projects/completed-projects/carmichael-coal-mine-and-rail-project/eis-documents>>

¹³ EPBC Approval with Conditions

<http://epbcnotices.environment.gov.au/_entity/annotation/0b3953c8-e472-e511-a947-005056ba00a8/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1756268011375>

¹⁴ [240708 NYCC Letter to Minister Plibersek with attachment](#) Page 2.

¹⁵ [241126 Letter to Minister Plibersek re loss of Doongmabulla Springs](#) Page 62.

¹⁶ Ibid.

As Professor Matthew Currell, one of the study's authors, has highlighted in a statement to the ABC, the Adani mine poses a “huge risk”, and scientists, regulators and the mining company are now "playing catch up and allowing environmental damage to happen with limited ability to bring things back and remediate things once that damage is done." ¹⁷

This best available science on the impacts of the Carmichael coal mine on the springs complex should inform a reconsideration of DESTI's position that there are “no concerns about current impacts to groundwater based on monitoring data submitted to date,”¹⁸ and prompt urgent consideration of the actions sought in this letter.

The Campbell article supports findings in an earlier report produced by the CSIRO and Geoscience Australia on 28 April 2023, engaged by DETSI to analyse reports required under the State environmental authority conditions. The report found that the groundwater model provided by Bravus was ‘not fit for purpose’ because it was unable to support a robust uncertainty analysis, indicating low confidence in the range of predicted impacts, listing multiple major issues that limit confidence in the model.¹⁹

Based on this report, DETSI issued Bravus with an environmental protection order (**EPO**) preventing the commencement of underground mining and requiring Bravus to provide a Groundwater Model Review Report addressing the report by the CSIRO and Geoscience Australia, due 22 December 2025, to demonstrate that predicted groundwater drawdown of the Springs Complex would not exceed approved limits.

Consequences of Inaction

The period of ministerial inaction since their initial correspondence has allowed continued environmental damage to occur. Every day of delay increases the risk of irreversible and devastating cultural and ecological harm to these ancient and culturally significant Springs. The mounting scientific evidence demonstrates that impacts are likely to be irreversible in this lifetime and could involve complete loss of the Springs.

Urgent Requests

Given the escalating threats and the government's duty to discharge its enforcement functions under the EPBC Act, the Custodians urgently request that you take:

1. Meeting and Country Visit

The Custodians:

- Request an immediate meeting with you at your office to present evidence of ongoing breaches and discuss urgent intervention options.
- Extend an invitation to you to visit the Springs on Country at the Springs which is essential for you to understand the full cultural and environmental significance, of what is at stake, and the Custodian's deep attachment through law and custom.

2. Immediate Enforcement Action

Based on evidence indicating breaches of the EPBC Approval, the Custodians request that you:

¹⁷ https://www.abc.net.au/news/2024-10-22/adani-doongmabulla-springs-half-million-year-old-water/10445_6500

¹⁸ <https://environment.qld.gov.au/management/monitoring/locations-of-interest/adani-carmichael>

¹⁹ [240708 NYCC Letter to Minister Plibersek with attachment](#) Page 24.

- Enforce the conditions of the approval under s142A of the EPBC Act, including by injuncting further mining activities until it can be unequivocally shown that further mining will not imperil the Springs;
- **Commence proceedings** to suspend or revoke Adani's environmental approval under sections 144 or 145 of the EPBC Act, given the significant new scientific evidence about MNES impacts that was not considered in the assessment of the approval.

3. Independent Scientific Review

Commission urgent advice from CSIRO incorporating the Campbell et al. (2024) findings and other recent peer-reviewed evidence attached to our previous letters on Adani's compliance with approval conditions.

Your Responsibilities as Environment Minister

Our client instructs that as Australia's Environment Minister, you have subsumed under Australian law the responsibilities of the Cultural Custodians, and you are now 'a senior law holder' for the Springs. Your decisions will determine whether the ancient story of these springs will be sung by future generations of First Nations descendants and be protected for the benefit of the Australian people at large, or whether the song will be broken by the destructive and unauthorised impacts of the Carmichael coal mine.

Conclusion

The threats to the Springs are real, urgent, and scientifically documented. The Custodians have exhausted any available immediate avenues with the Queensland Government, which continues to fail in its duty to protect these culturally and environmentally significant sites. Ministerial intervention is now essential.

Minister, you have an opportunity to remedy a problem with its origins in the previous Government and continued through ministerial inaction. The approval was issued with promises to protect the Springs from serious harm. Adani stands in breach of those provisions, mounting evidence shows cumulative harm to the Springs is imminent, and new scientific research demonstrates the high likelihood of irreversible impacts.

Your urgent and considered response is highly anticipated. In light of the urgency, we expect your response by no later than **Friday 19 September 2025**. Delays in intervening to protect the Springs will cause great environmental harm and continuing loss and suffering to the Custodians.

Yours sincerely,

Alison Rose on behalf of Nagana Yarrbayn Wangan and Jagalingou Cultural Custodians

Special Counsel

NinoxLaw

alison@ninoxlaw.au

0422480458

www.ninoxlaw.au
