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### **Representing 'Australian Land': Mainstream Media Reporting of Native Title**

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#### **Abstract**

This article examines how Indigenous Australians' claims to their land are represented in the mainstream, non-Indigenous Australian media. In so doing, the article explores the common tropes available to non-Indigenous Australians in relation to Indigenous ownership of land, and in particular the native title system. It is argued that whilst initial land claims are discussed in detail within the media from a variety of perspectives, subsequent Indigenous land use agreements are most commonly reported upon in terms of business and economic concerns, with 'failed' agreements represented as impediments to 'development'. Thus, whilst the claims of Indigenous Australians to their land are sometimes reported positively by the media, this is only insofar as native title does not impede business development, which is frequently represented as the way in which land ultimately ought to be used. Thus non-Indigenous readers are left with an image of native title whereby initial land claims are considered not to be threatening, but only to the extent that subsequent use of the land still fits a white Australian image of 'development'.

#### **Introduction**

In Australia, native title legislation is currently the only means through which the sovereign rights of Indigenous Nations to their ancestral lands is legally recognised. Whilst land rights legislation provides a means by which First Nations can claim land, this legislation functions by granting 'new' rights to Indigenous people (as defined under the law of the coloniser), rather than recognising ongoing sovereignty over land *per se* and the forms of Indigenous law and ownership of country that existed prior to colonisation (Commonwealth of Australia, 2007). Native title is a complex system, and one which arguably few people living in Australia understand. As such, it is a system that has been exploited and misrepresented by politicians and other invested groups in order to meet political, business or ideological agendas (LeCouteur, Rapley and Augoustinos 2001; Moreton-Robinson 2004; Watson 2002a). As the media provide the general public with much of its information on native title, this article seeks to examine the representations of the system made available by the mainstream news media, as a lens through which to examine how Indigenous claims to land in Australia are recognised and acknowledged. In order to do this, the article considers mainstream news media representations of both native title claims themselves, and reporting of negotiations between native title groups and other interests.

#### ***What is native title?***

According to the National Native Title Tribunal (NNTT) website (n.d.), native title is defined as:

...the recognition by Australian law that some Indigenous people have rights and interests to their land that come from their traditional laws and customs. The native title rights and interests held by particular Indigenous people will depend on both their traditional laws and customs and what interests are held by others in the area concerned. Generally speaking, native title must give way to the rights held by others.

Native title is therefore recognised as existing on the basis of certain laws and customs which have been maintained over an area of land despite the displacement of Indigenous peoples caused by colonisation. As common law recognition of the rights of Indigenous Nations to land, native title was first recognised in *Mabo v. Queensland (No. 2)* in 1992. In this decision, the High Court of Australia rejected the assumption of *terra nullius* that was asserted through the invasion of Australia, thereby acknowledging (at least to some extent) the prior claims to land of Indigenous Nations. Native title was legislated in response to this decision in 1993 in the form of the *Native Title Act 1993* (Cwlth). This Act attempted to a) provide for the recognition of native title, b) establish the ways in which future dealings with native title could proceed, and ensure that there are standards for those dealings, c) establish a mechanism for determining claims, and d) provide for the validation of past acts which may become invalid due to native title (*Native Title Act 1993* (Cwlth), Section 3).

The NNTT states that, generally, full native title rights will only be granted over restricted areas of country including vacant crown land and some national parks (Commonwealth of Australia, 2009). When native title is recognised, it is either considered 'exclusive' or 'non-exclusive', and therefore must co-exist with other rights (such as those of pastoral lease holders) and generally must not interfere with these. The rights of traditional owners to their country is considered extinguished in parts of Australia which are subject to previous exclusive possession acts, such as the grant of freehold estates or leases, or the construction of public works. Native title rights are also extinguished where there is any inconsistency with other, non-exclusive possession acts such as agricultural or pastoral leases (*Native Title Act, 1993* (Cwlth), Section 23A).

