

Country Under Threat

Mining, Fracking, and the Fight for Indigenous Heritage Law in Australia
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For more than 65,000 years, Aboriginal peoples and Torres Strait Islander communities have cared for Australia's lands, seas, and ecosystems, making them one of the oldest cultures in the world. Their worldview sees nature as an interconnected whole, known as Country: a living system in which land, water, sky, people, animals, and plants exist in deep relation.

This holistic perspective recognizes humans as part of nature and maintains that environmental harm affects not only ecosystems but also people, culture, and future generations. Today, this millennia-old legacy is threatened by factors such as mining and resource extraction, which damage ecosystems and sacred sites; this degradation directly impacts health, traditional foods, and the transmission of ancestral knowledge.

This article explores the role of Aboriginal peoples in protecting nature across the Australian continent, how Australia's legal framework addresses these environmental issues, and the threats faced by these communities.

What Are Indigenous Protected Areas (IPAs)?

According to the National Indigenous Australians Agency (NIAA), Indigenous Protected Areas are dedicated by Traditional Owners under voluntary agreements with the federal government, and as of October 2024 the 87 dedicated IPAs made up roughly 50 percent of Australia's National Reserve System, covering some 90 million hectares of land and 6 million hectares of sea (NIAA, *Indigenous Protected Areas*, accessed 2026). The program, running since 1997, is co-administered with the Department of Climate Change, Energy, the Environment and Water, which reports that more than 750 Aboriginal and Torres Strait Islander people were employed under the program in 2021–22 (NIAA, 2026).

These are territories managed by Aboriginal communities where conservation work is carried out. The IPA model is important because it plays a vital role not only in environmental conservation but also in the cultural protection of the land. Communities living in these areas perform conservation work in fragile ecosystems and with endangered species, while preserving ancestral knowledge and sacred sites. This model uses traditional knowledge as an effective tool for environmental management, promotes sustainable development for Indigenous communities, and provides a global model of conservation that integrates human rights, culture, and ecology, demonstrating that protecting nature can also strengthen the identity and autonomy of First Nations peoples.

Country: A Holistic Vision of Nature

For Australian Indigenous communities, "Country" goes far beyond a simple stretch of land. It is a living, interconnected system that includes sacred sites, ancestral pathways, water sources, hunting and fishing grounds, traditional vegetation, and, above all, the stories, songs, and cultural practices passed down through generations.

Australia's 2021 State of the Environment report, the first to weave Indigenous authorship and testimony through all its chapters, describes Country as encompassing all living things and every aspect of environment, alongside the knowledge, practice and responsibility tied to it, adding that a common Indigenous view holds that people belong to Country rather than the reverse (Australian Government, *State of the Environment 2021*, "Country and Connections" chapter). One workshop participant quoted in the report put it simply: Country is "everything" to them (SoE Indigenous workshop participant, Queensland, in *State of the Environment 2021*).

This underscores the importance not only of protecting landscapes but also of maintaining a cultural, spiritual, and physical relationship with the land. Environmental damage does not merely destroy ecosystems, it also harms culture, health, and the sense of identity of communities that depend on the care of this land for their wellbeing. For Jude Barlow, a Ngunnawal Elder who hosts Welcome to Country ceremonies in the Canberra region, Country is "everything," encompassing family, life and connection (Australian Institute of Aboriginal and Torres Strait Islander Studies, *Welcome to Country*, filmed interview, last updated 13 October 2025).

Mining and Fracking: Major Threats to Indigenous Heritage in Australia

Australian Indigenous heritage today faces growing threats from mining and hydraulic fracturing (fracking), activities that endanger fragile ecosystems, destroy sacred sites, and erode communities' cultural connection to their land. For local Indigenous communities, these activities affect not only biodiversity but also access to traditional resources, food, water, and sacred sites.

Juukan Gorge

In May 2020, Rio Tinto legally blasted two rock shelters at Juukan Gorge, sacred to the Puutu Kunti Kurrama and Pinikura (PKKP) peoples in Western Australia, to expand an iron ore operation, acting under a Section 18 consent the WA Minister for Aboriginal Affairs had granted back in 2013 (Australian Association of Consulting Archaeologists, *Statement on the Destruction of the Juukan Gorge Rockshelters*, 28 May 2020). The shelters held evidence of continuous human occupation stretching back 46,000 years, later revised to around 47,000, including a 28,000-year-old bone tool and a 4,000-year-old plaited hair belt whose DNA was directly linked to living PKKP people (AACAI, 2020; ABC News, 24 May 2025).

