



DOES THE MEDIA FAIL ABORIGINAL POLITICAL ASPIRATIONS?

45 years of news
media reporting of
key political moments

Amy Thomas
Andrew Jakubowicz
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Cover image: Tessa Ferguson and Edwin Jangalaros presenting the Larrakia petition outside Government House, Darwin. The petition was 3.3 metres long, featuring one thousand signatures and thumbprints collected by Gwalwa Daraniki. We are committed to the ethical use of images of Aboriginal peoples and Torres Strait Islanders. We undertook a diligent search to identify and contact the copyright holder of this photograph, and the families of those photographed. We welcome any copyright holders or families of those photographed who consider their rights to have been infringed to contact us at asp@aiatsis.gov.au.

Back cover image: [L-R] June Oscar AO, Bunuba woman and Aboriginal and Torres Strait Islander Social Justice Commissioner; Pat Anderson AO, Alyawarre woman and Chairperson of the Lowitja Institute; Sally Scales, Pitjantjatjara woman and Deputy Chairman of the APY Lands Executive Board and Chairman of the Ananguku Wiru Palyatjaku. Pat Anderson holds the Uluru Statement from the Heart in a coolamon, given to her by the Anangu community.

This research was commissioned by Aboriginal Affairs NSW. The views, opinions and conclusions expressed herein are entirely those of the authors and may not reflect those of Aboriginal Affairs NSW or the NSW Government.



Contents

Tables	2
Acknowledgements	3
Foreword	5
Preamble	7
Executive Summary	8
PART 1: Introduction (Amy Thomas, Andrew Jakubowicz and Heidi Norman)	9
Why this project?	11
Framing terms	13
Methodology	14
Media bias and media ecology	19
Situating the literature on Aboriginal representation	22
Indigenous standpoint theory	27
Agreement-making and Aboriginal policy in context	28
About the research team	30
PART 2: Case studies	33
Introducing the case studies (Amy Thomas, Andrew Jakubowicz and Heidi Norman)	33
The princess and the protestors: The 1972 Larrakia Petition and discourses of failure in Aboriginal protest (Amy Thomas)	37
White possession and belonging: a treaty to secure Australians of European descent in an ancient land (Heidi Norman)	57
The 'quite historic' compact that wasn't: media silence and the 1983 Two Hundred Years Later report (Amy Thomas)	74
'Like writing in the sand': Media discourse, the Barunga Statement and the Treaty '88 campaign (Lorena Allam)	88
Carved in stone: The 1992 Redfern Statement (Andrew Jakubowicz)	99
Where is the 'native' in the final days of the Native Title Bill 1993 (Cth)? (Alison Whittaker)	117
For all of us—for none of you? Practical reconciliation (Anne-Maree Payne)	138
'Dawn of a new era'? Media narratives of Aboriginal futures following the Apology to the Stolen Generations (Amy Thomas)	156
Tough love and talkfests: Discourses of Aboriginal policy in media reporting on Closing the Gap (Amy Thomas)	177
Erasing race and racism on the long road to recognition (Amy McQuire)	196
From recognition to reform: the Uluru Statement from the Heart (Heidi Norman)	216
PART 3 – Findings (Amy Thomas, Andrew Jakubowicz, Heidi Norman)	232
Dominant narratives and new beginnings	232
Implications	238
References	242

Tables

Table 1: Larrakia Petition selected media	40-42
Table 2: Aboriginal Treaty committee selected media	64-65
Table 3: Two Hundred Years Later report selected media	78
Table 4: Barunga Statement selected media	88-90
Table 5: Redfern Statement selected media	106-108
Table 6: Native Title selected media	121-122
Table 7: Practical Reconciliation selected media	141-142
Table 8: Rudd's Apology selected media	159-161
Table 9: Rudd's Apology selected media in the Koori Mail	161-162
Table 10: Closing the Gap selected media	181-183
Table 11: Constitutional Recognition selected media	200-201
Table 12: Uluru Statement selected media	223-225
Table 13: Deeper narratives, political eras and federal policy eras	240-241

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Amy, Heidi and Andrew
September 2019

Note on terminology

Aboriginal Affairs NSW commissioned this report as a part of their OCHRE strategy to improve the dynamics of agreement-making between Aboriginal people and governments. The agency has a preferred way of describing Indigenous stakeholders, which we have adopted throughout our text. The agency uses 'Aboriginal' to refer to all Aboriginal and Torres Strait Islander peoples within Australia, as we do throughout this text.

We acknowledge that this usage may not be suitable for everyone, including Torres Strait Islanders, South Sea Islanders, or others. Where necessary for accuracy and clarity, we have identified the relevant person's identity, country or belonging by using terms they have used to describe themselves. We have made a sincere effort to avoid naming individuals where cultural protocols prohibit this.

We also use Indigenous in quotations, and when discussing concepts that use the term, such as Indigenous standpoint theory. We also use it when generally referring to Indigenous peoples throughout the world, or the concept of Indigeneity.

Aboriginal and Torres Strait Islander readers are warned that this text does contain the names and images of people who have passed away.

Foreword

OCHRE, the NSW Government's community-focused plan for Aboriginal affairs, represents an ongoing commitment in NSW to transform the relationship between Aboriginal peoples and the government. Agreement-making under the Local Decision Making initiative is *OCHRE*'s flagship reform to drive this relationship change.

To achieve the transformation that Aboriginal peoples and the NSW Government seek, we need a greater understanding of what needs changing and how the changes can be achieved. Through our evaluation of the practice of agreement-making, over the last three years we have come to develop a deeper understanding of the issues and an approach that 'weaves' together Aboriginal and Western knowledge systems to achieve outcomes that possess both cultural integrity and public confidence.

All of this doesn't happen in a vacuum. As the fourth pillar of our democracy, media plays a central role in providing the public with information, creating public awareness and shaping public opinion. Media provide the conditions that support or hinder open, respectful and well-informed discussions about agreement-making with Aboriginal communities. The individuals and institutions that government seeks advice from including ministers, public officials, industry bodies and researchers are not immune to discourses.

To be successful in our endeavours, we need to understand the media environment and how the media positions Aboriginal people. In 2019, I asked the University of Technology Sydney to look at this.

They found that when media reporting recognises the right of First Peoples to governance and aspirations for land, self-determination and agreement-making that we can come together as separate but equal partners to develop sophisticated and creative policy solutions. When the views of Aboriginal people were silenced or ignored or when the right to self-determination was not recognised, efforts to transform relationships between government and community are undermined.

The research reveals a long tradition of our people explaining to the nation how and why we want to determine our own destiny. We continue to advance our ideas with patience, dignity and persistence and I invite the media to work with us to help create the environment for informed and fruitful debate.

Jason Ardler

Deputy Secretary and Head of Aboriginal Affairs NSW

Foreword

Aboriginal voices can positively influence the negativity that has characterised the media's reporting of the most significant issues facing First Nations peoples including recognition, human rights, wellbeing, housing, jobs, education and putting food on the table.

This report provides compelling reading for us all by drawing our attention to the media's failure to understand, or at worse undermine, our valid claims for self-determination. We see a media that does not comprehend our aspirations and standpoints. The relentless negativity even denies our identity.

We are usually framed in a 'Wanted Poster' as criminalised failures. You don't know the individual personally but the media allows you to draw negative conclusions. The person in this frame is 'the Aboriginal problem'.

After people pass away the obituaries in the media offer a kinder portrait. We don't speak cruelly of the dead. We try to find the best in other people, because 'we are all human'.

Aboriginal people get little space in the media to present our experiences, understandings and diverse views. Our agency in progressing the unresolved matters central to our nation is deliberately denied or ignored. With our voices silenced the Australian public are left with only one side of the story. A good example is the dismantling of the Aboriginal and Torres Strait Islander Commission (ATSIC), the Australian Government body through which Aboriginal Australians and Torres Strait Islanders were formally involved in the processes of government affecting their lives. In presenting only the government's side of events, the media was implicated in its abolition.

Media reporting on the Uluru Statement from the Heart, discussed in the report, shows other possibilities. The reporting acknowledges light and shade, the natural diversity of opinion on significant challenges such as self-governance and agreement-making. The media however did not provide sufficient information to assist the Australian public to fully understand the difference between Aboriginal voice, treaty and constitutional recognition. This led to confusion and division. A more thoughtful approach would have developed a shared understanding and allowed society to appreciate our vision for the future. Journalists and editors have a critical role to provide the public with truthful, unbiased information, creating awareness and shaping opinion.

If our voices are to be heard mainstream media need to come to an understanding of the complexity of the Aboriginal experience and to work to remedy our often-troubled relationship.

Des Jones

Chair, Murdi Paaki Regional Assembly

Chair, NSW Coalition of Aboriginal Regional Alliances

Preamble

Aboriginal Affairs NSW

In April 2013, the NSW Government released *OCHRE*, its community focused plan for Aboriginal affairs. *OCHRE* represents an ongoing commitment in NSW to fundamentally change the relationship between the government and Aboriginal communities, from one of unilateralism to bilateralism or multilateralism. The plan encapsulates an unwavering commitment to a self-determining agenda in NSW where Aboriginal peoples and communities are at the centre of agreement-making with the NSW Government.

To achieve the desired transformation, the NSW Government require a greater understanding of the historical, cultural, political, legal and social environments in which relationships and agreements are forged, developed, nurtured and maintained; as well as the mechanisms that impact this transformation of relationships.

This research project examines one such mechanism: media reportage. While many factors affect the outcome of negotiations between Aboriginal peoples and settler governments, the media convey narratives that account for and explain the aspirations for change and standpoints of Aboriginal peoples.

With a focus on how the media communicates Aboriginal agency and self-determination, this research project forms part of a larger research program that aims to support and sustain community conversations about agreement-making between Aboriginal peoples and the NSW Government and the changes in relationship that support these conversations. The research program includes four studies that examine agreement making: the views of Aboriginal peoples in NSW; relevant activities, concepts, definitions and practices; the unique features of the NSW environment; and the preconditions that support success.

The research program in turn is part of the collective research effort in NSW to support and inform changes sought by Aboriginal peoples in NSW. This collective research effort is articulated in the Aboriginal Affairs research agenda for 2018-2023, *Transforming the relationship between Aboriginal peoples and the NSW Government* (Aboriginal Affairs NSW, 2017).

Executive summary

This research analyses 45 years of mainstream print media representations of Aboriginal agency and recognition of Aboriginal standpoints through 11 case studies, representing significant moments in the development of the Aboriginal polity and its aspirations to land, self-determination and agreements. These moments have not always had the productive and positive consequences in relations with government to which Aboriginal actors have aspired.

One part of the generation of public discourse surrounding these moments, and potentially contributing to policy (im)possibilities, has been media coverage. Mainstream print news media, primarily of national and NSW origins, are analysed here through a consistent textual analysis that considers their framing of stories, their production of discourses, their deeper narrative assumptions, and their consideration of Aboriginal agency and standpoints.

While not claiming that media are solely responsible for failure to achieve Aboriginal aspirations, including agreement-making, we argue, through our analysis and comparison to scholarly and popular accounts and Aboriginal media, that the selected media have generally failed to represent Aboriginal agency, and account for the complexity of the Aboriginal polity. We find that there are four repeated and overlapping deep narratives: a White mastery narrative, an Irreconciliation narrative, a Subordination narrative, and a Sovereignty/nationhood narrative.

We argue that by ignoring the standpoints of the Aboriginal polity and thereby presenting Aboriginal social issues as a failure, on the part of Aboriginal peoples, to adapt to non-Aboriginal norms and behaviours, the media have repeatedly failed. This is not however uniform: sophistication and nuance emerge at times during some of the 11 moments. Nor do we find that coverage has changed in a linear fashion. Instead, a more complex interaction between social and political factors can be associated with shifts in discourses and deeper narratives.

The media have a clear role in holding governments and other publicly funded organisations to account, and by giving prominence to particular stories, discourses and narratives, the media influence the broader public discourse about Aboriginal aspirations to self-determination. We conclude that mainstream media should reflect the sophistication, complexity and legitimacy of the Aboriginal polity and its claims. Reconsideration of standpoint is the central, essential shift needed, in order to create the environment for productive and satisfying agreement-making in the future.

PART 1: Introduction

Amy Thomas, Andrew Jakubowicz and Heidi Norman

Australia, founded as a nation during a period of European colonial expansion and conquest, today depends on a free and professional media in framing and communicating narratives of the nation. These complex stories are affected by the standpoints of the main stakeholders. The extent of this often depends on how influential they are in conveying their world views and thereby projecting their interests. The Australian people partly depend on the mass media to understand the aspirations of Aboriginal people. To what extent, and in what ways, have the Australian media either facilitated or failed in communicating the aspirations of the Aboriginal polity? Our work analysing eleven Aboriginal initiatives and their interpretation in the print media is designed to help us answer that question.

CASE STUDY EVENT	HEADLINE
1972 Larrakia Petition	Protest for Royal Visitors fails
1979 Aboriginal Treaty Committee (ATC)	Coombs calls for treaty to protect Aborigines
1982 <i>Two Hundred Years Later...</i> report	Call for referendum on Aboriginal treaty
1988 The Barunga Statement	Hawke pledges Aboriginal treaty 'before 1990'
1992 The Redfern Statement	A Plea for the Dispossessed
1993 The Native Title Bill	Farmers 'betrayed' on Mabo
2000 Practical reconciliation	Libs in the red on black issues
2008 Rudd's Apology	Divided, now we embrace as one – a Nation Says SORRY
2008 Closing the Gap	By fostering trust, apology can close gap
2012 Constitutional recognition	Indigenous recognition now looks complicated
2017 Uluru Statement from the Heart	PM challenged to deliver indigenous voice, treaty

Through one headline from each case study in this research, we can draw at the outset a simple picture of a repeated narrative of unrealised expectations. This starts in 1972 when land rights and a treaty or treaties were the national political landscape in the lead up to the Whitlam Labor government's election in November that year.

Even this skeleton demonstrates that the media appear to address Aboriginal aspirations from positions where the expectation of failure resounds. They indicate an unforgiving resistance to aspirations, even those primarily voiced through the actions of national non-Aboriginal political leaders. They reflect a series of dialogues that, whatever the initial response, do not eventuate in aspirations being realised. This is a politics of procrastination and denial.

This research tests the relationship between Aboriginal aspirations and their representation in the media, exploring how the media sustains the deeper historical narratives on which the nation depends. A process that builds better relations between Aboriginal and non-Aboriginal people depends on truth-telling, and the genuine recognition of those aspirations.

As editors as well as researchers, we have worked collaboratively on Parts 1 and 3. In Part 2, the authors of individual case studies are indicated.

Why this project?

A sensitive appreciation of Aboriginal standpoints is necessarily influenced by public discourses and deeper narratives about Aboriginal agency. These discourses and narratives are created, circulated and negotiated in great part through the mass media, and more recently through social media. Yet a ‘matrix of negativity’ and a ‘deeply troubling fatalism’, in the words of journalist Jeff McMullen, often characterises the discussion (Aboriginal Affairs NSW, 2017: 97). Breaking through these boundaries requires a proactive consideration of how media reporting understands, interprets and communicates Aboriginal agency and self-determination back at Aboriginal people, and outwardly to government, other stakeholders, and the wider citizenry of Australia.

The relations between Aboriginal peoples and the federal and New South Wales governments have once more reached a critical point on the question of trust. Without trust, agreements cannot be made or implemented. Aboriginal Affairs NSW recognises that forming agreements with Aboriginal peoples involves valuing their aspirations, and requires recognition of their desires for self-determination. In outlining their research agenda for 2018-2023, they reframed the debate on Aboriginal issues in NSW, from one focused on ‘the gap’ and ‘disadvantage’ to one that instead emphasises ‘hope over despair’ and ‘aspiration over services’, in its aim to reset the relationship between Aboriginal people and government (Ardler, cited in Aboriginal Affairs NSW, 2017: 3).

Aboriginal people themselves have been central to breaking down Australian hostility to Aboriginal aspirations for justice and self-determination. From the Day of Mourning in 1938 to the Wave Hill walk off (1966) to the Uluru Statement from the Heart (2017), Aboriginal people have won significant gains (Maynard, 2007). Most recently, the signatories to the Uluru Statement from the Heart called for constitutional reform and a voice to parliament, which could also facilitate truth-telling about our history.

This research project emerges in this general context. It examines 11 key events between 1972 and 2017 which display significant and considered Aboriginal agency, but which have not yet had the positive and productive consequences in relations with government to which Aboriginal people have aspired. While many factors affect the outcome of negotiations between Aboriginal peoples and settler governments, the media convey to the wider society narratives that account for and explain the

daily actions and interactions between Aboriginal people and others. Assumptions made from a particular standpoint influence the way stories are told, and from there, the development of discourses. This sustains the deeper narratives conveyed in media accounts and which more generally sustain national historical narratives. Even when no single report or wave of reportage can be said to be solely responsible for policy outcomes, the environment within which policy decisions are taken and implemented is influenced by media reportage.

While many studies of media reportage have focused on racist representations, we started with different kinds of questions: How does the media understand and represent Aboriginal agency in its discourses and narratives of policy, and particularly on agreement-making? To research this, we examined mainstream print media accounts of 11 key moments, and asked: How do they represent Aboriginal agency and standpoints? Do media accounts accord with Aboriginal perceptions and other analyses, scholarly and popular, that occurred at the time or have emerged since? And, if our analysis finds the mainstream media have failed to report the events adequately, what changes in the presentation of Aboriginal standpoints might we suggest that could produce a more effective and satisfying process of agreement-making?

We find that inadequate representation of Aboriginal aspirations and standpoints in the public discourse about these events, conveyed through the media, has made achieving those aspirations more difficult. We find, for example, misunderstandings and misinterpretations of the concepts of treaty, agreement-making, Makarrata and compact that are repeated from the study of the Aboriginal Treaty Committee (Norman, this volume) to the study of the Barunga statement (Allam, this volume).

Framing terms

The media operate at three different levels, which are revealed in analyses that drill down from everyday to longer-term representations of the world. As we explain further in the next section, we developed these concepts through an iterative process. While our definitions necessarily draw on existing knowledges, they are our own.

Stories provide the surface reporting of specific events at specific times, within the broad practices of journalism. They allow us to see what is taken to be important, who are taken to be relevant participants, and where authority for meaning lies. **Discourses** are structures of language that locate the story within broader and recurrent categories of explanation yet are not necessarily apparent from a quick reading. **Narratives** link discourses to other discourses and reflect deep assumptions about the structure of social relations over longer periods—for instance, the narrative of supposed Aboriginal backwardness that prevails in many discourses and frames many stories through a repeated use of the same discursive techniques.

We use the term **Aboriginal agency** to refer to the active and sustained agendas of, and their advancement by, Aboriginal communities and leaders, constituted as a diverse Aboriginal polity. We use **Aboriginal standpoints** to demonstrate that worldviews and broad mindsets reflective of the range of Aboriginal experiences in, and understandings of Australia, play a crucial role in the interactions that are necessary to develop and reach agreements.

Agreement-making refers to the processes through which the relationships between the Australian government and Aboriginal peoples can more effectively recognise the Aboriginal claims to land ownership, culture and claims to justice, as legitimate. Thus agreement-making must start from the proposition that there exists a diverse, complex and powerful Aboriginal polity which has a bona fide claim to self-governance and self-determination.

Methodology

Our research aims to build an understanding of media treatment of Aboriginal representation in the policy process, over a large historical time period and within the Australian, and specifically NSW, context. Our ‘story-discourse-deeper narrative’ method, which we explain in more detail below, emerged through the collaboration of the project research team. The method was initially developed by Amy Thomas, Andrew Jakubowicz and Heidi Norman, then further developed through the iterative coding process discussed below.

The need to develop our own approach emerged, firstly, from the desire to go beyond the limitations of a traditional content analysis, but to maintain a scientific approach to the data. Quantitative approaches provide apparent objectivity by analysing data, collected through systemic counting of a text’s content (Macnamara, 2005). Results can readily be tested for reliability because coding choices have been limited to pre-determined categories, such as ‘positive’, ‘fair’, and ‘neutral’. Yet audiences determine the meanings of texts for themselves depending on contextual information which ranges from the trust they place in the sources, to the perceived biases of the medium, and the salience of the issues for them (Paltridge, 2006). An assessment of a text which merely counts the instance of words or terms, and assigns external values to the scores which result, would not be sufficient to understand what meanings it communicates, through what discourses, and what narratives of Australian history and society it subscribes to in the process. Because of this, we have developed a replicable approach of textual analysis (our ‘story-discourse-deeper narrative’ method) which focuses on the framing of stories, the development of discourses and deeper historical narratives produced in a text. In this usage, we relate this analysis specifically to wider considerations of standpoint and the power relations involved in agreement-making.

By venturing beyond numerical data, our method allows a richer understanding of the framing of stories, discourses and narrative patterns than is provided by content analysis. We were also concerned that the process be replicable to similar studies, and to avoid consideration of the work through a completely pre-defined set of terms or ideas. For this reason, we did not adopt a critical discourse analysis method as articulated by figures such as Norman Fairclough or Ruth Wodak (2013), though our understanding of discursive constructions is partly indebted to Wodak’s discourse-historical method.

We did, however, base our approach on the understanding that deeper narrative assumptions can be produced and reproduced through standpoints. Considering alternative standpoints—in our case, those of the Aboriginal polity—allows us to uncover the deeper narrative assumptions of the texts and how they are realised through discourses and the framing of stories, and vice versa. In order to develop an appreciation for standpoints, we have placed each case study within the broader context of the events they discuss, through the use of scholarly sources, reports of Aboriginal organisations and government, and importantly, reports in Aboriginal media or generated by Aboriginal peoples.

In selecting media for analysis we have had to take large differences in availability into account. Older editions of Australian newspapers are not fully digitised, but since around 2000 news has been distributed online and a wealth of data is accessible. We have shaped our research methods to cope with this disparity, so as to be both consistent over time, and flexible enough to account for changes in media sources. We focus on national media that has a presence in NSW, and on NSW-specific media, owing to fact that the research was commissioned to facilitate discussion on agreement-making in NSW. Some mastheads have changed owners during our study period. The main texts include those produced by News Limited (*The Australian*, *The Daily Telegraph/Mirror* and its predecessors) Australian Consolidated Press (for a time *The Daily Telegraph*) and Fairfax (*The Sydney Morning Herald*, *Newcastle Herald*, *Illawarra Mercury*, *The Canberra Times*), and some local NSW papers. In later case studies we include reports from the ABC, which began to deliver online news in 2008. However, as is discussed in the relevant chapters, for the three earliest studies, the Larrakia petition (1972), the Aboriginal Treaty Committee (1979), and the *Two Hundred Years Later* report (1983), as well as the Redfern statement (1992) we widened our analysis to include other national papers—*The Canberra Times* (Fairfax for a time) and the *Northern Territory News* (News Limited), because we found that the events were either not covered at all, or not covered in a significant way, in the national or NSW press. There is no central digitised database for Australian media after 1955 and before the mid-1990s, therefore, earlier sources were located through the State Library of New South Wales' newspaper collections, and more recent sources were located through the NewsBank database, Factiva and newspaper web sites.

The smallest number of texts covering an event studied is two, the largest is twelve. The texts studied were published a maximum of one month after the event they report, and a minimum of one day. Fitting with the changing media ecology over time, earlier cases tend to have longer timelines for the selected media studied,

while more recent have shorter ones—however, as the case studies themselves will show, this is also because of the significance the media assign to an event, and how the political discourse around each event builds.

We have analysed accounts drawn from print media and, from 2012, from print and online media. Articles have been selected for their relative prominence, measured by their position in the newspaper, and the newspaper's circulation, where data are available. We have excluded visual representations from our analysis. While this is an obvious limitation of the study, the identification of visual discourses would have required a different form of analysis, based on multimodality, semiotics and the history of signification in Indigenous representation, that would have gone beyond the remit of the study.

We began by analysing background literature on Aboriginal media representation, issues of agreement-making, and the growth of Aboriginal media in Australia, which is reflected in our literature review. We then developed a historical overview of the political and social context, and contesting interests, which informed each case study. We gathered data on the state of the media in Australia and NSW from 1972 to 2017, including information on ownership and, where possible, circulation, which is included within each case study where relevant. We interpreted this information through the concept of 'media ecology', as discussed in the literature review.

The chosen case study events are historic moments in Aboriginal-settler relations in Australia which have had national significance, extensive impact in NSW, and importance to the Aboriginal polity. As discussed in 'Introducing the case studies', we begin with a moment of transformation in Aboriginal politics—the run-up to the election of the Whitlam government and the beginning of the self-determination era in 1972—and close with another potentially transformative moment, the (re) articulation of Aboriginal aspirations in the Uluru Statement from the Heart in 2017. These chosen case studies are not an exhaustive list—as our research demonstrates, there have been many and varied articulations of Aboriginal aspirations in NSW and elsewhere that could fill many books, and we hope they do. We are convinced, however, that key moments within policy eras are illuminated by our chosen case studies.

After the project team selected the case studies and developed the 'story-discourse-narrative' method, we developed and then tested a coding process. This brought together all the researchers from the majority Aboriginal research team, and involved group coding and checking of news reports from the two different ends of

the historical scale of case studies (the 1972 Larrakia petition, and the 2017 Uluru Statement from the Heart). Through this process of comparison, we developed working definitions for each section of the coding sheet, working to create a team approach to the concepts of story, discourse, deeper narrative, standpoint, and agency.

Research for each case study was conducted individually. Individual author-researchers brought their own perspectives, experience and knowledge to their work on each set of texts. We sought particularly to understand how Aboriginal agency was exercised in each ‘moment’ and how that was treated in the selected media. Our backgrounding and experience, as well as our own position as researchers concerned with Aboriginal justice, meant we anticipated certain tensions such as special treatment versus affirmative action, or separation versus self-determination. However, we did not seek to analyse the media through a pre-defined set of terms, but to discover themes, and convergences with our existing knowledge through consistent coding of each text, using this device to distance ourselves from the texts. This was how we developed our understanding of the framing of stories, the development of discourses, and deeper narrative assumptions within each case study.

We coded the articles for author Indigeneity (if known), article title, opening paragraph, sources used and their affiliations and Indigeneity, order of sources quoted, the chosen focus on the story itself and how it was told, the discourses used, and the deeper narratives evoked or drawn upon. We did not attempt to find yes-or-no answers, but rather to identify common themes and discourse patterns as we progressed through the research. Given that headlines and opening paragraphs are designed to capture the attention of readers and identify the most important information conveyed by the story—and are often the most widely read part of the stories (Van Dijk, 1991)—we also recorded these. For any one event, reading the headlines in order and by masthead gives an instant appreciation of the focus of media attention. This part of the data has therefore been included within each case study.

We also coded for positive, neutral or negative representation. A positive representation involved a recognition of the contribution of Aboriginal peoples that did not conform to negative discourses, or which also recognised the active involvement of the Aboriginal polity. Using our extensive backgrounding as the basis, we then summarised to what extent and how each piece asserts or denies Aboriginal agency. Where possible, we compared the selected accounts with communication texts by Aboriginal people about the events. We sought to understand consistencies,

differences, and disputations between the news reports and the Aboriginal communication texts. These texts included sources from Aboriginal organisations, largely sourced through the rich archives of the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), and Aboriginal newspapers such as the *Koori Mail*, *Tracker* and *Land Rights News*. In coding each news report, we also gathered data on whether journalists were identifiably Aboriginal. Our data was managed through Excel and NVivo.

Initial findings after coding and analysis were reported at a team meeting, and each researcher then worked independently to produce a final draft. The final case studies reflect both a consistent approach, and also benefit from the many disciplinary perspectives and diverse experiences of the research team. After the case studies were complete, the project team of Amy Thomas, Andrew Jakubowicz and Heidi Norman worked to contextualise and summarise the findings and implications.

Our 'story-discourse-deeper narrative' method has allowed us to demonstrate how media stories are linked to recurrent discourses and deeper narratives, which have been legitimised through repeated use, as well as to make assessments about how Aboriginal agency is treated, and how Aboriginal standpoints are understood.

Media bias and media ecology

The underlying proposition we are working from assumes that media represents real-world dynamics, and provides partial, and therefore potentially biased, accounts. These biases may privilege government over communities, non-Indigenous interests over Indigenous, or Western forms of governance over Indigenous practices (Carlson et al, 2017; Carlson et al, 2018; McKee, 2002; Van Dijk, 1991). Importantly for us, they may privilege particular groups as actors in processes while potentially rendering others invisible. Our adaptation of standpoint theory, discussed in more detail below, provides a way of understanding this privileging, and the generation of particular discourses and deeper narratives over time.

It is widely acknowledged that discourses with embedded assumptions about Aboriginal people have developed through time, offering distorted narratives of Aboriginal histories and behaviours, and in some cases marginalising or silencing Aboriginal voices (Banerjee and Osuri, 2000; Carlson et al, 2017; Harding, 2006; McCallum, Waller and Drejer, 2016; Meadows, 2011). At the same time, Aboriginal groups have long sought to place their priorities on the agenda, and to pursue social justice: one part of this has been through seeking public sympathy and media attention (Carlson et al, 2018; Carlson et al, 2017; McCallum, Waller and Meadows, 2012). We approached this study with an understanding of the historical formation of discourses and deeper narratives—influenced by governmental interests, the conditions of media production, Aboriginal agency, and a myriad of other complex forces—and anticipating both *continuity* and *change* in media reporting over time. Recognising this does not require a demonstration of conscious manipulation of evidence to suit specific interests. Rather it allows for how media practices may either intentionally or unintentionally distort reporting through the replication of assumptions and biases rooted in deeper narratives of Australia's history.

There is no straightforward relationship, however, between the production of these discourses and their reception. The production of a certain discourse does not lead automatically to its acceptance or rejection in the form envisioned by its producer. While we assert that the media's interpretation and representation of Aboriginal agency has effects on the formation and dissemination of public discourses and deeper narratives, we do not claim this is a singular, uncomplicated influence. The chains of causality between media representation and policy-making are complex and highly contextual, and an investigation of each case study to identify and

describe these chains was beyond the remit of this project. Audience reception and interaction with news media are constant mitigating and contextual factors.

Our research design is informed by an integrated model of media practices that recognises the ‘media ecology’ (Postman, 1988) within which stories about key events in Aboriginal relations with governments are produced, circulated and consumed. The conditions under which media reports are produced—governance structures, geographies, time and budgetary constraints, and ownership (Banerjee and Osuri, 2000), as well as the conditions of readership and reader agency—have long been of concern within media studies. The dynamic interconnections between media types and the ways they are produced are constantly shifting and changing. The notion of a media ecology, which emerged in the 1970s and is associated with Neil Postman, provides a way to conceptualise the ‘complex symbiotic relationship among the media ... and various forces in society’ (Man Kong Lum, 2000: 1), in particular, the way the nature of media changes in relation to changes in society and technology. Understanding media as a socially-situated ecology can historically contextualise the development of media, and build our understanding of the relationships between medium and readings of texts, as well as the relationship of the media to processes of social change.

Cohen and Young (1973) are among those credited with developing an early textual approach to understanding how news media frames policy, and discursively frames the surrounding political discourse. As Alan McKee notes (2003), Althiede and Snow (1979) developed the idea of ‘media logic’ to describe the media’s influence on public policy: this influence became more pronounced as the news cycle shortened in time through the 2000s and as social media expanded in the 2010s. This understanding of the shifting nature of the media cycle and its relationship with wider social and technological change has informed our understanding of how the media shapes and influences policy debate. We have used Rodney Tiffen’s work (2015) on national print news media circulation to frame our understanding of the media ecology within each case study.

Now, however, feedback and cross-platform connections through social media have substantially sped up the news cycle and are producing a different kind of reporting. Past sociological studies of the media have sought to understand the reproduction of bias in reporting in order to achieve greater social equality and diversity in representation as well as in society at large. Today, however, the catch-cry of ‘fake news’ is largely ‘commandeered ... for the purposes of an ultra-conservative defense against scrutiny and criticism’ (Corner, 2017: 1101). The modern debate about the

news media shows increasing distrust, discord, and polarisation. The prevailing sense that we live in a new post-truth epoch, characterised by a decline in the traditional print media's influence, has led studies of media and policy-making to rethink how they identify and understand the public sphere. For our study, it at least suggests that it is not wise to assume a total influence of news media in shaping political and policy debate. Thus while we have focused on print news media, we recognise that our findings must be received in the context of its declining influence on national political discourse.

Situating the literature on Aboriginal representation

While a number of studies have examined the media's representation of Aboriginal peoples and Aboriginal issues, few have systematically explored a historical series of political initiatives by Aboriginal people and the political and social context in which they have occurred. Recent key texts include Kerry McCallum and Lisa Waller's work on Aboriginal influence on the media (2017), Bronwyn Carlson's work, with others, on Aboriginal use of social media (2017; 2018), and Michael Meadows work (2001) on media representation of significant policy moments. A number of studies have investigated reporting on single issues or by a particular media producer, usually using a content or critical discourse analysis. A rich literature exists examining media representation in general, and race, multiculturalism and the media.

While building on this and other scholarship, the present study breaks new ground. In examining how Aboriginal peoples have been represented over time in the mainstream print media, during events of particular significance in Aboriginal narratives which are linked with the exercise of Aboriginal agency, our historical approach is unique in its method (designed for the study itself) and its temporal breadth. Much past research has been driven by a focus on the media and particular issues of racism. We are confident that this study, in its distinct range and focus, makes a significant contribution to the literature, and can prompt further research.

Any investigation of the media treatment of Aboriginal people must start with an understanding of the way that Indigenous people have been objectified through media reporting and academic study. As Aileen Moreton-Robinson explains, Indigenous people are often defined and understood in relation to an invisibilised whiteness that is represented as the 'measure of being human' (2004: 76). The Indigenous subject has rarely been able to speak for itself, and when being spoken for, it has been by turns 'treacherous, lazy, drunken, childish, cunning, dirty, ignoble, noble, primitive, backward, unscrupulous, untrustworthy and savage'. These historical representations are part of powerful discourses and deeper historical narratives that can shape future representations and decision-making. They both reflect and reproduce societal conceptions.

One solution to the conundrum of poor representation has been Indigenous media (Rose, 1996). The anthropologist Eric Michaels (1994), who was involved with pioneering community broadcasting projects Warlukurlangu Artists in the Warlpiri community Yuendumu, argues that Aboriginal-controlled media provides a way to understand Aboriginal expectations of what media should be delivering, and how they might cover Aboriginal issues—as well as providing more complex representations of Aboriginal people. It could also be seen as a representation of the critical Indigenous standpoint advocated by Martin Nakata (2007). Meadows and Molnar (2002: 9) note that Aboriginal people have ‘appropriated various technological means’ in the service of achieving control over lands and ownership over their systems of knowledge. They note that Aboriginal newspapers have been intimately connected to Aboriginal aspirations for rights and land (and in northern and central Australian locations, have also been associated with language maintenance).

Marcia Langton’s famous 1993 essay ‘Well I heard it on the radio and saw it on the television’—its title a lyric line from Yothu Yindi’s *Treaty*—is primarily concerned with the representation of Aboriginal people in television, film and video. Nevertheless, for this research into print media, it remains important because of the exasperation it expresses with the constraints media of all kinds have placed on our imagination of the past, and the present-day challenge of encouraging a nuanced, critical media that moves beyond binary oppositions and stereotypes, positive or negative, to allow developed Aboriginal characters to emerge. Her plea for a more fully developed understanding of the nature of the Aboriginal polity accords with our own.

Racism, Ethnicity and the Media (Goodall et al, 1994) is a key earlier study that examines news media representation of Aboriginal people. The project focuses on representations of race and racism during a single week in the Australian media. It argues that news reports constitute artefacts produced in the social world, rather than unbiased, factual content. Further, it argues that while ‘the historic perspective of “primitivism” had been abandoned by the 1980s’, it was often replaced by ‘the Aboriginal as victim, as romantic savage, as the authentic expression of a real Australia’ (1994: 37). They conclude that the media in the early 1990s vacillated between a representation of Aboriginal ‘authenticity’ and connection to country, and a portrayal of Aboriginal people in urban settings or larger rural settlements as either sources or victims of crime. After examining media in all popular genres, the authors identify seven recurring themes:

- Aboriginal tribalism and backwardness
- Aboriginal people as threats (such as through crime)

- Aboriginal people as failures
- Aboriginal people as victims of whites
- Aboriginal cultural appropriation and spiritualism
- Aboriginal people as environmentalists, linked to the land
- celebration of affirmative action, through positive portrayals.

More specifically, they argue a 'frame of expectation' partly constrains reporting, and note a common theme of 'factionalism' in the reportage of Aboriginal politics (1994: 87). They also found that Aboriginal views were often part of the concluding paragraphs, rather than introductory ones. The study also notes the tendency to racially identify Aboriginal people while not racially identifying non-Aboriginal people.

John Hartley and Alan McKee (2000: 2-12) in an attempt to theorise the Indigenous public sphere, also investigate the idea of news being 'written before it happens'. They argue there is a 'generic quality' of news coverage, where Aboriginal people are cast as outsiders when media imagines its audience. In contrast to Goodall et al, however, they argue, controversially, that media studies which frame their investigations of reportage as designed to 'uncover' racism can also deny agency to Aboriginal people. Regardless of the veracity of this claim, the conclusion of their study, which casts its net much wider than news media, is that Aboriginal misrepresentation in the media are not a consequence of racism *per se*, but rather the 'unresolved national status of Indigenous people'.

Michael Meadows (2001), on the other hand, does find a series of ways in which Aboriginal peoples have been consistently silenced in the coverage of particular moments. Meadows studies the 1988 bicentenary, in particular the protests by the Aboriginal Sovereign Treaty Campaign on Australia Day that preceded the Barunga statement in June of that year (see Allam, this volume). Meadows finds that Aboriginal sources, including high-profile ones, were less likely to be named in television coverage, and in general attests to the media's focus on confrontation at the event, rather than the Aboriginal aims that motivated it. Similarly, his study of media reporting of the Wik Native Title amendments passed by the Howard government found a preference for non-Aboriginal sources and a focus on politicking over the legislation and the upcoming election, rather than on Aboriginal involvement. This accords with the findings of Alison Whittaker (this volume) on the last week of the Native Title Bill in 1993.

In their long-term Australian News Media and Indigenous Policy-making project, Kerry McCallum and Lisa Waller, often working with other researchers, conducted a longitudinal study from 1998 to 2008 to investigate the ‘relationships between the representation of Indigenous peoples in public media and the development of Indigenous affairs policies’ (2012: 101). Much of this work is summarised in their 2017 book. They focus on how advocates, journalists and public servants sought to influence public policy, and on how the relationship between the Aboriginal public sphere and the media worked to change policy. While arguing that the mainstream media have contributed to ‘narrowing, sensationalising, or shutting down debate’ (2013: 103), and that policy-making is more and more discursive in nature in our media-saturated habitus, they maintain that particular Aboriginal voices have influenced the debate on important issues such as primary health care and bilingual education. This deliberate intention by Aboriginal actors to shape policy debate through generating media coverage accords with our findings on the Uluru Statement from the Heart (Norman, this volume).

Content analysis—which usually measures the media’s use of sources or grades its representations as positive, negative, or neutral—produces a more mixed picture. One of the most recent studies into racism and Australian media, conducted by All Together Now and UTS (2017), combined content analysis and critical discourse analysis to analyse *The Australian*, *The Daily Telegraph*, *The Sydney Morning Herald*, and the *Herald Sun*, as well as the four most watched current affairs programs in Australia, *A Current Affair*, *The Project*, *60 Minutes*, and *7:30*. It concluded that ‘the small number of race-related articles and TV segments about Aboriginal people during the sample period were mostly neutral or positive’ (p. 5), which meant the articles were not further investigated. In an internal study, the ABC found somewhat differently. It found that over a selected period, males and Anglo-Celtic people were over-represented in its coverage and Aboriginal people under-represented. Aboriginal people were ‘factual contributors’ in only 0.3 per cent of cases, compared with Anglo-Celtic people (84.52 per cent). It found the sentiment of reportage was ‘neutral’ in more than 90 per cent of cases, and interestingly, neutral in 100 per cent of reports on Indigenous people. That is, no reporting was explicitly positive according to the definition being used. However the ABC study’s focus on larger data meant the content of the representation, and the issues being reported, were not discussed. In shaping our study, this prompted us to move beyond the categories of content analysis.

Multiple studies of the same event bolster existing knowledge of the production of negative discourses, or exclusionary practices (see for instance both Carden, 2017 and Due and Riggs, 2012 on the Aurukun rape case). Stoneham et al (2014: 3), used a database of Australian media reporting on Aboriginal health to analyse the content of the coverage. They found the articles were ‘overwhelmingly negative’: the most common reportage on health concerned ‘alcohol, child abuse, petrol sniffing, domestic violence, deaths in custody, and crime’. Melitta Hogarth (2017) notes that such a discourse can only be produced by ignoring contextual and historical factors. In a study of deficit discourses and health policy, Michael Dodson et al (2017: v) argue that language use contains ‘regimes of truth’, and that discourses can have an impact as important as policy construction. They draw on Cressida Fforde et al’s description (2013: 162) of the way contemporary discourses of negativity, deficiency and disempowerment influence policymaking in Aboriginal affairs. That work was confirmed by Proudfoot and Habibis’ (2015) study of news media discourses on the Northern Territory Emergency Response (NTER).

This rich existing literature has informed our approach to the historical construction of the Indigenous subject, the role of Aboriginal media in Australia, and the genealogies of discourse production—and has encouraged our investigation of standpoint theory.

Indigenous standpoint theory

Standpoint theory rests between a theoretical concept and a method. As a theoretical concept, it argues that understanding and interpretation of the world are social and contextual, and linked to one's subject positioning in the world. For example, existence as a non-Indigenous or Indigenous person, or as a gendered person, or as a person of the global north or global south, will help shape one's subjective knowledge and understanding of the world (Paradies, 2018). Originating in feminist theories, it argues that different standpoints produce different epistemological knowledges, an idea linked to Michel Foucault's concept of 'subjugated knowledges' (Foucault, 1980; Moreton-Robinson, 2013).

As a methodological concept, standpoint theory challenges the idea that truth can be produced from a neutral standpoint, without considering the position and context of knowledge production and knowledge producers. Martin Nakata (2007), in exploring standpoint theory to develop the idea of the 'cultural interface', argues that by recognising the value of standpoint theory we cannot assume that subjugated standpoints always necessarily produce value and truth. Rather, standpoint must be a point of consideration—a valid part of criticising 'regimes of truth'.

Standpoint theory is influential in modern Indigenous studies in the sense that researchers are less likely to imagine themselves as neutral observers or collectors of knowledge, but to place themselves in the context of a history of settlement, colonisation and knowledge production (Tuhiwai-Smith, 1999). Research informed by Indigenous methodologies has thus sought to find ways to value the desires and aspirations of Indigenous peoples for self-determination and justice. Indigenous researchers have brought together knowledge of Western ways of knowing, historical methods and sociological analysis, in concert with Indigenous knowledges and their own individual and collective standpoints to develop a thriving discipline.

In the Australian context, the elaboration of an Indigenous standpoint is informed by the recognition of valid Aboriginal claims to land, and the association between land, culture, language, and Australia's deep history (Moreton-Robinson, 2013). This recognition informs our research design. That does not mean Aboriginal cultures are imagined as unchanging. Rather, it rejects the mythology of *terra nullius* and recognises instead the right to Aboriginal self-governance. It seeks to investigate the Aboriginal survival, resistance, ingenuity, adaptation and creativity since 1788 that has made any discussion of Aboriginal self-determination today possible.

Agreement-making and Aboriginal policy in context

This research takes as its starting point the legitimacy of Aboriginal claims to self-determination. It is difficult to define 'self-determination' in the Australian context, especially because it encompasses both a historic policy era and a continuing political aspiration, and these may not always accord with each other. However, what is clear is that desire for recognition through agreement-making or other forms of negotiation is one part of the broader Aboriginal claim to be recognised as peoples with specific interests and with surviving rules and customs. This legitimate desire has repeatedly been denied and the status of Aboriginal people within the political discourse of the nation remains unresolved as a result (Langton, 2001). This absence of recognition of ancient pre-colonial law and governance and the strength of current Aboriginal leadership, governance, and decision-making means that the Aboriginal polity today has neither a clear nor a just place in relation to Australian political institutions.

Since the successful 1967 referendum brought the Commonwealth Government into the administration of Aboriginal affairs, policy debates have considered *how* to recognise Aboriginal people within the framework of the nation-state. Policy approaches have ranged across assimilation (1950-1966), integration (1967-1972), self-management/self-determination (1972-2004), reconciliation (1990-2010), responsibility and normalisation (2005-2018) (Sanders, 2014). All the while, as the case studies show, calls for settlements, agreements or treaties have been audible, signalling Aboriginal peoples' enduring desire for more substantial recognition of their land rights, their law, and their sovereignty. Treaty, treaties, or agreements between Aboriginal people and government have been advocated over the period as one way, through the law's limitations, to address the seizure of lands and the denial of Aboriginal polity. These calls, as Langton (2001) elaborates in her study of agreement-making, go 'to the heart of the juridical denial, in Australian case law, of the existence of Aboriginal nations'.

Australian governments are now canvassing a significant policy shift, characterised as a 'transformation', in their relationship with Australia's First Peoples. The NSW government's stated aim is to 'fundamentally change the relationship between the government and Aboriginal communities'. In Victoria, plans for a treaty are under way. The Northern Territory Government has also announced plans for treaty negotiations. The federal Coalition government has shown mixed support for

advancing a First Nations voice to parliament. Part of the recognition of Aboriginal people as a polity which can engage with government and manage and direct services and resources is recognition in the media. That recognition requires reportage that comprehends Aboriginal aspirations and standpoints.

About the research team

The project was initially developed by Professor Heidi Norman in consultation with Aboriginal Affairs NSW. The project was further developed by Heidi Norman, Amy Thomas as project manager and researcher, and Emeritus Professor Andrew Jakubowicz as consultant and researcher, working within the University of Technology Sydney's Indigenous Land and Justice Research Hub. They then brought together a project team composed of majority Aboriginal researchers with backgrounds in legal studies, Indigenous studies, history, media studies and journalism to complete individual case studies.

Lorena Allam is from the Gamilarai-Yawalaraay peoples of north-west New South Wales, and grew up listening to stories (tall and short) of her family and cultural history. A love of stories—and a fascination with storytellers—led her into journalism. Lorena worked as a journalist, producer and presenter with the ABC for nearly 30 years before taking on her role as Indigenous Affairs Editor at *The Guardian*. She has worked in metropolitan and regional radio, news and TV in some very remote and far-flung parts of the continent, and has presented and produced numerous radio shows. She is most proud of her contribution to the *Bringing Them Home* inquiry into the separation of Aboriginal and Torres Strait Islander children from their families, and the National Library's oral history project of the same name. In 2019, Lorena was nominated for a Walkley award for coverage of Indigenous affairs.

Professor Heidi Norman researches and publishes on NSW Aboriginal history and politics. As part of the School of Communication at the University of Technology Sydney, she manages the Indigenous Land and Justice Research Hub. She is currently a lead researcher on three major projects, including the ARC-funded project 'The Aboriginal land estate in NSW: Opportunities for economic activity'. Her research has included a history of the NSW Annual Aboriginal Rugby League Knockout, the influence of mining on the society and economy over Gomeroi lands, and the impact of economic change on urban Aboriginal lives. Her recent book is titled, *What do we want? A political history of Aboriginal land rights in NSW* (2015). She is an award-winning researcher and teacher: in 2015 she was awarded the UTS Research Excellence Medal for Collaboration and in 2016 the National Teaching Excellence Award for her work in Indigenous studies. She is a descendant of the Gomeroi people from north-western NSW.

Andrew Jakubowicz is Emeritus Professor of Sociology at the University of Technology Sydney and worked as a consultant researcher on this report. Since the early 1970s he has been involved in action research on race relations and has been centrally involved in the development of materialist theories of cultural diversity. He has published widely on ethnic diversity issues, disability and media studies in the academic and popular press, and has published numerous books, including the co-written *Racism, ethnicity and the media* in 1994 and *‘For those who’ve come across the seas’: Australian multicultural theory, policy and practice* with Christina Ho in 2014. He has taught at universities in the USA, Europe and Asia. He has led numerous research institutes, worked widely as a consultant and adviser on multicultural issues, and has developed numerous creative projects on multiculturalism in Australia and overseas.

Amy McQuire is a Darumbal and South Sea Islander journalist with more than a decade’s experience in Australian media. She is the former Indigenous affairs editor at *BuzzFeed*, where she also hosted the podcast *Curtain* which investigates the ways the justice system fails Aboriginal people. She was an editor of the Aboriginal newspaper *The Tracker*. She is currently undertaking a PhD at the University of Queensland.

Anne-Maree Payne is currently a sessional academic and researcher in the School of Social and Political Sciences at the University of Technology Sydney, where she teaches a range of subjects relating to Aboriginal history, gender, diversity, citizenship and sociology. She completed her PhD in 2016, *Untold suffering? Motherhood and the Stolen Generations*. Her research interests lie primarily in the area of gender and human rights. In 2018 she received a faculty Learning and Teaching Award for the integration of Indigenous professional capabilities into the curriculum.

Amy Thomas is a settler-descendent with British and German ancestry. She is an academic in the Faculty of Arts and Social Sciences at the University of Technology Sydney, where she was also a 2018 Shopfront Community Research Fellow. Her PhD research focuses on ideas of self-determination and assimilation in Indigenous bilingual schooling. For an essay on this topic, she won the Northern Territory Literary Award in 2018 in the Essay category. Her research areas include Indigenous studies, Australian history, educational sociology, critical applied linguistics, and political economy. She has published in academic and popular press. Along with her colleagues she was awarded the UTS Vice-Chancellor’s learning.futures award in 2018.

Alison Whittaker is a Gomeroi poet and legal researcher from the floodplains of Gunnedah in NSW now working as a research fellow at UTS's Jumbunna Institute for Indigenous Education and Research. In 2017 and 2018, she was a Fulbright scholar at Harvard Law School, where she was named the Dean's Scholar in Race, Gender and Criminal Law. Her second book, *Blakwork*, was published by Magabala Books in September 2018. *Blakwork* was short-listed for a 2019 Prime Minister's Literary Award. Previously Alison has worked at UTS:CAIK, UTS:Law, and the Gendered Violence Research Network. She has received a black&write! fellowship from the State Library of Queensland.

PART 2: Case studies

Amy Thomas, Andrew Jakubowicz and Heidi Norman

Introducing the case studies

We begin our case studies in 1972 in circumstances where Aboriginal people had become increasingly frustrated with the refusal of government to move on their desire for recognition and sovereignty. Industrial action, including the Wave Hill Walk Off from 1966, had begun to reframe discourses and open up the politics of Aboriginal-non-Aboriginal relations. However, the long duration of national Coalition (Liberal-Country Party) government, then led by William McMahon as Prime Minister, was about to end. In December 1972 the 'It's Time' slogan would herald the return of the Australian Labor Party (ALP) to government after 23 years. However, the Larrakia people of Darwin were long past waiting for someone else to do something, and organised themselves before Gough Whitlam's election. Their action to petition the Queen for land rights and a treaty or treaties anticipated the new government's self-determination policy, while sowing the first seeds of a revival of Aboriginal action for justice. This report begins with their petition and the media's response to it, which was still largely anchored in the assimilationist frameworks of the previous era.

Hopes induced by the change of government for wide-ranging reforms to Aboriginal policy, including a shift to self-determination, were yet to be realised before Whitlam's dismissal and the subsequent election of the Liberal-Country Coalition led by Malcolm Fraser in 1975. By 1979, the failure of Aboriginal litigation contesting settler legitimacy had brought renewed calls for a treaty or treaties between Aboriginal peoples and government. This cause was taken up by influential Australians of European descent, who formed the Aboriginal Treaty Committee (ATC). The ATC campaigned for a treaty as a way to advance Aboriginal rights, and so that European Australians might securely and morally occupy the land. Media reportage of the ATC represents a unique counter to the White mastery narrative that we discuss in our findings.

In response to pressure from the ATC among others, in 1981 the federal government initiated an inquiry by the Senate Standing Committee on Constitutional and Legal Affairs into the feasibility of a treaty, Makarrata or compact between Aboriginal people and the Australian government. Its report, *Two Hundred Years Later...*, was received in 1983 by the new Labor government led by Bob Hawke. It advised against a treaty, and instead recommended a compact be inserted in the constitution through referendum by the 1988 settler bicentenary. This report, the first to consider the place of Aboriginal peoples in national political discourse, gave rise to arguments for and against recognition, and to the main trends and narratives in reportage which have grown more polarised in following decades.

The 1988 anniversary of White settlement once again raised critical questions—this time about the rightful place of Aboriginal people in the so-called ‘celebration of a nation’. The questioning extended from Sydney, where hundreds of thousands of Aboriginal people and supporters filled the streets and harbour with red, black and yellow protest banners and chants of ‘White Australia has a black history’, to Jawoyn country east of Katherine, where a few months later, the Northern Territory’s two biggest Land Councils gave Bob Hawke the Barunga Statement. The historic declaration called for a national, elected Aboriginal body, national land rights, recognition of customary law, and the negotiation of a treaty. The Prime Minister appeared to add his imprimatur by signing the statement and promising a treaty by 1990. However, the media focus moved on quickly from the substance of a treaty to the theatrics of the debate that subsequently emerged in parliament.

Our next case study examines the coverage of the 1992 Redfern Statement, delivered by then Prime Minister Paul Keating. At a locality readily associated with the emergence of modern Aboriginal political activism, the Prime Minister addressed a mostly Aboriginal crowd to mark the International Year of the World’s Indigenous Peoples. The speech has become an iconic moment in Australian history—yet division over its implications persists. Examined today, the media reports of the time reveal more by their silences: there is much more to be remembered about this event.

Our analysis of the recognition of native title focuses not on the reporting of the Mabo litigation or the landmark High Court decision, but on the final days of the passage of the Native Title Bill 1993 (Cth) just before Christmas that year. It finds Aboriginal peoples, and the complexities of their views and actions are all erased from the narrative, along with the substance of the Bill itself. Instead, the media devoted its attention overwhelmingly to parliamentary processes.

After 1996 the situation changes again: Aboriginal actors, voices and viewpoints have fewer opportunities to be heard in policy debates. This becomes clear when the then Prime Minister John Howard describes funding for an Aboriginal English literacy program in March 2000 as ‘practical reconciliation’. This phrase comes to dominate his government’s agenda towards Aboriginal Australians, and our analysis argues, has since created a cleavage between practical measures and reforms regarded as symbolic.

On 13 February, 2008, Australia’s newly elected Labor Prime Minister, Kevin Rudd, delivered his Apology to the Stolen Generations. The case study of this event compares the media reportage finds that the deep narrative in the media failed to account for the connection between past and present policymaking. Instead, mainstream media situates Aboriginal people within familiar tropes of social dysfunction. The study compares this mainstream representation with narratives told through Aboriginal media, which views the Apology as the beginning of the unfinished business of justice for the Stolen Generations.

The next case study similarly looks at Rudd’s Closing the Gap policy, which pledged to close the gap between Aboriginal and non-Aboriginal students on ‘life expectancy, educational achievement and economic opportunity’, made through his Apology speech. The selected articles show a discursive trend which fails to distinguish between the Closing the Gap strategy and the Northern Territory Emergency Response (NTER) launched by the previous Howard government. In eliding these two policy moments, the deeper narrative promoted the notion that Aboriginal people were maladjusted to modernity and incapable of self-governance.

The paper analyses media articles covering the final report of the Expert Panel on Recognising Aboriginal and Torres Strait Islander people in the Constitution in 2012. The panel called on the government to support changing the constitution to delete the so-called race power and add a racial non-discrimination clause. This case study reveals how the Expert Panel recommendations were reported in the media as representing the aspirations of Aboriginal people—thereby overlooking more nuanced discussions, led by Aboriginal people, over whether they even wanted to be recognised in the constitution or whether constitutional recognition would amount to substantive reform. The analysis reveals two trends in media reportage: the first was the assumption that to succeed, constitutional recognition would require bipartisanship. Aboriginal people, it was said, would have to compromise on their demands or face defeat. The second trend was to warn that constitutional recognition would lead to a ‘one-clause bill of rights’.

We conclude our study in 2017 when more than 250 Aboriginal and Torres Strait Islander representatives came together in the Red Centre of the country to discuss and debate how to advance constitutional recognition. After decades of consultation, inquiries and reports with a range of recommendations, it was finally time for Aboriginal peoples to arrive at a position. A carefully crafted oration, the Uluru Statement from the Heart, was communicated to the Australian public. It offered a new and unpredicted consensus position and pointed to a way forward that emphasised Voice, Treaty and Truth. Reportage of this key moment in conservative mastheads initially sounds warning bells, but over the following days we see enormous support for the Uluru Statement from the Heart in the print media. We observe the event as a carefully managed media intervention that ensures Aboriginal agency, standpoint and aspirations are central. Thus, coverage of the Uluru Statement from the Heart is a unique moment in which the media usefully communicates Aboriginal aspirations to the public— although within established narratives.

The princess and the protestors: The 1972 Larrakia Petition and discourses of failure in Aboriginal protest

Amy Thomas, University of Technology Sydney

Introduction

The Larrakia, the traditional owners of Darwin and its surrounds, tried to deliver a 3.3 metre scroll to visiting Princess Margaret on 17 October 1972, with the idea she would pass it on to Queen Elizabeth II. Organised in an activist group called Gwalwa Daraniki ('our land' in the Larrakia language), the Larrakia, other Darwin Aboriginal groups including the Gunwinggu, and non-Aboriginal activists, had gathered over more than 1,000 signatures on a document later coined 'the Larrakia Petition' by Judith Wright (1985). In doing so, they were writing a chapter in the history of the movement for treaties and agreements between Aboriginal peoples and the Australian state, and creating what has more recently come to be seen as 'one of the most important documents of Indigenous Australians' struggle for land rights' (National Library of Australia, 2019).