### ***Native title: The burden of proof***

If native title is to be recognised over an area of country, Indigenous Nations have to argue that their cultures and connection with the land have survived colonisation. As the Maori Land Court Chief Judge Joe Williams (2008) argues;

In Australia the surviving title approach... requires the Indigenous community to prove in a court or tribunal that colonisation caused them no material injury. This is necessary because, the greater the injury, the smaller the surviving bundle of rights. Communities who were forced off their land lose it. Those whose traditions and languages were beaten out of them at state sponsored mission schools lose all of the resources owned within the matrix of that language and those traditions. This is a perverse result. In reality, of course, colonisation was the greatest calamity in the history of these people on this land. Surviving title asks aboriginal people to pretend that it was not. To prove in court that colonisation caused them no material injury. Communities who were forced off their land are the same communities who are more likely to lose it.

This burden of proof on Indigenous Nations makes the claiming of recognition of native title extremely difficult for Nations whose only form of proof may be one not typically recognised within Australian law, namely oral history. In a country which still primarily considers 'facts' to be that written by non-Indigenous anthropologists, Indigenous claims to land can be difficult to prove under the current system (for example, see Moreton-Robinson 2004).

Similar difficulties relating to the claiming of native title also occur via the ways in which Indigenous Nations are required to delineate the boundaries of the country they are claiming. Applications for native title over an area of land require strict outlining of boundaries for land under consideration including the creation of boundaries in accordance with a western system of mapping country. This is very different to Indigenous understandings of land, as Patrick Dodson (1987) writes:

The limitations of my land are clear to me. The area of my existence, where I derive my existence from, is clear to me and clear to those who belong in my group. Land provides for my physical needs and my spiritual needs. New stories are sung from contemplation of the land. Stories are handed down from spirit men of the past who have deposited the riches at various places, the sacred places.

Thus, existing as it does within a western legal system and subject to western determinations, native title forces Indigenous people to define themselves and their land within colonial conceptions of country and ownership (Moreton-Robinson 2004).

Indeed, the entire concept of native title has been criticised by Indigenous scholars as a denial of Indigenous sovereignty over land, with the result of *Mabo v. Queensland (No. 2)* (1992) meaning that “Indigenous people did not lose their native title rights but were stripped of their sovereign rights to manage their own affairs, to live according to their own laws, and to own and control the resources on their lands” (Falk and Martin 2007, 38). As such, Falk and Martin argue that the *Native Title Act* 1993 (Cwlth) amounts to a complete denial of sovereignty so that Indigenous people are forced to live under a colonial regime which is able to control and regulate their lives and access to country. Aileen Moreton-Robinson makes a similar point, where she states:

What Indigenous people have been given, by way of white benevolence, is a white-constructed form of ‘Indigenous’ proprietary rights that are not epistemologically and ontologically grounded in Indigenous conceptions of sovereignty. Indigenous land ownership, under these legislative regimes, amounts to little more than a mode of land tenure that enables a circumscribed form of autonomy and governance with minimum control and ownership of resources, on or below the ground, thus entrenching economic dependence on the nation state. (Moreton-Robinson 2007, 4)

The native title laws in place in Australia restrict Indigenous peoples to existing within colonial frameworks of knowledge, as Irene Watson (2005) also writes:

*Mabo No.2* and native title ‘recognition’ are presented as offerings to the possibility of decolonising colonial myths, but the truth of their colonising presence is now beginning to appear... Aboriginal people begin to call once again: We have nothing; we remain hungry for country, freedom and justice. (Watson 2005, 16)

Indeed, within the space of the *Native Title Act* there is no room for recognition of sovereignty whereby Indigenous peoples can make decisions for themselves and control their own lands, despite the fact that Indigenous sovereignty was never ceded and therefore always exceeds white law (Falk and Martin 2007; Moreton-Robinson 2003; Watson 2002b). Instead, as Irene Watson (2005) argues, rather than leading to equality before the law, *Mabo v. Queensland (No.2)* (1992), and the subsequent native title legislation, merely “plaster over” the cracks in the Australian legal system by confirming that Indigenous Australians simply became British subjects when their Nations were invaded, and thus the only law they have access to in the eyes of the Australian nation is British law. Yet even this does not function correctly when applied to native title, as Moreton-Robinson (2004) suggests in her analysis of the Yorta Yorta native title claim. In this analysis, Moreton-Robinson demonstrates that colonial theft of Yorta Yorta land, which was petitioned as theft at the time by the Yorta Yorta, was not treated as stolen property, but rather as Crown land that the Yorta Yorta were required to prove ongoing connection to.