The destruction, which, per the AACAI, occurred on National Sorry Day caused an irreversible loss of millennia-old artifacts, drew international outrage, and led to the departure of three senior Rio Tinto executives, including then-CEO Jean-Sébastien Jacques (AACAI, 2020; Reuters/Euronews, 17 November 2021).

Beetaloo Basin

Traditional Owners represented by the Nurrdalinji Aboriginal Corporation have documented a string of compliance breaches in the Beetaloo Basin, one of the Northern Territory's largest unconventional gas reserves, since fracking exploration began there, most recently a January 2025 spill in which an Empire Energy subsidiary released roughly 2,000 litres of saline water that visibly stressed nearby vegetation (Nurrdalinji Aboriginal Corporation, citing *National Indigenous Times*, 14 January 2025). Nurrdalinji chair Samuel Janama Sandy called on then-Environment Minister Tanya Plibersek to invoke the federal "water trigger" so scientists could assess the risk to groundwater; Empire Energy called the release inadvertent and said it was investigating (Nurrdalinji Aboriginal Corporation, 2025).

Separately, a 2021 RMIT University study found that native title and land rights laws do not require mining companies to obtain free, prior and informed consent from Traditional Owners, and called on Origin Energy to halt its Beetaloo fracking work, a claim Origin disputed, saying local native title holders had agreed to and supported its operations (RMIT Business and Human Rights Centre, cited in SBS News, 20 March 2021).

Reforms Under Debate: Government Promises and Indigenous Distrust

Federal government's response to a parliamentary inquiry into the destruction, then-Environment Minister Tanya Plibersek told parliament it was "unthinkable" that any society would knowingly destroy sites such as Stonehenge or the Egyptian pyramids, "but that's precisely what occurred in Juukan Gorge" (SBS NITV, *The govt has responded to the Juukan Gorge inquiry, but Traditional Owners aren't happy*, 24 November 2022). She said the government had accepted seven of the inquiry's eight recommendations, though PKKP chairman Burchell Hayes said at the time that Traditional Owners still felt sidelined by the announcement (SBS NITV, 2022).

As part of the response to Juukan Gorge, Western Australia passed new Aboriginal heritage legislation in 2021, following a parliamentary inquiry that had criticized the 50-year-old Aboriginal Heritage Act 1972 for sidelining Traditional Owners in decision-making (ABC News, 24 May 2025). But the new law lasted only five weeks in effect before the WA government repealed it in 2023, restoring the original 1972 act with amendments later that year (ABC News, 2025). PKKP chief heritage officer Jordan Ralph described the reversal as bowing to "misinformed lobby groups," while native title expert Marshall McKenna said the amended 1972 act offers only "a kind of passive protection," with penalties that are rarely enforced (ABC News, 2025). Archaeologist Gavin McDevitt, who works on Robe River Kuruma country near Juukan Gorge, said heritage destruction happens "almost on a daily basis" in the Pilbara, describing the 2020 blast as "a very small tip of a much larger iceberg" (ABC News, 2025).

This is not the first time Australian heritage law reforms have stalled after Juukan Gorge triggered public outrage. When WA first introduced its heritage protection bill in 2021, Kimberley Land Council chief executive Tyronne Garstone said the bill would not adequately protect Aboriginal heritage and represented "a pattern of systematic structural racial discrimination" (Reuters/Euronews, 17 November 2021). Aboriginal groups at the time also objected that the bill gave them no right of appeal against a minister's decision, while miners and developers were also barred from appealing, and government figures showed that of more than 460 mining applications to impact heritage sites in the decade to mid-2020, all but one had been approved (Reuters/Euronews, 2021).

There is still no comprehensive federal law guaranteeing protection of Indigenous cultural sites nationally, and Indigenous communities and their organizations continue to push for autonomy and decision-making power over their territories.

Global Impact and Lessons for the Future

Environmental incidents in these regions have become a global wake-up call on the need to align national laws with international standards, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which guarantees Indigenous peoples the right to decide over their lands and heritage through free, prior, and informed consent.

The International Work Group for Indigenous Affairs (IWGIA) documented the Juukan Gorge destruction in its *Indigenous World 2021* yearbook, describing the loss for the Puutu Kunti Kurrama and Pinikura peoples as the theft of a vital part of their living culture and noting their grief was indescribable, even though Rio Tinto had acted with legal authorization under WA's Aboriginal Heritage Act 1972 (IWGIA, *The Indigenous World 2021: Australia*).

Since then, Juukan Gorge has been cited in environmental, business, and human rights forums as a clear warning: without genuine Indigenous leadership, binding participation, and strong laws, environmental conservation and the credibility of governments and corporations remain seriously compromised.

Australia thus offers a lesson that transcends its borders: when development ignores First Nations peoples, the cultural and natural heritage of the planet remains at risk.

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