In the popular historiography of the Aboriginal movement, there is a gap between well-known events such as the Yirrkala Bark Petition in 1963, the beginning of the Gurundji strike in 1966, the 1967 referendum, and the passing of the *Aboriginal Land Rights (Northern Territory) Act* (Cth) nearly a decade later in 1976. The present case study of news media discourses and narratives in the reporting of the Larrakia Petition builds on the growing interest in the history of the Aboriginal activist movements of the early 1970s, when heterogeneous but connected Aboriginal groups around Australia were becoming increasingly active in campaigns for land rights, self-determination, and in some cases, a treaty or treaties (Atwood, 2003; Atwood and Marcus, 1999; Clark, 2008; d'Avigor, 2019; Goodall, 1996; McGregor, 2011; Norman, 2015; Rose, 1996). Its central purpose, however, is to help understand how discourses and deeper narratives surrounding the representation and recognition of Aboriginal agency in media reporting have developed. This historical understanding is necessary if contemporary Aboriginal policy debates are to be placed in a socio-political context.

I then analyse the selected media, focusing on how it represents and discusses Aboriginal agency, and on the framing of stories, the discourses called upon, and deep narratives that emerge. I argue that the majority of the news reporting studied assumed that Aboriginal protest aiming for policy change would fail, was potentially naïve, often disorganised, and even pitiable. In general, it takes for granted the legitimacy of the royals' position and the process of Australia's settlement, and assumes that Aboriginal peoples will be assimilated into mainstream Australian society. This point is reinforced by its differences from some of the local Darwin coverage in the *Northern Territory News*: the latter, by contrast, entertains the legitimacy of Aboriginal claims to land, and the potential of Aboriginal protest.

Methodological approach and items of analysis

In a talk for the Northern Territory Library in 2014, the activist Rob Inder-Smith recalled the events of 16-17 October 1972, and claimed that they 'went entirely unreported in the next day's national media'. It is true that the national media seems to have largely ignored it, and NSW reporting was scarce. Five articles directly reporting on the attempt to deliver the Larrakia Petition were printed in NSW media in the week before and the month after the attempted Petition delivery. Because there were so few articles in the NSW press, which were the limits of samples in the majority of our case studies in this volume, I extended this sample to include the *Northern Territory News*.

The relatively sparse coverage is notable because Aboriginal issues were frequently being discussed in the media at the time. In an advertisement for the paper, titled 'The Excitement Begins', the *Sydney Morning Herald* promises to report on 'the impact of the Aboriginal vote' in the upcoming federal election contest between Gough Whitlam and William McMahon. Other reports at the time concerned the visit of Sydney-based Aboriginal activist C 'Chicka' Dixon to Peking as a guest of the Chinese government (*Sydney Morning Herald* 1972a; *Sydney Morning Herald* 1972b; Thompson, 1972), and a lecture by HC 'Nugget' Coombs criticising Aboriginal welfare policy (Forbes, 1972).

Also notable is that *The Australian* reported on the royal tour in Darwin, including the Government House reception for the royals where Gwalwa Daraniki's protest took place, without mentioning it whatsoever. The article by its correspondent Janet Hawley, 'How the Royals won friends and influenced people', explains details such as that the media hired trucks 'from the Aboriginals' in the Kimberleys, and that Lord

Snowdon played a didgeridoo. It reports on the royals' sympathy and friendliness with the media, Snowdon's fashion, and Margaret's diet (a general interest of the journalists that carries across into the coverage directly reporting on the protest, too). It suggests a cosiness between the journalists and the royals: 'we mingled with the royal pair ... like old campaign friends. We ate steak and drank scotch with Princess Margaret, and schooners of champagne with Rene, the French hairdresser.' It is not certain if Hawley or other journalists from *The Australian* were present at the Government House reception in Darwin that the Gwalwa Daraniki protested, but it seems possible they were; if so, *The Australian* did not print any reporting on it. Certainly it is clear that the *Northern Territory News* were able to cover both the reception and the protest.

The Larrakia Petition was devised in the Northern Territory's capital, Darwin, and given its close relevance to local politics, analysing the local media reaction, and that from further afield, presented a fruitful opportunity for comparison. The *Northern Territory News* evidently saw the event as serious news, and reported on the Larrakia Petition six times in the study period, three times as front page news, as well as one photo-journalism piece on the protest, and general coverage of the Royal tour. The *Newcastle Herald* published a small piece, 'Aborigines wait for Princess' which was a shorter reproduction of the piece in the *Illawarra Mercury* 'Natives take protest to Royal couple' (IW1). It has been excluded from analysis and not given a code.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
NTN1	Northern Territory News	Plans for big Royal visit demonstration	Unattributed	Demonstrations planned by Aboriginal groups, during Princess Margaret's visit next week now seem certain to be the biggest in Darwin for years.	13 October 1972	3
SMH1	Sydney Morning Herald	Protest for royal visitors fails	Unattributed	DARWIN, Monday – Princess Margaret and Lord Snowdon had a quiet arrival in Darwin late today when a planned Aboriginal land rights demonstration failed.	17 October 1972	3

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
IW1	<i>The Illawarra Mercury</i>	Natives take protest to Royal couple	Unattributed	DARWIN – About 300 didgeridoo-playing Aborigines last night were camped outside Government House in Darwin, waiting to present a land rights petition to Princess Margaret.	17 October 1972	7
NH1	<i>The Newcastle Herald</i>	Aborigines wait for Princess	Unattributed	DARWIN, Monday – About 300 Dideridoo-playing aborigines are camped outside Government House in Darwin, waiting to present a land rights petition to Princess Margaret.	17 October 1972	13
NTN3	Northern Territory News	70 Rights campers didn't see Princess	Unattributed	Early this morning 70 Aborigines were still camped outside Darwin's government House—waiting for a chance to present their 1000 signature petition to Princess Margaret.	17 October 1972	1
SMH2	Sydney Morning Herald	Aboriginal protest as royal tour ends	Unattributed	DARWIN, Tuesday – Princess Margaret left Australia late today at the end of her 10-day tour.	18 October 1972	8
DT1	<i>The Daily Telegraph</i>	Right Royal demo	Sally Macmillan	There was nothing akin in the two garden parties held opposite each other in Darwin yesterday.	18 October 1972	2
NTN4	Northern Territory News	Margaret flies out	Unattributed	Princess Margaret yesterday left Darwin for home—without the Aboriginal land rights petition.	18 October 1972	1
NTN5	Northern Territory News	Offer on petition	Unattributed	Demonstrating Aborigines yesterday refused an offer by Territory Administrator Mr Fred Chaney to accept their land rights petition and send it to the Queen.	18 October 1972	12

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
NTN2	<i>Northern Territory News</i>	Land plea to Queen in pieces	Unattributed	The 1000-signature Aboriginal land rights petition was sent to the Queen yesterday with a letter apologising for the condition of the document.	20 October 1972	7
NTN6	<i>Northern Territory News</i>	Land plea to Queen—in pieces	Unattributed	The 1000-signature Aboriginal land rights petition was sent to the Queen yesterday with a letter apologising for the condition of the document.	20 October 1972	7

Table 1: Larrakia Petition selected media

A photo spread headlined ‘Princess—and protestors’, published in the *Northern Territory News* on October 17, 1972, on page 9, featured two images of activists holding placards, and one picture of Princess Margaret after landing at the Darwin Air Force base. The placards read ‘We need land not medals’ and ‘Equal land rights for all – land for my son too – Fair Compensation for Coconut Grove Leases – No Evictions – Amend Acquisition Act – Make Government Honor Promises’ respectively. Explaining the second placard, the caption quotes its bearer, Henry Lee of Coconut Grove, who was denied permission to develop his land and now ‘The Government ... wants my land for peanuts’. As with some of the *Northern Territory News*’ other coverage, this photojournalism details the activists’ claims for land rights. It has not been included in the sample, however, because its focus is visual. From this point the article codes are used for ease of repetition.

Situating the literature

There is a gap in the popular historiography of late modern Aboriginal protest. While certain events have taken on particular symbolic value in contemporary memorialisation, Aboriginal protests and protest groups were a feature of the era much more broadly. Aboriginal groups joined campaigns against the South African Springboks tour, Black Power groups formed in some cities, Black Moratoriums were held in Sydney, and in Alice Springs a growing movement demanded Aboriginal control of town camps—to name but a small selection of the activity (Atwood 2003; Atwood and Marcus 1999; Clark 2008; d’Avigor 2019; Goodall 1996; McGregor

2011; Norman 2015; Rose 1996). Many Aboriginal newspapers reported on this activism, including the *National Koorier* from Victoria, *Black Action* from Tasmania, *Black Liberation* and *Black News Service* in Brisbane, and *Smoke Signals* from Palm Island in Queensland (Rose, 1996).

While the scholarship on this era of Aboriginal history has grown in recent years, very few publications give any detail on the Larrakia Petition and Gwalwa Daraniki movement. These include the works of wharfie-turned-anthropologist Bill Day (1994; 2001; 2010; 2011a; 2011b; 2012), himself a member and supporter of the group and the editor of its newsletter, *Bunji*. Alongside the work of Samantha Wells on the histories of the Larrakia people (1995; 2002), Day's work is the only significant study of the movement. While Judith Wright mentions the petition as a historical document in *We Call for a Treaty*, her polemic published in 1985, it is conspicuously missing from Bain Atwood and Andrew Markus' *The Struggle for Aboriginal Rights: A Documentary History* (published in 1999). Few studies looking at Aboriginal representation in the media concern moments of Aboriginal agency specifically, or take a wide historical overview. The present case study contributes to the historiography of Aboriginal protest, and to studies of media representation by expanding the historical overview and applying a unique methodology.

Media ecology

The period under study is before the spread of colour television in Australia, which some have argued changed newspaper style (Tiffen, 2015; Waller and McCallum, 2017). There are discernible differences between reporting styles in this case study compared to later ones—a more obvious reliance on reported speech, wider use of unattributed sources, and more obvious editorialising in text. The figures on metropolitan print newspaper distribution in relation to population point to a much wider newspaper readership. In 1967, the ratio was 32.1, and in 1977, it was 28.8. By 2014, this had dropped to 7.2 (figures from Tiffen, 2015).

The Sydney Morning Herald, Australia's oldest surviving print newspaper, began publication in 1831 and had been owned by Fairfax family companies since 1841, until the 2018 merger of Nine and Fairfax. The *Northern Territory News* commenced publication in 1952. *The Australian* commenced in 1964 and has for most of that time been Australia's single national newspaper (discounting the business newspaper, *The Australian Financial Review*). Both the *Northern Territory News* and *The Australian* are published by News Limited. As mentioned already, *The Newcastle Herald's* coverage

was an abridged version of the *Illawarra Mercury*'s single piece on the protest. Other lines reappear, too—this line in IW1 is repeated in NTN3: 'They [the royals' reception party] couldn't see from the dining room, placards with slogans such as "We need land, Not Medals", "Our Children are Dying", "This is our Land" and "Black is Poor"'. Both articles are unattributed, but it seems possible that copy travelled from the *Northern Territory News*' desks to southern counterparts, who shortened, reworked it, and, as we will see, provided a different emphasis.

Deeper context

Before examining the coverage of the Larrakia Petition itself, I outline here the historical shape of Darwin's colonisation, and existing literature about the attempted delivery of the Larrakia Petition. The Larrakia made the first claim for their land in 1971—the beginning of a battle that lasted until the 2000s (Scambary, 2007). As Tim Rowse (2017) argues in *Indigenous and other Australians since 1901*, it is important to understand that colonisation in Australia's north is within living memory for some remote Aboriginal people. Darwin was, though, one of the north's earliest settlements. In their 1963 bark petitions, the Yolngu of north-east Arnhem expressed a concern that they could one day share 'the fate which has overtaken the Larrakeah tribe', having already witnessed what White settlement had meant for them (AIATSIS, 2019).

Initial attempts to colonise the area around Darwin faltered, and a permanent post was not established until 1869 (Lea, 2007). From then on, frontier violence, disease and ecological disruption forced the Larrakia to adapt and negotiate a new existence on their country (Wells 1994; 2002). Attempts by the Larrakia to establish communities in various locations in the settler town, however, tended to survive only temporarily before being broken up and moved on. The *Northern Territory Times* (20 February 1874, cited in Wells, 2002, n.p.) expressed the settlers' exasperation at the continuing Aboriginal presence, particularly towards Aboriginal cultural practices:

The aborigines who have recently been camped so close [to] the residences of the White people, making night hideous with their noises, have during the last day or two been ordered by the Government to move a little further away, and they are therefore it appears, gone to Peel's Well and Fannie Bay, which is a much more suitable place for them.

Many Larrakia survived the new economy through public performances of dances and ceremonies, with payments made initially in rations and later in wages paid to a public trust overseen by the Chief Protector (Wells, 2002). A Jesuit mission at Rapid Creek and a reserve far from the coast were both established in the late 1800s, but the Larrakia and other Aboriginal groups continued to resist confinement (Wells, 2002). The tension over the presence of the Larrakia and other Aboriginal groups had intensified by the turn of the century. Darwin's continuing development and expansion prompted the Federal Government, then in control of South Australia and the Northern Territory, to 'regulate race relations and ... address the "Aboriginal problem"' (Bauman, 2006: xxiii). The Aboriginals Ordinance of 1911 restricted Aboriginal movement in Darwin, and many of the Larrakia and others were confined to a new institution, the Kahlin Aboriginal Compound (destroyed by cyclone in 1937) (Baumann, 2006; Wells, 2002). At the time, the *Northern Territory Times* reported approvingly on the development (Wells, 2002, n.p.).

By order of the Protector of Aborigines there was a general migration of the blacks on Sunday last, from the King's camp to the new Camp which has been formed on the verge of the cliffs some little distance out of town. A horse and car was engaged for the best part of the day in transferring the Aborigines *lares et penates*. A number of neat bark and iron residences have been erected at the site of the new camp, which is pleasantly situated overlooking the open sea and Fannie Bay. Whether the overhanging 'hat-shaped' roofs of these dwellings will resist the strong NT wet season storms in this exposed situation is a query that will probably be settled one way or another during the coming wet.

Segregation deepened over the coming decades, and Aboriginal families were broken up by policies of child removal for 'half castes'. The Second World War reshaped Darwin, which became a city under military occupation. Some Aboriginal people's experience of military practices, including the more equal treatment of Black American soldiers, and of being evacuated to big cities with more cosmopolitan daily life, gave them a new determination to demand equality (Read and Read, 1991). Yet segregation continued in the form of laws that allowed 'half-caste' people their rights if they renounced their Aboriginality, while making 'full-blood' Aboriginal people wards of the state. Many of these Aboriginal wards were confined to Bagot community, and the sites of contemporary town camps in Darwin (Wells, 1994).

Federally, Aboriginal people were organising themselves. In 1958 the Federal Council for Aboriginal Advancement (later revised to include Torres Strait Islanders and adopting the acronym FCAATSI) was formed. The Northern Territory Council for Aboriginal Rights followed in 1961. These and other organisations were active in subsequent campaigns to win Aboriginal people the vote, and to end the ward system (Taffe, 2005; Lino, 2018). This early campaign for land rights took place alongside the 1967 Commonwealth referendum, which gave the Federal Government the power to overrule states to make special laws for Aboriginal people. But in material terms, the referendum made ‘very little obvious difference in the years immediately following’ (Clark, 2008: 211; see also Atwood and Markus, 1998). In response, sections of the Aboriginal movement turned towards more radical demands. The 1972 Aboriginal Tent Embassy, established on the lawns of Parliament House, Canberra, in June 1972, arguably symbolises this: the protesters demanded land title in Australian cities, for the Northern Territory to become an Aboriginal state, and immediate compensation of \$6 billion dollars (Gilbert, 1973). This concern for substantive reform inspired the Gwalwa Daraniki movement. Similarly, their articulation of land rights was informed by the Yolngu’s bark petitions and Gove land rights case battle, alongside the ongoing Gurindji strike. This context informed their lodgment of a claim for land between Ludmilla Creek and Nightcliff in Darwin, seeking protection for sites of significance (Day, 1994). Most Larrakia lived in makeshift homes at the time at locations such as Bagot town camp, or were homeless (Day, 2001).

Their actions added a new dimension to the demands for land rights, however—the first petition from Gwalwa Daraniki was sent to the Australian government in 1971, demanding the government ‘appoint a Commission to go to every group and negotiate a treaty to suit each group’ (Wells, 2002: xxi). It is claimed to be the first petition from an Aboriginal group demanding a treaty or treaties (Day, 1994; Pitty, 2006). They received a reply from Prime Minister William McMahon, who, according to Day, argued ‘it was not appropriate to negotiate with British subjects as though they were foreign powers’ (1994: 26). This is why the group decided to appeal to the Queen instead. This is also linked with a longer tradition of appeals to the British state and monarchy (Broome, 2015; Maynard, 2007).

A leaflet released by Gwalwa Daraniki described their plans for Margaret’s visit (Bunji 1972, quoted in Day 1994):

Princess Margaret will be visiting Darwin on October 15. She wants to meet the Aboriginal people. To make sure she learns the TRUTH...the Gwalwa Daraniki is planning to present a petition to Government House. We hope

that hundreds of black Territorians will sign the petition (thumb-prints with names for those that don't write).

A protest was planned (*Bunji* 1972, quoted in Day 1994):

On the night of her visit, we ask all tribes to join us and camp all night outside Government House. Bring your swags, didgeridoos, and guitars.

Their attempts to secure signatures went beyond their expectations and beyond the Northern Territory. According to Day (1994), the Queensland Black Panthers signed begrudgingly, branding her majesty 'a puppet'. The signatures include surnames associated with the Warlpiri, Arrernte, Yolngu groups, and the Gurindji and Pitjantjatjara lands, suggesting that the petition was widely circulated around the Northern Territory and beyond. Sizable contingents also signed from Western Australia, Victoria, and South Australia, and there were some signatures from NSW. The petition focused on the idea of a treaty to secure 'land rights and political representation' (see Figure 1). Over 30 pages with the same text and signatures and thumb prints were taped together to produce the 3.3 metre scroll (NAA: A2354, 1973/86).

Local unions organised to support the Larrakia. Through Brian Manning, Secretary of the Territory Trades and Labour Council, they arranged for buses to transport people to the demonstration, and threatened a strike if Gwalwa Daraniki were prevented from gathering at Government House on the day (Day, 1994). However, there was no attempt to prevent the protest from assembling on Monday 16 October 1972, though the Gwalwa Daraniki newsletter *Bunji* reported that many arrests for drunkenness were made, potentially in an attempt to reduce the size of the protest (Day, 1994; 2011).

A tin shed named 'Aboriginal Government House' was established on the lawns, perhaps inspired by the Aboriginal Tent Embassy in Canberra, which had been set up on 26 January, 1972. The references to violence in various reports are perhaps informed by the experience of the confrontations between police and Aboriginal activists at the Tent Embassy (Day, 1994). As part of her visit, Margaret was to deliver an MBE (Member of the Order of the British Empire) medal to the famous Gunwinggu artist Yirawala. This was the reason for the chant 'Give us land, not medals'. Yirawala himself joined the protests, according to NTN3, because despite receiving this award he was not invited to meet the royals, to whom he wanted to deliver a painting—and, perhaps more awkwardly, express his disappointment at the lack of a pastoral lease for Bininj people.

On the night, *Bunji* reports about 200 protestors gathered with about 60 police (in contrast to NTN3, which says there were equal numbers of each). Protesters say that that evening they tried to pass a note to an aide to Princess Margaret and Lord Snowdon, but the attempt was ignored. It was not until the next day that a further attempt was made to deliver the petition—when a royal cavalcade appeared, local stockman Johnny Maler attempted to break through police lines and reach the princess. He was tackled by police, and in the melee the petition was torn and a significant piece of it lost. This damage to the petition is not mentioned until the NTN6, and may have escaped attention of journalists at the time. NTN3 notes that of the police that ‘At one stage they turned back surging protestors as they tried to cross the road’, but does not mention any scuffle. NTN4, focusing on Margaret’s attempt to leave, simply notes that Margaret waved at the protestors and ‘They waved back their 1000-signature petition but the Princess and Lord Snowdon drove on’. Shortly thereafter, the damaged Petition was mailed to Queen Elizabeth II, with a letter signed by Larrakia leader Bobby Secretary and four others, explaining that the attempt to deliver it to Princess Margaret had been thwarted, and imploring her to consider their demands, and apologising for the petition’s condition (Day, 1994; 2011; NAA: A2354, 1973/86).

The following year, it was returned by Buckingham Palace to the Governor-General, Sir Paul Hasluck (who as Minister for Territories had had responsibility for the Northern Territory between 1951 and 1963, and had also met Lord Snowdon on his visit) (McGregor, 1999). Hasluck’s office passed the Petition to the Whitlam government’s Department of Aboriginal Affairs, and a response was sent to Bobby Secretary from Gordon Bryant, the Minister for Aboriginal Affairs. The undated letter promises attention to land rights, though it does not address the question of a treaty or treaties. It reads in part (NAA: A2354, 1973/86):

You may have heard that it is the policy of the new Government to act to grant rights in land to Aboriginal people in the Northern Territory ...

The Government is very much aware of the past failure to give proper recognition to the rights of Aboriginal people to land ... you may be assured that we intend to give it a high priority.

Bryant’s office sent the petition to the National Archives of Australia in 1975. A copy was presented to the Larrakia nation in 2018 (Larrakia Nation, 2018).

Sources, actors and Aboriginal agency

This story, however—threaded together from archival sources, existing histories, and in Aboriginal texts of the time—only shares some similarities with what was found in the media texts analysed. Some differences in the depictions of events have already been noted. In the selected media's representation of Aboriginal agency, I discerned two dominant and two minor discourses. The dominant discourses were, one, the idea of Aboriginal protest destined for failure, potentially naïve, and often disorganised (SMH1, SMH2, NTN5), and two, the attachment of comedy or pity to Aboriginal actions in comparison to the royals' (DT1, IW1, NTN3, NTN4). Though these are represented in a fewer articles in our sample, they represent the dominant discourses because they were present across all newspapers, with the only exceptions being in some *Northern Territory News* reports. The minor and to some extent conflicting discourses were, one, the threat of Aboriginal violence (NTN1, DT1, IW1, NTN3), and two, the legitimacy of Aboriginal claims (NTN1, NTN2, NTN3, NTN6). Emerging from this, the deeper narratives take for granted the legitimacy of the royals' position and of Australia's settlement, though this is much less certain in *The Northern Territory News*, where reports are alive to the possibilities of the land rights movement troubling the settler system of land tenure. The *News*' local coverage, overall, entertains the potential of Aboriginal protest and agency. This divergence provides a fruitful comparison for considering how reporting can give voice to Aboriginal agency.

The most dominant framing of the stories produces, generally, a silencing of Aboriginal agency and perspectives. The 'story' told by the articles 'Protest for royal visitors fails' (SMH1), 'Aboriginal protest as royal tour ends' (SMH2), and 'Natives take protest to Royal couple' (IW1), focuses on the protest greeting the royal couple and uses no Aboriginal sources to make claims such as 'The Aborigines arrived too late to see the Princess and Lord Snowdon' (IW1). 'Right Royal demo' (DT1) also tells a story of the protest, but leads with the discrepancies between the royals and the protesters, noting while 'Margaret and Lord Snowdon drank gin and tonic and munched hors d'oeuvres', the 'Aboriginal land rights demonstrators ... lay on the grass, smoked and drank tea'. The article continues with a comparative theme, which, as discussed in more detail below, links with a discourse which sees the protestors as potentially comedic and pitiable. In *The Sydney Morning Herald*'s article 'Protest for Royal visitors fails' (SMH1), Princess Margaret and Lord Snowdon were the actors in the story, whereas in others it was Aboriginal groups, such as 'About 300 didgeridoo-playing Aborigines' (IW1), or 'Demonstrations planned by Aboriginal groups' (NTN1).

Many pieces take much trouble in describing the royals' attire and activities. In IW1, 'The Royal couple was having a private dinner', in NTN3, the Princess shows, 'despite the deafening noise' of the RAAF jets greeting the royal couple, 'no sign of annoyance', and she 'maintained an apparent sense of good humour.' In SMH1, we learn of Lord Snowdon's displeasure at the smell of branding cattle, yet 'The searing heat did not worry the Princess, she walked around the homestead bareheaded'. In SMH2, we are told (later repeated in *Northern Territory News*' coverage), that the princess had spoken on the radio of how her and Lord Snowdon had been 'deeply impressed by the sense of space and distance and by the beauty of the land of Western Australia' (their destination before the NT), and 'She was glad to hear of the steps being taken to safeguard places of special significance to the Aborigines.' DT1, after commenting on the royals meals, notes of their dress that 'Margaret and Tony (who sported a new haircut) met six selected Aborigines and other guests—dressed in Darwin rig—long sleeves, white shirt, tie, long trousers and dark shoes, but no coat'. If we do learn any similar details of the Aboriginal protestors, it is that they ate 'simple meals' and played an 'impromptu concert' (though it would not have been difficult to work out that the concert was planned). This characterisation of the players unsurprisingly treats the royals as celebrities to be admired for their exceptional tastes and remarkable fortitude, and suggests a humanitarianism in their approach to their Indigenous subjects. In most cases, then, the reports foreground the royals' humanity, and how they were affected or not by the protest; rather than the protestors' goals, perspectives and aspirations.

Noticeable in the *Northern Territory News*, however, when compared with the other articles, is their *lack* of detail about the royals' dress and culinary choices. Instead it is the Aboriginal activists and their supporters who are creating waves. In NTN1 we learn from trade unionist Brian Manning, a supporter of Gwalwa Daraniki, that a purpose of the protest 'is to show Princess Margaret there is more to Aboriginal rights than the window dressing she will see at Kormilda College', the local Aboriginal boarding school that the Royals visited after the Government House reception—opening up the possibility of challenging the royals' actions and legitimacy, which is not an option explored outside of the *Northern Territory News* coverage.

Naming differences also change the shape of stories, and the agency afforded to their actors. SMH1, SMH2, DT2 and IM1 do not mention the name of the organisers, Gwalwa Daraniki, the Aboriginal groups involved (to our knowledge, the Larrakia and Gunwinggu) or the Aboriginal Government House. SMH2 does note that 'Local Aborigines today erected their own 'Government House''. Protestors are labelled 'Aborigines' or 'local Aborigines', 'didgeridoo-playing Aborigines', 'Aboriginal groups'. NTN1 mention Gwalwa Daraniki, and explains who the Larrakia and the

Gunwinggu are. The shorter NTN6 names the five Larrakia leaders who signed the letter to the Queen, and NTN2 tells their story through the eyes of the people in its photograph, holding the petition, prior to its delivery (by Tessa Ferguson and Edwin Jangalaros). All of the articles mention the protest was motivated by a claim for land rights, though only NTN1 mentions the demand for a treaty or treaties. While SMH1 mentions the petition was signed with ‘hundreds of names’, SMH2 drops this and notes instead that there was a ‘tiny band of Aborigines’ at Government House on 17 October, the second day of the protest. Both SMH1 and SMH2 use Aborigines as a collective noun, while the IM1 headline uses ‘Natives’, a term which was arguably already antiquated in the Australian context. The *Northern Territory News*’ attention to naming individuals, their country and their interests shifts the coverage towards a more serious consideration of Aboriginal agency.

There is also a very clear difference in the use of sources. In SMH1, SMH2, DT1 and IM1, no Aboriginal source is quoted directly, apart from the reporting of protest chants. SMH1 uses indirect speech to report ‘They said they would stay there until Princess Margaret came out’, though the article goes on to suggest this was a dubious claim, as Aboriginal groups later left. NTN1 stands out as the sole article to give substantial column space to Aboriginal sources using full quotations—quoting the Aboriginal Development Corporation, Gwalwa Daraniki, a representative of the Gunwinggu ‘tribe’, as well as a supporter, Brian Manning of Territory Trades and Labour Council. NTN2, as mentioned, is told from the perspective of two Aboriginal activists, but it uses reported speech to do so (NTN3 takes a similar approach to their Aboriginal sources).

Interestingly, the NTN1 headline does not label the protest as ‘Aboriginal’, and notes in the opening paragraph that ‘Demonstrations planned by Aboriginal groups during Princess Margaret’s visit next week now seem certain to be the biggest in Darwin in years’. Similarly, their headline ‘Land Plea to Queen—in Pieces’ does not mention Aboriginal either, while their opening paragraph foregrounds the large number of signatures and the Aboriginal apology for the ‘condition of the document’ in their letter to the Queen. In contrast to SMH1 in particular, it does not blame the Aboriginal protesters for the failure to deliver the petition, instead stating: ‘But she [Princess Margaret] left without the Petition, which calls for a commission to organise Aboriginal land rights.’ It goes on to tell the same story that Gwalwa Daraniki does in its letter to the Queen, by quoting and paraphrasing the letter—that the attempt to give the petition to an aide had been in vain, while the attempt to break through a police cordon had ‘failed’. This demonstrates a conclusive silencing of Aboriginal voices in SMH1, SMH2, DT1 and IM1, and their privileging in NTN1 and NTN6.

Discourses

If the sources and naming choices generally silenced Aboriginal agency and perspective, how did this manifest itself in discourses? As mentioned above, two major discourses emerged—one, the idea of Aboriginal protest as failed, potentially naïve, and often disorganised, and two, the attachment of comedic value to Aboriginal actions. For example, SMH1 suggests that Aboriginal people are not able to manage themselves. It does this through multiple references to a perceived failure to organise the protest in order to meet its goals: the headline and opening paragraph declare the protest a ‘failure’. As the article progresses, readers learn that there ‘were only two Aborigines’ when the royal couple arrived, and that others arrived later—too late, it would seem, to influence events. It also suggests many left ‘half an hour later’ after arriving, after promising to wait for the Princess. It notes that Princess Margaret was not due to leave until the morning, implying that Aboriginal people were lazy and disorganised. SMH2, reporting on the next day, provides much less detail, and notes that not many Aboriginal protesters were present (only ‘a tiny band’, whose chants were drowned out anyway by the RAAF band). It does not mention the attempt to get to the royal cavalcade that morning. The theme of lateness repeats in IM1.

While DT1 does not mention lateness, it suggests a naivety and comedy in the juxtaposition of Aboriginal protesters and the royals. It says the Aboriginal protests ‘were orderly and the quietest demonstrations yet seen in Australia’, and that their ‘feeble’ attempts to ‘approach Margaret’ were ‘quickly rebuked’, thus they ‘passively returned to their tin shed ‘Aboriginal Government House’’. In general, Aboriginal people appear to lack the qualities required for success. NTN5 suggests that Aboriginal activists failed to understand how petitions worked, reporting on Territory Administrator Fred Chaney’s apparent offer to deliver the petition to the Governor-General, Sir Paul Hasluck, and subsequently the Queen. Through an ‘Administration spokesperson’ we learn that Chaney had explained ‘the formal procedures for presentation of the petition in some detail, but no applications for presentation have been received’.

The comedic juxtaposition between the royals and protestors in DT1 and in IM1, mentioned above, associates passivity and naivety with Aboriginality in general. A similar theme is explored in a sub-section of SMH1 on Princess Margaret and Lord Snowdon’s time in the Kimberley at Fossil Downs station, which states that rain stones have been placed by ‘station Aborigines to make rain come’—yet, ‘They have been there for three months. There has been no rain’. Naivety is associated

with Aboriginal belief systems, both cultural beliefs of Aboriginal spiritualism, and political beliefs, such as either the justness or likelihood of winning land rights. This reflects an unwillingness to take Aboriginal people seriously, and marks their contributions as inferior or unimportant.

The minor and to some extent conflicting discourses were, one, the threat of Aboriginal violence, and two, the legitimacy of Aboriginal claims. While several pieces refer to the protesters' intention to avoid violence, this receives the most attention in NTN1. The question is addressed halfway through the story, after the possible size of the protest and the demands of organisers have been emphasised strongly. It notes: 'All have stressed the demonstrators will be peaceful and non-violent 'in the tradition of the Aboriginal Embassy in Canberra'. This quotation is generally attributed to the previously named organisations behind the protest. It is intriguing, however, as the Canberra embassy had been subject to many efforts to move it on, resulting in: 'hundreds of protesters...' clashing 'with police in a violent brawl after officers tried to move people along and remove the embassy tents' (National Museum of Australia, 2012). While the reports of events in Darwin do not suggest that the Aboriginal Government House or the attempt to deliver the petition were violent—in fact, passivity is attributed to the protesters in DT1, SMH1 and SMH2—Aboriginal protests and possible violence are in general associated or assumed in the coverage.

NTN1, NTN2, NTN3, and NTN6 particularly give the cumulative impression that the Aboriginal protests were serious events, and that Aboriginal claims were legitimate. They make no overt judgement of the morality of the claims, nor do they suggest how the royals, the British state, or the Australian government should respond to them. However, they are willing to treat the Aboriginal voice as substantial, and their demand for land rights in particular as potentially transformative. Aboriginal agency is thus presented as something with the capacity to influence events, and with general organisational power. This contrasts with the comedic comparison of the Aboriginal protesters and the royals in DT1 and IM1. While Aboriginal protest is sometimes coded as moral (such as in DT1), it is seen as positive—in the sense of possessing agency and influence—only in NTN1, NTN2, NTN3 and NTN6. Negative aspects of Aboriginal agency—its lateness, disorganisation, and even possible links to violence—are emphasised more strongly in IM1, SMH1, SMH2, and NTN5.

Aboriginal communication texts

Much of the detailed understanding of how events unfolded emerges from the consistent documentation in the Gwalwa Daraniki newsletter, *Bunji*. Obvious discrepancies between the information available in the Aboriginal communication texts include the background to the petition itself, the demands of the petition, the detail of the groups behind the protest, and the unfolding of the protest over two days, including the obstacles standing in the way of delivering the petition. SMH1, SMH2, IM1, and DT2 do not explain what was behind chants such as 'We want land, not medals'. It is not clear which journalists attempted to interview Aboriginal participants, though it is clear the latter were willing to offer them information, as is shown by NTN1, NTN2, NTN3, NTN5, and NTN6. As is clear from the discussion of the background to the organisation of the protest, there is no attempt in SMH1, SMH2, IM1, and DT2 to report the events comprehensively. Only *The Sydney Morning Herald* and the *Northern Territory News* followed the protest over its two days (and the *Northern Territory News* continued for over a week).

Gwalwa Daraniki had been supported by the Communist Party of Australia (CPA), so it was fitting that the latter's newspaper *Tribune* sought to act as a voice for the movement. Bill Day, writing in *Tribune* then as a member of CPA, poured scorn on the media who had attended the Government House protest:

Too bad the media men couldn't hear from the air-conditioned bars, where they had retreated on arriving in Darwin...

Later in the evening some did create a story with no photos, no film and no accuracy...

'I'd like to write you up, but you'll have to do something violent,' one of Sir Frank Packer's boys advised the campers.

Day's statements are unverifiable; they were not repeated elsewhere. However, it is clear that the NSW and federal media made little attempt to name Aboriginal participants, to explain their role accurately, to seek out Aboriginal voices, and to see Aboriginal protest as having substance and power. Closer to the source, and perhaps the reality of their demands, the *Northern Territory News* provided some coverage that entertained the legitimacy of Aboriginal demands and recognised Aboriginal agency.

Deeper narratives

The narratives told in SMH1, SMH2, DT1 and IM1 (and to some extent, NTN5) are similar: they all suggest that Aboriginal protest is likely to be ineffective, and that perhaps Aboriginal inability and insufficiency are at the root of this. While protests may be peaceful and noble (see DT1), and this may contrast with the luxury enjoyed by the royals, the royals remain legitimate, as do their general role and as figureheads of the Australian state as a whole. They are, largely, *the story*. While the plight of Aboriginal people may be pitiable, there is little reason to take their demands for land rights and treaties seriously: history has already declared its hand. It is up to them to accept it. The distinction between ‘Natives’ (IM1) and the royals is clear: and the future is the royals’, and the Australian nation’s. To the extent that Aboriginal agency is presented in these four articles, it appears as a defeated, if admirable, relic. In 1864, Henry Kendall published a poem, *The Last of His Tribe*. Celebrated as a recognition of Aboriginal life, it nonetheless assumes it has been succeeded:

For his eyes have been full with a smouldering thought;
 But he dreams of the hunts of yore,
 And of foes that he sought, and of fights that he fought
 With those who will battle no more :
 Who will go to the battle no more.
 And he sees, through the rents of the scattering fogs,
 The corroboree warlike and grim,
 And the lubra who sat by the fire on the logs,
 To watch, like a mourner, for him :
 Like a mother and mourner for him.

...

Will he go in his sleep from these desolate lands,
 Like a chief, to the rest of his race,
 With the honey-voiced woman who beckons and stands,
 And gleams like a dream in his face :
 Like a marvellous dream in his face?

Situated as we are now, it is easy to see that what stands out about twentieth century Aboriginal history in Australia is the remarkable *survival* of Aboriginal people. As our chosen case studies show, since the growth of the Aboriginal rights movement in the 1960s, there have been consistent efforts and attempts to negotiate and re-establish the position of Aboriginal people outside an assimilationist framework. Assumptions of a dying race, lingering in this media, were undermined by resistance, adaptability, and determination. Arguably, it is only the *Northern Territory News*' coverage, reporting history unfolding, that stands up to the test of time. Their recognition of the importance and potential of Aboriginal protest is demonstrated by careful attention to detail and an attribution of legitimacy to Aboriginal sources.

Conclusion and findings

In exploring story framings, discourses and deeper narratives in the media reporting of the protests organised by Larrakia people and their supporters in October, 1972, this article has contributed to knowledge of media treatment of Aboriginal intervention in public policy. It highlights a lesser known feature of Aboriginal protest and political engagement in the early 1970s and brings together existing knowledge and new primary sources to shed light on the discourses and deeper narrative assumptions governing the media reporting of Aboriginal interests in that time period.

Journalists cannot know the outcome of the events they are reporting: they are not to know where Aboriginal interventions and actions are going to lead. Yet the majority of reportage analysed assumed that Aboriginal protest was destined to fail. It presented Aboriginal people and Aboriginal culture as naïve, pitiable, and unable to organise themselves. This reporting assumed a morality associated with Australian settlement, and assumed demands such as land rights and treaties were unrealistic—that Aboriginal people were to 'battle no more'. This assumption, made primarily in the Fairfax press, is reinforced by comparison with local coverage in the *Northern Territory News* (owned by News Limited) which assumes the legitimacy of Aboriginal claims to land, and the potential of Aboriginal protest.

White possession and belonging: a treaty to secure Australians of European descent in an ancient land

Heidi Norman, University of Technology Sydney

Introduction

In August 1979, a group of prominent Australians of European descent launched the Aboriginal Treaty Committee (ATC). The group saw a treaty between Aboriginal and non-Aboriginal Australia as a way forward to secure Aboriginal rights—as well the interests, morality and legitimacy of European occupation and identity in an ancient land. To analyse the reporting of this development in Aboriginal-non-Aboriginal relations, this case study is framed differently from others in this volume. In those studies the authors identify patterns in newspaper reportage which marginalise Aboriginal interests and voices, assume a non-Aboriginal readership, give primacy to non-Aboriginal voices, experience and views, and show limited comprehension of Aboriginal aspirations and standpoints. Compared with those other events, the ATC and coverage of its ambitions navigate an unusual path because the ATC calls into question the interests of non-Aboriginal Australians. As the acclaimed poet Judith Wright, a member of the ATC, emphasised, ‘the difficulty [for the ATC] lay, not in convincing Aboriginal people of the worth of these proposals’ but in ‘the attitudes and prejudices—and apathy—of the dominant Australian community’ (1985).

The ATC sought to engage non-Aboriginal support for a treaty that emphasised security of tenure and belonging in an ancient land, supported through a discourse of new, united nationalism. ATC members were well-connected and presented their case for a treaty to the public as one of advancing this new nationalism. In contrast, the parallel Aboriginal push for treaty attracted very different media discourses about the debate among Aboriginal intellectuals about the best ideas, strategies and tactics to advance Aboriginal interests (see Allam, this volume). I argue that media reportage carefully follows the logics of the ATC’s discourses and thereby counters established narratives by contesting subordination of Aboriginal sovereignty and White mastery.



[L-R] Members of the Aboriginal Treaty Committee: Hugh Littlewood (secretary), Dymphna Clark, Eva Hancock and Herbert Coombs (Chairman). Image courtesy of the National Archives of Australia. NAA: M2153, 14/14.



Members of the National Aboriginal Conference (NAC) at a meeting in Canberra, 1978. Their activities from 1977-1979 are discussed on pages 70-71. Image courtesy of the National Archives of Australia. NAA: A8598, AK15/8/80/1.

Situating the literature

For this case study I analysed the six newspaper articles published between June and September 1979 that referred to the work of the ATC—the only newspaper articles about the ATC in that year in the national, NSW or Canberra press. To gain a more nuanced account of the ATC, I have consulted bulletins, interviews and newsletters alongside the articles under study. Several academic studies examine the historical context, political rationale and the emerging Aboriginal public sphere in relation to the ATC between 1979 and 1983. Scholarly works on the topic—mostly history, but with some legal and anthropological research—include Marcia Langton's essay (2001) on the history and contemporary significance of treaty and negotiated agreement-making, and Julie Fenley's analysis (2011) of the National Aboriginal Conference (NAC) campaign for a treaty (referred to as Makarrata by the government). Fenley (2011) also traces the subsequent development of ideas about sovereignty, and about options and tactics for engaging with the Australian state in the late 1970s and early 1980s with which, as we will see, the ATC coincides.

A third leading source for this period is Tim Rowse's biography of the ATC chair, HC 'Nugget' Coombs (2002). Rowse dedicates several pages to Coombs and the ATC, and highlights Coombs' transition from public servant to advocate in what he characterises as a new 'Aboriginal public sphere', as Coombs became more involved in Aboriginal debates and contested ideas about political futures and strategy. The historian Peter Read (2006) returns to oral history recordings which he conducted as an ATC volunteer and reflects on the views expressed in them by leading Aboriginal and non-Aboriginal intellectuals, writers, politicians and public servants of the time about treaty and negotiating with governments. Roderic Pitty (2006) details the arguments that have been used over time against a treaty in Australia, including those of Prime Minister William McMahon in June of 1972, who stated that it was inappropriate to negotiate with British subjects as though they were foreign powers, and attributed the absence of treaty making in Australia to the difficulty of identifying with whom to negotiate (Pitty, 2006: 51; Wright, 1985, cited in Langton, 2001: 21).

All these works draw on the media reporting of the time, and on the remarkable body of printed work published by the ATC, the NAC and associated government inquiries, along with works contesting their position. However, to date the newspaper coverage of this period has not seriously figured in any critical study of media discourse on Aboriginal policy and agency over time.

Media ecology

The 1970s saw metropolitan newspapers enjoy significant readership (compared with rapid decline from the 2008, as detailed in the following case studies [Tiffen 2015]). Most stories covering the ATC campaign were published in the *Canberra Times*. While the *Canberra Times* had been in circulation since 1926, circulation figures are not available. However, Rodney Tiffen (2015) details the Fairfax share of national circulation in 1984 was 23.7 per cent. We may assume that the *Canberra Times* represented a small part of this circulation, but in a place where ATC members had close connections and where it reached a small but influential audience: the nation's capital. In 1979 print media would have been a leading source of information: we may note that the ATC confined its announcement of the push for a treaty to print media—in the *National Times*. The decision of the ATC to utilise the print media alone can be understood by considering that colour television was a recent development (in 1974) and that news radio did not expand until a decade later.

About the Aboriginal Treaty Committee

The Aboriginal Treaty Committee (ATC) was a voluntary non-government body comprised of prominent non-Aboriginal Australians which from April 1979 until 1983 promoted the idea of a treaty between Aboriginal and non-Aboriginal Australians. The committee was inaugurated and chaired by Coombs, and comprised many of his close friends and acquaintances—intellectuals, writers, artists and clergy—who were supporters of Aboriginal rights.¹ They had long been involved in Aboriginal rights advocacy and, in the case of Coombs and WEH Stanner, after the 1967 referendum that had brought the Commonwealth into the administration of Aboriginal Affairs, had advised successive governments. Coombs and Stanner, along with Barrie Dexter, had been members of the Council for Aboriginal Affairs (CAA) which had been set up after the 1967 referendum. But they had struggled to influence Commonwealth governments or to alter the states' control of Aboriginal lives.

1 ATC members included Dr Judith Wright-McKinney, Stewart Harris, Professor Charles Rowley, Professor WEH Stanner, Dr Diane Barwick, Dr Maria Brandl, Dymphna Clark, Eva Hancock, Paul Kauffman, Mildred Kirk, Hugh Littlewood, Dr Peter Read and Dr Joseph Swartz (Wright, 1985: vi).

Most of the ATC's members had been heavily involved in shaping the Whitlam Labor government's agenda, but by the time the ATC convened the enormous optimism of the Whitlam period had dissipated. The reforms of the Whitlam government are worth a brief overview. In the last days of 1972, on day 11 of the 'Whitnard government' when Whitlam and his deputy Lance Barnard held all portfolios, with advice from the CAA, the promised commission of inquiry into Aboriginal land rights was set in motion; the language of assimilation was abandoned in favour of (interchangeably) self-determination and self-management; and the ministry for the interior—a bastion of assimilation and authoritarian welfare in Aboriginal affairs—was abolished. Barrie Dexter from the CAA was appointed head of the new Department of Aboriginal Affairs with Gordon Bryant as Minister. Bryant, a former referendum campaigner, was an enthusiastic exponent of a national Aboriginal council and proceeded to invite representatives to Canberra who formed the first National Aboriginal Consultative Committee (NACC) from 1973 (Rowse, 2000).

The ATC, comprised as it was of prominent Australians, made use of events its members were associated with to interlink media coverage advocating the ATC position. The ATC was actively sponsoring debate about the way forward to secure Aboriginal rights that by 1979 had dropped in political priority. What legislative advances had been made in the preceding years were being wound back and dishonoured. The ATC, over the five years of its activity until 1983, brought speakers from across the globe, produced nine newsletters, and hosted over a dozen conferences. Its members engaged actively in the debate about the form and content of a treaty and the political strategy and authority needed to advance the discussion. The support of non-Aboriginal Australia was crucial, they judged, though only part of their activity. Notably, the media's coverage of the ATC was without explicit historical reference to the many Aboriginal attempts and offers of a treaty (or settlement or negotiation)—all dishonoured and denied—including the more recent call for a treaty around the same time as the ATC call for a treaty, that came from Aboriginal quarters. Instead, in the newspaper coverage, ATC members as singular sources adhered to a set narrative: that a treaty was necessary to sustain accepted Australian values, national identity and the legitimacy of occupation. The media coverage of the ATC largely adhered to the discourses the ATC promoted.

As described in Read's 2006 reflection on his interviews with members of the ATC, Coombs argued that the treaty proposal was justified on moral, practical and legal grounds to resolve illegal occupation (cited in Read, 2006). In this configuration at least, Coombs proposes a treaty because 'white Australians had a very serious problem'

in reconciling the acts of invasion, dispossession and violence with their own moral code. Coombs describes the 'practical' problem that Aboriginal grievances would not go away unless White Australians removed the causes. Coombs' other concern was the legally weak position of the invaders. Coombs says (Read, 2006: 33):

we've become accustomed to think of our occupancy of the land as legal, justified and secure ... each of these assumptions can be brought into doubt. We have to consider that the kind of security we feel in the occupation of the land at the present time may very well be called into question, certainly by Aborigines, perhaps by White people here, but also by nations overseas ... to feel secure ... we have to establish the justification, the legitimacy of our occupation. And that means the legitimacy of our relationship with the original inhabitants.

In Judith Wright's *We Call For A Treaty* (1985), a book drafted to conclude the work of the ATC, she argued '[u]ltimately, therefore, there must be some instrument such as a treaty which will confirm for all time equal and just treatment for Aboriginal Australians wherever they live, putting their land and their rights beyond the reach of sovereign parliaments. There is no security for Aboriginal people in Acts of Parliament, which can be repealed or amended' (1985: 284). Aboriginal people had ample experience of that lack of security in recent years: mining interests had overridden Aboriginal vetoes on their projects, exploration was continuing, and the Northern Territory and Commonwealth governments were supporting more uranium mines in Arnhem Land and Alligator River despite local Aboriginal opposition. Promised national land rights laws were a long way off, Aboriginal reserves were being reduced, and Aboriginal welfare programs were being cut back (Norman, 2015). The ATC's members had embraced the Whitlam government reforms with optimism. Now they could only look on as Malcolm Fraser's conservative government wound back those hard-fought legislative concessions for Aboriginal rights one by one.

Limited legal recourse and failing legislation

Not only was the Fraser government approving mining across northern Australia against the interests of traditional owners, it was also retreating from pressuring the states, particularly Queensland and Western Australia, to recognise Aboriginal land rights. The declining political will to advance Aboriginal rights was also matched by a court decision that ruled against any questioning of the legality of settler sovereignty (in *Coe v Commonwealth of Australia and the Government of the United Kingdom of*

Great Britain and Northern Ireland [1979] 18 ALR 592). It is also important to describe the role of Aboriginal representatives of the day, which tends to get lost in the ATC's narrative. The National Aboriginal Conference (NAC) was established in 1977 to provide a forum for Aboriginal views and advice to government. At elections in November 1977, 35 representatives (later 36) from across Australia were chosen.

Like the ATC, the NAC was motivated to push for a treaty at a time of ever diminishing government will and interest in Aboriginal rights and justice, and after several failed attempts to obtain recognition of Aboriginal land rights through the courts. As referenced above, the 1979 Coe case, brought by Paul Coe, a Wiradjuri man, had argued that White sovereignty and dominion had been 'wrongfully proclaimed over the continent'. Dismissing his argument, Justice Gibbs found that 'the contention that there is in Australia an [A]boriginal nation exercising sovereignty, even of a limited kind, is quite impossible in law to maintain' (cited in Fenley, 2011: 376). The High Court also held that the Commonwealth's sovereignty could not be challenged in a court that exercised jurisdiction under that sovereignty (Fenley, 2011: 376). As Judith Wright noted (1985: 96) after the 1971 Blackburn judgment in the Nabalco case and the Coe case, 'the legal system offered no immediate way forward, and since legislation had been shown to be failing to protect Aboriginal interests' a new path was needed.

At the NAC's second national conference in April 1979 it resolved to request that a 'Treaty of Commitment' be executed between the Aboriginal Nation and the Australian Government (AIATSIS, 2019). This call came within weeks of the unsuccessful verdict in the Coe case. The NAC call for a treaty, as Fenley (2011) shows, echoed many of the claims of the court case: a treaty would acknowledge that Aboriginal sovereignty existed prior to British occupation and that these sovereign rights had not been extinguished. It would also demonstrate that the British Crown had unlawfully proclaimed sovereignty and dominion over Australia and would provide a pathway for a more just and respectful relationship between Aboriginal people and the Australian state.

While the ATC conducted its advocacy among Australians of European descent, the ATC's work also involved Coombs and ATC members engaging in debates within the Aboriginal community about the future of recognition of Aboriginal rights. That is, while the ATC's advocacy of a particular position emerged because the Commonwealth's interest in advancing Aboriginal rights, particularly land rights, was weakening, it also emerged alongside Aboriginal debates about the best strategic option for securing those rights.

Media items

As mentioned above, this study analyses a selection of six newspaper articles published between June and September 1979 that referred to the work of the ATC.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
CT1	The Canberra Times	Coombs calls for treaty to protect Aborigines	Unattributed	Dr H. C. Coombs has called for a Government-sponsored treaty that would end aggressive acts by prospectors and mining companies against Aborigines.	6 June 1979	11
CT2	The Canberra Times	Group calls for treaty with Aborigines	Peter Goldie	A group of prominent Australians, including academics, professionals, churchmen and artists, have sponsored a call for a treaty between white and Aboriginal Australians.	20 August 1979	1
CT3	The Canberra Times	Professor backs Treaty call	Unattributed	Current policies and practices in Aboriginal affairs were bitterly criticized by one of Australia's leading anthropologists and students of Aboriginal affairs, Professor W. E. Stanner, yesterday.	23 August 1979	9
NH1	The Newcastle Herald	Aboriginal treaty	Unattributed (editorial)	THE PRIME Minister, Mr Fraser, had nothing to lose by telling the dissident Aborigines camped on Canberra's Capital Hill that he was willing to discuss with the National Aboriginal Conference "the concept" of a treaty with the aboriginal people.	4 September 1979	2

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
CT4	The Canberra Times	Aboriginal Treaty 'high priority' for Labor	Unattributed	The Labor Party was giving high priority to considering a plan to establish a treaty with Aborigines, the Opposition spokesman on Aboriginal Affairs, Dr Everingham, said yesterday.	4 September 1979	8
CT5	The Canberra Times	Beware of PM's offer, group told	Unattributed	Aboriginal organisations should be wary of the offer by the Prime Minister, Mr Fraser, to discuss the proposed Treaty of Commitment, the chairman of the Victorian Aboriginal Health Service, Mr Bruce McGuinness, said yesterday	4 September 1979	11

Table 2: Aboriginal Treaty Committee selected media

On 6 June 1979 *The Canberra Times* reported Coombs' talk on the ABC Sunday night program *Guest of Honour* in his capacity as head of the Australian Conservation Foundation (CT1). The article reported at length the concerns Coombs raised about Aboriginal land in northern and central Australia being 'invaded', where traditional land-owners had little power to resist. He argued Aboriginal rights in land in Western Australia and Queensland were 'utterly denied' (CT1). The journalist also explained the newly formed ATC's intentions and constitution, saying:

A group of concerned White Australians had recently been formed to sponsor action to initiate negotiations for such a treaty. The group had sought to identify the principles that should underlie the terms of a treaty and the issues that needed to be dealt with in it. It was hoped that the Government would recognise the need to deal with Aborigines justly and as full and equal citizens.

The article quoted Coombs' view that a treaty would need to 'establish a kind of constitutional basis for the relationship of Aboriginal Australians to Australian society generally'. An important aspect of this news article, and its reference to Coombs' presentation of his argument on the ABC a few days earlier, is the careful shaping of the discourse. Coombs first lays out a challenge saying, 'Whether this

action succeeds depends not upon governments, but upon the people of Australia.' He goes on to outline a shared reference point, 'We have long had an image of ourselves as an easy-going, tolerant people, suspicious of power and pretension, but willing always to give a man a fair go.' The journalist concludes, 'The land-rights issue and the proposal that a treaty be drawn up was, in the eyes of the world, the test of Australians' right to that image, as it was to their sense of humanity and justice' (CT1). This first article introducing the ATC contains some important elements. It draws on an earlier media announcement, quotes Coombs at length, describes Coombs' views and proposition sympathetically and cites him without criticism or counter views. While no Aboriginal sources are quoted, the story refers to European Australian identity and values, and the idea of national reputation, to mobilise White support for far away Aboriginal rights to land.

The next news media report comes two months later, on 20 August 1979, again in *The Canberra Times*, although this time on the front page (CT2). Titled 'Group calls for treaty with Aborigines', it announces the launch of the ATC 'where a group of prominent Australians ... have sponsored a call for a treaty between white and Aboriginal Australians' (CT2). The ATC had sponsored a full-page advertisement in *The National Times* calling on the government to organise a meeting to propose the basis of negotiations. The news article reports on the advertisements and notes the signatures of 80 sponsors including of the United Nations Association and Human Rights Council and prominent Australians from the arts, academic and literary communities. The article repeats the text of the paid advertisement:

we, the undersigned Australians of European descent, believe that experience since 1788 has demonstrated the need for the status and rights of Aboriginal Australians and Torres Strait Islanders to be established in a treaty, covenant or convention freely negotiated with the Commonwealth government by their representatives.

The ATC had stated,

We believe there is deep and wide concern among Australians of European descent that our ownership of this land, as defined in the imported European law, should still be based solely upon force, without any documentary recognition of the quality and courage of those who were conquered.

Coombs, as ATC chair, is quoted saying, 'It is time to right this wrong'. An important comment in the article was Coombs' explanation that the committee did not 'specify the contents of a treaty', but 'would give its support to movements that were developing within the Aboriginal community' (CT2).

A few days later, on 23 August 1979, the *Canberra Times* reports that the prominent anthropologist Professor WEH Stanner, at the launch of a collection of his essays entitled *White Man Got No Dreaming: 1938-1973*, made a 'strong plea' for support for the treaty proposal (CT3). In this article Stanner speaks of his disappointment with progress in Aboriginal affairs which he says 'reduced aspects of official policy to a series of empty words'. Continuing Coombs' and the NTC's narrative, he appeals to national identity to make the case for a treaty, saying, 'We either make between us a new Australia or sentence ourselves to a Botany Bay in perpetuity' (CT3).

The next newspaper reports come a few weeks later, on 4 September 1979 and now refers to the response to the ATC's call for a treaty. On Tuesday 4 September, *The Canberra Times* reports that 'Aboriginal treaty "high priority for Labor"' (CT4). The article reports the Labor Party 'was giving high priority to considering a plan to establish a treaty with Aborigines', and quotes the opposition Aboriginal Affairs spokesperson that 'a properly concluded treaty would establish the status and rights of Aborigines in the Australian community'. The article reports that Labor's federal parliamentary sub-committee on Aboriginal affairs had been investigating the treaty proposal for several weeks and 'had talked with a committee of prominent Australians headed by ... Coombs ... as well as interested Aboriginal organisations'. The article highlights unfavourable international comparisons, which showed that comparable jurisdictions had negotiated treaties with Aboriginal peoples.