### ***Negotiations regarding the use of Indigenous land recognised by native title***

Whilst the recognition of native title is a difficult and controversial process, possible negotiations over how Indigenous land ought to be used are equally difficult. It is not within the scope of this article to discuss all the ways in which such negotiations can occur, but a brief summary is provided. Firstly, agreements can be reached outside the NNTT between native title groups and other parties (for example, mining, pastoral or governmental interests) through Indigenous land use agreements. These are agreements entered into voluntarily and all parties are bound to the conditions negotiated once they are registered with the NNTT. Secondly, the future act process is one which allows native title claimants whose claim meets the registration conditions, but who are waiting for a final determination, to have the right to negotiate about some future acts such as the granting of a mining lease. Where agreements cannot be reached between the parties involved, it becomes the responsibility of the tribunal to make a decision about the negotiations.

Previous research surrounding the outcomes of agreements between native title groups and other interests suggests that “only a minority of these agreements deliver substantial economic benefits, provide for protection of Indigenous cultural heritage beyond what is required by law, and facilitate Indigenous participation in environmental management of mining projects.” (Faircheallaigh 2007, 18) It is suggested that there is an imperative placed on native title groups to reach agreements due to the fact that, where negotiations have been transferred to the NNTT, the tribunal has traditionally handed down decisions which favour companies (Faircheallaigh 2007). Similarly, large inequalities in resources

available to most native title groups compared to companies or governments are likely to mean that negotiations are difficult to achieve in an equal manner (Dodson 1996).

### ***Native title and the media: The current paper***

The analysis presented below examines how native title claims and negotiations between native title groups and other interests were represented in the mainstream media. Few non-Indigenous Australians have knowledge of the native title system, having no explicit contact with it themselves (despite benefiting from the privileges - in the form of a possessive investment in ownership of Indigenous land - that native title bestows upon those of us who do not identify as Indigenous). Thus the mainstream media are an important source of information and one which is likely to be one of the primary sites through which non-Indigenous Australians form an understanding of native title. Many media theorists argue that the media tend to support the interests of those in power, thus simply reproducing a conservative *status quo* (Fowler 1991, Hall et al. 1978). This has been found to be the case in past analyses of media coverage of native title, such as work completed by Meadows (2000) (which found that media coverage of native title issues focused largely on non-Indigenous perspectives) and Hartley and McKee (2000) (who found that media coverage of native title negotiations frequently focused on bureaucratic issues rather than the rights of Indigenous peoples to oppose 'developments' on their land). Such representations mean that any negative stereotypes held within the public are likely to go unchallenged by mainstream media representations of native title issues. As such, this article seeks to build on this work and further investigate how native title issues are made intelligible to a non-Indigenous audience.

### **Data collection, methodology and definitions**

The media articles considered appeared in Australian newspapers with the highest circulation as identified by the Australian Press Council's *State of News Print Media 2007* report. These papers are; *The Herald Sun, The Daily Telegraph, The Courier-Mail, Sydney Morning Herald, The Age, The West Australian, The Australian, The Advertiser, The Financial Review, The Mercury, The Canberra Times and the N.T. News*. Articles were sourced using the database 'Factiva' and the search terms 'Native Title' and were sourced from newspapers published in 2006 to 2009.

In total, 757 articles were found using these criteria. Of these, 336 focussed on native title issues, with the remainder including the terms in minor ways, such as to describe someone as a member of the Native Title Tribunal. Articles considered to have a focus on native title were those which revolved primarily around the system itself. The one exception to this was the way in which native title was used within business articles, as this was easily the most common way in which native title was referred to in the media. Whilst these articles often revolve around, for example, the progress a company was making rather than native title itself, these articles were included for analysis since the fact that a third of all the articles sourced fell within this category meant that it was important to consider this representation.

The articles analysed within this article provide a snapshot of the way in which native title is represented within the main Australian newspapers as defined by circulation numbers. This means that the articles published within Indigenous run media are not included here. As such, the article aims to provide a critique of what is arguably predominately non-Indigenous representations of native title issues which are read by a predominately non-Indigenous audience.

### **Media analysis**

As found in previous research (Meadows 2000), the inherent difficulties of the native title process discussed in the introduction were widely overlooked in recent media reports of native title issues. Very rarely did the media consider any of the complexities of the native title process itself, or provide any background into the way the native title system works. In the timeframe under consideration, over two-thirds of the articles published in these papers regarding native title issues typically discussed native title cases in terms of either the initial claiming of an area of land, or subsequent negotiations over use of the land. This analysis considers typical examples of articles from these two main areas.

### ***Reports on native title cases***

Articles which focussed on native title cases in terms of the claiming of land in the first place were often reasonably short, and focussed primarily on issues such as the size of the land being claimed, the

location, and whether or not the claim was successful. These reports were often written in relation to the impact a successful claim would have on an area in terms of the relevant non-Indigenous parties.

The following extract is an example:

The Wilsons Promontory National Park claim was lodged by the Gunai/Kurnai and Booner-wrung people in 1997, but has only now moved towards mediation in part because of delays and changes to the Native Title Act. The claim covers more than 7000 square kilometres of crown land and water from Port Franklin to Inverloch, and would give traditional owners customary rights to fish, hunt or camp on park land.

Ian Campbell-Fraser, state manager of the Native Title Tribunal, said the claim would not affect public access to the national park. "It's important to bear in mind that even if the claimants were successful in getting a determination of native title, that doesn't mean that the national park stops being a national park," he said. (Smiles 2008, 5)

This article focused solely on the effect a 'win' for native title claimants would have on the park, rather than considering the effect which dispossession would have had on the claimants in the first place, or how recognition of this dispossession would affect the claimants now. In fact, Indigenous voices are not represented in this extract at all, except to state which groups of people are claiming the land. Rather, the article focuses on non-Indigenous Australians, assuring the presumed-to-be non-Indigenous reader that "even if the claimants are successful in getting a determination of native title, that doesn't mean that the national park stops being a national park" and thus the 'public' will still be able to access the area.

Despite articles such as the one from which the above extract was taken, media reports concerning native title claims did indeed include Indigenous perspectives and voices much more commonly than did articles which focussed on business issues (as discussed in the next section). For example:

After an 11-year battle, Federal Court judge Tony North a year ago recognised the Gunditjmara people as the native title holders of the 290ha Crown land area.

The Gunditjmara have lived in the area for thousands of years and fiercely resisted European settlement in the 1800s in what is known as the Eumeralla Wars.

In the early 1980s, the Gunditjmara also fought the State Government and Alcoa Aluminium in the High Court over construction of a smelter without recognition of their cultural heritage.

Gunditjmara elder Ken Saunders said Lake Condah held important memories for his people and its return, in a ceremony yesterday, was an important mark of respect and reconciliation. (Lake returned to Aborigines. *Herald Sun*, 31 March 2008, 10).

and:

The Nyangumarta people will be awarded native title over 31,843sqkm of Pilbara land and waters during a Federal Court sitting at a remote stretch of Eighty Mile Beach today.

The consent determination, which comes after a 10-year battle by the claimants, grants the Nyangumarta people exclusive possession over 86 per cent of the claim area, between Broome and Port Hedland.

Nyangumarta traditional owner Nyaparu Rose said the determination was an important recognition of the claimants' strong ties to the land. This has been the longest journey of our lives, she said. (Banks 2009, 4)

Unlike the first extract, articles such as these did report Indigenous voices, with the extract from the article entitled 'Lake returned to Aborigines' above even including some history surrounding the native title group in question (the Gunditjmara people from around Lake Condah in South Eastern Victoria). Both articles include quotes from the successful Indigenous groups stating how important the native title win was in terms of recognition of their ties to the land. However, neither of these articles discussed what

this native title recognition means in practice to these groups, especially in relation to areas in which native title may not have been granted exclusively.

Interestingly, both these articles (and many others like them) focused on the adversarial nature of native title claims, which are referred to as ‘battles’ in both these articles.

Similarly, both articles (and the extract from the article regarding the claim on Wilson’s Promontory) include the length of these ‘battles’, demonstrating just how difficult the native title process is. This representation of native title was also frequently seen in the reporting of negotiations between native title holders and businesses wishing to make use of their land, as discussed in the next section.