In the first and only discussion of the ATC and Treaty outside *The Canberra Times*, *The Newcastle Herald* includes an editorial titled 'Aboriginal Treaty' that reports critically on the Fraser government's promise of a treaty (NH1). The article said the Prime Minister 'had nothing to lose by telling the dissident Aborigines camped on Canberra's 'Capital Hill' that he was willing to discuss with the NAC 'the concept of a treaty with the Aboriginal people'. The article pointed out the 'careful wording' was something of a trick to end the 'embarrassing protest' (NH1). This is contrasted with the view of the NAC chair, Lyall Munro, who is quoted as welcoming the offer of talks. The article goes on to highlight that the NAC proposal to 'consult all his people on the terms they would seek' 'may not be easy'. The editorial flags that Aboriginal people do not 'speak as one voice', that the treaty would have to be more substantial than those negotiated by governments in New Zealand, Canada and US, that land rights are the key and that the government will have to take a stronger stand than it did over the Aurukun reserve in order for any proposed treaty to be viewed as 'more than an exercise in public relations'.

On Saturday 8 September 1979, *The Canberra Times* reported a more critical view of the government's position in relation to a treaty with the article 'Beware of PM's offer, groups told' (CT5). Quoting the chairman of the Victorian Aboriginal Health Service, Bruce McGuinness, who cautions: 'Our experience as a community survival program leads us to sound a warning, which is backed up by the experience of double-dealing in the Ranger agreement and other land and mineral-rights agreements'. McGuinness argues: 'We should be particularly wary of a government that does not give sufficient support to survival programs such as health services, to enable them to meet their people's needs, let alone trust such a government to give due and just compensation and land restoration.'

The report quotes McGuinness, in an argument similar to that made by the ATC, highlighting 'the paradox of Australia's overseas stance', 'Australia's affluence', and the 'affluent lucky country'. He puts Aboriginal people's view of their limited ability to 'respond to or refute Mr Fraser's careless handling of the truth', and decries representation which sees Aboriginal activists 'condemned as ratbags and stirrers by the very people who oppress us'. This is the last article that covers the treaty debate. It offers a similar discourse to that which commenced with Coombs's announcement of the ATC, but it now also introduces Aboriginal voices which challenge and contest the representation of the issues by government and in the media reporting.

The actions of the ATC are reported differently from the actions of Aboriginal people who also contest the settler government, as evidenced elsewhere in this research. When Aboriginal rights concerns are framed by prominent and influential Australians they are covered differently from when the same demands made by Aboriginal citizens. Aspects of the ATC deep narrative—unfavourable international comparisons, Australian identity, justification of occupation—continue in coverage about the government's response to a treaty even where the ATC is not mentioned. That is to say, in the final article cited above the ATC narrative appears to continue to influence the discourse. However the ATC narrative, and the newspaper coverage, are silent on the debates of much longer standing which were continuing at the same time within the Aboriginal polity about a treaty, political futures and strategy. The media coverage of the ATC thus appeals to the validity of European occupation, identity and values in order to build support for a treaty to recognise and secure Aboriginal rights. In contrast, media discourse on the NAC treaty campaign represents Aboriginal-led concerns as disruptive and disputational, and calls into question the character of the activists who raise them.

Treaty history in Australia

The newspaper coverage of the ATC's call for a treaty does not reference the history and subsequent denial of Aboriginal efforts towards treaty, negotiation and agreement-making with colonial Australia. Yet the ATC's treaty campaign framed treaty as securing the moral and legal basis of non-Aboriginal occupation and national identity. It is worth noting that Aboriginal history was only just beginning as a field of scholarship and its influence on curriculum and national discourse was slight. The study of Aboriginal worlds was largely confined to anthropology and concerned with documenting traditional culture. Aboriginal lives in the cities and bush communities of south-eastern Australia, where peoples had negotiated their continued survival as land altered, resources dwindled and family structures changed, were being documented in academic texts only in exceptional circumstances. The anthropologist Jeremy Beckett's study of Aboriginal worlds in far western NSW (1958) and the sociologist Charles Rowley's (1970-71a; 1970-71b) urban and regional social disadvantage research are early examples. Stanner's call to historians to address the 'great Australian silence' in his 1969 Boyer lecture was only just beginning to be answered with Aboriginal history as an area of study and with new methodologies. The ANU based *Aboriginal History Journal* commenced in 1977 and Henry Reynolds' publication of *The Other Side of The Frontier* in 1981 finally heralded a structural shift in Australian historiography.

That new history offered a critical reading of past events which had been silenced by the dominant colonial narratives. Treaties and settlement offers from the Aboriginal side that intended to resolve hostility between Aboriginal and settler Australians, had long been a feature of the relationship, although none were officially recognised. A detailed study of the many offers of treaty, settlement and negotiation is beyond the scope of this study, but by 1972 the call for a treaty had become louder. In March 1972, activists setting up the Aboriginal Tent Embassy in Canberra called for a treaty, and that same month the Larrakia people from the region around Darwin petitioned the government with a similar message. As we saw in the earlier case study by Amy Thomas (this volume) this was rejected by the Prime Minister, William McMahon, who replied, in June 1972, that it was inappropriate to negotiate with British subjects as though they were foreign powers, and attributed the absence of treaty-making in Australia to the difficulty of identifying with whom to negotiate (Pitty, 2006: 51).

The NAC call for a treaty in the same month the Coe decision was handed down, as Fenley shows (2011), echoed many of the claims of the court case: a treaty would acknowledge that Aboriginal sovereignty existed prior to British occupation and that

these sovereign rights had not been extinguished; it would demonstrate that the British Crown had unlawfully proclaimed sovereignty and dominion over Australia and it would provide a pathway for a more just and respectful relationship between Aboriginal people and the state. In Fenley's analysis (2011: 378), it was NAC's call for a treaty that created a new impetus for discussions about sovereignty amongst the Aboriginal polity that included forming a distinct nation, with systems of land ownership and social and political organisation that qualified Aboriginal peoples to make treaties with other nation-states. As the NAC travelled across the country and discussed the treaty proposal, a number of different positions emerged that encompassed legal ideas, political theory and tactics.

Debates about sovereignty at this time fall into the categories identified by the political theorist James Tully. He characterised as 'separatist' Aboriginal political activity which aimed to gain rights outside the existing colonial authority, and as 'self-government' or 'self-determination' that which aimed to remain within it (Tully, 2000). Although debate within the Aboriginal community and to some extent outside it increased understanding of the treaty process, national political support for the project soon fell away. After several years and a change of government it was folded into the reconciliation movement and the announcement of ATSIC, as we will see in following chapters.

The National Aboriginal Conference (NAC)

The NAC's resolution of April 1979, addressed to the Prime Minister, Malcolm Fraser, and all members of parliament and calling for a treaty between Black and White Australia, soon came to be highly contested on a number of different fronts. The ATC was actively participating and encouraging the debate at this point. Part of the contestation from within Aboriginal worlds was in relation to political authority. By November 1979, the government appeared to support discussion of a treaty with the NAC and funded consultation, not for a treaty, but a Makarrata, borrowing a Yolngu word signifying a punishment to end a dispute between communities and mark the resumption of normal relations. The Yolngu concept had been introduced to the White public in Stanner's 1969 Boyer lectures. As Langton (2001) reminds us, the details of warring parties and 'the drawing of blood' were unlikely to have been comprehended by the Minister for Aboriginal Affairs. The shift in language from treaty to Makarrata was also viewed with deep suspicion among Aboriginal community members, who feared a Makarrata would have less legal standing and

political authority than a treaty. The Wiradjuri intellectual and poet Kevin Gilbert (1980), in the *Aboriginal and Islander Message* (AIM), wrote a scathing critique. Writing in capitals 'DANGER, DANGER, DANGER', he warned: 'We are being tricked,' before elaborating details of the NAC 'sellout' which called for a Makarrata over a treaty (Gilbert, 1980: 5).

Read's (2006) interviews with Aboriginal people from the NAC and other organisations reveal diverse attitudes to the treaty and ideas about tactics for achieving it. Some thought the NAC's demands unrealistic. The NAC's method of consultation was widely condemned (Bonner cited in Read, 2006). There was widespread suspicion towards government, and doubt that it would honour any agreement. Peter Yu, a Yawuru man from Broome, pointed to the recent Noonkanbah mining project and government sponsored invasion as showing that Aboriginal governing bodies must enforce negotiated decisions in order for their communities to be safe from arbitrary closure (Read, 2006: 34). Some interviewees shared concerns about issues such as symbolism versus implementation, and that 'the only long-term protection of our rights is through economic strength ... and the only way that can be achieved is through land rights' (Foley in Read, 2006: 34). Others feared a treaty would sign away or limit options for future generations: Paul Coe asked, 'Will it lock us into a future position that we don't wish to be in?' (cited in Read, 2006: 35).

Aboriginal people interviewed by Read (2006) highlighted the potential conflict between the federal government and the states over a treaty, following such disputes over land rights, and concern that a treaty could include rights to health and education, given that this was already a general obligation of the state. Others felt progress in Aboriginal affairs had occurred through small-scale action and hard work rather than grand gestures such as a treaty. Teacher, lawyer and activist Pat O'Shane was concerned that the treaty movement took up a lot of energy that could be more usefully applied elsewhere. Marcia Langton raised similar concerns, pointing out that the success of securing health and legal services reflected dynamism and innovation whereas a treaty risked fixing aspirations in time. Wiradjuri man Paul Coe, on the other hand, suggested future court challenges could yet disprove a number of assumptions about Aboriginal citizenship and land rights; he favoured an Aboriginal bill of rights by constitutional amendment that would override state powers. In a rare engagement with the ATC discourse, Eric Wilmott, then head of AIATSIS, was concerned that White people might be thinking that a treaty 'ended hostilities', and that 'the war's over'. The benefit, he reasoned, for the White person is 'the legal right to be Australian, to be part of this place' (Wilmot cited in Read, 2006: 35).

Aboriginal agency

The ATC advocated a treaty to secure Aboriginal rights through a discourse of nationalism, drawing on deeper historical narratives of Australian values and identity, and pointed to Australia's unfavourable international reputation to gather support for more secure Aboriginal land rights and justice. Yet the work of the ATC was coinciding with another development that went unnoticed in the mainstream media: the emergence of an 'Aboriginal public sphere', debating Aboriginal futures through Aboriginal media, forums and new organisations.

Throughout this time, the political authority of the NAC was facing an increasing challenge from the newly-formed Aboriginal land councils. These became forums for advancing and debating alternatives to a treaty as ways to secure Aboriginal rights. Fenley (2011) explains how over this period language, definitions, legal concepts and political tactics were being explored in debate and writing about sovereignty, separatism, self-government, and self-determination. The newly formed Federation of Aboriginal Land Councils (FALC), at its first meeting near Alice Springs on 27 November 1981, criticised the NAC and its call for a treaty. The FALC position as enunciated by then chair, Patrick Dodson, condemned the NAC and characterised the federal government initiative for a Makarrata as a 'confidence trick'. FALC held that there should be 'No agreement between Aborigines and White Australians' until the federal government 'comes to terms with the fact that we are a sovereign people, not a subjugated people'. FALC viewed the NAC as having no 'authority or mandate' from Aboriginal people to negotiate a treaty: 'A treaty is rejected ... because of insufficient consultation with Aborigines, doubts of its significance and/or consequences, and because it would legalise occupation and use of Aboriginal lands by the Australian settler state' (Treaty News, 9). FALC, as summarised in *Treaty News*, argued Aborigines were a nation in their own right, never having ceded sovereignty over Australia by way of a treaty (Treaty News, 9).

Conclusion and findings

Writing in 1983, Coombs announced the ‘winding up’ of the ATC with two key events—a conference in November at the ANU titled ‘Public issues conference on international law and Aborigines’, and Wright’s book (1985) that would tell the story of the committee’s work, set out its case for a treaty, and describe the developing understanding of the urgency to right wrongs. Coombs (1983) says, ‘We believe this story is one of success, of a slow but cumulative change in the level of consciousness in White Australian society’. As Wright (1993) points out, at that time the ATC were optimistic about the Hawke Government’s pre-election promises to Aboriginal and Torres Strait Islanders. The ATC believed that Hawke’s promises would fulfil Aboriginal needs, and make their own role as advocates untenable; Hawke’s election promises ‘were so generous that it was unlikely that it [the ATC] could continue to function on donations from the public, at least at the level which had been maintained before the Hawke government took office’ (Wright, 1993: 32).

The ATC campaign for a treaty was an organised intervention that sought support for advancing Aboriginal rights through a narrative of ‘White belonging’. The media, mostly Canberra based, reported the views of ATC representatives at length. But as briefly shown in this case study, the campaign coincided with the emergence of Aboriginal intellectuals who were debating with increasing confidence their own ideas and strategies about the place of Aboriginal worlds in relation to national political discourse—debates in which the concept of White belonging, the concerted narrative of the ATC, could have no place.

Following the election of the Hawke Government, Coombs wrote to the Prime Minister Hawke on 21 February 1984, announcing the end of the ATC, and putting a range of proposals for how a treaty with Aboriginal people might be advanced. Shortly afterwards, a Hawke government review, in which Coombs was also involved, reported unfavourably on the achievements of the NAC, and it was closed down in June 1985 (see Thomas, this volume). However, with the Barunga Statement 1988, Aboriginal people again revive the key themes from this period, and lead a renewed campaign for a treaty (see Allam, this volume).

The 'quite historic' compact that wasn't: media silence and the 1983 Two Hundred Years Later report

Amy Thomas, University of Technology Sydney

Introduction

'A consensus on this issue would make Mr Hawke quite historic'—so declares the editorial of *The Canberra Times* on Friday 16 September 1983, urging the then Labor Prime Minister, Bob Hawke, to act on the recommendations of the Senate Standing Committee on Constitutional and Legal Affairs (hereafter the Senate Committee). The *Two Hundred Years Later...* (hereafter *THYL*) report which had landed on his desk had been commissioned by his predecessor Malcolm Fraser (August, 2010). For today's reader, the report is fascinating as the first government document to recommend constitutional reform as a pathway to a compact between the Aboriginal polity and the Australian government. At the time, too, it was highly controversial: as the previous case study outlines, there was a complex and highly-developed debate inside Aboriginal worlds over the utility and purpose of a treaty or treaties, and the difference between a treaty and a Makarrata¹. The report extended this into debate over a compact (Norman, this volume; Read, 2006). The report's rejection of Aboriginal sovereignty and thus a treaty, which they conceived as undertaken between two separate nations, reflected the debate between the National Aboriginal Conference (NAC), a government-linked representative Aboriginal body, and the new Federation of Aboriginal Land Councils (FALC), over the feasibility of asserting sovereignty in achieving agreements with government (*The Canberra Times*, 1981d).

In its opening, *THYL* declares its understanding of the need for a 'reappraisal or reordering' of the relationship between Aboriginal people and the Australian community, which is currently 'inequitable, unjust and immoral' (Commonwealth of Australia, 1983: 127). The purpose of such a resetting of the relationship would be 'not only to atone for the past but to establish a firm foundation for the future'

1 As per Norman (this volume), the term Makarrata is used instead of *makarrata* to distinguish between the federal government Makarrata and *makarrata* as a term in Yolngu Matha languages.

PARLIAMENT

Referendum recommended for treaty with Aborigines

Any move to implement a treaty between the Government and the Aboriginal people should be done by way of a referendum, a Senate committee has found.

The Standing Committee on Constitutional and Legal Affairs said the best way of achieving such a treaty, or Makarrata, would be by inserting a clause in the Constitution which would require a referendum.

However, the committee's two-year inquiry has thrown up some major obstacles to the negotiation of a compact — a major one being who should represent the Aboriginal people in such a deal.

It also pointed out that the treaty concept was not well understood by both sides and evidence from Aborigines indicated it was a competing priority with other needs such as compensation for land, adequate housing and better health and welfare facilities.

The committee report, tabled in the Senate yesterday, said the main objective of a treaty appeared to be a means for working towards a compact con-

temporaneously with the resolution of specific issues.

Such a compact would go beyond simply being the sum total of a shopping list of demands for compensation in one form or another for the injury done to the Aboriginal people since the time of European settlement.

It would be the formal symbol denoting the achievement of a sound footing in the relationship between Aboriginal and non-Aboriginal Australians.

It would witness the establishment of a totally new framework within which this relationship would be conducted.

The question of who the parties should be was a significant issue which emerged during the inquiry.

The Aboriginal community lacked a universally accepted representative political institution, the report said.

While favouring the National Aboriginal Conference to carry out the negotiations, the committee called on the body to seek re-establishment as an independent

statutory authority with an increase in membership to allow it to become more representative.

The report said the committee was concerned that the movement for a compact be a true expression of the desire of the Aboriginal people and not a concept forced on them.

The compact would be a recognition that the Aboriginal people have a legitimate right to claims, not as a disadvantaged group within the Australian community, but as recognised previous owners of the Australian continent.

The committee ruled out the type of treaty deals carried out in countries such as New Zealand, the US and Canada.

The report said these treaties were, for the most part, imposed by a powerful colonising nation on an indigenous population with no choice other than to agree to the terms.

What rights the indigenes now had arose not out of the treaties, but out of the domestic law applying to everyone within the nation's territorial boundaries.

However, to ensure that the negotiation process progressed in Australia, a major education program involving both sides was needed.

The report said there was a sufficiently informed and committed non-Aboriginal sector to provide a resource from which a future nationwide community education program could be based.

"There still remains a significant lack of understanding of the concept among the wider non-Aboriginal community," the report said.

"There would be no point in putting a question of such significance to the Australian electors and expecting the necessary majorities to assent unless a widespread discussion of the issues had occurred in the years preceding a referendum.

"... A long process of discussion of the idea of a compact would be required as a sound base for the actions of the elected representatives of both parties to the compact".

The first *Canberra Times* article covering the Two Hundred Years Later report conflates the terms 'treaty', 'Makarrata' and 'compact'. *The Canberra Times*, 1983.

(Commonwealth of Australia, 1983: 127). However, the report's release was largely ignored by the NSW and national print news media of the time: *The Canberra Times* published the only detailed reportage (CT1 and CT2), although a short summary was printed in *The Australian* which included much of the same text as the *Times* (AUS1). Today, the report's central concerns, the negotiation of a compact and constitutional reform to secure it, remain unresolved. This near 40-year wait may not have been what the report's authors had in mind when they called for a long process of education and deliberation in order to achieve change.

The Canberra Times

Friday, September 16, 1983

ABORIGINAL PROGRESS

"HOW THEN do we deal with the Aboriginal dead? White Australians frequently say 'all that' should be forgotten ... forgetfulness is a strange prescription coming from a community which has revered the fallen warrior, and emblazoned the phrase 'Lest We Forget' on monuments throughout the land ... If we are to continue to celebrate the sacrifices of men and women who died for their country, can we deny admission to fallen tribesmen? ... If they did not die for Australia as such, they fell defending their homelands, their sacred sites, their way of life."

That passage from 'The Other Side of the Frontier', by Professor Henry Reynolds (Pelican), is quoted in this week's report of the Senate Standing Committee on Constitutional and Legal Affairs, which inquired into the feasibility of a compact or *makarrata* between the Commonwealth and Aboriginal people. The committee quoted other passages from the book, which it described as an "analysis of great value". Now the committee has supported the need for a national compact with what it calls "the necessary legal security". Its recommendations, which are enlightened but politically and legally realistic, come more than eight years after the Senate unanimously adopted on February 20, 1975, Senator Bonner's historic motion accepting "the fact that the indigenous people of Australia, now known as Aborigines and Torres Strait Islanders, were in possession of this entire nation prior to the 1788 First Fleet landing at Botany Bay". It urged the Australian Government "to admit prior ownership by the said indigenous people".

The committee concludes that "as a legal proposition, sovereignty is not now vested in the Aboriginal peoples, except in so far as they share in the common sovereignty of all peoples of the Commonwealth of Australia". Accordingly, it prefers a compact to a treaty. In the context of domestic politics, the conclusion is wise, whatever Aboriginal Australians may think, and many will strongly disagree. Senator Tate (Lab, Tas), the committee's chairman, is both lawyer and politician. He represents the best contemporary thought on what is possible, given the state of electoral opinion.

However, that opinion, which has developed remarkably in recent years, is likely to change even more as international interest in the Aboriginal issue becomes much greater. The committee quoted the Aboriginal Legal Service's own view that the International Court of Justice could not be of practical help. But it also quoted Professor Nettheim, of the University of NSW, for the opinion that "the 1980s will see the emergence of some new human-rights convention to provide a basis in international law for protecting the rights of indigenous minorities. There will be pressures on Australian Governments to ratify such a convention and to comply with its terms." If this does indeed happen, then electoral opinion in Australia will begin to want a compact.

Conference at ANU

The committee's recommendations are addressed to this period, which is still some years ahead. Meanwhile, Aborigines such as Mr Paul Coe, the young lawyer who addressed the United Nations Working Group on Indigenous Peoples in Geneva last month, are working effectively to bring the period much closer. Already, the ANU is making 'International Law and Aborigines' the subject of one of its major conferences on policy issues of public importance, to be held on November 21 and 22. Among the international lawyers who will join Aboriginal lawyers and political leaders at the conference will be Judge Berger, of British Columbia, and Professor Barsh, of Washington University, Seattle.

As if to prepare for the compact, which according to the committee will become possible only after a popular referendum has conferred power on the Australian Government under Section 105a of the Constitution, both the Commonwealth and the Aborigines are moving steadily to make their relationship one which is truly national. The Minister for Aboriginal Affairs, Mr Holding, has committed himself to introduce in the Budget session next year legislation on land rights and compensation which will apply uniformly throughout Australia, superseding where necessary State legislation. He believes that the High Court judgment on the Franklin River dam has confirmed the Commonwealth's constitutional power. Whatever the electoral situation next August, Mr Hawke's Government will have to honour Mr Holding's commitment, on time.

As for the Aborigines, they have been "nationalising" themselves for some years. Their medical services, based at first in cities, have come together in the National Aboriginal and Islander Health Organisation. Their legal services, which had the same initial basis, have become the National Aboriginal and Islander Legal Services. Their land councils, some of them statutory bodies funded by the Commonwealth Government and some of them popular bodies without official funds, have formed the Federation of Aboriginal Land Councils. (Here, Mr Holding has to be reminded that the North Queensland Land Council is still without a Federal grant, despite a Labor policy promise.) Finally, the Aboriginal Development Commission, chaired by Mr Charles Perkins, has always exercised a national role.

As for the National Aboriginal Conference, Senator Tate's committee wants it "to co-ordinate Aboriginal opinion during the negotiation process and, once negotiations are completed, to conclude the compact on behalf of the Aboriginal people". The NAC, grossly under-funded by the Fraser Government, managed to retain its unity under the chairmanship of Mr Nicholas. Now its budgetary grant has been doubled, and Mr Holding is taking it very seriously. He must be steadily sustained in his difficult work by Labor's Cabinet and caucus, and especially by the Prime Minister, Mr Hawke. A final consensus on this issue would make Mr Hawke quite historic.

The second *Canberra Times* article, published two days later, recognises an emergent national Aboriginal polity. *The Canberra Times*, 1983.

The media silence surrounding this moment accords with other findings in this study: that the emerging Aboriginal concern with sovereignty was misunderstood, disregarded, or even denied, by the media analysed here. One of the articles, CT1 ('Referendum recommended for treaty with Aborigines'), is unable to differentiate between the concepts of treaty, Makarrata and compact, even though the distinction between them was highly significant for the then Hawke government's program, and was a crucial point of disagreement within the Aboriginal polity (Norman, this volume). This analysis finds that both articles are underscored by a deeper narrative assumption that national unity, in the form of non-Aboriginal agreement to an agreement-making process, must be achieved before a referendum could succeed. The conception of sovereignty embedded in the Aboriginal push for a treaty or Makarrata is, both in the Senate Committee's report and the articles analysed, denied. Within these texts there is some recognition of the growing Aboriginal polity in the push for an agreement-making process: this complexity is either understood as proving Aboriginal readiness to engage in sophisticated decision-making, or it is cast as a concern for the feasibility of negotiations.

In the light of growing public and political interest in constitutional reform with the 2017 Uluru Statement from the Heart, this study contributes to a small historiography on the political debate over agreement-making and the emerging Aboriginal polity in the early 1980s.

Methodology and media items

THYL's release attracted very little media attention—the three articles chosen appear to be the only pieces published within one month of the given policy moment. The selected media are dated from after the release of the *THYL* report on Tuesday 13 September 1983. No central digitised database exists for Australian media after 1955 and before the mid 1990s; these articles were sourced through the NSW State Library's archives and the Trove database, which has digitised *The Canberra Times*. With the exception of the concluding paragraph, *The Australian*'s only article on the report at the time (AUS1, 'Call for referendum on Aboriginal treaty') was repeated the five opening paragraphs of *The Canberra Times* article (CT1). Therefore, I have not subjected it to separate analysis, and have instead focused on the story, discourse and narratives as presented in the two pieces from *The Canberra Times*.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
CT1	<i>The Canberra Times</i>	Referendum recommended for treaty with Aborigines	Unattributed	Any move to implement a national treaty between the Federal Government and the Aboriginal people should be done by way of a referendum, a Senate committee has found.	14 September 1983	15
CT2	<i>The Canberra Times</i>	Aboriginal Progress	Unattributed	“How then do we deal with the Aboriginal dead?” White Australians say “all that” should be forgotten.	16 September 1983	2

Table 3: Two Hundred Years Later report selected media

Media ecology

Although metropolitan newspapers enjoyed a significant readership in the 1970s (Thomas, this volume), this readership has decreased continually since then. In 1984 the total circulation of Australian daily newspapers reached 29.01 per cent of the population (compared to 8.9 per cent in 2014) (Tiffen, 2015). Colour television began in 1974, but news radio did not take off until the late 1980s. Thus, while these non-print media sources may have marked the beginning of print news media's decline in circulation, their impact was not as severe as the drop off in print media circulation post-2008 (Tiffen, 2015). *The Canberra Times* began publication in 1926, but it is not known what its circulation figures were during the period of the case study. Fairfax's share of national circulation in 1984 was 23.7 per cent, according to Rodney Tiffen (2015), although we can assume the reach of the *Times* would not have been more extensive than the large regional newspapers.

The highly limited nature of reportage demonstrates that only the Canberra-based Fairfax press, potentially influenced by the proximity of the Aboriginal Treaty Committee (Norman, this volume), considered the Senate Committee and its findings newsworthy. The fact that it published an editorial indicates that *The Canberra Times* considered the *THYL* report an issue of national political importance. *The Canberra Times* is influential in the nation's capital, but arguably less among the wider, largely urban, Australian populace, both Aboriginal and non-Aboriginal. The print media coverage analysed here, then, reached a small and select audience in

the nation's capital only, but at a time where the *Times* may have been the primary source of daily news for many Canberrans. Whether the media's silence and failure on this issue contributed to the eventual failure to implement the Senate Committee's recommendations is a matter for speculation.

Situating the literature and deeper context

The *THYL* report emerged at a time of growing interest in treaty discussions. While the 1967 referendum gave the Commonwealth the ability to make laws on behalf of Aboriginal people (Taffe, 2005), and the Whitlam era opened up a period of government support for what it called self-determination or self-management, by the late 1970s, many were frustrated by the slow pace of change (Clark, 2008). When in response to a petition from the Gwalwa Daraniki in June 1972 then Prime Minister, William McMahon, declared it was not appropriate to negotiate with Aboriginal people as a foreign power, the Gwalwa Daraniki were prompted to pursue direct contact with the royal family (Thomas, this volume; Pitty, 2006; Wright, 1985). But by the early 1980s, discussions about a treaty or Makarrata were re-emerging as a way to handle the unresolved questions of land rights and sovereignty that gained prominence through the 1970s. As Lisa Strelein (2006) has pointed out, land rights compels a recognition of prior land occupation, and the existence of Aboriginal societies as political collectives, as does a treaty or treaties: 'Collective ownership of land based on Indigenous peoples' status as law-makers necessitates the recognition of a sphere of authority and autonomy in its administration'. This is also linked to the demand for the recognition of rights specific to Indigenous peoples, rather than treatment of Indigenous peoples as a minority group similar to other Australian minority groups (Rowse, 2006).

To some extent, conflicts over land rights emerged within conflicts between the Commonwealth and the states over the recognition of title. This provoked discussions about how a treaty or treaties might provide security of land tenure into the future. Two incidents, however, confirmed the Commonwealth's unwillingness to challenge the states' prerogatives. The first was a dispute at Aurukun, formerly the Archer River Mission, in 1982, after the Commonwealth tried to purchase the lease and was blocked by the Queensland government, led by then Premier Joh Bjelke-Petersen. The second was the Noonkanbah dispute in 1979–80, when the Western Australian government led by Richard Court fought for petroleum development on a pastoral lease that had earlier been transferred to Aboriginal ownership (Rowse,

2006). These incidents punctuated the debate over what kind of Commonwealth-based agreement would be necessary to recognise Aboriginal sovereignty and land ownership. Some came to see a treaty or treaties as a means of guaranteeing rights that governments had otherwise proved willing to ignore.

Also in the background was the case brought unsuccessfully by the Wiradjuri man and Sydney-based barrister, Paul Coe, who had challenged British sovereignty in the High Court of Australia (in *Coe v Commonwealth of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland* [1979] 18 ALR 592, see also Norman, this volume). Coe's challenge claimed, in part, that the British had 'unlawfully dispossessed certain of the Aboriginal people from their lands and [had] prevented certain members of the Aboriginal community from entering into possession of their lands'. The Coe case also noted the Senate resolution introduced by Senator Neville Bonner in 1975 recognising prior Aboriginal ownership of the Australian continent (cited in Atwood and Markus, 2001: 291–92). Coe's loss continued the history of judicial denial of Aboriginal prior occupation and the ongoing Aboriginal claim to land that persisted until, and arguably after, the Mabo judgement of 1992 (Whittaker, this volume).

As Heidi Norman discusses (this volume), the proposal for a treaty or treaties also gained momentum with the establishment of the National Aboriginal Conference (NAC) in 1977 and the Aboriginal Treaty Committee (ATC) in 1979. However, the form of the treaty sparked government concern. Michael Anderson, research director for treaty-Makarrata and international political issues for the National Aboriginal Conference from 1981 to 1985, claims that:

... the Federal Attorney-General's Office argued that the Government should avoid the use of the term Treaty because of its International connotations. The advice went on to also say that the National Aboriginal Conference, being the only nationally elected body, represented national unity and that they could legitimately argue for acceptance as a federation of Nations using the American Indian models, thereby calling for a right of self-determination under international law. It was stated in the advice that in any agreement the Government must be explicit in their terminologies in order to ensure that such rights would not be automatic and that international law would not be applicable to this Makarrata/Treaty.

In response, the NAC declared it wanted a Makarrata in order to avoid the 'two nations' debate and possible implications:

It makes it clear this is intended to be an agreement within Australia between Australians. If the agreement is called a treaty it could also be seen as an international agreement between two sovereign nations. A treaty between two separate nations can be registered with the United Nations and protected by international public opinion. The federal government has indicated it does see the agreement in this way.

Their demand was made in time for the Commonwealth Heads of Government Meeting (CHOGM) 1981 (*The Canberra Times*, 1981a). After its decision, the NAC engaged in a process of national consultation (*The Canberra Times*, 1981b) which included a draft Makarrata (*The Canberra Times*, 1981c).

At the time, the Prime Minister, Malcolm Fraser, broadly supported the call, as did the Labor opposition. Senator Fred Chaney, then Minister for Aboriginal Affairs, concurred, and announced the inquiry to be conducted by the Senate Standing Committee on Constitutional and Legal Affairs on 20 September 1981 (*The Canberra Times*, 1981e). The Aboriginal Treaty Committee's influence seems palpable: Rowse (2006) notes that HC 'Nugget' Coombs and CD Rowley met with the ALP's national policy committee on Aboriginal Affairs before the inquiry was set up, and the ATC's members are quoted extensively in the opening sections of the inquiry's eventual report (Commonwealth of Australia, 1983; Norman, this volume).

The establishment of the inquiry was reported in *The Canberra Times* in a six paragraph article, 'Treaty for Aborigines', which noted that the Senate Committee would inquire 'into the feasibility of a treaty or Makarrata' with submissions due by 30 November 1981. The inquiry would look into constitutional and legal aspects of a treaty, and how it might be implemented. During the inquiry, the issues remained live: as Aboriginal people protested the Commonwealth Games in Brisbane in 1982, Labor's Indigenous Affairs Minister, Susan Ryan, promised national land rights legislation and a treaty (Foley, 2001).

As Norman (this volume) has noted, Aboriginal activist Kevin Gilbert, labelled the NAC's support for Makarrata over a treaty or treaties a 'sell-out', while the Federation of Aboriginal Land Councils (FALC) declared that the NAC was not a representative body equipped to negotiate (*The Canberra Times*, 1981d). While Anderson (n.d.) argues that there was tension amongst the Aboriginal polity over the realism of sovereignty claims, this was not reflected in the NAC's submission to the Senate Committee, which declared (cited in Atwood and Markus, 1999):

Since the colonisation of this country in 1788 by the British, Aboriginal and Torres Strait Islander people have maintained their sovereignty. In asserting this we maintain that our nationhood is a matter both of fact and law ...

We assert our basic rights as sovereign Aboriginal nations who are equal in political status with the Commonwealth of Australia.

That claim was rejected by the Senate Committee's report when it was eventually released. The *THYL* report declared that sovereignty was not invested in Aboriginal people, and argued instead for a compact, rather than a treaty, between Australians. On this basis, it made three recommendations. First, that the constitution should be amended by a referendum to give the Commonwealth power to negotiate a compact. A referendum, according to the report, would also be a way to win the support of the broader public. Second, it recommended that the NAC be expanded and be granted independence from government, as the best-placed body to negotiate a compact on behalf of Aboriginal peoples. Third, it recommended that a broad section of the Aboriginal community be included in the initial stages of consultation (Commonwealth of Australia, 1983).

Senator Michael Tate (a Labor Senator from Tasmania) was muted in his support for the recommendations when presenting the report to the Senate. He said in part (Parliament of Australia, 1983):

It is important to emphasise that the Committee's terms of reference did not require it to come to a conclusion as to the desirability or usefulness of the Makarrata concept ... Clearly such an agreement would only succeed if it were understood and supported throughout the whole Australian community ... However regrettable and ill-founded the views which led to the application of the settled colony principle with its historical consequences for the Aboriginal people, the Committee has concluded that sovereignty does not now inhere [sic] in the Aboriginal people ... they are not a sovereign entity under our present law so that they can enter into a treaty with the Commonwealth. Nevertheless, the Committee is of the view that if it is recognised that sovereignty did inhere [sic] in the Aboriginal people in a way not comprehended by those who applied the terra nullius doctrine at the time of occupation and settlement, then certain consequences flow which are proper to be dealt with in a compact between the descendants of those Aboriginal peoples and other Australians.

An important aspect of this approach is the symbolically important opportunity it would provide for the Australian people, by way of the necessary referendum to amend the Constitution, to show their commitment to the concept of a compact as a means of reconciliation between the Aboriginal and non-Aboriginal communities and as a means whereby the history of injustice and deprivation against Aboriginal people can in some measure be redressed.

However, Tate's tepid endorsement did not translate into the implementation of the report's recommendations. Read (2006) argues that while the government engaged in a process and set a deadline of 1988 for a referendum, little enthusiasm was expended. As Geoff Clark noted in a 2003 collection on Treaty (2003: vii) 'a resolution aimed at addressing the recommendations of the report put to the Senate by Clyde Holding in 1983 was never voted on.' Prime Minister Hawke, rather than bolstering the NAC as recommended, instead withdrew its funding (Foley, 2001). The exasperation among the Aboriginal polity at this delay was part of the motivation for the 1988 Barunga statement, as Lorena Allam explains (this volume).

Stories, Aboriginal agency and sources

CT1 is primarily a piece of reportage on the release of the *THYL* report, while CT2 ('Aboriginal progress') is an editorial written two days later. Both take the report's release as their starting point for the story and shape their discourses and narratives around the report's recommendations. For example, CT2 opens, 'A Senate Committee report has put forward a sensible proposal about how a "compact" may be achieved.' CT1 leads with the recommendation of a referendum, but it makes a substantial error. It misses the report's significant argument that sovereignty is no longer invested in Aboriginal peoples, and thus a treaty would be inappropriate; instead, a compact or Makarrata would serve the purpose of reconciling the relationship between Aboriginal and non-Aboriginal people. The headline 'Referendum recommended for treaty with Aborigines', and the use of the words 'treaty', 'Makarrata' and 'compact' to stand in for one another suggest that the paper misunderstood this important point. It is not missed, however, in the editorial two days later (CT2).

Both pieces lend the *THYL* report legitimacy by organising their reportage around its recommendations. CT1 focuses on arguments presented in the *THYL* report around the need for a referendum, the need to reset the relationship between Aboriginal and non-Aboriginal Australia, the need for Aboriginal representation, and the need

for public education. CT2 highlights the report's recognition of colonial violence, its 'enlightened but politically and legally realistic' argument that Aboriginal sovereignty is not possible but some agreement is needed for reconciliation to occur, and its consideration of the possibility of Aboriginal representation. While CT1 tends to assume that Aboriginal representation will be difficult, and that it would take totally Western political forms to resolve the issues ('The Aboriginal community lacked a universally accepted political institution'), CT2 recognises the existence of a national Aboriginal polity with some standing ('As for the Aborigines, they have been "nationalising themselves" for some years'). Both articles recognise the legitimacy of Aboriginal claims, but consider them largely in the light of official society's existing recognition. Neville Bonner is the only Aboriginal source quoted in either piece—specifically his 1975 motion for Parliament to recognise prior Aboriginal ownership of Australia. This choice of a parliamentary representative, quoted not as a commentator but in his historical parliamentary capacity many years earlier, suggests a preference for the legitimacy bestowed by official society to legitimate Aboriginal claims. This architecture of legitimisation arguably leads the writer of CT1 make significant errors, and to fail to unpack the complexity of the debate about sovereignty.

Discourses

A common discourse in both pieces concerns the idea that Aboriginal aspirations can be given legitimacy only or primarily through a referendum that wins the majority support of the Australian population—notable as a theme that continues to emerge in Aboriginal politics thereafter. CT1 records that the *THYL* report calls such a referendum the 'best way' to achieve an agreement. CT2 argues that because of 'the state of electoral opinion', Senator Tate's view 'represents the best contemporary thought on what is possible' by rejecting sovereignty. Thus CT2 argues that even though many Aboriginal people will 'strongly disagree' that sovereignty is a settled question, they will have to compromise. Both pieces also emphasise that education is needed because the Australian population in general should act as the decider on the issue.

Senator Tate (1983: 2) responded to CT2 with a letter to the editor, published on Monday 26 September, repeating his point that:

The committee's function was not to reach conclusions about the need for such a compact. Its task was confined to determining the steps which ought

to be taken to conclude a compact, should it be thought desirable by the Commonwealth government and representatives of the Australian people.

Though the government believed it had the power to pursue a compact regardless, the appeal of a referendum 'lies in .. [the] ... symbolic endorsement of the Australian nation' of Aboriginal aspirations. That Tate felt the need to correct CT2's argument that the report *endorsed* a compact, says much about the government's hesitancy to pursue its recommendations. However, CT1 and CT2 did both emphasise the role of 'the Australian people' (always assumed to be non-Aboriginal), and the idea that their prior support would be necessary. This discourse of national unity, told from a White standpoint, seems to assume a non-Aboriginal readership.

Deeper narratives

Indicative of the time of their writing, both pieces recognise the growing scholarship on the frontier wars and Australia's Aboriginal history. CT2 opens with a powerful quote from Henry Reynold's classic *The Other Side of the Frontier* (1981), 'How then do we deal with the Aboriginal dead?', which was published as the Senate Committee began its inquiry. That shift in the popular understanding of Australian history shaped debates and controversy in the decades to come, yet at that particular moment, both the Hawke government and the Senate Committee were ready to acknowledge that Australian settlement constituted an invasion which had been greeted with hostility by the custodians of the land. As CT1 notes, this acknowledgement helps underpin the argument for special Indigenous rights: 'The compact would be a recognition that the Aboriginal people have a legitimate right to claims.' Later this deep narrative shifts, as our studies of the 1990s and 2000s show: we see fear of native title and the narrative of 'practical reconciliation' emerge following these fresh debates about Australia's history (Whittaker, this volume; Payne, this volume).

In the articles analysed, however, this 'problem' of settlement must be solved with a compact because the alternative may be 'a shopping list of demands' (CT1), or 'some new human-rights convention to provide a basis in international law for protecting the rights of indigenous minorities' (Nettheim, quoted in CT2). We can see here how the narrative is shaped from the standpoint of the government and its concern to protect itself as the sovereign power. Ultimately, despite past mistakes, Aboriginal aspirations are rightfully subordinate to Australian sovereignty in this narrative.

Aboriginal communication texts

As the primary sources of the time, discussed above, show, the growing Aboriginal polity was discussing and debating with complexity, sophistication, seriousness—sometimes fiercely—what recognising Aboriginal sovereignty would mean, and what strategies and tactics would achieve a treaty or Makarrata. Yet *The Canberra Times* does not appear to have reached out to this Aboriginal polity to understand how the report was received, interpreted or debated within Aboriginal worlds.

Conclusion and findings

The findings demonstrate two main points. Firstly, there is a widespread media silence or failure to report on the release of the *THYL* report and its recommendations. Secondly, and perhaps linked to this, the articles that did appear contain a deeper narrative assumption that national unity, in the form of non-Aboriginal agreement to an agreement-making process, must be achieved through a referendum on a compact. Both in the Senate Committee's report and the articles analysed, the concept of Aboriginal sovereignty embedded in the push for a treaty or Makarrata is denied. There is, however, some recognition of the growing Aboriginal polity in the push for an agreement-making process. This is understood either as proving Aboriginal readiness to engage in sophisticated decision-making, or as a concern for the feasibility of negotiations. Reconsidering this media failure—and this unrealised moment of opportunity in agreement-making—seems prescient in light of the discourse around the Uluru Statement after its rejection by the Turnbull government in 2017, which presented treaty as necessarily 'separatist' (Norman, this volume). Writing in 2017 (216), Vivian et al argue that:

... apart from limited and highly circumscribed opportunities created through native title, cultural heritage laws and some states' land rights systems, the Australian state neither acknowledges Aboriginal and Torres Strait Islander peoples' status as distinct political collectives (nations, societies, communities, or however else they prefer to describe themselves) nor recognises their inherent rights to self-governance.

This 'limited and highly circumscribed' legal recognition of Aboriginal polities and their right to self-determination is also reflected in widespread media silence around the *THYL* report, and media failure to consider the import of Aboriginal sovereignty or Aboriginal standpoints.

'Like writing in the sand': Media discourse, the Barunga Statement and the Treaty '88 campaign

Lorena Allam

Introduction

1988 opened as a momentous year: an important anniversary that represented a potential turning point in the relationship between Aboriginal people and the Australian colonial settler state. In January, thousands of Aboriginal people from all over the country converged on Sydney Harbour to protest against the bicentennial celebrations, with catch cries like 'We have survived' and 'Don't celebrate '88' (Treaty 88, 1987). This marked the launch of the Treaty '88 campaign, a movement incorporating several groups demanding that settlers finally recognise Aboriginal sovereignty and make a treaty. Then in June, at Barunga, on Jawoyn country east of Katherine, the Northern Territory's (NT's) two biggest land councils gave the Prime Minister Bob Hawke the Barunga Statement, a historic declaration of demands and aspirations, carefully worded and hand-crafted by many Aboriginal nations. The statement was painted and written on bark, and presented by the chair of the Northern Land Council, Galarrwuy Yunupingu, and the chairman of the Central Land Council, Wenten Rubuntja (2002).

The Prime Minister, Bob Hawke, co-signed the Barunga Statement and set the end of 1990 as a deadline for a treaty (TA1, 'Hawke pledges Aboriginal treaty "before 1990"'). A major obstacle was the increasingly strident and dramatic statements of hard-right politicians in the Liberal Party, in particular the Liberal president, John Elliott, and the opposition leader, John Howard (TA3, 'Libs will not recognise Aboriginal treaty'). Notably, the Free Enterprise Association (1988: 4) took out a full page advertisement to denounce the process and to state what it called 'facts'—including that 'Aborigines have more legal rights than other Australian citizens'. The same approach had been used during various anti-land rights campaigns in the 1980s, and was perhaps an early example of 'alternative facts'. These statements set the tone for conservative responses to Aboriginal aspirations from 1988 onwards and began to appear in the media, often without interrogation (Murphy, 2014).



Representatives from the Northern and Central Land Councils at the Barunga Sport and Cultural Festival, 12 June 1988, Barunga, Northern Territory. Photographer: Christine Colton. Image courtesy of the photographer and the Northern Land Council.

Media items

Ten articles from the major Australian and NSW daily newspapers of the time—*The Sydney Morning Herald*, *The Australian*, *The Daily Telegraph* and *The Daily Mirror*—have been selected, covering the four days immediately after the Barunga festival long weekend in June 1988, which culminated in the presentation of the statement to the Prime Minister. The articles are set out in the following table.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
SMH1	<i>The Sydney Morning Herald</i>	Aboriginal pact: it's on	Glenn Milne	Barunga: the Prime Minister set a target date yesterday of early 1990 for the signing of an historic treaty with the Aboriginal people.	13 June 1988	1
TDM1	<i>The Daily Mirror</i>	Mr Hawke's Barunga Statement	Unattributed (editorial)	The Prime Minister has set himself a busy – some might say torrid – agenda for the next 18 months.	13 June 1988	8

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
TA1	<i>The Australian</i>	Hawke pledges Aboriginal treaty 'before 1990'	Anna Grutzner	Australia will have a treaty between Aboriginal and white Australians in the life of this parliament, following an agreement reached yesterday between the Prime Minister, Mr Hawke, and key Aboriginal land councils.	13 June 1988	3
TA2	<i>The Australian</i>	Thousands celebrate 40,000 years of culture	Unattributed	They came to Barunga in the Northern Territory in their thousands – from the Red Centre to the Top End – to celebrate 40,000 years of Aboriginal culture.	13 June 1988	3
TA3	<i>The Australian</i>	Libs will not recognise Aboriginal treaty	Unattributed	A treaty between Aborigines and white Australians would create a form of apartheid and prove a constitutional nightmare, the Leader of the Opposition, Mr Howard, said yesterday.	14 June 1988	1
TA4	<i>The Australian</i>	Lib MPs oppose Howard on Treaty	Peter Logue	Significant differences have emerged within the Liberal Party over the blanket rejection by the Leader of the Opposition, John Howard, of the Government's proposal for a treaty with Aborigines.	15 June 1988	1
SMH2	<i>The Sydney Morning Herald</i>	Treaty brawl grows	Ross Dunn	Canberra: the head of the Aboriginal Affairs Department, Mr Charles Perkins, reopened his public brawl with the Opposition yesterday by describing its policies as a "recipe for racial disaster".	15 June 1988	1
TA5	<i>The Australian</i>	A treaty for one Australian nation (editorial)	Unattributed	The Bicentennial year of 1988 has been one in which Australians have celebrated the symbols of their history.	15 June 1988	12

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
TA6	<i>The Australian</i>	Libs move to shore up Howard treaty attack	Suzanne Houweli	Federal coalition leaders yesterday moved to shore up the Liberal leader, Mr Howard, in his attack on the Government's proposed treaty with the Aborigines – but also prepared an escape clause.	16 June 1988	1
DMT2	<i>Daily Mirror (Telegraph)</i>	Libs revolt on Treaty	Michael Cameron	Opposition leader John Howard faces a new crisis today after a breakaway of senior Liberals over the proposed aboriginal (sic) treaty.	15 June 1988	5

Table 4: *Barunga Statement selected media*

Seven items are news reports, two are editorials, and one is an analysis/opinion piece by a special writer. Four are front page items, signifying the currency and importance of this developing story and its interest to readers.

The period being examined is brief—four days from 13 June to 16 June 1988—but analysis shows the reportage moves very quickly within that time. This analysis measures a series of data points including sources quoted; the relative size and position of the article within the publication and therefore its significance to the news cycle; whether or not, or how often, the report provides positive, negative or neutral elements about Aboriginal people; and whether or not it reports Aboriginal agency—that is, Aboriginal capacity to engage, respond and be represented as fully-rounded individuals who are accorded due respect by the use of a title and descriptors, given equal time and column inches, or portrayed as capable of nuanced speech rather than conforming to a discursive stereotype.

Media ecology

Three main platforms characterised the era: newspapers/print, radio and television. In this analog era, John Fairfax and Sons, newly privatised by Warwick Fairfax, News Corporation, owned by Rupert Murdoch, and Australian Consolidated Press, owned by Kerry Packer, were the main print publishers with the highest circulation and the strongest political influence. Their audiences were the White mainstream; Aboriginal

people were not actively considered or catered to as consumers of media. Among the few Aboriginal print outlets was *Land Rights News*, produced by the Central and Northern Land Councils in the Northern Territory. Aboriginal community radio was growing stronger. Radio Redfern, broadcast from Sydney during the 1988 protests, was a beacon for Aboriginal peoples gathering to protest and in doing so, helped develop the careers of a generation of Aboriginal media change-makers.

From the mid-1980s the technical input of BRACS (Broadcasting for Remote Aboriginal Communities Scheme) helped raise the voices of 8KIN-FM through the Central Australian Aboriginal Media Association (CAAMA Radio), Radio Rum Jungle (later the Top End Aboriginal Bush Broadcasting Association, or TEABBA) in the Top End, Torres Strait Islanders Media Association (TSIMA) in the Torres Strait, Goolarri in Broome, Umeewarra in South Australia, among many others. Aboriginal people were talking to each other on air, through television outlets such as *Imparja*, *Warlpiri* media and CAAMA productions. Aboriginal media in the era occupied a very different space from the mainstream media and served a very different but important purpose: to present Aboriginal voices to Aboriginal audiences. Thus, parallel media outlets were operating in 1988 at the Barunga festival and beyond. Thanks to Aboriginal media, Aboriginal voices survive the era; yet, as I argue, very few of them were reflected in or recorded by the mainstream media at the time (First Nations Media Australia, 2019).

Situating the literature

The Barunga Statement has been a focus for popular history, including radio and video documentaries and exhibitions (for example, 88, 2014). An online exhibition curated by AIATSIS in 2018, celebrating its 30th anniversary, included posters, T-shirts, clapsticks, ceremonial objects and other ephemera connected to the event, in an attempt to provide a wider cultural as well as a socio-political context. However, in scholarly literature, the event is often mentioned but seldom discussed. Michael Meadows (2001), in his analysis of media coverage of the bicentenary protests on 26 January 1988, argues that the media quickly resorted to reporting on Aboriginal 'violence' and disruption, rather than substantive claims for treaty. Larissa Behrendt (2003: 13) argues that the Barunga statement demonstrates that there is much historical 'common ground in responses to the question of what Aboriginal people want in a Treaty', linking the Barunga Statement to the Eva Valley statement (see Whittaker, this volume).

Barunga in context

Calls for a treaty had been made by Aboriginal people for decades before Barunga. However, in the 10 years before 1988, several events had had a direct impact on the social and political landscape at the Barunga festival in June 1988. In 1979, the National Aboriginal Conference (NAC) called for a Makarrata, and an Aboriginal Treaty Committee was formed, led by mostly non-Aboriginal Australians including HC 'Nugget' Coombs and the poet Judith Wright. In 1982, Aboriginal protests at the Commonwealth Games in Brisbane showed a growing movement of resistance; in response, the federal Aboriginal Affairs Minister promised national land rights legislation and a treaty (Foley, 2015). The following year, however, a Senate committee rejected the idea that Aboriginal people are a sovereign nation or entity that can enter into a treaty, and Bob Hawke, newly elected as Prime Minister, dismantled the NAC (see Norman, this volume and Thomas, this volume).

When it was finally drafted in 1984, two years after his election, Hawke's national land rights legislation was a watered down offer, and the land councils rejected it (Foley, 2015). By 1986, Hawke had backed away entirely from introducing national land rights legislation, and preferred the concept of a compact to a treaty. The backdown caused deep disappointment among Aboriginal people (Murphy, 2014). Nevertheless, the Aboriginal Sovereign Treaty '88 campaign was launched, with 12 demands, the first of which was a treaty, and the second a demand for inalienable freehold title. Churches too joined the call for land rights. And so in June, the Barunga Statement was presented to Hawke as a way to restart discussions on land rights and treaty legislation (ATSIC and AIATSIS, 2003). However progress towards a treaty ended when the idea was sidelined altogether, and a 'process of reconciliation' and the creation of the Aboriginal and Torres Strait Islander Commission (ATSIC) was announced in its place in 1990.

Although Hawke's final act as Prime Minister was to hang the Barunga Statement on the wall of Parliament House, his promises of national land rights legislation and a treaty process had come to nothing (Murdoch, 2006). In 2006, Galarrwuy Yunupingu demanded the Barunga Statement be returned. He said it had been fundamentally disrespected by the settler colonial government, and should be buried at Barunga to symbolise the buried hopes of a fair and just settlement, saying, 'Sovereignty became treaty, treaty became reconciliation and reconciliation turned into nothing ... We will dig a hole and bury it. It will be a protest but I also hope that it can represent a new start for Aboriginal people' (Murdoch, 2006: 4).

The year 2018 marked 30 years since the statement was presented to Prime Minister Hawke. At the 2018 Barunga festival, the Northern Territory Chief Minister, Michael Gunner, signed an agreement to begin treaty talks with all four of the Northern Territory's powerful Aboriginal land councils and commit to a three-year process to consult all Territorians to 'develop a process to negotiate a Northern Territory treaty'. Should a treaty eventuate, it would be 'the foundation of lasting reconciliation between the First Nations of the Territory and other citizens' from which 'all Territorians should ultimately benefit,' the agreement says (Allam, 2018b).

Barunga 2018 was also the site of the first hearings of another parliamentary committee on an Aboriginal voice to parliament and constitutional recognition. Pat Dodson recalls (Allam, 2018b):

I was sitting in the dust 30 years ago at Barunga, helping to craft the words that went into that statement, so I'm well aware of how long it's taken and people before me, all the way back to the 1938 day of mourning, calling for someone to take Aboriginal affairs seriously in the federal parliament. So there's nothing new about our message.

As Dodson implies, it is Aboriginal people who have maintained the momentum and energy to keep open a dialogue, to encourage engagement, and it is their work which has achieved whatever advances have occurred in progressing the agenda. Their message does not change substantially over time, even though the responses from a series of politicians do, and even though a series of political processes—in which Aboriginal people continue to engage in good faith—promise much, but rarely deliver.

Aboriginal agency, sources and media discourses

This selection of 10 newspaper articles is taken from the four days immediately after the Barunga Statement is released. In that brief period, Aboriginal people very quickly become the subject rather than active participants in the coverage. Aboriginal agency diminishes rapidly. All of the writers appear to be non-Aboriginal. Two of the news items are by journalists who attended the festival, while the others are by general reporters. Of these, two are written by Canberra press gallery reporters, indicating that the debate shifted very quickly in its tone and location from reporting the views of Aboriginal people to reporting the ensuing debate in the national capital. Of the 19 sources quoted directly, only six are Aboriginal people.

Only four of them—Galarrwuy Yunupingu, Wenten Rubuntja, Charles Perkins and Michael Mansell—are quoted in full sentences. The other two—Shirley McPherson and Ken Colbung—are referred to by name only. Perkins' and Mansell's comments are used to contrast the Australian Labor Party (ALP) narrative. Perkins is cast as an insider combatant with opposition leader John Howard, and Mansell as the radical outlier about to jet off to meet with Libya's Colonel Gaddafi.

While photos are not part of the analysis, one is worth noting. A *Sydney Morning Herald* report on day one (SMH1) shows Galarrwuy Yunupingu, in ceremonial paint and garb, standing above a smiling Bob Hawke who is cross-legged on the ground and handing him, as the caption reads, 'a bark painting'. It is in fact the Barunga Statement, the caption a striking diminution of such a major artefact. However, it is the painting that the eye rests upon, as it is centred in the exchange between these two leaders. It is framed as a friendly cultural exchange of art, the composition ethnographic, the image of something a White man might be expected to do among the natives. The photo sits in contrast to the headline, 'Aboriginal pact: it's on' (SMH1). A historic cultural moment is the subject of the front-page lead story in *The Sydney Morning Herald*, but 'it's on' implies both a deadline and a battle brewing. The subhead uses military language: 'sets target'. It is an 'Aboriginal pact', presumably of importance to Aboriginal people but not to the mainstream. Indeed, the article already includes a negative response from the federal opposition.

The Daily Mirror on 13 June publishes an opinion piece (TDM1). The headline 'Mr Hawke's Barunga Statement' distances readers from events and begins to remove Aboriginal agency. The *Mirror* gives Aboriginal people agency only in the service of the paper's prediction that Hawke's actions will provoke a 'White backlash' and that 'urban Blacks' will prove a problem later, which Hawke will need all his 'negotiating skills' to overcome. The paper reports the views of Aboriginal elders ('Aboriginal elders see' and 'want') as if they are an amorphous group devoid of individuality, and presumably of one mind. A quote is used, unsourced to any individual, to legitimise this framing. The only Aboriginal voice directly quoted is that of Galarrwuy Yunupingu, who is used only to reinforce the argument that Hawke cannot deliver on Yunupingu's hope of 'a mature society based on a true reconciliation with the past.'