### ***Business and Indigenous land use agreements articles***

Business articles were the most common way in which native title was represented in the mainstream news media over the relevant timeframe. Within this group of articles, native title was most commonly referred to in association with mining and other business ventures, with the majority of these articles referring to native title as an impediment or hurdle to business opportunity. The below extracts are typical of the way in which native title was reported upon in relation to business:

The [Canning basin] area has been underexplored thanks to a combination of geological and native title issues, as well as lower oil and gas prices, but the group has some encouraging results to go on. (Streitburg’s Buru heads to market as floats caned. *The West Australian*, 1 September 2008, 36)

and:

But unlike Koolan and Cockatoo, Irving’s iron-ore deposits were never developed because BHP could not get an agreement with the native title holders - and neither could the next owner, Portman (Freed 2008, 24)

and:

Delays in negotiations with the native title claimants and heritage clearance for proposed drilling also had eaten into [Warrior’s] development timeline, [managing director Greg Hall] said. (Booth 2009, 58)

As such, native title was often mentioned within business media articles as an obstacle to be overcome by companies rather than a way of recognising Indigenous people’s sovereign rights over their own lands. Indeed, native title was often mentioned not only as an obstacle to company progress (as in the third extract presented above), but also to ‘development’ itself (such as in the first two extracts which state that certain areas had been ‘underexplored’ or ‘never developed’). Whilst such reports arguably simply state ‘facts’, the fact that such reports frequently did not mention, for example, the name of the native title holders, meant that native title became a dehumanised process which was viewed broadly as a hurdle to overcome, and the voices of the native title claimants themselves were silenced and invisible.

A further example of native title being represented as a hurdle was seen in business articles relating to the *Fraser Institute’s Global Petroleum Survey*, a survey which listed areas in the world considered most attractive for oil and gas investments. The media surrounding this report generally considered a high ranking to be desirable, and indeed the South Australian newspaper *The Advertiser* reported on this survey proudly as South Australia (SA) was ranked number seventeen in the world for investment in this area. An extract from this reporting is provided below:

SA’s “progressive mines department”, low royalties rate and the existence of native title agreements over royalties were cited as factors in the state’s favour.

New South Wales was marked down for its poor commercial environment while Western Australia, Queensland and the Northern Territory were singled out as regions where Aboriginal land claims were “a considerable restraint on investment”. (England 2009, 83)

This excerpt clearly views native title solely in terms of whether or not it was easy for companies to reach agreements with native title holders and then to begin work in the area. Whilst drawn out negotiations may not be considered desirable for any parties involved in agreements, to see native title only as an impediment is to simplify an extremely complex issue, and to undermine the strength of the sovereign claims that Indigenous Australians have to their land.

The economic theme running through news articles about native title was also reflected in the reporting of negotiations to use Indigenous land for business or other purposes. One of the most reported-on native title cases during the timeframe from which news articles were sourced was that of a proposed gas hub off the Kimberley.

The Kimberly Land Council was asked to come up with locations which they felt would be suitable for this hub. The below extract is an example of the reporting in this area;

Amid speculation that Inpex has become so frustrated with the process it has decided to move its processing plant to Darwin, the Kimberley Land Council will announce today that Gourdon Bay and James Price Point near Broome and North Head, about 130km north of the tourist town, are acceptable to the 14 regional native title claimants it has consulted. The Anjo peninsula, 40km from Kalumburu in the north Kimberley, has also been short-listed.

The Carpenter Government effectively handed local Aboriginals a veto power over the onshore processing of Browse gas in March, leaving it up to them to pick a site for the gas hub that was not culturally sensitive.

Many big companies with extensive [West Australian] interests are lining up to develop the field, including Woodside, Shell, BP, Chevron, Inpex and Texaco. (Tillett 2008, 4)

As can be seen, the fact that native title holders were asked to participate in a discussion surrounding the best location for a gas hub was represented within these extracts as an impediment to business, and indeed as a risk for losing the possibility of 'development' to another state. This consultation process was constructed as a hurdle, with companies becoming 'frustrated' and therefore deciding against 'developing' the area altogether. The framing of the relevant native title holders as 'locals' undermines their status as traditional owners, instead framing them on the same level as any other 'local' people in the area who may not have the same 'right of veto'.