On 14 June the story shifts to a battle between the respected senior public servant Charles Perkins and the federal opposition leader, John Howard. Perkins is a strong presence—articulate, fiery and hard-headed. However, to *The Sydney Morning Herald* (SMH2 'Treaty brawl grows'), this exchange of views is a 'brawl', with Howard

making a 'stand' and Perkins on the 'attack'. Adjacent is a story about a group of Aboriginal people about to head off to meet the Libyan leader, Colonel Gadaffi, 'like a group of generals planning a war' (Hewett, 1988: 1). Conflict is now the focus of the reportage, with Aboriginal voices typecast as combative and demanding, even warmongering. Although Howard is not portrayed as overly aggressive or dramatic, he uses hostile language about a treaty. He will 'tear it up', it is 'utterly repugnant', an 'absurd proposition', and a 'form of apartheid.' None of these statements is interrogated, and all are published without comment or response.

Similarly, TA6, ('Libs move to shore up Howard treaty attack') gives five columns of a seven-column article to Howard's full statements, with the only mention of Aboriginal people being the impending trip to Libya by Mansell and his group, who are quoted as having their own set of reservations about Hawke's proposed treaty process. By day three (15 June) reportage is entirely focused on the battle within the Liberal Party about Howard's statements. The only Aboriginal voice is that of Neville Bonner, who calls Howard a 'racist' (TDM2, 'Libs revolt on Treaty'). Articles on 15 and 16 June display no Aboriginal agency at all (TDM2; TA4; TA6). There are no new quotes from any of the key Aboriginal players, no attempt to contextualise Howard's statements, or to seek a response to them, despite his dramatic declarations. The Barunga Statement is now a political football in Canberra.

In sum, sources are predominantly White, mostly politicians, or journalists who are offering opinions. Fewer Aboriginal are people quoted as the days wear on. More—and longer—quotes from politicians appear, and earlier interpretations of Aboriginal demands are even paraphrased, in preference to obtaining further comment from key Aboriginal players. The latter have stopped being important or having any agency by day two (June 14). Only three are quoted in full, sentence-long statements, whereas Howard and Hawke are quoted at length, as are a range of politicians. The focus of debate and attention shifts from an attempt to clarify or contextualise the interests and demands of the thousands of Aboriginal people and their allies gathered at Barunga, to its impact on the internecine politics of Canberra.

Deeper narratives

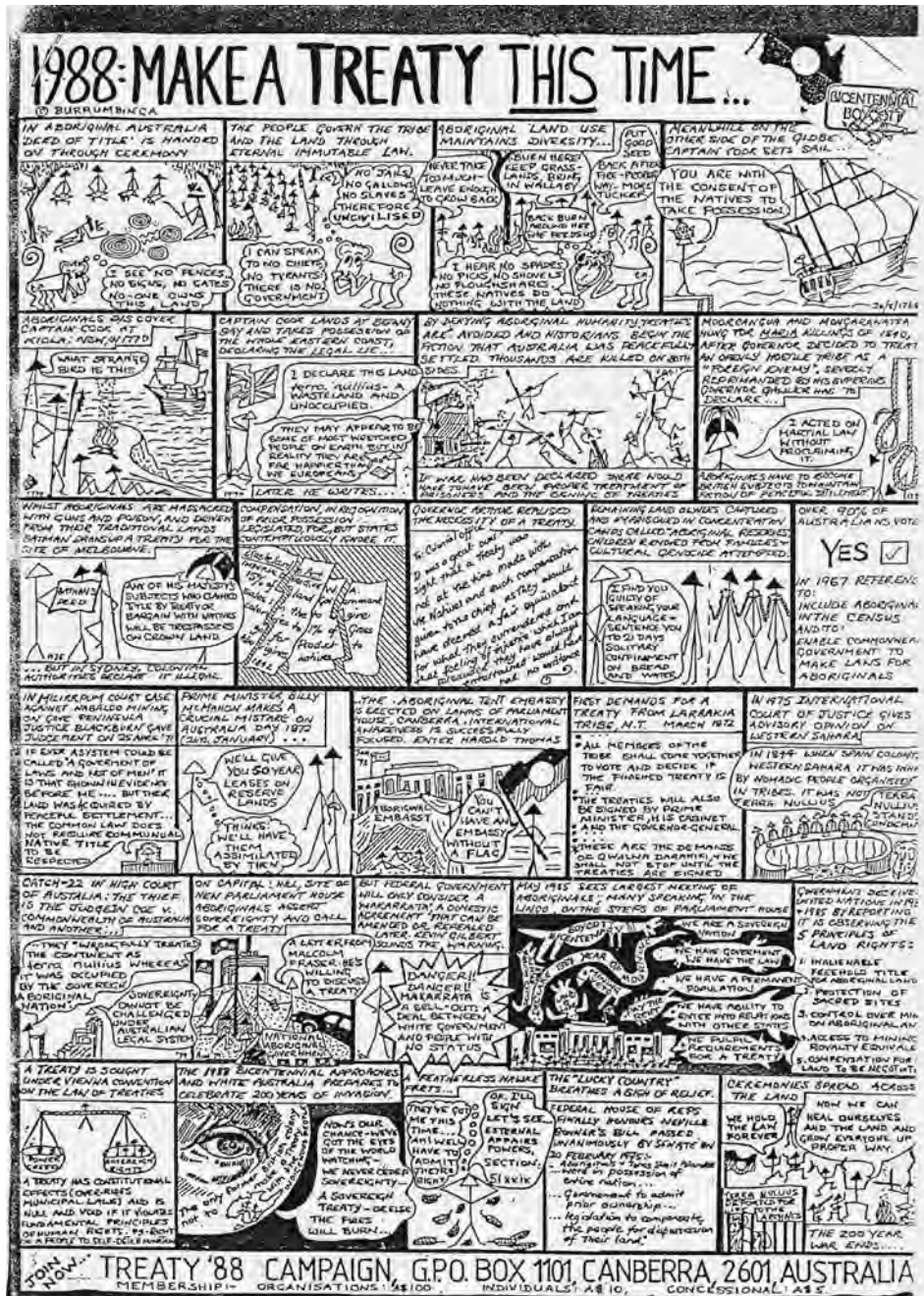
In the media texts analysed, Barunga is a big moment in Australian history but it is not a time for joy or hope. Trouble is already brewing. A 'pact' should imply peace but 'it's on' indicates a fight (SMH1, 'Aboriginal pact: it's on'). Discursively, Aboriginal people are either cultural and ceremonial people from the bush, who may even be

naive and idealistic about their chances of effecting change (TDM1), or they are angry radicals willing to engage with enemies of the West (Gadaffi). Ultimately, Aboriginal people and their interests become a colourful backdrop to the political drama in Canberra, where Hawke is the target. He has raised expectations too high on several fronts and will pay for it later. Nobody will make it easy for him including, presumably, the media. Conflict overtakes reasonable discourse. Extremity makes for good copy. The treaty has become a political football—and the more extreme right-wing views begin to be reported as legitimate. White politicians, journalists and opinion leaders are now on their own turf and are comfortable in paraphrasing Aboriginal statements or in re-framing them to suit their own arguments. Whitefella politics has overtaken any informed discussion of a treaty, which in this narrative becomes a vague and symbolic idea, as well as a source of conflict and thus best avoided.

Aboriginal communication texts

Aboriginal stories operate, it seems, in a parallel universe to this over-simplified mainstream media narrative. First, they are speaking to a predominantly Aboriginal audience (*Land Rights News*, 1988a: 23) and clearly see the Barunga Statement as the restarting of a process of negotiation, a resetting of the relationship with White Australia. Other Aboriginal writers show an understanding of constitutional law and the functions of government, along with a strong historical understanding (*Land Rights News*, 1988b: 26). One Aboriginal media piece represents the importance of the ceremonial and cultural context of the Barunga Statement. Bangardi Lee, the senior traditional owner and architect behind the Barunga '88 event, is interviewed and describes the steps taken to insure it was conducted in a way that respected Aboriginal law and culture. Lee is proud that Barunga will become a name synonymous with the struggle for Aboriginal rights, showing an understanding of the deep historical context as well as its long term impact—a prescience lacking in the mainstream reportage (*Land Rights News*, 1988).

In contrast to the reportage in the mainstream newspapers, which seeks to portray Mansell as a radical, in Aboriginal texts there is a respectful disagreement over the different approaches of the Treaty '88 campaign and Barunga (no author, 1988). Competing ideas are represented, not *ad hominem* attacks on the knowledge holders. It is important to note that *Land Rights News* also had a national circulation and subscription base at the time. It quotes the Aboriginal leadership extensively.



The cartoon titled '1988: Make a Treaty This Time', discussed on page 98 shows a sophisticated understanding of settler-colonial government and the Australian constitution. Created by Burrumbinga, also known as Kevin Gilbert, Wiradjuri activist, writer and artist. Image courtesy of Eleanor Gilbert.

It would not have been impossible for mainstream newspapers to find these public statements and reproduce them (*Land Rights News*, 1988d: 25-26).

Aboriginal texts identify key areas of aspirations, why they are important, and how they might be represented to the dominant society. They show a sophisticated understanding of the way Whitefella politics operates. The Treaty '88 cartoon even quotes the relevant sections of the Australian Constitution (Burrumbinga, 1988). They understand that Aboriginal people are playing the long game.

Conclusion and findings

The mainstream media, in the last three days out of the four covered here, turns Barunga into a political football and begins to reproduce the more extreme views of the right, conflating the story with political machinations in Canberra and drowning out the original reasons for the event. The resulting 'brawl' gives White Australia an opportunity to dismiss it as another battle in Canberra, about which it could be forgiven for feeling confused, and about which it remains uninformed. This is another episode in the ongoing drama of unresolved Aboriginal affairs, which always seem to be difficult, confusing and a battleground. Where Aboriginal narratives from the time are reasoned and thoughtful, concerned with explaining to the Aboriginal constituency a unified message, the mainstream media does not fully explain or consider the Barunga Statement, its significance to Aboriginal people or its origins; there are no explainers, no think pieces, no historical context, no follow-up questions to any Aboriginal people other than Charles Perkins, who is engaged in battle with John Howard. Right-wing resistance to Aboriginal rights has begun to appear. Aboriginal people are described as 'detribalised', 'scattered', 'doomed' and voiceless. A treaty can only ever be symbolic.

The year 1988 began with hope that there was an opportunity to make things right. Yet, as Yothu Yindi sang in *Treaty* (1991), a song about the events at Barunga, 'promises can disappear, just like writing in the sand'. That they disappeared so quickly is remarkable.

Carved in stone: The 1992 Redfern Statement

Andrew Jakubowicz, University of Technology Sydney

Introduction

On the morning of Thursday 10 December 1992, then Prime Minister, Paul Keating, flew from Canberra to Sydney, accompanied by members of his staff, including his speechwriter Don Watson. Watson had worked late the previous evening finishing off the text for the speech that Keating was due to give that morning at Redfern Park in Sydney's inner south, in a locality where Aboriginal communities had been living for many generations. The speech was to mark the launch of the International Year of the World's Indigenous Peoples and was given on International Human Rights Day. In New York, Lowitja (then Lois) O'Donoghue, chair of the Aboriginal and Torres Strait Islander Commission (ATSIC) was preparing to address the United Nations, the first Australian Aboriginal person ever to do so. Keating was introduced to the crowd in Redfern by ATSIC's deputy and acting chair, Sol Bellear, a Redfern resident, who most likely proposed the location. In his speech, Keating would allude to this role: 'Someone imagined this event today and now it's a reality' (1992). Keating spoke for about 17 minutes to an audience described variously as 500 (R1 and CT1) and 2000 (TM1), and mixed or composed mainly of Aboriginal people. Keating was a leader under challenge: the 1993 federal election, due in March, was widely seen as one he would lose. The Redfern speech or Redfern Statement, as it was immediately named by Aboriginal leaders, has become an iconic moment in Australian history, with division over its implications that remain today (ABC Radio National, 2007).

The speech carries different messages for two very different perspectives on the relationship between Aboriginal and non-Aboriginal people in Australia. For some commentators it has taken on almost Biblical qualities, having been ranked as one of the greatest of Australian speeches, sometimes elevated to among the greatest in modern history (ABC Radio National, 2007). For its supporters, the Redfern Statement exemplifies the recognition, for the first time ever by an Australian leader, that there is a moral imperative for the settler-descent population to pay due respect to the pre-

existing and continuing presence of Aboriginal people and their ownership of the land. To its detractors it marks the start of a black armband view of history, one which rejects the widely believed notion that sovereignty had accrued to the generations of settlers through the application of the laws of Britain (McKenna, 1997).

After he replaced Bob Hawke as Prime Minister, Keating employed Watson, a historian, as his speechwriter (Watson, 2002). Watson crafted the speech, finishing it the evening before it was given. Six months had passed since the Mabo decision (*Mabo v Queensland [No 2]* [1992] 175 CLR 1), which had been marked by the hectic consultations and debates that would produce the Commonwealth Government's response—its 1993 Native Title Bill (see Whittaker, this volume). As Keating notes in his speech, the government had recently received the final report of the Royal Commission into Aboriginal Deaths in Custody published in April 1991, with its long list of findings, and its recommendations for amelioration and change. In May 1991 also, the Human Rights and Equal Opportunity Commission (HREOC) had released its report on racist violence (Moss and Castan).



[L-R] Stan Grant, Sol Bellear, Matt Doyle and Prime Minister Paul Keating at the launch of the International Year of the World's Indigenous Peoples, Redfern Park. Photograph by John Paoloni. Image courtesy of City of Sydney Archives SRC16970, 050/050631.

While the Redfern speech has become iconic, it was not so at the outset. In his 1996 analysis of the Keating years, his economic adviser John Edwards refers to the Mabo decision and the Native Title Bill that followed, but does not mention Redfern. By 2002 in a book about his time as Keating's speechwriter, Watson remembers the Redfern Statement thus (288-291):

Redfern is that sad inner-city suburb ... [inhabited by] largely depressed, angry indigenous populations ... Redfern is not a place to dissemble about Aboriginal Australia ... The speech was made to a black audience but its core appeal was to white Australians ... The Prime Minister read it with his breakfast and went to Redfern Park with every word intact, and I think knowing rather better than I did what it would mean to say them ... The problematic word was 'we'.

The speech had grown in importance by 2016 when Troy Bramston's sympathetic book on Keating discussed the by then long-standing falling out between Keating and Watson over authorship. Keating says 'the craft can belong to the speechwriter' but 'the sentiment and substance' can only belong to 'the person who gives the speech' (Bramston, 2016: 511). Interviewed by Bramston in 2012, Watson reflected that 'Aboriginal Australia should lay claim to it: it made their case, or tries to' (Bramston, 2016: 511).

Indeed, whose speech was it? (Clark, 2013). Many Aboriginal stakeholders took part in intense rounds of meetings in preparation—Lowitja (then Lois) O'Donoghue, Sol Bellear, the Dodson brothers, Patrick and Michael, and many more. Keating claims it for himself, but was the 'craft' worker Watson? It was Watson who went looking for a way to capture the ongoing violence and dispossession which had been revealed by Mabo and the other reports, and found it in the simple first person pronoun 'we'. The use of 'we' foregrounded the reality for the advocates of Aboriginal rights: that the White population still continued to carry responsibility for the future of Aboriginal people because of the past. For the Cape York Land Council's young Noel Pearson, drawn into the negotiations over the framing of native title legislation, the speech was a 'seminal moment ... completely liberating for me' (Bramston, 2016: 489). For Bellear, 25 years later, they were words that should be carved in stone and placed in Redfern Park (Daley, 2017).



The *Koori Mail's* lead article on the National Apology to the Stolen Generation, published 16 December 1992 and discussed on page 112. *Koori Mail*, 1992.

Context

As the earlier case studies demonstrate, Aboriginal peoples had been pushing for recognition of their dispossession for many decades. The first few years of the 1990s represent a watershed of action by Aboriginal groups, which fundamentally changed the landscape. Two long-burning concerns, deaths in custody and racist violence, focused on aspects of the ongoing hostility directed at Aboriginal people. The HREOC report on racist violence noted the long history of violence against Aboriginal people, which reached back to the start of European settlement, stressing this was not something of 'the past', and arguing (Moss and Castan, 1991: xvii):

The level of racist violence and harassment presented in evidence to the inquiry, particularly against Aboriginal and Torres Strait Islander people, should be a matter of concern to all Australians. It could increase in intensity and extent unless addressed firmly now.

The Aboriginal Deaths in Custody Royal Commission reports, tabled in April 1991, revealed the extent of isolation and trauma, especially for those whose lives ended in prison. In the wake of failed attempts by the Hawke government during the 1980s to introduce national land rights legislation, in 1990 Parliament established the Council for Aboriginal Reconciliation (CAR), charged with achieving concrete reconciliation outcomes by 2001.

However, it was the Mabo decision in mid-1992 that marked the turning point. Eddie Kioki Mabo and the Meriam people from the Torres Strait claimed continuing native title to their island homelands, arguing that the title had never been overwritten by crown legislation (Cunliffe, 2007). The principle he won showed that native title continued until ended by a discrete and purposeful action of government. After the Mabo judgement, any continuing claims by governments to absolute and general sovereignty, deeded by the British to their descendants, were demonstrable fictions. Now the link between dispossession and destruction could be clearly enunciated (Cunliffe, 2007).

In the wake of the Mabo decision, Keating became ever more involved in the detail of advancing what he would describe as ‘practical outcomes’, increasingly displacing the Aboriginal Affairs Minister, Robert Tickner (2001, see also Manne and Keating, 2011). Bramston (2016) describes the intensity with which Keating threw himself into this issue, engaging in constant meetings and energising his delegates as negotiations proceeded with Aboriginal stakeholders, farmers and miners. From this process, hearing Aboriginal leaders argue for recognition and some form of sovereignty, Keating would later claim to have absorbed the essence of Aboriginal concerns.

By December 1992 Keating was ready to make a statement about the principles he felt would have to underpin any resolution of the Mabo legacy. First, he had to detail the damage White settlement had done to Aboriginal societies, and have the government accept responsibility for it on behalf of the people. Then he had to dodge the trap of a discourse of White guilt: otherwise he thought negotiations would be stymied—bogged down in a world of symbolic recrimination. There could be room for regret and even shame, but if a contemporary ‘we’ were to own the future, the focus should be on outcomes that both recognised and responded to Aboriginal pain, while providing certainty and economic security to those whose ancestors had dispossessed the original owners of the land (Bramston, 2016).

Sol Belleair, the Deputy Chair of ATSIC who introduced Keating, was a Bandjalang man from Mullimbimby in the north of New South Wales (NCIE, 2017). Belleair had gravitated to the city while a young man. The precipitating moment was the passing of the Commonwealth referendum on Aboriginal Rights in 1967, which opened up expectations for Aboriginal people, and changed their legal status to free citizens. An active sportsperson, Belleair joined the local Redfern All Blacks Rugby League club (based at Redfern Park) which later founded the Knockout, an annual football carnival that draws Aboriginal teams from all over the state. The Knockout

also serves as a major opportunity for political organising—a form of corroboree, as Norman (2006) has called it—bringing together young and emerging leaders as well as older people who otherwise would have found it difficult to interact. Such opportunities deepen Aboriginal knowledge about the issues that can unite and facilitate the survival of communities across the country.

Aboriginal societies had long been expected by White society to fragment, disperse and assimilate. Maddock (1972/1982: 8-9), though, points to the specific history of the Bandjalang, where in his view they ‘made an other-worldly response to oppression’, creating a syncretic religious culture which incorporated traditional religion into the Pentecostalism introduced by missionaries. In this way ‘the Bandjalang expressed bitter resentment at their lowliness’, casting themselves as the people of Christ, with Europeans as the Roman soldiers sent to destroy the Lord (Maddock 1972/1982:8).

Bellar became the first chair of the Redfern Aboriginal Legal Service, chair of the Aboriginal Medical Service Redfern and the Aboriginal Housing Company (Daley, 2017). He was thus very well connected locally, across the state, and nationally after he was elected deputy chair of the ATSIC after 1990. As a mature leader in his early forties, he had much influence with Keating (Johnstone, 2012). His generation of leaders was both fully immersed in the transforming culture and society, and adept and forward-looking in advancing Aboriginal interests in the wider, overwhelmingly White, political milieu. Quite simply ‘the Redfern Park Statement’, as Bellar dubbed it, could be made nowhere else on this day, with Keating saying the words that Bellar among others had long hoped to hear. Just before his death, Bellar told *The Guardian* journalist Paul Daley in 2017 that ‘History was important because its legacies—the trauma of massacres, stolen children, imprisonment and dispossession from traditional lands—reverberate generationally and manifest in entrenched poverty, disadvantage and third-world health outcomes’.

Media ecology

The early 1990s were a period of significant change in Australian media, partly because of changing technologies, and partly due to a re-arrangement of ownership and control. In 1992 two competing commercial internet service providers (ISPs) began operation. The Australian Public Access Network Association also set up a range of bulletin board hosting services—although this was a long way from today’s broadband web-carrying system.

Newspapers were experiencing the full impact of radio (especially the spread of FM broadcasting) and television. The major companies were no longer able to sustain both a morning and evening tabloid as they had previously. *The Daily Mirror*, incorporated into a single publication *The Daily Telegraph-Mirror* in 1990, continued as a campaigning conservative force. The Fairfax group continued to publish the morning broadsheet *The Sydney Morning Herald*, and the *Sun Herald* on Sundays. *The Sun*, the Fairfax evening tabloid and competitor to *The Daily Mirror*, had closed in 1988. At the time of the Redfern speech, *The Canberra Times* was owned by Kerry Stokes, and was independent of the two major publishers, News and Fairfax.

New controls over broadcasting were introduced in the Broadcasting Services Act in 1992. These restricted the extent of population that one owner could reach. One owner could have no more than one TV or two radio licenses in an area. There were also limits on owning both a newspaper and a TV license in the same area. While beyond the scope of this case study, it would be fruitful to consider diversity of perspective implied by different owners in the period, given the complexity of media ownership at the time.

Methodology and media items

Media studies as a field draws on many different theoretical perspectives, from the broad views of cultural studies, through political economy, to textual and semiotic approaches. Standpoint theory foregrounds the perceptions, interests and experiences of participants in the making of meanings, emphasizing the disparities of social location to help illuminate attitudes, behaviours and worldviews. The emergence of standpoint theory over recent decades has reinforced the importance of understanding how interests and social location can shape the form and content of knowledge. Standpoint theory, which speaks both to and from non-Aboriginal worldviews, offers a useful corrective to the claims of news coverage to be objective and accurate, and to be reporting simply what is there. As an example, when we explore the mainstream print media's interpretations of Aboriginal agency in relation to land rights, we find almost no consideration of Aboriginal sovereignty—even though Aboriginal sources have referred to it repeatedly as have the Aboriginal media (Ardill, 2013).

The first print coverage of the Redfern Statement was issued by the *Reuters* news agency on Thursday 10 December (R1). It was followed the next morning by stories in the *Telegraph-Mirror* (TM1), *The Sydney Morning Herald* (SMH1) and *The Canberra*

Times ('Keating's apology wins black praise'). *The Australian* led with 'PM blames whites for black malaise'. The headlines capture the flavour of how the different mastheads would respond in their stories. Twelve pieces have been chosen in order to allow the inclusion of responses that had more time to develop into the Monday of the following week. Five pieces are drawn from Nationwide News Ltd (now News Ltd) from the Murdoch stable. Four come from Fairfax (now Nine Entertainment), and two from Kerry Stokes' *The Canberra Times*, which also circulated in NSW.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
R1	<i>Reuters</i>	Australian PM pledges better Aborigine treatment	Unattributed	Prime Minister Paul Keating inaugurated the International Year for the World's Indigenous People in Australia on Thursday, pledging to forge better links between Australian whites and blacks.	10 December 1992	
TM1	<i>The Daily Telegraph Mirror</i>	Tears as PM admits to our shame	Amanda Buckley	ABORIGINAL leaders praised Prime Minister Paul Keating today for his historic speech yesterday which called for reconciliation between white Australians and the nation's indigenous peoples.	11 December 1992	9
SMH1	<i>The Sydney Morning Herald</i>	A Plea for the Dispossessed	Paul Chamberlin	CANBERRA: The United National General Assembly has been told that dispossessed Aborigines living in Australian cities need a national land acquisition fund to maintain their cultural heritage.	11 December 1992	2

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
CT1	<i>The Canberra Times</i>	Keating's apology wins black praise	Unattributed	SYDNEY: The Prime Minister, Paul Keating, officially admitted to Aborigines yesterday that white Australians had committed murder and other atrocities against them – an admission many Aborigines consider a vital step for reconciliation.	11 December 1992	1
CT2	<i>The Canberra Times</i>	Not a real Australian church without Aborigines: prelate	Unattributed	SYDNEY: The Catholic Church would never be a proper Australian church unless it accepted Aboriginal people, the chairman of the Australian Catholic Bishops said yesterday.	11 December 1992	2
AUS1	<i>The Australian</i>	PM blames whites for black malaise	Jim Della-Giocama and Deanie Carbon	THE Prime Minister acknowledged to Aborigines yesterday non-Aboriginal Australians had murdered their ancestors, broken up their traditional life and taken children from their mothers.	11 December 1992	4
SMH2	<i>The Sydney Morning Herald</i>	Our White Atrocities: PM Confesses – Keating Blames Racism for Aboriginal Suffering	Amanda Meade	The Prime Minister, Mr Keating, admitted yesterday that white Australia was responsible for the murder and dispossession of Aborigines and for taking their children from their mothers.	11 December 1992	1
SMH3	<i>The Sydney Morning Herald</i>	Facing up to the past	Unattributed	NO-ONE should ever underestimate the power of words to shape our perceptions of reality and the behavior that flows from them.	12 December 1992	22

Does the media fail Aboriginal political aspirations?

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST LINE	DATE	PAGE
SMH4	<i>The Sydney Morning Herald</i>	Churches, too, should confess their sins, say blacks	Paul Chamberlin	CANBERRA: Australia's Church leaders should follow the Prime Minister in recognising past sins and the Churches' part in the dispossession of great numbers of Aborigines, a prominent black spokesman said yesterday.	12 December 1992	9
AUS2	<i>The Weekend Australian</i>	Blacks rally to maintain PM's rage	Nick Richardson and Cameron Stewart	ABORIGINES yesterday seized on the spirit of the Prime Minister's remarks on their brutal treatment in early white Australia by outlining a further agenda for change that would extend their claims for recognition as the continent's original inhabitants.	12-13 December 1992	1
AUS3	<i>The Australian</i>	Towards a reconciled Australia (editorial)	Unattributed	THE Prime Minister's speech launching the International Year of the World's Indigenous People last week was the strongest statement on indigenous people ever by an Australian political leader.	14 December 1992	8
AUS4	<i>The Australian</i>	Taking the high road to black justice (opinion)	Henry Reynolds	Paul Keating's speech last week launching the International Year of Indigenous People has been widely, and justifiably, praised.	16 December 1992	8

Table 5: Redfern Statement selected media

Aboriginal agency

The concept of Aboriginal agency provides the focus for this study. We are interested in how media accounts of events place Aboriginal people as actors, how they describe the capacity of Aboriginal people to influence events in their own interests, and how they analyse the resources and contributions that Aboriginal people bring to the events.

The story as it was played out in the media focused on the Prime Minister and his speech. The initial stories summarised the key and most dramatic elements in the Redfern Statement: the ‘we took the children from their mothers’ element. Other than the reporting, the most important editorialising came through the headlines developed by sub-editors, which gave the initial framing. Two headlines refer directly to Aboriginal agency—*The Sydney Morning Herald* on 11 December ‘PM’s apology wins black praise’, and *The Weekend Australian* on 12-13 December ‘Blacks rally to maintain PM’s rage’. The first suggests that the Black audience and leadership had considered Keating’s comments and offered praise for his words; the second suggests that an enraged Keating’s speech was driven by anger, which required crowds of Blacks rallying to ensure he did not falter in his representation of their interests against the wider [White] society. In the first, the Aboriginal leadership is calm, measured and rational; in the second the Black mob is uncontrollably enraged, driving Keating on in his madness.

Aboriginal agency does appear throughout the items, even where it may not be easy to recognise. The implications for Aboriginal sovereignty are not discussed directly, even where some reference is made by Bellear or in O’Donoghue’s New York address. *Reuters* writes that this speech re-empowers Aboriginal people by putting compensation for urban dispossession back on the agenda, a critical post-Mabo issue (R1). *The Canberra Times* (CT1) recognises that dispossession contains both symbolic and material elements that will have to be addressed if agreements are to be reached. *The Australian* pushes back (AUS3), finding a new way to assert that ‘Aborigines’ should not press any advantage they think they might now have. However *The Sydney Morning Herald* (SMH3) identifies that the Keating statement has enhanced the potential for Aboriginal agency, by validating Aboriginal perceptions and undermining conservative European narratives.

Discourses

The most important and sustained discourse refers to the claim made by a number of Aboriginal leaders that this, the most important speech on Aboriginal affairs ever given by an Australian prime minister, will help ensure that relations between Aboriginal and non-Aboriginal peoples should never be the same again. The taken-for-granted world of before Mabo has now been overcome by this new realisation that White power rests on a lie, sustained by violence. Most non-Aboriginal people know nothing about Aboriginal lives and culture, which they should now try to understand and collaborate with. Moreover, Aboriginal leaders are now pushing forward to influence global opinion, looking for the implementation of agendas around sovereignty, economic development, and land. News Ltd mastheads use words that suggest skepticism, opposition and the irrelevance of contemporary Aboriginal bids for resources. Aboriginal people are in a state of 'malaise' says *The Australian* (AUS1), which the Prime Minister blames on Whites, while in reality it is Blacks' own lack of engagement, it is suggested, that continues to generate the problems they face.

There is a continuity of arguments associated with each of the mastheads, which allow readers to find a regularity of commentary. *The Canberra Times* (CT2) looks for expressions of agendas by Aboriginal spokespeople, including in relation to Christian churches and their need to fully include Aboriginal people. They suggest that Aboriginal people who experience the spirit of Christ are the future of a fully Australian church. *The Australian* (AUS3) argues that this statement really refers to the past, that contemporary Australians should not feel guilty. Rather the speech was important in recognising what is well known about the wrongs done after settlement, and that while we may feel shame, we should not feel guilt. In historic times, in the past, people like the explorer Edward John Eyre recognised the losses that Aborigines were facing, because they were unable to resist the inexorable forces of progress. The focus then as now should be on co-existence, as we are all Australians and the goodwill that exists should not be undermined by symbolic gestures. The damage done to Aboriginal people was inevitable though it need not have been so cruel, as some people realised even at the time in the first 100 years after White people arrived. However that is now in the past and guilt today is unnecessary and unhelpful. As 'Stoneagers', in the words of *The Australian* (AUS3), Aboriginal peoples could not survive 'the age of discovery' unchanged. If Aboriginal peoples are to have a better life it is important that non-Aboriginal Australians not be threatened with feelings of guilt. The Fairfax media reported Keating's words more

uncritically, reasserting in its editorial (SMH3) the importance of his words, given past failures. However the paper's focus was on land rights and the Mabo case, with little reference to sovereignty.

Deeper narratives

Three broad narratives are apparent. The first reflects a traditional liberal view (sometimes described as 'Whig' or 'Whiggish' after the British Liberal party) that over time Australia has grown to recognise the misdeeds of previous generations, but with goodwill we can all move forward. Mabo shows how recognition is possible. Aboriginal peoples have rightly complained of harm done, and now is the right time to seek reconciliation and the incorporation of Aboriginal peoples with their distinct cultures into the future of Australia.

The second deeper narrative takes a different view. While Keating's words are powerful and accurate, they remain words without a clear plan of action. Such action, practical and focused, needs to address land rights through native title, full compensation and recompense for the stolen land and the near destruction of Aboriginal peoples, and full commitment to a future agenda of forms of sovereignty. The process must fully include Aboriginal stakeholders in writing its parameters and being empowered to assert their rights.

The third narrative calms White Australians. The harm was done in the past. The invasion and settlement of Australia were a harsh process, but an inevitable one. The discoverers would relentlessly and inevitably roll over the existing 'stoneagers'. Today's survivors should realise that nothing can be gained by lamenting the past. Coexistence on practical matters should be the direction to take, for as we are all Australians it is time that Aboriginal people realised this reality and stopped resisting. Expectations raised by the Mabo decision should not be allowed to intensify Aboriginal claims, which may threaten the goodwill of non-Aborigines. Mabo and its aftermath should not affect the property rights of non-Aboriginal people. Any such moves will be resisted and Whites will always win.

Aboriginal communication texts

A major national Aboriginal print media publication, the *Koori Mail*, was launched in 1991. While the first edition published after the event on 16 December 1992 contained more material than any other newspaper on the Redfern event, its major

articles seem to be taken directly from the mainstream media. The lead story, under the headline 'PM admits wrongs', was on the bottom half of the front page. Its sub-heading quoted 'It was we that did the dispossession' (*Koori Mail*, 1992: 1). The story was copied almost verbatim from *The Canberra Times* without acknowledgement, and with very slight grammatical editing. However the *Times*' original headline had been 'Keating's apology wins black praise'. A second story on page two of the same edition reported Aboriginal people in Brisbane voicing strong criticism of Keating. It quoted Santa Unmeopa, a Brisbane Aboriginal leader, condemning the event. Under the headline 'Brisbane community slams Keating speech', it described the rowdy crowd at a book launch that cheered the speaker as he criticised the Prime Minister, saying, 'Keating's just out to get the compassionate vote.' Thus, where the mainstream press indicated strong Aboriginal support for Keating, this Aboriginal series of reports suggested a much higher level of skepticism about the likelihood of effective follow-through and the political motivation of the Prime Minister.

While Aboriginal media covered the Keating speech in considerable depth at the time, and has done so regularly since on the anniversary of the speech, the claim that there was a hidden story behind the event only surfaced 20 years later. Brian Johnstone, a journalist with a long record of writing about Aboriginal affairs, and deeply immersed in government policy development, was writing in 2012 for *Tracker* news magazine, published by the NSW Aboriginal Land Council. Nearby, Sol Bellear was working on historical projects about Aboriginal political and social action. Johnstone had decided to write a piece reviewing the Keating speech and its impact; he began by watching a Wheeler Centre video of Keating being interviewed by Robert Manne. One focus of the interview was the argument with Watson from 2010 over the authorship of the speech.

Johnstone describes turning to Bellear, and having realised Bellear actually had introduced Keating that day, asked him about it. Keating had said they were 'my sentiments; PJ Keating's sentiments'. Yet neither Watson nor Keating, Johnstone discovered, 'were telling the whole story' (2012: 3):

It soon became clear that he [Bellear] had a major hand in the speech. Sol revealed that he had been appointed as acting chairman of the Aboriginal and Torres Strait Islander Commission to introduce Keating on the day. This involved a number of meetings with Keating's staff and the former PM, who at this stage, were scouting around for a location for the speech and considering the content of what should and would be said. It was Sol who successfully proposed the speech be delivered in Redfern. He consistently

impressed the importance on Keating and his staff of acknowledging it was the British who brought the smallpox, who committed the murders, poisoned the waterholes, and who created the original colonial grievance—the dispossession. This, he explained, was often forgotten in public debate or simply not known by many Australians. Keating got it. Elements of Sol's draft introductory speech found their way into those of the Prime Minister's. The final words and sentiments of the speech, now regarded as one of the finest ever delivered by an Australian politician, may have been a mixture of Keating and Watson. But Sol was clearly responsible for the soul.

Johnstone's account, which validates and values Bellear's role (and by implication the other Aboriginal leaders with whom Keating was meeting), demonstrates how much the Redfern Statement was the consequence and expression of Aboriginal agency, rather than something initiated and completed by a White Prime Minister. None of the White journalists at the time asked the critical questions—why at Redfern, why these ideas, what do the Aboriginal players want from this speech, what role did Aboriginal actors play in ensuring the Redfern Statement would be made in the way it was?

Media ownership and deeper narratives

There are clear differences between the major masthead groups. In particular Nationwide News repeatedly reports the Redfern Statement, finds some praise for its sentiments, then undermines its goals. For instance even a short independent essay by the historian Henry Reynolds in *The Australian* (AUS4), which supports the speech and sets out what practical pathways, as alluded to by Keating, might need to be followed, was framed negatively and disparagingly by headlines and subheads which undermine Reynolds's argument. The front page of *The Australian* carries an ambiguous banner headline 'Keating's 'black' heart', while Reynolds's article itself is headed 'Taking the high road to black justice' (AUS4). These are more like parodies than summaries of the content. Amanda Buckley's piece for *The Daily Telegraph-Mirror*, headed 'Tears as PM admits to our shame' belies the reality that the tears were those of the Aboriginal audience, not the White Australians whose 'shame' was identified by the speech (TM1).

Use of sources

In this case study we are dealing with a very short period—some five days. There were three groups of stakeholders—politicians, Aboriginal leaders, and other commentators—and two major standpoints, Aboriginal and White. Three politicians are mentioned, namely Keating as prime minister, Tickner as his Aboriginal Affairs minister and John Hewson as Leader of the Opposition. The Aboriginal leaders mentioned if not always quoted were Bellear (who was credited with leading the ‘Black praise’ of Keating), O’Donoghue, who was in New York addressing the United Nations, Patrick Dodson, Mick Dodson, Graham Mundine in relation to church recognition of the need for Aboriginal inclusion, Essie Coffey, and Michael Mansell. The other source mentioned, the Catholic Archbishop Raymond Benjamin, discusses the implications of inclusion for the church. The greatest number of Aboriginal sources appear in *The Australian*, where they are used to demonstrate conflict over Keating’s speech, and competition between Aboriginal leaders for status, suggesting the impossibility of any practical Aboriginal unity (AUS2).

Public commentary

A sense of the public discussion of the speech can be seen in a short round of letters to the editor published in *The Sydney Morning Herald* and in Melbourne’s *The Age*. Themes emerge very quickly that continue to the present. In *The Age*, the journalist Martin Flanagan (1992, n.p.) summarised the negative responses to Keating’s speech:

Mr Keating’s so-called Redfern statement, in which he outlined in characteristically vivid language the effect of white settlement on Aboriginal culture, met with this reply in *Access Age*: “I’m sorry, Mr Keating, but I cannot take the responsibility for deeds done by other people, even if my skin is the same colour”. This response, which is common in this country, is often part of a larger argument that runs as follows: yes, the original dispossession of the Aboriginal peoples was wrong and, yes, it was accompanied by acts of violence and brutality.

Flanagan went on to point out two problems with the response—people should not need to feel ‘guilt’ about the history of settler/Aboriginal relations, but they need to ‘feel’ some emotion of recognition. Paraphrasing the American author William Faulkner, he continued, ‘The past is not the past: it is now’.

The letter to which Flanagan was probably referring was written by the retired Major General Alan Stretton, a well-known figure who in 1974 had led the post-cyclone recovery of Darwin. Given what was known but perhaps not widely accepted about Australian history, Stretton's reaction brought together all the challenges that Keating's speech would need to overcome (1992, n.p):

If Mr Keating is referring to atrocities committed in the colonies during the 19th century, I think the apology would be much more appropriate coming from the Prime Minister of the government of the United Kingdom which was then responsible for the administration of their colonies. In my view, all Australians should be treated alike irrespective of color, race or religion. No group in Australia should receive preferential treatment because citizens (long since dead) of another country committed atrocities against ancestors of present day Aborigines. Statements such as the Prime Minister's only divide our country and serve to inflame racial hatred instead of uniting all Australians into one nation.

In *The Sydney Morning Herald*, which had also published Stretton's letter, other readers pushed back. An Aboriginal woman, Wilma Moran (1992, n.p), disputed claims that the apologies for past wrongs were no longer relevant, while Graham English, a descendant of early settlers, noted that the present includes consequences of that past 'This is our country; we are responsible for it' (1992: n.p). The letters editor summarised the debate under the headline 'A courageous apology or political cant?' (*The Sydney Morning Herald*, 16 December 1992).

Within a few months of the Redfern Statement, the journalist Tony Stephens (1993) attended a talk given by Watson to the Australian Republican Movement. He interviewed Watson, after which he concluded:

Keating has long been conscious that not enough has been done to right the wrongs and that certain admissions needed to be made to get things moving ... Watson has written extensively about Australia's blacks ... Keating and Watson talked about the Aborigines after the Prime Minister hired the historian-satirist. Watson wrote the Redfern Speech on the eve of its delivery last December ... Keating delivered it the same day, word for word ... Watson was surprised. His speech had been something of an ambit claim. He expected Keating to tone down the expression of white guilt. The Prime Minister, however, did not want politics to obscure the facts this time. 'One of your best,' Keating told Watson.

Findings and conclusion

The Redfern Statement remains one of the few moments where an Australian prime minister voices the aspirations of Aboriginal peoples. The media practice of reporting action by the powerful finds a comfortable space here: the words are direct, the setting is unassuming, there has been little if any wording up of the media about what is about to happen. The crowd at Redfern was initially restless, inattentive and cynical. However, as the lines were spoken the tone of the audience changed, and the crowd began to murmur approval, applaud and cheer. While attendees sometimes talk of Keating being nervous, of reading the words carefully from the script rather than being relaxed and extemporising, his delivery became more effective and its impact grew rapidly on that audience. Keating had marked up the text with stress and pause points for delivery (Clark, 2013). The speech gained power over time and, even though some Aboriginal commentators including Bellefleur later thought that the opportunity it created had been squandered (Daley, 2017), its power was acknowledged by Aboriginal leaders (Johnstone, 2012).

Even when used negatively, to attack Keating as the pawn of Aboriginal activists, the discourses effectively empower the Aboriginal cause. It is clear that the Redfern Statement came in part from Aboriginal initiatives—the same ones which had produced the Mabo decision, and the rising volume of demands for government action that had followed. Broadly, agency is enhanced where Aboriginal actors are accorded a role in advancing positive outcomes, are seen as influential on government, and have their narratives of history endorsed. It is particularly important that Aboriginal standpoints are allowed to modify or even transform White standpoints. Agency is repressed where Aboriginal groups are portrayed as resisting the inevitability of a White modernity and change, rejecting assimilation, and arguing with each other. When Aboriginal standpoints are disregarded, ignored or denigrated, agency is effectively extinguished. Many tactical tropes are used in these stories to erode the strength of Aboriginal perspectives, particularly through the rejection of Watson/Keating schema to use ‘we’ as a bonding common word to insert White responsibility into discourses that had hitherto intensified the so-called ‘lowliness’ of Aboriginal people (Maddock, 1972: 8).

Where is the 'native' in the final days of the Native Title Bill 1993 (Cth)?

Alison Whittaker, University of Technology Sydney

Introduction

Some nineteen months after the High Court of Australia handed down its decision in *Mabo v Queensland (No 2)* (1992) 175 CLR 1, Senator Gareth Evans takes an aspirin with shaking hands. Earlier that day, he had eaten nothing but a bread roll and a slurp of soup. Something was brewing on Ngarrindjeri Country in Canberra, but from reading Australia's newspapers in the week leading up to Christmas in 1993 you would know little else than that there was a Bill—popularly titled 'the Mabo Bill'—the Native Title Bill 1993 (Cth). You would not know that some hundreds of years of deliberate and precise Aboriginal and Torres Strait Islander advocacy and strategy had led to the High Court's decision, and that this had prompted both a fresh site for Aboriginal campaigning and a fresh round of settler moral panic (Lavelle, 2001), which in turn prompted the Bill. You would not know what the High Court had decided, or for whom. You would not know the terse negotiations that preceded, their asks, their compromises, their conflicts, or often even their participants. In the newspapers in those final days before its passage, there was only a Bill, there was an over fifty hours long debate, rebellious Senators, and lobbyist stoushes. As the fight for the Bill inched closer to Christmas, the parties scrambled. Prime Minister Paul Keating made his speeches to anxiously see out a legacy year. Senator Gareth Evans was denied a coffee. Meanwhile, Aboriginal and Torres Strait Islanders people seemingly disappeared in debates about whether certain parts of their legal rights were also set to disappear, or be solidified.

The Native Title Bill was a precipitous moment in Aboriginal affairs. It was perhaps the most ambitious federal attempt to date to provide justiciable rights for Aboriginal peoples (Tehan, 2003). The Bill followed a series of actions, both symbolic and substantive, which addressed past and present injustices caused by displacement from culture and land (Gardiner, 1992). A year earlier, Keating had delivered the Redfern Statement (Jakubowicz, this volume), which had not only been prompted by Aboriginal voices demanding truth-telling, but directly shaped by Sol Bellear, who had set its agenda.

Mabo debate left little space for celebration

As the Parliament wrestles with amendments to the native title Bill, **MELISSA LANGERMAN** reflects on what the past year held for Aboriginal people, and on the debate surrounding the so-called Mabo legislation.

It is ironic that in a year meant to celebrate indigenous people, the word Mabo not only was cemented in Australian political lexicon but provoked one of the most divisive debates in Australian history.

But settling the controversial issue of land claims and compensation payments next year could make the current acrimonious debate pale in comparison.

It took more than nine months for the politicking to begin on the native title decision which the High Court made in June, 1992, and which took the name of the plaintiff, Eddie Mabo. The issue was barely even canvassed during the lead-up to the March federal election.

But as soon as the election was settled, Mabo became a prime target for politicians and lobby groups from all sides of politics, a debate fuelled on one side by ambit land claims and on the other by concerns about the security of land titles.

The decision by the Prime Minister, Mr Keating, to take on the issue as a personal quest saw the Mabo debate politicised even further with both parties using the issue as a way to score points on topics such as leadership.

The chance of resolving the issue was also not helped by the often public wrangling between Mr Keating and his Ministers, and State Premiers and Chief Ministers on the impact of native title and the form that federal legislation should take.

Nor was it helped by comments, seen as anti-Aboriginal or against the High Court, from senior public figures such as historian Mr Geoffrey Blainey, the former head of the National Companies and Securities Commission, Mr Henry Bosch, and mining magnate Mr Hugh Morgan.

The National Party Leader, Mr Fischer, got into trouble when he entered the debate, and the Opposition Leader, Dr Hewson, distanced himself from comments made by Mr Fischer on Aborigines.

And on the other side of politics an emotional Mr Graeme Campbell (ALP, WA) was forced in Parliament to back down on his pledge to abstain from the vote on the Mabo legislation on the basis that it would have threatened his membership of the Labor Party.

But resolving the initial legislative

aspects of the native title issue also had its positive effects.

A new generation of Aboriginal leaders emerged and acquitted themselves like seasoned professionals in negotiations with the Government that the head of the Aboriginal and Torres Strait Islander Commission (ATSIC), Miss Lois O'Donoghue, said had forever changed politics in Australia.

She said, after agreement was reached on the Government's Bill, that these leaders, such as land council heads Mr Noel Pearson, Mr David Ross and Mr Darryl Pearce, spoke with the commitment of the past but the language of today.

A new political voice has emerged in this country that will have to be listened to. A new political force that will make a major impact on shaping the future of our nation in the years ahead, Miss O'Donoghue said.

A new political voice has emerged in this country that will have to be listened to. A new political force that will make a major impact on the future of this nation.

Ironically most of the grandstanding and rhetoric this year involved a Bill which will affect only a small number of Aboriginal people: those who can fulfil the High Court's requirements of continued association with the land.

One of the major challenges that will face the new band of Aboriginal leaders next year will be how they perform when they are faced with crucial decisions and negotiations on issues like the social justice package.

Most of the group involved in negotiations with the Government on the native title Bill represented land councils, and the Government argued that between them and ATSIC the interests of those likely to profit from native title were fully represented.

But the Opposition and Aboriginal groups such as the powerful National Aboriginal and Islander Legal Service argued that these negotiators did not represent all the Aboriginal community.

The issue of representation is likely to become even more important next year because it will be groups such as

the land councils, ATSIC and the legal services which will make decisions on the social justice package such as how the funding for land acquisition will be spent.

At present the amount the Government might allocate is still unknown and the funding issue is expected to be controversial for many reasons, not the least of which will be how to fairly allocate funds for dispossessed Aboriginal people living in urban and rural areas.

Discussions among Aboriginal leaders have already begun on the social justice package, though the federal native title Bill has taken most attention this year.

The pressure will be both on Aboriginal leaders and the Government to negotiate a package from early on next year because it is understood the Government wants the legislation drafted well before the May Budget.

There have also been indications that the allocation of funds in the package is likely to raise the divisive issue of calls for an improved definition of Aboriginality with some groups already arguing the current definition is too vague.

Another financial unknown is the amounts which will be required to compensate native title holders for the extinguishment of title — Government Ministers have suggested that this could run into millions of dollars.

All this expenditure is likely to be controversial as is funding for native title claimants and non-Aboriginal litigants in native title cases.

Under the native title Bill the Government will single out certain groups as conduits for funding for native title claimants, though it remains to be seen whether these groups will prove acceptable to the wider Aboriginal community.

And disputes may also arise about the fairness of funding decisions to non-Aboriginal participants in native title cases, such as pastoralists and mining companies.

The Coalition is already querying the fairness of the system which provides for the Attorney-General to make such funding decisions after he consults with a committee.

Litigation and High Court challenges are expected to play a major part in Aboriginal affairs next year with the Federal and Western Australian Governments already signalling they are prepared to go to the High Court to defend their respective native title legislation.

And Government officials believe there is every chance that some tribunal decisions and aspects of the High Court's Mabo decision may also have to go to the High Court for clarification.

ATSIC, which this month held its second elections since its formation three years ago, is expected to play a major role in all Aboriginal and Mabo issues next year.

After a review of ATSIC earlier this year three pieces of legislation were processed in Parliament aimed at improving both the accountability of the organisation — which now spends about \$1 billion on Aboriginal affairs — and giving it greater powers.

Major effects of the ATSIC changes this year also included a reduction in the number of regional councils, and providing them with greater power.

But one major change, which would have removed the Minister's power to elect two ATSIC commissioners, was defeated when the Democrats and Opposition voted against it, a situation which angered ATSIC members.

Another major legislative change to ATSIC has been the formation of a new Torres Strait Regional Authority which from next year will take over decisions on funding and programs for Torres Strait people.

The move is seen as another step towards some form of autonomous self-government for Torres Strait Islanders.

But an early bid by some Islanders this year to declare the islands independent of Australia was rejected by both the Government and many islanders themselves.

As debate continues to rage on the mainland over Mabo, next year the Torres Strait Islanders, who provided the spark for the Mabo decision through the native title claim on Murray Island, are likely to concentrate on issues closer to home.

AAP

The *Newcastle Herald* article titled 'Mabo debate left little space for celebration' is the only article in the case study which acknowledges the emergence of Aboriginal and Torres Strait Islander political leadership, as a result of the Mabo debate. Melissa Langerman, *Newcastle Herald*, 1993.



Crowd scene at the protest over the Native Title Bill, Canberra, 1993. Photograph by George Villafior. Image courtesy of the Australian Institute of Aboriginal and Torres Strait Islander Studies. VILLAFIOR. G02. CS (000138536-000138558).

The Bill followed a decade of federal Labor government failure in the field. Aboriginal and Torres Strait Islander movements both national and regional had long been demanding land rights legislation, and Labor had come to power in 1983 promising just that (Gardiner, 1992). Most obviously, the Bill was prompted by the decision in *Mabo v Queensland (No 2)* handed down by the High Court in June 1992. The Mabo decision raised questions which had to be resolved in the law, in the settler national conscience, and in the minds of powerful industry lobbyists. The decision was significant for many reasons—principal among them that it revoked the founding settler notion of *terra nullius* and opened the door for, without actually establishing, native title in settler law. One of the blows that the Mabo decision delivered against Aboriginal land rights was the finding that, when freehold title was granted, native title was extinguished (*Mabo v Queensland (No 2)* (1992) 175 CLR 1; confirmed in *Fejo v Northern Territory* (1998) 195 CLR 96; see Brennan, 2003).

When the Native Title Bill was being debated, the Wik peoples had already lodged their claim, which, three years later in 1996, would come to determine the status

of mining and pastoral leases (*Wik Peoples v Queensland* (1996) 187 CLR 1)—an ambiguity following the Mabo decision and the Bill. There was an urgency from the perspective of settler Australia that these legal ambiguities had to be resolved, or they be may liable to these kinds of claims. Just how urgent this was has been confirmed by recently-released Cabinet papers revealing the Keating Cabinet's anxiety about their how settler Australian courts would resolve these ambiguities (McLelland and Little, 2017) and the political will behind clarifying them through legislation in spite of pending claims (Davies, 2018). So, while Aboriginal peoples were leading complex and deliberative litigation in the judicial arm of the settler Commonwealth, Aboriginal political leaders were advancing similar pressures and interests in the legislative branch. It was a precise titration of Aboriginal political power—although not a homogenous one in substance or approach.

The week of mainstream media coverage analysed here, the week leading up to the passage of the Native Title Bill through a divided Senate, was a period of intense dispute. The Native Title Bill was a major legal intervention following on from the Mabo decision, and its passage was a significant socio-legal event that Aboriginal nations, communities and interest groups had worked strenuously for decades to bring about. Once passed, the Act would be revised in parliaments, government agencies, the private sector and courts—and the effect most often would be to whittle down the procedural and substantive rights of native title applicants (McGlade, 2003; Brennan, 2003). Even so, the Act has since become one of the major political and legal instruments of Aboriginal affairs since its passing (Davies, 2018). The last moments of the Senate's debate on the Bill, then, are particularly significant: they determine the substance, procedure and terms of a whole new series of anticipated legal fights and rights that remain dynamic and relevant to this day.¹

1 See, for example, the recent Timber Creek case compensating the Ngaliwurru and Nungali Peoples for cultural and other losses for the extinguishment of their native title (*Northern Territory v Griffiths* [2019] HCA 7).

Media items

This chapter focuses on NSW media alone. The earliest article was published on 18 December 1993, and the last on 23 December 1993. They are set out in the table below.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
SMH1	<i>The Sydney Morning Herald</i>	Even at Christmas there was mud	Alan Ramsey	YESTERDAY morning, just after 9 o'clock, Gareth Evans told the Democrats' Cheryl Kernot: "We've come a long way. I don't think there are any show-stoppers left."	18 December 1993	21
ST1	<i>The Sunday Telegraph</i>	Mabo debate hits MPs' Christmas shopping	Unattributed	FEDERAL Parliament will be recalled this week to deal with the Government's Mabo legislation after failing to end the debate at yesterday's historic sitting.	19 December 1993	14
SMH2	<i>The Sydney Morning Herald</i>	Farmers 'betrayed' on Mabo	Anne Davies	The Government has vowed to push ahead with its Mabo bill event though mining and farming groups yesterday branded it "unacceptable and unworkable" following the defeat of amendments they regarded as crucial.	20 December 1993	1
NH1	<i>Newcastle Herald</i>	Future of Native Title Bill in hands of the Greens	Unattributed	THE Australian Democrats will propose this week a compromise on a key clause of the Federal Government's native title legislation following defeat of amendments in the Senate on Saturday.	20 December 1993	1

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
IM1	<i>Illawarra Mercury</i>	Mabo mess, Nationals cross floor to no avail	Unattributed	The Democrats will propose a compromise on a key clause of the Federal Government's native title legislation after critical amendments were defeated in the Senate.	20 December 1993	3
IM2	<i>Newcastle Herald</i>	Mabo debate left little space for celebration	Melissa Langerman	It is ironic that in a year meant to celebrate indigenous people, the word Mabo not only was cemented in Australian political lexicon but provoked one of the most divisive debates in Australian history.	21 December 1993	8
SMH3	<i>The Sydney Morning Herald</i>	Evans composure under fire to emerge as hero	Tony Wright	Late on Monday night, with the Mabo debate chugging along endlessly in the Senate, Gareth Evans asked leave for a cup of coffee to be brought into the chamber.	22 December 1993	6
SMH4	<i>The Sydney Morning Herald</i>	Mabo a new beginning, says PM	Paul Chamberlin	The Federal Mabo bill will be passed by Parliament today, 565 days after the historic High Court decision was handed down.	22 December 1993	1
SMH5	<i>The Sydney Morning Herald</i>	The Mabo turning point	Unattributed	NATIVE title legislation may yet be judged the most profound achievement of Paul Keating's political career.	23 December 1993	8
DTM1	<i>The Daily Telegraph Mirror</i>	Land bill ushers in new dawn	Michelle Hardy	THE barriers fell in the Senate as the Federal Government's historic Mabo legislation was passed today.	23 December 1993	3

Table 6: Native Title selected media

Aboriginal people had spent much energy on the politics behind the Bill—first on the Mabo litigation, then on native title legislation, on forming representative negotiating groups, resolving differences over their approaches, and on the negotiations themselves (see Foley, 2001; Abbott, 1993). Yet in the last days before the Bill was passed, the focus shifted significantly to parliamentary forces. Those Aboriginal voices more closely involved in the parliamentary stoushes arguably became the most crucial in retaining the gains won by that significant political energy. This case study examines how the mainstream New South Wales print media engaged with Aboriginal political agency during the debate in Parliament—and whether it understood or paid attention to Aboriginal peoples' stake in that debate.

Situating the literature

Given its status as a watershed moment in Aboriginal affairs and its ongoing ramifications as a piece of highly significant law for Aboriginal people, there is a wealth of literature on the Native Title Act. Much of it is, understandably, on its relationship to common law native title, key cases, and its machinations as a statute that can be utilised strategically by Aboriginal people alongside state and territory land rights regimes (Tehan, 2003). While there is a substantial body of literature on the role of media in the long-reaching political context that led to the negotiations which ultimately formed the Native Title Bill (see Ritter, 2010; Meadows, 1994; 2000), there is less on the weeks it spent as a subject of parliamentary play. The 'black armband' debates, which dogged the debate over the Mabo decision and native title, and federal parliamentary reconciliation agendas (Clarke, 2002), may have informed the sentiments that framed both political and media coverage of the Native Title Bill debates. On the one hand, there was concern to mete out 'balance'. On the other hand, there was an urging of the Bill as a way to address something 'historically and institutionally inequitable' (Clarke, 2002: 4).

Cabinet papers released recently reveal that the government's main objectives in proceeding with the Native Title Act were to settle the ambiguities which the Mabo decision had created about the status of mining and pastoral leases, to define native title rights and interests, and to devise a mechanism for determining them. The legislative response of the states had left the Commonwealth in a precarious position. In Western Australia, the *Land (Titles and Traditional Usage) Act 1993* aimed to supplant common law native title with 'traditional usage' statutory rights. Mabo had given Aboriginal peoples some leverage, and so the Aboriginal and Torres Strait

Islander Commission (ATSIC) and other interest groups with a moral mandate were consulted about the shape of the law, but not about whether to legislate in the first place. That decision would have been low on cabinet's priorities had other groups not been exerting exceptional political pressure (McClelland and Little, 2017). These negotiations have been described as being about the 'fine print', not the 'substance' of the proposed Bill (Short, 2007: 866). Moreover, the suggestion was that the 'institutionalisation of native title' itself became a 'social process bound by colonial structures ... power, elites, privilege and the actions, intentions and interests of the social actors involved' (Short, 2007: 859).

At the time 'scarcely a day ... passed without some mention of Mabo in newspapers and news bulletins around the nation' (Meadows, 1994: 100). Meadows suggests that 'the ideological construction of Aboriginal people' (1994: 100) explained the 'kind of media representation which ha[d] prevailed' during the negotiation phase of the Bill before its parliamentary debut. Meadows saw through the media an 'extraordinary response ... [from] vested interests—developers, pastoralists, miners, settlers ... clearly dominated by economic and real-estate concerns' (1994: 101). Above all, in this fray, journalists valued 'conflict [and] stereotyping' (1994: 101) in a legal context that was difficult to understand, without seemingly accessing existing legal scholarship on the matter that addressed the panic, myth by myth. Instead, both Short (2007) and Meadows (1994) noted that race had become the centre of reporting between the rights of Aboriginal and other Australians. This was diametrically opposed in the public discourse to national development which equated industry and commercial interests as belonging to the whole Australian nation (see also Lavelle, 2001). While Aboriginal spokespersons thought to be 'real Aborigines' (rather than urban or regional Aboriginal people) did intervene in the debates, they could speak, but not define the discourse, which was 'essentially controlled by others' (Meadows, 1994: 106). Journalists reported their surprise at the disunified position of Aboriginal peoples on native title., Meadows speculated it was because they had 'failed to establish a dialogue with indigenous [sic] culture' (1994: 106). Ritter (2010) suggested the failure was also attributable to media misunderstandings of the political climate surrounding native title — where each political position, Aboriginal and non-Aboriginal, parliamentary or otherwise, conceived of native title in distinct ways for and against the Bill.

Similarly, when the Act came to be amended in the following Liberal government's 10 Point Plan, we got a snapshot of a more parliamentary-based debate and analysis of its media coverage. Meadows' analysis (2000: 89), this time covering the legislative

response to *Wik v Queensland* (1996) 187 CLR 1, observed that media discourse thought of the legislation as an electoral 'deal' between major and minor parties and political personalities (see, e.g., 'Howard claims Wik victory'; 'Harradine holds key to Senate gridlock'). In these debates, Aboriginal sources were hardly present. *The Australian* quoted 20 Aboriginal voices compared to 83 non-Aboriginal voices (Meadows, 2000: 90). As will become apparent in the analysis below, the 'frenetic [parliamentary] bargaining' (Meadows, 2000: 88) that featured in media coverage of the 10 Point Plan amendments has similarities to the same desperate dealings of settler representatives on which media were focused in the final days that made the Bill the Act. The media coverage here attached 'victory' and 'defeat' in the late negotiations in a way described briefly by Meyers and Muller (1995: 113), as if Prime Minister Keating (and other politicians) had 'taken on a personal cause in relation to the Mabo legislation'.

Media ecology

For the articles selected, the mastheads were predominantly Fairfax outlets (80 per cent), comprised of *The Sydney Morning Herald* (50 per cent), the *Newcastle Herald* (20 per cent), and the *Illawarra Mercury* (10 per cent). The remainder were News Limited outlets (20 per cent)—*The Sunday Telegraph* (10 per cent) and *The Daily Telegraph Mirror* (10 per cent). To judge from the bylines which appeared, no author had written more than one article among those selected for this case study. *The Sydney Morning Herald* so dominated the sample that it is difficult to comment on the effect on the coverage of different ownership and mastheads. The *Herald* clearly dedicated significant resources to reporting the partisan political process behind the Bill, whereas others (with the exception of *The Sunday Telegraph*) gave more attention to the substance of the reforms, including what was at stake in the Bill for Aboriginal peoples.

The Sunday Telegraph and *The Daily Telegraph Mirror* tended not to offer extensive analysis of the substantive issues being debated, but focused instead on the personalities and the reconciliatory symbolism of the events. *The Sunday Telegraph* published only a few paragraphs of coverage on the weekend before the passage of the Bill, and even that was mostly about MPs' frustration that the Bill was cutting into their Christmas shopping (ST1). Given the conservative Sunday papers' taste for lifestyle and leisure topics, this is perhaps unsurprising. *The Daily Telegraph Mirror* was represented in the sample by an article written *after* the passage of the Bill,

which included a helpful overview of winners and losers in an infographic. Although the discourse here was similar to that in other reports, the timing meant it at least focused less on the parliamentary fracas (DTM1).

Overall, media ownership appeared to have little effect on the content of the articles studied here. However, the most active, in-depth reporting, which described what was at stake for Aboriginal people in the content of the Bill and Aboriginal people's tactics, was published by smaller mastheads such as the *Illawarra Mercury* and *Newcastle Herald*.

Deeper context

It is difficult to know where to draw the line in defining a deeper context to the Native Title Bill. Land rights and native title, it is almost redundant to observe, permeate the entirety of Aboriginal-settler relations (Gardiner, 1992; McGlade, 2003). The litigation of native title rights undertaken by Meriam man Eddie Kioki Mabo was clearly a catalyst for this legislation. In the absence of settler political will to answer the demands of an organised Aboriginal polity, the Labor government under Hawke had stalled in its work on a national land rights framework. The decision Mabo obtained from the High Court gave the issue sudden legal and economic urgency. This was matched by the tenacity and vision of the Aboriginal social movements supporting the claim—an intensity which communicated the meaning of this issue to the settler public. As the historian Henry Reynolds has suggested, 'I don't think it would have happened at all if it had been left to the parliaments' (Quince, 2018). Ill will towards the Bill was widespread among non-Aboriginal stakeholders, from the ranks of the Labor Party (Jackson, 2012), to mining and pastoral industries, and state and territory governments (McLelland and Little, 2017).

Preceding those final days of the Native Title Bill was eight intense months of negotiation. Two separate teams of Aboriginal negotiators worked with different parliamentary players, and represented different perspectives inside the Aboriginal polity. The 'A Team', the Mabo Ministerial Committee, worked directly with Keating. The 'B Team', worked with minor parties and on the fringes of the parliamentary process.

Some Aboriginal groups were critical of the ministerially-chosen team, the A team. On 3 August 1993 at Manyallaluk, Northern Territory, over 400 delegates met to develop the Eva Valley Statement. They nominated a pluralistic representative body

that rejected the proposed Native Title Bill and suggested alternative legislation to advance Aboriginal land rights (Foley, 2001). The Eva Valley Statement demanded that Commonwealth legislation meet five principles (Behrendt, 2003: 89):

1. Recognition and protection of Aboriginal and Torres Strait Islander Rights;
2. In response to the High Court finding, that the Commonwealth Government acknowledge that Aboriginal and Torres Strait Islander Title cannot be extinguished by grants of any interest;
3. No grant of any interest on Aboriginal and Torres Strait Islander Titles can be made without the informed consent of all relevant title holders;
4. Commonwealth Declaration of Aboriginal and Torres Strait Islander Title in reserves and other defined lands; and
5. Total security for Sacred Sites and Heritage Areas which provides for Aboriginal and Torres Strait Islander Peoples' absolute authority.

In response to the Eva Valley Statement, and to an earlier speech by Michael Dodson in Geneva about the Bill, Prime Minister Paul Keating attacked both, and praised those leaders whose comments had supported the Bill (Foley, 2001). Paul Coe and Charlie Perkins remarked of the negotiations: 'Attempting to legitimise the proposed Commonwealth native title legislation by having the Prime Minister negotiating with five Aboriginals so as to say Aboriginal Australia has been consulted is not acceptable' (cited in Foley, 2001).

There was no artificial unity in the eight months of negotiations preceding the final days of debate on the Bill, although the general mood was one of shared caution. By all accounts, the negotiations were hard and issues-based—as befitted the myriad complex and at times contradictory interests of the Aboriginal polity. Those who were not party to the negotiations, including Charles Perkins, distrusted the media for 'shunning ... genuine Australians and the Aboriginal community from knowing the extent of the black backlash on this legislation' (Abbott, 1993). Meanwhile, groups spurred by the Mabo decision lodged significant native title claims, which added urgency to the negotiations—a strategy encouraged by the National Aboriginal and Torres Strait Islander Legal Service (NATSILS) and its chairman Ray Robinson (Abbott, 1993).

As the final days neared, it was the status of pastoral and mining leases that shaped most of the mainstream commentary and reportage on the Bill's provisions (see Lavelle, 2001). Substantial as those interests were in the reporting, however, they

took second place to intrigue and party- and personality-centred politics, as media ate up the theatrics of a Senate with skeptical minor parties and an opposition which opposed it in its entirety and refused to entertain amendments (SMH4).

Once the Bill passed, Paul Keating (1993) declared that ‘this has been a great week for Aboriginal Australians.’ The Native Title Act would go on to be progressively weakened by both the courts and parliament (McGlade, 2003). It would establish Indigenous Land Use Agreements (ILUAs), which are made as a private settlement of a native title claim between native title claimant groups and non-Indigenous disputants, as a negotiated norm (Quince, 2018). It would lead to decades-long applications to achieve, or be denied, native title (Australian Law Reform Commission, 2015). Its requirements for an ‘ongoing connection’, and restrictive norms about what that connection could be and how it could be proved, disadvantaged nations and communities in New South Wales, Victoria, and Tasmania (Quince, 2018; Australian Law Reform Commission, 2015).

Aboriginal agency

Aboriginal agency was almost invisible in the sampled media coverage. Meanwhile, settler Australian political agency was amplified and centred. A common trope in the depiction of Aboriginal involvement across the coverage was that particular parties were acting ‘on behalf’ of Aboriginal interests. At times, individual politicians would make this claim explicitly. In *The Sydney Morning Herald*’s ‘Even at Christmas There Was Mud’ (SMH1) the Greens Senator Christabel Chamarette was quoted as working to secure ‘justice for Aborigines’ in Senate negotiations, which the piece suggests could ‘mean anything or nothing’. At other times, the declaration of representative interest was more subtly put in tension with its compliance with parliamentary and political norms. Later in the negotiations, when the Greens’ amendments were agreed to, the amendments were described as ‘favouring Aborigines’ (SMH3)—but the political means by which they were reached were described as ‘anarchist’, ‘whittling away with reason’, and ‘brinksmanship’.

Even when these same strategies were explained and reported upon (‘Aboriginal groups believed they would be better off under [proposed] provisions’ [IM1]) Aboriginal interests were treated as parliamentary proxy—policy positions to adopt rather than political participants to engage. Some coverage, that which was privy to internal negotiations, did acknowledge the push back by some Aboriginal groups on particular strategic tactics by parliamentarians. In response to the ‘brinksmanship’

of Greens senators, for instance, David Ross of the Central Land Council 'made an impassioned speech insisting the legislation had to be passed, whatever its perceived faults. It gave more to blacks than it conceded' (SMH1). Statutory clarity, to paraphrase his argument, even with strategic concessions was better for Aboriginal native title interests than risking the unpredictable balances a court might strike through further delay.

In all the media coverage it was implied that the Bill, because its subject was native title and the resolution of legal ambiguities which arose from it, was operating in the interests of Aboriginal people. The Bill, once passed, was lauded by the *Daily Telegraph Mirror*, which cast 'Aborigines' as the winners from 'legislation ... they have heralded as historic' (DTM1). Much of the coverage featured lengthy speeches or declarations by Keating about the Bill as an act of national, moral significance. This implied that the Bill would achieve the justice that Aboriginal people were seeking (SMH5). Even the opposition, which refused to engage with the Bill except to vote against it and any amendments (with three rogue National Party senators crossing the floor to vote for amendments in the National Farmers Federation's interests), reportedly claimed to do so because the Bill was among other things 'bad for Aborigines' (SMH5).

Part of what made the claim to be working 'in the interests' of 'Aborigines' such a difficult thing to identify within the texts was a lack of description of just what the Aboriginal interests were—including a failure to identify Aboriginal sources and ground their expertise. The claims by parliamentarians to be working on behalf of Aboriginal peoples broadly go un-interrogated by journalists, who print them verbatim (see, for example, SMH4; SMH1). Only one text, ironically on how Aboriginal and Torres Strait Islander leadership was forged in the fire of the Mabo debate (IM2), gave any meaningful breakdown in the rush to pass the Bill of what varied interests Aboriginal people were fighting for, and which Aboriginal organisation and which Aboriginal individuals were pushing for them. That piece also acknowledged that the Native Title Bill was likely to benefit only a small segment of the Aboriginal population who could use the Mabo precedent to claim native title to land with which they had an unbroken connection.

Nevertheless, the claim to be always acting in the interests of 'Aborigines' was a powerful lure for coverage of the partisan machinations surrounding the Bill, its amendments and its passage through the Senate (see, for example, NH1). Aboriginal peoples became a kind of moral authority for a strategic or substantive position on the Bill to which news outlets were attentive.

For the most part, the media coverage conceived of Aboriginal peoples as powerful signals and semaphores. Intensely contested claims were reduced to bites from a select few, privy to ministerial dealings. These individuals were assigned broadly pro-Bill stances and flatly named 'Aboriginal leaders' (see, SMH4; DTM1). When those leaders were *actually* named, they tended to be described through their emotions, for example, 'Aboriginal leaders cried' (DTM1). ATSIC Chair Lowitja (then Lois) O'Donohue was 'kissed' by Prime Minister Paul Keating, who 'threw his arm around' her 'to the applause of many Aboriginal representatives' (SMH4). The reporting of the hug was followed by reporting Keating's speech about the importance of reconciliation and native title. O'Donohue was conferred only small column space to comment in support of the Bill and its gesture as a symbol, but little more.

When the Bill did pass, the awe-struck reportage described the events in parliament as scenes of high drama—'marathon hours of debate' (SMH3; SMH1), 'no sleep' (SMH3; SMH1), 'fury and discontent' (SMH1), 'leadership tensions' (SMH5). The heroes who had driven the action and deserved the credit were senators and ministers (SMH5; SMH3; SMH4; DTM1; SMH1). Aboriginal people were the ones they had done things for. Their roles were to urge the Bill's passage (SMH1), or to celebrate and be 'grateful' (SMH4) for it.

Discourses

Above all, the media coverage of the final days of the Mabo Bill focused on personalities and partisan conflict (SMH1). This minimised the extent to which Aboriginal agency had influenced the process. It also shifted the focus of discussion of the Bill's political significance from native title itself to parliament's claim to represent authentic Aboriginal interests and to parliamentarians' grandstanding (SMH4; SMH3; NH1).

So strong was the discursive focus on these moral claims and on grandstanding that it even permeated the language and style of the coverage. The Greens Senator Christabel Chamarette was described as being 'built like a mudwrestler' (SMH1) in a story about her conflict with Labor and Democrat parliamentary opponents. The narrative's focus on personalities allowed for individual politicians to direct the agenda—not necessarily for substantive reasons to do with native title, but to show their parliamentary and other political power (SMH3). Entire articles were written on the role of individual Labor figures in the debate, which thus came to be about displays of parliamentary influence (SMH3; SMH4; NH1; SMH1) rather than the

issue at stake for Aboriginal people. In this transformation, little room was left at all for Aboriginal voices except as votaries of that power. SMH3 ('Evans maintains composure under fire'), documented minutely the final hours of the debate from the perspective of Senator Gareth Evans—from what he ate ('aspirin, soup, and a bread roll'), to what he sacrificed ('a coffee'), to admiring his fortitude in not losing his temper (or, because of food poisoning, the contents of his stomach).

In 'The Mabo turning point' (SMH5), the entire focus of the article was on what native title meant for Prime Minister Paul Keating—a 'symbolic' coup, a 'profound achievement' that demonstrated his 'tenacity and courage'. In the same article, Aboriginal negotiators 'who worked with the Prime Minister ... deserve a special mention: they demonstrated a political maturity'. That is an example of infantilisation: it deprives those Aboriginal negotiators of credit for what we now know was a vexed task involving many levels of negotiation. That task could properly be described neither as working *with* the Prime Minister nor as deserving 'special mention' so much as being central to the Bill's conception, development and passage. As Sana Nakata argues (2018), the infantilisation of Aboriginal people in politics in general facilitates a paternalistic view of Aboriginal affairs.

Infantilisation of this type was balanced by one article at least (IM2) which focused on the burgeoning Aboriginal political class and its response to Mabo. Even then, in describing the development and maturation of that political class, the article seemed to imply that what had come before—some centuries of Aboriginal politics—was somehow deficient in comparison to parliamentary reality. Non-Aboriginal actors in parliament or the law who had made compromises of any kind in order to assist the native title legislation were described not in terms of their growing maturity or development, but of their commendable strength in adapting to a new politics of reconciliation (NH1; SMH3; SMH5). The Mabo Bill was their achievement, though it was never 'the work of one person only' (SMH5). In the view of the media examined in this study, it was never the work of *even one* Aboriginal person.

In general the articles treated the process as an epic, in which the main characters were parliamentary figures who had complicated relationships within the institution but little relationship to Aboriginal actors outside it who might seek to influence the process. This myth-making was not limited to non-Aboriginal politicians, but extended to the institutions of the settler government. While the High Court was acknowledged for its ruling in 'the Mabo case' for propelling native title 'onto the political agenda,' (IM2), Mabo the man and litigant was acknowledged in only one of the stories and even then not directly, but by proxy through his QC, Ron Castan

(SMH1). State governments ‘resisted’ the legislation (IM2), and the opposition leader, John Hewson, was quoted claiming the Bill was ‘bad for Aborigines ... and bad for the nation’ (SMH4)—arguments which were based on the Bill’s institutional significance and which journalists did not question.

In this discourse, the settler nation was the ultimate stakeholder in the legislation: it was for the nation’s sake that the interests in native title had to be balanced (DTM1; SMH2). On one hand, there was the moral question: the legislation ‘represents the nation’s coming to terms with its past ... a more mutually respectful foundation for [Indigenous and non-Indigenous] relations’ (SMH5). That is, both the politicians and an imagined Australian public had a moral stake in its success. On the other hand, the interests of farmers, miners and home owners (Lavelle, 2001) required this question of morality to be counterbalanced with economic considerations, particularly towards the end of a recession (SMH5; SMH2). Thus was the discourse balanced in the articles, reflecting the Senate’s own struggles with the Bill’s finer details.

In the media discourse, it was a Native Title Bill without any ‘native’ interests—an obviously and almost comically unsatisfactory way to represent a watershed moment in Aboriginal affairs.

Deeper narratives

Ultimately, the deeper narrative has the ultimate effect of driving Aboriginal policy voices out of their own stories, and reduces those voices and their agendas to political objects. This process is familiar from critical Aboriginal literature: settler colonial states and their media appear to describe Aboriginal legitimacy in the same way that those states use Aboriginal land bases to give themselves legitimacy as governing states (Moreton-Robinson, 2014). Ironically then for Aboriginal stakeholders, the fight over the Native Title Bill hinges on the very issue of territorial legitimacy—the loss of the Aboriginal land base has led to the loss of sovereignty recognised by other nation states.

The High Court’s Mabo decision itself struggles with the relationship between state and Aboriginal sovereignty (which the High Court considers non-justiciable) and radical title (where a nation state can apportion out land interests by virtue of its sovereignty). In its coverage of the final push for the ‘Mabo Bill’, mainstream media appear to think of Aboriginal policy interests in a similar way—apportioned out by

parliaments which have some unspoken right to do so. Aboriginal policy agendas (like the divergence in negotiated interests) and Aboriginal politicking (like the divergence in negotiating strategies) were flattened by media into passive parcels which political parties could claim. If Aboriginal interests are visible at all in the reports, Aboriginal negotiators are not quoted or identified as sources; alternative negotiating parties are not mentioned or are incorrectly identified. Meanwhile, farming, mining or economic interests are accorded the legitimacy of being parliament's primary concern in any fair apportioning of land interests and rights (SMH2; NH1; DTM1).

At all times, parliament's right to govern and to negotiate determinations through multi-party processes was the central assumption of the mainstream media reporting—to the detriment of Aboriginal interests. Accounts from Aboriginal participants at the time (see 'Comparing Indigenous communications texts' below) and the historical accounts of Foley (2001), paint this last week as a polycentric struggle in which conflicting Aboriginal interests, with varying strategies, sought to be heard by non-Aboriginal actors with differing agendas. What is more, it appears that partisan strategies and agendas often conflicted with those of the Aboriginal negotiators who chose to engage them as strategic allies. Despite this nuanced and variegated process, the mainstream media presented the debate flatly as a centralised, top-down procedure conducted for the benefit of 'Aborigines', a group it imagined to be culturally and politically homogeneous (DTM1). Where Aboriginal political operatives were engaged as sources, which was uncommon, they were framed as stakeholders in the moral battle to pass the Bill before Christmas—urging at the sidelines (SMH1), but not directly involved. What news media did, above all, was to objectify the Aboriginal political class.

Sources

The mainstream media articles analysed here were written by non-Aboriginal journalists; Aboriginal sources were quoted infrequently. Most comments came from official ministerial, prime ministerial, opposition or party communications (IM1; DTM1; SMH2; SMH4; SMH5)—or from senators engaged directly in the debate (NH1; IM1; SMH3; SMH1; SMH5). Quotes from industry sources, especially from mining and pastoral interests, were often given more space and more prominence than those from Aboriginal representatives (SMH2; SMH3; IM1). When Aboriginal sources were quoted, they tended to be paraphrased by journalists, while non-

Aboriginal sources (especially the Prime Minister) were often quoted verbatim at length—in one instance taking up just under half the length of the story (see SMH4). When Aboriginal sources were quoted verbatim, they generally provided support for a political position already articulated in the piece by a parliamentary figure in general terms (SMH1). While parliamentary figures set the agenda of the story (in a way neatly captured by the headlines ‘Mabo a new beginning, says PM’ [SMH4] or ‘Evans maintains composure under fire’ [SMH3]), Aboriginal figures quoted or depicted in the articles were confined to responding to that agenda.

Aboriginal people were quoted directly in just three of the 10 articles analysed. In these, their position as Aboriginal stakeholders was laid out for the reader. Noel Pearson was attributed quotes as director of the Northern Land Council (SMH4), David Ross of the Central Land Council (SMH1), Lois O’Donoghue as chairwoman of ATSIC (SMH4). At times an institutional position was expressed in a way which eclipsed entirely the person expressing it. Unnamed members of the Aboriginal Provisional Government, for example, were reported to be satisfied in one article, after ‘pressing for changes to the original’ (SMH4). Sometimes organisations became ciphers for Aboriginal political interests that voiced dissent. In IM2, NATSILS was lumped in with the Opposition as criticising the adequacy and authenticity of Aboriginal representation in negotiations. Others in the same article, including a generic coalition of land councils, ATSIC and legal services, were quoted as making representative gestures about land rights, social justice and land acquisition after the Bill, regardless of the positions they had held previously (IM2).

While Aboriginal sources were quoted, there was an interesting focus on *how* they delivered remarks and opinions in response to events or to the words of parliamentary figures (SMH4; SMH1). Aboriginal sources were often described in terms of their embodied emotions (SMH4; SMH1). When certain generic positions in support of the Bill were attributed to Aboriginal sources, they were referred to without names or identifiers, but instead as ‘Aboriginal leaders’ (SMH4; DTM1) or often simply ‘Aborigines’ (DTM1). Quoted or engaged this way, Aboriginal leaders became political objects rather than political agents.

Aboriginal communication texts

The print coverage in this case study was dominated by News Ltd and Fairfax-owned outlets, and written by non-Aboriginal journalists. Aboriginal people and organisations across the continent were talking about the Bill as a matter of urgency. Aboriginal journalism around the same time was focused less on the detail of the negotiations, than on explaining their substance. In the *Koori Mail* for instance (*Koori Mail*, 1993a), journalists mentioned just one senator, Christabel Chamarette, by name, but spent half the available space explaining the institutional process being used and the policy ends to which that process was being put, and citing named Aboriginal sources. Elsewhere in the same issue, Lois (later Lowitja) O'Donoghue is quoted extensively and directly as ATSIC chairwoman ('WA law "reduces rights"', *Koori Mail*, 1993b) while the looming constitutional fight between the Western Australian and Commonwealth Governments receives a half-page treatment dedicated to legal analysis quoted from named Aboriginal sources in that state ('Kimberley challenges WA law', *Koori Mail*, 1993c). The *Koori Mail* also wrestled with the national electoral reality of the Bill, revealing mainstream opinion to be broadly against the proposed legislation (*Koori Mail*, 1993d), and industry perceptions of the Bill (*Koori Mail*, 1993e). The *Koori Mail* also made space for negotiating teams to update Aboriginal peoples directly on the negotiation (*Koori Mail*, 1993f). Political events were regularly placed in context by explanations of the interest and standpoint of those involved (*Koori Mail*, 1993g)—important considerations in the federal-state negotiations that would shape future litigation (*Koori Mail*, 1993h). In the final months of negotiations, and before the final week of the Senate amendments, the *Koori Mail* prioritised the coverage, with front-page articles, editorials and lengthy features in every issue from September to December.

As well as archived Aboriginal media coverage from the selected period, we also have Professor Gary Foley's (2001) historical coverage of the moment. The settler media were sometimes silent or sceptical about who was representing which precise Aboriginal interests, unless they were the Labor party representing 'Aboriginal leaders' (SMH1). However Foley notes in his retrospective coverage that the B team's aims were to persuade the Democrats and Greens to use the balance of power which they controlled 'to force concessions from the government' (2001: 20). This was only partly reflected in one of the articles in this study, and only because that article attributed a paraphrased 'satisf[action]' with the final Bill to members of the Aboriginal Provisional Government 'who had pressed for changes ... with other Aborigines' (SMH4). This contrasts with Ramsey's (1993) suggestion that 'justice

for Aborigines' could 'mean anything' in the Greens' Senate declarations. While that remains true even in light of Foley's account, it does cast doubt on the suggestion that the Greens were acting paternalistically or without a mandate from Aboriginal negotiators, especially in the light of the late-night conflict depicted in many of the articles (SMH1):

The Greens always want more ... Chamarette was simply upping the ante to try to force more concessions from Evans. But concessions for whom? Not the majority of blacks represented at the arm-wrestling on Thursday.

... David Ross, from the Central Land Council ... made an impassioned speech insisting the legislation had to be passed, whatever its perceived faults. It gave more to blacks than it conceded, he said.

As a counter, Foley suggests 'the leaders of the A team' were responding to Chamarette's support of 'the B team's criticisms' (no date: 21). Foley describes their response as 'declarations [from Lois O'Donoghue] that the Greens have hijacked Aboriginal authority' (no date: 21). So, in contrast to a sole Aboriginal political authority (one of the few even mentioned) in the mainstream media coverage, Foley's history depicts a polycentric struggle for negotiating and strategic authority not only between Aboriginal leaders, but for the parliamentary targets of their negotiation. In the light of this history, the mainstream coverage seems one-dimensional, even if we set aside the way it reduces a complex subject to partisan manoeuvring. It ignores the multi-dimensional deal-making that was occurring not just on behalf of Aboriginal leaders as mere passive symbols of moral legitimacy, but organised by them as active participants in the process.

Findings and conclusion

As the mainstream media described these events, parliament was acting on behalf of Aboriginal peoples; the process and not the substance was paramount. While this case study alone does not provide enough evidence to suggest what that discourse's wider effect on Aboriginal strategy might be, it does reflect what Davis has described as the tendency of the Australian public to think of Aboriginal Affairs as a political end in and of itself (2016). In Davis's view, Aboriginal political actors and those on whose behalf they act are not just reduced to symbols of recognition—as subjects they are 'all but erased from the process' (2016: 76).

The ten news articles in the sample for this case study did more than erase Aboriginal agency; they created a media perception that agency could be claimed by any political actor on Aboriginal peoples' behalf. The implication of this is that Aboriginal participation in the parliamentary process becomes merely Aboriginal endorsement of not only that process, but its policy substance. When mainstream publications treat Aboriginal polities as objects, as happened here, they mask the enormous work those polities do and have done to advance a policy agenda inside and outside Australian government institutions. It creates the perception that Aboriginal policy objectives, once taken up by Australian government institutions in whatever form, are acts of benevolence, not a political or legal response to existing conditions. It is especially telling that this framing was prevalent, even where a government was responding to a significant matter of common law established through litigation. The tendency of media at the time to describe Australian governments as acting on behalf of, not in response to, Aboriginal peoples meant that even on a question as essential to Aboriginal existence as native title, Aboriginal peoples, their work and their policy objectives were obscured completely amid talk of mud-wrestling, aspirin and reconciliation.

For all of us—for none of you?

Practical reconciliation

Anne-Maree Payne, University of Technology Sydney

Introduction

John Howard's 1996 election slogan 'For all of us' was characterised by Noel Pearson as 'a racist and divisive campaign slogan', communicating the subliminal message that under the Keating government Aboriginal people had been 'living it up' at the expense of middle Australia, whereas Howard unapologetically offered 'an uninclusive government for middle Australia' (Pearson, 1996: 29). Howard's claim to be governing 'For all of us', in Pearson's interpretation excluded Aboriginal people, and in fact drew a line between non-Aboriginal and Aboriginal Australians: 'For all of us—for none of you'.

The Howard government's agenda in Aboriginal policy played firmly to middle Australia. Apologies and treaties, the government said or implied, made non-Aboriginal people uncomfortable and were in any case empty symbolic gestures which made little to no difference in the everyday lives of Aboriginal people. The focus of the previous Labor governments on Aboriginal rights—both human rights and land rights—had been overdone, and needed to be balanced with greater emphasis on the responsibilities of Aboriginal people to themselves, to their communities and to the nation. What was needed instead of symbols and rights, Howard proclaimed, was a stronger focus on practical measures which would address Aboriginal social disadvantage and expand the opportunities available to Aboriginal people. 'Practical reconciliation' captured this shift in thinking, reflecting a rejection of the politics of regret and guilt and arguing that Aboriginal disadvantage needed to be addressed to enable full participation of Aboriginal people in the Australian nation. However, its profoundly limited vision—dismissing the significance of acknowledging the past and focusing on contemporary disadvantage—failed to make the connection that Aboriginal disadvantage today is a legacy of the very long history Howard was so keen to avoid.



Patrick Dodson, Chairman of the Council for Aboriginal Reconciliation (1991-1997), waiting for Prime Minister John Howard. Cartoon by Nicholson for *The Australian*, 1997 www.nicholsoncartoons.com.au.

During Howard's time in power, debate about national reconciliation became polarised around the two supposedly mutually exclusive ideas of 'practical' and 'symbolic' recognition. Famously, Howard refused the supposedly symbolic act of apologising to the Stolen Generations, a recommendation of the *Bringing Them Home* Report in 1997. Howard rejected the idea of a treaty and refused to participate in the marches for reconciliation, even though other federal ministers participated in Sydney's Bridge Walk in 2000. These refusals epitomised the stridently conservative approach to Aboriginal issues that would characterise Howard's years in government.

Big money, small change

The Government is spending more than \$2 billion a year on programs just for Aborigines. But does that buy them a better life?

WHEN I recently returned from the Prime Minister's office, I was told that the Government is spending more than \$2 billion a year on programs just for Aborigines. But does that buy them a better life?

Education is the most important, with some \$1.5 billion going to the health of indigenous people. The rest goes to housing, social services, and other programs. But the Government is spending more than \$2 billion a year on programs just for Aborigines. But does that buy them a better life?

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The Sydney Morning Herald article titled 'Big Money, Small Change', discussed on page 147.
Andrew Clennell, Toni O'Loughlin, Mark Metherell and Joseph Kerr, *The Sydney Morning Herald*, 2000.
Photographer: David Hancock.

His speech to an Adelaide reconciliation convention in 1997 drew the ire of the crowd; in it, he defended his ten-point plan to amend the Native Title Act after the Wik decision, opposed 'symbolism' in favour of 'responsibility' and challenging disadvantage, and called Australia's history of treatment of Aboriginal people a 'blemish'. Howard stated, 'I profoundly reject the black-armband view of Australian history. I believe the balance sheet of Australian history is a very generous and benign one' (Cunneen, 2000-2003: 195). At the time, others, including the then Governor General, Sir William Deane, were more open to new interpretations of Australia's past, and overtly linked such interpretations to the moral health of the nation (Brooks, 2004: 154).

While the ideas behind practical reconciliation arguably constituted his approach to Aboriginal issues from his 1996 election onwards, Howard and his government

began to use the exact term ‘practical reconciliation’ more obviously as an identifiable policy proposal with the announcement of the first national Aboriginal Literacy and Numeracy program in 2000. This announcement appears to have been the culmination of ideas that had coalesced around the government’s response to the Wik decision and its criticism of the *Bringing Them Home* report. The media articles analysed in this study surround the reporting of the announcement of the Aboriginal Literacy and Numeracy Program. This announcement came a week after the United Nations Committee on the Elimination of Racial Discrimination had criticised the government’s handling of Aboriginal issues. Reporting thus intersected with this as well as other debates at the time over a possible apology, accusations of government racism, and the discriminatory impact of state mandatory sentencing laws.

The issue of reconciliation continued to dog Howard’s government throughout its 11 years in office. When Kevin Rudd, as Opposition Leader, promised if elected to apologise to the Stolen Generations, it put the Government on the back foot. Just before losing the 2007 election, and only a few months after suspending the *Racial Discrimination Act 1975* (Cth) and commencing the Northern Territory Emergency Response (NTER), John Howard proposed a referendum to recognise Aboriginal peoples in the constitution. Kevin Rudd quickly agreed to the proposal—though, as later case studies discuss, the debate about just what constitutional change should involve, and when and how a referendum should be held, stretched throughout the Rudd and Gillard governments into the Abbott, Turnbull and Morrison years. More than a decade later, the issue is yet to be resolved.

Media ecology

This chapter covers articles published in the week following Howard’s use of the term ‘practical reconciliation’ in announcing a \$27 million education fund for Aboriginal people. The first article in this sample was published on 30 March 2000, and the last on 6 April 2000. In chronological order the articles are presented in the Table.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
DT1	<i>The Daily Telegraph</i>	\$27m for Aboriginal literacy	Mark Ludlow	Aborigines who skip school could be rounded up by “parent patrols” as part of a \$27 million national strategy to improve Aboriginal literacy.	30 March 2000	14

Does the media fail Aboriginal political aspirations?

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
AUS1	<i>The Australian</i>	We must hold a dignified dialogue	Peter Yu	The stolen generations are not a mathematical question.	3 April 2000	13
DT2	<i>The Daily Telegraph</i>	Libs in the red on black issues	Malcolm Farr	Aboriginal affairs are close to taking over the national political debate as Parliament resumes today, and as Chief Political Reporter Malcolm Farr writes, the major parties are wary.	3 April 2000	20
AUS2	<i>The Australian</i>	Polite rebels put human face on PM	Denis Shanahan	The moderates in the Howard-led Liberal Party, which has been slipping deeper into conservatism, have stood up.	5 April 2000	4
SMH1	<i>The Sydney Morning Herald</i>	Playing race card fuels discontent	Alan Ramsey	At 7am yesterday the radio broadcaster accused of vilifying Aboriginal people rang the Prime Minister accused of exploiting race issues for political gain.	5 April 2000	17
SMS1	<i>St Mary's Standard</i>	Back to Basics - PM backs basics - Education plan lauded	Robert Sullivan	Policy is "practical reconciliation".	5 April 2000	1
AUS3	<i>The Australian</i>	Sorry days for intractable leader	Richard McGregor	Political incompetence rules the day.	6 April 2000	11
SMH2	<i>The Sydney Morning Herald</i>	Big money, small change	Andrew Clennell, Toni O'Loughlin, Mark Metherell, and Joseph Kerr	The Government is spending more than \$2 billion a year on programs just for Aborigines.	6 April 2000	11
SMH3	<i>The Sydney Morning Herald</i>	Australia can afford a national apology	Unattributed	The Prime Minister's refusal to intervene in the mandatory sentencing legislation of the Northern Territory, which disproportionately affects Aboriginal families, has attracted criticism from the UN.	6 April 2000	14

Table 7: Practical Reconciliation selected media

Howard's announcement of \$27 million in funding for Aboriginal literacy was one of the first uses of the term 'practical reconciliation', a phrase which came to dominate his government's agenda in relation to Aboriginal people. The articles featured in this case study were written in response to this announcement, but a number of them highlight the broader context of the ongoing debates about the adequacy of the government's response to the findings of the *Bringing Them Home* report. There were criticisms of the Aboriginal Affairs Minister John Herron's submission made on behalf of the federal government to a Senate inquiry into the Stolen Generations, which stated that there never was a generation of stolen children and that the proportion of Aboriginal children separated from their families was no more than 10% (Dow, 2008). Articles also raised the contentious issue of mandatory sentencing laws, which were widely recognised to have a racially discriminatory impact on Aboriginal people. In some articles the revolt by moderates within the government's own ranks, who were uncomfortable with the government's approach to Aboriginal issues, was also discussed.

The 1990s were the era in which Australian news media first began to develop an online presence. Both the ABC and *The Sydney Morning Herald* began to publish news online from 1995. Sky News began in Australia in the 1990s and provided Australia's first 24-hour news channel (Tiffin, 2015). In 1993, Australia had 49 daily newspapers; the number of metropolitan and national daily papers had declined by one third since the 1980s; the remainder were concentrated in the hands of just four owners (Tiffin, 2015). The Murdoch-owned News Ltd dominated the national daily circulation of print media with 56.6 per cent of the market; together, Murdoch and Fairfax accounted for more than 78 per cent of total daily circulation (Tiffin, 2015). The 1990s has also been described as a period of resurgence in Aboriginal newspapers, led by the success of the national *Koori Mail* newspaper which commenced publication in 1991 (Meadows & Molnar, 2000). ATSIC played a crucial role in the development of Aboriginal radio broadcasting in this era (Meadows & Molnar, 2002).

John Howard's approach to news media has been described as revolutionary; he prioritised morning radio, participating in interviews with hosts who were largely sympathetic to his political agenda in an attempt to set the daily news cycle—an approach described as 'try and hold the line and win the day' (McKnight, 2015). Howard also relied on opinion polls and market research, an approach characterised as having 'an ear that's very tuned to public opinion' (McKnight, 2015). However, a political furore in 2001 suggested the opposite: internal Liberal Party comments on perceptions of John Howard's government were leaked to the press, which characterised it as 'mean, tricky, out of touch, and not listening' (Young, 2001).

Situating the literature

The intense focus on Aboriginal reconciliation in the decade before the centenary of federation in 2001 reflected a perception that the nation needed to deal with aspects of its past to have a legitimate future. Attwood (1996: xxix) describes the ‘acute ethical problem’ facing settler societies such as Australia, where the ‘troubling presence’ of the past is increasingly seen to cast a shadow over Australia’s future. Theorists have noted the allure of modern efforts to address historical injustices in colonial contexts, which aspire to provide a ‘narrative of redemption—a morally clean settlement’ (Moses, 2004: 35). Short comments (2008: 7):

far from being a genuine post-colonial exercise the political reality of Australian reconciliation was one of intense resistance to any change in the colonial structures that continue to dominate and subordinate Aboriginal peoples.

The so-called ‘decade of reconciliation’ changed direction radically with the election of the Howard government in 1996. Howard’s vision of practical reconciliation repudiated what he saw as the ‘dominant paradigm’ of reconciliation based on ‘the shame and guilt of non-Aboriginal Australians’, which promoted ‘a culture of victimhood’, and criticised the supposed ‘philosophy of separateness’ underpinning calls for a treaty as ‘fundamentally flawed’ in their assumption that ‘we are dealing with two separate nations’ (Howard, 2007: 107). He described ‘practical measures’ to address Aboriginal disadvantage as ‘the heart of a successful reconciliation process’ (Howard, quoted in Grattan, 2000: 107). Howard also emphasised the need for a ‘focus on what unites us as Australians rather than what divides us’, and stated his hope that Australians ‘will respect and appreciate our differences and *not make demands on each other which cannot be realised*’ (Howard, quoted in Grattan, 2000, emphasis added).

A number of Aboriginal scholars were highly critical throughout the Howard era of the government’s focus on practical reconciliation. Foley (1999) expressed serious doubt about the processes of reconciliation in train at the end of the 1990s, asking, ‘How can genuine reconciliation be achieved without an acknowledgment of the crimes of the past?’, and arguing that reconciliation cannot be genuine until reparations and compensation, alongside land wealth, are returned to Aboriginal hands. Behrendt (2003: 137) argued that ‘practical reconciliation is a wrong turn in the road ... It is more than a backward step’, and expressed concern that the damage

it caused would not be easy to undo. Behrendt (2003) described Howard's spending in Aboriginal Affairs as predicated on a 'benevolence' rooted in paternalism which would not succeed in producing Aboriginal socioeconomic advancement in the absence of a rights-based agenda. Langton (2000) criticised Howard's 'rigid refusal to recognise Aboriginal societies as pre-existing entities with rights and entitlements', and highlighted the benefits of an alternative approach, agreement-making with Aboriginal peoples, which she saw as a practical approach superior to Howard's 'reiteration of the policy of assimilation'.

Deeper context

The late twentieth century has been identified as a global 'age of apology' (Brooks, 1999), characterised by community and political efforts in many countries to investigate and seek redress for past injustices. In Australia the 1990s were marked by an unprecedented national focus on the history and legacy of colonisation and its ongoing impact on Aboriginal peoples. During this decade the final report of the Royal Commission into Aboriginal Deaths in Custody was published (1991); a Decade of Reconciliation, overseen by the newly created Council for Aboriginal Reconciliation, was declared (1991); the High Court in the Mabo case recognised the existence of native title for the first time (1992); the International Year of the World's Aboriginal Peoples was celebrated (1993); the Native Title Act was introduced (1993); the Wik case (1996) found that native title was not automatically extinguished by the granting of a pastoral lease (Langton, 1999); the inquiry into the separation of Aboriginal and Torres Strait Islander children from their families was established (1995) and its report *Bringing Them Home* was launched at the National Reconciliation Convention (1997). The 'Decade of Reconciliation' culminated in Corroboree 2000, a celebration of the achievements of the reconciliation process (Council for Aboriginal Reconciliation, n.d.). The intense focus on Aboriginal reconciliation in the decade before the centenary of federation reflected a perception that Australia as a nation needed to deal with aspects of its past in order to have a legitimate future.

The *Bringing Them Home* report (HREOC, 1997), launched at the first National Reconciliation Convention in 1997, had a major impact in raising awareness of the Stolen Generations, and has been described as a 'watershed in public consciousness of the injustices perpetrated on Aboriginal peoples' (Gigliotti, 2003). However, its reception by the then recently-elected Howard government was frosty, and there

were significant attempts to discredit the inquiry, in particular to challenge the finding that the removal of Aboriginal children constituted genocide, and to reject the recommendations that the federal government should make an apology and that compensation should be paid to members of the Stolen Generations. Elazar Barkan (2000) describes history as 'a crucial field for political struggle' and the contest over competing interpretations of Australia's past at this point certainly bears him out. The controversy was a major feature of the so-called culture wars that formed the backdrop in Australia to discussions of *Bringing Them Home* and to the emergence of practical reconciliation.

Debates about the Stolen Generations and reconciliation are of course located within a much longer history of activism by both Aboriginal and non-Aboriginal Australians on issues of Aboriginal rights throughout the twentieth century (Goodall, 2006). The Secretariat of National Aboriginal and Islander Child Care (SNAICC) played a pivotal role in establishing the inquiry which produced *Bringing Them Home* (Briskman, 2003); and the testimony of the survivors of child removal who gave evidence at the inquiry had 'an immense impact in changing the consciousness of the nation' (Briskman, 2003; Thomas, this volume).

In the week before the new national Aboriginal Literacy and Numeracy Strategy was announced, the federal government had been criticised by the United Nations Committee on the Elimination of Racial Discrimination, particularly over its treatment of Aboriginal peoples. The committee noted 'the apparent loss of confidence in the Aboriginal community in the process of reconciliation', and noted that 'robust engagement and effective leadership' were needed to achieve 'meaningful reconciliation' (Social Justice Report, 2000). The intense political debate about Australia's past which was a feature of the Howard government era led people to adopt simplistic and polarised positions on complex historical issues (Goodall, 2002), and this is reflected in the media discourse of the period.

Aboriginal agency

Aboriginal agency is represented in a number of different ways in the story lines within this case study. On one hand, the reportage recognises that Aboriginal people may make powerful appeals to international bodies such as the United Nations about mandatory sentencing (DT2, 'Libs in the red on black issues'); that their protests during the Sydney 2000 Olympic Games may cause embarrassment (DT1, '\$27m for Aboriginal literacy'); and that their communities may seek international scrutiny to promote action on issues of importance to them.

On the other hand, a contrasting discourse highlights ‘the feelings of many Australians that we dip the knee too often to strangers in overseas organisations’ (DT2), suggesting that the government is entitled to ignore criticisms from international human rights monitoring bodies. *The Daily Telegraph* article published on 3 April 2000 (DT2) viewed attempts by Aboriginal peoples to have their issues addressed through political processes as ‘an overwhelming occupation’ that consumed time and energy that should have been put into more important issues; they also exposed the Australian nation to (supposedly illegitimate) international censure.

In discussing the \$27 million in federal funding for Aboriginal literacy programs, a number of articles focused on the role proposed for ‘parent patrols’ who will contribute to ‘getting Aboriginal children back to the classroom’ (DT1); a role is envisaged for Elders and for volunteer ‘education ambassadors’ in promoting education in Aboriginal communities (SMS1, ‘Back to Basics - PM backs basics - Education plan lauded’). While implicitly recognising that Aboriginal people may be able to address the issues their communities face, only certain types of Aboriginal agency are acceptable; the anger of some Aboriginal people towards the Howard government is seen to threaten their ability to participate in the reconciliation process and to have a productive dialogue; for example, an Aboriginal spokesperson is quoted stating that arguing for change needs to be conducted by Aboriginal people ‘in a more professional way’ (quoted in SMS1).

Another article focused on the role of government as the key player in Aboriginal communities, for better or for worse (SMH2, ‘Big money, small change’); it was largely silent on action being taken by Aboriginal communities to address social problems and disadvantage. SMH2 implied that the structural problems confronting Aboriginal communities were beyond the scope of Aboriginal agency to address; it suggested that there is very little realistic prospect of improving outcomes for Aboriginal people on a range of important social indicators, characterised by a view in the wider Australian community that ‘there’s no chance of success, it’s just a waste of money, forget it’ (SMH2).

Only one article, an extended feature written by Peter Yu, then executive director of the Kimberley Land Council, highlighted the actions being undertaken by Aboriginal people to address the trauma in their communities (AUS1, ‘We must hold a dignified dialogue’). Yu argued that there must be a meaningful ‘dignified dialogue’ between governments and Aboriginal communities based on acceptance of ‘the reality of the past’. Reconciliation was here seen as a two-way process; Yu noted that the Council for Aboriginal Reconciliation was making recommendations to the federal government on ‘the need for a negotiated and legislated settlement of outstanding

issues'; Aboriginal people were described as having a role to play in planning 'the practical measures that are necessary to provide substantive equality to Aboriginal people.' In this feature, Aboriginal people were seen as resilient, having survived the social engineering of past Australian governments; although trauma caused by colonisation had affected the ability of some Aboriginal Australians to exercise their agency, this article was optimistic about the future, stating that 'Howard government efforts to return the collective Australian imagination to a *terra nullius* of spirit will not succeed' (AUS1).

Discourses

Two main discourses are present in the media articles analysed, reflecting the polarisation of views in Australia at this time about 'practical' versus 'symbolic' reconciliation. The first discourse argues that the problem of Aboriginal disadvantage needs to be addressed; 'practical gains' in education, health and employment are required to break the 'tragic cycle' of Aboriginal disadvantage, and that reconciliation should be about removing this disadvantage (DT1). Aboriginal people are defined by their disadvantage and are seen as being precluded from participation in society on an equal basis because of it; the problem, then, is located in Aboriginal people who are seen as failing to meet White standards. However, even within this discourse which is largely favourable towards practical reconciliation, it is seen as a limited concept that will ultimately be judged on its ability to deliver practical, tangible outcomes (AUS2, 'Polite rebels put human face on PM').

An important aspect of the discourse in favour of practical reconciliation is the characterisation of reconciliation itself as a talkfest which achieves nothing of significance; *The Daily Telegraph* warns that 'the electorate has limited patience with protracted public debate about Aboriginal affairs matters' (DT2). This discourse argues that it is time to move on and let go of the past, which nobody today is to blame for anyway, as shown by one survey which is reported, which found that '77 per cent of those questioned said everybody should stop talking about the past and get on with the present' (DT2). The issues of mandatory sentencing, reconciliation and renewed controversy over the government's response to the Stolen Generations are seen within this discourse as threatening to overwhelm parliament, and as an unwelcome diversion for both the government and the Australian Labor Party. The verdict of everyday Australians surveyed by Newspoll is that there is strong support for practical reconciliation, the majority of Australians do not support an apology to the Stolen Generations, and 'Aborigines have themselves to blame for any disadvantages they face' (DT2).

The alternative discourse argues that despite a commitment to so-called practical reconciliation, on most social indicators the outcomes for Aboriginal people had worsened under the Howard government. Billions of dollars in federal funding had not delivered real outcomes for Aboriginal people; current statistical data is lacking which would enable the government to track whether its measures are working; those figures which are available suggest infant mortality, life expectancy, employment, and education outcomes (Year 12 completion rates, literacy, university participation rates) have not improved and are in fact worsening in some areas; housing funding has also declined, even though the Howard government has identified it as one of the areas of 'greatest need'. In this discourse, the Howard government is seen as having fundamentally mismanaged Aboriginal issues and lost control of the political agenda; the government is 'playing the race card' and exploiting negative sentiments in the Australian community about Aboriginal people (SMH1). According to this discourse, while some criticisms of Australia's political history and racial politics by pro-Aboriginal supporters are 'unbalanced', the Aboriginal Affairs Minister John Herron's description of the Stolen Generations as a 'falsely constructed history' deserves to be denounced, reflecting only 'hardcore' views on Aboriginal issues within the federal government (AUS3).

Apart from arguing that so-called 'practical reconciliation' has not brought its proclaimed benefits, this discourse also recognises the truth of the Stolen Generations and the need for government to apologise. Stolen Generations narratives are recognised as adding to our understanding of historical truth; inter-generational apologies are not inherently wrong in principle, and Howard is described as having made a moral and political error in refusing to apologise. John Herron's submission to the Senate denying the existence of the Stolen Generations was the latest in a series of political missteps by the Howard government, and 'a low point in the Coalition's relation with black Australia over reconciliation and mandatory sentencing'; Howard has 'allowed himself to be defined by his enemies in these fundamental debates about Aborigines and Australia's past' (AUS3). Acknowledging and apologising to the Stolen Generations is not mutually exclusive with Howard's policy of practical reconciliation; as this article points out, Howard has accepted inter-generational apologies in other contexts, such as the need for the Japanese government to apologise for the actions of Japan during the second World War. His refusal to apologise to the Stolen Generations has continued to haunt Howard, 'a smelly little litmus test of his sincerity on Aboriginal issues, and he has nowhere to go on it and nothing to say' (AUS3).

Within this discourse, too, the federal government is shown to be exploiting Aboriginal pain for its own political ends. The government's response to the Stolen Generations is described as trivialising the widespread pain experienced by Aboriginal people who were affected by child removal practices; child removal policies did not have a 'benign intent' as the government argued, and nit-picking over statistical details misses the point of the *Bringing Them Home* report (SMH2). We should move beyond 'mathematical equations' and debates about the numbers of removed children to an acceptance and understanding of the traumatic impact of policies of child removal on Aboriginal families and communities. Within this discourse, 'practical reconciliation' is seen as a meaningless term hiding the government's exploitation of race issues for its own political advantage (SMH1). The Howard government is seen to be faltering because of its limited and emotionally disengaged response to issues of reconciliation. Moderate Liberals are revolting over the issue of mandatory sentencing, and the party has lost the moral high ground to Labor, in part because of its response to reconciliation 'on a purely practical level' (AUS2). Howard's response on Aboriginal issues is characterised as poor, and the public perception of Howard, particularly on Aboriginal issues, is that 'the only emotion he can display publicly is anger' (AUS2). Howard needs to deliver practical outcomes that address 'the pall of disadvantage over Aboriginal Australia, especially its children'. Attacking the government submission to the Senate inquiry on the Stolen Generations, Peter Yu's feature piece (the only identifiable Aboriginal-authored piece within this case study) critiqued the government's claim that the removal of Aboriginal children was 'essentially lawful' and that there never was a Stolen Generation (AUS1). Yu calls the policies and practices of child removal 'genocidal' and says they have had a widespread impact on every Aboriginal family, with their traumatic legacy still resonating in communities today (AUS1). While acknowledging a role for practical measures, Yu argues that reconciliation must be 'predicated on an understanding of our shared history and a respect for the rights of Aboriginal Australians ... With those underpinnings we can plan the practical measures that are necessary to provide substantive equality to Aboriginal people' (AUS1).

Deeper narratives

The deeper narratives about practical reconciliation in this case study reflect questions about where the blame for Aboriginal disadvantage should be located: is it an outcome of colonisation, or do its causes lie within Aboriginal peoples themselves? Debate over the Stolen Generations and the appropriate national response to the *Bringing Them Home* report reflected in this reportage in turn reflect

the deeper historiographical debates about the fundamental nature of Australia's past and its effect on the identity and legitimacy of the Australian nation today; or as *The Australian* expresses it, 'the kind of country Australia is, and was' (AUS3). In general, the deeper narrative favours reconciliation and an apology as a way to secure legitimacy for the Australian nation.

This increased awareness of and desire to seek political solutions for historic injustices has been described as 'the politics of regret' (Olick, 2007). Drawing on the writings of Nietzsche, theorists have argued that attempts to repair historic injustices may be a form of *ressentiment* politics, and therefore illegitimate—'Such demands seek a compensation that will never be adequate; those who make politics out of pursuing such claims make themselves, and those they charge, slaves to what cannot be changed' (Olick, 2007). Wendy Brown (1995) also draws on the notion of *ressentiment* in her analysis of the potentially conservative and limiting effects of both modern identity 'victim' politics and a strong focus on past wrongs. She expresses grave reservations about the shift in the progressive political agenda from 'democratising power' to 'distributing goods' and is particularly concerned by the turn to the state as a source of support for minority rights, which she sees as legitimising state power and subverting the potential for more emancipatory agendas. Jeremy Waldron's 1992 article on superseding historic injustice also points to the potentially limiting aspiration to correct past wrongs rather than undertake a more comprehensive redistribution based on contemporary priorities.

Other theorists emphasise a link between concern for historic injustices and the need for new forms of political legitimacy to underpin liberal democratic states. Elazar Barkan (2000) argues that reparative justice initiatives can contribute to national revival, and he is more inclined to view their contemporary prevalence as a positive development with transformative potential:

Successful restitution cases underscore the growing role of guilt, mourning and atonement in national revival and reconciliation and the demand for new rights by historically victimized groups. It transforms a traumatic national experience into a constructive political situation.

In his analysis of Germany's struggles to deal with the legacy of the Holocaust, Robert Moeller quotes the German sociologist Helmut Dubiel's comment about 'the civilizing project of acknowledging guilt' (Moeller, 2002), and links confronting the past with democracy, stating 'Democratic polities ... are those in which the past, however painful, becomes a living part of the present' (Moeller, 2002). John Borneman also explicitly links apology and regret for past wrongs to democracy,

stating ‘Democratic states require the reiteration of principles of accountability to establish themselves as moral authorities that can claim to represent entire communities’ (Borneman, 2005).

Efforts by modern democratic states to address historic wrongs are undertaken because such wrongs are ‘damaging to present-day institutional credibility and civic responsibility. What was done is held to be the very antithesis of present-day values and commitments’ (Marrus, 2007). In this way, state efforts to redress historic wrongs can serve as a delimiting boundary, marking the difference between the past and the future. Within this deeper narrative, present here, reconciliation is seen as a political and moral issue of national significance, and mishandling it is having serious political consequences for the Howard government and the future of the Australian nation. Apology for past wrongs and pain inflicted is therefore an essential component of any reconciliation process and the basis for improved future relations between Aboriginal and non-Aboriginal people.

Sources

The analysis highlighted that practical reconciliation in the Howard era was primarily a discourse among non-Aboriginal Australians. Two-thirds of the articles analysed in this case study did not quote Aboriginal sources; overwhelmingly the sources quoted were non-Aboriginal federal government representatives, including the Prime Minister (quoted in five of the nine articles) or other government ministers (mainly the Minister for Aboriginal Affairs, John Herron, who features four times, and the Minister for Education David Kemp who is quoted twice). Even well-meaning White supporters of reconciliation see it as something that relies mostly on actions by White Australians—as is reflected in statements such as, ‘We can afford an unqualified national apology on which to base our shared future’ (SMH3). There is no sense that Aboriginal people may not desire this ‘shared future’ or may withhold acceptance of an apology, and Aboriginal people are cautioned to refrain from ‘violent expression of anger’ (SMH3).