The extract also focuses on economic issues, demonstrating what is at risk due to native title negotiations by including a list of 'big companies' who are interested in the area. Indeed, as well as constructing native title as posing a 'risk' to 'development', business articles concerned with native title also frequently represented it as posing a risk economically, with states or territories standing to gain or lose money depending on how quickly, and what sort of, native title agreements could be reached.

However, there were examples of news articles being published which reflected concerns of the relevant Indigenous body involved in negotiations. In the case of the West Australian gas hub, this body was the Kimberly Land Council; the body responsible for representing the relevant Indigenous peoples in native title claims and negotiations. An extract from one of these articles is provided below:

Mr Bergmann and other representatives of the land council had discussions yesterday with Resources Minister Martin Ferguson and the office of the Prime Minister, Kevin Rudd.

This was an opportunity to have a package that would help with indigenous disadvantage, employment, education, training and housing in the area, Mr Bergmann said.

"It is a chance for state and federal governments to show they are up to date with modern international standards of engaging with indigenous people," he said.

The land council is seeking from government and the resource companies further scientific and environmental information, and the aim is to have the process finished by the end of next month to meet the industry's timelines.

A successful negotiation would mean “more than a one-off compensation deal. It will mean ongoing economic benefits and continuing control by traditional owners of how development will proceed”. (Grattan 2008, 1)

Here, the concerns of the relevant Land Council are both in terms of environmental repercussions and the compensation which Indigenous Australians would receive for use of their land.

Interestingly, the article also includes a quote from Mr Bergmann stating that these negotiations are a chance for governments to “show they are up to date with modern international standards of engaging with indigenous people.” This quote is powerful in that it goes some way to counteracting the discourses of business concerns and development representing ‘the way forward’ and instead positions such ‘developments’ as backward unless they are prepared to include Indigenous Australians within negotiations.

## Discussion

As the above analysis shows, initial land claims were reported in a number of ways within the media; ranging from ignoring Indigenous standpoints completely, to making them the focus of the article. However, land-use agreements (subsequent to granting of native title) received more biased coverage, with articles frequently only considering native title to be an impediment to business or economic ‘development’. Thus it seems that whilst the mainstream media was willing to cover cases in which native title groups successfully had their rights to an area of land recognised, this did not extend to willingness to then accept whatever decisions were subsequently made about the land. This was seen in articles which stated that companies were taking their business elsewhere as native title concerns were ‘holding up progress’, and in reports of business share prices in which native title was often included as a factor affecting a company’s value on the market (see, for example, Booth 2009, 58; Freed 2008, 24).

The fact that native title articles relating to business appeared most commonly as an impediment to ‘development’ highlights debates surrounding what Australian land ought to be used *for*. Lockie (2000) has argued that native title debates have “shown the depth of belief within much of rural and regional Australia that rural space is most rightfully agricultural space.” Whilst in the wake of the recent mining booms this could be reconceptualised as land available for exploration, both conceptualisations are reflective of the broader national imagining of the country (Anderson 1983) as rich in resources from which to derive profit. Within this discourse of land, the future of the nation is seen as lying in the ‘development’ of natural resources.

Indeed, the discourse of ‘development’ functions as what Wetherell and Potter term “rhetorically self-sufficient” in that it is a principle which is considered to be beyond question or argument (1992, 177). As Vincent Tucker states: “The myth of development is elevated to the status of natural law, objective reality and evolutionary necessity. In the process all other world views are devalued and dismissed as ‘primitive’, ‘backward’, ‘irrational’ or ‘naïve’” (1999, 1). Indeed, this article has shown that news media coverage of native title frequently positioned negotiations as an obstacle to ‘development’, thereby fundamentally representing native title as ‘backward’ or ‘anti-progress’. Such media reporting reinforces colonial definitions of Indigenous Australians as primitive and do not acknowledge the (arguably more progressive) relationships which Indigenous Australians have with their land which reflects a more sustainable future based on preservation.