The main Aboriginal perspective within the articles examined for this case study came from Peter Yu’s feature piece in *The Australian* (AU1). He described practical reconciliation as profoundly limited in its vision, merely delivering to Aboriginal people the basic necessities they are entitled to as citizens in the nation. ‘The Prime Minister talks about “practical reconciliation”, as if somehow, magically, bestowing the citizenship entitlements of water, housing and education on our people will heal

the collective pain and hurt in Aboriginal Australia' (AU1). Only two other articles in the case study quoted Aboriginal sources: *The Sydney Morning Herald* (SMH2) quoted two ATSIC commissioners and the Human Services Manager of Tangentyere Council in support of the argument that progress had stalled in addressing issues of Aboriginal disadvantage; and a local newspaper, the *St Mary's Standard* (SMS1), quoted two Aboriginal sources in arguing that the legitimate anger of Aboriginal people around the lack of progress on reconciliation must not be expressed in 'illegitimate' ways. Dianne Williams, Western Sydney Community Aboriginal Corporation spokeswoman, was quoted stating that 'noisy protests were not the best way to force change [...] There are other steps other than unruly behaviour and being loud'.

Aboriginal communication texts

Following the Howard government's announcement of its first National Aboriginal English Literacy and Numeracy Strategy, the *Koori Mail* (2000: 3) featured a half-page article on the initiative. The article outlined the response of the ATSIC chairman, Geoff Clark, to the initiative. While describing the initiative as 'highly commendable', Clark focused on the need for racism in the education system to be 'stamped out' to ensure the initiative would succeed, arguing that 'the covert and overt racism in the schoolyards and classrooms are major deterrents to attendance by Aboriginal children'. The article also reported comments by the president of the Australian Medical Association (AMA) highlighting the effect of chronic health conditions on Aboriginal children's school attendance. Slamming the 'appalling' rate of middle-ear infections among Aboriginal children in remote communities, the AMA praised the government's 'practical strategy' linking education and health as 'a step in the right direction.' The article reported that the government's strategy announcement had been 'applauded' by the National Council for Aboriginal Reconciliation. Its chairwoman, Evelyn Scott, commented on the link between education and reconciliation, and expressed her support for the 'consultative approach that the Government has taken to creating this strategy'. However, the article also reported at length the Australian Democrats' criticisms of the initiative, particularly the lack of new funding, the inadequacy of the funding, and the 'low expectations' expressed by the Prime Minister in relation to Aboriginal education. The article also featured a detailed description of the main points addressed in the new Aboriginal education strategy.

A letter to the editor from the ATSIC Commissioner for Education and Training, Des Williams, was also published in the issue (*Koori Mail*, 2000). Titled 'Commitment pleasing', the letter largely supported the federal government's announcement, which was described as 'a major step towards achieving equality of education for Aboriginal and non-Aboriginal students'. Williams pledged ATSIC's support for 'the common agenda of a better educated Aboriginal community', but also highlighted the effect of 'other factors' such as domestic violence, imprisonment, 'low self-esteem and community expectations', and 'racial bigotry' on the 'poor educational outcomes' of Aboriginal students. *The Australian* characterised the initial response of Aboriginal groups at the time of the Aboriginal Literacy and Numeracy announcement as 'cautiously optimistic' (2000); this cautious optimism was short-lived, particularly when it was revealed soon after the announcement that none of the \$27 million in funding accompanying the strategy was new funding (Secombe, 2000).

Findings and conclusion

The analysis highlighted that 'practical reconciliation' in the Howard era was primarily a discourse among non-Aboriginal people. Primarily, the criticism of Howard's approach stemmed from a discourse promoting national reconciliation to achieve unity. Discussions of reconciliation, however, implicitly recognise the agency of Aboriginal people, who are always in a position to support or deny their participation in the reconciliation process. While Aboriginal organisations were initially cautiously optimistic about the government's stated ambition to address Aboriginal disadvantage through practical measures to improve education, health and housing outcomes, enthusiasm waned as the limitations of the model became apparent, particularly the lack of additional funding. Ultimately, Aboriginal responses to Howard's 'practical reconciliation' agenda were to continue to call for proper acknowledgement of the impact of the past and to insist on a rights-based approach to addressing the widespread inequalities in Aboriginal communities.

Practical reconciliation has ultimately been described as a 'substantial failure' on multiple levels: for ignoring the importance of so-called symbolic recognition, for failing to see the connection between Aboriginal disadvantage and issues such as land rights and human rights, and—possibly most significantly—for failing on its own terms, in not actually delivering on its promise to significantly address Aboriginal socio-economic disadvantage (Gunstone, 2008). *The Australian* argued in 2000 that practical reconciliation would ultimately be judged on its ability to

deliver tangible outcomes for Aboriginal people (AUS2), and by this criterion it had at best only limited success. Most commentators recognised the fundamental flaw in the government's exclusive focus on practical recognition—acknowledging and apologising to the Stolen Generations were not mutually exclusive with the policy of practical reconciliation.

In his speech to the Sydney Institute on the eve of the 2007 election, Howard finally acknowledged the importance of symbolism and proffered the idea of constitutional recognition, pledging to solve the 'unfinished business' of reconciliation (Pearson, 2007, McQuire, this volume). Howard admitted that Aboriginal affairs had been one area he had 'struggled with' during his entire prime ministership, saying, 'My instinct has been to try and improve the conditions for Aboriginal people within the framework of a united nation and unified Australian citizenship' (Howard, 2007: 107). He announced his proposal on a referendum to 'formally recognise Aboriginal Australians in our constitution—their history as the first inhabitants of our nation, their unique heritage of culture and languages, and their special (though not separate) place within a reconciled, indivisible nation' (Howard, 2007: 109). This 'new reconciliation' that Howard was proposing stood 'at a point of intersection between rights and responsibilities; between the symbolic and the practical' (Howard, 2007: 110). Even Howard, the architect of 'practical reconciliation', recognised in the end that 'symbols' are important.

‘Dawn of a new era’? Media narratives of Aboriginal futures following the Apology to the Stolen Generations

Amy Thomas, University of Technology Sydney

Introduction

‘The time has now come for the nation to turn a new page in Australia’s history by righting the wrongs of the past and so moving forward with confidence to the future’. So said Kevin Rudd in his National Apology to the Stolen Generations on 13 February 2008—his first official act as Prime Minister of Australia. Between one in three and one in ten Aboriginal or Torres Strait Islander children were adopted to non-Aboriginal families or institutionalised as a consequence of the various regimes of protection and assimilation, beginning in the nineteenth century and accelerating in the twentieth in every Australian state, and the Northern Territory (Briskman, 2001). The NSW Department of Aboriginal Affairs published a ground-breaking paper by the historian Peter Read in 1981. *The Stolen Generation: The removal of Aboriginal children in NSW 1883 to 1969* marked the beginning of the end of the silence surrounding the history of the Stolen Generations in mainstream political discourse. The campaigns for justice which it started eventually produced the 1997 *Bringing Them Home* report, which recommended 54 reforms, including reparations and an apology (Human Rights and Equal Opportunity Commission, 1997). *Bringing Them Home*’s recommendations shaped an era of political debate over why and how the government should make reparations for ‘the wrongs of the past’ (and, indeed, about whether those wrongs really happened).

This case study is a textual analysis of national and New South Wales (NSW) mainstream print news media reporting on the day following the Apology. It compares the mainstream reporting to contemporaneous communications in the *Koori Mail*, and the text of the Apology itself. I argue that the dominant narrative emerging from the mainstream print media on 14 February was that the Apology effectively closed the era of debate about the Stolen Generations, so as to enable a new federal political bipartisanship in Aboriginal policy-making. However, in declaring this era closed,



Prime Minister Kevin Rudd, carrying a gift of a coolamon on behalf of the Stolen Generations in the House of Representatives during the Apology to the Stolen Generations at Parliament House, Canberra, 13 February 2008. Photographer: Mervyn Bishop. Courtesy of the Commonwealth of Australia, National Library of Australia, nla.obj-137383215.

the narrative draws on negative discourses of Aboriginal behaviour to champion 'practical' rather than 'symbolic' measures to counter supposed social dysfunction in remote Aboriginal communities. This silences discussion of the connection between the devastation associated with protection and assimilation era policies and contemporary social issues. By contrast, the *Koori Mail* (2008), while showcasing relief at and appreciation for the Apology, focuses on the Stolen Generations survivors' campaigns, gives voice to desires for the implementation of all recommendations of the *Bringing Them Home* report, and questions the federal commitment to bipartisanship. It presents a narrative of the Apology as beginning action on the unfinished business of justice for the Stolen Generations, and the discourse of dysfunction is largely absent.

A continuing critique expressed by Stolen Generations survivors and others is that there are echoes of paternalism in contemporary policy-making which places so-called 'practical' measures ahead of rights and self-determination for Aboriginal peoples (Wahlquist, 2018). The recommendations of the *Bringing Them Home* report included creating policies to prevent high rates of Aboriginal child removal into the future. Perversely, then, the media's discourse of Aboriginal futures surrounding the Apology and the declaration of a new policy era was characterised by a tendency to de-link contemporary policy discussions from historical antecedents, thus firmly placing the issue in the past.

Methodology and media items

I selected ten articles of the many which were published on 14 February 2008 covering Rudd's Apology. The ten articles selected include the front page of each mainstream newspaper and some opinion pieces which ran in the same newspapers on the same day. This was a diverse sample in which the strong, general emphasis of the coverage could be identified. The articles were sourced through the print news media online archive, NewsBank.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
DT1	<i>The Daily Telegraph</i>	800km from Canberra, the people of Wilcannia say NOW LOOK TO THE FUTURE	Garry Linnell	You couldn't find Wilcannia's Stolen Generation at the local employment centre yesterday, gathered with everyone else around a TV hauled out of someone's ute and propped on a bench at the last minute to capture Kevin Rudd's historic apology.	14 February 2008	1
DT2	<i>The Daily Telegraph</i>	Divided, now we embrace as one – A NATION SAYS 'SORRY'	Sue Dunlevy	Schools stopped and tears flowed as tens of thousands gathered in Canberra and around the nation yesterday to watch Parliament say sorry to the 50,000 Aboriginal children forcibly taken from their parents.	14 February 2008	7
DT3	<i>The Daily Telegraph</i>	Sydney's meanest streets paved with new hope for a new day	Michelle Cuzzolino	Against the unforgiving landscape of a row of rundown terraces, Redfern's Aborigines wept silently as they received their apology yesterday.	14 February 2008	7
AUS1	<i>The Australian</i>	Renaissance moment for nation's soul – SORRY DAY	Stuart Rintoul	AFTER the cheering came a silence, deep and reverential.	14 February 2008	1
AUS2	<i>The Australian</i>	Symbolism not enough for some – SORRY DAY	Tony Barrass, Padraic Murphy and Natasha Robinson	They are not haunted by the deeds of the past, only by the promises of the future.	14 February 2008	14
AUS3	<i>The Australian</i>	An elegant beginning to a new era (opinion)	Linda Burney	For many Aborigines, the missing piece of a jigsaw has fallen into place, suggests state minister Linda Burney.	14 February 2008	16

Does the media fail Aboriginal political aspirations?

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
SMH1	<i>The Sydney Morning Herald</i>	Ripping away the last of the white blindfolds – SORRY – A NEW BEGINNING	Tony Stephens	AUSTRALIANS cannot rewrite their history altogether. What they can do is reshape their future. There were signs yesterday that they would do it.	14 February 2008	1
SMH2	<i>The Sydney Morning Herald</i>	Rudd fans the flames of the culture wars (opinion)	Miranda Devine	A 13-year-old Aboriginal boarder at one of Sydney's Catholic schools recently stayed the weekend at the home of a white school friend on the North Shore.	14 February 2008	17
NH1	<i>Newcastle Herald</i>	Dawn of a new era – Rudd's blueprint for a united nation	Unattributed	TEARS, applause and cries of "thank you, Prime Minister" rang out in Federal Parliament yesterday as Kevin Rudd delivered a historic apology to Australia's indigenous people.	14 February 2008	1 (cont page 4)
NH1	<i>Newcastle Herald</i>	Joy and sorrow as a journey begins – Moving scenes, at City Hall; NEWCASTLE: AUSTRALIA SAYS SORRY	Ian Kirkwood	TEARS were welling in the eyes of Awabakal Aboriginal Co-op spokesman Richard McGuinness as he spoke to the hundreds of people gathered at Newcastle City Hall yesterday morning to hear Prime Minister Kevin Rudd apologise to the stolen generations.	14 February 2008	4 (cont from page 1)
IM1	<i>Illawarra Mercury</i>	CAN YOU FIND KEN? – On the day Australia says sorry, a Stolen Generations member calls out for help	Unattributed	STOLEN generation member Pat Roberts fought back tears yesterday as she told of the anguish she still suffers over the brother she has never met.	14 February 2008	1

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
IM1	<i>Illawarra Mercury</i>	Healing begins but pain lingers, Memory can't be healed SORRY DAY THE REGION	Paul McInerney	PAT Roberts wiped away tears as she stood on the front lawn of Parliament House in Canberra yesterday as Prime Minister Kevin Rudd delivered his formal apology to the stolen generations.	February 14 2008	7 (cont from 1)

Table 8: Rudd's Apology selected media

I then compared these mainstream media articles to the *Koori Mail* edition of 13 February 2007, the day of the Apology. The *Koori Mail* is published fortnightly; this issue was partly dedicated to the apology and its aftermath, and was the closest in time to the mainstream papers' reports of 14 February 2007.

The *Koori Mail's* articles were used as a point of comparison as Aboriginal communication texts after coding the selected articles from the mainstream press. They were not analysed through the same thematic coding processes, but were nevertheless analysed with general attention to story framing, discourses and narratives, and the recognition of agency.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
KM1	<i>Koori Mail</i>	Words they never expected to hear in their lifetime	Unattributed	'The day that many Indigenous Australians feared would never come – and which comes too late for thousands of our people – has arrived.'	13 February 2008	1
KM2	<i>Koori Mail</i>	Apology to our Stolen Generations: Nation to stop as the PM says sorry	Kirstie Parker	'The day that many Indigenous Australians feared would never come – and which comes too late for thousands of our people – has arrived.'	13 February 2008	7

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
KM3	<i>Koori Mail</i>	Apology to our Stolen Generations: Stolen Gens hopeful, Groups optimistic apology is the 'beginnings of justice'	Kirstie Parker and AAP	'DEBATE over the Australian Government's intention to formally apologise to the Stolen Generations today has drawn out the best and worst of community sentiment on the issue.'	13 February 2008	8
KM4	<i>Koori Mail</i>	Apology to our Stolen Generations: Sorry 'the first battle'	Kirstie Parker	'A MINI-TORNADO created by an industrial-strength fan threatens to blow stacks of official-looking documents from the table in Cynthia Sario's carport in suburban Darwin.'	13 February 2008	9
KM5	<i>Koori Mail</i>	Legal threat of WA Redress fund	Kirstie Parker and Ken Boase	'Kimberley Stolen Generations Aboriginal Corporation Chairman Mark Bin Bakar is considering legal action against the WA Government over the so-called Redress Fund set up last year to give reparation for people abused while in State care.'	13 February 2008	10
KM6	<i>Koori Mail</i>	Gentle with our hearts (Our Say) (editorial)	Unattributed	'When the dust settles after the national apology to the Stolen Generations today, Aboriginal and Torres Strait Islander people are likely to experience a virtually endless array of very powerful emotions.'	13 February 2008	20

Table 9: Rudd's Apology selected media in the *Koori Mail*

Deeper context

One of the key issues of debate surrounding the Stolen Generations has been what motivated the government to steal thousands of Aboriginal children from their families. Amid all the complexities involved, a similar objective emerges across the states and territories (Bird, 1998):

to absorb the Indigenous children into White society, to force them to forget and deny their Aboriginal heritage and blood, and to bring about, within a few generations, a breeding-out of all Indigenous characteristics.

In 1994, a group of Aboriginal and Torres Strait Islander people met in Darwin, Northern Territory (NT), for the Going Home conference. Many of those who gathered there had not seen each other since their families had been separated through removal (*Koori Mail*, 1994). In the NT, more than two thirds of children were adopted out or institutionalised (HREOC, 1997). Darwin's Going Home conference was one part of the campaign among Stolen Generations survivors for justice, compensation and recognition that had begun with the establishment of Link-Up services and organisations such as the Secretariat of National Aboriginal and Islander Child Care (SNAICC) in the early 1980s. One of the aims of these groups of Stolen Generations survivors and their supporters has been to ensure, as Rudd later promised as part of his Apology in 2008, 'that the injustices of the past must never, ever happen again' (SNAICC – National Voice for Our Children, 2019).

Robert Tickner, then Aboriginal Affairs Minister in the Keating government, told the Going Home conference that he would ask the Human Rights and Equal Opportunity Commission (HREOC) to conduct an inquiry into the separation of thousands of Aboriginal children from their families (*Koori Mail*, 1994). That inquiry began the following year, and in 1997—after two years of painstaking gathering of oral histories from 535 people removed from their families—published its report, *Bringing Them Home*, by which time John Howard led a newly-elected Coalition government.

Bringing Them Home confirmed that for those stolen or removed, the promise of White society that it would deliver security and stability through assimilation was an empty one. One institution for stolen children in NSW was the Cootamundra Girls' Home. Confidential submission 617 (1997: 37), from a woman removed to Cootamundra in the 1940s at the age of eight with her three sisters, provides a picture of the compounding injustices experienced by members of the Stolen Generations:

When the girls left the home, they were sent out to service to work in the homes and outlying farms of middle-class white people as domestics ... On top of that you were lucky not to be sexually, physically and mentally abused, and all for a lousy sixpence that you didn't get to see anyway. Also, when the girls fell pregnant, their babies were taken from them and adopted out to white families, they never saw them again.

The report controversially argued that, according to international law, the Australian government had been guilty of genocide in the deliberate attempt to erase Aboriginality. As noted earlier, it made 54 recommendations, including an apology. That recommendation was swiftly accepted by most state and territory governments. However, as discussed in the previous case study, the then Howard government's response was to refuse to say the word 'sorry', and to counterpose what it called 'symbolic' recognition, such as an apology, with the 'practical' policies Howard argued were needed to alleviate contemporary Aboriginal disadvantage, particularly in remote areas (Payne, this volume). 'Practical reconciliation', as Howard's policy agenda in Aboriginal affairs came to be known, rejected the idea of Aboriginal control of policy-making, local community affairs, employment, and schooling, in favour of 'mainstreaming'. This simplistic, binary cleavage between 'symbolic' and 'practical' has arguably become a defining feature of policy discourse in Aboriginal affairs since then (Altman, 2014).

Howard argued that Australians today were not responsible for injustices of the past and that he did not share the critical view of Australian history—termed the 'black armband' view—that it seemed to endorse. In one of his earliest statements on this in 1996 (cited in McKenna, 1997), he argued that he would ensure:

that our history as a nation is not written definitively by those who take the view that we should apologise for most of it... Injustices were done in Australia and no-one should obscure or minimise them. But in understanding these realities our priority should not be to apportion blame and guilt for historic wrongs but to commit to a practical program of action that will remove the enduring legacies of disadvantage.

By his second term in office, Howard had committed to 'practical reconciliation' and 'closing the gaps' in health, housing, education and employment. This stood in contrast to the Labor governments of Hawke and Keating, whose policy approach, in Howard's view, privileged rights and discourses of social justice which were an

obstacle to socio-economic involvement in the mainstream Australian economy (Altman, 2004).

In the lead-up to the 2007 federal election, Howard offered a referendum on constitutional recognition for Aboriginal people, partly reversing his opposition to what he called 'symbolic' recognition. In response, the opposition leader, Kevin Rudd, repeated Labor's promise to support such a referendum and also to apologise to the Stolen Generations (McQuire, this volume). Controversially, this discussion followed the launch of the Northern Territory Emergency Response (NTER) in 2007. To justify the NTER, Howard had argued there was a crisis of widespread child abuse in remote Northern Territory (NT) Aboriginal communities and that a suite of interventionist measures were needed to combat it. The idea that this alleged abuse was linked to a general social dysfunction in remote Australia was a key part of the discourse supporting the NTER (Proudfoot and Habibis, 2015). This policy agenda was tied to the 'rights versus responsibility' argument: the assertion that Aboriginal people needed to accept some responsibility for the disadvantage they experienced, and their supposed reliance on passive welfare (cf Pearson, 2000 and Langton, 2008).

Arguably, Labor's support for the NTER showed their support for the logic of 'practical reconciliation' and their adoption of a strategy to 'close the gap'. Though Labor long supported apologising and using the word 'sorry', the Labor government's Indigenous Affairs Minister, Jenny Macklin, reveals in preparing for the Apology that Rudd deliberately sought to close off critiques that the Apology was merely symbolic by 'emphasis[ing] Labor's practical measures under our Closing the Gap framework' (2018). Macklin argues that as well as ruling out compensation for the Stolen Generations, the emphasis on 'practical' measures was necessary in securing bipartisan support for the Apology. As Macklin points out, the reluctance to apologise was shared by the mainstream media: both *The Sydney Morning Herald* and *The Australian* were editorialising against the Apology in 2007, and as late as 2 February 2008 *The Sydney Morning Herald* declared 'the apology we believe is meaningless.'

Situating the literature

Much scholarly work has analysed national apologies, reconciliation movements, and truth-telling commissions in settler nations, and much literature has identified and critiqued the discourses of supposed social dysfunction and deficiency in remote Aboriginal communities. Far fewer studies have analysed the specific discourses surrounding Australia's Apology. This case study is the first to examine reportage on the Apology in mainstream media.

Using Rudd's apology as one example, Edwards (2010) develops a genre analysis of collective national apologies. He argues that such apologies include, as Rudd's did, an admission of wrongdoing and an assumption of responsibility, and offer solutions to repair the damage. Many have explored the idea that the Apology was about absolving White society (Bielefeld, 2009/2010, Gooder and Jacobs, 2011, Moses, 2011). LeCouteur (2002: 152) argues, based on a critical discursive analysis of letters to the editor supporting an Apology in Australia, that liberal discourses on the Apology, which construe it in part as an act of emotional healing, position Aboriginal peoples 'not as having justifiable claims for economic compensation and warranted grievances ... but in terms of their emotional needs'. This demonstrates an existing concern in the literature that is reflected in my findings: apologies can be mobilised to place injustices firmly in the past, and thus remove consideration of historical trauma and consequences of colonisation in future policy-making.

Professor Michael Dodson (2017: v), introducing a study on deficit discourses in health policy, argues that 'the way policy is constructed, and the assumptions that underpin it, can be just as important as how policy is enacted'. In making a non-Aboriginal statistic the normative subject, he argues, we erase diversity and complexity, and develop little understanding of the causes of disadvantage. In a critical discourse analysis of the NTER, Proudfoot and Habibis (2015: 171) found that a homogenising discourse of decay, dysfunction and collapse 'constructed all Aboriginal communities as places of violence and abuse'. Recently, Fforde et al. (2013: 162) have defined deficit discourse as a term 'to describe a mode of thinking, identifiable in language use that frames Aboriginal identity in a narrative of negativity, deficiency and disempowerment'. Hogarth (2017: 25) explains that this often involves ignoring the 'historical, political, social and cultural contextual factors' behind disempowerment and disengagement.

Media ecology

Both this case study and the Closing the Gap case study are centred around the same moment in Australia's media ecology: a time just before online news became predominant, but in an era of general decline for print news media facilitated by television, radio, and possibly wider political disengagement. While print media held greater relevance in 2008 than at the time of writing (2019), the decline had already begun. *The Australian's* share of national daily circulation was 57.7 per cent in 2004, while Fairfax, publisher of the *Sydney Morning Herald*, had 21.4 per cent of national circulation. The figures for smaller newspapers such as *The Newcastle Herald* and the *Illawarra Mercury* are not readily available, but it was an era of significant stress for the press in regional centres (Tiffen, 2015).

While the decline in newspaper circulation suggests their influence was also declining, such a trend is hard to measure. *The Australian's* substantial role in Indigenous affairs coverage is well known; McCallum and Waller (2017) argue that this was influential despite the paper's low circulation. As we will see, the present analysis suggests accordance between *The Sydney Morning Herald* and *The Australian's* editorial line at the time of the Apology.

Stories, Aboriginal agency and sources

In the media analysed, there was a clear tension between a story reporting a historic apology accepted by Aboriginal people with grace, reverence and forgiveness (DT2, DT3, AUS1, AUS3, NH1, IM1), between a story of an apology that was mistaken and misguided (AUS2, SMH2) or well-meaning but perhaps futile (DT1).

How are the stories of grace, reverence and forgiveness realised, and who is acting them out? In some opening paragraphs, actions are not directly attributed to, but seemingly are performed by, groups of Aboriginal people—such as the opening line 'Tears, applause and cries of "thank you, Prime Minister", rang out yesterday...' (NH1), or 'Joy and sorrow' in the headline of NH1, or 'Healing' in headline of IM1. Some articles attribute emotions to Aboriginal people as a homogeneous group, such as 'Redfern's Aborigines wept silently' in DT3. In several articles, tears and weeping are the actions foregrounded—this occurs in DT2, DT3, NH1 and IM1, while in AUS1 Aboriginal people and others were 'deep and reverential' in their silent acceptance of the Apology. This attribution of sorrow and dignity is contrasted

in some articles with historic Aboriginal anger, such as in DT2, where ‘the anger and resentment of the previous decades’ has now been put behind by those receiving the Apology. More generally, forgiveness is a central theme in DT1, DT3, AUS1, AUS3, SMH1. Writers regularly realise a particular story framing by reducing Aboriginal subjects to embodied emotions.

In contrast to most case studies in this volume, the majority of articles quoted multiple Aboriginal sources (except for SMH2, which quotes a single Aboriginal source and uses her first name only), and also quoted Aboriginal people first (except for DT2, AUS2, and SMH1, which quote Kevin Rudd first). This bucks the common trend in media reporting, in which Aboriginal people are generally quoted last (Meadows, 2001). Yet there is very little nuance in the Aboriginal response presented—only NH1 suggests multiple Aboriginal perspectives. In general, the quotes chosen are presented as representative of Aboriginal people or Aboriginal problems in general, and reflect the article’s particular framing of the story: there is little room for debate and nuance. Typical of this is SMH1, which briefly quotes two high-profile Aboriginal people, Lowitja O’Donogue (‘We forgive but we can’t forget’) and Tom Calma (‘Let the healing of the nation begin’) to support the general story that the Apology was accepted with grace, reverence, and forgiveness.

In a similar way, the two pieces that argue the Apology was mistaken, AUS2 and SMH2, use Aboriginal sources to cast doubt on the Apology. In AUS2, a team of journalists report from three remote settings, and all quotes question the utility of the Apology, or the idea that the Stolen Generations should be apologised for at all (‘the mission days were better’, says one source). The conservative commentator Miranda Devine uses two Aboriginal sources in SMH2, an opinion piece: an otherwise unidentified source, Mary, and Aboriginal commentator Noel Pearson. Both sources are used to call into question the Stolen Generations, thus providing fuel for her rejection of the need for an Apology, her argument that it is politically-motivated, and based on a flawed *Bringing Them Home* report.

The two pictures of Aboriginal agency provided through this use of sources, either of weeping and forgiveness in acceptance of the bipartisan Apology, or of dysfunction and despair signaling its futility, only allow room for the Apology to be either graciously accepted or rejected by Aboriginal people, with no space for distinctions, contradictions, tensions and debates. This is most obvious in the lack of detail surrounding the Opposition Leader Brendan Nelson’s speech, which he gave in reply to Kevin Rudd’s Apology. The negative reaction of some delegates in Canberra, who walked out of Nelson’s speech, is not explored or explained. Instead

it is presented as a threat to the bipartisan unity of the moment. Before quoting the Apology itself, DT2 reports, in a jejune rhetorical insolence that both disrespects the Apology and the attendees, that Rudd's staffers were 'forced into an apology of their own' for turning their backs on Nelson, and argues this action, supported by unnamed Aboriginal people, was unwarranted. Stuart Rintoul in AUS1 takes Nelson's comments as fact; Nelson's accusations about sexual abuse are the 'the horrors of life in remote communities now'. Rintoul's article is focused on the story of a Stolen Generations member, June Barker, whom he interviews in Lightning Ridge. Barker was also the focus of Brendan Nelson's speech, suggesting the journalist had prior access to Nelson's speech in order to write an article with this sympathetic link. Nelson's actual words are not quoted in any of the selected articles; in SMH1, the negative reaction to them is noted, though it is swiftly sidelined by the dominant joy and sorrow. Only in NH1 is an Aboriginal source quoted directly responding to the controversy surrounding Nelson's comments. The rugby league star Ashley Gordon disputes their value in the moment, arguing: 'I'm not saying those things haven't happened but this wasn't the time or place to be raising it.'

Several journalists reported from around the country, apparently to convey how Aboriginal people received the Apology in their communities: Wilcannia in DT1, Redfern in DT2, Lightning Ridge in AUS1, the Aurukun, Hermannsburg and Broome in AUS2, and in local press centres in Newcastle in NH1 and Wollongong in IM1. DT3's headline refers to Redfern as Sydney's 'meanest streets' and reinforces this in early paragraphs: we are taking in the 'unforgiving landscape' (paragraph one) of 'troubled suburb' (paragraph two). In AUS2, Aurukun is described as 'booze-ravaged', and a homeless Aboriginal man's camp described as 'a shabby blue tarp in bush littered with plastic bags and broken beer bottles'. Failure haunts Wilcannia, too, where away from its 'boarded up shops' (paragraph 2), around 'endless mounds of dry red earth' (paragraph 5), is the cemetery, where the town's Stolen Generations are said to lie. In Wilcannia, we find that numerous Aboriginal generations were stolen not by policies of protection and assimilation but by 'disease, violence, by alcohol and sometimes by their own hand'. Rehashing some well-worn tropes, the local employment centre and park drinking feature as the loci of action in Wilcannia (DT1) and Redfern (DT3), respectively, and are foregrounded in the first and second paragraph respectively. Arguably, the parliamentary propriety of Canberra is contrasted implicitly with Aboriginal communities—there is a sense that physical distance from Canberra produces a political distance, creating more dysfunction and reducing the impact or importance of the Apology. In the journalists' imaginary, the world stretches out from the capital.

The use of sources to suit a particular story, and the attribution of the views of the Aboriginal people quoted to all Aboriginal people, both work to support each article's general discourses and deeper narrative assumptions: that the Apology brings a new era of bipartisanship where the past can be forgiven, or that it is a symbolic folly blinding us to the injustices of progressivism. As we will see, this shaping of grateful Aboriginal subjects, witnessed in maladjusted settings, also discursively foregrounds misery and dysfunction as the mainstay of Aboriginal life, and feeds into the deeper narrative that a new policy approach is needed that moves on from the past and embraces supposedly 'practical' measures alongside, or in opposition to, the Apology's symbolism.

Discourses

A discursive construction of modern misery and dysfunction is widely endorsed. And while the trauma of child removal is divorced from this misery and dysfunction in these story framings, the protectionist and assimilationist past is sometimes recalled as a happier time. For example, in DT1:

A century ago it was a bustling river hub with 13 pubs, a population in the thousands and daily visits by paddle steamers ... Now just one pub remains with a restricted license and Wilcannia's woes are representative of all the issues – infant mortality, disease and lifespans that are too short and too tortured – that Canberra now says need urgent attention.

There is no 'easy' solution in DT1: but appropriate education could hold some hope for the future generation. The same discourse repeats in DT2 where the Apology, while a positive development, is of limited value unless practical measures are taken to alleviate disadvantage. This is clear in DT3 also, where the past allows a 'move forward' to a place where Aboriginal people can 'show leadership' to tackle social issues. The Apology, one Aboriginal source declares, 'erases everything'. She is not contradicted. The only exception to this is in NH1 and IM1, which discursively construct the idea of 'unfinished business' of dealing with societal racism as the logical flow from the Apology.

Other authors are less ambivalent about the connection between the Apology and future policy: instead, the bipartisanship behind the Apology can build the political will to address disadvantage through new bipartisan measures that supposedly supersede past approaches. Thus the symbolism is necessary insofar as it opens a space for this new, practical policy-making. In this vein, the Apology is celebrated most nakedly in SMH1 as 'a seismic shift', 'liberating the people', superior to previous

possible new dawns in Aboriginal affairs. In AUS1, this political action reopens the path to reconciliation: a 'renaissance' moment, as the headline declares (which, it becomes apparent later in the piece, originates in a quote from Patrick Dodson). It is also clear in AUS1 that the Apology is a watershed moment and can open the way to fresh perspectives on policy. Linda Burney, the only journalist or commentator who could be identified as Indigenous out of the authors of selected articles, follows the tone set on the front cover in AUS1 in AUS3. She argues Aboriginal people like herself have felt a lack of belonging to the nation as a result of the lack of reconciliation; now that the Apology has finally brought us together, the 'shameful state' of Aboriginal living standards, for which we are all responsible, can be, and must be, urgently addressed.

Yet in AUS2 and SMH2, the contemporary 'squalor' that Aboriginal people live in can only be encouraged by the folly of symbolism and the attendant focus on human rights. In AUS2, Aboriginal people need the civilising Australian nation to raise them up—those stolen were 'taken to good schools', says one Aboriginal man quoted, but 'we're still scratching with our hands and knees'. Previously the battle for land rights left an Aurukun man 'broken', while for George Sailor, a homeless Aboriginal man in Broome, his 'old country' is 'no good ... lots of spearings', and he is now passively waiting for his 'government house'.

In articles either supporting or rejecting the Apology, the real 'problem' is social dysfunction: the tension between the discourses centres on whether the symbolism of the Apology can address it or worsen it. There are two exceptions to this in the mainstream coverage. In NH1 and IM1, the Apology is welcomed but there is less sense that a new 'era' can be declared: rather, the Apology may open a way to deal with long-held racist assumptions and other 'unfinished business' such as compensation for the Stolen Generations (June Rose in NH1: 'The kind of people that oppose saying sorry, that oppose compensation, I call them ignorant'). Interestingly, both NH1 and IM1 raise possibilities which are not about disadvantage or 'closing the gap', but more generally about racism and furthering justice for the Stolen Generations through truth-telling. NH1 includes quotations from many Aboriginal people who seek support to end racism, while IM1 focuses on the quest of one woman, Pat, to find her missing brother from whom she was separated at birth.

As a whole, building on their story framings of the Apology, the majority of articles focus on Aboriginal dysfunction to reproduce a deficit discourse. This mobilised to insist that the time is nigh for practical measures that will supposedly produce socio-economic uplift.

Deeper narratives

Two overlapping narratives emerge: one is that the Apology was meaningless symbolism amid the purported ravages of grog, violence and poverty in Aboriginal worlds, and the other that the Apology washes the past clean, allowing a new policy era that is divorced from it, and that can rebuild and reconcile the nation. None of the mainstream media articles examined here that support the Apology deal substantively with the history of the Stolen Generations, or with the debate about the *Bringing Them Home* report recommendations—the past holds no import for the present, now that forgiveness has been bestowed. While some individual stories are told, and reactions recorded, none of the articles selected includes the parts of Kevin Rudd's speech that explain how the policies of protection and assimilation resulted in the Stolen Generations. It is the two articles opposed to the Apology that mobilise the history of the Stolen Generations and Aboriginal policy; both AUS2 and SMH2 deny the Stolen Generations happened at all. The future, then is a place where the past holds no import for a future based on equality through sameness, or a place where the protectionist and assimilationist policies of the past, unfairly maligned, need a revival.

All the quotes in AUS2 reinforce a narrative that denies the trauma of the Stolen Generations, and suggests that those stolen lived superior lives to those 'living in squalor' and dealing with 'more pressing issues ... drink and drugs'. Similarly, in SMH2, Devine refers to Aboriginal communities as 'hell on earth', a state originating in the mistaken '1970s apartheid creation of 1200 remote tribal settlements'. Here, we find the overall narrative that the Apology was meaningless symbolism amid modern dysfunctional Aboriginal life, and that this dysfunction has been encouraged by the follies of progressivism. There is little hope for these Aboriginal communities, and Aboriginal people certainly cannot be given hope through symbolic gestures. We should doubt that an Apology is needed for past efforts to 'help' Aboriginal people. While Devine begins with, and spends considerable time, demonstrating empathy for individual experiences of racism, the suggestion is that this racism is only as damaging as, or less damaging than, the progressive policies of the self-determination era in remote Australia. While there has been some mistreatment of Aboriginal people, Devine's suggests that the 'real' problem is decades of social welfare policies that have created a culture of dependency and inequality between Aboriginal people and others. Here a particularly conservative narrative of history emerges, which argues that the *Bringing Them Home* report was highly flawed—in

this view, the situation was much more complex than the report admits, and some people were taken for the right reasons, such as child abuse. For these commentators, the real consequence of the Apology is that the politically correct have now silenced discussion of the 'real' Aboriginal problems.

The second narrative argues that the Apology can restore a sense of national pride and unity that is needed to take steps to address inequalities. It creates a new national narrative where Australia can be a nation that has recognised the injustices of the past so as to leave them behind. As Burney writes in AUS3:

Everyone was washed with the feeling of a brand new day. That maybe, just maybe, we are truly crossing the bridge into enlightenment ... Now the challenge ... for all of us Aboriginal people, is to step forward and take our place.

Aboriginal people can now feel a part of the Australian nation, while non-Aboriginal people and the Australian government can move on from the past and create the space for taking mutual responsibility:

Along with the apology comes the urgent need to close the gap ... What needs to be addressed right now is the shameful state many Aboriginal people live in.

In contrast, in NH1 and IM1, this is not resolved by the Apology itself: the Apology has the potential to do this, but only through further truth-telling and work that undermines discrimination. Pat Roberts is quoted in IM1 as saying, 'Now people might start really listening to the terrible stories of suffering and abuse.' For DT1, DT2, and DT3, parts of this narrative are accepted and parts rejected: arguably they present an amalgam of the two.

Aboriginal communication texts

The *Koori Mail* coverage before the Apology focuses on the work of Aboriginal people leading Stolen Generations organisations, which differs from the focus on bipartisanship in the mainstream coverage. The front page headline, 'Words they never expected to hear ... in their lifetime', opens with 'THE day that many Indigenous Australians feared would never come—and which comes too late for thousands of our people—has arrived', makes the Aboriginal toil and advocacy that made the Apology possible its centrepiece. With dot points, it emphasises key

information about the Apology, some of which contrasts with the mainstream print media: the emphasis on the consultation behind the Apology, and the concern that a compensation scheme will not be developed. The article headlined 'Stolen Gens hopeful, Group optimistic apology is beginnings of justice' expressed the shared optimism of Stolen Generations organisations that the Apology could lead to the consideration of other recommendations of the *Bringing Them Home* report. It notes that bipartisan support for the Apology was nearly withdrawn by the Coalition.

The *Koori Mail's* editorial supports the Apology because of the Rudd government's extensive consultation. It argues that the Apology is the achievement of Aboriginal people themselves in their quest for justice. It mentions that the Greens had long supported an apology. It notes that John Howard did not attend the Apology at Parliament House in Canberra, which is not noted in the mainstream media sample we selected. This level of detail on the consultation behind the Apology, the continued attention to the recommendations of the *Bringing Them Home* report, and the inclusion of information on the original motivations for the Stolen Generations, is entirely absent from the mainstream coverage.

Findings and conclusion

The majority of mainstream media articles examined here supported Rudd's Apology, and through the use of Aboriginal sources, built a discourse that the Apology represented a new dawn in Aboriginal affairs that would enable the government to move on from the past and begin a new era of 'practical' policy-making designed to achieve socioeconomic equality. The majority of the mainstream media's presentation of Aboriginal interests and agency reveals a significant effort to imprison the Apology's history, purposes and potential within a discourse that supported interventionist policy making.

The editorial line in *The Sydney Morning Herald* and *The Australian* at the time of the Apology was remarkably similar. Both supported the Apology while drawing on discourses of Aboriginal deficit to highlight supposed social dysfunction in Aboriginal communities, and support interventionist redress for this apparent dysfunction. In so doing, both papers endorsed the deeper narrative that 'practical reconciliation' was necessary to achieve the goal of socio-economic equality for Aboriginal people, which they assumed to be a rightful and unproblematic goal. Articles which rejected the Apology as misguided also used discourses of dysfunction, this time to evoke a deeper narrative that 'symbolism' was empty in



Words they never expected to hear

These courageous women, all either members of the Stolen Generations or the daughters of them, will be amongst thousands of Indigenous people expected to gather in Canberra today to hear the Prime Minister Kevin Rudd lead the Parliament in a national apology to the Stolen Generations. From left, NT Stolen Generations Aboriginal Corporation chairperson Cynthia Sariago, Patsy Raymond, Netta Cahill McCarthy and Irene McLennan.

● See Page 9 for more on their struggle and now triumph.

In their lifetime



THE day that many Indigenous Australians feared would never come – and which comes too late for thousands of our people – has arrived.

Barring a major national

disaster, this day – 13 February 2008 – is when the Australian Government and most likely the Federal Opposition will make history and finally apologise for decades of the forced removal of Aboriginal children from their families and the ongoing pain and suffering it has caused.

The Prime Minister Kevin Rudd is expected to deliver some carefully drafted words that might just begin to fix something broken for the best part of two centuries. Several hundred Stolen Generations members will be sitting close enough in the House of Representatives to look directly

at the Prime Minister and gauge his sincerity for themselves. Many of those Stolen Generations members will be old, frail and accompanied by family and carers. Hopefully, all will be buoyed by an apology which acknowledges what has been denied for so long. That removal

policies and practices – fuelled by misguided beliefs that Aboriginal parents and families were incapable of providing loving, supportive homes for their children – did happen and were wrong. And that the Stolen Generations and their pain are not myths.

● Reports inside, Pages 7-9

The front cover of the *Koori Mail*'s 13 February 2008 issue, which features six articles on the Apology to the Stolen Generations discussed on page 173. Pictured [L-R]: Cynthia Saiago, chairperson of the Northern Territory Stolen Generations Aboriginal Corporation; Patsy Raymond; Netta Cahill McCarthy; Irene McLellan – these Aboriginal women attended the gathering in Canberra as members or descendants of the stolen generation. *Koori Mail*, 2008.

the face of the extreme crisis in remote Aboriginal communities, which required a return to a version of assimilationist or protectionist policies. The majority of articles then, regardless of whether they demonstrated support or opposition to the Apology, effectively reproduced similar policy discourses in relation to the post-Apology future.

Only the two local press articles did not focus on social dysfunction, but rather presented the Apology as the start of an approach to the unfinished business of justice for the Stolen Generations. This latter narrative was embraced much more

fully in the *Koori Mail*, which focused on the actions of Aboriginal people in securing the Apology, and their concerns for future redress including compensation, and implementation of the *Bringing Them Home* report's recommendations. The *Koori Mail* also raised concerns about the interventionist logic behind the NTER. It is only these sources, anchored within an appreciation of the history of the Stolen Generations' struggle and survival, that afford due diligence to Aboriginal standpoints.

Tough love and talkfests: Discourses of Aboriginal policy in media reporting on Closing the Gap

Amy Thomas, University of Technology Sydney

Introduction

Australia's Prime Minister Kevin Rudd delivered his Apology to the Stolen Generations on the 13 February 2008 'in two parts', as Jon Altman (2014: 118) put it: first, a recognition of the reality of the Stolen Generations and an apology for the wrongs associated with it, and second, a pledge to 'close the gap' between Aboriginal and non-Aboriginal Australia in life expectancy, education and employment. Rudd's Apology motion to parliament, which received bipartisan support, concludes with the lines:

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians ... A future where we harness the determination of all Australians, Indigenous and non-Indigenous, to close the gap that lies between us in life expectancy, educational achievement and economic opportunity ... A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.

This case study undertakes textual analysis of selected national and New South Wales (NSW) mainstream print news media in the weeks following Rudd's Apology on 13 February 2008 which contain thematic references to 'close the gap'. It finds that, across the whole sample, there was a failure to distinguish between the Northern Territory Emergency Response (NTER), and Closing the Gap. The NTER, also known as the Intervention, had been launched by the previous government and was supported by Kevin Rudd's Labor government after some modifications (Bielefeld, 2014). Not only did this erase Aboriginal communities outside the remote Northern Territory (NT) from the mainstream media coverage of Closing the Gap, the negative behaviour said to characterise life in these communities was often generalised to Aboriginal people as a whole,

In the outback, a Third World Utopia

At a remote Northern Territory outstation, Russell Skelton reports on the desperate plight of an Aboriginal community living in squalor.

Blanche Ross turns her head away, muttering "no, no". The elderly woman wears a smile of nervous embarrassment on her deeply lined face. She is worried that any picture taken of the place where she sleeps will be a "shame job".

Ross is 80 and her home is a galvanised iron shed. It has a concrete floor, no heating and the only visible sign of her living there is a rumpled blanket coloured by the red dirt. There is no toilet, no running water and no power. She has no personal possessions to speak of, not even a mattress, let alone a bed.

How Ross survives is a mystery. In winter the desert temperatures fall below zero and this week they climbed to a sweltering 45 degrees. At the Apungulidim outstation - one of 16 in Utopia - there is no aged care

Facility and Ross relies on the kindness of her daughters and other relatives for her meals.

On this bright sunny day she told the *Herald* she would prefer to be photographed in her daughter's house, a mud brick dwelling with collapsing walls, but not in her shed that doubles as a car repair shop for young men. The proud pensioner with an easy smile felt her daughter's place - surrounded as it was by 20 or so car wrecks - wasn't quite so demeaning.

What makes Ross's case unusual is that she is well connected. Her nephews is David Ross, director of the Central Land Council and a key player on the board of Centrocrap, an Aboriginal finance house and charity trust with assets of more than \$100 million. The trust is set up for the benefit of people living in the Central Land Council-controlled areas, of which Apungulidim is a part. The trust provides

education and sporting scholarships, but leaves housing needs to the Government. Gary Cartwright, chief executive of the Utopia Council Aboriginal Corporation, which administers the vast rolling Central Desert expanse known as Utopia, is "frustrated" with the Northern Territory ALP Government of Paul Henderson and its "abject failure" to provide housing. "Blanche has been waiting over a year for a house. We have had people come not here at election time and making all sorts of promises, but nothing happens."

Hundreds of millions of dollars have been earmarked for indigenous housing but none have flowed to Utopia.

Located north-east of Alice Springs, Utopia has produced some of the nation's finest indigenous painters including the late Emily Kame Kngwarreye, whose epic work *Earth's Creation* sold at auction for more than \$1 million last May.

Cartwright fumes about the official indifference to the pervasive squalor and chronic unemployment, saying the community urgently needs another 32 houses - at least two in every extension.

The expression "shame job" is how locals have for a long time now come to view any reporting on their lives, their communities, their conditions. But one of the key features of the Howard government intervention, and

now the Rudd Government-supported intervention, is that many are open to talking about the needs of their communities. Finally it appears their problems are being recognised by the rest of Australia and its governments. No longer do they feel that their situation is their fault - something to feel shame over.

Utopia 1000 people - living in extensions as far as 65 kilometres from the council office - endorsed the Howard government's emergency intervention, receiving an extra four police officers. Recently additional support has been in short supply. Only this week were health checks being carried out. But the intervention has had its positives.

Utopia is a place where alcohol, substance abuse and sex abuse are rare and school attendances are high, with more than 80 per cent of enrolled children turning up.

But if the Prime Minister, Kevin Rudd, and his Indigenous Affairs Minister, Jenny Macklin, want to assess the gap between indigenous and non-indigenous Australia, then they need to look no further than Utopia.

Here, where people live in desperate, dehumanising physical circumstances surrounded by spunkies, rubbish and mungy dogs. The council does not own a rubbish truck to collect the garbage and its two tractors do not have air conditioned cabins. Cartwright readily acknowledges living conditions can be "Third World to non-existent". The community has just 10 Community Development Employment Projects (work for the dole) and could do with a lot more.

This week when I visited Utopia I found it was common for 11 people to be crowded into a two-bedroom house with no functioning kitchen or bathroom. At one outstation people slept in the dirt underneath a discarded canopy from an old ute, surrounded by nappies, old engine blocks and the wind-blown plastic bags. At another well maintained one-bedroom shack the septic tank had spilled into the yard close to where nine children played.

Nancy Peyratre, a prominent painter, pointed to her house saying, "Come and look, this is a rubbish house." That proved to be something of an understatement. The windows were broken; there was no functioning stove, the lights were broken and the toilet had long since failed. The house is so decrepit that Peyratre and her friends prefer to sit outside cooking meals on a charcoal fire. Unlike Blanche Ross, she was happy to talk about her circumstances, saying the whole country should see how they lived.

Utopia is a place where shipping containers are still used to accommodate preschool and kindergarten classes. This was the situation at Story Bore, where an uncrushed donkey was drinking from the toilet block. At Mulga Bore, as reported in the *Herald* this week, bore water is so polluted with nitrates that it poses a serious health risk for young children, pregnant women and babies. Although the bore appears to have run dry, untreated water had been pumped into the school drinking fountains.

Cartwright, a former ALP parliamentarian who stood at a recent Territory by-election as an independent, is scathing about Labor's neglect of indigenous communities, claiming the party takes the Aboriginal vote for granted.

"When it comes to funding, Utopia has become a political football between the Territory Government and Canberra. Because this is a community built around outstations we are supposed to be funded by the Federal Government. That has meant that we get little funding at all in the general scheme of things." He said Utopia had not received any funding from community development schemes - one run by the Territory Government and one Federal.

To make matters worse, Utopia will be amalgamated into the bulky chain under a radical redistribution of municipal boundaries. Cartwright will then be required to report to Tennant Creek, 500 kilometres away. The Territory's housing and infrastructure problem

has been exacerbated by the population explosion taking place in indigenous communities, which have grown at 1% per cent between 2001 and 2006. Mulga Bore's population has grown from 25 in the 1980s to a current population of about 120 today, which can double when nuchood ceremonies are held.

The demand for housing, water, power and health services is increasing exponentially. Senior ministers and bureaucrats in the Howard government openly questioned the viability of Utopia and its scattered outstations, arguing it was no longer financially viable to maintain them, that the infrastructure costs were prohibitive for taxpayers.

It is only to maintain bores, power generators and schools - some teachers travel up to 100 kilometres a day to reach the five schools. School weeks have been cut to four days, which can amount to several years of lost education for a child.

But Kam Saravani, the doctor at the Utopia medical clinic, believes relocating people from outstations to urban centres such as the town camps of Alice Springs or Tennant Creek would be a big mistake. Outstation life

People slept in the dirt underneath a discarded canopy from an old ute, surrounded by nappies, old engine blocks and wind-blown plastic bags.

he said, even among the physical squalor, was healthier because alcohol was banned and petrol sniffing was nonexistent. Close ties to traditional culture strongly mitigated dysfunctional behaviour including sexual abuse.

Not only that, Saravani says the high incidence of stroke, heart disease and diabetes - endemic in most urban Aboriginal communities - has been absent from Utopia, where smoking and obesity rates were well below average. "What we have with outstation living is a much healthier diet. When people cannot access the local store frequently their health improves. They hunt and gather natural foods such as kangaroos. Our here you can measure a person's life expectancy from the distance they live from the store."

A study in 2006 found that Utopia's mortality rate was 40 per cent lower than the indigenous average for the Northern Territory.

Ricky Tilzmosh, the medical centre cultural administrator, said he was well aware of government pressures to cut funding for Utopia's outstations but said some of "the government's not" has actually been to see how people lived.

"Sure, we have a housing crisis, but people are living longer and more peacefully together. You don't get the tensions between clans and the kids are happy - school attendance rates are exceptional."

What Tilzmosh says Utopia urgently needs is a fully equipped secondary college. "There is not much for kids when they reach 15 years of age and they don't like leaving their families to live in Alice. I heard that following the intervention there were plans to build a college. If that happens it would be a big step forward. We have a housing crisis, but we don't have a health crisis."

"If Kevin Rudd wants to close the gap, Utopia is a pretty good place to start," he said.

Cartwright agrees: "I want Jenny Macklin to visit Utopia, to get a look at what poor people have to put up with, where they live."

The Sydney Morning Herald article titled 'In the Outback, A Third World Utopia' is first discussed on page 190 and explores the experiences of locals from Apungulidim, an outstation of the Utopia community on the lands of the Alyawarra and Anmatjirra people in the Central Desert.

Russell Skelton, *The Sydney Morning Herald*, 2008.

supporting a simplistic discourse of dysfunction that was generally associated with Aboriginality. Aboriginality thus became the gap that needed closing. This supported an overwhelming deeper narrative that ‘tough love’, using Intervention-style measures that overruled existing ‘failed’ Aboriginal authority, was necessary to close the gap, while a cognate narrative told that a mixture of consultation and Intervention-style approaches, based on expert opinion, was needed to implement Intervention-style measures. In both narratives, such measures could avoid the apparent mistakes of the self-determination era.

Rudd was not the first to use the term ‘close the gap’ (Gardiner-Garden, 2012), and it is important to tease out the multiple iterations of the term. The notion of a statistical comparison between Aboriginal and non-Aboriginal people as a way to measure social progress began earlier with previous Prime Minister John Howard’s ‘practical reconciliation’ policies (Altman, 2004). As Tim Rowse (2006: 177) writes:

In justifying its infringement of Indigenous rights as essential to its corrective concern for living conditions, the Howard government has made clear its preferred notion of social justice. Progress towards a just Australia can be measured in statistics.

It was the Human Rights and Equal Opportunity Commission’s (HREOC) *Social Justice Report 2005*, however, that first focused on a ‘gap’, in calling for a strategy to address the differences in Aboriginal and non-Aboriginal life expectancy. This inspired more than 40 non-government organisations to form a public awareness campaign in March 2006—the National Indigenous Health Equality Campaign—later rebadged as Close the Gap in April 2007 (HREOC, 2008). On 20 December 2007, the Council of Australian Governments (COAG) committed to ‘closing the gap’ in life expectancy between Aboriginal and non-Aboriginal people. COAG’s strategy become known as Closing the Gap (AIH, n.d.).

The Close the Gap campaign culminated with the National Indigenous Health Equality Summit in Canberra over 18-20 March, 2008, when delegates and the federal government signed a Statement of Intent (AHRC, 2008). So while Close the Gap was a springboard for Closing the Gap, and the terms are often used interchangeably, they are distinct. Distinct again is the general political commitment across government and civil society organisations to ‘close the gap’, with wide meanings, uses and applications.



Prime Minister Kevin Rudd signing the Statement of Intent with Dr Mick Adams, Chairman of the National Aboriginal Community Controlled Health Organisation at the National Indigenous Health Equality Summit, Canberra, March 2008. Image courtesy of the Australian Human Rights Commission.

Methodology and media items

In seeking to understand the media response to Closing the Gap, I have chosen a particular moment in time when it most obviously became national policy, as part of Rudd's Apology. Of all the significant policy moments related to Close the Gap and Closing the Gap in 2008, Rudd's Apology generated the most significant amount of mainstream print media coverage for analysis. It does not represent a definitive study of all 'gap discourses' in the media at this time, or others—as is elaborated in the literature review, the ideas behind the various iterations of Closing the Gap, and disadvantage metrics more generally, have been much discussed and debated since.

I chose a spread of articles from both NSW and national mainstream newspapers that specifically used the words 'close the gap' or 'closing the gap' in the days following Rudd's Apology on 13 February 2008. The selection begins with the reportage on the day following the Apology, 14 February 2008, and continues until 1 March 2008, in

keeping with the project's minimum of one day to one month for each analysis. Both Factiva and NewsBank databases were used to source the articles. I used headlines and opening paragraphs to find articles which clearly focused more on Closing the Gap than on the Apology, though there is inevitably clear slippage and overlap because of the discursive connections between both at the time. In smaller regional NSW newspapers and in *The Daily Telegraph*, I found no articles in the selected timeframe that specifically addressed closing the gap.

Nine pieces published between 14 February 2008 and 1 March 2008 were selected. Six were published on 14 February 2008, and the remainder in the weeks following. All articles were from News Ltd's national broadsheet *The Australian* and Fairfax's *The Sydney Morning Herald*, as outlined in Table 10.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
AUS1	<i>The Australian</i>	AMA sees health benefits in goodwill – SORRY DAY	Siobhain Ryan	THE goodwill generated by Kevin Rudd's Apology would make it easier to improve indigenous health on the ground, Australian Medical Association president Rosanna Capolingua said yesterday.	14 February 2008	4
AUS2	<i>The Australian</i>	Rudd invites Nelson to transcend the partisan divide – SORRY DAY	Patricia Karvelas	KEVIN Rudd has invited Brendan Nelson to join in a 'war cabinet' to solve remote Aboriginal housing problems and embark on constitutional change in an unprecedented attempt at bipartisanship.	14 February 2008	4
AUS3	<i>The Australian</i>	Closing the gap	Tony Koch	Now the Apology has been made the hard work continues to bridge the wide divide between living and education standards in white and black Australia, writes Tony Koch	14 February 2008	15

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
AUS4	<i>The Australian</i>	Old guard in Rudd's path	Natasha Robinson and Simon Kearney	THE Rudd Government must stare down the indigenous service provider industry that profits from entrenched Aboriginal disadvantage or risk dooming the federal Intervention into Northern Territory communities, former Labor president Warren Mundine has warned.	23 February 2008	1
SMH1	<i>The Sydney Morning Herald</i>	Together we'll build a truly great nation – SORRY – A New Beginning – Rudd and Nelson agree to war cabinet	Philip Coorey, Mark Metherell and Stephanie Peatling	THE Federal Government and Opposition have agreed to form a "war cabinet" for indigenous policy, a recognition that yesterday's Apology was just the first step in addressing the social disadvantage plaguing Aboriginal Australia.	14 February 2008	1
SMH2	<i>The Sydney Morning Herald</i>	By fostering trust, Apology can close gap	Mark Metherell	THE Apology to indigenous Australians will make a real difference in closing the gulf in health and education, experts believe. But meeting the Government's ambitious targets to beat indigenous disadvantage will require a huge expansion in resources.	14 February 2008	4
SMH3	<i>The Sydney Morning Herald</i>	Leaders hope commitment to fix disadvantage will follow	Stephanie Peatling	HAVING said sorry to members of the stolen generations, the Federal Government must now put its head down and address the astonishing gaps in health, education, employment and housing that exist between Aborigines and other Australians, indigenous leaders have said.	14 February 2008	14

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
SMH4	<i>The Sydney Morning Herald</i>	Warm and fuzzy feelings won't save anyone	David Burchell (Opinion)	Aborigines need tough decisions more than our sentimentality, insists David Burchell	18 February 2008	8
SMH5	<i>The Sydney Morning Herald</i>	In the outback, a third world Utopia	Russel Skelton (Feature)	Blanche Ross turns her head away, murmuring "no, no".	1 March 2008	32

Table 10: *Closing the Gap* selected media

Situating the literature

The specific positioning of *Closing the Gap* and ideas surrounding it has been of much interest to those studying Aboriginal policy and history across numerous disciplines. Within anthropology, research has examined the relationship between Aboriginal organisations and shifts in policy-making (Kowal, 2008; Kowal, 2015), while non-statistically focused research in health has focused on whether the framing is appropriate (Pholi, Black and Richards, 2009; Donato and Segal, 2013). In sociology (McCallum and Waller, 2017; Partridge, 2013; Proudfoot and Habibis, 2015) and education (Altman and Fogarty, 2010; Ffforde et al., 2013; Rudolph, 2016; Synder and Nieuwenhuysen, 2010), perhaps most relevant to us here, research has considered the construction of Aboriginal subjects as deficient in comparison to a generic Australian subject, and debated the historical assumptions implicit in the framing of *Closing the Gap*. Similar critiques have been established in policy research surrounding the simplification of social issues associated with *Closing the Gap* policy-making, which can flatten and decontextualise Aboriginal experience (Altman, Biddle and Hunter, 2009; Altman, 2007a; Altman, 2009; Altman, 2014). Expanding on this literature, this case study contributes an understanding of interpretations of *Closing the Gap* within media discourse at the time of Kevin Rudd’s Apology to the Stolen Generations.

Media ecology

Throughout the 2000s, the circulation of mainstream print news media began to drop. Circulation had been generally dropping in relation to population: while in 1977 metropolitan newspapers circulated to 28.8 per cent of the population, by 2000 that figure was 13 per cent. The expansion of news radio and television had underscored this, but by the 2000s it was the shift to online news that was affecting print circulation. Throughout the 2000s, mainstream news outlets expanded their online presence. Yet their circulation was still significant before 2008. Figures from 2005 show *The Australian* had a circulation of 133,841 per day, while *The Sydney Morning Herald* had an even larger total circulation of 210,085 (Tiffen, 2015). *The Australian*'s share of national daily circulation was 57.7 per cent in 2004, while Fairfax, publisher of the *Sydney Morning Herald*, held 21.4 per cent of national circulation—because, as a state-based paper, the *Sydney Morning Herald*'s circulation is concentrated in NSW. The year 2008 marked the start of a shift towards online news delivery that was largely yet to be realised (Tiffen, 2015). Potentially, print news media held greater relevance and influence in Australian political life in 2008 than in 2019, the time of writing. As McCallum and Waller (2017) argue, *The Australian* was a 'keystone' paper, making significant investment into Aboriginal affairs coverage throughout the 2000s and 2010s (see McQuire, this volume), editorialising in support of Intervention-style measures.

Deeper context

Rudd officially committed to the idea of closing the gap in 2007, before the Apology. In a speech in May 2007 to mark the 1967 referendum, as Opposition leader, Rudd announced Labor's policy: 'a reciprocal partnership between government and indigenous [sic] Australians', emphasising mutual obligation and the need for bipartisanship in 'reconciliation goals' for Aboriginal children (Karvelas, 2007).

However, it was the Apology speech that made his commitment well-known. In the latter section of the Apology speech, Rudd explained that for his government, 'unless the great symbolism of reconciliation is accompanied by an even greater substance, it is little more than a clanging gong'. Specifically, Rudd promised to add substance to the Apology by committing to 'concrete targets for the future' (Parliament of Australia, 2008):

Within a decade to halve the widening gap in literacy, numeracy and employment outcomes and opportunities for Indigenous Australians, within a decade to halve the appalling gap in infant mortality rates between Indigenous and non-Indigenous children and, within a generation, to close the equally appalling 17-year life gap between Indigenous and non-Indigenous in overall life expectancy.

As part of his Apology speech, Rudd invited then Opposition Leader, Brendan Nelson, into what he called a 'kind of war cabinet' to develop a bipartisan policy program for housing in remote Aboriginal communities. On 20 March, 2008, more than a month after the Apology, the federal government signed the Statement of Intent organised by Close the Gap advocates at Parliament House. By this time, *The Sydney Morning Herald* was declaring that 'close the gap' had become a 'Ruddism' (Gibson, 2008).

In July 2008, Rudd set up the National Indigenous Health Equality Council and in November 2008 COAG approved the National Indigenous Reform Agreement, setting out the following six Closing the Gap targets (Gardiner-Garden, 2012; Biddle 2019):

- halve the gap in child mortality rates by 2018
- enrol 95 per cent of Indigenous four-year-olds in early childhood education by 2025
- close the gap in life expectancy by 2031
- halve the gap in year 12 attainment by 2020
- halve the gap in reading, writing and numeracy by 2018
- halve the gap in employment by 2018

Another goal, to close the gap in school attendance by 2018, was added in 2014 (COAG, 2018a). Today, more than 10 years since this policy moment and Rudd's Closing the Gap commitments, most targets remain unmet (Australian Government, 2019; Haughton, 2016). Only two targets, to have 95 per cent of Aboriginal four-year-olds enrolled in early childhood education by 2025, and to halve the gap in Year 12 attainment by 2020, are 'on track' at the time of writing. In December 2016, COAG agreed to a Closing the Gap 'refresh' which is still in development. This study, then, is a timely examination of the discourses surrounding Closing the Gap when it first became official government policy, and may be helpful for informing future policy debate.

As the chapter on the Apology argues (Thomas, this volume), by linking Close the Gap to the Apology, Rudd was potentially aiming to create a sense that the Apology

created space for a ‘new’ approach to Aboriginal policy, the centerpiece of which would be reforms to counter the socioeconomic disadvantage experienced by Aboriginal people. He made this announcement at a moment of fierce contestation in Aboriginal Affairs—five months after the NTER and thus amid shifting ground in Aboriginal policy-making, when, as McCallum and Waller (2017) argue, the meaning, purpose and efficacy of self-determination policies, particularly for remote communities, and the ethics of a reorganisation of remote Aboriginal life, were the subject of turbulent debate.

The NTER was a far-reaching policy which covered nearly all aspects of remote NT Aboriginal existence from housing to welfare to schooling. It involved the suspension of the *Racial Discrimination Act 1975* (Cth). The NTER caused significant rifts in the Indigenous public sphere, generating significant support, resistance, skepticism and concern (Bamblett, 2007; Behrendt, 2007; Brown and Brown, 2007; Dodson, 2007; Langton, 2008; Manne, 2007; Sanders, 2009; Thill, 2009; Wild and Anderson, 2007). With respect to the three areas on which Rudd’s Closing the Gap was focused—health, education, and economic participation—the Intervention enacted significant changes. The NTER challenged Aboriginal communal land title (held under the Northern Territory *Land Rights Act 1976*) by introducing leasehold title; linked Aboriginal school attendance to welfare payments; and included compulsory health checks for Aboriginal children (Maguire, 2017). The NTER measures were based on the assumption that health improvements, educational achievement and economic inclusion for Aboriginal people in remote communities could be realised by increased coercive controls by government towards Aboriginal peoples and by emphasising participation in the mainstream economy.

Building on the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2004, Howard’s NTER was arguably the zenith of what has been called a ‘mainstreaming’ approach in Aboriginal affairs (Altman, 2014; Lawrence and Gibson, 2007; Sanders, 2009). This approach sought to generalise Aboriginal service delivery across government departments rather than directing services through Aboriginal representative bodies. The Intervention was preceded by the Howard government’s Shared Responsibility Agreements (SRAs), where Aboriginal communities were asked to commit to behavioural or other changes in order to receive essential services (Partridge, 2013). In part the mainstreaming approach was motivated by the idea that Aboriginal policy ought to be based on formal equality and sameness between Aboriginal and non-Aboriginal people (Sanders, 2009). After losing the election Howard remained a strong advocate of this approach, telling a public forum

in 2008: 'I think the only way the indigenous [sic] people of Australia can get a fair go is for them to become part of the mainstream community' (in Skelton, 2008).

Although Rudd never mentioned the NTER in his Apology speech, Rudd and his Indigenous Affairs Minister, Jenny Macklin, continued to support the Intervention and were largely responsible for its rollout. The Labor Government also extended the Intervention measures for a further ten years in 2012 with the *Stronger Futures* legislation (Altman, 2014). By the end of 2009, the Government was linking the NTER and the idea of the 'close the gap' explicitly. When introducing reforms associated with income management and the Basics Card under the NTER¹, Jenny Macklin told Parliament:

The bill also provides the legislative basis to underpin the sustainable, long-term development phase of the NTER. The government will continue to take strong action to close the gap in the Northern Territory, working in close partnership with Indigenous Australians, recognising that they are central to developing effective solutions and driving change.

By this point, then, 'close the gap' generally had come to mean something different from the Close the Gap campaign's original intentions, having become inextricably linked to the NTER, including by the government itself. There is an absence of support for Intervention-style measures in HREOC's documents on Closing the Gap. HREOC's (2005: 219) *Social Justice Report 2005* is critical of the lack of consultation undertaken for Howard's SRAs, arguing that the abolition of ATSIC created an 'absence of processes for Indigenous engagement'. Instead, HREOC (2005) urged reforms to promote Aboriginal engagement in policy-making, including through national, state and regional representative bodies. The report emphasises the promotion of human rights. HREOC's (2008a) Statement of Intent signed on 20 March 2008 at the end of the Close the Gap Summit does not mention the NTER.

To add to this complex discursive shifting, at the same time that Closing the Gap was becoming associated with the NTER, Rudd's Closing the Gap funding commitments were becoming implicated in the debate around compensation for members of the Stolen Generations following the Apology. Julia Gillard, then Deputy Prime Minister, described Closing the Gap funding as an alternative to a compensation scheme, telling host Barrie Cassidy on ABC TV's *Insiders* (2008) that:

1 This was during the second reading of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009.

The Government has made its position perfectly clear here, and that is that there will be no compensation fund. We do want to move forward with Indigenous Australia, and we are prepared to invest, to increasingly invest in link-up services for the Stolen Generation, to put people back in contact with their families, if that's possible.

Then of course we want to invest in a better future in education, in health, in the things that are going to close the life expectancy gap, and the educational attainment gap for Indigenous Australians. The Prime Minister made it very clear in the saying of sorry that that was the Government's focus, and our job now is to get on and deliver those policies. We are prepared, of course, to work with the Opposition in that. The Prime Minister made I think what was a historic offer to the Leader of the Opposition, to put these matters above politics and to work together on them.

Thus, there are complex interactions between the goals of the human rights-based Close the Gap movement, the government's Closing the Gap and NTER policy agendas in the post-Howard era, general commitments to close the gap and gap discourse, and political debate over the need for an Apology and compensation. However this analysis suggests that this complexity is rarely teased out in the selected media: instead, the differences are elided to support the policy agenda of the NTER.

Framing the story

Stories were framed in three distinct ways. The first framing focuses on the apparent possibilities resulting from the moment of the Apology, and its potential to help close the gap through winning bipartisan support for the NTER (AUS4, SMH2). The second focuses on the calls by some for tougher policies that would challenge the 'failed' structures of the Aboriginal polity put in place during the self-determination era, in order for Closing the Gap and the NTER policies to succeed (AUS2, AUS3, SMH4). The third focuses on the views of experts and selected Aboriginal leaders who advocate a more consultative approach, informed by the spirit of the Apology, to implement Closing the Gap, potentially through policies like the NTER (AUS1, SMH1, SMH3, SMH5). All the framings, then, turn the moment of the Apology into the moment of Closing the Gap, which is then focused on radical reforms designed to reengineer remote communities via policies such as the NTER. As will be shown, the first two stories were told predominantly in *The Australian*, while the last was told predominantly in *The Sydney Morning Herald*.

In AUS1, the first source quoted, Rosanna Capolingua, the then president of the Australian Medical Association, is quoted referring to the Apology as ‘the reconciliation’. While Capolingua’s own view is that the funds committed to the Intervention were a ‘starting point’, she argues ‘it can be made better’. Regardless of Capolingua’s own views, though, the way this notion is used in the piece is to imagine that the Apology completed a process of reconciliation for a new era of consultative policy-making, which is still defined by Intervention-style measures. Closing the Gap, in this framing, is required because of the supposed policy failures of previous governments. This framing—again, regardless of the views of those quoted—feeds into, we will see, the deeper narrative assumption that Aboriginal disadvantage has been produced by the self-determination era and by Aboriginal failure to ‘normalise’. This logic is also present in AUS4, SMH1, SMH2, and SMH3. A phrase of Fred Chaney’s about ‘the failure of civil governance’ in remote communities, has a similar effect in the opinion piece AUS4.

In all three framings, Closing the Gap becomes a story of the NTER through rhetorical shifts that fail to distinguish them. AUS1, while focused on the AMA’s views on the Apology, conflates Closing the Gap with the NTER by saying the NTER represents the biggest ever government commitment ‘to improving the wellbeing of Aboriginal people.’ It begins by noting the ‘goodwill generated by Kevin Rudd’s Apology would make it easier to improve indigenous [sic] health on the ground’, which is supported Rosanna Capolingua. By paragraph six it has moved on to the comment quoted above on the Intervention (noting, however, that ‘it has been dogged by concerns about a lack of consultation and flexibility in implementing the measures.’)

Conscious or not, this failure to differentiate between Closing the Gap and the NTER means that the ‘story’ of Closing the Gap quickly becomes, in mainstream media reporting, one of how best to implement the NTER. The use of Aboriginal sources and the discursive constructions work to generate a deeper narrative assumption that socio-economic equality could be delivered to Aboriginal people (imagined as remote Aboriginal people) via Intervention-style tough love. The debate was thus constrained to discussing how much consultation was necessary: not whether such measures could deliver such equality, or indeed, whether that was desired by remote Aboriginal peoples.

Aboriginal agency and sources

There is no lack of Aboriginal sources in the reportage. Half the articles quote an Indigenous source first, and all except two (AUS1, a report focusing on the AMA, and SMH4, an opinion piece) quote at least one Indigenous source. However, a more significant finding is about the choice of sources and the framing of sources: they tend to accord with the framings of the story. There appears to be a bias towards well-known Indigenous experts associated with federal politics: Chris Sarra (AUS3), Jackie Huggins (AUS3), Patrick Dodson (reported speech in AUS2, quoted in SMH1), Lowitja O'Donogue (SMH1 and SMH3), Geoff Clark (AUS3) and Christine King (SMH1). In general, their support for the Apology is mobilised to build support for the new bipartisan Intervention policy era.

In SMH3, Patrick Dodson's criticism of the NTER is linked to the overall story in the piece that advocates a more consultative approach. In all pieces except AUS3 and SMH5, there is a single Aboriginal 'side', which accords with the overall discourses and narratives. Of the many Aboriginal sources quoted across the sample, only one explicitly opposes the NTER measures—Tangetyere Council's Barbara Shaw in AUS3—but little context is given to her opposition, which is instead used to frame the member for the federal electorate Lingiari, Warren Snowdon, as vulnerable to pressure from radicals who are not willing to embrace the necessary tough love.

It is only in SMH5 that a more complex picture emerges through extensive quotation of locals of Apungalindum, an outstation of the Utopia community on the lands of the Alyawarra and Anmatjirra people in the Central Desert. While this fits the third story framing—the views of experts and selected Aboriginal leaders advocating a more consultative approach to Close the Gap and the NTER—there is more reasoning and context provided for the choice of these experts, and more elaboration of the tensions and differences between their views to inform the reader.

The main consideration of Aboriginal agency, however, is whether there exists the right measure of willingness to engage in the policy agenda set by Rudd, and to work with his policy decisions. There is a tension present: whether Aboriginal organisations not considered up to this task should be overridden (tough love), or whether they need to be engaged through deeper consultative measures (talkfests, as they are derided in tough love framings). In painting this picture, the coverage assumes a willingness of the Aboriginal polity to accept the policy framework as presented by government, as well as assuming the righteousness associated with the

government's pledge, actions, and policy. The possibility of negotiation to achieve policy agreement is not permitted in this vision of agency, which considers Aboriginal agency only legitimate or allowable when it accepts the dominant policy logic.

Discourses

The story framings and their use of sources are supported by discursive constructions that paint a picture of social dysfunction and deficiency in remote communities, only resolvable through tough love. The discourse of dysfunction is presented most starkly in AUS3 (though it is also strong in SMH4, AUS2, and AUS4). It begins with reconciliation advocate Jackie Huggins' praise of the Apology and Rudd's bipartisan war cabinet, but it moves quickly on to quote the Opposition Leader, Brendan Nelson, and former Howard-era Indigenous Affairs Minister Mal Brough discussing measures to control substance abuse in communities as key to closing the gap. Remote communities are homogenised as centres of abnormal crisis and violence where there is no investment in the future of children. These claims are made without reference to scholarly studies, nor are they established through a reference to personal experience. AUS3 states that, 'All [remote community homes] will have large-screen television sets, stereos and huge speakers, DVD players, but no fridge'. In communities, 'the majority of people are drunk, hung over or are unreconstructable [sic] alcoholics'. The only solutions are punitive: deviant behaviour can be corrected through state intervention, and it is only after this that Aboriginal people will be convinced that through welfare they are hurtling to a 'mindless death'.

This strong discourse of dysfunction is similarly strident in SMH4, though in a different form. The author, while distancing himself from the 'motley crew of conservatives' who questioned the truth of the Stolen Generations, begins with a headline assuming Aboriginal people need saving. After decrying the Apology as politically correct and casting doubt on the claim that racism lay behind the Stolen Generations, it advocates bulldozing and relocating Indigenous communities, which will be 'unpopular' but is nevertheless necessary. In AUS4, the 'tough love' discourse is mobilised through Warren Mundine, at the time a recent past Australian Labor Party President. Quotes from Mundine make up most of the first six paragraphs, and the article is based on his argument that 'the Indigenous industry that lives off people's poverty and misery'—organisations established in the self-determination era—need to be overruled through a form of tough love.

This is in contrast to discourse that promotes consultation, through reference to expertise and consultation. This is most obvious in AUS1 and SMH5, which achieve this through references to Aboriginal and non-Aboriginal policy experts. In AUS1, the focus is made explicit in the headline, 'AMA sees health benefits in goodwill'. It focuses on medical professionals and suggests Rudd's Apology could build support for both the Intervention and Closing the Gap, though more funds will be needed. No explicitly Indigenous sources are used, which creates the overall impression that the experts' views are unquestionable.

By contrast, however, SMH5, while blaming failures of government for poor living conditions in some remote Aboriginal communities, does not attempt to assure readers that solutions are possible through either tough love or consultation. The article notes that outstations have been criticised as expensive, but suggests they may nonetheless be essential if gaps in health and life expectancy are to be closed, as their residents are not subject to the health pressures present in urban centres and larger communities. Utopia, it notes, produces 'some of the nation's finest painters'. This seemingly attempts to avoid a deficit approach while discussing a site where a deficit discourse is commonly present—it does not, however, explore the differences between Closing the Gap and the NTER, and continues the association between Closing the Gap and supposed remote community dysfunction.

It is not the purpose of this chapter to discuss the veracity of claims about supposedly rampant dysfunctional behaviour in Aboriginal communities. The very regular and normalised presence of those claims however show how Aboriginal agency is routinely presented in mainstream media as always already problematic, and in need of Interventionist redress from government forces. Within these discourses, the possibility of historical and contextual discussion of social problems, and of agreement-making between Aboriginal polities and the state, cannot be entertained. In this discourse, Aboriginal polities must adapt to the prevalent policy decisions, or they deserve to be sidelined.

Deeper narratives

Aboriginal agency is primarily considered in the reportage in relation to Aboriginal willingness to engage with Closing the Gap and the NTER. The discourses cohere around the need for government-driven interventionist measures to mitigate apparently dysfunctional behavior. This assumes that Aboriginal people are based primarily in the NT, and that remote community life is representative of Aboriginal

life in general. Both the supposed dysfunction of Aboriginal remote life, and the measures to address it, are generalised out from there to the whole of Aboriginal Australia. These assumptions are underpinned by two discernable deeper narratives within the coverage: one that assumes that equality, understood as socio-economic equality and sameness, could be delivered through tough Intervention-style policy measures that overrule existing and supposedly failed Aboriginal authority, and another that argues for a mixture of consultation and Intervention-style approaches in building a partnership to support Intervention-style measures, based on expert evidence, to move beyond past mistakes.

The first narrative, that the government must stay the course with the NTER and take a tough love approach, is encapsulated in AUS3. Though, as mentioned, the headline is 'Closing the gap', and the opening paragraph refers to hard work after the Apology, the article is organised around two general arguments which are not explicitly linked to Rudd's pledges: first, the Apology was warranted, and second, we must acknowledge the great crisis and dysfunction in Aboriginal communities driven by liberal policies, particularly access to alcohol. It calls up the figure of the threatened child in need of protection, arguing:

Children live in overcrowded houses, with nobody to assist with homework or even encourage them to attend school. Very few would get more than one meal a day, and in all likelihood, it would comprise Coca-Cola and a packet of chips or takeaway fried food.

Communities are described as 'lawless' and comprised of 'hovels', where dedicated public servants hide from the adults in the community, along with the children. This links to Warren Mundine's argument in AUS2: that there is entrenched disadvantage in Aboriginal affairs because of self-determination era policies that encouraged Aboriginal organisations to run local Aboriginal community affairs. While the community must be brought along, the government will have to be 'tough' in following through on measures associated with Howard's NTER. Thus the Aboriginal polity is cast as an obstacle to Aboriginal advancement, and advancement can be measured in the statistical comparison of Aboriginal and non-Aboriginal people, and the extent to which Aboriginal people participate in the mainstream economy.

This second narrative is most fully present in AUS1, AUS2, SMH1 and SMH5. AUS1 tells a story of the Apology as an act of reconciliation that can build consent for Interventionist policy. It can help repair mistrust in ways needed for government to be able to close the gap. While the Intervention represents a start in 'improving

wellbeing', a lack of consultation made its implementation faulty: the Apology thus furnishes the government with a new chance to reset the Intervention. In SMH1, also that newspaper's most prominent article, the narrative suggests that Rudd has created a new climate for addressing the disadvantage experienced by Aboriginal people—he has moved beyond Howard's mistakes, and his bipartisan, consultative approach could be well received and lead to success with new Intervention-style measures backed by consultation. AUS2 is generous in describing Rudd's bipartisan 'war cabinet' as 'groundbreaking'. The enthusiasm for Aboriginal inclusion is tempered by Wesley Aird, whose warning that the 'commission risked becoming another "talkfest"' leaves the article on a note of uncertainty on the possibilities for change. SMH3 has a similar narrative, with the exception that it presents a stronger critique of the NTER from Patrick Dodson, who advocates reforming the policy.

Findings and conclusion

From considering a selection from national and NSW-based mainstream print media of reportage on Rudd's Closing the Gap pledge that formed the second part of his Apology speech, several things are clear. Firstly, in the story framings, Aboriginality is equated with remoteness. This conflation erases the majority of Australia's Aboriginal population, while also discursively projecting a similarity between all Aboriginal communities and people which flattens and simplifies the complex nature of Aboriginal polities and Aboriginal worlds across Australia in general. Nicholas Biddle (2019) has since argued that the lack of distinction between the different needs of urban and remote Aboriginal people has not been well-served by 'gap' discourse. Secondly, the coverage uses Aboriginal sources primarily to serve the discourses of dysfunction and the deeper narrative of a new era of tough love. The possibility that government might negotiate with the Aboriginal polity was rarely considered; when the Aboriginal polity is mentioned, it is largely to suggest either their engagement with existing dominant policy through consultation, or their overrule.

Lastly, the coverage assumes the rightness of the government's pledge, actions, and policy, and if they are ever questioned, it is because they may be held back by failed Aboriginal bureaucracies. An unchallenged discourse of dysfunction underpins the presentation of Aboriginal agency, represented in these organisations, as problematic. The deeper narratives wrapped around this assume that equality can be delivered by tough love measures like the NTER, which overrule existing Aboriginal authority,

or versions of NTER-style measures that make greater use of consultation. They assume the failure of previous policies, particularly those of the self-determination era. While there was more emphasis on consultative measures in Fairfax (*The Sydney Morning Herald*), and more emphasis on tough love in News Ltd (*The Australian*), these differences of detail were overridden by the similarities in the coverage. The possibility of historical and contextual discussion of social problems, and agreement-making between Aboriginal polities and the state, is thus not considered in any of the media analysed. The policy trajectory since this time suggests the assumptions underpinning the discourses and narratives in the 2008 coverage ought to be interrogated anew.

Erasing race and racism on the long road to recognition

Amy McQuire, University of Queensland

Introduction

In 2012, as 26 January approached, an Expert Panel on Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution (herein the Expert Panel) handed down its report. It was front page news in two major newspapers—*The Australian* and *The Sydney Morning Herald*. But while *The Sydney Morning Herald* article stated that a possible referendum to recognise Indigenous people in the constitution, and remove racially discriminatory clauses from it seemed ‘certain to proceed’ (SMH1), *The Australian* claimed any referendum faced ‘certain defeat’, and the recommendations would have to be significantly amended (TA3). Even though the two articles drew on the same source material—the speeches of the Prime Minister, Julia Gillard, and the Opposition Leader, Tony Abbott—the two papers presented starkly different conclusions about the prospect of success of a referendum, and in doing so revealed their contrasting ideological positions on Aboriginal policy. Despite this difference, however, both mainstream media papers shared a characteristic that would shape constitutional recognition discussions for the next decade: the coverage bypassed the wishes of Aboriginal people—those who were supposedly to be recognised—in favour of the non-Aboriginal populace—those who would do the recognising. As Arrernte writer Celeste Liddle (2014: 87) has written:

Whether Indigenous people themselves wish to be recognised in the constitution should be at the heart of this discussion; otherwise, we run the risk of Indigenous recognition being another merely symbolic gesture.

The question of what Indigenous people want in the constitution was not considered until the release of the Uluru Statement from the Heart in 2017 (see Norman, this volume). For most of the decade prior to the release of the Uluru Statement, Liddle’s (2014) concerns reflected reality: the focus overwhelmingly was on the symbolic at the expense of Aboriginal calls for substantive reform.

An answer to the race question

A referendum will give us a chance to remove a stain on our Constitution

MARCIA LANGTON
MEGAN DAVIS

IN late 2010 Julia Gillard appointed us to provide her with a considered answer to the question: How could the indigenous peoples be recognised in the Australian Constitution?

The answer is largely a technical solution, a matter not understood by those who have rushed to the media before reading the report, handed to the Prime Minister only last Thursday.

Among our terms of reference was the proviso that our answers be legally sound. The report of the expert panel is about 300 pages in length and it examines in detail the problem posed to the panel by the Prime Minister.

The problem is complex because of potential unintended consequences. The risks were several and can be summed up in this way: if we change this part of the Constitution, there will be a consequence for another part and also for the law-making powers of the federal parliament.

This is why it is important that Australian leaders, including opinion leaders, read the report, especially Chapter 4, on forms of recognition.

Would a majority of Australian voters and the state parliaments agree to recognise indigenous Australians in the Constitution within the next two years?

Leaving aside the question of recognition for the moment, we need to examine the other key issue that has exercised members of the political class in early responses to the *Report on Constitutional Recognition of Indigenous People*. Should Australians be given the opportunity to answer the question: Do you want to remove racist provisions from our

Constitution? If the responses from journalists, columnists and bloggers are the measure, we should consider the consequences of a referendum being held within the term of Gillard's government.

Our constitution has an imperialist preamble legislated by the British parliament in 1901. The Australian parliament cannot change it. It would be entirely inappropriate to have a preamble to the Constitution recognising indigenous Australians without a more comprehensive debate among Australians about what such a preamble ought to say about all Australians, a matter not included in our brief. More to the point on the matter of what might be legally sound, two preambles to our Constitution would be awkward, not to say historically incongruous and arguably absurd.

The weight of legal opinion is that a preamble has no legal effect. The panel took this issue to ordinary Australians at its consultations, as required by our terms of reference, and their response was that it would be absurd to ask Australians to vote at a referendum on a proposition that would have no legal effect: a pointless exercise, to say the least.

In the referendum of 1967, Australians voted to remove the racial passages that excluded Aboriginal people from being counted in the national census and from commonwealth law-making powers. Until Australians voted overwhelmingly in 1967 to remove sections 127 and after section 51 (xxvi), these were the only references to Aboriginal people in the Constitution.

Two provisions that have had racist consequences remain. The



Julia Gillard accepts the report by the expert panel from co-chairmen Mark Liebler and Pat Dodson

There is no conspiracy to use our brief as a Trojan horse for a bill of rights, a suspicion held by Leader of the Opposition, Tony Abbott, and many others

race power and Section 25 are remnants of the racist sentiment of the Constitution developed in the 1890s at the end of the colonial period.

In part, the exclusion of Aboriginal people was designed in the late 19th century so that the states with the largest Aboriginal populations, Western Australia and Queensland, could not use these very large remnant Aboriginal populations still in the north to outmanoeuvre the southern settled states for the purposes of parliamentary representation and distribution of income by the proposed federal government.

By amending the "race power"

after the 1967 referendum to remove the exclusion of Aboriginal people, which sets out the powers of the parliament to make laws, including special laws for the people of "any race", the federal parliament has had the power to legislate for Aboriginal people.

However, the weight of legal opinion is that the Constitution as it presently reads enables the commonwealth to make laws that are beneficial or detrimental; that means that the race power can support adverse laws that can discriminate against people on the basis of race.

If this is the case, as we believe it is, then this Constitutional provision enables the commonwealth to discriminate on the basis of "race", not just against Aborigines, but against any Australian deemed to be a member of a "race".

This was a constitutional problem that the panel could not ignore or exclude from our considerations in answering the Prime Minister's question.

Section 25 presented us with a similar problem. Section 25, which was not the subject of the ques-

tions put in the 1967 referendum, and which remains in the Constitution, is more difficult to comprehend. It states: "For the purposes of the last section, if by the law of any state all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the state, then, in reckoning the number of the people of the state or of the commonwealth, persons of that race resident in that state shall not be counted."

It mandates not who should have the vote but how many House of Representatives divisions to which each state shall be entitled. Legal opinion is universal that Section 25 can be interpreted as contemplating denial of the franchise to certain people on the grounds of race. Moreover, some hold that "race" is now such a discredited biological and social construct that its citation in a democratic constitution is undesirable.

The evidence of our research and inquiry and our consultations with ordinary Australians and indigenous Australians has led to the conclusion that, as with every

other inquiry into constitutional reform, we should recommend that Australians be asked to agree to remove Sections 51 (xxvi) and 25 from our Constitution because of their outdated racism.

Given that the elephant in the room in the debate about constitutional recognition of indigenous people is the "race" question, how should the Constitution read so as to be fair and treat all citizens equally? The answer to that question can only be the prohibition of racial discrimination and discrimination on the grounds of ethnicity or national origin. This is part of the answer to the Prime Minister's question and is proposed as a new section, Section 16A.

An unintended consequence of any proposition to remove these two offending sections is that, without them, the federal parliament would have no power to make laws for Aborigines (or Torres Strait Islanders). It could not make laws such as the Native Title Act. Therefore, the panel proposed that in order to avoid removing altogether the parliament's power to make laws for all those peoples

The Australian article titled 'Answer to the race question' is discussed on page 210. Pictured: Prime Minister Julia Gillard and Expert Panel co-chairpersons, Mark Liebler and Patrick Dodson at the launch of the report of the Expert Panel's report, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution* in January, 2012. Authors: Megan Davis and Marcia Langton, *The Australian*, 2012. Photographer: Ray Strange.



The Expert Panel on Indigenous Constitutional Recognition, February 2011. Image courtesy of David Foote, Auspic, Department of Parliamentary Services.

Symbolism however was not what was put forward by the Expert Panel of 22 Indigenous leaders, legal experts and politicians, whom the Gillard government had asked to canvass options for constitutional recognition. At the time, both sides of politics supported symbolic recognition in the form of a constitutional preamble, but after consulting Aboriginal and non-Aboriginal communities across the country, and after considering about 3,500 submissions, the Expert Panel had gone further than expected. It directly addressed the racist provisions in the constitution, calling for them to be repealed. It also recommended a new head of power be inserted which would prohibit federal, state or territory governments from discriminating on the grounds of race, while still allowing them to make laws for the purpose of overcoming disadvantage or ‘ameliorating the effects of past discrimination’ (Expert Panel on Recognising Aboriginal and Torres Strait Islander People in the Constitution, 2012).

The Expert Panel’s report was chosen for this study because it represented a key date in the process of constitutional recognition, which began in 1983 (Thomas, this volume). Since then, it has had the effect of silencing other Aboriginal aspirations. That has occurred because both political parties and the mainstream media have come to equate the word ‘recognition’ with symbolic recognition, as divorced from movements towards treaties and agreement-making. But as Megan Davis and Dylan Lino (2010) state:

Calls for a treaty or treaties between Indigenous peoples and the Australian state, which have regularly made their way onto the national agenda since the late 1970s, have often stressed the need for constitutional reform.

Mainstream media coverage and political discourse since 2007 have silenced treaty and agreement-making, which have come to be seen as radical and fringe issues—even though they had previously been seen as objectives parallel to constitutional recognition. I argue in this paper that this shift was solidified in the discourse that emerged after the Expert Panel's report. However, most recently, Aboriginal people have recalibrated their political demands, and sought remedies in the form of a voice to Parliament as described in the Uluru Statement from the Heart in 2017. The Expert Panel's recommendation to remove racism from the constitution is no longer a leading priority; Aboriginal peoples' focus has moved to constitutionally entrenched representation, truth-telling and treaties, as well as treaty processes in states and territories—specifically in Victoria (Wahlquist, 2018) and in the Northern Territory (NITV, 2019).

Methodology and media items

The 10 articles selected for this study were published in the week following the release of the Expert Panel's report. The earliest article was published on 20 January 2012, and the latest on 27 January 2012—the day after January 26, widely celebrated as Australia Day but considered by many to be Invasion Day. Due to the limited scope of the study, most of the articles are selected from within two days of the report's release. The media outlets in the study are *The Australian*, *The Sydney Morning Herald*, *The Daily Telegraph* and ABC News. Three commentary pieces are analysed—an editorial, an opinion piece, and an analysis piece. The table below outlines the articles selected.

Does the media fail Aboriginal political aspirations?

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
TA1	<i>The Australian</i>	Indigenous property rights must be recognised: leader	Patricia Karvelas	A referendum to acknowledge Aborigines in the Constitution would be meaningless unless it enshrined indigenous property rights, says Kimberley leader Wayne Bergmann.	3 January 2012	2
ABC1	ABC News	Call to recognise 'first peoples' in Constitution	Emma Griffiths	The debate about formally recognising Indigenous Australians in the Constitution is set to flare following the release of recommendations from the expert panel advising the Government on the issue.	19 January 2012	
TA2	<i>The Australian</i>	Faith and hard work paid off in 67	Natasha Robinson	Almost half a century on from 1967, Faith Bandler's career as a civil rights campaigner has long since passed.	20 January 2012	1
TA3	<i>The Australian</i>	Historic vote facing hurdles: 'The right time' For Indigenous recognition in the Constitution, says Gillard	Patricia Karvelas	Historic changes to the commonwealth Constitution to acknowledge indigenous Australians face almost certain defeat unless significantly amended, after a 300-page proposal presented to Julia Gillard yesterday prompted a chorus of concerns from some indigenous leaders and legal experts.	20 January 2012	1
TA4	<i>The Australian</i>	Pressure on Abbott to engage for change – Indigenous Referendum	Natasha Robinson, Patricia Karvelas with additional reporting from Imre Salusinzky, Rosanne Barrett, Verity Edwards and Debbie Guest	Aboriginal leaders and lobby groups vowed to pull together to campaign for a successful referendum following the release of the expert panel's report on constitutional change yesterday.	20 January 2012	2

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
SMH1	<i>The Sydney Morning Herald</i>	Push to erase racist laws	Dan Harrison	A referendum to recognise indigenous Australians and remove racially discriminatory provisions in the constitution seems certain to proceed, with both sides of politics yesterday embracing the thrust of a report prepared by an expert panel.	20 January 2012	1
TA5	<i>The Australian</i>	Indigenous recognition now looks complicated	Unattributed	Broad consensus for constitutional change will be tested.	20 January 2012	11
TA6	<i>The Australian</i>	An answer to the race question	Marcia Langton and Megan Davis	A referendum will give us a chance to remove a stain on our Constitution.	21 January 2012	14
TA7	<i>The Australian</i>	Deadline shifts on referendum	Patricia Karvelas	The deadline for holding a referendum to acknowledge indigenous Australians at or before the 2013 election has been abandoned, because the expert panel fears it would face certain defeat if it were rushed.	21 January 2012	1
SMH2	<i>The Sydney Morning Herald</i>	The 40-year protest that changed little	Debra Jopson	On Thursday it will be 224 years since the folks of the First Fleet stepped onto the beach at Sydney Cove and still the anger wells in Aboriginal hearts.	21 January 2012	12
DT1	<i>Daily Telegraph</i>	Second-class meddling is selfish, deceitful	Piers Akerman	Ever ready to cry “racist”, Labor is now backing proposed changes to the Australian Constitution which would enshrine a two-tier citizenship based on claims of race.	27 January 2012	3

Table 11: Constitutional Recognition selected media

Media ownership

The majority of articles examined here were published by *The Australian*, which reflects that paper's interest in Aboriginal affairs, as well as its role in framing the issue. While ABC News and *The Sydney Morning Herald* did cover the Expert Panel's report, I argue that *The Australian's* coverage had a greater impact in framing the media response due to its influential role in agenda setting in Aboriginal affairs. The influential role of the Australian in Aboriginal affairs has been studied by Waller and McCallum (2016), who argue that *The Australian* is the nation's 'keystone media on Aboriginal affairs'. Waller and McCallum (2016: 99) state that the newspaper has 'played a central role in defining the state and structure of the Indigenous affairs media and policy environment', and in 'elevating certain issues to the policy foreground'.

Data from 2014 shows that News Corporation was responsible for 63 percent of national circulation, while Fairfax was responsible for 22.6 percent (Tiffen, 2015). *The Australian* is owned by News Corporation and in 2014 its circulation was 132,554. In the same year, *The Sydney Morning Herald's* circulation was 142,953. The difference in how the front pages of Fairfax's *The Sydney Morning Herald* and News Corporation's *The Australian* framed the Expert Panel's report show the relative impact of each masthead on the debate. *The Sydney Morning Herald* claimed that a referendum looked 'certain' due to the bipartisanship shown between the two leaders and seemed to downplay Abbott's concerns about the anti-discrimination clause. History reveals that *The Sydney Morning Herald's* prediction turned out to be wrong, as no date has ever been set for a referendum. This is in contrast to *The Australian's* reporting, which on the same day claimed it faced 'certain defeat' (TA3), and the subsequent day stated that a deadline for a referendum had been 'abandoned' (TA7). *The Australian's* reporting demonstrates how the paper prioritised certain voices—giving weight to Opposition sources, and using Indigenous sources to back the Opposition position.

Literature review

The Expert Panel was asked to consider how best to recognise Aboriginal and Torres Strait Islander people in the constitution. But the more substantial is what is meant by recognition. Megan Davis and Marcia Langton (2016: 14) write:

Recognition lies on a spectrum of reform that extends from acknowledgement through to concrete and substantive rights ... The campaign for recognition over the years has always been expressed as a package of measures that includes symbols, legal and political reform, and rights.

Davis (2016) writes that there is both ‘weak’ recognition and ‘strong’ recognition. Weak recognition is a minimalist form of recognition such as a preamble to the constitution. In the eyes of many Aboriginal people, the ‘recognition’ proposed by government was such weak recognition and had never been ‘a significant part of Aboriginal advocacy’ (Davis, 2016: 83).

The Expert Panel’s report had sought to address the unfinished business left over from the 1967 referendum. Before 1967, Aboriginal people were recognised in only two places in the constitution—s 127, which prevented Aboriginal people from being counted in the Census, and s 51(xxvi), which allowed parliament to legislate on the basis of race for all except ‘the aboriginal race’. This section is known as the race power. In both places, Aboriginal people were included only ‘by reference to exclusion’ (Twomey, 2013: 319). Williams (2013: 7) writes that ‘by today’s standards, the reasoning behind s 51(xxvi) was clearly racist’ but it was directed at other ethnic groups. Aboriginal people were thought to be ‘a matter for the states and not the federal government’ (Williams, 2013: 6).

When the 1967 referendum led to both the repealing of s 127 and the removal of the words ‘other than the aboriginal race’ from the race power, it gave the federal government the power to make laws in respect of Aboriginal people. Such laws include the *Native Title Act 1993* (Cth), the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) and the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (Pritchard, 2011). But it also gave parliament the power to pass laws not in the interests of Aboriginal people. Megan Davis (2014a) outlines the Howard government’s weakening of the *Native Title Act 1993* (Cth) following the Wik decision, and the Hindmarsh Bridge Case in South Australia—both of which involved bypassing the *Racial Discrimination Act 1975* (Cth)—which relied on this

power. Behrendt (2002: 25) says that although the 1967 referendum has been romanticised because of the groundswell of support it generated, it 'did not guarantee protection against racial discrimination'. The changes to the *Native Title Act 1993* (Cth) in 1998 showed 'how vulnerable Indigenous rights are and how erroneous the assumption of an equal playing field is' (Behrendt, 2002: 25). This is why the Expert Panel pushed for the removal of the race power, and the insertion of an anti-discrimination clause. As Noel Pearson (2012: 3) explains, 'Still today, [we] are subject to racially targeted laws with no requirement that such laws be beneficial, and no prohibition against adverse discrimination.'

As mentioned, the Expert Panel on Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution (2012) recommended the repeal of s 25 of the constitution (which allows for the disqualification of certain races from voting), and the removal of the race power. It recommended that a section be inserted to recognise the continent and islands of Australia as first occupied by Aboriginal and Torres Strait Islander people, and to allow for laws to be made for their 'advancement'. It also recommended a new head of power be inserted to prohibit racial discrimination while allowing laws to be made to overcome or ameliorate disadvantage, as well as recognition of Indigenous languages.

Deeper context

Forms of weak recognition have been rejected by many Aboriginal groups. Aboriginal people have a long history of explaining the type of recognition they want. As Langton and Davis (2016) write, 'Over the years there have been many attempts by Indigenous people to communicate to the Australian people the kind of recognition they seek.' These calls were made from the 1920s by figures such as David Unaipon, Fred Maynard, William Cooper and Doug Nicholls, and later through historic calls for treaty in the 1963 Yirrkala bark petitions and the 1988 Barunga Statement (Allam, this volume). ATSIC ran a Treaty campaign in 2000, following on from recommendations of the Council for Aboriginal Reconciliation (CAR). CAR had also called for constitutional reform. Constitutional reform has been an agenda item of every Aboriginal and Torres Strait Islander Social Justice Commissioner since the role was created in 1992 (Davis and Lino, 2010). The long history of Aboriginal activism over different forms of recognition has gone far beyond the idea of a preamble.

Non-Aboriginal responses to Aboriginal demands for recognition as First Peoples, however, have been fraught with hostility and paternalism. As discussed above the 1967 referendum, while a positive move, retained the racist clauses in the constitution. In 1983 the *Two Hundred Years Later* report posited constitutional reform as a pathway to a compact between Aboriginal peoples and the Australian government but did not support recognition of Aboriginal sovereignty (Thomas, this volume). In 1999 the Prime Minister John Howard attempted a republic referendum which also included a question on whether Aboriginal and Torres Strait Islander people should be recognised in the preamble to the constitution. It failed.

The more recent government focus on ‘recognition’ of Aboriginal peoples in the constitution began in 2007 when Howard promised a referendum on the issue three days before the election (Payne, this volume). The call was made in the same year he had rolled out the Northern Territory Emergency Response (NTER), which involved the bypassing of the *Racial Discrimination Act 1975* (Cth). Howard’s 2007 election pledge was seen as an eleventh-hour commitment to Aboriginal peoples, in contrast to the record he had built over a decade in office. Howard’s pledge was also a departure from his much-touted ‘practical reconciliation’, the pretext he had used to reject so-called ‘symbolic’ gestures, such as an apology to the Stolen Generations and the 2000 bridge walk for reconciliation. While Howard had claimed to be focused on the ‘practical’, his position on constitutional change was closer to the symbolic (Davis, 2016).

In 2008 when Prime Minister Kevin Rudd took office, Aboriginal calls for substantive reform continued. That same year, the Rudd government held a community cabinet in north-east Arnhem Land and was presented with the Yolngu and Bininj Leaders’ Statement of Intent, calling for the government to ‘work towards constitutional recognition of our prior ownership and rights’ (Rudd cited in Henderson, 2015). Davis (2018) describes how even though the Yolngu and Bininj people had called for substantive reform, Rudd and the then Opposition Leader Brendan Nelson pledged only support for symbolic recognition in the form of a preamble. This showed how Aboriginal aspirations were again watered down and misinterpreted.

It was not until the 2010 election that further movement on the issue occurred, when the Australian Greens and Independent crossbenchers made progress on the issue of recognition of Aboriginal peoples in the constitution a condition of their support for Julia Gillard’s minority government. In 2010, Gillard set up the Expert Panel which released its report in 2012. However, neither Gillard nor her successors Kevin Rudd and Tony Abbott ever responded to its recommendations.

Instead, the government funded a campaign called ‘Recognise’, which aimed to raise grassroots support for a referendum. No detail was offered on a model to be put to a referendum, nor on the need for Aboriginal people to have a say in the process (Maddison, 2016).

The Recognise campaign claimed that there were high levels of Black support for the movement, but one of the few Black voices to gain a platform on this issue, Celeste Liddle (2015), wrote in *The Guardian* that ‘the Indigenous sentiment conveyed on social media channels and broader [sic] didn’t correlate with such an incredibly high approval rate, particularly considering the model has not been determined.’ Davis (2014b: 8) argues:

The views of Aboriginal and Torres Strait Islander peoples are not as visible, and as a community, not as impatient. For an inquisitive media, Indigenous concern, anxiety and resistance about recognition should invite greater scrutiny. The more nuanced reporting is done by Indigenous media who report on both the Recognise campaign and the complexity of responses to recognition.

Thus, the Recognise campaign, a form of weak recognition, did not actively acknowledge the different opinions coming from the Aboriginal polity across the country—many parts of which did not support any form of constitutional recognition, but called instead for alternatives such as a treaty.

Aboriginal dissent to weak forms of recognition grew and were largely ignored. In 2016, 500 First Nations people in Victoria rejected the constitutional recognition process in favour of a treaty process (Wahlquist, 2016). This Aboriginal dissent represents the ‘parallel aspirations’ of the Aboriginal polity (Davis 2014b). In 2017 after a joint parliamentary committee and continued delays in the timeline for a referendum, 250 First Nations delegates released the Uluru Statement from the Heart. The Statement followed a series of conventions organised by Aboriginal members of the Referendum Council, set up by the Turnbull government. The Statement called for a constitutionally entrenched Voice to Parliament and a Makarrata commission to oversee agreement-making and truth-telling. In 2018, Prime Minister Malcolm Turnbull rejected the Statement and the issue was referred to another Joint Select Parliamentary Committee (McKay, 2017).

Aboriginal agency

In this section and the following, I will outline how the media analysed employed denial of racism to silence Indigenous agency on the issue of removing race from the constitution. This reflected a deeper narrative assumption that Aboriginal people should be satisfied with a form of weak recognition, and need to compromise for the good of the nation.

The mainstream media articles analysed here ignore Aboriginal agency, both in terms of the long-term Aboriginal movement for recognition as First Peoples, and in terms of silencing key Aboriginal aspirations and diversity of Aboriginal standpoints. For instance, the articles make no mention of the need to consult more widely with Aboriginal people, other than a quote from the Warlpiri politician, Bess Price, that people in the 'bush' needed to be involved (TA7). No questions are asked about whether Aboriginal people would even want to be included in the nation's founding document, or whether the Australian people would be ready for the monumental task of removing racism from it.

Aboriginal people are positioned in opposition to each other, and as either 'peacemakers' or as angry (warlike) towards White people. This is evident in SMH2, which focuses on the Aboriginal Tent Embassy during the lead-up to January 26. The piece quotes a number of Aboriginal activists such as Gary Foley, Michael Anderson and Gary Williams, and draws a broad line between them and people like Marcia Langton, Noel Pearson and Pat Dodson. The latter group are described as 'peacemakers', and the Expert Panel report is said to have produced 'smiles and tears' (SMH2). This is juxtaposed with the chants of the grassroots movement, which the reporter writes are driven by 'anger', and 'incipient fury', expected to 'boil over' (SMH2). Treaty, sovereignty and land rights are presented as an affront to the sensibilities of (White) Australia, to be debated from outside the tent, while constitutional change is a peace offering from Black to White Australia.

Aboriginal agency is also diminished by White voices and interests being prioritised in the articles, and by Aboriginal voices that are included being positioned so as to conform to the article's argument. Aboriginal agency is further denied by the way success is defined in the articles. The title of the Tent Embassy piece described above suggests who will be successful by characterising the tent embassy in terms of deficit: 'The 40-year protest that achieved little' (SMH2). Other articles also present Aboriginal people in terms of 'failure'. 'Success', on the other hand, is

equated with non-Aboriginal interests. Would Aboriginal people consider a 'yes' vote in a referendum to recognise First Nations people in the preamble a success if it still left intact the discriminatory aspects of the constitution? The fact that the parameters of success are limited to the goals of non-Aboriginal people reveals how the voices and aspirations of Aboriginal people are bypassed.

Mainstream media articles also constrain Aboriginal agency by what they leave out. An anti-discrimination clause is repeatedly referred to as 'overreach', rather than as a technical solution to the consequence of removing the race power from the constitution (TA3; TA5). It is positioned as a radical response, a case of the Expert Panel going too far. Aboriginal agency is silenced by positioning valid Aboriginal aspirations as fringe issues.

The confines of this debate are so limited that issues such as sovereignty and treaty are simply rendered invisible, even though the Expert Panel report devoted a chapter to them because both were raised so often in consultations. This complete erasure of the issue of sovereignty and treaty is the greatest example of the silencing of Aboriginal agency. No attempts were made to ask other Aboriginal people about the Expert Panel's decision not to include it in its recommendations. The dissent to the Expert Panel is instead entirely framed around conservative, non-Aboriginal concerns which have the effect of overshadowing the legitimate questions posed by the Aboriginal polity.

The onus is then placed on Aboriginal people to compromise due to the need for bipartisanship, and national consensus at a referendum. Aboriginal aspirations are judged against this barometer, and so substantive reform is seen as facing 'certain defeat' as described by *The Australian* in a front-page article the day after the report's release (TA3). The report did not explain why Australian voters would not support constitutional change, or whether Aboriginal people would even want to go to a referendum to achieve merely a form of weak recognition.

Thus, the mainstream media articles analysed here effectively silence Indigenous agency by upholding White standpoints and ignoring long-term Aboriginal efforts to redress racism in the constitution and to promote genuine recognition of Aboriginal sovereignty.

Discourse

Two major discourses emerged from the analysis of the selected articles. In one frame, the success or failure of constitutional change hinged on the prospect of bipartisanship, so that the views of the prime minister and the opposition leader were prioritised over Aboriginal aspirations and any form of Aboriginal opinion that did not fit into the discourse. This influenced the second major discourse, on the proposed insertion into the constitution of an anti-discrimination clause, and specifically the concerns raised by the opposition leader Tony Abbott that it would lead to a 'one-clause bill of rights'. This quote was included in six of the 10 articles analysed (ABC1; SMH1; TA3; TA4; TA5; and TA7) and was central to the narrative in most of the coverage in *The Australian*. Constitutional protection against discrimination was subsequently presented as potentially too complex to pass at a referendum, which led to the suggestion that the panel had 'overreached' (TA3), as discussed above. The media have employed a discourse of denial in relation to racism and race.

In the framing of bipartisanship, the primary informants are the Prime Minister, Julia Gillard, and the Opposition Leader, Tony Abbott, who are both quoted in the ABC, *The Sydney Morning Herald* and *The Australian's* pieces. In the articles, both leaders use the word 'unity' or 'unifying'. Gillard claims constitutional change would lead to a future 'more united and more reconciled' (ABC1, SMH1 and TA3). Abbott claims that 'millions of Australians' hopes and dreams are resting on constitutional recognition of indigenous people' (ABC1, SMH1 and TA3). The goal of constitutional change is defined by those in power and the rhetoric seems to centre around 'unity' rather than any pursuit of justice or protection from racism. The focus on 'unity and racial harmony' is clear in *The Australian's* editorial in particular (TA5). The paper says it is 'supportive of constitutional recognition', but that it needs to be a 'worthwhile proposal' that the rest of the country will agree on (TA5). What is the meaning of a 'worthwhile' proposal? The term 'worthwhile' is subjective and seems to be determined by the paper and its target audience, rather than by Aboriginal people. This constricts the debate because success at a referendum is based on what is envisioned to be most palatable to the non-Aboriginal majority—that which will reach a national consensus. This suggests that a 'success' lies in a form of recognition which will be less to upset the status quo.

Though the issue of a non-discrimination clause was the major theme of the coverage, the effect of racism or racial discrimination on Aboriginal people was not mentioned,

nor was there any exploration of why such a prohibition should be enshrined in the constitution. In the most extreme case, this denial of racism manifests itself in an assertion of 'reverse racism', in DT1 ('Second-class meddling is selfish, deceitful'), an opinion piece by Piers Akerman in *The Daily Telegraph*. Ackerman claims that the insertion of an anti-discrimination clause would lead to 'two-tier citizenship on the basis of race', and likens it to apartheid in South Africa—only in this case, white people would be the oppressed group (DT1). He denies racism by acting as if this two-tier citizenship does not already exist to discriminate against Aboriginal people. To deny racism, he attempts to deny the reality of Indigenous difference in this country and the way Aboriginal bodies have been racialised by the forces of colonialism. He frames his polemic in terms of identity and cites Andrew Bolt's notorious argument to back up his claim that anyone born in Australia is Indigenous, and that 'go back far enough and all our forebears came from somewhere else' (DT1). This is an attempt to deny the unique connection Aboriginal people have with lands and waters. His claim that 'we are all Australian' also works to deny racism and the effect it has on the lived realities of Aboriginal people (DT1). This is mentioned by Professor Marcia Langton and Professor Megan Davis in an analysis piece in *The Australian*: 'The hysteria manufactured about the panel's recommendations ... has caused widespread alarm among ordinary Australians, who do not comprehend fully the simple fact of the inherent difference of Indigenous people...' (TA6).

The discourse of denial is also shown in the failure to label the constitution's discriminatory provisions and its exclusion of Aboriginal people as racist. As Van Dijk (1992: 93) argues, in racist systems 'the use of euphemisms presupposes the denial of systemic racism of the ingroup or dominant society'. In the articles selected, it is only *The Sydney Morning Herald* that dares to use the term prominently with the headline 'Push to erase racist laws', although it does not go further in elaborating on this racism or attempting to refute Abbott's claims about a 'one-clause bill of rights' (SMH1). *The Australian* does mention the word 'racist' twice, but the focus is redirected to the prospect of a 'one-clause bill of rights' which would give too much power to the judiciary rather than the need to protect Aboriginal from being discriminated against (TA1; TA3; TA6; TA7). Rather than focus on why the constitution still contains racist provisions, the articles instead focus negatively on Aboriginal people who supposedly have the potential to 'overreach' and abuse the provisions, rather than on governments using the provisions to discriminate against Indigenous peoples, even though there is a blatant history of this occurring. By denying racism, this discourse obscures power relations in which Aboriginal people are the vulnerable group. By refusing to admit that racism exists, both in the constitution and in the country as a whole, there is no requirement to dismantle the

racism within the nation's institutions, and thus there is inherently a focus towards preserving it. Rather than embarking on a process of change for Australia which would be conducted through a process of truth-telling, it is instead Aboriginal people who must compromise for the sake of national unity.

This discourse of denial of racism also centres White benevolence. TA1 contains an example of this. It is based on the experiences of Faith Bandler, a South Sea Islander woman who helped pave the way for the successful outcome of the 1967 referendum. The piece is framed around Bandler's personal experience and her 'hard work'. This is compared to the current push for constitutional change, which the reporter says is bound to face larger hurdles. Included in the piece is a quote from Aboriginal magistrate Sue Gordon, who says the Australian public will think the Expert Panel's recommendations are a load of 'hogwash' (TA2). The piece omits vital detail about the consequences of that 1967 referendum, namely that it left Aboriginal people vulnerable to discriminatory laws. Instead, the 1967 result is framed as a historic moment of reconciliation in which ordinary (White) Australians came together in support of Aboriginal rights and showed benevolence towards Aboriginal people. The push towards a symbolic form of recognition is not based on the rightful place of Aboriginal people in this country, but of absolving non-Aboriginal Australians from the need to think about their own place and how it was built on the dispossession, dislocation and dispersal of Aboriginal people.