Equally as problematic as tropes of native title as hindering ‘development’ are the way in which native title was frequently framed in terms of economic issues. Such framing only allows for Indigenous Australians to be defined within western systems of values and does not allow Indigenous Australians a space within which they are able to define themselves, or their relationship to the native title system (or indeed to assert both their ongoing sovereignty over land or their own systems of governance and law). Similarly, the focus of the press on the financial side of the native title process perpetuates a primary emphasis upon native title as solely an economic issue, rather than also an issue of rights and sovereignty.

Given the overwhelming lack of Indigenous voices in these news media articles, it has to be questioned as to why this central aspect of native title is so under-represented. There are several explanations for this. Firstly, it is well documented that Indigenous voices, together with other marginalised points of view, are under-represented in the mainstream news media in general (see, for example, Banerjee and Osuri



2000). Indeed, as mentioned previously, as a commercial enterprise the mainstream news media tend to simply reinforce the existing *status quo* (Fowler 1991, Hall et al. 1978). This means that the mainstream news media will generally only report stories from marginalized communities if they are negative (and therefore fit with dominant stereotypes), or if they impact on other, more powerful groups; in this case interests such as mining companies or the access of mainstream Australians to areas of land.

Secondly, and in a related vein, native title has, since its conception, been constructed as a threat to Australia and Australian (i.e., non-Indigenous) development, and the media has been complicit with this. As Short (2007) argues, the very concept of native title posed, and still poses, a problem for certain sectors of mining and agricultural interests, and as such these interests have been known to lobby extensively for changes, arguing that native title claims on Australian land amount to a 'crisis'. In relation to this, Short argues: "The media, as one of the key institutions that can promote misinformation, took a lead role in aiding this construction" (Short, 2007, 861), thereby reinforcing the views of mainstream interests.

Whilst Short (2007) writes about the initial reaction to native title legislation, this article has demonstrated that media coverage of native title remains most likely to be in line with the interests of commercial and other 'mainstream' groups rather than reflective of the interests of Indigenous Australians themselves.

Whilst it could be argued that space constraints do not allow for detailed stories which are able to cover all aspects of the native title system, the focus on economic issues and the normalising of non-Indigenous understandings of land (especially in relation to 'development' as defined by use of the land for resource extraction) illustrate the preoccupations of mainstream Australia with ownership of the country and corresponding right to determine how the land is used. The framing of native title as an impediment to development which needs to be overcome arguably equates to a denial of Indigenous sovereignty over the land even when Indigenous rights to an area have been formally recognised. The normalisation of such framings within the media does not allow alternative views of how the land ought to be used to enter the mainstream Australian consciousness.

As such, while the claiming of native title itself may be presented to non-Indigenous Australians from the point of view of Indigenous Australian native title groups, the media's willingness to report on native title from the perspective of Indigenous Australians is largely limited to this aspect of the system and does not extend to subsequent negotiations in relation to land use. We would argue that this is due to the fact that, as Falk and Martin (2007) and Moreton-Robinson (2004) argue, the existing native title system enables non-Indigenous Australia to maintain control over the lives of Indigenous Australians, meaning that land claims by Indigenous Nations are constructed as not posing a threat to colonial Australia's ultimate ownership of the land. However, failed negotiations in which Indigenous Australians may successfully prevent a company from accessing an area of land *do* pose a threat to this control. The articles presented in this article show that colonial definitions of ownership of the land appear entrenched in media coverage of this area. Within native title coverage, non-Indigenous Australia continues to impose a colonial heritage upon Indigenous Australians whereby they are able to claim their land (via a system in which they are only afforded limited rights), but only insofar as the land is subsequently able to be used in ways which colonial Australia deems acceptable.

We begin by acknowledging the sovereignty of the Kurna people, the First Nations people upon whose land we live in Adelaide, South Australia. Clemence Due is a post-graduate student at the University of Adelaide. Her doctoral research is concerned with mainstream media representations of 'belonging' in Australia, and the representations of marginalised groups of people. This research was supported by a University of Adelaide Faculty of Health Sciences Divisional Scholarship'. Dr Damien Riggs is a lecturer in Social Work at Flinders University. He is the President of the Australian Critical Race and Whiteness Studies Association and editor of the collection *Taking up the Challenge: Critical Race and Whiteness Studies in a Postcolonising Nation* (Crawford Press, 2007).

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