Deeper narratives

The media articles selected, particularly those from *The Australian*, cast the Expert Panel's recommendations in a negative light and exclude much of the context which is provided in the 300-page report. They uniformly suggest that any referendum would fail or would not be held unless both the government and opposition agreed to a weaker form of recognition. Such supposed failure is attributed to the proposed anti-discrimination clause which is described as going 'too far' (TA1; TA4), as being a 'legal dog's breakfast' (TA4), and as potentially leading to extra litigation in the High Court.

One deeper narrative that suggests that Aboriginal people are again asking for too much, that they should be content with a form of recognition which does not upset non-Aboriginal Australia, but which instead compromises for the sake of a national unity. This is also clear from the articles' focus on the likely success of a referendum, rather than on the need for constitutional change and the reasons why the race

power should be removed. Such a White-focused approach is clearly a rejection of Aboriginal self-determination—the right for Indigenous people as a collective to make decisions over their lives.

This deeper narrative also reverses Howard's doctrine of 'practical reconciliation' as preferable to 'symbolism'. In this case, Aboriginal people are calling for substantial reform with concrete benefits, while the mainstream media advocates the symbolic. The mainstream media narrative assumes that the 'practical', or what is advantageous to Aboriginal people, is only that which is defined by non-Indigenous Australia. Constitutional change is framed as an act of White benevolence towards Black Australia.

The assumption in this narrative is that Aboriginal people do not know what is best and should not be allowed to make decisions regarding their own lives. This is shown not only in the absence of the question, 'What do Aboriginal people want?' but in the framing of the discourse around the opposition's concerns. It suggests an attempt to maintain the state's hegemony over Aboriginal people, as in TA3, where Pat Dodson is paraphrased clarifying that the proposals would not affect the NTER. The narrative is to push for 'harmony' between Aboriginal and non-Aboriginal people while preserving governments' power to pass racist laws when these are seen by White people to be in Aboriginal people's best interests.

Sources

In the articles examined here, the sources that are given most weight are non-Indigenous and from the government and the opposition. Only two Aboriginal members of the Expert Panel are quoted—Pat Dodson and Marcia Langton—but they are often positioned below the voice of the non-Indigenous Chair of the Expert Panel, Mark Leibler. This is true in *The Australian's* coverage, as well as in the coverage in *The Sydney Morning Herald* and the ABC. ABC1 in particular quotes only one Aboriginal person—Pat Dodson—and puts his voice in the last paragraph. In *The Australian's* coverage, the Aboriginal members of the panel are quoted responding to the criticism of an anti-discrimination clause, based on Abbott's concern, and are not given room to elaborate further on the context behind such a provision nor any voice in shaping the course of the debate. In Dodson's case, he is quoted admitting that the clause may lead to test cases in the High Court, and he also 'concedes' that there are obstacles ahead (TA3). Dodson's words are framed in the article to suggest that he is backing down, and again that Abbott's claims are legitimate. If *The Australian*

had chosen to base its article on Dodson's quotes rather than those of the politicians, Aboriginal aspirations for truth-telling, treaty, and justice might have gained more prominence. For example, instead of using the rhetoric stressing 'unity', Dodson says: 'This is the time when truth and respect for the Aboriginal and Torres Strait Islander peoples needs to be achieved' (TA3). These bigger-picture questions about the unfinished business of racism and denial of Aboriginal sovereignty at the heart of the Australian nation are completely missing from the discourse.

Aboriginal people have also been framed as being responsible for failure in TA7, where the headline is 'Deadline shifts on referendum'. The lead paragraph states: 'The deadline for holding a referendum to acknowledge indigenous Australians at or before the 2013 election has been abandoned, because the expert panel fears it would face certain defeat if it were rushed' (TA7). The article goes on to contradict itself, reporting that a deadline had never actually been set by the Expert Panel. The paragraph also does not make clear who has 'abandoned' the deadline, but the use of the word 'abandoned' suggests the panel had 'given up' or 'conceded'. This negative framing is then followed immediately by the use of the conservative Warlpiri politician, Bess Price, as a source who claimed that Aboriginal people in the bush had not had a chance to look at the report. This seems to be a framing of the bush-versus-urban binary to further delegitimise the recommendations of the panel, members of which are largely from urban centres.

The only other Aboriginal people who are prioritised in the stories are those who give further credibility to Abbott's claims, Warren Mundine, then still a member of the Australian Labor Party, and legal figure Sue Gordon. It is Mundine who raises concerns about a potential 'legal dog's breakfast' (TA4). In TA3, published the day after the report was released, the reporter states the referendum would face 'certain defeat' if not 'significantly amended' and cites a 'chorus of concerns from some Indigenous leaders and legal experts' (TA3). The use of the word 'chorus' suggests that there is a volume of Aboriginal voices singing from the same song-sheet. Even though the first paragraph focuses on unnamed 'indigenous [sic] leaders and legal experts', the next paragraph only names Tony Abbott, and says that his concern over a 'single-issue bill of rights' was 'chief among their worries' (TA3). Aboriginal opposition is not mentioned until the ninth paragraph, when Sue Gordon is paraphrased in a one-line sentence. While the National Congress of Australia's First Peoples is paraphrased as supporting the recommendations, it is given only one line in the bottom of a news piece. Tasmanian Aboriginal lawyer, Michael Mansell, is also quoted as opposing the recommendations, but is given no room to explain why. Aboriginal dissent which

does not back Abbott is completely absent, as is any Aboriginal voice on treaty or sovereignty, even though the Expert Panel report addressed these issues.

Professor Megan Davis and Professor Marcia Langton are given space for an analysis piece in *The Australian* in which they summarise the report's findings and provide much-needed context. They also respond to the media coverage leading up to the report and confront what they call the 'elephant in the room' which is race (TA6). Yet when they are quoted in media reports, they are not given any chance to shape the debate or the discourse; instead they are only permitted to respond to the hysteria that has already characterised the debate.

Aboriginal communication texts

The fortnightly national Aboriginal-owned paper the *Koori Mail* published three articles and an editorial on January 25 with the Expert Panel's report on its front page. Rather than lead with a prediction about whether a referendum would go ahead, the front-page article instead led with a call to 'scrap racist sections' in the constitution (*Koori Mail*, 2012a). The most notable difference was in the use of sources—the *Koori Mail*'s second article used Aboriginal sources from organisations like the National Congress of Australia's First Peoples, and the Social Justice Commissioner Mick Gooda (Coyne, 2012). It also included Indigenous dissent by quoting Michael Mansell in detail, as well as the veteran Aboriginal activist Michael Ghillar Anderson. The *Koori Mail* (2012b: 7) also included the issue of sovereignty in its coverage, although it did so in the last paragraph of a second story summarising the political response to the report:

The panel said aspiration of sovereign status had been a significant issue to emerge during public consultations with Indigenous people. But the panel believes recognising the sovereign status of Indigenous people would be highly contested and likely to jeopardise broad public support.

The *Koori Mail* coverage was drawn from the Expert Panel's report, but no questions were posed in its coverage on whether constitutional change would be something Aboriginal people would want, and the focus on sovereignty and treaty was limited. While the paper gave more space to explaining the proposal to remove the constitution's racist provisions, its focus on 'unity' and 'reconciliation' was the same as in the mainstream media reporting—which seemed to be based on the political discourse of both Gillard and Abbott. Aboriginal people who might have opposed constitutional recognition in this form, or who might have further questions on

how such a process would align with aspirations like agreement and treaty-making were referred to as a ‘few detractors’. For the most part, the report had ‘met with resounding support across the nation’ (Coyne, 2012: 6).

Findings and conclusion

In the week following the release of the Expert Panel’s report into constitutional recognition, the mainstream media—*The Australian* newspaper, most notably—employed a discourse of denial of racism to silence Indigenous agency on the issue of removing race from the constitution. By doing so, it silenced legitimate Aboriginal concerns over the ability of governments to pass laws that discriminate against Aboriginal people, and the right of Aboriginal people to be protected from such laws. By defining success as dependent on the actions of White people—politicians and the non-Aboriginal public—the mainstream media discourse downgraded the aspirations of Aboriginal people for truth and justice. The same discourse also rejected the reality of Indigenous difference. The media promoted the view of politicians that the main objective of any constitutional recognition of Aboriginal and Torres Strait Islander people was ‘unity and racial harmony’, rather than justice and the right of Aboriginal and Torres Strait Islander people to live free from racism.

Although in order to succeed, a referendum on constitutional recognition for Aboriginal peoples would require political bipartisanship and a question that would appeal to the voting public, no attempt was made to find out what Aboriginal people felt, and what they would accept. In positioning substantive recognition as a radical issue that overreached and would not be accepted by the mainstream public, the issue of treaty and agreement-making fell outside the very limited confines of what was deemed acceptable discourse.

From recognition to reform: the Uluru Statement from the Heart

Heidi Norman, University of Technology Sydney

Introduction

Our final case study is the 2017 Uluru Statement from the Heart (hereafter the Uluru Statement). The Uluru Statement is an unprecedented moment in Australian political history. It is unprecedented because it represents a pan-Aboriginal policy position arrived at by consensus and with the claim to be an endorsed Aboriginal view. As will be explained, the discourse of recognition of Aboriginal sovereignty within the Uluru Statement successfully assuaged the idea of contesting settler colonial authority through careful use of a discourse of reform and accommodation within the settler colonial state. The setting allowed for Aboriginal people to exercise control over the media narrative and to ensure immersion of journalists in Aboriginal worlds, hopes, emotion and sentiment to carefully construct a narrative that links the present reform with the past and with Aboriginal agency. Finally, unlike all other events studied, the Uluru Statement was addressed *to the people*, rather than to or by a representative of the government or formal institutions of power.

Deeper context

Before examining the media discourse of the Uluru Statement, it is important to provide some context. Constitutional recognition has emerged as a catch-all term under which Australians have debated what is owed to Aboriginal and Torres Strait Islander peoples by the settler state (see McQuire, this volume). The idea first came to prominence during the early years of the Howard government, though it began in the Hawke years (Thomas, this volume). Seeking to contain Aboriginal and progressive aspirations for a wide-ranging settlement, the Howard government developed a proposal—ultimately defeated at a referendum in 1999—for a new, purely symbolic constitutional preamble mentioning Aboriginal people. Howard's preamble in part read:

... honouring Aborigines and Torres Strait Islanders, the nation's first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country.

Since 2010, successive national Australian governments have committed to some form of process to recognise Aboriginal peoples in the constitution. The sustaining argument by Aboriginal peoples is that because its ancient pre-colonial law and governance have not been adequately recognised, the Aboriginal polity has neither a clear nor a just relationship to Australian political institutions (Langton, 2001). The modern nation, constituted at federation in 1901, excluded Aboriginal people for a period of nearly 70 years, until the 1967 referendum. Since that referendum, policy debates have variously considered how to recognise Aboriginal people within the framework of the nation state.

Aboriginal affairs policy approaches have ranged across overlapping eras of assimilation, integration, self-management, self-determination, reconciliation, responsibility and normalisation (Sanders, 2018). Calls for recognition of Aboriginal land and law—for sovereignty—expressed as a call for a treaty or treaties, have been repeated for generations and with growing clarity from 1972, as earlier case studies have shown. From the 1970s, significant shifts in Aboriginal policy occurred as the colonial architecture of government sought to accommodate Aboriginal worlds. Political scientist Will Sanders (2018) characterises the last 50 years of federal Aboriginal affairs administration as having two key policy shifts: first, the adoption of Aboriginal self-determination from the 1970s, and second, the abandonment of the statutory authority, the Aboriginal and Torres Strait Islander Commission (ATSIC), after 2005 in favour of competitive contractualism, mainstreaming and normalisation, and welfare reform. From a high point where an Aboriginal 'order of government' (Sanders, 2018) was growing in capacity and confidence, by 2013 the only Aboriginal voice or input on policy and decisions over lives was reduced to an Indigenous Advisory Council handpicked by the Prime Minister. Changing the Australian constitution to recognise Aboriginal peoples emerged as a key strategy by Aboriginal peoples to secure a rightful place in relation to the Australian state.



[L-R] Professor Megan Davis, Cobble Cobble woman from Queensland and Pro-Vice Chancellor Indigenous at UNSW; Pat Anderson AO, Alyawarre woman and Chairperson of the Lowitja Institute; Noel Pearson from the Guugu Yimidhirr community of Hopevale on South Eastern Cape York Peninsula. Pat Anderson AO holds the Uluru Statement from the Heart in a coolamon, given to her by the Anangu community. Image courtesy of Fairfax Media.



Professor Megan Davis and Pat Anderson AO sign the Uluru Statement from the Heart. Image courtesy of Jimmy Widders Hunt.

Towards constitutional recognition of First Peoples: a brief overview

So far in this report, we have examined several moments in recent history where governments have become involved in debates over the rightful place of Aboriginal and non-Aboriginal peoples in the national discourse. The 1983 *Two Hundred Years Later* report of a Senate Report standing committee recommended that constitutional change occur by the nation's 1988 bicentenary (Thomas, this volume). While visiting Arnhem Land, then Prime Minister, Bob Hawke, was presented with the Barunga Statement (Allam, this volume) which led to renewed commitment to a treaty 'by 1990'. These opportunities came and went, and the broader Aboriginal affairs policy appeared to increasingly delimit Aboriginal aspirations and standpoints. Much has been written about these key moments in the Aboriginal rights movement; our contribution here has been to consider the media discourse and narratives which confine or enable Aboriginal voices in policy debates in national political discourse. Momentum was renewed in late 2010 when the Gillard government appointed the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples to investigate how to give effect to constitutional recognition (McQuire, this volume).

The Expert Panel's task was to report to the government on options for constitutional change and approaches to a referendum that would gain widespread Australian community support. The Expert Panel asked how Australians 'want to see their sense of nationhood and citizenship reflected in the constitution' (Expert Panel, 2012). The Expert Panel's final report, published in January 2012, *Recognising Aboriginal and Torres Strait Islander peoples in the constitution* canvassed approaches to recognition in the form of a preamble, a statement of recognition, language recognition, a new head of power (section 51A), the removal of the race powers (section 51.xxvi), a non-discrimination clause, Aboriginal rights to governance, sovereignty, agreement-making and approaches to achieve success in a referendum. They recommended inserting a new section 116A into the constitution which would ban racial discrimination by the Commonwealth. Following the Expert Panel's report, the government introduced the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012 (Cth) intended as a precursor to advancing constitutional change. The Bill, in brief, recognised Aboriginal and Torres Strait Islander peoples as the first people of Australia and pledged the government's support for constitutional change. Parliament identified the need to build greater awareness

and public support for a referendum. To this end, the 'Recognise' campaign was featured on billboards, in the media and at popular sporting and cultural events. It was a slick, millennial-style public relations and awareness-raising exercise—although at this point, the campaign lacked a timeframe and recommendations, including a question for any referendum (McQuire, this volume).

At the federal election in September 2013 the Coalition government was elected. Under the new Prime Minister, Tony Abbott, the Aboriginal Affairs budget was cut back significantly and the new government appeared to have limited interest or comprehension of Aboriginal issues or rights. Abbott appointed a Joint Select Committee of Parliament in December 2013 to extend the work of the Expert Panel and to refine the 'timing, specific content, and wording of the referendum proposals' and to 'build strong multi-partisan parliamentary consensus' (Joint Select Committee, 2015; McQuire, this volume). The Joint Select Committee again undertook widespread consultation. Its final report, tabled on 25 June 2015, recommended a referendum be held 'at or shortly after the next election in 2016'. Tony Abbott remained Prime Minister until August 2015, when a Liberal Party leadership spill saw him replaced by Malcolm Turnbull.

In December 2015 the Turnbull government appointed the Referendum Council, which was comprised of Aboriginal and Torres Strait Islander members and non-Aboriginal members from a range of fields and backgrounds. The Council's task was to lead national consultations and community engagement about constitutional recognition, including a concurrent series of Aboriginal designed and led consultations. The Council was to advise the Prime Minister and the Leader of the Opposition on progress and next steps towards a successful referendum to recognise Aboriginal peoples in the constitution. One critical component that had been absent from the Recognise campaign and previous consultations was consensus from Aboriginal peoples about the way forward (McQuire, this volume). Among Aboriginal groups and leaders, there was widespread concern that all the expert panels, select committees and the recognition campaign would achieve only symbols, and little of substance. They were alarmed, too, that if constitutional change took only a superficial form such as a preamble, it might limit future litigation or activism for more substantial recognition, which should include a sovereign relationship to or presence within the settler government.

Referendum Council consultation

The deliberative dialogue process adopted by the Referendum Council sought to build an informed consensus among Aboriginal people on reform proposals. The Referendum Council hosted fora in each state and territory for invited representatives, including Land Council members, traditional owners and community members. Regional dialogues were held in Hobart, Broome, Dubbo, Darwin, Perth, Sydney, Melbourne, Cairns, Ross River, Adelaide, Brisbane, Thursday Island, and Canberra. Invitations were designed carefully to ensure the diverse make-up of the Aboriginal community, including the Stolen Generations, were represented. From the author's observation as a participant at the Sydney dialogue, delegates at each regional forum, working in small groups, were asked to consider five areas for constitutional change. Notes were taken from each group discussion, and summarised in a final published document. From each regional dialogue, 10 delegates were elected to participate in the Uluru Conference in May 2017. Delegates travelled to Uluru on chartered planes with all-Aboriginal crews (who took great delight in inflecting safety warnings and flight information with familiar pan-Aboriginal language and humour!). The mood was thus already ebullient.

The First Nations National Constitutional Convention was held at Yulara in the Red Centre with Uluru as a dramatic backdrop, in partnership with Anangu traditional owners. From 23 to 26 May 2017 the Convention discussed and agreed on an approach to constitutional recognition. After those four days of yarning and debate, as well as considerable work behind the scenes, the central ideas were crafted into what became a powerful piece of oratory imbued with the significance of both place and metaphor, the Uluru Statement from the Heart. The Uluru Statement outlined three central reforms, encapsulated in the slogan 'Voice, Treaty, Truth': a First Nations Voice, to be enshrined in the constitution; a Makarrata Commission, which could be set up by legislation; and truth-telling about our history.

The concluding words of the statement express its aspiration:

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

The concluding words are significant in a couple of ways. One is that it suggests an apparently simple aspiration—a voice, to be heard—an idea that would surely be difficult to oppose, much like the framing of the 1967 referendum that distilled

complex issues to recognition of citizenship. Second, the Uluru Statement spoke to all Australian citizens, not government, or the Prime Minister, but ‘the people’. The Uluru Statement also claims to represent consensus among Aboriginal peoples about the way forward. This may be because dissent was carefully managed: some participants who were advocating sovereignty found themselves expelled from proceedings, along with supportive media.

The move for constitutional recognition thus culminated in a recalibrated expression of Aboriginal ambitions. The Uluru Statement from the Heart differed significantly from the earlier recommendations of the 2012 expert panel: the recognition of First People’s nationhood, removal of the constitution’s race power, and insertion of anti-discrimination clause were sidestepped in favour of other reforms.

Once the Referendum Council’s report (that included the Uluru Statement) was complete, the Federal Government convened a new joint select committee of Parliament. The Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples was convened by the Labor Senator and Yawuru man, Patrick Dodson, and Julian Leeser, a Liberal MP. It began work in March 2018 and its final report, handed down on 29 November 2018, recommended that the Australian Government commit to developing the structure of the First Nations’ Voice, in partnership with Aboriginal and Torres Strait Islander peoples (Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, 2018). This process, they argued, would need to consider how government and Aboriginal communities will interface at local, regional and national levels. The final report also urged the government to support the Uluru Statement’s call for ‘truth-telling about our history’ and to this end, recommended the establishment of a national resting place for Aboriginal remains, an important site which would be ‘a place of commemoration, healing and reflection’ (Joint Committee Report, 2018).

Methodology and media items

Using the same methods established as each case study, I analyse here 10 newspaper articles about the First Nations National Constitutional Convention held from 23 to 26 May 2017. The *Uluru Statement* was read to the waiting media by a representative of the assembled delegates and Referendum Council members on the final day of the convention, 26 May. The table below outlines the articles selected for analysis.

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
AUS1	<i>The Australian</i>	Misguided, squeamish Liberals and failing Aborigines	Greg Sheridan	Changing the citizenship status of one Australian changes it for all of us.	25 May 2017	14
DT1	<i>The Daily Telegraph</i>	Rights Fight Not Over Yet	Craig Cook	Aboriginal leader Lowitja (Lois) O'Donoghue was so excited by the 1967 referendum, and determined to be in Canberra for the announcement of the result, that she did something she had never done before – and has never done since.	27 May 2017	35
SMH1	<i>The Sydney Morning Herald</i>	Family history entwined with Indigenous struggle - Uluru Summit	Michael Gordon	Sam Backo's clearest memory on the 1967 referendum is being chased down a street in Townsville by dogs after letterboxing how-to-vote cards in support of the 'yes' campaign.	27 May 2017	6
SMH2	<i>The Sydney Morning Herald</i>	Delegates plead for First Nations' voice to be clearly heard	Michael Gordon	A referendum could be held early next year to enshrine a "First Nations Voice" in the constitution after a historic all-Indigenous convention overwhelmingly backed the move.	27 May 2017	7

Does the media fail Aboriginal political aspirations?

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
AUS2	<i>The Australian</i>	From the heart, for the children	Stephen Fitzpatrick	Our children are alienated from their families at unprecedented rates; this cannot be because we have no love for them. And our youth languish in detention in obscene numbers; they should be our hope for the future.	27 May 2017	8
AUS3	<i>The Australian</i>	Indigenous Voice deserves to be heard	Noel Pearson	The Uluru convention has spelled out the ideal form of recognition.	27 May 2017	19
AUS4	<i>The Australian</i>	PM challenged to deliver indigenous voice, treaty	Stephen Fitzpatrick	Indigenous leaders have issued a united challenge to Malcolm Turnbull to back a constitutionally recognised Aboriginal “voice” to parliament that would influence legislation, and a separate process leading to treaties.	27 May 2017	8
SH1	<i>The Sun Herald</i>	Public conservative on change, warns Turnbull	Timna Jacks	Prime Minister Malcolm Turnbull has not backed ambitious calls for the federal government to sign a treaty with the First Nations, warning the Australian public is conservative when it comes to constitutional change.	28 May 2017	9
AUS5	<i>The Australian</i>	Cultural insult rocked Yulara	Stephen Fitzpatrick	Just after 4pm on Thursday, as Aboriginal and Torres Strait Islander delegates from all corners of the country ground their way towards formulating a historic statement on Indigenous recognition, tempers flared.	29 May 2017	2

CODE	MASTHEAD	HEADLINE	AUTHOR	FIRST SENTENCE	DATE	PAGE
IM1	<i>Illawarra Mercury</i>	Taking the next logical step to reconciliation	Unattributed	This year we are reflecting on two significant anniversaries in Australian history and our nation's path to reconciliation.	30 May 2017	n.p.
ABC1	<i>ABC News</i>	Q&A: Indigenous advisory body will set Tent Embassy in stone, says Noel Pearson	Unattributed	A constitutionally enshrined Indigenous representative body in Parliament would be the Tent Embassy made sandstone, Aboriginal leader Noel Pearson says.	30 May 2017	n.p.

Table 12: *Uluru Statement selected media*

The first newspaper article I examine is by Greg Sheridan in *The Australian* of May 25. Most of the print media coverage appears on one day—Saturday, 27 May, which is also the 50th anniversary of the successful 1967 referendum. Of these articles, that will be discussed later, three came from *The Weekend Australian*, two from *The Sydney Morning Herald* (SMH) and one from *The Sunday Telegraph*. On each of the following days, one further article appears in *The Australian*, the *Sydney Morning Herald* and the *Illawarra Mercury*.

Discourses, deeper narratives and Aboriginal standpoints

Before the Uluru Statement had been completed and read to Australian citizens through the media, *The Australian's* Greg Sheridan sounded a note of caution: 'Aboriginal leaders gathered in Uluru are almost certain to make a bad mistake this week' (AUS1). In this article Sheridan anticipates that Aboriginal people will put forward proposals for constitutional recognition that will have 'no chance of success' and therefore 'for practical reasons' appear 'doomed.' In the following sentence, however, more substantial opposition to constitutional recognition is introduced: constitutional recognition is 'bad in principle because it would create two classes of citizen.' In his essay, Sheridan rails against the failings of liberalism to counter the campaign of identity politics.

Sheridan argues that constitutional recognition of Aboriginal peoples runs counter to liberal ideology; that difference, whether of race, ethnicity, gender or class, should make not make you distinct in anyway or limit your full participation in society. Sheridan's criticism of constitutional recognition starts with the impossible (and ever-expanding) Aboriginal demand, moves to the conflict between recognition and liberal ideals and finally, targets the inability or unwillingness of the Liberal Party—the representative of social conservatism in Australia—to condemn the identity politics 'madness' that he argues underpins constitutional recognition. Sheridan's essay flags, well before delegates reach a final position at the national convention, three key reasons for opposing any proposal for constitutional change. Once the Uluru Statement is released, however, reportage in *The Australian* in effect negates Sheridan's stated opposition.

I now turn to the six articles published immediately after the release of the Uluru Statement. *The Australian's* three articles comprise two by the paper's Aboriginal affairs writer Stephen Fitzpatrick and an opinion piece by the Aboriginal advocate and Uluru delegate, Noel Pearson. Fitzpatrick's articles, AUS2 and AUS5 have none of the rancour of Sheridan's earlier essay (AUS1). Fitzpatrick continues the rhetorical flourish of the Uluru Statement opening with a quote from the statement citing 'Our Children ... they should be our hope for the future' (AUS2). He refers to the statement being 'issued to the nation' from 'the red dirt at the Aboriginal town of Mutitjulu, nestled in the lee of the sacred monolith at Australia's centre' (AUS2). He goes on to highlight the link between the town and earlier and controversial policy reforms that saw the township in the media spotlight for its alleged social dysfunction and toxic cultural norms. In the article he writes 'hope' now lives in the township, and revenue from joint management of the iconic tourist site is one source. AUS2 neither derides nor contests the key ideas communicated from Uluru. It indirectly flags the debate over the connection between constitutional recognition and changes in the lived reality of disadvantage that is a familiar refrain in the discourse of 'practical reconciliation', arguing that constitutional recognition provides a setting to address disadvantage.

In AUS3 printed on the same page, Fitzpatrick frames the Uluru Statement as 'politically viable'. He quotes Noel Pearson in support, who says the Uluru Statement was a 'viable alternative' which represents the 'radical centre', being 'neither extreme left nor right'. The conservative legal group Uphold and Recognise also approves the statement, Fitzpatrick says, as 'compatible with the sovereignty of the crown', as does another leading conservative figure, the Vice-Chancellor of the Australian Catholic

University (ACU), Gregory Craven. Moreover, Fitzpatrick says, the statement aligns with Pearson's long articulated 'responsibility' (2000) thesis. In conclusion, Fitzpatrick applauds the Uluru Statement as shifting from 'recognition' to 'reform'.

The final article (AUS3) is an opinion piece by Pearson. He outlines the significance of the 1967 referendum and earlier Aboriginal political mobilisations, including the 1938 sesquicentenary Day of Mourning protest, and William Cooper's petition to the German consulate against Jewish persecution, after Kristallnacht. These events and their inspiration are made continuous with the Uluru Statement 'to the nation'. In the essay, Pearson engages directly with media commentary that casts constitutional recognition as 'unachievable', perhaps in response to Sheridan. In contrast to Sheridan, he places the 'reform' at the feet of the Australian people who Pearson assesses 'want to see meaningful change in Indigenous affairs'. Pearson goes on to cite the support of conservatives, including the Aboriginal advisor Warren Mundine and the former High Court judge Ian Callinan, before reference to Edmund Burke's thesis imploring support for local level empowerment.

Immediately after the Uluru Statement was read to the nation, *The Sydney Morning Herald* offers a personal and biographical account of the significance of the 1967 referendum and its connections to the Uluru Statement (SMH1). Under the headline 'Family history entwined with Indigenous struggle', the former rugby league star Sam Backo is profiled as one attendee at the Uluru convention. He recalls childhood memories of his mum, Evelyn Scott's role in the referendum campaign, and her excitement at the voters' overwhelming support. Scott is described as 'striking and stylish'; we learn how she was good friends with Eddie Koiki Mabo, and had an impressive career in Aboriginal politics. Other delegates—Jackie Huggins, Norma Ingram—are also mentioned, with allusions to their impressive biographies and history. Both women refer to their experiences of racial discrimination as well as to their connection with the 1967 referendum. The article emphasises the enduring struggle and dignity of Aboriginal people in their long quest for change. A second article, SMH2, outlines the Uluru Statement as a 'stunning repudiation' of acknowledging Aboriginal people in the constitution in favour of establishing an Aboriginal representative body. The emphasis in this article favours the substantive reform 'that allows us to participate more fully and actively in the life of the Australian state' (SMH2). The article's sources are the leading Aboriginal negotiators from the convention. It includes no dissenting voices nor does it refer to broader ideological debates. The article goes on to raise the possibility of a referendum within a year.

The final article in this group, DT1 published on 27 May, comes from *The Daily Telegraph* (p. 35) titled 'Rights fight not over yet'. In it we are introduced to the Aboriginal leader Lowitja O'Donoghue and the story of her excitement at the outcome of the 1967 referendum that inspired her to hitchhike from Adelaide to Canberra. The article goes on to outline the success of the 1967 referendum, the key Aboriginal activists involved and the uplift this moment represented. This is contrasted with accounts of the present circumstances of Aboriginal people: incarceration, child removal, low life expectancy and high government spending. We are encouraged to see the next referendum as equally 'optimistic'.

By Sunday 28 May, just two days after the Uluru Statement of the Heart was presented to the nation, the *Sun Herald* (SH1) reports Prime Minister Malcolm Turnbull's opposition. At a lunch to commemorate the fiftieth anniversary of the 1967 referendum, Turnbull highlighted the well-worn statistic of failed referenda ('44 referendums and only eight successes') to presage his reluctance to lead on the issue about which that Parliament had sought advice. SH1 also quoted the then Leader of the Opposition, Bill Shorten, as paying tribute to the history of Aboriginal peoples' advocacy of their rights while speaking to the whole nation: 'I do not doubt the size of the mountain that we will have to climb', he said; 'But for any Australian in need of inspiration, I would say look to our history, look to that spirit of '67, or Eddie Mabo'. The article quotes both of the leaders to whom the Referendum Council was obliged to report, the Uluru Statement itself, and the Council's Co-chair, Pat Anderson, who reassured Aboriginal Australians: 'Delegates [to the convention] agreed that sovereignty has never been ceded or extinguished'.

On Monday 29 May, *The Australian* (AUS5) reports favourably on the Uluru convention through a report on the 'Yulara walkout', referring to a small group of delegates who left the convention in protest that sovereignty was not addressed. Their dissenting voices are juxtaposed with a now very affirming discourse about the Uluru Statement. AUS5 reports that crafting the Uluru Statement had taken an all-night effort, and that in the morning when it was read out to delegates it was 'received with rapturous applause, a standing ovation. The feeling in the room was electric'. It reports that concerns about the sovereignty issue were allayed with a reference to 'co-existence with the sovereignty of the crown.' The story in *The Australian* reports that dissent 'galvanised proceedings' and that all that remained was to 'enlist the nation' (AUS5).

The following day 30 May, the *Illawarra Mercury* editorialised on ‘Taking the next logical step to reconciliation’ (IM1). On the Prime Minister’s response, the newspaper argues that ‘because something is hard doesn’t mean that it is not worthwhile’. It concludes with comments from the Opposition Leader Bill Shorten who highlights the need to listen carefully to the position being put forward with an ‘open mind’ on the best way forward. The article concludes with the question: ‘How long will it take for that voice to be heard?’

Media ecology

The Uluru Statement case study arrives at a time when the media landscape is dramatically transforming: print news media have been in drastic, perhaps terminal decline for a decade, and is increasingly concentrated in the hands of a few owners. In 2014, the 11 metropolitan and daily newspapers were owned by three corporations and two control 85.6% of daily circulation between them—News Ltd/News Corp with 63% and Fairfax with 22.6% (Tiffin, 2015). Most significantly, readership is shifting online. *The Australian* newspaper reports daily circulation at June 2018 of 88,581 and online readership per quarter in 2018 of 135,783. Reporting comparable figures, the daily print circulation of the Fairfax-owned *The Sydney Morning Herald* at June 2018 is 78,789 and, in 2015, its online readership is 139,752 per quarter (Audited Media Association of Australia, Australian Communications and Media Authority).

In this study, the reporting by *The Australian* has been identified as significant and so is worth further consideration. As a national broadsheet, the paper’s circulation is low, however, in the sphere of Aboriginal affairs, the paper has allocated significant resources in the form of dedicated reporters, column space, editorial and opinion with explicit intended policy reform. Their investment in Aboriginal affairs coverage is acknowledged as influential by media scholars (McCallum and Waller 2017); on the occasion of the fiftieth anniversary of the paper, Aboriginal intellectual and advocate of the ‘radical centre’ Noel Pearson (2014) applauded the paper’s role saying:

When the history of indigenous reform is written, the place of *The Australian* ... will be plain. The stories, the issues, the policies and the politics of indigenous reform found forum in *The Australian*. The dedication with which [the editor] treated the subject was and is unmatched in the country’s media.

The Sydney Morning Herald, by comparison, no longer has a dedicated Aboriginal Affairs reporter. Even so, from 27 May 2019, the newspaper launched a campaign for constitutional recognition of Aboriginal peoples. Over the week they published more than 20 articles variously advocating recognition.

Findings and conclusion

Media coverage of the Uluru Statement is a rare moment in mainstream Australian reporting of Aboriginal issues where Aboriginal people appear to be effectively shaping the media discourse. The way the event was staged allowed messaging to be controlled. This was achieved in part by the isolation of the site, where journalists were in the unfamiliar position of being a minority amid an Aboriginal majority. Media reportage of Aboriginal disunity or discord is relatively rare except to highlight how the rejection of a more radical agenda advocated by dissenters adds extra moral authority to the majority consensus. Where Aboriginal people had expressed concern over earlier coverage that cast them as ratbags and radicals, we see here a more centrist position asserted by the media, which is then bolstered by characterising dissenters as a minority. The timing of the Uluru Statement to coincide with the 50th anniversary of the 1967 referendum shows how Aboriginal leaders understand the media appetite for theatre and ceremony. This is a feature of Aboriginal activism and advocacy over many decades. A central difference in this reporting, compared to other political moments considered in this report, is the more empathetic terms in which Aboriginal aspirations and standpoints are presented in media reportage.

Media coverage of the Uluru Statement includes more Aboriginal voices, sources and perspectives than any mainstream media reports of earlier key moments in Aboriginal affairs. The reportage itself is significant, and reproduces two narratives. On one side is the narrative of *The Sydney Morning Herald*, which reminds us that Aboriginal people are ‘not going away’. We hear of a proud, elegant, educated Aboriginal mother and her football star son, of strong women who were active in 1967 and are still active in 2017 in the campaign for recognition. This narrative cites the ongoing presence of Aboriginal people without questioning their place in the national political discourse. The *Herald’s* reporting is less concerned than *The Australian’s* with ideological warfare and the challenge that the Uluru Statement poses to the Australian nation state. Instead we hear of enduring Aboriginal existence and presence. On the other side is the narrative of *The Australian*, where a

conservative liberal ideology is constantly affirmed as aligning with the sentiments expressed in the Uluru Statement. 'Reform' is applauded over 'recognition' and the 'radical centre' is the desirable political position. *The Australian* is concerned with highlighting how the demands proclaimed in the Uluru Statement agree to the continuation of the sovereignty of the crown, and are subordinate to the colonial settler state. In *The Australian* coverage, policy which seeks 'practical' measures to address disadvantage is a constant reference point that alerts readers to its (supposedly) dangerous opposite, 'symbolism'. Reportage of the Uluru Statement in *The Australian* over the identified period is thus one of subordination: the Uluru Statement's claims are supported because they do not contest the authority of the settler order.

PART 3 – Findings

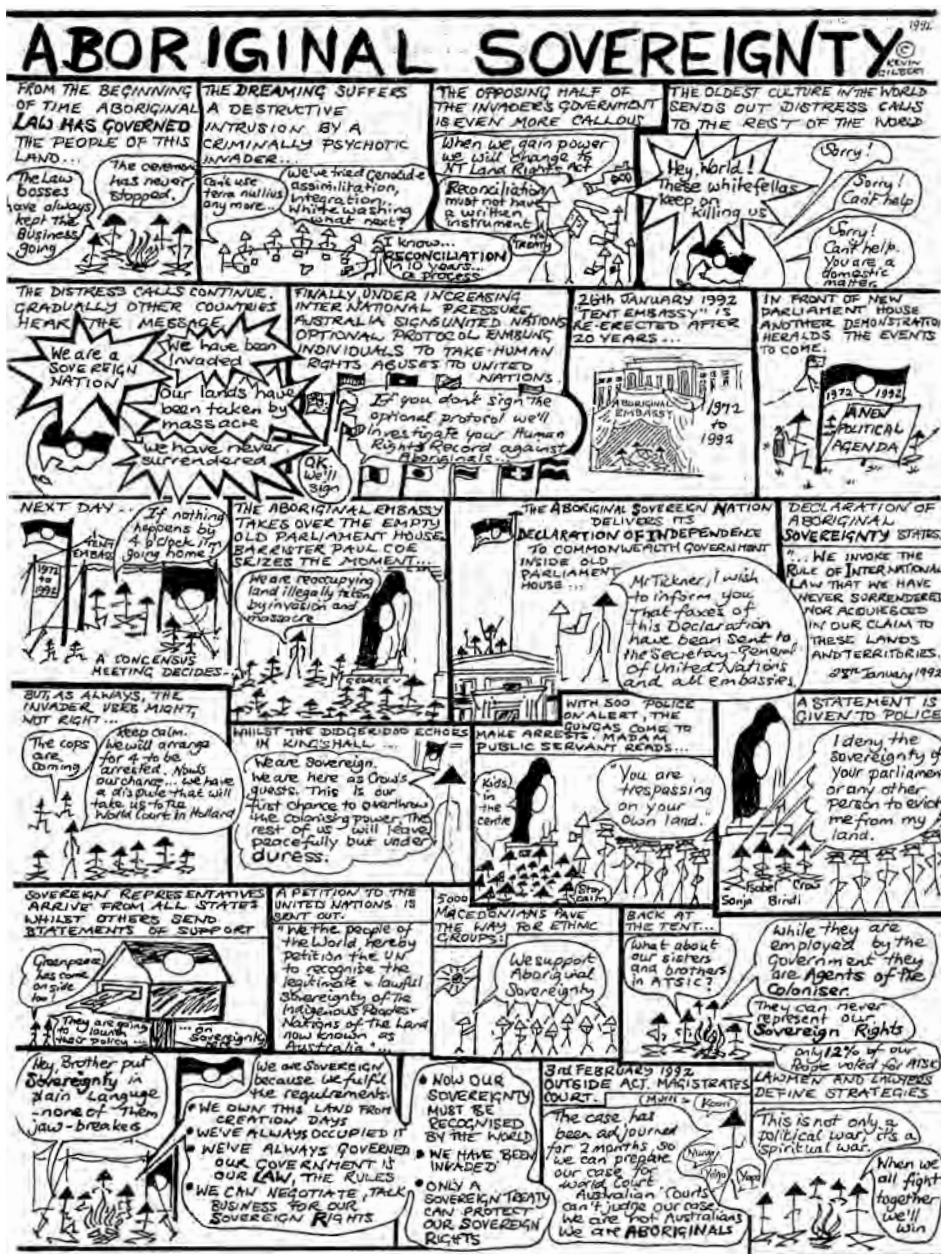
Dominant narratives and new beginnings

The media are responsible for framing stories, generating discourses and producing and reproducing deeper historical narratives that speak to, and develop, the position of Aboriginal people in Australian society. These stories, discourses and narratives have power in constraining, or facilitating, the realisation of Aboriginal political aspirations. We have reviewed 90 mainstream media print newspaper reports over a 45-year period focusing on key political moments relevant to agreement-making between Aboriginal peoples and the NSW Government. Through our process of coding and textual analysis; our extensive backgrounding drawing on scholarly and popular accounts; and through comparison to Aboriginal media, we find that the mainstream media generally fail to understand events which are significant for the Aboriginal polity's aspirations. This failure produces a dominant politics of denial and procrastination. We make seven key findings, including one which identifies four overriding narratives: the White Mastery narrative, the Irreconciliation narrative, the Subordination narrative, and the Sovereignty/nationhood narrative.

The Aboriginal polity's demand over time for more substantial agreements than have ever been afforded has not been adequately recognised in the national political discourse. Among Aboriginal people, a growing consensus supports self-determination, which has found contemporary expression in the 2017 Uluru Statement from the Heart, but which was already evident in the 1972 Larrakia petition, and throughout all the case studies.

The mainstream media studied clearly failed to recognise Aboriginal peoples' right to self-governance and self-determination. From the White standpoint taken by the media, the so-called 'problem' of Aboriginality is to be solved by assimilation—that is, by ensuring Aboriginal peoples adapt to and adopt non-Aboriginal norms. We find that discourses and recurring deep narratives in the mainstream media are likely to have eroded the standing of Aboriginal standpoints in the national political discourse. In doing so, past media reporting may have undermined the possibility of agreement-making between Aboriginal peoples and various levels of government.

We summarise our findings below. Table 13 presents these findings in visual format to demonstrate the relationship between deep narratives and changing governments and federal policy eras.



'Aboriginal sovereignty' cartoon by Kevin Gilbert, 1992. The deeper narratives of sovereignty and nationhood is prevalent in Aboriginal media and its significance is discussed on pages 236-237. Image courtesy of Eleanor Gilbert.

The Aboriginal polity has largely been ignored or misunderstood by mainstream media.

In tracing an arc of development, we have found a resilient Aboriginal polity offering its persistent presence, with every event studied being a direct consequence of proactive Aboriginal pursuit of self-determination. While mainstream media accounts have often bypassed, disregarded or diminished Aboriginal agency, our background research has revealed a rich, complex and continuing Aboriginal tradition of collaborative and adaptive resistance, survival, innovation, and advancement of ideas. Though in every case Aboriginal agency has given rise to the events studied, Aboriginal agency is often silenced in the mainstream media, considered deficient, or reduced to questions of emotions and morality. Events are often treated as no more than spectacle for a non-Aboriginal audience. We have not been able to identify a single Aboriginal reporter as responsible for the reporting studied, though we do note that more opinion pieces by Aboriginal commentators appear over time. The Aboriginal polity's aspirations to land, self-determination and agreement-making are rarely recognised as legitimate in the mainstream media's deeper narratives.

There is no clear progress towards more accurate reporting of Aboriginal agency and standpoints.

Our findings show no simple linear change over time. We find instead overlapping and intersecting narratives. While these are linked to specific policy eras, neither media discourses nor narratives match perfectly here. While a minority of reportage about the Aboriginal polity is sophisticated, nuanced and informed, we find in general that the mainstream media fail to reflect Aboriginal standpoints over time, and so potentially prolong and/or encourage the ignorance of its audiences about the complexity and legitimacy of the Aboriginal polity and its claims.

We found the media studied engaged more seriously with changing conceptions of Australia's history from the 1980s onwards, a development dramatically foregrounded by the Royal Commission into Aboriginal Deaths in Custody report and the success of Aboriginal claims in the Mabo case, and visible here in the 1983 *Two Hundred Years Later* report and the 1988 Barunga Statement. However, such growing recognition was counteracted by a backlash which spread discourses of Aboriginal dysfunction and disadvantage. In the era from practical reconciliation (2000), Rudd's Apology to the Stolen Generations (2008) through to Closing the Gap (2008), there was a push to put history behind us in order to focus on Aboriginal disadvantage and the socioeconomic challenge. By focusing on deficit, the agenda was shifted to reflect non-Aboriginal priorities.

The media speaks to a White audience and adopts a White standpoint.

While media reports are sometimes aware of Aboriginal counter-narratives, and report them accurately in a minority of cases, they do not display a respectful, accurate and/or validating approach to the narratives of Aboriginal survival and the desire for self-determination. Heidi Norman's study of the 1979 Aboriginal Treaty Committee's (ATC) call for a treaty between Aboriginal peoples and the federal government finds that European-driven advocacy is received with interest and is reported with some accuracy by a small section of media, an anomaly that helps to establish the overall pattern. However, the media reflects ATC calls for treaty on the basis of resolving the issue of White belonging in Australia. Similarly, in 1983 media present constitutional reform as a matter for White public opinion with the *Two Hundred Years Later* report, and was repeated in 2012 with the report of the Expert Panel on Constitutional Recognition; the effect in the latter case was to crowd out concerns about racism. This is of course not unexpected: Australia, despite its increasingly multicultural makeup, remains overwhelmingly White. The resolution of the process of colonisation through the validation of White interests and the subordination of Aboriginal agency provides the sustaining narrative for some media accounts.

Negative discourses about Aboriginal behaviours are repeated over the time period.

Drawing on the many existing studies of negative discourses in representations of Indigeneity, we find several are repeated: discourses of failure and Aboriginal naivete (Larrakia petition, Barunga statement), a portrayal of the gracious and noble savage (Larrakia petition, Native Title Bill, Rudd's Apology, Redfern Statement), discourses of disadvantage and dysfunction (practical reconciliation, Rudd's Apology, Closing the Gap), and legitimacy through Whiteness (Aboriginal Treaty Committee, *Two Hundred Years Later* report, and the Expert Panel).

We identified backlash to notions of self-determination and Aboriginal governance in the emergence of a Subordination narrative during the 2000s, which is linked more closely to negative discourses on Aboriginal behaviours than the Irreconciliation narrative. We find deficit and deficiency discourses emerge in the 2000s to describe inequalities. However, these metrics of failure are mobilised not to discuss the need for justice and agreements, but rather to associate failure with Aboriginal behaviours which need interventionist redress, therefore implying that Aboriginal people are incapable of participating as equal partners in agreement-making.

Four key deep narratives are evident across the time period: a White mastery narrative, an Irreconciliation narrative, and a Subordination narrative. A minority narrative, largely evident in Aboriginal media, is the Sovereignty/nationhood narrative.

The **White mastery narrative** sees Aboriginal absorption into the wider body politic and the dissolution of an Aboriginal polity as either having been completed, or in need of completion. This was a dominant theme in the Larrakia Petition (1972), and partly re-emerged in 'practical reconciliation' (2000). It has links with the Subordination narrative.

The **Irreconciliation narrative** recognises continued Aboriginal survival but subordinates Aboriginal standpoints that seek sovereignty. It recognises a problem with Australia's settlement and ongoing relationship with Aboriginal peoples but sees no enduring solution outside what is possible in normal parliamentary processes. While it is sympathetic to Aboriginal concerns, it finds no solution for them, and tends to promote procrastination on policy shift and change. This is present in most of the case studies, particularly through the 1980s. In the 1990s and 2000s, it intersects with and competes with the Subordination narrative.

The **Subordination narrative** accepts Aboriginal survival and recognises Aboriginal demands when they do not threaten the legitimacy of existing politics. It sees Aboriginal people as a disadvantaged minority. It proposes Aboriginal subordination to the wider politic in the interest, primarily, of socioeconomic uplift. This narrative is present in 'practical reconciliation' (2000), Rudd's Apology (2008), Closing the Gap (2008), and the Expert Panel on Constitutional Recognition (2012).

The **Sovereignty/nationhood narrative** accepts the continuation and growth of the Aboriginal polity and recognises its right to self-governance, and its aspirations for land, self-determination and agreement-making. It sees the Aboriginal polity as an equal negotiating partner. A qualified version of this deep narrative was present in only one local newspaper in the coverage on the Larrakia petition (1972). It was accepted by the ATC (1979), who tried to speak to it in order to challenge the Irreconciliation narrative, yet the reportage primarily speaks to the issue of White belonging. More recently, the coverage of the 2017 Uluru Statement from the Heart promotes Aboriginal voice while side-stepping the question

of sovereignty. The Sovereignty/nationhood deep narrative, however, is consistently present in Aboriginal communication texts and Aboriginal media examined.

Each case study considers at length how the political and social environment relates to discursive representations. Table 13 illustrates how the various deep narratives were aligned with different governments and federal policy eras. As a general pattern, we have found that the Irreconciliation narrative was most common around the time of the Redfern Statement (1992) and the Native Title Bill (1993), and that ideas of deficit linked to the Subordination narrative emerged more fully in the 2000s. We found in the earliest case study that a White mastery narrative was apparent, and that this reappeared briefly in the tensions around practical reconciliation in 2000.

Mainstream media mastheads vary in emphasis but in general accord on the White mastery narrative, the Irreconciliation narrative, and the Subordination narrative.

Taken as a whole, the mainstream media's adherence to these three deep narratives reveal a desire for conformity of any Aboriginal polity to the overarching dominance of White society. The more liberal mastheads, Fairfax press and similar presses (with some membership changes over time), project an Irreconciliation narrative. The publications owned by News Limited and Australian Consolidated Press follow a more individualised and overtly assimilationist worldview, and are more likely to project a White mastery narrative or a Subordination narrative. It is only in Aboriginal texts that the sovereignty/nationhood deep narrative is *regularly* present and is portrayed in a positive and achievable light.

The Aboriginal polity has increased its engagement with the media.

From reviewing these case studies it is clear that the Aboriginal polity is playing a sophisticated and long game with advocacy and media. This is most easily seen at the time of the Barunga Statement (1988), the Redfern Statement (1992) and the Native Title Bill (1993). However, we find that mainstream media reportage quickly becomes centred on parliamentary interactions and does not consider the significant Aboriginal achievements which preceded them. The sophistication of the Aboriginal polity shown in the Barunga Statement (1988) finds a recent incarnation in the Uluru Statement from the Heart (2017), and the adroit and accomplished efforts of the Aboriginal polity to build a narrative which goes beyond the negative

public discourses called up in opposition to it. This shows the Aboriginal polity has made progress in influencing mainstream media's consideration of its standpoint. It is thanks to Aboriginal media that Aboriginal voices survive the era; very few of them were reflected in or recorded by the mainstream media.

Implications

The discourses and deep narratives developed, reflected and circulated in mainstream media are likely to have eroded the standing of Aboriginal perspectives in the national political discourse. Historical media behaviour could have undermined the possibility of agreement-making; current and future media must open up consideration of how Aboriginal aspirations have been represented and considered. In transforming the relationship between existing governments and the Aboriginal polity, the negative discourses and insufficient, denialist narratives that have characterised national public discourse must change. To facilitate agreement-making, we need to effectively understand who are the parties that are reaching the agreements—we need recognition of the Aboriginal polity.

Ideally, the media should remedy their past failure and help create an environment for positive outcomes where agreement-making can succeed. They will continue to be constrained if they work from their historical White standpoint without engaging with the fundamental realities of the Aboriginal polity's endurance and its right to self-governance. This goes beyond addressing overt racism and introducing stronger media standards to consider how the media may be encouraged to represent Aboriginal agency and the complex Aboriginal polity in its diversity, and to recognise the right of Aboriginal people to negotiate the terms of their relationship with Australian governments.

Aboriginal media have shown themselves, despite significant resource constraints, willing to attempt representation of the complex standpoints of the Aboriginal polity without recourse to negative discourses, or the hopelessness of the Irreconciliation and Subordination narratives that dominate most case studies. The mainstream media can use its much more significant resources to develop this depth of understanding. This would require significant Aboriginal input. It would also require a more reflexive approach, in which media producers would seek information from sources beyond their own industry—historical sources, Aboriginal texts, and studies of the media's own history in replicating a White standpoint view. This can deepen understanding and ensure more effective communication of Aboriginal standpoints.

It is not enough, however, we believe, for coverage to seek to be positive and fair: we support here Langton's call (1993) for nuance and complexity and agree with her analysis of the limits of positive, negative and neutral categorisations. We have therefore considered instead how the media might reconsider its standpoint and the assumptions behind its coverage and produce journalism that does more to promote the legitimate aspirations of the Aboriginal polity. We encourage a focus on ways to re-imagine the national political discourse, and the deeper narratives we draw upon, to facilitate change.

Readers may be interested in how our findings might influence wider discussions about the media and its role. We can think of a number of different stakeholders, each perceiving the issues from different standpoints. Aboriginal standpoints as we have seen remain concerned with survival, justice and engagement. Communicating research findings more widely to Aboriginal communities would play an important role in raising awareness and building skills necessary to analyse media. Our case studies for instance provide one of the first detailed histories of Aboriginal agency as covered by the mainstream media, thereby offering useful opportunities for educational and community discussions. Aboriginal organisations may find our analyses of value in building media strategies around agreement-making and generally in seeking justice.

Media industry practitioners and decision makers have been identified as key gatekeepers of Aboriginal political aspirations. Initiatives within the industry that take up the findings of this report would contribute to ensuring a more trustworthy space in which agreements could be negotiated and achieved. One of the findings—the importance of Aboriginal journalists in storytelling—would ensure a diversity of perspectives and that Aboriginal standpoints could become a normal rather than extraordinary element in ongoing narratives. The insights from this research would also be helpful in curriculum development for the training of journalists.

Trust would be significantly enhanced by the wider recognition of how the media have failed Aboriginal aspirations in the past, and how those failures might be reversed in the future. A population sensitised to asking questions of the media, and expecting answers, would contribute to a more informed and dynamic conversation among Australians of both Aboriginal and non-Aboriginal ancestry. We need to know more about these questions of representation and truth telling, if we are to continue on the path to more equal and respectful relations between Aboriginal and non-Aboriginal people.

Does the media fail Aboriginal political aspirations?

CASE STUDY EVENT	YEAR	DEEPER NARRATIVES	FEDERAL GOVERNMENT	NSW GOVERNMENT
Larrakia Petition	1972	White mastery	William McMahon Liberal-Country Coalition 1971-1972 Gough Whitlam Australian Labor Party 1972-1975	Robert Askin Liberal-Country Coalition 1965-1975
Aboriginal Treaty Committee	1979	Irreconciliation Sovereignty/ nationhood	Malcolm Fraser Liberal-Country Coalition 1975-1983	Neville Wran Australian Labor Party 1976-1986
Two Hundred Years Later Report	1983	Irreconciliation	Bob Hawke Australian Labor Party 1983-1991	
Barunga Statement	1988	Irreconciliation		Nicholas Greiner Liberal-National Coalition 1988-1992
Redfern Statement	1992	Irreconciliation	Paul Keating Australian Labor Party 1991-1996	John Fahey Liberal-National Coalition 1992-1995
Native Title Bill	1993	Irreconciliation		
Practical reconciliation	2000	White mastery Subordination	John Howard Liberal-National Coalition 1996-2007	Bob Carr Australian Labor Party 1995-2005
Rudd's Apology	2008	Irreconciliation Subordination	Kevin Rudd Australian Labor Party 2007-2010	Morris Iemma Australian Labor Party 2005-2008
Closing the Gap	2008	Irreconciliation Subordination		
Expert Panel into Constitutional Recognition	2012	Irreconciliation Subordination	Julia Gillard Australian Labor Party 2010-2013	Barry O'Farrell Liberal-National Coalition 2011-2014
Uluru Statement from the Heart	2017	Irreconciliation Sovereignty/ nationhood	Malcolm Turnbull Liberal-National Coalition 2015-2018	Mike Baird Liberal-National Coalition 2014-2017 Gladys Berejiklian Liberal-National Coalition 2017-present

Table 13: Deep narratives, political eras and federal policy era

ELEMENTS OF DEEPER NARRATIVE	FEDERAL POLICY ERA
<p>The royals' position as heads of state is legitimate, as was the process of Australia's settlement. Aboriginal people will be assimilated into mainstream Australian society.</p>	Self management and self-determination 1972-2004
<p>A treaty could offer non-Aboriginal Australians security of belonging and the possibility of deep and moral attachment to place.</p>	
<p>National unity through non-Aboriginal agreement to an agreement-making process must be achieved before a referendum on constitutional recognition can succeed. Sovereignty is not possible as the Aboriginal polity does not constitute a nation.</p>	
<p>Aboriginal people are either cultural and ceremonial people from the bush, or angry radicals. White politicians in federal parliament, journalists and opinion leaders can represent Aboriginal people, and are responsible for advancement.</p>	Reconciliation 1990-2010
<p>The Redfern Statement is a work of truth. However, the dispossession and violence are well in the past and nothing should be done that might undermine the legitimacy of current Australian political and property arrangements.</p>	
<p>Aboriginal rights can be apportioned out by parliaments, whose sovereignty, even after the Mabo judgement, is not in question. White parliamentary representatives, speaking for Aboriginal interests, are responsible for the achievement of the Native Title Act.</p>	
<p>The identity and legitimacy of the Australian nation are questioned if we subscribe to a black armband view of history. This is a distraction from disadvantage and socioeconomic uplift, the primary issue facing Aboriginal people.</p>	Responsibility and normalisation 2005-current
<p>The Apology marks a new era in Aboriginal policy. Now the symbolic has been achieved, we can focus on the future through measures to 'close the gap'. Aboriginal social dysfunction is calling out for interventionist redress, which can achieve socioeconomic equality and thus ameliorate disadvantage.</p>	
<p>Socioeconomic equality can be delivered through tough, Intervention-style measures. Such measures may require consultation and partnership, based on expert evidence, to avoid past mistakes.</p>	
<p>Aboriginal people should be content with a form of recognition that does not upset non-Aboriginal Australia, but instead compromises for the sake of a national unity. Aboriginal rights are matters for the wider body politic, with no specific engagement with the Aboriginal polity required.</p>	
<p>After rancorous division and heated policy debates, the Uluru Statement from the Heart presents a possible way forward: a form of reform promoting a mediated voice, accepted by Aboriginal people, which does not raise the question of sovereignty.</p>	

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